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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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 TERRY
TOWNSEND 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

20 I, TERRY TOWNSEND, declare as follows:

21 1. I am a licensed professional architect and a member of the Ruby Hill Architectural
22 Design Committee (ADC) that reviewed the plans submitted by Anil Reddy and Divya Reddy (the
23 "Reddys") and participated in inspections of the Reddys' house as constructed located at 3737 West
24 Ruby Hill Drive, Pleasanton, California. I am therefore acquainted with the facts and circumstances
25 of this case. I have personal knowledge of the matters in this declaration, except as to those matters
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1 stated upon information and belief, and as to those matters I am informed and believe them to be
2 true, and would competently testify thereto if called as a witness.

3 2. I have over thirty years experience designing and managing a variety of architectural
4 projects including land planning for single family developments, builder spec housing, custom
5 residences, and architectural consulting for design review boards and committees. Attached
6 as Exhibit A is a true and correct copy of my curriculum vitae.

7 3. The duties of the ADC are set forth in Section 11.4.1 of the Covenants, Conditions
8 and Restrictions (CC&Rs) for the Ruby Hill community: namely that the ADC “shall review and
9 approve, disapprove or conditionally approve all plans, submittals, applications and requests made
10 or tendered to it by Owners.....”

11 4. I have been a member of the ADC since May 2007. During this time, as a member of
12 the ADC, I have participated in approving plans and inspecting the custom houses to ensure
13 conformity with the approved plans for approximately 50 homes of the approximately 833 built in
14 Ruby Hill.

15 5. In order to approve an Owner’s proposal, Section 11.6 of the CC&Rs (Reddy
16 Complaint, Ex. A, pp. 11.3-11.4) requires the ADC to find that the Owner’s proposal, among other
17 things: (1) conforms to the Architectural Design Guidelines (Design Guidelines); (2) passes
18 Architectural, Site and Landscape Review; and (3) minimizes drainage and surface water run-off.

19 6. As stated in the concluding paragraph of Section 11.6, if the ADC “makes a negative
20 finding on one or more of the items set forth in...” Section 11.6 of the CC&Rs, the ADC “shall
21 disapprove such matter...” (Reddy Complaint, Ex. A, p. 11.4.)

22 7. All approvals of the ADC and any denials must be in writing as set forth in Section
23 11.7 of the CC&Rs. (Reddy Complaint, Ex. A, p. 11.4)

24 8. The Design Guidelines are provided to every Owner so that the Owner understands
25 the Design Review Process (described on Page 5 with a flow chart on pages 11 and 12 attached as
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1 Exhibit B to the Reddy Complaint) and to ensure that the Owner develops a proposal that conforms
2 to the standards set by the Design Guidelines.

3 9. Chapter V of the Design Guidelines establish “(t)raditional styles of architecture,”
4 including styles prevalent in the San Francisco Bay Area, such as Craftsman/Bay Area Traditional,
5 Prairie and Monterey/Spanish Eclectic”. The Design Guidelines do state in Chapter 1(c) the role of
6 the ADC is “ not to restrict individual creativity or preferences, but rather maintain the aesthetic
7 relationship between homes, natural amenities, golf course and surrounding neighbors.” But the
8 individual creativity must be expressed within a community context. This is particularly true where
9 the Reddy Residence is located on W. Ruby Hill Drive on one of the two major connectors in the
10 Ruby Hill community near the Clubhouse with wide visibility. And the designs must fall within the
11 various traditional styles that are allowed in the Ruby Hill community and within the parameters
12 expressed in the appendices to the Guidelines. For each of these traditional styles, the Guidelines
13 provides illustrative examples to guide Owners and their design team. For Monterey/Spanish
14 Eclectic, those examples are shown on pages 52 through 54 of the Design Guidelines, a true and
15 correct copy of which is attached hereto as Exhibit B.

16 10. I, along with other members of the ADC, met with Anil Reddy during Preliminary
17 Design Review. Mr. Reddy did hand the ADC sketches, which he claimed were inspired by Spain.

18 11. The Reddys’ allegation in Paragraphs 13 and 14 of their Complaint are untrue. The
19 ADC did not approve the Reddys’ “concept” inspired from Spain for the architecture for their
20 proposed residence. First, the ADC (and I as the ADC’s architectural consultant) told Mr. Reddy
21 that the Reddys’ proposed architectural style was not consistent with any of the approved styles
22 outlined in the ADC Guidelines. I recommended the Reddys resubmit plans that conformed to the
23 Monterey/Spanish Eclectic Style, one of the Ruby Hill approved architectural styles. Secondly, no
24 approvals are given at the preliminary design review stage. And, third, as specified in Section 11.7
25 of the CC&Rs, all approvals must be in writing.

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1 12. On May 28, 2010, the ADC did meet with Mr. Reddy at a preliminary design review
2 and returned the plans to Mr. Reddy with comments. As of May 28, 2010, the Reddys did not yet
3 meet the criteria for an official preliminary review and had not submitted any schematic landscape
4 plans.

5 13. The Reddys, contrary to their allegation in Paragraph 14 of their Complaint, and
6 repeated elsewhere, had not submitted any material for review or color as the exterior elevations
7 did not have notations for either color, material, dimensions or heights, among other things.

8 14. As alleged in Paragraph 15 of the Reddy Complaint, the ADC did meet with the
9 Reddys on June 11, 2010. And the Reddys are correct in stating the Reddys needed to provide
10 additional information which resulted in a re-scheduling of the meeting to June 25, 2010. The
11 Reddys are correct in stating that the "Owners' final constructions plans were reviewed." The plans
12 still remained insufficient to be considered for final approval. The Reddys only submitted
13 conceptual plans. The exterior elevations still did not have any notations for color, material,
14 dimensions or heights.

15 15. On June 25, 2010, the ADC did review final plans but did not approve at that time
16 and returned them to Mr. Reddy with further comments.

17 16. On June 30, 2010, the ADC gave written approval to the Final Design of the Reddy
18 Residence, a copy of which is attached as Exhibit F to the Reddy Complaint (the "Approval
19 Letter"). The ADC, however, as expressly stated in the Approval Letter, had not given final
20 approval for exterior colors, materials or landscaping: (*"At this time, the exterior color and
21 materials and landscaping have not been reviewed or approved."*) The Approval Letter also
22 specified in bold print that "any deviation from the approved architectural and landscape plans must
23 be reviewed and approved by the Committee. This applies to any change whether prior to or during
24 construction, or after completion." This requirement for prior approval is set forth in Chapter II(D)
25 Construction Requirements, No. 8, on page 9 of the Design Guidelines attached as Exhibit B to the
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1 Reddy Complaint. And it is also reflected in Sections 11.7, 11.10-11.11 of the CC&Rs at pages 11.4
2 and 11.5 attached as Exhibit A to the Reddy Complaint.

3 17. The Approval Letter was issued by the ADC because the Reddys modified their Final
4 Design substantially from the Spanish-inspired architectural style the Reddys had originally
5 proposed in their earlier conceptual plans (which the ADC had rejected during the preliminary
6 review). The Final Design, as approved, conformed to the Monterey/Spanish eclectic style with its
7 roots in California and Mexico - not Spain. And once these plans were approved, the Reddys could
8 not deviate from their approved plans during construction without the prior written approval of the
9 ADC.

10 18. The ADC as part of its approval on June 30, 2010 approved the grading and drainage
11 plans (Civil Engineering Sheets C1-C3) submitted by the Reddys' consultant, Alexander &
12 Associates.

13 19. The Approval Letter was also issued as an accommodation to the Reddys to enable
14 them to go to the City of Pleasanton to take out a construction permit and begin building their
15 residence. This is not unusual as the ADC often allows Owners to proceed with construction with
16 the understanding that as soon as the Owners have selected colors and materials, those colors and
17 materials must be submitted to the ADC for prior written approval before being installed during
18 construction. The ADC provides a separate approval letter once all colors and materials have been
19 approved.

20 20. On March 6, 2012, Katherine Fonte and I received an email from Mr. Reddy
21 notifying us of completion and a request for final inspection of his residence. Ms. Fonte is the Ruby
22 Hill Owner's Association (RHOA) Manager and Architectural Administrator for the ADC.

23 21. At no point from June 30, 2010 (when ADC sent the Reddys its Approval Letter)
24 through March 6, 2012 (the request for final inspection) did the Reddys seek or receive any written
25 approval from the ADC for any deviations to any of their original approved plans, whether
26 architectural, grading or drainage plans.

1 22. Nor at any point before March 6, 2012 had the Reddys obtained written approval of
2 the exterior colors or the landscaping for their residence.

3 23. As alleged in Paragraph 17 of the Reddy Complaint, on July 20, 2010 the Reddys had
4 submitted an initial landscaping plan. But the Reddys fail to disclose that the ADC requested from
5 the Reddys and obtained a second set of landscaping plans on August 20, 2010 which were
6 reviewed by the ADC. These plans were not approved and were returned to the Reddys with
7 comments to be addressed by the Reddys. The Reddys did not obtain formal approval of their
8 landscaping until July 25, 2012, with the exception of the gazebo, which was never approved by the
9 ADC.

10 24. On March 18, 2012, in response to the Reddy notice of completion, I participated as
11 a member of the ADC in performing an inspection of the Reddy Residence. The purpose of the
12 ADC's inspection after the Reddys' notice of completion, was to determine whether the work
13 performed conformed to the Final Design that had been approved on June 30, 2010 and to determine
14 whether any approval that was required, was not obtained as required by Section 11.10.2 of the
15 CC&Rs attached at page 11.5 to Exhibit A of the Reddy Complaint. And the inspection was timely
16 as it was less than two weeks after the Reddys' notice of completion - far less than the sixty (60)
17 days the ADC had to conduct the inspection.

18 25. The allegations in Paragraphs 20, 22 and 23 of the Reddy Complaint are untrue. The
19 ADC did not subject the Reddys to delays that prevented the Plaintiffs from completing their home.
20 The burden is on the Owner to inform the ADC and not play possum with the ADC to see whether
21 the Owner can elude detection by the ADC of the Owner's non-compliance and deviation from the
22 prior approved plans.

23 26. Nor were many of the changes observable even if there had been a visual inspection
24 of the exterior elevations. For example, the Reddys, without prior written approval, modified their
25 Final Design approved on June 30, 2010 by converting a garage into a lanai.
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1 27. As set forth in letter dated March 22, 2012 on behalf of the ADC to the Reddys, the
2 inspection revealed that the Reddy Residence was not built in accordance with the approved plans.
3 (Attached as Exhibit H to the Reddy Complaint is a letter setting forth 49 separate items - a written
4 notification of noncompliance called for in Section 11.10.2 of the CC&Rs at page 11.5, Reddy
5 Complaint, Ex. A.) The variations were significant and if the deviations from the approved plans
6 had been submitted at the beginning in the Final Design before obtaining the Approval Letter,
7 before construction of the variation, or during the construction phase, the ADC would not have
8 approved those changes.

9 28. Attached as Exhibit "C" is a true and correct copy of my letter to Bob Jones, the
10 Manager for the Ruby Hill Owners' Association, dated August 2, 2012.

11 29. On August 3, 2012, on behalf of the ADC, I participated in a second inspection of the
12 Reddy Residence to determine whether the Reddys had addressed the 49 items identified in the
13 earlier inspection walk of March 18, 2012. Attached as Exhibit "D" is a true and correct copy of my
14 letter addressed to Katherine Fonte updating item by item the 49 items previously identified in the
15 March 18, 2012 inspection in the letter dated March 22, 2012 attached as Exhibit H to the Reddy
16 Complaint.

17 30. Attached as Exhibit "E" is an internal office memo dated August 17, 2012. This
18 memo summarizes the most significant examples of continued architectural noncompliance by the
19 Reddys in the as-built condition which deviated from the Design Guidelines and the Final Design
20 approved by the ADC in the Approval Letter of June 30, 2010. This memo cross-references by item
21 number, the particulars of noncompliance identified in the 49-item list I prepared. This memo was
22 not intended to be fully exhaustive of all areas of continued non-compliance by the Reddys. I
23 learned that this memo was provided to the Reddys in response to the Reddys' request to provide
24 further guidance so that the Reddys could remedy their noncompliance and the ADC could issue a
25 final written approval to their as-built residence. For ease of reference, in discussing violations in
26 the August 17, 2012 Memo (and in this declaration), in the succeeding paragraphs, I will cross-

1 reference the 49 item list and refer to as Item # __ (e.g., Item #2 - COLUMNS AT AUTO COURT;
2 Item #35 GAZEBO.)

3 **31. The Motor Or Entry Gate April 13, 2011 Variance If Specified Parameters Met:**
4 Paragraph 24 of the Reddy Complaint addresses a motor-gate (also referred to as an entry gate by
5 the ADC). But the motor-gate issue is linked to the height of columns in Paragraph 26 (2) of the
6 Reddy Complaint (Complaint, p. 6:12-22.) The motor-gate was submitted as part of the Reddys'
7 landscaping plans and as such were not approved as of April 12, 2011, or at any time before April
8 12, 2011. The Reddys' admit they had already begun construction on the motor-gate before April
9 12, 2011, and that construction was done without the approval of the ADC. (Complaint, ¶24, pp.
10 5:25-6:1.) The ADC had disapproved the Reddys' proposed motor-gate during preliminary review
11 of the landscaping plans on August 20, 2010 and March 25, 2011. The Reddys' motor gate as
12 constructed also differed from the motor gate previously proposed by the Reddys and disapproved
13 by the ADC. The ADC did not treat the Reddys differentially from other Owners as the ADC does
14 not approve motor or entry gates. As the Reddys were informed in a letter dated April 13, 2011, to
15 the extent that entry gates within the community have been installed, the installation took place after
16 construction, and after final inspection without the approval or consent of the ADC. Nonetheless, in
17 an attempt to accommodate the Reddys, the ADC did agree to a variance set forth in a letter dated
18 April 13, 2011 *provided all the parameters set forth in that letter were met*. The Reddys admit that
19 one of the parameters for their variance set by the ADC was that the column heights not to exceed
20 60" [4" above the Final Design approved by the ADC on June 30, 2010 and fully 12" or one foot
21 higher than the requirements of the Design Guidelines at Chapter IV(h)!] The Reddys further admit
22 in their Complaint they violated this column height variance. (Reddy Complaint, ¶26(2), p. 6:12-14;
23 cf. Item No #2.). The Reddys constructed columns which measure 68 inches from the finished
24 driveway to the top of column, 8" inches above the variance and a full foot higher than their original
25 approved Final Design. Another parameter set by the ADC for allowing a motor-gate was a
26 prohibition against installing lamps on the columns. Yet the Reddys also violated this no-lamp-

1 posts parameter. The ADC did not act arbitrarily but was trying to work with the Reddys. The
2 Reddys, though, persisted in violating the Design Guidelines and even the terms of the April 13,
3 2011 variance within specified parameters. The August 17, 2012 interoffice memo of the ADC
4 attached as Exhibit I to the Reddy Complaint represents one last good faith effort by the ADC to
5 compromise and accommodate the Reddys concerning the motor-gate without further cost to the
6 Reddys. Since the Reddys had ignored and violated the parameters upon which the motor-gate
7 April 13, 2011 variance was granted, the ADC could have simply required the Reddys at their own
8 cost to reduce the column height to 56" and remove the lamp post as well as remove the motor-gate.

9 32. Another parameter in the April 13, 2011 variance by the ADC was to cap the
10 maximum height of the driveway gate to 48" (Item #3.). Contrary to the allegations in Paragraph
11 26(3) of the Reddy Complaint, the motor-gate has not been approved because the Reddys did not
12 comply with the parameters, nor, alternatively, have they abandoned the installation of a motor-gate.
13 (Cf. Reddy Complaint, ¶26(3), p. 6:23-28.)

14 33. Attached as Exhibit "F" is a document I assisted in preparing concerning the Reddy
15 Residence - a "Side-by-side Comparison of Approved Plans and As-built Conditions." Where
16 Exhibit F on most of the pages depicts relevant approved drawings for comparison purposes, I am
17 familiar with these drawings as I personally reviewed the plans that were submitted for approval by
18 the Reddys and were approved by the ADC on June 30, 2010. The relevant drawings reproduced
19 on the left hand side of the pages in Exhibit F are accurate. I have personally observed the
20 conditions which are fairly and accurately depicted in the photographs of the as-built conditions.
21 These are examples, but by no means every example, highlighting the most significant changes that
22 were made by the Reddys without their obtaining prior written approval from the ADC.

23 34. Columns At Auto Court (Item #2). Exhibit F, page 2, is entitled "Columns at Auto
24 Court." On the left side is the approved Final Design showing a height of 56" for these columns in
25 the front setback. On the right, one photos depicts my measurement with my measuring tape,
26 showing that the height of the column from grade is 68" (in violation of the 60" maximum parameter

1 in the variance) and a 14" inch light fixture on top (violation of the no-lamp-post parameter). The
2 ADC did not act either arbitrarily or capriciously, but instead acted reasonably in seeking to ensure
3 compliance by the Reddys previously established written parameters in the April 12, 2011 variance.

4 35. **Swinging Doors Facing Street (Garage) (Item #4)**. Exhibit F, page 3, is entitled
5 "Swinging Doors Facing Street At Lanai (Garage) and page 4 is entitled "Swinging Doors Facing
6 Street At Garage. The Reddys in their Final Design approved on June 30, 2010 had proposed a
7 garage and not a lanai. The drawing on the left side depicts a garage. The doors are simple, and
8 solid wood to match adjacent garage doors. This style as shown in their Final Design is in keeping
9 with the Monterey/Spanish Eclectic Style as I discussed on the third page of my August 2, 2012
10 letter to Bob Jones. (Ex. C.) The as-built condition does not. The as-built condition violates the
11 Design Guidelines and is not in keeping with the Monterey/Spanish Eclectic Style. The photo on
12 the right shows the exterior of the residence where the original garage space was converted to a
13 lanai without the approval of the ADC. The space must remain as a garage. The glass utilized by
14 the Reddys is not allowed in garage doors. The iron work is too ornate and would not have been
15 approved had it been submitted for prior approval again because it is not in keeping with the
16 Monterey/Spanish Eclectic Style. The ADC did not act either arbitrarily or capriciously, but instead
17 acted reasonably, to ensure conformity with an approved architectural style and to ensure that the
18 as-built improvement was consistent with the specifications of the Final Design approved by the
19 ADC on June 30, 2010.

20 36. **Exterior Colors - Front Elevation (Item #12)**. Exhibit F, page 5, is entitled
21 "Exterior Colors - Front Elevation". The allegations of the Reddys in Paragraph 26 (12) of the
22 Reddy Complaint at pp. 8:12-9:6 are not true. No specific colors were submitted by the Reddys on
23 the approved Final Designs. The Reddys never submitted colors and materials for approval to the
24 ADC. The Reddys never provided the ADC with a La Habra color card with color chips. No
25 boards or samples were provided to the ADC for consideration. As reflected in the Design
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1 Guidelines at p. 52 (Ex. B.), colors for the Monterey/Spanish Eclectic Style are “muted earth tones.”
2 As such, stark white, bright pastels or bright intense colors in large expanses will not be allowed.

3 37. **Exterior Colors - Rear Elevation (Item #12)**. Exhibit F, pages 6-10, are entitled
4 “Exterior Colors - Rear Elevation”. The exterior colors in the rear elevation are not allowed for the
5 reasons set forth in the third page of Exhibit F for the front elevation exterior colors. The Design
6 Guidelines prohibit harsh contrasts of colors and/or materials. And the as-built condition is not in
7 keeping with the Monterey/Spanish Eclectic Style discussed on the third page of my August 2, 2012
8 letter to Bob Jones. (Ex. C.) The Reddys have applied 9 different colors to the body on the rear.

9 38. **Front Entry Doors (Item #13)**. Exhibit F, pages 11-12, are entitled “Front Entry
10 Doors”. The June 30, 2010 approved plans in the Final Design depicted entry doors with wood
11 panel doors without glass or iron work and simple arched transom windows above. The as-built
12 condition has an iron frame with glass inserts and overly ornate ironwork with gold accent for both
13 the door and transom above. Page 12 shows additional examples of the Reddys’ architectural
14 noncompliance for the center and side doors. The allegations in Paragraph 26 (3) of the Reddy
15 Complaint at p. 9:11-18 are untrue. The ADC never received a formal submittal of the proposed
16 doors prior to installation and the doors would not have received ADC approval of this deviation
17 from their prior approved plans. The doors on the drawing as depicted on Exhibit F, pages 11 and
18 12, are solid wood and without any iron work. A photo from the Hubbard Iron Doors in the catalog
19 of the Beverly Hills was never shown to the ADC during the design approval. The ADC’s
20 comments and objections in the August 17, 2012 memo are not arbitrary and capricious but are fully
21 grounded in the Design Guidelines and consistent with the Monterey/Spanish Eclectic Style. The
22 ADC did not act either arbitrarily or capriciously, but instead acted reasonably.

23 39. **Drainage and Grading (Item #15) and Landscaping Plans Approved July 25,**
24 **2012**. Exhibit F, pages 13-14, refer to “Drainage and Grading”. These pages highlight alleged
25 grading and drainage issues that have been brought to the attention of the ADC and were brought
26 before the RHOA Board on appeal (as I attended the Board appeal hearing on September 24, 2012):

1 namely, the Reddys have graded over both the north and south property lines and are encroaching
2 onto to their neighbors' properties. The encroaching grading over the common property lines has
3 negatively affected the drainage causing erosion on the uphill neighbor. All drainage must be
4 contained within the lot. I have also reviewed the letter dated July 3, 2012 from Darryl Alexander
5 of Alexander & Associates, and compared the grading and drainage to the approved grading and
6 drainage plans approved by the ADC on June 30, 2010. Not only has the Reddys encroached over
7 the common property line with the Deols, but have deviated from their grading and drainage plans
8 by grading over the City of Pleasanton Water Line 15' Easement which allows for a water line to
9 extend from a water tank, as well as deviates from the retaining wall which extends as much as 25'
10 from the common property line with the Deols where no work was to have been performed. And
11 significantly, the Civil Engineering sheets C1-C3, prepared by Alexander & Associates, and
12 approved by the ADC on June 30, 2010 are not included as part of Exhibit J to the Reddy
13 Complaint. The ADC would not approve the grading and drainage as installed by the Reddys which
14 deviates dramatically from the approved grading and drainage plans.

15 40. Horizontal Band At Front Elevation (Item #16). Exhibit F, p. 15, is entitled
16 "Horizontal Band At Front Elevation." This as-built condition is another example where the Reddys
17 added architectural elements that were not submitted to the ADC for prior approval before
18 construction, nor was included in the Final Design approved on June 30, 2010 by the ADC. The
19 approved plan on the left hand side of the page depicts the front elevation void of any horizontal
20 trim work. Notwithstanding this nonconformity with the approved plans and the Reddys' failure to
21 obtain prior written approval before construction, the ADC would approve this added trim work if it
22 were painted to match the approved body color. The ADC's willingness to accommodate the
23 Reddys is further evidence that the ADC did not act either arbitrarily or capriciously, but instead
24 acted reasonably.

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1 41. Precast Columns (Item #22). Exhibit F, p. 16, is entitled "Precast Columns."
2 During the first walkthrough inspection by the ADC on March 18, 2012 and again during the second
3 inspection on August 3, 2012, this item remained incomplete during ADC review and later RHOA
4 Board review in September, 2012. As a result, no formal approval could be given to ensure that it
5 conformed to a simple Tuscan Capital in the Final Approved Design at that time. The precast
6 column has since been constructed but its as-built condition differs from the Final Approved Design
7 and is inconsistent with the Monterey/Spanish Eclectic style with its roots in early California and
8 Mexican heritage, as I noted on page 3 of my August 2, 2012 letter to Bob Jones. (Ex. C.) Again,
9 the Reddys did not seek prior written approval for this deviation from their approved plans. The
10 ADC did not act either arbitrarily or capriciously, but instead acted reasonably, particularly when
11 the pre-cast columns were not completed and have since not been built in accordance with the prior
12 approved plans or in a manner consistent with the Monterey/Spanish Eclectic style.

13 42. Stucco Wall At Master Suite (Item #30) Exhibit F, page 17, is entitled "Stucco
14 Wall at Master Suite." The color at the back wall of the master bedroom suite appears unfinished.
15 The Reddys must paint the stucco wall to match the approved body color. If the Reddys claim that
16 the stucco wall is finished as they allege in Paragraph 26(30) of the Reddy Complaint (p. 11:17-19)
17 then the as-built condition is not approved.

18 43. Rear Garage Doors (Item #34) Exhibit F, p. 18, is entitled "Rear Garage Doors".
19 The rear garage door on the Final Design matches the wood garage doors at front. The as-built
20 condition was constructed without the prior written approval of the ADC as it deviated from the
21 approved plans and the ADC would not have approved this change in the plans. The as-built
22 condition is not approved as they consist of iron doors with gold accent and openings with iron bars.
23 This iron work and gold accenting is too industrial. The as-built condition does not match
24 Monterey/Spanish Eclectic architectural style. The ADC did not act either arbitrarily or
25 capriciously, but instead acted reasonably.

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1 44. Gazebo (Item #35). Exhibit F, pages 19-20, are entitled "Gazebo. On the left side
2 of page 19 is an original gazebo design that was submitted on August 20, 2010 but was not
3 approved. The Reddys' proposed design was again rejected on March 25, 2011. To the right of the
4 rejected design is a copy of the photo submitted by the Reddys on April 12, 2011. The iron work
5 submitted in the photo of the proposed gazebo of April 12, 2011 was not approved and would not be
6 approved. It is too ornate and is inconsistent with the Monterey/Spanish Eclectic Style of the home.
7 Similarly, on page 20, the ADC rejected a later design submitted by the Reddys on July 23, 2012.
8 Moreover, the Reddys had already begun construction on the gazebo before the ADC inspection on
9 March 18, 2012 without any prior written approval or required permits from the City of Pleasanton.
10 As of August 3, 2012, the gazebo remained incomplete, and remained incomplete at the time of
11 Reddy's request for reconsideration of Final Inspection on August 24, 2012, and as of the appeal
12 hearing before the RHOA Board on September 24, 2012. The landscaping plans approved on July
13 25, 2012 did not include the approval of the gazebo. And for this reason, the landscaping plans
14 approved on July 25, 2012 did not include the gazebo. On the far right on both pages 19 and 20 are
15 the same photograph of the actual as-built condition of the gazebo. The original comments to the
16 Reddys was that the gazebo columns must match the final approved columns for the house. The
17 height of the proposed gazebo exceeds the maximum height limit for a shade structure and
18 accessory structure in Chapter VII(j) of the Design Guidelines. The gazebo is outside the prescribed
19 setbacks as it is halfway up the slope, exceeding both the 10' height limit for shaded structures as
20 well as the 15' height limitation for accessory structures.

21 45. I have generally reviewed Paragraphs 31 through 42 under heading "C" of the Reddy
22 Complaint. The ADC did not act arbitrarily or capriciously. The Reddys erroneously claim that the
23 Association (and by extension the ADC) refused to accept previously approved designs of the
24 Reddy Residence. As demonstrated in the attached Exhibits C, D, E and F, the Reddys failed to
25 construct their residence in conformity with the plans that had been approved by the ADC on June
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1 30, 2010, failed to conform to the Design Guidelines, failed to be consistent with the
2 Monterey/Spanish Eclectic Style, and had failed to obtain written approval of their colors, materials,
3 landscaping and the gazebo before proceeding ahead without approved plans and installing grading
4 and drainage which encroached onto their neighbors' property.

5 46. I have reviewed Exhibit J to the Reddy Complaint which is identified on page 8:18-
6 19 as "a copy of the June 30, 2010 stamped plans." Exhibit J also includes the landscaping plans
7 which were not approved until July 25, 2012. The stamped plans approved on June 30, 2010
8 included as part of Exhibit J also fail to include (as previously mentioned) pages C1-C3 Civil
9 Engineering plans prepared by Alexander & Associates or pages S1-S5 Structural Engineering
10 plans.

11 47. Contrary to the allegations of Paragraph 33 of the Reddy Complaint (and the Exhibits
12 attached thereto), the photographs of his own work of improvement are irrelevant as the conditions
13 were not approved and deviated from the approved plans as addressed in the side-by-side
14 comparison in Exhibit F. For Exhibit N, the Reddys were already informed that motor-gates have
15 not been approved by the ADC and were constructed without ADC approval when the Reddys were
16 granted a variance on April 13, 2011. As it relates to photos that he claims are of other properties in
17 Ruby Hill (Exhibits P, M and R), these are also irrelevant. What is similar or not about other
18 homes asserted by the Reddys and is irrelevant to the obligation of the Reddys to conform their as-
19 built construction to the approved plans

20 48. For Exhibits P, M and R, there are no addresses listed to verify the particular
21 architectural style and elements within, to determine whether the ADC approved of the elements, or
22 as in the case of other motor-gates in Ruby Hill, were added without approval by the ADC after
23 completion of construction, final inspection by the ADC, or issuance of a final construction
24 approval letter. And none of the alleged comparisons in the photographs identified in Paragraph 33
25 are supported by the opinion of a qualified architect. Exhibit P is alleged by the Reddys to be
26

1 similarly ornate architectural design on other Ruby Hills. Exhibit P was never presented to the
2 ADC or the RHOA Board at the appeal hearing on September 24, 2012. There is simply no basis of
3 comparison. Exhibit M (alleged to be other doors in Ruby Hill) might or might not be approved by
4 the ADC depending upon the singular use of one entry (as compared to the multiple non-conforming
5 entry doors built by the Reddys in violation of their approved plans); the massing proportion to the
6 size of the home; the iron work void of any accent color; or the the level of ornateness (which
7 should not be excessive but appropriate to the particular architectural style). Exhibit R (color
8 schemes allegedly used for other Ruby Hill residences) there is no basis of comparison. Again, the
9 Reddys failed to comply with Design Guidelines, Chapter II(b) Nos. 10, 11 and 12 by failing to
10 obtain prior approval for all exterior colors and materials (roof materials, siding, masonry, stucco,
11 color chips, etc.) Since the Reddys never presented any samples for review, the ADC has no record
12 of what materials and colors the Reddy have applied to their residence. Even setting that issue
13 aside, as for the photos depicted in Exhibit R, the ADC might or might not approve the colors and
14 materials depending upon the architectural style (i.e., Mediterranean and Italian Villa are the
15 architectural styles depicted in Exhibit R), the colors applied to the homes with various shades of
16 off-whites and not stark; simplicity in the color scheme, the appropriate combination of scale,
17 among other things.

18 49. The ADC attempted at every turn, to expedite review of the Reddy Residence
19 contrary to the allegations of Paragraph 37 of the Reddy Complaint. The Reddys' Final Design was
20 reviewed and processed in 45 days, when ordinarily the review process is 4 to 6 months. The ADC
21 did not impact any delays (if any) the Reddys may have had with their own construction schedule
22 after obtaining the Approval Letter and the right to pull a construction permit from the City of
23 Pleasanton.

24 50. The ADC does not have a monitoring program as alleged in Paragraph 38 of the
25 Reddy Complaint. The onus and burden remains on the Owner to notify the ADC throughout the
26

1 construction process. It should be noted that any deviations from the approved architectural and
2 landscape plans must be reviewed and approved by the (ADC)” as set forth in Chapter II(d)
3 Construction Requirements, Item 8 on page 5 of the Design Guidelines attached as Exhibit B to the
4 Reddy Complaint. While I did visit the site in April, 2011, it was very early on in the construction
5 as framing had not yet been completed and the construction was not at the point where I could
6 visually determine whether the Reddys had complied or deviated from their approved plans.

7 51. Contrary to the allegation in Paragraph 39 of the Reddy Complaint, the residence is
8 not yet in a move-in condition as the CC&Rs and the Design Guidelines require that the Owner
9 conform his as-built condition to the approved design and as set forth in Section 11.6 of the CC&Rs
10 mandates that the ADC must not approve the residence with the negative findings it has made. And
11 the Reddys must remedy their noncompliance before the ADC can give its final written approval.

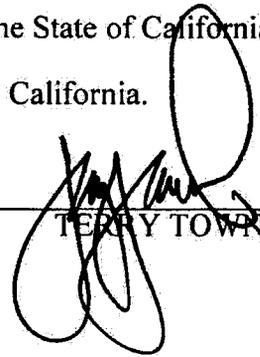
12 52. The ADC is charged with the responsibility to ensure that all construction within the
13 association is completed in compliance with the approved plans. The Reddys have refused to
14 remedy many of the deficiencies identified in the letter of March 22, 2012, August 3, 2012, the
15 August 17, 2012 and all of the as-built conditions identified in Exhibit F. Granting the injunction as
16 requested by the Reddys will cause undue burden and hardship to the ADC in its ability to ensure
17 enforcement and uniform compliance with the reasonable Design Guidelines and the fair and
18 reasonable restrictions set forth in the CC&Rs governing this planned development community.
19 Granting the injunction would allow a nonconforming residence to be allowed in violation of the
20 Design Guidelines and the Final Design approved by the ADC. And the Reddy Residence is not in
21 keeping with the community character for the prior 833 homes that have been approved, and that
22 undermines expectation that the other Owners have placed upon the ADC to ensure preservation of
23 community character and adherence to the traditional styles provided in the Design Guidelines.
24 Finally, the as-built Reddy Residence, given its high visibility and inconsistent adherence to the
25 approved architectural styles found in Ruby Hill is aesthetically and visually displeasing.

26

1 53. In my opinion, the cost to remedy the deficiencies that remain to conform the
2 architecture and the gazebo to the approved plans alone is \$120,000, including a 25% contingency.
3 Mr. Reddy has valued his home to be worth as much as \$6 million in an email dated September 25,
4 2012 that he copied to me. So, a \$120,000 cost of remediation - in light of the \$6 million value he
5 places on his home - is not an undue burden upon him.

6 54. In summary, the variations made by the Reddys to their approved plans during
7 construction were significant, and that if the plans with those variations had been submitted in the
8 beginning, they would never have been approved. During the first Predesign conference, and
9 subsequent ADC meetings, Mr. Reddy brought in sketches and photographs similar to what he
10 eventually built, and was told by me and the ADC that the architecture and elements described in
11 the sketches and photographs were not consistent with the architectural styles prescribed for Ruby
12 Hill and would not be approved. Mr. Reddy modified the plans incorporating the initial comments
13 made by the ADC with the intent of securing an approval from the ADC and did not intend on
14 following through with the construction of those modified elements. Once they received Final
15 Approval of their plans, the Reddys knowingly constructed features similar to the original sketches
16 and photos, which they knew were unacceptable.

17
18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed on May 9, 2013, at Pleasanton, California.



TERRY TOWNSEND

20
21
22
23
24
25
26

EXHIBIT A



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

Responsibilities and Relevant Experience:

Thirty years experience designing and managing a variety of architectural projects including land planning for single family developments, merchant builder housing, builder spec housing, custom residences, multi-family developments, small scale commercial, and architectural consulting for design review boards and committees.

Education:

California Polytechnic State University
San Luis Obispo, California 1978 - 1983
Professional Degree – Bachelor of Architecture 1983

University of Copenhagen 1981 – 1982
Architecture and Design Studies

Licensed in California and Arizona
Member NCARB

Work Experience:

Terry J. Townsend, Architect
Principal – Owner
1994 – 2013

Dahlin Group, Inc.
Regional Director
1983 – 1994

Peachtree CAS
Architectural Consultant – Design Review Board
Ruby Hill

Heartwood Communities
Architectural Consultant – Design Review Board
Serenity at Callippe Preserve

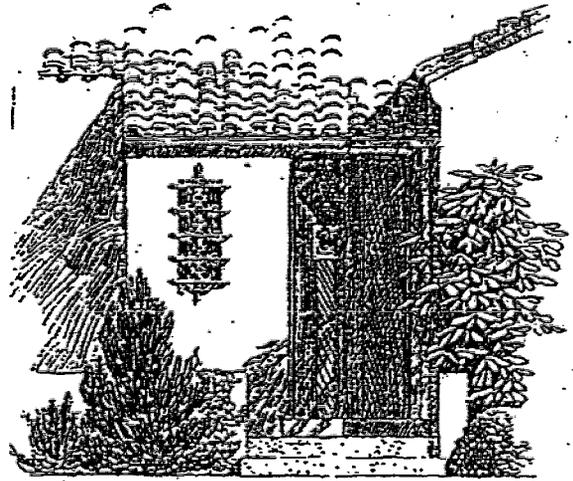
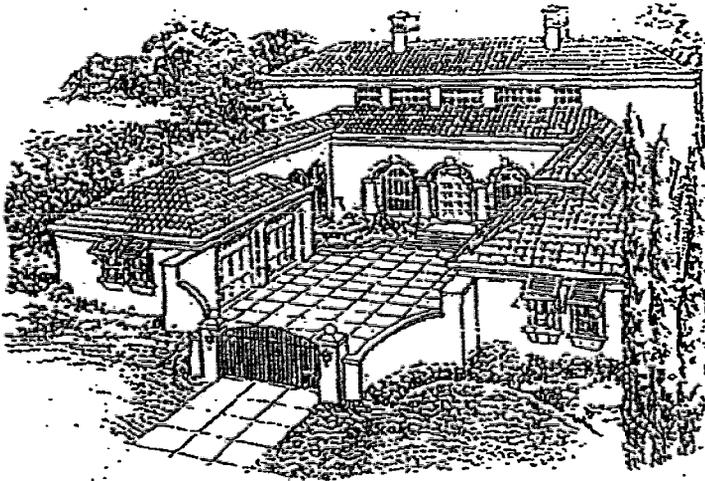
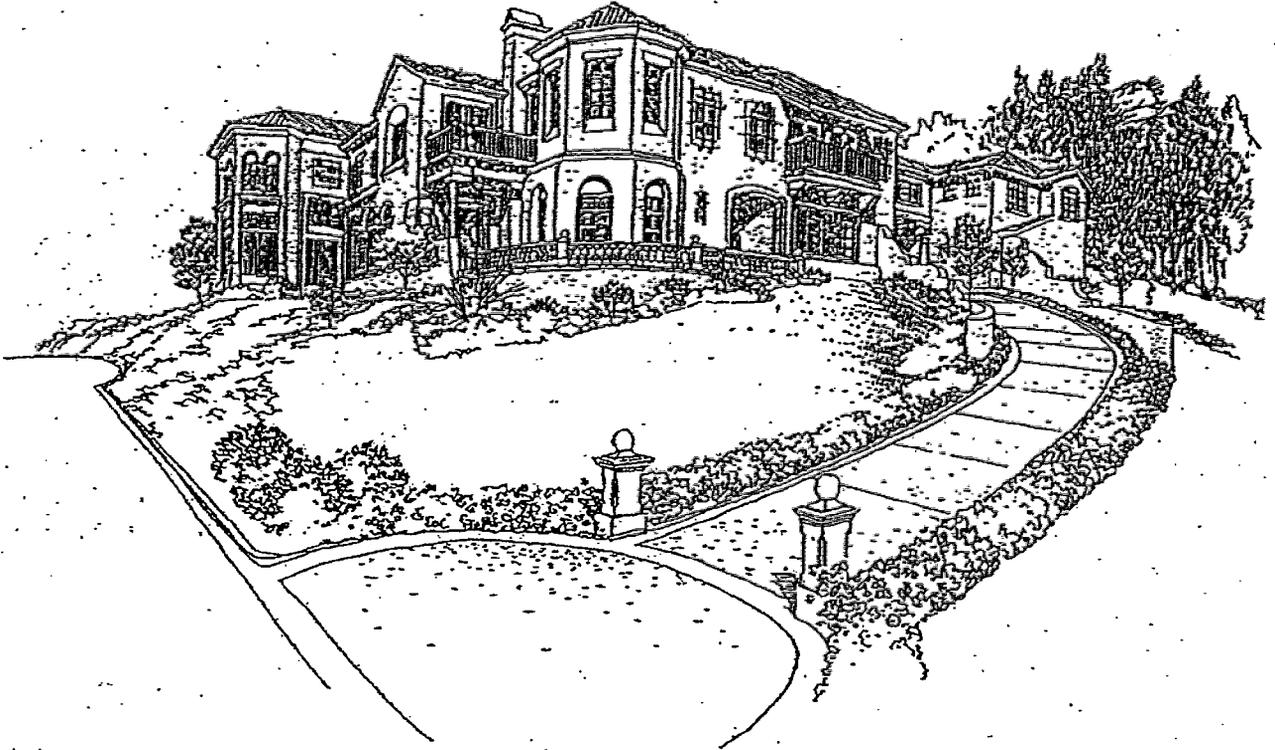
Bosch Development
Architectural Consultant – Design Review Board
Kara Place

Passport Homes
Architectural Consultant – Design Review Board
Crosby Lane Estates

Passport Homes
Architectural Consultant – Design Review Board
Almond Estates

EXHIBIT B

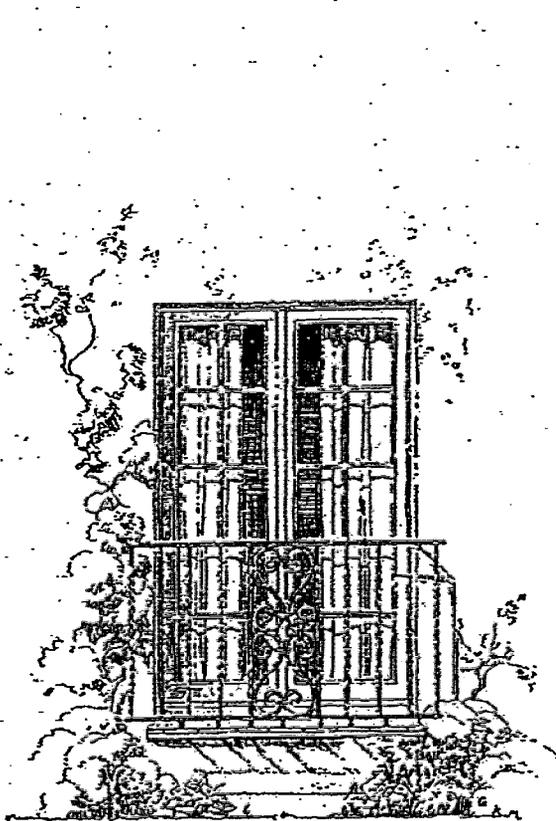
MONTEREY/SPANISH ECLECTIC



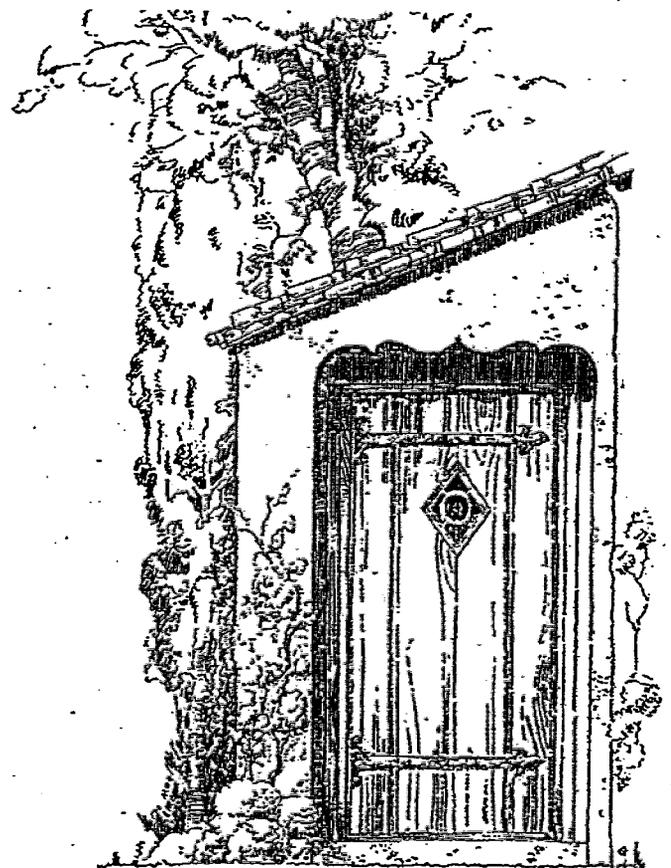
- The form may be single or double story. The floor plan is informal. The roof is usually 4:12 pitch, using simple hip and gable forms, and may be barrel tile, clay tile, or concrete tile. Rafter tails may be exposed and/or corbelled.

- Colors are muted earth tones with brighter hues used for trim work. Stucco and wood are used for wall materials with the rock or brick used for accents.
- Windows are used to establish a strong indoor-outdoor relationship. Large balconies overlook outdoor courtyards or verandas.

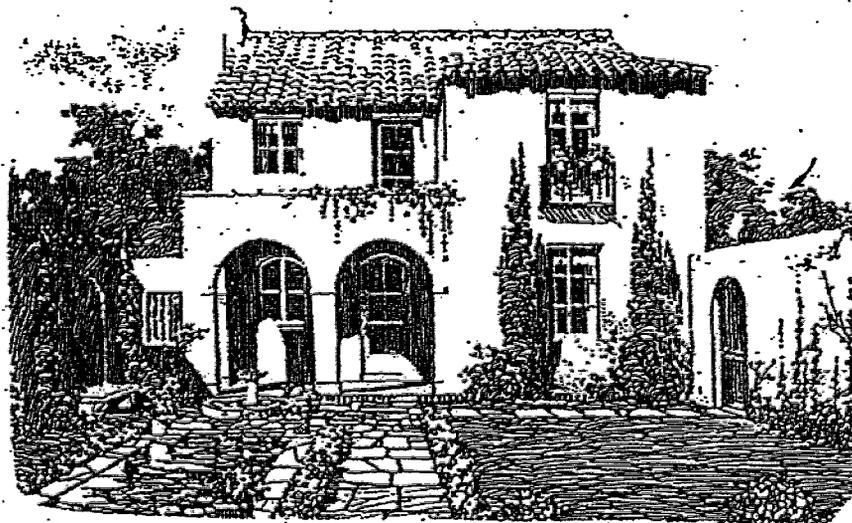
MONTEREY/SPANISH ECLECTIC



• Wrought iron detailing.



• Recessed wood door with stucco detailing.

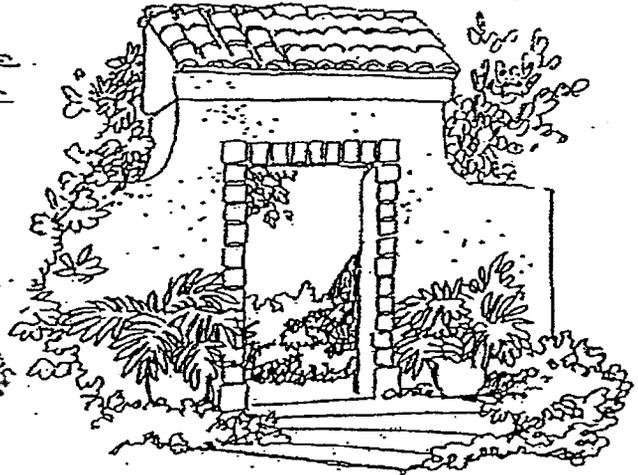


• Recessed arched porch and simple detailing.

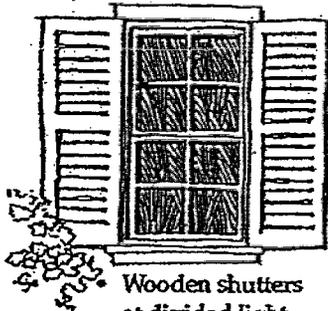
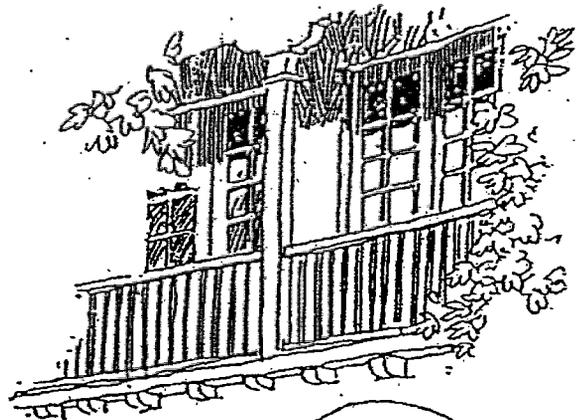
MONTEREY/SPANISH ECLECTIC



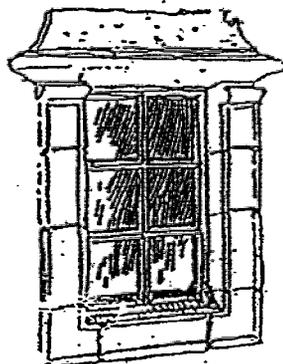
• Balcony over entry doors.



• Inset tile at courtyard entry.



Wooden shutters
at divided light
windows.



• Precast surround at window.



• Balcony overlooking courtyard.

EXHIBIT C



Terry J. Townsend, Architect
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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

EXHIBIT D



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 E

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

EXHIBIT F

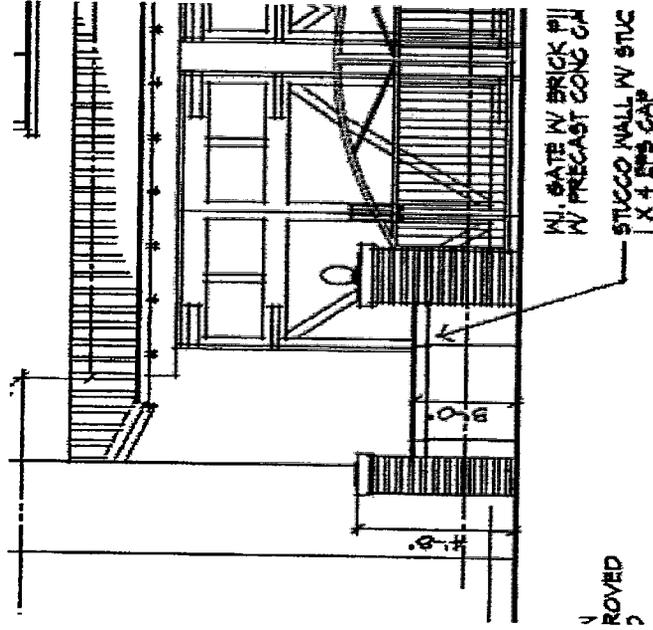
**Reddy Residence
3737 W. Ruby Hill Drive**

Lot O-02

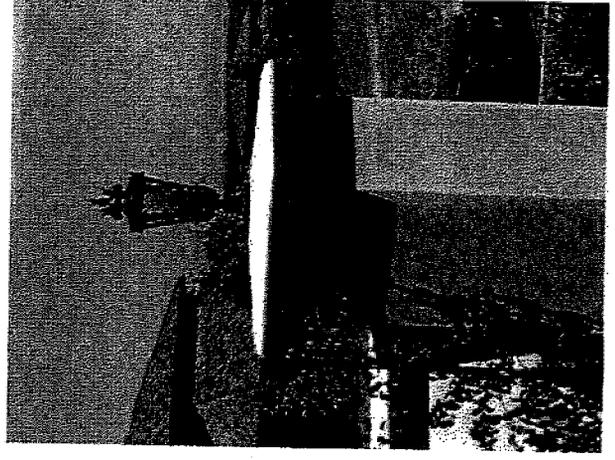
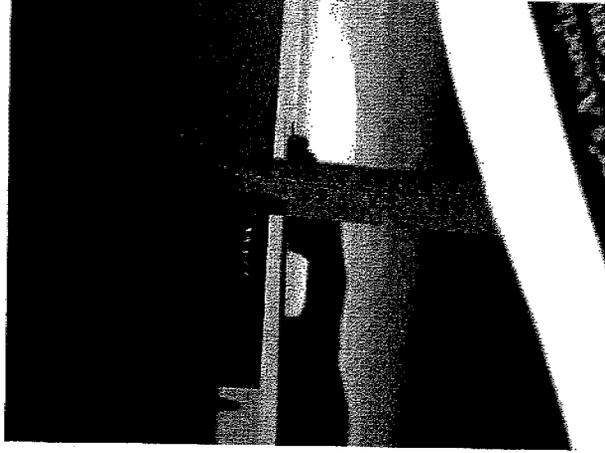
**Side-by-side Comparison of
Approved Plans and As-built
Condition**

COLUMNS AT AUTO COURT

Columns depicted on final approved drawings (6.30.10). Height shown at 56".



As-built condition. ADC approved variance of max height of 60". Column measures 68" from grade, w/14" light fixture on top.

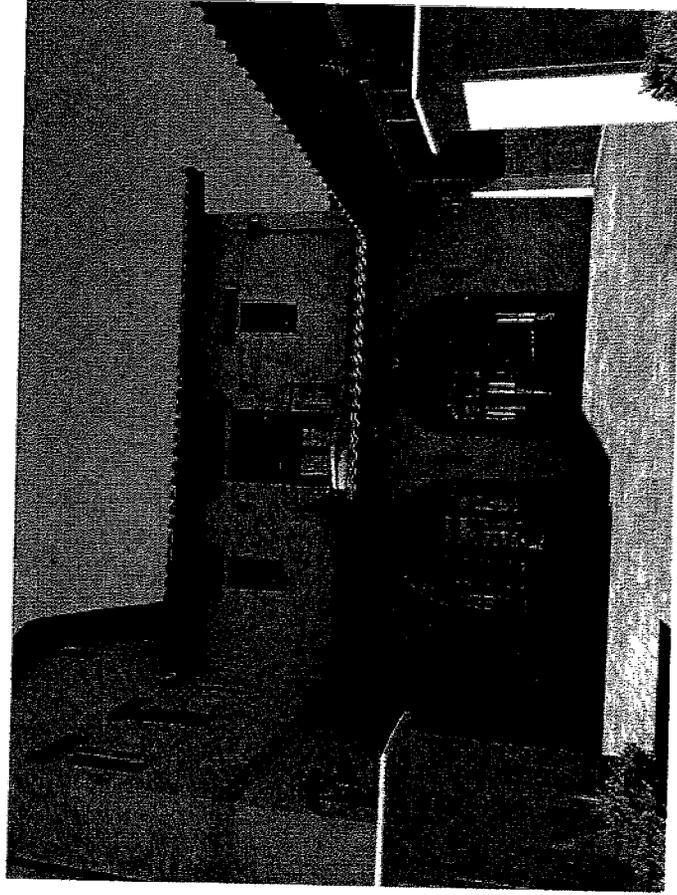
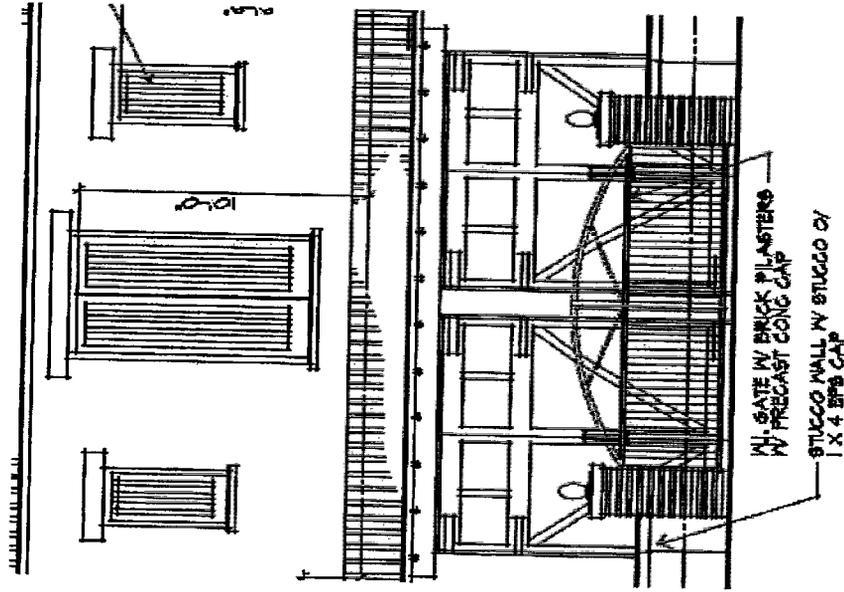


Reference: Sheet 4 – Front Elevation

SWINGING DOORS FACING STREET AT LANAI (GARAGE)

Garage depicted on final approved drawings (6.30.10) – Doors are simple, solid wood to match adjacent garage doors.

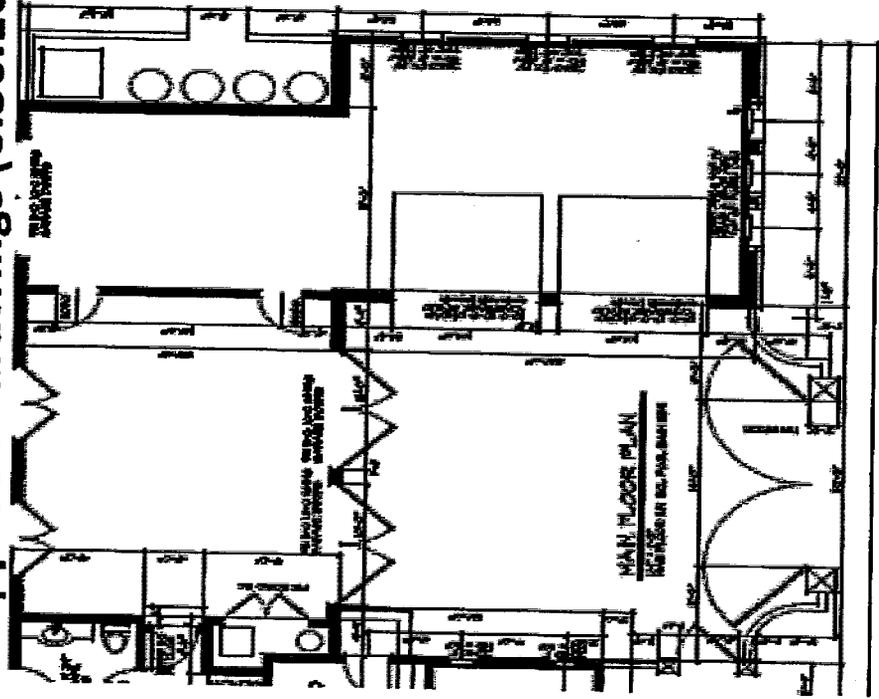
As-built condition. Original garage space converted to a “lanai”. Lanai concept not approved – space must remain a garage. Glass is not allowed in garage doors. Iron work and gold accenting is too ornate and would not be approved if submitted.



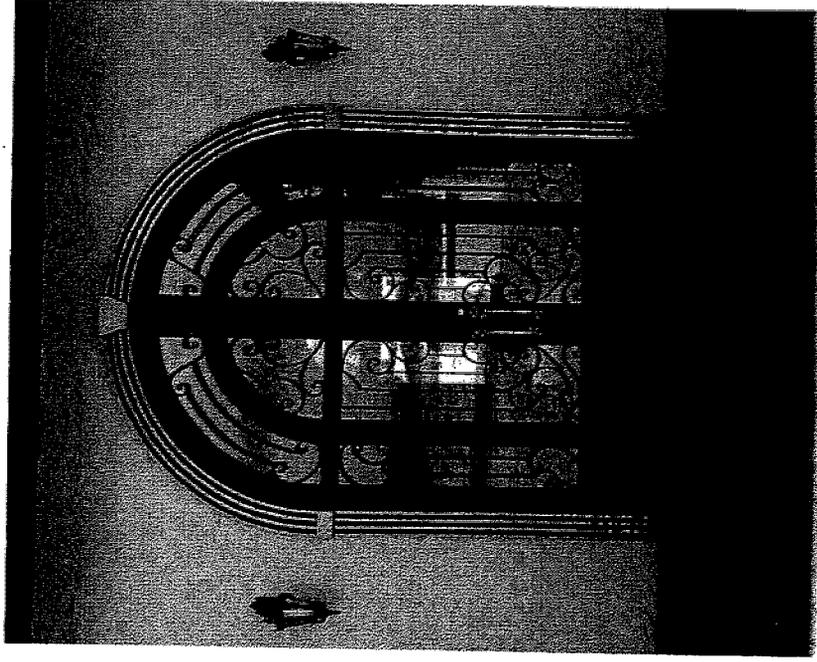
Reference: Sheet 4 – Front Elevation

SWINGING DOORS FACING STREET AT GARAGE

Floor plan of garage depicted on final approved drawings (6.30.10).

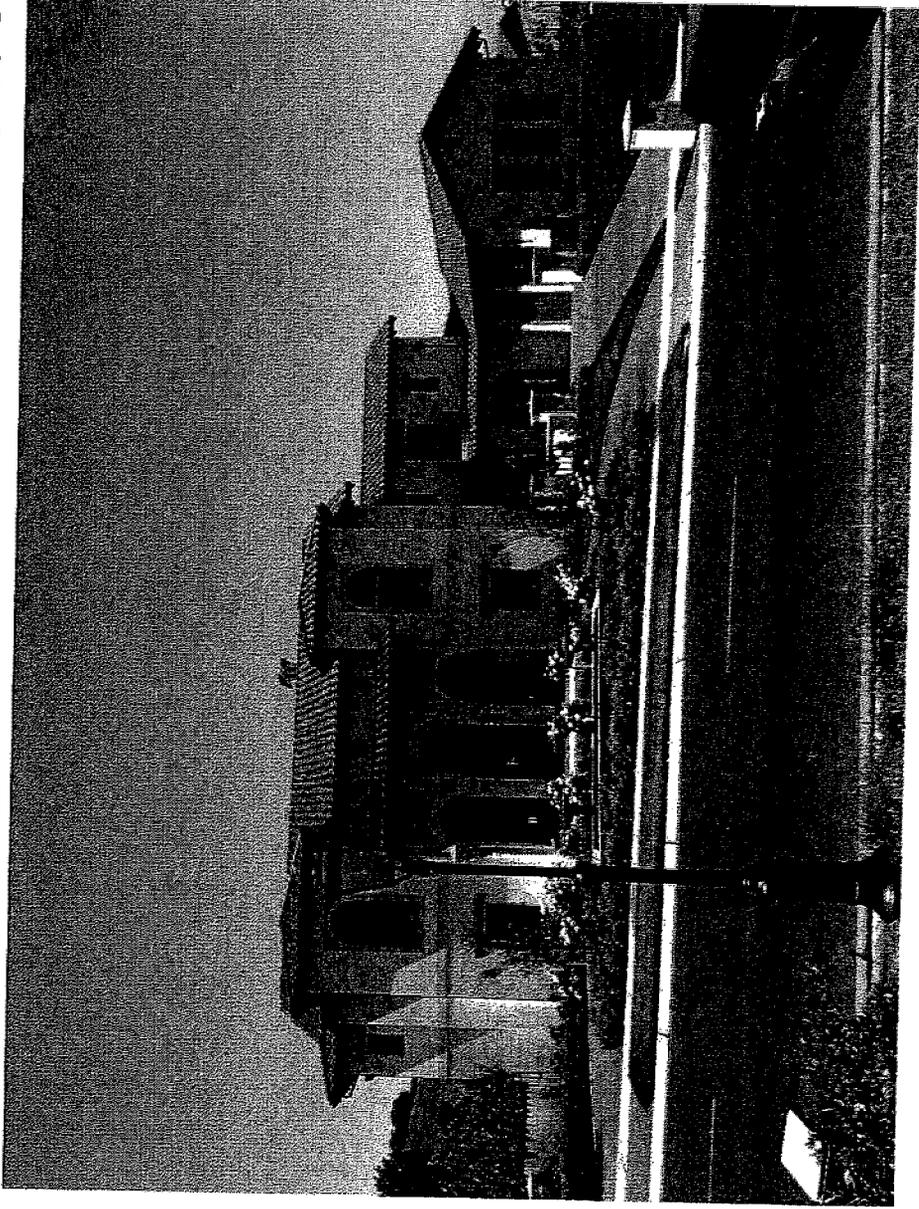


As-built condition. Original garage space converted to a "lanai". Lanai concept not approved – space must remain a garage. Glass is not allowed in garage doors. Iron work and gold accenting is too ornate and would not be approved if submitted.



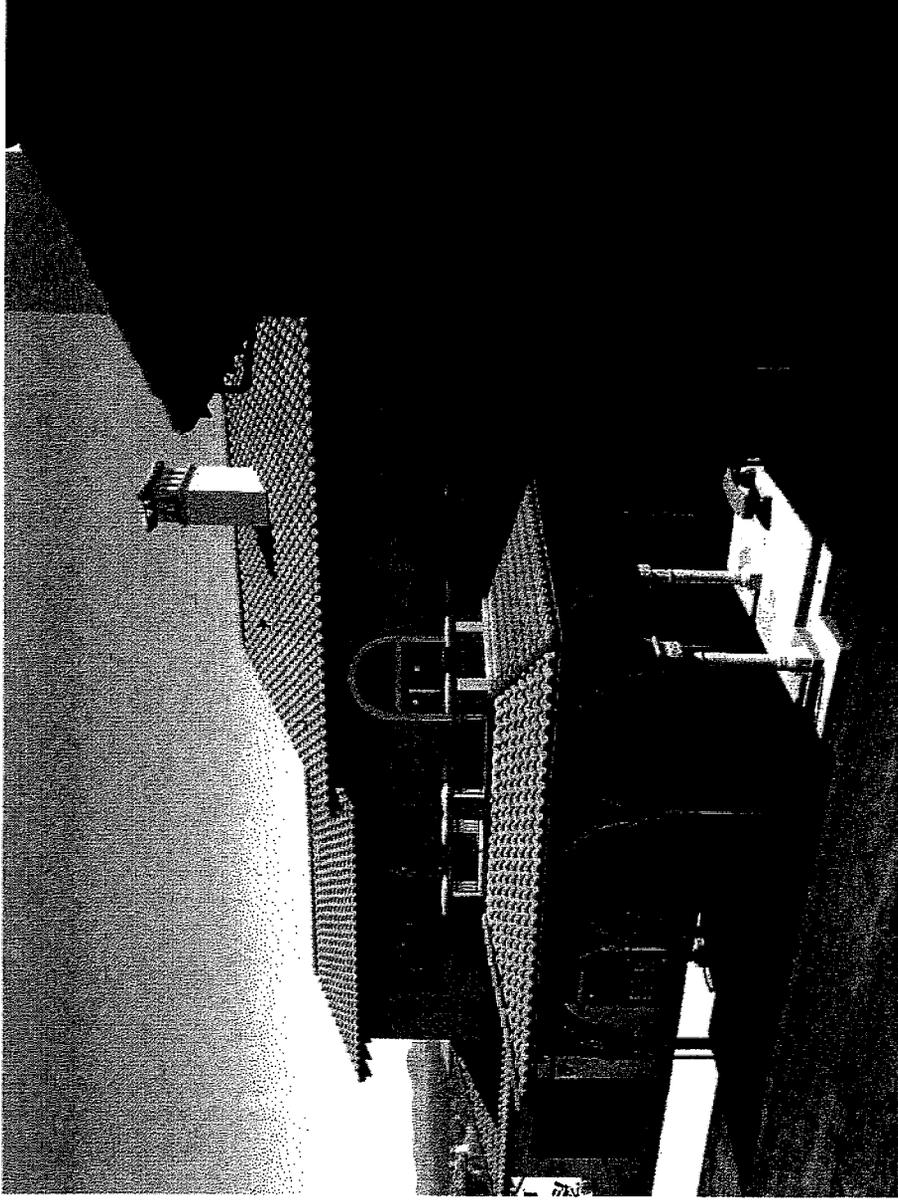
Reference: Sheet 1 – Front Elevation

EXTERIOR COLORS -- FRONT ELEVATION



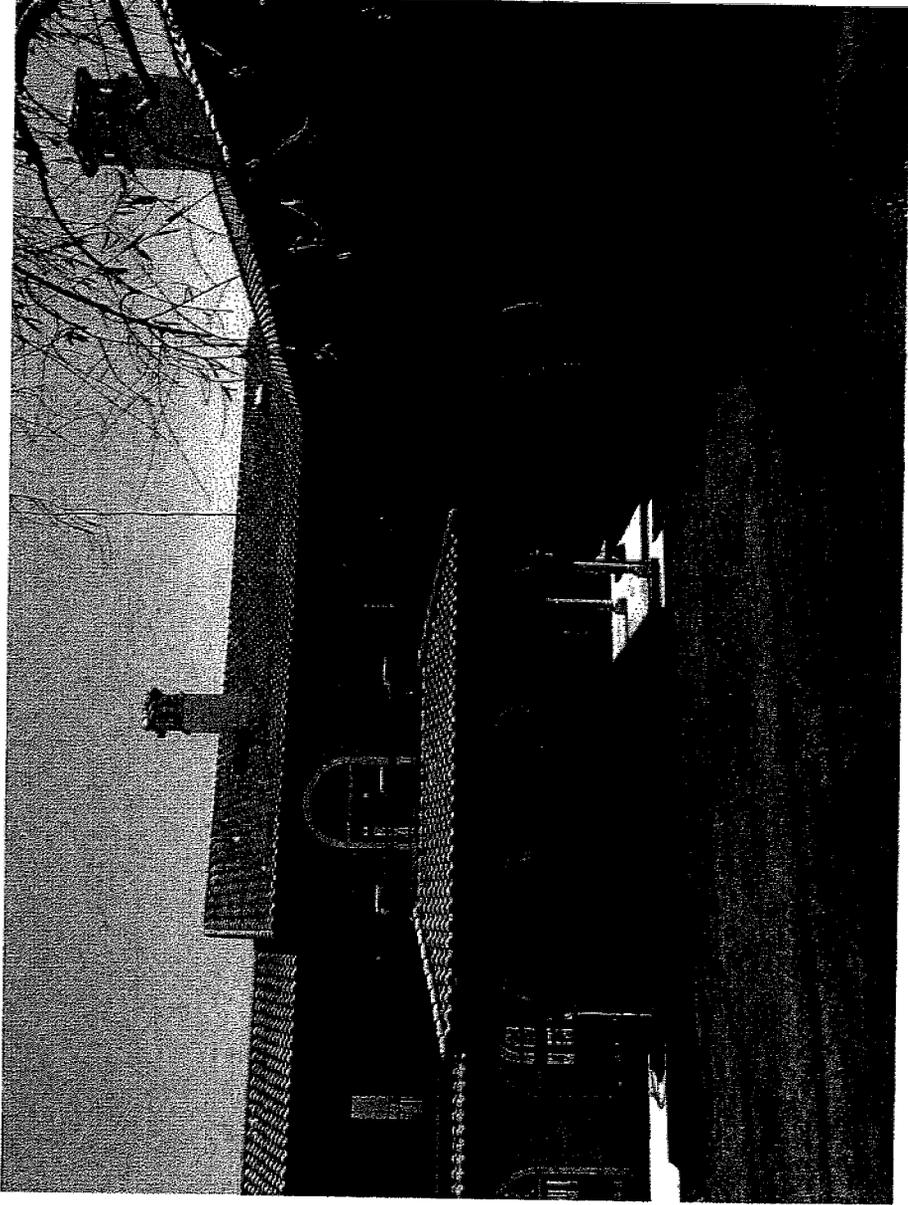
Colors and materials never submitted for approval. Stark white, bright pastels or bright intense colors in large expanses are not allowed. The ADG prohibits harsh contrasts of color and/or materials; illogical or inappropriate combinations of scale

EXTERIOR COLORS – REAR ELEVATION



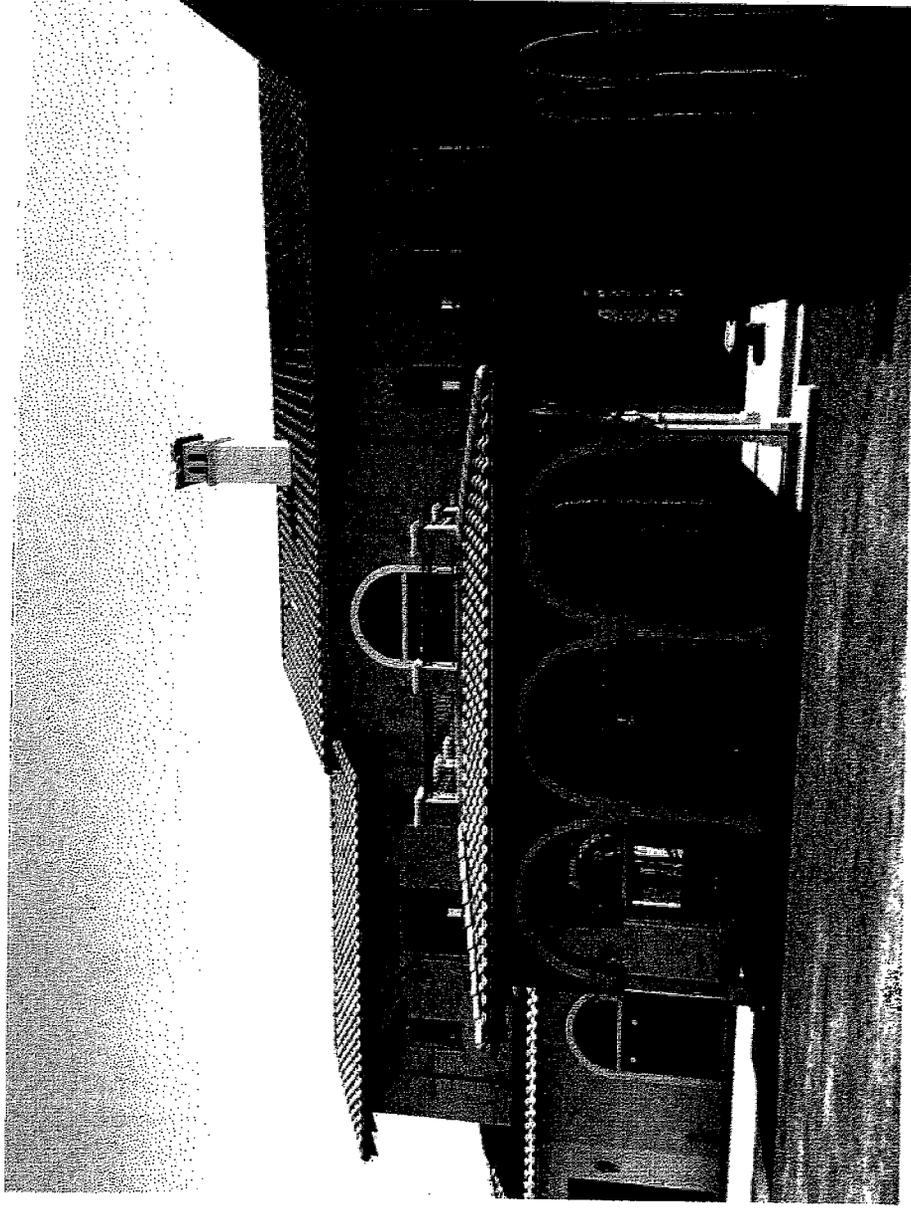
Colors and materials never submitted for approval. Stark white, bright pastels or bright intense colors in large expanses are not allowed. The ADG prohibits harsh contrasts of color and/or materials; illogical or inappropriate combinations of scale. There are 9 different colors applied to the body on the rear.

EXTERIOR COLORS – REAR ELEVATION



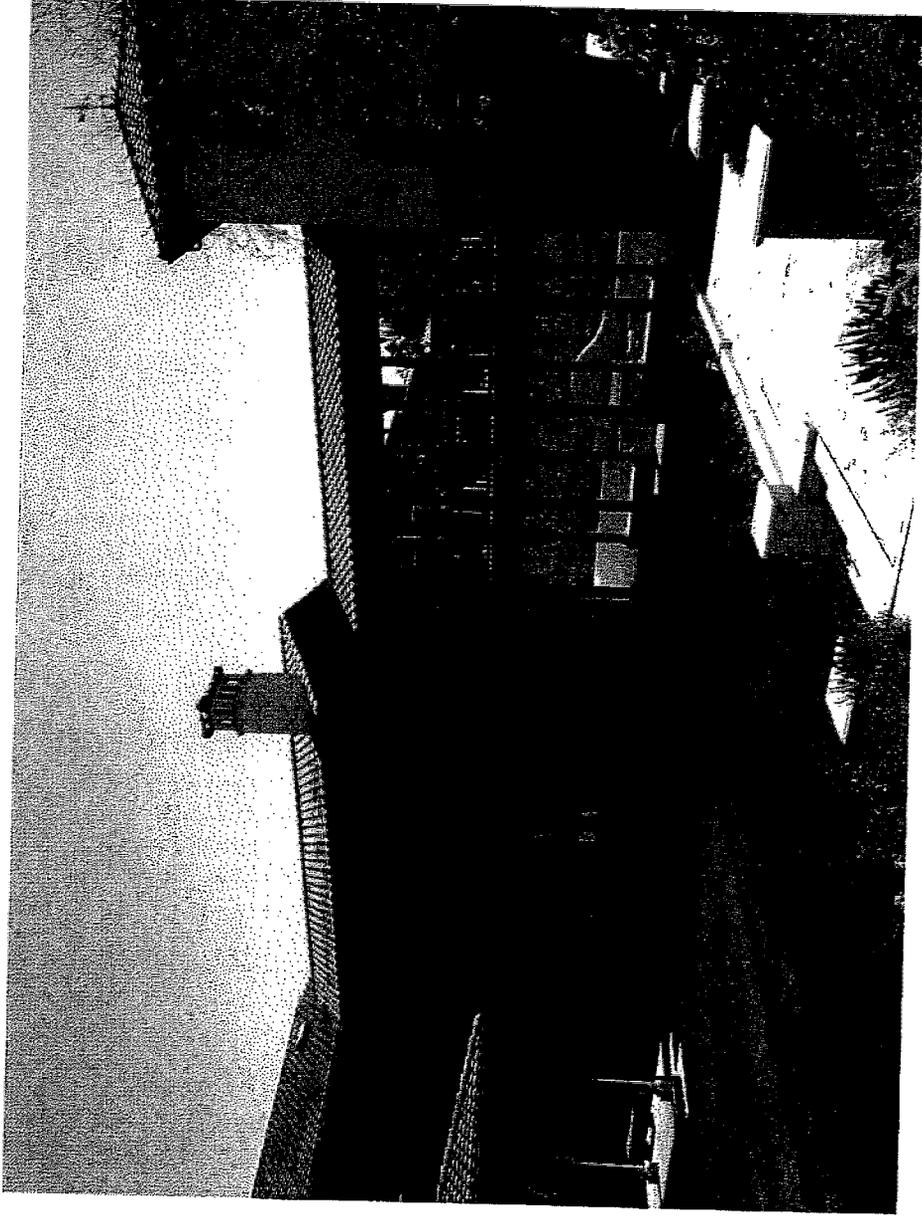
Colors and materials never submitted for approval. Stark white, bright pastels or bright intense colors in large expanses are not allowed. The ADG prohibits harsh contrasts of color and/or materials; illogical or inappropriate combinations of scale

EXTERIOR COLORS – REAR ELEVATION



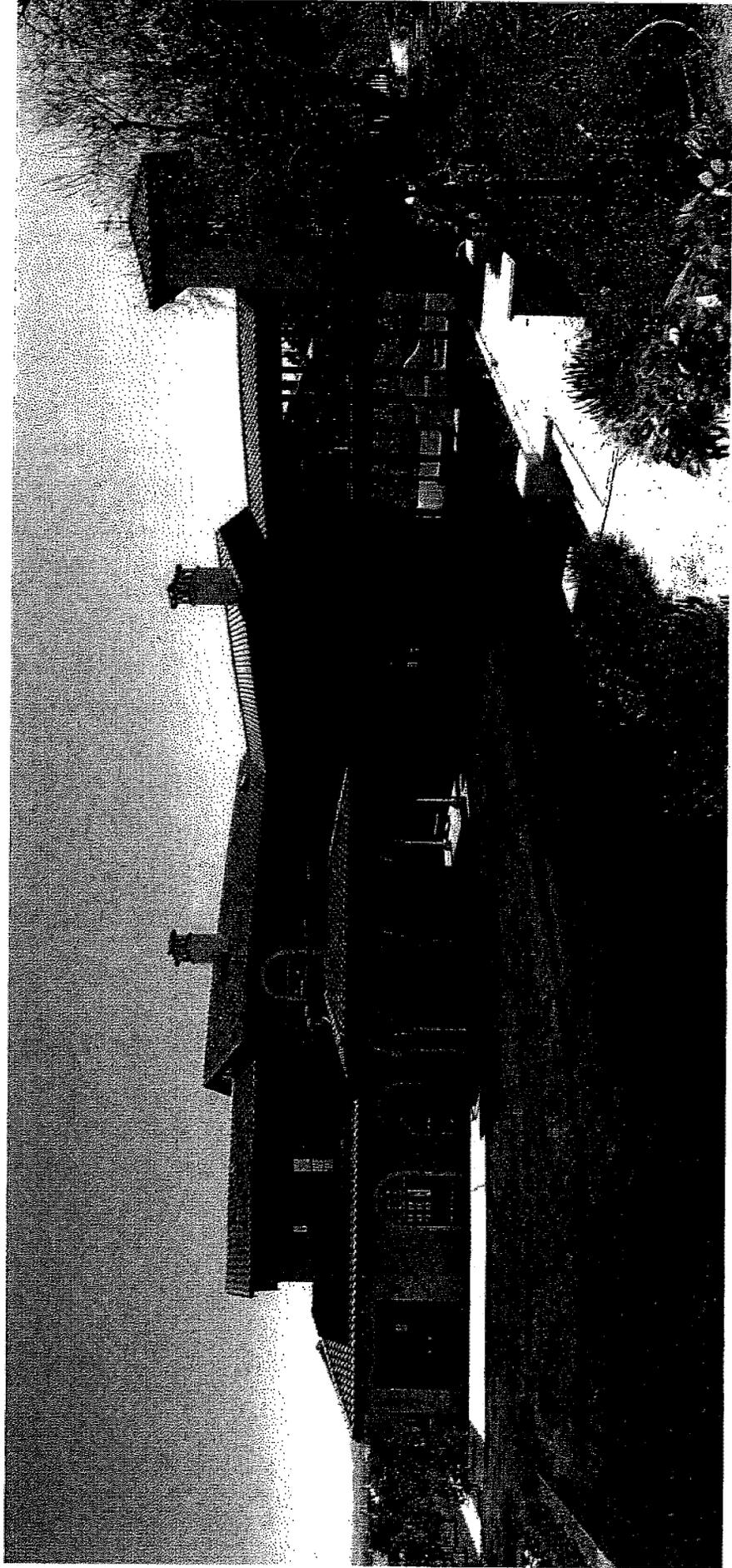
Colors and materials never submitted for approval. Stark white, bright pastels or bright intense colors in large expanses are not allowed. The ADG prohibits harsh contrasts of color and/or materials; illogical or inappropriate combinations of scale

EXTERIOR COLORS – REAR ELEVATION



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EXTERIOR COLORS – REAR ELEVATION

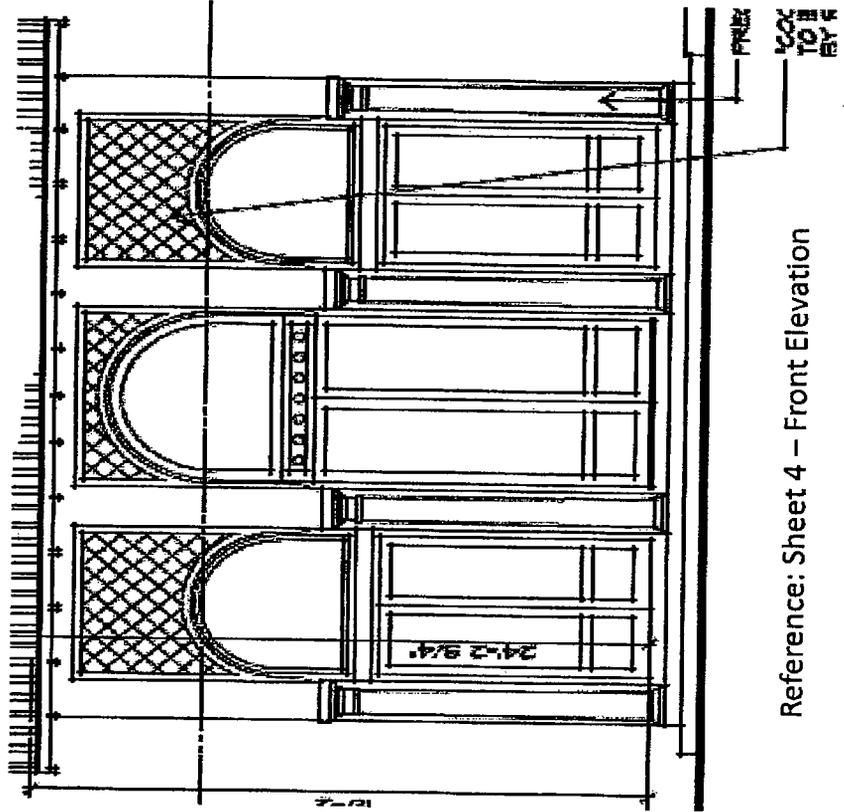


FRONT ENTRY DOORS

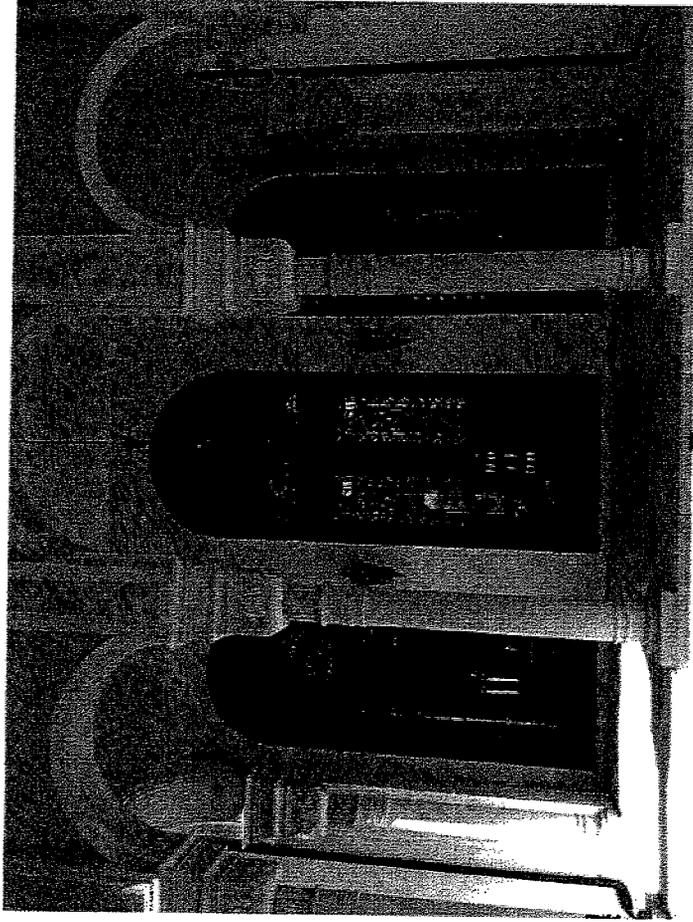
Front entry doors depicted on final approved drawings (6.30.10)

- Wood panel doors without glass or iron work
- Simple Arched transom windows above

- As-built condition:
- Iron frame w/glass inserts
 - Overly ornate ironwork with gold accent for both door and transom above



Reference: Sheet 4 – Front Elevation



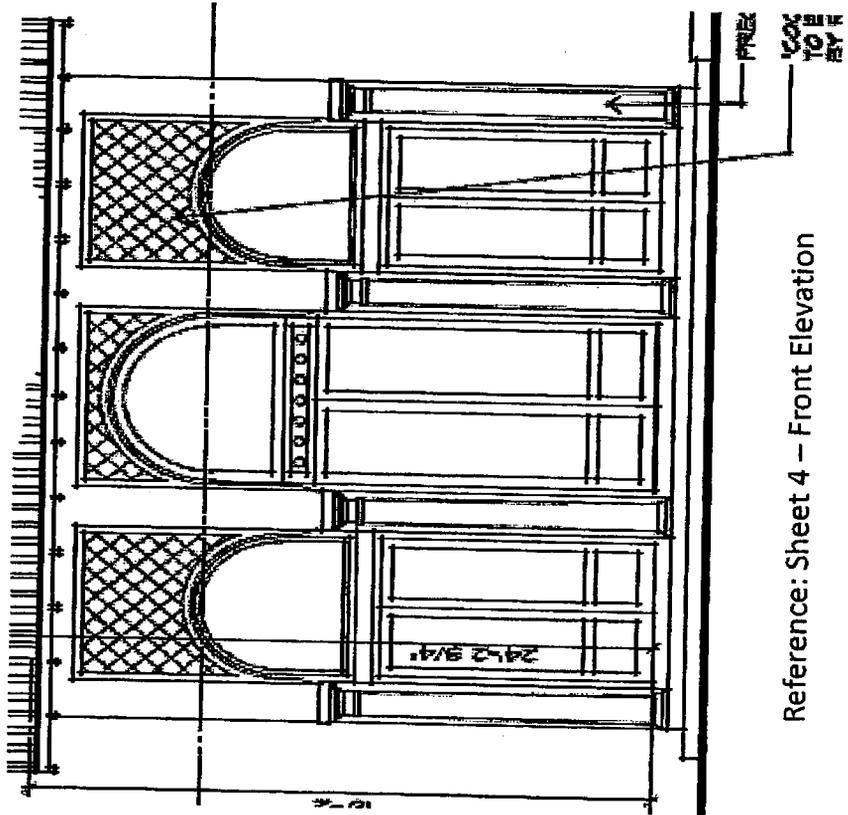
FRONT ENTRY DOORS

Front entry doors depicted on final approved drawings (6.30.10)

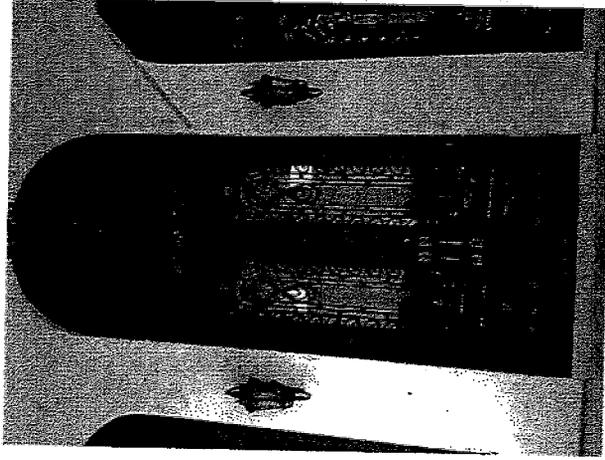
- Wood panel doors without glass or iron work
- Simple Arched transom windows above

As-built condition:

- Iron frame w/ glass inserts
- Overly ornate ironwork with gold accent for both door and transom above

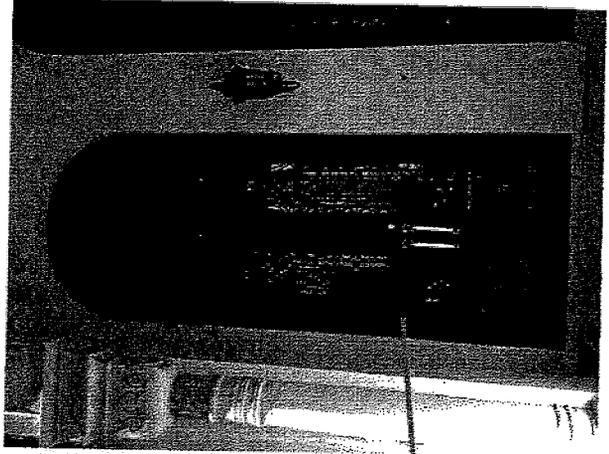


Reference: Sheet 4 – Front Elevation



Side Door

Center Door

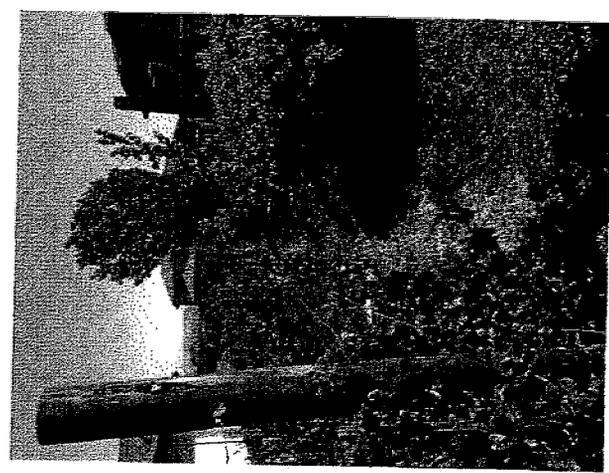


DRAINAGE & GRADING



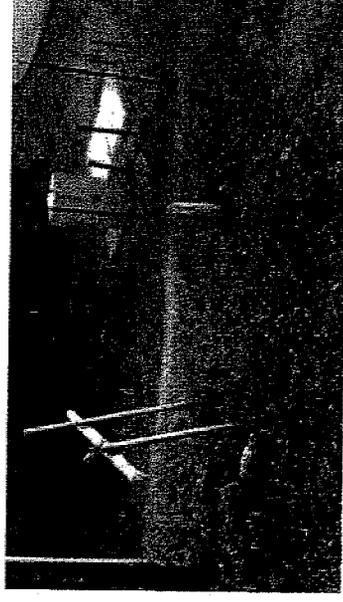
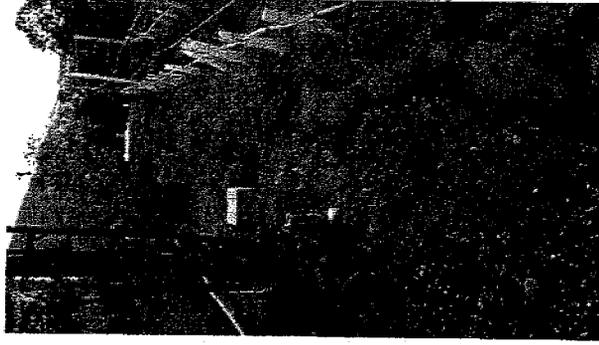
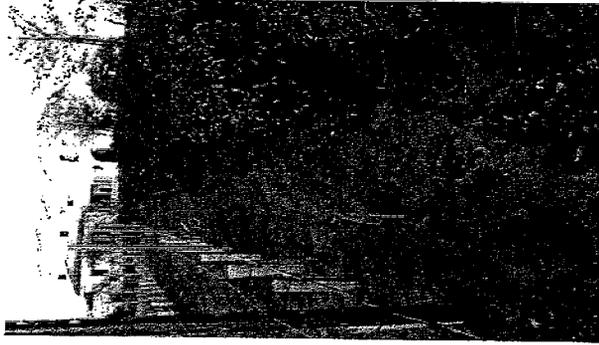
Grading performed by Reddy at south end of property. Current condition created a negative drainage situation which causes water from south property to shed onto Reddy property

Grading performed by Reddy at north end of property. Current condition sheds water onto adjacent neighbor and is not contained.



DRAINAGE & GRADING

(Photos provide by Alexander & Associates)

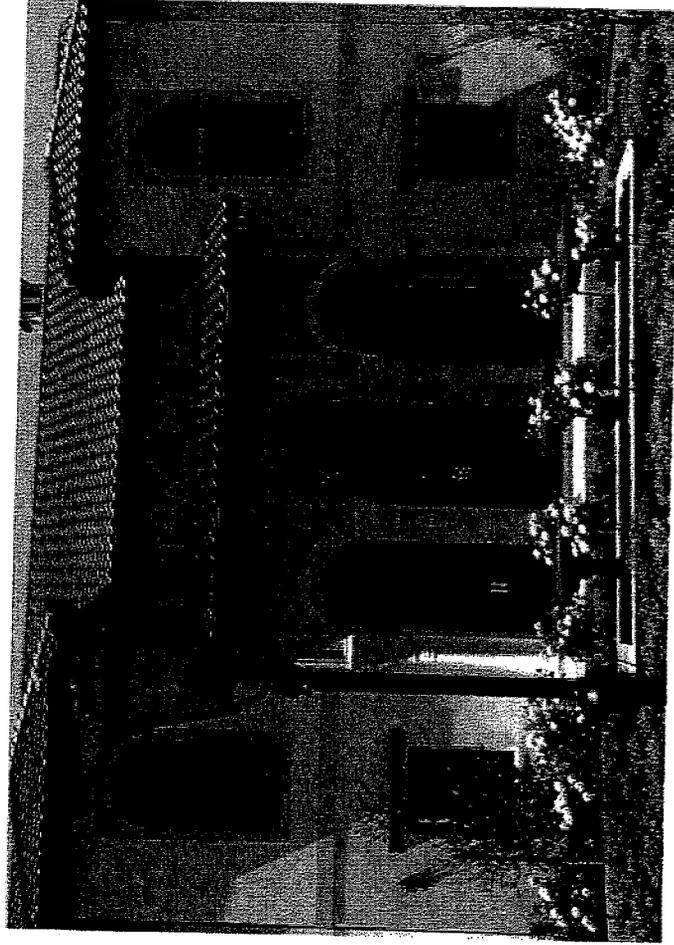
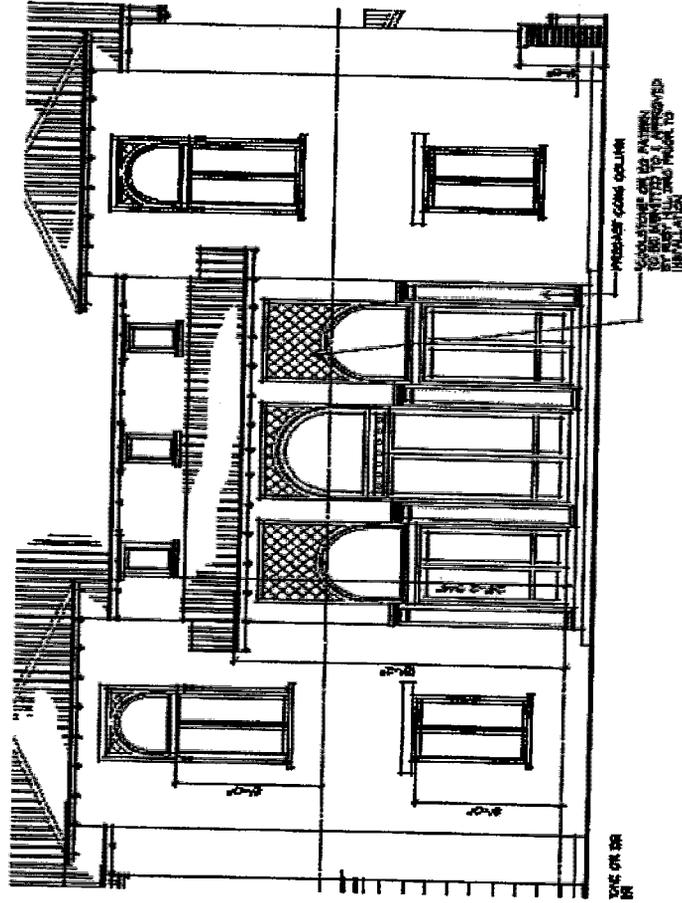


These pictures depict the grading over the property line at the southern adjacent lot (taken prior to the installation of the landscaping).

HORIZONTAL BAND AT FRONT ELEVATION

Front elevation depicted on final approved drawings (6.30.10). Void of any horizontal trim work

As-built condition. Horizontal banding added without approval. ADC will accept the added trim work under the condition that it is painted to match the approved body color.

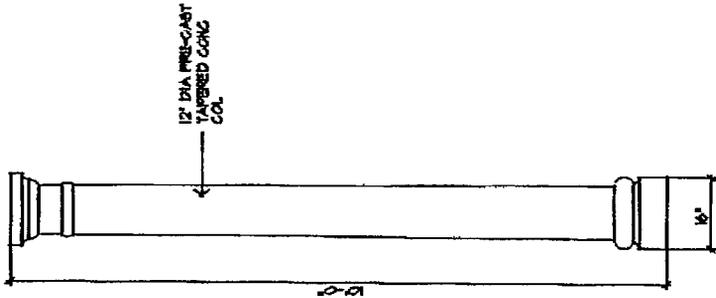


Reference: Sheet 4 -- Front Elevation

PRECAST COLUMNS

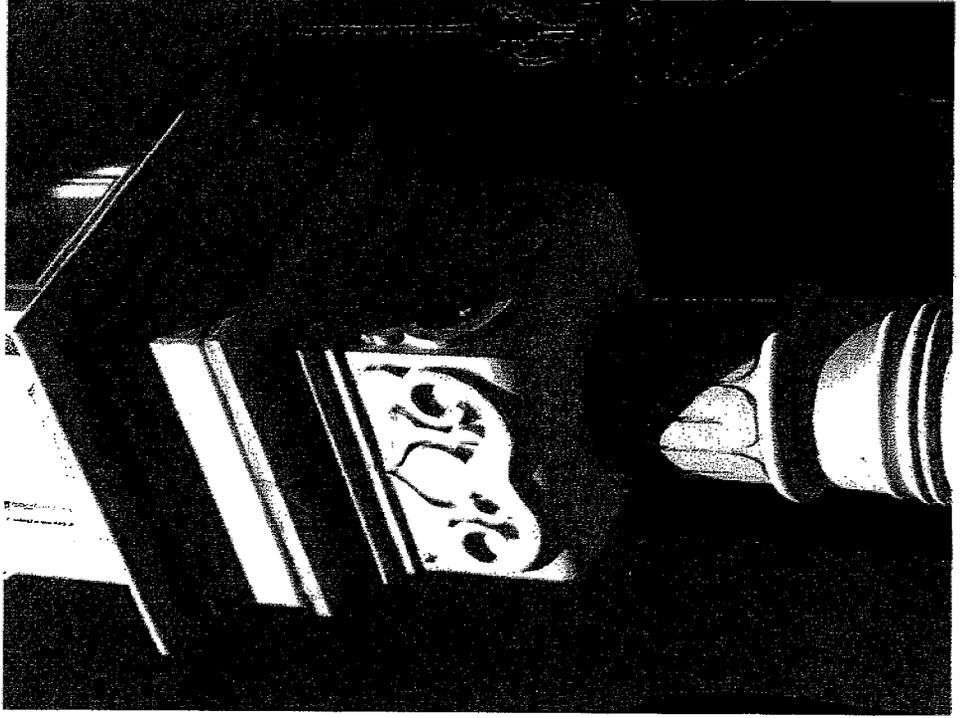
As-built condition. Design is inconsistent with the Spanish Eclectic architectural style.

Column elevation depicted on final approved drawings (6.30.10). Simple Tuscan capital



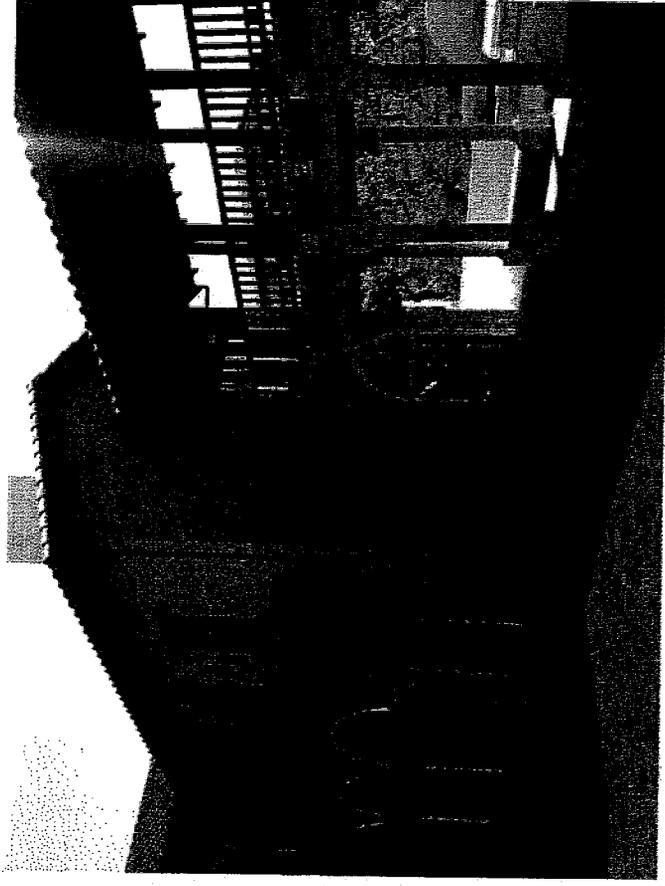
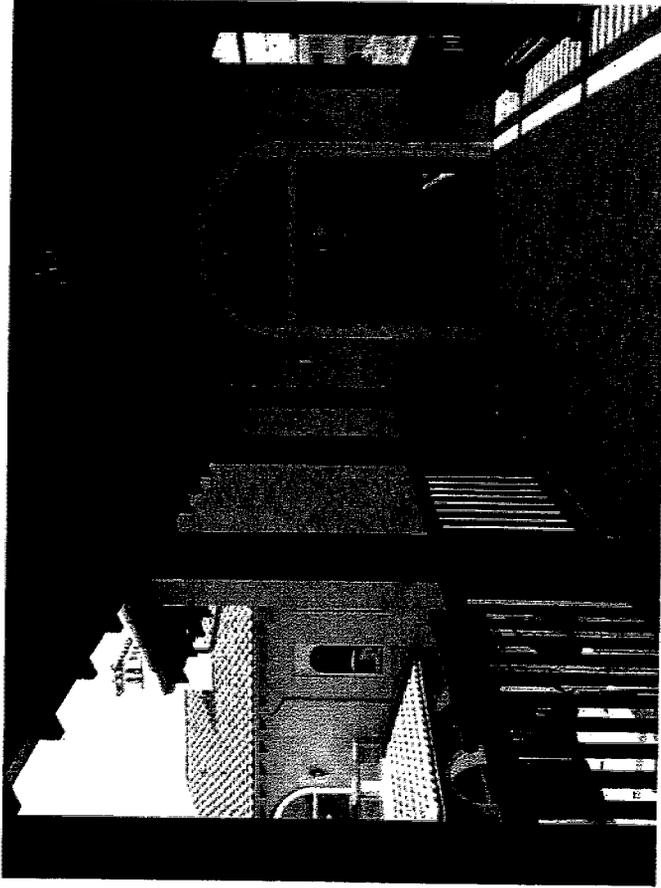
ENTRY COLUMN
CPI OR EQUAL

Reference: Sheet 7 – Entry Column



STUCCO WALL AT MASTER SUITE

Color at back wall of master bedroom suite appears unfinished. Must be painted to match the approved body color.

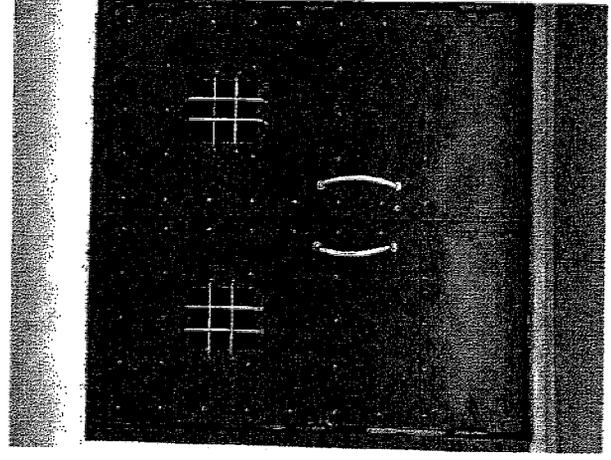
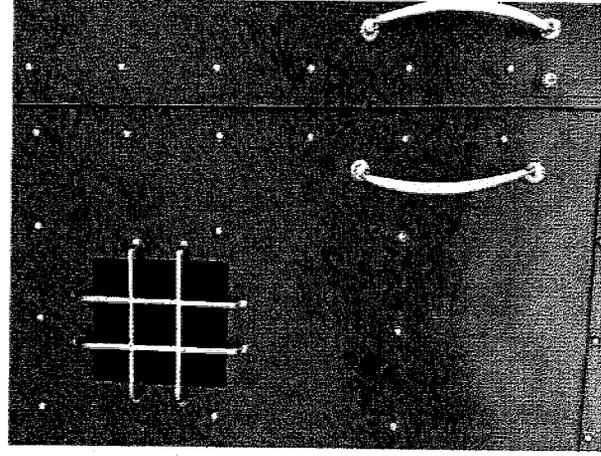
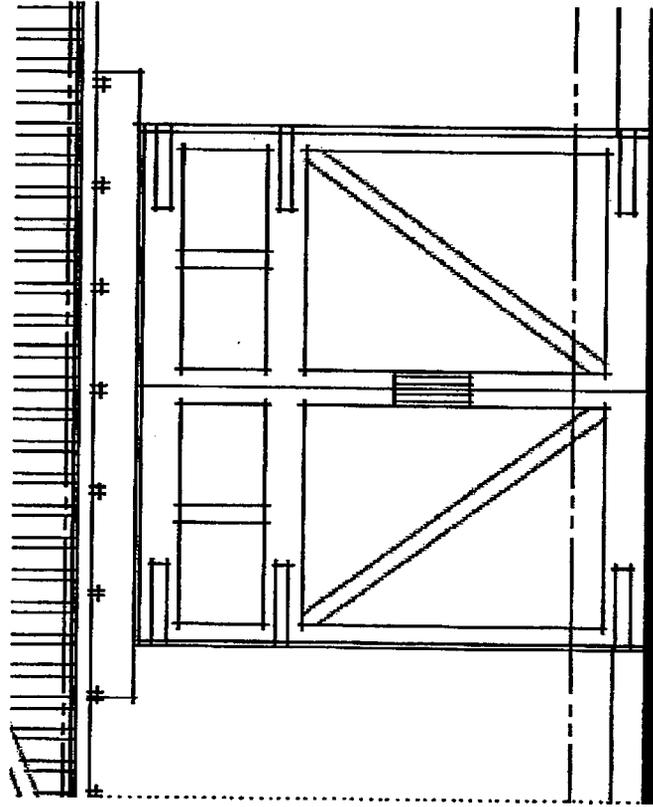


REAR GARAGE DOORS

Rear garage door depicted on final approved drawings (6.30.10). Matches wood garage doors at front.

As-built condition:

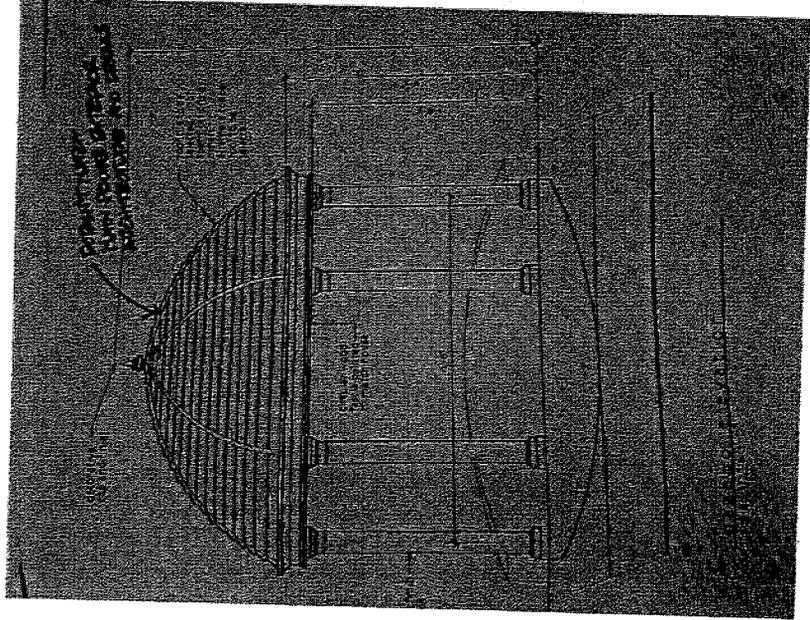
- Iron doors with gold accent and opening with iron bars
- Iron work and gold accenting is too industrial and would not be approved if submitted.
- Does not match Spanish Eclectic architectural style



Reference: Sheet 5 --Rear Elevation

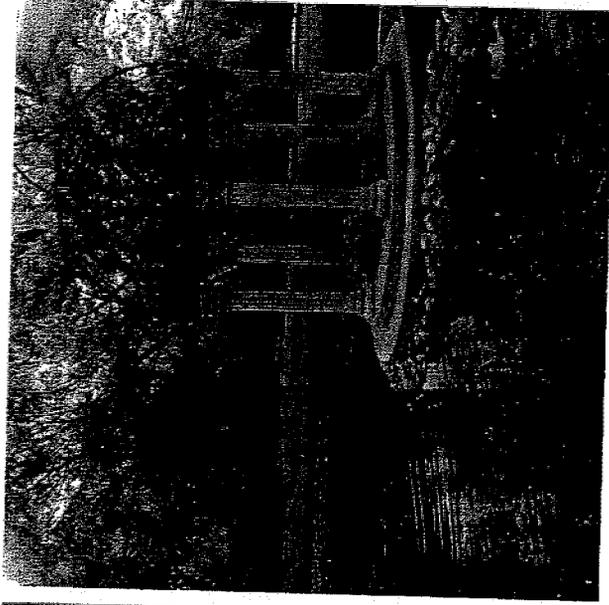
GAZEBO

Original gazebo design submitted (8.20.10) – NOT APPROVED



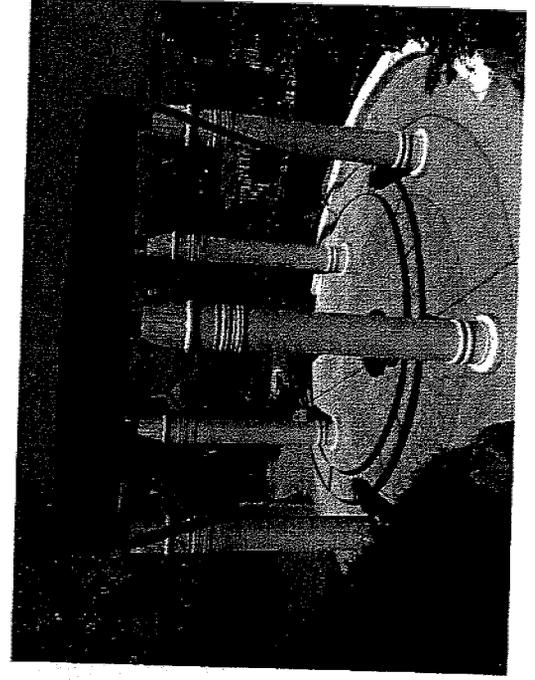
Reference: Sheet L-8 –Gazebo Elevation

Photo of proposed gazebo submitted to the ADC by Reddy on 4.12.11



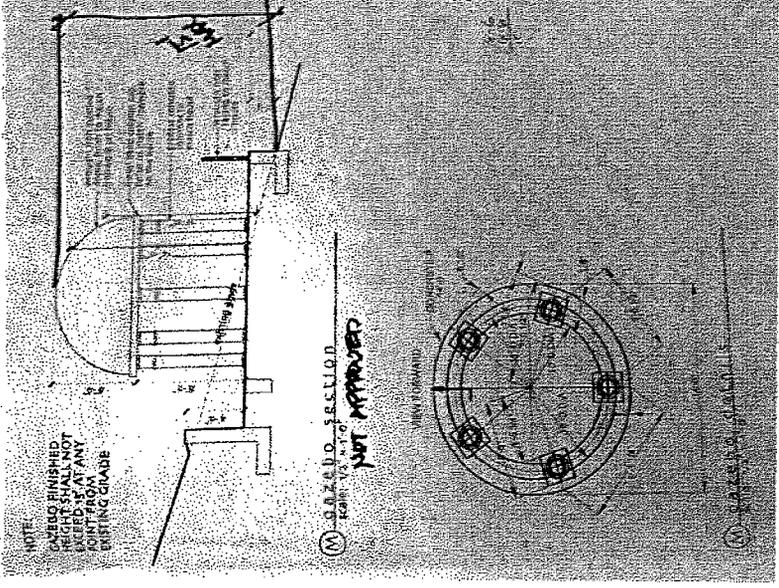
As-built condition:

- Owner proceeding with construction of gazebo without approval from the ADC or required permits from the City of Pleasanton.
- Original comments from ADC specified that gazebo columns must match final approved columns of the house.
- The iron work submitted in the proposed illustration (4.12.11) was not approved and will not be approved – it is too ornate and is inconsistent with the architectural style of the home.
- The height of the proposed dome exceeds the maximum height limit for a shade structure and accessory structure.



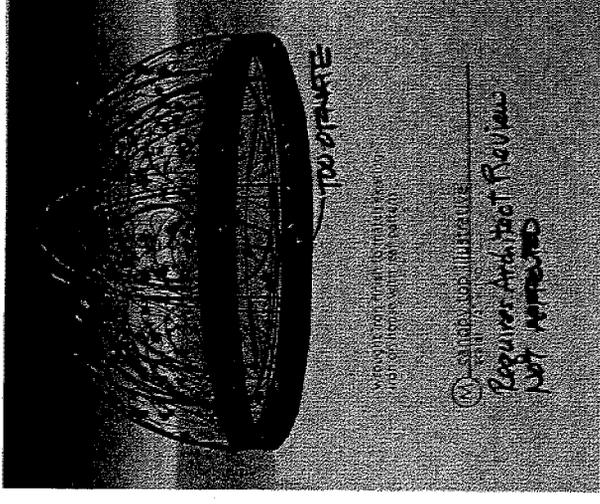
GAZEBO

**Gazebo design reviewed
(7.23.12) – NOT APPROVED**



Reference: Sheet L-8 –Gazebo Elevation

**Gazebo design reviewed
(7.23.12) – NOT APPROVED**



Reference: Sheet L-8 –Gazebo Elevation

As-built condition:

- Owner proceeding with construction of gazebo without approval from the ADC or required permits from the City of Pleasanton.
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