

November 19, 2025

## **Neighborhood response to PDA11-002-02 & ER25-039**

Planning Director Barton, Presiding officer Cueto, and those concerned,

Warm greetings from the Newhall Neighborhood, positioned on the western edge of San Jose between Coleman Ave and The Alameda. This neighborhood is home to a diverse range of residents living in a range of housing stock, including modest prewar single-family homes, older apartment buildings, and 2010-era townhomes.

I ask the presiding officer of today's hearing to recognize that in complex discussions such as this, neighbors are always at a structural disadvantage due to a lack of technical and legal training that allows for rapid and complete identification of deficiencies in contested permit and environmental applications and related evidence. In cases where this letter may fail to recite 'magic words' common in technical and legal planning correspondence, I ask the City to interpret and reflect the intent of our arguments in a way that is compatible with customary specialist technical and legal analysis of such applications. In fact, neighborhoods largely rely on City staff to provide a thorough and fair assessment of an application and its supporting data, raising eyebrows when necessary and challenging applicant assertions to ensure that the process is fair and promotes the public good.

Unfortunately, based on review of the proposed permit amendment and the accompanying environmental documentation, it is not clear that the City has yet conducted sufficient due diligence in analyzing the application and supporting data. In some cases, the City's conclusions and the resulting recommendations are directly contradicted by the reports that are cited to justify them. Furthermore, the proposed revised mitigation measure does not serve the public interest, as written.

As a result, I ask the presiding officer to reject the application outright, or, at a minimum, defer a decision to allow City staff, the applicant, and neighbors to work toward a better plan containing mutually agreeable mitigation measures. In addition, if the application continues in any form, the City must substantially revise its documents to accurately describe concert noise conditions predicted by the applicant's own commissioned study.

### **Issues supporting rejection and/or deferral**

#### **1. The City's characterization of the applicant's noise study is fundamentally flawed and will lead decision makers toward flawed decisions**

The City's analysis characterizes the noise study as showing an almost imperceptible increase in sound levels from concerts:

"With implementation of the new mitigation (sic) measure NOI-6.1, noise levels at nearby residential receptors will be limited to approximately 60 decibals (sic), consistent with the

Noise Standards in Tables 20-105 and 20-135 of the Municipal Code for the CP Commercial Pedestrian and IP Industrial Park Zoning Districts. A” (Draft permit, p. 3, emphasis added)

“The proposed noise limits ensure concert noise stays at or **below these typical background levels.**” (Draft addendum to the ... EIR, p. 3, emphasis added)

“With concerts facing the southwest, ending by 10:00 p.m. and the speaker output limited to 98 dBA Leq at 135 feet, hourly average noise levels at residences would range from 52 to 58 dBA Leq, **which would be at or below ambient conditions.**” (ibid, p. 4, emphasis added)

In contrast, the consultant’s response states:

“Due to the new noise source, **it was expected that residents nearby would hear the concert noise.** Data from ST-4 (Altura/Encanto) and ST-8 (Newhall) show that typical soccer match noise levels ranged from 50 to 60 dBA (PayPal Park Stadium Concert Noise Assessment, Figure 2). In contrast, **concert noise levels generally measured between 60 and 65 dBA** (PayPal Park Stadium Concert Noise Assessment, Figures 5 and 6).” (Responses to Technical Noise Comments from Community Meeting, p. 2, emphasis added)

It is worth noting that the applicant’s own noise study observed an increase from 50 dBA for typical soccer game minimums to 65 dBA for the concert simulation maximum. This is an increase of **15 dBA**, well beyond even what the consultant described as ‘twice as loud’: “For context, a 5 dB increase is a clearly noticeable change in loudness, while a 10 dB increase sounds twice as loud, so the perception of noise during the concert simulation was expected.” (ibid, p.2) This is far from “below background levels” and “below ambient” characterizations in the City’s draft documents.

The City’s conclusions in both the draft permit and draft environmental documentation contradict the conclusions made by the noise consultant. Due to these contradictions, the permit should not be granted.

**2. The Proposed Revised Mitigation Measure does not reflect the reality and diversity of concert events and are overwhelmingly temporary. They ignore obvious, locally implemented Best Known Measures such as permanent real-time monitoring at Levi’s Stadium**

The EIR’s original mitigation measure to orient concerts away from the residential neighborhood provided ongoing mitigation and was one of the fundamental reasons that the neighborhood largely lifted opposition to the stadium project. The proposed replacement mitigation measure, which eliminates this protection by allowing concerts facing the residential neighborhood, attempts to address this by mandating studies of just two initial concert events.

By their nature, concert events are highly varied in volume, frequency content, and level of intensity. Unlike pilots who understand curfew rules at Mineta San Jose International Airport, the sound crew for each concert (and the speaker setup they install) is generally unique. Those responsible for sound on concert tours may have no knowledge of the surrounding area and its local policies. In addition, weather conditions (with well known impact on sound travel) are

highly variable. By limiting in-neighborhood monitoring to two events, both of which could be chosen - intentionally or unintentionally - to be of lower-than-average intensity, the mitigation measure becomes meaningless because it cannot hope to incorporate the reality of concert and weather diversity. After all, the City's monitoring and enforcement responsibilities are not limited to two events.

The City cannot rely on an unsupported assumption that a noise level 135 feet from the stage will, under all conditions, translate to a specific noise value at sensitive residential receptors. This flawed logic leads to an over-reliance on a single, self-governed, in-stadium measurement. Therefore, to be effective in serving the public good, all parties need access to fair, unbiased, real-time, in-neighborhood monitoring data on an ongoing basis.

Fortunately, we need not speculate whether this is feasible. The City of Santa Clara, with just 15% of San Jose's population, installed and monitors four real-time noise monitors in the residential neighborhoods adjacent to Levi's Stadium (<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/environmental-review-ceqa/noise-monitoring-near-levi-s-stadium>). Similarly to San Jose, Santa Clara's policy states "The City [of Santa Clara]'s permits for the stadium state that stadium events should not cause the one-hour average noise level in the neighborhood to go over 60 dBA LEQ, 1hr."

**Therefore, at a minimum, based on the obvious feasibility of ongoing implementation in an adjoining municipality, if the City approves a permit in response to this application, the City of San Jose must require permanent, open-access noise monitoring funded by the applicant but provided by the City itself or a vendor selected and managed by the City (to avoid the appearance of conflicts of interest).**

**3. The City asserts that mitigation measures allow for real-time feedback, but an annual reporting cycle contradicts this**

While the City promises "real-time compliance verification" and "adjustments before the next event" (Draft addendum to the ... EIR, p. 5), the reality is that this 'real-time' measure covers 13% of the potential concerts in the first year of the event and 0% of concerts for each year thereafter.

Instead, the temporary in-neighborhood monitoring is replaced by in-stadium self-monitoring that cannot avoid the appearance of a conflict of interest, does not account for environmental variation, and could be delayed by up to one year from the time of the event. This is unacceptable.

For emphasis, if a permit is issued on January 1, a concert occurring on January 2 would not require reporting until January of the following year. In the City's proposed mitigation, this forms the sole basis for the ongoing evaluation of compliance with permit conditions and could delay the start of enforcement by up to one year from the date of an event. Since noise monitoring data is recorded at the time of the event, it is absurd to wait for up to a year for a consolidated report. This is another reason why monitoring must be the responsibility of the City, not the applicant, in line with the existing local example of the City of Santa Clara and Levi's Stadium.

The City cannot abdicate its monitoring responsibility - the primary basis for enforcement - to a conflicted private party, nor can it allow a delay in reporting as suggested in the City's proposed mitigation measure.

#### **4. The Proposed Mitigation Measures - if implemented - require revision**

The draft modified mitigation measure states "If hourly average noise levels **and** day night average noise levels at residential receptors are above the studied ambient noise conditions (approximately 60 dBA Leq at the nearest sensitive receptors), the report shall also include recommendations for subsequent concerts in order to reduce concert noise conditions at those residential receptors to at or below ambient noise levels" (Draft addendum to the ... EIR, p. 4, emphasis added). The word "and" should be replaced by the word "or", because either the hourly or DNL levels must trigger action. The current measure, using "and", allows for the dilution of three hours of uninterrupted concert-generated noise by non-event hours (in the DNL number) to override clear violations throughout the entire duration of a concert. This does not represent real life. While neighbors would prefer instantaneous noise measurements as a pass/fail threshold, an averaging period in the range of 5-15 minutes would be a reasonable compromise, especially given the relatively constant noise profile of a typical concert event. DNL does not make sense in the context of concerts and should be de-emphasized. **If the mitigation measure is to be adopted, "and" should be changed to "or" in the above sentence.**

Furthermore, the proposed revised mitigation measures contain no special enforcement mechanisms. The neighborhood is well aware of the slow process of San Jose Code Enforcement based on the extraordinarily long times required to close an obvious illegal tow yard on Campbell Ave and an illegal dispensary on The Alameda. A typical Code Enforcement fine could be easily rationalized as a 'cost of doing business', as has occurred at nearby Levi's Stadium. **Instead, a system of penalties for non-compliance, with a goal of achieving compliance rather than revenue, should be developed and incorporated into any permit, if awarded.**

#### **Further policy issues**

##### **1. Economic impact**

The applicant claims that the stadium generates significant positive economic activity in San Jose. However, the stadium has been a root cause of vacancies in the adjoining retail properties, especially big box retail, that *should* be generating significant sales tax revenues to benefit San Jose. Since the stadium's construction, the retail plaza has lost both a full-size Lowe's home improvement center and the At Home housewares superstore that replaced it. In stadium Good Neighbor meetings held when Lowe's was open, the store manager admitted that stadium events caused significant losses to their store and would jeopardize its ability to operate. Unfortunately, that proved to be true. The retail plaza has also lost multiple food outlets, including MOD Pizza and Smoking Pig. While few can deny the excitement of soccer matches held in the stadium - indeed, the neighborhood overwhelmingly supports sporting events in the stadium - the economic reality is that the stadium itself brings in little sales tax revenue. Ticket sales are not taxed, and small amounts of concession and merchandise sales cannot make up for the loss of massive retailers such as Lowe's and At Home.

Furthermore, the unfortunate location of the stadium on the very edge of San Jose allows patrons to drive directly to and from the stadium on adjoining freeways, bypassing pre- and post-game dining, hotel stays, and other tax-generating activities. In other words, the stadium's current location on the edge of San Jose, away from the urban core, fundamentally restricts its ability to create positive ripple effects in the City of San Jose, and adding concerts cannot change that.

**2. The proposed activity is contrary to economic development priorities stated by elected leadership**

Perhaps realizing the fundamental limitations of the current location, Mayor Matt Mahan recently stated that he intends to promote the building of a multi-sport downtown entertainment district. In contrast to this policy, approving concerts on Coleman Ave - which also threaten established adjoining residential uses - makes the existing stadium location even more favorable and actively discourages relocation to the mayor's desired downtown location. Approving the application potentially sabotages this policy direction.



(Source: <https://x.com/MattMahanSJ/status/1935379984119722356>, June 18, 2025)

Once again, I urge you to reject the application, or, at a minimum, defer your decision with direction for further engagement between applicant, City staff, and the neighborhood.

Thank you for your consideration of this feedback.

Best regards,

Matthew Bright  
Newhall Neighborhood Association