

Administrative Resolution #2 and Patio Specifications Resolution Worksheet

Date: September 18, 2024

Suggested Motion:

“I move to approve to amend Administration Resolution #2 and the Patio Specifications to include Language for Raised Beds and Planter Boxes.”

2nd:

Summary: Attached is the proposed language for raised beds and planter boxes.

Vote:

	In Favor	Opposed	Abstained	Absent
Scott Buchanan				
Dave Bush				
Caitlin Counihan				
Robin Davis				
Jeff Lisanick				
Amanda Mullan				
Scott Mulrooney				
Mike Rothenberg				
Jim Wicker				

DRAFT AR2 Language for Raised Beds and Planter Boxes

(Note: Several sections of current AR2 would require conforming changes which can be identified, where some other sections are deleted or modified)

Below are the amendments for above-ground installations and exclude rear patios and decks defined and permitted elsewhere in AR2, this includes those that are permitted in the common element, limited or otherwise. These above-ground flower beds will require prior approval from the Covenants Committee through a non-routine application that includes information requested by the committee, and a copy of the full design plan, dimensions of all beds or boxes, materials to be used, finish proposed. The agreement will include a term and condition to comply with the foundation coating requirements (if applicable) and to well-maintain the area. If the installation is not maintained (as determined by Covenants Director and/or the Committee), the owner will be notified, and if not in compliance within 30 days, the installation will be removed at the owners expense.

RAISED BEDS

A raised bed is defined as any box that abuts the building and is for the purpose of planting small decorative plants, vegetables, or flowers, whose fully grown height may not exceed 4 feet above the raised bed.

Raised beds may be placed only along the back side of a unit on the limited common element not to extend beyond the building wall line, and may not be placed on the side or front of any building unit even if such space is part of the units limited or reserved common element.

The bed will be constructed with one of the following: cedar, redwood, or pressure treated wood and must be natural wood grain color or stained and or sealed to be only a natural wood color. No other materials or painting colors may be used.

A raised bed may not exceed the height of the nearest window's sill (or apron if applicable) and be no deeper than 48 inches. The bed can be any length along the back of the unit in question as long as it does not exceed the limited common element. There must be at least 6 inches of clearance between the end of any raised flower bed and either side of any applicable crawl space hatch.

Prior to any installation against unit walls, the brick of the unit must first be treated with 2 applications of foundation coating to seal the brick from moisture, and a moisture barrier of 6 mil. plastic placed between the brick and soil backfill. This procedure will alleviate the possibility of water logged soil against the brick causing any moisture seepage to the interior plaster.

Raised beds must be well-maintained, including but not limited to:

- no protruding nails
- smooth finish free of splintering wood

- proper plant maintenance with regular weeding and tending to ensure they are not an eye-sore

The Covenants Committee shall alone determine when it believes the raised bed is not being properly maintained at their discretion and shall order remediation or removal at any time they determine.

Planter Boxes

A planter box is defined as any box that is placed anywhere on the rear limited common element (not to exceed the 20 foot limit, and excluding the side or front of the building) for the purpose of planting small decorative plants, vegetables, or flowers, whose fully grown height may not exceed 4 feet above the planter.

Planter boxes may be placed only on the back side of a unit on the limited common element not to extend beyond the building wall line, and may not be placed on the side or front of any building unit even if such space is part of the units limited or reserved common element.

A planter box must be no more than 36 inches in height, 36 inches in width, and 50 inches in length. Multiple planter boxes may be placed on the rear limited common element but must be at least 24 inches between each box to allow for open access to and from the limited common element by way of the common element. There must be at least 6 inches of clearance between the end of any planter box and either side of any applicable crawl space hatch.

Planter boxes must be made of only cedar, redwood, or pressure treated wood and must be natural wood grain color or stained and or sealed to be only a natural wood color. Planter boxes may also be made of molded plastic or composite designed to look like wood, but must also be a natural wood color. No other materials or painting colors may be used.

Planter boxes must be well-maintained, including but not limited to:

- no protruding nails
- smooth finish free of splintering wood
- proper plant maintenance with regular weeding and tending

The Covenants Committee shall alone determine when it believes a planter box is not being properly maintained at their discretion and shall order remediation or removal at any time they determine.

PARKFAIRFAX CONDOMINIUM UNIT OWNERS ASSOCIATION

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LIMITED COMMON ELEMENT REAR PATIO & DECK SPECIFICATIONS

GENERAL INSTRUCTIONS

These specifications apply **only** to ground level units with a Limited Common Element area appurtenant (i.e., belonging) to the rear of the unit and with a rear door that is in addition to the front main entrance door.

Patios and/or decks shall only be installed within the boundaries of the Limited Common Element belonging to the rear of the unit applying for installation approval. The boundary of the Limited Common Element is twenty feet (20') out from the unit's rear building wall and runs the length of the unit.

Unit Owners must submit a completed Application for Non-Routine Change to the Association and must receive written approval prior to the start of any construction. As part of the application approval process, the Covenants Committee may request that Parkfairfax staff inspect the construction site and make recommendations as to the viability of the proposed construction plans. Upon receiving written approval from the Association, the Unit Owner is allowed up to six months from the date of the written approval to begin construction.

The Association has the right to stop any construction that occurs prior to approval.

All applications and materials must be submitted to and received by the Association office at least 10 business days prior to the next scheduled Covenants Committee meeting in order to be placed on that meeting's agenda.

It is strongly recommended that the Unit Owner attend the Covenants Committee meeting to answer any questions regarding the application which may arise; unanswered questions may delay the approval or lead to the rejection of an application.

APPLICATION PROCESS

The Application for Non-Routine Change must include the following information in order to be considered complete:

1. Drawings containing accurate dimensions, including width, length, height above grade and placement of the patio or deck within the appurtenant rear Limited Common Element.
2. The Unit Owner is required to contact Virginia 811 (commonly referred to as Miss Utility) to locate any utilities in their proposed construction plans. Any identified utilities must be shown on the application drawings.
3. Drawings shall include all proposed grading. Patios and decks are required to slope away from the building a minimum of 2% (1/4" per foot) to ensure rainfall run-off is properly directed away from the building foundation.
4. Drawings shall include all existing and proposed drainage structures and pipes including connections to existing drainage pipes or structures. The Unit Owner shall request Parkfairfax staff provide drawings delineating the existing Parkfairfax drainage pipes and structures, including sanitary pipes and structures. At the Unit Owner's expense, the Association may require the Unit Owner to connect proposed drainage structures to an existing Parkfairfax drainage system(s).
5. If installing a patio, drawings shall include the location and type of all proposed patio surface materials. A combination of patio surface materials is acceptable, but limited to the conditions outlined in the following section. A typical architectural section shall be included showing the depth/thickness of patio base material and joint filler material.
6. If installing a deck, drawings shall indicate the location, and type of all proposed decking, the height of the deck above grade, structural support/framing and footing details, as applicable.
7. Drawings shall include the location, materials, height and foundation for retaining walls associated with the installation of the patio or deck.
8. Application shall include the estimated date of construction completion.

CONSTRUCTION

Patios

1. The finished patio surface elevation must be on existing grade and have a minimum 2% (1/4" per foot) grade away from the building to direct rainfall runoff away from the building foundation (See attached photo).

If the existing grade is less than 4 inches below the top of the concrete curb/threshold, a trough drain may be installed between the edge of the patio and the building's curb/threshold in order to help direct rain runoff away from the building foundation. The drain must be shown on the drawings and the Association may require it to be attached, at the unit owner's expense, to an existing drainage system. See attached photos in Appendix for an example of a trough drain.

2. The finished patio surface elevation must be below and around any existing semi-circular crawl space metal access hatches. The finished patio shall not prevent access by Association staff to the crawl space hatch.
3. Brick, stone, or concrete pavers may be used as surface finish materials. Colors to be earth toned or naturalized rock-like. Any combination of these materials is acceptable.
4. If the patio material abuts the building exterior, a brick sealant or moisture barrier shall be applied for the full depth of the patio including the gravel base.
5. Brick, stone, concrete pavers, steel edging, vinyl paver edging may be used as a border to contain the patio brick, stone, or concrete pavers and gravel base.

If using brick, stone, or concrete pavers as the edging (a soldier course), you may set the material in concrete or cement so long as the edge does not exceed eight inches (8") in width and the mortar bed of concrete or cement is no more than three inches (3") in depth. See attached photos in Appendix for an example of a soldier course.

6. Planting beds installed around the perimeter of the patio may include a raised border in the design, provided the border does not exceed 12 inches (12") in height from grade. Any adjustment to the height limitation required by terrain shall be approved by the Covenants Committee as part of the application process.

Materials used to create such raised borders shall include brick, stone, wood, metal, precast concrete, or plastic edging, all of which shall be earthtone colors. No decorative cinder block shall be permitted. A moisture barrier shall be installed anywhere the border material comes in contact with the unit's exterior brick. This will alleviate the possibility of moisture being trapped against the unit's exterior wall causing damage to the building.

The patio design including planting beds, borders, and hedges shall be within the boundaries of the unit's limited common element which extends 20 feet (20') out from the rear of the unit and runs the width of the unit.

No man-made fences, walls, barriers or monolithic wall of any kind may be constructed around the perimeter of the patio. Only "green fences" (i.e. plants/shrubs planted in a hedge) may be used to create a privacy screen/barrier around a patio.

7. Patio bases must be comprised of a minimum of four inches (4") in depth of compacted gravel and at least a one-inch (1") layer of stone dust or leveling sand. **The use of concrete or cement as a base is strictly prohibited.**
8. Patio joints must be porous and shall be either sand, stone dust, crushed gravel, or polymeric sand. **The use of cement or concrete for joints, with the exception of a soldier course for edging as described in #5 above, is strictly prohibited.**

Decks

1. Decks are to be constructed as low to the ground as possible, based on existing slopes and grades.
2. The finished deck surface elevation must be below and around any existing semi-circular crawl space metal access hatch. The finished deck shall not prevent access by Association staff to the crawlspace access hatch.
3. If required, footings for decks shall conform to all applicable City of Alexandria building codes and shall not interfere with existing underground utilities, drainage pipes, or drains.
4. Decks and deck framing materials shall be constructed of rot resistant material, including but not limited to: pressure treated lumber, IPE, Bamboo, or composite. Railroad ties are not permitted. Wood may be treated with wood toned stains or sealants. Composite decking materials shall be wood toned colors only.
5. Decking materials shall be attached using screws only; nailing of decking materials is not allowed.

6. Installation of deck railings is only permitted adjacent to a twenty-four inch (24") drop as required by Alexandria City Building Code. No other permanently built-in wood or composite structures or items are permitted on the deck.
7. Planting beds installed around the perimeter of the deck may include a border in the design provide the border does not exceed 12" in height from grade. Any adjustment to the height limitation required by terrain shall be approved by the Covenants Committee as part of the application process.

Materials used to create such raised borders shall include brick, stone, wood, metal, precast concrete, or plastic edging, all of which shall be earthtone colors. No decorative cinder block shall be permitted. A moisture barrier shall be installed anywhere the border material comes in contact with the unit's exterior brick. This will alleviate the possibility of moisture being trapped against the unit's exterior wall causing damage to the building.

The deck design including planting beds, borders, and hedges shall be within the boundaries of the unit's limited common element which extends 20 feet (20') out from the rear of the unit and runs the width of the unit.

No man-made fences, walls, barriers or monolithic wall of any kind may be constructed around the perimeter of the deck. Only "green fences" (i.e. plants/shrubs planted in a hedge) may be used to create a privacy screen/barrier around a deck.

8. At the time of construction, including after receiving written approval from the Association, the Unit Owner is responsible for obtaining all permits and approvals required by code and law related to the assembly of decks, including those not listed in these Sections.

Retaining Walls and Footings Necessitated By Sloped Sites

1. Retaining walls and footings shall be designed and sealed by either a registered and certified engineer, architect, or landscape architect who, along with the Unit Owner, is fully responsible for the performance of the system designed. Sealed drawings and specifications shall be included in the application. Approval of the application by the Covenants Committee or the Association does not render Parkfairfax responsible or liable, in any manner, for defects or failures in the completed work.
2. Retaining walls and footings shall not exceed three feet (3') in height.

3. Retaining walls may be a mix of materials including pressure treated lumber, brick, stone, split faced concrete units, or precast concrete blocks. Colors shall be earth toned or naturalized rock-like blends. No concrete-colored materials are acceptable for exposed, above grade surfaces. Slate or bluestone may be used as a capstone for the wall.

Retaining Walls for Patios or Decks Necessitated for Flood Proofing

1. Units on the Permanent Flood Watch List may require specially designed construction for flood mitigation, including retaining walls, drainage swales, drains, or other features. Those Unit Owners shall work directly with Management to coordinate approval of design and construction features and shall not be required to go through the Covenants process.

End Unit Patios with Connecting Walkways to Community Access Hose Bibs

1. As part of the patio application, only walking paths connecting an end unit rear limited common element patio and a community hose bib located on the side of the building to which the patio is connected are allowed. The walkway must meet the requirements of *Walkway Specifications*.

Post Construction Site Cleanup

1. The Unit Owner is responsible for ensuring that all construction debris generated by the Limited Common Element patio and/or deck installation, including any excavated soil, is safely removed and properly disposed of within 24 hours upon completion of the project.
2. The Unit Owner and any assigned contractors shall coordinate the proper disposal of all hard material. The Parkfairfax maintenance yard shall not be used under any circumstances for the disposal of hard construction material; only organic materials, such as soil and plant material, may be disposed of in the maintenance yard. No construction materials, soil, or plant materials are allowed to be dumped on the Common Element including the surrounding woodlands.
3. The Association may remove any construction debris left upon the Common Element any time after 24 hours have elapsed from the project's completion. The Association may also remove, upon written notice to the Unit Owner after 24 hours have elapsed from the project's completion, any construction debris left upon the Limited Common Element which staff believes presents a reasonable hazard to staff, the community, or the unit building itself. Any removal of construction debris by Association staff shall be done at the Unit Owner's expense, with penalty.

4. The Association shall not be held liable for personal injury resulting from the removal and disposal of any construction debris.

UNIT OWNER RESPONSIBILITIES AND LIABILITIES

The Unit Owner is solely responsible for the maintenance and repair of the patio and/or deck during and after installation. Over time patios and/or decks may settle, shift, and/or heave causing the required 2% (1/4" per foot) grade away from the building to deteriorate. The Unit Owner is encouraged to check the grade of their patio and/or deck annually to ensure the grade has not deteriorated and water is still properly draining away from the building's foundation.

The Unit Owner is responsible for all damage that may occur to other units or to the Common or Limited Common Element area due to the construction project. This includes, but is not limited to, any damage to the unit building or its interiors or interior contents, plantings, soils, landscaping, and/or other Limited Common Element and Common Element features, due to water or moisture. Careful attention must be paid to ground contours and proper grading. Patios and decks must slope away from the building.

If the Association requires removal, in whole or in part, of a patio and/or deck in order to perform routine or emergency maintenance, the Unit Owner is responsible for the replacement and/or repair of the patio and/or deck; the Association is not responsible. The Association will make every good faith effort to inform the unit owner prior to commencement of such routine maintenance work; however, the failure of the Association to notify the Unit Owner does not in any way cause the Association to be liable for any damage to or for repair/replacement of the patio and/or deck.

The Association reserves the right to remove, at any time and at the Unit Owner's expense, any patio and/or deck installation, upgrade, or modification that has not received approval from the Association, that was not installed properly or legally, or was significantly altered from Association-approved plans, or that has become a documented routine maintenance problem or hazard.

APPENDIX



