IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
CERTIFIED FOR PARTIAL PUBLICATION[*]

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

SIERRA CLUB et al.,	
Plaintiffs and Appellants,	A100194
v.	
CALIFORNIA COASTAL COMMISSION,	(San Francisco County Super. Ct. No. 315686, 318780)
Defendant and Respondent;	
CATELLUS RESIDENTIAL GROUP,	
Real Party in Interest and Respondent.	

BY THE COURT:

The opinion filed April 11, 2003 is modified as follows: In Part II.C.3., on

page 19, footnote four is modified by deleting the current text, which reads:

[4] No published Attorney General Opinion spells out this position. At oral argument, counsel for the Commission explained that before the 1978 amendment, the Commission had received an informal opinion letter advising it that it could exercise jurisdiction over the entirety of any project that partially overlapped the coastal zone.

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[*]	Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for publication with the exception of parts II.B and all its subparts and part III.

and replacing it with the following:

   [4] The informal opinion letter addressed the question we face: "To what extent may the coastal commissions assert jurisdiction over developments that take place on parcels of land that lie partly inside and partly outside the inland coastal zone boundary?" (Cal. Atty. Gen., Indexed Letter, No. SO IL 77/20, August 26, 1977, p. 2.) The opinion letter concluded in part, "It is submitted that the Legislature intended to authorize the commission to deny permits on the basis that the portion of a development outside the coastal zone would have adverse environmental impacts inside the coastal zone." (*Id.* at p. 6.) This is precisely the position the Sierra Club now urges upon us.

   Appellant's petition for rehearing filed April 29, 2003, is denied.

   Appellant's request for judicial notice is granted as to Exhibits 1 and 2 and denied as to Exhibit 3.

   This modification effects no change in the judgment.