

**NOTICE OF AVAILABILITY OF  
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)  
AND PUBLIC COMMENT PERIOD**

Draft Environmental Impact Report (EIR) for the Newby Island Sanitary Landfill and The Recyclery Planned Development Rezoning (File No.: PDC07-071) of approximately 352 acres from the R-M - Residential, HI – Heavy Industrial, and A(PD) Planned Development Zoning Districts to an A(PD) Planned Development Zoning District to recognize the current landfill and related operations and practices and increase the permitted top elevation of the landfill from 150 to 245 feet msl to allow an increase in the capacity of the landfill by approximately 15.12 million cubic yards, excluding cover materials. The project also includes some refinements to the existing site plan and incremental changes in operations that may be necessary for the remaining life of the landfill. The Newby Island Landfill is located 5.46 miles from the Norman Y. Mineta San Jose International Airport. Council District: 4.

The proposed project will have potentially significant environmental effects with regard to biological resources. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project site is listed on the Cortese List of hazardous materials sites.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's website: <http://www.sanjoseca.gov/planning/eir/eir.asp> and are also available at the following locations:

Department of Planning, Building,  
and Code Enforcement  
200 E. Santa Clara St., Tower, 3<sup>rd</sup> Floor  
San José, CA 95113  
(408) 535-3555

Alviso Branch Library  
5050 N. First St., San Jose, CA 95002  
(408) 263-3626  
Milpitas Library  
160 N. Main St., Milpitas, CA 95035  
(408) 262-1171

Dr. Martin Luther King Jr. Main Library  
150 E. San Fernando St.  
San José, CA 95112  
(408) 277-4822 / (408) 808-2000

The public review period for this Draft EIR begins on **September 22, 2009** and ends on **November 5, 2009**. Written comments must be received at the Planning Department by **5:00 p.m.** on Thursday, November 5, 2009, in order to be addressed as part of the formal EIR review process. Comments and questions should be referred to Janis Moore in the Department of Planning, Building and Code Enforcement at (408) 535-3555, via e-mail: [janis.moore@sanjoseca.gov](mailto:janis.moore@sanjoseca.gov), by fax at (408) 292-6055, or by regular mail at the mailing address listed above. Please reference the above file number in your written comment letter.

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the public review period. Ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be mailed to those who have commented in writing on the EIR during the public review period.

A public hearing before the Planning Commission to consider certification of the Final EIR is tentatively scheduled for December 9, 2009, at 6:30 p.m. in the City Council Chambers at San José City Hall, 200 East Santa Clara Street, San José, CA 95113-1905.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

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Senior Planner

Date: September 15, 2009