

RESOLUTION NO. __-2026

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
DECLARING ITS INTENTION TO ADJUST THE FISCAL YEAR OF THE
BURLINGAME AVENUE AREA BUSINESS IMPROVEMENT DISTRICT FROM
OCTOBER 1 – SEPTEMBER 30 TO JULY 1 – JUNE 30 AND SETTING A PUBLIC
HEARING AND FIRST READING OF ORDINANCE FOR TUESDAY, JANUARY 20,
2026, AT 7:00 P.M. AT THE CITY COUNCIL CHAMBERS**

WHEREAS, pursuant to California Streets and Highways Code Section 36500 et seq., the City Council of the City of Burlingame originally established the Burlingame Avenue Area Business Improvement District (the "District") in 2004 for the purpose of promoting economic revitalization and physical maintenance of said business district, and

WHEREAS, a majority protest was made against renewal of the DBID in 2007 and, accordingly, the District was not renewed at that time; and

WHEREAS, in 2010 the District was re-instituted after the City Council amended the ordinance to revise the method and amount of the assessments and no majority protest was made against the revised assessments; and

WHEREAS, the District has provided important services in enhancing the downtown Burlingame Avenue business area, its businesses and properties; and

WHEREAS, the District currently operates on a fiscal year beginning October 1 and ending September 30; and

WHEREAS, California Streets and Highways Code section 36541 authorizes the City Council, by resolution of intention, to change the method and basis of levying assessments, including changing the fiscal year for the District, provided that notice is given and a public hearing is held in accordance with the statute; and

WHEREAS, the District desires to align the District's fiscal year with the City's regular fiscal year beginning July 1 and ending June 30, to improve administrative efficiency, budgeting consistency, financial reporting, and coordination of services; and

WHEREAS, the District, with the support of the City Council, wishes to adjust the next fiscal year and every subsequent fiscal year begins on July 1st.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES
HEREBY RESOLVE AS FOLLOWS:**

Section 1. The City Council hereby declares its intention to adopt the ordinance, attached as Exhibit “A”, which will adjust the fiscal year of the Burlingame Avenue Area Business Improvement District from October 1–September 30 to July 1–June 30, starting on July 1, 2026.

Section 2. The City Council of the City of Burlingame hereby schedules a public hearing on proposed adjustment to the District’s fiscal year for Tuesday, January 20, 2026, at 7:00 pm. The meeting will be held in the Council Chambers.

Section 3. At the public hearing, the City Council will receive testimony and evidence, and interested persons may submit written comments before or at the public hearing, or they may be sent by mail or delivered to the City Clerk, Burlingame City Hall, 501 Primrose Road, Burlingame, CA 94010.

Section 4. At the public hearing, any and all persons may make oral or written protests against the proposed fiscal year adjustment. In order for a protest to be counted in the majority protest against the proposed fiscal year adjustment, the protest must be submitted in writing to the City Clerk at or before the time fixed for the public hearing on January 20, 2026. Each written protest shall identify the business and its address, include a description of the business and the amount of the assessment imposed on that business for the 2025-2026 fiscal year. If the person signing the protest is not shown on the official records as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business or otherwise empowered to enter a protest on its behalf. A written protest that does not comply with the provision of this paragraph will not be counted in determining a majority protest. Any written protest as to the regularity or sufficiency of the proceeding shall be in writing and clearly state the irregularity or defect to which objection is made. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

Section 5. At the conclusion of the public hearing, if the City Council determines that there are, of record, written protests by the owners of businesses within the downtown Burlingame Avenue Area Business Improvement District which were assessed fifty percent (50%) or more of the total assessments of the entire District, for the 2025-2026 fiscal year, the City Council shall not adopt the ordinance modifying the fiscal year of the District.

Section 6. Further information regarding the proposed fiscal year adjustment and the procedures for filing a written protest may be obtained from the City Clerk, Burlingame City Hall, 501 Primrose Road, Burlingame, California, 650-558-7203.

Section 7. The City Council directs the City Clerk to provide notice of the January 20, 2026, public hearing by publishing this Resolution in a newspaper of general circulation in the City of Burlingame in accordance with the requirements of the Government and Streets & Highways Codes and mailing them in accordance with those requirements as applicable.

Peter Stevenson, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame do hereby certify that the foregoing Resolution was introduced at a regular meeting of the City Council on the 15th day of December 2025, and was adopted thereafter by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Meaghan Hassel-Shearer, City Clerk

ORDINANCE NO. __ -2026

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
AMENDING CHAPTER 6.54 OF THE BURLINGAME MUNICIPAL CODE TO REVISE
THE DOWNTOWN BURLINGAME AVENUE AREA BUSINESS IMPROVEMENT
DISTRICT BY ADJUSTING THE FISCAL YEAR TO JULY 1 – JUNE 30**

WHEREAS, pursuant to California Streets and Highways Code Section 36500 et seq., the City Council of the City of Burlingame originally established the Burlingame Avenue Area Business Improvement District ("District") in 2004 for the purpose of promoting economic revitalization and physical maintenance of said business district, and

WHEREAS, a majority protest was made against renewal of the District in 2007 and, accordingly, the District was not renewed at that time; and

WHEREAS, in 2010 the District was re-instituted after the City Council amended the ordinance to revise the method and amount of the assessments and no majority protest was made against the revised assessments; and

WHEREAS, the District has provided important services in enhancing the downtown Burlingame Avenue business area, its businesses and properties; and

WHEREAS, the District currently operates on a fiscal year beginning October 1 and ending September 30; and

WHEREAS, California Streets and Highways Code Section 36541 authorizes the City Council, by Resolution of Intention, to change the method and basis of levying assessments, including changing the fiscal year for the District, provided that notice is given and a public hearing is held in accordance with the statute; and

WHEREAS, the District desires to align the District's fiscal year with the City's regular fiscal year beginning July 1 and ending June 30, to improve administrative efficiency, budgeting consistency, financial reporting, and coordination of services; and

WHEREAS, the District, with the support of the City Council, wishes to adjust the next fiscal year and every subsequent fiscal year begins on July 1st; and

WHEREAS, pursuant to Streets and Highways Code Section 36541(b), on December 15, 2025, the City Council adopted a Resolution of Intention to change the fiscal year of the District to July 1 – June 30, and set a public hearing on the proposed change for January 20, 2026; and

WHEREAS, pursuant to Streets and Highways Code Section 36523, copies of the City Council's Resolution were duly mailed to all business owners within the District, and the Resolution of Intention was duly published in a newspaper of general circulation within the City of Burlingame as required by applicable law; and

WHEREAS, following the public hearing on January 20, 2026, held pursuant to Streets and Highways Code Section 36524 and 36541, all oral and written protests were duly considered, and the City Council determined that no majority protest existed within the meaning of the Streets & Highways Code Sections 36524, 36525 and 36541.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 6.54.010 of the Burlingame Municipal Code, “Definitions”, is hereby amended in its entirety to read as follows:

“The following definitions shall apply to this chapter:

‘District’ means the Burlingame Avenue Area Business Improvement District.

‘Financial’ means a business that offers bank, savings and loan, thrift, title insurance, or credit union financial services.

‘Fiscal year’ means July 1st to and including June 30th of the following year.

‘Government’ means public, local, state or federal agencies.

‘Professional’ means attorneys, architects, engineers, surveyors, physicians, dentists, optometrists, chiropractors and others in a medical/health service field, consultants, real estate brokers, laboratories (including dental and optical), hearing aid services, artists, insurance brokers, and designers.

‘Restaurant’ means businesses that sell prepared food and/or drink and includes cafés, eating establishments, sandwich shops, dinner houses, restaurants, bars, fast food services, and other similar businesses.

‘Retail’ means businesses that buy and resell goods and includes all businesses not covered by other definitions set out in this section, at least 50% of whose gross income is derived from ‘retail sales’ as that term is defined under the California Sales and Use Tax Law. The fact that a substantial part of its business consists of sales and other than retail sales does not exclude such business from this classification so long as such other business component does not account for more than 50% of such business's gross income.

‘Service’ means businesses that sell services, include general offices, news and advertising media, printers, photographers, personal care facilities and outlets, contractors/builders, service stations, repairing and servicing businesses, automobile repair shops, insurance brokers, renting and leasing businesses, utilities, vending machine businesses, beauty

service, and other similar businesses not otherwise included in the other definitions of this section.

‘Salons’ mean personal service businesses which provide tanning, nail and hair personal services to individual customers on the premises.”

Section 2. Section 6.54.070 of the Burlingame Municipal Code, “Collection of benefit assessment”, in its entirety is hereby amended to read as follows:

“The benefit assessment authorized by this chapter shall be billed in May of each year, shall be due on July 1st of each year and shall be delinquent on August 1st of each year. The city will make such collections in the same manner as it collects the business license fee. The city will forward collected funds to the advisory board monthly.”

Section 3. The City Clerk is directed to publish this ordinance according to the provisions of state law.

Section 4. The Ordinance shall go into effect 30 days following its adoption.

Section 5. Sections 1 and 2 are expressly dependent on one another and are intended to operate jointly. If any portion of either Section 1 or Section 2 is held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, then both Sections 2 and 3 shall be rendered invalid and without effect. In such event, the provisions of the prior ordinance that Sections 1 and 2 sought to amend shall automatically remain, or revert to being, in full force and effect as if this Ordinance had not amended them.

Michael Brownrigg, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 20, 2026, and adopted thereafter at a regular meeting of the City Council held on February 2, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Meaghan Hassel-Shearer, City Clerk