



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

Lauren Sanchez-I am sending this email on behalf of myself and my husband. We have lived in Fairlington as renters and owners since 2009. The conversation regarding egress windows has been taking place since long before then. This is purely a safety issue. The windows in the basement are too small for a firefighter to enter in their equipment. Our neighbor is a Fairfax County firefighter. He cannot get in the windows as they are in his equipment. Our dryer is in the basement. Our range is in the kitchen, next to the basement stairs. The two most likely causes of a fire in our house pose the greatest risk to our basement. If someone is in the basement during a fire, they are likely to be trapped. We do not intend to have anyone sleep in our basement, but it is a significant portion of our home. We play games, work, exercise, clean, and shower in the basement. To allow us to place egress windows in our basement improves our safety. Adding egress windows does not have a downside. No one must add them if they do not want them. They add value to our properties. Please listen to the voices of reason that are fighting for increased safety of our families by allowing us to add egress windows to our homes. Thank you for your time on this proposal.

Jennifer Clardy Chalmers-I want to express my support for egress windows. It simply makes sense to allow something that is a basic safety measure and acknowledges the current reality of life here. Families living here need it and it can only enhance the attractiveness/ value. Without it, other areas of Fairlington are higher on people's list or Fairlington will be passed over completely.

Jeffrey Haich-I have the following comments to the proposed Egress Window Policy: 1. The limit of 1 egress window per unit is overly cumbersome and arbitrary. The policy should be revised to allow for exceptions being easier to obtain than the current vaguely worded statement. Due to the location of the basement stairs and the fenced-in backyard locations of egress windows being in extremely close proximity to each other could cause both exits to be unable to be utilized. In the event of a fire in the kitchen of many units, the resulting flames could prevent proper egress through the backyard window and through the stairs since they share the same



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

wall. The restriction on each unit should be more accommodating toward the placement of egress windows at opposite ends of the basement of each unit to allow for greater survivability of the occupants that may be trapped below ground. Further, the policy as written simply is not realistic with the current day usage of a large portion of below-ground bonus rooms which are commonly used as de facto additional bedrooms. A review of the majority of condo listings in Fairlington plainly establishes that the below grade bonus rooms are almost always staged as bedrooms. As a result, setting the limit on egress window per unit to only one does not acknowledge the common modern-day usage of the below grade living area in the majority of Fairlington condos. 2. Limiting the egress window number to only one may also unnecessarily open the condo association to additional costs, maintenance, and possible legal costs in its current proposed form. If the sole egress window were to become blocked due to various reasons such as overgrown landscaping (roots, shrubs, or other reasons), it would be unclear who would be legally liable for any claims in the event of loss of life or limb since the association is technically responsible for maintenance of landscaping. While condo unit owners should conduct periodic tests of their evacuation routes, the real-world percentage of owners that conduct these inspections is likely low. As a result, again as mentioned above, the limit of one egress window per unit is overly cumbersome and arbitrary as currently written. 3. I suggest that the exception for an additional egress window exception be more clearly written allowing the exception to be more easily granted in certain circumstances. Requiring one of the additional egress windows to be located within the fenced backyard area of each unit would allow the increased safety of each unit while also preserving the historical appearance of the villages as a whole.



Karen Wozniak-

Hello SCOPAC members,

Thank you very much for your work on SCOPAC and for the opportunity to review and comment on the proposed DRAFT policy that would allow for the installation of egress windows in lower-level units ("Policy") and Facility Engineering Associates' May 19, 2023 Report of Engineering Consulting Services regarding egress windows ("FEA Engineering Report").

Given the risks and equities involved, I think that adoption of the Policy would be unjustified, and I am opposed to it.

It's my understanding that the main impetus for allowing the installation of egress windows in Fairlington Villages is to address a fire safety issue. Considering fire safety alone, the installation of an egress window is a recommendable measure. However, there are many considerations that need to be taken into account in deciding whether to allow the installation of egress windows in our community. We should acknowledge and take into account that the fire safety issue has been created by people's choice to use (or interest in using) the basement level for a purpose for which it was not built or intended, a bedroom. We should consider the wisdom of addressing this self-created fire safety issue with the installation of egress windows which creates a risk of structural damage, water damage, mold, etc. Would we just be trading one risk for another? There are other solutions to the fire safety issue that do not create risks to the buildings and, consequently, to the other unit owners and residents in buildings where egress windows are installed. We should consider the fairness of causing other unit owners in a building to bear the risks to the building they live in -- to their homes -- created by the installation of an egress window to address a fire safety issue created by another unit owner's choice. We should look at the reversibility of the risks involved. The fire safety issue created by the use of the basement



level as a bedroom is reversible. The risks created by the installation of an egress window may not be. And they should not be dismissed lightly.

The installation of an egress window creates a risk of structural damage, water damage, mold, and mildew. The installation of a single egress window can, in fact, result in the complete failure of a building's foundation. However, even more minor structural damage to a building in Fairlington Villages could create serious problems for the Association and for unit owners and residents in a building where an egress window is installed.

The FEA Engineering Report does not provide assurance that the installation of egress windows would be safe. Based on a limited visual inspection during one site visit, and without the benefit of architectural and structural design drawings, the report concludes that: (1) "[b]ased on observations, it appeared feasible that existing sliding windows could be removed, exterior wall openings increased in height, and a single-hinged, swing type window installed with a larger window well"; (2) "[i]nstallation of egress windows where none already exist may also be achievable"; but (3) "this may not be possible at all buildings, as building-specific conditions may prevent accomplishing the work in accordance with the codes." The mere appearance of feasibility does not warrant moving forward with a policy allowing the installation of egress windows by enlarging existing windows. Likewise, the mere possibility that installation of egress windows where no windows already exist may be achievable in some buildings does not warrant moving forward with a policy allowing the installation of egress windows where no windows already exist. Without a determination of actual feasibility and ability, moving forward with a policy allowing the installation of egress windows is not justified.

The FEA Engineering Report states that "[d]rainage provisions do not appear feasible given the lack of existing below-grade provision to tie into and the relatively flat terrain in many areas." This is very concerning because



water issues are one of the most common problems with egress windows and proper drainage is of critical importance.

Here are a few of the many things which companies that install egress windows have said about the importance of drainage for window wells:

“[i]f you don’t have a drainage system for your window well, then you are leaving your window and surrounding foundation walls exposed to prolonged wetness, which can lead to mold, warp, and rot”; “[t]he lack of a window well drain in the design plan is one major red flag to look out for”; and “[i]f your window well does not have a drain system, this is the first and foremost issue you need to address.” An article on [angi.com](https://www.angi.com) (formerly Angie’s List) on window well drainage problems explains that “the window well typically contains loose gravel to allow for drainage” and that “[t]he window well should also have a proper drainage system that includes exterior or interior drains.” <https://www.angi.com/articles/window-well-drainage.htm> (last visited 02/026/2024).

I don’t know whether the statement in the FEA Engineering Report that “[d]rainage provisions do not appear feasible” pertains to both exterior and interior drains or just exterior drains.

If it only pertains to exterior drains, a policy allowing for the installation of egress windows should require an interior drain. Given the apparent infeasibility of drainage provisions, the FEA Engineering Report concludes that “window wells should be covered with a heavy duty, clear plastic cover to shed water away from the building and minimize water entry into the window well.” And the Policy requires a heavy-duty transparent plastic cover. I think that a window well cover is an important requirement, but I have also read that a window well cover is not an adequate substitute for a drainage system.



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

Water issues caused by the installation of egress windows, improperly fastened window wells, or the lack of proper water drainage can cause structural damage, mold, and mildew. And mold can cause further structural damage.

The FEA Engineering Report states that “Fairlington Villages reported that water infiltration into the unit [at 3004 S. Columbus Street where an egress window was installed] has been an issue at times.”

According to a resident of 3004 S. Columbus, water infiltration has caused ongoing and escalating problems at the building, including mold and damage to the foundation. When water which seeps into the cracks in the foundation freezes and expands, it enlarges those cracks. An in-depth review by the engineers of the egress window installation at 3004 S. Columbus, and the problems experienced since its installation, should be undertaken before a decision whether to allow the installation of egress windows is made and before the installation of any further egress windows. Were the problems with the building itself, the building location, the egress window design, the egress window installation, the window well design, the window well construction, drainage, maintenance, other things, a combination of these things? This very important information to deciding whether to allow the installation of egress windows and, if so, to creating an installation policy.

The FEA Engineering Report states “Concrete and masonry walls should be sawcut along the perimeter of the area to be removed to maintain wall integrity. If reinforcing steel is impacted in walls, a structural engineer should be consulted.” Does this mean that we do not know whether reinforcing steel is impacted in the walls, and we won’t discover whether it is until the wall is cut? If so, that is very concerning.

The FEA Engineering Report is dated May 19, 2023, but it is my understanding from the January 3rd Board meeting that SCOPAC members were not aware of the report until the fall. That is troubling. Is that correct? If it is, why wasn’t the report provided to SCOPAC in May?



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

It looks like a lot of time and thought went into drafting a policy.

Thank you, SCOPAC! However, given the risks created by the installation of egress windows which would be borne by all the unit owners and residents in a building, not just the unit owner installing the egress, the lack of protection for those other unit owners and residents, and unresolved issues, I am opposed to the Policy. The Egress Window Installation and Maintenance Covenant Agreement appears to be a recognition of the significant risks created by allowing the installation of egress windows, but it provides no protection for the other unit owners in a building where a unit owner installs an egress window. And it is questionable how much protection it provides to the Association. The agreement does not require any proof or guarantee (by way of requiring certain insurance coverage or other measures) that a unit owner installing an egress window will have the ability to meet the financial obligations in paragraph 2(f) of the agreement. In addition, neither the agreement nor the Policy address enforcement of the agreement.

The provisions in Section III(F) regarding “impediments that are not irreversible or incontrovertible” raise a number of questions and uncertainties for other unit owners and residents in a building where a unit owner installs an egress window.

Despite the FEA Engineering Report’s limited conclusions that various egress window installations appeared feasible or may be achievable in some buildings, the January 9th and January 22nd TownSq announcements notifying the community of the opportunity to review and comment on the Policy and FEA Engineering Report characterized the report as “confirming that the Association’s buildings are capable of being altered for purposes of installing egress windows without jeopardizing those building’s structures.” The report provides no such confirmation. A similarly inaccurate statement regarding the engineers’ determination was made at the January 3rd Board meeting. I am very troubled by the repeated inaccuracies regarding the report’s conclusions. The January 23rd TownSq announcement regarding the Policy and the FEA Engineering Report finally accurately characterized the report as “concluding that the Association’s buildings may (depending upon building type,



size, location) be capable of being altered for the purposes of installing egress windows without jeopardizing those building's structures." I am, however, concerned that the inaccurate descriptions of the report in the two prior TownSq announcements may have interfered with the community review and comment process. People relying on the purported confirmation described in the first, or the first two, TownSq announcements, may have decided not to comment or to comment favorably on the Policy. And people who had decided whether or how they would comment based on the first, or first two, announcements may not have read the third, which was not flagged or labeled as containing a correction to prior announcements.

Unfortunately, the inaccurate description of the FEA Engineering Report's conclusion, was not the only misinformation in the January 9th and January 22nd TownSq announcements. The announcements also stated incorrectly that at its January 3rd meeting, the Board "accepted a DRAFT policy that would allow for the installation of egress windows in the lower levels of units from the Special Commission On Potential Architectural Changes (SCOPAC)." The Board did not accept the DRAFT policy from SCOPAC. The DRAFT policy SCOPAC presented to the Board intentionally only allowed the installation of egress windows by enlargement of an existing window. The DRAFT policy accepted by the Board also allows installation of egress windows where no window is present. This is a significant, and to some an alarming, expansion of the DRAFT policy the Board received from SCOPAC. The January 23rd TownSq announcement explained this critical distinction between the DRAFT policy SCOPAC presented to the Board and the DRAFT policy accepted by the Board. However, as with the misstatements about the FEA Engineering report, I am concerned that the inaccurate statements in the first two TownSq announcements about what the Board accepted may have interfered with the community review and comment process. Based on the first, or first two, TownSq announcements, people familiar with SCOPAC's DRAFT policy or SCOPAC's intention not to include the installation of egress where no window is present in the policy may have believed that the Policy did not permit installation of egress where no window is present and may have decided not to comment or to comment favorably on the Policy based on that belief and, having



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

already decided whether and how they would comment, may not have read the third announcement. There are people who are okay with the enlargement of an existing window to install an egress window but are concerned with or opposed to the installation of egress windows where no window is present.

Whether the Association has the legal authority needed to approve the installation of egress windows is still a debatable question. While there is a legal opinion concluding that the Association does have that authority, there is also a legal opinion concluding that it does not (Peter K. Stackhouse's January 13, 2019 legal opinion). And another legal opinion only concluded that "[a] compelling argument could be made" that the Association has the requisite authority (Lucia Anna Trigiani's April 3, 2020 opinion).

Thank you for your consideration of my comments.

Stefan Shirley- I am writing to express my support for allowing condo owners to install lower-level bedroom egress windows. I believe that this is a beneficial and necessary improvement for our wonderful community. Egress windows are not only required by the International Residential Code (IRC) and local building codes for any finished basement that is used as a living space, but they also provide many advantages for the safety, comfort, and value of our homes. Some benefits include:

- Safety: Egress windows provide a safe escape route for the occupants of the basement in case of a fire or other emergency, as well as an access point for emergency personnel. According to the U.S. Fire Administration, "4,000 Americans die each year in fires, and over 20,000 are injured," many of which could be avoided with proper escape plans and routes.
- Value: Egress windows increase property values by adding legal bedrooms and living areas to the basement, which can be included in the calculations of overall square footage. According to Popular Mechanics magazine, "with an extra-legal bedroom [in the basement], you could recover 10 to 20 times your window installation cost when you eventually sell your home".
- Comfort: Egress windows enhance the comfort and quality of life of the basement dwellers by bringing in more natural light and ventilation to the otherwise dark and stuffy space. Egress



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

windows are a worthwhile investment that can improve the safety, value, and comfort of our condos. I hope that you will consider the positive impact of egress windows on our community and vote in favor of allowing condo owners to install them. Thank you for your time and attention.

Sharon Bisdee- I find it interesting that after 40 years safety has become an issue since as far as I know there have been no safety problems with or without downstairs windows. I'm OK with the Egress windows, but I have a problem with expanding the policy as I fear the main reason is for property value purposes, e.g., advertising two bedrooms versus one, like my Hermitage - which was my original issue with egress windows. I consider the policy issue of windows to be a major one. I hope the Board will carefully consider or reconsider approving the knocking out walls to put in windows where there have been none. As I stated to Donna, I am concerned that knocking out walls everywhere will change our historic Fairlington look.

Stacey Standridge-We are unit owners, and we wanted to provide feedback on the draft egress window policy. Thank you for providing this opportunity. Overall, we are extremely pleased to see the policy being considered so carefully, and we appreciate the long-term efforts to make sure that this policy is appropriate from a legal standpoint. We support the draft policy, and we hope that it will be adopted. Our only request/recommendation is that it would be helpful if the condo association could provide upon request a list of contractors who have successfully navigated the process in the past. The process involves a lot of details, and we believe that many unit owners like ourselves would like to utilize an experienced contractor to help the process go as smoothly as possible.

Kathleen Wynne-Good afternoon! I have reviewed both the updated Draft Policy v.5f as well as the FEA Opinion dated May 19, 2023. (It is our understanding that members of SCOPAC did not know that such a report even existed until sometime in late 2023, after they had already been investigating the installation of egress windows



for many months, which itself raises concerns as to any conclusions that may have been drawn). Highlights of my questions and concerns are outlined below; I incorporate by reference as though fully stated herein my prior emails to the Board and SCOPAC on this issue as well as all comments and questions raised at Board meetings and the June 2023 Town Hall.

One of the first things that the FEA Opinion states is a disclaimer that it did its analysis without the benefit of any architectural or structural design drawings. This is hardly the 100%, unequivocal "Yes, egress windows can be done" impression that was given by the Board at their meeting in early January. The Opinion merely says that egress windows "appeared feasible" and that installing entirely new windows "may" be achievable. (It is noted that SCOPAC did NOT recommend that entirely new openings be allowed; this is understood to be a last-minute addition to the draft Policy at the urging of one or more Board members who were not part of the Committee and which was done in direct opposition to the Committee's and its Board liaison's recommendations.) This is not at all comforting or convincing. This FEA Opinion which the Board has purported to offer as definitive proof that the buildings can structurally withstand the installation of egress windows admits from the start it had no technical information to review in reaching its lukewarm conclusions.

As there is an insufficient basis for the conclusions reached, the FEA Opinion would not hold up in a court of law and it is highly problematic that the Board and Fairlington Villages would be comfortable relying on it so heavily for such an important issue. There remain too many question marks from a structural standpoint to proceed with this Draft Policy (not to mention from a legal standpoint, which has since been glossed over but has not been fully resolved in light of questions that have been raised by residents--the very external plane of the buildings is owned by the Association and is a common element, so by definition the installation of these windows would not just alter, but would entirely REMOVE a common element for the limited and sole benefit of just one owner, which is not permissible under the By Laws).



The FEA Opinion does clearly state that drainage for the windows is not feasible, which represents a major concern. How often will the plastic covers recommended by FEA to account for this lack of drainage need to be inspected to ensure their continuing integrity? Who is responsible for doing those inspections, and who will bear the cost of the inspections and any replacements? Who will ensure that such inspections are routinely done? While problems with the existing egress window on S. Columbus Street were dismissed by a SCOPAC member as minor ("Oh, that was just water problems"), those water issues can represent a major structural hazard down the line. As the water seeps into the concrete foundation, it will expand and contract as exterior temperatures fluctuate, causing cracking and compromise to the very element that is holding up the ENTIRE BUILDING.

The fact that this is being dismissed and minimized as a risk of these windows by the Committee and Board is highly concerning. I would imagine that when that window on S. Columbus was installed, both the unit owner and installer thought they were doing a proper job, but in light of all the issues and new information that have emerged since then would the other residents of that building agree? We know of at least one who does not, yet his concerns as raised at the June 2023 SCOPAC Town Hall were dismissed. What unknown issues will continue to appear if these windows are now allowed to be installed on a much larger scale?

In multi-unit buildings, the other unit owners have a vested interest in the structural integrity of the very foundation of their homes, and the Draft Policy does not adequately safeguard their interests. If a unit owner in a multi-unit building seeks to add an egress window, in addition to naming Fairlington Villages as an additional insured on any policies that cover the installation and maintenance of such egress windows, all other unit owners within the building should likewise be named with such coverage attaching to the unit should the non-installing owner sell in the future. Otherwise, the cost of any damage will in some way or another fall onto the



other innocent owners: by having to go through their own insurance to pay for repairs for any damage (assuming the damage can even be repaired and has not permanently altered the integrity of the building, and that their carrier would agree to pay), or not being able to sell their unit at a fair price as a result of the damage.

Even if the payments made by the innocent owner's insurance are eventually reimbursed to their carrier by the installing owner's coverage or that of the installer, the innocent owner will continue to pay in increased premiums or perhaps losing their homeowners coverage altogether, and in any legal fees if the matter becomes litigious. Of course, the value of the innocent owner's time, stress, and disruption as caused by an improper installation and any attempts to be reimbursed for their costs can never be repaid. Further, there is not enough detail as to what would happen if a requested window would require alterations to balconies, or the utility and HVAC lines of the other owners in a multi-unit building, or other elements that are unique to multi-unit buildings. These are listed on the Draft Policy as "not incontrovertible." So would that mean that if the Board and an installing owner decide that's what they want to do, they can just unilaterally cut through and move another owner's utility lines and HVAC systems and the other owner would have no say in it, since it has been previously published that there would be no opportunity for owners to comment on a particular egress window request? And what happens if there is damage resulting from those utility and HVAC alterations--who pays for that and who is responsible for coordinating those repairs?

The Draft Policy as written is wholly inadequate in addressing these particular needs of multi-unit buildings, and the proposed Egress Window Installation and Maintenance Covenant Agreement does nothing but release the Association from responsibility to not only the installing owner, but all other impacted owners as well. The rights and concerns of non-installing owners are being disregarded. The stated impetus for the entire investigation into installation of egress windows was "safety." But Fairlington Villages has no duty and is under



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

no obligation to "fix" the units of owners whose spaces no longer fit their individual needs or wants, particularly when such a fix entails the creation of a previously non-existent and direct risk to otherwise uninvolved owners. Fairlington Villages' duty to THOSE owners seems to have been cast aside. What about their safety? There is a very simple solution to address the concerns of owners who are worried about using basement space as bedrooms, which basement space was never designed for such use: don't use the basements as bedrooms. The solution is not "let's cut holes into the foundations of all the buildings and make everyone else bear the burden and cost of the risk even though they had absolutely no part in creating it." The FEA Opinion and the Draft Policy cannot ensure that the non-installing owners will not be affected by the installation of the egress windows, and unless and until such a guarantee is made and included in any policy, the egress windows should not be permitted to proceed. Once again, I thank the SCOPAC and the Board in advance for addressing my concerns, and in general for their time and dedication to this issue (as well as the mundane day-to-day operations of such a large condominium association).

Anne Wasowski-I recommend that we limit the current policy to the carefully researched recommendations made by SCOPAC. The commission and its dedicated members have done an impressive job. I believe it's premature to include new windows in an initial egress window policy. An incremental approach would allow us to gather firsthand experience after some installations, providing an opportunity to learn and assess any unforeseen consequences. Adding new windows to the policy could then be considered, if desired. Also, two weeks is a very short time for busy residents to comment. This is a complex policy with multiple documents. In general, a minimum of one month would be more adequate, two would be best. From its publishing on TownSq on Jan 23 (including new windows) to the deadline of Feb 6, only 2 weeks were provided. Thank you for the opportunity to comment on this matter.



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

Jim Ostroff-Many homeowners have had walls patched and repainted due to the emergence of cracks, tied directly to ground movement. Permitting owners to cut out portions of their buildings' foundations very well could exacerbate damage to all buildings, as stresses due to ground subsidence and expansion would more easily be able to propagate. This issue would affect all residents of an apartment building, and all residents of multi-block townhouses, which are a single, structural unit. With respect to both structural and landscape issues, it is relevant to note that the SCOPAC recommended the Board only permit egress windows to be created in existing window wells. This committee considered and upon consideration of its members, voted to NOT recommend that egress windows be permitted where there are no window wells today. This is a valid point that should not have been dismissed by the Board without further consultation with the committee.

John Davidson-I am writing to express concerns with the draft egress window policy adopted by the Board of Directors. We must assume that over time, a considerable number of homeowners will receive the necessary approvals to install these egress windows, including the creation of such windows where no window well exists. Fairlington's landscape will be adversely affected. In front of most townhouses and apartment buildings, shrubs will have to be removed in order to facilitate residents' egress. Let's recall the argument that the rationale for egress window is to afford residents exit in case of a fire, or other dire emergency. The landscape cannot be restored since people must be able to climb up and out and away from their homes. Shrubs or small trees cannot block their exit path out. Where there today, and for close to 50 years, has been a unified, "well maintained look" in front of homes, we will have a hodgepodge, with very visible holes in the landscaping. This will be very unsightly. One provision of the draft proposal runs counter to the intent of creating egress windows.

These have been advocated to enable quick exit from lower levels in case of emergencies. Requiring metal grates to cover the window well at ground level defeats this purpose. There grates, installed currently on window wells, are very heavy. Imagine people climbing up a window well and having to push up, and out, a heavy grate. Few if any could do it. The engineering report concludes new window wells could be created without adversely



affecting a building's structural integrity. Another relevant factor has not been addressed: The clay soils that underlay our entire community create ongoing structural issues for townhouses and apartment buildings. Episodes of heavy rains and prolonged droughts cause the clay soil to expand and contract. There have been documented instances where the Association has spent large amounts of money to stabilize homes that have sustained damages due to ground movement. Separately, so-called creep-o-meters have been installed to monitor growing cracks in buildings. Thank you kindly for the opportunity to comment on the documentation. I am going to focus largely on our engineering study (the FEA Report) supporting the egress windows project. Without a more substantial technical support document, we are proceeding in a manner that could be potentially problematic for the Association. Of course, if the total risks posed by the egress windows policy is actually de minimus then the lack of a more rigorous analysis doesn't matter. The Report seems a little too limited to fully support the policy. My primary concern is noted in the Report's Project Information section: "...the installation of egress windows in below grade rooms where no window already exists." The FEA Report may not provide an adequate analysis that it can be done safely in a way that can withstand the test-of-time. This is a different matter entirely from simply expanding an existing window to make it into an egress window. In most routine cases, the risk associated with converting an existing window into an egress window is not likely to be significant. Of course, we still don't have a specialized structural engineering firm report to fully support this rather rosy expectation. In a few of our larger buildings, the risks to a structural soundness might possibly require a building-wide structural analysis. This is because we are likely to eventually have multiple egress windows in many of our larger buildings. If they are not analyzed at a whole "building-level", they might collectively lower our "Margin-of-Safety" to a point that could cause some incremental damage when our next significant earthquake occurs. (I happened to be in my patio August 23, 2011, when the magnitude 5.8 earthquake hit the Virginia Piedmont region. The eaves on the back of our three-story 2911 S Dinwiddie apartment building shook quite vigorously. If the foundation had then been modified by a couple of egress windows, who knows what would have happened? 2011 Virginia earthquake - Wikipedia,



https://en.wikipedia.org/wiki/2011_Virginia_earthquake) In a few of our more difficult situations, I believe FEA's expertise in structural engineering might not be adequate for our purposes.

I did a ChatGPT query for firms in Northern Virginia that have expertise with historic buildings and here is what I found: <https://chat.openai.com/share/5c0a61c9-3be5-4f69-b57f-c630d17cd8f8>. The link also includes a few additional ChatGPT queries such as: (1) What are the range of risks that a Structural analysis might find for adding multiple new egress windows to a 75-year-old brick apartment building? (2) What is the range of structural studies and analysis that should be considered in such situations? (3) How would you suggest we identify firms that have those specialized capabilities in the Northern Virginia region a few miles outside of DC? (4) Should any new egress window include a lintel? [The answer, not surprisingly, was: Yes, any new egress window installed in a wall, especially in a masonry or brick wall, should include a lintel.] Beyond the FEA report, there are a number of questions related to the additional costs: Has the insurance firm covering our buildings been consulted on what (if any) additional costs will be incurred due to our new egress window policy? Will FV staffing need to be increased to deal with the new workloads required by the policy?

Susan Tatum-In general I am in support of policy to allow resident owners to enhance existing windows to provide egress for safety, as long as, and only in, cases where it is clear that the structure will not be harmed (as determined by appropriately credentialed and skilled construction engineers). I do not support the draft policy as amended by the Board on January 3 because I do not support new penetrations/fenestrations into the structures.

1. This was not something that has been discussed, as far as I am aware, in public community forums or communications. I also think that the time frame for resident review and comment may be too speedy for the level of significance of the policy changes, particularly for the vast majority of resident owners who are working full time (or more than full time).



2. Minutes from the Board meeting reflecting comments from Carol Bell indicate that SCOPAC members shared concern regarding structural soundness of buildings when basement windows are enlarged. Their proposed policy clearly outlines numerous safeguards that apparently led them to feel comfortable enough to provide the board with the draft policy. The minutes further state that commission members present "specifically declined to endorse adding new window penetrations to the draft policy previously adopted". This view is also reflected in the answer to Q14 in the FAQs on egress windows. Given their expertise after investment of many months studying the matter and outlining a policy, I do not support the Board making such a significant change to their proposed policy.

3. I do not pretend to be an engineer but from a layperson's standpoint, it looks like a very big difference between enlarging a current opening and creating a new one that was never there before in an eighty-year-old structure. I live in a building with walls and ceilings with cracks that have to be measured and monitored because the marine clay it is built on expands and contracts through the years and seasons. I would not be comfortable with new holes being added to the structure of my building.

Sharon Bisdee-Stephani I've been out of the country and just got back late Friday. Can you tell me if it was a Board Member who added the approval of building windows where there are presently none. Also, what was the reasoning?

Ellen Marcus-I think you need more than two weeks to comment on the proposed egress window report. Also, I thought that the windows were okayed where there already was a window. I was surprised to see that it was now including making a new window. I am not in favor of that.



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

Anneliese Reinemeyer-I reviewed the egress window draft policy and the engineering report, both of which seem quite thorough and well thought through. I wanted to commend you for your work on this project and diligence in finding a way to make this important change happen while also protecting our buildings and the look of our community.

Stephanie Buchner-I would like the policy to state that impacts to existing paver stone pathways and sidewalks between buildings will be a consideration. A new or enlarged window well should not cause a pathway to be removed. I say this because people with reactive dogs, or people who fear dogs use these pathways to avoid. For example, if I put in a window at 3035 S Buchanan A2, it would definitely require that the pathway between my building and the adjacent building be closed. Another example is the sidewalk that heads towards pool 2 from the 2900 block of 30th St. I know the resident who has a unit beside that sidewalk wants a new window that would definitely require moving that sidewalk. That would be a consideration. I'm guessing we would decide to let them have the window if they are willing to pay for the sidewalk to be repositioned.

Kelly Blythin-I am writing with a couple of concerns on the egress windows proposal. 1) I am concerned that two weeks is not enough time for North Fairlington unit owners to comment on a policy that has the potential to make significant changes to our community. I would push for more time as this is a big deal for the community. 2. I am also concerned about the process: I know that the Special Committee on Potential Architectural Changes (SCOPAC) has spent a lot of time and effort developing a proposed egress window policy. I do not agree with the current policy as it includes a provision that would allow a new basement egress window where no window currently exists--as opposed to the SCOPAC-recommendation allowing only the expansion of existing basement windows to allow egress. I think allowing new egress windows is a bad idea and adds another



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

level of monitoring and variance requests that frankly aren't needed. I think it would ruin the historic look of the community.

Rosabeth Cuppy-I am opposed to the addition of new fenestration. This is a major change to the original SCOPAC policy. Unit owners should be advised in writing of this change and given 30-60 days to respond. We are not reaching all unit owners by limiting communication though Town Square.

Cheryl Chevalier-Thank you for the information you have provided. Given the significance of the decision and amount of material to review, I am writing to request an extended review period. The federal government provides 60-90 days for review. Given the significance of these proposals, I believe a 90-day review is necessary.

Kelsey Coffin-I have concerns about the proposed egress window policy that is out for comment: Two weeks is not sufficient time for North Fairlington owners to make comments. I would request that the comment period is extended by at least a month. Even the Federal Government allows 30 days for comments. Adding a new fenestration there's no reason for a window to be added to a non-bedroom space. There is no reason for an egress window to be placed in spaces that are not bedrooms. The more egress windows the higher the chances of theft. Placing a window in a space that was not intended for a window can cause significant building damage.

Holly Berman-I am writing to express two concerns: I think that a two-week time-period is not enough time for Fairlington Village unit owners to comment on a policy that can make significant changes to the buildings in our community. The Special Committee on Potential Architectural Changes (SCOPAC) has done extensive research on egress windows and our buildings, including getting a report from a structural engineer. I understand that the engineer had stated that egress windows can be put in buildings that already have a window. I understand SCOPAC, who had spent considerable time on this made the recommendation to the board that egress windows



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

can only be put in buildings that already have a window in place. I request that policy be the one that unit owners' comment on. Thank you for your work on this very important issue.

GIGI-We appreciate your efforts in exploring egress window options. Unfortunately, I have learned from a neighbor that the egress window policy was shared only with Meeting Square participants, of which I am not one nor wish to be. To ensure broad participation, it is essential for all owners to receive this information via the US Postal Service, as was done in the previous update in 2020. Kindly consider mailing it to all owners and extending the review time frame for a more inclusive process. In 2020, we received multiple attorney recommendations by mail when the egress window policy was rejected. However, my neighbor claims that in 2023 only one updated opinion from the association attorney was sought. Relying on a single legal opinion seems inappropriate. It is advisable to request multiple attorney recommendations or even consider seeking a judge's or court's opinion to counteract previous ones especially given the recent scrutiny on HOA powers. Let us be sure this process is legal and transparent considering the initial letters of dissent made me believe the bylaws might not permit this. While it could benefit the neighborhood it should not risk a lawsuit. In good faith, please send essential details to owners by mail including the policy, engineer sheet, sample owner agreement indicated within the policy, all attorney opinions and other relevant information. This will help keep us informed about this significant effort. I am adding our treasurer to this message for liability purposes.

Carol Bell-Wanted "Egress window update" to be stated, not "SCOPAC policy update" in TownSQ posting

Jim Platner-I am in favor of the proposed policy, I think the safety benefits are tremendous. Thanks for working this.

Barbara Berti-Please send me an email copy (draft egress policy). Thanks

Rebecca K Leet-I'd like to have a copy of the draft please.



Fairlington Villages Egress Window Policy
Comments received from Unit Owners between January 5 and February 6th 2024.

John Culbertson-On page 4 of the window well draft document, under Waterproofing, 1st bullet.... I think "parge" was intended, not "purge." Also, regards Window Style specifying single crank hinged double-hung sash window.... what does "single crank" refer to? The lock/unlocking mechanism?

Andrea Stowers-Wish to read this study. Please advise me how to get a copy.

Stephanie Buchner-Expressed concerns the scope of the policy was broadened to include new windows.

Donna Volpone-Tested the SCOPAC email to see if it was functional.

Brie & Jonathan Crawford - Hello -We're thrilled to see that the draft was approved. We would love if this formal approval were finalized quickly so we can install one this year- we utilize every square foot of our Clarendon II and the fire hazard of not having a reliable exit in the basement has been weighing on us since we bought our unit in 2018.