

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 6/03/2015

ORIGINATING DEPARTMENT: City Council District 9

SUBJECT: Consideration of the Status of the Existing Portland Loo (Public Restroom) Located at 14<sup>th</sup> Street and L Street, and Request for Recommendation.

COUNCIL DISTRICTS: City Council District 3

CONTACT/PHONE NUMBER: Tim Taylor (619) 236-66

REQUESTED ACTION: Committee decision to either retain the existing Portland Loo where it is currently located or remove and relocate the restroom to another suitable location

COUNCILMEMBER EMERALD'S RECOMMENDATION: Provide direction on the future of the subject Portland Loo. Should a decision be made to relocate the loo, select a location that would continue to serve the downtown area.

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

The Mayor proposed and the Council approved the funding of two Portland Loos in June, 2013. Portland Loos are public restrooms that are pre-fabricated, solar powered, placed on a foundation, with flushing toilets and running water. The loos are made of heavy stainless steel covered with a graffiti-resistant coating, wheelchair-accessible. Slits at the bottom allow for passersby, including law enforcement, to detect if it is occupied by more than one person.

The loos were installed at the urging of homeless advocates like the Girls' Think Tank, with the support of Councilmember Emerald. The loos are seen as a cost effective way to provide persons living in or visiting downtown San Diego with clean restrooms. They are expected to reduce human waste on public and private property. The San Diego County Grand Jury report released a report on May 27, 2015 calling on the City to install more public restrooms downtown.

The loos are located downtown, one on an undeveloped property at Park Boulevard and Market Street, and the other in a parking lot near 14<sup>th</sup> Street and L Street.

After installation of the loo at 14<sup>th</sup> and L on December 3, 2014, a number of problems were reported. There has been vandalism, and reports of criminal activities. The City budget for maintenance of the loo has been exhausted. A report on the total expenses to date is in progress and will be furnished to the PS&LN Committee separately. Few issues have been reported with regard to the loo at Park and Market.

Advocates for keeping the subject loo in the current location point to similar problems with the initial installation of such facilities in other cities. They say that these problems lessened significantly with time.

City staff is requesting a determination from the Committee (and City Council) on whether to retain the loo at 14<sup>th</sup> and L. Retaining the loo is likely to require the dedication of additional funds for maintenance and security. An estimated budget is in an attached report. Should a decision be made to remove the loo, the Council may need to decide on an appropriate location, and funds may need to be dedicated to that effort. It is anticipated that City staff will be reporting to PS&LN on the potential for the loo to be moved to a location that would provide an equivalent level of service to the homeless population.

**FISCAL CONSIDERATIONS:** Retaining the Portland Loo in the existing site will require funding for security, maintenance, and water (cost estimates are in an attached report). Relocating the restroom to another site will require an unknown expenditure, depending upon the location and other details.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION:** N/A

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** The Mayor proposed and the Council approved the funding of two Portland Loos in June, 2013.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**  
N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** Residents, visitors and businesses in the downtown (East Village) area, along with advocates for homeless services.



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 2, 2015

TO: Council President Pro Tem Marti Emerald and Members of the Public Safety and Livable Neighborhoods Committee

FROM: Stacey LoMedico, Assistant Chief Operating Officer

SUBJECT: Downtown Portable Restrooms – Portland Loos

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The purpose of this memorandum is to provide you with an overview of the Portland Loos operations since they were installed in November 2014 and January 2015.

**BACKGROUND:**

The Portland Loos were originally approved by the Centre Civic Development Corporation (CCDC) in January 2011. After funding was identified in FY13 the Portland Loos were installed this fiscal year.

At the time it was envisioned the janitorial costs for the two portable restrooms would be funded by an existing \$50,000 contract as well as funding from an agreement with the landowner adjacent to the Portland Loo located at Park and Market.

**CURRENT OPERATIONS:**

The first Portland Loo was installed at 14<sup>th</sup> and L Street in December 2014. Shortly thereafter in January 2015 the second Portland Loo was installed at Park and Market.

Both locations drew significant complaints by the residents and businesses as well as increased calls to the San Diego Police Department. While these complaints and issues have reduced in number there are still complaints regarding violence, loitering, urination and defecation in the public right-of-way. In addition, there has been repeated vandalism to the structures themselves, including broken doors/locks, dispensers and the stealing of paper products.

Earlier this calendar year City staff began to assess the funds and cost associated for the Portland Loo operations at the current service level, as well as an enhanced level than what was anticipated in 2011. Staff also looked into the possibility of moving the Portland Loo located at

Council President Pro Tem Marti Emerald and Members of the Public Safety and Livable Neighborhoods Committee  
June 2, 2015

14<sup>th</sup> and L Street. Moving and re-installing it to another location, depending upon the location and utilities, could cost upwards of \$200,000.

As mentioned previously, there is \$50,000 allocated for the cleaning of the Portland Loo at 14<sup>th</sup> and L as well as four existing porta-potties. Civic San Diego has confirmed there will be no agreement with the property owner at the Park and Market site as anticipated and funding will need to be secured for the long term cleaning of the second Portland Loo. The Environmental Services Department is currently using existing contract to manage those cleanings through June 30, 2015; on July 1, 2015 Park and Recreation will assume responsibility for the restrooms and fund the cleaning, via this allocated funding.

The budgeted \$50,000 is not enough to provide for adequate operations of the two portable restrooms and four porta-potties based upon the current use.

Required funds to maintain the Portland Loos on an annual basis depends upon the level of maintenance. Below are estimates for Council's consideration.

Janitorial Cleaning Contracts:

Estimated: \$185,000 annually for 3x a day at the 14<sup>th</sup> and L location; 2x a day for the Park and Market location. This includes servicing 4 porta-potties currently in place (\$185,000).

*This is an estimate by staff as formal bids for the services have not been formally received. Two of the companies solicited for bids have indicated they will not bid to provide the service.*

Service Attendant:

12hrs per day: Estimated at \$37,000 / 24hrs per day: Estimated at \$73,000 (\$37,000 - \$73,000).

*The estimate is based on the existing contract for attended restrooms at 202 C Street. The cost listed is for the attendant only. It is unknown if the current contractor would choose to bid on an attendant only cost or what the specific cost would be for an attendant given the vastly different working conditions for the attendant at the restrooms at 202 C street and the Gaslamp Square location (behind the Tin Fish restaurant).*

Vandalism Repairs:

\$30,000 Total

Security Services:

Per Portland Loo – Unarmed 12hrs a day \$84,000 / 24hrs \$167,000 / Armed 12hrs per day \$110k / 24hrs \$219,000 (\$168,000 - \$438,000).

Water Costs:

\$35,000 Total

In February 18, 2015 the Girls Think Tank (GTT) sent a letter to the City expressing their support of the Portland Loos and a request the City doesn't close them, but rather find other potential locations. To date, there has been no other formal correspondence by this organization.

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Council President Pro Tem Marti Emerald and Members of the Public Safety and Livable  
Neighborhoods Committee

June 2, 2015



Stacey LoMedico

- Attachments:
1. Status Report on Downtown Restrooms – Portland Loos Project Memorandum, dated August 1, 2014
  2. Status Report on Downtown Restrooms – Portland Loos Project Memorandum, dated September 30, 2014

cc:

- Stephen Puetz, Chief of Staff, Office of the Mayor
- Scott Chadwick, Chief Operating Officer
- Andrea Tevlin, Independent Budget Analyst
- David Graham, Deputy Chief Operating Officer, Neighborhood Services
- Jaymie Bradford, Chief of Staff/Chief of Policy, Office of the Mayor
- James Nagelvoort, Director, Public Works Department
- Herman Parker, Director, Park and Recreation Department
- Reese Jarrett, Civic San Diego
- Angela Colton, Interim Deputy Director, Public Works Department
- Katherine Johnston, Director of Infrastructure and Budget Policy, Office of the Mayor
- Brian Pepin, Director of Council Affairs, Office of the Mayor



## THE CITY OF SAN DIEGO

## M E M O R A N D U M

DATE: August 1, 2014

TO: Honorable Council President Todd Gloria and Members of the City Council

FROM: Tony Heinrichs, Deputy Chief Operating Officer, Infrastructure/Public Works

SUBJECT: Status Report on Downtown Restrooms – Portland Loos Project

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The purpose of this memorandum is to provide a status report on the efforts to install two public Portland Loo restroom facilities in downtown San Diego.

**BACKGROUND:**

This project began in March 2013, when the Fiscal Year 2013 budget was amended to allow for the purchase and installation of two downtown public restrooms (Portland Loos) in the East Village area. On March 11, 2013, the City Council authorized the Chief Financial Officer to amend the Fiscal Year 2013 Budget to include a funding advance to Civic San Diego and expenditure appropriation of up to \$400,000 to purchase and install the two Portland Loo facilities. Subsequently, Civic San Diego entered into a purchase contract with the City of Portland, Oregon to provide two Portland Loo restroom facilities. Civic San Diego contracted with a local San Diego engineering consulting firm, Nasland Engineering, to prepare plans and specifications for the installation of the two facilities in the City of San Diego right-of-way. One restroom was to be located at 14<sup>th</sup> and L Streets, and the second near the intersection of Market Street and Park Avenue.

In early April 2014, City staff were advised that Civic San Diego does not have the legal authority to install the facilities within Civic San Diego's contractual arrangement with the City of San Diego. The project was officially transferred to the City Public Works Department to complete the project as originally directed by City Council in 2013.

**CURRENT SITUATION:**

At this time, the construction plans for the Portland Loo facilities have not yet been completed. During the development of the construction plans, City Public Works staff found that the facilities are not permitted to be installed within the State of California. Prefabricated facilities

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August 1, 2014

are required to be permitted by the State of California or a local agency to verify that they are in compliance with the California Building Code.

Public Works staff engaged Civic San Diego, who has the contract with the City of Portland, to work with the City of Portland to complete the necessary steps to receive the required permitting approval by the State of California. After a lack of progress in completing the necessary steps, a conference call with all the parties was held on June 18, 2014, and it was agreed that the City of Portland would secure the necessary approvals from the state by June 30. The deadline passed without any communication from the City of Portland.

After the missed deadline the City Engineer and City's Development Services staff agreed that the City would be the local authority to permit the Portland Loo facilities. In order to perform this duty 100% completed construction plans with a current professional engineer's stamp (licensed in the State of California) needs to be submitted for review and approval.

On July 21, Civic San Diego's attorney sent the City of Portland another edict with a deadline of July 25 to produce the documents. As of the date of this writing, City staff has not yet received either a state permitted set of construction plans or a set of stamped construction plans to be reviewed by the City Engineer and Development Services.

#### **RECOMMENDATION:**

Due to the lack of urgency or commitment from the City of Portland to comply with repeated requests to provide required documents, last week City staff told Civic San Diego they would need to proceed with another fabricated unit and not proceed with the construction of the Portland Loo facilities. This alternative plan would provide restroom installation between February and April 2015.

However, after that direction, Civic San Diego staff secured written confirmation by the City of Portland that they would provide the drawings to Civic San Diego by mid-August 2014. If the plans are secured by this date, and no significant issues are identified through the City's plan review process, Public Works staff has indicated that the Portland Loos can be installed by January 2015. Public Works staff will continue to research different restroom products in the event an alternative plan is required. However, due to the fact that Civic San Diego has contracted with the City of Portland and that the timeline is shorter than using an alternative restroom product, City staff will wait until mid-August to receive the drawings. If no significant issues develop through plan review, City staff will proceed with the City Council's original intent to install the Portland Loos.

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Another status update on this project will be provided by early September. Any questions about this project can be directed to James Nagelvoort, Public Works Director at 619-533-5100.



Tony Heinrichs  
Deputy Chief Operating Officer, Infrastructure/Public Works

TH/sc

cc: Honorable Mayor Kevin L. Faulconer  
Stephen Puetz, Chief of Staff, Office of the Mayor  
Scott Chadwick, Chief Operating Officer  
Stacey LoMedico, Assistant Chief Operating Officer  
David Graham, Deputy Chief Operating Officer, Neighborhood Services  
Ron Villa, Deputy Chief Operating Officer, Internal Operations  
James Nagelvoort, Director, Public Works Department  
Bill Fulton, Director, Planning Department  
Kevin Reisch, Deputy City Attorney, Office of the City Attorney  
Thomas Zeleny, Deputy City Attorney, Office of the City Attorney  
Andrew Phillips, Chief Financial Officer/Chief Operating Officer, Civic San Diego



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: September 30, 2014

TO: Honorable Council President Todd Gloria and Members of the City Council

FROM: Tony Heinrichs, Deputy Chief Operating Officer, Public Works/Infrastructure

SUBJECT: Status Report on Downtown Restrooms – Portland Loos Project

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The purpose of this memorandum is to update the City Council on the efforts to install two public Portland Loo restroom facilities in downtown San Diego.

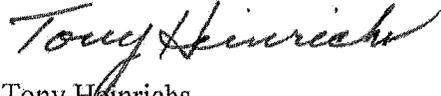
Since the August 1, 2014 memo staff has made significant progress. On August 28, 2014, Development Services Department (DSD) staff received the required stamped engineering drawings from the City of Portland's engineering consultant, Brown and Caldwell, DSD and Public Works staff worked diligently with the Portland Loos fabricator, and Brown and Caldwell, to obtain confirmation that the physical fabrication of the Loos conforms to the California Building Code in all areas identified in the plan review comments. Staff reported last week that the project will conform to the applicable building and accessibility codes per information and documentation received from the Portland Loos fabricator. City staff will work with Civic San Diego staff to finalize the plans post-construction to incorporate all of the plan review comments and any construction changes. Civic San Diego staff will be advised to withhold a portion of the Portland Loos payment in the event that physical inspection of the Portland Loos uncovers any code conformance issues. Public Works staff has notified Civic San Diego staff that the Portland Loos may now be shipped to San Diego.

With the assumption that Civic San Diego receives the Portland Loos in mid-October 2014, construction will commence with an estimated completion date of January 2015. Construction activities include the installation of water and sewer lines, concrete foundations and curb ramps. The Portland Loos will be set in place with the assistance of a construction crane.

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September 30, 2014

We are looking forward to the successful installation of the Portland Loos and will be coordinating a ribbon cutting ceremony.



Tony Heinrichs  
Deputy Chief Operating Officer, Infrastructure/Public Works

TH/sl

cc: Honorable Mayor Kevin L. Faulconer  
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