



# SEATTLE CITY COUNCIL

## Governance, Accountability, and Economic Development Committee

### Agenda

Revised

Thursday, May 8, 2025

2:00 PM

Council Chamber, City Hall  
600 4th Avenue  
Seattle, WA 98104

Sara Nelson, Chair  
Robert Kettle, Vice-Chair  
Joy Hollingsworth, Member  
Maritza Rivera, Member  
Mark Solomon, Member

Chair Info: 206-684-8809; [Sara.Nelson@seattle.gov](mailto:Sara.Nelson@seattle.gov)

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Council Chamber Listen Line: 206-684-8566

The City of Seattle encourages everyone to participate in its programs and activities. For disability accommodations, materials in alternate formats, accessibility information, or language interpretation or translation needs, please contact the Office of the City Clerk at 206-684-8888 (TTY Relay 7-1-1), [CityClerk@Seattle.gov](mailto:CityClerk@Seattle.gov), or visit <https://seattle.gov/cityclerk/accommodations> at your earliest opportunity. Providing at least 72-hour notice will help ensure availability; sign language interpreting requests may take longer.



**SEATTLE CITY COUNCIL**  
**Governance, Accountability, and Economic**  
**Development Committee**  
**Agenda**  
**May 8, 2025 - 2:00 PM**  
**Revised**

**Meeting Location:**

Council Chamber, City Hall , 600 4th Avenue , Seattle, WA 98104

**Committee Website:**

[seattle.gov/council/committees/governance-accountability-and-economic-development](https://seattle.gov/council/committees/governance-accountability-and-economic-development)

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at

<https://www.seattle.gov/council/committees/public-comment>

Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Please submit written comments to all Councilmembers four hours prior to the meeting at [Council@seattle.gov](mailto:Council@seattle.gov) or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104.



*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

**D. Items of Business**

1. [Appt 03146](#) **Appointment of Lawrence Alexander III as member, Seattle Film Commission, for a term to April 23, 2028.**

Attachments: [Appointment Packet](#)

Supporting  
Documents: [Presentation](#)

**Briefing, Discussion, and Possible Vote**

**Presenter:** Chris Swenson, Office of Economic Development (OED)

2. [Appt 03147](#) **Appointment of Davis R. Powell as member, Seattle Film Commission, for a term to April 23, 2028.**

Attachments: [Appointment Packet](#)

**Briefing, Discussion, and Possible Vote**

**Presenter:** Chris Swenson, Office of Economic Development (OED)

3. [Appt 03148](#) **Appointment of KD Hall as member, Seattle Film Commission, for a term to April 23, 2028.**

Attachments: [Appointment Packet](#)

**Briefing, Discussion, and Possible Vote**

**Presenter:** Chris Swenson, Office of Economic Development (OED)

4. [Res 32170](#) **A RESOLUTION granting conceptual approval to the Downtown Seattle Association to install, maintain, and operate interactive media kiosks in public places located in the Metropolitan Improvement District and in participating Business Improvement Areas.**

Supporting  
Documents:

[Summary and Fiscal Note](#)

[Summary Att A – Metropolitan Improvement District Map](#)

[Summary Att B – Ballard Business Improvement Area Map](#)

[Summary Att C – U District Business Improvement Area Map](#)

[Summary Att D – SODO Business Improvement Area Map](#)

[Summary Att E - West Seattle Business Improvement Area Map](#)

[Director's Report](#)

[Central Staff Memo](#)

[Presentation](#)

**Briefing and Discussion**

**Presenters:** Alyse Nelson and Amy Gray, Seattle Department of Transportation; Clay Collett and Jessica Burton, Orange Barrel Media; Mark Brands, Site Workshop; Jon Scholes, Downtown Seattle Association (DSA); Calvin Chow, Council Central Staff

5.     [CB 120978](#)     **AN ORDINANCE** relating to the Code of Ethics; defining “elected official”; requiring elected officials to disclose any financial interest or conflict of interest prior to participating in legislative matters; and amending Sections 4.16.030 and 4.16.070 of the Seattle Municipal Code.

Supporting  
Documents:

[Summary and Fiscal Note](#)

[Central Staff Memo](#)

**Briefing and Discussion**

**Presenters:** Wayne Barnett, Executive Director, and Zach Pekelis, Seattle Ethics and Elections Commission; Lauren Henry, Legislative Legal Counsel

## E. Adjournment



## Legislation Text

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**File #:** Appt 03146, **Version:** 1

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Appointment of Lawrence Alexander III as member, Seattle Film Commission, for a term to April 23, 2028.

The Appointment Packet is provided as an attachment.



## City of Seattle Boards & Commissions Notice of Appointment

|   |                                  |   |
|---|----------------------------------|---|
| <b>Appointee Name:</b><br><i>Lawrence Alexander III</i>   |                                  |   |
| <b>Board/Commission Name:</b><br><i>Seattle Film Commission</i>   |                                  | <b>Position Title:</b><br><i>Film festivals or film content distribution companies (Position 8)</i>   |
| <input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>   |                                  | <b>City Council Confirmation required?</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                          |
| <b>Appointing Authority:</b><br><input checked="" type="checkbox"/> City Council<br><input type="checkbox"/> Mayor<br><input type="checkbox"/> Other: <i>Fill in appointing authority</i>   |                                  | <b>Term of Position: *</b><br>4/24/2025<br>to<br>4/23/2028<br><br><input type="checkbox"/> <i>Serving remaining term of a vacant position</i> |
| <b>Residential Neighborhood:</b><br><i>Central District</i>   | <b>Zip Code:</b><br><i>98144</i> | <b>Contact Phone No.:</b><br>[REDACTED]   |
| <b>Background:</b><br>As the founder and director of Scope Screenings, Alexander has spent the last several years building a consistent, community-rooted platform that uplifts underrepresented voices. With over a decade of experience in digital marketing, video production, and community engagement, Alexander has built partnerships with SIFF, Shunpike, and Converge Media, and grew Scope Screenings by 50% annually, elevating underrepresented voices. As a board member of the Northwest Film Forum, Alexander drives impactful initiatives. Featured on FOX 13 <i>Seattle News</i> , Alexander's production work has reached over 1 million viewers. Passionate about increasing Black representation in the arts, Alexander advocates for global access and provide educational resources to help others succeed. Alexander is dedicated to enriching Seattle's Black arts and culture scene, cultivating Black brilliance in both digital and physical spaces. |                                  |   |
| <b>Authorizing Signature (original signature):</b><br><br><b>Date Signed (appointed):</b><br>4-22-25   |                                  | <b>Appointing Signatory:</b><br><i>Sara Nelson</i><br><i>Council President</i>  |

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# LAWRENCE ALEXANDER III

## CONTACT



## ABOUT ME

With over a decade of experience in digital marketing, video production, and community engagement, I've built partnerships with SIFF, Shunpike, and Converge Media, and grew Scope Screenings by 50% annually, elevating underrepresented voices. As a board member of the Northwest Film Forum, I drive impactful initiatives. Featured on FOX 13 Seattle News, my work has reached over 1 million viewers. Passionate about increasing Black representation in the arts, I advocate for global access and provide educational resources to help others succeed. I am dedicated to enriching Seattle's Black arts and culture scene, cultivating Black brilliance in both digital and physical spaces.

## SKILLS

- Film Production
- Event Management
- Strategic Partnerships
- Digital Marketing & SEO
- Public Relations & Media Outreach
- Content Strategy & Storytelling
- Social Media Management

## WORK EXPERIENCE

### FOUNDER & FESTIVAL DIRECTOR

Scope Screenings (June 2022-Present)

- Founded and lead Seattle's premier underground film festival, achieving a 50% increase in attendance year-over-year and engaging a community of 500+ local creatives.
- Established strategic partnerships with major organizations, including SIFF, Shunpike, and Converge Media, expanding the festival's reach and resources to over 250,000 people.
- Secured collaborations with +20 local businesses and national media platforms, including KOMO News, NPR, and The Stranger Seattle, driving visibility and growth.

### PRODUCER / VIDEOGRAPHER

Converge Media (Sept 2021 - Present)

- Produced high-quality, engaging video content featured on multiple platforms, including FOX 13 Seattle News, reaching an audience of over 1 million viewers.
- Collaborated with producers and editors to ensure content aligned with Converge Media's mission of elevating underrepresented voices, contributing to the success of 10+ marketing campaigns.

### DIRECTOR OF VIDEO PRODUCTION (CONTRACT)

Q Nightclub (November 2023- June 2024)

- Developed the visual language and narrative for the brand, aligning 100% of video assets with the marketing team's objectives, driving a 30-50% monthly increase in audience engagement.
- Produced and directed 5-10 weekly video and photo shoots, coordinating with the marketing team, actors, and crew to ensure a consistent visual identity across 15+ marketing campaigns.

### CEO / DIRECTOR OF PHOTOGRAPHY / EDITOR

LexScope Productions (August 2012 - Present)

- Oversaw cinematography and post-production for award-winning projects, generating over 5 million digital impressions and collaborating with over 100 businesses and artists worldwide.
- Directed creative projects with teams of up to 50, creating hundreds of jobs for local artists over the course of a decade.

## REFERENCES

### OMARI SALISBURY

COO and Founder of Converge Media

### AMY LILLARD

Executive Director of Washington Filmworks

### DARRYL CREWS

CEO of The January Group

### AMY MCBRIDE

Tacoma Arts Administrator & Division  
Manager Office of Arts & Cultural Vitality

# Seattle Film Commission

**11** Members: Pursuant to Ordinance 126678, *all* members subject to City Council confirmation, **3**-year terms:

- **5** City Council-appointed
- **5** Mayor-appointed
- **1** Other Appointing Authority-appointed (specify): Commission

## Roster:

| *D | **G | RD  | Position No. | Position Title   | Name                   | Term Begin Date | Term End Date | Term # | Appointed By |
|----|-----|-----|--------------|--|------------------------|-----------------|---------------|--------|--------------|
| 2  | M   | 5,6 | 1.           | On-screen talent   | Lowell Deo             | 4/24/2024       | 4/23/2027     | 2      | Mayor        |
| 6  | M   | 2   | 2.           | Film industry labor unions   | Davis R. Powell        | 4/24/2025       | 4/23/2028     | 1      | Mayor        |
| 1  | M   | 7   | 3.           | Advertising and creative agencies  | Michael Huang          | 4/24/2023       | 4/23/2026     | 1      | Mayor        |
| 6  | M   | N/A | 4.           | Commercial producers or production companies                                       | Tom Florino            | 4/24/2024       | 4/23/2027     | 2      | Mayor        |
| 2  | F   | 5   | 5.           | Film schools, film programs, or film educators                                     | KD Hall                | 4/24/2025       | 4/23/2028     | 1      | Mayor        |
| 1  | M   | 4   | 6.           | Post-production companies and personnel i.e., editors, composers, post-supervisors | Champ Enslinger        | 4/24/2023       | 4/23/2026     | 1      | City Council |
| 6  | F   | 4   | 7.           | Film production crew   | Kat Ogden              | 4/24/2024       | 4/23/2027     | 2      | City Council |
| 6  | M   | 3   | 8.           | Film festivals or film content distribution companies                              | Lawrence Alexander III | 4/24/2025       | 4/23/2028     | 1      | City Council |
| 6  | M   | N/A | 9.           | Film location managers   | Mark Freid             | 4/24/2023       | 4/23/2026     | 1      | City Council |
| 2  | M   | N/A | 10           | Film organizations for underrepresented communities                                | Anthony Tackett        | 4/24/2024       | 4/23/2027     | 2      | City Council |
| 1  | M   | 4   | 11.          | Immersive technology   | Budi Mulyo             | 7/24/2023       | 7/23/2025     | 1      | Commission   |

## SELF-IDENTIFIED DIVERSITY CHART

| SELF-IDENTIFIED DIVERSITY CHART |      |        |             |          | (1)   | (2)                           | (3)                 | (4)                                     | (5)   | (6)                            | (7)                 | (8)               | (9)         |
|---------------------------------|------|--------|-------------|----------|-------|-------------------------------|---------------------|---|-------|--------------------------------|---------------------|-------------------|-------------|
|                                 | Male | Female | Transgender | NB/ O/ U | Asian | Black/<br>African<br>American | Hispanic/<br>Latino | American<br>Indian/<br>Alaska<br>Native | Other | Caucasian/<br>Non-<br>Hispanic | Pacific<br>Islander | Middle<br>Eastern | Multiracial |
| Mayor                           | 4    | 1      |             |          | 1     | 2                             |                     |   |       | 2                              |                     |                   |             |
| Council                         | 4    | 1      |             |          | 1     | 2                             |                     |   |       | 2                              |                     |                   |             |
| Other                           | 1    |        |             |          | 1     |                               |                     |   |       |                                |                     |                   |             |
| Total                           | 9    | 2      |             |          | 3     | 4                             |                     |   |       | 4                              |                     |                   |             |

## Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



# SEATTLE FILM COMMISSION

## 2025 Appointments





# Seattle Film Commission and Commissioner Terms & Duties

- Seattle Film Commission was established in 2023
- Commissioners reflect 11 film disciplines
  - 5 positions appointed by City Council
  - 5 positions appointed by the Mayor
  - 1 position appointed by the Commission
- Commissioner Terms
  - Terms of one, two, and three years, with a maximum of serving two consecutive terms
  - Annually elect a chair and vice-chair

# Seattle Film Commission Positions

| Name              | Organization                     | Position/<br>Appointed by | Term    | Category   |
|-------------------|----------------------------------|---------------------------|---------|--|
| Lowell Deo        | Freelance actor                  | 1 (Mayor)                 | 1 year  | On-screen talent or their representatives  |
| Melissa Purcell   | IATSE 488                        | 2 (Mayor)                 | 2 years | Film industry labor unions   |
| Michael Huang     | Milli Agency                     | 3 (Mayor)                 | 3 years | Advertising and creative agencies  |
| Tom Florino       | Amazon Studios                   | 4 (Mayor)                 | 1 year  | Commercial producers or production companies   |
| Laura Jean Cronin | Pound Pictures                   | 5 (Mayor)                 | 2 years | Film schools, programs, or film educators  |
| Champ Ensminger   | Editor                           | 6 (Council)               | 3 years | Post-production companies and personnel  |
| Kat Ogden         | Producer                         | 7 (Council)               | 1 year  | Film production crew   |
| Beth Barrett      | SIFF                             | 8 (Council)               | 2 years | Film festivals or content distribution companies   |
| Mark Freid        | Freelance locations              | 9 (Council)               | 3 years | Film location managers   |
| Anthony Tackett   | African Diaspora Filmmakers, SFI | 10 (Council)              | 1 year  | Film organizations belonging to and advocating for communities underrepresented in the film industry |
| Budi Mulyo        | Studivo                          | 11 (Commission)           | 2 years | Immersive technology and emerging technology businesses  |

# 2025 Appointment Process

- Notified 2023 applicants that positions were opening
- Applications accepted April 1-10, 2025
- Received 19 applications across three open positions
- Seattle Film Commission made recommendations to OED, Mayor's Office, City Council

**FILMMAKERS! ■■■  
■■■■ BECOME A**

**SEATTLE ■■■■  
FILM ■■■■  
COMMISSIONER**

**■ APPLICATIONS OPEN  
THROUGH APRIL 10**



# Commissioner Appointment: Davis Powell

## *Position 2 – Film industry labor unions*

Davis Powell is the Executive Director for the SAG-AFTRA Portland and Seattle Locals, covering Washington, Oregon, Alaska, Idaho, and Montana. He has been with SAG-AFTRA since early 2021. Davis is originally from the Atlanta area, but after several visits to the Pacific Northwest, he finally made a long-planned permanent move to Seattle in 2019. He is an attorney by trade and has spent the bulk of his professional career representing labor unions. Prior to being named Executive Director, he served as the business representative for radio and television news and broadcast members in the Seattle and Portland markets. He also serves on the Washington Filmworks Film Leadership Council.



# Commissioner Appointment: KD Hall

## *Position 5 – Film schools, film programs, or film educators*

KD Hall is an acclaimed powerhouse in communication, storytelling, filmmaking, higher education, and women's leadership advocacy. She is a Board of Governor and Scholarship Chair for NATAS NW, Partnership Chair of the Seattle Association of Black Journalists, and a Seattle Sports Commissioner — testaments to her expansive influence and trusted leadership.

In 2014, KD launched the KD Hall Foundation, a nonprofit advancing gender equity and empowering women and girls through education, mentorship, and leadership programming. The Foundation's signature initiative, the College Ambassador Program, equips young women (ages 17–24) with skills in public service, storytelling, and leadership. With active programs in Washington State and Lagos, Nigeria, the initiative has reached over 1,000 girls and graduated 66 college ambassadors.





# Commissioner Appointment: Lawrence Alexander III

## *Position 8 – Film festivals or film content distribution companies*

Lawrence Alexander III (professionally known as LexScope) is a filmmaker, curator, and creative director based in Seattle by way of North Carolina. The founder of Scope Screenings, an underground film festival dedicated to uplifting underrepresented voices through short-form cinema. The festival has become one of Seattle's most dynamic platforms for emerging filmmakers, growing rapidly each year and now serving as a proven pipeline to industry recognition. Scope Screenings has partnerships with key organizations in our film ecosystem, like SIFF, Langston, and Converge Media.

Lex serves on the board of Northwest Film Forum and is a Create & Thrive mentor, focused on increasing Black representation in media. He continues to build platforms that cultivate Black brilliance and expand cultural narratives across digital and physical spaces.





**Thank you!**



## Legislation Text

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**File #:** Appt 03147, **Version:** 1

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Appointment of Davis R. Powell as member, Seattle Film Commission, for a term to April 23, 2028.

The Appointment Packet is provided as an attachment.





## City of Seattle Boards & Commissions Notice of Appointment

|   |                                  |  |
|---|----------------------------------|--|
| <b>Appointee Name:</b><br><i>Davis R. Powell</i>  |                                  |  |
| <b>Board/Commission Name:</b><br><i>Seattle Film Commission</i>   |                                  | <b>Position Title:</b><br><i>Film Labor Unions (Position 2)</i>  |
| <input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>   |                                  | <b>City Council Confirmation required?</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                                 |
| <b>Appointing Authority:</b><br><input type="checkbox"/> City Council<br><input checked="" type="checkbox"/> Mayor<br><input type="checkbox"/> Other: <i>Fill in appointing authority</i>   |                                  | <b>Term of Position: *</b><br>4/24/2025<br><b>to</b><br>4/23/2028<br><br><input type="checkbox"/> <i>Serving remaining term of a vacant position</i> |
| <b>Residential Neighborhood:</b><br><i>Downtown</i>   | <b>Zip Code:</b><br><i>98104</i> | <b>Contact Phone No.:</b><br>                                      |
| <b>Background:</b><br>Davis Powell is the Executive Director for the SAG-AFTRA Portland and Seattle Locals and is responsible for representing SAG-AFTRA's interests in Washington, Oregon, Alaska, Idaho, and Montana. As part of this position, Davis has developed relationships with film industry unions throughout the region, especially in the Seattle market. Davis utilizes those connections to work on behalf of all film unions in the region so that all interests would be voiced, not just SAG-AFTRA's. Davis also leverages connections with the Washington State Labor Council and the MLK Labor Central Labor Council to provide the support of broader labor interests as needed. Davis' experience offers a broader insight into the industry in not just Seattle but Washington and the surrounding states as well as well as comparisons to other markets. |                                  |  |
| <b>Authorizing Signature (original signature):</b><br><br><br><b>Date Signed (appointed):</b><br>April 22 <sup>nd</sup> , 2025   |                                  | <b>Appointing Signatory:</b><br><i>Bruce A. Harrell</i><br><i>Mayor of Seattle</i>   |

\*Term begin and end date is fixed and tied to the position and not the appointment date.

**WORK EXPERIENCE:**

**SAG-AFTRA**

February 2021 – Present

*Executive Director, Portland and Seattle Locals*

(August 2022 - Present)

Seattle, WA

*Broadcast Manager & Labor Counsel*

(February 2021 - July 2022)

- Manages and oversees all aspects of Portland and Seattle Locals operations, including budgeting, staff, compliance, internal union governance procedures, member outreach, legislative advocacy, and organizing initiatives.
- Acts as liaison between Local Boards and SAG-AFTRA National offices and administers Local Board, membership, and committee meetings.
- Advises elected leaders for the Portland and Seattle Locals on film and television matters, station updates, legislative updates, and other national and local issues.
- Develops, maintains and leverages strategic relationships with industry partners in the Locals' jurisdictions, including union members, member representatives, fellow entertainment unions, local and state elected officials, and other labor and community organizations.
- Oversees local administration, enforcement, and organizing of national, regional, and local film and television (both studio and independent), commercial, industrial, and other actor/performer CBAs in Washington, Oregon, Alaska, Idaho, and Montana.
- Oversees administration and enforcement of broadcast CBAs for the Seattle and Portland Locals.
- Serves as first chair in multiple broadcast station CBA negotiations.
- Oversees administration of broadcast CBA grievances and unfair labor practice charges filed before the federal and Washington labor boards.

**Stoel Rives (through an employment agency)**

June 2019 – December 2020

*Temporary Attorney, Labor and Employment Practice Group*

Seattle, WA

- Researched and advised attorneys regarding various labor and employment legal issues under Washington and federal law.
- Drafted motions and briefs in wage dispute, workplace safety, wrongful termination, and discrimination lawsuits and agency actions under Washington and federal law.
- Advised clients regarding compliance with Washington apprenticeship program requirements.
- Prepared training materials for seminars to advise clients on specific labor and employment issues.
- Responded to discovery requests and assisted in resolution of discovery disputes.

**Multiple Temporary Employment Agencies**

October 2017 – June 2019

*Project Attorney*

New York, NY; Atlanta, GA; Seattle, WA

- Conducted review and applied redactions in a variety of document review projects.

**Bignault & Carter**

May 2012 – January 2017

*Associate Attorney, Labor and Employment*

Savannah, GA

- Successfully represented, defended, and drafted written discovery and responsive pleadings in approximately twenty labor and employment-related proceedings before EEOC, NLRB, Georgia and federal courts on behalf of labor unions. Assisted other attorneys in approximately fifteen additional similar proceedings and arbitrations.
- Advised clients regarding compliance with and represented clients as employers before the EEOC and federal court in Title VII, ADEA, ADA, FMLA leave, and other federal labor and employment law administrative and court proceedings.
- Advised clients on labor-management and internal labor union grievance hearings and drafted decisions for grievance hearings as necessary.
- Assisted in labor union election compliance proceedings pursuant to the LMRDA.
- Represented multiemployer ERISA pension and welfare funds to determine participant eligibility for benefits, compliance with federal law, recovery of fraudulent benefits, and internal matters.
- Drafted Amendments and Resolutions to written multiemployer ERISA pension and welfare plans in accordance with Board of Trustee approved changes.
- Researched and drafted memos for over two hundred labor, employment, and ERISA issues.

**STUDENT LEGAL EMPLOYMENT EXPERIENCE:**

**Wake Forest University School of Law Elder Law Clinic**

January 2010 – August 2010

*Student Attorney/Research Assistant*

Winston-Salem, NC

- Interviewed, represented, and advised indigent clients to draft wills, powers of attorney, and advance directives, represent in guardian ad-litem proceedings, and handle other matters related to the field of Elder Law.
- Helped research issues for preparation of a law journal article and to update coursework for future Elder Law Clinic classes.

**The Elderlaw Firm**

May 2010 – August 2010

*Summer Law Clerk*

Greensboro, NC

- Researched Elder Law issues and drafted advance directive documents.

**PRO BONO VOLUNTEER ACTIVITIES:**

**Washington Filmworks**

September 2022 – Present

- Serves on Film Leadership Council.

**University of Georgia Alumni Association, Seattle Chapter**

September 2022 – Present

- Serves as Board member.

**New York Legal Assistance Group**

March 2018 – July 2018

- Reviewed dockets and updated summary chart of pro se litigants to determine status of cases for Pro Se Legal Clinic records.
- Researched legal issues for pro se parties as requested.

**EDUCATION:**

- Wake Forest University School of Law, JD, May 2011

Winston-Salem, NC

- o David Hendry Bland and W. Powell Bland Academic Scholarship recipient

- o CALI Award in Admiralty and Maritime Law

- The University of Georgia, BA in Political Science, August 2007

Athens, GA

**BAR ADMISSIONS:**

- Georgia State Trial Courts, 2011; Georgia Court of Appeals, 2017; Georgia Supreme Court, 2017
- US Southern District of Georgia, 2014
- Eleventh Circuit Court of Appeals, 2015
- Washington State Courts, 2019

# Seattle Film Commission

**11** Members: Pursuant to Ordinance 126678, *all* members subject to City Council confirmation, **3**-year terms:

- **5** City Council-appointed
- **5** Mayor-appointed
- **1** Other Appointing Authority-appointed (specify): Commission

## Roster:

| *D | **G | RD  | Position No. | Position Title   | Name                   | Term Begin Date | Term End Date | Term # | Appointed By |
|----|-----|-----|--------------|--|------------------------|-----------------|---------------|--------|--------------|
| 2  | M   | 5,6 | 1.           | On-screen talent   | Lowell Deo             | 4/24/2024       | 4/23/2027     | 2      | Mayor        |
| 6  | M   | 2   | 2.           | Film industry labor unions   | Davis R. Powell        | 4/24/2025       | 4/23/2028     | 1      | Mayor        |
| 1  | M   | 7   | 3.           | Advertising and creative agencies  | Michael Huang          | 4/24/2023       | 4/23/2026     | 1      | Mayor        |
| 6  | M   | N/A | 4.           | Commercial producers or production companies                                       | Tom Florino            | 4/24/2024       | 4/23/2027     | 2      | Mayor        |
| 2  | F   | 5   | 5.           | Film schools, film programs, or film educators                                     | KD Hall                | 4/24/2025       | 4/23/2028     | 1      | Mayor        |
| 1  | M   | 4   | 6.           | Post-production companies and personnel i.e., editors, composers, post-supervisors | Champ Ensminger        | 4/24/2023       | 4/23/2026     | 1      | City Council |
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| 6  | M   | N/A | 9.           | Film location managers   | Mark Freid             | 4/24/2023       | 4/23/2026     | 1      | City Council |
| 2  | M   | N/A | 10           | Film organizations for underrepresented communities                                | Anthony Tackett        | 4/24/2024       | 4/23/2027     | 2      | City Council |
| 1  | M   | 4   | 11.          | Immersive technology   | Budi Mulyo             | 7/24/2023       | 7/23/2025     | 1      | Commission   |

## SELF-IDENTIFIED DIVERSITY CHART

| SELF-IDENTIFIED DIVERSITY CHART |      |        |             |          | (1)   | (2)                           | (3)                 | (4)                                     | (5)   | (6)                            | (7)                 | (8)               | (9)         |
|---------------------------------|------|--------|-------------|----------|-------|-------------------------------|---------------------|---|-------|--------------------------------|---------------------|-------------------|-------------|
|                                 | Male | Female | Transgender | NB/ O/ U | Asian | Black/<br>African<br>American | Hispanic/<br>Latino | American<br>Indian/<br>Alaska<br>Native | Other | Caucasian/<br>Non-<br>Hispanic | Pacific<br>Islander | Middle<br>Eastern | Multiracial |
| Mayor                           | 4    | 1      |             |          | 1     | 2                             |                     |   |       | 2                              |                     |                   |             |
| Council                         | 4    | 1      |             |          | 1     | 2                             |                     |   |       | 2                              |                     |                   |             |
| Other                           | 1    |        |             |          | 1     |                               |                     |   |       |                                |                     |                   |             |
| Total                           | 9    | 2      |             |          | 3     | 4                             |                     |   |       | 4                              |                     |                   |             |

## Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



## Legislation Text

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**File #:** Appt 03148, **Version:** 1


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Appointment of KD Hall as member, Seattle Film Commission, for a term to April 23, 2028.

The Appointment Packet is provided as an attachment.



## City of Seattle Boards & Commissions Notice of Appointment

|   |                                  |   |
|---|----------------------------------|---|
| <b>Appointee Name:</b><br><i>KD Hall</i>  |                                  |   |
| <b>Board/Commission Name:</b><br><i>Seattle Film Commission</i>   |                                  | <b>Position Title:</b><br><i>Film schools, film programs, or film educators (Position 5)</i>  |
| <input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>   |                                  | <b>City Council Confirmation required?</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                          |
| <b>Appointing Authority:</b><br><input type="checkbox"/> City Council<br><input checked="" type="checkbox"/> Mayor<br><input type="checkbox"/> Other: <i>Fill in appointing authority</i>   |                                  | <b>Term of Position: *</b><br>4/24/2025<br>to<br>4/23/2028<br><br><input type="checkbox"/> <i>Serving remaining term of a vacant position</i> |
| <b>Residential Neighborhood:</b><br><i>Shoreline</i>  | <b>Zip Code:</b><br><i>98177</i> | <b>Contact Phone No.:</b><br>[REDACTED]   |
| <b>Background:</b><br>Over the past decade, KD has worked tirelessly to elevate underrepresented voices, particularly women and girls, through education, production, and storytelling. KD is a visionary and results-driven executive with 20 years of experience designing and leading strategic initiatives at the intersection of equity, community development, and media innovation. KD is founder of the nationally recognized KD Hall Foundation that uplifts women and girls, with a track record of driving social impact, expanding corporate and community partnerships, and building sustainable multi-million-dollar campaigns, developing programs including Girls on the Rise, which empower young women to take leadership roles in media and beyond. An Emmy-nominated storyteller, dynamic speaker, and trusted advisor to leaders across government, education, and the private sector, KD's experience spans both education and media production. KD is known for converting big ideas into tangible results and centering equity at every level, combining mentorship, program development, and industry connections. |                                  |   |
| <b>Authorizing Signature (original signature):</b><br><br><br><b>Date Signed (appointed):</b><br>April 22 <sup>nd</sup> , 2025   |                                  | <b>Appointing Signatory:</b><br><i>Bruce A. Harrell</i><br><i>Mayor of Seattle</i>  |

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# KD HALL

---

[REDACTED]  
[REDACTED]  
Candidate for Position #5 | Emmy-Nominated Producer | Champion for Women | Executive Leader

## EXECUTIVE SUMMARY

Visionary and results-driven executive with 20 years of experience designing and leading strategic initiatives at the intersection of equity, community development, and media innovation. Founder of a nationally recognized foundation that uplifts women and girls, with a track record of driving social impact, expanding corporate and community partnerships, and building sustainable multi-million-dollar campaigns. Emmy-nominated storyteller, dynamic speaker, and trusted advisor to leaders across government, education, and the private sector. Known for converting big ideas into tangible results and centering equity at every level.

## CORE COMPETENCIES

- Strategic Community Engagement & Inclusive Leadership
- Executive & Board-Level Team Management
- Nonprofit Growth & Corporate Partnership Strategy
- Public Speaking | Media Relations | Content Production
- Fundraising & Donor Cultivation | Budget Oversight
- Social Justice Advocacy & Youth Development
- Storytelling for Impact | Events & Campaign Execution
- Crisis Communications | Government & Stakeholder Alignment

## SELECT CAREER HIGHLIGHTS

### • **Founder & CEO | KD Hall Communications & Foundation**

Seattle, WA | 2014 – Present

- - Built a multi-sector powerhouse for social change, media, and leadership development.
- - Led \$1M+ in fundraising, including long-term support from the Gates Foundation, Comcast, Swedish, and others.
- - Designed and scaled the College Ambassador Program empowering 66+ young women in WA and Nigeria.
- - Executive Producer of 10+ video and film projects, including the talk show *Conversations with KD Hall*; 4-time Emmy-nominated.
- - Produced 20+ major events including *Women on the Rise*, drawing 250+ attendees and earning proclamations from three cities.

- **Director of Communications & Marketing | King County Library System**

Seattle, WA | 2023 – Mar 2024

- - Directed strategy for countywide communications across 50+ branches and a \$1M marketing budget.
- - Built integrated campaigns that increased visibility, program engagement, and trust among diverse communities.
- - Led a team of 13 professionals in executing brand, equity, and literacy initiatives.

**Regional Director, Marketing & Communications | YMCA of Greater Seattle**

Seattle, WA | 2015 – 2016

- - Led marketing and media strategy for South King County branches.
- - Executive Producer of 20+ promotional videos; built a media internship program to cultivate youth media talent.
- - Created community-centered messaging that elevated enrollment and retention across Y programs.

**Chief Communications Officer | Bellevue College**

Bellevue, WA | 2020 – 2020

- - Managed public relations and stakeholder messaging during a historic leadership transition.
- - Guided onboarding of President Gary Locke and led restorative justice storytelling on Japanese American incarceration.

**Director of Enrollment & Community Engagement (Multiple Roles) | University of Phoenix**

WA, NY, NJ | 2007 – 2014

- - Drove multi-campus expansion through equity-aligned outreach, marketing, and operations.
- - Managed high-impact community relations, reorganizations, and full-service team leadership.
- - Achieved significant growth in adult learner and veteran enrollment.
- - Opened new branches across the country



## **MEDIA & EDUCATIONAL LEADERSHIP**

Host & Creator | Conversations with KD Hall

- Produced and hosted a 10-episode video series on leadership, equity, and community voice.
- Recognized by the Seattle Storm's Believe in Women campaign for advocacy and storytelling.

Affiliate Professor | University of Washington, School of Communications Leadership (2019 – Present)

Adjunct Professor | Bellevue College, Marketing Department (2016 – 2018)

- Developed and taught courses in marketing, media, and strategic communications.
- Produced a grant-funded student docu-series in partnership with SAG-AFTRA.

## **BOARD LEADERSHIP & AFFILIATIONS**

- Board of Governors, NATAS NW (Emmys)
  - Board Member, Seattle Sports Commission and Seattle Association of Black Journalists
  - Leadership Member, Bellevue College, Treehouse for Kids, Big Brothers Big Sisters, Rotary
- 4

## **EDUCATION**

MBA – University of Phoenix

MAEd, Adult Education & Training – University of Phoenix

BA, Communications (Broadcasting Journalism) – Oakland University

## **HONORS & RECOGNITION**

- 4-Time Emmy-Nominated Producer – National Academy of Television Arts & Sciences
- 40 Under 40 Honoree – Puget Sound Business Journal, 425 Magazine, South Sound Magazine
- Believe in Women Honoree – Seattle Storm
- Leader of the Year – Center of Women Democracy
- Woman to Watch – South Sound Magazine
- Blood Hero Award – American Red Cross
- Comcast RISE Award Recipient – 2021
- Diversity Award Winner – City Career Fair (2015, 2017, 2019)

# Seattle Film Commission

**11** Members: Pursuant to Ordinance 126678, *all* members subject to City Council confirmation, **3**-year terms:

- **5** City Council-appointed
- **5** Mayor-appointed
- **1** Other Appointing Authority-appointed (specify): Commission

## Roster:

| *D | **G | RD  | Position No. | Position Title   | Name                   | Term Begin Date | Term End Date | Term # | Appointed By |
|----|-----|-----|--------------|--|------------------------|-----------------|---------------|--------|--------------|
| 2  | M   | 5,6 | 1.           | On-screen talent   | Lowell Deo             | 4/24/2024       | 4/23/2027     | 2      | Mayor        |
| 6  | M   | 2   | 2.           | Film industry labor unions   | Davis R. Powell        | 4/24/2025       | 4/23/2028     | 1      | Mayor        |
| 1  | M   | 7   | 3.           | Advertising and creative agencies  | Michael Huang          | 4/24/2023       | 4/23/2026     | 1      | Mayor        |
| 6  | M   | N/A | 4.           | Commercial producers or production companies                                       | Tom Florino            | 4/24/2024       | 4/23/2027     | 2      | Mayor        |
| 2  | F   | 5   | 5.           | Film schools, film programs, or film educators                                     | KD Hall                | 4/24/2025       | 4/23/2028     | 1      | Mayor        |
| 1  | M   | 4   | 6.           | Post-production companies and personnel i.e., editors, composers, post-supervisors | Champ Ensminger        | 4/24/2023       | 4/23/2026     | 1      | City Council |
| 6  | F   | 4   | 7.           | Film production crew   | Kat Ogden              | 4/24/2024       | 4/23/2027     | 2      | City Council |
| 6  | M   | 3   | 8.           | Film festivals or film content distribution companies                              | Lawrence Alexander III | 4/24/2025       | 4/23/2028     | 1      | City Council |
| 6  | M   | N/A | 9.           | Film location managers   | Mark Freid             | 4/24/2023       | 4/23/2026     | 1      | City Council |
| 2  | M   | N/A | 10           | Film organizations for underrepresented communities                                | Anthony Tackett        | 4/24/2024       | 4/23/2027     | 2      | City Council |
| 1  | M   | 4   | 11.          | Immersive technology   | Budi Mulyo             | 7/24/2023       | 7/23/2025     | 1      | Commission   |

## SELF-IDENTIFIED DIVERSITY CHART

| SELF-IDENTIFIED DIVERSITY CHART |      |        |             |          | (1)   | (2)                           | (3)                 | (4)                                     | (5)   | (6)                            | (7)                 | (8)               | (9)         |
|---------------------------------|------|--------|-------------|----------|-------|-------------------------------|---------------------|---|-------|--------------------------------|---------------------|-------------------|-------------|
|                                 | Male | Female | Transgender | NB/ O/ U | Asian | Black/<br>African<br>American | Hispanic/<br>Latino | American<br>Indian/<br>Alaska<br>Native | Other | Caucasian/<br>Non-<br>Hispanic | Pacific<br>Islander | Middle<br>Eastern | Multiracial |
| Mayor                           | 4    | 1      |             |          | 1     | 2                             |                     |   |       | 2                              |                     |                   |             |
| Council                         | 4    | 1      |             |          | 1     | 2                             |                     |   |       | 2                              |                     |                   |             |
| Other                           | 1    |        |             |          | 1     |                               |                     |   |       |                                |                     |                   |             |
| Total                           | 9    | 2      |             |          | 3     | 4                             |                     |   |       | 4                              |                     |                   |             |

## Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



## Legislation Text

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**File #:** Res 32170, **Version:** 1

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### CITY OF SEATTLE

#### RESOLUTION \_\_\_\_\_

A RESOLUTION granting conceptual approval to the Downtown Seattle Association to install, maintain, and operate interactive media kiosks in public places located in the Metropolitan Improvement District and in participating Business Improvement Areas.

WHEREAS, Downtown Seattle Association (“DSA”) is a 501(c)(4) non-profit membership organization incorporated and registered to do business in Washington, whose geographic service area is the downtown area defined as the Metropolitan Improvement District (“MID”); and

WHEREAS, the DSA’s purpose is to promote, advance, and stimulate civic, business, commercial, and residential interests and general welfare in Downtown, and to encourage, promote, and stimulate change and advances for the general improvement and welfare of Downtown; and

WHEREAS, the DSA has engaged a third-party vendor IKE Smart City (“Vendor”) of interactive media kiosk (“Kiosks”) technology to provide static and digital commercial advertising and to also provide wayfinding, public service, and safety announcements; and

WHEREAS, the DSA maintains that Kiosks can be used in a variety of ways to enhance communication, commerce, entertainment, educational and civic affairs, and that their installation, deployment, and operation in Downtown and participating Business Improvement Areas (“BIAs”) across the City will provide benefits to the public; and

WHEREAS, the Kiosks will further the City’s interest in equity by providing free Wi-Fi hubs throughout Downtown and in participating BIAs benefiting those who may not be able to afford these services; and

WHEREAS, the Kiosks will also serve a public safety function by providing a 911 call function to allow the public to seek police, fire, and emergency medical help; and

WHEREAS, the DSA will contract with the Vendor for the Kiosks and the City agrees to have the Kiosks deployed on City rights-of-way within the Metropolitan Improvement District and participating BIA boundaries; and

WHEREAS, the City would like to provide opportunities for additional BIAs that have demonstrated interest in the Kiosks and attendant public benefits to apply for Kiosks in the future with new term permit legislation; and

WHEREAS, Article IV, Section 14 of the City Charter authorizes the City Council to approve uses in the right-of-way that would not otherwise conform to codes, including Chapters 15.12 and 23.55 of the Seattle Municipal Code; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by the DSA and Vendor and recommends that conceptual approval be granted;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:**

Section 1. The City Council finds that the Kiosks, as proposed by the DSA and Vendor, is in accordance with and in the public interest.

Section 2. As conditions for obtaining permission to construct the Kiosks, the DSA and Vendor shall:

(1) Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation (“SDOT”) that the Director will circulate to other City departments and any public and private utilities affected by the installation of the Kiosks;

(2) Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City’s Risk Manager;

(3) Pay all City permit and review fees;

(4) Obtain all other necessary permits;

(5) Maintain and inspect the Kiosks; and

(6) Remove the Kiosks and restore the right-of-way in as good condition for public use as existed prior to construction of the Kiosks and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way restoration standards upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

Section 3. After this resolution is adopted, SDOT will present to the Council a draft term permit ordinance identifying the conditions under which permission may be granted for the use of the right-of-way for the Kiosks. Permission to use the right-of-way is subject to the Council's decision to approve, deny, or modify the draft term permit ordinance presented by the Director.

Section 4. As recommended by the Director and the Mayor, conceptual approval for construction of the Kiosks, is GRANTED.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

---

Scheereen Dedman, City Clerk

(Seal)

## **SUMMARY and FISCAL NOTE**

| <b>Department:</b>                   | <b>Dept. Contact:</b> | <b>CBO Contact:</b> |
|--------------------------------------|-----------------------|---------------------|
| Seattle Department of Transportation | Amy Gray              | Aaron Blumenthal    |

### **1. BILL SUMMARY**

**Legislation Title:** A RESOLUTION granting conceptual approval to the Downtown Seattle Association to install, maintain, and operate interactive media kiosks in public places located in the Metropolitan Improvement District and in participating Business Improvement Areas.

**Summary and Background of the Legislation:** This resolution grants conceptual approval for a programmatic term permit for digital kiosks and outlines certain conditions for obtaining permission to construct the kiosks. After this resolution is adopted, a draft term permit ordinance specifying all of the permit conditions will be submitted to the City Council by SDOT.

The Downtown Seattle Association has engaged with a third-party vendor IKE Smart City to install and operate interactive media kiosks. The kiosks use an interactive dynamic digital display to disseminate public information and display advertising. The proposal is for a maximum of 80 kiosks deployed in the Metropolitan Improvement District (MID), Ballard Improvement Area, U District Business Improvement Area, SODO Business Improvement Area, and West Seattle Junction Business Improvement Area. The first Phase 1 deployment would include 30 kiosks in the MID. A second optional Phase 2 deployment at the city's discretion would include up to 50 additional kiosks: 30 kiosks in the MID and 20 kiosks in the BIAs.

A term permit ordinance is required for programmatic permission. If approved, additional permits will be required for installation.

In addition to advertising, the kiosks display public content including, but not limited to: wayfinding; transportation information; public safety and health information; historical and local information; public art; promotion of local arts, culture and community events; and community messaging in coordination with local non-profits, neighborhood organizations, and City Departments. Kiosks will have the ability to call 211, 311, or 911 operators. Content on kiosks will be governed by a Memorandum of Understanding (MOU) between Downtown Seattle Association and the City of Seattle.

Kiosks will be prohibited from being located in all shoreline districts, Historic Districts, Special Review Districts, Preservation Districts, the Seattle Center Overlay District, and Parks Boulevards. Other siting constrictions will limit the locations of kiosks near intersections, commercial vehicle and truck loading zones, bus zones, music venue zones, designated food vehicle or vending zones, Seamless Seattle signs, bike lanes, and other areas to limit driver distraction.

Downtown Seattle Association estimates that Kiosks will generate \$1.1 million in advertising revenue for the initial 30 kiosk deployment, collected by the Downtown Seattle Association, with use limited to public purposes, governed by MOU between the City and Downtown Seattle Association. The MOU also provides that revenue from the optional 30 Kiosk expansion located in the MID would be collected by the City, and the optional 20 kiosk expansion in BIA locations would generate revenue for BIAs. If kiosks are expanded in Phase 2 and are installed in similar locations and conditions as Phase 1, the City might expect similar annual revenue to the original 30 kiosks; revenue projections for the 20 BIA expansion kiosks is not known.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☒ Yes ☐ No

| Expenditure Change (\$);<br>General Fund | 2025 | 2026 est. | 2027 est. | 2028 est. | 2029 est. |
|--|------|-----------|-----------|-----------|-----------|
|  | N/A  | N/A       | N/A       | N/A       | N/A       |
| Expenditure Change (\$);<br>Other Funds  | 2025 | 2026 est. | 2027 est. | 2028 est. | 2029 est. |
|  | N/A  | N/A       | N/A       | N/A       | N/A       |

| Revenue Change (\$);<br>General Fund | 2025 | 2026 est. | 2027 est. | 2028 est. | 2029 est. |
|--------------------------------------|------|-----------|-----------|-----------|-----------|
|                                      | \$0  | TBD*      | TBD       | TBD       | TBD       |
| Revenue Change (\$);<br>Other Funds  | 2025 | 2026 est. | 2027 est. | 2028 est. | 2029 est. |
|                                      | N/A  | N/A       | N/A       | N/A       | N/A       |

| Number of Positions | 2025 | 2026 est. | 2027 est. | 2028 est. | 2029 est. |
|---------------------|------|-----------|-----------|-----------|-----------|
|                     | N/A  | N/A       | N/A       | N/A       | N/A       |
| Total FTE Change    | 2025 | 2026 est. | 2027 est. | 2028 est. | 2029 est. |
|                     | N/A  | N/A       | N/A       | N/A       | N/A       |

\*It is unknown at this time the amount of revenue share the City will receive in 2026. See 3.d. for more information.

### 3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

Yes. It is anticipated that the final term permit legislation will include fees paid by the permittee to the City in line with standard term permit fee approach, to be ultimately determined in the term permit legislation.



**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

N/A

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

If not implemented, the City would not receive any revenue share proceeds from the DSA for either Phase 1 or 2 and participating BIAs would not receive revenue share proceeds for Phase 2. The Memorandum of Understanding between the City and the DSA requires the DSA to pay all revenue share proceeds in excess of \$1.1 million to the City with Phase 1. For Phase 2, all revenue share proceeds for kiosks in the MID go to the City. For kiosks located in participating BIAs outside of the MID, revenues would be spent in the participating BIA.

#### 4. OTHER IMPLICATIONS

**a. Please describe how this legislation may affect any departments besides the originating department.**

N/A

**b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

No.

**c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

**i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

The kiosks provide a free Wi-Fi hub that the public can use at any time.

**ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

**iii. What is the Language Access Plan for any communications to the public?**

N/A

**d. Climate Change Implications**

**i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

This legislation is not likely to increase or decrease carbon emissions in a material way.

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation will not increase or decrease Seattle’s resiliency to climate change in a material way.

- e. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

## 5. CHECKLIST

- ☐ **Is a public hearing required?**
- ☐ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

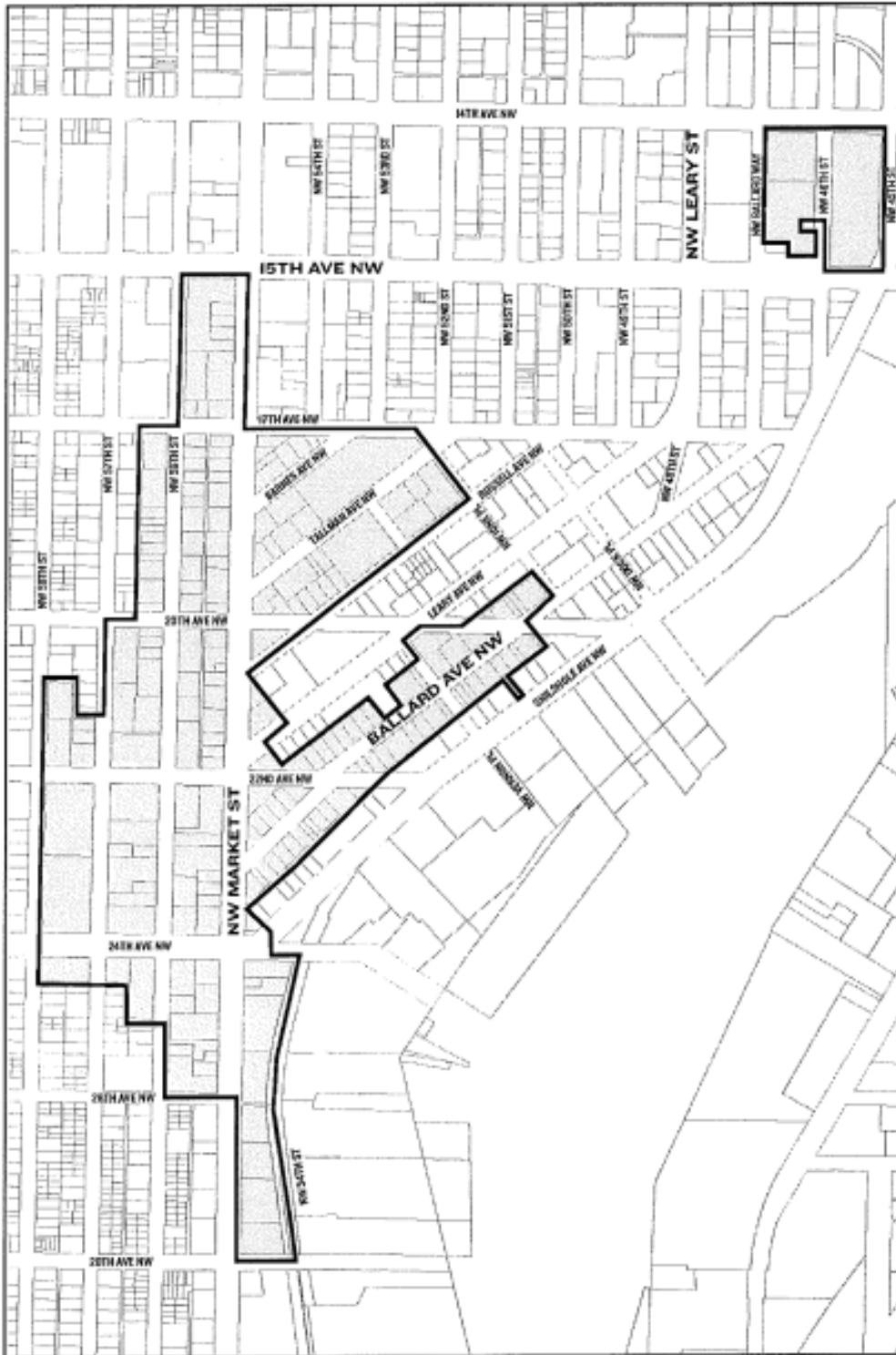
## 6. ATTACHMENTS

### Summary Attachments:

Summary Att A – Metropolitan Improvement District Map  
Summary Att B – Ballard Improvement Area Map  
Summary Att C – U District Business Improvement Area Map  
Summary Att D – SODO Business Improvement Area Map  
Summary Att E – West Seattle Junction Business Improvement Area Map



Ballard Business Improvement Area Map



## U District Business Improvement Area Map



### Proposed New U District BIA Boundary



0 .125 .25 Miles











To: Council President Nelson & the Honorable Members of the Seattle City Council  
From: Interim Director Adiam Emery  
Date: April 30, 2025  
Subject: Director's Report and Recommendation: Interactive Media Kiosks Programmatic Term Permit

## **1. Introduction**

This Resolution from the Seattle Department of Transportation (SDOT) is in response to an application for a programmatic term permit from the Downtown Seattle Association (DSA) to install, maintain, and operate interactive media kiosks in the right-of-way. If approved by City Council, the Resolution provides conceptual approval for private use of the public right-of-way, and a separate Ordinance would be prepared for City Council approval. Installing interactive media kiosks in the public right-of-way is included in the Downtown Activation Plan and is a priority for Mayor Harrell.

## **2. Summary of Proposal**

The DSA engaged with a private vendor IKE Smart City (IKE) and applied for a programmatic term permit for interactive media kiosks (Kiosks) in the right-of-way. Programmatic term permits allow a permit holder to install, operate, and maintain at-grade structures in a defined area, but are not location specific. If the programmatic term permit is approved by City Council, DSA/IKE will apply for individual installation permits for specific locations.

This legislation would allow 80 kiosks in total. DSA/IKE are proposing to install 30 interactive media kiosks in the Metropolitan Improvement District (MID) as Phase 1 of a multi-phase deployment. DSA/IKE plans for Kiosk installation before the FIFA World Cup games, which starts in June 2026. Phase 2 of the deployment consists of an additional 30 kiosks in the MID and an additional 20 kiosks distributed between the Ballard Business Improvement Area, U District Business Improvement Area, SODO Business Improvement Area, and West Seattle Junction Business Improvement Area. Phase 2 deployment would be at the City's discretion, although no further legislative action would be required.

Kiosks would not be allowed in shoreline districts, Historic Districts, Special Review Districts, Preservation Districts, the Seattle Center Overlay District, and Parks boulevards. Other siting restrictions will limit the kiosks near intersections, adjacent to some types of curb zones, Seamless Seattle Signs, unprotected bike lanes, and other areas to limit driver distraction.

The Kiosks will present static and moving images on the screens. The screens feature eight content slides that rotate on a continual loop. One out of eight slides will feature public content, such as wayfinding, transportation information, public safety and health information, public art, and community events. The rest of the content will be from private interests that purchase the right to advertise from IKE. Any unsold commercial slides will be offered to the City at no cost. The City may also request additional messaging for special events like the FIFA World Cup, if there is a





natural disaster, or public safety emergencies. The kiosks will include a call button allowing users to reach 211, 311, or 911 operators.

The kiosks will have accessible features to assist people with disabilities. The kiosks will also be able to translate all content into 100 languages.

Advertising is “commercial speech” and is protected by the First Amendment. This legislation does not provide any limitations on the content displayed on the kiosks.

Within 90 days of each installation, DSA/IKE would be required to provide public benefits on the same block face of each kiosk installation to mitigate impacts to the public right-of-way as discussed in Section 7. When public benefits include installing amenities, the amenities will be constructed and maintained by the permit holder for the duration of the term permit.

### 3. Background

#### SMC Chapter 15.65 – Significant Structures Term Permits

A term permit is required for privately-owned significant structures to use and occupy the right-of-way under SDOT’s jurisdiction. Consistent with SMC Chapter 15.65, SDOT reviews applications for significant structures and prepares legislation for City Council consideration. Denial or approval of term permits is within the authority of the City Council.

Typical examples of significant structures under term permits include pedestrian, vehicle, or utility tunnels; at-grade and below-grade utility building structures; and other building structures in the public right-of-way. In addition, SDOT has used the significant structure term permit to authorize programmatic uses of the public right-of-way, where they would not qualify individually as a significant structure, but programmatically warrant City Council review under the term permit process. There has been one previous programmatic term permit reviewed under SMC 15.65. City Council passed Ordinance 124506 to allow Puget Sound Bike Share d.b.a Pronto! Emerald City Cycle Share (Pronto) to operate and maintain a bike share program. This programmatic term permit included docks for bicycles and kiosks for payment and helmet vending in the right-of-way. Pronto ceased operations in Seattle in 2017 and the programmatic term permit was voided.

SDOT’s review assesses the degree to which significant structures serve the public interest and their relationship to the cityscape. In addition, we determine if public benefits mitigation is warranted based on the type of proposal pursuant to SMC 15.65.040.C.10. Public benefit mitigation is intended to offset the impact of the significant structure and be additive to the proposal.

City Council approval of term permits is a two-step process. First, City Council must adopt a Resolution for conceptual approval of the proposal. This happens when the project design is about 60 percent complete, and after Seattle Design Commission review and recommendation, and the SEPA review process are complete. The Resolution establishes the conditions the applicant must meet before City Council considering the term permit Ordinance, which is City Council's second and final approval. The Ordinance specifies all the terms and conditions of the permit, including location criteria, insurance requirements, the bond amount, and duration of the permit. In addition, based on the nature of the significant structure, a public benefit mitigation proposal may be required as occurs here.

#### **4. Summary of Process**

SDOT circulates term permit applications to various City departments to review and provide comments and recommendations. This application was shared with SDOT Environmental, SDOT Transportation Operations, SDOT Traffic Signals, SDOT Curbspace Management, SDOT Urban Forestry, SDOT Roadway Structures, SDOT Urban Design, the Office of the Waterfront, Civic Projects and Sound Transit, Seattle Public Utilities, the Department of Neighborhoods, the Seattle Department of Construction and Inspections (SDCI), Seattle IT, and Seattle City Light (SCL).

##### *Seattle Design Commission*

The Seattle Design Commission (SDC) also reviews proposals for at-grade significant structures to review the proposal's urban design implications. Where the City determines public benefit mitigation is required, the SDC also reviews the public benefit mitigation proposal to offset urban design impacts. The SDC met with DSA/IKE on April 4, 2024, June 6, 2024, and September 19, 2024.

##### *SEPA Checklist*

The DSA/IKE completed a SEPA checklist as required as part of the application process. As the lead agency, SDOT reviewed the checklist to determine whether the environmental impacts of the proposal are significant. The checklist included an impact analysis for the following:

- environmental (soils and erosion);
- air quality and emissions;
- water bodies, floodplains, groundwater, water runoff, and stormwater;
- plants and vegetation;
- animals;
- energy and natural resources;
- environmental health, land and shoreline use;
- housing;
- light and glare;
- recreation;
- historic and cultural preservation;
- public services; and
- utilities.



DSA/IKE analyzed the aesthetic impacts of the kiosks on the streetscape environment in depth. This analysis included evaluation of motion and videos displays, kiosk locations, and wayfinding and the impact to the Seamless Seattle signs. Additionally, the SEPA checklist analyzed the existing neighborhood characteristics of the MID, Ballard BIA, U District BIA, SODO BIA, and West Seattle Junction BIA. The analysis included visualizations in each of these neighborhoods that used differing setbacks from intersections, times of day, land uses, street types, pedestrian and vehicle views, and curbside uses.

DSA/IKE prepared a Transportation Memo to evaluate the transportation impacts of the proposal, including a driver distraction analysis. SDOT's Transportation Operations Division provided feedback on the Transportation Memo and driver distraction study resulting in several placement criteria that will be included in the term permit Ordinance to protect pedestrians, cyclists, and drivers.

If City Council adopts the Resolution and the term permit Ordinance, DSA/IKE will need to apply for installation permits for specific locations and complete project-level SEPA review.

## 5. Sign Code Compliance

Off-premises advertising as will occur on the kiosks is prohibited by Seattle Municipal Code (SMC) Chapters 15.12 (Street Use Ordinance – Signs, Banners, Street Clocks) and 23.55 (Sign Code). The specific relevant code sections are:

- 15.12.010, 23.55.001-23.55.003 (intent and scope of sign provisions),
- 23.55.014 (off-premises signs),
- 23.55.015 (sign kiosks and community bulletin boards),
- 23.55.022 (signs in multifamily zones),
- 23.55.024 (signs in residential commercial zones),
- 23.55.028 (signs in NC1 and NC2 zones),
- 23.55.030 (signs in NC3, C1, C2, and SM zones),

- 23.55.034 (signs in downtown zones), and
- 23.55.036 (signs in IB, IC, IG1 and IG2 zones).

Article IV, Section 14 of the City Charter authorizes City Council to approve uses in the right-of-way that would otherwise not conform to codes. If the City Council adopts the term permit Resolution and Ordinance, an approval is consistent with the authorization in the City Charter.

## 6. Community Engagement

While SDOT does not undertake community outreach for term permits the public may provide comments at the Seattle Design Commission and at City Council meetings. In addition, DSA/IKE conducted outreach on the kiosk proposal to obtain feedback from the communities where the kiosks will be located. This included postcard mailings, hand delivered postcards, an interactive website, and hosting a community event. DSA/IKE presented to the following community organizations:

- Pike/Pine Neighborhood Council,
- Denny Triangle Neighborhood Association,
- Seattle Mariners/Ballpark Public Facilities District,
- Belltown United,
- Uptown Alliance,
- First Hill Improvement Association, and
- Participating BIAs.

Public comments were also received as part of the SEPA process.

### *Pedestrian Advisory Board*

DSA/IKE presented their proposal to SDOT's Pedestrian Advisory Board on August 14, 2024. Board members provided comments on the functionality of the kiosks, accessibility features, and how the kiosks operate in other cities where IKE has contracts.

### *Seattle Disability Commission*

DSA/IKE presented to the Seattle Disability Commission on January 16, 2025. Commissioners asked if they were working with the University of Washington on the mapping feature for navigating steep streets and commented that the QR code can be difficult for visually impaired persons to use.

The feedback received to date varies from positive to negative. Positive comments centered around the accessibility features for people with disabilities, wayfinding and real time transit information, the inclusion of an art program in the display content, the emergency response capabilities, the benefit to tourists and visitors finding places in Seattle, and the benefits to the business community and neighborhoods. The negative comments were primarily about off-premises and additional advertising in the right-of-way, the usefulness of the kiosks with cell phones being ubiquitous, negative impacts on the pedestrian realm, using the public right-of-way for private financial gain,

keeping the right-of-way for the public, duplicating the Seamless Seattle wayfinding program, undermining the existing sign code, and kiosk light levels.

## **7. Seattle Design Commission Recommendation**

The Seattle Design Commission (SDC) review is required as part of the term permit process for proposed structures that will be above-grade under SMC Section 15.65.040.B. The SDC provides their recommendation on the proposal to the SDOT Director and may recommend additional public benefit mitigation elements.

After DSA/IKE presented the proposal at several meetings, the SDC did not vote in favor of recommending approval. However, the SDC provided recommendations regarding the City review of the proposal and considerations for City Council if legislation is sent to City Council for approval.

The SDC recommended City Council adopt in the term permit Ordinance:

1. An assessment of the program after the initial 30 kiosks installed.
2. Prohibit kiosks on the same block face as Seamless Seattle 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.

On public benefits, the SDC recommended:

- 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.)

## **8. Analysis**

After reviewing the application materials, SDOT concludes that the DSA/IKE proposal for interactive media kiosks sufficiently meets the criteria in SMC 15.65.049.C, including adequate public benefit mitigation to offset the impacts to the public. With the location criteria informed by the SDC review and the SEPA process and included in the term permit Ordinance, the interactive media kiosks

sufficiently address concerns about view blockage, interruption or interference with existing streetscape and street amenities, effects on pedestrian activity, effect on commerce and enjoyment of neighboring land uses, effect on pedestrian and traffic safety, and accessibility for the elderly and people with disabilities.

SDOT Seamless Seattle staff met with the applicant team on numerous occasions to provide information on that program's location methodologies, coordinating the kiosk content colors and iconography with the DSA/IKE proposal, naming conventions, schedule, and its future expansion areas. SDOT has established location criteria that would restrict the kiosks proximity to Seamless Seattle signs.

Seattle IT, after reviewing the personal data collection, data sharing, data use and retention components of the proposal, concluded that the proposal complies with Chapter 14.18 SMC. Seattle City Light (SCL) provided input on the electrical needs of the kiosks and what DSA/IKE needs to consider when applying for electrical service.

The results of the SEPA checklist analysis on aesthetics and transportation included location criteria to reduce the potential aesthetic impacts on the streetscape and reducing driver distraction. This is in addition to the location criteria for the Seamless Seattle signs. SDOT issued a Determination of Non-Significance on February 7, 2025, and received three comments. One from the Squaxin Island tribe stating they had no comment, one from King County Wastewater Treatment Division asking to be consulted during site specific installations, and one from Brandon Smith, General Manager and Vice President at Lamar Advertising Company, asking for more information on the process to-date. There were no SEPA appeals filed.

In the programmatic term permit Ordinance, SDOT is incorporating the feedback from various SDOT divisions, other City departments, and the SDC, including the SDC recommendations for the City Council to include in the Ordinance (1-4 in Section 7 above) and considered the Commission's recommendations on public benefits. The Ordinance includes a decluttering strategy and public realm enhancements on the block face of a kiosk location. The Ordinance will also include protections for the City, such as indemnifying the City, insurance obligations, a bond, and restoration obligations.

## **9. Memorandum of Understanding**

The DSA and the Mayor's Office are drafting a Memorandum of Understanding (MOU) to be signed after the Resolution is adopted and the Ordinance is approved. The MOU details the business plan, revenue sharing, expectations of DSA/IKE and the City, and operations during the 2026 FIFA World Cup. In the first phase, DSA expects the kiosks to generate approximately \$1.1 million for the DSA to use towards funding public safety and capital improvements in the MID. In Phase 1, DSA will give the City all revenue share proceeds exceeding \$1.1 million. For Phase 2, all revenue share proceeds for kiosks in the MID go to the City. For kiosks located in participating BIAs outside of the MID, revenues will be retained by the DSA and used in the specific BIA where a kiosk is located.

## **10. Recommendation**

SDOT recommends City Council conceptually approve the programmatic term permit for interactive media kiosks in the right-of-way. If City Council adopts the Resolution, SDOT will bring a term permit Ordinance for final approval to City Council. The term permit Ordinance will include the siting criteria for individual installations and public benefits mitigation for each installation. The Ordinance will also require the DSA to pay an annual fee, submit periodic reports to SDOT, obtain insurance and indemnify the City, restore the right-of-way if a kiosk is removed, and maintain the kiosks for the duration of the term permit.

## **Attachments**

Attachment A – SEPA Determination of Non-Significance

Attachment B – SEPA Checklist

Attachment C – Seattle Design Commission Final Report



**SEATTLE DEPARTMENT OF TRANSPORTATION (SDOT)  
SEPA DETERMINATION OF NONSIGNIFICANCE (DNS)  
FOR THE DOWNTOWN SEATTLE ASSOCIATION/IKE DIGITAL WAYFINDING KIOSKS**

**Description of proposal:** The Seattle Department of Transportation (SDOT) proposes a Council Term Permit #SUTERM0000160 authorizing the Downtown Seattle Association (DSA) in partnership with IKE Smart City to install and operate up to 80 digital wayfinding kiosks in the City of Seattle public right-of-way (ROW).

**SEPA Lead Agency:**

Seattle Department of Transportation  
Contact: Amy Gray  
PO Box 34966  
Seattle, WA 98124-4996  
206-386-4638

**Project Proponent:**

Downtown Seattle Association  
Contact: Jennifer Casillas  
1809 7<sup>th</sup> Avenue, Suite 900  
Seattle, WA 98101  
206-623-0340


**Location of proposal:** The term permit authorizes installation of up to 80 kiosks in multiple locations in the Seattle ROW. DSA proposes to install up to 60 kiosks in the Metropolitan Improvement District (MID) of the Downtown neighborhood, which is bounded by Denny Way, Pioneer Square, I-5, and the waterfront. DSA also proposes to install up to 20 kiosks in the Ballard, SODO, U District, and West Seattle Junction Business Improvement Areas (BIAs), excluding neighborhood residential zones and with an emphasis within Urban Villages and Urban Centers.

SDOT has determined that this proposal would not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under Revised Code of Washington (RCW) 43.21C.030(2)(c). This decision was made after review of the SEPA Checklist and other information on file with the lead agency. This information is available at the Seattle Public Library – Central Library located at 1000 Fourth Ave, Seattle, WA 98104. This information is also available to the public on request by email to [publicspace@seattle.gov](mailto:publicspace@seattle.gov) or by telephone to 206-386-4638.

This DNS is issued under WAC 197-11-340(2) and SMC 25.05.340; the lead agency will not act on this proposal for 14 days from the issue date below. **Comments must be submitted to SDOT agency contact Amy Gray by 5:00 p.m. on February 27, 2025, by email to [publicspace@seattle.gov](mailto:publicspace@seattle.gov), or by telephone to 206-386-4638.**

**Issue Date:** February 13, 2025

**SEPA Responsible Official:** Jill Macik, SDOT SEPA Responsible Official

  
Jill Macik (Feb 7, 2025 15:15 PST)

Signature

02/07/2025

Date

Any interested person may appeal this DNS by submitting a Notice of Appeal and the appropriate filing fee to the Office of the Hearing Examiner located at 700 5th Avenue, Suite 4000, Seattle; mailing address: P.O. Box 94729, Seattle, WA 98124; telephone: (206) 684-0521. **Appeals must be filed no later than 5:00 p.m. on March 6, 2025.** Appellants should be prepared to make specific factual objections. See SMC 25.05.680 for SEPA appeal procedures.



## SEPA ENVIRONMENTAL CHECKLIST

### *Purpose of checklist:*

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### *Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### *Instructions for Lead Agencies:*

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### *Use of checklist for nonproject proposals:*

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B, Environmental Elements, that do not contribute meaningfully to the analysis of the proposal.

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- Attachment A Business Improvement Areas Map  
Attachment B Heffron Transportation Memo Recommended Location and Criteria Technical Memorandum for Traffic Safety  
Attachment C Sign Code Conformance Review  
Attachment D Aesthetics Report

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## ENVIRONMENTAL CHECKLIST

### A. BACKGROUND

**1. Name of the proposed project, if applicable:**

Proposed Significant Structure Term Permit Ordinance and Adopting Legislation for the Interactive Information Device (Device) Program

**2. Name of applicant:**

Downtown Seattle Association (DSA) in partnership with IKE Smart City

**3. Address and phone number of applicant and contact person:**

Jennifer Casillas, DSA  
1809 7th Avenue, Suite 900  
Seattle, WA 98101  
206.623.0340

**4. Date checklist prepared:**

January 27, 2025.

**5. Agency requesting checklist:**

**SEPA Lead Agency:** Seattle Department of Transportation (SDOT).

**6. Proposed timing or schedule (including phasing, if applicable):**

Actions taken include Phase 1 and Phase 2 as described below:

- **Phase 1** provides for Seattle City Council legislative approval of the Significant Structure Term Permit (Term Permit) ordinance and adopting legislation with associated program allowances and conditions. The City Council is expected to review the proposed Term Permit ordinance in 2025.

**Phase 2** would proceed upon completion of Phase 1. Upon approval of the Term Permit ordinance and legislative component of the proposal, individual Street Use permits would be processed for Devices proposed for specific locations under Phase 2.

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

This SEPA Environmental Checklist provides the programmatic environmental review for a Term Permit ordinance and adopting legislation authorizing a maximum of 80 Devices to be deployed citywide the Downtown Metropolitan Improvement District (MID) and select neighborhood Business Improvement Areas (BIAs).

Beyond the maximum of 80 Devices stated, there are currently no future additions, expansion, or further activity related to or connected with this proposal.

Subsequent deployments beyond the initial 80 Devices would require separate City Council action.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

- Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety. Prepared for IKE Smart City. Prepared by Heffron Transportation. 2025. (Attachment B of this SEPA Environmental Checklist).
- Sign Code Conformance. Prepared for IKE Smart City. Prepared by Environmental Science Associates. 2025. (Attachment C of this SEPA Environmental Checklist).
- Aesthetics Report. Prepared for IKE Smart City. Prepared by Site Workshop Landscape Architecture. 2025. (Attachment D of this SEPA Environmental Checklist).

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

This programmatic (non-project) action is for a Term Permit ordinance and adopting legislation that would allow the deployment of Devices within specific areas of the right-of-way, where other work applications and proposals could be pending.

Upon approval of the Term Permit ordinance and adopting legislation, any work authorized in the right-of-way will be reviewed and coordinated in advance as part of the Street Use permitting.

**10. List any governmental approvals or permits that will be needed for your proposal, if known:**

- The proposed Term Permit ordinance will require adoption by the Seattle City Council.
- Because all Devices are expected to be installed within the City's right-of-way, they would require Street Use permits consistent with SMC Title 15. Conditions will be proposed by SDOT.
- Electrical connections need review and approval from the City and utility provider.
- A Memorandum of Understanding (MOU) will be required between the City of Seattle and the Downtown Seattle Association.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

**Background**

Like many cities, Seattle is interested in finding ways to enhance the Downtown and urban core throughout the city. In particular, Mayor Harrell's Downtown Activation Plan (DAP) aims to revitalize Seattle's Downtown core neighborhoods as a safe and vibrant shopping, cultural/entertainment, employment, and residential destination. See the Downtown Activation Plan webpage ([www.downtownisyou.com](http://www.downtownisyou.com)) for more information.

IKE Smart City and the Downtown Seattle Association (DSA) are working together to request City approval for a Significant Structure Term Permit (Term Permit) ordinance and adopting legislation to allow for Interactive Information Devices (Devices) to be installed in street rights-of-way in public places throughout the City. The Devices are intended to encourage interaction with the public and provide a modern, streamlined wayfinding system with dynamic digital displays, thereby enhancing the visual environment.

Devices use an interactive dynamic digital display to disseminate information in multiple languages to the general public such as, but not limited to, wayfinding, transit, neighborhood and special event information, emergency and social services resources, and advertisements. They also provide public services such as free Wi-Fi and health/security features such as an emergency call button functionality to protect public health and welfare, and will offer additional features that engage the general public in interactive features. They would not collect any personally identifiable information from the public (see **Figures 1, 2, and 3**).

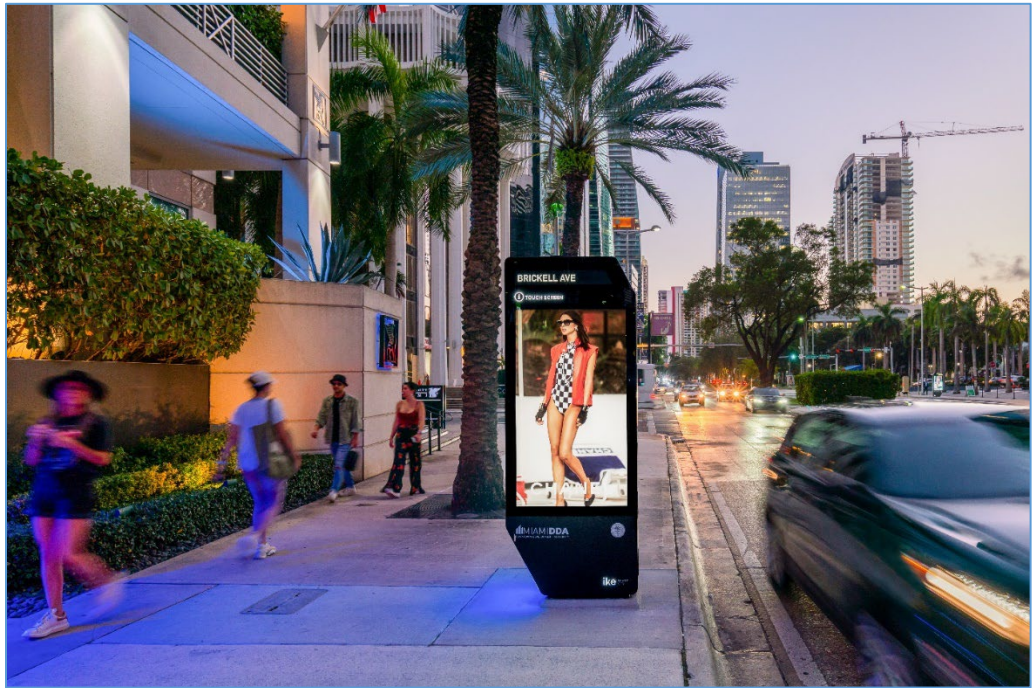
The Term Permit ordinance and adopting legislation would allow for Devices to be placed in the MID and potentially other BIAs (subject to residential zoning constraints), with an initial focus within the MID of Downtown Seattle and including the Ballard, U District, SODO, and West Seattle Junction BIAs.

Since the Device program is new to the City of Seattle and Devices are currently prohibited by City code as off-premise advertising, the Term Permit ordinance and adopting legislation are required prior to the request for Street Use permits for their installation.



*Dimensions are denoted in inches on the X scale and feet on the Y scale*

**Figure 1**  
**Image of Interactive Information Device and Scale**



**Figure 2**  
Image of Interactive Information Device at Dusk



**Figure 3**  
Image of Interactive Information Device During Daytime



## Description of the Proposal

Phase 1 of the proposal (the subject of this SEPA Environmental Checklist) provides for the City to issue a Significant Structure Term Permit (Term Permit) with a term of 15 years, renewable for one additional 15-year term, provided the program complies with the provisions of the Term Permit.

Following the adoption of the Term Permit ordinance, the applicant would prepare the Phase 2 project-level environmental review prior to submittal of an application for a Street Use permit for Devices at specific locations. SDOT will process the corresponding Street Use permits for Devices at specific locations under the Term Permit.

### Detailed Description of Devices

**Size:** Each Device measures approximately 8.25 feet high, 3.15 feet wide, and 1.04 feet deep. The proposed Term Permit ordinance would allow for signage of a maximum total area of 24 square feet. The Device requires a foundation below grade of approximately 4 feet x 4 feet with an electrical connection. The active screen area on each side of the device is approximately 12.2 square feet (56.26 inches high and 31.65 inches wide).

**Motion:** Motion is defined as media displays that include digital animation, streaming video, or images that move or give the appearance of movement. This definition applies to both static and animated media. Media displays alternate through a series of 8 media displays (a content loop), with each display shown for 10 seconds (dwell time). After each 10-second display, the screen transitions with a brief black screen lasting half a second (0.5 seconds) before continuing to the next media display. Media displays may consist of public service announcements, advertisements, or invitations for people to engage with the Devices.

**Lighting:** The Devices employ two different types of lighting (kinetic and dynamic display), but the light intensity, glare, and brightness are controlled so as to not interfere with the safe vision of the traveling public. These lighting types do not allow for any strobing or flashing effects. The Device screens can reach a maximum brightness of 4,000 nits<sup>1</sup> when Device screens are in direct sunlight, and the typical minimum brightness emission is 320 nits which is in compliance with Seattle Municipal Code requirements of a maximum of 5,000 nits during the day and 500 nits at night.

The Devices cannot exceed 400 nits; therefore, the Devices will comply with the Code's 500 nits maximum between dusk and dawn. The Devices are equipped with sensors to automatically adjust to ambient light conditions, so the exact nit level will fluctuate in response to real time conditions.

Device screen brightness is fully adjustable and is equipped with ambient light sensors that automatically adjust the screen brightness based on the environmental conditions (e.g., direct sunlight, at night, dusk, etc.). The brightness of the Device screen can also be adjusted remotely by the applicant and set to the minimum and maximum required

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<sup>1</sup> Note: The term nit (Latin, Nitere; to shine) is often used in the world of light-emitting diode (LED) and digital signage displays and stands for the measurement of light power coming from the LED display.

by the City. At night, when streetlights are on, the screens will automatically dim based on the light conditions around them.

**Noise:** The Devices do not emit noise.

**Signage:** This SEPA Environmental Checklist includes a discussion of the proposal's consistency with SMC 23.55 (the Sign Code) and SMC 15.12 (Street Use Ordinance - Signs, Banners, Street Clocks). The discussion is found in Attachment C, Sign Code Ordinance Review.

#### Device Installation

Installation of each Device is expected to take approximately 1–2 weeks depending on factors including site complexity (e.g., distance of power run, surface restoration specifications) and City and utility Inspections are required.

12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

This is a programmatic (non-project) proposal for the installation of Devices in the public street rights-of-way within the City of Seattle. Unless otherwise requested by the City, it is proposed that the Term Permit ordinance allow for up to 60 Devices to be placed in the MID, and 20 Devices to be placed in the Ballard, SODO, U District, and West Seattle Junction BIAs, excluding neighborhood residential zones and with an emphasis within Urban Villages and Urban Centers.

The proposal includes an initial focus within the MID as established by Ordinance 124175. The MID currently spans 285 square blocks in Downtown Seattle from Denny Way to Pioneer Square and from Interstate 5 (I-5) to the waterfront. It is anticipated that the first deployment will include up to 30 Devices in the downtown MID, with a second deployment of 50 Devices (30 in the downtown MID and 20 in the Ballard, SODO, U District, and West Seattle Junction neighborhood BIAs to be installed following the City's consent for a maximum of 80 Devices (see Attachment A, Business Improvement Areas Map).

There will be a maximum density of one Device per "block face" for blocks less than 400 feet. If a block exceeds 400 feet in length, then up to two Devices may be allowed per block face. Seattle Municipal Code 15.02.042.I defines a "block face" as "the area bounded by: the continuous front lot lines abutting a public place within a block; each corner lot side street lot line as extended to the centerline of the public place abutting the front lot lines; and the centerline of the abutting public place." Block face is a term used by traffic engineers (including SDOT engineers). A block is made up of two opposing block faces. It can include lots on the same side of the street that front on a

public or private street. Block faces often have sidewalks. Block faces can be used to identify elements of a block, such as parking, length, and peak hour restrictions.

Following discussion between the applicant and the Office of the Waterfront, three locations have been identified within near the Seattle waterfront (but outside of the Shoreline Master Program) where Devices could be allowed as they do not conflict with the historic, shoreline, and waterfront park boulevard boundaries. See Figure 4 for the location of the three potential locations.



**Figure 4**

**Three potential locations for Devices (SDCI GIS Map, Office of the Waterfront, 2025).**

**Device Location:** Devices would be located within the landscape/furniture zone and in relation to existing objects in this zone. The landscape/furnishing zone buffers pedestrians from the adjacent roadway and is the appropriate location for street furniture, art, street trees, vegetation, signage, utility poles, streetlights and other objects that are placed in the ROW such as the Devices.

Devices would be located in such a way as to not interfere with the use and function of elements already within the landscape/furniture zone. They will follow prescribed clearances from existing street trees so as not to interfere with the health or enjoyment of these trees. They would follow prescribed clearances from other objects in the furniture zone such as street poles and fire hydrants so as not to interfere with pedestrian movement or maintenance of these objects. They would be located so as not to interfere with the use of benches and other furnishings in the landscape/furnishing zone or to interfere with views while being seated. The Devices are visually and functionally compatible with the mix of street furniture currently located within the furnishing zone of streets within the program boundaries.

The installation of Devices at the project phase will present an opportunity to review the impact of additional objects in the public realm and identify opportunities for decluttering through removal of redundant or outdated items in the ROW such as unused signposts and broken furniture, poorly located items, or temporary items (items that can be easily moved). Removal of elements will be determined by SDOT through the permit process to determine if existing elements may be removed or relocated to

reduce visual clutter. Certain furniture may not be City-owned and would need to be coordinated with the abutting property owner depending on how and when they were installed.

**Device Wayfinding:** The Device's wayfinding applications would have visual similarities with the Seamless Seattle wayfinding family of signs to create a sense of harmony between the two wayfinding programs. The Device interface will be complimentary and supplementary to the Seamless Seattle wayfinding signs. The Seamless Seattle wayfinding sign family already has a diversity of physical shapes and appearances, but they also have consistency in colors, language, iconography, and naming conventions. The Devices will mimic these consistent elements in their wayfinding applications so that their wayfinding language reads harmoniously with the Seamless Seattle wayfinding, and it is easy for users to navigate using both programs in conjunction. Device locations will adhere to Appendix B - Location Guidelines proposed in the Aesthetics Report.

Specific Device locations will exclude neighborhood residential zones, and site restrictions as designated and mapped in the location and criteria information provided in Attachment B, Heffron Transportation Recommended Location and Criteria Technical for Traffic Safety Memorandum, and listed below:

Maps were created to show where the Devices could and should **not** be located based on key criteria about each street's characteristics, and are intended to inform IKE Smart City's selection of preferred Device locations. These maps were prepared using data available from the City of Seattle's Geographic Information Systems (GIS) databases and other publicly-available datasets. The maps show the following characteristics and locations to avoid.

- **Collisions:** High collision intersections and locations, which are defined as intersections with 10 or more vehicle collisions per year, or 5 or more collisions involving pedestrians or bicyclists per year. The mapped high collision locations are based on the average of the past five years (from January 1, 2019, through December 31, 2023).
- **Speed:** Streets with speed limits in excess of 25 mph.
- **Bicycle facilities:** Streets with an "unprotected" bicycle facility where there is no separation between the vehicle driving lane and the bike lane, or the street has a shared-lane condition denoted with a sharrow pavement marking.
- **Grade:** Streets with a grade of greater than 8%.

This proposal is comprehensive, and the analysis covers the opportunity to deploy beyond the initial 30 Devices at the discretion of the City, up to the maximum total number of 80 Devices. Site-specific considerations will be addressed through the appropriate Phase 2 project-level environmental review and the Street Use permit process.

## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

#### a. General description of the site:

Specific locations for installation of Devices would be within the sidewalk portion of the public right-of-way. The Term Permit ordinance and adopting legislation will establish criteria specifying where Devices may be installed within the public right-of-way as described in this SEPA Environmental Checklist in Section A.12, *Project Location*.

**Circle or highlight one:** Flat, rolling, hilly, steep slopes, mountainous, other:

This proposal is for the downtown MID and the Ballard, SODO, U District, and West Seattle Junction neighborhood BIAs where a variety of landscape types can be found.

#### b. What is the steepest slope on the site (approximate percent slope)?

This proposal applies to slopes that would be addressed for specific locations as part of the Street Use permit application review project-level SEPA review. Attachment B, Heffron Transportation Recommended Location and Criteria Technical Traffic Safety Memorandum, states that Devices should not be placed on streets with grades steeper than 8%. In addition, Devices would not be placed in the pedestrian straight path, within the pedestrian clear zone, or within the corner clearance zone. Placement would provide adequate clearance as set forth in the City Right-of-Way Improvements Manual.

**Table 1** provides a summary of have steep slopes (40% or more) in the MID and select BIAs according to the City of Seattle's Department of Construction and Inspections (SDCI) geographic information system (GIS) mapping tool (City of Seattle 2021):

**Table 1** City of Seattle Steep Slopes at Potential Device Locations in BIAs

| BIA with Potential Device Locations | Steep slopes   |
|-------------------------------------|--|
| Ballard                             | Some steep slopes (40% or more) that extend from level areas down to the adjacent rights-of-way. |
| Downtown                            | Steep slopes (40% or more) from level areas down to the adjacent rights-of-way.                  |
| U District                          | Some steep slopes (40% or more).   |
| SODO                                | Some steep slopes (40% or more).   |
| West Seattle Junction               | Some steep slopes (40% or more) in the BIA.  |

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Site-specific soils would be addressed as appropriate for specific locations as part of the Street Use permit application review.

Seattle's landforms consist of glacial-influenced, generally hilly terrain, bounded by Lake Washington on the east and Elliott Bay and Puget Sound on the west. Areas around the Duwamish Waterway, Interbay, and the Thornton Creek valley contain alluvial or sandy soil conditions that pose a higher risk of movement and/or liquefaction during major earthquake events.

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Seattle is susceptible to subduction zone, intraplate, and shallow crustal source earthquakes. Devices will be installed in existing public rights-of-way, and installation is not expected to result in soil instability. Unstable soils would be addressed for specific locations as part of the Street Use permit application review.

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

The Device requires a foundation below grade of approximately 4 feet x 4 feet with an electrical connection in the public right-of-way and shallow trenching to the nearest electrical power source that is already in the right-of-way and near the Device.

Underground trenching and excavation for each Device foundation is expected to result in no more than approximately 1.5 cubic yards. Minimal to no grading would be needed.

- f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.**

Installation of a Device within a developed streetscape is not expected to result in soil erosion because stockpile materials are not typically used and any excess soil is hauled off-site and disposed of in accordance with all local, state, and federal guidelines and regulations.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

The developed streetscape and public right-of-way is estimated to be approximately 100% impervious surface and will remain at 100% impervious after Device installation.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

The applicant would follow the City of Seattle Stormwater Manual during installation of the Devices. Temporary erosion and sedimentation control Best Management Practices (BMPs) would be installed as appropriate to minimize erosion during construction. BMPs would be specified by the applicant in the construction contract documents that the construction contractor would be required to implement. BMPs may include but not be limited to:

- Maintaining cover measures atop disturbed ground, including erosion control matting, plastic sheeting, straw mulch, crushed rock or recycled concrete, or mature hydro seed.
- Protecting storm drain inlets.
- Routing surface water away from work areas and steep slopes.
- Keeping staging areas and travel areas clean and free of track-out (materials adhering to motor vehicles and inadvertently carried out of the project site to a staging area or paved road).
- Covering work areas and stockpiled soils when not in use.
- Completing earthwork during dry weather and site conditions if possible

**2. Air**

**a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Construction equipment and vehicles used can vary based on site condition. The applicant plans to utilize the most minimally invasive methods of construction for Device installation, which typically entails the following:

- **Demolition** – Concrete saw, jack hammer, sledgehammer
- **Excavation** – Mini-excavator, hand dig (shovel), vacuum truck, bobcat
- **Device Installation** – Crane truck, skid steer, forklift

During construction, mobile and stationary equipment would generate emissions due to the combustion of gasoline and diesel fuels (such as oxides of nitrogen, carbon monoxide, particulate matter and smoke, un-combusted hydrocarbons, hydrogen sulfide, carbon dioxide, and water vapor), fugitive dust, and odors. These impacts would be minimal, localized, and temporary.

The Devices produce no air emissions. Therefore, no air emissions are expected during operation.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

There are no known off-site sources of emissions or odor that may affect the Device installations.

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any.**

Construction

The applicant would require contractors to implement measures to control dust and reduce vehicle emissions as appropriate for site-specific installation. Contractors would be required to comply with the Puget Sound Clean Air Agency's (PSCAA) Regulation I, Section 9.15 requiring reasonable precautions to avoid dust emissions, and Regulation I, Section 9.11 requiring the best available measures to control emissions of odor-bearing contaminants.

**3. Water**

**a. Surface Water**

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Specific locations for installation of Devices would be within the sidewalk portion of the public right-of-way. The Term Permit ordinance and adopting legislation set criteria specifying where Devices may be installed within the public right-of-way, as described in this SEPA Environmental Checklist in Section A.12, *Project Location*. Site-specific waterbodies would be addressed for specific locations as part of the Street Use permit application review.

**Table 2** lists the waterbodies near the MID and select BIAs as identified by the U.S. Fish and Wildlife Service National Wetlands Inventory tool (USFWS 2024).



**Table 2 Summary of Waterbodies near BIAs**

| <b>BIA with Potential Device Locations</b> | <b>Waterbodies</b>   |
|--|--|
| Ballard                                    | South side of BIA is parallel to Salmon Bay. Closest point of BIA boundary is about 285 feet away from Salmon Bay.   |
| Downtown                                   | West side of Downtown BIA boundary is directly adjacent to Puget Sound.  |
| SODO                                       | West side of SODO BIA boundary is near the Duwamish Waterway. The closest point of BIA boundary is approximately 40 feet away from Duwamish Waterway.            |
| U District                                 | North side of BIA Boundary is adjacent to riverine habitat in Cowen Park. The closest point of the boundary is approximately 140 feet from the riverine habitat. |
| West Seattle Junction                      | Not directly adjacent to any waterbodies.  |

**2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Site-specific information would be addressed for specific locations as part of the Street Use permit application review. However, no Devices would be located within 200 feet of waterbodies.

**3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None.

**4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

No.

**5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

According to the SDCI GIS tool, most of the Downtown BIA does not lie in a 100-year floodplain. However, the western edge of the Downtown BIA that includes waterfront properties, such as the piers, is in a flood-prone area. No other BIAs are known to be within a 100-year floodplain (City of Seattle 2021).

Site-specific information about 100-year floodplains would be confirmed during the Street Use permit application review.

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No.

**b. Groundwater**

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

No.

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals ... ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

No waste material will be discharged into the ground from septic tanks or other sources.

**c. Water Runoff (including stormwater)**

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

The Devices are small street structures that should not result in a noticeable increase in stormwater runoff. If there is runoff from the Devices, it would be collected within the existing City street stormwater system.

- 2. Could waste materials enter ground or surface waters? If so, generally describe.**

No waste materials would enter ground or surface waters.

- 3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

The proposal does not alter or otherwise affect drainage patterns.

**d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

BMPs specific to the site would be specified by the applicant in the construction contract documents that the construction contractor would be required to implement. These may include but are not limited to:

- A Stormwater Pollution Prevention Plan (SWPPP), which includes a Temporary Erosion and Sediment Control (TESC) Plan.
- Although the installation of a Device is minimally invasive, the applicant would require its vendors to provide supervision and operational control over all scopes (concrete, trenching, excavation) to implement various waste management practices and mitigate water runoff of construction materials. Erosion control will be in place for sites subject to extensive landscaping.

**4. Plants**

In general, the Puget Sound region is home to a diversity of plant species that depend on marine, estuarine, freshwater, and terrestrial environments. The Seattle area has a variety of vegetation, including upland forest (deciduous, coniferous, and mixed), shrublands, riparian forests, and wetlands. This flora includes species native to the region, as well as many non-native species.

Site-specific information would be addressed for specific locations for the Devices as part of the Street Use permit application review. However, all of the proposed Device installation work is planned for public rights-of-way in developed urban areas where vegetation on the site likely consists of streetscape landscaping. Typical landscaping on or adjacent to the public right-of-way installation locations is expected to include those listed below:

**a. Check the types of vegetation found on the site:**

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

Existing streetscape vegetation may be removed or moved as necessary for the Device installation. There will be no tree removal as part of the proposal. Any

proposed tree trimming will be subject to Urban Forestry approval and SDOT permits during site-specific installation applications.

**c. List threatened or endangered species known to be on or near the site.**

No threatened or endangered species are known to be on or near any of the proposed urban sites for the Devices.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

No measures are proposed or needed. However, the installation of the Devices will follow all applicable City of Seattle guidelines for work in the public right-of-way.

**e. List all noxious weeds and invasive species known to be on or near the site.**

No noxious weeds or invasive species are known to be on or near the sites that are proposed for Device installation since they are designated for existing public rights-of-way.

**5. Animals**

**a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site:**

Site-specific information would be addressed for specific locations for the Devices as part of the Street Use permit application review.

Generally, City urban areas do not support environments for invertebrates, amphibians, birds, and mammals. However, the following may be present near the public right-of ways. Devices allowed by the ordinance are unlikely to have adverse effects on animals, fish, or marine life, because the Devices would be located only on improved urban streets, where there is little animal habitat.

- **Invertebrates:** aquatic and terrestrial insects, other.
- **Fish:** salmon, trout, bass, herring.
- **Amphibians:** frogs, salamanders.
- **Birds:** bald eagles, owls (various species), hawks, heron, songbirds; other: osprey, mallards, peregrine falcon, purple martin, pileated woodpecker, belted kingfisher, waterfowl species, Canada goose, starling, pigeon, and species adapted to urban areas such as gulls, American crow, chickadee, robin, Steller's jay, northern flicker, and Bewick's wren.
- **Mammals:** deer, bobcat, other: coyote, raccoon, opossum, rat.

**b. List any threatened or endangered species known to be on or near the site.**

There are no threatened or endangered species known to be on or near the proposed urban area sites designated for Device installation.

**c. Is the site part of a migration route? If so, explain.**

The Puget Sound region is within the Pacific Flyway—a flight corridor for migrating waterfowl, migratory songbirds, and other birds. The Pacific Flyway extends from Alaska to Mexico and South America. Anadromous trout and salmon migrate through the area's river and stream systems, including urban streams in Seattle. However, the existing public right-of-way in the city urban areas is not close enough to migration routes to create potential impacts.

**d. Proposed measures to preserve or enhance wildlife, if any.**

No measures are proposed to preserve or enhance wildlife.

**e. List any invasive animal species known to be on or near the site.**

No invasive animal species other than rats are known to be on or near the public rights-of-way where Devices are proposed to be located.

**6. Energy and Natural Resources**

**a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

The Devices would require electricity, which would be procured from Seattle City Light. Electricity is needed to run the Wi-Fi, displays, lighting, and program features. Electricity would be procured by connecting to existing nearby systems, or connecting to a separate metered or unmetered utility service.

The Devices have a standard power draw, utilizing uninterrupted power of 120VAC or 240VAC, with a maximum power load of 20 amps. The amount of electricity required per Device is not expected to require changes in Seattle City Light's long-range planning but will need to be included in the Seattle City Light Strategic Plan Update 2023–2028 (Seattle City Light 2023).

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

The proposal would not affect the potential use of solar energy by adjacent properties. At a maximum of approximately 8.25 feet in height, approximately 3.15 feet in width, and 1.04 foot deep, the Devices are not of a size or scale that would block sunlight to solar energy facilities on adjacent properties. In addition, they are located on the streetside of the pedestrian clear path, which provides adequate distance to avoid shadowing of solar installations on adjacent property.

**c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

The Devices include liquid-crystal display (LCD) panels with LED backlights. The Devices feature ambient light sensors that maximize energy efficiency to

automatically adjust to the most efficient brightness setting based on lighting conditions.

The Devices are manufactured for a 10-year lifespan in the public right-of-way, and the hardware can be renewed/refreshed within 5 years. The applicant will update and upgrade hardware parts as needed on an ongoing basis over the life of the Devices. All Device materials are recyclable as most of the components are made of aluminum and glass. The Device inner components are typically re-used for spare parts to have on-hand in case of repairs or other needs. The recyclability of the Device components reduces energy consumption related to extraction, production, transportation, and disposals of materials.

## 7. Environmental Health

### a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

The proposal may result in accidental spills of hazardous materials from construction equipment and vehicles. Spilled materials could include fuels, lubricants, solvents, antifreeze, and similar materials. If not contained, these contaminants could enter ground or surface water.

Hazardous materials could be encountered during installation. Disturbance of these materials during construction could release hazardous materials to the air or surface and groundwater or could expose construction workers unless proper handling methods were used.

#### 1. **Describe any known or possible contamination at the site from present or past uses.**

There are no known or possible contamination at the potential sites from present or past uses in the areas proposed for Device installation.

#### 2. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

There are no known existing hazardous chemicals or conditions that would affect Device installation in the areas proposed for Device installation.

#### 3. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

However, chemicals stored and used during construction would likely be limited to gasoline and other petroleum-based products required for maintenance and operation of construction equipment and vehicles.

**4. Describe special emergency services that might be required.**

The proposal would not require any special emergency services.

**5. Proposed measures to reduce or control environmental health hazards, if any:**

To reduce or control environmental health hazards, the applicant would comply with applicable regulations for the removal and disposal of any hazardous materials found on-site.

**b. Noise**

**1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Noise in the city's urban areas include street noise from traffic and crowds. None of these is expected to affect the proposal.

**2. What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

However, construction for installation of each Device would generate noise and possibly vibration for approximately 1–2 weeks. Construction equipment and vehicles used can vary based on site condition. The applicant plans to utilize the most minimally invasive methods of construction, which typically entail minor demolition and excavation using concrete saw, jack hammer, sledgehammer, mini-excavator, shovel, vacuum track, skid steer, and forklift.

The Seattle Land Use Code allows construction equipment operations between the hours of 7 a.m. and 10 p.m. on weekdays and 9 a.m. and 10 p.m. on weekends and holidays. Installation would generally occur between 7 a.m. and 5 p.m. on weekdays. Typically, the work is completed during standard operating hours. The City may require additional review at the project level. Weekend construction may occur in some cases. A noise ordinance variance may be required, depending on the location, if work is performed on nights and/or weekends outside of the allowable hours.

The Devices may be equipped with a two-way speaker for emergency purposes. This is the only noise the Device can emit and is consistent with normal phone conversation volumes.

**3. Proposed measures to reduce or control noise impacts, if any:**

Noise impacts during Device installation are expected to be minimal. General measures that may be imposed to reduce or control noise impacts during installation of Devices include the following:

- Construction activities would be restricted to hours designated by SMC 25.08.425, or the application would request an exemption to operate outside of these hours (including weekend or night work), and noise ordinance variance would be required.
- If construction activities exceed permitted noise levels, the applicant would instruct contractors to implement measures to reduce noise impacts to comply with the noise ordinance, which may include additional muffling of equipment.
- The applicant would adhere to the Seattle Noise Ordinance.

**8. Land and Shoreline Use**

**a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The general parameters for locating Devices within the public right-of-way will be specified in the adopting legislation and should not impact current land uses on nearby or adjacent properties.

**b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

The proposed project sites within the existing public right-of-way have not been used as working farmlands or working forest lands. No agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal. Zero acres in farmland or forest land tax status will be converted to nonfarm or nonforest use.

**1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

The proposal will not affect or be affected by working farm or forest land normal business operations.

**c. Describe any structures on the site.**

From a programmatic environmental review perspective, many types of structures may be generally present in the public right-of-way and sidewalk vicinity, including streetlights, parking meters, newspaper boxes (rarer and



rarer), bike racks, parking, other City right-of-way signage, traffic signal poles, planter boxes, sidewalk café elements, etc.

**d. Will any structures be demolished? If so, what?**

From a programmatic perspective, no structures would be demolished.

The installation of Devices at the project specific stage will present an opportunity to review the impact of additional objects in the public realm, and identify opportunities for decluttering. Furniture zone items reduction would include removal of redundant or outdated items in the ROW such as unused signposts and broken furniture, poorly located items, or temporary items (items that can be moved). Removal of elements will be determined by SDOT through permit process to determine if existing elements may be removed or relocated to reduce visual clutter. Certain furniture may not be City-owned and would need to be coordinated with the abutting property owner depending on how and when they were installed.

**e. What is the current zoning classification of the site?**

Devices may be sited in a variety of commercial and multi-family zones, unless the property adjacent to the public place has an RC classification as shown on the official land use map established in SMC Chapter 23.32.

**Table 3** summarizes the zoning classifications of each BIA according to the SDCI GIS tool (City of Seattle 2021).

**Table 3 BIA Zoning Classifications**

| <b>BIA with Potential Device Locations</b> | <b>Zoning Classification</b>  |
|--|---|
| Ballard                                    | Industrial, commercial, Seattle mixed, low-rise multi-family, neighborhood commercial, major institutions |
| Downtown                                   | Downtown  |
| SODO                                       | Industrial  |
| U District                                 | Seattle mixed, neighborhood commercial, low-rise multi-family, major institutions                         |
| West Seattle Junction                      | Neighborhood commercial, low-rise multi-family  |

**f. What is the current comprehensive plan designation of the site?**

**Table 4** summarizes the Comprehensive Plan designations of each BIA according to the Seattle 2035 Future Land Use Map (City of Seattle 2016).

**Table 4 BIA Comprehensive Plan Designations**

| <b>BIA with Potential Device Locations</b> | <b>Comprehensive Plan Designation</b> |
|--|---------------------------------------|
| Ballard                                    | Hub Urban Village                     |
| Downtown                                   | Urban Center                          |
| SODO                                       | Manufacturing/Industrial Center       |
| U District                                 | Urban Center                          |
| West Seattle Junction                      | Hub Urban Village                     |

**g. If applicable, what is the current shoreline master program designation of the site?**

The applicant would not locate Devices within the Shoreline District.

**Table 5** summarizes the shoreline environments in each BIA according to the SDCI GIS tool (City of Seattle 2021). As mentioned above, the Devices will be located outside of these shoreline environments.

**Table 5 BIA Shoreline Environments**

| <b>BIA with Potential Device Locations</b> | <b>Zoning Classification</b>   |
|--|--|
| Ballard                                    | West side of BIA boundary is adjacent to Urban Industrial shoreline environment.     |
| Downtown                                   | West side of BIA is adjacent to Urban Harborfront shoreline environment.             |
| SODO                                       | Small part of the west side of BIA is in the Urban Industrial shoreline environment. |
| U District                                 | None.  |
| West Seattle Junction                      | None.  |

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Site-specific information would be addressed for specific locations for the Devices as part of the Street Use permit application review.

**Table 6** provides a summary of potential Environmentally Critical Areas (ECAs) in the potential locations where Devices may be deployed in the BIAs as identified by the SDCI GIS mapping tool (City of Seattle 2021):

**Table 6 City of Seattle ECAs in BIAs with Potential Device Locations**

| <b>BIA with Potential Device Locations</b> | <b>City of Seattle ECAs</b>   |
|--|---|
| Ballard                                    | <ul style="list-style-type: none"> <li>Some steep slopes (40% or more) that extend from level areas down to the adjacent rights-of-way.</li> </ul>  |
| Downtown                                   | <ul style="list-style-type: none"> <li>Liquefaction-prone area along the west side of the BIA adjacent to Puget Sound.</li> <li>Wildlife habitat along the west side of the BIA in Puget Sound.</li> <li>Steep slopes (40% or more) from level areas down to the adjacent rights-of-way.</li> <li>One known slide (initiation point) toward the north side of the BIA.</li> </ul> |
| U District                                 | <ul style="list-style-type: none"> <li>Peat settlement-prone area along the west edge of the BIA adjacent to I-5.</li> <li>Liquefaction-prone area along the west edge of the BIA adjacent to I-5.</li> <li>Some steep slopes (40% or more).</li> </ul>   |
| SODO                                       | <ul style="list-style-type: none"> <li>Largely a liquefaction-prone area and has some steep slopes (40% or more).</li> </ul>  |
| West Seattle Junction                      | <ul style="list-style-type: none"> <li>Peat settlement-prone area in the center of the BIA.</li> <li>Some liquefaction-prone areas in the center of the BIA.</li> <li>Some steep slopes (40% or more) in the BIA.</li> </ul>  |

**i. Approximately how many people would reside or work in the completed project?**

None.

**j. Approximately how many people would the completed project displace?**

None.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

No measures are needed or proposed to avoid or reduce displacement impacts.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

The Devices are prohibited by City code as off-premise advertising, and so a Significant Structure Term Permit and approval by ordinance is required to permit the Devices. See Attachment C Sign Code Conformance Review for additional information.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

No measures are needed or proposed to ensure the proposal is compatible with nearby agricultural and forest lands of long-term significance.

**9. Housing**

**a. Approximately how many units would be provided, if any? Indicate whether high-, middle-, or low-income housing.**

No housing units would be provided.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle-, or low-income housing.**

No housing units would be eliminated.

**c. Proposed measures to reduce or control housing impacts, if any.**

No measures are needed or proposed to reduce or control housing impacts.

**10. Aesthetics**

Section B.10 of the SEPA Environmental Checklist requires responses to questions about potential aesthetics impacts of the program. Attachment D Aesthetics Report provides additional detailed analysis to supplement the responses provided below.

**a. What is the tallest height of any of the proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Devices are a maximum of approximately 8.25 feet high. Apart from the screen, the principal exterior material is powder-coated aluminum.

**b. What views in the immediate vicinity would be altered or obstructed?**

Views from buildings generally would not be altered, with the exception of some localized street-level views. Devices would be visible from the sidewalk, bike lanes, and streets, but views would not be obstructed.

Potential City of Seattle SEPA Protected View Impacts: Through the City of Seattle SEPA regulations, public views of Mount Rainier, the Cascade and Olympic mountain ranges, Puget Sound, Lake Washington, Lake Union, the Ship Canal, and the Downtown Skyline are protected (SMC 25.05.675.P). The Devices are not expected to alter or obstruct SEPA-protected views. There are no identified view impacts from SEPA protected sites. The Device may block views when standing in very close proximity due to its scale, however this impact is not considered significant because the Devices are located once per block face on blocks up to 400 feet in length (and twice per block face if the block exceeds 400 ft. in length) and the vast majority of locations do not impact the view corridor.

The Device may impact the overall aesthetic quality of the view corridor even without blocking views. Though illuminated advertising signage and furnishings are common elements within the aesthetic experience of the overall streetscape environment, both during the day and at night, the motion shown on the Device screen is not in keeping with this existing environment. This is a new element in the environment that for some could diminish the appeal or harmony of the space. However, the Devices will be located infrequently enough (once per block face for blocks up to 400 feet in length and twice per block face if the block exceeds 400 feet in length), the signs will harmonize with existing static wayfinding signage, including Seamless Seattle wayfinding signage, and for some, the addition of the motion on the screens will serve to enhance the aesthetic appeal of the space. Because of this, any potential impact on the quality of SEPA protected views and view corridors is not considered significant.

SMC 23.55.042 prohibits off-premises signs within 660 feet from a landscaped and/or scenic view sections of a freeway, expressway, parkway, or scenic route and within 200 feet from the main traveled way of the exit or entrance ramps thereto, if any part of the advertising matter or informative content of the sign is visible from any place on the traveled way of the landscaped and/or scenic view section or ramp. Here, the Devices may be sited adjacent to certain public highways and designated scenic routes and will comply with SMC 23.55.042 because the Devices and their content will not be visible from these highways and designated scenic routes. This is based on a drive-by along each of the protected scenic routes to determine if Devices would be visible. It was determined that it would not be possible to view Devices from the protected scenic routes. To confirm, the applicant will comply with the requirements of SMC 23.55.042.

Devices will not be installed within designated landmark, historic, or shoreline districts and therefore will not have an impact in these areas. There are three locations near the Seattle waterfront (but outside of the Shoreline Master Program where Devices will be allowed).

The Devices could potentially block or detract from views to landmarked properties distinct and separate to landmarked or historic districts.

**General Aesthetics:** Aesthetic impacts are subjective and vary dramatically from person to person, influenced by personal tastes, cultural backgrounds, and environmental perceptions. It should be noted that some individuals will regard the Devices as visually disruptive, unsightly, and even detrimental to the aesthetic environments within the program area, while others will find them visually striking, modern, and beneficial to the overall aesthetic appeal of these areas. The intensity of these reactions can range from mild dissatisfaction to strong opposition or, conversely, from appreciation to enthusiastic support.

Please review Attachment D for additional detailed information on the MID, select BIAs, and overall qualities of each.

Seattle Municipal Code 25.05.675.p.(1)(f) states: "The Land Use Code attempts to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review." However, for disclosure purposes at this programmatic stage, it is understood that the Devices will be visible to some office dwellers and from some private residences within the vicinity of the Devices. As with those in vehicles and pedestrians on the sidewalks, those visiting, working, and living in the area with private views will notice that the Devices have been added to the landscape/furnishing zone, the designated area for elements such as transit shelters, street trees, streetlights, utility poles, and other utilities and street furnishings. The views of the Devices have been added to the area. The views of the Devices will dissipate as topography and distances intervene. The size of the Devices is discussed in the Aesthetics report, which also shows the relationship to the streetscape and street furniture. While visible, the impact is not considered to be more than a moderate impact on the environment and urban streetscape. This is not considered to be a significant environmental adverse impact that would necessitate mitigation.

#### Signage

This SEPA Environmental Checklist includes a discussion of the proposal's consistency with SMC 23.55 (the Sign Code) and SMC 15.12 (Street Use Ordinance - Signs, Banners, Street Clocks). The discussion is found in Attachment C, Sign Code Conformance Review. To understand how and where the Devices depart from Code standards, the applicant reviewed the Sign Code in full, and identified specific provisions where there is potential incongruity between the IKE Proposal and Sign Code requirements. The applicant did not identify any significant adverse impact created by these nonconformities due to the proposed mitigation measures and locational criteria.

**c. Proposed measures to control or reduce aesthetic impacts, if any:**

The Device height limit and maximum size of sign display area control and reduce aesthetic impacts. The proposal specifies that the maximum Device display area shall be no more than approximately 24 square feet, with a maximum vertical dimension of approximately 8.25 feet and maximum horizontal dimension of 3.15 feet. In addition, the proposal will conform to lighting regulations that control and reduce light and glare impacts from the Devices.

The program has completed a review process with Seattle Design Commission. Given their role and expertise, this SEPA checklist takes into consideration their comments relative to Seattle Municipal Code 15.65, which establishes the procedures and criteria for the administration of and approval to construct, maintain, and operate significant structures.

While not regulatory, the Devices are also being coordinated with the Seamless Seattle Wayfinding Program that is currently installing signage within the ROW in similar locations as proposed Devices.

During the project phase, proposed Device locations near landmarked properties should be reviewed to determine appropriate siting to avoid or minimize the impact to landmarked properties.

This approach maintains the designation that devices will not be installed within the shoreline environment or historic districts.

Note that the proposal does not involve a Master Use Permit, nor is Design Review required.

The Aesthetics Report (Attachment D) provides detailed information on the MID and BIAs in terms of existing aesthetic conditions, and provides an aesthetics impact assessment and potential mitigation measures to consider. Please see Chapter 3, Sections 3.2 through 3.3 of the Aesthetics Report. Device installation and operation will adhere to the Appendix B - Location Guidelines in the Aesthetics Report.

The following criteria were considered for selecting Device locations in Appendix A – Plans & Visualizations of the Aesthetic Report:

- Location: approximately 30 feet from intersections and at one location, 4th & Union, Devices are located at multiple offsets from the intersection - 30 feet, 50 feet and mid-block.
- Views: sidewalk view, street/bike view, opposing view and block view.
- Time of Day: daytime and night-time.
- Zoning: multiple zones to capture a range of building scales and setbacks.
- Land Uses: commercial, residential, public uses such as parks.
- Street Types: a range of Downtown, Urban Village, and Industrial typologies.
- Curbside Uses: parking and loading, bike facilities and permitted curb space cafes/outdoor dining and parklets.

#### Signage

Per SMC 15.12.010.B, all signs must conform to Chapter 23.55. Therefore, adding Devices to the right of way would be inconsistent with Title 15 and Chapter 23.55 regulations identified herein. The Devices are prohibited by City code as off-premise advertising, and so a Significant Structure Term Permit and approval by ordinance is required to permit the Devices. The City Charter authorizes such an ordinance to approve uses in the right of way that would not otherwise conform to codes, such as the Sign Code. Article IV, Section 14 (“The City Council shall have power by ordinance ... [t]o lay out and improve streets and other public places, and to regulate and control the use thereof[.]”). This

authorization would make the Sign Code inapplicable on the terms and conditions approved in the Ordinance.

A detailed analysis about signage compliance is included in the Attachment C, Sign Code Conformance Review.

To understand how and where the Devices depart from Code standards, the applicant reviewed the Sign Code in full, and identified specific provisions below in bold where there is potential incongruity between the IKE Proposal and Sign Code requirements.

## 11. Light and Glare

### a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

The Devices have two types of lighting: a kinetic lighting feature on the lower part of the Device spine, and two interactive, dynamic screen displays (one on each side), showing the Device content. The spine of the Device refers to both the vertical sides of the kiosk. One side houses the emergency call button and “emergency” wording. The second side has a kinetic lighting feature.

Devices display both public interest content and advertising. Public interest content consists of city and community messaging (e.g., publication of city and community events, city initiatives, emergency messaging, public art, etc.) and advertising displays. Devices also contain interactive applications that consist of wayfinding and directional information, real-time transit information, local business and organization directories, social and civic services resources, and information on local attractions and recreation. Public interest and advertising are displayed in rotating content images, with each image having a duration of 10 seconds. On an annual basis, the rotating content images will display a minimum of 25% public interest content. The interactive applications are available and accessible at all times.

The Device’s sign display will continuously emit light via a kinetic lighting feature or dynamic display, to a brightness level that provides adequate visibility based on ambient light conditions. The displays automatically dim based on weather conditions (e.g., direct sunlight, overcast conditions, etc.). The displays can also be dimmed and brightened remotely by the applicant. Device lighting does not have any strobing or flashing effects. The lighting would be most visible at night.

### b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

The programmatic review of the Device installation discloses that lighting restrictions would prevent light or glare causing a safety hazard.

There is a range of possible topics related to physical and visual impacts of lighted signage near roadways. Potential impacts depend on the extent to which the length of the message and other factors can contribute to driver distraction



and visual interference due to glare, with potential impacts to overall traffic safety. Changing video display from one message to another would result in an increase in relative lighting level changes that could be visually “flashing” in nature. There is a possibility that potential impacts could occur during the day or night-time hours.

See Attachment B, Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety, for additional information. Section 3 of the Memorandum provides detailed information on potential driver distraction. It also provides details on Display Criteria, which have been set forth in the Term Permit and incorporate best practices from other cities. These include:

- **Brightness:** Limit brightness of images between sunset and sunrise using automatic light sensors. The Device screen brightness is fully adjustable and is equipped with ambient light sensors that automatically adjust the screen brightness based on the environment conditions (e.g., direct sunlight, at night, dusk, etc.). Screen brightness can also be adjusted manually and set to the minimums and maximums required by the City. At night, when streetlights are on, the screens will automatically dim based on the light conditions around them. The Devices would operate within the City code requirements, which limit brightness levels at night to 500 nits.<sup>2</sup>

The Devices cannot exceed 400 nits; therefore, the Devices will comply with the Code’s 500 nits maximum between dusk and dawn. The Devices are equipped with sensors to automatically adjust to ambient light conditions, so the exact nit level will fluctuate in response to real time conditions.

- **Display Rate:** Device screen rotates through a series of 8 content images (a content loop), with each image having a dwell time (duration) of 10 seconds. Following each 10 second content image, there will be a brief black screen with a half second (.05) duration before continuing to the next image.
- **Flashing:** Do not allow flashing images or strobe effects.
- **Content:** Do not allow images that mimic or include a traffic control device such as a traffic signal, stop sign, or pedestrian or bicycle signal. See Attachment D Aesthetics Report for additional information on the light and glare from the Devices. It includes a section on potential aesthetics impacts to Drivers/Bicyclists. Devices would be visible from adjacent land uses, sidewalk, bike lanes, and the street.

#### *Light and Glare*

The Devices have two types of lighting. A kinetic lighting feature on the lower part of the Device sign and two interactive, dynamic screen displays (one on each side), showing the Device content. The Device’s sign display will

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<sup>2</sup> A “nit” is used to measure brightness. The higher the number of nits, the brighter the display.

continuously emit light via a kinetic lighting feature or dynamic display, to a brightness level that provides adequate visibility based upon ambient light conditions. The displays automatically dim based on weather conditions (e.g., direct sunlight, overcast conditions, etc.). The displays can also be dimmed and brightened remotely by the applicant. Device lighting does not have any strobing or flashing effects. The Devices will conform to all lighting regulations.

Significant adverse impacts from light and glare from the Devices are not expected due to the low emissions that are below analogous standards. Also, due to their size, the Devices will likely have negligible impact on natural light.

#### Local, State, and Federal Light and Glare Regulations

Local, state, and federal light and glare regulations were reviewed to make sure that Devices will at all times operate in compliance with regulations regarding light and glare.

**Federal Regulations.** The Highway Beautification Act authorizes the Secretary of Transportation to promulgate standards concerning outdoor advertising lighting. See 23 U.S. Code § 131. Those standards, codified at 23 Code of Federal Regulations (CFR) § 750, requires individual states to set criteria for size, lighting, and spacing of outdoor advertising signs within 660 feet of interstate highways located in commercial or industrial zones. See 23 CFR § 750.706. The State of Washington has adopted such regulations.

**State Regulations.** The Highway Control Advertising Act (Washington Administrative Code [WAC] 468-66) limits “electronic signs” brightness to 8,000 nits during daylight hours, and 1,000 nits between dusk and dawn (WAC 468-66-050.3.g.v). The WAC also clarifies that “*no electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.*” Note that this limitation applies only to interstate and state highways, but provides a relevant comparison. Based on this comparison, the Devices are well within allowed daylight and nighttime levels.

**Local Regulations.** The Seattle Municipal Code outlines specific SEPA policies for light and glare (SMC 25.05.675.K). If an adverse impact is identified, these policies allow for certain conditions of approval (SMC 25.05.675.K.2.d). The proposal includes mitigation measures, such as prohibiting the use of strobing or flashing effects, establishing a maximum brightness, and automatically dimming Device screen brightness based on sun conditions. Given that the Devices are well within allowed lighting levels, and given the proposed mitigations, no adverse impacts are identified.

Interference with views is not expected due to the 8-foot height limit and location in the public right-of-way street environment.

**c. What existing off-site sources of light or glare may affect your proposal?**

Extensive illumination currently exists on and surrounding the areas intended for installation of Devices. Lighting is used for illuminating surrounding arterial streets, commercial properties, and residential properties. The lighting and illumination levels are typical for the built environment in Seattle. Light and glare produced by lighting on and surrounding potential locations for Devices would not negatively affect the proposal.

**d. Proposed measures to reduce or control light and glare impacts, if any:**

The light intensity, glare, or brightness of the Devices would be controlled so as to not interfere with the safe vision of the traveling public. Additionally, the applicant has worked with SDOT to ensure that lighting and brightness are regulated to comfortable levels at all times. The applicant has agreed to the following mitigation measures:

1. Each Device is equipped with sensors to automatically adjust to ambient light conditions.
2. In addition to sensors, each Device will be equipped with remotely controlled dimming controls.
3. Each Device will be sited to avoid glare impacts or impacts on any nearby residential uses.

The Device screens can reach a maximum brightness of 4,000 nits<sup>3</sup> when Device screens are in direct sunlight, and the typical minimum brightness emission is 320 nits. This is in compliance with the Seattle Municipal Code. The Devices cannot exceed 400 nits; therefore, the Devices will comply with the Code's 500 nits maximum between dusk and dawn. The Devices are equipped with sensors to automatically adjust to ambient light conditions, so the exact nit level will fluctuate in response to real time conditions. Therefore, the Devices will at all times comply with the Seattle Municipal Code requirements of a maximum of 5,000 nits during the day and 500 nits at night.

Note: compared to Washington State law, which under the Highway Control Advertising Act (WAC 468-66) limits "electronic signs" brightness to 8,000 nits during daylight hours, and 1,000 nits between dusk and dawn. In summary, the programmatic environmental review of the proposal demonstrates that the Devices adhere to federal, state, and local regulations, and the proposal specifically includes several measures to reduce or control light and glare impacts, including maximum 4,000 nits during daylight hours, minimum 320 nits at night, ambient light sensors to automatically adjust to lighting conditions, dimming controls, and requiring that any light from externally illuminated

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<sup>3</sup> Note: The term nit (Latin, Nitere; to shine) is often used in the world of light-emitting diode (LED) and digital signage displays and stands for the measurement of light power coming from the LED display.

Device signs be shaded, shielded, or directed so that the light intensity, glare, or brightness does not interfere with the safe vision of the traveling public.

## 12. Recreation

### a. **What designated and informal recreational opportunities are in the immediate vicinity?**

There are bike lanes near some of the public rights-of-way within the MID and BIAs specified. However, the applicant will avoid locating Devices on streets with an unprotected bike lane because they do not have any raised curb or other barriers that separate the bicycle travel way from the adjacent motorized vehicular travel way.

Several properties within the MID or select BIAs have plazas that front the ROW and there are several parks throughout the area that extend the public realm beyond the ROW.

### b. **Would the proposed project displace any existing recreational uses? If so, describe.**

The proposal is not expected to displace any existing recreational uses.

### c. **Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:**

The Devices may be engaged by passers-by to learn of local recreation and amusement offerings; explore other cultural, musical, or other artistic events and venues; and include an optional simple arcade game application feature.

## 13. Historic and Cultural Preservation

### a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

This programmatic environmental review considers multiple locations throughout the urban areas of the city. Site-specific information would be addressed for specific locations for the Devices as part of the Street Use permit application review. The applicant will not site Devices within historic districts.

There are more than 488 designated Seattle Landmarks within the city limits; the MID and each of the selected BIAs contain at least one of these designated Landmarks (Seattle Department of Neighborhoods 2024a, 2024b).

In addition, all of the potential BIAs contain a historic district listed as both a Seattle Historic District and as a historic district listed in the National Register of Historic Places (NRHP) (Department of Archaeology and Historic Preservation [DAHP] 2024; Seattle Department of Neighborhoods 2024b).

Existing historic districts are located in the following potential BIAs: Ballard, U District, West Seattle Junction, SODO and MID. In addition, there are numerous buildings, structures, and sites within each of the potential BIAs that are more than 45 years old and have not yet been inventoried or evaluated for their potential eligibility to the NRHP or as a Seattle Landmark.

**b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

The MID and selected BIAs are located within the ancestral lands of the Duwamish people, who are among the signatories of the 1855 Treaty of Point Elliott (Marino 1990). The Duwamish are part of the larger Southern Coast Salish cultural group whose presence in the Puget Sound area since time immemorial is supported by oral traditions and archaeological evidence (Kopperl et al. 2016; Suttles and Lane 1990). The West Point archaeological site (45KI429) is an example of a precontact site in the area with a long history of occupation, dating to at least 4,250 years ago via radiocarbon dating (Kopperl et al. 2016). Based on available publications, there are numerous places with Southern Coast Salish names ("placenames") in the potential BIAs (Hilbert et al. 2001; Thrush 2007). These include precontact villages generally located along the Puget Sound shoreline and waterways.

Descendants of the Duwamish at the time of the Treaty of Point Elliott are members of today's non-federally recognized Duwamish Tribe and federally recognized Tribes including the Muckleshoot Indian Tribe, Snoqualmie Indian Tribe, Suquamish Tribe, Tulalip Tribes, and others (Duwamish Tribal Services 2018; Miller and Blukis Onat 2004:24–25, 56–108; Muckleshoot Indian Tribe 2024; Snoqualmie Indian Tribe 2020; Suquamish Tribe 2024; Tulalip Tribes 2024).

There are recorded archaeological sites within several of the potential BIAs: the Ballard, U District, Downtown, and SODO BIAs (DAHP 2024). These include more than 50 archaeological sites from both the precontact- and historic-eras. Historic-aged site types are varied and include historic road surfaces, railroad features, abandoned utilities, building foundations, streetcar features, and other historic infrastructure components. In addition, at least four of the potential BIAs contain recorded cemeteries: the Ballard, Downtown, and SODO BIAs (DAHP 2024). These include precontact burials identified during construction activities. All potential BIAs have the potential for additional archaeological resources from both the precontact- and historic-era that have yet to be identified.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Methods used to assess impacts included reviewing background data. The following information was reviewed: the DAHP's Washington Information System for Architectural and Archeological Records Data (WISAARD) database (DAHP 2024); Seattle Landmarks database and map (Seattle Department of Neighborhoods 2024a, 2024b); published ethnographies and regional histories (Hilbert et al. 2001; Kopperl et al. 2016; Suttles and Lane 1990; Thrush 2007); and publicly available histories prepared by regional Tribes (Duwamish Tribal Services 2018; Muckleshoot Indian Tribe 2024; Snoqualmie Indian Tribe 2020; Suquamish Tribe 2024; Tulalip Tribes 2024).

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

Additional cultural resources review may be required during future environmental review. Devices will not be located in historic districts.

Devices located adjacent to Seattle Landmarks would be subject to additional review and approval by the Department of Neighborhoods.

Additional laws that apply to projects conducted within the State of Washington include Archaeological Sites and Resources (Revised Code of Washington [RCW] 27.53), Indian Graves and Records (RCW 27.44), Human Remains (RCW 68.50), and Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60).

#### 14. **Transportation**

See Attachment B, Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety, for additional information and responses to the questions below.

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

See Attachment B, Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety, for information on how sites will be selected.

Site-specific information would be addressed for specific locations for the Devices as part of the Street Use permit application review.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Devices could be installed along the edges of streets served by transit and could be located close to bus stops and transit stations. However, the Devices would be located so that they do not impede passenger loading to and from the doors of a bus or streetcar vehicle, and do not impede sight lines between waiting passengers and approaching buses. See Attachment B, Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety, for additional information.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Devices would be located in City of Seattle public rights-of-way. Detailed design plans will be prepared for each Device installation that demonstrate consistency with design criteria in the City of Seattle's Right-of-Way Improvement Manual, *Streets Illustrated*, and the approved Term Permit ordinance, including appropriate clearance distances to other elements in the rights-of-way or adjacent private property, and that the pedestrian clear zone meets minimum width requirements per the Seattle *Streets Illustrated* Street Type map. Any departures from existing clearance standards would require SDOT approval. See Attachment B, Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety, for additional information.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

The project would not occur in the immediate vicinity of water or air transportation. It is possible that a Device may be located near a streetcar or light rail station.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

Devices would generate no vehicle, transit, bicycle, or pedestrian trips. They would serve travelers who would already be using the streets where the Devices are located.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

The proposal would not affect agricultural or forest product transport.

**g. Proposed measures to reduce or control transportation impacts, if any:**

See Attachment B, Transportation Technical Memorandum Recommended Location Criteria and Design Standards for Traffic Safety, for additional information.

Following adoption of an ordinance for a Significant Structure Term Permit to allow for the Devices, individual Device installation would be subject to street use permit application and review. A detailed design plan would be prepared for each Device installation that demonstrates conformance to the design criteria identified below, and other applicable street use criteria under the legislation and street use code. Specific Device installation applications may be batched or phased to advance the program.

The proposed design criteria include the following.

- Devices would be located to reduce the risk associated with driver distraction per the Location Criteria in Section 3.
- Devices should meet design criteria in the City of Seattle's Right-of-Way Improvement Manual, *Streets Illustrated*, by providing appropriate clearance distances to other elements in the right-of-way or adjacent private property. Intersection Clearance needed to achieve Stopping Sight Distance per the method in Section 5.2 should be reviewed for each Device based on the specific street characteristics in the vicinity of the proposed location.
- Devices should not be located where they would interfere with load/unload operations at bus stops; vehicle loading zones, or designated food-vehicle zones.
- Devices and any associated equipment should comply with the Americans with Disabilities Act (ADA) and all applicable accessibility requirements. Device design team should work with SDOT during siting to make sure that Devices would not preclude ADA accessible parking or loading zones that SDOT may install along streets in the future.

The applicant will work with City staff to establish the location selection process, design criteria, and review process. The Term Permit ordinance will contain standards that will be applied when Street Use permits are sought for installation. With these processes and criteria, the Devices are not expected to adversely affect the transportation environment.

During construction, Traffic Control Plans will be developed and submitted by a certified traffic engineer for City approval and permit. Typical site construction entails a partial lane closure and partial sidewalk closure. The applicant aims to maintain pedestrian egress on the sidewalk with barriers so that the sidewalk is not completely closed and limit the number of days a lane closure is in place and only for major activities such as demolition, concrete pours, or Device installation.



**15. Public Services**

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

The proposal would not result in an increased need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

No measures are needed or proposed to reduce or control direct impacts on public services.

**16. Utilities**

- a. **Circle utilities currently available at the site:** electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other: wi-fi.

All City utilities will generally be available at proposed project sites, which are within the City right-of-way.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Installation of each Device requires building a foundation in the right-of-way and shallow trenching to the nearest electrical power source, which is typically also located in the right-of-way. There will be minimal to no grading, as construction entails trenching and excavation. Typically, only subgrade is required for site preparation and restoration to original existing conditions. A typical installation process takes approximately 1 to 2 weeks.

## C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

|                                      |  |
|--------------------------------------|--|
| Signature:                           | <u>Pamela J. Xander</u>  |
| Name of signee:                      | <u>Pamela J. Xander</u>  |
| Position and<br>Agency/Organization: | <u>Senior Environmental Planner/Environmental Science Associates</u> |
| Date Submitted:                      | <u>January 27, 2025</u>  |

This checklist was reviewed by:

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Title, Seattle Department of Transportation

## D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

IT IS NOT NECESSARY to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposal for the Term Permit ordinance for Device installation would not result in any direct changes to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. If approved, the ordinance would allow Devices to be added to the street right-of-way in Seattle. This would not increase discharges to water because the Devices would be placed on existing sidewalks, and no new impervious surface would be created. The Devices would not generate additional emissions to the air including greenhouse gases. The Devices would not produce, store, or release any toxic or hazardous substances. The Devices may be equipped with a two-way speaker for emergency purposes. This is the only noise the Device can emit and is consistent with normal phone conversation volumes.

**Proposed measures to avoid or reduce such increases are:**

Noise impacts during Device installation are expected to be minimal. General measures that may be imposed to reduce or control noise impacts during installation of Devices include those listed below:

- Construction activities would be restricted to hours designated by SMC 25.08.425.
- If construction activities exceed permitted noise levels, the applicant would instruct contractors to implement measures to reduce noise impacts to comply with the noise ordinance, which may include additional muffling of equipment.
- The applicant would adhere to the Seattle Noise Ordinance, including requesting a noise ordinance variance if work would proceed outside approved hours.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

Passage of the Term Permit ordinance would not directly affect the environment. Devices allowed by the ordinance are unlikely to have adverse effects on animals, fish, or marine life because the Devices would be located only on improved streets, where there is little plant or animal habitat. Trimming or pruning of trees may be required but there will be no tree removal as part of this project..

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Proposed locations of the Devices would be reviewed at the time of Street Use permit application on an individual basis to avoid damage to street trees. Trimming or pruning of trees may be required but there will be no tree removal as part of this project

No other specific measures are proposed to conserve animals, fish, or marine life because no impacts are expected.

**3. How would the proposal be likely to deplete energy or natural resources?**

Passage of the Term Permit ordinance would not directly affect consumption of energy or natural resources. The Devices allowed by the ordinance would consume small amounts of electricity and are not expected to deplete energy and natural resources.

**Proposed measures to protect or conserve energy and natural resources are:**

No specific measures are proposed. The Devices would comply with applicable electrical and energy code requirements.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

Passage of the Term Permit ordinance would not directly affect environmentally sensitive areas. There is no wilderness, wild and scenic rivers, threatened or endangered species habitat, wetlands, floodplains, or prime farmlands in the area where the Devices would be permitted under the ordinance. The applicant would not locate Devices within the Shoreline District. There are three locations near the Seattle waterfront (but outside of the Shoreline Master Program) where Devices will be allowed. Devices allowed by the proposed ordinance would be placed in improved rights-of-way and sidewalks and would meet City standards for structural stability.

Devices may be located within 500 feet of certain parks, depending on their location and size, including parks larger than one acre.

Devices may not be located within 500 feet of "religious institutions" defined at SMC 23.84A.018.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

Current city policy and code apply to parks city-wide, which vary significantly in size, use, and history. For the purposes of this project, and given there are parks located within the public urban environment, placing Devices within 500 feet of parks larger than one acre could provide added public benefit through wayfinding and other functionalities. Parks are locations where visitors who would benefit from the Devices would congregate and avail themselves of the wayfinding tools and other features of

the Devices. The parks identified are notably urban, highly active, and offer recreational uses to the public where Devices could enhance the surrounding environment:

- Denny Park\*
- Alaskan Way Boulevard
- Bell Street Park Boulevard
- Freeway Park
- Victor Steinbrueck Park
- Westlake Park\*\*

\* Denny Park is outside of the boundaries of the MID, but it is included here because Devices could be sited within 500 feet of the park.

\*\* While Westlake Park is less than one acre, it is still included as part of the analysis given that it is a city park. With this, the designation that Devices will not be installed within the shoreline environment or within historic districts still applies.

The Devices will comply with the 50-foot buffer from any lot in a residential zone, but the Devices could be sited within 500 ft of parks, playgrounds, or community centers.

The Devices will not be located within 500 ft of elementary and secondary schools.

The Devices will not advertise alcohol within 500 ft. of a elementary and secondary schools. At the project-specific phase, the impacts to a particular school, park, playground, or community center will be evaluated.

This approach maintains the designation that Devices will not be installed within the shoreline environment or historic districts.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The Term Permit ordinance would not directly affect land and shoreline use. It would allow Devices on streets adjacent to existing uses in the Downtown area (specifically the MID) and in BIAs and other Urban Centers and business districts throughout Seattle. The Devices would generally benefit adjacent land use because they are designed to serve adjacent uses by improving wayfinding and safety for residents and visitors.

This SEPA Environmental Checklist includes a discussion of the proposal's consistency with SMC 23.55 (the Sign Code) and SMC 15.12 (Street Use Ordinance - Signs, Banners, Street Clocks). The discussion is found in Attachment C, Sign Code Conformance Review. To understand how and where the Devices depart from Code standards, the applicant reviewed the Sign Code in full, and identified specific provisions where there is potential incongruity between the IKE Proposal and Sign Code requirements. There was not an identification of any significant adverse impact created by these nonconformities due to the proposed mitigation measures and locational criteria.

The proposal would be consistent with the Seattle 2035 Comprehensive Plan, which includes policies for the City of Seattle to implement new technologies to enhance access to transportation, and to create vibrant public spaces in and near public places that foster social interaction, promote access to walking, bicycling, and transit options, and enhance the public place.

The proposal would be consistent with the Seattle Transportation Plan (City of Seattle, 2024, which calls for improving safety for vulnerable street travelers, increasing non-drive alone mode share by improving the safety and reliability of other travel options, enhancing the quality of public spaces where people come together, and developing community and mobility hubs that connect people using transit, walking, cycling, etc., to the next leg of their trip or their destination.. For example, the devices offer benefits to the public through the interactive wayfinding features and functionality, along with the interactive applications and public interest content. This is inclusive of real-time transit information, interactive directories of local businesses and organizations, social services and civic resources information, public art, emergency call button with access to the city's 911 dispatch, and city and community messaging all at no cost to the city or constituents. The advertising component funds these offerings, allowing for the program to be implemented and maintained at no cost to the city or constituents. The proposal would assist King County Metro and SDOT, who are working to enhance transit user experience and service.

The proposal would be consistent with the City of Seattle's 2016 Digital Equity Action, which works to provide community members with equal opportunity to access and use technology.

Devices provide real-time transit informational and multi-modal trip planning that a user can have access to 24/7 and also have that information shared with them directly from the kiosk to their mobile device. The proposal is consistent with elements of the Seattle Transportation plan such as connecting people and goods by creating seamless travel connections (as briefly described above) and enhancing the pedestrian element through interactive wayfinding encouraging walkable navigation to explore the city and provide a sense of community. The component programs would be enhanced by Devices as defined in this ordinance to further wayfinding and other public welfare and public interest programming using Devices that are ADA-compliant and provide information in a variety of languages. A minimum of 25% of content will be for public-interest related material. Social service resource content will be available 24 hours a day, 7 days a week.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

To ensure that the Devices are compatible with land uses in the area, the Term Permit ordinance proposes that permits for Devices be issued only to the applicant and subject to a MID workplan approved by the City that: (i) holds the applicant responsible for the operation and maintenance of the Device, and (ii) requires the applicant or its vendor to program the Device to include information that advances the mission or business plan of any business improvement areas within the boundaries of which the Device is proposed to be located.

No Devices would be located within the shoreline environment. Therefore, no mitigation is needed with respect to the shoreline environment.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The Term Permit ordinance would not directly increase or decrease demand for transportation, or public services or utilities. The Devices allowed by the ordinance could encourage more use of public transportation by providing schedule and route information.

This programmatic proposal would not increase the need for services from the Seattle Fire Department (SFD), Seattle Police Department (SPD), SDOT, or Seattle-King County Department of Public Health. No noticeable change in demand for utility services is expected.

**Proposed measures to reduce or respond to such demand(s) are:**

No specific measures are proposed to respond to increased demand for public transportation, as adequate capacity exists or can be added to accommodate growth in demand. No other measures are proposed because the proposal would not increase demand for services or utilities.

All issued Street Use permit types are temporary, as stated in SMC Title 15. The Director of Transportation may, on a project-specific basis, suspend or revoke a Street Use permit application for mobility and accessibility purposes, as stated in SMC Title 15.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

This SEPA Environmental Checklist includes a discussion of the proposal's consistency with SMC 23.55 (the Sign Code) and SMC 15.12 (Street Use Ordinance - Signs, Banners, Street Clocks). The discussion is found in Attachment C, Sign Code Conformance Review. To understand how and where the Devices depart from Code standards, the applicant reviewed the Sign Code in full, and identified specific provisions where there is potential incongruity between the IKE Proposal and Sign Code requirements. There was not an identification of any significant adverse impact created by these nonconformities due to the proposed mitigation measures and locational criteria.

No conflicts are expected with local, state, or federal laws or requirements for protection of the environment.

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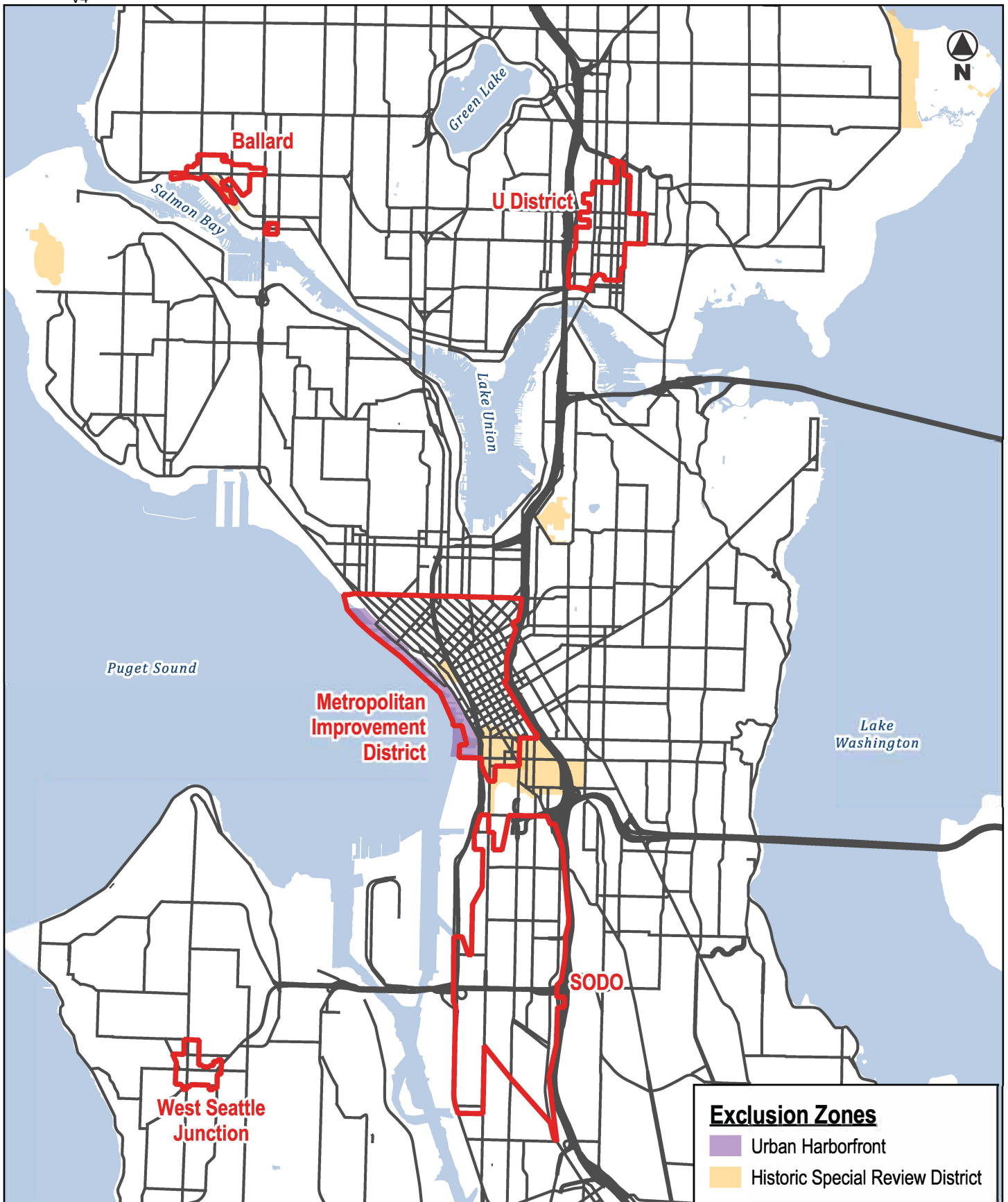
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## **ATTACHMENT A: BUSINESS IMPROVEMENT AREAS MAP**





Attachment A  
**Business Improvement Areas**



**ATTACHMENT B: HEFFRON TRANSPORTATION TECHNICAL MEMO  
RECOMMENDED LOCATION AND CRITERIA FOR TRAFFIC  
SAFETY**





# TECHNICAL MEMORANDUM

**Project:** IKE Smart City

**Subject:** Recommended Location Criteria and  
Design Standards for Traffic Safety

**Date:** January 24, 2025

**Authors:** Marni C. Heffron, P.E., P.T.O.E., Principal  
Zach Goulson, E.I.T., Transportation Engineer

This memorandum provides a summary of the criteria and considerations for locating, designing, and installing IKE Smart City Interactive Information Devices (or “Devices”) in Seattle. The recommended Traffic Safety Location Criteria were developed based on best practices from other city installations as well as driver distraction studies. It also includes maps showing locations in the downtown Seattle core area and neighborhood business districts that meet (or do not meet) the recommended Location Criteria based on neighborhood characteristics, collision history, speed limits, grade, and/or presence of bicycle facilities. This memorandum also presented recommended Intersection Clearance Criteria for various street configurations. The criteria presented herein are intended to inform Seattle Department of Transportation (SDOT) review of individual Devices prior to installation.

## 1. Proposed Project

The Downtown Seattle Association (DSA) is a non-profit organization that is focused on creating a healthy, vibrant downtown for all and enhancing Seattle’s urban experience for the public. DSA is leading several public realm improvement efforts to enhance how people connect with and move through our city. DSA provides a range of services, including supporting ambassadors who assist visitors and residents with wayfinding.

In furtherance of the city’s wayfinding goals, DSA is partnering with IKE to permit and install Devices with touch screens. Each Device is about 3-feet wide, 8-feet high, and 1-foot deep. Deployment will focus on the Downtown Metropolitan Improvement District (MID) and neighborhood Business Improvement Areas (BIAs). It is anticipated that the first deployment will include up to 30 Devices in the downtown MID, with a second deployment of 50 Devices (30 in the downtown MID and 20 in other neighborhood BIAs) to be installed following the city’s consent. Figure 1 shows an example Device.

Figure 1. Example Device



Photo from IKE Smart City.

These Devices, which are to be located within the public right-of-way, would provide the public with a variety of information including navigation, transit service, weather, public service announcements, information about attractions, and emergency services coordinated with other City departments and agencies. Motion and video displays will be allowed by the Term Permit. Motion is defined as “Media displays that include digital animation, streaming video, or images that move or give the appearance of movement. This definition applies to both static and animated media. Media displays alternate through a series of 8 media displays (a content loop), with each display shown for 10 seconds (dwell time). After each 10-second display, the screen transitions with a brief black screen lasting half a second (0.5 seconds) before continuing to the next media display. Media displays may consist of public service announcements, advertisements, or invitations for people to engage with the Devices.” The screens immediately convert to interactive mode when engaged by a person, which occurs simply by touching the screen. Specific display parameters are presented in Attachment E.

## 2. Location Selection

The proposal is being phased. At the initial programmatic stage, the applicant is seeking a Significant Structure Term Permit that will outline the conditions of approval, but the precise location for each Device is not yet known. Following adoption of the ordinance for the Term Permit, individual Device installation would be subject to street use permit application and review.

For Device installation, the applicant will propose specific Device locations identified using a location selection process. Within the MID and neighborhood BIAs, the proponent will initially identify potential locations and narrow those to a short-list based on location objectives. Because all Devices are expected to be installed within the City’s right-of-way, they would require street use permits consistent with Seattle Municipal Code (SMC) Title 15, and subject to Seattle Department of Transportation (SDOT) review.

## 3. Criteria to Reduce Driver Distraction

There are concerns that digital signs could adversely affect safety by distracting drivers. Over the past decade, there have been numerous studies about the potential for driver distraction, and features that can be used to lessen that risk. In addition, IKE Smart City Devices, as well as other street furniture devices with Commercial Electronic Video Messages (CEVM), have been installed in dozens of cities across the United States. The experiences in those cities have resulted in a set of “best practices” to reduce the potential for driver distraction and to lessen the safety risks associated with distraction. The following sections summarize the findings from these studies and other city experiences, and were used to develop the recommended Location Criteria specific to Seattle.

### 3.1. Summary of Driver Distraction Studies

Attachment A presents the studies reviewed for this effort. The safety analysis in the literature can be divided into two primary methodologies: 1) those that measure the impact of a sign based on actual collision history, and 2) those that assess the potential risk based on human-factor analysis performed in simulators that measure eye movements or glance/gaze behavior. One report, the *Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message (CEVM) Signs*,<sup>1</sup> summarized the major findings from 22 studies of CEVM signs performed by various entities between 2008 and 2018. Many of the studies reviewed in the *Compendium* related to digital billboards located on highways, which are not reflective of the Seattle proposal with smaller Devices located on low-speed urban streets. The City of Philadelphia Study (2022) evaluated devices very similar to those proposed in Seattle, and included an in-depth review of the *Compendium*’s 22 studies to cull those that related to smaller devices in an urban setting. Key findings from the various studies are summarized below.

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<sup>1</sup> Wachtel 2018.

- **The risk of visual distractions does not necessarily translate to a direct safety impact.** The Philadelphia Study evaluated many different aspects of that City's proposed Kiosk Pilot Program that required approval by the Pennsylvania Department of Transportation (PennDOT) and Federal Highway Administration (FHWA). It described applicable laws and regulations, visual distraction research, best practices from other cities, kiosk siting, and device criteria. This study had a robust analysis of safety research and peer-city applications, and concluded that, "[w]hile research may show that potential visual distraction from kiosks and digital displays could increase the probability of risk, that risk does not necessarily translate to a direct safety impact, particularly when appropriate device/location guidelines and limitations are incorporated." Location Criteria presented in Sections 3, 4, and 5 below are intended to guide where Devices could be located in Seattle to reduce potential risks.
- **Collision studies found no statistically significant direct impact due to on-premise digital signs.** The most robust study of actual "impact" was the *Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety*.<sup>2</sup> This study provided a robust statistical analysis of 135 digital sign locations in four states: California, North Carolina, Ohio, and Washington. It used a comprehensive database of crash records to evaluate the before and after-effects of each sign. Although these signs were on-premise (not within the right-of-way), this analysis provides a meaningful measure of the safety effects of digital advertising signs installed by businesses that are intended to attract a driver's eye. The study concluded that, "[t]here is no statistically significant increase in crashes associated with the installation of on-premise digital signs." It also found that there was no significant difference related to the sign size, color, or type of businesses advertised.

The Philadelphia Study also reviewed real-world examples that had been implemented for similar wayfinding devices, including IKE Smart City Devices in Baltimore that have full motion video, and had been in place for approximately four years. The Philadelphia Study found "no significant distraction or safety complaints were reported based on project-specific discussions with stakeholders involved in New York City's LinkNYC Program or Baltimore's IKE Smart City Program."

- **Lower speeds reduce the risk of visual distraction.** Most of the simulation studies related to high-speed roadways. One of the studies (Schieber, 2014) simulated the ability to stay in the driving lane at different speeds when distracted by digital billboards. The study found that, "[a]lthough little or no decrement in lane keeping or reading performance was observed at slow speed (25 mph) on straight roads, clear evidence of impaired performance became apparent at the higher driving speed (50 mph)." The Location Criteria for the proposed Devices recommend locating them on streets with posted speed limits of 25 mph or less.
- **In a dense urban environment, there are untold number of existing distractions, and the additive distraction from a Device is likely to be small.** SDOT commissioned a study in 2017—*Seattle Coordinated Street Furniture Programs: Human Factors Considerations*<sup>3</sup>—to assess potential driver distraction associated with a previously-proposed street furniture program. That study recognized that in a dense urban environment, there are untold number of existing distractions, and that the additive distraction from new devices is likely to be small. Further, the study recommended many design considerations to reduce driver distraction and improve safety for motorists, bicyclists, and pedestrians that have been incorporated into the Location Criteria for the proposed Devices, including:
  - Not locating Devices near residences;
  - Limiting display brightness;
  - Setting a display rate and having a blank screen between content slides;

<sup>2</sup> Texas A&M University, 2012.

<sup>3</sup> Veridian Group, 2017.

- Not locating Devices where they would block or obstruct traffic control devices or traffic signs;
- Not locating Devices adjacent to unprotected bike lanes; and
- Not mimicking a traffic control device.

This study also recommended not locating signs within 120 feet in advance of intersections or driveways based on the assumptions that “speed limits in the program area are predominantly 30 mph.” Instead, their location criteria recommend locating on streets with speed limits of 25 mph or lower. The study also recommended against locating signs at bus shelters that are located on opposite sides of a two-way street (the study was related to bus shelter signage) which is not applicable for the proposed Devices. Finally, the study recommended oriented signs away from the driver’s eye. Since the two-sided Devices are to be located in the furniture zone of the street, re-orienting them would not shield them from a driver’s view and could put a pedestrian’s backside to traffic. Section 5.2 of this memorandum presents specific intersection clearance criteria for various street configurations based on the stopping sight distance for motorists and bicyclists.

- **Risks of potential visual distraction can be managed through proper planning, design, construction and limitations.** The Philadelphia Study reviewed real-world examples and location criteria that had been implemented for similar devices in Chicago, San Francisco, Boston, Miami, New York City, Baltimore, Columbus, Kansas City, and others. The best practices derived from Philadelphia and other studies have been integrated into the Location Criteria recommended for Seattle.

### 3.2. Recommended Criteria to Reduce Driver Distraction

This section identifies numerous recommendations based on the literature to reduce potential safety risks associated with the installation and operation of IKE Smart City digital wayfinding Devices in Seattle. First is a set of recommended Location Criteria to apply during the planning and design phase of the installation process. The best way to reduce risk is to locate Devices on low-speed roadways; therefore, for Seattle, it is recommended that Devices be located on streets with a speed limit of 25 mph or less. It is also recommended that Devices in Seattle not be located adjacent to unprotected bike facilities, near documented high-collision locations, or in high-task demand areas.

#### Location Criteria

- **Roadway Speed:** Devices are proposed to be located on streets with a speed limit of 25 mph or less; which includes almost all streets in Seattle (the exceptions are designated state highways and regional arterials). Devices could be placed on streets with speed limits higher than 25 mph, but would require extending the sight lines needed to maintain Stopping Sight Distance (see Section 5.2) and may require changes to some display parameters (See Attachment E). Such parameters would be determined if and when Devices are to be located on streets with speed limits above 25 mph.
- **Proximity to and Type of Bike Facility:** Avoid locating Devices adjacent to an unprotected bike lane or a shared lane condition. Device could be located adjacent to protected bike lanes, which are exclusive bicycle facilities where bicyclists are separated from sidewalks and motor vehicle traffic by physical features intended to prevent encroachment. For the purpose of locating a Device, a protected bike lane will be defined as having a separation between the bike lane and the nearest general-purpose lane with a minimum 18-inch lateral buffer with on-pavement hatched marking and/or a physical feature such as a parking lane, flexible delineator posts, planters, or other raised feature.

- **High Collision Intersections:** Devices should not be located at or near documented high-collision intersections, which in the City of Seattle are defined as intersections with 10 or more vehicle collisions per year, or 5 or more collisions involving pedestrians or bicyclists per year.
- **Sight Lines:** Do not locate Devices where they would impede motorist sight lines to traffic signals, stop signs, conflicting traffic movements, or pedestrian/bicycle movements. *Streets Illustrated* establishes a Pedestrian Clear Zones to prevent street furniture, street trees, planters, and other vertical elements such as poles, fire hydrants, and street furniture from protruding into the zone.
- **Proximity to Intersections:** The minimum intersection clearances in *Streets Illustrated* are 20-feet to a signalized intersection's crosswalk and 30 feet to a Stop or Yield sign. SDOT will require that Devices be located a minimum of 55-feet in advance of a signalized intersection, which provides additional perception-reaction time for a driver to see and react to a changing traffic signal. There are some intersection approach configurations that may need additional clearance to prevent the curbside Device from blocking the view to the intersection. These conditions are described in Section 5.2 of this report.
- **High-Task Demand Areas:** Devices should not be located in areas where a driver's attention needs to be elevated such as near high-volume intersections, mid-block unsignalized crosswalks, horizontal curves, lane-drops, or merge/weave areas. The minimum clearance to a mid-block (unsignalized) crosswalk should equal the stopping sight distance (which is 152 feet for a 25-mph roadway). The off-set to drop lanes or other areas where vehicles merge should be a minimum of 50 feet from where the lane taper begins.
- **Steep Grades:** There are many streets in Seattle, particularly in the downtown core, that have steep grades, which could make the Devices inaccessible to those in wheelchairs. Devices should not be placed on streets with grades steeper than 8% unless level platforms can be created adjacent to the Device.

## Display Criteria

Display Criteria, which have been set forth in the Term Permit, incorporate best practices from other cities. These include:

- **Brightness:** Limit brightness of images between sunset and sunrise using automatic light sensors. The Device screen brightness is fully adjustable and is equipped with ambient light sensors that automatically adjust the screen brightness based on the environment conditions (e.g., direct sunlight, at night, dusk, etc.). Screen brightness can also be adjusted manually and set to the minimums and maximums required by the City. At night, when streetlights are on, the screens will automatically dim based on the light conditions around them. This Devices would operate within the City code requirements, which limit brightness levels at night to 500 nits.<sup>4</sup>
- **Display Rate:** Limit refresh rates and display a brief black screen between content slides. Device screen rotates through a series of 8 content images (a content loop), with each image having a dwell time (duration) of 10 seconds. Following each 10 second content image, there will be a brief black screen with a half second (.05) duration before continuing to the next image.
- **Flashing:** Do not allow flashing images or strobe effects.
- **Content:** Do not allow images that mimic a traffic control device such as a traffic signal, stop sign, or pedestrian or bicycle signal.

<sup>4</sup> A "nit" is used to measure brightness. The higher the number of nits, the brighter the display.



## 4. Application of Device Location Criteria in Seattle

Maps were created to show where the Devices could and should **not** be located based on key criteria about each street's characteristics, and are intended to inform IKE Smart City's selection of preferred Device locations. These maps were prepared using data available from the City of Seattle's Geographic Information Systems (GIS) databases and other publicly-available datasets. The maps show the following characteristics and locations to avoid.

- **Collisions:** High collision intersections and locations, which are defined as intersections with 10 or more vehicle collisions per year, or 5 or more collisions involving pedestrians or bicyclists per year. The mapped high collision locations are based on the average of the past five years (from January 1, 2019 through December 31, 2023).
- **Speed:** Streets with speed limits in excess of 25 mph.
- **Bicycle facilities:** Streets with an "unprotected" bicycle facility where there is no separation between the vehicle driving lane and the bike lane, or the street has a shared-lane condition denoted with a sharrow pavement marking.
- **Grade:** Streets with a grade of greater than 8%.

Figure 2 shows the above features mapped for the MID. As shown, many of the east-west streets in the south part of downtown (south of Seneca Street) should be avoided due to steep grades unless a flat viewing platform can be provided. The map also shows the existing unprotected bicycle lanes, many of which are on one side of a one-way street. SDOT's long-range plans call for upgrading many of these to be protected bike lane in the future. Specific characteristics of each street would be reviewed when selecting Device locations.

Similar analysis was performed for the four neighborhood BIAs where Devices could be located: University District, Ballard, SODO, and West Seattle. The location criteria maps for each neighborhood are shown in Attachment B.

Figure 2. Application of Criteria – Locations to Avoid in MID



Source: SDOT GIS databases and King County aerial photo, September 2024.

## 5. Clearance Criteria

After the Location Criteria are applied to determine where Devices could be located, they would still be subject to the City's lateral and vertical clearance requirements for structures within the right-of-way. The minimum clearances defined in this section are requirements, though when minimum clearances cannot be met due to site condition constraints, it may be possible to work with City staff to determine an acceptable solution. Deviations from the standard clearances would be considered on a case-by-case basis by affected City departments (e.g., SDOT, Seattle City Light (SCL), or Seattle Public Utilities (SPU)).

### 5.1. Streets Illustrated and Other Guidance

From a traffic safety perspective, clearances to an intersection relate to pedestrian visibility. *Streets Illustrated*, Section 3.2 on sidewalks and visibility states, "[o]bjects in the right-of-way other than traffic control devices or necessary safety equipment that obstruct visibility shall not be placed within 30 feet of uncontrolled, stop-controlled and yield-controlled intersections. At signalized intersections, objects that obstruct visibility shall not be placed 20 feet as measured from the approach side of marked crosswalk or the line of the perpendicular sidewalk (if it were extended through the crossing) of an unmarked crosswalk. Such objects include parked vehicles, landscaping that does not provide clear zone visibility between 24 inches and 60 inches, transit shelters, kiosks, signal control boxes, and utility features placed within the landscape/furniture zone."

Devices are to be located in the furniture zone in such a way as to not interfere with the use and function of elements already within this zone, including trees, street poles, fire hydrants, benches, and other furnishings. Devices would be a minimum of 36-inches from the face-of-curb where the landscape/furniture zone meets standards, and could be 18-inches from the face of curb where the landscape furniture zone does not meet the standard. From a sight line perspective, the 18-inch clearance from the face-of-curb reflects the worst-case condition for a motorists' view to a pedestrian in the crosswalk, and was assumed for the purpose of creating the Intersection Clearance diagrams shown in the next section. Various *Streets Illustrated* clearance diagrams are shown in Attachment C of this report: Figure C-1 shows the generalized visualization of clearances on a typical roadway; Figure C-2 shows the clearance zones near an intersection to maintain sight lines; and Figure C-3 shows the minimum sidewalk clear zone dimensions by street type. Other clearance requirements could apply, including those related to transit facilities (e.g., stops and shelters).

There is no specific guidance related to Device locations near bus stops, transit stations, or commercial or passenger load zones. Devices could be located at or near such elements, and should be reviewed on a case-by-case basis. In general, Devices should be located where:

- They would not impede passenger loading to and from a bus or streetcar vehicle;
- They would not impede sight lines between waiting passengers and the approach bus; and
- They would not impede freight or passenger loading between a vehicle at the curb and the sidewalk.

Since some Devices could be located in the SODO BIA, additional guidance related to clearances to rail and light rail tracks were reviewed. Sound Transit and the Washington Administrative Code (WAC) suggest a minimum 8-foot to 8.5-foot clearance to centerline of a railroad track. Sight line triangles, described in the section below, would likely increase this distance.

Table C-1 summarizes the minimum clearances specific to a Device-type structure.



## 5.2. Additional Intersection Clearance to Maintain Stopping Sight Distance

The minimum intersection clearance distances prescribed by *Streets Illustrated*—30 feet from an unsignalized intersection and 20 feet from a signalized intersection—are generally sufficient to provide a motorist with a clear view to an intersection to accomplish tasks such as yielding and turning. However, it is acknowledged that longer sight triangles may be needed for some street layouts to prevent a Device from blocking a motorist's or bicyclist's view of pedestrians on the sidewalk. In addition, the sight triangle should be sufficient to provide additional reaction time for a motorist who may glance at a Device or sign.

In coordination with Seattle Department of Transportation (SDOT) staff, analysis was performed to assess the sight triangles needed to provide the minimum Stopping Sight Distance (SSD), which is an engineering standard. SSD is the distance needed for drivers to perceive an object (or person) ahead and bring their vehicle to a safe stop before colliding with the object. SSD allows for perception-reaction time as well as the physics of decelerating the vehicle under wet pavement conditions. The following is the standard equation for SSD:<sup>5</sup>

$$SSD = 1.47Vt + 1.075 \frac{V^2}{a}$$

where:

$SSD$  = stopping sight distance, ft  
 $V$  = design speed, mph  
 $t$  = brake reaction time, 2.5 s  
 $a$  = deceleration rate, ft/s<sup>2</sup>

AASHTO recommends the deceleration rate of 11.2 ft/s<sup>2</sup>, which is the rate for which 90 percent of all drivers are capable of decelerating while staying within their lane and maintaining steering control and while braking on wet pavement in a vehicle that does not have anti-lock brakes. For streets with a 25-mph speed limit, which is most of the streets in downtown Seattle and the other districts where Devices are proposed, the SSD is 152 feet.

SSD is typically measured to the path directly in front of the oncoming vehicle. To provide a factor of safety for this review, the sight triangles were measured to the back edge of the sidewalks' curb ramp, which for a standard ramp would be 5-feet from the edge of curb. If a pedestrian were walking into the street in front of an oncoming vehicle, the 5-foot distance would reflect an additional 1.7 seconds of time before the pedestrian reaches the curb (at 3 feet per second). Depending on the lane configuration and curb radius, the additional time provided before the pedestrian reaches the approaching travel lane could be another 2.6 to 6.3 seconds. The additional pedestrian travel time provides a factor-of-safety for an oncoming motorist to react. It is acknowledged that in downtown and other districts where Devices could be located, signals control most of the intersections, and the signal would turn red for approaching vehicles before a pedestrian crosses. In these cases, the SSD would only be needed for those pedestrians who may cross against the signal

The SSD calculation for a bicyclist is similar with the same brake reaction time, but with different deceleration factors that account for the reduced friction of a bike's tires compared to a motor vehicle. Speeds above 20 mph would be difficult to reach by conventional cyclists on relatively short urban blocks. Electric bikes may be able to reach higher speeds; however, per RCW 46.61.710, only Class 1 and Class 2-type e-bikes, which are those with a maximum speed of 20 mph, are allowed to operate on shared-use path or any part of a highway designated for use of bicycles unless expressly allowed by the local jurisdiction. Therefore, the SSD for a bicyclist was determined for a 20-mph speed, which is 160 feet.<sup>6</sup>

<sup>5</sup> American Association of State Highway and Transportation Officials (AASHTO), *Policy on Geometric Design of Highways and Streets*, 7<sup>th</sup> Edition, 2018.

<sup>6</sup> AASHTO, *Guide for the Development of Bicycle Facilities*, 2012.

There are many different street and curb zone treatments that exist along Seattle streets. Several common conditions were evaluated to provide guidance related to longitudinal clearance. Figures in Attachment D illustrate various case studies—labeled A through G—showing driver and bicyclist sight lines from different lane positions, and the distances from the intersection Device should be located in order to ensure SSD to a pedestrian standing at the back of the curb ramp. Case studies A through F relate to a vehicle approaching the intersection, which is the condition for which a Device could block the view to a pedestrian. Case study G shows the sightlines to a pedestrian located on the far side of an intersection. These case studies assume that the Device could be a minimum of 18 inches from the edge of the curb.

The case studies show that the largest intersection clearance distances would be needed for conditions in which Devices are adjacent to a curb-side bicycle lane approaching the intersection since the bicyclists would be closest to the curb where sight lines are most limited. The minimum clearance of 20-feet, as prescribed by Streets Illustrated, would apply for conditions where the vehicle lane is separated by the curb by a parking lane.

Based on the preliminary analysis findings, SDOT recommended that the minimum clearance distance in advance of a signalized intersection should be 55 feet. This distance provides an additional 1.5 seconds of perception-reaction time for a driver that may glance at the sign before needing to stop for a changing signal.

Devices on the far side (leaving) an intersection (Case Study G) should have a minimum clearance of 20 feet unless that leg of the intersection also has vehicles or bicycles that are subject to approach restrictions.

Additional clearance may be needed where driver's attention needs to be elevated such as near high-volume intersections, mid-block unsignalized crosswalks, horizontal curves, lane-drops, or merge/weave areas. The minimum clearance to a mid-block crosswalk should equal the stopping sight distance (which is 152 feet for a 25-mph roadway). The off-set to drop lanes or other areas where vehicles merge should be a minimum of 50 feet from where the lane taper begins.

Table 1. Intersection Clearance: **Speed Limit = 25 mph**

| Diagram ID      Street Configuration |   | Signalized Intersections <sup>a</sup> |                              | Stop or Yield Controlled or Uncontrolled Intersections <sup>b</sup> |                              |
|--------------------------------------|---|---------------------------------------|------------------------------|---|------------------------------|
|                                      |   | Device on Left Side of Road           | Device on Right Side of Road | Device on Left Side of Road   | Device on Right Side of Road |
| Near-Side (Approaching) Intersection |   |                                       |                              |   |                              |
| A                                    | Two-Way Street with On-Street Parking                           | 55' <sup>c</sup>                      | 55' <sup>c</sup>             | 30'   | 30'                          |
| B                                    | Two-Way Street with No Parking                                  | 55' <sup>c</sup>                      | 55' <sup>c</sup>             | 30'   | 50'                          |
| C                                    | Two-Way Street with Protected Bike Lanes (1-way) <sup>d</sup>   | 55' <sup>c</sup>                      | 70'                          | 30'   | 70'                          |
| D                                    | Street with Two-Way Bike Path on Left Side of Road <sup>e</sup> | 55' <sup>c</sup>                      | n/a                          | 40'   | n/a                          |
| E                                    | One-Way Street with On-Street Parking                           | 55' <sup>c</sup>                      | 55' <sup>c</sup>             | 30'   | 30'                          |
| F                                    | One-Way Street with No Parking                                  | 70'                                   | 55' <sup>c</sup>             | 70'   | 50' <sup>c</sup>             |
| Far-Side (Leaving) Intersection      |   |                                       |                              |   |                              |
| G                                    | All Conditions <sup>f</sup>                                     | 20'                                   | 20'                          | 20'   | 20'                          |

Source: Heffron Transportation, Inc., Clearance based on distance to achieve SSD for vehicles and bikes.

*Note: Minimum clearances should be confirmed by designer based on actual street characteristics including lane widths, curb radii, and/or other objects that may impede the sight line.*

- Per Streets Illustrated, minimum clearance for a signalized intersection is 20 feet and is measured from the approach side of marked crosswalk or the line of the perpendicular sidewalk (if it were extended through the crossing) of an unmarked crosswalk."
- Per Streets Illustrated, minimum clearance is 30 feet and measured from the stop bar, or a line of the perpendicular sidewalk (if it were extended through the crossing) of an unmarked crosswalk.
- Minimum of 55-feet is recommended to provide additional perception-reaction time in advance of signal.
- Protected Bike Lane is defined as having a separation between the bike lane and the nearest general-purpose lane with a minimum 18-inch lateral buffer with on-pavement hatched marking and/or a physical feature such as a parking lane, flexible delineator posts, planters, or other raised feature.
- For two-way bike path on right side of road, the clearance would be the same as for street with Protected Bike Lane.
- Minimum for traffic exiting the intersection. If Far Side of intersection also has traffic approaching the intersection, higher clearances could apply.

## 6. Implementation

Following adoption of an ordinance for a Significant Structure Term Permit to allow for the Devices, individual Device installation would be subject to street use permit application and review. A detailed design plan would be prepared for each Device installation that demonstrates conformance to the design criteria identified below, and other applicable street use criteria under the legislation and street use code. Specific Device installation applications may be batched or phased to advance the program.

The proposed design criteria include the following.

- Devices would be located to reduce the risk associated with driver distraction per the Location Criteria in Section 3.
- Devices should meet design criteria in the City of Seattle's Right-of-Way Improvement Manual, *Streets Illustrated*, by providing appropriate clearance distances to other elements in the right-of-way or adjacent private property. Intersection Clearance needed to achieve Stopping Sight Distance per the method in Section 5.2 should be reviewed for each Device based on the specific street characteristics in the vicinity of the proposed location.
- Devices should not be located where they would interfere with load/unload operations at bus stops; commercial vehicle loading zones, or designated food-vehicle zones.
- Devices and any associated equipment should comply with the Americans with Disabilities Act (ADA) and all applicable accessibility requirements. Device design team should work with SDOT during siting to make sure that Devices would not preclude ADA accessible parking or loading zones that SDOT may install along streets in the future.

Additionally, IKE will not site the Devices in any of Seattle's eight historic districts. Similarly, IKE does not intend to locate Devices within the Urban Harborfront shoreline environment. These excluded areas are shown on the Location Criteria Maps.

Attachments:

- A – Review of Driver Distractions Studies and Peer City Studies
- B – Location Criteria Maps
- C – Clearance Requirements from Streets Illustrated
- D – Intersection Sight Line Diagrams
- E – Device Display Parameters

# ATTACHMENT A REVIEW OF DRIVER DISTRACTION STUDIES AND PEER CITY STUDIES

## City of Philadelphia Information and Advertising Kiosk Pilot Program

*Philadelphia Office of Transportation, Infrastructure and Sustainability, November 8, 2022.*

This detailed study evaluated many different aspects of the City's proposed Kiosk Pilot Program that required approval by the Pennsylvania Department of Transportation (PennDOT) and Federal Highway Administration (FHWA). It described applicable laws and regulations, visual distraction research, best practices from other cities, and kiosk siting and device criteria. This study had a robust analysis of safety research and peer-city applications.

The Philadelphia study reviewed 22 different driver distraction studies that were listed in the *Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs* (see next reference). Philadelphia's review found that many of the research studies related to devices that were not similar to the proposed kiosks, or not located in similar settings. The conclusion the Philadelphia study reached about driver distraction showed that there is a difference between "risk" and "impact." It stated:

*Whether based on research or simple judgement, it would be unreasonable to assert any assumption that drivers will NOT look at a roadside display screen. Essentially all studies make it clear that if a sign is installed, somebody will notice, particularly if that sign is lighted, and more so during an image change or other type of movement. Consider that if that were not true, this discussion would never occur, as commercial advertisers would not continue to invest money into content that nobody sees. Those investments, however, are real; and humans are wired to "look." From that perspective, some degree of risk is inherent with any installation of any device, including kiosks, that potentially detract from a driver's focus on the travel path.*

*Risk, however, can be managed to some degree and does not necessarily equate to impact. This distinction may be an important aspect of helping to interpret research findings. For example, many studies rely on driving simulators and the measurement of eye movements or glance/gaze behavior with more frequent and/or longer glances implying higher levels of risk. By comparison, far fewer studies directly measure on-road activity with specific before/after crash evidence that might confirm real impacts. It should be a given that drivers will look at the signs, but the issue is likely far more complex than equating that "look" to an immediate safety impact for any/all situations. Instead, the discussion may be better framed as a risk management issue with an emphasis on proper planning, design, construction, and limitations.*

*While research may show that potential visual distraction from kiosks and digital displays could increase the probability of risk, that risk does not necessarily translate to a direct safety impact, particularly when appropriate device/location guidelines and limitations are incorporated.*

The Philadelphia Study also provided real-world examples and location criteria that had been implemented for similar kiosks in Chicago, San Francisco, Boston, Miami, New York City, Baltimore, Columbus, Kansas City, and others. It's worth noting that the Baltimore kiosks reviewed by the Philadelphia Study are IKEA Smart City kiosks that are identical to the Devices proposed for Seattle. The Philadelphia Study found "no significant distraction or safety complaints were reported based on project-specific discussions with stakeholders involved in New York City's LinkNYC Program or Baltimore's IKEA Smart City Program."

The Philadelphia study recommended the following kiosk siting and device criteria for its program deployment:

- Kiosks should generally avoid placement along roadway sections with anticipated high task demands where a motorist's attention needs to be elevated (e.g., mid-block and school crosswalks, horizontal and vertical curves, lane drops and shifts, merge/weave areas).
- Based on current LinkPHL siting criteria (Philadelphia-specific clearance standards), kiosk placement/spacing must comply with the following minimum criteria:
  - At least 18 inches from the curb in typical urban/City environments.
  - At least 5-feet from crosswalks, accessible ramps, bus stops, bus shelters, loading zones, fire lanes, sidewalk manholes/grating, signal poles, streetlights, school flashers, catenary poles, or other street furniture with foundations.
  - At least 10-feet from transit headhouses.
  - At least 15-feet from active fire hydrants.
  - At least 4-feet from other street furniture or structures in the right-of-way.
- Under higher speed/volume environments and where space allows, lateral placement of the kiosks should be as far from the face of a roadway curb as practical. With reference to AASHTO Roadside Design Guidelines, curb offsets in such settings would ideally be at least 4-feet (on tangent roadway sections) or 6-feet (on the outside edge of roadway curves); and on non-curbed roadways, these distances should increase to 8-feet and 12-feet, respectively.
- Where higher task demands (and available space) exist near busier intersections, driveways, or midblock (unsignalized) pedestrian crosswalks, kiosk placements should consider increasing their spacing to no less than 50 feet from the edge of roadway or face of curb of the intersecting street or driveway, or from the closest edge of the midblock crosswalk.
- Kiosk placement will accommodate a sidewalk width of at least 6' (generally) or 10' (in high-volume pedestrian corridors), or half the existing sidewalk width (whichever is greater). In no case will kiosk placement compromise an Accessible Pedestrian Route, maintaining a minimum of a 5-foot wide path for the passage of pedestrians in wheelchairs.
- Kiosk placement will not block visibility of existing traffic control devices, including signs (regulatory, warning, guide, wayfinding), traffic signals, or pedestrian signal indications.
- Kiosk placement will not obstruct the motorists' view of oncoming vehicles, bicycles, or pedestrians; nor will it obstruct the pedestrians' view of oncoming vehicles or bicycles. Current Intersection/LinkPHL siting criteria recognize that setbacks may be required by the Philadelphia Streets Department if necessary to provide for adequate sightline or direct pedestrian pathways.
- At unsignalized intersections or driveways, Kiosks will be placed such that the sight triangle for the stop-controlled roadway/driveway is not obstructed and approaching motorists can clearly see to the left and/or to the right in order to observe adequate gaps in the traffic stream.
- The longitudinal spacing of consecutive kiosks should be no less than 100 feet.
- Message displays will be no less than 7.5 seconds per display (approximately 7-8 total displays per minute).



- Kiosk displays should follow industry standard limitations or requirements on illumination levels and be capable of automatic brightness adjustments in response to ambient light levels.
- Use of video graphics is generally not permitted on Kiosks; and messages shall not contain animation, rapid flashing, dissolving, exploding, scrolling, or other dynamic elements.

### *Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message (CEVM) Signs*

*Wachtel, Jerry, CPE, The Veridian Group, Inc., February 2018.*

This report summarized the major findings from 22 studies of CEVM signs performed by various entities between 2008 and 2018. Many of the studies related to digital billboards located on roadways or highways, which are not reflective of the Seattle proposal with smaller Devices located on low-speed urban streets. The Philadelphia Study described above reviewed the same 22 studies and parsed them to those that related to smaller Devices.

One of the studies reviewed in this Compendium and described herein is the *Evaluation of the Visual Demands of Digital Billboards Using a Hybrid Driving Simulator*, University of South Dakota, Schieber, F, Limick, K, McCall R, and Beck, A, 2014.

### *Federal Highway Administration (FHWA) Study*

*FHWA, Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS), September 2012.*

Many studies reference this 2012 FHWA study, which investigated the effect of CEVMS on driver visual behavior in a roadway driving environment. The findings of the FHWA research and background literature study indicated that drivers directed most of their visual attention to areas of the roadway that were relevant to the task at hand (i.e. the driving task). The report stated “[c]ollectively, these studies did not demonstrate that the advertising signs detracted from drivers’ glances forward at the roadway in a substantive manner while the vehicle was moving.”

Some subsequent analyses have criticized continued use of the FHWA study because it is 10+ years old, and/or for perceived weaknesses or limitations in its analysis. See e.g. *Compendium of Recent Research Studies on Distraction from CEVM Signs*, Wachtel, Veridian Group, 2017. Other environmental analyses have looked at both the FHWA Study and criticisms of it, and concluded that it remains a valid reference, particularly because it was conducted by an independent federal agency and remains an objective source for assessing the potentially distracting aspects of digital imagery. See *Los Angeles Sidewalk and Transit Amenities Program (STAP) Initial Study/Mitigated Negative Declaration*, February 2022. Because the FHWA report focused on CEVMS on highways and high-speed arterials (50 mph and up), this report relied more heavily on other studies regarding the potential impacts of CEVMS on lower speed streets (generally around 25 mph) in the urban core.



## Los Angeles Sidewalk and Transit Amenities Program (STAP)

*City of Los Angeles, Initial Study and Mitigated Negative Declaration for the Sidewalk and Transit Amenities Program, February 2022.*

This study evaluated the environmental impacts and mitigation measures associated with the STAP program, which would install and upgrade transit shelters and associated amenities to provide shelter, shade, safety and comfort to the City's transit riders, active transportation users, and pedestrians. The program proposed installation of up to 500 digital advertising displays within the sidewalk amenity area, and the study assessed the potential for driver distraction associated with these devices. It concluded, "the placement of STAP project elements and future advertising displays would not be expected to impact the safety of drivers, pedestrians, and transit users, and the issue of driver distraction as a traffic hazard remains less than significant."

## Seattle Coordinated Street Furniture Programs: Human Factors Considerations

*The Veridian Group, Inc., October 2017.*

This study was commissioned by the Seattle Department of Transportation (SDOT) in 2017 to assess potential driver distraction associated with a previously-proposed street furniture program. It recommended many design considerations to reduce driver distraction and improve safety for motorists, bicyclists and pedestrians. That study recognized that in a dense urban environment, there are untold number of existing distractions, and that the additive distraction from Devices is likely to be small. However, distractions and safety can be improved by avoiding locating Devices in certain settings and managing video display. Recommendations from this study that were incorporated into the Location and Display Criteria for the proposed Devices include:

- Not locating Devices near residences;
- Limiting display brightness;
- Setting a display rate and having a blank screen between content slides;
- Not locating Devices where they would block or obstruct traffic control devices or traffic signs;
- Not mimicking a traffic control device.

## Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety

*Texas A&M University: Gene M. Hawkins, PhD, P.E., Pei-Fen Kuo, Dominique Lord, PhD, December 2012.*

This study provided a robust statistical analysis of 135 digital sign locations in four states: California, North Carolina, Ohio, and Washington. It used a comprehensive database of crash records to evaluate the before and after-effects of each sign. Although these signs were on-premise (not within the right-of-way), it does provide a measure of the safety effects of digital advertising signs installed by businesses that are intended to attract a driver's eye. The study concluded that, "[t]here is no statistically significant increase in crashed associated with the installation of on-premise digital signs." It also found that there was no significant difference related to the sign size, color, or type of businesses advertised.

## ATTACHMENT B LOCATION CRITERIA MAPS

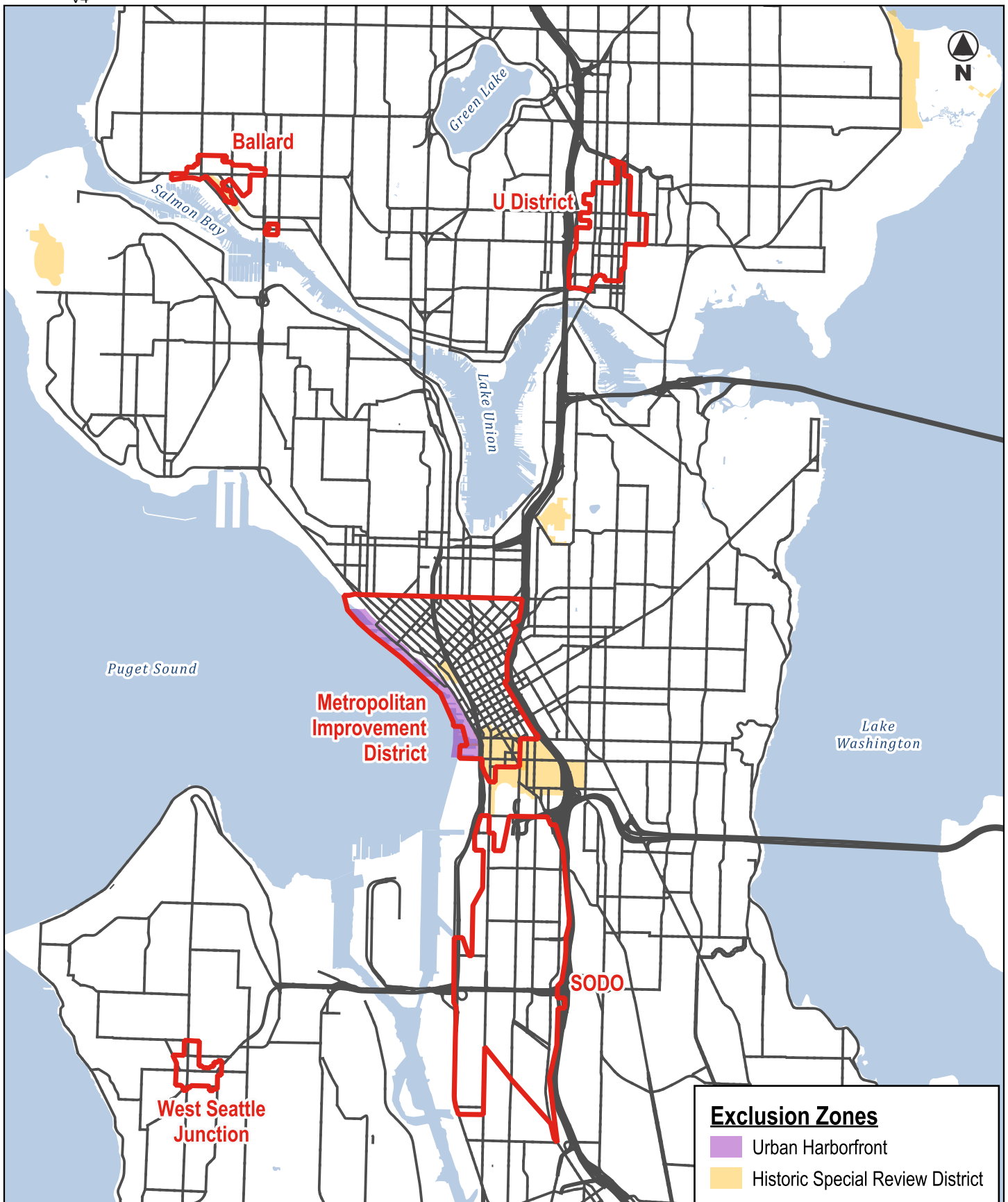


Figure B-1  
Business Improvement Areas



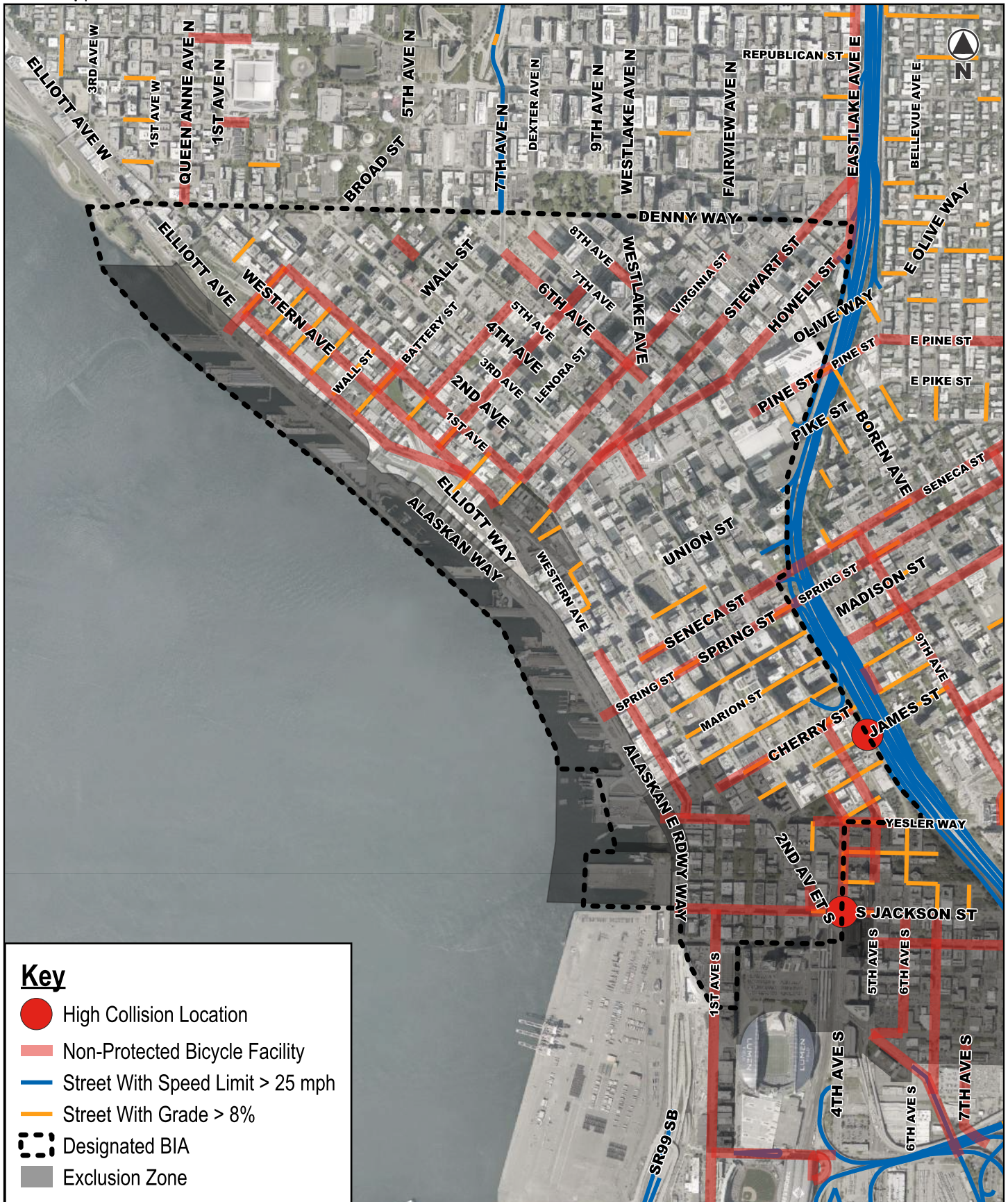


Figure B-2  
Locations Where Devices Should be Avoided –  
Metropolitan Improvement District



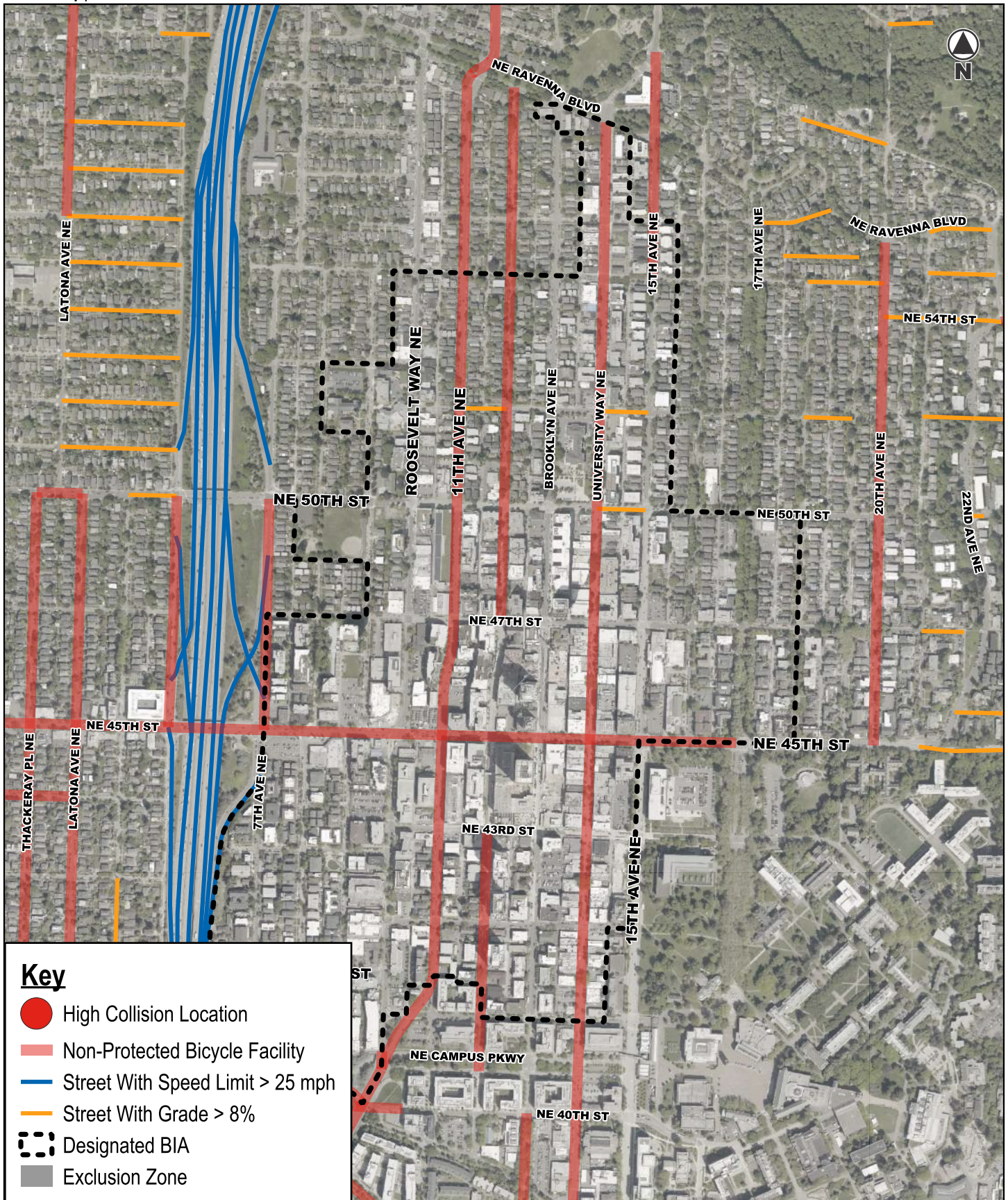


Figure B-3  
Locations Where Devices Should be Avoided –  
U District





Figure B-4  
Locations Where Devices Should be Avoided –  
Ballard





Figure B-5  
Locations Where Devices Should be Avoided –  
West Seattle Junction



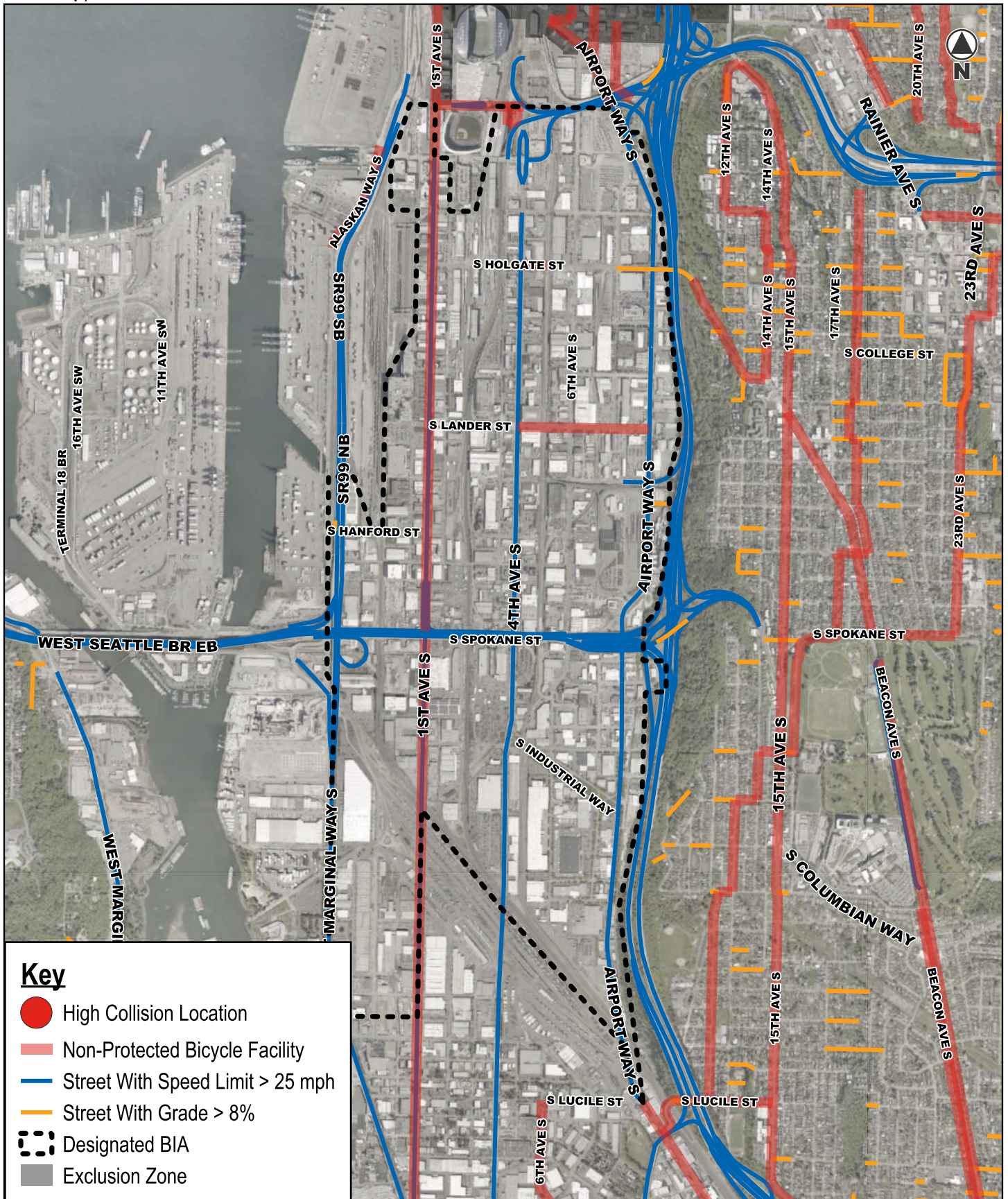


Figure B-6  
Locations Where Devices Should be Avoided –  
SODO



# ATTACHMENT C CLEARANCE REQUIREMENTS FROM STREETS ILLUSTRATED

Table C-1. Clearance Criteria for Devices

|  | Distance   | Notes          | Source                           |
|--|--|----------------|----------------------------------|
| <b>Lateral Clearances:</b>   |  |                |                                  |
| Curb face  | 1.5 feet minimum<br>3 feet standard  |                | Streets Illustrated <sup>a</sup> |
| Edge of either side of sidewalk<br>( <a href="#">Pedestrian Clear Zone</a> ) | 1 foot <sup>a</sup>  | See Figure C-1 | Streets Illustrated              |
| Fire hydrant   | 5 feet   |                | Streets Illustrated              |
| Centerline of tree   | 5 feet <sup>c</sup>  |                | No defined standard              |
| Driveway or alley  | 10 feet, parallel to roadway   |                | Streets Illustrated              |
| Intersection   | <i>To be determined based on Stopping Sight Distance Criteria detailed in Section 5.2 of this report</i> |                |                                  |
| Crosswalk  | <i>To be determined based on Stopping Sight Distance Criteria detailed in Section 5.2 of this report</i> |                |                                  |

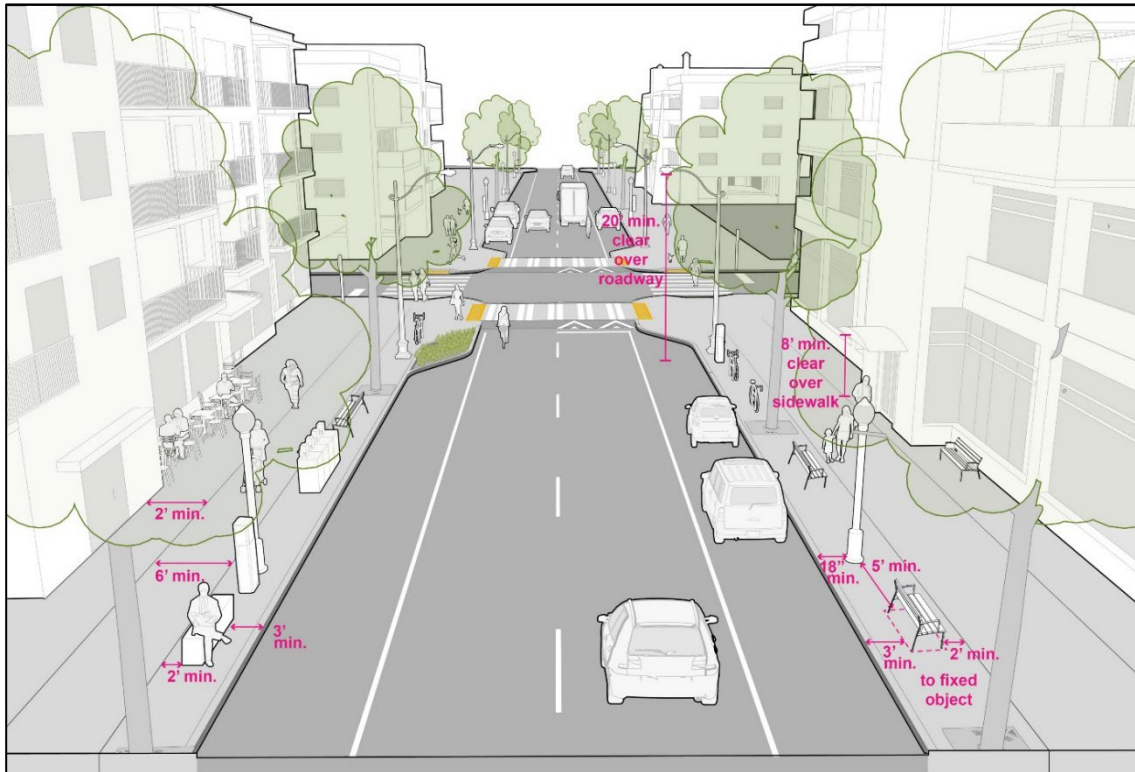
Sources:

- a. <https://streetsillustrated.seattle.gov/>
- b. [Design Criteria Manual \(soundtransit.org\)](#) Figure 4-6

Notes:

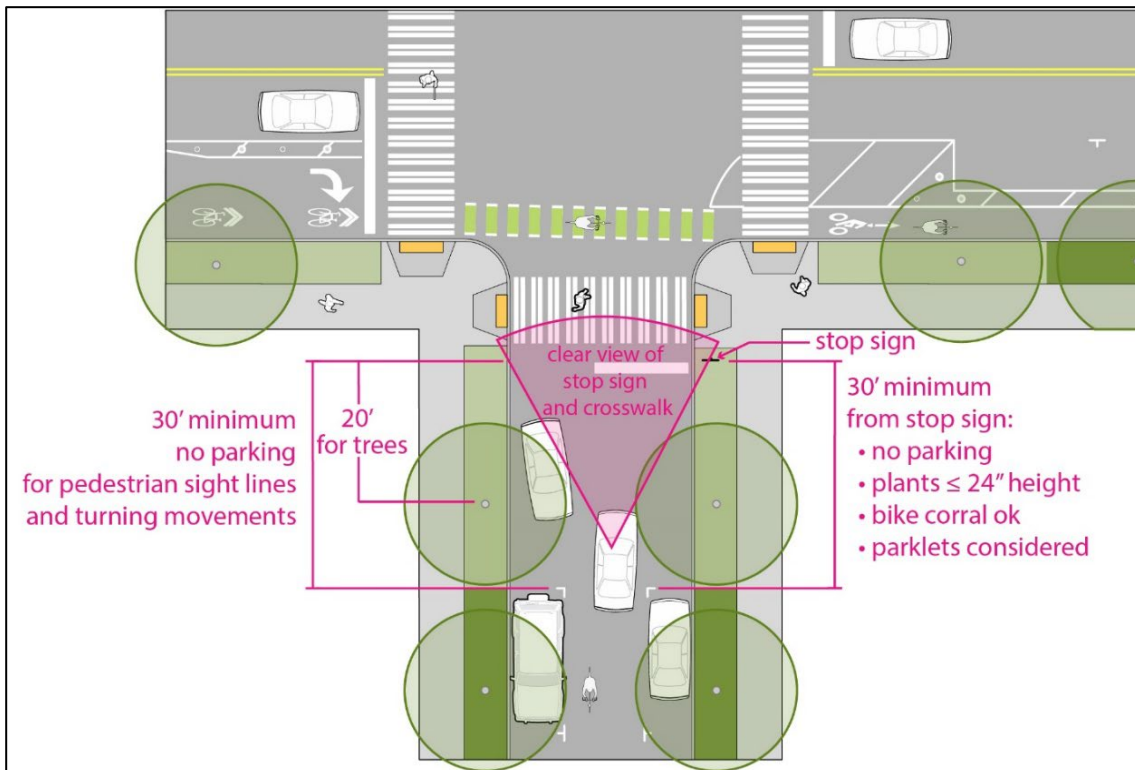
- c. Clearance shall be measured from the edge of the operational footprint of the Device, which includes area where pedestrians may stand.

Figure C-1. Lateral Clearances within the Right-of-Way



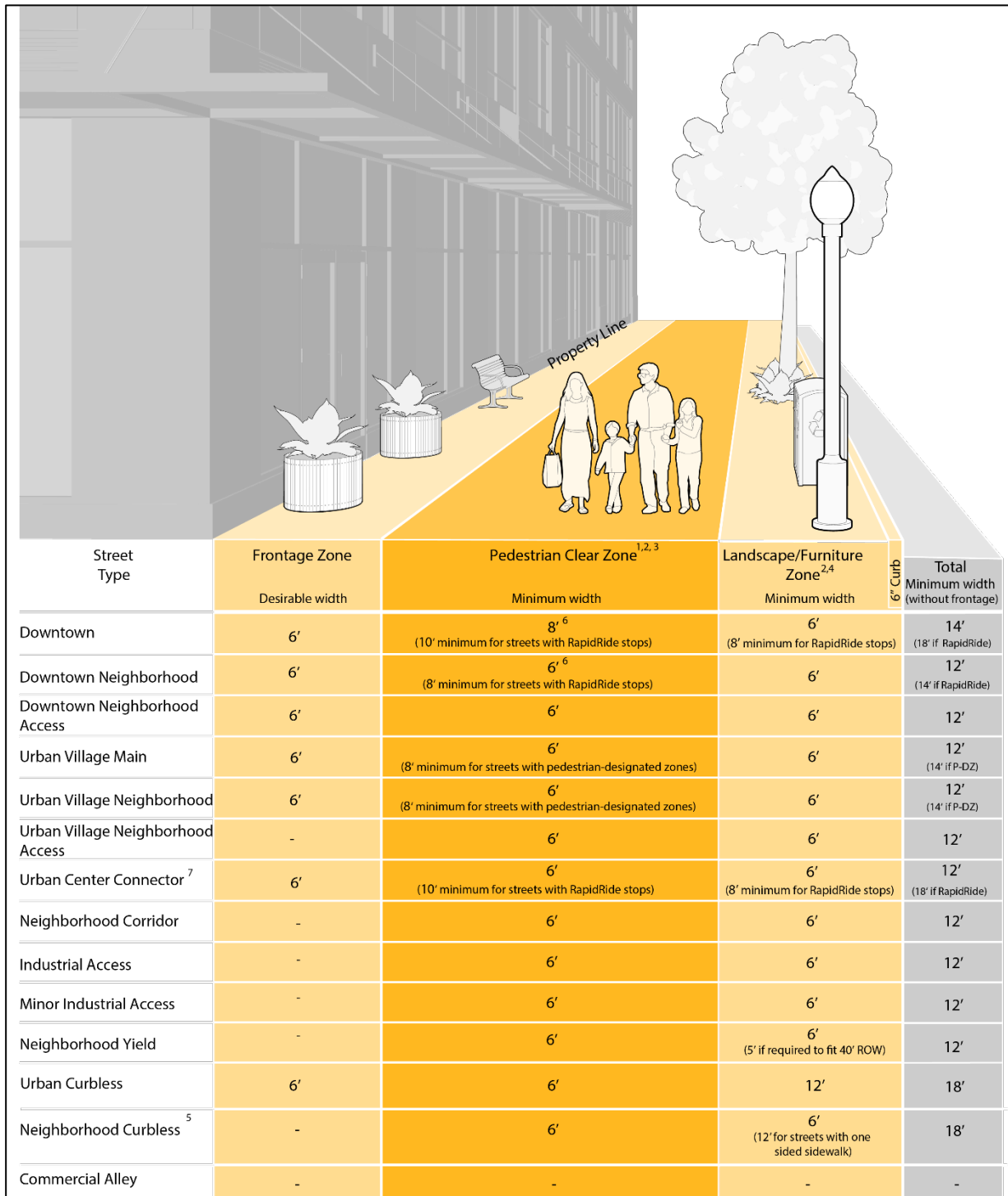
Source: SDOT Streets Illustrated. Last updated June 9, 2017.

Figure C-2. Sight Line at an Unsignalized Intersection



Source: SDOT Streets Illustrated. Last updated June 9, 2017.

Figure C-3. Sidewalk Dimensions by Street Type



Source: SDOT Streets Illustrated. Last updated June 9, 2017.

## ATTACHMENT D

# INTERSECTION SIGHT LINE DIAGRAMS

Minimum clearance to  
stop/yield-controlled  
intersection

30'-0"

Recommended  
minimum clearance  
to signalized  
intersection

55'-0"

Minimum clearance to  
stop/yield-controlled  
intersection

30'-0"

Recommended  
minimum clearance  
to signalized  
intersection

55'-0"

Device - min. 18" from  
face of curb, typ.

SSD = 152'-0"

Line of sight

Driver's eye  
(approx.)

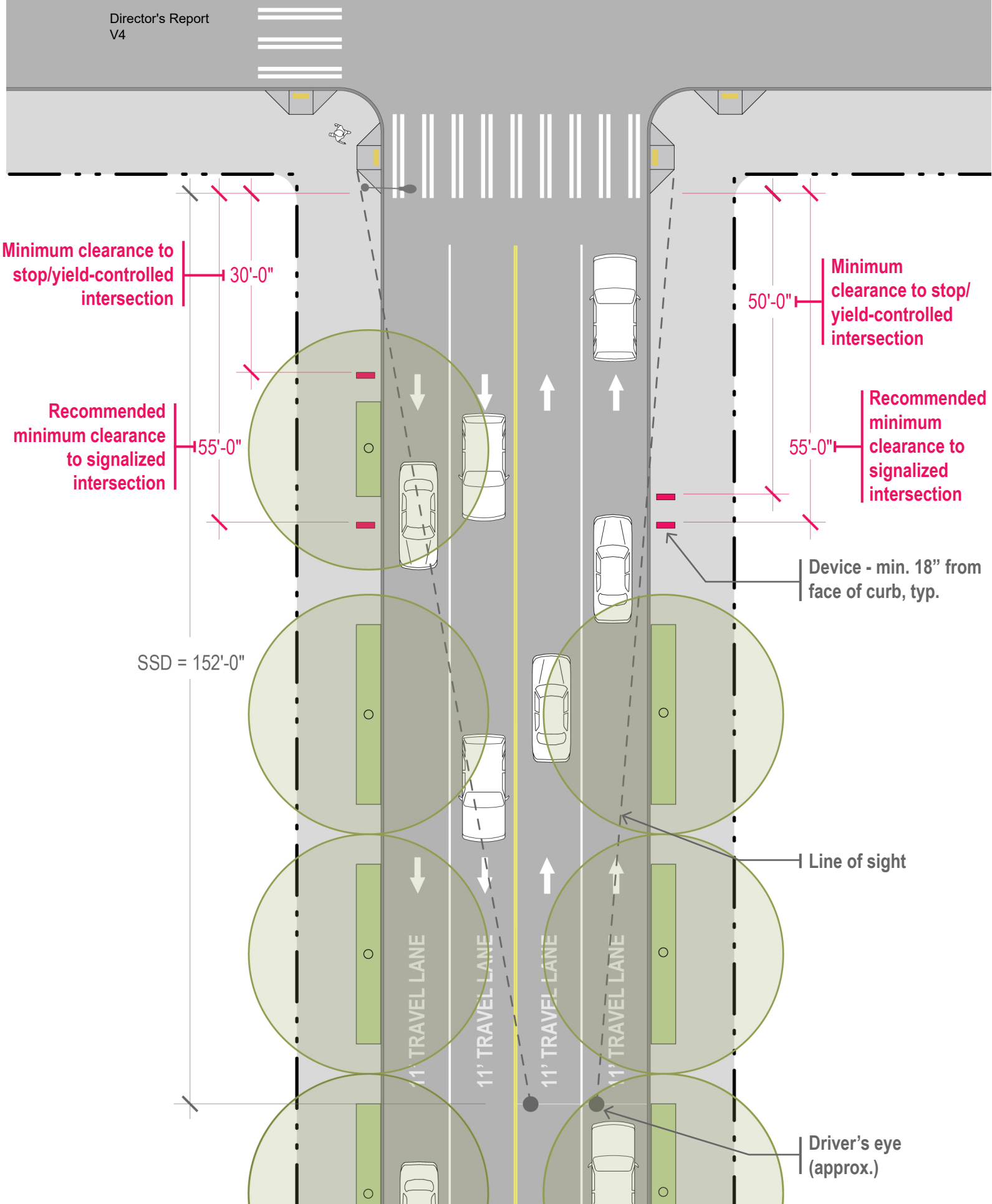
8' PARKING

11' TRAVEL LANE

11' TRAVEL LANE

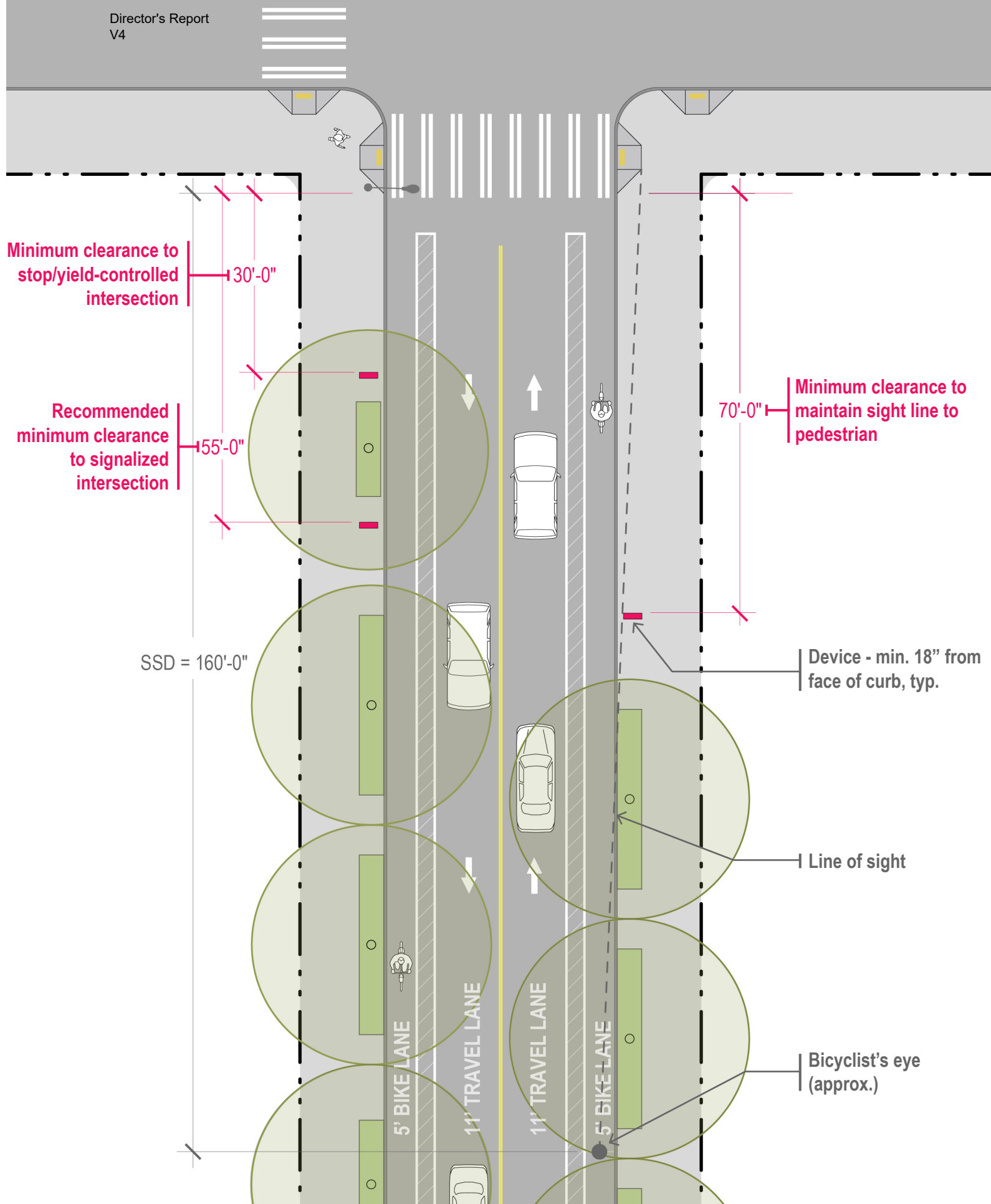
8' PARKING

INTERSECTION CLEARANCE TO DEVICE  
**TWO WAY STREET WITH PARKING**  
25 MPH



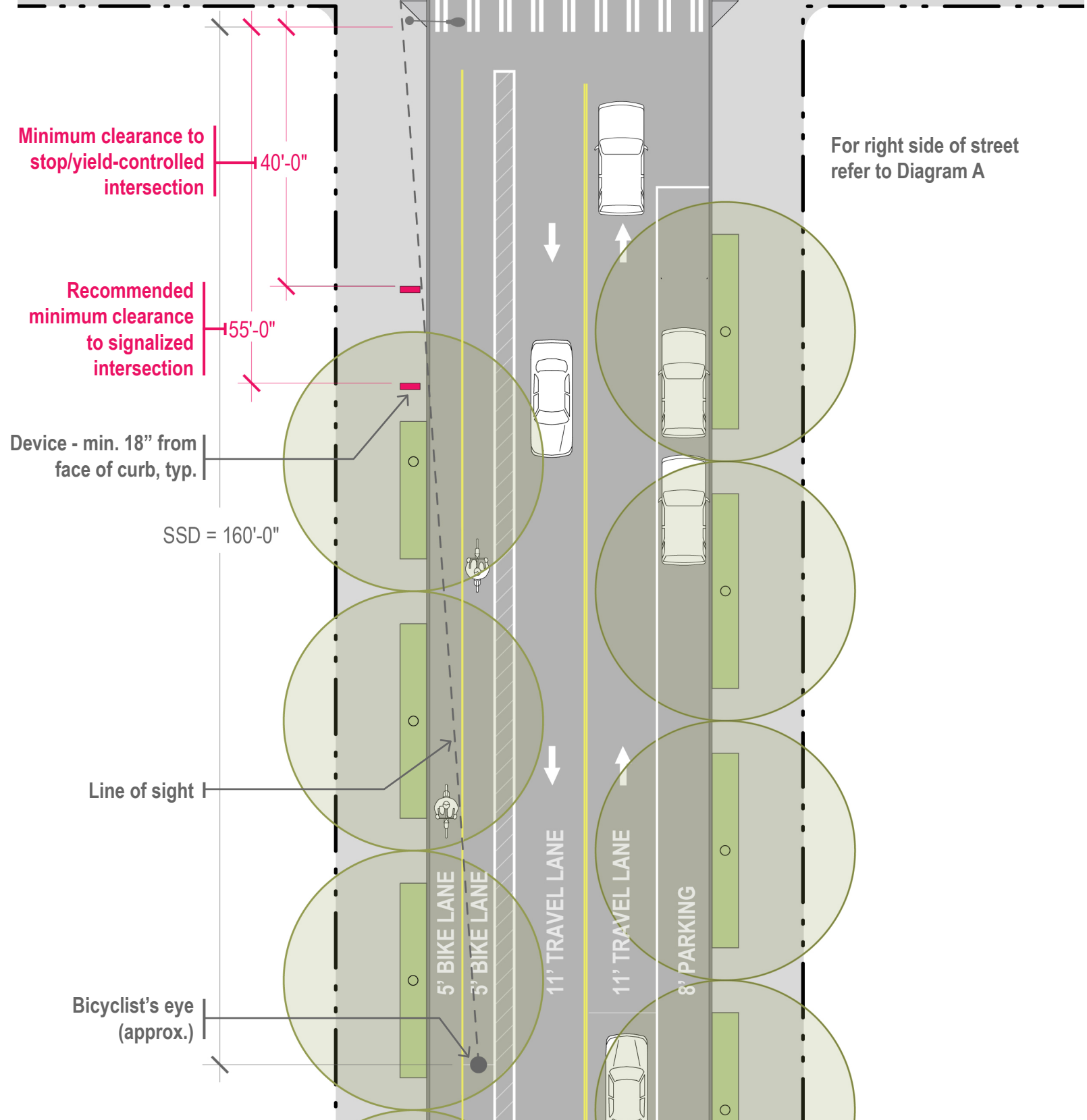
INTERSECTION CLEARANCE TO DEVICE  
**TWO-WAY STREET NO PARKING**  
25 MPH

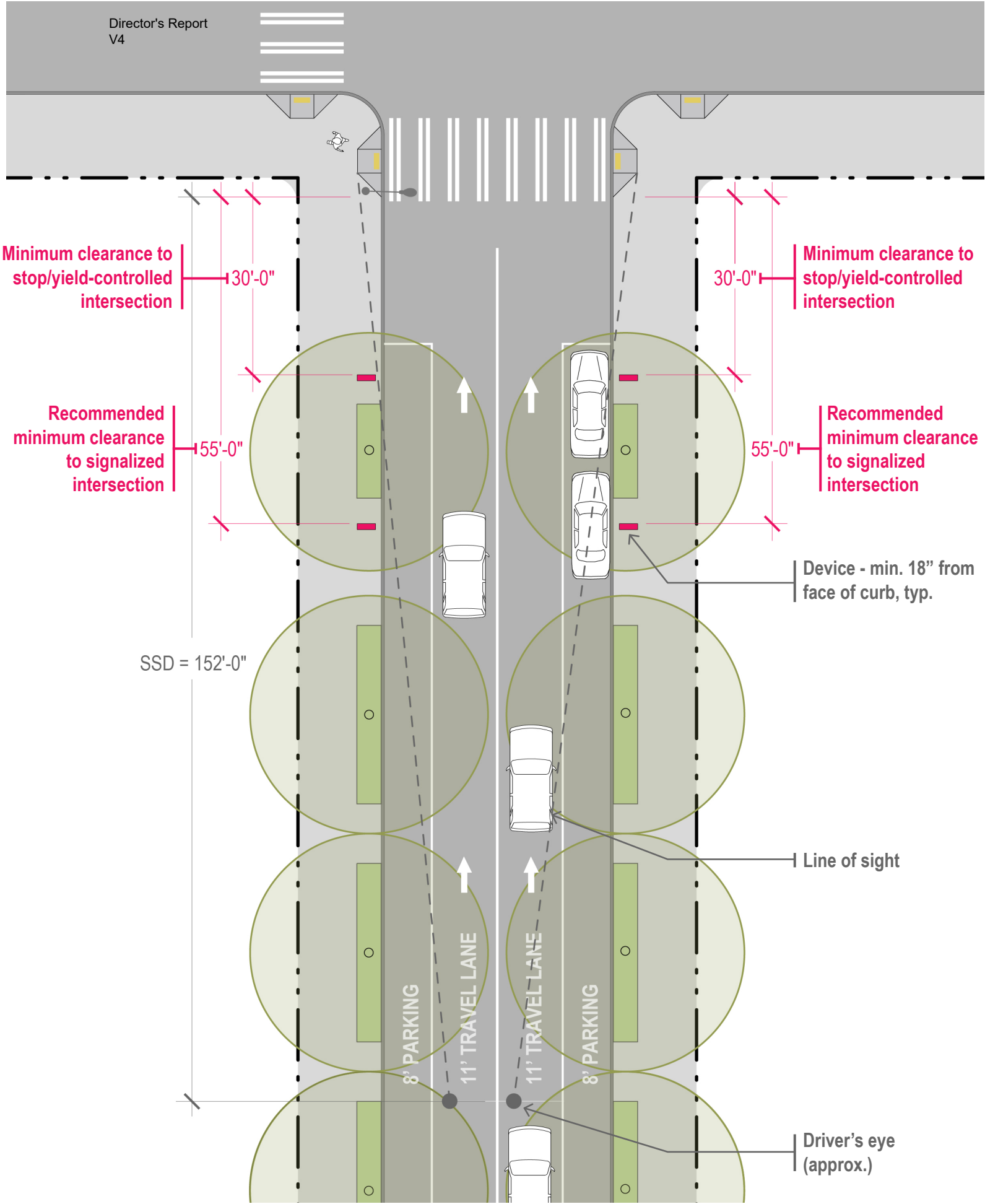
**B**



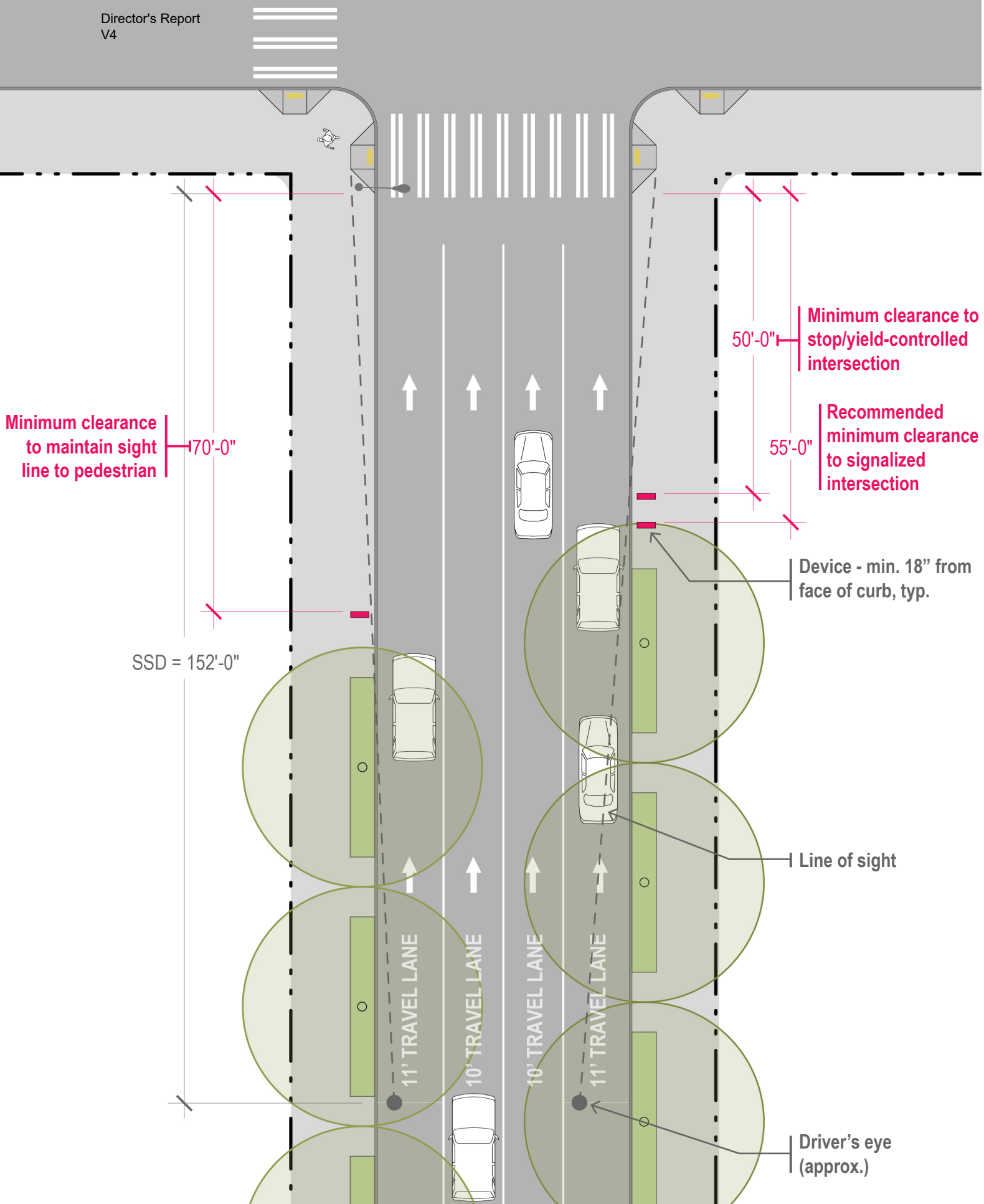
INTERSECTION CLEARANCE TO DEVICE  
**TWO WAY STREET WITH PROTECTED  
BIKE LANES**







INTERSECTION CLEARANCE TO DEVICE  
**ONE WAY STREET WITH PARKING**  
25 MPH



INTERSECTION CLEARANCE TO DEVICE  
**TWO-WAY STREET NO PARKING**  
25 MPH

Device - min. 18" from  
face of curb, typ.

Minimum  
clearance 20'-0"

20'-0" Minimum  
clearance

SSD = 152'-0"

Line of sight

Driver's eye  
(approx.)

8' PARKING

11' TRAVEL LANE

11' TRAVEL LANE

8' PARKING

INTERSECTION CLEARANCE TO DEVICE  
DEVICE ON FAR SIDE OF  
INTERSECTION

# ATTACHMENT E

## DEVICE DISPLAY PARAMETERS

## Device Display Parameters

|                              |   | Restrictions per City Term Permit  |   |
|------------------------------|---|--|---|
| Metric                       | Definition  | Speed Limit = 25 mph or less   | Speed Limit = 30 mph or more                |
| <b>Display</b>               | The type of information shown on Device   | No Device display shall display light of such intensity that interferes with the effectiveness of an official traffic sign, signal or device. Any violation of this section will result in the City requiring the Device display to turn off the display or show a "full black" image until the display can be brought into compliance. The grantee shall have six (6) hours to turn off the display or show a "full black" image after a malfunction is reported to the Grantee.  | Same as for streets with 25 mph speed limit |
| <b>Lighting / Brightness</b> | Brightness is a measure of the light power coming from the light emitting diode (LED) Display. It is measured in NITs Latin, Nitere; to shine). | <p>The Device display shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver.</p> <p>The Devices employ two different types of lighting (kinetic and dynamic display), but the light intensity, glare, and brightness are controlled so as to not interfere with the safe vision of the traveling public. These lighting types do not allow for any strobing or flashing effects. The Device screens can reach a maximum brightness of 4,000 nits when Device screens are in direct sunlight, and the typical nighttime brightness emission is 320 nits*. The Devices will at all times comply with the Seattle Municipal Code requirements of a maximum of 5,000 nits during the day and 500 nits night.</p> <p>Device screen brightness is fully adjustable and is equipped with ambient light sensors that automatically adjust the screen brightness based on the environment conditions (e.g., direct sunlight, at night, dusk, etc.). The Device screen brightness can also be adjusted manually. At night, when streetlights are on, the screens will automatically dim based on the light conditions around them.</p> | Same as for streets with 25 mph speed limit |

| Metric              | Definition  | Restrictions per City Term Permit   |   |
|---------------------|---|---|---|
|                     |   | Speed Limit = 25 mph or less  | Speed Limit = 30 mph or more                |
| <b>Motion</b>       | Motion is defined as the "Media displays that include digital animation, streaming video, or images that move or give the appearance of movement. This definition applies to both static and animated media. Media displays alternate through a series of 8 media displays (a content loop), with each display shown for 10 seconds (dwell time). After each 10-second display, the screen transitions with a brief black screen lasting half a second (0.5 seconds) before continuing to the next media display. Media displays may consist of public service announcements, advertisements, or invitations for people to engage with the Devices.". | Motion will be allowed by the Term Permit ordinance, as the signage will scroll through public service announcements, advertising, and invitations for people to engage with the Devices. The screens immediately convert to interactive mode when engaged by a person, which occurs simply by touching the screen. | No motion                                   |
| <b>Dwell Time</b>   | Dwell time is the amount of time each content slide is visible.   | 10 seconds  | Same as for streets with 25 mph speed limit |
| <b>Content Loop</b> | Total time to scroll through all content.   | Total loop is 80 seconds, based on dwell time of 10 seconds and content loop of 8 flips. Every 80 seconds, the content loop is cycled with no difference for time-of-day.   | Same as for streets with 25 mph speed limit |

Source: OMB, December 2024.





## **ATTACHMENT C: SIGN CODE CONFORMANCE REVIEW**



# memorandum

date December 20, 2024

to Jessica Burton, Development Director, IKE Smart City  
Clay Collett, Senior Development Director, IKE Smart City

from Pam Xander, NW Community Development Director, ESA

subject IKE Smart City SEPA Checklist – Sign Code Conformance

## I. Background

SDOT requested that the SEPA Checklist include a discussion of the Proposal’s consistency with Seattle Municipal Code (“SMC”) 23.55 (the “Sign Code”) and SMC 15.12 (Street Use Ordinance – Signs, Banners, Street Clocks). Upon review of these Code sections, together with proposed mitigation measures and locational criteria for the Devices, the Proposal does not create significant adverse impacts.

## II. Current IKE Proposal/Sign Code Compliance

Per SMC 15.12.010.B, all signs must conform to Chapter 23.55. Therefore, adding Devices to the right of way would be inconsistent with Title 15 and Chapter 23.55 regulations identified herein. The Devices are prohibited by City code as off-premise advertising, and so a Significant Structure Term Permit and approval by ordinance is required to permit the Devices. The City Charter authorizes such an ordinance to approve uses in the right of way that would not otherwise conform to codes, such as the Sign Code. *See* Article IV, Section 14 (“The City Council shall have power by ordinance ... [t]o lay out and improve streets and other public places, and to regulate and control the use thereof[.]”). This Term Permit Ordinance authorization would make the Sign Code inapplicable on the terms and conditions approved in the Ordinance.

Consistency with codes is often considered in a SEPA checklist. To understand how and where the Devices depart from Code standards, the applicant reviewed the Sign Code in full, and identified specific provisions below in bold where there is potential incongruity between the IKE Proposal and Sign Code requirements. Importantly, the applicant did not identify any significant adverse impact created by these incongruities due to the proposed mitigation measures and locational criteria.

### SMC 23.55.001 – Intent

- “The intent of the standards in this chapter is: A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs; B. To encourage the use of signs that enhance the visual environment of the city; C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings; D. To protect the public interest and safety; E. To protect the right of business to identify its premises and advertise its products through the use of

signs without undue hindrance or obstruction; and F. To provide opportunities for communicating information of community interest.”

**Applicant Response:** The Devices are consistent with some portions of the Sign Code statement of intent, while potentially inconsistent with other portions. The Applicant now addresses each subsection of the Sign Code statement of intent:

- A. The Devices have undergone an interactive review process to include art and other public features, which will help to invite, rather than demand attention. More information and visualizations are in the Aesthetics Report. Note, the Devices themselves are designed so that off-premise advertising or “signs” take up a portion of the Device during a portion of time, while allowing other displays and features that are not considered signage, including public service announcements and art.

Comments received on the proposal included a concern about whether it would lead to the potential for proliferation of these types of off-premise advertising signs by others upon city’s approval of the term permit. It is possible that following approval of the proposed Term Permit ordinance, others could apply for similar approvals. It is possible therefore that the proposal could directly or possibly indirectly contribute to the proliferation of signs.

SEPA is to consider whether a proposal may have a probable significant adverse environmental impact. Probable means “likely or reasonably likely to occur”. Probable is used to distinguish likely impacts from those that merely have a possibility of occurring but are remote or speculative. WAC 197-11-782.

The applicant does not believe that the proliferation of signs is probable. Past history shows Seattle has not seen a proliferation of off-premise advertising or applications for such kiosks (i.e., grandfathered billboards). The one precedent that has been mentioned is a 2015 process the city initiated for its Coordinated Street Furniture program, which included off premise advertising for bus shelters and on wayfinding kiosks. The proposal was never approved. Another recent initiative to modernize the campus-wide signage program in the Seattle Center was approved in 2021. It is always possible there would be future applications for various forms of advertising, but it is speculative at this juncture. Factors that are within the city’s control that may limit the proliferation of signs include: (1) future SEPA review for any future applications must occur, (2) any applicant must meet the strict code criteria for significant structure term permits, (3) the applications must go through the full city review process that includes the Seattle Design Commission, Pedestrian Advisory Board,<sup>1</sup> SDOT, City Council and Executive, and (4) the city retains all of its police powers to regulate the proliferation of signs. If an application makes it through this process, it will have met all the criteria including public benefit, and therefore it is not considered an adverse impact.

- B. The Devices will encourage interaction with the public and provide modern, streamlined Devices with dynamic digital displays, thereby enhancing the visual environment.

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<sup>1</sup> Here, the Devices have been through a public review and comment process before the Seattle Design Commission (SDC) and the Pedestrian Advisory Board to ensure complementary designs to surroundings, as known at the programmatic stage. At the September 19, 2024 SDC meeting, five commissioners voted against the proposal and four commissioners voted in support of the proposal. These reviews allowed for participation from the public and subject matter experts.

- C. Item C refers to on-premise signs. Off-premise signs are subject to regulations that curb proliferation as noted in Section A above. The Term Permit process also includes guardrails, as discussed above in Section A. It should also be noted that program proposes that there be an MOU with a Business Improvement Association (“BIA”), and IKE would be the vendor of the Device. BIAs, such as the Downtown Seattle Association serve valuable public purposes. They are established by the city council and there is only one association per district. By creating a program that works through a BIA, there is an additional safeguard against proliferation: BIA boundaries do not overlap, and within each BIA, there will be only one Device operator, IKE Smart City. The Devices are not proposed in neighborhood residential zones, historic districts, or the shoreline environment. Additional project specific review and consider site specific enhancement of business and residential properties and consider if there are other measures to ensure they are harmonious with their surroundings.
- D. The Devices also protect public interest and safety through its emergency call button feature that dials directly to the local 911 or other designated service (e.g., 311 or 211).
- E. The Devices do not hinder or obstruct a business’s ability to identify its premises or advertise its products through the use of signs.
- F. In addition to providing real-time transit and directional information, the Devices promote local businesses and provide opportunities for communicating information of community interest through directory-style listings for events, arts and culture, recreation, retail, and attractions.

#### *Potential Mitigation*

There are areas where the proposal is consistent with the Sign Code, but there are potential inconsistencies with the Sign Code as discussed in this memo. Any proliferation effect cannot be quantified, and the applicant believes it is speculative. Possible mitigation measures can be included in the program, either as part of the MOU or Term Permit.

Proposed measures through the MOU or Term Permit that mitigate against a proliferation of off-premise signs or other potential impacts include: (1) limit the initial program to a 15 year term, with a subsequent renewal;<sup>2</sup> (2) limit the initial deployment to a specific number of Devices (e.g., 30 kiosks); (3) allow a second deployment of a limited number of Devices (e.g., 50) only with city approval; (4) require non-signage content such as public art or public content a specific minimum of time, thereby providing other functions to the Devices and tempering the duration of off-premise advertising; (5) set locational criteria that govern the Device locations so that they do not locate just anywhere, but are located in appropriate urban areas; and (6) require monitoring and reporting to ensure conditions of the MOU and Term Permit are met.

#### **SMC 23.55.002 – Scope of provisions**

- **SMC 23.55.002.D: “Signs located completely within public rights-of-way are regulated by the Street Use Ordinance, Title 15 of the Seattle Municipal Code.** Signs projecting from private property over public rights-of-way are also regulated by the Street Use Ordinance, as well as the provisions of this Chapter 23.55.”

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<sup>2</sup> The 15-year term mitigates proliferation by creating a temporal element to the permit unlike a code amendment approach, which would allow multiple Device operators to install the Devices. Therefore, the term permit approach is a proliferation control.

- SMC 23.55.002.E: “Signs adjacent to certain public highways and designated scenic routes shall meet the provisions of Section 23.55.042. Signs adjacent to state highways may also be regulated by state law or regulations.”

**Applicant Response:** Per 15.12.010.B, all signs must conform to Chapter 23.55. Therefore, barring a term permit approach, adding Devices to the right of way would be inconsistent with Title 15 and Chapter 23.55 regulations identified herein. More specifically, the Devices will have messaging that qualifies as signage within the public rights of way and requires an Ordinance approving the Significant Structure Term Permit.

SMC 23.55.042.B prohibits off-premises signs within 660 feet from a landscaped and/or scenic view sections of a freeway, expressway, parkway, or scenic route and within 200 feet from the main traveled way of the exit or entrance ramps thereto, *if any part of the advertising matter or informative content of the sign is visible from any place on the traveled way of the landscaped and/or scenic view section or ramp*. Here, the Devices may be sited adjacent to certain public highways and designated scenic routes and will comply with SMC 23.55.042 because the Devices and their content will not be visible from these highways and designated scenic routes.

### **SMC 23.55.003 – Signs prohibited in all zones**

- **SMC 23.55.003.A:** “The following signs are prohibited in all zones:
  1. **Flashing signs;**
  2. Signs that rotate or have a rotating or moving part or parts that revolve at a speed in excess of seven revolutions per minute;
  3. Signs attached to or located on stationary motor vehicles, equipment, trailers, and related devices, except for signs not exceeding five square feet in area and relating to the sale, lease, or rent of a motor vehicle to which the signs are attached;
  4. Portable signs other than readily detachable signs having a fixed base or mounting for the placement and intermittent use of such signs;
  5. Banners, streamers, strings of pennants, fabric signs, festoons of lights, clusters of flags, wind-animated objects, balloons, searchlights, and similar devices, except: a. Where the principal use or activity on the lot is outdoor retail sales in NC3, C1, C2 and downtown zones, or b. Where permitted as temporary signs under Section 23.55.012, or c. As permitted in Part 4 of Chapter 23.55.
  6. Signs that attempt, or appear to attempt, to direct the movement of traffic or that interfere with, imitate, or resemble any official traffic sign, signal, or device.
  7. **Signs using a video display method**, except as provided in Section 23.55.005 or in Part 4 of Chapter 23.55.”

**Applicant Response:** The Devices will have video messages on the dynamic digital displays, and this would be inconsistent with the Sign Code. However, the Transportation Technical memo addresses mitigation measures for Driver Distraction, including limitations on the length of the video message and a prohibition on flashing images. An aesthetic study addresses visual impacts. With these measures, no significant adverse impacts are anticipated from the Proposal. A discussion of aesthetic impacts from the Devices is discussed on page 33 of the Aesthetics Report.

### **SMC 23.55.004 – Signs projecting over public rights of way**

**Applicant Response:** The Devices are located in the public rights of way, rather than projected over them, so there is no incongruity with this section.



### SMC 23.55.005 – Video display methods

- **23.55.005.A:** “Development standards. **Video display may be used on a sign when the sign meets all of the following development standards**, except as allowed in Part 4 of Chapter 23.55:
  1. **The sign is an on-premises sign;**
  2. The sign is not located in a residential, NC1, or NC2 zone, Special Review District, Historical District, Preservation District, or shoreline environment;
  3. The sign meets one of the following criteria: **a. The sign face is not visible from a street, driveway, surface parking area**, or lot that is owned by a different person or entity, in which case the size of the sign is not limited by this subsection 23.55.005.A, and the standards for duration or pause periods and subsection 23.55.005.A.5 do not apply; or **b. The sign area is less than or equal to 1,000 square inches and no single dimension of the sign exceeds three feet;** or **c. The sign meets the standards set out in subsection 23.55.005.B**, in addition to meeting all other standards of this subsection 23.55.005.A.
  4. The maximum height for any sign using a video display method is 15 feet above existing grade. Pole signs using a video display method shall be at least 10 feet above the ground;
  5. The sign is at least 35 linear feet in any direction from any other sign that uses a video display method;
  6. When located within 50 feet of a lot in a residential zone, any part of the sign using a video display method is oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
  7. **Duration: Any portion of the message that uses a video display method shall have a minimum duration of two seconds and a maximum duration of five seconds.** Calculation of the duration shall not include the number of frames per second used in a video display method. Calculation of the maximum duration shall include the time used for any other display methods incorporated within that portion of the message displayed using a video display method;
  8. **Pause Between Video Portions of Message. There shall be 20 seconds of still image or blank screen following every message using a video display method;**
  9. **Audio speakers are prohibited in association with a sign using a video method of display;**
  10. Between dusk and dawn the video display shall be limited in brightness to no more than 500 nits (candela per square meter) when measured from the sign's face at its maximum brightness; and
  11. **Signs using a video display method may be used after dusk only until 11 p.m.** or, if the advertising is an on-premises message about an event at the site where the sign is located, for up to one hour after said event.”

**Applicant Response:** The Devices will be located in the City’s rights of way and Device sign faces will be visible from the street. The Devices will not meet the minimum and maximum video display durations or the “pause” requirement between video portions of messages on the Devices. The Devices cannot exceed 400 nits at night; therefore, the Devices will comply with the Code’s 500 nits maximum between dusk and dawn. The Devices are equipped with sensors to automatically adjust to ambient light conditions, so the exact nit level will fluctuate in response to real time conditions. The Devices may be equipped with a two-way speaker for emergency purposes. This is the only noise the Device can emit and is consistent with normal phone conversation volumes. The Devices will be operational 24 hours per day. The Transportation Technical memo addresses mitigation measures for Driver Distraction, including image criteria limiting refresh rates and prohibiting flashing images. No significant adverse impacts are anticipated from the Proposal with these mitigation measures. A discussion of aesthetic impacts from the Devices is discussed on page 33 of the Aesthetics Report.

### SMC 23.55.008 – Signs near intersections or driveways

- **“Signs which are ten (10) feet or less in height as measured from street or driveway grade and which obscure the vision of motorists shall be located at least twenty (20) feet from intersections and driveways.”**

**Applicant Response:** The Devices will potentially be located within 30 feet from intersections. The Transportation Technical memo addresses mitigation measures for Driver Distraction, including location criteria to reduce driver distraction. No significant adverse impacts are anticipated from the Proposal with these mitigation measures.

### SMC 23.55.012 – Temporary signs permitted in all zones

**Applicant Response:** No incongruities – the Devices are not temporary.

### SMC 23.55.014 – Off-premises signs

- SMC 23.84A.036: "Sign, off-premises" means a sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.
  - IKE Devices likely meet this definition.
- SMC 23.55.014 also uses the term “advertising sign.” The Code defines “Sign, advertising” as “a sign directing attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the lot where the sign is located.” 23.84A.036.
  - IKE Devices likely meet this definition.
- **SMC 23.55.014.A: “No advertising sign shall be erected, or constructed, unless an existing advertising sign is relocated or reconstructed at a new location.”**
- **SMC 23.55.014.A.5: “All advertising signs shall be located at least 50 feet from any lot in a residential zone, and at least 500 feet from any public school grounds, public park, or public playground, or community center”**
- **SMC 23.55.014.E.1.a: “Directional Sign Faces and Business District Identification Signs. Not more than a total of four (4) off-premises directional sign faces, plus two (2) identification signs for a business district, shall be permitted on both sides of a street within a space of six hundred sixty feet (660'). There shall be a minimum distance of one hundred feet (100') between sign structures.”**

**Applicant Response:** The Devices likely meet the definition of off-premises signs and advertising signs under SMC 23.84A.036. The Devices will not comply with the Code’s prohibition on construction of new, advertising signs and the corresponding development standards for those signs set forth at 23.55.014. The Devices will comply with the 50-foot buffer from any lot in a residential zone, but the Devices could be sited within 500 feet of public schools, parks, playgrounds, or community centers. Parks are locations where visitors who would benefit from the Devices would congregate and avail themselves of the wayfinding tools and other features of the Devices. The Devices will not advertise alcohol within 500 ft. of a school. At the project-specific phase, the impacts to a particular school, park, playground, or community center will be evaluated. The Transportation Technical memo addresses mitigation measures for Driver Distraction, including locational and clearance criteria. The aesthetic study addresses visual impacts. With these measures, no significant adverse impacts are anticipated from the Proposal.

#### SMC 23.55.015 – Sign kiosks and community bulletin boards

- SMC 23.84A.036: "Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

**Applicant Response:** IKE Devices do not meet this definition; compliance with this section is not required.

#### SMC 23.55.16 – Light and glare from signs

**Applicant Response:** No incongruities – this section relates only to “externally illuminated signs,” so IKE need not comply.

#### SMC 23.55.20 – Signs in neighborhood residential zones

**Applicant Response:** No incongruities – the Devices will not be located in neighborhood residential zones.

#### SMC 23.55.022-23.55.040 – Zone-Specific Sign regulations:

| SMC Section  | Does this zoning appear within the BIAs where the Devices will be sited? | IKE Proposal Compliance?  |
|--|--|---|
| <b>23.55.022 – Signs in multifamily zones</b>                  | Yes  | Standards for signs in multifamily zones and RC zones are the same. SMC 23.55.024.A.<br><br>The Checklist also states that Devices will not be sited in low-rise multifamily zones.   |
| <b>23.55.024 – Signs in residential commercial (RC) zones.</b> | Yes  | <b>23.55.022.B: “No flashing, changing-image or message board signs shall be permitted.”</b><br><b>23.55.002.I: “Off-premises signs shall not be permitted[.]”</b><br><b>23.55.028.C: “No flashing, changing-image or chasing signs are permitted[.]”</b><br><b>23.55.028.E: “Off-premises signs shall not be permitted[.]”</b>   |
| <b>23.55.028 – Signs in NC1 and NC2 zones</b>                  | Yes  | <b>23.55.028.F: “Signs Near Residential Zones. When located within fifty (50) feet of an abutting lot in a residential zone, electric and externally illuminated signs shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the abutting lot.”</b> Locational criteria will address this.<br><b>23.55.030.C: “Flashing signs are prohibited.”</b><br><b>23.55.030.D: “In the Pike/Pine Conservation Overlay District, internally-illuminated cabinet signs larger than 3 square feet in size and backlit awning signs are prohibited.”</b> |

| <b>SMC Section</b>                                    | <b>Does this zoning appear within the BIAs where the Devices will be sited?</b> | <b>IKE Proposal Compliance?</b>   |
|---|---|---|
| <b>23.55.030 – Signs in NC3, C1, C2 and SM zones</b>  | Yes   | <b>23.55.030.G: “When located within 50 feet of an abutting lot in a residential zone, electrical and externally illuminated signs shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the abutting lot.”</b> |
| 23.55.032 – Signs in the Sand Point Overlay District  | No  | <b>23.55.034.C.3: “No flashing signs shall be permitted.”</b>   |
| <b>23.55.034 – Signs in downtown zones</b>            | Yes   | <b>23.55.034.E.3: “Advertising signs are prohibited in Downtown Mixed Residential/Residential (DMR/R) zones.”</b>   |
| <b>23.55.036 – Signs in IB, IC, IG1 and IG2 zones</b> | Yes   | <b>23.55.036.C: “Flashing signs are prohibited.”</b>  |

**Applicant Response:** The Devices will be located in several zones where off-premises signs and advertising signs are prohibited outright. The Transportation Technical memo includes strict locational and clearance criteria for the Devices. Given these mitigation measures, no significant adverse impacts are anticipated from the Proposal. A discussion of zone-specific aesthetic impacts from the Devices is discussed beginning on page 17 of the Aesthetics Report.

#### SMC 23.55.040 – Special exception for signs in commercial and downtown zones

- “Director may authorize exceptions to the regulations for the size, number, type, height and depth of projection of on-premises signs in neighborhood commercial, commercial, downtown office core, downtown retail core, downtown mixed commercial, areas of Pike Market Mixed not located in a Historic District, and downtown harborfront zones as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions, except that no special exception may be authorized for a sign using video display methods.”

**Applicant Response:** IKE Devices are ineligible for this special exception because of their use of video display methods.

#### SMC 23.55.042 – Off-premises and business signs adjacent to certain public highways

- SMC 23.55.042.A: Off-premises signs may not be erected “within six hundred sixty (660) feet outgoing from the nearest edge of the main traveled way of any landscaped and/or scenic view section of a freeway, expressway, parkway or scenic route designated by this subsection and shown on Exhibit 23.55.042 A (Type A sections), and no off-premises sign shall be erected within two hundred (200) feet in any direction from the main traveled way of the exit and entrance ramps thereto, if any part of the advertising matter or informative content of the sign is visible from any place on the traveled way of the landscaped and/or scenic view section or ramp”

**Applicant Response:** The stated intent of SMC 23.55.042 “is to implement the purpose and policy expressed by the Highway Advertising Control Act of the State of Washington in the regulation of outdoor off-premises signs adjacent to certain public highways.” The Devices will comply with this SMC section and the Highway Advertising Control Act of the State of Washington. IKE Devices will potentially be sited within 660 feet from the nearest edge of Type A roads identified on Exhibit 23.55.042A; *however, no advertising matter or informative content of the Devices will be visible from any landscaped and/or scenic view section of a freeway, expressway, parkway or scenic route.* Additionally, the Transportation Technical memo sets forth mitigation for driver distraction, which includes siting the Devices on streets with a speed limit of 25 mph or less. Devices could be sited on streets with speed limits higher than 25 mph, but additional mitigation is proposed (such as reducing video duration or locating the Devices further back from intersections). Consequently, no significant adverse impacts are anticipated from the Proposal.

#### SMC 23.55.50 – Appeals to Municipal Court

**Applicant Response:** This Code provision is not applicable to the Proposal. It sets forth the process for a First Amendment claim to be brought before the Seattle Municipal Court.



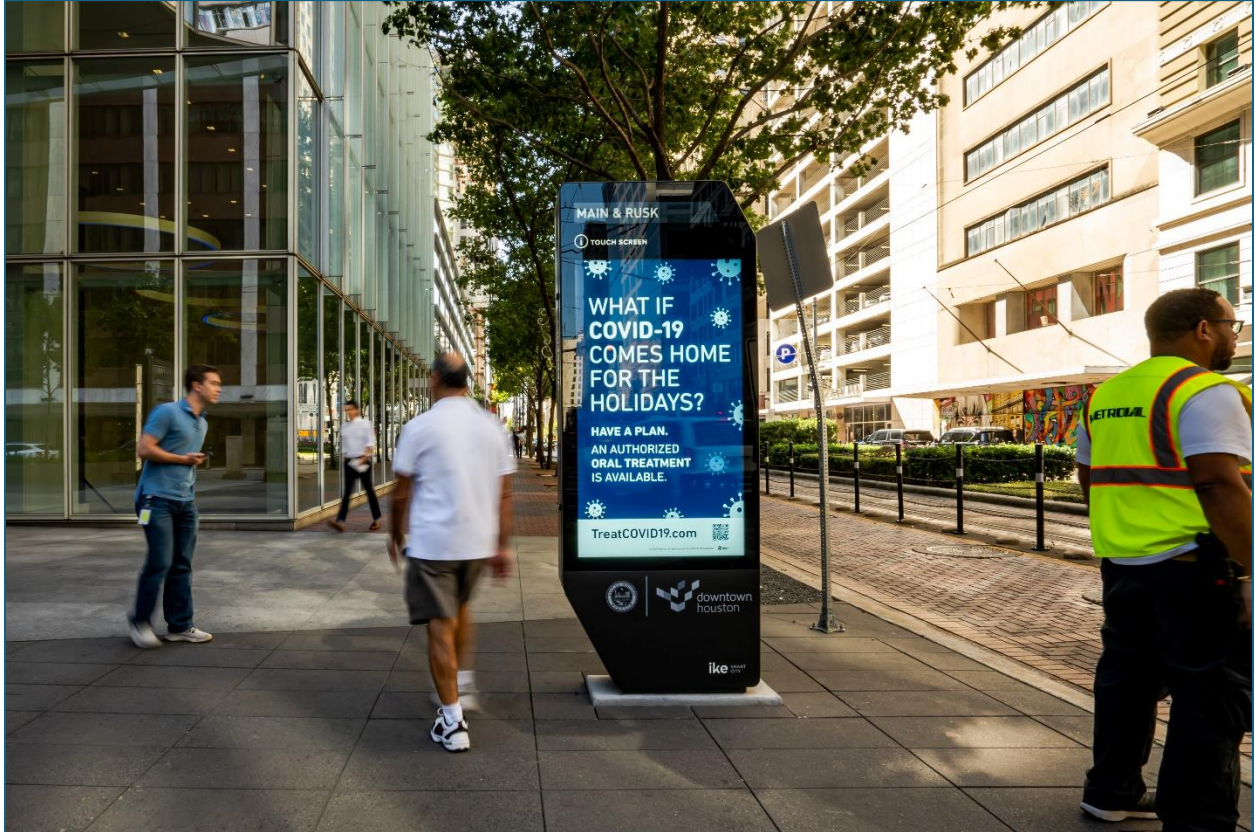
## **ATTACHMENT D: AESTHETICS REPORT**





# Attachment D

## IKE Smart City - Aesthetics Report



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## **1. INTRODUCTION**

### **1.1 Overview**

This report supports the program description and provides details that support responses in Section B.10 of the SEPA checklist.

### **1.2 Purpose of the Report**

In support of the SEPA checklist generated for the Device program, this report describes existing conditions, potential impacts to the aesthetic quality that may result from the program, and provides potential mitigation measures, if necessary, to address those impacts.

### **1.3 Program Background**

In furtherance of the City's wayfinding and activation goals, DSA is partnering with IKE to permit and install Devices with interactive touch screens. Deployment will focus on the Downtown Metropolitan Improvement District (MID) and neighborhood Business Improvement Areas (BIAs). It is anticipated that the first deployment will include up to 30 Devices in the downtown MID. IKE may install a second deployment of 50 Devices (with 30 in the downtown MID and 20 deployed in neighborhood BIAs) upon the City's consent.

This report analyzes the existing aesthetic qualities of the program areas and current advertising modes, the proposed placement of Devices, and the potential resulting aesthetic impacts and proposed mitigation. The report also includes location guidelines (Guidelines) which may be used during project level review when site-specific locations are identified. The Guidelines are supplementary to existing Seattle Municipal Code requirements. Plans and visualizations have been completed in each of the proposed program areas including the Downtown MID and identified neighborhood BIAs.

The Devices, which are to be located within the public right-of-way, are installed, operated, and maintained at no cost to DSA or the City. The Device platform is supported by the sale and display of commercial advertising, with a portion of revenues generated from advertising sales shared directly with DSA and the City to invest in downtown programming and initiatives. The Devices would provide the public with a variety of information, including navigation, transit service, weather, public service announcements, information about attractions and emergency services coordinated with other City departments and agencies.

## 1.4 Device Detailed Description

### Device Size

Each Device measures approximately 8.25 feet high, 3.15 feet wide, and 1.04 feet deep. The proposed Term Permit ordinance would allow for signage of a maximum total area of 24 square feet. The Device requires a foundation below grade of approximately 4 feet x 4 feet with an electrical connection. The active screen area on each side of the device is approximately 12.2 square feet (56.26 inches high and 31.65 inches wide).

### Display

Motion and video displays will be allowed by the Term Permit. Motion is defined as “Media displays that include digital animation, streaming video, or images that move or give the appearance of movement. This definition applies to both static and animated media. Media displays alternate through a series of 8 media displays (a content loop), with each display shown for 10 seconds (dwell time). After each 10-second display, the screen transitions with a brief black screen lasting half a second (0.5 seconds) before continuing to the next media display. Media displays may consist of public service announcements, advertisements, or invitations for people to engage with the Devices.” The screens immediately convert to interactive mode when engaged by a person, which occurs simply by touching the screen. Non-advertisements will be shown at minimum 25% of the time, annually.

Videos of installed Devices at three different locations with examples of use of motion are included in the links below:

- [Houston](#)
- [Atlanta](#)
- [Berkeley](#)

### Lighting

The Devices employ two different types of lighting (kinetic and dynamic display), but the light intensity, glare, and brightness are controlled so as to not interfere with the safe vision of the traveling public. These lighting types do not allow for any strobing or flashing effects. The Device screens can reach a maximum brightness of 4,000 nits<sup>1</sup> when Device screens are in direct sunlight, and the typical nighttime brightness emission is 320 nits. The Devices will at all times comply with the Seattle Municipal Code requirements of a maximum of 5000 nits during the day and 500 nits at night.

Device screen brightness is fully adjustable and is equipped with ambient light sensors that automatically adjust the screen brightness based on the environment conditions (e.g., direct sunlight, at night, dusk, etc.). The Device screen brightness can also be adjusted manually and set to the minimums and maximums required by the City. At night, when

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<sup>1</sup> Note: The term NIT (Latin, Nitere; to shine) is often used in the world of LED and digital signage displays and stands for the measurement of light power coming from the LED display.

streetlights are on, the screens will automatically dim based on the light conditions around them.

### **Device Location**

Devices would be located within the landscape/furniture zone and in relation to existing objects in this zone. The landscape/furnishing zone buffers pedestrians from the adjacent roadway and is the appropriate location for street furniture, art, street trees, vegetation, signage, utility poles, street lights and other objects that are placed in the ROW such as the Devices. Refer to Figure 1 for Sidewalk Zone Diagram.

Devices would be located in such a way as to not interfere with the use and function of elements already within the landscape/furniture zone. They will follow prescribed clearances from existing street trees so as not to interfere with the health or enjoyment of these trees. They would follow prescribed clearances from other objects in the furniture zone such as street poles and fire hydrants so as not to interfere with pedestrian movement or maintenance of these objects. They would be located so as not to interfere with the use of benches and other furnishings in the landscape/furnishing zone or to interfere with views while being seated. The Devices are visually and functionally compatible with the mix of street furniture currently located within the furnishing zone of streets within the program boundaries.

The installation of Devices at the project phase will present an opportunity to review the impact of additional objects in the public realm and identify opportunities for decluttering through removal of redundant or outdated items in the ROW such as unused signposts and broken furniture, poorly located items, or temporary items (items that can be easily moved). Removal of elements will be determined by SDOT through the permit process to determine if existing elements may be removed or relocated to reduce visual clutter. Certain furniture may not be City-owned and would need to be coordinated with the abutting property owner depending on how and when they were installed.

### **Device Wayfinding**

The Device's wayfinding applications would have visual similarities with the Seamless Seattle wayfinding family of signs to create a sense of harmony between the two wayfinding programs (refer to Figure 1 for relative size of the Device and Seamless Seattle signs). The Seamless Seattle wayfinding sign family already has a diversity of physical shapes and appearances, but they also have consistency in colors, language, iconography, and naming conventions. The Devices will mimic these consistent elements in their wayfinding applications so that their wayfinding language reads harmoniously with the Seamless Seattle wayfinding, and it is easy for users to navigate using both programs in conjunction. Refer to Appendix B – Location Guidelines for related to Seattel Seamless signage.

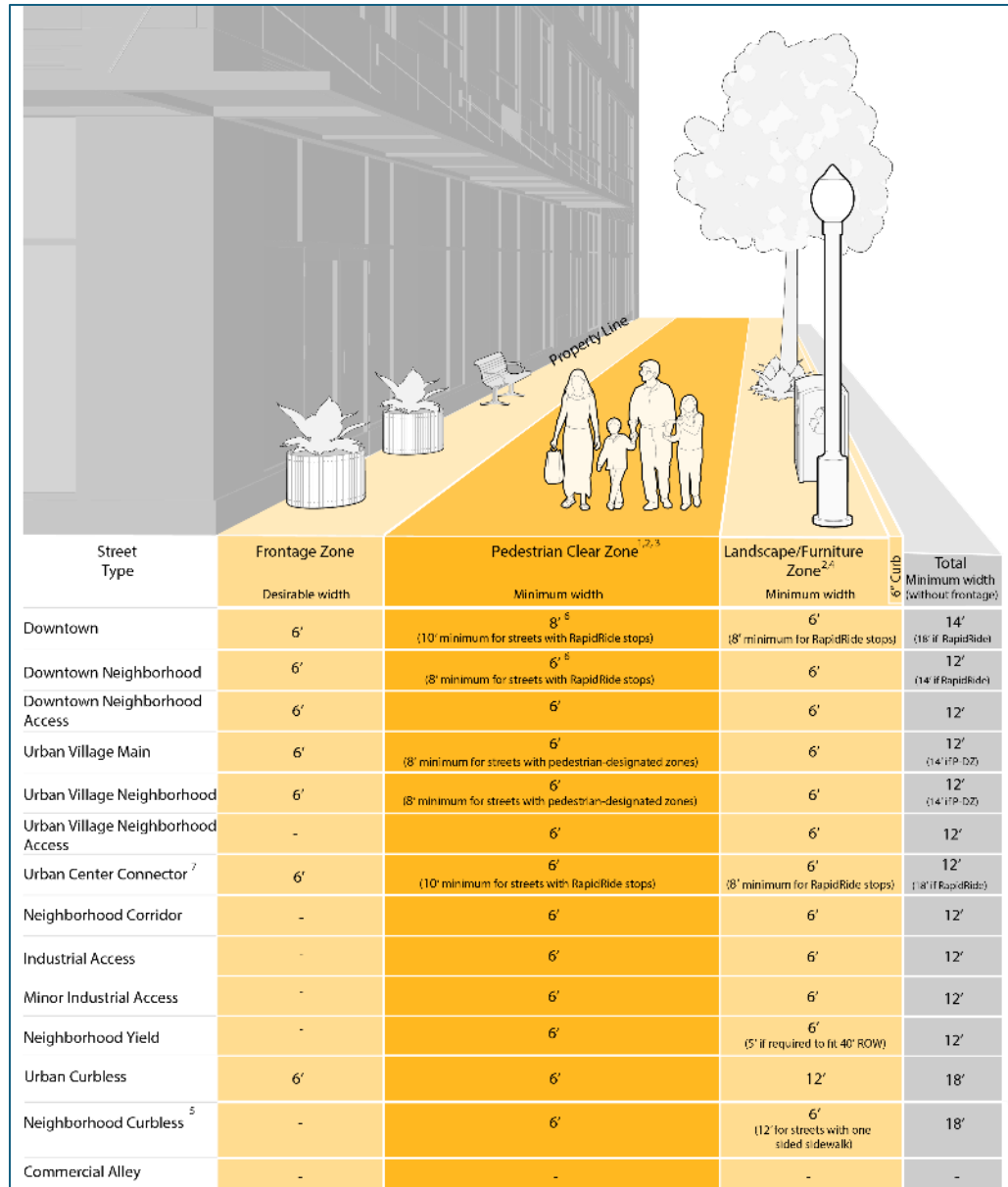


Figure 1. Sidewalk zones diagram





Figure 2. Image of Interactive Information Device and Scale. Dimensions are denoted in inches on the X scale and feet on the Y scale.



Figure 3. Image of Interactive Information Device at dusk in Miami, FL.



Figure 4. Image of Interactive Information Device during daytime in Miami, FL.



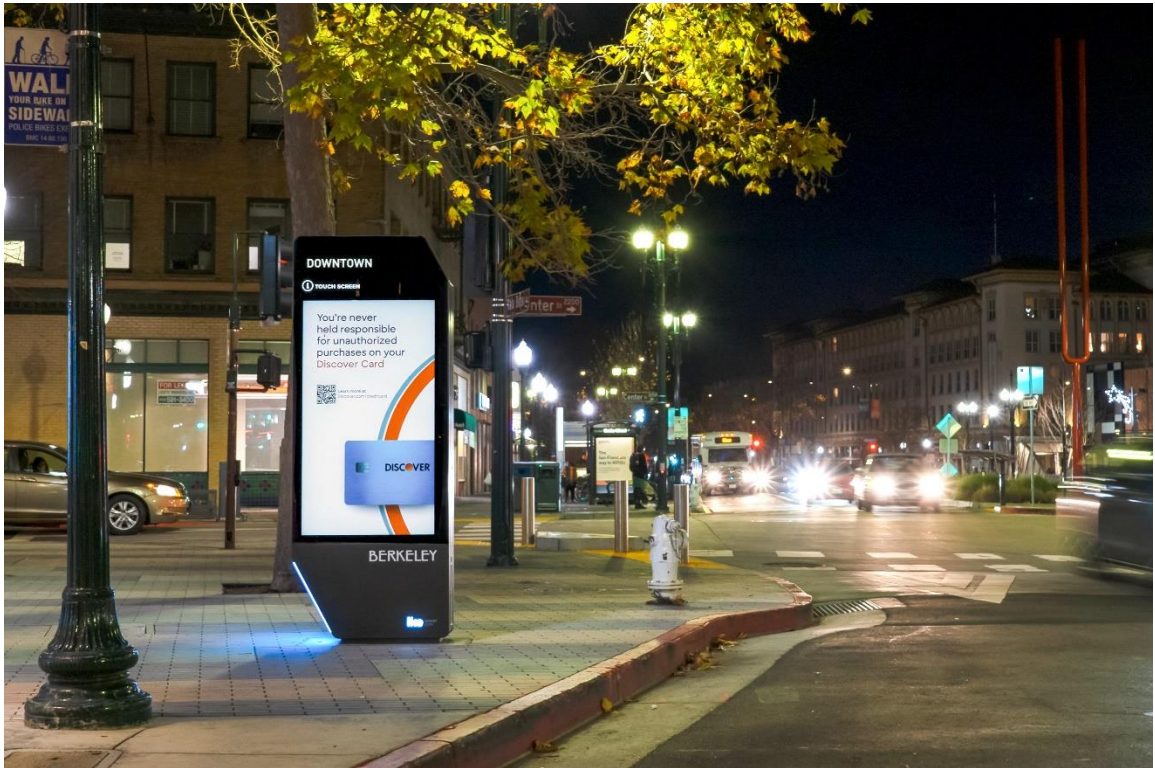


Figure 5. Image of Interactive Information Device at night in Berkeley, CA.



Figure 6. Image of Interactive Information Device at night in Berkeley, CA.

## 1.5 Regulatory Context

The program requires a Term Permit ordinance which is an action subject to compliance with SEPA to ensure environmental effects are considered. The City requested that the applicant provide a discipline report that considers the existing environment, signage and advertising, light and glare, and potential impacts to aesthetics qualities at the proposed Device program locations. In addition, the program is subject to *Streets Illustrated*, Seattle's right-of-way improvements manual, for clearances to above and below grade structures and utilities.

The program has completed a review process with Seattle Design Commission. Given their role and expertise, this report takes into consideration their comments relative to Seattle Municipal Code 15.65, which establishes the procedures and criteria for the administration of and approval to construct, maintain, and operate significant structures.

While not regulatory, the Devices are also being coordinated with the Seamless Seattle Wayfinding Program that is currently installing signage within the ROW in similar locations as proposed Devices.

The city has established design guidelines for urban development in the city, and specific supplemental guidelines for certain neighborhoods, including several neighborhoods in the program area. These guidelines mostly focus on building design but do offer some insight on recommendations for signage related to pedestrian activity at the ground plane. Note that the discussion of signage in these guidelines is related to this different context of building development and recommendations from these guidelines should not be considered to apply directly to an assessment of the Devices. However, if caveated in this way, some general recommendations from these guidelines can provide context for the City's aesthetic guidelines that relate to the Devices.

The following quotes from The Seattle Design Guidelines are representative of the applicable discussion on signage in this document:

- “Examples of pedestrian amenities include seating, other street furniture, lighting, year-round landscaping, seasonal plantings, pedestrian scale signage, site furniture, art work, awnings, large storefront windows, and engaging retail displays and/or kiosks.”
- “Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs. Signage should be compatible in character, scale, and locations while still allowing businesses to present a unique identity.”

These guidelines generally suggest that lit signs and kiosks contribute to a lively, safe downtown environment and that signs should be appropriate to the scale and character of their environment.

Some neighborhood specific guidelines add additional perspectives. The Design Review Guidelines for Downtown Development suggests that signage with lighting can contribute to a sense of security downtown during nighttime hours. The Design Review Guidelines for The Belltown Urban Center Village suggest that street amenities – such as the Devices – can enhance the neighborhood street life by providing human scale and visual interest. The Ballard Neighborhood Design Guidelines suggest that “indirectly lit signs are preferred” over internally illuminated signs, though the discussion of existing conditions in 2.1 will note that internally illuminated signs are frequent on building frontages. The Ballard Guidelines also suggest that kiosks can help support lively pedestrian open spaces.

## 2. EXISTING CONDITIONS

### 2.1 Program Areas

The proposed program area is shown in Figure 4 below and includes the MID and the Ballard, U District, SODO, and West Seattle BIAs. Within the MID and BIAs all Historic and Special Review Districts and Urban Harborfront and Waterfront areas are excluded from the program area. Additionally, all residential zones located within the MID and BIAs are excluded from the program area. See Appendix B Location Guidelines for more detailed information on restrictions on locations for the Devices within the MID and BIAs. Seattle prohibited new off premise signs in 1977, but existing billboards were grandfathered and are part of the existing conditions discussed below.

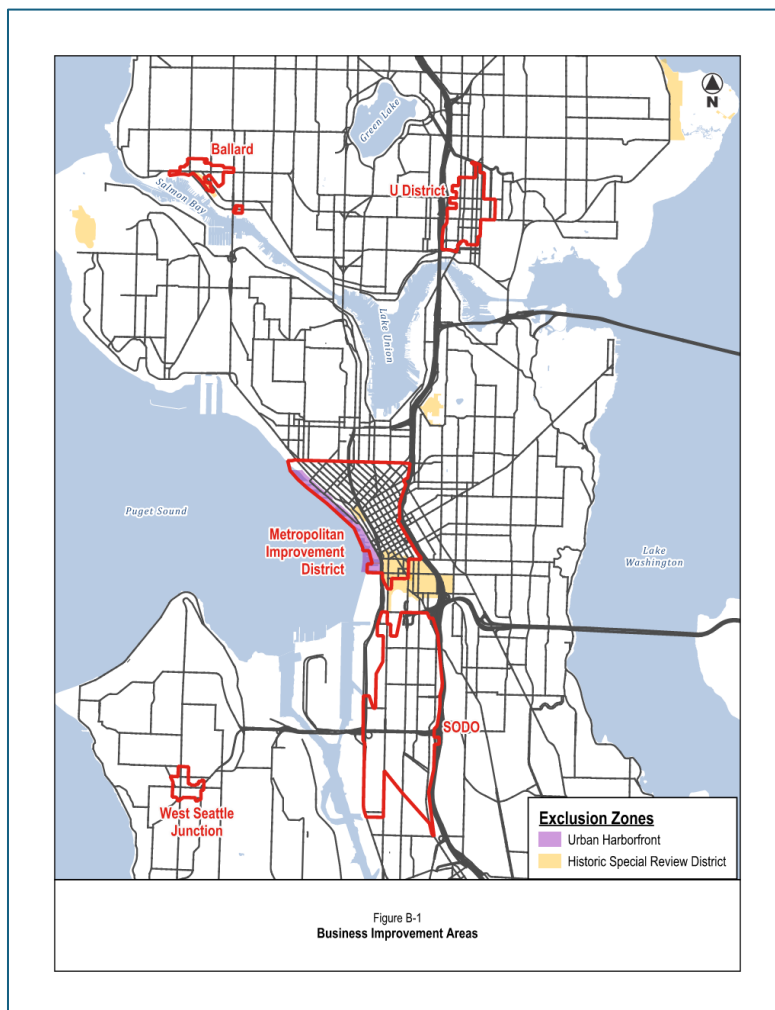


Figure 7. Map of MID and BIA boundaries overlaid with Urban Harborfront and Historic Special Review District zones that are excluded from the program boundary.



## 2.1 Aesthetic Quality

### 2.1.1 Downtown MID

The MID area is a major employment hub, shopping area, and regional center for cultural and entertainment activity with a large residential community. Many of the buildings are high-rise offices and mixed-use structures. The MID includes several distinct neighborhoods. The Pioneer Square, Chinatown/ID, Pike Place Market and Urban Harborfront and Waterfront areas are excluded from the proposed program and are not discussed here. Additionally, residential zones are excluded from the proposed program area. Belltown in the northwest of the MID is Seattle's densest residential community and is mostly mixed-use. Denny Triangle in the north has high-rise mixed-use office and residential buildings with a pedestrian-oriented streetscape. The Retail Core on the east is a shopping district with large retailers and includes the Convention Center. The West Edge is a more fine-grained shopping and restaurant district with smaller business frontages and the Pike Place Market.

The entire MID has generous sidewalks, allowing easy pedestrian mobility. Street trees are inconsistent in the retail core but generally present in other neighborhoods. Transit serves the entire area including bus, light rail, streetcar, and monorail with 3<sup>rd</sup> Avenue being the primary transit hub in the City. Numerous protected bike lanes and cycle tracks support bicycle mobility. Many of the east-west streets in the West Edge and retail core have very steep slopes.

In some parts of downtown, such as Belltown and the West Edge, frontage zones are occasionally used by restaurants for outside seating. More typically, the pedestrian walk zone extends all the way to building facades. Building frontages usually form a continuous edge to the back of sidewalk, but several properties have plazas that front the ROW and there are a handful of parks throughout the area that extend the public realm beyond the ROW. The sidewalk's amenity zone hosts many objects including street trees, planting, bike racks, parking signs, transit signs, fire hydrants, utility cabinets, parking meters, wayfinding, and litter bins.

Signage and advertising are ubiquitous and significant elements of MID's aesthetic environment. These can be grouped into the following categories: city-owned signs, signs related to adjacent businesses, billboards, and advertising on mobile vehicles.

City owned signage includes curb space management signs (no parking, loading zone, etc), traffic signs (yield, stop, etc.), and civic signs (garbage/recycling, hospital direction, parking lot direction, bus signage). Construction signage is also a common sight. These signs are typically post mounted. They have a wide range of vibrant colors which are coded to the category of sign (e.g. red for stop signs). They are located as needed and to provide certain critical clearances (e.g. from the pedestrian clear zone) but can be found throughout the public ROW on all types of streets. The frequency of these signs varies significantly from street to street. Since they are located as needed it appears that there are more signs where the environment and associated regulations are more complex or

varied. Though their haphazard placement and contrasting colors in relationship to each other and their context could be described as creating an intense degree of visual clutter, their presence and ubiquity in the public realm is accepted as matter-of-course.

Signs related to adjacent businesses come in many forms including sandwich boards (typically located in the amenity zone, but not infrequently located in non-permitted areas such as at corners), blade signs and awnings with signage that extends over the public sidewalk, signage in windows and on facades facing out toward the street (typically at the ground floor or above the first level, but also in upper windows and near rooflines), and monument signs directly behind the sidewalk. Blade signs and sandwich boards are typically oriented perpendicular to the ROW. Window and facade signage are oriented parallel to the ROW. Awning signage can be oriented both ways. Most signs are located on the ground plane or below the second story of buildings. They are typically oriented to be as visible as possible to pedestrians and drivers in the ROW. The content of these signs advertises the brands, products, or services of businesses in adjacent buildings. Signs in windows are sometimes neon lit while blade, monument, and façade signs are at times internally lit (e.g. a Starbucks blade sign). These signs come in all colors, fonts, and graphic styles. They vary in size from very small to large (e.g. The Moore Theater). The frequency of these signs appears to relate to the density of businesses in a given area. However, some business frontages have far more signage than others, so even some locations with few businesses can have a high frequency of signs. Like city owned signs, signs associated with adjacent businesses are ubiquitous and expected elements of the aesthetic experience of being in the ROW. Unlike city owned signs, these signs vary more dramatically in size, color, font, contrast, and style. This diversity is part of their aesthetic impact as they contribute to the experience of a diverse environment. However, even with the expectation of diversity some signs can stand out to certain people as particularly striking or disharmonious with their environment (e.g. the poster signs for National, Alamo, and Enterprise at 3<sup>rd</sup> and Stewart). However, even these are part of the expected visual field of downtown. Some people find this diversity and intensity of signage to be overwhelming and distracting. Others appreciate the diversity and vibrancy they bring to the visual environment.

Several billboards can be found in the Downtown MID, notably at three locations visible from the Pike Street entrance to Pike Market, but also at several other locations throughout the project area. These signs stand out in the visual environment due to their large size relative to other graphics. They typically advertise well known national brands such as Apple, Pepsi, Fjallraven, etc.

Advertising on motor vehicles is also a common feature downtown. Many trucks and cars with business themed signs or decals drive around the city. Additionally, transit buses feature large scale advertising for a wide variety of brands. These bus advertisements are highly visible in the downtown MID.

There are a few examples of signage with illuminated screens within the ROW of downtown. One is the Showgirls sign on 1<sup>st</sup> Ave near Pike Market that has on premise

advertising, motion, and is back lit. This sign has a significant visual presence on the street and stands out in the environment. Another illuminated screen, but without motion, are transit signs on 3<sup>rd</sup> that show bus times with screens that refresh to show different bus arrivals. The visual impact of these transit screen signs is mitigated by having relatively low brightness, contrast, and a lack of color. Another example of an illuminated screen sign is the large (342 SF) LED sign that shows multiple static images per minute that appear to advertise for various non-profits, that range from national to local scale, on the façade of the 1408 4<sup>th</sup> Ave building. This sign is bright and does not appear to relate to on premise brands, products, or services in a way that a passerby would relate to.

The nighttime environment downtown is brightly lit from a variety of sources including street lights, illuminated signs, pedestrian lights, festival lighting (e.g. wrapping trees), vehicle lights, spillover light through street level windows, lit windows high above the street, traffic lights, and illuminated buildings like the space needle. Nearly all downtown streets could be described as well lit, and lit from a variety of sources, including a variety of colors. Lit signs at night are common and visually prominent.

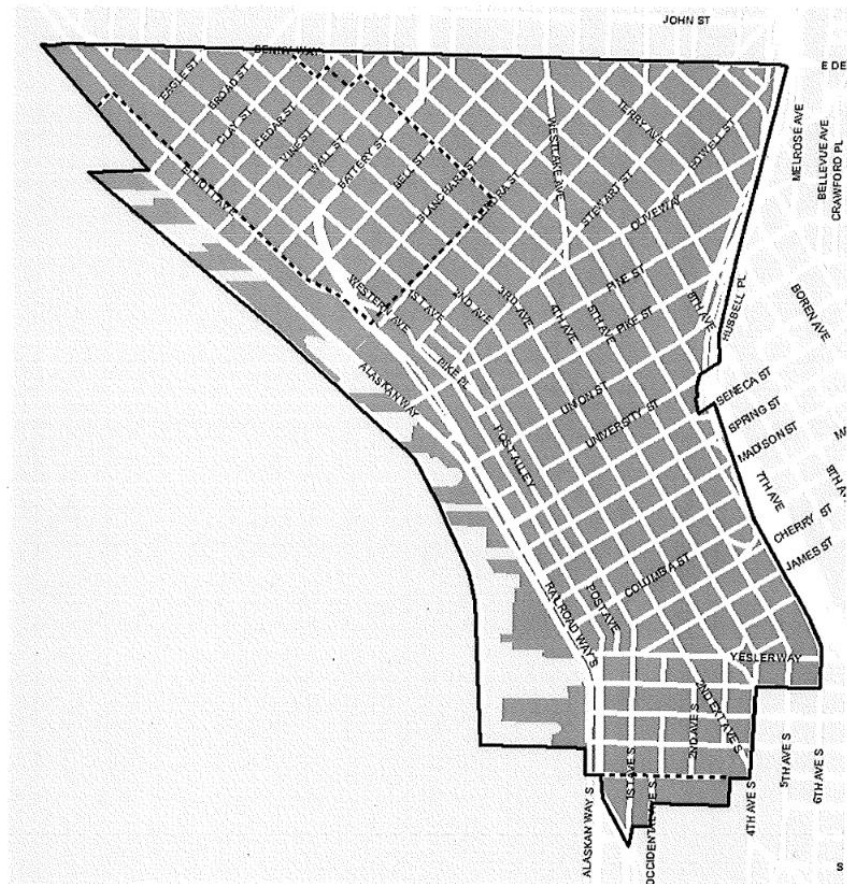
Signage and advertising contribute to the visual diversity and engagement in the Downtown MID. They are an important part of the experience of walking, driving, and biking downtown and are an integral component of the visual fabric. At night, many signs are lit and contribute further to the dynamic visual experience of the area.

## MID Renewal – Business Plan

6

### Boundaries

#### EXHIBIT A. Proposed Metropolitan Improvement District – Service Area



The renewed and expanded Metropolitan Improvement District will cover the area generally between Elliott Bay and Interstate-5, and between Denny Way and the sports stadiums to the south.



Powered by Downtown Seattle Association

MID-Business Plan FINAL – updated map + CPI language 20130418

4/18/13



**Figure 8.** MID boundary map excerpted from the establishing legislation document. Note that the program area excludes the Urban Harborfront and Waterfronts; all Historic Special Review Districts including Pike Place Market, Pioneer Square and the CID; and residential zones within the MID boundary.



### 2.1.2 BIA's

#### Ballard

The Ballard BIA encompasses the commercial and civic cores of the Ballard neighborhood. The entire area has a strong pedestrian focus. The area is primarily zoned as Neighborhood Commercial 3 with a Pedestrian designation (NC3P). The existing land uses reflect this zoning with ground floor commercial uses and upper floors providing a mix of residential, commercial, and office.

The arterial streets of NW Market Street and Ballard Avenue NW are categorized as Urban Village Neighborhood streets and have a focus on pedestrian uses, amenities, and activation. Ballard Avenue NW is in the Ballard Landmark District and is excluded from the program area. NW Market Street is a busy arterial with active pedestrian life supported by a wide sidewalk and a mix of businesses, many of which utilize the frontage zone between the sidewalk and the building façade for outdoor seating. Market Street has a strong and consistent street tree presence and accommodates an important bus line. Several bus lines share important bus stops along one block of Market Street between Leary Avenue and 24<sup>th</sup> Avenue making for a strong transit presence in this area. Non-arterials in the BIA are Urban Village Neighborhood Access streets and support a mix of pedestrian-oriented businesses and multifamily housing.

Street trees are mostly present at the frontages of new buildings or remnant older and smaller multifamily and are absent in front of older business and mixed use developments. The zoning within the entire area allows for maximum heights between 65 and 95 feet. Newer buildings express the higher end of that range while older buildings are a mix of one to three stories.

In addition to the Neighborhood Commercial zones, a significant portion of the BIA area south of NW Market Street and East of 20<sup>th</sup> Ave NW has a Major Institution Overlay zoning (MIO) associated with the Swedish Medical Center in Ballard, and the discontinuous Ballard Blocks portion of the BIA to the southeast is zoned as Industrial and Maritime (MML U). These zones allow for building heights ranging from 65-95 feet. The Ballard Blocks area is characterized by two grocery stores, a parking garage, and a mix of smaller pedestrian-oriented businesses.

Signage and advertising are ubiquitous and significant elements of the Ballard BIA's aesthetic environment. These can be grouped into the following categories: city-owned signs, signs related to adjacent businesses, posters attached to utility poles, and advertising on mobile vehicles.

City owned signage includes curb space management signs (no parking, loading zone, etc), traffic signs (yield, stop, etc.), and civic signs (garbage/recycling, hospital direction, parking lot direction, bus signage). Construction signage is also a common sight. These signs are typically post mounted. They have a wide range of vibrant colors which are coded to the category of sign (e.g. red for stop signs). They are located as needed and to

provide certain critical clearances (e.g. from the pedestrian clear zone) but can be found throughout the public ROW on all types of streets. The frequency of these signs varies significantly from street to street. Since they are located as needed it appears that there are more signs where the environment and associated regulations are more complex or varied. Though their haphazard placement and contrasting colors in relationship to each other and their context could be described as creating an intense degree of visual clutter, their presence and ubiquity in the public realm is accepted as matter-of-course.

Signs related to adjacent businesses come in many forms including sandwich boards (typically located in the amenity zone, but frequently located in non-permitted areas such as at corners), blade signs and awnings with signage that extends over the public sidewalk, signage in windows and on facades facing out toward the street (typically at the ground floor or above the first level, but also in upper windows and near rooflines), and monument signs directly behind the sidewalk. Blade signs and sandwich boards are typically oriented perpendicular to the ROW. Window and facade signage are oriented parallel to the ROW. Awning signage can be oriented both ways. The majority of signs are located on the ground plane or below the second story of buildings. They are typically oriented to be as visible as possible to pedestrians and drivers in the ROW. The content of these signs advertises the brands, products, or services of businesses in adjacent buildings. Signs in windows are sometimes neon lit while blade, monument, and façade signs are at times internally lit. These signs come in all colors, fonts, and graphic styles. They vary in size from very small to large. The density of the signs varies. Areas dominated by retail oriented businesses, such as Market between 17<sup>th</sup> and 24<sup>th</sup>, have more signs than streets like Leary. However, all locations with business have signs and the density of the signage (more than the size or other visual characteristics of the signage) is a large part of how different areas within the BIA are discernable from one another. Heavily pedestrianized shopping areas are littered with sandwich boards. Commercial areas with a predominance of retail and public facing uses have more signage than areas that have businesses more focused on business services or industrial uses. Likewise, the density of signage decreases as one moves away from a commercial center (as one heads north from market, for example). Like city owned signs, signs associated with adjacent businesses are ubiquitous and expected elements of the aesthetic experience of being in the ROW. Unlike city owned signs, these signs vary more dramatically in size, color, font, contrast, and style. This diversity is part of their aesthetic impact as they contribute to the experience of a diverse environment. However, even with the expectation of diversity some signs can stand out to certain people as particularly striking or disharmonious with their environment (e.g. the “COLD BEER HERE!” sign near the busy intersection of Market and Leary or the “BALLARD SEAFOODFEST” banner temporarily strung up above the sidewalk at that same intersection). However, even these outliers are part of the expected visual field. Some people find this diversity and intensity of signage to be overwhelming and distracting. Others appreciate the diversity and vibrancy they bring to the visual environment.

Posters attached to utility poles are another common advertising sign in Ballard. These are not as prominent as larger signs associated with buildings, though they share many other characteristics with them. They are colorful, contrasting, and mostly blend in due to their ubiquity.

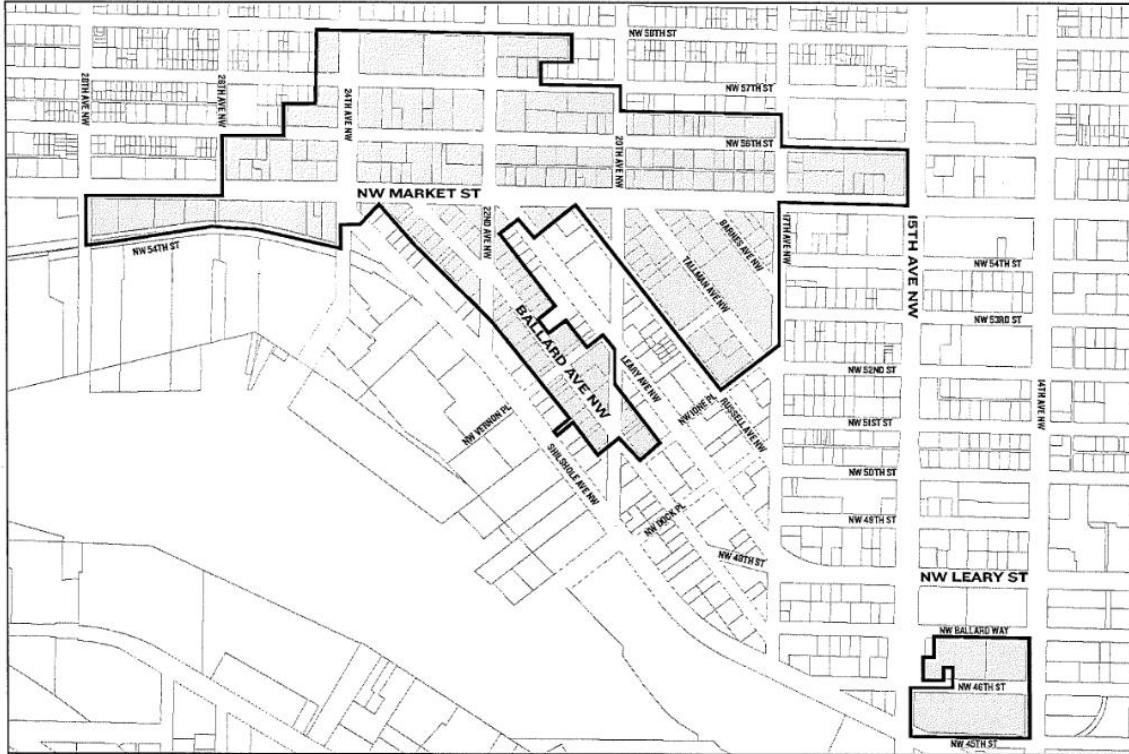
Several billboards can be found in Ballard on building frontages, building roofs and poles near 15<sup>th</sup> at the Ballard Bridge. These signs are not within the BIA's visual environment.

Advertising on motor vehicles is also a common feature. Many trucks and cars with business themed signs or decals drive around the BIA. Additionally, transit buses feature large scale advertising for a wide variety of brands. Branded scooters are another common sight.

There are not any signs that are screens or that show motion in the BIA. Many signs do have illumination at night.

The nighttime environment in the Ballard BIA is brightly lit from a variety of sources including street lights, illuminated signs, pedestrian lights, festival lighting (e.g. wrapping trees), vehicle lights, spillover light through street level windows, and traffic lights. All commercial streets could be described as well lit, and lit from a variety of sources, including a variety of colors. Lit signs at night are common and visually prominent.

The Ballard BIA is an important commercial center in the city. Signage and advertising contribute to the visual diversity and engaging aesthetic environment. They are an important part of the experience of walking, driving, and biking in the area and are an integral component of the visual fabric. At night, many signs are lit and contribute further to the dynamic visual experience of the area.



**Figure 9.** Ballard BIA boundary map. Note that the program area excludes all Historic Special Review Districts including Ballard Avenue Historic District and residential zones within the BIA boundary.

## U District

The U District BIA encompasses the dense, mixed-use core of the neighborhood and extends to low rise residential that serves as a buffer between the core and adjacent neighborhood residential zones. Most streets in the BIA are arterials. Principal arterials connect through the neighborhood in both the east-west and north-south direction. Minor arterials serve as primary pedestrian streets, although even the non-arterials have a mix of ground floor, pedestrian-oriented commercial businesses. University Way bounds the east side of the commercial core and has a fine grained, mixed character of one to three story buildings with continuous ground floor commercial with business and residential uses above. The dense core stretches from NE 50<sup>th</sup> Street South, and from the University of Washington Campus west to 9<sup>th</sup> Avenue NW.

This area is undergoing rapid development with residential and mixed-use high-rise and mid-rise buildings replacing low rise apartments. A light rail station anchors a new pedestrian node on 43<sup>rd</sup> Street adjacent to the Avenue. Metro buses use many of the streets in the BIA with 43<sup>rd</sup> Street and 15<sup>th</sup> Avenue serving as hubs and 45<sup>th</sup> Street, Roosevelt Way, and 11<sup>th</sup> Avenue also providing significant service.

The ROW is pedestrian focused with midblock crossings, street furniture, street cafes, ground floor retail, and pedestrian lighting. The older streets have large travel lanes, narrower sidewalks, and infrequent street trees. New developments are updating the streetscape to contemporary standards improving the pedestrian areas and adding street trees.

Signage and advertising are ubiquitous and significant elements of the U District BIA's aesthetic environment. These can be grouped into the following categories: city-owned signs, signs related to adjacent businesses, posters attached to utility poles, and advertising on mobile vehicles.

City owned signage includes curb space management signs (no parking, loading zone, etc), traffic signs (yield, stop, etc.), and civic signs (garbage/recycling, hospital direction, parking lot direction, bus signage). Construction signage is also a common sight. These signs are typically post mounted. They have a wide range of vibrant colors which are coded to the category of sign (e.g. red for stop signs). They are located as needed and to provide certain critical clearances (e.g. from the pedestrian clear zone) but can be found throughout the public ROW on all types of streets. The frequency of these signs varies significantly from street to street. Since they are located as needed it appears that there are more signs where the environment and associated regulations are more complex or varied. Though their haphazard placement and contrasting colors in relationship to each other and their context could be described as creating an intense degree of visual clutter, their presence and ubiquity in the public realm is accepted as matter-of-course.

Signs related to adjacent businesses come in many forms including sandwich boards (typically located in the amenity zone, but frequently located in non-permitted areas such as at corners), blade signs and awnings with signage that extends over the public

sidewalk, signage in windows and on facades facing out toward the street (typically at the ground floor or above the first level, but also in upper windows and near rooflines), and monument signs directly behind the sidewalk. Blade signs and sandwich boards are typically oriented perpendicular to the ROW. Window and facade signage are oriented parallel to the ROW. Awning signage can be oriented both ways. The majority of signs are located on the ground plane or below the second story of buildings. They are typically oriented to be as visible as possible to pedestrians and drivers in the ROW. The content of these signs advertises the brands, products, or services of businesses in adjacent buildings. Signs in windows are sometimes neon lit while blade, monument, and facade signs are at times internally lit. These signs come in all colors, fonts, and graphic styles. They vary in size from very small to large. The density of the signs varies. Areas dominated by retail oriented businesses, such as University Way, have more signs than streets like Roosevelt. However, all locations with business have signs and the density of the signage (more than the size or other visual characteristics of the individual signage) is a large part of how different areas within the BIA are discernable from one another. Heavily pedestrianized shopping areas are littered with sandwich boards. Likewise, the density of signage decreases as one moves away from a commercial center (as one heads north of 50<sup>th</sup> on University Way, for example). Like city owned signs, signs associated with adjacent businesses are ubiquitous and expected elements of the aesthetic experience of being in the ROW. Unlike city owned signs, these signs vary more dramatically in size, color, font, contrast, and style. This diversity is part of their aesthetic impact as they contribute to the experience of a diverse environment. However, even with the expectation of diversity some signs can stand out to certain people as particularly striking or disharmonious with their. However, even these outliers are part of the expected visual field. Some people find this diversity and intensity of signage to be overwhelming and distracting. Others appreciate the diversity and vibrancy they bring to the visual environment.

Posters attached to utility poles are less common in the U District than in Ballard, likely due to most utilities being made of metal instead of wood, but are still present. These are not as prominent as larger signs associated with buildings, though they share many other characteristics with them. They are colorful, contrasting, and mostly blend in due to their ubiquity.

Advertising on motor vehicles is also a common feature. Many trucks and cars with business themed signs or decals drive around the BIA. Additionally, transit buses feature large scale advertising for a wide variety of brands. Branded scooters are another common sight.

There are at least two signs that are illuminated screens in the BIA including the Neptune Theater's awning and the Shell gas station. No signs have motion.

The nighttime environment in the U District BIA is brightly lit from a variety of sources including street lights, illuminated signs, pedestrian lights, festival lighting (e.g. wrapping trees), vehicle lights, spillover light through street level windows, and traffic lights. All

commercial streets could be described as well lit, and lit from a variety of sources, including a variety of colors. Lit signs at night are common and visually prominent.

The U District BIA is an important commercial center in the city. Signage and advertising contribute to the visual diversity and engaging aesthetic environment. They are an important part of the experience of walking, driving, and biking in the area and are an integral component of the visual fabric. At night, many signs are lit and contribute further to the dynamic visual experience of the area.



Ex A - University District Business Improvement Area  
V1

#### EXHIBIT A: UDBIA PROPOSED BOUNDARIES

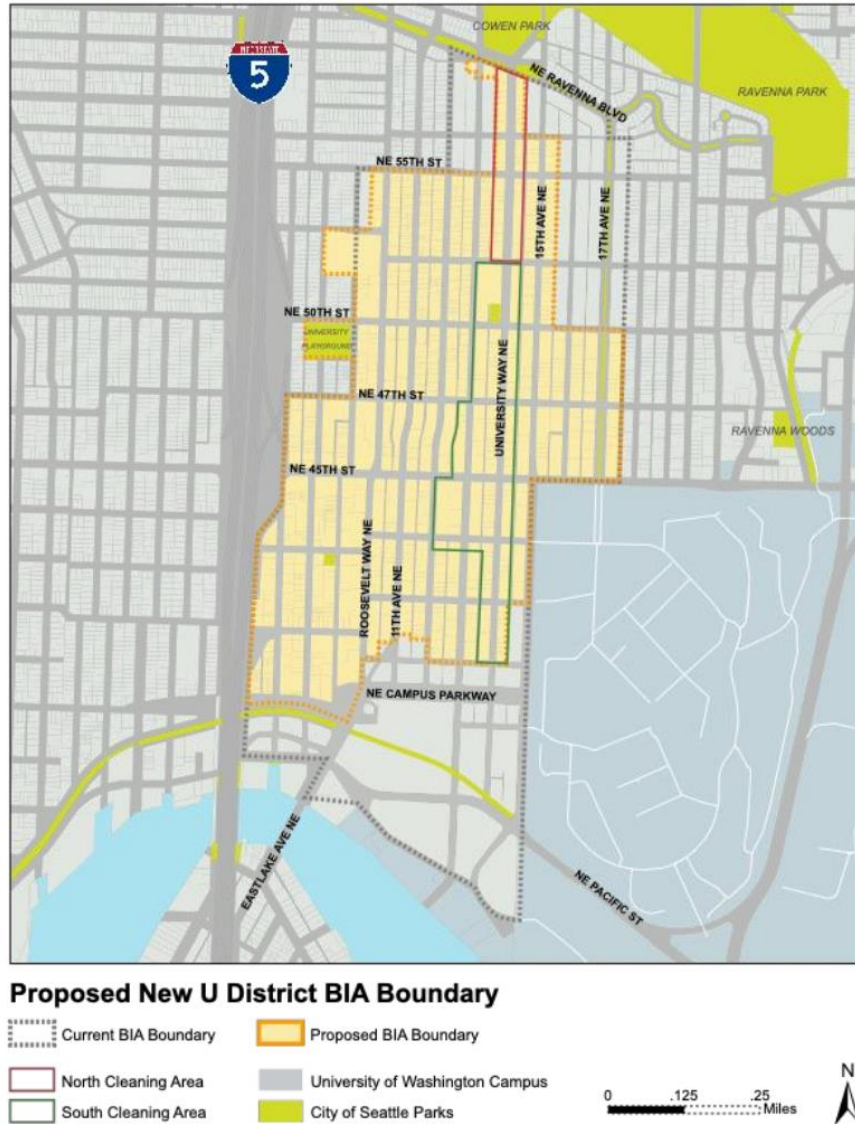


Figure 10. U District BIA boundary map. Devices will be located in approved Current BIA Boundary. Note that the program area excludes all residential zones within the BIA boundary.

## SODO

The SODO BIA is located within an industrial neighborhood south of Downtown. Recent zoning changes will alter the future character of this neighborhood. Most of the BIA is now zoned Maritime Manufacturing and Logistics (MML), and the northern portion of the 1<sup>st</sup> Avenue South corridor, an area centered on the SODO light rail station is zoned either Urban Industrial (UI) or Industry and Innovation (II). MML zones are characterized by a concentration of core and legacy industrial and maritime uses. II zones are transit oriented with modern industrial buildings or the potential to attract modern industries not necessarily involving heavy physical process or large physical machinery. UI zones are intended to serve as small-scale light industry and related uses as a transitional zone between heavier industrial areas and adjacent residential, commercial, or mixed-use areas.

The UI zone on 1<sup>st</sup> Avenue South has recent mid-rise mixed-use development with attractive pedestrian features including street trees, plaza seating, and ground floor retail. Most buildings in the area are older, one to four story structures, many of which have pedestrian-oriented uses. Street trees are infrequent and there are many large curb cuts that diminish the current pedestrian quality of the area. The rest of SODO has a strong industrial and warehouse character with large buildings, the occasional unimproved street, frequent lack of sidewalks, and industrial land uses. Transit service is focused on 1<sup>st</sup> Avenue South, 4<sup>th</sup> Avenue South, and Airport Way South.

The SODO BIA has less signage than other BIA commercial centers, however signage is still a ubiquitous element of the aesthetic environment. City-owned signage is similar as in other BIAs. Along retail-oriented streets such as 1<sup>st</sup> Ave S, SODO's commercial signage is similar to other areas with many sandwich boards, blade signs, monument signs, and façade signs. Compared to the other BIAs there are more large format monument signs, apparently because more buildings are set back from the sidewalk. There are also many more billboards. Generally signs are more spread out and larger.

There is an awning sign that is an illuminated screen with motion associated with the Dream Girls club on 1<sup>st</sup> Ave S. There are a few other illuminated screen signs on 4<sup>th</sup> Ave without motion.

The nighttime environment in the SODO BIA is quite different than other BIAs. Streets are generally brightly lit with street lights, and primary commercial areas such as 4<sup>th</sup> Ave S and 1<sup>st</sup> Ave S have significant lighting from signage. There is less spillover lighting from adjacent buildings. Other streets in the area are significantly darker than streets found in other BIAs.

The SODO BIA is an important industrial center in the city and also has many retail business establishments. Certain portions cater to nightlife. Signage and advertising contribute to the visual aesthetic environment. The increased density of monument signs, tall post mounted signs, billboards, and larger sign sizes generally reflects the more vehicular oriented nature of the area as compared to other BIAs in the program area. At

night, many signs are lit and contribute to a sense of inhabitation and activity on certain streets.

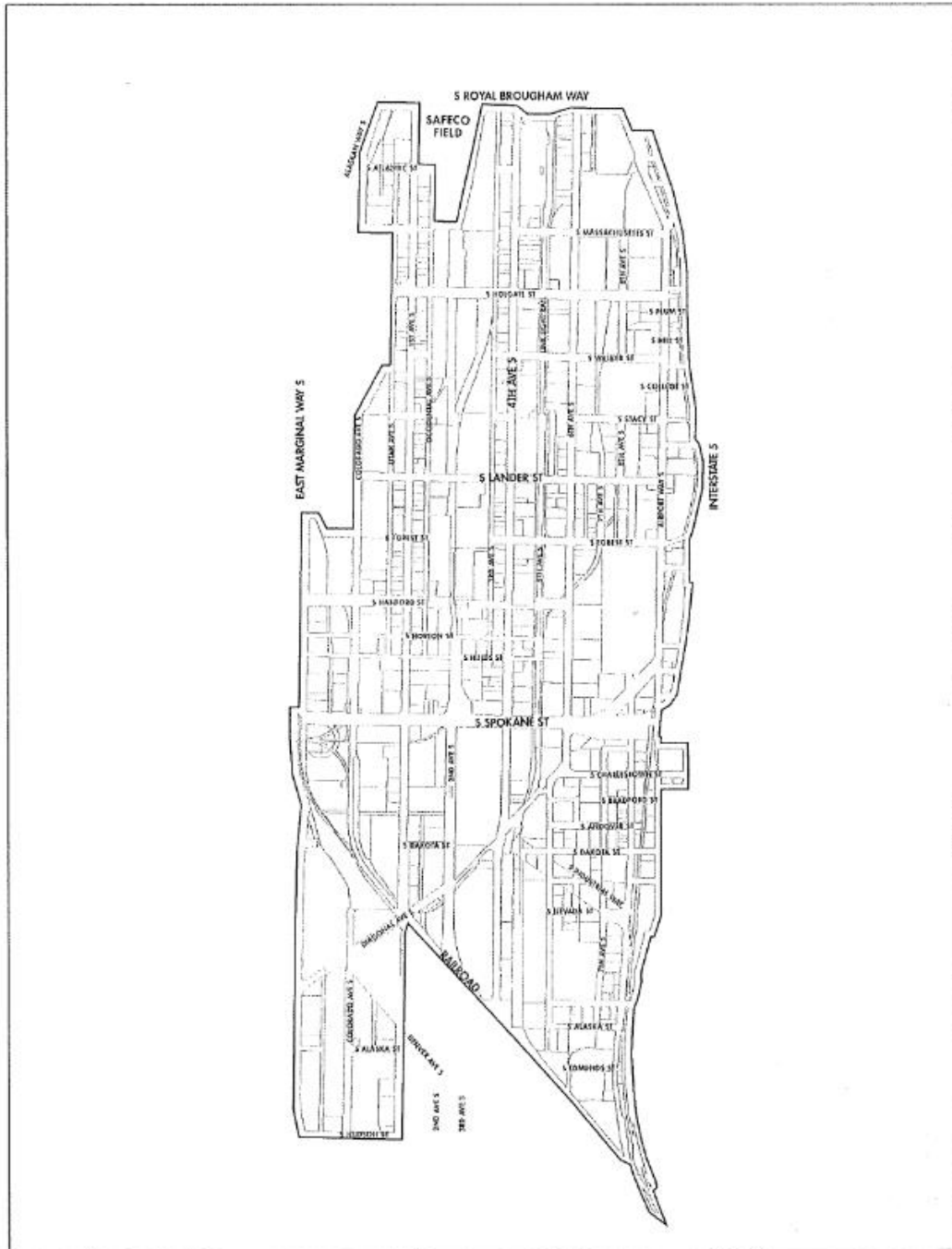


Figure 11. SODO BIA boundary map. Note, any residential zones within the BIA are excluded from the program boundary.

### West Seattle

The West Seattle BIA is a pedestrian oriented neighborhood center in West Seattle. California Avenue SW and SW Alaska Street are the primary pedestrian, vehicular, and business corridors. The BIA boundary typically extends no more than one block from these arterials. The entire BIA is zoned either neighborhood Commercial 2 or 3, with the blocks adjacent to California Avenue and Alaska St also receiving the P designation for pedestrian oriented development. These zones allow buildings between 55 and 95 feet in height.

California Avenue has a dense mix of businesses mostly contained within one or two story buildings. Only a few newer developments reach higher, and are capped at seven stories. In addition to the activated building facades, the street has strong pedestrian features including consistent street trees, decorative pedestrian light poles, midblock crossings, and street cafes, particularly in the two blocks between SW Oregon Street and SW Edmunds Street. California Avenue SW carries two bus lines, though bus infrastructure is not an obvious feature of the street.

Alaska Street also has significant, consistent street trees and pedestrian amenities including seating and a small park. The street has larger buildings in the five to seven story range, with larger business uses on the ground floor such as grocery stores, shopping centers, gyms, and banks. Several surface parking lots remain on this section of the street. This is an important bus corridor with a protected bus lane.

Signage and advertising are ubiquitous and significant elements of the West Seattle BIA's aesthetic environment. These can be grouped into the following categories: city-owned signs, signs related to adjacent businesses, posters attached to utility poles, and advertising on mobile vehicles.

City owned signage includes curb space management signs (no parking, loading zone, etc), traffic signs (yield, stop, etc.), and civic signs (garbage/recycling, hospital direction, parking lot direction, bus signage). Construction signage is also a common sight. These signs are typically post mounted. They have a wide range of vibrant colors which are coded to the category of sign (e.g. red for stop signs). They are located as needed and to provide certain critical clearances (e.g. from the pedestrian clear zone) but can be found throughout the public ROW on all types of streets. The frequency of these signs varies significantly from street to street. Since they are located as needed it appears that there are more signs where the environment and associated regulations are more complex or varied. Though their haphazard placement and contrasting colors in relationship to each other and their context could be described as creating an intense degree of visual clutter, their presence and ubiquity in the public realm is accepted as matter-of-course.

Signs related to adjacent businesses come in many forms including sandwich boards (typically located in the amenity zone), blade signs and awnings with signage that extends over the public sidewalk, signage in windows and on facades facing out toward the street (typically at the ground floor or above the first level, but also in upper windows and near rooflines), and monument signs directly behind the sidewalk. Blade signs and

sandwich boards are typically oriented perpendicular to the ROW. Window and facade signage are oriented parallel to the ROW. Awning signage can be oriented both ways. The majority of signs are located on the ground plane or below the second story of buildings. They are typically oriented to be as visible as possible to pedestrians and drivers in the ROW. The content of these signs advertises the brands, products, or services of businesses in adjacent buildings. Signs in windows are sometimes neon lit while blade, monument, and façade signs are at times internally lit. These signs come in all colors, fonts, and graphic styles. They vary in size from very small to large. The density of the signs varies. Areas dominated by smaller retail oriented businesses, such as California Ave SW, have more signs than streets like Alaska Way. However, all locations with business have signs and the density of the signage is a large part of how different areas within the BIA are discernable from one another. Like city owned signs, signs associated with adjacent businesses are ubiquitous and expected elements of the aesthetic experience of being in the ROW. Unlike city owned signs, these signs vary more dramatically in size, color, font, contrast, and style. This diversity is part of their aesthetic impact as they contribute to the experience of a diverse environment. Some people find this diversity and intensity of signage to be overwhelming and distracting. Others appreciate the diversity and vibrancy they bring to the visual environment.

Posters attached to utility poles are another common advertising sign in West Seattle. These are not as prominent as larger signs associated with buildings, though they share many other characteristics with them. They are colorful, contrasting, and mostly blend in due to their ubiquity.

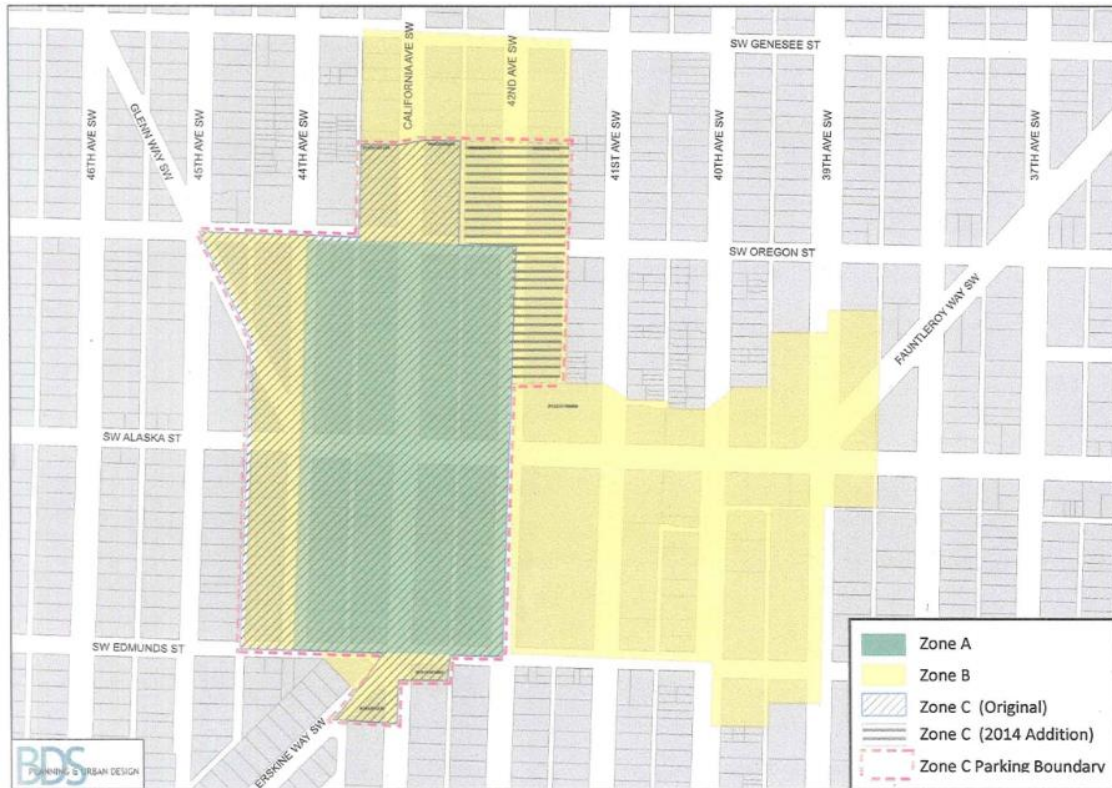
Advertising on motor vehicles is also a common feature. Many trucks and cars with business themed signs or decals drive around the BIA. Additionally, transit buses feature large scale advertising for a wide variety of brands. Branded scooters are another common sight.

There are not any signs that are screens or that show motion in the BIA. Many signs do have illumination at night.

The nighttime environment in the West Seattle BIA is brightly lit from a variety of sources including street lights, illuminated signs, pedestrian lights, festival lighting (e.g. wrapping trees), vehicle lights, spillover light through street level windows, and traffic lights. All commercial streets could be described as well lit, and lit from a variety of sources, including a variety of colors. Lit signs at night are common and visually prominent.

The West Seattle BIA is an important commercial center in this part of the city. Signage and advertising contribute to the visual diversity and engaging aesthetic environment. They are an important part of the experience of walking, driving, and biking in the area and are an integral component of the visual fabric. At night, many signs are lit and contribute further to the dynamic visual experience of the area.





**Figure 12.** West Seattle BIA boundary map. Note, any residential zones within the BIA are excluded from the program boundary.

## 2.3 Affected Users

Different populations will have different relationships to the aesthetic changes associated with the Devices. People who live in the program areas, or residential users, will have the most persistent contact with the Devices and will perceive them in the daytime, nighttime, weekdays, and weekends. Those who travel to the program areas for work will experience the Devices primarily while commuting by transit, bicycle, or vehicle or on breaks. Tourists and those who travel to the program areas for recreation will have intermittent interaction with Devices while visiting the program areas.

### 3. AESTHETIC IMPACT ASSESSMENT

#### 3.1 Methodology

Aesthetic impacts are subjective and vary dramatically from person to person, influenced by personal tastes, cultural backgrounds, and environmental perceptions. It should be noted that some individuals will regard the Devices as visually disruptive, unsightly, and even detrimental to the aesthetic environments within the program area, while others will find them visually striking, modern, and beneficial to the overall aesthetic appeal of these areas. The intensity of these reactions can range from mild dissatisfaction to strong opposition or, conversely, from appreciation to enthusiastic support.

This report seeks to provide a clear, objective description of the Devices, offering details about their potential effects on the aesthetic character of the proposed locations in the MID and BIAs. The aim is to present the information in a way that allows readers to gain a comprehensive understanding of the Devices' possible impacts on the surrounding aesthetic environment. The report assesses these impacts, by applying the criteria outlined below, to determine if any rise to the level of a significant impact. This assessment is a subjective analysis grounded in the professional expertise of the author. There is no known set of standard criteria that is widely accepted for the assessment of significant aesthetic impact on which to base an objective assessment of degree of impact nor is there an objective standard to determine what constitutes a more-than-moderate aesthetic impact. The conclusions reached in this report on the degree of aesthetic impact are subjective conclusions grounded in professional expertise in the subject.

#### **Criteria for Significant Aesthetic Environmental Impacts**

A Device would be considered to have a significant impact if its presence substantially alters the aesthetic environment of the program area, creating a stark contrast to the existing visual experience of individuals within that area. This change must be such that it is likely to lead to more than a moderate adverse effect on the overall aesthetic quality of the environment, potentially diminishing the appeal or harmony of the space. This criterion assesses both the intensity and the degree of disruption caused by the Devices, considering not only the visual appearance but also their integration within the existing environment.

Visualizations in Appendix A support the analysis in this section. The following criteria were considered when selecting Device locations for visualizations in Appendix A:

- Location: approximately 30 feet from intersections and at one location, 4th & Union, Devices are located at multiple offsets from the intersection - 30 feet, 50 feet and mid-block.
- Views: sidewalk view, street/bike view, opposing view and block view.
- Time of Day: daytime and night-time.
- Zoning: multiple zones to capture a range of building scales and setbacks.
- Land Uses: commercial, residential, public uses such as parks.
- Street Types: a range of Downtown, Urban Village and Industrial typologies.



- Curbside Uses: parking and loading, bike facilities and permitted curb space cafes/outdoor dining and parklets.

### **3.2 Potential Aesthetic Impacts**

This is a programmatic SEPA review; therefore, the responses provided in the SEPA checklist, and this report are higher-level. Project-level review will be provided at the project phase when specific sites are confirmed. Section B.10 of the SEPA checklist requires responses to questions about potential aesthetics impacts of the program. The Devices would be visible from adjacent land uses, sidewalk, bike lanes, and the street. In this case, it has been found appropriate to review the following potential impacts from the Device implementation:

- Potential SEPA View Impacts
- Potential Aesthetics Impacts to Landmark, Historic, Urban Harborfront or Shoreline Districts
- Potential Aesthetics Impacts to Adjacent Land Uses
- Potential Aesthetic Impacts to Drivers/Bicyclists
- Potential Aesthetic Impacts to Pedestrians

A few aspects of the aesthetic environment are particularly relevant when assessing the potential impacts of the Device. These include light and glare, signage and advertising, use of motion, and short-term construction impacts. These aspects are assessed regarding the above potential impacts as applicable and information on potential aesthetics impacts is provided in more detail below.

#### **Potential SEPA View Impacts**

The SEPA checklist Section B.10 provides the results of the potential view impacts from SEPA protected sites. The Device may block views when standing in very close proximity due to its scale, however this impact is not significant because the Devices are located at most once per block face and the vast majority of locations do not impact the view corridor.

The device may impact the overall aesthetic quality of the view corridor even without blocking views. Though illuminated advertising signage and furnishings are common elements within the aesthetic experience of the overall streetscape environment, both during the day and at night, the motion shown on the device screen is not in keeping with this existing environment. This is a new element in the environment that for some could diminish the appeal or harmony of the space. However, the Devices will be located infrequently enough (at most once per block face), the screens are small enough that this impact does not create a stark contrast with the existing environment, the signs will harmonize with existing Seamless Seattle wayfinding signage, and for some the addition of the motion on the screens will serve to enhance the aesthetic appeal of the space. Because of this any potential impact on the quality of SEPA protected views and view corridors is not significant.

It is possible that there are specific locations within view corridors that would be particularly sensitive to the impact of the Device. To mitigate this potential impact, Device locations that could impact SEPA views should be reviewed at the project phase to determine if there are any exceptionally sensitive locations where it would be inappropriate to site a device.

### **Potential Aesthetics Impacts to Landmark, Historic, Urban Harborfront or Shoreline Districts and Properties**

Devices will not be installed within designated landmark, historic, urban harborfront, or shoreline districts and therefore will not have an impact in these areas.

The Devices could potentially block or detract from views to landmarked properties distinct and separate to landmarked or historic districts. During the project phase, proposed Device locations near landmarked properties should be reviewed to determine appropriate siting to avoid or minimize the impact to landmarked properties.

This approach maintains the designation that devices will not be installed within the shoreline environment or historic districts.

### **Potential Aesthetics Impacts to Adjacent Land Uses**

Devices will not be installed within or adjacent to residential zones, per the distances described in SMC 23.55.014.A.5. Even though residential zones are excluded from the program area, some non-residential zones allow for ground floor residential land uses. Therefore, Devices in the ROW have the potential to interact with these residential uses and users. Potential impacts to adjacent residential land use are discussed below.

Devices may be located within 500 feet of certain parks, depending on their location and size, including parks larger than one acre. Current city policy and code apply to parks city-wide, which vary significantly in size, use, and history. For the purposes of the Device program and given there are parks located within the public urban environment, placing Devices within 500 feet of parks larger than one acre could provide added public benefit through wayfinding and other functionalities. The parks identified are notably urban, highly active, and offer recreational uses to the public where Devices could enhance the surrounding environment:

- Denny Park
- Alaskan Way Boulevard
- Bell Street Park Boulevard
- Freeway Park
- Victor Steinbrueck Park
- Westlake Park\*

With this, the designation that Devices will not be installed within the shoreline environment or within historic districts still applies.

\*Although Westlake Park is smaller than one acre, it is included due to its status as a city park.

### *Light and Glare*

The Devices could potentially cause light and glare impact on adjacent residential users if Devices are located directly outside ground floor dwelling unit windows. To mitigate this, Devices should not be located directly adjacent to street-facing, ground floor dwelling units and entrances.

### *Signage, Advertising, and Motion*

Non-residential uses in the Downtown MID and BIAs often have advertising signs in front of and adjacent to them. Typically, these signs relate to a business within the building and contain a range of graphics and colors and use lighting. There are few instances of motion as discussed in section 2.1. The Devices would add a new form of signage, advertising and motion in front of commercial frontages unrelated to the businesses within them. When considering the context and commercial nature of the urban environment, the addition of the Device within the landscape/furniture zone is in keeping with the existing aesthetic environment except insofar as the devices show motion. The motion on the device screens could reduce the aesthetic appeal or harmony of the area with the screens to some degree for some people. This, however, is mitigated by several factors 1) the devices are located infrequently (at most one per block face and with limited amounts throughout the entire project area), 2) many will find the motion, lights, and engagement potential of the Devices to improve the aesthetic appeal of the area, 3) Devices will not be located directly in front of building entrances, and 4) at least 25% of the time the Devices will display community content that serves the interests of the City and its communities. Because of all this the Devices do not create a stark contrast with the existing environment, nor diminish the appeal or harmony of the space to a more than moderate degree. The installation of Devices in proximity to commercial uses does not cause a significant aesthetic impact.

Because exceptional circumstances can be found in the built environment, Device locations should be reviewed at project phase to ensure Devices are not located in such a way as to significantly impact adjacent buildings in an unanticipated way.

### **Potential Aesthetics Impacts to Drivers/Bicyclists**

Proposed Devices would be visible from sidewalks, bike lanes, and the streets. Potential aesthetic impacts from light and glare, signage, advertising and motion, and short-term construction are described in more detail below. Potential safety impacts to drivers and bicyclists along the street are also described in Attachment B - Recommended Location Criteria and Design Standards for Traffic Safety.

### *Light and Glare*

Light and Glare in the Device program areas include ambient light from adjacent land uses, streetlights and pedestrian lights, and motor vehicles. Signs with lighting are uncommon within the right-of-way environment, though they are common on buildings directly adjacent to the right-of-way as well as overhanging the right-of-way in the form of awning and blade signs. Glare sometimes occurs with adjacent land uses spilling light over into the street environment.

The Devices have two types of lighting. A kinetic lighting feature on the lower part of the Device sign and two interactive, dynamic screen displays (one on each side), showing the Device content. The Device's sign display will continuously emit light via a kinetic lighting feature or dynamic display, to a brightness level that provides adequate visibility based upon ambient light conditions. The displays automatically dim based on weather conditions (e.g., direct sunlight, overcast conditions, etc.). The displays can also be dimmed and brightened remotely by the applicant. Device lighting does not have any strobing or flashing effects. The Devices will conform to all lighting regulations.

Potential aesthetic impacts from the Devices light and glare to passing drivers and bicyclists is not expected due to the low emissions that are below analogous standards. Streetlights and motor vehicles produce higher levels of light that may be more impactful to drivers and bicyclists.

#### *Signage, Advertising, and Motion*

Signage and advertising in the Device program areas is common and found in many forms, sizes, colors, and sometimes includes lighting as discussed in section 2.1. Commercial signage and advertising are mostly related to adjacent businesses and are located both within the ROW and on adjacent properties that are part of the overall aesthetic environment. Signs vary dramatically in aesthetic impact and physical form. The aesthetic quality of individual signs is subjective, but their presence is in keeping with the aesthetic environment of the program area. There are few instances of motion signage in some of the program area as discussed in 2.1.

The Devices are different from other existing objects in that they are private, fixed objects with advertising in the ROW that are not attached to private property and in closer proximity to the street travel lanes used by drivers and bicyclists than other fixed, commercial signs. Other commercial signs that are in the ROW are either moveable (sandwich boards) or attached to private property and extending into the ROW (awnings, blade signs). Though this may be a large difference from some perspectives, from an aesthetic perspective this does not create a stark contrast with the existing environment nor does it diminish the aesthetic quality of the environment. The presence of advertising signage in the ROW is in keeping with the experience of the existing aesthetic environment. The fact that these signs are not attached to buildings (like blade signs overhanging the ROW) or moveable (like sandwich boards in the ROW) does not create a significant aesthetic contrast. Drivers and bicyclists in the project area expect to see advertising signage from all vantage points in the ROW and they expect to see a variety of urban furnishings fixed and unfixed.

The Devices display advertising for brands not necessarily related to the businesses directly adjacent. Though this is something that is highly pertinent to policy and to sign code, its aesthetic impact is less significant. Though advertising that relates to adjacent businesses does mean something different to people than advertising that

relates to brands that are not nearby, from a visual perspective the advertising are not inherently different. That the advertising does not relate to adjacent businesses could impact the sense of harmony some people feel in an area. However, any potential impact is mitigated because the additional signage, light at night, community content, and engagement opportunities associated with the Device can also improve the appeal of the area for people. The potential impact from this advertising is not significant in this context.

The Devices propose to use motion which is only found in isolated occurrences in the Downtown MID and SODO BIAs, and not at all in the other BIA's in the program area. The introduction of motion screens could potentially diminish the aesthetic appeal and harmony of the area adjacent to the devices to some people and could potentially create a stark contrast with the existing environment. However, any potential impact is mitigated because the Devices are located infrequently (at most one per block face and a limited total amount throughout the program area); the motion, light, and engagement opportunities with the device can serve to increase the appeal and harmony of the area for some, the Device will harmonize with existing Seamless Seattle wayfinding signage, and the community messaging shown at least 25% of the time can also improve the appeal and harmony of the environment for some. Given these considerations the potential impact is not considered significant.

#### *Short-term Construction Impacts*

There may be short-term impacts from construction activities due to sound and light that could distract drivers/bicyclists during the 1-2 week construction period. Due to the temporary nature of these impacts, no significant adverse impact is expected to drivers or bicyclists from the installation of the Device program.

#### **Potential Aesthetics Impacts to Pedestrians**

The Devices proposed location within the landscape/furnishing zone make them visible to pedestrians using adjacent sidewalks. Potential aesthetic impacts from light and glare, signage, advertising and motion, and short-term construction are described in more detail below.

#### *Light and Glare*

As described in the previous section, the Devices have two types of lighting. A kinetic lighting feature on the lower part of the Device sign and two interactive, dynamic screen displays (one on each side), showing the Device content. The Device's sign display will continuously emit light via a kinetic lighting feature or dynamic display, to a brightness level that provides adequate visibility based upon ambient light conditions. The displays automatically dim based on weather conditions (e.g., direct sunlight, overcast conditions, etc.). The displays can also be dimmed and brightened remotely by the applicant. Device lighting does not have any strobing or flashing effects. The Devices will conform to all lighting regulations.

Potential aesthetic impacts from the Devices light and glare to passing pedestrians using the sidewalk is not expected due to the low emissions that are below analogous

standards. The light emitted from the Devices is in keeping with the existing aesthetic environment as experienced by pedestrians in the project area.

Due to their size the Devices will have negligible impact on natural light.

#### *Signage, Advertising, and Motion*

Signage and advertising in the Device program areas is common and found in many forms, sizes, colors, and sometimes includes lighting as discussed in section 2.1. Commercial signage and advertising are mostly related to adjacent businesses and are located both within the ROW and on adjacent properties that are part of the overall aesthetic environment. Signs vary dramatically in aesthetic impact and physical form. The aesthetic quality of individual signs is subjective, but their presence is in keeping with the aesthetic environment of the program area. There are few instances of motion signage in some of the program area as discussed in 2.1.

The Devices are private, fixed objects with advertising in the ROW that are not attached to private property and in closer proximity to the street travel lanes used by drivers and bicyclists. Other signs that are in the ROW are either moveable (sandwich boards) or attached to private property and extending into the ROW. Though this may be a large difference from some perspectives, from an aesthetic perspective this does not create a stark contrast with the existing environment nor does it diminish the aesthetic quality of the environment. The presence of advertising signage in the ROW is in keeping with the experience of the existing aesthetic environment. The fact that these signs are not attached to buildings (like blade signs overhanging the ROW) or moveable (like sandwich boards in the ROW) does not create a significant aesthetic contrast. Pedestrians in the project area expect to see advertising signage from all vantage points along the sidewalk environment because of their commercial nature.

The Devices propose to use motion which is only found in isolated occurrences in the Downtown MID and SODO BIAs, and not at all in the other BIA's in the program area. The introduction of motion screens could potentially diminish the aesthetic appeal and harmony of the area adjacent to the devices to some people and could potentially create a stark contrast with the existing environment. However, any potential impact is mitigated because the Devices are located infrequently (at most one per block face and a limited total amount throughout the program area); the motion, light, and engagement opportunities with the device can serve to increase the appeal and harmony of the area for some, the Device will harmonize with existing Seamless Seattle wayfinding signage, and the community messaging shown at least 25% of the time can also improve the appeal and harmony of the environment for some. Given these considerations the potential impact is not considered significant.

#### *Short-Term Construction Impacts*

There may be short-term impacts from construction activities due to sound, light and noise from construction equipment that could disrupt pedestrians during the 1-2 week construction period. No significant adverse impact is expected to pedestrians from the installation of the Device program.



### 3.3 Measures to Control Aesthetic Impacts

#### *Potential SEPA View Impacts and Potential Aesthetic Impacts to Drivers/Bicyclists and Pedestrians*

No significant adverse impacts to SEPA view impacts, drivers/bicyclists, or pedestrians from the Device program is expected and no mitigation is required. The programmatic approval will ensure adherence to all regulatory requirements and will be implemented in coordination with the Seattle Department of Transportation (SDOT) and other local, state, and federal agencies as described earlier in this report. Those requirements have been integrated into the Device program already and will continue in coordination with SDOT and other agencies to meet requirements.

#### *Short-term Construction Mitigation*

Installation of individual Devices is anticipated to take 1-2 weeks. It is possible that during construction, lights would be used for night work, which would be undertaken to avoid daytime traffic lane closures. If the contractor uses night lighting, the lighting would be directed toward the roadway work area and away from residential areas. Construction lights would be needed only for a short period, if they are chosen for use. Other short-term impacts of noise and visual clutter would be similarly short lived and would conform to regulations.

Short-term construction aesthetic impacts would be minor, and no significant adverse impacts are expected.

#### *Mitigation for Major Structure Term Permits*

The program will adhere to all applicable requirements to mitigate for the implementation of the Device.

In addition to mitigation requirements the program will also include public benefits as defined by SMC 15.65.040.C. Proposed public benefit elements provided by the Device program proposal are proposed as follows:

- 1) Promotion of local arts, culture, and community events managed by DSA and BIAs at no cost to promote local events and programming.
- 2) Economic development through promotion of local businesses and organizations using Device to feature nearby businesses in directory listings, mapping and search applications, geo-located and populated based on proximity to the Device, not on sponsorship.
- 3) Public safety, City messaging, and emergency notifications displaying public safety and emergency warnings, an emergency call button that dials 911 directly when activated and promotion of winter shelter beds during inclement weather.
- 4) Community messaging coordinated with local non-profits, neighborhood councils, BIAs, etc. with curated applications and mapping that highlight and provide information on walks, local points of interests, parks, public art, landmarks, etc. DSA and IKE can also partner with appropriate city departments to coordinate community messaging efforts.



- 5) Interactive wayfinding coordinated to supplement and complement to the Seamless Seattle Wayfinding. Devices will intend to align with map type and colors, iconography, naming conventions, and languages defined by the Seamless Seattle visual standards.
- 6) Revenue generation to support DSA and BIA initiatives generated from the sale of advertising on the Devices to invest back into community for ongoing downtown and BIA improvements and programming.
- 7) Each Device is equipped with free wi-fi, further providing equitable access to city information and resources.
- 8) Digital public art program managed by DSA with support from a third-party curator and advisory artist selection committee meeting quarterly to discuss artist selections, themes and coordination with national opportunities and themes. Artist honorarium will be a min. of \$500 and reviewed annually.

In summary, there are no significant adverse impacts expected from the implementation of the Device program as described in this report.



# Plans & Visualizations

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## Appendix A





# LOCATIONS OF PLANS & VISUALIZATIONS

Plans and visualizations of conceptual Device installations have been completed at multiple locations to support the aesthetic impact assessment and programmatic review. The study locations are:

- A. 4th & Lenora
- B. Westlake & Denny
- C. 4th & Union
- D. 7th & Blanchard
- E. 2nd & Vine
- F. 2nd & Bell
- G. Harrison & 1st
- H. Market & 22nd  
(Ballard BIA)
- I. Dave Niehaus & S Royal Brougham  
(SODO BIA)
- J. Roosevelt & 47th  
(U District BIA)
- K. California & Alaska  
(West Seattle BIA)



Map showing program areas

## A. 4TH & LENORA | PLAN

## CONTEXT

### Description:

One-way street with two way protected bike lane on left side of road

### Proximity to Intersection:

30 feet

## Zoning:

DMC 240/290-440

### Street Type:

## Downtown

## Land Use:

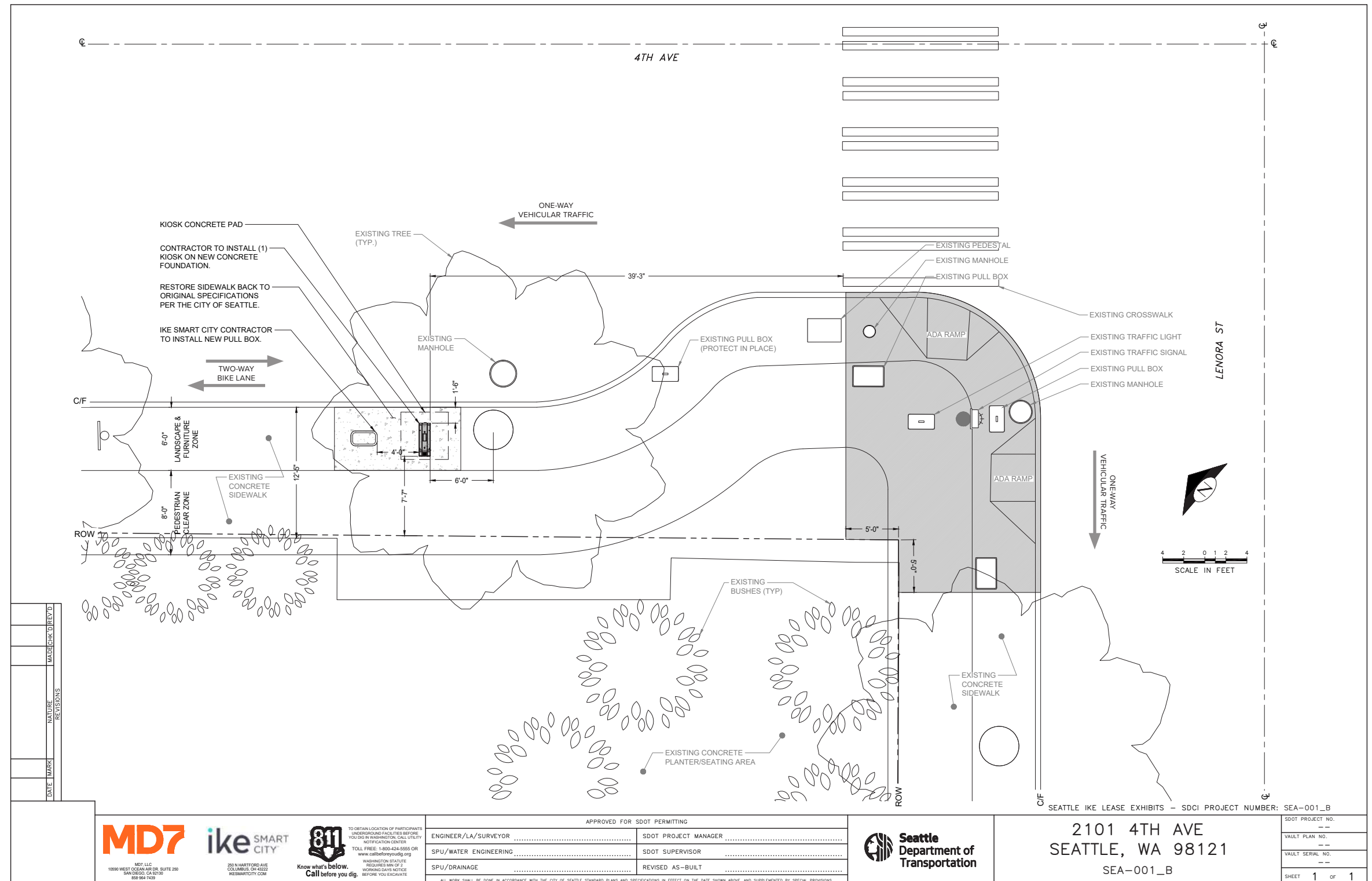
Office

## Curb Use:

## Protected Bike Lane / Parking

## Bicycle Facilities:

## 2-Way Protected Bike Lane





# A. 4TH & LENORA | VISUALIZATIONS

## CONTEXT

**Description:**  
One-way street with two way protected bike lane on left side of road

**Proximity to Intersection:**  
30 feet

**Zoning:**  
DMC 240/290-440

**Street Type:**  
Downtown

**Land Use:**  
Office

**Curb Use:**  
Protected Bike Lane / Parking

**Bicycle Facilities:**  
2-Way Protected Bike Lane



**SIDEWALK VIEW** (Distance 70'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 70'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 60'; Effective Focal Length: 36mm)



**BLOCK VIEW** (Distance 110'; Effective Focal Length: 30mm)



# A. 4TH & LENORA | NIGHT-TIME VISUALIZATIONS

## CONTEXT

**Description:**  
One-way street with two way protected bike lane on left side of road

**Proximity to Intersection:**  
30 feet

**Zoning:**  
DMC 240/290-440

**Street Type:**  
Downtown

**Land Use:**  
Office

**Curb Use:**  
Protected Bike Lane / Parking

**Bicycle Facilities:**  
2-Way Protected Bike Lane



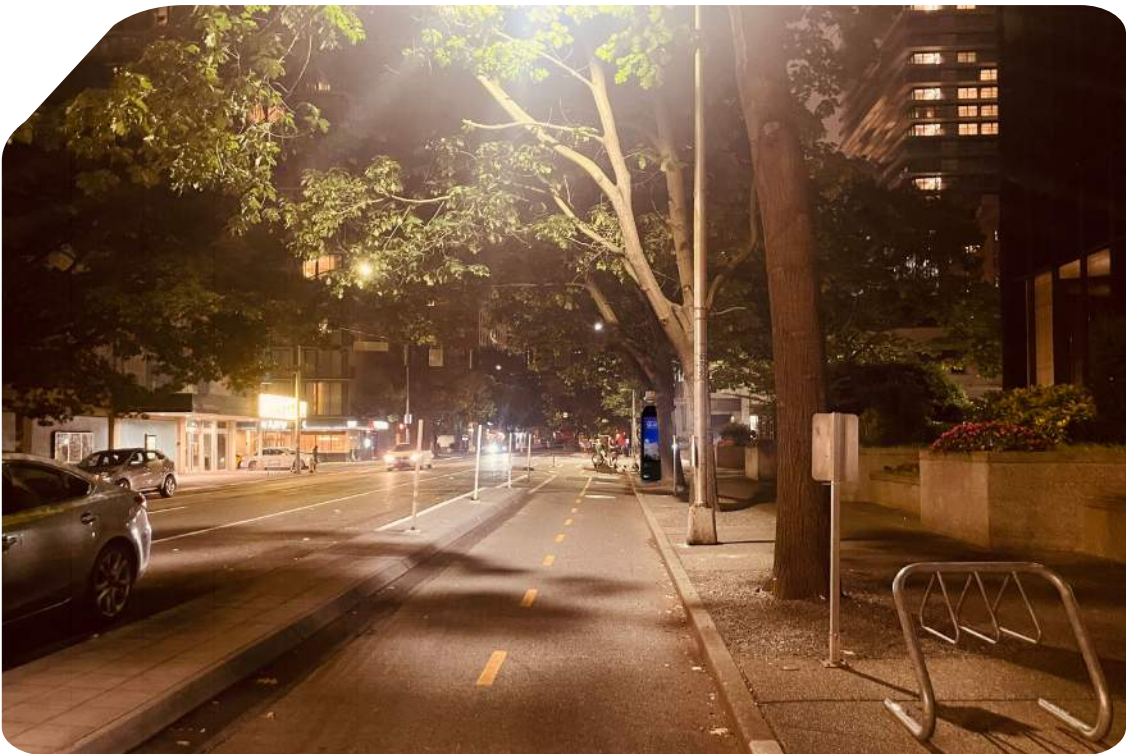
**SIDEWALK VIEW** (Distance 70'; Effective Focal Length: 14mm)



**STREET / BIKE VIEW** (Distance 70'; Effective Focal Length: 21mm)



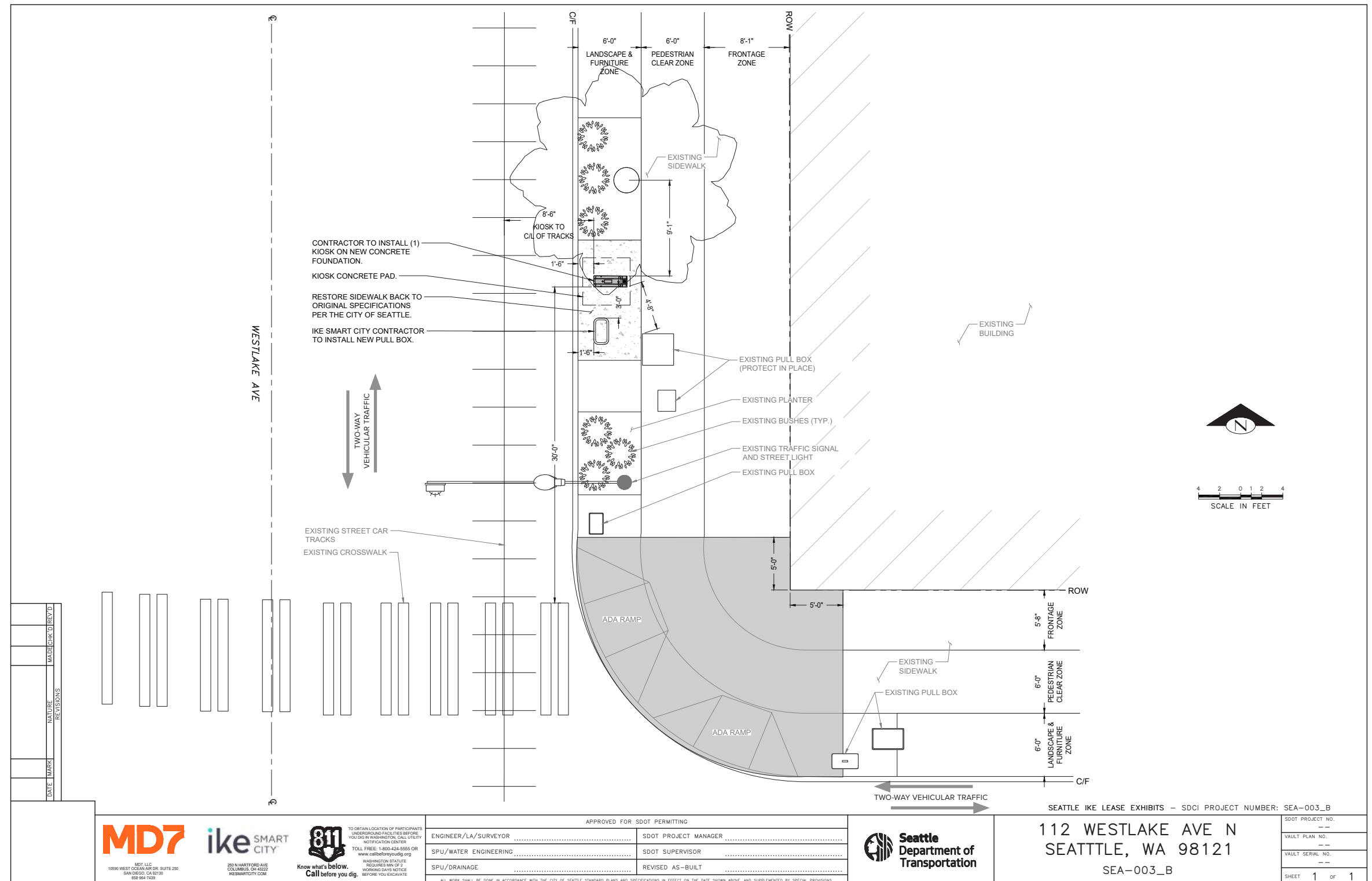
**OPPOSING VIEW** (Distance 60'; Effective Focal Length: 16mm)



**BLOCK VIEW** (Distance 110'; Effective Focal Length: 26mm)



**Bicycle Facilities:**  
None





B. WESTLAKE & DENNY | VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with transit  
lanes each side of street

**Proximity to Intersection:**  
30 feet

**Zoning:**  
SM-SLU 240/125-440

**Street Type:**  
Urban Village Main

**Land Use:**  
Mixed Use

**Curb Use:**  
Transit Lane

**Bicycle Facilities:**  
None



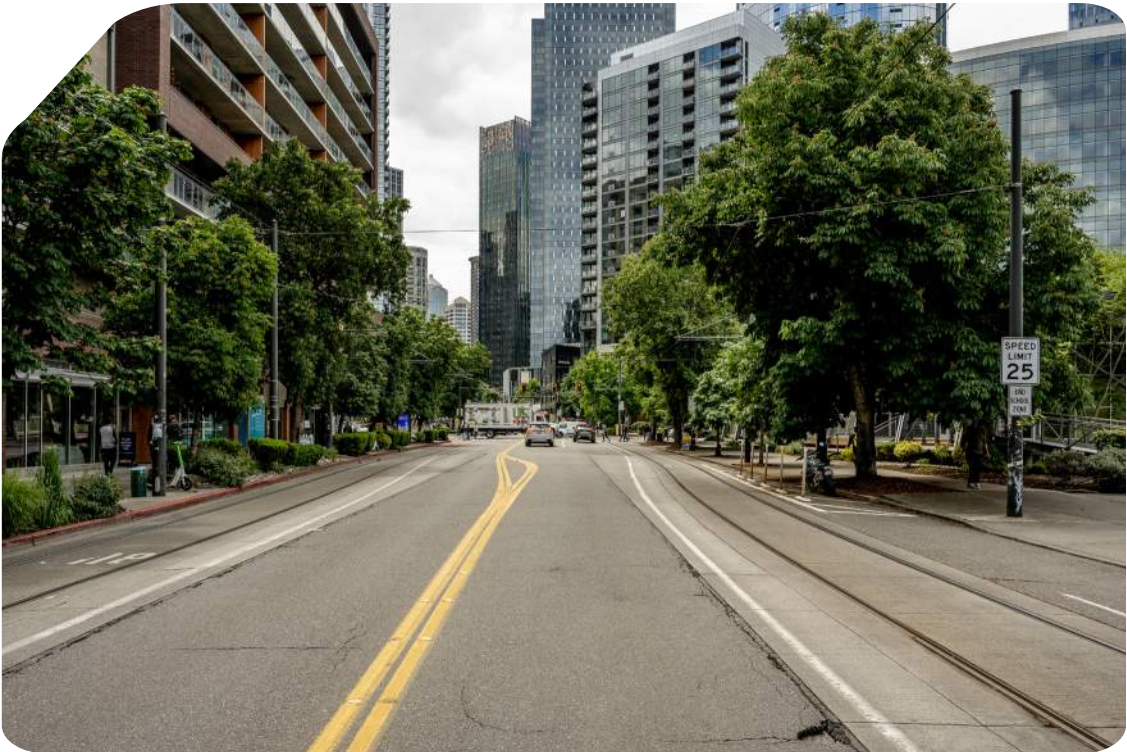
**SIDEWALK VIEW** (Distance 80'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 110'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 150'; Effective Focal Length: 32mm)



**BLOCK VIEW** (Distance 200'; Effective Focal Length: 28mm)



B. WESTLAKE & DENNY | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with transit  
lanes each side of street

**Proximity to Intersection:**  
30 feet

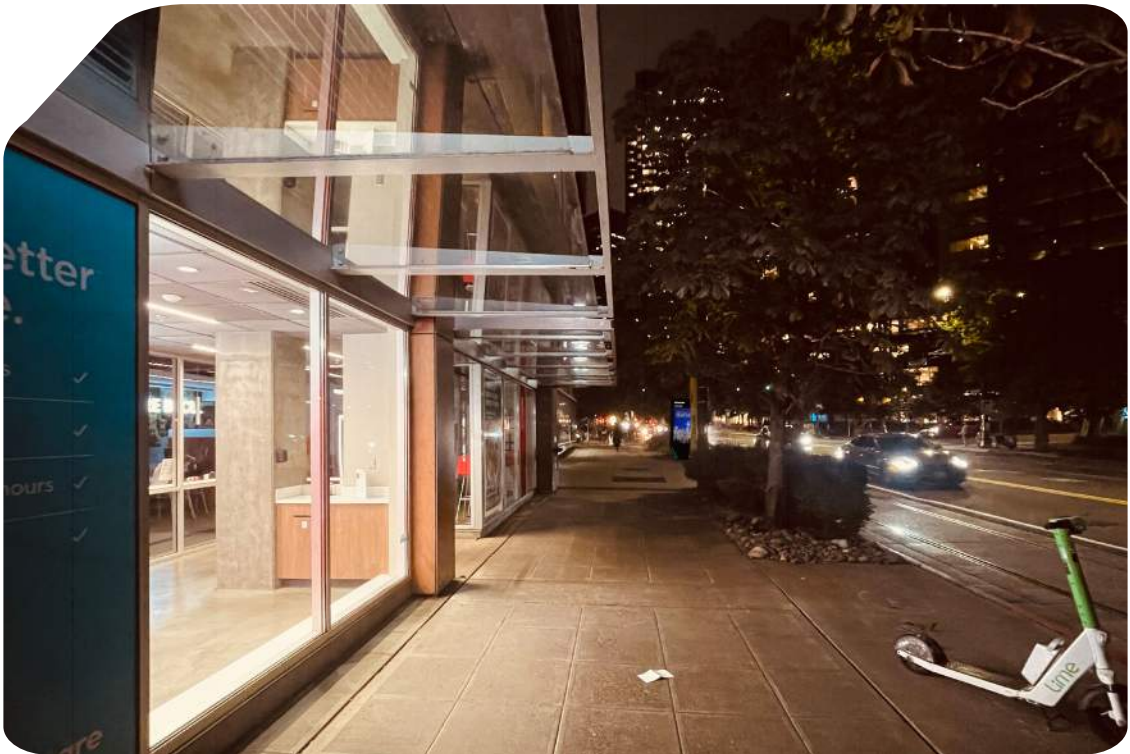
**Zoning:**  
SM-SLU 240/125-440

**Street Type:**  
Urban Village Main

**Land Use:**  
Mixed Use

**Curb Use:**  
Transit Lane

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 80'; Effective Focal Length: 17mm)



**STREET / BIKE VIEW** (Distance 110'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 150'; Effective Focal Length: 17mm)



**BLOCK VIEW** (Distance 200'; Effective Focal Length: 26mm)



## 2-Way Protected Bike Lane





C. 4TH & UNION @ 30' | VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
30 feet

**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane on left side of road



**SIDEWALK VIEW** (Distance 52'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 50'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 110'; Effective Focal Length: 24mm)



**BLOCK VIEW** (Distance 90'; Effective Focal Length: 24mm)



C. 4TH & UNION @ 30' | NIGHT-TIME VISUALIZATIONS

CONTEXT

- Description:**  
One-way street with two-way protected bike lane on left side of road
- Proximity to Intersection:**  
30 feet
- Zoning:**  
DOC1 U/450-U
- Street Type:**  
Downtown
- Land Use:**  
Retail, Mixed
- Curb Use:**  
Protected Bike Lane / Travel Lane
- Bicycle Facilities:**  
2-Way Protected Bike Lane on left side of road



**SIDEWALK VIEW** (Distance 52'; Effective Focal Length: 17mm)



**STREET / BIKE VIEW** (Distance 50'; Effective Focal Length: 21mm)



**OPPOSING VIEW** (Distance 110'; Effective Focal Length: 26mm)



**BLOCK VIEW** (Distance 90'; Effective Focal Length: 26mm)



C. 4TH & UNION @ 50' | PLAN

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
50 feet

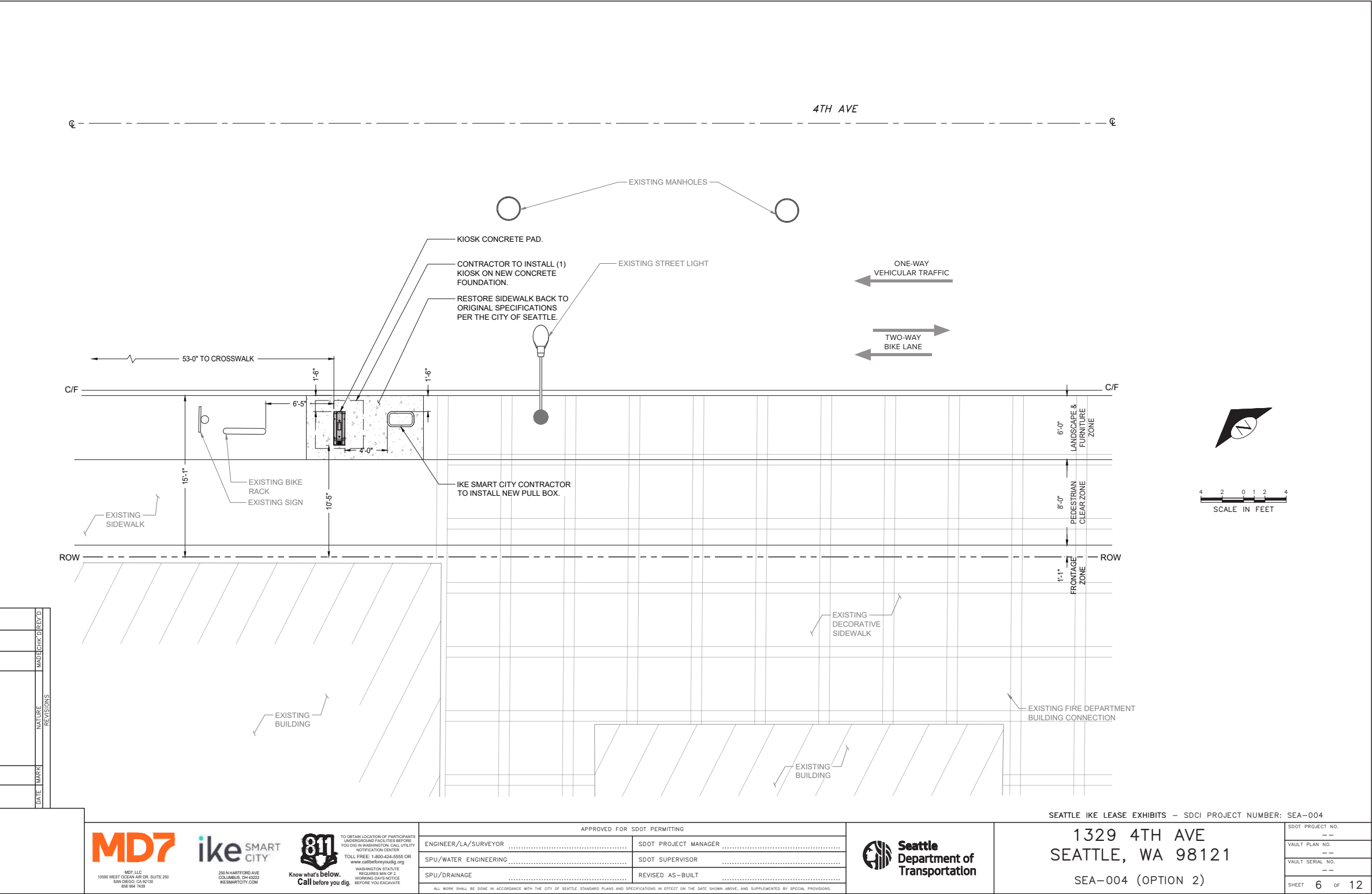
**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane on left side of road





C. 4TH & UNION @ 50' | VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
50 feet

**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane on left side of road



**SIDEWALK VIEW** (Distance 32'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 30'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 100'; Effective Focal Length: 24mm)



**BLOCK VIEW** (Distance 70'; Effective Focal Length: 24mm)



C. 4TH & UNION @ 50' | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
50 feet

**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

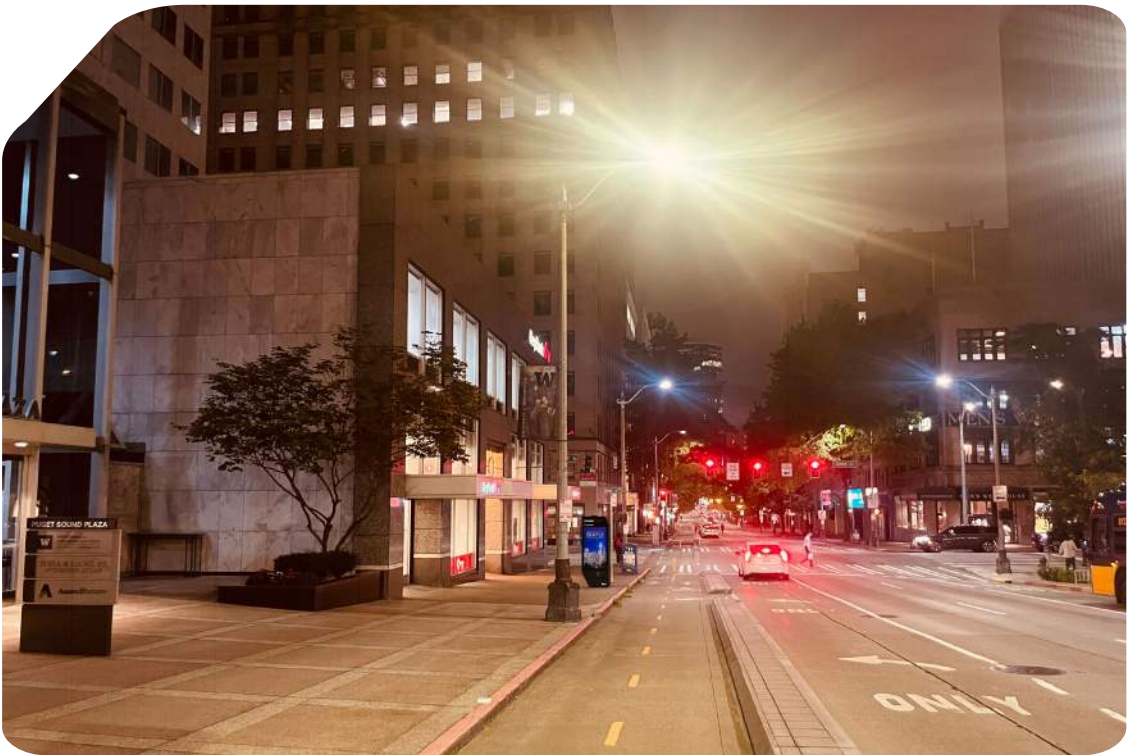
**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane on left side of road



**SIDEWALK VIEW** (Distance 32'; Effective Focal Length: 17mm)



**STREET / BIKE VIEW** (Distance 30'; Effective Focal Length: 21mm)



**OPPOSING VIEW** (Distance 100'; Effective Focal Length: 26mm)



**BLOCK VIEW** (Distance 70'; Effective Focal Length: 26mm)



C. 4TH & UNION @ MIDBLOCK | PLAN

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
Midblock

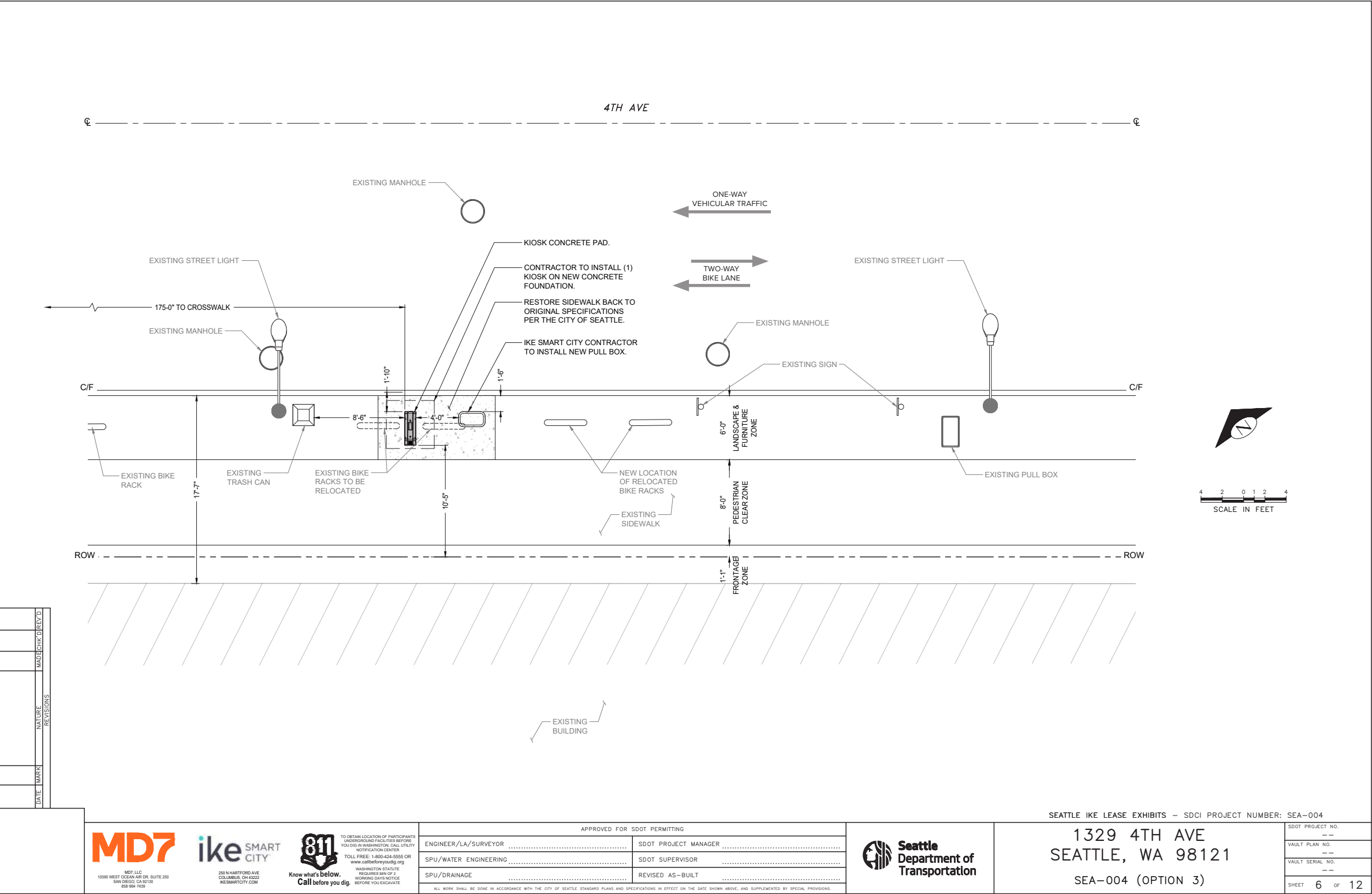
**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane





C. 4TH & UNION @ MIDBLOCK | VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
Midblock

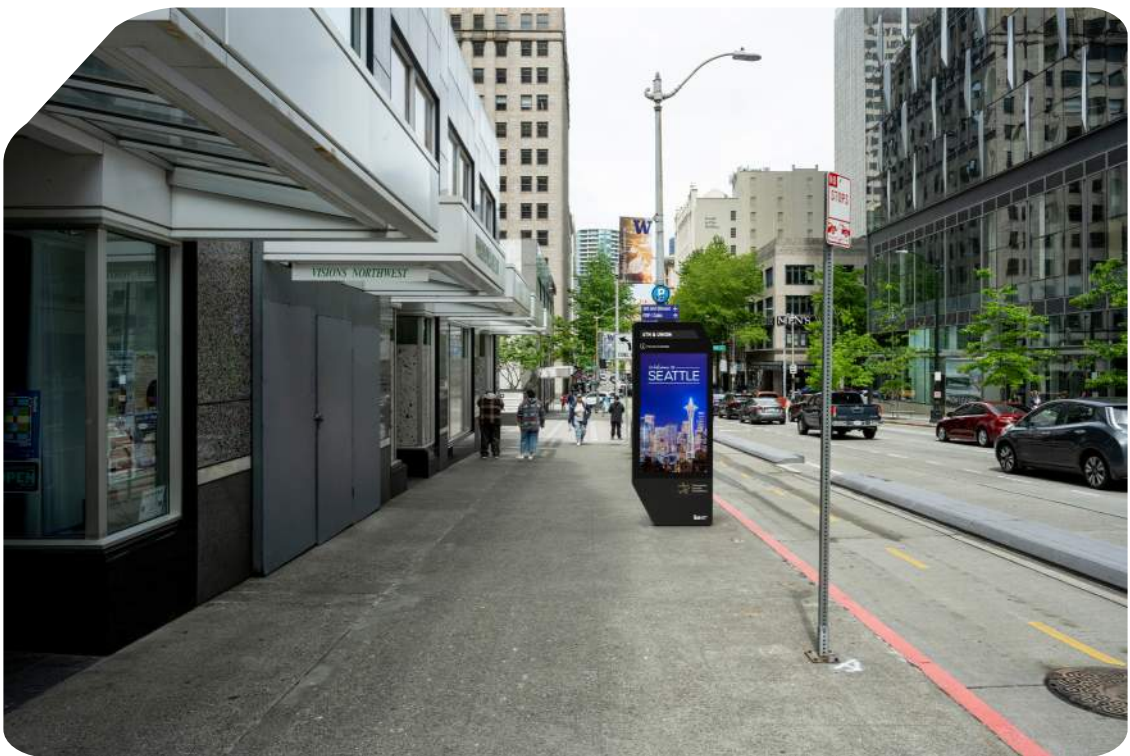
**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane



**SIDEWALK VIEW** (Distance 20'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 25'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 30'; Effective Focal Length: 24mm)



**BLOCK VIEW** (Distance 180'; Effective Focal Length: 24mm)



C. 4TH & UNION @ MIDBLOCK | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with two-way protected bike lane on left side of road

**Proximity to Intersection:**  
Midblock

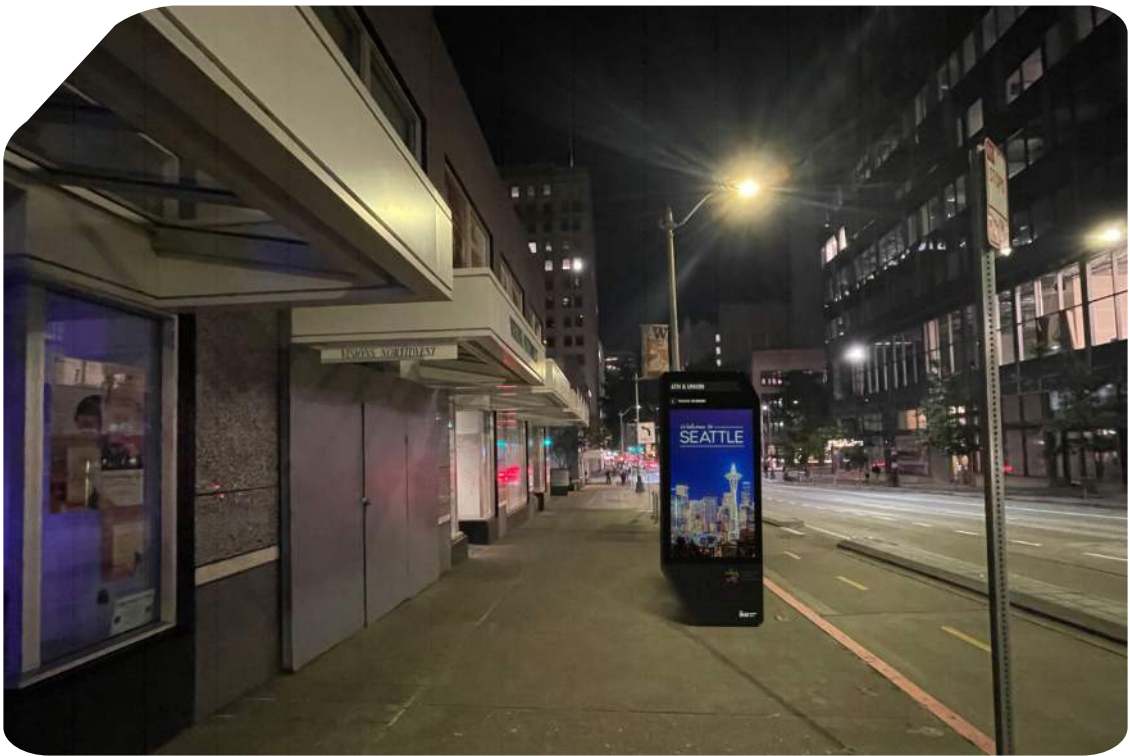
**Zoning:**  
DOC1 U/450-U

**Street Type:**  
Downtown

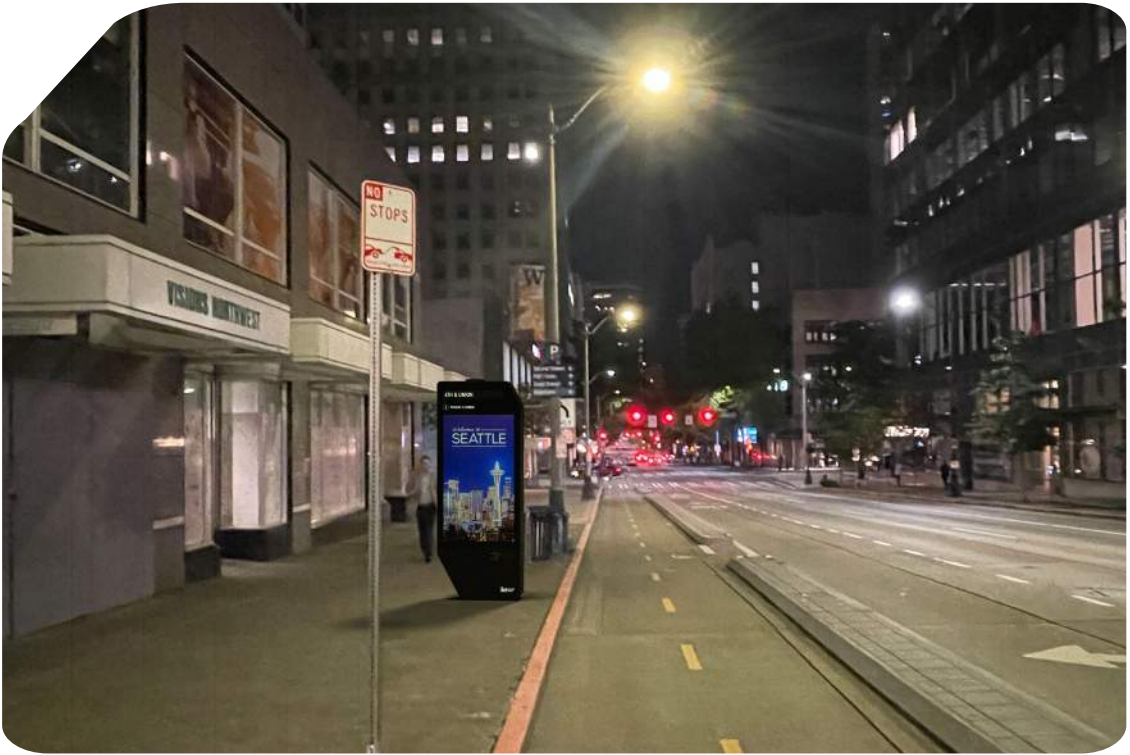
**Land Use:**  
Retail, Mixed

**Curb Use:**  
Protected Bike Lane / Travel Lane

**Bicycle Facilities:**  
2-Way Protected Bike Lane



**SIDEWALK VIEW** (Distance 20'; Effective Focal Length: 16mm)



**STREET / BIKE VIEW** (Distance 25'; Effective Focal Length: 25mm)



**OPPOSING VIEW** (Distance 30'; Effective Focal Length: 26mm)



**BLOCK VIEW** (Distance 180'; Effective Focal Length: 15mm)



D. 7TH & BLANCHARD | PLAN

CONTEXT

**Description:**  
Two-way street with parking  
one side of street

**Proximity to Intersection:**  
30 feet farside of intersection

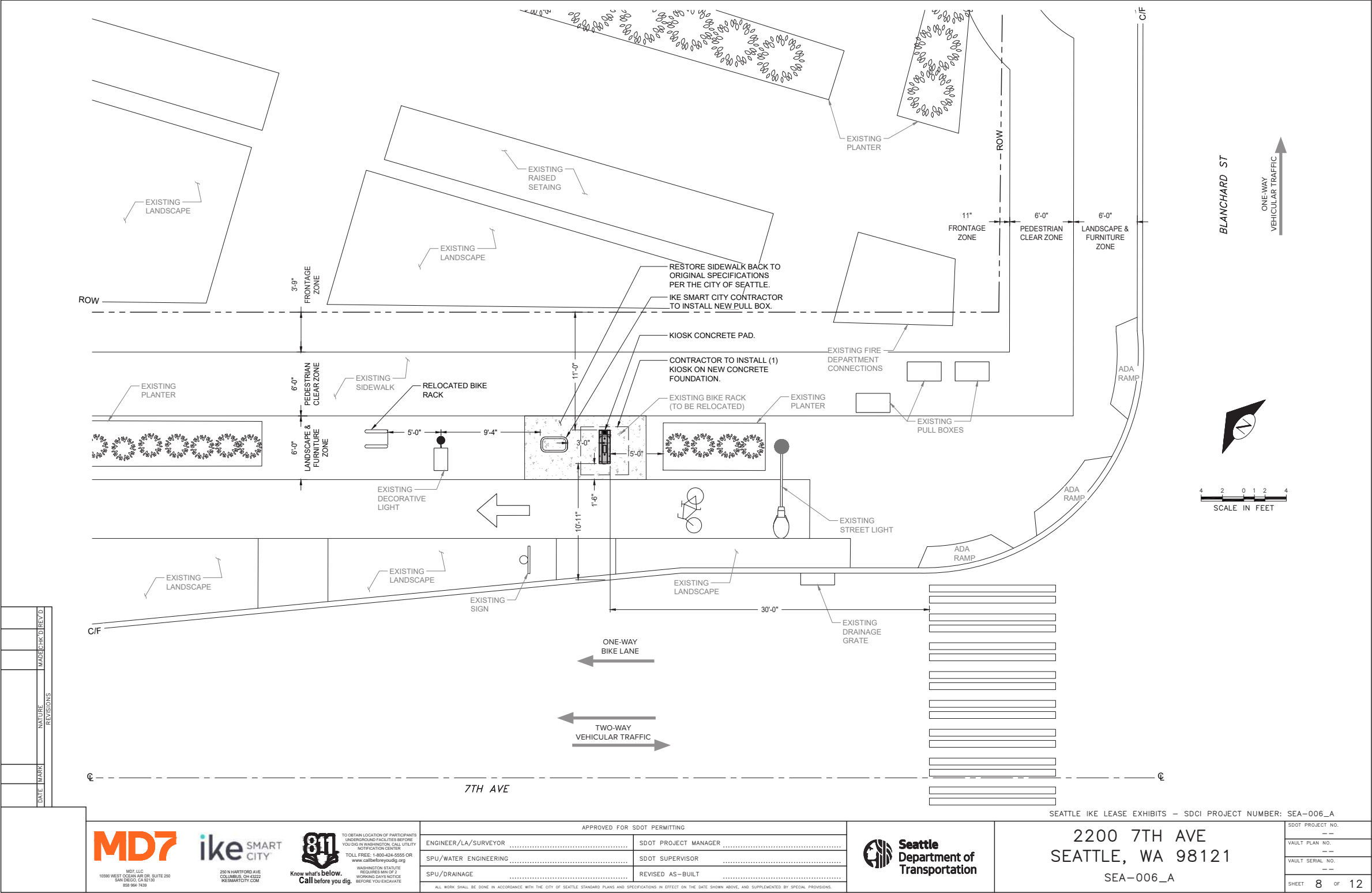
**Zoning:**  
DMC 340/290-440

**Street Type:**  
Downtown Neighborhood

**Land Use:**  
Office

**Curb Use:**  
Cycle Track / Travel Lane

**Bicycle Facilities:**  
Raised protected bike lane  
each side of street





D. 7TH & BLANCHARD | VISULIZATIONS

CONTEXT

**Description:**  
Two-way street with parking  
one side of street

**Proximity to Intersection:**  
30 feet farside of intersection

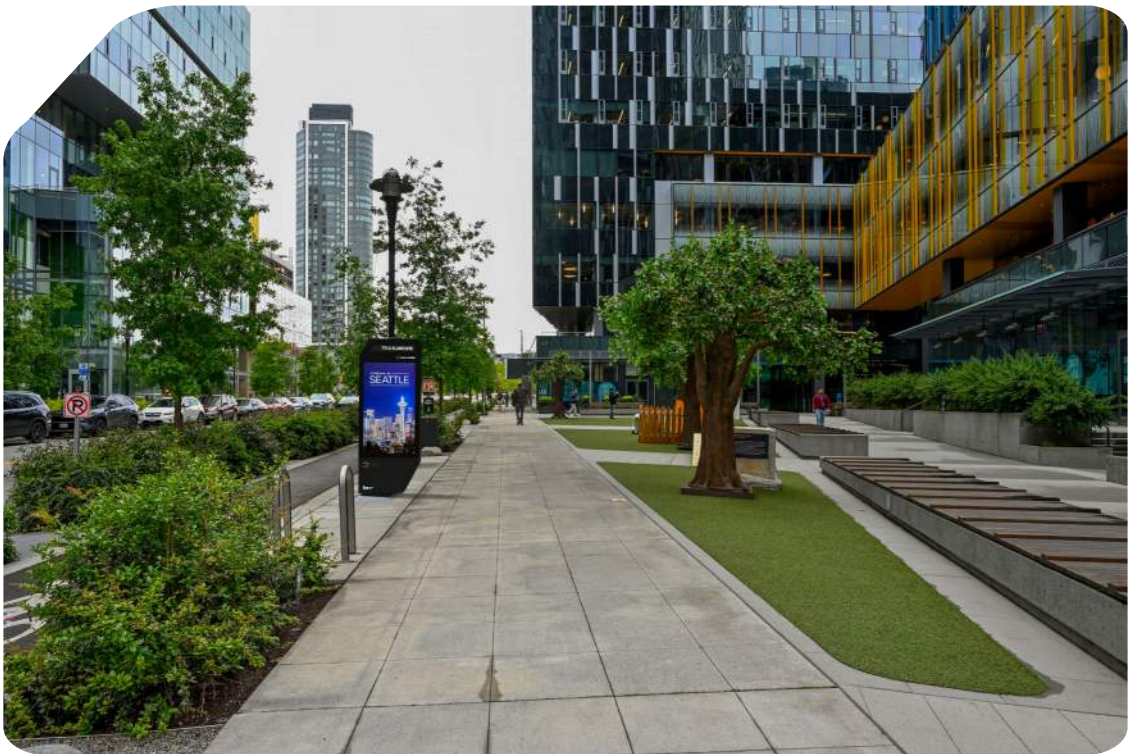
**Zoning:**  
DMC 340/290-440

**Street Type:**  
Downtown Neighborhood

**Land Use:**  
Office

**Curb Use:**  
Cycle Track / Travel Lane

**Bicycle Facilities:**  
Raised protected bike lane  
each side of street



**SIDEWALK VIEW** (Distance 65'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 30'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 120'; Effective Focal Length: 28mm)



**BLOCK VIEW** (Distance 100'; Effective Focal Length: 31.5mm)



D. 7TH & BLANCHARD | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with parking  
one side of street

**Proximity to Intersection:**  
30 feet farside of intersection

**Zoning:**  
DMC 340/290-440

**Street Type:**  
Downtown Neighborhood

**Land Use:**  
Office

**Curb Use:**  
Cycle Track / Travel Lane

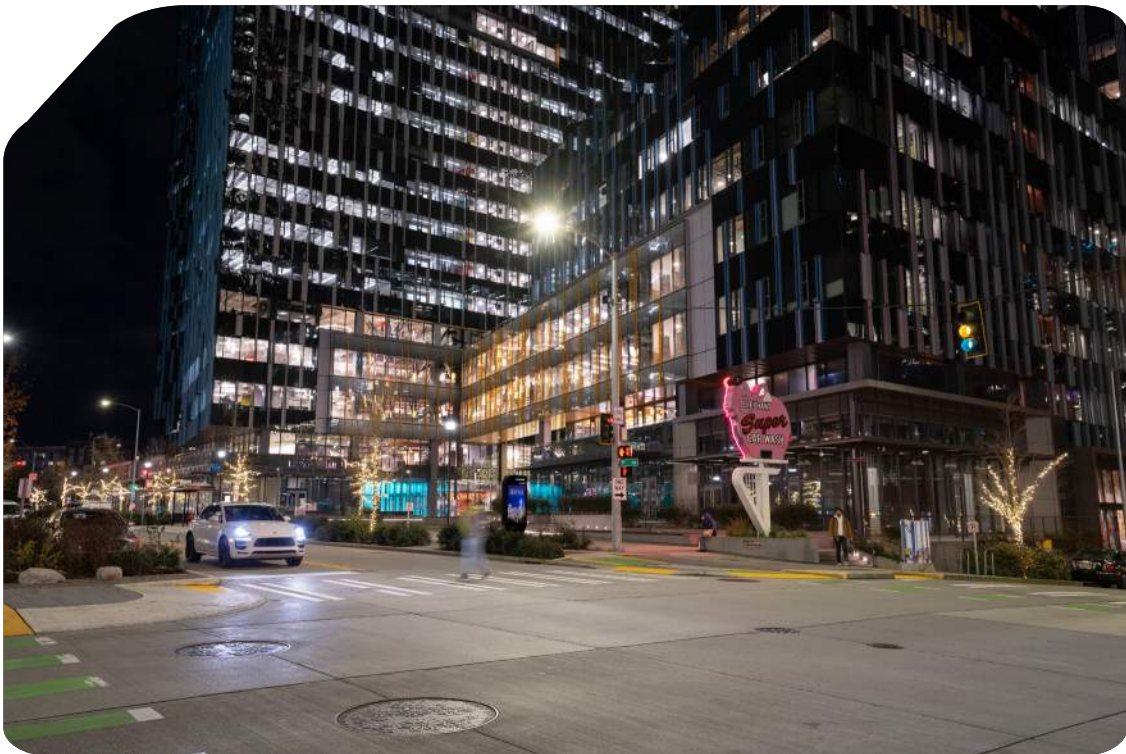
**Bicycle Facilities:**  
Raised protected bike lane  
each side of street



**SIDEWALK VIEW** (Distance 65'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 30'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 120'; Effective Focal Length: 28mm)



**BLOCK VIEW** (Distance 100'; Effective Focal Length: 26mm)



E. 2ND & VINE | PLAN

CONTEXT

**Description:**  
One-way street with on-street parking

**Proximity to Intersection:**  
30 feet

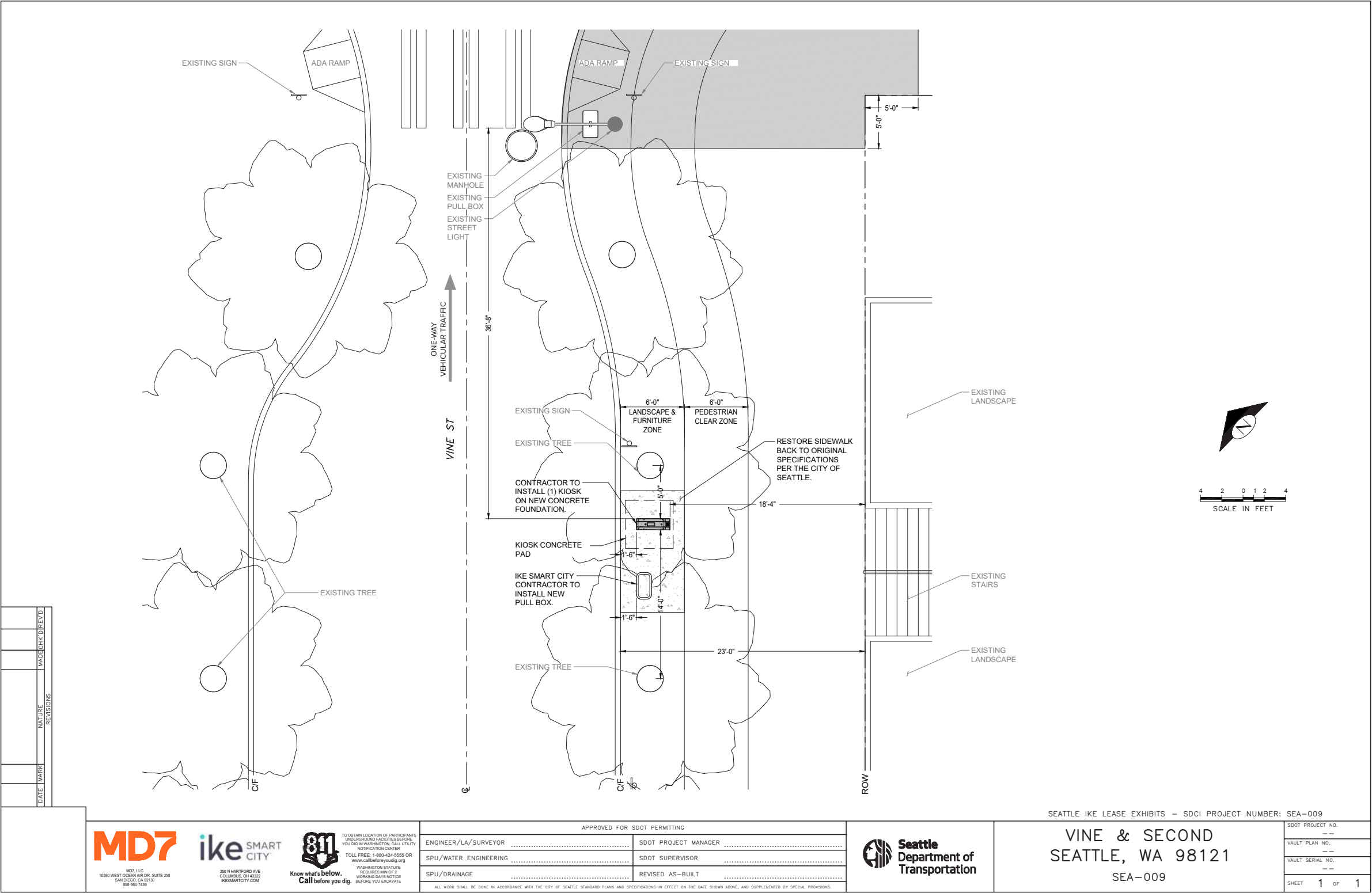
**Zoning:**  
DMR/R 280/65

**Street Type:**  
Downtown Neighborhood Access

**Land Use:**  
Residential, Mixed

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None





E. 2ND & VINE | VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with on-street parking

**Proximity to Intersection:**  
30 feet

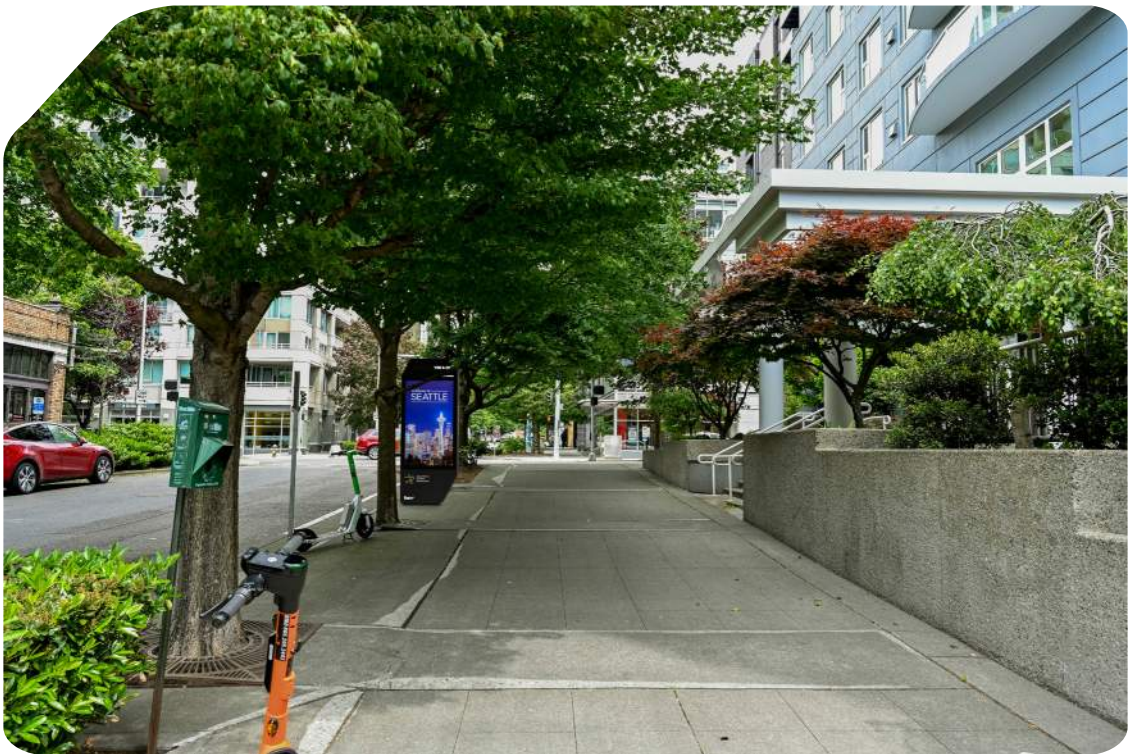
**Zoning:**  
DMR/R 280/65

**Street Type:**  
Downtown Neighborhood  
Access

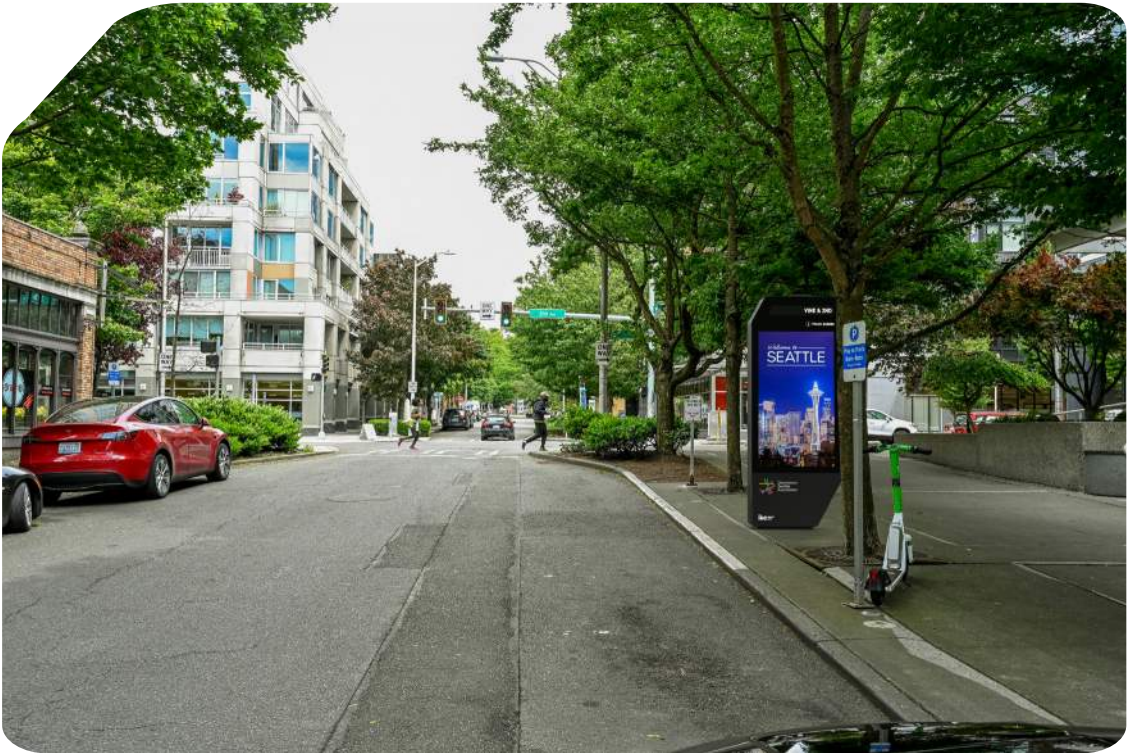
**Land Use:**  
Residential, Mixed

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 70'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 30'; Effective Focal Length: 29mm)



**OPPOSING VIEW** (Distance 110'; Effective Focal Length: 33.5mm)



**BLOCK VIEW** (Distance 80'; Effective Focal Length: 24mm)



E. 2ND & VINE | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with on-street parking

**Proximity to Intersection:**  
30 feet

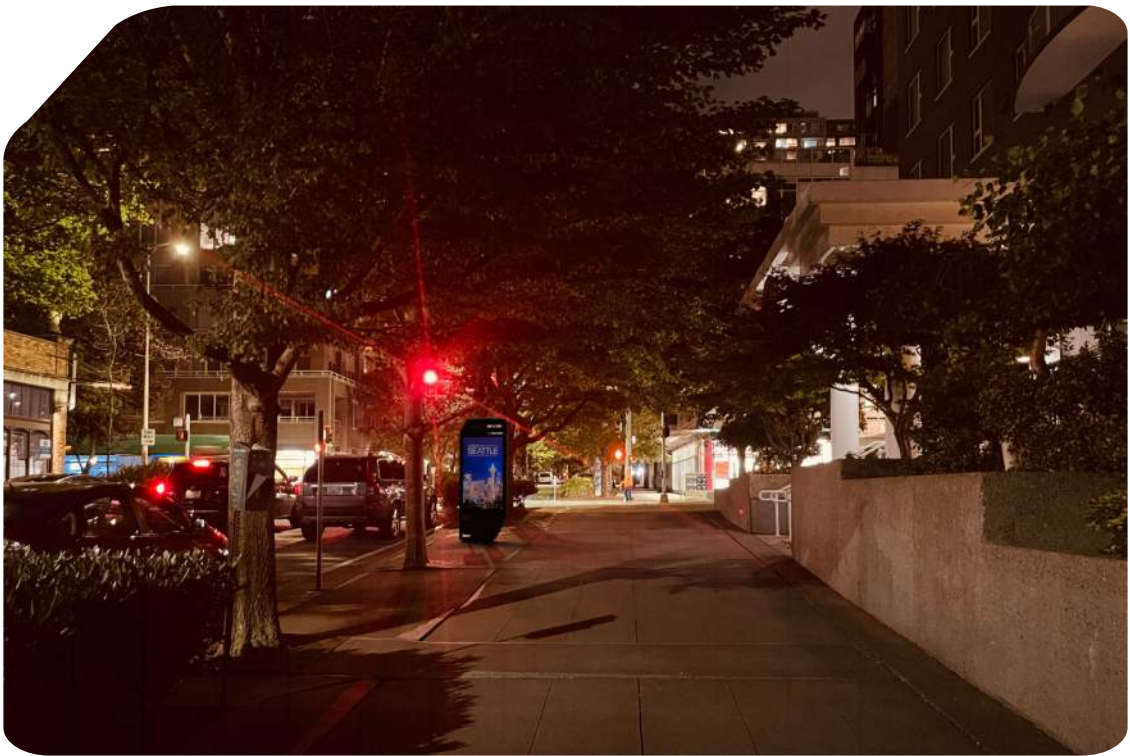
**Zoning:**  
DMR/R 280/65

**Street Type:**  
Downtown Neighborhood  
Access

**Land Use:**  
Residential, Mixed

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 70'; Effective Focal Length: 30mm)



**STREET / BIKE VIEW** (Distance 30'; Effective Focal Length: 31mm)



**OPPOSING VIEW** (Distance 110'; Effective Focal Length: 35mm)



**BLOCK VIEW** (Distance 80'; Effective Focal Length: 31mm)



## Two-way Protected Bike Lane





F. 2ND & BELL | VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with two-way protected bike land on left side of road

**Proximity to Intersection:**  
30 feet

**Zoning:**  
DMR/R 95/65

**Street Type:**  
Downtown

**Land Use:**  
Mixed Use

**Curb Use:**  
Parking

**Bicycle Facilities:**  
Two-way Protected Bike Lane



**SIDEWALK VIEW** (Distance 40'; Effective Focal Length: 30.5mm)



**STREET VIEW** (Distance 20'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 60'; Effective Focal Length: 26.5mm)



**BLOCK VIEW** (Distance 100'; Effective Focal Length: 33.5mm)



F. 2ND & BELL | NIGHT-TIME VISUALIZATIONS

CONTEXT

- Description:**  
One-way street with two-way protected bike land on left side of road
- Proximity to Intersection:**  
30 feet
- Zoning:**  
DMR/R 95/65
- Street Type:**  
Downtown
- Land Use:**  
Mixed Use
- Curb Use:**  
Parking
- Bicycle Facilities:**  
Two-way Protected Bike Lane



**SIDEWALK VIEW** (Distance 40'; Effective Focal Length: 20mm)



**STREET VIEW** (Distance 20'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 60'; Effective Focal Length: 14mm)



**BLOCK VIEW** (Distance 100'; Effective Focal Length: 20mm)



G. HARRISON & 1ST | PLAN

CONTEXT

**Description:**  
Two-way street with on-street parking

**Proximity to Intersection:**  
30 feet

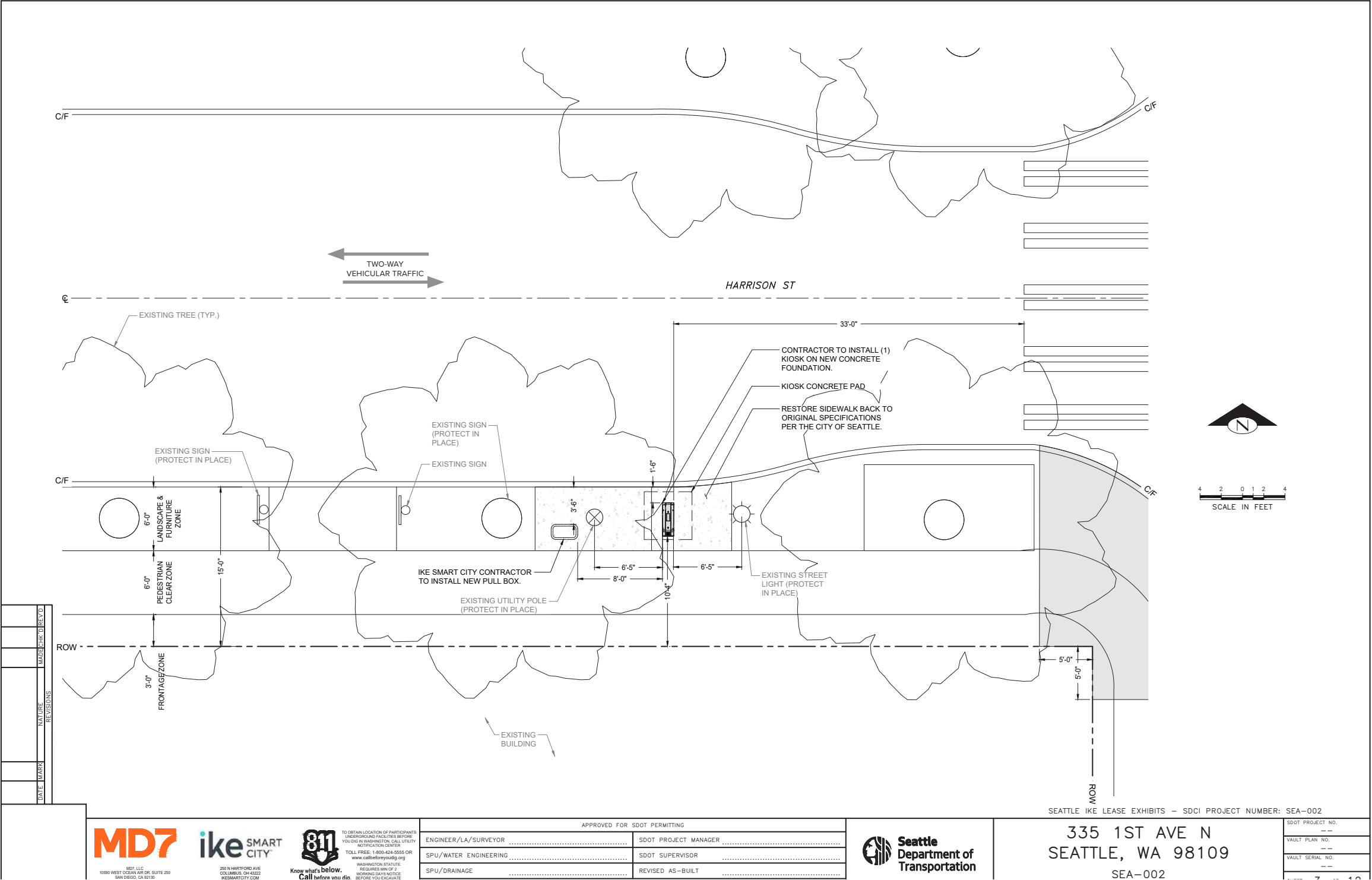
**Zoning:**  
SM-UP 85 (M)

**Street Type:**  
Urban Village Neighborhood Access

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None





G. HARRISON & 1ST | VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with on-street parking

**Proximity to Intersection:**  
30 feet

**Zoning:**  
SM-UP 85 (M)

**Street Type:**  
Urban Village Neighborhood  
Access

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 25'; Effective Focal Length: 34mm)



**STREET / BIKE VIEW** (Distance 100'; Effective Focal Length: 26.5mm)



**OPPOSING VIEW** (Distance 80'; Effective Focal Length: 34.5mm)



**BLOCK VIEW** (Distance 200'; Effective Focal Length: 28.5mm)



G. HARRISON & 1ST | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with on-street parking

**Proximity to Intersection:**  
30 feet

**Zoning:**  
SM-UP 85 (M)

**Street Type:**  
Urban Village Neighborhood Access

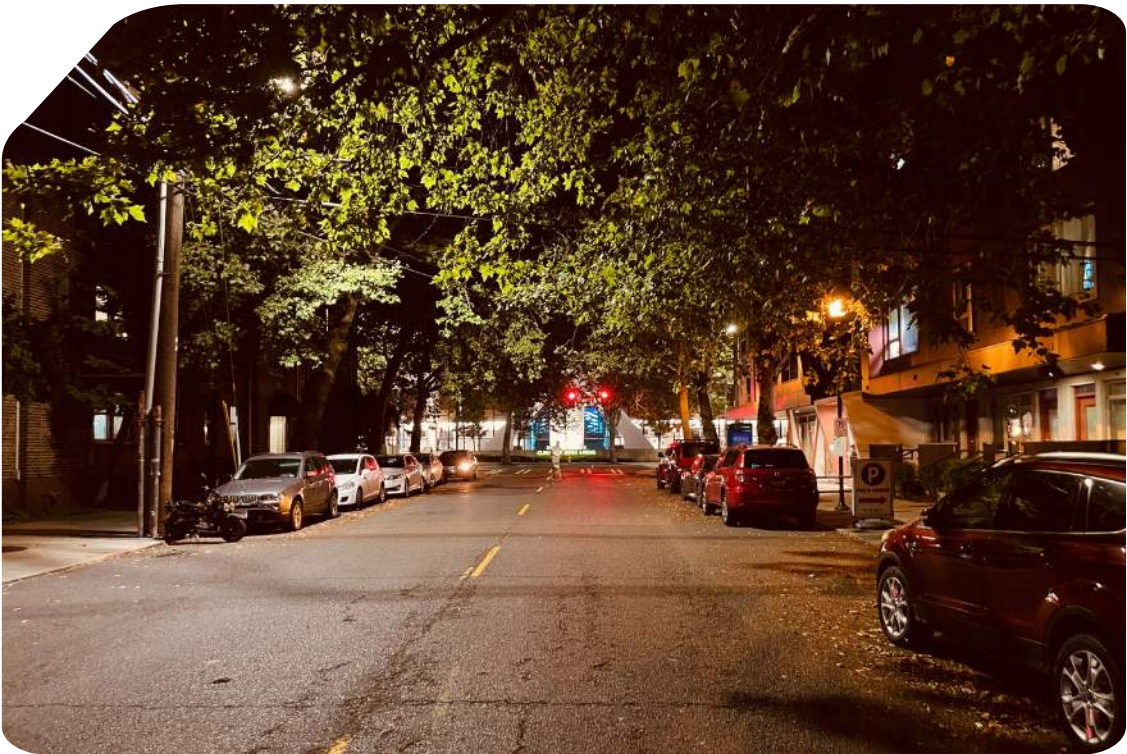
**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 25'; Effective Focal Length: 29mm)



**STREET / BIKE VIEW** (Distance 100'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 80'; Effective Focal Length: 34mm)



**BLOCK VIEW** (Distance 200'; Effective Focal Length: 26mm)



H. MARKET & 22ND | PLAN

CONTEXT

**Description:**  
Two-way street with on-street parking

**Proximity to Intersection:**  
30 feet

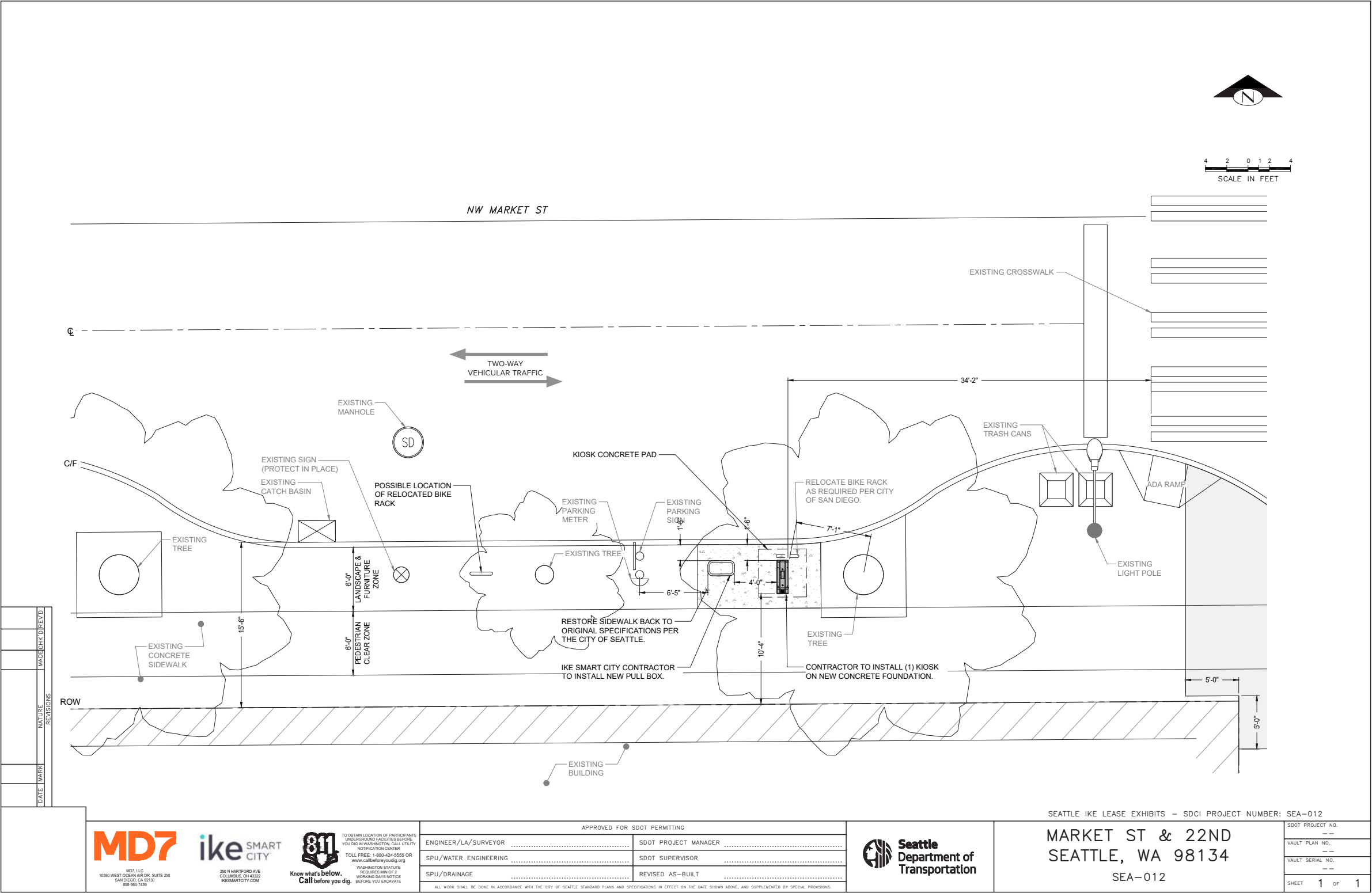
**Zoning:**  
Neighborhood Commercial NC3P-75 (M)

**Street Type:**  
Urban Village Neighborhood

**Land Use:**  
Retail

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None





H. MARKET & 22ND | VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with on-street parking

**Proximity to Intersection:**  
30 feet

**Zoning:**  
Neighborhood Commercial  
NC3P-75 (M)

**Street Type:**  
Urban Village Neighborhood

**Land Use:**  
Retail

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 60'; Effective Focal Length: 24mm)



**STREET VIEW** (Distance 120'; Effective Focal Length: 43mm)



**OPPOSING VIEW** (Distance 75'; Effective Focal Length: 24mm)



**BLOCK VIEW** (Distance 175'; Effective Focal Length: 42mm)



H. MARKET & 22ND | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with on-street parking

**Proximity to Intersection:**  
30 feet

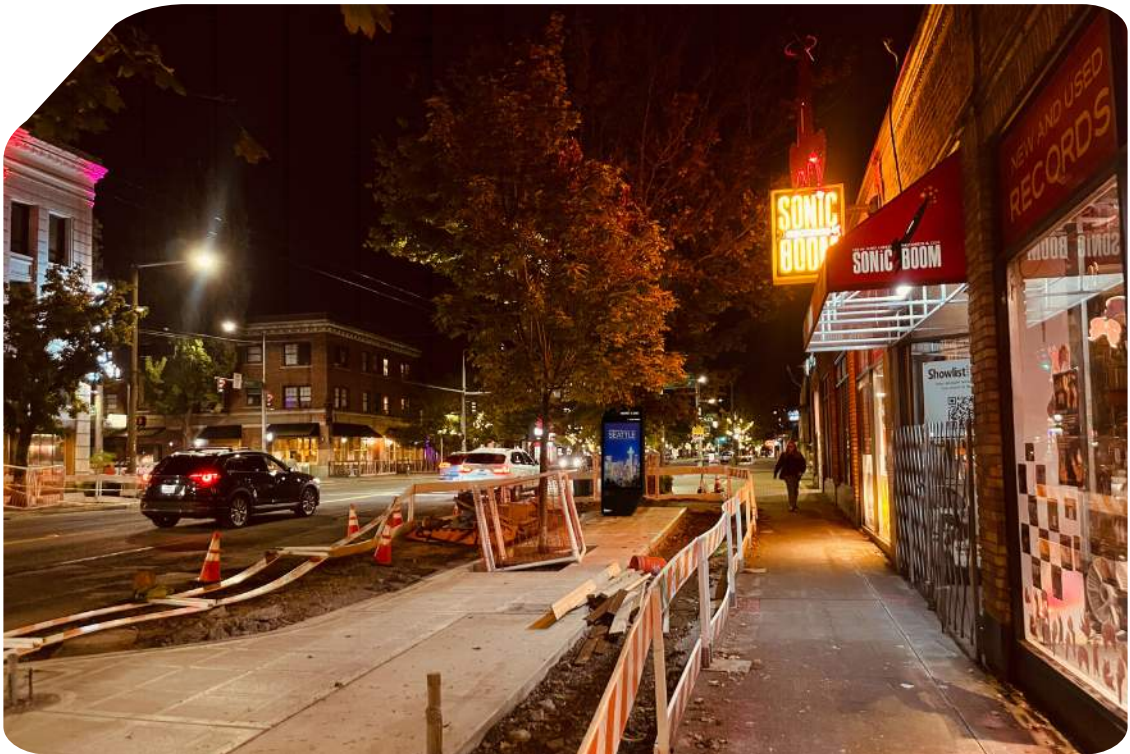
**Zoning:**  
Neighborhood Commercial  
NC3P-75 (M)

**Street Type:**  
Urban Village Neighborhood

**Land Use:**  
Retail

**Curb Use:**  
Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 60'; Effective Focal Length: 26mm)



**STREET VIEW** (Distance 120'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 75'; Effective Focal Length: 21mm)



**BLOCK VIEW** (Distance 175'; Effective Focal Length: 26mm)



I. DAVE NIEHAUS & S ROYAL BROUGHAM | PLAN

CONTEXT

Description:

Two-way street with no parking

Proximity to Intersection:

30 feet

Zoning:

Industrial  
UI U/85

Street Type:

Industrial Access

Land Use:

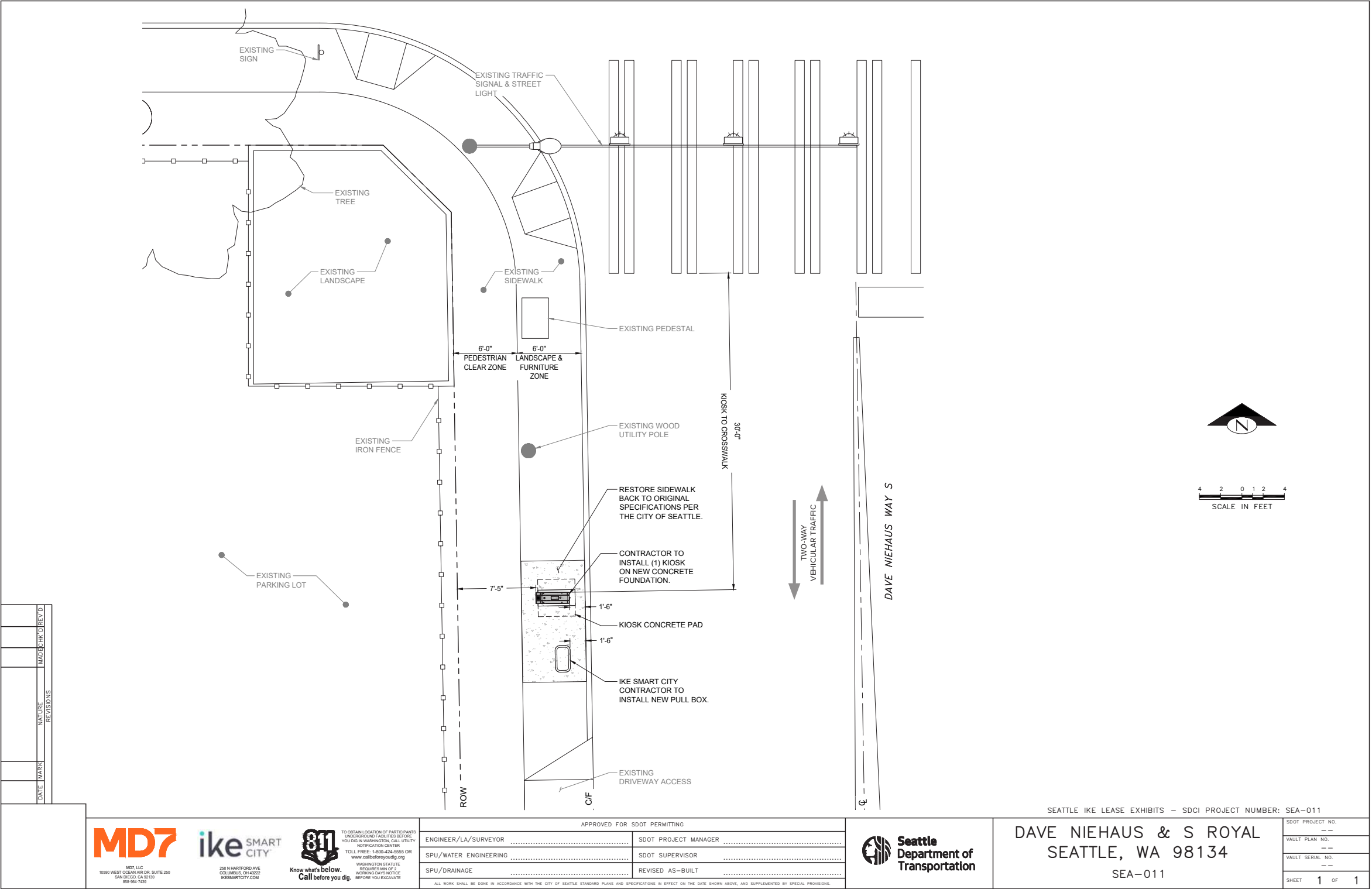
Industrial / Retail

Curb Use:

Travel

Bicycle Facilities:

None





I. DAVE NIEHAUS & S ROYAL BROUGHAM | VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with no parking

**Proximity to Intersection:**  
30 feet

**Zoning:**  
Industrial  
UI U/85

**Street Type:**  
Industrial Access

**Land Use:**  
Industrial / Retail

**Curb Use:**  
Travel

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 20'; Effective Focal Length: 24mm)



**STREET / BIKE VIEW** (Distance 60'; Effective Focal Length: 24mm)



**OPPOSING VIEW** (Distance 150'; Effective Focal Length: 44mm)



**BLOCK VIEW** (Distance 150'; Effective Focal Length: 41mm)



# I. DAVE NIEHAUS & S ROYAL BROUGHAM | NIGHT-TIME VISUALIZATIONS

## CONTEXT

**Description:**  
Two-way street with no parking

**Proximity to Intersection:**  
30 feet

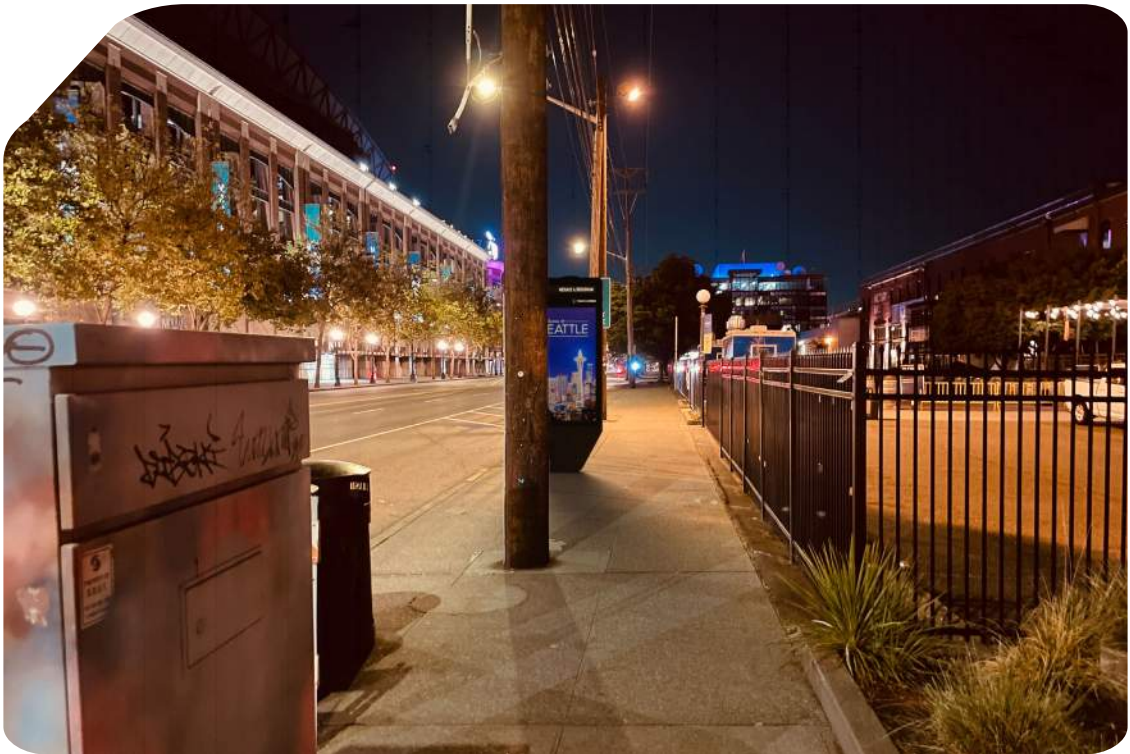
**Zoning:**  
Industrial  
UI U/85

**Street Type:**  
Industrial Access

**Land Use:**  
Industrial / Retail

**Curb Use:**  
Travel

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 20'; Effective Focal Length: 26mm)



**STREET / BIKE VIEW** (Distance 60'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 150'; Effective Focal Length: 34mm)



**BLOCK VIEW** (Distance 150'; Effective Focal Length: 26mm)



## J. ROOSEVELT & 47TH (U DISTRICT BIA) | PLAN

## CONTEXT

### Description:

## One-way street with parking and one-way protected bike lane

### Proximity to Intersection:

30 feet

## Zoning:

Seattle Mixed  
SM-U 75-240

**Street Type:**

## Urban Village Main

**Land Use:**

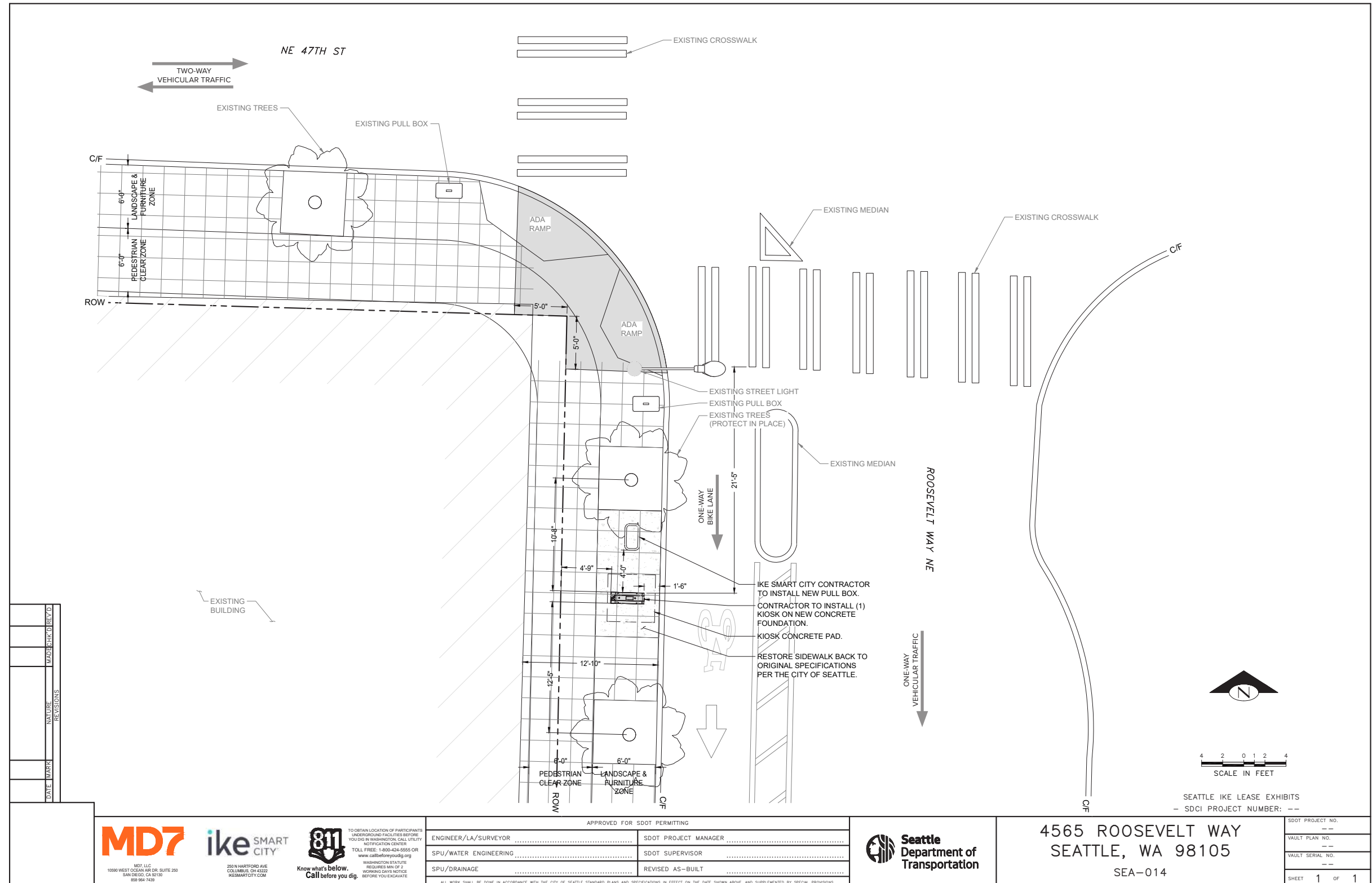
## Residential / Mixed Use

## Curb Use:

## Parking & Bike Lane

## Bicycle Facilities:

## One-Way Protected Bike Lane





# J. ROOSEVELT & 47TH (U DISTRICT BIA) | VISUALIZATIONS

## CONTEXT

**Description:**  
One-way street with parking and one-way protected bike lane

**Proximity to Intersection:**  
20 feet

**Zoning:**  
Seattle Mixed  
SM-U 75-240

**Street Type:**  
Urban Village Main

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Parking & Bike Lane

**Bicycle Facilities:**  
One-Way Protected Bike Lane



**SIDEWALK VIEW** (Distance 30'; Effective Focal Length: 52mm)



**STREET VIEW** (Distance 70'; Effective Focal Length: 52mm)



**OPPOSING VIEW** (Distance 50'; Effective Focal Length: 52mm)



**BLOCK VIEW** (Distance 130'; Effective Focal Length: 26mm)



J. ROOSEVELT & 47TH (U DISTRICT BIA) | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
One-way street with parking and one-way protected bike lane

**Proximity to Intersection:**  
20 feet

**Zoning:**  
Seattle Mixed  
SM-U 75-240

**Street Type:**  
Urban Village Main

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Parking & Bike Lane

**Bicycle Facilities:**  
One-Way Protected Bike Lane



**SIDEWALK VIEW** (Distance 30'; Effective Focal Length: 52mm)



**STREET VIEW** (Distance 70'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 50'; Effective Focal Length: 26mm)



**BLOCK VIEW** (Distance 130'; Effective Focal Length: 16mm)



K. CALIFORNIA & ALASKA (WEST SEATTLE BIA) | PLAN

CONTEXT

**Description:**  
One-way street with parking and one-way protected bike lane

**Proximity to Intersection:**  
30 feet

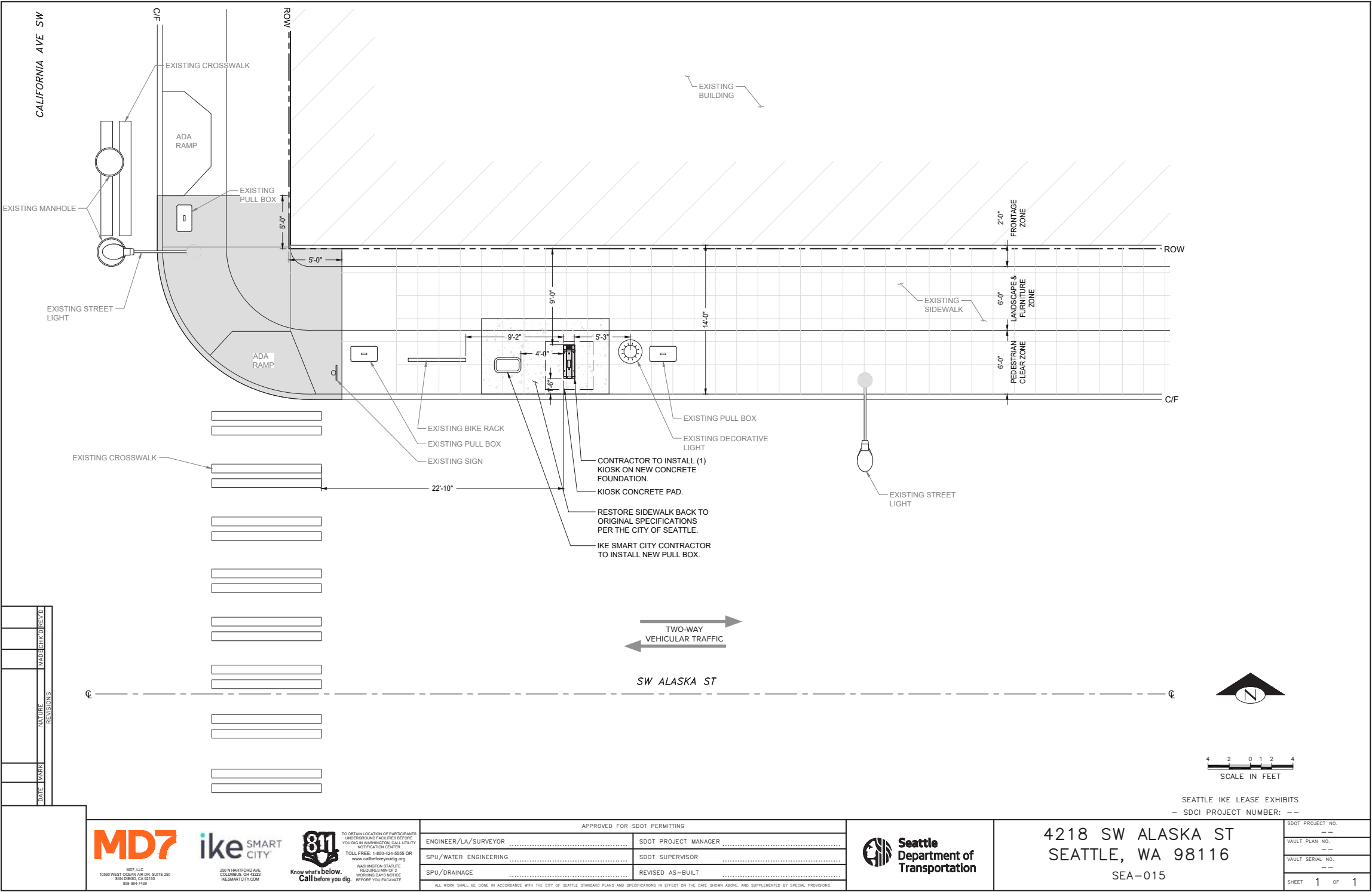
**Zoning:**  
Neighborhood Commercial NC3P-95

**Street Type:**  
Urban Village Neighborhood

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Travel Lane & Parking

**Bicycle Facilities:**  
None





K. CALIFORNIA & ALASKA (WEST SEATTLE BIA) | VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with no parking

**Proximity to Intersection:**  
20 feet

**Zoning:**  
Neighborhood Commercial  
NC3P-95

**Street Type:**  
Urban Village Neighborhood

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Travel Lane & Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 30'; Effective Focal Length: 13mm)



**STREET VIEW** (Distance 150'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 100'; Effective Focal Length: 26mm)



**BLOCK VIEW** (Distance 50'; Effective Focal Length: 52mm)



K. CALIFORNIA & ALASKA (WEST SEATTLE BIA) | NIGHT-TIME VISUALIZATIONS

CONTEXT

**Description:**  
Two-way street with no parking

**Proximity to Intersection:**  
20 feet

**Zoning:**  
Neighborhood Commercial  
NC3P-95

**Street Type:**  
Urban Village Neighborhood

**Land Use:**  
Residential / Mixed Use

**Curb Use:**  
Travel Lane & Parking

**Bicycle Facilities:**  
None



**SIDEWALK VIEW** (Distance 30'; Effective Focal Length: 14mm)



**STREET VIEW** (Distance 150'; Effective Focal Length: 26mm)



**OPPOSING VIEW** (Distance 100'; Effective Focal Length: 30mm)



**BLOCK VIEW** (Distance 50'; Effective Focal Length: 48mm)







## APPENDIX B

# LOCATION GUIDELINES

### 1. Development of Location Guidelines

Device location guidelines have been developed utilizing the documents listed below.

- a. [Streets Illustrated](#) Street Right-Of-Way Improvements Manual provides clearance requirements for above and below grade elements.
- b. [Seamless Seattle](#) Wayfinding Program provides guidance on sign types, location methodologies and clutter reduction strategies.
- c. Transportation Technical Memorandum by Heffron Transportation, Inc. (3/20/2024) provides additional guidelines to reduce driver distraction.

### 2. Proposed Guidelines

Before installing individual Devices, the applicant shall submit to SDOT application materials evaluating consistency with all Location Guidelines outlined below and providing final location approval for the subject Device. Such application shall be submitted along with the construction permit documentation necessary to approve construction of the Device at the selected site.

The Location guidelines shall be as follows:

- 1) **SU Permit and Streets Illustrated:** Each Device location shall provide a Street Improvement Permit (SIP), or if more than one block is implicated a Utility Major permit (SUUMP), for review by the Seattle Department of Transportation (SDOT). The permit documents shall show that the Device installation will meet the following requirements:
  - a) Device is located no closer than 18" to face of curb and 12" to pedestrian clear zone.
  - b) Device and any associated equipment shall comply with the Americans with Disabilities Act (ADA).
  - c) Device footing installation will not interfere with existing below-grade utilities.
  - d) Device installation does not anticipate removal of existing street trees.
  - e) Device has at least 3 feet clear ground space on both sides
  - f) Device meets all other clearance requirements as documented in Seattle Streets Illustrated Street Right-Of-Way Improvements Manual.
- 2) **Adjacent Uses:**
  - a) Devices will not be located directly opposite building entrances.
  - b) Devices will not be located opposite street-facing, ground floor residential dwelling unit.

- 3) **Transportation Technical Memorandum Guidelines:** Each Device location will comport with the guidelines set forth in Attachment B – Technical Memorandum, Recommended Location Criteria and Design Standards.
- 4) **Seamless Seattle Coordination:** A representative of SDOT's Seamless Seattle program shall participate in the review of all SIP / SUUMP submitted for installation of Devices. Based on coordination with Seamless Seattle, the following criteria shall be considered:
  - a) Avoid locating Devices within 30' of Nudge Sign and 100' from Area and Overview Signs. along the same block face.
  - b) Device may be located on the opposite side of the street or opposing side of an intersection to Seamless Seattle signs.
- 5) **Clutter Reduction:** When installing the Devices, the applicant will propose removal of redundant items (unused sign posts, broken furniture), poorly located essential items (~~street poles~~, trash cans, bollards), and temporary items (items that can be easily moved) as appropriate. If items are proposed to be removed or re-located, applicant, in partnership with the city, must confirm ownership and entitlement or permitting restrictions affecting the element, and align on removal and replacement plan/location.
- 6) **Landmarks, Historic Districts, and Shorelines:** Devices will not be installed within designated landmark, historic or shoreline districts.



# Seattle design Commission

**Bruce A. Harrell**  
Mayor

**Rico Quirindongo**  
Director, OPCD

**Jill Crary**, Chair

**Kevin O'Neill**, Vice Chair

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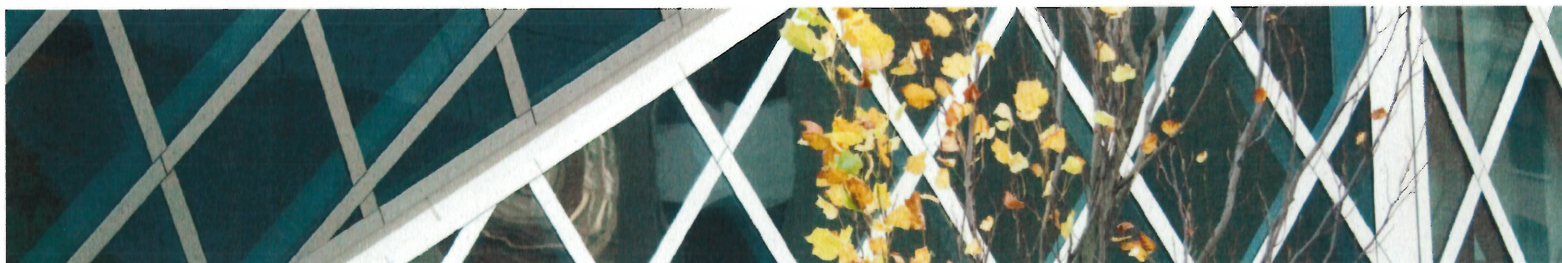
October 21, 2024

The Seattle Design Commission (SDC) provides the Seattle Department of Transportation (SDOT) with recommendations on the proposal by the Downtown Seattle Association (DSA), in conjunction with IKE Smart Cities, to install up to 80 kiosks in downtown Seattle and in various Business Improvement Areas (BIA) in Seattle (**SDOT application - SUTERM0000160**). The proposal was made as part of a request to approve a programmatic significant structure term permit authorized under Seattle Municipal Code (SMC) Section 15.65.

The SDC developed its recommendations informed by a variety of sources, including:

- SMC 15.65
- Presentations to the Seattle Design Commission dated April 4, 2024, June 6, 2024, and September 19, 2024
- Agency and Public Comment
- Application materials submitted to SDOT

At their September 19, 2024 meeting, 5 commissioners voted against the proposal and 4 commissioners voted in support of the proposal. Attached to this report are Commission meeting minutes. Presentations and recordings of each of these meetings are also available on the SDC website —[www.seattle.gov/designcommission/meetings-and-projects](http://www.seattle.gov/designcommission/meetings-and-projects).



### **Discussion – kiosk program**

This proposal is unusual, as the DSA is seeking City Council approval of a ***programmatic*** term permit authorizing up to 80 kiosks, and not a ***site-specific*** term permit under SMC 15.65. Term permit proposals are generally for an individual improvement or structure at a specific location within the right-of-way, as opposed to a program that will occur in multiple locations. While programmatic term permits appear to be unique, SDOT can decide on what constitutes a term permit.

Understanding and estimating the impacts of potential locations authorized for future installation under a programmatic term permit posed a challenge for the Commission. If the City Council approves this request, DSA will later seek phased site-specific installation approvals from SDOT. Accordingly, the SDC will make recommendations on the overall program and the site-specific implications of individual kiosk installation. These recommendations do not extend beyond the 80 kiosks sought under this initial program. We understand any additional kiosks sought by DSA beyond the 80 sought under this term permit, or any other kiosk program proposed by any other party, would require a new term permit application.

The SDC did not evaluate the appropriate bounds or locations of any of the proposed program areas where up to 80 kiosks would be located. Our observations are limited to our understanding about where individual kiosks could be located within the proposed program areas. We reviewed presentations by the applicants at specific locations including 4<sup>th</sup> and Union in downtown Seattle, and 22<sup>nd</sup> Ave NW and NW Market Street, to understand the siting and aesthetic implications of the kiosks.

We also understand that kiosks under this program are prohibited in historic districts throughout the city, areas where a shoreline permit would be required, or areas where it would significantly affect a City of Seattle landmark, based on the program presented to the Commission. We believe that such restrictions are reasonable to protect the distinct character of these areas.

IKE has developed electronic kiosks that the applicants have indicated possess capabilities in communicating and displaying a range of information and imagery. They maintain that kiosks are designed to maximize the user experience, prioritizing ease of use, clarity of imagery, and technologies that are intended to provide clear and concise information for its users. The IKE team have indicated kiosks can be customized in unique ways that reflect local interest or conditions. They also have indicated that kiosks can be adapted to provide operable links to emergency services, Wi-Fi capabilities to support the users experience, and a design that appears to be easily installed on concrete or another similar surface. IKE has indicated that they have studied and implemented kiosk placement, function, and operations in a variety of cities throughout the United States.



SDC report to SDOT on Significant Structure Term Permit - DSA digital kiosk program

The SDC has significant concerns about the proposal. Commissioners have a diversity of opinions about the proposal; these opinions often mirror the range of public comments we received. The range of Commissioner sentiments are reflected in their September 19, 2024 meeting minutes, where they voted 5-4 vote against the proposal. Those minutes are attached to this report. If the Council decides to approve this proposal, all commissioners agree that there needs to be a balance between the implications of the program on the right of way and a public benefit package that offsets those implications. That balance will be discussed later in the report where we provide recommendations to enhance the public benefit package.

Much of that balance, or overall value proposition, centers on installing digital kiosks on City rights-of-way, where the primary purpose is to display commercial advertising not directly related to an abutting business or establishment (off-site advertising). IKE and DSA indicate that a portion of revenues derived from this advertising or other kiosk operations will be directed to the DSA. The DSA has disclosed some information around enhancing existing street cleaning, programming, and activation programs. We understand revenues will be provided to the City after the initial deployment of 30 kiosks, if annual revenues to DSA exceed \$1.1M in this initial phase. In addition to revenue sharing, IKE will guarantee 1 of every 8 slides for the DSA and the City to use for their programs and services. Beyond that, all unsold slide inventory will be programmed with public content, including slides featuring a proposed digital public art program; that unused inventory will be free of charge. IKE will guarantee that no less than 25% of the content on the kiosk falls within the 'public realm' content on an annual basis. We understand that the slides will be equitably distributed and displayed at times throughout the day. The current proposal also assumes that the kiosks will have interactive public safety capabilities including emergency announcements, push button technologies for emergencies, and information about public services.

Many of the features highlighted by the applicants about the kiosks' benefits to the public --- wayfinding, information on events or activities, public safety announcements, access to emergency responders, photo 'selfies' generated by users, etc. --- are found on smartphones that have become ubiquitous and an essential part of people's lives. If smartphones provide users with immediate information on places, activities, and events when they are moving through the public realm, it is difficult to understand the value to the public of the place-based kiosks; kiosks do not allow people the flexibility and ease that smartphones provide.

We believe that there needs to be a close, measurable, and transparent relationship between kiosks, their advertising revenues, and their role in upgrading or enhancing the public realm. Without these safeguards, we are concerned that this program will establish a precedent that will open the doors to unrestrained signage not linked to a larger public good, thereby degrading the public realm.



October 21, 2024

SDC report to SDOT on Significant Structure Term Permit - DSA digital kiosk program

The revenue stream to the DSA should be maximized to the greatest feasible, with guarantees that revenues will be tied to measurable public services, to justify the intrusion of advertising in the right-of-way. In addition, DSA should develop a plan to use those funds that has more transparency and firm commitments for performance and outcomes. While we have been briefed on the DSA proposal, no similar briefing has been provided by the City concerning revenues that will be dedicated to public realm improvements or enhancements. The Commission received briefings from City staff outlining their aspirations to use the kiosks to display public safety information; Commission observations on that proposal will be discussed with the public benefit discussion later in this recommendation. We believe that the City should be guaranteed revenues in the initial deployment phase to justify the intrusion of off-site digital advertising in the public realm, so that these revenues can also be used to directly upgrade or enhance the right-of-way.

A fundamental element of this kiosk program is the advertising component. Without advertising, the project as designed would not occur. However, through presentations, public comment, and our own research, it is our understanding that the City's land use code prohibits signage like what is being proposed here - advertising goods or services not on private property or not related to a specific business or establishment. We are very concerned that this proposal, in effect, would allow something prohibited to be permitted without a clear and informed policy discussion outside the context of this proposal. The City Council should first consider if the sign code should be changed to allow advertising in the right of way, and the applicable terms, before allowing an individual party to make such a proposal.

#### Recommendations – overall program

1. Following both SDOT's publication of the SEPA determination, and SDOT's submitting their report to the City Council, there should be an expansive public outreach process to provide people within the proposed program to understand and comment on the proposal. SDOT should use a variety of sources to expand public awareness of this proposal, including contact lists available through the Seattle Department of Neighborhoods, the DSA's contact list developed for this proposal and SDOT's own resources. The intent is to make sure that there is an expansive public notice so that people affected by the program are aware of the program before the City Council considers this request.
2. Before any City Council meetings on the proposal, the City Council should hold an expansive public outreach process. The goal is to provide people within the program areas with advance notice of the Council review process and how they can participate in the Council review process. This should include notice through City departments, through the contact list developed by the DSA for this proposal, and a public hearing separate from any public meetings held by the Council for this proposal. Public outreach

by the City Council should begin when SDOT forwards their recommendation to the Council and continue through the Council review and decision-making process.

3. For the initial pilot of 30 kiosks located in downtown, confine their installations to areas that are primarily for visitors, tourists, and the local businesses that support them. This would include locations like Westlake Center, Safeco Field, Seattle Convention Center, Seattle Center, Seattle Art Museum, any city block where a downtown hotel is located, etc.
4. Before finalizing any agreements with DSA and IKE, detailed information should be presented to the City Council on any potential revenue streams to the City during the initial deployment of 30 kiosks. There should be clear information on how any revenues to the City would be linked to specific outcomes that will upgrade or enhance the right-of-way. The expectation is that the City should be a direct beneficiary during the initial phase of installation, in addition to the revenues provided to the DSA.
5. To evaluate how the installation of kiosks approved under the program have impacted the right-of-way, DSA, IKE, and SDOT should provide a detailed report to the City Council after the installation of 30 kiosks. The evaluation should include:
  - a. An assessment of services and programs provided by DSA and how they have enhanced the public realm.
  - b. Information on how any revenues to the City have been directed for City services that enhance the public realm.
  - c. An assessment of how increased public engagement with residents and immediately adjacent businesses has informed or shaped the public's interest or perceived value of kiosks.
  - d. An evaluation of maintenance or siting issues that impact the kiosks or any abutting street furniture, and how such impacts have been addressed.
  - e. A report on any pedestrian, bicycle, or vehicular conflicts that have occurred following installation; and
  - f. A report on the outcomes of implementing any upgrades to the public realm that are designed to offset or mitigate the impacts of kiosks
6. If any party seeks to apply for a term permit under SMC 15.65 for any similar digital kiosk program beyond the initial 80 sought by DSA and IKE, the City Council should hold a briefing and public hearing as a condition to applying to SDOT. Any City Council briefings should include an assessment by SDOT of the existing program and its effectiveness in improving or enhancing the public realm, and the issues or impacts that have occurred from the initial kiosk installations. Any City Council briefing, and public hearing, should only occur after a robust public engagement process, the bounds of which should be reviewed and approved by SDOT in conjunction with the Department of Neighborhoods.



### **Discussion – site specific installations**

The SDC uses the following standards from SMC 15.65.040C to frame its recommendations related to the site-specific implications of the proposal. The Commission focuses its review on those items listed below in bold:

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% 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.***

### **ISSUES**

- **View blockage and impacts due to reduction of natural light; and**
- **Interruption or interference with existing streetscape or other street amenities.**

### **Discussion:**

There is a significant difference in the size and scale of the kiosks in relationship to other items found in the right-of-way. Many of the items that pedestrians interact with in the right-of-way (seating, directional signage, lighting, vaults, bike infrastructure, etc.) are of a size and scale that allow people to see around or over the item within their path of travel, to view potential obstructions, or to view potential hazards. The size and scale of the kiosks prevent this from occurring in the areas of the right-of-way where they will be permitted. They will visually dominate the area where they are located. Because of the technology employed by these kiosks, the light they emit will likely be of a different quality than those emitted by nearby buildings, by street lighting, and from natural lighting. The IKE team have been working with the City to establish a threshold for day and evening lighting (4,000 nits in day, 400 in evening; not to exceed 500 at night) to be consistent with City sign code requirements. It is unclear how that lighting relates to light emitted from streetlights or how the kiosk would shade or shadow abutting street furniture and related amenities.

While it appears that there will be limitations on the number of kiosks that can be located on any one block, safeguards that ensure their successful integration into areas of the public realm are reasonable. It is also reasonable to require an offset or mitigation to address the impacts that kiosks will have on street amenities and the character of the public realm.



Recommendations:

1. Site kiosks in a way that limit its impact on items in a right-of-way, such as:
    - A location that would not downgrade the effect of street lighting
    - Siting that would not limit or obscure a bench or other similar street furniture
    - Siting that would not negatively impact the growth or health of a street tree; and
    - Siting that is a reasonable distance from other street amenities to avoid prohibiting or limiting their effectiveness
  2. Site kiosks away from current or planned Seamless Seattle or other City sponsored wayfinding, to avoid visual or physical conflicts between kiosks and these well-established cities sponsored programs.
- **Effect on commerce and enjoyment of neighboring land uses.**

Discussion:

During our review, there were three known opportunities for the public to interact with kiosks:

- March 7, 2024 DSA State of the downtown event
- April 4, 2024 SDC meeting
- May 18, 2024 site installation at Westlake Center

In addition, the IKE team conducted public engagement allowing people to see and interact online with kiosks. SDC staff had an opportunity to comment on engagement strategies with the IKE consultant team, to advocate for expanded outreach to BIPOC businesses and businesses not associated with the DSA. This engagement should continue so that the business and residential communities affected by the kiosks understand their capabilities, including options that support the economic and community vibrancy.

We have ongoing concerns that appropriate safeguards are in place to limit or prohibit advertising of goods or services from national or international businesses that are located at or near local competitors. Similarly, we have concerns that the expectations of local businesses to operate retail activities in the right-of-way (retail sales, sidewalk cafes, etc.) are not compromised due to the placement of a kiosk in the location of such activities. It would be unfortunate if the desired goal (advertising that generates funds) negatively impacted the revenues of local businesses.

Recommendations:

1. Adopt a condition that requires public notice be provided to businesses and residents within 300 feet of any proposed kiosk. The notice should be sent when an initial application is accepted by SDOT. The notice should include information about the

kiosk, its ownership, operations, and how people interested in the project can contact SDOT before issuance of a permit. This will help address concerns about the lack of information about whether a specific installation can be challenged, and any related processes available to resolve such conflicts.

2. Adopt a condition that prohibits the siting of a kiosk in a location that would limit or prohibit the ability of an abutting businesses to sell merchandise, operate a café, or other similar activities allowed under Title 15.
  3. Before any City Council approvals of this initial program, require test kiosks to be deployed at public places frequented by city residents, including occupants of residential buildings. The purpose of this requirement is to have residents, local businesses, and other people interact with the kiosks to assess how they operate and the information that they provide. A report on these interactions should be developed by the City, IKE, and DSA, and presented to the City Council, to evaluate interest and concerns about kiosks, and to include recommendations to modify the program accordingly.
  4. Require the adoption of operating procedures that prohibit or otherwise limit the display of national advertising on kiosks on the same block of local businesses whose products or services directly conflict with the goods or services provided by those local businesses.
- **Effect on traffic and pedestrian safety; and**
  - **Effect on pedestrian activity**

#### Discussion:

There is an inherent tension between the primary use of the kiosks (diverting people's attention to the displays) and how to mitigate potential negative impacts on autos and pedestrians (siting or other strategies that reduce the likelihood of accidents between moving vehicles/two wheeled devices and pedestrians.)

At their September 19, 2024 meeting, the SDC was presented information on how the findings from a draft transportation study, and a draft aesthetic study impacted the siting, orientation, distribution, and frequency of kiosks in the right-of-way. From that presentation, we note:

1. The kiosks appear to be located out of mainstream of the pedestrian through zone and within the furnishing zone.
2. Unless properly cited, kiosks could inhibit pedestrian movement from the pedestrian through zone within the sidewalk to curb or when attempting to use other street furniture (lighting, seating, etc.) within the furnishing zone.
3. Kiosks are designed to attract pedestrians by diverting them from their intended destination, so that they can actively engage with the kiosk. The interaction will

change between active (where an individual is using the kiosk capabilities) and passive mode (where the kiosk will display a predetermined set of images).

**Recommendations:**

1. Kiosks must be sited within the furnishing zone with a minimum area that can still accommodate standing pedestrians without causing individuals to overflow into the pedestrian through zone
  2. SDOT should establish a minimum allowed distance between a kiosk and any other street furniture within the furnishing zone
- **Accessibility for the elderly and handicapped**

**Discussion:**

IKE has developed a significant piece of technology that has been tested by a variety of users in other jurisdictions. IKE has had the benefit of their input, including those users with visual, physical, or sensory limitations. We've learned about this in their presentations, along with representations that their product meets ADA requirements, including in its operation and the manner of their placement in the public realm. We have not seen specific examples of how it complies with ADA or best practices for communities with physical, visual, or sensory limitations.

**Recommendation:**

Before the issuance of any permits for individual installations, present the proposal to the Seattle Disability Commission to get their input and recommendations. Their review should help inform if the installation, placement, orientation, distribution, and operation of the digital kiosks cause undue challenges for individuals with visual, physical, or sensory limitations, and how such challenges can be limited.

- **The public benefit mitigation elements provided by the proposal, to the extent required based on the nature of the structure.**

At each Commission meeting, IKE and its consultants presented an overview of their public benefit program. The list of items that they believe will provided benefits to the public includes:

- Public art
- Promotion of local arts, culture, and community events
- Public safety
- Communication of key city messaging and emergency notifications (Mayors)
- Community messaging



- Interactive wayfinding
- Coordination with Seamless Seattle
- Free wi-fi
- Economic development through promotion of local businesses
- Revenue to support DSA initiatives

DSA and IKE have proposed using the kiosks as the primary method of delivering potential benefits to the public to satisfy requirements in SMC 15.65.040. At the September 19, 2024, Commission meeting, the proposal was refined to promote 4 distinct strategies:

1. ENGAGED MODE – Kiosk is being operated by an individual

- Promotion of local arts, culture, and community events
- Economic development through promotion of local businesses
- Interactive wayfinding coordinated with Seamless Seattle
- Promotion of civic and social resources
- City messaging (poster apps)

2. PASSIVE MODE – Kiosk is not being operated

- Public art program
- Community messaging
- City messaging

3. KIOSK FEATURES & CUSTOMIZATIONS

- Public safety:
  - Used by SPD, SFD and CARE departments
  - Uses relate to emergency messaging, education, and events
  - Reference notes below for greater detail
- Free wi-fi
- Seamless Seattle – iconography, colors, mapping and languages

4. FINANCIAL

- Revenue generation to support DSA and BIA initiatives. For the initial deployment (up to 30 kiosks in downtown), DSA programs could include (to be approved by DSA on a yearly basis):
  - 10 downtown ambassadors to enhance cleaning, hospitality and safety in public areas
  - 15 outdoor concerts
  - 15 outdoor art installations
  - 5 electric cleaning trikes
  - Beautification and programming of 2 public plazas

- 1 electric street vacuum to enhance cleaning of protected bike lanes and sidewalks
- In the second deployment (up to 30 kiosks in downtown and 20 in participating BIA's), revenues from devices in downtown will be shared with the City. BIA's will receive approximately \$40K per kiosk per year for funding in their respective boundaries. If approved by each BIA, examples of public realm work can include:
  - Cleaning
  - Safety and security
  - Marketing
  - Homeless outreach
  - Community events
  - Lighting and beautification
  - Public art
- Potential for additional revenue generated for the City in the first deployment, guaranteed in the second deployment

#### **PUBLIC BENEFIT PROPOSAL – COMMISSION OVERVIEW, ANALYSIS, AND RECOMMENDATIONS:**

SMC 15.65.040 does not indicate what the phrase “public benefit mitigation elements” means in the context of a term permit. When this term is used in street and alley vacations (SMC 15.62), and skybridge term permits (SMC 15.64), there is clear direction as to what ‘public benefit’ or ‘public benefit mitigation’ means. These codes define public benefit as a slate of proposed improvements to the public realm that include solutions such as widened sidewalks that exceed code requirements, tree plantings to address known deficits in the number, street furniture designed to serve nearby populations, etc. To guide our review, the SDC uses a joint Director’s Rule governing skybridges (OPCD DR 1-2021/SDOT DR X-2021), which includes the term ‘public benefit mitigation’ to determine how to offset the implications of a skybridge.

Public benefits to offset the implications of a structure in the right-of-way are generally limited to the impacts of a specific structure. The challenge here is to design a public benefit program that relates to the overall program implications and site-specific issues related to any single kiosk installation. The public benefits proposed here are the crux of the value proposition of this proposal. If the City Council approves the proposal to allow digital kiosks that display advertising in the right-of-way, we must be provided with specific and secondary public benefits that will enhance our public realm and the overall pedestrian experience.

#### **Public Benefits - Programmatic:**

1. Public safety

#### **Discussion:**

#### SDC report to SDOT on Significant Structure Term Permit - DSA digital kiosk program

At our June 6, 2024 meeting, the SDC was briefed by City's CARE team. They have developed a program that would use of kiosks for important public service announcements (ongoing investigations, emergent public safety issues, etc.) and available public services. It is assumed that such information would be provided through the 1 of 8 images allotted to the City or other agencies as part of the agreements between DSA, IKE, and the City.

#### **Seattle Police Department**

- Real time emergent information on public safety issues
- Pedestrian wayfinding during events causing street closures
- Information on city-sponsored relief centers during extreme weather or environmental occurrences
- Information on recruitment

#### **Seattle Fire Department**

- 911 real-time response information
- SFD response to real-time events or incidents
- Information on SFD programs (fire safety, CPR trainings, etc.)
- Information on recruitment

#### **CARE Team**

- Information on 911 and non-emergency contact information
- Geographic-directed safety information in pilot areas experiencing ongoing mental health or drug issues
- Public information on CARE programs and contact information

#### Recommendations:

Ensure that there is a close correlation between the areas where kiosks are sited and to the need to provide a public announcement. As the pilot areas will be primarily in the downtown area and selected BIA's, announcements concerning emergent activities neighborhoods outside the pilot areas may not provide much value to the public.

#### 2. Public Art program:

#### Discussion:

The DSA will use kiosks to run a digital art program with slides in place of unsold advertising slots up to 25% of total inventory on an annual basis. It is assumed that digital art will be displayed when the kiosks are in passive mode, unless the kiosks allow the person using any one kiosk to actively see or interact with this digital art. DSA will run this program, with the assistance of a third-party curator. DSA will also run an artist selection committee, comprised of DSA, IKE, and other City partners. DSA has proposed a \$500 honorarium to artists. The SDC



evaluated options and concepts for this program, with examples of other digital art programs that are curated by IKE, and using local examples provided by DSA.

### Recommendations:

1. Focus on elevating the work of local artists/arts programming
2. Focus on building events that “take over” the display screens for special community/art events
3. Provide an open, transparent opportunity for local curators to be involved/apply
4. Compensate curators at a competitive rate
5. Increase the honorarium to \$1,000
6. Before City Council review, the IKE team should present this proposal to the Seattle Arts Commission for review and recommendations.

### 3. Wi-Fi

### Discussion:

Kiosks would be configured to provide free Wi-Fi for people who chose to interact with the kiosk. It is unclear what the length of duration of the service would be, but it is assumed there would be time limits that prevent unintended or inappropriate uses. We are also unclear what the demand is for this service. We do not know where these are in the context of other free Wi-Fi services, if the local residential and business community has sufficient services, or if there is a lack of connectivity based on cellular network deficiencies.

### Recommendation:

1. Expand the access of free Wi-Fi where a kiosk is located on the same block face as for qualifying businesses or entity that operates in the public interest. Wi-Fi should be made available using enhanced signal/service capabilities in the kiosk, through a physical extension from the kiosk, or other similar means. A qualifying business that operates in the public interest includes non-profits, social service agencies, low-income housing, or public places such as parks or other similar open spaces.
2. Continue to refine limitations to ensure that access to Wi-Fi does not result in the extraction of any personal information from a kiosk user, when a kiosk is in active or passive mode.

### Public benefits - Site specific

### Discussion:

While there can be tangible benefits to the public realm from the operation of the kiosks and the related revenue streams that will be provided to DSA (and potentially the City) for

focused public realm enhancements, we do not believe that these are sufficient to offset the implications of the kiosks on the public realm. We believe that there needs to be physical improvements to the public realm to offset the implications of these kiosks. This approach is consistent with the term permit requirements in SMC 15.65, and the approach taken for street and alley vacations under SMC 15.62, and skybridges under SMC 15.64.

When approval of a kiosk placement is sought, we understand that SDOT staff will assess the location in relation to street furniture, how it impacts other permitted uses in the right-of-way, its implications on above or below ground utilities, and how the siting request must account for these potential factors. At the time of siting, there is an opportunity to correct, upgrade, or enhance the right-of-way, as an offset to the kiosks.

#### Recommendations:

Where there are known public realm deficiencies on the same block of a proposed kiosk, require that the deficiency(ies) be fixed or updated prior to installation. Potential public realm deficiencies to be fixed or updated would include:

- Repair of a curb where there is significant damage
- Restoration of a curbline where an abandoned curb cut is located
- Replacement of a sick or damaged street tree
- Planting of a street tree where there is a gap in tree canopy
- Repair or upgrade a transit facility (new shelter, benches, lighting, transit kiosk, etc.)
- Replace or repair any existing seating with new seating that meets ADA requirements
- Add additional seating in areas where there are known gaps in such infrastructure
- Installation of pedestrian oriented street lighting
- Add bicycle infrastructure (racks, repair stations, etc.) when a kiosk is located on a designated bicycle route

# Seattle design Commission

## MEETING MINUTES

**Bruce A. Harrell**  
Mayor

**Rico Quirindongo**  
Director, OPCD

**Jill Crary, Chair**

**Kevin O'Neill, Vice Chair**

**Adam Amrhein**

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[seattle.gov/designcommission](http://seattle.gov/designcommission)

**April 4, 2024**

Convened 8:30 am

Adjourned 12:40 pm

### **Projects Reviewed**

Commission Business

Yew alley vacation – public trust review

Presentation on proposed digital kiosk program –

Downtown Seattle Association

### **Commissioners Present**

Adam Amrhein

Jay Backman

Phoebe Bogert

Kate Clark

Jill Crary

Ben Gist

Brian Markham (attended virtually)

Zubin Rao

Molly Spetalnick (8:30 am to 11:15 am)

### **Commissioners Excused**

Kevin O'Neill

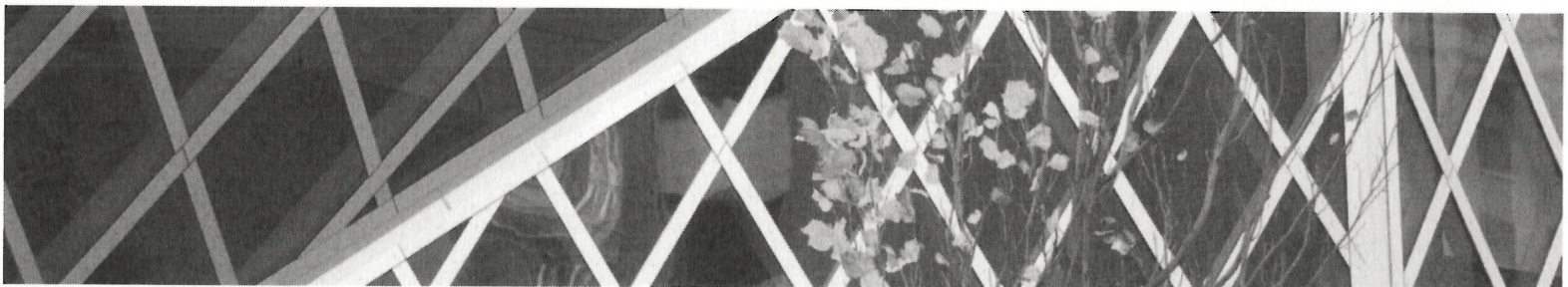
### **Staff Present**

Michael Jenkins

Valerie Kinast

Windy Gay

Juliet Acevedo





### **Commission Business (8:30 – 9:00 am)**

The following items were discussed:

1. Briefing on projects to be reviewed today.
2. Approval of meeting minutes – Garfield Superblock

### **Project review – Yew Alley vacation (9:00 – 10:30 am)**

#### **Project Description**

The proposed development plans to vacate the remaining segment of an alley between 1<sup>st</sup> Avenue NW to the west, NW 87<sup>th</sup> Street to the north, and Palatine Ave N to the east. The alley terminates in the middle of the block on NW 87<sup>th</sup>. The vacation will allow the construction of a seven-story building offering 70 market-rate residential units. The building's base will feature a residential lobby, leasing offices, residential amenities such as a gym and bike storage, as well as vehicular parking and trash loading areas at the ground level. The project includes preservation of an existing Pacific Yew tree near the corner of NW 87<sup>th</sup> Street and Palatine Ave N; the tree and surrounding space is envisioned as a community amenity.

The Commission received a presentation on the public trust phase of the alley vacation.

The following people were presenters:

1. Shilpa Karve, Bayliss Architects
2. Kevin Cleary, Bayliss Architects
3. Kristen Lundquist, Brumbaugh Associates

The following people were present:

1. Beverly Barnett, SDOT (provided comment)
2. Jeanette DuBois, SDOT
3. Molly Lawrance, Van Ness Feldman LLP
4. Amy Gray, SDOT
5. Emily Burns, Office of the Waterfront and Civic Projects

Following the presentation, the Commission provided the following recommendations and conditions:

1. Provide additional site analysis that better illustrates the context of your site with the entire block and adjacent neighborhoods, including the relationship between your site and nearby public assets include Sandel Park at NW 90<sup>th</sup> Street, and the 1<sup>st</sup> Avenue NW Healthy Street.
2. The scope of your public benefit proposal needs to be expanded to better reflect the gains that the project receives due to the alley vacation. You should expand your public benefit proposal to include additional on and offsite public benefits that are commensurate with the gains that the project receives because of the vacation.
3. Consider offsite improvements that better connect the site to the surrounding neighborhood.
4. The area at the Yew Tree should be further refined as part of your public realm and public benefit strategy. The goal should be to maximize opportunities for the public to use this feature, through site

improvements, increasing planting areas, use of materials, sidewalk edge treatments, refinements to seating areas that encourage use, etc.

5. Provide an update on how your public engagement work has shaped your proposals for public realm enhancements for both the project and your public benefit strategy. This work should account for the nearby residential neighborhoods to the north, due to its designation by the city as a high priority equity area.
6. Work with SPU to develop solutions that enhance the drainage conservation area as an amenity to both your development and the immediate neighborhood. Potential solutions here include:
  - a. Upgrading the fence with artistic solutions from local artists, in conjunction the Office of Arts and Culture.
  - b. Advance proposals for interpretive signage.
  - c. Updating and enhancing vegetation to enhance views into the site from the right of way and from nearby and abutting properties.
  - d. Upgrades or changes to the site and its plantings to improve the function of the stormwater facility.
7. Develop a curbside management plan along NW 87<sup>th</sup> Street that shows access, circulation, and parking and loading facilities that include places for solid waste pickup.
8. Develop strategies that better activate the blank facades along NW 87<sup>th</sup> Street, to include introduction of residential uses, use of building materials, changing or reconfiguring uses within the building, redesigning the garage entry, etc.

Commissioners voted 8 to 1 to support the public trust portion of the vacation request. Brian Markham voted against the project, stating that there was not enough information on how parking and loading within the right of way would occur. This was of importance due to the use of the abutting street for solid waste services.

The approval of the public trust portion of this vacation request is conditioned on returning to a subcommittee to present your required of way requirements in the Street Improvement Permit and how those requirements relate to your public benefit proposal. Public benefit features must exceed code requirements.

#### **Briefing - Downtown Seattle Association proposal for digital kiosks (10:30 – 12:40 pm)**

The Downtown Seattle Association (DSA), in conjunction with IKE Smart Cities and Orange Barrel Media (IKE/OBM), have developed a pilot project to install up to 50 digital kiosks in downtown Seattle and various business improvement areas in Seattle. The project requires the approval of a Substantial Structure Term Permit (SMC 15.65), which is approved by the City Council. The Commission received an initial briefing on the project, which included interacting with an operable kiosk that was installed at City Hall.

The following people were presenters:

1. Mark Brands, Site Workshop
2. Jon Scholes, DSA
3. Jack McCullough, representing DSA
4. Clay Collett, OBM
5. Dan Eder, Director of Policy, Mayor's office

The following individuals were present:

1. Ryan Durkan, HCMP
2. Jessica Burton, OBM
3. Jack Wanner, OBM
4. Alyse Nelson, SDOT
5. Amy Gray, SDOT
6. Beverly Barnett, SDOT
7. Tom Bender (provided public comment)
8. Emily Burns, Office of the Waterfront
9. Hyeok Kim, INSA Consulting
10. Sung Yang, Pacific Public Affairs
11. Jeanette DuBois, SDOT
12. Genna Nashem, DON
13. Paula Rees, Keep WA Beautiful
14. Erin Goodman (virtual)
15. Kevin Van Meter (virtual)
16. Michael Burton (virtual)
17. Natalie Quick, Natalie Quick Consulting (virtual)
18. Noah An, Commute Seattle (virtual)
19. Lish Whitson, Council Central Staff (virtual)
20. Jasmine Marwah, Council Central Staff (virtual)

Following the presentation, the Commission provided the following recommendations:

1. Provide an update on how this program integrates into the hierarchy of other City-sponsored wayfinding programs, including Seamless Seattle and the Office of the Waterfront program.
2. Provide an overview of the lessons learned from other cities, related to overall program implementation.
3. Provide information on your business plan that includes:
  - a. When does it start paying revenue?
  - b. When will DSA receive profits from advertising?
  - c. How long is time to recoup estimated installation costs?
  - d. How the agreement anticipates future technology changes
4. Provide an overview, through the aesthetics study or other similar work, to understand how the program relates to the other elements of the right of way, as well as how the screens relate to each other as a system. This should be provided both on the block level and at a subarea level.
5. As part of the aesthetics study, or any other analysis you develop, please provide information on how the digital display or related effects, impacts the public realm.
6. An update and overview of your public engagement program and how it is shaping outcomes. In this update, you should also provide information on how you have expanded or refined engagement strategies to include one on one interactions with the public to gauge their opinions and expectations about the value of the kiosks.
7. Provide more information on how your program will highlight art and artists – artist recruitment, availability of space, curatorial program, etc.



8. Provide an overview of your approach to repair or maintenance of the program, including information on how high touch surfaces are maintained.
9. Provide information or a plan on how you will remove or modify any existing items in the right of way to accommodate your kiosks.
10. Clarify how this program benefits local needs, as compared to the tourist/visitor experience.
11. Provide information on what would motivate people to use the kiosks as opposed to their own smart phone.
12. Provide information on when/if installation on private property is a desired or appropriate outcome.
13. Provide architectural/engineering details on how they will be sited. This should include information on when footings are used and their implication on other items (above, at, or below grade) in a right of way.

# Seattle design Commission

## MEETING MINUTES

**Bruce A. Harrell**  
Mayor

**Rico Quirindongo**  
Director, OPCD

**Jill Crary**, Chair

**Kevin O'Neill**, Vice Chair

**Adam Amrhein**

**Jay Backman**

**Phoebe Bogert**

**Kate Clark**

**Ben Gist**

**Brian Markham**

**Zubin Rao**

**Molly Spetalnick**

**Michael Jenkins**  
Director

**Valerie Kinast**  
Strategic Advisor

**Windy Bandekar**  
Planner

**Juliet Acevedo**  
Administrative Staff

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[seattle.gov/designcommission](http://seattle.gov/designcommission)

### **June 6, 2024**

Convened 9:00 am

Adjourned Noon

### **Projects Reviewed**

Commission Business

DSA and IKE/OBM Digital Kiosk program

### **Commissioners Present**

Adam Amrhein

Jay Backman (attended virtually)

Phoebe Bogert

Jill Crary (attended virtually)

Brian Markham (attended virtually)

Kevin O'Neill

Zubin Rao

Molly Spetalnick

### **Commissioners Excused**

Kate Clark

Ben Gist

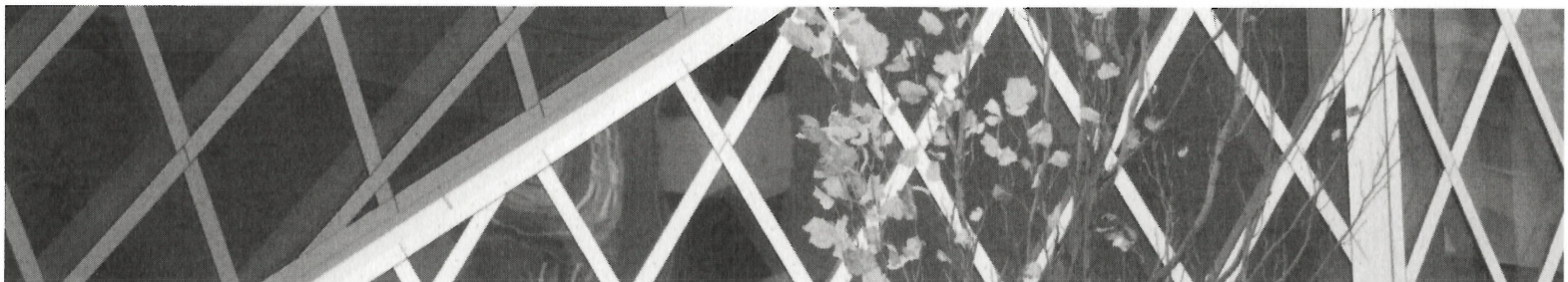
### **Staff Present**

Michael Jenkins

Valerie Kinast

Windy Bandekar (attended virtually)

Juliet Acevedo (attended virtually)



### **Commission Business (9:00 – 9:30 am)**

The following items were discussed:

1. Briefing on projects to be reviewed today.
2. Approval of Minutes for March 21, 2024 and May 2, 2024

### **Project review – Downtown Seattle Association digital kiosk program (9:30 am - Noon)**

#### **Project Description**

The Downtown Seattle Association (DSA), in conjunction with IKE Smart Cities and Orange Barrel Media (IKE/OBM), have developed a pilot project to install up to 50 digital kiosks in downtown Seattle and various Business Improvement Areas (BIA) in Seattle. The project requires the approval of a Substantial Structure Term Permit (SMC 15.65), which is approved by the City Council. The Commission received an update on the proposal following the initial presentation on April 4, 2024. The focus of the presentation highlighted 6 issues:

- SDOT, Seamless Seattle, and Office of the Waterfront Updates
- Public Outreach Update
- Business Plan
- Term Permit Conditions, and Operations & Maintenance
- Location Analysis and Criteria
- Public Benefits

The following people were presenters:

1. Mark Brands, SiteWorkshop
2. Jessica Burton, OBM
3. Clay Collett, IKE
4. Jon Scholes, Downtown Seattle Association (DSA)
5. Natalie Quick, Natalie Quick Consulting
6. Andrew Myerberg, Chief Innovation Office, Mayor's Office
7. Marnie Heffron, Heffron Transportation
8. Seth Geiser, DSA
9. Corey Favor, IKE (attended virtually)
10. Currecia Gamble, IKE (attended virtually)
11. Deputy Chief Reba Gonzales, SFD
12. Interim Chief Amy Smith, CARE
13. Deputy Chief Dan Nelson, SPD

The following people were present:

1. Kevin VanMeter, SiteWorkshop
2. Matt Beaulieu, SDOT (attended virtually)
3. Ruri Yampolsky, Office of the Waterfront
4. Ryan Durkan, HCMP
5. Rachel Mazur, HCMP
6. Sung Yang, Pacific Public Affairs



7. Bobbie Nickel, Visit Seattle – provided public comment
8. Davonte Bell, CARE
9. Beverly Barnett, SDOT (provided comment on SDOT work)
10. Amy Gray, SDOT (provided comment on SDOT work)
11. Alyse Nelson, SDOT
12. Gabriel Seo, SDOT
13. Josh Gawne, SDOT
14. Jackson Keenan-Koch (attended virtually)
15. Lisk Whitson (attended virtually)
16. Jasmine Marwaha, Council Central Staff
17. Jeanette Dubois, SDOT
18. Emily Burns (attended virtually)
19. Ellen Sollod, Sollod Design – provided public comment in person and will provide written comment
20. Ryan Packer, The Urbanist (attended virtually)
21. Paula Rees – provided public comment
22. Tom Becker

Following the presentation, the Commission deliberated using the 6 elements detailed in the presentation. The commission expressed their thanks for the quality of the presentation and the information provided.

They raised two overarching concerns about the proposal:

1. Is the public benefit enough to allow the imposition of advertising in the right of way?
2. Has there been enough public input, has the public had a sufficient opportunity to comment on the proposal, and has the comment indicated that there is support for the proposal that is quantifiable and transparent.

Commissioners also made the following comments and recommendations:

1. It is unclear that the public safety presentation team has a complete understanding about the capabilities and limitations of the kiosks, as a tool that they are seeking to assist with their efforts.
2. Concern that the amount of kiosk images that will be made available to the public (1 out of 8 images; 25% of the annual allotment) is not sufficient, given the implications that the program will have on the right of way. In addition, concern was expressed that the slides that are made available to the public will be displayed at times that are less than optimal (nights, weekends, etc.) to be of value to the public.
3. Overall, more information on the public safety element of the project is needed.
4. Concern about the precedent being established by allowing a private entity to pursue this project within the right of way, and how it may open the door to additional requests from other digital media companies.
5. More information is needed about the tools that will be used by City staff to guide installation of an individual kiosk, including any template, handbook, or other similar tool to be used by decision-makers.
6. More information about the public benefit package and the overall value created by the individual elements.

7. Make sure that the content of the aesthetic study considers the impact on trees, the minimum amount of lighting needed to reduce impacts on public's use of the right of way, lighting impact on abutting uses, and the overall composition of the right of way because of the addition of the kiosks.
8. What views are being blocked by the kiosks that negatively impacts the goal of an active and safe streetscape.
9. An interim reporting period within the initial 15-year term to evaluate the program that includes an assessment of the strength of the program and the goals it is achieving.
10. The ability to have a more public version of the kiosk program, one driven by public information that is supported by the public and not a program driven by advertising revenues.
11. Concern that the role that this system plays in wayfinding – not sure if its needed given Seamless Seattle and other similar programs.
12. It is unclear why the city of Seattle would need 4 different solutions to solve the wayfinding problem in Seattle. If this is truly a wayfinding and information amenity, then why is the number one app a "selfie" app? In addition, if the number one need is wayfinding, then that would suggest the need for better signage in the city and not a kiosk.
13. Equity concerns raised about the imbalance of the public safety advantage in only some neighborhoods.

# Seattle design Commission

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**September 19, 2024**

Convened 8:30 am

Adjourned 12:30 pm

### **Projects Reviewed**

Commission Business

DSA digital kiosk program

### **Commissioners Present**

Adam Amrhein

Phoebe Bogert

Kate Clark

Ben Gist

Brian Markham

Kevin O'Neill

Zubin Rao

Molly Spetalnick

Caitlin Truong

### **Commissioners Excused**

Jill Crary

### **Staff Present**

Michael Jenkins

Valerie Kinast

Windy Bandekar

Juliet Acevedo





### **Commission Business (8:30 – 9:30 am)**

The following items were discussed.

1. Project briefing – DSA digital kiosks.
2. Approval of September 19, 2024 consent agenda (meeting minutes for July 18, 2024 and August 1, 2024).

### **DSA digital kiosks (9:30-12:30 pm)**

The Commission received a presentation by DSA and their design team on their proposal to install up to 80 digital kiosks in downtown Seattle and various Business Improvement Areas (BIA). The request to approve this program is made through Seattle Municipal Code Section 15.65, governing significant structure term permits. The City Council will review and approve the proposal, following recommendations from the Commission and Seattle Department of Transportation (SDOT).

The following people were presenters, or were present to answer questions:

- Mark Brands, Site Workshop
- Jon Scholes, DSA
- Clay Collett, IKE Smart Cities
- Jessica Burton, IKE Smart Cities
- Natalie Quick, Natalie Quick Consulting (attended virtually)

The following people attended:

- Robert Smith, K&L Gates
- Hyeok Kim, Insa Consulting
- Marni Heffron, Heffron Transportation
- Emily Burns, Office of the Waterfront
- Ruri Yampolsky, Office of the Waterfront
- Emily Burns, Office of the Waterfront
- Beverly Barnett, SDOT (provided comment)
- Ryan Durkan, HCMP
- Tom Bender (provided comment)
- Alex Hudson, Commute Seattle (attended virtually and provided comment)
- Sung Yang, Pacific Public Affairs
- Ryan Packer, The Urbanist
- Blake Sunderstrom, DSA (provided comment)
- Chris Mackay (attended virtually and provided comment)
- Rachel Mazur, HCMP (attended virtually)
- Doug Trumm, The Urbanist (attended virtually)
- Seth Geiser, DSA (attended virtually)
- Jack Wanner, IKE Smart Cities (attended virtually)
- Wrenn Wilson (attended virtually and provided comment)
- Craig Shaffer (attended virtually and provided comment)
- Matt Beaulieu, SDOT (attended virtually)
- Gabriel Seo, SDOT (attended virtually)

The presentation to the Commission focused on the following project features and issues:

- Public engagement
- Device functions
- Overview of SEPA reports
- Term Permit requirements
- Public Benefit package

Following the presentation, the commissioners asked clarifying questions and deliberated on the proposal. A motion to vote on the proposal was made by Adam Amrhein, with a second by Kate Clark. After further discussion the commission voted, using criteria in SMC 15.65 to guide their vote. 5 commissioners voted against the proposal and 4 commissioners voted in support of the proposal.

The following are comments made, in whole or in part, by commissioners in support of their respective votes:

**Commissioners who voted against the project:**

1. Brian Markham

I believe there are reasonable alternatives that aren't tied to advertising.

2. Kate Clark

After much deliberation and discussion, rigorous research, and in considering the term permit criteria, I am voting no. I am not convinced about the public benefit mitigation. I am also concerned about the kiosks' effect on traffic and pedestrian safety, pedestrian activity, the interruption to the existing streetscape, and view blockage.

3. Adam Amrhein

DSA, IKE, and the design team have done an excellent job in showing us this proposal. At the end of the day, these are nice digital billboards with a user interface that is of questionable use for residents; that is where I am evaluating this from. The Mayor's Office statement we were sent concerning this project's role in downtown activation called for "a bold and innovative approach" towards addressing downtown. Selling digital advertising is not "bold or innovative", nor does it match the spirit of Seattle. Viewing the project through the term permit lens, especially around enjoyment of neighboring land uses and the public benefits, I don't see it meeting those. The request doesn't appear to meet the sign code. The project does not meet the Commission's mission statement. There is not enough public engagement to justify the project. There are questionable public benefits. There are privacy concerns due to the Wi-Fi.

4. Zubin Rao

I could wholeheartedly support the project if advertising wasn't included. Given the context in Seattle where we do not have much advertising, the introduction of advertising in the right of way could significantly degrade our public realm. While some kiosk locations might be acceptable, I don't feel comfortable supporting the broad nature of the proposed programmatic term permit. The term permit code language asks us to

consider the public benefit mitigation elements provided by the proposal, and I do not believe the proposed benefits outweigh the intrusion of advertising.

5. Caitlin Truong

I believe that the kiosks are centered around business community and tourists. I wish it was more centered around residents. I see negative impacts on streetscape, pedestrian activity and neighboring land uses.

**Commissioners who voted to support the project:**

1. Molly Spetalnick

We have a lot of challenges in our downtown at this moment that require innovation and creativity. While I do acknowledge and share concern about conflicts with our signage code and about proliferation of advertising in the ROW, the support of the Mayor, City Council, and the Chief Innovation Officer demonstrate a belief that this initiative includes public benefit. To better align with our definition of public benefit, I will also want to see a robust demonstration of public benefit alongside the first kiosks, including assessment of other street furniture and tree canopy needs on impacted blocks. I also will want to see innovation that includes time periods when kiosks can be used for broader activation events, including advertising-free use during major art events, an ability that IKE confirmed is possible during questioning. This would also allow DSA to demonstrate the public benefits that they are uniquely qualified to provide, like ambassadors.

The biggest challenge for approval is the level of community input to date. My vote of support is with the condition that after 30 kiosks are installed, there is a much more rigorous process than the one provided for this review, to understand the concerns of local pedestrians, Seattle residents, local businesses, immediately adjacent businesses, and tourists. Without the condition, my vote would be no.

2. Phoebe Bogert

I am completely torn about this. If I vote no, it wouldn't be giving the proposal a fair shot. If I vote yes, it doesn't mean I fully support this proposal. I need to better understand how this benefits the public. My vote for the project is conditioned using the condition developed by Molly Spetalnick.

3. Ben Gist

Using the code criteria, the impact on existing streetscape will be addressed by SDOT and DSA in a thoughtful manner. I don't think it's a negative or a positive on pedestrian activity. I will defer to the Heffron Transportation work related to impacts on traffic and pedestrian safety. In terms of its implication on land uses, I think that the city is a destination that we want to welcome people to, and this may be a benefit to them. I think are recommendations in our upcoming report, to add to the public benefit package, that will address my concerns about the public benefit package. I would have liked more commitment from DSA on if they will, as opposed to could, make specific investments with the proposed revenue stream. I like the proposed check in on whether we are getting what we wanted from these after the first 30 are installed.

4. Kevin O'Neill



Would have preferred that the code was changed to support this program as opposed to using the term permit process. It matters that the DSA is doing this, as well as the support of the BIA's. It matters that organizations like Commute Seattle support this proposal. The public comment against the proposal has been compelling and very valuable. The design team has done an excellent job in communicating the proposal. In sum, it does not appear to violate term permit criteria. I am a tepid yes. It is all about the guardrails that are used to condition any project approval. I think the pilot should only be 5 or so kiosks, with a check in after those are installed. I also think the public benefit package should be more robust.

On October 3, the Commission will review a report documenting their work and recommendations.

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.

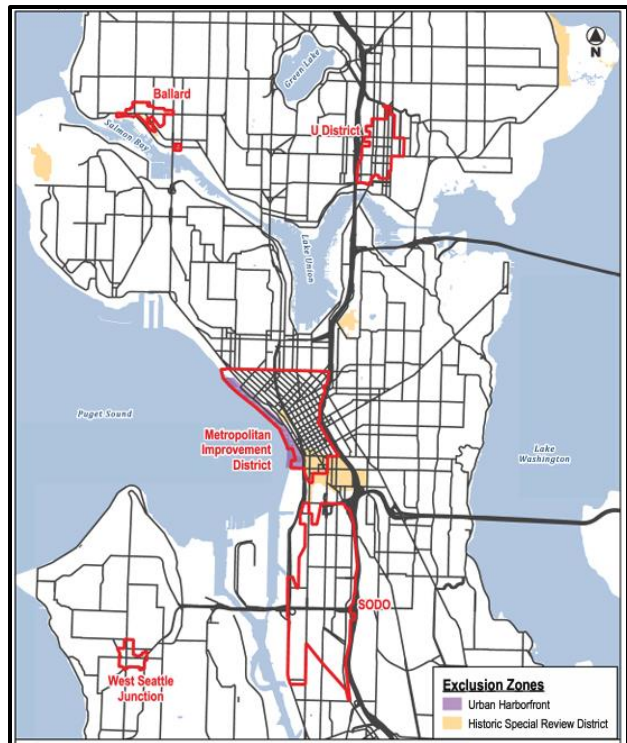


The proposed term permit would allow for up to 80 kiosks to be deployed in two phases. Phase 1 would allow for 30 kiosks to be located within the bounds of the Metropolitan Improvement District (MID). However, kiosks would not be allowed in shoreline districts, Historic Districts,

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.



The background image shows a city street scene. In the foreground, a digital kiosk stands on a sidewalk. The kiosk screen displays an advertisement for Mikael Owunna, featuring a person's face in a blue and yellow abstract background. Above the screen, it says "SW 9TH ST" and "TOUCH SCREEN". To the left of the kiosk, there are blue recycling bins with "amazon" logos. In the background, a large building with a colorful, multi-colored facade is visible. To the right, a modern glass building with "DASH" and "EQUINOX" signs is visible. A silver car is parked on the street, and a white pickup truck is partially visible on the right. Pedestrians are walking on the sidewalk.

# DSA/IKE Digital Kiosk Programmatic Term Permit

**Council Governance, Accountability and Economic Development Committee**

**Alyse Nelson, Street Use Division Director**

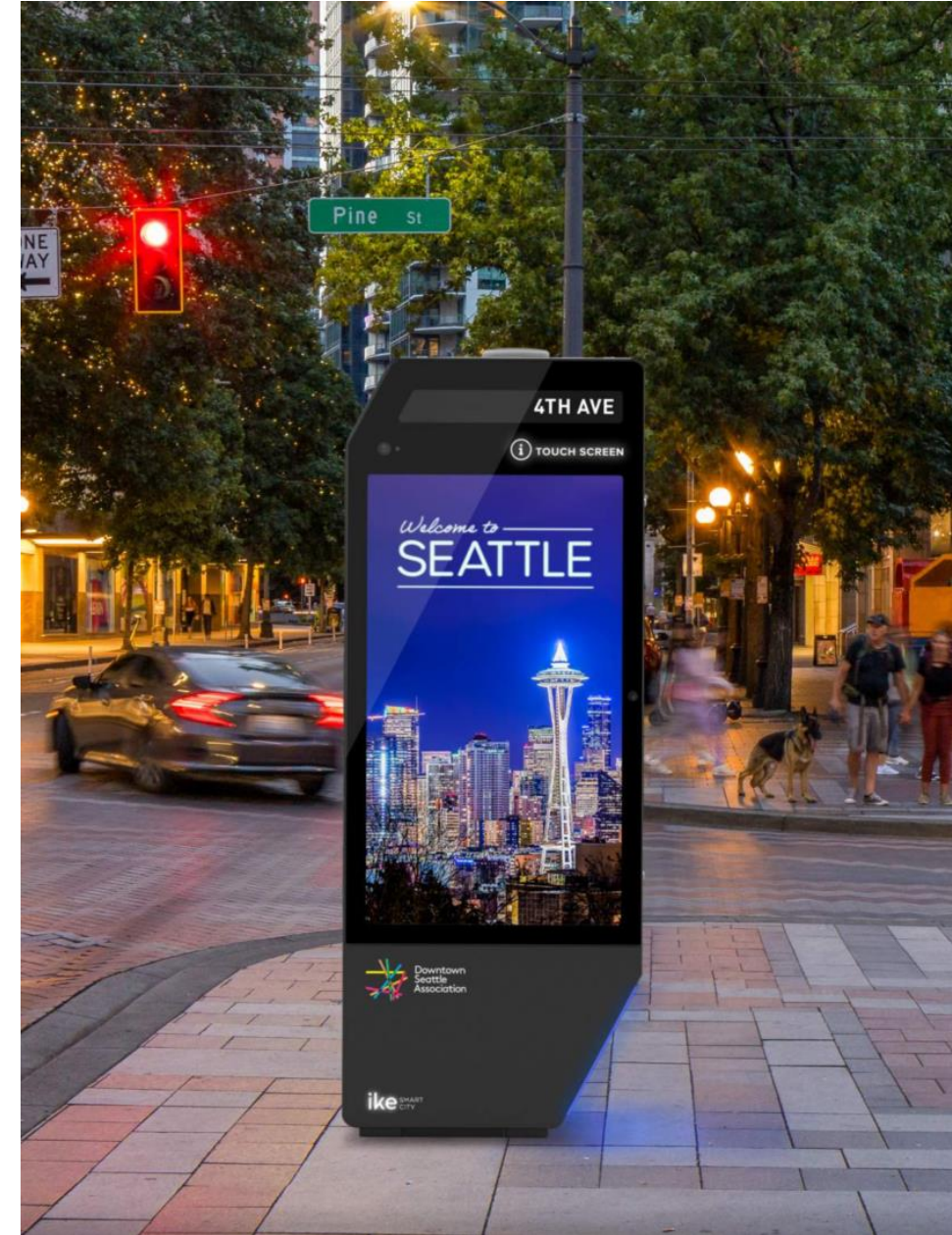
**Amy Gray, Senior Planning & Development Specialist**

**May 8, 2025**



# Presentation Overview

- What the Downtown Seattle Association (DSA) proposes
- Where the kiosks would be placed
- What we recommend



# Background

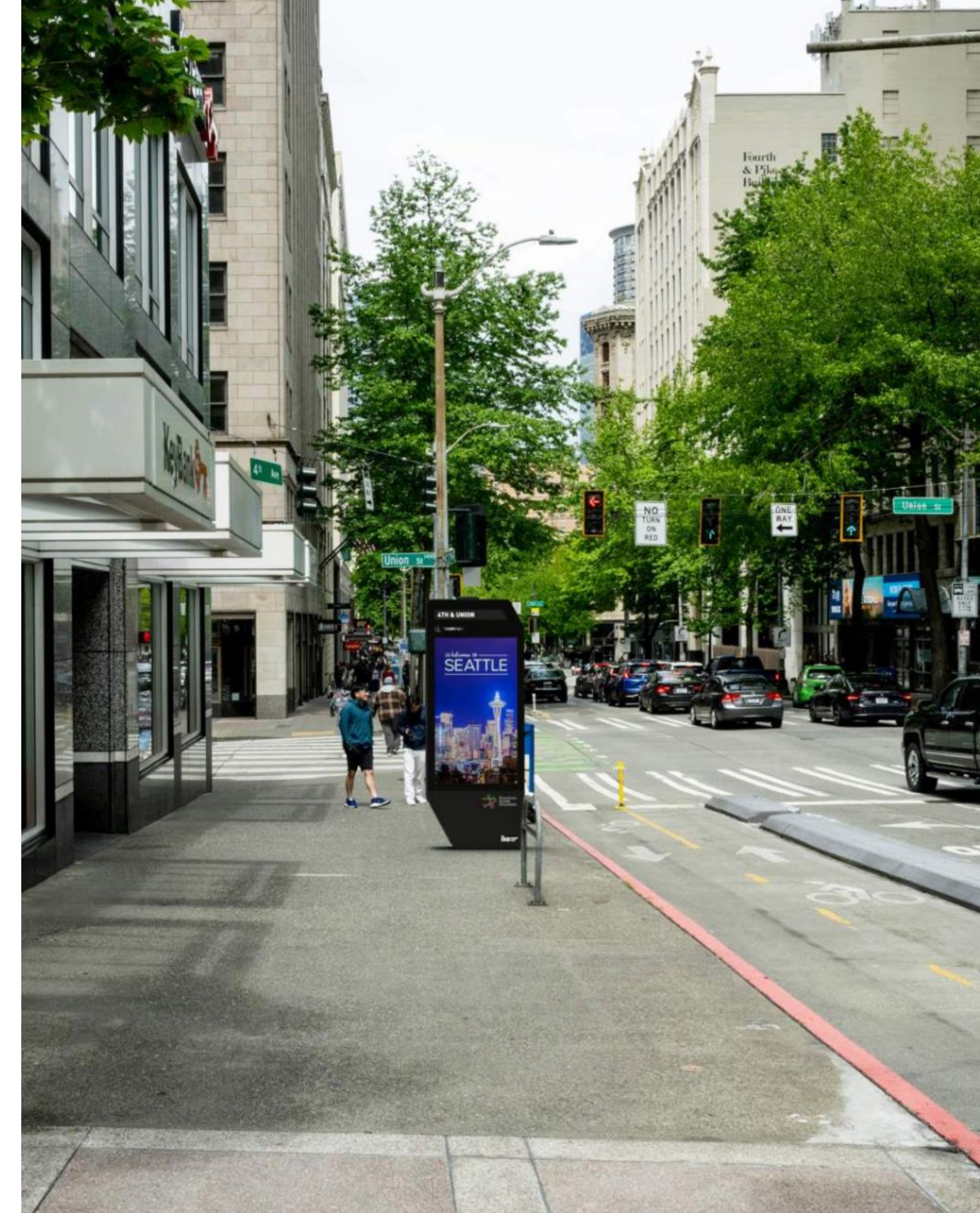
- Kiosks are a key near-term action listed in the Downtown Activation Plan (DAP) to help make downtown a top destination for Seattleites and visitors year-round
- The DAP anticipated partnering with the Downtown Seattle Association (DSA) to deliver kiosks



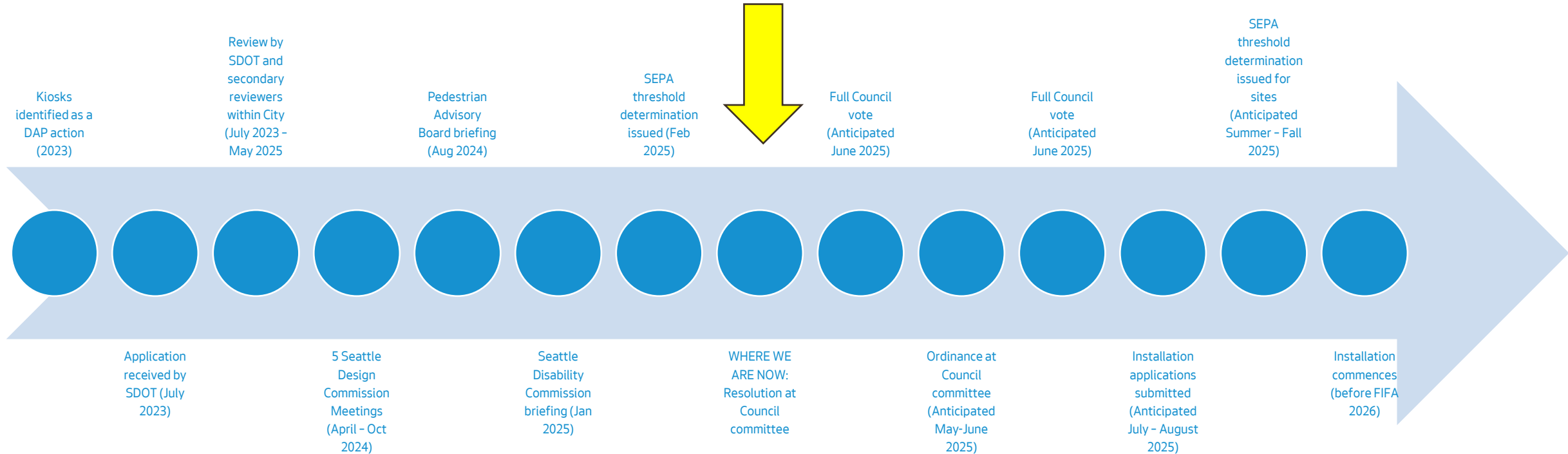


# Proposal

- Programmatic term permit for 80 interactive media kiosks
- DSA is the applicant and IKE Smart City is the vendor
- DSA will maintain the kiosks at no cost to the City
- The DSA will receive revenue to reinvest back into downtown and other participating BIAs
- The City Charter authorizes you to approve non-conforming uses



# Timeline



# Term Permit Process – New Permits

## Step 1: Resolution for Conceptual Approval

- Identifies conditions to be met before final approval

## Step 2: Ordinance Passage

- Occurs after all conditions in the resolution are met
- Grants the permit for a set term
- Sets the terms and conditions of the permit

## Step 3: Permitting

- Complete project level SEPA for each kiosk
- Apply for permits to install kiosks





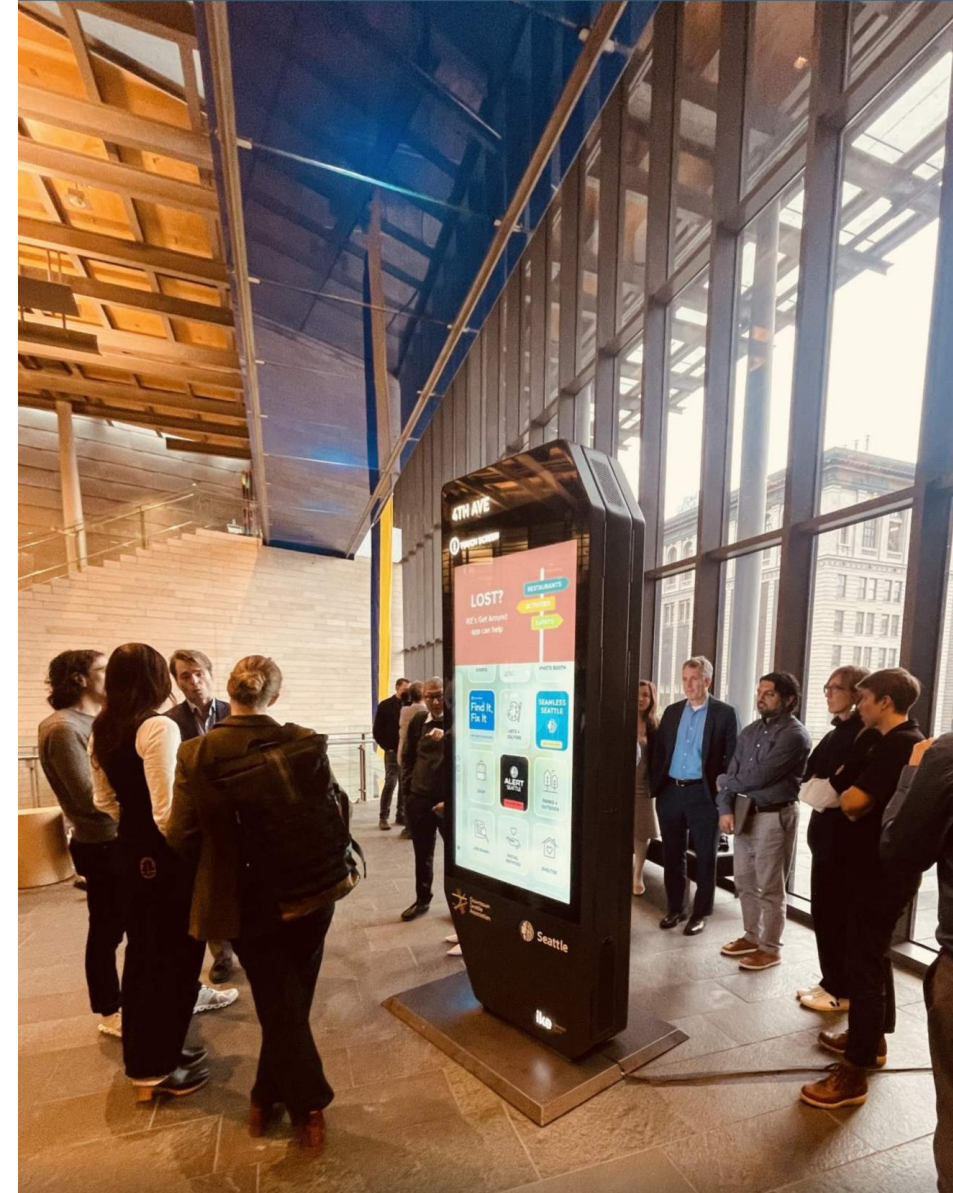
# Review Process

## Our Review

- Guided by SMC Chapter 15.65
- Includes review by the Seattle Design Commission

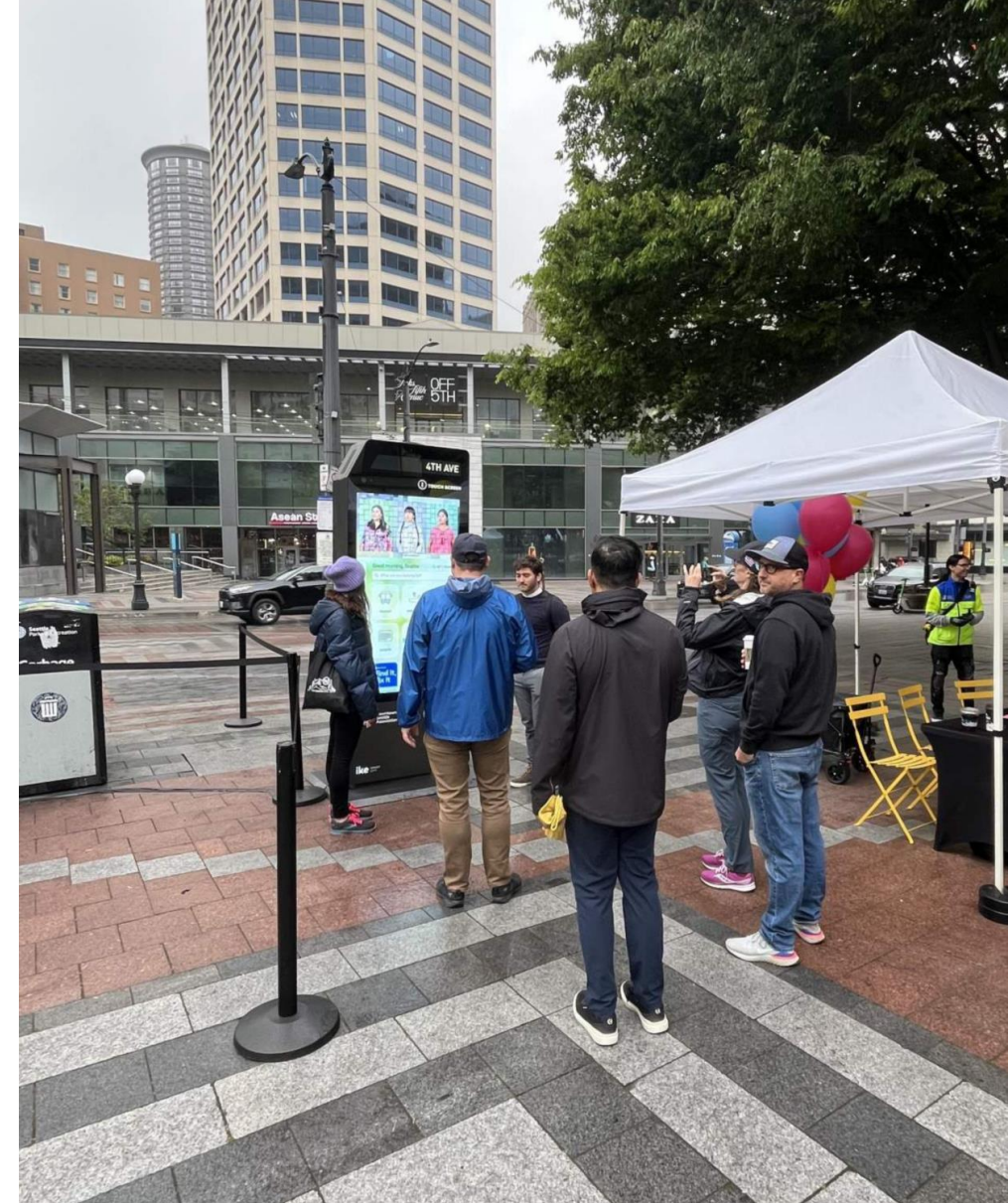
## Seattle Design Commission meetings

- April 4, 2024
- June 6, 2024
- Sep 19, 2024
- October 3, 2024
- October 21, 2024



# Community Engagement

- Created project website and online survey
- Engaged with people at Westlake Park, Design Commission, DSA State of Downtown, and other events
- Presented to neighborhood associations, city commissions, and advisory boards
- Communicated with more than 60 community groups, stakeholders, and downtown organizations
- Visited with more than 200 BIPOC businesses





# Program Areas

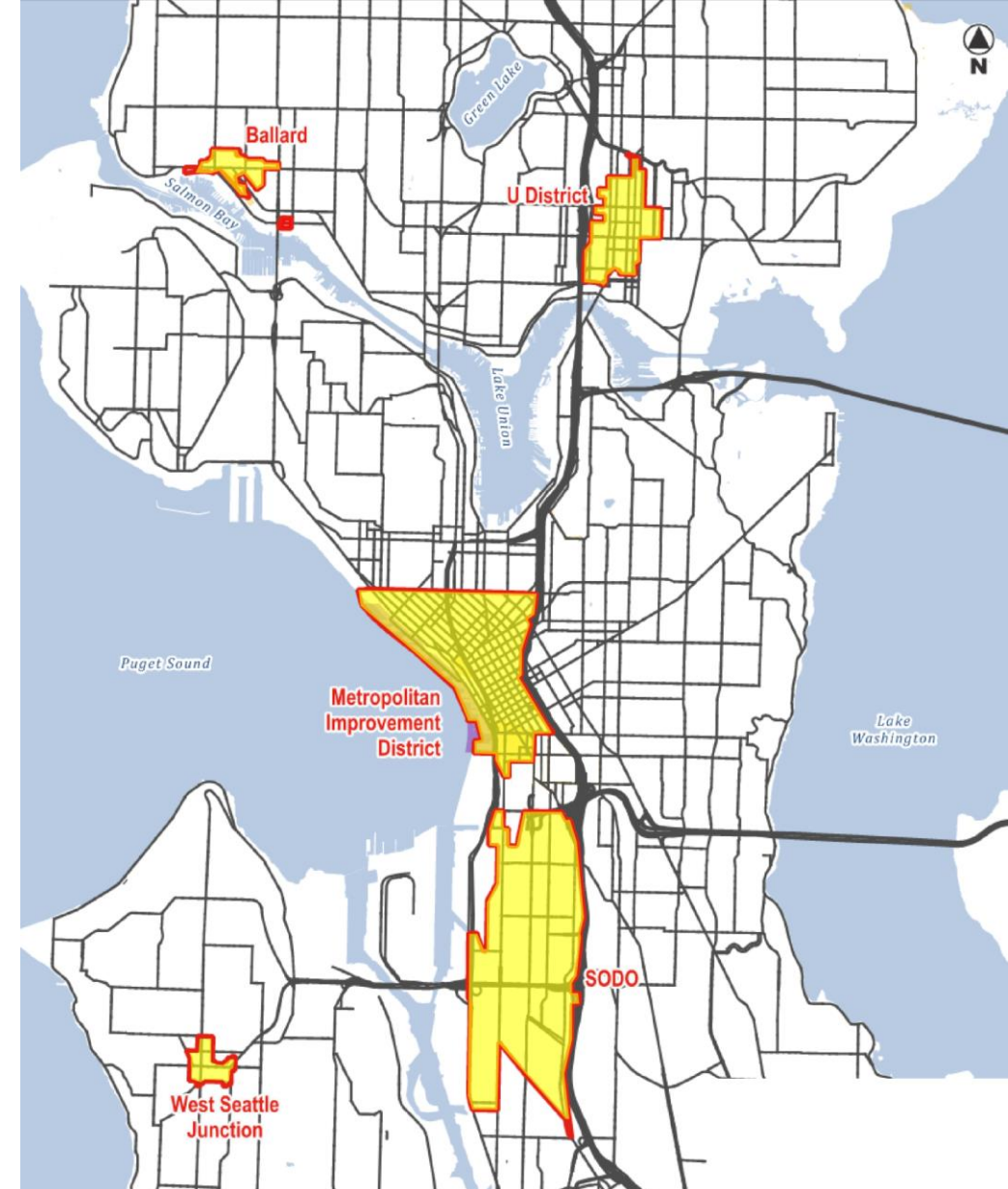
- Metropolitan Improvement (MID) - District 7
- Business Improvement Areas (BIA)
  - Ballard - District 6
  - U District - District 4
  - SODO - District 1
  - West Seattle Junction - District 1
- Kiosks will not be in:
  - Historic, Landmark, and Special Review Districts
  - Shoreline Districts and the Waterfront, or residential zones
  - The Seattle Center Overlay Districts
  - Park boulevards





# Phasing

- **Phase 1**
  - Installs 30 in the MID
- **Phase 2**
  - Requires additional Executive approval
  - Installs 30 more in the MID
  - Installs 20 across BIAs



# Kiosk Description

- **How big is a kiosk**
  - Height: 8.25 feet
  - Width: 3.15 feet
  - Depth: 1.04 feet
  - Screen size: 12.5 sq. feet
- **How robust is a kiosk**
  - Extreme weather proofed
  - Corrosion-resistant
  - Dust and water-resistant
  - Shatterproof
- **Who will maintain them**
  - DSA & IKE Smart City



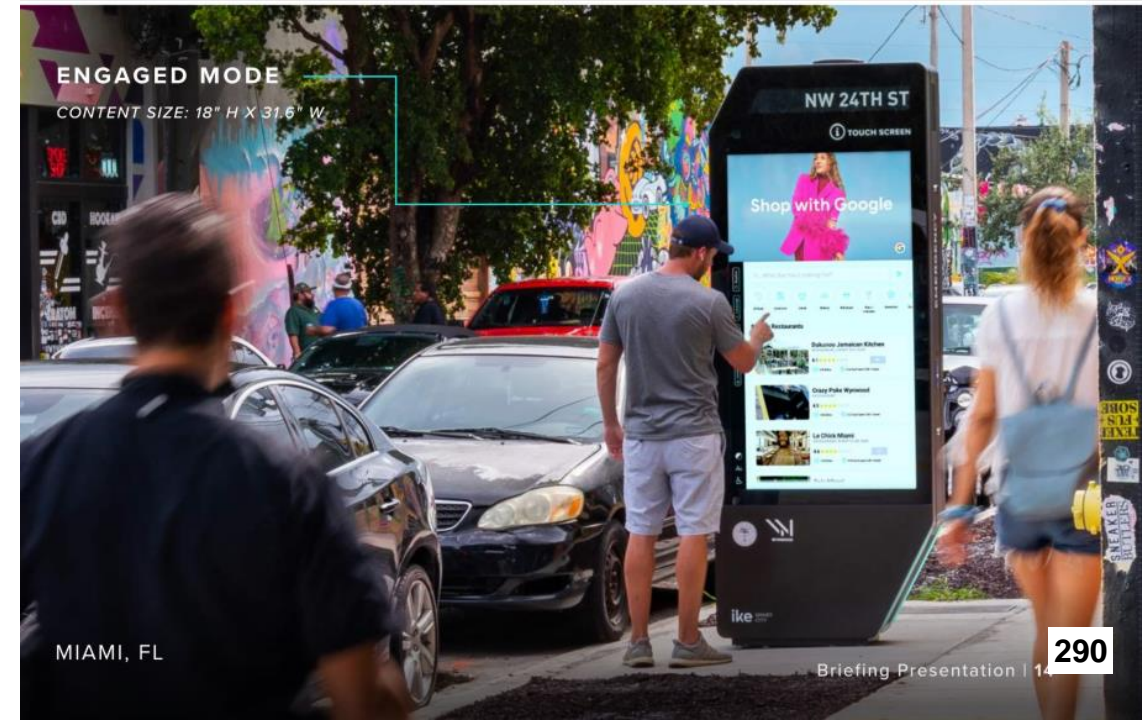
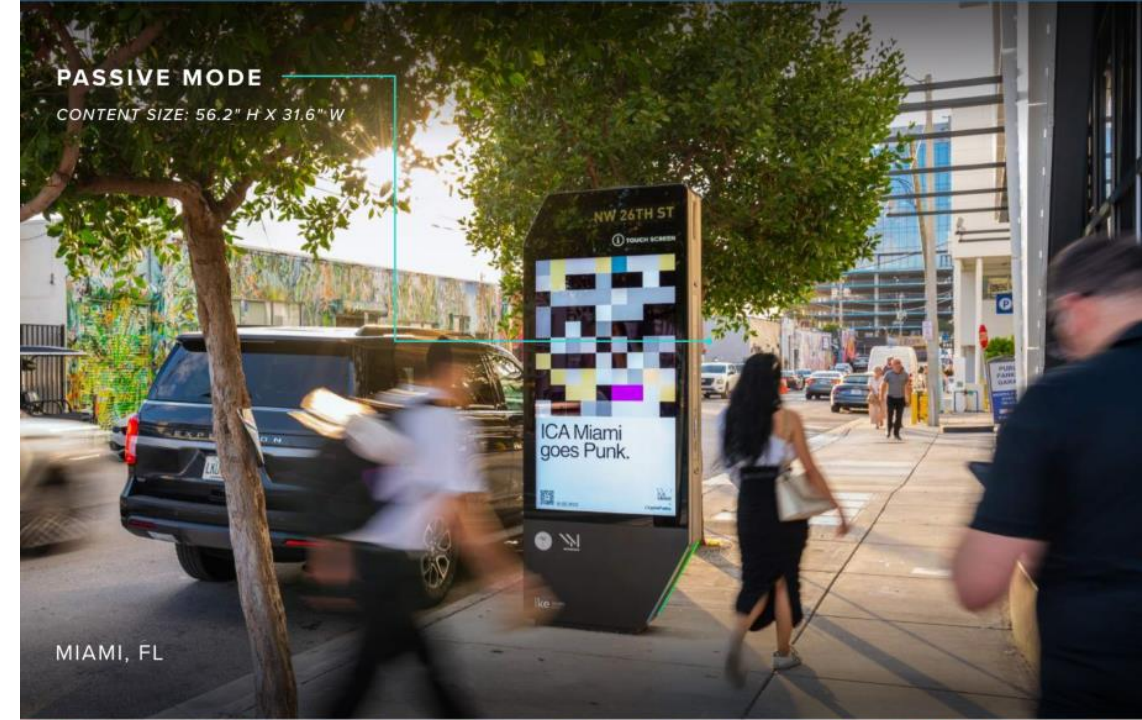
# Operation Modes

## Passive Mode

- Default mode
- Screen is a portrait layout showing a loop of city, community, art, and commercial messaging

## Engaged Mode

- Content loop resizes to a landscape layout and interactive app dashboard is displayed

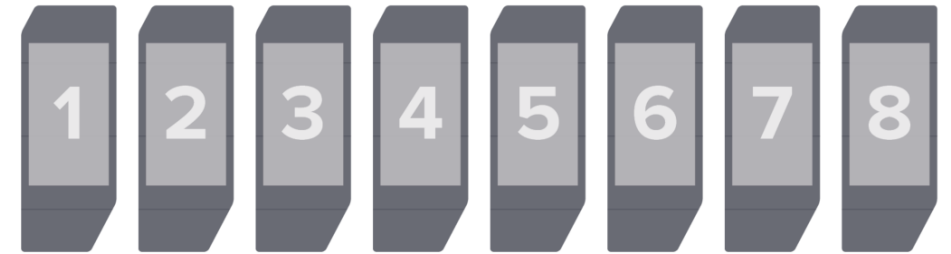




# Kiosk Content

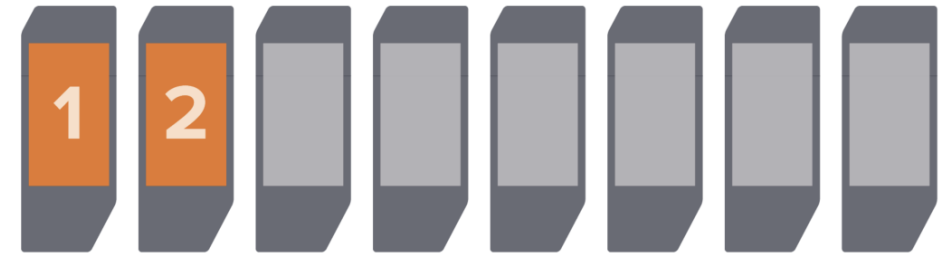
## Slide Deck

- 80 second loop: 8 slides, 10 seconds each



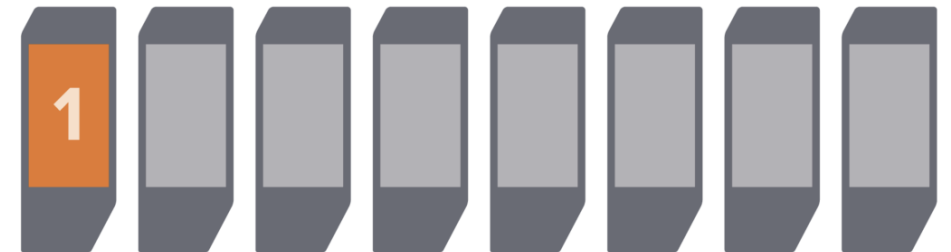
## Annual Minimum

- 1/4 of slides will be public content



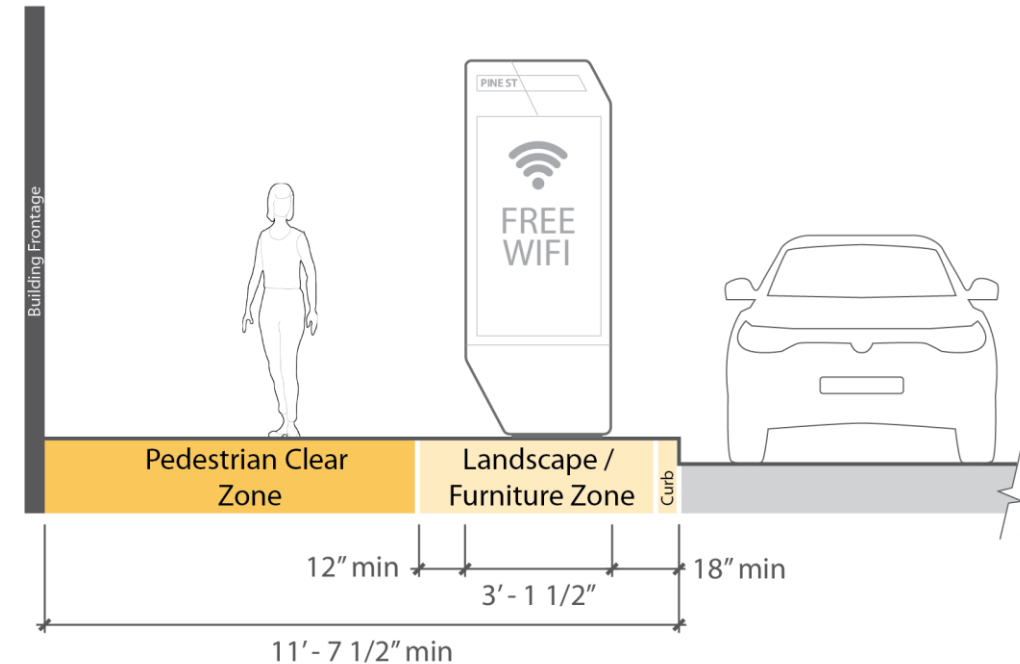
## Daily Minimum

- 1/8 slides will be public content



# Kiosk Siting Standards

- **Kiosks can be placed**
  - On low-speed streets
  - In the furniture zone
  - Away from intersections, crosswalks, and special curb uses like load zones
  - One per block, except on long block faces



# Public Benefits

- Remove broken, redundant, or outdated street furniture near the individual kiosks
- Install public space improvements such as flower baskets and bike racks near kiosks





# Other Features

## Financial

- **Phase 1**
  - Revenues directed to DSA (anticipated \$1.1M)
  - Potential for new income to City
- **Phase 2**
  - Within MID, money from additional kiosk advertising goes to the City
  - DSA will divide money across the BIAs where there are kiosks



# Other Features

## Public Safety

- Can share alerts and other messaging from the City
- Equipped with an emergency call button
- Can show wayfinding during special events or unplanned demonstrations
- Give information during severe weather or other natural disaster
- Display public safety and emergency warnings immediately when issued by the City
- Connected to FEMA's alert feed (IPAWS) to show public safety warnings in real time





# Other Features

## Engaged Mode

- Promotes local arts, culture, and community events
- Promotes local businesses
- Gives interactive wayfinding coordinated with Seamless Seattle
- Promotes civic and social resources, including safe shelter and supportive housing.





# Other Features

## Passive Mode

- Gives community and city messaging:
  - local non-profits
  - neighborhood councils
  - BIAs
  - City departments
- Includes public art program paid for by IKE
- Provides free, public Wi-Fi broadcast

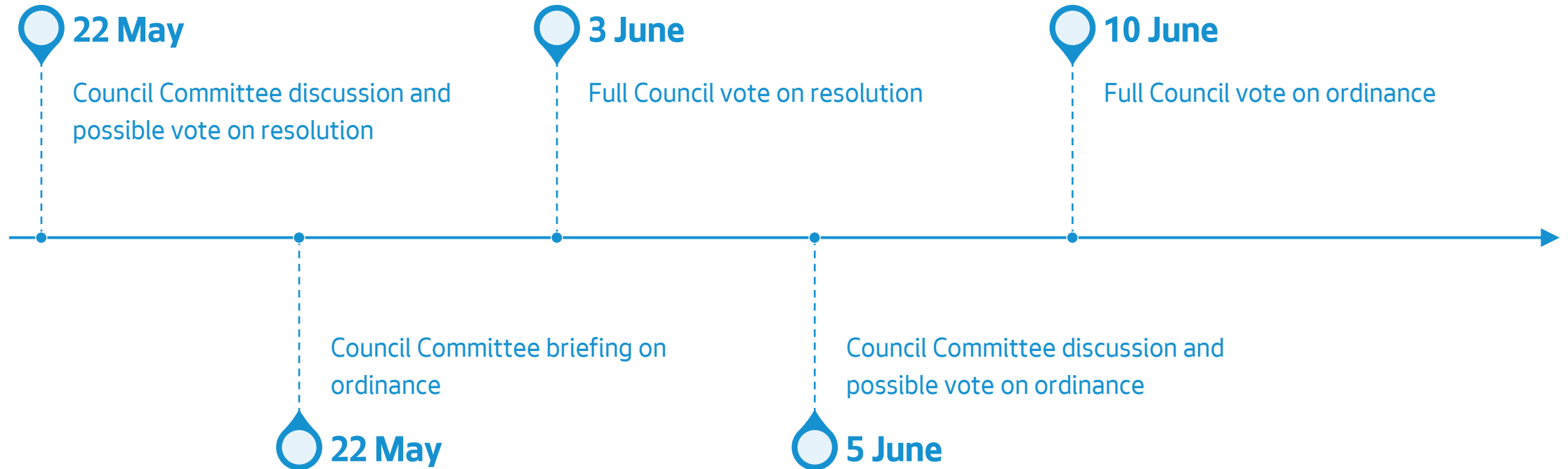


# Our recommendation

We recommend that the City Council adopt the resolution for the proposed programmatic term permit for interactive digital kiosks

There will also be a detailed term permit ordinance for your consideration

# Next steps







SHORT NORTH  
ARTS DISTRICT

**PENZONE**  
SALON + SPA  
Short North now open | PENZONE.SALON.COM



**Weather Warning**

CURRENTLY IN EFFECT

Severe storms possible in this area.  
Weather conditions favor thunderstorms  
capable of producing large hail or  
damaging vehicles. Be prepared.

ike  
SMART  
CITY

[alyse.nelson@seattle.gov](mailto:alyse.nelson@seattle.gov) | (206) 684-5268  
[amy.gray@seattle.gov](mailto:amy.gray@seattle.gov) | (206) 386-4638  
[www.seattle.gov/transportation](http://www.seattle.gov/transportation)

jolie

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JEWELERS

NOW  
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KOU LIAN

jolie  
OPEN!





## Legislation Text

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**File #:** CB 120978, **Version:** 1

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### CITY OF SEATTLE

#### ORDINANCE \_\_\_\_\_

#### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the Code of Ethics; defining “elected official”; requiring elected officials to disclose any financial interest or conflict of interest prior to participating in legislative matters; and amending Sections 4.16.030 and 4.16.070 of the Seattle Municipal Code.

WHEREAS, in 2013 the people of Seattle enacted a City Charter amendment to elect seven members of the City Council by district; and

WHEREAS, disqualifying a Councilmember from participating in a matter because of a conflict of interest may have the effect of denying residents of that Councilmember’s district an equal voice in the City’s lawmaking process; and

WHEREAS, the Seattle City Council last amended the Code of Ethics in 2018, to address disqualification requirements for the legislative process, and created a limited exception to allow Councilmembers with a conflict of interest to participate in some legislative matters after disclosure of the financial interest; and

WHEREAS, after six years of implementation of the limited exception, the Executive Director of the Seattle Ethics and Elections Commission has addressed the current interplay between the Code of Ethics and legislative process; and

WHEREAS, the Executive Director relayed two findings in support of amending the Code of Ethics to allow elected officials to participate in legislative matters after disclosure of a financial interest: (1) the public nature of the legislative process; and (2) the ability of voters to act upon the voting record of their elected officials; and

WHEREAS, this bill does not permit elected officials to participate in quasi-judicial proceedings in which they have a financial interest or participate in an executive function in which they have a financial interest;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 4.16.030 of the Seattle Municipal Code, last amended by Ordinance 125589, is amended as follows:

**4.16.030 Definitions**

As used in this ~~((chapter, the following terms shall have the meanings indicated.))~~ Chapter 4.16:

\* \* \*

"City volunteer" means someone who volunteers services to the City.

"Elected official" means any person serving as one of the elective officers listed in Article XIX, Section 1 of the City Charter.

\* \* \*

Section 2. Section 4.16.070 of the Seattle Municipal Code, last amended by Ordinance 125589, is amended as follows:

**4.16.070 Prohibited conduct**

A covered individual may not engage in any of the following acts:

A. Disqualification from acting on City business

1. Participate in a matter in which any of the following has a financial interest, except as permitted by Section 4.16.071;

- a. The covered individual;
- b. An immediate family member of the covered individual;
- c. An individual residing with the covered individual other than as a landlord or tenant;
- d. A person the covered individual serves as an officer, director, trustee, partner, or



employee; or

e. A person with whom the covered individual is seeking or has an arrangement concerning future employment.

2. Participate in a matter in which a person who employed the covered individual in the preceding 12 months or retained the covered individual or the covered individual's firm or partnership in the preceding 12 months, has a financial interest; provided, however, that the Executive Director shall waive this subsection 4.16.070.A.2 when:

a. The covered individual's appointing authority or the authority's designee makes a written determination that there is a compelling City need for the covered individual to participate in a matter involving a prior employer or client, and submits that determination with a written plan showing how the authority will safeguard the City's interests, and

b. The Executive Director determines that the authority's plan is satisfactory.

3. Perform any official duties when ~~((it could appear))~~ to a reasonable person, having knowledge of the relevant circumstances, ~~((that))~~ the covered individual~~((s judgment is impaired))~~ has a conflict of interest because of either (a) a personal or business relationship not covered under subsection 4.16.070.A.1 or 4.16.070.A.2, or (b) a transaction or activity engaged in by the covered individual. It is an affirmative defense to a violation of this subsection 4.16.070.A.3 if the covered individual, before performing the official act, discloses the relationship, transaction, or activity in writing to the Executive Director and the covered individual's appointing authority, and the appointing authority or the authority's designee either approves or does not within one week of the disclosure disqualify the covered individual from acting. ~~((For an elected official to receive the same protection, the official must file a disclosure with the Executive Director and the City Clerk.))~~ If a covered individual is charged with a violation of this subsection 4.16.070.A.3, and asserts as an affirmative defense that a disclosure was made, the burden of proof is on the covered individual to show that a proper disclosure was made and that the covered individual was not notified that the covered individual was

disqualified from acting.

4. Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply if the prohibited financial interest is shared with a substantial segment of the public, as defined by rule by the Ethics and Elections Commission.

The Rule will consider if the elected official is elected by a district or citywide.

5. Application to City elected officials and legislative matters. Subsections 4.16.070.A.1 ~~((and)), 4.16.070.A.2, and 4.16.070.A.3~~ do not apply to an elected official's participation in legislative matters if the elected official publicly discloses any financial interest or conflict of interest prior to participating in a legislative matter. ~~((: a. The legislative matter establishes or adjusts assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the elected official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate and a disclosure is made in accordance with subsection 4.16.070.A.6, or 6. Before participating in a matter covered by subsection 4.16.070.A.5, the elected official must publicly disclose any financial interest or conflict of interest.))~~ An elected official must post a written disclosure on the official's City webpage and file a copy with the Executive Director and the City Clerk. A Councilmember shall additionally make such a disclosure on the public record at an open public meeting of the Council or one of its committees at which the legislative matter is discussed. ~~((The Councilmember shall also, before participating in that legislative matter at any subsequent Council or committee meeting, repeat the oral disclosure on the public record of that meeting. a.))~~ If ~~((a Councilmember))~~ an elected official is charged with a violation of subsection 4.16.070.A.1 or 4.16.070.A.2 or 4.16.070.A.3 and asserts as an affirmative defense that a disclosure under this subsection ~~((4.16.070.A.6))~~ 4.16.070.A.5 was made, the burden of proof is on the ~~((Councilmember))~~ elected official to show that a proper disclosure was made.

\* \* \*

Section 3. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and signed by  
me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved /    returned unsigned /    vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_

Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_

Scheereen Dedman, City Clerk

(Seal)



## **SUMMARY and FISCAL NOTE**

| <b>Department:</b> | <b>Dept. Contact:</b> | <b>CBO Contact:</b> |
|--------------------|-----------------------|---------------------|
| Legislative        | Ben Noble             | TBD                 |

### **1. BILL SUMMARY**

#### **Legislation Title:**

AN ORDINANCE relating to the Code of Ethics; defining “elected official”; requiring elected officials to disclose any financial interest or conflict of interest prior to participating in legislative matters; and amending Sections 4.16.030 and 4.16.070 of the Seattle Municipal Code.

#### **Summary and Background of the Legislation:**

This legislation's specific goal is to ensure that more Councilmembers can participate in critical policy decisions. With the City having moved to a structure that includes seven Councilmembers elected on a district basis, the existing recusal requirements could mean that residents of some districts will only have their voices heard through the two city-wide Councilmembers on potentially significant policy issues.

This legislation would ensure fuller representation by providing additional opportunity for Councilmembers to participate in legislative matters in which they have a financial interest or other conflict of interest. In particular, the legislation would allow Councilmembers to participate in policy development in such circumstances, if the Councilmember first discloses such interests in an open public meeting, posts a written disclosure on the official's city webpage, and files a written disclosure with the Executive Director of the Seattle Ethics and Elections Commission (SEEC) and City Clerk.

The recusal requirements for other elected officials and City employees would remain essentially unchanged. In particular, direct financial conflicts will still require recusal for other elected officials and City employees. The affirmative defense now available to other City employees and elected officials for more general conflicts of interest is maintained. City employees and other elected officials can participate in matters where such conflicts exist if they disclose these conflicts to the Director of the Ethics Commission and their appointing authority (if applicable), and neither objects to that participation. That said, the proposed legislation does amend the terminology for such conflicts from an instance where the covered individual's ‘judgment is impaired’ to circumstances where a ‘conflict of interest’ exists.

In addition, the legislation also modifies the types of relationships that could preclude the participation of covered individuals from certain official acts, or at least require some type of disclosure. Currently, participation can be precluded if an “individual residing with the covered individual” has a financial interest. That limitation now applies to those residing together as landlord and tenant. This legislation would eliminate the landlord-tenant relationship as one that could inherently require recusal.

## 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?**

☐ Yes ☒ No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill.

Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

| Project Name: | Master Project I.D.: | Project Location: | Start Date: | End Date: | Total Project Cost Through 2029: |
|---------------|----------------------|-------------------|-------------|-----------|----------------------------------|
|               |                      |                   |             |           |                                  |

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation have financial impacts to the City?**

☐ Yes ☒ No

If there are no projected changes to expenditures, revenues, or positions, please delete the table below.

| Expenditure Change (\$);<br>General Fund | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|--|------|-----------|-----------|-----------|-----------|
|  |      |           |           |           |           |
| Expenditure Change (\$);<br>Other Funds  | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|  |      |           |           |           |           |

| Revenue Change (\$);<br>General Fund | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|--------------------------------------|------|-----------|-----------|-----------|-----------|
|                                      |      |           |           |           |           |
| Revenue Change (\$);<br>Other Funds  | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|                                      |      |           |           |           |           |

| Number of Positions | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|---------------------|------|-----------|-----------|-----------|-----------|
|                     |      |           |           |           |           |
| Total FTE Change    | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|                     |      |           |           |           |           |

If there are no changes to expenditures, revenues, or positions, please delete Sections 3.a, 3.b, and 3.c and answer the questions in Section 4.

### 3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

| Fund Name and Number | Dept | Budget Control Level Name/Number* | 2024 Appropriation Change | 2025 Estimated Appropriation Change |
|----------------------|------|-----------------------------------|---------------------------|-------------------------------------|
|                      |      |                                   |                           |                                     |
| TOTAL                |      |                                   |                           |                                     |

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Appropriations Notes:**

### 3.b. Revenues/Reimbursements

☐ This legislation adds, changes, or deletes revenues or reimbursements.

#### Anticipated Revenue/Reimbursement Resulting from This Legislation:

| Fund Name and Number | Dept | Revenue Source | 2024<br>Revenue | 2025<br>Estimated<br>Revenue |
|----------------------|------|----------------|-----------------|------------------------------|
|                      |      |                |                 |                              |
| TOTAL                |      |                |                 |                              |

#### Revenue/Reimbursement Notes:

### 3.c. Positions

☐ This legislation adds, changes, or deletes positions.

#### Total Regular Positions Created, Modified, or Abrogated through This Legislation, Including FTE Impact:

| Position # for<br>Existing Positions | Position Title<br>& Department* | Fund Name<br>& Number | Program<br>& BCL | PT/FT | 2024<br>Positions | 2024<br>FTE | Does it sunset?<br>(If yes, explain below<br>in Position Notes) |
|--------------------------------------|---------------------------------|-----------------------|------------------|-------|-------------------|-------------|---|
|                                      |                                 |                       |                  |       |                   |             |   |
|                                      |                                 |                       |                  |       |                   |             |   |
|                                      |                                 |                       |                  |       |                   |             |   |
| TOTAL                                |                                 |                       |                  |       |                   |             |   |

\* List each position separately.

#### Position Notes:

### 3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No.



**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

Not Applicable.

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

#### **4. OTHER IMPLICATIONS**

- a. Please describe how this legislation may affect any departments besides the originating department.**

The Ethics and Elections Commission enforces the City's ethics code. However, the changes in this legislation will not affect the scope of those responsibilities.

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**  
No.

- c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.** The specific goal of this legislation is to ensure that more Councilmembers can participate in critical policy decisions, including those members who represent districts that include vulnerable and/or historically disadvantaged communities.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**
- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**
- iii. What is the Language Access Plan for any communications to the public?**

- d. Climate Change Implications**  
Not Applicable.

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

- ii. **Resiliency:** Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.
- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?

## 5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

- ☒ Is a public hearing required? No
- ☒ Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required? No
- ☒ If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies? No
- ☒ Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization? No
- If yes, please review requirements in Resolution 31203 for applicability and complete and attach “Additional risk analysis and fiscal analysis for non-utility partner projects” form.

## 6. ATTACHMENTS

List Summary Attachments (if any):

May 06, 2025

## MEMORANDUM

**To:** Governance, Accountability, and Economic Development Committee  
**From:** Lauren Henry, Legislative Legal Counsel  
Ben Noble, Council Central Staff Director  
**Subject:** Review for CB 120978 re: Code of Ethics

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On May 8, 2025, the Governance, Accountability, and Economic Development Committee will discuss [Council Bill \(CB\) 120978](#) that would amend provisions of Seattle Municipal Code (SMC) [Chapter 4.16 Code of Ethics](#). This memo will (a) provide a summary of the proposed changes; (b) provide state laws regarding the ethical conduct of municipal officers; (c) give a brief overview of ethics codes in various Washington State cities as well as other states; and (d) report on the legislative history of SMC 4.16.030 and 4.16.070.

### A. Summary of CB 120978

As the general title of the bill indicates, CB 120978 amends two sections of SMC Chapter 4.16. In SMC 4.16.030, the bill amends the definitions to the code of ethics to include “elected official”, defined as one who serves an elective office under Seattle’s Charter. Elected officials are those elected or appointed as a Councilmember, City Attorney, or Mayor. The bill also amends SMC 4.16.070 in the following four ways:

1. Creates an exception to the types of relationships that categorically create financial interests or ethical considerations for the person acting on City business. The exception would carve out landlords and tenants that reside together from those persons that otherwise live together. If enacted, the interests of one party in the landlord-tenant relationship would not give the other a financial interest that would disqualify them from City business without some greater connection than their living arrangement as landlord and tenant.
  - a. Example: If a tenant lived on the property with a landlord, the tenant’s financial interests as a specific manufacturer wouldn’t create a conflict of interest that would disqualify the landlord from acting on City business related to that manufacturing. Conversely, a landlord’s financial interests in real estate wouldn’t cause the tenant to disqualify themselves from acting on City business related to real estate.
2. Changes the characterization in SMC 4.16.070.A.3 from regulating those whose “judgment is impaired” to those with a “conflict of interest.”
  - a. For covered individuals, this change to the language has no impact on the requirements to disclose, seek guidance, and then act.



3. Deletes the provision in SMC 4.16.070.A.3 requiring elected officials to disclose their conflict of interest in writing to the Executive Director of The Seattle Ethics and Elections Commission (SEEC) and City Clerk and replaces it with an alternative approach to disclosure.

- a. The effect of this amendment depends on whether the official act is a legislative matter. “Legislative matter” is a defined term in the code of ethics and means: “any enacted or introduced council bill, ordinance, resolution, clerk file, ballot measure, or charter amendment. A legislative matter may include a possible future council bill, ordinance, resolution, clerk file, ballot measure, or charter amendment, if the possible future matter has been discussed on the public record at an open public meeting of the City Council or one of its committees.”

For legislative matters, elected officials will follow subsection A.5 and provide written disclosure of the conflict of interest to the SEEC Executive Director and City Clerk.

For non-legislative matters, the change affects where elected officials file a disclosure. For example, presently if the Mayor believes he has a conflict of interest on an executive action, under the current code of ethics he would disclose the circumstances by filing a written disclosure with the SEEC Executive Director and the City Clerk. Under CB 120978, the Mayor would disclose the conflict of interest to the SEEC Executive Director but not the City Clerk.

4. Allows elected officials to participate in legislative matters after disclosure of a financial interest or conflict of interest. Subsections A.5 and A.6 are combined into one subsection to accomplish this purpose.

Under current law, there is only one limited exception to the prohibition against Councilmembers acting on legislative matters when they have a financial interest in the legislative matter. The current exception authorizes Councilmembers to participate in legislation establishing or adjusting taxes, fees, and utility rates even if the Councilmember has a financial interest. That language is as follows:

**“SMC 4.16.070.A.5. Application to City elected officials and legislative matters.**

Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply to an elected official's participation in legislative matters if:

- a. The legislative matter establishes or adjusts assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the elected official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate and a disclosure is made in accordance with subsection 4.16.070.A.6, or”

In CB 120978, the limited exception is expanded to all types of legislation so long as the elected official follows the disclosure procedure that is already in SMC 4.16.070.A.6. All but one of the procedural requirements to disclosure of the financial interest or conflict of interest would remain. They are:

- a. FIRST: An elected official posts a disclosure to their City webpage and files the disclosure with the Executive Director of the Seattle Ethics and Elections Commission and City Clerk;
- b. SECOND: A Councilmember must also announce the disclosure at an open public meeting, i.e. a full City Council or Committee meeting, in which the matter is discussed. The current code of ethics requires that this announcement be repeated at successive meetings on the legislative matter, but this provision is deleted in the proposed bill.

## **B. State Laws Regulating the Ethical Conduct of Municipal Officers**

State law establishes the minimum ethical requirements for municipal officers in RCW 42.23 [Code of Ethics for Municipal Officers](#). This chapter applies to all elected and appointed officers of a municipality, including deputies and assistants, and those exercising the powers of a municipal officer. There are 4 prohibited acts in RCW 42.23.070: (1) secure special privileges or exemptions; (2) receive gifts/gratuities “from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law”; (3) have business or professional activity that would require disclosing confidential info acquired by official job; (4) disclose confidential info or use it for personal gain. Additionally, RCW 42.23.030 prohibits a municipal employee from having a direct or indirect interest in a contract, unless that interest is a “remote interest” as the term is defined in RCW 42.23.040.

Additionally, note that certain land use decisions and actions taken by Councilmembers in a quasi-judicial capacity occupy a uniquely regulated space. State law regulates Councilmember’s conduct through the [Appearance of Fairness Doctrine](#). These requirements remain intact and applicable to Councilmember actions regardless of any amendments to our city code of ethics. In particular, RCW 42.36.060 requires that a Councilmember receiving an ex parte communication disclose the substance of the communication “at each hearing where action is considered or taken on the subject to which the communication related.” CB 120978’s amendment to delete repeated disclosures does not impact this state law requirement, so Councilmembers in a quasi-judicial capacity that receive an ex parte communication will still be required to disclose the communication at each hearing where action is considered.

The amendments put forward in CB 120978 do not replace these state law requirements. Elected officials must still comply with state law when engaging in legislative matters. For example, if a Councilmember learns of confidential information during the course of their official role, they are prohibited by state and local law from disclosing such information. Nothing about the legislative nature of the matter would supersede state law requirements to maintain confidentiality and not disclose the information for personal gain.

### C. Overview of City and State Ethics Codes

As noted above, state law prescribes the minimum ethical requirements for municipalities and each jurisdiction may thereafter choose for itself any greater requirements. Cities across Washington have come to varying conclusions about the appropriate ethical considerations in a legislative context. Some factors that might result in different rules could be the size of the jurisdiction, the part-time or full-time nature of elected office, and the representative structure of each elective office. Councilmembers seeking additional information about how state law requirements are incorporated into local ethics code may also reference the [MRSC overview of local ethics codes](#). Below is a sampling of other state codes with links where available.

[Tacoma](#): Section 1.46 regarding personal interests in legislation applies to those appearing before or supplying opinions to the City Council.

[Spokane](#): prohibits having a personal interest in legislation unless it is a remote interest and is disclosed.

Everett: does not appear to have supplementary considerations for legislators beyond the state law requirements.

[SeaTac](#): prohibits elected officials appearing before the Council from having a financial interest in legislation unless it is a remote interest and disclosed to the City Council.

Federal Way: conflict of interest is defined by the state law regarding prohibited acts, without supplemental considerations for legislators.

[Bellingham](#): requires City officials to comply with state law without supplemental considerations for legislators.

Just as cities throughout Washington have come to various determinations about the ethical considerations of legislators, so too have the fifty states. The National College of State Legislatures performed a [fifty state survey](#) that listed each state ethics code and any exceptions to its general rules. There are many code models for Councilmembers to consider, and each may be applied to our Seattle Municipal Code to the extent that the provision is consistent with and supplementary to Washington State law.

### D. Legislative History of SMC 4.16.030 and 4.16.070

SMC 4.16.030 and SMC 4.16.070 were created in 1980 by Ordinance 108882. Subsequently these sections of the code of ethics have been amended nine times and eight times, respectively. The most recent amendment was in 2018. The history below will chart the iterations of these two code sections up to the code in force today.

[Ord. 108882](#) (1980): This was the original code of ethics ordinance. It Established the ethics requirements for city officers and employees; created a Board of Ethics and prescribed its powers and duties; and defined ethical offenses.

[Ord. 109950](#) (1981): clarified the scope of ethics code; prohibited disclosing info gained from employment for personal gain; and set fines for violations.



[Ord. 115548](#) (1991): amended ethics code to address minor violations without a hearing; addressed privileged or proprietary info; addressed conflicts involving contracts; and added a one-year period during which a city officer must disclose city contracts to the Elections Administrator.

[Ord. 115552](#) (1991): amended the definition of immediate family to include domestic partners.

[Ord. 116005](#) (1991): established the SEEC instead of the Fair Campaign Practices Commission and Board of Ethics; changed title from Elections Administrator to Executive Director; prescribed duties for these new entities; and added the Executive Director position to the list of exempted positions.

[Ord. 116377](#) (1992): added authority for Executive Director to initiate investigations; added a process for enforcement proceeding and filing charging documents; and shifted responsibility to the Executive Director to schedule a hearing.

[Ord. 118735](#) (1997): adopted technical amendments to change lingering outdated titles to the Executive Director and SEEC; allowed for hearings to be private but for the outcome to be made public if a violation is found; and authorizing appeals of fines to be sent to the Seattle Municipal Court.

[Ord. 121859](#) (2005): applied the Code of Ethics to firefighters at Skagit Project with limited exceptions.

[Ord. 122242](#) (2006): established ethical requirements for Seattle's advisory committees and boards.

[Ord. 123010](#) (2009): This ordinance overhauled the code of ethics to be the version we work from today. This ordinance created the terminology of the "covered individual"; retooled the SMC 4.16.070.A.1-2 prohibitions about financial interest; reworded the appearance of conflict subsection (SMC 4.16.070.A.3); and created the largest exception to the prohibited acts section when financial interests are shared by a substantial segment of population (SMC 4.17.060.A.4). Following this ordinance, SEEC Advisory Opinion 10-01 was published in 2010 and interpreted the "substantial segment" language in this Ordinance for the first time.

[Ord. 123264](#) (2010): clarified the definition of immediate family.

[Ord. 124362](#) (2013): added whistleblower retaliation to ethics code's prohibited acts.

[Ord. 125589](#) (2018): added "legislative matter" to the definitions; added language requiring the SEEC to create a rule defining what is a substantial segment of the public under SMC 4.16.070.A.4; added a limited exception in SMC 4.16.070.A.5 allowing Councilmembers to participate in legislative matters that establish or adjust taxes, fees, rates for utilities, and the like. The bill also added additional disclosure requirements when a Councilmember engaging in a legislative matter using the exception in subsection A.5. In the introduced version, the bill allowed the SEEC to come up with other exceptions to disqualification, but this provision was removed by an amendment. As an aside, that is why the end of subsection A.5 currently has an "or" that isn't connected to any subsequent section.

Note: [This prior Central Staff memo](#) (Attachment 1 to this memo) analyzed the last time that Council took up a change to the code of ethics in Ordinance 125589 as well as [CB 118701](#), which was introduced in 2016 and sponsored by then-Councilmember Bruce Harrell with an alternate proposal to amend the code of ethics. CB 118701 mirrors what is proposed in the present bill and would have authorized Councilmembers to participate in legislative matters after disclosing their financial interests. Although discussed at the committee level, CB 118701 never moved forward for a vote.

**Attachments:**

1. 2018 Central Staff Memo on CB 119254

**Attachment 1**  
**2018 Central Staff Memo on CB 119254**  
*(next page)*



May 14, 2018

**MEMORANDUM**

**To:** GET Committee  
**From:** Patricia Lee  
**Subject:** Council Bill 119254 – Limited Exception to Disqualification Requirements in the Ethics Code

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[Council Bill \(CB\) 119254](#) will be discussed and up for a possible vote by the Governance, Equity and Technology (GET) Committee on Tuesday, May 15, 2018. CB 119254 would create an exception to the disqualification requirement for elected officials from action on limited types of legislative matters.

This memo (1) provides background on prior Committee discussions on disqualification requirements; (2) summarizes the current Ethics Code disqualification requirement and exemptions; and (3) summarizes the proposed change in CB 119254, highlighting a few potential issues for discussion.

**Background**

Currently under the Ethics Code, if a Councilmember shares a financial interest with a substantial segment of the city population he or she does not need to disclose or recuse. If that financial interest is not shared, he or she must recuse himself or herself from participation and voting.

The GET Committee previously considered [CB 118701](#) but did not vote on the bill. CB 118701 would have allowed a Councilmember whose financial interest is not shared with a substantial segment of the city population to disclose but not have to recuse himself or herself from participation. Without this change the Councilmember would have to recuse himself or herself from participation and voting.

The new bill, CB 119254, would allow a more limited exemption to what was proposed in CB 118701. Under the new bill, a Councilmember has to disclose his or her financial interest but not recuse himself or herself from participation, if the legislative matter relates to taxes, or utilities, public services or facilities rates that are applied equally or by the same percentage to the elected officials' interest and others subject to the assessment. The proposal would also define "legislative matter" and delegate to the Ethics and Elections Commission (Commission) authority to provide other exemptions for similar circumstances by rule. It would also allow the Commission to determine by rule when a financial interest is shared with a substantial segment of the population.

In addition, the new bill applies to all elected officials, including the Mayor, whereas the previous ordinance applied only to Councilmembers.

Definitions:

A couple of definitions used in the Ethics Code will make the following sections more understandable. There is also a new definition proposed for “legislative matter” which was previously undefined.

“Covered Individual” means any City officer, City employee, City contractor or City volunteer. Covered Individual also includes every individual who was a City officer, City employee, City contractor or City volunteer at the time of the act or omission that is alleged to have violated this chapter, even if he or she no longer has that status.

“Legislative matter” means any enacted or introduced council bill, ordinance, resolution, clerk file, ballot measure, or charter amendment. A legislative matter may include a possible future council bill, ordinance, resolution, clerk file, ballot measure, or charter amendment, if the possible future matter has been discussed on the public record at an open public meeting of the City Council or one of its committees. (Proposed Definition)

"Matter" means an application, submission, request for a ruling or other determination, permit, contract, claim, proceeding, case, decision, rulemaking, legislation, or other similar action. Matter includes the preparation, consideration, discussion, or enactment of administrative rules or legislation. Matter does not include advice or recommendations regarding broad policies and goals.

“Person” is defined as an individual, association, corporation or other legal entity.

Current Required Disqualification:

The Ethics Code currently requires disqualification due to a financial interest under the following circumstances.

SMC 4.16.070.A prohibits a covered individual from participating in a matter:

- (1) In which they, their family, household member or entity they are employed with or have an official capacity with, have a financial interest; and
- (2) In which a person that employed or retained the covered individual in the last 12 months has a financial interest.

Current Exemptions:

The Ethics Director shall waive the disqualification because of employment in the last 12 months, [SMC 4.16.070.A.2](#), upon determination that there is a compelling City need for the covered individuals participation in the matter and the City’s interests will be safeguarded as evidenced in a written and submitted plan.

The disqualification due to a financial interest set forth in SMC 4.16.070.A.1 and 2 does not apply if the prohibited financial interest is shared with a substantial segment of the City’s population.

## Proposed Changes to Disqualification Due to Financial Interest Requirements

CB 119254 proposes four changes, which are set out and discussed below.

1. Allow the Commission to determine whether the financial interest is shared with a substantial segment of the public and change City's "population" to "public".

SMC 4.16.07.A.4 would be amended to change the requirement that a covered individual may not participate in a matter in which they have a financial interest unless the financial interest is shared with a substantial segment of the City's population. This would be changed to a substantial segment of the public, instead of City's population, and whether the covered individual shared the financial interest would be defined by rule by the Ethics and Elections Commission (Commission). Substantial segment is currently undefined in the SMC, and the proposed change would allow the definition to be established by the Commission. The proposed language is below:

*(4). Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply if the prohibited financial interest is shared with a substantial segment of the ((City's population)) public, as defined by rule by the Ethics and Elections Commission.*

2. Remove disqualification for tax, utility, public services.

SMC 4.16.070 would be amended to add a new exemption to remove the disqualification requirement and allow elected officials to participate in legislative matters if the legislative matter establishes taxes, fees, rates or for utilities, other public services or facilities rates that are applied equally, proportionally or by the same percentage to the elected officials.

*5. Application to City elected officials and legislative matters. Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply to an elected official's participation in legislative matters if:*

*a. The legislative matter establishes or adjusts assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the elected official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate and a disclosure is made in accordance with subsection 4.16.070.A.6, or*



3. Allow the Commission to establish other disqualification exemptions.

SMC 4.16.070 would be amended to add a new exemption in section five to give the Commission discretion to establish additional exemptions which would remove the disqualification requirement by Commission Rule. The exemptions would not be established by legislation or codified in the SMC. *The Council may want to consider whether authority to establish additional exemptions should be delegated to the Commission.* The proposed language is:

*b. Any other similar circumstance as may be prescribed by rule by the Ethics and Elections Commission pursuant to [Section 3.70.100](#).*

4. Add a new disclosure requirement.

SMC 4.16.070 would be amended to add a new disclosure requirement if the elected official is exempted from disqualification because the legislative matter establishes taxes, fees, utility or other public services or facilities rates that are applied equally, proportionally or by the same percentage to the elected official's. It also places the burden of proof on the Councilmember to prove that the proper disclosure was made, if a violation is charged.

The proposed language is:

*6. Before participating in a matter covered by subsection 4.16.070.A.5, the elected official must publicly disclose any financial interest. An elected official must post a written disclosure on the official's webpage and file a copy with the Executive Director and the City Clerk. A Councilmember shall additionally make such a disclosure on the public record at an open public meeting of the Council or one of its committees at which the legislative matter is discussed. The Councilmember shall also, before participating in that legislative matter at any subsequent Council or committee meeting, repeat the oral disclosure on the public record of that meeting.*

*a. If a Councilmember is charged with a violation of subsection 4.16.070.A.1 or 4.16.070.A.2 and asserts as an affirmative defense that a disclosure under this subsection 4.16.070.A.6 was made, the burden of proof is on the Councilmember to show that a proper disclosure was made.*

cc: Kirstan Arestad, Central Staff Director  
Dan Eder, Deputy Director