



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/4/2025

ITEM NO: 12

DATE: March 4, 2025
TO: Mayor and Town Council
FROM: Allen Meyer, Code Compliance Officer
SUBJECT: Conduct a Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building and Adopt a Resolution Upholding the Administrative Citation and Imposing Costs According to Proof

RECOMMENDATION:

Complete the continued public hearing to hear an appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for violations of the Los Gatos Town Code related to grading and building, and adopt a resolution upholding the administrative citation and imposing costs according to proof.

BACKGROUND:

On January 21, 2025, the Town Council held a public hearing for the appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for violations of the Los Gatos Town Code. At the hearing, Allen Meyer, Code Enforcement, Officer, and Lance Bayer, Special Counsel, presented the staff report and gave a presentation on the reasons for the citation. Richard Harris, Appellant Counsel, presented the case on behalf of the Appellant. The Town Council also provided an opportunity for public comment. Scott Watson and Ivy Chang spoke during the period provided for public comment.

The Town Attorney recommended continuing the item to allow the Council to receive and review a December 13, 2024, letter submitted on behalf of the appellant. She also recommended allowing each side to have five minutes to address the letter, together with three minutes rebuttal time, and to allow an opportunity for public comments only on the December 13, 2024, letter. The Town Council voted unanimously to continue the matter to March 4, 2025.

PREPARED BY: Lance Bayer
Special Counsel

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

SUBJECT: Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building

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In their December 13, 2024, letter (Attachment 4), Appellants assert that the Town cannot enforce its ordinances against them in 2023 because it was willing in 2019 to defer a pending code enforcement action until private litigation with a neighbor had concluded. In October of 2023, the Town contacted the appellants to let them know that the Town would be initiating a new code compliance action since three years had elapsed and the private litigation had not concluded. (Attachment 5.) The Town restarted its violation process in October 2023. Due to the extensive amount of time the Deffenbaughs were taking to resolve their civil legal issues as well as failing to obtain a permit for the unpermitted retaining walls and associated grading, the Town determined that it was necessary to restart the enforcement process in order to obtain compliance with the Town's codes.

The Deffenbaughs submitted an application for a grading permit and an architectural and site approval at the subject property on July 9, 2021. In August 2021, the Town provided the Deffenbaughs with a Staff Technical Review addressing numerous deficiencies in the Deffenbaugh's application, including the failure to provide a full scope of work, failure to address hillside development standards, and failure to describe the proposed design that will mitigate the unpermitted work. In January 2024, Staff provided additional feedback to the Deffenbaughs regarding their architectural and site application. The Deffenbaughs did not respond to the Staff Technical Review with updated information.

CONCLUSION:

Town staff respectfully requests the Town Council adopt a resolution (Attachment 6) upholding the administrative citation and imposing costs according to proof.

ALTERNATIVES:

The Town Council has the following alternatives:

1. Uphold the administrative citation.
2. Cancel the administrative citation.
3. Impose costs.
4. Not impose costs.

FISCAL IMPACT:

None.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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Attachments:

1. Staff Report. 16660 Cypress Way Appeal, including Attachments 1-24 as provided in the Town Council agenda for the council meeting scheduled on January 21, 2025.
2. Supplemental Staff Report dated January 17, 2025, including Attachments 25-27, as provided in the Town Council agenda for the council meeting scheduled on January 21, 2025.
3. Supplemental Staff Report dated January 20, 2025, including Attachment 28, as provided in the Town Council agenda for the council meeting scheduled on January 21, 2025.
4. Letter from Appellant's counsel dated December 13, 2024.
5. Email from Town Attorney to Appellants.
6. Draft Resolution.