



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONSTRUCTION CODES COORDINATING BOARD**

**MINUTES OF SPECIAL MEETING
Wednesday, August 20, 2014
1100 4th Street, S.W. – Conference Room E4302
10:00 am – 12:00 pm**

Members Present	Board Members Not Present	Board Staff Present	Other Persons Present
Paul Waters (Chair)	Armando Lourenco	Jill Stern (DCRA)	David Epley, DCRA
Alex Berley (Vice Chair)			Cory Mengual, Mary's Center
Jatinder Khokhar			David Greenberg
Marc Fetterman			Rebecca Stack, DDOE
Robert Hershey			Shaun Pharr, AOBA
Herbert Taylor			
Bill Updike			
Rabbiah Sabbakhan			
Ethan Landis (By Phone)			
Curtis Clay			

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 Wednesday, June 18, 2014 Special Meeting were unanimously approved by the Board, upon motion made by Jatinder Khokhar and duly seconded by Rabbiah Sabbakhan.

2. Status Updates and Administrative Matters

- (i) Emergency Rulemaking and Notice of Proposed Rulemaking (2013 12 DCMR). The process is underway to extend the emergency rules as of August 29, 2014 for an additional 120 days. (The emergency rules currently expire on September 22, 2014). The rulemaking notice is subject to 45-day Council review, which period will expire in November 2014. Following Council review, a Notice of Final Rulemaking will be published by the end of the year.
- (ii) 14 DCMR Rulemaking. The Board was advised that comments had been filed by a group of tenant advocates, and additional comments were submitted by AOBA and OTA. DCRA will be meeting with commenting parties as necessary to clarify comments. Matt Orlins advised that a Second Notice of Proposed Rulemaking would be issued after review of the comments.
- (iii) Harmonization Act. Currently under review by OAG. DCRA expects the document will be submitted to Council after it returns from the summer recess.



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- (iv) ODAI publication of 2013 12 DCMR. ODAI has advised that hard copies of 2013 12 DCMR and the online version will be available by September 30, 2014.
- (v) CCCB website. Paul Waters reported that Jill Stern has been working with DCRA's Office of Information Services to update the DCRA website as it relates to the CCCB and the 2013 Construction Codes. The updates are in progress with the goal of completion by the end of September.
- (vi) Signage Task Force. It was reported that DDOT is still hoping to publish a Second Notice of Proposed Rulemaking this summer, but it seems likely the publication date will slip further.
- (vii) Administrative Bulletins. Rabbiah Sabbakhan advised that the Green Building Program Manual has been released as an Administrative Bulletin, and an Administrative Bulletin on underpinning will be the next to be released. With respect to the manuals on Third Party Plans Review and Third Party Inspections, Rabbiah Sabbakhan indicated that the agency plans to publish these manuals as Administrative Bulletins when the manuals are reviewed with stakeholders, possibly by the end of September.
- (viii) ProjectDox. Rabbiah Sabbakhan updated the Board on the June 28, 2014 roll-out of ProjectDox for buildings of 100,000 square feet or more. To support the program, he advised that the agency has augmented its IT Staff and assigned a ProjectDox "ambassador" in the permitting department to assist applicants.
- (ix) Future Meeting Schedule. Subsequent Board meetings were scheduled for September 17, 2014, October 29, 2014 and November 19, 2014.
- (x) Curtis Clay advised the Board that he is resigning from the CCCB following the August 20 meeting. Paul Waters thanked Mr. Clay for his dedication and participation, over many years, to the Board's endeavors. Mr. Clay thanked Mr. Waters for his leadership of the Board.

3. New Matters for Board Consideration

- (i) Expanded Child Development Homes (Appendix M, Residential Code)

Jill Stern advised the Board that an inter-agency issue had arisen regarding "Expanded Child Development Homes" (a child care facility for seven to 12 children in a home), and the Board had been asked to consider a revision of the already-adopted Appendix M of the Residential Code to facilitate these expanded homes. She noted that child development homes are currently authorized for up to six children under home occupation permits and by the construction codes. The DC Office of the State Superintendent of Education (OSSE) is responsible for licensing child development homes, and has authorized expanded child development homes of up to 12 children under its rules, subject to receipt of a certificate of occupancy or home occupation permit from DCRA. Currently, neither the Zoning regulations nor the construction codes permit expanded child development homes, and providers have been unable to clear the obstacle of obtaining a special use permit from the BZA and a certificate of occupancy from DCRA.

Jill Stern further advised, by way of background, that DCRA, the Zoning Administrator, FEMS and OSSE had been meeting diligently to come up with a way of facilitating the expanded homes while making sure life safety concerns are addressed. She circulated to the Board proposed revisions to Appendix M of the Residential Code that would accomplish these objectives. A Zoning text amendment would still be required.



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The Board members discussed the proposed revisions, and asked Cory Mengual, Child Care Licensing Program Coordinator for Mary's Center, to clarify the home providers' concerns. Cory Mengual mentioned that he did not think the provision of two exits on each floor would be a problem for providers, but that sprinklering of existing homes would be cost prohibitive. Herbert Taylor was asked to clarify FEMS position; he advised that FEMS concern was with persons who cannot self-evacuate, which he defined as children age 2 or younger. Because of these concerns, he had recommended that DC follow the NFPA Life Safety Code for child care which only allows 3 children age 2 or younger in homes. He mentioned that in child development homes the infants may have to be carried out if there is a fire, in contrast to a day care facility where children are typically wheeled out; this means that a provider carrying 2 infants would not be available to help evacuate children older than two who are also occupying the facility. Cory Mengual asked if the Board would consider allowing 6 children under the age of 2, since there is a large infant population in DC that needs child care services. He noted that under OSSE rules there would need to be 1 child care provider for every 2 infants.

Following a Board discussion, Paul Waters suggested that a working group should be formed to discuss the proposed code revisions, and bring back recommendations to the Board. He indicated that the working group would be composed of Jill Stern, Marc Fetterman, Alex Berley, Herb Taylor and any other Board members who let Jill know of their interest in the issue.

(ii) Posting of Construction Permits (Section 105.1.9 Building Code)

Daniel Greenberg, a DC resident and neighborhood activist, addressed the Board with his concerns about posting of permits in the District. He expressed an objective to increase the amount of information on permits that are posted on construction sites, and to make the text of these permits readable from the street. Mr. Greenberg made a PowerPoint presentation in which he asserted that contractors in his neighborhood have changed their display of permits to hide or obscure the permits, which behavior he attributed to a change in DCRA interpretation of the posting requirement.

Jill Stern advised the Board that she had researched Section 105.1.9, and she distributed background information showing the revision of Section 105.1.9 between the 2008 and 2013 Building Codes. Although this change did not generate any discussion at the Board, she indicated a belief that the change occurred to bring the DC provision into line with the ICC model code language which was an overall goal of the code revision process.

She also advised the Board that she had spoken with a building official in Alexandria Virginia to find out how that jurisdiction interprets and enforces its posting requirement that expressly requires a permit to be readable from the street. She told the Board that Alexandria interprets this language only to require the address of the construction site to be readily visible from the street; in most cases, if a property has a posted street number (on the building or construction site), then that information will be sufficient along with the posting of the permit to meet the state's building code requirement.

The Board members sought to understand Mr. Greenberg's concerns. It was pointed out that no jurisdictions require the complete text of a permit to be readable from the street; if a permit is visible, any member of the public can get further information about the permit online through the DCRA website or by coming down to DCRA's public records room where permit files are available for 3 years after permit



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issuance. Rabbiah Sabbakhan also pointed out that DCRA would investigate any complaints regarding a contractor or owner failure to post a permit.

Mr. Greenberg submitted a formal code change proposal to Paul Waters for consideration by the Board. Mr. Waters indicated that he would review the proposal and introduce to the Board if appropriate at the next Board meeting.

(iii) Green Roofs (Section 317 Fire Code)

Bill Updike asked the Board to consider amending Section 317.2 of the Fire Code, which he believes is overly restrictive on green roofs. Rebecca Stack from DDOE suggested that clarification be obtained from the ICC on the reason for the size restriction of 15,625 square feet for any single area. Jill Stern agreed to research the question and report back to the Board at the next meeting.

(iv) Mechanical Ventilation Requirements for Renovated Buildings

David Epley, DCRA's Green Building Program Coordinator, asked the Board to consider modifying the Building Code and/or Mechanical Code (Section 401.2) to ensure that renovated dwelling units are required to provide mechanical ventilation. The ICC Code was modified by DC to require mechanical ventilation for "new dwelling units" which has created a misimpression that existing dwelling units, even where substantially altered, are not required to have mechanical ventilation. David Epley expressed a concern that this interpretation is contrary to the Board's intentions, and could create an unhealthy situation. Marc Fetterman cautioned that existing dwelling units can be substantially renovated in compliance with the construction without upgrading insulation and vapor barriers in exterior walls; and therefore new mechanical ventilation should not always be required. Paul Waters asked David Epley to come up with a code change proposal for Board consideration.

4. Comments by Members of the Public

Shaun Pharr of AOBA expressed concerns about the slow-down in permit processing. Rabbiah Sabbakhan responded to this concern by noting the impact of the new Green Construction Code review procedures; he advised that contractors have been brought in to work on the backlog.

5. Adjournment

The meeting was adjourned at 12: 25 pm upon motion made by Robert Hershey and duly seconded by Curtis Clay.