SHUTE, MIHALY & WEINBERGER LLP

550 CALIFORNIA STREET, SUITE 1200
SAN FRANCISCO, CA 94104
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

GABRIEL M.B. ROSS
Attorney
ross@smwlaw.com

October 29, 2026

Via E-Mail and U.S. Mail

Karen Garner
Director, Planning and Buliding
Department
El Dorado County
2850 Fairlane Court
Placerville, CA 95667
karen.l.garner@edcgov.us

Re: Permits for 2761 Sands Rd (APN 102-200-040) and 3655 North Shingle Rd (APN 070-230-021)

Dear Ms. Garner:

We submit this letter on behalf of Native Directions Inc. ("NDI") and HomeCA Inc. ("HomeCA," collectively "Proponents"). As you are aware, Proponents are advancing four Native housing and services projects ("Projects") in El Dorado County ("County"), including two under the state's Behavioral Health Continuum Infrastructure Program ("BHCIP"). Applications for permits for these projects (the "Permits") have been submitted to the County, as detailed in Exhibit A.

In our litigation over previous permit applications, the Superior Court held that the grading permits for the BHCIP projects were subject to CEQA under section 5960.3. Proponents withdrew their grading permit applications and no longer propose to do work requiring such permits. Instead, Proponents seek only installation permits for manufactured homes.

Under state law, these installation Permits are *ministerial building permits*. The permit required to install a manufactured home as a permanent improvement to real property is a building permit. Health & Saf. Code § 18551(a)(1) (contractor "shall obtain a building permit" before installing a manufactured home). This Health and Safety Code provision preempts any conflicting County standard. *Id.* §§ 18015, 18030.5. It moreover lacks any discretionary character: it requires evidence of property ownership, submission

of plans, specifications, and installation instructions, and payment of fees. Health & Saf. Code § 18551(a)(1)(A)-(F). These requirements do not provide the approving agency "authority to require changes that would lessen the project's environmental effects" as would make a project discretionary. *Mission Peak Conservancy v. State Water Resources Control Bd.* (2021) 72 Cal.App.5th 873, 881. Rather, they are a "checklist of fixed criteria," which courts find ministerial. *Id.* Therefore, building permits for the installation of manufactured homes are ministerial under CEQA. CEQA Guidelines § 15628(b)(1).

"CEQA does not regulate ministerial decisions—full stop." *Mission Peak Conservancy*, Cal.App.5th at 882. Public Resources Code section 21080(b)(1) clearly states that CEQA "does not apply" to "[m]inisterial projects…carried out or approved by public agencies." *See also* CEQA Guidelines §§ 15268 ("Ministerial projects are exempt from the requirements of CEQA."), 15300.1 ("Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority.").

Welfare and Institutions Code section 5960.3(b) does not change this foundational principle of CEQA. That subsection provides a potential exemption for discretionary projects that are made ministerial by section 5960.3(a). But section 5960.3(b) does not change the existing law that CEQA is inapplicable to ministerial projects in the first place, or somehow subject an otherwise exempt project to CEQA.

Karen Garner's email to Alexander Chapman of September 24, 2026 suggests that the County believes a BHCIP project is subject to CEQA unless it meets the specific exemption criteria of section 5960.3(b). This is insupportable under existing law and the County's own prior litigation position. In the prior litigation, the County argued, and the Court accepted, that section 5960.3(a) requires ministerial review of otherwise-discretionary projects, and that such projects are exempt from CEQA if they meet the criteria of section 5960.3(b). As the County stated this limited argument, "the Legislature did indeed prohibit discretionary review through [section 5960.3(a)] for BHCIP projects, but [] permits that **would have otherwise been subject to discretionary review** are nonetheless subject to CEQA review." Respondent County of El Dorado's Opposition to Petitioner's Ex Parte Application for a Peremptory Writ ("10/15 Opposition") (October 15, 2025) at 7 (emphasis added). By contrast, as the County conceded, a project that was ministerial all along, and was thus never subject to CEQA, is not somehow brought under CEQA by section 5960.3: "the building permits here are indeed purely ministerial and not subject to CEQA." *Id.* at 7, fn. 3. In other words, ministerial building permits, which are already exempt from CEQA without section 5960.3(a), remain exempt. Section 5960.3 cannot be read to undo that exemption, as the County has long since recognized.

The permits are thus exempt from CEQA and should be subject solely to ministerial review for compliance with the standards of Health & Safety Code section 18551(a)(1)(A)-(F). We once again request that the County promptly issue the permits described in Exhibit A and file a Notice of Exemption for each project with the County Clerk. Proponents are contractually obligated to expend the funding for the Wellness Center by December 31, 2026, and for the Youth Perinatal Residential Facility by June 30, 2027. The County has no legal grounds to delay permit issuance, and any further obstruction of state law is subject to legal action.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Gabriel M.B. Ross, Attorney

cc: gina@homeca.org

Exhibit A – Permit Details

Project/location	Permit numbers	Date submitted
YPR — 2761 Sands Rd APN 102-200-040	0392859, 0392861, 0392862, 0392863 0394117, 0394118	June 10, 2026 July 28, 2026
Wellness — 3655 North Shingle Rd APN 070-230-021	0394111, 0394112	July 28, 2026

Prior withdrawn permits: YPR 0372970 (grading), 0374255 (commercial); Wellness 0376039 (commercial), 0376040 (grading).

2139946.7