

1 **DAVID P. BONACCORSI, ESQ. (SB# 129042)**
2 **BERNARD, BALGLEY & BONACCORSI, LLP**
3 **3900 NewPark Mall Road, Third Floor**
4 **Newark, CA 94560-5242**
5 **Telephone: (510) 791-1888**
6 **Facsimile: (510) 791-8008**

7 Attorney for Defendant
8 Ruby Hill Owners' Association

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF ALAMEDA

11 ANIL REDDY and DIVYA REDDY,
12 individuals,

13 Plaintiffs,

14 vs.

15 RUBY HILL OWNERS' ASSOCIATION, a
16 California Corporation; and DOES 1-25,
17 inclusive,

18 Defendants.

Case No. HG13671895
Complaint filed: March 18, 2013
Assigned to Hon. Lawrence John Appel

**DECLARATION OF NEAL
SORNSEN IN SUPPORT OF
DEFENDANT RUBY HILL
OWNERS' ASSOCIATION'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Date: May 23, 2013
Time: 9:00 a.m.
Dept.: 16
Reservation No.: 1383869

21 I, NEAL SORNSEN, declare as follows:

22 I. I am the President of the Board of Directors of the Defendant Ruby Hill Owners'
23 Association (RHOA). I am therefore acquainted with the facts and circumstances of this case. I
24 have personal knowledge of the matters in this declaration, except as to those matters stated upon
25 information and belief, and as to those matters I am informed and believe them to be true, and would
26 competently testify thereto if called as a witness.

1 2. In my capacity as a member of the RHOA Board, I attended the appeal hearing on
2 September 24, 2012.

3 3. Attached as Exhibit "A" is a true and correct copy of the letter I signed on behalf of
4 the RHOA Board dated September 26, 2012 and sent to Mr. and Mrs. Reddy. The Board adopted the
5 position expressed by the Architectural Design Committee (ADC) in the letter dated August 24,
6 2012 (though in error referred to as an August 27 letter) and the Staff Report dated September 21,
7 2012, true and correct copies of which are attached to my letter of September 26, 2012.

8 4. My letter of September 26, 2012 accurately reflects what transpired at the appeal
9 hearing on September 24, including the evidence considered by the Board and the decision rendered
10 by the Board. This included more than 130 pages of additional documentation, including emails and
11 photographs the Reddys had submitted to the ADC or Board members,

12 5. While the Reddys and their attorney were given proper notice of the hearing, neither
13 the Reddys nor their attorney attended the hearing. The Board offered the Reddys an opportunity to
14 reschedule a hearing date so that they could attend the rescheduled appeal and present any
15 additional information in person. The Reddys, however, never requested a rescheduled hearing.

16 6. The ADC acted fair and reasonably in drawing the conclusions and rendering the
17 findings and decision it reached. The Covenant Conditions and Restrictions (CC&Rs) Section 11.6
18 states that if the ADC makes a "negative finding" on any of the criteria set forth in Section 11.6
19 (e.g., Conformity to Architectural Design Guidelines/Architectural Review/Site Review/Landscape
20 Review/Drainage) then the ADC "shall disapprove." The ADC made a number of "negative
21 findings" under Section 11.6. The as-built structure for the Reddy Residence is clearly
22 nonconforming and noncompliant in its design, and in its use of materials and its use of colors, with
23 the Ruby Hill Architectural Design Guidelines (the Design Guidelines) and the Final Design that
24 was approved by the ADC on June 30, 2010. There was evidence of encroachment by the Reddys
25 according to a licensed surveyor Darryl Alexander from the grading and drainage installed by the
26 Reddys across the common property line onto the lot owned by Mr. and Mrs. Deol at 3749 W. Ruby

1 Hill Drive, resulting in adverse drainage. The Board did not act arbitrarily or capriciously, but
2 acted reasonably and fairly in upholding the decision of the ADC.

3 7. I also pointed in my September 26, 2012 letter that the claims of discrimination
4 articulated by the Reddys were directed to Peachtree Management Association, a contractor for the
5 RHOA - and not against the RHOA itself. Nevertheless, the Board responded to the claims of
6 discrimination by the Reddys and assigned Board member Marty Birk to meet with Mr. and Mrs.
7 Reddy to discuss their claim of discrimination in order to conduct an investigation. To date, to the
8 best of my knowledge, Mr. and Mrs. Reddy have not contacted Mr. Birk to pursue their claim.

9 8. The RHOA and the Ruby Hill Community will suffer the greater hardship and injury
10 if the injunction were granted than the Reddys if the injunction were denied because granting the
11 injunction would overrule the reasoned judgment of the ADC and the RHOA Board. And
12 overruling the reasoned judgment of the RHOA would be detrimental to the community as a whole,
13 including the Owners of the other 833 lots whose homes have been approved and who purchased
14 their homes with an expectation and desire that Ruby Hill retain a certain community character and
15 consistency in style.

16 9. The ADC and the RHOA have an interest, as the Guidelines state in Chapter 1(c), to
17 "maintain the aesthetic relationship between homes, natural amenities, gold course and surrounding
18 neighbors." The RHOA has an interest that its members and Owners follow the Design Guidelines,
19 and follow the rules and abide by the plans that are approved and if the Owner seeks changes to
20 come before the ADC and request changes in writing before constructing improvements which
21 deviate from the approved plans.

22 10. Granting an injunction would work an undue hardship on the RHOA as it would
23 undercut the authority of the RHOA to have the Reddys remedy a structure which on many grounds
24 as outlined in the September 19, 2011 Staff Report, the accompanying exhibits, and the August 24,
25 2012 letter from the ADC, violates, among other particulars, the Design Guidelines, deviates from
26 the plans approved on June 30, 2010 constructed without the prior written approval of the ADC, in

1 its use of colors and materials that were never approved, and in its grading and drainage which
2 encroaches several feet across neighboring property resulting in improper drainage.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing
4 is true and correct. Executed on May 7, 2013, at San Jose, California.

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6 _____
7 NEAL SORNSEN

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EXHIBIT A



September 26, 2012

Anil and Divya Reddy
P.O. Box 564
Los Altos, CA 94023

Re: *ADC Appeal Denial*
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566

Dear Mr. and Mrs. Reddy:

Your appeal came before the Board on September 24th at 5:30 pm. Introduced into the record were e-mails from Mr. McKeehan and Mr. Jones to you advising you of the time of the Appeal. Also introduced into the record were copies of two e-mails sent to your lawyer by Mr. McKeehan indicating the date and time of the hearing. You did not appear at the hearing. After the hearing was concluded, we received an e-mail from you that claimed, among other things, that notwithstanding the various notices that were sent to you and your lawyer, you did not know of the date and time of the hearing. To assure that you have had a fair opportunity to present your case, if you wish, the Board will reschedule a hearing date for you to appear and present any additional information you wish to present.

However, your most recent e-mail seems to indicate that you have submitted all the information you wish the Board to consider. At the Appeal hearing the Board considered all of the correspondence that you had previously sent to the ADC or Board members. After due consideration, the Board unanimously voted to deny the Appeal and uphold the decision of the ADC. The Board adopted the position expressed in the ADC letter of August 27, 2012 and the Staff Report dated September 21, 2012. Copies of those documents are attached to this letter. In order to obtain a final approval of your home you will have to comply with the provisions of both those documents.

The Board has asked that I call to your attention Section 11(f) of the Design Guidelines and Section 11.4.2 and 11.4.4 of the CC&Rs providing that you must also pay all fees incurred by the Association in processing your home. You will be required to pay these fees prior to a final approval being granted by the Association. These fees include, but are not limited to, the costs of all outside consultants including architects and attorneys. The Board has asked Staff to prepare a summary of those costs for your review.

Through your attorney, you have requested an ADR process. The Board will agree to such a process. The mechanics of the process need to be worked out between our respective lawyers. However, the Board did want to express to you that the cost of such a process (estimated at \$15-20,000.00 divided equally between you and us, per the statute) and the time involved (up to 90 days) could both be better spent by you simply complying with the direction set forth in the ADC letter of August 24, 2012 and the Staff Report dated September 19, 2012. However, if you want to go through the ADR process, the Board will agree to do so.

The Board also considered the issue of discrimination. It appears from your various correspondence that you have claimed that you have been discriminated against because of the color of your skin or your religious beliefs or perceived religious beliefs. It also appears that you claim this discrimination was perpetrated by Peachtree personnel. Peachtree is a contractor to the Association. The Board has appointed Mr. Birk as the Board member



September 26, 2012
ADC Appeal Denial
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566
Page 2 of 2

to investigate this claim. Toward that end, assuming that you are still asserting this discrimination claim, the Board would appreciate you scheduling a time to meet with Mr. Birk to go over your claim so that he may conduct a full and complete report for the Board's consideration. Please call Mr. Birk directly at 925-518-8507 to schedule the meeting.

The Board appreciates the problems you are currently addressing. Unfortunately, you chose not to follow the very clear process that has been followed by every other homeowner in Ruby Hill. Your failure to seek the needed approvals and then build in accordance with those approvals is the root of your current problem. The Board urges you to address the issues set-forth in the ADC letter of August 24, 2012 and the Staff Report of September 19, 2012. If you choose to do so, the Board will make every effort to expedite your process so that you can have access to your home as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Somsen".

Neal Somsen
President
Ruby Hill Owners Association



August 24, 2012

Anil & Divya Reddy
P.O. Box 564
Los Altos, CA 94023

*Re: Request for Reconsideration of Final Inspection
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Mr. and Mrs. Reddy:

Based on what you have submitted, we are considering your submittal as a request for reconsideration by the ADC. The ADC has reviewed everything you have submitted and discussed at length your position. The ADC has granted your request for reconsideration and has revised their previous decision. The ADC is not convinced that your home is entitled to a final approval and therefore your request for a final approval is still denied. However, the ADC has decided to accept some of the items that you have installed at your home even though they are not consistent with the Architectural Plans that were approved by the ADC.

You have asked for our guidance. Attached is a Memo from the ADC clearly outlining what you need to do to bring the house into compliance. In addition, you need to address the following two issues:

1. The encroachment issue needs to be addressed by a licensed surveyor.
2. The landscaping needs to be finished consistent with the approved plans and inspected.

The ADC has decided to accept the three car garage configuration that you have installed even though it has serious doubts that the garage will effectively function as a three car garage.

THIS IS NOT INTENDED AS A COMPLETE LIST OF ITEMS AS A COMPLETE LIST CAN ONLY BE PROVIDED AFTER ALL APPROVED WORK HAS BEEN INSTALLED AND INSPECTED.

One other point. You suggested that the Association pay your surveyor. This is not the policy of the Board. In fact, the policy provides that you will be obligated to pay all costs incurred by the Association in processing your plans and the final approval of your home before any final approval will be granted. This policy has applied to every home built in Ruby Hill and the Board has not indicated any willingness to treat you differently.



August 24, 2012

Request for Reconsideration of Final Inspection

Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566

Page 2 of 2

If you want to appeal the decision of the ADC to the full Board, please let us know and a meeting with the Board will be scheduled as soon as possible. Otherwise you should submit the information outlined above and in the attached Memo to the ADC and they will promptly give you their input.

Sincerely,

By the direction of the Board of Directors,

Robert G. Jones

Manager, Ruby Hill Owners' Association

bob@peachtreecas.com

Enclosure (1)

- August 17, 2012 – ADC Memo Re: Architectural Compliance

cc: Board of Directors
Association Files

J:\Attachments\RubyHill\Arch\Letters\architectural\O-02 (rubyh) request for reconsideration of final inspection 8/24/12.doc

Memo

Date: August 17, 2012
To: Bob Jones
From: Ruby Hill ADC
Re: Architectural Compliance
Reddy Residence, Lot O-02 - 3737 W. Ruby Hill Drive

Dear Mr. Jones:

Please find the ADC's comments below concerning the architectural compliance for the referenced property:

O-02 6896 3737 W. Ruby Hill REDDY Architectural
Compliance

- Item #2 - COLUMNS AT AUTO COURT: possible concession item (re: height of columns) under the condition that a gate is NOT installed.
- Item #4 - SWINGING DOORS FACING STREET AT THE LANAI: possible concession item under condition that front doors are replaced. Gold trim must be painted to match entire door. Space must never be used as a garage.
- Item #9 - VENTS: metal gable vent must be painted; louvered foundation vent must be painted to match body color
- Item #12 - EXTERIOR COLORS: existing colors are not approved. Roof and trim are acceptable, body and columns must be changed to an approved color.
- Item #13 - FRONT ENTRY DOORS: doors are not approved and must be changed. Design is too ornate.
- Item #15 - DOWNSPOUTS & DRAINAGE: downspouts must be installed and connected to appropriate drains. Grading swales must be added to the top of slope on both sides property lines.
- Item #16 - HORIZONTAL BAND AT FRONT ELEVATION: must be painted to match (approved) body color.
- Item #19 - ARBOR: arbor on the retaining wall must be completed.
- Item #20 - MECHANICAL ROOM DOORS: hardware must be installed

- Item #22 - COLUMNS: capitals are not approved, design is inconsistent with architectural style
- Item #24 - BBQ AT LOWER LOGGIA: must be installed per plan
- Item #26 - STAIR AT LOWER LOGGIA: item is incomplete due to unfinished edge and handrail.
- Item #30 - STUCCO WALL AT MASTER SUITE: must be painted to match approved body color.
- Item #34 - REAR GARAGE DOORS: metal doors are not approved. Must be replaced with an approved material. Glazing is not allowed on any garage door.
- Item #35 - GAZEBO: proposed decorative iron top is not approved. The ADC will consider approval of a wooden top. Columns must match final approved columns for home.
- Item #36 - FOUNTAIN & RETAINING WALL AT TOWER: must be complete

Thank you,

Ruby Hill Architectural Design Committee

September 19, 2012

SUBJECT:

**Lot O-02 @ 3737 W. Ruby Hill Drive
Reddy Residence**

PURPOSE:

Appeal hearing re: ADC denial of final approval for Reddy Residence

- 3/6/12 – Reddy sends email to Fonte & Townsend requesting final inspection of architecture
- 3/18/12 – ADC conducts 1st final inspection of architecture
- 3/22/12 – Fonte sends denial letter noting 49 items to be addressed
- 8/3/12 – 2nd final inspection conducted by ADC; several items remain outstanding
- 8/6/12 – Jones notifies Reddy results of 2nd final inspection; request for approval is denied
- 8/24/12 – Jones notifies Reddy that request for reconsideration of final approval has been granted by the ADC due to new information provided. ADC denies request for final approval.
- 9/3/12 – Reddy sends Jones email appealing decision of ADC; requests meeting with Board

EXHIBITS:

1. Page 2 – 6/30/10 – Architectural approval letter
2. Page 113 – approved front entry door elevation and photos of what he wanted to produce and actual installation
3. (ADD) – Correspondence from Paul Deol of 3749 W. Ruby Hill Drive re: grading, encroachment, negative impact on drainage caused by grading, and privacy
4. Page 43-47 – Correspondence from Darryl Alexander re: grading, encroachment and drainage, with supporting photos
5. Page 103 – 8/17/12 – Memo from ADC re: Architectural Compliance (outstanding items to be addressed)
6. Page 66 – Landscape Plan approval letter

BASIS FOR DENIAL:

- (1) **ARCHITECTURE:** Due to all of the unapproved exterior elevation changes, the house no longer conforms to any approved architectural style. As stated under Chapter V of the Design Guidelines, it is important to note that only traditional styles of architecture that are prevalent in the warm weather wine regions in Europe (including English Country, French Country, Mediterranean, and Italian Villa), as well as styles prevalent in the San Francisco Bay Area (including Craftsman, Bay Area Traditional, Prairie, and Monterey/Spanish Eclectic) are acceptable. Without processing an Amendment to the Pre-Annexation Agreement with the City of Pleasanton, the only architectural styles that are permitted in Ruby Hill are those described in the Architectural Design Guidelines (ADG) provided every homeowner. Reddy argues his house is Spanish Eclectic because he borrows elements from Spain. However, the acceptable Monterey/Spanish Eclectic architecture approved for Ruby Hill has its roots in early Californian and Mexican heritage. The ADG is very clear on what constitutes a Spanish Eclectic style and in the judgment of the ADC, the home built by Mr. Reddy does not meet the standards applicable to such a style. Mr. Townsend, the architect who has processed most of the homes in Ruby Hill can speak further to this issue if the Board would like him to do so.
- (2) **COLORS:** When architectural plans were approved on 6/30/10, the approval letter provided Mr. Reddy clearly indicated that colors and materials were not approved and any deviations or changes to approved plans would require resubmittal and approval prior to fabrication and construction. The specific language is as follows:
- **"At this time, the exterior color and materials and landscaping have not been reviewed or approved."**
 - **"Should any deviations or modifications from the original approved plans be required during construction, the owner must first receive written approval from the ADC for those changes prior to proceeding with construction."**

It should be noted that the burden to comply with the written directions given by the ADC are on the Homeowner. This is true for every homeowner within Ruby Hill. The ADC does not monitor Homeowners. The ADC has neither the staff nor the resources to do so. It is incumbent on the Homeowner to comply with the written rules and regulations and when asked, the ADC will determine if the Homeowner has in fact complied with the Rules and Regulations.

When asked to inspect the home, the ADC found applied colors to be inconsistent with the Guidelines. The colors applied to the home were never approved by the ADC and would not have been approved if Mr. Reddy had sought their approval from the ADC. The colors are inconsistent with the requirements of the ADG.

Per section V(d): Stark white, bright pastels, or bright intense colors in large expanses will not be allowed.

ADC Guidelines define architectural styles; Reddy residence is Monterey/Spanish Eclectic. Per Appendix A, Page 52: Colors are muted earth tones with brighter hues used for trim work. Stucco and wood are used for wall materials and rock or brick used for accents.

Refer to Exhibit 1

- (3) **DOORS:** 6/30/10 – approved architectural plans show all doors simple in design without any iron work. (*Plan legend indicates all materials, including doors, would be submitted for approval prior to installation.) Doors installed are inconsistent with the approved plans and are too ornate for Spanish Eclectic style defined by the Guidelines. The doors were never approved by the ADC and would not have been approved if they had been submitted for approval.

Refer to Exhibit 2

- (4) **GRADING / ENCROACHMENT:** ADC was notified by Paul Deol and Darryl Alexander, Alexander & Associates, about a grading and encroachment issue onto neighboring property (3749 W. Ruby Hill Drive.) Approved grading plan showed no grading within 15' of common property. Grading has created a negative drainage situation at both common property lines. This issue must be addressed and resolved before the ADC can grant final approval. There are two issues here. One is work done by Mr. Reddy on property he does not own which work is not shown nor permitted under the approved plans. The other issue is improper grading that has lead to drainage issues. Both of these issues need to be addressed prior to any final approval by the ADC.

Refer to Exhibit 3 and 4

- (5) **OTHER OUTSTANDING ISSUES:** Please refer to Exhibit 5 - 8/17/12 – Memo from ADC re: Architectural Compliance (outstanding items to be addressed)

Refer to Exhibit 5

(6) **LANDSCAPE:**

- 7/21/10 – Preliminary landscape plans submitted for review (Fonte notifies Reddy second set needs to be submitted)
- 8/18/10 – Second set of preliminary landscape plans submitted
- 9/13/10 – Preliminary landscape plans reviewed by LRC and ADC; not approved
- 12/2/10 – Reddy picks up landscape plans from the office
- 3/1/11 – Revised landscape plans delivered to the office
- 4/12/11 – Reddy picks up revised landscape plans; still not approved
- 6/6/12 – Reddy sends PDF files via email of revised landscape plans
- 6/12/12 – Sherman review revised landscape plans; items to be discussed with ADC
- 7/13/12 – Sherman reviews revised landscape plans; items to be discussed with ADC.

- 7/25/12 – ADC issues final approval letter for landscape plans, minus gazebo
- 8/9/12 – Reddy picks up approved landscape plans from the Main Gate
- Final walk of landscape to be conducted by Ralph Sherman prior to 9/21/12.

Refer to Exhibit 6

SUMMARY OF REVIEW PROCESS FOR REDDY RESIDENCE:

- 5/14/10 – Met with Reddy to discuss conceptual plans, returned with comments
- 5/28/10 – Review preliminary plans, returned with comments
- 6/25/10 – Review final plans, returned with comments
- 6/30/10 – Approval of final plans granted; no materials or colors or landscaping approved.
- 7/9/10 – Reddy picks up approval letter and plans from the office and delivers \$6000 Review Fee and \$5000 Construction Deposit
- 7/21/10 – Preliminary landscape plans submitted for review (Fonte notifies Reddy second set needs to be submitted)
- 8/18/10 – Second set of preliminary landscape plans submitted
- 9/13/10 – Preliminary landscape plans reviewed by LRC and ADC; not approved
- 12/2/10 – Reddy picks up landscape plans from the office
- 3/1/11 – Revised landscape plans delivered to the office
- 4/12/11 – Reddy picks up revised landscape plans; still not approved
- 4/13/11 – Fonte sends letter to Reddy re: motor court gate and gazebo. ADC may consider a variance to allow the gates under specific guidelines. Fonte requested an architectural elevation drawing be resubmitted (previous versions {landscape and architectural} conflict with each other). Fonte requests a technical drawing or manufacturer's brochure of gazebos.
- 3/6/12 – Reddy sends email to Fonte & Townsend requesting final inspection of architecture
- 3/18/12 – ADC conducts 1st final inspection of architecture
- 3/22/12 – Fonte sends denial letter noting 49 items to be addressed
- 5/1/12 – ADC receives correspondence from neighbor re: encroachment and grading issues
- 6/1/12 – Reddy sends PDF files via email of "As-builts"
- 6/6/12 – Reddy sends PDF files via email of revised landscape plans
- 6/12/12 – Sherman review revised landscape plans; items to be discussed with ADC

- 6/27/12 – Townsend, Sherman and Fonte review and discuss revised landscape plans. Plans required full review due to completely new design.
- 7/2/12 – Jones sends letter to Reddy re: final design inspection request.
- 7/3/12 – Fonte receives letter from Alexander & Associates re: grading and encroachment on to neighboring property
- 7/13/12 – Sherman reviews revised landscape plans; items to be discussed with ADC.
- 7/25/12 – ADC issues final approval letter for landscape plans, minus gazebo
- 8/3/12 – 2nd final inspection conducted by ADC; several items remain outstanding
- 8/6/12 – Jones sends letter to Reddy re: 2nd final inspection; request for final approval still denied.
- 8/8/12 – Reddy delivers details for doors, windows, columns and precast
- 8/9/12 – Reddy picks up approved landscape plans from the Main Gate
- 8/24/12 – Jones notifies Reddy that request for reconsideration of final approval has been granted by the ADC due to new information provided. ADC denies request for final approval.
- 9/3/12 – Reddy sends Jones email appealing decision of ADC; requests meeting with Board
- 9/11/12 – McKeehan sends Reddy confirmation of appeal hearing with Board scheduled for 9/24/12 @ 5:30pm.

STAFF RECOMMENDATION:

Mr. Reddy's appeal raises two issues. First is a process issue. Mr. Reddy has failed to follow the process applicable to every home built in Ruby Hill. The Homeowner is required to get approval of what they are going to build before they build it. Here Mr. Reddy has done a considerable amount of work without getting prior approval. Permitting this process sets a dangerous precedent as it makes it very difficult for the ADC to monitor what is being built in Ruby Hill.

However, Mr. Reddy also presents a substance issue in that what he has built is inconsistent with the ADG applicable to every home in Ruby Hill. Specifically the details, colors, and the doors are not consistent with the ADG. Because of a contractual relationship with the City of Pleasanton, the ADG cannot be modified without the consent of the City. Such a process would require an application to the City and notice to affected homeowners (probably all the homeowners in Ruby Hill). Therefore, in order to approve the home the ADC believed it had to find the home met the architectural style described in the ADG. In the judgment of the ADC the home does not meet those standards and should not be approved.

Finally, absent Mr. Reddy satisfactorily addressing the issues raised by Mr. Alexander and Mr. Deol, the Board should not approve the home because it appears that the work done by Mr. Reddy is inconsistent with the plans that were approved.

Ruby Hill ADC Staff Report
Subject: Lot O-02 – 3737 W. Ruby Hill Drive, Reddy Residence
September 19, 2012

The Staff recommends that the appeal be denied for all the reasons outlined above and those set forth by the ADC in their denial letter to Mr. Reddy.

EXHIBIT 1

June 30, 2010

Anil & Divya Reddy
P.O. Box 564
Los Altos, CA 94023

Re: *Ruby Hill Final Design Submittal / Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Ruby Hill Lot Owner(s):

On June 30, 2010, the Architectural Design Committee (ADC) reviewed the Final Design submittal for the above-referenced Ruby Hill homesite. Plans have been approved in accordance with the submitted plans dated June 24, 2010, stamped and signed by the ADC on June 30, 2010. The complete set includes Architectural Details (Sheets 0 - 9); Structural Plans (Sheets S1 - S-5); Landscaping Plans (Sheets L-2 & L-3, not reviewed or approved at this time); and Grading and Drainage Plan (Sheets C1 - C3). Each page has been initialed and dated by the ADC. This approval allows you to proceed and submit the plans to the City of Pleasanton for a building permit.

At this time, the exterior color and materials and landscaping have not been reviewed or approved. Prior to commencing with construction, you must submit a copy of your permit to the ADC. Your construction deposit in the amount of \$5,000, will be fully refunded upon completion of all improvements, including landscaping, cleanup and acceptance by the ADC, provided there is no damage by the owner and/or his/her contractor. Please note: if not using a featured builder, you must submit your builder for approval. The builder must provide the ADC a general certificate of liability insurance policy for the construction period listing Ruby Hill Owners' Association as additionally insured. Limits are \$1M per occurrence and \$2M aggregate.

Prior to City final approval, the Design Review Committee will require the following to be certified and match the approved design review drawing: (A) Height of home; (B) Subfloor height; (C) Garage slab height; (D) Finish grades of front and rear yards and retaining wall heights

"Final approval" of these plans and the specifications do not imply Architectural Design Committee approval of the structural integrity or the mechanical systems as described by the plans, or of the structure erected from them. Periodic inspection of the construction of the home to assure compliance with the Architectural Design Guidelines, as described in the Ruby Hill Declaration of Covenants, Conditions and Restrictions will be made. The Architectural Design Committee reserves the right to cure oversight errors on its part in the review of the plans and specifications which may appear or be observed during construction (and which are in conflict with the Guidelines) in order to maintain and preserve the integrity of the architectural guidelines established for the community.

Should any deviations or modifications from the original approved plans be required during construction, the owner must first receive written approval from the ADC for those changes prior to proceeding with construction.

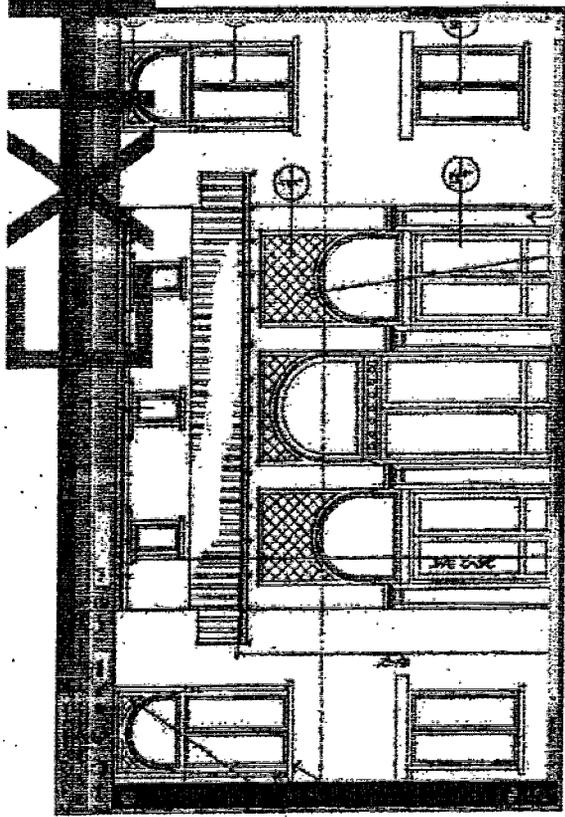
Sincerely,

ARCHITECTURAL DESIGN COMMITTEE, RUBY HILL OWNERS' ASSOCIATION

By: Katherine Fonte
Association Manager
Katherine@peachtreecas.com

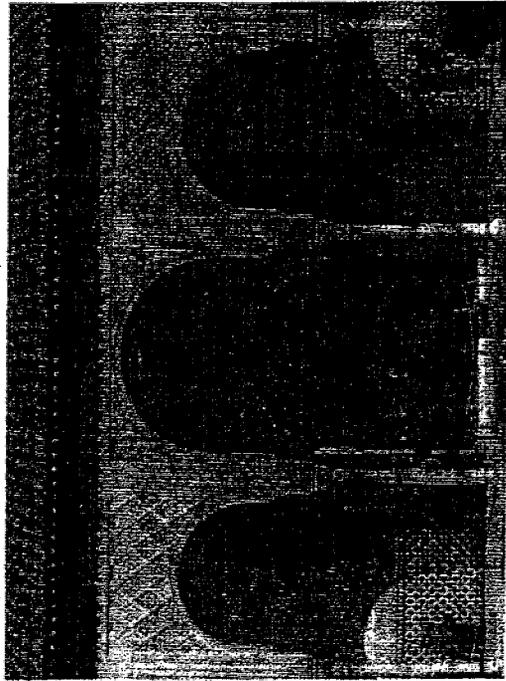
cc: Rosalind Rondash, Planning Department, City of Pleasanton
Association Files

EXHIBIT 2



Approved front entry

Original referenced front entry



Finished front entry

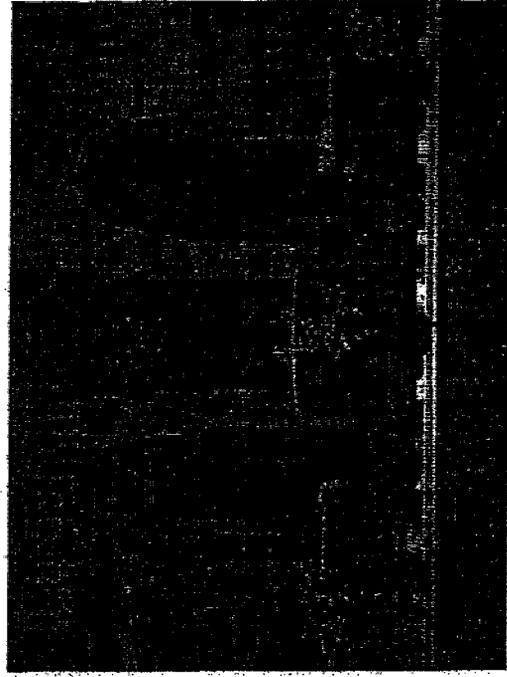


EXHIBIT 3

Pritpal Singh Deol
3749 W. Ruby Hill Drive, Pleasanton, 94566
Tel: 408-930-8800

April 23, 2012

Ruby Hill Homeowners Association
[input address]
Pleasanton, CA 94566

Dear Ruby Hill Homeowners Association:

I, Pritpal Singh Deol, owner of residence at 3749 W. Ruby Hill Drive, officially file this formal complaint against pending new neighbor, Anil Reddy, whose residence in construction is located to the north of our home.

There are five items to be covered in this complaint. The first is the primary concern of fabrication of the property line. Anil Reddy has fabricated his property line and encroached three feet on to our property. Reddy had his landscapers scrape three feet of our property and landscaping without first discussing this matter with me nor my wife. When I confronted him about not discussing this with me, he indicated that he did not care as he was going with the map he had for the property. The first issue that steps from this scraping of three feet of our property and subsequent landscaping he has done on the three feet of my property is that Reddy has illegally encroached on our property.

This concern is not ours alone. The owner on the north side of Reddy's property, the Bhardwaj family, have expressed similar concerns of encroachment on to their property line and damage to their landscaping as a result of Reddy's landscaping work.

A second item and concern due to Reddy's scraping of my property without my permission is that Reddy has created a water run off issue where water from my sprinklers has been running on to his side of the property since there is no longer any area for that water to gather when plants are watered. Reddy asked me to resolve this issue and I informed him that the root cause of the water leak was as a result of his instruction to his landscapers to scrape three feet of our property line which resulted in the water run off. I notified him that it was his duty to fix this issue since his landscaping instruction to his landscapers has caused the issue in the first place. We have never before had any problems with water run off on to his property.

A third item is the survey I recently had done on our property located at 3749 W. Ruby Hill Drive, Pleasanton, 94566. I recently had a survey done on our property through Darrel Alexander's company ("Alexander"). Alexander informed me that the marking Reddy did on the back of the property was indeed fabricated. Reddy did the marking himself on the back of his property and in the process, encroached three feet onto the backside of our property. He proceeded with his landscaping plan according to the marking he fabricated on the back side of his property without talking to us and went ahead and scraped the landscaping along with the associated sprinkler system, and I was able to confirm that he thereby caused the water to leak from our sprinklers on to his own property. The scraping led to no land for the water to collect and soak into the plants and instead, the scraping caused a water run off onto Reddy's property.

A fourth item I would like to discuss is the construction of the tower on the backside of Reddy's property. I strongly condemn the approval of the tower and adjacent breezeway construction due to a primary concern of my family's privacy, as well as a secondary concern as to the height of the tower itself. The primary concern with the tower and breezeway construction is the fact that it overlooks the family room and nook area of our home.

EXHIBIT 3

I would additionally ask that Ruby Hill HOA look in to the height and size of the remainder of Reddy's property per the size of the lot on which Reddy's residence has been constructed. My family is deeply concerned that this tower is an invasion of our family property. Reddy himself has been seen by three family members already standing on the breezeway and directly looking at our home and looking into the nook area and family room area of our home that are now clearly visible with this construction detail of his home. Our request to maintain privacy in our home is that this breezeway must be covered, the height of the tower examined and the window-like openings in the tower be closed off where they overlook our property. One additional feature that would help maintain privacy for our home is the backstairs that lead to the tower which now land on the side facing our property which instead, should land on the inside of his property where Reddy seems to have constructed some type of courtyard or other landing area, which is enclosed within his property. These backstairs should not be allowed to land on the side facing our property since this would help to further enhance and maintain the privacy of our home.

The final and fifth item of concern is Reddy's overall actions and behaviors. We strongly feel:

1. That Reddy is doing things the way he wants to regardless of concerns raised by his neighbors and regardless of courtesy and respect of his neighbors' property lines.
2. That Reddy is not cooperative, very rude to his neighbors and not willing to work with us on the concerns we have raised.

We are requesting your input and cooperation on this matter before any further inspections by Ruby Hill HOA and the City of Pleasanton take place. If at all possible, we would like to put this issue on the next agenda of the Ruby Hill HOA meeting.

We have the following requests:

- a. We would like you to come by and take a look at the work Reddy has done on the construction of the Tower and adjacent breezeway, as well as the work Reddy has done on the landscaping. As previously mentioned, the landscaping concern is not ours alone. The owner on the north side of Reddy's property, the Bhardwaj family has expressed similar concerns of encroachment on to their property line and damage to their landscaping as a result of Reddy's landscaping work.
- b. The City of Pleasanton Planning and Building Department and the Ruby Hill Homeowners Association must stop the construction on Reddy's home until these pertinent issues to the two immediate neighbors are resolved. We would like to give an opportunity for this matter to be resolved at the Ruby Hill HOA and City of Pleasanton Planning and Building Department to see if this matter can be civilly resolved, or we will have to escalate further to a court of law.

I appreciate your prompt and cooperation reply in this matter.

Sincere Regards,

Pritpal S. Deol

3749 W Ruby Hill Drive, Pleasanton 94566

Cell: 408-930-8800

CC: Ruby Hill HOA

CC: City of Pleasanton Planning and Building Department

CC: Bhardwaj Family

**ALEXANDER &
ASSOCIATES, INC.**
SURVEYING * ENGINEERING * PLANNING

EXHIBIT 4

July 3, 2012

Ruby Hill Owners Association

Attn.: Katherine Fonte
Ruby Hill Manager

Re: Property Line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive.

Dear Katherine:

In April of 2012, I received a call from Mr. Paul Deol of 3749 West Ruby Hill Drive. He requested I restake the property line between 3749 West Ruby Hill Drive and 3737 West Ruby Hill Drive.

I have a long history with this particular property line.

In June of 2002 my office prepared a Grading and Drainage Plan for Mr. Paul Deol on 3749 West Ruby Hill Drive. Our plan clearly shows that no work was being done within 10 feet of the common property line between 3749 West Ruby Hill Drive and 3737 West Ruby Hill Drive. In April of 2003 we verified that the house was in the correct location.

In May of 2010 I was contacted by Mr. Anil Reddy to do work on 3737 West Ruby Hill Drive. In July of 2010 we prepared a Grading and Drainage Plan for Mr. Reddy. This plan clearly shows that no work was to be done on the common property line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive. There is a 15 foot wide water line easement along the side property line between 3737 West Ruby Hill drive and 3749 West Ruby Hill Drive. The City of Pleasanton would not allow construction work over the existing water line from the water tank to West Ruby Hill Drive.

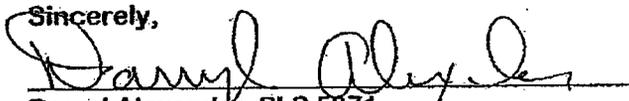
When I received the call from Mr. Deol in April of 2012 I was surprised, as no work was supposed to be done in this area per the approved plans.

On April 17, 2012 a field crew from my office restaked the common property line between 3749 and 3737 West Ruby Hill Drive. Our findings per this date show that Mr. Reddy had not only graded and planted over the City of Pleasanton Water Line Easement, he had in fact graded over the common property line between 3737 West Ruby Hill Drive and 3749 West Ruby Hill Drive.

I have attached several photographs that were taken April 17, 2012 showing that Mr. Reddy graded over the common property line and onto Mr. Deol's property by up to 2 feet.

If you have any questions, please contact me.

Sincerely,


Darryl Alexander, PLS 5071
License expires 6-30-2013

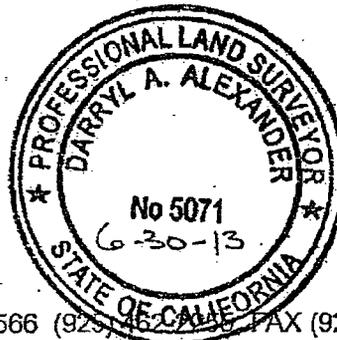
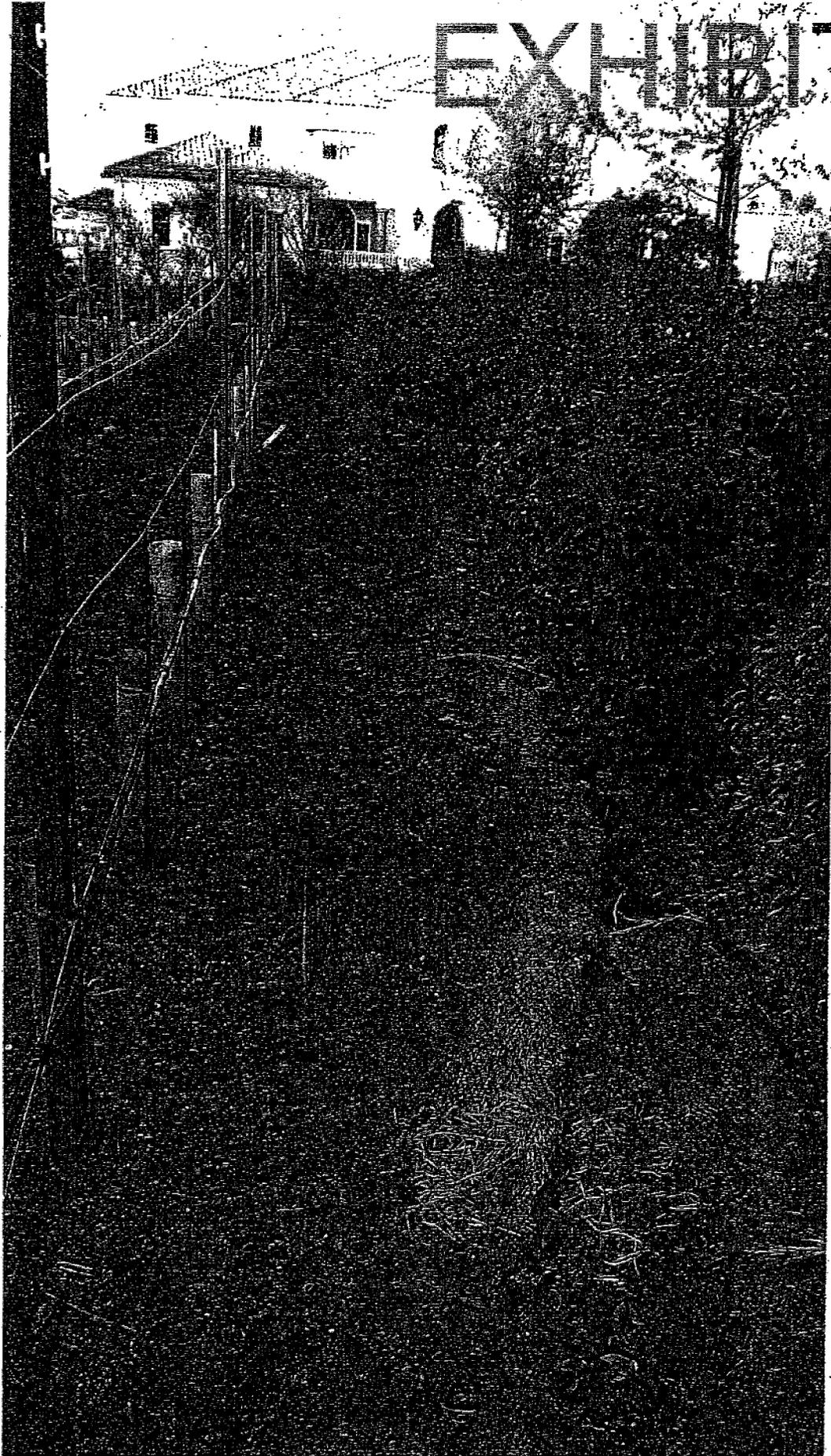
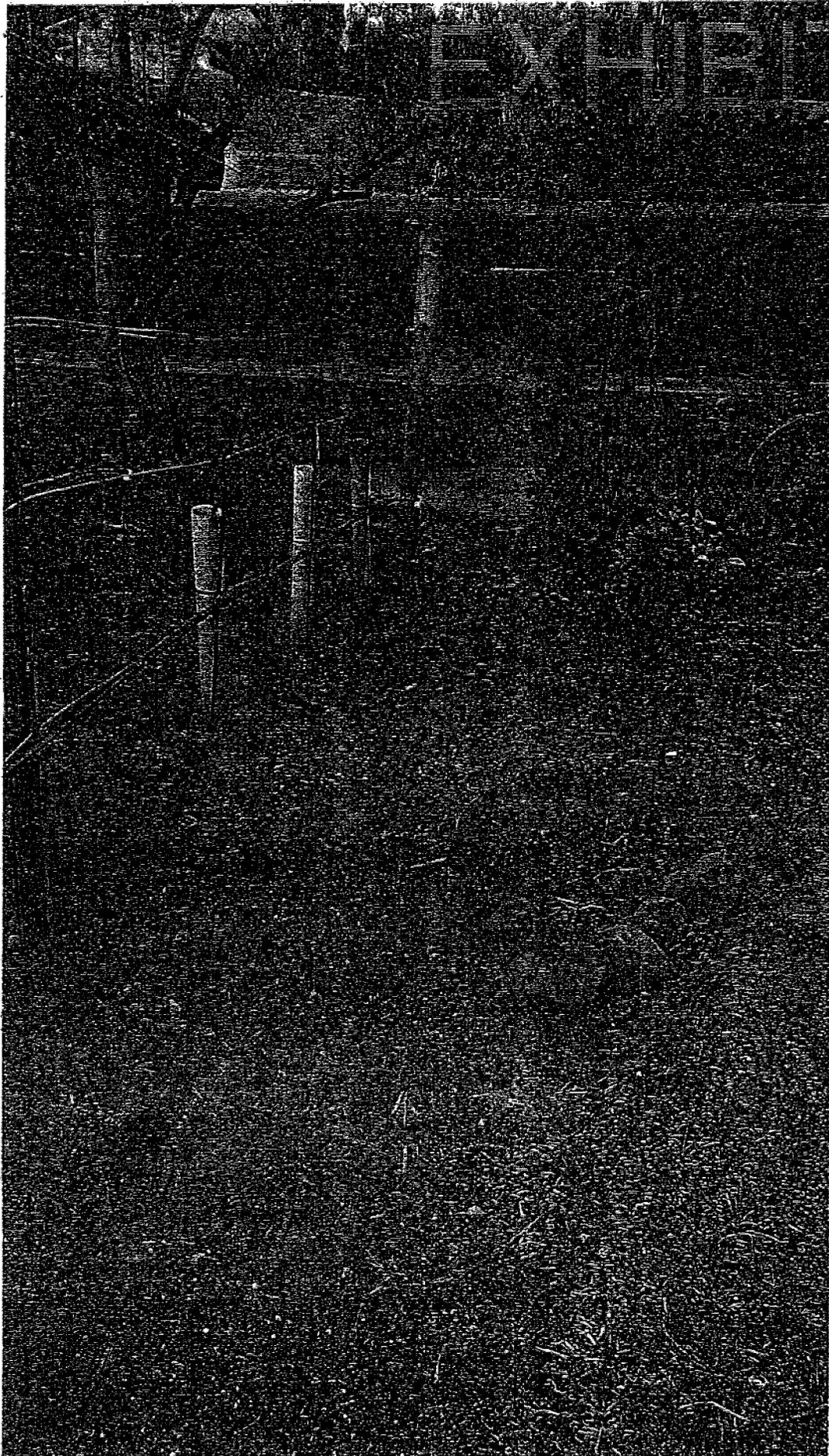


EXHIBIT 4



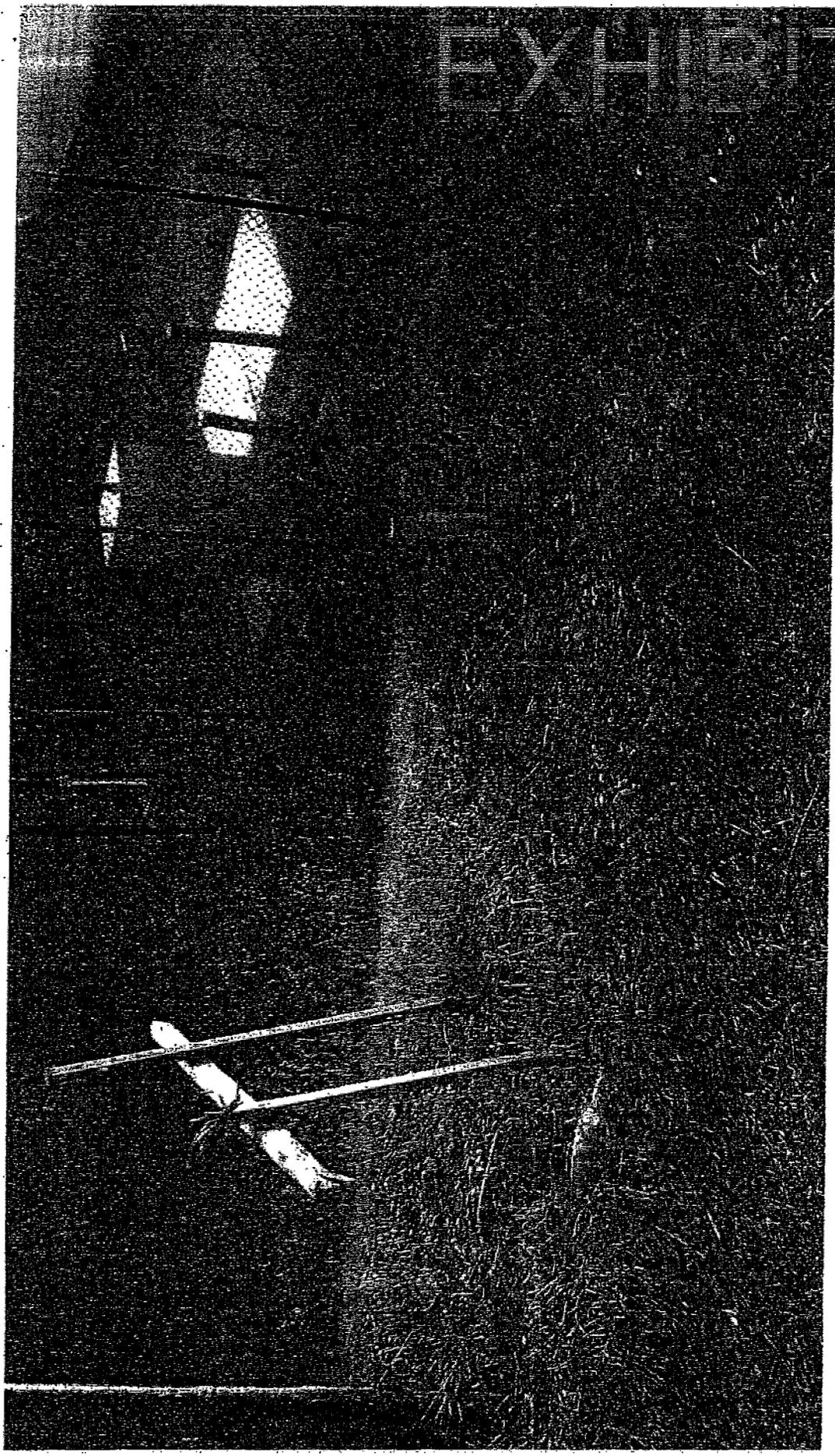


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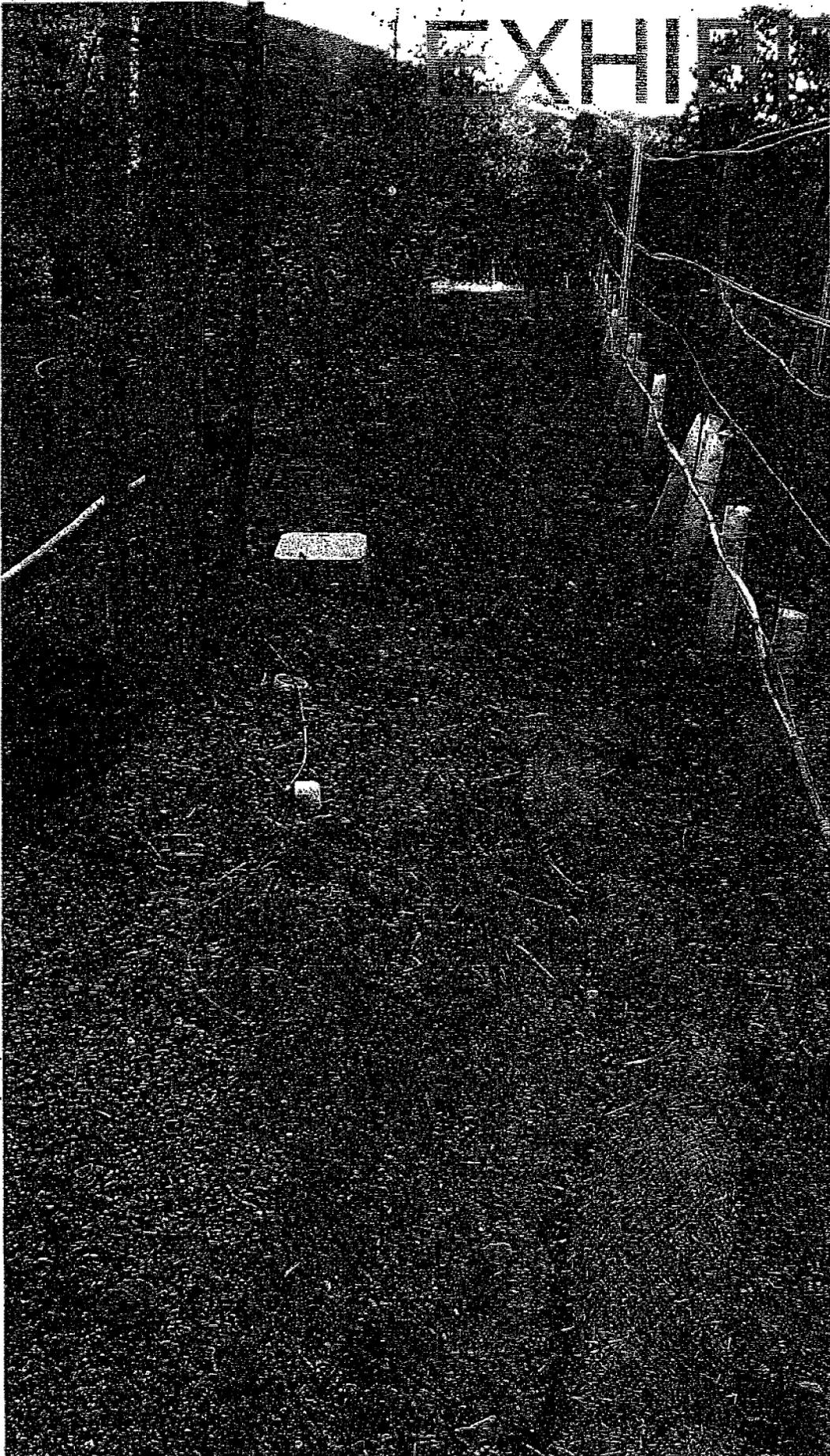


EXHIBIT 5



August 24, 2012

Anil & Divya Reddy
P.O. Box 564
Los Altos, CA 94023

Re: Request for Reconsideration of Final Inspection
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566

Dear Mr. and Mrs. Reddy:

Based on what you have submitted, we are considering your submittal as a request for reconsideration by the ADC. The ADC has reviewed everything you have submitted and discussed at length your position. The ADC has granted your request for reconsideration and has revised their previous decision. The ADC is not convinced that your home is entitled to a final approval and therefore your request for a final approval is still denied. However, the ADC has decided to accept some of the items that you have installed at your home even though they are not consistent with the Architectural Plans that were approved by the ADC.

You have asked for our guidance. Attached is a Memo from the ADC clearly outlining what you need to do to bring the house into compliance. In addition, you need to address the following two issues:

1. The encroachment issue needs to be addressed by a licensed surveyor.
2. The landscaping needs to be finished consistent with the approved plans and inspected.

The ADC has decided to accept the three car garage configuration that you have installed even though it has serious doubts that the garage will effectively function as a three car garage.

THIS IS NOT INTENDED AS A COMPLETE LIST OF ITEMS AS A COMPLETE LIST CAN ONLY BE PROVIDED AFTER ALL APPROVED WORK HAS BEEN INSTALLED AND INSPECTED.

One other point. You suggested that the Association pay your surveyor. This is not the policy of the Board. In fact, the policy provides that you will be obligated to pay all costs incurred by the Association in processing your plans and the final approval of your home before any final approval will be granted. This policy has applied to every home built in Ruby Hill and the Board has not indicated any willingness to treat you differently.



August 24, 2012

Request for Reconsideration of Final Inspection

Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566

Page 2 of 2

EXHIBIT 5

If you want to appeal the decision of the ADC to the full Board, please let us know and a meeting with the Board will be scheduled as soon as possible. Otherwise you should submit the information outlined above and in the attached Memo to the ADC and they will promptly give you their input.

Sincerely,

By the direction of the Board of Directors,

Robert G. Jones

Manager, Ruby Hill Owners' Association

bob@peachtreecas.com

Enclosure (1)

- August 17, 2012 – ADC Memo Re: Architectural Compliance

cc: Board of Directors
Association Files

F:\Association\RubyHill\Arch\Letters\Architectural\to-02 (redup) request for reconsideration of final inspection 8.24.12.doc

EXHIBIT 5

Ruby Hill Owner's Association
Architectural Design Committee

Memo

Date: August 17, 2012
To: Bob Jones
From: Ruby Hill ADC
Re: Architectural Compliance
Reddy Residence, Lot O-02 - 3737 W. Ruby Hill Drive

Dear Mr. Jones:

Please find the ADC's comments below concerning the architectural compliance for the referenced property:

- | | | | | |
|------|------|-------------------|-------|-----------------------------|
| O-02 | 6896 | 3737 W. Ruby Hill | REDDY | Architectural
Compliance |
|------|------|-------------------|-------|-----------------------------|
- Item #2 - COLUMNS AT AUTO COURT: possible concession item (re: height of columns) under the condition that a gate is NOT installed.
 - Item #4 - SWINGING DOORS FACING STREET AT THE LANAI: possible concession item under condition that front doors are replaced. Gold trim must be painted to match entire door. Space must never be used as a garage.
 - Item #9 - VENTS: metal gable vent must be painted; louvered foundation vent must be painted to match body color
 - Item #12 - EXTERIOR COLORS: existing colors are not approved. Roof and trim are acceptable, body and columns must be changed to an approved color.
 - Item #13 - FRONT ENTRY DOORS: doors are not approved and must be changed. Design is too ornate.
 - Item #15 - DOWNSPOUTS & DRAINAGE: downspouts must be installed and connected to appropriate drains. Grading swales must be added to the top of slope on both sides property lines.
 - Item #16 - HORIZONTAL BAND AT FRONT ELEVATION: must be painted to match (approved) body color.
 - Item #19 - ARBOR: arbor on the retaining wall must be completed.
 - Item #20 - MECHANICAL ROOM DOORS: hardware must be installed

EXHIBIT 5

- Item #22 - COLUMNS: capitals are not approved, design is inconsistent with architectural style
- Item #24 - BBO AT LOWER LOGGIA: must be installed per plan
- Item #26 - STAIR AT LOWER LOGGIA: item is incomplete due to unfinished edge and handrail
- Item #30 - STUCCO WALL AT MASTER SUITE: must be painted to match approved body color.
- Item #34 - REAR GARAGE DOORS: metal doors are not approved. Must be replaced with an approved material. Glazing is not allowed on any garage door.
- Item #35 - GAZEBO: proposed decorative iron top is not approved. The ADC will consider approval of a wooden top. Columns must match final approved columns for home.
- Item #36 - FOUNTAIN & RETAINING WALL AT TOWER: must be complete

Thank you,

Ruby Hill Architectural Design Committee

RUBY HILL EXHIBIT 6

July 25, 2012

Anil and Divya Reddy
P.O. Box 564
Los Altos, CA 94023

Re: *Ruby Hill Landscape and Irrigation Plan Submittal*
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566

Dear Mr. and Mrs. Reddy:

The Landscape and Irrigation Committee has reviewed your plans for above-referenced Ruby Hill home site. Plans reviewed on July 25, 2012, were approved to install front and backyard landscape including, fountain, hardscape, and irrigation per plans submitted. The proposed gazebo is not approved- exceeds the maximum height of 15' and proposed dome is too ornate.

Note: ****Per page 28 of the Design Guidelines, all landscaping must be completed, in accordance with the approved landscape plans, prior to occupancy of the home.****

1. All construction must be in accordance with City rules and regulations. All necessary permits from Public Agencies must be applied for and granted and copies of the same must be provided to the Association by the homeowner prior to the commencement of installation.
2. Construction is in accordance with plans as approved. Any deviations will require re-submission of revised plans and approval prior to implementation.
3. The drainage pattern originally established by the developer is maintained or enhanced without adversely impacting the building or common area landscaping. Drainage water must flow freely to and through the common area drain collection without affecting adjacent properties, ponding near foundations or damaging common areas. (if applicable)
4. All improvements must be maintained properly so as not to be unsightly to your neighbors.
5. The Design Review Committee and/or the Board of Directors reserve the right to pursue the removal of improvements, at the property owners' expense, in the event the improvements are not maintained to reasonable standards set forth by the Association.

"Final approval" of these plans and the specifications do not imply Architectural Design Committee approval of the structural integrity or the mechanical systems as described by the plans including the installation of the landscape and irrigation.

We will make periodic inspections of the construction of the landscape and irrigation to assure compliance with the Architectural Design Guidelines, as described in the Ruby Hill Declaration of Covenants, Conditions and Restrictions. The Architectural Design Committee reserves the right to cure oversight errors on its part in the review of the plans and specifications which may appear or be observed during construction (and which are in conflict with the Guidelines) in order to maintain and preserve the integrity of the architectural guidelines established for the community.

Please notify the Committee if any additional changes are made to the approved plans. Thank you for properly complying with the CC&Rs and the architectural design review process. If you have any questions, please contact the committee in writing.

Sincerely,
RUBY HILL ARCHITECTURAL DESIGN COMMITTEE



Katherine Fonte
Association Manager, Architectural Administrator
Katherine@peachtreecas.com

cc: Association Files

J:\associations\rubyhill\Architect\Architect\Landscaping\10-02\rubyhill\7-25-12\approved 7.25.12.doc

