



GOVERNMENT OF THE DISTRICT OF COLUMBIA
 CONSTRUCTION CODES COORDINATING BOARD

MINUTES OF REGULAR MEETING
 Thursday, September 17, 2015
 1100 4th Street, S.W. – 4th 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)	Herbert Taylor	Jill Stern (DCRA)	Kellie Farster, SK&A Structural Engineers, PLLC
Alex Berley (Vice Chair)	Armando Lourenco	LaShawn Dickey (DCRA)	Kirsten Bowden, AOBA (by conference call)
Jatinder Khokhar			Jason Wright, Hickok Cole Architects
Marc Fetterman			Eric Jones, Associated Builders and Contractors, Inc., Metro Washington Chapter (by conference call)
Robert Hershey			
Rabbiah Sabbakhan			
David Epley			
Bill Updike			
Ethan Landis (by conference call)			

1. Preliminary Matters

(i) 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.

(ii) Adoption of Meeting Agenda

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

(iii) Review & Approval of Meeting Minutes

The meeting minutes for the Thursday August 20, 2015 Regular Meeting were unanimously approved by the Board, upon motion made by Jatinder Khokhar and duly seconded by Bill Updike.

2. Status Updates and Administrative Matters

(i) Rulemaking and Legislative Proceedings.

Jill Stern provided the following status updates on rulemaking and legislative proceedings of potential interest to the Board.



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- a. Rulemaking to Amend Title 16, DCMR to conform the DCRA and FEMS schedule of civil infractions to the 2013 Construction Codes. A Third Emergency Rulemaking (modifying the existing schedule of infractions) was adopted by the DCRA Director and extends the emergency rulemaking until January 16, 2016. DCRA expects a Third Notice of Proposed Rulemaking to be published by December 1.
- b. Construction Codes Harmonization Act of 2014 to bring the D.C. Code into conformance with the new Construction Codes. The hearing by the Committee on Business, Consumer and Regulatory Affairs, chaired by CM Orange, has been rescheduled for October 5, 2015.
- c. New Sign Regulations. DDOT has indicated that a Third Notice will be released, but no word on timing.
- d. Construction Code Errata. The Errata, to correct Chapter 8 of the Property Maintenance Code, was published in the DC Register.
- e. Professional Licensing Amendment Act of 2015. The proposed bill, which would amend Title 47 of the D.C. Code to establish a Board of Professional Construction and to require professional licenses for contracting professionals, is undergoing legal sufficiency review. The bill will probably not be considered by Council until sometime in 2016.

(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 (MOTA) is hoping to have all Board appointments finalized by September 24, 2015. He indicated that Jason Wright and Kellie Farster will both be appointed to the Board. He also indicated that Jill Stern would become the new CCCB Chair before the October meeting, and that this would enable Robbie Sabbakhan to remain on the Board as a voting member.

Paul Waters advised the Board that Herb Taylor is retiring from the Fire Department, and a new Fire Department member will need to be identified and appointed. He is coordinating with Chief Tony Falwell to accomplish this in a timely manner. Jason Wright, a member of the current Fire TAG, indicated a willingness to follow up with the TAG on the code change proposals that had been referred to the Fire TAG, given Herb Taylor's retirement.

Paul Waters also confirmed that he has appointed Bill Updike as the Chair of the Green TAG, and David Epley as the Chair of the Energy TAG.

(iii) Amendment of By-Laws

The Board considered the proposed amendment to Article 4, Section 3 of the CCCB By-Laws to allow for TAG participation by conference call with the TAG Chair's prior approval. The proposed amendment had been introduced at the July meeting, and discussed at the August meeting. The Board unanimously approved the amendment, upon motion made by Bill Updike and duly seconded by Robbie Sabbakhan.

(iv) Other Matters

- a. A proposed calendar for CCCB Regular Meetings through March 17, 2016 was discussed by the Board. Upon motion made by Bill Updike and duly seconded by Jatinder Khokhar, the Board unanimously approved the following meeting schedule:
October 15, 2015



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November 12, 2015 (tentative)
December 17, 2015
January 21, 2016
February 18, 2016
March 17, 2016

- b. Jill Stern circulated two Administrative Bulletins that DCRA is proposing to adopt, dealing with the “courtesy” contractor letter and the underpinning issue. She explained that DCRA believes it has authority to adopt the Administrative Bulletins under the Construction Codes, and that the Director wants to move quickly to address these issues while the CCCB continues to discuss the technical issues relating to underpinning in greater detail, and to decide whether a code change is needed. The Courtesy contractor letter will deal with projects in Residential, Mixed Use and Special Purpose Districts where construction activities adjoin a detached one- or two-family house or townhouse. The underpinning Bulletin will require additional submittal documents where a party wall is involved, and impose a special inspection requirement.

A question was raised as to whether the contractor letter would be a mandatory requirement, and Paul Waters indicated that the intention was to introduce a more “neighborly” approach in the District of Columbia. Paul Waters expressed his opinion that the Administrative Bulletin would not impose a penalty for noncompliance, although other Board members indicated that they read the Bulletin to contain mandatory language. He indicated that the DCRA Director wants to issue the Administrative Bulletin, as a first step in addressing resident concerns and facilitating communications between developers and residents, while the Board continues to consider more stringent requirements.

The Board members suggested some revisions to the Bulletins, and also agreed to circulate the Bulletins to various stakeholders after the revisions were made and recirculated to Board members. The Board members, and other meeting participants, mentioned possible stakeholders, including AOBA, DCBIA, ABC, and NARI. Ethan Landis, Kirsten Bowden, and Eric Jones agreed to circulate the revised Bulletins to organizations to which they belong.

- c. Jill Stern alerted Board members to the draft “Notice of Emergency Rulemaking and Notice of Proposed Rulemaking” in the Board materials. She indicated that the draft included recent code change proposals adopted by the Board, and asked for the Board’s input on timing for approval and publication of this Notice. After discussion, the Board members agreed that the goal should be to issue a Notice of Proposed Rulemaking as soon as possible, and hopefully by the end of the calendar year, with the goal of adopting the code changes in early 2016. Based on this proposed schedule, and taking into account the projected timeline for the zoning amendment to allow expanded child development homes, the Board members thought that an emergency rulemaking would not be needed.
- d. Following up on his inquiries at previous Board meetings, Marc Fetterman asked for an update on “outreach” concerning the new smoke alarm and carbon monoxide alarm requirements that will be applicable to all single and multi-family dwellings in the City as of March 2017. Paul Water reported that he raised the matter with the DCRA Director, and told her of the Board’s recommendation that, because of the city-wide importance of this life safety issue, it needs to be addressed at a Mayoral level.



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- e. The issuance of third party plans review and third party inspections documents as administrative bulletins was raised by Marc Fetterman. Robbie Sabbakhan reported that revisions are still being made, recent discussions about enforcement of the flood hazard rules are necessitating further revisions, and DCRA still hopes to issue these documents as administrative bulletins in the next 30 days.
- f. In response to a question about the status of a calendar of CCCB and TAG meetings on the DCRA website, Jill Stern said that she is still working with IT staff on achieving this goal.

3. Consideration of Code Change Proposals

The Board turned next to consideration of new and pending code change proposals.

(i) New Code Change Proposals

A new code change proposal, BC-CCCB-1-6-2014, was introduced to correct a conflict between Section 106.6.2 of the District of Columbia Building Code Supplement and Section 705.8.7.6 of the same code, relating to covenants for openings on or near lot lines. Jill Stern indicated that a member of the public had brought this issue to her attention, and indicated that the provisions needed to be harmonized.

(ii) Previously Introduced Code Change Proposals

Previously introduced code change proposals relating to adjacent property notifications, underpinning and unsafe buildings and structures, are awaiting further review by the Structural Tag and Fire TAG, respectively. Jill Stern noted that the proposed Administrative Bulletins will provide a means to address the adjoining property and underpinning concerns, while the Board and the TAGs continue to discuss whether more extensive code changes are required. Based on the Structural TAG meetings, she recommended that changes to the adjoining property notification rules (Section 3307.2) be addressed in a separate code change proposal, apart from changes to the technical requirements for underpinning, since the notification issues, particularly DCRA's involvement in these issues, need to be addressed expeditiously. Alex Berley, and others, agreed that DC should follow the NYC approach, where property access or property protection disputes between owners seeking construction permits and their adjoining neighbors are handled between the parties and not by the Building Department except where a code violation is raised. Alex Berley indicated that the Structural TAG recommended this approach, since DCRA is not equipped to referee the property access issue, which raises a legal interpretation of real property law that must be handled by the courts.

Regarding underpinning code change proposals, Alex Berley stated that the Structural TAG does not support prescriptive code requirements and believes that the existing special inspection requirements for underpinning should provide residents with a high comfort level. It was also suggested that DCRA issue a guide sheet for homeowners, indicating what rights and remedies homeowners have where construction is going on next door.

Building Code	Sections	Status	Action Taken at 9.17.15 CCCB Meeting



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BC-CCCB-1-3-2014	105.4.1 & 3301.3	Submitted to Chair 4.23.15; referred to IP TAG 4.23.15	Deferred
BC-CCCB-1-6-2014	106.6.2, 705.8.7.6		Introduced 9.17.15
BC-CCCB-18-1-2014	1811 (NEW)	Submitted to Chair 6.18.15; Referred by Chair to Building and Structural TAGs 6.18.15 (companion proposal to RC-CCCB-3-1-2014); Building TAG meeting 7.8.15; Structural TAG meeting 7.23.15 and 9.15.15	Deferred; awaiting further Structural TAG consideration
BC-CCCB-33-1-2014	3307	Submitted to Chair 6.18.15; Referred by Chair to Building and Structural TAGs 6.18.15; Building TAG Meeting 7.8.15; Structural TAG meeting 7.23.15 and 9.15.15	Deferred; awaiting further Structural TAG consideration
Residential Code	Sections	Status	Action Taken
RC-CCCB-3-1-2014	R324 & R409 (NEW)	Submitted to Chair 6.18.15; Referred by Chair to Residential TAG 6.18.15 (companion proposal to BC-CCCB-18-1-2014)	Deferred ; awaiting further Structural TAG consideration
Property Maintenance Code	Sections	Status	Action Taken
PMC-1-1-2014	109	Submitted to Chair 8.17.15; introduced at 8.20.15 CCCB	Deferred.



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		meeting. Referred to PMC TAG for consideration.	
Fire Code	Sections	Status	Action Taken
FC-CCCB-1-1-2014	111 (parallel change to BC-CCCB-1-4-2014)	Submitted to Chair 7.16.15; referred to Fire TAG (7.16.15).	Jason Wright agreed to circulate to Fire TAG members in light of Herb Taylor's retirement
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 with revisions (6.17.15); CCCB Deferred for further consideration by Fire TAG (6.18.15).	Jason Wright agreed to circulate to Fire TAG members in light of Herb Taylor's retirement

4. Comments by Members of the Public

Comments by Jason Wright are incorporated above.

5. Adjournment

The meeting was adjourned at 11:55 am upon motion made by Robert Hershey and duly seconded by Bill Updike. The next Board meeting is scheduled for October 15, 2015.