

Egress Window FAQ

Version #2 updated August 31, 2023



Figure 1 Egress window next to standard window



Figure 2 Egress window inside view

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Updated Information

This version #2 of the FAQ has been updated to contain new questions, revised responses to existing questions, and a reference to recent information received from our legal counsel.

If you have questions that are not addressed below, please send them to scopac@fairlingtonvillages.com or speak to us in person.

Update #1. What's New?

This Version #2 of the FAQ has been updated to address questions received by the SCOPAC, and to revise or clarify earlier responses as needed. Q5 and Q6, which deal with legal questions and opinions about egress windows, have been rewritten to reflect current and updated information. Q7 and Q8 contain new information and clarification about providing input to the egress window process. Q13 has been rewritten to reflect recent changes to and uncertainty in the county permitting process.

Update #2. What is the status of egress windows in Fairlington Villages?

SCOPAC has been tasked with creating and presenting a draft policy for review by the Board.

Update #3. Is the Board going to pass a policy that allows egress windows in Fairlington Villages?

Ratification of any proposed policy would require approval by a majority vote of the Board. At the time of this writing, no policy has been approved. Accordingly, unless and until a policy is adopted by the Board of Directors, every answer in this FAQ should be assumed to contain a disclaimer such as "If the installation of egress windows were to be allowed, ".

The remainder of this document contains the same questions from Version 1 of the FAQ, however many of the answers have been updated, clarified, or rewritten for clarity, to reflect updated information and to reflect changes since Version 1 of the FAQ was created.

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 in 2015 as a pilot program to learn more about egress windows based on first-hand experience. That pilot was approved and, based on lessons learned, future egress windows, if allowed, would be required to meet different standards in terms of function, appearance, drainage, coverings over the window well, how the window opens, and the size, shape and materials used in the window well itself.

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

Yes. We believe that approximately two to three dozen egress windows have been installed in South Fairlington. 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. In 2020 we received legal opinions on egress windows and shared them with the community. In 2022 the SCOPAC posed additional questions to counsel and received a written response and information in 2023 that was shared with the community at the egress window town hall held in June 2023. The Board asked counsel to review follow up questions and concerns raised by residents and owners, and received a written response dated Aug 24, 2023, which is available to unit owners in TownSquare and from the management office by request.

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

Updated information and an explanation received from our legal counsel on August 24, 2023, is available to unit owners in TownSquare and from the management office by request.

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

Yes. The SCOPAC and the Board of Directors both would like input from the community to help determine whether egress windows should be allowed, and to provide input and opinions on the many considerations and decisions affecting the creation and possible adoption of an egress window policy. Regular public SCOPAC meetings have been announced and held since August 2022. Information and updates on our progress were shared on TownSquare, the Fairlington Villages website, social media and at a public egress window town hall in June 2023. Please share any additional input, suggestions, or feedback on the topic with SCOPAC via email or in person.

Q8. Will input from neighbors be requested to approve an egress window?

No. If a policy is adopted, it must be applied uniformly, equally, and fairly when requests are reviewed. Any approval process **would** consider factual, objective information received from owners and residents alike, including neighbors, but the association must ensure that decisions are based on a fair and lawful treatment of groups of residents as required by law. We are all neighbors within Fairlington Villages and if a community-wide policy were adopted, decisions must be determined by an even-handed review of factors and criteria applied equally to all members of our community. Accordingly, while decisions would require consideration of a wide range of relevant information, the association would not proactively contact an applicant's neighbors to solicit input, because a lawful process cannot base approvals and denials on whether neighbors support or oppose a request, nor can it be subject to a neighbor's veto.

Q9. Can an egress window be approved under the current variance request?

The Board will not approve any requests for egress windows unless and until policy guidance has been reviewed and approved by the Board.

Q10. Would we need to develop a policy defining requirements for egress windows and wells if we decide to go ahead with this?

Yes. SCOPAC is developing a draft of an egress window advisory policy for review and consideration by the Board of Directors. However, even if a policy is passed, our governing documents require that every egress window would still need to be reviewed and evaluated on a case-by-case basis.

Q11. Who will draft the egress rules/ policy if the Board approves allowing these windows?

At the August meeting the Board of Directors tasked SCOPAC with creating a draft policy for review at the October Board meeting scheduled at 7 PM on October 4, 2023. The draft policy will incorporate advice and recommendations that SCOPAC has received from management, our insurance agent, legal counsel, and professional engineers. An egress window policy, if adopted through a majority vote of the Board, would provide guidance to all parties on the requirements and items to consider when reviewing egress window variance requests. However, each egress window variance request would still require approval in advance on a case-by-case review through the variance process.

Q12. Will I need a building permit to install an egress window?

Yes. The Fairlington Villages variance process requires a building permit from Arlington County or the City of Alexandria for this type of work. The variance application also requires drawings, plans and specifications, a design certified and stamped by a licensed professional engineer

who specializes in structural issues. Variance requests are reviewed by the Architectural Control Committee and require approval from the Board of Directors before beginning work.

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

From the Association's perspective, any owner who meets policy guidelines would be eligible to apply for an egress window if they have existing sub-grade living space and would like an egress window.

However, as discussed in a recent article in the All Fairlington Bulletin published by the Fairlington Citizens Association, Arlington County's permitting process has recently changed, and it is unclear what criteria Arlington County, or the City of Alexandria will apply now or in the future when reviewing permit requests for egress windows and other projects.

A member of Arlington's permit office recently shared their opinion that approval of egress window permits will require working fire sprinklers in multi-unit buildings, which is a major hurdle. However, we do not know if this is a consensus view, how evenly it will be enforced, if at all, or whether this view is final. Hopefully county and city residents will be heard by the local municipalities regarding zoning and permitting issues, but it is important to note that the Board and the Association do not determine county and city policy.

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

This issue will be considered by the Board if or when the Board considers an egress window policy. Based on a survey of SCOPAC members, 10 out of 11 respondents suggest that egress windows should be limited to expanding existing windows downward only.

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. If a policy were approved, the association might choose 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 became comfortable with a policy and process, any type of rate-limits would most likely be removed.

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

We do not know. The Association may limit each unit to one egress window, at least initially. Because egress windows are a new experience for Fairlington Villages, a more restrained approach may be wise until both the association and the community gain more first-hand experience with egress windows and the process, after which we could revisit earlier decisions if warranted, and adopt or modify an egress window policy based on our experience and lessons learned.

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 to provide an analysis and recommendations. If the review is favorable for skylights, then it is possible that the Board could adopt a skylight policy, and that policy might allow skylights that open as an available choice. However, skylights should not be considered egress windows – in our opinion – because so many of our roofs are very steep and have slate shingles, making egress unsafe. 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. Assuming an egress window policy were adopted, we would consult with management and the Board’s leadership to create and share a timeline and other relevant information.

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 requiring 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 we believe that the standards and requirements currently under consideration by the SCOPAC, if approved, would 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 would likely be open to considering other options such as pre-formed fiberglass in some instances. Wood retaining walls would not be allowed, and concrete formations would not be required. Window wells would need to be covered by a metal grate and clear plastic cover to minimize the collection of water inside the well. Per code, window wells would also require drainage such as a French drain topped off with gravel.

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 would 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 windowpanes or window lights to match the aesthetics of our Federalist-style architecture. Windows would be required to match the look and feel of our standard above grade window with the appearance 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 would also be allowed. The dividers must be white and meet other specifications. Multiple manufacturers, including Anderson and Pella – which are two of the largest nationwide window manufacturers and are both more than 100 years old – can provide these features as a custom option on a window order.

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

This is still to be determined. The commission is considering recommending a post installation inspection to be conducted by the Association’s professional engineers at the unit owner’s expense. The purpose of the inspection would be to verify the quality of materials and workmanship and to verify proper installation to identify and to promptly correct any issues or deficiencies that may exist.

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 their real estate agent and Arlington County or the City of Alexandria. We urge caution and your own investigation if your goal is to create a “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 would be required to bear all costs related to the approval and installation of their egress window. These costs would include restoration of landscaping.

SCOPAC is considering proposing that owners who install an egress window be charged a one-time flat fee to cover the costs of landscape renewal. The fees would be put into a landscaping fund that is managed and administered by the association. The association would be responsible for planning and completing landscape restoration using money in

the landscaping fund to pay all landscaping restoration costs related egress windows. The policy would allow for consistency and fairness because some locations may require little to no landscaping, while others might require extensive landscaping. However, every owner who installs an egress window would pay the same flat fee – as adjusted over time to account for inflation.

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 would be conducted by the Association at the unit owner's expense. If egress windows were allowed, the Board would ask the grounds committee to address landscape replacement issues.

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 would 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 Owners and the 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. Allowing installation of egress windows will not raise condo fees. As a general principle, any unit owner who requests an egress window will be required to pay all costs related to the installation and maintenance, if any, of their egress window.

Per recommendations from our legal counsel and our insurance broker and insurance carrier, unit owners will likely be required to execute a maintenance covenant providing an assumption of risk and costs to remediate damages attributable to the installation of their egress window. SCOPAC plans to recommend recording the signed maintenance covenant in the land records – at the unit owner’s expense –with the intention of binding current and all 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 requesting an egress window will bear all costs related to the installation and maintenance of their egress window. The association has spent a modest sum for some up-front due diligence, as is required for the oversight and operation 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 these minimal up-front costs, we project that there will be no incremental hard costs to the Association. Soft costs such as oversight and administration of an egress window policy would most likely be completed by volunteers or our existing management and office staff. The SCOPAC is resolute that if a policy is passed, all hard costs related to the installation and maintenance of an egress window would be borne by the owner of the unit that receives the egress window, and this would include both current and future owners of these units.