

Submitted by: Assembly Member Cross,  
Assembly Member Sulte, and  
Mayor Bronson  
Prepared by: Assembly Counsel's Office  
For reading: \_\_\_\_\_, 2023

**ANCHORAGE, ALASKA**  
**AO No. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING BUILDING CODES AT ANCHORAGE MUNICIPAL CODE CHAPTER 23.10, ANCHORAGE ADMINISTRATIVE CODE 2018 EDITION, TO ALLOW OPTIONAL INDEPENDENT PLAN REVIEW OF STRUCTURAL DESIGN FOR COMMERCIAL BUILDING PERMITS.**

**WHEREAS**, Title 23 of Anchorage Municipal Code provides applicants applying for a residential single-family or two-family building permit the option to use independent reviewing professionals for plan review; and

**WHEREAS**, the Anchorage building community utilizes this option frequently, saving Anchorage residents and Municipality of Anchorage staff, time and resources; and

**WHEREAS**, this ordinance would provide applicants applying for a commercial building permit the option to use an independent reviewing professional for review of structural plans only; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 23.10.104.9 is hereby amended to read as follows:

**23.10.104.9 – Optional independent single-family, [AND] two-family, and three-unit dwelling plan review; commercial plan review.**

**A.** Residential one-, two-, and three-family dwellings. For residential one-family, [SINGLE-FAMILY OR] two-family, or three-unit dwelling permit applications, the permit applicant shall have the qualified option for independent reviewing professionals, as described in this subsection [B BELOW], to accept responsibility for plan review and building code compliance for the permit. For permit applications submitted under this provision, it shall not be the responsibility of the building official to review the application for compliance with applicable building codes. The building official shall conduct or cause to be conducted reviews for zoning, address, flood, NPDES, storm water and any other reviews necessary for the project.

**1.** [A.] The applicant's exercise of the option and the identity of the independent reviewing professionals shall be designated on the building permit application in accordance with this section.

**2.** [B.] Plan review shall be conducted by independent reviewing

professionals as follows:

a. [1.] Review of the structural plans and calculations shall be conducted by a professional engineer currently registered by the State of Alaska Board of Registration for Architects, Engineers and Land Surveyors as either a structural engineer or a civil engineer. A reviewing civil engineer must be able to demonstrate experience in structural engineering.

b. [2.] Review of the plans for fire code compliance and building safety shall be conducted by either

i. [(i)] an individual certified as a Building Plans Examiner or Residential Plans Examiner by the International Code Council (ICC), or

ii. [(ii)] a professional architect registered by the State of Alaska Board of Registration for Architects, Engineers and Land Surveyors.

c. [3.] The structural review and the review for fire code compliance and building safety may be conducted by a single individual if that individual meets the certification requirements set forth in both subsections 2.a. and 2.b. [B.1 AND B.2], above.

d. [4.] No application will be accepted where an independent reviewing professional [HAS] also serves [D] as the designer or builder of the project.

3. [C.] A complete building permit application reviewed pursuant to this section shall include:

a. [1.] Complete building plans and structural calculations;

b. [2.] Plot plan;

c. [3.] Completed storm water discharge permit application;

d. [4.] Letter of review signed by the appropriate independent reviewing professional demonstrating experience in structural engineering certifying structural plans, calculations, fire code compliance, building safety, accepting responsibility for plan review, as required by this section;

e. [5.] Signed release of liability, as required by this section; and

f. [6.] Any geotechnical reports required by Titles 21 and 23 of the Anchorage Municipal Code.

4. [D.] The plans, calculations and all documents required under this section may be submitted electronically via the department's electronic plan review software [KNOWN AS E-PLANS].

5. [E.] The building official shall confirm the application includes the materials required by sections 23.10.104.9 and 23.10.104.10. If complete and compliant with Title 21 regulations, the application shall be accepted, and the building official shall issue the permit provided that:

a. [1.] The permit application demonstrates the plans and specifications for residential single-family, [AND/OR] two-family, and/or three-unit dwellings have been reviewed by independent reviewing professionals. Each reviewing

1 professional must submit a signed letter of review with  
2 the plans describing the scope of their review and  
3 including the details of their credentials to conduct such  
4 review. Each reviewing professional must include their  
5 registration number and the related expiration date.

6 b. [2.] The permit applicant and the independent reviewing  
7 professionals confirm in writing that the independent  
8 reviewing professionals accept responsibility for the plan  
9 review.

10 c. [3.] Each independent reviewing professional either:

11 i. [a.] Submits to the building official, in concert with the  
12 letter of review, a waiver of claims against the  
13 Municipality of Anchorage for all damages, losses  
14 and expenses, arising out of or resulting from the  
15 performance of the review, to the fullest extent  
16 permitted by law and on a form satisfactory to the  
17 Municipality of Anchorage Office of Risk  
18 Management, executed by  
19 (A)[(i)] the reviewing professional;  
20 (B)[(ii)] the building construction contractor; and  
21 (C)[(iii)] the current owner of the property and any  
22 party under contract to purchase the  
23 property within a year of its completion; or

24 ii. [b.] Provides proof that they maintain professional  
25 liability insurance meeting each of the following  
26 requirements:

27 (A) [i.] Plan review and building code compliance  
28 review under Anchorage Municipal Code  
29 are within the scope of the professional  
30 liability insurance coverage.

31 (B) [ii.] The professional liability insurance  
32 provides a minimum of \$250,000 in  
33 coverage.

34 (C) [iii.] Coverage extends for no less than two  
35 years from completion of the project  
36 construction. If the existing policy does not  
37 extend for the duration of this period, the  
38 independent reviewing professional must  
39 specify in his or her reviewing letter when  
40 the policy expires and that it will be  
41 renewed to ensure continuous coverage for  
42 no less than two years from the date of  
43 completion.

44 d. [4.] Each independent reviewing professional indemnifies,  
45 holds harmless and states they shall defend the  
46 Municipality of Anchorage from and against all claims,  
47 damages, losses and expenses, including but not limited  
48 to attorney fees and costs, arising out of or resulting from  
49 the performance of the review to the fullest extent  
50 permitted by law.

1           6. [F.] Reviewing professionals do not have authority to approve code  
2           modifications or alternative materials, designs, and methods of  
3           construction and equipment as defined in this code. Any request  
4           for consideration of code modifications or alternative materials,  
5           designs, and methods of construction and equipment shall be  
6           submitted to the building official for approval prior to or along  
7           with the permit application under the optional process.

8           7. [G.] The building official may

9           a.     revoke the privilege afforded by this section of any  
10           individual who displays incompetence or lack of  
11           knowledge in matters relevant to the design and  
12           construction of [ONE- AND TWO-FAMILY] dwellings  
13           covered by this section, or who commits fraudulent acts.

14           b.     issue a notice to any individual finding the person is  
15           grossly negligent in conducting independent plan reviews  
16           for residential dwellings submitted under this subsection.  
17           The building official shall have the right to audit all  
18           submitted plans reviewed by that independent reviewing  
19           professional for a time period stated in the notice, not to  
20           exceed two years. Such notice is subject to appeal  
21           pursuant to section 23.10.103.4.

22  
23           B.     Commercial. For commercial permit applications, the permit applicant  
24           shall have the qualified option for an independent reviewing  
25           professional, as described in this subsection, to accept responsibility for  
26           structural plan review for the permit. For permit applications submitted  
27           under this provision, it shall not be the responsibility of the building  
28           official to review the application for compliance with applicable building  
29           codes regarding structural design requirements. The building official  
30           shall conduct or cause to be conducted reviews for fire, electrical,  
31           plumbing, zoning, address, flood, NPDES, storm water and any other  
32           reviews necessary for the project.

33           1.     The applicant's exercise of the option and the identity of the  
34           independent reviewing professional shall be designated on the  
35           building permit application in accordance with this section.

36           a.     Exclusions. This option is not available for significant  
37           structures as defined in state regulation, 12 AAC 36.990.

38           2.     Plan review shall be conducted by independent reviewing  
39           professionals as follows:

40           a.     Review of the structural plans and calculations shall be  
41           conducted by a professional engineer currently registered  
42           by the State of Alaska Board of Registration for  
43           Architects, Engineers and Land Surveyors as either a  
44           structural engineer or a civil engineer. A reviewing civil  
45           engineer must be able to demonstrate experience in  
46           structural engineering.

47           b.     No application will be accepted where an independent  
48           reviewing professional also serves as the designer or  
49           builder of the project.

50           3.     A complete building permit application reviewed pursuant to this

1 section shall include:

- 2 a. Complete building plans and structural calculations;  
3 b. Plot plan;  
4 c. Completed storm water discharge permit application;  
5 d. Letter of review signed by the appropriate independent  
6 reviewing professional demonstrating experience in  
7 structural engineering certifying structural plans and  
8 calculations, and accepting responsibility for plan review,  
9 as required by this section;  
10 e. Signed release of liability, as required by this section; and  
11 f. Any geotechnical reports required by Titles 21 and 23 of  
12 the Anchorage Municipal Code.

13 4. The plans, calculations and all documents required under this  
14 section may be submitted electronically via the department's  
15 electronic plan review software.

16 5. The building official shall confirm the application includes the  
17 materials required by sections 23.10.104.9 and 23.10.104.10. If  
18 complete and compliant with Title 21 regulations, the application  
19 shall be accepted, and the building official shall issue the permit  
20 provided that:

21 a. The permit application demonstrates the plans and  
22 specifications for the commercial building has been  
23 reviewed by an independent reviewing professional. The  
24 reviewing professional must submit a signed letter of  
25 review with the plans describing the scope of the review  
26 and including the details of the professional's credentials  
27 to conduct such review. The reviewing professional must  
28 include registration number and the related expiration  
29 date.

30 b. The permit applicant and the independent reviewing  
31 professional confirm in writing that the independent  
32 reviewing professional accepts responsibility for the plan  
33 review.

34 c. The independent reviewing professional provides proof  
35 that the person maintains professional liability insurance  
36 meeting each of the following requirements:

37 i. Plan review and building code compliance review  
38 under Anchorage Municipal Code are within the  
39 scope of the professional liability insurance  
40 coverage.

41 ii. The professional liability insurance provides a  
42 minimum coverage of \$1,000,000 or fifty percent  
43 (50%) of the estimated valuation of the building or  
44 project, whichever is greater.

45 iii. Coverage extends for no less than two years from  
46 completion of the project construction. If the  
47 existing policy does not extend for the duration of  
48 this period, the independent reviewing  
49 professional must specify in his or her reviewing  
50 letter when the policy expires and that it will be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

renewed to ensure continuous coverage for no less than two years from the date of completion.

d. The independent reviewing professional indemnifies, holds harmless and states he/she shall defend the Municipality of Anchorage from and against all claims, damages, losses and expenses, including but not limited to attorney fees and costs, arising out of or resulting from the performance of the review to the fullest extent permitted by law.

6. Reviewing professionals do not have authority to approve code modifications or alternative materials, designs, and methods of construction and equipment as defined in this code. Any request for consideration of code modifications or alternative materials, designs, and methods of construction and equipment shall be submitted to the building official for approval prior to or along with the permit application under the optional process.

7. The building official may  
 a. revoke the privilege afforded by this section of any individual who displays incompetence or lack of knowledge in matters relevant to the design and construction of commercial buildings, or who commits fraudulent acts.  
 b. issue a notice to any individual finding the person is grossly negligent in conducting independent structural plan reviews. The building official shall have the right to audit all submitted plans reviewed by that independent reviewing professional for a time period stated in the notice, not to exceed two years. Such notice is subject to appeal pursuant to section 23.10.103.4.

C[H]. The building official may audit the reviews conducted by independent reviewing professionals as necessary to enforce the provisions of this code.

1. At a minimum, the building official shall audit ten percent of the structural plans submitted for commercial permit applications under subsection B.
2. At the direction of the owner or the owner’s authorized agent, the building official shall audit a plan submitted under this section.

(AO No. 2020-85, § 1, 10-27-20; AO No. 2021-88(S), § 3, 2-15-22)

**Section 2.** Anchorage Municipal Code 23.10. Table 3-B, Plan Review Fees, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**23.10. Table 3-B - Plan review fees.**

1. Commercial Plan Review Fees	
A. Building Safety	

(1) Plan review	\$0.0031 valuation with a minimum of \$75
(2) Pre-approved plan review for new buildings	\$0.0017 * Valuation with a minimum of \$75 (In lieu of item A. (1))
<u>(3) Optional commercial plan reviewed by independent reviewing professionals</u>	<u>\$0.0017 * Valuation with a minimum of \$75 (In lieu of item A. (1))</u>
B. Land Use Plan Review	15% of the permit fee under Table A with a \$75 minimum fee
C. Fire Department	\$0.0011 * Valuation with a minimum of \$75
<b>2. Residential Plan Review Fees</b>	
A. Building Safety	
(1) Plan Review	\$0.005 * Valuation with a minimum of \$75
(2) Pre-Approved Plan Review	\$0.003 * Valuation with a minimum of \$75
(3) Optional single-family, [AND] two-family, <u>and three-unit</u> reviewed by independent reviewing professionals	\$0.003 * Valuation with a minimum of \$75
B. Land Use Plan Review	15% of the permit fee under Table 3-A with a minimum of \$75
C. Fire Department optional residential fire plan review for Wildland Urban Interface	\$0.002 * Valuation with a minimum of \$75
***	***

( AO No. 2020-85 , § 1, 10-27-20)

**Section 3.** This ordinance shall become effective 30 days after passage and approval by the Assembly. This ordinance shall only be effective as to new permit applications submitted after the effective date.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chair

ATTEST:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

1  
2  
3

---

Municipal Clerk