

ANZSOG CASE PROGRAM

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The Very Expensive Toilet

An ANZSOG Teaching Case & Epilogue by Marinella Padula

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Abstract

Set in the bayside city of San Francisco, The Very Expensive Public Toilet [link] shows how the quest to build a simple restroom in a popular local meeting place became much more complicated, political and famous than the City would have liked. In late 2022 the California state government awards a \$1.7 million grant to the City of San Francisco to construct a long-awaited public toilet in the Noe Valley Town Square. In a city short on public toilets and dealing with a public defecation 'epidemic', every extra restroom counts.

What would normally have been an ephemeral piece of local news becomes an international embarrassment when a San Francisco Chronicle columnist picks up the story and questions why a single toilet should take two years and cost as much as a house to complete.

This case outlines the political fallout from the Very Expensive Toilet, including the California Government withdrawing the grant, as well as the bureaucratic hurdles and cost pressures that are placed on essential public infrastructure projects. It shows how even simple-sounding projects can touch on issues of public value, budgeting, waste, transparency, homelessness, public health, inequality and civil rights.

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The Very Expensive Toilet

Pause for celebration

It had been a long wait. The Noe Valley Town Square in central San Francisco opened in 2016 but minus the public toilet in its original site plans due to a funding shortfall. Finally in October 2022, after years of community-led lobbying, California state Assemblymember Matt Haney secured a US\$1.7million grant for its construction. A small neighbourhood plaza in an upscale suburb, the Town Square was popular for local events, such as the regular Farmers' Market, and lack of a permanent toilet was an ongoing issue (Exhibit A). Haney and city representatives were set to announce the project at an official function in the Town Square on October 19 – that was until Heather Knight's San Francisco Chronicle column went live.

Titled "S.F. is spending \$1.7 million on one public toilet: 'What are they making it out of — gold?'" she questioned why the approximately 150sqft (14m²) structure required a budget roughly equivalent to the cost of constructing a family home in San Francisco (Knight, 2022b). Even allowing for the city's high (and rising) building costs, Knight was skeptical of the US\$1.7 million price tag. So were the construction experts she consulted. Especially when the site already had plumbing and other US cities such as Los Angeles had managed to find cheaper alternatives.¹ She also noted that the restroom was still some time away – the project would first have to traverse multiple approval and review processes before its expected completion in 2025 (Knight, 2022b).

When contacted for comment, Haney explained that he simply requested the amount advised by San Francisco's Recreation and Parks Department, 'They told me \$1.7 million, and I got \$1.7 million,' he said, 'I didn't have the option of bringing home less of the bacon when it comes to building a toilet. A half a toilet or a toilet-maybe-someday is not much use to anyone,' (Knight, 2022b).

The reaction to Knight's piece was swift and excoriating, especially on social media. Within hours the future toilet had its own parody Twitter account and Haney had cancelled his Noe Valley event. Instead, he requested a more detailed cost breakdown from SF Recreation and Parks Director Phil Ginsburg, 'The cost is insane. The process is insane. The amount of time it takes is insane...Explain it and make changes,' (Knight, 2022a).

To begin with, the SF Recreation and Parks department noted that the project was still in its early stages and, 'In the end, the project may well be delivered for far less, with leftover funding put toward further improvements or maintenance. We estimate high — not because we want to spend more money, but because we want to ensure we can deliver projects to communities even if we are hit with unexpected costs,' (Solis, 2022).

For Knight, the situation was characteristically San Francisco. She pointed to other city projects – commissioning new trash cans, removing parking spaces in front of bus stops – moving at a glacial pace. Regarding the former, in 2018, the Department of Public Works began a \$550,000, 4-year project to design, test and select the most aesthetically appealing and functional waste bins from a field including three custom-made prototypes (Burn, 2022). 'The commode kerfuffle is just one recent example of a city bureaucracy so overly complicated and enamored of process that nothing seems to get done,' Knight wrote (Knight, 2022a).

San Francisco's Big Stink

More public toilets were sorely needed. When San Francisco Mayor London Breed was elected in 2018, she observed that, 'There is more feces on the sidewalks than I've ever seen growing up here,' (Robinson, 2018). Articles

¹ In 2019, the Los Angeles Recreation and Parks Department obtained a two-stall, automated modular toilet unit for \$182,000 (McNary, 2019).

and reports regularly deplored the state of San Francisco's streets, (Raphelson, 2018; Gilbert, 2019; Rezal, 2022). One NBC led survey of 153 downtown city blocks found piles of feces on 91 of them (Robinson, 2018).

Dr. Lee Riley, an infectious disease expert at the University of California, Berkeley, compared the situation on San Francisco's streets to some of the poorest settlements in the developing world – unfavourably: 'The contamination [in parts of San Francisco] is much greater than communities in Brazil or Kenya or India,' said Riley, who warned that dried feces could release airborne pathogens (Raphelson, 2018).

Although it was hard to know the full extent of the problem, the consensus was that the situation had worsened over the last decade. The data seemed to tell a similar story (Baustin, 2022). Despite some peaks and troughs, reports specifically concerning needles and suspected human waste went from under 500 per month in 2009 to over 1500 in 2018 (Exhibit B). By 2019, callouts for biological waste averaged 65 per day (Matier, 2019), representing more than 18% of total cleanup requests (San Francisco Public Works, n.d.-c).² Reports tended to be concentrated in the city's main commercial and entertainment districts (Rezal, 2022).

The costs of cleanup were also escalating. San Francisco's street cleaning budget was US\$32 million in 2013-2014 (Matier, 2019). For the 2023-2024 financial year, the city had allocated close to US\$100 million (San Francisco Public Works, 2022).³ In 2018, Public Works Director Mohammed Nuru estimated that half of his annual street cleaning budget was spent removing feces and needles (Shaban, Campos, Rutanooshedech, & Horn, 2018). Just a single pile of human waste took at least 30 minutes to clean, he said, 'The steamer has to come. He has to park the steamer. He's got to come out with his steamer, disinfect, steam clean, roll up and go,' (Shaban, Campos, Rutanooshedech, & Horn, 2018). In 2018, the city launched a US\$830k Poop Patrol unit of five workers who proactively monitored and cleaned the downtown Tenderloin district – a defecation hotspot (Bendix, 2018).

Dodging biohazards and dealing with the sensory assault was now just part of daily life for many San Franciscan workers and residents, including children on their way to school (Shaban et al, 2018). Visitors also had to navigate unsightly scenes around some of the city's favourite destinations. The retail, hospitality and tourism industries were especially concerned about the impact. At least one conference organiser had decided against holding future events in the city due to 'dirty streets' and the 'unsafe' atmosphere (Shaban, Campos, Horn, & Villarreal, 2018).

City officials attributed much of the problem to the city's sizeable homeless population. San Francisco's 870,000 residents included approximately 7,500 unhoused people who often lacked easy access to public toilets, especially at night (Robinson, 2018). They were also frequently discouraged from using commercially owned alternatives. In 2020, COVID-19 saw San Francisco increase homeless shelter places, as well as the number of portable toilets, although this was only a temporary measure.

Since affordable, long-term housing was scarce, and income inequality particularly acute, San Francisco was unlikely to fix the homelessness crisis anytime soon. As Coalition on Homelessness Director Jennifer Friedenbach remarked, 'Every homeless person would prefer to have a dignified place to use a restroom and they simply can't [sic]. The solution is easy: We just need more restrooms,' (Watts, 2017).⁴

The Public Toilet Deficit

Despite their great success in improving hygiene and amenity in the 1800s, public toilets' hero status waned from the 1950s. Plumbing had moved into more private spaces while medical advances had reduced the risk of epidemics. Public toilets concurrently became less associated with public health than public vice – sex, drugs, vandalism (Brinklow, 2022). In cities around the world, flagging interest, coupled with under-investment, led to a per capita decline in public restrooms and a growing reliance on facilities provided by businesses – a gradual 'privatization' of elimination.

Hopes that the COVID-19 pandemic would herald a public toilet revival in San Francisco, given the renewed focus on hygiene, weren't exactly realised. Public facilities in some areas were shuttered over infection concerns and

² Changes making it easier to lodge complaints with San Francisco's Public Works Department 311 reporting system could account for some increases.

³ This represented approximately 22% of the SFPW's annual budget.

⁴ The United Nations sanitation standard for people living in refugee camps was at least 1 toilet per 20 persons in long-term situations or 1 per 50 persons in emergency settings (UNHCR, 2023).

budgetary pressures but not reopened. In other areas, extra toilets were installed, only to be removed after the pandemic peak. Meanwhile, many businesses with restrooms limited access to staff only (Simmons, 2020). While dirty streets ate into the city budget, there were also hidden costs to the toilet deficit. Businesses and residents often had to bear the expense and effort of clean-ups. Workers such as delivery drivers were sometimes forced to relieve themselves on the road – quite literally. Meanwhile, many people relied on public toilets to go about their activities. Age, disability, illness, pregnancy, menstruation and caregiving duties were just some of the reasons. Feminist theologian Judith Plaskow argued that ‘access to toilets is a prerequisite for full public participation and citizenship,’ (Cheung, 2019). Environmental Health Sciences Professor Jay Graham took a similar view: ‘We need to recognize that human waste happens, and that sanitation is a cornerstone to not just health but also dignity,’ (Oliver, 2022).

Perhaps surprisingly, the city was still one of the best equipped in terms of public toilets. With an estimated 228 public restrooms, or 26 per 100k people, San Francisco far exceeded the national average of roughly 8 per 100k (QS Supplies, 2021). However, it trailed behind many cities in the developed world, as well as the UN recommended minimum of 50 toilets per 100k people (@tilpa, 2021; Brinklow, 2022). The situation frustrated San Francisco writer Adam Brinklow: ‘100 percent of people have to use one at some point; a shortage should not be possible in a modern city with ample resources,’ (Brinklow, 2022).

Nobody’s problem

San Francisco Public Works (SFPW), San Francisco Recreation and Parks, MUNI Metro (Municipal Transport Agency), and the San Francisco Public Library network were the main departments involved in providing and maintaining public amenities but there was no coordination between them. Nor was there an official register of public toilets in San Francisco and what condition they were in (Brinklow, 2022). The best information came from private sector apps which included both city-owned and privately owned facilities.

‘I know of no other large, multi-agency jurisdiction with a single restroom authority,’ observed SFPW spokesperson Rachel Gordon (Brinklow, 2022). Meanwhile, John Goodwin, spokesperson for the Association of Bay Area Governments remarked that, ‘You know it’s truly an underserved issue when even a regional government agency has not established a committee, a task force, or a staff-level working group to conduct a study,’ (Brinklow, 2022).

Although departments acted independently when it came to existing facilities, building new public toilets involved input from multiple city authorities. The trouble, according to former San Francisco planner Kanishka Cheng, was that: ‘No one’s in charge. Nobody’s coordinating with each other,’ Cheng said. ‘Nobody’s seeing the priority as delivering the project quickly, efficiently, under budget and on time,’ (Knight, 2022a).

Spaceships and pit-stops

In the attempt to increase toilet access and improve general amenity, San Francisco’s Department of Works (SFPW) partnered with outdoor advertising multi-national JCDecaux in 1996. The company provided 25 public toilets in popular locations which they installed and maintained in exchange for the bulk of advertising revenue from the restrooms and information/news kiosks at sites around the city.⁵

Though much needed, the art-nouveau style, self-cleaning toilets still required regular manual cleaning, were prone to malfunction and were often unpleasant to use (Exhibit C). That was when they hadn’t been repurposed by sex workers, drug dealers or homeless people (Frazier, 2011). In 2018, the city finalized plans for their replacement with JCDecaux, choosing sleek, spaceship-like pods that promised to be more user-friendly and environmentally sustainable (Exhibit D). The first new toilet was set to launch in November 2022.⁶

More popular was SFPW’s Pit Stop Program which provided public toilets at 31 city locations (Exhibit E). Using either portables or fixed sites, the pitstops also offered needle and animal waste disposal. Paid attendants ensured that the bathrooms were kept clean, equipped and functional, while also deterring antisocial activity. Most Pit Stops were staffed from the morning to mid-evening; approximately 1/3 were open 24 hours. The annual cost of operating the

⁵ The contract with JCDecaux had been strongly criticized for only giving the city a ~6-7% ad revenue share, well below the percentage from similar deals with other companies (Eskanazi, 2019).

⁶ Unfortunately, the new toilet broke down after 3 days in operation (Kukura, 2022).

program in 2021 was US\$12.9 million (Brousseau and Lindeblad-Fry, 2021), however in 2022 JCDecaux began contributing \$2.2 million to staff 11 of their automatic toilets as part of the city's program (Burn, 2022).

Research on the impact of the Pit Stop Program (first trialed in 2014) was inconclusive. A 2022 University of California (Berkley) study found a statistically significant drop in cleanup requests after additional toilets were installed in the Tenderloin area only⁷ – from an average 68 requests per week down to 50 (Amato, Martin, Hoover, & Graham, 2022). Another analysis conducted for the San Francisco Board of Supervisors in 2021 concluded that the true effect of the Pit Stop Program was hard to gauge due to a variety of factors. However, the authors suggested it was slowing the growth of clean-up requests in surrounding areas (Brousseau and Lindeblad-Fry, 2021, p.11).

Recreation and Parks: the rebuttal

In a lengthy letter to Assemblymember Haney, SF Recreation and Parks General Manager Phil Ginsburg explained the toilet's \$1.7 million quote. It was, he said, a rough estimate provided to the Noe Valley community, based upon similar projects in McLaren Park (US\$1.6 million) and Alamo Square (US\$1.7 million) in recent years (Exhibit F). Ginsburg provided two, more detailed, cost breakdowns for the Noe Valley toilet: one using a customized prefabricated building and the other for a customized site-built option (Exhibit G). These costs, however, were provisional and would be reviewed closer to construction by an independent estimator.

'As you will see, the process is indeed long and expensive,' Ginsburg acknowledged, 'It is also the result of many years of political choices and exacerbated by skyrocketing costs. Both are beyond the Recreation and Park Department's control, and we share the public's frustration,' he wrote (Ginsburg, 2022). Although construction costs in San Francisco were already amongst the USA's highest, Ginsburg noted that since the pandemic, expenditure on materials and labour was up on average by more than 23%. At Recreation and Parks, project costs had risen by at least 20% and in some cases by as much as 30-50% (Ginsburg, 2022). The California State Parks department had recently requested a one-off funding boost of \$14.6 million to complete existing projects. Meanwhile, the cost of building a single toilet block in New York was now roughly \$3-5million (Ginsburg, 2022).

'It should be noted,' he continued, 'that all our projects follow all the applicable codes, standards and processes regulating design, contracting, construction, prevailing wages, public bidding and required project approvals,' as laid out by local, state and federal authorities (Ginsburg, 2022). Ginsburg pointed out that the project needed cooperation or approval from six different city agencies, specifically: San Francisco Department of Public Works, Department of Building Inspection, San Francisco Arts Commission, Mayor's Office on Disability, San Francisco Public Utilities Commission and San Francisco Planning (Exhibit G).

Given their experience with comparable builds, Ginsburg estimated that the planning and design phase which included site analysis, community consultation and a civic design review would take 3-6 months. From there, the bidding and contract approval process would take 6 months. Finally, the construction phase would likely be a further 4-6 months, depending on the availability of materials and labour, as well as weather conditions (Ginsburg, 2022). 'Public restrooms are more than just "toilets"', Ginsburg reminded Haney, a former SF City Supervisor (Councillor) (Ginsburg, 2022). As buildings, they required preparatory site work and subsurface infrastructure such as concrete slabs. They also required numerous additional features like accessible walkways, landings, railings and outdoor lighting so as to be compliant with city and state regulations. Moreover, public restrooms were expected to have a 50-year service-life, thus had to be built with durable materials that could withstand heavy use.

Due to building code changes, Ginsburg wasn't certain if they could use prefabricated or modular structures to help lower costs. Labour agreements meant that city projects valued in excess of US\$1 million were generally obliged to use union workers.⁸ All workers also had to be paid the prevailing wage as set by California's Department of Industrial Relations. Building and construction unions, meanwhile, were usually opposed to modular structures over concerns about product quality and loss of job opportunities for local members. There were also potential issues with the electricity company, which could require extra work on the site.

⁷ The Tenderloin area and surrounds had San Francisco's largest unhoused population and highest number of open defecation reports (Amato et al, 2022).

⁸ This applied to projects funded wholly or in part by general obligation bonds or revenue bonds.

Further complications stemmed from the Board of Supervisors⁹ 2016 decision to prohibit the City of San Francisco from doing business with companies across 30 states. These were states that had passed legislation restricting LGBTQI+, reproductive and voting rights, contrary to the City's values. However, observed Ginsburg, this requirement (called the Chapter 12x law) restricted their options for sourcing materials and providers. Although it was difficult to determine the impact of Chapter 12x on city costs, research suggested that full and open competition for contracts could yield savings of up to 20% (Eskenazi, 2022a).

Recreation and Parks could not control the broad economic factors pushing up project costs such as inflation, stressed Ginsburg. However, he argued that the regulatory burden could be lightened. 'As an elected official,' Ginsburg wrote, 'I hope you will advocate for policy changes at the state and local level to make it easier to move small projects like this one in a more timely and cost-efficient manner,' (Ginsburg, 2022).

The toilet goes viral

Recreation and Parks' attempt to defend their figures failed to contain the controversy. To the contrary, the story was picked up by news outlets around the country and as far afield as Northern Ireland. The reports, usually with potty-themed headlines, added to a broader narrative about San Francisco as a progressive city mired in bureaucracy and performative do-goodery at the expense of actual progress. This was at odds with the city's ambitious goals, which included building 82,000 housing units to ameliorate San Francisco's housing shortage and affordability crisis (Knight, 2023). Struggling to build a singular lavatory didn't bode well.

Locally, attention turned to costings and processes: Why does a toilet need a Civic Design Review to assess its aesthetic merits? Or require \$150,00-\$175,000 in project management fees? (Exhibit G). LaVonda Atkinson, a former cost engineer with public infrastructure experience, described the budget as 'insane', 'They are not designing something that hasn't existed before,' she said, 'It's a bathroom. That should make the costs less [sic]. The biggest question I have is [about] these architecture and engineering fees. Most of what they should be doing [is] purchasing commercial, off-the-shelf items,' (Eskenazi, 2022b). In her estimation, soft costs such as design fees, management and insurance shouldn't generally exceed 20% of the total budget (Eskenazi, 2022b).

Columnist Heather Knight consulted several architects and engineers to examine the Noe Valley costings, as well as those for recent projects in Alamo Square and McLaren Park. Nobody could make sense of them. One commented that the budgets appeared to contain numerous 'markups', including essentially two project managers to oversee the building of the Noe Valley toilet on the equivalent of full-time salaries (Knight, 2022)(Exhibit G). He also found the similarity between the costings for each project to be suspicious, '...this is very simple city budgeting, and if something's been approved at this price before, it's likely to get approved again,' (Knight, 2022d).

City Supervisor Myrna Melgar, and former president of the planning commission, also had concerns about the costing process, especially the role of Public Works. The Department had a team of over 283 in-house architects and engineers¹⁰ which charged other city departments per project and was paid using bond or grant money, rather than from the general fund (Knight, 2022e). Some departments were obliged to offer projects to Public Works first. Others, like Recreation and Parks could choose to put jobs out for tender. Melgar wondered whether, as a first-option provider on many projects, Public Works' had inflated costs (Knight, 2022e). The recent jailing of Public Works Director Mohammed Nuru for a long-running bribes and kickbacks scheme had also cast the Department in a suspicious light (CBS News, 2022).

In response, San Francisco Public Works spokesperson, Rachel Gordon, claimed that the department had never been consulted on the Noe Valley toilet costings and argued that the projects Recreation and Parks based their estimates on were more complex. She also noted that SFPW's in-house services were not-for-profit and competitively priced compared to private sector firms. In addition, said Gordon, their architects and engineers knew the minutiae of city regulations and had experience with many similar projects (Knight, 2022e).

A bathroom stalled

Two days after Knight's original San Francisco Chronicle piece, California Governor (and former San Francisco Mayor) Gavin Newsom became involved. 'A single, small bathroom should not cost \$1.7 million,' said his office in a

⁹ The San Francisco Board of Supervisors is the legislative branch of the city and county of San Francisco. ¹⁰ Their combined wages and benefits reportedly totalled \$57 million (Knight, 2022e).

statement, 'The state will hold funding until San Francisco delivers a plan to use this public money more efficiently. If they cannot, we will go back to the legislature to revoke this appropriation,' (Knight, 2022c).

However, Knight wondered, why were Newsom and Haney surprised by spools of red tape, given their histories in San Francisco government? She also wondered why they seemingly didn't question the \$1.7 million quote before awarding the grant, if they found it so excessive (Knight, 2022c). Recreation and Parks spokesperson Tamara Aparton entered the fray, remarking that: 'It is shocking that the state would allocate money without understanding what it was going to pay for,' she said (Knight, 2022c). Haney claimed he had asked Recreation and Parks if the figure could be lowered but was told no and didn't press further (Eskenazi, 2022b).

Back in Noe Valley, residents still wanted a toilet. 'This is a beloved and much-used park with toddlers in need and people experiencing homelessness in need and everybody in need,' said Leslie Crawford, Town Square co-founder. An onsite portaloo for market vendors had been damaged by vandals; people seeking a restroom usually ended up at the nearby coffee shop. Nonetheless, Crawford agreed the price was exorbitant, 'Maybe we'll find a more creative way to do it and be more economical. No bathroom should be \$1.7 million,' (Knight, 2022c).

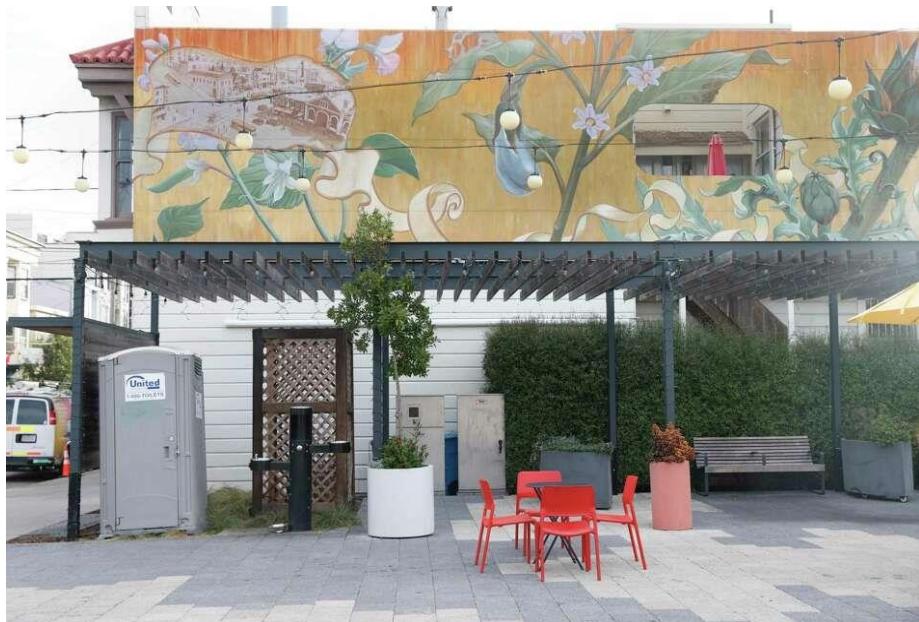
As the 'toiletgate' controversy wore on, some people saw an opportunity – amongst them Chad Kaufman, president of the Public Bathroom Company. Based in Nevada, the business specialised in modular bathrooms and had previously sold them to cities in California, including Los Angeles. Together with another business, Volumetric Building Companies, Kaufman offered to donate a prefabricated toilet¹⁰ to the Noe Valley project, as well as fund its installation using union labour (Exhibit H). The value of the donation would total \$425,000 (San Francisco Recreation and Parks, 2023). Once preparations were in place, the Noe Valley toilet could be erected in as little as 3 days (Knight, 2022a).

Yet before anyone could lift a power tool, Ginsburg and his colleagues at the San Francisco Recreation and Parks Department had to evaluate the proposal and recommend the City accept it or decline. It would then proceed to the Recreation and Parks Commission and the Board of Supervisors for approval and if successful, the toilet would likely be complete by October 2023. Yet while the donation seemed like the perfect ready-made solution, there were potential issues. For instance, Chapter 12X prevented the purchase of goods or services from businesses in 30 US states, including Nevada. However, the law didn't specifically mention donations and it wasn't clear how it might apply.

Whatever happened, San Francisco's Mayor, Supervisors and administrators still faced the problem of what to do about these kinds of projects going forward as well as the broader issue of sanitation. The City couldn't rely on donors to save the day and the streets weren't going to clean themselves.

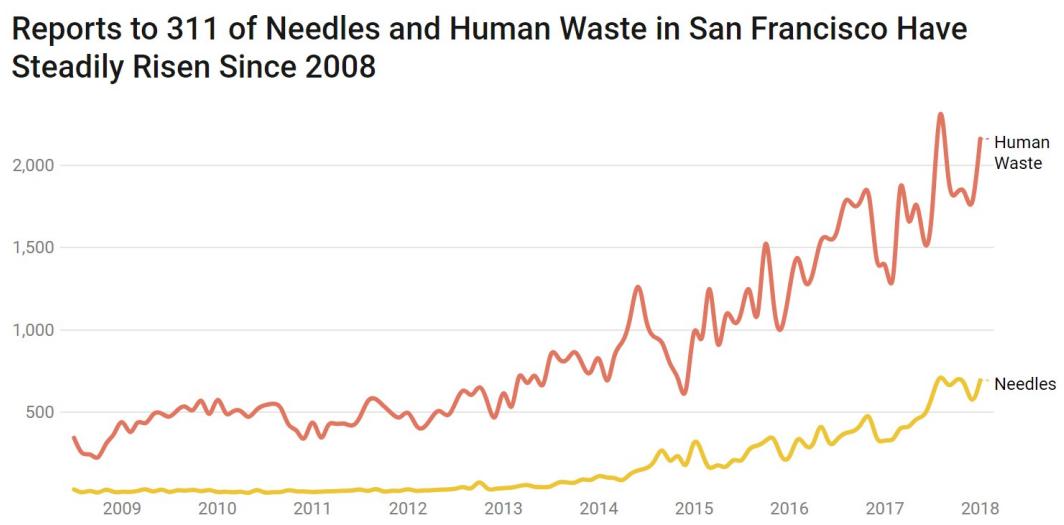
¹⁰ The toilet was a display model used at trade shows.

Exhibit A: Noe Valley Town Square with portable toilet



Source: Knight, 2022c.

Exhibit B: Needle and human waste reports to SF Public Works 2009-2018



Source: Shaban, Campos, Rutanooshedech, & Horn, 2018.

Exhibit C: JCDecaux toilets

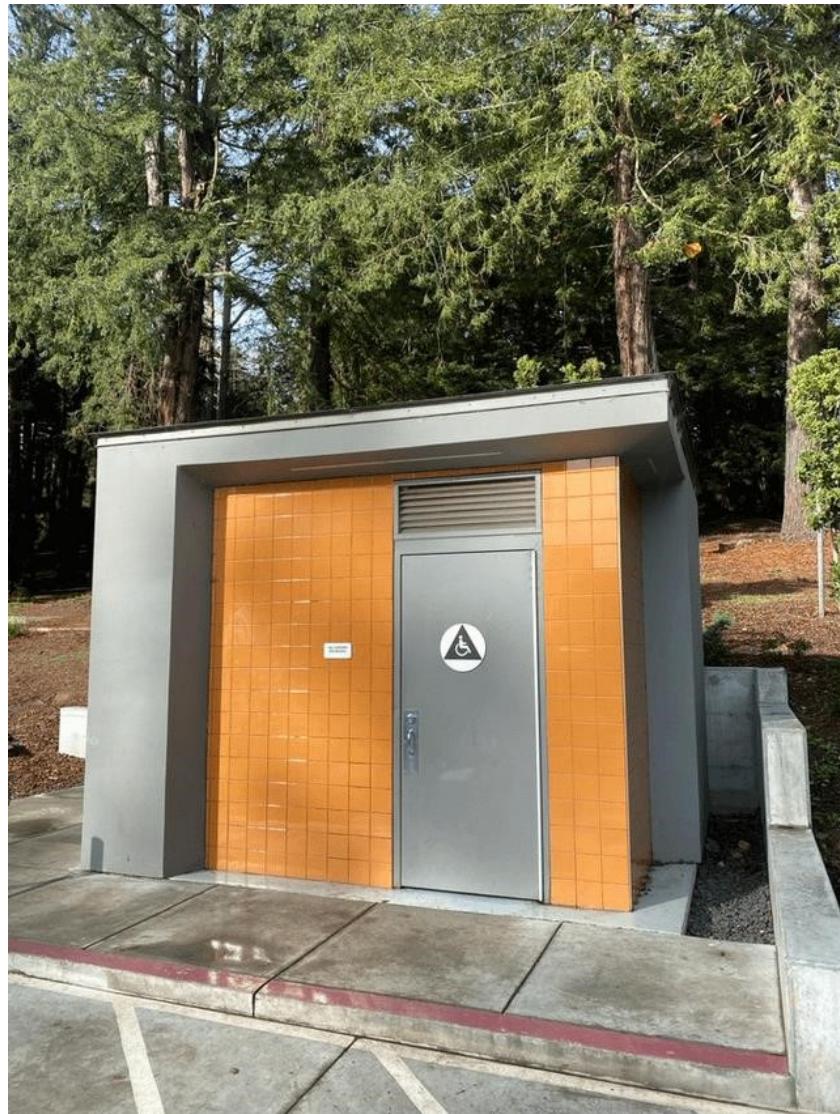
Source: Nevius, 2011

Exhibit D: New JCDecaux toilet

Source: Keeling, 2019.

Exhibit E: Pitstop public toilet

Source: San Francisco Public Works (n.d.-b)

Exhibit F: McLaren Park Public Toilet \$1.6 million

Source: Burke, 2022.

Exhibit G: Cost comparison Noe Valley Town Square Restroom

Noe Valley Town Square Restroom					
Project Phase/Task	Agency	Pre-Fab Budget Estimate	Custom Built Budget Estimate	Notes	
PROJECT MANAGEMENT				Per City Budget processes PM time is charged to a project and not subsidized by the General Fund	
RPD Project Management	REC	\$150,000	\$175,000		
REGULATORY					
ADA Review	MOD	\$5,000	\$5,000		
Environmental Review Fees	Planning	\$500	\$500	Assume Cat Ex	
DBI Bldg Permit	DBI & Planning	\$15,000	\$25,000	Pre-fab permitted mainly through State, DBI for related site work; Custom built may require DBI Intake process; recent example at Esprit where park renovations were not immediately accepted for intake	
Civic Design Review	Arts	\$12,800	\$12,800		
PLANNING & DESIGN					
Utility & Topo Survey	PW	\$40,000	\$40,000	Verify existing conditions	
Architecture & Engineering Fees	PW	\$200,000	\$300,000		
Cost Estimator	Consultant	\$20,000	\$30,000		
Soft Cost Reserve	Reserve	\$75,000	\$75,000	Includes Design Contingency	
BIDDING & CONTRACTING					
Contract Preparation	PW	\$20,000	\$20,000	PW	
Reproduction Services	Consultant	\$1,000	\$1,000	ARC	
CONSTRUCTION					
Construction Management	PW	\$125,000	\$150,000		
Materials Testing & Special Inspect	PW	\$10,000	\$15,000	water & sewer utility needs; assumes electrical connection pre-existing. May need to use solar if electrical is not adequate	
Utility Reserve	PG&E/PUC	\$25,000	\$25,000	prefab estimate includes procuring from a non-12X State with custom modification to adjust to existing site conditions and SF Code requirements along with related site work	
Base Construction Contract	Contractor	\$450,000	\$750,000		
Bid Contingency	Contractor	\$22,500	\$37,500	5% of estimated construction cost	
Construction Contingency	Contractor	\$45,000	\$75,000	10% of estimated construction cost	
TOTAL PROJECT BUDGET		\$1,216,800	\$1,736,800		

REC = SF Recreation and Parks
 MOD = Mayor's Office on Disability
 PW = SF Department of Public Works
 DBI = Department of Building Inspections
 PUC = Public Utilities Commission
 Arts = SF Arts Commission
 Planning = SF Planning

Source: Eskenazi, 2022b.

Exhibit H: Example of modular toilet

Source: <https://sfstandard.com/2023/02/27/san-francisco-most-controversial-bathroom-lgbtq-rights/>

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Epilogue

The Epilogue outlines what has changed as a result of the toilet saga, and what lessons the city has learnt about building infrastructure in a city where it is impossible to satisfy everybody.

The Very Expensive Toilet

Despite the prospective happy ending of a free toilet, people inside and outside City Hall still had questions about how the situation had arisen in the first place. ‘The thing about this is, not any one thing makes a toilet cost \$2 million,’ said City Supervisor (Councillor) Rafael Mandelman, ‘It is a layering of a lot of well-intentioned regulations that collectively make things more expensive than they are meant to be,’ (Bajko, 2023). California Assemblymember, and former City Supervisor, Matt Haney (who secured the \$1.7million funding) blamed the City of San Francisco’s tendency to overlook off-the-shelf infrastructure solutions, in favour of ‘bespoke’ creations that were costly and time-consuming to produce (Knight, 2022a). Toilets, like garbage cans, park benches and other street amenities, didn’t need to be reinvented anew or qualify as works of art.

For Haney, the toilet was also emblematic of a much bigger problem with San Francisco’s contracting processes, and he called for an audit. So did City Supervisor Myrna Melgar, ‘Let’s have some transparency,’ she said. ‘The taxpayers are losing our trust when stuff like this happens. We need to make sure they know that we can deliver things on time and at cost, and this system doesn’t,’ (Knight, 2022b).

However, according to San Francisco Chronicle columnist Heather Knight, it was city supervisors (past and present) who, 'have rubber-stamped expensive projects without asking enough questions, meaning everybody at City Hall needs to work harder to ferret out why the city's system of building projects is so broken and how to fix it,' (Knight 2022b). Yet these problems were so entrenched that they seemed indivisible from the city itself. Wrote Knight:

While the toilet tale prompted chuckles around the country and even the world, its lessons are important. Nobody seems to like the inflated costs, insanely long timelines and massive amounts of red tape involved in getting just about anything done in San Francisco. But the decades of dubious decision-making that created a landscape in which one toilet can cost \$1.7 million has become just part of the city's fabric — like its fog and hills, but minus the charm (Knight 2022b).

In February 2023, the toilet donation was approved by San Francisco Recreation and Parks and signed off by the Commission¹¹, followed in April 2023 by the San Francisco Board of Supervisors. Since the building itself already met California standards and was donated, several processes could be bypassed or expedited. It also reduced costs (Exhibit A). In total, the San Francisco Recreation and Parks Department estimated savings of approximately \$491,000 (San Francisco Recreation and Parks, 2023). A revised budget (Exhibit A) put the Department's costs at \$300,000, bringing the project total to \$725,000 (including the donated goods and services). The remainder of the \$1.7 million state grant would be allocated to building more toilets in public parks and recreational spaces (San Francisco Recreation and Parks, 2023). Haney confirmed that the state would make the grant available and hoped the project would lead to city-wide reform on building costs (Bajko, 2023a).

Yet not everyone was satisfied with the outcome. For some, like one San Francisco Recreation and Parks Commissioner, acceptance of the toilet violated the spirit of San Francisco's Chapter 12X law and sent a poor message about equal rights. It also, he believed, set a precedent for using prefabricated buildings (Koehn, 2023). Construction union representatives were also concerned. For others, the new, improved costings were still excessive (Barnmann, 2023) and didn't really address the City's underlying issues (Kukura, 2023). Supervisor Myrna Melgar noted that the city had committed to build 82,000 housing units (more than half of them affordable) by 2031, 'How are we going to get all that done if we can't do a toilet?' she asked (Knight, 2023).

In an attempt to improve the situation, Mandelman requested that the City Administrator draft recommendations to streamline the process for signing small contracts. He also asked the city attorney to draw up legislation repealing the Chapter 12X ban on contracting in 30 states, arguing that it was financially disadvantageous to San Francisco and hadn't achieved change for those affected (Knight, 2023). That legislation was passed 7-4 by the Board of Supervisors in April 2023. What further changes might come to City codes and regulations remained to be seen but the toilet was on track for completion by the end of the year.

Over in Noe Valley, Town Square co-founder Leslie Crawford was relieved that a restroom was in sight but disappointed by how things had transpired: '...The seeds of this space that were planted, were [planted] from a place of social justice,' she said, explaining that the Town Square was the result of a grass-roots community campaign to set up a farmer's market after the owners of a food retailer shuttered the site in response to union organising. 'We began this fight against an out-of-state, anti-union corporation. It is more than frustrating that the city has accepted this quote-unquote gift because really nothing is free,' she said (Bajko, 2023b). Crawford continued:

The city had an opportunity here to do a remarkable thing, which would have been to build their own prefab unit and replicate that throughout the city in all of the places that badly needed a facility. But instead they took an easy way out, one that takes away jobs from city workers who need to earn a living wage. So while Noe Valley is gaining a bathroom, there are a lot of losses with this agreement (Bajko, 2023b).

¹¹ This involved some minor modifications, such as adding shelving.

Exhibit A: Revised Noe Valley Town Square Restroom Budget

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NOE VALLEY TOWN SQUARE RESTROOM BUDGET			
DONOR EXPENSES	DONOR	RPD EXPENSES	RPD
		Project & Construction Management	\$125,000
A/E Services (MEP and Building)	\$50,000	A/E services (Site Improvements)	\$60,000
Site Demolition	\$30,000	Topographic Survey	\$5,600
Restroom Building	\$135,000	Utility and Sewer Inspection	\$10,000
Building Transport	\$12,000	DBI Permit	\$15,000
Crane	\$15,000	Civic Design Review	\$12,800
Restroom Building- additional fixtures	\$20,000	Mayor's Office On Disability	\$3,000
Building Pad & Installation	\$10,000	Public Works Street Permit	\$4,000
Utility Connections	\$40,000	Planting	\$5,000
Site Improvements	\$55,000	Restroom Augmentation Elements	\$8,000
Donor General Expenses	\$2,500	Donor Plaque & Signage	\$2,000
Contingency	\$55,500	Material testing/inspections	\$5,000
Total Expenses	\$425,000	Utility reserve/contingency	\$15,000
		Reproduction services	\$2,000
		Contingency	\$27,600
		Total Expenses	\$300,000

Source: <https://sfstandard.com/2023/02/27/san-francisco-most-controversial-bathroom-lgbtq-rights/>

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