



Department of Public Works

September 30, 2003

**Mariano A. Schifalacqua**  
Commissioner of Public Works

**James P. Purko**  
Director of Operations

Honorable Suzanne Breier, Chair  
Public Improvements Committee  
Room 205, City Hall

Dear Alderwoman Breier:

Item #2 on the October 1, 2003 Public Improvements Committee meeting agenda (File Number 030478) is a resolution authorizing a reduction in public right-of-way occupancy permit fees for a specific development in the Beer Line "B" urban renewal area. Such a reduction is allowed by Section 81-102 of City Code upon certain findings being made by the Commissioner of Public Works and upon approval of the Common Council.

File Number 030478 was previously considered by the Public Improvements Committee on July 23<sup>rd</sup> of this year. No action was taken at that time, and since then it has been held in Committee.

Prior to the July 23<sup>rd</sup> meeting, I sent you a letter (see enclosure #1) indicating that, in my opinion, two of the three required findings for granting a fee reduction (as listed in City Code Section 81-102. 1. b.) had been met. At that time, I also indicated that I did not have any specific information regarding the third condition.

The two conditions that appeared to have been fulfilled have to do with traffic impacts associated with street occupancy and building design considerations that dictate construction staging in the public right-of-way. The third criteria Code Section 81-102 requires me to address is whether soil conditions permit on-site staging.

I have now received a letter from the Department of City Development's Environmental Scientist (see enclosure #2) regarding soil conditions on the development site. The conclusion of this letter is that "...shallow soils do not allow for construction staging on-site." Therefore, it appears that the third condition of Section 81-102 has been fulfilled.

Very truly yours,

Mariano A. Schifalacqua  
Commissioner of Public Works

MAS:THM:cp  
Enclosures

c: Alderwoman Marlene Johnson-Odom  
Michael Wisniewski, DCD