
Fwd: Talk today? Stadium/concerts

From Matthew Bright [REDACTED]
Date Wed 2/25/2026 2:54 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (886 KB)
Appeal of PDA11-002-02 & ER25-039 Newhall final.pptx.pdf;

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You don't often get email from [REDACTED] [Learn why this is important](#)

This is the presentation made at the 2/24/2026 council meeting under item 10.3. please ensure it is included in the agenda

--
Matthew Bright
President
Newhall Neighborhood Association - San José, CA
[REDACTED]

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----- Forwarded message -----

From: **Matthew Bright** [REDACTED]
Date: Tue, Feb 24, 2026, 1:10 PM
Subject: Re: Talk today? Stadium/concerts
To: Smith, Cassandra <cassandra.smith@sanjoseca.gov>
Cc: Clyde Hoffmann <[REDACTED]>, John Urban [REDACTED]

Hi Cassandra, please find the presentation as attached. Please confirm receipt and please call me if any issues with the file.

Please ensure that the tech has this available for the meeting.

Thank you!

[REDACTED]

--
Matthew Bright
President
Newhall Neighborhood Association - San José, CA
[REDACTED]

On Tue, Feb 24, 2026 at 9:58 AM Tu, John <john.tu@sanjoseca.gov> wrote:

Matt,

Please send your presentation to Cassandra.Smith@sanjoseca.gov, who is CCed, and she will coordinate with the staff at the City Manager's office to get to the techs.

Best,
Tong (John) Tu

Division Manager for Development Review | Planning Division | Planning Building Code Enforcement Department

City of San José | 200 East Santa Clara Street

Email: john.tu@sanjoseca.gov | Phone: (408)-535-6818

For More Information, Please Visit: <http://www.sanjoseca.gov/planning>

From: Matthew Bright [REDACTED]
Sent: Tuesday, February 24, 2026 9:09 AM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Tu, John <john.tu@sanjoseca.gov>
Subject: Re: Talk today? Stadium/concerts

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Thanks, both

Can either of you provide contact info for the tech so I can transmit the presentation to them directly? Thanks!

--
Matthew Bright
President
Newhall Neighborhood Association - San José, CA
[REDACTED]

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On Mon, Feb 23, 2026, 3:06 PM Hitchens, Cort <Cort.Hitchens@sanjoseca.gov> wrote:

Hi Matt,

You can also bring a printed out version of presentation. I believe there is a camera at the dais that can show your images live on the hearing monitors, just in case the tech fails it could be a good back up option.

Thank you,

Cort Hitchens

Supervising Planner, City of San José

Department of Planning, Building and Code Enforcement

200 East Santa Clara Street, 3rd floor

San José, CA 95113

Office: 408-794-7386

From: Matthew Bright <[REDACTED]>
Sent: Monday, February 23, 2026 2:17 PM
To: Tu, John <john.tu@sanjoseca.gov>
Cc: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Re: Talk today? Stadium/concerts

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Hi John, Cort,

Do you know the timing for the agenda item? I see that it's last on the agenda but have no idea how long the council meetings tend to go.

Regarding the presentation, is it simply a USB stick?

-matt

--

Matthew Bright

President

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On Tue, Feb 3, 2026, 5:33 PM Tu, John <john.tu@sanjoseca.gov> wrote:

Matt,

CCing Cort. Matt, it is my understanding that the appellant for the CEQA would get 5 minutes, the appellant for the Permit will get 5 minutes, and the applicant will get five minutes to present their projects. Typically, you can send the presentation to the Cort to provide to Council, or come early and provide the presentation to the tech at the front of the room and let them know the item number.

Best,

Tong (John) Tu

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City of San José | 200 East Santa Clara Street

Email: john.tu@sanjoseca.gov | Phone: (408)-535-6818

For More Information, Please Visit: <http://www.sanjoseca.gov/planning>

From: Matthew Bright <[REDACTED]>
Sent: Tuesday, February 3, 2026 4:47 PM
To: Tu, John <john.tu@sanjoseca.gov>
Subject: Re: Talk today? Stadium/concerts

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Happy New Year! I hope you're doing well.

Regarding the appeal, I understand that the goal is to send the item for Council this month, but I haven't heard from anyone in PBCE about the possibility of a hearing and rules for how the appellants can present, etc.

Possible to briefly chat on this? Or someone else who can help?

Many thanks in advance.

-matt [REDACTED]

--

Matthew Bright

President

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[REDACTED]

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On Fri, Nov 14, 2025, 10:32 AM Matthew Bright [REDACTED] wrote:

Thanks. I'll call at 1130, 408-535-6818

--

Matthew Bright

President

Newhall Neighborhood Association - San José, CA

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On Fri, Nov 14, 2025, 9:55 AM Tu, John <john.tu@sanjoseca.gov> wrote:

Matthew,

I feel free to call me at 11:30 today, but I do have another meeting at 11:45, apologies, my day is pretty packed today, and again opposite your availability.

Best,

Tong (John) Tu

Division Manager for Development Review | Planning Division | Planning Building Code Enforcement
Department

[City of San José | 200 East Santa Clara Street](#)

Email: john.tu@sanjoseca.gov | Phone: (408)-535-6818

For More Information, Please Visit: <http://www.sanjoseca.gov/planning>

From: Matthew Bright <[REDACTED]>
Sent: Friday, November 14, 2025 9:26 AM

To: Tu, John <john.tu@sanjoseca.gov>
Subject: Re: Talk today? Stadium/concerts

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Sorry, I had the opposite schedule yesterday and slammed all afternoon with meetings. How are you today between 10:30 and 1, or 3-4?

--

Matthew Bright

President

Newhall Neighborhood Association - San José, CA



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On Thu, Nov 13, 2025, 11:07 AM Tu, John <john.tu@sanjoseca.gov> wrote:

Morning Matt,

I have been in meetings all this morning. I have some time from now until noon or from 5 to 5:30

Best,

Tong (John) Tu

Division Manager for Development Review | Planning Division | Planning Building Code Enforcement
Department

City of San José | 200 East Santa Clara Street

Email: john.tu@sanjoseca.gov | Phone: (408)-535-6818

For More Information, Please Visit: <http://www.sanjoseca.gov/planning>

From: Matthew Bright [REDACTED]
Sent: Thursday, November 13, 2025 7:09 AM
To: Tu, John <john.tu@sanjoseca.gov>
Subject: Talk today? Stadium/concerts

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Hi John,

When can you talk today? Thanks in advance.

-matt

--

Matthew Bright

President

Newhall Neighborhood Association - San José, CA

[REDACTED]

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Appeal of PDA11-002-02 & ER25-039

Feb 24, 2025

What's at stake



The stadium was approved in 2010, with an explicit mitigation that concerts will be held toward the airport. Applicant and staff now reverse the commitment and propose not just a significant impact, but an increased significant impact compared to the feasible mitigation of remaining airport-facing, confirmed by 2025 data from the applicant's own consultants.

Our position, in short:

- Just like soccer, concert events can and will benefit San Jose
- Council approved in 2010 based on the concerts-toward-airport mitigation and crystal clear assurances from planning director Joe Horwedel to actively collaborate with neighbors if concerts were proposed in the future. **Council made their decision based on this!**
- The proposed 2025 changes increase the significant impact compared to what the 2025 noise study showed regarding the original mitigation measure. **There is now be an opportunity to reduce impact below the threshold of significance - which requires complete study under CEQA. Contrary to staff's assertion, conditions in Section 15162(a)(3)(C) are met.**
“(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative”
- The proposed mitigation and monitoring measures are insufficient and put the city in a position to be unable to fulfill CEQA obligations regarding partially mitigated significant environmental impacts.

A few reminders

- Ignore the false choices. Two things can be true simultaneously:
 - We can agree that the current process and proposal are fatally flawed and require revision while clarifying that acceptable solutions exist, enabling concerts ASAP
 - The worst-case path could result in one or more years of delay for a final decision, plus potential costs for San Jose.
 - The applicant could have invited decision makers to hear the concert simulation from the neighborhood. They didn't.
 - PBCE could have attempted to bring the parties together to find a mutually acceptable alternative. They didn't.
 - PBCE could have had a conversation with the neighborhood rather than a single one-way 'listening session'. They didn't.
-

The neighborhood has been consistent



The Mercury News

NEWS

San Jose City Council to vote on soccer stadium



By [TRACY SEIPEL](#) | Bay Area News Group

PUBLISHED: March 16, 2010 at 5:58 AM PDT | UPDATED: August 13, 2016 at 10:03 PM PDT

“I think everybody understands the economic development is needed in the city — that’s a good thing,” said Matthew Bright, 29, and a member of the Newhall Neighborhood Association. “Our only concern is this is happening in our neighborhood, and that development needs to happen in the right way, with respect to the noise, lights, time, frequency and nature of use.”

...but the applicant has not

The Mercury News

NEWS

San Jose City Council to vote on soccer stadium



By [TRACY SEIPEL](#) | Bay Area News Group

PUBLISHED: March 16, 2010 at 5:58 AM PDT | UPDATED: August 13, 2016 at 10:03 PM PDT

“Keith Wolff said the company already has addressed some of the issues. For example, what started out being a traditional stadium is now U-shaped, with the building facing the airport and Interstate 880 **so that noise from games or concerts will be directed away from homes.**”

What did Council actually hear when deciding on March 16, 2010?



Joe Horwedel (Planning): "So it is one that the design of the stadium has been already modified to provide some level of noise attenuation in how **speakers and stages would be set up to point them away from the neighborhood**, that in looking at the design and operation of the sound system, to reduce ambient noise or the noise to the neighborhood, we think we can address that issue"

Joe Horwedel (Planning): "we think that the noise in the neighborhood would see a slight increase but it **would be in the 2 decibel range** and therefore is not a noticeable perceptible difference... Well, that in talking with the applicant tonight, and working through how they would operate the facility, is **the applicant has agreed not to exceed 95 decibels inside the stadium.**" → **Now up to 98dB at 135 feet from stage - approximately 130 dB at the speaker**

Joe Horwedel (Planning): And so literally from the staff's standpoint is I took that performance standard out of the EIR which had an approximation of 85 decibels, is looking at how the consultant came to that 85 and took essentially both ends and says not to exceed 95 in the stadium and to **have a performance standard on the neighborhood side so that we wouldn't exceed by more than two decibels the noise in the neighborhood.**" → **Important!! Performance Standard must be measured on the Neighborhood Side**

Joe Horwedel (Planning): **Because there are day-night averages there are peak noise levels there are different standards that the airport uses for federal regulations versus what the city uses so we want to walk through that with the community and pick the right measure that really describes the issue.** → **Not done. Used the measure most convenient for securing approval.**

California Supreme Court: Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986)



“What may a citizens' group do when a stadium is constructed in their neighborhood substantially different than planned?”

“If substantial changes are proposed in a project that require major revisions of the initial EIR, the agency must prepare a subsequent or supplemental EIR. (§ 21166, subd. (a).) An action may be filed against an agency that proceeds with a project without filing an EIR when one is required by CEQA.”

Conclusion:

The correct course of action is not an addendum, but a subsequent or supplemental EIR.

Airport-facing concerts

The status quo since 2010.

This was what Council had in mind when approving the original EIR without concerts but with the mitigation to orient toward airport if concerts were approved

Combined with the applicant's own data, this mitigation measure could reduce the impact at the vast majority of residences to **below the threshold of significance**, requiring study under Section 15162(a)(3)(C).

This option - incorrectly - is not before you.

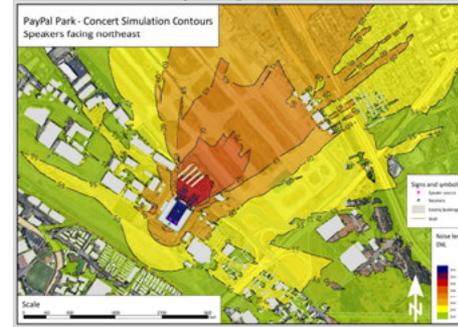


TABLE 3 Hourly Average Noise Levels at Long-Term Sites (7:00 p.m. to 11:00 p.m.)

Site	Location	Leq, dBA				
		Ambient	Ambient	Ambient	Concert	Concert
		Thursday 4/17/25	Friday 4/18/25	Sunday 4/20/25	SW Facing	NE Facing
LT-2	Hotel/Offices	59	59	57	64	64
LT-3	Waco Street	60	61	60	58	58
LT-4	San Juan Avenue	59	60	59	58	60
LT-5	De Altura Common	59	59	57	64	55
LT-6	O'Brien Court	47	50	56	59	49

TOWARD HOMES
5-7 above ambient
3-12 above ambient

TOWARD SJC
mitigated below ambient,
<3dB increase

The greatly degraded mitigation and monitoring plan



2010 Plan	2025 noise study with original mitigation measure - NOT CONSIDERED	2026 “minor technical” revision via Addendum
No concerts toward the neighborhood, period.	No concerts toward the neighborhood, but 'gold standard data shows possibility to achieve mitigation below the threshold of significance.	<p>Concerts allowed toward the neighborhood with significant impact INCREASED compared to original mitigation</p> <p>Ignores superior, feasible mitigation measure, which is the original mitigation measure</p>
Monitoring to be discussed later in consultation with the neighborhood - Joe Horwedel, PBCE Director	Monitoring to be determined.	<p>First two concerts of any type will be monitored. Concerts 3 and beyond <u>never monitor the EIR performance standard.</u></p> <p>First two 'calibration' concerts do not need to come close to the maximum volume allowed, potentially locking in an erroneous baseline.</p> <p>Self-monitoring: fox guarding the henhouse.</p>

How does San Jose feel about data?



“Data updates how the City tracks performance and connects services with outcomes that matter to the public. Focusing data governance on measuring impact establishes a strong foundation for performance management. It enhances accountability and transforms data into actionable insights, enabling effective evaluation of programs and policies while guiding continuous improvement and strategic adjustments.”

Santa Clara insists on data in an almost identical situation

Noise Monitoring Near Levi's Stadium



- ✓ Real time → no one-year delay
 - ✓ Publicly available → fewer complaints
 - ✓ Monitors in-neighborhood levels
- actually monitors the performance standard that Council is asked to approve

The City has installed noise monitors south and east of Levi's Stadium to record ongoing noise levels in those neighborhoods. Noise sources in these neighborhoods include:

- aircrafts approaching and/or departing from San Jose Mineta International Airport
- events at Levi's Stadium
- traffic and typical neighborhood activities

The monitors record the noise level at any moment in weighted decibels (dBA).

Fast forward to a future Code complaint or Councilmember-constituent conversation



Without objective, independent monitoring, how will anyone know who is right when a complaint is made? Trusted data is essential.

Remember: reports are annual (except two additional reports in the first two years).

Other than willful ignorance, why would the city put itself in a position to not have the data?

- "Sorry. There's no report. I really have no answer for you, but we'll know in a year."
- "Sorry. Even once we get the report, they just report an in-stadium number and it's impossible to tell you the actual noise level experienced in the neighborhood."
- "Have you, concerned neighbor, considered paying out-of-pocket for your own noise consultant to monitor against the EIR limits?"

Santa Clara was smart enough to insist on monitoring, even though - as PBCE states - it was not required by the EIR. You have the power to require this, too.

SJMC 21.07.060

“Upon conclusion of the certification appeal hearing, the city council may uphold, reverse **or modify** the director's, planning commission's or other non-elected decision-making body's certification decision.

“The city council **may require that the EIR be revised and shall not take any action** on the project.”

In other words...

YOU have the power per the San Jose Municipal Code

You have the power

- to acknowledge that while PBCE is a great organization with a great team, it made process and analysis mistakes that must be corrected
 - to insist on compliance with CEQA obligations and require independent, real-time monitoring with rapid reporting
 - to conclude that the Permit, as written, is insufficient to protect stakeholders and require that it be changed and brought for reconsideration
 - to say that we can and should have concerts while respecting obligations under California law and respecting commitments to neighbors
-

Backup



...but it's noisy there...

- The neighborhood is already **disproportionately burdened** with significant noise sources:
 - SJC airport
 - I-880
 - Caltrain / ACE / Amtrak
 - Union Pacific freight activities
 - BART construction & operations / 24h maintenance facility
 - We don't argue that a neighborhood with an excess of liquor stores is therefore an especially a good candidate for more liquor stores
-