Rescue Deer Valley feedback on Native Directions Legal Threat for permit approvals

1 message

Chris Silva · ı> Mon, Nov 2, 2026 at 12:35 PM
To: David A Livingston <david.livingston@edcgov.us>
Cc: Supervisor Parlin <bosfour@edcgov.us>, "Karen L. Garner" <Karen.L.Garner@edcgov.us>

David,

We wanted to follow up on Native Directions' October 29 demand letter because we believe their manufactured-home strategy risks narrowing the issue too far and that the county continues to have a strong case for denying these permits.

Native Directions argues that because installation of a manufactured home is ordinarily a ministerial building permit, the County cannot require further environmental or zoning review. But that changes the **construction method**, not the underlying **BHCIP-funded project or land use**.

These remain the same substance-use treatment facilities, on the same rural residential parcels, funded to provide approximately 30 or 40 treatment beds depending on the project. The State did not fund unrelated single-family residences. It funded defined behavioral-health treatment projects.

That creates a basic problem with Native Directions' argument:

If the manufactured homes collectively provide the full 30- or 40-patient treatment program funded by BHCIP, then they are components of one integrated BHCIP project and should be evaluated as that project—not as isolated residential building permits.

Conversely, if Native Directions has reduced or materially changed the project so the manufactured homes no longer provide the funded treatment capacity, the County should require written confirmation from DHCS that the redesigned project still satisfies the BHCIP award and remains entitled to §5960.3 protections.

This distinction is particularly important because, as you have stated before, DHCS and CDSS have already spoken directly to the role of local government in these exact Native Directions/HomeCA projects (https://rescuedeervalley.com/dhcs-response-letter-to-senator-gil-assemblymember-patterson/):

*In their February 15, 2024 letter, the agencies stated that the grants were **conditional awards** and that, for the projects to progress, awardees were required to:*

> *"work within their local jurisdiction to obtain necessary permits through local Planning and Building Departments and meet relevant zoning requirements"*

They immediately added that this includes protecting "public and program participant health, safety, and welfare."

That language goes directly to the concern our community has raised from the beginning: **density and intensity of use on rural residential parcels**. Changing from site-built structures to manufactured homes does not resolve the zoning, wildfire, evacuation, emergency-response, water, septic or patient-safety issues created by 30 to 40 bed substance abuse treatment facilities (SUD).

We also believe §5960.3 must continue to be read as a whole.

Native Directions' current position appears to be:

1. Manufactured-home installation permits are ministerial.
2. Ministerial permits ordinarily are not subject to CEQA.
3. Therefore §5960.3(b) and (c), and meaningful County oversight, no longer apply.

But subsection (b) applies to a BHCIP-funded "*project, including a phased project,"* not merely to an individual permit selected by the developer. Subsection (c) separately gives the lead agency a concurrence role (and judgement) before the BHCIP CEQA exemption is claimed.

The Court previously held that the grading permits for these same BHCIP projects were subject to CEQA under §5960.3. Native Directions then withdrew the grading and commercial permits and substituted manufactured-home applications.

The County should therefore ask whether a developer can avoid the conditions the Legislature attached to a BHCIP *project* simply by restructuring that project into individual permits that may independently be ministerial.

I believe the County should require Native Directions to establish, before issuing these permits:

- **DHCS approval of the redesigned manufactured-home configuration** and confirmation that it remains within the BHCIP-funded project scope.
- The **approved treatment capacity**, proposed number of manufactured homes, occupancy of each structure, and how the redesigned project satisfies the funded 30- or 40-patient program.
- How Native Directions reconciles its position with DHCS/CDSS's explicit requirement to "*meet relevant zoning requirements*."
- Why §5960.3(b) no longer applies to the BHCIP-funded project.
- Why §5960.3(c)'s County concurrence requirement can be bypassed.
- The legal basis for placing substantially more than six treatment residents on these residential parcels.
- Compliance with all objective fire, access, water, septic, building and life-safety requirements.

We think the core issue can be stated simply:

Native Directions should not be permitted to treat these developments as integrated 30- or 40-bed BHCIP treatment projects when claiming the benefits of §5960.3, while treating the same projects as a collection of ordinary manufactured homes when zoning, environmental and safety requirements become inconvenient.

Most importantly, the State agencies administering these grants already told Native Directions/HomeCA that these conditional awards must still work through local Planning and Building and *"*meet relevant zoning requirements*."

Changing the construction method should not change that obligation.

We want to remind counsel that we have maintained a public record of all previous correspondence we have had access to here in this timeline: (https://rescuedeervalley.com/project-timeline/) and we would like to ensure that any counsel active on this case review these past documents and arguments. We would welcome the opportunity to help educate counsel on our concerns and position.

Thank you for considering this as the County evaluates the latest demand from Native Directions.

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