

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
DIVISION SIX

CHARLES A. PRATT CONSTRUCTION
CO., INC.,

Plaintiff and Appellant,

v.

CALIFORNIA COASTAL
COMMISSION,

Defendant and Respondent.

2d Civil No. B190122
(Super. Ct. No. CV 000697)
(San Luis Obispo County)

ORDER MODIFYINNG OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on May 8, 2008, be modified as follows:

1. On page 10, in the last line, the word "draft" is deleted so the sentence reads: "Pratt cites no authority that the Commission is bound by the findings in the EIR."
2. On page 14, the following two paragraphs are added before the last paragraph, which begins "The judgment is affirmed":

Pratt complains in its petition for rehearing that we ignored its motions for reconsideration and a new trial. The motions sought to show that actions taken by the County after the trial court's ripeness ruling preclude development on all but 1,120 square feet of Pratt's parcel. The trial court denied the motions.

We do not consider the motions for the purpose of this appeal because: Pratt raised no points on appeal challenging the trial court's denial of the motions; the material contained in the motions was not before the Commission at the time of its decision; and whatever actions the County may have taken

subsequent to the Commission's decision are not relevant to Pratt's action against the Commission. The County is not a party to this action.

There is no change in the judgment.

Appellant's petition for rehearing is denied.