

NOTICE OF AN APPEAL OF AN ENVIRONMENTAL IMPACT REPORT

Notice is hereby given that the City Council of the City of San José will hold a Public Hearing on **Tuesday, August 14, 2012 at 1:30 p.m.**, to hear an appeal of the Certification of the **FINAL ENVIRONMENTAL IMPACT REPORT (EIR)** prepared for the Newby Island Sanitary Landfill and the Recyclery Planned Development Rezoning (File No. PDC07-071). The proposed rezoning of approximately 352 acres would recognize the current landfill and related operations and practices and increase the permitted top elevation of the landfill from 150 to 245 feet, to allow an increase in the capacity of the landfill by approximately 15.12 million cubic yards. The project site is located at the westerly terminus of Dixon Landing Road, approximately 1,000 feet west of I-880 (1601 Dixon Landing Road). Council District: 4

This Public Hearing will be held in accordance with Title 21 of the San José Municipal Code, during and before which all persons interested in the matter shall be given a reasonable opportunity to be heard. You are welcome to attend and to speak on this issue. The City Council will hear whether the EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and consider the significance of the project on the environment. The hearing is *de novo*.

The project file listed below is available for public review in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905. If you choose to challenge the decision on this Environmental Impact Report in court, you may be limited to only those issues you, or someone else, raised and discussed at the Public Hearing or in written correspondence delivered to the City at or prior to the Public Hearing. This public hearing will be held in the Council Chambers, on the second floor of City Hall, at 200 East Santa Clara Street, San José, California.

The Final Environmental Impact Report, including the City's responses to comments received during the Public Review Period (September 22, 2009 to November 5, 2009) is available for review on the Planning Division's web site at <http://www.sanjoseca.gov/planning/eir/EIR.asp>, and at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José, from Monday to Friday 8:00 a.m. to 5:00 p.m.

To arrange an accommodation under the Americans With Disabilities Act to participate in this public meeting, please call TTY#: (408) 294-9337 or (VOICE) or (408) 535-3500 at least 48 hours before the meeting.

Comments and questions regarding the EIR are welcome and should be referred to **John Davidson** of the Department of Planning, Building and Code Enforcement (408) 535-7895. For your convenience, contact **Carmen Stanley** at the same telephone number the week of the Public Hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Date: 7/26/2012