



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

**MINUTES OF REGULAR MEETING
 Thursday, December 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
Jill Stern (Chair)	Jatinder Khokhar	LaShawn Dickey (DCRA)	Eric Jones, ABC Metro (by conference call)
Rabbiah Sabbakhan	Armando Lourenco		Paul Waters (DCRA)
Jason Wright			Max Tondro (DCRA)
Marc Fetterman			Derek Hora (DCRA)
Kellie Farster			J.R. Clark, Squire Patton Boggs (for Capitol Outdoor)
Robert Looper (by conference call)			Lynda Murphy (for Capitol Outdoor)
Ethan Landis			John Polis, Capitol Outdoor
Bill Updike			Fred Cooke, Rubin Winston (for Outfront Media)
Tony Falwell			Eric Rubin, Rubin Winston (for Outfront Media)
Dave Epley			Kirsten Bowden, AOBA

1. Preliminary Matters

(i) Call to Order

The meeting was called to order by Jill Stern, 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 Bill Updike and duly seconded by Jason Wright.

(iii) Review & Approval of Meeting Minutes

Board members discussed the meeting minutes for Thursday, December 3, 2015, and it was noted that Eric Jones had participated via conference call. The minutes were unanimously approved, as amended, upon motion made by Bill Updike and duly seconded by David Epley.

2. 2013 Construction Codes

(i) Notice of Proposed Rulemaking (Title 12 Amendments)



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

The Board considered the Notice of Proposed Rulemaking (NPR) which had been previously approved by the Board, and subsequently revised to incorporate changes proposed by DCRA's Office of the General Counsel following its review. The revised draft was sent to the Office of the Attorney General (OAG) for legal sufficiency review, and Jill Stern reported that OAG requested no further revisions following its review.

Marc Fetterman asked for clarification regarding the adult/caregiver ratio proposed in the NPR for home day care. Jill Stern provided her understanding that the provision regarding the adult home day care was developed in the Fire TAG, due to concerns about the difficulty of evacuating adults from a home day care facility in a fire emergency when those adults were incapable of self-preservation. She recalled discussions at the Fire TAG regarding the differences between infants who can be carried out, and adult clients, and the lack of guidance from any D.C. agency regarding adult home day care. No one else on the Board recalled the Fire TAG discussions about this issue, but Jill Stern indicated that Eric Mayl had been actively involved in drafting of the home day care appendices, and might be able to provide more detail if Marc Fetterman wanted to pursue this issue.

The NPR was approved unanimously by the Board upon motion made by Dave Epley and duly seconded by Jason Wright.

(ii) Consideration of Previously Introduced Code Change Proposals

After deferring the lot line covenant proposal, the Board discussed the pending proposal to amend Appendix N (signs) of the Building Code. Jill Stern advised the Board that CM Orange had introduced an emergency amendment to Appendix N to address the interior sign issue, and this amendment could be considered by Council in January 2016. She also provided an update on the status of the new comprehensive District of Columbia sign regulations (Title 13), having learned that DDOT and OAG are actively working with the Federal Department of Transportation to develop federal-state guidelines under the Federal Highway Act and expect to have a draft of the federal-state highway agreement by January 2016. DDOT is still the lead agency on the Title 13 rulemaking, and has decided that the federal-state highway agreement must be developed before the next Title 13 notice, since it will require discussion and resolution of many of the sign policy issues (since many District of Columbia streets are federal highways).

She advised the Board that it had several options to weigh with respect to the proposal: (1) disapprove the proposal; (2) adopt with or without revisions; or (3) delay action to see whether Council adopts the proposed emergency amendment.

J.R. Clark of Squire Patton Boggs, representing Capitol Outdoor, and John Polis, his client, reiterated their concerns about the existing loophole in Appendix N for signs that could lead to a proliferation of large format digital screens on the lobby level of office buildings. Fred Cooke also raised concerns, citing the signs across from the old Hecht's warehouse on New York Avenue. Capitol Outdoor distributed a package of materials to the Board members regarding a business plan by Digi Outdoor Media to raise funding for a digital sign network, in an effort to suggest the urgency of their concerns. Marc Fetterman raised a question about these materials which he pointed out depict large signs superimposed on rooftops in the District of Columbia, which is not the issue before the CCCB. He and other Board members emphasized that the sole issue is signs within a building, not within 18 inches of the property line as Capitol Outdoor is now contending.



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

Summarizing the discussion, Jill Stern observed that no one wants to see a proliferation of signs in lobbies of buildings or inside ground-level businesses that can be seen from the street or sidewalk, but that the relevant issue is whether the CCCB should take action of this issue. She asked for an informal show of hands as to whether the Board wanted to consider the issue raised by the code change proposal, and a majority of the Board members indicated their desire to consider the issue, given the indefinite delay in Title 13 adoption.

She next asked whether the Board wanted to revise the proposal, since concerns had been expressed that the language of the 2011 emergency amendment, and the proposed Title 13 language, could potentially present enforcement issues for DCRA. She asked the Board to consider a revision to the code change proposal, consistent with sign code language adopted in Arlington, Virginia, which recently completed a major sign code update in April 2015. Arlington’s code, which she distributed to the Board members, exempts signs inside buildings in Section 13.2.3 of its Zoning Ordinance, defined as “Any sign located entirely inside a building and not legible from property other than the property on which the sign is located.” Under the Arlington provision, “signs that are legible from property other than that on which the sign is located shall be regulated as signs under [the Sign Ordinance.]” This approach, in her view, would require permitting of signs inside a building that meet this criteria and also pull in other sign regulations like the aggregate maximum size of exterior signs per building based on building frontage.

Marc Fetterman moved to adopt the code change proposal, as revised to incorporate the Arlington language and the motion was seconded by Bill Updike. A roll call vote was taken with the following results: 5 voting in favor (Fetterman, Falwell, Sabbakhan, Epley and Updike); 3 voting against (Farster, Landis and Wright), and 1 abstention (Looper). Jill Stern agreed to revise the code change proposal and circulate the revised proposal to the Board members after the meeting to make sure that she had properly transcribed the revision.

Building Code	Sections	Introduced	Procedural History	CCCB Action 12.17.15
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	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. 5 members voted in favor (Fetterman, Updike, Epley, Falwell, Sabbakhan); 3 voted against (Farster, Landis, Wright); 1 member abstained (Looper)

3. Introduction of New Code Change Proposals

The Board next turned to the request submitted by Pamela Bateman, a member of the public, asking that the Board consider a code change to make sure that residents in mixed use buildings are protected from overnight



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

gas leakage from gas-fired equipment used by commercial establishments in the mixed-use building. Her request was prompted by a dangerous situation that arose in her building from a commercial restaurant stove that was leaking gas overnight in a confined back hallway. Marc Fetterman indicated that a sensor is available at reasonable cost to address this problem. The Board consensus was that the proposal should be referred to the Mechanical and Fire TAGs for further consideration in the 2015 code cycle of the sensors available, and the appropriate code language to be adopted.

4. 2015 Code Development Cycle

(i) TAG Applications and Membership

The Board unanimously approved the following TAG membership, upon motions made and duly seconded.

TECHNICAL ADVISORY GROUP	
Accessibility	
Motion: Jason Wright; second: David Epley	
Jason Wright, Chair	
Onyel G. Bhola	
Rabbiah Sabbakhan	
Marshella M. Wallace	
Building	
Motion: Robbie Sabbakhan; second: Ethan Landis	
Rabbiah Sabbakhan, Chair	
Robert Looper	
Phetmano Phannavong	
Lucinda L. VerBeek	
David P. Wilmot	
Joe F. Winters	
Elevator	
Motion: Marc Fetterman; second: Ethan Landis	
Marc Fetterman, Chair	
Roger W. Jessee	
Matthew P. Pike	
Richard Shaffer	
Matthew P. Warring	
Sonia A. Zamora	
Paul R. Zweig	
Existing Buildings	
Motion: Ethan Landis; second: Bill Updike	
Ethan Landis, Chair	
Gary W. Englebert	
Marc Fetterman	



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

Donald P. Silverstein	
Dennis A. Sullivan	
Clarence G. Whitescarver	
Nicola Y. Whiteman	
Fire & Life Safety	
Motion: Tony Falwell; second: Robbie Sabbakhan	
Tony Falwell, Chair	
Silroy Brown	
Raymond A. Grill	
Robert Looper	
Justin Norton	
Scott V. Vandame	
Jason Wright	
Green Construction & Energy-Commercial	
Motion: Bill Updike; second: Jason Wright	
Bill Updike, Chair	
Roger (Jui-Chen) Chang	
David B. Kaiser	
Patrick A. Kunze	
Anica Landreneau	
Residential & Energy-Residential	
Motion: David Epley; second: Bill Updike	
David Epley, Chair	
Asa Foss	
Douglas D. Horgan	
Ethan Landis	
Elliott Seibert	
Tanya Topolewski	
Chris A. Toussaint	
Lucinda L. VerBeek	
Keith Winston	
Structural & Special Inspections	
Motion: Kellie Farster; second: Ethan Landis	
Kellie Farster, Chair	
Matthew J. Daw	
John Landry	
Howard J. Rosenberg	
Robbie Sabbakhan	

Approval of additional TAG members was deferred to the next Board meeting.

(ii) Matrices of Significant Changes



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

Jill Stern asked TAG chairs to start preparing matrices of the significant changes between the 2012 and 2015 Codes.

5. Status Updates and Administrative Matters

A brief written status update on relevant regulatory proceedings was provided in the meeting materials and distributed at the meeting.

The Board decided to schedule a special meeting on January 7, 2016 to finalize TAG membership for the TAGs chaired by Jatinder Khokhar and Armando Lourenco, and to allow other TAG Chairs to propose additional members for their TAGs if desired.

6. Comments by Members of the Public

J.R. Clark, John Polis and Fred Cooke spoke about the Appendix N proposal, as noted in 2(ii), above. No additional comments were made by members of the public.

7. Adjournment

The meeting was adjourned at 12:00 pm upon motion made by Bill Updike and duly seconded by Ethan Landis. The next Board meeting is scheduled for January 7, 2016.