



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

**MINUTES OF SPECIAL MEETING
 Thursday, January 7, 2016
 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
Jill Stern (Chair)	Ethan Landis	LaShawn Dickey (DCRA)	Eric Jones, ABC Metro (by conference call)
Rabbiah Sabbakhan	Armando Lourenco		Kirsten Bowden, AOBA
Jason Wright			Derek Hora (DCRA)
Marc Fetterman			
Kellie Farster			
Robert Looper			
Jatinder Khokhar			
Bill Updike			
Tony Falwell			
Dave Epley			

1. Preliminary Matters

(i) Call to Order

The meeting was called to order by Jill Stern, Chair, at 10:06 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 Bill Updike and duly seconded by Dave Epley.

(iii) Review & Approval of Meeting Minutes

The meeting minutes for Thursday, December 17, 2015 were unanimously approved, with minor revisions, upon motion made by Bill Updike and duly seconded by Tony Falwell.

2. Code Change Proposals-2013 Construction Codes

(i) Notice of Proposed Rulemaking (BC-CCCB-Appendix N-1-2014)

The Board considered the Notice of Proposed Rulemaking (NPR) incorporating code change proposal BC-CCCB-Appendix N-2014 which had previously been approved by the Board, and subsequently reviewed by DCRA's Office of the General Counsel (OGC). Jill Stern reported that the NPR was reviewed and approved by OGC with no changes, but she had spoken to the Office of the Attorney General (OAG) and learned that OAG may take the position that the CCCB does not have legal authority to propose amendments to the sign regulations. Contrary to informal advice she previously received, OAG believes that Mayor's Order 2011-181,



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establishing the sign Working Group, may have superseded the CCCB’s authority to propose amendments to the sign regulations. She indicated that this issue will be addressed definitively when OAG reviews the NPR for legal sufficiency. Regardless of this development, Jill Stern recommended that the CCCB proceed with the proposed amendment, because, even if deemed outside the CCCB’s authority, the proposed code change will provide guidance to the Working Group, the Mayor’s Office and Council on a recommended regulatory approach for resolving the issue of interior signs that are legible from property other than that on which the sign is posted. She suggested that the Board should re-vote on the proposed amendment, given the split among members and the absence of some Board members at the last Board meeting. Marc Fetterman moved to adopt BC-CCCB-Appendix N-1-2014 as revised at the 12.17.15 Board meeting, and the motion was seconded by Bill Updike. The motion was unanimously approved (9:0).

(ii) Lot Line Opening Covenant (BC-CCCB-1-6-2014)

Jill Stern reported that Max Tondro of DCRA’s OGC had followed up with the Board’s request to talk with Gary Englebert of DCRA and David Briggs of Holland & Knight to see whether agreement could be reached on the proposed revision of the Building Code to harmonize conflicting provisions in the Building Code relating to covenants for lot line openings. Max had provided revisions to the code change proposal that were circulated to the Board, although he could not attend the Board meeting due to a scheduling conflict. Marc Fetterman asked why the proposal did not reflect the Board’s prior suggestion of a compromise position, allowing for recordation before final inspection as long as the covenant was approved and executed prior to permit issuance. Jill Stern indicated her understanding that this approach would not be feasible from an administrative and enforcement standpoint, but that she preferred to have Max address Marc’s question at the next meeting.

Summary of CCCB Actions

Building Code	Sections	Introduced	Procedural History	CCCB Action 1.7.16
BC-CCCB-1-6-2014	106.6.2 and 705.8.7.6	9.17.15	Referred to IP TAG 10.15.15; referred 12.03.15 to DCRA’s Office of General Counsel for review and revision; revised by OGC 1.6.16 and recirculated to CCCB	Deferred for further consideration
BC-CCCB-Appendix N-1-2014	Appendix N, Section 101.1 and 101.3.5.3	11.10.15	Approved 12.17.15 with revisions.	Approved unanimously 1.7.16 as revised

3. Introduction of New Code Change Proposals

No new code change proposals were introduced. Jill Stern indicated her intention to create and circulate formal code change proposals for the two code change requests received from members of the public in letter form, which were discussed briefly by the CCCB at prior meetings, so that actions relating to these proposals could be tracked as part of the new code cycle.



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4. 2015 Code Development Cycle

(i) TAG Applications and Membership

The Board unanimously approved new TAG members, upon motions made and duly seconded.

TECHNICAL ADVISORY GROUPS	
Administration & Enforcement	
Motion: Jatinder Khokhar; second: Jason Wright	
Jatinder Khokhar, Chair	DCRA
Marc Fetterman	Fetterman Associates P.C.
David Briggs	Holland & Knight
Lucinda L. VerBeek	IBTS
Alex Berley	Horning Brothers
Kirsten Bowden	AOBA
Gary Englebert	DCRA
Clarence Whitescarver	DCRA
Electrical	
Motion: Jatinder Khokhar; second: Bill Updike	
Jatinder Khokhar, Chair	DCRA
Mohamed Abdelmoneim	EYP Architecture and Engineering
Derek Gallardo	GHT Ltd.
Dennis Sullivan	Applied Fire Protection Engineering, Inc
Shahadat Suhrawardy	DCRA
Mouhamadou M Diack	CS Consulting Engineers, Inc.
Property Maintenance	
Motion: Jatinder Khokhar; second: Marc Fetterman	
Jatinder Khokhar, Chair	DCRA
Robert Simpkins	DCRA
Kirsten Bowden	AOBA
Joel Cohn	Office of the Tenant Advocate
Beth Harrison	Legal Aid Society of D.C.
Joseph Luers	Cushman & Wakefield
Todd Wise	Cushman & Wakefield
John Ritz	William C. Smith & Company Inc.

The Board unanimously approved the following changes to TAG membership upon motions made and duly seconded:

Building TAG: (motion: Robbie Sabbakhan; seconded: Marc Fetterman)
 Eric Mayl (Added)



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Jyh-Mei Lee (Added)
Phetmano Phannavong (Deleted)

Elevator TAG: (motion: Marc Fetterman; seconded: Jason Wright)
Graydon Ripley (Added)

(ii) Matrices of Significant Changes

Jill Stern asked TAG chairs to prepare matrices of the significant changes between the 2012 and 2015 Codes for circulation at the next Board meeting.

(iii) Other Matters

Jill Stern reminded the Board that the tentative schedule, distributed at the November.10, 2015 CCCB meeting, has all TAGs completing their work by the end of June 2016. Jill Stern also distributed an 11.12.15 draft "IBC Division of Responsibilities" that had been revised to reflect the 2015 IBC. Marc Fetterman raised an issue regarding the inability of the public to "copy-and-paste" ICC 2015 model code sections using ICC's free web site and Jill Stern said she would look into the matter with ICC. Finally, Jill Stern asked each Board member to send her a list of additional code books necessary for their TAGs to do their work.

5. CCCB By-Laws and Governing Regulations

The Board considered proposed revisions to the CCCB By-Laws and Governing Regulations (1 DCMR §601) that had been previously circulated at the Board's December 3 and 17, 2015 meetings. The revisions reflected requirements of the Open Meetings Act which had been enacted after the CCCB was first established, as recommended by Traci Hughes, Director, District of Columbia Office of Open Government, Board of Ethics and Government Accountability (BEGA). DCRA's OGC had also provided revisions. Jill Stern explained that a significant revision was based on BEGA's interpretation that the Open Meetings Act did not apply to the Technical Advisory Groups. In light of this interpretation, the Board consensus was that TAG meetings should not be recorded, or minutes posted, since these actions were not required by law and were unduly time-consuming given the fact that no one in the last code development cycle had requested to review such recordings or minutes. The Board also reached a consensus that the quorum requirement for TAGs with more than seven members should be increased to 4.

A motion was made by Marc Fetterman (i) to adopt the By-Laws as revised, and (2) to propose corresponding amendments to 1 DCMR §601 through rulemaking, which motion was seconded by Jason Wright, and unanimously approved by the Board.

6. Status Updates and Administrative Matters

Jill Stern advised the Board that there were no significant developments in relevant regulatory and legislative proceedings per Matt Orlins' report to her.



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7. Comments by Members of the Public

No comments were made by members of the public.

8. Adjournment

The meeting was adjourned at 11:30 a.m. upon motion made by Bill Updike and duly seconded by Jason Wright. The next Board meeting is scheduled for January 21, 2016.