

## Staff Summary

### City of Tempe

Date: November 23, 2011

To: Mayor and City Council

From: Shelley Hearn, Community Relations Administrator  
Eric Iwersen, Sr. Transportation Planner

Through: Jeff Kulaga, Assistant City Manager  
Chris Anaradian, Community Development Manager  
Don Bessler, Public Works Manager  
Kathy Berzins, community Services Manager

**Subject: Levitt Pavilion**

The purpose of this memo is to update the City Council on the progress of the Levitt Pavilion proposal for Tempe Beach Park and to seek council direction on the site selected and authorize a letter of intent to the Levitt Foundation to proceed with the project.

### Background

In fall 2010 the Downtown Tempe Community approached the Mortimer Levitt Foundation to explore the opportunity to place a Levitt Pavilion in Tempe. These outdoor pavilions exist in six U.S. cities, with several more in various stages of development. The Levitt Foundation assists cities in building these facilities because of their commitment to building community through free, public performances. Since that time, the DTC and city staff have been presenting the project concept to stakeholders and the community for project site selection and overall concept approval.

### Site Selection & Criteria

The pavilions are preferred in downtown areas with a pedestrian-oriented environment in a strong public setting. Specific venue requirements include:

- **Seating Capacity** – 2,500 persons in an open lawn setting (25,000 s.f.)
- **Parking and Public Transportation** – at least 750 parking spaces and access to public transportation
- **Access and “Load-in”** – accessible by large trucks, min 10’ wide
- **Lighting/Power** – Sufficient lighting and power for food and merchandise vendors
- **Public Restrooms** – must be provided
- **WiFi** – recommended
- **Structure** – Approximately 3,000 s.f. (stage min. 50’ wide and 30’ deep)

Several sites were initially reviewed including Kiwanis Park, Hayden Square, Hayden Flour Mill, Hayden’s Ferry Lakeside, Tempe Center for the Arts Park and Tempe Beach Park. Other factors in determining most appropriate locations included: adjacent land uses, residential impacts, existing site amenities, utility conflicts, safety and complimentary adjacent businesses. Tempe Beach Park was identified as the preferred site for further concept development. The existing land, infrastructure and use as a regional and local major destination make it an appropriate fit for

a Levitt Pavilion. More specifically, the existing amphitheater and platform (used often as a major staging area) meet all of the site requirements.

### **Funding, Operations & Management**

Should Council agree to advance the project, the following guidelines and processes would be required as a part of the agreement with the Mortimer Levitt Foundation. The Tempe Levitt Pavilion would be owned by the city of Tempe and managed by Tempe Friends of Levitt Pavilion, a non-profit organization that will be formed through the assistance of the Rio Salado Foundation. An agreement between the Tempe Friends of Levitt Pavilion and the city of Tempe would define the terms of operation and outline the responsibilities of both the City and the Friends. The pavilion would be required per the Mortimer Levitt Foundation agreement to host 50 free performances per year, which would be scheduled to compliment and coincide with existing Tempe events. The pavilion can be used for other Tempe events programmed by the city when not in use for the 50 annual performances.

The pavilion would be constructed with funds from the Mortimer Levitt Foundation with additional funds raised by the Tempe Friends of Levitt Pavilion. The Mortimer Levitt Foundation would also assist in funding the operation of the pavilion for the first five years and is in the process of changing their by-laws to allow continued funding in perpetuity for operations of the facility. The City of Tempe would be responsible for maintenance of the pavilion and grounds.

### **Mortimer Levitt Foundation financial commitment**

\$400,000 for capital cost to build structure

\$200,000 year one operations

\$200,000 year two operations

\$150,000 year three operations

\$100,000 year four operations

\$100,000 year five operations

\$50,000 to \$100,000 potential funding for operations in perpetuity

\$5,000 to \$15,000 yearly funding available for grants

### **Tempe Friends of Levitt Pavilion financial commitment**

\$1.5 to 2.5 million for remainder of capital costs

\$25,000 collectively per year direct from board members for operation

\$200,000 to \$400,000 annually for operation of facility in addition to Levitt commitment

### **City of Tempe commitment of support**

No cash commitment required

Lease of the land

Ongoing maintenance of facility and grounds

Services for concert series i.e. cleanup, security, utilities

### **Public Outreach**

The concept of a Levitt Pavilion in Tempe Beach Park was presented to the following groups in between August and December 2011 and preferred site to the following boards, commissions, agencies and general public.

- Parks & Recreation Board
- Municipal Arts Commission (scheduled December 14)

- Enhanced Services Committee
- DTC Board
- Friends of Tempe Center for the Arts (scheduled December 7)
- ASU Campus Planning
- Downtown Resident Focus Group (Orchidhouse, Hayden's Ferry Lakeside, Maple Ash, Mitchell Park East & West)
- Tempe Chamber of Commerce (Executive Committee)
- Tempe Tourism Office
- Rio Salado Foundation

In general the concept of an outdoor performance pavilion in Tempe Beach Park was well received and every stakeholder group identified did have a majority of members that supported the project. Reasons for supporting the project include: making permanent what is done on a temporary basis today, enhancement of the arts in Tempe, Beach Park is already utilized for such purposes today and functions well, complimentary adjacent uses in the downtown, high accessibility both regionally and locally, and feasibility of integration with existing Beach Park events.

Questions or concerns that exist and were raised through the public process include: degradation of the turf in Beach Park, overabundance/overscheduling of events, competition with Tempe Center for the Arts, and cost.

#### **Staff Recommendation**

Staff recommends Council authorize moving forward with project development which includes the following:

- Confirm Tempe Beach Park as the site for a future pavilion
- Authorize staff, through the Mayor, to release a Letter of Intent to the Levitt Foundation confirming Beach Park as the site for further project exploration including funding development.
- Confirm the Rio Salado Foundation as the non-profit entity to continue to fundraise and develop a Tempe Friends of Levitt Pavilion Board to champion the project for full funding through private donations.

Attachments included:

Site map

Pavilion examples