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March 17, 2026

Mayor and City Council
City of Monterey Park
320 W Newmark Ave,
Monterey Park, CA 91754

c/o City Clerk, mpclerk@montereypark.ca.gov

RE: Citywide Data Center Prohibition Ordinance as Directed By City Council Hearing March 4, 2026, **Agenda Item Number 12.A; Further Comment**

Honorable Mayor and City Council:

On behalf of No Data Center MPK, composed of concerned residents of the City of Monterey Park (“City”), we appreciate your actions taking steps to prohibit data centers throughout the City by ballot measure, by ordinance, and by moratorium. We commend each and every one of you for your March 10, 2026 statement “the Monterey Park City Council strongly supports a YES vote to PROHIBIT DATA CENTERS.”

We write to respectfully suggest more items of clarity for the proposed ordinance in conjunction with, and hopefully prior to, enactment of the ballot measure. Such a prohibition would be necessary to protect public health and welfare. (*Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4th 534, 555.)

We have previously written on March 5, 2026 with suggestions with regard to the ballot Measure to prohibit data centers but the City Attorney informed us in a March 6, 2026 letter that the ballot measure language had already been finalized due to deadlines for placement on the ballot. We anticipate Ordinance language will continue to be developed in the coming weeks.

1. The Ordinance Prohibiting Data Centers Should Apply Retroactively.

One clarification that must be made is that an ordinance prohibiting data centers is intended to apply retroactively. The Ordinance should include a sentence such as “This ordinance is intended to apply retroactively.” There is no need to consider or include grandfather clauses or other means to avoid retroactive effects because there are no existing data centers in the City and no applicants with pending applications have vested rights to continue with their applications contrary to a citywide ban on data centers.

2. The General Plan Must Be Amended to Include a Prohibition on Data Centers.

Second, we suggest making sure any prohibition on data centers is also added to the City’s General Plan’s Land Use Element. The addition of a provision to the General Plan to prohibit data centers can be accomplished at the same time as the ordinance prohibition on data centers, or through a resolution adopted by the City Council concurrently with passage of the ordinance.

According to the City Attorney’s March 6 letter, the City Council cannot change the general plan. However, this is only true so far as making changes that are inconsistent with prior actions by the electorate. A prohibition on data centers would not be inconsistent with the electorate’s enactment of the Land Use and Urban Design Element of the General Plan.

3. Standalone Data Processing Facilities That Double as Data Centers Should Be Eliminated.

Third, to avoid any confusion as to whether small data centers would be allowable in the guise of “data processing facilities” under one acre in size, the current listing of a “data processing facility” as a “Principal Use” in Municipal Code section 21.14.040 should be stricken from the Municipal Code. Standalone¹ data processing facilities should not be allowed as a principal use.²

¹ Computer facilities such as at Ralphs or other business that require extra computing can already occur without separate application for a data processing facility or data center.

² We realize these provisions apply only to the Saturn Park area, but we suggest these provisions by way of illustration of concepts that should apply city-wide, not merely as

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Conclusion.

We support the City's intention to add a prohibition to data centers to the Municipal Code. We ask that the City adopt such a prohibition by ordinance as soon as possible. Further, the prohibition on data centers should be added to the City's General Plan as well as its Municipal Code.

The ordinance must apply retroactively, must add the prohibition on data centers to the General Plan as well as the Municipal Code, and must not allow small data centers to utilize a possible loophole created by the definition of data processing currently in the City's Municipal Code.

Protecting the health and welfare of City residents is critical enough that it demands strong and clear measures.

Sincerely,



Douglas P. Carstens

Cc: City Attorney Karl H. Berger, KBerger@bwslaw.com

suggestions for changing these specific provisions related to the Saturn Park Specific Plan.