

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 residential building community utilizes this option saving residential builders and Municipality of Anchorage plan review staff time and resources; and

WHEREAS, this ordinance would provide applicants applying for a commercial building permit the option to use independent reviewing professionals for review of structural, architectural, mechanical and electrical plans; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 23.10.104.9 is hereby repealed and replaced in its entirety:

23.10.104.9 – Optional third-party plan review.

A. General: An applicant for a residential or commercial building permit shall have the option for qualified third-party reviewing professionals to conduct the reviews listed under 23.10.104.9 B. It shall not be the responsibility of the building official to review disciplines for building code compliance reviewed in accordance with this section by qualified professionals.

Exclusions: This option is not available for:

1. Risk category III and IV structures as defined in the International Building Code.
2. Structures exceeding 100 feet in height above grade plane.
3. Normally occupied buildings that are four or more stories or 45 feet or more above grade plane.
4. Buildings and structures owned or leased by the Municipality of Anchorage including the Anchorage School District.

1 B. Review disciplines: The following review disciplines qualify for optional third-
2 party plan review:

- 3 1. Structural review consisting of the review of structural plans and
4 associated calculations for compliance with the building codes and
5 referenced standards adopted under this Title.
6 2. Architectural review of the nonstructural provisions of the building
7 codes and referenced standards, including review for compliance with
8 the building envelope energy conservation code provisions, adopted
9 under this Title. Review for compliance with the International Fire
10 Code is performed by the Anchorage Fire Department and is excluded
11 from this option.
12 3. Electrical review for compliance with the electrical code and
13 referenced standards, including the electrical provisions of the energy
14 conservation code, adopted under this Title.
15 4. Mechanical review for compliance with the mechanical, fuel gas and
16 plumbing codes and referenced standards, including the mechanical
17 provisions in the energy conservation code, adopted under this Title.
18

19 C. Reviewer qualifications: All reviewers shall be pre-qualified by the
20 department and the department shall maintain a list of approved reviewers.
21 Only approved reviewers may perform the optional review allowed under this
22 section. Reviewers can qualify for more than one discipline. To apply, one
23 shall complete the application provided by the department and include a
24 resume detailing relevant experience. The minimum qualifications to perform
25 review, by discipline, are as follows:
26

- 27 1. Structural review shall be performed by a professional engineer
28 currently registered by the State of Alaska Board of Registration for
29 Architects, Engineers and Land Surveyors as either a structural
30 engineer or a civil engineer. A reviewing civil or structural engineer
31 must be able to demonstrate a minimum of 5 years of structural
32 engineering experience in Alaska or a similar climate and seismic
33 zone as Anchorage.
34
35 2. Architectural review shall be performed by a professional architect
36 currently registered by the State of Alaska Board of Registration for
37 Architects, Engineers and Land Surveyors or by a currently certified
38 International Code Council Building Plans Examiner. An architectural
39 reviewer must be able to demonstrate a minimum of 5 years of
40 building design and/or review experience in Alaska or a similar
41 climate.
42
43 3. Electrical review shall be performed by a professional engineer
44 currently registered by the State of Alaska Board of Registration for
45 Architects, Engineers and Land Surveyors as an electrical engineer. A
46 reviewing electrical engineer must be able to demonstrate a minimum
47 of 5 years building electrical design experience in Alaska or a similar
48 climate.
49
50 4. Mechanical, fuel gas and plumbing review shall be performed by a

1 professional engineer currently registered by the State of Alaska
2 Board of Registration for Architects, Engineers and Land Surveyors as
3 a mechanical engineer. A reviewing mechanical engineer must be
4 able to demonstrate a minimum of 5 years building mechanical design
5 experience in Alaska or a similar climate.
6

7 D. Process:

- 8 1. Reviews shall be conducted only by individuals selected from the
9 department list of approved review professionals.
- 10 2. No permit application will be accepted where a third-party review
11 professional serves as the designer of the project, is an employee of
12 the firm or company acting as the engineer or architect of record for
13 the project or has a business or financial interest in the completed
14 project.
- 15 3. Reviewing professionals shall be hired by the owner or the owner's
16 authorized agent.
- 17 4. The applicant shall designate on the building permit application that
18 the third-party review option has been elected and completed in
19 accordance with this section and shall list each review discipline
20 elected.
- 21 5. Third-party reviews shall be finalized in advance of submitting the
22 reviewed plans to the MOA.
- 23 6. To be considered a complete third-party plan review, the reviewed
24 plans shall be physically or electronically stamped "Reviewed for Code
25 Compliance" by the third-party reviewer, with the stamp including the
26 reviewer's name, signature, date and MOA designated third-party
27 reviewer identification number.
- 28 7. Change orders and deferred submittals shall be reviewed and
29 approved by the third-party reviewers prior to submittal to the
30 department.
31

32 E. Letter of review: Each third-party reviewer shall submit a signed letter
33 of review to accompany the permit application. The letter shall include:

- 34 1. Description of the scope of work and scope of review.
- 35 2. Detailed description of the reviewer's design and/or review experience
36 relevant to the specific project.
- 37 3. List of deficiencies identified and corrections made to the completed
38 plans.
- 39 4. Statement the reviewer accepts responsibility for the review.
- 40 5. Statement the reviewer indemnifies, holds harmless and shall defend
41 the Municipality of Anchorage from and against all claims, damages,
42 losses and expenses, including but not limited to attorney fees and
43 costs, arising out of or resulting from the performance of the review, to
44 the fullest extent permitted by law.
45

46 F. Waiver of claims:

47 Each third-party reviewer shall submit a waiver of claims against the
48 Municipality of Anchorage for all damages, losses and expenses, arising out
49 of or resulting from the performance of the plan review, to the fullest extent
50 permitted by law and on a form satisfactory to the Municipality of Anchorage

Office of Risk Management, executed by (i) the reviewing professional; (ii) the building construction contractor; and (iii) the current owner of the property and any party under contract to purchase the property within a year of its completion.

G. Restriction of authority: Third-party reviewing professionals do not have authority to approve code modifications or alternative materials, designs, and methods of construction and equipment as defined in this Title. 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 with the permit application.

H. Auditing:

1. The building official may audit the reviews conducted by third-party reviewing professionals as necessary to enforce the provisions of this Title.
2. The building official shall audit a minimum of 10 percent of the reviews submitted under this optional third-party plan review process.

I. Revocation of privilege: The building official may revoke the privilege afforded by this section of any individual who displays incompetence or lack of sufficient knowledge in the respective discipline, or who commits fraudulent acts.

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 review by third-party reviewing professionals, one or more disciplines</u>	<u>\$0.0024 * 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
2. Residential Plan Review Fees	
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 Residential Structural and Architectural-Fire-Life Safety Plan Review by third-party 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
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(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:

Municipal Clerk

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