



City of Culver City

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Staff Report

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Item #: PH-1.

CC - PUBLIC HEARING ITEM: Introduction of an Ordinance Amending Chapter 15.02 of the Culver City Municipal Code Chapter 15.02 (Land Usage, Buildings, Structures, and Equipment) by Adding Subchapter 15.02.400 "Gender Neutral Public Restroom Facilities in New Construction"

Meeting Date: May 13, 2024

Contact Person/Dept.: Tim Koutsouros, Building Official / Planning and Development Department

Phone Number: (310) 253-5802

Fiscal Impact: Yes No **General Fund:** Yes No

Attachments: Yes No

Public Notification: Culver City News (04/18/2024); (E-Mail) GovDelivery (04/25/2024); Meetings and Agendas - City Council (05/07/2024)

Department Approval: Mark Muenzer, Planning and Development Director, (04/16/2024)

RECOMMENDATION

Staff recommends the City Council conduct a public hearing and introduce an Ordinance Amending Chapter 15.02 of the Culver City Municipal Code by adding Subchapter 15.02.400 Gender Neutral Public Restroom Facilities in New Construction.

PROCEDURES

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff.
3. The Mayor seeks a motion to declare the public hearing open and the City Council receives public comment.

4. The Mayor seeks a motion to close the public hearing after all testimony has been resented.
5. The City Council discusses the matter and arrives at its decision.

BACKGROUND

On September 29, 2022, Senator Ben Allen's sponsored Senate Bill 1194 (SB 1194) was signed into law by the Governor of California in Health and Safety Code (HSC) Section 118507 and authorizes a city, county, or city and county to adopt an ordinance or resolution, that new and/or renovated public toilet facilities within its jurisdiction be designed, constructed, and identified for use by all-genders instead of the design standards for separate facilities for men and women found in the applicable provisions in Chapter 4 of the California Plumbing Code (CPC) until such a date that all-gender multi-user toilet facilities are allowed by the CPC. HSC Section 118507 includes the following requirements:

- Signs shall identify the restrooms for use by all-genders.
- Single-user toilet facilities shall comply with the requirements of the CPC.
- In multi-user toilet facilities, lavatories shall be located either in toilet rooms or grouped in an immediately adjacent common use area accessible to all users.

HSC Section 118507 shall become inoperative on the date that standards that address all-gender, multi-user facilities take effect in Title 24 of the California Code of Regulations (CCR), and as of that date this section is repealed.

As part of the 2022 Intervening Title 24 CCR adoption cycle effective July 1, 2024, the Building Standards Commission and the Department of State Architect adopted amendments to the CPC for all-gender restroom facilities in public schools K-12, community colleges, State owned buildings, University of California facilities, and California State University facilities.

Locally, the cities of West Hollywood and Santa Monica have recently adopted gender neutral public restroom access ordinances. Their ordinances include design standards that address issues related to security, privacy, light, ventilation, and signage.

On May 8, 2023, Council Member Puza received City Council consensus to agendaize an item to adopt an ordinance to require gender neutral restrooms in all new buildings in the City. On January 23, 2024, staff meet with the City's Equity Subcommittee (McMorrin and Puza) and discussed the proposed Ordinance. Staff received confirmation from the Subcommittee the Ordinance scope is for public bathroom facilities in all new construction, similar to Santa Monica's Gender Neutral Public Restroom Access Ordinance.

All-gender restroom facilities reduce gender inequalities and promote inclusiveness consistent with the City's strategic goal, the values of the General Plan, and Goal GL-3 of the Governance and Leadership Element of the draft General Plan. In an effort to ensure that people of all types of gender identity feel welcome in public park restrooms, on March 11, 2024, after receiving recommendations from the Equity and Human Relations Advisory

Committee (EHRAC) City Council unanimously approved language removing the prohibition on the use of public restrooms designated for the opposite sex from the City's park regulations.

DISCUSSION

The proposed Ordinance utilizes Santa Monica's Gender Neutral Public Restroom Access Ordinance as a model including design elements for security, privacy, light, ventilation, and signage; key concerns for all users of public restroom facilities.

Applicability

The proposed Ordinance requires all newly constructed buildings to provide gender neutral public restroom facilities. While existing buildings and improvements to existing buildings are not required to provide gender neutral public restroom facilities, an applicant may voluntarily retrofit the restrooms.

Signage

The proposed Ordinance requires single-user and multi-user public toilet facilities to use signage indicating that the facilities are accessible to all users, and not restricted to persons of a specific sex or gender identity.

Design

- The location of facilities shall be along common and open circulation paths that will maintain privacy and allow for high visibility for security.
- 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.
- 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.
- Water closets shall be enclosed on all sides by walls or partitions extending from up to one inch above the floor and/or from the ceiling, and a door enclosing the fixture for privacy.
- 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.
- Urinals shall be located in an area visually separated from the remainder of the facility or in an individual compartment(s).
- 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.
- Adequate light and ventilation shall be provided within each compartment and each

area of the facility.

- Windows or glazing used in the compartment enclosures shall be opaque to provide for privacy.
- The substitution of a water closet for each urinal shall be permitted provided the total number of fixtures installed complies with the CPC.
- 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, enclosed urinals and/or toilets, or other design features that promote the purposes herein promulgated in accordance with the California Building Code section 104.10.

ENVIRONMENTAL ANALYSIS

The proposed amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The ordinance will not have a significant effect on the environment as it establishes general standards; the proposed amendment, by itself, does not result in changes to existing land use, density, or an intensification of development. Thus, the proposed amendment is not subject to CEQA.

FISCAL ANALYSIS

There is no fiscal impact associated with this discussion or the introduction of the proposed Ordinance.

ATTACHMENTS

1. 2024-03-11 - ATT Ordinance Amending Chapter 15.02 of the Culver City Municipal Code by adding Subchapter 15.02.400, to Chapter 15.02 (Land Usage, Buildings, Structures, and Equipment) "Gender Neutral Public Restroom Facilities.

MOTION

That the City Council:

Introduce an Ordinance Amending Chapter 15.02 of the Culver City Municipal Code by adding Subchapter 15.02.400 Gender Neutral Public Restroom Facilities in New Construction, to

Chapter 15.02 (Land Usage, Buildings, Structures, and Equipment)