

STAFF REPORT



WATER AND POWER

DATE: June 30, 2026

TO: Justin Hess, City Manager

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SUBJECT: Introduction of an Ordinance Amending and Restating Article 3 of Chapter 2 of Title 8 of the Burbank Municipal Code, Relating to the Sustainable Water Use Practices, and Finding of a CEQA Exemption (14 CCR 15061, 15301, 15305, 15307, 15308)

RECOMMENDATION

Introduce AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING AND RESTATING TITLE 8, CHAPTER 2, ARTICLE 3 (SUSTAINABLE WATER USE ORDINANCE) OF THE BURBANK MUNICIPAL CODE (Attachment 1).

BACKGROUND

The Sustainable Water Use Ordinance (SWUO) was first adopted by the Burbank City Council (Council) on April 22, 2008, to comply with State Water Resources Control Board drought-related requirements. Since 2008, the SWUO has been presented to Council approximately 10 times for consideration of ordinance amendments and resolutions to move the community to various stages of water conservation. The most recent presentation to Council was on August 22, 2023, during which Council voted to remain at Stage III (which restricts outdoor irrigation to 1-2 days depending on the season) and directed staff to consider potential revisions to the SWUO.

The existing SWUO has a baseline set of measures that are applicable at all times to discourage water waste. The baseline set of measures are best practices to ensure that water is used wisely and sustainably, and to reduce waste and unreasonable use. The policy also has six stages to mitigate the effects of water shortages, with stage one including the baseline set of measures, and as the stage number increases, additional

restrictions to discourage wasteful water use also increase. Each increasing stage reflects the water supply situation of the times, often responding to executive orders or emergency declarations from the state or region.

Since 2013, the City of Burbank (City) has reduced its per capita water usage from 162 gallons per day to 113 gallons per day. This can be attributed to a variety of factors, including consistent marketing and outreach about conservation, community workshops and programs, tiered rates, generous rebates for water-saving devices and landscapes, mandatory conservation practices in the SWUO, increased use of recycled water, advanced leak detection, and a retrofit-upon-resale policy that requires installation of efficient water fixtures when buildings are sold.

DISCUSSION

The existing SWUO includes six water conservation stages with escalating levels of restrictions based on drought severity. While the SWUO does not clearly establish the criteria for transitioning between conservation stages, such changes have historically been prompted by a Governor's executive order and implemented through adoption of a City Council resolution.

Historically, Burbank has been in Stages I, II, and III at different times. The City adopted the SWUO in 2008, moved to Stage II in 2009, returned to Stage I in 2011, moved to Stage II again in 2014, and finally moved to Stage III in 2022. In August 2023, staff reported to the Burbank Water and Power (BWP) Board (Board) and Council that the City had sufficient water to return to Stage II, thanks to above-average precipitation and sufficient storage levels. However, the Board was split on its recommendation, and the Council decided to remain at Stage III (which restricts outdoor irrigation to 1-2 days depending on the season). Council also directed staff to revise the SWUO to account for the unpredictability of the seasons and new irrigation control technologies.

Since 2023, there have been advancements in state water policy, and BWP conducted extensive community engagement, which shaped the proposed SWUO updates. The proposed SWUO update has a new section to comply with Assembly Bill 1572 (2023), which requires public water systems to update local ordinances and regulations relating to restrictions on the use of potable water to irrigate nonfunctional turf by January 1, 2027. See Section 8-2-305 of Attachment 1 for definitions, compliance effective dates for varying property types, as well as exemptions.

The proposed SWUO has also been greatly simplified to expand to a single set of permanent conservation measures in place year-round, aligning with the Making Conservation a California Way of Life regulations from the State of California. Each measure targets either highly visible waste, high-volume waste, or easy behavioral changes with high compliance potential. The health of Burbank trees is consistently

considered throughout the SWUO, and attended hand-watering or drip irrigation of trees is encouraged. The table below lists the permanent measures and their proposed updates.

Measure	Current SWUO (existing ordinance)	Proposed SWUO Update
Overall Structure	Six-stage drought response framework (Stage I–VI) with escalating restrictions	Removes staged drought framework, transitions core conservation measures into permanent requirements, year-round conservation messaging, and BWP authority to request customers to voluntarily conserve when conditions warrant
Irrigation Watering Days	Fixed watering days based on drought stage (currently Tue/Sat in summer; Sat in winter under Stage III)	Removes assigned irrigation days
Hand-Watering Exception	Allowed under certain stages and conditions	Expanded to all conditions year-round
Pool / Spa Covered When Not in Use	Required under Stage III	Expanded to all conditions year-round
Public Median Turf Irrigation	Irrigation of ornamental turf on street medians prohibited	Expanded to all non-functional turf areas

The table below lists the permanent measures that remain unchanged. All of the measures in the SWUO are detailed in Attachment 2.

Measure	Current SWUO (existing ordinance)
Irrigation Runtime Limits	Maximum 15 minutes per station per day
Low-Volume Irrigation Exception	Drip/low-volume systems exempt from 15-minute runtime limit
Watering During Rainfall	Irrigation prohibited during rain and for at least two days afterward
Time-of-Day Irrigation Restrictions	Irrigation prohibited between 9:00 a.m. and 6:00 p.m. (or daylight hours Nov–Mar)
Overspray / Runoff Prohibition	Irrigation runoff onto sidewalks, streets, alleys, and paved surfaces prohibited
Hardscape Washing Restrictions	Washing sidewalks, driveways, patios, and paved areas prohibited except for health/safety purposes

Leak Repair Requirement	Prompt repair of plumbing and irrigation leaks required
Vehicle Washing Requirements	Hose shut-off nozzle or bucket required for vehicle washing
Restaurant Water Service	Drinking water served only upon customer request
Hotel Linen/Towel Program	Hotels must offer towel and linen reuse option
Non-Conserving Dish Spray Valves	Prohibited in food preparation establishments
Decorative Water Features	Non-recirculating decorative fountains prohibited
Single-Pass Cooling Systems	Prohibited in new buildings requesting water service
Commercial Conveyor Car Wash Systems	Recirculating water systems required
Commercial Laundry Systems	Recirculating water systems required

During community meetings and surveys, residents expressed a commitment to water conservation, a willingness to reduce use during drought, and a desire for more flexibility in how they use water. In response, BWP is proposing to move away from prescriptive conservation stages and assigned watering days. Instead, permanent conservation measures would remain year-round, and when water supply circumstances support additional conservation efforts, the General Manager of BWP would establish conservation targets and voluntary measures and communicate them to customers through a comprehensive public outreach campaign. Historically, the Burbank community has responded effectively to voluntary conservation requests during severe drought conditions, notably the billion-gallon challenge in 2015, and infrastructure upgrades such as the Metropolitan Water District’s (MWD) pipeline repair in 2022 that reduced water supplies for two weeks in the middle of a drought.

Prior to communicating recommended targets, the General Manager of BWP will determine the timing and scope of targets based on key indicators of water supply reliability such as the amount of locally stored water, operational conditions on the State Water Project and Colorado River that reduce imported water supplies, MWD’s operational needs, Sierra Nevada and Rocky Mountain Snowpack and run-off levels. This is similar to how staff would recommend changing stages under the existing SWUO.

Enforcement continues to be an option by issuance of an administrative citation. The proposed Ordinance update would remove the requirement for two courtesy notices before issuing the citation for violations of the SWUO. While the City may continue to provide courtesy notices when appropriate, this change would provide greater flexibility to address violations based on the circumstances of each situation, including the ability to issue citations when the situation warrants immediate action. Staff will prioritize education over enforcement, starting by identifying property cohorts (organized by number of residents and landscaped area square footage) and above-average users to

be sent saving tips and resources. Enforcement will be reserved for confirmed violations of the SWUO that can be consistently identified and cited.

COMMUNITY OUTREACH

Extensive research, internal and external stakeholder interviews, a survey (in English, Armenian, and Spanish), and community meetings were held to garner insights that helped shape the proposed SWUO update. Stakeholder interviews were conducted with various organizations and included representatives from Master Gardeners, MWD, Theodore Payne Foundation, Burbank-Valley Garden Club, and the Monarch Mile. BWP staff presented to the Development Oversight Committee, Sustainable Burbank Commission, BWP Board, Chamber of Commerce Board, and hosted three dedicated community meetings. On March 9, 2026, the Sustainable Burbank Commission recommended that the City Council adopt the proposed Ordinance. On June 4, 2026, the BWP Board considered the proposed ordinance and following discussion, a motion to recommend adoption to City Council was not passed on a 3-3 tie vote. The Board’s concerns generally were related to removing watering day restrictions and difficulty enforcing the remaining restrictions, and therefore no formal recommendation was forwarded to the Council.

Staff provided public notice of the Council’s public hearing to consider the proposed Ordinance in a newspaper of general circulation in the City on June 13, 2026, in accordance with California Water Code section 376(b)(1). An additional notification was published on the City’s Newsroom website.

If the updated SWUO is adopted by the Council, BWP will inform customers of the change via in-person presentations, bill inserts, digital newsletters, and online marketing. Focus will shift from subjective watering day calendars to Making Conservation a CA Way of Life – a year-round pursuit. Although the official SWUO stages are removed in the proposed Ordinance, BWP will ensure that the ordinance’s flexible provisions are framed within a broader conservation imperative, not as a relaxation of conservation goals.

BWP’s Marketing, Communications, and Outreach team has two robust marketing plans, one with year-round messages and the other to be executed in conjunction with a call for voluntary conservation. The plans have audience-specific messages to reinforce the importance of responding to water supply conditions, responsible water use, best practices for outdoor landscaping, and how to participate in BWP’s portfolio of programs, workshops, and how to apply for generous rebates for both outdoor and indoor water conservation measures. The measures of particular importance are weather-responsive smart irrigation controllers, soil moisture sensors, rotating sprinkler nozzles, and turf replacement designs and incentives.

ENVIRONMENTAL REVIEW

Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, and following) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment (CEQA Guidelines section 15061(b)(3)). Adoption of the proposed Ordinance is further exempt from CEQA as it includes regulations to protect water resources and the ability to provide water resources, and consists of regulations and restrictions on certain water use-related activities to ensure the maintenance, restoration, or enhancement of a natural resource. (CEQA Guidelines sections 15301 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment).) In addition, there are no unusual circumstances under CEQA Guidelines, section 15300.2(c) that would preclude the use of these exemptions.

FISCAL IMPACT

There is no immediate fiscal impact associated with this report. The Water Fund remains financially stable, and future rate studies will continue to evaluate the impacts of conservation trends to ensure adequate revenue and reserve levels.

CONCLUSION

Staff recommends these proposed amendments to maintain and expand permanent conservation measures while simplifying the Ordinance, making it easier for the community to comply and the City to enforce, while incorporating state requirements related to nonfunctional turf. The proposed changes to the SWUO prepare the community for a water-irrigation budget mindset and to get ahead of future state efficiency mandates, rather than relying on older drought-era restrictions like watering days. Staff requests that the Council adopt the amendments to the SWUO, which will amend and restate Burbank Municipal Code Title 8, Chapter 2, Article 3.

ATTACHMENTS

Attachment 1 – Proposed Ordinance
Attachment 2 – Summary of Proposed Changes
Correspondences