



STAFF REPORT

AGENDA NO: 10b

MEETING DATE: June 15, 2026

To: Honorable Mayor and City Council

Date: June 15, 2026

**From: Christopher Lamm, Public Works Director – (650) 558-7230
Michael Guina, City Attorney – (650) 558-7204
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Subject: Public Hearing to Introduce an Ordinance Amending Chapter 15.07, “Wasteful Water Use Restrictions,” of Title 15 of the Burlingame Municipal Code to Include the Prohibition of Irrigation of Certain Non-Functional Turf with Potable Water (CEQA Determination: Exempt Pursuant to State CEQA Guidelines Sections 15378 and 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council conduct a Public Hearing to introduce the attached ordinance amending Chapter 15.07, “Wasteful Water Use Restrictions,” of Title 15 of the Burlingame Municipal Code to include a prohibition on the irrigation of Commercial, Industrial, and Institutional (CII) and Homeowners Association (HOA) common area non-functional turf with potable water. Staff recommends the following procedure:

Recommended Procedure and Order of Operations:

- A. Receive the staff report and ask any questions of staff.
- B. Conduct a public hearing.
- C. Discuss the Ordinance and, by motion, determine whether to bring it back for second reading and adoption. If the Council is in favor of the Ordinance, direct the City Clerk to publish a summary of the Ordinance at least five days before its proposed adoption.

BACKGROUND

In response to recent droughts, and recognizing that water is a precious resource, the State has adopted several bills with the intention of “Making Conservation a California Way of Life”. One such bill, Assembly Bill (AB) 1572, adopted October 13, 2023, prohibits the use of potable water to irrigate Non-Functional Turf on CII properties as well as the common areas of HOAs. Individual, single-family residential customers are exempt from this prohibition. Non-Functional Turf, as defined by AB 1572, is living turf grass that is solely ornamental in nature, serving no functional purpose other than being visually appealing. AB 1572 requires that local water suppliers both codify

the bill's provisions by January 1, 2027, and begin enforcing the provisions on or before the same date. Staff developed the attached ordinance to comply with state law and to encourage water conservation in Burlingame.

DISCUSSION

Burlingame Municipal Code Chapter 15.07 pertains to Burlingame's Wasteful Water Use Restrictions. The restrictions were developed in 2021 in response to the Governor's Executive Order B-40-17, which ended the emergency drought designation but required ongoing water conservation practices. The current restrictions prohibit specific uses of potable water, such as using a hose without a positive shut-off nozzle and watering outdoor plants fewer than 24 hours after a measurable rainfall. The proposed Ordinance would expand on these water conservation efforts by incorporating the prohibitions described in AB 1572, while keeping the enforcement procedures the same for all wasteful water actions.

The California Legislature deemed the use of potable water to irrigate non-functional turf on CII properties and HOA common areas wasteful and incompatible with state policy regarding water conservation. Recognizing this would take time to implement and would affect water customer classes differently, State Legislators defined various compliance deadlines for different groups of customers. Institutional water customers (e.g. government organizations, religious institutions, public schools) have a compliance deadline of January 1, 2027. Commercial and Industrial customers (e.g. banks, restaurants, private schools) would follow, with a compliance deadline of January 1, 2028. Shared HOA common areas have a compliance date of January 1, 2029.

On or before the compliance deadline associated with each water customer class, all customers in that class must stop using potable water to irrigate non-functional turf on their property. As potable water is the only type of water supply currently delivered to Burlingame customers, this requirement effectively prohibits all irrigation of non-functional turf on CII properties and HOA common areas. Customers must either certify their turf is functional and demonstrate that function, replace their non-functional turf with an acceptable alternative (non-turf living landscape, mulch, resilient turf, etc.), or cease watering the non-functional turf.

Using a data set provided by the State, City staff will contact property owners with suspected non-functional turf on their property. Including 20 City-owned parcels, there are 216 properties that have been identified that will need to show compliance over the three-year period. Property owners will be asked to respond to the City outreach by confirming their turf is functional, has already been replaced, will be replaced before the relevant compliance deadline, or will no longer be irrigated after the relevant compliance deadline. Additionally, property owners with more than 5,000 square feet of irrigated landscape will be expected to certify with the State every three years that any remaining turf is functional, and any non-functional turf is not irrigated.

Public Works staff has already confirmed that the 20 City-owned parcels identified in the data set provided by the State comply with the law. Additionally, outreach has already begun to many property owners and schools to ensure they have time to make any necessary changes.

FISCAL IMPACT

There is no fiscal impact to the City as all City-owned parcels identified already comply with the law. The initial notification to the affected properties in Burlingame is not expected to incur any financial impact as the work fits into the Environmental Regulatory Compliance Manager's role.

Exhibits:

- Proposed Ordinance
- Presentation