

From: [Shumaker, Colleen](#) on behalf of [Diehm, Tami](#)
To: [Tia Anderson](#); [*CI-StPaul Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Cc: ["9781.4.imate@file.winthrop.com"](#); [rkvischer@stthomas.edu](#); [Crouse, Abigail S.](#)
Subject: City Council Submission – Response to Appeal of UST Multipurpose Arena – 2260 Summit Ave. (City File #24-039-050)
Date: Wednesday, May 29, 2024 4:40:54 PM
Attachments: [City Council Submission - Response to Appeal of UST Multipurpose Arena - 2260 Summit Ave..pdf](#)

Good afternoon,

On behalf of the University of St. Thomas, attached please find our response to the appeal of the Planning Commission decision to uphold the Site Plan Approval issued in connection with proposed Arena Project at 2260 Summit Avenue (City File #24-039-050).

Please contact me if you have any questions.

Thank you.

Tami



Tami R. Diehm
Winthrop & Weinstine, P.A.
Shareholder/President
tdiehm@winthrop.com
Work: (612) 604-6658
Mobile: (763) 245-3263
[vCard](#) | [Bio](#) | [LinkedIn](#)

Capella Tower | Suite 3500 | 225 S 6th Street | Minneapolis, MN 55402

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May 29, 2024

Tammera R. Diehm
Direct Dial: (612) 604-6658
tdiehm@winthrop.com

VIA E-MAIL

City Council, City of Saint Paul
1400 City Hall Annex
25 West 4th Street
Saint Paul, MN 55102

Re: Response to Appeal of Planning Commission Decision to Uphold Site Plan Approval issued in connection with proposed Arena Project at 2260 Summit Avenue (City File #24-039-050)

Dear Members of the City Council:

On behalf of the University of St. Thomas (“**St. Thomas**”), we submit this response to the appeal (the “**Appeal**”) filed by the Advocates for Responsible Development (“**ARD**”) pursuant to Saint Paul Legislative Code (the “**Code**”) Section 61.702. ARD appeals the May 10, 2024 decision of the Saint Paul Planning Commission (the “**Planning Commission**”) upholding the Zoning Administrator’s (“**Staff**”) approval of the site plan (the “**Site Plan**”) for a proposed multipurpose competition venue and related facilities at 2260 Summit Avenue (the “**Project**”) in the City of Saint Paul, Minnesota (the “**City**”).

As demonstrated in the administrative record (the “**Record**”), the Site Plan review process conducted by Staff, and affirmed by the Planning Commission, satisfies the standards for site plan approval that are set forth in Code Section 61.402(c). The issues raised in this Appeal are simply a restatement of the same issues that ARD raised in its earlier appeal to the Planning Commission. This appeal should be denied because—like the last—it fails to provide evidence of any error in fact, procedure or finding by the Planning Commission. Staff carefully reviewed and properly granted St. Thomas’ application for Site Plan approval and the Planning Commission affirmed Staff’s decision and properly denied ARD’s prior appeal.

Accordingly, for the reasons set forth below, and supported by the extensive Record, St. Thomas respectfully requests that the City Council deny the Appeal and affirm the decision of the Planning Commission, thereby upholding Staff’s approval of the Site Plan for the Project.

I. Procedural History.

A Site Plan Application for development of the Lee and Penny Anderson Arena (the “**Arena**”) was submitted to the City on September 6, 2023 (the “**Application**”). On October 3, 2023, St. Thomas and members of the Project team from Ryan Companies participated in a Site Plan

Review Committee Meeting with various members of City staff. On October 17, 2023, St. Thomas received conditional approval of the Site Plan (“**Conditional Approval**”). The Site Plan Review Report dated October 17, 2023 (the “**Conditional Approval Letter**”) noted appealability of the Conditional Approval pursuant to City Code Section 61.701,¹ but no such appeal was filed. Between October 17, 2023 and April 4, 2024, St. Thomas and Ryan Companies worked with the City to meet the conditions set forth in the Conditional Approval Letter.

On April 4, 2024, a final site plan approval letter (“**Final Site Plan Approval**”) was issued by the City. On April 15, 2024, ARD appealed the Final Site Plan Approval to the Planning Commission (the “**Original Appeal**”). St. Thomas provided a written response to the Original Appeal on April 24, 2024 (the “**Original Response**”) and the City Staff prepared a Zoning Committee Staff Report dated April 26, 2024 (the “**Staff Report**”). The City’s Zoning Committee held a public hearing on May 2, 2024 (the “**Public Hearing**”) and issued its recommendation that the Planning Commission deny the Original Appeal. The Planning Commission met on May 10, 2024 (the “**Planning Commission Meeting**”) and adopted the Zoning Committee’s recommendation to deny the Original Appeal and affirm the approval of the Site Plan. This Appeal followed.

II. Procedural Objections and Limitation of Issues.

As a preliminary matter, St. Thomas raises three (3) procedural objections to the Appeal which are noted here to preserve the objections in the record.

First, ARD failed to timely appeal the Conditional Approval in October 2023 and is therefore prohibited from challenging certain aspects of the Site Plan Approval. Specifically, items which were not left open in the Conditional Approval are deemed to be final and ARD can no longer challenge these items.² Therefore, issues raised in the Appeal which relate to the site selection or other items expressly addressed in the Conditional Approval cannot be challenged through an appeal of the Final Site Plan approval. These claims are procedurally barred and should be ignored.

Second, many of the issues raised in the Appeal are duplicative of issues raised by ARD in its appeal of the City’s determination on the sufficiency of the Environmental Assessment Worksheet that was completed for the Project in June 2023 (the “**EAW**”). The City—as the Responsible Governmental Unit or “**RGU**”—made various determinations related to the Project’s potential for environmental impact when it accepted the EAW and issued its Findings of Fact in September

¹ As noted in the Conditional Approval Letter, “Site Plan Review decisions may be appealed within ten days after the date of decision (which is the date of this letter) per Leg. Code Sec. 61.701 – Administrative Appeals, to the Planning Commission. An Appeal of a Site Plan Decision shall be filed with the Zoning Administrator.”

² St. Thomas acknowledges that Final Site Plan Approval is required prior to the issuance of building permits and that Final Site Plan Approval cannot be granted until all open conditions listed in the Conditional Approval are resolved. Notwithstanding, to the extent that the City relies on Conditional Approval to satisfy the City’s obligation to expressly approve or deny a land use application within sixty (60) days under Minnesota Statutes Section 15.99, it is not appropriate for the City to now consider challenges to items addressed in the appealable Conditional Approval six (6) months following the City’s official action. If the City were to view the Final Site Plan Approval as re-opening consideration of those items addressed in the Conditional Approval, the City would have failed to approve or deny St. Thomas’ Application within the time period required by Section 15.99.

2023 (the “**EAW Findings**”). The proper forum to challenge the EAW is the Minnesota Court of Appeals, not the City Council. ARD acknowledged this when it filed a formal appeal of the EAW in November 2023. As noted by Staff at the Public Hearing, the judicial process is the exclusive remedy for EAW challenges. The site plan approval process is not the appropriate place to do so. Notwithstanding the fact that ARD is seeking judicial relief, it continues to reiterate its dissatisfaction with the EAW determination in its Appeal, attempting to sidestep the statutory requirements for challenging this determination in court.³ As a result, any argument that the Site Plan should be rejected because the EAW is insufficient should not be considered by the City Council and must be rejected.

Finally, ARD argues that the various conditional use permits issued to St. Thomas (the “**CUPs**”) are no longer effective due to (a) alleged noncompliance with CUP requirements related to other buildings on campus and (b) the City’s misuse of municipal power in granting the CUPs.⁴ With respect to noncompliance, the Code provides a specific, alternative procedure for addressing alleged violations of conditional use permits.⁵ Similarly, challenging the legitimacy of the City’s authority in granting a conditional use permit over thirty (30) years after it has been issued is clearly outside of the scope of this (or any) site plan review. Therefore, ARD’s arguments related to CUP compliance that do not pertain specifically to the proposed Arena development, as well as arguments related to the City’s abuse of authority in granting the original CUPs are procedurally deficient and should not be considered by the City Council as part of this Appeal.

III. The Planning Commission appropriately affirmed Staff’s determination that the Site Plan meets the Code standards required for Site Plan approval.

After several hours of public testimony at the Public Hearing, and carefully evaluating the extensive information in the Record, the Planning Commission adopted Resolution 24-12 (the “**Resolution**”), affirming Staff’s determination that the Site Plan meets the Code Standards for Site Plan approval.

Pursuant to the Code, in order to successfully appeal the Planning Commission’s decision, ARD must provide evidence that “that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.”⁶

To evaluate whether the Planning Commission made an error in fact, procedure or finding, it is essential to understand the standards the Planning Commission (and Staff) are required to consider in evaluating any request for site plan approval. Specifically, Code Section 61.402(c) states, “[i]n order to approve a site plan, the Planning Commission shall consider and find that the site plan is consistent with:

³ See Appeal at 18-19.

⁴ See Appeal at 2-5, 12-13, 38-40.

⁵ Code § 61.108. If Staff determines there is noncompliance with a permit or other zoning approval and notifies the Planning Commission, a public hearing shall be held and, upon consideration, the Planning Commission may choose to revoke, modify, or even delete conditions under the subject permit or approval.

⁶ Code § 61.702.

1. The City's adopted comprehensive plan and development or project plans for sub-areas of the city.
2. Applicable ordinances of the City.
3. Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.
4. Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.
5. The arrangement of buildings, uses and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be unreasonably affected.
6. Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.
7. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.
8. The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.
9. Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.
10. Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.
11. Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's 'Manual for Protecting Water Quality in Urban Areas.'"

In issuing the Final Site Plan Approval, Staff correctly concluded that all eleven (11) of these standards were satisfied. The Staff Report provided written evidence of Staff's evaluation of each of these eleven (11) standards and Staff's justification as to why each standard has been met. The Zoning Committee agreed and provided a unanimous recommendation that the Planning Commission deny the Original Appeal and approve the Site Plan. The Planning Commission agreed with Staff and the Zoning Committee and approved the Resolution which also provided written evidence that the Site Plan satisfies each and every one of the City's site plan approval requirements.

While ARD raises a number of issues in its Appeal, it is critically important to remember that the appropriate standard of review is for the City Council to determine whether there was ***any error in fact, procedure or finding*** on the part of the Planning Commission in affirming the decision of Staff to approve the Site Plan. Importantly, St. Thomas' Original Response outlined—in detail—why the Site Plan satisfies all eleven (11) required conditions in the Code. In the interest of brevity, we will use this submission to respond to the specific items raised by ARD in its appeal. We will not repeat the detailed arguments we have previously provided to show how each of the eleven (11) site plan approval requirements are satisfied but we ask the City Council to review the Original

Response for St. Thomas' position on these points, each of which is incorporated herein by reference. A true and correct copy of the Original Response is attached to this letter as Exhibit A.

IV. ARD's Appeal Fails to Present an Error in Fact, Procedure or Finding and therefore, the decision of the Planning Commission should be affirmed.

As noted above, the Code provides a road map for Staff, the Planning Commission and City Council to follow in evaluating a Site Plan application. In order to overturn the determination of Staff in approving the Site Plan, and the Planning Commission in affirming this decision, the City Council must find that there has been an error in fact, procedure or finding. In its Appeal, ARD raises thirteen (13) specific issues, each of which will be addressed herein.

1. The Goodrich Avenue access.

ARD argues that the 2022 – 2023 remodel of the Binz Refectory on the South Campus results in the Arena Site Plan being inconsistent with the CUPs guiding the St. Thomas campus.⁷ To be clear, the Binz Refectory is not a part of the Site Plan or the Project. In its Original Response, St. Thomas provided a detailed explanation as to why the work done to the Binz does not constitute a “remodel” of the building as contemplated in the 2004 CUP. Staff reiterated, at the Public Hearing, that the work done to the Binz Refectory in 2022 – 2023, which is the subject of ARD's allegations about CUP non-compliance, is wholly unconnected to the Project being reviewed and therefore, historic work done at the Binz is not germane to the City's review and analysis of the Project Site Plan. Instead, the City must determine whether the Arena, which is the subject of the Site Plan, is consistent with the CUPs that have been issued to St. Thomas. ARD's argument related to CUP compliance was expressly rejected by the Planning Commission and should also be rejected by the City Council. As detailed in the Original Response, the Staff Report, and the Resolution, the Site Plan is consistent with the CUPs.

2. Protection of the Mississippi River Bluff Area.

ARD asserts that the Site Plan impermissibly allows development near the Mississippi River bluff.⁸ Like the argument above, this issue was raised, and rejected, by Staff and the Planning Commission. As explained in our Original Response, the Site Plan's impact on the Mississippi River Bluff area must be evaluated in accordance with City Code Chapter 68. While ARD attempts to complicate the analysis by citing to 2017 Department of Natural Resources rules related to the Mississippi River Corridor Critical Area (“**New DNR MRCCA Rule**”), the City has not yet adopted these rules. Despite the lengthy discussion by ARD related to the language of New DNR MRCCA Rule, the rules cited do not apply to the Site Plan or to this Site Plan review process.

⁷ Appeal at 2-5.

⁸ Appeal at 5-9.

Instead, the Site Plan must be reviewed pursuant to the Mississippi River Bluff guidelines that exist in the City Code today.⁹

The Original Response and the Staff Report both provide a detailed explanation as to why the Project complies with the City's bluff protection requirements and how these requirements differ from the New DNR MRCCA Rule cited by ARD.¹⁰

Simply stated, the Code provides that “**bluff development**” shall not take place within forty (40) feet landward of all bluff lines.¹¹ The Arena will not be within forty (40) feet of the bluff line. ARD alleges that plans to replace sidewalks and install utilities within the bluff setback violate the City's requirements, erroneously pointing to the New DNR MRCCA Rule definitions.¹² As noted above, the New DNR MRCCA Rule is not the controlling authority for this Project and instead, the City must evaluate the bluff restrictions pursuant to its Code. Importantly, Code Section 60.205 defines “**development**” within the River Corridor districts as “the making of any material change in the use or appearance of any structure or land.” The proposed “improvements” referenced by ARD consist of the replacement of existing sidewalks and utility service along with the extension of a driveway. ARD fails to acknowledge that paved areas already exist within, or just at, the applicable setback area on the property. As noted in the Planning Commission Resolution, the City has reviewed the proposed improvements and made the determination that such improvements are permissible under the City's requirements. The Resolution states, the “Code's River Corridor standards consider erosion during and after development . . . [and] doesn't prohibit site improvements such as the proposed replacement sidewalk, extended driveway and underground utilities to be located between the arena building and the Grotto.”¹³

Accordingly, the City properly considered the protection of the Mississippi River bluff when evaluating the Site Plan and concluded that the Site Plan complies with the City's requirements related to bluff related development. ARD's arguments related to bluff protection rely on rules that do not govern the Project and therefore, ARD fails to identify an error in fact, procedure or finding.

⁹ See *Property owner information – MRCCA*, Minnesota Department of Natural Resources, Mississippi River Corridor Critical Area Program, https://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/property-owner-information.html (last visited May 27, 2024). Per state rules, the City of Saint Paul's existing MRCCA ordinance remains in effect until the New DNR MRCCA Rule is formally adopted. See Minn. R. 6106.0070, subp. 2(B).

¹⁰ See Original Response Section III.3.d.iii.

¹¹ Code § 68.402(4)

¹² St. Thomas notes that ARD's depiction of the bluff line in the Appeal at page 8 is inconsistent with the depiction provided by Staff as well as the engineer-generated renderings of the development setback provided by Ryan Companies. In reviewing the proposed setbacks, the City Council should rely on the depictions which have been created by professional engineers.

¹³ Planning Commission Resolution No. 24-12, Finding #3, p.4.

3. Erosion and Unstable Soils.

Re-stating the same argument made to the Planning Commission, ARD claims that the Site Plan must be denied to prevent damages to fragile soil structures.¹⁴ St. Thomas addressed this argument in its Original Response.¹⁵ ARD's arguments on this point were rejected by both Staff and the Planning Commission and should be similarly rejected by the City Council.

In summary, the Geotech Report conducted by American Engineering Testing, dated June 23, 2023, did not identify any soils on the site of the Project which are so susceptible to instability that development is unfeasible. Two additional agencies have reviewed issues related to soil and erosion and both were satisfied with Project's potential impact. Specifically, the Capitol Region Watershed District (the "CRWD") issued erosion and sediment control and stormwater permits and the Minnesota Pollution Control Agency (the "MPCA") issued a National Pollutant Discharge Elimination System ("NDPES") permit without concern of erosion or unstable soils.¹⁶ In addition, soil, erosion and groundwater impacts were reviewed and addressed in the EAW. As noted in the procedural objections above, this Appeal is not the appropriate forum to relitigate the sufficiency of the EAW.

The City determined that the EAW sufficiently considered development of this site and the potential impact on soils and surface water. In fact, the City acknowledged that the Project will have a positive impact on the flow of surface water from the property's existing discharge system, thereby improving the filtration of water before it reaches the river. Surface water at the site is currently concentrated and discharged into the Grotto via a pipe at uncontrolled rates. As discussed in the Original Response, by capturing and holding back a large quantity of surface water in a north stormwater treatment system and filtering the water through a manufactured treatment device with enhanced filtration media, the Site Plan system will actually release the water at a slower, more controlled rate.¹⁷ These design features further protect the ravine from erosion and significantly improve the quality and flow of surface water towards the Mississippi River.

4. Height of the Arena.

ARD suggests that the maximum building heights shown on the Site Plan are impermissible, arguing that the Project exceeds the allowable height set forth in Code Section 68.233(a), which addresses height limitations for the RC-3 River Corridor overlay district.¹⁸ St. Thomas addressed this argument in the Original Response.¹⁹

In making this argument, ARD opines that conditional use permits, by definition, can only restrict or reduce otherwise applicable Code requirements, not alter or expand them. ARD's position on this matter is both absurd and misplaced. Conditional use permits, by definition, are designed to

¹⁴ Appeal at 9-11.

¹⁵ See Original Response Sections III.3.a, III.8.

¹⁶ See Capitol Region Watershed District Permit Report #23—23 at 5-6 (December 13, 2023).

¹⁷ See Original Response Section III.4.

¹⁸ Appeal at 12-13.

¹⁹ See Original Response Section III.2.a.

give municipalities flexibility in zoning. At the Public Hearing, Staff responded to questions related to the legitimacy of the height and setback requirements included in the 1990 CUP, noting that in issuing a conditional use permit, the City retains the flexibility to modify any and all conditions.²⁰ In the City of St. Paul, conditional use permits are used to define the boundaries of college campuses where they are located in residential districts. The conditional use permits also provide building height maximums and provide guidance on permissible campus uses—offices, food service, physical plants, residence halls. It is through the issuance of a conditional use permit that the City determines what the permitted dimensional standards will be for the campus.

To the extent that ARD is trying to challenge the legitimacy of the CUPs issued to St. Thomas in 1990—which has been in place for thirty-four (34) years—the current Site Plan Appeal is not the appropriate forum to do so.²¹ If the City were to adopt ARD’s position on the permissible use of CUPs, the City would be deviating from the way in which it has used CUPs to address college campuses throughout the City for decades.

5. Public River Corridor Views.

ARD alleges that the Project will interfere with Public River Corridor Views (“**PRCV**”), noting that the “new arena would dominate sightlines from the Mississippi River, presenting its gray western façade to those who would otherwise be enjoying the river’s wildness” and that “the arena would be a dominating presence when viewed across the Mississippi River.”²² These statements are simply not true. In fact, the Project was specifically designed to not significantly alter the views from the river. In photo depictions shown at the Public Hearing, St. Thomas has demonstrated that views from the Mississippi River will remain largely unchanged following construction of the Project. This was affirmed by the Planning Commission’s Resolution, which states that “[v]iews from the surrounding area will be similar to those experienced currently[,]” and that “[t]he City’s Comp Plan does not identify any “Significant Public Views” near the UST campus.”²³

6. Pollution.

ARD claims that the Arena is “likely to cause pollution.”²⁴ Specifically, ARD argues that chemicals used in the operation of the ice facilities in the Arena could lead to contamination of

²⁰ See Code § 61.502, “The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.”

²¹ See Planning Commission Resolution 24-12, Finding #2, p.3.

²² Appeal at 13-14.

²³ See Planning Commission Resolution 24-12, Finding #4, p.5.

²⁴ Appeal at 14-18.

groundwater. This argument was also made in the Original Appeal, and St. Thomas provided a detailed rebuttal to allegations of pollution in its Original Response.²⁵

In constructing the Arena, St. Thomas will utilize design features to reduce the likelihood of groundwater pollution resulting from leaks or spills within the facility. The City and State will further review these safeguards for adequacy as part of the building permitting process, which occurs after issuance of the Final Site Plan Approval. The Planning Commission correctly identified the Department of Safety and Inspections as overseeing the handling, installation, and maintenance of chemicals and equipment with local, state—including MPCA standards—and federal regulations.²⁶

In addition to design features, St. Thomas will implement operational safety measures to protect groundwater which are detailed in the Original Response.²⁷ Contrary to the Appellant's claims in the Appeal,²⁸ the Project and its groundwater safeguards, have been reviewed and approved by the MPCA. As discussed in the Original Response and the Planning Commission's Resolution, St. Thomas submitted a Stormwater Pollution Prevent Plan ("SWPPP") to the MPCA and received an NPDES permit.²⁹

ARD also uses this Appeal to reiterate its arguments regarding the Project's generation of greenhouse gas ("GHGs").³⁰ As discussed in the Original Response, St. Thomas shares the City's goal of reducing carbon emissions and achieving carbon neutrality, and has designed the Arena facility as a "green" building for energy efficiency and sustainability, with the intention of obtaining Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council upon completion.³¹ The Planning Commission agreed with Staff that the easy and safe accessibility of the Arena, conducive to walking, biking and public transit, help to achieve the City's policy goal of decreasing GHGs.³²

The Planning Commission, in rejecting these arguments, considered the Staff Report and extensive testimony at the Public Hearing and concluded that Staff did not err in finding that there was not a significant likelihood of pollution.

7. Insufficiency of EAW and mitigation strategies.

The Appeal sets forth various arguments as to why the EAW is inadequate and why the City Council should use the insufficiency of the EAW as grounds to grant the Appeal.³³ As noted under our procedural objections, challenges to the sufficiency of the EAW must be heard by the

²⁵ See Original Response Section III.3.c.

²⁶ See Planning Commission Resolution 24-12, Finding #3, p.4.

²⁷ *Id.*

²⁸ Appeal at 17-18.

²⁹ See Original Response Section III.11; see Planning Commission Resolution 24-12, Finding #3, p.4.

³⁰ Appeal at 30-31.

³¹ See Original Response Section III.1.b.

³² See Planning Commission Resolution 24-12, Finding #1, p.2.

³³ Appeal at 18-19.

Minnesota Court of Appeals, not addressed through Site Plan approval or appeal. Notwithstanding the procedural objection, a detailed response to the argument of EAW insufficiency was included in Section III.7.c of the Original Response.

ARD argues that the City’s mitigation requirements are not specific enough to result in meaningful mitigation. It is worth noting that the City’s EAW Findings established a plan that includes ongoing monitoring and requires St. Thomas (i) to develop an Event Management Plan (“EMP”) in consultation with the Saint Paul Police Department (which EMP will include strategies for traffic control that are directly tied to event size and timing); (ii) establish incentives for use of public transportation and rideshare platforms; (iii) implement a parking system application process to inform patrons in advance when lots are sold out or full for major events; (iv) provide off-site parking and shuttle service to the Arena; (v) maintain a list of other events held at the Arena, including type, number, frequency, and timing; and (vi) inform the community of upcoming events. Furthermore, Minnesota Rule 4410.1700, subp. 7(C) requires the City to consider the extent to which any impacts related to the Project are “subject to mitigation by ongoing public authority.” Such ongoing regulatory authority will effectuate the required mitigation measures, for instance, by requiring that these measures are implemented before the City will issue a certificate of occupancy.

8. Protection of pedestrians, motorists, and residents.

ARD argues that the Project is unsafe for pedestrians, motorists and residents and therefore Staff and the Planning Commission erred in approving the Site Plan.³⁴ Traffic management and protection of pedestrians, motorists and residents is incredibly important to St. Thomas and something that will be continuously monitored and addressed not only through site design but also through operational measures.

With respect to protection of pedestrians, motorists and residents, the Site Plan incorporates design elements to protect all of these groups. Specifically, the Site Plan includes physical infrastructure improvements to minimize the Arena’s effect on local street and foot traffic. Traffic and pedestrian improvements at intersections adjacent to the Project include:

- updates to the traffic signals at the intersection of Cretin Avenue and Grand Avenue;
- pedestrian crossing bump outs that will be installed at the Cretin Avenue and Goodrich Avenue intersection;
- widening of the sidewalk on the North side of the Grand Avenue / Anderson Parking Facility; and
- installation of sidewalks on both sides of the western drive lane which connects directly to the Grotto area to provide continued community and pedestrian access to this area.

³⁴ Appeal at 19-12, 27-37.

Through the Site Plan review process, the Project team and City identified additional pedestrian routing into the Anderson Parking Facility (the “APF”) and the APF Access Addendum was completed as a result. The Addendum demonstrates that the Project’s mitigation measures result in pedestrian flow of traffic that is similar to the conditions contemplated in the EAW.³⁵

The Appeal also claims that the Project will make streets in the adjacent residential neighborhoods impassable, specifically for emergency vehicles.³⁶ However, the Site Plan does not propose any physical changes to street width other than providing pedestrian bump outs at the intersection of Cretin and Goodrich Avenues. The Site Plan review process required the City Fire Department to review emergency vehicle access around the Arena and to the proposed development. It is not a requirement of the Site Plan review process to assess emergency vehicle response times and travel paths within public right-of-ways, specifically on residential streets that are not a part of the Project and that may otherwise have the same issues notwithstanding the proposed development. However, St. Thomas has made significant efforts and adjustments to the Project to provide effective parking management for attendees of the Arena in response to community input.

9. Parking availability and anticipated event attendance.

Arguments 9 and 10 of the Appeal claim that the Planning Commission must have erred in affirming Staff approval of the Site Plan because St. Thomas has somehow misled the City about the availability of parking and/or anticipated event attendance.

Many of the arguments ARD makes are similar to its arguments in its EAW appeal. ARD alleges that the transportation study is misleading due to a snowstorm occurring overnight on one (1) of the eight (8) days in which parking data was gathered.³⁷ As noted in the Original Response, it is simply unreasonable to assert that eight (8) days of parking utilization counts are invalidated by a late season snow storm overnight between two (2) afternoon parking counts.³⁸ Additionally, the transportation study specifically states that the snowstorm did not affect the representativeness of the traffic data gathered on those dates.³⁹

With respect to event attendance, ARD notes that the recent announcement regarding St. Thomas’ conference placement for its collegiate hockey program somehow means St. Thomas misled the City about how many people will be attending events at the Arena, and that the traffic data it has provided is no longer accurate.⁴⁰ This is simply not true. First, St. Thomas was only recently invited

³⁵ UST Multipurpose Arena EAW Transportation Analysis – APF Access Addendum at 5 (January 23, 2024).

³⁶ Appeal at 22-23.

³⁷ Appeal at 24.

³⁸ See Original Response Section III.9.a.

³⁹ See EAW, Appx. D at 4 (“Results of the review. . . indicate that March 30, 2023, was representative (if not slightly higher) of an average day for the study area, therefore, no adjustments were made to the counts.”), and 11 (“However, the storm started after the Friday afternoon counts and the Saturday weather (40 degrees and sunny) generally cleared the roadways by the time of the Saturday afternoon counts, therefore, the parking counts as it relates to event availability are considered representative of typical conditions for the campus area.”).

⁴⁰ Appeal at 25.

to join the National Collegiate Hockey Conference. It did not mislead the City in the Site Plan Application.

Importantly, the change in men's hockey conferences does not change the maximum capacity of the arena for hockey games (currently 4,006) or the days of the week hockey games will be played (Friday and Saturday). The transportation study prepared as part of the EAW included estimated data for maximum capacity, or well-attended, hockey events on Friday and Saturday nights.⁴¹ Thus, the traffic study will allow St. Thomas to plan for hockey events regardless of the conference the institution belongs to.

Finally, while St. Thomas may make educated guesses about how many well-attended events will take place, this is information that will always be changing and will be necessarily impacted by conference assignment and team popularity so long as St. Thomas participates in collegiate sports. The evolving nature of anticipated attendance is one of the reasons the City requires an EMP be developed and continuously reviewed with the City.

10. Insufficient Traffic Demand Management Plan.

ARD alleges that the TDMP is insufficient and therefore, the Planning Commission's decision to affirm Staff approval of the Site Plan was an error. This same argument was made to, and rejected by, the Planning Commission.⁴²

As noted in the Original Response, a Transportation Demand Management Plan (the "TDMP") was provided with the Site Plan.⁴³ The TDMP meets the City requirements. The Resolution summarizes the sufficiency of the TDMP succinctly, noting that as part of the EAW process, the City arranged for an independent transportation study to accurately assess the traffic impact of the Arena.⁴⁴ In addition, the TDMP was submitted as part of the Site Plan process and approved by MoveMN, the City's designated Transportation Management Organization.⁴⁵

In addition to the TDMP, St. Thomas has implemented several strategies as the direct result of community input. Many of these details are outlined in the Original Response.⁴⁶ Importantly, the Project will provide bicycle parking, free or subsidized transit passes for St Thomas's full-time employees, designating parking in advance via event ticketing, and shuttle and rideshare options to reduce traffic and parking confusion during event hours. As noted above, St. Thomas is also developing an EMP with the coordination of a traffic and engineering firm, the City's Traffic Engineering and Police Departments, and a diverse working group consisting of student, renter,

⁴¹ See EAW, Appx. D. Additionally, it is important to note that the Allianz Field "model" of parking is not comparable to the current Project, contrary to ARD's claims in the Appeal at 38. The seating capacity for Allianz Field is almost four times that of the proposed Arena. The EAW provides sufficient data estimates for maximum capacity events at a facility of the Arena's size.

⁴² See Planning Commission Resolution 24-12, Finding #2, p.3.

⁴³ See Original Response Section III.1.a.

⁴⁴ See Planning Commission Resolution 24-12, Finding #7, p.6.

⁴⁵ See Planning Commission Resolution 24-12, Finding #2, p.3.

⁴⁶ See Original Response Sections III.1, III.7, III.9.

homeowner, and neighborhood and community council representatives. St. Thomas has already met with the Transportation Committees of the Union Park District and Macalester Groveland Community Councils to promote participation in development of the EMP. As St. Thomas and Staff have continued to voice, traffic management will be an ongoing and continuous task for the Project beyond construction and initial operation of the Arena. The EMP remains a condition of the Final Site Plan Approval and St. Thomas will continue to work with the City and the public to finalize a plan that supports both the Project and the community.⁴⁷

11. Requirement for New CUP.

ARD claims that Code Section 61.503 requires St. Thomas to obtain a new conditional use permit to develop the Project because the floor area of a conditional use will expand by fifty (50) percent or more.⁴⁸ However, Code Section 61.504 states that a new conditional use permit is not required when a college, university or seminary adds a school building or an off-street parking facility within its approved campus boundary. Instead, only approval of a site plan is required.⁴⁹ As the Project falls within the existing campus boundary, a new conditional use permit is not required.

12. Setbacks.

The Appeal raises the issue of minimum setbacks from adjacent property lines. ARD argues that the Project does not meet the required distance from the Saint Paul Seminary property as set forth in Code Section 65.220, which addresses building setbacks in the applicable H2 Residential zoning district for the site.⁵⁰ In making this argument, ARD ignores the setback requirements in the CUP, which allows for a zero (0) foot setback between the cohesive St. Thomas and Saint Paul Seminary campuses. Staff and the Planning Commission correctly determined that the Project complies with the Code and the CUPs in this capacity.

13. Other Miscellaneous Arguments.

As a final note, we highlight that ARD, through the Public Hearing process and in Appeal documents, has raised a number of additional objections which are not germane to the Site Plan approval process. These arguments include, among other things, a desire to see St. Thomas locate the new Arena outside of its existing campus boundaries and pay more taxes.

As noted in the Staff Report, the City is not obligated—and arguably not permitted—to review site alternatives when evaluating a proposal’s consistency with the Code’s site plan requirements or through the EAW process. The push to focus on alternative siting options is simply an effort to

⁴⁷ In the Appeal at 23, ARD mentions traffic at Allianz Field and attempts to compare parking data from the facility to the proposed Arena. Due to the significant disparity in seating capacity between these facilities, with Allianz Field capable of seating 19,400 attendees, it is difficult to determine why this data provides any insight as to parking at the proposed 5,500 seat capacity Arena.

⁴⁸ Appeal at 38-39.

⁴⁹ Code § 61.504(e).

⁵⁰ Appeal at 39-40.

distract the Council from the fact that the Application for the Project—at this site—meets the City’s requirements and was properly approved by Staff.

The statements regarding taxes is also misdirected. St. Thomas aligns with the City’s comprehensive plan policy vision for institutional uses and embraces its role to support workforce development and the retention of youth and young professionals in the City.⁵¹ The Arena will serve as a means to attract prospective students and bolster the local economy. A recent study, attached as Exhibit B, recognized that St. Thomas’ activity at the City level generated over \$24 million in state and local taxes last year.⁵² At the State level, this number increases to \$60 million. Additionally, St. Thomas’ considerations for the site of the Arena contemplated the taxable consequences of development within its current campus boundaries, thus preventing a different, taxable site from being removed from the City’s property tax roles for an exempt use.⁵³

V. Conclusion

The Project, which is proposed to be constructed without variance or public subsidy, will result in the creation of a new, state-of-the-art multi-purpose Arena that will benefit not only the St. Thomas community but the Saint Paul community as a whole. St. Thomas is a longstanding anchor institution in the City and proud to have a significant impact on the local, state and national economies. As discussed in the Original Response and the Record, St. Thomas shares and embraces the City’s policy goal to support business, real estate and financial models in the local economy, and seeks do to so with the Arena development as well.⁵⁴

As demonstrated in the Application materials, the Original Response, the Staff Report, the testimony at the Public Hearing, and all other aspects of the Record, the Site Plan, the Project and the Site Plan review process followed by Staff and the Planning Commission satisfy all standards for approval set forth in Code Section 61.402(c). The Planning Commission properly affirmed Staff’s approval of the Site Plan. The Appeal fails to provide any evidence of error in the City’s and Planning Commission’s determination that the Site Plan complies with the requirements of the Code. Accordingly, St. Thomas respectfully requests that the City Council deny the Appeal and affirm the decision of the Planning Commission to uphold Staff’s approval of the Site Plan for the Project.

⁵¹ See Policy LU-53 which urges the City to “[p]ursue partnerships with area colleges and universities that strengthen connections to the community and adjacent neighborhoods; and support workforce development, business creation and innovation, and retention of youth and young professionals.”

⁵² The Economic and Community Impact Report in Exhibit B also confirms St. Thomas’ economic impact at the local, state and national level. The University brought \$498.8 million annually to the City’s economy and supported over 3,500 local jobs. In the State of Minnesota, St. Thomas generated almost \$1 billion in economic impact. These figures do not even consider the numerous charitable contributions St. Thomas provides to the local community, totaling \$13.5 million last year alone.

⁵³ See Original Response, footnote 1.

⁵⁴ See Original Response Section I.A.

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Very truly yours,

WINTHROP & WEINSTINE, P.A.



Tammera R. Diehm

cc: Ms. Tia Anderson: Tia.Anderson@ci.stpaul.mn.us
Ms. Abigail Crouse: crou5420@stthomas.edu
Mr. Robert K. Vischer: rkvischer@stthomas.edu

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EXHIBIT A

Original Response

(see attached)



April 24, 2024

Tammera R. Diehm
Direct Dial: (612) 604-6658
tdiehm@winthrop.com

VIA E-MAIL

Planning Commission, City of Saint Paul
1400 City Hall Annex
25 West 4th Street
Saint Paul, MN 55102

Re: Response to Appeal of Site Plan Approval issued in connection with proposed Arena Project at 2260 Summit Avenue (City File #23-079985)

Dear Members of the Planning Commission:

On behalf of the University of St. Thomas (“**St. Thomas**”), we submit this response to two appeals (collectively, the “**Appeals**”) filed in connection with the April 4, 2024 decision of the Zoning Administrator (the “**Staff**”) of the City of Saint Paul (the “**City**”) to approve the site plan (the “**Site Plan**”) for a proposed multipurpose competition venue and related facilities at 2260 Summit Avenue (the “**Project**”). The Appeals were filed by the Advocates for Responsible Development (“**ARD**”) and by Donn Waage and Virginia Housum (“**Waage / Housum**”) and collectively, with ARD, “**Appellants**”) pursuant to Saint Paul Legislative Code (the “**Code**”) Section 61.701.

I. Introduction

The Site Plan, the Project and the Site Plan review process followed by Staff satisfy the standards for approval set forth in City Code Section 61.402(c). As set forth below, the issues raised in the Appeals do not present any error on the part of Staff in approving the Site Plan. St. Thomas appreciates having the opportunity to share additional information and answer questions about the proposed Project. For the reasons stated below, St. Thomas respectfully requests that the Planning Commission deny the Appeals and affirm the decision of Staff to approve the Site Plan for the Project.

A. The Project

This Project is part of an exciting transition. In 2020, St. Thomas became the first collegiate program in the NCAA’s modern era to move from a Division III athletic program directly to a Division I classification. In making this transition, St. Thomas became Minnesota’s first private Division I collegiate athletics program, only the second Division I program in the entire state and the only Division I program in the City. This transition has brought enthusiasm, attention and vitality to both St. Thomas and the City, which has been St. Thomas’ home since the school was founded in 1885.

In connection with the move to a Division I program, St. Thomas is investing in its campus to provide facilities that are consistent with a top-level athletic program. Accordingly, St. Thomas is excited about the development of the Lee and Penny Anderson Arena (the “**Arena**”), a multi-purpose arena that will serve as the home for several St. Thomas athletic programs including both basketball and hockey and support spaces for other athletic programs such as soccer and softball. While the St. Thomas basketball program is already housed on the St. Thomas campus, the hockey program currently uses a high school facility at St. Thomas Academy in Mendota Heights.

The vision to design a single arena with multiple uses will result in the best of all worlds—a state-of-the-art facility where student-athletes and spectators will both enjoy an amazing experience. The Arena project includes a primary ice arena, a second sheet of practice ice with spectator seating, two basketball practice courts, locker rooms, training rooms, and ancillary spaces to support hockey, basketball, and additional sports programs, including soccer and softball. The Arena will also house offices and other workspaces for coaches and supporting staff. Construction will include improved outdoor spaces and pedestrian paths that will allow students and visitors to be integrated with the entire St. Thomas campus.

While the Arena’s primary purpose is to support athletic programs at St. Thomas, the university is committed to ensuring the Arena will serve the larger community as well. St. Thomas athletic events provide a high-quality visitor experience for fans, including families and members of youth sports teams who often attend in groups. In addition, St. Thomas will provide ice time and event opportunities for youth sports and other groups (and members of the public) in Saint Paul.

Importantly, the proposed Arena site is wholly within the existing St. Thomas campus boundaries.¹ No variances are required to construct the Arena and no City subsidies are being requested. St. Thomas, with the assistance of its design-build team at Ryan Companies (“**Ryan**”), has carefully designed the Project to comply with all applicable land use and zoning rules, including the conditional use permits that govern the land use development of the St. Thomas campus. The placement of the Arena in the center of the South Campus was intentional and provides the greatest distance from adjacent residential properties, thereby minimizing the impact of the Arena on neighboring properties and the Mississippi River bluff. The Project was designed to incorporate environmentally-sustainable attributes that support sustainability goals that are important to both St. Thomas and the City.

While ARD and several neighbors oppose this Project, there are numerous neighbors and community members who not only support the development of the site, but also embrace the vitality and economic development that the Arena will bring to the City. As part of the Site Plan

¹ St. Thomas considered eleven (11) alternate sites in the City—and beyond—to build the Arena. These sites include properties along University Avenue, Town and Country golf course, Highland Bridge, sites near Fort Snelling and others. The decision to construct the Arena on the school’s South Campus allows St. Thomas to maintain operations within its current campus boundaries which allows students and fans to easily access the Arena by foot. It also prevents a different, taxable site from being removed from the City’s property tax roles for an exempt use.

review process, the City must consider whether the Project is consistent with the City's Comprehensive Plan. While the Comprehensive Plan consistency is discussed in more detail herein, the City identifies, as a policy goal, the desire to support business, real estate and financial models that keep more money in the local community.² St. Thomas' development of the Arena on its campus will have an incredible economic impact on the local community. A recent economic impact study shows that St. Thomas currently brings \$498.8 million to the City annually and \$124.7 million to its adjoining Saint Paul neighborhoods. The construction and operation of the Arena will bring even more economic activity to the City for years to come.

B. The Process

A Site Plan application for the Arena was submitted to the City on September 6, 2023 (the "**Application**"). On October 3, 2023, St. Thomas and members of the Project team from Ryan participated in a Site Plan Review Committee Meeting with various members of City staff. On October 17, 2023, St. Thomas received conditional approval of the Site Plan ("**Conditional Approval**"). The Site Plan Review Report dated October 17, 2023 (the "**Conditional Approval Letter**") noted:

Site Plan Review decisions may be appealed within ten days after the date of the decision (which is the date of this letter) per Leg. Code Sec. 61.701 – Administrative Appeals, to the Planning Commission. An Appeal of a Site Plan decision shall be filed with the Zoning Administrator.

No appeal of the Conditional Site Plan Approval was filed. On April 4, 2024, a final site plan approval letter ("**Final Site Plan Approval**") was issued by the City and this appeal followed.

Before, during and after the official Site Plan Application and review process, St. Thomas has undertaken substantial community outreach efforts. St. Thomas has a full-time director of neighborhood and community engagement and takes its relationship with the surrounding community very seriously. St. Thomas has engaged neighborhood communities throughout the development of the Arena Site Plan and had many productive conversations about the Project's potential impact on surrounding areas. St. Thomas has participated in seventeen (17) public meetings so far with neighborhood groups, working through the Macalester Groveland District Council, the Union Park District Council and the West Summit Neighborhood Association Committee (WSNAC). St. Thomas has also held several smaller group conversations with concerned neighbors. As you will see in the information below, throughout the development of the Site Plan, St. Thomas has worked to adjust its plans to incorporate the feedback received from neighbors. This collaborative approach has been intended to not only minimize the potential impact of the Arena on the surrounding area, but also strengthen the University's longstanding partnership with its neighbors and the City.

² 2040 Comprehensive Plan, Policy LU-6.

II. Procedural Objections and Limitation of Issues

St. Thomas has two procedural objections with respect to the Appeals. First, Appellants failed to timely appeal the Conditional Approval and are therefore estopped from challenging certain aspects of the Site Plan Approval. Second, many of the issues raised by Appellants are duplicative of issues being litigated between ARD, the City and St. Thomas in a current judicial action.

A. Appellants failed to timely appeal the Conditional Approval.

There is no dispute that the Conditional Approval was an appealable decision. Appellants failed to file a timely appeal in October 2023 and, as a result, items which were not left open in the Conditional Approval are deemed to be final and Appellants have waived their right to challenge them. For example, Appellants question whether the Project should be located on an alternate site. This argument would have been properly—and timely—considered through an appeal of the Conditional Approval, not the Final Site Plan Approval.³

B. The EAW Process addressed many of the environmental objections raised in the Appeals.

Importantly, many of the issues raised in the Appeals are duplicative of issues raised by ARD in its appeal of the City's determination on the sufficiency of the Environmental Assessment Worksheet for the Project dated June 2023 (the "EAW"). Any attempt to "relitigate" arguments raised through the EAW process must be rejected. While the Site Plan approval process allows for consideration of certain environmental impacts, the City—as the Responsible Governmental Unit or "RGU"—has already made certain determinations related to the potential for environmental impact when it accepted the EAW and issued its Findings of Fact in September 2023 (the "EAW Findings"). The Planning Commission, in reviewing the Site Plan Application, must consider the EAW Findings and recognize that extensive environmental review has already been completed outside of the Site Plan approval process.

Challenges to the City's acceptance of the EAW are made to the Minnesota Court of Appeals. ARD filed such a challenge in November 2023 and the environmental review is currently working its way through the court process. While ARD can certainly ask questions about how the Site Plan will address traffic, parking and other environmental issues, it cannot relitigate the adequacy of the EAW, or otherwise sidestep the statutory requirement that these issues are to be heard by the Court of Appeals. Given this, Appellants' arguments that the Site Plan should be rejected because

³ St. Thomas acknowledges that Final Site Plan Approval is required prior to the issuance of building permits and that Final Site Plan Approval cannot be granted until all open conditions listed in the Conditional Approval are resolved. Notwithstanding, to the extent that the City relies on Conditional Approval to satisfy the City's obligation to expressly approve or deny a land use application within sixty (60) days under Minnesota Statutes Section 15.99, it is not appropriate for the City to then consider challenges to items addressed in the appealable Conditional Approval six (6) months following the City's official action. If the City were to view the Final Site Plan Approval as being completely open to review, the City would have failed to approve or deny St. Thomas' Application within the time period required by Section 15.99.

the EAW is insufficient are not appropriately directed to the Planning Commission.⁴ In addition, any other challenges to Site Plan Approval that are simply restatements of issues challenged in the EAW must be rejected and reserved for the EAW appeal which is the proper forum for such arguments.

III. Staff appropriately determined that the Site Plan meets the Code standards required for Site Plan approval.

Section 61.402(c) of the Code sets forth the standards that are to be considered by the Planning Commission in evaluating a request for site plan approval. Specifically, the Code states that “[i]n order to approve a site plan, the Planning Commission shall consider and find that the site plan is consistent with:

1. The City’s adopted comprehensive plan and development or project plans for sub-areas of the city.
2. Applicable ordinances of the City.
3. Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.
4. Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.
5. The arrangement of buildings, uses and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be unreasonably affected.
6. Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.
7. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.
8. The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.
9. Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.
10. Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.
11. Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency’s ‘Manual for Protecting Water Quality in Urban Areas.’”

In issuing the Final Site Plan Approval, Staff correctly concluded that all eleven (11) of these standards were satisfied. While the Appeals attempt to identify various areas of concern, the

⁴ See ARD Appeal pp. 16-17.

Planning Commission must review the eleven (11) standards and determine whether Staff erred in fact, finding or procedure when determining that the Site Plan satisfies these criteria. As outlined below, the Site Plan does meet all of the criteria set forth in the Code and, therefore, the Final Site Plan Approval should be affirmed.

1. The Site Plan, and the Project, are consistent with the City's 2040 Comprehensive Plan.

The Code requires the Planning Commission to consider whether a proposed site plan is consistent with the City's adopted comprehensive plan.⁵ The Saint Paul 2040 Comprehensive Plan, which was adopted November 18, 2020 and amended June 3, 2022 (collectively, the "**Comprehensive Plan**"), provides a "blueprint" for future development both citywide and in particular areas. Based on the applicable guidance for 2260 Summit Avenue, Staff correctly determined that the Site Plan is consistent with the Comprehensive Plan's policies and goals for this site.

Appellants argue that the Project is not compatible with the Comprehensive Plan because the Project will result in development that is inconsistent with several of the goals stated in the Comprehensive Plan. Specifically, Appellants allege that (a) the amount of traffic associated with the Project violates the City's policy to reduce car usage;⁶ (b) the Comprehensive Plan seeks to have institutional campuses minimize traffic congestion and provide safe pedestrian and bicycle access;⁷ (c) the City seeks to reduce vehicle miles traveled by 40% by 2040 by improving transportation options beyond single-occupancy vehicles;⁸ and (d) the Project fails to adequately implement intersection safety improvements.⁹

However, these arguments misstate the underlying goals of the Comprehensive Plan and should be rejected. To the contrary, the Project is consistent with both the Comprehensive Plan's guiding of this Site and also the City's long range policy goals. Specifically, the site is designated by the Comprehensive Plan as "civic and institutional land use." This use encourages buildings and open space for major institutional campuses. The Comprehensive Plan emphasizes the need for development of facilities to allow high-quality educational institutions to thrive while also connecting to neighborhoods and investing in the local economy.¹⁰ The development of the Arena on the St. Thomas campus is certainly consistent with the Comprehensive Plan's guiding of the property.

In addition to guiding property for a particular use, the Comprehensive Plan identifies more than 200 draft policies, each of which supports the City's goals and values. Policies—which include the areas of Land Use, Transportation, Parks and Recreation, Housing, Water Resource

⁵ Code § 61.402(c)(1).

⁶ Waage / Housum Appeal at 2, citing "the City's policy" generally.

⁷ Waage / Housum Appeal at 2, citing Comprehensive Plan Land Use Policy 54 (LU-54).

⁸ Waage / Housum Appeal at 4, citing Comprehensive Plan Transportation Policy 21 (T-21).

⁹ Waage / Housum Appeal at 7, citing Comprehensive Plan Transportation Policy 7 (T-7).

¹⁰ Comprehensive Plan at 45.

Management, Heritage and Cultural Preservation and the Mississippi River Corridor Critical Area—are high-level statements that are intended to guide City decision-making in a manner that achieves the Comprehensive Plan goals.

In citing specific Comprehensive Plan policies, not only do the Appeals mischaracterize the consistency of the Project with these policy statements, but they also ignore the 200+ additional policy statements, many of which offer support to the development of a project such as the Arena and to which St. Thomas' Site Plan promotes.

The arguments related to inconsistency of the Arena with the City's Comprehensive Plan focus primarily on (i) traffic management, parking demand and pedestrian safety; and (ii) sustainability. Appellants' conclusion that the Project is inconsistent with the Comprehensive Plan policy statements in these areas is simply incorrect and should be rejected.

a. The Project is consistent with the City's policy goals related to Traffic Management, Parking Demand and Pedestrian Safety.

Policy LU-54, cited by Appellants, states that institutional land use should ensure the compatibility of campuses and surrounding neighborhoods by managing parking demand, minimizing traffic congestion and providing safe pedestrian and bicycle access. The Site Plan does this by incorporating a number of traffic management strategies. Importantly, the Final Site Plan Approval requires the Project to implement the strategies identified in the Transportation Demand Management Plan (the "TDMP") prior to the issuance of a certificate of occupancy. These strategies include providing bicycle parking and free or subsidized transit passes for St. Thomas' full-time employees.

St. Thomas' strategies related to traffic management and parking have been developed with the benefit of community input and in response to community concerns. Throughout the development of the Arena, and its operation, St. Thomas will implement a number of traffic management tools. Examples include designating parking through event ticketing in advance of events and the development of shuttle and rideshare options that will reduce traffic and parking confusion during event hours.

In addition to implementing the TDMP strategies and soliciting feedback from community members, St. Thomas has hired SRF Consulting ("SRF"), a traffic and engineering firm with expertise in event management, to create an Event Management Plan (the "EMP"). The EMP will be developed by St. Thomas and SRF, in consultation with the City Traffic Engineering and Police Departments. The EMP will clarify how St. Thomas will manage parking and traffic for events at the arena through off-site parking, shuttle operations, rideshare, transit options, and parking assignments for spectators and workers. The EMP will also provide details about how St. Thomas will communicate and notify community members about the schedule of events happening on campus, including email notification, website updates, social media alerts and other communication efforts. The development and implementation of the EMP ensures that St. Thomas

will continue to proactively work alongside City officials to address many neighbor concerns regarding traffic congestion and parking. The EMP will be shared with the surrounding neighborhood and will be subject to revision in response to feedback received following events.

The requirement to develop and implement the EMP was part of the traffic mitigation measures noted in the EAW. The Final Site Plan Approval includes, as a condition, that St. Thomas will submit an EMP that is acceptable to the City. In fact, the Final Site Plan Approval requires that all mitigation measures noted in the EAW be implemented. The City retains control to ensure compliance with these requirements through the issuance of a certificate of occupancy.¹¹

In addition to Policy LU-54, the Waage / Housum Appeal cites Policy T-7 which encourages the implementation of intersection safety improvements and reduction of pedestrian roadway exposure. The approved Site Plan incorporates several pedestrian crossing, curb and signal improvements as part of the development, including:

- updates to the traffic signals at the intersection of Cretin Avenue and Grande Avenue;
- pedestrian crossing bump outs that will be installed at the Cretin Avenue and Goodrich Avenue intersection;
- widening of the sidewalk on the North side of the Grand Avenue / Anderson Parking Facility; and
- installation of sidewalks on both sides of the western drive lane which connects directly to the Grotto area to provide continued community and pedestrian access to this area.

In conjunction with the Saint Paul Police Department, the EMP will establish safety protocols on the adjacent streets during busy, high-traffic event hours such as the use of traffic control officers at key intersections.

Finally, in addition to these two (2) policy goals cited by Appellants, the Comprehensive Plan includes Policy Goal LU-13 which support strategies to encourage shared parking agreements, car sharing and reduced parking overall. St. Thomas has committed to implementing strategies to encourage these arrangements as part of its TDMP (and EMP), thereby further advancing an important policy goal for the City.

Accordingly, the Site Plan effectively shows that the Project is consistent with the City's Comprehensive Plan policy goals related to traffic management, parking demand and pedestrian

¹¹ See Code § 61.402(f), which notes that the certificate of occupancy "shall not be issued until all items required for site plan approval are completed or an agreement has been made" to provide security to assure the completion of items that take more time, such as landscaping. It is important to understand that a complete EMP cannot and should not be developed until the Arena is operating. St. Thomas has been in contact with the City's Police Department which has recommended waiting until closer to Arena opening to finalize the EMP.

safety which not only refutes the concerns raised by Appellants but also supports the City's determination that the Site Plan is consistent with the Comprehensive Plan.

b. **The Project is Consistent with the City's Policy Goals related to Sustainability.**

Appellants' argument that the Site Plan is inconsistent with the Comprehensive Plan's policy goals related to sustainability is unfounded and should be rejected.

St. Thomas shares the City's goal of reducing carbon emissions and has, in fact, reduced carbon emissions by fifty-one percent (51%) since 2007. St. Thomas seeks to achieve carbon neutrality by 2035,¹² and the Arena is designed to help St. Thomas meet this goal. The facility itself has been designed as a "green" building for energy efficiency and sustainability, and intends to be Leadership in Energy and Environmental Design (LEED) certified (as a minimum of Silver certification) by the U.S. Green Building Council upon completion. The prime location of the Project on South Campus will eliminate the need for students living on campus, as well as local St. Thomas supporters, many of whom live in the neighboring community, to secure vehicle transportation to these events. Bicycle and other non-motorized transit will be a feasible option for many attendees in these populations. St. Thomas will be providing transit incentives for use of public transportation for attendees traveling from outside the surrounding neighborhoods, including St. Thomas employees who will be frequenting the facility on a regular basis.

As another commitment to sustainability, St. Thomas has responded to concerns raised by community members related to removal of trees as part of the Arena construction. In the EAW, St. Thomas noted that 76 trees were to be removed, and 50 trees to be planted. In response to community feedback, St. Thomas reduced the number of trees to be removed to 69 trees and committed to a 1:1 tree replacement ratio. The approved site plan shows 73 new trees, exceeding the 1:1 tree replacement ratio and providing evidence of the Site Plan's advancement of the City's sustainability goals.

Finally, sustainability means creating infrastructure that will be efficiently used. Policy LU-20 in the Comprehensive Plan encourages private landowners to provide public access to privately-owned open spaces, and facilitate joint use of athletic fields and school playgrounds. As noted in the introduction, the St. Thomas Arena will be privately owned and will primarily serve St. Thomas, but it also will benefit the public through shared use by community groups, therefore benefiting the larger Saint Paul community and positively contributing to sustainability efforts in the City.

As the above evidences, the Site Plan has evolved as a result of community input to further the sustainability goals of both the City and St. Thomas. The Project continues to work toward these goals with the finalization of its EMP, pre-event traffic and parking strategies, and green building

¹² See *Sustainability*, University of St. Thomas, <https://www.stthomas.edu/about/sustainability/> (last visited April 21, 2024).

qualifications. For the above reasons, Staff correctly concluded that the Site Plan is consistent with the Comprehensive Plan, especially as it relates to sustainability.

2. The Site Plan, and the Project, are consistent with the applicable City ordinances and the existing Conditional Use Permits.

Both Minnesota Statutes and the Code authorize the City to designate certain types of development as a conditional use under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use.¹³

The site of the Project currently lies within a H2 Residential zoning district, as well as an RC-3 River Corridor overlay district. Under the Code, colleges and universities are designated as conditional uses within H2 districts.¹⁴ Land use within the RC-3 overlay district must conform with the permissible uses of the underlying zoning district.¹⁵ Conditional uses are presumed to be permitted so long as the property owner can comply with reasonable conditions that are imposed by the local governing authority. It is also well settled that the more specific requirements of a conditional use permit control over standard zoning regulations.

St. Thomas has operated under conditional use permits since 1990 (the “1990 CUP”), when the Code was revised to allow the Planning Commission to issue “special condition use permits” to existing universities in the City. Revisions to St. Thomas’ permit were incorporated over the years to allow for expansion and construction on the campus. In 2004, as the result of a litigation-based settlement agreement between St. Thomas and two neighborhood associations, the City issued a conditional use permit, effective August 11, 2004 (the “2004 CUP” and together with the 1990 CUP, the “CUPs”) which imposed conditions identical to the terms negotiated through the private settlement. Among other provisions, the CUPs address location of buildings, building height and access. The City did not err in determining that the Site Plan is consistent with the Code and the CUPs.

a. The Proposed Height of the Arena is consistent with Code and CUP requirements.

The ARD Appeal raises the issue of maximum building heights and argues that the Project exceeds the allowable height set forth in Code Section 68.233(a), which addresses height limitations in the RC3 overlay district.¹⁶ Instead, Staff appropriately evaluated the proposed height of the Arena under the terms of the CUPs and determined that the Project complies with the Code and the CUPs.

¹³ See Minn. Stat. § 462.3595; Code § 61.501.

¹⁴ Code § 66.221.

¹⁵ Code § 68.232.

¹⁶ ARD Appeal at 11-12.

It is worth noting that ARD, and its members, made this same argument during the EAW process, noting specifically that the RC3 overlay district establishes maximum allowable building heights. As discussed in the EAW, the existing CUPs govern the site, and although the building heights exceed the maximum height permitted in the RC3 overlay district, “the more specific height requirements of the University of St. Thomas [1990] CUP, 75’ in the western portion of the project site and 60’ in the eastern, are controlling for purposes of height regulation per a long-standing City [of Saint Paul] interpretation.”¹⁷ The issue was also raised in public comments, and the City responded to those comments, explaining that the CUP is controlling.¹⁸

The height of the Arena was also discussed with the City’s Heritage Preservation Commission in November 2023. The current design has reduced the tallest height of the building to approximately 74’-8” at the main entry towers. The basketball practice facility roof is at 66’-0”, the Arena high roof is at 58’-3”, and the fourth level is at 48’. Each of these height measurements is consistent with the requirements of the CUPs.

Thus, this argument that the proposed building height is inconsistent with land use restrictions for the Site is without merit and is not a basis for Site Plan denial.

b. The Goodrich Avenue Access does not impact the Site Plan Approval.

Both Appeals claim that the Site Plan should be denied because St. Thomas fails to comply with access requirements contained in Section 16 of the 2004 CUP,¹⁹ which states:

*At such time as the University remodels or replaces the Binz Refectory or replaces Grace Hall, the loading drive which currently exists between Goodrich Ave. and the Binz Refectory shall be removed, such that there shall be no vehicular access from Goodrich Ave. to any of the University’s buildings on the south campus.*²⁰

Pursuant to this provision, Appellants argue that the loading drive should have been removed when certain work in the Binz Refectory—or the “**Binz**”—occurred in 2022 and 2023 and, therefore, St. Thomas is no longer in compliance with the 2004 CUP. Because compliance with the existing CUPs is a condition of the Final Site Plan Approval, the Waage / Housum Appeal claims that additional development cannot continue until St. Thomas complies with the CUP and removes this access. Alternatively, the ARD Appeal insists that the Planning Commission revoke the 2004 CUP. These claims are incorrect and irrelevant for purposes of Staff and the Planning Commission’s review of the Site Plan.

First, the CUP’s requirements related to the Binz Refectory renovations are not relevant to the Final Site Plan Approval granted for the Arena. The Final Site Plan approved a particular

¹⁷ EAW at 15.

¹⁸ EAW Findings, Appx. C at 63-65.

¹⁹ ARD Appeal at 2; Waage / Housum Appeal at 2.

²⁰ 2004 CUP, ¶16.

development: the Arena. The Binz is an existing building and is not being remodeled or demolished as part of this Project and therefore, any questions or issues related to the remodel of this building and/or the impact of the remodel on the CUPs is outside of the scope of what the Planning Commission should be considering in connection with the Site Plan review. Instead, the Planning Commission must determine whether the development of the Arena is consistent with the requirements of the CUPs.

Notwithstanding our objection to the consideration of any work done at the Binz, the permit issued for work at the Binz in 2022 did not constitute a “remodel” as contemplated by the 2004 CUP. Neither the CUPs or the City’s Zoning Code defines “remodel” of a structure, so the language must be viewed in connection with the intent of the 2004 CUP. The work completed in the Binz did not substantially change the primary use or structure of the facility. The Binz continues to serve its primary purpose of providing a dining hall for seminary students. There are no plans to discontinue these services or otherwise substantially alter the use or structure of the facility. The 2022 and 2023 projects served to provide temporary space for certain parts of St. Thomas’ athletic department displaced in the interim period between the demolition of former facilities and construction of the Project. Upon completion of the Project, these athletic uses are intended to vacate Binz and relocate to the Arena. This is not construction constituting the “remodel or replacement” of the facility that was contemplated in the 2004 CUP.

Finally, removal of the Goodrich Avenue access is unnecessary and unreasonable for several reasons. Because the Binz Refectory and Grace Hall continue to be used as they were at the time of the 2004 CUP, the conditions that necessitated the loading drive access remain. The drive still supports the Binz Refectory’s food service and delivery operations, as well as equipment loading for the Brady Education Center. Loading from the North side of these campus facilities is logistically challenging based on existing campus improvements to the North. The drive also serves as emergency access and a fire lane for the Binz Refectory, Grace Hall, and Brady Education Center. Therefore, there are significant safety concerns with removing this access point to the South Campus and the argument that St. Thomas should have already removed this access is invalid.

For the above reasons, Appellants’ arguments related to inconsistency with the Code or the CUPs fail to provide the grounds to justify denial of the Site Plan. The Site Plan adheres to the requirements set forth by the City. Therefore, Staff appropriately approved the Site Plan with respect to this consideration.

3. **The Site Plan preserves the unique geologic, geographic and historically significant characteristics of the City and environmentally sensitive areas.**

Among other things, the EAW examined whether the Project would preserve the unique geologic, geographic and historically significant characteristics of the City and environmentally sensitive areas. In fact, the EAW developed a robust analysis of the environmental impacts, or lack thereof, of the Project. The City relied on the EAW to appropriately determine that, with mitigation pursuant to the criteria of Minnesota Rule 4410.1700, the Project does not have the potential for

significant environmental effects and that it preserves the unique characteristics as required in this part of the Site Plan analysis. As noted above, many of the environmental concerns now raised in this appeal were thoroughly addressed in the EAW. Furthermore, Appellant's assertion of these environmental concerns in a Site Plan appeal is inappropriate. Minnesota Statutes Section 116D.04, Subd. 10 provides that challenges to the sufficiency of, or conclusions derived from, an EAW are to be raised to the Minnesota Court of Appeals. Appellants arguments regarding the EAW or its content should be rejected in this Site Plan Appeal.

Notwithstanding the fact that these issues have been addressed in the EAW, we will address the specific issues raised in the Appeals that relate to environmentally sensitive areas.

a. **The placement of utility infrastructure for the Arena will not unreasonably disturb ecologically fragile soils.**

The ARD Appeal raises issue with the Site Plan's inclusion of transportation routes, utilities and other transmission service facilities and underground infrastructure on "ecologically fragile" soils.²¹ The Appeal cites Code Section 68.402, which specifically speaks to environments with "soils susceptible to erosion, which could create sedimentation and pollution problems, areas of unstable soils which would be subject to extensive slippages, and areas with high water tables."²² The Geotech Report conducted by American Engineering Testing, dated June 23, 2023, did not identify any soils on the site of the Project which are so susceptible to instability that development is unfeasible and therefore, this argument does not apply. As previously noted, soil, erosion and groundwater levels were examined and addressed in the EAW. The City appropriately determined that the EAW sufficiently considered development of this site and the potential environmental effects of such development in issuing its mitigation requirements. The Site Plan Appeals are not the appropriate forum to relitigate the sufficiency of the EAW.

b. **Greenhouse gas emissions were evaluated according to EQB guidance and were appropriately addressed in the EAW.**

The Waage / Housum appeal raises the issue that the EAW emissions analysis omits certain greenhouse gas ("GHG") contributors from the analysis, including refrigeration, coolant, and A/C, and that it failed to follow the Minnesota Environmental Quality Board ("EQB") guidance regarding GHG emissions.²³ As an initial matter, this very argument is an issue in the appeal of the City's final decision on the need for an EIS before the Court of Appeals.²⁴ The Court's opinion will resolve the issue of the sufficiency of the GHG analysis in the EAW. However, to the extent it is necessary to address the argument, GHG emissions were evaluated in the EAW according to

²¹ ARD Appeal at 9.

²² Code § 68.402(b)(5).

²³ Waage / Housum Appeal at 5.

²⁴ *In re City of Saint Paul's Decision on the Need for an Environmental Impact Statement for the Proposed University of St. Thomas Multi-purpose Arena*, No. A23-1656.

EQB guidance.²⁵ As acknowledged in the EAW, cooling and refrigerant systems unrelated to the ice rinks were appropriately considered and ultimately excluded from the EAW calculations, as those systems account for less than five percent (5%) of the total GHG emissions for the building.²⁶ Additionally, the EAW acknowledges that the coolant utilized for the ice rinks is ammonia-based and has zero global warming potential.²⁷ As such, the EAW accurately acknowledged the GHG emissions that Appellant claims were not considered.

Both appeals raise the issue of transportation-generated GHG emissions related to event attendance.²⁸ Again, this issue is currently before the Minnesota Court of Appeals. ARD, as the relator in that appeal, is well aware that the Court will soon be issuing an opinion addressing this very issue. ARD raises many of the same arguments here that it did in the appeal of the EAW, such as its position that *In re Determination of Need for an Environmental Impact Statement for Mankato Motorsports Park*²⁹ requires analysis of attendance related GHG emissions.³⁰ The sufficiency the GHG analysis in the EAW and the breadth of the Court's own holding in *Mankato Motorsports* will be determined by the Court's forthcoming opinion. As such, it is inappropriate to address this issue within this Site Plan Appeal.

However, notwithstanding that this is an inappropriate forum, Appellants' arguments fail. Appellants argue that the GHG analysis did not include the emissions related to event attendance, and further make completely unsupported and speculative statements regarding GHG emissions based on unclear calculations.³¹ The GHG analysis included in the EAW complies with the EQB's guidance for reporting GHG emissions by including Scope 1, 2, and 3 emissions according to that guidance.³² Further, ARD overstates the Court's ultimate conclusions in *Mankato Motorsports*, which involved transportation related to private and charter plane travel, not passenger vehicle transportation.³³

c. The Argument that the Arena is likely to cause pollution is unfounded and not an appropriate basis for Site Plan denial.

ARD argues that the Planning Commission should reject the Site Plan because the Arena is likely to "cause pollution."³⁴ Appellants cite Code Section 68.233(d), which requires adequate

²⁵ See EAW at 31-34, Appx. C; see also Environmental Assessment Worksheets (EAW) Guidance: Developing a Carbon Footprint and Incorporating Climate Adaptation and Resilience (July 2023) (hereinafter "GHG Guidance").

²⁶ EAW at 32.

²⁷ Id. at 32, n. 20.

²⁸ Waage / Housum Appeal at 5-7; ARD Appeal at 21-22.

²⁹ A23-0091, 2023 WL 8177126 (Minn. Ct. App. Nov. 27, 2023) (hereinafter "*Mankato Motorsports*").

³⁰ ARD Appeal at 21.

³¹ See, e.g., Waage / Housum Appeal at 6-7.

³² EAW at 32-33, Appx. C; see also GHG Guidance at 5, 11-13.

³³ *Mankato Motorsports* at *9 ("By declining to consider how regional air travel to the project would affect the project's overall GHG emissions, the city "entirely fail[ed] to address an important aspect of the problem" and ignored evidence in the record." (citation omitted)).

³⁴ ARD Appeal at 13-16.

safeguards, approved by the state pollution control agency, to allow uses that are likely to cause pollution of water.³⁵ Specifically, Appellants argue that chemicals used in the operation of the ice facilities in the Arena could lead to contamination of ground water.

In constructing the Arena, St. Thomas will utilize design features to reduce the likelihood of groundwater pollution resulting from leaks or spills within the facility. Specifically, the Arena will include a subfloor heating system to prevent subfloor permafrost which is a common cause for the failure of ice systems and liquid spills. Construction will include the use of welded joints which have a very low risk of failure. Finally, the concrete in the basement will be sealed and a vapor barrier will be installed beneath the concrete floor slab, making it virtually impossible for any spill to permeate through the basement floor slab and into the groundwater below. The City and State will further review these safeguards for adequacy as part of the building permitting process, which occurs after issuance of final Site Plan approval.

In addition to design features, St. Thomas will implement operational safety measures to protect groundwater. St. Thomas' Director of Environmental Health and Safety, in consultation with other industry professionals, is developing an Ammonia Plant Safety Program which will address ammonia safety at the facility. The key components of this safety program will include, among other things, written processes to ensure preventative maintenance and response protocols, training for operators to manage the systems, continuous monitoring requirements related to potential ammonia leaks, dedicated exhaust systems, integration with building alarm system and written standards for responses to all levels of alerts or alarms. St. Thomas currently uses ethylene glycol in heating and cooling systems on campus to prevent systems from freezing. St. Thomas' centralized energy management system continuously monitors these closed-loop systems for leaks. Facilities maintenance staff are trained professionals with experience operating and maintaining these types of systems.

For the above reasons, the Project incorporates a wide range of protective measures to avoid and eliminate the occurrence of leaks or other pollution from the Arena's operation and fear of pollution is not justified grounds upon which to deny the Site Plan.

d. The Site Plan adequately protects the Mississippi River bluff area.

Given the location of the Project on St. Thomas' South Campus, ARD asserts that the Site Plan violates requirements related to development near the bluffs along the Mississippi River.³⁶ Because regulation of the Mississippi River corridor occurs at the federal, state and local level, it is important to identify those requirements that apply to the site of the Project.

³⁵ ARD Appeal at 13.

³⁶ ARD Appeal at 4.

i. Federal MNRRA

At the federal level, the National Park Service implemented a Comprehensive Management Plan related to the Mississippi National River and Recreation Areas (“MNRRA”). While the purpose of this plan is to protect the corridor in the City and along the metropolitan area, the Comprehensive Management Plan self-identifies as “illustrative” in nature and seeks only to provide guidance and flexibility for local and regional authorities to adopt and tailor to their unique community needs.³⁷ Therefore, the Comprehensive Management Plan, while instructive, does not independently establish any requirements for the site.

ii. State MRCCA

The Mississippi River Corridor Critical Area (“MRCCA”) was established by Governor’s Executive Order 79-19 to ensure compliance with MNRRA at the state level. Pursuant to Minnesota Statutes Chapter 116G, the Minnesota Department of Natural Resources promulgated new rules for compliance with MNRRA and MRCCA in Minnesota Rules Chapter 6106 in 2017, in place of the original Executive Order. These rules established new MRCCA districts to guide land use and development activities. The site of the Project would now be located within the CA-RTC River Towns and Crossings district, which is characterized as historic downtown areas, limited nodes of intense development at river crossing, and institutional campuses that predate the MRCCA designation and include taller buildings.³⁸ The rules establish certain dimensional requirements. Specifically related to the location of structures and impervious surfaces,³⁹ the CA-RTC district requires a setback of 75 feet from the Mississippi River and 40 feet from the bluffline.⁴⁰ The “bluffline” is delineated from the top of the bluff.⁴¹

Appellant argues that “MRCCA rules provide that no development (including impervious surfaces) may exist within 40 feet of the bluffline.”⁴² However, the ARD Appeal fails to acknowledge that (i) all structures (as defined by the rules) within the Site Plan are located outside the required setback and (ii) Minnesota’s rules exempt certain uses from the setback requirements. When compared with MRCCA “Bluff Impact Zone” GIS data, current depictions of the proposed development clearly show that all structural components of the Project exist outside the bluff setback. “Structures” are specifically defined to exclude aerial or underground utility lines, such

³⁷ See Comprehensive Management Plan for the Mississippi National River and Recreation Area, 3 (1994).

³⁸ Minn. R. 6106.0100, subp. 5.

³⁹ See Minn. R. 6106.0050, subp. 29 (“‘Impervious surface’ means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples are rooftops, decks, sidewalks, patios, parking lots, storage areas, roads, and driveways, including those with concrete, asphalt, or gravel surfaces.”).

⁴⁰ Minn. R. 6106.0120, subp. 3.

⁴¹ Please note the distinction between “bluffline” and “bluff impact zone” as defined in Minn. R. 6106.0050, subp. 9 (“‘Bluff Impact Zone’ means the bluff and land within 20 feet of the bluff.”).

⁴² ARD Appeal at 5.

as sewer, electric, telephone, gas lines and utility line towers, poles and other supporting appurtenances.⁴³ Therefore, this infrastructure remains in compliance with the setback.

Additionally, Minnesota Rule 6106.0180 exempts certain uses from the setback requirements. Public transportation facilities, which are defined as transportation facilities dedicated to the public use, such as roadways, transit facilities, railroads and bikeways, may exist within 40 feet of the bluff if certain criteria are met.⁴⁴ Public transportation facilities are to be designed and constructed to give priority to providing scenic overlooks, safe pedestrian crossing and facilities along the river corridor, providing access to public riverfront land, and allowing for use of the land between the river and the transportation facilities.⁴⁵ Where public transportation facilities intersect or abut two or more MRCCA districts, the least restrictive standards apply.⁴⁶

The proposed sidewalks between the Project and the “Grotto” are intended to serve as a “public transportation facility.” The Grotto is located in the upper reaches of a ravine that starts on the St. Thomas campus and ends about a block downstream at the Mississippi River. It provides a quiet, contemplative space for the community to enjoy and features walkways, stations of the cross, statues, and a stone bridge, which was last improved in 1994. The Site Plan’s proposed sidewalk will connect public roadways adjacent to the Project to the bluff impact zone, where the Grotto is located, as well as to the CA-RN River Neighborhood district lying to the Northwest of the Project. Its primary purpose allows use of private St. Thomas property between the bluff and the public rights-of-way for public access. It will be open to pedestrian and bikeway traffic, as St. Thomas intends to maintain the community’s accessibility to the Grotto. For these reasons, the Site Plan is consistent with MRCCA requirements related to development near the bluff.

iii. Municipal River Corridor Overlay

The 2017 MRCCA rules promulgated by the Minnesota Department of Natural Resources require all municipalities to adopt zoning regulations consistent with the purpose, scope and standards set forth in the MRCCA rules.⁴⁷ It is important to note that, although the City of Saint Paul is in the process of formal adoption of new ordinance language consistent with Minnesota Rules Chapter 6106, it has not yet completed the adoption into its local ordinances.⁴⁸ Per the Rules, the City of Saint Paul’s existing MRCCA ordinance adopted pursuant to Governor’s Executive Order 79-19 remains in effect until new MRCCA zoning is formally adopted.⁴⁹

⁴³ Minn. R. 6106.0050, subp. 74.

⁴⁴ Minn. R. 6106.0050, subp. 57.

⁴⁵ Minn. R. 6106.0130, subp. 7.

⁴⁶ Minn. R. 6106.0130, subp. 7.

⁴⁷ Minn. R. 6106.0060, subp. 3.

⁴⁸ See *Property owner information – MRCCA*, Minnesota Department of Natural Resources, Mississippi River Corridor Critical Area Program, https://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/property-owner-information.html (last visited April 22, 2024).

⁴⁹ Minn. R. 6106.0070, subp. 2(B).

According to the City of Saint Paul's existing MRCCA ordinance in Code Chapter 68, the site of the Project is located within the RC3 River Corridor Urban Open overlay district. Use of land and location of new buildings and structures within the RC3 overlay district conform with the standards of the underlying zoning district and Code Section 68.400.⁵⁰ Code Section 68.402(4) provides that "bluff development" shall take place at least forty (40) feet landward of all bluff lines. This is consistent with MRCCA requirements, though the Code discusses the proposed improvements differently than the state rules.⁵¹

Despite this terminology, the Code separately provides separate regulation for "transportation, utility and other transmission service facilities and corridors" to avoid areas of certain dangerous environmental conditions, such as steep slopes, intrusions into ridge crests and high points, and areas of unstable soils.⁵² This distinct transportation- and utility-related regulation implies that these facilities are separate from the "development" referred to in the bluff setback requirement. This would be consistent with MRCCA requirements as well, as it is clear that the State of Minnesota does not intend the setback requirement to prevent aerial or underground facilities infrastructure, public sidewalks for access to the bluff, and similar improvements. Even at the time of the College Zoning Committee's recommendations, as pointed out in the ARD Appeal,⁵³ sidewalks appeared to exist within or just at the setback area, based on Map 3 included therein. There are currently utilities and impervious surfaces existing within the 40-foot setback that will be removed as part of the Project. The inconsistency between the term "development" and actual improvements on the property suggest that these types of facilities should not be interpreted as subject to the Code's bluff setback.

Based on the above, design of the Project and Site Plan have contemplated all levels of regulation of the Mississippi River corridor. St. Thomas understands the geographic nature of its historic South Campus, and the unique concerns and responsibilities that coincide with operating near the bluff line. The Site Plan is consistent with these regulations.

4. **The Site Plan protects the adjacent and neighboring properties through reasonable provisions for surface water drainage, sound and sight buffers, preservations of views, light and air and those aspect so design which may have substantial effects on neighboring land uses.**

The Site Plan protects the adjacent and neighboring properties through a number of efforts, including but not limited to the following:

- placement of the building interior to the South Campus property to be away from neighboring properties and partially screened by existing buildings or vegetation;

⁵⁰ Code § 68.232.

⁵¹ See Code § 60.205 (defining "Development" within the River Corridor districts as the making of any material change in the use or appearance of any structure or land, along with several examples thereof).

⁵² Code § 68.402(5).

⁵³ ARD Appeal at 6.

- placement of major mechanical equipment (i.e. generators, chillers, boilers and ice plant equipment) behind the tower features integrated into the building and/or behind raised parapets to help with both noise and visual impact;
- commitment to analyzing noise from the building during the design process and to complete a noise study to ensure mitigation of noise impact on surrounding properties;
- exterior lighting that has been designed to meet the LEED's Sustainable Sites Light Pollution Reduction Credit; and
- surface water will be captured and treated to both city and watershed district standards, actually slowing and controlling the release rate to the Grotto.

Surface water at the site is currently concentrated and discharged into the Grotto via a pipe at uncontrolled rates. Although the Project will be increasing the total land area of water flowing into the Grotto by approximately 0.75 acres, St. Thomas is taking extensive measures to improve the water quality and flow rate entering the Grotto. St. Thomas will implement measures to release the water at a slower, more controlled rate, thereby further protecting the ravine from erosion. By capturing and holding back a large quantity of surface water in a north stormwater treatment system, filtering the water through a manufactured treatment device with enhanced filtration media, the system's more consistent release of that water will actually result in a decreased flow rate into the Grotto by three to five cubic feet per second, resulting in significant improvement to water quality and flow towards the Mississippi River. The ARD Appeal ignores these positive design contributions.

ARD also raises issues related to the Public River Corridor Views ("PRCV") and the development's compliance with MRCCA, noting that the Arena will interfere with public river views.⁵⁴ This issue of PRCV under the MRCCA was directly addressed in the EAW.⁵⁵ As explained in the EAW, the Comprehensive Plan identifies PRCV within the MRCCA, and in this instance, the EAW specifically evaluated the Arena's impact on all relevant PRCV.⁵⁶ The EAW concluded that "[a]ccording to the PRCV map, the project site is not located within the view range of an identified view locations."⁵⁷ Therefore, the project will not have an impact on identified significant public views, which is consistent with Policy CA-11."⁵⁸ Further, the City responded to public comments raising the issue of impact to views and explained that the Arena will not significantly change the views from the identified public views in the vicinity.⁵⁹ Again, any challenge with respect to this issue should have been raised in an appeal of the City's decision not to require an EIS pursuant to Minnesota Statutes Section 116D.04, Subd. 10.

⁵⁴ ARD Appeal at 12-13.

⁵⁵ EAW at 29-30.

⁵⁶ Id.

⁵⁷ Id. at 30.

⁵⁸ The EAW noted that Policy CA-11 "is intended to protect and minimize impacts to PRCV from public development activities." EAW at 30.

⁵⁹ Findings of Fact, Appx. C at 69.

The thoughtful design of the Site Plan, and revisions to the Site Plan in response to neighbor concerns⁶⁰ show that the development has been designed in a way to protect the adjacent and neighboring properties through reasonable provisions for surface water drainage, sound and site buffers, thereby exceeding the requirements of Site Plan Approval.

5. **The arrangement of the building, uses and facilities of the proposed development are such that abutting properties and/or occupants will not be unreasonably affected.**

The Site Plan is thoughtfully designed to ensure that abutting properties and/or occupants will not be unreasonably affected in a number of ways. As previously noted, the placement of the Arena in the center of the South Campus provides the greatest distance from adjacent residential property lines.

Each side of the Arena is thoughtfully designed to minimize impact. The main entry to the Arena is located on the north side, which is screened by the Schoenecker Center building, helping to control noise from attendees and block views from Summit Ave. The north façade includes symmetrical towers that frame a 3-story glass entry that act as functional screen walls to the rooftop mechanical units on the roof. The Arena building height is lower than the recently constructed Schoenecker Center to the north across the South Campus Quadrangle. The western façade includes a lowered parapet, upper roof volume, a stepped back second and third floor, and a first floor bump-out to provide a smaller scale at the ground floor for pedestrians walking near the Grotto and to respect the architecture and scale of the seminary across the street. The south side of the Arena steps down in elevation adjacent to Grace Hall, while providing a raised parapet for screening of mechanical equipment, and the auxiliary ice sheet elevation is approximately the same height as the existing Anderson Parking Facility to the east. Finally, the east façade provides a prominent gable end that frames the terminus of Grand Avenue, the ridge and eave of the sloped roof on the north side sit a full story lower than the adjacent Schoenecker Center, Owen's Science Hall, and O'Shaughnessy Hall. The location of the Arena is next to the largest parking resource on campus, the Anderson Parking Facility.

These important—and thoughtful—design features support approval of the Site Plan.

6. **The Site Plan effectively incorporates energy-conserving design.**

As noted in Section I.B. above, the Site Plan materials note St. Thomas' intent to obtain LEED certification for the Arena, highlighting St. Thomas' commitment to maximizing energy conservation through design. In addition, the Site Plan incorporates energy-conservation through the use of the following:

⁶⁰ In response to concerns expressed by neighbors regarding the back of the Arena from Goodrich Avenue, St. Thomas agreed to plant additional vegetation on the south façade to increase screening, provide a nicer aesthetic, and minimize impact to river corridor views, consistent with Comprehensive Plan Policy CA-10.

- Energy efficient lighting
- Energy efficient building envelope
- Low-flow indoor plumbing fixtures
- High-efficiency boilers for domestic hot water
- Lower carbon structure and materials selection through incorporation of products with recycled content and/or sustainable manufacturing methods
- Low GWP refrigerants for cooling system
- Air curtains at all loading dock doors to reduce infiltration
- High Solar Reflectance Roof Membrane to reduce cooling loads
- Use of natural materials that are locally sourced (ex: stone)

Also previously noted, St. Thomas shares a similar carbon neutrality goal with the City's Climate Action and Resilience Plan, adopted by the City Council in December 2019 (the "**Climate Plan**"). The Climate Plan's guiding themes surrounding transportation and mobility focus on increased safe and reliable access to City destinations without the use of private vehicles, commitment to reducing transportation costs, and increased active transportation options, among other items.⁶¹ As discussed related to other factors of the Site Plan review process, the location of the Project and St Thomas' transportation efforts support all of these guiding themes.

For these reasons, Staff correctly determined that the Site Plan and Project are consistent with energy-conserving design and the Planning Commission should affirm this determination.

7. The Site Plan addresses safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

The Site Plan adequately addresses safety and convenience of both vehicular and pedestrian traffic. Importantly, the proposed termination of Grand Avenue will prevent vehicular and pedestrian conflicts at the north of the Arena. This is in addition to the improvements already noted to traffic signals at the intersection of Cretin and Grand Avenues and pedestrian improvements at the intersection of Cretin and Goodrich Avenues.

In addition, the Site Plan incorporates the requirements for mitigation noted in the EAW that was completed for the Project. Notwithstanding, the ARD Appeal raises issues related to the sufficiency of the transportation study that was completed in connection with the Project proposal and the Waage / Housum Appeal questions the adequacy of the mitigation measures that were imposed by the City through the EAW process. Each of these will be addressed below.

⁶¹ See Climate Plan at 45.

a. The Transportation Study

The ARD Appeal raises the issue of the sufficiency of the Transportation Study prepared as part of the EAW.⁶² ARD's arguments relate to the methodology of the Transportation Study, including number of vehicle occupants, available on-street parking counts, event attendance determinations, frequency of events, and other events on campus.⁶³ Appellant's arguments simply rehash its challenge to the City's decision as RGU to rely on the Transportation Study to decide that an EIS is not required, and reiterates the same arguments it made in its appeal of the City's decision.⁶⁴ As such, the Court of Appeal's forthcoming decision on the appeal of the EAW will address these issues. Since these concerns attack the validity of the EAW itself, as opposed to merely the conclusions to be drawn from the information provided by the EAW, it is particularly inappropriate to relitigate these issues in a Site Plan appeal and the City should reject the request to do so.

Further, and notwithstanding that these issues will be fully resolved by the Court, Appellants offer no countervailing evidence that the Transportation Study is flawed. Instead, Appellants only offer speculative assertions, misrepresentations, or conclusory statements. Speculation and unsupported, conclusory statements that the Transportation Study is flawed are insufficient to show that the EAW is inadequate.

As its appeal relates to traffic, ARD makes numerous complaints regarding the adequacy of the Transportation Study, including that the Study (i) overestimates student attendance; (ii) utilizes an incorrect average vehicle occupancy ("AVO") figure; (iii) uses an incorrect traffic growth figure; and (iv) does not consider side street traffic, including in the winter.⁶⁵ Yet, in each instance, the Transportation Study includes an explanation of each assumption. Such reasoned assumptions cannot be displaced by unsupported speculation.

i. Student Attendance

The Transportation Study provides that student attendance figures are based on the number of student section seats currently proposed for the Project.⁶⁶ Further, the Study determined student transportation assumptions based on the number of students within three quarters ($\frac{3}{4}$) of a mile of the Project and the number of transit passes owned.⁶⁷ The Study's conclusion that 1,200 students would attend is then based on a maximum capacity event.⁶⁸ ARD's argument that this number is overinflated simply because 2,600 students live on campus is neither an accurate accounting of the Transportation Study's assumptions, which plainly factors in students who do not live on campus,

⁶² ARD Appeal at 17-26.

⁶³ Id.

⁶⁴ ARD Appeal at 23-26.

⁶⁵ ARD Appeal at 18-20.

⁶⁶ EAW, Appx. D at 23.

⁶⁷ Id.

⁶⁸ Id. at 24.

nor is it supported by contradictory evidence. ARD's argument is based on unsupported speculation.

ii. Average Vehicle Occupancy

The Transportation Study explained that the AVO of 2.75 is based on "data collected at multiple events at Allianz Soccer Stadium, local event studies, numerous technical resources, and event travel characteristics around the Twin Cities and country."⁶⁹ The Study thus took into account sporting events in much the same geographic area as the Project. To the contrary, ARD relies on a lower figure from the Minnesota Department of Transportation, without citation to determine to what extent such a figure applies or if it relates to event traffic at all.⁷⁰ Vague allusions to alternative AVO figures do not call into question the Transportation Study's use of an AVO derived from data specific to event travel in the same geographic area of Saint Paul.

iii. Traffic Growth Assumptions

The Transportation Study explained that its operations analysis to generate pre- and post-event traffic conditions included a one quarter percent (0.25%) growth rate for year 2025, as well as trip generation estimates for the Highland Bridge development.⁷¹ Yet, ARD disregards the explanation in the Transportation Study to incorrectly assert that a 0.25% growth rate is inaccurate since it is too low to account for the Highland Bridge development, ignoring that the Study separately estimated and assessed the trip generation impact of Highland Bridge.⁷²

iv. Side Street Traffic

ARD's arguments related to side street traffic assert that attendees will not know where they are going to park, that cars will not be able to pass each other on side streets, and that cars parked on side streets were not accounted for when determining pre- and post-event traffic level.⁷³ These arguments rely on nothing more than speculation or misunderstand the purpose of the pre- and post-event traffic modeling assumptions. ARD points to nothing in the record to support its position that attendees will not know where they are going to park or how winter conditions will impact side street traffic, nor does ARD provide any evidence of its own to contradict the Transportation Study. Further, the operations analysis of the Transportation Study was designed to evaluate a worst-case scenario by routing all event traffic to the University's campus parking facilities and on-street parking locations adjacent to campus, thus maximizing the traffic related

⁶⁹ Id. at 23.

⁷⁰ ARD Appeal at 18.

⁷¹ EAW, Appx. D at 29.

⁷² ARD Appeal at 18-19.

⁷³ ARD Appeal at 19-20.

impacts to the study area.⁷⁴ The Study further limited Cretin Avenue to one lane to account for on-street parking.⁷⁵

b. Traffic Demand Management Plan and EMP

Appellants inaccurately state that the City “violated its own ordinance” by not requiring further TDM strategies for this Project.⁷⁶ As previously noted in Section III.1.a herein, the Site Plan incorporated a TDMP as required by Code Section 63.122(c). Due to the location and design of the Project and predominant use of the Arena, St. Thomas’s mitigation strategies were limited to “Visit-End Uses” related to bicycle parking and free or subsidized transit passes. However, as detailed above, St. Thomas is voluntarily implementing additional traffic demand management strategies and will continue to work with the City on event management planning. These strategies will continue to evolve as the Project proceeds and the Arena begins to operate.

c. Mitigation

The Waage / Housum Appeal cites rules related to the need for an EIS to argue that mitigation of traffic and parking concerns incorporated into the Final Site Plan Approval is inadequate.⁷⁷ Yet again, the question of whether the EAW’s required mitigation is sufficient is before the Court of Appeals in ARD’s appeal of the City’s decision on the need for an EIS, and will be resolved in the Court’s forthcoming opinion. This is not the appropriate forum to relitigate these issues.

Notwithstanding that this issue will be resolved by the Court of Appeals, the Waage / Housum Appeal references only the monitoring provision of the required mitigation in the City’s Findings of Fact while ignoring the remaining required mitigation measures and that the Project is subject to ongoing regulatory authority.⁷⁸ Contrary to this mischaracterization, the City’s EAW Findings established a mitigation plan that includes the monitoring that Appellant noted, in addition to requiring the University (i) to develop an EMP plan with the Saint Paul Police Department to include strategies for traffic control that are directly tied to event size and timing; (ii) establish incentives for use of public transportation and rideshare platforms; (iii) implement a parking system application process to inform patrons in advance when lots are sold out or full for major events; (iv) provide off-site parking and shuttle service to the Arena; (v) maintain a list of other events held at the Arena, including type, number, frequency, and timing; and (vi) inform the community of upcoming events.⁷⁹ Furthermore, Minnesota Rule 4410.1700, subp. 7(C) requires the City to consider the extent to which any impacts related to the Project are “subject to mitigation by ongoing public authority.” Such ongoing regulatory authority will effectuate the required

⁷⁴ EAW, Appx. D at 29.

⁷⁵ Id. at 29-33.

⁷⁶ Waage / Housum Appeal at 2.

⁷⁷ Waage / Housum Appeal at 9-10.

⁷⁸ Waage / Housum Appeal at 9-10.

⁷⁹ Findings of Fact at 4.

mitigation measures, for instance, by requiring that these measures are implemented before the City will issue a certificate of occupancy.⁸⁰

Given the extensive implementation of traffic considerations within the design and Arena operation process for the Site Plan, and the Site Plan Approval's requirement that St. Thomas implement an EMP, Staff were correct to conclude this the Site Plan satisfies this factor of the Code.

8. **The Site Plan identifies satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.**

The Site Plan addresses the availability and capacity of storm and sanitary sewers and provides solutions to any drainage issues and therefore, this Code provision required for Site Plan approval is met by the Site Plan.

a. **Stormwater**

As a preliminary matter, it is worth noting that the Capitol Region Watershed District (the "CRWD") is charged with ensuring that the Project is not negatively impacting downstream waters or wetlands, that the Site is treating stormwater runoff to required local, state and federal standards, and that the development is not causing erosion of soil to downstream waters. The CRWD signed off on the proposed design and issued permits for construction of the stormwater management facilities, which permits are a requirement for Final Site Plan Approval. The CRWD also conducts weekly site inspections during construction to ensure the Project is managing erosion of soils and adequately providing for the transport of sediment.

As noted earlier, the Geotech Report conducted by American Engineering Testing (AET) dated June 23, 2023 did not identify soils dangerously susceptible to erosion or areas of unstable soils. The CRWD also found that proposed runoff rates for the Project do not exceed existing runoff rates for the 2-, 10- and 100-year critical storm events, acknowledging stormwater drainage is routed to a well-defined receiving channel.⁸¹ Even so, the approved stormwater management plan for the Project limits/eliminates the potential for erosion. While the proposed development increases the amount of impervious area, the incorporation of new stormwater treatment measures such as state-of-the-art filtration treatment devices that absorb contaminants and filter particulates from stormwater, results in an improvement to current storm water conditions on the site,

⁸⁰ Findings of Fact at 4-5. It is worth noting that mitigation measures can be reviewed but not actually implemented until the Arena is fully functioning. An effective mitigation plan will provide opportunities to address ever-changing conditions. For example, one aspect of the current plan is to promote the use of ride share options. If Uber and Lyft leave Minnesota, an alternate ride share operator will need to be identified, or the mitigation plan will need to be updated to address these changing conditions.

⁸¹ Capitol Region Watershed District Permit Report # 23-023 at 3 (December 13, 2023).

improving the quality of rainwater before it reaches the Mississippi River.⁸² As previously noted, these Site Improvements will improve the flow of discharge to the Grotto by decreasing the flow rate by three to five cubic feet per second because the planned treatment measures will release the water at a more consistent rate. This will successfully improve existing drainage in the development area.

b. Sanitary Sewer

The Site Plan includes three (3) sanitary sewer services connecting into two existing municipal sewer lines, one at Summit Avenue and another at Cretin Avenue, both of which currently service buildings that will be demolished as part of the Project. The EAW reviewed wastewater management and determined that there is sufficient sewer availability for the existing municipal infrastructure to service the demand of the proposed development.⁸³

Based on the above, there is no question that the Site Plan identifies satisfactory availability of storm and sanitary sewers, including solutions to any drainage problems in the area of development.

9. The Site Plan offers sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

The Site Plan includes ample examples of landscaping and screening to meet the objectives set forth above.

In addition to the screening added to the South façade in response to neighbor suggestions, St. Thomas has developed extensive landscaping plans that include the planting of new trees near the Mississippi River bluff on the west side of the site, near the South Campus quadrangle on the north side of the building, and in the northeast arena plaza near the terminus of Grand Avenue. Throughout the site, St. Thomas has continued to expand existing pollinator paths on campus, incorporate native landscaping, and replant oak tree saplings that were propagated from other oak trees on campus. The Site layout also locates the potentially unsightly components of the project, such as the loading dock and the University's recycling center, interior to the site screened by existing buildings such as the Binz Refectory (screening the loading dock) and the Anderson Parking Facility (screening the recycling center).

As its appeal relates to parking, ARD makes numerous complaints regarding the adequacy of the Transportation Study, including that the Study (i) does not accurately assess availability of on-street parking; (ii) does not accurately count the number or attendance of events; (iii) does not account for other events on campus; (iv) does not account for the Schoenecker Center; and (v) does

⁸² The construction of the Arena increases the impervious surface by approximately 1.04 acres but with the proposed improvements to storm water facilities, the site will treat approximately 5.28 acres of impervious surface runoff that is not being treated onsite today.

⁸³ EAW at 18.

not consider the impacts of the cost of parking. As noted above, ARD's objections to the Transportation Study are part of the EAW litigation and should not be addressed in this proceeding. Moreover, this submission provides extensive information regarding the measures that are being implemented by St. Thomas to address parking and transportation. Notwithstanding the earlier arguments, the following information responds to ARD's assertions.

a. On Street Parking

The Transportation Study involved two separate parking utilization counts conducted from Monday, February 27, 2023, to Friday, March 3, 2023, and from March 30, 2023, to Saturday, April 1, 2023.⁸⁴ However, because there was a snowstorm on Friday night, March 31, 2023 that occurred after the Friday afternoon counts, ARD argues that the entirety of the parking counts are suspect.⁸⁵ It is simply not reasonable to assert that eight days of parking utilization counts are invalidated by a late season snow storm overnight between two afternoon parking counts. Additionally, the Transportation Study specifically states that the snowstorm did not affect the representativeness of the traffic data gathered on those dates.⁸⁶ Therefore, ARD's argument on this point falls flat.

b. Event Attendance and Number of Events

The Transportation Study accurately establishes the frequency of what it calls "worst-case" attendance scenarios (i.e., maximum capacity (5,500 attendee) games on a weeknight) at one (1) to two (2) times per year, "if at all."⁸⁷ The Study further establishes that a typical event would be around 3,000 attendees, which is based on a conservative average attendance of men's sports and a maximum attendance for women's sports.⁸⁸ These figures are based on data collected for numerous similar programs during the 2022-2023 regular season.⁸⁹ Yet, ARD continues to represent that a University spokesperson said that there would be 35 "sell out" games at the Arena.⁹⁰ As the University has corrected numerous times, including to the Court of Appeals, the University spokesperson mistakenly stated "at capacity events" when referencing the number of anticipated well-attended events (i.e., four (4) to six (6) at-capacity events plus more typical events with approximately 3,000 attendees).⁹¹ ARD also speculates as to other events to be held in the

⁸⁴ EAW, Appx. D at 11.

⁸⁵ ARD Appeal at 24.

⁸⁶ See EAW, Appx. D at 4 ("Results of the review. . . indicate that March 30, 2023, was representative (if not slightly higher) of an average day for the study area, therefore, no adjustments were made to the counts."), and 11 ("However, the storm started after the Friday afternoon counts and the Saturday weather (40 degrees and sunny) generally cleared the roadways by the time of the Saturday afternoon counts, therefore, the parking counts as it relates to event availability are considered representative of typical conditions for the campus area.").

⁸⁷ EAW, Appx. D at 21.

⁸⁸ Id.

⁸⁹ Id.

⁹⁰ ARD Appeal at 24.

⁹¹ See *Lee and Penny Anderson Arena FAQ*, University of St. Thomas, <https://www.stthomas.edu/neighborhood-relations/briefings/lee-penny-anderson-arena/>.

Arena, citing nothing within or outside of the record to support its assertions. Such speculation does not provide the basis for an appeal.

c. Other Campus Events

Similarly, ARD speculates that the University would simultaneously schedule large events in multiple spaces on campus, such as the Arena, the Anderson Student Center, and other athletic competition spaces.⁹² Yet again, ARD does not provide any evidence that the University would do so. St. Thomas is very experienced at managing event schedules as this is something they have effectively done for years. ARD's argument is not only premature, but it also ignores the fact that the scheduling of multiple, large events would likely be addressed by the EMP the City establishes in consultation with the Saint Paul Police Department and Public Works, as required mitigation adopted by the City.⁹³

d. Schoenecker Center

The Transportation Study accounted for the elimination of parking spaces associated with the construction of the Schoenecker Center in its parking utilization counts and parking analyses, a fact well established in the Study and the EAW appeal before the Court of Appeals.⁹⁴ Further, as addressed in the City's responses to public comments and reiterated in during EAW appeal, the City acknowledged and provided support for its determination that the demand for parking on campus is driven by enrollment, and thus the Schoenecker Center did not impact demand.⁹⁵ It is surprising, then, that ARD again raises these issues here.⁹⁶ The Transportation Study included both the elimination of the parking spaces and the impact to parking of the Schoenecker Center in its baseline figures, contrary to the mischaracterization of ARD.

e. Impacts of Costs of Parking

ARD again speculates that attendees will utilize free, on-street parking over paid parking, and thus the campus parking may not even be utilized.⁹⁷ It bears repeating that unsupported speculation cannot be the basis of an appeal. ARD's failure to present any evidence to justify its conclusory statements does not overcome the well-reasoned assumptions in the Transportation Study. The City should reject ARD's offer to rely on unsubstantiated fears in place of a developed study.

Because the Site Plan offers sufficient landscaping, fences, walls and parking necessary to meet the City's objectives, the Site Plan should be approved.

⁹² ARD Appeal at 25.

⁹³ See EAW Findings at 4.

⁹⁴ EAW, Appx. D at Fig. 3.

⁹⁵ EAW Findings, Appx. C at 55-56.

⁹⁶ ARD Appeal at 25.

⁹⁷ ARD Appeal at 25-26.

10. **The Site Plan provides accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.**

The Appeals raise no concerns related to compliance with the American with Disabilities Act (“ADA”). The Site Plan provides accessibility in accordance with the provisions of the ADA in all respects.

11. **The Site Plan provides for erosion and sediment control as specified in the Minnesota Pollution Control Agency’s ‘Manual for Protecting Water Quality in Urban Areas.’”**

St. Thomas submitted sufficient evidence of erosion and sediment control in its application for CRWD Permit #23-023. In its report, the CRWD found that the Project’s erosion and sediment control measures are consistent with the best management practices demonstrated in the Minnesota Pollution Control Agency (the “MPCA”) manual *Protecting Water Quality in Urban Areas*.⁹⁸ This finding included protection of adjacent properties, wetlands, waterbodies and water conveyance systems from erosion, sediment transport and deposition. The report also determined that a National Pollutant Discharge Elimination System (NPDES) permit is required due to the size of the area affected by the land-disturbing activity.⁹⁹ The Project received an NPDES permit from the MPCA based on the Stormwater Pollution Prevention Plan (SWPPP) established in conjunction with the approved project plans. The Appeals did not raise concerns related to compliance with these MPCA requirements. Therefore, the Site Plan is consistent with this factor of the Planning Commission’s review process pursuant to the Code.

IV. Conclusion

The Project, which is proposed to be constructed without variance or public subsidy, will result in the creation of a new, state-of-the-art multi-purpose Arena that will benefit not only the St. Thomas community but the Saint Paul community as a whole.

As demonstrated above, and in the Site Plan Application materials, the Site Plan, the Project and the Site Plan review process followed by Staff satisfy the standards for approval set forth in City Code Section 61.402(c). The Appeals fail to provide any evidence of error in the City’s determination that the Site Plan complies with the requirements of the Code.

Accordingly, St. Thomas respectfully requests that the Planning Commission deny the Appeals and affirm the decision of Staff to approve the Site Plan for the Project.

⁹⁸ Capital Region Watershed District Permit Report # 23-023 at 5-6.

⁹⁹ Id.

Planning Commission, City of Saint Paul
City File #23-079985
April 24, 2024
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Very truly yours,

WINTHROP & WEINSTINE, P.A.



Tammera R. Diehm

cc: Ms. Tia Anderson: Tia.Anderson@ci.stpaul.mn.us
Ms. Abigail Crouse: crou5420@stthomas.edu
Mr. Robert K. Vischer: rkvischer@stthomas.edu

28735143v9

EXHIBIT B

Economic and Community Impact Report

(see attached)



May 22, 2024

Mitra Jalali
310-D City Hall
15 Kellogg Blvd. W.
Saint Paul, MN 55102

Dear Councilmember Jalali,

St. Thomas is a proud anchor institution in the City of Saint Paul, grateful to be part of a thriving, diverse and evolving city. We strive to be a partner in helping the city flourish into the future. I am pleased to share the results of a recent economic impact study that demonstrates the specific economic and social contributions that St. Thomas makes throughout the City of Saint Paul.

Economic Impact

As you will find, the study reveals that St. Thomas brings \$498.8 million annually to the city and \$124.7 million directly in economic impact to our St. Paul neighborhoods. The university indirectly generated \$24.2 million in local taxes in the City of Saint Paul in FY23 from spending by the university, students, faculty, staff, and visitors in the local economy.

Service to Saint Paul

Beyond economic contributions, the university enhances the well-being of our city and neighbors through service to our community. Our students, faculty and staff work with over 350 partners in the Twin Cities. Annually, St. Thomas faculty, staff, and students generate \$13.5 million annually in charitable donations and volunteer services. In Fiscal Year 2023:

- 1,152 students volunteered for Saint Paul organizations.
- 22,221 hours were invested in Saint Paul organizations, equivalent to a \$765,957 impact.
- 112 different Saint Paul non-profits, schools, faith-based, and government organizations worked with a University of St. Thomas volunteer.
- The Tutor Mentor program collaborates with K-12 academic partners to close the opportunity gap, specifically with schools that score average or below average in reading and math. Last year, 114 Tommies volunteered weekly with youth in Saint Paul, investing 1,390 hours and impacting over 400 youth.

Our Collaborative Learning School at Maxfield Elementary in the Rondo neighborhood provides an entire school to train teachers on-site and cultivate a student-centered learning environment in the heart of Saint Paul.

St. Thomas operates Tommie Shelf, distributing food and meals to both our students and to our neighbors in need, in partnership with Keystone Community Services. Last academic year, we served an average of 60 households (71 individuals) each month.

A Commitment to Sustainability

St. Thomas shares the vision outlined in the 2040 Comprehensive Plan for a resilient and sustainable city. Our approach to campus development is thoughtful and responsive to the evolving needs of our neighborhood. All campus development leads with a commitment to sustainable practices, improving water drainage, adding green space, and constructing LEED-certified buildings.

Dedicated to Thriving Neighborhoods

Most of our neighbors enjoy living near our beautiful campus and participate in campus activities and use our green space. We are very engaged with our District Councils and maintain an office solely dedicated to community partnerships and maintaining positive relationships with neighbors and community groups. Whether it be concerns about traffic, parking or student renters, Jerome Benner, our Director of Neighborhood and Community Relations, works directly with neighbors to find solutions to issues that arise. Our Department of Public Safety offers an extra layer of security for the surrounding campus areas, providing a safe and welcoming experience for all.

Thank you for considering the significant and multifaceted contributions of St. Thomas to the City of Saint Paul. If you have questions about this report, please contact Amy McDonough, Chief of Staff, amcdonough@stthomas.edu. We are committed to continuing to work with you to enhance our beloved city. Thank you for your service to our city.

With warm regard,

A handwritten signature in dark ink, appearing to read "R. Vischer", written in a cursive style.

Robert K. Vischer
President



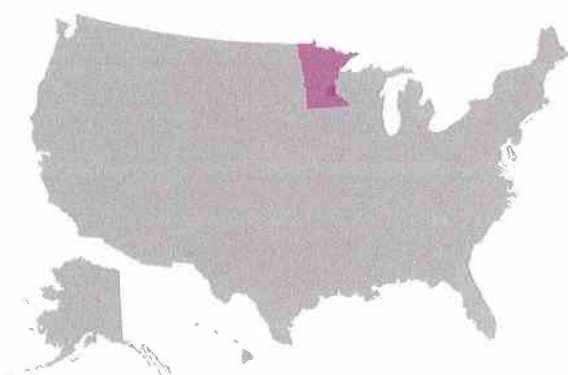
Economic and Community Impact Report

All for the Common Good

University of St. Thomas Economic Impact: Highlights

The University of St. Thomas drives the local and regional economy through its academic programs and economic and workforce development initiatives.¹ University operations and spending, along with spending by faculty, staff, students and visitors generated more than **\$1.2 billion** nationally in FY23, with **\$810.5 million** of this impact remaining in the Twin Cities and nearly **\$498.8 million** in the City of Saint Paul. The university's impact on its local neighborhood is also significant with nearly **\$124.7 million** generated with local businesses from faculty, staff, students and visitors.

Beyond the impact of university operations, St. Thomas nurtures an entrepreneurial spirit and stimulates workforce innovation and expansion, thereby driving additional economic development and prosperity within the Twin Cities and beyond. St. Thomas graduates are influential in various sectors across the region, enhancing the university's economic reach and reinforcing its role in shaping the regional workforce. St. Thomas's economic influence is profound, extending from workforce development and job creation to fostering enterprise and extending the professional impact of its alumni, thereby enriching the socio-economic fabric of the local, regional, and statewide economy.



NATIONAL IMPACT

\$1.2 billion
generated in economic impact

8,813 jobs
supported and sustained

\$75.6 million
generated in state and local taxes



STATE OF MINNESOTA IMPACT

\$997.6 million
generated in economic impact

7,050 jobs
supported and sustained

\$60.6 million
generated in state and local taxes



TWIN CITIES IMPACT²

\$810.5 million
generated in economic impact

5,728 jobs
supported and sustained

\$39.4 million
generated in state and local taxes



CITY OF SAINT PAUL IMPACT

\$498.8 million
generated in economic impact

3,525 jobs
supported and sustained

\$24.2 million
generated in state and local taxes



LOCAL NEIGHBORHOOD IMPACT³

\$124.7 million
generated in economic impact

881 jobs
supported and sustained

¹ This study provides economic impact findings based on multiple geographies, including the United States, State of Minnesota, Twin Cities MSA, the City of Saint Paul, and Local neighborhoods in Saint Paul in close proximity to the university.

² The Twin Cities metro area includes seven counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

³ The Local Neighborhood includes, Union Park and Macalester-Groveland neighborhoods, where the campus is located. The Local Neighborhood zip codes include 55102, 55105, and 55116.



ATHLETICS

\$77.7 million

in economic impact from St. Thomas Athletics

480 jobs

supported and sustained by St. Thomas Athletics

\$5.6 million

in state and local taxes generated by St. Thomas Athletics

Note: These benefits are included in the **\$997.6 billion** annual impact that St. Thomas generates for the state of Minnesota.



CHARITABLE GIVING AND VOLUNTEERISM

FROM STAFF, FACULTY, AND STUDENTS

\$13.5 million

in charitable giving and volunteer time

\$3.7 million

donated to local charitable organizations

\$9.8 million

in value of volunteer time

Note: These benefits are in addition to the **\$1.2 billion** annual impact that St. Thomas generates for the state of Minnesota.



ALUMNI IMPACT IN THE STATE OF MINNESOTA

86,888 alumni

living and working in Minnesota

\$2.4 billion in extra income⁴

is generated by working alumni in Minnesota annually

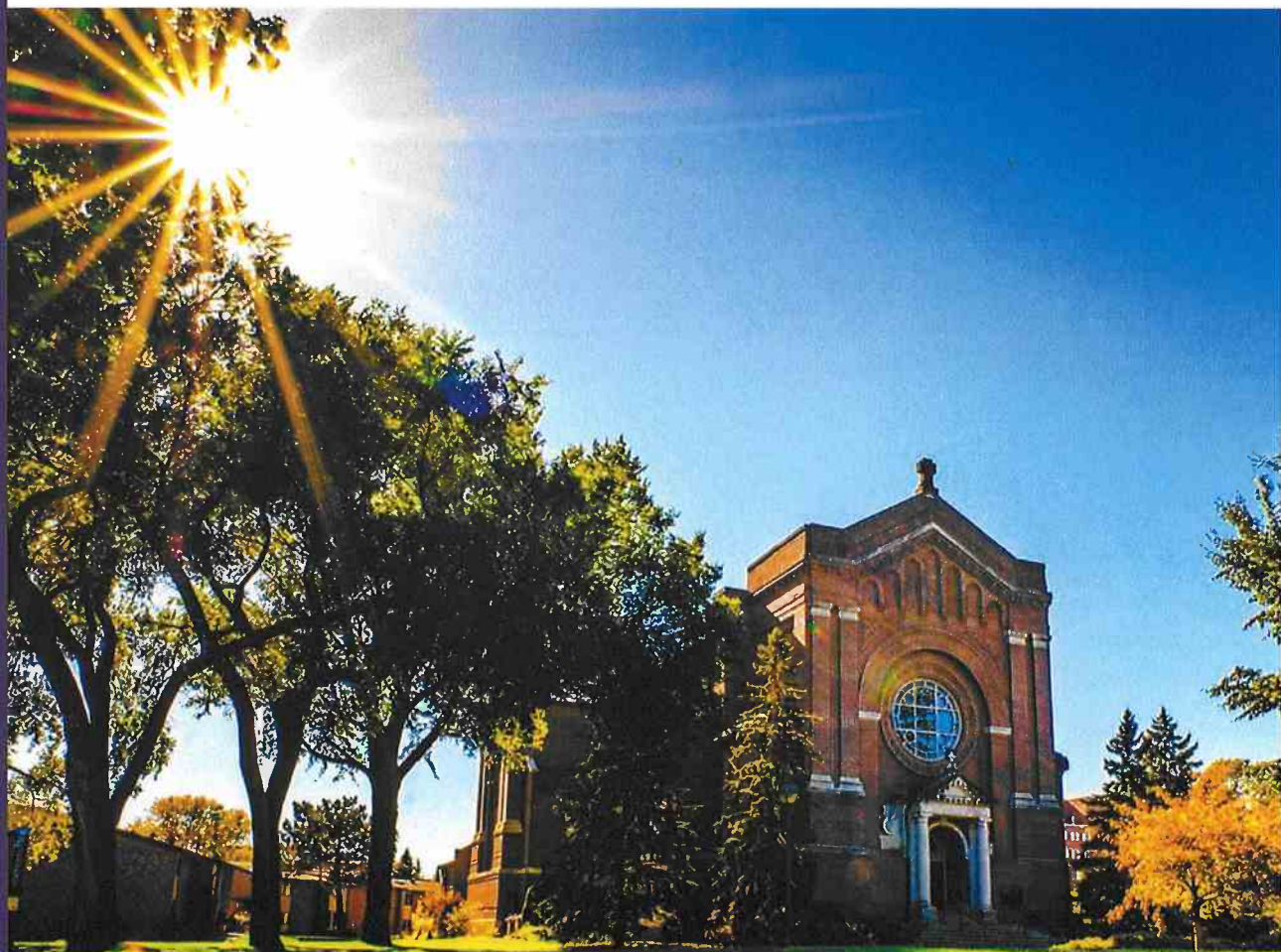
Note: These benefits are in addition to the **\$1.2 billion** annual impact that St. Thomas generates for the state of Minnesota.

St. Thomas serves as an economic engine in the City of Saint Paul, the Twin Cities, and throughout the state, generating significant economic impact.

⁴ Based on additional earnings of \$28,105 annually by persons with a college degree. U.S. Bureau of Labor Statistics (2022).

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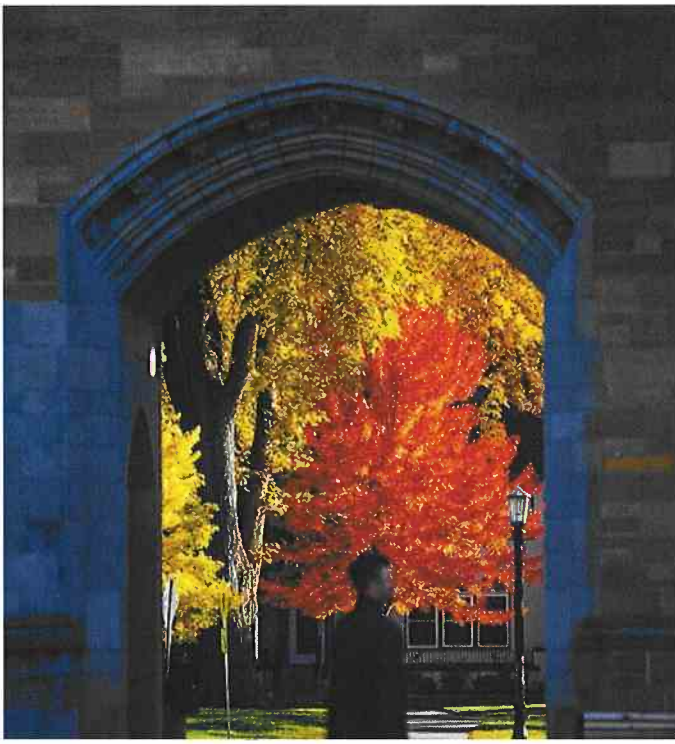
About University of St. Thomas

As the largest private university in Minnesota and one of the nation's leading Catholic institutions, St. Thomas cultivates future leaders from diverse backgrounds who make a positive global impact. Rooted in the community, St. Thomas actively participates in its community, making meaningful contributions that align with its mission "All for the Common Good." With more than 9,000 students and eight schools and colleges, the university educates students to be morally responsible leaders who think critically and work skillfully to advance the common good.

With campuses in Saint Paul, Minneapolis and Rome, Italy, St. Thomas offers a diverse array of undergraduate, graduate, and professional programs across disciplines, empowering students to explore their passions and develop the skills needed for success in an ever-changing world. Innovation and adapting to serve the needs of community stakeholders, employers and public sector partners are embedded in the culture at St. Thomas. Recognition in the top 25 Entrepreneurship Undergraduate Programs nationally,⁵ underscores the university's culture of generating economic and social value in its local community.



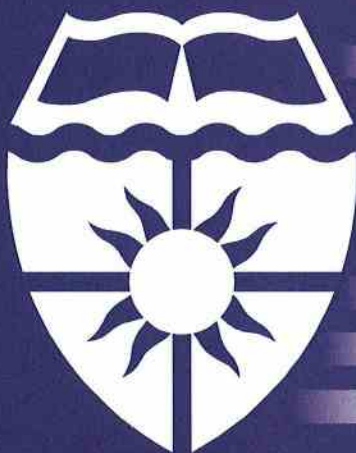
⁵ The Princeton Review, 2023.



Beyond the classroom, St. Thomas fosters a vibrant and inclusive community where students are encouraged to engage in service, leadership, and personal growth. Guided by Catholic values and a dedication to social justice, St. Thomas prepares students to lead lives of purpose, integrity, and compassion, making a positive impact in their professions and communities alike.

This report underscores St. Thomas' pivotal role in generating economic impact, advancing workforce development, fostering athletic excellence, and promoting community service. These efforts enhance the well-being of individuals within the university's neighborhoods and Twin Cities region while also positively impacting the economic landscape.

St. Thomas provides students with a transformative educational experience rooted in Catholic values, academic excellence, and community engagement.



3 CAMPUSES

9,000+ STUDENTS

1,500+ FACULTY & STAFF

117,000+ ALUMNI

8 SCHOOLS & COLLEGES

150+ UNDERGRADUATE MAJORS & MINORS

55+ GRADUATE DEGREE PROGRAMS

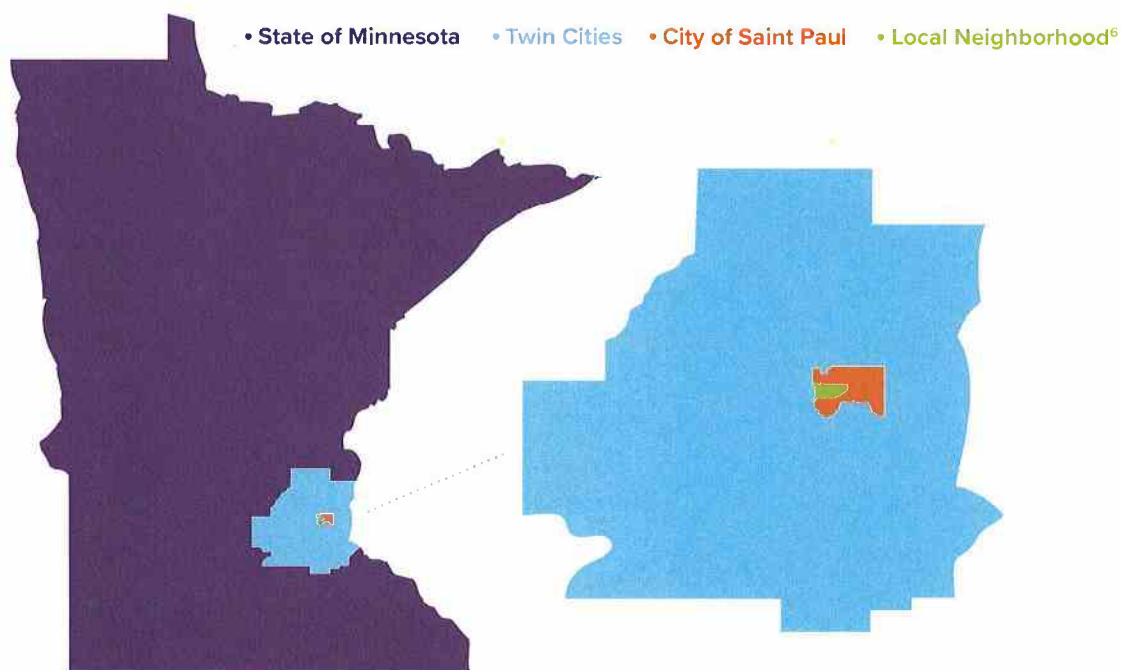
Study Overview

In 2023, St. Thomas engaged Tripp Umbach to assess the economic impact generated by university operations and expenditures across various geographies, including the United States, the state of Minnesota, the Twin Cities, the City of Saint Paul, and the Local Neighborhood. This report evaluates the direct and indirect economic effects of St. Thomas operations for fiscal year 2023 (FY23), with detailed analyses of the athletics program and alumni contributions included in the study.

These impacts fall within the following categories:

- Business volume impacts (analysis includes a collection of information regarding capital expenditures, operational expenditures, salary data, and state and regional business volumes).
- The direct, indirect, and induced employment impacts of St. Thomas.
- The government revenue impact of St. Thomas at the state and local levels.
- Economic impact of student, staff and faculty spending.
- Economic impact of tourism and visitor spending on activities such as intercollegiate athletics, campus visits, conferences, and meetings.
- The impact of St. Thomas alumni on the economy (wage premiums, job creation, etc.).
- The impact of volunteerism and charitable giving fulfills the mission of St. Thomas.

The impact analysis for St. Thomas was conducted to measure the economic, employment, and tax impacts of the university within the following geographies:

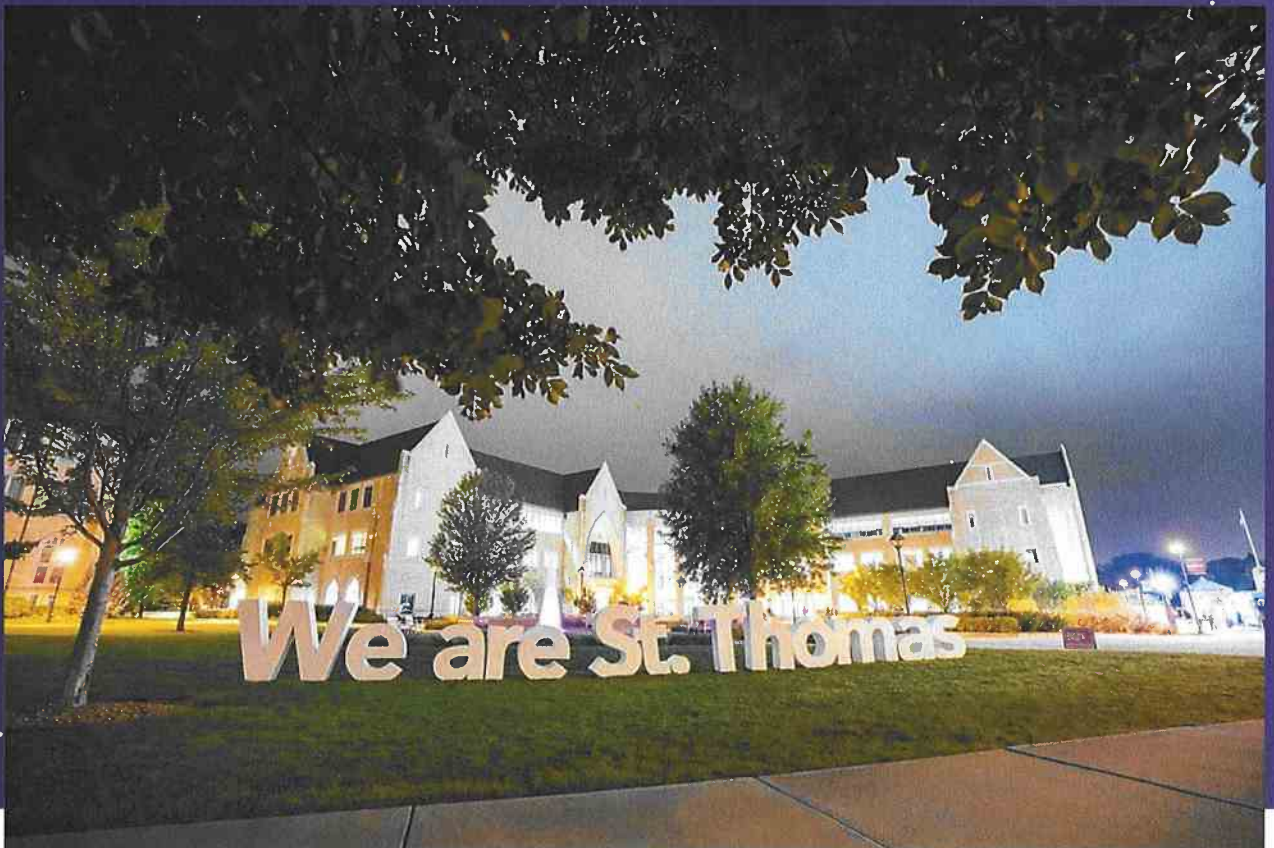


⁶ The Local Neighborhood includes, Union Park and Macalester-Groveland neighborhoods, where the campus is located. The Local Neighborhood zip codes include 55102, 55105, and 55116.

Economic Impact Methodology

The methodology employed in the calculation of these impacts is IMPLAN.⁷ Primary data utilized to conduct the analysis was collected directly from St. Thomas. Data included capital expenditures (five-year average), operational expenditures, employment headcounts, payroll and benefits, taxes, visitation numbers for events on campus and number of students and proportions of students who live on and off campus to accurately measure their spending in the local area, and event information for FY23.⁸

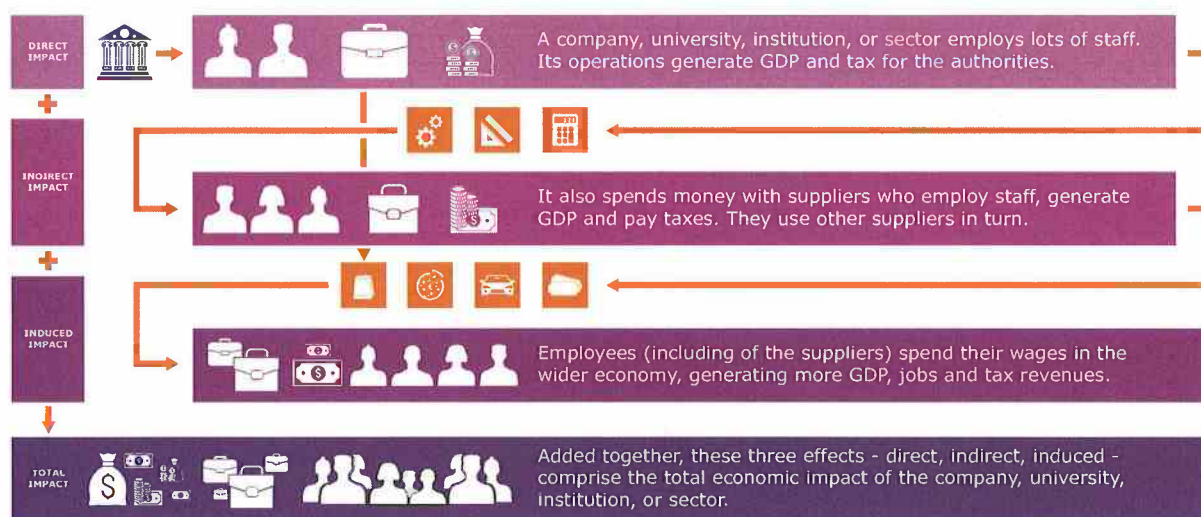
Tripp Umbach used secondary data and the firm's benchmarking databases (developed over 30 years from experience with hundreds of similar studies) to estimate spending by visitors to the university, conferences and meetings, and athletics events and the value of donations and volunteerism by students, faculty, and staff.



⁷ Minnesota IMPLAN Group Inc. (MIG) is the corporation responsible for producing IMPLAN (Impact analysis for PLANning) data and software. IMPLAN is a micro-computer-based, input-output modeling system. With IMPLAN, one can estimate Input-Output models of up to 528 sectors for any region consisting of one or more counties. IMPLAN includes procedures for generating multipliers and estimating impacts by applying final demand changes to the model.

⁸ FY23 represents the period from July 1, 2022, to July 30, 2023.

The economic impact values presented in this report are generated by direct, indirect, and induced operational spending; capital spending; payroll; visitor spending; and student spending throughout each geography.



The multipliers used in this study were derived from the IMPLAN software. Tripp Umbach's approach to economic impact analysis is conservative by utilizing the industry standard software, IMPLAN, to conduct the impact analysis and using conservative assumptions for individual spending patterns. Tripp Umbach bases assumptions of spending on federal per diem rates.

Total economic impact measures the dollars that St. Thomas' presence generates within the geographies listed above. This includes spending on goods and services with vendors; its faculty, staff, students, and visitors; and the business volume generated by businesses within the regions and the state that benefit from St. Thomas' spending.

It is important to remember that not all dollars a university spends remain in its home neighborhood, state, or multi-state region. Dollars that go out of the defined geographies to out-of-state vendors are not included in the university's economic impact on the given geography.



Community Benefit Analysis

St. Thomas faculty, staff, and students engage with the community on their own time and in their own ways throughout each year. These efforts come in the form of volunteer hours, financial donations, and other community engagements. Community benefits provided in this report outline two forms of impact: monetary donations made by employees and students to local non-profits and volunteer hours, which have been assigned a monetary value.⁹

St. Thomas' overall impact on Minnesota goes beyond the economic outcomes analysis that is this report's primary focus. The broader impact is acknowledged but not comprehensively documented in this report.

For further information on impact terms and frequently asked questions related to economic impact analyses, please see Appendices A and B.

⁹ Tripp Umbach has conducted survey research to estimate the amount of monetary donations students, staff, and faculty will spend in a year. This amount differs per individual but ranges from \$500 to \$700. Tripp Umbach also understands that not all individuals donate; therefore, this is adjusted as well. The value of a volunteer hour has been quantified by Independent Sector to be approximately \$34.47 per hour in the state of Minnesota. Tripp Umbach utilized this value with the understanding (also from survey research) of the average number of hours faculty, staff, and students engage in volunteer activities (estimated 100 hours per year, for 50% of the employees and students).



St. Thomas is an Economic Driver

St. Thomas serves as an economic driver in the Twin Cities, City of Saint Paul, and its Local Neighborhood as outlined below:

- **Driver in Local Workforce Development:** St. Thomas serves as a catalyst for economic development, attracting businesses, entrepreneurs, and investors to the area. The vibrant economic ecosystem surrounding St. Thomas fosters innovation, entrepreneurship, and job creation.
- **Graduates Impact the Economy:** St. Thomas fills critical workforce gaps in Minnesota and has innovated to provide engineers, data scientists, entrepreneurs, health care providers and others to meet society's needs.
- **Local Economic Driver:** St. Thomas' sourcing of goods and services from local businesses injects vitality into the community, spurring economic activity and supporting local enterprises.
- **Major Employment Hub:** St. Thomas, as a significant employer, offers a wealth of job opportunities to faculty, staff, and support personnel, bolstering local employment rates and fostering economic stability.
- **Local Tax Generator:** St. Thomas is a significant contributor to the state and local tax base, by generating substantial payroll taxes. This includes taxes on wages, salaries, and benefits provided to faculty, staff, and administrators. Economic activity generated by St. Thomas, including spending by students, faculty, staff, and visitors, also contributes sales tax revenue to local governments.
- **Athletics Impact:** St. Thomas Athletics draws visitors, who support the local economy by spending on lodging, dining, entertainment, and various goods and services. In addition, with the move to a Division I program; St. Thomas' development of the Lee and Penny Anderson Arena will generate additional economic impact through the construction period and beyond.
- **Rooted in the Community:** St. Thomas actively participates in its community, making meaningful contributions that align with its mission. St. Thomas offers opportunities for faculty, staff, and students to engage in institutional partnerships, programs, and service-learning projects that contribute to the betterment of their communities.

As St. Thomas strengthens its connections with the community, its positive economic influence continues to grow, contributing to economic advancement and prosperity in the area. The following analysis highlights St. Thomas' vital role in generating economic impact, promoting workforce development, and influencing tax impacts for the state of Minnesota, the Twin Cities, the City of Saint Paul, and local neighborhoods. These efforts enhance the quality of life of individuals within these geographies while positively shaping the community development landscape.

St. Thomas is a Driver in Local Workforce Development

St. Thomas is meeting the workforce needs of companies and organizations in the Twin Cities by preparing graduates to tackle the challenges of today's world. The university offers a diverse range of educational programs tailored to address the demands of the region. These programs include certificate courses, workshops, and seminars in high-demand fields such as healthcare, technology, and business. Through collaborations with local businesses and organizations, St. Thomas ensures that its curriculum stays in sync with workforce requirements, providing students with practical skills that directly match local job opportunities.

Through partnerships with community stakeholders, Fortune 500 companies, and an alumni network exceeding 115,000 individuals, St. Thomas facilitates student connections with internships and full-time employment opportunities. These internships not only offer students invaluable real-world experience but also contribute to the local workforce, establishing a talent pipeline that addresses the specific needs of the community's job market.

In addition, St. Thomas hosts a range of workshops, incubators, and business development programs aimed at supporting aspiring entrepreneurs and small business owners in the local community. By nurturing local enterprises, the university contributes to economic growth, job creation, and community vibrancy. With all classes taught by faculty members, and 95% of graduates employed or in graduate school within one year of graduation, St. Thomas boasts an impressive track record. Notably, 80% of the top public companies in Minnesota actively recruit St. Thomas students, underscoring the university's reputation as a talent hub for the region.

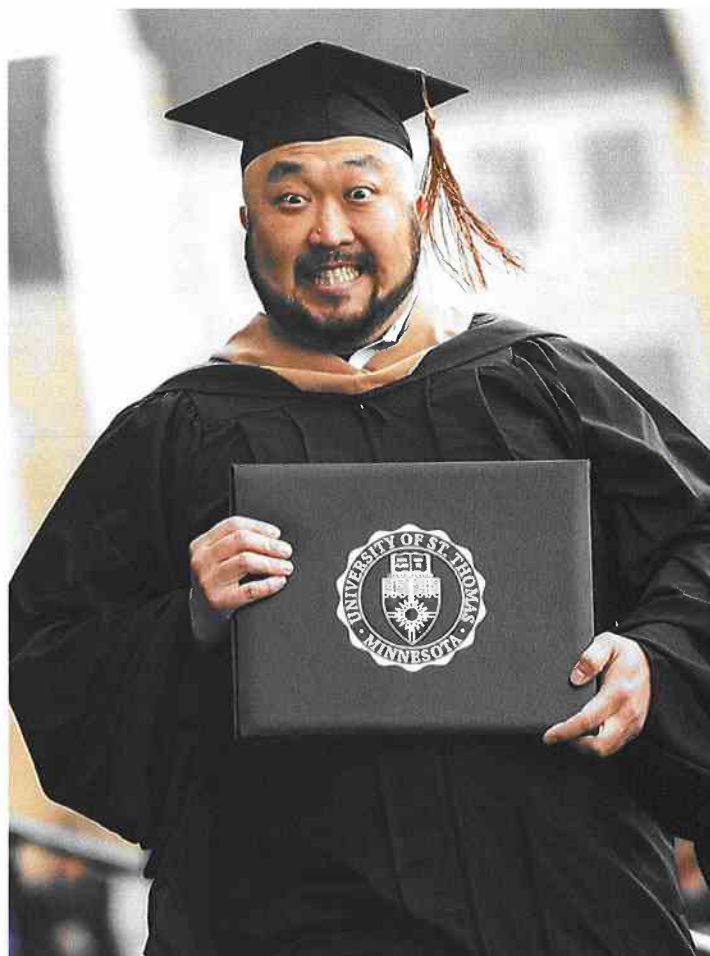
In 2023, the U.S. Census Bureau released Post-Secondary Employment Outcomes data, which featured insights into the earnings of undergraduate alumni from participating postsecondary institutions. This study included all Minnesota private colleges, Minnesota State, and University of Minnesota institutions. **The data disclosed alumni earnings five years post-graduation, revealing that St. Thomas had a median earnings of \$62,865, underscoring the value employers place on a St. Thomas education. St. Thomas median earnings of \$62,865 compares favorably to the national average of \$54,483 for all college graduates.**

St. Thomas is supplying the workforce necessary for today and for the future, meeting the evolving needs of local employers and of the world.

St. Thomas Graduates Impact the Economy

St. Thomas plays a vital role as a talent generator for the state of Minnesota and the Twin Cities, supplying companies with students equipped with 21st-century skills and hands-on learning experiences. Serving as a talent magnet, St. Thomas attracts high-achieving students across diverse disciplines, a significant portion of whom choose to remain in Minnesota post-graduation. The students who graduate from St. Thomas each year play a crucial role in meeting the workforce requirements of the state. Approximately 75% of these graduates opt to stay in Minnesota, making substantial contributions to the state's economy and enhancing the region's economic vitality.

The Twin Cities host headquarters for 15 Fortune 500 companies, such as 3M, Target, Cargill, Best Buy, Ecolab, UnitedHealth Group, and General Mills. Minnesota's prominence in healthcare is evidenced by its concentration of digital health startups, major medical device manufacturers, leading health insurers, and healthcare-related nonprofits. Among the top employers of St. Thomas graduates in Minnesota are US Bank, UnitedHealthcare/UnitedHealth Group, Target, Medtronic, EY, Deloitte, SPS Commerce, and Best Buy. Key industries in the state include accounting (6.6%), engineering and construction (5.0%), financial services (9.9%), healthcare (9.9%), and insurance (6.6%).



St. Thomas alumni hold positions at numerous companies and organizations in the region and beyond, including alumni who serve as executives and employees at all 15 Minnesota Fortune 500 companies.

Alumni in the United States

- **117,416** alumni living and working in the United States
- **\$3.3 billion** in additional earnings generated by working alumni in the United States annually¹⁰

Alumni in Minnesota

- **86,888** alumni living and working in Minnesota
- **\$2.4 billion** in additional earnings generated by working alumni in Minnesota annually¹¹

¹⁰ Based on additional earnings of \$28,105 annually by persons with a college degree. U.S. Bureau of Labor Statistics (2022).

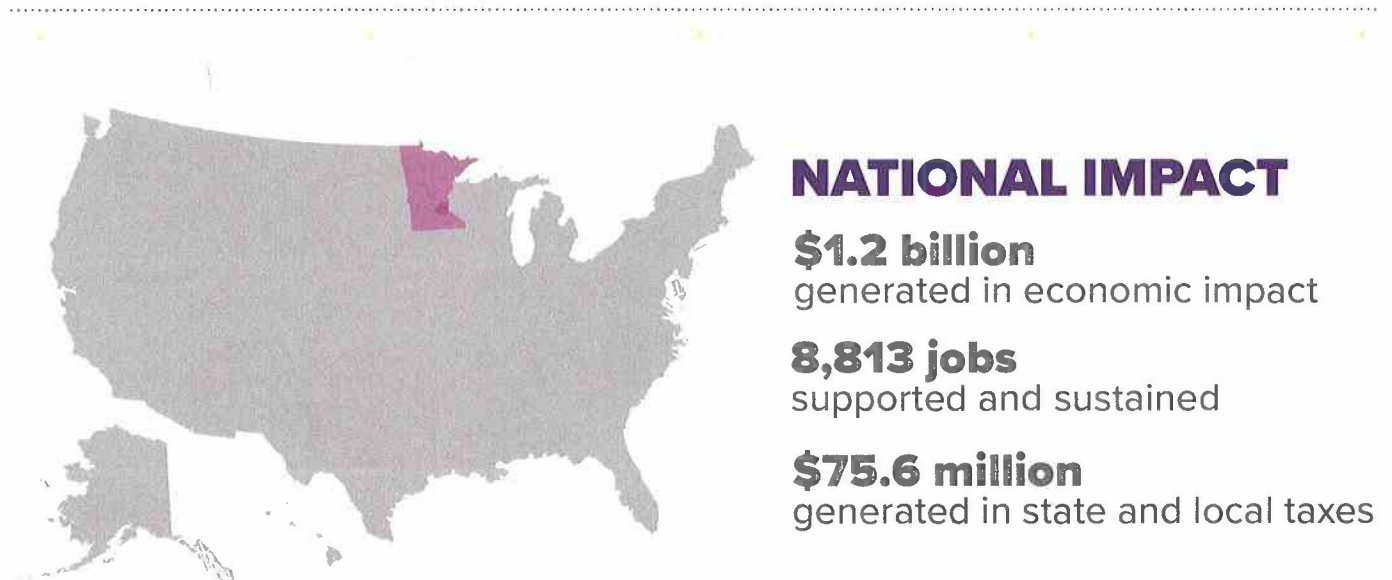
¹¹ Ibid.

St. Thomas Economic Impact on the United States

During FY23, St. Thomas' direct expenditures, alongside the indirect and induced effects of funds circulating nationwide, generated an overall economic impact of **\$1.2 billion** across the United States. This figure comprises \$320.2 million in direct impact and \$879.8 million in indirect and induced impacts. The university's economic impact is driven by spending on construction, operations, faculty employees, and technology resources to provide high quality education to its students. Operational spending on food service, facility maintenance, information technology, contracts with professional service providers equaled \$320.2 million in FY23. These direct expenditures result in the re-spending by organizations who do business with St. Thomas, resulting in additional dollars circulating in the economy. For every \$1 in direct impact, the U.S. economy benefits from an additional \$3.75 economic expansion.

In the same fiscal year, St. Thomas supported a total of **8,813 jobs** across the country. Spending in FY23 generated by the university, its students, and the university's 2,560 employees generated an additional 6,253 jobs nationally across various sectors. These positions, encompassing full-time and part-time roles, extend beyond university employment to contractors, vendors, and temporary agency employees who do work for the University. These jobs stemming from spending of students, faculty, staff and visitors are in hotels, real estate, restaurants, banks, and office supply organizations, to name just a few. For every one person directly employed by St. Thomas in FY23, more than three additional jobs were supported nationally as a result of St. Thomas.

Nationally, state and local taxes generated related to St. Thomas' presence totaled **\$75.6 million** in FY23. These total impact figures incorporate local taxes paid by St. Thomas employees, taxes paid by companies conducting business with the university, and taxes paid by hotels, restaurants, retail, convenience stores, bookstores, and other businesses that cater to students, faculty, staff, and university visitors. Total taxes generated also include retail property taxes paid by faculty, staff, and students on both purchased and rental properties. IMPLAN analysis captures all taxes paid to local and statewide municipalities in categories such as sales, property, income, and special use taxes and fees (please see Methodology section below for greater detail).



St. Thomas Impact on Minnesota

Economic Impact

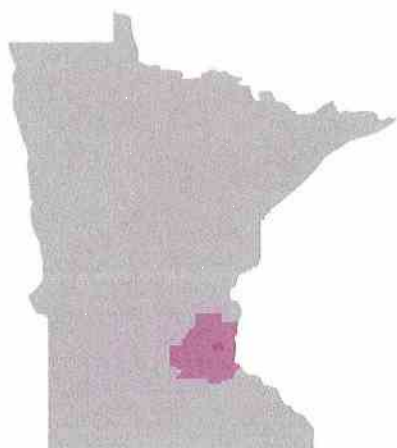
St. Thomas plays a vital role in driving substantial economic value in Minnesota. In FY23, the university contributed **\$997.6 million** to the state's economy. This comprehensive figure includes direct spending of \$157.4 million, as well as additional spending by faculty, staff, students and visitors resulted in additional indirect spending resulting from the university's presence, amounting to \$840.2 million. Spending by the university and its faculty, staff, students, and out of state visitors that remains in the State of Minnesota generates significant levels of re-spending in the state economy from companies that expand to meet the extra demand provided by St. Thomas and its students, faculty, staff, and visitors. For every dollar directly spent by St. Thomas in Minnesota \$6.34 in additional spending was generated in the state's economy (please see Appendix B for greater detail).

Employment Impact

During FY23, St. Thomas directly and indirectly sustained **7,050 jobs** in Minnesota, impacting workforce vitality and bolstering the economy in virtually every sector of the state. These jobs, comprising full-time and part-time roles, encompass not only direct employment by St. Thomas (2,560 jobs) but also indirect and induced jobs (4,490 jobs) supported by the spending of St. Thomas employees, students, and visitors. As mentioned above, jobs supported statewide go far beyond university employment to include indirect and induced jobs created for suppliers, equipment vendors, contractors, and laborers involved in university facility construction and renovation. They include contractors, vendors, and temporary agency employees who do work for the University. Additional jobs also stem from spending of students, faculty, staff and visitors are in hotels, real estate, restaurants, banks, and office supply organizations, to name just a few. For every one person in Minnesota directly employed by St. Thomas in FY23, nearly three additional jobs were supported statewide because of St. Thomas.

Tax Impact

St. Thomas generates a significant amount of tax revenue directly benefiting municipalities throughout the state through its spending, employee and student presence, and visitor activities in the local area. In FY23, the university's operations resulted in **\$60.6 million** in direct and indirect/induced tax payments to local governments throughout Minnesota. As mentioned above, IMPLAN analysis captures all taxes paid to the state and local municipalities generated by St. Thomas in categories, such as sales, property, income, and special use taxes and fees.



STATE OF MINNESOTA IMPACT

\$997.6 million
generated in economic impact

7,050 jobs
supported and sustained

\$60.6 million
generated in state and local taxes

St. Thomas Impact on the Twin Cities

Economic Impact

St. Thomas is a significant contributor to economic vitality in the Twin Cities. In FY23, St. Thomas generated **\$810.5 million** in economic impact in the Twin Cities, including the university's direct spending (\$127.9 million) and the indirect spending resulting from the university's presence (\$682.6 million). Please see Appendix B for greater detail.

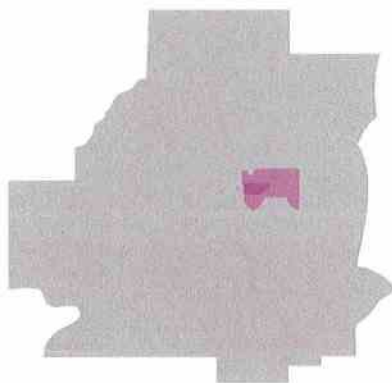
Employment Impact

During FY23, St. Thomas played a crucial role in directly and indirectly supporting **5,728 jobs** in the Twin Cities. These jobs, inclusive of full-time and part-time positions, not only include direct employment by St. Thomas (2,447 jobs) but also supporting indirect and induced jobs (3,281 jobs) supported by the spending of St. Thomas employees, students, and visitors (please see Appendix B for greater detail).

Tax Impact

Through its spending in local communities, the presence of employees and students in the Twin Cities, and visitors to the state, St. Thomas generates a significant amount of state and local tax revenue. In FY23, St. Thomas operations resulted in **\$39.4 million** in direct and indirect/induced tax payments to local governments in the Twin Cities (please see Appendix B for greater detail).

St. Thomas is an economic engine for the entire Twin Cities, the state of Minnesota, and the region.



TWIN CITIES IMPACT

\$810.5 million

generated in economic impact

5,728 jobs

supported and sustained

\$39.4 million

generated in state and local taxes

St. Thomas Impact on City of Saint Paul

Economic Impact

St. Thomas is a significant contributor to economic value in the City of Saint Paul. In FY23, St. Thomas generated **\$498.8 million** in economic impact in the City of Saint Paul, including the university's direct spending (\$78.7 million) and the indirect spending resulting from the university's presence (\$420.1 million). **The economic impact of St. Thomas represents \$1 for every \$70 of the City Saint Paul's total economy.**¹²

Employment Impact

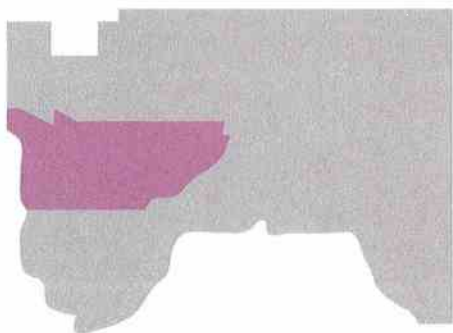
During FY23, St. Thomas played a crucial role in supporting **3,525 jobs** in Saint Paul. These jobs, inclusive of full-time and part-time positions, not only include direct employment by St. Thomas (679 jobs) but also encompass indirect and induced jobs (2,846 jobs) supported by the spending of St. Thomas employees, students, and visitors. Furthermore, jobs were generated in the local community, particularly in hotels, restaurants, and retail establishments that support the university's workforce and its visitors. **The employment impact of St. Thomas represents one of every 56 jobs in the City of Saint Paul.**¹³

Tax Impact

Private universities play a significant role in local economies, generating substantial tax impact at the local level. Despite the common misconception that these institutions do not contribute to the local tax base due to property tax exemptions on academic buildings, private universities are significant generators of local taxes. While academic buildings are exempt from property taxes, private universities often own a diverse portfolio of properties, including residential housing, commercial spaces, and research facilities, subject to property taxation.

Private universities like St. Thomas not only contribute directly through taxes and fees but also indirectly through their influence on the local economy. Tripp Umbach's analysis indicates that the university indirectly generated **\$24.2 million** in local taxes in the City of Saint Paul in FY23 from spending by the university, students, faculty, staff, and visitors in the local economy. Private universities also enhance property values and foster community investment in adjacent neighborhoods.

St. Thomas serves as an economic driver in the City of Saint Paul and the metro region, with its economic influence steadily growing.



CITY OF SAINT PAUL IMPACT

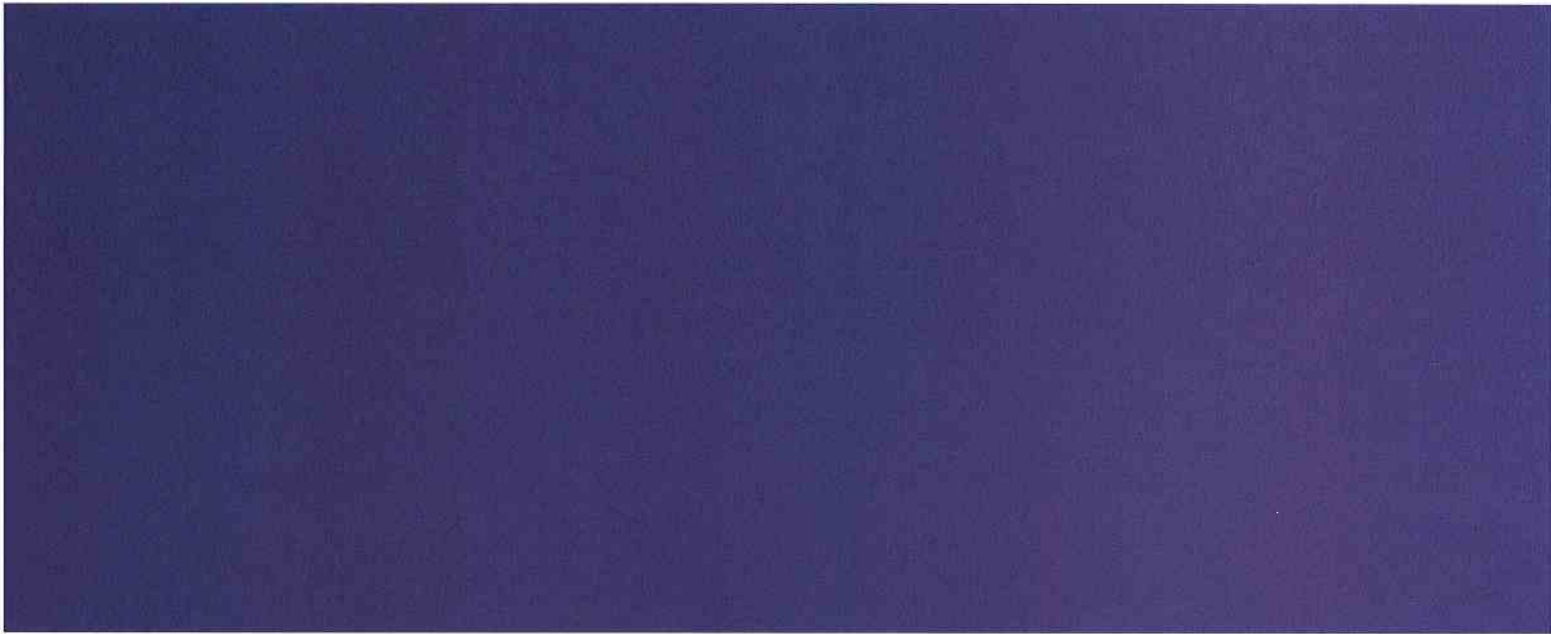
\$498.8 million
generated in economic impact

3,525 jobs
supported and sustained

\$24.2 million
generated in state and local taxes

¹² Tripp Umbach estimate based on per capita GNP for Saint Paul. U.S. Bureau of Economic Analysis (2022) estimate of \$324 billion in total GNP for the Minneapolis-St. Paul-Bloomington, MN-WI (MSA).

¹³ Based on total employment of 198,001 from the U.S. Bureau of Labor Statistics.



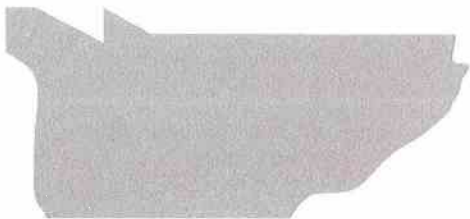
Impact on the Local Neighborhood

Economic Impact

St. Thomas plays a pivotal role in generating substantial economic value within its campus neighborhoods in Saint Paul. In FY23, St. Thomas contributed **\$124.7 million** in economic impact to its service area, including the university's direct spending (\$19.7 million) and the indirect spending resulting from the university's presence (\$105.0 million).

Employment Impact

As a significant employer in the local neighborhoods, St. Thomas directly provides jobs to faculty, staff, and support personnel. In FY23, St. Thomas supported **881 jobs** in the Local Neighborhood. These jobs, full-time and part-time positions, include not only direct employment by St. Thomas (412 jobs) but also indirect and induced jobs (469 jobs) supported by the spending of St. Thomas employees, students, and visitors.



LOCAL NEIGHBORHOOD IMPACT

\$124.7 million
generated in economic impact

881 jobs
supported and sustained



Athletics Impact on the Region

Athletics at St. Thomas plays a central role in campus life, fostering a strong sense of community, pride, and tradition among students, alumni, faculty, and staff. In 2021, St. Thomas received approval to transition its athletic programs from Division III to Division I of the National Collegiate Athletic Association (NCAA), becoming the first institution in the modern era to make such a direct transition. St. Thomas became Minnesota's first private D-I collegiate athletics program, only the second D-I program in the entire state and the only D-I program in the City of St. Paul. This move to Division I marked a significant milestone for St. Thomas, reflecting its commitment to enhancing the competitiveness and visibility of its athletic programs. The transition allows St. Thomas to compete at a higher level of collegiate athletics, potentially opening opportunities for increased exposure, recruitment, and fan engagement.

St. Thomas Athletics has brought about a growing economic impact locally and regionally. Teams from other regions of the country travel to Saint Paul for athletics events, infusing millions of dollars into the local and regional economies. This influx of funds supports additional jobs and generates substantial tax revenue for local municipalities and school districts.

Economic Impact

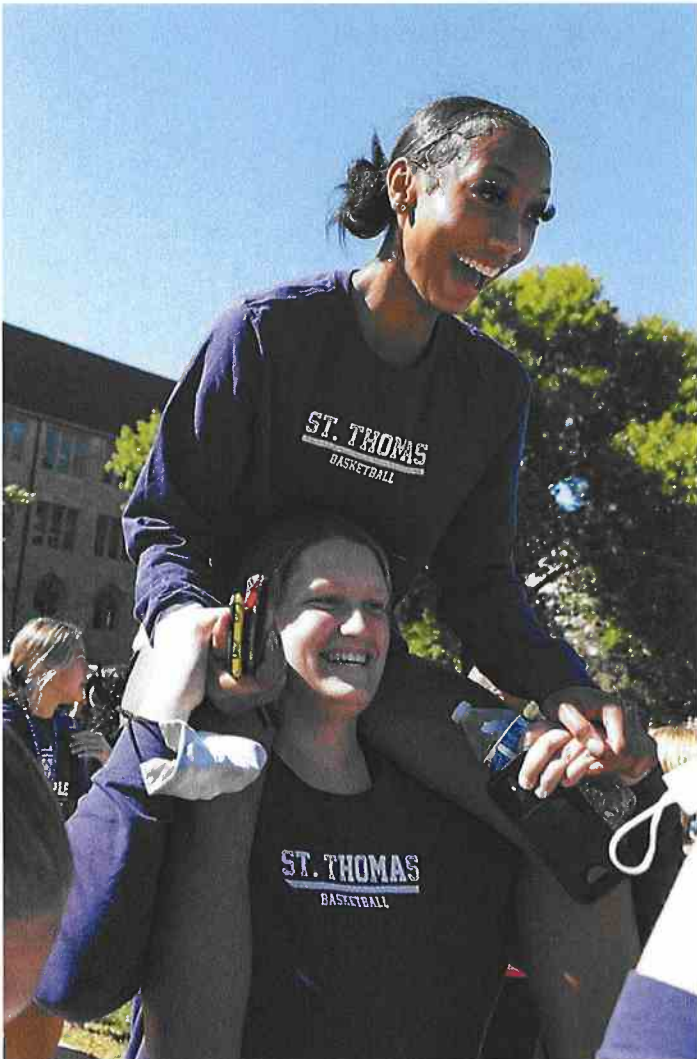
In FY23, the direct spending of St. Thomas Athletics, in combination with the indirect and induced impacts of dollars being re-spent throughout the economy, generated **\$77.7 million** in overall economic impact to the state (\$16.2 million in direct impact and \$61.5 million in indirect and induced impact).

Employment Impact

In FY23, St. Thomas Athletics directly employed 76 individuals (full-time and part-time positions). This direct employment generates additional spending throughout the region and state that in turn supports additional indirect and induced jobs created when St. Thomas Athletics, its employees, and visitors spend in the region and state. In total, St. Thomas Athletics supports **480 total jobs** in virtually all sectors of the regional economy, such as persons who work at hotels, restaurants, parking facilities, security companies, as well as advertising, communications and media firms (76 direct jobs and 404 indirect/induced jobs).

Tax Impact

State and local tax impacts attributable to St. Thomas Athletics presence totaled approximately **\$5.6 million** in FY23.



Beyond competition, athletics at St. Thomas provides valuable opportunities for personal and leadership development. Student-athletes learn important life skills such as time management, discipline, resilience, and teamwork, which serve them well both on and off the field. The university is committed to supporting the holistic development of its athletes, providing resources for academic success, wellness, and career preparation.

St. Thomas Athletics embodies the spirit of Tommie pride, excellence, and sportsmanship. St. Thomas student-athletes demonstrate dedication on and off the field, striving for success in competition, academics, and community engagement.

St. Thomas Athletics enriches the university experience, fostering a strong sense of community and pride among students, alumni, and fans.

Projected Impact of the Lee and Penny Anderson Arena

In connection with the move to a Division I program; St. Thomas will invest in its campus and provide facilities that are consistent with a top-level athletic program. The development of the Lee and Penny Anderson Arena a multi-purpose arena that will serve as the home for both St. Thomas basketball and hockey programs. While the St. Thomas basketball program is currently housed on campus, the hockey program currently uses a high school facility at St. Thomas Academy in Mendota Heights. The vision to design a single arena with multiple uses will result in the best of all worlds – a state-of-the art facility where student-athletes and spectators will both enjoy an amazing experience.

The Arena project includes a primary ice arena; a second sheet of practice ice with spectator seating; two basketball practice courts; locker rooms, training rooms, and ancillary spaces to support Hockey, Basketball, and additional sports programs. Current Design calls for a capacity of 5,311 for basketball and 4,006 for hockey. The Arena will also house office and other support spaces needed for coaches and supporting staff. Construction will include improved outdoor spaces and pedestrian paths that will allow students and visitors to be integrated with the entire St. Thomas campus.

While the Arena's primary purpose is to support athletic programs at St. Thomas, the entire community will benefit from this investment. The Arena will provide entertainment opportunities for community members and families who want to enjoy St. Thomas athletics, but the school has also committed to ensuring that the Arena will serve the larger community as well. Through partnerships with youth organizations, St. Thomas will provide ice time and event opportunities for youth sports and other groups (and members of the public) in the City of Saint Paul.

Construction Impact

The development the Arena will in itself generate \$162 million in direct impact on the state economy and an additional \$156.2 million indirect impact to the economy for a total of **\$318.5 million** in spending throughout the construction period. This number is based on IMPLAN analysis demonstrating how dollars spent by St. Thomas on construction is re-spent in the local economy by contractors, and vendors during the planning, design, and construction of new facilities.

The development of the Arena throughout the construction period will support an estimated **1,863 jobs**. These include those workers directly employed in the construction project, as well as other jobs supported by the purchases of building supplies and equipment from other businesses and the spending of the construction workers themselves.

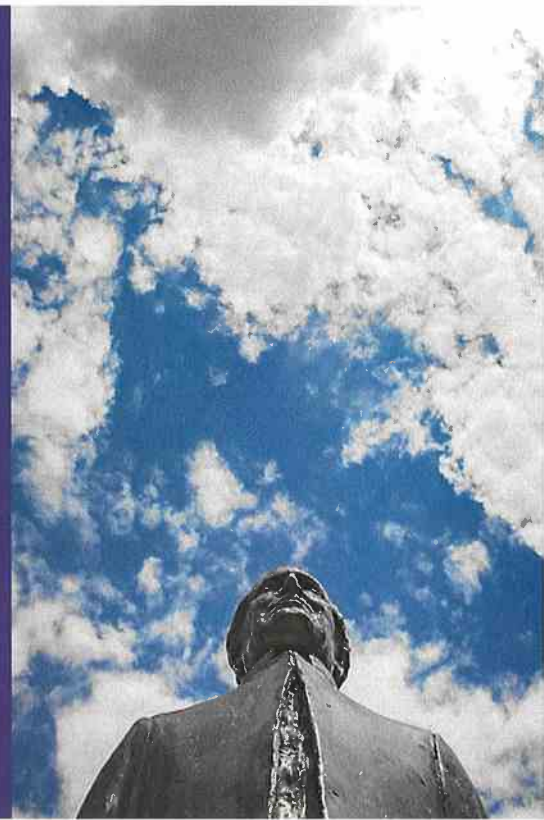
State and local government revenues attributable during the construction period of the Arena are projected to total **\$14 million**.



St. Thomas is Rooted in the Community

St. Thomas actively participates in its community, making meaningful contributions that align with “All for the Common Good.” While economic studies typically measure tangible impacts, St. Thomas’ influence extends beyond numbers. The university engages in collaborative initiatives that prioritize civic engagement and foster community partnerships, all aimed at enhancing the well-being of neighbors.

St. Thomas offers opportunities for faculty, staff, and students to engage in institutional partnerships, programs, and community engagement projects that contribute to the betterment of their communities. The university encourages students and faculty to engage in ways that address pressing community needs. These projects provide valuable experience while benefiting Saint Paul neighborhoods near the campus. The university’s commitment to civic engagement extends beyond student initiatives to include faculty and staff participation in community service efforts.



In FY23, Tripp Umbach estimates that St. Thomas faculty, staff, and students generated **\$13.5 million** annually in charitable donations and volunteer services.

- **\$3.7 million** donated to local charitable organizations by St. Thomas faculty, staff, and students
- **\$9.8 million** in value of volunteer time provided to area communities by St. Thomas faculty, staff, and students¹⁴

These community impacts are in addition to the economic impact of St. Thomas.

Every day, the presence of St. Thomas enhances the lives of individuals in the surrounding communities. With more than 350 approved partners in the Twin Cities and the region, St. Thomas demonstrates its broad network and commitment to collaborative endeavors aimed at fostering positive community impact.

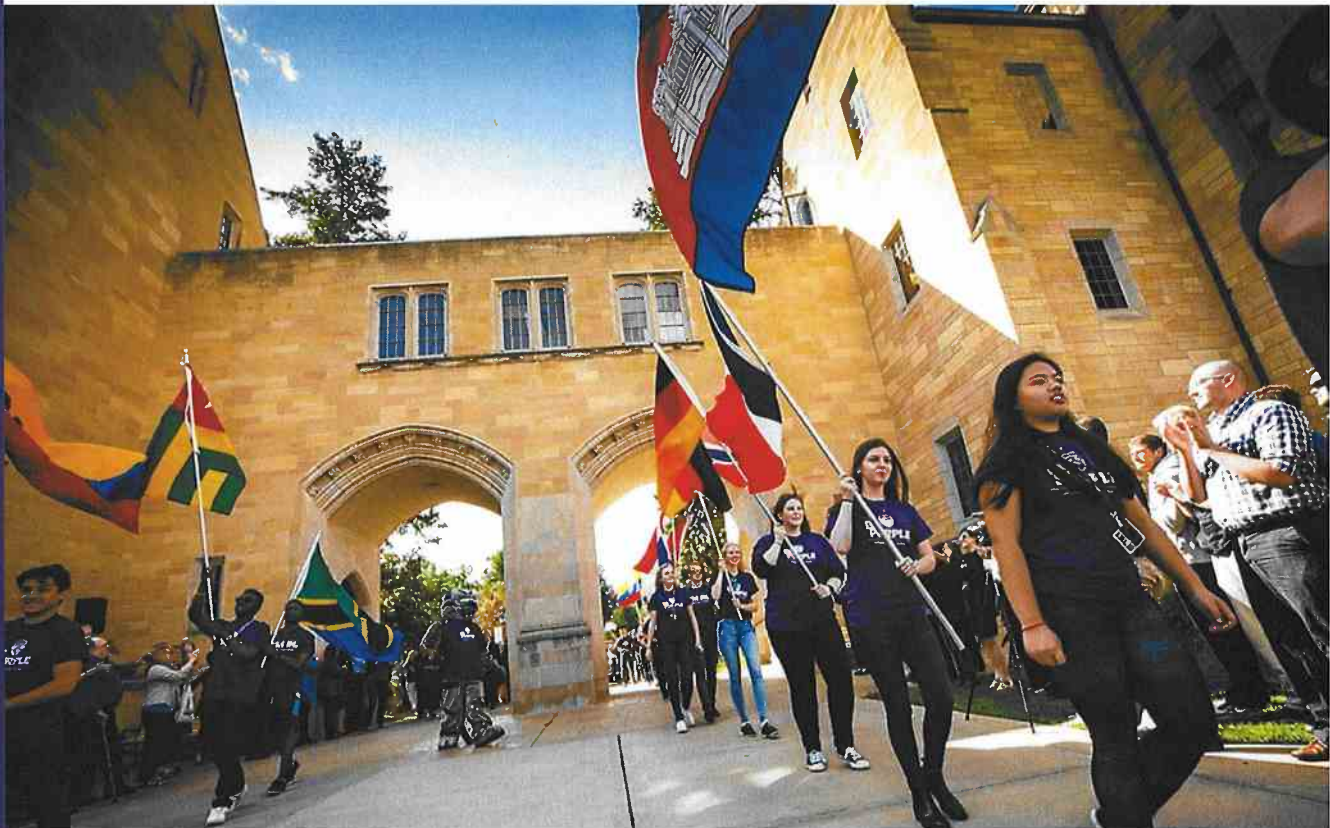
St. Thomas faculty, staff, and students are engaged in the community, giving back in socially impactful ways, dedicated to its mission.

¹⁴ According to the Independent Sector, the value of a Minnesota volunteer hour is estimated at \$34.47, underscoring the fact that St. Thomas contributed \$3.7 million to the community.

Community Initiatives

The following are among the social impact programs in which St. Thomas engages with the immediate and broader communities:

- **Dougherty Family College (DFC):** Offers a transformative educational opportunity for underrepresented young scholars in the community. DFC tackles educational attainment disparities with a structured approach aimed at narrowing the achievement gap. Specifically tailored to overcome barriers encountered by scholars from under resourced communities, the program empowers them to attain their degrees.
- **Racial Justice Initiative:** Aligned with its Catholic mission of promoting human dignity and advancing the common good, St. Thomas introduced the Racial Justice Initiative in June 2020 to foster significant reform and progress. Collaborating with individuals and organizations dedicated to addressing racial disparities, the initiative aims to envision a future for the Twin Cities devoid of such inequities. By serving as a model, the initiative seeks to inspire other communities to embark on similar endeavors.
- **Collaborative Learning School:** Maxfield Elementary, in partnership with St. Thomas, serves as a Collaborative Learning School, focused on teacher preparation, the implementation of best teaching practices, and the provision of professional development opportunities to cultivate student-centered learning environments. This innovative collaboration integrates effective strategies for meeting the needs of all learners while equipping and supporting teachers. Through hands-on experiences alongside experienced educators from Saint Paul Public Schools and dedicated on-site classroom facilities, faculty, and students gain practical skills directly applicable to teaching. This program aims to bridge the gap between classroom theory and real-world teaching practice.





- **The Interprofessional Center for Counseling and Legal Services:** The Interprofessional Center for Counseling and Legal Services at the University of St. Thomas represents a pioneering initiative that brings together faculty, staff, and students from various disciplines, including law, psychology, and social work, to provide comprehensive support to clients in need. This innovative center not only offers counseling services but also provides legal assistance, addressing the complex and interconnected challenges that individuals may face. By collaborating across disciplines, the center ensures that clients receive holistic and coordinated care that addresses their legal, psychological, and social needs. This interdisciplinary approach reflects St. Thomas' commitment to innovation, collaboration, and service to the community, setting a precedent for similar initiatives nationwide.
- **Center for the Common Good:** The Center for the Common Good at St. Thomas serves as a hub for fostering collaboration, dialogue, and action toward creating a more just and equitable society. Through research, education, and community engagement, the Center addresses pressing social issues and promotes the values of human dignity, solidarity, and the common good. By partnering with local organizations and stakeholders, the Center seeks to empower individuals and communities to enact positive change and build a more inclusive and sustainable future. Through its programs, events, and initiatives, the Center for the Common Good strives to inspire and mobilize the St. Thomas community and beyond to work toward a more just and compassionate world.



3,491 STUDENT VOLUNTEERS

107,903 COMMUNITY ENGAGED HOURS

400 COMMUNITY PARTNER ORGANIZATIONS

237 COMMUNITY-ENGAGED COURSES

Appendix A: Definition of Terms

Study Year	Fiscal Year 2023: July 1, 2022 – June 30, 2023
Total Economic Impact	The total economic impact of an institution includes both the direct and indirect impacts generated in the economy as a result of the institution's presence.
Direct Economic Impact	The direct impact includes institutional, employee, and visitor spending on the institution.
Indirect Economic Impact	Indirect impact, also known as the multiplier effect, includes re-spending dollars within the local economy by vendors/suppliers and households.
Multiplier Effect	The multiplier effect is the additional economic impact created by the institution's direct economic impact. Local companies that provide goods and services to an institution increase their purchasing by creating a multiplier.
Direct Tax Payments	An institution makes direct tax payments to a unit of government.
Indirect Tax Payments	Governmental units collect government revenue in addition to those paid directly by an institution, including taxes paid directly by employees of the institution, visitors to the institution, and vendors who sell products to the institution.
Direct Employment	The total number of employees at the institution is based on total jobs.
Indirect Employment	Indirect employment is the additional jobs created by the institution's economic impact. Local companies that provide goods and services to an institution increase their number of employees as purchasing increases, thus creating an employment multiplier.

Appendix B: Technical Appendix

Methodology Definitions

IMPLAN Methodology – St. Thomas’ economic impact was estimated using IMPLAN (IMpact Analysis for PLANNING), an econometric modeling system developed by applied economists at the University of Minnesota and the U.S. Forest Service. The IMPLAN modeling system has been in use since 1979 and is used by more than 500 private consulting firms, university research centers, and government agencies. The IMPLAN modeling system combines the input-output benchmarks of the U.S. Bureau of Economic Analysis (U.S. BEA) with other data to construct quantitative models of trade flow relationships between businesses and between businesses and final consumers. From this data, one can examine the effects of a change in one or several economic activities to predict its effect on a specific state, regional, or local economy (impact analysis). The IMPLAN input-output accounts capture all monetary market transactions for consumption in a given period. The IMPLAN input-output accounts are based on industry survey data collected periodically by the U.S. BEA and follow a balanced account format recommended by the United Nations.

IMPLAN’s Regional Economic Accounts and the Social Accounting Matrices were used to construct state and combined statistical area-level multipliers, which describe the economy’s response to a change in demand or production caused by St. Thomas’ activities and expenditures. Each industry that produces goods or services generates demand for other goods and services, and this demand is multiplied through a particular economy until it dissipates through “leakage” to economies outside the specified area. IMPLAN models discern and calculate leakage from local, regional, and state economic areas based on workforce configuration, the inputs required by specific types of businesses, and the availability of both inputs in the economic area. Consequently, economic impacts that accrue to other regions or states because of a change in demand are not counted as impacts within the economic area.

The model accounts for substitution and displacement effects by deflating industry-specific multipliers to levels well below those recommended by the U.S. Bureau of Economic Analysis. In addition, multipliers are applied only to personal disposable income to obtain a more realistic estimate of the multiplier effects of increased demand. Importantly, IMPLAN’s Regional Economic Accounts exclude imports to an economic area, so the calculation of economic impacts identifies only those impacts specific to the economic impact area. IMPLAN calculates this distinction by applying Regional Purchase Coefficients (RPC) to predict regional purchases based on an economic area’s characteristics. The RPC represents the proportion of goods and services purchased regionally under normal circumstances based on the area’s economic characteristics described in terms of actual trade flows.

Employment Definitions

IMPLAN analysis measures jobs/positions (part-time or full-time), not full-time equivalents (FTEs). Full-time and part-time employees impact the economy and support additional indirect and induced employment throughout the region. Employment data was provided as an output of all individuals who receive a paycheck from St. Thomas. This includes all full-time, part-time, and employed faculty, staff, students, and independent contractors.

Tax Impact Definition

State and local tax impacts generated in the current FY23 study included all taxes paid by St. Thomas to Minnesota (i.e., payroll, property, sales, unemployment, income, and any other taxes paid to the state and local government). Any federal taxes paid by St. Thomas were not included in the state and local tax impacts (i.e., FICA payments).

Economic Impact Model Inputs

The total economic impact analysis completed by Tripp Umbach are based on the following data provided by St. Thomas:

- **Organizational Spending**
 - Capital spending – \$27,903,151 (5-Year Average)
 - Operational – \$95,481,535 (FY23)
 - Pay and Benefits – \$119,283,657 (FY23)
- **Employment**
 - Number of Faculty – 1,217 (FY23)
 - Number of Staff – 1,343 (FY23)
 - Number of Employed Students – 2,495 (FY23)
- **Conferences and Meetings**
 - Events Held – 356 (FY23)
 - Estimated Number of Visitors to Campus – 149,801 (FY23)
 - oAverage Days per Event – 4 (FY23)
- **Number of Students**
 - Total enrollment – 9,347 (FY23)
 - Students living on-campus – 2,277 (FY23)
 - Students living off-campus from in-state – 6,040 (FY23)
 - Students living off-campus from out-of-state – 948 (FY23)
 - International Students – 473 (FY23)
- **Number of Graduates**
 - Total Number of Annual Graduates – 2,900 (5-Year Average)
 - Historical % of students who remain in the state after graduating – 74%
 - Total Number of Alumni – 117,416
- **Research**
 - Total Research Expenditures – 1,759,000 (FY23)
 - Research Faculty and Staff Headcount – 358

Visitor Definitions

Impact analysis aims to quantify the impact of attracting “fresh” dollars to a region. Therefore, when including visitor spending in the impact analysis of a university, health system, or other organization, the analysis will include only those visitors coming to a region from outside of the region. Visitors to events who also live in the region would have spent their dollars in that region otherwise; therefore, this dollar was not attracted to the region because of the organization being analyzed.

For St. Thomas, the impact analysis looked at impacts on the United States, the state of Minnesota, the Twin Cities, City of Saint Paul, and Local Neighborhood. Visitors to St. Thomas were counted only if they were from outside the region being analyzed.

Visitor Spending

Tripp Umbach employs federal per diem rates to approximate the spending of visitors in a specific area. The use of per diem rates is considered a conservative measure, with visitors typically spending more than these rates in any given area.

The rates specifically applied for this analysis include:

- Minneapolis/Saint Paul: \$148 for lodging; \$79 for meals and incidental expenses
- Standard Rate: \$96 for lodging, \$59 for meal and incidental expenses

Community Benefits

Community benefits in this report outline two forms of impact: monetary donations made by employees and students to local nonprofits and volunteer hours assigned a monetary value.

- Tripp Umbach conducted survey research to estimate the monetary donations an individual (student, staff, and faculty) is likely to make in a year. While this amount varies per person, it generally falls in the range of \$500 to \$700. Adjustments were made to account for individuals who do not donate.
- Independent Sector has established the value of a volunteer hour at \$34.47 per individual per hour. Tripp Umbach applied this value, considering the average number of hours faculty, staff, and students spend on volunteer activities (estimated at 100 hours per year for 50% of employees and students).

Appendix C: FAQs Regarding Economic Impact Assessment

What is the economic impact?

Economic impact initiates when an organization expends money. Economic impact studies gauge the direct influence of an organization's spending and the additional indirect spending in the economy resulting from the initial expenditure. The economic impact is unrelated to the funds collected by institutions, their profitability, or their sustainability, as all operating organizations have a positive economic impact when they spend money and attract external spending.

Direct economic impact quantifies the dollars generated within a specific geographic region because of an institution's presence. This includes spending on goods and services with regional vendors, the expenditures of its employees and visitors, and the economic influence on local businesses benefiting from the institution's spending. It is crucial to note that not all dollars spent by an institution remain within the studied geographic region, as some may "leak" out through purchases from vendors outside the area.

The total economic impact incorporates the "multiplier" effect resulting from spending by companies engaged with an institution. Support businesses, including lodging establishments, restaurants, construction firms, vendors, and temporary agencies, contribute to spending multipliers, which attempt to estimate the cascading effect in the economy where the initial spending occurs. For instance, an institution's spending with local vendors provides these vendors with additional funds that they reinvest in the local economy, creating a multiplier effect.

What is the multiplier effect?

Multipliers are numerical representations of the secondary impacts arising from an organization's operations. For instance, an employment multiplier of 1.8 indicates that for every 10 employees hired in a particular industry, an additional eight jobs would be created in other industries, resulting in a total addition of 18 jobs to the economic region. The multipliers employed in this study range from 1.8 to 2.0.

The Multiplier Model is mathematically derived using the input-output model and Social Accounting formats. The Social Accounting System provides the structure for the predictive Multiplier Model utilized in economic impact studies. The model is driven by purchases for final use. Industries producing goods and services for consumer consumption must procure products, raw materials, and services from other companies to create their products. These vendors, in turn, must also acquire goods and services. This cyclical process continues until all the money is leaked from the region's economy.

Three types of effects are measured with a multiplier: the direct effect, the indirect effect, and the induced effect. The direct effect represents the known or predicted change in the local economy under study. The indirect effect involves the business-to-business transactions needed to fulfill the direct effect. Lastly, the induced effect is a result of local spending on goods and services by individuals working to satisfy the direct and indirect effects.

- **Direct effects** take place only in the industry immediately being studied.
- **Indirect effects** concern inter-industry transactions: Because an institution is in business, it demands locally produced materials.
- **Induced effects** measure the effects of the changes in household income: Employees of an institution and suppliers purchase from local retailers and restaurants.
- **Total economic impacts** are the total changes to the original economy as the result of an institution's operations, i.e.,
 $\text{Direct effects} + \text{Indirect effects} + \text{Induced effects} = \text{Total Economic Impacts}.$

What methodology was used in this study?

IMPLAN (IMPact analysis for PLANning) relies on data and software for impact analysis. By employing classic input-output analysis along with regional-specific social accounting matrix and multiplier models, IMPLAN offers users a highly accurate and adaptable modeling system. The IMPLAN database incorporates county, state, ZIP code, and federal economic statistics that are regionally specialized rather than estimated from national averages. This database is instrumental in measuring the impact on a regional or local economy resulting from a specific change or event in the economy's activity.

What is employment impact?

Employment impact measures the direct employment (employees, staff, faculty, administration) plus additional employment created in the economy caused by an institution's operations. Indirect and induced employment impact pertains to other regional employees whose existence is a result of an institution's economic impact. These jobs are related to the local population, encompassing city services (police, fire, EMS, etc.), employees at hotels and restaurants, clerks at retail establishments, and residents employed by vendors used by the institution.

What is the difference between direct and indirect taxes?

Direct tax dollars include sales taxes and net corporate income taxes paid directly by the institution to the state. On the other hand, indirect taxes encompass taxes paid to the state by vendors conducting business with an institution and by individuals.

Is this a one-time impact, or does the impact repeat each year?

The findings outlined in this economic impact analysis are produced on an annual basis. The economic impact in subsequent years may vary, influenced by factors such as changes in the number of employees and students, capital expansion, growth in external research, and state appropriations.



Appendix D: Tripp Umbach Qualifications

Established in Pittsburgh, PA and currently headquartered in Kansas City, Tripp Umbach stands as one of the most highly regarded private consulting firms in the United States. Renowned for its expertise in economic and community development, the firm collaborates with healthcare, education, government, and corporate clients to enhance the economic, social, and physical well-being of communities globally. With a history spanning more than 35 years, Tripp Umbach has partnered with more than 1,000 organizations, delivering services such as community assessment, economic impact assessment, and economic development strategies. The firm has successfully completed more than 500 economic impact studies in the past three and a half decades for colleges and universities throughout the United States.

