
RE: Urgent: Statutory Exempt from CEQA as Ministerial Projects Under AB 133 and AB 172

From Karen L. Garner <Karen.L.Garner@edcgov.us>

Date Thu 3/20/2025 12:08 PM

To Patrick Prado <patrickprado1@homeca.org>

Cc Ramona Valadez <Rvaladez@natedirections.org>; Gina Wasdyke <gina@homeca.org>; BOS-District I <bosone@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District V <bosfive@edcgov.us>

Hi Patrick,

As noted in the email I sent you on 3/14, and which you responded to on 3/18, in order to determine whether your projects fall within the exemptions you cited (which CEQA requires be narrowly applied), we continue to carefully review the information you have provided concerning your projects. My ask was for an additional 30 days to review. I appreciate you summarizing your position below, however at this time I cannot provide any confirmation regarding CEQA compliance. Thank you.

Karen

Karen L. Garner

Director

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From: Patrick Prado <patrickprado1@homeca.org>

Sent: Wednesday, March 19, 2025 3:56 PM

To: Karen L. Garner <Karen.L.Garner@edcgov.us>

Cc: Ramona Valadez <Rvaladez@natedirections.org>; Gina Wasdyke <gina@homeca.org>; BOS-District I <bosone@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District V <bosfive@edcgov.us>

Subject: Urgent: Statutory Exempt from CEQA as Ministerial Projects Under AB 133 and AB 172

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Dear Director Garner,

Re:

- Youth Perinatal Residential (BHCIP) – 2761 Sands Road(Statutory Exempt – AB 133)
- Wellness Center (BHCIP) – 3659 North Shingle Road (Statutory Exempt – AB 133)
- Adult Residential Facility (CCE) – 3480 Deer Valley Court (Statutory Exempt – AB 172)
- Adult Residential Facility (CCE) – 3655 North Shingle Road(Statutory Exempt – AB 172)

I am providing information and documentation to help expedite the review process. I want to reaffirm that our **projects are statutorily exempt from CEQA, as they qualify as ministerial actions under AB 133 and AB 172.** (See Attachment)

1. AB 133 – Welfare and Institutions Code (WIC) Section 5960.3(a):

“Notwithstanding any other law, a facility project funded by a grant pursuant to this chapter [...] shall not be subject to a conditional use permit, discretionary permit, or any other discretionary reviews or approvals.”

2. AB 172 – WIC Section 18999.97(l):

“Any project that receives funds pursuant to this section [...] shall not be subject to a conditional use permit, discretionary permit, or any other discretionary reviews or approvals, and shall be deemed as a ministerial action under Section 15268 of Title 14 of the California Code of Regulations.”

Why CEQA Does Not Apply:

- **CEQA applies only to discretionary projects (CEQA Guidelines § 15002(i)).**
- **Ministerial projects are exempt from CEQA (CEQA Guidelines § 15268).**
- **Both AB 133 and AB 172 explicitly classify these projects as ministerial and prohibit discretionary review, meaning they must be processed without environmental analysis under CEQA.**

Legislative Confirmation from Assemblymember Ramos:

We have also provided a letter dated **11/21/24 from Assemblymember James Ramos, who played a key role in both AB 133 and AB 172, affirming the statutory exemption and ministerial nature of these projects.** (See Attachment)

Unacceptable Delay in Construction Permit Issuance

We started applying for permits as early as **February 2024**. We submitted additional information to you in November 2024 confirming the statutory exemption from CEQA. Despite the clear statutory exemption, we are now several months into the process, and construction permits are still being withheld.

- The Building and Fire Department has already approved two of these projects, one project was approved in August 2024. We appreciate their continuous work on our permit applications.
- Yet, **construction permits remain on hold despite the ministerial nature of these projects.**

*This delay is not only inconsistent with state law but also directly contradicts the **streamlining intent of AB 133 and AB 172**. These projects are designed to provide critical housing and services for vulnerable and marginalized populations, including **native women** and **veterans**.*

Immediate Action Required

We request immediate confirmation that the statutory exemption is being applied according to law, and that the construction permits be issued without further delay.

Sincerely,

--

Patrick Prado

Chief Operating Officer, HomeCA Inc. (NPO)

Authorized Representative of Native Directions Inc.

patrickprado1@homeca.org

650-438-2861