



**City Council of Monterey Park
The City Council Acting on Behalf of the Successor Agency of the Former Redevelopment
Agency, the Housing Authority, the Monterey Park Financing Authority and the Monterey Park
Geologic Hazard Abatement District Agenda**

**Special Meeting
Monterey Park City Hall Council Chambers
320 W. Newmark Avenue, Monterey Park, CA 91754**

**Monday, April 20, 2026
7:00 PM**

Mission Statement

The mission of the City of Monterey Park is to provide excellent service, foster growth and opportunity, and create a joyous and collaborative environment.

Land Acknowledgment

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

General Information

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and at www.montereypark.ca.gov/agendas.

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please email City Hall at mpclerk@montereypark.ca.gov or call (626) 307-1359 for reasonable accommodation at least 8 hours before a meeting. Interpretation requests are not guaranteed and are dependent on availability. Requester will be notified of availability. Council Chambers are wheelchair accessible.

Pursuant to Government Code § 54954.3(a), the public may address the City Council only on matters listed on this Agenda. No other public comment will be accepted. Pursuant to Rule 5 of Resolution No. 12226 (adopted February 17, 2021), speakers are limited to a total of five minutes for Public Comment. If desirable, the Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 3 hours before the meeting by completing an online form at www.montereypark.ca.gov/writtencomm.

The City Council will recess into Closed Session following public comment and the Open Session items, if any. Public participation is not allowed during Closed Session.

1. Call to Order

Mayor

2. Roll Call

Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Elizabeth Yang

3. Public Communications

4. Telecommunications Announcement, if requested

5. Public Hearing

5.A. Consideration and possible action to conduct a public hearing to 1) adopt an urgency ordinance to enact a citywide prohibition on data centers; 2) introduce and waive first reading of a regular ordinance to enact a citywide prohibition on data centers; and 3) introduce and waive first reading of a regular ordinance that would implement Measure NDC and become effective the same date as Measure NDC, if adopted by voters on June 2, 2026

It is recommended that the City Council consider:

1. Opening a public hearing to receive written and testimonial evidence regarding a potential citywide prohibition on data centers;
2. After receiving such evidence, consider:
 - a. Adopting an urgency ordinance that would take effect immediately upon adoption to enact a citywide prohibition on data centers;
 - b. Introducing and waiving first reading of a regular ordinance to enact a citywide prohibition on data centers;
 - c. Introducing and waving first reading of a regular ordinance that would implement Measure NDC and become effective the same date as Measure NDC, if adopted by voters on June 2, 2026, in accordance with the Elections Code and Measure NDC; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act): This Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; "CEQA") for the following reasons:

- A. It will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)). A prohibition on data centers means they cannot be constructed.
- B. There is no possibility that the Proposition may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). A prohibition on data centers means they cannot be constructed.
- C. This Ordinance, by itself, do not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).
- D. Additionally, CEQA Guidelines § 15168(c)(2) provides that if a project is proposed which has been the subject of a prior certified EIR, and "[i]f the [City] finds that

pursuant to [14 Cal. Code of Regs.] Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the ... EIR, and no new environmental document would be required.” The City Council finds that it certified a Final Environmental Impact Report (“FEIR”) for the Monterey Park Land Use and Urban Design Element (as adopted by Ordinance No. 2198 and approved by voters as Measure JJ on November 3, 2020) which was filed as State Clearing House No. 2001-01-1074. This Proposition will not result in any new environmental impact not already considered in the FEIR and no further environmental review is required.

6. Adjournment



City Council Staff Report

Date: April 20, 2026

Agenda Item Number: 5.A.

To: The Honorable Mayor and City Council

From: Timothy Hou, Director of Community Development

Subject: Consideration and possible action to conduct a public hearing to 1) adopt an urgency ordinance to enact a citywide prohibition on data centers; 2) introduce and waive first reading of a regular ordinance to enact a citywide prohibition on data centers; and 3) introduce and waive first reading of a regular ordinance that would implement Measure NDC and become effective the same date as Measure NDC, if adopted by voters on June 2, 2026

Recommendation:

It is recommended that the City Council consider:

1. Opening a public hearing to receive written and testimonial evidence regarding a potential citywide prohibition on data centers;
2. After receiving such evidence, consider:
 - a. Adopting an urgency ordinance that would take effect immediately upon adoption to enact a citywide prohibition on data centers;
 - b. Introducing and waiving first reading of a regular ordinance to enact a citywide prohibition on data centers;
 - c. Introducing and waving first reading of a regular ordinance that would implement Measure NDC and become effective the same date as Measure NDC, if adopted by voters on June 2, 2026, in accordance with the Elections Code and Measure NDC; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act): This Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) for the following reasons:

- A. It will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)). A prohibition on data centers means they cannot be constructed.
- B. There is no possibility that the Proposition may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). A prohibition on data centers means

they cannot be constructed.

- C. This Ordinance, by itself, do not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).
- D. Additionally, CEQA Guidelines § 15168(c)(2) provides that if a project is proposed which has been the subject of a prior certified EIR, and “[i]f the [City] finds that pursuant to [14 Cal. Code of Regs.] Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the ... EIR, and no new environmental document would be required.” The City Council finds that it certified a Final Environmental Impact Report (“FEIR”) for the Monterey Park Land Use and Urban Design Element (as adopted by Ordinance No. 2198 and approved by voters as Measure JJ on November 3, 2020) which was filed as State Clearing House No. 2001-01-1074. This Proposition will not result in any new environmental impact not already considered in the FEIR and no further environmental review is required.

Executive Summary:

The City Council has considered regulating data centers since 2024. Since that time, the Council has made various policy choices including amending the Monterey Park Municipal Code (“MPMC”) to regulate data centers in Saturn Park; adopting interim moratoria on processing data center applications; and, most recently, placing a city-sponsored ballot measure onto the June 2, 2026 special election (designated as Measure NDC).

On March 4, 2026, the City Council directed the City Manager and City Attorney to initiate a process to consider a citywide prohibition on data centers before the voters consider Measure NDC. A public hearing was noticed for a special meeting on April 20, 2026, to consider proposed amendments to the MPMC prohibiting data centers citywide. If adopted, the three draft ordinances would make the same changes to the MPMC: converting the City Council’s recent interim actions into a permanent land use policy by prohibiting data centers citywide, declaring them a public nuisance, and removing them from Saturn Park zoning regulations and the Market Place Specific Plan. They would also make it apparent that server rooms are an accessory use to otherwise lawful primary land uses.

Background:

Measure JJ, approved by Monterey Park voters in 2020, updated the Land Use and Urban Design Element and established the General Plan framework that now guides land use policy in the City. In 2023, the City adopted the Market Place Specific Plan, which expressly allowed data centers as a primary land use within that specific plan area.

In 2024, the City amended Saturn Park regulations to distinguish between “data processing facility” and “data center,” with a data center requiring approval via a development agreement adopted by ordinance. This distinction mattered because a data processing facility could otherwise be processed ministerially if it met objective standards, while a data center required discretionary City Council legislative action and environmental review.

On January 21, 2026, the City Council adopted an interim urgency ordinance prohibiting the processing of pending, and acceptance of new, data center applications in Saturn Park while broader policy review was considered. The Council subsequently adopted Ordinance Nos. 2272 and 2274 extending the moratorium citywide to maintain the status quo while considering

broader zoning and General Plan changes.

On February 4, 2026, Council direction shifted from only preparing zoning regulations to also preparing a ballot proposition, based on the view that a voter-approved prohibition would provide stronger long-term protection against future data center proposals and future policy reversals.

On March 4, 2026, the Council adopted Resolution No. 2026-R6 placing the “Community Act Prohibiting Data Centers” on the June 2, 2026 special election ballot as Measure NDC. If approved by voters, Measure NDC would amend the General Plan to prohibit data centers citywide.

At its March 4th meeting, the City Council expressed its concern that the interim moratorium on data centers (which lasts until January 2027) is not a complete prohibition on data centers. The City Council did not wish to create uncertainty about whether such uses remain permissible in some parts of the City.

Consequently, the City Manager and City Attorney were instructed to begin the noticing process for amending zoning regulations within the MPMC to make it plain that data centers are prohibited citywide – even before voter consideration of Measure NDC.

What Each Ordinance Does

Ordinance	Primary Function	When It Operates	Core Legal Rationale
Urgency ordinance (Attachment 1)	Immediately prohibits data centers citywide and amends the Municipal Code accordingly.	Takes effect immediately upon adoption by four-fifths vote.	Immediate preservation of public peace, health, safety, and welfare under Government Code §§ 36934 and 36937(b).
Regular ordinance (Attachment 2)	Permanently prohibits data centers citywide and amends the Municipal Code through the Council's ordinary legislative authority.	Takes effect on the normal schedule for non-urgency ordinances.	Exercises police power and zoning authority to adopt a citywide prohibition directly.
Regular ordinance implementing Measure NDC (Attachment 3)	Implements the voter-adopted General Plan prohibition by conforming the Municipal Code to Measure NDC.	Operates if Measure NDC is approved and local zoning must be harmonized with the amended General Plan.	Elections Code § 9217 and Government Code § 65860 support post-election implementation and General Plan/zoning consistency.

Substantively, all three ordinances make nearly the same code changes. Each declares data centers a public nuisance; adds a citywide prohibition in MPMC § 21.02.170; defines “data center”; creates a narrow allowance for “Associated Data Room or Server Room” as an accessory use; removes “data processing facility” and “data center” from Saturn Park zoning regulations; repeals Saturn Park development-agreement provisions, and deletes “data center” from the Market Place Specific Plan. All are retroactive to June 21, 2023.

Ordinance Implementing Measure NDC

Measure NDC was placed on the June 2, 2026 ballot by Resolution No. 2026-R6. If approved by voters, Measure NDC would amend the General Plan to prohibit data centers citywide and would remain in effect unless changed by the voters. Measure NDC itself contemplates further City Council action. Its text states that, upon voter approval, the Council is authorized and directed to promptly adopt all zoning regulations needed to effectuate the citywide prohibition.

Consequently, this draft ordinance is best understood not as an alternative policy, but as the code-amending ordinance necessary to carry out the voter-approved General Plan amendment if the electorate approves it. Rather than wait until after Measure NDC were to become effective, the proposed ordinance (if adopted by the Council) would become effective concurrently with Measure NDC. This will avoid the need for further noticing and public hearings.

Accessory Server Rooms

A significant feature of all three ordinances is that they do not ban ordinary accessory technology functions that are subordinate to lawful primary land uses. Each ordinance creates an “Associated Data Room or Server Room” land use for enclosed accessory spaces containing servers and related equipment used solely in conjunction with, and incidental to, the primary use on the same site, while prohibiting independent commercial or third-party data processing use.

This distinction matters because it narrows the prohibition to standalone or principal data center uses rather than incidental technology infrastructure within otherwise lawful businesses, offices, institutions, or other uses. As drafted, the policy aim is to prevent large-scale infrastructure-type data center land uses while preserving normal building operations that rely on internal server rooms.

Strategic Plan Goal:

N/A

Fiscal Impact:

There are no identifiable fiscal impacts associated with adopting the Ordinance itself (other than costs associated with codifying the Ordinance).

Attachments:

1. Urgency Ordinance No. XXXX - Citywide prohibition on data centers
2. Ordinance No. XXXX - Adopting a citywide prohibition on data centers
3. Ordinance No. XXXX - Adopting implementing Measure NDC

ATTACHMENT 1
Urgency Ordinance No. XXXX – Citywide
Prohibition on Data Centers

ORDINANCE NO. _____

AN URGENCY ORDINANCE ADOPTING A CITYWIDE PROHIBITION ON DATA CENTERS AND AMENDING THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT SUCH PROHIBITION.

The city council of the city of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations.

B. Government Code § 38771 authorizes the City to declare what constitutes a nuisance by ordinance.

C. The City's ability to abate public nuisances through its police powers is well-established (see, e.g., Civil Code §§ 3479, 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090; *People v. Greene* (1968) 264 Cal.App.2d 774).

D. The City Council's purpose in adopting this ordinance is to establish a clear, permanent land use policy that data centers are not an allowed land use anywhere within the City, thereby providing certainty to residents, businesses, and property owners about long-term development expectations.

E. On November 3, 2020, the voters adopted Ordinance No. 2198, approved as Measure JJ, which updated the Land Use and Urban Design Element of the General Plan ("Measure JJ").

F. In 2023, the City Council adopted Ordinance No. 2231 approving the Market Place Specific Plan and related zoning regulations to govern the final phase of development for the Monterey Park Market Place, a multi-tenant regional shopping center with retail, auto dealership, last-mile distribution, and warehouse uses, along with an amended and restated development agreement. That Specific Plan defines "data center" as a facility, or group of structures, used to house a large group of networked computer systems for the remote storage, processing, or distribution of large amounts of data. Data centers are allowed as a primary land use.

G. In 2024, the City Council amended the zoning regulations in MPMC Chapter 21.14 governing Saturn Park to distinguish between a "data processing facility" and "data center." Such data centers would only be approved in Saturn

Park with a development agreement approved by the City Council in accordance with California law.

H. The City Council considered data center regulations in multiple forums, including through interim moratoria and community groups, and now intends to adopt a uniform, citywide prohibition so that data centers are not an allowed use under any General Plan land use designation or zoning regulations.

I. On January 21, 2026, the City Council adopted an interim urgency ordinance prohibiting the processing of pending, and acceptance of new, data center land use applications within Saturn Park while the City considered adopting additional regulations for such land uses.

J. The City Council subsequently adopted Ordinance No. 2272 and then Ordinance No. 2274, which extended a temporary moratorium prohibiting the processing of pending, and acceptance of new, data center land use applications citywide, to prevent approvals that could conflict with pending land use and zoning regulations updates.

K. The City Council previously found that these interim ordinances were matters of local and citywide importance and were not directed toward any particular business, applicant, or project, but rather were necessary to maintain the status quo during the City's broader policy review.

L. Through Resolution No. 2026-R6, captioned the "Community Act Prohibiting Data Centers," the City Council placed a proposition on the June 2, 2026 special election ballot asking voters whether to adopt an ordinance amending the General Plan to prohibit data centers citywide. That Proposition is designated as Measure NDC on the June 2nd ballot.

M. Measure NDC's implementing text proposes to amend the Land Use and Urban Design Element to add, for all land use designations, a "Prohibited Land Uses" category specifying that "All data centers are prohibited throughout the City," with "data center" defined consistently with the definition used in the City's zoning regulations.

N. Measure NDC further provides that, if approved, the City Council would be authorized and directed to promptly adopt all zoning regulations needed to implement the citywide prohibition on data centers.

O. The City Council finds that continued reliance on interim moratoria is not a complete prohibition on data centers. This ordinance prohibiting data centers harmonizes the anticipated changes to the General Plan and the City's zoning

regulations, avoids uncertainty, and clearly communicates that such uses are not allowed under any land use designation within the City.

P. The City Council further finds that data centers, as large, specialized facilities with limited public-facing activity, are inconsistent with the City's long-term planning objectives for employment, mixed-use, commercial, and industrial areas, and that other, less intensive or more community-serving uses are more appropriate for the limited developable land within the City.

Q. Based on these findings and declarations, and in the exercise of the City's police powers under the California Constitution, the City Council concludes that prohibiting data centers as a land use throughout the City, and amending the General Plan and zoning regulations, accordingly, is a necessary and appropriate exercise of the City's legislative and land use authority.

R. The City Council recognizes that California law including, without limitation, *Melton v. City of San Pablo* (1967) 252 Cal.App.2d 794 and *In re Cindy B. v. Eugene B.* (1987) 192 Cal.App.3d 771, allows legislation to be retroactively applied when the legislative intent for such retroactivity is clear.

S. The City Council determines that the MPMC requires updating to protect the public against health, safety, and welfare dangers that may result from data centers.

T. The City Council finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying environmental impacts, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.

U. Based on the foregoing, and, in accordance with Government Code §§ 36934 and 36937(b) and the City's police powers, the City Council finds that that this Ordinance should be adopted on an urgency basis to preserve public peace, health, safety and welfare.

SECTION 2: *Planning Agency.* Pursuant to MPMC § 2.56.020(c), the City Council is acting as the Planning Agency for purposes of the Project.

SECTION 3: *Public Nuisance.* Data centers are declared to be a public nuisance. Accordingly, Monterey Park Municipal Code ("MPMC") § 4.30.050 is amended to add a new subsection (jj) to read as follows:

"(jj) Any construction, operation, or maintenance of a data center within this city."

SECTION 4: *Citywide Prohibition.* MPMC § 21.02.170 is amended by adding a new subsection “c” to read as follows:

“21.02.170 Limitation on Land Use; Prohibition.

A. Except as provided in this title, it is unlawful to construct, reconstruct, or structurally alter any building or use any real property for any purpose other than is specifically permitted in the zone in which the building or land is located. Using any building or real property for a purpose prohibited by federal law, state law, or this Code is a misdemeanor.

B. Unless preempted by federal or state law, it is unlawful for any person to construct, operate, reconstruct, or use real property for an airport, helipad or heliport in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

C. Unless preempted by federal or state law, it is unlawful for any person to construct, operate, reconstruct, or use real property for a data center in any zone. Using any building or real property in violation of this subsection is a misdemeanor.”

SECTION 5: *New Definition.* A new MPMC § 21.04.295.102 is added to read as follows:

“Associated Data Room or Server Room means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. This accessory use must remain physically and operationally subordinate to the primary use with which it is associated. Associated Data Rooms or Server Rooms are allowed as an accessory use in all zones.”

SECTION 6: *Data Center Definition.* A new MPMC § 21.04.295 is added to read as follows:

“Data Center means a building, dedicated space within a building, or group of structures used to house a large group of networked computer systems used

for data storage and processing for off-site and on-site users, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, back-up batteries, fire suppression systems, enhanced security features, and other associated utility infrastructure to support operations.”

SECTION 7: *Data Processing Facilities Prohibited.* MPMC § 21.14.040 is amended to delete “data processing facility.”

SECTION 8: *Accessory Uses Allowed.* A new MPMC § 21.14.060 is added to read as follows:

“§ 21.14.060 Accessory Uses. Associated Data Rooms and Server Rooms are allowed as an accessory use to any principal or conditional use allowed by this chapter.”

SECTION 9: *Saturn Park – Accessory Uses.* MPMC § 21.14.210 is amended to delete “data center” and “data processing facility.” It is further amended to add a new definition of “Associated Data Room or Server Room” to read as follows:

“Associated Data Room or Server Room means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. The use must remain physically and operationally subordinate to the primary use with which it is associated.”

SECTION 10: *Development Agreement Repealed.* MPMC § 21.14.220 is repealed.

SECTION 11: *Market Place – Data Centers Prohibited.* Table 1 to the Market Place Specific Plan, adopted by Ordinance No. 2231 (adopted June 21, 2023), is amended to delete “data center.”

SECTION 12: *General Plan Findings.* Pursuant to Government Code § 65860, the changes implemented by this Ordinance are consistent with the Monterey Park General Plan as amended by Measure JJ. Large, infrastructure-type data centers are

inconsistent with the General Plan's vision for active, pedestrian-oriented commercial and mixed-use districts; for innovation and corporate employment centers that provide high-quality, people-oriented jobs; for protection of residential neighborhoods from incompatible encroachment; for high-quality urban design and active frontages; and for a resilient, health-promoting built environment that avoids new localized environmental burdens. This Ordinance is consistent with Measure JJ as follows:

- A. Goal 2 and Policies 2.1–2.3 (dynamic mix of businesses, uses, and employment that sustain a strong local economy and contribute to a fiscally sustainable tax base).
- B. Goal 3 and Policy 7.3 (distinctive, complete residential neighborhoods and protection of neighborhoods from the encroachment of incompatible activities or land uses that may negatively impact the residential living environment).
- C. Goals 10, 12, 19, and 21 and their associated policies (commercial and mixed-use districts that provide a variety of retail, service, hospitality, and entertainment uses; high design quality in all commercial development; dynamic, pedestrian-oriented mixed-use districts with active ground-floor frontages and transparent façades; and gateway-quality design along key corridors).
- D. Goal 4 and Policies 4.1–4.5 (a built environment that is resilient and promotes health and wellness; adaptation to and mitigation of climate change; sustainable development practices; prevention and reduction of disproportionate environmental burdens and compounding health risks affecting low-income and minority populations; and siting of new development in areas that can sustain it long term considering air quality, health indicators, infrastructure, and socio-economic factors).
- E. Goal 24, Goal 25, and Policies 24.1–24.3 and 25.1–25.3 for Innovation Technology areas (Monterey Pass Road and Saturn Park as locations for technology-oriented, creative-industry, service, and emerging-industry businesses; ensuring that zoning permits the range of uses necessary to achieve land use goals; and prohibiting uses that conflict with those goals, including warehousing, trucking-related, and other incompatible industrial or hazardous-materials-intensive uses).
- F. Goal 26 and Policies 26.1–26.3 for the Corporate Center (Corporate Center corridor as a premier regional location for high-rise office, hospitality, and complementary uses; marketing the area for corporate headquarters, research and development facilities, hotels, conference facilities, and related uses; and prohibiting uses that conflict with those objectives).

G. Implementation Program 1 (amend zoning regulations and zoning map to reflect General Plan land use policy and design standards, including requirements for active storefronts in mixed-use areas, flexibility to accommodate emerging uses consistent with land use goals, standards for building massing and transparency, and standards for transition areas to ensure compatibility with established residential neighborhoods).

H. This Ordinance complies with Policy No. 2.1 (limiting environmental pollution); Policy 2.2 (promote enhanced health outcomes and improved quality of life); and Policy 3.2 (work with local business community to expand green space programs).

I. The regulations in this Ordinance will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

SECTION 13: *Zoning Findings.* Pursuant to MPMC § 21.38.050, the City Council finds that the changes implemented by this Ordinance will promote public health, safety and general welfare by, among other things, encouraging the most appropriate use of land, and conservation and stabilization of property value, all in accordance with the General Plan. The proposed changes to the MPMC do not affect any particular property. Rather, they are of citywide application and are intended to enhance property values while balancing property rights.

SECTION 14: *Environmental Review.* The City Council finds and determines that this Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) for the following reasons:

A. It will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)). A prohibition on data centers means they cannot be constructed.

B. There is no possibility that the Proposition may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). A prohibition on data centers means they cannot be constructed.

C. This Ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

D. Additionally, CEQA Guidelines § 15168(c)(2) provides that if a project is proposed which has been the subject of a prior certified EIR, and “[i]f the [City]

finds that pursuant to [14 Cal. Code of Regs.] Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the ... EIR, and no new environmental document would be required.” The City Council finds that it certified a Final Environmental Impact Report (“FEIR”) for the Monterey Park Land Use and Urban Design Element (as adopted by Ordinance No. 2198 and approved by voters as Measure JJ on November 3, 2020) which was filed as State Clearing House No. 2001-01-1074. This Proposition will not result in any new environmental impact not already considered in the FEIR and no further environmental review is required.

SECTION 15: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 16: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 17: *Conflicts.* In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance govern. The City Planner is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable. The City Manager and City Attorney are authorized to undertake all reasonable actions needed to implement this Ordinance to prohibit data centers.

SECTION 18: *Enforceability.* Repeal or amendment of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 19: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 20: *Retroactivity.* The City Council specifically intends that all amendments implemented by this Ordinance be retroactively effective on June 21,

2023.

SECTION 21: *Declaration of Urgency.* Based on the findings set forth in Section 1, this is an Urgency Ordinance adopted for the immediate preservation of the public peace, health, safety and welfare.

SECTION 22: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 23: *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36934 and 36937 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by fourth-fifths vote of the City Council.

SECTION 24: The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this ____ day of April, 2026.

Elizabeth Yang, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

ATTACHMENT 2

Ordinance No. XXXX – Adopting a Citywide
Prohibition on Data Centers

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A CITYWIDE PROHIBITION ON DATA CENTERS AND AMENDING THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT SUCH PROHIBITION.

The city council of the city of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations.

B. Government Code § 38771 authorizes the City to declare what constitutes a nuisance by ordinance.

C. The City's ability to abate public nuisances through its police powers is well-established (see, e.g., Civil Code §§ 3479, 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090; *People v. Greene* (1968) 264 Cal.App.2d 774).

D. The City Council's purpose in adopting this ordinance is to establish a clear, permanent land use policy that data centers are not an allowed land use anywhere within the City, thereby providing certainty to residents, businesses, and property owners about long-term development expectations.

E. On November 3, 2020, the voters adopted Ordinance No. 2198, approved as Measure JJ, which updated the Land Use and Urban Design Element of the General Plan ("Measure JJ").

F. In 2023, the City Council adopted Ordinance No. 2231 approving the Market Place Specific Plan and related zoning regulations to govern the final phase of development for the Monterey Park Market Place, a multi-tenant regional shopping center with retail, auto dealership, last-mile distribution, and warehouse uses, along with an amended and restated development agreement. That Specific Plan defines "data center" as a facility, or group of structures, used to house a large group of networked computer systems for the remote storage, processing, or distribution of large amounts of data. Data centers are allowed as a primary land use.

G. In 2024, the City Council amended the zoning regulations in MPMC Chapter 21.14 governing Saturn Park to distinguish between a "data processing facility" and "data center." Such data centers would only be approved in Saturn

Park with a development agreement approved by the City Council in accordance with California law.

H. The City Council considered data center regulations in multiple forums, including through interim moratoria and community groups, and now intends to adopt a uniform, citywide prohibition so that data centers are not an allowed use under any General Plan land use designation or zoning regulations.

I. On January 21, 2026, the City Council adopted an interim urgency ordinance prohibiting the processing of pending, and acceptance of new, data center land use applications within Saturn Park while the City considered adopting additional regulations for such land uses.

J. The City Council subsequently adopted Ordinance No. 2272 and then Ordinance No. 2274, which extended a temporary moratorium prohibiting the processing of pending, and acceptance of new, data center land use applications citywide, to prevent approvals that could conflict with pending land use and zoning regulations updates.

K. The City Council previously found that these interim ordinances were matters of local and citywide importance and were not directed toward any particular business, applicant, or project, but rather were necessary to maintain the status quo during the City's broader policy review.

L. Through Resolution No. 2026-R6, captioned the "Community Act Prohibiting Data Centers," the City Council placed a proposition on the June 2, 2026 special election ballot asking voters whether to adopt an ordinance amending the General Plan to prohibit data centers citywide. That Proposition is designated as Measure NDC on the June 2nd ballot.

M. Measure NDC's implementing text proposes to amend the Land Use and Urban Design Element to add, for all land use designations, a "Prohibited Land Uses" category specifying that "All data centers are prohibited throughout the City," with "data center" defined consistently with the definition used in the City's zoning regulations.

N. Measure NDC further provides that, if approved, the City Council would be authorized and directed to promptly adopt all zoning regulations needed to implement the citywide prohibition on data centers.

O. The City Council finds that continued reliance on interim moratoria is not a complete prohibition on data centers. This ordinance prohibiting data centers harmonizes the anticipated changes to the General Plan and the City's zoning

regulations, avoids uncertainty, and clearly communicates that such uses are not allowed under any land use designation within the City.

P. The City Council further finds that data centers, as large, specialized facilities with limited public-facing activity, are inconsistent with the City's long-term planning objectives for employment, mixed-use, commercial, and industrial areas, and that other, less intensive or more community-serving uses are more appropriate for the limited developable land within the City.

Q. Based on these findings and declarations, and in the exercise of the City's police powers under the California Constitution, the City Council concludes that prohibiting data centers as a land use throughout the City, and amending the General Plan and zoning regulations, accordingly, is a necessary and appropriate exercise of the City's legislative and land use authority.

R. The City Council recognizes that California law including, without limitation, *Melton v. City of San Pablo* (1967) 252 Cal.App.2d 794 and *In re Cindy B. v. Eugene B.* (1987) 192 Cal.App.3d 771, allows legislation to be retroactively applied when the legislative intent for such retroactivity is clear.

S. The City Council determines that the MPMC requires updating to protect the public against health, safety, and welfare dangers that may result from data centers.

T. The City Council finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying environmental impacts, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.

SECTION 2: *Planning Agency.* Pursuant to MPMC § 2.56.020(c), the City Council is acting as the Planning Agency for purposes of the Project.

SECTION 3: *Public Nuisance.* Data centers are declared to be a public nuisance. Accordingly, Monterey Park Municipal Code ("MPMC") § 4.30.050 is amended to add a new subsection (jj) to read as follows:

"(jj) Any construction, operation, or maintenance of a data center within this city."

SECTION 4: *Citywide Prohibition.* MPMC § 21.02.170 is amended by adding a new subsection "c" to read as follows:

"21.02.170 Limitation on Land Use; Prohibition.

A. Except as provided in this title, it is unlawful to construct, reconstruct, or structurally alter any building or use any real property for any purpose other than is specifically permitted in the zone in which the building or land is located. Using any building or real property for a purpose prohibited by federal law, state law, or this Code is a misdemeanor.

B. Unless preempted by federal or state law, it is unlawful for any person to construct, operate, reconstruct, or use real property for an airport, helipad or heliport in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

C. Unless preempted by federal or state law, it is unlawful for any person to construct, operate, reconstruct, or use real property for a data center in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

SECTION 5: *New Definition.* A new MPMC § 21.04.295.102 is added to read as follows:

“Associated Data Room or Server Room means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. This accessory use must remain physically and operationally subordinate to the primary use with which it is associated. Associated Data Rooms or Server Rooms are allowed as an accessory use in all zones.”

SECTION 6: *Data Center Definition.* A new MPMC § 21.04.295 is added to read as follows:

“Data Center means a building, dedicated space within a building, or group of structures used to house a large group of networked computer systems used for data storage and processing for off-site and on-site users, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, back-up batteries, fire suppression systems, enhanced security features, and other associated utility infrastructure to support

operations.”

SECTION 7: *Data Processing Facilities Prohibited.* MPMC § 21.14.040 is amended to delete “data processing facility.”

SECTION 8: *Accessory Uses Allowed.* A new MPMC § 21.14.060 is added to read as follows:

“§ 21.14.060 *Accessory Uses. Associated Data Rooms and Server Rooms* are allowed as an accessory use to any principal or conditional use allowed by this chapter.”

SECTION 9: *Saturn Park – Accessory Uses.* MPMC § 21.14.210 is amended to delete “data center” and “data processing facility.” It is further amended to add a new definition of “Associated Data Room or Server Room” to read as follows:

“Associated Data Room or Server Room means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. The use must remain physically and operationally subordinate to the primary use with which it is associated.”

SECTION 10: *Development Agreement Repealed.* MPMC § 21.14.220 is repealed.

SECTION 11: *Market Place – Data Centers Prohibited.* Table 1 to the Market Place Specific Plan, adopted by Ordinance No. 2231 (adopted June 21, 2023), is amended to delete “data center.”

SECTION 12: *General Plan Findings.* Pursuant to Government Code § 65860, the changes implemented by this Ordinance are consistent with the Monterey Park General Plan as amended by Measure JJ. Large, infrastructure-type data centers are inconsistent with the General Plan’s vision for active, pedestrian-oriented commercial and mixed-use districts; for innovation and corporate employment centers that provide high-quality, people-oriented jobs; for protection of residential neighborhoods from incompatible encroachment; for high-quality urban design and active frontages; and for a resilient, health-promoting built environment that avoids new localized

environmental burdens. This Ordinance is consistent with Measure JJ as follows:

- A. Goal 2 and Policies 2.1–2.3 (dynamic mix of businesses, uses, and employment that sustain a strong local economy and contribute to a fiscally sustainable tax base).
- B. Goal 3 and Policy 7.3 (distinctive, complete residential neighborhoods and protection of neighborhoods from the encroachment of incompatible activities or land uses that may negatively impact the residential living environment).
- C. Goals 10, 12, 19, and 21 and their associated policies (commercial and mixed-use districts that provide a variety of retail, service, hospitality, and entertainment uses; high design quality in all commercial development; dynamic, pedestrian-oriented mixed-use districts with active ground-floor frontages and transparent façades; and gateway-quality design along key corridors).
- D. Goal 4 and Policies 4.1–4.5 (a built environment that is resilient and promotes health and wellness; adaptation to and mitigation of climate change; sustainable development practices; prevention and reduction of disproportionate environmental burdens and compounding health risks affecting low-income and minority populations; and siting of new development in areas that can sustain it long term considering air quality, health indicators, infrastructure, and socio-economic factors).
- E. Goal 24, Goal 25, and Policies 24.1–24.3 and 25.1–25.3 for Innovation Technology areas (Monterey Pass Road and Saturn Park as locations for technology-oriented, creative-industry, service, and emerging-industry businesses; ensuring that zoning permits the range of uses necessary to achieve land use goals; and prohibiting uses that conflict with those goals, including warehousing, trucking-related, and other incompatible industrial or hazardous-materials-intensive uses).
- F. Goal 26 and Policies 26.1–26.3 for the Corporate Center (Corporate Center corridor as a premier regional location for high-rise office, hospitality, and complementary uses; marketing the area for corporate headquarters, research and development facilities, hotels, conference facilities, and related uses; and prohibiting uses that conflict with those objectives).
- G. Implementation Program 1 (amend zoning regulations and zoning map to reflect General Plan land use policy and design standards, including requirements for active storefronts in mixed-use areas, flexibility to accommodate emerging uses consistent with land use goals, standards for building massing

and transparency, and standards for transition areas to ensure compatibility with established residential neighborhoods).

H. This Ordinance complies with Policy No. 2.1 (limiting environmental pollution); Policy 2.2 (promote enhanced health outcomes and improved quality of life); and Policy 3.2 (work with local business community to expand green space programs).

I. The regulations in this Ordinance will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

SECTION 13: *Zoning Findings.* Pursuant to MPMC § 21.38.050, the City Council finds that the changes implemented by this Ordinance will promote public health, safety and general welfare by, among other things, encouraging the most appropriate use of land, and conservation and stabilization of property value, all in accordance with the General Plan. The proposed changes to the MPMC do not affect any particular property. Rather, they are of citywide application and are intended to enhance property values while balancing property rights.

SECTION 14: *Environmental Review.* The City Council finds and determines that this Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) for the following reasons:

A. It will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)). A prohibition on data centers means they cannot be constructed.

B. There is no possibility that the Proposition may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). A prohibition on data centers means they cannot be constructed.

C. This Ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

D. Additionally, CEQA Guidelines § 15168(c)(2) provides that if a project is proposed which has been the subject of a prior certified EIR, and “[i]f the [City] finds that pursuant to [14 Cal. Code of Regs.] Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the ... EIR, and no new environmental document would be required.” The City Council finds that it certified a Final Environmental Impact Report (“FEIR”) for the

Monterey Park Land Use and Urban Design Element (as adopted by Ordinance No. 2198 and approved by voters as Measure JJ on November 3, 2020) which was filed as State Clearing House No. 2001-01-1074. This Proposition will not result in any new environmental impact not already considered in the FEIR and no further environmental review is required.

SECTION 15: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 16: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 17: *Conflicts.* In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance govern. The City Planner is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable. The City Manager and City Attorney are authorized to undertake all reasonable actions needed to implement this Ordinance to prohibit data centers.

SECTION 18: *Enforceability.* Repeal or amendment of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 19: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 20: *Retroactivity.* The City Council specifically intends that all amendments implemented by this Ordinance be retroactively effective on June 21, 2023.

SECTION 21: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original

signature.

SECTION 22: *Effective Date.* This Ordinance will become effective 30 days after its second reading and adoption.

SECTION 23: The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this ____ day of April, 2026.

Elizabeth Yang, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

ATTACHMENT 3

Ordinance No. XXXX – Adopting Implementing
Measure NDC

ORDINANCE NO. _____

AN ORDINANCE ADOPTING IMPLEMENTING MEASURE NDC BY ESTABLISHING A CITYWIDE PROHIBITION ON DATA CENTERS AND AMENDING THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT SUCH PROHIBITION.

The city council of the city of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations.

B. Government Code § 38771 authorizes the City to declare what constitutes a nuisance by ordinance.

C. The City's ability to abate public nuisances through its police powers is well-established (*see, e.g.,* Civil Code §§ 3479, 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090; *People v. Greene* (1968) 264 Cal.App.2d 774).

D. The City Council's purpose in adopting this ordinance is to establish a clear, permanent land use policy that data centers are not an allowed land use anywhere within the City, thereby providing certainty to residents, businesses, and property owners about long-term development expectations.

E. On November 3, 2020, the voters adopted Ordinance No. 2198, approved as Measure JJ, which updated the Land Use and Urban Design Element of the General Plan ("Measure JJ").

F. In 2023, the City Council adopted Ordinance No. 2231 approving the Market Place Specific Plan and related zoning regulations to govern the final phase of development for the Monterey Park Market Place, a multi-tenant regional shopping center with retail, auto dealership, last-mile distribution, and warehouse uses, along with an amended and restated development agreement. That Specific Plan defines "data center" as a facility, or group of structures, used to house a large group of networked computer systems for the remote storage, processing, or distribution of large amounts of data. Data centers are allowed as a primary land use.

G. In 2024, the City Council amended the zoning regulations in MPMC Chapter 21.14 governing Saturn Park to distinguish between a "data processing

facility” and “data center.” Such data centers would only be approved in Saturn Park with a development agreement approved by the City Council in accordance with California law.

H. The City Council considered data center regulations in multiple forums, including through interim moratoria and community groups, and now intends to adopt a uniform, citywide prohibition so that data centers are not an allowed use under any General Plan land use designation or zoning regulations.

I. On January 21, 2026, the City Council adopted an interim urgency ordinance prohibiting the processing of pending, and acceptance of new, data center land use applications within Saturn Park while the City considered adopting additional regulations for such land uses.

J. The City Council subsequently adopted Ordinance No. 2272 and then Ordinance No. 2274, which extended a temporary moratorium prohibiting the processing of pending, and acceptance of new, data center land use applications citywide, to prevent approvals that could conflict with pending land use and zoning regulations updates.

K. The City Council previously found that these interim ordinances were matters of local and citywide importance and were not directed toward any particular business, applicant, or project, but rather were necessary to maintain the status quo during the City’s broader policy review.

L. Through Resolution No. 2026-R6, captioned the “Community Act Prohibiting Data Centers,” the City Council placed a proposition on the June 2, 2026 special election ballot asking voters whether to adopt an ordinance amending the General Plan to prohibit data centers citywide. That Proposition is designated as Measure NDC on the June 2nd ballot.

M. Measure NDC’s implementing text proposes to amend the Land Use and Urban Design Element to add, for all land use designations, a “Prohibited Land Uses” category specifying that “All data centers are prohibited throughout the City,” with “data center” defined consistently with the definition used in the City’s zoning regulations.

N. Measure NDC further provides that, if approved, the City Council would be authorized and directed to promptly adopt all zoning regulations needed to implement the citywide prohibition on data centers.

O. The City Council finds that continued reliance on interim moratoria is not a complete prohibition on data centers. This ordinance prohibiting data centers

harmonizes the anticipated changes to the General Plan and the City's zoning regulations, avoids uncertainty, and clearly communicates that such uses are not allowed under any land use designation within the City.

P. The City Council further finds that data centers, as large, specialized facilities with limited public-facing activity, are inconsistent with the City's long-term planning objectives for employment, mixed-use, commercial, and industrial areas, and that other, less intensive or more community-serving uses are more appropriate for the limited developable land within the City.

Q. Based on these findings and declarations, and in the exercise of the City's police powers under the California Constitution, the City Council concludes that prohibiting data centers as a land use throughout the City, and amending the General Plan and zoning regulations, accordingly, is a necessary and appropriate exercise of the City's legislative and land use authority.

R. The City Council recognizes that California law including, without limitation, *Melton v. City of San Pablo* (1967) 252 Cal.App.2d 794 and *In re Cindy B. v. Eugene B.* (1987) 192 Cal.App.3d 771, allows legislation to be retroactively applied when the legislative intent for such retroactivity is clear.

S. The City Council determines that the MPMC requires updating to make it consistent with changes to the General Plan implemented by Measure NDC.

T. The City Council finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying environmental impacts, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.

SECTION 2: *Planning Agency.* Pursuant to MPMC § 2.56.020(c), the City Council is acting as the Planning Agency for purposes of the Project.

SECTION 3: *Public Nuisance.* Data centers are declared to be a public nuisance. Accordingly, Monterey Park Municipal Code ("MPMC") § 4.30.050 is amended to add a new subsection (jj) to read as follows:

"(jj) Any construction, operation, or maintenance of a data center within this city."

SECTION 4: *Citywide Prohibition.* MPMC § 21.02.170 is amended by adding a new subsection "c" to read as follows:

"21.02.170 Limitation on Land Use; Prohibition.

A. Except as provided in this title, it is unlawful to construct, reconstruct, or structurally alter any building or use any real property for any purpose other than is specifically permitted in the zone in which the building or land is located. Using any building or real property for a purpose prohibited by federal law, state law, or this Code is a misdemeanor.

B. Unless preempted by federal or state law, it is unlawful for any person to construct, operate, reconstruct, or use real property for an airport, helipad or heliport in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

C. Unless preempted by federal or state law, it is unlawful for any person to construct, operate, reconstruct, or use real property for a data center in any zone. Using any building or real property in violation of this subsection is a misdemeanor.

SECTION 5: *New Definition.* A new MPMC § 21.04.295.102 is added to read as follows:

“Associated Data Room or Server Room means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. This accessory use must remain physically and operationally subordinate to the primary use with which it is associated. Associated Data Rooms or Server Rooms are allowed as an accessory use in all zones.”

SECTION 6: *Data Center Definition.* A new MPMC § 21.04.295 is added to read as follows:

“Data Center means a building, dedicated space within a building, or group of structures used to house a large group of networked computer systems used for data storage and processing for off-site and on-site users, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, back-up batteries, fire suppression systems, enhanced security features, and other associated utility infrastructure to support

operations.”

SECTION 7: *Data Processing Facilities Prohibited.* MPMC § 21.14.040 is amended to delete “data processing facility.”

SECTION 8: *Accessory Uses Allowed.* A new MPMC § 21.14.060 is added to read as follows:

“§ 21.14.060 *Accessory Uses. Associated Data Rooms and Server Rooms* are allowed as an accessory use to any principal or conditional use allowed by this chapter.”

SECTION 9: *Saturn Park – Accessory Uses.* MPMC § 21.14.210 is amended to delete “data center” and “data processing facility.” It is further amended to add a new definition of “Associated Data Room or Server Room” to read as follows:

“Associated Data Room or Server Room means an enclosed room, suite, or other accessory space containing computer servers, data storage equipment, network switching equipment, telecommunications equipment, and related supporting equipment, including cooling, electrical, backup power, and security systems, that is used solely in conjunction with and incidental to the primary land use on the same lot or site. An Associated Data Room or Server Room is not a data center, server farm, colocation facility, or other prohibited digital infrastructure use, and cannot be used for independent commercial, wholesale, or third-party data processing, storage, or transmission. The use must remain physically and operationally subordinate to the primary use with which it is associated.”

SECTION 10: *Development Agreement Repealed.* MPMC § 21.14.220 is repealed.

SECTION 11: *Market Place – Data Centers Prohibited.* Table 1 to the Market Place Specific Plan, adopted by Ordinance No. 2231 (adopted June 21, 2023), is amended to delete “data center.”

SECTION 12: *General Plan Findings.* Pursuant to Government Code § 65860, the changes implemented by this Ordinance are consistent with the Monterey Park General Plan as amended by Measure JJ. Large, infrastructure-type data centers are inconsistent with the General Plan’s vision for active, pedestrian-oriented commercial and mixed-use districts; for innovation and corporate employment centers that provide high-quality, people-oriented jobs; for protection of residential neighborhoods from incompatible encroachment; for high-quality urban design and active frontages; and for a resilient, health-promoting built environment that avoids new localized

environmental burdens. This Ordinance is consistent with Measure JJ as follows:

- A. Goal 2 and Policies 2.1–2.3 (dynamic mix of businesses, uses, and employment that sustain a strong local economy and contribute to a fiscally sustainable tax base).
- B. Goal 3 and Policy 7.3 (distinctive, complete residential neighborhoods and protection of neighborhoods from the encroachment of incompatible activities or land uses that may negatively impact the residential living environment).
- C. Goals 10, 12, 19, and 21 and their associated policies (commercial and mixed-use districts that provide a variety of retail, service, hospitality, and entertainment uses; high design quality in all commercial development; dynamic, pedestrian-oriented mixed-use districts with active ground-floor frontages and transparent façades; and gateway-quality design along key corridors).
- D. Goal 4 and Policies 4.1–4.5 (a built environment that is resilient and promotes health and wellness; adaptation to and mitigation of climate change; sustainable development practices; prevention and reduction of disproportionate environmental burdens and compounding health risks affecting low-income and minority populations; and siting of new development in areas that can sustain it long term considering air quality, health indicators, infrastructure, and socio-economic factors).
- E. Goal 24, Goal 25, and Policies 24.1–24.3 and 25.1–25.3 for Innovation Technology areas (Monterey Pass Road and Saturn Park as locations for technology-oriented, creative-industry, service, and emerging-industry businesses; ensuring that zoning permits the range of uses necessary to achieve land use goals; and prohibiting uses that conflict with those goals, including warehousing, trucking-related, and other incompatible industrial or hazardous-materials-intensive uses).
- F. Goal 26 and Policies 26.1–26.3 for the Corporate Center (Corporate Center corridor as a premier regional location for high-rise office, hospitality, and complementary uses; marketing the area for corporate headquarters, research and development facilities, hotels, conference facilities, and related uses; and prohibiting uses that conflict with those objectives).
- G. Implementation Program 1 (amend zoning regulations and zoning map to reflect General Plan land use policy and design standards, including requirements for active storefronts in mixed-use areas, flexibility to accommodate emerging uses consistent with land use goals, standards for building massing

and transparency, and standards for transition areas to ensure compatibility with established residential neighborhoods).

H. This Ordinance complies with Policy No. 2.1 (limiting environmental pollution); Policy 2.2 (promote enhanced health outcomes and improved quality of life); and Policy 3.2 (work with local business community to expand green space programs).

I. The regulations in this Ordinance will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

SECTION 13: *Zoning Findings.* Pursuant to MPMC § 21.38.050, the City Council finds that the changes implemented by this Ordinance will promote public health, safety and general welfare by, among other things, encouraging the most appropriate use of land, and conservation and stabilization of property value, all in accordance with the General Plan. The proposed changes to the MPMC do not affect any particular property. Rather, they are of citywide application and are intended to enhance property values while balancing property rights.

SECTION 14: *Environmental Review.* The City Council finds and determines that this Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) for the following reasons:

A. It will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)). A prohibition on data centers means they cannot be constructed.

B. There is no possibility that the Proposition may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). A prohibition on data centers means they cannot be constructed.

C. This Ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

D. Additionally, CEQA Guidelines § 15168(c)(2) provides that if a project is proposed which has been the subject of a prior certified EIR, and “[i]f the [City] finds that pursuant to [14 Cal. Code of Regs.] Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the ... EIR, and no new environmental document would be required.” The City Council finds that it certified a Final Environmental Impact Report (“FEIR”) for the

Monterey Park Land Use and Urban Design Element (as adopted by Ordinance No. 2198 and approved by voters as Measure JJ on November 3, 2020) which was filed as State Clearing House No. 2001-01-1074. This Proposition will not result in any new environmental impact not already considered in the FEIR and no further environmental review is required.

SECTION 15: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 16: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 17: *Conflicts.* In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance govern. The City Planner is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable. The City Manager and City Attorney are authorized to undertake all reasonable actions needed to implement this Ordinance to prohibit data centers.

SECTION 18: *Enforceability.* Repeal or amendment of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 19: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 20: *Retroactivity.* The City Council specifically intends that all amendments implemented by this Ordinance be retroactively effective on June 21, 2023.

SECTION 21: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original

signature.

SECTION 22: *Effective Date.* After second reading and adoption, this Ordinance will become effective on the same date as set forth in Section 9 to Measure NDC (Exhibit A to Resolution No. 2026-R6), which is incorporated by reference.

SECTION 23: The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this ____ day of April, 2026.

Elizabeth Yang, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney