

Judge ²⁹ OCT '88 tosses out P.D. city's OK on project

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Staff Writer

Sebastopol environmentalists scored a victory Friday when a Superior Court judge threw out the city's approval of a 29-unit housing subdivision.

Sonoma County Judge Laurence K. Sawyer ruled the city should have required an environmental impact report for the Palm Terrace subdivision. The nine-acre project is proposed along the Laguna de Santa Rosa next to Palm Drive Hospital.

Sawyer said state law requires an environmental report because the project could have significant effects on sewage disposal, traffic and the lagoon. He ruled the city could not rely on an 1981 environmental report that was written when part of the property was slated for an 80-unit condominium project.

Environmentalists, who had lost earlier court battles over two Sebastopol shopping centers, said Sawyer's ruling vindicated their watchdog efforts with City Hall.

"This is the first positive sign we're not crazy," said Juliana Doms, a former city councilwoman. "I'm serious. We're not crazy, radical environmentalists."

Doms said the victory is sweet for another reason. The city's new council members, Nick Stewart and Richard Johnson, likely will take a tougher look should Palm Terrace return for their review.

"It is apparent Nick and Richard Johnson are sensitive to protecting the lagoon," she said. "It can't help but have an effect."

Mayor Anne Magnie, the council's sole dissenter on Palm Terrace, predicted the project's return would prompt a close look from the new council. Had Nichols and Johnson been on the council the first time, she said, the city would have required an environmental impact report.

Llano Partners, the developer, now must pay for the environmental report, appeal Sawyer's ruling or shelve the project. If the partners choose to do the report, they also must go back for another round of public hearings.

Todd Thompson, attorney for the partnership, said he had yet to

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receive Sawyer's ruling and, thus, was unable to comment. George Young, a spokesman for the partnership, was unavailable for comment.

City Attorney Lawrence McLaughlin said an appeal by the

city is doubtful. "Basically, it's up to the developer," he said.

Both McLaughlin and Susan Brandt-Hawley, attorney for the environmental group Laguna Today and Tomorrow, said the city likely will pay the opposition's court costs.