



DAA's decision was filed by Yukio Kawaratani, alleging that the Project is out of scale with the surrounding community, will have negative environmental impacts on historic Little Tokyo, is not economically feasible, and would contribute to gentrification and higher rents. The Department of City Planning (Planning) evaluated and responded to both appeals in the Appeal Report dated October 9, 2025 (First Level VTTM Appeal Report), which included detailed responses to the appeal points prepared by both Appellants and concluded that there was no merit to either appeal.

At its meeting on October 9, 2025, the City Planning Commission (CPC) denied the First Level VTTM Appeals, upheld the DAA's approval of the VTTM, and approved the related Case No. CPC-2021-4069-GPAJ-VZCJ-HD-MCUP-SPR-HCA (Related CPC Case). On December 15, 2025, Letters of Determination (LODs) were issued for these actions. On December 26, 2025, Kristin Fukushima appealed the CPC's decision on the First Level VTTM Appeal (Second Level VTTM Appeal), with similar appeal points as the First Level VTTM Appeal. On January 5, 2026, the same Appellant also appealed the CPC's approval of the related CPC Case (CPC Appeal), which is addressed in a separate letter to the PLUM Committee under Council File 26-0047-S2.

The appeal points for the Second Level VTTM Appeal are summarized and responded to in further detail below.

## **APPEAL POINTS AND STAFF RESPONSES**

### **Appeal Point 1**

The proposed Tract Map is inconsistent with the applicable General Plan.

### **Staff Response 1**

The Appellant argues that that the VTTM should have analyzed the Project for consistency with the current Downtown Community Plan (effective February 2025), rather than the previous and superseded Central City Community Plan.

In support of their argument, they acknowledge vesting rights for vesting tentative maps under the Subdivision Map Act and cite that "in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete" (California Government Code Section [CGC] 66474.2(a)). The Appellant also notes that the Subdivision Map Act statutes and applicable case law set limits on the reach of this statute, such as limiting vesting rights regarding health or safety issues with a proposed development or if a development agreement overrides vesting rights accorded under the Subdivision Map Act. The Appellant also states that "vesting development rights must be compliant with federal and state law to be enforceable," as noted in CGC Section 66498.1(c)(2), and specifies that CGC Section 66474.2(b) "states that development vesting rights shall not apply to a tentative map where, prior to the local agency's determination that 'an application for a tentative map' is complete, the local agency has 'initiated proceedings by ordinance, resolution, or motion' and 'published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed changes in the applicable general or specific plans, or zoning or subdivision ordinances.'"

The Appellant further states that a duly noticed public hearing regarding the proposed changes and updates to the Downtown Community Plan occurred on December 8, 2020, which occurred

prior to the filing and deemed complete date for the Project's VTTM. In addition, the Downtown Community Plan became effective prior to the issuance of the LOD for the Project's VTTM.

CGC Section 66474.2(b) (*emphasis added*), which relates to applying new ordinances to a tract map if a public hearing has been held on the matter, governs *tentative tract maps*, not *vesting tract maps*, such as the VTTM for this Project. In contrast to the Subdivision Map Act sections that speak to tract maps generally, CGC Section 66498.1 for *vesting tentative tract maps* offers a subdivider with the option to file a vesting tentative tract map and acquire its safe harbor benefits, which serve to "freeze" rules in place at the time the application was deemed complete. As such, once a vesting tentative tract map application is deemed complete, the Subdivision Map Act's vested rights apply. The VTTM for the Project was deemed complete on June 11, 2021, and the City cannot retroactively apply the new zoning of the Downtown Community Plan to the VTTM as the Applicant's statutory rights under CGC Section 66498.1, which were vested before the Downtown Community Plan's adoption. In addition, the Appellant does not allege any health or safety concerns and therefore has not demonstrated that an exception to the vesting provisions of State subdivision law applies.

The Appellant further claims that the DAA incorrectly found that the VTTM is consistent with the applicable General Plan, as the DAA inappropriately analyzed the Project using the now-superseded Central City Community Plan's C2 Zone, arguing that the Project does not have vesting rights to proceed under the previous Community Plan's zoning. However, as the Project was vested prior to the adoption of the Downtown Community Plan, it can retain its original request, under the Related CPC Case, for a Vesting Zone and Height District Change to the (T)(Q)C2-3D Zone, consistent with the Central City Community Plan.

The Appellant also contends that there is a lack of substantial evidence of consistency with the Downtown Community Plan, and that the "Project would only be eligible for a baseline weighted average 5.98:1 FAR under the Downtown Community Plan, which is far below the Project's desired FAR of 7.13:1"; and, therefore, the Project's scale is far too large and does not comply with the Downtown Community Plan's vision for the neighborhood. However, while the Project is not subject to consistency with the Downtown Community Plan, the VTTM LOD does discuss the map's consistency with the Downtown Community Plan's land use designation of Community Center in Finding "a", which explains that "the existing and proposed Community Center land use designation...allows for a range of uses including commercial, residential, institutional facilities, cultural and entertainment facilities, and neighborhood-serving uses", that the FAR range applicable to the Community Center land use designation ranges from 3:1 to 8.5:1, and that the Community Center land use designation "typically consist[s] of similar uses as those allowed in the C2 Zone." The Project's proposed mix of residential and commercial office and service uses, as well as the proposed maximum FAR of 7.13:1, are consistent with these parameters.

The Appellant also compares the Project's requested FAR to that of the zoning under the Downtown Community Plan. However, as discussed within the same Finding referenced above, the Project is vested and, thus, current zoning under the Downtown Community Plan does not apply to the Project and VTTM.

Therefore, the DAA correctly analyzed and concluded that the Project is substantially consistent with both the requested zoning and regulations of the Central City Community Plan in effect at

the time the Project was deemed complete, and the overall intent of the Downtown Community Plan. As such, the Appeal Point should be denied.

### **Appeal Point 2**

The design and improvement of the proposed subdivision is inconsistent with the applicable General Plan.

### **Staff Response 2**

The Appellant claims that the VTTM is not consistent with the use and floor area regulations of the Downtown Community Plan, based on similar to the arguments raised in Appeal Point 1. The Project's consistency with the Downtown Community Plan's goals and policies is not the same as the Project being subject to the Downtown Community Plan's zoning regulations. Again, the Project is vested and permitted to request the regulations under the C2-3D Zone, and the zoning designations under the Downtown Community Plan do not apply to the Project. Nonetheless, as noted above, the Project was analyzed for consistency both with the requested C2-3D Zone, the overall intent and purposes of the Downtown Community Plan, and the Community Commercial land use designation. As such, the Appeal Point should be denied.

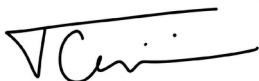
### **Conclusion**

Per LAMC Section 13A.2.8.E.1, unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellant body's hearing.

Upon careful consideration of the appeal, the Appellant has again failed to present new evidence or testimony that the VTTM should be denied, and has raised no new information to dispute the Findings of the CPC's actions on this matter. The CPC correctly made the findings necessary for approval of the VTTM consistent with CEQA, the Subdivision Map Act, and LAMC Sections 17.03 and 17.15. Therefore, in consideration of all the facts, Planning recommends the City Council deny the appeal and sustain the decision of the City Planning Commission to approve the VTTM.

Sincerely,

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Director of Planning



Tamar Gharibian  
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