

Egress Window FAQs



Figure 1 Egress window next to standard window



Figure 2 Egress window inside view

If you have questions that are not addressed below, please send them to scopac@fairlingtonvillages.com.

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Background

Q1. What is the SCOPAC?

The Special Commission on Potential Architectural Changes (SCOPAC) was chartered by the Fairlington Villages Board of Directors in 2022 to investigate various architectural changes that residents have inquired about over the years, such as installing egress windows, French doors, sky lights, solar panels, and enclosing patios. The SCOPAC consists of resident volunteers who were recruited via newsletter articles and TownSq messages. The SCOPAC charter asked SCOPAC members to investigate possible impacts to the association of allowing individual owners to contract to implement architectural changes. The charter asked the SCOPAC to provide information and recommendations to the Board of Directors to inform a decision on a policy regarding egress windows.

The SCOPAC first met in August 2022, and agreed to begin by focusing on egress windows due to particular interest in installing them. The SCOPAC formed 4 working groups:

1. Window and well appearance
2. Landscape impact
3. Code requirements
4. Costs to the association

The following are questions that arose during the SCOPAC's investigations.

Q2. What is an egress window?

An egress window is large enough to enable a person to exit the unit in case of emergency. The building code contains specifications for an egress window relating to its size, placement, opening and more. The existing apron basement windows are not large enough to meet the code requirements for an egress window.

Q3. Isn't there an egress window on S. Columbus Street?

Yes. There are two egress windows on S. Columbus Street. One window is fully above grade, with no window well, is styled to appear as if it were a regular, double hung window with the standard appearance of other above grade windows, but it is actually a single pane window that cranks open to allow for enhanced egress. Our standard window policy allows for the installation of this type of window for the small number of units (estimated at less than 5% of units) that have an existing, fully above grade window that can accommodate this type of window WITHOUT any modifications such as widening or increasing the size of the existing window in any manner at all.

The second egress window on S. Columbus Street was approved approx. a decade ago as a pilot program to learn more about egress windows based on first-hand experience. That pilot was approved. Based on that experience, future egress windows, if allowed, will be required to meet different standards in terms of function, appearance, drainage, coverings over the window well, how the window opens, and materials used in the window well itself.

Q4. Are there already condo associations in our area that allow egress windows?

Yes. Several units in South Fairlington have an egress window. The Window and Well Appearance working group visited well over a dozen windows. We have spoken to several owners who have egress windows and have information and photographs that we can share.

Policy / Authorization

Q5. Will our by-laws have to be changed to allow egress windows?

No. Our governing documents explicitly give Board of Directors the authority to grant appropriate easements. The by-laws state and describe the requirements for consideration and approval of external changes, including structural changes, and after review by our legal counsel, we were provided with very strong assurances and a sound legal basis of when, why and how egress windows including expanded window wells may be approved on a case-by-case basis by the Board or Directors or a committee with authority as delegated by the Board. We will be happy to share the written opinion with unit owners and discuss this question.

Q6. What is the difference between the legal arguments we received in 2020 and the legal argument we are relying on now to allow egress windows?

Two of the three legal opinions in 2020 stated that the Association's governing documents do not allow the Association to convert general common elements into limited common elements, and therefore, pursuant to the Virginia condominium act, extended window wells could not be approved by the Association. The third legal opinion rejected the premise of the question posed, and instead argued that there were provisions in the VA condo act that could provide this authority to the Association.

At that point, the Board couldn't just ignore the two unfavorable opinions, and move forward on the grounds that "an argument could be made" from the 3rd opinion.

Without going into great detail, the current legal opinion states that the Association has the right to grant easements under certain circumstances. Our counsel reviewed the arguments supporting granting easements to allow for new or expanded window wells for egress windows and declared the arguments strong and sound, and unlikely to be overruled.

Q7. Will input from Neighbors be requested before deciding to allow egress windows?

We are seeking community-wide input now through this process. If the Board adopts a policy in support of egress windows, all applications would be evaluated by a committee and brought before the Board of Directors for review and consideration for approval. Input from neighbors would not be solicited. Each application requesting approval for an egress window would be evaluated on a case-by-case basis consistent with the policy guidance and either approved or rejected by the Board of Directors based on such guidance and sound discretion of the circumstances in each individual case.

Q8. Can an egress window be approved under the current variance request?

No. The Board will not approve any requests for egress windows unless and until policy guidance has been reviewed and approved by the Board.

Q9. Would we need to develop a policy defining requirements for egress windows and wells if we decide to go ahead with this?

Yes. SCOPAC recommends the creation and adoption of an advisory policy. However, in accordance with our governing documents, every egress window would need to be evaluated on a case-by-case basis and be reviewed and approved in advance by the Architectural Control Committee and the Board or Directors.

Q10. Who will draft the egress rules/ policy if the Board approves allowing these windows?

Members of the SCOPAC would make policy recommendations, and volunteers from the SCOPAC would work under supervision of the members of the Board to draft a policy for review by management, our insurance agent, legal counsel, and professional engineers. Once the policy is vetted and revised, it could be presented to the board for consideration and possible adoption. Even when a policy is adopted, each egress window will require advance approval on a case-by-case basis through the variance process. A policy would provide guidance to all parties involved on the requirements and items to consider when reviewing any such variance request.

Q11. Will I need a building permit to install an egress window?

Yes. Part of the Fairlington Villages variance process will include a building permit from Arlington County or City of Alexandria, depending on where your unit is located. The variance request will require drawings, plans and specifications, a design certified and stamped by a licensed professional engineer who specializes in structural issues, and a building permit. The

variance package will be reviewed by the Architectural Control Committee and receive approval from the Board of Directors before beginning work.

Q12. Will input from Neighbors be requested to approve an egress window?

No. If a policy is adopted, it will be applied uniformly to each unit owner who requests approval for an egress window. The process will not solicit input from neighbors, because the approval criteria will not be determined by the opinion of a person's neighbors.

Q13. Will owners in apartment buildings be eligible to put in an egress window?

Any owner who meets policy guidelines will be eligible to apply for an egress window if they have sub-grade living space. Each application will require approval in the form of a building permit issued by Arlington County or the City of Alexandria, detailed plans, engineering work and specifications and a review and advance approval by the Architectural Control Committee and the Board of Directors, or a committee with authority delegated by the Board.

Q14. What if I want to add a new, additional window in my basement, will adding windows be allowed?

The policy recommendation of the SCOPAC is to restrict egress windows to expanding the size of existing windows downward so that the existing lintel will continue to bear the load. (A lintel is a horizontal architectural structure placed above an opening to bear the load above the opening.) This recommendation is from 10 out of 11 responses to a survey of SCOPAC membership. Creating a new window is a larger endeavor than extending an existing window further downward. To the best of our knowledge, communities on the south side also do not allow the creation of additional basement windows. We believe that one was approved, but the association decided not to approve any additional ones – again, to the best of our knowledge.

Q15. Will the Association specify a limit on the number of egress window variance requests being approved on a monthly or annual basis?

This has not been decided. We may want to limit the pace of installation initially so that we can review the results and modify the policy, if necessary, based on lessons learned. However, once the community is comfortable with the policy and process, rate limits will be reconsidered and possibly removed.

Q16. Will there be a limit on how many egress windows can be installed in a given unit?

We do not yet know. We may limit each unit to 1 egress window, at least initially. Because egress windows are a new experience for Fairlington Villages, a more restrained approach may

be wise until we gain more first-hand experience with egress windows and the process, after which we may revisit the decisions if warranted, and adapt based on our experience and what we learn.

Q17. Will egress windows be allowed in 3rd floor loft roofs?

No. The SCOPAC has been asked to evaluate the feasibility of allowing skylights and provide analysis and recommendations. If the review is favorable for skylights, then it is likely that skylights that open would be available as a choice. However, skylights should not be considered as egress windows – in our opinion – because most of our roofs are slate with a steep slope. The limited number of units with flat roofs would need to be considered separately and using different criteria.

Q18. When can I submit a variance request for an egress window? I.e., what is the timeline for a policy to be written and approved?

That is to be determined. We will consult with management and the Board's leadership to provide an estimated timeline to complete this process.

Implementation Details

Q19. Will these windows be structurally compatible with our buildings?

Yes. If it is decided to move ahead with allowing egress windows, the Association will provide guidance and create a policy to ensure that all work is structurally sound.

Q20. Would installation of egress windows threaten our historic community status?

No. Our historic designation does not have strict requirements regarding external features, and the installation of egress windows will have no effect on our historic status.

Q21. Is the commission going to recommend a specific window well shape?

Yes. The shape will likely be a half-circle or half oval. Galvanized metal will probably be the preferred material, but the Association is open to considering other options such as pre-formed fiberglass in some instances. Wood retaining walls will not be allowed, and concrete formations will not be required. Window wells will need to be covered by a metal grate and clear plastic cover to minimize the collection of water inside the well.

Q22. Are there recommendations for window type?

Yes. Windows cannot be wider than the existing opening. Windows must open to allow egress and have proper clearance. A crank open window will be acceptable. If the opening is large enough to meet code, a double-hung window with a sliding sash would also be allowed. All windows are likely to require decorative mullions or trim to provide the appearance of window panes or window lights that match the standard above grade window look and feel of 6 over 6 panes, consisting of 3 horizontal and 2 vertical on each of two panes. A single window with the appearance of 3 horizontal by 4 vertical will be allowed. The dividers must be white and meet other specifications. Multiple manufacturers, including Anderson and Pella, offer these features as a custom option that can be added to a window order.

Q23. Will there be an inspection after an egress window is installed?

The commission will recommend that all egress windows should be inspected at the unit owner's expense by the professional engineering firm Facilities Engineering Associates (FEA). The inspection is to protect both the association and the unit owner by having an independent review of the installation and quality of workmanship, with the goal of promptly identifying any deficiencies so that they can be promptly corrected prior to any adverse events or damage occurring. At some point, if the association believes that the inspection is no longer warranted, the policy can be amended to remove this post-installation inspection. Initially, however, the commission believes that this would be a good practice and help reassure the Association and the unit owner of the quality of the installation.

Q24. If I put in an egress window, will I automatically have a legal bedroom?

No. The issue of a "legal" bedroom, i.e., a room that can legally be listed as a bedroom in a real estate listing, can be very complex and is an issue that the unit owner will have to address with Arlington County or the City of Alexandria. We urge caution and some advance research if your goal is to install an egress window in order to create an additional "legal" bedroom.

Landscaping Impacts

Q25. Landscaping will likely have to be removed to install the window well. Who will pay to restore shrubs and other greenery that might be removed?

Unit owners will be required to bear all costs related to the approval and installation of an egress window. These costs include restoration of landscaping. The Board will consider a proposal to collect a flat fee to put into a landscaping fund to provide for a predictable and consistent landscaping fee for all unit owners who install an egress window. If adopted, once

the fee is paid, the Association would use those funds to cover all landscaping costs for every egress window. Some locations might require little to no landscaping while others may require extensive landscaping. The Association would determine a flat fee in advance, and then administer the fund and design and use the funds to pay for landscape restoration once the project is completed.

For landscaping issues, our recommendation will be that the unit owner will need to contract to have existing landscaping removed as required for an egress window. The Association would plan the replacement landscaping and use the association's contractor for replacements. The process for deciding what will be replanted is yet to be determined and will require consultation with the grounds committee.

Q26. Will other residents of multi-unit buildings be consulted on how the relandscaping is implemented?

We do not yet know, but we are open to listening to ideas for possible inclusion in a proposed egress window policy.

Q27. Will the Association replace the landscaping with similar plantings?

Replanting will be conducted by the Association. We have not yet determined the process to decide what is planted. Native plants will be preferred for replanting. Plants that are considered invasive and harmful, such as Liriope will need to be replaced with a non-invasive alternative.

Q28. What happens if there is a tree near the location where a window is desired?

Installations that are likely to impact a nearby tree will need to be examined on a case-by-case basis. The commission will recommend certain guiding principles to use as a basis for determining such issues. In some situations, the Association may need to hire an arborist at the unit owner's expense. The Association would rely on an arborist of their choice to provide advice about the impact to any nearby trees and the options that are available.

Costs to Owner and Association

Q29. What would be the cost of installing an egress window?

We are *estimating* that the cost would be between \$6500 and \$8,000. This is subject to change based on market conditions and the specifics of your installation.

Q30. Will the association have to raise condo fees to cover any cost associated with this?

No. We will not allow the association to shoulder these types of expenses. There will be no

impact to condo fees because of egress windows. As a general principle, unit owners will be required to pay all costs related to an egress window, certify that they and their contractors are adequately insured and have named the Association as a covered beneficiary on their policies. Per recommendations from our legal counsel and our insurance broker and insurance carrier, unit owners will likely be required to execute a covenant that provides for an assumption of risk and indemnification to the association. Such a covenant would be recorded in the land records – at the unit owners’ expense – to provide constructive notice to the world of this agreement and ensure that the covenant runs with the unit binding all current and future owners to the agreement.

Q31. My condo is on an upper floor. Will I be paying for the costs associated with these?

No. Unit owners who request an egress window will bear all costs. The Association has spent a very modest sum for some up-front due diligence, as is required for the oversight and maintenance of a community of this size. We estimate that the total up-front cost to the association will be less than \$1.45 per month for each unit owner for a one-time period of only 12 months. Other than some very minimal up-front costs, there will be no incremental hard costs to the Association. Soft costs such as oversight and administration will be completed by volunteers or our existing management and office staff. All hard costs will be borne by the unit owners who request an egress window.

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