



COUNCIL PRESIDENT SHERRI S. LIGHTNER

CITY OF SAN DIEGO

October 5, 2015

Judge David J. Danielsen
Presiding Judge
San Diego Superior Court
220 West Broadway
San Diego, CA 92101

Re: Grand Jury Report: "The Ongoing Need for Downtown Public Restrooms"

Dear Judge Danielsen:

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the attached response from the Mayor and City Council to the applicable findings and recommendations included in the above referenced Grand Jury Report.

If you require additional information or have any questions, please do not hesitate to contact Diana Jurado-Sainz, Director of Legislative Affairs, at 619-533-3920.

Sincerely,

Sherri Lightner
Council President
City of San Diego

Encl: City Council Resolution R- 309993
IBA Report Number 15-31 AMENDED



RESOLUTION NUMBER R- 309993

DATE OF FINAL PASSAGE SEP 22 2015

APPROVING THE CITY COUNCIL'S RESPONSE TO THE
2014-2015 SAN DIEGO COUNTY GRAND JURY REPORT
TITLED "THE ONGOING NEED FOR DOWNTOWN PUBLIC
RESTROOMS."

WHEREAS, on May 27, 2015, the 2014-2015 San Diego County Grand Jury (Grand Jury) filed a report titled "The Ongoing Need for Downtown Public Restrooms" (Report) that requested a response from the City Council (Council) and Mayor; and

WHEREAS, the Report discusses issues related to providing public restrooms throughout downtown San Diego, their safety and maintenance, and ways to inform people about their locations; and

WHEREAS, the Report includes three findings and three recommendations; and

WHEREAS, under California Penal Code section 933(c), within 90 days after the filing of the report, each public agency which the Grand Jury reviewed, and about which it issued the Report, must comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency; and

WHEREAS, the comments required from the Council and Mayor are due to the Presiding Judge of the Superior Court on October 23, 2015, as the City requested and received an extension of time to respond, due to the Council's legislative recess in August; and

WHEREAS, the Grand Jury requested that the Council respond to three recommendations numbered 15-39, 15-40 and 15-41 in the Report; and

WHEREAS, the Grand Jury also requested a response from the Mayor to recommendations 15-39, 15-40 and 15-41; and

WHEREAS, the Office of the Independent Budget Analyst has proposed a response to the Report as set forth in IBA Report No. 15-31, dated July 22, 2015, for the Council's consideration; and

WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves and adopts as its own the response to the 2014-2015 San Diego County Grand Jury Report titled "The Ongoing Need for Downtown Public Restrooms," as set forth in IBA Report No. 15-31, dated July 22, 2015, and as amended by the Council.

BE IT FURTHER RESOLVED, that the Council President is authorized and directed, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than October 23, 2015.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Sharon B. Spivak
Deputy City Attorney

SBS:jdf
09/22/15 Rev.
08/04/2015
Or.Dept: IBA
Doc. No.: 1075441

Passed by the Council of The City of San Diego on SEP 22 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 22 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **309993**

**City Council Response to
San Diego County Grand Jury Report Entitled
“THE ONGOING NEED FOR DOWNTOWN PUBLIC RESTROOMS”**

Pursuant to California Penal Code section 933(c), the Mayor and City Council of the City of San Diego provide the following responses to the findings and recommendations included in the above referenced Grand Jury Report:

FINDINGS

Finding 01: *There is a need for additional public restrooms in Downtown San Diego.*

Response: **The Mayor and City Council agree with the finding.**

Finding 02: *It takes too long for the City to install needed additional public restrooms.*

Response: **The Mayor and City Council agree with the finding.**

Although the City Council and Mayor agree there are a limited number of 24/7 restroom facilities in the downtown area, there are competing needs for limited funds. A significant source of funding for downtown public projects was tax increment funding under California Redevelopment Law. On February 1, 2012 the City of San Diego Redevelopment Agency was dissolved, ending a significant potential funding source for downtown restrooms. In addition, the City's most recent effort to install restrooms in downtown was delayed. The prefabricated restrooms did not meet California Building Code and required additional steps to receive the required permitting approval by the State of California.

Finding 03: *Public restrooms in the downtown area are difficult to locate, are not available on a 24/7 basis and are often considered unsanitary.*

Response: **The Mayor and City Council partially disagree with the finding.**

The City agrees that the lack of wayfinding signage, in general in downtown, continues to be an issue. Civic San Diego and its predecessor, the Centre City Development Corporation, have worked with the Unified Port of San Diego and Caltrans on the Downtown Wayfinding Design Signage Upgrade. Public restroom signage could be incorporated into this program.

Concerning the unsanitary conditions of the public restrooms in the downtown area, the janitorial cleaning contract requires cleaning three times a day at the 14th and L location and two times a day for the Park and Market location. The contract also includes servicing four porta-potties. We note some but not all downtown public restrooms are available on a 24/7 basis.

RECOMMENDATIONS

Recommendation 15-39: *Develop, fund and implement a plan to provide additional 24 hour accessible, clean, safe and well maintained public restrooms in downtown San Diego paying attention to both current and future needs.*

Response: The recommendation requires further analysis.

There are several challenges that require further analysis to providing additional 24-hour accessible public restrooms in downtown San Diego. First, various types of projects, including public restrooms, compete for limited capital funding. There are also challenges to finding suitable locations where public restrooms can be installed from both an engineering and public safety perspective. From an engineering perspective, installation of a public restroom requires access to and adequate capacity of existing water, sewer and utility lines. If public restrooms are not adequately secured, they can become sites of criminal activity, and therefore require additional police oversight. For instance, the Portland Loo at 14th and L saw service calls requiring police responses increase from 11 during April-June 2014 to 25 over the same period in 2015. The Portland Loo at Park and Market saw police service calls increase from 32 to 58 over the same periods. Most calls resulted from “disturbing the peace with or without violence” incidents.

We note that there are downtown public restrooms that have opened within the last few years, at North Embarcadero Promenade and Ruocco Park (operated by the Port District), at San Diego County Waterfront Park, and at Fault Line Park (14th Street and Island Avenue). Additionally, there will be public restrooms opening this year at Horton Plaza Park. Public restrooms are also in the planning stages near 13th and G Streets, and at 7th Avenue and Market Street. These restrooms have or will have restricted hours.

Recommendation 15-40: *Establish and implement a budget that adequately addresses safety concerns and maintenance requirements to maintain safe, secure and properly maintained restrooms.*

Response: The recommendation requires further analysis.

A budget for the maintenance and security of public restrooms is dependent upon the number of restroom facilities the City determines it can provide. Currently, providing secure, prefabricated restrooms in the public right of way is costly. The current estimate to maintain the two Portland Loos includes annual costs of \$160,000 for daily cleaning, facility maintenance, and utilities. Additionally, annual funding of \$168,000 to \$400,000 is the estimated cost range to provide security for the restrooms, depending on the restrooms’ hours and the type of security provided. Despite cleaning on a daily basis, there have been several incidents of vandalism, graffiti, broken doors and locks, and clogs which present challenges in providing safe, secure, and properly maintained restrooms.

Recommendation 15-41: *Establish, in cooperation with affected stakeholder groups in the downtown area, a “way-finding” system allowing the public to locate public restrooms throughout the downtown area including those operated by the County of San Diego and the Unified Port District.*

Response: The recommendation requires further analysis.

As stated in Finding 03, Civic San Diego and its predecessor, the Centre City Development Corporation, have worked with the Unified Port of San Diego and Caltrans on the Downtown Wayfinding Design Signage Upgrade. Public restroom signage could be incorporated into this program. Signage issues, including physical signage and web-based locators/apps, will be studied by the City within the next six months. There is currently no funding identified in Fiscal Year 2016 to install or maintain signage specifically for public restrooms.