

GABRIELLI LAW OFFICE

430 D Street

John C. Gabrielli

Davis, CA 95616

Telephone: (530) 753-0869

Facsimile: (530) 753-6964

E-Mail: gabriellilaw@sbcglobal.net

BY EMAIL at Imacleod@co.el-dorado.ca.us

October 29, 2008

County of El Dorado
Development Services Department
Planning Services
2850 Fairlane Court
Placerville, CA 95667

Attention: Lawrence W. Appel, Deputy Director
Lillian MacLeod, Senior Planner

Re: "Design Review DR00-0011"

Gentlepersons:

"For the record," the Notice of Public Hearing dated 10-20-08, and received by myself and others on 10-21-08, which identifies the action to be taken on the captioned project by the Board of Supervisors on 11-04-08 as "a public hearing ... to reconsider, following an appeal, **Design Review DR00-001** submitted by ConocoPhillips (Agent: Griffin Williamson) [emphasis in original]" is inaccurate, incomplete, inadequate and otherwise fatally defective because, among other things, it fails to give notice that the action proposed apparently includes the certification of an EIR and the final approval of the project in question (whereupon the County will presumably file a CEQA Notice of Determination). In addition to CEQA and the Planning & Zoning Law, these defects include, without limitation, violations of procedural due process and other constitutional infringements, the nature and scope of which will be duly asserted in legal proceedings to follow.

Therefore, I have advised my clients to attend the proceedings on 11-04-08, if they wish, but doing so shall not constitute a waiver or relinquishment of any type of their right to raise these violations in subsequent legal proceedings.

Very truly yours,

JOHN C. GABRIELLI

JCG:dlg

cc: FSSI; AOA; SE&M