



### Staff Report

**Date:** June 11, 2026  
**To:** Mayor McMillan and Council Members  
**From:** Alex Lopez-Vega, Planner  
**Subject:** 313 Upper Toyon LLC Residence, 313 Upper Toyon Drive (DRP26-07)

---

#### Recommendation

It is recommended that the Town Council consider Design Review, and a Hillside Lot Permit for the project described below located at 313 Upper Toyon Drive. The Town Council may adopt Resolution No. 2633 approving the project, subject to conditions.

#### Project Information:

Property Owner: 313 Upper Toyon LLC  
Applicant: Element Outdoor Construction  
Street Address: 313 Upper Toyon Drive  
Parcel Number: 072-061-18  
Zoning: R-1: B-5A  
General Plan: VL (Very Low Density)  
Flood Zone: X

#### Project Data

	Code Standard	Existing	Proposed
Lot Area	5 Acre	110,133 SF	No change
Building Coverage	10%	5,301 SF	No Change
Side Setback	45'	N/A	Pool 100'-9"
Rear Setback	70'	N/A	Pool 70'-8"

	<b>Code Standard</b>	<b>Existing</b>	<b>Proposed</b>
<b>Impervious Surface Coverage</b>	Minimize and/or mitigate for any increase.	19,789 SF	20,705 SF

**Project Description:**

The applicant requests approval from the Town Council for Design Review and a Hillside Lot Permit. The project proposes constructing a new 10’ x 30’ swimming pool and a 7’ x 7’ spa in an area that is currently a turf lawn. An existing indoor pool, at the basement level, is currently under demolition. This new outdoor pool replaces the indoor pool. The project also includes approximately 280 square feet of new hardscape between the main residence and the proposed pool. The pool equipment will be located beneath a future parking pad approved in 2025.

Impervious Surfaces

The project proposes an impervious surface increase of 916 square feet, new coverage would be mitigated by adding a new 73 square foot bioretention area for stormwater control.

Project plans are included as **Attachment 2**; Project Application and Materials are included as **Attachment 3**.

The proposed project is subject to the following permit approval:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** to allow a project resulting in more than 50 cubic yards of grading or filling; modification to topography, additional impervious surfaces, alterations of drainage patterns, and other site modifications that could affect the visual and/or physical character of the site and neighborhood.
- **Hillside Permit is required pursuant to RMC Section 18.39.020** for lots with a slope of 30 percent or more.

**Background**

The project site is a 110,133 square-foot irregular shape lot on Upper Toyon. The lot has a single-family residence which includes an attached garage, and an accessory structure. The property is home to an extensive collection of trees and mature vegetation.

According to the Town’s records, the following Planning entitlements were previously approved for the property:

- May 8, 2025 – Town Council adoption of Resolution No. 2518 conditionally approving a Hillside Lot Permit and a Variance for a new parking pad.

### **Advisory Design Review**

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions for Attics, a Hillside Lot Permit, and/or a Variance. The ADR Group discusses the merits of the project and provides a formal recommendation to the Town Council regarding the merits of the project consistent with the requisite findings associated with the land use permits being requested, in addition to consistency with the Design Review criteria and standards of the Ross Municipal Code. A majority vote of the Advisory Design Review Group is necessary to provide a recommendation to the Town Council. The vote count of the recommendation would also be forwarded to the Town Council.

On May 19, 2026, the Advisory Design Review (ADR) group voted 3-0-2 (Yes–No-absent) in support of the project. During the meeting, ADR members raised questions regarding the location and screening of the pool equipment. The homeowner clarified that the equipment will be installed underneath the carport approved in 2025 and noted that the project includes adding screening to cover the existing units. The ADR group recommends that the project is consistent with the purpose of Design Review and the Design Review criteria and standards per Section 18.41.100, and, therefore, recommended approval of Design Review.

Draft minutes of the May 19, 2026, ADR meeting are included as **Attachment 4**.

### **Discussion**

The proposed project is subject to the following permit approvals pursuant to the Ross Municipal Code (RMC):

#### ***Design Review***

Design Review is intended to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment.

The Town Council may approve, conditionally approve or deny an application for design review. The Town Council shall include conditions necessary to meet the purpose of Design Review pursuant to Chapter 18.41 and for substantial compliance with the criteria set forth in this chapter. If Council intends to approve Design Review, staff recommends that the required findings for approval be satisfied for the proposed project, as follows:

- The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. (Section 18.41.070 (b) (1))
- The project is in substantial compliance with the design criteria of Section 18.41.100. (Section 18.41.070 (b) (2))
- The project is consistent with the Ross General Plan and zoning ordinance. (Section 18.41.070 (b) (3))

Staff recommends approval of Design Review, as summarized below and as supported by the findings in Exhibit "A" of the attached Resolution.

The project provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; enhances the area in which the project is located; and promotes and implements the design goals, policies, and criteria of the Ross General Plan. The project proposes materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. The post-project stormwater runoff rates from the site would be no greater than pre-project rates.

### ***Hillside Lot Permit***

Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map. The purpose of Hillside designation includes: preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain; protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources; ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety; protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites; and reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

Pursuant to Section 18.39.20, the proposed project requires a Hillside Lot Permit for lots with a slope of 30 percent or more; any project resulting in more than fifty cubic yards of grading or filling.

Staff recommends consideration of the Hillside Lot Permit as summarized below and by the findings in Exhibit "A".

The proposed project protects and preserves public and private open space; significant features of the natural environment, includes steep slopes, creeks, significant native vegetation, and wildlife; and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety. Design is well articulated to minimize the appearance of bulk. Materials and colors are of subdued tones and blend with the natural landscape. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views. Consistent with Chapter 18.48, the findings are recommended to support the approval of the requested landscape structures as proposed.

### **Fiscal, Resource and Timeline Impacts**

If approved, the project would be subject to one-time fees for a building permit and impact fees if applicable, which are based on the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impact associated with the project.

### **Alternative actions**

1. Continue the item to revise the project, gather information, conduct further analysis; or
2. Deny the application and direct staff to bring a resolution to the next meeting.

### **Environmental Review**

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA), Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations to Land), consisting of the construction of a swimming pool in an existing single family residential property involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

### **Public Comment**

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date. At the time of writing this report, no written public comments have been made.

### **Attachments**

1. Resolution No. 2633
2. Project Plans
3. Project Application and Neighborhood Outreach
4. Draft ADR Meeting Minutes for May 19, 2026

# ATTACHMENT 1

# TOWN OF ROSS

## RESOLUTION NO. 2633

### RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW AND A HILLSIDE LOT PERMIT TO CONSTRUCT A NEW SWIMMING POOL AND SPA AT 313 UPPER TOYON DRIVE, A.P.N. 072-061-18

**WHEREAS**, the applicant, Element Outdoor Construction, on behalf of the property owners, 313 Upper Toyon LLC, submitted an application requesting approval of Design Review and a Hillside Lot Permit to construct a new 10' x 30' swimming pool and a 7' x 7' spa in an area that is currently a turf lawn at 313 Upper Toyon Drive APN 072-061-18 (herein referred to as "the Project"); and

**WHEREAS**, the Project is determined to be exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations to Land), consisting of the construction of a swimming pool in an existing single family residential property involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

**WHEREAS**, on June 11, 2026, the Town Council held a duly noticed public hearing to consider the Project; and

**WHEREAS**, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

**NOW, THEREFORE, BE IT RESOLVED** the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A" and approves Design Review and a Hillside Lot Permit to approve the Project, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 11<sup>th</sup> day of June 2026, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

Zach Koblick De León, Town Clerk

---

Julie McMillan, Mayor

**EXHIBIT "A"**  
**FINDINGS**  
**313 Upper Toyon Drive**  
**A.P.N. 072-061-18**

**A. Findings**

**I. In accordance with Ross Municipal Code (RMC) Section 18.41.070, Design Review is approved based on the following mandatory findings:**

**a) The project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010.**

As recommended by the Advisory Design Review (ADR) Group, the Project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010. It upgrades the appearance, quality and condition with new development of the site; enhances the area in which the Project is located; and promotes and implements the design goals, policies and criteria of the Ross General Plan.

**b) The project is in substantial compliance with the design criteria of RMC Section 18.41.100.**

As recommended by majority of the Advisory Design Review (ADR) Group, the Project is in substantial compliance with the design criteria of RMC Section 18.41.100. The new residence is compatible with the neighborhood, minimizing visual impact and bulk and utilizing high-quality materials. The site proposes a swimming pool be integrated into the architectural scheme to accent and enhance the appearance of the development.

**c) The project is consistent with the Ross General Plan and zoning ordinance.**

The Project is consistent with the allowed uses and general development standards associated with the Very Low Density land use designation of the General Plan, the Single-Family Residence and Special Building Site zoning regulations, therefore the Project is found to be consistent with the Ross General Plan and Zoning Ordinance.

**II. In accordance with Ross Municipal Code Section 18.39.060, Hillside Lot Permit is approved based on the following mandatory findings:**

**(1). The project complies with the stated purposes of Chapter 18.39.**

The proposed project protects and preserves public and private open space; significant features of the natural environment; includes steep slopes, creeks, significant native vegetation, and wildlife; and other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety.

**(2). The project complies with the development regulations of Section 18.39.090, or that**

**the Town Council has considered and approved a variance.**

Graded slopes do not exceed 2:1. Development adheres to the wildland urban interface building standards within the California Building Standards Code. The project would produce no net increase in peak runoff from the site compared to pre-project conditions.

**(3). The project substantially conforms to the hillside development guidelines in Section 18.39.090.**

Architectural design complements the form of the existing residence. Design is well-articulated to minimize the appearance of bulk. Materials blend with the natural landscape.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**313 Upper Toyon Drive**  
**A.P.N. 072-061-18**

1. The building permit shall substantially conform to the plans entitled, "313 Upper Toyon LLC Residence" submitted on 5-19-26 and reviewed and approved by the Town Council on 6-11-26.
2. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
3. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period. The Planning and Building Director may administratively approve an amendment to town council approved plans that are determined to be in substantial conformity with the approved plans or minor or incidental in nature and consistent with the intent and criteria of this chapter and with zoning ordinance regulation.

**Standard Conditions of Approval**

4. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
5. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
6. A Tree Alteration or Removal Permit is required to alter or remove a tree. Tree Permit approval shall not be issued prior to payment of building permit fees.
7. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
  - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within

the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

- b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
- d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading

activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).

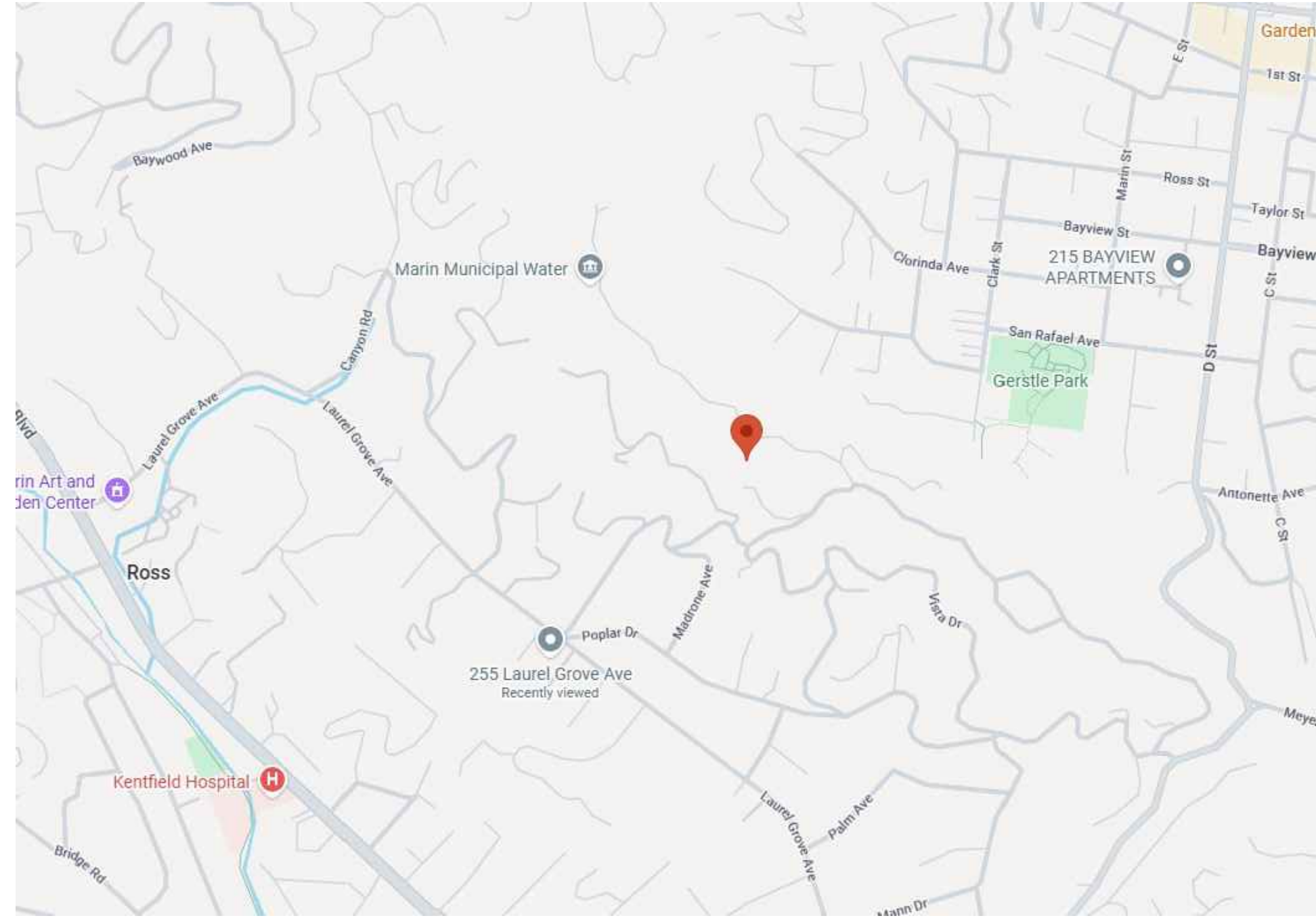
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely

covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.
- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
  - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.
  - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

- iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
8. The project shall comply with all requirements, standards, and policies of the Ross Municipal Code, General Plan, County of Marin, State, and Federal laws.
9. The project shall comply with all standards and policies set forth in Chapter 10.32 Truck Routes. The operator of any vehicle carrying a load in excess of two tons to drive or operate it during the months of November, December, January, February, March and April, over or along any of the following streets in the town: Walnut Avenue, Oliver Avenue-, Pearl Avenue, North Road, West Road, East Road, Hill Road, Upper. Road, Canyon Road, that portion of Wellington Road lying easterly of the intersection of Garden Road therewith, Prospect Avenue, Fallen Leaf Avenue, Baywood Avenue, Madera Avenue, Redwood Avenue, Loma Linda Avenue and Crest Avenue, without written permit from the chief of police. The chief of police is hereby authorized to establish over an appropriate street or streets and to designate by appropriate signs, through-traffic routes for the movement of vehicles of two or more tons capacity designed for carrying merchandise, freight or material.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

# ATTACHMENT 2



VICINITY MAP  
NOT TO SCALE

# 313 UPPER TOYON WAY ROSS, CA 94957

CONTACT INFORMATION

APPLICANT: ELEMENT OUTDOOR CONSTRUCTION  
120 COLLEGE AVENUE  
SANTA ROSA, CA 95401  
(707) 791-6540

OWNER: 313 UPPER TOYON, LLC  
313 UPPER TOYON DRIVE  
ROSS, CA 94957

STRUCTURAL ENGINEER: LENEHAN ENGINEERING  
1024 IRON POINT ROAD  
FOLSOM, CA 95630  
(916) 287-1445

SCOPE OF WORK

NEW 11'X30' SWIMMING POOL WITH ATTACHED 7'X7' SPA.

FENCING NOTES:

RESIDENCE HAS 8' DEER FENCE AROUND PERIMETER OF ENTIRE PROPERTY.

SHEET INDEX

- P1 COVER SHEET
- P2 POOL SITE PLAN AND EROSION CONTROL PLAN
- P3 POOL DETAILS
- SP1.0 POOL STRUCTURAL ENGINEERING PLAN
- POOL STRUCTURAL CALCULATIONS
- POOL EQUIPMENT CUT SHEETS
- POOL COVER SPECIFICATIONS

CODE REFERENCE

REFER TO THE 2019 UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE AS WELL AS THE:  
- 2025 CA BUILDING CODE  
- 2025 CA PLUMBING CODE  
- 2025 CA MECHANICAL CODE  
- 20125CA ENERGY CODE  
- 2025 CALGREEN CODE AND  
- 2025 CA FIRE CODE

PROJECT DATA

APN: 072-061-18  
PARCEL SIZE: 110,133 SF  
ZONING: R-1: B-5A  
SETBACKS: FRONT: 25', SIDE: 45', REAR: 70'

PERVIOUS/IMPERVIOUS CALCULATIONS		
TOTAL PARCEL SIZE: 110,133 SF	PRE-CONSTRUCTION	POST CONSTRUCTION
	EXISTING PERVIOUS COVERAGE: 90,344 SF (82%)	PERVIOUS COVERAGE: 89,428 (81%)
	EXISTING IMPERVIOUS COVERAGE: 19,789 SF (18%)	IMPERVIOUS COVERAGE: 20,705 SF (19%)

8% X 916 SF (NEW IMPERVIOUS AREA) = 73.28 SF BIORETENTION. 85SF NEW BIORETENTION HAS BEEN ADDED BELOW SYNTHETIC TURF (36" OF 3" DRAIN ROCK). SEE SHEET P2 FOR LOCATION

EXCAVATION: APPROXIMATELY 55 CUBIC YARDS WILL BE EXCAVATED FOR NEW POOL AND SPA



ISSUED

JARRETT SIGLER, OWNER

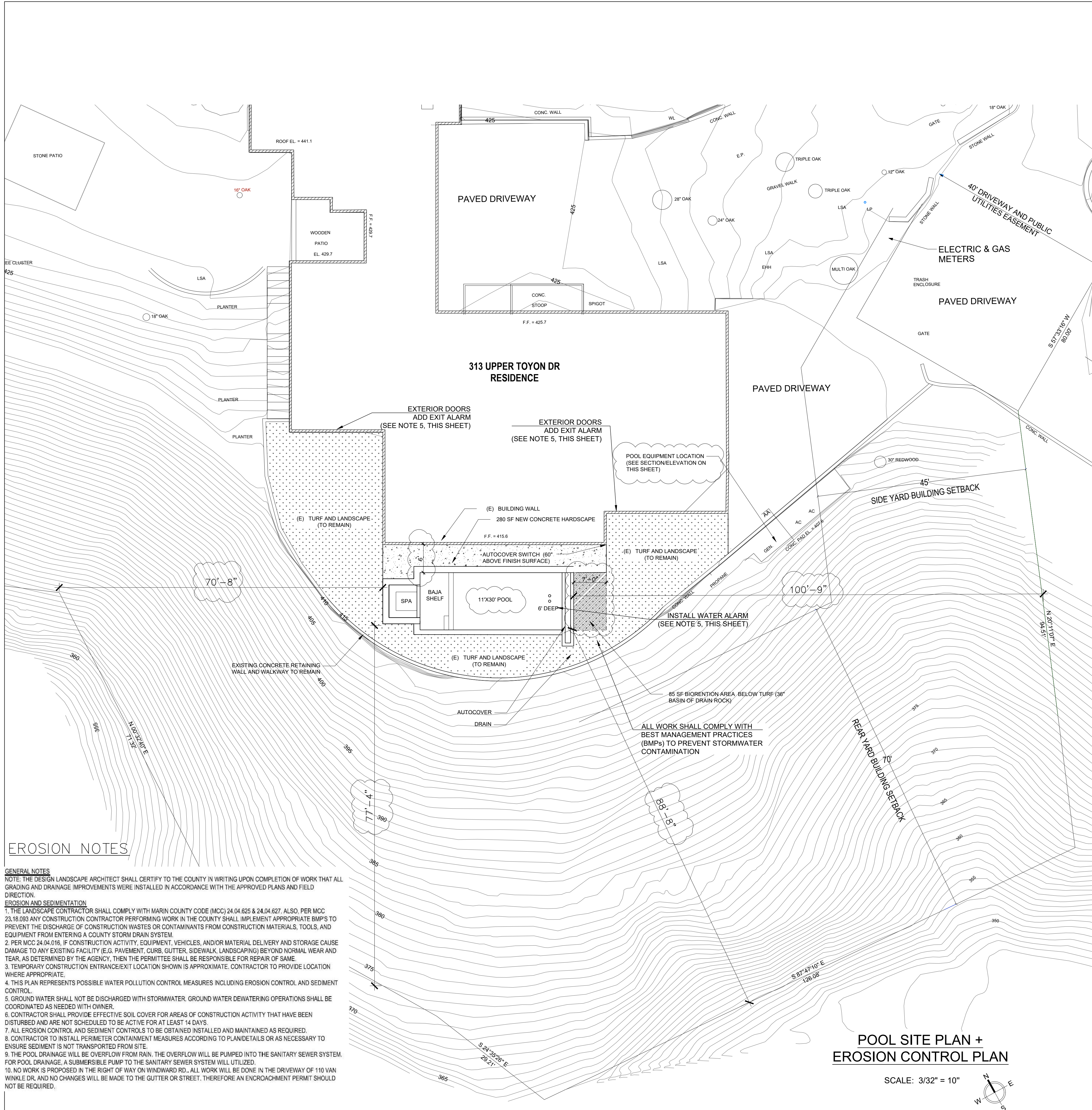
COVER SHEET

**313 Upper Toyon, LLC**  
313 UPPER TOYON DRIVE  
ROSS, CA 94957  
APN: 072-061-18

DATE  
05/27/26

SCALE  
SEE GRAPHIC SCALE

SHEET NUMBER  
**P1**  
OF 3 SHEETS



**NOTES**

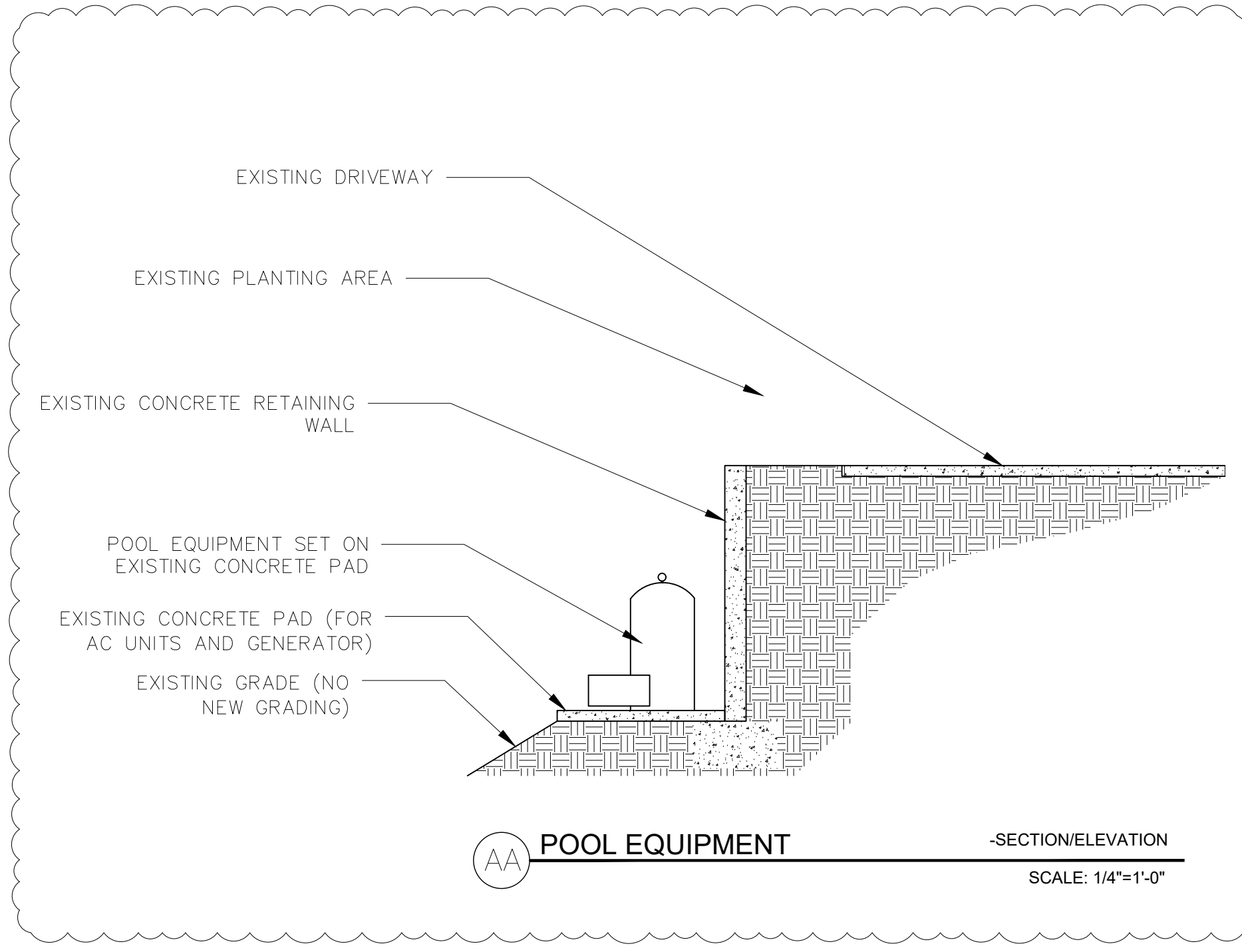
- POOL TO BE BONDED BY DIRECT BURIAL BONDING LUG(S) AND BONDING WIRE AT POOL REINFORCING SHELL, LIGHT NICHES (IF APPLICABLE), AND ANY METAL WITHIN 5-FT PER ARTICLE 680 OF THE 2019 CALIFORNIA ELECTRICAL CODE.
- GFI CONVENIENCE OUTLET LOCATED NO CLOSER THAN 6' BUT NO FARTHER THEN 20-FT AS REQUIRED BY CODE. SEE SITE PLAN FOR LOCATION.
- POOL EQUIPMENT TO CONSIST OF:
  - JANDY VARIABLE FREQUENCY DRIVE EPUMP,
  - JANDY CARTRIDGE FILTER,
  - JANDY LXI POOL HEATER,
  - PRESSURE SIDE POOL SWEEP,
  - JANDY LED NICHE-LESS LIGHTS, AND
  - JANDY PANEL BOARD AND PDA CONTROLS.
- AN ENCLOSURE SHALL HAVE ALL OF THE FOLLOWING CHARACTERISTICS:
  - ANY ACCESS GATES THROUGH THE ENCLOSURE OPEN AWAY FROM THE SWIMMING POOL AND ARE SELF-CLOSING WITH A SELF LATCHING DEVICE PLACED NO LOWER THAN 60-INCHES ABOVE THE GROUND.
  - A MINIMUM HEIGHT OF 60-INCHES
  - A MAXIMUM VERTICAL CLEARANCE FROM THE GROUND TO THE BOTTOM OF THE ENCLOSURE OF 2-INCHES.
  - GAPS OR VOIDS, IF ANY, DO NOT ALLOW PASSAGE OF A SPHERE EQUAL TO OR GREATER THAN 4-INCH DIAMETER
  - AN OUTSIDE SURFACE FREE OF PROTRUSIONS, CAVITIES, OR OTHER PHYSICAL CHARACTERISTICS THAT WOULD SERVE AS HANDHOLDS OR FOOTHOLDS THAT COULD ENABLE A CHILD BELOW THE AGE OF 5 YEARS OLD TO CLIMB OVER.
- POOL CONSTRUCTION SHALL REQUIRE AT LEAST TWO METHODS OF DROWNING PREVENTION IN ACCORDANCE WITH SECTION AV100(A) OF THE CRC, CURRENT EDITION. TWO METHODS SELECTED ARE:
  - AUTOMATIC POOL COVER IN ACCORDANCE WITH SECTION AV100.2(A)(3)
  - EXIT ALARMS IN ACCORDANCE WITH SECTION AV100.2(A)(4)
- POOL CONSTRUCTION SHALL COMPLY WITH ENTRAPMENT AVOIDANCE IN ACCORDANCE WITH SECTION AV100.8(1), AV100.8(2), AND AV100.8(3). SEE POOL LAYOUT DETAIL, KEY NOTES ON SHEET P3.
- POOL LIGHTS SHALL BE NICHELESS, LOW VOLTAGE LIGHT-EMITTING DIODE (LED) LIGHTS. LOCATION SHALL BE DETERMINED DURING CONSTRUCTION. DEPTH OF LIGHT SHALL BE A MINIMUM OF 18-INCHES BELOW WATER LINE.
- SURPLUS MATERIAL SHALL BE OFF-HAULED AND DISPOSED OF AT MARIN RESOURCE RECOVERY AND/OR MCNEARS BRICKYARD FOR RECYCLING. WORK SHALL BE CONFINED TO DRIVEWAY OF EXISTING RESIDENCE AND NO CHANGES TO BE MADE TO DRIVEWAY OR APPROACH, SO ENCROACHMENT PERMIT NOT REQUIRED.

**MF-1R MANDATORY MEASURES**

POOL AND SPA HEATING SYSTEMS AND EQUIPMENT MANDATORY MEASURES:  
 §114(A): ANY POOL OR SPA HEATING SYSTEM SHALL BE CERTIFIED TO HAVE: A THERMAL EFFICIENCY THAT COMPLIES WITH THE APPLIANCE EFFICIENCY REGULATIONS;  
 AN ON-OFF SWITCH MOUNTED OUTSIDE OF THE HEATER; A PERMANENT WEATHERPROOF PLATE OR CARD WITH OPERATING INSTRUCTIONS; AND SHALL NOT USE ELECTRIC RESISTANCE HEATING OR A PILOT LIGHT.  
 §114(B)1: ANY POOL OR SPA HEATING EQUIPMENT SHALL BE INSTALLED WITH AT LEAST 36" OF PIPE BETWEEN FILTER AND HEATER, OR DEDICATED SUCTION AND RETURN LINES, OR BUILT-UP CONNECTIONS FOR FUTURE SOLAR HEATING  
 §114(B)2: OUTDOOR POOLS OR SPAS THAT HAVE A HEAT PUMP OR GAS HEATER SHALL HAVE A COVER.  
 §114(B)3: POOLS SHALL HAVE DIRECTIONAL INLETS THAT ADEQUATELY MIX THE POOL WATER, AND A TIME SWITCH THAT WILL ALLOW ALL PUMPS TO BE SET OR PROGRAMMED TO RUN ONLY DURING OFF-PEAK ELECTRIC DEMAND PERIODS.  
 §150(P): RESIDENTIAL POOL SYSTEMS OR EQUIPMENT MEET THE PUMP SIZING, FLOW RATE, PIPING, FILTERS, AND VALVE REQUIREMENTS OF §150(P).

**EROSION NOTES**

- GENERAL NOTES**  
 NOTE: THE DESIGN LANDSCAPE ARCHITECT SHALL CERTIFY TO THE COUNTY IN WRITING UPON COMPLETION OF WORK THAT ALL GRADING AND DRAINAGE IMPROVEMENTS WERE INSTALLED IN ACCORDANCE WITH THE APPROVED PLANS AND FIELD DIRECTION.
- EROSION AND SEDIMENTATION**
- THE LANDSCAPE CONTRACTOR SHALL COMPLY WITH MARIN COUNTY CODE (MCC) 24.04.025 & 24.04.027. ALSO, PER MCC 23.18.053 ANY CONSTRUCTION CONTRACTOR PERFORMING WORK IN THE COUNTY SHALL IMPLEMENT APPROPRIATE BMP'S TO PREVENT THE DISCHARGE OF CONSTRUCTION WASTES OR CONTAMINANTS FROM CONSTRUCTION MATERIALS, TOOLS, AND EQUIPMENT FROM ENTERING A COUNTY STORM DRAIN SYSTEM.
  - PER MCC 24.04.016, IF CONSTRUCTION ACTIVITY, EQUIPMENT, VEHICLES, AND/OR MATERIAL DELIVERY AND STORAGE CAUSE DAMAGE TO ANY EXISTING FACILITY (E.G. PAVEMENT, CURB, GUTTER, SIDEWALK, LANDSCAPING) BEYOND NORMAL WEAR AND TEAR, AS DETERMINED BY THE AGENCY, THEN THE PERMITTEE SHALL BE RESPONSIBLE FOR REPAIR OF SAME.
  - TEMPORARY CONSTRUCTION ENTRANCE/EXIT LOCATION SHOWN IS APPROXIMATE. CONTRACTOR TO PROVIDE LOCATION WHERE APPROPRIATE.
  - THIS PLAN REPRESENTS POSSIBLE WATER POLLUTION CONTROL MEASURES INCLUDING EROSION CONTROL AND SEDIMENT CONTROL.
  - GROUND WATER SHALL NOT BE DISCHARGED WITH STORMWATER. GROUND WATER DEWATERING OPERATIONS SHALL BE COORDINATED AS NEEDED WITH OWNER.
  - CONTRACTOR SHALL PROVIDE EFFECTIVE SOIL COVER FOR AREAS OF CONSTRUCTION ACTIVITY THAT HAVE BEEN DISTURBED AND ARE NOT SCHEDULED TO BE ACTIVE FOR AT LEAST 14 DAYS.
  - ALL EROSION CONTROL AND SEDIMENT CONTROLS TO BE OBTAINED INSTALLED AND MAINTAINED AS REQUIRED.
  - CONTRACTOR TO INSTALL PERIMETER CONTAINMENT MEASURES ACCORDING TO PLAN DETAILS OR AS NECESSARY TO ENSURE SEDIMENT IS NOT TRANSPORTED FROM SITE.
  - THE POOL DRAINAGE WILL BE OVERFLOW FROM RAIN. THE OVERFLOW WILL BE PUMPED INTO THE SANITARY SEWER SYSTEM. FOR POOL DRAINAGE, A SUBMERSIBLE PUMP TO THE SANITARY SEWER SYSTEM WILL UTILIZED.
  - NO WORK IS PROPOSED IN THE RIGHT OF WAY ON WINDWARD RD., ALL WORK WILL BE DONE IN THE DRIVEWAY OF 110 VAN WINKLE DR. AND NO CHANGES WILL BE MADE TO THE GUTTER OR STREET. THEREFORE AN ENCROACHMENT PERMIT SHOULD NOT BE REQUIRED.



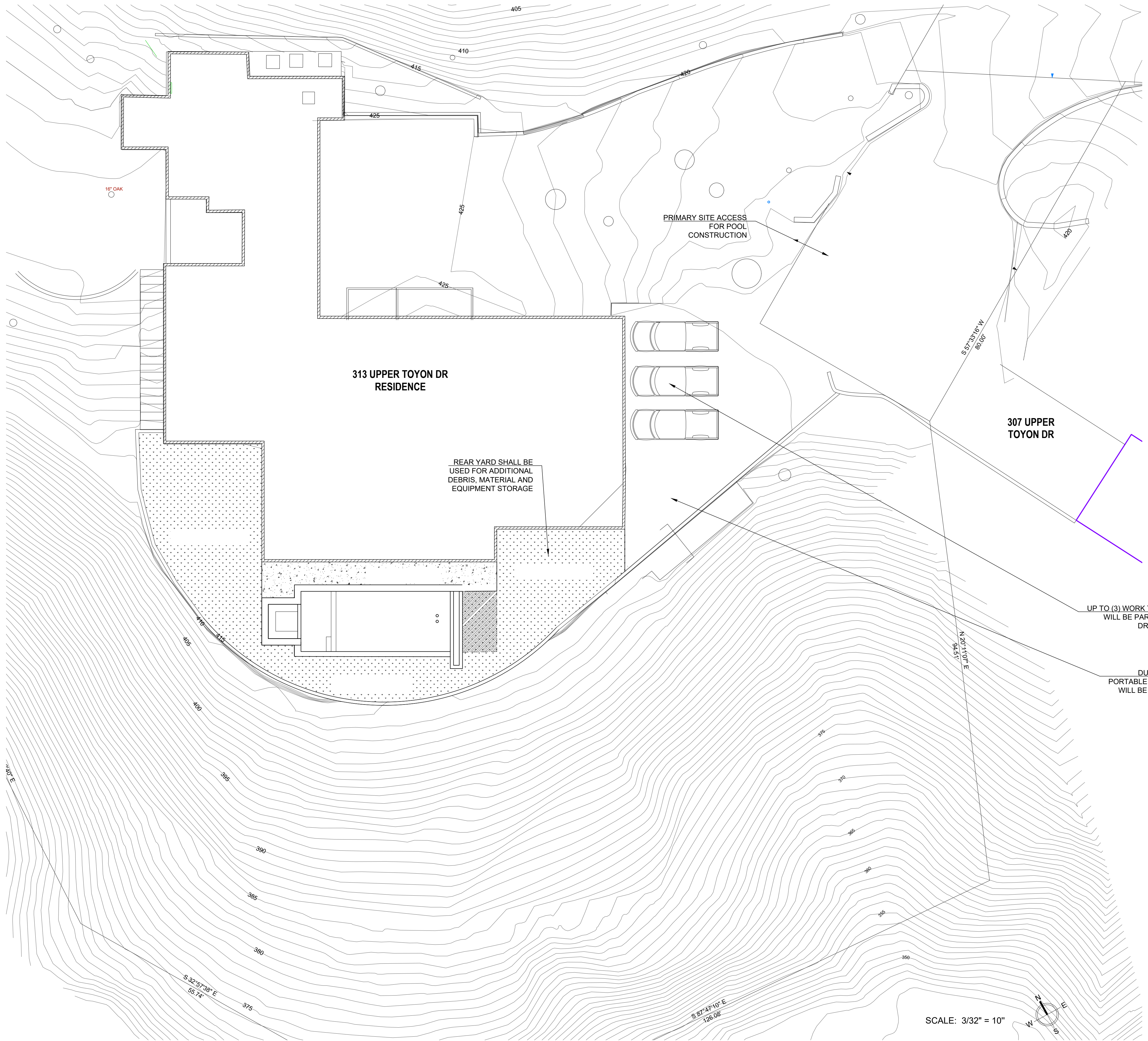
**POOL SITE PLAN + EROSION CONTROL PLAN**

SCALE: 3/32" = 10"

ISSUED  
  
 JARRETT SIGLER, OWNER







## CONSTRUCTION MANAGEMENT PLAN

**CONSTRUCTION HOURS:**  
 MONDAY- FRIDAY 8AM -5 PM. POWER TOOLS AND EQUIPMENT IS LIMITED FROM 8:00 AM TO 5:00 PM MONDAY THROUGH FRIDAY. CONSTRUCTION WORK IS NOT ALLOWED ON WEEKENDS AND HOLIDAYS.

**JOB SITE/FACILITIES & STORAGE**  
 JOBSITE DUMPSTERS WILL BE LOCATED OFF STREET PROJECT ON PROPERTY. PORTI-POTTY WILL BE LOCATED WITHIN PROPERTY LINES AND SCREENED FROM THE ROAD.  
 TOOLS, JOB BOXES, SAWS, COMPRESSORS, ETC. WILL BE STORED AND OPERATED WITHIN THE BUILDING WHENEVER POSSIBLE TO MINIMIZE NEIGHBORHOOD INCONVENIENCE. AT THIS TIME THERE IS NO ANTICIPATION NEEDING STORAGE ON PUBLIC RIGHT OF WAY.

**DELIVERIES/OFF HAUL**  
 ALL DELIVERIES WILL BE MADE NOT BEFORE 8:00 AM NOR AFTER 5:00 PM. ALL DRIVERS SHALL BE ADVISED OF THE DESIGNATED TRUCK ROUTE, INCLUDING APPROVED TURN AROUND LOCATIONS. PRIOR TO ANY DELIVERIES OR MATERIAL REMOVAL. MATERIALS WILL BE MOVED AND STOCKPILED WITHIN PROPERTY LINES OR BEHIND BUILDING WITHIN 30 MINUTES OF DELIVERY.

ISSUED

*Jarrett Sigler*  
 JARRETT SIGLER, OWNER

POOL SITE PLAN AND EROSION CONTROL PLAN

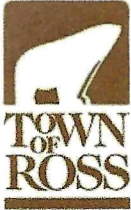
**313 Upper Toyon, LLC**  
 313 UPPER TOYON DRIVE  
 ROSS, CA 94957  
 APN: 072-061-18

DATE  
06/01/26

SCALE: 3/32" = 10"

SHEET NUMBER  
**P4**  
OF 4 SHEETS

# ATTACHMENT 3



**Town of Ross**  
**Planning Department**  
 Post Office Box 320, Ross, CA 94957  
 Telephone (415) 453-1453, Ext. 121  
 Fax (415) 453-1950 www.townofross.org

**PLANNING APPLICATION FORM**

**Type of Application**  
**(check all that apply):**

- Accessory Dwelling Unit
- Accessory Dwelling Unit Exception
- Appeals
- Certificate of Compliance
- Demolition Permit
- Design Review
- Design Review- Amendment
- Exceptions for Attics
- Final or Parcel Map
- General Plan Amendment
- Hillside Lot Permit
- Junior Accessory Dwelling Unit
- Lot Line Adjustment
- Minor Exception Permit
- Minor Nonconformity Permit
- Nonconformity Permit
- Tentative Map
- Tentative Map Amendment
- Time Extension
- Use Permit
- Variance
- Zoning Ordinance Amendment
- Other: *Swimming pool & Spa*

**To Be Completed by Applicant:**

Assessor's Parcel No(s): 072-061-18

Project Address: 313 UPPER TOYON DDRIVE

Property Owner: 313 UPPER TOYON, LLC

Owner Mailing Address (PO Box in Ross): (SAME AS ABOVE)

City/State/Zip: ROSS, CA 94957 Owner's Phone: 414-847-5151

Owner's Email: ALEX@BCPARTNERSINC.COM

Applicant: ELEMENT OUTDOOR CONSTRCTION

Applicant Mailing Address: 120 COLLEGE AVE

City/State/Zip: SANTA ROSA, CA 95401 Applicant's Phone: 707-791-6540

Applicant's Email: elementoutdoor.1@gmail.com

Primary point of Contact Email:  Owner  Buyer  Agent  Architect

Please contact Jarrett Sigler of Element Outdoor Construction (Pool Contractor)

**To Be Completed by Town Staff:**

Date Received: \_\_\_\_\_

Application No.: \_\_\_\_\_

Zoning: \_\_\_\_\_

Date paid: \_\_\_\_\_ TOTAL FEES: \_\_\_\_\_

**Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.**



**Consultant Information**

The following information is required for all project consultants.

**Landscape Architect**

Firm \_\_\_\_\_  
 Project Landscape Architect \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email \_\_\_\_\_  
 Town of Ross Business License No. \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Civil/ Geotechnical Engineer**

Firm \_\_\_\_\_  
 Project Engineer \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email \_\_\_\_\_  
 Town of Ross Business License No. \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Arborist**

Firm \_\_\_\_\_  
 Project Arborist \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email \_\_\_\_\_  
 Town of Ross Business License No. \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Other**

Consultant \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email \_\_\_\_\_  
 Town of Ross Business License No. \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Other**

Consultant \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email \_\_\_\_\_  
 Town of Ross Business License No. \_\_\_\_\_ Expiration Date \_\_\_\_\_

**SIGNATURE:**

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

*I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at*

\_\_\_\_\_, California on \_\_\_\_\_

Signature of Property Owner(s) and

Applicant(s) Signature of Plan Preparer

**Notice of Ordinance/Plan Modifications**

- Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

*The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.*

**From:** [david.peterson](#)  
**To:** [designreview](#)  
**Cc:**  
**Subject:** [EXTERNAL] 313 Upper Toyon  
**Date:** Sunday, May 10, 2026 1:48:20 PM

---

**I live at 307 Upper Toyon and share a driveway with 313 Upper Toyon. We are the immediate neighbors to the east of 313. We have no objections to the proposed construction of an exterior swimming pool and Support the positive review of this application.**

David Peterson

Ross, CA 94957  
Sent from my iPhone

# ATTACHMENT 4

## MINUTES

Meeting of the Ross  
Advisory Design Review Group  
May 19, 2026, 6:00pm

Video and audio recording of the meeting is available online at the Town's website at:  
[townofrossca.gov/meetings](https://townofrossca.gov/meetings).

### 1. 6:00 p.m. Commencement

Vice Chair Joey Buckingham called the meeting to order.

Present: Laura Dewar, Mark Fritts, Roberta Feliciano (Planning and Building Director) and Alex Lopez-Vega (Planner)

Absent: Mark Kruttschnitt and Stephen Sutro

### 2. Approval of Minutes.

The ADR Group approved the minutes from March 17, 2026.

### 3. Open Time for Public Comments

### 4. Planning Project/ Applications

- a. **Property Address:** 101 Upper Road
- A.P.N:** 073-022-13
- Applicant:** Imprints Landscape Architecture
- Property Owner:** Jessica and Lexi Viripaeff
- Zoning:** R-1:B-A
- General Plan:** VL (Very Low Density)
- Flood Zone:** X

**Project Summary:** The applicant requests a recommendation to the Town Council for Design Review, Hillside Lot Permit, and a Variance. The project is requesting new landscape structures at the single-family residential property. The structures include a new pool/spa, pool equipment, patio, firepit, wall fountain, outdoor kitchen, retaining walls over 6-feet high, and an outdoor shower. A variance is required to allow for the construction of new landscape structures within the side and rear yard setback and retaining walls over 6-feet. This project was previously approved by the Town Council on June 15, 2023, by Resolution No. 2316, and expired.

**Meeting Summary:** The ADR group discussed the project at 101 Upper Road rehabilitating the rear landscape. The project received full support from the members, who were comfortable supporting the plans as drawn as they have not changed since the original 2023 Town Council approval.

- b. **Property Address:** 313 Upper Toyon Drive
- A.P.N:** 072-061-18
- Applicant:** Element Outdoor Construction

**Property Owner:** 313 Upper Toyon LLC  
**Zoning:** R-1: B-5A  
**General Plan:** VL (Very Low Density)  
**Flood Zone:** X

**Project Summary:** The applicant requests a recommendation to the Town Council for Design Review and a Hillside Lot Permit. The project proposes to construct a new 10' x 30' swimming pool on an existing flat terrace. An existing indoor pool is in the basement level and opens toward the rear yard. The existing pool is currently under demolition, and the new outdoor pool would replace the indoor pool.

**Meeting Summary:** The ADR group discussed the project at 313 Upper Toyon Road and unanimously supported the new pool project. Members approved the proposed placement of the pool and pool equipment, with the condition that the homeowner provide a sound barrier and screening for the pool equipment.

c. **Property Address:** 111 Bolinas Avenue  
**A.P.N:** 073-041-07  
**Applicant:** Jochum Architects  
**Property Owner:** Tom and Tallie Fishburne  
**Zoning:** R-1  
**General Plan:** M (Medium Density)  
**Flood Zone:** X

**Project Summary:** The applicant requests a recommendation to the Town Council for Design Review, Accessory Dwelling Unit (ADU) Permit, and a Nonconformity Permit. The project proposes converting the existing 492 square foot (SF) cottage into a detached ADU and transfer 338 SF of floor area to the primary residence. The scope of work includes an interior remodel with additions and no changes to exterior materials. The project also proposes to expand the rear deck to align with the addition. A Nonconformity Permit is required to allow the existing nonconforming single family residence and rear deck to be enlarged. An ADU Permit is required to transfer 338 SF for the new addition to the primary residence.

**Meeting Summary:** The ADR group discussed the project at 111 Bolinas Avenue converting the existing guest house to an ADU and transferring 206 square feet to the primary residence. The members supported the project, highlighting its small scale and well-designed additions. Additionally, they supported the nonconformity permit for the deck, noting that it is only 12 inches high and does not encroach further into the setback.

d. **Property Address:** 3 Willow Hill Road  
**A.P.N:** 073-252-13  
**Applicant:** Fischer Architecture  
**Property Owner:** Scott Fletcher  
**Zoning:** R-1:B-5A

**General Plan:** VL (Very Low Density)  
**Flood Zone:** X

**Project Summary:** The applicant requests a recommendation to the Town Council for Design Review, Nonconformity Permit, Hillside Lot Permit and a Variance. The project includes an interior remodel with new windows and doors, a Juliet balcony off the sunroom, and an exterior spiral staircase connecting to the deck. Additionally, the project proposes reconstruction of the existing nonconforming two-level rear deck, with a reduction in size, and addition of a BBQ area and a steel trellis/sunshade at the upper level. New terraces with stacked stone walls and a hot tub are also proposed in the rear yard. A new parking deck is proposed adjacent to the garage. A Variance is required to construct the terraces, terrace walls, steel trellis/sunshade and hot tub within the side and rear yard setbacks, a BBQ in the rear yard setback and to construct a parking deck within the front yard setback.

**Meeting Summary:** The ADR group discussed the project at 3 Willow Hill to rehabilitate the rear of the lot and add a parking deck. The members supported the project, highlighting how it works with the topography and cleans up the existing hillside structures. However, approval was granted with the condition that the applicant make three specific design modifications to be worked out directly with staff: push the sunshade trellis back to align with the existing building line to reduce visual mass from below; lighten the spiral staircase by removing the fully enclosed mesh volume and having the railing follow the treads; and expand the parking deck maximizing it to a two-car space, while widening the front clearance near the garage to make vehicle maneuvering safer and more practical.

## **5. Information, Discussion and New Agenda Items**

### **a. Discuss zoning text amendments for pools and landscape structures**

**Meeting Summary:** The group agreed to look over the zoning text amendment for pool and landscape structures and follow up with staff for recommendations.

## **6. Adjournment at 7:40 P.M.**

**The next scheduled regular meeting date and time will be June 16, 2026, at 6:00 PM.**