



THE CITY OF SAN DIEGO

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## OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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Date Issued: July 22, 2015

IBA Report Number: 15-31

Public Safety & Livable Neighborhoods Meeting Date: July 29, 2015

Item Number: 6

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# Proposed Response to Grand Jury Report: "THE ONGOING NEED FOR DOWNTOWN PUBLIC RESTROOMS"

## OVERVIEW

On May 27, 2015 the San Diego County Grand Jury filed a report, directed to the San Diego City Council, entitled "THE ONGOING NEED FOR DOWNTOWN PUBLIC RESTROOMS." This Grand Jury report discusses issues concerning the lack of public restrooms in downtown San Diego.

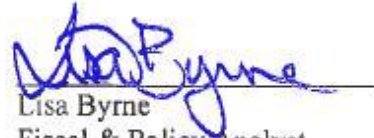
The Grand Jury Report included three findings and three recommendations. Per the Grand Jury report, the Mayor and Council are required to provide comments to the Presiding Judge of the San Diego Superior Court on each of the findings and recommendations within 90 days, on August 25, 2015. However, because the Public Safety & Livable Neighborhoods is planning to review this issue, the Council President's office has requested and received an extension for such responses to October 23, 2015.

In responding to each Grand Jury finding, the City is required to either (1) agree with the finding or (2) disagree wholly or partially with the finding. Responses to Grand Jury recommendations must indicate that the recommendation (1) has been implemented; (2) has not yet been implemented, but will be in the future; (3) requires further analysis; or (4) will not be implemented because it is not warranted or is not reasonable. Explanations for responses are requested when applicable.

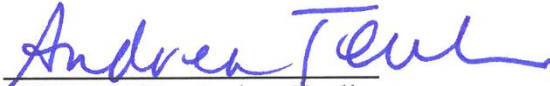
The IBA's Office worked collaboratively with City staff and the Mayor's Office to develop a proposed joint Council/Mayoral response to the Grand Jury's three findings and three recommendations (see Attachment 1). We request the Public Safety and Livable Neighborhood Committee provide feedback and forward this item to the full Council.



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Attachments:

1. Proposed City Council Response to San Diego County Grand Jury Report Entitled “THE ONGOING NEED FOR DOWNTOWN PUBLIC RESTROOMS”
2. San Diego County Grand Jury Report entitled “THE ONGOING NEED FOR DOWNTOWN PUBLIC RESTROOMS”

**Proposed 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 14<sup>th</sup> 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 14<sup>th</sup> 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 the Horton Plaza Park project, which is expected to be completed by the end of 2015, will include men’s, women’s, and family public restrooms. These restrooms will be maintained by Westfield for 25 years after the park is completed. However, the restrooms will likely 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.

# THE ONGOING NEED FOR DOWNTOWN PUBLIC RESTROOMS

## ***SUMMARY***

The 2014/2015 San Diego County Grand Jury conducted this study in response to a complaint concerning the lack of public restrooms in downtown San Diego. Availability and access to a public restroom can be a timely need for the general public, outdoor workers, tourists, visitors and the homeless.

In 2001 the East Village Redevelopment Advisory Committee reported a need for more public restrooms in the downtown area. The 2004/2005 San Diego County Grand Jury agreed.

In 2010 the Girls Think Tank (GTT), a group formed to help the homeless, urged the San Diego City Council to fund four “Portland Loos” for downtown. Only two of the four loos were in place by early 2015.

The City Council is aware of the need for more restrooms. However, there are no plans for additional public restrooms in the downtown area other than those under construction at Horton Plaza.

The Grand Jury recommends that the City Council and the Mayor develop and implement in a timely manner a plan to provide additional clean, safe accessible public restroom facilities throughout downtown San Diego including the East Village. The City Council should work closely with the County, the Port District, the Downtown Partnership, businesses and other stakeholder groups to establish a way-finding system to help in locating the nearest facility.

## ***INTRODUCTION***

The need for public restrooms in San Diego downtown and the East Village to meet the requirements of the general public, outside workers, tourists, visitors and the homeless has been an issue for more than decade.

Notwithstanding support from City Government, very little progress has been made to add additional facilities. As of 2015 only two single stall loos have been added in the downtown/East Village since the initial funding in 2010.

The Grand Jury reviewed demand, previous efforts, current progress and future plans for additional public restrooms in San Diego’s downtown and East Village.

The purpose of this investigation was to determine if additional public restrooms are needed in Downtown and East Village, the pros and cons of the recently installed loos and the City's plans for the future.

### ***PROCEDURE***

The Grand Jury interviewed:

- Elected San Diego City officials;
- Representatives of Civic San Diego;
- Senior City staff; and
- Several private civic organizations interested in this issue.

The Grand Jury reviewed:

- Previous Grand Jury Reports; and
- The Mayor's plans regarding housing for the homeless.

The Grand Jury visited two Loo facilities in East Village and a public facility adjacent to City Hall.

The Grand Jury also talked with private security patrolling the neighborhood where one of the loos is located and a business owner in the vicinity of a loo.

### ***DISCUSSION***

In 2001 the East Village Redevelopment Homeless Advisory Committee issued a report that concluded there were not adequate public restrooms in the East Village section of downtown San Diego.

The 2004/2005 San Diego County Grand Jury report included a study that recommended more public restrooms and cited the successful experience with self-contained units installed in San Francisco, CA. The Grand Jury's findings and recommendations were supported by a 2005 report prepared for Center City Development Corporation (CCDC) by the San Diego Partnership Clean & Safe Program.

In 2009 the GTT identified the first priorities for the homeless as public restrooms and availability of drinking water. It developed a plan and convinced the SD City Council in 2010 to fund four self-contained units called "Portland Loos. CCDC was assigned to purchase and install the units. When CCDC was disbanded in 2012, its successor, Civic San Diego was tasked to complete the project but with a reduced budget; only two units were purchased. Civic SD was unable to accomplish the task. The City turned the work over to the City of San Diego Engineering Department. The first loo was installed in November 2014 and the second in January 2015.

For more than a decade the City has been advised of the need for more public restroom facilities in the downtown area for the general public, tourists and the homeless. Since

2010 until the present only two self-contained units have been installed. The City Council has no current plans for additional restroom facilities in the downtown area. In July 2014 the U-T Tribune conducted a poll asking “Do you think San Diego’s downtown needs more public restrooms?” Eighty two [82] percent voted YES.

The Mayor’s office is currently supporting a program with other charity groups to provide more permanent housing for the homeless hopefully reducing the need for more public restrooms. While helpful this does not diminish the need for more public facilities in downtown San Diego.

Since the installation of the Portland Loos, city and police officials have been concerned about crime and maintenance issues. These problems could be eliminated by budgeting for and providing security guards, frequent cleaning and regular maintenance.

Purchasing and installation of the two Portland Loos at a cost of \$560,000<sup>1</sup>, was nearly double the initial cost estimates because the Portland units did not meet California Code electrical and seismic requirements. Additionally, the locations selected contributed to the high cost of installation.

Efforts to resolve the lack of public restrooms have been ongoing since 2001 and have not been solved for several different reasons including funding, advertisement ordinances, and lack of support from merchants. Concerns have also been expressed that additional facilities would attract even more homeless downtown.

There are eight city restroom facilities including the two loos and one under construction at Horton Plaza. The one at Civic Complex and the two loos are the only ones available twenty-four hours a day seven days a week. In comparison, San Francisco, with a slightly lower population, has twenty-five facilities which are open twenty-four hours a day.

Owners of condominiums downtown may find their property values diminished by the public’s (homeless) use of adjacent areas as public restrooms. There are also health, safety and environmental concerns.

Business owners in the downtown area think public restrooms are just for the homeless. The cost of public restrooms is also a matter of concern for many taxpayers.

Downtown’s existing public restrooms are managed by several organizations including the City, the Port District, the County, and private businesses.

The GTT has been working for nearly two years to get the City to install twenty-four hour access public restrooms as part of its basic dignity campaign for San Diego’s homeless.

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<sup>1</sup> [www.girlsthinktank.org](http://www.girlsthinktank.org)



## ***FACTS AND FINDINGS***

**Fact:** In 2001 the East Village Redevelopment Advisory Committee reported a need for more public restrooms in downtown San Diego.

**Fact:** The 2004/2005 Grand Jury identified in report titled “America’s Finest City is Not Always America’s Cleanest City” the need for more public restrooms downtown and cited the successful experience with self-contained units installed in San Francisco, CA.

**Fact:** In 2009 the Girls Think Tank identified the first priorities for the homeless as public restrooms and availability of drinking water.

**Fact:** In July 2014 the U-T Tribune conducted a poll asking “Do you think San Diego’s downtown needs more public restrooms?” Eighty two [82] percent voted YES.

**Finding 1:** There is a need for additional public restrooms in Downtown San Diego.

**Fact:** In 2010 the Girls Think Tank urged the City Council to fund 4 self-contained units for the downtown district.

**Fact:** After five years the City completed the installation of two Portland Loos in the East Village in early 2015.

**Fact:** The two recently installed Portland Loos are the only new downtown San Diego City public restrooms developed in the previous 10 years.

**Finding 2:** It takes too long for the City to install needed additional public restrooms.

**Fact:** There is a limited number of 24/7 restroom facilities in the downtown area.

**Fact:** Public restrooms in the City are not always considered clean and sanitary.

**Fact:** Public restrooms in the downtown area are difficult to find and not well marked.

**Finding 3:** Public restrooms in the downtown area are difficult to locate, are not available on a 24/7 basis and are often considered unsanitary.

## ***RECOMMENDATIONS***

**The 2014/2015 San Diego County Grand Jury recommends the Mayor of the City of San Diego and the San Diego City Council:**

**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.**

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

### ***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer,

both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Due Date</u></b>
<b>San Diego City Council</b>	<b>15-39 through 15-41</b>	<b>8/25/15</b>
<b>Mayor, City of San Diego</b>	<b>15-39 through 15-41</b>	<b>8/25/15</b>