

(S) Submitted by: Assembly Member Cross
Assembly Member Sulte
Assembly Member Brawley
(S) Prepared by: Assembly Counsel's Office
(S) For reading: January 23, 2024

*** DRAFT ***

ANCHORAGE, ALASKA
AO No. 2023-136(S)

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **BUILDING CODES AT ANCHORAGE MUNICIPAL CODE CHAPTER 23.10,**
3 **ANCHORAGE ADMINISTRATIVE CODE 2018 EDITION, TO ALLOW OPTIONAL**
4 **INDEPENDENT PLAN REVIEW OF STRUCTURAL DESIGN FOR COMMERCIAL**
5 **BUILDING PERMITS.**
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7
8 **WHEREAS**, Title 23 of Anchorage Municipal Code provides applicants applying for a
9 residential single-family or two-family building permit the option to use independent
10 reviewing professionals for plan review; and
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12 **WHEREAS**, the Anchorage building community utilizes this option frequently, saving
13 Anchorage residents and Municipality of Anchorage staff, time and resources; and
14

15 **WHEREAS**, this ordinance would provide applicants applying for a commercial
16 building permit the option to use an independent reviewing professional for review of
17 structural plans only; now, therefore,
18

19 **THE ANCHORAGE ASSEMBLY ORDAINS:**
20

21 **Section 1.** Anchorage Municipal Code section 23.10.104.9 is hereby amended to
22 read as follows:
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24 **23.10.104.9 – Optional independent single-family, [AND] two-family, and**
25 **three-unit dwelling plan review; commercial plan review.**
26

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

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

41 **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**
37 **significant structures as defined in state regulation,**
38 **12 AAC 36.990.]**

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

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

48 b. **If the application is for a significant structure, as**
49 **defined in state law at 12 AAC 36.990, the review may**
50 **only be by a person**

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- i. who has engaged in professional work as a registered structural engineer with the state for more than **four years** and experienced responsible control for significant structure designs, and has been the design professional in responsible charge for **at least two significant structure building permits in the state, or the equivalent role in another jurisdiction; or**
 - ii. that has been previously approved by the building official to be an independent plan reviewer for a significant structure and has not had that privilege revoked under this section.
- c. 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. **if the permit application is for a significant structure, a resume or other documentation showing the person meets the requirements to be an independent plan reviewer for such structures;**
 - f. Signed release of liability, as required by this section; and
 - g[f]. Any geotechnical reports required by Titles 21 and 23 of the Anchorage Municipal Code.
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 has 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

- 1 date.
- 2 b. The permit applicant and the independent reviewing
- 3 professional confirm in writing that the independent
- 4 reviewing professional accepts responsibility for the plan
- 5 review.
- 6 c. The independent reviewing professional provides proof
- 7 that the person maintains professional liability insurance
- 8 meeting each of the following requirements:
- 9 i. Plan review and building code compliance review
- 10 under Anchorage Municipal Code are within the
- 11 scope of the professional liability insurance
- 12 coverage.
- 13 ii. The professional liability insurance provides a
- 14 minimum coverage of \$1,000,000 or fifty percent
- 15 (50%) of the estimated valuation of the building or
- 16 project, whichever is greater.
- 17 iii. Coverage extends for no less than two years from
- 18 completion of the project construction. If the
- 19 existing policy does not extend for the duration of
- 20 this period, the independent reviewing
- 21 professional must specify in his or her reviewing
- 22 letter when the policy expires and that it will be
- 23 renewed to ensure continuous coverage for no
- 24 less than two years from the date of completion.
- 25 d. The independent reviewing professional indemnifies,
- 26 holds harmless and states he/she shall defend the
- 27 Municipality of Anchorage from and against all claims,
- 28 damages, losses and expenses, including but not limited
- 29 to attorney fees and costs, arising out of or resulting from
- 30 the performance of the review to the fullest extent
- 31 permitted by law.
- 32 6. Reviewing professionals do not have authority to approve code
- 33 modifications or alternative materials, designs, and methods of
- 34 construction and equipment as defined in this code. Any request
- 35 for consideration of code modifications or alternative materials,
- 36 designs, and methods of construction and equipment shall be
- 37 submitted to the building official for approval prior to or along
- 38 with the permit application under the optional process.
- 39 7. The building official may
- 40 a. revoke the privilege afforded by this section of any
- 41 individual who displays incompetence or lack of
- 42 knowledge in matters relevant to the design and
- 43 construction of commercial buildings, or who commits
- 44 fraudulent acts.
- 45 b. issue a notice to any individual finding the person is
- 46 grossly negligent in conducting independent structural
- 47 plan reviews. The building official shall have the right to
- 48 audit all submitted plans reviewed by that independent
- 49 reviewing professional for a time period stated in the
- 50 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))
(3) Plan review fee for Group R-2 occupancies with 4 or fewer dwelling units (four-plexes)	\$0.005 * Valuation with a minimum of \$75
(4) <u>(3)</u> <u>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
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 single-family, <u>[AND] two-family, and three-unit</u> reviewed by independent	\$0.003 * Valuation with a minimum of \$75

reviewing professionals	
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; AO 2023-130(S), § 1, 1-16-24)

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 _____, 2024.

Chair

ATTEST:

Municipal Clerk

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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM ____-2023

Meeting Date: January 23, 2024

From: Assembly Members Cross, Sulte and Brawley

Subject: AO 2023-136(S): 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.

This supplemental memorandum is provided with the (S) version of the ordinance pursuant to AMC 2.30.050E. The original AO 2023-136 excluded review of plans for “significant structures” from the option for an independent plan reviewing professional. The proposed (S) version includes a significant change by allowing an independent plan reviewer for significant structures only the person is able to demonstrate they have a proven record of experience and professional performance in the field of structural engineering, including with significant structure designs. If a professional engineer can show they have this proven work history, there is no reason to limit the scope of their work by excluding significant structures from this option for independent plan review.

The changes in the (S) version are on:

- Page 4, line 36: to delete the exclusion of significant structures.
- Page 4, line 48: to establish the minimum requirements for a person to qualify as a reviewer for plans for a significant structure.
- Page 5, line 28: to require the permit application submitted for a significant structure, if using an independent plan reviewer, to include the information necessary for the Building Official to determine the person is qualified.
- Page 7: In addition to the above, AO 2023-130(S) passed by the Assembly on January 16, 2024, amended AMC 23.10.Table 3-B, and its changes are included in 1.A.(3) as well as the history note at the end of the table.

The minimum qualifications for a person to qualify as an independent reviewing professional for a significant structure relies on terms of art that are defined in the State of Alaska’s regulations for a professional engineer registered structural engineer. Understanding these facilitates understanding and confidence in allowing this option for significant structures. The following terms are used in AMC subsection 23.10.104.9.B.2.b., new in the (S) version on p. 4 line 48, and defined in State of Alaska regulations for licensing of professional engineers at 12 AAC 36.990(a):

(18) “professional work” means the time the applicant has been occupied in architecture, engineering, land surveying, or landscape architecture work of higher grade and responsibility than that of subprofessional work;

1 (30) “responsible control” means that amount of control over and detailed
2 knowledge of the content of technical submissions during their preparation
3 as is ordinarily exercised by registered engineers, land surveyors, and
4 landscape architects applying the required professional standard of care;

5
6 (42) “structural engineering” means the branch of professional engineering
7 that embraces the studies and activities relating to the investigation,
8 evaluation, analysis, design and construction of buildings, bridges, and other
9 structures such as walls, columns, slabs, beams, trusses, or similar members
10 requiring force-resisting and load bearing members and their connections, or
11 similar members used singly or as a part of a larger structure, and the
12 organizational and economic aspects of these studies and activities.

13
14 (47) “progressive structural experience” means the experience gained by an
15 applicant as a structural engineer while designing one or more significant
16 structures under the responsible charge of a registered structural engineer;

17
18 This term “progressive structural experience” is relevant to qualifications because
19 at least two years of this experience is required before a person may take the State
20 of Alaska’s structural engineering examination to become registered, in addition to
21 already holding a professional engineering license in a branch of engineering other
22 than structural, set forth in 12 AAC 36.063(k):

23
24 (k) To be eligible for the structural engineering examination, an applicant
25 must

- 26 (1) be currently registered as a professional engineer in this state; and
27 (2) have **at least two years of progressive structural experience**, in
28 addition to the eight years of education and work experience or both that are
29 equivalent to the requirements set out in the applicable table of education
30 and work experience requirements for a professional engineering
31 examination in this section.

32
33 Finally, the full definition of the types of structures is provided in 12 AAC
34 36.990(a)(44):

- 35
36 (44) “significant structures” means
37 (A) hazardous facilities; in this paragraph, “hazardous facilities” means
38 structures, housing, supporting, or containing sufficient quantities of toxic or
39 explosive substance to be of danger to the safety of the public if released;
40 (B) special occupancy structures; in this paragraph, “special occupancy
41 structures” means
42 (i) buildings and other structures whose primary occupancy is public
43 assembly with an occupant load greater than 300;
44 (ii) buildings and other structures containing an elementary school,
45 secondary school, or day care facility with an occupant load greater than 250;
46 (iii) buildings and other structures containing adult education facilities, such
47 as colleges and universities, with an occupant load greater than 500;
48 (iv) medical facilities with 50 or more resident, incapacitated patients;

- (v) jails and detention facilities; and
- (vi) all buildings or structures with an occupant load greater than 5,000;
- (C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; in this paragraph, “essential facilities” means
 - (i) hospitals and other medical facilities having surgery and emergency treatment areas;
 - (ii) fire and police stations;
 - (iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - (iv) emergency vehicle shelters and garages;
 - (v) structures and equipment in emergency preparedness centers;
 - (vi) standby power-generating equipment for essential facilities;
 - (vii) structures and equipment in government communication centers and other facilities requiring emergency response;
 - (viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and
 - (ix) buildings and other structures having critical national defense functions;
- (D) structures exceeding 100 feet in height above average ground level;
- (E) buildings that are customarily occupied by human beings and are four stories or 45 feet or more above average ground level; and
- (F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet;

The stringent requirements to first become a professional structural engineer registered with the State, coupled with the minimum experience working with significant structure designs, including as the primary design professional in responsible charge for at least two significant structure building permits, should instill the confidence in such persons to perform as an independent reviewer. The Municipality and developers should be able to utilize these skills of a person possessing such high qualifications for significant structure projects, as well as other commercial construction.

We request your support for the (S) version of the ordinance.

Prepared by: Assembly Counsel’s Office
Respectfully submitted: Kevin Cross, Assembly Member
District 2 - Eagle River, Chugiak and Eklutna

Randy Sulte, Assembly Member
District 6 – South Anchorage, Girdwood & Turnagain
Arm

Anna Brawley, Assembly Member
District 3 – West Anchorage