

City Council Meeting: May 9, 2023

Santa Monica, California

ORDINANCE NUMBER 2745 (CCS)

(City Council Series)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA MONICA AMENDING THE SANTA MONICA MUNICIPAL CODE BY ADDING “GENDER NEUTRAL PUBLIC RESTROOM ACCESS” TO ARTICLE 8 (BUILDING REGULATIONS) CHAPTER 8.110 (GENDER NEUTRAL PUBLIC RESTROOM ACCESS)

WHEREAS, SB 1194 authorizes a city, country, or city and county to require, by ordinance or resolution, that public restrooms constructed within its jurisdiction be designed to serve all genders, as specified, instead of complying with the plumbing standards set forth in the California Building Standards Code; and

WHEREAS, City Council established City priorities in the 2021 State Legislative Platform, to guide policy decisions and regulatory matters, Council explicitly included the position to, “support legislation that mandates gender-neutral multi-stall bathrooms.”; and

WHEREAS, consistent with the Council adopted Framework described in the City of Santa Monica Adopted Biennial Operating Budget FY2019-20, our City provides access to program and opportunities to support the mental health of residents, this ordinance reduces the stress of finding an useable public restroom universally including: persons of all genders, parents with children of a different gender than them, and/or caregivers that are a different gender than their dependent; and

WHEREAS, consistent with the three tracks approved by the City Council in June 2020: 1) Development of a Black Agenda for Santa Monica, 2) Public Safety Reform, 3) Equity and Inclusion Work in the City Organization; this ordinance enables the City to

allow more equitable and inclusive public restroom environments universally including: persons of all genders, parents with children of a different gender than them, and/or caregivers that are a different gender than their dependent; and

WHEREAS, consistent with the Community Priorities, as determined by City Council in March 2021: 1) Addressing Homelessness; 2) Clean and Safe Santa Monica; 3) Equitable and Inclusive Economic Recovery; this ordinance cultivates equitable and inclusive economic opportunities at educational and employment environments that are also clean and safe universally including: persons of all genders, parents with children of a different gender than them, and/or caregivers that are a different gender than their dependent; and

WHEREAS, this authority will become inoperative and repealed on the date that standards that address universal access in multi-user facilities take effect in the California Building Standards Code; and

WHEREAS, the content and details of this ordinance were the subject of a year-long legislative process that culminated with Governor Newsom signing the bill into law on September 29, 2022.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Chapter 8.110 is hereby added to read as follows:

**Chapter 8.110 GENDER NEUTRAL PUBLIC RESTROOM ACCESS**

**8.110.010 Gender Neutral Public Restroom Facilities Required**

All newly constructed buildings shall be required to provide gender-neutral public restroom facilities.

#### **8.110.020 Applicability**

- (a) Except as provided by paragraph (b), below, the requirements of this Chapter shall apply to public restroom facilities of all new and renovated buildings that constitute Newly Constructed Buildings as provided in Section 8.110.030 for which a complete building permit application is submitted on or after July 1, 2023.
- (b) The requirements of this Chapter shall not apply to: Newly Constructed Buildings for which a complete building permit application is submitted before July 1, 2023;
- (c) Existing buildings, that are not considered Newly Constructed Buildings, may voluntarily retrofit public restroom facilities to comply with this Chapter.
- (d) Pursuant to Health and Safety Code Section 118507, this Chapter requires that public restrooms constructed within the City comply with specific requirements designed to serve all genders instead of complying with the standards set forth in the California Plumbing Code.
- (e) This Chapter shall become inoperative and repealed on the date that standards that address all-gender, multi-user facilities take effect in the California Building Standards Code (Title 24 of the California Code of Regulations).

#### **8.110.030 Definitions.**

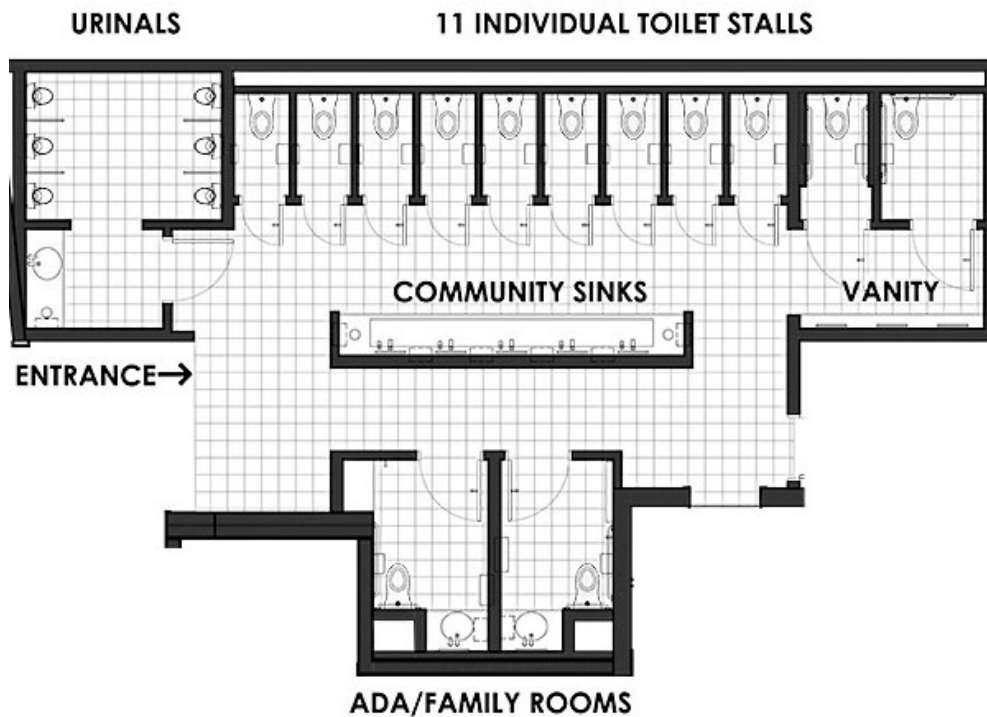
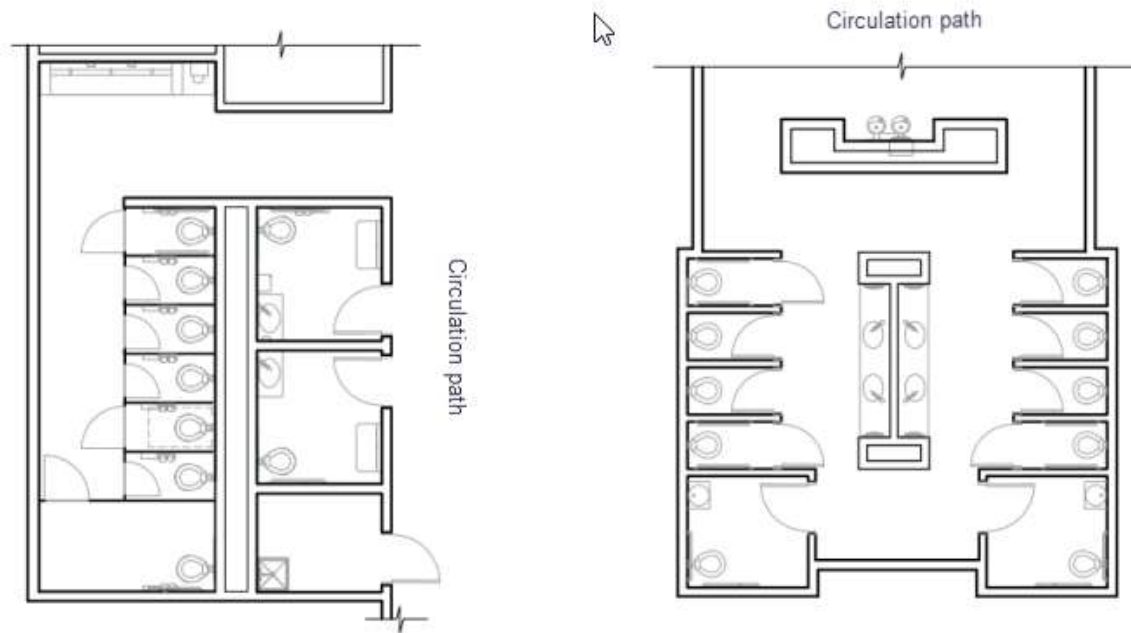
For purposes of this Chapter, the following words or phrases shall have the following meanings:

- (a) “Applicant” means any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities, or state or local government agency applying for a permit for a newly constructed building.
- (b) “Gender neutral public toilet facility” is defined as a public restroom whose access shall not be restricted to persons of a specific sex or gender identity.
- (c) “Newly-constructed building” means a new structure that has never before been used or occupied for any purpose, or removal and replacement of an existing structure; or repair, alteration, modification, addition to, or rehabilitation of an existing structure, where a demolition will occur, as defined Santa Monica Municipal Code Section 9.25.030 (A.1) or (A.2).
- (d) “Plumbing Code” means the California Plumbing Code published by the California Building Standards Commission as adopted by reference in Chapter 8.32 of this Article and any local amendments thereto.

#### **8.110.040 Gender Neutral Public Restroom Facilities and Design.**

- (a) **Single-User Facilities.** Shall be designed and constructed with single-user toilet compartments and identified for use by all genders instead of the design standards for separate facilities for male and female found in the applicable provisions in Chapter 4 of the California Plumbing Code.

- (b) **Multi-User Facilities.** Shall be designed with lavatories located either within toilet rooms or grouped in an immediately adjacent common use area accessible to all users. The following acceptable designs are provided for example purposes only.



(c) **Signage.** Signage indicating that public toilet facilities are accessible to all users, and not restricted to persons of a specific sex or gender identity, shall comply with Part 5 of Title 24 of the California Code of Regulations and be clearly and conspicuously posted on all entrances to such public restroom facility or facilities. An example of signage that may be used is depicted below:



(d) **Design.** Gender neutral public restroom facilities shall be designed to serve all genders and shall adhere to the following criteria:

(1) The location of facilities shall be along common and open circulation paths that will maintain privacy and allow for high visibility for security.

(2) The main entrance to the space or area where public restroom facilities are located shall not have a door that will obstruct or prevent visual security.

(3) Water closets shall be designed as single-user compartments and designated for use by no more than one occupant at a time or for family or assisted use.

(4) Water closets shall be enclosed on all sides by walls or partitions extending from up to 1" above the floor and/or from the ceiling, and a door enclosing the fixture for privacy.

(5) Lavatories may be located in the same compartment as a water closet or grouped in an immediately adjacent common use area accessible to all users.

(6) Urinals shall be located in an area visually separated from the remainder of the facility or in an individual compartment(s).

(7) The door to each individual compartment containing a water closet, urinal, or both, shall have a locking mechanism controlled by the occupant. The lock shall visually indicate to outside occupants that the compartment is occupied.

(8) Adequate light and ventilation shall be provided within each compartment and each area of the facility.

(9) Windows or glazing used in the compartment enclosures shall be opaque to provide for privacy.

(10) The substitution of a water closet for each urinal shall be permitted provided the total number of fixtures installed complies with the California Plumbing Code.

(e) **Relation to Other Rules and Regulations.** The design standards contained in this Chapter shall not be construed as requiring or authorizing:

(1) A reduction in the number of fixtures or toilet facilities that are required by Title 24, Part 5 of the California Code of Regulations; or

(2) A reduction in the number of fixtures or toilet facilities accessible to persons with disabilities that are otherwise required under either Title 24 of the California Code of Regulations or the Federal Americans with Disability Act.

(f) **Alternate Designs.** Gender neutral public toilet facilities may be further designed in any manner that provides the greatest access, equivalency and privacy for patrons, and maximizes space, with shared washbasins, enclosed lavatories, doorknobs, enclosed urinals and/or toilets, or other design features that promote the purposes herein promulgated and that may be most cost-effective for the applicant(s).


Alternate design submission requests shall be reviewed by the Building Official or designee per the provisions in Santa Monica Municipal Code Section 8.08.030(j).

SECTION 3. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective thirty days after adoption.

APPROVED AS TO FORM:

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Douglas Sloan, City Attorney



Approved and adopted this 9<sup>th</sup> day of May, 2023.

DocuSigned by:

*Gleam Davis*

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Gleam Davis, Mayor

State of California           )  
County of Los Angeles       ) ss.  
City of Santa Monica        )

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2745 (CCS) had its introduction on April 25, 2023 and was adopted at the Santa Monica City Council meeting held on May 9, 2023, by the following vote:

AYES:     Councilmembers Zwick, Brock, de la Torre  
          Mayor Pro Tem Negrete, Mayor Davis

NOES:     None

ABSENT: Councilmembers Parra, Torosis

ATTEST:

DocuSigned by:

*Denise Anderson-Warren*

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Denise Anderson-Warren, City Clerk

5/16/2023

Date

A summary of Ordinance No. 2745 (CCS) was duly published pursuant to California Government Code Section 40806.