

May 5, 2025

## MEMORANDUM

**To:** Governance, Accountability, and Economic Development Committee  
**From:** Calvin Chow, Analyst  
**Subject:** Digital Kiosk Term Permit – Resolution 32170

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On May 8, 2025, the Governance, Accountability, and Economic Development Committee will begin discussion of [Resolution 32170](#), granting conceptual approval to the Downtown Seattle Association (DSA) to install and operate digital kiosks in the public right-of-way. This proposal was initially included in Mayor Harrell's 2023 [announcement](#) of his Downtown Activation Plan to improve wayfinding in support of downtown mobility and tourism.

This legislation is the first step in the Council's term permit approval process and allows the Council to deliberate on the public benefits provided and to provide guidance on permit conditions. If this legislation is approved, the Seattle Department of Transportation (SDOT) would develop an ordinance to finalize the term permit for the Council's consideration.

This memo provides a summary of the kiosk proposal, the term permit approach, issues addressed in the SDOT Director's Report, the Seattle Design Commission's (SDC's) review and feedback on permit conditions and public benefits, and next steps and options for Council's consideration of the proposed legislation.

### DSA's Digital Kiosk Proposal

The DSA has engaged IKE Smart City (IKE) as a vendor of interactive media kiosks. The IKE kiosk is a freestanding console featuring a digital display on both sides of the structure. The platform allows for advertising, wayfinding, public service announcements, bulletin board, public wi-fi, and monitoring capabilities. The platform generates revenue through the sale of advertising, and the proposal includes a revenue sharing agreement between IKE, DSA, and the City of Seattle. IKE is currently operating kiosk programs in 18 US cities.



The proposed term permit would allow for up to 80 kiosks to be deployed in two phases. Phase 1 would allow for 30 kiosks to be located within the bounds of the Metropolitan Improvement District (MID). However, kiosks would not be allowed in shoreline districts, Historic Districts,

Special Review Districts, Preservation Districts, the Seattle Center Overlay District, and Parks boulevards.<sup>1</sup> Phase 1 kiosks are intended to be installed prior to the 2026 FIFA World Cup.

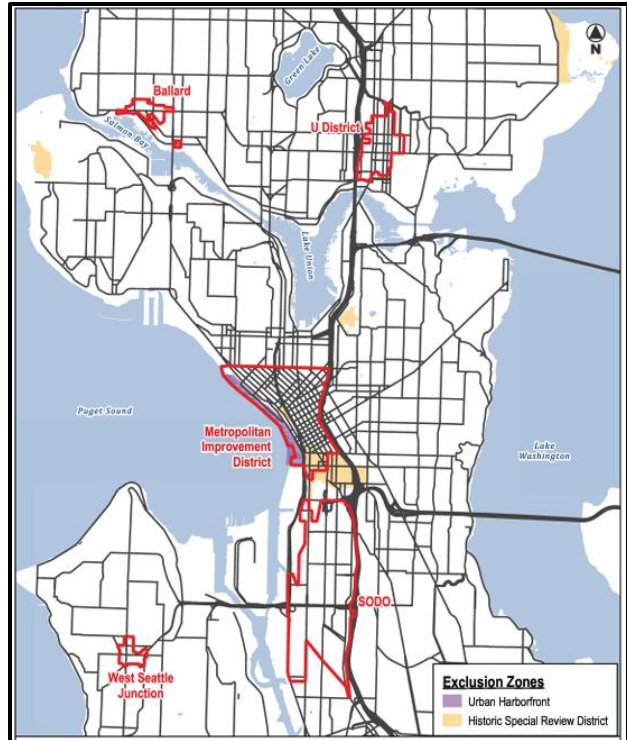
Phase 2 would allow an additional 30 kiosks to be deployed in the MID, and an additional 20 kiosks to be distributed between the Ballard Business Improvement Area (BIA), U District BIA, SODO BIA, and West Seattle Junction BIA. As proposed, Phase 2 deployment would be at the discretion of the Executive and the participating BIAs.

If the term permit is approved, the Mayor's Office and the DSA anticipate signing a Memorandum of Agreement (MOU) to detail the business plan, revenue sharing, and other operational expectations for the kiosk program. In Phase 1, the DSA anticipates that the kiosks will raise \$1.1 million per year as the share of advertising revenue received from IKE.<sup>2</sup> The MOU would affirm that the initial \$1.1 million of Phase 1 revenue would be retained by the DSA, with any revenue share in excess of the \$1.1 million going to the City of Seattle.

In Phase 2, the revenue share from the additional 30 kiosks located in the MID would go to the City of Seattle, while the revenue share for the other 20 kiosks would be retained by the DSA for expenditure in the BIAs where the kiosks are located. The DSA is a 501(c)(4) non-profit membership organization, and the kiosk revenues are proposed to be spent on public safety and capital improvements within the MID and BIA boundaries.

The anticipated public benefits of the kiosk proposal include:

- Free public Wi-Fi connection.
- Display of public content, including wayfinding, public safety and health, public art, and community events.
- Translation capability for displayed content.
- Accessibility features for people with disabilities.
- Call button functions (to connect to 211, 311, and 911 services).
- Financial support of DSA's public mission.



<sup>1</sup> Within the MID boundary, these areas include the Pioneer Square Preservation District, the Pike Place Market Historical District, and within the Downtown Shoreline districts.

<sup>2</sup> Details of the revenue share agreement between DSA and IKE are not included in the term permit materials.

SDOT anticipates that the term permit's public benefit mitigation requirements will include:

- A decluttering strategy for identifying and removing redundant or damaged items on the block faces where kiosks are located.
- A public realm strategy (which could include hanging flower baskets, bike racks, murals, signal box wraps, or other improvements) for the block faces where kiosks are located.
- Regular trash and debris removal at the installed kiosk locations.

### **Term Permit Approach**

Under this proposal, the DSA would hold the term permit allowing kiosks in the right-of-way and would be solely responsible for the vendor contract with IKE. The operations of IKE would be regulated under the conditions of the term permit and the DSA's commitments under the anticipated MOU. The DSA is seeking a "programmatic" term permit which would allow up to 80 kiosks to be located within specific geographies. This programmatic approach differs from typical term permit applications which include analysis of a specific location. For a summary of the term permit approval process, please see Attachment 1.

Under this programmatic approach, site-specific considerations will need to be addressed through the term permit conditions, through the proposed MOU, and through other administrative permits necessary for individual kiosk installation. If the Council approves the term permit, these additional processes would be at the direction of the Executive and would not require future Council action. In deliberating conceptual approval of the proposed term permit, the Council will need to consider how the kiosk program and future Executive actions address the elements of [Seattle Municipal Code \(SMC\) 15.65.055](#). There is precedent for this approach, as Council approved a programmatic term permit for Pronto Bike Share ([Resolution 31468](#) and [Ordinance 124506](#)) in 2014.<sup>3</sup>

The [SDOT Director's Report](#) recommends conceptual approval of the programmatic term permit for digital kiosks in the right of way and provides additional documentation, including the SEPA Determination of Non-Significance, the SEPA Checklist, and the Seattle Design Commission Final Report. Attachment D of the SEPA Checklist includes an aesthetics report with visualizations of 11 potential locations for the kiosks proposed under this permit.

### **Sign Code Compliance and Advertising**

The SDOT Director's Report notes that off-premises advertising is prohibited by the Street Use Ordinance (Chapter 15.12 SMC) and the Sign Code (Chapter 23.55 SMC). The SDOT Director's Report cites [Article IV, Section 14](#) of the City Charter as authorizing the Council's ability to approve uses in the right-of-way (through approval of the term permit) that would otherwise not conform to code.

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<sup>3</sup> Pronto Bike Share utilized bike stations (with bike docks and payment kiosks) located in the right-of-way. Pronto operated bike sharing services from 2014 to 2017 and the term permit was voided when Pronto ceased operations.

In the past, the City has been approached with proposals reliant on advertising revenue for deployment of electric vehicle charging stations, upgrading street furniture infrastructure, and bus shelter maintenance. With this interpretation, the City may see future term permit requests for other proposals reliant on advertising in the right-of-way.

### **Surveillance and Privacy**

The SDOT Director's Report affirms that Seattle Information Technology has reviewed the personal data collection, data sharing, data use, and data retention components of the proposal and has concluded that the proposal complies with the Surveillance Ordinance (Chapter 14.18 SMC). The IKE kiosk included in the DSA proposal may include a "Photo Booth" selfie camera, but photos will not be stored or retained by IKE. While IKE offers an optional public safety call system with the capability for secure video of the caller and surrounding area, the kiosks in the DSA proposal will not be equipped with these cameras. IKE's privacy policies do not allow for collection or sale of personally identifiable information.<sup>4</sup>

Although the proposed Resolution does not include specific surveillance and privacy considerations, such concerns could be addressed as permit conditions in the term permit ordinance and/or through the future MOU between the Executive and DSA.

### **Stakeholder Feedback**

The SDOT Director's Report noted public feedback received during DSA/IKE presentations at various public meetings, including presentations to multiple community organizations, the Pedestrian Advisory Board, and the Seattle Disability Commission.

Positive comments highlighted accessibility features for people with disabilities, wayfinding and real-time transit information, the inclusion of an art program in kiosk display content, emergency response capabilities, benefits to tourists and visitors, and benefits to business communities and neighborhoods.

Negative comments highlighted concerns with off-premises advertising and additional advertising in the right-of-way, redundancy of kiosks with the proliferation of cell phones, impacts to the pedestrian realm, use of the public right-of-way for private financial gain, duplicating existing wayfinding programs, undermining the sign code, kiosk lighting levels, and driver distraction.

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<sup>4</sup> Privacy considerations were included in presentation [materials](#) to the Seattle Design Commission, September 19, 2024. IKE's [privacy policies](#) are dated January 16, 2020. IKE maintains separate privacy policies for kiosk operations in [Berkeley](#) and [St. Louis](#).

## Seattle Design Commission Recommendations

Per [SMC 15.65.040.B](#), the Seattle Design Commission (SDC) reviewed the DSA proposal as part of the term permit review process. At their September 19, 2024 meeting, the SDC voted five to four against recommending the proposal. The SDC's [final report](#) documents the SDC's discussion and consideration of the proposal, and it includes feedback on the kiosk program and term permit conditions for the Council's consideration in the event the proposal moves forward.<sup>5</sup>

The SDC's feedback on permit conditions includes:

1. An assessment of the program after the initial 30 kiosks are installed.
2. Prohibit kiosks on the same block face as Seamless Seattle (SDOT's wayfinding program) signs.
3. Prohibit kiosks at a business that would affect its ability to conduct outside sales.
4. Adopt standards about kiosk placement.
5. Confine initial 30 kiosks to locations primarily for tourists or visitors.
6. Prohibit kiosks at or near local businesses where the advertising included goods and services from national advertisers.

The SDC's feedback on public benefits includes:

- a. Site-specific public realm improvements should include removing broken, abandoned, or nonfunctioning street furniture, replacing sick or damaged street trees, planting a tree where there is a gap in the tree canopy, repair or upgrade a transit facility, replace or repair any existing bench seating with ADA compliant seating, add additional seating where there are known gaps, installation of pedestrian oriented street lighting, and add bicycle infrastructure when a kiosk is located on a designated bicycle route.
- b. Expanding the public art program to elevate local artists/arts programming.
- c. Ensure there is a close correlation between where the kiosk is sited and the need to provide a public announcement, make sure public safety messaging and public announcements are linked to the neighborhoods where kiosks are located.
- d. Expand Wi-Fi access to businesses that operate in the public interest (affordable housing, non-profits, etc.)

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<sup>5</sup> The DSA/IKE proposal was discussed at 4 SDC meetings. 4/4/2024, 6/6/2024, 9/19/2024 and 10/3/2024. [Minutes and materials](#) of those meetings are available on the SDC website.

### **Term Permit Next Steps**

If the Council grants conceptual approval for the term permit, SDOT would develop a term permit ordinance with specific conditions and public benefit requirements for the Council's final approval. The proposed ordinance will incorporate consideration of other feedback received from various SDOT divisions, other City departments, the SDC, and any direction from Council. If the term permit ordinance is approved, the Executive and DSA anticipate signing an MOU detailing the business plan, revenue share, and operational expectations of the kiosk program.

As currently drafted, the resolution before Council includes standard guidance on permit conditions including insurance obligations, surety bond, maintenance obligations, and restoration obligations. The Council may wish to amend the resolution to provide more specific guidance on permit conditions. Alternatively, the Council may wish to wait to review SDOT's proposed conditions in the final term permit ordinance.

### **Options**

1. ***Approve resolution as introduced.*** SDOT would develop a final term permit ordinance for Council's future consideration.
2. ***Amend resolution with additional Council guidance on permit conditions and approve.*** SDOT would develop a final term permit ordinance for Council's future consideration.
3. ***Do not approve resolution.*** The proposal would not move forward.

### **Attachments:**

1. Significant Structure Term Permits

cc: Ben Noble, Director  
Lauren Henry, Legislative Legal Counsel

## Attachment 1 – Significant Structure Term Permits

### Significant Structure Term Permits

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City’s or public’s flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee” (Seattle Municipal Code (SMC) [15.65.010.B](#)). Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in the right-of-way; and overhead structures attached to buildings. [SMC Chapter 15.65](#) specifies the procedures and criteria for allowing significant structures to occupy space in the right-of-way under fixed terms (“term permits”).

Term permit approval is a councilmanic decision. The Seattle Department of Transportation (SDOT) and other interested City departments, public, and private utilities review term permit applications and make a recommendation to Council. Applications for above-grade structures are also reviewed by the Seattle Design Commission (SDC) and require that the applicant provide public benefits to mitigate impacts of the significant structure on the public’s use of the right-of-way. Below-grade structures generally do not require public benefit mitigation because their impact on the public realm is minimal.

SMC 15.65.040.C lists ten elements for the Council to consider when reviewing whether to approve a significant structure in the right-of-way:

1. Adequacy of horizontal, vertical, and other clearances;
2. View blockage and impacts due to reduction of natural light;
3. Construction review is at 60 percent conceptual approval;
4. Interruption or interference with existing streetscape or other street amenities;
5. Effect on pedestrian activity;
6. Effect on commerce and enjoyment of neighboring land uses;
7. Availability of reasonable alternatives;
8. Effect on traffic and pedestrian safety;
9. Accessibility for the elderly and handicapped; and
10. The public benefit mitigation elements provided by the proposal, to the extent required based on the nature of the structure.

Once the Director of SDOT and other agencies have reviewed the term permit application and have determined, based on review of the ten elements listed above, that approval is appropriate, SDOT transmits a Resolution for Council consideration that would grant conceptual approval of the term permit.

## **Attachment 1 – Significant Structure Term Permits**

Under SMC 15.65.055, Council's review of the proposal considers the ten items noted above to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. When ready, the Council "shall by resolution" provide conceptual approval for the term permit, deny it, or conceptually approve it with conditions.

Conceptual approval or conditional conceptual approval allows the petitioner to file construction plans for the structure.

If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT transmits a bill to the Council. At this stage, the Council may either grant or deny the permit. Council's decision to adopt the bill granting the permit must be grounded in whether the final plans are consistent with the conditional approval contained in the Resolution.

Typically, SDOT will recommend that the Council grant term permits for 15 years and will recommend allowing the permit to be renewed once for an additional 15 years. After 30 years, a new term permit is generally required.