



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Kim Welsh
Angel Rios, Jr.

SUBJECT: LEVITT PAVILION SAN JOSE
STEERING COMMITTEE
UPDATE

DATE: January 13, 2016

Approved

D. OSY L

Date

1/13/16

COUNCIL DISTRICT: 3

RECOMMENDATION

1. Receive an update on the community-based Levitt Pavilion San José Steering Committee (Steering Committee) regarding its business planning, entity formation, and fundraising efforts; and
2. Authorize the City Manager's continued support of the development of this prospective project including environmental analysis for a pavilion in St. James Park.

OUTCOME

The outcome of City Council's receipt of this report and authorization of the Administration's support of this project will enable increased awareness about the community-based steering committee activities and enable the City of San José's participation in the development of the project including environmental analysis.

BACKGROUND

The Mortimer and Mimi Levitt Foundation and Levitt Pavilions (collectively called Levitt National) is a national nonprofit organization that offers participating cities financial assistance and a support system to build and sustain a Levitt Pavilion music venue. Additional information on Levitt Pavilions can be found on the Levitt Pavilions website: <http://www.levittpavilions.org/>. Core to the Levitt National mission is the reinvigoration of public spaces through opportunities for everyone to participate in performing arts experiences in a family-friendly atmosphere.

Per Levitt National's requirements, a Levitt Pavilion in San José would be run by an independent nonprofit organization (i.e. Friends of Levitt Pavilion San José) and would present a minimum of

January 13, 2016

Subject: Levitt Pavilion San Jose Steering Committee Update

Page 2 of 6

50 free music performances annually. There are currently six Levitt Pavilion venues in cities across the country, with two under way and several others that are engaged in conversation. Levitt National would invest up to \$400,000 in matching capital funds, \$750,000 in operating support during the first five years, and \$100,000 in ongoing operating funds for the local nonprofit organization. In turn, it requires significant community support and City partnership. The Friends of Levitt Pavilion San José would be responsible for programming and operations, including fundraising.

On December 3, 2013, the Council authorized the City Manager to participate in a community-led process to explore a partnership with Levitt National through its Levitt Pavilion program. A Friends of Levitt Pavilion San José Exploratory Committee (Exploratory Committee) was subsequently formed for the purpose of assessing the feasibility of a Levitt Pavilion in St. James Park, including a sustainable Friends of Levitt organization in San José. Led by Jack Wimberly, local resident and philanthropic advisor, and Jim Reber, Executive Director of the Parks Foundation, the exploratory committee was comprised of local stakeholders representing a range of perspectives from business, residential, parks, arts and downtown. Staff from the Office and Cultural Affairs (OCA) and Parks, Recreation and Neighborhood Services (PRNS) served as advisors to the committee. After significant outreach to the community, presentations to the Arts Commission, Community and Economic Development Committee, Historic Landmarks Commission, and the Parks and Recreation Commission, the Exploratory Committee developed a report on the feasibility of a Levitt Pavilion in St James Park.

Reflecting community input, the report states that a Levitt Pavilion in St. James Park, and its programming, could be central to the revitalization of St. James Park. Conditions for the pavilion's success include: strong community leadership and community involvement; honoring the historic nature of the park; appropriate pavilion placement; excellent sound engineering including establishing proper sound levels; and sustainability of the local nonprofit, which will require financial feasibility, business planning and leadership development. Furthermore, success of the pavilion will be contingent on it being part of a broader strategy to revitalize St. James Park. A broader strategy will address safety, park maintenance, and antisocial behavior. With these conditions met, the committee states that a pavilion in St. James Park can leverage the resources of cross-sector partners to model a successful, thriving urban space.

Given the interest to activate St. James Park with outdoor events and the work of the exploratory committee, a preliminary Environmental Noise Analysis was conducted in October 2014. The report recommends sound levels and operations for acceptable acoustics for temporary events. The report will inform the evaluative work for a Levitt Pavilion in St. James Park and other programming based on a pavilion-type permanent structure.

At its meeting on April 7, 2015, the Council accepted the recommendations in the report and endorsed the community moving forward with its business planning, fundraising, and entity formation. Key activities of the steering committee will include: formation of an advisory committee and ultimately a Friends of Levitt Pavilion San José 501(c)3 nonprofit organization, board development, fundraising feasibility work, programming and operations planning, and

January 13, 2016

Subject: Levitt Pavilion San Jose Steering Committee Update

Page 3 of 6

partnership development. The City's endorsement of the report signaled that the City is interested in pursuing a pavilion in St. James Park and will better enable the development of champions, partners and supporters of the project.

The Council provided additional direction that the City Manager work with the advisory committee to determine: a) costs and a financial plan that would protect the City's General Fund; b) the location within the St. James Park; c) preliminary design that is consistent with the historic district; and d) appropriate level of environmental analysis. Council directed staff to report back to the full Council.

ANALYSIS

Since April, a community-based Levitt Pavilion San José Steering Committee (steering committee) has been formed. It represents a variety of perspectives from local residents, developers, businesses, and those with experience in performing arts and nonprofit management (Attachment A). The committee is comprised of those who have a commitment to realizing the vision of a live music venue in St. James Park. The purpose of this steering committee is to champion the Levitt Pavilion project and steward the development of the community-based local nonprofit organization Friends of Levitt Pavilion San José.

Rick Holden has been identified as the Chair of the steering committee and leads strategic planning, agenda development, and meeting management. Staff from the following departments also participate in an advisory role to the steering committee: Council District 3, Housing, Mayor's Office, OCA, and PRNS.

The steering committee meets on a monthly basis. Key topics include: pavilion location and design, 501(c)(3) formation, business planning, board development, communications/outreach, and fundraising. The committee has developed two subcommittees, a design committee and a business planning committee, which also meet monthly.

Key activities and milestones of the Levitt Pavilion San José Steering Committee

Site Visit: In September 2015, members of the steering committee and Councilmembers Peralez and Carrasco visited two Levitt Pavilions in Los Angeles and Pasadena. In addition to meeting with municipal leaders, Levitt National, and local Friends of Levitt representatives, they attended a live music concert. This site visit was insightful to demonstrate the impact of the pavilions in the surrounding areas including increased public safety.

Design Committee: A design committee has been formed for the purpose of developing preliminary site designs. With the in-kind support of Barry Swenson Builders, the committee has evaluated the pros/cons of various potential pavilion locations in the park. The committee created an evaluation matrix to score all selected site locations under the same criteria. Of the locations considered, the committee is recommending the northeast quadrant of St. James Park, with a

southeast facing pavilion. Preliminary site placement has been rendered with general schematics (Attachment B). The committee has coordinated with Levitt National to confirm that the location meets the site requirements for the Levitt Pavilion program. Levitt National has expressed support for this project and location (Attachment C).

Next steps for the design will be the selection of an architectural firm, development of more detailed designs, and environmental analysis.

Business Planning: A business planning committee has been developed and is creating a workplan for the formation of a nonprofit organization called the Friends of Levitt Pavilion San José. The workplan will involve: formation of a 501(c)(3), board development, fundraising and fundraising feasibility work, and development of a communications framework and community outreach. Over time, the workplan will include operations and management of the 501(c)(3) organization and programmatic planning.

The committee has engaged the pro bono legal services of Hopkins & Carley to form a 501(c)(3) nonprofit and file necessary application with the Internal Revenue Services (IRS) for tax exempt status. The committee has raised funds to complete the IRS filing and is raising “start up” costs from steering committee members for the 501(c)(3). It has secured a mailing address and phone number.

The committee is also developing a communications platform including message points for the project, a FAQ worksheet, and plan for stakeholder outreach. Upon the development of a preliminary design and message framework, a next step for fundraising will be the initiation of a fundraising feasibility study that will assess interest in support for both a capital campaign as well as ongoing operating financial support.

Saint James Park Revitalization

On November 6, 2015, the Mayor and Council approved the Saint James Park Revitalization Strategy. This strategy is focused on the following outcomes:

- 1) Provide for a sustainable funding model for park maintenance, operations and activation;
- 2) Develop a strong public-private partnership for ongoing stewardship of the park;
- 3) Make the park a safe, fun and desired location that complements the local neighborhood as well as the broader San José community; and
- 4) Work in parallel, and together with, the Levitt Pavilion project.

In approving the revitalization strategy, the Mayor and City Council established a Saint James Park Management District which will provide a funding stream for operations, maintenance and activation of the park in the near term. An advisory group is currently being formed that will assist the City in moving forward with the various initiatives necessary to revitalize the park.

EVALUATION AND FOLLOW-UP

Further policy recommendations, agreements, or resource commitments by the City would subsequently come to the Council for approval.

PUBLIC OUTREACH

The steering committee has presented updates on its work to the Historic Landmarks Commission and Parks and Recreation Commission. An update to the Arts Commission is planned for January 25, 2016. Outreach to neighborhood residents and homeowner associations is also planned for January 2016.

COORDINATION

This memorandum has meeting coordinated with the City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION

The Parks and Recreation Commission requested that community outreach continue throughout each phase of the project. They have recommended the highest level of environmental review be conducted for the project. In general, there was overall support of the project moving forward.

FISCAL/POLICY ALIGNMENT

The development of a live music outdoor venue in St. James Park is consistent with the *Economic Strategy* goal of providing a diverse range of arts and entertainment offerings in San José.

COST SUMMARY/IMPLICATIONS

The environmental review and associated reports may cost up to \$250,000.

BUDGET REFERENCE

Funding for the environmental review is appropriated and available from park trust fund revenues. Continued design development and business planning will inform an estimate of the operations and maintenance costs associated with the pavilion.

HONORABLE MAYOR AND CITY COUNCIL

January 13, 2016

Subject: Levitt Pavilion San Jose Steering Committee Update

Page 6 of 6

CEQA

Not a project, File No. PP10-069(a), Steering Committee assessments.

"An initial study will be conducted in early 2016 to determine the appropriate level of environmental clearance necessary for the project. As development design continues, it will be used to inform the preparation of a sufficient project description and level of analysis necessary for review. Potential noise, historic and other impacts will be included in the analysis."

/s/

KIM WALESH
Deputy City Manager
Director of Economic Development

/s/

ANGEL RIOS, JR.
Director of Parks, Recreation and
Neighborhood Services

For questions, please contact Cultural Affairs Director Kerry Adams Hapner at (408) 793-4333 or PRNS Deputy Director Steve Hammack at (408) 793-5579.

Attachment A: Steering Committee Roster

Attachment B: Preliminary Site Studies

Attachment C: Letter to City of San José from Levitt National

LEVITT PAVILION SAN JOSE STEERING COMMITTEE

The committee is comprised of the following people have participated in steering committee activities:

- Tommy Aguilar, Universal Grammar
- David R. Allen, Fairfield Residential
- Joshua Baur, San Jose State University College of Applied Arts and Sciences
- Reverend David Bird, Trinity Cathedral
- Kimberley Brady, Downtown Residents Association
- Joshua Burroughs, Barry Swenson Builder
- Cary Chien, Hopkins & Carley
- Fred Cohen, SJSU School of Music and Dance
- Roma Dawson, Parks Foundation board member and Arts Commissioner
- Chris Esparza, Giant Creative Services
- Nuria Fernandez, Santa Clara Valley Transportation Authority
- Rudy Flores, Parks and Recreation Commissioner
- Tricia Fornesi, TKF Productions
- Peter Furman, Retired Chief of Staff to Mayor Reed
- Brian Grayson, Preservation Action Council
- Dana Grover, real estate appraiser and Horace Mann representative
- Danny Harris, Knight Foundation
- Gail Hashimoto, Hopkins & Carley
- Rick Holden, immediate past Chair of the Arts Commission (Chair)
- Kelly Kline, downtown resident and City of Fremont Economic Development Director
- Fil Maresca, Filco Events
- Julie Matsushima, Rotary Club of San Jose
- Michael Mulcahy, Team San Jose Board Chair
- Jenny Niklaus, American Leadership Forum Silicon Valley
- Tim Quigley, downtown resident and Sister City International board member
- Jack Sardegna, St. James Park Neighborhood Association
- Matt Stevens, local resident and HOA Coalition member
- Laura Tolkoff, SPUR
- Rick Truemptler, The Sobrato Organization

LEVITT OPTION A2

PAVILLION AT ANGLE IN NE CORNER

Legend



Google earth

Image Landsat



200 ft



January 4, 2016

Honorable Mayor Sam Liccardo and City Council
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Dear Honorable Mayor Sam Liccardo and City Council,

On behalf of the Mortimer & Mimi Levitt Foundation and Levitt Pavilions (collectively, Levitt National), it is wonderful to see how the Levitt San Jose project is taking shape through the dedicated efforts of community leadership with meaningful support from the City of San Jose. Through the visionary leadership of both San Jose's public and private sectors, we believe the Levitt Pavilion in St. James Park will successfully fulfill the Levitt mission of creating a welcoming destination for all to enjoy through the power of free, live music.

This past fall, leadership of the Levitt San Jose Steering Committee presented to Levitt National the proposed location of the Levitt Pavilion in St. James Park, specifically the northeast corner of the park. It was proposed that the venue be located in this quadrant facing at an angle with its back nestled between the grove of trees. For both logistical and aesthetic reasons, Levitt National approves this proposed location as it 1) meets our structure requirements for access to and minimum square footage of the venue and 2) it meets our site requirements for a minimum footprint of two acres and audience accommodation of up to 5,000 people on lawn chairs and lawn blankets—though it is anticipated that average concert attendance will be between 1,500 to 2,500, the additional space provides for special events. From an aesthetic perspective, the positioning of the venue surrounded by the existing grove of trees will allow design elements to blend with the natural setting of the park as well as create opportunity for the design concept to align with the neighborhood's historic designation.

Thank you for your continued support of the Levitt San Jose project. Levitt National looks forward to continued momentum to make the Levitt Pavilion in St. James Parks a reality, building community through music in San Jose.

Sincerely,

Sharon Yazowski
Executive Director
Levitt National