

ORDINANCE NO. __ -2026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME AMENDING CHAPTER 6.54, "BURLINGAME AVENUE AREA BUSINESS IMPROVEMENT DISTRICT," OF TITLE 6 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; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378, 15601(b)(3)

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 (Ordinance No. 1854, codified in Burlingame Municipal Code Chapter 6.54 et seq.); 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, following a 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 (Resolution no. 148-2025); 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. Recitals Incorporated

The recitals set forth above are true and correct and are incorporated herein by reference as if fully set forth in their entirety.

Section 2. Amending Section 6.54.010 of Chapter 6.54 of Title 6 of the Burlingame Municipal Code

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 3. Amending Section 6.54.070 of Chapter 6.54 of Title 6 of the Burlingame Municipal Code

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 4. No Other Changes

Unless otherwise explicitly amended as described herein, all other provisions of Chapter 6.54 shall remain unchanged and in full force and effect.

Section 5. CEQA Determination

The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

Section 6. Severability

Sections 2 and 3 of this Ordinance are expressly dependent on one another and are intended to operate jointly. If any portion of either Section 2 or Section 3 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 2 and 3 sought to amend shall automatically remain, or revert to being, in full force and effect as if this Ordinance had not amended them.

Section 7. Effective Date

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

Section 8. Publication

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

Section 9. Codification

Sections 2 and 3 of this Ordinance shall be codified in the Burlingame Municipal Code. Sections 1, 4, 5, 6, 7, 8, and 9 shall not be so codified.

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