

From: Dag Forssell mc@forssell.com

Oct 05, 2023 1:28 AM

Subject: **Ceiling Heat, "Tug-of-War"**

Dear [Name]

As promised in my letter **"CCRs, It always gets better, Christine"**

sent on September 22, available at <http://www.forssell.com/menlo/Governing/Letters/>

Here is a second report, focused on **Ceiling Heat**.

But first... Some thoughts that have occurred to me about our CCRs.

As I voiced before, one part of the CCRs deal with organizational matters, as dictated by California Civil Code and the Stirling-Davis act (unless they are the same thing).

The other part deals with care for our property. The board has a fiduciary duty to operate and maintain Menlo Commons. The CCRs spell out all of that. CCRs also spell out rights and responsibilities of owners and residents.

When CCRs are updated (as at present) that work is done by the board, with an absolute minimum of participation by the membership.

It seems to me that there is a natural tug-of-war between the interests of the board, which strives to keep Menlo Commons in original condition, protecting it from irresponsible owners and the interests of residents, who might like to enhance/upgrade their dwellings.

It seems to me that over the years, the board has gone overboard by restricting improvements of any kind in order to maintain the original build, even when owners can improve their dwellings without any detrimental effect on the buildings or outward appearances in any way. Quite the contrary, some improvements may enhance the buildings. But they are forbidden.

In the normal course of events, the board has all the power in this tug-of-war in large part because the owner/resident team is absent. Owners are not invited to participate in this constitutional convention where rules are imposed, nor do owners pay much attention. Owners are expected to rubber stamp whatever restrictions the board develops over time, even when restrictions are not necessary, excessively detailed, focused on what to do rather than what to achieve, and detrimental to individual owners for no good reason.

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On to **Ceiling heat**.

CCRs, Para 8.5.10 reads:

Ceiling Radiant Heating. The heating system for Units within the Project is by radiant heating panels built into the ceilings of every Unit. It is solely the responsibility of the Association to maintain these panels and repair them when they are inoperable. These panels are in the ceilings of every room except kitchens and bathrooms. Therefore, except for the ceilings in kitchen and bathroom areas a Unit Owner shall not install, attach, or intrude any facility (electrical, lighting, or other) into or onto the ceiling. Any and all costs for labor, materials, or any other service or provision to replace or restore the heating panels as result of any damage caused by a Unit Owner or Unit Owner's agent's failure to comply with this requirement will be borne solely by the Unit Owner.

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This is a blanket prohibition that is convenient for a board to specify. It prohibits the installation of ceiling fans, which would be highly desirable during the summer months.

I think numerous owners would like to see a statement added to this paragraph to the effect that you may attach a fan or other device to the ceiling provided you seek approval from the architectural committee. One that understands technical issues, a committee that can think and understand beyond the most simplistic rule, such as the current one that requires zero understanding of the ceilings in MC units.

It takes some effort to know just where your unit has electric heating panels, but there are areas both in living rooms and bedrooms where the ceiling is normal drywall and you can perfectly well attach a ceiling fan and run power to it in a graceful loop from a hook high on the wall.

We have drawings that show where ceiling panels are supposed to be, but when I compared the drawing for my unit, C204, to what I found, I learned the you must not trust the drawing.

Info about the ceiling panels themselves:

First, we have spares stored in building D, garage level, under water shut off valve (see Info Directory). You can see what they look like and how they have marks that show where to penetrate them with drywall screws.

Second, a detailed brochure is posted at [www.forssell.com/menlo/Governing/CeilingHeat/That is "Planning-Guide-Redone-Pan-Electric.pdf"](http://www.forssell.com/menlo/Governing/CeilingHeat/That%20is%20Planning-Guide-Redone-Pan-Electric.pdf)

You will also find links to discussions about these panels in "Ceiling heat info.txt"

I used tools shown in "CeilingHeatTools.jpg" to determine where there is electric wires in my ceilings, and when I turned them on, where the temperature rises.

With this information, I could determine just where heating panels are located in my unit. See "2D_C204_CeilingPanels.pdf".

You will note that the the builders placed the right number of panels, but more or less where it was convenient for them.

In this drawing, you can see that I can readily secure a ceiling fan to a ceiling beam in the middle of my living room, and in the master bedroom, but not in the second bedroom. Electric power is available at the smoke detector in the middle of my living room.

Any resident should be able to work with our Architectural Committee to determine where a ceiling fan can be installed without in any way jeopardizing the heating panels in the ceiling.

If you agree, ask our board to update this para in the 2023 DRAFT CCRs.

Next a discussion of Decks and Balconies. Stand by.

Best to all, Dag

P.S. The AT&T contract is on the agenda this evening. Much info and discussion is available at www.forssell.com/menlo/Governing/AT&T%20Contract/