ORDINANCE NO. 2278

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.” Table 21.12(A) in the MPMC is amended to remove reference to “data processing facility.”

SECTION 8: *Accessory Uses Allowed.* A new MPMC § 21.14.055 is added to read as follows:

“§ 21.14.055 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 6th day of May, 2026.

Elizabeth Yang, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

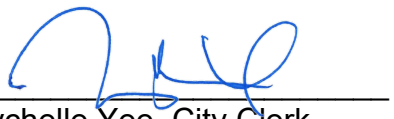
Karl H. Berger, City Attorney

State of California)
County of Los Angeles) §.
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2278 was introduced, and placed upon its first reading at a regular meeting of the City Council of the City of Monterey Park, held on the 15th day of April, 2026. That thereafter on the 6th day of May, 2026, said Ordinance was duly passed, approved and adopted by the following vote:

Ayes:	Council Members:	Ngo Wong, Sanchez, Lo, Yang
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Dated this 6th day of May, 2026.



Maychelle Yee, City Clerk
City of Monterey Park, California