



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

August 1, 2022

Shannon Hill  
Environmental Project Manager  
City of San Jose  
200 E Santa Clara St. T3  
San Jose, CA 95113

RE: San Jose Icon-Echo Towers Mixed Use Project Draft Supplemental Environmental Impact Report (Draft SEIR)

**ALAMEDA COUNTY**  
John J. Bauters  
(Chair)  
Pauline Russo Cutter  
David Haubert  
Nate Miley

Dear Shannon Hill,

**CONTRA COSTA COUNTY**  
John Gioia  
David Hudson  
Karen Mitchoff  
Mark Ross

Bay Area Air Quality Management District (Air District) staff has reviewed the Draft Supplemental Environmental Impact Report (Draft SEIR) for the Icon-Echo Towers Mixed Use Project (Project). The Project is located in the City of San José (City), located along the westside of N. 4<sup>th</sup> Street between E. St. John Street and E. Santa Clara Street and would demolish existing uses and construct a 27-story mixed-use building consisting of 8,500 square feet of ground-floor retail use, 525,000 square feet of office use in the southern tower and 415 residential units in the northern tower. Parking for the Project would be provided in one level of below-ground parking and four floors of above-grade parking, totaling 1,146 parking spaces.

**MARIN COUNTY**  
Katie Rice

**NAPA COUNTY**  
Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
Tyrone Jue  
(SF Mayor's Appointee)  
Shamann Walton

According to the Draft SEIR, the Project's maximally exposed individual is located on the second floor of the residence to the south of the project site opposite E. Santa Clara Street. In addition, two schools are located northeast of the site. Little Einstein Montessori Preschool, serving children ages 2 to 5 is located approximately 406 feet from the Project site and Horace Mann Preschool and Elementary School, serving children ages 2 to 10 is located 756 feet from the Project site.

**SAN MATEO COUNTY**  
David J. Canepa  
Carole Groom  
Davina Hurt  
(Vice Chair)

**SANTA CLARA COUNTY**  
Margaret Abe-Koga  
Otto Lee  
Sergio Lopez  
Rob Rennie

Air District staff commends the City for their inclusion of increased housing density, and transportation demand management (TDM) incentives to minimize regional vehicle miles traveled and associated emissions from the Project. In addition, the use of green building practices to meet San Jose Reach Standards, as well as LEED Silver Certification, is highly commended.

**SOLANO COUNTY**  
Erin Hannigan  
Steve Young

**SONOMA COUNTY**  
Teresa Barrett  
(Secretary)  
Lynda Hopkins

**Construction-Related Impacts**

As noted in the Draft SEIR, the Project's construction emissions, along with the construction of 11 other approved and nearby developments (within 1,000 feet of the Project site), would exceed the Air District's Cumulative Source Threshold for fine particulate matter (PM<sub>2.5</sub>) concentrations despite implementing mitigation

Sharon Landers  
**INTERIM  
EXECUTIVE OFFICER/APCO**

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measures. This poses significant concerns due to the Project's proximity to sensitive receptors, and due to these health risk impacts, the Air District recommends that additional mitigation measures be included beyond Mitigation Measure (MM) AQ-1 and AQ-2 to further mitigate construction-related impacts. The City should take precautions to ensure mitigation measures protect nearby receptors by:

- Requiring a rigorous Mitigation Monitoring and Reporting Plan that is actively enforced by the City to ensure all air quality mitigation measures are achieved as required.
- Requiring that all air quality mitigation measures proposed below are included as conditions of project approval.

The City should require a site-specific dust control plan that includes measures that go beyond the Air District's Basic and Enhanced Air Quality Construction Measures, including:

- Require the installation of advanced air filtration or the provision of portable air filtration units in nearby residences, at Little Einstein Montessori Preschool and at Horace Mann Preschool and Elementary School before construction begins.
- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.
- Prohibit grading and other dust-generating activities on days with an Air Quality Index forecast of greater than 100 for particulates in the project area.
- Minimizing the amount of excavated material or waste materials stored at the site.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and water appropriately until vegetation is established.
- Increase frequency of wet power vacuuming street sweeping during periods of high ambient temperature, high wind events and / or low relative humidity.
- Record keeping documenting the frequency of watering on exposed surfaces, at minimum, the daily moisture content percentage as recorded by verified lab samples or moisture probe, and daily logs verifying at minimum, the use of daily wet power vacuuming street sweepers. Records should be kept on site and made available to the City and Air District staff.

The City should require additional controls to mitigate construction-related exhaust emissions:

- Off-road construction equipment should be zero-emission, where available; the City should require commitments to zero-emission equipment in applicable bid documents, purchase orders, and contracts; successful contractors should demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. At minimum off-road diesel construction equipment should meet Tier 4 emissions standards.

- Medium and Heavy-Duty diesel on-road vehicles should be equipped with engine model year 2010 or newer, or powered by zero or near zero-emissions technology, as certified by the California Air Resources Board, whenever feasible.
- Provide electrical hook ups to the power grid, rather than using diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible.

### **Air District Rules and Regulations**

Additionally, the Project may be subject to additional Air District Rules and Regulations omitted by the Draft SEIR. These Rules and Regulations are as follows:

<b>Air District Rule and Regulation</b>	<b>Description</b>
Regulation 2, Permits, Rule 5: New Source Review of Toxic Air Contaminants	The purpose of this rule is to provide for the review of new and modified sources of toxic air contaminant (TAC) emissions in order to evaluate potential public exposure and health risk, to mitigate potentially significant health risks resulting from these exposures, and to provide net health risk benefits by improving the level of control when existing sources are modified or replaced.
Regulation 8, Organic Compounds, Rule 47: Air Stripping and Soil Vapor Extraction Operations	The purpose of this Rule is to limit emissions of organic compounds from contaminated groundwater and soil. The provisions of this Rule shall apply to new and modified air stripping and soil vapor extraction equipment used for the treatment of groundwater or soil contaminated with organic compounds.
Regulation 11, Hazardous Pollutants, Rule 2: Asbestos Demolition, Renovation and Manufacturing	The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures.

Certain aspects of the project may require a permit from the Air District. Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) to discuss permit requirements.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Mark Tang, Principal Environmental Planner, at [mtang@baaqmd.gov](mailto:mtang@baaqmd.gov).

Sincerely,



Greg Nudd  
Deputy Air Pollution Control Officer

Cc: BAAQMD Director Margaret Abe-Koga  
BAAQMD Director Otto Lee  
BAAQMD Director Sergio Lopez  
BAAQMD Director Rob Rennie