



**TOWN OF LOS GATOS
CODE COMPLIANCE DIVISION**

May 22, 2024

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, CA 95030

Dear Mr. and Mrs. Deffenbaugh,

On May 20, 2024, Judge Evette D. Pennypacker of the Superior Court of Santa Clara County issued a warrant and order for the inspection of the exterior portions of the premises known as 16660 Cypress Way, Los Gatos (APN #532-23-106), including any yards, and the interior portions of an accessory structure within the premises and commonly known as 16664 Cypress Way, Los Gatos, and all sheds pursuant to California Code of Civil Procedure section 1822.50. A copy of the warrant is attached.

Notice is further given that an inspection of the premises known as 16660 Cypress Way and 16664 Cypress Way, Los Gatos, may be made by employees of the Town of Los Gatos and other public agencies whose duties and responsibilities include the investigation, enforcement and abatement provisions of the Town of Los Gatos Code relating to building, housing, and fire safety within the limits described in the warrant.

Unless otherwise agreed upon by the Town of Los Gatos, the inspection shall occur on Friday **May 24, 2024, at 2:00 pm** or as soon thereafter as is reasonably practical.

Any person who willfully refuses to permit the inspection lawfully authorized by this warrant may be found guilty of a misdemeanor under the provisions of the Code of Civil Procedure section 1822.57.

If you have any questions, or if you have a request to reschedule, please contact me by calling 408-399-5746 or by emailing me at ameyer@losgatosca.gov. The inspection cannot be rescheduled unless you have my prior approval. Further, we must return to court on June 4, 2024, so any rescheduling must occur prior to that date.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Meyer".

Allen Meyer
Code Compliance Officer
Town of Los Gatos

Cc: Gabrielle Whalen
Sean O'Neill

Filed
May 21, 2024
Clerk of the Court
Superior Court of CA
County of Santa Clara
24CV439135
By: rburciaga

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SANTA CLARA

3
4 In the matter of the Application of THE)
5 TOWN OF LOS GATOS for)
6 Inspection Warrant Re Premises at 16660)
7 Cypress Way, Los Gatos)
8)
9)
10)

NO. 24CV439135
INSPECTION WARRANT
(C.C.P. SECTION 1822.50)

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA, TO THE TOWN ATTORNEY FOR THE
13 TOWN OF LOS GATOS and duly authorized representatives:

14 Upon good cause shown to the Court:

15 YOU ARE COMMANDED TO CONDUCT an inspection of the exterior portions of the
16 premises known as 16660 Cypress Way, Los Gatos (APN #532-23-106), including any yards,
17 and the interior portions of an accessory structure within the premises and commonly known as
18 16664 Cypress Way, Los Gatos, and all sheds, pursuant to Code of Civil Procedure sections
19 1822.50 et. seq. for the purpose of conducting an inspection pursuant to the Los Gatos Town
20 Code provisions relating to health and safety.

21 Proof, by declaration having been made this day before me by Allen Meyer, that there is
22 reason to believe that a condition of nonconformity exists on the premises located at 16660
23 Cypress Way, Los Gatos (APN #532-23-106), with respect to substandard and dangerous
24 building conditions in violation of the Los Gatos Municipal Code and the technical codes as
25 adopted.

26 Proof, by declaration having been made this day before me by Allen Meyer that Sean
27 O'Neill, the attorney representing the owner of the premises located at 16660 Cypress Way, Los
28 Gatos, has been requested to consent to inspection and has refused and has failed to give

1 permission to allow code enforcement officers to conduct the inspection of said premises under
2 circumstances that reasonably justifying the failure to seek such consent.

3 The inspection pursuant to this warrant may be made during the hours of 8:00 a.m. and
4 6:00 p.m. and during the period from the date of issuance of this warrant to and including the
5 date fourteen (14) days thereafter.

6 The inspection shall be conducted by means of observation of physical conditions or
7 processes and may be recorded through photographs, videotape, or other means. The inspection
8 shall be conducted for the duration necessary to ascertain compliance with Los Gatos Municipal
9 Code provisions relating to health and safety. Inspection of the entirety of the premises is hereby
10 authorized, including any motor vehicles or yards.

11 Inspection of the premises shall be made by employees of the Town of Los Gatos whose
12 duties and responsibilities include the investigation, enforcement and abatement provisions of the
13 Los Gatos Municipal Code relating to health and safety violations, including the code
14 compliance officer and any outside contractors or support personnel necessary to carry out the
15 provisions of this warrant and order. The personnel authorized to inspect the premises may be
16 accompanied by sworn members of the Los Gatos/Monte Sereno Police Department to ensure
17 the security of the personnel conducting the inspection. The sworn members shall not conduct
18 any inspection of the premises other than observations made in the course of providing for the
19 security of the personnel conducting the inspection.

20 This warrant maynot be executed by means of forcible entry by authority of Code of
21 Civil Procedure section 1822.56.

22 A return to this warrant shall be made within fourteen (14) days from its issuance. Any
23 person who willfully refuses to permit the inspection authorized by this warrant may be found to
24 be guilty of a misdemeanor under Code of Civil Procedure section 1822.57.

25 Given under my hand, and dated this . May 20, 2024

26
27 

28
JUDGE
Hon. Evette D. Pennypacker

1 GABRIELLE WHELAN, Town Attorney (SBN #173608)
2 LANCE BAYER, Special Counsel (SBN #81549)
3 110 East Main Street
4 Los Gatos, California 95030
Attorneys for Applicant
TOWN OF LOS GATOS

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Case #24CV439135
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5 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 IN AND FOR THE COUNTY OF SANTA CLARA

7 In the matter of the Application of THE) NO. 24CV439135
8 TOWN OF LOS GATOS for)
9 Inspection Warrant Re Premises at 16660) RETURN OF INSPECTION
10 Cypress Way, Los Gatos) WARRANT AND ORDER
11)

12 I, ROBERT GRAY, declare:

13 1. I am the Chief Building Official of the Town of Los Gatos (“Town”).

14 2. I arrived at 16660 Cypress Way on May 30, 2024 at approximately 8:55 a.m.
15 pursuant to the Inspection Warrant issued by this Court. I was accompanied by Town Associate
16 Planner Erin Walters and Town Senior Inspector Roy Alba.

17 3. We were provided access to the site by the owners, who were accompanied by
18 legal counsel. We first inspected the interior of the ADU above the garage. I determined that the
19 sleeping room lacked sufficient emergency egress and the bathroom window was not tempered as
20 required in a wet hazard area. The front entrance deck, stairs, and railings are unstable and appear
21 unsafe. The railings are far below minimum requirement and have openings exceeding a 4”
22 diameter sphere.

23 4. We inspected the detached “office structure” beside the ADU. It did not appear to
24 be used for sleeping. It did not appear to have a foundation or seismic restraint. The power is
25 provided via an extension cord (possibly 12-gauge cord with ground). The structure is
26 approximately 124 square feet with electrical therefore would require a building permit, however
27 Planning will not allow the accessory structure in this zone.

1 5. We inspected the interior and exterior of the storage structure behind the ADU. The
2 primary use appears to be storage but is wired for electrical and plumbed for what may be a future
3 restroom. When asked about the electricity to the structure, the property owner stated it was
4 provided via a battery system and is not connected to permanent power. I was unable to determine
5 the source or termination of the plumbing. The structure is approximately 197 sq. ft. with
6 electrical and plumbing therefore would require a building permit, however Planning will not
7 allow the accessory structure in this zone.

8 6. We inspected the interior and exterior of the garage structure near the second living
9 unit and pool. This structure is the source of current litigation and appeal between the property
10 owner and adjacent neighbor. The structure appears to be a garage/storage with electrical provided
11 from the second living unit. The structure is approximately 294 sq. ft. with electrical therefore
12 would require a building permit, however it was confirmed today by the property owner's attorney
13 that the structure crosses a property line boundary. The structure cannot remain in its current
14 location therefore must be demolished..

15
16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18
19 DATED: 6-3-2024


ROBERT GRAY

20
21 Read and Reviewed:
22
23 DATED: _____

JUDGE

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