



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

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**ADMINISTRATIVE HEARING STAFF REPORT**

Agenda Date: June 26, 2025

**Subject**

Subdivision of an existing 28,235-square-foot lot into two residential lots in the single-family residential (R1-10) zoning district. (Application No.(s): TM-2024-008; Applicant: Mohammad Kamrul Islam; Location: 10033 Hillcrest Road; APN: 326 16 014)

**Recommended Action**

That the Hearing Officer adopt the draft resolution (Attachment 1) to:

1. Find the actions exempt from the California Environmental Quality Act ("CEQA"); and
2. Approve the Tentative Parcel Map (TM-2024-008).

**Discussion**

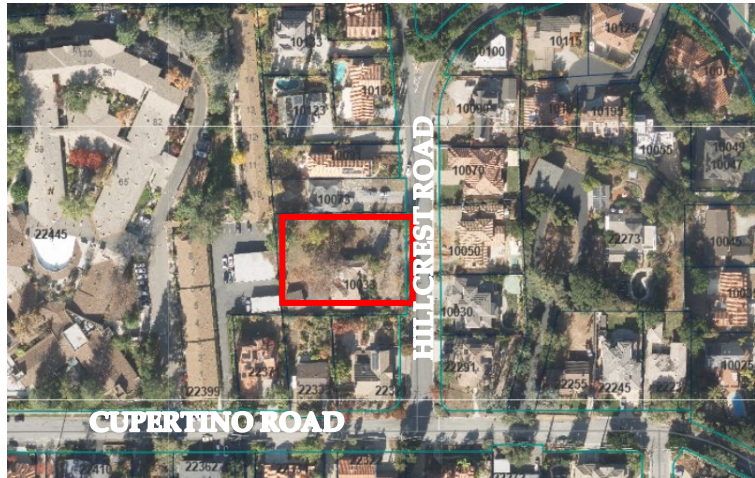
***Project Data:***

<b>General Plan Designation</b>	Residential Low Density (1-5 DU/ac)		
<b>General Plan Planning Area</b>	Creston-Pharlap Neighborhood		
<b>Zoning Designation</b>	R1-10		
	<b>Max. Allowed</b>	<b>Existing</b>	<b>Proposed</b>
<b>Density</b>	5 du/ac	1.54 du/ac	3.09 du/ac
<b>Lot Size</b>	28,235 sq. ft. (0.648 acres)		
<b>Net lot Area (after dedications)</b>	26,735 sq. ft. (0.614 acres)		
	<b>Required</b>	<b>Lot A</b>	<b>Lot B</b>
<b>Net Square Feet</b>	Min. 10,000 sq. ft.	15,375 sq. ft.	11,360 sq. ft.
<b>Lot Width</b>	Min. 60 ft.	85 ft.	65 ft.
<b>Project Consistency with:</b>			
General Plan:	Yes		
Zoning:	Yes		
Environmental Review:	Categorically Exempt per Section 15315, Class 15 of CEQA		

***Background:***

The applicant and property owner, Mohammad Kamrul Islam, is seeking to subdivide one single-family residential lot into two lots and develop associated street improvements.

The property is located on the west side of Hillcrest Road approximately 300 feet north of the intersection of Hillcrest Road and Cupertino Road. The neighboring uses are single-family



**Figure 1: Project Location**

residences, with single family residences to the north, east, and south of the property with R1-10 zoning and a senior living facility with BQ (Quasi Public uses) zoning to the west.

The site has a gross area of 28,235 square feet, which, after required frontage improvements and dedications to complete the street on the west side of Hillcrest Road, will have a net area of 26,735 square feet.

The project site currently contains an existing single-family residence with a detached garage. The existing lot has an average slope of approximately seven percent. Vegetation present on the site consists of numerous trees and shrubs of varying conditions. No trees are proposed for removal as part of this project and future removal of any Protected Trees under the City's Municipal Code Chapter 14.18 will require a Tree Removal Permit. Three Street Trees will be preserved along the property's eastern border .

The resulting lots will be developed with single-family residences. Based on the future design of the homes, a Planning Permit may or may not be required for development in compliance with the requirements of the Municipal Code. Based on the development pad of the proposed lots, sufficient information has been provided which would support feasible development on the property. Future residences will be reviewed through the City's processes as identified in the Municipal Code and will be required to meet all applicable development standards.

***Analysis:******Conformance with General Plan & Zoning***

The General Plan Land Use Designation for the site is Low Density Residential, which allows a density of 1-5 dwelling units per acre. With a proposed density of 3.09 dwelling

units per acre, the proposal is consistent with the General Plan Land Use designation for the site.

Additionally, Staff has evaluated the project's consistency with the General Plan and has concluded that the proposed project supports several of the City's other General Plan goals including:

- **Policy LU-27.7: Compatibility of Lots** - *Ensure that zoning, subdivision and lot-line adjustment requests related to lot size or lot design consider the need to preserve neighborhood lot patterns.*
- **Strategy LU-27.7.1: Lot Size** - *Ensure that subdivision and lot line adjustment requests respect the neighborhood lot size patterns. Consider revisions to lot size requirements if the neighborhood lot pattern is different from the zoning requirements.*

The site is zoned R1-10, which requires a minimum lot size of 10,000 sq. ft. and minimum lot width of 60 feet. The project proposal is to create two new lots with lot sizes greater than 10,000 square feet and minimum lot width of 65 feet. This proposal is therefore consistent with the site development regulations for this zoning district pursuant to Chapter 19.28 Single Family Residential Ordinance of the Cupertino Municipal Code.

#### Subdivision Design & Street Improvements

The proposed subdivision will create two rectangular lots, each with access from Hillcrest Road. The project is required to dedicate 10 feet along Hillcrest Road to accommodate required off-site right-of-way improvements consisting of a curb, gutter, street trees, and pavement work.

As previously mentioned, the proposed lots meet the subdivision standards established in the R1 zoning ordinance. Since the predominant development pattern in the neighborhood is that of single-family homes, the proposed subdivision respects the existing lot pattern by creating two lots which are generally consistent in size and configuration to existing surrounding residential parcels.

#### Environmental Review

A Phase I Environment Site Assessment ("ESA") and Soil Investigation Report were prepared for the project by ACC Environmental Consultants in May of 2024 (Attachment 3) and peer reviewed by the City's third-party consultant. The reports revealed no evidence of Recognized Environmental Conditions in connection with the subject property, however, a Business Environmental Risk was identified. Concentrations of dieldrin, a formerly used insecticide, were detected at one location. As such, the report recommends that, at the time of development, a soil management plan be prepared and provided to the City for review and approval. The project has been conditioned to provide a Soil Management Plan at the time of application for any Building Permits,

including demolition permits. This plan and associated site clean-up work will be subject to review, oversight and approval by the City's third-party consultant.

As no potentially significant impacts were identified, the project is considered Categorically Exempt per Section 15315, Class 15 of CEQA which exempts minor subdivisions within urbanized areas if it meets all of the following criteria:

- (a) The property is zoned for residential, commercial, or industrial uses.
- (b) The subdivision will not result in more than four parcels.
- (c) The proposed division is in conformance with the General Plan and zoning requirements and no variances or exceptions are required.
- (d) All services and access to the proposed parcels are available and compliant with City standards.
- (e) The existing parcel was not involved in a division of a larger parcel within the previous two years.
- (f) The parcel does not have an average slope greater than 20 percent.

Future development on the property will also be subject to the applicable standards of City Municipal Code Title 17, including, but not limited to standards for fugitive dust control, use of low-VOC paint, standards for protection of nesting birds, and noise control and noticing.

#### Other Department/Agency Review

The City's Public Works Department and County Fire Department have reviewed the project and have no objections. Their conditions have been incorporated as conditions of approval in the draft resolutions.

In compliance with the Subdivision Map Act requirements, notices have been sent to the school districts and service providers that will serve the new parcels. However, no comments have been received on the project as of the date of production of this staff report. The applicant will be required to pay the appropriate school impact fees upon development of the lots with homes.

#### Public Noticing

The following table is a brief summary of the noticing for this project:

<b>Notice of Public Hearing</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>▪ Site Signage (<i>at least 14 days prior to hearing</i>)</li> <li>▪ 45 notices mailed to property owners adjacent to the project site (<i>at least 10 days prior to the hearing</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)</li> <li>▪ Posted on the City of Cupertino's Web site (<i>three days prior to hearing</i>)</li> </ul>

**Findings**

All of the findings for approval of the proposed project, consistent with Chapter 18.20 of the Cupertino Municipal Code, may be made as follows:

- a. That the proposed subdivision map is consistent with the City of Cupertino General Plan.

*The subject property is consistent with the General Plan since the property is permitted to have up to three dwelling units based on its land use designation of Low Density (1-5 DU/Ac.). The lot acreage will be consistent with the underlying single family residential standards proposed with a minimum lot square footage of 10,000 square feet. Adjacent land uses include similar developments. The proposed subdivision is compatible with the adjoining land uses and no physical constraints are present that would conflict with anticipated land use development.*

- b. That the design and improvements of the proposed subdivision are consistent with the General Plan.

*The off-site improvements proposed with the project are similar to the existing improvements adjacent to the subject site. These are consistent with the City's General Plan policies related to pedestrian safety etc. by minimizing curb-cuts and requiring an urban canopy within the public right-of-way.*

- c. That the site is physically suitable for the type of development contemplated under the approved subdivision.

*The proposed subdivision is compatible with the adjoining land uses and no physical constraints are present that would conflict with anticipated land use development. There are no topographical anomalies that differentiate this property from adjacent properties. The site is located on the valley floor and the proposed two lot subdivision is typical of properties in the neighborhood.*

- d. That the site is physically suitable for the intensity of development contemplated under the approved subdivision.

*The subject property is physically suitable in size and shape in conformance to development standards and is appropriately configured to accommodate single-family dwelling units that can comply with development standards in Chapter 19.28.*

- e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidable injure fish and wildlife or their habitat.

*The proposed subdivision design and improvements are not likely to cause serious public health problems nor substantially injure fish and wildlife or their habitat because the property is a developed site and located in an urbanized area where residential land use is allowed.*

- f. That the design of the subdivision or the type of improvements associated therewith are not likely to cause serious public health problems.

*The proposed development is consistent with the existing adjacent residential development, and the on-site and off-site improvements improve neighborhood walkability through new frontage construction with size-appropriate driveway cuts and street tree preservation.*

- g. That the design of the subdivision and its associated improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

*No easement or right-of-way exists currently that would be impeded or conflict with the proposed subdivision.*

### **Conclusion**

Staff recommends approval of the Tentative Map because the project is consistent with the General Plan, subdivisions, and zoning ordinances, in accordance with Chapters 18.20 and 19.28 of the Cupertino Municipal Code.

### **Next Steps**

If approved, the permit will be effective 14 calendar days from the date of the hearing. The decision of the Administrative Hearing Officer is final, unless appealed within 14 calendar days from the date of the hearing. The applicant team may apply for permits and approval of a Final Map with the City at the end of the appeal period.

This approval is valid until June 26, 2026. The applicant team may apply for a one-time one-year extension before the approval expires.

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Prepared by:

Emi Sugiyama, Senior Planner

Reviewed and Approved for submission by:

Piu Ghosh, Planning Manager

### **ATTACHMENTS**

1. Draft Resolution for TM-2024-008
2. Project Site Plan
3. Phase I Environment Site Assessment
4. Soil Sampling Report