



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

**MINUTES OF REGULAR MEETING  
Thursday, May 21, 2015  
1100 4<sup>th</sup> Street, S.W. – 4<sup>th</sup> Floor- Conference Room E4302  
10:00 am – 12:00 pm**

<b>Members Present</b>	<b>Board Members Not Present</b>	<b>Board Staff Present</b>	<b>Other Persons Present</b>
Paul Waters (Chair) by telephone	David Epley	Jill Stern (DCRA) by telephone	Lynn Underwood (DCRA)
Alex Berley (Vice Chair)		LaShawn Dickey (DCRA)	
Jatinder Khokhar			
Marc Fetterman			
Robert Hershey			
Herbert Taylor			
Rabbiah Sabbakhan			
Ethan Landis by telephone			
Armando Lourenco			
Bill Updike			

**1. Preliminary Matters**

***Call to Order***

The meeting was called to order by Alex Berley, Vice 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 Armando Lourenco and duly seconded by Bill Updike.

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

The meeting minutes for the Thursday, March 19, 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) Pending Rulemaking and Legislative Proceedings.

Jill Stern identified the following noteworthy developments since the last Board meeting: (1) the Notice of Emergency Rulemaking to amend Title 16 to conform the DCRA and FEMS schedule of civil infractions to the 2013 Construction Codes, effective January 23, 2015, has been extended by DCRA Director Bolling until September 2015, although the extension has not yet been published in the DC Register; (2) the Notice of Proposed Rulemaking to amend the infractions in Title 16 to conform to the 2013 Construction Codes has been transmitted to the Mayor’s Office for publication; and (3) the comment deadline for the proposed sign regulations (new Title 13) has been extended until July 13, 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 hoped that the Committee on Business, Consumer and Regulatory Affairs, chaired by CM Orange, will hold a hearing prior to



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the Council's July recess. At the request of a Board member, Jill Stern offered to distribute a copy of the proposed legislation to the Board.

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

Paul Waters announced that CCCB members who are DC Government employees have been reappointed to the Board, Dave Epley (DCRA's Green Building Program Manager) has been appointed to the Board, and several were recently sworn-in. A question was asked about why no notice of these appointments had been placed in the *DC Register* and Paul Waters will raise this issue with MOTA, the Mayor's Office of Talent and Appointments (formerly Office of Boards and Commissions). Paul Waters advised the Board that MOTA has some additional candidates for CCCB appointment. He indicated that he would be meeting with MOTA to provide input on the candidates. Alex Berley asked that MOTA be asked to give consideration to the CCCB's views on the qualifications and nomination of new members. Paul Waters could not offer a date when the remainder of the Board would be appointed and he confirmed that the code development cycle schedule would be established after the Board membership is finalized. The expectation remains that the Board would consider amendments to the 2015 ICC codes and publication of a rulemaking notice by mid-2016.

(iii) Other Matters

Ethan Landis raised an issue for the CCCB relating to the lead regulations promulgated by DDOE, which he has found to be particularly onerous on home builders because of the need to follow EPA, OSHA and DDOE rules for properties originally built before 1978. He stated that DC requirements exceed requirements in neighboring jurisdictions. Jatinder Khokhar suggested that Ethan Landis meet with DDOE representatives, and he would assist Ethan Landis to connect with the right people at DDOE.

Ethan Landis expressed his appreciation to Jatinder Khokhar and Lynn Underwood for their consideration of an issue he had raised at the April 23, 2015 CCCB meeting that did not achieve a quorum regarding decks on roofs of townhouses.

Robbie Sabbakhan provided an update on Administrative Bulletins. He mentioned two issues that are going to be addressed: the importance of site plans showing utility lines and the need for permit applicants to identify contractors no later than the first inspection. The next bulletin will address issues relating to pop-ups. In response to a question, he said that the revisions to the previously adopted Third Party Manuals for Plans Review and Inspections are still under review and are not yet ready for issuance as administrative bulletins.

Marc Fetterman asked about suggestions, forwarded to him by an attorney, to amend the DC law codifying Federal Height Act requirements for DC, specifically Title 6 Chapter 4 Sections 1, 2, 3, 4, 6 and part of 7. The suggestions are to delete sections, or portions of a section, to allow the DC statute to be in conformance with 12 DCMR and the Federal law. Jill Stern confirmed that DCRA is reviewing these suggestions.

Marc Fetterman asked for an update of an issue that he had raised at the April 23, 2015 CCCB meeting that did not achieve a quorum. He had reminded the Board members present of requirements in 2013 12 DCMR requiring all residences and some Group I uses in the City to meet new construction requirements for smoke alarm locations and carbon monoxide alarms within three years after adoption of the codes. He asked whether sufficient notification was being given to these building owners of the new requirements and whether the City has budgeted for owners who may not be able to afford these upgrades. Herbert Taylor stated that DC FEMS continues to distribute smoke alarms and carbon monoxide alarms at no cost to those requesting them and that the new code requirements are being followed. Jatinder Khokhar said a meeting is being scheduled to discuss this issue.



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In response to a question, Jill Stern said that she is still working with OCTO representatives to re-establish a calendar showing CCCB and TAG meetings.

**3. Consideration of Code Change Proposals**

The Board turned next to consideration of new and pending code change proposals. Jill Stern advised the Board Members that the majority of the code change proposals relate to the child development home (home day care) issue. Although Fire TAG members have revised and approved an amendment to Appendix M of the Residential Code (RC-CCCB-App. M-1-2014) and resubmitted it to the Board, there are corresponding code change proposals for the Fire Code, Property Maintenance Code and Building Code that have been submitted to the respective TAGs for consideration. The Board consensus was that all of the proposals should be considered at the same time after the TAGs completed their work. Jill Stern advised the Board that the Office of Planning has finalized its text amendment to authorize expanded child care homes as an accessory use in R-1 zoning districts, and expects a Zoning Commission hearing on July 6, 2015 to consider the zoning amendment that would allow expanded child development homes as a home occupation.

Marc Fetterman raised a concern that the Fire TAG meeting at which the Appendix M amendment was approved did not comply with the by-law requirement for prior public notice of the meeting, and suggested that the Fire TAG should reconsider the Appendix M proposal at the same time that the TAG considers the related Fire Code proposal.

Code change proposal BC-CCCB-1-3-2014 was introduced to the Board for consideration, along with the notification letter. The Board had some preliminary discussion on the "courtesy" letter proposed which would be required to be sent before construction commenced, but after the permit was granted, to adjoining property owners. This letter would be distinct from the pre-permit notification required under Chapter 33 Section 3307 of the Building Code when structural work affects the adjoining property owner. This present section is a substantial revision of the requirements in 2008 12 A DCMR. Robbie Sabbakhan advised the Board that DCRA plans to propose amendments to the pre-permit notification procedures to address administrative issues that are arising at DCRA in enforcing this procedure and resolving disputes between the parties.

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

No comments were made by the public.

**5. Adjournment**

The meeting was adjourned at 11:30 a.m. upon motion made by Robert Hershey and duly seconded by Bill Updike. The next Board meeting is scheduled for June 18, 2015.