



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Christopher Burton

**SUBJECT:** See Below

**DATE:** February 2, 2026

Approved

Date:

2/10/26

**COUNCIL DISTRICT: 6**

**SUBJECT: PDA11-002-02 & ER25-039 - Administrative Hearing on the Appeal of the Planning Director's Approval and Planned Development Permit Amendment Located at 1123 Coleman Avenue**

## RECOMMENDATION

- (a) Conduct an Administrative Hearing to consider the appeal of the Planning Director's approval of a Planned Development Permit Amendment and EIR Addendum to allow the operation of up to 15 concerts per year at an existing stadium (PayPal Park) on an approximately 14.5-gross-acre site, located on the southerly side of Coleman Avenue between Earthquakes Way and Newhall Drive (1123 Coleman Avenue).
- (b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Addendum under Section 15162 of the CEQA Guidelines for the Addendum to the Airport West Stadium and Great Oaks Place Environmental Impact Report in accordance with the California Environmental Quality Act, as amended, and finding that:
  - (1) The City Council has independently reviewed and analyzed the Addendum to the Airport West Stadium and Great Oaks Place Environmental Impact Report and related administrative records related to Planned Development Permit Amendment Nos. PDA11-002-02 & ER25-039;
  - (2) The Addendum to the Airport West Stadium and Great Oaks Place Environmental Impact Report was prepared and completed in full compliance with the California Environmental Quality Act, as amended, together with State and local implementation guidelines;
  - (3) Reliance on the Addendum to the Airport West Stadium and Great Oaks Place Environmental Impact Report reflects the independent judgment and analysis of the City of San José, as the lead agency for the Project; and

- (4) Preparation of a new Environmental Impact Report or Mitigated Negative Declaration is not required because the appeal does not raise any issues that would disqualify the project from an Addendum to the certified Airport West Stadium and Great Oaks Place Environmental Impact Report under Section 15162 of the CEQA Guidelines.
- (c) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Planned Development Permit Amendment to allow the operation of up to 15 concerts per year at an existing stadium (PayPal Park) on an approximately 14.5-gross-acre site, located on the southerly side of Coleman Avenue between Earthquakes Way and Newhall Drive (1123 Coleman Avenue).

## **SUMMARY AND OUTCOME**

The project applicant proposes to allow the operation of up to 15 concerts per year at the existing stadium, PayPal Park. In March 2010, the City Council certified the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (EIR) and approved a Planned Development Zoning to allow development of the stadium. The EIR contemplated concert uses within the stadium that would face northeast toward the airport, but did not specifically evaluate concert uses facing away from the airport and required a future Planned Development (PD) permit amendment supported by a noise study to allow concert uses.

An addendum to the EIR studies the currently proposed concert uses and includes a replacement mitigation measure to allow concerts to face either direction within the stadium, northeast (toward the airport) or southwest (away from the airport). An addendum is the appropriate CEQA documentation for the proposed concert uses since only minor technical changes or additions to the certified EIR are necessary because the environmental impacts of the proposed project were studied within the certified EIR and addenda thereto. The PD permit and addendum were approved at the November 19, 2025, Planning Director's Hearing. The CEQA addendum was appealed on November 24, 2025, and the PD permit approval was appealed on December 1, 2025. In response to the concerns raised in the appeals, the approved, revised Mitigation Measure MM NOI-6.1 has been slightly modified since approval at the Planning Director's Hearing, and the modified measure is presented in the Environmental Appeal Findings section of this report.

The hearing before the City Council is a de novo hearing pursuant to [Section 20.100.280](#) of the San José Municipal Code. This means that the City Council considers the request anew, along with the PD Permit Amendment, Addendum, comments from the appellant and applicant, and other information as part of the administrative record, and must make the required findings to uphold the Planning Director's approval of the

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Addendum and grant the permit amendment or determine whether the required findings cannot be met and deny the permit amendment and/or determine that the Addendum is not appropriate environmental clearance for the project under the California Environmental Quality Act.

Denying the environmental appeal and upholding the Planning Director's reliance on an Addendum and denying the appeal of the PD Permit Amendment will allow the project applicant to operate up to 15 concerts per year at PayPal Park, located at 1123 Coleman Avenue.

Upholding the environmental appeal would void the Addendum to the Airport West Stadium and Great Oaks Place Environmental Impact Report and require the applicant to prepare either a new Environmental Impact Report or Mitigated Negative Declaration. Upholding the appeal of the Planned Development Permit Amendment would prevent the project applicant from holding concerts at PayPal Park.

## **BACKGROUND**

### **Proposed Planned Development Permit Amendment**

The subject PD Permit Amendment application was filed on March 10, 2025, by the site owner, the San José Earthquakes. The PD Permit Amendment would allow up to 15 concerts per year at PayPal Park. All concerts will begin no earlier than 9:00 a.m. and conclude no later than 11:00 p.m. Concerts may occur on any day of the week, Monday through Sunday. The project does not include any building or site modifications, demolition, or tree removals.

The project proponent requested the ability to orient concert speakers to the southwest (away from the airport), which requires replacing a mitigation measure in the EIR that required speakers to face northeast (toward the airport) to reduce noise from concerts for residents to the south of the stadium. In response to the applicant's proposal to allow speakers and amplified sound to face southwest, the City revised the mitigation to allow alternative speaker orientations, subject to enforceable sound level limits and concert noise monitoring to ensure noise impacts remain within the levels analyzed in the EIR.

The project, as proposed by the applicant and recommended for approval by the City, is consistent with the General Plan and complies with all use regulations, development standards, and performance standards of the San José Municipal Code.

## **Site Location**

The project site is located on the southerly side of Coleman Avenue between Earthquakes Way and Newhall Drive (1123 Coleman Avenue). The site is occupied by PayPal Park and an associated surface parking lot. The site is surrounded by the San José Mineta International Airport to the northeast across Coleman Avenue, offices and a hotel to the northwest across Earthquakes Way, commercial retail to the southeast across Newhall Drive, and residential uses to the southwest across Santa Clara Valley Transportation Authority train tracks. The site has vehicular access from Earthquakes Way and Newhall Drive.

## **Approved Permits and Environmental Impact Report**

City Council certified the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (EIR) and approved a PD Zoning to allow development of the professional soccer stadium on March 16, 2010 (Resolution No. 75309 and Ordinance No. 28727). The EIR studied two distinct and geographically separate components connected by a funding agreement. The two project components were the Airport West Stadium component, consisting of development of the soccer stadium now known as PayPal Park, and the Great Oaks Place component, a proposed mixed-use project located in the Edenvale area of south San José. The subject addendum and amendment focus only on the Airport West Stadium component.

The EIR evaluated the use of the stadium for professional soccer games and other events, including up to 15 music concerts and 20 other events per year, and included Mitigation Measure NOI-6.1 to reduce noise impacts from concerts held at the stadium. This measure required speakers to be directed toward the airport and away from residential areas to the south of the stadium.

The EIR explained that concert noise would vary depending on the performer. For its analysis, it assumed an average concert sound level of 95 decibels (dBA) at 100 feet from the stage. Based on this assumption, noise levels from concerts were expected to raise existing background noise levels in the surrounding neighborhood to the south by about 3 to 4 decibels, which would be clearly noticeable to residents and would result in a significant increase in overall noise for nearby neighborhoods.

The EIR identified a significant and unavoidable impact from noise because concert noise would increase ambient noise levels at nearby sensitive receptors by three to four dBA day-night average (DNL), even with implementation of the identified mitigation measure MM NOI-6.1 and other project design features. Several other environmental impacts of the project were also evaluated and were determined to result in significant and unavoidable impacts. Since impacts of the project could not be reduced to less than significant levels, the City Council voted to adopt a Statement of Overriding

Considerations to approve the project with significant and unavoidable impacts related to land use, visual and aesthetics, transportation, noise, air quality, and cumulative impacts to visual and aesthetics, transportation, noise, and air quality. In adopting this statement, the City Council found that the project had eliminated or substantially lessened all significant effects on the environment where feasible and that the benefits of the project outweighed the significant and adverse impacts.

After the City Council's certification of the EIR and adoption of the statement of overriding considerations, the Deputy Director of Planning, Building, and Code Enforcement approved a Planned Development (PD) Permit on December 14, 2011, for the construction and operation of the stadium. The approved PD Permit incorporated design changes to the stadium, including removal of seating on the north side of the stadium, continuous seating added along the west, south, and east sides of the stadium, an increased seating bowl height from 40 to 56 feet, and a largely continuous roof over the west, south, and east seating areas. The PD Permit did not approve concerts to occur at the stadium. Condition #13 of the PD Permit required that future concerts would require a Planned Development Permit Amendment and preparation of an updated noise analysis evaluating concert noise.

The December 2011 PD Permit was appealed on January 3, 2012, by a nearby property owner. The permit appeal raised concerns about the project's noise and lighting impacts, the City's coordination with other public agencies, and the future management of community relations by the project proponents.

In response to the PD Permit appeal, a February 7, 2012, memorandum from the noise consultant concluded that the redesigned stadium would result in slightly reduced noise impacts compared to the original project. Collectively, the redesigned modifications provide equivalent or greater acoustical shielding than the project evaluated in the EIR, resulting in lower off-site noise levels than those analyzed in the certified EIR. The Planning Commission denied the permit appeal and approved the PD Permit on February 22, 2012.

### **Proposed Project**

The proposed project would allow up to 15 concerts per year at PayPal Park and would allow concerts to face either northeast (toward the airport) or southwest (away from the airport) within the stadium. To support the proposed project, a project-level noise analysis titled *PayPal Park Stadium Concert Noise Assessment* (noise assessment) (Exhibit A) was prepared by Illingworth and Rodkin in June 2025 to evaluate the proposed project. The noise assessment assumed that concerts would be held for up to 4 hours per day and would end by 11:00 p.m. The noise assessment found that if concerts are oriented toward the airport as required by the original Mitigation Measure (MM) NOI-6.1, and speaker output is limited to 104 dBA  $L_{eq}$  at 135 feet from the front of

the stage, then noise levels during concerts in the surrounding neighborhoods would be reduced to at or below ambient conditions. Thus, if concerts faced northeast toward the airport, noise levels from concerts would be at or below ambient conditions and would not exceed levels analyzed and certified in the EIR. The noise assessment also evaluated concerts in the stadium that would be oriented southwest (away from the airport).

The noise assessment evaluated substitute mitigation that would allow concerts to be oriented in either direction (northeast or southwest) within the existing stadium while maintaining that noise levels from any concert are limited to the established noise levels analyzed and certified in the original EIR.

## **Environmental Review**

Pursuant to Section 15164 of the CEQA Guidelines, the City prepared an Addendum to the Airport West Stadium and Great Oaks Place Project EIR (Exhibit B) to evaluate the proposed concerts and change to the mitigation measure MM NOI-6.1 regarding concert noise and direction. The City determined an Addendum was the appropriate level of CEQA review because only minor technical changes or additions to the EIR were necessary, and none of the conditions described in Section 15162 of the CEQA Guidelines apply to the project. As discussed below, the changes made to the project, to allow up to 15 concerts per year and to replace MM NOI-6.1 to allow concert speakers to face away from the airport, do not result in new significant impacts nor an increase in severity of previously identified significant impacts in the EIR. With the incorporation of the concert noise thresholds required by revised Mitigation Measure MM NOI-6.1, concert-related noise would not result in a new or more severe impact than the noise levels analyzed in the certified EIR. Therefore, an addendum to the Airport West Stadium and Great Oaks Place Project EIR is the appropriate CEQA clearance for the project pursuant to CEQA Sections 15162 and 15164.

### Revised Mitigation Measure

The noise assessment prepared for the Great Oaks Place and Airport West Stadium EIR identified a significant and unavoidable noise impact from concerts held at the stadium because concert noise would substantially increase hourly average and DNL noise levels at nearby sensitive receivers. To lessen the significant noise impact, the EIR included MM NOI-6.1, which required that the stage and speakers shall be oriented toward the airport, away from existing residences to the south. In order to reduce hourly average and DNL noise levels from concerts to noise levels certified in the EIR, the 2025 noise assessment concluded that several options could each independently be deployed during concerts. These findings are detailed below in the substitute mitigation measure, revised MM NOI-6.1, as approved at the November 19, 2025, Planning Director's Hearing.

**Revised MM NOI-6.1:** The project owner shall implement the following measures to ensure noise exposure at residences south of the stadium does not exceed levels assumed in the Airport West Stadium and Great Oaks Place Project EIR:

- a. Noise study during first two concerts: During the first two concerts with speakers oriented to the southwest (away from the airport) featuring two different headline artists, conduct a noise study prepared by a qualified noise specialist with hourly average (dBA  $L_{eq}$ ) and Day Night Average (dBA DNL) noise measurements to confirm noise levels at residential receptors are at or below the corresponding ambient noise conditions (approximately 60 dBA  $L_{eq}$ ). The noise monitoring equipment shall be placed at 135 feet from the front of stage and at each of the long-term noise monitoring locations at sensitive receptors studied in the noise assessment prepared by Illingworth & Rodkin dated June 27, 2025 (Appendix A): LT-3 (Waco Street), LT-4 (San Juan Avenue), LT-5 (De Altura Common) and LT-6 (O'Brian Court). Following these two concerts, the noise specialist shall provide a report to the Director of Planning, Building and Code Enforcement or the Director's designee detailing noise levels for the duration of the concerts. If hourly average noise levels and day night average noise levels at residential receptors are above the studied ambient noise conditions (approximately 60 dBA  $L_{eq}$  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. These recommendations shall be incorporated into contracts for future concerts held at the site.
- b. Ongoing concert noise monitoring and performance standards: The project proponent shall monitor noise from concerts at a location of 135 feet from the front of the stage. This monitoring shall occur for concerts with speakers oriented to the southwest (away from the airport) and to the northeast (facing toward the airport). Concert noise must meet the following performance standards:
  1. For concerts that orient the stage and speakers toward the southwest (away from the airport) and are proposed to occur until 11:00 p.m., the speaker output shall not exceed 96 dBA  $L_{eq}$  at 135 feet from the front of the stage or other speakers (whichever is closest). If the concert ends before 10:00 p.m., the speaker output shall not exceed 98 dBA  $L_{eq}$  at this location.
  2. For concerts that orient the stage and speakers toward the northeast (toward the airport) and are proposed to occur until 11:00 p.m., the speaker output shall not exceed 104 dBA  $L_{eq}$  at 135 feet from the front of the stage or other speakers (whichever is closest).
- c. Ongoing concert noise reporting: The project proponent shall provide a report with noise measurements from all concerts to the Director of Planning, Building, and Code Enforcement or the Director's designee for review. This report shall be

submitted annually, starting 12 months after approval of the Planned Development Permit Amendment to allow concerts.

Implementation of the revised MM NOI-6.1 would limit concert noise to at or below hourly average noise levels and DNL noise levels assumed in the Airport West Stadium and Great Oaks Place EIR.

## **Planning Director's Hearing**

### *Public comment received prior to Planning Director's Hearing*

Prior to the November 19, 2025, Planning Director's Hearing, the City received correspondence from two individuals from the Newhall neighborhood, including three e-mails and one letter, regarding the Planned Development Permit Amendment. All comments included in the correspondence opposed the project. Concerns focused on the following:

- The applicant's noise analysis is flawed;
- The noise analysis does not reflect the range of concerts or variations in timing and weather conditions;
- The validity of the noise study provided by the applicant;
- The replacement noise mitigation is insufficient because it does not include ongoing monitoring in neighborhoods or ongoing reporting;
- The economic benefits of allowing concerts at the stadium could be overstated and conflict with plans to create a downtown entertainment district;

### *Planning Director's Hearing*

On November 19, 2025, a [Director's Hearing](#) was held to consider the PD Permit Amendment and associated addendum to the EIR. The project was placed on the Public Hearing portion of the hearing agenda as requested by the City, following the receipt of the public comments described above. The public hearing proceeded as follows:

The City presented the project, explaining that it is consistent with the General Plan, the site's zoning, and City policies for public outreach. The City summarized the project-specific noise assessment prepared by a technical noise consultant, which concluded that the proposed concerts would not result in new or greater noise impacts beyond those already analyzed in the certified EIR. Based on these findings, City staff recommended approval of the planned development permit amendment and adoption of the CEQA addendum to the EIR.

A representative for the project applicant described the proposal and emphasized its anticipated cultural and economic benefits. He noted that the operational requirements

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and follow-up noise reporting would ensure compliance with the permit terms and would provide transparency and accountability while allowing the City to attract events it currently loses to other regional venues.

Members of the public provided testimony for and against the project. Several members of the public spoke in support of the project, citing economic development and the opportunity to host major events locally rather than in neighboring cities, strengthening the city's position as a regional destination ahead of anticipated major events in the coming years. Others spoke in opposition, primarily focused on noise impacts to the adjacent neighborhood and questioned the adequacy of the proposed noise monitoring and mitigation, requested more frequent or real-time monitoring, and asked that the decision be delayed until additional information could be provided.

In response, the applicant and the City addressed the concerns raised, explaining that the environmental baseline was established by the previously certified EIR an adopted statement of overriding considerations, which analyzed greater noise impacts from concerts than those currently proposed. They stated that the revised mitigation measure would result in impacts less than those previously analyzed in the EIR, and that the additional noise validation and annual reporting requirements go beyond what was originally required. The Hearing Officer acknowledged neighborhood concerns but concluded that the project appropriately balances economic development, cultural opportunities, and residential impacts and approved the PD amendment and CEQA addendum.

## **Environmental and Permit Appeals**

A timely appeal of the environmental determination was received on November 24, 2025, from John Urban, a nearby resident to the project site (Exhibit C – Environmental Appeal Application). This meets the appeal period set forth in [Section 21.04.140.E.1.a](#) of the San José Municipal Code, which states that an appeal must be received no later than the third business day following an action taken on the environmental determination as part of a public hearing.

The environmental appeal references the letter from the Newhall Neighborhood Association, dated November 19, 2025, submitted prior to the Planning Director's Hearing (attached as Exhibit D), as justification for the appeal. The letter is primarily focused on the environmental grounds and that the proposed change to the project constitutes substantial changes to the project under CEQA Guidelines Section 15162, and that a supplemental EIR shall be prepared. The environmental appeal claims six major points, as discussed below.

A timely appeal of the PD Permit Amendment was received on December 1, 2025, a nearby resident to the project site (Exhibit E). This appeal filing also met the appellant

location requirements and was submitted within the appeal period set forth in [Section 20.100.240](#) of the San José Municipal Code. The appeal is supported by a separate attached letter from the appellant in addition to the letter from the Newhall Neighborhood Association, dated November 19, 2025, submitted prior to the Planning Director's Hearing (attached as Exhibit D).

## **ANALYSIS**

### **Appeal of the Planned Development Permit Amendment**

The Hearing Officer approved the PD Permit Amendment and CEQA Addendum for the subject project at the November 19, 2025 Planning Director's hearing. The appellant has refuted issuance of the permit due to defective environmental mitigation and a lack of clear enforceable action if the applicant or event promoters do not comply with permit requirements.

The appeal states two main concerns in regard to the approved permit amendment:

1. The permit relies on a defective environmental review approval.
2. The permit does not link performance to noise levels and enforcement, noise exceedances are not easily enforceable, and concert performers will disregard noise and/or time constraints and pay fines in order to exceed limits set.

#### *Reliance on "defective environmental review"*

The City notes that this section of the appeal is primarily a CEQA-related argument that the environmental review was inadequate and defective, and therefore approving the permit based on a flawed review that will mislead decision-makers. This is not an argument relating to the Planned Development Permit. The adequacy of the environmental review is discussed further below in the Environmental Appeal section. While the appellant argues that the Hearing Officer's decision to approve the project is based on misleading or mischaracterization of noise impacts from concerts as studied in the noise assessment, it is clear that even the greatest levels of noise impacts from concerts in the neighborhood south of the stadium studied for the current project would be lower than the noise limits anticipated and certified in the original EIR.

#### *Lack of performance-based enforcement and timely enforcement*

The approved project is subject to all of the conditions in the Planned Development Permit, including an Operations Management Plan, Nuisance regulations, and conformance to the Mitigation Monitoring and Reporting Program approved as part of the CEQA addendum. The PD Permit Amendment may be revoked, suspended, or modified by the City at any time it finds: a violation of any conditions of the PD Permit

Amendment was not abated, corrected, or rectified within the time specified on the notice of violation; a violation of any City ordinance or State law was not abated, corrected, or rectified within the time specified on the notice of violation; or if the use as presently conducted creates a nuisance. Further, any non-compliance with permit terms could subject the project proponent to Code Enforcement investigation and action, including, but not limited to, fines or permit revocation.

### **Appeal of the Environmental Determination**

The environmental appeal states six main concerns with allowing for concert uses at the stadium:

1. The City conducted inadequate analysis leading to preparation of an addendum when a supplemental EIR is required pursuant to CEQA Guidelines Section 15162 because removing the restriction to allow concerts to face the neighborhood is a substantial change to the project.
2. The City's characterization of the applicant's noise study is fundamentally flawed and will lead decision makers toward flawed decisions because the city characterizes the noise study as showing an almost imperceptible increase in neighborhood sound levels during concerts.
3. The proposed revised mitigation measure does not reflect the reality and diversity of concert events and are overwhelmingly temporary and the revised measure ignores obvious, locally implemented best known measures such as permanent real-time monitoring at Levi's Stadium.
4. The City asserts that mitigation measures allow for real-time feedback, but an annual reporting cycle contradicts this.
5. The proposed mitigation measures, if implemented, require revision.
6. Economic impacts and conflict with economic development priorities stated by elected leadership.

### **Appeal Response**

#### *Environmental Appeal Response*

Responses to the appellant's claims supporting the appeal of the Environmental Determination are discussed below:

- 1) *Claim: The City conducted inadequate analysis leading to preparation of an addendum when a supplemental EIR is required pursuant to CEQA Guidelines Section 15162.*

*City Response:* Per the November 19, 2025, letter from the Newhall Neighborhood Association (Newhall letter) referenced with the appeal (Exhibit D), the appellant claims that an Addendum to the original EIR is not the required process under CEQA because

the proposal to allow concerts oriented to the south is a substantial change that requires a Supplemental EIR. The appellant claims that the replacement of the mitigation measure MM NOI-6.1 to allow concerts to face either northeast or southwest is a substantial change that will create a new significant noise impact that was not examined in the original EIR.

The City finds that an Addendum is the appropriate CEQA clearance for the proposed concert use and allowance for concerts to face either direction because with inclusion of the revised mitigation measure MM NOI-6.1, concert noise would not result in a new significant impact nor result in an impact that is substantially more severe than the adopted EIR per CEQA Guidelines Section 15162(a)(3). The certified EIR evaluated concert noise levels, including concerts with speakers oriented to the south, and identified concert noise as a significant and unavoidable impact, even with the implementation of mitigation requiring concert speakers to face northeast. A statement of overriding considerations was adopted to certify the EIR with several significant and unavoidable impacts that would arise from development and operation of the project, including noise impacts from concerts. Significant noise impacts from concerts were analyzed in the EIR, and therefore, concert noise is not a new impact that was not disclosed in the EIR. The Addendum confirms no new or increased noise impacts; therefore, the statement of overriding considerations remains applicable to the Project as modified.

The 2025 noise assessment found that while concert noise levels in the surrounding neighborhood would be at the low end of the noise range analyzed in the EIR, the noise impact would remain a significant and unavoidable impact. The anticipated concert noise levels analyzed in the certified EIR were above the City's exterior noise exposure thresholds in the General Plan in effect at the time, and concert noise at the stadium would continue to exceed the land use compatibility guidelines for community noise<sup>1</sup> in the current General Plan, regardless of the stage orientation.

With the incorporation of the concert noise thresholds required by revised Mitigation Measure MM NOI-6.1, concert-related noise would not result in a new or more severe impact than the noise levels analyzed in the certified EIR. The revision to Mitigation Measure MM NOI-6.1 constitutes a minor technical refinement supported by an updated noise assessment. As revised, the mitigation measure incorporates enforceable thresholds derived from the noise assessment, and analysis demonstrates that concert noise levels at the nearest residential receptors would be at or below the levels previously analyzed and disclosed in the certified EIR.

Based on the entirety of the administrative record, the City concludes that the Addendum is the appropriate CEQA clearance for the proposed project and

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<sup>1</sup> City of San José General Plan – Table EC-1,  
<https://www.sanjoseca.gov/home/showpublisheddocument/22359/637686090967970000>

replacement of MM NOI-6.1 with the revised MM NOI-6.1. The addendum demonstrates that the project remains within the scope of impacts analyzed in the certified EIR and adopted statement of overriding considerations, and substantial evidence supports the determination that no Supplemental EIR is required. Modeled noise levels will remain below noise thresholds in the certified EIR. Updated operational controls will ensure that noise impacts will remain below approved thresholds. No new information of substantial importance has emerged that would alter the conclusions of the previously certified EIR.

*2) Claim: The City's characterization of the applicant's noise study is fundamentally flawed and will lead decision makers toward flawed decisions*

*City Response:* The appellant claims that the City's analysis characterizes the noise study as showing an almost imperceptible increase in sound levels from concerts. The appellants also claim that the findings in the permit and addendum are vague and contradict the conclusions of the noise consultant.

The comment asserts that the City mischaracterized the noise analysis by suggesting that concert-related noise would result in a nearly imperceptible increase in ambient neighborhood noise levels. This assertion appears to be based on an improper comparison of data, specifically, comparing the lowest noise levels measured during a soccer match at one monitoring location with the highest noise levels predicted for a concert at a different location, thereby overstating the magnitude of the noise increase. The 2025 noise assessment found that with concert speakers oriented to the southwest, concert noise levels would exceed typical hourly average noise levels at residences in that direction without a reduction in concert noise as studied, consistent with the previously analyzed significant noise impacts.

Based on the data in the noise assessment, hourly and daily average concert noise levels could be reduced to ambient conditions, assuming at least an 8 dBA reduction in speaker output from the source level tested during the concert simulation (average of 104 dBA). With the speaker output limited per the findings in the noise assessment, hourly average noise and DNL noise levels at residences would be at or below ambient conditions. Further, the baseline for noise impacts from concerts at the stadium are the thresholds analyzed in the certified EIR. The use of phrasing such as "approximately 60 decibels" describes noise levels in the neighborhood during concerts, a variable measurement that is commonly described in terms of an average level. As disclosed in the noise assessment, the specific threshold for concert noise impacts was determined in the certified EIR. Per the EIR, concert-related noise levels were expected to range from 64 to 69 dBA (hourly) at the nearest receptors and DNL noise levels were expected to range from 62 to 67 dBA at nearby receptors.

Based on the entirety of the administrative record, the City concludes that the noise study provides substantial evidence supporting the determination that no new significant

impacts would occur beyond those disclosed in the EIR and approved with the statement of overriding considerations. The noise consultant has reviewed the City's analysis and finds that the City's conclusions do not conflict with the conclusions reached in the noise assessment. The analysis in the addendum demonstrates that the project modifications remain within the scope of the certified EIR, that no Supplemental EIR is required under CEQA Guidelines Section 15162, and that the Hearing Officer's determination to approve the addendum and Planned Development Permit Amendment is supported by appropriate analysis under CEQA.

- 3) *Claim: The proposed revised mitigation measure does not reflect the reality and diversity of concert events and are overwhelmingly temporary. The revised measure ignores obvious, locally implemented Best Known Measures such as permanent real-time monitoring at Levi's Stadium*

*City Response:* The appellant contends that revised Mitigation Measure MM NOI-6.1 is inadequate because in-neighborhood monitoring is required only during the first two concerts, will not capture the full range of concert conditions, and could be manipulated through selective event scheduling. The appellant also asserts that in-stadium sound measurements cannot reliably predict off-site noise levels and requests implementation of a Levi's Stadium-style permanent, City-managed monitoring program.

The City finds these claims are not supported by substantial evidence. The 2025 noise assessment was prepared using industry-standard methods. The analysis accounted for variation in concert noise by modeling worst-case sound levels using multiple musical genres, typical concert operations, and conservative sound system output assumptions. In their January 8, 2026, memo (Exhibit E), the noise consultant confirmed that predicted noise levels at nearby residential receptors would not vary substantially due to weather conditions or normal operational differences, and that the timing of the measurements does not undermine the validity of the analysis.

The City finds that the appellant's assertion that the applicant could manipulate monitoring results by selectively choosing atypical concerts is speculative. The revised MM NOI-6.1 applies to the first two concerts with different headlining performers, regardless of genre, and the City retains authority to verify compliance and take enforcement action if noise thresholds are exceeded. The mitigation measure provides a reasonable verification mechanism to confirm modeled noise levels under real-world conditions. The revised Mitigation Measure MM NOI-6.1 is reasonable, enforceable, and effective in ensuring that concert noise remains within the impact levels analyzed in the certified EIR and addendum.

Finally, the City finds that a Levi's Stadium-style permanent, open-access monitoring program is not required under CEQA. Such a program was not adopted as a CEQA

mitigation measure in the 49ers Santa Clara Stadium Project EIR<sup>2</sup> and is not necessary to mitigate any significant impact identified in the certified EIR or addendum for the subject project. The project's noise impacts are adequately addressed through revised MM NOI-6.1, existing operational controls, and the City's enforcement authority. Operator-conducted monitoring with City oversight is standard practice, and the City retains discretion to audit, verify, or independently monitor noise levels as needed.

However, in response to the concerns raised at the Planning Director's Hearing and in the environmental appeal, the City is recommending minor modifications to the approved, revised Mitigation Measure MM NOI-6.1 as presented in the Environmental Appeal Findings section of this report.

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

The appellant claims that the annual reporting program will result in delayed enforcement of non-compliance with noise restrictions imposed on concerts. They claim that since only the first two concerts require in-neighborhood noise monitoring to confirm noise levels at residential receptors, that any exceedances after those first two concerts would not be provided to the City for compliance enforcement until the end of the year when the annual report is due. The appellant also claims that monitoring of noise must be a responsibility of the City, whereas the permit allows the applicant to self-monitor concert noise levels and provide that data to the City. Further, the appellant claims that the applicant would have a conflict of interest by self-reporting noise monitoring data for their own compliance purposes.

The City finds that the annual reporting program, combined with the other requirements in revised MM NOI-6.1, provides a sufficient and enforceable framework to ensure ongoing compliance with the applicable noise standards in the addendum. The requirement for in-neighborhood monitoring during the first two concerts establishes a verification baseline for assessing real-world noise conditions and confirming the accuracy of the predictive modeling found in the noise assessment. Once baseline compliance with the revised MM NOI-6.1 is demonstrated, continuous real-time monitoring and reporting for every subsequent event is not warranted. The annual reporting program, which compiles data from ongoing operational monitoring, is an appropriate mechanism to ensure transparency and allow the City to evaluate compliance trends over time.

The City further finds that the appellant's claim that exceedances could go undetected until the annual reporting deadline is speculative and does not reflect how the monitoring and enforcement process functions. The applicant is required to monitor

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<sup>2</sup> City of Santa Clara, <https://www.santaclaraca.gov/our-city/santa-clara-stadium-authority/leases-and-agreements/49ers-stadium-deir>

concert noise in accordance with MM NOI-6.1. This requires monitoring and reporting following the first two concerts, as well as providing annual reports of all concert noise to the City for verification of compliance. The City retains the authority to require corrective actions or take enforcement measures immediately upon identification of a violation with permit terms. Nothing in the permit or mitigation measures limits the City's ability to enforce noise standards on an event-by-event basis.

The City concludes that the monitoring and reporting program, combined with enforcement mechanisms, provides an adequate and enforceable method for ensuring continued compliance with permitted concert noise limits. No additional monitoring requirements are necessary under CEQA, and the appellant's claims do not demonstrate that the reporting program would result in delayed enforcement or inaccurate compliance data. However, in response to the concerns raised at the Director's Hearing and in the environmental appeal, the City is recommending minor modifications to the approved, revised Mitigation Measure MM NOI-6.1, including for the frequency and quantity of monitoring events. This information is presented in the Environmental Appeal Findings section of this report.

*5) The proposed mitigation measures, if implemented, require revision*

The appellant claims that the mitigation measure language is flawed because it requires both hourly average noise levels and day-night average noise levels (DNL) to exceed ambient noise before any corrective actions are triggered. The appellant requests the City revise the mitigation measure so that a noise exceedance in either the hourly average or the DNL would trigger corrective action and argues that DNL is inappropriate for concert noise due to dilution during non-concert hours. Additionally, the appellant claims that the proposed revised mitigation measures contain no special enforcement mechanisms, that the City's Code Enforcement Division is slow to respond, and that a system of penalties for non-compliance should be imposed.

DNL is the metric used in the City's General Plan and is recognized in acoustical analysis and CEQA practice for evaluating community noise exposure, and its use here is consistent with the methodology employed in the certified EIR. Both hourly average noise levels and DNL were included in revised Mitigation Measure NOI-6.1 as performance indicators to evaluate compliance with established noise standards, consistent with the methodology used in the certified EIR. While DNL is the City's General Plan standard for evaluating noise impacts, the noise environment surrounding the project site varies due to multiple sources, and hourly average measurements help ensure that short-term exceedances are accurately attributed to concert activity. In response to the appellants' request, the City is recommending a modification to the mitigation measure to require corrective action if either the DNL or the hourly average noise threshold is exceeded, rather than only when both standards are exceeded.

With respect to enforcement, the City finds that the revised mitigation measures contain sufficient and enforceable mechanisms to ensure compliance. The City maintains full authority to enforce noise standards under both the mitigation measures and existing municipal code provisions. The appellant's speculation about the City's Code Enforcement response times does not undermine the enforceability of the mitigation measure. The City may take immediate action in response to violations, including requiring corrective measures, modifying operational conditions, or imposing administrative remedies consistent with the Municipal Code.

Based on the administrative record, the City concludes that the enforcement mechanisms in the approved, revised mitigation measure are adequate to ensure compliance, and no additional revisions to the mitigation measure or creation of special penalty systems are required under CEQA. However, in response to the concerns raised at the Director's Hearing and in the environmental appeal, the City is recommending minor modifications to the approved, revised Mitigation Measure MM NOI-6.1 as presented in the Environmental Appeal Findings section of this report.

*6) Economic impacts and conflict with economic development priorities stated by elected leadership*

The appellant claims that the stadium has caused vacancies in nearby commercial locations due to the operation of stadium events, resulting in a loss of tax revenue for the City that ticket sales for stadium events do not generate. Additionally, the appellant claims that the location of the stadium near the edge of the city boundary limits the amount of time and money that patrons would otherwise spend in the City, further reducing the City's economic benefits from the stadium, in general. Further, the appellant claims that allowing concerts at PayPal Park is in conflict with Mayor Mahan's recent support of building a multi-sport entertainment district in downtown San José.

The claims of economic impact and conflict with the mayor's support of a downtown entertainment district are outside of the scope of CEQA. The project applicant is the controlling landowner and operator of the stadium and has the legal right to propose projects within the stadium. The project is also found to be consistent with the General Plan.

### **Environmental Appeal Findings**

As stated above, the analysis in the EIR addendum is consistent with the Airport West Stadium and Great Oaks Place Project EIR as presented in the conclusions of the EIR addendum. Therefore, the City has determined that preparation of a subsequent EIR is not warranted.

CEQA Statute and Guidelines Section 15162(a) states that no subsequent EIR would need to be prepared if on the basis of substantial evidence and in light of the whole record, the Lead Agency determines the project would not result in new significant environmental effects or a substantial increase in the severity of the previously identified significant effects of the previous EIR due to project changes or new information and circumstances. Additionally, a subsequent EIR would not be needed as long as any feasible mitigation measures or alternatives that now would substantially reduce one or more significant effects of the Project would be adopted as project mitigation measures or alternatives. Based on the above analysis, the comments submitted by appellant John Urban represent an opinion and do not demonstrate with facts and analysis that a new environmental document is required pursuant to CEQA Guidelines Sections 15162.

The analysis and conclusions made in the EIR addendum are accurate, adequate, and supported by facts and substantial evidence. None of the claims presented in the appeal provide additional substantial evidence that the project would result in a new significant environmental impact or a substantial increase in the severity of an environmental impact than determined in the EIR addendum. The baseline for evaluating the Project is the approved and certified EIR for the Airport West Stadium and Great Oaks Place Project. The EIR evaluated concert noise levels, including concerts with speakers oriented to the south, and identified concert noise as a significant and unavoidable impact even with the implementation of mitigation requiring concert speakers to face northeast. Considering that concerts were analyzed in the EIR and that a statement of overriding considerations was approved for that project including for noise impacts from future concerts due to the overwhelming benefits of the project, and it can be reasonably concluded that the proposed Project is consistent with the approved EIR.

However, in response to the concerns and comments presented at the Planning Director's Hearing for this project on November 19, 2025, and those issues raised in the appeal, the City is proposing the following minor changes to the approved, revised mitigation measure MM NOI-6.1 in strikethrough/underline format:

**Revised MM NOI-6.1:** The project owner shall implement the following measures to ensure noise exposure at residences south of the stadium do not exceed levels assumed in the Airport West Stadium and Great Oaks Place Project EIR:

- a. Noise study during first two concerts: During the first two concerts with speakers oriented to the southwest (away from the airport) featuring two different headline artists and noise levels from concerts exceeding 80 dBA at 135 feet from front of stage, conduct a noise study prepared by a qualified noise specialist with hourly average (dBA  $L_{eq}$ ) and Day Night Average (dBA DNL) noise measurements to confirm noise levels at residential receptors are at or below the corresponding ambient noise conditions (approximately 60 dBA  $L_{eq}$ ). The noise monitoring equipment

shall be placed at 135 feet from the front of stage or from the nearest speakers to the south, whichever is closest to the southwestern end of the stadium, and at each of the long-term noise monitoring locations at sensitive receptors studied in the noise assessment prepared by Illingworth & Rodkin dated June 27, 2025 (Appendix A): LT-3 (Waco Street), LT-4 (San Juan Avenue), LT-5 (De Altura Common) and LT-6 (O'Brian Court). Following these two concerts, the noise specialist shall provide a report to the Director of Planning, Building and Code Enforcement or the Director's designee detailing noise levels for the duration of the concerts. If hourly average noise levels ~~and~~ or day night average noise levels at residential receptors are above the studied ambient noise conditions (approximately 60 dBA  $L_{eq}$  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. These recommendations shall be incorporated into contracts for future concerts held at the site.

- b. Ongoing concert noise monitoring and performance standards: The project proponent shall monitor noise from concerts at a location of 135 feet from the front of the stage or from the nearest speakers to the southwest, whichever is closest to the southwestern end of the stadium (away from the airport). This monitoring shall occur for concerts with speakers oriented to the southwest (away from the airport) and to the northeast (facing toward the airport). Concert noise must meet the following performance standards:
1. For concerts that orient the stage and speakers toward the southwest (away from the airport) and are proposed to occur until 11:00 p.m., the speaker output shall not exceed 96 dBA  $L_{eq}$  at 135 feet from the front of the stage ~~or other speakers (whichever is closest)~~ or from the nearest speakers to the south, whichever is closest to the southwestern end of the stadium (away from the airport). If the concert ends before 10:00 p.m., the speaker output shall not exceed 98 dBA  $L_{eq}$  at this location.
  2. For concerts that orient the stage and speakers toward the northeast (toward the airport) and are proposed to occur until 11:00 p.m., the speaker output shall not exceed 104 dBA  $L_{eq}$  at 135 feet from the front of the ~~stage or other speakers (whichever is closest)~~ or from the nearest speakers to the southwest, whichever is closest to the southwestern end of the stadium (away from the airport).

Ongoing concert noise reporting: The project proponent shall provide a report with noise measurements from all concerts to the Director of

Planning, Building, and Code Enforcement or the Director's designee for review. This report shall be submitted every six months for the first two years, and then annually, starting 12-24 months after approval of the Planned Development Permit Amendment to allow concerts.

The recommended modifications would require semi-annual noise reports with noise measurements from all concerts for the first two years, and then annually, after approval of the PD Permit Amendment. This would result in four comprehensive noise reports being submitted during the first two years, rather than two, providing more noise data at more frequent intervals during the first two years of concert events. These four reports would be in addition to the approved requirement for the project proponent to submit noise reports for each of the first two concert events held at the stadium. The requirement for post-event verification monitoring after the initial two concerts provides an appropriate baseline for confirming the accuracy of the predictive modeling prepared for the project. The measure is not required to capture every possible future event scenario; rather, it is designed to validate modeling assumptions and ensure compliance with established standards. Should the monitoring identify impacts exceeding applicable threshold noise levels at residential receptors, the measure requires implementing additional controls, including lowering noise levels from concerts and ensuring compliance at sensitive receptors. With incorporation of the revised Mitigation Measure MM NOI-6.1, concert-related noise would not result in a new or more severe impact than the noise levels analyzed in the certified EIR.

For the reasons stated above, the City rejects the appeal claims and recommends that the City Council deny the Permit and CEQA appeal, uphold the Planning Director's reliance on the addendum to the Airport West Stadium and Great Oaks Place Project EIR and associated Mitigation Monitoring and Reporting Program, and approval of the PD Permit Amendment.

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

The City Council is the final decision-making body for this PD Permit Amendment and the Environmental Determination for this project.

### **COORDINATION**

The preparation of this memorandum has been coordinated with the City Attorney's Office and City Manager's Budget Office.

HONORABLE MAYOR AND CITY COUNCIL

February 2, 2026

**Subject: PDA11-002-02 & ER25-039 - Administrative Hearing on the Appeal of the Planning Director's Approval and Planned Development Permit Amendment Located at 1123 Coleman Avenue**

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## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the February 24, 2026 City Council meeting.

Additionally, the City followed [Council Policy 6-30: Public Outreach Policy](#) to inform the public of the proposed project. On-site signs have been posted on the project frontages since May 6, 2025. A community meeting was held on September 15, 2025, in-person and on Zoom. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website, and City staff has been available to respond to questions from the public.

## **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this item. Since the appeal of the Planning Director's hearing action included an environmental appeal, the project is heard *de novo* directly by the City Council per [Section 21.04.140](#) of the San José Municipal Code.

## **CEQA**

Addendum to the Airport West Stadium and Great Oaks Place Project Final Environmental Impact Report (Resolution No. 75309).

## **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.

/s/

CHRISTOPHER BURTON, Director  
Planning, Building, and Code Enforcement

For questions on the permit appeal, please contact John Tu, Division Manager, Planning, Building, and Code Enforcement Department at [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov) or (408) 535-6818. For questions on the environmental appeal, please contact David Keyon, Principal Planner, Planning, Building, and Code Enforcement Department at [david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov) or (408) 535-7898.

HONORABLE MAYOR AND CITY COUNCIL

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**ATTACHMENTS:**

Exhibit A: PayPal Park Stadium Concert Noise Assessment – Illingworth and Rodkin (6/27/2025)

Exhibit B: Addendum to the Airport West Stadium and Great Oaks Place Project Environmental Impact Report

Exhibit C: Environmental Appeal Application

Exhibit D: Letter from Matthew Bright (11/19/2025)

Exhibit E: Planned Development Permit Amendment Appeal Application