

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BURLINGAME REPEALING AND REPLACING CHAPTER 3.40, "PLANNING COMMISSION," OF TITLE 3 OF THE BURLINGAME MUNICIPAL CODE; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES 15378, 15061(b)(3)

WHEREAS, the City of Burlingame Planning Commission is a Brown Act decision-making body responsible for acting on specified land use policies and permit applications, as defined by the Burlingame Municipal Code. Chapter 3.40, "Planning Commission," of Title 3 of the Municipal Code outlines the Commission's roles, responsibilities, and composition; and

WHEREAS, in light of recent changes in State law that have reduced the scope of discretionary review for housing projects, as well as ongoing challenges in recruiting Planning Commissioners with expertise in land use and design, the City Council has considered reducing the size of the Commission from seven members to five members through natural attrition; and

WHEREAS, the proposed amendments to Chapter 3.40, "Planning Commission," of Title 3 of the Municipal Code would reduce the Commission's composition from seven members to five members as well as eliminate the requirement that a secretary be selected from within the Commission and designate the Community Development Director, or their designee, as the Secretary to the Commission; and

WHEREAS, the proposed text amendments to Title 3, Chapter 3.40 (Planning Commission) are Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making; and

WHEREAS, on April 6, 2026, the City Council of the City of Burlingame held a duly noticed public hearing to consider the proposed text amendments to Title 3, Chapter 3.40 (Planning Commission) at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing; and

WHEREAS, on April 20, 2026, the City Council of the City of Burlingame conducted a second reading of the proposed text amendments to Chapter 3.40 (Planning Commission);

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

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to repeal and replace Chapter 3.40 (Planning Commission) of Title 3 (Officers, Boards, Commissions and Personnel) in its entirety.

SECTION TWO. REPEALING AND REPLACING CHAPTER 3.40 OF TITLE 3 OF THE BURLINGAME MUNICIPAL CODE

Chapter 3.40 of Title 3 of the Burlingame Municipal Code is repealed in its entirety and replaced with the following:

CHAPTER 3.40 PLANNING COMMISSION

§ 3.40.010. Organization—Terms of members—Compensation.

There is a planning commission of the city, consisting of five members appointed by the council. They shall hold office for a term of four years, or until their respective successors have been appointed and qualified. At the time of their application for the commission and throughout their terms as commissioners, they shall be registered, qualified electors of the city. The members shall serve without compensation, but all necessary expenses incurred by them while acting in their official capacities shall be paid by appropriate council action.

§ 3.40.020. Removal of appointive member—Filling vacancies.

The city council may remove, for cause, any appointive member of the commission from office, prior to the expiration of that member's term, by the affirmative vote of not less than four-fifths of all of the members of the city council. Vacancies shall be filled by appointment by the mayor subject to confirmation of the city council, and shall be for the unexpired portion of the term of office vacated.

§ 3.40.030. Meetings—Officers and employees.

The commission shall hold regular meetings at least once a month when there is business to conduct and a quorum present, and may hold such other meetings as may be necessary or expedient. A majority of the voting members of the commission shall constitute a quorum for the purpose of transacting the business of the commission. Unless otherwise required by state law or this code, the commission may take action by the affirmative vote of not less than a majority, and never less than three affirmative votes, of the members present.

The commission shall elect a chair and vice-chair from among the appointed members for a term of one year, and in the event of a vacancy of either office, may elect a successor. The commission may appoint such other officers for the purpose of carrying on its business and functions as it may determine.

The commission shall adopt rules for the transaction of its business.

§ 3.40.040. Record of proceedings.

The Director of Community Development, or designee, shall serve as the planning commission secretary and custodian of its records but shall have no vote. The secretary of the commission shall keep a record of all proceedings, resolutions, findings and transactions of the commission for public inspection, and shall file a copy thereof with the city clerk for the city council.

§ 3.40.050. Powers and duties.

The planning commission shall have such powers, duties, authority and procedures as provided by the laws of the state of California and the provisions of this code.

SECTION THREE. CEQA DETERMINATION

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of a Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

SECTION FOUR. EFFECTIVE DATE

This Ordinance shall become effective on the 31st day following its adoption by the Council.

SECTION FIVE. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION SIX. PUBLIC NOTICE

This Ordinance shall be published in a newspaper of general circulation in accordance with California Government Code Section 36933, published, and circulated in the City of Burlingame, and shall be in full force and effect on May 21, 2026.

SECTION SEVEN. CODIFICATION

Section Two of this Ordinance shall be codified in the Burlingame Municipal Code. Sections One, Three, Four, Five, Six, and Seven shall not be so codified.

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a public hearing at a regular meeting of the City Council held on the 6th of April, 2026, and adopted thereafter at a regular meeting of the City Council held on the 20th day of April 2026, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Meaghan Hassel-Shearer, City Clerk