

Agenda item 37  
-REVISED-

**CITY OF SAN ANTONIO  
DEVELOPMENT SERVICES DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Florencio Peña, Director Development Services

**SUBJECT:** Reduction of assessed fee for Northside Independent School District

**DATE:** April 21, 2005

**SUMMARY AND RECOMMENDATIONS**

An ordinance reducing the increased assessed fee from \$61,648.43 to \$6,164.84 assessed against Northside Independent School District for commencing construction without a permit as requested by Councilman Barrera.

Staff recommends approval.

**BACKGROUND INFORMATION**

The following timeline explains the sequence of events that led to the increased assessed fee of \$61,648.43 assessed against Northside Independent School District:

- April 29, 2003, NISD's architect submitted its building plan for Westcreek Area High School.
- June 5, 2003, Development Services Department (DSD) completed its initial review of the Building Plan in 37 calendar days.
- August 25, 2003, NISD's architect submitted its revised plans in 81 calendar days.
- August 28, 2003, DSD obtained information that NISD's architect started work without a permit and initiated an investigation. DSD's building inspector inspected the site; found work performed without a permit, and assessed a double permit fee.
- September 4, 2003, DSD completed its review of the re-submittal package in 10 days.
- September 4, 2003, DSD issued a conditional building permit.

**POLICY ANALYSIS**

Commercial building permit fees are based upon the construction value and those fees are higher than most permits. Therefore, the increased assessed fee for working without a permit is higher.

Section 107.5.2 of the 1997 Uniform Building Code states that if construction on a project begins for which a permit is required and not obtained, the specific fee may be doubled. Increased assessed fees are levied to discourage architects and contractors from completing work without a permit and to ensure construction is performed in accordance with existing codes.

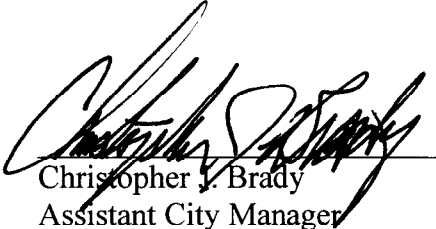
Assessing an increased fee for commercial construction based upon the percentage of work completed without a permit is appropriate. Approximately ten percent of the project was completed at the time when the increased fee was assessed. DSD recommends reducing the assessed increased fee of \$61,648.43 to \$6,164.84, which is ten percent of the building permit fee.

### **FISCAL IMPACT**

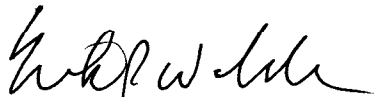
If City Council approves the fee adjustment, DSD will issue a refund to NISD's escrow account in the amount of \$55,483.59.



Florencio Peña, Director  
Development Services Department



Christopher J. Brady  
Assistant City Manager



J. Rolando Bono  
Interim City Manager



**CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST**

**TO:** Mayor and Council Members  
**FROM:** Councilman Enrique M. Barrera, District 6  
**COPIES:** J. Rolando Bono, *Interim City Manager*; Andy Martin, *City Attorney*; Leticia M. Vacek, *City Clerk*; Christopher Brady, *Assistant City Manager*; Florencio Pena, *Director of Development Services*; Gayle McDaniel, *Assistant to City Council*; Files  
**SUBJECT:** Reduction of Northside Independent School District (NISD) Fine


**DATE:** March 24, 2005

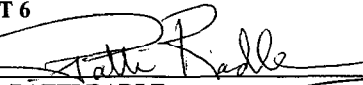
I am requesting City Council concurrence in directing staff to reduce the fine of \$61,648.43 for starting construction without a permit. NISD has requested consideration of waiving or reducing the fine amount that was assessed on August 28, 2003. NISD paid the fine on September 4, 2003 and obtained a conditional permit the same day.

The fine amount was determined by the building permit amount, which was \$61,648.43. Of the total construction project, approximately 10% had been constructed without a permit. Reducing the fine amount to \$6,164.84 will fine NISD for only the construction completed. The difference between the amount paid and the reduced fine amount is \$55,483.59 and will be credited to NISD's escrow account and will be used for future NISD projects.

Your favorable consideration of this matter is requested.

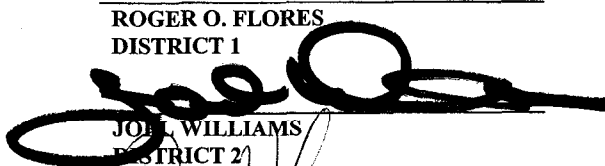
  
ENRIQUE M. BARRERA  
DISTRICT 6

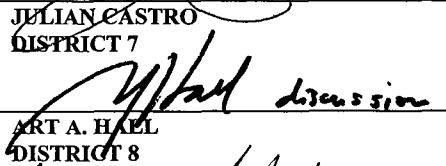
  
EDWARD D. GARZA  
MAYOR

  
PATTI RADLE  
DISTRICT 5

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ROGER O. FLORES  
DISTRICT 1

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JULIAN CASTRO  
DISTRICT 7

  
JOHN WILLIAMS  
DISTRICT 2

  
ART A. HALL  
DISTRICT 8

  
RON H. SEGOVIA  
DISTRICT 3

  
CARROLL SCHUBERT  
DISTRICT 9

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RICHARD PEREZ  
DISTRICT 4

  
CHIP HAASS  
DISTRICT 10