



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli  
Jim Shannon

**SUBJECT:** See Below

**DATE:** January 13, 2025

Approved

Date:

1/22/25

**COUNCIL DISTRICT: 3**

**SUBJECT: Actions Related to the Tri-Party Agreement with the Friends of Levitt Pavilion San José and the Mortimer & Mimi Levitt Foundation for the Levitt Pavilion at St. James Park**

## **RECOMMENDATION**

(a) Adopt a resolution:

- (1) Finding the proposed Tri-Party Agreement between the City of San José, Friends of Levitt Pavilion San José, and Mortimer & Mimi Levitt Foundation for future development and operation of Levitt Pavilion at St. James Park meet the criteria set forth in Section 1700.1 of the City Charter and Council Policy 7-8; and
- (2) Authorizing the City Manager or her designee to negotiate and execute a Tri-Party Agreement with the Friends of Levitt Pavilion San José and the Mortimer & Mimi Levitt Foundation for future development and operation of a Levitt Pavilion with an initial five-year term length from the date of execution until the fifth anniversary of the effective date with three additional options to extend of up to five years each, through December 31, 2041.

(b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

- (1) Increase the St. James Park Phase I Reserve appropriation by \$5,000,000; and
- (2) Decrease the Future PDO / PIO Projects Reserve by \$5,000,000.

## **SUMMARY AND OUTCOME**

Approval of the recommendations will allow the City Manager or her designee to negotiate and execute a tri-party agreement with the Friends of Levitt Pavilion San José

(FLPSJ) and the Mortimer & Mimi Levitt Foundation (Levitt Foundation). With the approval of this agreement, FLPSJ will be required to fundraise a minimum of \$5.0 million for the future construction and development of the pavilion.

Further, this recommendation will allow City staff to continue to work towards design and construction of the Levitt Pavilion<sup>1</sup> at St. James Park. The St. James Phase I Reserve currently has \$10.0 million and an increase of \$5.0 million will allow the City to contribute a minimum of \$15.0 million towards this project.

## **BACKGROUND**

St. James Park is a 7.6-acre park located in downtown San José. The park was defined in 1848 as one of the City's squares per the survey conducted by Chester Smith Lyman and documented by the "Map of the Pueblo des San José." The park has been the site of significant events, including speeches from presidential candidates, social gatherings, and civic events. The park's history enabled the site to be listed in the National Register of Historic Places as part of the St. James Square National Register Historic District (also known as St. James Square Historic District)<sup>2</sup>.

Beginning in 2013, the City Council authorized the City Manager to participate in a community led process to explore partnership with the national nonprofit Levitt Pavilion, which was an early step in establishing confidence in its unique position to potentially be the operating partner in the future. At the same time, a FLPSJ Exploratory Committee was subsequently formed to assess the feasibility of the Levitt Pavilion in St. James Park, including establishing a permanent Friends of the Levitt organization<sup>3</sup>

In 2015, the City Council established the St. James Capital Vision project. The intent was to revitalize this downtown "park into a vibrant and amazing public space."<sup>4</sup> In October of that year, the City Council accepted the St. James Park Revitalization Strategy. The memoranda states, "Over the past several years, St. James Park has seen an increase in social problems and is not actively used by residents outside of specifically planned activation efforts." In fact, many of these problems surrounding the park can be traced back even earlier.

On November 10, 2015, the City Council approved the St. James Park Revitalization Strategy<sup>5</sup>. This strategy is focused on the following outcomes:

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<sup>1</sup> Levitt Pavilion will be an outdoor amphitheater offering free, live music designed to foster a family-friendly atmosphere and build community through music. It will welcome people of all ages and backgrounds.

<sup>2</sup> [California SP St. James Square Historic District](#)

<sup>3</sup> [St. James Park Revitalization Strategy Memo \(2015\)](#)

<sup>4</sup> [St. James Park Revitalization Strategy Memo \(2015\)](#)

<sup>5</sup> [Minutes of City Council](#)

1. Providing a sustainable funding model for park maintenance, operations, and activation;
2. Developing a strong public-private partnership for ongoing stewardship of the park;
3. Making the park a safer, fun, and desired location that complements the local neighborhood as well as the broader San José community; and
4. Working in parallel, and together with, the Levitt Pavilion project.”

On January 26, 2016, City Council received an update from the Levitt Pavilion San José Steering Committee. City Council authorized the City Manager’s continued support of the development of the Levitt Pavilion and directed City staff to prepare an environmental impact report for the revitalization of St. James Park (and include the Levitt Pavilion).

The City subsequently held a juried design competition with a stated vision of transforming St. James Park into a vibrant and awe-inspiring public space that residents and employees in Downtown and the entire community will be proud of and will want to enjoy repeatedly with family, friends, and neighbors. The design competition was held as part of a two-part procurement process. The complete Request for Qualifications/Request for Proposal package was available on BidSync. Fourteen responsive proposals were received in response to the Request for Proposal and four qualified teams were selected by the jury as finalists. The four finalist design teams consisted of: Conger Moss Guillard Landscape Architecture (CMG); Melk Free; Meyer + Silberberg; and Wallace, Roberts and Todd. These four teams entered into a consultant agreement to produce plans that demonstrated their vision for St. James Park with a total compensation value of \$25,000 to be paid to each of the four teams for their work.

On August 26, 2016, a Park Tour and Community Forum were held in order for the finalist design teams to experience the park in person, see how the park is being activated and used, and learn more about the park. The August 26 event included a one-hour park tour with five stops, and each stop had speakers to discuss the following topics below:

- Park activation;
- New development around the park;
- History of the park;
- Levitt Pavilion; and
- VTA and closure of 2<sup>nd</sup> Street to automobile traffic.

The community forum portion of the event provided a listening session for the design teams to hear directly from community members and local stakeholders about their goals and concerns.

Each team submitted design visions in accordance with their contracts. From October 5 to October 15, 2016, the four visions were available for the public to view online and in

person at the San Francisco Planning and Urban Renewal Association's San José Office at 76. S. First Street. The public was able to provide input both online and in person via comment cards. Comments were made available to the jury.

On October 15, 2016, the finalist Design Teams made presentations to the jury and public as part of a Jury Day event. After the Jury Day presentations, the jury sequestered to discuss and draft a recommendation. The jury finalized a recommendation on November 3, 2016.

On March 7, 2017, the City Council accepted the jury's recommendation to select CMG Landscape Architecture's submission as the winning vision and adopted a resolution to negotiate and execute a contract with CMG Landscape Architecture to design the project based upon the approved vision. On June 29, 2017, the City entered into a master agreement with CMG Landscape Architecture for the first phase of the design of St. James Park, including comprehensive planning and design support.

CMG Landscape Architecture completed 25% of construction documents and submitted them to the City on October 3, 2018. CMG Landscape Architecture then completed 65% of construction documents in May 2023.

On December 17, 2024, City Council approved an amendment to the agreement with CMG Landscape Architecture with the final 100% construction drawings set (expected to be completed in the first quarter of 2026). The City prepared an Environmental Impact Report in accordance with the California Environmental Quality Act for the St. James Park Capital Vision and Performing Arts Pavilion project. On [October 27, 2020](#), the City Council conducted a public hearing and (i) adopted [Resolution No. 79770](#) certifying the St. James Park Capital Vision and Performing Arts Pavilion project Environmental Impact Report, and (ii) approved the St. James Park Updated Capital Vision (Master Plan) to guide future rehabilitation of the site.<sup>6</sup>

On December 15, 2020, the City Council conducted an appeal hearing<sup>7</sup> where they denied the permit appeal and adopted Resolution No. 79848.

On November 30, 2020, the Sainte Claire Historic Preservation Foundation filed a petition for a *writ of mandate*, challenging the City's approvals of the Levitt Pavilion project and alleging violations of California Environmental Quality Act and the San José Municipal Code. The petition claimed the City unlawfully issued a Historical

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<sup>6</sup> <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4666386&GUID=706B80BE-71C9-47D2-984F-AD6AF86DE789>

<sup>7</sup> [Appeal Hearing for the Planning Director's Approval of the Historic Preservation Permit](#)

Preservation Permit. The trial court ruled in favor of the City. Sainte Claire Historic Preservation Foundation appealed to the Sixth District Court of Appeal.

The Court of Appeal affirmed that Sainte Claire Historic Preservation Foundation did not establish a California Environmental Quality Act violation but reversed the trial court's ruling relating to the San José Municipal Code, holding that the City violated the Historic Preservation Ordinance. The Court of Appeal directed the trial court to set aside Resolution No. 79848, including the issued Historical Preservation Permit, and require the City to ensure compliance with the Historic Preservation Ordinance.

The City intends to comply with the Court of Appeal's ruling and any applicable laws and regulations in implementing the proposed project. It's also the City's desire to work with the Sainte Claire Historic Preservation Foundation and to continue to cooperate on the development of the Levitt Pavilion.

As outlined above, the revitalization of St. James Park and partnership with Levitt Foundation has been a long time coming through many public processes and meetings. The Levitt Foundation and the FLPSJ are uniquely situated to help implement the vision for St. James Park:

- The Levitt Foundation is a private family foundation founded in 1963 by Mortimer and Mimi Levitt to support arts, culture, and education and to support access to the performing arts for the benefit of the public through various programs, including the development and support of outdoor performance venues across the United States.
- Levitt venues are a national network of outdoor performance venues with free programming for the benefit of the public. The venues are publicly owned facilities located in public spaces, typically parks, with locations across the United States, including Los Angeles, California; Denver, Colorado; Westport, Connecticut; Dayton, Ohio; Bethlehem, Pennsylvania; Sioux Falls, South Dakota; and Arlington, Texas.
- FLPSJ is a California nonprofit corporation formed to provide programming and raise funds for such programming, assist with the operations of a Levitt Pavilion to be constructed in San José, and raise funds for the construction of a Levitt Pavilion. Programming will consist of an annual concert series taking place at the Levitt Pavilion, free of charge to the public.

The City recognizes the benefits of the Levitt Pavilion at St. James Park which will expand arts access in the community and positively activate the public space. The project's initial development as a competitive design selection and the site's large scale and unique amenity (future Levitt Pavilion) became a key cornerstone to this project. As the park's design completion approaches 90%, the parties will work together to ensure the completed design meets the needs of the Levitt Foundation, FLPSJ, and the City.

## **ANALYSIS**

The City completed an Environmental Impact Report for the St. James Park Capital Vision, which included the Levitt Pavilion. Despite legal challenges to the Environmental Impact Report, the courts upheld the report in accordance with the California Environmental Quality Act.

Approval of the proposed Tri-Party Agreement is subject to Section 1700.1 of the City Charter giving the City Council authority to enter into Long Term Agreements, such as this one, to allow use of public parks for terms of up to 25 years at a time, without voter approval, if the City Council determines the agreement meets the criteria set forth in the City Charter and would benefit the community.

Additionally, City Council Policy 7-8 applies to all Long-Term Agreements in Public Parks for Commercial Recreational Use, which are approved by City Council pursuant to City Council Charter Section 1700.1.

Per section 1700.1 of the City Charter and City Council Policy 7-8 (explained in detail below), City staff confirms the proposed Tri-Party Agreement meets the criteria set forth in the City Charter and City Council Policy and recommends the City Council adopt a resolution to make the required findings and authorize the City Manager or her designee to negotiate and execute the Tri-Party Agreement.

Findings from the City Charter and relevant policy are summarized in the table below followed by more detailed information regarding the first three items.

| <b>Council Policy</b>  | <b>Findings</b>  |
|--|--|
| Enhance recreational purposes for public park                    | Levitt Pavilion will be a venue for regular programming. The Levitt Foundation and FLPSJ will provide 50 free concerts per year through 2041.  |
| Park exceeds 5 acres with at least one community serving amenity | St James Park is 7.6 acres. The Levitt Pavilion meets the definition of a community serving amenity. The project vision and current construction documents propose a playground, splash pad, picnic grove and other amenities that also meet the amenity definition. |
| Conditions for long-term agreements in public parks              | Project enhances recreational function and offers affordable access via free concerts.   |
| Retain right to cancel agreement                                 | City reserves the right to cancel the tri-party agreements without cause no later than 10 years after the commencement date.   |
| Financial Monitoring   | Agreement supports the City in conducting regular audits of FLPSJ.   |

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|--|---|
| Project to be developed per Public Works standards | CMG is preparing plans to meet Department of Public Works requirements and the department will oversee construction, inspection and project management.                 |
| No billboards                                      | Project design includes recognition signage and large-scale naming text on structure, which is being reviewed to be consistent with City's Sign Ordinance and policies. |

- 1) The Tri-Party Agreement would enhance the designated recreational purposes for the public park;
  - a) The Levitt Pavilion would provide a minimum of 50 free concerts per year to the public through 2041, providing accessible, free access to the performing arts to the community.
  
- 2) The public park subject to the Tri-Party Agreement is more than 5 acres in size and has at least one Community Serving Amenity, a recreational improvement in a park and that is described in the City's approved master strategic plan for parks and community facilities;
  - a) St. James Park is a 7.6-acre park located in downtown San José.
  - b) On November 10, 2015, the City Council approved the St. James Park Revitalization Strategy, which includes the music pavilion as a community serving amenity. In 2020, the City Council approved the Master Plan for the park site that also included the Levitt Pavilion.
  
- 3) The Tri-Party Agreement complies with an adopted City Council policy for Long Term Agreements on parks, which defines community outreach standards, requirements for affordable access to the public park;
  - a) The City Council Policy 7-8 requirements detailed below are applicable to all Long-Term Agreements in Public Parks for Commercial Recreational Use which are approved by City Council pursuant to City Council Charter Sections 1700 and 1700.1.
    - (1) City Council must find that the Long-Term Agreement enhances the designated recreational purposes of the Public Park while meeting requirements for affordable access to the Public Park.
      - (a) The Levitt Pavilion would provide a minimum of 50 free concerts annually through 2041 providing accessible performing arts to the community.
      - (b) The Levitt Pavilion at St. James Park will expand arts access in the community and positively activate the public space. The project's initial development as a competitive design selection and the site's large scale and unique amenity (future Levitt Pavilion) is a key cornerstone to this project.

- (2) The recreational purposes of a park are designated by City Council pursuant to a park master plan or similar City Council planning approval for the development of a park. When the proposed recreational use is consistent with park use as shown in the park master plan<sup>8</sup>, a Site Development Permit procedure would be followed if a new or expanded structure or improvement is proposed.
  - (a) Beginning in 2015, the City Council established the St. James Capital Vision project. The intent was to revitalize this downtown park and included a design competition through the City procurement process, and a competition jury to select a consultant to design a new vision for St. James Park.
  - (b) By the end of 2015, the City Council approved the St. James Park Revitalization Strategy. Further, in 2020, the City Council approved the Master Plan for St. James Park that included the Levitt Pavilion.
- (3) Affordable access requirements will be outlined in each agreement.
  - (a) The Tri-Party Agreement would provide a minimum of 50 free concerts annually through 2041 providing accessible performing arts to the community.
  - (b) In addition to the required affordable access noted above, FLPSJ acknowledges that Levitt venues are designed for use by groups other than Friends of Levitt organizations. The Tri-Party Agreement provides for FLPSJ to operate and manage the Levitt Pavilion on a year-round basis, which includes booking, coordinating, and managing live performances and events at the facility when Levitt events are not scheduled. FLPSJ will be responsible for promoting the availability of the facilities for non-Levitt events.
- (4) All Long-Term Agreements shall provide the City with the right to terminate without cause no later than 10 years after the commencement date and no later than every 10 years thereafter and on such other terms satisfactory to City Council.
  - (a) The Tri-Party Agreement will include a provision allowing the City the right to terminate without cause no later than 10 years after the commencement date and no later than every 10 years thereafter and on such other terms satisfactory to City Council.
- (5) All Long-Term Agreements shall be monitored and shall require the non-City party to cooperate in more detailed performance review by Parks, Recreation and Neighborhood Services Department on an annual basis.

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<sup>8</sup> [sanjose.legistar.com/View.ashx?M=F&ID=8857451&GUID=B56BFB6D-E441-40B4-99B0-6A4DF75A4BDB](https://sanjose.legistar.com/View.ashx?M=F&ID=8857451&GUID=B56BFB6D-E441-40B4-99B0-6A4DF75A4BDB)



- (a) Parks, Recreation and Neighborhood Services Department will actively monitor the contract for compliance. Financial audits will be required on a regular basis. In addition, FLPSJ will be required to submit copies of financial audits to the City and will meet annually to discuss the following year's schedule.
- (6) All Long-Term Agreements shall comply with existing San José Municipal Code provisions or existing City Policies.
  - (a) Once full funding is secured and all applicable requirements are met for construction, the proposed project will be constructed by the City as a Public Works project. The City would comply with all applicable requirements of a public works project.
  - (b) As to the Tri-Party Agreement, as explained above, it meets the requirement of City Council Policy 7-8 and San José Municipal Code Section 4.12.235 (Unique Services). Levitt Foundation and FLPSJ are in a unique position to operate and manage the Levitt Pavilion because they have a proven track record of implementing this free-concert operational model in other cities with proven success. This is a unique operational model and is in the best interest of the City to pursue this partnership. The City and Levitt Foundation have been working together since 2013 through various public processes and meetings as follows:
    - (i) In December 2013, the City Council approved the formation of the Committee to investigate the feasibility of a Levitt Pavilion in St. James Park and publish an official report that defined an acceptable pavilion and sustainable Friends of Levitt organization, as well as recommendations on St. James Park.
    - (ii) The Committee conducted several working sessions, met with community members, conducted a site visit to two Levitt venues during active concert seasons, and presented to the Arts, Historic Landmarks, and Parks and Recreation Commissions of the City of San José. Staff from the Office of Economic Development and Cultural Affairs, Parks Recreation Neighborhood Services Department, and Planning, Building and Code Enforcement Department, supported the Committee during this exploratory process.
    - (iii) In December 2014, a report<sup>9</sup> was issued by the City and the Committee recommending a Levitt Pavilion to serve as the catalyst for an integrated effort to successfully and collaboratively transform St. James Park.

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<sup>9</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/9565/636655235893930000>

**Subject: Actions Related to the Tri-Party Agreement with the Friends of Levitt Pavilion San José and the Mortimer & Mimi Levitt Foundation for the St. James Levitt Pavilion**

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- (iv) The Levitt Foundation and FLPSJ, as part of the original recommendation and this Tri-Party Agreement pledged to invest significant non-public capital towards the proposed project.
  - (v) On January 26, 2016, the City Council considered the partnership to be beneficial to the City and authorized the City Manager to continue the support of the community-based Levitt Pavilion's business planning, formation and fundraising efforts, and the development of the project at St. James Park, including the environmental analysis.<sup>10</sup>
- (7) In addition to the restrictions in City Council Policy 6-4 Billboards on City Owned-Land, any Long-Term Agreement allowing signage or advertising on a public park shall condition installation of such signage on prior Director approval.
- (a) Signage designs with approval from the Director is included in the agreement. Parks, Recreation and Neighborhood Services Department and the Public Works Department will make sure any signs installed at the site meet the City's Sign Ordinance and applicable policies and guidelines.
- (8) All funds received by the City from Long-Term Agreements shall be used only for recreational purposes, including the cost of acquisition, construction, maintenance, and operation of parks and recreational facilities.
- (a) As part of this agreement, a total contribution of \$5.0 million will come from FLPSJ prior to the issuance of any bid documents that will be used for the construction of the pavilion. Further, FLPSJ will fund the ongoing annual free concerts and associated management and operational costs.
- (9) City Council may approve Long-Term Agreements only on public parks of more than 5 acres and that have at least one Community Serving Amenity and as otherwise provided in City Council Charter Section 1700.1.
- (a) St. James Park is a 7.6-acre park located in downtown San José. The pavilion will provide an accessible community serving amenity and benefit which will expand arts access in the community and positively activate the public space.
- (10) Any Long-Term Agreement approved by City Council:
- (a) Shall adhere to the Public Outreach Policy of the Parks, Recreation and Neighborhood Services Department.

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<sup>10</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/57502/637238327069300000>

- (i) This project had several community meetings beginning in 2015, culminating in a City procurement process, and a competition jury to select a consultant to design a new vision for St. James Park, which included a Levitt Pavilion.
- (ii) Beginning in 2018, a monthly St. James Community Advisory Committee, composed of residents, businesses and interested parties, has met with St. James Park and the Levitt Pavilion is a standing agenda item each month.
- (iii) This item has been taken to the following public meetings: Parks and Recreation Commission (PRC), February 23, 2017 (to accept Jury recommendations); PRC, November 16, 2017 (provide concept design update); Historic Landmarks Commission, February 7, 2024 (65% Plan Update); Historic Landmarks Commission, June 20, 2020 (Review of Capital Vision)
- (b) Shall conform to applicable Council policies for Environmental Review.
  - (i) On October 27, 2020, the City Council conducted a public hearing and (i) adopted Resolution No. 79770 certifying the St. James Park Capital Vision and Performing Arts Pavilion project Environmental Impact Report, and (ii) approved the St. James Park Updated Capital Vision (Master Plan) to guide future rehabilitation of the site. The courts have denied all legal challenges to the Environmental Impact Report to date.
- (c) Shall comply with the City's policies on prevailing wage and living wage, to the extent applicable.
  - (i) The agreement contains requirements to comply with the City's policies on prevailing wage and living wage.
- (d) Shall be reviewed by the Parks and Recreation Commission for recommendation to the Mayor and City Council.
  - (i) The Parks and Recreation Commission will meet on January 22, 2025, to review and provide recommendations to the City Council.
  - (ii) Results of the Commission will be issued in a supplemental memorandum for the February 4, 2025, City Council meeting.

The construction of the Levitt Pavilion is estimated to cost \$20 million and is planned as a Phase I improvement of the larger St. James Park revitalization project. Authorizing the negotiation and execution of this agreement allows FLPSJ to begin fundraising efforts for its required contributions to the project. Once the design development and construction of the Levitt Pavilion is complete, future management of operation and maintenance responsibilities will be shared by all parties until 2041. When the agreement expires, the City will determine next steps at that time. In addition, the agreement will open opportunities for potential grants for FLPSJ and its capital campaign. Construction of the entire St. James Park project is currently estimated at over \$70 million and would occur as funding allows and in one or more future phases.

The Parks, Recreation, and Neighborhood Services Department and the Planning, Building, and Code Enforcement Department will meet to coordinate outstanding issues in response to the Court of Appeal decision and ensure the project complies with the Court of Appeal decision and any applicable laws and regulations. Changes required by the Court of Appeal may necessitate alterations to the construction drawing set, leading to further and uncertain costs to have a plan set ready for construction bidding.

Once the Levitt Pavilion is constructed, FLPSJ will coordinate and host 50 concerts annually, at its cost and expense and free of charge to the public. This agreement conditions FLPSJ to provide this service for the initial five-year term, and up to three additional five-year extensions that can be approved for programming up to 2041. FLPSJ will contribute at least \$5,000,000 to the construction of the project. Levitt Foundation has pledged an additional \$1.1 million for the operations and programmatic support for the first five years of operation of the Levitt Pavilion.

### **EVALUATION AND FOLLOW-UP**

City staff will return to the City Council after completion of the 100% design and construction drawing set.

### **COST SUMMARY/IMPLICATIONS**

The City's funding minimum contribution for this agreement is \$15.0 million. There is \$10.0 million in the St. James Park Phase I Reserve in the Subdivision Park Trust Fund and an increase of \$5.0 million is recommended to align the future construction funds with the agreement. The increase of \$5.0 million to the St. James Park Phase I Reserve in the Subdivision Park Trust Fund is funded by residential developers in-lieu fees that were collected in the Future PDO/PIO Projects Reserve in the same fund.

Construction of the entire St. James Revitalization Project is currently estimated at over \$70 million and the Levitt Pavilion portion within the project is estimated at \$20 million. The estimated cost to construct will likely increase year to year due to inflation and other factors. The City will continue to advance the St. James Revitalization Project in phases as funding from Construction and Conveyance tax revenues, developer in-lieu fee revenues, grants, or donations becomes available.

**BUDGET REFERENCE**

The table below identifies the fund and appropriations needed for the recommended agreement as part of this memorandum.

| Fund # | Appn. # | Appropriation Name                | Total Appropriation | Rec. Budget Action | 2024-2025 Adopted Capital Budget Page | Last Budget Action (Date, Ord. No.) |
|--------|---------|-----------------------------------|---------------------|--------------------|---------------------------------------|-------------------------------------|
| 375    | 8507    | St. James Park Phase I Reserve    | \$10,000,050        | \$5,000,000        | 666                                   | 10/22/24, 31130                     |
| 375    | 8845    | Future PDO / PIO Projects Reserve | \$28,214,124        | (\$5,000,000)      | 665                                   | 12/17/24, 31164                     |

**COORDINATION**

This memorandum and contract amendment have been coordinated with the City Attorney's Office.

**PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the February 4, 2025 City Council meeting.

**COMMISSION RECOMMENDATION AND INPUT**

This proposed Tri-Party Agreement will be reviewed and considered by the PRC on January 22, 2025. A supplemental memorandum with input provided by the PRC, in compliance with City Council Policy 7-8, will be attached to the February 4, 2025, City Council memorandum requesting action by the City Council related to the Tri-Party Agreement with the FLPSJ and the Levitt Foundation for the St. James Levitt Pavilion. Prior commission actions also include the PRC, February 23, 2017 (to accept Jury recommendations); PRC, November 16, 2017 (provide concept design update); Historic Landmarks Commission, February 7, 2024 (65% Plan Update); Historic Landmarks Commission, June 20, 2020 (Review of Capital Vision).

HONORABLE MAYOR AND CITY COUNCIL

January 13, 2025

**Subject: Actions Related to the Tri-Party Agreement with the Friends of Levitt Pavilion San José and the Mortimer & Mimi Levitt Foundation for the St. James Levitt Pavilion**

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**CEQA**


Determination of Consistency with the St. James Park Capital Vision and Levitt Pavilion Project Certified Environmental Impact Report (Resolution No. 79770).

**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

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JON CICIRELLI  
Director of Parks,  
Recreation, and Neighborhood Services

  
JIM SHANNON  
Budget Director

The primary author of this memo is Ed Bautista, Communications Manager, Parks, Recreation, and Neighborhood Services Department. For questions, please contact Ed Bautista at [ed.bautista@sanjoseca.gov](mailto:ed.bautista@sanjoseca.gov) or (408) 535-3519.