



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONSTRUCTION CODES COORDINATING BOARD

MINUTES OF REGULAR MEETING  
Thursday, July 16, 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)                  |                           | Jill Stern (DCRA)<br>(by conference call) | Kellie Farster, SK&A<br>Structural Engineers, PLLC |
| Alex Berley (Vice Chair)             |                           | LaShawn Dickey                            | Jason Wright                                       |
| Jatinder Khokhar                     |                           |   | Omar McIntosh                                      |
| Marc Fetterman                       |                           |   | Kirsten Bowden, AOBA (by<br>conference call)       |
| Robert Hershey                       |                           |   |  |
| Herbert Taylor                       |                           |   |  |
| Rabbiah Sabbakhan                    |                           |   |  |
| David Epley                          |                           |   |  |
| Ethan Landis (by conference<br>call) |                           |   |  |

**1. Preliminary Matters**

***Call to Order***

The meeting was called to order by Paul Waters, Chair, at 10:15 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 Bill Updike and duly seconded by Jatinder Khokhar.

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

The meeting minutes for the Thursday June 18, 2015 Regular Meeting were unanimously approved by the Board, upon motion made by Jatinder Khokhar and duly seconded by Herbert Taylor.

**2. Status Updates and Administrative Matters**

- (i) Rulemaking and Legislative Proceedings.

Jill Stern provided the following status updates on rulemaking and legislative proceedings since the last Board meeting.

- a. Title 16, DCMR. A Notice of Second Emergency Rulemaking, and a Notice of Proposed Rulemaking, to amend Title 16 to conform the DCRA and FEMS schedule of civil infractions to the 2013 Construction Codes were published in the DC Register on July 3, 2015. The comment deadline for the Notice of Proposed Rulemaking is August 1, 2015, and the emergency rulemaking has been extended until September 20, 2015.



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(b) "Harmonization Act". The Harmonization Act, to bring the DC Code into conformance with the new Construction Codes, is still awaiting a hearing by the Committee on Business, Consumer and Regulatory Affairs, chaired by CM Orange. The hearing was not held by the summer recess, and will not occur until September at the earliest. Marc Fetterman recalled suggestions, forwarded to him by a local attorney, to amend the DC law codifying the Federal Height Act requirements for DC. (The suggestions are to delete Title 6 Chapter 6 Subchapter 1 Sections 1, 2, 3, 4, 6 and sentence 3 of Section 7 to allow the DC Code to be more in conformance with 12 DCMR while maintaining compliance with Federal law.) Jill Stern confirmed that DCRA is reviewing these suggestions and will circulate the text to the Board

(c) Sign Regulations. The public comment period ended on July 13, 2015, and DDOT has indicated a Third Notice will be released to modify the proposed rules to conform to a recent Supreme Court decision on commercial speech.

(d) Fire Code Errata. The Board was advised of an errata to the Fire Code, which had resulted from a formatting error noticed by the Fire Department. Jill Stern advised that the Errata Notice would be published in the DC Register shortly, and the correction made in the online integrated codes by the ICC.

(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 private sector candidates for CCCB appointment, although he did not have a timeline yet for the appointments. He introduced Jason Wright and Omar McIntosh, who have submitted applications for Board and TAG nomination. They provided information about their background and experience. Kellie Farster, a candidate to fill the structural engineering Board slot who had attended the CCCB June meeting, was also recognized.

The Board was advised of a July 30, 2015 date for the swearing-in of the government members who have been reappointed by not yet officially sworn-in.

(iii) Amendment of By-Laws

Jill Stern directed the Board's attention to a proposed amendment to the CCCB bylaws, specifically, Article 4, Section 3, which had been discussed at the June Board meeting. The proposed amendment would allow for TAG participation by conference call. The bylaws allow for phone participation at Board meetings, but not for TAG meetings. Paul Waters asked the Board members to review the proposed amendment, and also to consider whether any other Bylaw amendments should be considered, for further discussion at the August meeting.

(iv) Other Matters

Marc Fetterman noted the amount of time it is taking to reconstitute the Board and wondered, due to the extended amount of time it took the CCCB and its TAGs to carefully review and draft code change proposals to the 2012 ICC Green Construction Code, whether the Green TAG should begin work soon. Since the Green TAG chair will most likely be a government member, and government members have been appointed, would the CCCB chair appoint the Green TAG chair soon? Paul Waters said he would consider the suggestion.

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



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and multi-family dwellings in the City. Herb Taylor indicated that DCFEMS would be leading the effort in getting the requirements out to DC Residents; he also stated that DCFEMS has community liaisons who provide outreach efforts. Marc Fetterman thanked the DCFEMS for taking the lead on this important issue but asked whether additional outreach by the City would help get the word out to all.

The issuance of third party plans review and third party inspections documents as administrative bulletins was raised by Marc Fetterman and Robbie Sabbakhan reported that work on both documents is almost complete and it is hoped that they will be issued as administrative bulletins in the next 60 days.

Paul Waters reminded the Board that he will retire from DCRA at the end of this year. He stated that DCRA Director Melinda Bolling has announced that Robbie Sabbakhan will become the next CCCB Chair. This will allow DCRA to appoint an additional representative to the CCCB.

### **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 and official actions are provided below.

(i) Expanded Child Development Homes

The Board first considered the code change proposals relating to expanded child development homes. Jill Stern indicated that RC-CCCB-App. M-1-2014, which had previously been approved by the Board, had now been revised following recommendations from the IP TAG following its July 7, 2015 meeting. She identified the revisions in Section AM101.1, which were deemed necessary to clarify the scope of Appendix M. Code change proposal FC-CCCB-3-1-2014 (to conform the Fire Code to the Residential Code, Appendix M) had been deferred at the last meeting for further discussion and revision. Jill Stern advised that she would circulate the revised proposal for the August meeting. Code change proposal BC-CCCB-1-4-2014 was introduced at the June meeting, and was resubmitted to the Board with revisions after being considered by the IP TAG at its July 7, 2015 meeting. Code change proposals RC-CCCB-App. M-1-2014 and BC-CCCB-1-4-2014, as revised, were approved unanimously by the Board upon motions made and duly seconded.

(ii) Unsafe Buildings and Structures

The Board next considered the previously introduced code change proposal to revise Section 116 of the Building Code (BC-CCCB-1-5-2014), in order to confirm the code official's authority to take appropriate actions in emergency situations, following a recent OAH case interpreting Section 116 to primarily address building closures and removal of building occupants where there is imminent danger. The IP TAG had considered the code change at its July 7, 2015 meeting, and revised the proposal to add a section on historic properties at the request of the Office of Historic Preservation. The proposal as revised was unanimously approved by the Board upon motion made and duly seconded. A related code change proposal, to revise Section 111 of the Fire Code was introduced to the Board, and referred to the Fire TAG for review and recommendation.

(iii) Adjacent Property Notifications and Underpinning

The Board next turned to the code change proposals relating to underpinning and adjacent property notifications (BC-CCCB-33-1-2014, BC-CCCB-18-1-2014 and RC-CCCB-3-1-2014) which were previously introduced to the Board for consideration. These proposals seek to address ongoing concerns about underpinning work, and



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construction and excavation impact on adjoining property, and to require that all adjacent properties be notified of a pending construction project. While Section 3307 was substantially revised in the 2013 Building Code, DCRA has continued to experience administrative challenges in interpreting and implementing this section. Jill Stern advised the Board that the code change proposals had been extensively discussed at the IP TAG meeting on July 7, 2015, and the Building TAG meeting on July 8, 2015. In addition, the Residential TAG members had informally reviewed the proposals. Based on these meetings, she indicated that the proposals had raised lively discussions that needed to be continued at the TAG level. The Structural TAG is also scheduled to meet during July to add its consideration to the proposals.

Marc Fetterman, chair of the IP TAG, corroborated the lively nature of the TAG discussions, and concerns raised by TAG members as to the need for the proposed code changes. Concerning adjacent property notification proposals, Marc Fetterman reported on a lack of consensus between the government employee participants and those from the private sector on a solution. Regarding underpinning, the IP TAG has asked for input from the Structural TAG before continuing review of the matter. LaShawn Dickey indicated that the Building TAG had forwarded the code change proposals to the Washington Area Council of Engineering Laboratories (WACEL) for review, since WACEL works closely with DCRA on special inspection issues and has soil and geotechnical engineering expertise. Ethan Landis, chair of the Residential TAG, indicated that he had circulated the proposal, and that he had concerns about the cost impact of requiring special inspections for smaller scale residential construction. He suggested that a training seminar for contractors on underpinning and excavation issues could address some of the problems being experienced in the District. While concerns were expressed that such seminars might not be appropriate for DCRA to conduct, it was pointed out that NY City had run similar seminars and that power point presentations on the training seminars could be downloaded from the NYC Building Department site. It was suggested that training seminars would be appropriate in conjunction with adoption of new underpinning provisions.

Jill Stern advised the Board that she and Alex Berley had spoken with Gus Sirakis, Executive Director of Technical Affairs at the NYC Department of Buildings, about NYC’s experience with drafting and enforcement of the underpinning and adjacent property provisions, on which the new DC code change proposals are based. She mentioned that his expertise was helpful, and asked whether the Board would like her to arrange a conference call with Mr. Sirakis at the next Board meeting. The consensus was that his availability to answer questions would be very helpful, if it could be arranged. Ethan Landis suggested that it might be worth looking at other jurisdictions besides NYC, since the soil issues in NYC are so different. Jill Stern indicated willingness to look at other jurisdictions, but mentioned that the NYC experience was relevant because of the urban density and the number of older buildings, including townhouses, and the party wall issues.

Board members briefly discussed the proposals, and agreed that the issues are complex and require thoughtful consideration. Following discussion, the Board took the actions described below after motions made and duly seconded. All actions were unanimous unless otherwise indicated.

| <b>Building Code</b> | <b>Sections</b>  | <b>Proposal Introduced</b> | <b>Action Taken<br/>(7.16.15 Meeting)</b>                               |
|----------------------|------------------|----------------------------|---|
| BC-CCCB-1-3-2014     | 105.4.1 & 3301.3 | 4.23.15                    | Deferred pending resolution of adjacent property notification proposals |



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|-------------------------|--|---|--|
| BC-CCCB-1-4-2014        | 116  | 6.18.15                                 | Approved by CCCB with revision 7.16.15<br>Marc Fetterman (M)<br>Armando Lourenco (S)   |
| BC-CCCB-1-5-2014        | 101.3.3.1                                    | 6.18.15                                 | Approved by CCCB<br>7.16.15<br>Marc Fetterman (M)<br>Jatinder Khokhar (S)              |
| BC-CCCB-18-1-2014       | 1811 (NEW)                                   | 6.18.15                                 | Deferred pending<br>Building TAG and<br>Structural TAG<br>consideration                |
| BC-CCCB-33-1-2014       | 3307   | 6.18.15                                 | Deferred pending<br>Building TAG and<br>Structural TAG<br>consideration                |
| <b>Residential Code</b> | <b>Sections</b>                              |   | <b>Action Taken</b>  |
| RC-CCCB-3-1-2014        | R324 & R409 (NEW)                            | 6.18.15                                 | Deferred pending<br>Residential TAG and<br>Structural TAG<br>consideration             |
| RC-CCCB-App. M-1-2014   | Appendix M                                   | 8.20.14; approved by<br>CCCB on 6.18.15 | Approved by CCCB (as<br>revised) 7.16.15<br>Marc Fetterman (M)<br>Armando Lourenco (S) |
| <b>Fire Code</b>        | <b>Sections</b>                              |   | <b>Action Taken</b>  |
| FC-CCCB-1-1-2014        | 111 (parallel change to<br>BC-CCCB-1-4-2014) | 7.16.15                                 | Introduced today   |
| FC-CCCB-3-1-2014        | 319 & Appendix K                             | 4.29.15                                 | Deferred for further<br>consideration  |

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

Kellie Farster noted that the American Society of Civil Engineers recently posted a webinar on underpinning techniques and she will forward the link to the Structural TAG.

**5. Adjournment**

The meeting was adjourned at 12:00 pm upon motion made by Robert Hershey and duly seconded by Armando Lourenco. The next Board meeting is scheduled for August 20, 2015.