

RESOLUTION NUMBER R- 317004

DATE OF FINAL PASSAGE OCT 27 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF AN EMERGENCY ORDINANCE PURSUANT TO SAN DIEGO CHARTER SECTION 295 AND CALIFORNIA GOVERNMENT CODE SECTION 65858 AND ESTABLISHING A TEMPORARY MORATORIUM ON DATA CENTER DEVELOPMENT, ESTABLISHMENT, INTENSIFICATION, AND EXPANSION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTIONS 15061(b)(3) AND 15308.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Council will consider approval of an emergency ordinance pursuant to San Diego Charter section 295 and California Government Code section 65858 establishing a temporary moratorium on the development, establishment, intensification, and expansion of data centers in the City of San Diego (Project).

B. The California Environmental Quality Act (CEQA), California Public Resources Code (Code) sections 21000-21189.91, provides in Code section 21083 that the California Office of Planning and Research will promulgate, and the Secretary of the California Natural Resources Agency will adopt, guidelines for implementation of CEQA. The California Office of Planning and Research promulgated, and the Secretary of the California Natural Resources Agency adopted, the guidelines for implementation of CEQA set forth in Title 14 California Code of Regulations sections 15000 through 15387 (CEQA Guidelines).

C. Code section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are

exempt from the provisions of CEQA. CEQA Guidelines sections 15300 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and declared to be exempt from preparation of environmental documents under CEQA.

D. The Council has considered the written record related to the Project and all public comments about the potential environmental effects of the Project. The Council, using its independent judgment, has determined that the Project is categorically exempt from the provisions of CEQA under CEQA Guidelines section 15061(b)(3) (Common Sense Exemption) on the basis that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and under CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) on the basis that the purpose of the temporary moratorium on data center development, establishment, intensification, and expansion is to protect the environment by allowing the City the necessary time to evaluate the environmental effects of data centers and develop and adopt appropriate policies and regulations to address these impacts.

E. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the Project.

F. Under San Diego Charter section 280(a)(3), this Resolution is not subject to veto by the Mayor because it relates to an emergency ordinance under San Diego Charter section 295(e).

G. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Project is categorically exempt from the provisions of CEQA under CEQA Guidelines section 15061(b)(3) (Common Sense Exemption) and categorically exempt from the provisions of CEQA under CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment).

2. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the Project.

3. The City Clerk or designee is directed to file a CEQA Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Land Use and Climate Innovation.

APPROVED: HEATHER FERBERT, City Attorney

By

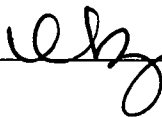


Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cc:cw:jdf
October 22, 2026
Or.Dept: City Planning
CC No.: N/A
Doc. No.: 4580990

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
OCT 27 2026.

DIANA J.S. FUENTES
City Clerk

By _____

Passed by the Council of The City of San Diego on October 27, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage OCT 27 2026.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-317004**