

Seattle design Commission

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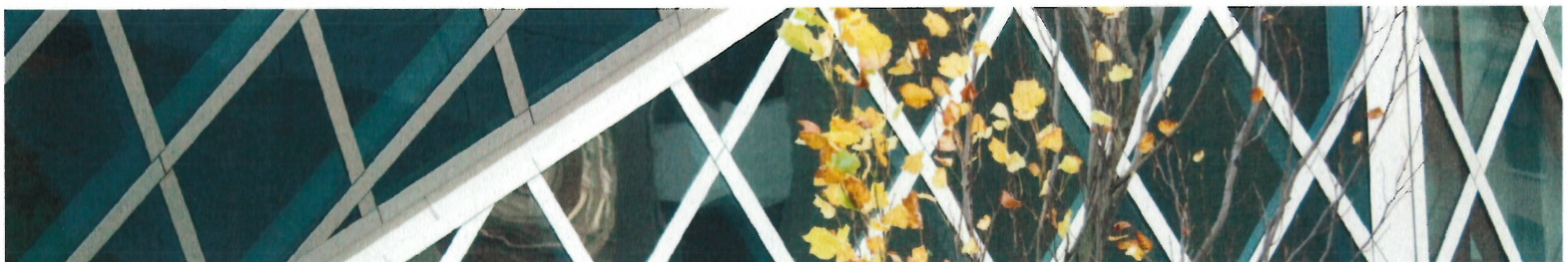
October 21, 2024

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.



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 4th and Union in downtown Seattle, and 22nd 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.

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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.

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.

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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

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SDC report to SDOT on Significant Structure Term Permit - DSA digital kiosk program

- 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

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SDC report to SDOT on Significant Structure Term Permit - DSA digital kiosk program

- 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:

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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

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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

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Mayor

Rico Quirindongo
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Jill Crary, Chair

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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

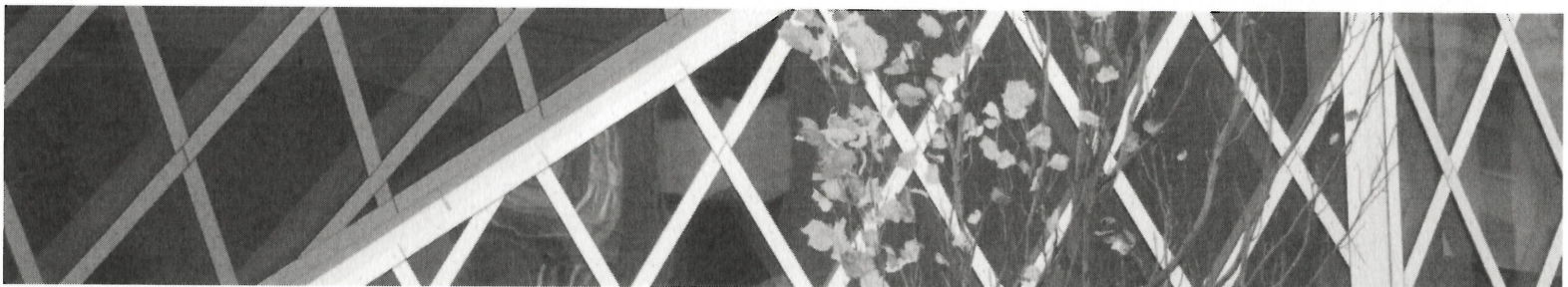
Staff Present

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 1st Avenue NW to the west, NW 87th Street to the north, and Palatine Ave N to the east. The alley terminates in the middle of the block on NW 87th. 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 87th 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 90th Street, and the 1st 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 87th 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 87th 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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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

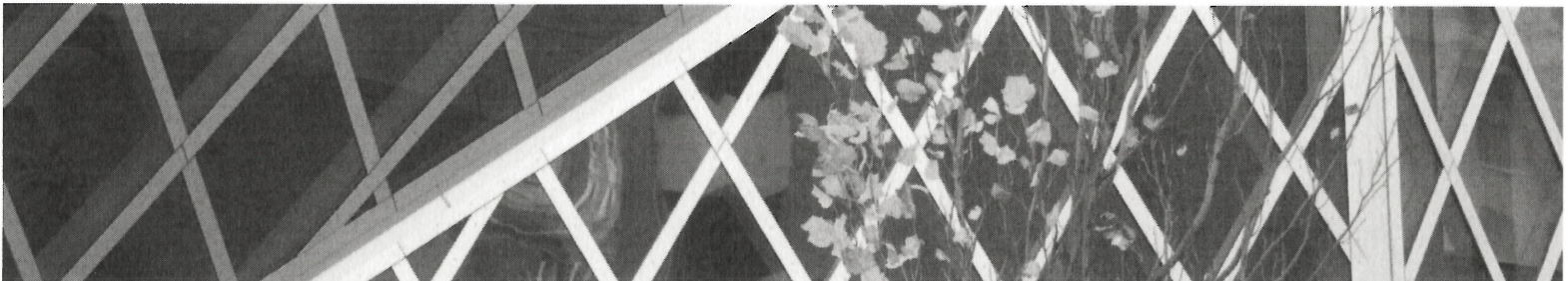
Staff Present

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

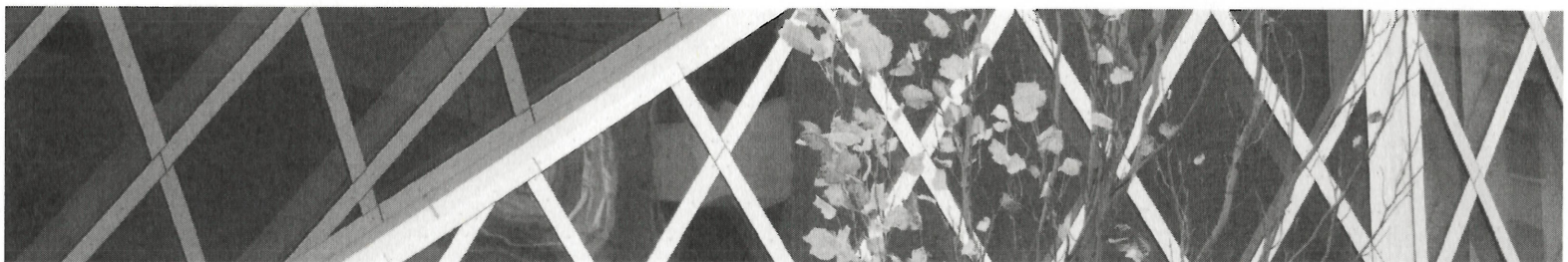
Staff Present

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.