



**BIGOS**

MANAGEMENT

January 17, 2022

St. Paul City Council  
15 Kellogg Blvd. West, 310 City Hall  
St. Paul, MN 55102

Re: Noise Variance and Responses to 1/12/22 Public Hearing

Dear Councilmembers

This letter is to serve as a follow-up to our January 12, 2022 public hearing. I attended on-line, as did our contractor Chris Emond from NorSon, but when we tried to call-in to comment our call was unfortunately dropped.

This project will provide 47 much needed affordable housing units to St. Paul. We have been working on this development for over three years. We held two neighborhood meetings in the spring of 2020 with the West 7<sup>th</sup>/Fort Road Federation and received support for our project and the variance requests needed. We received City support and project approval shortly thereafter, but our project was put on hold while HUD asked us to do a historical review of the neighborhood. That work was completed in 2021 and we broke ground shortly after receiving HUD approval. During this time, material and labor costs have skyrocketed while our HUD approved rents have remained unchanged for this project.

This is a typical construction project, as are our methods. While we certainly empathize with our neighbors and understand that construction noise can be annoying or distracting at times, we believe the construction noise at issue here is ordinary construction noise common to any developing city like St. Paul. This type of noise is especially commonplace in locations zoned for high-rise multifamily use, such as with our property, and is an unavoidable part of living and working in a city like St. Paul. Indeed, we are located near the heart of an urban downtown district. Population density is high and neighbors and persons choosing to live and work in such areas have to expect occasional construction noise.

As noted in our variance application, we have taken many steps and incurred substantial costs in order to mitigate the noise created by the development. For example, we have agreed to use sound dampening blankets, have obtained semi-trailers to block noise, have agreed to limit our noisiest activities to certain business hours or offered to utilize weekend hours (although such offer will create unhappy residents in the vicinity), we have engaged a third party monitoring service to ensure that we (and the city) are constantly aware of the sound levels on site, and have

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agreed to provide prior notice to neighbors before commencing the loudest work. We have incurred tens of thousands of dollars in additional expense in connection with this mitigation. We have every intention and incentive to get this project completed as quickly as possible with as little distraction as possible to all of our neighbors.

We wanted to clarify that we are in the final stages of the bedrock excavation and there will be no pilings utilized in the project. So, although there will be noise, we hope the loudest noises will be over soon. Additionally, as noted on the attached Excavation Map, the areas closest to the 557 W. 7<sup>th</sup> Street office building have been complete.

We understand that the noise may cause a disruption, but we don't believe that our conduct violates any law or creates any legal liability to our neighbors. As such, we have denied requests for compensation. Setting a precedent that requires developers to negotiate payoffs to its neighbors would greatly increase the costs of development to the detriment of all of us. There would also be many other neighbors that would demand payments – as part of this project and any development that would come after us in St. Paul. As noted above, we have already been hit with skyrocketing material and labor costs since we began this project and are not receiving any public funds for its construction.

We were able to get a new time slot with our framers and feel we can be ready for them if we are able to get back to work immediately with some reduced noisy hours. We are proposing to get the loudest work done in the beginning of the day (jackhammering/drilling) from 7:00 AM to noon. We would then do other tasks like hauling dirt (no jackhammering/drilling) from noon until 5:00 PM. We hope this compromise will work to ensure that this project is completed as quickly as possible.

The long-term benefits to the city, the neighborhood and, most importantly, to the families in dire need of housing have to be weighed against the short-term noise disruption that may be caused. While we empathize that our neighbors have found this type of ordinary construction noise to be distracting, please understand that it is temporary and serves to provide important benefits to our community.

Sincerely,

Steve Law

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