



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONSTRUCTION CODES COORDINATING BOARD

MINUTES OF REGULAR MEETING  
Thursday, June 18, 2015  
1100 4<sup>th</sup> Street, S.W. – 4<sup>th</sup> Floor- Conference Room E4302  
10:00 am – 12:00 pm

| Members Present          | Board Members Not Present | Board Staff Present | Other Persons Present                         |
|--------------------------|---------------------------|---------------------|-----------------------------------------------|
| Paul Waters (Chair)      | Bill Updike               | Jill Stern (DCRA)   | Kirsten Bowden (AOBA)<br>(by conference call) |
| Alex Berley (Vice Chair) | Armando Lourenco          |                     | Kellie Farster                                |
| Jatinder Khokhar         | Ethan Landis              |                     | Lynn Underwood (DCRA)                         |
| Marc Fetterman           |                           |                     |                                               |
| Robert Hershey           |                           |                     |                                               |
| Herbert Taylor           |                           |                     |                                               |
| Rabbiah Sabbakhan        |                           |                     |                                               |
| David Epley              |                           |                     |                                               |

**1. Preliminary Matters**

***Call to Order***

The meeting was called to order by Paul Waters, Chair, at 10:12 a.m. with a roll call of members and other persons present.

***Adoption of Meeting Agenda***

The meeting agenda was unanimously approved by the Board upon motion made by Jatinder Khokhar and duly seconded by Rabbiah Sabbakhan.

***Review & Approval of Meeting Minutes***

The meeting minutes for the Thursday, May 21, 2015 Regular Meeting were unanimously approved by the Board, upon motion made by Jatinder Khokhar and duly seconded by Alex Berley.

**2. Status Updates and Administrative Matters**

- (i) Pending Rulemaking and Legislative Proceedings.

Jill Stern provided status updates since the last Board meeting. The Notice of Emergency Rulemaking to amend Title 16 to conform the DCRA and FEMS schedule of civil infractions to the 2013 Construction Codes has been extended by DCRA Director Bolling until September 2015, and the Emergency Rulemaking extension and the Notice of Proposed Rulemaking to amend the infractions in Title 16 to conform to the 2013 Construction Codes are expected to be published in the DC Register on June 19, 2015.

With respect to the “Harmonization Act” (that would bring the DC Code into conformance with the new Construction Codes) Jill Stern advised the Board that there has been no new developments, since the bill was introduced to Council by Mayor Bowser, and it is still hoped that the Committee on Business, Consumer and Regulatory Affairs, chaired by CM Orange, will hold a hearing prior to the Council’s July recess. Jill Stern agreed to follow up with Kirsten Bowden of AOBA and with DCBIA to find out whether those stakeholders had any questions or comments about the Harmonization Act.



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(ii) Update on Board Recruitment and Timing of New Code Development Cycle

Paul Waters advised the Board that the Mayor's Office of Talent and Appointments (formerly Office of Boards and Commissions) has some additional candidates for CCCB appointment. He indicated that he would be meeting with MOTA to provide input on the candidates. He introduced Kelly Farster, who has submitted an application for Board nomination, and who was present at the CCCB meeting. She provided some information about her background and experience as a structural engineer.

Paul Waters advised the Board that MOTA has communicated its interpretation that a Board member is officially appointed when sworn in by the Mayor, and DC Register publication of the appointment is not required for the new member to participate in Board proceedings.

(iii) Public Notice of CCCB and TAG Meetings

Jill Stern advised the Board that public notice of CCCB and TAG meetings would, as of June 1, 2015, be posted on the website of the DC Board of Ethics and Government Accountability (BEGA), along with agendas and minutes of the meetings. She asked Board members to be sure to copy her on any meeting invites for TAG meetings so that the public notice and agenda can be posted at least two days before the meeting. She recommended that TAG Chairs prepare short minutes of TAG meetings as a routine matter. The Board was further advised that efforts are being made to repost the CCCB calendar on the DCRA website, but this has proven to be more complicated than expected, so the BEGA posting will suffice to meet the public notice requirement in the meantime.

It is unclear how quickly meeting minutes must be posted after the meeting, with BEGA providing differing opinions as to whether draft minutes should be posted within three days of the meeting, or after the minutes are approved by the Board. Until this issue is resolved, the CCCB will strive to post draft minutes within the 3-day period.

(iv) Other Matters

Jill Stern raised the issue of amending the bylaws to allow for TAG participation by conference call. The bylaws allow for phone participation at Board meetings, but not for TAG meetings. The Board consensus was that this revision would allow for greater flexibility in TAG meetings, although Marc Fetterman noted that, since only a quorum of 3 is required for TAG meetings, and at least half of the members must be physically present at the meeting, the conference call authorization will be of limited benefit. A proposed amendment will be drafted and presented at the next Board meeting.

Robbie Sabbakhan stated that Building Code Section 510 requirements allowing multiple buildings above a horizontal assembly will become less restrictive in the 2015 code. This type of special construction has become popular in mid-rise construction in DC and he envisions pressure from the development community for DC to come into compliance with the 2015 codes as soon as feasible.

On "pop-ups", another local issue, Marc Fetterman noted that the Zoning Commission has amended the Regulations to allow only 2 dwellings in a pop-up. DCRA indicated that the pop-up issue is still under consideration from a construction codes standpoint.

With respect to a question about the new smoke alarm and carbon monoxide alarm requirements for residences, Herb Taylor indicated that DCFEMS will be taking the lead on publicizing the new requirements. FEMS will



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launch a public education campaign through its website and other outreach efforts. Herb Taylor agreed to get back to the CCCB with the timeline for this campaign.

Robbie Sabbakhan advised that the revised 3rd party plans review manual will be issued as an administrative bulletin in the next 30-60 days. Re-issuance of the inspection manual as an administrative bulletin will follow after that.

Robbie Sabbakhan noted that DCRA is considering requiring all 3rd party agencies to become accredited by the IAS due to the limited resources available in-house at DCRA to accomplish this work. David Epley stated that the addition of 3rd party plans review and inspection of the Energy Code is being considered.

Paul Waters advised the Board that Melinda Bolling, DCRA's Interim Director, is scheduled to be confirmed as DCRA Director by the Council on June 18, 2015.

### **3. Consideration of Code Change Proposals**

The Board turned next to consideration of new and pending code change proposals. A summary of the Board's discussions is provided below.

(i) Expanded Child Development Homes

The Board considered the two code change proposals referred to the Fire TAG: RC-CCCB-App. M-1-2014 and FC-CCCB-3-1-2014. Herb Taylor, the Fire TAG Chair, told the Board that both proposals had been considered by the Fire TAG and approved at its June 17, 2015 TAG meeting, after numerous prior discussions and revisions to the proposals. The proposals reflect the administrative approach to child development homes, which is to require new child development homes to be limited to single family and two-family houses and townhouses, and to be reviewed pursuant to Appendix M of the Residential Code upon application for a home occupation permit. Licensed homes would be required to obtain a fire safety inspection from FEMS upon license renewal pursuant to new Section 319 and Appendix K of the Fire Code. Revisions were proposed to both proposals to make clear that home day care covered by Appendices M and K will be limited to single-family and two-family houses covered by the Residential Code. Home day care in other dwellings or dwelling units, including R-2 occupancies, would be subject to the Building Code. To effect this approach, the Building TAG concluded that Chapter 3 of the Building Code should not be modified, but that the scope of the Residential Code should be explicitly amended to include home day care. Accordingly, proposal BC-CCCB-3-1-2014 was withdrawn and new proposal BC-CCCB-1-4-2014 was introduced and referred to the IP TAG for consideration.

(ii) Adjacent Property Notifications and Underpinning

Two code change proposals (BC-CCCB-33-1-2014 and BC-CCCB-18-1-2014) were introduced to the Board for consideration. Jill Stern provided background on the proposals which were developed by DCRA to address concerns about underpinning work, and about construction impact on adjoining property. She noted that efforts had been made in the prior code cycle to clarify Section 3307 which requires notification to adjacent property owners in certain situations, primarily where work can affect the structural strength or stability of adjacent property. While Section 3307 was substantially revised in the 2013 Building Code, DCRA has continued to experience administrative challenges in interpreting and implementing Section 3307. Jill Stern indicated that she had undertaken significant research on how other jurisdictions have handled the issue of adjoining property, and found that New York City had adopted a major revision of their underpinning and adjacent property provisions in



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2014 to address this issue. Based on her research, she recommended to DCRA that a number of the NYC provisions be considered in DC, and the two code proposals reflect her research as well as internal DCRA discussions about the issue.

Board members briefly discussed the proposals, and agreed that the issue is a complex one and requires thoughtful consideration. The proposals were referred to the Structural TAG and the Building TAG for review and recommendations to the Board.

(iii) Unsafe Buildings and Structures

Jill Stern provided an overview of a new code change proposal to revise Section 116 of the Building Code (BC-CCCB-1-5-2014). She explained that a recent OAH case had interpreted Section 116 (which covers Emergency Measures) to authorize building closures and removal of building occupants where there is imminent danger. DCRA's Office of General Counsel had brought this issue to the Board's attention, because it was believed that Section 116 is intended to give the code official broader powers in an emergency situation. The proposal was referred to the IP TAG for its review and recommendation.

Following discussion, the Board took the actions below after motions made and duly seconded. All actions were unanimous unless otherwise indicated.

| <b>Building Code</b>    | <b>Sections</b>         | <b>Status</b>                                                                             | <b>Action Taken</b>                                                             |
|-------------------------|-------------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| BC-CCCB-3-1-2014        | 305.2<br>308.6<br>310.5 | Submitted to Chair 2.18.15; revised 4.23.15 and 5.21.15; Referred to Building TAG 5.21.15 | Proposal withdrawn 6.18.15                                                      |
| BC-CCCB-1-3-2014        | 105.4.1 & 3301.3        | Submitted to Chair 4.23.15                                                                | No action taken                                                                 |
| BC-CCCB-18-1-2014       | 1811 (NEW)              | Submitted to Chair 6.18.15                                                                | Referred by Chair to Building TAG and Structural TAG 6.18.15                    |
| BC-CCCB-33-1-2014       | 3307                    | Submitted to Chair 6.18.15                                                                | Referred by Chair to Building and Structural TAG 6.18.15                        |
| BC-CCCB-1-4-2014        | 116                     | Submitted to Chair 6.18.15                                                                | Referred by Chair to IP TAG 6.18.15                                             |
| BC-CCCB-1-5-2014        | 101.3.3.1               | Submitted to Chair 6.18.15                                                                | Referred by Chair to IP TAG and Residential TAG 6.18.15                         |
| <b>Residential Code</b> | <b>Sections</b>         | <b>Status</b>                                                                             | <b>Action Taken</b>                                                             |
| RC-CCCB-App. M-1-2014   | Appendix M              | Submitted to Chair 8.20.14; Referred to Working Group (8.20.14); Referred                 | Approved By CCCB w/revisions (6.18.15). Herbert Taylor (M) Jatinder Khokhar (S) |



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|----------------------------------|-------------------|-------------------------------------------------------------------------------------------------------|---------------------------------------------|
|                                  |                   | to Fire TAG (9.17.14); Approved By Fire TAG w/revisions (6.17.15)                                     |                                             |
| RC-CCCB-3-1-2014                 | R324 & R409 (NEW) | Submitted to Chair 6.18.15                                                                            | Referred by Chair to Structural TAG 6.18.15 |
|                                  |                   |                                                                                                       |                                             |
| <b>Property Maintenance Code</b> | <b>Sections</b>   | <b>Status</b>                                                                                         | <b>Action Taken</b>                         |
| PMC-CCCB-7-1-2014                | 705               | Submitted to Chair 4.29.15; Referred to PMC TAG 5.21.15                                               | Proposal withdrawn 6.18.15                  |
|                                  |                   |                                                                                                       |                                             |
| <b>Fire Code</b>                 | <b>Sections</b>   | <b>Status</b>                                                                                         | <b>Action Taken</b>                         |
| FC-CCCB-3-1-2014                 | 319 & Appendix K  | Submitted to Chair 4.29.15; Referred to Fire TAG 5.21.15; Approved by Fire TAG 6.17.15 with revisions | Deferred for further consideration 6.18.15  |

**4. Comments by Members of the Public**

No comments were made by the public.

**5. Adjournment**

The meeting was adjourned at 12:00 noon upon motion made by Robert Hershey and duly seconded by Dave Epley. The next Board meeting is scheduled for July 16, 2015.