

From: [Chuck Fraleigh](#)
To: [PlanningCommission AP](#)
Subject: Village Center Master Plan
Date: Sunday, June 15, 2025 5:50:19 PM
Attachments: [LivableSunnyvaleVCMPLetter.pdf](#)

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Dear Planning Commissioners,

I have attached a letter from Livable Sunnyvale regarding the Village Center Master Plan.
Thank you for your consideration.

Chuck Fraleigh
Livable Sunnyvale



June 15, 2025

Dear Planning Commissioners,

Sunnyvale has faced challenges getting both housing and retail developed at the Village Centers. We need housing at these sites to combat the extremely high cost of housing. However, we also need some retail at these sites to serve the needs of the surrounding communities.

The Village Center Master Plan (VCMP) is an innovative approach to get both housing and retail at these sites. We have a number of questions and comments about this plan which are summarized here:

- We appreciate rezoning Village Center 4B and 4C as commercial only in order to preserve retail at these locations.
- We also appreciate splitting Village Center 4A into commercial and mixed-use (residential) sections. We would support going even further and simply zone Village Center 4A as all commercial if the proposed mixed-use section is unlikely to be developed into housing due to its small size.
- Splitting the other Village Centers into commercial and residential (mixed-use) sections also seems positive, but we need to be careful that we don't segment the Village Centers in a way that would make redeveloping the sites unlikely. Some of the rezoned sections seem fairly small, for example the VCC zones in Village Center 1A and 2A. Carving out small sections like these seems to constrain what could be built at the sites without providing much benefit.
- There are risks that the new zoning boundaries would not conform with what a developer would like to build, or what we would ideally like to see at these sites. The zoning seems to preclude building tall mixed-using buildings with first floor retail along the entire road frontages and step back to smaller residential units along the borders with the neighbors. We think it would be beneficial to develop an expedited process a developer could use to adjust the zoning of these sites if the developer was building the required number of housing units and required total retail square footage.
- We are concerned about the minimal parking requirements. For example, if Village Center 7 were built out with an average of 2-bedroom units, there would be around 700 bedrooms in the development, but only about 400 parking spaces. It seems likely the units would be occupied by individual roommates, each of which would have a car, or families with two working adults, each of which would have their own car. The number of cars owned by the residents would be roughly equal to the number of bedrooms. The result would be 300 vehicles parking on neighboring streets.

The remainder of the letter goes into the details behind these comments.

Rezoning Summary

Splitting the Village Centers into separate mixed-use and commercial-only zones is a very interesting approach. To understand this better, we tried to estimate how each Village Center is divided between the mixed-use (i.e. residential) and commercial components. We've included these estimates in the table below. For each Village Center it shows the number of acres in the new mixed use (VCMU) zoning, the number of acres in the commercial (VCC) zoning, and the number of acres in the office (VCO) zoning. It also estimates the number of housing units that could be in the VCMU zone and the number of sq. ft. of retail that would be required in the commercial (VCC and VCO) zones as well as the VCMU zones.

	Acres				Housing Units	Commercial Sq. Ft.	
	Total	VCMU	VCC	VCO		VCC/VCO	VCMU
Village Center 1	27.9	15.4	5.8	6.6	532	135858	67027
1A	6.1	5.0	1.1	0.0	181	12063	21845
1B	6.6	5.0	0.0	1.6	111	17458	21897
1C	7.7	2.9	4.7	0.0	106	51514	12821
1D	7.4	2.4	0.0	5.0	135	54822	10464
Village Center 2	7.7	6.2	1.5	0.0	148	16272	26952
2A	2.64	1.5	1.1	0.0	45	12456	6536
2B	5.04	4.7	0.4	0.0	103	3816	20415
Village Center 3	7.6	3.8	3.7	0.0	161	40638	16664
3A	6.67	3.8	2.8	0.0	161	30946	16664
3B	0.89	0.0	0.9	0.0	0	9692	0
Village Center 4	7.9	1.8	3.4	2.7	98	66891	7629
4A	4.5	1.8	0.0	2.7	98	29934	7629
4B	1.3	0.0	1.3	0.0	0	14376	0
4C	2.1	0.0	2.1	0.0	0	22581	0
Village Center 5	4.26	2.7	1.6	0.0	80	17504	11569
Village Center 6	5.7	4.4	1.2	0.0	97	13296	19297
6A	4.43	4.4	0.0	0.0	97	0	19297
6B	1.22	0.0	1.2	0.0	0	13296	0
Village Center 7	9.9	9.9	0.0	0.0	358	0	43299
7A	3.49	3.5	0.0	0.0	126	0	15202
7B	6.45	6.5	0.0	0.0	232	0	28096

These numbers are a very rough estimate based on the maps presented in the VCMP. We think it would greatly improve the public's ability to understand the plan if the City could provide more accurate numbers and correct any mistakes we might have made.

Village Center 1 Rezoning

Village Center 1 is the most complicated, and we have a number of questions and comments. Figure 1 shows the proposed rezoning.

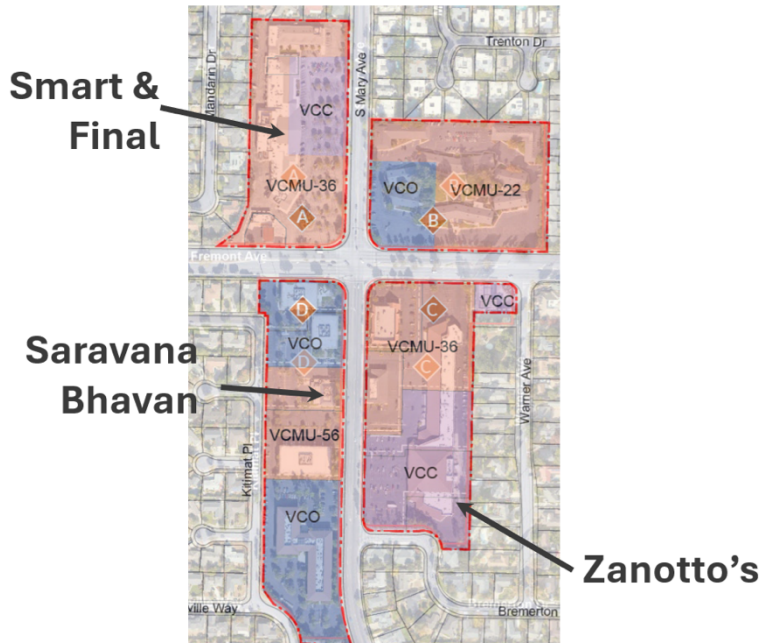


Figure 1 - Village Center 1

The southeast corner (1C) has been split into commercial (VCC) and mixed-use (VCMU) sections. The larger VCC section covers the popular Zanotto's supermarket, and we appreciate the City trying to protect this location.

The northwest corner (1A) has also been split into commercial and mixed-use areas. However, the commercial section is fairly small and covers mostly a parking lot area. This small commercial area does not seem to provide much value. It would only require 12,063 sq. ft. of retail, and it would also not protect any of the existing retail. We would like to understand if there is some advantage to requiring a small retail section like this set back from the corner of Mary and Fremont.

On potential improvement would be to move this VCC zone to the 1C corner and zone all of the 1A corner as mixed use (VCMU-36). This would protect more of the retail in the 1C section and may make it easier to redevelop 1A with new housing.

The southwest corner (1D) has been split into mixed-use and office (VCO) sections. We do not understand the motivation of the VCO zoning. There seems to be an excess of office space in the bay area and we have not heard many residents asking to preserve office buildings. The business on the southwest corner that would likely generate the strongest response to preserve is the restaurant Saravana Bhavan, but this falls in the VCMU-56 zone. We think it would be reasonable to eliminate the VCO zones on this corner and replace them with mixed-use. This would allow for substantially more housing in this Village Center, or potentially less dense zoning on this corner. To balance out the extra housing we could also rezone the entire corner 1C as VCC.

Overall, we think this simpler approach – rezone all of sections 1A and 1D as VCMU and rezone all of section 1C as VCC would result in the preservation of more retail as well as offer a higher likelihood of developing new housing.

The northeast corner (1B) currently has an approved redevelopment plan and the proposed zoning conforms to this plan. We don't think any changes need to be made to section 1B.

Village Center 2 Rezoning

The southern part of Village Center 2 (2B) contains the Fremont Corners projects which are either complete or under construction. The rezoning of this section seems fine.

The northern part (2A) is split into commercial and mixed-use areas, but like Village Center 1A, the commercial section is fairly small. It would only require 12,456 sq. ft. of retail. We don't think this small amount of retail is particularly valuable to the community, and may wind up as small, empty storefronts similar to what we see in the Fremont Corners project. We think it would be fine to just rezone this area as all mixed-use.

Village Center 3 Rezoning

Rezoning all of the eastern part (3B) as VCC makes sense. This is a small 0.9 acre lot which currently contains retail.

The western part (3A) is split into mixed-use and commercial sections, but this seems to have been done differently than other Village Centers. Figure 2 shows the proposed split.

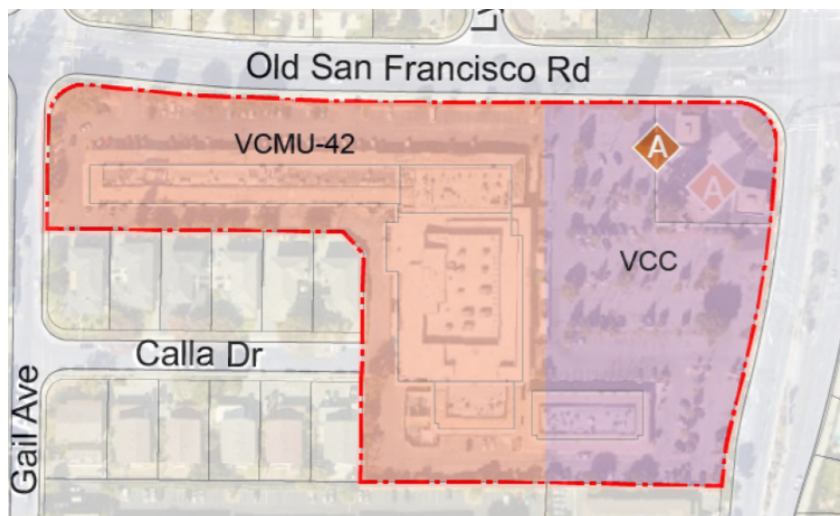


Figure 2 - Village Center 3A

Most of the existing retail in this Village Center is rezoned as mixed-use, while the parking lot is rezoned as commercial. This is opposite from other Village Centers, where much of the existing retail is rezoned as commercial and the mixed-use zone is placed over the parking lot. The zoning proposed for Village Center 3A does not seem like it would preserve much of the existing retail, and it would place all of the tall residential buildings closer to the neighborhoods. We are curious why the proposed zoning for this Village Center was done this way.

Village Center 4 Rezoning

The rezoning of Village Center 4 seems quite good. The portion of the village center which contains the Lucky's at the corner of Mathilda and Maude has been rezoned as VCC. We think this is a very good approach to preserve the Lucky's or maintain some other grocery store at this Village Center. We also appreciate rezoning the sections Village Center 4b and 4c as commercial-only to preserve the retail in these locations.

We do have a question about the portion of Village Center 4 which has been rezoned as VCMU. It is about 1.8 acres and would only allow just under 100 housing units. Is it likely such a small area would attract a developer willing to build new housing there? Are there any examples of similar-sized developments in the City? The Flats West downtown seems comparable, but that was built as part of the larger CityLine project. Have any similar sized developments been proposed or built as stand-alone projects?

If it is unlikely that housing would actually be developed at the proposed density on this lot, we think it would be reasonable for the City to just zone the entire 4A Village Center as VCC and redistribute the housing to other sites which may be more likely to redevelop.

Village Centers 5 & 6 Rezoning

The rezoning of Village Center 5 (Fair Oaks Plaza on Duane Ave) and Village Center 6 (Lakewood shopping center on Lawrence) seems to be very reasonable. Developers have submitted plans to redevelop both sites and the rezoning generally follows those plans.

Village Center 7 Rezoning

This entire Village Center has been zoned as VCMU-36. We are in favor of increasing the amount of housing that can be built here.

Future Changes to Zoning

Over time, there may be situations where the zoning proposed in the VCMP turns out to be different than what would be ideal for a particular site. For example, if a developer wanted to build at VC3A what was originally envisioned for the Village Centers – tall mixed use buildings with first floor retail on the corner of Old San Francisco and Wolfe and step down to smaller residential buildings in the back, this would not be allowed under the proposed zoning since the section along Wolfe is zoned commercial only. The developer would need to request a General Plan amendment to rezone this property in order to build such a project.

The process to change the zoning is expensive and takes a long time. One recent example is the project to redevelop the Wendy's site near the corner of Wolfe and Fremont which required rezoning to allow for housing. This project started in 2018. It just completed the General Plan amendment to rezone the site a few months ago. This project can now, 7 years after it was initiated, start to submit plans to the City for approval.

This process takes too long. We would like to have a system where, if a developer is proposing a project which meets the total housing and retail square footage requirements in the proposed VCMP zoning, that the sites could be rezoned very quickly.

Parking

The proposed parking requirements, shown below, do not seem to illustrate a realistic assessment of off-street parking ratios per building type. For example, in Sunnyvale's 2023-2031 Housing Element in the section titled, Overcrowding (3-20), "Overcrowding occurs when the number of people living in a household is greater than the home was designed to hold." It further notes, "Overcrowding occurs when housing costs are so high relative to income that families double up or take in roommates (boarders)/or extended family members to share their living costs..." The high cost of housing in Sunnyvale cannot be disputed and neither can overcrowding.

Based on this information, what is the basis for the data in the chart below as it pertains to units in a mixed-use development? Taking overcrowding into consideration, it is likely more than one person will be living in either a studio or one-bedroom. Also, it is likely that each adult living in a unit will own a vehicle. Consequently, the chart below appears to underestimate the minimum and maximum parking ratio for the units noted below and will exacerbate current on street parking.

4.4.7 Off-Street Parking

- (a) Required off-street vehicle and bicycle parking ratios for land uses that are part of a mixed-use development are outlined in Tables 4-9 and 4-10, respectively.
- (b) When calculating required parking ratios, any portion of a parking space shall be rounded up to the next whole number.
- (c) Adjustments may be granted from parking ratio minimums, maximums, or type of bicycle parking provided as described in Title 19. Zoning.

Table 4-9: Off-Street Vehicle Parking Ratios

Land Use Category	Parking Ratio	
	Minimum	Maximum
Residential (as part of a mixed-use development)	Per dwelling unit	
Studio and one-bedroom	1	1.5
Two-bedroom	1.25	2
Three + bedrooms	1.7	2
Age-restricted senior housing	Multiply bedroom requirement by 0.5	
Below market rate (deed restricted)		
Non-Residential (as part of a mixed-use development)	Per 1,000 square feet of floor area	
Retail/Service Commercial, Personal Services (Table 4-3: All types listed in #2 through 4)	2	4
Eating/Drinking Establishments (Table 4-3: All types listed in #5)	4	7
Office (Table 4-3: All types listed in #8A through 8H)	2.75	4
Office (Table 4-3: #8I)	2	3.2

Housing Element

In Housing Element Program H3, Sunnyvale committed to find at least 750 sites in high resource areas of the city. Rezoning portions of Village Centers 1 and 2 as commercial reduces the available land which could be upzoned to accommodate this housing.

For example, Village Center 1 is currently zoned for 18 du/ac. This would allow for about 500 housing units. The proposed new zoning allows for about 530 housing units, a 30 unit increase, which is good. However, there is not much capacity to add additional units at this site. Modifications to change the VCO zones in Village Center 1D and the VCC zone in Village Center 2A to mixed-use would allow for lower densities at these sites in the VCMP. This would allow the densities to be increased as part of program H3.

Other Questions

- Do the building height, setback, and daylight plane requirements allow for developing the maximum density with sufficient parking in the VCMU-56 areas?
- What is the maximum density that is practical to build in the various VCMU zoned areas given the height and other requirements. How much could density be increased beyond what is proposed in the VCMP?
- Why are single family homes a permitted use in the VCMU areas?
- What is the minimum housing density required in the various VCMU zones?

We would like to thank all the City staff who have worked on developing the VCMP, and thank you to all the commissioners for the time you have spent reviewing this.

Very Sincerely,

The Livable Sunnyvale Board

Angela Rausch, Chair

Agnes Veith, Vice-Chair

Angus Liu

Chuck Fraleigh

Paulina Zapata

From: [Sharlene Liu](#)
To: [PlanningCommission AP](#)
Cc: [Ari Feinsmith](#); [Stephen Meier](#); [REDACTED]; [Daniel Karpelevitch](#); [Alon Golan](#)
Subject: VCMP input: enabling walking and biking
Date: Monday, June 16, 2025 1:21:52 AM
Attachments: [sssLogo_240916_trace_wName.png](#)

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.

Dear Planning Commission:

Sunnyvale Safe Streets would like to offer our input for the Village Center Master Plan. We support village centers because they are Sunnyvale's version of a 15-minute city, where many amenities and services are within a 15-minute walk or bike ride away. Importantly, village centers serve not just the residents of village centers but the surrounding neighborhoods as well.

With that in mind, we support the vision of a village center that is "pedestrian and cyclist-oriented and integrated into the transportation and circulation network of the surrounding neighborhood" [Ref: VCMP draft, Section 3.2, Vision Statement, p. 15].

We support the mobility and circulation goals listed in Section 3.3 (f) on p. 16. However, some of those goals mention only pedestrian access, leaving out bicycle access. Please expand them to include bicycle access, like so:

- *(1) Link Village Centers to existing adjacent neighborhoods through a continuous pedestrian **and bicycle** circulation system.*
- *(2) Align new internal streets and driveways to extend to existing streets and create walkable **and bikeable** neighborhood blocks.*

Toward making VCs accessible by bike, we'd like the VCMP to state that the bikeways connecting the VCs to the rest of Sunnyvale be made safe, including removing on-street parking if necessary. The safety of bikeways takes priority over street parking, as stated in LUTE policies LT-[3.8, 3.9, 3.10]. Re-stating this prioritization in the VCMP is especially important because of the anticipated increase in street parking demand due to the increase in housing density, accompanied by a decrease in the minimum off-street parking requirement. A good place to add this prioritization is in Section 3.3 (f) on Mobility and Circulation Improvements, like so:

- *(7) Bikeways connecting to village centers should be made safe. If on-street parking*

hampers the safety of bikeways, then such on-street parking should be removed.

For VC 1, we are interested in having VC 1C be integrated with the surrounding Wrightmont Corners neighborhood. Currently, there is a solid wall separating VC 1C from the Wrightmont Corners neighborhood. A barrier for pedestrians and cyclists, this wall goes against the vision of village centers to be "pedestrian and cyclist-oriented and integrated into the transportation and circulation network of the surrounding neighborhood". A good way to integrate the surrounding neighborhood is to provide bike+pedestrian openings in this wall, similar to what is done in many other neighborhoods around Sunnyvale. There are some good examples of bike + pedestrian openings in walls in the vicinity of VC 1 that allow residents to access the businesses on the other side: the wall along New Brunswick and the wall at the NW corner of Mary/Fremont. These openings allow residents to walk or bike a short distance to the businesses instead of drive ½ mile around. Table 3-1, 3[a, b] (p. 14) already says there is community support for pedestrian and bicycle-oriented design for VC 1. Please specify that openings in the wall of VC 1C be part of that design, like so:

- ***3.a: Pedestrian-oriented design, including establishing openings through walls between VCs and surrounding neighborhoods.***
- ***3.b: Bicycle-oriented design, including establishing openings through walls between VCs and surrounding neighborhoods.***

For VC 6, we would like to have the John W. Christian Greenbelt (JWC) extend through VC 6 along the SFPUC right-of-way. Without this extension, JWC users will have to go around VC 6, which is unintuitive and circuitous, and a downgrade from what is allowed today. We would like the VCMP to state that the City's intention is to work with SFPUC to complete this link in the JWC. Table 3-1, 3.f (p. 14) specifies, "Direct connections to the JWC Greenbelt and Lakewood Park", but that is insufficient. Instead, say:

- ***Complete missing link in the JWC Greenbelt by extending it through VC6 along the SFPUC ROW.***

We think the minimum required bike parking ratios specified in Table 4-10 (p. 38) are too low in some respects. We suggest increasing the minimum requirement to at least the goal specified in the [VTA Bicycle Technical Guidelines](#) (Section 10.6, Table 10-3). Specifically to the goals shown in the yellow columns below:

land use	class 1 parking (VCMP)	class 1 parking (VTA)	class 2 parking (VCMP)	class 2 parking (VTA)
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residential	1 space/unit	1 space/bedroom		
retail + service	1 space/10,000 sf	1 space/10 employees	1 space/4,000 sf	1 space/2,000 sf
eating + drinking	1 space/3,000 sf	1 space/10 employees		
office	1 space/4,000 sf	1 space/2,000 sf	1 space/10,000 sf	10 spaces/ building entrance

Thank you for taking our input into consideration.

Sincerely,

Sharlene Liu
Daniel Karpelevitch
Kevin Jackson
Steve Meier
Alon Golan
Ari Feinsmith



Sunnyvale Safe Streets

From: [Jeffrey Cucinotta](#)
To: [PlanningCommission AP](#)
Subject: FW: Recommendations: Revised Village Center Master Plan
Date: Monday, June 16, 2025 11:16:06 AM

From: Christina O'Guinn <[REDACTED]>
Sent: Monday, June 16, 2025 10:18 AM
To: Jeffrey Cucinotta <JCucinotta@sunnyvale.ca.gov>
Cc: Richard Mehlinger <MehlingerCouncil@sunnyvale.ca.gov>; Shawn W <[REDACTED]>
Subject: Recommendations: Revised Village Center Master Plan

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.

Dear Sr. Planner Cucinotta,

We have lived in Sunnyvale for over 30 years and are writing to share feedback on the Village Center Master Plan (VCMP), especially as it relates to Village Centers 4 and 5.

Although the revised plan may not prevent the near-total loss of retail at Village Centers 5 and 6, we remain committed to protecting what remains and ensuring future development serves our historically neglected community. The delayed response to SB330—passed over five years ago—raises concerns that earlier action might have prevented some of the current retail loss. We ask the City to act with urgency and vision now.

We appreciate steps like the rezoning of the Lucky site as commercial-only, and we offer the following specific recommendations to protect and support viable retail in our community:

Village Center 4

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- **Maintain the commercial-only zoning**
- to protect North Sunnyvale's only large-format grocery store from housing-only development proposals.
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- **Ensure adequate surface-level customer**
- **parking:** Ascertain that the
- commercial-only area allows for the minimum 80+ spaces needed for Lucky in addition to other retail. Zoning should support feasible, cost-effective options—preferably surface parking—rather than relying on expensive underground structures.

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Village Center 5

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- **Expand**
- **commercial-only zoning to at least 50% of the site**
- to better support the mix of essential retail services envisioned in the Village Center model.

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- While it appears the Taj Mahal grocery
 - store and one restaurant are currently protected, rezoning more of the site helps retain a broader array of services that nearby residents and office workers rely on.

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- **Protect a “viable market”:**
- According to Economic Development Manager Christine Velasquez’s definition of a viable market, the site is already thriving—Taj Mahal draws an average of 800 daily customers, and restaurants serve 150–200 daily patrons, many from local offices mid-day, during
- the week.

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- **Support restaurant clusters:**

- Restaurants do best when located near one another, creating shared visibility and drawing in repeat customers. Isolating a single restaurant may lead to business failure and fewer dining options for the neighborhood.

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- **Acknowledge the limits of mixed-use:**

- While we understand the City's preference for ground-floor retail in mixed-use projects, state-sanctioned waivers can eliminate retail entirely. The most reliable path to preserving essential retail is to increase commercial-only zoning and revisit rezoning
- when strong, retail-integrated proposals come forward.

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General Future VCMP Recommendations

If the City considers adding future Village Centers:

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- **Reconsider Village Center locations:**

- The vision for walkable retail hubs is compelling—but not economically feasible at the current scale in the locations selected.

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- **Avoid erasing essential services:**
- North Sunnyvale already lacks walkable retail. Adding dense housing while shrinking retail access directly undermines the Village Center model's purpose.

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- **Locate future Village Centers in**
- **areas with existing commercial density**
- (e.g., El Camino/Central Sunnyvale), where essential services are abundant, the loss of a single grocery store would be less damaging and new residents would benefit from an already robust network of retail options.

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Thank you for your work to preserve essential retail in our community. We appreciate your attention to this issue and your continued support for balanced development that truly serves North Sunnyvale.

Sincerely,
Christina O'Guinn and Shawn Wolfe
Residents, District 5 – Sunnyvale

From: [Jeffrey Cucinotta](#)
To: [PlanningCommission AP](#)
Subject: FW: Urgent Concerns About Proposed Redevelopment of Fair Oaks and Lakewood Plazas
Date: Monday, June 16, 2025 11:16:48 AM

From: Alka Sethi <[REDACTED]>
Sent: Monday, June 16, 2025 10:44 AM
To: Jeffrey Cucinotta <JCucinotta@sunnyvale.ca.gov>
Subject: Urgent Concerns About Proposed Redevelopment of Fair Oaks and Lakewood Plazas

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.

Dear Mr. Cucinotta,

I'm writing on behalf of North Sunnyvale residents who are deeply concerned about the proposed redevelopment of Fair Oaks and Lakewood Plazas into housing-only zones. While we understand the need for additional housing, the current plans risk eliminating critical neighborhood grocery stores and displacing small, minority-owned businesses that serve thousands of families in our area.

This redevelopment would disproportionately impact historically underserved neighborhoods by:

- Reducing walkable access to essential groceries and services, forcing car dependency
- Increasing food insecurity, especially for households with limited mobility or income
- Threatening culturally specific stores like Taj Mahal Fresh Market, which is vital for families who rely on halal meats and other specialty foods

A recent graphic from Livable Sunnyvale in the petition below shows a stark imbalance in grocery access between North and South Sunnyvale. With the loss of three stores in North Sunnyvale, the gap will only widen.

These outcomes directly contradict the City's stated goals of creating a walkable, livable, and inclusive Sunnyvale. We support thoughtful housing growth, but not at the expense of basic services, environmental responsibility, and the well-being of our community.

We ask that your department take a close look at how redevelopment plans can preserve grocery access and support local businesses. It's possible to grow without erasing what's essential.

Thank you for your time and consideration. We hope you'll stand with us in making sure all Sunnyvale residents, especially in the north, continue to have equitable access to food and services.

Sincerely,

Alka Patel Sethi

15 Year San Miguel Resident

On behalf of concerned North Sunnyvale residents



From: [Jeffrey Cucinotta](#)
To: [PlanningCommission AP](#)
Subject: FW: Resident Comment & Recommendation: Village Center 5
Date: Monday, June 16, 2025 1:53:24 PM

From: Gigi Wongelsrud <[REDACTED]>
Sent: Monday, June 16, 2025 1:19 PM
To: Jeffrey Cucinotta <JCucinotta@sunnyvale.ca.gov>; Council AnswerPoint <council@sunnyvale.ca.gov>
Subject: Resident Comment & Recommendation: Village Center 5

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Attn: Sunnyvale Planning Commission & City Council

My husband and I moved to Sunnyvale in 2023. We live just down the street from Chavez Supermarket and a short walk from Fair Oaks Plaza. Since settling in, we've come to truly appreciate the great restaurants in the Plaza; for my birthday this year I had friends walk with me to California Momo Kitchen for lunch. I felt so lucky to have a safe walking route to great food; no major roadways to cross on the way there.

Many times I've found myself wishing for a renewal of the Plaza. However, the elimination of retail would be unthinkable to me. The potential for a true neighborhood community space would be dashed, and the next closest retail center of comparable size would be across Lawrence Expressway or across 101 (not only much farther, but much less safe of a walk or bike ride in both cases).

Today I'm proud to join more than 1300 (at the time of writing) Sunnyvale residents in a show of support for the continued access to retail space - including essential groceries - within accessible distance of our homes.

I implore you to listen to the residents of North Sunnyvale. This outcry should not be mistaken for NIMBYism; the continuing loss of access to retail space in North Sunnyvale exacerbates the already existing inequity in our underserved community.

The City has shown that it does care for North Sunnyvale with the recent Peery Park Rides program (which I often use to commute to and from work). Listen to your residents and help our community continue to improve and thrive. Fair Oaks Plaza deserves attention, but its retail spaces currently serve a vital purpose that should be preserved or even expanded, not eliminated.

Thank you for your time and attention.

Gigi Wongelsrud

Sunnyvale Resident, 94085

From: [Bryan Wenter](#)
To: [PlanningCommission AP](#)
Cc: [Trudi Ryan](#); [Rebecca Moon](#); [Shaunn Mendrin](#); [Joshua Vrotsos](#)
Subject: Draft Urgency Ordinance
Date: Monday, June 16, 2025 3:45:33 PM
Attachments: [06.16.25 Letter to Planning Commission re Draft Urgency Ordinance \(1\).pdf](#)

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.

Dear Chair Iglesias and Honorable Commissioners:

Please see the brief attached letter about tonight's Draft Urgency Ordinance. Thank you in advance for your thoughtful consideration of these important issues.

Sincerely,

Bryan W. Wenter, AICP

HSW

3800 Mt. Diablo Boulevard, Suite 200, Lafayette, CA 94549

Direct: 925-708-9055

bryan.wenter@hsw-legal.com | www.hsw-legal.com



Bryan Wenter
925.708.9055
bryan.wenter@hsw-legal.com

June 16, 2025

VIA EMAIL

Nathan Iglesias, Chair
Sunnyvale Planning Commission
456 W. Olive Avenue
Sunnyvale, CA 94086
Email: PlanningCommission@sunnyvale.ca.gov

Re: Draft Urgency Ordinance (File No. 05-0520) and Already Filed Housing Development Projects Pursuant to Senate Bill 330

Dear Chair Iglesias and Honorable Commissioners:

On behalf of our client, Dividend Homes, Inc., we write to address the draft urgency ordinance that will be presented to you on the Planning Commission's June 16, 2025 agenda. While we take no position on the merits of the urgency ordinance itself nor on the recommendation that you adopt it, given that the ordinance is predicated on alleged public health and safety impacts that would occur if Village Center projects do not include the City's desired amount of retail space it is important to make several important points clear.

First, even if the urgency ordinance is valid and ultimately adopted it will not affect any project for which a valid preliminary application pursuant to Senate Bill 330 was filed before the ordinance takes effect. As you know, a valid preliminary application—meaning one that includes a preliminary application form conforming to SB 330, addresses the 17 items prescribed in SB 330, and that pays the “permit processing fee”—confers vested rights the moment it is filed. (Gov. Code § 65941.1). The only exceptions to such vested rights are established in the Housing Accountability Act, and they are as follows:

- Fees, charges, or other monetary exactions to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction;
- A preponderance of the evidence in the record establishes that subjecting the project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in the HAA (addressed further below), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact;
- Subjecting the project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act;

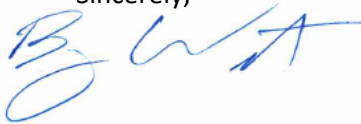
- The project has not commenced construction within two and one-half years, or three and one-half years for an affordable housing project, following the date that the project received final approval; and
- The project is revised following submittal of a preliminary application such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. (Gov. Code § 65589.5(o)(2)).

Second, and with respect to the second point cited above—the only potentially relevant exception to the draft urgency ordinance—there is no possibility a specific, adverse impact finding can be made here, regardless of whether the urgency ordinance is adopted. In addition to the fact that any such exception would require a preponderance of evidence in the record—not merely substantial evidence—the HAA narrowly defines a “specific, adverse impact” to mean a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Thus, for a city to ever lawfully find such an impact, it would be required to have a written public health and safety standard in effect by the time the application is deemed complete and it would have to find, based on a preponderance of evidence, that the project would have a (1) significant, (2) quantifiable, (3) direct, AND (4) unavoidable impact that can only be avoided by disapproving the project or requiring that it be built at a lower density.

These findings are nearly impossible to make, as the League of California Cities has acknowledged to the Legislature. Moreover, the Legislature has stated its intent that the conditions that would have a specific, adverse impact upon the public health and safety “arise infrequently.” (Gov. Code § 65589.5(a)(3)). Housing projects that do not provide a jurisdiction’s desired amount of commercial or retail space do not cause a specific, adverse impact to public health and safety within the meaning of the HAA, and such projects are commonplace throughout California.

We are confident the City understands the difference between the findings needs to adopt an urgency ordinance and the findings that would be required to disapprove a housing project, as well as the vested rights conferred through preliminary applications, but we nevertheless want to ensure there is no confusion on these important issues. We continue to look forward to working in cooperation with the City to provide much needed housing, including affordable housing, to the community pursuant to critical state laws that are designed to facilitate housing production.

Sincerely,



BRYAN WENTER

CC: TRUDY RYAN, DIRECTOR OF COMMUNITY DEVELOPMENT
REBECCA MOON, CITY ATTORNEY
SHAUNN MENDRIN, PLANNING OFFICER
JOSHUA VROTSOS, VICE PRESIDENT OF REAL ESTATE DEVELOPMENT

Hi Agnes,

Here are responses to your questions. Let us know if you need anything else.

Thanks!

Shaunn and Jeff

California Laws

- What California law(s) limit Sunnyvale's decision making in regard to permit approval, site configuration and so forth?

The Housing Accountability Act (HAA) and Housing Crisis Act (SB 330) are the state laws that limit the City's authority. It applies to mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use. The HAA prohibits local agencies from denying or imposing conditions on a housing development project that is consistent with applicable "objective standards." The HAA defines "objective" to mean, "involving no personal or subjective judgement by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and public official."

- What cities are challenging these laws and what is the result of these challenges?

We really can't glean too much about what other cities are doing in response to state housing laws. You might want to reach out to a local or regional housing advocacy group for more insight in that regard.

Table 1-1: Village Center Sites Inventory

- Under the section, "Panning Permitting Activity Since 2017", some of the sites include notations regarding their level of activity. Can you go over this chart and speak to these notes and provide any updates that may not be on the chart?

The details in that table are up to date, with one exception that is explained below in the response to the question about VC 3A.

- As an example, Village Center 1B - Foothill Medical-Dental Center indicates the planning commission approved a permit application in August 2023. How long is that approval valid and what are the next steps for the developer?

That's correct; that application received Planning Commission approval in August 2023. The City typically considers Planning permit approvals expired if the permit is not "exercised" (i.e., construction on the foundation commenced) within two years of the approval date. However, a recent state law "AB 2729" delays the expiration of housing project entitlements by 18 months, so technically, the approval deadline is pushed back 18 months.

- Regarding, Village Center 3A - UFC Gym Shopping Center, the City received an SB330 preliminary application for redevelopment of the site which has since expired. What is an SB330 preliminary application and why has it expired?

A SB330 Preliminary application is a state defined application type. The state laws require specific materials to be submitted. Filing of the application lock in the Codes and Fees in place at application submittal. Often they will lock in the fees in a specific Fiscal Year, which is July to the end of June.

Additionally, on June 11th, the City received a new SB 330 preliminary application for this site with a similar but slightly refined mixed-use proposal with townhouse units and a modestly sized commercial building.

Chapter 4 - Zoning and Development Standards

- Can you go over each of these maps and speak to how the City came up with these zoning configurations?

We were originally considering proposing to allow mixed-use development on all Village Center properties, however, in order to best ensure the commercial/retail/service uses can remain on existing shopping center sites, we revised the approach to proposed some sites for non-residential zoning (commercial/service or office only, with no residential), or residential-mixed use (with a minimum ground floor non-residential requirement). In the proposed approach, the residential units that would be permitted are clustered on fewer sites, with permitted densities ranging from 22 to 56 dwelling units per acre.

- What is the residential density that can be built on each of these sites and the commercial square footage?

The permitted residential is called the “base maximum density,” which is defined as “the greatest number of units allowed on all aggregated parcels comprising a development site.” Permitted base maximum density on all Village Center Mixed Use (VCMU) sites is as shown in the draft Village Center Master Plan, page 30, Table 4-4:

Table 4-4: Permitted Residential Density

Zoning District	Base Maximum Density
VCMU-22	22
VCMU-30	30
VCMU-36	36
VCMU-42	42
VCMU-56	56

The plan also required new residential development to provide at least 85 percent of the base maximum density, so essentially the maximum permitted is in Table 4-4 and the minimum required is 85 percent of that number.

Minimum required non-residential floor area ratio depends on the zoning district and development type, as shown on Page 30, Table 4-5:

Table 4-5: Non-Residential Floor Area Ratio Requirements

Zoning District	Minimum Required Non-Residential FAR
VCMU	Mixed-Use Development: 10%
	Non-Residential Development: 25%
VCC	25%
VCO	25%

- What does, for instance, a VCMU building look like with the allocated units per acre? In a previous presentation you shared architectural renderings and it will be helpful to do so again.

Attached are some slides from a presentation we gave in 2022 related to the El Camino Real Specific Plan that shows building types for different density allocations.

[Slides for Agnes.pdf](#)

- Are developers aligned with the zoning for each of these parcels?

Unfortunately, we're not able to speculate what any current property owner or future/prospective developer may have in mind in terms of future redevelopment plans. We have made the draft plans/documents available for public review, and to date we have not heard any direct feedback from any developers that are not already proposing active Planning permit applications.

- What if a developer wants to change the zoning configuration by moving the VCMU and VCC to different places on the parcel? Can this be done and if so, what is the process?

Changing the zoning boundaries would require an amendment to the VCMP (essentially a rezoning) and would not require an amendment to the General Plan, which is a more complex process. Redevelopment could also combine these parcels together and/or subdivide the lots to align with zoning district boundaries. In either case, the City will work with developers to achieve a project that meets the intent of the plan.

From: [Himanshu Sethi](#)
To: [PlanningCommission AP](#)
Subject: Request to reject VCMP and application for VC5
Date: Monday, June 16, 2025 8:23:23 PM

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.

Good evening Commissioners,

My name is Himanshu Sethi and I live in the San Miguel neighborhood in North Sunnyvale and I am writing to represent myself and my community. I am writing this email to ask you to reject the Village Center Master Plan and the current housing-only developer application as it applies to Village center 5 (VC5), the Fair Oaks Plaza site, and to protect the vital retail that this community depends on.

Fair Oaks Plaza is a high traffic, community serving center that provides daily access to groceries, healthcare, restaurants, barbershops, and cultural markets. Businesses here receive between 100 and 800 customers per day, with around 2,000 total daily visits. This is a thriving plaza, not underused land. It plays a critical role in everyday life.

In San Miguel, about 70 percent of households earn under 110,000 dollars, well below the citywide median of 164,000 dollars. A quarter of local residents are seniors. Many rely on walking or transit to access basic needs. For them, this plaza is not optional — it is essential.

That is why over 1,300 residents have signed a petition calling on the city to preserve this space. More than 1,500 new housing units have already been added within a half mile of the plaza over the last decade. And this is more than the 900 units outlined in the VCMP. The population has grown, but the services have not. What we need now is support for existing residents — not the removal of the places they depend on.

We are open to mixed use development, but only if it protects vital retail — especially a grocery store and other essential services. If this site is developed without those, it will create a food desert. That would increase car dependency, pollution, and inequity, and would directly undermine the city's goals for walkability and sustainability.

This site is zoned for commercial use. The city is not obligated to approve a housing only project. If more housing is needed, the city should first evaluate underused industrial parcels, but only after proper environmental review and health and safety review of nearby sites as well (not just the VCMP) and a clear understanding of community needs.

Even SB 330 calls for preserving neighborhood serving retail and preventing displacement. Fair Oaks Plaza deserves that protection.

Please reject the VC5 plan as written. Protect vital retail in Fair Oaks Plaza. Preserve what this community truly needs.

Thank you,
Himanshu