



9/17/2025

Development Services
City of Rialto
150 S Palm Avenue
Rialto, CA 92376

ATTN: Cody Clark

Subject: Legalization of JADU unit constructed prior to January 1st, 2020, according to Government Code 66332

Project Location: 1443 North Riverside Avenue

Dear Cody Clark,

On August 21st, The City formally denied our request to legalize a JADU located at the subject project location. We respond to the City's denial and assertions as the city improperly denied the application pursuant to Government Code section 66332. Our response quotes the denial letter.

"After a thorough evaluation of the project and its components, your request is denied because property and the Junior Accessory Dwelling Unit (JADU) in question do not meet the eligibility requirements under Government Code section 66332."

We formally request all records related to the property located at 1443 North Riverside that the City has. We also request any records used in making the current determination.

"Our permit and records search confirms that the space in question was originally an enclosed patio constructed without permits prior to January 2020. However, you did not provide sufficient evidence to establish that a dwelling unit was constructed prior to January 1, 2020. On the contrary, we have determined that the conversion of this space into a JADU occurred

after January 2020. This determination is supported by photographic evidence, the timeline of ownership, prior code enforcement activity, structural modifications, and corroborating statements from the former tenant and Investor First Property Management. These records indicate the dwelling conversion occurred closer to 2023.”

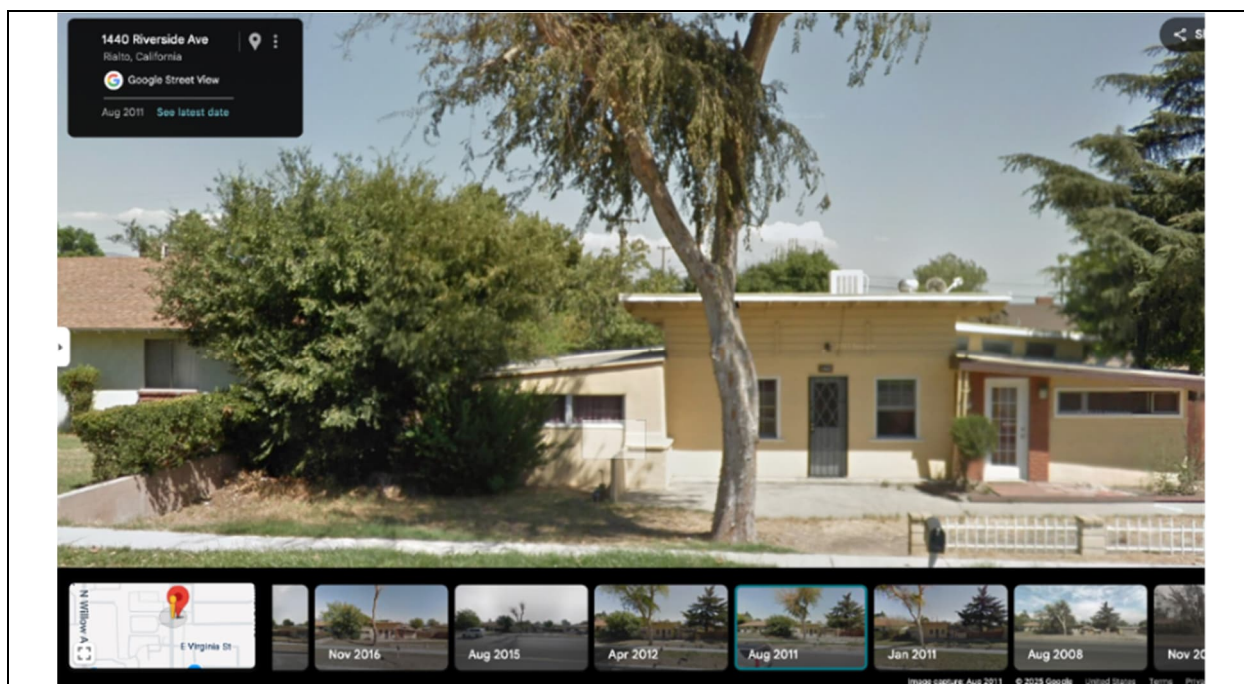
We formally request all records referenced or implied in this determination. The City is required to provide such documents. Because the City apparently already has these documents at its disposal, it should take very little time to provide copies. We can pay for any reasonable costs of reproduction as required by the California Public Records Act.

“Because the statute expressly limits eligibility to units constructed before January 1, 2020, the City has no authority to grant amnesty. Accordingly, your request under Government Code section 66332 is denied.”

While statute does limit the eligibility for unpermitted units, we present evidence that contradicts the City’s basis for denial.

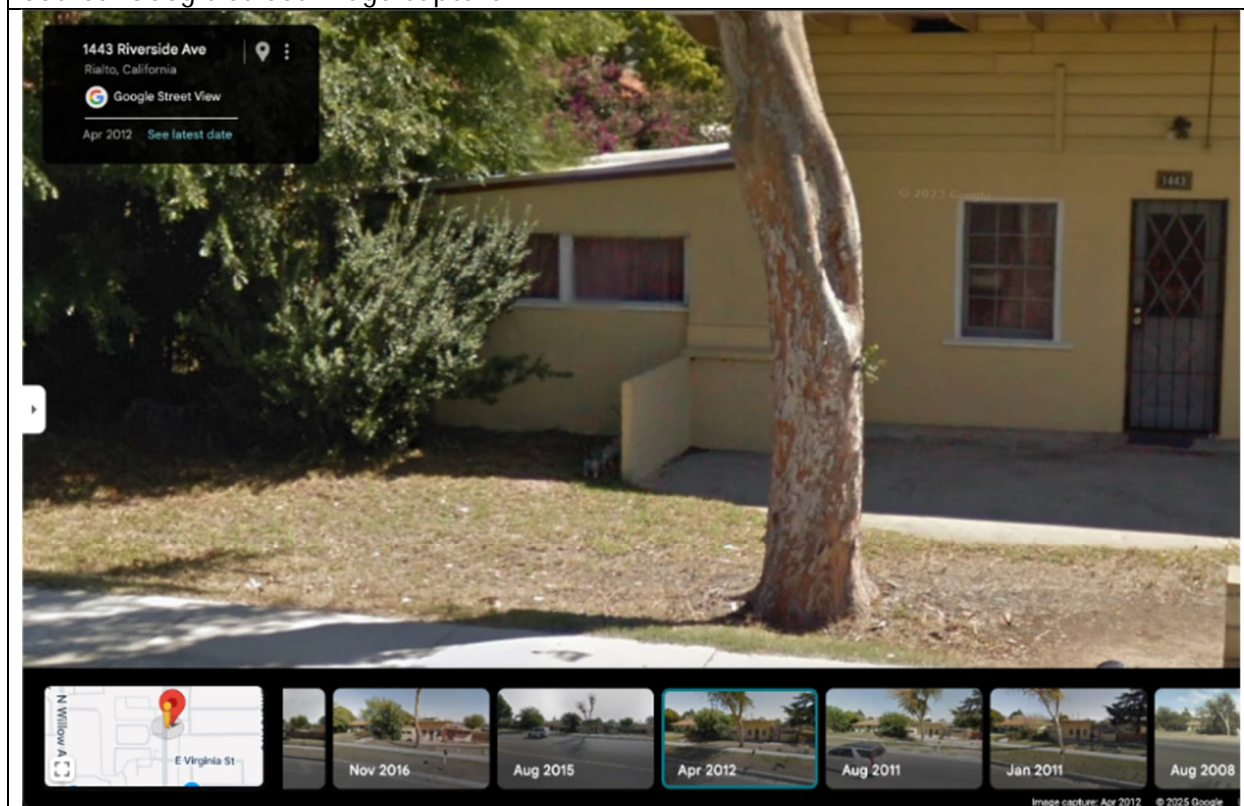
Regarding the City’s “prior code enforcement activity,” on March 25, 2025, Mr. Brandon Sanchez, the City’s counsel, indicated to our legal counsel regarding the indicated citation that, upon concluding electrical work (BLDG 25-0507) “The citation is cancelled. Thank you for your help in getting this issue resolved.” We believed this concluded the matter regarding the unpermitted work on the primary dwelling. Moreover, since we were making substantial repairs of conditions the City might have found substandard, we utilized our best “third party” judgment to mitigate and immediately correct any potential substandard conditions to the previous unpermitted ADU in good faith and without waiving the fact that the unit was constructed as a dwelling, and sense become in disrepair, prior to 2020. We merely acted to comply as the ADU amnesty law allows with property we acquired long after the unpermitted unit existed. §§ 66322(b); 66332 (d)(2), (f). Moreover, units qualifying for amnesty expressly cannot be denied even if they do not comply with current State ADU Law, local ordinances, or the building codes, unless the building is substandard. Therefore, we have the burden to show a ‘dwelling’ existed prior to 2020. Based on our documentary evidence obtained when we purchased the property and from additional records, we can clearly show a dwelling of some sort existed prior to 2020.

We provide clear and convincing Google Earth and photographic evidence showing the existence of an addition that served as a habitation prior to 2020. We request that the City re-review its determination.



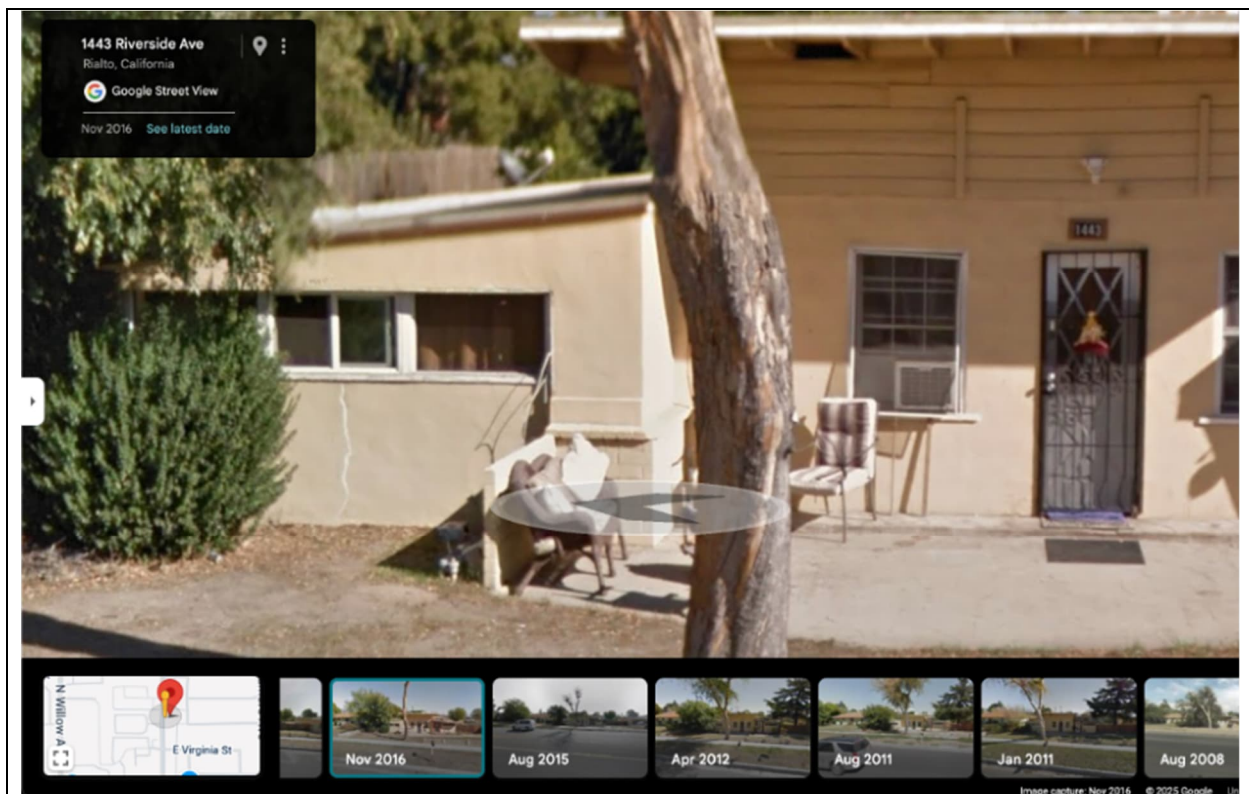
August 2011 clearly shows a room with windows and curtains in, the dwelling unit existed from at least this time.

Source: Google Street Image Capture

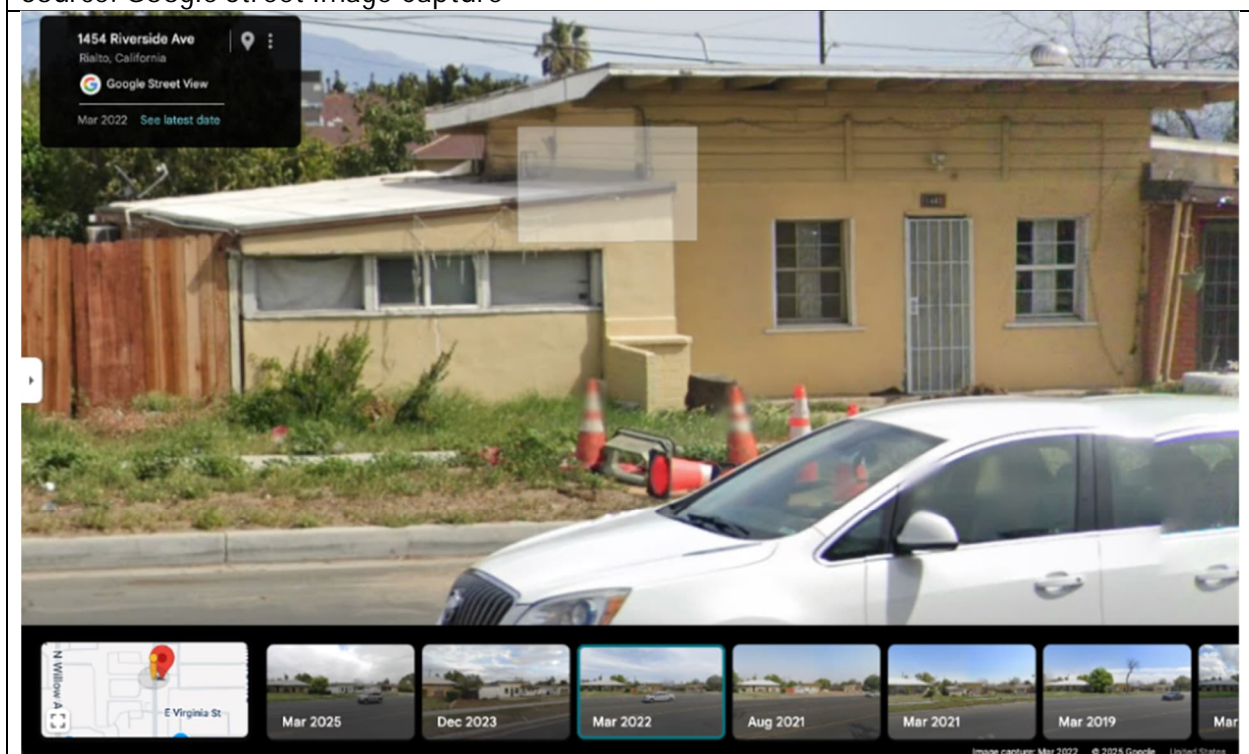


April 2012: Room with windows and curtains still present

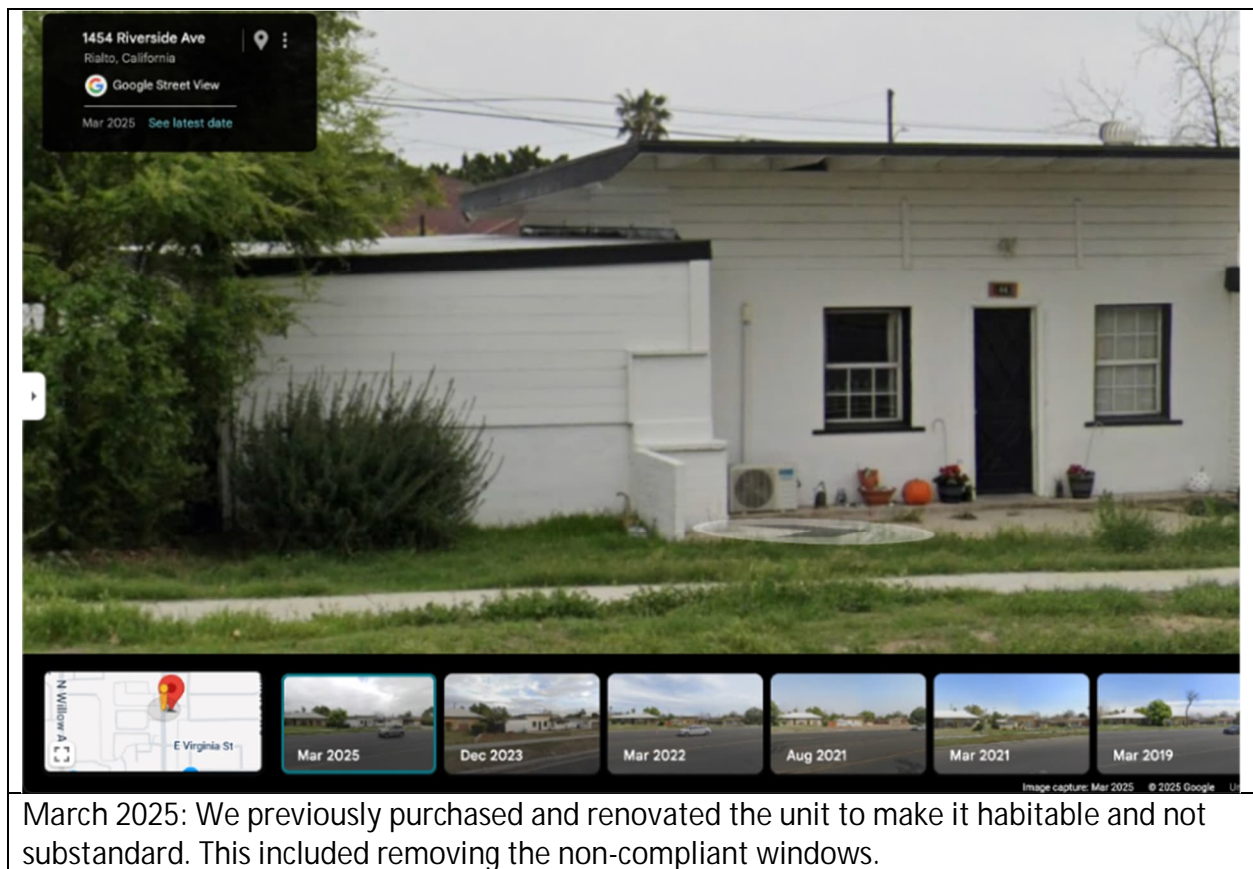
Source: Google Street Image Capture



November 2016: Modifications on windows, showing additional work to make habitable
Source: Google Street Image Capture



March 2022: Unpermitted addition still present, curtains removed, blocked out.
Source: Google Street Image Capture.



Critically, Governor Newsom’s office legitimizes our photographic methods in a recent Executive Order: “[...]ocal agencies may consider, but are not limited to using, prior building permits, certificates of occupancy, county accessor data, Coastal Commission records, photographic sources, such as Google Maps and Light Detection and Ranging (LiDAR), and any other reasonably available sources of information accessible to the local agency.” Executive Department, State of California. *Executive Order N-20-25: State Permitting and Housing Laws* (attested Feb. 2025), available at California Governor’s Office website (Feb. 2025).

“The primary dwelling has been converted into a duplex without the required permits.”

An unpermitted JADU and a primary dwelling do not equate to a duplex. The plain accessory nature of the unpermitted JADU is visually, architecturally, and its ultimate value is subordinate to the primary unit. No reasonable person would find the unpermitted unit in question to make the structure rise to a duplex/half plex arrangement, unless perhaps constructed as an SB 9 unit, which is not what is at application here.

"None of the units on the property are owner-occupied, which is a violation of Government Code section 66333(b)."

While owner occupancy for JADUs is generally required, first, it seems disingenuous that on the one hand you deny an existing unpermitted JADU exists, and with the other, claim there is a JADU consistent with section 66333(b) on the lot. We take this to further indicate the City's acknowledgement that a dwelling unit exists.

Second, subdivision (b) also states, "Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization." (Emphasis ours). The Housing Accountability Act, Gov. Code § 65589.5, defines a housing organization as: "a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project." Since we are an industry group whose members primary engage in construction and management of housing units, for such purposes we are a housing organization and therefore are exempt from the JADU owner-occupancy requirements. We remind the City that even if the JADU does not comply with Article 3 of the state's ADU law, it must still proceed to legalization. Finally, pending legislation – AB 1154 (2025) -- would exempt owner occupancy when the JADU otherwise meets the definition of an ADU when permitted. We find that it is the intent and spirit of the legislature to allow our unit to proceed under our development as a housing organization.

Conclusion

Based on the evidence submitted, the City cannot deny our unpermitted JADU for not complying with the entire zoning or building code, as well as for not meeting eligibility requirements under the state ADU legalization laws as amended in 2024 by AB 2533 (Carrillo). We also request several records that the city refers to but does not provide.

We request that the City reconsider our application. If the City will not reconsider our application, then we request the process to appeal the decision to the correct appeal body and further request information regarding the City's appeal process for building permits.

Sincerely,



Rob Ingram
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Middle Housing Partners
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