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8 Ruby Hill Owners' Association

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF ALAMEDA**

13 **ANIL REDDY and DIVYA REDDY,**  
14 **individuals,**

15 **Plaintiffs,**

16 **vs.**

17 **RUBY HILL OWNERS' ASSOCIATION, a**  
18 **California Corporation; and DOES 1-25,**  
19 **inclusive,**

20 **Defendants.**

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

**DECLARATION OF ROBERT  
JONES 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, ROBERT JONES, declare as follows:

22 1. I am the Senior Manager of the Ruby Hill Owners' Association (RHOA), the  
23 Defendant in this action. 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.       I have been the Senior Manager of the RHOA since 1994. My duties as Senior  
2 Manager of the RHOA include overseeing all staff and day-to-day operations. During my tenure, I  
3 have overseen the approval of design and final inspection for 50 of the 836 lots that have been  
4 constructed in this 850 lot residential community.

5           3.       Attached as Exhibit "A" is a true and correct copy of my letter dated July 2, 2012 to  
6 Mr. and Mrs. Anil and Divya Reddy (the "Reddys") concerning their lot and home built at 3737 W.  
7 Ruby Hill Drive, Pleasanton, California (the "Reddy Residence"). My signature appears on page 2.

8           4.       In the last paragraph of this letter I advised Mr. Reddy that "on several occasions you  
9 have displayed inappropriate, aggressive, and intimidating behavior to our office staff, including the  
10 ADC (Architectural Design Committee) personnel. This behavior is unacceptable and will not be  
11 tolerated. Effectively immediately, you are to direct all communication and correspondence to me  
12 personally...."

13           5.       His offensive and intimidating behavior was directed primarily to Peachtree  
14 Community Association Services, Inc. employee Katherine Fonte - both via email and in person at  
15 the Community Center office at Ruby Hill.

16           6.       Typically I don't become involved in the processing of an application for an  
17 individual lot owner. This is handled by my subordinates, but Mr. Reddy's behavior was so  
18 intolerable and abusive that I had no choice but to intervene.

19           7.       I understand that the Reddys requested a final inspection of their as-built residence  
20 on March 6, 2012 and that the ADC conducted a walkthrough on March 18, 2012 and wrote a letter  
21 denying final approval based on 49 items set forth in a letter dated March 22, 2012.

22           8.       This letter of July 2, 2012 also served to reinforce and remind Mr. Reddy of the role  
23 of the ADC in enforcing the Architectural Design Guidelines for the Ruby Hill community and that  
24 Mr. Reddy, when he purchased a lot in this community, was made aware and agreed to follow the  
25 CC&Rs and Design Guidelines. The purpose of the letter was also to highlight again how the  
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1 Reddy house as-built did not conform to the approved plans or to the Design Guidelines including  
2 any approved architectural style.

3 9. Attached as Exhibit "B" is a true and correct copy (without the attached enclosures)  
4 of my letter dated July 12, 2012 to Mr. Reddy. My signature appears on the second page of the  
5 letter. In this letter I provided the letter from Darryl Alexander dated July 3, 2012 of Alexander &  
6 Associates, Inc. in which this licensed surveyor and his office had confirmed that the Reddys had  
7 graded and encroached several feet onto to the adjoining lot owners, Mr. and Mrs. Deol. In this  
8 letter, I told Mr. Reddy to either offer the opinion of a licensed professional land surveyor to  
9 indicate that he was not encroaching onto the Deol property or to submit a proposal to correct the  
10 grading and drainage issues raised by Mr. Alexander. Mr. Reddy however did neither.

11 10. Attached as exhibit C is a true and correct copy of a letter dated August 6, 2012 from  
12 me to the Plaintiffs Anil Reddy and Divya Reddys (the "Reddys"). My signature appears on page  
13 two of this letter. In this letter are two letters from an architect Terry J. Townsend who serves on the  
14 Architectural Design Committee (ADC): a two page letter dated August 2, 2012 and a four page  
15 letter dated August 3, 2012. Terry Townsend had inspected the as-built home of the Reddys,  
16 comparing it to the architectural plans that had been previously submitted by the Reddys and as  
17 approved by the ADC on June 30, 2010 (also referred to as the "Final Design"). Mr. Townsend  
18 noted in great detail where the Reddys had deviated from their plans and did not conform to Ruby  
19 Hill's Architectural Design Guidelines.

20 11. This August 6 letter, followed a second inspection of the Reddys' Residence that was  
21 conducted on August 3, 2012 which as Mr. Townsend's August 3 letter details, many items  
22 remained outstanding that needed to be addressed to conform to the Final Design that had been  
23 approved on June 30, 2010 and failed to conform to the Ruby Hill Architectural Design Guidelines.

24 12. The August 6 letter formally denied approval of the Reddys' residence. The Reddys  
25 thereafter requested reconsideration by the ADC. The ADC granted the Reddys' request for  
26 reconsideration..

1           13.     Attached as Exhibit "5" to the Staff Report that was prepared for the appeal hearing  
2 by the RHOA Board of Directors (and attached as an exhibit to the Declaration of Katherine Fonte)  
3 is a true and correct copy of a letter dated August 24, 2012 that I sent to Mr. and Mrs. Reddy  
4 confirming the denial upon ADC reconsideration. As a further indication that the ADC did not act  
5 in an arbitrary fashion, as it states in the letter, "the ADC has decided to accept some of the items  
6 that you have installed at your home even though they are not consistent with the Architectural  
7 Plans that were approved by the ADC."

8           14.     The Reddys had been provided a very detailed list of 49 items in a letter dated March  
9 22, 2012 attached as Exhibit G to the Reddys' Complaint. The purpose of the letter was to provide a  
10 roadmap of the precise actions that the Reddys needed to perform in order to obtain written approval  
11 of the as-built residence, including landscaping.

12           15.     Mr. Reddy has claimed that since I reside in Ruby Hill that I somehow was  
13 monitoring his property. I was not asked by the ADC to conduct a formal inspection nor did I  
14 conduct such an inspection during construction of the Reddy Residence. That was not my role as  
15 that role is performed by ADC personnel. I had not personally reviewed at any time during the  
16 Reddys' construction of their home the architectural plans approved by the ADC on June 30, 2010.  
17 The Reddys did not invite me to do a walkthrough with them on their property. Construction done  
18 to the interior of the house (such as what I later learned was the Reddys converting a garage to a  
19 lanai) was not observable from the street. Neither the Peachtree Staff or ADC is a policing body,  
20 nor do they engage in a monitoring program. It is the duty of the Owner to notify the ADC of any  
21 changes from their approved plans before proceeding with construction.

22           16.     As I stated in my letter of August 24, 2012, Mr. Reddy asked the ADC for further  
23 "guidance" of what the Reddys needed to do in order to obtain written approval of the Reddys'  
24 residence. The Reddys' attach as Exhibit I to their Complaint an inter-office memorandum prepared  
25 by the ADC highlighting 16 key, yet very significant, items in the 49-item list that still needed to be  
26 addressed in order for the Reddys to come into architectural compliance. The Reddys came into

1 possession of the ADC inter-office memo (which shows the items the ADC might be willing to  
2 accept, under specific circumstances to accommodate the Reddys) because I, on behalf and as  
3 authorized by the RHOA Board, freely shared this memo with the Reddys to further assist the  
4 Reddys to remedy their non-compliance with their approved plans and the Design Guidelines so that  
5 a final inspection of their home could be conducted and a final letter of approval sent to the City of  
6 Pleasanton issued by the RHOA.

7 17. Landscaping plans for the Reddys residence were approved on July 25, 2012 with the  
8 exception of the gazebo. As I pointed out in my August 24, 2012 letter, the Reddys needed “to be  
9 finished consistent with the approved plans and inspected.” The Reddys however had proceeded  
10 with the installation of their grading and construction of their gazebo without an approved plan in  
11 place.

12 18. In addition, the RHOA received a formal written complaint from neighbors of the  
13 Reddys, Mr. and Mrs. Deol at 3749 W. Ruby Hill Drive on April 23, 2012. In response to the  
14 Deols’ formal written complaint, the RHOA had verification from Darryl Alexander, a licensed  
15 surveyor, that the Reddys had re-staked their property several feet onto the Deols’ property and had  
16 improperly graded and encroached onto the Deols’ property and well beyond the grading and  
17 drainage plans that had been submitted by the Reddys and approved by the ADC on 6/30/10. For  
18 this reason, in my letter of August 24, 2012, I emphasized that the this “encroachment issue needs to  
19 be addressed by a licensed surveyor.”

20 19. In my August 24, 2012 letter, I also informed the Reddys of their right to appeal the  
21 denial by the ADC to the RHOA Board.

22 20. On September 3, 2012, Mr. Reddy informed me via email of his intent to appeal to  
23 the RHOA Board. I promptly scheduled an appeal hearing for the Reddys.

24 21. Both the Reddys and their attorney at the time, Jeffrey Widman, were duly and  
25 timely notified of the Appeal Hearing scheduled for September 24, 2012 at 5:30 p.m.  
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1           22.     I attended the appeal hearing on September 24, 2012. Neither Mr. or Mrs. Reddy,  
2 nor their attorney, nor anyone else on their behalf, attended the hearing even though they had been  
3 provided both verbal and written notice of the hearing. The Board was presented with a 20-page  
4 staff report and back-up documentation of more than 130 pages. The Board heard evidence and  
5 deliberated for an hour.

6           23.     Attached as Exhibit "D" is a true and correct copy of an email sent from Mr. Reddy  
7 to me and copied to all of the members of the Board , ADC architect Terry Townsend, and to  
8 Katherine Fonte. He used this email again to insult Ms. Fonte and insult me. In the post-script  
9 "P.S" Mr. Reddy estimated his home to be "6M+" (more than \$6 million dollars).

10          24.     On September 26, 2012, RHOA Board President Neal Sornsen sent a letter to the  
11 Reddys detailing the decision reached by the RHOA Board on September 24, 2012, and the basis for  
12 the decision. In this letter, Mr. Sornsen expressed the willingness to reschedule another hearing in  
13 order for the Reddys to attend and present evidence. The Reddys, however, have never attempted to  
14 reschedule another appeal hearing before the Board.

15          25.     On December 6, 2012, the RHOA Board enlisted a second opinion of Dan Hale a  
16 licensed architect, to review photographs of the Reddy Residence to determine whether the ADC  
17 was correct in concluding that the Reddy Residence did not follow the Monterey/Spanish Eclectic  
18 style. Mr. Hale had formerly been on the ADC and the RHOA wanted an independent second  
19 opinion to ensure that the ADC's conclusions were accurate. Attached as Exhibit "E" is a true and  
20 correct copy of the letter received from Mr. Hale that was submitted to the RHOA Board at its  
21 December 10, 2012 Board meeting.

22          26.     On August 26, 2012, the Reddys requested via email, an inspection in order to  
23 schedule a City final inspection that week. The Reddys had not sought final approval on the  
24 construction of their landscaping plans as required by the July 25, 2012 landscaping approval nor  
25 have they obtained approval of their gazebo. On September 21, 2012, a landscape walk was  
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1 conducted and it was determined that the landscaping was not ready for final approval due to  
2 outstanding items.

3 27. The Reddys at no point since August 26, 2012 have requested a further inspection  
4 and review of their residence to obtain written approval.

5 28. The RHOA uniformly provides a formal letter of approval to the residence after  
6 construction and final inspection to the City of Pleasanton before the City of Pleasanton issues  
7 certificates of occupancy. None of the prior Owners have challenged the authority or the right of  
8 the RHOA to provide the City of Pleasanton a final letter of approval after construction. I  
9 understand there is a Pre-Annexation Agreement in place with the City of Pleasanton that in part is  
10 meant to ensure that Ruby Hill does not alter its Design Guidelines without the approval of the City  
11 Planning and City Council. This final letter of approval for the issuance of the certificate of  
12 occupancy has been the established method for assuring that the Owners in the Ruby Hill  
13 community have complied with the Design Guidelines.

14 29. During my tenure as the RHOA Senior Manager, this is the first instance of the  
15 custom lots that have been approved where I can recall an Owner appealed a denial of a final letter  
16 of approval after construction and final inspection to the RHOA Board.

17 30. As part of my duties of being Senior Manager of the RHOA, I am in contact with  
18 building officials at the City of Pleasanton concerning issues such as building permit issuance and  
19 the issuance of certificates of occupancy for the custom homes constructed in Ruby Hill.

20 31. At no point have I ever been contacted by any official of the City of Pleasanton to  
21 inform me that the Reddys have sought to obtain a certificate of occupancy from the City of  
22 Pleasanton directly, or appealed any adverse decision concerning a Certificate of Occupancy either  
23 to the Planning Commission or to the City Council for the City of Pleasanton.

24 32. At no point did the Reddys ever inform me that they had gone to the City of  
25 Pleasanton directly to obtain a certificate of occupancy.  
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33. In my duties on behalf of Peachtree C.A.S., Inc., retained as an independent contractor by the RHOA, it is the duty of the management company to assist the RHOA in ensuring uniform compliance by the Owners with the CC&Rs and Design Guidelines that are in place, as I described in my July 2, 2012 letter to Mr. Reddy (attached as Exhibit "A"). To this end, granting the injunction will work a greater injustice and undue hardship to the RHOA than denying the injunction to the Reddys who have not abided by the Design Guidelines or built a house that complied with their approved plans or followed the protocols, and whose grading of their property encroaches onto to the neighboring property. The RHOA Board, ADC, Peachtree Staff and I have an interest to ensuring quality homes are constructed and comply with the Design Guidelines, which, are followed by all of the Owners in this planned development community. And since the RHOA is in fact comprised and acts on behalf of the other Owners in this residential community, granting the injunction will work a greater injustice and undue hardship to the other Owners who too have an expectation that the rules they follow for the mutual benefit of the community, are followed by the other subsequent owners who purchase lots in the Ruby Hill community.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 8, 2013, at Pleasanton, California.

  
ROBERT JONES

# EXHIBIT A



July 2, 2012

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

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

Dear Sir,

The Community of Ruby Hill adheres and operates under a straightforward set of Architectural Guidelines. Homeowners and every new home under construction within our community are required to comply with the Guidelines, and work with the Architectural Design Committee (ADC) who reviews and approves all submittals, and enforces a very specific protocol.

When you decided to purchase a home in a planned gated community (Ruby Hill), you were made aware, and agreed, to follow the CC&Rs and the Architectural Design Guidelines, which were established in 1993.

The ADC has made every effort to expedite your project for the last two years, during which time you have continually circumvented the standard procedures outlined in our Guidelines. You have demanded the Owners' Association (OA) modify the standard procedures based on your personal timeline and agenda, although you have not complied with many of the rules set forth in the Association's documents to date.

Since construction began, you have failed to follow your *own* architectural design plans, approved by the ADC on June 30, 2010. Although you submitted a landscape design plan in March 2011, you began installation of your landscaping without obtaining or receiving approval. Although modifications to design plans (architectural or landscaping) are allowed, submittals and approvals are required prior to any implementation.

The Board of Directors has directed me to assist you as long as you are willing to adhere and comply with the Guidelines. It is my intention to help you work through the design process and achieve final approval. Together, with your cooperation, we can make this mutually beneficial to all parties involved.

The ADC has made me aware of the following list of outstanding major items that require correction before they can proceed with any re-inspection. These items are in addition to the forty-nine items (see attached) discovered at the inspection conducted on March 18, 2012. Please note that each item must be addressed individually. Submitting As-built plans as a solution is not acceptable.

1. The ADC will not re-inspect your home for final approval until all outstanding items have been addressed and approved.
2. Landscaping plans have NOT been approved - cease any further work until final plans have been approved. This includes construction of the unapproved gazebo.



July 2, 2012

Ruby Hill Final Design Inspection Request

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

Page 2 of 2

3. The Association has received reports concerning possible grading and infringement on neighboring properties. The ADC and Board will require a certified survey to be completed at your expense and all grading must be brought into compliance with pre-construction conditions.
4. No colors or materials have been approved at this time, including the large wrought iron front doors. The ADC will not approve the current color combinations on the home now (including the various colors on the rear). Cut sheets are required for front doors, lanai doors, coolstone, and windows.
5. You have changed the garage design from your original approved plans without obtaining required approval.
6. Due to all of the unapproved exterior elevation changes, the house no longer conforms to any approved architectural style.
7. Until all required information has been submitted and approved by the ADC, you are instructed to cease any further exterior construction.

In order for the ADC to re-inspect your project, you will be required to follow all of the rules outlined by the Guidelines, and not circumvent or ignore any of the procedures or protocols. As in any construction project, unforeseeable problems may surface; those items must be addressed on a case-by-case basis until you achieve final approval.

Finally, on several occasions you have displayed inappropriate, aggressive, and intimidating behavior to our office staff, including the ADC personnel. This behavior is unacceptable and will not be tolerated. Effective immediately, you are to direct all communication and correspondence to me personally, either in writing to 30100 Mission Blvd, Hayward, CA 94544, or by email to [bob@peachtreecas.com](mailto:bob@peachtreecas.com). You will no longer contact my staff or the ADC personnel directly, or in-person.

Thank you for your cooperation and immediate attention in this matter.

By the direction of the Board of Directors,

Robert G. Jones

Manager, Ruby Hill Owners' Association

[bob@peachtreecas.com](mailto:bob@peachtreecas.com)

cc: Board of Directors  
Rosalind Rondash, Planning Department, City of Pleasanton  
Terry Townsend, Architectural Consultant  
Ralph Sherman, Architectural Consultant  
Association Files

Association (Ruby Hill) Architects (Architectural) O-02 (ruby) response to final inspection request 07/02/12.doc

**EXHIBIT B**



July 12, 2012

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

Re: *Ruby Hill Final Design Inspection Request - Part 2*  
*Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Mr. Reddy:

I have received and reviewed your e-mail responding to point 3 in my letter to you dated July 2, 2012. I have also received a letter and attachments from Alexander & Associates, Inc. dated July 3, 2012, which I have enclosed for your review. It is difficult to reconcile what you said in your July 12 e-mail with what Mr. Alexander says in his letter of July 3, 2012. In order to sort out this issue, the ADC would like you to either submit, from a licensed professional land surveyor, an explanation of the conflict between your July 2 e-mail and Mr. Alexander's letter, or in the alternative, submit your proposal to correct the issues raised in Mr. Alexander's letter. Either approach would be fine with the ADC.

With regard to issue 1 in my July 2 letter, I want to make it clear that the ADC wants you to respond to the 49 items listed in its letter to you dated March 22. It would make things much simpler if you would go through that letter and address, seriatim, each of the 49 issues raised.

The ADC has commented on the set of As-Built plans submitted to the office on June 13 (see attached memo).

The ADC has received your revised landscape plans and they are being reviewed. We hope to be able to give you comments by early next week. The comments will be in writing and I will let you know as soon as they are available.

Items 4-6 in my letter are self-explanatory.

A major issue that the ADC is dealing with is whether or not the house, as constructed, is consistent with any of the architectural styles approved for Ruby Hill. We have asked the architect on the ADC to give his opinion and have attached his thoughts for your consideration. I want to make sure that the position of the ADC is clear. The ADC is not commenting on the quality of the home or whether or not it is a "beautiful" house. Those are not at issue. The issue is simply whether or not the home you built (which is clearly different than the home that was approved for construction) is compatible with the architectural styles



July 12, 2012  
Ruby Hill Final Design Inspection Request  
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566  
Page 2 of 2

permitted within Ruby Hill. Your thoughts on this issue and those of your architect would be helpful to the ADC and the Board.

We look forward to hearing from you on how you would like to proceed on the issues raised in the various letters described above.

Sincerely,

By the direction of the Board of Directors,

Robert G. Jones  
Manager, Ruby Hill Owners' Association  
[bob@peachtreecas.com](mailto:bob@peachtreecas.com)

Enclosures (3)

- July 3 – Letter from Darryl Alexander
- July 11 – Memo from ADC
- July 10 – Letter from Terry Townsend

cc: Board of Directors  
Association Files

J:\Association\Ruby Hill\Arch\Letters\Architectural\10-02\body\response to final inspection request 07.02.12.doc

# **EXHIBIT C**



August 6, 2012

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

*Re: Ruby Hill Final Design Inspection Request - Part 2  
Lot O-02 @ 3737 W. Ruby Hill Drive, Pleasanton, CA 94566*

Dear Mr. and Mrs. Reddy:

You have asked the Architectural Review Committee to issue a final construction permit for the home you are building at 3737 West Ruby Hill Drive. Pursuant to this request, the Committee has reviewed all the matters you have submitted, consulted experts, and conducted an on-site inspection of the home. As a result of this review, and for the reasons expressed below, the Committee does not believe the home meets the minimum standards for a final construction permit. There are five general areas of concern.

First is architecture. For the reasons expressed in Mr. Townsend's letter of August 2, 2012, a copy of which is attached for your review, the Committee does not believe the home is consistent with the Plans that were approved June 30, 2010 or with the Design Guidelines for Ruby Hill.

Second is landscape. Your landscape plans that were submitted for approval to the Committee on July 6, 2012 have been approved. However, the landscape work at the home has not been completed and therefore no final inspection can be conducted. When you have finished your landscaping, please advise the Committee and we will conduct a review to determine if the work installed is consistent with the Plans that have been approved.

Third is the encroachment onto your neighbor's property. The Committee provided to you a report from Mr. Alexander outlining this issue. The Committee suggested that you secure the services of a qualified, licensed civil surveyor to address these issues. To date we have not received such a response. The Committee finds Mr. Alexander to be qualified and credible and believes the issues he raises must be addressed before any final construction permit can be granted.

Fourth is the 49 items previously submitted to you for your consideration. I have attached hereto Mr. Townsend's letter of August 3, 2012 where he has gone through all 49 items and provided an update. The Committee is aware that some of the items have been addressed but there still remain a substantial number of significant items with which you have to deal. Please note that the



Committee does not approve the doors at the rear of the garage as no detail for approval has been submitted to the Committee. Further, the Committee does not approve the column capitals as no detail for approval has been submitted to the Committee. Once the appropriate detail has been submitted, the Committee will promptly advise you of their appropriateness.

Fifth is the garage issue. Your home needs a minimum of three functioning garages. In fact, because of the size of your home, the Committee would have preferred four functioning garages. However, it is important that if you are going with three, that all three be readily accessible. The Committee is not convinced that your garages meet this standard. If you have additional information on this issue that you would like to submit, we will be happy to review it and give you our comments.

If you are not satisfied with the recommendations of the Committee you have a right to appeal its decision to the Board of Directors of the Association. If you wish to appeal the decision, please advise me that you would like to do so and I will schedule your appeal for the next available meeting of the Board. You have the right to submit to the Board any information you would like them to consider and you may appear before the Board and make a presentation or have someone appear on your behalf.

If you have any questions, please submit them to me in writing and we will do our best to respond promptly.

Sincerely,

By the direction of the Board of Directors,

Robert G. Jones  
Manager, Ruby Hill Owners' Association  
[bob@peachtreecas.com](mailto:bob@peachtreecas.com)

Enclosures (2)

- August 2, 2012 – Letter from Terry Townsend
- August 3, 2012 – Letter from Terry Townsend

cc: Board of Directors  
Association Files



Terry J. Townsend, Architect  
147 Old Bernal Avenue, Suite 6  
Pleasanton, CA 94566  
Tel (925) 484-5438  
Fax (925) 484-2925

August 2, 2012.

Bob Jones  
Ruby Hill Owner's Association  
C/O Peachtree C.A.S. Inc.  
30100 Mission Blvd.  
Hayward, CA 94544-7249

Reference: Reddy Residence - 3737 West Ruby Hill Drive.

Bob:

As requested at today's meeting, the following is a summary of the changes to the approved plans and outstanding required architectural submittals on 3737 West Ruby Hill Drive.

1. The columns and wingwalls at the auto court exceed the height listed on the approved plan set, the maximum height listed in the design guidelines, and the height specified in the variance approved for this specific lot at that location. The columns are currently 68 inches tall. The maximum height listed in the design guidelines is 48 inches. The maximum height listed in the lot specific variance is 60 inches.
2. Drawings for a proposed gate at the auto court were never submitted to the ARC for review. The maximum height of any future gate for this lot, as specified in the variance, is limited to 48 inches in height.
3. The two front facing garage doors have been revised to arched, glass, swinging doors. Specifications for the doors were never submitted. Ruby Hill does not allow glazing in garage doors per page 23 of the design guidelines. Recent plans were submitted changing the space behind the doors to a 'Lanai'. However, the loss of these two garage spaces results in only two remaining usable garage spaces, which is in violation of the architectural guidelines per page 23.
4. The brick veneer on the front face of the forward most garage shown on the original approved plan set has not been installed.
5. The window trim at the front face of the forward most garage as shown on the original approved plan set has been revised.
6. The unfinished attic space over the 'Lanai' at the second floor appears to have been converted to habitable area. The false shutters facing the front and rear have been revised to windows and french doors. Additionally, balconies have been added to the front and rear.
7. The false shutter at the closet of bedroom 4 on the second floor has been revised to a window.

8. The window sill detail reflected on the approved plan set has not been installed on any windows.
9. Exterior colors were never submitted to the ARC for review and approval. The current body and precast colors on the front, and the multiple colors on the rear are in violation of the design guidelines, pages 21-23.
10. Manufacturer's specifications for the front entry doors were never submitted to the ARC for review. The current design consists of glass doors with ornate black ironwork and gold accenting. These doors are too ornate and inconsistent with Monterey/Spanish Eclectic.
11. A horizontal band has been added to the front elevation and is painted in the precast trim accent color. This color clashes with the rest of the façade and is in violation of the design guidelines pages 21-23.
12. The coolstone pattern over several of the windows was noted to be submitted to the ARC for review and approval prior to installation. The ARC never received the submittal and what was installed does not conform to Monterey/Spanish Eclectic Architecture.
13. Details for the iron railings on the approved plan set were noted to be submitted to the ARC for review and approval prior to installation. The ARC never received this material submittal.
14. Additional precast trim has been added throughout the exterior, especially around the arches of the covered porches and arched french doors. This is an overabundant use of the material and detracts from adhering with Monterey/Spanish Eclectic architecture.
15. Columns, in particular the column capital, do not match the approved plan set throughout the building elevations. It is overly ornate, and does not comply with Monterey/Spanish Eclectic architecture.
16. The window trim at the living room rear wall was not installed per the approved plan set.
17. The arched french doors at the living, guest, lanai, and gameroom do not match the approved plan set.
18. The tower element in the rear has not been constructed per the approved plan set. The overall height has increased to exceed the maximum allowed (40 feet) and the trim detail around the openings has been revised.
19. Hardscape elements have been revised, including retaining walls and their location, and the rear patio area adjacent to the Tower.
20. Construction of the Gazebo has been going on for several months without ARC approval or City permit. Plans have been submitted to the ARC and returned with comment. The columns and the ironwork for the dome do not conform with the architecture of Monterey/Spanish Eclectic. The height exceeds the maximum allowed for shade structures (10 feet) and accessory structures (15 feet) per pages 14, 19, and 33 of the design guidelines.
21. The plans for 3737 West Ruby Hill Drive were approved by the Architectural Review Board with the caveat that additional information be supplied to the Board for review and approval prior to installation. These items included roof material, window material and manufacturer, exterior colors, brick samples, precast details, front door cut sheets, details regarding the scored stucco that occurs above the windows, and drawings for accessory and shade structures. To date,

none of the requested additional information has been submitted to the Board for review, other than plans for the Gazebo.

As I have mentioned before and 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. Various examples are provided in the Guidelines for homeowners and their architects to follow during the course of design.

With respect to the Reddy Residence, an architectural style was not initially listed when submitted to the Architectural Review Board. Several debates with the homeowner and his architect followed as to the compatibility of his proposed design. The Architectural Review Board recommended that the owner follow the descriptions for Monterey/Spanish Eclectic since his initial design concepts included many of the features and design elements common to that style. Historically, Spanish Eclectic was prevalent between 1915-1940. Monterey was prevalent during 1925-1955. Generally speaking, this style is not overly ornate and would include the following:

- A flatter roof pitch with clay barrel or concrete 'S' tiles.
- Stucco plaster façade with rock or brick accents.
- Plaster window details.
- Muted earthtones used for colors.
- Simplistic details used throughout.
- Rustic wood accents including carved wood doors.
- Simple wood or plaster columns.
- Balconies with wood railings and wood columns.

It appears that Mr. Reddy contends his house is Spanish Eclectic in all of its detailing since he has borrowed elements directly from historical buildings in Spain. However, his assumption is incorrect based on numerous factual books relating to historical architectural periods of American and California architecture, the examples referenced in those periods, and the examples contained within the design guidelines themselves. In other words, he is confusing architecture from Spain with Monterey/Spanish Eclectic, which has its roots in early Californian and Mexican heritage.

If you have any questions, call me.

Sincerely yours,

Terry Townsend  
Architect



Terry J. Townsend, Architect  
147 Old Bernal Avenue, Suite 6  
Pleasanton, CA 94566  
Tel (925) 484-5438  
Fax (925) 484-2925

August 3, 2012

Katherine Fonte  
Ruby Hill Owner's Association  
C/O Peachtree C.A.S. Inc.  
30100 Mission Blvd.  
Hayward, CA 94544-7249

Reference: Reddy Residence - 3737 West Ruby Hill Drive.

Katherine:

As requested, I attended a second final construction walk at 3737 West Ruby Hill Drive on August 3, 2012. There are still several items that are either incomplete or require additional information on the house. The following is an item by item response to the previous walk:

1. The driveway was baracaded and appeared to be complete but needs to be cleaned up. *Item is completed.*
2. The columns at the auto court measured 68 inches from finished driveway to top of column. This height exceeds the 60 inch maximum specified in the variance approved for this specific lot in regards to columns in the front setback. *Columns are unchanged, however, there are now post lamps on the two 68 inch tall columns as well. These are not allowed in Ruby Hill.*
3. A driveway gate has not been installed. If one is proposed in the future, detailed construction drawings are required to be submitted to the ARC for review and approval. Maximum height of the gate, as specified in the variance, is limited to 48 inches. *No change.*
4. The pair of swinging garage doors facing the street have not been installed. The plans show a standard square door which matches the two side facing doors. However, the rough opening is framed for two arched doors. To date, no manufacturer's specifications or 'cut sheets' have been submitted to the ARC for review and approval of garage doors. The Owner needs to submit them prior to fabrication and installation of these doors, along with the revision noted on as-built drawings. The two garage doors that are facing the interior of the auto court are installed and approved. *Arched glass doors are now installed with iron grills and gold trim, not approved. Interior space is finished out so this cannot be a garage space. Manufacturer's specifications for the doors were never submitted to the ARC for review.*
5. Exterior light fixtures at the auto court need to be installed. *Item is completed.*

6. It appears that the unfinished space at the second floor over the garage has been changed to conditioned space. These changes include the addition of windows facing the front and a second story balcony. As-built drawings are required to be submitted to the ARC for review and approval of this change. *As built drawings have been submitted and are pending.*
7. A window has been added to the closet at bedroom 4 on the second floor. This change is acceptable, but needs to be reflected on the as-built drawings and submitted to the ARC. *As built drawings have been submitted and are pending.*
8. The installation of the cap for the wall of the auto court has not been finished. *Item is completed.*
9. The metal gable vents need to be painted. *Still not painted.*
10. The exterior facing material at the front garage has been changed to plain stucco. This is acceptable but needs to be reflected in the as-built drawings and submitted to the ARC. *As built drawings have been submitted and are pending.*
11. The sill detail for all of the windows appears to have been revised and no sill is present. This needs to be reflected on the as-built drawings and submitted to the ARC. *As built drawings have been submitted and are pending.*
12. Exterior colors were never submitted to the ARC for review and approval. Currently, the house has a bright white color on the front accented by a peach/salmon trim. This combination does not work and is not approved. In addition, several colors are applied to the rear of the house. It is unclear whether the Owner is suggesting different components be painted in different hues or whether samples are being applied. In any event, colors must be submitted to the ARC for review and approval prior to further painting. *No change. The Owner has indicated the colors on the back are his final colors.*
13. Manufacturer's specifications for the three entry doors were never submitted to the ARC for review and approval. These doors are currently installed and are very ornate in their ironwork. Manufacturer's specifications and 'cut-sheets' need to be submitted to the ARC for review and approval. *No change.*
14. The stair tread lighting needs to be installed in numerous locations in the front entry walk. *Item is completed.*
15. Several downspouts are missing. They need to be installed and connected in accordance with the drainage plan. Area drains need to be installed and connected throughout the project. Final grading needs to be completed to assure slopes direct drainage to appropriate collection and away from neighboring properties. Final grading at common property lines needs to be brought back to the elevation prior to construction. *Downspouts are installed. Grading swales need to be added to the top of slope on both side property lines. Downspouts at the rear by the gameroom need to be finished in copper to match the others.*
16. A horizontal band was added to the front elevation at mid level. This band is painted the contrasting peach/salmon color and clashes with the rest of the façade. I suggest this band be painted the final approved body color. In addition, this change needs to be reflected in

- the as-built drawings. *No change. As built drawings have been submitted and are pending.*
17. Dirt is still stock piled on site and needs to be removed as part of the final grading. *Item is completed.*
  18. The retaining wall on the left side is unfinished exposed concrete. Finish material, texture, and color needs to be applied. *Item is completed.*
  19. The arbor on the retaining wall on the left side needs to be built and completed. *No change.*
  20. The doors to the mechanical room on the lower floor of the left side need to be installed (along with hardware) and painted. Mechanical equipment has not been installed. *Doors are installed but door hardware still needs to be installed.*
  21. There are black ABS pipes protruding between floors on the left side. These need to be trimmed, finished, and painted. *Item is complete.*
  22. The columns at the lower floor at the lower loggia are incomplete and need to be finished. *Item is complete, see comments on appropriateness of the column capitals throughout the exterior.*
  23. The wall cap at the lower floor at the lower loggia needs to be installed. *Item is complete.*
  24. The BBQ at the lower loggia is not installed. *No change.*
  25. The light fixtures at the lower loggia need to be installed. *Item is complete.*
  26. The stair from the lower loggia to the tower is incomplete, has an unfinished edge, and lacks a handrail. Tread lighting needs to be installed. *Tread lighting is installed. Handrails and edge still needs to be installed.*
  27. The railing at the upper loggia needs to be installed. *Item is complete.*
  28. The railing at the upper tower needs to be installed. *Item is complete.*
  29. The center bench at the upper tower needs to be installed. *Owner has deleted the bench and is installing a fountain at that location.*
  30. It is unclear whether the stucco back wall of the master suite on the second floor is finish coated or painted. *No change. Owner has indicated this is the final color.*
  31. The columns at the rear lower courtyard (by the family/living/guest) are incomplete and need to be finished. *Item is complete.*
  32. The railing at the second floor roof deck off the gameroom needs to be installed. *Item is complete. No specifications on the design have been submitted to the ARC for review.*
  33. The spiral stair to the roof deck needs to be installed. *Item is complete.*
  34. The doors at the rear of the garage need to be installed. *Heavy metal armory-type swinging doors were installed and being worked on at the time of inspection. Are these appropriate? No specifications on the design have been submitted to the ARC for review.*
  35. The gazebo is incomplete. *No change.*
  36. The fountain and retaining wall that connects to the tower are incomplete and unfinished. *No change.*
  37. A second floor terrace has been added to the rear of the former unfinished room over the garage. This needs to be added to the as-built plans and submitted to the ARC. *As built drawings have been submitted and are pending.*

38. The finish grading at the rear yard is incomplete. Water is sitting on the site. *Item is complete other than at the common property lines.*
39. Construction debris is stock piled in the rear yard and uncontained. *Item is complete. Several masonry blocks are still sitting at the northwest corner and need to be removed.*
40. The garage contains several finish materials yet to be installed on the exterior of the residence. *There are still several materials in the back garage.*
41. Numerous electrical fixtures are missing and need to be installed. *Item is complete.*
42. Numerous bare wires are hanging on the exterior and need to be connected. *No change.*
43. The HVAC screen wall on the right side is unfinished. Final color, texture, and wall cap need to be installed. *Item is complete.*
44. HVAC equipment needs to be installed. *Item is complete.*
45. Several tarps are on the ground throughout the property. These need to be removed. *Item is complete.*
46. Scaffolding is laying on the ground on the property and needs to be removed. *Item is complete.*
47. The plastic covering the windows on the interior needs to be removed. Windows need to be cleaned. *Item is complete.*
48. Although landscaping plans have been submitted, final approval of plans has not been granted. *Plans have been reviewed and approved by the ALC and ARC, excluding the Gazebo which is not approved at this time.*
49. All landscaping must be installed (final inspection must be completed and approved). *Landscape installation is incomplete.*

*Other comments:*

*I informed the owner that the lowered underfloor vents at the front will need to be painted the final body color and not the contrasting current copper color.*

*The appropriateness of the column capitals as they relate to Monterey/Spanish Eclectic are in question and do not match the columns detailed in the approved plan set.*

If you have any questions, call me.

Sincerely yours,

Terry Townsend  
Architect

# **EXHIBIT D**

Redacted  
Attorney-Client Privileged

**From:** Anil Reddy <[reddya@gmail.com](mailto:reddya@gmail.com)>  
**Date:** September 25, 2012 4:50:14 PM PDT  
**To:** Bob Jones <[Bob@peachtreecas.com](mailto:Bob@peachtreecas.com)>  
**Cc:** Katherine Fonte <[katherine@peachtreecas.com](mailto:katherine@peachtreecas.com)>, Katherine <[katherine.peachtree@gmail.com](mailto:katherine.peachtree@gmail.com)>, marty <[martybirk@gmail.com](mailto:martybirk@gmail.com)>, [somsen@comcast.net](mailto:somsen@comcast.net), [diananathan@comcast.net](mailto:diananathan@comcast.net), [tjarchitect@sbcglobal.net](mailto:tjarchitect@sbcglobal.net)  
**Subject:** Excerpts from RH Architectural Guidelines (see attached Exhibit)

Bob,

Your ADC 'staff' (led and controlled by unqualified Katherine Fonte), whom you have hand-picked and nominated as experts and arbiters of RH ADG, will do well to read the introductory pages (written in elementary English) of this singular document wielded as the ultimate commandment not open for any discussion and is used nonchalantly to strike terror and sadistic punishment upon those dreaming to build and create dozens of jobs for Californians. God save those that even question you and your enormous, fragile ego!

Hopefully your ADC 'staff' will not only read, but also actually comprehend the implications of these introductory pages of the section (V. Architecture) describing architectural guidelines, before bearing down so merrily and mercilessly on innocent, trusting Owners. ADC pounds their gavel of incompetency and pretends to be ultimate torch-bearers of architecture within this community, when what your 'staff' is clearly doing (under your instructions and leadership) is robbing true beauty of this community we have invested so heavily into, which is surely falling into disrepair (more evidence on this later). Your harping on so-called 'approved' Architectural Styles only are in fact mentioned merely as 'Architectural *Examples*' and that too relegated to Appendix pages of this ADG document, and not even part of the main document. Enough said!

You have failed this community as its Manager and on a personal level caused

untold suffering on our family that has only tried to do right by this community. Unfortunately the Board and all Members will suffer the true costs of your incompetence. Your dictatorial and secretive style, emulated by ADC and carefully percolated into all RH CC&Rs and Board procedures, hides a sinister personal agenda, notwithstanding large annual budgets of this wealthy community becoming ever more diverse. Our legal experts are studying these matters carefully. Meanwhile, please forward promptly the information we requested in our emails over the last weekend.

Below are excerpts from Page 20, Ruby Hill Architectural Design Guidelines document (attached):

#### V. Architecture

It is not the intent of these guidelines to dictate specific architectural styles that must be used within the community, but rather to give property owners, their architects or designers a set of guidelines that will make the entire community a more attractive place to live. These guidelines are created to encourage a community of individual outstanding architectural statements that, when viewed together, produce a pleasant living environment.

Architectural designs should be customized for each homesite to maximize the natural features that exist.

#### V(a) Architectural Examples

Refer to Appendix A.

#### V(b) Design Philosophy

Are the specific features of the architectural style well developed and carefully detailed?

Terms such as "sound design" and "good taste" are difficult to describe and even more difficult to legislate. Good architectural design should incorporate architectural elements that have withstood the test of time, and each architect should strive to design a home that has integrity, simplicity, and a sense of proportion.

It is desirable for the homes of the Ruby Hill community to exhibit the individuality of their owners as well as the characteristics of the selected architectural style. But it is also important that they observe basic design principles inherent in good architecture:

- .. Is the residence located on the site with a minimum disruption to the natural topography and landscape?
- .. Will the various building materials allow a pleasing and harmonious exterior appearance for the residence?
- .. Are the colors appropriate and used with restraint?

.. Is there a consistent scale used throughout the design of the residence?

.. Is each element designed in proportion to the others?

.. **Have these features been researched to achieve a degree of authenticity?**

.. Have the characteristics of the selected architectural style been expressed on all sides?

The following elements are to be encouraged: intelligent selection of details related to a well designed floor plan; sensitive interpretation of styles within constraints of budget and site; consistency of site planning, landscaping and architecture; and logical use of materials. Openings should be properly placed and spaced, and have well executed details that are consistent with the architectural style.

We can only hope the board will do the needful, even if belatedly.

Regards,  
Anil Reddy, Ph.D.  
Divya Reddy, M.D.

P.S. Meanwhile, our family remains in temporary housing and our kids in temporary schools, with mounting legal costs on multiple legal teams, and financial damages in excess of \$125,000.00 to date on our \$6M+ home due to your willful, discriminatory, capricious actions. Not to mention emotional suffering inflicted on our family.

# **EXHIBIT E**



Architecture | Planning | Interiors

December 6, 2012

Jim McKeehan  
McKeehan Associates  
4670 Willow Road  
Pleasanton, CA 94588

Re: Ruby Hill HOA and the Reddy Residence

I appreciate the opportunity to provide an opinion on the Reddy Residence and base my comments on my history and knowledge of the Ruby Hill Community and the process and intent of both the Design Guidelines and the Design Review Committee. I also believe that because Ruby Hill is primarily built out there is a context of the existing neighborhoods and how the Guidelines have been interpreted that new home designs need to be respected and compliment and not necessarily be different and stand out.

Although I have not visited the site I have reviewed the approved drawings, photographs and written communication that was forwarded to me and agree with the Ruby Hill Design Review Committee that substantial changes were made from the approved plans and unfortunately many of the changes are not in conformance with the Design Guidelines. Recommendations to the home should be applied at a minimum to any elevation visible from the public view, unless otherwise noted or the ADC determines additional elevations are required.

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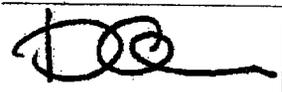
Recommendations;

- The Spanish Eclectic style referred to in the Architectural Design Guidelines is rooted in California and Mexico not Spain, and is expressed in a simplicity that is not overly ornate. As such the iron work in the front doors and the auto court doors is too ornate and not in keeping with the style. The iron work should be replaced, but acknowledging that replacing the ironwork might be a substantial cost the only alternate would be to paint all the iron work the same dark color. This would help mitigate the ornate appearance but is less than a satisfactory solution.
- The columns at the front porch are also too ornate for the style and should be replaced to match the approved drawings.
- The Spanish Eclectic style also has darker muted colors; the body of the home is all one color with trim and details a darker color and then maybe an accent color on a few feature elements. The current white body color is too stark. The entire house should be repainted a darker earthtone color so that there is less contrast between the body color and the entry porch element. The trim band should be the body color and there should not be more than three colors used on the home.
- The auto court doors with ornate iron work are out of proportion to the scale of the wall. At a minimum the doors should be replace to solid arched wood doors to match the style of the garage doors or replace the doors and iron work with wood windows, the windows should can stay arched but should be smaller in scale and mulled together if the design entails multiple windows.
- Follow the recommendation of a licensed civil engineer to mitigate the grading and drainage issue.

Please let me know if you have any questions.

Feel free to give me a call at (415) 568-3833 or email me at [dhale@hhja.com](mailto:dhale@hhja.com).

Sincerely,

A handwritten signature in black ink, enclosed in a rectangular box. The signature is stylized and appears to read 'D. Hale'.

Daniel A. Hale  
Principal

