



THE CITY OF SAN DIEGO

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SAN DIEGO  
COUNTY GRAND JURY

August 31, 2005

Honorable John S. Einhorn  
Presiding Judge, San Diego County Superior Court  
220 West Broadway, Presiding Department  
San Diego, CA 92101

Dear Judge Einhorn:

Subject: Response to San Diego County Grand Jury 2004-2005 Report entitled: "Automatic Public Toilets in the City of San Diego"

In compliance with California Penal Code §933(c), the City of San Diego has extensively reviewed this May 26, 2005 report from the San Diego County Grand Jury. Consistent with the requirements and instructions of California Penal Code §933(c), responses are enclosed for findings and recommendations to date.

The City values the efforts of the Grand Jury in researching issues related to the availability of public access toilets in downtown San Diego. We will conduct further analysis on the matter and present to you no later than November 26, 2005. We acknowledge that the report does not find any illegal action on behalf of the City.

Please contact me if you have any questions or require additional information.

Sincerely,

P. Lamont Ewell  
City Manager

PLE/JW/jw

Enclosure

cc: Honorable Mayor and City Council  
William L. Westlake, Foreperson, County of San Diego Grand Jury 2004 – 2005



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Office of the City Manager

202 C Street, MS 9A • San Diego, CA 92101-3869

Tel (619) 236-6363 Fax (619) 236-6067





## THE CITY OF SAN DIEGO

August 31, 2005

Honorable John S. Einhorn  
Presiding Judge, San Diego County Superior Court  
220 W. Broadway, Presiding Department  
San Diego, CA 92101

Subject: *Grand Jury Report entitled: "Automatic Public Toilets in the City of San Diego"*

This letter is in response to the subject Grand Jury Report released on May 26, 2005.

### **PURPOSE OF THE REPORT**

The Grand Jury's primary purpose, as stated in the Report, is to address the availability of public access toilets in downtown San Diego; to ascertain if there is a need for additional facilities, e.g. Automatic Public Toilets (APTs), and if so, where they might be located and how they could be financed.

### **RECOMMENDATION**

The Grand Jury recommends the San Diego City Council provides more public restrooms in the downtown area and grant a variance for neat, encased and discreet advertising both inside and outside APTs.

### **DISCUSSION**

In 1998, the Mayor and City Council authorized the Community Services Office to issue a Request for Proposals (RFP) to seek responses to provide automatic self-cleaning public toilets, at sites throughout the Centre City area, through the use of increased advertising income and/or to be acquired through outright purchase or lease option (R-290490). The project was postponed due to issues with the City's Sign Code Ordinance (Section 95.0101) and cost impact to the City.

Based upon the San Diego Grand Jury's recent recommendations to install automatic public toilets, the City Manager's Office will explore alternative funding opportunities including, but not limited to, tasteful recognition to acknowledge corporate marketing partners for contributing to the cost of the project (R-292719) and use of a special sign district.



### **Office of the City Manager**

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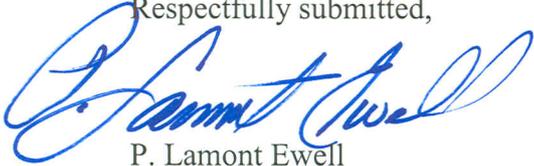
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RESPONSE TO GRAND JURY FINDINGS

(b)(3) This recommendation requires further analysis. The City Manager's Office is revisiting this issue and will respond back in a time frame which shall not exceed November 26, 2005.

Respectfully submitted,



P. Lamont Ewell  
City Manager

cc: Bruce Herring, Deputy City Manager  
Jana Doggett, Director of Development  
Judy Stone, Executive Assistant to the City Manager

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December 16, 2005

Honorable John S. Einhorn  
Presiding Judge  
San Diego County Superior Court  
Main Courthouse, Third Floor  
220 W. Broadway  
San Diego, CA 92101

Dear Judge Einhorn:

Subject: Grand Jury Report entitled: "Automatic Public Toilets in the City of San Diego"

Pursuant to California Penal Code Section 933.05(a), (b), and (c), the City of San Diego provides the following responses to the findings and recommendations in the above-entitled Grand Jury Report:

Finding 1: Additional public restroom facilities are needed.

**Agree.**

Finding 2: San Diego should create a special sign district and/or modify its sign ordinance to allow for vendor advertising.

**Please see response to Recommendation 05-24.**

Recommendation 05-23: Provide more public restrooms in the downtown area.

**Response: The recommendation will not be implemented at this time due to the financial challenges of the City. The City does not have the resources to execute a project of this magnitude.**

**An automatic public toilet can cost up to \$250,000 for procurement and installation. In addition, operating costs are estimated at \$65,000 on an annual basis.**

**The City's Corporate Sponsorship Office conducted research on the level of interest among corporate community leaders to help fund the automatic public toilet project. Corporations interested in spending these types of dollars with the City are not keen on the idea of associating their brand identity with toilets.**



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**If the resources are available in the future, the City will revisit the idea to invest in additional public restrooms in the downtown area.**

**Currently, the City operates two 24-hour outdoor public toilets in the downtown area. Additional public restroom facilities are open until nine in the evening, and homeless shelters, which are open throughout the day, offer restrooms and showers.**

**In addition, the City established Council Policy 800-07, entitled “Public Restroom Facilities”, which requires specified City facilities to have public restroom facilities and encourages other public and private entities to provide such facilities to help meet the need for public restrooms.**

Recommendation 05-24: Grant a variance for neat, encased and discreet advertising both inside and outside APTs.

**Response: The recommendation will not be implemented at this time because advertising in the public-right-of-way is in direct conflict with the City’s Sign Code Ordinance (Section 95.0101). In order to create a special sign district, there must be an amendment to the Municipal Code. The decision process for establishing a special sign district is through a public hearing, recommendation by the Planning Commission, and an action by the City Council.**

Thank you for your extensive research on the availability of public access toilets in downtown San Diego. Please contact Jenny Wolff at (619) 533-3484 if you have additional questions.

Sincerely,



Ronne Froman  
City Manager

cc: San Diego County Grand Jury  
Honorable Mayor and City Council  
Richard Hass, Deputy Chief  
Lisa Irvine, Deputy City Manager  
Jennifer Wolff, Assistant Director of Development  
Donna Cottingham, Citizens Assistance Manager  
Elizabeth Maland, City Clerk