

June 4, 2025

MEMORANDUM

To: Governance, Accountability, and Economic Development Committee
From: Calvin Chow, Analyst
Subject: Digital Kiosk Term Permit and MOU – Council Bill 120992

On June 12, 2025, the Governance, Accountability, and Economic Development (GAED) Committee will discuss and potentially vote on [Council Bill \(CB\) 120992](#), authorizing the Seattle Department of Transportation (SDOT) to issue a programmatic term permit to allow digital kiosks in the public right-of-way. SDOT [presented](#) a preview of CB 1220992 at the May 22, 2025, GAED Committee meeting.

This legislation is the final step in the Council’s term permit approval process and follows the Council’s approval of [Resolution 32170](#), granting conceptual approval of the digital kiosk term permit. In addition to approving the term permit, CB 1220992 would also authorize the Mayor to execute a Memorandum of Understanding (MOU) between the City and the Downtown Seattle Association (DSA) governing the deployment, operation, and revenue share of DSA’s digital kiosk program.

For more detail on the term permit process and policy considerations regarding the digital kiosk proposal, please see the Central Staff [memo](#) on Resolution 32170, dated May 5, 2025. The remainder of this memo provides a summary of the proposed permit conditions and the proposed terms of the MOU authorized by CB 1220992

SDOT Term Permit

CB 1220992 would approve a programmatic term permit for DSA to install and operate (via third-party vendor) digital kiosks in the rights-of-way located in the Metropolitan Improvement District (MID) and in participating business Improvement Areas (BIAs).¹ The permit would allow for an initial deployment of 30 kiosks in the MID, with a subsequent deployment of 50 kiosks (20 additional kiosks in the MID and 30 kiosks in participating BIAs) conditioned upon future approval by the SDOT Director.

The permit provides for a 16.5-year initial term and a successive 13.5-year renewal term (subject to Council approval), for a total term not to exceed 30-years. The permit contains SDOT’s general requirements for indemnification, performance bond, insurance, inspection, and other standard provisions. While this programmatic term permit authorizes the digital

¹ The participating BIAs are Ballard, SODO, University District, and West Seattle. Expansion of the kiosk program to any other location would require a separate term permit.

kiosk program, installation will require additional administrative permits to allow for SDOT's review of specific kiosk placement and locations.

At the end of the permit term (or if the permit is not renewed), the kiosks are required to be removed. A separate term permit would be required to continue operations or to expand the program beyond the permit boundaries. The permit allows the City to direct removal of any or all kiosks if the SDOT Director finds: that the space occupied by kiosks is necessary for any public use or benefit; that kiosks interfere with any public use or benefit; that the terms and conditions of the permit have been violated; or if the permittee or vendor ceases operations as a corporate entity.

Other permit terms and conditions that are specific to the digital kiosk proposal are summarized below.

Permission for off-premises advertising (Section 1)

The permit suspends and supersedes sections of the Seattle Municipal Code (SMC) that govern off-premises signs. This includes sections of the Street Use Ordinance (Chapter 15.12 SMC) and sections of the Sign Code (Chapter 23.55 SMC). The permit would allow for off-premises advertising in the right-of-way which would otherwise not be allowed under existing code.

Siting standards (Section 9) and prohibitions (Section 8)

The permit includes specific siting standards to provide for an unobstructed pedestrian zone, traffic control, vehicle and bicycle movements, and to comply with other standards including the Americans with Disabilities Act and SDOT's Right-of-Way Improvements Manual. The permit requirements include consideration of high-collision intersections, speed limits, street layout and grade, adjoining curb-use zones, street furniture and trees, and access to adjoining properties.

The permit categorically prohibits kiosks in the Shoreline District, Landmark Districts, Historical Districts, Special Review Districts, the Seattle Center Sign Overlay District, and along park drives and boulevards. Kiosks are also prohibited on block faces adjoining City-owned parks, playgrounds, and community centers, unless authorized by the Seattle Parks and Recreation Superintendent.

Kiosk design and operational standards (Section 10)

The permit specifies the physical dimensions of the kiosks, conformance with SDOT's Seamless Seattle wayfinding program, and allowable light emissions. The permit authorizes both static and moving display content, and it specifies a "content loop" of eight-media slide displays with each display shown for 10 seconds. Displayed content must be independent from content on other kiosks and must be independent of subsequent or

previous slides in the content loop. The permit prohibits flashing or strobe effects and sensory output such as audio and smell, except for two-way speaker communication for 211, 311, or 911 operators.

Privacy/surveillance/collection of data (Section 25)

The permit prohibits collection of Media Access Control (MAC) or Internet Protocol (IP) addresses or any personally identifiable information, except to support access to the kiosk's free Wi-Fi functionality with the express consent of the user. The permit prohibits deployment of video camera recording and still photography, other than a kiosk photo booth ("selfie") feature. The permit prohibits retention of any such images.

Public content (Section 11)

The permit requires that a minimum of one out of every eight media displays in the content loop be for public content. This public content could include wayfinding, transportation information, public safety and health notices, historical and local information, public art, promotion of local organizations and events, and public service information. The permit requires that a minimum of 25 percent of the total screen time (when touch screens are not engaged with a kiosk user) on an annual basis be public content. The permit includes provisions to require additional public messaging in response to exigent circumstances such as natural disasters and public safety emergencies.

The permit requires general compliance with the Web Content Accessibility Guidelines and prohibits display of images that mimic traffic control, but it does not directly address application-based content when touch screens are engaged with a kiosk use. All non-City provided content is the sole responsibility of DSA.

Public benefit mitigation (Section 29)

The permit includes public benefit requirements for every kiosk installation. This includes decluttering the block face (prioritizing the area within 25 feet of the kiosk) of redundant, damaged, poorly located, or temporary items. The permit also requires that the permittee develop a proposal for public realm improvements (such as hanging flower baskets, bike racks, murals, signal box art wrap, or other elements) based on specific locational opportunities subject to SDOT's approval.

The permit also requires that the kiosk vendor conduct trash and debris removal within a 15-foot radius following kiosk installation and as part of regularly scheduled kiosk maintenance.

Reporting (Section 21)

The permit requires that DSA submit an annual report to SDOT documenting:

- A. Kiosks and public benefit elements installed;

- B. Physical condition and photo documentation of kiosks and public benefit elements;
- C. DSA's use of revenues to enhance the public realm;
- D. Display of public art, including a summary of artists;
- E. Damages and repairs made to kiosks and public benefit elements;
- F. Active repairs and timeframe for making repairs;
- G. Complaints received, response to complaints, and turn-around time;
- H. Bi-annual evaluation of kiosk compliance with permit conditions;
- I. Biennial data on number and types of collisions on the same block face as kiosks;
and
- J. Status and location of public realm improvements completed.

Annual permit fee (Section 22)

The annual Issuance and Occupation Fee for the initial deployment of 30 kiosks in the MID is \$13,320.13 (subject to escalation with the Consumer Price Index). SDOT would determine the annual fee for any subsequent deployment based on proposed kiosk locations. This fee is separate from any inspection or additional permit fees required for installation, and it is separate from the revenue sharing agreement included in the proposed MOU (discussed below).

Memorandum of Understanding

The proposed legislation would also authorize the Mayor to execute an MOU ([Attachment A](#) to CB 1220992) between the City and DSA, governing the deployment, operations, and revenue share of DSA's digital kiosk program. The MOU affirms that DSA holds sole responsibility for managing the kiosk program and the kiosk vendor. The MOU also provides for the City to limit kiosk content during the World Cup to be consistent with the FIFA Host City Agreement.

The kiosk program contemplated and described in the MOU is consistent with the permissions granted by the SDOT term permit (e.g., number of kiosks, deployment area, phased implementation, public content, privacy/camera prohibitions, etc). The MOU is subordinate to the SDOT term permit; if there are any inconsistencies between the MOU and the permit, the permit terms, conditions, and obligations prevail. The SDOT term permit would also automatically be terminated in the event that the MOU is terminated.

Other key elements of the MOU are summarized below.

Revenue share (Section 11)

For the initial deployment of 30 kiosks in the MID, the MOU provides for DSA to retain up to \$1.1 million of annual advertising revenue from the kiosk vendor (pursuant to DSA's contract with the kiosk vendor). Any revenue in excess of \$1.1 million from the initial deployment would be paid to the City. For the subsequent phase deployment of up to 30

additional kiosks in the MID, revenue share proceeds from the kiosk vendor would be paid to the City. The Executive does not have an estimate of the potential revenue to the City under this MOU.

For the subsequent phase deployment of up to 20 additional kiosks in participating BIAs, the MOU provides for the DSA to collect the revenue proceeds on behalf of the BIAs and to coordinate expenditures in conjunction with the BIA Ratepayer Boards. The MOU contemplates DSA contracting directly with BIA Ratepayer Boards to carry out public benefit projects.

The MOU establishes the City's intent to use the revenues paid to the City to enhance the downtown experience for residents and visitors. In passing Resolution 32170 and granting conditional approval for the term permit, the Council added guidance language stating the expectation that revenues to the City be used to support activation and neighborhood business areas citywide. The Council may wish to amend the proposed legislation and MOU to reflect Council's previous guidance.

Annual reports (Section 12)

The MOU requires the DSA to provide an annual report to the City by March 1 of each year that includes an accounting of funds generated by the kiosks, a breakdown of funds by location (MID and participating BIAs), DSA's received revenue share, and DSA's expenditures of revenue share for the prior year. The annual report will also include a summary of actual and projected expenditures on DSA program elements supported by kiosk revenue and other DSA spending, including a narrative summary of the scope of services provided. These MOU reporting requirements are in addition to the reporting requirements of the term permit.

If CB 1220992 passes, no further legislation actions are necessary for DSA to implement the digital kiosk program.

Options

1. **Approve legislation as introduced.**
2. **Amend permit conditions or MOU terms and approve.** Revised conditions or terms may influence the permittee's decision to proceed with the proposal. Central Staff is available to assist in developing proposed amendments.
3. **Do not approve legislation.** The proposal would not move forward.

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