



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

JUNE 1, 2023

TO: Hearing Officer

FROM: Phillip Smith  
Subdivisions Section

**SUBJECT: Project No. RPZE2022006704  
Appeal of Final Zoning Enforcement Order  
HO Meeting: June 6, 2023  
Agenda Item: 5**

The Final Zoning Enforcement Order was issued for violation(s) of the conditions of approval of Housing Permit No. 201300009, associated with Tract Map No. 060358. Condition No. 21 required the permittee to enter into a covenant with the Los Angeles County Development Authority (LACDA) to set aside four dwelling units for initial sale to lower income households prior to issuance of a Certificate of Occupancy.

The purpose of the memo is to include the Notice of Appeal and the select email communications between the appellant preceding the issuance of the Recorded Errata, Draft covenant discussions and the discussions leading up to the Final Zoning Enforcement Order. This information was inadvertently not included with the exhibits attached to the previously provided staff report.

If you need further information, please contact Phillip Smith at (213) 974-6435 or [psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

JH:PS

Enclosure(s): Notice of Appeal, Email communications

# APPEAL OF FINAL ZONING ENFORCEMENT ORDER

May 22, 2023

ORCHID GLEN, LLC A CALIFORNIA LIMITED LIABILITY  
COMPANY

ATTN: JOHN ABELL  
148 W ORANGE STREET  
COVINA, CA 91723-2011

**Code Enforcement Case Number: RPZPE2022006704**

**Housing Permit Number: 201300009**

This is to inform you that we are in receipt of your e-mail regarding your request to appeal the Final Zoning Enforcement Order and noncompliance fee concerning Housing Permit Violation on the property known as 1236 Galemont Avenue Hacienda Heights, CA 91745. Your appeal will be considered before the Hearing Officer, in the Regional Planning Commission hearing room, Room 150, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012, on June 6, 2023.

You should attend the hearing to present your position with any additional documentation you may wish to provide. Failure to do so may be construed by the Hearing Officer as a waiver of your right to present further evidence.

The staff report concerning this case will be mailed to you at a later date. If you have any questions, please call the investigator for your case, Phillip Smith, at (213) 974-6433 Monday through Thursday before 10:00 a.m. You can also contact them via email at [psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov). Our offices are closed on Fridays.

Sincerely,

Amy J. Bodek, AICP  
Director,  
Regional Planning

Joshua Huntington  
Supervising Regional Planner  
Land Divisions

Case Number:  
RPZPE2022006704

APN:  
8218021900

Zone: R-1

Investigating Planner:  
Phillip Smith

Email:  
[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)

Phone Number:  
(213) 974-6433  
*Monday - Thursday*

Ref: RPZPE2022006704

# EXHIBIT E

**From:** [Mark Trinidad](#)  
**To:** [Marie A. Pavlovic](#); [Jan Limahelu](#); [Larry Newnam](#)  
**Cc:** [Joshua Huntington](#); [Connie Chung](#); [Tina Fung](#); [Carol Helou](#)  
**Subject:** RE: Orchid Glen Tract No 60358, Final Map clearances  
**Date:** Tuesday, May 14, 2019 3:46:16 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Hi Jan and Carol,

I'll be out of the office starting tomorrow.

Please let me know I can join in on a call later this week or portably on Monday (5/20).

Thank you.

Mark Trinidad

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**From:** Marie A. Pavlovic [mailto:[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)]  
**Sent:** Tuesday, May 14, 2019 3:38 PM  
**To:** Mark Trinidad <[Mark.Trinidad@lacdc.org](mailto:Mark.Trinidad@lacdc.org)>; Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>; Larry Newnam <[Larry.Newnam@lacdc.org](mailto:Larry.Newnam@lacdc.org)>  
**Cc:** Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Connie Chung <[cchung@planning.lacounty.gov](mailto:cchung@planning.lacounty.gov)>; Tina Fung <[tfung@planning.lacounty.gov](mailto:tfung@planning.lacounty.gov)>; Carol Helou <[ch@abellhelou.com](mailto:ch@abellhelou.com)>  
**Subject:** RE: Orchid Glen Tract No 60358, Final Map clearances  
Mark - a covenant has not recorded.  
Jan and Carol – please reach out to Mark Trinidad directly to initiate preparation of the covenant.  
Thanks,  
Marie

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**From:** Mark Trinidad [<mailto:Mark.Trinidad@lacdc.org>]  
**Sent:** Tuesday, May 14, 2019 3:23 PM  
**To:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>; Larry Newnam <[Larry.Newnam@lacdc.org](mailto:Larry.Newnam@lacdc.org)>  
**Cc:** Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Connie Chung <[cchung@planning.lacounty.gov](mailto:cchung@planning.lacounty.gov)>; Tina Fung <[tfung@planning.lacounty.gov](mailto:tfung@planning.lacounty.gov)>; Carol Helou <[ch@abellhelou.com](mailto:ch@abellhelou.com)>  
**Subject:** RE: Orchid Glen Tract No 60358, Final Map clearances  
Hi Marie,  
Good afternoon – The density bonus affordable covenant is a separate issue from the financing the applicant intends to utilize. I'll look back at my correspondence but I do not believe the covenant has been recorded for this project.  
We would require the applicant to identify how the density bonus covenant would conflict with any proposed financing. Also, I will confirm but I believe under the revised density bonus law there may be some guidance in terms of subordination.  
Thank you.  
Please Note: Our agency name and brand changes to the Los Angeles County Development Authority effective May 16, 2019.  
**MARK TRINIDAD**, Supervisor  
Housing Bonds & Asset Management Unit  
Community Development Commission/Housing Authority

# EXHIBIT E

of the County of Los Angeles  
700 W. Main St., Alhambra, CA 91801  
Phone: (626) 586-1803/Fax: (626) 943-3816  
[lacdc.org](http://lacdc.org) • [hacola.org](http://hacola.org)



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**From:** Marie A. Pavlovic [<mailto:mpavlovic@planning.lacounty.gov>]

**Sent:** Tuesday, May 14, 2019 2:49 PM

**To:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** Mark Trinidad <[Mark.Trinidad@lacdc.org](mailto:Mark.Trinidad@lacdc.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Connie Chung <[cchung@planning.lacounty.gov](mailto:cchung@planning.lacounty.gov)>; Tina Fung <[tfung@planning.lacounty.gov](mailto:tfung@planning.lacounty.gov)>; Carol Helou <[ch@abellhelou.com](mailto:ch@abellhelou.com)>

**Subject:** RE: Orchid Glen Tract No 60358, Final Map clearances

Hi Mark,

The project conditions require the applicant to enter into a covenant with your agency as is typical for a density bonus project (see attached conditions of approval). I received a call from Carol Helou who claims the standard covenant doesn't apply to this particular project because HUD money is going to be used toward the set-asides, and that a prior arrangement was worked out with CDC. If this is the case, would you be able to confirm the assertion?

Thank you,

**Marie Pavlovic**

Los Angeles County Department of Regional Planning  
Land Divisions Section  
320 W. Temple Street  
Los Angeles, CA 90012  
(213) 974-6433

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**From:** Jan Limahelu [<mailto:janl@abellhelou.com>]

**Sent:** Tuesday, May 14, 2019 2:32 PM

**To:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>

**Cc:** Mark Trinidad <[Mark.Trinidad@lacdc.org](mailto:Mark.Trinidad@lacdc.org)>

**Subject:** Orchid Glen Tract No 60358, Final Map clearances

Good Afternoon Marie,

Thank you for your response to our submittal regarding the Final Map clearance condition that we are required to meet for the 4 set aside units. Per your request, I have also included Mark Trinidad from CDC in this email.

We have discussed in length Condition #21 with Mark at CDC and on August 29, 2018 we have agreed to use the Home Ownership Program (HOP) to process the 4 set aside units and we have provided those guidelines to you.

This will fulfill Condition #21 per your email stating:

- **Condition #21** requires the subdivider to enter into a covenant with CDC setting aside four dwelling units for lower income households. Please reach out to Mark Trinidad at CDC to initiate preparation of a draft covenant (contact info is provided below). An

# EXHIBIT E

executed affordable housing covenant must be provided in order for DRP to clear the final map.

Should you have any questions please do not hesitate to let me know.

*Jan Limahelu*

*Abell Helou Homes, Inc*

*148 West Orange Street*

*Covina, Ca 91723*

*626-332-2033*

[janl@abellhelou.com](mailto:janl@abellhelou.com)

# EXHIBIT E

**From:** [Marie A. Pavlovic](#)  
**To:** [Mark Trinidad](#); [Joshua Huntington](#); [Elsa Rodriguez](#)  
**Cc:** [Ryan Mosley](#)  
**Subject:** RE: Orchid Glen Tract No 60358 - Density Bonus Covenant  
**Date:** Monday, July 8, 2019 9:11:01 AM  
**Attachments:** [RE Orchid Glen Tract 60358.msg](#)  
[image007.png](#)  
[image009.png](#)  
[image011.png](#)  
[image014.png](#)  
[image015.png](#)  
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[image024.png](#)  
[image026.png](#)  
[image027.png](#)  
[image029.png](#)  
[image031.png](#)  
[image032.png](#)

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Hi Mark,

They've misstated information. We will be issuing a Notice of Errata correcting the term length and when the Covenant must be recorded (prior to issuance of COO). Moving up execution of the COO is not something that can be done under an Administrative Permit, and the applicant has said that they will execute the covenant prior to issuance of the COO (previous correspondence regarding this matter is attached). Please let me know if there are any further concerns.

Thanks,

**Marie Pavlovic**

Los Angeles County Department of Regional Planning  
Land Divisions Section  
320 W. Temple Street  
Los Angeles, CA 90012  
(213) 974-6433

---

**From:** Mark Trinidad [mailto:[Mark.Trinidad@lacda.org](mailto:Mark.Trinidad@lacda.org)]

**Sent:** Wednesday, July 3, 2019 6:25 PM

**To:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Elsa Rodriguez <[ERodriguez@planning.lacounty.gov](mailto:ERodriguez@planning.lacounty.gov)>

**Cc:** Ryan Mosley <[Ryan.Mosley@lacda.org](mailto:Ryan.Mosley@lacda.org)>

**Subject:** RE: Orchid Glen Tract No 60358 - Density Bonus Covenant

Hi Marie, Josh and Elsa,

Good afternoon - I was on the phone w/ Carol Helou (Applicant) this afternoon and he expressed that he can't sell the affordable homes required by the density bonus. His price point of \$550,000 does not fall into the DRP Rent/Housing Cost Limits for Lower Income (80% AMI). He'll argue that the median income is incorrect, it's impossible to sell homes at this price point and/or try to talk his way out of the density bonus affordability requirement. Additionally, he is telling me DRP agreed to record the density bonus covenant (Covenant) after of Certificate of Occupancy. The current condition of approval states prior to final map approval and LACDA would request that remain. This ensures the Covenant run w/ the land and not be wiped out by a construction loan.

I told the Applicant I'm off till the 16<sup>th</sup> and can respond to any questions at that time.

Thank you.

# EXHIBIT E

Mark Trinidad, Supervisor

Housing Bonds and Asset Management  
Los Angeles County Development Authority  
700 West Main Street, Alhambra, CA 91801  
Phone: (626) 586-1803

[WWW.LACDA.ORG](http://WWW.LACDA.ORG)



**From:** Mark Trinidad

**Sent:** Wednesday, July 03, 2019 9:14 AM

**To:** Janice Limahelu ([janl@abellhelou.com](mailto:janl@abellhelou.com)) <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Ryan Mosley <[Ryan.Mosley@lacda.org](mailto:Ryan.Mosley@lacda.org)>; Elsa Rodriguez <[ERodriguez@planning.lacounty.gov](mailto:ERodriguez@planning.lacounty.gov)>

**Subject:** Orchid Glen Tract No 60358 - Density Bonus Covenant

Jan,

Good morning – Please find attached the current draft of the developer and purchaser covenants for Orchid Glen per County Counsel and your comments and edits. Upon your review and approval this should be the final draft before execute.

Here are the remaining items before we record.

1. Please confirm conventional debt (lender) agrees the Covenant shall be recorded in senior position
2. Please provide initial sales prices of the affordable set-aside units based on the 2019 income/housing cost limits (see attached Excel)
3. Forward to me any final comments or edits or send approval of the final form of the Covenant and Purchaser Covenant
4. Payment of \$15,000 for compliance monitoring to the LACDA

The initial sale price of \$550,000 does not meet the density bonus ordinance. Please see attached Excel which you can utilize to include the project assumptions.

I'm off next week and will return on July 16<sup>th</sup>.

Please let me know if you wish to speak today. I'm free after 5pm.

Thank you.

Mark Trinidad, Supervisor

Housing Bonds and Asset Management  
Los Angeles County Development Authority  
700 West Main Street, Alhambra, CA 91801  
Phone: (626) 586-1803

[WWW.LACDA.ORG](http://WWW.LACDA.ORG)



# EXHIBIT E



**From:** Mark Trinidad

**Sent:** Thursday, June 06, 2019 8:53 AM

**To:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Ryan Mosley <[Ryan.Mosley@lacda.org](mailto:Ryan.Mosley@lacda.org)>; Elsa Rodriguez <[ERodriguez@planning.lacounty.gov](mailto:ERodriguez@planning.lacounty.gov)>

**Subject:** RE: Orchid Glen Tract No 60358 - Density Bonus Covenant

Hi Jan,

Good morning – Finally, below is a list of due diligence items the LACDA will need in order to finalize, execute and record the density bonus covenant (Covenant) for Orchid Glen.

1. Project site plan of identifying affordable set-aside units
2. Confirm conventional debt (lender) agrees the Covenant shall be recorded in senior position
3. Provide initial sales prices of the affordable set-aside units based on the 2019 income/housing cost limits (attached)
4. Project legal description and affordable set-aside addresses
5. Final comments and Applicant approval of the final form of the Covenant and Purchaser Covenant
6. Payment of \$15,000 for compliance monitoring to the LACDA (see attached invoice)

Thank you.

**Mark Trinidad, Supervisor**

Housing Bonds and Asset Management

Los Angeles County Development Authority

700 West Main Street, Alhambra, CA 91801

Phone: (626) 586-1803

[WWW.LACDA.ORG](http://WWW.LACDA.ORG)



**From:** Mark Trinidad

**Sent:** Thursday, June 06, 2019 8:25 AM

**To:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Ryan Mosley <[Ryan.Mosley@lacda.org](mailto:Ryan.Mosley@lacda.org)>

**Subject:** RE: Orchid Glen Tract No 60358 - Density Bonus Covenant

Hi Jan,

Good morning – To keep on the same email thread I'm attaching the draft density bonus purchaser covenant.



# EXHIBIT E

Please note, this is a draft form and LACDA reserves the right to revise upon initial sale of the density bonus set-aside unit.

Please forward to me any comments.

Thank you.

Mark Trinidad, Supervisor

Housing Bonds and Asset Management

Los Angeles County Development Authority

700 West Main Street, Alhambra, CA 91801

Phone: (626) 586-1803

[WWW.LACDA.ORG](http://WWW.LACDA.ORG)



---

**From:** Mark Trinidad

**Sent:** Thursday, May 23, 2019 5:29 PM

**To:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Ryan Mosley <[Ryan.Mosley@lacda.org](mailto:Ryan.Mosley@lacda.org)>

**Subject:** RE: Orchid Glen Tract No 60358 - Density Bonus Covenant

Hi Jan,

Good afternoon – I've attached the working draft of the density bonus covenant (Covenant) for Orchid Glen for you review. Please review and complete the Section 2. Notices section, signature block and forward any edits or comments to me.

The Covenant shall be senior to any and all existing loans on Title thus please forward to me the project site APN, legal description and preliminary title report.

This is a working draft hence the LACDA reserves the right to request additional information and make revisions as needed.

Thank you.

Mark Trinidad, Supervisor

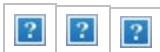
Housing Bonds and Asset Management

Los Angeles County Development Authority

700 West Main Street, Alhambra, CA 91801

Phone: (626) 586-1803

[WWW.LACDA.ORG](http://WWW.LACDA.ORG)



---

**From:** Jan Limahelu [<mailto:janl@abellhelou.com>]

**Sent:** Wednesday, May 15, 2019 2:53 PM

# EXHIBIT E

**To:** Mark Trinidad <[Mark.Trinidad@lacdc.org](mailto:Mark.Trinidad@lacdc.org)>

**Cc:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Ryan Mosley <[Ryan.Mosley@lacdc.org](mailto:Ryan.Mosley@lacdc.org)>

**Subject:** FW: Orchid Glen Tract No 60358 - Density Bonus Covenant

Hi Mark,

Thank you for sending this to us so quickly. Please see the information you need below in red. I have also attached Legal Descriptions for the designated affordable lots.

Please contact Carol at 949-278-7829 if you have any questions and please contact me before Monday and confirm that you have everything that you need.

Sincerely,

*Jan Limahelu*

*Abell Helou Homes, Inc*

*148 West Orange Street*

*Covina, Ca 91723*

*626-332-2033*

*[janl@abellhelou.com](mailto:janl@abellhelou.com)*

---

**From:** Mark Trinidad <[Mark.Trinidad@lacdc.org](mailto:Mark.Trinidad@lacdc.org)>

**Sent:** Tuesday, May 14, 2019 5:32 PM

**To:** Carol Helou <[ch@abellhelou.com](mailto:ch@abellhelou.com)>; Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** Marie A. Pavlovic <[mpavlovic@planning.lacounty.gov](mailto:mpavlovic@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Ryan Mosley <[Ryan.Mosley@lacdc.org](mailto:Ryan.Mosley@lacdc.org)>

**Subject:** Orchid Glen Tract No 60358 - Density Bonus Covenant

Here's what we need for the draft covenant, please forward to me the following information.

1. Project Name: **Orchid Glen**
2. Owner entity name/LP: **Orchid Glen, LLC**
3. Project Site Address: **1244 Galemont Ave., Hacienda Heights, Ca 91745**
4. APN: **The County will provide the APN's after the Final Map has recorded**
5. Legal description for project site (but we'll need the legal description for each affordable home as well) **I have attached the legal descriptions for the individual lots, but until the Final Map records we will not have a Legal Description for the site.**
6. Owner entity signature block: **ORCHID GLEN LLC ORCHID GLEN LLC**

**X** \_\_\_\_\_

**x** \_\_\_\_\_

**By: Abell Helou Homes, Inc By: Al-Helou Development Company**

**its: Member, John B Abell IV, President its: Member, Carol G Helou, President**

7. DRP entitlement project numbers (Tract map, CUP, Housing Permit):  
**Tract No 060358**  
**Housing Permit No. 201300009**
8. DRP/RPC approval date of entitlements: **August 31, 2016**
9. Identify Density Bonus Unit address or location **The addresses will not be assigned by the County until after the Final Map has recorded. The Lot numbers are 8, 15, 17 & 22**
10. Unit type (1, 2, 3 bedroom) **4 Bedrooms**
11. Identify total square footage of each Unit

# EXHIBIT E

Lot 8 is Plan 601, the sq ftg of the home is: 1,787  
Lot 15 is Plan 601, the sq ftg of the home is: 1,787  
Lot 17 is Plan 701, the sq ftg of the home is: 1,795  
Lot 22 is Plan 501 the sq ftg of the home is: 1,799

Before we record it we'll need a preliminary title report to review and confirm the covenant will be senior position or ahead of any loans and/or liens. I'll likely need more information but this will get me started on the draft.

I'm looping in Ryan Mosley as well. He is an Analyst in our Unit and works on density bonus projects. Finally, I'm out of the office starting tomorrow but if you provide me with the information above by Monday (5/20) I should be able to get out a draft to you late next week.

Thank you.

**MARK TRINIDAD**, Supervisor  
Housing Bonds & Asset Management Unit  
Community Development Commission/Housing Authority  
of the County of Los Angeles  
700 W. Main St., Alhambra, CA 91801  
Phone: (626) 586-1803/Fax: (626) 943-3816

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# EXHIBIT E

## Phillip Smith

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**From:** Joshua Huntington  
**Sent:** Monday, September 19, 2022 11:33 AM  
**To:** Phillip Smith  
**Cc:** Marie A. Pavlovic  
**Subject:** FW: Orchid Glen Tract 60358  
**Attachments:** DBHOP Intake Form.xlsx; LACDA Affordable Sales Price Calculator - August 2022\_v4.xlsx

FYI – please review the email below. Thank you!

**JOSHUA HUNTINGTON, AICP** (he/him/his)  
**SUPERVISING PLANNER, Subdivisions**

---

**From:** Liz Bieber <Liz.Bieber@lacda.org>  
**Sent:** Monday, September 19, 2022 11:31 AM  
**To:** Joshua Huntington <jhuntington@planning.lacounty.gov>; Marie A. Pavlovic <mpavlovic@planning.lacounty.gov>  
**Subject:** FW: Orchid Glen Tract 60358

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**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers  
Housing Investment & Finance Division  
Los Angeles County Development Authority  
Office: 626.586.1816  
Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)



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**From:** Liz Bieber  
**Sent:** Thursday, September 8, 2022 6:34 PM  
**To:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>; Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>  
**Cc:** Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>  
**Subject:** RE: Orchid Glen Tract 60358

Hi Jan,

I hope you had a nice Labor Day weekend as well. Thank you for reaching out, and I hope that we can provide some clarification.

Any sale of the Orchid Glen units must be executed through LACDA's Density Bonus Homeownership Program, because your project previously benefitted from a density bonus. Your team should have already recorded a Master Affordability Covenant prior to final map recordation, which would have encumbered the restricted units' parcels.

# EXHIBIT E

However, because you did not record a Master Affordability Covenant and your project has already been subdivided, you must now record affordability covenants for each individual restricted parcel, i.e. for each of your four housing units. This is a requirement of the Program before we can assist you with the unit sales. Please see the attached DBHOP Intake Form which explains the key steps for our program, and please fill out the Form and return it to us to start this process. Once we receive your completed Form you can begin working on your Affordability Covenants with Andrew.

After your covenants are recorded, we can work with you to process your units for sale. The first step is to use the attached Affordable Sales Price calculator to determine the affordable sales price (the amount that you would receive) upon sale. We would be happy to walk you through the calculator. Since we have emailed about the affordable sales prices before, I would like to provide an update that we consulted outside counsel regarding your previous discussions in 2019 with Mark Trinidad about our program. None of the email exchanges that you have shared with us between yourself and Mark Trinidad are relevant for our program today; the emails are over three years old; use outdated and incorrect numbers; and occurred during a time when LACDA did not have an established Density Bonus Homeownership Program.

Additionally, as we previously explained to Carol, your project is not eligible for our HOP Program. You can imagine our surprise when we received your units for processing after we clarified this with you. The HOP Program allows for income eligible buyers to receive down payment assistance when purchasing homes from the private market. Your project is encumbered by the requirements of the Density Bonus Program because you previously received the Density Bonus from LA County; we would therefore not be willing to provide additional financing for units that should already be sold at an affordable price to low-income homebuyers. As we previously discussed, the anticipated affordable sales prices for your units will be much lower than HOP's \$585K. And as previously mentioned, your units must first be covenanted before they can be sold.

Lastly, we have alerted our colleagues at the Department of Regional Planning that you did not fulfill your conditions of approval, and are in violation of the zoning code. Because you have not yet recorded your affordability covenants your project is technically still under DRP's oversight. If you would like to get ahead of potential enforcement by DRP by recording your affordability covenants, we would be happy to start that process with you.

Thank you,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)



---

**From:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Sent:** Wednesday, September 7, 2022 3:33 PM

**To:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>

# EXHIBIT E

**Cc:** Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>

**Subject:** RE: Orchid Glen Tract 60358

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Good afternoon Liz,

I hope you had a nice Labor Day weekend.

I just wanted to follow up to see if you have any news for us and to let you know that we have worked with the lender, and they have extended the interest rate and approval on the 2 buyers we have. Lot 15 (1276 Galemont Ave) has been extended until 9/23/22 and Lot 8 (1254 Galemont Ave) has been extended until 9/25/2022.

We are all, including the home buyers, anxious to move forward and close those transactions.

We thank you in advance.

Regards,

*Jan Limahelu*  
*Abell Helou Homes, Inc*  
*148 W. Orange Street*  
*Covina, CA 91723*  
*626-332-2033*  
[janl@abellhelou.com](mailto:janl@abellhelou.com)

---

**From:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>

**Sent:** Tuesday, August 30, 2022 9:19 AM

**To:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>; Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>

**Cc:** Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>

**Subject:** RE: Orchid Glen Tract 60358

Hi Jan,

Thank you for following up. We did receive your earlier email and are discussing it internally. We hope to get back to you with a response soon.

Thank you,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)

# EXHIBIT E



---

**From:** Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>  
**Sent:** Tuesday, August 30, 2022 9:06 AM  
**To:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>  
**Cc:** Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>  
**Subject:** RE: Orchid Glen Tract 60358

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Good Morning All,

Just a follow up to see if you have any questions regarding the email below sent on 8/16/22.

Regards,

*Jan Limahelu*  
*Abell Helou Homes, Inc*  
*148 W. Orange Street*  
*Covina, CA 91723*  
*626-332-2033*  
[janl@abellhelou.com](mailto:janl@abellhelou.com)

---

**From:** Jan Limahelu  
**Sent:** Tuesday, August 16, 2022 3:30 PM  
**To:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>  
**Cc:** Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>  
**Subject:** Orchid Glen Tract 60358

Good Afternoon Liz,

As you discussed with Carol Helou on 6/16/22 we have been dealing with the four affordable homes with LACDA since 2018. From the beginning we always indicated to LACDA that the state guidelines do not work, and we cannot use them to qualify buyers.

As a matter of fact, in similar circumstances in the past with LACDA, where state funds were used to provide affordable homes at 80% or below of the medium income and using the same section of the covenant with the same state guideline qualifications, it did not work when they tried to implement it. What LACDA found was that when they used state funds (i.e.. City of Industry funds) the only way they could make it work was by adding a small percentage of federal funds that allowed them to override state guidelines and use federal guidelines to qualify home buyers (guidelines such as AHOP & HOP). If Los Angeles County-LACDA was able to find a way around the state guidelines to make the program work to qualify buyers at 80% or below of the median income, then it should be allowed for us to do

## EXHIBIT E

the same and use the HOP program and federal guidelines to override the state guidelines. That has been our discussion since 2018 and I have attached an email from Mark Trinidad from 2018 stating we would be allowed to do so.

We have talked and discussed all of this and since we haven't heard back from you, when HOP funds became available again, we were able to have 2 applicants apply. The buyers were approved but were then told that the homes did not qualify, and the loans were denied. This is what we have been discussing and repeatedly telling LACDA since 2018, that this is the only way this will work.

We have tried since the homes were completed to qualify applicants with HOP funds and the issues we encountered last year and early this year was that no applicant was interested in the affordable restrictions. We believe the reason was the low interest rate available at that time and the lack of interest in the restrictions and shared appreciation. Now that the interest rate has gone up, we were able to find 2 affordable buyers who were willing to accept the HOP restrictions and qualify for the homes and now we are being told that again we are being blocked from closing these homes.

This has been a huge burden and problem on everyone involved that we brought up years before and made very respectably clear in the past and LACDA is aware of it based on their experience.

We have been trying diligently since the beginning (for years) and we were very clear from the beginning that the state guidelines did not work alone. The current state of affairs bears this out. We need you to help move toward a solution that will put these 2 families into these affordable homes.

*Jan Limahelu*  
*Abell Helou Homes, Inc*  
*148 W. Orange Street*  
*Covina, CA 91723*  
*626-332-2033*  
[janl@abellhelou.com](mailto:janl@abellhelou.com)



# EXHIBIT E

## Phillip Smith

---

**From:** Andrew Miller <Andrew.Miller@lacda.org>  
**Sent:** Tuesday, September 20, 2022 11:38 AM  
**To:** Joshua Huntington; (LACDA) Liz Bieber  
**Cc:** Phillip Smith  
**Subject:** RE: TR060538

Hi Josh,

Thanks very much for reaching out.

We have not been contacted by John Abell. I'm not sure if Jonathan spoke to someone else but neither Liz nor I have been in touch with him.

Yes, you are correct – the developer attempted to sell the properties through our Home Ownership Program (HOP) that provides up to \$85K in down payment assistance to households earning no more than 80% AMI. Notably, the developer attempted to do this despite Liz instructing him that this was not acceptable and notifying them that Liz herself oversees the program.

Based on what our HOP staff has on file in the Purchase Agreement for these units, Raymond Castro Realty Group executed the documents.

Please let me know if you have any other questions or would like to discuss anything further.

Thanks so much,

Andrew

### **Andrew Miller, Housing Policy & Programs Analyst**

Pronouns: he/him/his

Housing Investment and Finance Division

Los Angeles County Development Authority

700 West Main Street

Alhambra, CA 91801

Phone: (626) 586-1897

[www.lacda.org](http://www.lacda.org)



---

**From:** Joshua Huntington <jhuntington@planning.lacounty.gov>  
**Sent:** Tuesday, September 20, 2022 10:57 AM  
**To:** Andrew Miller <Andrew.Miller@lacda.org>; Liz Bieber <Liz.Bieber@lacda.org>

# EXHIBIT E

Cc: Phillip Smith <psmith@planning.lacounty.gov>

Subject: TR060538

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Dear Liz and Andrew,

Jonathan Lam from Building and Safety told us that you were meeting with John Abell today. Did you meet with him? If so, how did that go?

Also, I think you said that the developer tried to post the four properties for sale as part of one of LACDA's programs. Am I getting that right? If so, who was the real estate agent who posted the listings for the four lots?

Thank you,

Josh

**JOSHUA HUNTINGTON, AICP** (he/him/his)

**SUPERVISING PLANNER, Subdivisions**

# EXHIBIT E

## Phillip Smith

---

**From:** Andrew Miller <Andrew.Miller@lacda.org>  
**Sent:** Tuesday, September 20, 2022 11:38 AM  
**To:** Joshua Huntington; (LACDA) Liz Bieber  
**Cc:** Phillip Smith  
**Subject:** RE: TR060538

Hi Josh,

Thanks very much for reaching out.

We have not been contacted by John Abell. I'm not sure if Jonathan spoke to someone else but neither Liz nor I have been in touch with him.

Yes, you are correct – the developer attempted to sell the properties through our Home Ownership Program (HOP) that provides up to \$85K in down payment assistance to households earning no more than 80% AMI. Notably, the developer attempted to do this despite Liz instructing him that this was not acceptable and notifying them that Liz herself oversees the program.

Based on what our HOP staff has on file in the Purchase Agreement for these units, Raymond Castro Realty Group executed the documents.

Please let me know if you have any other questions or would like to discuss anything further.

Thanks so much,

Andrew

### **Andrew Miller, Housing Policy & Programs Analyst**

Pronouns: he/him/his

Housing Investment and Finance Division

Los Angeles County Development Authority

700 West Main Street

Alhambra, CA 91801

Phone: (626) 586-1897

[www.lacda.org](http://www.lacda.org)



---

**From:** Joshua Huntington <jhuntington@planning.lacounty.gov>  
**Sent:** Tuesday, September 20, 2022 10:57 AM  
**To:** Andrew Miller <Andrew.Miller@lacda.org>; Liz Bieber <Liz.Bieber@lacda.org>

# EXHIBIT E

Cc: Phillip Smith <psmith@planning.lacounty.gov>

Subject: TR060538

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Dear Liz and Andrew,

Jonathan Lam from Building and Safety told us that you were meeting with John Abell today. Did you meet with him? If so, how did that go?

Also, I think you said that the developer tried to post the four properties for sale as part of one of LACDA's programs. Am I getting that right? If so, who was the real estate agent who posted the listings for the four lots?

Thank you,

Josh

**JOSHUA HUNTINGTON, AICP** (he/him/his)

**SUPERVISING PLANNER, Subdivisions**

# EXHIBIT E

## Phillip Smith

---

**From:** John Abell <johna@abellhelou.com>  
**Sent:** Thursday, September 29, 2022 3:33 PM  
**To:** (LACDA) Liz Bieber; Phillip Smith; (LACDA) Lynn Katano  
**Cc:** (LACDA) Andrew Miller; Joshua Huntington  
**Subject:** RE: 9/26/22 Meeting Recap  
**Attachments:** Copy of DBHOP Intake Form.xlsx

**CAUTION:** External Email. Proceed Responsibly.

Please see attached Intake Form.

Regards,

John Abell

---

**From:** Liz Bieber <Liz.Bieber@lacda.org>  
**Sent:** Wednesday, September 28, 2022 3:19 PM  
**To:** John Abell <johna@abellhelou.com>; Phillip Smith <psmith@planning.lacounty.gov>; Lynn Katano <Lynn.Katano@lacda.org>  
**Cc:** Andrew Miller <Andrew.Miller@lacda.org>; Joshua Huntington <jhuntington@planning.lacounty.gov>  
**Subject:** RE: 9/26/22 Meeting Recap

Hi John,

This will be a meeting over Microsoft Teams, Andrew will send the calendar invitation. Now that you are aware of the purpose of this intake form it would be much appreciated if you could fill it out and submit it to us. It would start us off on the right foot.

Thank you,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)



---

**From:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>  
**Sent:** Wednesday, September 28, 2022 2:47 PM

# EXHIBIT E

**To:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>; Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>  
**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>  
**Subject:** RE: 9/26/22 Meeting Recap

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Hi Liz,

The meeting at 1:00PM on Monday will work for us. Is this in person or a conference call?

I wish we had known about the standardization effort, we would have liked to contribute. Since our project was completed it appeared we were being asked to start over.

Thank you,

John

---

**From:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>  
**Sent:** Wednesday, September 28, 2022 1:22 PM  
**To:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>; Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>  
**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>  
**Subject:** RE: 9/26/22 Meeting Recap

Hi John,

There are many developers in our pipeline who have been working with us for several years, whose projects are complete, who are willing to help us with our standardization of the Density Bonus Program. It is for the developers and their project's benefit that we request all project information in one place so that we can successfully keep track of all of our projects. You are the only developer who has refused to fill out a simple form so that we can have the correct information on file.

We will take our staff time to fill out this form on your behalf.

We will schedule the kick-off meeting for Monday at 1PM if you are available. Unfortunately that is the only slot I have open before I go on vacation. Otherwise we can schedule a meeting for mid-to-late October.

Thank you,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)



# EXHIBIT E



---

**From:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>  
**Sent:** Wednesday, September 28, 2022 1:06 PM  
**To:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>; Lynn Katano <[Lynn.Katano@lacda.org](mailto:Lynn.Katano@lacda.org)>  
**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>  
**Subject:** RE: 9/26/22 Meeting Recap

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Good afternoon,

As I have repeatedly advised, the form does not apply at this point as the project is completed, there is nothing to “kick-off”. Most urgent as all are aware and has been discussed, is that the covenant, that was approved by all parties, be recorded. Unless you indicate otherwise there are only a few dates that need to be changed and it can be recorded. To continually request a form that does not apply simply does not make sense. Abell-Helou Homes, Inc. (Orchid Glen LLC) is ready to meet immediately, the continual request for a form for a completed project, a form that did not exist when the project was performed, simply does not make sense.

Let me know when ready to meet. Thank you.

Regards,

John Abell

---

**From:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>  
**Sent:** Wednesday, September 28, 2022 8:48 AM  
**To:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>  
**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>  
**Subject:** RE: 9/26/22 Meeting Recap

Hi John,

Please submit a completed intake form so that we have it on file before we schedule the kick-off meeting.

Thank you,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

# EXHIBIT E

Cell: 626.673.7599

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---

**From:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>

**Sent:** Tuesday, September 27, 2022 4:37 PM

**To:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>

**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>

**Subject:** RE: 9/26/22 Meeting Recap

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Liz,

We are requesting the meeting to finalize the covenant but not to complete a form that did not exist when the project was approved and does not appear appropriate at this point, especially with all necessary information provided, but parties need to meet in person to discuss.

Regards,

John Abell

---

**From:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>

**Sent:** Tuesday, September 27, 2022 4:23 PM

**To:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>

**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>

**Subject:** RE: 9/26/22 Meeting Recap

John,

Please fill out the form as provided with your information and return the form to us.

Thank you,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)





# EXHIBIT E



**From:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>  
**Sent:** Tuesday, September 27, 2022 4:20 PM  
**To:** Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>; Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>  
**Cc:** Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>  
**Subject:** RE: 9/26/22 Meeting Recap

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

The information requested is:

Owner/Developer: Orchid Glen LLC  
Contact: John B Abell  
626-332-2033  
[johna@abellhelou.com](mailto:johna@abellhelou.com)  
Project Name: Orchid Glen  
Addresses: 1254 Galemont Ave, Hacienda Heights, Ca  
1276 " "  
1284 " "  
1271 " "  
APN's: 8218-008-022, 029, 031 & 036  
Type: SFR  
Affordable units: 4  
Unit # Lot 8  
Size: 1,787 sq ft  
Unit #: Lot 15  
Size: 1,787 sq ft  
Unit #: Lot 17  
Size: 1,795 sq ft  
Unit #: Lot 22  
Size: 1,799 sq ft  
Income Level on all  
4 units : 80%  
Type on all 4 units: SFR

Looking forward to meeting you.

Regards,

John Abell

**From:** Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>  
**Sent:** Tuesday, September 27, 2022 1:01 PM  
**To:** (LACDA) Liz Bieber <[EBIE4459@lacda.org](mailto:EBIE4459@lacda.org)>; John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>  
**Cc:** (LACDA) Andrew Miller <[AMIL4346@lacda.org](mailto:AMIL4346@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>  
**Subject:** RE: 9/26/22 Meeting Recap

# EXHIBIT E

Thank you Liz,

John, If you can get the minimum information submitted to Liz and Andrew by the close of business today we can maintain the timeline we established yesterday. The gaps in information you referred to can be filled in at a later point in time.

**PHILLIP SMITH** (he/him/his)

**SENIOR PLANNER, Subdivisions**

---

**From:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>

**Sent:** Tuesday, September 27, 2022 12:39 PM

**To:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>; Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>

**Cc:** (LACDA) Andrew Miller <[AMIL4346@lacda.org](mailto:AMIL4346@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>

**Subject:** RE: 9/26/22 Meeting Recap

Hi John,

Please fill out the top section of the form (with your project information, contact information and unit sizes and affordability mix). We can fill out the timeline and checklist together at the kick-off meeting.

As soon as we receive the form back we can schedule the meeting—as I mentioned I'm out on vacation beginning next Tuesday for two weeks, so we are tight on time to get this started.

Thanks,

Liz

---

**Liz Bieber | Manager, Housing Strategies**

Pronouns: she, her, hers

Housing Investment & Finance Division

Los Angeles County Development Authority

Office: 626.586.1816

Cell: 626.673.7599

[www.lacda.org](http://www.lacda.org)



---

**From:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>

**Sent:** Tuesday, September 27, 2022 12:35 PM

**To:** Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>

**Cc:** Liz Bieber <[Liz.Bieber@lacda.org](mailto:Liz.Bieber@lacda.org)>; Andrew Miller <[Andrew.Miller@lacda.org](mailto:Andrew.Miller@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>

**Subject:** RE: 9/26/22 Meeting Recap

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# EXHIBIT E

Hi Phillip,

I have reviewed the LACDA Intake Form since yesterday when we spoke. The problem with attempting the complete the form is that it fails to recognize that this is a completed project so the questions and timeline by their very nature have already passed based the previous agreement and covenants with LACDA. As a result, I have been unsuccessful in completing the form in its current form.

The form is for a guideline for a new project. Our development, including the four affordable homes, has been completed since January of this year and was started years ago and completed based on the agreements with LADCA. Additionally, as all are well aware we have a covenant that was approved by both LACDA and Abell Helou Homes, Inc (representing member of Orchid Glen LLC).

Completing the provided form is simply not possible as it is a timeline that has already been completed and accordingly, we cannot acknowledge because it in no way applies to our development, which I will reiterate has been completed for nine months and start years prior.

If there is a way I can fill out this form that makes sense, based on the current dynamics of our development, I welcome the help, but the form needs to acknowledge the steps that have already completed, including but not limited to, completion of construction, set aside of 4 affordable homes and at this point what is needed to finalize the covenant to record regarding the 4 affordable homes in the development.

I think it would be best to sit down with LACDA as soon as possible to work out a solution.

In the meantime, Abell Helou Homes will continue to cooperate with Regional Planning and LACDA to record an acceptable covenant. If desired Abell Helou Homes, Inc (representing member of Orchid Glen LLC) will work with LACDA to withdraw the Certificate of Occupancies of the four affordable restricted homes until the final covenant for those homes is recorded.

Please get back to me as soon as possible as we need to get this taken care of.

Respectfully,

John Abell  
Abell Helou Homes, Inc  
Member, Orchid Glen LLC

---

**From:** Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>

**Sent:** Monday, September 26, 2022 1:38 PM

**To:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>; Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Cc:** (LACDA) Liz Bieber <[EBIE4459@lacda.org](mailto:EBIE4459@lacda.org)>; (LACDA) Andrew Miller <[AMIL4346@lacda.org](mailto:AMIL4346@lacda.org)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>

**Subject:** 9/26/22 Meeting Recap

Good Afternoon all,

I want to thank all of you for taking the time to discuss a plan of action and timeline going forward. For the sake of consistency and clarity please respond directly to this email chain going forward. To briefly recap Mr. Abell and his group have agreed to submit their intake form to LACDA to record a new covenant by Tuesday, 9/27/2022. If submitted correctly LACDA staff will organize a kick off meeting on Wednesday, 9/28/2022 (pending availability). Again thank you

## EXHIBIT E

for your time and should the need arise for another call please let me know and I can go ahead and coordinate with everyone.

**PHILLIP SMITH** (he/him/his)

**SENIOR PLANNER, Subdivisions**

Office: (213) 974-6433 • Direct: (213) 893-7069

Email: [psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)

Los Angeles County Department of Regional Planning  
320 West Temple Street, 13<sup>th</sup> Floor, Los Angeles, CA 90012  
[planning.lacounty.gov](http://planning.lacounty.gov)



*Our [field offices](#) are currently open to the public. Please visit [planning.lacounty.gov](http://planning.lacounty.gov) for information about available services, public meeting schedules, and planning projects.*

# EXHIBIT E

## Phillip Smith

---

**From:** Andrew Miller <Andrew.Miller@lacda.org>  
**Sent:** Thursday, November 17, 2022 5:27 PM  
**To:** Phillip Smith; Joshua Huntington  
**Cc:** (LACDA) Liz Bieber; Paulina Safarian  
**Subject:** FW: Orchid Glen Covenants  
**Attachments:** Orchid Glen Density Bonus HomeOwnership Developer Covenant 07-25-2019\_Final.doc; Orchid Glen\_Master Covenant\_9.30.22 - DRAFT.docx

Hi Josh and Phillip,

I hope you're both well.

As we've shared with you previously, we have discussed these issues with the applicant *ad nauseam*. Since the applicant has failed to fulfill the conditions of approval for the project and is in violation of the zoning code, we hope that you can compel compliance.

To assist in your assessment of the situation, the following addresses the key items raised in the foregoing email:

- **The applicant alleges that the revised covenants substantially diverge from the original covenants as it pertains to the price calculations.**
  - This is simply untrue. If you compare the new version of the covenant and the old version of the covenant (both attached for your convenience), you'll note that both documents refer to Health & Safety Code 50052.5 in the calculation of affordable housing costs. In fact, even the original covenant specifies that these sales prices are determined based on the housing costs calculated by DRP for the given year (based on the interpretation of H&SC §50052.5).
  - What's more, the original covenant does not specify any particular housing prices that were provided by Mark Trinidad. More importantly, as we all know, Density Bonus is state law – and CGC §65915(c)(2)(A)(i) clearly stipulates that for-sale units entitled under Density Bonus be restricted to affordable sales prices derived from H&SC §50052.5.
  - Finally, even during his tenure at LACDA, Mark had never overseen the operation of the Home Ownership Program (HOP) to which the applicant is referring. Simply put, he would not be able to guarantee participation in the program (even if he were currently staff at LACDA).
- **Aside from being in violation of the zoning code for failing to fulfill the project's conditions of approval, the applicant also violated multiple provisions in the (albeit as-yet unrecorded) covenant that he insists upon using in this transaction.**
  - Specifically, at multiple points following Certificate of Occupancy, the applicant attempted to sell units without notifying LACDA in writing of the availability of the Designated Units at least 30 days prior to their being advertised for sale. This is a clear violation of Section 5 of the original covenant.
    - According to an email from the applicant on May 25, 2022, the applicant attempted to market the units for sale. However, LACDA was not notified at any point of this attempt to sell the units. (I can produce the email evidence if requested.)
    - Additionally, and more egregiously, in August 2022, the applicant attempted to sell the units through the LACDA's HOP initiative without notifying our agency. Notably, this occurred after Liz (who oversees HOP) informed the applicant (Carol Helou) that this was not permitted since the unit had received a Density Bonus. This unauthorized transaction was canceled only following Liz's discovery of these units in the HOP pipeline.

## EXHIBIT E

At this point, the applicant's actions (only briefly summarized above) belie the applicant's assurances of their desire to record the covenant and fulfill their obligations under the program. We sincerely hope DRP will pursue immediate action to prevent these units from being sold out from underneath LACDA and to otherwise compel the applicant's compliance.

Please let me know if you would like to discuss this matter further.

Thank you very much,

Andrew

**Andrew Miller, Housing Policy & Programs Analyst**

Pronouns: he/him/his

Housing Investment and Finance Division

Los Angeles County Development Authority

700 West Main Street

Alhambra, CA 91801

Phone: (626) 586-1897

[www.lacda.org](http://www.lacda.org)



---

**From:** John Abell <johna@abellhelou.com>

**Sent:** Thursday, November 17, 2022 3:09 PM

**To:** Andrew Miller <Andrew.Miller@lacda.org>

**Cc:** Phillip Smith <psmith@planning.lacounty.gov>; Joshua Huntington <jhuntington@planning.lacounty.gov>; Liz Bieber <Liz.Bieber@lacda.org>; Paulina Safarian <Paulina.Safarian@lacda.org>; Carol Helou <ch@abellhelou.com>; Jan Limahelu <janl@abellhelou.com>

**Subject:** Orchid Glen Covenants

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Dear Andrew,

Orchid Glen has reviewed the revised Developer and Purchaser Covenants- The Purchaser Covenant is incorporated within the Developer Covenant- but both have substantial changes that differ in material respects from the previous agreements regarding calculation of pricing for the affordable units. It is important to remember that Orchid Glen expended millions of dollars in construction costs for the affordable units based on its agreement with LACDA and the managing member of Orchid Glen/Abell Helou, working on similar projects over the previous 25 plus years with the County. To record the covenant at this point without the same agreements regarding determination of the pricing for the affordable units is not consistent with agreement and 25 plus years working of working with county on similar projects. As further background below is an outline of the previous agreements that need to be confirmed with the covenant

## EXHIBIT E

8/29/2018 Email from Mark Trinidad that Orchid Glen will be allowed to use HOP funds on this project only. He also included the current dates they would be accepting applications for reservation of funds.

7/17/2019 Email from Mark Trinidad agreeing to allow sales pricing per his attached schedule and Regional Planning was included in these emails. This is in case the HOP Program or if any other federal programs are not available.

7/22/2019 Notice of Errata (written by Regional Planning) recorded after approval of both Region Planning and LACDA Recording No. 20190713141. Notice removed the 55-year term and changed the requirement to record the covenant to "Prior to Issuance of a Certificate of Occupancy...."

7/25/2019 Accepted Developers Covenant

7/25/2019 Accepted Purchasers Covenant

8/12/2020 Received an email from Edward Rojas of Regional Planning that the permits were being held because the covenant had not been recorded

8/13/2020 Mark Trinidad released the permits based on the recorded "Notice of Errata" that the covenant was to be recorded Prior to Certificate of Occupancy

1/21/2022 Received the Certificate of Occupancies for the 4 affordable homes

We have reviewed the covenants as to compatibility with the approved covenants and agreements made with LACDA as a prerequisite to recording the tract map and building the affordable homes. Our review has shown that the covenants now presented to us will require extensive changes to comply with the approved covenants.

We believe it would be easier and expeditious to make the necessary minor changes to the approved covenants (i.e.: legal description, dates etc.).

Orchard Glen wants to cooperate and get the covenant recorded; however, Orchard Glen also needs assurance that the agreements regarding the calculation for home pricing and the buyer's access to apply for HOP funds as previously agreed to are also honored based on the millions of dollars that Orchard Glen has expended in reliance of these agreements.

After you have had a chance to look at the letter please give me a call with any questions.

Respectfully,

John Abell  
Orchid Glen/Abell Helou Homes  
626-332-2033  
714-366-1615 cell

# EXHIBIT E

## Phillip Smith

---

**From:** Andrew Miller <Andrew.Miller@lacda.org>  
**Sent:** Wednesday, December 7, 2022 5:45 PM  
**To:** John Abell; Phillip Smith  
**Cc:** Joshua Huntington; Liz Bieber; Paulina Safarian; Carol Helou; Jan Limahelu  
**Subject:** RE: Orchid Glen Covenants

Hi John,

I'm more than happy to address the contents of your email from November 17<sup>th</sup> and the 22<sup>nd</sup>, particularly regarding the concerns you raised about the purported differences in the covenants from 2019 and the covenants shared in September 2022.

Please see our responses **in red** to both your 11/17/22 and 11/22/22 emails provided below.

Thank you,

Andrew

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### 11/22/2022 email:

Phillip, I received your email and tried to call you. In our previous discussions I have been consistent in our position that our original agreements with LACDA are what we relied on when we went forward with the development of the four affordable homes. We completed the homes as agreed.

In our last discussion I said we had reviewed the covenants recently handed to us, months after we contacted LACDA in May 2022. I explained that there were significant differences from what we had agreed to. You asked LACDA if the covenants were iron clad or could changes be made. LACDA responded that changes could be made, and that they try to work with the developer. **Minor changes to the covenants may be suggested by the Developer, and considered by LACDA's outside counsel. Since providing your development team with the draft Master Covenant and Purchaser Covenants on 9/30/2022, you have not responded with suggested changes to the covenants. You stated in an email on 11/17/2022 that you reviewed the Master and Purchaser covenants, but failed to provide suggested changes. There are no further steps for LACDA to take at this juncture until you provide suggested changes.**

In further reviewing the covenants it became clear to us that it would be more expeditious to record the original covenant with minor changes. We also asked for LACDA to honor the agreements we made before we recorded the Tract Map and began construction. To date, no one connected with LACDA has given a valid explanation as to why they cannot honor their agreements. Our agreements were thoroughly vetted by LACDA and Regional Planning before they agreed to them. **The original covenants were never recorded; these documents are now three years old and have no bearing on today's LA County Density Bonus Homeownership Program. The development team must comply with the LACDA's current Program, including the latest versions of the DBHOP Master and Purchaser covenants.**

We continue to be willing to work to record the required covenants as expeditiously as possible. You may remember that the first time I spoke to you I told you we had a covenant that was agreed to and could be recorded with minor changes immediately. I also volunteered to withdraw our certificate of occupancy since we cannot sell them until the covenant is recorded. **Please see responses above.**



# EXHIBIT E

I agree the meeting for Monday might not be needed until our communication with LACDA is addressed by them. If the covenant proposed by LACDA must be modified to address what we agreed to, then so be it. It will be a longer process. As a follow up to this email, next week I will send you the backup information to our agreements with LACDA in 2019. This information has already been supplied to LACDA. **We are awaiting your suggested changes to the current versions of the covenants.**

I will remind you that we did build the homes per our agreement and that was a significant undertaking during COVID. They were completed by January of this year and once we realized the covenant was not recorded, we contacted LACDA. It was four months later that we were notified by LACDA that they wanted us to start a new process to be able to sell the homes. We spent a year working with LACDA to agree on a process and covenant to sell the homes starting in 2018 and culminating in the agreements in 2019 when we then proceeded to record the Tract Map and build the homes. Until that point we could have chosen to revise the development to not include the density bonus. This was discussed with Regional Planning. Somehow it doesn't seem right that we should begin this process again and yet here we are. We need your help so we can get the homes sold to affordable buyers. Perhaps meetings in person would be helpful to speed things up.

Please let me know if the Monday meeting is cancelled and I will contact Andrew to meet with him to move forward to complete the covenant.

---

## 11/17/2022 email:

Orchid Glen has reviewed the revised Developer and Purchaser Covenants- The Purchaser Covenant is incorporated within the Developer Covenant- but both have substantial changes that differ in material respects from the previous agreements regarding calculation of pricing for the affordable units. It is important to remember that Orchid Glen expended millions of dollars in construction costs for the affordable units based on its agreement with LACDA and the managing member of Orchid Glen/Abell Helou, working on similar projects over the previous 25 plus years with the County. To record the covenant at this point without the same agreements regarding determination of the pricing for the affordable units is not consistent with agreement and 25 plus years working of working with county on similar projects. As further background below is an outline of the previous agreements that need to be confirmed with the covenant

After reviewing and comparing the 2019 and 2022 covenants, I found no discernible substantive difference between the covenants in how the Affordable Sales Prices are to be calculated. Both covenants define and refer to Health and Safety Code 50052.5 and the Department of Regional Planning's calculations as specified in the County Code. The LACDA wholly relies on the Department of Regional Planning's Affordable Rent/Housing Cost limits (stipulated by the California Department of Housing and Community Development), which is explicitly referenced in the 2019 covenant and the 2022 covenant, as excerpted below. In sum, there are no substantive differences – rather, the content relating to the housing cost calculations has simply been reorganized.

- **2019 (Developer Covenant):**

- Page 2: "Affordable Housing Cost" shall have the meaning set forth in HSC section 50052.5.
- Page 2: "Affordable Sale Prices" means a sales price for a Designated Unit such that the Total Housing Costs paid by an Eligible Household do not exceed the Department of Regional Planning Affordable Rent/Housing Cost limits for current year.
- Page 4: Income Limits and Affordable Housing Costs. The maximum Income Limits, Affordable Housing Costs, and Affordable Sales Prices shall be initially established when the certificate of occupancy is issued for each of the Designated Units. The Income Limits and Affordable Housing Costs are subject to periodic adjustment from time to time. It shall be the obligation of the Owner to obtain and comply with the updated applicable Income Limits, Affordable Housing Costs and Affordable Sales Prices prior to the sale of each Designated Unit.

# EXHIBIT E

- **2022 (Master Covenant):**

- Page 2: “Affordable Housing Cost” or “Affordable Sale Price” as set forth in Section 50052.5 of the California Health and Safety Code.
- Page 4: Owner understands that the determination of Eligible Household and Affordable Housing Cost are based upon information and guidance issued by HCD from time to time and Owner shall be responsible for obtaining and using the most current information available when making such determinations and shall provide the information on which Owner has made its determinations to LACDA.
- Page 25: “The Restricted Units shall be sold as provided below to “lower income” purchasers. “Lower income” means individuals or households whose gross income does not exceed fifty (80%) percent of the area median income for Los Angeles County, which income limit is published annually by the California Department of Housing and Community Development. Reference is hereby made to County Code, Title 22, Division 2, Section 22.14.090 – I and Section 50105 of the California Health and Safety Code for further details on the determination of lower income.

8/29/2018 Email from Mark Trinidad that Orchid Glen will be allowed to use HOP funds on this project only. He also included the current dates they would be accepting applications for reservation of funds.

7/17/2019 Email from Mark Trinidad agreeing to allow sales pricing per his attached schedule and Regional Planning was included in these emails. This is in case the HOP Program or if any other federal programs are not available.

7/22/2019 Notice of Errata (written by Regional Planning) recorded after approval of both Region Planning and LACDA Recording No. 20190713141. Notice removed the 55-year term and changed the requirement to record the covenant to “Prior to Issuance of a Certificate of Occupancy....”

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7/25/2019 Accepted Purchasers Covenant

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8/13/2020 Mark Trinidad released the permits based on the recorded “Notice of Errata” that the covenant was to be recorded Prior to Certificate of Occupancy

1/21/2022 Received the Certificate of Occupancies for the 4 affordable homes

## Background/Sequence of Events relating to HOP:

- The 2019 covenant explicitly refers to Health & Safety Code 50052.5 and makes no reference to HOP pricing. At no point during his tenure at LACDA did Mark Trinidad oversee the HOP Program, and emails from 2018 and 2019 hold no legal bearing to the affordable sales price, which is determined by the Density Bonus state law (CGC§65915). The state law eclipses any local efforts to bypass the statute. According to §65915(c)(2)(A)(i), for-sale units must be sold at an affordable housing cost to the applicable AMI level (i.e. lower-income). Therefore, the housing cost limits stipulated in both the 2019 and 2022 versions of the covenant must be followed in order to comply with state law, and these housing cost limits must be used to calculate the affordable sales prices. Any sales price that entails housing costs in excess of the maximum monthly amount calculated by DRP would run afoul of state law.
  - Using any additional governmental subsidy (such as HOP) would further undermine the findings and intent of the Density Bonus Law under which this project was entitled, as outlined in §65915(t)(1): “The Legislature finds and declares that the intent behind the Density Bonus Law is to allow public entities to reduce or even eliminate subsidies for a particular project by allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units. It further reaffirms that the intent is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional public subsidy.”

We have reviewed the covenants as to compatibility with the approved covenants and agreements made with LACDA as a prerequisite to recording the tract map and building the affordable

## EXHIBIT E

homes. Our review has shown that the covenants now presented to us will require extensive changes to comply with the approved covenants.

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Orchard Glen wants to cooperate and get the covenant recorded; however, Orchard Glen also needs assurance that the agreements regarding the calculation for home pricing and the buyer's access to apply for HOP funds as previously agreed to are also honored based on the millions of dollars that Orchard Glen has expended in reliance of these agreements.

After you have had a chance to look at the letter please give me a call with any questions.

### **Andrew Miller, Housing Policy & Programs Analyst**

Pronouns: he/him/his

Housing Investment and Finance Division

Los Angeles County Development Authority

700 West Main Street

Alhambra, CA 91801

Phone: (626) 586-1897

[www.lacda.org](http://www.lacda.org)



---

**From:** John Abell <johna@abellhelou.com>

**Sent:** Tuesday, November 22, 2022 6:16 PM

**To:** Phillip Smith <psmith@planning.lacounty.gov>; Andrew Miller <Andrew.Miller@lacda.org>

**Cc:** Joshua Huntington <jhuntington@planning.lacounty.gov>; Liz Bieber <Liz.Bieber@lacda.org>; Paulina Safarian <Paulina.Safarian@lacda.org>; Carol Helou <ch@abellhelou.com>; Jan Limahelu <janl@abellhelou.com>

**Subject:** RE: Orchid Glen Covenants

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you can validate the sender and know the content is safe.

Phillip, I received your email and tried to call you. In our previous discussions I have been consistent in our position that our original agreements with LACDA are what we relied on when we went forward with the development of the four affordable homes. We completed the homes as agreed.

In our last discussion I said we had reviewed the covenants recently handed to us, months after we contacted LACDA in May 2022. I explained that there were significant differences from what we had agreed to. You asked LACDA if the covenants were iron clad or could changes be made. LACDA responded that changes could be made, and that they try to work with the developer.

In further reviewing the covenants it became clear to us that it would be more expeditious to record the original covenant with minor changes. We also asked for LACDA to honor the agreements we made before we recorded the Tract Map and began construction. To date, no one connected with LACDA has given a valid explanation as to why they cannot honor their agreements. Our agreements were thoroughly vetted by LACDA and Regional Planning before they agreed to them.

## EXHIBIT E

We continue to be willing to work to record the required covenants as expeditiously as possible. You may remember that the first time I spoke to you I told you we had a covenant that was agreed to and could be recorded with minor changes immediately. I also volunteered to withdraw our certificate of occupancy since we cannot sell them until the covenant is recorded.

I agree the meeting for Monday might not be needed until our communication with LACDA is addressed by them. If the covenant proposed by LACDA must be modified to address what we agreed to, then so be it. It will be a longer process. As a follow up to this email, next week I will send you the backup information to our agreements with LACDA in 2019. This information has already been supplied to LACDA.

I will remind you that we did build the homes per our agreement and that was a significant undertaking during COVID. They were completed by January of this year and once we realized the covenant was not recorded, we contacted LACDA. It was four months later that we were notified by LACDA that they wanted us to start a new process to be able to sell the homes. We spent a year working with LACDA to agree on a process and covenant to sell the homes starting in 2018 and culminating in the agreements in 2019 when we then proceeded to record the Tract Map and build the homes. Until that point we could have chosen to revise the development to not include the density bonus. This was discussed with Regional Planning. Somehow it doesn't seem right that we should begin this process again and yet here we are. We need your help so we can get the homes sold to affordable buyers. Perhaps meetings in person would be helpful to speed things up.

Please let me know if the Monday meeting is cancelled and I will contact Andrew to meet with him to move forward to complete the covenant.

Thank you,

John Abell

---

**From:** Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>

**Sent:** Monday, November 21, 2022 1:58 PM

**To:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>; Andrew Miller <[AMIL4346@lacda.org](mailto:AMIL4346@lacda.org)>

**Cc:** Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; Liz Bieber <[EBIE4459@lacda.org](mailto:EBIE4459@lacda.org)>; Paulina Safarian <[Paulina.Safarian@lacda.org](mailto:Paulina.Safarian@lacda.org)>; Carol Helou <[ch@abellhelou.com](mailto:ch@abellhelou.com)>; Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Subject:** RE: Orchid Glen Covenants

Mr. Abell,

This issue has already been discussed at length on our calls and it's been abundantly clear that the terms in question cannot be altered and are not negotiable. If your group is refusing to agree to the current terms outlined by LACDA (as they are) then my department will proceed with the issuance of a Notice of Violation. The next steps will be to ensure the property is brought into compliance with local and state law, which will include but not be limited to prohibiting the sale or occupation of the remaining dwelling units for however long is necessary.

If the terms given to you by LACDA cannot be agreed to as originally discussed then there will not be a need to meet next week, as this was scheduled with the presumption that these requirements would have been fulfilled. If your group can complete the requirements this week then we can schedule a call to discuss the next steps.

**PHILLIP SMITH** (he/him/his)

**SENIOR PLANNER, Subdivisions**

# EXHIBIT E

**From:** John Abell <[johna@abellhelou.com](mailto:johna@abellhelou.com)>

**Sent:** Thursday, November 17, 2022 3:09 PM

**To:** (LACDA) Andrew Miller <[AMIL4346@lacda.org](mailto:AMIL4346@lacda.org)>

**Cc:** Phillip Smith <[psmith@planning.lacounty.gov](mailto:psmith@planning.lacounty.gov)>; Joshua Huntington <[jhuntington@planning.lacounty.gov](mailto:jhuntington@planning.lacounty.gov)>; (LACDA)

Liz Bieber <[EBIE4459@lacda.org](mailto:EBIE4459@lacda.org)>; Paulina Safarian <[Paulina.Safarian@lacda.org](mailto:Paulina.Safarian@lacda.org)>; Carol Helou <[ch@abellhelou.com](mailto:ch@abellhelou.com)>;

Jan Limahelu <[janl@abellhelou.com](mailto:janl@abellhelou.com)>

**Subject:** Orchid Glen Covenants

**CAUTION:** External Email. Proceed Responsibly.

Dear Andrew,

Orchid Glen has reviewed the revised Developer and Purchaser Covenants- The Purchaser Covenant is incorporated within the Developer Covenant- but both have substantial changes that differ in material respects from the previous agreements regarding calculation of pricing for the affordable units. It is important to remember that Orchid Glen expended millions of dollars in construction costs for the affordable units based on its agreement with LACDA and the managing member of Orchid Glen/Abell Helou, working on similar projects over the previous 25 plus years with the County. To record the covenant at this point without the same agreements regarding determination of the pricing for the affordable units is not consistent with agreement and 25 plus years working of working with county on similar projects. As further background below is an outline of the previous agreements that need to be confirmed with the covenant

8/29/2018	Email from Mark Trinidad that Orchid Glen will be allowed to use HOP funds on this project only. He also included the current dates they would be accepting applications for reservation of funds.
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We have reviewed the covenants as to compatibility with the approved covenants and agreements made with LACDA as a prerequisite to recording the tract map and building the affordable homes. Our review has shown that the covenants now presented to us will require extensive changes to comply with the approved covenants.

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Orchard Glen wants to cooperate and get the covenant recorded; however, Orchard Glen also needs assurance that the agreements regarding the calculation for home pricing and the buyer's access to

## EXHIBIT E

apply for HOP funds as previously agreed to are also honored based on the millions of dollars that Orchard Glen has expended in reliance of these agreements.

After you have had a chance to look at the letter please give me a call with any questions.

Respectfully,

John Abell  
Orchid Glen/Abell Helou Homes  
626-332-2033  
714-366-1615 cell

# EXHIBIT E

## Phillip Smith

---

**From:** John Abell <johna@abellhelou.com>  
**Sent:** Thursday, February 9, 2023 9:45 AM  
**To:** Joshua Huntington; Phillip Smith  
**Subject:** RE: Notice of Violation RPZPE2022006704

**CAUTION:** External Email. Proceed Responsibly.

Good Morning Joshua/Phillip,

I sent an email to you on 1/13/2023 (please see below). I did receive an auto reply from Phillip that he was out of the office until 1/23/2023 but it has now been approximately 2 ½ weeks since the 23rd and we have not received any communication for you.

Please confirm that you have reviewed our email and contact me so we can arrange a meeting to draft an agreeable affordable covenant consistent with the terms agreed upon prior to constructing the units as requested below in our 1/13/2023 email.

Regards,

John Abell  
626-332-2033

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**From:** John Abell  
**Sent:** Friday, January 13, 2023 5:08 PM  
**To:** Joshua Huntington <jhuntington@planning.lacounty.gov>; Phillip Smith <psmith@planning.lacounty.gov>  
**Subject:** Notice of Violation RPZPE2022006704

Dear Joshua/Phillip,

Orchid Glen in is receipt of Notice of Violation dated December 15, 2022. As the County is well aware Orchid Glen has been attempting to enter into a covenant with the Los Angeles County Development Authority (LACDA). To date LACDA has not provided a covenant consistent with the agreement with staff that Orchid Glen relied upon when agreeing to construction affordable home as part of the Orchid Glen project.

LACDA has claimed it was surprised that Orchid Glen provided qualified proposed affordable buyers for the project in August 2022 and claims such is not allowed since Orchid Glen was provided a density bonus for the project. This statement directly contravenes those statements of Mark Trinidad in an email to Orchid Glen dated August 28, 2018 wherein Mr. Trinidad expressly stated:

“For Orchid Glen HOP can be used for the 4 low-income homebuyers however, HOP **cannot** reserve any funds to the project alone. You would still need to apply in order to secure the home buyer assistance . . .”

Further on July 17, 2019 Mark Trinidad sent an email to Orchid Glen that was also copied to Elsa Rodriguez and Marie Pavlovic from the County of Los Angeles Regional Planning that provides a calculation for 5-person household in 4-bedroom home, but goes on to expressly provide:



# EXHIBIT E

“A higher affordable sales price would be allowed for a household more than 5 persons assuming all household members are related and qualify for a first mortgage “

Orchid Glen remains committed to providing the affordable homes on the terms as agreed prior to expending more than 2 million dollars to construct the 4 affordable units. However, do date Orchid Glen has not been provided with a covenant consistent with these representations by the County. For example, the housing size in the proposed covenant does not provide for the exemption set forth in the email attached. Further, staff has refused to review proposed buyers under the HOP program that were submitted

Additionally, there are many differences in the purchasers’ covenants provided which include but are not limited to the following:

- Many changes are in the definition section. Affordable housing cost definition is probably most severe.
  - Total housing costs include
    - Principal and interest
    - Insurance and property tax
    - HOA fees
    - Utilities
    - Mortgage insurance
    - Cost of parking
    - “Any other related assessments”

What we concluded, with the approval of Regional Planning and Mark, was to use Chapter 2, Section 50052.5 (a)(3) (highlighted as follows):

“Pursuant to the Department of Housing and Community Development, Division of Housing Policy Development they refer to Health & Safety Code 50052.5 to calculate housing costs.

The Code, Chapter 2, Section 50052.5 (a) (3) (attached) states: For lower income households whose gross incomes exceed the maximum income for very low-income households and do not exceed 70 percent of the area median income adjusted for family size, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit. **In addition, for any lower income household that has a gross income that equals or exceeds 70 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 30 percent of the gross income of the household.**”

After additional discussions with Mark, we sent him a Sales Price Schedule (attachment #1) which calculated the sales price for a 4-bedroom, 5-person household and a 4-bedroom, 8-person household using Chapter 2, Section 50052.5 (a)(3) from the Health & Safety Code stated above.

After his review Mark sent us an email with the acceptance of these calculations that had been previously approved (attachment #2) and attached the 4-bedroom, 5-person household example (attachment #3) to that email as a basis to determine the sales price.

These are but a sampling to show the problems with the changes proposed by LACDA inconsistent with the agreement to construct affordable units in the first place. As the attached email from Mark Trinidad dated July 17, 2019 shows the County and Orchid Glen had agreed on a basis for calculation of an affordable home price; however, the changes outlined above make that home price unattainable.

As all are well aware Orchid Glen contacted LACDA ON May 4, 2022, to get a corrected covenant based on the wrong property description in the earlier covenant provided, so Orchid Glen could sell the 4 affordable homes. Despite this request it took until September to get a response while at the same time refusing to act on the proposed affordable buyers offered under the HOP program as outlined above.



## EXHIBIT E

At this point Orchid Glen again request a meeting to address these issues as opposed to re-writing the proposed covenants to only be rejected without a full discussion and understanding of the agreement between Orchid Glen when agreeing to construct the affordable units. I would point out just as the County cannot change the building code after the approved building plans, the County cannot change the agreed terms for affordable housing after the expense of constructing the units.

Upon receipt and review please contact me so we can arrange a meeting to draft an agreeable affordable covenant consistent with the terms agreed upon prior to constructing the units.

Sincerely,

John Abell  
626-332-2033