



September 28, 2020

**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

Ms. Maira Blanco, Environmental Project Manager  
City of San Jose, Department of Planning  
200 East Santa Clara Street, 3rd Floor Tower  
San Jose CA 95113-1905

**RE: Mark Residential Tower Project -Notice of Preparation of a Supplemental Draft Environmental Impact Report**

**ALAMEDA COUNTY**  
John J. Bauters  
Pauline Russo Cutter  
Scott Haggerty  
Nate Miley

Dear Ms. Blanco:

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

Air District (District) staff has reviewed the City of San Jose’s (City) Notice of Preparation of a Draft Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 EIR prepared for the proposed Mark Residential Tower Project (Project). As we understand, the project will consist of construction of a 21-story multi-family residential building tower that will have up to 222 dwelling units, 60 bicycle spaces and 95 parking spaces onsite with courtyard and rooftop lounge areas. The City will demolish three residential structures totaling 7,427 square feet to allow for construction of this Project. The Project is located on South Fourth Street near the northwest corner of East William Street in Downtown San Jose.

**MARIN COUNTY**  
Katie Rice

Staff commends the City’s effort to locate a high-density residential development project in the downtown area near public transit, which will help reduce vehicle miles traveled and therefore reduce air pollution and greenhouse gas impacts. The San Jose community however is disproportionately impacted by air pollution and is identified as a priority community through our Community Air Risk Evaluation (CARE) program and our Community Health Protection Program per Assembly Bill 617, consequently the Air District is concerned about the potential air quality impacts that may result from this project.

**NAPA COUNTY**  
Brad Wagenknecht

Air District staff recommends the SEIR include the following information and analysis:

**SAN FRANCISCO COUNTY**  
VACANT  
Shamann Walton  
Tyron Jue  
(SF Mayor’s Appointee)

**SAN MATEO COUNTY**  
David J. Canepa  
Carole Groom  
Davina Hurt

**SANTA CLARA COUNTY**  
Margaret Abe-Koga  
Cindy Chavez  
(Vice Chair)  
Liz Kniss  
Rod G. Sinks  
(Chair)

- **As identified by the Air District’s CARE program and our Community Health Protection Program, the San Jose community is currently cumulatively impacted with air pollution, which makes any additional air pollution a potentially significant localized impact.** We recommend that the SEIR analyze regional and local air quality impacts and include additional mitigation for this Project.

**SOLANO COUNTY**  
James Spering  
Lori Wilson

**SONOMA COUNTY**  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

Connect with the  
Bay Area Air District:



- **The SEIR should estimate and evaluate the potential health risk to existing and future sensitive populations within and near the Project area from toxic air contaminants (TACs) and fine particulate matter (PM<sub>2.5</sub>) as a result of the project's construction and operation.** The Project should be evaluated for localized impacts on the community, such as TACs and PM 2.5 emission impacts on receptors within the area.
  
- **The GHG impact analysis should include an evaluation of the Project's consistency with the most recent draft of the AB 32 Scoping Plan by the California Air Resources Board and with the State's 2030 and 2050 climate goals.** The Air District's current recommended GHG thresholds in our CEQA Guidelines are based on the State's 2020 targets, which are now superseded by the 2030 GHG targets established in SB 32. The SEIR should demonstrate how the Project will be consistent with the Scoping Plan.
  
- **The SEIR should include design features that minimize Project air quality and GHG impacts.**  
Examples of potential design features that lessen air quality and GHG impacts include, but are not limited to:
  - o Creating a construction phase traffic management plan that reduces diesel equipment idling.
  - o Requiring construction vehicles to operate with Tier 4 engines.
  - o Creating a Transportation Demand Management Program that includes funding for zero emission transportation projects, including a neighborhood electric vehicle program, community shuttle/van services, parking pricing, car sharing, and enhancement of active transportation initiatives, among others.
  - o Providing the funding for new infrastructure and connections to existing bicycle and pedestrian projects that improve access to transit, employment, and major activity centers.
  - o Prohibiting or minimizing the use of diesel fuel, consistent with the Air District's Diesel Free By '33 initiative (<http://dieselfree33.baagmd.gov/>).
  - o Implementing green infrastructure and fossil fuel alternatives in the development and operation of the Project, such as solar photovoltaic (PV) panels, renewable diesel, electric heat pump water heaters, and solar PV back-up generators with battery storage capacity.
  - o Implementing a zero-waste program consistent with SB 1383 organic waste disposal reduction targets including the recovery of edible food for human consumption.
  
- **The SEIR should evaluate the Project's consistency with the Air District's 2017 Clean Air Plan (2017 CAP).** The SEIR should discuss 2017 CAP measures relevant to the Project and show the Project's consistency with the measures. The 2017 CAP can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

- **The SEIR should analyze the Project's consistency with the City of San Jose's most recently adopted Climate Action Plan.** The 2018 update can be found at this link: <https://www.sanjoseca.gov/home/showdocument?id=32171>
- **The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing air quality and GHG impacts.** These tools include guidance on quantifying local emissions and exposure impacts. The tools can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/cegatools>. If the Project requires a site-specific analysis, please contact Air District staff to obtain more recent data.
- **Certain aspects of the Project may require a permit from the Air District (for example, backup diesel generators and hot water/space heat boilers).** Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) to discuss permit requirements. Any applicable permit requirements should be discussed in the SEIR. All stationary sources of air pollution should be described in the SEIR.

We encourage lead agencies to contact Air District staff with questions or to request assistance during the environmental review process. If you have any questions, please contact Andrea Gordon, Senior Environmental Planner at [agordon@baaqmd.gov](mailto:agordon@baaqmd.gov) or 415-749-4940.

Sincerely,



Greg Nudd  
Deputy Air Pollution Control Officer

cc: BAAQMD Director Margaret Abe-Koga  
BAAQMD Director Vice Chair Cindy Chavez  
BAAQMD Director Liz Kniss  
BAAQMD Chair Rod G. Sinks