



Gender Neutral Restroom v. International Plumbing Code



By John England CBO, MCP

The question has come up in class and in emails several times as to gender neutral restrooms. All the while the code is silent on this. Given time the code revisions will be proposed and adopted that will help clarify the intent of the code. Code Revisions take years to promulgate, and the issue is what do you do now, when confronted with such a question.

I. Code References

IPC Table 403.1 give us fixture counts, and 403.1.1 gives us fixture calculations, 403.1.2 Single User Toilet (revised from 2015 IPC) and Section 403.2 Separate Facilities (#4 added from 2015 IPC) . And IBC 1109.2.1 Family and Assisted Use Toilets.

403.1.1 Fixture calculations. To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple *occupancies*, such fractional numbers for each *occupancy* shall first be summed and then rounded up to the next whole number.

Exception: The total occupant load shall not be required to be divided in half where *approved* statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

403.1.2 Single-user toilet facility and bathing room fixtures. The plumbing fixtures located in single-user toilet facilities and bathing rooms, including family or assisted use toilet and bathing rooms that are required by Section 1109.2.1 of the *International Building Code*, shall contribute toward the total number of required plumbing fixtures for a building or tenant space. Single-user toilet facilities and bathing rooms, and family or assisted-use toilet rooms and bathing rooms shall be identified for use by either sex.

403.1.3 Lavatory distribution. Where two or more toilet rooms are provided for each sex, the required number of lavatories shall be distributed proportionately to the required number of water closets

IBC 1109.2.1 Family or assisted-use toilet and bathing rooms. In assembly and mercantile occupancies, an *accessible* family or assisted-use toilet room shall be provided where an aggregate of six or more male and female water closets is required.....”

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile *occupancies* in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.



Disclaimer: The White paper has been written to help clarify a section of the code which is vague or silent. The opinions of the author are only there to help guide the Building Official as to the intent of the code.

II Solutions

The first question we must answer is, what is the intent of the code? Answer: to have enough toilet and lavatory facilities to handle the occupant load of the building. All the while considering “equal rights” for all and including accessibility access.

The solutions is not a one size fits all but will change with the occupant load and occupancy classification of the building. We will look at several scenarios and come up with solutions that not only meet the code but include all genders and accessibility while maintaining the intent of the code., enough toilets and lavatories for the occupant load.

Problem 1

You have a business (B) occupancy with an occupant load of 25. The same scenario would apply in a mercantile (M) occupancy with an occupant load of 100, and any occupancy with an occupant load of 15. (IPC 403.2).

Assume we have a business with an occupant load of 40.

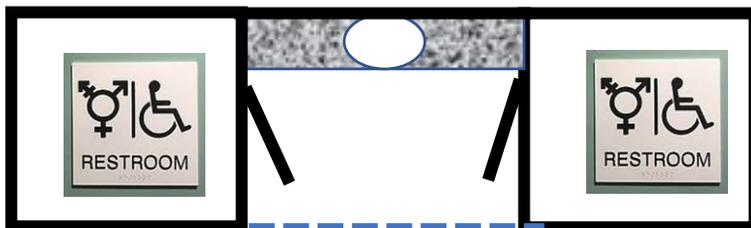
Solution:

And code does not distinguish whether they need to be male or female. .

**TABLE 403.1 —continued
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
(See Sections 403.1.1 and 403.2)**

NO.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 424.2)		LAVATORIES	
			MALE	FEMALE	MALE	FEMALE
2	Business	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80	

Solution: We install 2 accessible toilet rooms 1 accessible lavatories in a common area to be used by all. We label both toilet rooms gender neutral and accessibility.



Question: If the dotted (blue) line is a cased 36” (32” CLEAR) opening then is the entire area considered a room with two stalls.

If you don’t consider it a room then: 405.3.2 would require a lavatory in each stall (room)

405.3.2 Public lavatories. In employee and *public* toilet rooms, the required lavatory shall be located in the same room as the required water closet.

NOTE: There is a different between a toilet stall and a toilet room. In gang bathrooms we have common lavatories and toilet stalls in the toilet room.

Code Note: If you have a restaurant with an occupant load of 40, the IBC allows you to consider it a “B” occupancy for fire ratings, etc. The IPC does not allow you to size the bathroom in accordance with a business, but must still consider it a “A” occupancy (restaurant). This is also true in IBC table 1004.5 where we use “function of space” and not occupancy classification from IBC chapter 3

Problem 2

A restaurant (A) with an occupant load 250 occupants.

Solution According to IPC 503.1.1 we divide the number of occupant in 1/2 for each sex .
 $250 \div 2 = 125$ each for male and female toilets, or 2 each for each sex. Looking at 403.1 we only need 2 lavatories and it does not distinguish between male or female.

We also need at least one accessible toilet for each sex.

(See Sections 403.1.1 and 403.2)

NO.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 424.2)		LAVATORIES	
			MALE	FEMALE	MALE	FEMALE
1	Assembly	Theaters and other buildings for the performing arts and motion pictures ^d	1 per 125	1 per 65	1 per 200	
		Nightclubs, bars, taverns, dance halls and buildings for similar purposes ^d	1 per 40	1 per 40	1 per 75	
		Restaurants, banquet halls and food courts ^d	1 per 75	1 per 75	1 per 200	

Consider: Installing one accessible toilet room (sink optional) and 3 other toilet rooms . And install the 2 lavatories in a common area. Sign all of them unisex with exception of accessible (unisex accessible)

1. Toilet stalls are floor to ceiling with full doors. (no toilet partitions allowed)
2. Common area(room) does not have a door
3. IPC 424.2 Urinals can be substituted for water closets. This is an option, not a requirement.

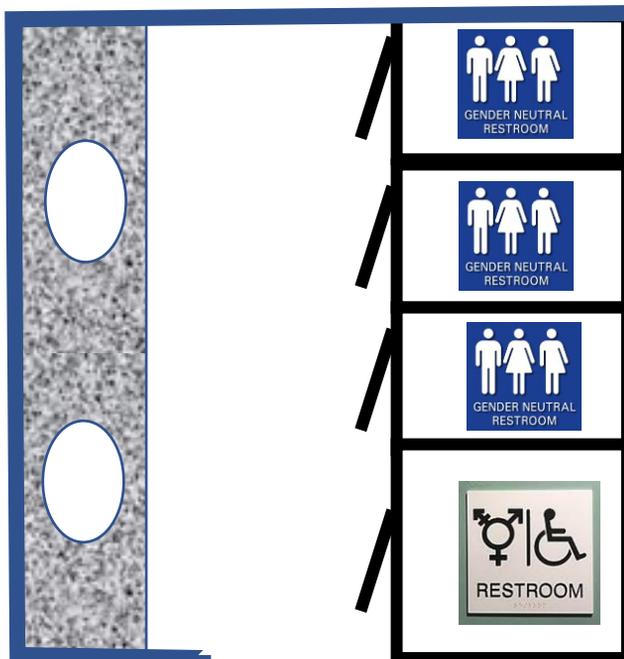
The intent of the code is to have enough water closets and lavatories for the occupant load.

Personal notes:

NOTE 1 : If you have traveled overseas much this is a common practice having lavatories in a common area.

NOTE 2: Florida Plumbing code requires lavatory in handicap stall (room)

NOTE 3: If women complain, the answer is we are all equal



Problem 2

A 10-screen movie theater with occupant load of 200 in each theater. (10 x 200 = 2000 occupants total)

Solution According to IPC 503.1.1 we divide the number of occupant in 1/2 for each sex .

2000 ÷ 2 = 1000 each for male and female occupants.

>Looking at 403.1, Male 1000 ÷ 125 = 8 water closets, Female 1000 ÷ 65 = 16 water closets.

> Lavatories 2000 ÷ 200 = 10 lavatories

(See Sections 403.1.1 and 403.2)

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IBC 1109.2.1 Family or assisted-use toilet and bathing rooms. In assembly and mercantile occupancies, an *accessible* family or assisted-use toilet room shall be provided where an aggregate of six or more male and female water closets is required.....”

IBC now requires a Family or Unisex toilet room. This will count towards the total fixture count for the building . The question is which one do you loose male or female water closet?

An equitable solution would be to put in two (2) gender neutral rooms that would qualify for both accessible sexes, as well as keep the gender neutral and family toilet requirements .

Each gang toilet would now have :

Male 7 water closets and 4 lavatories

Female 15 water closets and 4 lavatories

Question: Now that you have met all the mandatory requirements can the male and female gang bathrooms not have accessible toilets stalls?

Install signage directing them to the accessible ones.

Code Note: Do not forget to read 403.3.3 & 403.3.4 Travel distances.



Dealing with the local Building Department



Now that you have made your decision on how to accomplish the gender-neutral bathrooms, how do you convince your local building department.

Make an appointment and sit down and talk to the Plan Examiner, and if possible, the Building Official. Make sure you have all your numbers correct as well as any other documentation. Here are several code sections that may help you.

[AI 104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[AI 104.10 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the *owner* or the *owner's* authorized agent, provided that the *building official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, *accessibility*, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

NOTE: You can always put in for an alternative design (written request) AT WHICH POINT THE Building Official must respond in writing if rejected and give valid reasons why. Larger jurisdictions usually have a formal process for this .

[AI 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

NOTE: Most states do not adopt Chapter One and will allow it to be rewritten by the local jurisdiction . Check with the local building department to see what they have done to Chapter one.