

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2026-001

RESOLUTION OF THE NOVATO PLANNING COMMISSION APPROVING A THREE-YEAR TIME EXTENSION OF THE VESTING TENTATIVE MAP FOR VALLEY OAKS, A RESIDENTIAL DEVELOPMENT PROJECT ON AN APPROXIMATELY 38-ACRE SITE LOCATED ON THE WEST SIDE OF REDWOOD BOULEVARD AT PINKSTON ROAD (APNS 125-580-41 AND 125-580-42)

WHEREAS, the City of Novato ("City") received an application (MEXT2025-711) requesting an extension of time for the previously approved Valley Oaks Vesting Tentative Map (Project No. P2022-066); and

WHEREAS, Novato Municipal Code (NMC) Section 19.44.040 (Time Limits and Extensions) prescribes the time limits for entitlement approvals and the process for an applicant to request a time extension; and

WHEREAS, Novato Municipal Code (NMC) Section NMC Section 9-7.002 f. 2. (Expirations and Extensions of Tentative Map) prescribes the time limits for tentative map approvals and the process for an applicant to request a time extension; and

WHEREAS, Campus Properties, LLC (hereafter "Applicant"), filed a written request for an extension of time prior to the date of expiration of the Valley Oaks Vesting Tentative Map (hereafter "Project" or "VTM"); and

WHEREAS, public notices describing the Planning Commission's public hearing regarding the time extension request were sent to all affected property owners within 600 feet of the boundaries of the project site, all public agencies potentially serving the Project or having some oversight of the Project's construction, and all persons requesting notice pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation, on January 29, 2026; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 9, 2026, to consider and receive public testimony on the time extension request at issue herein; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and resolves as follows:

**Section 1. Recitals**

The foregoing recitals are true and correct and are incorporated into the findings herein.

## **Section 2. Record**

The Record of Proceedings (“Record”) upon which the Planning Commission bases its decision on extending the effective date of the VTM includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared for and/or submitted to the City regarding the original approval of the VTM and the VTM time extension request at issue herein; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) the City of Novato General Plan 2035 and its related EIR, the Novato Municipal Code, and the CEQA Initial Study/Mitigated Negative Declaration prepared for the Project; (4) all designs, plans, studies, data, and correspondence submitted by the City in connection with the original approval of the VTM and the VTM time extension at issue herein; (5) all documentary and oral evidence received at public workshops, meetings, and hearings regarding the VTM time extension at issue herein; and (6) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

## **Section 3. Findings**

### *California Environmental Quality Act (CEQA)*

The Planning Commission hereby finds that granting a time extension for the VTM is exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines section 15162, based on the following findings:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

The Applicant has not proposed any changes to the VTM and none are authorized by way of extending the effective date of the VTM.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

There is no information in the Record indicating the circumstances under which the VTM was approved have changed. Therefore, there is no need to revise the CEQA Initial Study/Mitigated Negative Declaration prepared for the VTM.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There is no new information in the Record, which was not known and could not have been known with the exercise of reasonable diligence at the time the Initial Study/Mitigated Negative Declaration was adopted for the VTM, indicating: a) development of the Project will cause significant effects not discussed in the Initial Study/Mitigated Negative Declaration; b) significant effects identified in the Initial Study/Mitigated Negative Declaration will be more severe than anticipated; c) mitigation measures that were infeasible are now feasible; or d) substantially different mitigation measures would reduce potentially significant effects identified in the Initial Study/Mitigated Negative Declaration.

*Novato Municipal Code Section 19.44.040.B.*

The Planning Commission hereby makes the following findings required by Section 19.44.040 B. 2. of the Novato Municipal Code with the respect to the VTM time extension request:

- a. The proposed extension is consistent with the General Plan, and any other applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered.*

Since the VTM was approved, the General Plan land use designations applicable to the project site have not changed and no general plan amendments have been adopted that are applicable to the site; there is no specific plan applicable to the site. The approved VTM remains consistent with the Open Space (OS), Medium Density Residential (R5), and High-Density Multiple Family Residential (R20) land use designations of General Plan 2035. The VTM remains consistent with applicable policies and programs of the General Plan as determined when the VTM was originally approved; these findings are documented in Exhibit A attached hereto. Therefore, extending the effectiveness of the VTM is consistent with Finding a.

- b. There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.), to ensure that the proposed extension would not endanger, jeopardize, or otherwise be detrimental to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.*

Prior to approval, the VTM was referred to the Novato Public Works Department, Novato Fire

Protection District, Novato Police Department, North Marin Water District and Novato Sanitary District during the entitlement process. These agencies reviewed the VTM to verify compliance with standards for water, sewer, emergency services, public safety, and stormwater management for residential subdivisions in Novato. Each agency provided draft conditions of approval, as necessary, to ensure the Project provides adequate infrastructure and safety improvements, such as stormwater control measures, fire suppression and rescue features. These conditions of approval were applied to the VTM and other entitlements, and will be implemented through the construction design plans and construction phases of the Project. No agency identified service, fiscal, or resource (e.g., water) constraints that would negatively affect the ability to serve the Project or existing residents in Novato.

The CEQA IS/MND prepared for the Project analyzed the ability of local government services and public utilities to serve future development at the project site based on the land use, development intensity, and design of the Project. The IS/MND also reviewed the demand for other government services and facilities (e.g., post office, library, etc.). The CEQA IS/MND confirmed that public services have sufficient capacity, facilities, infrastructure, equipment, and staff to meet the needs of the Project on an individual and cumulative basis.

The Project remains as originally approved and there is no information indicating there is any change in the ability of the City of Novato, Police Department, Fire District, Novato Sanitary District, or North Marin Water District to serve the Project. Based on the facts above, adequate public services remain available to serve the Project consistent with Finding b.

*Novato Municipal Code Section 9-7.002 e.2.*

The Planning Commission hereby makes the following findings required by section 9-7.002 e. 2. of the Novato Municipal Code with the respect to extending the effective date of the VTM:

- a) That the proposed subdivision, together with the provisions for its design and improvement is consistent with the Novato general plan and any specific plans.
- b) The proposal is consistent with the Zoning Ordinance and any master plan or precise development plan adopted pursuant thereto.
- c) The effect of the approval on the housing needs of the region has been considered and balanced against the public service needs of the residents of Novato and available fiscal and environmental resources.
- d) The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.
  1. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.
  2. The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when on new structures are added.

3. For the purposes of this section, "feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
- f) The required construction is a necessary prerequisite to the orderly development of the surrounding area. (This finding is required only for tentative maps where a parcel map is required).

The VTM is unchanged from its original approval in 2024. Likewise, there have been no changes to Novato General Plan 2035 affecting the VTM. Therefore, the VTM remains consistent with the applicable findings of NMC sections 9-7.002 e.2. a), b), c), d), and f) as documented in City Council Resolution No. 2024-005, attached hereto as Exhibit A and incorporated herein by reference. Accordingly, granting a time extension for the VTM is consistent with NMC sections 9-7.002 e. 2. a), b), c), d), and f). Finding e) of Section 9-7.002 e.2 is not applicable because the Project does not involve the conversion of a mobile home park.

#### **Section 4. Extension Request Approval and Indemnity and Time Limitations**

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby approves the Applicant's extension request based on the findings set forth herein and subject to the following conditions of approval:

1. The Valley Oaks Vesting Tentative Map approval shall expire on January 23, 2029 (3-year extension) unless a final map is submitted for recordation to the satisfaction of the City Engineer.
2. The Applicant, or any successor in interest to the Project, shall comply with the conditions of approval specified in City Council Ordinance No. 1710 and City Council Resolution Nos. 2024-003, 2024-004, and 2024-005, as originally adopted for the Project.
3. Indemnity and Time Limitations
  - a. The applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees to attack, set aside, void, or annul the action(s) at issue herein. This indemnification shall include damages or fees awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the property owner, the City, and/or parties initiating or bringing such action.
  - b. The applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the City, its agents, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary by said legal action and the developer desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of

such documents in a form and under conditions approved by the City Attorney.

- c. In the event that a claim, action, or proceeding described in no. a or b above is brought, the City shall promptly notify the applicant of the existence of the claim, action, or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action, or proceeding; the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the applicant in the defense of said claim, action, or proceeding. If the City chooses to have counsel of its own to defend any claim, action, or proceeding where the developer has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the applicant or property owner.
- d. The applicant, property owner and any successor in interest, whether in whole or in part, indemnifies the City for all the City’s costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- e. Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- f. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the 9th day of February 2026, by the following vote:

AYES: Commissioners Crockett, Derby, Griggy, Havel, Roche, and Tiernan

NOES: NONE

ABSTAIN: NONE

ABSENT: Commissioner Stuckenbroker

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which

was adopted by the Planning Commission, City of Novato, County of Marin, State of California,  
on the 9th day of February 2026.

*Justin Derby*

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Justin Derby, Chair

Reference: MEXT2025-711

Exhibit A – City Council Resolution No. 2024-005