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.
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

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

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

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

i. [a.] Submits to the building official, in concert with the letter of review, a waiver of claims against the Municipality of Anchorage for all damages, losses and expenses, arising out of or resulting from the performance of the review, to the fullest extent permitted by law and on a form satisfactory to the Municipality of Anchorage Office of Risk Management, executed by

(A)[(i)] the reviewing professional;
(B)[(ii)] the building construction contractor; and
(C)[(iii)] the current owner of the property and any party under contract to purchase the property within a year of its completion; or

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

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

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

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

d. [4.] Each independent reviewing professional indemnifies, holds harmless and states they 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. [F.] 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. [G.] 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 [ONE- AND TWO-FAMILY] dwellings covered by this section, or who commits fraudulent acts.
   b. issue a notice to any individual finding the person is grossly negligent in conducting independent plan reviews for residential dwellings submitted under this subsection.
      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.

B. Commercial. For commercial permit applications, the permit applicant shall have the qualified option for an independent reviewing professional, as described in this subsection, to accept responsibility for structural plan review 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 regarding structural design requirements. The building official shall conduct or cause to be conducted reviews for fire, electrical, plumbing, zoning, address, flood, NPDES, storm water and any other reviews necessary for the project.

1. The applicant's exercise of the option and the identity of the independent reviewing professional shall be designated on the building permit application in accordance with this section.
   a. Exclusions. This option is not available for significant structures as defined in state regulation, 12 AAC 36.990.

2. Plan review shall be conducted by independent reviewing professionals as follows:
   a. 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. No application will be accepted where an independent reviewing professional also serves as the designer or builder of the project.

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

a. Complete building plans and structural calculations;
b. Plot plan;
c. Completed storm water discharge permit application;
d. Letter of review signed by the appropriate independent reviewing professional demonstrating experience in structural engineering certifying structural plans and calculations, and accepting responsibility for plan review, as required by this section;
e. Signed release of liability, as required by this section; and

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

5. 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. The permit application demonstrates the plans and specifications for the commercial building have been reviewed by an independent reviewing professional. The reviewing professional must submit a signed letter of review with the plans describing the scope of the review and including the details of the professional’s credentials to conduct such review. The reviewing professional must include registration number and the related expiration date.

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

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

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

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

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

<table>
<thead>
<tr>
<th>23.10. Table 3-B - Plan review fees.</th>
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<tbody>
<tr>
<td>1. Commercial Plan Review Fees</td>
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<tr>
<td>A. Building Safety</td>
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<tr>
<td>(1) Plan review</td>
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<td>----------------------------</td>
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<tr>
<td>(2) Pre-approved plan review for new buildings</td>
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<tr>
<td>(3) Optional commercial plan reviewed by independent reviewing professionals</td>
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<tr>
<td>B. Land Use Plan Review</td>
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<tr>
<td>C. Fire Department</td>
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2. Residential Plan Review Fees

<table>
<thead>
<tr>
<th>A. Building Safety</th>
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<tbody>
<tr>
<td>(1) Plan Review</td>
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<tr>
<td>(2) Pre-Approved Plan Review</td>
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<tr>
<td>(3) Optional single-family, [AND] two-family, and three-unit reviewed by independent reviewing professionals</td>
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<tr>
<td>B. Land Use Plan Review</td>
</tr>
<tr>
<td>C. Fire Department optional residential fire plan review for Wildland Urban Interface</td>
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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