

4/25/2024 Board of Directors Meeting Written Public Comment Submissions

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Michele Smith – Museum of Pop Culture

Dear Sound Transit Board Members:

On behalf of the Museum of Pop Culture (MoPOP), I write to follow up on my letter dated March 8, 2024, regarding the Ballard Link Extension and the proposed “Shifted West” alternative with a station at 5th Avenue North and Harrison Street. I remain grateful for the Sound Transit staff and Board for your consideration of potential impacts on all community partners in your analysis and deliberations.

In my March letter, I sought to highlight three main areas of concerns and unanswered questions for MoPOP, including (1) physical impacts on our facilities and the Monorail, (2) mobility and access impacts due to staging and construction, and (3) resulting economic impacts on our ongoing operations.

Our independent consultants have worked with Sound Transit staff and consultants on preliminary noise and vibration studies that are part of the broader feasibility study. We have been briefed on those preliminary findings from Sound Transit, and some of the initial conclusions are consistent with what our independent consultants determined, namely that there is potential for structural vibration impacts during construction activities. Specifically, our independent consultant found that there is potential for ground-borne vibration impacts to the Sound + Vision Theater within MoPOP and that predicted sound levels from construction could exceed City of Seattle sound level limits when equipment operates in proximity to the museum.

Staff was able to provide a menu of potential mitigation measures and recognized the unique nature of the MoPOP structure. We are eager to understand the costs associated with the broad range of proposed mitigation measures, and, perhaps of most import to you, how those costs compare with other options and how they contribute to the total cost of the proposed alternative relative to the current preferred alternative. **(It is worth noting that the testing utilized a borehole located approximately 300 feet away from the nearest vibration measurement locations and over 400 feet away from sensitive receivers like the Sound + Vision Theatre. The significant distance between the borehole and sensor locations may result in an inaccurate finding that the soil is a poor transmitter of vibration and thus the estimated impact from vibration would be underestimated in Sound Transit’s feasibility study.)**

Staff also looked at some of the potential traffic impacts and access issues. We believe those will require further analysis if more detailed construction plans are developed, particularly given the proposed construction staging area in the Memorial Stadium parking lot, road closures and limitations, and the potential congestion and queuing issues.

Not all of the concerns we’ve raised with you and staff were in the scope of the initial analysis, so we are eager to continue to engage with you as you fully consider the broad range of interests and issues that come with such a complicated project. Thank you again for your continued engagement and consideration.

Sincerely,



Michele Smith
Chief Executive Officer
Museum of Pop Culture

Samantha Millard

Hello, my name is Samantha Millard and I am an employee at the Banya 5 Urban Spa. The proposed new lightrail location has the acquisition of Banya5 in the proposal, and I would like to oppose this decision. Banya5 is a center of community for much of South Lake Union and beyond, bringing a place of comfort, grounding and sense of community to many of the employee's and customers who have been coming here since 2003. This business is a labor of love, and although buildings around us have been demolished or sold, we are still here because we love it here.

I would urge you to reconsider placement for the new lightrail extension with consideration towards the wellbeing of this local business and its impact on the community. Thank you for your consideration, and thank you for your commitment to advancing public transit.

Vincent Briere

Dear Sound Transit Board of Directors,

I am writing to express my strong opposition to the proposed "Shifted West" alternative route for the Ballard Link Extension in South Lake Union. As a member of the Banya 5 community, I am deeply concerned about the potential impact this new proposal could have on a cherished institution that has become an integral part of the fabric of our neighborhood.

Banya 5 is not just a physical structure; it is a vibrant community hub that has been carefully cultivated over the past 20 years by the countless patrons who have found solace, rejuvenation, and a sense of belonging within its walls. The proposed "Shifted West" alternative route threatens to uproot this unique urban oasis by requiring the acquisition of the property, dealing a devastating blow to a diverse group of individuals who have come to rely on Banya 5 as a therapeutic refuge from the stresses of modern life.

Over the years, Banya 5 has become a melting pot for Seattleites from all walks of life, from Amazon employees and restaurant workers to yoga enthusiasts and those seeking the healing powers of hot and cold therapy. The bathhouse was born out of a desire to reestablish the rich traditions of Russian bath

culture in an urban context, drawing upon the city's Northern European roots and the growing interest in natural health and hydrotherapy.

While I understand the importance of expanding public transit and appreciate the efforts to bring light rail to our neighborhood, I strongly believe that it should not come at the cost of dismantling a cultural institution that has become a cornerstone of our community. The "Preferred Alternative" route, which includes stations at Westlake & Denny and 7th & Harrison, seems to strike a better balance between enhancing transportation options and preserving the unique character of South Lake Union. I urge the Sound Transit Board of Directors to consider the full range of impacts the "Shifted West" alternative would have on the South Lake Union community and to explore alternative options that would allow for the much-needed expansion of public transit without sacrificing the spaces and traditions that make our neighborhood special. Banya 5 is more than just a building; it is a testament to the enduring spirit of Seattle and a reminder of the importance of fostering community in an ever-changing urban landscape.

The Banya 5 community is an integral part of what makes South Lake Union a vibrant and diverse place to live and work. I implore you to prioritize the preservation of this community and others like it as you make decisions about the future of the Ballard Link Extension.

Thank you for your consideration.

Sincerely, Vincent Briere, Banya 5 Community Member

Paul Mammen

I'm a 15 year member of the Banya 5 and it's a critical part of my life and the community and there are other options out there that the city needs to make work because it would be a HUGE mistake to close this important part of city.

Paul Mammen

Ivo Grossi and Cosetta Romani

Dear Sound Transit Board of Directors,

I am writing to express my strong opposition to the proposed "Shifted West" alternative route for the Ballard Link Extension in South Lake Union. As a member of the Banya 5 community, I am deeply concerned about the potential impact this new proposal could have on a cherished institution that has become an integral part of the fabric of our neighborhood.

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group of individuals who have come to rely on Banya 5 as a therapeutic refuge from the stresses of modern life.

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I urge the Sound Transit Board of Directors to consider the full range of impacts the "Shifted West" alternative would have on the South Lake Union community and to explore alternative options that would allow for the much-needed expansion of public transit without sacrificing the spaces and traditions that make our neighborhood special. Banya 5 is more than just a building; it is a testament to the enduring spirit of Seattle and a reminder of the importance of fostering community in an ever-changing urban landscape.

The Banya 5 community is an integral part of what makes South Lake Union a vibrant and diverse place to live and work. I implore you to prioritize the preservation of this community and others like it as you make decisions about the future of the Ballard Link Extension.

Thank you for your consideration.

Sincerely,

Ivo Grossi & Cosetta Romani, husband and wife, both Banya 5 Community Members

David Ornstein

I am reaching out as a Seattle citizen and concerned member of the South Lake Union community, specifically regarding the proposed Light Rail station alternatives at Denny/Westlake. As a longtime patron of Banya 5, a local establishment significantly impacted by these plans, I implore you to review the proposed alternatives with the well-being of our neighborhood in mind.

It is crucial that Sound Transit respects the public mandate from the 2016 vote on the "Preferred Alternative Denny/Westlake Station." Any deviation from this voter-approved plan risks not only escalating costs and extending timelines but also detrimentally affecting both South Lake Union and the broader Seattle area. The "Shifted West" alternative, which proposes taking over the property housing Banya 5, threatens this community pillar that has served our area for nearly two decades with its unique health and wellness services. Maintaining transit infrastructure along major streets such as Westlake Ave is vital. This strategy has proven effective at sites like the Capitol Hill Station and Beacon Hill Station, minimizing disruption and supporting local commerce.

Banya 5 is more than just a business; it represents the kind of independent spirit that fosters Seattle's cultural identity and community vibrancy. As corporate presence grows, preserving such

establishments is increasingly important to maintain the unique character of our city. It might seem like just another spa or business, but it is a core community hub that connects hundreds of people all across Seattle. The wide network of people who are members and very regularly visit the Banya all consider it to be a key community hub.

Personally, Banya 5 has been a cornerstone of my life since it opened in 2004. Through several decades raising a family in Seattle and working at Microsoft, Banya 5 has been the strongest community I have found in Seattle. Many people have decades of long relationships through the Banya. Indeed, I met my fiancée there over a decade ago. The relationships forged in the warmth of Banya 5 have been transformative, supporting me through grief and helping connect many others in meaningful ways.

In light of its significant role not just as a business but as a community hub, I strongly urge you to prioritize the original station plan that does not compromise Banya 5. This approach would uphold not only the physical but also the social infrastructure of our neighborhood.

Thank you for considering the profound impact your decision will have on the fabric of our community.

Thanks,

David Ornstein

Blaire Orr

I am reaching out as a concerned citizen of Seattle and member of the SLU community regarding the potential impact of the proposed alternatives for the Denny/Westlake Station on the South Lake Union community, particularly on the future of Banya 5, a cherished establishment in the area. As a member of the community and a long-standing patron of Banya 5, I urge Sound Transit to reconsider the current alternatives and prioritize the well-being of our neighborhood.

First and foremost, I believe it is essential for Sound Transit to honor the public's vote on the "Preferred Alternative Denny/Westlake Station," as approved by voters in 2016. Deviating from this plan would not only significantly increase the cost and timeline of the project but also adversely affect the South Lake Union and Greater Seattle Community. While I understand that the construction of the Denny/Westlake Station may impact Westlake Ave, I believe that keeping large public transit infrastructure on main streets and arterials is the most effective and sustainable option. This approach preserves the integrity of the neighborhood and prevents the destruction of smaller side streets that are not suitable for such projects and traffic. As seen with the Capitol Hill Station on Broadway Ave and the Beacon Hill Station on Beacon Ave S, locating transit hubs on main streets minimizes disruption and supports local businesses.

The proposed "Shifted West" option directly threatens the existence of Banya 5 by requiring the acquisition of its building. Banya 5 has been an integral part of the South Lake Union community for almost 20 years, offering a space for health, wellness, and community-building. Its unique services cater to individuals from various income ranges and professions, fostering a vibrant and diverse community of patrons and employees. Moreover, Banya 5 embodies the spirit of independent businesses that once thrived in South Lake Union. In an era where corporate entities dominate the

landscape, preserving establishments like Banya 5 is crucial for maintaining the cultural identity and vitality of Seattle as a whole. Looking at what South Lake Union has become, it saddens me to see small businesses wiped out in favor of large towers and corporate businesses. As a prior employee of a small business that closed due to building acquisition in South Lake Union, CrossFit SLU, it pains me to see how the neighborhood has changed over the past 14 years.

Banya 5 is a place of great personal significance to me. I have been an active member since 2012, shortly after moving to the Seattle area from Michigan, and visit 2-3 times a week. When I first moved to Seattle, I experienced the Seattle freeze and had a hard time establishing a community until I started visiting the Banya regularly. Over the years, I have made countless lifelong friends at the Banya. While I am not a religious person, the Banya, for myself and many other members, is like a place of worship—a community, a gathering place, and a support system during hard times. The Banya community was critical in helping me survive the loss of my husband by suicide. It has also served as a touchpoint for long-standing Banya members to engage with newcomers to the city, providing business recommendations, making connections, and building the fabric of the Seattle community. The Banya has many members who are small business owners, community supporters, and people in roles of service such as educators, judges, and lawyers, all of whom help build the diversity of Seattle. Additionally, the Banya is the only place I know where you are free of electronics (cell phones are not allowed) and encouraged to engage with your fellow patrons, further strengthening community ties. I met my boyfriend, now fiancée (also a member of the Banya for nearly 20 years), at the Banya sitting in the sauna and built our friendship over a decade of conversations before starting to date after my husband's passing. Without the Banya, there is little chance we would have met in Seattle. We are not the only couple to have met and married because of our interactions at the Banya, a testament to its importance at bringing people together. While it may be difficult to grasp if you haven't spent time around the Banya listening to the members talk and support one another as we weather the highs and lows of life, the Banya is so much more than bricks and land. It's a community with a vibrant spirit and soul, one that cannot be easily rebuilt in a new space.

In conclusion, I urge Sound Transit to prioritize the interests of the South Lake Union community and reconsider the proposed alternatives for the Denny/Westlake Station. Preserving Banya 5 and supporting independent businesses is not only vital for our neighborhood but also essential for the continued prosperity and uniqueness of Seattle.

Thank you for considering my concerns. I implore you to not destroy such a unique and vibrant part of the Seattle community.

Dr. Blair Orr

Debora Savran

Hello,

I am writing to strongly express my disagreement with any consideration of a Sound Transit station that would acquire the building that houses what is one of the real gems of Seattle: Banya5.

I have been an employee of Banya5 since 2018, and it has become a second home to me. The community - like family - that blooms from this business is like no other place I have ever worked. It includes both staff and guests alike. It is quite extraordinary and a rare place of community building, healing and support. In this city of Seattle - rated as having the highest rate of anxiety in the country - a place like Banya5 is incredibly valuable. It is a place that is so inclusive, accessible, diverse, welcoming - and with a staff that sincerely cares about the community it serves - truly beyond words.

I heard of Banya5 when I still lived in Minneapolis, Minnesota. When I told people I was moving to Seattle they said, 'make sure you go to Banya5'. I have come to see that it is truly a known and treasured destination for people all over the country, if not the world.

I therefore state that Sound Transit should continue with the public voted "Preferred Alternative Denny/Westlake Station," as approved by voters in 2016. The alternatives put forth will significantly increase the cost and timeline of the project to the detriment of the South Lake Union and the Greater Seattle Community.

While the Denny/Westlake Station Option may impact the arterial of Westlake Ave during construction; the most effective and sustainable option for public transit is to keep large public transit infrastructure on main streets and arterials rather than dismantle smaller side streets that are not suitable for a project such as this. Notable city examples are the locations of the Capital Hill Station being on Broadway Ave, and the Beacon Hill Station being on Beacon Ave S rather than on small side streets that would compromise the neighborhood and destroy small businesses. Over the past 15 years, many small business in SLU have been pushed out.

To lose Banya5 as well would be an unretrievable loss for the neighborhood, the city, and innumerable citizens of Seattle and beyond.

Warmly,
Deborah Savran

Mark Klebanoff

I am writing to oppose the "shifted west" location for Sound Transit's SLU station. We should continue with the Denny/Westlake station as approved by voters.

Transit stations should be on main arteries, like Broadway and Beacon Avenue, not on smaller streets. While perhaps more disruptive during construction, this serves the community better in the long run. And it was the location approved by voters. The shifted west location also directly impacts a unique community small business, Banya 5, the loss of which would greatly impact the SLU neighborhood and the city overall.

Please don't shift this location and destroy a unique community asset.

Thanks

Mark Klebanoff

Nick Hunt

I am writing to express opinion and concern regarding regarding the Sound Transit passed a motion for a “Preferred Alternative” for two light rail stations in South Lake Union, including a station at Westlake & Denny and a second station at 7th & Harrison.

Specifically, the news that there is now a new proposed light rail station option called the "Shifted West"

1. Sound Transit should continue with the public voted “Preferred Alternative Denny/Westlake Station,” as approved by voters in 2016. The alternatives put forth will significantly increase the cost and timeline of the project to the detriment of the South Lake Union and the Greater Seattle Community.
2. While the Denny/Westlake Station Option may impact the arterial of Westlake Ave during construction; the most effective and sustainable option for public transit is to keep large public transit infrastructure on main streets and arterials rather than dismantle smaller side streets that are not suitable for a project such as this. Notable city examples are the locations of the Capital Hill Station being on Broadway Ave, and the Beacon Hill Station being on Beacon Ave S rather than on small side streets that would compromise the neighborhood and destroy small businesses.
3. The “Shifted West” option will have a direct impact on Banya 5 by the need to acquire their building. This will diminish the depth of the South Lake Union community. Banya 5 has brought a focus on health, wellness, and community for almost 20 years.
4. Banya 5 has a vibrant and unique community of patrons and employees. Ownership has made it their mission to keep Hydrotherapy, an ancient health and wellness modality, accessible to many different income ranges. Our community consists of teachers, artists, social workers, personal trainers, therapists and along with Amazon tech workers. In addition:
 - Been a foundation of the neighborhood for over 20 years
 - International reputation and one of only a small number of world class spas in the US
 - Bringing in people from all over the region, country and in fact the world to experience and spend money in SLU
 - Passionate member community
5. The neighborhood of SLU was once teeming with small, independent businesses. Banya 5 being one of them. Over the course of the last 15 years the neighborhood has evolved, resulting with most of the independent businesses being pushed out of the neighborhood to make way for large corporate entities. Independent, unique businesses help to curate the culture of Seattle as a whole and preserving them is key to

keeping our city thriving, unique and true to its essence.
Stick with original, passed "preferred alternative please.

Nick Hunt

Brian Utting

Dear Sound Transit,

I send this email with hope but with a fair bit of skepticism and resignation...

I owned a small business at 9th and Thomas St for almost 20 years. When Paul Allen had a grand vision of a Central Park in Seattle, I was actually on board, because the benefit to our citizens and future generations was much bigger than me and my business. But it was falsely advertised by Allen and Seattle that there was a 'comprehensive relocation plan' for displaced businesses, when, in actual fact, there was nothing, and I estimate that it would have cost us \$60,000 to relocate and remodel. The Allen and City people I spoke to were completely dismissive, and clearly didn't give a shit. We'd all like to believe that 'this doesn't happen in America', or at least in Seattle, but it does.

When Greg Nickels' "SLUT" was installed, we were taxed on our 'ability to benefit', but there was zero benefit for us; it was more like someone's toy train obsession. I also recall a meeting in SLU with a City official and Vulcan about them wanting to remove the horse chestnut trees on Westlake; Vulcan didn't want the possibility of roots slamming into their shiny new buildings. God, they were smooth; Vulcan really hires the best. There was similar professional nastiness when the monorail was going to run too close to some of their downtown properties. So after the monorail being voted in by the voters several times, the monorail option was scrubbed by the City.

I have experienced several other first-hand examples of Vulcan's heavy hand and the City of Seattle's dismissiveness; let's just say, "we've been screwed by experts".

If this so-called 'Westward Shift' comes to pass, it will be another example of the big corporate money ignoring the will of the voters (who voted for a Westlake Station). Please, keep the light rail stations on major streets, just like other big cities with good governance do. There will be congestion for a few years, but think the long game for the people —not the gain for Vulcan and other corporate entities that routinely take more than they give.

There are a few, hardy small businesses that have managed to survive in SLU, in spite of Amazon and Vulcan and the zoning exemptions that have turned SLU into a high-tech gulch.

One of them is Banya 5, an amazing urban spa featuring a classic, super-hot sauna, and a 48-degree cold plunge, thanks to a \$30,000 chiller. Historically, bathing has been a social and health-oriented practice, and this is something our high-tech but rather disembodied city desperately needs. Because of archaic laws, 'Bathhouses' already pay extra in taxes and have to comply with outmoded sanitation measures that have been replaced with better ones. It's SO important to me and many others, that you don't just dismissively plow this and other local businesses under the wrecking ball! Vulcan and Amazon have deep pockets and can easily survive a disruption; the valiant little businesses on 9th Ave North cannot. Please do the right thing and keep the station on Westlake. And we'll happily let the Tesla dealership on Westlake join us on 9th Ave N!

Thank you,
Brian Utting
Seattle citizen since 1977, grandson of Seattle immigrants (1919)

Chris del Pilar

Dear Sound Transit Board of Directors,

I am writing to express my strong opposition to the proposed "Shifted West" alternative route for the Ballard Link Extension in South Lake Union. As an employee of and member of the Banya 5 community, I am deeply concerned about the potential impact this new proposal could have on a cherished institution that has become an integral part of the fabric of our neighborhood and daily lives of hundreds of people.

I have given ten years of my life in support of the mission and vision of the Banya 5 Community and its strengthening and enrichment of the South Lake Union Neighborhood and great Seattle Community. Multiple people have done the same over the years, each offering their own unique talents and dreams to build and support that of Banya 5.

Banya 5 is a vibrant community of employees, members, regular visitors and daily first-time guests. The community has steadily built itself over the past twenty years in the constant hope and realization of offering a place of rejuvenation, relaxation, health, wellness and belonging to everyone who checks in. The proposed "Shifted West" alternative route threatens to uproot this unique urban oasis by requiring the acquisition of the property, dealing a devastating blow to a diverse group of individuals who have come to rely on Banya 5 as a therapeutic refuge from the stresses of modern life.

Over the years, Banya 5 has become a melting pot for Seattleites from all walks of life, from Amazon employees and restaurant workers to yoga enthusiasts and those seeking the healing powers of hot and cold therapy. The bathhouse was born out of a desire to reestablish the rich traditions of Russian bath culture in an urban context, drawing upon the city's Northern European roots and the growing interest in natural health and hydrotherapy.

I understand the importance of expanding public transit and appreciate the efforts to bring light rail to our neighborhood, I strongly believe that it should not come at the cost of dismantling a cultural institution that has become a cornerstone of our community. The "Preferred Alternative" route, which includes stations at Westlake & Denny and 7th & Harrison, seems to strike a better balance between enhancing transportation options and preserving the unique character of

South Lake Union.

While the Denny/Westlake Station Option may impact the arterial of Westlake Ave during construction; the most effective and sustainable option for public transit is to keep large public transit infrastructure on main streets and arterials rather than dismantle smaller side streets that are not suitable for a project such as this. Notable city examples are the locations of the Capital Hill Station being on Broadway Ave, and the Beacon Hill Station being on Beacon Ave S rather than on small side streets that would compromise the neighborhood and destroy small businesses.

I implore the Sound Transit Board of Directors to continue with the public voted "Preferred Alternative Denny/Westlake Station," as approved by voters in 2016. The alternatives put forth will significantly increase the cost and timeline of the project to the detriment of the South Lake Union and the Greater Seattle Community.

The Banya 5 community is an integral part of what makes South Lake Union a vibrant and diverse place to live and work. I urge you to prioritize the preservation of this community and others like it as you make decisions about the future of the Ballard Link Extension and the sustainability of small businesses in South Lake Union and Seattle.

Thank you for your consideration.

Sincerely,

Chris del Pilar | He/Him/His
Director of Operations | Banya 5

Carlee Klingengbeck

Hello,

I write to you today as a true Seattleite. My family has lived in Seattle for five generations. We have seen this city change in many ways to say the least. My great grandfather was a mason for the Smith Tower, my grandmother was a cocktail waitress at the famous Dog House, my father worked for the as a roofer and eventually for the State and my mother had a daycare. Seattle was a blue collar town. Despite their modest means they all were homeowners, were able to comfortably raise their families and all had vibrant communities. The city has evolved, become more metropolitan, the arts have thrived and then made a slow descent as rising prices continue with no end in sight. Today, I am a working mother who is proud to call Seattle her home. I like to see the city develop and continue to grow and my opportunities here feel like they are dwindling as the cost of housing is unattainable, the cost of living continues to increase and my sadness grows as the small mom and pop shops that made this town unique are disappearing.

I believe we are headed in the right direction with providing more transit options and am excited to see the light rail extension throughout the city. I am concerned about the "Shifted West" proposal that is being presented by Vulcan. Let me be perfectly transparent here. I am the Spa Director of Banya 5 and we are in the destruction zone if "Shifted West" is approved. I began my career here in 2008 and I have a personal interest in keeping our business running and continuing to provide our unique Hydrotherapy offering to our well established (almost 20 years!) community. I have stayed with the company because of the amazing community this small business has cultivated and the one of a kind Health and Wellness offering we provide to Seattle. Our Sauna is world class and our Cold Pool is an experience to say the least. This type of Health and Wellness modality spans across the world for hundreds of years, yet we are one of a kind in our region. With the "Shifted West" proposal Banya 5 would be acquired and demolished. Our community of patrons has reached out on this forum to raise their concerns and the impact of losing Banya 5. Banya 5 has a vibrant and unique community of patrons and employees. Ownership has made it their mission to keep Hydrotherapy, an ancient health and wellness modality, accessible to many different income ranges. Our community consists of teachers, artists, social workers, personal trainers, therapists and along with Amazon tech workers. Banya 5 also provides this service to its employees, making the facility complementary to all its employees, a guest of their choice and their family members. This business practice enriches the culture by creating a shared experience for patrons and employees alike.

Despite my personal stake in the matter, I think there are some real financial and logistical challenges that this proposal presents. Any delay in the process and any fiscal increase to the project is not fair to voters who approved Sound Transit's proposal of the "Preferred Alternative Westlake/Denny" station. As you know, these delays and research into new proposals are not small, they are in the millions and perhaps in the billions I presume. Taxpayers should not be expected to shoulder the expense put forth by Vulcan, a company with a net worth, according to Bloomberg of 1.5 billion dollars. The "Shifted West" proposal heavily emphasizes the impact that the voter approved "Preferred Alternative Westlake/Denny" Station will have during construction of the station. While the "Preferred Alternative Westlake/Denny" Station option may impact the arterial of Westlake Ave during construction; the most effective and sustainable option for public transit is to keep large public transit infrastructure on main streets and arterials rather than dismantle smaller side streets that are not suitable for a project such as this. Notable city examples are the locations of the Capital Hill Station being on Broadway Ave, and the Beacon Hill Station being on Beacon Ave S as these arterials most easily link to other transit options such as buses rather than on small side streets that compromise the neighborhood and destroy small businesses.

The neighborhood of SLU was once teeming with small, independent businesses. Banya 5 being one of them. Over the course of the last 15 years the neighborhood has evolved, resulting with most of the independent businesses being pushed out of the neighborhood to make way for large corporate entities. Independent, unique businesses help to curate the culture of Seattle as a whole and preserving them is key to keeping our city thriving, unique and true to its essence.

Thank you for your time. I appreciate the opportunity to be heard and present my concerns not only for Banya 5 but for the community of Seattle.

Best,
Carrlee Klingenbeck - She/Her
Spa Director / LMT 60666368

Unnamed commenter

Hello,

I have been following the progression of plans for sound transit in the Westlake / SLU area and would like to comment on the plans that would send the light rail / station / construction to the corner of 9th and John and the surrounding area.

I have been a patron at Banya 5 since 2012 and it is a cornerstone of my life in Seattle. I visit Banya 5 no less than 4 times a week and it is one of my "third places," which is to say it is a hub of community, the interweaving of so many dear friendships, and it is one of the few places I regularly go out to socialize in Seattle.

Banya is such a unique environment because it provides a non-alcohol related, relaxing activity and atmosphere for patrons who want to socialize around ancient world rituals and healing activities. It would be a huge loss to Seattle and SLU to lose this gem.

I have heard countless people say that Banya is one of the few places we can reconnect to as close to nature as is possible within the city. As the technology of this era continues to draw people further into digital realms, and away from the elements and being in our bodies in a restful way, Banya provides what is largely missing in our society.

Banya is a high volume spa with hundreds of people visiting 6 days per week. The cultural impact of banya being either unable to operate or closed altogether would be truly devastating. Banya has been a cornerstone of self guided community based self care for 20 years and there is no other spa that has the same elements.

While I have heard Knot Springs is planning to move into the Macy's building at some point that has a similar model of the facility elements, this culture has taken decades to cultivate. Culture is what gives authenticity to a city. It does not happen overnight. As anyone who actively tends to community and culture knows, it is a fragile thing that requires constant love care and attention.

I strongly encourage this group to reconsider the available plans in a manner that minimizes the impact to Banya 5 and eliminates or redirects plans that would drastically affect the culture and community that is happening here.

I understand these are hard decisions with many stakeholders. Please consider that Banya has been here in SLU since before the buildup of the big tech that is so ever present in the space, and whose future is truly unknown. Banya is built upon traditions and culture that is basically timeless. In these trying and difficult times, people need places like Banya, and specifically Banya 5 in the heart of Seattle more and more. The decisions you are making have enormous ripple effects that may be hard to see until the actions have been taking and cannot be undone.

Thank you,

Will Daugherty – Pacific Science Center

Dear members of the Sound Transit Board of Directors,

I am the President & CEO of Pacific Science Center located on the south side of Seattle Center at the intersection of Denny Way and Second Avenue North.

I understand that there are questions about the optimal location of a light rail station near Seattle Center. I have perspective to share as the leader of an institution located at Seattle Center and as a member of this community.

In the short run, construction of a light rail station is going to cause considerable disruption. That is the price we pay for the long-term benefit. Just like we incurred considerable disruption during the construction of Climate Pledge Arena for the long-term benefit of that fabulous facility. Just like we will incur considerable disruption during the work on Memorial Stadium for that long-term benefit.

In the long run, I would prefer to have a station right on the doorstep of Seattle Center at 5th and Harrison to one two blocks away at 7th and Harrison.

I hope that you will continue to include Pacific Science Center and me in these discussions.

Thank you for your service to our community.

Best regards,
Will Daugherty

Patrick D'Amelio – FareStart

April 23, 2024

Sound Transit Board of Directors
401 S. Jackson St.
Seattle, WA 98104

Dear Sound Transit Board of Directors:

As Sound Transit advances light rail in the Denny Regrade and South Lake Union neighborhoods, we urgently request the Board to thoroughly consider alternatives that do not disrupt traffic along Westlake Avenue. Any plan that necessitates a partial or complete closure of Westlake for an extended period of time would severely harm FareStart's operations, affecting the thousands of individuals we assist across Seattle and jeopardizing our financial stability.

For over 30 years, our community has relied on FareStart to transform lives, disrupt poverty and nourish communities. We've served nearly 15,000 youth and adults while providing 19 million meals for food-insecure communities.

Sound Transit's preferred station option is currently on the doorstep of our headquarters, located at Westlake, 7th Avenue and Virginia Street. This site is home to the FareStart Restaurant, which is scheduled to reopen this Spring. This site will also house our Community & School Meals Program, which provides tens of thousands of meals each month to area nonprofits, shelters and schools that serve mostly food-insecure communities.

Like many organizations, we are in the process of rebuilding post-pandemic. However, an extended closure of Westlake, whether partial or full, would significantly impede our progress and potentially force us to cease operations downtown. Such a disruption would exacerbate our already challenging traffic situation, severely impacting meal production and impeding customer flow to our dining and private event space. Our operations not only provide sustenance to the community but also offer job training and life skills to hundreds of individuals annually, all of whom are experiencing homelessness or other employment barriers.

The Sound Transit Board must undertake a comprehensive examination of all options and their economic implications for our community. This includes in-depth consideration of the Westlake Shifted West and 5th/Harrison station combination. Downtown Seattle is just beginning to recover from the economic devastation of the pandemic. It is, therefore, crucial that Westlake Avenue remains fully operational for the continued success of FareStart and for the benefit of other organizations and residents who rely on this vital thoroughfare in our community.

Sincerely,
Patrick D'Amelio

[Uptown Alliance Land Use Review and Transportation Committees](#)

The substance of this comment is within a letter, included at the end of this summary.

Dear Board Chair and Board Members:

On behalf of the Uptown Alliance and the Land Use Review Committee/Transportation Committee, we respectfully submit the attached comments to be reviewed at the April 25, 2024 Board of Directors Meeting.

Thank you for your consideration,

Mercedes

Mercedes Fernandez, Co-Chair Land Use Review Committee Uptown Alliance

Mainstay Provisions, Thai Thani Kitchen, Cactus Restaurant, Kathmandu MomoCha, South Lake Union Bouquet, Modern Dermatology, Cinque Terre Ristorante, Nadi Mama Restaurant Group, Salon Voda, Casco Antiquo Restaurants, House of Eve, 2120, Pho Bac, and Marination

The substance of this comment is within a letter included at the end of this summary.

Atlee English

To whom it may concern,

A correction from my previous comment, see revisions below:

- Denny Shifted West was first presented as being a big financial and time savings because it eliminated the SLU station entirely. Now that it includes a revised station at 5th & Harrison (moved from 7th & Harrison), eliminating a lot of the pre-articulated savings, why is the Denny Shifted West plan better than Shifted North?
- If the 7th/Harrison station is problematic due to the underground utilities and makes sense to move to 5th & Harrison, shouldn't the Shifted North plan also consider moving the SLU station to 5th and Harrison? The Westlake station from the Shifted North plan, combined with station at 5th & Harrison is not being studied and it should be.

Thanks,

Atlee English
Project Manager
DEIA Committee Vice-Chairman

To whom it may concern:

Speaking on behalf of one of the property owners that would be impacted by the Denny Station Shifted West, we have a couple questions regarding the feasibility of the Shifted West plan. Our first question is what makes this plan more attractive than the current plan or the Denny Station Shifted North, particularly if they are considering adding a station to the Shifted West plan, rendering any cost and time savings moot? Our second question regards the potential additional alternative that is the Shifted

West with an added station at 9th/Harrison. If the 7th/Harrison station is problematic due to the underground utilities, shouldn't the Shifted North plan also look into moving the station to 9th and Harrison?

Thanks,

Atlee English
Project Manager
DEIA Committee Vice-Chairman

Morgan Follette

Dear Sound Transit Board of Directors,

Please see my comments regarding the shifted west option for SLU light rail station:

1. Sound Transit should continue with the public voted "Preferred Alternative Denny/Westlake Station," as approved by voters in 2016. The alternatives put forth will significantly increase the cost and timeline of the project to the detriment of the South Lake Union and the Greater Seattle Community.
2. While the Denny/Westlake Station Option may impact the arterial of Westlake Ave during construction; the most effective and sustainable option for public transit is to keep large public transit infrastructure on main streets and arterials rather than dismantle smaller side streets that are not suitable for a project such as this. Notable city examples are the locations of the Capital Hill Station being on Broadway Ave, and the Beacon Hill Station being on Beacon Ave S rather than on small side streets that would compromise the neighborhood and destroy small businesses.
3. The "Shifted West" option will have a direct impact on Banya 5 by the need to acquire their building. This will diminish the depth of the South Lake Union community. Banya 5 has brought a focus on health, wellness, and community for almost 20 years.
4. Banya 5 has a vibrant and unique community of patrons and employees. Ownership has made it their mission to keep Hydrotherapy, an ancient health and wellness modality, accessible to many different income ranges. Our community consists of teachers, artists, social workers, personal trainers, therapists and along with Amazon tech workers. This business practice enriches the culture by creating a shared experience for patrons and employees alike.
5. The neighborhood of SLU was once teaming with small, independent businesses. Banya 5 being one of them. Over the course of the last 15 years the neighborhood has evolved, resulting with most of the

independent businesses being pushed out of the neighborhood to make way for large corporate entities. Independent, unique businesses help to curate the culture of Seattle as a whole and preserving them is key to keeping our city thriving, unique and true to its essence.

Thank you,
Morgan Follette

Unnamed commenter

Hello,

I am emailing in my two cents about how building new public transit infrastructure could affect small businesses in South Lake Union, particularly the business Banya5. I think increased, streamlined, non-contesting public transit options are great, especially as a band-aid for the larger issue we have of classes of people not being able to afford to live where they work. However, I do not believe that such transit opportunities should come at the cost of sacrificing the small businesses that constitute the soul of the neighborhood, such as Banya5 in SLU. What's more, Banya5 is an utterly unique and much loved health-promoting business; there is nothing else like it in Seattle or WA at large. People come from the east side of the state and indeed other states specifically for what Banya5 offers or as part of their Seattle experience.

I think it would be heavy-handed and somewhat city-soul-crushing if the Shifted West option were pursued and Banya5 was required to close. Seattle is fighting for its character, it's clear, as it juggles housing and shifting economic trends, and it would be such a shame if yet another unique business was lost to massive, faceless urban infrastructure adjustments. If there is another option (which appears to be the case, and one that was voted for), it is my strong belief that that is the transit option that should be pursued.

Thank you for reading and considering,
a big fan of Banya5

Sam LeHota

Dear Sound Transit Board of Directors,

I hope you are doing well today.

Starting with the introduction, my name is Sam LeHota, I work at Banya 5 and your proposed "shifted west" option has a major impact on my community that I would like to expand on a bit further with you.

While I understand the importance of expanding public transportation options, I am concerned

about the potential disruption that the proposed light rail station may bring to our building and business.

I believe that the impact would be more sustainable and effective if the light rail were constructed on larger main routes rather than on side streets that directly impact small businesses like ours. Adding the light rail route to a main street would better provide access for bus systems for pedestrians.

I kindly urge the city council to consider relocating the light rail line to a different part of the city, such as Denny/Westlake, where it can still serve the community while minimizing the negative effects on established businesses like ours. By doing so, we can ensure that the growth and development of our city are achieved in a way that benefits all members of the community.

The Banya 5 establishment has played a vital role in fostering a sense of culture and shared experiences with the community.

Thank you for your time.

Sam

--

Sam LeHota | Director of Facilities

[Joint Letter/petition submitted by Seattle Metropolitan Chamber of Commerce](#)

The substance of this comment is within a letter included at the end of this summary.

Please see attached a petition [signed by more than 44 people](#) supporting a South Lake Union Station at Fifth and Harrison and the Denny Station shifted west to avoid construction disruptions in South Lake Union.

Thank you,
Lars Erickson

Lars Erickson (he/him/his)
Senior Vice President of Public Affairs and Communications

[Kathleen Barry Johnson – Historic South Downtown](#)

The substance of this comment is within a letter included at the end of this summary.

ongoing delay is extremely costly and is causing measurable negative impacts on the communities throughout the alignment, but specifically in Pioneer Square and Chinatown International District. Please see the attached letter for details.

Kathleen Barry Johnson



Executive Director
Historic South Downtown

Bill Hirt

Dear Sound Transit Board,

I urge the board to consider the following post from my blog <http://stopeastlinknow.blogspot.com> before approving any BBN TDR.

Bill Hirt

An Alternative to ST Bus Base North Boondoggle

The following April 11th Sound Transit System Expansion Committee agenda item caught my attention:

For Recommendation to the Board

Motion Mo M2024-19: Authorizing the chief executive officer to enter into an interlocal government agreement with the City of Bothell for transfer of development rights from Bus Base North, and to execute and record a transfer of development rights covenant for the Bus Base North property.

The reason being previous posts had questioned the Sound Transit System Expansion Committee's authority to approve a Bus Base North (BBN).

The 2016 Prop 1 voters approved included a ST3 Map PDF specifically listing Bus Maintenance Facility as "Not Included." Sound Transit plans to replace bus routes with light rail trains would seem to allow existing facilities to maintain the 48 buses planned for their Stride bus routes.

Yet the Sound Transit Board in the July 27th .2023 meeting approved Resolution No. R2023-17 to spend \$499,500.000 on a Bus Base North. 17 with the following:

Adopts the Bus Base North Stride Bus Rapid Transit project baseline schedule and budget by (a) increasing the authorized project allocation to-date by \$216,463,500 from \$283,036,500 to \$499,500,000.

Sound Transit had earlier decreed East King County would provide \$215,391,000 of the \$283,036,000, so it's likely they'll fund most of the increase. Snohomish funds paid \$9,340,000 of the earlier number and presumably a similar percentage of the increase. Again, without questioning the need for the facility to maintain the buses.

Sound Transit needs for light rail vehicle maintenance led to the Board in 2014 approving a maintenance facility in the Bel-Red area's Spring District. In 2017 they approved a design-build contract for the Operation & Maintenance Facility (OMF) East in Bellevue. An August 2020 OMF East "Facts Sheet" detailed it included "yard storage for up to 96 light rail vehicles, vehicle maintenance, parts storage and cleaning shop". The 365-day operating facility would include administrative offices for approximately 250 full-time employees in support of East Link, Lynnwood Link, Downtown Redmond, and Federal Way Link Extensions.

One of the OMF East benefits was it had always included plans for Transit Oriented Development (TOD). A 2024 Sound Transit Spring District Station TOD included a picture of the 6.8-acre TOD site for a "Program of 500 homes and 400,000 SF for office." It included Sound Transit and the City of Bellevue each providing property at no cost (a collective \$12 million value) to support the development of affordable housing on the site. Bridge Housing and Touchstone had been selected to develop the property with approximately 500 units of housing, over 400,000 square feet of office space, retail, resident amenities on the ground floor, and public park space.

As suggested by the April 11 agenda, Sound Transits approach to developing property not needed for BBN after construction was far different. The presentation described it as a 526,000 SF-site, with 130,000 SF needed for an Administration & Operations Building, surface parking lot for workers, underground parking for 120 buses, and Maintenance Building. The presentation detailed 171,000 SF was reserved for future development though it included the CEO's declaration "it was surplus and does not have a transit use."

The agenda item M2024-19 dealt with the remaining 225,000 SF. Apparently, to appease City of Bothell zoning concerns, Sound Transit agreed to a Transfer Development Rights (TDR) allowing Bothell to reap any benefits. That the agreement was approved by Bothell last year, well in advance of the April 11 request they recommend board approval.

The bottom line is the TDR result is Sound Transit loses all benefits from TOD from the \$499.5 million they'll spend on BBN. It continues the boondoggle of their funding a maintenance facility that was stipulated in 2016 ST3 PDF as "not included" and whose 48 Stride buses didn't need the 120-bus capacity of BBN. It's time Sound Transit look more at existing facilities to maintain those buses.

[Joe Kunzler](#)

This comment includes a document included at the end of this summary

Dear Sound Transit Board;

Sorry, I will have to watch the replay of the meeting. I will be at Open The Paths and need to focus on the presentations. I will also be giving the attached remarks. Please read - I talk quite a bit about Sound Transit and general needs w/ transit.

Also, sorry I will miss Saturday's party, but I can't make it without a massive time commitment when I need to help prepare Redmond's defenses. I want the focus to be on celebrating Badassuchi's accomplishments as a transit leader please, period.

Believe me when I say this: It's Sound Transit 12s providing the bravery to get Redmond defended from hate speech. I'm a little torqued. Redmond leaders, at best, got distracted over Plymouth Housing vs. Safe Eastside instead of getting this done before the big party. Still, I think the threat of a [City Council Death Squad](#) public comment attack as Tacoma, Pierce County, and Bellevue have faced has some finding dignified urgency and some finding newfound hope.

With that, plz enjoy the attachment and being that Sound Transit is the indispensable transit in the indispensable nation that stands by our allies:

GO SOUND TRANSIT!

Thoughtfully;

Joe A. Kunzler

Comments received after the meeting's deadline

King County Councilmember Theresa Mosqueda

Dear Mr. Chair and Sound Transit Board of Directors,

Thank you for your service and leadership in bringing light rail to communities across the Puget Sound region, and especially to District 8, through the West Seattle and Ballard Link Extensions. The residents of District 8 are largely very supportive of light rail expansion and the potential it brings for greater regional connectivity, economic vitality, and sustainability to our communities. I believe that this can be achieved in a way that enhances and strengthens our existing community assets in locations like North Delridge.

Over the last two-plus years, I have raised for Sound Transit staff the mounting concerns I heard that the station location will come at the expense of a large swath of businesses and services that make up the heart of North Delridge, and learned only in January this year that a planned column for the ascending rail line will go directly through the West Seattle Health Club pool. I believe these broad community impacts can be mitigated through thoughtful design that allows for slight modifications that could utilize paved right-of-ways and in no way should affect Dragonfly Park, Longfellow Creek, or residential housing.

Currently the proposed North Delridge station location and ascending rail column would eliminate the neighborhood's only swimming pool, gym, food mart, music lessons for kids and adults at MODE, the all-ages concert venue at Skylark, gathering spots like Ounces and Uptown Espresso, and importantly the largest childcare center on the peninsula. With some additional attention to community assets and needs, the North Delridge station has the potential to be destination location, instead of simply a pass through--or worse--a parking lot.

Some potential options to still consider:

Rail Column Location:

As the North Delridge rail design progresses, please modify the placement of the column to avoid impacts to the West Seattle Health Club. Seattle Fire has noted that every time a pool closes, the number of child deaths by drowning increases because we have taken away a place to provide life-saving swim lessons. This is one of the few pools where local children access lessons and as many as 6,200 patrons exercise, with over 100 employees. As of January, Sound Transit plans for North Delridge include a column along the rail alignment that goes directly through the gym pool, which would result in this community asset shutting down. This was a surprise to the gym owners and operators and

surrounding community members, as there had not been community engagement or notification to the Health Club prior to this adjustment in January, and there is still no map online that reflects this change.

Meanwhile, there is ample right-of-way on a dead-end road a mere 20 feet way. Surely greater attention and adjustment during the design phase would allow for a slight shift of the column or elevation of the rail over the pool, before continuing towards the self-storage facility as planned. This in no way should affect Dragonfly Park, Longfellow Creek, or residents.

Station Location Considerations:

I am interested in an analysis of whether it is possible to close SW Andover to car traffic, make it a bus entrance only from Delridge directly to the station, and shift the station slightly SW, using the already paved streets, parking lots, and empty Fry Commerce Center building for the station. Where impacts to businesses are inevitable or these options are not possible, I would also like to work with you on strategies to ensure the sustainability of these vital community assets:

- **Early Acquisition:** The uncertainty facing many of the North Delridge businesses is itself an existential threat. The inability to plan for or explore potential opportunities to relocate is a major hindrance for businesses within the Delridge station area, particularly those with unique space and siting needs, such as Mode Music. The result is potential lost business, missed opportunities to find new space, or small businesses having to foot the bill without access to relocation resources. Authorizing early acquisition for businesses that Sound Transit has identified as needing to relocate under any scenario would provide greater certainty and allow these businesses to access relocation dollars when they find ideal new sites.
- **Community Preference and Right of First Offer:** The North Delridge community has invested years of resources, vision, and sweat equity into place-making in an area that's wedged between a large industrial neighbor and a busy arterial—creating a cohesive community and neighborhood center through years of persistence and hard work. These businesses should be allowed to return to continue serving the community they built in the new station area—and these businesses would be a tremendous asset to the future transit-oriented development we all want. This can be accomplished through a Community Preference or Right of First Offer approach, or by working with Sound Transit to match-make new commercial spaces with existing community businesses.

It's possible to better utilize existing public right-of-way as a first option rather than taking out vital businesses. I believe this approach will build support and increase the success of this monumental project.

The North Delridge community has worked to build a thriving center of community activity and local commerce from the ground up, in an area that has the potential to be a huge asset and compliment to the introduction of light rail. This neighborhood is unique in its strong support of light rail and interest in thinking proactively about what the future could look like—my hope is that it is a place where folks can get to the station by walking or bus, have coffee, drop off kids, go to the gym, hop on light rail to work, and after work go to the gym, enjoy one of the local establishments, take music lessons, catch a show, and then go home. All without a car.

Teresa Mosqueda

King County Councilmember, District 8

Dale Kim

The substance of this comment is within a letter included at the end of this summary.

Betty Lau – Transcript of verbal comments

**Sound Transit Board Meeting Public Comment by Betty Lau, Thursday,
Apr. 25, 2024, 1:30 p.m., Union Station (1.5 minutes)**

Hi, I'm Betty Lau, Transit Equity for All.

Novelist George Orwell coined the terms Doublespeak and Doublethink. Examples:

1. N of CID station renamed Midtown, to hide the scuttling of original Midtown; S of CID renamed Dearborn, to hide that it's the entrance while the platform is half a mile farther south (from Union Station).
2. "N&S of CID are within walking distance..." while ignoring the challenges of a .8 mile uphill or a .6 mile walk across heavy traffic
3. A map showing the preferred alternatives of N&S of CID connecting to a station next to Chinatown.
4. Discounting Pioneer Square's count of 800 residential/client displacements from supportive housing & social services
5. And my favorite: "Distances can feel 'psychologically' closer with connecting tunnels and conveyor belts..."

Then there's Bait and Switch, Glittering Generalities, and Red Herrings.

And finally, something George Orwell could not foresee: ghosting of people of color who request information.

I ask you, where's the equity, racial and social justice?

Move Forward on 4th!

Thank you.

[Brien Chow – Transcript of verbal comments](#)

Sound Transit Board Meeting Public Comment by Brien Chow, April 25, 2024, Union Station, 1:30 p.m.

I'm Brien Chow, co-founder of Transit Equity for All.

On April 16, the 43rd and the 11th Legislative Districts joined the 37th and the 36th...

adopting a Resolution to support the 4th Avenue South Union Station Transit Hub ...

because it connects the Region while delivering environmental and economic justice to the Chinatown International District.

The 43rd includes: 18... Laurelhurst to the Seattle Downtown core

(Laurelhurst, South U-District, Southeast Fremont, Montlake, Wallingford, Broadway, South Lake Union, Capitol Hill, Broadmoor, Madison Park, Belltown, Denny Blaine Park, Eastlake, Northwest Lake Washington Boulevard, Alaskan Way, Denny Park, part of Denny Way, and the Downtown core.)

The 11th includes: 15... *S. Beacon Hill to Whitman Court.*

(S. Beacon Hill, S. Rainier Beach, Tukwila, Allentown, Duwamish, Southcenter... Renton... La Rosa Meadows, The Landing, Benson Hill, Fairwood, May Creek, Kenndale, the Highlands Hilltop, and Whitman Court.)

Total: 4 Legislative Districts -- over 50 neighborhoods in 3 cities.

That's a supermajority...

compared to Dow Constantine and Bruce Harrell.

Here are copies of each Resolution...

for you to read and know why the 4th Avenue S. Transit Hub and Midtown Madison stations are the best choices...

Thank you.

Brien Chow, Co-Founder Transit Equity for All

Alex Tsimerman

This comment is entirely within a document included at the end of this summary.



UPTOWN ALLIANCE LAND USE SOUND TRANSIT and TRANSPORTATION SUBCOMMITTEE

April 24, 2024

To: Sound Transit Board
Dow Constantine, Board Chair

Sent via email

Dear Board Chair Constantine:

Uptown Alliance along with the many businesses, residents and neighbors of Uptown continue to express strong support of two stations serving the Uptown neighborhood. Uptown, along with our very important neighbors, Seattle Center and the resident organizations need to have a station entry on the east side of our neighborhood to serve not just Uptown office workers, residents, and visitors, but also everyone that comes to Seattle Center to visit and to attend the many events that occur here.

We understand that Sound Transit is undertaking studies to understand the impacts of both the 7th & Harrison as well as 5th & Harrison station options. The data should drive the ultimate decision in selecting the optimal station location to best serve the community's needs and respect the project budget.

We have worked diligently with our neighbors to understand the impacts and opportunities, given the limited information provided, with each station and have focused on ensuring that two stations remain to serve the east and west neighborhoods of Seattle Center.

Uptown Alliance is ready to support the selection by Sound Transit's Board of Directors of the most feasible station location whether that may be 5th & Harrison or 7th & Harrison.

As we have stated in previous letters and outreach, Uptown Alliance and neighbors wish to see the selected station reinforce these goals:

- Maximize ridership and transit connectivity (Aurora 99, Metro Transit lines)
- Optimize walksheds for both workers and all individuals visiting the neighborhoods and events
- Ensure the surge events are considered with increased activity at Seattle Center, Climate Pledge and Memorial Stadium

We urge you to direct your staff and consultant team to develop an alternative that includes a two-station option (3 stations with Westlake/Denny) by utilizing different construction methods that either significantly reduce or eliminate the impacts on Westlake Ave and the communities of South Lake Union/Seattle Center.

Sincerely,

Rick Hooper/Kay Keaney
CO-Chairs President Uptown Alliance

Mercedes Fernandez
Co-Chair Land Use Review

Maria Barrientos
Co-Chair Land Use Review Committee

Matt Roewe, Chair Transportation Committee

CC: Mayor Bruce Harrell
Elliott Helmbrecht, City of Seattle
Marshall Foster, City of Seattle

Jane Zalutsky, Seattle Center Foundation

April 25, 2024

To: Sound Transit Board of Directors

CC: Sound Transit Interim CEO, Goran Sparrman

From: South Lake Union Coalition of Small Businesses

We're writing to ask the board to consider adopting the Denny Station location that is shifted west, coupled with South Lake Union Station at 5th and Harrison.

We are small business owners with retail and restaurant locations in South Lake Union and recently learned that Sound Transit is currently conducting a feasibility study to identify alternative station locations in the South Lake Union and Denny Triangle Neighborhoods. The current preferred option would locate the Denny Station at Westlake and Denny, while the South Lake Union (SLU) Station would be located at 7th and Harrison Street. This would close two lanes of Westlake for four of the eight years of construction, thereby threatening the economic wellbeing of South Lake Union and Denny Triangle.

Small businesses have had to deal with a slew of challenges in the past few years. We are finally emerging from pandemic challenges, but are still dealing with high inflation, slow economic recovery, remote work, and public safety issues that have caused significant impacts to our businesses and livelihood. Amazon's return to office has helped but traffic is still sporadic and not at pre-pandemic level. Our small businesses cannot withstand another setback. The disruption and street closure of Westlake Avenue will drive any remaining customers and traffic away from South Lake Union and the surrounding neighborhoods. This will cause irreparable damage, making it nearly impossible for us to recover and will force many of us to close our doors. We don't have deep pockets or large cash reserves to wait out construction in the hopes that customers and foot traffic will return. Closures for any period cuts directly to the bottom line on retail businesses that are already operating at a low 5%-8% profit margin. Additionally, a Westlake Avenue closure will suspend bus lines and the streetcar that many retail employees depend on. We are also suffering from retail labor shortages and if our employees cannot access public transportations to get to work, many will look for work elsewhere, further exasperating the impact on our businesses. As with any infrastructure construction work, utilities will have to be shut down intermittently. Businesses cannot stay operational and restaurants cannot comply with King County Health codes if utilities are not available and will force us to sporadically close our doors. Simply put, this is death by a thousand cuts.

As Seattle business owners we are supportive of light rail development, which we believe will bring prosperity to the region and provide transportation opportunities for our employees and customers. Make no mistake – we applaud and support ST3 development and the need to site a location for the station.

We have heard from the community there is another option that would minimize impacts to the neighborhood. The suggested new station locations would include the Denny Station to be shifted west, out of the middle of Westlake Avenue, and a South Lake Union station at 5th & Harrison Street, adjacent

to Seattle Center. This would avoid some of the worst impacts on Westlake Avenue and place a station closer to Seattle Center. The Westlake shifted west alternative would largely keep Westlake Avenue open during construction and reduce total construction time to about four years.

We urge Sound Transit board members to adopt the Denny Station location that is shifted west, coupled with South Lake Union Station at 5th and Harrison. Please keep our business and livelihood in mind when you are making this important decision.

Sincerely,

Business Name

Mainstay Provisions
Thai Thani Kitchen
Cactus Restaurant
Kathmandu MomoCha
South Lake Union Bouquet
Modern Dermatology
Cinque Terre Ristorante
Nadi Mama Restaurant Group
Salon Voda
Casco Antiquo Restaurants
House of Eve
Evergreens
2120
Pho Bac
Marination

CEO/Owner

Thom Koschwanez
Anak Urwannachotima
Bret Chatalas
Sam Dangol
Emily Kopca
Wendy Hurst
Leo Varchetta
Wassef Haroun
Rachel Moormier
Harvey Van Allen
Mikayla Benedict
Ian Courtnage
Milan Uzelac
Yenvy Pham
Roz Edison

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mikayla.benedict@gmail.com
icourtnage@evergreens.com
milan@2120restaurant.com
yenvyp@gmail.com
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April 25, 2024

To the Sound Transit Board Members,

Sound Transit's current approach would disrupt Westlake Avenue and close the streetcar for at least 8 years, and require costly and disruptive utility relocation work.

However, there is a better option.

The community has suggested a new couplet for the Denny and South Lake Union stations, which would include the Denny Station shifted west, out of Westlake Avenue, and a South Lake Union station at 5th Avenue and Harrison Street, adjacent to Seattle Center. This "Community Couplet" would avoid the worst impacts on Westlake Avenue and place a station closer to Seattle Center.

This "Community Couplet:"

- **Is Connected:** The Community Couplet allows quicker access to Seattle Center and provides another option for people to get to Kraken, Storm, and future Sonics games at Climate Pledge Arena and the future Memorial Stadium.
- **Protects Small Businesses:** The Community Couplet keeps Westlake Avenue open and avoids the worst impacts to small businesses in the South Lake Union area.
- **Reduces Construction Impacts:** The Community Couplet would reduce the duration of construction impacts in the Denny Triangle/ SLU neighborhoods by avoiding the most complex Seattle City Light Utility relocation work.

Sincerely,

Milan Uzelac
Owner
2120 Restaurant
milan@2120restaurant.com

Jared Axelrod
Senior Manager, Public Policy
Amazon
jaxelrod@amazon.com

James Gallegos
CEO
Capellis
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Leo Varchette
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HISTORIC SOUTH DOWNTOWN

25 April 2024

Dear Chair Constantine, members of the Sound Transit Board, and Interim CEO Sparrman:

Historic South Downtown (HSD) is a state-created entity formed to help mitigate the impacts of large, publicly funded capital projects on the South Downtown Seattle neighborhoods of Pioneer Square and Chinatown International District. In this capacity, HSD staff have participated in the planning process for Sound Transit 3 system expansion since the days of early scoping of the WSBLE project.

Our goal, and the goal of our community partners, is to ensure the BLE project best serves the people and businesses in South Downtown. As we look forward to continuing to participate with the BLE planning process, and to support our community partners with expert capacity, we are deeply concerned about the ongoing impact of delay on this project.

We want to recognize the work of ST staff, who have been running meetings around the South Downtown Hub and information sessions on specific ST3 topics. However, under the current configuration, community members participate in information sessions and workshops without understanding the goals. We have been told that the Hub workshops specifically *do not include* decisions around the station location, which is the primary issue that everyone cares about.

Behind the public scenes, we know that ST staff and consultants are conducting work on designing BLE, just as they did during the WSBLE environmental process that this community engaged in between 2018-2023. We are not hearing updates on this work at our community sessions, and this Board seems disconnected from the ongoing technical work and the community input.

Without the structure of an ongoing environmental process, people are confused and fatigued. We have been at this for more than two years now without seeming to make any progress toward the ultimate goals. At the same time, the community anticipates that all of the ST work on BLE will be presented as a finished package, with truncated opportunities for *meaningful* input by the community, perhaps justified by the deliberately disconnected processes we are in now.

Without the context of a formal environmental process, people in Pioneer Square and Chinatown International District spend time trying to define the best idiom to describe wasting time. Are we in a holding pattern, in limbo, spinning our wheels, running in circles? It is absurd, but it is emblematic of a genuine problem: Volunteers burn out. Community organizations in under-resourced neighborhoods spend precious budget and staff time struggling to stay engaged in a repeat of the already extensive WSBLE DEIS process. **All the while, we know that in the next month, this Board may decide on an even longer delay.**

Are we trading the price of delay for funding an excellent system that maximizes ridership for the next 100 years? We know that every year of delay adds a 5% penalty to the cost of the project – that’s more than \$500M so far. It has been 5 months since the N/S station options were proposed for the South Downtown and Midtown station locations, and 13 months since they were declared the preferred alternative. A majority of the neighborhood continues to support a 4th Ave. South station location, which was rejected because it could have cost up to \$500M more than a (culturally infeasible) 5th Ave. South “affordable” baseline. Every month of delay undermines the stated reason to reject the better connections and better regional system 4th Ave. South makes possible.

HSD asks this Board to consider initiating, formally and without further delay, the new BLE environmental process. Ultimately, moving from NOI through scoping, draft, and final EIS to Record of Decision will provide the structure to grapple with the difficult questions still before this board. Doing this now will incorporate the ongoing community engagement process into the formal federal environmental process, grounding the community’s efforts in the decisions we care about, while firmly embedding the Board’s attention and review into this work. The structure of the environmental process will provide increased transparency around the technical work already being done on BLE, allow more structured input, and shorten the ultimate timeline of the project.

Sincerely,
Kathleen Barry Johnson
Executive Director
Historic South Downtown

JAK Speech for Open the Paths 2024
Check Against Delivery

First, thank you for having me. Joe Kunzler, he-him-his-sir. I served on the Skagit Transit Community Advisory Committee between October 2015 and January 2022. I also take transit everywhere as I can't drive and if I could drive, I'd only drive an electric or alternative fuel vehicle. With that, let's talk about trips not taken.

Well, when the local Skagit Transit has a weekend span of service from 8 AM until 6 PM, and I also have to prepare for a big sortie in 12 days to defend a dear ally in Redmond, you can guess where I won't be, sadly. I hope you'll be able to go to the big Badassuchi Starter Line in Bellevue – The party starts at 10 AM at Bellevue City Hall, and yes, I've checked and rechecked; Mr. Go Sound Transit can't make it on time and would have to skedaddle early. So I won't go – plus I have to help one of your alumni defend new public comment defenses against hate speech. *Priorities.*

With that, what and how Sound Transit is doing transit is giving hope and optimism to so many, including I. Sound Transit, whether she likes this or not, has to be the moral center of the region, leading and coaching the region. Nobody else has the capacity to lead and unify and be the transit spine. The fact Sound Transit is committed to excellence and has a span of service of almost if not 24 hours when you combine buses with the light rail makes me want to say... GO SOUND TRANSIT!

Yes, span of service or the start and end time of what a transit runs is an issue. As I like to say: We are a big state with a small transit budget. I would also say on the campus of Heidi Wills, who led the 2019 charge to get this city of transit champs to oppose the worst Cougar ever, Tim Eyman, to get the lawyers the electoral mandate to litigate, that we now check six for insulated while males having a tantrum.

Span of service and coverage determine whether a differently abled person can have a life or hold down a job. Additionally, not having bus lanes and having to make connections means having to pad trip planning. See, when I plan my trips, I consider how I've had Belair Airporters, Amtrak trains, and public transportation get stuck in traffic, I've had to take out hotel rooms and AIRBNB – giving other communities tax money that should go to my Skagit. I've also sometimes had to decide to fly not just because I must be at this point in space-time or else. I cannot risk getting stuck in traffic and deprioritized because WSDOT transportation planners prioritize moving cars over humans. Or some transit planners who prefer nice corridors but either won't or can't work to improve housing opportunities with legislators and municipal planners – which creates a whole assortment of problems where the capital money and operators are invested in making a corridor frequent for some while denying service to many. Frequency should come after span of service and coverage, please.

Another thing that must change is frankly it's past time to put transit riders on transit boards. Too many times, I've got the door for transit board members who rudely drove to a transit board meeting – insulting transit riders, insulting their constituents paying regressive taxes for transit, and degrading themselves.

We also need transit rider representation to discuss who pays for transit. Staff cannot be an activist voice for us. See if the Climate Commitment Act is repealed, we are going to see retreat from the legacy that this university's UPass started by Heidi Wills' UPass birth and renovated by Madeline McKenna, and the Climate Commitment Act's kids ride free to help working families, not insulated millionaires and their spokespeople. Now if only we could fund our ferries first in transportation, with significant new fare relief for the most needy – ask me and I'll flesh this out.

Finally, very carefully, I cannot help but notice that this University has been the site of recent turmoil over Middle Eastern affairs – and I will get to my conclusion quickly. At least in January 1991 in Heidi Wills' day as Student Body President, there was no anti-Semitism, just noble concern for human life. In that spirit, I'm just asking for a pivot, please, to an understanding if we lose the Climate Commitment Act, we're going to see more regression on Washington's disability community by another rich white guy and his insensitive ableist pals. The Climate Commitment Act began a new era for Skagit Transit with kids riding free when all I could get on the community advisory committee was a discount pass, more service, and starting to replace very old buses. For your King County Metro, that's new battery electric buses for starters. So, I encourage you Huskies to get out the vote to keep alight your school's proud legacy of legendary pro-climate alumni like Heidi Wills, Madeline McKenna, Dow Constantine, and Vanessa Kritzer, who as Redmond Council President is fighting for her Redmond commons from real hate, with my help. Thanks.

April 25, 2024

Dear Sound Transit,

I am writing to express my deep concerns regarding the proposed displacement of our family-owned business, the Delridge Deli Mart. For the past 26 years, our store has been a vital part of the North Delridge community, providing essential goods and services to residents who depend on us for fresh food options and household necessities. However, the current proposed plans by Sound Transit threaten to disrupt not only our livelihood but also the well-being of the entire Delridge community.

While I understand the importance of mass transit and support its development, I urge Sound Transit to reconsider its approach, as it stands in direct contradiction to our regional values and undermines the fabric of our community. The proposed displacement of our business, without adequate consideration for the impact on local families and small business owners, is deeply concerning.

Firstly, I implore Sound Transit to reconsider the near-term approach for community impact. Delridge has already been designated a "food desert," and the closure of our business would exacerbate this issue, leaving residents without access to essential goods for the foreseeable future. I urge Sound Transit to explore solutions that prioritize the needs of the community and ensure continued access to fresh food options during the construction period and after.

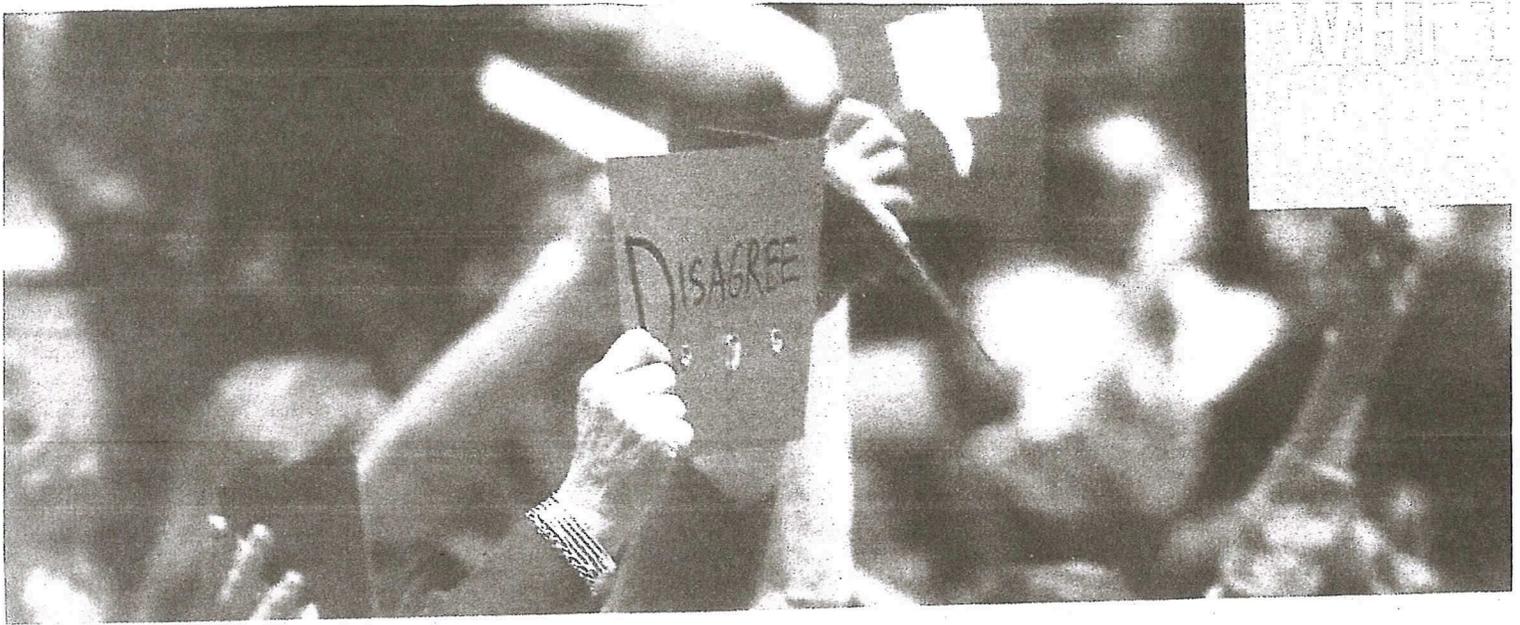
Secondly, I urge Sound Transit to revise its approach to business relocation. As a small business owner, I have been dismayed by the lack of communication, transparency, and support from Sound Transit throughout this process. Our family received no initial outreach from Sound Transit regarding the impact of the proposed plans on our business, and when I sought clarification, I was met with bureaucratic obstacles and a lack of consideration for the unique challenges faced by small businesses.

Moreover, the relocation support offered by Sound Transit is inadequate and fails to take into account crucial business metrics such as nearby competitors, foot traffic, and years established. Instead, the process seems arbitrary and detached from the reality of operating a small business and risks inherent with relocation. As a publicly funded organization, Sound

Transit has a responsibility to prioritize the well-being of local businesses and ensure fair and equitable treatment throughout the relocation process.

I urge Sound Transit to reevaluate its approach and engage with the Delridge community in a more thoughtful and inclusive manner. Small businesses like ours are the lifeblood of our cities and communities, and it is essential that Sound Transit acknowledges and respects our contributions. Failure to do so not only threatens the livelihoods of local families but also undermines the social fabric of our community. Please revisit laws that were created 20+ years ago, the city, available space, cost of living have all changed dramatically in Seattle over this time.

Sincerely, Dale Kim
Grocery Mart



Federal court decision 9c, 4c. 11.
Legal Guide to
Alex Tsimerman
Handling
Standup-Americans
Disruptive
Stop dem Fascism!!
People in Public
Meetings

APR 24
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2024.

MAY 2017

Last Updated by LOC Attorneys March 2023

- 2 -

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Introduction

Almost every local government official will be in a public meeting at some point in his or her career and experience the near or total derailment of the meeting by a disruptive member of the public. Whether it is the person who refuses to relinquish their position at the podium during public comment or the audience member who repeatedly shouts their dismay about a comment being made by a recognized speaker, such disruptions can be annoying, and in some cases so severe that officials are unable to conduct the public's business.

These types of situations can be challenging, as the governing body attempts to find a way to deal with the disruption without escalating the situation, or worse, inviting a lawsuit.

Sometimes, the governing body simply ignores the disruption. In other situations, it may be necessary to end the meeting and resume at a later date, hoping a period of cooling off will prevent a disruption when the meeting is resumed. If those efforts do not work, public officials are often left wondering if they can legally remove the person, and if so, whether they can prohibit the person from returning to future meetings. Public officials also refer to the removal of a person from a public meeting or their suspension from future meetings as "trespassing a person." The purpose of this guide is to explore those latter options for dealing with disruptive behavior.

This guide begins with an overview of public meetings law and whether and when the public has a right to speak at public meetings. The guide then turns to the constitutional issues on what types of speech are protected, and the issues that are involved in removing someone from a council meeting. Finally, the guide summarizes the relevant case law in this area and concludes with some practical advice for addressing members of the public who are disruptive to a city council meeting.

Public Attendance Versus Public Participation

Although Oregon's public meetings law requires governmental meetings to be open to the public, it is not a law that requires the government to allow the public to participate in its meetings. In relevant part, ORS 192.630(1) states that "all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting." Oregon's attorney general has explicitly said that the "right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment."¹

Although Oregon's public meetings law does not require governments to allow public participation, it is often required by other state laws or local ordinances. For example, state law requires a city to hold a public hearing before adopting its budget. State law also requires city councils to hold public hearings when making certain land use decisions. In addition, many cities have adopted rules of procedure for their city council meetings that allow the public to speak on certain matters of public concern at a council meeting.

¹ Attorney General's *Public Records and Meeting Manual*, Public Meetings Page 155 (2019).

Controlling Public Participation

When state or local rules allow the public to speak, any restrictions that a city desires to impose must fall within constitutional parameters.

A. Constitutional Amendment Protections Provided to Public Meetings

In the United States, the First Amendment ensures that “debate on public issues should be uninhibited, robust, and wide-open.”² “Citizens have an enormous first amendment interest in directing speech about public issues to those who govern their city.”³ However, cities are not required to “grant access to all who wish to exercise their right to free speech on every type of government property, at any time, without regard to the disruption caused by the speaker’s activities. Even in a democracy, the government need not tolerate actual disruptions of government business.”⁴

In recognition of the fact that public meetings are a highly important place for the public to share concerns with their governing leaders, and equally recognizing the importance of a governing body’s need to actually govern, a city council meeting (or other public meeting) is considered to be a limited public forum. In general, a limited public forum is a forum created by the government for expressive activity, wherein the activity can be moderately limited through time, place, and manner restrictions, with the caveat that the restrictions are viewpoint neutral.

Article I, Section 8 of the Oregon Constitution also protects the free speech rights of the public. Although the Oregon courts have not decided a case involving free speech and public meetings, they have made clear that any content-based restriction is unconstitutional under the Oregon Constitution. Consequently, where the law allows the public to speak, the council must take extreme caution to not take action that limits what the person is allowed to say.

B. Time, Place and Manner Restrictions

Under the federal constitution, it is clear that city councils may impose content-neutral time, place, and manner restrictions. Time, place, and manner restrictions are simply that: a rule regulating the specific time in which a person may speak, the location from which a person can speak, and the manner in which the speech can be made. For example, a city council may choose to limit public comment to certain points in a proceeding and (subject to any state law) limit the amount of time a person may speak. For example, a rule that “the public may provide testimony only during that time noted as ‘Public Comment’ on the agenda, with said testimony being provided from the designated podium, and shall be limited to no more than three minutes per speaker” has been upheld by the Oregon Court of Appeals and the Ninth Circuit Court of Appeals.⁵

² *Walsh v Enge*, 154 F Supp 3d 1113, 1119 (D Or, 2015) (quoting, *N.Y. Times Co. v Sullivan*, 376 US 254, 270, 84 S Ct 710, 11 L Ed2d 686 (1964)).

³ *White v City of Norwalk*, 900 F2d 1421, 1425 (9th Cir 1990).

⁴ *Walsh v Enge*, 154 F Supp 3d at 1119.

⁵ *Kindt v. Santa Monica Rent Control Bd.*, 67 F3d 266 (1995).

The more difficult part for governing bodies in controlling people's speech during public meetings is ensuring that the control measures imposed are both viewpoint neutral and enforced consistently and equally to all speakers. A measure which "serves purposes unrelated to the content of expression and only incidentally burdens some speakers, messages, or viewpoints" is considered viewpoint neutral.⁶ For example, the court has noted that requiring a member of the public to limit their testimony to the topic presently being discussed by the overall governing body is an acceptable viewpoint neutral regulation.

C. Removing Disruptive People from Public Meetings

Disruptive people can be removed from public meetings (public officials often refer to this removal as "trespassing"). However, the person must actually be disrupting the meeting. The Ninth Circuit has specifically stated, "Actual disruption means actual disruption. It does not mean constructive disruption, technical disruption, virtual disruption, *nunc pro tunc* disruption, or imaginary disruption."⁷ A *nunc pro tunc* disruption is one where the speech could cause a disruption after the fact.

To that end, individuals who refuse to sit down when their allotted speaking time has ended can be removed from the public meeting. Persons who interrupt a meeting's proceeding by repeatedly shouting out and yelling can also be removed. Even individuals located in a different room than an actual public meeting who are protesting so loudly that it interferes with the meeting can be removed from the area. On the other hand, a person who rolls his or her eyes, repeatedly sighs, shakes their head or guffaws is probably not actually disrupting the meeting. A person who is merely a distraction is not necessarily an actual disruption, and thus, should be ignored.

Because the requirement is that an actual disruption of the proceedings occur, it is not appropriate to remove a person because of some type of symbolic expression that does not interrupt or halt the meeting itself. For example, the Ninth Circuit found that while a person giving a Nazi salute may be offensive, giving the salute did not interfere with or interrupt the public meeting itself. And because the actual meeting was not interfered with by the salute, the removal of the person giving the salute from the meeting amounted to "viewpoint discrimination" by the governing body. Having a person removed from a public meeting because their view on a matter is offensive to some or all of the other people in attendance at the meeting is not legally permissible.

The Nazi salute case is one to be particularly cognizant of because it is applicable to audience members. The federal courts recognize that audience members in limited public forums (like city council meetings) are "subject to the same constitutional rules that apply to those addressing the chamber."⁸ In practice, this means that audience members who wear clothing that may generally be described as offensive, who make what is commonly thought of as crude or

⁶ *Alpha Delta Chi-Delta Chapter v Reed*, 648 F3d 790, 800 (9th Cir 2011) (quoting, in part, *Ward v Rock Against Racism*, 491 US 781, 791, 109 S Ct 2746 (1989)).

⁷ *Norse v City of Santa Cruz*, 629 F3d 966, 976 (9th Cir 2010).

⁸ *Reza v Pearce*, 806 F3d 497, 505 (9th Cir 2015).

inappropriate hand gestures, and in some instances (absent a rule or ordinance prohibiting otherwise) passively hold signs or symbols that some find distasteful, may only be removed from the public meeting if those actions truly impede the public body's ability to conduct the meeting.

D. Suspending Disruptive Persons from Future Public Meetings

It is not uncommon for a person desiring to make their point to cause several disruptions at the same meeting or over a series of meetings. The constant disruption of public meetings by the same person, despite repeated warnings and removals, often leads public officials to consider suspending the person from future public meetings (otherwise known as issuing a trespass order). While the temptation to bar a disruptive person from future meetings is great, the legal ability to do so is questionable.

Two relatively recent federal court opinions held that prohibiting a disruptive person from attending future meetings, and from entering the entirety of a government facility, is not permitted under the First Amendment to the U.S. Constitution. The federal district court for Oregon specifically held in *Walsh v. Enge*⁹ that a government may not "prospectively exclude individuals from future public meetings merely because they have been disruptive in the past." In a separate decision, *Reza v. Pearce*,¹⁰ the Ninth Circuit Court of Appeals ruled that "imposing a complete ban" on a person's entry into a government building "clearly exceeds the bounds of reasonableness" established under First Amendment jurisprudence. Both decisions are explained below more fully.

1. *Walsh v. Enge, Hales, and City of Portland*

In the *Walsh* case, the city of Portland's municipal code permitted the city to indefinitely suspend a person from city hall and the city council's chambers if the person disrupted a city council meeting. During a city council meeting, Mr. Walsh raised his voice and interrupted the meeting to the point that he was asked to leave by the mayor. After the meeting concluded, Mr. Walsh received a notice of exclusion from the city which prohibited him from attending any city council meeting or appearing in city hall for a period of 60 days.

The Oregon District Court found that the Portland ordinance violated the First Amendment to the U.S. Constitution. In its decision, the court noted that if Portland's ordinance was permitted to stand, it could "lead to officials shutting the government's doors to those whose viewpoints the government finds annoying, distasteful, or unpopular. Permanent or even lengthy exclusions for past disruptive behavior conduct could become a convenient guise for censoring criticism directed toward the powerful. The First Amendment's guarantees, although not absolute, are not so flimsy."¹¹

In issuing its ruling, the Oregon District Court noted that the suspension from future meetings was not reasonable under First Amendment jurisprudence. In order for the ordinance to have been found reasonable, the ordinance would need to fulfill a legitimate need. Portland argued

⁹ *Walsh v Enge*, 154 FSupp3d 1113 (D Or 2015).

¹⁰ *Reza v Pearce*, 806 F3d 497 (9th Cir 2015).

¹¹ *Walsh v Enge*, 154 FSupp3d at 1119.

that the ordinance was needed for two reasons. First, the ordinance was necessary to protect the public's safety. Second, even though Mr. Walsh was prohibited from attending city council meetings, he had ample alternatives to communicate his concerns with Portland's governing leaders. Neither of Portland's arguments were held to be valid by the court.

The court noted that while public safety is a legitimate concern and could potentially allow for a person to be prospectively banned from attending a city council meeting, there was nothing in the record that showed that Mr. Walsh himself was a threat to any person. "Mere speculation that some persons may make others feel unsafe or engage in additional disruptions is an insufficient basis upon which to erect a governmental power to bar those who wish to express their views from participating in public debate."¹² The court was particularly insistent that if Mr. Walsh was disruptive in the future, he could simply be escorted out of the meeting.

In addition, the court found that Portland's ordinance did not provide Mr. Walsh with any reasonable alternatives to voice his concerns about public matters. The court appears to recognize that there is a fundamental difference between making a verbal statement at a city council meeting on a matter of public concern and sending in a letter. In the holding, the court stated, "prospective exclusions defeat the very purpose of the forum: to provide the opportunity for discourse on public matters."¹³

2. *Reza v. Pearce*

In this case, Arizona State Senator Pearce issued an order barring Mr. Reza from the state Capitol because he had previously been disruptive during a hearing chaired by Senator Pearce on an omnibus immigration bill. In addition to barring Mr. Reza from the Capitol, Senator Pearce adopted a new rule which required individuals who disrupted the Senate's proceedings from being excluded from the Capitol for two weeks for a first offense and for 60 days for any subsequent offenses. When Mr. Reza attempted to enter the Capitol to attend a previously-scheduled meeting with another senator to discuss obtaining permits for a protest, he was refused entry to the building.

The Ninth Circuit specifically held that banishment from the state Capitol was unreasonable under the First Amendment. In the opinion, the court specifically notes that the ban at issue excluded Mr. Reza "from all future hearings on any subject, based on the purported fear that he could be disruptive in the future."¹⁴ The court additionally noted that the ban prevented Mr. Reza from "visiting his elected representatives to urge legislative action on any subject."¹⁵ And while the court noted that public safety can be a reasonable ground to deny entry to a public building, there was no real threat to public safety established in the case, and the ban was therefore not reasonable.

¹² *Id.* at 1132.

¹³ *Id.* at 1133.

¹⁴ *Reza v Pearce*, 806 F3d 497 at 507.

¹⁵ *Id.*

3. *Public Safety Exception*

In both of the appellate cases described above, the courts reference that public safety concerns may be a legitimate reason to prospectively prohibit a person from entering and participating in a public meeting. But in both cases, the court found no real threat to public safety. These cases leave open the possibility that if a city council establishes that a real threat to public safety exists, it may be able to prospectively prohibit a person from attending a future public meeting. However, as there is no decision on point, it is reasonable to assume that any such suspension should be significantly limited in duration.

After conferring with legal counsel, if a city determines that a person should be prospectively prohibited from entering and participating in a public meeting, the attached Appendix A, entitled “Notice of Exclusion,” may be used as starting point in drafting an appropriate exclusion order. Any such notice of exclusion must be carefully crafted to ensure that the following occurs: (1) definitive evidence of a threat to public safety is established; (2) the subject of the order is provided appropriate due process; and (3) the subject of the order is given an opportunity to appeal the notice.

E. Arresting Individuals Who Disrupt Public Meetings

Having a disruptive person removed from a public meeting often results in the person simultaneously being arrested for disorderly conduct. Oregon has two criminal statutes related to disorderly conduct, one pertaining to disorderly conduct in the first degree, the other pertaining to conduct in the second degree. Both statutes generally prohibit a person, in relevant context to this discussion, “with intent to cause public inconvenience, annoyance or alarm,” or creating a risk thereof, from: engaging in violent or threatening behavior; making unreasonable noise; or disturbing lawful assemblies. The fundamental purpose behind both disorderly conduct statutes is “to protect the general public from conduct that threatens to erode the community’s sense of safety and security.”¹⁶

Individuals have challenged the validity of the disorderly conduct statutes on the basis that they violate a person’s right of free speech and expression under Article 1, Section 8 of the Oregon Constitution. The Oregon Court of Appeals has determined that this type of constitutional challenge to the disorderly conduct statutes requires a court to determine if an arrest for disorderly conduct “had as its objective the prevention of some harm within its power to prevent or whether its objective was to prevent protected speech.”¹⁷

In *State v Rich*, a defense attorney was arrested outside of a courtroom for disorderly conduct when he yelled at a police officer for more than a minute. The yelling was so loud that it could be heard outside in a hallway and in offices that opened to the hallway. At least some employees of the courthouse indicated the yelling was so loud it stopped them from working. The defense attorney argued that his arrest for disorderly conduct violated Article 1, Section 8 of the Oregon

¹⁶ ORS 166.023 and ORS 166.025.

¹⁷ *State v Rich*, 218 Or App 642, 647 (2008).

Constitution in that he was arrested because the officer did not like the words he was yelling (the defense attorney was using profane language).

After reviewing the matter, the Court of Appeals determined that the defendant was not arrested because of the words he was uttering, but rather, as a result of the volume at which he was uttering those words. Finding that the basis of the disorderly conduct arrest was “the speech’s noncommunicative elements,” the court found that the arrest was proper and Constitutional. It was the volume of the speech and the effect it had on the public (causing work to cease) that caused the disorderly conduct, not the words themselves.

When a person is arrested at a public meeting for disorderly conduct, it should be clear that the person is not only disrupting the meeting from occurring, but that the person’s behavior (and not the words being used) is what is eroding the public’s sense of safety and security.

Conclusion

Public officials do not have to allow people to disrupt or derail their ability to conduct the people’s business. It is perfectly acceptable for a governing body to establish rules that dictate when public comment can be made, how long the public comment can be given, and the topic that the public comment must surround. Governing bodies are also permitted the right to remove any person from a public meeting when that person actually disrupts the meeting. If a person’s disruption of a meeting is so deleterious that it threatens the safety and security of the public, the governing body can request that the person in question be arrested for disorderly conduct. And while public officials may wish to prospectively ban consistently disruptive people from future meetings, officials are warned that the only time such an action may even be legally permissible is if the officials can prove that the disruptive person proves to be an actual threat to the public safety—and even then, a limited suspension is perhaps most prudent. As a general rule, cities should utilize the least restrictive option to a disruptive citizen’s rights when trying to regain and retain order of a public meeting.

APPENDIX A

NOTICE OF EXCLUSION

Dear [SIR/MADAM]:

You are hereby excluded from the following property: [LOCATION/ADDRESS] (“property”).

This letter is to inform you of the conditions and processes associated with your Notice of Exclusion. This exclusion is effective as of [DATE TRESPASSED]. You are prohibited from entering the property for a period of [LENGTH OF EXCLUSION/HOURS/EVENT].

In order to facilitate necessary actions or protected activities, you may be permitted upon prior approval to enter the property by giving at least one-day advance notice to [EXCLUDING AUTHORITY]. This Notice of Exclusion is given pursuant to ORS 164.245, as well as [MUNICIPAL/COUNTY CODE §]. Your entry upon the property without express permission may result in adverse consequences including, but not limited to, initiation of civil or criminal proceedings against you.

Should you feel this Notice of Exclusion has been made in error, or you desire to contest this Notice of Exclusion, an appeal may be made to the Municipal Court pursuant to [MUNICIPAL CODE §] by filing a notice of appeal within ____ days of your receipt of this Notice of Exclusion. The exclusion from the property shall remain in effect pending your appeal. On appeal, evidence may be offered and arguments made before an impartial hearings officer. You are not entitled to court appointed counsel at that appeal, however, you may retain counsel at your own expense.

Should you choose to not to appeal, this exclusion will expire by its own terms on [DATE EXCLUSION ENDS].

Sincerely,

[Signed by Person Authorized to Issue]