

To: Rocky Ridge Board of Directors
From: Herman and Jane Howerton, Sole Trustees
of the Howerton Revocable Trust,
Owner of Unit 71, Rocky Ridge
Date: May 20, 2023

Proposal to Install Air Conditioning in Unit 71

We wish to add a Mitsubishi Split A/C (the "AC Unit") to our existing internal furnace in Unit 71 (using its ducting) to enhance our enjoyment of Lake Tahoe in view of the recent past and expected high temperatures in the summer. As further explained below, the AC Unit would be tucked under the entry porch to Unit 71 near the small door to our furnace area and connected to our furnace through piping (the AC Unit, its pad, wiring and piping and other related materials are hereafter referred to as the "AC System"). The AC System would be purchased from and installed by Jared Davis, owner of A Degree Above, a heating and AC contractor with extensive experience at Rocky Ridge. We believe that the proposed AC System will meet all Rocky Ridge requirements for air conditioning systems, including the conditions referenced below.

Description of Proposed AC System

The AC Unit will be a Mitsubishi outdoor single zone 36,000 BTU heat pump, model PUZ A36NKA7, which will be attached to the existing furnace ducting of Unit 71. The specifications of the AC Unit, including its dimensions, are attached as Exhibit A. (Note that some of these specifications relate to an indoor unit and heating, which are not part of this Proposal.) A representation of the AC Unit is attached as Exhibit B. The AC Unit and its related equipment and materials will be located as shown on the site plan attached as Exhibit C. Included in Exhibit C is a photo of the existing space where the AC System would be located. The AC Unit would sit on a heavy duty plastic pad installed by our contractor. Two copper pipes, each with a diameter of 1 and ½ inches (including insulation), extending from the AC Unit to the existing furnace area, will be strapped to the south wall of the foundation and enter the furnace area through the east wall as depicted on Exhibit C. Power for the AC Unit would be provided through a 240V 30 amp circuit using our existing electrical panel. An electric disconnect as shown on Exhibit C would bring power to the AC Unit.

Conditions to be Met:

Maximum Noise from AC Unit:

See page 3 of the manufacturer's specifications for our proposed outdoor unit attached as Exhibit A with regard to its 52 decibel rating for the cooling function.

Objectional Odors or Vibrations for any other Townhome:

Unit 71 is part of a duplex and, based on advice from our contractor, we do not believe that the installation and use of the AC System will not give rise to any odors or vibration to Unit 70 adjacent to us or to any other townhome at Rocky Ridge.

Shielding:

The outdoor compressor, a representation of which is attached as Exhibit B, is enclosed within screening and does not require shielding to protect individuals or animals approaching it.

Location and Dimensions of AC Unit:

The proposed location of the AC Unit would be under the entry porch to Unit 71, which would be generally out of sight to anyone not walking up the path from the parking area to Unit 71 or Unit 70. Its location is shown on the site map attached as Exhibit C. The dimensions of the AC Unit, which weighs 214 lbs, are included in Exhibit A. These dimensions are 41 5/16"W x 13" D x 52 11/16"H. The AC Unit would be set on a heavy duty plastic pad slightly larger than the AC Unit. The color of the AC Unit is Ivory Munsell.

Securing of Exterior Equipment and Materials:

Exhibit C, the site plan, shows the positioning and securing of all equipment and other materials, such as piping, related to the AC Unit. Also included as a part of Exhibit C is a photo of the existing space under the entry porch.

Size and Appearance of AC System:

We believe the AC System will be in harmony with the external design of Rocky Ridge since the system will be tucked into a portion of our building largely out of view and away from other townhomes. This AC System, its location and the use of our existing furnace ducting should reasonably minimize the visual impact, noise, vibration and smells, if any, of the AC System.

Compliance with Laws:

Based on information from our contractor, no governmental permit or setback other than an A/C installation building permit (which our contractor will procure prior to installing the AC System) is required for installation of the AC System. We are not aware of any law with which the AC System or its installation would not be in compliance.

Agreements of Owners:

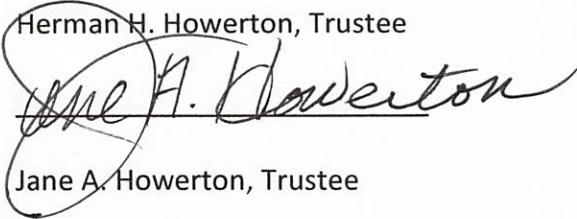
- (a) If after installation the installed AC System generates noise, vibration or smells violative of the standards established by the Board as of the date of installation, then the Owner will take such steps as the Board reasonably requires to bring the AC System's noise/vibration/smells within the required standards. If these standards cannot be achieved, then the Owner shall remove the AC system.
- (b) If after installation the technology applicable to shielding the visual, noise, smell or vibration impacts of the AC System evolves so as to enable impacts that are materially less intrusive, the Owner shall make revisions to the AC System, as requested by the Board, so as to cause the AC System to be reasonably consistent with the evolving technologies; provided, however, that the Board shall have no right to require revisions if the costs of the revisions are unreasonable relative to the benefits achieved as a consequence of the revisions.
- (c) Owner agrees to take all steps, at its own expense, that may be necessary to make sure that the use and operation of the AC System do not unreasonably interfere with maintenance activities vested within the authority of the Rocky Ridge Association under its Declaration of CC&R's.

(d) Owner agrees that the approval by the Board or the Association of the installation of the AC System shall not be construed as imposing any responsibility upon the Association or the Board for damages caused by the AC System, it being understood that (subject to the provisions of Section 9.05 of the CC&R's) the Owner of the Townhome within which the AC System is installed shall be responsible for any damages caused by the installation or operation of the AC System to the same extent as the Owner would be liable for damages arising out of installation or operation of equipment that is located exclusively within the walls of the Townhome.

This Proposal is submitted, and the agreements included herein are agreed to, by the Owner of RR Unit 71, as of May 20, 2023:



Herman H. Howerton, Trustee



Jane A. Howerton, Trustee

Exhibits to Proposal to Install
A/C In RR Unit 71

Exhibit A

Specifications of AC Unit
(Some Entries relate to Indoor Unit and Heating
Which are not part of Proposal)

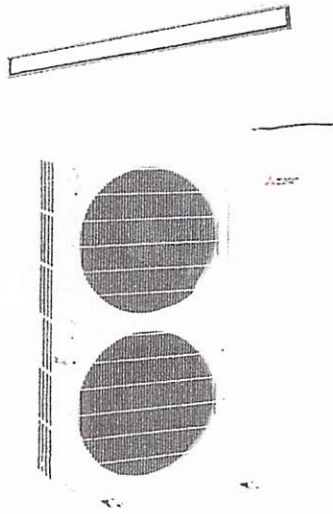
PCA-A36KA7 & PUZ-A36NKA7
36,000 BTU/H CEILING SUSPENDED
36,000 BTU/H HEAT PUMP UNIVERSAL OUTDOOR



Job Name:

System Reference:

Date:



Indoor Unit.....PCA-A36KA7

Outdoor Unit.....PUZ-A36NKA7

INDOOR UNIT FEATURES

- Airflow settings for high and low ceiling applications
- Knock-out for outside-air intake
- Optional i-see Sensor™ for air distribution and energy saving
- Auto fan speed mode
- Filter status indicator
- Easy-to-clean, washable filter
- Suspends from ceiling for quick and easy installation
- Ideal for larger retail stores, classrooms, and restaurants
- Multiple control options available:
 - kumo cloud® smart device app for remote access
 - Third-party interface options
 - Wired or wireless controllers

OUTDOOR UNIT FEATURES

- Variable speed INVERTER-driven compressor
- Pre-charged with refrigerant volume for piping length up to 100 ft
- Low ambient cooling down to 0°F providing 100% capacity
- 24-hour continuous operation (cooling mode)
- High pressure protection
- Fast restart
- Superior energy and operational efficiency
- Seacoast protection*
 - External Outer Panel: Phosphate coating + Acrylic-Enamel coating
 - Fan Motor Support: Epoxy resin coating (at edge face)
 - Separator Assembly Valve Bed: Epoxy resin coating (at edge face)
 - Blue Fin treatment is an anti-corrosion treatment that is applied to the condenser coil to protect it against airborne contaminants.
 - Condenser coil and base panel rated for 2,000 hours in accordance with ASTM B117 testing

*Seacoast protection standard from 2022 production

SPECIFICATIONS: PCA-A36KA7 & PUZ-A36NKA7

Cooling at 95°F ¹	Maximum Capacity	BTU/H	36,000
	Rated Capacity	BTU/H	36,000
	Minimum Capacity	BTU/H	16,000
	Maximum Power Input	W	3,270
	Rated Power Input	W	3,270
	Moisture Removal	Pints/h	8.7
	Sensible Heat Factor		0.73
Heating at 47°F ²	Power Factor [208V / 230V]	%	94.2 / 94.2
	Maximum Capacity	BTU/H	40,000
	Rated Capacity	BTU/H	38,000
	Minimum Capacity	BTU/H	17,900
	Maximum Power Input	W	3,420
	Rated Power Input	W	2,410
	Power Factor [208V / 230V]	%	92.7 / 92.7
Heating at 17°F ³	Maximum Capacity	BTU/H	24,400
	Rated Capacity	BTU/H	21,000
	Maximum Power Input	W	2,490
Heating at 5°F ⁴	Rated Power Input	W	2,430
	Maximum Capacity	BTU/H	20,000
	Maximum Power Input	W	3,100
Efficiency	SEER		19.1
	EER ¹		11.0
	HSPF [IV]		10.2
	COP at 47°F ²		4.62
	COP at 17°F at Maximum Capacity ³		2.88
	COP at 5°F at Maximum Capacity ⁴		1.89
	ENERGY STAR [®] Certified		No
Electrical	Voltage, Phase, Frequency		208/230, 1, 60
	Guaranteed Voltage Range	V AC	198 - 253
	Voltage: Indoor - Outdoor, S1-S2	V AC	208/230
	Voltage: Indoor - Outdoor, S2-S3	V DC	24
	Short-circuit Current Rating [SCCR]	kA	5
	Recommended Fuse/Breaker Size (Outdoor)	A	30
	Recommended Wire Size [Indoor - Outdoor]	AWG	14
	Power Supply		Indoor unit is powered by the outdoor unit
	MCA	A	2.0
	Fan Motor Full Load Amperage	A	0.97
Indoor Unit	Fan Motor Type		DC Motor
	Airflow Rate at Cooling, Dry	CFM	775-850-920-990
	Airflow Rate at Cooling, Wet	CFM	705-775-850-920
	Airflow Rate at Heating, Dry	CFM	775-850-920-990
	Sound Pressure Level [Cooling]	dB[A]	37-39-41-43
	Sound Pressure Level [Heating]	dB[A]	37-39-41-43
	Drain Pipe Size	In. [mm]	1-1/32 [26]
	Coating on Heat Exchanger		-
	External Finish Color		White Munsell 6.4Y 8.9/0.4
	Unit Dimensions	W x D x H: In. [mm]	63 x 26-3/4 x 9-1/16 [1,600 x 680 x 230]
Package Dimensions	W x D x H: In. [mm]	65-3/4 x 29-15/16 x 13-3/4 [1,670 x 760 x 350]	
Unit Weight	Lbs. [kg]	79 [36]	
Package Weight	Lbs. [kg]	93 [42]	
Indoor Unit Operating Temperature Range	Cooling Intake Air Temp [Maximum / Minimum]*	°F	90 DB, 72 WB / 68 DB, 61 WB
	Heating Intake Air Temp [Maximum / Minimum]	°F	77 DB / 59 DB

NOTES:

AHRI Rated Conditions
 (Rated data is determined at a fixed compressor speed)

¹ Cooling (Indoor // Outdoor)	°F	80 DB, 67 WB // 95 DB, 75 WB
² Heating at 47°F (Indoor // Outdoor)	°F	70 DB, 60 WB // 47 DB, 43 WB
³ Heating at 17°F (Indoor // Outdoor)	°F	70 DB, 60 WB // 17 DB, 15 WB

Conditions ⁴Heating at 5°F (Indoor // Outdoor) °F 70 DB, 60 WB // 5 DB, 4 WB

***Indoor/Outdoor Unit Operating Temperature Range (Cooling Air Temp [Maximum / Minimum]):**

- Applications should be restricted to comfort cooling only; equipment cooling applications are not recommended for low ambient temperature conditions.
 - Wind baffles required to operate below 23°F DB in cooling mode.
 - Heat pump system with wind baffle: 0°F - 115°F.
 - Refer to wind baffle documentation for further information.

****Outdoor Unit Operating Temperature Range (Cooling Thermal Lock-out / Re-start Temperatures; Heating Thermal Lock-out / Re-start Temperatures):**

- System cuts out in heating mode to avoid thermistor error and automatically restarts at these temperatures.

*****Blue Fin Coating Standard from 2022 production:**

- PU(Y/Z)-A(12/18)NKA7 - Beginning with serial number 12U*****
- PU(Y/Z)-A(24/30/36/42)NKA7 - Beginning with serial number 12U*****

SPECIFICATIONS: PCA-A36KA7 & PUZ-A36NKA7

	MCA	A	25.0
	MOCP	A	31
	Fan Motor Full Load Amperage	A	0.5 + 0.5
	Fan Motor Output	W	74
	Airflow Rate [Cooling / Heating]	CFM	3880 / 3880
	Refrigerant Control		LEV
	Defrost Method		Reverse Cycle
	Coating on Heat Exchanger		Blue Fin Coating***
	Sound Pressure Level, Cooling ¹	dB(A)	52
	Sound Pressure Level, Heating ²	dB(A)	53
Outdoor Unit	Compressor Type		INVERTER-driven twin rotary
	Compressor Model		MNB33FBRMC-L
	Compressor Rated Load Amps	A	8
	Compressor Locked Rotor Amps	A	13.0
	Compressor Oil [Type // Charge]	oz.	FV50S // 45
	External Finish Color		Ivory Munsell 3Y 7.8/1.1
	Base Pan Heater		N/A
	Unit Dimensions	W x D x H: In. [mm]	41-5/16 x 13 (+1-3/16) x 52-11/16 [1050 x 330 (+30) x 1338]
	Package Dimensions	W x D x H: In. [mm]	42-15/16 x 17-11/16 x 56-4/16 [1091 x 450 x 1429]
	Unit Weight	Lbs. [kg]	214 [97]
	Package Weight	Lbs. [kg]	245 [111]
Outdoor Unit Operating Temperature Range	Cooling Air Temp [Maximum / Minimum]*	*F	115 DB / 0 DB
	Heating Air Temp [Maximum / Minimum]	*F	70 DB, 59 WB / -4 DB, -4 WB
	Heating Thermal Lock-out / Re-start Temperatures**	*F	-8 / -4
	Type		R410A
Refrigerant	Maximum Charge Quantity	Lbs, oz	10.0, 6.0
	Initial Charge Quantity	Ft. [m]	100.0 [30.0]
	Additional Refrigerant Charge Per Additional Piping Length	oz./Ft. [g/m]	0.7 [50]
	Gas Pipe Size O.D. [Flared]	In.[mm]	5/8 [15.88]
	Liquid Pipe Size O.D. [Flared]	In.[mm]	3/8 [9.52]
Piping	Maximum Piping Length	Ft. [m]	165 [50]
	Maximum Height Difference	Ft. [m]	100 [30]
	Maximum Number of Bends		15

NOTES:

AHRI Rated Conditions

(Rated data is determined at a fixed compressor speed)	¹ Cooling (Indoor // Outdoor)	*F	80 DB, 67 WB // 95 DB, 75 WB
	² Heating at 47°F (Indoor // Outdoor)	*F	70 DB, 60 WB // 47 DB, 43 WB
	³ Heating at 17°F (Indoor // Outdoor)	*F	70 DB, 60 WB // 17 DB, 15 WB

Conditions

⁴ Heating at 5°F (Indoor // Outdoor)	*F	70 DB, 60 WB // 5 DB, 4 WB
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***Indoor/Outdoor Unit Operating Temperature Range (Cooling Air Temp [Maximum / Minimum]):**

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*****Blue Fin Coating Standard from 2022 production:**

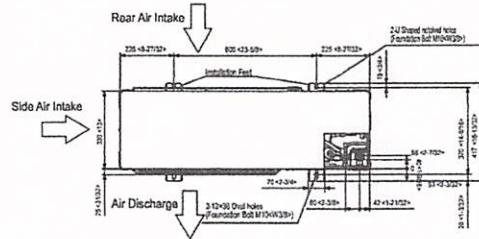
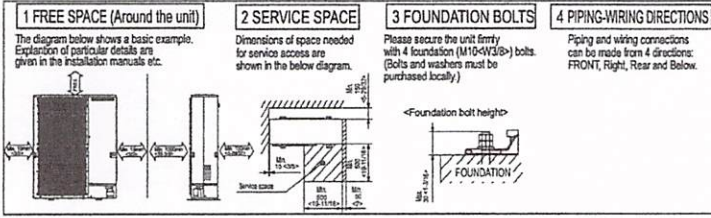
- PU(Y/Z)-A(12/18)NKA7 - Beginning with serial number 12U*****
- PU(Y/Z)-A(24/30/36/42)NKA7 - Beginning with serial number 12U*****

OUTDOOR UNIT ACCESSORIES: PUZ-A36NKA7

Air Outlet Guide	Air Outlet Guide (1 Piece)	PAC-SH96SG-E (two pieces are required)
	Control/Service Tool	PAC-SK52ST
Control/Service Tool	M- & P-Series Maintenance Tool Cable Set	M21EC0397
	USB/UART Conversion Cable (Required for all laptop connection)	M21EC1397
M-NET Converter	M-NET Converter	PAC-SJ85MA-E
	M-NET Converter	PAC-SJ95MA-E
	14 Gauge, 4 wire MiniSplit Cable—250 ft. roll	S144-250
Mini-Split Wire	14 Gauge, 4 wire MiniSplit Cable—50 ft. roll	S144-50
	16 Gauge, 4 wire MiniSplit Cable—250 ft. roll	S164-250
	16 Gauge, 4 wire MiniSplit Cable—50 ft. roll	S164-50
Mounting Pad	Condensing Unit Mounting Pad: 24" x 42" x 3"	ULTRILITE2
	18" Dual Fan Stand	QSMS1802M
	24" Dual Fan Stand	QSMS2402M
Stand	Condenser Wall Bracket	QSWB2000M-1
	Condenser Wall Bracket - Stainless Steel Finish	QSWBSS
	Outdoor Unit Stand — 12" High	QSMS1202M
	Front Wind Baffle	WB-PA3 (two pieces are required)
Wind Baffle	Rear Wind Baffle	WB-RE6
	Side Advanced Wind Baffle	WB-SD6

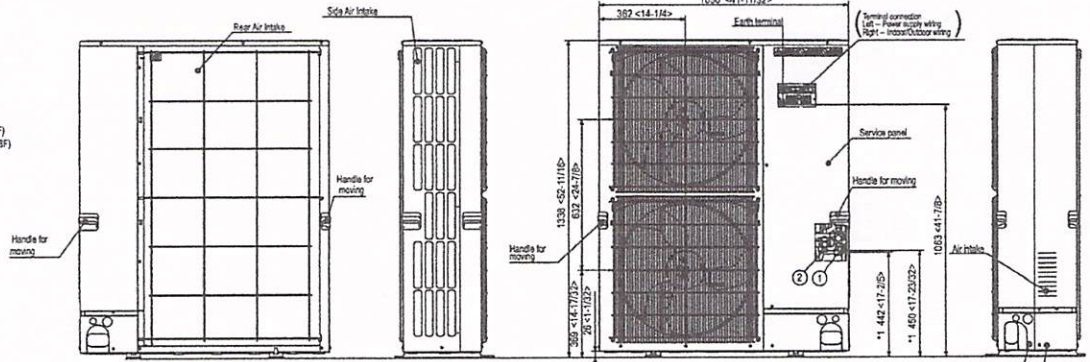
OUTDOOR UNIT DIMENSIONS: PUZ-A36NKA7

Unit: mm<in>

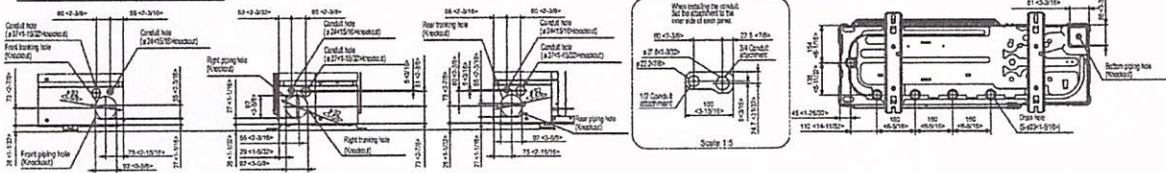


Example of Notes

- ① - Refrigerant GAS pipe connection (FLARE) ø15.88(5/8F)
- ② - Refrigerant LIQUID pipe connection (FLARE) ø9.52(3/8F)
- *1 - Indication of STOP VALVE connection location.



Piping Knockout Hole Details



1340 Satellite Boulevard Suwanee, GA 30024
Toll Free: 800-433-4822 www.mehvac.com



FORM# PCA-A36KA7 & PUZ-A36NKA7 - 202302

**Exhibits to Proposal to Install
A/C In RR Unit 71**

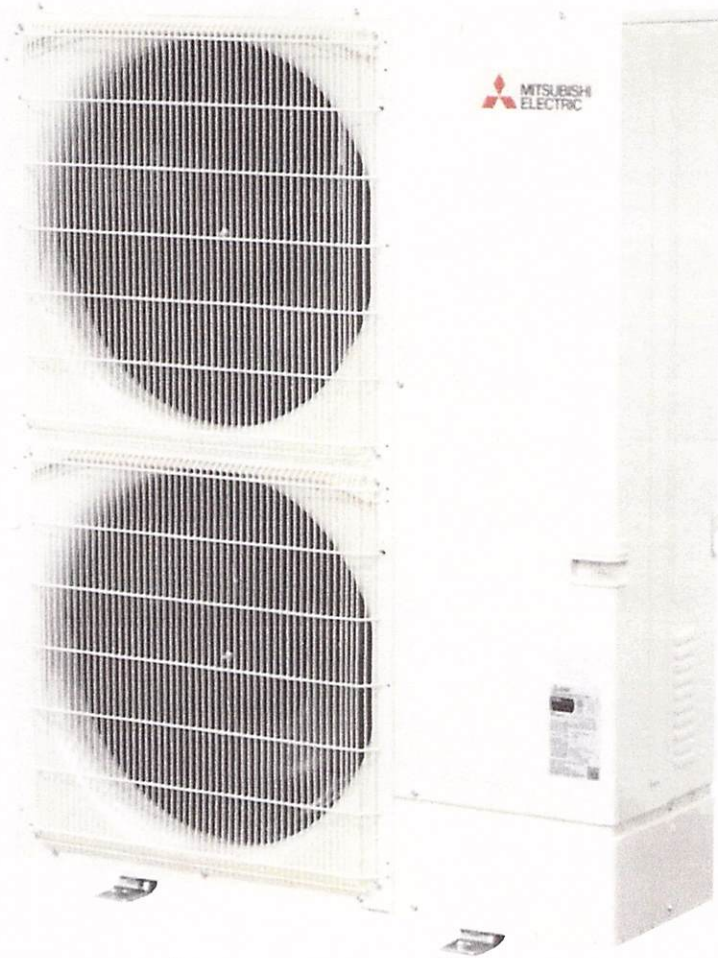
Exhibit B

Representation of AC Unit

Outdoor Unit:

PUZ-A36NKA7

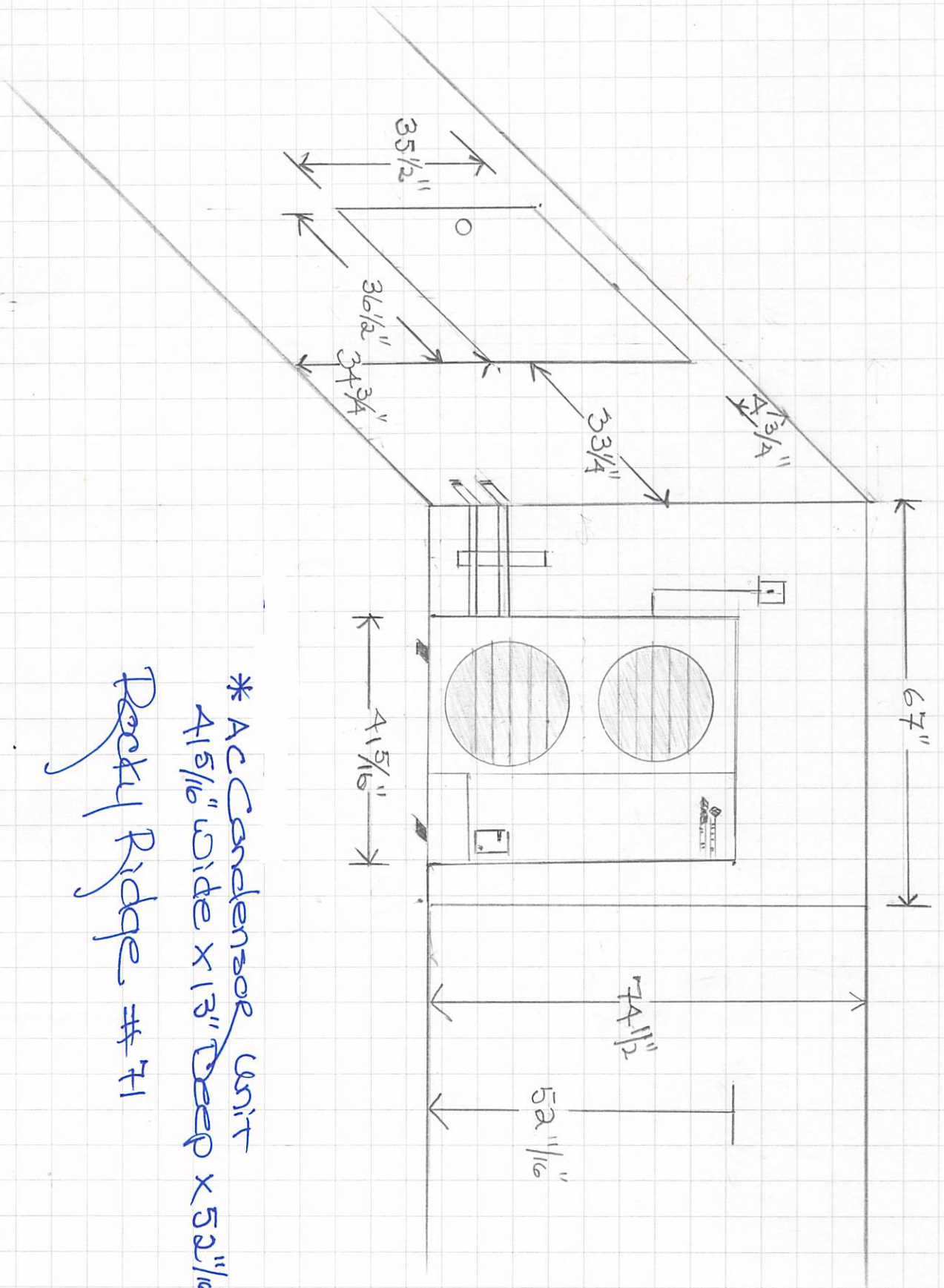
PUZ-A36NKA7-BS



Exhibits to Proposal to Install
A/C In RR Unit 71

Exhibit C

Site Plan of AC System
With Photo of Existing Space




* AC Condenser Unit
 41 5/16" wide x 13" Deep x 52 1/16" high.
 Rocky Ridge #71

Handwritten notes on graph paper, including the word "MATHS" and other illegible scribbles.

Extensive handwritten notes on graph paper, including the word "MATHS" and other illegible scribbles.



From: Herman Howerton triplh@pacbell.net 
Subject: Re: Air Conditioning Approvals
Date: June 2, 2023 at 2:01 PM
To: Bruce Shepherd bruce.shepherd@outlook.com
Cc: Matt Howarth matthowarth56@gmail.com



Bruce,

I have attached below my markup of the draft memo relating to Board approval of the AC improvements proposed for Unit 71. Please take a look and see if you have any questions.

Regarding your comment about informing potentially affected neighbors, we have contacted and sent a copy of our proposal to Robert and Mark Stark, the owners of unit 70 attached to our unit. I have not yet received any comments, but have today asked that they let us know soon if they have any comments about the proposal. I asked Yates in late May if he thought I should sent the proposal to or approach any other neighbors and he replied that this would not be necessary.

Please also confirm that you have received this email and the email I sent previously attaching the proposal for 71 and its exhibits.

Thanks for your time in dealing with this.

Herm

On Jun 2, 2023, at 7:53 AM, Bruce Shepherd <bruce.shepherd@outlook.com> wrote:

Please keep in mind that our AC policy contemplates that applicants should inform potentially affected neighbors of the applicant's contemplated AC improvements. The idea is for the applicant to try to find avenues to placate neighbor concerns, if possible. This is just a heads up because the board may ask about neighbor reactions.

I also previously sent you the form of memorandum. Please confirm receipt and provide info to fill in the blanks. Get [Outlook for iOS](#)

From: Bruce Shepherd <bruce.shepherd@outlook.com>
Sent: Wednesday, May 31, 2023 11:42 AM
To: triplh@pacbell.net <triplh@pacbell.net>; Matt Howarth <matthowarth56@gmail.com>; Cirra Mason <rrpoa.bookkeeping@gmail.com>; Yates (William) Bauder <rrpoa@sbcglobal.net>; Buster Fenley <justinfenley3@gmail.com>
Subject: Air Conditioning Approvals

I understand that you each desire to bring to the Board applications to install air conditioning improvements in your respective townhome units. I further understand that you both are shooting for approval at the Board's June 13 meeting. Please confirm so I can include the matters on the agenda.

Please also send to me your proposed application packages, so I can be sure to have those available to post on the website. It would be easiest for me if the entire package (e.g., any cover email, any descriptive materials, any map of the proposed location for the equipment, and any sketches of the equipment and/or its location) could be included in a single pdf file.

One of the documents involved in our air conditioning approval package is a memorandum confirming the approval of the townhome owner of various covenants made with respect to the future operation of the air conditioning improvements. I have attached a form of memorandum which we have used for this purpose. If the proposed air conditioning improvements are approved, the memorandum will be recorded in the County Recorder's official records. In order to help me prepare the memoranda for your respective improvements, it would be helpful if you could hand mark up the form of memorandum to include the pertinent information for your townhome, and then scan and email the markup to me. As we continue in our effort to better organize our Association's records, my plan it to have both ACC requests for approval,

and any approval documents (such as the memorandum), available on the website so they can be readily visible to all townhome owners. We are not there yet, but we are getting closer.

Thanks guys! Please let me know if you have any questions.

RockyRidge
Board...prov.71

From: Robert Stark robert.stark@workday.com 🚩
Subject: Re: [External Sender] Rocky Ridge Condos
Date: June 4, 2023 at 7:00 AM
To: Herm Howerton hermanhowerton@gmail.com
Cc: Jane Howerton jahints@gmail.com, Robert & Mary Stark marystark1996@gmail.com



Hi Herm,

Thanks for sharing your plans with us and keeping us posted. In reviewing your plans, it looks like the AC placement as you described (opposite side under your front door entry deck) doesn't pose any concerns or issues for us in Unit 70.

Thanks again for your consideration and kindly keeping us informed.

Look forward to meeting you in Tahoe.

Robert Stark
925-588-4341
robert.stark@workday.com

On Jun 2, 2023, at 1:20 PM, Herm Howerton <hermanhowerton@gmail.com> wrote:

Robert,

Thanks for taking a look at our AC plans. We are on the Board agenda for June 13 seeking approval of these plans. We may be asked if we have shared the plans with neighbors and if they had any comments or reaction. Will you please let us know if you or Mary have any comments at your earliest convenience.

Sorry to trouble you. Appreciate your help.

Thanks,
Herm

From: Herman Howerton triplh@pacbell.net
Subject: AC Proposal for Unit 71 for RR Board
Date: May 21, 2023 at 10:13 AM
To: Bill (Yates) Bauder rrpoa@sbcglobal.net



Yates,

I have attached our Proposal to Install Air Conditioning In Unit 71 for you to distribute to the Board for its June 13, 2023 meeting. For ease of scanning, I am sending in three parts: 1 - the Proposal itself, 2- Exhibit A and 3- Exhibits B and C.

Please let me know if this is all you need or if I should send the Proposal and Exhibits all together to you by mail. If so, please let me know how best to address it to get to you.

Thanks for all your help.

Herm

May 2023 AC Proposal.pdf 569 KB	May 2023 AC Propos...it A.pdf 1.1 MB	May 2023 AC Propos...C.pdf
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From: Herm Howerton hermanhowerton@gmail.com
Subject: Rocky Ridge Condos
Date: May 22, 2023 at 9:09 PM
To: robert.stark@workday.com
Cc: Jane Howerton jahints@gmail.com



Robert,

Enjoyed the chance to speak to both you and Mary this evening about your becoming owners of unit 70 at Rocky Ridge. From my wife, Jane, and me, welcome to the community. You now have my phone number and email address. A couple of other contacts points are my wife's phone, which is 415-609-1879, and our condo phone line which is 530-583-0371.

I have attached the air conditioning unit proposal I mentioned for your information. If you have any questions about it, please feel free to contact me with them. For ease of sending, there are three attachments - the proposal itself, Exhibit A and Exhibits B & C.

Enjoy your time up there this weekend.

Best,
Herm Howerton

May 2023 AC Proposal.pdf 569 KB	May 2023 AC Propos...it A.pdf 1.1 MB	May 2023 AC Propos...C.pdf 1 MB
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RECORDING REQUESTED BY, AND
WHEN RECORDED, MAIL TO:

ROCKY RIDGE PROPERTIES OWNERS ASSOCIATION
Attn: William Bauder
1877 North Lake Blvd
Tahoe City, CA 96145

(Space Above for Recorder's Use)

MEMORANDUM PERTAINING TO HVAC IMPROVEMENTS
FOR TOWNHOME 71 OF ROCKY RIDGE

THIS MEMORANDUM dated June, 2023 (the "Memorandum") is executed and delivered by The Howerton Revocable Trust (the "Pertinent Townhome Owner"), as owner(s) of Townhome Residence number 71 (the "Pertinent Townhome") within the Rocky Ridge common interest development in the vicinity of Tahoe City, California (the "Development"), and by the Board of Directors (the "Board") of the Rocky Ridge Properties Owners' Association (the "Association"), in its capacity as the Association's Architectural Control Committee (the "ACC").

The Rocky Ridge development is subject to certain covenants, conditions and restrictions described in Attachment 1 to this Memorandum (as amended, the "CC&Rs"). Capitalized terms used herein without definition have the meanings assigned to them in the CC&Rs. The Association operates, manages and maintains Common Areas and Common Facilities within the Rocky Ridge Development and performs certain other duties and obligations that are set forth in the CC&Rs and/or certain related Governing Documents, including, without limitation, periodic maintenance and repair of exterior elements of the Townhome Residences, and snow removal (as necessary). In spite of these exterior maintenance responsibilities, the Townhome exterior elements are not Common Areas as defined in the Declaration, however any alteration of the exterior elements is subject to prior written approval by the ACC.

The Board is executing this Memorandum on behalf of the ACC to evidence approval of construction of certain "HVAC Improvements" pertaining to the Pertinent Townhome. The HVAC Improvements are generally described and depicted in the "Preliminary Plan" described in Attachment 2 to this Memorandum (the "Preliminary Plan"). The final design and construction plans for the HVAC Improvements (the "Final Design Plan") shall be derived from the Preliminary Plan and shall memorialize such changes to the Preliminary Plan as may be agreed upon through discussions between the Pertinent Townhome Owner, their contractors and subcontractors and the Property Manager for the Rocky Ridge Development (the "RR Property Manager"). The Pertinent Townhome Owner agrees that the RR Property Manager shall have material discretion in determining the scope and nature of the design, materials and construction processes, and the sound attenuation features, involved in the Final Design Plan for the HVAC Improvements.

The ACC hereby approves the construction of the HVAC Improvements, subject to the following:

1. **Construction.** The Pertinent Townhome Owner agrees that all work involved in the installation of the HVAC Improvements will be undertaken in a manner which is consistent in all material respects with the Final Design Plan and all applicable laws, and that all such work shall be performed by contractors or subcontractors that are duly licensed and that have been approved by the RR Property Manager. The Pertinent Townhome Owner further agrees to cause the HVAC Improvements to be completed and operated in accordance with the "specific requirements" set forth in Attachment 3 to this Memorandum. Neither the Association, its Board, its ACC nor the RR Property Manager is approving the effectiveness of the HVAC Improvements for air conditioning or heating purposes. Rather, the approvals of the Association, the Board, the ACC and the RR Property Manager are limited to approving that the HVAC Improvements (if constructed and operated in accordance with this Memorandum) will meet the requirements of the CC&Rs calling for approval by the ACC of the appearance of improvements to the exterior of Townhome Residences within the Rocky Ridge Development. The Association, the Board, the ACC and the RR Property Manager express no opinion as to, and shall not be responsible for, the efficacy of the HVAC Improvements, and in the event changes are required to the HVAC Improvements to improve their air conditioning or heating performance (or to reduce their impacts), those future improvements shall be implemented at no expense to the Association, and any such work will be subject to further architectural review and approval from the Association (and its ACC) to the extent that the improvements further alter the exterior of the building containing the Pertinent Townhome.

2. **Operations.** The Pertinent Townhome Owner further agrees to construct and operate the HVAC Improvements in accordance with the following:

- a. The HVAC Improvements shall be operated at all times in compliance in all material respects with all applicable laws. To the extent that any non-compliance results in the Association suffering damages or expenses, the Pertinent Townhome Owner shall be responsible for bearing the same.
- b. The use and operation of the HVAC Improvements shall not cause objectionable gases, odors, operational noise or vibrations within, or on the exterior deck(s) that are attached to or a part of, any other Townhome Residence. The Pertinent Townhome Owner shall apply reasonable efforts and construction practices to minimize the noise emanating from the HVAC Improvements, and in no event shall the noise produced by the HVAC Improvements (as measured at a point 6 feet from the HVAC equipment) be greater than 56 decibels. The HVAC Improvements also shall include shielding and other protective features reasonably appropriate to assure that the operation of the HVAC Improvements shall not pose a meaningful threat to the safety of individuals who are Owners, occupants or guests of adjacent Townhome Residences, including any children of such neighboring Owners and/or occupants.
- c. If, after installation, the installed HVAC Improvements generate noise, vibrations or smells violative of the above standards, then the Pertinent Townhome Owner (at their own expense) will take such steps as the Association requests to bring the noise/vibration/smells within the required thresholds. If the required thresholds cannot be achieved, then the Pertinent Townhome Owner (at its own expense) will remove the HVAC Improvements, to the extent so requested by the Association, and return the building exteriors to a quality consistent with the existing condition (as determined by the RR Property Manager). Further, if after installation the technology applicable to shielding the visual, noise, smell or vibration impacts of the HVAC Improvements evolves so as to enable impacts which are materially less intrusive to owners of other Townhome Residences within the Development, then the Pertinent Townhome Owner (at their own expense) shall make revisions to the HVAC Improvements, as requested by the Association, so as to cause the HVAC Improvements to be reasonably consistent with the evolving technologies; provided, however, that the Association may not require revisions to the HVAC Improvements pursuant to this sentence if the costs of the revisions are unreasonable relative to the benefits achieved through the requested revisions, as determined by the Association. Any requested changes or alterations in the HVAC Improvements shall be described in writing and in reasonable detail to the then Owners of Pertinent Townhome.

The Pertinent Townhome Owner further agrees that approval by the ACC of the installation of the HVAC system shall not be construed as imposing any responsibility upon the Association or the ACC for damages caused by the HVAC Improvements, it being understood that (subject to Section 9.05 of the Declaration of CC&R's), the Pertinent Townhome Owner shall be responsible for any damages caused by the installation, maintenance or operation of the HVAC Improvements to the same extent as the Pertinent Townhome Owner would be liable for damages arising out of installation, maintenance or operation of equipment located exclusively within the walls of Pertinent Townhome. The Pertinent Townhome Owner has placed its initials below to further confirm that it has reviewed and understands the commitments set forth in this Section 2.

HH + JH *Trustees*
[Initials of Pertinent Townhome Owner]

3. **Findings.** In approving the HVAC Improvements, the ACC, in its discretion (and as contemplated by Section 5.07 of the CC&Rs), has determined and found that the HVAC Improvements:

- a. will conform to the CC&Rs and any pertinent Architectural Review Guidelines that are in effect with respect to the Development;
- b. will be in harmony with the external design of other structures and/or landscaping within the Development;
- c. will not, as a result of their appearance, location or anticipated use, interfere with the reasonable enjoyment of any other Owner of his or her property, or of any other Owner's reasonable enjoyment of the Common Areas and Common Facilities; and
- d. will be consistent with the architectural and aesthetic standards prevailing within the Development and with the overall plan and scheme of development within the Development.

In making these findings, the ACC has assumed that the HVAC Improvements will be constructed and operated as provided herein, and that the Pertinent Townhome Owner will abide by their commitments herein. Approval of the Pertinent Townhome application is not to be viewed as a precedent, although the application package may serve as useful reference indicating the type of issues that the ACC will consider in the context of other applications.

4. **Miscellaneous.** The Pertinent Townhome Owner represents that it is duly authorized to execute, deliver and record this Memorandum. Should any legal proceeding be brought to enforce the terms of this Memorandum, the prevailing party (as determined by the adjudicator for such proceeding) shall be entitled to an award of its costs and attorneys' fees and charges incurred in connection therewith. Should the Pertinent Townhome Owner fail to pay any amounts mandated by this Memorandum as and when requested, the Association may treat such non-payment as a failure to pay a Special Assessment imposed under the Governing Documents. The parties agree that the benefits and burdens of this Memorandum, and the covenants herein of the Pertinent Townhome Owner, are intended to "run with the land" and shall bind and inure to the benefit of any successor in interest to the Pertinent Townhome Owner or the Association in accordance with California Civil Code section 1468. This Memorandum may be signed and then transmitted by facsimile, so long as the parties expeditiously follow up with the delivery of an originally signed and acknowledged document. The Association may cause the Memorandum to be recorded in the Official Records of the County Recorder for Placer County, California. The costs of any such recordation shall be reimbursed by the Pertinent Townhome Owner to the Association upon request from the Association. Promptly after a filed copy of the Memorandum is received from the County Recorder, a copy thereof shall be provided to the Pertinent Townhome Owner.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date first above written.

The Architectural Control Committee of the Rocky Ridge Properties Owners' Association

By: The Board of Directors of the Rocky Ridge Properties Owners' Association

By: _____
 _____, Authorized Agent

Pertinent Townhome Owner:

The Howerton Revocable Trust
 Name (printed):

 Herman H. Howerton, Trustee

 Jane A. Howerton, Trustee

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not to the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared Herman H. Howerton and Jane A. Howerton
who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not to the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Attachment 1: Description of CC&Rs

The CC&Rs consist of the following documents:

The Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Rocky Ridge, recorded in the Official Records of the Placer County (California) Recorder's Office on August 15, 2018 as Document No. 2018-0036916-00.

The above document has been amended by the following document:

The First Amendment of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Rocky Ridge, recorded in the Official Records of the Placer County (California) Recorder's Office on September 9, 2021 as Document No. 2021-0113362-00

Attachment 2: Preliminary Plan

The "Preliminary Plan" consists of the following:

1. The materials submitted by the Pertinent Townhome Owner to William Bauder through an email dated May 21, 2023. The email has a subject line captioned "Air Conditioning Proposal Unit #68". There are 2 attachments to the email, described generally as follows: AC for

7/1 for RR Board" 3

- A drawing depicting generally the proposed location of the proposed improvements; and
- A memorandum dated May 20, 2023 describing, generally, the proposed improvements.

• *Exhibit A - Specifications of AC Unit*

Attachment 3: Specific Requirements

• *Exhibits B and C - ~~Site~~ Representation of AC Unit and Site Plan of AC System, respectively.*

The Pertinent Townhome Owner further agrees as follows:

- a. In constructing and operating the HVAC Improvements, the Pertinent Townhome Owner and/or its contractors shall comply in all material respects with any applicable governmental laws.
- b. The HVAC Improvements, and any enclosure structure, must be constructed and installed solely within the boundaries of the Pertinent Townhome (and any area covered by the deck or the eaves of the roof over the Pertinent Townhome).
- c. External equipment involved in the HVAC Improvements shall consist exclusively of (a) a condenser identified as a Mitsubishi model, (b) a slab and housing for any exterior components, and (c) potentially a disconnect switch which may be mounted to the side of the building. All other wires, tubes, hoses, drains, etc. shall not be materially visible to other units or nearby common areas, except as approved in writing by the RR Property Manager.
- d. The condenser must be rated to produce no greater than 56 dBA of sound at a distance of 6 feet from the condenser. The equipment also shall incorporate vibration minimizing components, to the extent that the same are reasonably capable of being incorporated with this particular unit.
- e. The equipment shall be installed in a manner that includes finishing components that provide an architecturally pleasing consistency and coordination with the existing exterior of the Pertinent Townhome building. The materials and appearance of any such finishing components shall be subject to the approval of the RR Property Manager.

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