



**CITY OF BOULDER
PLANNING BOARD MEETING AGENDA**

DATE: July 22nd, 2025

TIME: 6:00 PM

PLACE: Hybrid Meeting

1. CALL TO ORDER

2. PUBLIC PARTICIPATION

3. APPROVAL OF MINUTES

A. The April 22, 2025 Draft Planning Board Minutes are scheduled for approval.

B. The May 20, 2025 Draft Planning Board Minutes are scheduled for approval.

C. The June 3, 2025 Draft Planning Board Minutes are scheduled for approval.

4. CALL UP ITEMS

A. CALL UP ITEM: Use Review for a 10,579 sq. ft. lyophilization (freeze-drying process) building (known as “Apollo”) as part of the existing Corden Pharma pharmaceutical manufacturing facility at 2075 55th Street. The building will be located at the site of the current Butler building, which will be mostly demolished. This application is subject to potential call-up on or before **July 28, 2025**.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing and consideration of a recommendation to City Council on a proposed annexation agreement amendment for the property at 2 through 92 Arapahoe Avenue (also known as 90 Arapahoe Avenue) to modify the affordable housing requirements under the agreement and facilitate the development of the site with for-sale homes. Case no. LUR2025-00005.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. MATTERS ITEM: Update to the Planning Board Rules of Procedure (Second Round)

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

**CITY OF BOULDER PLANNING BOARD
VIRTUAL AND HYBRID MEETING GUIDELINES**

These guidelines apply to electronic meetings and hybrid meetings. Hybrid meetings permit simultaneous in-person and electronic participation.

CALL TO ORDER

The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA

The Board may rearrange the order of the agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION

The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. **Any exhibits introduced into the record must be provided to the Board Secretary for distribution to the Board and admission into the record via email 24 hours prior to the scheduled meeting time.**

DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation (10 minutes maximum*).
- Applicant presentation (15-minute maximum*). Any exhibits introduced into the record at this time must be provided to the Board Secretary by email, no later than 24 hours prior to the scheduled meeting time, for distribution to the Board and admission into the record.
- Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation of up to three minutes*. Three or more people may pool their allotted time so one speaker can speak for five minutes*. To pool time, all the people pooling time must be present in-person in the physical meeting room or present electronically when the spokesperson is called to speak. Speakers with pooled time must identify the people they are pooling time with by first and last name when called upon to speak, so they can be called upon to confirm their presence and willingness to pool their speaking time.

- Speakers should introduce themselves, giving name and address. If officially representing a person, entity, group, homeowners' association, etc., please state that for the record as well.
- The board requests that, prior to offering testimony, the speaker disclose any financial or business relationship with the applicant, the project, or neighbors. This includes any paid compensation. It would also be helpful if the speaker disclosed any membership or affiliation that would affect their testimony.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents and summarize comments wherever possible. Documents and other physical evidence must be submitted via email 24 hours prior to the scheduled meeting to become a part of the official record.
- Speakers should address the applicable Land Use Code criteria and, if possible, reference the criteria that the Board uses to decide a case.
- Any exhibits intended to be introduced into the record at the hearing must be emailed to the Secretary for distribution to the Board and admission into the record **24 hours prior to the meeting.**
- Citizens can email correspondence to the Planning Board and staff at boulderplanningboard@bouldercolorado.gov, up to **24 hours prior to the Planning Board meeting**, to be included as a part of the record.
- Applicants under Title 9, B.R.C. 1981, will be provided the opportunity to speak for up to 3 minutes* prior to the close of the public hearing. The board chair may allow additional time.

3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. New agenda items will generally not

be commenced after 10:00 p.m.

VIRTUAL MEETINGS

For Virtual Meeting Guidelines, refer to <https://bouldercolorado.gov/government/board-commission/planning-board> page for the approved Planning Board Participation Rule for Electronic and Hybrid Hearings.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments

CITY OF BOULDER
PLANNING BOARD RETREAT ACTION MINUTES
April 22, 2025
In-Person Retreat

A permanent set of these minutes are retained in Central Records (telephone: 303-441-3043).

A copy of materials and presentations shared to the board by staff at the meeting are available in the Central Records' Planning Board Document Archive:

<https://documents.bouldercolorado.gov/WebLink/Browse.aspx?id=47549&dbid=0&repo=LF8PROD2>

PLANNING BOARD MEMBERS PRESENT:

Mark McIntyre, Chair
Laura Kaplan, Vice Chair
Kurt Nordback
Claudia Hason Thiem
Mason Roberts (virtual)
ml Robles
Jorge Boone

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT:

Hella Pannewig
Laurel Witt
Deshawna Zazueta
Kristofer Johnson
Brad Mueller
Thomas Remke

5:00 Gather/Dinner

5:30 Retail / Office Space Trends

- Retail / office space trends post Covid (vacancy rates, office conversion info.)

Kristofer Johnson presented data and trends regarding retail and office space trends. Discussions centered around local trends and how they relate to trends seen across municipalities nationwide.

6:00 Area Plans

- History and purpose of area plans
- Existing area plans
- Site Review criterion 9-2-14(h)(1)(B), BRC 1981, application of area plans in Site Review & the legal context

Kristofer Johnson and **Hella Pannewig** presented background information on the history, purpose, and application of area plans. Board members and staff discussed the balance between applying goals

of general and specific plans.

6:45 Break

7:00 Plan Implementation, CIP & Budgeting

- Area plan updates & future area planning efforts (citywide)
- CIP Review & Implementation
- Budget Philosophy

Kristofer Johnson presented information on upcoming area plan updates and area planning goals, the Planning Board's role in the Capital Improvement Program (CIP), the Capital Review Team, and the city's recent "budgeting for resilience" philosophy.

7:30 Quasi-judicial Process

- Application of Site Review criteria vs. negotiation – "norms of negotiation"

Hella Pannewig presented information on best practices and the quasi-judicial process.

8:00 Adjourn

The Planning Board adjourned the meeting at 8:15 PM.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
May 20, 2025
Hybrid Meeting

A permanent set of these minutes and an audio recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Mark McIntyre, Chair
Laura Kaplan, Vice Chair
Kurt Nordback
ml Robles
Claudia Hason Thiem
Mason Roberts

PLANNING BOARD MEMBERS ABSENT:

Jorge Boone

STAFF PRESENT:

Brad Mueller, Director of Planning & Development Services
Charles Ferro, Development Review Senior Manager
Hella Pannewig, Assistant City Attorney
Lisa Houde, Code Amendment Principal Planner
Karl Guiler, Development Code Amendment Manager
Shannon Moeller, Planning Manager
Adam Olinger, City Planner
Stephen Rijo, Transportation Planning Manager
Chris Hagelin, Transportation Principal Project Manager
Samantha Bromberg, Community Vitality Senior Project Manager
Amanda Cusworth, Internal Operations Manager

1. CALL TO ORDER

M. McIntyre declared a quorum at 6:00 p.m. and the following business was conducted.

2. PUBLIC PARTICIPATION

There was no public participation

3. APPROVAL OF THE MINUTES

- A.** The February 4, 2025 Meeting Minutes are scheduled for approval.
- B.** The February 18, 2025 Meeting Minutes are scheduled for approval.
- C.** The March 18, 2025 Meeting Minutes are scheduled for approval.

L. Kaplan made a motion, seconded by **ml Robles** to delay approval of all sets of minutes until staff is able to bring them back with edits. Planning Board voted 6-0. Motion passed.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS

- A. CALL-UP ITEM:** Site Review Amendment and Use Review to allow the existing structure at 1836 19th Street to be used as a single-family detached dwelling unit in the RH-2 zoning district and to amend the existing PUD (P-83-64) to maintain the existing rear deck. These applications are subject to potential call-up on or before May 22, 2025.

S. Moeller answered questions from the board. **L. Kaplan** and **ml Robles** called the item up.

- B. CALL-UP ITEM:** Minor Subdivision review to subdivide one existing lot into two new lots on the 14,392 square foot property at 855 Union Ave. This approval is subject to call-up on or before **May 21, 2025**.

This item was not called up.

5. PUBLIC HEARING ITEMS

- A. PUBLIC HEARING** and recommendation to City Council regarding the following proposed ordinances:

1. Ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update standards for on-street parking management; and 2. Ordinance 8696, amending and Title 9, "Land Use Code," B.R.C. 1981, to modify offstreet parking requirements, and amending Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking

L. Houde, S. Bromberg and C. Hagelin presented the item to the board.

L. Houde, S. Bromberg and C. Hagelin answered questions from the board.

Public Participation:

Lisa Spalding
Alexey Davies

Board Comments:

Key Issue #1: Does the Planning Board recommend any modifications to draft Ordinance 8700 or 8696?

Key Issue #2 Does the Planning Board want to provide any additional guidance regarding the TDM ordinance currently under development that will complement draft Ordinance 8700 and 8696?

(03:00:34)

The board chose to break the item up into 3 parts for deliberation: Ordinance 8696, followed by Ordinance 8700, and lastly TDM.

In reference to Ord 8696 the board made the following comments:

C Hanson Thiem was largely supportive of the proposed ordinances as part of a long overdue shift away from “free parking” which has encouraged and subsidized car dependent development to the detriment of many other health, safety, and environmental goals of the city. She applauded the pilot program in Goss Grove and funds going to eco passes. That approach can affirm a transportation and mobility eco system. With regard to off-street parking, she was concerned about the loss of ADA spaces.

(03:05:14)

L. Kaplan said that on page 119 of the packet there is a section of the ordinance related to home occupations. She said some things were struck that have nothing to do with on-site parking. “No traffic is generated by such home occupation in volume that is inconsistent with the normal parking usage of the district” Staff should take a look at that. Page 148 in the ordinance talks about easy locking. She suggested that staff consider adding structures or obstacles that interfere with easy locking in addition to interference by adjacent bicycles. On page 128, referring to site access and control and controlling vehicle access to the public right of way, it says, “The requirements of this section and subsections B through E below, apply to all land uses, including detached dwelling units, as follows, only if access to the property is provided for the purposes of off street parking, loading, space, or operational access or other provided vehicle circulation” She didn’t understand why that clause was included regarding ‘only if access to the property is provided for these certain purposes’, and suggested staff take another look. She agreed with community cycles about utilization study as a potential future work element.

(03:11:17)

MI Robles said removing the parking requirements is a significant land use shift. She thinks there should be strategies to incentivize that land could be used to achieve walkable neighborhoods. She would like to see a motion to exempt single family residential uses from the long term bike storage requirements.

(03:16:48)

K. Nordback does not feel that 9-9-5(c)(8) related to curb cuts leading to parking spaces is necessary, because curb cuts can be useful for things like wheelchairs and strollers that are not parking. He agreed with L. Kaplan about bike parking requirements. He said that landscape thresholds are too high; perhaps they should be lowered. He supports eliminating parking mandates for number of parking spaces. He feels dimensional and geometric standards should be simplified and potentially eliminated.

M. Roberts said he agreed with his colleagues and will save comments for motions to be made.

M. McIntyre also said he would save comments for motions.

The following motions were made in reference to Ordinance 8696:

(03:23:05)

C. Hanson Thiem made a motion, seconded by **K. Nordback** the Planning Board recommends that City Council adopt Ordinance 8696, amending Title 9, "Land Use Code," B.R.C. 1981, to modify off-street parking requirements, and amend Chapter 2 of the City of Boulder Design and Construction Standards (D.C.S.), originally adopted pursuant to Ordinance 5986, to update standards for bicycle parking. Planning Board voted 6-0. (J. Boone absent) Motion passed.

M. Roberts made a motion, seconded by **L. Kaplan** to recommend a change to ordinance 8696 to add language for schools serving any of grades K-12, long-term bicycle parking must include racks located within 100 feet of a main entrance. Planning Board voted 5-1 (M. McIntyre Dissent) (J. Boone absent) Motion passed.

M. Roberts made a motion, seconded by **M. McIntyre** to recommend a change to ordinance 8696 to add language that bicycle charging spaces shall accommodate larger bicycles with minimum dimensions of 8 feet long by 3 feet wide. Planning Board voted 6-0. (J. Boone absent) Motion passed.

M. Roberts made a motion, seconded by **K. Nordback** to recommend a change to ordinance 8696 to: for schools serving any grades K-8 schools, all bicycle parking intended to serve students must be horizontal. Planning Board voted 6-0. (J. Boone absent) Motion passed.

M. McIntyre made a motion, seconded by **C. Hanson Thiem** to recommend a change to ordinance 8696 to state that all long-term bike parking shall accommodate charging at all bike spaces with a standard electrical outlet within a 6' distance of each bike parking space. Planning Board voted 5-1 (L. Kaplan dissent). (J. Boone absent) Motion passed.

M. McIntyre made a motion, seconded by **K. Nordback** to recommend a change to ordinance 8696 to remove bicycle parking from Floor Area Ratio calculations and requirements. Planning Board voted 6-0. (J. Boone absent) Motion passed.

(04:12:35)

M. McIntyre made a motion, seconded by **C. Hanson Thiem** to recommend a change to ordinance 8696 to require changes to Table 9-4 be modified with the following requirements in the table:

Multi-unit Dwelling units without a private garage(b)	1 per bed
Group living - fraternities, sororities, and dormitories, boarding houses, transitional housing	1 per bed
Group living - all others	1 per 1.5 beds
Public and private elementary, middle, and high schools	The greater of 10 per classroom or 1 per 2 students based on mean attendance.

Public and private colleges and universities	The greater of 10 per classroom or 1 per 2 students based on mean attendance.
Office uses	1 per 750 square feet of floor area, minimum of 4

Planning Board voted 1-5 (all dissenting except M. McIntyre) (J. Boone absent) Motion Failed.

K. Nordback made a motion, seconded by **M. McIntyre** to request City Council and staff to consider simplifying or eliminating the parking dimensional standards, including the required 24' backup distance, from the code, in order to avoid unduly requiring design around large vehicles. Planning Board voted 6-0. (J. Boone absent) Motion passed.

MI Robles made a motion, seconded by **M. McIntyre** to recommend a change to Ordinance 8696 to exempt single-unit detached residences without a private garage from the long-term bike storage requirements. Planning Board voted 5-1. (K. Nordback dissent) (J. Boone absent) Motion passed.

(04:38:08)

L. Kaplan made a motion, seconded by **K. Nordback** to recommend a next step to monitor over the next three years whether Ordinance 8696 results in more or less parking in new development compared to current parking minimums and average parking reductions. Planning Board voted 6-0. (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **C. Hanson Thiem** to recommend limiting vertical and stacked/tiered racks to 25% of bike parking spaces. Planning Board voted 6-0. (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **M. Roberts** to Recommend that spaces reserved for cargo bikes need to be clearly marked with signage, so non-cargo do not park in these spaces. Planning Board voted 4-2. (C. Hanson Thiem, M. McIntyre dissent) (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **K. Nordback** to Recommend that staff examine whether and how to specify adequate elevator size minimums where parking relies solely on elevators. Planning Board voted 6-0. (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **M. Roberts** to recommend that at least 20% of required spaces be designed for larger bikes (e.g. cargo bikes) where more than 5 spaces are required. Planning Board voted 6-0. (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **M. Roberts** that Planning Board recommend a future utilization study to establish empirical requirements for bike parking quantities. Planning Board voted 6-0. (J. Boone absent) Motion passed.

L. Kaplan made a motion, seconded by **K. Nordback** to recommend development of a phased retroactive application of bike parking code to existing development. Planning Board voted 6-0. (J. Boone absent) Motion passed.

(05:03:58)

The board closed motions related to ordinance 8696 and moved onto ordinance 8700.

M. McIntyre made a motion, seconded by **C. Hanson Thiem** to recommend that City Council adopt the following proposed ordinance 8700, amending Section 2-2-15, "Neighborhood Permit Parking Zones," and Chapter 4-23, "Neighborhood Parking Zone Permits," to update regulations for on-street parking management. Planning Board voted 6-0. (J. Boone absent) Motion passed.

M. McIntyre made a motion, seconded by **M. Roberts** that Planning Board recommends a change to ordinance 8700 so that anytime the city approves a project through the site review process, where parking is required to be unbundled and paid, the city shall consider creating an appropriately sized NPP that surrounds the project. Planning Board voted 6-0. (J. Boone absent) Motion passed.

(05:17:16)

M. McIntyre made a motion, seconded by **C. Hanson Thiem** to continue the TDM portion of item 5 of tonight's agenda to the May 27th Planning Board meeting. Planning Board voted 6-0. (J. Boone absent) Motion passed.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

The planning board elected to take a brief summer recess. There will be no meetings held June 24th and July 1st.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 11:21 PM.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
June 3, 2025
Hybrid Meeting

A permanent set of these minutes and an audio recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Mark McIntyre, Chair
Laura Kaplan, Vice Chair (virtual)
Claudia Hason Thiem
Mason Roberts
ml Robles (virtual)
Jorge Boone (virtual)

PLANNING BOARD MEMBERS ABSENT:

Kurt Nordback

STAFF PRESENT:

Shannon Moeller
Deshawna Zazueta
Charles Ferro (virtual)
Brad Mueller
Vivian Castro-Wooldridge
Thomas Remke

1. CALL TO ORDER

M. McIntyre called the meeting to order at 6:00 PM and the following business was conducted.

2. PUBLIC PARTICIPATION

In Person: Nobody spoke.
Virtual: Nobody spoke.

3. APPROVAL OF MINUTES

4. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Concept Plan Review and Comment Request for a proposed redevelopment of 7 lots totaling 2.94 acres at 2955, 2969, and 2995 Baseline Road and 735-775 30th Street. All existing buildings are proposed to be demolished and two (2) 4-5 story multifamily student housing buildings with a total of 100 units are proposed. The

proposal would include rezoning the properties at 765 and 775 30th Street from RM-2 to RH-5. Reviewed under case no. LUR2025-00012.

Staff Presentation:

Shannon Moeller presented the item to the board.

Board Questions:

Shannon Moeller answered questions from the board.

Applicant Presentation:

Alyssa Glana and Adrian Sopher presented the item to the board.

Applicant Questions:

Alyssa Glana and Adrian Sopher answered questions from the board.

Public Hearing:

Virtual: Lynn Segal

Board Discussion (2:00:30):

Key Issue #1: Is the proposed concept plan compatible with the goals, objectives, and recommendations of the Boulder Valley Comprehensive Plan (BVCP)?

Key Issue #2: Does Planning Board have feedback on the proposed rezoning of a portion of the property from RM-2 to RH-5?

Key Issue #3: Does the Board have feedback on the proposed Use Review from ground level dwelling units along a street in the BT-1 zoning district?

Key Issue #4: Does the Board have feedback on the conceptual site plan and building design?

Key Issue #5: Other key issues identified by the Board?

The Planning Board discussed the Key Issues and provided feedback to the applicant on the conceptual site plan and architecture.

(2:03:40) **L. Kaplan** noted that this is a project that will increase density and add student housing in an appropriate location, but that it is also important that quality of life offerings of the built environment also increase. She commended the applicant on some design features including the cutaway balconies, material detailing, and recessed verticality of townhouse units on 30th street. She is overall supportive of staff's analysis and comments in the memo. She thinks the rezoning on the west side of 30th to Residential High is very appropriate. She is generally supportive of the height modification, noting that they will be looking for a sensitive transition to the surrounding single story buildings. She encouraged considering a further reduction in parking. She encouraged further investigation of pedestrian and bike circulation on the site. She is supportive of ground level residential uses along Canyon Creek, but thinks that retaining commercial space along Baseline is appropriate. She agreed with staff's comments about

permeability and open space, adding a portal element or breaking up the buildings, and staff's comments about potentially reformatting portions of the building on p. 19 of the staff memo. She noted that the ground level courtyard design will be important during the site review.

(2:11:50) **J. Boone** generally agreed with the comments made by L. Kaplan. He believes the buildings need to be broken up to increase permeability and that they are too massive currently. He agreed with staff's comments around the potential for some design tweaks for additional tuck-under parking and eliminating more of the surface parking for additional open space.

(2:14:35) **C Hanson Thiem** supported her colleagues' statements and believes this is an appropriate area for high density student housing. She also has concerns about the single use nature of this area, and that it is important to preserve some space for neighborhood serving businesses. She also believes the intensity of traffic in the area may be a problematic location for ground floor residences. She is supportive of the proposed rezoning. She agreed with comments around the potential for some design tweaks to eliminate more of the surface parking for additional open space. She believes the project will require more bike parking. She believes transportation needs could be met better with additions like infrastructure for micromobility, ride sharing pick-up and drop-off, and transit access. She also agreed with comments made about permeability, and suggested adding ground level passageways into the site interior.

(2:20:30) **M. Roberts** generally agreed with all his colleagues' comments.

(2:24:15) **ML Robles** generally agreed with all of her colleagues' comments. She discussed relative setbacks in the surrounding area. She suggested providing information on how the 4 to 5 story building steps down to accommodate grade, including side section views as well as pedestrian and car level perspectives.

(2:31:40) **M. McIntyre** noted that he has not heard any comments from his colleagues that he disagreed with. He believes the concept plan is generally compatible with the goals and objectives of the BVCP. He has no issue with the proposed rezoning. He stressed reevaluating the site plan to make the open space to be more inviting and usable. He encouraged further investigation of pedestrian and bike circulation on the site

5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

- A. Information Item: Land Use Review: Vacation of a 20-foot-wide alley right-of-way, Ordinance 8704, generally located north of 1729 Athens Street and southerly of 1328 17th Street and 1712 Marine Street (LUR2024-00060).**

AND

Vacation of 18th Street right-of-way, Ordinance 8705, generally located east of 1950 Colorado Avenue and 1234 18th Street and west of 950 Regent Drive (LUR2024-00060)

Planning Board received an informational packet from staff. No action required.

6. DEBRIEF MEETING/CALENDAR CHECK

7. ADJOURNMENT

The Planning Board adjourned the meeting at 8:50 PM.

APPROVED BY

Board Chair

DATE

MEMORANDUM

TO: Planning Board
FROM: Shannon Moeller, Case Manager
DATE: July 22, 2025
SUBJECT: **Call-Up Item:** Use Review for a 10,579 sq. ft. lyophilization (freeze-drying process) building (known as “Apollo”) as part of the existing Corden Pharma pharmaceutical manufacturing facility at 2075 55th Street. The building will be located at the site of the current Butler building, which will be mostly demolished. This application is subject to potential call-up on or before **July 28, 2025**.
CASE NO: LUR2025-00024

The purpose of this item is for the Planning Board to consider the call-up of the attached Use Review for a public hearing. Attached is the disposition of approval (see [Attachment A](#)) to allow for a 10,579 sq. ft. lyophilization (freeze drying process) building. A Use Review is required for the expansion of general manufacturing uses in the IM (Industrial – Manufacturing) zoning district.

Background. Corden Pharma is a specialty pharmaceutical manufacturing company formed in 1946 as Arapahoe Chemicals and is a world leader in the development and manufacturing of chemically synthesized peptide APIs (Active Pharmaceutical Ingredients). The proposal involves one building located within the existing Corden Pharma Boulder campus.

The approximately 31-acre property at 2075 55th Street is located west of 55th Street and north of the BNSF railway and has been used for manufacturing since its initial development in the 1960s. The current focus of the facility is the development and manufacturing of peptides. The proposed “Apollo” building will take the place of the existing Butler storage building, which will be mostly demolished. Refer to **Figure 1** below.

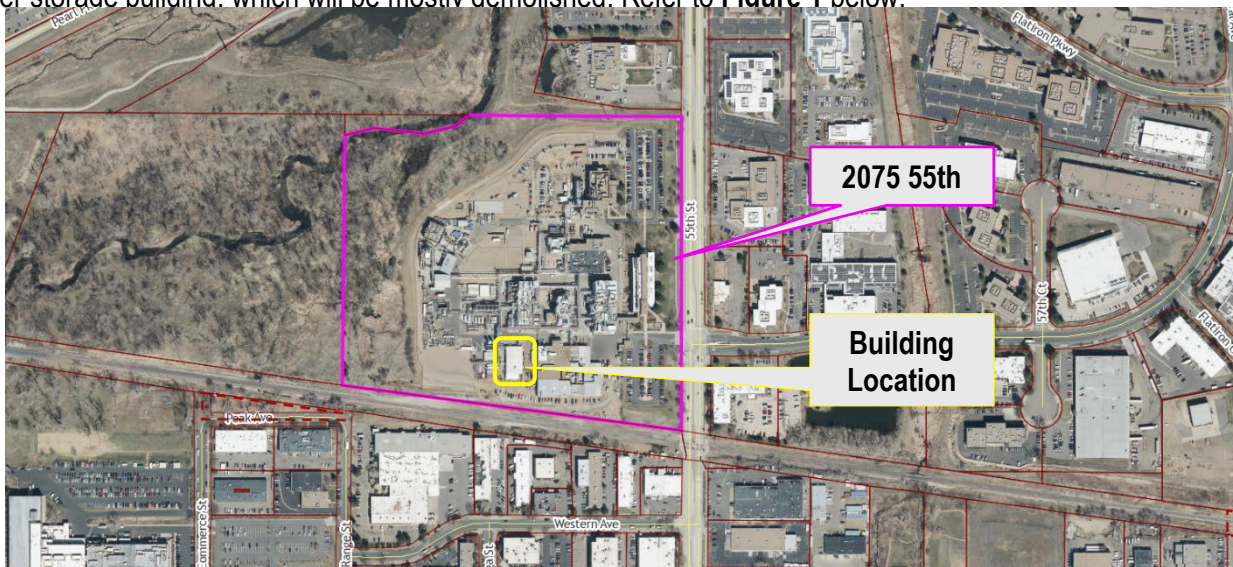


Figure 1 – Vicinity Map

The property is zoned IM, Industrial - Manufacturing, which is described in section 9-5-2(c)(4)(C), B.R.C. 1981, as “Industrial manufacturing areas primarily used for research, development, manufacturing, and service industrial uses in buildings on large lots. Residential uses and other complementary uses may be allowed in appropriate locations.”

A Use Review application is required in the industrial zoning districts for general manufacturing uses per the Use Standards in section 9-6-1, B.R.C. 1981. The purpose of a use review is to determine if a particular use and its potential impacts are appropriate for a proposed location (refer to section 9-2-15(a), B.R.C. 1981).

Property History. The property was annexed in 1966 and 1968 and developed beginning in the 1960s for manufacturing uses. The development of the property was approved by several prior approvals, including:

- #P-72-31 and #H-72-8: PUD and Height Exception approval for Arapahoe Chemicals chemical manufacturing buildings.
- #P-73-19: Revised PUD.
- #P-82-83 and #H-82-13: PUD and Height Exception for a phased expansion including multiple buildings and additions, a parking reduction of 49% and building heights to 55 feet.
- #P-84-41: PUD Amendment for a 5,000 square-foot additional to Building L, bringing the total permitted square-footage to 257,490 square-feet.
- #P-85-36: PUD Amendment for an amended site plan and establishing building envelopes to allow for flexibility.
- Minor Modification AR-96-2 and Ordinance No. 5710: Approved the enlargement of an existing building envelope for the construction of an electrical control center and installation of Environmental Control System for emissions reduction for Plant 3.
- Minor Modification ADR2003-00106: Approved an updated PUD map to depict the current status of the site and correct discrepancies in prior documentation.

Use Review. Corden Pharma is in the process of updates to its existing Boulder campus. This Use Review is for a 10,579 sq. ft. lyophilization building known as “Apollo” which will house a closed Active Pharmaceutical Ingredient (API) manufacturing process system. The lyophilization (freeze drying) process involves transferring product through piping and an enclosed tray system into a lyophilizer, where the product is converted to a powder and then transferred to its final packaging.

The applicant has provided a detailed response to the Use Review and manufacturing use criteria within the Written Statement ([Attachment C](#)), including information on the proposal’s equipment and processes to meet or exceed regulations relating to air emissions, wastewater treatment, and other items. The proposed lyophilization building is for a freeze-drying process that takes place within an enclosed system operated with non-detectable or no noise, smoke, vapor, dust, odor, glare, vibration, or fumes.

The proposed building has been designed to comply with floodplain regulations, including elevation of the lowest floor to the flood protection elevation. Additionally, the property owner is in the process of developing a proposal to construct and certify a protective levee around the hazardous material portions of the overall site which would remove them from the floodplain limits in accordance with 9-3-2(i)(5), B.R.C. 1981. As a condition of approval, the site will be required to submit a formal development application to the city by March 31st, 2026 to construct and certify the levee, and any associated required CLOMR remapping materials, removing the hazardous material production from the floodplain limits as required by code.

The Apollo building is proposed to be constructed in two phases and technical documents will be reviewed for a final utility plan and final stormwater report and plan. These are included as conditions of approval. Refer to [Attachment A](#) for all conditions of approval.

Review Process. A Use Review application for a general manufacturing use in the IM zoning district is subject to the criteria in Section 9-2-15(e), B.R.C. 1981 and 9-6-6(b), B.R.C. 1981. The analysis of these criteria is found in [Attachment B](#). Separately, a Minor Modification to the PUD approval (ADR2025-00125) was administratively approved by staff for the proposed building design.

Analysis. Staff found that the proposed use review for a minor expansion of the existing manufacturing use for the proposed lyophilization building is consistent with the applicable criteria. Refer to [Attachment A](#) for the conditions of approval and to [Attachment B](#) for a complete analysis of review criteria.

Public Comment. Consistent with [Section 9-4-3, Public Notice Requirements, B.R.C. 1981](#), staff provided notification to all property owners within 600 feet of the subject location of the application and a public notice sign was posted on the property. Staff did not receive any public comment on the proposal.

Conclusion. Staff finds that the proposed project meets the applicable criteria of section 9-2-15(e), B.R.C. 1981 and 9-6-6(b), B.R.C. 1981 (refer to [Attachment B](#)). The proposal was **approved** by staff on **July 14, 2025**, and the decision may be appealed or called up on or before **July 28, 2025**. There is a Planning Board hearing on **July 22, 2025**, during the 14-day call-up period. Questions about the project or decision or requests to call up the approval should be directed to the Case Manager, Shannon Moeller at moellers@bouldercolorado.gov.

Attachments.

Attachment A: Disposition of Approval

Attachment B: Criteria Analysis

Attachment C: Applicant's Written Statement

Attachment D: Applicant's Plan Set



**City of Boulder
Planning & Development Services**


**CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**
PROJECT NAME: **CORDEN PHARMA**
DESCRIPTION: **Use Review for a 10,579 sq. ft. lyophilization (freeze-drying process) building (known as "Apollo") as part of the existing Corden Pharma pharmaceutical manufacturing facility at 2075 55th Street.**
LOCATION: **2075 55TH ST**
LEGAL DESCRIPTION: **See Exhibit A**
APPLICANT: **LIZ HANSON, HANSON BUSINESS STRATEGIES**
OWNER: **CORDEN PHARMA COLORADO, INC., A DELAWARE CORPORATION**
APPLICATION: **Use Review, LUR2025-00024**
ZONING: **Industrial - Manufacturing (IM)**
CASE MANAGER: **Shannon Moeller**
VESTED PROPERTY RIGHT: **No; the owner has waived the opportunity to create such right under Section 9-2-20, B.R.C. 1981.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS: None.
FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: July 14, 2025
Date

By: 
Brad Mueller, Director of Planning & Development Services

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board Expires: July 28, 2025

Final Approval Date: July 29, 2025

FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the Applicant shall obtain applicable building permit approvals and start construction within three years from the date of final approval. Failure to comply with the three-year rule or approved phasing may cause this development approval to expire. For a use review without construction requiring a building permit, the use must be established within three years of the date of final approval.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on May 21, 2025, and the Applicant's written statement dated June 25, 2025, all on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(i), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: PUD #P-72-31 and Height Exception #H-72-8; PUD #P-73-19; PUD #P-82-83 and Height Exception #H-82-13; PUD #P-84-41; PUD #P-85-36; Ord. 5710.
4. Prior to issuance of a building permit, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:
 - a. **A final utility plan** meeting the City of Boulder Design and Construction Standards.
 - b. **A final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
5. By March 31st, 2026, the Applicant shall **submit a formal development application to the City to construct and certify a protective levee** around the hazardous material portions of the site, and any associated required Conditional Letter Of Map Revision (CLOMR) remapping materials, to remove the hazardous material production from the floodplain limits in accordance with Section 9-3-2(i)(5), B.R.C. 1981.
6. Pursuant to Subsection 9-2-12(a), "Three-Year Rule," B.R.C. 1981, the following development/phasing plan is approved:
 - a. Phase I, to construct a 6,374 square-foot building, shall commence at the date of this approval, unless modified by the Development Agreement. The applicant shall obtain the applicable building permits and start construction within three years from the date of approval. Phase I shall expire three years from the date of approval.
 - b. Phase II, to construct a 4,205 square-foot addition, shall commence no later than the time of expiration of Phase I and expires three years thereafter.

EXHIBIT A

LEGAL DESCRIPTION

All that part of the East Half of the Southeast Quarter of Section 28, Township 1 North, Range 70 West of the 6th P.M., which lies North of the right of way of the Colorado and Southern Railway Company as the same is now in use, County of Boulder, State of Colorado;

excepting from the premises hereby conveyed a fifty (50) foot right-of-way described as follows:

The East 50 feet of all that part of the East 1/2 of the Southeast Quarter of Section 28, Township 1 North, Range 70 West of the 6th P.M., which lies North of the right-of-way of the Colorado & Southern Railway Company as the same is now in use;

and excepting a parcel described as follows:

Beginning at the Northwest corner of the East Half of the Southeast Quarter of Section 28, Township 1 North, Range 70 West of the 6th P.M., and the true Point of Beginning; Thence N 89° 59' 40" E a distance of 461.24 feet along the North line of the Southeast Quarter of said Section 28; thence S 48° 16' 50" W a distance of 67.36 feet; thence S 81° 31' 55" W a distance of 119.81 feet; thence N 85° 30' 40" W, a distance of 184.67 feet; thence S 75° 58' 20" W a distance of 111.64 feet to the West line of the East Half of the Southeast Quarter of said Section 28; thence N 00° 02' 10" W a distance of 75.03 feet along the West line of the East Half of the Southeast Quarter of said Section 28 to the true Point of Beginning, County of Boulder, State of Colorado

CRITERIA CHECKLIST AND COMMENT FORM

USE REVIEW

SECTION 9-2-15(e)

LUR2025-00024

ADDRESS: 2075 55th

DATE: July 14, 2025

CRITERIA APPLICABLE TO ALL USE REVIEW APPLICATIONS

(e) Criteria For Review: *Meets criteria*

No use review application will be approved unless the approving agency finds all of the following:

(1) Rationale: *Yes*

The use either:

- (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood; *N/A*
- (B) Provides a compatible transition between higher intensity and lower intensity uses; *N/A*
- (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and nonresidential mixed uses in appropriate locations and group living arrangements for special populations; or *Yes*
- (D) Is an existing legal nonconforming use or an expansion that is permitted under Subsection (f) of this section; *N/A*

Staff Response:

The proposal is an expansion of the existing general manufacturing facility, which has been used for manufacturing since the 1960s. General manufacturing means facilities for the manufacturing, fabrication, processing, or assembly of products which may produce effects on the environment that are measurable at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination is regulated in accordance with applicable city, state, or federal regulations per 9-16-1, General Definitions, B.R.C. 1981.

The proposal will allow one existing 6,000 square-foot storage building to be mostly removed and replaced with a new approximately 10,000 square-foot manufacturing building for lyophilization (freeze drying process) of pharmaceutical peptides. A Use Review is required for the minor expansion of the existing 236,371 square-foot multi-building manufacturing facility.

The site is within the Light Industrial BVCP land use designation, which includes a variety of industrial, intensive employment uses. The proposal for a minor expansion of the existing general manufacturing use fosters specific city policies in the BVCP, including:

- *2.21 Light Industrial Areas: The city supports its light industrial areas and will preserve existing industrial areas as places for industry and innovation. The continued use of the property for industrial uses supports the Light Industrial Area Guiding Principle to preserve established businesses and the opportunity for industrial businesses.*
- *5.05 Support for Local Business & Business Retention: The city values existing businesses, including primary employers. The site is the Boulder campus of Corden Pharma, a specialty pharmaceutical manufacturing company formed in Boulder in 1946 as Arapahoe Chemicals. The minor expansion of*

the manufacturing facility which has existed in this location for decades will allow for the site to continue to serve and retain the existing business use.

(2) Compatibility: Yes

The location, size, design, and operating characteristics of the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties, or, for residential uses or community, cultural, and educational uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

Staff Response:

Location: The location of the overall manufacturing facility is existing and not proposed to change. The proposed Apollo building will be located internal to the site, in the same general location as the existing Butler storage building, which will be mostly demolished.

Size: The proposed building will be approximately 10,579 square-feet and is within the maximum square-footage for the overall site that was approved by the existing PUD.

Design: The design of the site and building is consistent with the existing PUD, which was intended to provide a large, multi-building manufacturing campus with earth-tone buildings.

Operating Characteristics: The operating characteristics are consistent with the existing facility, which is a multi-building manufacturing facility that produces pharmaceuticals on a 24/7 shift basis and also includes support uses such as administrative functions, engineering support, lab and testing support, and research and development on the site. Approximately 450 employees are present during typical business hours; approximately 200 employees are on-site during night and weekend shifts; and the site employs approximately 150 contractors. The proposed lyophilization (freeze drying process) building would add approximately 20 additional manufacturing staff to the site and would not change any other operating characteristics of the overall facility.

(3) Infrastructure: Yes

The use will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater and storm drainage utilities and streets, compared to an allowed use in the zoning district, or compared to the existing level of impact of a nonconforming use;

Staff Response:

Water: The site is an existing multi-building manufacturing facility that is connected to the existing water supply including water service lines and fire lines. The proposal would demolish an existing storage building and reuse its existing water service line, remove two eyewash stations from the existing building, and add a drinking fountain, a water closet, a lavatory, a janitorial mop sink and a locker mop sink in the new building.

Wastewater: The site sends aqueous wastes from production activities through its on-site pretreatment facility. Wastewater leaving the system is then discharged to the City of Boulder treatment facility. The site operates under City of Boulder Industrial Wastewater Discharge Permit CIU-2021-2. All categorical industrial uses are in compliance with the categorical pretreatment standards at 40 CFR Chapter I, Subchapter N (incorporated per Permit CIU-2021-2, Section VI.) and the site does not discharge prohibited substances to the wastewater system. The proposed Apollo building will not result in any new discharges of pollutants, different discharges of pollutants, or increased significant discharges of pollutants.

Storm drainage: A final storm water report and plan will be reviewed and approved prior to construction of the building to ensure all City of Boulder Design and Construction Standards for storm drainage are met. This is a condition of approval.

Streets: The proposed building will replace an existing building in the same location on a multi-building campus. No new streets are required to serve the building.

Overall, the site is an existing multi-building facility that is connected to existing infrastructure. The proposed replacement of one existing building with the proposed lyophilization building is not expected to significantly adversely impact the infrastructure of the surrounding area. The site infrastructure was designed to accommodate a large industrial use in multiple buildings per the approved PUD, and with this building, the site continues to remain less than the approved square-footage allowed by the PUD.

(4) Character of Area: *Yes*

The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

Staff Response:

The proposal is a minor expansion of the existing manufacturing facility to replace one existing storage building with a manufacturing building. This will not change the character of the area as the site has been used as a manufacturing facility for decades since its original development in the 1960s. The proposed building is located internal to the site, in the same general location as the building it is replacing. The property is designated Light Industrial on both the BVCP and the East Boulder Subcommunity Plan and is not designated as an area of change nor are there adopted design guidelines for the property.

(5) Conversion of Dwelling Units to Nonresidential Uses: *N/A*

There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the substitution of one nonconforming use with another nonconforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental or recreational need in the community, including, without limitation, a use for a daycare center, park, religious assembly, social service use, benevolent organization use, art studio or workshop, museum, or an educational use.

Staff Response:

Not applicable; the proposal does not involve the conversion of a dwelling unit.

9-6-6. - SPECIFIC USE STANDARDS - INDUSTRIAL USES

(b) General Manufacturing:

(1) General Standards: *Yes*

Any general manufacturing use approved pursuant to a use review shall also meet the following standards:

(A) The applicant demonstrates that the use is not detrimental to the public health, safety, or general welfare; and *Yes*

(B) The applicant demonstrates that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination is controlled in accordance with applicable city, state, or federal regulations. *Yes*

Staff Response:

The applicant has provided a Written Statement (Attachment C) for the overall manufacturing campus and subject proposal, an approximately 10,579 square-foot building that will house a lyophilization (freeze drying) process for peptides. The written statement provides information on the facility's processes, infrastructure, and technology to demonstrate that the facility is not detrimental to public health, safety, or welfare and meets or exceeds environmental regulations, as outlined in the documents. The applicant is responsible for obtaining any state or federal licenses to operate the proposed facility.

The site's day-to-day operations (including the proposed Apollo building) do not generate dust, smoke, glare, fumes or environmental vibration due to their nature.

Noise is controlled at the source following standard operating procedures. The production processes planned for the Apollo building do not have major noise sources.

Vapor or air emissions from process vents for the Apollo building will be routed to a condenser system to remove volatile organic compounds and hazardous air pollutants from the vent stream to a receiver, and the condensed liquid in the receiver is then sent to an off-site permitted facility for treatment or disposal. The condenser system operates in compliance with the maximum achievable control technology for the pharmaceutical industry.

Air emissions control, including leak detection and repair, also prevent odors from equipment in normal operation. Employees on-site report and respond to any odors, and response procedures include pausing operations if needed to determine the source of an odor or make any necessary repairs.

Refer to Attachment C for additional details.

I. PROJECT OVERVIEW

- This Phase 1 application is for a Use Review for a new Apollo 1 building on the Corden Pharma Boulder campus. A separate written statement describes the concurrent Minor Modification application.

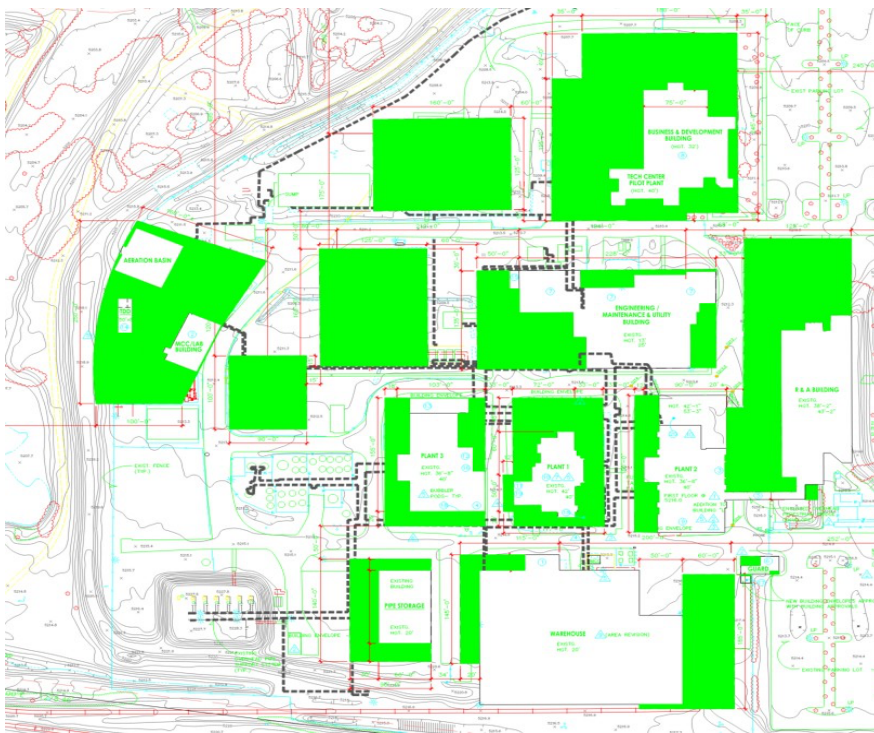


- Corden Pharma Colorado, Inc. (Corden Pharma) is a specialty pharmaceutical manufacturing company that was originally formed in 1946 as Arapahoe Chemicals. Through the years, the company developed an expertise in manufacturing small molecule products, with a focus on high volume active pharmaceutical ingredients.

In 1999, under Roche Colorado's ownership, the plant's focus began to transition to peptides through its involvement as a development and manufacturing site. Designing new equipment and a novel manufacturing approach, Roche Colorado began to produce metric ton quantities of a complex 36 amino acid peptide. Roche Colorado's technology created a new market for the large-scale manufacturing of complex peptides through reliable and efficient synthetic chemical processes.

Corden Pharma is the current owner of the plant and is a world leader in the development and manufacturing of chemically synthesized peptide APIs (Active Pharmaceutical Ingredients). Corden Pharma brings expertise in peptide and small molecule manufacturing which has been realized through significant investments in advanced chemical process equipment and state-of-the-art environmental facilities and infrastructure.

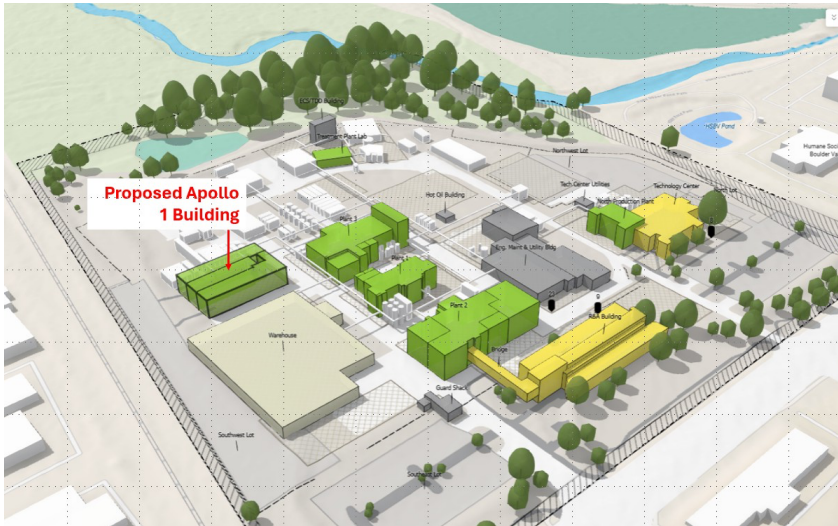
- **This Phase 1 application includes a Minor Modification proposal for a new building (Apollo 1), required floodproofing and compliance with flood protection elevations, and documentation of compliance with Specific Use Standards and Use Review Criteria (in a Use Review).**
- Additional site development applications will follow in two more phases. All three phases will include a Use Review application relevant to that proposal.
 - A **Phase 2** application for a Focused Site Review Amendment and Use Review for the Artemis building will be filed soon (preparation has begun).
 - A **Phase 3** application for a Site Review Amendment and Use Review for an expanded development of the Boulder campus of Corden Pharma, including improvements to remove the site from the floodplain, come into compliance with the Boulder critical facilities ordinance, and site upgrades to comply with the current codes.
 - All three applications will amend the 2009 previously city-approved Corden Pharma Planned Unit Development and subsequent Minor Modification.



2009 CORDEN PHARMA PUD PLAN (GREEN BUILDING FOOTPRINTS)

II. PROJECT SUMMARY – PHASE 1

Apollo 1 Building



Project Summary

A 10,579 gross sq. ft. phased Apollo 1 building is proposed at the site of the current Butler building, which will be mostly demolished. The existing Fire Riser and Electrical rooms which serve other buildings on the campus shall remain (414 sq. ft.). The building location – internal to the Corden Pharma site – is shown above. The building's Phase 1, 6,374 gross sq. ft. in size, will be built as soon as possible upon building permit issuance (note this square footage includes the 414 sq. ft. of the Butler Building that shall remain). The remaining, 4,205 gross sq. ft. of new building will be completed in Phase 2. Timing for Apollo 1's Phase 2 will be determined by future client demands (likely 3 – 7 years) and therefore the applicant requests that the city provides flexibility with the timing of construction of Phase 2, an internal building.

Building phasing is shown on the provided site and architectural plans. Also provided, is the required red-line drawing showing the location and size of the proposed Apollo 1 building (Phase 1 + 2) on the previously approved PUD plan. The Apollo 1 building footprint falls within the 2009 approved PUD footprint for this location with the exception of a minor expansion to the west, to capture an exterior waste tank pad/pit (Phase 1). This will require a 1,260 sq. ft. expansion to the west of the approved PUD footprint. This falls within the allowable 10% width expansion. There will be a net additional gross square footage of 374 sq. ft. after completion of Phase 1. The net new gross square footage after completion of Phase 2 would total to 4,579 sq. ft.

The proposed Apollo 1 building complies with all Minor Modification code standards, as demonstrated below and with the provided attachments.

a. Use Review - Operating Characteristics

City staff has requested that Corden Pharma file a Use Review application concurrent with the Minor Modification for the pharmaceutical manufacturing use proposed for the Apollo 1 building.

Corden Pharma site has only one use, to manufacture pharmaceuticals. All other uses on the site are accessory, including administrative functions, engineering support, lab and testing support, and research and development. Corden Pharma Boulder site currently employs 775 people on a 24x7 operational basis, using multiple shifts. This includes 625 total employees, with 425 on site at one time, plus 150 contractors. 200 employees work nights and weekend shifts. The proposed Apollo 1 building will have the same manufacturing use as the existing campus and will add approximately 20 manufacturing staff to the site.

b. High Level Process Narrative

The Apollo 1 project is designed and operated to be a closed Active Pharmaceutical Ingredient (API) manufacturing process system. Operations in the Apollo 1 process reside on a single floor with hard piped transfer lines and the use of isolators for product handling steps. Transfers into and out of tanks for all liquids on the manufacturing floor are in enclosed stainless steel pipes with tri-clamp connections. Product is introduced to the building via a portable, sealed, stainless-steel, ASME pressure vessel and connected to a transfer panel where it is filtered and transferred into a stainless-steel holding vessel. Product then transfers from the stainless steel holding vessel into enclosed trays, which are then loaded into a lyophilizer, where the product is converted to a powder in its final form. All piping and vessels are ASME certified for both pressure and vacuum. Last, the powder is metered from a sealed product hopper into its final packaging, polymer containers. All operations from filling to final packing is contained in an isolator

c. Wastewater Services

The site operates under Industrial Wastewater Discharge Permit CIU-2021-2. The site does not exceed local limits per Permit CIU-2021-2, Section VI., including the limits in BRC 11-3-5 (see Attachment I, "CITY OF BOULDER'S INDUSTRIAL PRETREATMENT WASTEWATER CLASSIFICATION SURVEY (WWCS), BASELINE MONITORING REPORT (BMR), AND APPLICATION" submitted 2020). All categorical industrial uses are in compliance with the categorical pretreatment standards at 40 CFR Chapter I, Subchapter N (incorporated per Permit CIU-2021-2, Section VI.). The site is not discharging prohibited substances to the municipal wastewater system per permit CIU-2021-2 Section VII., including the specifically prohibited substances outlined in BRC 11-3-4. The current WWCS (Attachment I), as submitted in 2020, remains applicable. The proposed Apollo building will not result in any new discharges of pollutants, different discharges of pollutants, or increased significant discharges of pollutants.

d. Water Services

The site is currently provided domestic water service via a private 4" water distribution system with a master meter located north of the guard shack. An existing 1-½" domestic water service, connected to the private 4" domestic network and currently serving the Butler Building, will be repurposed for the Apollo Building.

The proposed project will remove two (2) eyewash stations from the Butler Building. The Apollo Building will add one (1) drinking fountain, one (1) water closet, one (1) lavatory, one (1) janitorial mop sink and one (1) locker mop sink, for a total of nine and one-half (9.5) fixture units, or a demand of 14.2 GPM. This demand will be insignificant based on the total demand for the entire plant, i.e. less than 1% of the total daily use.

The site is currently provided with fire water service via a private 16" high-pressure fire line. The

high-pressure fire line connects to the Pressure Zone 2 water main located at 55th Street and Arapahoe Avenue. There are 10" and 12" private distribution fire lines located throughout the plant. The Apollo Building will connect to the existing fire protection mains. Design of the Fire Protection System would be completed during the Building Permit Submittal. But there are no capacity issues that would arise given the anticipated fire protection demands from the new building.

Final demands and plant investment fees can be determined at the time of Building Permit submittal.

e. Floodplain Development Considerations

We continue to make progress on the levee design and have accelerated the schedule with the goal to come into compliance with the Critical Facility Ordinance as soon as possible. With that goal, Corden has chosen to simplify the design by removing the option for a rail spur in this levee improvement effort. On behalf of the levee design team, CDMSmith has recently sent the City a set of 60% complete design documents for your review and comment. Our current schedule indicates that 90% design deliverables will be provided for City comment by September 23. Following that, we would anticipate having 100% design documents, including supporting remapping materials, submitted to the City and other reviewers by the end of January 2026. Depending upon the timing and extent of comments, permit applications, including CLOMR submittal to FEMA, would be anticipated by the end of March 2026.

As you know, the levee design involves complex hydraulic models, including MIKE FLOOD modeling, involving both Boulder Creek and South Boulder Creek. Based on end of March date would be the soonest a complete CLOMR submittal could be feasible. We will provide a formal development application, including the CLOMR remapping materials, by March 31, 2026.

f. Use Review

This written statement demonstrates compliance with:

- **ATTACHMENT A: The general Use Review criteria in Section 9-2-15(e) and the Specific Use Standards of 9-6-6(b).**
- **ATTACHMENT B: The applicable application requirements for industrial uses in Section 9-2- 15(b)(4).**
- **ATTACHMENTS C-I: Supporting reports and documents, as referenced in the Attachment B text analysis.**

Attachment I was added to the written statement dated May 20th.

ATTACHMENTS

ATTACHMENT A	Use Review Criteria Analysis of Section 9-2-15(e) and Specific Use Standards of Section 9-6-6(b)
ATTACHMENT B	Use Review Analysis of Section 9-2-15(b)(4): Application Requirements for Industrial Uses
ATTACHMENT C	Environmental Programs Status Report
ATTACHMENT D	Corden Pharma Colorado ISO 14001 Certificate
ATTACHMENT E	Corden Pharma Submits Near-Term Greenhouse Gas Emission Reduction Targets to the SBTi
ATTACHMENT F	Corden Pharma Colorado Signs Off-Site Net Metering with Pivot Energy to Advance Renewable Energy Initiatives
ATTACHMENT G	Corden Pharma Policy on Waste Management and Disposal
ATTACHMENT H	Corden Pharma Policy on Environmental Protection and Sustainability
ATTACHMENT I	City of Boulder's Industrial Pretreatment wastewater classification survey (WWCS), Baseline Monitoring Report (BMR), and Application

ATTACHMENT A

USE REVIEW CRITERIA ANALYSIS OF SECTION 9-2-15(e)

(1) **Rationale:** The use either:

(A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

Not applicable.

(B) Provides a compatible transition between higher intensity and lower intensity uses;

Not applicable.

(C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and nonresidential mixed uses in appropriate locations, and group living arrangements for special populations; OR

*The proposed expansion of the Corden Pharma Boulder Campus pharmaceutical manufacturing capabilities is a clear example of BVCP policy **Revitalizing Commercial & Industrial Areas** in a **Regional Job Center** and supporting a **Compact Development Pattern**. City approval of this application would show strong **Support for Local Business & Business Retention**. The application plans show an **Enhanced Design** of the proposed new building.*

(D) Is an existing legal nonconforming use or an expansion that is permitted under Subsection (f) of this section;

Not applicable.

(2) **Compatibility:** The location, size, design, and operating characteristics of the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties, or, for residential uses or community, cultural, and educational uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

A detailed analysis of any potential impacts and operating characteristics of the proposed manufacturing use in the Apollo 1 building can be found in Attachment B. Because the proposed building is located internally to the Corden Pharma site, the size and design will be compatible with the remainder of the site.

(3) **Infrastructure:** The use will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater and storm drainage utilities and streets, compared to an allowed use in the zoning district, or compared to the existing level of impact of a nonconforming use;

Since the proposed Apollo 1 manufacturing use building will replace an existing accessory building on the Corden Pharma campus, it will not significantly affect the infrastructure of the surrounding area.

- (4) **Character of Area:** The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

The proposed accessory use – the Apollo 1 manufacturing building – will not change the predominant character of the Corden Pharma site, a manufacturing use present in Boulder since 1946. The proposed pharmaceutical manufacturing use is consistent with the existing uses on the site at 2075 55th Street and will be located in a building that replaces an existing building within an approved PUD footprint.

(5) **Conversion of Dwelling Units to Nonresidential Uses**

AND

(f) **And Additional Criteria for Expansion of a Nonconforming Use**

These sections are not applicable to this application.

Specific Use Standards in Section 9-6-6(b)

PRODUCTION AND PROCESSING

(b) General Manufacturing:

(1) General Standards: Any general manufacturing use approved pursuant to a use review shall also meet the following standards:

(A) The applicant demonstrates that the use is not detrimental to the public health, safety, or general welfare; and

Corden Pharma's detailed use review written statement, including attached documents, demonstrates that the proposed Apollo I building and its proposed manufacturing use are not detrimental to the public health, safety, or general welfare. Corden Pharma adheres to a careful hierarchy of controls (as described in Attachment B) for managing chemical handling, storage and spills. This prioritizes elimination of any hazard and ensures site and community safety. The Corden Pharma manufacturing systems are subject to routine inspections, preventative maintenance, and a leak detection and repair program, which minimizes air emissions to protect the public health and welfare. Please see Attachment B for an extensive detailed analysis and additional examples.

(B) The applicant demonstrates that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination is controlled in accordance with applicable city, state, or federal regulations.

*Corden Pharma's detailed use review written statement, with attached documents, demonstrates how the company implements technologies, practices and procedures in order to operate with non-detectable or no quantity of vapor, odor, glare, vibration, fumes or other environmental contamination at the property line during normal operation. Any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination from the proposed Apollo I building and its proposed manufacturing use is controlled in accordance with applicable city, state, or federal regulations. Corden Pharma maintains a **"Policy on Environmental Protection and Sustainability"** (Attachment G) which establishes Corden Pharma's commitment to comply with all applicable environmental laws, regulations and requirements, and to look beyond current legal requirements in order to minimize environmental impact as a part of our obligations to the community. Noise is controlled at the source following standard operating procedures. This practice serves to protect employees from noise hazards and prevent or minimize impacts on neighbors. Air emissions control*

procedures, including leak detection and repair, also prevent odors from equipment in normal operation. Please see Attachment B for an extensive detailed analysis and additional examples.

ATTACHMENT B

USE REVIEW ANALYSIS

COMPLIANCE WITH SECTION 9-2-15(b)(4) APPLICATION REQUIREMENTS – INDUSTRIAL USES

Note: The analysis below is specific to the Apollo 1 building and, as appropriate, overall Corden Pharma site operations and impacts.

- (4) For industrial and commercial uses, the city manager may require the applicant to provide the following additional information and meet the following requirements:

(A) A Pollution Prevention Audit;

Corden Pharma has a strong commitment to sustainability and a history of identifying and implementing measures to minimize the intensity of our processes and the resulting air emissions, waste, water and energy usage. The site material usage, waste quantity and air emissions are reviewed for comprehensive reporting annually, with the data utilized to meet both regulatory and voluntary reporting requirements. Site waste, air emissions, and pollution prevention efforts are reported in the “**Environmental Programs Status Report**” (Attachment C) which has been published and available to the public¹ annually for more than 20 years. This annual report serves as an audit of pollution prevention processes, cataloguing pollution prevention efforts, identifying and designating opportunities for further work. As a Large Industrial Campus, Corden Pharma provides the report to the City of Boulder under the Building Performance Ordinance; an oral report is also delivered to the City in a meeting by Corden Pharma personnel.

Corden Pharma maintains certification to ISO 14001 “Environmental Management Systems”. ISO 14001 is an internationally recognized, voluntary standard which requires implemented systems to achieve continual improvement of environmental performance. (Attachment D, “**Corden Pharma Colorado ISO 14001 Certificate**”). Corden Pharma is certified every three years by a third-party to be conformant with the ISO 14001 requirements, and undergoes an annual audit by the same third party.

(B) Long Term Plans for Reducing Air Emissions and use of Hazardous Materials

Corden Pharma strives for continual improvement of environmental performance. Site strategies include seeking improvements to existing processes where feasible to decrease air emissions, raw material usage or waste resulting from production of a given amount of product paired with development of alternate technologies for greener chemistry.

¹ Publicly available at <https://cordenpharma.com/about-us/safety-health-environment/>, “SHE & ESG Certificates, Colorado (Boulder), US”

The design choice for the proposed Apollo 1 building was made to install no new natural gas combustion systems in order to prevent greenhouse gas and ozone precursor emissions from natural gas combustion. An air emissions control technology was selected that does not burn natural gas. Heating systems for the building are electric. Corden Pharma has joined the Science Based Targets initiative (SBTi), and has submitted decarbonization goals (Attachment E, ***“Corden Pharma Submits Near-Term Greenhouse Gas Emission Reduction Targets to the SBTi”***). These design choices further align with Corden Pharma’s decarbonization goals.

Corden Pharma has developed plans to decarbonize its electrical supply, including signing an off-site net metering agreement to harness renewable energy generated by solar installations on the local grid (Attachment F, ***“Corden Pharma Colorado Signs Off-Site Net Metering with Pivot Energy to Advance Renewable Energy Initiatives”***).

Corden Pharma also works with our customers to minimize hazardous material usage to the maximum extent possible. Corden Pharma is dedicated to working with our customers long-term to support supply chain sustainability.

(C) Data on air emissions control processes and demonstration that appropriate emission control technology is being used;

Corden Pharma at 2075 55th St. operates under operating permit number 95OPBO150, issued by the Colorado Department of Public Health and the Environment Air Pollution Control Division.

Process equipment in the proposed Apollo 1 Building consists of lyophilizer (freeze drying unit) and supporting equipment. This equipment will be installed as part of a minor modification to the operating permit.

Production of active pharmaceutical ingredients using this equipment will result in emissions of volatile organic compounds and organic hazardous air pollutants, which will be routed to a condenser system. The condenser system will remove volatile organic compounds and hazardous air pollutants from the vent stream to a receiver. The condensed liquid in the receiver will be managed following Corden Pharma Colorado’s waste management procedures, and sent off-site to an approved, vetted, and appropriately permitted facility for treatment or disposal. The design of the Apollo 1 condenser system will reduce air emissions of volatile organic compounds and organic hazardous air pollutants by greater than 98% in compliance with the maximum achievable control technology for the pharmaceutical industry.

This emission control technology was selected in order to minimize emissions of VOCs and prevent emissions of nitrogen oxides (NOx), particulate matter, and other combustion products from the proposed Apollo 1 building. This serves to minimize emissions that contribute to formation of ozone in support of the state’s goals for improvement of regional air quality.

An additional component of maximum achievable control technology for the industry are practices for leak detection and repair. Normal operation of equipment over time can result in minor air emissions from components such as pumps, valves and connectors. A leak detection and repair program is in place to proactively detect and repair these leaks to control air emissions.

D) Plans for Chemical Handling, Storage, Chemical Waste Disposal and Spill Prevention

Corden Pharma adheres to the hierarchy of controls for managing chemical handling, storage and spills. This prioritizes elimination of the hazard, followed by replacement with less hazardous options, then engineering controls and finally administrative controls.

Key Corden Pharma practices include;

- Elimination of the hazard by minimizing need for chemical handling and opportunities for spills to occur.
- Chemicals are transferred and handled in closed and sealed systems.
- Containers are transported on pallets to allow visual inspection.
- Spill kits are distributed across the site for rapid access if needed.
- Good housekeeping procedures and regular inspections are in place.

Processing equipment and raw material storage for the proposed Apollo 1 building will be located inside the building, with supporting tanks outside the building located within secondary containment and at building floor elevation. The secondary containment consists of a wall to contain a potential spill from the equipment. The systems are subject to routine inspections, preventative maintenance, and a leak detection and repair program. The leak detection program includes schedules on which components such as pumps, valves and connectors are proactively monitored with a vapor analyzer to detect even a minor vapor leak. Repair is required if a leak is detected. The purpose of the program is to minimize air emissions, by proactive identification and effective repair of leaks.

A mechanical integrity program is in place which includes scheduled equipment and piping inspections and repair through the Corden predictive and preventative maintenance program.

Corden Pharma manages chemical waste per applicable regulatory requirements and furthermore commits to prevent contamination, reduce our overall waste footprint and protect human health and the environment. (Attachment H, “**Policy on Waste Management and Disposal**”). Corden Pharma prioritizes opportunities to minimize waste generation, and where our processes generate waste actively pursue recycling and re-use opportunities. While wastewater is treated in Corden Pharma’s on-site Clean Water Act permitted wastewater treatment plant, all other waste or used materials are sent off-site for recycling or disposal. Only properly permitted treatment and disposal

facilities are used for managing Corden Pharma waste, and Corden Pharma performs robust due diligence to approve these facilities.

Corden Pharma maintains personnel and equipment at 2075 55th St. to form an emergency response brigade capable of response to emergencies such as fires, explosions, spills/releases, rescue operations, medical emergencies and natural disasters. Furthermore, Corden Pharma at 2075 55th St. maintains and adheres to a robust Emergency Action Plan in the event of an emergency. Corden Pharma maintains an ongoing dialogue with the Boulder Fire Department, Boulder County Hazardous Materials Team, and Local Emergency Planning Committee, including hosting emergency response drills.

(E) A description of water and energy conservation measures planned for the use;

Corden Pharma considers water and energy to be key components of sustainability. Water and energy usage are measured, tracked and reported annually. Water and energy conservation measures are prioritized and published in the “**Environmental Programs Status Report**” (Attachment C).

Corden Pharma has implemented an Energy Management System and is undergoing the certification process to ISO 50001 “Energy Management Systems.” Much like ISO 14001, ISO 50001 is an international voluntary standard with the end-goal being continual improvement of energy performance. Furthermore, Corden Pharma has joined the Science Based Targets initiative (SBTi), and has submitted decarbonization goals (Attachment E, “**Corden Pharma Submits Near-Term Greenhouse Gas Emission Reduction Targets to the SBTi**”).

For the proposed Apollo 1 building, Corden Pharma has integrated water and energy usage measures into the design. Non-process HVAC equipment is planned to have heat recovery technology. Motors, such as for agitators (to stir the contents of tanks) and pumps, are procured with Variable Frequency Drives (VFDs) where they are normally expected to run at less than full capacity. Variable Frequency drives allow a motor to run only at the power that is necessary, saving energy. A supporting water utility is being designed with the capability to passively recirculate when water supply is not needed, minimizing water usage.

(F) Plans for Recycling and Minimizing Waste

Corden Pharma recycles general waste, including paper, cardboard, compost, plastic and metals. Corden Pharma also works with its recycling vendors to recycle removed manufacturing equipment as scrap metal wherever feasible – this approach will be used for metals waste from any demolition or site preparation for the use. Scrap metal resulting from the demolition of the existing Butler building will be recycled with a local recycling vendor.

Corden Pharma processes use solvents in the production of pharmaceutical intermediate and APIs. The proposed Apollo 1 building is designed to remove solvent in

production of an active pharmaceutical ingredient and will also use solvent for equipment cleaning. After materials are used for processing or cleaning, Corden Pharma follows a strategy to manage these materials with the lowest possible environmental impact from final disposal, by minimizing transportation and prioritizing recycling. Some wastewaters can be treated in the on-site Clean Water Act permitted wastewater pre-treatment plant, and all other waste or used materials are sent off-site for recycling or disposal. The first priority is to identify opportunities for direct re-use or for recycling. The second priority is use for energy recovery, with the last option being incineration (all final disposal occurs offsite). Corden Pharma leadership commits to this strategy in the **“Policy on Waste Management and Disposal”** (Attachment G) to minimize our overall waste footprint and in general protect human health and the environment. Corden Pharma has a proven track record in prioritizing recycling or re-use; from 2021 – 2023, Corden Pharma sent an average of 24.5% of these materials for direct re-use or recycling.

The proposed Apollo 1 building has been designed in alignment with Corden Pharma’s sustainability goals. A refrigeration system is necessary for the lyophilizer equipment; the design choice was made to use refrigeration media with a GWP of 1 or lower, rather than traditional refrigerants.

(G) The requirements specified in Section 9-6-7(b), B.R.C. 1981, related to oil and gas operations;

This standard is not applicable to Corden Pharma, as there are no oil and gas operations on the site.

(H) A plan of control for any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination, and an estimate of the measurement of each at the property lines.

Corden Pharma maintains a **“Policy on Environmental Protection and Sustainability”** (Attachment H). The policy establishes Corden Pharma’s commitment to comply with all applicable environmental laws, regulations and requirements, and to look beyond current legal requirements in order to minimize environmental impact as a part of our obligations to the community.

Corden Pharma implements technologies, practices and procedures in order to operate with non-detectable or no quantity of noise, vapor, odor, glare, vibration, fumes or other environmental contamination at the property line during normal operation. These technologies, practices and procedures are designed to adhere to and wherever possible exceed the requirements of our applicable environmental permits. All described programs and procedures are implemented and maintained on the current site and will be applied to the proposed Apollo 1 building.

Air Permit

No. 95OPBO150: Title V Operating Permit

Wastewater

No. CIU 2021-2: Industrial Wastewater Discharge Permit (City of Boulder)

Stormwater

No. COR-900000: Certification No. COR-901009 Colorado discharge system

The site operates under Industrial Wastewater Discharge Permit CIU-2021-2. The site does not exceed local limits per Permit CIU-2021-2, Section VI., including the limits in BRC 11-3-5 (see **Attachment I**, “CITY OF BOULDER’S INDUSTRIAL PRETREATMENT WASTEWATER CLASSIFICATION SURVEY (WWCS), BASELINE MONITORING REPORT (BMR), AND APPLICATION” submitted 2020). All categorical industrial uses are in compliance with the categorical pretreatment standards at 40 CFR Chapter I, Subchapter N (incorporated per Permit CIU-2021-2, Section VI.). The site is not discharging prohibited substances to the municipal wastewater system per permit CIU-2021-2 Section VII., including the specifically prohibited substances outlined in BRC 11-3-4. The current WWCS (**Attachment I**), as submitted in 2020, remains applicable. The proposed Apollo building will not result in any new discharges of pollutants, different discharges of pollutants, or increased significant discharges of pollutants.

The proposed Apollo 1 building is located approximately 600 ft west of 55th St., and 100 ft north of the south fence line. Corden Pharma’s day-to-day operations (including the proposed Apollo 1 building) do not generate dust, smoke, glare, fumes or environmental vibration due to their nature.

For the plant site, noise is controlled at the source following standard operating procedures. Active pharmaceutical ingredient production processes planned for the proposed Apollo 1 building do not have major noise sources.

Vapor or air emissions from process vents for the proposed Apollo 1 building will be controlled as described in (C) above. Air emissions control, including leak detection and repair, also prevent odors from equipment in normal operation. It is a responsibility of employees on the site to immediately report any odors, and standard operating procedure is to respond expediently. Response procedures include pausing operations if needed to determine the source of an odor or make any necessary repairs.

Prepared by:
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Safety, Health & Environmental Engineer – Projects

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ATTACHMENT C

CORDENPHARMA COLORADO

ENVIRONMENTAL PROGRAMS STATUS REPORT

June 18, 2024



COLORADO INDUSTRIAL
ENERGY CHALLENGE
Improving Efficiency, Reducing Costs and Emissions



SCIENCE
BASED
TARGETS

DRIVING AMBITIOUS CORPORATE CLIMATE ACTION



Introduction

Status Report History and Purpose

The annual Environmental Programs Status Report (Status Report), which was first issued in 1998, is part of the voluntary pollution prevention program at CordenPharma Colorado. The Status Report serves as an update to the City of Boulder, Boulder County, and the public on the current status and results of CordenPharma Colorado's pollution prevention activities. The Status Report also meets the requirements of City of Boulder municipal code 10-7.7-8(a)(1). The goal is to provide our stakeholders and the general public with an understanding of CordenPharma Colorado's environmental footprint. The Status Report also demonstrates CordenPharma Colorado's commitment to continuous improvement in our operations, both benefitting the patients who depend on the medicines CordenPharma Colorado produces and also protecting the environment. As always, a copy of the latest Environmental Programs Status Report is available for general public review on our website.

Status Report Summary

In 2023, CordenPharma Colorado increased the production of bulk pharmaceuticals and pharmaceutical intermediates by 14 percent from 2022. As a result, there were unfavorable trends in several environmental figures that directly correlate to production rates. However, because of the different environmental impacts of each process, some environmental figures reflect positive trends due to changes in the mix of products produced as well as pollution prevention efforts. Particularly noteworthy are the Process Waste Minimization Goals achieved, which have resulted in significant reductions in hazardous waste generation from processes with complex chemistry that require more solvent than historical processes.

From 2022 to 2023, due to production increases, the total bulk liquid sent offsite increased by 54 percent, but the percentage sent offsite for the beneficial purposes of recycling or energy recovery was 94 percent. Additional changes from 2022 to 2023 include a 41 percent decrease in volatile organic compound emissions. Details can be found in the Summary Tables, beginning on page 12.

Status Report Outline

The remainder of this Status Report includes the following sections:

- **2023 Activity Background**
- **Environmental Compliance and Regulatory Status Changes**
- **Pollution Prevention Goals and Objectives**
- **2023 Summary Tables**

2023 Activity Background

This section of the Environmental Programs Status Report details the production and technical development activities at CordenPharma Colorado and the voluntary environmental performance programs in which the company participates.

Production Activities Summary

CordenPharma Colorado is a member of the CordenPharma Group. The CordenPharma Group includes a network of international companies that manufacture bulk intermediates, active ingredients, and final prescription and over-the-counter medicines.

The current focus of CordenPharma Colorado's activities is the contract production of therapeutic peptides, highly active compounds, and complex small molecules. CordenPharma Colorado sends the compounds it produces to other manufacturing sites for formulation into finished pharmaceutical products. As a multi-purpose facility that can handle small and large scale production, the medicinal compounds that CordenPharma Colorado manufactures frequently change in response to market demand and the development of new therapeutic innovations.

Technical Development Activities

CordenPharma Colorado's technical development activities include designing of manufacturing processes for intermediates and APIs that produce high purity medicinal compounds, while optimizing safety, reliability and cost. These same development activities also have environmental benefits:

- Improving the inherent safety of our manufacturing processes often entails the discovery and development of chemical synthesis routes that minimize or eliminate the use of environmentally undesirable materials.
- The improved synthesis routes that CordenPharma Colorado scientists design also can help avoid high pressure and high temperature process conditions, with both safety benefits and energy savings.
- Starting with the simplest materials as building blocks for our products and improving the efficiency of our manufacturing processes minimizes the demand for raw materials.
- Maximizing the ability of our existing equipment to manufacture pharmaceutical products minimizes the need to construct and operate new facilities.

CordenPharma Colorado's technical development facilities include both laboratories for process research and pilot scale production facilities for manufacturing drug compounds in the quantities necessary for approval by regulatory agencies, to supply the clinical trials for new drugs, and to demonstrate new manufacturing processes.

Voluntary Environmental Performance Programs

CordenPharma Colorado participates in a variety of federal, state, local, and industry-wide initiatives that set challenging pollution prevention standards. The following are the pollution prevention programs in which CordenPharma Colorado currently participates:

City of Boulder Pollution Prevention Program

CordenPharma Colorado has been a voluntary participant in the City of Boulder's Pollution Prevention Program since its inception. Participation in the Pollution Prevention Program began with the development of a "Pollution Prevention Master Plan and Statement of Commitments" and the setting of specific pollution reduction goals. CordenPharma Colorado tracks the success of its environmental initiatives as a founding participant in the Pollution Prevention Program through this annual report to the City of Boulder, now titled "Environmental Programs Status Report."

Colorado Green Business Network (Formerly Colorado Environmental Leadership Program)

The State of Colorado's Environmental Leadership Program has been re-branded to the Colorado Green Business Network. Certification in this program is reserved for companies that voluntarily perform above and beyond existing mandated environmental regulations. Environmental Leaders like CordenPharma Colorado must have a comprehensive and operational environmental management system and a pollution prevention plan that commits the company to a program of continuous environmental improvement. Under the Green Business Network, CordenPharma Colorado has participated in statewide pollution prevention workshops and mentoring programs. Since 2003, CordenPharma Colorado has held the highest environmental honor that the State of Colorado bestows, the title of "Gold Level" Environmental Leader. In 2023, CordenPharma Colorado was honored as a recipient of the Innovation Spotlight Award by the Colorado Green Business Network. This award recognizes companies that have demonstrated outstanding progress and innovation in a specific area of operations, including water, energy, waste, transportation, community, and equity. CordenPharma Colorado received this award for dramatic improvements made to the waste management program.

Science Based Targets initiative (SBTi)

In December 2022, CordenPharma joined the Science Based Targets initiative (SBTi) to actively drive down global emissions across the company. In line with the Paris Agreement's aims to limit the global warming temperature increase to 1.5 °C, halve emissions before 2030 and achieve Net Zero by 2050, CordenPharma has announced that it will evaluate and submit company-wide emissions reduction targets through the Science Based Targets initiative (SBTi). The SBTi partnership independently assesses and approves companies' targets in line with strict criteria, helping to support best practices for ambitious climate action in the private sector. The initiative is a collaboration between the Committee for Development Policy (CDP), the United Nations Global Compact, the World Resources Institute (WRI), and the World Wide Fund for Nature (WWF). To join the initiative, CordenPharma has committed to evaluating and

developing science-based greenhouse gas emission reduction targets aligned with the SBTi criteria. Once set, the targets will be submitted to the SBTi for validation and approval, and eventually published on the SBTi website.

ISO 14001 Certification

CordenPharma Colorado obtained certification under the ISO 14001 standard in 2006 and has maintained the certification since that time. CordenPharma Colorado earned and maintains its ISO 14001 certification through a comprehensive independent audit of the company's environmental, health, safety, and security management system.

Colorado Industrial Energy Challenge

In 2010, CordenPharma Colorado became a Charter Member of the Colorado Industrial Energy Challenge (CIEC) program. CIEC is a voluntary program sponsored by the Colorado Energy Office (CEO) and the U.S. Department of Energy (DOE). The program challenges industrial firms to set energy efficiency goals and to demonstrate progress towards achieving their goals. CordenPharma Colorado was awarded an "Excellence in Energy Efficiency" award in 2012, and again in 2017, for its energy reduction efforts.

Volunteer Work with Boulder County Parks and Open Space

CordenPharma Colorado has been supporting Boulder County Open Space (BCOS) since 2009. Each year, CordenPharma Colorado employees, along with their friends and families, volunteer to spend a day or two working to maintain and improve various open spaces. Employees have built fences, repaired trails, collected native seeds, fixed bridges, restored burned slash pile areas, removed infected trees, and worked on whatever else might be needed.

Public Transit and Bike to Work Day

CordenPharma Colorado provides RTD passes to employees free of cost and promotes use of public transit. Additionally, CordenPharma Colorado participates in annual "Bike to Work Day," encouraging employees to bike to work. Bike racks are available to employees year-round.

Environmental Compliance or Regulatory Status Changes

There was no change in CordenPharma Colorado's regulatory status in 2023.

Pollution Prevention Goals and Objectives

CordenPharma Colorado is committed to pursuing pollution prevention goals associated with our energy reduction, process waste minimization, and other pollution prevention efforts. This section details the progress CordenPharma Colorado made in 2023 towards these goal categories, including specific program achievements and plans for further action in 2024 and 2025.

Energy Reduction Goals

This section details the progress CordenPharma Colorado made in 2023 towards energy reduction goals, including specific program achievements and plans for further action in 2024 and 2025.

Due to recent increases in energy demand driven by facility improvements and growth of the business, energy reduction has been a challenge. From 2022 to 2023, the company energy consumption increased by 7 percent. Longer term, energy consumption at CordenPharma Colorado 55th Street facility has decreased 20 percent since 2005 when the company's original energy goals were set. A number of initiatives have been completed over the last ten years that were highly effective.

As noted above, in 2022 CordenPharma publicly committed to drive down greenhouse gas emissions and joined the Science Based Targets initiative (SBTi). The company is currently working on establishing greenhouse gas emission reduction targets aligned with the SBTi criteria. The following recent objectives are underway to continue to support energy reduction:

Objective 1a: Replace two air compressors with one 200-HP tandem unit with variable frequency drive (VFD) control. This unit will be able to operate as the swing unit to optimize operating efficiency of the air production system.

Achievement: Complete. The air compressors were replaced in December 2022. This unit saves an estimated 551,673 KWH of electricity annually.

Objective 1b: Replace one of the 150HP Pressure Swing Adsorption nitrogen generation air compressor with a dry screw premium efficiency unit that will improve production efficiency.

Achievement: Complete. The PSA compressor was replaced in December 2022. This upgrade reduces electricity usage by an estimated 333,738 KWH annually.

Objective 1c: Upgrade the two fire-tube steam boilers on-site to operate with Low NOx burners and utilize parallel positioning control with oxygen trim. This reduces both the emissions and improves the efficiency of the operating boilers. This is expected to save the equivalent of 311 MWH annually and reduce annual NOx emissions by 1.6 tons.

Achievement: Complete. The boilers were upgraded in October 2023.

Objective 1d: CordenPharma Colorado is partnering with a 3rd party that will install and operate dedicated solar arrays to offset CordenPharma Colorado's electricity usage by feeding into the same electrical grid from which the energy is utilized. Phase 1 is anticipated to provide 5,469 MWH per year with the second phase generating 7,530 MWH per year. When fully complete in 2026 this is expected to transition over 50% of Corden's electrical usage to fully renewable sources.

Objective 1e: Investigate options to promote and invest in renewable energy.

Achievement: In 2023, CordenPharma Colorado joined the Xcel Energy Strategic Energy Management (SEM) program to better assess cost savings and energy efficiencies utilizing Xcel support. CordenPharma Colorado will continue to work with Xcel to drive the expansion of this program.

Objective 1f: CordenPharma Colorado is implementing an ISO 50001 energy management system and pursuing certification by end of 2024.

Process Waste Minimization Goals

CordenPharma Colorado strives to reduce the solvent waste and air emissions its pharmaceutical manufacturing processes generate. The company achieves these goals by modifying manufacturing processes to reduce the need for production material, recycling materials for re-use, controlling air emissions, and many other process waste minimization efforts. Over the years, CordenPharma Colorado has successfully reduced the process waste from many manufacturing steps. The following specific objectives were identified to further advance these efforts in 2022-2024.

Objective 2a: Evaluate a DMF solvent waste stream in a specific manufacturing process for on-site or off-site recycle. DMF will be evaluated for recycling feasibility during the scale-up of this process.

Achievement: Initial engineering evaluations of onsite recycling have been completed, but process development work is ongoing to determine viability. Physical piping improvements were made in 2021 to allow for a portion of the DMF to be recycled off-site. In 2022, CordenPharma made additional capital investment in storage tanks to logistically support more off-site recycle. With these tanks, approximately 350,000 gallons in 2022 and 750,000 gallons in 2023 were shipped for offsite re-use. In 2023 and 2024, an additional project is further expanding CordenPharma Colorado's capacity to recycle large volumes of DMF offsite. This expanded recycling capacity is scheduled to come online in Q3 2024.

Objective 2b: Evaluate an acetonitrile solvent waste stream in a specific manufacturing process for on-site or off-site recycle. Acetonitrile will be evaluated for recycling feasibility during the scale-up of this process.

Achievement: Initial engineering evaluations of onsite recycling have been completed, but more process development work will be required to determine viability. Physical improvements were made in 2023 to allow for acetonitrile to be recycled off-site. In 2023, approximately 120,000 gallons of acetonitrile were shipped offsite for recovery. Additionally, in 2023 and 2024, an additional project is further expanding CordenPharma Colorado's capacity to recycle acetonitrile offsite. Finally, engineers are currently exploring opportunities to separate the water from the acetonitrile stream to facilitate improved recovery efficiency.

Objective 2c: Re-design a process to remove a chromatography step and thereby significantly improve the Process Mass Intensity (PMI).

Achievement: Complete. The development group successfully demonstrated the process change in the laboratory, and then in 2023-2024 it was implemented in the manufacturing plant. Solvent usage and waste per kilogram of product produced was reduced by nearly 95 percent, avoiding nearly 1,000,000 liters of solvent waste in 2023 and 2024.

Objective 2d: Increase the product loading per injection in two steps of a purification process to increase the efficiency, reduce the number of chromatography injections required per batch, and effectively reduce the solvent use per mass of product produced.

Achievement: Complete. This change was successfully implemented in February 2023, resulting in a 30 percent reduction in waste volume per batch, reducing waste generation by approximately 51,000 liters per batch.

Objective 2e: Improve the lifetime of the packing used in a chromatography column. This effort will reduce the need to re-pack the column, thereby reducing solvent waste.

Achievement: Complete. Improvements were made in August 2023 to reduce backpressure on the column, nearly doubling the lifetime of the column packing. Each column re-packing operation generates 9,000 liters of waste, so overall the waste was reduced by nearly 50 percent.

Objective 2f: Reduce equipment flushing volumes in a specific process step. This will reduce the solvent usage and waste generation.

Achievement: Complete. In February 2023, the reduction in solvent flushes were demonstrated and implemented. At full production volumes for this process, this improvement saves approximately 5,400 liters acetonitrile and 12,400 liters of water per month.

Objective 2g: Implement solvent recovery for ethyl acetate into an existing process.

Achievement: Complete. The process was modified in January 2024 and now recycles approximately 2,000 liters of ethyl acetate per batch.

Objective 2h: Investigate potential outlets for offsite recycling of waste streams from two processes. These streams could undergo recycling for key components. This would result in recycling of up to 2,500 gallons per batch of one process, and 3,000 kg per batch for the other.

Objective 2i: Explore opportunities to reduce solvent usage in peptide manufacturing through in-line instrumentation technology. Using this concept, solvent washes can be reduced to the minimum required to meet the measured endpoints, instead of the current method of utilizing higher predefined solvent volumes. Laboratory demonstrations have indicated that solvent consumption in one step of the peptide build can be reduced by 35 to 50 percent and by 25 percent in a different step.

Objective 2j: Investigate potential outlets for offsite recycling of a specific solvent waste stream from a process currently in development. This goal would facilitate waste diversion streamlined with future process scale-up.

Objective 2k: Replace exit signs that contain radioactive tritium with LED signs. This is a multi-year replacement project.

Achievement: This effort has begun, and as of the publication of this report, 20 exit signs have been removed from buildings and arrangements have been made to recover the tritium. Removal efforts are ongoing.

Other Pollution Prevention Activities

In addition to the projects and plans mentioned above, all CordenPharma Colorado process teams continue to identify and evaluate pollution prevention opportunities in their areas of expertise. The Pollution Prevention Team supports and tracks all pollution prevention efforts at CordenPharma Colorado, with a focus on reducing energy consumption and solvent usage and increasing solvent recovery in production processes.

2023 Summary Tables

2023 Production at CordenPharma Colorado

In 2023, as measured by mass, CordenPharma Colorado increased the production of bulk pharmaceuticals and pharmaceutical intermediates by 14 percent from 2022. At the same time, the company's raw materials usage also increased by 28 percent. The environmental figures below reflect the result of both CordenPharma Colorado's production changes as well as the company's implementation of pollution prevention measures.

Recycling of Raw Materials – Onsite Recycling

The table below compares process requirements and recycling volumes for chemicals that were recycled onsite. The "process requirement" represents the amount of each material needed during the year. The "amount recycled" reflects the reuse of a compound in a process, rather than disposing of it. The "percentage recycled" is the percentage of the process requirement that was met using recycled material instead of virgin material.

Chemical ¹	Process Requirement (lbs)	Amount Recycled (lbs)	Percentage Recycled
Methanol	1,706,000	181,000	10.6%

¹ Offsite recycling is not included in this list. See table below, "Bulk Liquid Sent Offsite- Waste and Recycling"

Water Usage

The following table details water use at CordenPharma Colorado.

Type of Usage	2019 (gallons)	2020 (gallons)	2021 (gallons)	2022 (gallons)	2023 (gallons)
Sterling Drive Facility	---	---	783,000	529,000	No Data ¹
55 th Street Facility	35,840,736	36,280,571	42,862,537	50,411,000	45,051,000

¹ At time of publication, water usage data was not available for the Sterling Dr. facility. This report will be updated when water usage data is acquired.

Wastewater Pretreatment Plant Discharge

The CordenPharma Colorado 55th Street site sends aqueous wastes from production activities through its onsite pretreatment facility. Wastewater leaving the system is discharged to the City of Boulder treatment facility. The following table lists the major components of the wastewater that CordenPharma Colorado discharges to the City of Boulder treatment facility.

	Discharge (in Pounds unless otherwise indicated)					
	1995 (Baseline)	2019	2020	2021	2022	2023
Volume, gal	21,035,000	11,107,944	12,554,033	11,091,910	11,232,526	10,233,741
Total Organic Content (TOC)	115,000	5,990	6,247	5,510	10,729	9,358
Phosphorus				1,668	1,247	1,539
Chromium	31	1.0	1.2	1.3	2.1	1.6
Copper	4.3	11.5	9.5	10.4	23.0	19.5
Lead	2.8	0.0	1.3	1.4	0.0	1.0
Nickel	4.1	2.8	3.1	2.8	4.7	3.7
Zinc	73	42.1	45.5	53.2	103.0	99.4

Bulk Liquid Sent Offsite - Waste Disposal and Recycling

The following values represent the amount of material CordenPharma Colorado sent offsite in bulk quantities for recycling, energy recovery, or incineration. Due to an increase in production, a change in production mix, and the different solvents required for each product, from 2022 to 2023; the total bulk liquid sent offsite increased by 54 percent, and bulk liquid sent offsite per unit of product produced increased by 35 percent. The percentage sent offsite for the beneficial purposes of recycling or energy recovery was 94 percent.

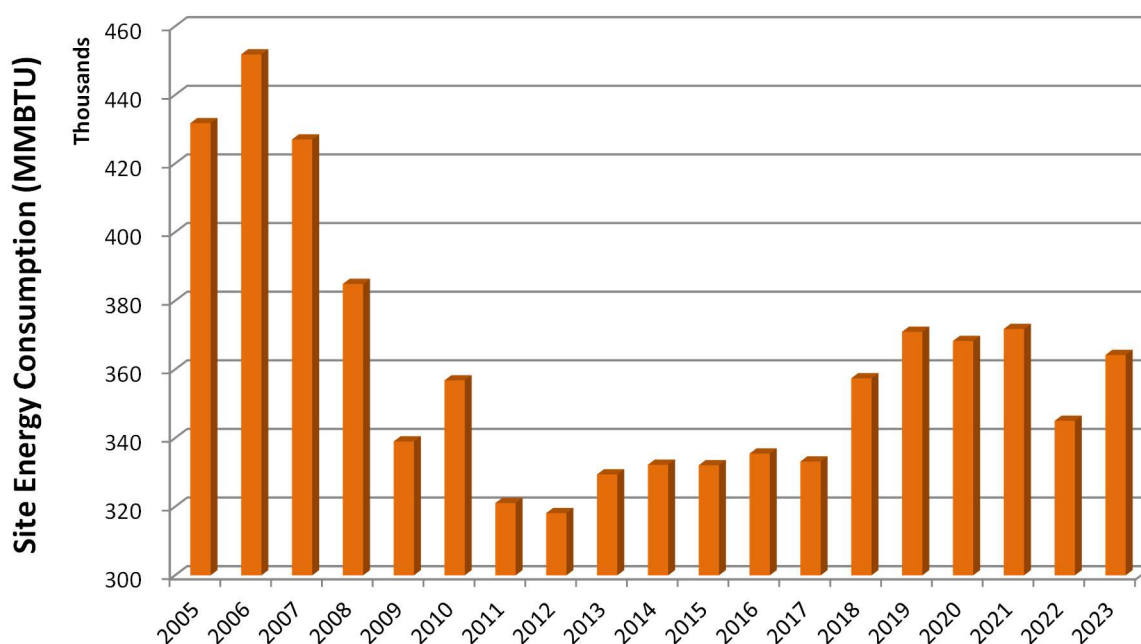
Description	2019	2020	2021	2022	2023
Total bulk liquid sent offsite (kg)	4,768,507	9,401,938	15,377,249	10,948,844	16,827,046
% Change from previous year	+40%	+97%	+64%	-29%	+54%
% Sent offsite for recycling	0.4%	0%	19.4%	31.5%	22%
% Sent offsite for energy recovery	92%	97%	78.1%	64.1%	72%

Energy Consumption

The following table presents the standard energy metrics of natural gas and electricity consumption at CordenPharma Colorado. From 2022 to 2023, both natural gas and electricity consumption increased.

Energy Type	Site	2019	2020	2021	2022	2023
Natural Gas (therms)	55 th Street	1,350,160	1,283,270	1,270,750	1,230,600	1,350,780
	Sterling Drive	---	---	139,623	136,111	148,995
Electricity (KWH)	55 th Street	23,596,124	23,997,928	24,340,650	22,196,220	22,913,983
	Sterling Drive	---	---	2,890,405	3,207,665	2,997,750

55th Street Combined Onsite Energy Use (Electricity & Natural Gas)



NOTE: Electricity unit conversions made using Colorado Industrial Energy Challenge methodology, accounting for typical coal plant thermal efficiency.

Air Emissions

The following table displays the 55th Street CordenPharma Colorado facility air emissions, divided into Toxic Release Inventory (TRI) compounds, Hazardous Air Pollutants (HAPs), and Volatile Organic Compounds (VOCs), in pounds unless otherwise indicated. From 2022 to 2023, VOC emissions decreased by 41 percent, and HAP emissions decreased by 27 percent. Changes in magnitude of production and differences in products manufactured resulted in the decrease.

	1989 (Baseline)	2019	2020	2021	2022	2023
Acetone ³	242,500	4,130	640	780	100	300
Acetonitrile ^{1, 2}	--	8,800	9,400	9,500	4,700	5,800
Dimethylformamide ^{1, 2}	--	1,120	2,100	2,100	1,800	1,500
1,4-Dioxane ^{1, 2}	--	570	2	2	--	--
Hexane ^{1, 2}	36,600	1,450	470	1,200	330	500
Hydrochloric acid ¹	4,000	390	350	340	350	150
Methanol ^{1, 2}	109,600	6,420	6,600	12,600	9,400	3,900
Methyl chloride ^{1, 2}	6,700	--	--	--	--	--
n-Methyl-2-pyrrolidinone ²	--	5	5	5	20	1
Methyl Tert-Butyl Ether ^{1, 2}	--	3,420	7,000	6,200	3,600	3,700
Methylene chloride ¹	103,300	1,240	2,100	2,800	2,600	1,700
Pyridine ²	--	--	--	2	10	4
Toluene ^{1, 2}	284,400	640	1,300	2,700	1,800	300
Triethylamine ^{1, 2}	--	30	1	0.1	1	1
Total TRI air emissions (tons)	375	12	14	19	12	9
% change from previous year	--	50%	17%	36%	-37%	-25%
% change from 1989	--	-97%	-96%	-95%	-97%	-98%

Total HAP emissions (tons)	293	12	15	19	12	9
% change from previous year	--	50%	25%	27%	-35%	-27%
% change from 1989	--	-96%	-95%	-94%	-96%	-97%

Total VOC emissions (tons)	490	20	27	30	20	12
% change from previous year	--	25%	35%	10%	-32%	-41%
% change from 1989	--	-96%	-94%	-94%	-96%	-98%

¹ These chemicals are also classified as HAPs and are included in the HAP total above.

² These chemicals are also classified as VOCs and are included in the VOC total above.

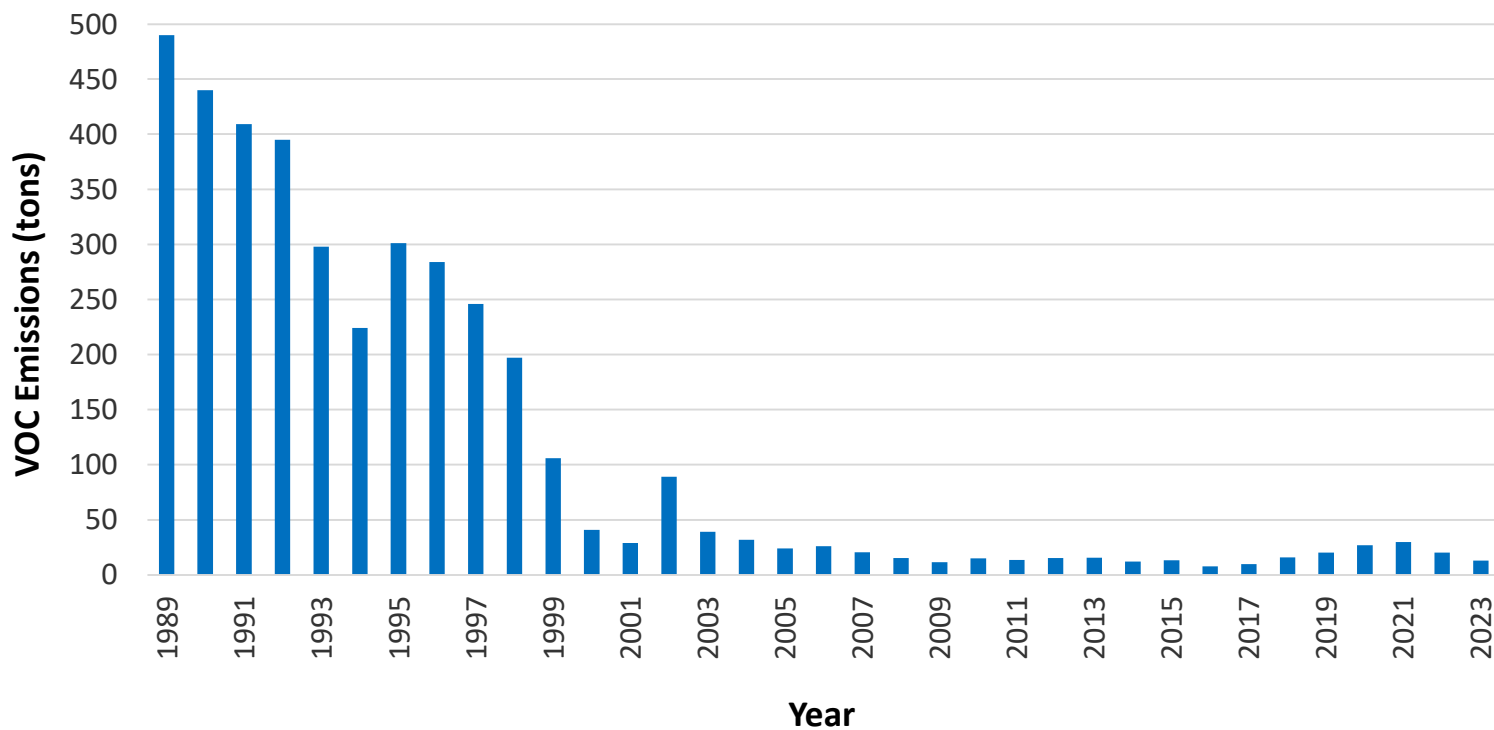
³ Acetone is no longer included in TRI. It is also no longer classified as a VOC. After 1996, it is not included in the VOC total.

⁴ Shaded blocks indicate that TRI reporting for that chemical was not required during that year. They are not included in the TRI emissions total.

HAP = Hazardous Air Pollutant

VOC = Volatile Organic Compound

Volatile Organic Compounds (VOC) Air Emissions Trend, since 1989



General Waste Recycling

In 2023, CordenPharma Colorado recycled a considerable amount of general waste. The recycled metals volume presented here includes recycling of removed manufacturing equipment. In 2023, CordenPharma Colorado recycled about 85,000 pounds of office paper, shredded documentation, newspaper, cardboard, magazines, and phone books. These efforts helped CordenPharma Colorado save an estimated 611 trees from destruction.

Type of Material	Pounds Recycled
Paper and Cardboard	85,000
Metals	430,000
Plastic	2,800
Compost	3,500

CERTIFICATE OF REGISTRATION

This is to certify that the management system of:

Corden Pharma Colorado, Inc.

Main Site: 2075 55th Street, Boulder, Colorado 80301, United States

Additional Site: 4876 Sterling Drive, Boulder, Colorado, 80301, United States

has been registered by Intertek as conforming to the requirements of:

ISO 14001:2015

The management system is applicable to:

Research, development and manufacturing of active pharmaceutical ingredients (API's) and pharmaceutical intermediates.

Certificate Number:

CERT-0107952

Initial Certification Date:

21 November 2006

Last Certificate Expiry Date:

08 December 2023

Date of Last Recertification Audit:

27 September 2023

Certification Cycle Start Date:

09 January 2024

Issuing Date:

09 January 2024

Valid Until:

08 December 2026



intertek

A handwritten signature in black ink, appearing to read "Calin Moldoveanu".

Calin Moldoveanu

President, Business Assurance

Intertek Testing Services NA, Inc. 900 Chelmsford Street, Lowell MA 01851, USA



ATTACHMENT E



CordenPharma Submits Near-Term Greenhouse Gas Emission Reduction Targets to the SBTi

- In November 2024, CordenPharma submitted near-term greenhouse gas (GHG) emission reduction targets to the SBTi for approval and validation.
- CordenPharma also published its 2023 greenhouse gas (GHG) emissions through the environmental disclosure system of CDP, formerly known as the Carbon Disclosure Project.
- CordenPharma collaborated with a renowned third-party consultancy to set climate objectives and a global decarbonization strategy to be implemented over the next decade.

3 December 2024 – Basel, Switzerland >

After joining the [Science Based Target initiative \(SBTi\)](#) in December 2022, CordenPharma is proud to announce submission of its near-term greenhouse gas (GHG) emission reduction targets to the SBTi in November 2024 for approval and validation. This reflects CordenPharma's strong commitment to taking climate action across its global network and supporting its customers to reduce their indirect GHG emissions.

To set climate objectives, CordenPharma calculated its carbon footprint from the base year 2023 using the GHG protocol methodology. Under the GHG protocol, GHG emissions are categorized into three different scopes, depending on whether they are generated from an entity's own operations or from their value chain partners.

To make CordenPharma's environmental impact transparent, the calculated carbon footprint was reported through the environmental disclosure system of CDP, formerly known as the Carbon Disclosure Project. This published environmental data is often utilized by disclosers, capital markets, customers, and other stakeholders to make informed decisions and drive action.

CordenPharma set its near-term climate objectives and a global decarbonization strategy to achieve them over the next decade in collaboration with a renowned third-party consultancy. With photovoltaics already installed at its Lisbon, Portugal and Fribourg, Switzerland sites, biogas used at the Liestal, Switzerland facility, and the investment into an offsite solar electricity park for the Colorado, USA site, CordenPharma has already taken important steps towards its climate ambitions.

Dr. Michael Quirnbach, President & CEO of the CordenPharma Group comments: "Taking more pro-active carbon emission reduction actions enhances our competitiveness in the transition to a low-carbon economy and the collaboration with customers in achieving their climate change goals."

Viviana Occhionorelli, Partner, ESG at Astorg comments: "We endorse the progress made by CordenPharma on the quantification of the emissions and the submission of their near-term GHG emission reduction targets to the SBTi that demonstrate strong commitment in line with our ambition to lead on climate action."

In 2022, CordenPharma was acquired by Astorg, a leading pan-European private equity firm to support the growth and development of the company. Through this partnership, Astorg's ESG team collaborates with CordenPharma to accelerate its sustainable journey.



An aerial view of photovoltaic panels installed at the CordenPharma Fribourg, Switzerland facility.

About CordenPharma

CordenPharma is a CDMO partner supporting biotech and pharma innovators of complex modalities in the advancement of their drug development lifecycle. Harnessing the collective expertise of the teams across its globally integrated facility network, CordenPharma provides bespoke outsourcing services spanning the complete supply chain, from early clinical-phase development to commercialization.

With scientific expertise and partnership at its core, CordenPharma provides customers high-value, end-to-end services with a strategic focus on Peptides, Oligonucleotides, customized Lipid Excipients, Lipid NanoParticles (LNPs), sterile Injectables, and the extensive supply of Small Molecules (both Highly Potent and Regular Potency).

The CordenPharma Group is comprised of 11 facilities across Europe and North America. In the 2023 financial year, the organization generated sales of €880 million and had over 3,000 employees.

Please visit cordenpharma.com for more information | Follow CordenPharma on [LinkedIn](#).

About Astorg

Astorg is a leading pan-European private equity firm with over €23 billion of assets under management. Astorg works with entrepreneurs and management teams to acquire market leading global companies headquartered in Europe or the US, providing them with the strategic guidance, governance and capital they need to achieve their growth goals. Enjoying a distinct entrepreneurial culture, a long-term shareholder perspective and a lean decision-making body, Astorg has valuable industry expertise in healthcare, software and technology, business services and technology-based industrial companies. Headquartered in Luxembourg, Astorg has offices in London, Paris, New York, Frankfurt, and Milan.

For more information about Astorg: www.astorg.com | Follow Astorg on [LinkedIn](#).

CordenPharma Media Contacts

North America: abby.thompson@cordenpharma.com | Europe & Asia: eva.schaub@cordenpharma.com



CordenPharma Joins the Science Based Targets initiative (SBTi) to Set Greenhouse Gas Emission Reduction Targets

2 December 2022 – Luxembourg >

[CordenPharma](#), a full-service Contract Development Manufacturing Organization (CDMO) of innovative Active Pharmaceutical Ingredients (APIs), Lipid Excipients, and Drug Products, is proud to announce that as of 1 December 2022, it has joined the [Science Based Targets initiative \(SBTi\)](#) to actively drive down global emissions across the company.

In line with the Paris Agreement's aims to limit the global warming temperature increase to 1.5 °C, halve emissions before 2030 and achieve Net Zero by 2050, CordenPharma has announced that it will evaluate and submit company-wide emissions reduction targets through the Science Based Targets initiative (SBTi).

The SBTi partnership independently assesses and approves companies' targets in line with strict criteria, helping to support best practices for ambitious climate action in the private sector. The initiative is a collaboration between the [Committee for Development Policy \(CDP\)](#), the [United Nations Global Compact](#), the [World Resources Institute \(WRI\)](#), and the [World Wide Fund for Nature \(WWF\)](#).

To join the initiative, CordenPharma has committed to evaluating and developing over the next year science-based greenhouse gas emission reduction targets aligned with the SBTi criteria. Once set, the targets will be submitted to the SBTi for validation and approval, and eventually published on the SBTi website.

Dr Michael Quirnbach, CEO & President of CordenPharma, commented: "Environmental, Social & Governance (ESG) is a top priority of both CordenPharma and our new private equity shareholders, Astorg. We are already working with companies such as Ecovadis on achieving the highest level of sustainability ratings for our facilities.

It is our responsibility as a leading CDMO to join the Science Based Targets initiative, as it represents a powerful opportunity to demonstrate to our customers how CordenPharma contributes towards the global transformation to a low-carbon economy. We know our customers put a lot of emphasis on ESG, so they look for that in a supplier. The validation and approval from the SBTi will give them visibility into understanding our reduction targets and processes to reduce carbon footprint throughout our organization at every level."

Judith Charpentier, Partner, Head of Healthcare Investing at Astorg commented: "At Astorg ESG is a key part of sustainable value creation in our companies. As part of its ESG agenda, CordenPharma is making today a strong commitment to reduce its carbon emissions by joining the SBTi. Astorg will fully support the company on this journey."

CordenPharma is also in the process of developing an action plan involving the help of all ~3,000 employees to implement the SBTi emission reduction targets and align with a Net Zero future, while ensuring positive impacts for the global communities it serves.



[Photo by CordenPharma] – CordenPharma CEO Dr. Michael Quirmbach (middle) and Corporate Safety, Health & Environment Manager Tobias Patommel (left) join Judith Charpentier, Partner, Head of Healthcare Investing at Astorg (right) to present CordenPharma's signed Commitment Letter submitted to the Science Based Targets initiative (SBTi) on 1 December 2022.

About CordenPharma

CordenPharma is a full-service partner in the Contract Development & Manufacturing (CDMO) of innovative APIs, Lipid Excipients, and Drug Products. Through a growing network of cGMP facilities across Europe and the US organized under five Technology Platforms - Peptides - Lipids & Carbohydrates - Injectables - Highly Potent & Oncology - Small Molecules - CordenPharma experts translate complex processes and projects at any stage of development into high-value products.

For more information about CordenPharma, [contact us](#) or visit cordenpharma.com.

CordenPharma Media Contacts

North America

abby.thompson@cordenpharma.com

Europe & Asia

eva.schaub@cordenpharma.com

CORDEN PHARMA COLORADO POLICY ON WASTE MANAGEMENT AND DISPOSAL

Corden Pharma Colorado("CPC") is committed to reducing waste and effectively managing the waste we generate. We pursue recycle and reuse opportunities actively. We focus on preventing pollution and minimizing the generation of hazardous and non-hazardous waste.


Soil and groundwater contamination at industrial sites such as CPC can endanger the environment, as well as the health and safety of workers and nearby residents. CPC works to prevent such contamination by:

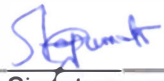
- Reducing our overall waste footprint
- Maintaining strong waste management practices
- Supporting robust due diligence to evaluate potential liabilities

When contamination is found, we mitigate any immediate risk, assess the potential impact and take remediation steps.

When solid or hazardous waste must be disposed, we do so in a manner to protect human health and the environment as defined in the regulatory statutes governed by the Federal, State and local laws. While managing these wastes by these laws, additional consideration is taken to avoid future liabilities associated with the waste disposal practices including pre-assessment and qualification of all treatment and disposal facilities. Only properly permitted treatment and disposal facilities are used for managing CP waste.

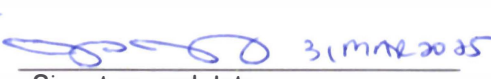
 31 MAR 2025
Signature and date
Mike Landau
President & CEO


 4/1/25
Signature and date
Kellee Barbree
Head of Human Resources


 31 Mar 2025
Signature and date
Stephen Ouma
Director, Finance

 31 Mar 2025
Signature and date
Charles Tucker
Director, Development

 31 MAR 2025
Signature and date
Koleen Green
Director, Quality Assurance & Control


 31 MAR 2025
Signature and date
Jon Dreiling
Director, Peptides

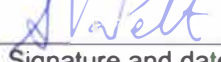
 31 mar 2025
Signature and date
Julia Reeves
Director, Program Management

 31 MAR 2025
Signature and date
Chantay Erickson
Director, Supply Chain

 31 MAR 2025
Signature and date
Sabine Frutiger
Director, Technical Operations

 31 MAR 2025
Signature and date
Kristina Bishard
Associate Director, Operational Excellence

 31 Mar 2025
Signature and date
Robin Livingston
Associate Director, Safety, Health and Environment

 31 Mar 2025
Signature and date
Stephen Van Pelt
Associate Director, Information Technology and Automation

**CORDEN PHARMA COLORADO
POLICY ON ENVIRONMENTAL PROTECTION AND SUSTAINABILITY**

We, the employees of Corden Pharma Colorado, are dedicated to manufacturing high-quality pharmaceutical products while striving to protect and enhance our natural environment in accordance with the principles of sustainability.

We hereby commit to:

1. Comply with all applicable environmental and energy laws, regulations and other requirements to which Corden Pharma subscribes in our procurement, research, manufacturing, waste management, and distribution activities;
2. Establish management systems that reflect our role as responsible stewards of the environment, and incorporate the goal of continuous improvement of environmental and energy performance into the fundamental business activities we undertake;
3. Routinely review our manufacturing operations for the purpose of making environmental quality and energy performance improvements to minimize emissions and waste from the facility, consistent with our obligations to our shareholders and our community;
4. Conduct regular, ongoing evaluation programs to assess our compliance with regulatory requirements and our progress toward achieving our goals, relative to operating our facility and enhancing environmental quality and energy performance;
5. Look beyond current legal requirements, follow technological advancements and explore opportunities to develop technically sound programs that may be implemented to reduce impacts on our environment (including those resulting from energy usage); and
6. Keep all employees and the community informed about the potential environmental risks of our operations and the progress of our programs for minimizing those risks.

 31 MAR 2025

Signature and Date
Mike Landau
President & CEO

 4/1/25

Signature and Date
Kellee Barbee
Head of Human Resources

 31 MAR 2025

Signature and Date
Stephen Ouma
Director, Finance

 31 MAR 2025

Signature and Date
Charles Tucker
Director, Development

 31 MAR 2025

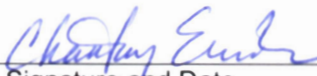
Signature and Date
Koleen Green
Director, Quality Assurance & Control

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 31 MAR 2025

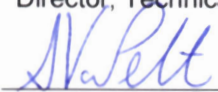
Signature and Date
Sabine Frutiger
Director, Technical Operations

 31 MAR 2025

Signature and Date
Kristina Bishard
Associate Director, Operational Excellence

 31 MAR 2025

Signature and Date
Robin Livingston
Associate Director, Safety, Health and Environment

 31 MAR 2025

Signature and Date
Stephen Van Pelt
Associate Director, Information Technology and Automation

ATTACHMENT I



August 26, 2020

Delivered via e-mail and USPS

Sheri Duren
City of Boulder
Water Quality and Environmental Services
4049 North 75th Street
Boulder, CO 80301
DurenS@bouldercolorado.gov

RE: Industrial Discharge Permit Application
Updated Wastewater Classification Survey

Ms. Duren:

Enclosed is an Industrial Discharge Permit Application as well as an updated Wastewater Classification Survey ("Survey") for Corden Pharma Colorado (CPC) for your use with renewing our discharge permit.

If you have any questions about the attached information or need any additional information, please do not hesitate to contact me at (303)938-6540.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robin L.", with a stylized flourish at the end.

Robin Livingston
Manager, Environmental, Health & Safety

Encl: Industrial Discharge Permit Application
Wastewater Classification Survey
Water Balance Discharge Map
Waste Water Pre-treatment Flowsheet
2019 Tier 2 Report
Spill Control Plan 2020

File Code: EHS-WAT-PER-2020
EHS-WAT-PER-WCS-Y20



City of Boulder Public Works

Industrial Discharge Permit Application

- All new permittees must submit this application at least sixty (60) days prior to a discharge into the POTW. (BRC 11-3-14)
- It is the responsibility of the industrial user (IU) to apply for renewal of a discharge permit at least sixty (60) days prior to the current permit's expiration date.
- To apply for a permit renewal, complete this form, and submit it to:

City of Boulder
Attn: Pretreatment Supervisor
4049 N 75th Street
Boulder, CO 80301

An expired permit will continue to be effective and enforceable until a new permit is issued if:

- The permittee submitted a Permit Renewal Application at least sixty (60) days prior to the expiration date of the user's existing permit.
- The failure to reissue the permit prior to the expiration date of the previous permit is not due to any act or failure on the part of the permittee.
- The extension of the existing permit does not cause the permit to be in effect more than five (5) years from the effective date.

NEW
Permit

Renewal of Existing Permit

☐

☒

Current Permit No: CIU-2016-3

Expiration Date: 3/31/2021

General Information

Industry Name:	Corden Pharma Colorado, Inc.
Facility Site Address:	2075 55 th Street, Boulder, CO 80301
Mailing Address:	2075 55 th Street, Boulder, CO 80301

Contact Information (from owner or vice president level to day-to-day environmental contact including the finance contact)

<u>Name</u>	<u>Title</u>	<u>Phone/Email</u>	<u>Authorized Representative</u>
Brian McCudden	Managing Director / President / CEO	303-442-1926 Brian.McCudden@CordenPharma.com	<input checked="" type="checkbox"/> Title <input type="checkbox"/> DOAR ¹
Robin Livingston	Manager, Environmental, Health & Safety	303-938-6540 Robin.Livingston@cordenpharma.com	<input type="checkbox"/> Title <input checked="" type="checkbox"/> DOAR
Gregg MacDonald	Distinguished Utilities / Site Infrastructure & Environmental Engineer	303-938-6356 Gregg.MacDonald@cordenpharma.com	<input type="checkbox"/> Title <input checked="" type="checkbox"/> DOAR
Glenn Smith	Environmental Operations Engineer	303-938-6367 Glenn.Smith@cordenpharma.com	<input type="checkbox"/> Title <input checked="" type="checkbox"/> DOAR

¹ **DOAR – Designation of Duly Authorized Representative** – An Authorized Representative (by title) may designate other staff to participate as a Duly Authorized Representative. The Authorization is in effect until the Authorized Representative (by title) no longer holds the appropriate title or the Authorization is revoked in writing.

Attach copy of any applicable DOAR to the application.

Wastewater Classification Survey

The industrial user shall complete an updated Wastewater Classification Survey (WWCS) at least once every five (5) years or whenever changes or modifications are made to industrial processes that result in new, different, or increased discharges of pollutants.

If an industrial user has not completed a WWCS in the previous five (5) years, an updated WWCS shall be submitted at least sixty (60) days prior to the current permit's expiration date.

Date of Most Recent WWCS	Modified WWCS Included	WWCS \$100 review fee	Permit Flow Requested (gpd) ²
9/12/2016	<input checked="" type="checkbox"/>	<input type="checkbox"/> Check Included made out to <u>City of Boulder</u> <input checked="" type="checkbox"/> Invoice Requested	36,432

Certification

Per Boulder Revised Code (BRC) 11-3-18, Reports shall be signed by an authorized representative and shall include the following statement:

"I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my examination of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

Printed Name: Brian McCudden Title: President and CEO

Signature:  Date: 8/25/2020

Authorized representative of industrial user means either a principal executive officer of at least the level of vice president, if the industrial user is a corporation; a general partner or proprietor, if the industrial user is a partnership or proprietorship; or a duly authorized representative, if such representative is responsible for the overall operation of the facilities from which any direct or indirect discharge originates.

² **Permit Flow Requested** – this is the amount of flow that the permit is based on. Requests will be evaluated against previous discharges if applicable.



City of Boulder Public Works

CITY OF BOULDER'S INDUSTRIAL PRETREATMENT WASTEWATER CLASSIFICATION SURVEY (WWCS) AND BASELINE MONITORING REPORT (BMR)

Please read all the application before beginning. Do not leave a section blank. If it does not apply, mark "N/A". Attach additional sheets anywhere needed to have a complete and accurate submittal.

BRC 11-3-14 – Wastewater Classification Survey

- (a) Sixty (60) days prior to discharge into the POTW, all users as required by the city manager, shall pay the filing fee prescribed by [section 4-20-31](#), "Wastewater Classification Survey Filing Fee and Industrial and Groundwater Discharge Permit Fees and Charges," B.R.C. 1981, and complete and file with the city manager a wastewater classification survey.

There may be a WWCS Filing Fee as indicated above. All IUs that hold a discharge permit are required to submit the fee. Others shall contact the Industrial Pretreatment Program at COBPretreatment@BoulderColorado.gov for more information or to request an invoice.

- (b) All users obtaining a building permit for initial construction or for building expansion or remodeling shall complete and submit the survey to the city manager for review prior to approval of the building or remodeling permit.
- (c) All users shall update the wastewater classification survey on file with the city manager once every five years or whenever significant changes are made in the wastewater discharge. Significant changes include, without limitation, an increase or decrease in wastewater volume, concentration of materials or substances or changes in types of wastes that will last for a period exceeding normal wastewater production variations. If the normal quantity or quality of the discharge has changed, the user shall so notify the city manager by letter. The city manager may request a new submittal of the wastewater classification survey as deemed necessary.

Please return all completed surveys to:

City of Boulder, Industrial Pretreatment Program Supervisor
4049 N 75th Street,
Boulder, CO 80301

A – GENERAL INFORMATION

A1 – FACILITY NAME / ADDRESS

Facility Name:	Corden Pharma Colorado
Facility Address:	Corden Pharma Colorado
Operator Name:	2075 55th Street, Boulder, CO 80301
Operator Address:	2075 55th Street, Boulder, CO 80301
Owner Name:	Corden Pharma Colorado
Owner Address:	2075 55th Street, Boulder, CO 80301
Business Mailing Address:	2075 55th Street, Boulder, CO 80301
Registered Agent Name/Address:	NA

A2 – FACILITY STATUS

☒ Existing

Existing Permit #:

CIU-2016-3

Expiration Date:

03/31/2021

☐ Proposed

Proposed Discharge Date: _____

A3 – CONTACT INFORMATION

	Name	Title	Phone / Email	Signatory
Authorized Representative:	Brian McCudden	Managing Director / President / CEO	303-442-1926	<input checked="" type="checkbox"/>
Facility Contact (everyday):	Robin Livingston	Manager, Environmental, Health & Safety	303-938-6540 Robin.Livingston@cordenpharma.com	<input checked="" type="checkbox"/>
Finance Contact (billing):	Accounts Receivable	Finance	303-442-1926 AR.Boulder@cordenpharma.com	<input type="checkbox"/>
Other(s):	Gregg MacDonald	Distinguished Utilities / Site Infrastructure & Environmental Engineer	303-938-6356 Gregg.MacDonald@cordenpharma.com	<input checked="" type="checkbox"/>
	Glenn Smith	Environmental Operations Engineer	303-938-6367 Glenn.Smith@cordenpharma.com	<input checked="" type="checkbox"/>

BRC 11-3-3 – *Authorized representative of industrial users* means either a principal executive officer of at least the level of vice president, if the industrial user is a corporation; a general partner or proprietor, if the industrial user is a partnership or proprietorship; or a duly authorized representative, if such representative is responsible for the overall operation of the facilities from which any direct or indirect discharge originates.

A4 – ENVIRONMENTAL PERMITS

List all Federal, State, or Local environmental permits:

Type (Air, RCRA, Stormwater, etc)	Federal, State, or Local	Permit No (if applicable)	Effective Date	Expiration Date	In Compliance?
Air - Title V	Federal	95OPBO150	4/1/2007	4/1/2012 (Renewal Application submitted on-time)	<input checked="" type="checkbox"/>
Stormwater	State	COR900000, Certificate COR901009	7/1/2012	6/30/17 (Renewal application submitted on-time)	<input checked="" type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

B – BUSINESS ACTIVITY**B1 – DESCRIPTION**

Give a brief description of all operations at this facility including primary products or services (attach additional sheets if necessary):

The facility produces pharmaceutical intermediates, pharmaceutical API's, and bulk pharmaceuticals. Other activities at the facility include research, development, QC laboratories, and administrative offices. Production activities occur at the bench scale, lab scale, pilot plant scale, and full-scale manufacturing.

B2 – NAICS / SIC

Indicate applicable North American Industry Classification System (NAICS) for all processes: use Standard Industrial Classification (SIC) if NAICS is unknown

Process:	NAICS (https://www.census.gov/eos/www/naics/)	SIC (https://www.osha.gov/pls/imis/sicsearch.html)
Pharmaceutical Manufacturing	325411	2833

B3 – ACTIVITIES

If your facility employs or will be employing processes in any of the industrial categories or business activities listed below (regardless of whether they generate wastewater, waste sludge, or hazardous wastes), place a check beside the category of business activity. (Check ALL that apply.)

<input type="checkbox"/>	40 CFR	Category
	449	Airport Deicing
	467	Aluminum Forming
	433	Anodizing
	427	Asbestos Manufacturing
		Assembly
	461	Battery Manufacturing
		Biotechnology
		Can Making
	407	Canned/Preserved Fruit/Vegetable Processing
	408	Canned / Preserved Seafood
	458	Carbon Black Manufacturing
		Cellulose Products Manufacturing
	411	Cement Manufacturing
	437	Centralized Waste Treatment (CWT)
	433	Chemical Etching and Milling
		Chemical Manufacturing
		Chlorine / Chlorinated Hydrocarbons
	434	Coal Mining
	433	Coatings on Metal Substrate
	465	Coil Coating *
	412	Concentrated Animal Feeding Operation / Feedlots (CAFO)
	451	Concentrated Aquatic Animal Production (Aquaculture)
	450	Construction / Development
X		Cooling Towers
	468	Copper Forming *
	405	Dairy Product Processing / Manufacturing
	441	Dental Office
		Drinking Water Treatment Plant Residuals
		Education / Vocation
	469	Electric / Electronic Components Manufacturing
	413/433	Electroplating
	433	Electroless Plating
	457	Explosives Manufacturing
X		Explosives / Flammables On Site
	424	Ferroalloy Manufacturing
	418	Fertilizer Manufacturing

<input type="checkbox"/>	40 CFR	Category
		Food Processing
X		Gas / Fuel Stations
	426	Glass Manufacturing
	406	Grain Mills
	454	Gum / Wood Chemicals Manufacturing
	460	Hospital / Medical Care
		Unused Pharmaceutical Disposal
		Industrial Container / Drum Cleaning
	447	Ink Formulation
	415	Inorganic Chemicals Manufacturing
	420	Iron / Steel Manufacturing *
X		Laboratory
	445	Landfill
		Laundry / Dry Cleaning
		Laundry - Industrial
	425	Leather Tanning / Finishing
X		Machine Shop
		Manufacturing (not otherwise listed)
		Marijuana (MIP, Testing, or Grow Only) [not dispensaries]
	432	Meat / Poultry Products
	433	Metal Finishing
	464	Metal Molding / Casting (Foundries) *
	438	Metal Products / Machinery
	436	Mineral Mining / Processing
	471	Nonferrous Metals Forming/Metal Powders *
	421	Nonferrous Metals Manufacturing *
X		Office Unit
	435	Oil / Gas Extraction
	440	Ore Mining / Dressing (Hard Rock Mining)
	414	Organic Chemicals / Plastics / Synthetic Fibers (OCPSF) Manufacturing
	446	Paint Formulating
		Paint / Stripping / Finishing
	443	Paving / Roofing Manuf. (Tar / Asphalt)
	455	Pesticide Chemical
	419	Petroleum Refining

<input type="checkbox"/>	40 CFR	Category
X	439	Pharmaceutical Manufacturing
	422	Phosphate Manufacturing
	459	Photographic Processing (including x-ray)
X		Plant Wash Down
	463	Plastic Molding / Forming
	433	Printed Circuit Board Manufacturing
		Printing
	466	Porcelain Enameling
	430	Pulp / Paper / Fiberboard Manufacturing
		Repair Shop
X		Research & Development (R&D)
		Restaurant / Food Service Establishment (FSE)
		Retail Trade
	428	Rubber Manufacturing

<input type="checkbox"/>	40 CFR	Category
	417	Soap / Detergent Manufacturing
	423	Steam Electric Power Generating
	409	Sugar Processing
	410	Textile Mills
	429	Timber Products Processing
		Tobacco Products Processing
	442	Transportation Equipment Cleaning
X		Warehouse
	444	Waste Combustors
		Wood Preserving / Finishing

*regulations include production-based standards

For Production-Based
CIUs only (* above):

What is the facility's long-term average categorical
production rate for the past 5 years?

B4 – PRODUCTION RATES

Product	Past Calendar Year Amounts / Day (Daily Units)		Estimate This Calendar Year Amt / Day (Daily Units)	
	Average	Maximum	Average	Maximum
All Products	NA, Batch Process	NA	NA, Batch Process	NA

C. FACILITY OPERATIONS

C1 – SHIFT INFORMATION

	Shift	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Work Days		X	X	X	X	X	X	X
Shifts per Work Day		3 (includes office)	3 (includes office)	3 (includes office)	3 (includes office)	3 (includes office)	2	2
Employees per Shift	1 st	35	35	35	35	35	35	35
	2 nd	25	25	25	25	25	25	25
	3 rd	230	230	230	230	230	NA	NA
Shift Start Time:	1 st	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM
	2 nd	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
	3 rd	8:00 AM	8:00 AM	8:00 AM	8:00 AM	8:00 AM	NA	NA
Shift End Time:	1 st	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
	2 nd	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM	7:00 AM
	3 rd	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	NA	NA

C2 – Is the business operated continuously throughout the year?

<input checked="" type="checkbox"/> Yes	Skip to Next Question	
<input type="checkbox"/> No	List Operational Season(s):	

C3 – Does the facility shut down for vacation, maintenance, or other reason?

<input checked="" type="checkbox"/> No	Skip to Next Question	
<input type="checkbox"/> Yes	List Shutdown Periods:	

C4 – Does the facility discharge continuously throughout the year?

<input checked="" type="checkbox"/> Yes	Skip to Next Question	
<input type="checkbox"/> No	List Discharge Season(s):	
	<input type="checkbox"/> Batch Discharges (specify)	

C5 – MATERIALS

List types and quantity of chemicals used or planned for use (**attach additional sheets or another list**). Make sure all Safety Data Sheets (SDS) are available upon request.

Chemical Name	Primary Ingredient	Quantity Used
See attached Tier 2 Report		

C6 – BUILDING LAYOUT

☒ Attach a scale-drawing showing the location of each building on the premises. Show map orientation and location of all water meters, storm drains, numbered unit processes (from previous schematic), public sewers, and each facility sewer line connected to the public sewers. Number each sewer and show existing and proposed sampling locations.

D – WATER SUPPLY

D1 – WATER SOURCE

- | | |
|---|--|
| <input checked="" type="checkbox"/> Municipal Water Utility – City of Boulder | <input type="checkbox"/> Municipal Water Utility – Other |
| <input type="checkbox"/> Surface Water | Specify: _____ |
| <input type="checkbox"/> Private Well | <input type="checkbox"/> Other Water Source |
| | Specify: _____ |

D2 – CONTACT NAME FOR WATER UTILITY BILL

Name:	Corden Pharma Colorado
Address:	2075 55 th Street
City, State, Zip:	Boulder, CO 80301
Water Service Account Number:	0000065747

D3 – WATER USAGE

Usage Type:	Avg Water Usage (gpd)	(E) Estimated or (M) Measured
Contact Cooling Water	0 (TDD shown as APC)	M

Usage Type:	Avg Water Usage (gpd)	(E) Estimated or (M) Measured
Non-Contact Cooling Water	30,253	M
Boiler Feed	3,913	M
Air Pollution Control	1,572	M
Sanitary (Domestic)	7,419	E
Process	8,542	E
Contained in Product	Included in Process	NA
Plant and Equipment Washdown	Included in Process	NA
Irrigation and Lawn Watering	4,799	E
Other: (Specify)		
DI Water Generation	28,511	M
Deluge Testing	1,163	E
TOTAL (SUM)	86,172	2019 basis

E – SEWER INFORMATION

E1 – EXISTING BUSINESS:

Is the building presently connected to the public sanitary sewer system?

<input checked="" type="checkbox"/> Yes	Sanitary Sewer Account Number:	0000065747	
<input type="checkbox"/> No	Have you applied for a sanitary sewer connection?		<input type="checkbox"/> Yes <input type="checkbox"/> No

E2 – NEW BUSINESS:

	Yes	No
Will you be occupying an existing vacant building?	<input type="checkbox"/>	<input type="checkbox"/>
Have you applied for a building permit if a new facility will be constructed?	<input type="checkbox"/>	<input type="checkbox"/>
Will you be connected to the public sanitary sewer system?		
<input type="checkbox"/> Yes	Sanitary Sewer Account Number:	
<input type="checkbox"/> No	Have you applied for a sanitary sewer connection?	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No

E3 – DISCHARGE PIPES

List size, descriptive location, and flow of each discharge pipe or discharge point which connects to the City's sanitary sewer collection system. (Attach additional sheets if necessary)

Outfall/Pipe Number (if already assigned) [001]	Descriptive Location or Process Name:	Pipe Size (inches)	Average Flow (gpd)
001	Pretreatment & WAS	4-inch as it enters ground	25,092
002	Combined & Sanitary	Unknown	66,079
003	Halogen Gas Scrubbers	1 inch from scrubbers to EQ inlet pipe	2,178

F – WASTEWATER DISCHARGE INFORMATION

F1. Does (or will) this facility discharge any wastewater other than from restrooms to the City's sanitary sewer collection system?

<input checked="" type="checkbox"/> Yes	Complete the remainder of the form.
<input type="checkbox"/> No	Skip to Section I – Spill Prevention

WASTEWATER FLOW RATES

F2 – Provide the following flow information. New facilities may estimate.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours/Day (8 hrs/day)	24	24	24	24	24	24	24
Work Hrs/Day (9am-5pm)	24 hrs	24 hrs	24 hrs	24 hrs	24 hrs	24 hrs	24 hrs

Provide the following in gallons per day (gpd):

Outfall Pipe	30-day Peak Flow Rate	Annual Daily Average	Includes Batch Discharges	Total Batch Volume(s) [F4 Below]
001 (total)	36,432	25,092	<input checked="" type="checkbox"/>	(Equalized)
001 (process only)	12,402	8,542	<input type="checkbox"/>	
002	N/A	66,079	<input type="checkbox"/>	
003	7,898	2,178	<input type="checkbox"/>	

F4 – BATCH DISCHARGES

Outfall Pipe / Process Area	# of Batch Discharges	Avg Discharge Volume (gal)	Discharge Flow Rate (gpm)	Percent of Total Discharge (%)	Days of Discharges (M, Tu)	Times of Discharges (8a-12pm)
NA						

F5 – SCHEMATIC FLOW DIAGRAM

- For each major activity in which wastewater is or will be generated, draw a diagram from the start of the activity to its completion, showing all unit processes and include the:
 - flow of materials
 - products
 - water, and
 - wastewater
- Indicate which processes use water and which generate wastestreams.
- Include the average daily volume and maximum daily volume of each wastestream (new facilities may estimate). If estimates are used for flow data, this must be indicated.
- Number each unit process having wastewater discharges to the City's sanitary sewer collection system. Use these numbers when showing the unit processes in the building layout in Section H.
- Attach as many additional sheets as necessary.

F6 – PROCESS FLOW INFORMATION

List average process wastewater discharge, maximum discharge, and type of discharge (batch, continuous, or both) for each facility unit process. Use the reference number from the process schematic (previous section) that corresponds to each process. (New facilities may estimate). Attach additional sheets as necessary.

Unit Process Number from Flow Schematic	Process Description	Avg Flow (gpd)	Max Flow (gpd)* *Ratio of 30-day to average flow	Type of Discharge (batch, continuous, both, or none)
RP1	Regulated Process Flows	4,245	6,164	Both
NP1	Non-Regulated Process Flows	4,297	6,238	Batch, equalized
TOTAL	Process Flow adjusted per Permit Guidance Document 40 CFR 439		16,537	

For each process area listed above, indicate the type and quantity of the constituents that are or could be present in wastewater discharges as a result of process operation. This list is for general classes of substances. A more detailed list is found in section G – Discharge Characteristics. Attach additional sheets if necessary.

Substance	Unit Process Area (indicated above)	Volume (gal) or Concentration (mg/L)
Algicides	RP1	Trace
Chlorides	RP1	Trace
Disinfectants	RP1	Trace
Flammable Substances	RP1	See Section G
High Temperature	N/A	N/A
Hydrocarbons	RP1, NP1	Trace
Oil & Grease – animal/vegetable	RP1, NP1	Trace (food grade)
Oil & Grease – petroleum / mineral	RP1, NP1	Trace
Pesticides	N/A	N/A
pH (High / Low)	RP1	Minimal, EQ Basin maintained >5pH
Radioactive Substances	N/A	N/A
Rubber / Latex / Plastic / Glass	N/A	N/A
Salt Brines	RP1, NP1	<2000 ppm in ASU
Shredded Garbage	N/A	N/A
Solvents	RP1	See Section G
Surfactants / Detergents	RP1, NP1	Trace
Other (specify)		

Estimate the loads contributed from process wastewater discharged:

Loading (#/d)	Daily Maximum	7-day Maximum	30-day Maximum
BOD (Biochemical Oxygen Demand)	99	315	1,098
COD (Chemical Oxygen Demand)	Not measured	Not measured	Not measured
TSS (Total Suspended Solids)	1,141	2,767	9,773
Phosphorus, Total as P	125	816	2,362
Nitrogen – TKN	Not measured	Not measured	Not measured
Nitrogen – Nitrate (NO ₃)	1,249	1,888	4,712
Nitrogen – Nitrite (NO ₂)	Not measured	Not measured	Not measured

F7 – NONPROCESS FLOW INFORMATION

List average nonprocess wastewater discharge, maximum discharge, and type of discharge (batch, continuous, or both) for each facility unit process. Use the reference number from the process schematic (previous section) that corresponds to each process. (New facilities may estimate). Attach additional sheets as necessary.

Nonprocess flows may include but are not limited to: cooling tower or boiler blowdown, etc.

Unit Process Number from Flow Schematic	Process Description	Avg Flow (gpd)	Max Flow (gpd) * *Ratio of 30-day to average flow	Type of Discharge (batch, continuous, both, or none)
D1	Dilution Flow	17,435	25,314	Continuous

F8 – SAMPLING AND FLOW EQUIPMENT

Do you have, or plan to have, automatic sampling equipment, continuous wastewater flow or pH equipment?

		Yes	Location	Description	No	N/A
Current	Flow Metering	<input checked="" type="checkbox"/>	001 and 003 outfalls	In-line continuous meters	<input type="checkbox"/>	<input type="checkbox"/>
	pH Measurement	<input checked="" type="checkbox"/>	001 outfall	Grab sample	<input type="checkbox"/>	<input type="checkbox"/>
	Automatic Sampling Equipment	<input checked="" type="checkbox"/>	001 outfall	Time-based auto-sample	<input type="checkbox"/>	<input type="checkbox"/>
Future	Flow Metering	<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
	pH Measurement	<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Automatic Sampling Equipment	<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>

PROCESS CHANGES OR EXPANSION

F9 – Are any process changes or expansions planned during the next 3 years that could alter wastewater volumes or characteristics? Consider production processes as well as air or water pollution treatment processes that may affect the discharge

<input checked="" type="checkbox"/> No	Skip to Question E11 – Recycling
<input type="checkbox"/> Yes	Complete the remainder of the form.

F10 – Describe the anticipated changes and their effects on the wastewater volume and characteristics. (Attach additional sheets if needed.)

F11 – Are there any recycling or reclamation systems in use or planned?

<input type="checkbox"/> No	Skip to Question E13 – Mass Limits
<input checked="" type="checkbox"/> Yes	Complete the remainder of the form.

F12 – Briefly describe the recycling or recovery process, including substances recovered, percent recovered, and the concentration in the spent solution. Submit a flow diagram for each process. Attach additional sheets as necessary.

Water is recycled in the utility systems. Used water from one utility system is charged as-is into another utility. Recovery rates are not quantified.

MASS OR CONCENTRATION LIMITS

F13 – As allowed at 40 CFR 403.6(c)(5) when the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentration, an Industrial User may request that the City convert the limits to an equivalent mass limit. <u>Do you anticipate making this request?</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
F14 – Are you subject to mass limits of categorical pretreatment standards at 40 CFR 414, 419, or 455?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
As allowed at 40 CFR 403.6(c)(6) if an Industrial User is subject to mass limits of categorical pretreatment standards listed above, may request the City to convert the mass limits to equivalent concentration limits. <u>Do you anticipate making this request?</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

G – DISCHARGE CHARACTERISTICS

The following list is generated from the EPA Priority Pollutants and Toxic Pollutants and Hazardous Substances list that is found at 40 CFR 122 Appendix A and is found in all NPDES permits.

G1 – All current industrial users are required to submit monitoring data on all pollutants that are regulated specific to each process. Use the tables below in this section to report the analytical results. **DO NOT LEAVE ROWS BLANK.**

Indicate on either the top of each table, or on a separate sheet if necessary, the sample location and type of analysis used. Be sure methods conform to 40 CFR 136; if they do not, indicate what method was used.

Indicate whether a pollutant is:

- Located at Facility by indicating whether it is Known to be Absent, Present, or Unknown
- Can be found in the Discharge by indicating whether it is Known to be Absent, Present, or Unknown
 - If it is Known to Be Present in the Discharger, then indicate the expected Concentration (mg/L) and Volume (gpd) discharged.

EPA APPROVED ANALYTICAL METHODS

- Analytical Methods were first chosen from the 40 CFR 136 lists of approved Clean Water Act Methods. If none were found, then methods may be chosen from a water method on the National Environmental Methods Index (www.nemi.gov) web page. If no water methods were indicated, but Resource Conservation and Recovery Act methods were listed, those may be chosen next.
- Preferred order of analytical methods:
 - 40 CFR 136.3 – Approved Methods for
 - Table 1A – Biological Methods for Wastewater and Sewage Sludge
 - Table 1B – Inorganic Test Procedures
 - Table 1C – Non-Pesticide Organic Compounds
 - Table 1D – Pesticides
 - Table 1E – Radiologic Test Procedures
 - Table 1F – Pharmaceutical Pollutants
 - National Environmental Methods Index (www.nemi.gov)
 - NPDES
 - EPA-NERL
 - Standard Methods
 - USGS-NWGL
 - RCRA
 - Other Published Methods
- Phenol (108-95-2) by EPA 625 and Total Phenols are (E-10253) by EPA 420.1 are not the same analyte.
- If there is Pharmaceutical Manufacturing, then you must use analyte methods listed in 40 CFR 136, Table 1F.
- If you need assistance determining which method is most appropriate, don't hesitate to contact the Industrial Pretreatment (IPT) staff at COBPretreatment@BoulderColorado.gov

40 CFR 122 APPENDIX D TABLE II – ORGANIC TOXIC POLLUTANTS IN EACH OF 4 FRACTIONS IN ANALYSIS BY GAS CHROMATOGRAPHY / MASS SPECTROSCOPY (GS/MS)

TABLE II – VOLATILES

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present Conc. (mg/L) Vol (gpd)
14A - 2075 4V - Acrolein (TTO)	107-02-8	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
55B - 2075 5V - Acrylonitrile (TTO)	107-13-1	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
55C - 2075 6V - Benzene (TTO)	71-43-2	624/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
55D - 2075 5V - Bromoform (TTO)	75-25-2	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6V - Carbon tetrachloride (TTO)	56-23-5	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7V - Chlorobenzene (TTO)	108-90-7	624/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
8V - Chlorodibromomethane (Dibromochloromethane) (TTO)	124-48-1	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9V - Chloroethane (TTO)	75-00-3	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10V - 2-chloroethyl vinyl ether (TTO)	110-75-8	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11V - Chloroform (TTO)	67-66-3	624/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	
12V - Dichlorobromomethane (Bromodichloromethane) (TTO)	75-27-4	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BDL
14V - 1,1-dichloroethane (TTO)	75-34-3	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15V - 1,2-dichloroethane (TTO)	107-06-2	624/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
16V - 1,1-dichloroethylene (1,1-Dichloroethene) (TTO)	75-35-4	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17V - 1,2-dichloropropane (TTO)	78-87-5	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18V - 1,3-dichloropropylene (1,3-Dichloropropene) (TTO)	542-75-6	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19V - Ethylbenzene (TTO)	100-41-4	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
20V - Methyl bromide (TTO)	74-83-9	624	<input type="checkbox"/>	<input type="checkbox"/>	Production lab	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21V - Methyl chloride (chloromethane) (TTO)	74-87-3	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
22V - Methylene chloride (TTO)	75-09-2	624/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
23V - 1,1,2,2-tetrachloroethane (TTO)	79-34-5	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
24V - Tetrachloroethylene (Tetrachloroethene) (TTO)	127-18-4	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
25V - Toluene (TTO)	108-88-3	624/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
26V - 1,2-trans-dichloroethylene (trans-1,2-Dichloroethene) (TTO)	156-60-5	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
27V - 1,1,1-trichloroethane (TTO)	71-55-6	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
28V - 1,1,2-trichloroethane (TTO)	79-00-5	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
29V - Trichloroethylene (Trichloroethene) (TTO)	79-01-6	624	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	Unknown
31V - Vinyl chloride (TTO)	75-01-4	624	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

TABLE II – ACID COMPOUNDS

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
1A - 2-chlorophenol (TTO)	95-57-8	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Conc. (mg/L)</u> <u>Vol (gpd)</u>
2A - 2,4-dichlorophenol (TTO)	120-83-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3A - 2,4-dimethylphenol (TTO)	105-67-9	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4A - 4,6-dinitro-o-cresol (2-Methyl-4,6-dinitrophenol) (TTO)	534-52-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5A - 2,4-dinitrophenol (TTO)	51-28-5	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6A - 2-nitrophenol (TTO)	88-75-5	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7A - 4-nitrophenol (TTO)	100-02-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8A - p-chloro-m-cresol (4-chloro-3-methyl phenol) (TTO)	59-50-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9A - Pentachlorophenol (TTO)	87-86-5	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10A - Phenol (TTO)	108-95-2	625	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11A - 2,4,6-trichlorophenol (TTO)	88-06-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

TABLE II – BASE/NEUTRALS

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
1B - Acenaphthene (TTO)	83-32-9	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Conc. (mg/L)</u> <u>Vol (gpd)</u>
2B - Acenaphthylene (TTO)	208-96-8	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3B - Anthracene (TTO)	120-12-17	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4B - Benzidine (TTO)	92-87-5	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5B - Benzo(a) anthracene (TTO)	56-55-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6B - Benzo(a) pyrene (TTO)	50-32-8	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7B - Benzo(b) fluoranthene or 3,4-benzofluoranthene (TTO)	205-99-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8B - Benzo(ghi) perylene (TTO)	191-24-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9B - Benzo(k) fluoranthene (TTO)	207-08-9	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10B - Bis(2-chloroethoxy) methane (TTO)	111-91-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11B - Bis(2-chloroethyl) ether (TTO)	111-44-4	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12B - Bis(2-chloroisopropyl) ether (2,2-Oxybis (2-chloro-propane) (TTO)	39638-32-9	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13B - Bis(2-ethylhexyl) phthalate (TTO)	117-81-7	625	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14B - 4-bromophenyl phenyl ether (TTO)	101-55-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
45B - Butyl benzyl phthalate (TTO)	85-68-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
46B - 2-chloronaphthalene (TTO)	91-58-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7B - 4-chlorophenyl phenyl ether (TTO)	7005-72-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8B - Chrysene (TTO)	218-01-9	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9B - Dibenzo(a,h) anthracene (TTO)	53-70-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20B - 1,2-dichlorobenzene (o-dichlorobenzene) (TTO)	95-50-1	625/624.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
21B - 1,3-dichlorobenzene (TTO)	541-73-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22B - 1,4-dichlorobenzene (TTO)	106-46-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
23B - 3,3-dichlorobenzidine (TTO)	91-94-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
24B - Diethyl phthalate (TTO)	84-66-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
25B - Dimethyl phthalate (TTO)	131-11-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
26B - Di-n-Butyl phthalate (TTO)	84-74-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
27B - 2,4-dinitrotoluene (TTO)	121-14-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
28B - 2,6-dinitrotoluene (TTO)	606-20-2	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
29B - Di-n-Octyl phthalate (TTO)	117-84-0	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
30B - 1,2-diphenylhydrazine (as azobenzene) (TTO)	122-66-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
31B - Fluoranthene (TTO)	206-44-0	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
32B - Fluorene (TTO)	86-73-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
33B - Hexachlorobenzene (TTO)	118-74-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
34B - Hexachlorobutadiene (TTO)	87-68-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
35B - Hexachlorocyclopentadiene (TTO)	77-47-4	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
36B - Hexachloroethane (TTO)	67-72-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
37B - Indeno (1,2,3-cd) pyrene (TTO)	193-39-5	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
38B - Isophorone (TTO)	78-59-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
39B - Naphthalene (TTO)	91-20-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
40B - Nitrobenzene (TTO)	98-95-3	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
41B - N-nitrosodimethylamine (TTO)	62-75-9	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
42B - N-nitrosodi-n-propylamine (TTO)	621-64-7	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
43B - N-nitrosodiphenylamine (TTO)	86-30-6	625	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
44B - Phenanthrene (TTO)	85-01-8	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
45B - Pyrene (TTO)	129-00-0	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
46B - 1,2,4-trichlorobenzene (TTO)	120-82-1	625	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

TABLE II – PESTICIDES

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
1P - Aldrin (TTO)	309-00-2	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Conc. (mg/L)</u> <u>Vol (gpd)</u>
5P - Alpha-BHC (TTO)	319-84-6	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3P - Beta-BHC (TTO)	319-85-7	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4P - Gamma-BHC (Lindane) (TTO)	319-86-8	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5P - Delta-BHC (TTO)	58-89-9	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6P - Chlordane (TTO)	57-74-9	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7P - 4,4-DDT (TTO)	50-29-3	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8P - 4,4-DDE (TTO)	72-55-9	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9P - 4,4-DDD (TDE) (Tetrachlorodiphenylethane) (TTO)	72-54-8	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10P - Dieldrin (TTO)	60-57-1	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11P - Alpha-endosulfan (Endosulfan I) (TTO)	959-98-8	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12P - Beta-endosulfan (Endosulfan II) (TTO)	33213-85-9	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13P - Endosulfan sulfate (TTO)	1031-07-8	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14P - Endrin (TTO)	72-20-8	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15P - Endrin aldehyde (TTO)	7421-93-4	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16P - Heptachlor (TTO)	76-44-8	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17P - Heptachlor epoxide (TTO)	1024-57-3	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18P - PCB-1242 (Arochlor 1242) (TTO)	53469-21-9	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19P - PCB-1254 (Arochlor 1254) (TTO)	11097-69-1	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20P - PCB-1221 (Arochlor 1221) (TTO)	11104-28-2	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
21P - PCB-1232 (Arochlor 1232) (TTO)	11141-16-5	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22P - PCB-1248 (Arochlor 1248) (TTO)	12672-29-6	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
23P - PCB-1260 (Arochlor 1260) (TTO)	11096-82-5	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
24P - PCB-1016 (Arochlor 1016) (TTO)	12674-11-2	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
25P - Toxaphene (TTO)	8001-35-2	608	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2,3,7,8-TCDD (tetrachlorodibenzo-p-dioxin) (TTO)	1746-01-6	613	<input type="checkbox"/>	<input type="checkbox"/>	Potentially generated in thermal oxidizer	<input type="checkbox"/>	<input type="checkbox"/>	BML NA

TABLE III – OTHER TOXIC POLLUTANTS (METALS & CYANIDE) & TOTAL PHENOLS

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present <u>Indicate Process Area</u>	Known Absent	Unknown	Known Present
Antimony (Sb)	7440-36-0	200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Conc. (mg/L)</u> <u>Vol (gpd)</u>
Arsenic (As)	7440-38-2	200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	BDL
Beryllium (Be)	7440-41-7	200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Cadmium (Cd)	7440-43-9	200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	BDL
Chromium (Cr)	7440-47-3	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input type="checkbox"/>	0.017
Copper (Cu)	7440-50-8	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input type="checkbox"/>	0.164
Lead (Pb)	7439-92-1	200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	BDL
Mercury (Hg)	7439-97-6	245/1631	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input type="checkbox"/>	0.0002
Nickel (Ni)	7440-02-0	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input type="checkbox"/>	0.042
Selenium (Se)	7782-49-2	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Silver (Ag)	7440-22-4	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Analytical Lab (silver nitrate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Thallium (Th)	7440-28-0	200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zinc (Zn)	7440-66-6	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input type="checkbox"/>	0.626
Cyanide (CN), Total	57-12-5	335.4	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input type="checkbox"/>	0.049
Phenols, Total (phenolics)	E-10253	420	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

TABLE IV – CONVENTIONAL AND NONCONVENTIONAL POLLUTANTS

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present <u>Indicate Process Area</u>	Known Absent	Unknown	Known Present
Bromide	24959-67-9	300.0	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<u>Conc. (mg/L)</u> <u>Vol (gpd)</u>
Fluoride	16984-48-8	300.0	<input type="checkbox"/>	<input type="checkbox"/>	Production Labs Potable Water	<input type="checkbox"/>	<input type="checkbox"/>	NM*
Nitrate (as N)	14797-55-8	300.0/352.1	<input type="checkbox"/>	<input type="checkbox"/>	WWTP	<input type="checkbox"/>	<input type="checkbox"/>	NM
Nitrite (as N)	14797-65-0	300.0/353.2	<input type="checkbox"/>	<input type="checkbox"/>	WWTP	<input type="checkbox"/>	<input type="checkbox"/>	175 (est)
Nitrogen – Ammonia (as N)	7664-41-7	350.1/4500	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	NM
Nitrogen – Kjeldahl (TKN)	E-10264	350.1/4500	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, Utilities	<input type="checkbox"/>	<input type="checkbox"/>	6
Nitrogen, Total Organic	E-10264	Calculation	<input type="checkbox"/>	<input type="checkbox"/>	WWTP Inlet	<input type="checkbox"/>	<input type="checkbox"/>	NM
Oil & Grease	E-10140	1664/5520	<input type="checkbox"/>	<input type="checkbox"/>	Production, Labs, Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	602

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
Phosphorus, Total	7723-14-0	200.7/365.1	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, Utilities	<input type="checkbox"/>	<input type="checkbox"/>	NM
Radioactivity – Alpha, Total	12587-46-1	900.0/7110	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Radioactivity – Beta, Total	12587-47-2	900.0/7110	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Radioactivity – Radium, Total	7440-14-4	903.0/7500	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sulfate (as SO4)	14808-79-8	300.0/375.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, WWTP	<input type="checkbox"/>	<input type="checkbox"/>	NM
Sulfide (as S)	18496-25-8	4500-S	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, WWTP	<input type="checkbox"/>	<input type="checkbox"/>	NM
Sulfite (as SO3)	14265-45-3	4500-SO3	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, WWTP	<input type="checkbox"/>	<input type="checkbox"/>	NM
Surfactants	E-14562	5540	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Aluminum (Al), Total	7429-90-5	200.7/200.8	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Barium (Ba), Total	7440-39-3	200.7/200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Boron (B), Total	7440-42-8	200.7/200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Cobalt (Co), Total	7440-48-4	200.7/200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vessels & Piping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Iron (Fe), Total	7439-89-6	200.7/200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs, WWTP	<input type="checkbox"/>	<input type="checkbox"/>	NM
Magnesium (Mg), Total	7439-95-4	200.7/200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Molybdenum (Mo), Total	7439-98-7	200.8	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input type="checkbox"/>	0.019
Manganese (Mn), Total	7439-96-5	200.7/200.8	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Tin (Sn), Total	7440-31-5	200.7/200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Titanium (Ti), Total	7440-32-6	200.7/200.8	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Palladium	7440-05-3	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	Production	<input type="checkbox"/>	<input type="checkbox"/>	NM

*NM = Not Measured

TABLE V – TOXIC POLLUTANTS & HAZARDOUS SUBSTANCES

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
Asbestos (friable)	12001-29-5	100.1	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production (infrastructure)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Acetaldehyde	75-07-0	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE			
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present	
								Conc. (mg/L)	Vol (gpd)
4-Allyl alcohol	107-18-6	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Allyl chloride	107-05-1	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Amyl acetate (pentyl acetate)	628-63-7	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Aniline	62-53-3	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	BDL	
Benzonitrile	100-47-0	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Benzyl chloride	100-44-7	RCRA	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Butyl acetate (butyl ethanoate)	123-86-4	1666	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL	
n-Butylamine	109-73-9	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Captan	133-06-2	617/6630	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Carbaryl	63-25-2	531.1/632/553	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Carbofuran	1563-66-2	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Carbon disulfide	75-15-0	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Chlorpyrifos	2921-88-2	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Coumaphos	56-72-4	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Cresol	Class	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Crotonaldehyde	4170-30-3	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Cyclohexane	608-73-1	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
2,4-D (2,4-Dichlorophenoxy acetic acid)	94-75-7	615/6640	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Diazinon	333-41-5	507/614 622/1657	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Dicamba	1918-00-9	615	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Dichlobenil	1194-65-6	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Dichlorvos	117-80-6	RCRA	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
2,2-Dichloropropionic acid	75-99-0	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Dichlorvos	62-73-7	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Diethylamine	109-89-7	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL	
Dimethylamine	124-40-3	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Dinitrobenzene	Class	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Diquat	85-00-7	549.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Disulfoton	298-04-4	507/614 622/1657 525.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Diuron	330-54-1	632/553	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Epichlorohydrin	106-89-8	RCRA	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>		

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
								Conc. (mg/L) Vol (gpd)
1. Ethion	563-12-2	614/1657	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Ethylenediamine	107-15-3	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Ethylene dibromide	106-93-4	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Formaldehyde	50-00-0	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	
5. Surfural	98-01-1	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Guthion	86-50-0	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Isoprene	78-79-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Isopropanolamine Dodecylbenzenesulfonate	Unk	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Kelthane	115-32-2	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Kepone	143-50-0	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Malathion	121-75-5	614/1657	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mercaptodimethur	2032-65-7	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Methoxychlor	72-43-5	505/508/608 617/1656	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Methyl mercaptan (methanethiol)	74-93-1	Contact IPT	<input type="checkbox"/>	<input type="checkbox"/>	Production byproduct	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Methyl methacrylate	80-62-6	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Methyl parathion	298-00-0	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mevinphos	7786-34-7	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mexacarbate	315-18-4	632	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Monoethylamine (ethylamine)	75-04-7	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Monomethylamine (methylamine)	74-89-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Naled	300-76-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Napthenic acid	1338-24-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Nitrotoluene (all isomers)	99-08-1	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Parathion	56-38-2	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Paration, Ethyl	56-38-2	614/6630	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Parathion, Methyl	298-00-0	614/622/1657/6630	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Phenolsulfonate	Unk	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Phosgene	75-44-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Propargite	2312-35-8	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Propylene oxide	75-56-9	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pyrethrins	Class	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Quinoline	91-22-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present Conc. (mg/L) Vol (gpd)
Resorcinol	108-46-3	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Strontium	7440-24-6	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
strychnine	57-24-9	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
styrene	100-42-5	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)	93-76-5	615/6640	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
TDE (DDD) (4,4-DDD) (Tetrachlorodiphenylethane)	72-54-8	608/617 6630	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2,4,5-TP (2-(2,4,5-Trichlorophenoxy) propanoic acid	93-72-1	615/6640	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Trichlorofan	Unk	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Triethanolamine dodecylbenzenesulfonate	Unk	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Triethylamine	121-44-8	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Trimethylamine	75-50-3	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Uranium	7440-61-1	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Vanadium	7440-62-2	200.7/200.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Vinyl acetate	108-05-4	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Xylene, Total	1330-20-7	524.2 / Table 1F for isomers	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Xylenol	Class	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zirconium	7440-67-7	Contact IPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

TABLE 1F – PHARMACEUTICAL POLLUTANTS – 40 CFR 136 TABLE 1F (PHARMACEUTICAL MANUFACTURING 40 CFR 439)

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present Conc. (mg/L) Vol (gpd)
Acetonitrile	75-05-8	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
n-amyl acetate	628-63-7	1666	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
n-amyl alcohol	71-41-0	1666	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	BDL
Benzene	71-43-2	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
n-butyl acetate (butyl ethanoate)	123-86-4	1666	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Tert-butyl alcohol	75-85-0	1666	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Chlorobenzene	108-90-7	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Chloroform	67-66-3	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
o-Dichlorobenzene	95-50-1	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
1,2-Dichloroethane	107-06-2	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Diethylamine	109-89-7	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Dimethyl Sulfoxide	67-68-5	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Ethanol	64-17-5	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Ethyl acetate	141-78-6	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
n-Heptane	142-82-5	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
n-Hexane	110-54-3	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Isobutyraldehyde	78-84-2	1666	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	BDL
Isopropanol (2-propanol)	67-63-0	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Isopropyl acetate	108-21-4	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Isopropyl ether	108-20-3	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Methanol	67-56-1	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Methyl Cellosolve	109-86-4	1666/1671	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Methylene Chloride	75-09-2	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Methyl Formate	107-31-3	1666	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
4-methyl-2-pentanone (MIBK)	108-10-1	1666/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Non-Production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Phenol	108-95-2	625	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
n-propanol	71-23-8	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2-propanone (acetone)	67-64-1	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	0.0121
Tetrahydrofuran	109-99-9	1666/524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Toluene	108-88-3	524.2	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Triethylamine	121-44-8	1666/1671	<input type="checkbox"/>	<input type="checkbox"/>	Production and Labs	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Xylenes, Total	1330-20-7	1666	<input type="checkbox"/>	<input type="checkbox"/>	Non-production	<input type="checkbox"/>	<input type="checkbox"/>	BDL
Xylenes – m-xylene	108-38-3	1624C	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Item No. – Chemical Compound	CAS	Primary EPA Approved Method	FACILITY			DISCHARGE		
			Known Absent	Unknown	Known Present Indicate Process Area	Known Absent	Unknown	Known Present
4-Xylenes – o, p-xylene	E-14095	1624C	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Conc. (mg/L)
2-Xylenes – m,p-xylene	136777-61-2	1666	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Vol (gpd)
2,5-Xylenes – o-xylene	95-47-6	1666	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	BDL
								BDL

Item 44 55th Street

MONITORING WAIVER

<p>G2 – Do you anticipate requesting a monitoring waiver for regulated pollutants which believe to not be present in your process wastestream(s)?</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>G3 – In order to request a monitoring waiver for pollutants not present, you must provide data from at least one sampling of your facility's wastewater prior to any treatment present at your facility that is representative of all wastewater from all processes. The request of a monitoring waiver must be signed in accordance with 40 CFR 403.12(l) and include the certification statement in 40 CFR 403.6(a)(2)(ii).</p> <p><u>Do you wish to make this request?</u></p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

☒ Attach a diagram of ALL pretreatment systems. Each diagram should include a schematic of the pretreatment system & ALL related inputs & outputs. Be sure to detail the incoming process waste streams (average daily flows and potential pollutants) & include any wastestreams generated during treatment that are returned for treatment (i.e. filter press filtrate, etc). Show ALL outputs (i.e. hazardous waste generated, water returned for reuse, etc).

H1 – Is there any form of wastewater treatment practiced or planned within 3 years at this site?

<input type="checkbox"/> No	Skip to Question G2 – Mixed Wastewater
<input checked="" type="checkbox"/> Yes	Mark all the Treatment Technologies that apply or will apply below:

- | | | |
|--|--|---|
| <input type="checkbox"/> Air flotation
<input type="checkbox"/> Centrifuge
<input type="checkbox"/> Chemical precipitation
<input type="checkbox"/> Chlorination
<input type="checkbox"/> Cyclone
<input checked="" type="checkbox"/> Filtration
<input checked="" type="checkbox"/> Flow equalization
<input type="checkbox"/> Grease or Oil Separation
<input type="checkbox"/> Grease trap or interceptor
<input type="checkbox"/> Grinding filter
<input type="checkbox"/> Grit removal
<input type="checkbox"/> Ion exchange | <input checked="" type="checkbox"/> pH neutralization
<input type="checkbox"/> Ozonation
<input type="checkbox"/> Reverse osmosis
<input type="checkbox"/> Sand / Sediment Trap
<input type="checkbox"/> Screen
<input type="checkbox"/> Sedimentation
<input type="checkbox"/> Septic tank
<input type="checkbox"/> Silver Recovery
<input type="checkbox"/> Solvent separation
<input type="checkbox"/> Spill protection
<input type="checkbox"/> Sump
<input type="checkbox"/> Rainwater diversion / storage | <input checked="" type="checkbox"/> Biological Treatment (specify)
<u>Activated Sludge</u>
<input type="checkbox"/> Chemical Treatment (specify)

<input type="checkbox"/> Other Physical Treatment (specify)

<input checked="" type="checkbox"/> Other (specify)
<u>Includes clarification, upstream stripping</u>
<u>for flammability control, or metered</u>
<u>addition for organic loading</u> |
|--|--|---|

MIXED WASTEWATER

H2 – Is process wastewater mixed with nonprocess wastewater prior to the sampling or discharge point?

<input type="checkbox"/> No	Skip to Question G3 – Treatment Description	
<input checked="" type="checkbox"/> Yes	Describe:	Some non-process wastewater is discharged to the treatment system through the same conveyance system as process wastewater, prior to treatment.

TREATMENT DESCRIPTION

H3 – Describe the pollutant loadings, flow rates, design capacity, physical size, and operating procedures of each treatment technology checked above. Attach additional sheets if necessary.

Treatment Technology Above	Pollutant Loadings	Flow Rates	Design Capacity	Physical Size	Operating Procedures	Notes	Process Flow Diagram Attached
Filtration	Variable	003 Outfall Rates	3 stagger filters + Carbon, 2 micron @ 99% final filter + carbon	5'X16" nominal filter housing, 55 gallon drum carbon system	Operational when scrubbers are discharging.	Present on 003 Outfall only.	<input checked="" type="checkbox"/>
Flow Equalization	Stabilizes TOC/COD loading on internal Corden Pharma activated sludge system	001 Outfall Rates	100,000 GPD	100,000 gallons	Operational for both surge and equalization operations.	Present on 001 outfall flow to treatment only	<input checked="" type="checkbox"/>
pH neutralization	Variable	001 Outfall Rates	Trim only	HCL Tote & Mixing tank	Operational when 001 treatment flow is out of pH range	Present on 001 outfall flow to treatment only	<input checked="" type="checkbox"/>
Biological Treatment	TOC/COD and Nitrogen	001 Outfall Rates	500,000 gallon combined treatment system	Aboveground two 250,000 gallon treatment trains	Operational when 001 treatment flow is discharging.	The 003 outfall when discharged goes back to 001 flow equalization system.	<input checked="" type="checkbox"/>

H4 – Include process equipment, by-products, by-product disposal method, waste and by-product volumes, and design and operating conditions.

Treatment Technology Above	Process Equipment	By-Products	By-Product Volume	By-Product Disposal Method	Operating Procedures	Design & Operating Conditions
Filtration	FT-09X	Spent filters	Variable	Incineration	See table H3 above	003 Outfall Treatment
Flow Equalization	WT-WX-085	NA	NA	NA	See table H3 above	001 Outfall Treatment
pH neutralization	WT-TX-061	NA	NA	NA	See table H3 above	001 Outfall Treatment
Biological Treatment	WT-WX-075/077	Biological solids	Variable	Discharge to POTW	See table H3 above	001 Outfall Treatment

H5 – Describe any changes in treatment or disposal methods planned or under construction for the wastewater discharge to the City's sanitary sewer collection system. Please include estimated completion dates.

None planned

H6 – Do you have a treatment operator?

<input checked="" type="checkbox"/> No	Skip to Next Question	
<input type="checkbox"/> Yes	Name:	
	Title:	
	Phone / Email:	
	Is the operator certified in the State of CO to treat wastewater? <input type="checkbox"/> No	
	<input type="checkbox"/> Yes	Include CO Certified Water Professional ID #
	Is the operator full time or part time? <input type="checkbox"/> Full-time	
	<input type="checkbox"/> Part-time (specify hours)	

	Yes	No
H7 – Do you have a manual on the correct operation of the treatment equipment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H8 – Do you have a written maintenance schedule for your treatment equipment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I – SPILL PREVENTION

I1 – Do you have chemical storage containers, bins, or ponds at your site?

<input type="checkbox"/> No	Skip to Next Question
<input checked="" type="checkbox"/> Yes	If yes, please give a description of their location, contents, size, type and frequency and method of cleaning. Also indicate in a diagram or comment on the proximity of these containers to a sewer or storm drain. Indicate if buried metal containers have cathodic protection.
	Chemicals are stored throughout the facility in containers ranging from small laboratory bottles up to 50,000 liter storage tanks. Equipment is cleaned using defined procedures, and the cleaning solvents and water are contained and disposed appropriately. Stormwater drains are protected by many structural and non-structural measures as detailed in the site Stormwater Management Plan. These measures include but are not limited to containment systems, curbing, sumps, buildings, level alarms and overflow protection, visual inspections, and good housekeeping. Chemicals are not stored in buried containers.

I2 – If you have chemical storage containers, bins, or ponds in manufacturing areas, could an accidental spill lead to a discharge to: (check all that apply)

<input checked="" type="checkbox"/> An onsite disposal system	<input checked="" type="checkbox"/> Storm drain	<input checked="" type="checkbox"/> to the ground
<input checked="" type="checkbox"/> Public Sanitary Sewer System (through floor drain)		<input type="checkbox"/> N/A – no possible discharge to any listed choice
<input type="checkbox"/> Other (specify)		

I3 – Do you have floor drains in your manufacturing or chemical storage area(s)?

<input type="checkbox"/> No	Skip to Next Question	
<input checked="" type="checkbox"/> Yes	If yes, where do they discharge to?	Manufacturing floor sumps are pumped to the Corden Pharma Colorado onsite wastewater pretreatment plant.

I4 – Do you have an accidental spill prevention (slug control plan) to prevent spills of chemicals or slug discharges from entering the City's sanitary sewer collection system?

<input type="checkbox"/> No	Skip to Next Question
<input checked="" type="checkbox"/> Yes	Include a copy with form.
<input type="checkbox"/> N/A	No floor drains and/or facility only discharges domestic wastes.

I5 – Please describe any previous spill events and remedial measures taken to prevent their reoccurrence.

There are no current outstanding spill events that have not been communicated to the appropriate regulatory agencies.

J – BEST MANAGEMENT PRACTICES

J1 – Describe the types of best management practices (BMPs) you employ to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs are management and operational procedures such as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw materials storage.

Many BMP Procedures are maintained through an electronic training document management system, where employee training is provided and tracked. Examples include Stormwater Management, Wastewater Treatment Operations, Batch Records for Manufacturing Operations, Spill Response, etc.

J2 – Do you have the potential for a slug discharge to the sewer system:

A slug discharge is any discharge of a non-routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the City's regulations, local limits, or permit conditions. [40 CFR 403.8(f)(2)(v)]

<input type="checkbox"/> No	Skip to Next Section K – Non-Discharged Wastes	
<input checked="" type="checkbox"/> Yes	Answer the following questions:	
	J2a	Describe the type of the potential slug discharge, including quality and content.
		A potential slug discharge could occur if there were an accidental chemical discharge from a laboratory or manufacturing to the onsite pretreatment plant, outside of internal discharge limits.
	J2b	Describe current mechanisms for prevention of slug discharges.
		Administrative and physical controls include pre-approval of discharge streams, employee training, flow equalization, and continuous system parameter monitoring.
	J2c	Describe where and how raw materials are stored.
Chemicals are stored throughout the facility in containers ranging from small laboratory bottles up to 50,000 liter storage tanks.		

K – NON-DISCHARGED WASTES

K1 – Are any waste liquids or sludges generated and not disposed of in the sanitary sewer system?

<input type="checkbox"/> No	Skip to Next Section L – Authorized Signatures
-----------------------------	--

Yes	Waste Type	Units per Month	Placed in Trash	On-Site Storage or Treatment	Waste Hauler to a Waste Management Facility
<input checked="" type="checkbox"/>	Grease	Minimal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Oil	~100-gallons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Solvents	Varies, ~500,000 kgs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Inks / Dyes	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Paints	Minimal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Thinners	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Acids	~5,000 kgs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Alkalies (Bases)	Minimal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Plating Wastes	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pretreatment Sludge	Periodic, ~annually	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Pesticides	Minimal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Waste Product	Minimal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Other (Specify)	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

K2 – If above wastes are hauled off-site for proper disposal, complete the following:

Waste Hauler Name	Address of Final Disposal	Waste Type	Pick-up Frequency	EPA ID
Veolia ES Technical Solutions	9131 East 96th Ave. Henderson, CO 80640	Grease, Oil, Solvents, Acids, Waste Product	Weekly	COD980591184
Veolia ES Technical Solutions	Highway 73 3.5 Miles W. of Taylor's Bayou Port Arthur, TX 77640	Solvents, Acids, Waste Product	Shipped via VES Henderson, CO pickups	TXD000838896
Clean Harbors Environmental Services, Inc.	2247 South Highway 71 Kimball, NE 69145	Solvents, Acids, Waste Product, Contaminated soil/dirt	Weekly	NED981723513
Clean Harbors El Dorado, LLC	309 American Circle El Dorado, AR, 71730	Solvents, Acids, Waste Product	Shipped via CHES Kimball, NE pickups	ARD069748192
Clean Harbors Deer Park, LLC	2027 Independence Parkway South La Porte, TX 77571	Solvents, Acids, Waste Product	Shipped via CHES Kimball, NE pickups	TXD055141378
Clean Harbors Deer Trail, LLC	108555 E. HWY 36 Deer Trail, CO 80105	Non-hazardous production solid waste and debris	Bi-monthly	COD991300484
Safety-Kleen Systems	2801 S. Tejon Englewood, Co 80110	Solvents	Quarterly	COD000716621
Colorado Medical Waste, Inc.	3131 Oakland St, Aurora, CO 80010	Bio-haz waste	Monthly	n/a
Western Disposal Services	5880 Butte Mill Rd. Boulder, CO 80301	General trash and recycling material	Weekly	n/a

K3 – Describe where and how waste liquids and sludges are stored.

Liquid wastes are accumulated in tanks and containers.

Sludge wastes are accumulated in wastewater treatment tanks.

L – FACILITY COMPLIANCE STATUS

L1 – Are all applicable Federal, State, or Local pretreatment standards and requirements being met on a consistent basis?

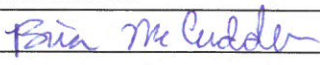
<input checked="" type="checkbox"/> Yes	Skip to Next Section M – Authorized Representative	
<input type="checkbox"/> N/A	Not yet discharging.	
<input type="checkbox"/> No	What additional operations and maintenance procedures are being considered to bring the facility into compliance? List additional treatment technology or practice being considered in order to bring the facility into compliance.	
	Provide a schedule for bring the facility into compliance. Specify major events planned along with reasonable completion dates.	
	<u>Proposed Milestone Activity</u>	<u>Proposed Completion Date</u>

M – AUTHORIZED REPRESENTATIVE

M1 – CERTIFICATION STATEMENT

Information and data identifying the nature and frequency of a discharge to the wastewater utility shall be available to the public. Requests for confidential treatment of information, other than discharge data, shall be made according to procedures outlined in the Boulder Revised Code. (see excerpt below)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:	Brian McCudden		
Title:	President and CEO		
Signature:			
Date:	8/26/2020	Phone / Email:	303-442-1926 Brian.McCudden@CordenPharma.com

BOULDER REVISED CODE EXERPTS

BRC 11-3-3 – AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USERS

means either a principal executive officer of at least the level of vice president, if the industrial user is a corporation; a general partner or proprietor, if the industrial user is a partnership or proprietorship; or a duly authorized representative, if such representative is responsible for the overall operation of the facilities from which any direct or indirect discharge originates.

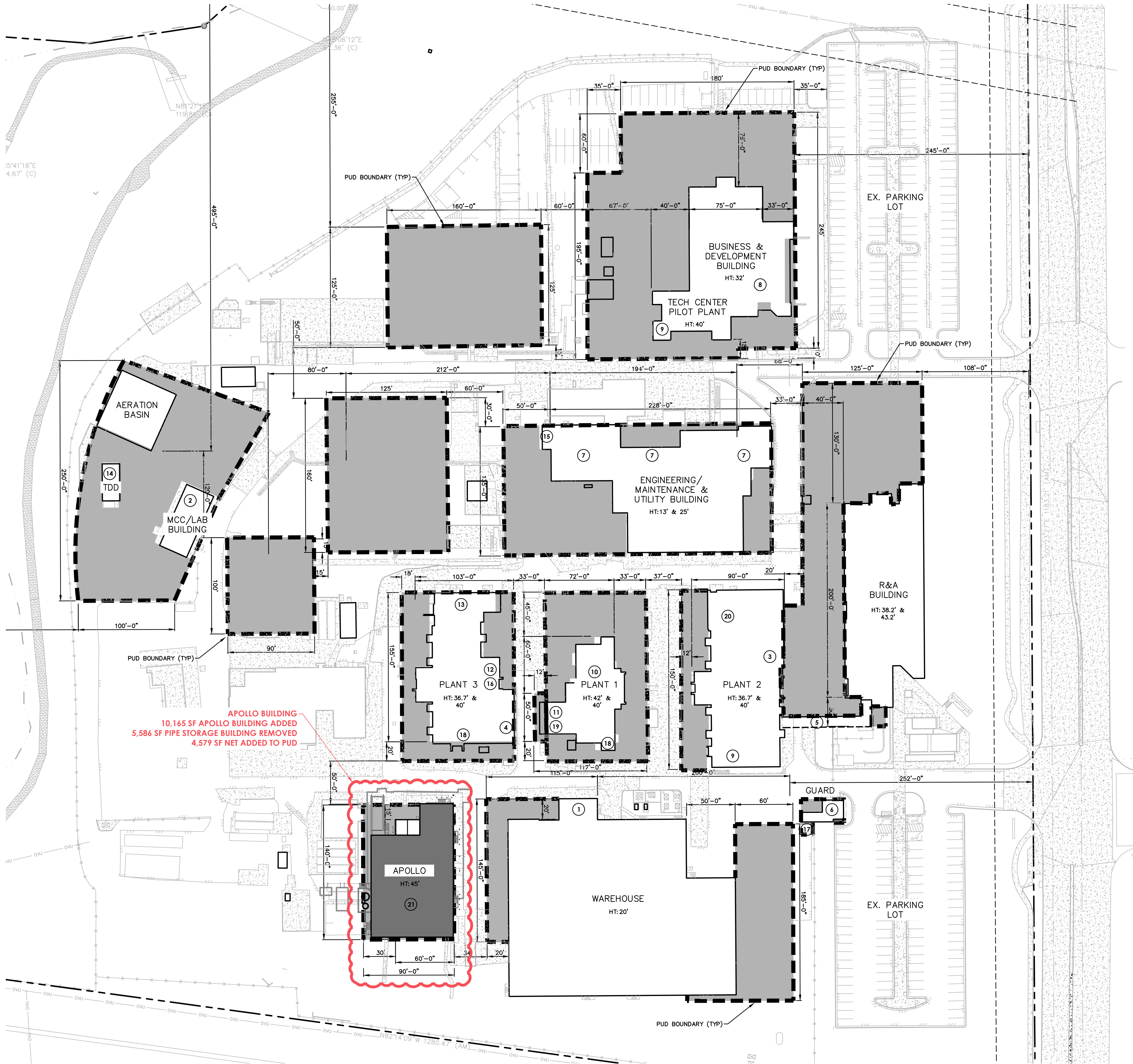
BRC 11-3-20 – CIVIL AND CRIMINAL LIABILITY FOR EXPENSES AND FINES

- (c) The penalty for violation of any provision of this chapter is a fine of not more than \$1,000.00 per violation per day, or incarceration for not more than ninety days in jail, or both such fine and incarceration.

BRC 11-3-32. – CONFIDENTIAL INFORMATION.

Any user submitting information to the city manager pursuant to this chapter may claim it to be confidential if the user demonstrates to the satisfaction of the city manager that release of such information would divulge information, processes or methods of production entitled to protection as the user's trade secrets.

- (a) The user shall assert such claim at the time of submission by stamping the words "confidential business information" on each page containing such information. If no such claim is made at the time of submission, the city manager may make information available to the public without further notice.
- (b) The city manager shall not publicly disclose such confidential information. Such information shall be available for use by the city manager or any federal or state agency in judicial review or enforcement efforts and proceedings involving the user furnishing the information.
- (c) The city manager may provide confidential information to governmental agencies upon written request for uses directly related to enforcement of this chapter. But the city manager shall not transmit information accepted by the city as confidential to any governmental agency until the city manager has provided fourteen days' written notification to the user.
- (d) Effluent or discharge data is not confidential.



SITE BUILDOUT

ABO #	Description	Building Area	Date
1982 PUD			
	R&A Building	42,000 SF	<1982
	Plant 1	10,000 SF	<1982
	Plant 2	17,000 SF	<1982
	Plant 3	24,800 SF	<1982
	Eng. Maint & Utility Building	10,200 SF	<1982
	Warehouse	43,000 SF	<1982
	Total Pre 1982 PUD Square Footage	147,000 SF	
	Total Additional Square Footage Approved In 1982	132,490 SF	
	Total Approved Enclosed Site Building Square Footage	279,490 SF	
Square Footage Approved and Built Since 1982			
1	Finishing Building	800 SF	1984
2	Treatment Plant Lab	2,100 SF	1984
3	Plant 2 Addition	4,000 SF	1984
4	Plant 3 Expansion	3,200 SF	1984
5	Bridge	1,000 SF	1986
6	Guard Shack	800 SF	1986
7	Eng/Maint/Utility Bldg.	14,600 SF	1988
8	Technology Center	32,000 SF	1988
9	Pilot Plant Expansion	4,800 SF	1989
10	Plant 1 Expansion	3,000 SF	1989
11	Plant 1 DCS Room	605 SF	1992
12	Plant 3 DCS/MCC Room	196 SF	1993
13	Plant 3 North Addition	4,223 SF	1995
14	ECS/TDD Building	694 SF	1996
15	Utility Bldg. MCC Addition	605 SF	1999
16	Plant 3 3rd Story MCC	576 SF	2001
17	Bridge Shack	120 SF	2002
18	Plant 1 & 3 Elec. Enclosure	172 SF	2003
19	Plant 1 DCS Room	444 SF	2003
20	Plant 2 Expansion	13,436 SF	2004
	Total Square Footage Approved and Built Since 1982, Approved In 2003 Minor Mod.	89,371 SF	
Remaining Site Buildout (Per 2003 Minor Mod)			
	Approved Square Footage (1982 PUD)	279,490 SF	
	Original Built Square Footage (Pre 1982)	147,000 SF	
	Built SF since 1982 (Per 2003 Minor Mod)	89,371 SF	
	Remaining SF Build Out (Per 2003 Minor Mod)	43,119 SF	
Apollo Project			
	Existing Floor Area	236,371 SF	
	Demolished Butler Building	5,586 SF	2025
21	Apollo Phase 1	5,960 SF	2025
21	Apollo Phase 2	4,205 SF	T.B.D.
	Total Constructed Floor Area	240,250 SF	
	Remaining SF Build Out (Per 2025 Minor Mod)	38,540 SF	

NOTES

- ALTA/NSPS LAND TITLE SURVEY PREPARED BY FLATIRON SURVEYING, DATED 01/31/25.
- BENCHMARK INFORMATION: TRIMBLE VRS NOW CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK WAS USED TO ESTABLISH A GPS DERIVED ELEVATION ON AN ONSITE BENCHMARK AT THE SOUTHEAST CORNER OF THE SITE, BEING A SET #4 REBAR WITH AN ELEVATION OF 5223.30 FEET (NAVD88). NGS POINT 5 438, BEING A STAINLESS STEEL ROD LOCATED AT THE SOUTHEAST CORNER OF THE SITE, WITH A PUBLISHED ELEVATION OF 5221.96 FEET, WAS CHECKED INTO WITH AN AS-MEASURED ELEVATION OF 5221.72 FEET. NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THE ELEVATION OF THE ON-SITE BENCHMARK.
- PORTIONS OF THE SITE ARE LOCATED IN ZONE X SHADED (500-YEAR) AND ZONE AE (100-YEAR) SPECIAL FLOOD HAZARD AREAS. REFERENCE FEMA FIRM 08013C0413K EFFECTIVE DATE 12/07/2017.

siteworks
creativity for
the built environment

For
Submittal

Corden
Pharma
2075 55th Street
Boulder, CO 80304

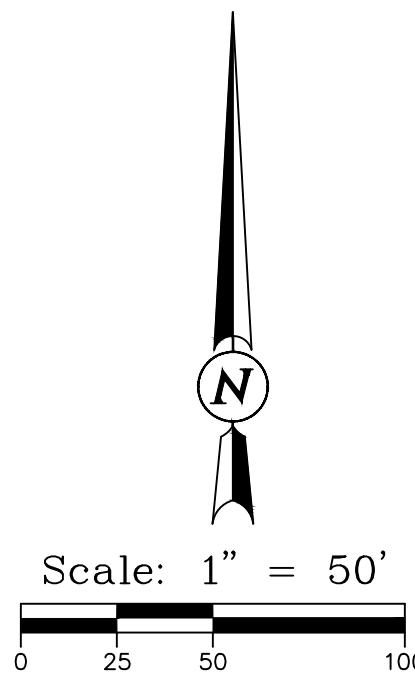
#	Date	Description
1	04/16/25	Minor Mod
2	05/21/25	City Comments

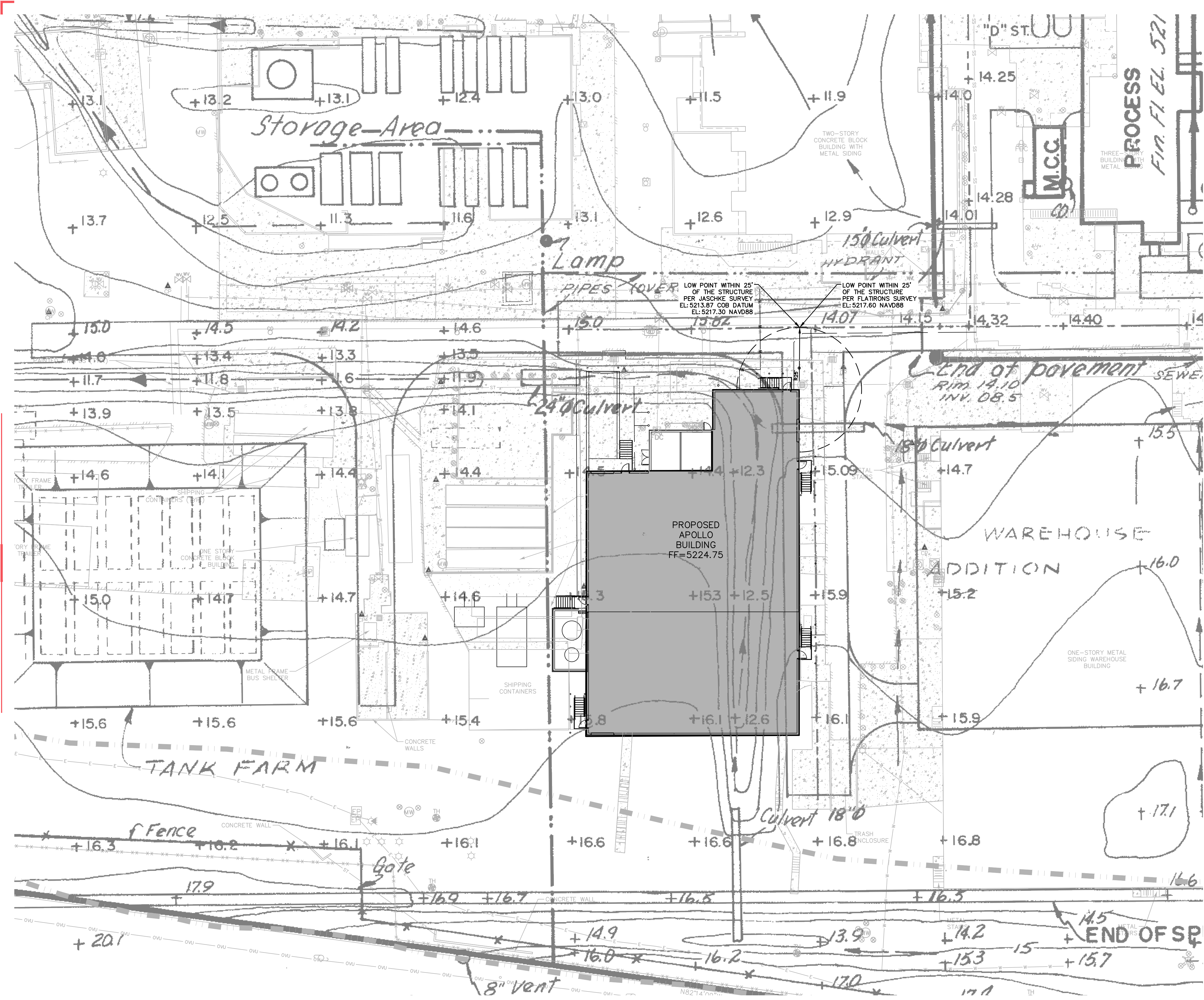
Project No: 24190
By: JAS/DASH
File: 24190B-3.dwg

Apollo PUD Site
Plan

Sheet

CS-101

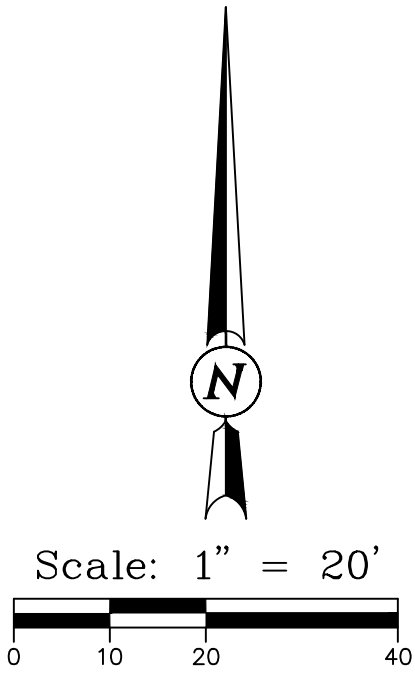




BUILDING HEIGHT PLAN
1
SCALE: 1" = 20'

BUILDING HEIGHT	
1971 HISTORIC GRADE - LOWEST POINT WITHIN 25' (CITY OF BOULDER DATUM)	5213.87
CONVERSION FROM CITY OF BOULDER DATUM TO NAVD 88	3.43'
1971 HISTORIC GRADE - LOWEST POINT WITHIN 25' (NAVD 88)	5217.30
BUILDING FINISH FLOOR (NAVD 88)	5224.75
TOP OF ROOF (NAVD 88)	5262.25
TOP OF PARAPET (NAVD 88)	5263.75
BUILDING HEIGHT	44.95'

NOTES	
1.	TOPOGRAPHIC SURVEY PREPARED BY FLATIRON SURVEYING, DATED 01/31/25.
2.	BENCHMARK INFORMATION: TRIMBLE VRS NOW CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK WAS USED TO ESTABLISH A GPS DERIVED ELEVATION ON AN ONSITE BENCHMARK AT THE SOUTHEAST CORNER OF THE SITE, BEING A SET #4 REBAR WITH AN ELEVATION OF 5223.30 FEET (NAVD88). NGS POINT S 438, BEING A STAINLESS STEEL ROD LOCATED AT THE SOUTHEAST CORNER OF THE SITE, WITH A PUBLISHED ELEVATION OF 5221.96 FEET, WAS CHECKED INTO WITH AN AS-MEASURED ELEVATION OF 5221.72 FEET. NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THE ELEVATION OF THE ON-SITE BENCHMARK.
3.	THE HISTORIC TOPOGRAPHIC SURVEY FOR THE VALLEY VIEW PLANT, ARAPAHOE CHEMICAL DIVISION OF SYNTIX CORPORATION, WAS PREPARED BY COE, VAN LOO & JASCHKE ENGINEERING, INC. DATED 05/17/73. THIS SURVEY WAS COMPLETED IN THE CITY OF BOULDER DATUM.
4.	CONVERSION FROM CITY OF BOULDER DATUM TO NORTH AMERICAN VERTICAL DATUM OF 1988 IS 3.43 FEET.
5.	BASED ON RESEARCH OF HISTORICAL PLANS AND IMAGERY FOR THE FACILITY, IT WAS DETERMINED THAT THE SITE IMPROVEMENTS AND TOPOGRAPHY THAT WERE IDENTIFIED ON THE 1973 SURVEY WERE IN PLACE PRIOR TO THE CHARTER HEIGHT DEFINITION ESTABLISHED ON NOVEMBER 2, 1970. THEREFORE, THE BUILDING HEIGHT HAS BEEN ESTABLISHED BASED ON THE 1973 TOPOGRAPHIC SURVEY.
6.	PORTIONS OF THE SITE ARE LOCATED IN ZONE X SHADED (500-YEAR) AND ZONE AE (100-YEAR) SPECIAL FLOOD HAZARD AREAS. REFERENCE FEMA FIRM 08013C0413K EFFECTIVE DATE 12/07/2017.



siteworks
creativity for
the built environment

For
Submittal

**Corden
Pharma**
2075 55th Street
Boulder, CO 80304

#	Date	Description
1	04/16/25	Minor Mod
2	05/21/25	City Comments

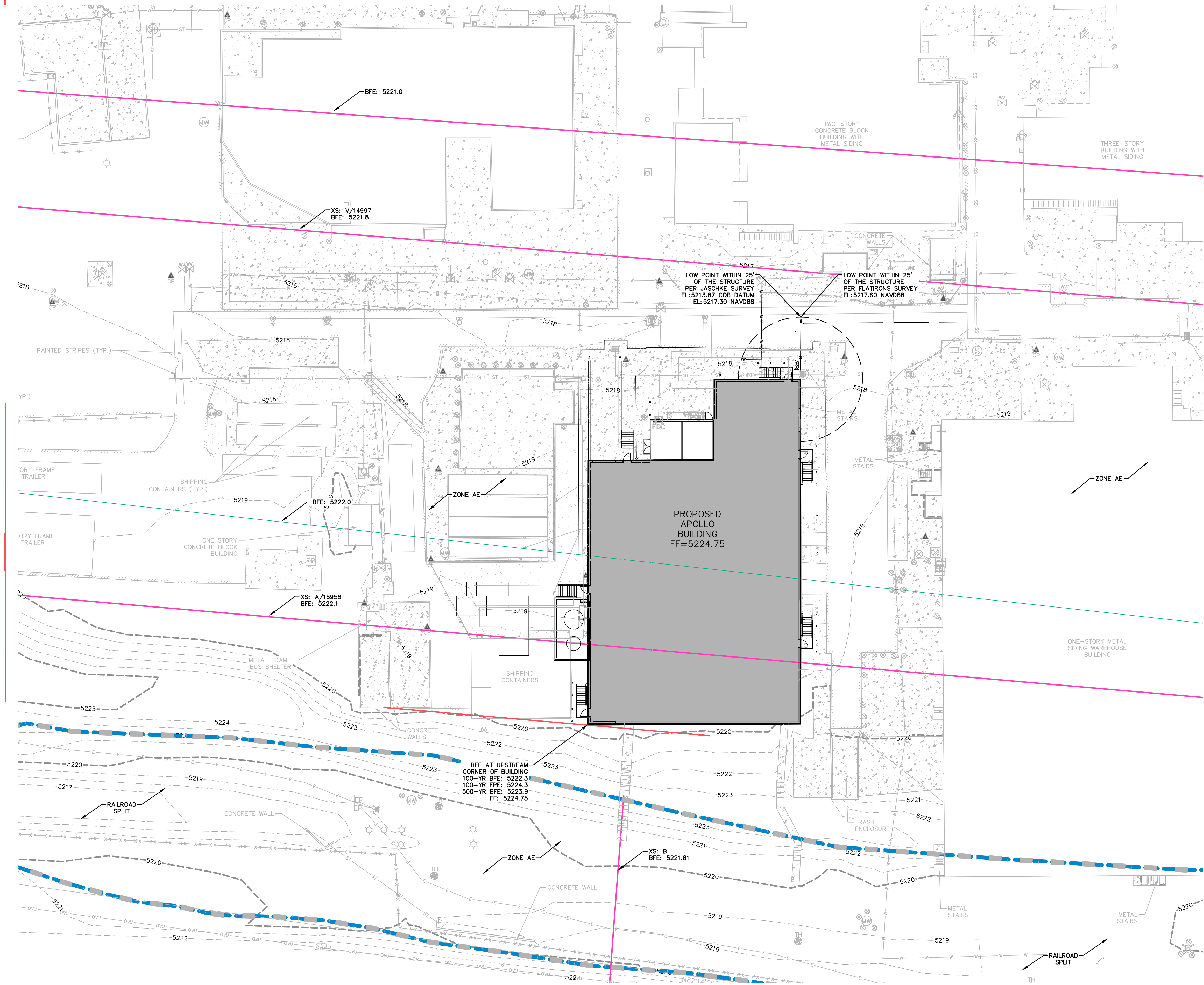
Project No: 24190
By: JAS/DASH
File: 24190B-3.dwg

**Apollo Building
Height Plan**

Sheet

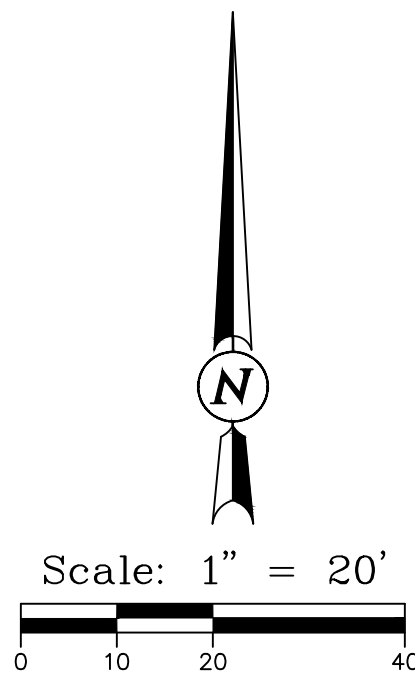
CS-201

Z:\SiteWorks\Projects - Documents\2024 Projects\24190 2075 55th Street - Corden Pharma\07-Drawings\07 01 02-Minor Mod Plans\24190B-3.dwg



**FDP
SITE PLAN**
1
SCALE: 1" = 20'

NOTES	
1.	TOPOGRAPHIC SURVEY PREPARED BY FLATIRON SURVEYING, DATED 01/31/25.
2.	BENCHMARK INFORMATION: TRIMBLE VRS NOW CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK WAS USED TO ESTABLISH A GPS DERIVED ELEVATION ON AN ONSITE BENCHMARK AT THE SOUTHEAST CORNER OF THE SITE, BEING A SET #4 REBAR WITH AN ELEVATION OF 5223.30 FEET (NAVD88). NGS POINT S 438, BEING A STAINLESS STEEL ROD LOCATED AT THE SOUTHEAST CORNER OF THE SITE, WITH A PUBLISHED ELEVATION OF 5221.96 FEET, WAS CHECKED INTO WITH AN AS-MEASURED ELEVATION OF 5221.72 FEET. NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THE ELEVATION OF THE ON-SITE BENCHMARK.
3.	PORTIONS OF THE SITE ARE LOCATED IN ZONE X SHADED (500-YEAR) AND ZONE AE (100-YEAR) SPECIAL FLOOD HAZARD AREAS. REFERENCE FEMA FIRM 08013C0413K EFFECTIVE DATE 12/07/2017.

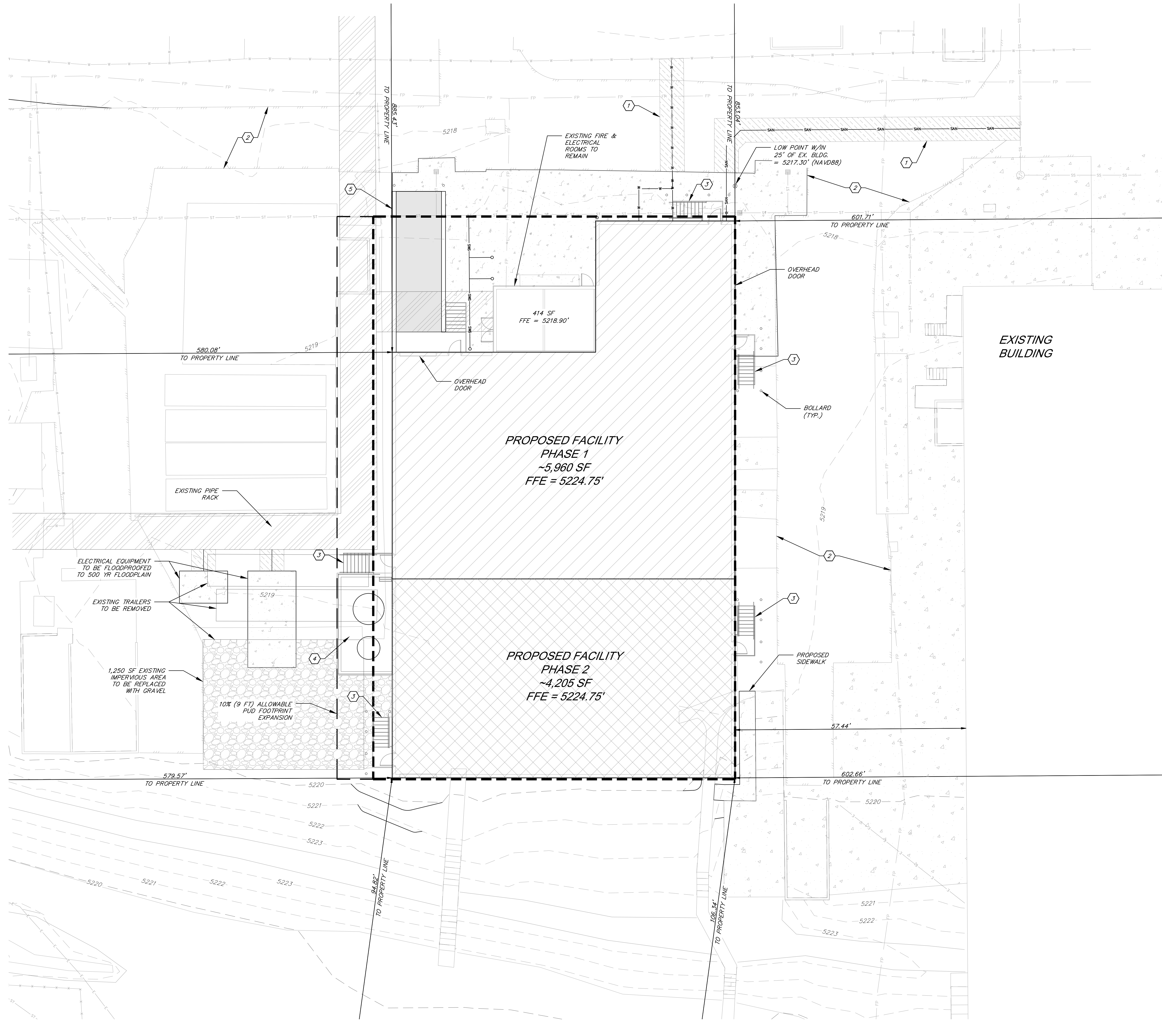


#	Date	Description
1	04/16/25	Minor Mod
2	05/21/25	City Comments

Project No: 24190
By: JAS/DASH
File: 24190B-3.dwg

Apollo Floodplain
Development
Permit Site Plan

REV	DATE	DESCRIPTION
PROJECT NUMBER 16707		
DATE 05/20/25 PUD MM - R1		
DESIGNED:	ELS	
DRAWN:	ELS	
REVIEWED:	JMS	
SHEET TITLE OVERALL SITE PLAN PUD MINOR MOD		
SHEET NUMBER C1.00		
© George Butler Associates, Inc. 2023 Engineering COA# 2881-11 Architecture COA# 2881-11		



REV	DATE	DESCRIPTION
1	5/7/2025	PUD MM - R1

PROJECT NUMBER
16707

DATE
05/20/2025

PUD MM - R1

DESIGNED: JRJ

DRAWN: JRJ

REVIEWED: RJR

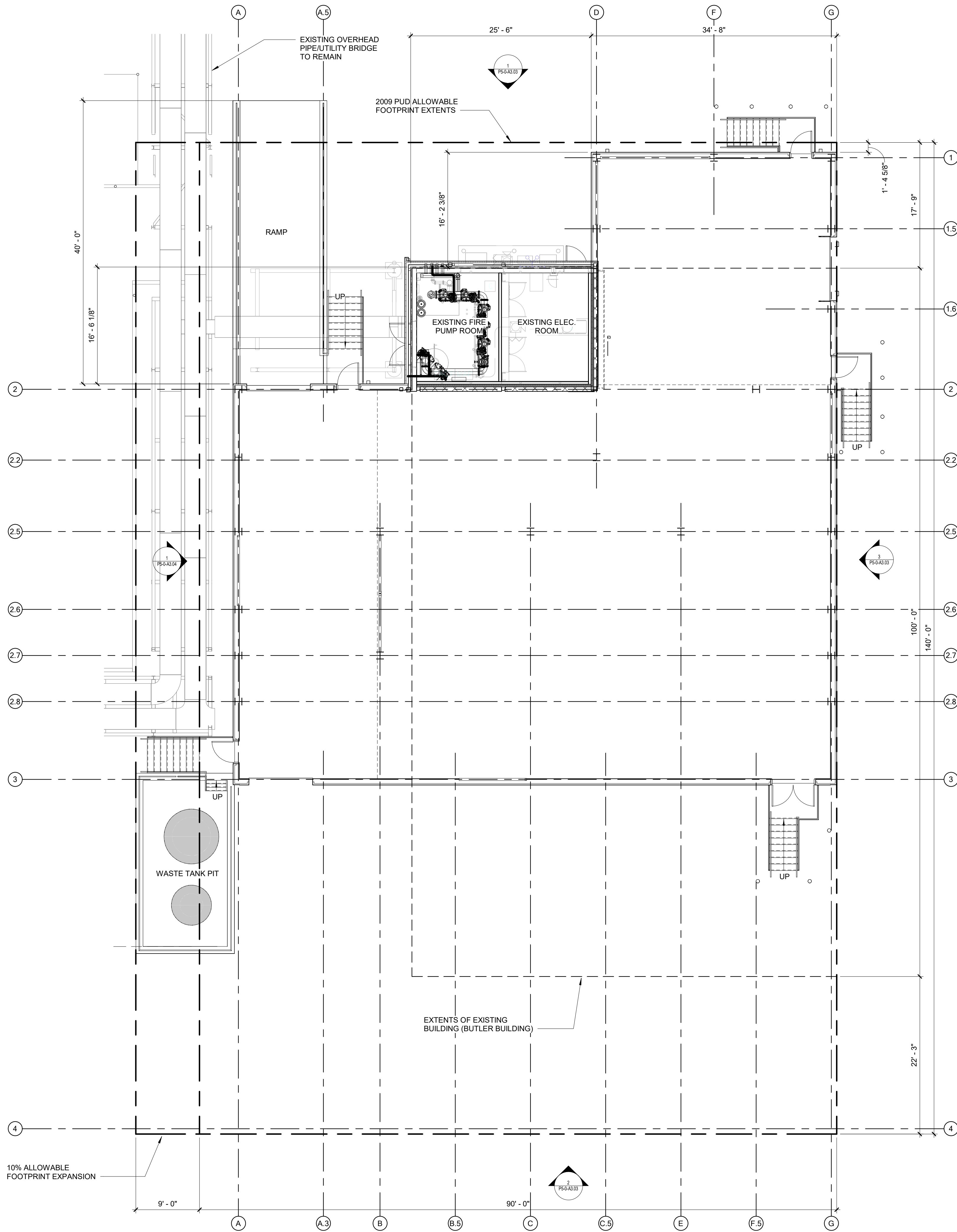
SHEET TITLE

OVERALL FIRST FLOOR
PLAN - PUD MINOR MOD -
PHASE 1 ONLY

GBA SHEET NUMBER

P5-0-A1.11

CORDEN SHEET NUMBER



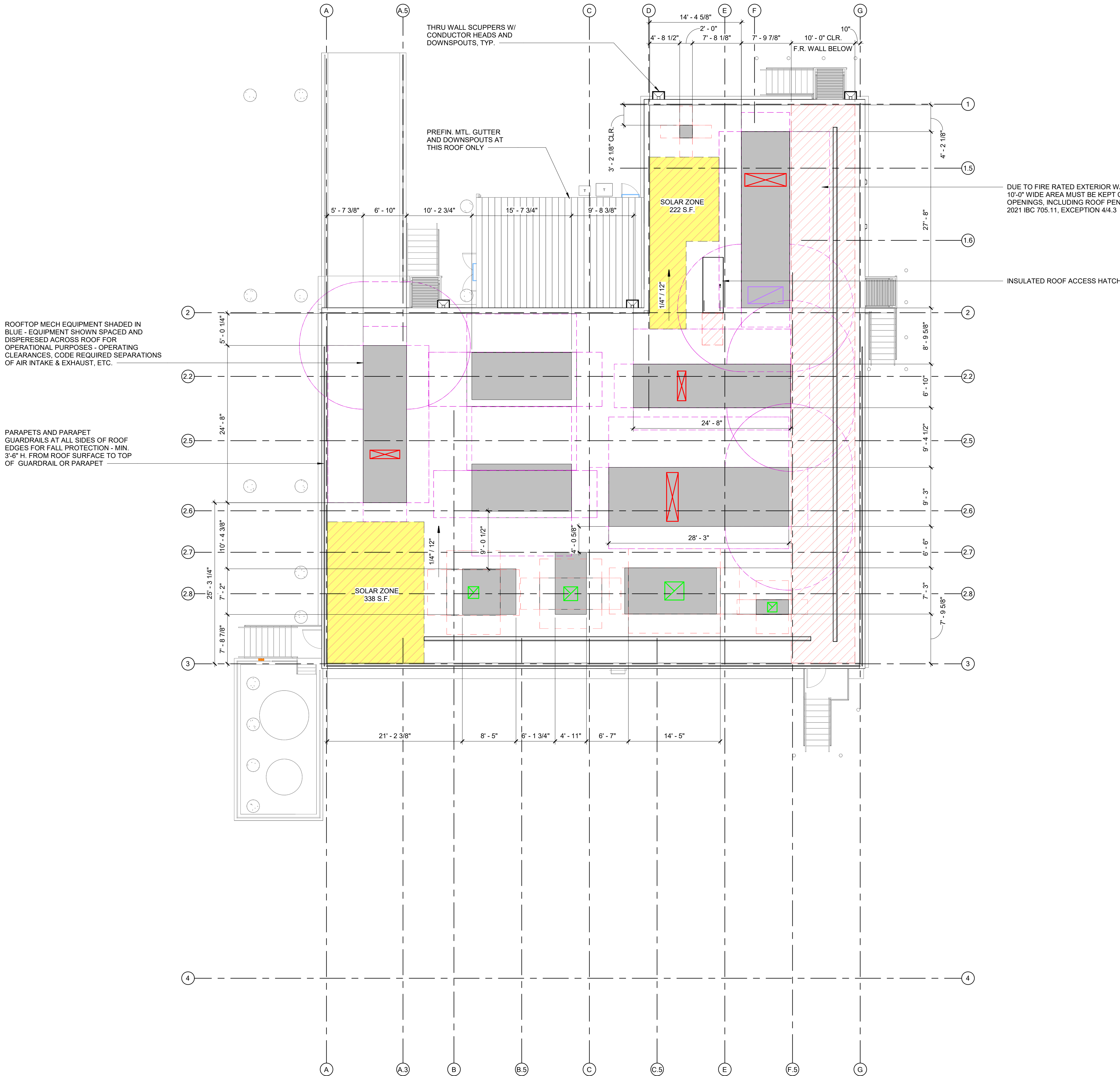
OVERALL FIRST FLOOR PLAN - PUD MINOR MOD

1/8" = 1'-0" 1" 5' 10' 20'



AREA FOR CITY STAMP ONLY

OVERALL ROOF PLAN - PUD Copy 1



BOULDER REVISED CODE

TITLE 9 - CHAPTER 7 - SECTION 9-7-7 - BUILDING HEIGHT APPURTENANCES

PER PART (a)(3) - MECHANICAL EQUIPMENT, CONSIDERED CUMULATIVELY, MAY NOT COVER MORE THAN 25% OF THE ROOF AREA OF THE BUILDING.

ROOF AREAS

PHASE 1 ROOF AREA = 5,636 S.F.

PHASE 2 ROOF AREA = 4,119 S.F.

ALLOWABLE AREA OF MECH EQUIPMENT - PHASE 1 = 1,409 S.F.

ALLOWABLE AREA OF MECH EQUIPMENT - PHASE 2 = 1,029 S.F.

ACTUAL AREA OF MECH EQUIPMENT - PHASE 1 = 1,268.23 S.F. < 1,409 S.F.

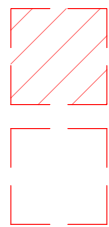
ACTUAL AREA OF MECH EQUIPMENT - PHASE 2 = TBD - SHALL NOT EXCEED ALLOWABLE AMTS. NOTED ABOVE

PER PART (a)(4) - ALL MECHANICAL EQUIPMENT IS SCREENED FROM VIEW, REGARDLESS OF THE HEIGHT OF THE BUILDING, UNLESS IN THE OPINION OF THE CITY MANAGER SUCH SCREENING CONFLICTS WITH THE FUNCTION OF THE MECHANICAL EQUIPMENT.

THE AMOUNT OF REQUIRED ROOFTOP EQUIPMENT FOR THIS PROJECT MAKES MECHANICAL SCREENING INFEASIBLE. SCREENS WOULD EITHER BE TOO CLOSE TO EQUIPMENT FOR MAINTENANCE TO BE PERFORMED, OR TOO CLOSE TO ROOF EDGES TO BE SEEN AS EQUIPMENT SCREENS AND NOT EXTENSIONS OF THE EXTERIOR WALLS WHICH IS DISCOURAGED PER BRC 9-7-7(a)(4)(D)

ROOF PLAN LEGEND

NOTE:
RE: ARCHITECTURAL ELEVATIONS FOR ADDITIONAL INFORMATION



REQUIRED CLEARANCE AREA (CODE, MAINTENANCE, OPERATION, ETC.)

ROOFTOP MECHANICAL EQUIPMENT (AHU, MAU, EXHAUST FAN, ETC.)

SOLAR ZONE - SOLAR READINESS AND/OR LOCATION RESERVED FOR SOLAR PANELS FOR ON-SITE RENEWABLES

AREA FOR CITY STAMP ONLY



9801 Renner Blvd, Ste. 300
Lenexa, KS 66219
913.492.0400
GBAteam.com

CORDEN APOLLO 1

2075 55TH ST
BOULDER, CO 80301

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
1	5/7/2025	PUD MM - R1

PROJECT NUMBER
16707

DATE
05/20/2025

PUD MM - R1

DESIGNED: JRJ

DRAWN: JRJ

REVIEWED: RJR

SHEET TITLE

OVERALL ROOF PLAN -
PUD MINOR MOD Copy 1

GBA SHEET NUMBER

P5-0-A1.41

CORDEN SHEET NUMBER

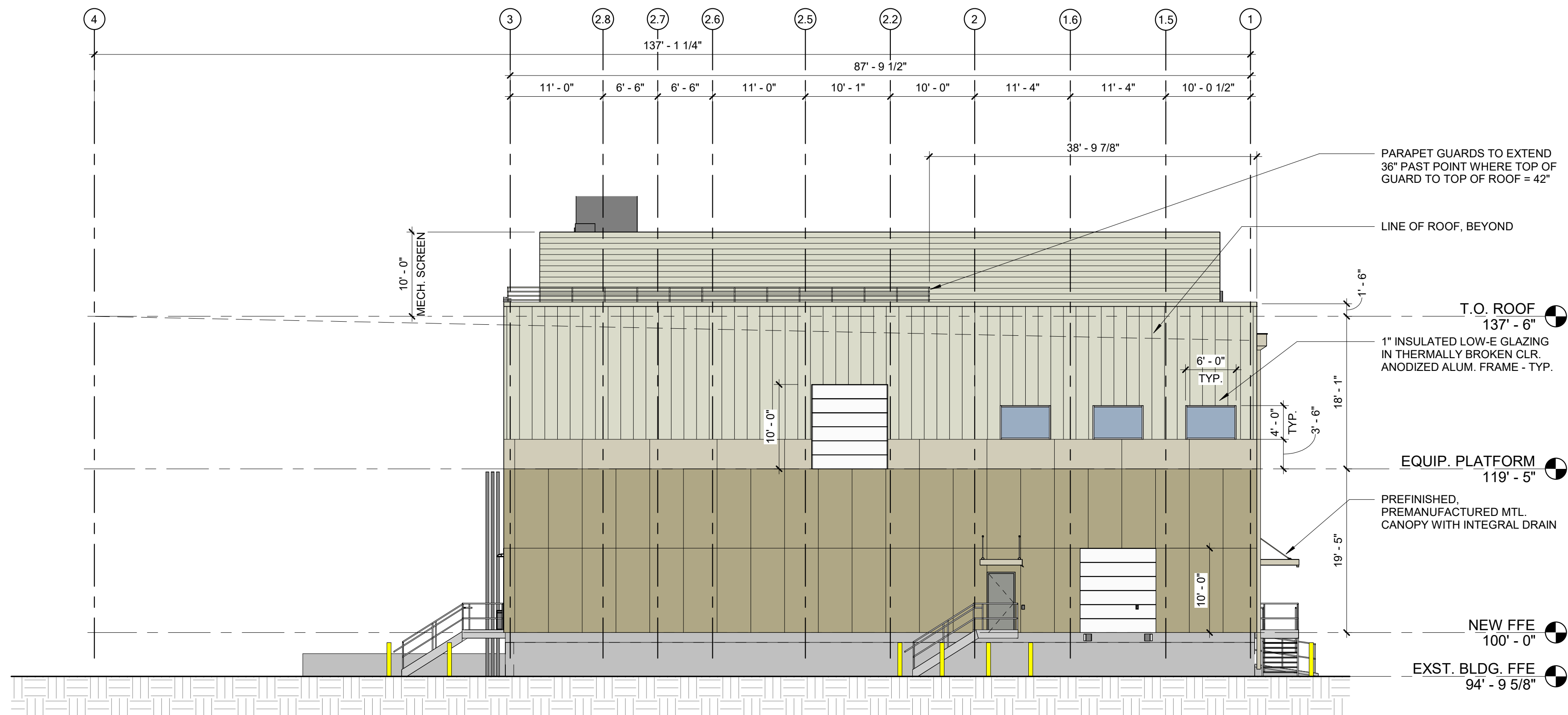
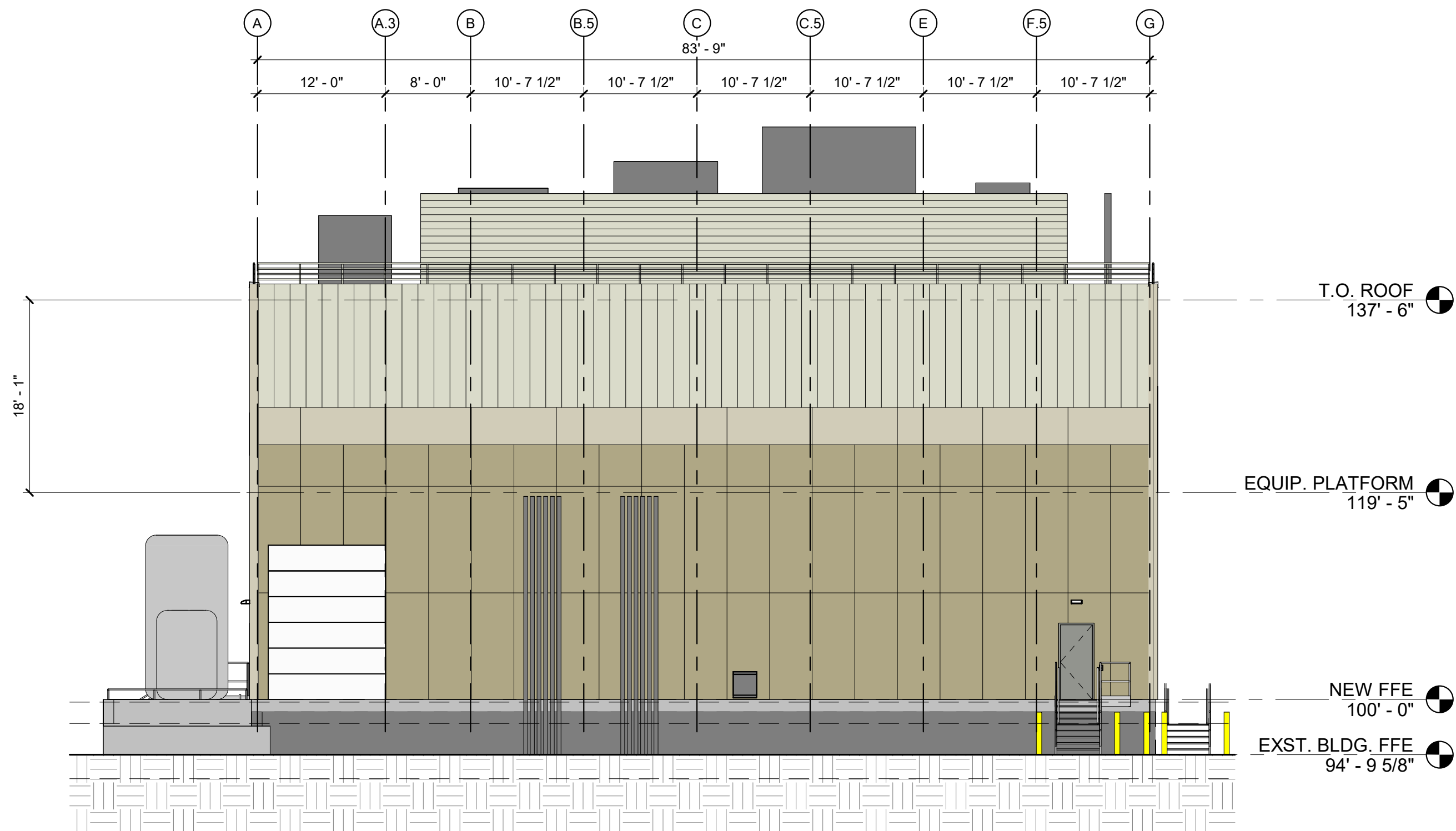
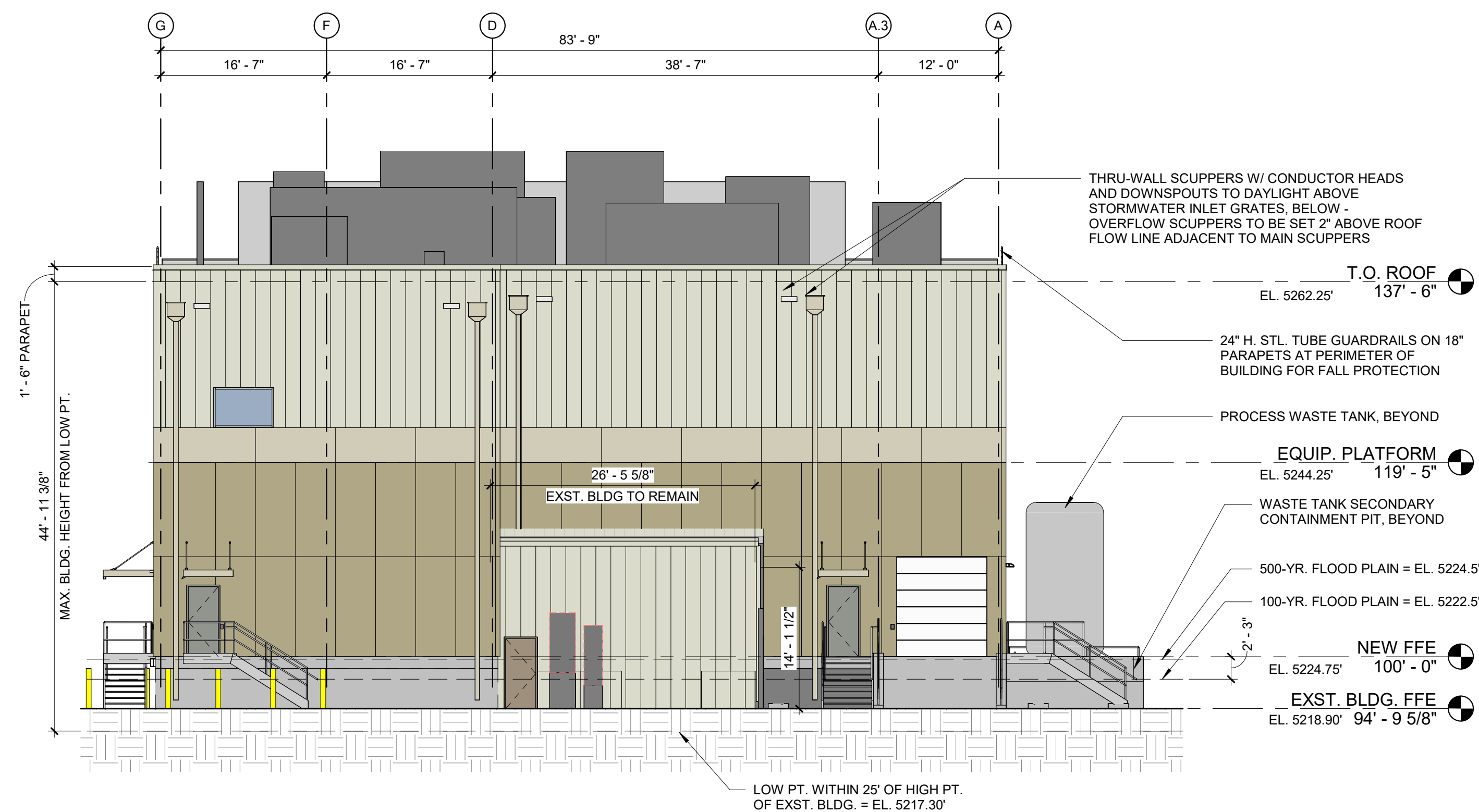
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
1	5/7/2025	PUD MM - R1

PROJECT NUMBER	16707
DATE	05/20/2025
PUD MM - R1	
DESIGNED:	JRV
DRAWN:	JRV
REVIEWED:	RJR

SHEET TITLE
OVERALL EXTERIOR
ELEVATIONS - PUD MINOR
MOD - PH1 ONLY
GBA SHEET NUMBER**P5-0-A3.03**

CORDEN SHEET NUMBER

**EAST ELEVATION - PUD**P5-0-A1.11|P5-0-A3.03
SCALE: 1" = 10'-0"NOTE: REF. NORTH ELEVATION FOR
REFERENCE ELEVATIONS TO NAVD88**SOUTH ELEVATION - PUD**P5-0-A1.11|P5-0-A3.03
SCALE: 1" = 10'-0"NOTE: REF. NORTH ELEVATION FOR
REFERENCE ELEVATIONS TO NAVD88**NORTH ELEVATION - PUD**P5-0-A1.11|P5-0-A3.03
SCALE: 1" = 10'-0"**MATERIAL & FINISH LEGEND**

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- FLUSH INSULATED METAL PANEL: IMP-2 - MEDIUM TAN
- CORRUGATED INSULATED METAL PANEL - IMP-3 - LIGHT TAN (TO MATCH EXISTING)
- UNINSULATED CORRUGATED METAL PANEL (EXISTING)
- C.I.P. CONCRETE, UNFINISHED
- PAINTED HOLLOW METAL DOOR/FRAME: HM-1 - DARK TAN (TO MATCH WALL PANELS)
- INSULATED LOW-E GLAZING: GL-1

AREA FOR CITY STAMP ONLY

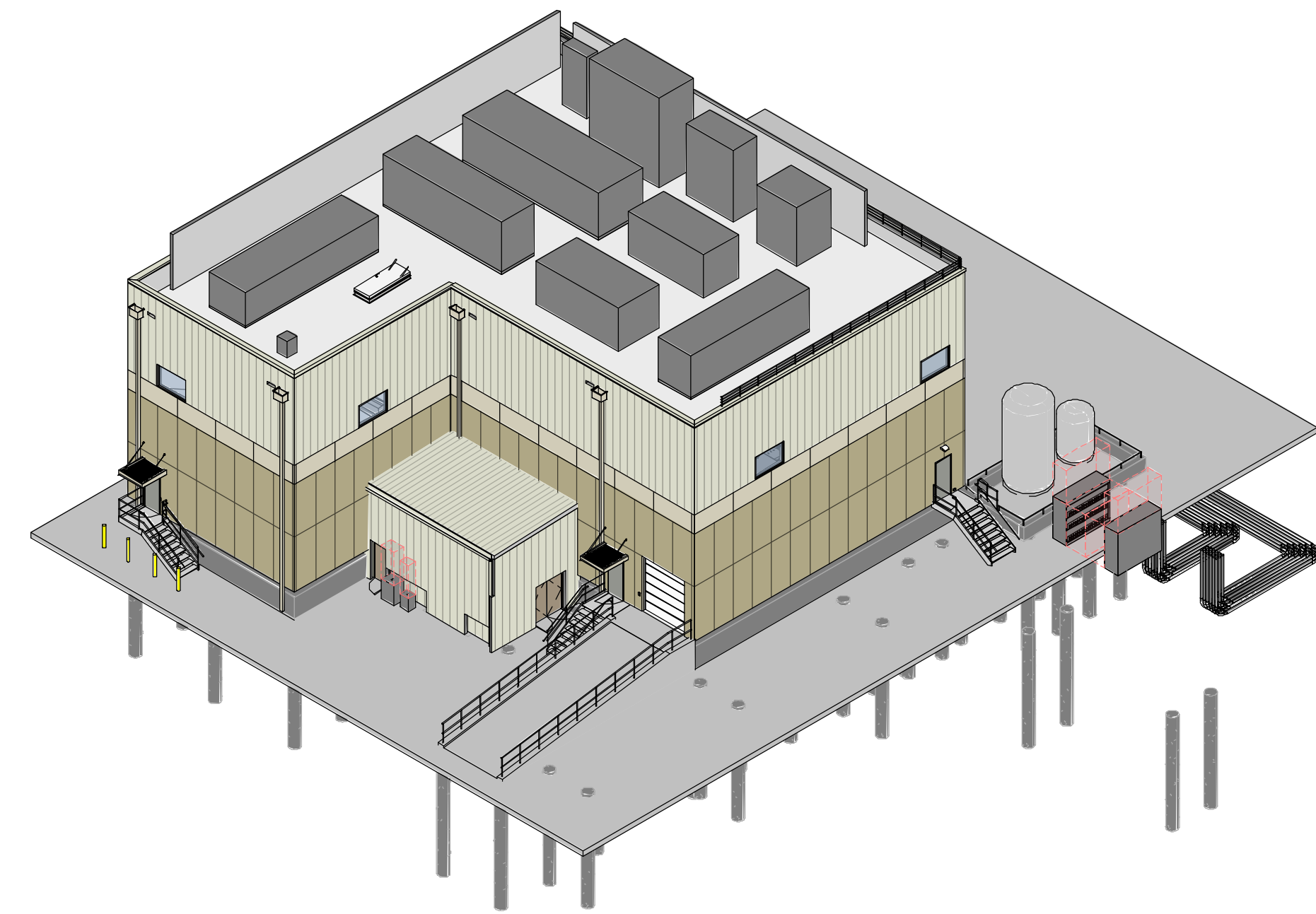
CORDEN APOLLO 1

2075 55TH ST
BOULDER, CO 80301

NOT FOR CONSTRUCTION

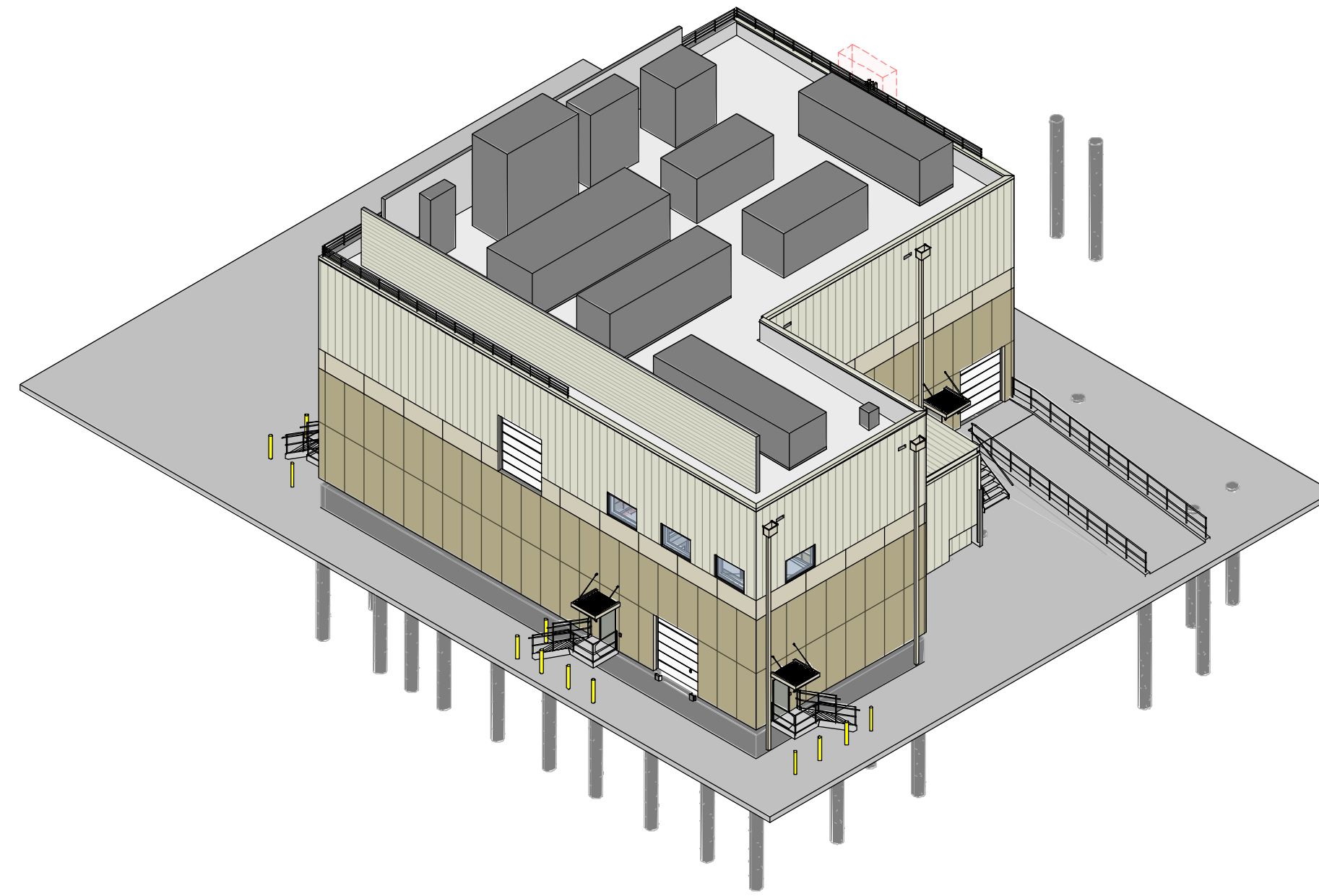
REV	DATE	DESCRIPTION
1	5/7/2025	PUD MM - R1

PROJECT NUMBER	16707
DATE	05/20/2025
PUD MM - R1	
DESIGNED:	JRV
DRAWN:	JRV
REVIEWED:	RJR
SHEET TITLE	OVERALL EXTERIOR ELEVATIONS & 3D VIEWS - PUD MINOR MOD - PH1 ONLY
GBA SHEET NUMBER	
P5-0-A3.04	
CORDEN SHEET NUMBER	



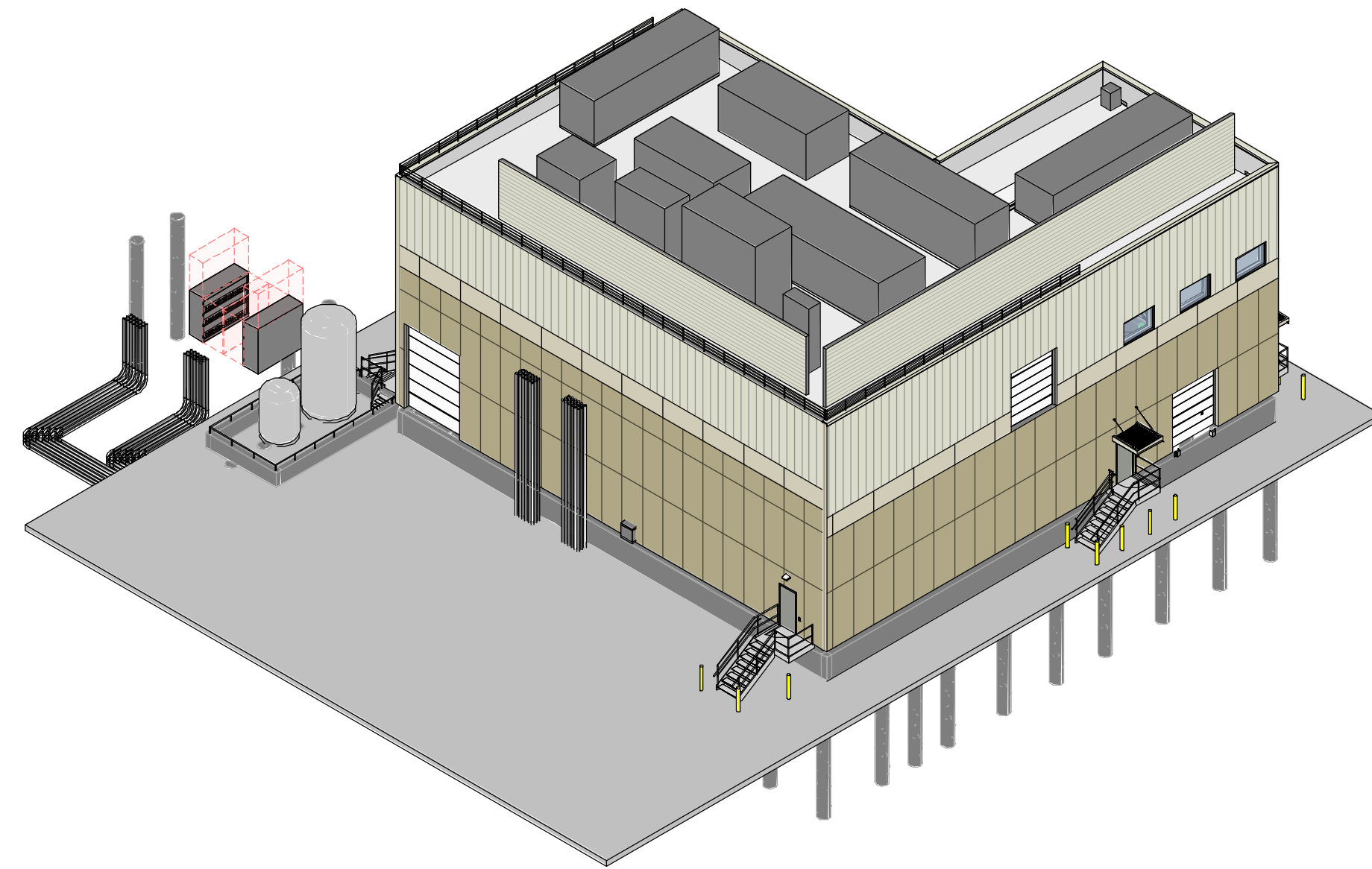
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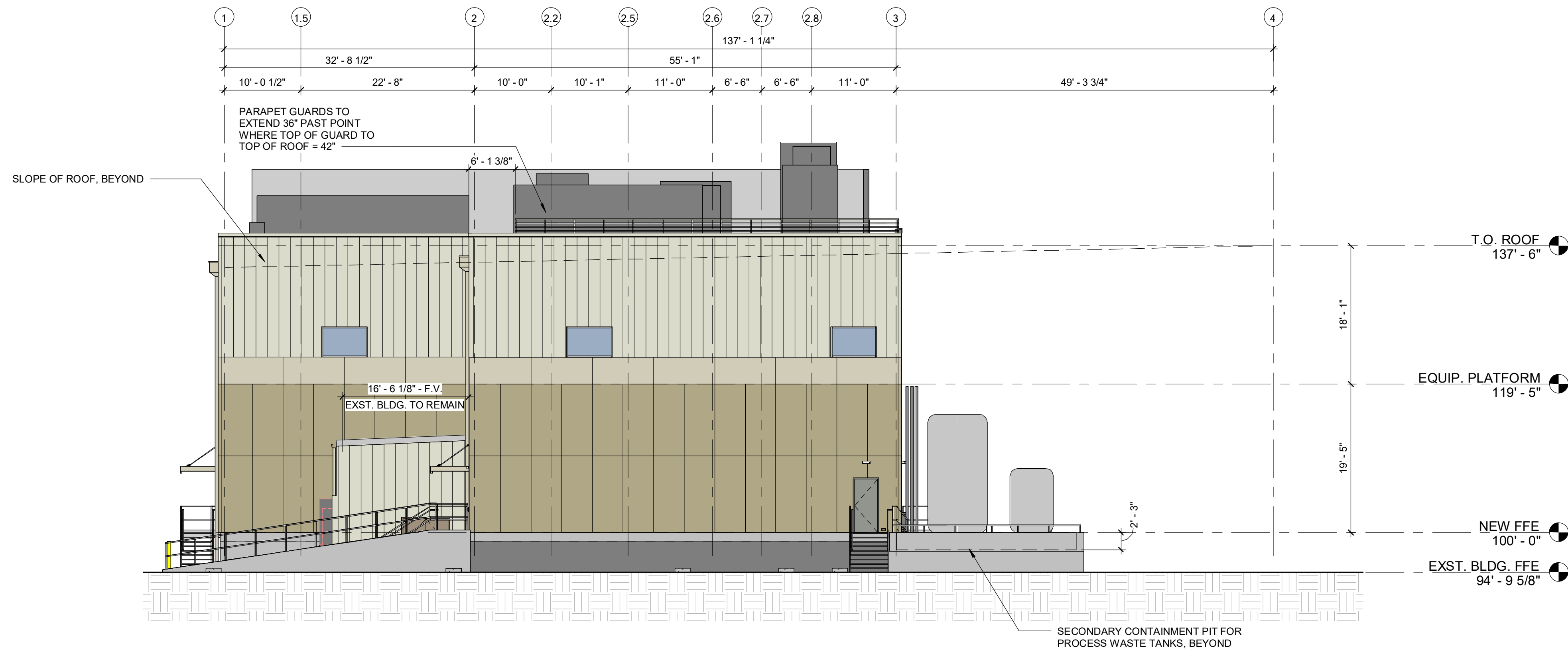
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P5-0-A3.04 SCALE :



3D AXON - SE CORNER - PUD

P5-0-A3.04 SCALE :



MATERIAL & FINISH LEGEND

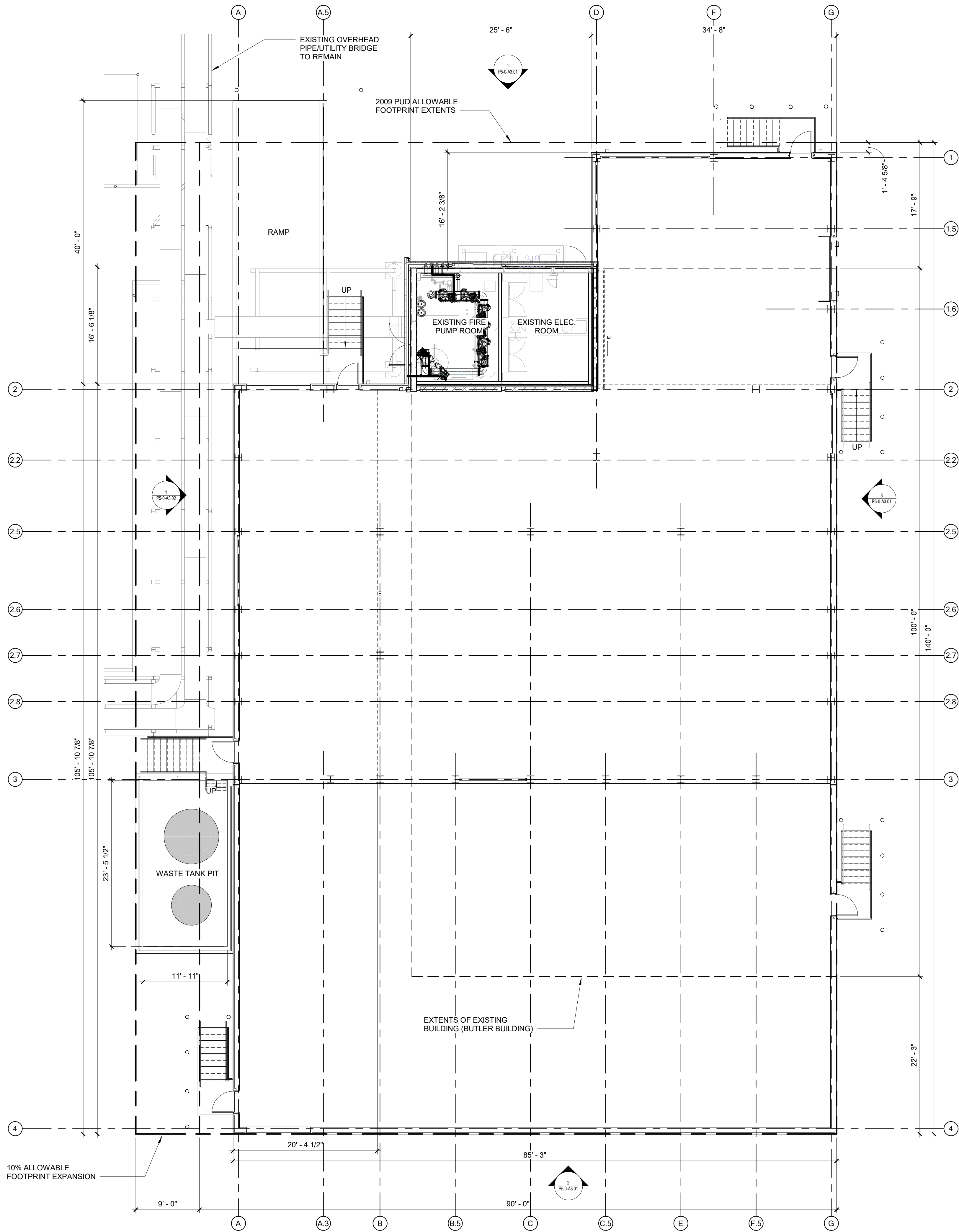
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- FLUSH INSULATED METAL PANEL: IMP-2 - MEDIUM TAN
- CORRUGATED INSULATED METAL PANEL - IMP-3 - LIGHT TAN (TO MATCH EXISTING)
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- C.I.P. CONCRETE, UNFINISHED
- PAINTED HOLLOW METAL DOOR/FRAME : HM-1 - DARK TAN (TO MATCH WALL PANELS)
- INSULATED LOW-E GLAZING: GL-1

AREA FOR CITY STAMP ONLY

WEST ELEVATION - PUD

P5-0-A3.04 SCALE : 1" = 10'-0"

NOTE: REF. NORTH ELEVATION FOR
REFERENCE ELEVATIONS TO NAVD88



PUD ALLOWABLE SITE ENCLOSED BUILDING SQUARE FOOTAGES

TOTAL CAMPUS ALLOWABLE FLOOR AREA = 279,490 S.F. (PER 2009 PUD)

TOTAL CAMPUS EXISTING FLOOR AREA = 236,371 S.F.

TOTAL REMAINING ALLOWABLE CAMPUS FLOOR AREA = 43,119 S.F.

PHASE 1

EXISTING BUTLER BUILDING AREA = 6,000 S.F.

BUTLER BUILDING AREA TO BE DEMOLISHED = 5,586 S.F. (414 S.F. TO REMAIN)

APOLLO 1 BUILDING AREA (NEW + EXISTING TO REMAIN) = 6,374 S.F.

NET ADDITIONAL SITE SQUARE FOOTAGE = 374 S.F.

NEW TOTAL CAMPUS FLOOR AREA = 236,745 S.F.

TOTAL REMAINING ALLOWABLE CAMPUS FLOOR AREA = 42,745 S.F.

PHASE 2

APOLLO 1 PHASE 2 EXPANSION AREA = 4,205 S.F.

NEW TOTAL CAMPUS FLOOR AREA = 240,950 S.F.

TOTAL REMAINING ALLOWABLE CAMPUS FLOOR AREA = 38,540 S.F.



9801 Renner Blvd, Ste. 300
Lenexa, KS 66219
913.492.0400
GBAteam.com

CORDEN APOLLO 1

2075 55TH ST
BOULDER, CO 80301

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
1	5/7/2025	PUD MM - R1

PROJECT NUMBER	16707
DATE	05/20/2025
PUD MM - R1	
DESIGNED:	JRV
DRAWN:	JRV
REVIEWED:	RJR

SHEET TITLE

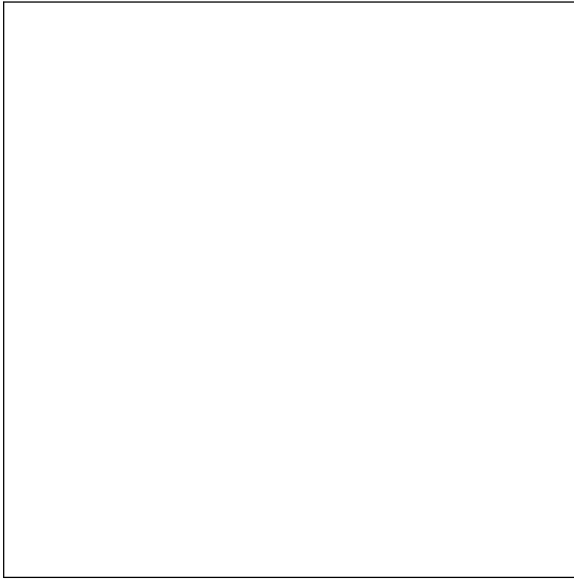
OVERALL FIRST FLOOR
PLAN - PUD MINOR MOD

GBA SHEET NUMBER

P5-0-A1.10

CORDEN SHEET NUMBER

AREA FOR CITY STAMP ONLY



OVERALL FIRST FLOOR PLAN - PUD MINOR MOD

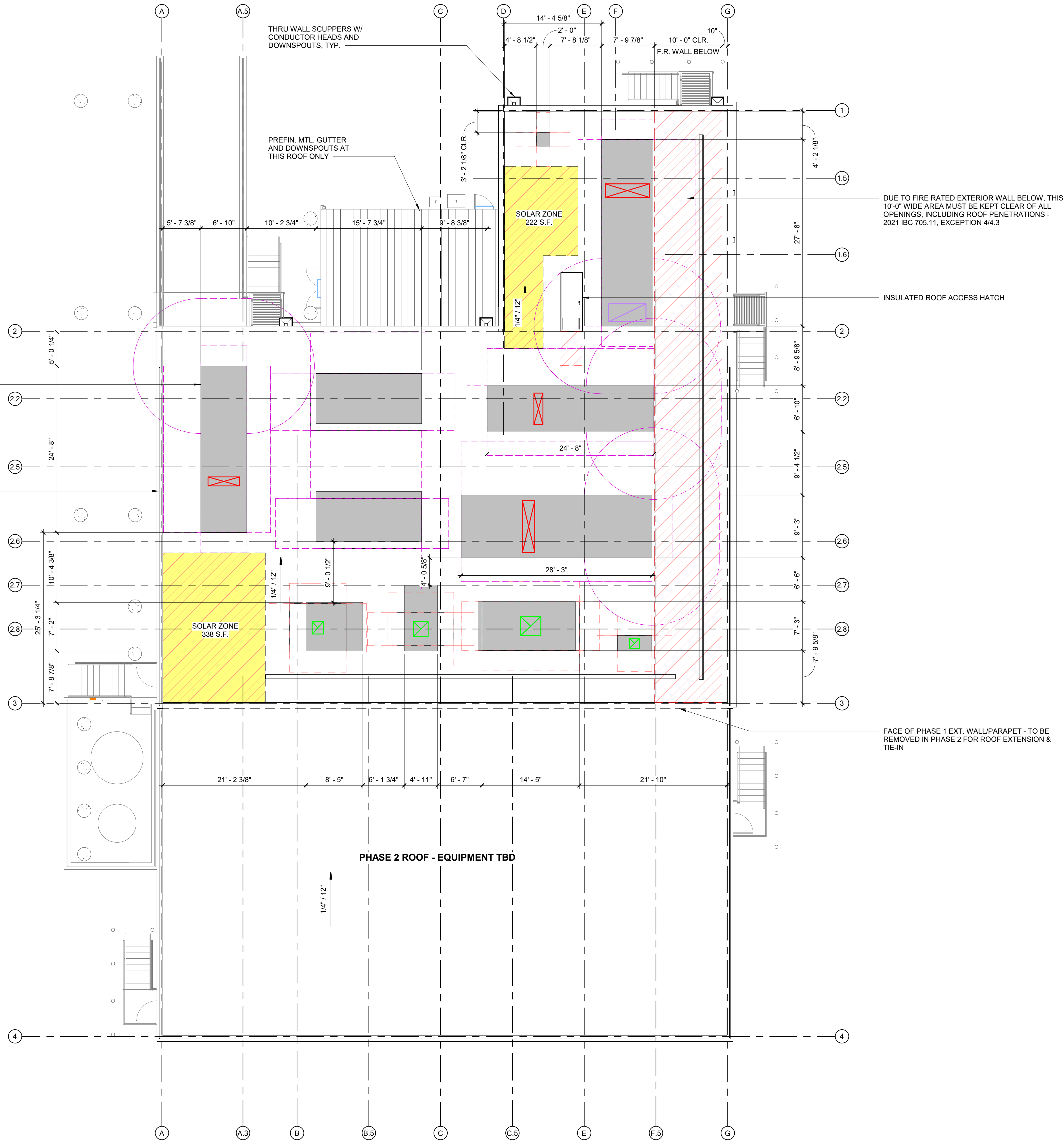
SCALE: 1/8" = 1'-0"

1/8" = 1'-0" 1" 5' 10' 20'



1
OVERALL ROOF PLAN - PUD

SCALE : 1/8" = 1'-0"



BOULDER REVISED CODE

TITLE 9 - CHAPTER 7 - SECTION 9-7-7 - BUILDING HEIGHT APPURTENANCES

PER PART (a)(3) - MECHANICAL EQUIPMENT, CONSIDERED CUMULATIVELY, MAY NOT COVER MORE THAN 25% OF THE ROOF AREA OF THE BUILDING.

ROOF AREAS

PHASE 1 ROOF AREA = 5,636 S.F.

PHASE 2 ROOF AREA = 4,119 S.F.

ALLOWABLE AREA OF MECH EQUIPMENT - PHASE 1 = 1,409 S.F.

ALLOWABLE AREA OF MECH EQUIPMENT - PHASE 2 = 1,029 S.F.

ACTUAL AREA OF MECH EQUIPMENT - PHASE 1 = 1,268 23 S.F. < 1,409 S.F.

ACTUAL AREA OF MECH EQUIPMENT - PHASE 2 = TBD - SHALL NOT EXCEED ALLOWABLE AMTS. NOTED ABOVE

PER PART (a)(4) - ALL MECHANICAL EQUIPMENT IS SCREENED FROM VIEW, REGARDLESS OF THE HEIGHT OF THE BUILDING, UNLESS IN THE OPINION OF THE CITY MANAGER SUCH SCREENING CONFLICTS WITH THE FUNCTION OF THE MECHANICAL EQUIPMENT.

THE AMOUNT OF REQUIRED ROOFTOP EQUIPMENT FOR THIS PROJECT MAKES MECHANICAL SCREENING INFEASIBLE. SCREENS WOULD EITHER BE TOO CLOSE TO EQUIPMENT FOR MAINTENANCE TO BE PERFORMED, OR TOO CLOSE TO ROOF EDGES TO BE SEEN AS EQUIPMENT SCREENS AND NOT EXTENSIONS OF THE EXTERIOR WALLS WHICH IS DISCOURAGED PER BRC 9-7-7(a)(4)(D)

ROOF PLAN LEGEND

NOTE:
RE: ARCHITECTURAL ELEVATIONS FOR ADDITIONAL INFORMATION

- REQUIRED CLEARANCE AREA (CODE, MAINTENANCE, OPERATION, ETC.)
- ROOFTOP MECHANICAL EQUIPMENT (AHU, MAU, EXHAUST FAN, ETC.)
- SOLAR ZONE - SOLAR READINESS AND/OR LOCATION RESERVED FOR SOLAR PANELS FOR ON-SITE RENEWABLES

AREA FOR CITY STAMP ONLY



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Lenexa, KS 66219
913.492.0400
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CORDEN APOLLO 1

2075 55TH ST
BOULDER, CO 80301

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REV	DATE	DESCRIPTION
1	5/7/2025	PUD MM - R1

PROJECT NUMBER
16707

DATE
05/20/2025

PUD MM - R1

DESIGNED: JRJ

DRAWN: JRJ

REVIEWED: RJR

SHEET TITLE

OVERALL ROOF PLAN -
PUD MINOR MOD

GBA SHEET NUMBER

P5-0-A1.40

CORDEN SHEET NUMBER

CORDEN APOLLO 1

2075 55TH ST
BOULDER, CO 80301

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
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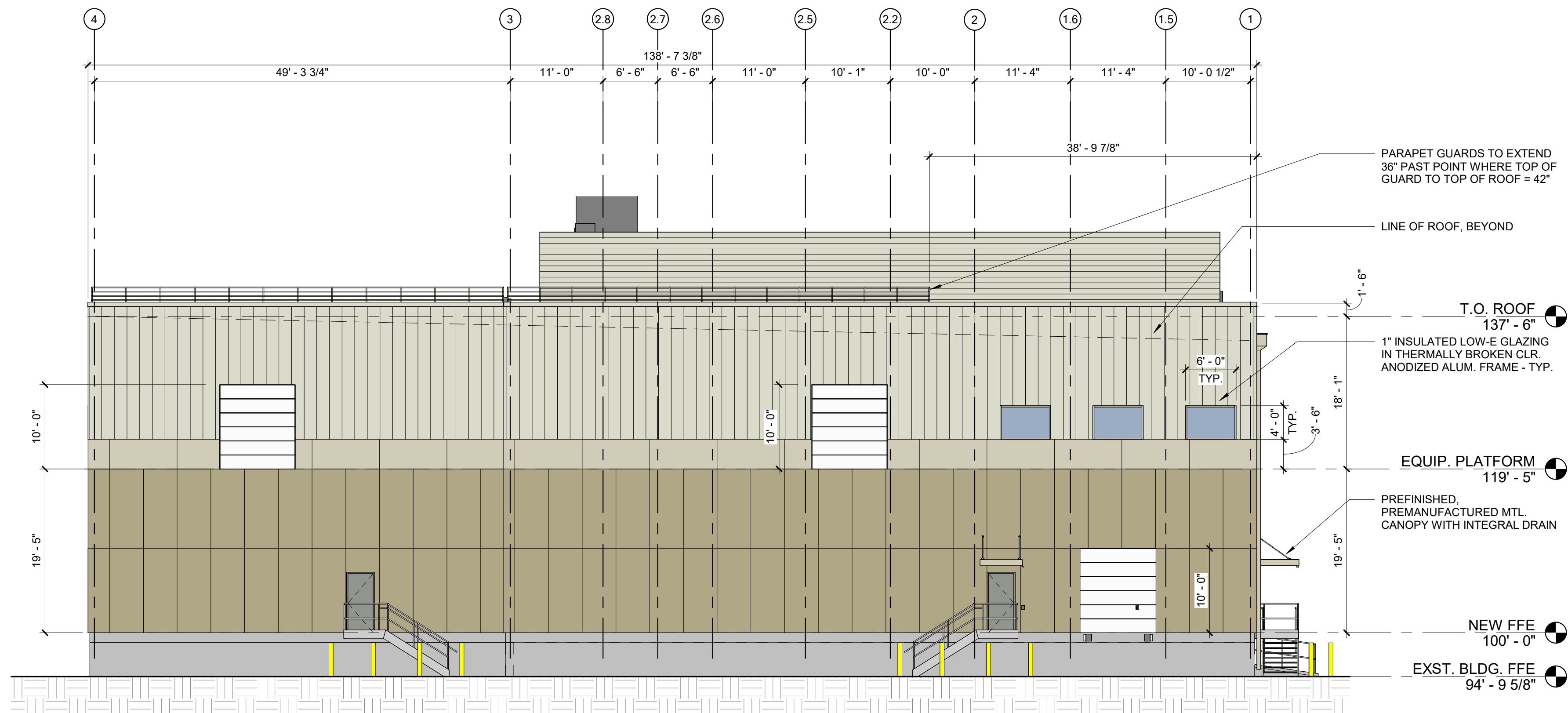
PROJECT NUMBER	16707
DATE	05/20/2025
PUD MM - R1	
DESIGNED:	JRV
DRAWN:	JRV
REVIEWED:	RJR

SHEET TITLE
OVERALL EXTERIOR
ELEVATIONS - PUD MINOR
MOD

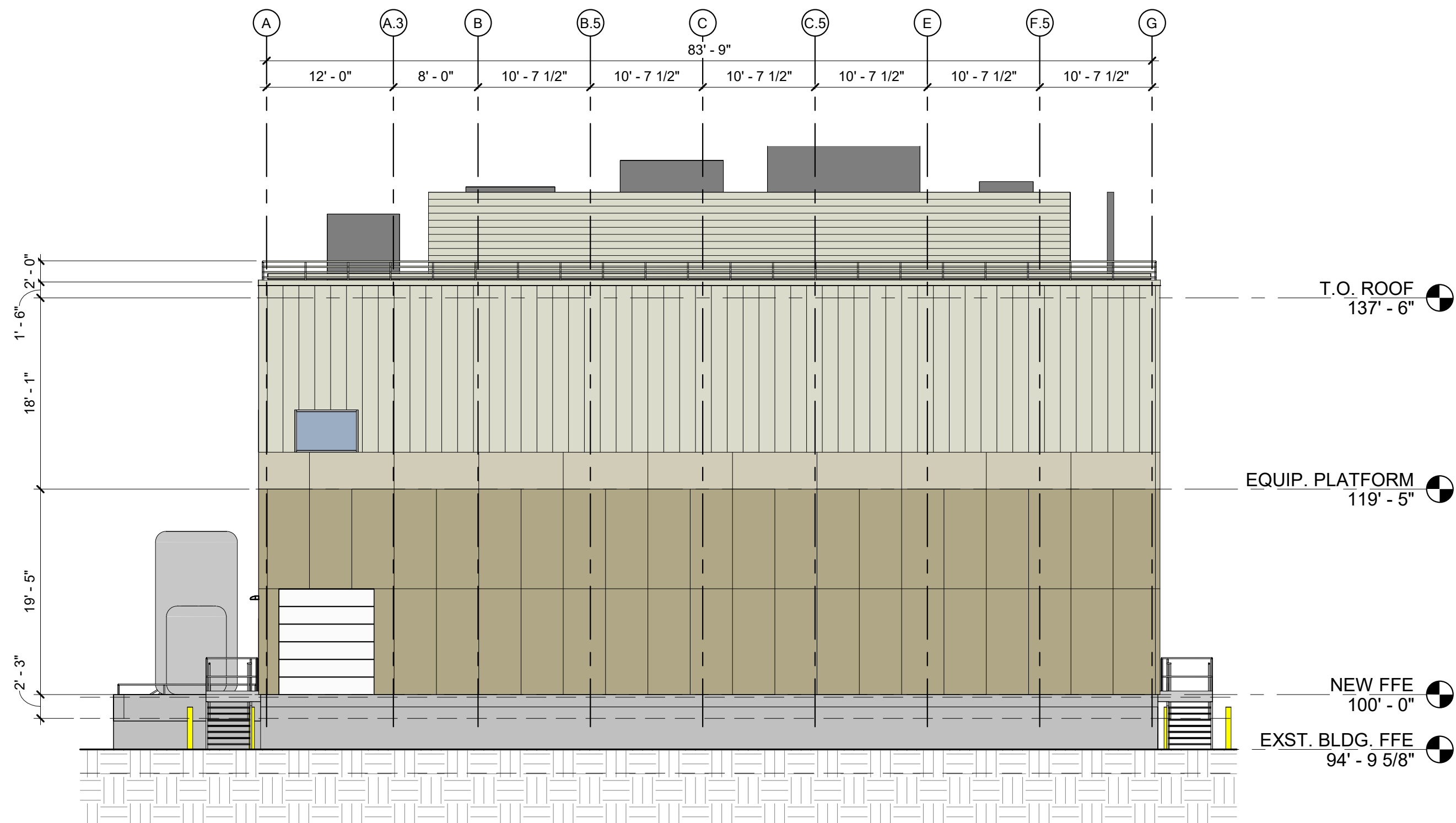
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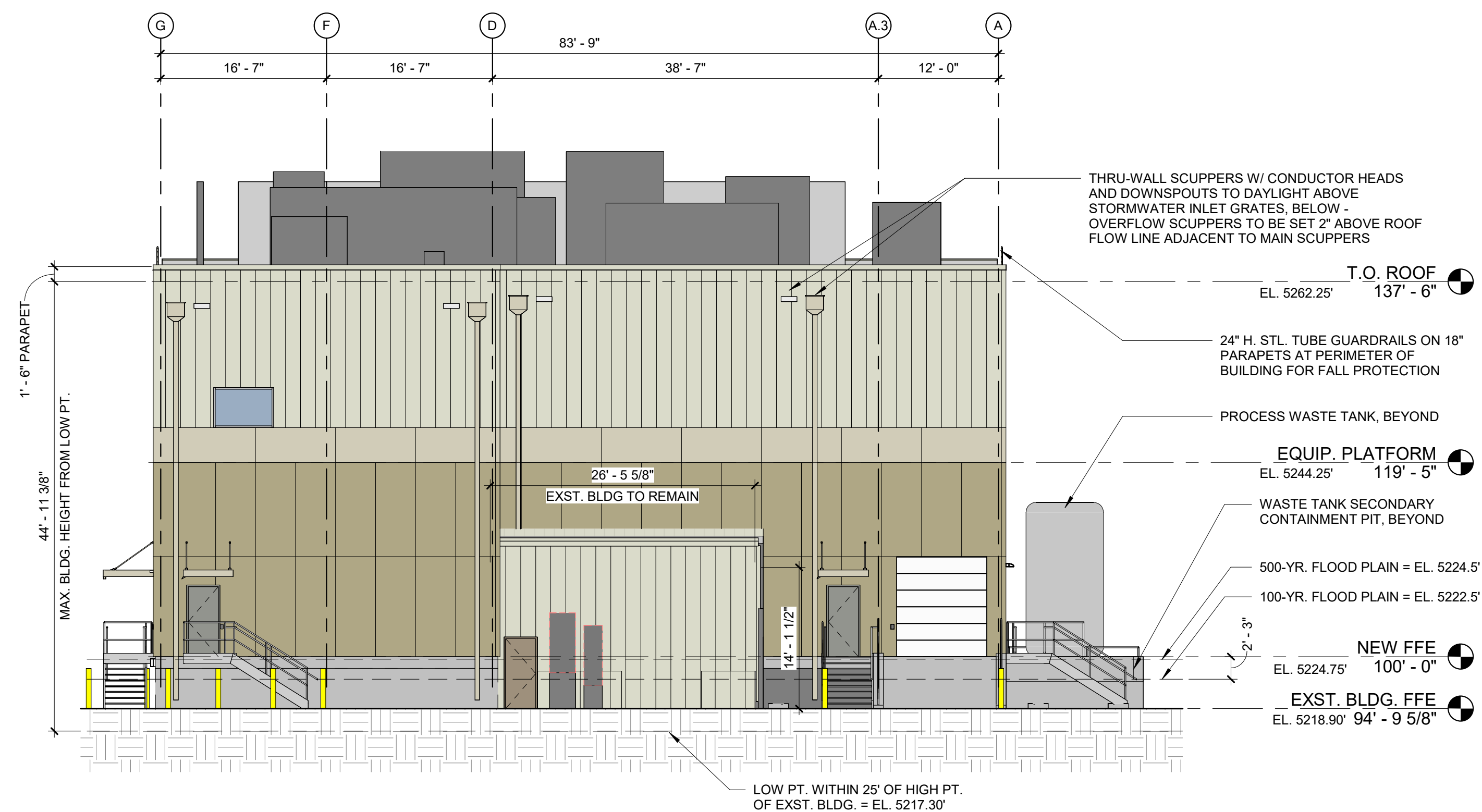
CORDEN SHEET NUMBER



EAST ELEVATION - PUD

P5-0-A1.10|P5-0-A3.01
SCALE: 1" = 10'-0"NOTE: REF. NORTH ELEVATION FOR
REFERENCE ELEVATIONS TO NAVD88

SOUTH ELEVATION - PUD

P5-0-A1.10|P5-0-A3.01
SCALE: 1" = 10'-0"NOTE: REF. NORTH ELEVATION FOR
REFERENCE ELEVATIONS TO NAVD88

NORTH ELEVATION - PUD

P5-0-A1.10|P5-0-A3.01
SCALE: 1" = 10'-0"

MATERIAL & FINISH LEGEND

- FLUSH INSULATED METAL PANEL: IMP-1 - DARK TAN
- FLUSH INSULATED METAL PANEL: IMP-2 - MEDIUM TAN
- CORRUGATED INSULATED METAL PANEL - IMP-3 - LIGHT TAN (TO MATCH EXISTING)
- UNINSULATED CORRUGATED METAL PANEL (EXISTING)
- C.I.P. CONCRETE, UNFINISHED
- PAINTED HOLLOW METAL DOOR/FRAME: HM-1 - DARK TAN (TO MATCH WALL PANELS)
- INSULATED LOW-E GLAZING: GL-1

AREA FOR CITY STAMP ONLY

CORDEN APOLLO 1

2075 55TH ST
BOULDER, CO 80301

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
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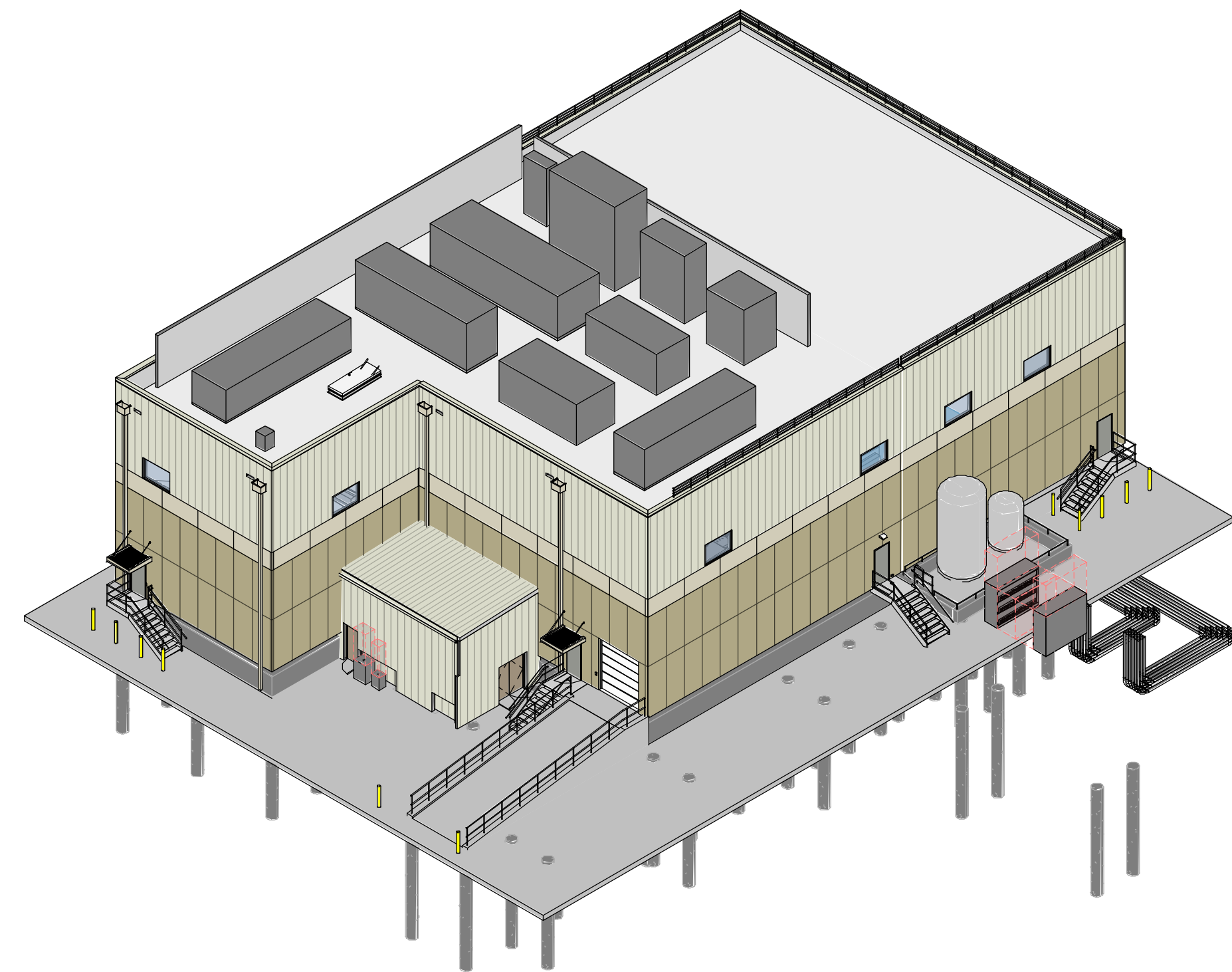
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DATE	05/20/2025
PUD MM - R1	
DESIGNED:	JRV
DRAWN:	JRV
REVIEWED:	RJR

SHEET TITLE
OVERALL EXTERIOR
ELEVATIONS & 3D VIEWS -
PUD MINOR MOD

GBA SHEET NUMBER

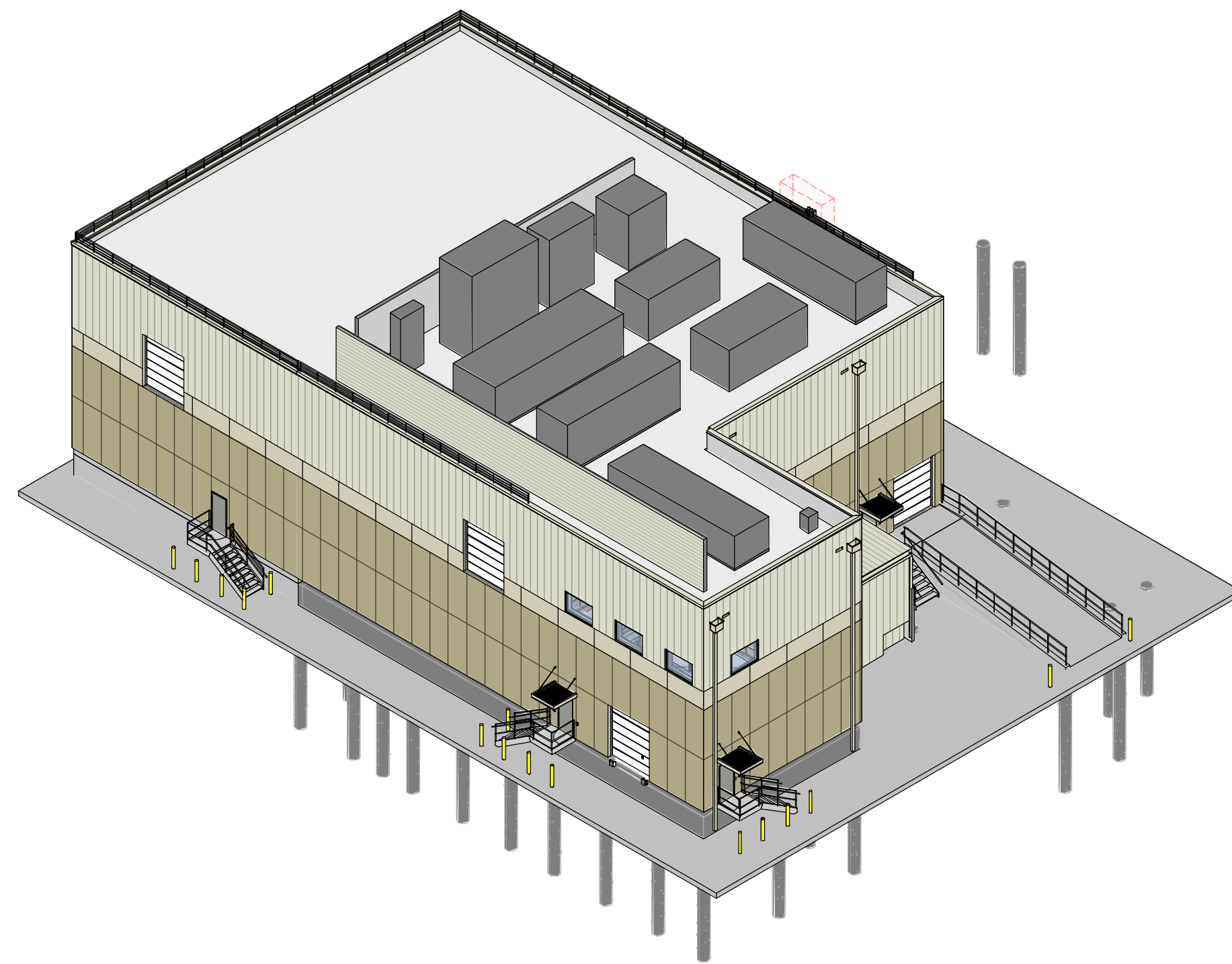
P5-0-A3.02

CORDEN SHEET NUMBER

© George Butler Associates, Inc. 2025
Engineering COA# E-92
Architecture COA# A-45
Land Surveying COA# LS-8

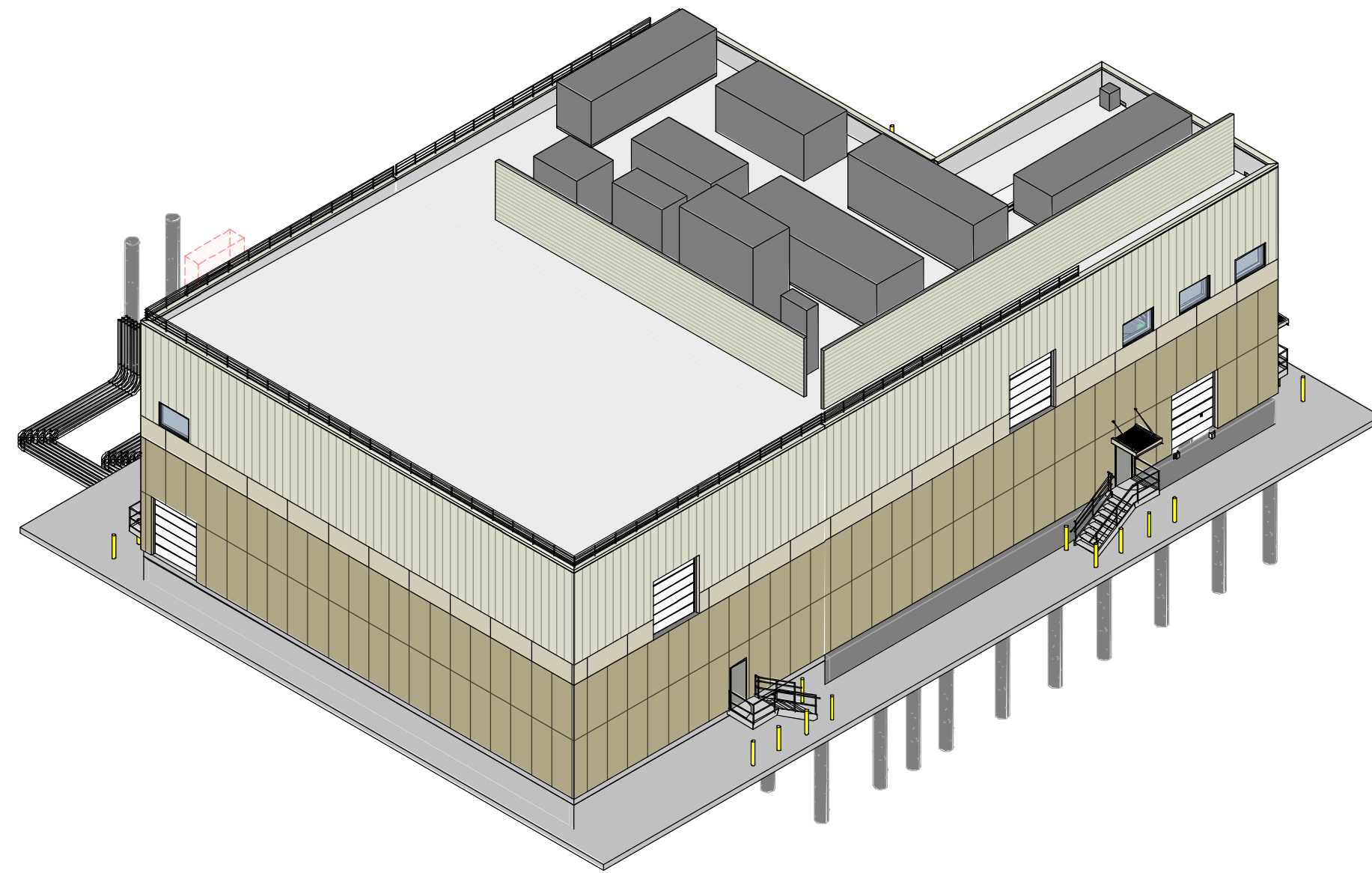
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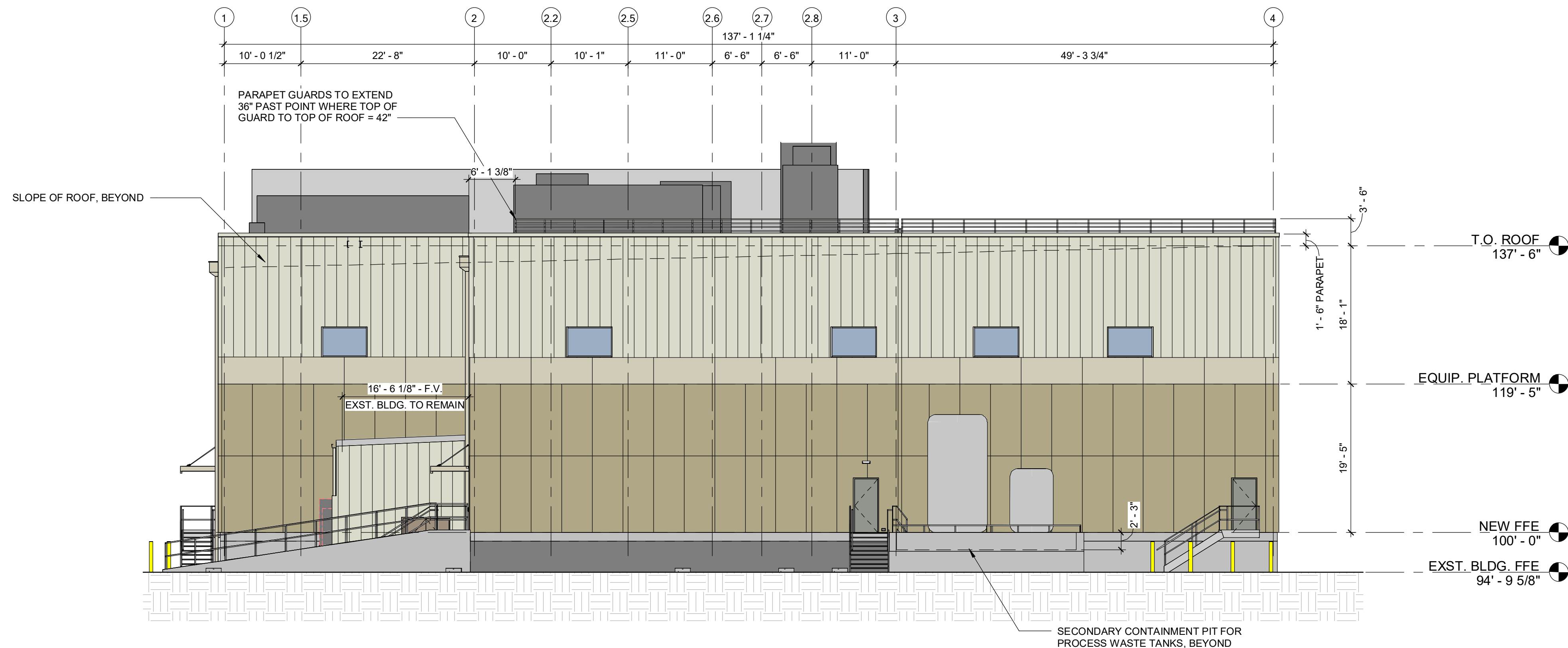
3D AXON - NE CORNER - PUD

P5-0-A3.02 SCALE :



3D AXON - SE CORNER - PUD

P5-0-A3.02 SCALE :



MATERIAL & FINISH LEGEND

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- FLUSH INSULATED METAL PANEL: IMP-2 - MEDIUM TAN
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AREA FOR CITY STAMP ONLY

WEST ELEVATION - PUD

P5-0-A1.10 P5-0-A3.02 SCALE : 1" = 10'-0"

NOTE: REF. NORTH ELEVATION FOR
REFERENCE ELEVATIONS TO NAVD88



**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: July 22, 2025

AGENDA TITLE

Public hearing and consideration of a recommendation to City Council on a proposed annexation agreement amendment for the property at 2 through 92 Arapahoe Avenue (also known as 90 Arapahoe Avenue) to modify the affordable housing requirements under the agreement and facilitate the development of the site with for-sale homes. Case no. LUR2025-00005.

Applicant: Curtis McDonald

Owner: Canyon Creek Villas LLC

REQUESTING DEPARTMENT / PRESENTERS

Planning & Development Services

Nuria Rivera-Vandermyde, City Manager

Brad Mueller, Director Planning & Development Services

Charles Ferro, Senior Planning Manager

Chandler Van Schaack, Principal Planner – Development Review

Sloane Walbert, Principal Planner - Housing

OBJECTIVE

Define the steps for Planning Board consideration of this request:

1. Planning Board hears applicant and staff presentations.
2. Public Hearing.
3. Planning Board recommendation on annexation agreement amendment.

SUMMARY

Project Name: CANYON CREEK

Location: 2 through 92 Arapahoe Avenue (also known as 90 Arapahoe Ave.)

Size of Tract: 178,260 square feet (4.09 acres)

Zoning: Residential – Medium 3 (RM-3)

Comprehensive Plan: MR (Medium Density Residential)

KEY ISSUE

Staff has identified the following key issue to help guide the board's discussion:

- 1. Is the proposed annexation agreement amendment consistent with the Boulder Valley Comprehensive Plan (BVCP) policies of annexation and the intent of the original annexation terms?**

EXECUTIVE SUMMARY

The purpose of this item is for Planning Board to review and make a recommendation to City Council on a proposal seeking to amend the annexation agreement recorded in 2017 as it applies to the property addressed 2-92 Arapahoe Ave. (commonly known as 90 Arapahoe Ave.). This is the second amendment to the annexation agreement for this property. The first amendment to the annexation agreement was approved in 2019 (**Attachment C**). The proposed second amendment would amend Section 10 of the annexation agreement to reduce the required percentage of affordable housing on the site from 45% to 24%, adjust the required percentages of homes within each defined affordable pricing category, and modify the minimum bedrooms and unit sizes for each pricing category.

The applicant has faced significant challenges in developing the site and construction has stalled. As evaluated by staff, the affordable housing requirements of the annexation agreement are no longer financially feasible to implement. With the proposed amendment, the development would continue to be required to provide on-site for-sale housing that is permanently affordable to low-, moderate-, and middle-income households. Considering the other special opportunities and benefits of the annexation, including the dedication of 2.43 acres of land as open space and landmarking of two buildings and a portion of the site as a local historic resource, the proposal would continue to provide significant community benefit. Annexation agreement amendments are reviewed consistent with the review process for annexations and Section 9-2-17, "Annexation Requirements," B.R.C. 1981. Consistent with the process set forth in Section 9-2-17, B.R.C. 1981, for annexations, Planning Board is asked to make a recommendation to City Council regarding this proposed annexation agreement amendment. Following the board's recommendation, City Council will consider the proposed amendment and make a determination on whether to approve the proposed amendment.

STAFF RECOMMENDATION

Staff recommends that Planning Board recommend to City Council approval of the second annexation agreement amendment as it is consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation package with regards to community benefit.

Suggested Motion Language:

Motion to recommend to City Council approval of the proposed annexation agreement amendment for 90 Arapahoe Avenue reviewed under case #LUR2025-00005, finding that it is consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan pertaining to annexation as well as the intent of the original annexation terms.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within six hundred feet of the subject property and a sign posted on the property for at least 10 days prior to the public hearing. All notice requirements of Section 9-4-3, B.R.C. 1981 have been met. Staff received several verbal inquiries from members of the public regarding the status of the project but no comments specific to the proposed amendment.

BACKGROUND

Existing Site / Site Context

The four-acre site is located along the western periphery of the city limits and the terminus of Arapahoe Avenue. Refer to **Figure 1** for a vicinity map. The site at 90 Arapahoe Ave. had operated until 2017 as the Silver Saddle Motel and the property had been terraced over time to accommodate several motel buildings on three distinct terraces. The motel was originally built in the 1940s and included several attached log-cabin style cottages along with two other walk-up motel buildings and the motel office. Several motel buildings have been demolished, with the exception of three original cottages and the motel office/caretakers building that were designated as historic landmarks. The site is currently an inactive construction site. Refer to **Figure 2** for existing conditions.

The surrounding area is eclectic with a mix of public lands, a hotel, commercial office buildings, and housing. Eben G. Fine Park is located to the northeast across Arapahoe Avenue and City Open Space and Mountain Parks (OSMP) lands are located directly to the south.



Figure 1: Vicinity map showing the location of the site at the westernmost terminus of Arapahoe Avenue



Figure 2: Photograph showing existing site conditions, including an unfinished rehabilitation of a building and a partially built structure at a stalled construction site

As shown in **Figure 3** below, the site is designated as Medium Density Residential under the BVCP Land Use Map. The designation is described in the BVCP as follows:

<p>Medium Density Residential (MR)</p>	<p>Characteristics and Locations: MR is characterized by a variety of housing types. Medium-density areas are generally situated near neighborhood and community shopping areas or along some of the major arterials of the city.</p> <p>Uses: Consists of a variety of housing types ranging from single-family detached to attached residential units such as townhomes, multiplexes and some small lot detached units (e.g., patio homes), not necessarily all on one site.</p> <p>BVCP Density/Intensity: 6 to 14 dwelling units per acre</p>
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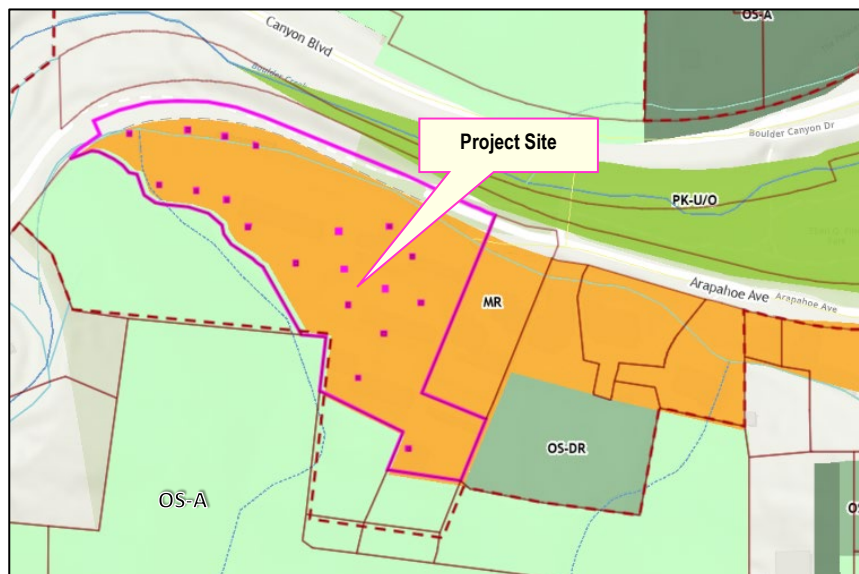


Figure 3: Land use map highlighting the site. The site is shaded orange, which represents medium residential land use (MR)

The project site is zoned Residential - Medium 3 (RM-3), which is described as: “*Medium density residential areas which have been or are to be primarily used for attached residential development, where each unit generally has direct access to ground level, and where complementary uses may be permitted under certain conditions.*” (Section 9-5-2(c), B.R.C. 1981). Refer to **Figure 4** for zoning map.

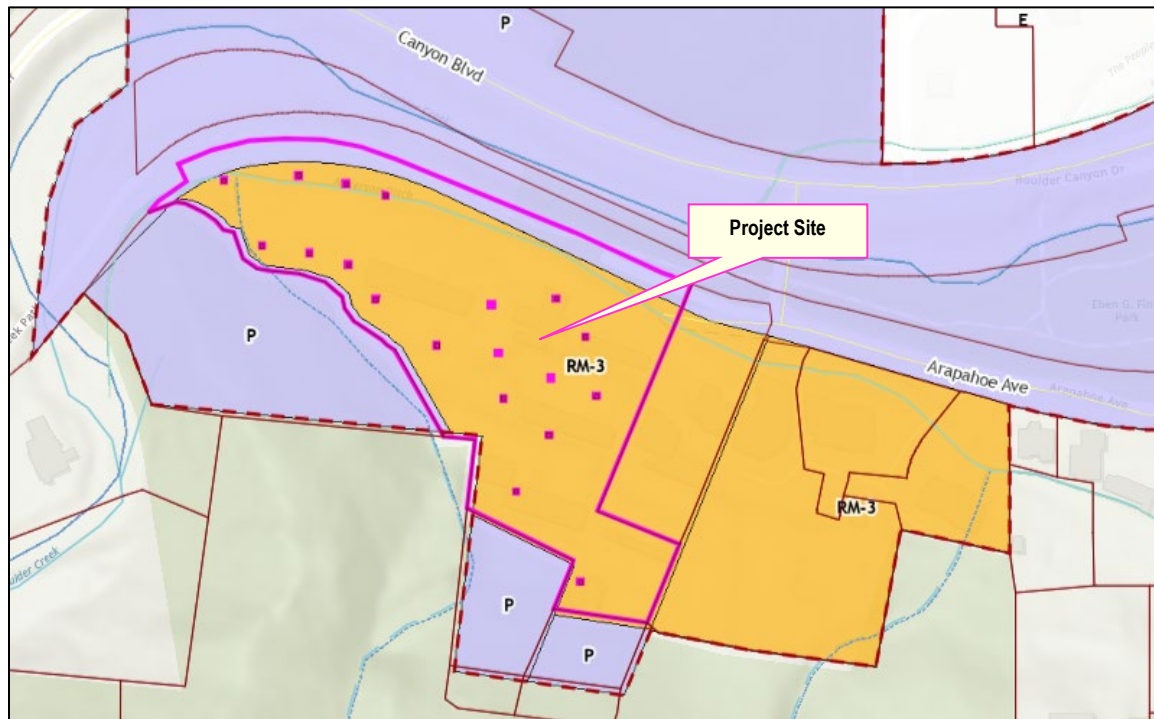


Figure 4: Zoning map highlighting the site. The site is shaded orange, which represents Residential - Medium 3 (RM-3) zoning

Annexation History

In 2017, the City Council approved the annexation for the properties at 90 and 96 Arapahoe Ave. consistent with the Boulder Valley Comprehensive Plan policies and land use map. An amendment to the annexation was approved in 2019 to remove the required dedication of right-of-way for a portion of Arapahoe Avenue adjacent to both properties. Refer to **Attachment B** and **Attachment C** for the original annexation agreement and 2019 first amendment to the annexation agreement. As it pertains to the site at 90 Arapahoe, approximately 105,740 square feet (2.43 acres) of land was dedicated to the City of Boulder Open Space and Mountain Parks (OSMP) to meet the community benefit requirements of annexation. In addition, two buildings and a portion of the site were dedicated as a local historic landmark known as the Silver Saddle Motel. Refer to [staff's memo to City Council regarding the landmarking](#) for more information. The annexation agreement requires that forty-five percent (45%) of any dwelling units on the site, subject to rounding, shall be permanently affordable with 25 percent priced to be affordable to low- or moderate-income households and 75 percent priced to be affordable to middle-income households. All of the affordable units must be “for-sale” units and all units, affordable and market rate, are required to be size restricted to no greater than 2,200 square feet. Refer to [staff's memo to City Council on the annexation](#) for more information.

Site Review

As part of the request for the first annexation agreement amendment in 2019, a Site Review application was approved for 46 attached, for-sale residential units. The approved residential units are predominately duplexes, with three triplexes and one fourplex. An access drive is proposed to connect the 90 and 96 Arapahoe sites in the upper portion of the plan. As a part of the proposed project, the applicant is adaptively reusing four of the former cabin-style motel units along with the former motel office and caretaker's unit. With the buildout of the site over time, the applicant intends to allow for different architects and builders to construct individual duplexes within each of the 18 building envelopes. As part of the Site Review a detailed "Design Pattern Book" was approved with a material palette and form-based standards that specify metrics for each building envelope identified on the site plan including height, bulk, and building form. Refer to [staff's memo to City Council on the site review application](#) for more information.

PROJECT DESCRIPTION

Since the site's annexation, the residential development market has faced a range of significant challenges, including escalating costs, labor shortages, and shifting demand trends. These hurdles have put pressure on project profitability and increased developer risk. In addition to these larger economic constraints, the developer has faced substantial challenges in developing the site, including unanticipated work necessary for rockfall protection, renovation of historic buildings, removal of large boulders, and utility work. Refer to the applicant's written statement in **Attachment D**. The affordable housing requirements, which were onerous in 2017, have now rendered the development infeasible. The applicant is requesting to amend the affordable housing requirements in the annexation agreement to enable the project to move forward, as follows:

- Reduce the required percentage of affordable housing on the 90 Arapahoe Avenue site from 45% to 24%. Based on the calculation methodology in the annexation agreement and the approved site plans, this will reduce the number of affordable units on the 90 Arapahoe site from 19 units to 10 units. The housing will continue to be for-sale housing to be owned by income qualified homeowners.
- Adjust the required percentages of homes within each defined pricing category. The percentage of low/moderate units (approximately 70% of area median income (AMI)) would be increased from 25% to 30% of the affordable units, 80% AMI units would be increased from 25% to 30%, and the 100% and 120% AMI units would be reduced from 25% to 20% in each category. Based on the approved site plans, this would result in three low/moderate units, three 80% AMI units, two 100% AMI units, and two 120% AMI units.
- Adjust the minimum bedrooms and unit sizes for each pricing category to reduce the minimum sizing for one bedroom low/moderate units to 525 square feet, for one bedroom 80% AMI units to 600 square feet, and for three bedroom 100% AMI units to 1,200 square feet. No changes are proposed to the requirements for 120% AMI units.
- Allow six affordable units to be located in the rehabilitated historic structures.

The proposed amendments to the Annexation Agreement are provided in **Attachment A**. **Attachment E** contains the site plans showing the locations and pricing levels of the proposed affordable units.

TABLE 1 – Summary of Existing and Proposed Affordable Housing Requirements		
	2017 and 2019 Agreements	Proposed
Tenure	For-sale / ownership	For-sale / ownership
Percentage¹	45%	24%
Pricing	<ul style="list-style-type: none"> • 25% - low/moderate • 25% - 80% AMI • 25% - 100% AMI • 25% - 120% AMI 	<ul style="list-style-type: none"> • 30% - low/moderate • 30% - 80% AMI • 20% - 100% AMI • 20% - 120% AMI
Unit Sizes	<ul style="list-style-type: none"> • Low/mod: two no smaller than 525 s.f., two no less than 800 s.f. • 80% AMI: 50% no less than 1,200 s.f., 50% no less than 1,400 s.f. • 100% AMI: no smaller than 1,400 s.f. • 120% AMI: 50% no smaller than 1,400 s.f., 50% no smaller than 1,600 s.f. 	<ul style="list-style-type: none"> • Low/mod: three no smaller than 525 s.f., remaining no less than 800 s.f. • 80% AMI: one no less than 600 s.f., remaining no less than 800 s.f. • 100% AMI: no smaller than 1,200 s.f. • 120% AMI: two no smaller than 1,400 s.f., remaining no smaller than 1,600 s.f.
Unit Types, Locations	No more than 4 affordable units may be located in the rehabilitated historic model structures	No limitation on the number of affordable units that may be located in the rehabilitated structures.

PROCESS

Annexation agreement amendments are reviewed pursuant Section 9-2-17, “Annexation Requirements,” B.R.C. 1981. Pursuant to Section 9-2-17, B.R.C. 1981, Planning Board is required to make a recommendation to City Council on applications for annexation. The city processes requests for annexation agreement amendments following the same process. Following the board’s recommendation, City Council will consider whether to approve the proposed amendment.

ANALYSIS OF KEY ISSUE

Are the proposed annexation agreement amendments consistent with the Boulder Valley Comprehensive Plan (BVCP) policies of annexation and the intent of the original annexation terms?

Annexations with additional development potential need to demonstrate community benefit consistent with Boulder Valley Comprehensive Plan (BVCP) policies to offset the negative impacts of additional development in the Boulder Valley. The amount and types of benefits are

¹ Calculated Based on “Baseline Number” defined in the Annexation Agreement.

considered as a comprehensive community benefit package through the annexation process. Staff finds that the proposed modifications to the affordable housing requirements are appropriate considering the other benefits that were included in the original annexation package. As described above, there were several recognized special opportunities and benefits of the annexation, including the dedication of 2.43 acres as open space and landmarking of two buildings and a portion of the site as local historic resources.

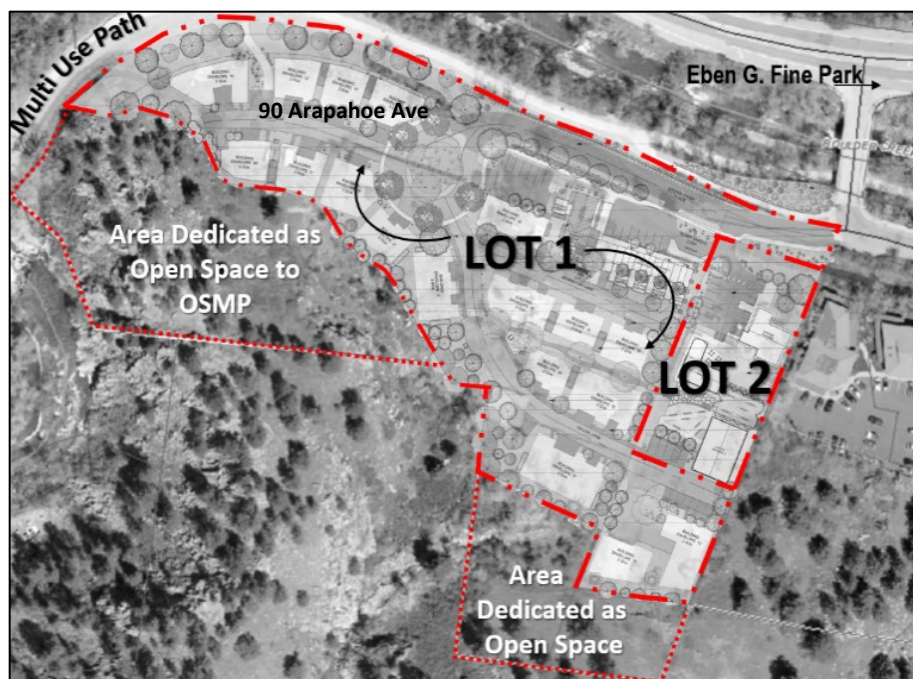


Figure 5: Site map showing two defined areas south of the site that were dedicated as open space

The affordable housing requirements of the annexation agreement are no longer financially feasible to implement and, therefore, no longer desirable from a community benefit perspective. The provision of 24% of the units as ownership units that are permanently affordable to low, moderate and middle-income households is a significant community benefit², especially considering that it will be integrated into the market rate housing on the site. Increasing the supply of middle-income homeownership opportunities is consistent with BVCP policies and other city initiatives. The real estate advisory firm Keyser Marston Associates (KMA) was hired in 2023 to conduct an analysis of the city's Inclusionary Housing (IH) requirements. KMA's research and analysis found that the IH requirements for 25% on-site for-sale affordable housing is likely economically infeasible for most developments in the city. Thus, the reduction to 24% affordable housing, together with the dedication of open space and a historic landmark, constitutes appropriate community benefit and is consistent with the intent of the original annexation.

² Calculated as 24% per the annexation agreement. The percentage is based on all units, both new construction and rehabilitated existing units minus three existing units. Per the city's standards in calculating the number of permanently affordable units, the number of total units excludes three residential units that were existing at the time of annexation. Therefore, with 46 proposed units, and credit for three, the calculation is as follows: 46 (units) – 3 (credit) = 43 units; 43 x 0.24 (required percentage of permanently affordable) = 10.32 units = round down per annexation agreement to 10 permanently affordable residential units.



Figure 7: Photograph of landmarked motel office building taken circa 2013



Figure 6: Photograph of landmarked motel cabins taken circa 2018

Approved By:

Brad Mueller, Secretary to the Planning Board

ATTACHMENTS

- Attachment A: Proposed 2nd Annexation Agreement Amendment
- Attachment B: Annexation Agreement recorded Jul. 7, 2017
- Attachment C: 1st Annexation Agreement Amendment recorded Sep. 20, 2019
- Attachment D: Written Statement and Phasing Plan
- Attachment E: Site Plans

For Administrative Use Only

Grantor: City of Boulder and Canyon Creek Villas LLC

Grantee: Canyon Creek Villas LLC and City of Boulder

Case No. LUR2025-00005

SECOND ANNEXATION AGREEMENT AMENDMENT

THIS SECOND ANNEXATION AGREEMENT AMENDMENT ("2nd Amendment"), is made this _____ day of _____, 2025, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City," and Canyon Creek Villas LLC, a Colorado limited liability company, hereinafter referred to as the "Property Owner of 90 Arapahoe." The City and the Property Owner of 90 Arapahoe may hereafter collectively be referred to as the "Parties."

RECITALS

- A. The Property Owner of 90 Arapahoe is the owner of the real property generally described as 90 Arapahoe Avenue, which is more particularly described Condominium Units A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, S, T and U, Saddle Creek, in accordance with and subject to the Declaration of Saddle Creek recorded in the Boulder County real property records on July 7, 2022 under Reception No. 03970717, and as further defined and described on the Condominium Map of Saddle Creek recorded in Boulder County real property records on July 11, 2022 under Reception No. 03971049, County of Boulder, State of Colorado, also known as Lot 1, Saddle Creek Subdivision, City of Boulder, County of Boulder, State of Colorado ("Lot 1 Saddle Creek").
- B. The City of Boulder and the Property Owner of 90 Arapahoe entered into an Annexation Agreement ("Agreement") on June 13, 2017, recorded in the records of the Boulder County Clerk and Recorder's Office at Reception No. 03602128 on July 7, 2017.
- C. The Agreement was previously amended in an Amendment to Annexation Agreement ("1st Amendment") recorded in the records of the Boulder County Clerk and Recorder's Office at Reception No. 03737361 on September 20, 2019.
- D. Lot 1 Saddle Creek is part of a larger redevelopment plan of the 90 Arapahoe Property and the 96 Arapahoe Property approved under Site Review LUR2018-00005 ("Site Review").
- E. The 90 Arapahoe Property and 96 Arapahoe Property were subdivided in the Saddle Creek Subdivision which created Lot 2, Saddle Creek Subdivision, City of Boulder, County of Boulder, Colorado ("Lot 2 Saddle Creek") and Lot 1 Saddle Creek.
- F. The Lot 1 Saddle Creek is subject to the terms of the Agreement and the terms of the 1st Amendment.

- G. Due to current economic conditions, including but not limited to relatively high interest rates, rising materials costs, and construction labor shortages, the affordable housing requirements of the Agreement and the terms of the 1st Amendment render the development of Lot 1 Saddle Creek infeasible. As part of annexation the Property Owner of 90 Arapahoe conveyed approximately 2.43 acres of land to the City for open space purposes and designated two buildings and a portion of the Property as historic landmarks. The Property Owner of 90 Arapahoe is interested in reducing the affordable housing requirements for Lot 1 Saddle Creek. In addition, permanently affordable housing required pursuant to this 2nd Amendment will provide homeownership opportunities for middle income households on Lot 1 Saddle Creek, integrated with the Market Units. Thus, the annexation continues to provide a special opportunity or benefit to the City.
- H. To facilitate viability of the development of Lot 1 Saddle Creek, the Parties are interested in amending Paragraph 10, Affordable Housing, of the Agreement to require that 24% of the Baseline Number of any Dwelling Units on the Lot 1 Saddle Creek be Permanently Affordable Units.

COVENANTS

NOW THEREFORE, in consideration of the recitals set forth, the Parties agree to amend the aforesaid Agreement as follows:

1. The Recitals are hereby incorporated herein and made part of this 2nd Amendment.
2. Any capitalized terms not defined in this 2nd Amendment shall have the same meaning as such terms have in the Agreement.
3. Paragraph 10, Affordable Housing, is revised to read as follows:
 10. Affordable Housing. The Parties agree that this Agreement is a voluntary agreement between the City and the Applicant that may limit prices on Permanently Affordable Units on the Properties to ensure that they are constructed and maintained as for-sale permanently affordable housing. The Applicant agrees that 24% of the Baseline Number (as defined below) on Lot 1 Saddle Creek (as defined in the 2nd Amendment to the Agreement) shall be deed-restricted as Permanently Affordable Units. All Permanently Affordable Units required under this Agreement shall meet the requirements provided below. The required number of Permanently Affordable Units shall be subject to the rounding rule in this Paragraph 10.
 - a. For-Sale. All Permanently Affordable Units on the Properties shall be for-sale as units that are owned by individual homeowners.
 - b. Covenants. Permanently affordable deed restricting covenants consistent with this Agreement, either interim or final, are required to secure the

affordability of the Permanently Affordable Units (“Covenant(s)”) for Lot 1 and Lot 2 Saddle Creek. The Covenant(s) shall be signed and recorded with the Boulder County Clerk and Recorder prior to application of a building permit for a building containing the Permanently Affordable Unit on the respective lot.

- c. Affordable Agreement. The owner(s) of the respective lot (Lot 1 Saddle Creek or Lot 2 Saddle Creek) shall execute an agreement with the City before any building permit for any Dwelling Unit is submitted for the said lot (“Affordable Agreement”); the Affordable Agreement shall be consistent with this Agreement and shall include but not be limited to specific requirements for the homeownership association for the Dwelling Units, the allowance of and restrictions on renting Permanently Affordable Units prior to sale and only if a sale does not occur within 120 days of the unit being offered for sale on the market, as well as a requirement for housing inspections to ensure quality materials, construction techniques and workmanship, and compliance with City affordable program requirements, this Agreement, the Covenants, and the Livability Standards for Permanently Affordable Units.
- d. Permanently Affordable Units Calculation and Rounding. The total number of Permanently Affordable Units on Lot 1 Saddle Creek and Lot 2 Saddle Creek shall be determined as follows:
 - i. Calculation. When calculating the required number of Permanently Affordable Units for Lot 1 Saddle Creek, the calculation of total number of Dwelling Units on Lot 1 Saddle Creek shall exclude three Units (“Baseline Number”). These three units to be excluded represent replacement units for three existing dwelling units, one of those units is the apartment unit in the existing motel office on the 90 Arapahoe Property, the other two are located in the existing duplex on the 96 Arapahoe Property. These existing dwelling units do not need to be retained.
 - ii. Rounding. On Lot 1 Saddle Creek, 24% of the Baseline Number shall be equal to the total number of required Permanently Affordable Units on Lot 1 Saddle Creek. The calculations may result in a fraction. In the case of a fractional number, standard rounding shall apply – if the fraction is .49 or less, the final number shall be rounded down to the next lowest number and if the fraction is 0.5 or higher, the number will be rounded up to the next highest whole number.
 - iii. Example. For example, if the approved site plan results in 46 total Dwelling Units on Lot 1 Saddle Creek, then 46 minus 3 results in a Baseline Number of 43. $43 \times .24 = 10.32$, which gets rounded down to

10. In this case, the total number of Permanently Affordable Units on Lot 1 Saddle Creek will be 10.

e. Pricing. The total number of Permanently Affordable Units on Lot 1 Saddle Creek shall be divided into the following four pricing categories:

i. Low/Moderate Units. 30% of the Permanently Affordable Units shall be priced to be affordable to households based on pricing in place for low/moderate income households consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, as amended ("Low/Moderate Units"). Households with incomes from approximately 60% to 90% of the AMI may income qualify for Low/Moderate Units.

ii. Middle Income Units. The following middle income units ("Middle Income Units") shall be provided.

a) 80% AMI Units. 30% of the Permanently Affordable Units shall be priced to be affordable to households earning 80% of the AMI and qualifying household incomes shall be set at a maximum of 100% of the AMI ("80% AMI Units"). At these levels, households with incomes from approximately 70% up to 100% of the AMI may income qualify to purchase these homes.

b) 100% AMI Units. 20% of the Permanently Affordable Units shall be priced to be affordable to households earning 100% of the AMI and qualifying household incomes shall be set at a maximum of 120% of the AMI ("100% AMI Units"). At these levels, households with incomes from approximately 90% up to 120% of the AMI may income qualify to purchase these homes.

c) 120% AMI Units. 20% of the Permanently Affordable Units shall be priced to be affordable to households earning 120% of the AMI and qualifying household incomes shall be set at a maximum of 150% of the AMI ("120% AMI Units"). At these levels, households with incomes from approximately 110% up to 150% of the AMI may income qualify to purchase these homes.

iii. Fractional Result in Pricing. The total number of Permanently Affordable Units on Lot 1 Saddle Creek may not be exactly divisible as set forth above and may yield remainder units. The remainder units shall be allocated one at a time to each of the categories in the following order: first to the Low-Moderate

Units, second to the 80% AMI Units, third to the 100% AMI Units, and last to the 120% AMI Units. For example, if the total number of Permanently Affordable Units on Lot 1 Saddle Creek is 12, then three Low/Moderate Units, three 80% AMI Units, two 100% AMI Units, two 80% AMI Units and two remainder units have to be provided. In this instance, the remainder unit will be allocated as follows: one Low/Moderate Unit and one 80% AMI Unit, with the final distribution on Lot 1 Saddle Creek among the four permanently affordable pricing categories being 4-4-2-2.

- iv. Additional Pricing Requirements. In addition to the income limits described above, affordable for-sale unit pricing shall be determined by the City Manager and shall be based on the unit's size and number of bedrooms and bathrooms and consistent with the standard pricing matrix used by the city and updated annually. Final unit pricing shall be determined when either an interim Covenant or a final Covenant is executed, whichever occurs first.
- f. Consistency with Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and related Administrative Regulations. The Applicant agrees that, except as specifically modified by this Agreement, implementation of the affordable housing requirements under this Agreement will be consistent with Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and the related Inclusionary Housing Administrative Regulations for the City of Boulder.
- g. Permanently Affordable Unit Type. All Permanently Affordable Units shall be provided as duplex, triplex, fourplex or townhome type buildings. No Permanently Affordable Units shall be a detached dwelling unit.
- h. Lot 1 Saddle Creek Permanently Affordable Unit Locations. Permanently Affordable Units not located in the rehabilitated historic motel or rehabilitated historic motel office building/caretaker units shall be integrated with the Market Units throughout the development.
- i. Permanently Affordable Units Sizes. The sizes of Permanently Affordable Units shall conform to the following:
 - i. Three Low/Moderate Units shall have no fewer than one bedroom and no less than 525 square feet of habitable floor area. The remaining Low/Moderate Units shall have no fewer than one bedroom and no less than 800 square feet of habitable floor area.
 - ii. One 80% AMI Units shall have no fewer than one bedroom and no less than 600 square feet of habitable floor area. The remaining 80% AMI

Units shall have no fewer than one bedroom and no less than 800 square feet of habitable floor area.

- iii. 100% AMI Units shall have no fewer than three bedrooms and 1,200 square feet of habitable floor area.
 - iv. Two 120% AMI Units shall have no fewer than three bedrooms and no less than 1,400 square feet of floor area. The remaining 120% AMI Units shall have no fewer than two bedrooms and no less than 1,600 square feet of habitable floor area.
 - v. No more than four Permanently Affordable Units shall have four bedrooms. Any Permanently Affordable Unit with four bedrooms shall have no less than 1,600 square feet of habitable floor area.
 - vi. Any fraction or odd number that results from these calculations shall favor units with more bedrooms and more habitable floor area.
- j. Parking and Garages. The Permanently Affordable Units located in the rehabilitated historic buildings on Lot 1 Saddle Creek may have at-grade, uncovered parking with a minimum of one space per unit. All other Permanently Affordable Units shall have a fully enclosed garage of at least 220 square feet in size, designed to house one or more automobiles, sold with the Permanently Affordable Unit and included in the affordable price, for the sole use of and with access controlled by the Permanently Affordable Unit homeowner. The garages shall be of similar external design and materials as the garages of the Market Units.
- k. Concurrency. The Permanently Affordable Units on Lot 1 Saddle Creek must be provided generally concurrently with the Market Units as described below:
- i. For Lot 1 Saddle Creek, a minimum of half of the building permits for Low/Moderate Units to be provided on Lot 1 Saddle Creek must be issued before a building permit for any Middle Income Unit may be issued. A minimum of half of the building permits for Permanently Affordable Units must be issued before any number greater than half of the Market Units may be issued. Final certificates of occupancy for Market Units may not be issued unless and until final certificates of occupancy have been issued for an equivalent number of Permanently Affordable Units. A phased plan shall be proposed prior to issuance of any residential building permits meeting the intent of this concurrency requirement.
- l. Amenities. Access to any amenities provided to the Market Units owners, including but not limited to open space, parks, clubhouses, fitness centers, shall equally be provided to the Permanently Affordable Unit owners.

- m. Floor Plan Approval. Prior to signing the Covenant and no later than a building permit submittal for any Permanently Affordable Unit, the Applicant shall submit and obtain approval from the City Manager for documentation, including but not limited to floor plans and finish specifications, demonstrating that the Permanently Affordable Unit meets the requirements of this Agreement and of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and are consistent with the City's Livability Standards for Permanently Affordable Housing. No building permit may be issued for a Permanently Affordable Unit until the location, size, type, fixtures, finishes, and building design are accepted by the City Manager.
- n. Agreement to Abide by Restrictions. The Applicant agrees to construct, restrict, and sell the Permanently Affordable Units as described and required by this Agreement. The Applicant agrees that no Dwelling Units shall be established unless the requirements of this Paragraph 10 have been met. The Applicant further agrees that the City may withhold any approval affecting the Properties, including without limitation a building permit, administrative review, use review, site review, and subdivision, until the requirements of this Paragraph 10, capable of being completed at the time of such approval, have been satisfied.
- o. Floor Area. The floor area requirements for the Permanently Affordable Units as required in this Paragraph 10 shall be determined based on the definition of "floor area for attached dwelling units" in Section 9-16-1, "General Definitions," B.R.C. 1981, as relating to Inclusionary Housing, and shall exclude up to five hundred square feet of floor area in attached garages that are primarily used for personal storage or for the parking of automobiles.
- p. Housing Inspections. The City will retain a Housing Construction Inspector (the "Inspector") to inspect and monitor construction of the Permanently Affordable Units. These inspections are intended to ensure the Permanently Affordable Units meet all contractual requirements and result in high quality, well-constructed, financially sustainable affordable housing. All costs for the time of the Inspector and any costs incurred shall be borne by the Applicant. City housing inspections include a review of all contractual and construction documents, site visits and provision of reports verifying materials, workmanship and installations conform with acceptable industry standards, progress and completion. Details about the inspection requirements, estimate of costs and process will be included in the permanently affordable agreement required to be executed by the Applicant and the City pursuant to this Agreement.

(Signature page follows)

Canyon Creek Villas LLC
a Colorado limited liability company

By: _____

Name: Curtis McDonald

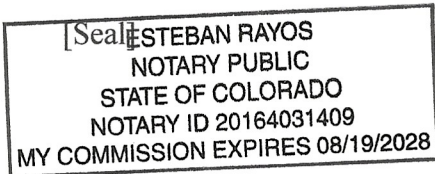
Title: Manager

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 23rd day of June, 2025, by Curtis McDonald as Manager of Canyon Creek Villas LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 08-19-2028



Notary Public

CITY OF BOULDER, COLORADO

By: _____

Nuria Rivera-Vandermyde, City Manager

Attest:

City Clerk

Approved as to form:

City Attorney's Office

Date: _____

For Administrative Use Only

Grantors: City of Boulder
Remington Family Partnership, RLLLP
Taylor/Remington Family Partnership, RLLLP
September Schools, Inc.
Grantees: Remington Family Partnership, RLLLP
Taylor/Remington Family Partnership, RLLLP
September Schools, Inc.
City of Boulder
Case No: LUR2015-00057

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement"), made this 13th day of June, 2017, by and between the CITY OF BOULDER, a Colorado home rule city ("City"), REMINGTON FAMILY PARTNERSHIP, RLLLP, a Colorado limited liability limited partnership ("Remington Family Partnership"), TAYLOR/REMINGTON FAMILY PARTNERSHIP, RLLLP, a Colorado limited liability limited partnership ("Taylor/Remington Family Partnership"), and SEPTEMBER SCHOOLS, INC., a Colorado nonprofit corporation ("September Schools, Inc."). Remington Family Partnership and Taylor/Remington Family Partnership are collectively hereinafter referred to as "**Property Owner of 90 Arapahoe.**" September Schools, Inc. is hereinafter referred to as "**Property Owner of 96 Arapahoe.**" The Property Owner of 90 Arapahoe and the Property Owner of 96 Arapahoe may be hereinafter collectively referred to as "**Applicant.**" The City and the Applicant may collectively hereinafter be referred to as the "**Parties.**"

RECITALS

A. The Property Owner of 90 Arapahoe is the owner of the real property generally described as 90 Arapahoe Avenue and more particularly described on Exhibit A attached hereto and incorporated herein ("**90 Arapahoe Property**"). The Property Owner of 96 Arapahoe is the owner of the real property generally described as 96 Arapahoe Avenue and more particularly described on Exhibit B attached hereto and incorporated herein ("**96 Arapahoe Property**"). The 90 Arapahoe Property and 96 Arapahoe Property are collectively hereinafter referred to as the "**Properties**").

B. The Applicant is interested in obtaining approval from the City of a request for the annexation of the Properties in order to provide adequate urban services, particularly City sewer.

C. The Parties desire annexation of the Properties with the following initial zoning designations pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, consistent with the Boulder Valley Comprehensive Plan:

- 1) Residential - Medium 3 ("**RM-3**") for the "**Northern Portion of 90 Arapahoe Property**" and the "**Northern Portion of 96 Arapahoe Property**" as generally shown on Exhibit C attached hereto and incorporated herein.

Attachment B - Annexation Agreement

- 2) Public (“P”) for the “**Southern Portions of 90 Arapahoe Property**” and the “**Southern Portion of 96 Arapahoe Property**” as generally shown on Exhibit C attached hereto and incorporated herein.

D. The Applicant is interested in conveying to the City a fee interest in the Southern Portions of 90 Arapahoe Property and the Southern Portion of 96 Arapahoe Property.

E. Concurrently with this annexation application, the Property Owner of 96 Arapahoe has submitted a use review application LUR2016-00098 pertaining to a school use for September School (“**Use Review**”).

F. The City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth and other good and valuable consideration herein receipted for, the Parties agree as follows:

COVENANTS

1. Definitions.

“**AMI**” means Area Median Income.

“**Area Median Income**” is that income whereby half of all households earn more and half earn less than the median income as defined by the United States Department of Housing and Urban Development, or HUD, annually for the Primary Metropolitan Statistical Area, or PMSA, that includes the City of Boulder, Colorado.

“**Dwelling Unit**” or “**Dwelling Units**” or “**Units**” means any dwelling unit proposed to be provided on the Properties through any method, including new construction or rehabilitation and remodeling of existing structures, and includes those priced as Permanently Affordable Units or Market Units, as defined below.

“**New Dwelling Units**” means only those dwelling units to be provided on the Properties through new construction.

“**Permanently Affordable Units**” means dwelling units secured through a deed restricting covenant as permanently affordable.

Attachment B - Annexation Agreement

“**Market Units**” means dwelling units not subject to a deed restricting covenant that are intended to be sold at a price determined by the property owner based on market conditions and demand.

“**School**” means any school for any grades between first and twelfth which satisfies state compulsory education requirements.

“**Redevelopment**” means at the time of subdivision or the time of application for a building permit proposing to add a structure or add any floor area, but excluding any floor area necessary to be added to install stairs and a lift on the outside of the existing old barn building on the 96 Arapahoe Property.

2. Requirements Prior to First Reading. Prior to first reading of the annexation ordinance before City Council, the Applicant shall:
 - a. provide to the City updated title commitments for each of the Properties current within 30 days of the date of the first reading of the annexation ordinance.
 - b. sign and file petitions for inclusion in the Northern Colorado Water Conservancy District – Boulder Municipal Sub-District and pay all applicable fees on land and improvements for inclusion in such districts for each of the Properties.
 - c. pay the following to the City:
 - i. a Storm Water and Flood Management Utility Plant Investment Fee of \$144,978.00, in accordance with Section 11-5-7, B.R.C. 1981, based upon an impervious area of 66,200 square feet (52,500 square feet for the 90 Arapahoe Property and 13,700 square feet for the 96 Arapahoe Property).
 - ii. the Housing Excise Tax of \$38,013.58, in accordance with Section 3-9-2, B.R.C. 1981, based upon 73,326 square feet of nonresidential development for the 90 Arapahoe Property (\$0.51 per square foot) and 2,684 square feet of residential dwelling units for the 96 Arapahoe Property (\$0.23 per square foot).
 - d. execute the following documents, at no cost to the City, the final forms of which are subject to approval of the City Manager:
 - i. document pertaining to both of the Properties:
 - a) this Agreement.
 - ii. documents pertaining to the 90 Arapahoe Property:

Attachment B - Annexation Agreement

- a) a Special Warranty Deed substantially in the form attached hereto and incorporated herein as Exhibit D conveying to the City, in fee, free and clear of monetary liens and encumbrances and free of encumbrances other than those listed as exceptions in Exhibit D, the Southern Portions of 90 Arapahoe Property owned by Remington Family Partnership.
 - b) a Special Warranty Deed substantially in the form attached hereto and incorporated herein as Exhibit E conveying to the City, in fee, free and clear of monetary liens and encumbrances and free of encumbrances other than those listed as exceptions in Exhibit E, the Southern Portions of 90 Arapahoe Property owned by Taylor/Remington Family Partnership.
 - c) a Quitclaim Deed substantially in the form attached hereto and incorporated herein as Exhibit F conveying to the City any interest that the Taylor/Remington Family Partnership may have in the area of land generally located between the south line of the Southern Portions of 90 Arapahoe Property and the north property line of the Boulder County Assessor Parcel ID 146136300001.
- iii. documents pertaining to the 96 Arapahoe Property:
 - a) a Special Warranty Deed substantially in the form attached hereto and incorporated herein as Exhibit G conveying to the City, in fee, free and clear of monetary liens and encumbrances and free of encumbrances other than those listed as exceptions in Exhibit G, the Southern Portion of 96 Arapahoe.
 - b) a Quitclaim Deed substantially in the form attached hereto and incorporated herein as Exhibit H conveying to the City any interest that the Property Owner of 96 Arapahoe may have in the area of land generally located between the south line of the Southern Portion of 96 Arapahoe Property and the north property line of the Boulder County Assessor Parcel ID 146136300001.
- 3. Water and Sewer Connection Requirements. Within 180 days of the second reading of the annexation ordinance, any existing structures on the Properties required to be connected to the wastewater utility under the Boulder Revised Code shall be connected to the City's wastewater utility or be demolished. If the Applicant connects any existing structures on the Properties, then the Applicant agrees to perform the following:

Attachment B - Annexation Agreement

- a. submit an application that meets the requirements of Chapter 11-2, "Wastewater Utility," B.R.C. 1981, and obtain City approval to connect to the City's wastewater utility.
 - b. prior to connection to the City's wastewater utility, the Applicant shall pay all applicable fees and charges associated with a service line connection to the City's wastewater utility, including, but not limited to, the following:
 - i. Pay the then applicable Development Excise tax.
 - ii. Pay the then applicable Wastewater Plant Investment fee.
 - iii. Pay all applicable wastewater utility connection and inspection fees.
 - c. construct the individual service lines to each of the Properties and connect the existing structures to the City's wastewater utility.
 - d. upon connection to the City's wastewater utility, the Applicant shall abandon any existing septic systems on the Properties in accordance with the Boulder County Health Department and State of Colorado regulations.
4. Specific Requirements pertaining to the 90 Arapahoe Property.
- a. Prior to any building permit application on the **90 Arapahoe Property**, the Property Owner of 90 Arapahoe shall submit an application to the City for and pursue in good faith a landmark designation for the area generally shown on Exhibit I attached hereto and incorporated herein. The applicant shall not unilaterally withdraw the landmark application and agrees to carry it through to completion.
 - b. Prior to a building permit application for a new building on the **90 Arapahoe Property**, the Property Owner of 90 Arapahoe shall do the items described below. The City Manager may extend the required time period for compliance in her sole discretion.
 - i. convey the following to the City, at no cost to the City, as part of Technical Document Review applications meeting the City of Boulder Design and Construction Standards, and the form and final location of which shall be subject to the approval of the City Manager:
 - a) a ditch easement to the City for the then applicable location of Anderson Ditch.
 - b) any drainage easements to the City which the City Manager determines may be necessary for natural drainageways which run generally from the south to the north across the 90 Arapahoe Property, the specific locations of which will be

Attachment B - Annexation Agreement

determined through the Technical Document Review process.

- c) public access easements providing access to the 96 Arapahoe Property through the 90 Arapahoe Property in a location and width approved by the City Manager and consistent with the site review required for the Properties pursuant to this Agreement.
 - d) deed of dedication for the right-of-way necessary to construct the Arapahoe Avenue Reconstruction Improvements on Exhibit J and Arapahoe Avenue Extension Improvements described on Exhibit K attached hereto and incorporated herein.
- ii. prior to an application for any residential building permit, the Property Owner of 90 Arapahoe shall satisfy the Affordable Housing requirements set forth in Paragraph 10 below, to the extent that such requirements are capable of being satisfied prior to submission of a building permit application.
- c. Prior to Redevelopment of the 90 Arapahoe Property, the Applicant shall submit an application for site review pertaining to both of the Properties pursuant to the standards of Section 9-2-14, "Site Review," B.R.C. 1981 (the "Site Review Application"). No proposal to modify a site plan approved for either of the Properties under Section 9-2-14, B.R.C. 1981, shall be approved except consistent with the standards for modifications and amendments of approved site plans in Section 9-2-14, B.R.C. 1981.
 - d. Prior to a issuance of a certificate of occupancy for any Dwelling Unit on the **90 Arapahoe Property**, the Property Owner of 90 Arapahoe shall do the following:
 - i. reconstruct the existing portion of Arapahoe Avenue generally described and through the process set forth on Exhibit J ("Arapahoe Avenue Reconstruction Improvements") attached hereto and incorporated herein.
 - ii. construct the extension of Arapahoe Avenue generally described and through the process set forth on Exhibit K ("Arapahoe Avenue Extension Improvements") attached hereto and incorporated herein.
 - iii. construct a private drive to the 96 Arapahoe Property through the 90 Arapahoe Property with a public access easement and in a location and width approved by the City Manager and consistent with the site review required for the Properties pursuant to this Agreement.
 - e. Prior to issuance of the building permit for any Dwelling Unit on the 90 Arapahoe Property, the Property Owner of 90 Arapahoe shall provide a financial security in the form of a deposit of escrow of funds with the City, an irrevocable clean sight draft or

Attachment B - Annexation Agreement

letter of commitment upon which the City can draw, or any other form of guarantee approved by the City Manager for the Arapahoe Avenue Extension Improvements and the Arapahoe Avenue Reconstruction Improvements and otherwise consistent with Section 9-12-13, "Subdivider Financial Guarantees," B.R.C. 1981, as if the Property Owner of 90 Arapahoe were a subdivider. The Property Owner of 90 Arapahoe shall also provide financial security in the form of a deposit of escrow of funds with the City, an irrevocable clean sight draft or letter of commitment upon which the City can draw, or any other form of guarantee approved by the City Manager for the Arapahoe Avenue Extension Improvements and the Arapahoe Avenue Reconstruction Improvements and otherwise consistent with the requirements of Section 9-12-14, "Public Improvement Warranty," B.R.C. 1981, as if the Property Owner of 90 Arapahoe were a subdivider.

5. Specific Requirements for the 96 Arapahoe Property.

- a. Prior to a building permit application for a new building on 96 Arapahoe Property, the Property Owner of 96 Arapahoe shall do the items described below. The City Manager may extend the required time period for compliance in her sole discretion.
 - i. convey the following to the City, at no cost to the City, as part of Technical Document Review applications meeting the City of Boulder Design and Construction Standards, and the form and final location of which shall be subject to the approval of the City Manager:
 - a) a ditch easement to the City for the then applicable location of Anderson Ditch.
 - b) any drainage easements which the City Manager determines may be necessary for natural drainageways which run generally from the south to the north across the 96 Arapahoe Property, the specific locations of which will be determined through the Technical Document Review process.
 - ii. obtain the following conveyances from the Property Owner of 90 Arapahoe to the City, at no cost to the City, meeting the City of Boulder Design and Construction Standards, as part of Technical Document Review applications, the form and final location of which shall be subject to the approval of the City Manager:
 - a) public access easements providing access to the 96 Arapahoe Property through the 90 Arapahoe Property in a location and width approved by the City Manager.
 - b) a deed of dedication for the right-of-way necessary to construct the Arapahoe Avenue Extension Improvements described in Exhibit K.

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- iii. prior to an application for any residential building permit, the Property Owner of 96 Arapahoe shall satisfy the Affordable Housing requirements set forth in Paragraph 10 below to the extent that such requirements are capable of being satisfied prior to submission of a building permit application.
- b. prior to the time of application for a building permit proposing to add a structure, add floor area, or change the exterior appearance of any existing building, including color, texture, materials, and architectural design and detail of the 96 Arapahoe Property, the Property Owner of 96 Arapahoe shall submit the following:
 - i. an application to the City for and pursue in good faith a landmark designation for the area generally shown on Exhibit I attached hereto and incorporated herein. The applicant shall not unilaterally withdraw the landmark application and agrees to carry it through to completion.
- c. prior to Redevelopment of the 96 Arapahoe Property, the Property Owner of 96 Arapahoe shall submit the following:
 - i. an application for site review pertaining to both of the Properties pursuant to the standards of Section 9-2-14, "Site Review," B.R.C. 1981. The Property Owner of 90 Arapahoe agrees to join in such Site Review Application. No proposal to modify a site plan approved for either of the Properties under Section 9-2-14, B.R.C. 1981, shall be approved except consistent with the standards for modifications and amendments of approved site plans in Section 9-2-14, B.R.C. 1981.
- d. Prior to issuance of a certificate of occupancy related to any building permit for a new building or to add floor area to an existing building on the 96 Arapahoe Property, but excluding any floor area necessary to be added to install stairs and a lift on the outside of the existing old barn building on the 96 Arapahoe Property, the Property Owner of 96 Arapahoe shall do the following:
 - i. reconstruct the existing portion of Arapahoe Avenue generally described and through the process set forth on Exhibit J ("Arapahoe Avenue Reconstruction Improvements") attached hereto and incorporated herein.
 - ii. construct the extension of Arapahoe Avenue generally described and through the process set forth on Exhibit K ("Arapahoe Avenue Extension Improvements") attached hereto and incorporated herein.
- e. Prior to issuance of the building permit for a new building or to add floor area to an existing building on 96 Arapahoe Property, but excluding any floor area necessary to be added to install stairs and a lift on the outside of the existing old barn building on

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the 96 Arapahoe Property, the Property Owner of 96 Arapahoe shall provide a financial security in the form of a deposit of escrow of funds with the City, an irrevocable clean sight draft or letter of commitment upon which the City can draw, or any other form of guarantee approved by the City Manager for the Arapahoe Avenue Extension Improvements and the Arapahoe Avenue Reconstruction Improvements and otherwise consistent with Section 9-12-13, "Subdivider Financial Guarantees," B.R.C. 1981, as if the Property Owner of 96 Arapahoe were a subdivider. The Property Owner of 96 Arapahoe shall also provide financial security in the form of a deposit of escrow of funds with the City, an irrevocable clean sight draft or letter of commitment upon which the City can draw, or any other form of guarantee approved by the City Manager for the Arapahoe Avenue Extension Improvements and the Arapahoe Avenue Reconstruction Improvements and otherwise consistent with the requirements of Section 9-12-14, "Public Improvement Warranty," B.R.C. 1981, as if the Property Owner of 96 Arapahoe were a subdivider.

6. Zoning. The Properties shall be annexed to the City with the following zoning designations and, except as set forth herein, shall be subject to all of the rights and restrictions associated with said zoning designations.
 - a. Residential - Medium 3 ("RM-3") for the "Northern Portion of 90 Arapahoe Property" and the "Northern Portion of 96 Arapahoe Property" as generally shown on Exhibit C attached hereto and incorporated herein.
 - b. Public ("P") for the "Southern Portions of 90 Arapahoe Property" and the "Southern Portion of 96 Arapahoe Property" as generally shown on Exhibit C attached hereto and incorporated herein.
7. Use Restrictions.
 - a. 90 Arapahoe Property. The Parties agree that uses on the 90 Arapahoe Property shall be limited to the following: 1) residential uses approved pursuant to the provisions of Chapter 9-6, "Use Standards," B.R.C. 1981; and 2) up to 1,000 square feet of floor area of one nonresidential use approved pursuant to the provisions of Chapter 9-6, "Use Review," B.R.C. 1981. Any residential uses on the 90 Arapahoe Property proposed in a Site Review Application shall meet the requirements of Paragraph 10 below.
 - b. 96 Arapahoe Property. The Parties agree that uses on the 96 Arapahoe Property shall be limited to the following: 1) a School consistent with the Use Review, if approved, and as may be amended pursuant to the provisions of the Boulder Revised Code; and

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2) residential uses approved pursuant to the provisions of Chapter 9-6, "Use Standards," B.R.C. 1981. Any residential uses on the 96 Arapahoe Property proposed in a Site Review Application shall meet the requirements of Paragraph 10 below.

8. Use Review for School (96 Arapahoe).

- a. Contingency for Annexation Approval. Any approval of the Use Review for the 96 Arapahoe Property is conditioned upon approval of the annexation of the 96 Arapahoe Property and subject to call-up by City Council, consistent with the use review regulations in Title 9, "Land Use Code," B.R.C. 1981.
- b. Parking for School. The Parties agree that prior to development under an approved site review for the Properties, an automobile parking lot use on the 90 Arapahoe Property to provide off-site parking for a School on the 96 Arapahoe Property shall be deemed an allowed use under Title 9, "Land Use Code," B.R.C. 1981.

9. Subdivision Exemption. The Parties agree that no subdivision process is required pursuant to Title 9, "Land Use Code," B.R.C. 1981, in connection with the conveyance to the City of the Southern Portions of 90 Arapahoe Property and the Southern Portion of 96 Arapahoe Property as contemplated in this Agreement.

10. Affordable Housing. The Parties agree that this Agreement is a voluntary agreement between the City and the Applicant that may limit prices on Permanently Affordable Units on the Properties to ensure that they are constructed and maintained as for-sale permanently affordable housing. The Applicant agrees that 45% of the Baseline Number (as defined below) of any Dwelling Units on the Properties shall be deed restricted as Permanently Affordable Units and shall meet the requirements provided below. The required number of Permanently Affordable Units shall be subject to the rounding rule in this Paragraph 10.

- a. For-Sale. All Permanently Affordable Units on the Properties shall be for-sale as units that are owned by individual home owners.
- b. Covenants. Permanently affordable deed restricting covenants consistent with this Agreement, either interim or final, are required to secure the affordability of the Permanently Affordable Units ("Covenant(s)"). The Covenant(s) shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for a building permit for a building containing the Permanently Affordable Unit on the Properties.
- c. Affordable Agreement. The Applicant shall execute an agreement with the City before any building permit for any Dwelling Unit is submitted for the Properties ("Affordable Agreement"); the Affordable Agreement shall be consistent with this Agreement and shall include but not be limited to specific requirements for the

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homeownership association for the Dwelling Units, the allowance of and restrictions on renting the Permanently Affordable Units prior to sale and only if a sale does not occur within 120 days of the unit being offered for sale on the market, as well as a requirement for housing inspections to ensure quality materials, construction techniques and workmanship, and compliance with City affordable program requirements, this Agreement, the Covenants and the Livability Standards for Permanently Affordable Units. In the Affordable Agreement, the Property Owner of 90 Arapahoe or Property Owner of 96 Arapahoe, as applicable, and the City Manager, or her delegate, may jointly modify the requirements set forth in this Paragraph 10 provided that the City Manager finds the proposed development would provide an affordable housing benefit that meets the intent of this Paragraph 10 and provides a community benefit equivalent to the housing benefit provided by the Permanently Affordable Units required herein.

- d. Permanently Affordable Units Calculation and Rounding. The total number of Permanently Affordable Units required on the Properties shall be determined as follows:
- i. Calculation. When calculating the required number of Permanently Affordable Units, the calculation of total number of Dwelling Units on the Properties shall exclude three Units (“Baseline Number”). These three Units to be excluded represent replacement units for three existing dwelling units, one of those units is the apartment unit in the existing motel office on the 90 Arapahoe Property, the other two are located in the existing duplex on the 96 Arapahoe Property. These existing dwelling units do not need to be retained.
 - ii. Rounding. 45% of the Baseline Number shall be equal to the total number of required Permanently Affordable Dwelling Units. The Baseline Number multiplied by .45 will in most cases result in a fraction. In the case of a fractional number, standard rounding shall apply – if the fraction is .49 or less, the final number shall be rounded down to the next lowest whole number and if the fraction is 0.5 or higher, the number will be rounded up to the next highest whole number.
 - iii. Example. For example, if the approved site plan results in 54 total Dwelling Units, then the 54 minus 3 results in a Baseline Number of 51. $51 \times .45 = 22.95$, which gets rounded up to 23. In this case, the total number of Permanently Affordable Units will be 23. If, however, the approved site plan results in 52 total Dwelling Units, then 52 minus 3 results in a Baseline Number of 49. $49 \times .45 = 22.05$, which gets rounded down to 22. In this case, the total number of Permanently Affordable Units is 22.

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- c. Pricing. The total number of Permanently Affordable Units shall be divided into four pricing categories:
- i. Low/Moderate Units. 25% of the Permanently Affordable Units shall be priced to be affordable to households based on pricing in place for low/moderate income households consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, as amended ("Low/Moderate Units"). Households with incomes from approximately 60% to 90% of the AMI may income qualify for Low/Moderate Units.
 - ii. Middle Income Units: The following middle income units ("Middle Income Units") shall be provided.
 - a) 80% AMI Units. 25% of the Permanently Affordable Units shall be priced to be affordable to households earning 80% of the AMI and qualifying household incomes shall be set at a maximum of 100% of the AMI ("80% AMI Units"). At these levels, households with incomes from approximately 70% up to 100% of the AMI may income qualify to purchase these homes.
 - b) 100% AMI Units. 25% of the Permanently Affordable Units shall be priced to be affordable to households earning 100% of the AMI and qualifying household incomes shall be set at a maximum of 120% of the AMI ("100% AMI Units"). At these levels, households with incomes from approximately 90% up to 120% of the AMI may income qualify to purchase these homes.
 - c) 120% AMI Units. 25% of the Permanently Affordable Units shall be priced to be affordable to households earning 120% of the AMI and qualifying household incomes shall be set at a maximum of 150% of the AMI ("120% AMI Units"). At these levels, households with incomes from approximately 110% up to 150% of the AMI may income qualify to purchase these homes.
 - iii. Fractional Result in Pricing. The total number of Permanently Affordable Units may not be exactly divisible by four and will yield one to three remainder units. The remainder units shall be allocated one at a time to each of the categories in the following order: first to the Low/Moderate Units, second to the 80% AMI Units, third to the 100% AMI Units, and last to the 120% AMI Units. For example, if the total number of Permanently Affordable Units is 23, then the total is $23 / 4 = 5$ with three remainder units. In this instance, the three remainder units will be allocated as follows: one Low/Moderate Units, one 80% AMI Unit, and one 100% AMI Unit, with the final distribution among the four permanently affordable pricing categories being 6-6-6-5. If the total number of Permanently Affordable Units is 22, then the total is $22 / 4 = 5$ with two remainder units. The two remainder units will be allocated as follows: one Low/Moderate Unit, one 80%

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AMI Unit, with final the final distribution among the four permanently affordable pricing categories being 6-6-5-5.

- iv. Additional Pricing Requirements. In addition to the income limits described above, affordable for-sale unit pricing shall be determined by the City Manager and shall be based on the unit's size and number of bedrooms and bathrooms and consistent with the standard pricing matrix used by the city and updated annually. Final unit pricing shall be determined when either an interim Covenant or a final Covenant is executed, whichever occurs first.
- d. Consistency with Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and related Administrative Regulations. The Applicant agrees that, except as specifically modified by this Agreement, implementation of the affordable housing requirements under this Agreement will be consistent with Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and related Inclusionary Housing Administrative Regulations of the City of Boulder.
- e. Permanently Affordable Unit Type. All Permanently Affordable Units shall be provided as duplex, triplex, fourplex or townhome type buildings. No Permanently Affordable Unit shall be a single-family home.
- f. Permanently Affordable Unit Locations. Recognizing that no site plan is associated with this Agreement, the Parties agree that the distribution of Permanently Affordable Units and Market Units and pricing designations shall conform to the extent possible to the following:
 - i. Two, and no more than two, of a maximum four units in the rehabilitated historic motel on the 90 Arapahoe Property shall be Permanently Affordable Units.
 - ii. Two, and no more than two Permanently Affordable Units shall be provided in the rehabilitated historic motel office building/caretaker units on the 90 Arapahoe Property.
 - iii. After deducting the four Permanently Affordable Units references in i. and ii., above, no more than 60% of the remaining Permanently Affordable Units shall be located immediately uphill and to the south of the historic buildings.
 - iv. Permanently Affordable units not included in i, ii, and iii. above shall be integrated with the Market Units throughout the development.
- g. Permanently Affordable Unit Sizes. The sizes of the Permanently Affordable Units shall conform to the following:

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- i. Two Low/Moderate Units shall have no fewer than one bedroom and no less than 525 square feet of habitable floor area. Two Low/Moderate Units shall have no fewer than one bedroom and no less than 800 square feet of habitable floor area. The remaining Low/Moderate Units shall have no fewer than three bedrooms and no less than 1,400 square feet of habitable floor area.
 - ii. The required number of 80% AMI Units shall be equally split between units with no fewer than two bedrooms and no less than 1,200 square feet of habitable floor area and units with no fewer than three bedrooms and no less than 1,400 square feet of habitable floor area.
 - iii. 100% AMI Units shall have no fewer than three bedrooms and 1,400 square feet of habitable floor area.
 - iv. The required number of 120% AMI Units shall be equally split between units with no fewer than two bedrooms and no less than 1,400 square feet of habitable floor area and units with no fewer than three bedrooms and no less than 1,600 square feet of habitable floor area.
 - v. No more than four Permanently Affordable Units shall have four bedrooms. Any Permanently Affordable Unit with four bedrooms shall have no less than 1,600 square of habitable floor area.
 - vi. Any fraction or odd number that results from these calculations shall favor units with more bedrooms and more habitable floor area.
- h. Parking and Garage. The two Market Units and four Permanently Affordable Units located in the rehabilitated historic buildings may have at-grade, uncovered parking with a minimum of one space per unit. All other Permanently Affordable Units shall have a fully enclosed garage of at least 220 square feet in size, designed to house one or more automobiles, sold with the Permanently Affordable Unit and included in the affordable price, for the sole use of and with access controlled by the Permanently Affordable Unit homeowner. The garages shall be of similar external design and materials as the garages for the Market Units.
- i. Concurrency. The Permanently Affordable Units must be provided generally concurrently with the Market Units. A minimum of half of the building permits for the Low/Moderate Units must be issued before a building permit for any Middle Income Unit may be issued. A minimum of half of the building permits for Permanently Affordable Units must be issued before any number greater than half of the Market Units may be issued. Final certificates of occupancy for Market Units may not be issued unless and until final certificates of occupancy have been issued for an equivalent number of Permanently Affordable Units. A phased plan shall be proposed

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prior to issuance of any residential building permits meeting the intent of this concurrency requirement.

- j. Amenities. Access to any amenities provided to the Market Units owners, including but not limited to open space, parks, clubhouses, fitness centers, shall equally be provided to the Permanently Affordable Unit owners.
- k. Floor Plan Approval. Prior to signing the Covenant and no later than a building permit submittal for any Permanently Affordable Unit, the Applicant shall submit and obtain approval from the City Manager for documentation, including but not limited to floor plans and finish specifications, demonstrating that the Permanently Affordable Unit meets the requirements of this Agreement, and of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and are consistent with the City's Livability Standards for Permanently Affordable Housing. No building permit may be issued for a Permanently Affordable Unit until the location, size, type, fixtures, finishes and building design are accepted by the City Manager.
- l. Agreement to Abide by Restrictions. The Applicant agrees to construct, restrict, and sell the Permanently Affordable Units as described and required by this Agreement. The Applicant agrees that no Dwelling Units shall be established unless the requirements of this Paragraph 10 have been met. The Applicant further agrees that the City may withhold any approval affecting the Properties, including without limitation a building permit, administrative review, use review, site review, and subdivision, until the requirements of this Paragraph 10, capable of being completed at the time of such approval, have been satisfied.
- m. Floor Area. The floor area requirements for the Permanently Affordable Units as required in this Paragraph 10 shall be determined based on the definition of "floor area for attached dwelling units" in Section 9-16-1, "General Definitions," B.R.C. 1981, as relating to Inclusionary Housing, and shall exclude up to five hundred square feet of floor area in attached garages that are primarily used for personal storage or for the parking of automobiles.
- n. Housing Inspections. The City will retain a Housing Construction Inspector (the "Inspector") to inspect and monitor construction of the Permanently Affordable Units. These inspections are intended to ensure the Permanently Affordable Units meet all contractual requirements and result in high quality, well-constructed, financially sustainable affordable housing. All costs for the time of the Inspector and any costs incurred shall be borne by the Applicant. City housing inspections include a review of all contractual and construction documents, site visits and provision of reports verifying materials, workmanship and installations conform with acceptable industry standards, progress and completion. Details about the inspection requirements, estimate of costs and process will be included in the permanently affordable agreement required to be executed by the Applicant and the City pursuant to this Agreement.

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11. Market Unit Design. The Applicant agrees that any Market Units shall be designed to meet the following standards:
 - a. No Market Unit on the Properties shall be a detached single family dwelling;
 - b. No Market Unit shall have a floor area that exceeds 2,200 square feet.
 - c. The floor area requirements for the Market Units as required in this Paragraph 11 shall be determined based on the definition of “floor area for attached dwelling units” in Section 9-16-1, “General Definitions,” B.R.C. 1981, as relating to Inclusionary Housing, and shall exclude up to five hundred square feet of floor area in attached garages that are primarily used for personal storage or for the parking of automobiles.
12. Conveyance of Drainage. The Applicant shall convey drainage from the Properties in a historic manner that does not materially and adversely affect abutting property owners.
13. Existing Wells. The City agrees that it will not prohibit the Applicant from using existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections to the City’s municipal water supply system from any well on the Properties.
14. New Construction. All new construction commenced on the Properties after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.
15. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder Design and Construction Standards applicable at the time of constructions and shall be subject to the review, approval and acceptance of the City Manager.
16. Laws, Rules, Guidelines and Indexes. Except as provided in this Agreement, the Parties intend to apply the law, rules, and guidelines that are effective at the time of development or the issuance of building permits. In the event that any such laws, rules, or guidelines are not in place, the City Manager will create similar standards for purposes of implementing this Agreement. In the event that any indexes including without limitation the Area Median Income applicable to the City that are used in this Agreement are not in place at the time of development or the issuance of building permits, the City Manager will select or create a similar index for the purposes of implementing the requirements of this Agreement.
17. Ditch Company Approval. If either of the Properties is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

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18. Null and Void. This Agreement and all documents executed pursuant hereto shall be null and void and of no consequence in the event that the Properties are not annexed to the City.
19. Waiver of Vested Rights. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Agreement shall replace any such rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that, except as otherwise set forth herein, nothing contained herein may be construed as a waiver of the City's police powers or the power to zone and regulate land uses for the benefit of the general public.
20. Breach. If the Applicant breaches this Agreement in any respect, the City may withhold approval of all building permits and other development applications required for the Properties until the breaches have been cured. This remedy is in addition to all other remedies available to the City at law or equity or under this Agreement.
21. Dedications. The Applicant acknowledges that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.
22. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicant shall provide an original of this Agreement signed by Applicant, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of these Properties has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the Applicant withdraws from this Agreement as provided herein or the City does not otherwise annex the Properties, the City agrees that it will return all such original documents to the Applicant along with the amount of the Storm Water and Flood Management Utility Plant Investment Fee and Housing Excise Tax the Applicant has tendered to the City pursuant to this Agreement. The Applicant agrees that it will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.
23. No Encumbrances. The Applicant agrees that between the time of signing this Agreement and the time when final legislative action on the annexation of these Properties has occurred, the Applicant shall neither convey ownership nor further encumber either of the Properties, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicant agrees not to execute transactional documents encumbering the Properties or otherwise affecting title to the Properties without first notifying the City and submitting revised title work within five (5) working days of any such transaction.
24. Breach of Agreement. In the event the Applicant breaches or fails to perform any required action, or fails to pay any fee specified, under this Agreement or under any document that

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may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described against the Property Owner of 90 Arapahoe and/or the Property Owner of 96 Arapahoe, depending upon which party is in default. In the event the Applicant fails to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect from the Property Owner of 90 Arapahoe and/or the Property Owner of 96 Arapahoe, depending upon which party is in default, the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the defaulting party and collect its costs in the manner herein provided. The Applicant agrees to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

25. Future Interests. This Agreement and the Covenants set forth herein shall run with the land and be binding upon the Applicant, the Applicant's successors, and assigns and all persons who may hereafter acquire an interest in the Properties, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.
26. Right to Withdraw. The Applicant retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Properties to be annexed into the City of Boulder. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicant's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicant withdraws from this Agreement in the manner described above, this Agreement shall be null and will have no effect.
27. Developable Area of the Properties. Areas of both Properties lie within Area III of the Boulder Valley Comprehensive Plan as shown on Exhibit L attached hereto and incorporation herein. In addition, the blue line splits both Properties. The blue line is defined in Section 1-2-1, "Definitions," B.R.C. 1981, as "the line above which the City of Boulder shall not supply water for domestic, commercial or industrial uses, as described in section 128A of the charter of the City of Boulder." The Parties agree that:
 - a. No development shall occur in areas of the Properties lying within Area III as shown on Exhibit L, but rather all development shall occur within the areas of the

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Properties lying within Area I as shown on Exhibit L;

- b. No area of the Properties lying in Area III as shown on Exhibit L shall be considered to determine development potential of the Properties under Title 9, "Land Use Code," B.R.C. 1981; the area of the Properties that may be considered to determine development potential of the Properties, in particular, allowed density and intensity on the Properties under Chapter 9-8, "Intensity Standards," B.R.C. 1981, as may be amended, is the area located within Area I as shown on Exhibit L;
 - c. The Applicant may distribute the entire residential density allowed on both Properties pursuant to this Paragraph on the 90 Arapahoe Property;
 - d. Notwithstanding anything to the contrary set forth herein, nothing in this Paragraph 27 guarantees any particular number of dwelling units on the Properties;
 - e. Except as otherwise expressly set forth in this Agreement, development of the Properties shall meet the standards of the Boulder Revised Code, including without limitation the site review criteria of Section 9-2-14, "Site Review," B.R.C. 1981; and
 - f. No water shall be supplied for domestic, commercial or industrial uses to those areas of the Properties that are above the blue line as identified in Charter Section 128A and shown on Exhibit M. Water may be supplied for domestic, commercial or industrial uses to only those areas of the Properties that are below the blue line as identified in Charter Section 128A and shown on Exhibit M.
28. No Access Rights to Southern Portions of the Properties. The Applicant acknowledges and agrees that upon conveyance of the Southern Portions of 90 Arapahoe Property and the Southern Portion of 96 Arapahoe Property, Applicant will retain no access rights to the same and that the City will fully control any and all access rights. The Applicant may, at its own cost, build a fence along the southern boundary of the Northern Portion of 90 Arapahoe Property and the Northern Portion of 96 Arapahoe Property. The Applicant agrees the design of such fence shall be subject to written approval of the Director of the Department of Open Space and Mountain Parks ("OSMP"). The Applicant agrees not to install any gates or other access points to the Southern Portions of 90 Arapahoe Property and the Southern Portion of 96 Arapahoe Property without the prior written consent of the Director of OSMP. The Applicant acknowledges the City may elect to install a fence at the north boundary of the Southern Portions of 90 Arapahoe Property and the Southern Portion of 96 Arapahoe Property at its own cost at any time.

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29. Existing Non-Standard Structures. Existing, legal non-standard structures will be allowed to continue to be operated in the City of Boulder as legal non-standard structures and to be modified and expanded under the provisions of Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, as the chapter may be amended from time to time. The existing non-standard structures that will be recognized by the City are (1) the barn located at the south end of the 96 Arapahoe Property (nonstandard side yard and rear yard setbacks), (2) the historic motel office/caretaker unit building located at the northern end of the 90 Arapahoe Property (nonstandard side yard setback), and (3) the one-story (plus basement) Nuzum house (nonstandard side yard setback).
30. Concept Plan Review. The Parties agree that City Council will review and comment on concept plan LUR2015-00059 at the public hearing required to consider this annexation. The Parties agree to waive the requirement that City Council, at an earlier meeting, consider and vote to call up the concept plan.
31. Preservation of Wall. To the extent consistent with federal legislation and regulations promulgated thereunder, including the Americans with Disabilities Act, the Property Owner of 96 Arapahoe agrees to preserve the historic wall located immediately south of the historic barn on the 96 Arapahoe Property in its current location and maintain the wall in a manner that preserves the historic and aesthetic value of the wall, including its arrangement and materials, from deterioration.
32. Prorations. The Property Owner of 90 Arapahoe shall timely pay all expenses for the 90 Arapahoe Property, including utilities, property taxes and assessments, accruing before the effective date of the annexation ordinance and the City shall be responsible for any expenses associated with the Southern Portions of 90 Arapahoe Property accruing on and after the effective date of the annexation ordinance. The Property Owner of 96 Arapahoe shall timely pay all expenses for the 96 Arapahoe Property, including utilities, property taxes and assessments, accruing before the effective date of the annexation ordinance and the City shall be responsible for any expenses associated with the Southern Portion of 96 Arapahoe Property accruing on or after the effective date of the annexation ordinance.
33. Title Commitment Costs. The Property Owner of the 90 Arapahoe Property shall timely pay Land Title Guarantee Company for the title commitment issued under Order Number ABZ70538618. The City will pay the Property Owner of 90 Arapahoe Property its share of \$154 for the title policy issued under said commitment upon recording of the special warranty deeds for the Southern Portions of 90 Arapahoe Property. The Property Owner of 96 Arapahoe Property shall timely pay Land Title Guarantee Company for the title commitment issued under Order Number ABZ70538619. The City will pay the Property Owner of 96 Arapahoe Property its share of \$131 for the title policy issued under said commitment upon recording of the special warranty deed for the Southern Portion of 96 Arapahoe Property.

Attachment B - Annexation Agreement

EXECUTED on the day and year first above written.

PROPERTY OWNER OF
90 ARAPAHOE PROPERTY

Remington Family Partnership, RLLLP,
a Colorado limited liability limited
partnership

By: David A. Remington
Name: David A. Remington
Title: General Partner

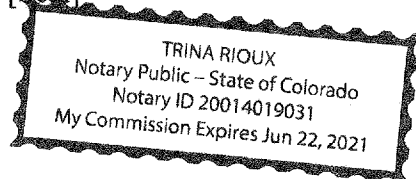
STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 9 day of June, 2017, by David A. Remington as General Partner of Remington Family Partnership, RLLLP.

Witness my hand and official seal.

My commission expires: 6/22/21

[Seal]



[Signature]
Notary Public

Page 39 of 97

Attachment B - Annexation Agreement

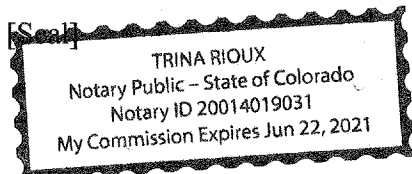
PROPERTY OWNER OF
96 ARAPAHOE PROPERTYSeptember Schools, Inc.,
a Colorado nonprofit corporationBy: Ronald L. Dreasher

Name: Ronald L. Dreasher

Title: President of the Board

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)The foregoing instrument was acknowledged before me this 9 day of June,
2017, by Ronald L. Dreasher, President of the Board of September Schools, Inc., a
Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: 6/22/21

 A handwritten signature in ink, appearing to be "Trina Rioux", written over a horizontal line.

Notary Public

Attachment B - Annexation Agreement

CITY OF BOULDER, COLORADO

By: Jane S. Brautigam
Jane S. Brautigam, City Manager

Attest:

[Signature]
City Clerk

Approved as to form:

[Signature]
City Attorney's Office

Date: 6-13-2017

EXHIBITS

- | | |
|-----------|--|
| Exhibit A | Legal Description for 90 Arapahoe Property |
| Exhibit B | Legal Description for 96 Arapahoe Property |
| Exhibit C | Map of Portions of Properties and Proposed Zoning Designations |
| Exhibit D | Form of Special Warranty Deed (Southern Portion of 90 Arapahoe – West Parcel - owned by Remington Family Partnership) |
| Exhibit E | Form of Special Warranty Deed (Southern Portion of 90 Arapahoe – East Parcel - owned by Taylor/Remington Family Partnership) |
| Exhibit F | Form of Quitclaim Deed (area south of Southern Portion of 90 Arapahoe Property – East Parcel) |
| Exhibit G | Form of Special Warranty Deed (Southern Portion of 96 Arapahoe Property) |
| Exhibit H | Form of Quitclaim Deed (area south of Southern Portion of 96 Arapahoe Property) |
| Exhibit I | Proposed Landmark Designation Areas for both Properties |
| Exhibit J | Description of Arapahoe Avenue Reconstruction Improvements |
| Exhibit K | Description of Arapahoe Avenue Extension Improvements |
| Exhibit L | Map of Portions of the Properties located within new Areas I and III |
| Exhibit M | Map of Area Where Water May Be Supplied Pursuant to Charter Section 128A. |

Attachment B - Annexation Agreement

EXHIBIT A - LEGAL DESCRIPTION FOR 90 ARAPAHOE

PARCEL A:

THE EASTERLY 300 FEET OF THE FOLLOWING DESCRIBED TRACT:
BEGINNING AT A POINT ON THE SOUTH LINE OF COUNTY ROAD NO. 255, COMMONLY
KNOWN AS ARAPAHOE ROAD, WHERE IT INTERSECTS WITH THE WEST LINE OF THE
AARON ROOD PLACER, SURVEY NO. 86, AT A GRANITE STONE 12" X 8" X 6" MARKED "2"
ON SOUTH FACE WITH "X" ON TOP; THENCE ALONG SAID WEST LINE OF AARON ROOD
PLACER SOUTH 7 DEGREES WEST 47 FEET TO CORNER NO. 5, SURVEY NO. 86,
IDENTICAL WITH CORNER NO. 2, SURVEY NO. 144; THENCE SOUTH 83 DEGREES EAST
ALONG THE SOUTH LINE OF SAID AARON ROOD PLACER 600 FEET, MORE OR LESS, TO
CORNER NO. 4, SURVEY NO. 86, AT A GRANITE STONE 14" X 8" X 6" MARKED 4-86 ON
WEST FACE WITH "X" ON TOP OF SAID STONE; THENCE NORTH 7 DEGREES EAST 273.4

Attachment B - Annexation Agreement

EXHIBIT A - LEGAL DESCRIPTION FOR 90 ARAPAHOE

FEET TO A GRANITE STONE 7" X 12" X 24" MARKED WITH "3" ON SOUTH FACE, WITH "X" ON TOP, BEING ON THE SOUTH LINE OF SAID ARAPAHOE ROAD NO. 255; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID ARAPAHOE ROAD TO THE PLACE OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:

BEGINNING AT THE NORTHWEST CORNER OF A TRACT CONVEYED BY DEED DATED AUGUST 3, 1937, RECORDED IN BOOK 645 AT PAGE 412 RUNNING THENCE SOUTH 65 DEGREES 29 MINUTES EAST ALONG THE SOUTH SIDE OF THE HIGHWAY 81.34 FEET THENCE SOUTH 24 DEGREES 31 MINUTES WEST 161 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES WEST 30.56 FEET TO CORNER NO. 2 THENCE SOUTH 7 DEGREES 00 MINUTES WEST TO A POINT SOUTH 24 DEGREES 31 MINUTES WEST OF THE TRUE POINT OF BEGINNING THENCE NORTH 24 DEGREES 31 MINUTES EAST TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL C:

BEGINNING AT THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED AND DESCRIBED IN BOOK 645 PAGE 412 OF THE RECORDS IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF BOULDER COUNTY, COLORADO; THENCE SOUTH 65 DEGREES 29 MINUTES EAST ALONG THE SOUTH SIDE OF THE HIGHWAY; AS DESCRIBED IN A DEED RECORDED IN BOOK 465 PAGE 69 OF SAID BOULDER COUNTY RECORDS; A DISTANCE OF 81.34 FEET; THENCE SOUTH 24 DEGREES 31 MINUTES WEST 161 FEET; THENCE NORTH 65 DEGREES 29 MINUTES WEST 30.56 FEET TO A POINT SOUTH 7 DEGREES WEST OF THE PLACE OF BEGINNING; THENCE NORTH 7 DEGREES EAST TO THE PLACE OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL D:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE SOUTH 16 DEGREES 17 MINUTES WEST, 256 FEET TO CORNER NO. 6, SURVEY NO. 86, AARON ROOD PLACER; THENCE SOUTH 7 DEGREES 0 MINUTES WEST, 400 FEET TO CORNER NO. 5 OF SAID PLACER; THENCE SOUTH 83 DEGREES 0 MINUTES EAST, 600 FEET MORE OR LESS TO CORNER NO. 4 OF SAID PLACER; THENCE NORTH 7 DEGREES 0 MINUTES EAST, 273.4 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES EAST, 81.38 FEET TO A POINT ON THE SOUTH SIDE OF COUNTY ROAD NO. 255, WHICH POINT IS THE TRUE POINT OF BEGINNING; THENCE SOUTH 65 DEGREES 29 MINUTES EAST, 180 FEET TO A POINT ON THE SOUTH SIDE OF SAID COUNTY ROAD, WHICH POINT IS THE NORTHEAST CORNER OF A TRACT OF

Attachment B - Annexation Agreement

EXHIBIT A - LEGAL DESCRIPTION FOR 90 ARAPAHOE

LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 755 AT PAGE 473 OF THE BOULDER COUNTY, COLORADO, RECORDS; THENCE SOUTH 24 DEGREES 31 MINUTES WEST, TO THE SOUTH BOUNDARY LINE OF A TRACT OF LAND CONVEYED BY DEED RECORDED IN BOOK 677 AT PAGE 16 OF SAID COUNTY RECORDS; THENCE NORTH 83 DEGREES 0 MINUTES WEST ALONG SAID SOUTH BOUNDARY OF THE LAST-MENTIONED TRACT TO THE WEST BOUNDARY LINE OF SAID LAST-MENTIONED TRACT; THENCE NORTH 7 DEGREES 0 MINUTES EAST TO CORNER NO. 4 OF SAID AARON ROOD PLACER; THENCE NORTH 24 DEGREES 31 MINUTES EAST TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL E:

ALL THAT PART OF THE AARON ROOD PLACER, U.S. SURVEY NO. 86, LYING SOUTH OF ARAPAHOE ROAD, WEST OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED MAY 27, 1947 IN BOOK 801 AT PAGE ~~408~~ OF THE RECORDS OF THE BOULDER COUNTY, COLORADO, RECORDER, AND EAST OF BOULDER CREEK, COUNTY OF BOULDER, STATE OF COLORADO.

Attachment B - Annexation Agreement

EXHIBIT B

LEGAL DESCRIPTION FOR 96 ARAPAHOE PROPERTY

That part of the Northwest $\frac{1}{4}$ of Section 36, Township 1 North, Range 71 West of the 6th P.M., County of Boulder, State of Colorado, and being more particularly described as follows:

Beginning South $65^{\circ}29'$ East 9 feet from the Northeast corner of tract conveyed by deed recorded in Book 745 at Page 409 of the records of the office of the Clerk and Recorder of said County of Boulder; running thence South $65^{\circ}29'$ East along the South line of County Road No. 255, 120 feet; thence South $24^{\circ}31'$ West to the South line of a tract conveyed by deed recorded in Book 677 at Page 16 of said records; thence North 83° West to a point 9 feet distant from the Southeast corner of said Tract conveyed by deed recorded in Book 745 at Page 409 of said records; thence North $24^{\circ}31'$ East to the place of beginning.

Attachment B - Annexation Agreement

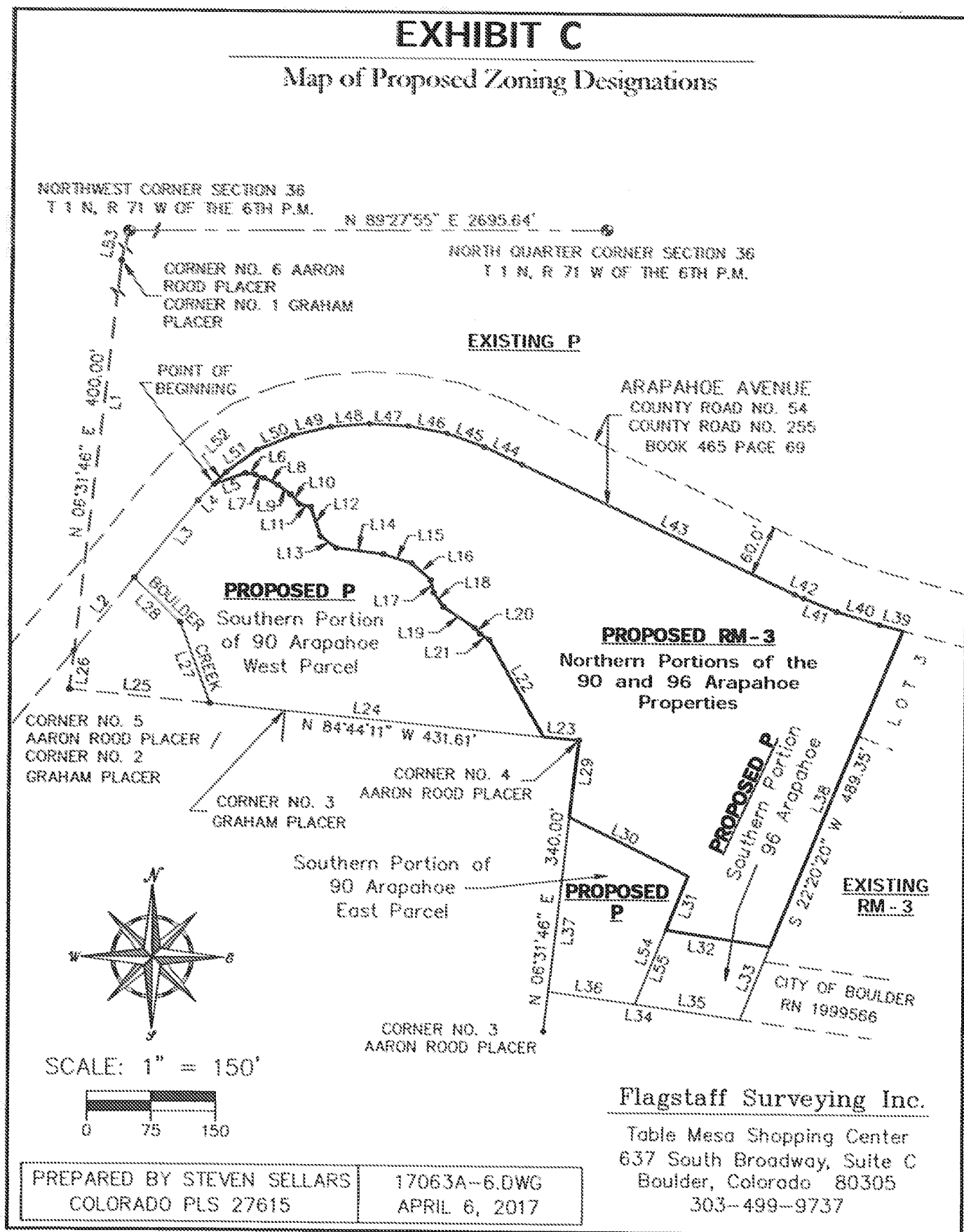
EXHIBIT C**Map of Proposed Zoning Designations**

Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)

Address: 90 Arapahoe (Southern Portion West Parcel)

Item 5A - 90 Arapahoe Annexation Agreement Amendment Page 47 of 97

**Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)**

EXHIBIT A

Page 1 of 4

**Southern Portion of 90 Arapahoe
West Parcel - Property Description**
(Prepared by Flagstaff Surveying, Inc.)

A parcel of land located in the Northwest quarter of Section 36, Township 1 North, Range 71 West of the 6th P.M., being more particularly described as follows:

Commencing at the northwest corner of Section 36, from whence the north quarter corner of Section 36 bears North 89°27'55" East, a distance of 2695.64 feet; Thence South 14°15'53" West, a distance of 254.76 feet to corner number 6 of the Aaron Rood Placer; Thence South 06°31'46" West, along the west line of the Aaron Rood Placer, a distance of 354.97 feet to the intersection of the southeasterly boundary of County Road No. 255 (a.k.a. Arapahoe Avenue) as described in Book 465 at Page 69; Thence North 39°20'35" East along the southeasterly boundary of County Road No. 255, a distance of 109.66 feet to the Point of Beginning;

Thence North 39°20'35" East along the southeasterly boundary of Book 465 Page 69, a distance of 116.45 feet;

Thence North 44°18'36" East along the southeasterly boundary of Book 465 Page 69, a distance of 26.76 feet;

Thence North 70°25'54" East, a distance of 38.29 feet;
Thence South 82°26'50" East, a distance of 10.94 feet;
Thence South 68°19'31" East, a distance of 10.47 feet;
Thence South 64°16'16" East, a distance of 17.78 feet;
Thence South 53°51'15" East, a distance of 18.54 feet;
Thence South 42°06'20" East, a distance of 15.35 feet;
Thence South 77°56'03" East, a distance of 13.57 feet;
Thence South 18°48'06" East, a distance of 35.97 feet;
Thence South 53°52'40" East, a distance of 22.64 feet;
Thence South 82°59'50" East, a distance of 55.88 feet;
Thence South 72°59'50" East, a distance of 34.75 feet;
Thence South 49°23'50" East, a distance of 29.64 feet;
Thence South 13°07'45" East, a distance of 14.78 feet;
Thence South 35°09'33" East, a distance of 20.25 feet;
Thence South 57°00'08" East, a distance of 43.76 feet;
Thence South 43°10'41" East, a distance of 9.68 feet;
Thence South 56°54'29" East, a distance of 12.25 feet;
Thence South 29°59'50" East, a distance of 129.47 feet to a point on line 4-5 of the Aaron Rood Placer;

Attachment B - Annexation Agreement

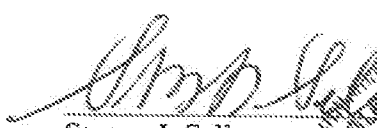
Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)

Thence North $84^{\circ}44'11''$ West along line 4-S of the Aaron Rood Placer, a distance of 391.04 feet;

Thence North $20^{\circ}27'11''$ West, a distance of 99.79 feet;

Thence North $46^{\circ}31'12''$ West, a distance of 74.25 feet to the **Point of Beginning**.

Said parcel contains 78,820 square feet, more or less.


Steven J. Sellars

Colorado PLS #27615

April 6, 2017

47063_South_90 Arapahoe_West Parcel.doc

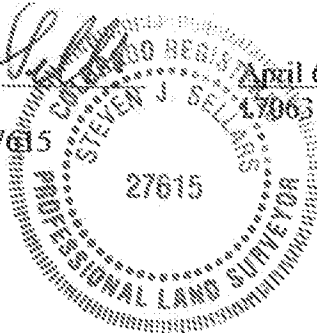


Table Mesa Shopping Center 637 South Broadway, Suite C Boulder, Colorado 80305

Phone: 303-499-9737

Fax: 303-499-9770

StevenSellars@FlagstaffSurveying.com

Attachment B - Annexation Agreement

Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)

EXHIBIT A

PAGE 3 OF 4

Southern Portion of 90 Arapahoe West Parcel

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

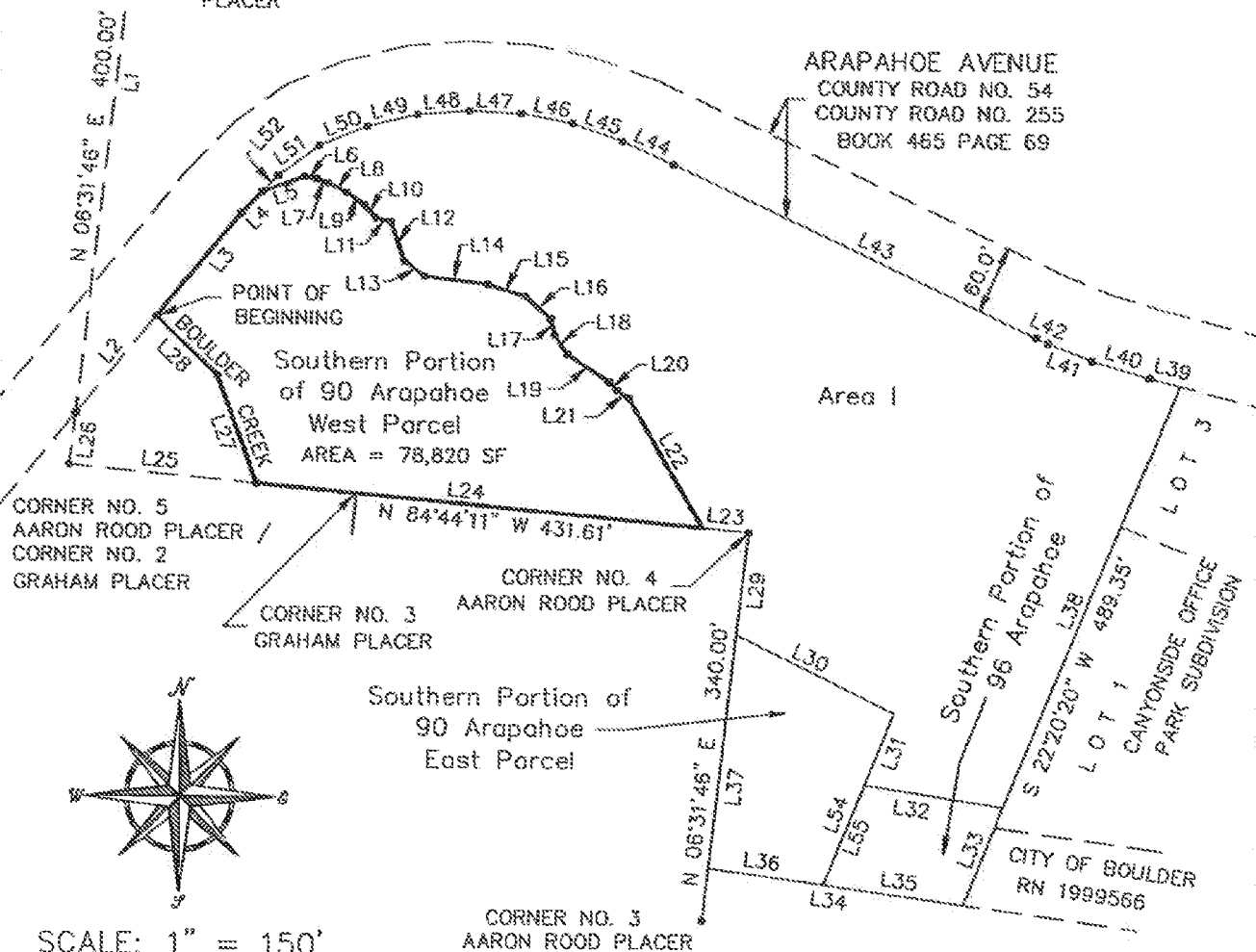
NORTHWEST CORNER SECTION 36
T 1 N, R 71 W OF THE 6TH P.M.

N 89°27'55" E 2695.64'

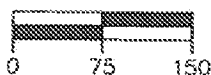
NORTH QUARTER CORNER SECTION 36
T 1 N, R 71 W OF THE 6TH P.M.

CORNER NO. 6 AARON
ROOD PLACER
CORNER NO. 1 GRAHAM
PLACER

ARAPAHOE AVENUE
COUNTY ROAD NO. 54
COUNTY ROAD NO. 255
BOOK 465 PAGE 69



SCALE: 1" = 150'



PREPARED BY STEVEN SELLARS
COLORADO PLS 27615

17063A-8.DWG
APRIL 6, 2017

Flagstaff Surveying Inc.

Table Mesa Shopping Center
637 South Broadway, Suite C
Boulder, Colorado 80305
303-499-9737

Attachment B - Annexation Agreement

Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)

EXHIBIT A

PAGE 4 OF 4

Southern Portion of 90 Arapahoe West Parcel

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
 TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 COUNTY OF BOULDER, STATE OF COLORADO

Line Table

LINE	BEARING & DISTANCE
L1	S 06°31'46" W 354.97'
L2	N 39°20'35" E 109.66'
L3	N 39°20'35" E 116.45'
L4	N 44°18'36" E 26.76'
L5	N 70°25'54" E 38.29'
L6	S 82°26'50" E 10.94'
L7	S 68°19'31" E 10.47'
L8	S 64°16'16" E 17.78'
L9	S 53°51'15" E 18.54'
L10	S 42°06'20" E 15.35'
L11	S 77°56'03" E 13.57'
L12	S 18°48'06" E 35.97'
L13	S 53°52'40" E 22.64'
L14	S 82°59'50" E 55.88'
L15	S 72°59'50" E 34.75'
L16	S 49°23'50" E 29.64'
L17	S 13°07'45" E 14.78'
L18	S 35°09'33" E 20.25'
L19	S 57°00'08" E 43.76'
L20	S 43°10'41" E 9.68'
L21	S 56°54'29" E 12.25'
L22	S 29°59'50" E 129.47'
L23	S 84°44'11" E 40.57'
L24	N 84°44'11" W 391.04'
L25	N 84°44'11" W 164.08'
L26	N 06°31'46" E 45.03'
L27	N 20°27'11" W 99.79'
L28	N 46°31'12" W 74.25'

Line Table

LINE	BEARING & DISTANCE
L29	S 06°31'46" W 89.78'
L30	S 64°01'42" E 153.56'
L31	S 22°20'20" W 67.59'
L32	S 81°28'14" E 123.57'
L33	S 22°20'20" W 91.71'
L34	S 82°15'10" E 224.95'
L35	S 82°15'10" E 124.00'
L36	N 82°15'10" W 100.95'
L37	N 06°31'46" E 203.93'
L38	N 22°20'20" E 397.64'
L39	N 75°44'00" W 27.75'
L40	N 73°46'00" W 51.88'
L41	N 68°34'00" W 40.94'
L42	N 66°45'53" W 11.45'
L43	N 65°03'25" W 350.70'
L44	N 65°53'24" W 48.55'
L45	N 70°36'25" W 46.36'
L46	N 79°45'25" W 45.63'
L47	N 87°15'24" W 46.07'
L48	S 85°14'35" W 45.69'
L49	S 76°19'36" W 45.35'
L50	S 67°31'35" W 44.02'
L51	S 53°33'35" W 43.90'
L52	S 44°18'36" W 19.51'
L53	S 14°15'53" W 254.76'
L54	S 22°20'20" W 161.05'
L55	S 22°20'20" W 93.46'

Flagstaff Surveying Inc.

Table Mesa Shopping Center
 637 South Broadway, Suite C
 Boulder, Colorado 80305
 303-499-9737

PREPARED BY STEVEN SELLARS
 COLORADO PLS 27615

17063A-8.DWG
 APRIL 6, 2017

Attachment B - Annexation Agreement

**Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)**

EXHIBIT B

TO SPECIAL WARRANTY DEED

TITLE EXCEPTIONS

1. TAXES FOR THE YEAR 2017 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
2. ANY VEIN OR LODE OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS, TO BE CLAIMED OR KNOWN TO EXIST WITHIN THE PREMISES AS OF JULY 21, 1873 AND THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE, INTERSECT, PASS THROUGH OR DIP INTO THE MINING GROUND OR PREMISES HEREBY GRANTED, AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 1, 1877 IN BOOK 38 AT PAGE 490.
3. RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN THE RIGHT OF WAY OF ARAPAHOE AVE, ALSO KNOWN AS COUNTY ROAD NO. 54, AS CONVEYED TO BOULDER COUNTY BY THE DEED RECORDED JUNE 14, 1921 IN BOOK 465 AT PAGE 69 AND AS CONVEYED TO THE CITY OF BOULDER BY DEED RECORDED DECEMBER 14, 1989 UNDER RECEPTION NO. 1018576.
4. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF ANDERSON DITCH AS DISCLOSED IN DEEDS RECORDED AUGUST 6, 1937 IN BOOK 645 AT PAGE 412, APRIL 16, 1941 IN BOOK 703 AT PAGE 176, JULY 12, 1944 IN BOOK 745 AT PAGE 409, AND DECEMBER 19, 1944 IN BOOK 755 AT PAGE 94.
5. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE NEW ANDERSON DITCH COMPANY, A COLORADO CORPORATION, AND RAY C. IMEL AND GENEVIEVE E. IMEL RECORDED NOVEMBER 26, 1954 IN BOOK 965 AT PAGE 363.
6. ANY CHANGES IN ARE DUE TO THE RELOCATION OR MOVEMENT OF BOULDER CREEK. SAID CREEK BEING DESCRIBED IN THE LEGAL DESCRIPTION OF THE LAND REFERRED TO IN DEED RECORDED OCTOBER 17, 1963 UNDER RECEPTION NO. 829992.
7. TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF AGREEMENT RECORDED JULY 21, 2014 UNDER RECEPTION NO. 3392743.
8. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE AGREEMENT FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, AS EVIDENCED BY INSTRUMENT RECORDED JULY 28, 2014, UNDER RECEPTION NO. 3393978.

Attachment B - Annexation Agreement

- Exhibit D - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Remington Family Partnership)**
9. UNPATENTED MINING CLAIMS, RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS
AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER.
 10. ANNEXATION AGREEMENT WITH THE CITY OF BOULDER RECORDED ON OR ABOUT THE SAME
DATE HERewith.

Address: 90 Arapahoe (Southern Portion East Parcel)

Item 5A - 90 Arapahoe Annexation Agreement Amendment Page 54 of 97

Attachment B - Annexation Agreement

**Exhibit E - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Taylor/Remington Family Partnership)**

EXHIBIT A

Page 1 of 3

**Southern Portion of 90 Arapahoe
East Parcel - Property Description**
(Prepared by Flagstaff Surveying, Inc.)

A parcel of land located in the Northwest quarter of Section 36, Township 1 North, Range 71 West of the 6th P.M., being more particularly described as follows:

Commencing at the northwest corner of Section 36, from whence the north quarter corner of Section 36 bears North 89°27'55" East, a distance of 2695.64 feet; Thence South 14°15'53" West, a distance of 254.76 feet to corner number 6 of the Aaron Rood Placer; Thence South 06°31'46" West, a distance of 400.00 feet to corner number 5 of the Aaron Rood Placer;

Thence South 84°44'11" East, along the line 4-5 of the Aaron Rood Placer, a distance of 595.69 feet corner number 4 of the Aaron Rood Placer; Thence South 06°31'46" West along line 3-4 of the Aaron Rood Placer, a distance of 89.78 feet to the **Point of Beginning**;

Thence South 64°01'42" East, a distance of 153.56 feet;

Thence South 22°20'20" West, a distance of 161.05 feet;

Thence North 82°15'10" West, a distance of 100.95 feet to corner number 3 of the Aaron Rood Placer;

Thence North 06°31'46" East along line 3-4 of the Aaron Rood Placer, a distance of 203.93 feet to the **Point of Beginning**.

Said parcel contains 22,632 square feet, more or less.


Steven J. Sellars
Colorado PLS #27615
April 6, 2017
17063_South_90 Arapahoe_East Parcel.doc



Table Mesa Shopping Center 637 South Broadway, Suite C Boulder, Colorado 80305
Phone: 303-499-9737 Fax: 303-499-9770
StevenSellars@FlagstaffSurveying.com

Attachment B - Annexation Agreement

Exhibit E - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Taylor/Remington Family Partnership)

EXHIBIT A

PAGE 2 OF 3

Southern Portion of 90 Arapahoe East Parcel

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

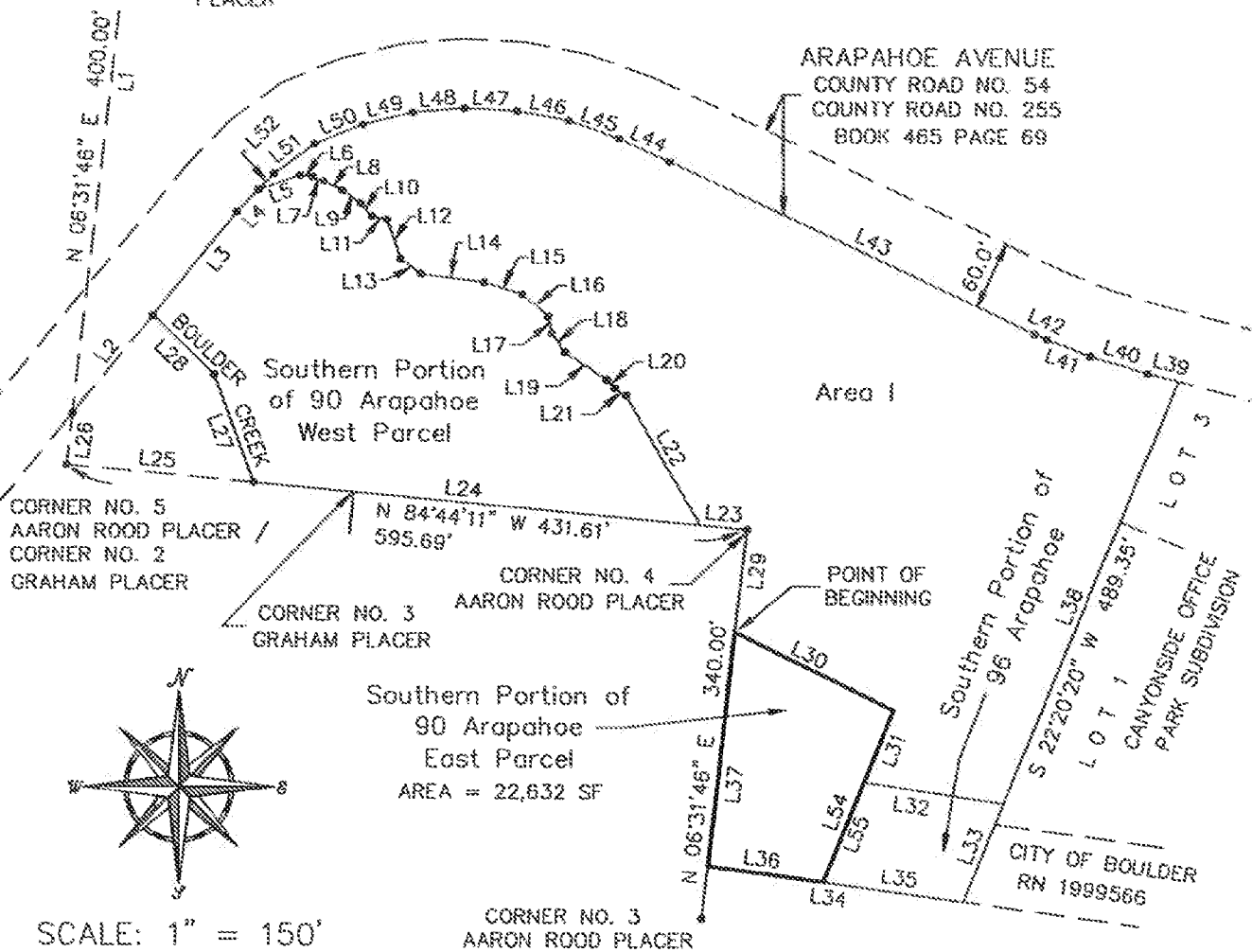
NORTHWEST CORNER SECTION 36
T 1 N, R 71 W OF THE 6TH P.M.

N 89°27'55" E 2695.64'

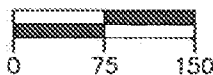
NORTH QUARTER CORNER SECTION 36
T 1 N, R 71 W OF THE 6TH P.M.

CORNER NO. 6 AARON
ROOD PLACER
CORNER NO. 1 GRAHAM
PLACER

ARAPAHOE AVENUE
COUNTY ROAD NO. 54
COUNTY ROAD NO. 255
BOOK 465 PAGE 69



SCALE: 1" = 150'



Flagstaff Surveying Inc.

Table Mesa Shopping Center
637 South Broadway, Suite C
Boulder, Colorado 80305
303-499-9737

PREPARED BY STEVEN SELLARS
COLORADO PLS 27615

17063A-6.DWG
APRIL 6, 2017

Attachment B - Annexation Agreement

Exhibit E - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Taylor/Remington Family Partnership)

EXHIBIT A

PAGE 3 OF 3

**Southern Portion of 90 Arapahoe
East Parcel**

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

Line Table

LINE	BEARING & DISTANCE
L1	S 06°31'46" W 354.97'
L2	N 39°20'35" E 109.66'
L3	N 39°20'35" E 116.45'
L4	N 44°18'36" E 26.76'
L5	N 70°25'54" E 38.29'
L6	S 82°26'50" E 10.94'
L7	S 68°19'31" E 10.47'
L8	S 64°16'16" E 17.78'
L9	S 53°51'15" E 18.54'
L10	S 42°06'20" E 15.35'
L11	S 77°56'03" E 13.57'
L12	S 18°48'06" E 35.97'
L13	S 53°52'40" E 22.64'
L14	S 82°59'50" E 55.88'
L15	S 72°59'50" E 34.75'
L16	S 49°23'50" E 29.64'
L17	S 13°07'45" E 14.78'
L18	S 35°09'33" E 20.25'
L19	S 57°00'08" E 43.76'
L20	S 43°10'41" E 9.68'
L21	S 56°54'29" E 12.25'
L22	S 29°59'50" E 129.47'
L23	S 84°44'11" E 40.57'
L24	N 84°44'11" W 391.04'
L25	N 84°44'11" W 164.08'
L26	N 06°31'46" E 45.03'
L27	N 20°27'11" W 99.79'
L28	N 46°31'12" W 74.25'

Line Table

LINE	BEARING & DISTANCE
L29	S 06°31'46" W 89.78'
L30	S 64°01'42" E 153.56'
L31	S 22°20'20" W 67.59'
L32	S 81°28'14" E 123.57'
L33	S 22°20'20" W 91.71'
L34	S 82°15'10" E 224.95'
L35	S 82°15'10" E 124.00'
L36	N 82°15'10" W 100.95'
L37	N 06°31'46" E 203.93'
L38	N 22°20'20" E 397.64'
L39	N 75°44'00" W 27.75'
L40	N 73°46'00" W 51.88'
L41	N 68°34'00" W 40.94'
L42	N 66°45'53" W 11.45'
L43	N 65°03'25" W 350.70'
L44	N 65°53'24" W 48.55'
L45	N 70°36'25" W 46.36'
L46	N 79°45'25" W 45.63'
L47	N 87°15'24" W 46.07'
L48	S 85°14'35" W 45.69'
L49	S 76°19'36" W 45.35'
L50	S 67°31'35" W 44.02'
L51	S 53°33'35" W 43.90'
L52	S 44°18'36" W 19.51'
L53	S 14°15'53" W 254.76'
L54	S 22°20'20" W 161.05'
L55	S 22°20'20" W 93.46'

Flagstaff Surveying Inc.

Table Mesa Shopping Center
637 South Broadway, Suite C
Boulder, Colorado 80305
303-499-9737

PREPARED BY STEVEN SELLARS
COLORADO PLS 27615

17063A--6.DWG
APRIL 6, 2017

Attachment B - Annexation Agreement

Exhibit E - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Taylor/Remington Family Partnership)
EXHIBIT B

TO SPECIAL WARRANTY DEED

TITLE EXCEPTIONS

1. TAXES FOR THE YEAR 2017 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
2. ANY VEIN OR LODE OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS, TO BE CLAIMED OR KNOWN TO EXIST WITHIN THE PREMISES AS OF JULY 21, 1873 AND THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE OF QUARTZ OR OTHER ROCK IN PLACE BEARING GOLD, SILVER, CINNABAR, LEAD, TIN, COPPER OR OTHER VALUABLE DEPOSITS TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE, INTERSECT, PASS THROUGH OR DIP INTO THE MINING GROUND OR PREMISES HEREBY GRANTED, AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 1, 1877 IN BOOK 38 AT PAGE 490.
3. RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN THE RIGHT OF WAY OF ARAPAHOE AVE, ALSO KNOWN AS COUNTY ROAD NO. 54, AS CONVEYED TO BOULDER COUNTY BY THE DEED RECORDED JUNE 14, 1921 IN BOOK 465 AT PAGE 69 AND AS CONVEYED TO THE CITY OF BOULDER BY DEED RECORDED DECEMBER 14, 1989 UNDER RECEPTION NO. 1018576.
4. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF ANDERSON DITCH AS DISCLOSED IN DEEDS RECORDED AUGUST 6, 1937 IN BOOK 645 AT PAGE 412, APRIL 16, 1941 IN BOOK 703 AT PAGE 176, JULY 12, 1944 IN BOOK 745 AT PAGE 409, AND DECEMBER 19, 1944 IN BOOK 755 AT PAGE 94.
5. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE NEW ANDERSON DITCH COMPANY, A COLORADO CORPORATION, AND RAY C. IMEL AND GENEVIEVE E. IMEL RECORDED NOVEMBER 26, 1954 IN BOOK 965 AT PAGE 363.
6. ANY CHANGES IN ARE DUE TO THE RELOCATION OR MOVEMENT OF BOULDER CREEK. SAID CREEK BEING DESCRIBED IN THE LEGAL DESCRIPTION OF THE LAND REFERRED TO IN DEED RECORDED OCTOBER 17, 1963 UNDER RECEPTION NO. 829992.
7. TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF AGREEMENT RECORDED JULY 21, 2014 UNDER RECEPTION NO. 3392743.
8. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE AGREEMENT FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, AS EVIDENCED BY INSTRUMENT RECORDED JULY 28, 2014, UNDER RECEPTION NO. 3393978.

Attachment B - Annexation Agreement

**Exhibit E - Form of Special Warranty Deed
(Southern Portion of 90 Arapahoe owned by Taylor/Remington Family Partnership)**

9. UNPATENTED MINING CLAIMS, RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS
AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER.

10. ANNEXATION AGREEMENT WITH THE CITY OF BOULDER RECORDED ON OR ABOUT THE SAME
DATE HEREWITH.

Attachment B - Annexation Agreement

**Exhibit F - Form of Quitclaim Deed
(Area South of Southern Portion of 90 Arapahoe Property)**

For Administrative Purposes Only

Grantor: Taylor/Remington Family Partnership

Grantee: City of Boulder

Address: 90 Arapahoe (South of Southern Portion East Parcel)

QUITCLAIM DEED

THIS DEED, made this _____ day of _____, 2017, between **Taylor/Remington Family Partnership, RLLLP**, a Colorado limited liability limited partnership, duly organized and existing under and by virtue of the laws of the State of Colorado, Grantor, and the **City of Boulder**, a Colorado home rule city, a corporation existing under and by virtue of the laws of the State of Colorado, Grantee, whose legal address is 1777 Broadway, Boulder, Colorado 80302.

WITNESS, that the Grantor, for and in consideration of the sum of **LESS THAN FIVE HUNDRED DOLLARS**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and **QUITCLAIMED**, and by these presents does remise, release, sell and **QUITCLAIM** unto the Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Boulder and State of Colorado, described as follows:

SEE EXHIBIT A ATTACHED

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Grantor:

Taylor/Remington Family Partnership, RLLLP,
a Colorado limited liability limited partnership

By: _____

Name: David A. Remington

Title: General Partner

Attachment B - Annexation Agreement

**Exhibit F - Form of Quitclaim Deed
(Area South of Southern Portion of 90 Arapahoe Property)**

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017,
by David A. Remington as General Partner of Taylor/Remington Family Partnership, RLLLP.

Witness my hand and official seal.

My commission expires: _____

[Seal]

Notary Public

Attachment B - Annexation Agreement

**Exhibit F - Form of Quitclaim Deed
(Area South of Southern Portion of 90 Arapahoe Property)**

EXHIBIT A

Page 1 of 3

Quit Claim Parcel B Property Description

(Prepared by Flagstaff Surveying, Inc.)

A parcel of land located in the Northwest quarter of Section 36, Township 1 North, Range 71 West of the 6th P.M., being more particularly described as follows:

Commencing at the northwest corner of Section 36, from whence the north quarter corner of Section 36 bears North 89°27'55" East, a distance of 2695.64 feet; Thence South 14°15'53" West, a distance of 254.76 feet to corner number 6 of the Aaron Rood Placer; Thence South 06°31'46" West, a distance of 400.00 feet to corner number 5 of the Aaron Rood Placer;

Thence South 84°44'11" East, along the line 4-5 of the Aaron Rood Placer, a distance of 595.69 feet corner number 4 of the Aaron Rood Placer; Thence South 06°31'46" West along line 3-4 of the Aaron Rood Placer, a distance of 340.00 feet to corner number 3 of the Aaron Rood Placer, the **Point of Beginning**;

Thence South 83°28'14" East, a distance of 88.43 feet;

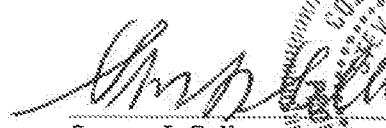
Thence North 22°20'20" East, a distance of 45.89 feet;

Thence North 82°15'10" West, a distance of 100.95 feet to a point on line 3-4 of the Aaron Rood Placer;

Thence South 06°31'46" West along line 3-4 of the Aaron Rood Placer, a distance of 46.30 feet to the **Point of Beginning**.

Excepting therefrom any portion not being within the property conveyed by deed recorded December 20, 1939 in Book 677 at Page 16.

Said parcel contains 4,288 square feet, more or less.


Steven J. Sellars
Colorado PLS #27615
April 6, 2017
27063_Quit Claim Parcel B.doc

(Circular Notary Seal: COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR STEVEN J. SELLARS 27615)

Table Mesa Shopping Center 637 South Broadway, Suite C Boulder, Colorado 80305
Phone: 303-499-9737 Fax: 303-499-9770
StevenSellars@FlagstaffSurveying.com

Attachment B - Annexation Agreement

Exhibit F - Form of Quitclaim Deed
(Area South of Southern Portion of 90 Arapahoe Property)

EXHIBIT A

PAGE 2 OF 3

QUIT CLAIM PARCEL B

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
 TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 COUNTY OF BOULDER, STATE OF COLORADO

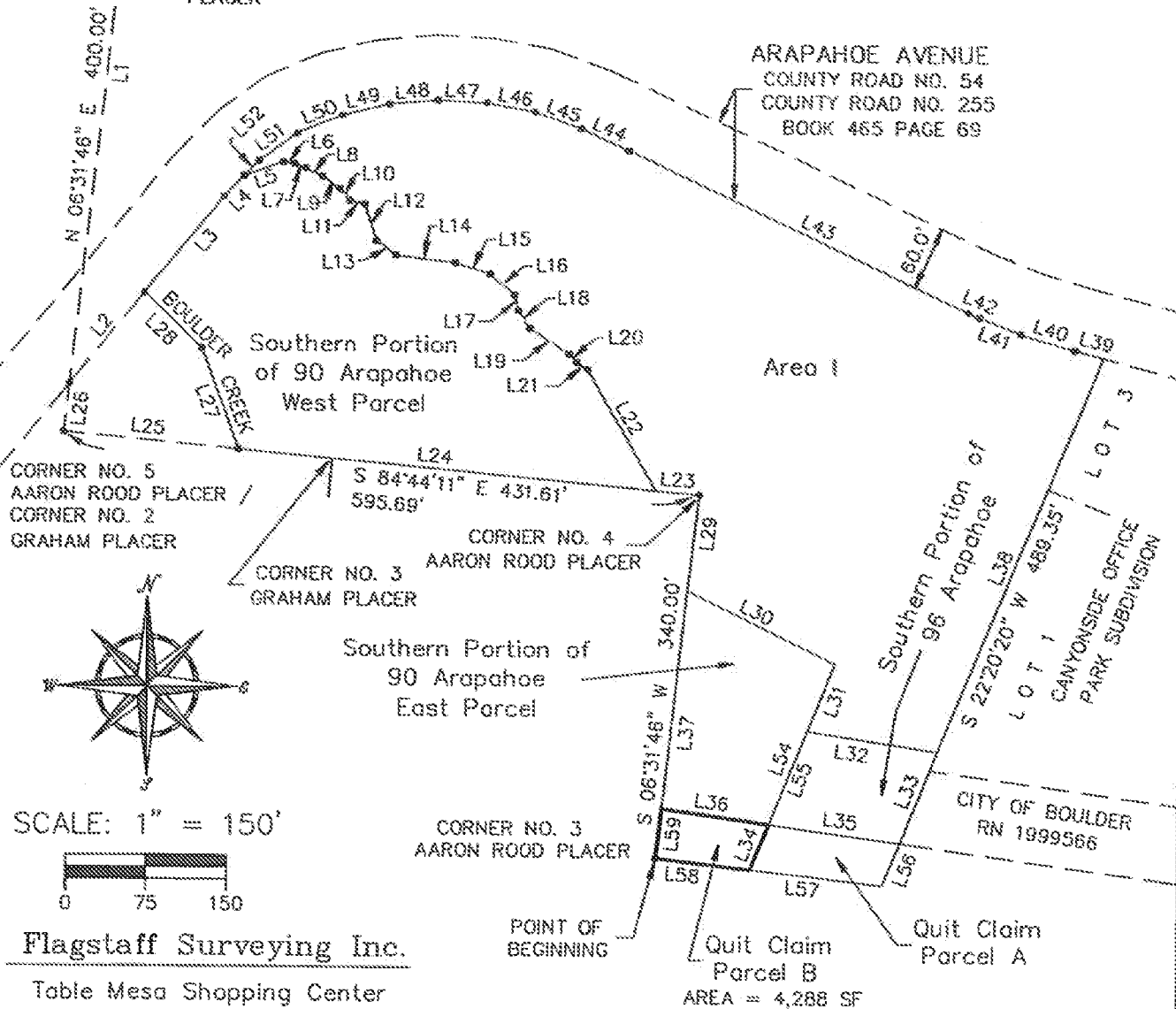
NORTHWEST CORNER SECTION 36
 T 1 N, R 71 W OF THE 6TH P.M.

N 89°27'55" E 2695.64'

NORTH QUARTER CORNER SECTION 36
 T 1 N, R 71 W OF THE 6TH P.M.

CORNER NO. 6 AARON
 ROOD PLACER
 CORNER NO. 1 GRAHAM
 PLACER

ARAPAHOE AVENUE
 COUNTY ROAD NO. 54
 COUNTY ROAD NO. 255
 BOOK 465 PAGE 69



SCALE: 1" = 150'

**Flagstaff Surveying Inc.**

Table Mesa Shopping Center
 637 South Broadway, Suite C
 Boulder, Colorado 80305
 303-499-9737

17063A-8.DWG
 APRIL 6, 2017

PREPARED BY STEVEN SELLARS
 COLORADO PLS 27615

Attachment B - Annexation Agreement

Exhibit F - Form of Quitclaim Deed
(Area South of Southern Portion of 90 Arapahoe Property)

EXHIBIT A

PAGE 3 OF 3

QUIT CLAIM PARCEL B

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
 TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 COUNTY OF BOULDER, STATE OF COLORADO

Line Table

LINE	BEARING & DISTANCE
L1	S 06°31'46" W 354.97'
L2	N 39°20'35" E 109.66'
L3	N 39°20'35" E 116.45'
L4	N 44°18'36" E 26.76'
L5	N 70°25'54" E 38.29'
L6	S 82°26'50" E 10.94'
L7	S 68°19'31" E 10.47'
L8	S 64°16'16" E 17.78'
L9	S 53°51'15" E 18.54'
L10	S 42°06'20" E 15.35'
L11	S 77°56'03" E 13.57'
L12	S 18°48'06" E 35.97'
L13	S 53°52'40" E 22.64'
L14	S 82°59'50" E 55.88'
L15	S 72°59'50" E 34.75'
L16	S 49°23'50" E 29.64'
L17	S 13°07'45" E 14.78'
L18	S 35°09'33" E 20.25'
L19	S 57°00'08" E 43.76'
L20	S 43°10'41" E 9.68'
L21	S 56°54'29" E 12.25'
L22	S 29°59'50" E 129.47'
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L24	N 84°44'11" W 391.04'
L25	N 84°44'11" W 164.08'
L26	N 06°31'46" E 45.03'
L27	N 20°27'11" W 99.79'
L28	N 46°31'12" W 74.25'
L29	S 06°31'46" W 89.78'
L30	S 64°01'42" E 153.56'
L31	S 22°20'20" W 67.59'

Line Table

LINE	BEARING & DISTANCE
L32	S 81°28'14" E 123.57'
L33	S 22°20'20" W 91.71'
L34	S 22°20'20" W 45.89'
L35	S 82°15'10" E 124.00'
L36	N 82°15'10" W 100.95'
L37	N 06°31'46" E 203.93'
L38	N 22°20'20" E 397.64'
L39	N 75°44'00" W 27.75'
L40	N 73°46'00" W 51.88'
L41	N 68°34'00" W 40.94'
L42	N 66°45'53" W 11.45'
L43	N 65°03'25" W 350.70'
L44	N 65°53'24" W 48.55'
L45	N 70°36'25" W 46.36'
L46	N 79°45'25" W 45.63'
L47	N 87°15'24" W 46.07'
L48	S 85°14'35" W 45.69'
L49	S 76°19'36" W 45.35'
L50	S 67°31'35" W 44.02'
L51	S 53°33'35" W 43.90'
L52	S 44°18'36" W 19.51'
L53	S 14°15'53" W 254.76'
L54	S 22°20'20" W 161.05'
L55	S 22°20'20" W 93.46'
L56	N 22°20'20" E 43.15'
L57	S 83°28'14" E 124.72'
L58	S 83°28'14" E 88.43'
L59	S 06°31'46" W 46.30'

Flagstaff Surveying Inc.

Table Mesa Shopping Center
 637 South Broadway, Suite C
 Boulder, Colorado 80305
 303-499-9737

PREPARED BY STEVEN SELLARS
 COLORADO PLS 27615

17063A--8.DWG
 APRIL 6, 2017

Item 5A - 90 Arapahoe Annexation Agreement Amendment Page 65 of 97

Attachment B - Annexation Agreement

**Exhibit G - Form of Special Warranty Deed
(Southern Portion of 96 Arapahoe)****EXHIBIT A**

Page 1 of 3

Southern Portion 96 Arapahoe**Property Description**

(Prepared by Flagstaff Surveying, Inc.)

A parcel of land located in the Northwest quarter of Section 36, Township 1 North, Range 71 West of the 6th P.M., being more particularly described as follows:

Commencing at the northwest corner of Section 36, from whence the north quarter corner of Section 36 bears North 89°27'55" East, a distance of 2695.64 feet; Thence South 14°15'53" West, a distance of 254.76 feet to corner number 6 of the Aaron Rood Placer; Thence South 06°31'46" West, a distance of 400.00 feet to corner number 5 of the Aaron Rood Placer;

Thence South 84°44'11" East, along the line 4-5 of the Aaron Rood Placer, a distance of 595.69 feet corner number 4 of the Aaron Rood Placer; Thence South 06°31'46" West along line 3-4 of the Aaron Rood Placer, a distance of 89.78 feet;

Thence South 64°01'42" East, a distance of 153.56 feet;
Thence South 22°20'20" West, a distance of 67.59 feet to the **Point of Beginning**;

Thence South 81°28'14" East, a distance of 123.57 feet to a point on the westerly line of CANYONSIDE OFFICE PARK SUBDIVISION;

Thence South 22°20'20" West, a distance of 91.71 feet to the southwest corner of a parcel of land described in deed recorded November 15, 1999 at Reception Number 1999566;

Thence North 82°15'10" West, a distance of 124.00 feet;

Thence North 22°20'20" East, a distance of 93.46 feet to the **Point of Beginning**;

Said parcel contains 11,110 square feet, more or less.


Steven J. Sellars
Colorado PLS #27615
April 6, 2017
19963_South_96 Arapahoe.doc

Table Mesa Shopping Center, 900 South Broadway, Suite C Boulder, Colorado 80305
Phone: 303-499-9737 Fax: 303-499-9770
StevenSellars@FlagstaffSurveying.com

Attachment B - Annexation Agreement

**Exhibit G - Form of Special Warranty Deed
(Southern Portion of 96 Arapahoe)**

EXHIBIT A

PAGE 2 OF 3

Southern Portion of 96 Arapahoe

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

NORTHWEST CORNER SECTION 36
T 1 N, R 71 W OF THE 6TH P.M.

N 89°27'55" E 2695.64'

NORTH QUARTER CORNER SECTION 36
T 1 N, R 71 W OF THE 6TH P.M.

CORNER NO. 6 AARON
ROOD PLACER
CORNER NO. 1 GRAHAM
PLACER

ARAPAHOE AVENUE
COUNTY ROAD NO. 54
COUNTY ROAD NO. 255
BOOK 465 PAGE 69

Southern Portion
of 90 Arapahoe
West Parcel

Area I

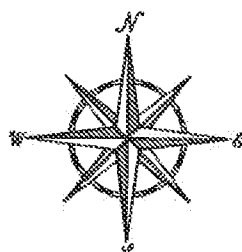
CORNER NO. 5
AARON ROOD PLACER /
CORNER NO. 2
GRAHAM PLACER

CORNER NO. 3
GRAHAM PLACER

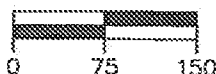
CORNER NO. 4
AARON ROOD PLACER

Southern Portion of
90 Arapahoe
East Parcel

CORNER NO. 3
AARON ROOD PLACER



SCALE: 1" = 150'



PREPARED BY STEVEN SELLARS
COLORADO PLS 27615

17063A-8.DWG
APRIL 6, 2017

Flagstaff Surveying Inc.

Table Mesa Shopping Center
637 South Broadway, Suite C
Boulder, Colorado 80305
303-499-9737

Attachment B - Annexation Agreement

Exhibit G - Form of Special Warranty Deed
(Southern Portion of 96 Arapahoe)

EXHIBIT A

PAGE 3 OF 3

Southern Portion of 96 Arapahoe

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

Line Table

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L33	S 22°20'20" W 91.71'
L34	S 82°15'10" E 224.95'
L35	S 82°15'10" E 124.00'
L36	N 82°15'10" W 100.95'
L37	N 06°31'46" E 203.93'
L38	N 22°20'20" E 397.64'
L39	N 75°44'00" W 27.75'
L40	N 73°46'00" W 51.88'
L41	N 68°34'00" W 40.94'
L42	N 66°45'53" W 11.45'
L43	N 65°03'25" W 350.70'
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L46	N 79°45'25" W 45.63'
L47	N 87°15'24" W 46.07'
L48	S 85°14'35" W 45.69'
L49	S 76°19'36" W 45.35'
L50	S 67°31'35" W 44.02'
L51	S 53°33'35" W 43.90'
L52	S 44°18'36" W 19.51'
L53	S 14°15'53" W 254.76'
L54	S 22°20'20" W 161.05'
L55	S 22°20'20" W 93.46'

Flagstaff Surveying Inc.

Table Mesa Shopping Center
637 South Broadway, Suite C
Boulder, Colorado 80305
303-499-9737

PREPARED BY STEVEN SELLARS
COLORADO PLS 27615

17063A-8.DWG
APRIL 6, 2017

Attachment B - Annexation Agreement

**Exhibit G - Form of Special Warranty Deed
(Southern Portion of 96 Arapahoe)**

EXHIBIT B

TO SPECIAL WARRANTY DEED

TITLE EXCEPTIONS

1. TAXES FOR THE YEAR 2017 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.
2. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 01, 1877 IN BOOK 38 AT PAGE 490.
3. RIGHT OF WAY FOR THE ANDERSON DITCH OVER, THROUGH, UPON, ACROSS AND ALONG THE NORTHERLY PORTION OF SUBJECT PROPERTY AS DISCLOSED IN THE MAP OF BASELINE RESERVOIR RECORDED JULY 25, 1904, IN BOOK B AT PAGE 30.
4. RIGHT OF WAY FOR ARAPAHOE AVENUE, ALSO KNOWN AS COUNTY ROAD NO. 54, OVER, THROUGH, UPON, ACROSS AND ALONG THE NORTHERLY PORTION OF SUBJECT PROPERTY, INCLUDING, BUT NOT LIMITED TO ANY PORTION THEREOF AS DESCRIBED IN THE QUIT CLAIM DEED TO THE COUNTY OF BOULDER RECORDED JUNE 14, 1921 IN BOOK 465 AT PAGE 69, AND IN THE QUIT CLAIM DEED TO THE CITY OF BOULDER RECORDED DECEMBER 14, 1989 UNDER RECEPTION NO. 1018576.
5. UNPATENTED MINING CLAIMS, RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER.
6. ANNEXATION AGREEMENT WITH THE CITY OF BOULDER RECORDED ON OR ABOUT THE SAME DATE HERewith.

Attachment B - Annexation Agreement

**Exhibit H - Form of Quitclaim Deed
(area south of Southern Portion of 96 Arapahoe Property)**

For Administrative Purposes Only

Grantor: September Schools, Inc.

Grantee: City of Boulder

Address: 96 Arapahoe (South of Southern Portion)

QUITCLAIM DEED

THIS DEED, made this _____ day of _____, 2017, between **September Schools, Inc.**, a Colorado nonprofit corporation, of Boulder County, and State of Colorado, Grantor, and the **City of Boulder**, a Colorado home rule city, a corporation existing under and by virtue of the laws of the State of Colorado, Grantee, whose legal address is 1777 Broadway, Boulder, Colorado 80302.

WITNESS, that the Grantor, for and in consideration of the sum of LESS THAN FIVE HUNDRED DOLLARS, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Boulder and State of Colorado, described as follows:

SEE EXHIBIT A attached hereto and by this reference incorporated herein;

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Grantor:

SEPTEMBER SCHOOLS, INC.,
a Colorado nonprofit corporation.

Ronald Dreasher
Board President

Attachment B - Annexation Agreement

Exhibit H - Form of Quitclaim Deed
(area south of Southern Portion of 96 Arapahoe Property)

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The above and foregoing instrument was subscribed and sworn to before me this _____ day
of _____, 2017 by Ronald Dreasher, as Board President of September Schools, Inc.
Board of Directors.

Witness my hand and official seal.

My commission expires:

Notary Public

Attachment B - Annexation Agreement

**Exhibit H - Form of Quitclaim Deed
(area south of Southern Portion of 96 Arapahoe Property)**

EXHIBIT A

Page 1 of 3

Quit Claim Parcel A Property Description

(Prepared by Flagstaff Surveying, Inc.)

A parcel of land located in the Northwest quarter of Section 36, Township 1 North, Range 71 West of the 6th P.M., being more particularly described as follows:

Commencing at the northwest corner of Section 36, from whence the north quarter corner of Section 36 bears North 89°27'55" East, a distance of 2695.64 feet; Thence South 14°15'53" West, a distance of 254.76 feet to corner number 6 of the Aaron Rood Placer; Thence South 06°31'46" West, a distance of 400.00 feet to corner number 5 of the Aaron Rood Placer;

Thence South 84°44'11" East, along the line 4-5 of the Aaron Rood Placer, a distance of 595.69 feet corner number 4 of the Aaron Rood Placer; Thence South 06°31'46" West along line 3-4 of the Aaron Rood Placer, a distance of 340.00 feet to corner number 3 of the Aaron Rood Placer;

Thence South 83°28'14" East, a distance of 88.43 feet to the **Point of Beginning**;

Thence South 83°28'14" East, a distance of 124.72 feet to a point on the westerly line of CANYONSIDE OFFICE PARK SUBDIVISION, extended southerly;

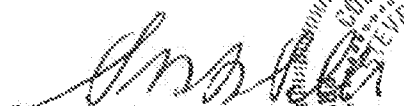
Thence North 22°20'20" East along said westerly line of CANYONSIDE OFFICE PARK SUBDIVISION extended southerly, a distance of 43.15 feet to the southwest corner of a parcel of land described in deed recorded November 15, 1999 at Reception Number 1999566;

Thence North 82°15'10" West, a distance of 124.00 feet;

Thence South 22°20'20" West, a distance of 45.89 feet to the **Point of Beginning**

Excepting therefrom any portion not being within the property conveyed by deed recorded December 20, 1939 in Book 677 at Page 16.

Said parcel contains 5,342 square feet, more or less.


Steven J. Sellars
Colorado PLS #27615
April 6, 2017
063_Quit Claim Parcel A.doc




Table Mesa Shopping Center, 357 South Broadway, Suite C Boulder, Colorado 80305
Phone: 303-499-9737 Fax: 303-499-9770
StevenSellars@FlagstaffSurveying.com

Attachment B - Annexation Agreement

Exhibit H - Form of Quitclaim Deed
(area south of Southern Portion of 96 Arapahoe Property)

EXHIBIT A

PAGE 2 OF 3

QUIT CLAIM PARCEL A

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
 TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 COUNTY OF BOULDER, STATE OF COLORADO

NORTHWEST CORNER SECTION 36
 T 1 N, R 71 W OF THE 6TH P.M.

N 89°27'55" E 2595.64'

NORTH QUARTER CORNER SECTION 36
 T 1 N, R 71 W OF THE 6TH P.M.

CORNER NO. 6 AARON
 ROOD PLACER
 CORNER NO. 1 GRAHAM
 PLACER

ARAPAHOE AVENUE
 COUNTY ROAD NO. 54
 COUNTY ROAD NO. 255
 BOOK 465 PAGE 69

Southern Portion
 of 90 Arapahoe
 West Parcel

Area I

CORNER NO. 5
 AARON ROOD PLACER /
 CORNER NO. 2
 GRAHAM PLACER

S 84°44'11" E 431.61'
 595.69'

CORNER NO. 3
 GRAHAM PLACER

CORNER NO. 4
 AARON ROOD PLACER

Southern Portion of
 90 Arapahoe
 East Parcel

Southern Portion of
 96 Arapahoe

LOT 1
 LOT 2
 LOT 3
 CANYONSIDE OFFICE
 PARK SUBDIVISION

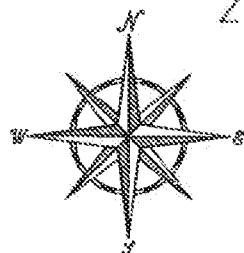
CITY OF BOULDER
 RN 1999566

CORNER NO. 3
 AARON ROOD PLACER

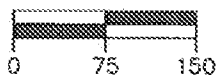
Quit Claim
 Parcel B

POINT OF
 BEGINNING

Quit Claim Parcel A
 AREA = 5,342 SF



SCALE: 1" = 150'



Flagstaff Surveying Inc.

Table Mesa Shopping Center
 637 South Broadway, Suite C
 Boulder, Colorado 80305
 303-499-9737

17063A-8.DWG
 APRIL 6, 2017

PREPARED BY STEVEN SELLARS
 COLORADO PLS 27615

Attachment B - Annexation Agreement

Exhibit H - Form of Quitclaim Deed
(area south of Southern Portion of 96 Arapahoe Property)

EXHIBIT A

PAGE 3 OF 3

QUIT CLAIM PARCEL A

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
 TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
 COUNTY OF BOULDER, STATE OF COLORADO

Line Table

LINE	BEARING & DISTANCE
L1	S 06°31'46" W 354.97'
L2	N 39°20'35" E 109.66'
L3	N 39°20'35" E 116.45'
L4	N 44°18'36" E 26.76'
L5	N 70°25'54" E 38.29'
L6	S 82°26'50" E 10.94'
L7	S 68°19'31" E 10.47'
L8	S 64°16'16" E 17.78'
L9	S 53°51'15" E 18.54'
L10	S 42°06'20" E 15.35'
L11	S 77°56'03" E 13.57'
L12	S 18°48'06" E 35.97'
L13	S 53°52'40" E 22.64'
L14	S 82°59'50" E 55.88'
L15	S 72°59'50" E 34.75'
L16	S 49°23'50" E 29.64'
L17	S 13°07'45" E 14.78'
L18	S 35°09'33" E 20.25'
L19	S 57°00'08" E 43.76'
L20	S 43°10'41" E 9.68'
L21	S 56°54'29" E 12.25'
L22	S 29°59'50" E 129.47'
L23	S 84°44'11" E 40.57'
L24	N 84°44'11" W 391.04'
L25	N 84°44'11" W 164.08'
L26	N 06°31'46" E 45.03'
L27	N 20°27'11" W 99.79'
L28	N 46°31'12" W 74.25'
L29	S 06°31'46" W 89.78'
L30	S 64°01'42" E 153.56'
L31	S 22°20'20" W 67.59'

Line Table

LINE	BEARING & DISTANCE
L32	S 81°28'14" E 123.57'
L33	S 22°20'20" W 91.71'
L34	S 22°20'20" W 45.89'
L35	S 82°15'10" E 124.00'
L36	N 82°15'10" W 100.95'
L37	N 06°31'46" E 203.93'
L38	N 22°20'20" E 397.64'
L39	N 75°44'00" W 27.75'
L40	N 73°46'00" W 51.88'
L41	N 68°34'00" W 40.94'
L42	N 66°45'53" W 11.45'
L43	N 65°03'25" W 350.70'
L44	N 65°53'24" W 48.55'
L45	N 70°36'25" W 46.36'
L46	N 79°45'25" W 45.63'
L47	N 87°15'24" W 46.07'
L48	S 85°14'35" W 45.69'
L49	S 76°19'36" W 45.35'
L50	S 67°31'35" W 44.02'
L51	S 53°33'35" W 43.90'
L52	S 44°18'36" W 19.51'
L53	S 14°15'53" W 254.76'
L54	S 22°20'20" W 161.05'
L55	S 22°20'20" W 93.46'
L56	N 22°20'20" E 43.15'
L57	S 83°28'14" E 124.72'
L58	S 83°28'14" E 88.43'
L59	S 06°31'46" W 46.30'

Flagstaff Surveying Inc.

Table Mesa Shopping Center
 637 South Broadway, Suite C
 Boulder, Colorado 80305
 303-499-9737

PREPARED BY STEVEN SELLARS
 COLORADO PLS 27615

17063A-8.DWG
 APRIL 6, 2017

Attachment B - Annexation Agreement

EXHIBIT J

ARAPAHOE AVENUE RECONSTRUCTION IMPROVEMENTS

Definition: Arapahoe Avenue Reconstruction Improvements means reconstruction of Arapahoe Avenue adjacent to the 96 Arapahoe Property ("Existing Roadway") generally shown on the Exhibit J Map, including but not limited to the following:

- i. Mill the Existing Roadway 2 inches from its surface.
- ii. Remove and replace the asphalt pavement of the Existing Roadway which shows signs of failure as identified by the City Manager.
- iii. Overlay the entire width of the Existing Roadway with 2-inches of asphalt concrete.
- iv. Replace or construct the following:
 - damaged sections of the concrete cross-pan near the intersection of the Existing Roadway and the bridge crossing over Boulder Creek;
 - curb-and-gutter for the Existing Roadway;
 - the 5-foot wide attached sidewalk along the south side of the Existing Roadway from the bridge crossing over Boulder Creek to the curb cut serving the 96 Arapahoe Property; and
 - a box culvert near the northwest corner of the 96 Arapahoe Property and the northeast corner of the 90 Arapahoe Property.

The Applicant agrees to follow the process set forth below as it pertains to the Arapahoe Avenue Reconstruction Improvements:

- i. Submit a Technical Document Review application for engineering plans for the Arapahoe Avenue Reconstruction Improvements for review and approval by the City Manager.
- ii. Provide the City with a financial guarantee, in a form acceptable to the City Manager in an amount sufficient to secure the installation or completion of the Arapahoe Avenue Reconstruction Improvements plus an additional 20% which shall serve as a contingency. The financial guarantee shall meet the requirements of Section 9-12-13, "Subdivider Financial Guarantees," B.R.C. 1981.
- iii. Provide a public improvement warranty that meets the requirements of Section 9-12-14, "Public Improvement Warranty," B.R.C. 1981.

Attachment B - Annexation Agreement

- iv. Construct and complete the Arapahoe Avenue Reconstruction Improvements, at no cost to the City, in a manner that meets all City requirements.

If the construction or installation of the Arapahoe Avenue Reconstruction Improvements is not completed by the Applicant according to the requirements of this Agreement, the City may, in its absolute discretion, complete the construction or installation of the Arapahoe Avenue Reconstruction Improvements or cause the same to be done and pay outstanding claims and bills incurred in such completion from the guarantee furnished. The Applicant shall pay any amount above the amount provided in the guarantee required to complete the construction or installation of the Arapahoe Avenue Reconstruction Improvements.

Attachment B - Annexation Agreement

EXHIBIT K

ARAPAHOE AVENUE EXTENSION IMPROVEMENTS

Definition: Arapahoe Avenue Extension Improvements means improvements extending the Existing Roadway consistent with the City of Boulder Design and Construction Standards for a residential collector road. Said improvements must meet the following specifications, unless modified by the City Manager.

- a) The improvements shall extend from the Arapahoe Avenue Reconstruction Improvements westward to a terminus to be determined by the City Manager and may include a turnaround or cul-de-sac with a landscape strip and detached sidewalk, as determined and approved by the City Manager.
- b) A slope of one Vertical foot to 4 horizontal feet (1V:4H) or flatter fore-slopes and back-slopes between the Arapahoe Avenue street section and the adjacent Boulder Creek multi-use path to the north ("Multi-use Path").
- c) The existing Multi-use Path shall not be relocated.
- d) Although a portion of the 100-year flood plain overlaps the existing 60-feet of right of way for Arapahoe Avenue, said right of way shall not be moved further into the 100-year flood plain. In no event shall the Arapahoe Avenue Extension Improvements be located in the 100-year flood plain.

The Application shall follow the process set forth below as it pertains to the necessary approvals for the Arapahoe Avenue Extension Improvements:

- a) Submit a Technical Document Review application for engineering plans for the Arapahoe Avenue Extension Improvements for review and approval by the City Manager.
- b) Obtain the written approval of Anderson Ditch company prior to repairing the Box Culvert and any improvements located within the easement for Anderson Ditch.
- c) Provide the City with a financial guarantee, in a form acceptable to the City Manager in an amount sufficient to secure the installation or completion of the Arapahoe Avenue Extension Improvements plus an additional 20% which shall serve as a contingency. The financial guarantee shall meet the requirements of Section 9-12-13, "Subdivider Financial Guarantees," B.R.C. 1981.
- d) Provide a public improvement warranty that meets the requirements of Section 9-12-14, "Public Improvement Warranty," B.R.C. 1981.

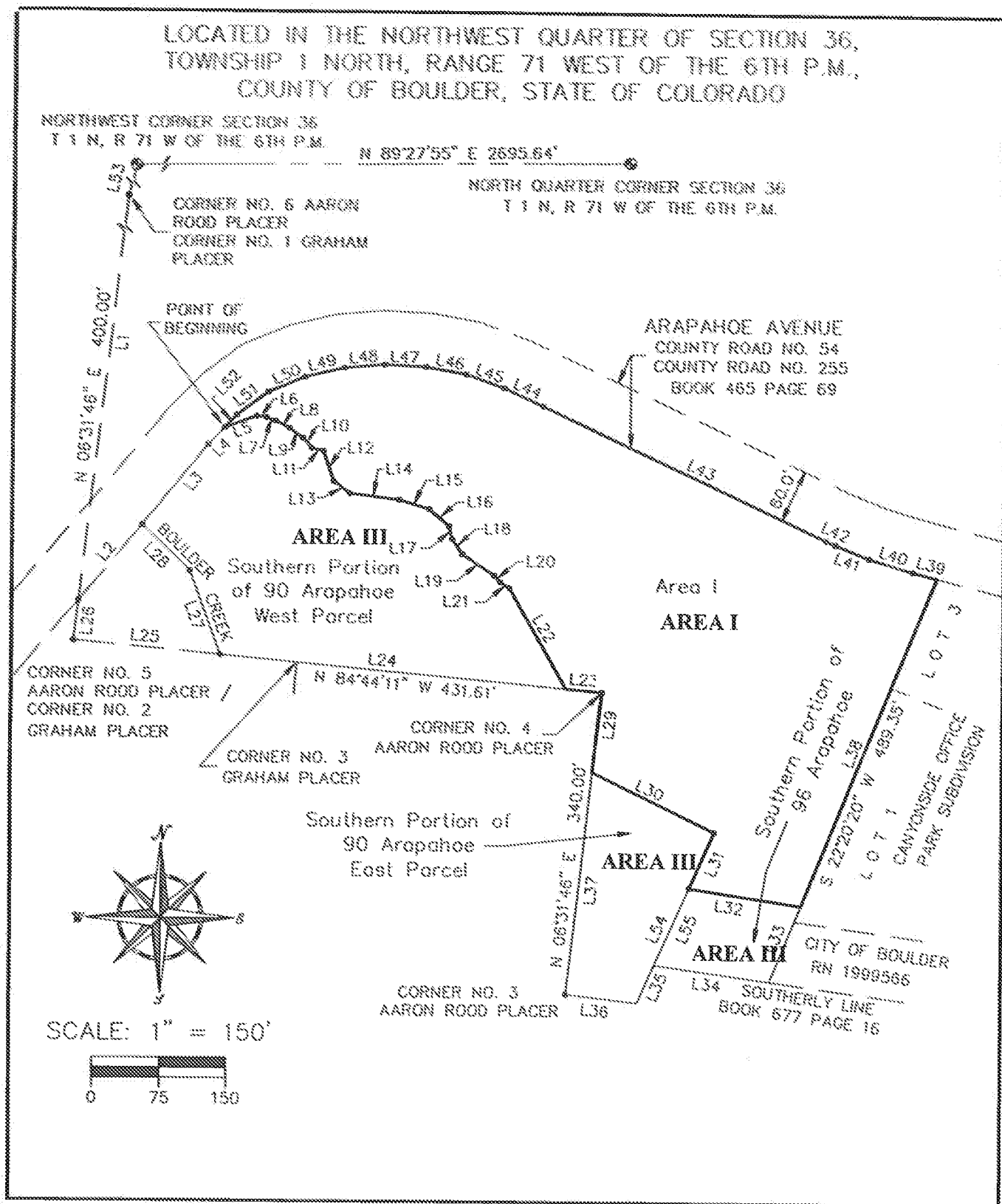
Attachment B - Annexation Agreement

- e) Construct and complete the Arapahoe Avenue Extension Improvements, at no cost to the City, in a manner that meets all City requirements.

If the construction or installation of the Arapahoe Avenue Extension Improvements is not completed by the Applicant according to the requirements of this Agreement, the City may, in its absolute discretion, complete the construction or installation of the Arapahoe Avenue Extension Improvements or cause the same to be done and pay outstanding claims and bills incurred in such completion from the guarantee furnished. The Applicant shall pay any amount above the amount provided in the guarantee required to complete the construction or installation of the Arapahoe Avenue Extension Improvements.

Attachment B - Annexation Agreement

Exhibit L:
Boulder Valley Comprehensive Plan - Planning Area I and III Boundaries



Attachment B - Annexation Agreement

Exhibit M: Map of Area Where Water May Be Supplied Pursuant to Charter Section 128A
(below the Blue Line)



For Administrative Use Only

Grantors: City of Boulder
Canyon Creek Villas LLC
September Schools, Inc.

Grantees: September Schools, Inc.
Canyon Creek Villas LLC
City of Boulder

Case No: LUR2019-00026

**AMENDMENT TO
ANNEXATION AGREEMENT**

This Amendment to Annexation Agreement ("Amendment") is entered into this 9 day of September, 2019, by and between the CITY OF BOULDER, a Colorado home rule city ("City,"), CANYON CREEK VILLAS LLC, a Colorado limited liability company ("Property Owner of 90 Arapahoe,"), and SEPTEMBER SCHOOLS, INC., a Colorado nonprofit corporation ("Property Owner of 96 Arapahoe"). The Property Owner of 90 Arapahoe and the Property Owner of 96 Arapahoe may be hereinafter collectively referred to as the "Owners." The City and the Owners may collectively hereinafter be referred to as the "Parties."

RECITALS

A. The Property Owner of 90 Arapahoe is the owner of the real property generally described as 90 Arapahoe Avenue and more particularly described on Exhibit A attached hereto and incorporated herein ("90 Arapahoe Property"). The Property Owner of 96 Arapahoe is the owner of the real property generally described as 96 Arapahoe Avenue and more particularly described on Exhibit B attached hereto and incorporated herein ("96 Arapahoe Property"). The 90 Arapahoe Property and 96 Arapahoe Property are collectively hereinafter referred to as the "Properties."

B. The Properties are subject to the requirements of the Annexation Agreement ("Annexation Agreement") dated June 13, 2017 and recorded in the records of the Boulder County Clerk and Recorder's Office at Reception No. 03602128 on July 7, 2017.

C. The Parties desire to modify the terms of the Annexation Agreement to delete the provisions pertaining to the dedication of right-of-way and construction of the Arapahoe Avenue Reconstruction Improvements and Arapahoe Avenue Extension Improvements described in Exhibits J and K of the Annexation Agreement, respectively.

COVENANTS

NOW THEREFORE, in consideration of the recitals set forth, the Parties agree to amend the aforesaid Annexation Agreement as follows:

1. Paragraph 4.b.i.d) is deleted.
2. Paragraph 4.d.i. and 4.d.ii. are deleted.

Attachment C - 1st Annexation Agreement Amendment recorded Sep. 20, 2019

3. Paragraph 4.e. is deleted.
4. Paragraph 5.a.ii.b) is deleted.
5. Paragraph 5.d. is deleted.
6. Paragraph 5.e. is deleted.
7. Exhibits J (Description of Arapahoe Avenue Reconstruction Improvements) is deleted.
8. Exhibit K (Description of Arapahoe Avenue Extension Improvements) is deleted.
9. The Owners warrant and agree that Owners have the good right, full power and lawful authority to execute this Amendment.
10. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment.
11. Except as amended herein, the Annexation Agreement shall remain in full force and effect.

CITY OF BOULDER,
a Colorado municipal corporation

By: Jane S. Brautigam
Jane S. Brautigam, City Manager

ATTEST:

[Signature]
City Clerk

Approved as to form:

[Signature]
City Attorney


Attachment C - 1st Annexation Agreement Amendment recorded Sep. 20, 2019

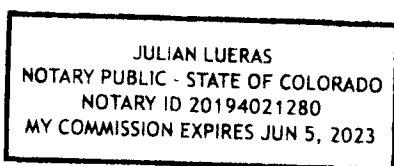
PROPERTY OWNER OF
90 ARAPAHOE PROPERTYCanyon Creek Villas LLC,
a Colorado limited liability companyBy: 
Curtis McDonald, ManagerSTATE OF COLORADO)
) ss.
COUNTY OF BOULDER)The foregoing instrument was acknowledged before me this 22nd day of July,
2019, by Curtis McDonald as Manager of Canyon Creek Villas LLC.

Witness my hand and official seal.

My commission expires: June 5th 2023

[Seal]



Notary Public

Page 86 of 97

Attachment C - 1st Annexation Agreement Amendment recorded Sep. 20, 2019

EXHIBIT A - LEGAL DESCRIPTION FOR 90 ARAPAHOE

PARCEL A:

THE EASTERLY 300 FEET OF THE FOLLOWING DESCRIBED TRACT:
BEGINNING AT A POINT ON THE SOUTH LINE OF COUNTY ROAD NO. 255, COMMONLY KNOWN AS ARAPAHOE ROAD, WHERE IT INTERSECTS WITH THE WEST LINE OF THE AARON ROOD PLACER, SURVEY NO. 86, AT A GRANITE STONE 12" X 8" X 6" MARKED "2" ON SOUTH FACE WITH "X" ON TOP; THENCE ALONG SAID WEST LINE OF AARON ROOD PLACER SOUTH 7 DEGREES WEST 47 FEET TO CORNER NO. 5, SURVEY NO. 86, IDENTICAL WITH CORNER NO. 2, SURVEY NO. 144; THENCE SOUTH 83 DEGREES EAST ALONG THE SOUTH LINE OF SAID AARON ROOD PLACER 600 FEET, MORE OR LESS, TO CORNER NO. 4, SURVEY NO. 86, AT A GRANITE STONE 14" X 8" X 6" MARKED 4-86 ON WEST FACE WITH "X" ON TOP OF SAID STONE; THENCE NORTH 7 DEGREES EAST 273.4

Attachment C - 1st Annexation Agreement Amendment recorded Sep. 20, 2019

EXHIBIT A - LEGAL DESCRIPTION FOR 90 ARAPAHOE

FEET TO A GRANITE STONE 7" X 12" X 24" MARKED WITH "3" ON SOUTH FACE, WITH "X" ON TOP, BEING ON THE SOUTH LINE OF SAID ARAPAHOE ROAD NO. 255; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID ARAPAHOE ROAD TO THE PLACE OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:

BEGINNING AT THE NORTHWEST CORNER OF A TRACT CONVEYED BY DEED DATED AUGUST 3, 1937, RECORDED IN BOOK 645 AT PAGE 412 RUNNING THENCE SOUTH 65 DEGREES 29 MINUTES EAST ALONG THE SOUTH SIDE OF THE HIGHWAY 81.34 FEET THENCE SOUTH 24 DEGREES 31 MINUTES WEST 161 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES WEST 30.56 FEET TO CORNER NO. 2 THENCE SOUTH 7 DEGREES 00 MINUTES WEST TO A POINT SOUTH 24 DEGREES 31 MINUTES WEST OF THE TRUE POINT OF BEGINNING THENCE NORTH 24 DEGREES 31 MINUTES EAST TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL C:

BEGINNING AT THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED AND DESCRIBED IN BOOK 645 PAGE 412 OF THE RECORDS IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF BOULDER COUNTY, COLORADO; THENCE SOUTH 65 DEGREES 29 MINUTES EAST ALONG THE SOUTH SIDE OF THE HIGHWAY; AS DESCRIBED IN A DEED RECORDED IN BOOK 465 PAGE 69 OF SAID BOULDER COUNTY RECORDS; A DISTANCE OF 81.34 FEET; THENCE SOUTH 24 DEGREES 31 MINUTES WEST 161 FEET; THENCE NORTH 65 DEGREES 29 MINUTES WEST 30.56 FEET TO A POINT SOUTH 7 DEGREES WEST OF THE PLACE OF BEGINNING; THENCE NORTH 7 DEGREES EAST TO THE PLACE OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL D:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE SOUTH 16 DEGREES 17 MINUTES WEST, 256 FEET TO CORNER NO. 6, SURVEY NO. 86, AARON ROOD PLACER; THENCE SOUTH 7 DEGREES 0 MINUTES WEST, 400 FEET TO CORNER NO. 5 OF SAID PLACER; THENCE SOUTH 83 DEGREES 0 MINUTES EAST, 600 FEET MORE OR LESS TO CORNER NO. 4 OF SAID PLACER; THENCE NORTH 7 DEGREES 0 MINUTES EAST, 273.4 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES EAST, 81.38 FEET TO A POINT ON THE SOUTH SIDE OF COUNTY ROAD NO. 255, WHICH POINT IS THE TRUE POINT OF BEGINNING; THENCE SOUTH 65 DEGREES 29 MINUTES EAST, 180 FEET TO A POINT ON THE SOUTH SIDE OF SAID COUNTY ROAD, WHICH POINT IS THE NORTHEAST CORNER OF A TRACT OF

Attachment C - 1st Annexation Agreement Amendment recorded Sep. 20, 2019

EXHIBIT A - LEGAL DESCRIPTION FOR 90 ARAPAHOE

LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 755 AT PAGE 473 OF THE BOULDER COUNTY, COLORADO, RECORDS; THENCE SOUTH 24 DEGREES 31 MINUTES WEST, TO THE SOUTH BOUNDARY LINE OF A TRACT OF LAND CONVEYED BY DEED RECORDED IN BOOK 677 AT PAGE 16 OF SAID COUNTY RECORDS; THENCE NORTH 83 DEGREES 0 MINUTES WEST ALONG SAID SOUTH BOUNDARY OF THE LAST-MENTIONED TRACT TO THE WEST BOUNDARY LINE OF SAID LAST-MENTIONED TRACT; THENCE NORTH 7 DEGREES 0 MINUTES EAST TO CORNER NO. 4 OF SAID AARON ROOD PLACER; THENCE NORTH 24 DEGREES 31 MINUTES EAST TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL E:

ALL THAT PART OF THE AARON ROOD PLACER, U.S. SURVEY NO. 86, LYING SOUTH OF ARAPAHOE ROAD, WEST OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED MAY 27, 1947 IN BOOK 801 AT PAGE 408 OF THE RECORDS OF THE BOULDER COUNTY, COLORADO, RECORDER, AND EAST OF BOULDER CREEK, COUNTY OF BOULDER, STATE OF COLORADO.

Attachment C - 1st Annexation Agreement Amendment recorded Sep. 20, 2019

EXHIBIT B

Legal Description for 96 Arapahoe

That part of the Northwest $\frac{1}{4}$ of Section 36, Township 1 North, Range 71 West of the 6th P.M., County of Boulder, State of Colorado, and being more particularly described as follows:

Beginning South $65^{\circ}29'$ East 9 feet from the Northeast corner of tract conveyed by deed recorded in Book 745 at Page 409 of the records of the office of the Clerk and Recorder of said County of Boulder; running thence South $65^{\circ}29'$ East along the South line of County Road No. 255, 120 feet; thence South $24^{\circ}31'$ West to the South line of a tract conveyed by deed recorded in Book 677 at Page 16 of said records; thence North 83° West to a point 9 feet distant from the Southeast corner of said Tract conveyed by deed recorded in Book 745 at Page 409 of said records; thence North $24^{\circ}31'$ East to the place of beginning.

Canyon Creek Villas LLC
541 Jefferson Ave
Louisville CO 80027
641-919-0776

ANNEXATION AGREEMENT AMENDMENT – WRITTEN STATEMENT 12/23/2024

90 and 96 Arapahoe Ave
Saddle Creek
Project Address 90 and 96 Arapahoe Ave
Saddle Creek 90 Arapahoe Ave
Current Zoning: RM-3

Land Use Cases:

- LUR2015-0057 (Annexation)
- LUR2015-0059 (Concept Plan)
- LUR2016-00098 (Use Review)
- LUR2019-00017 (ROW Vacation)
- LUR2018-00005 (Site Review)
- HIS2018-00069 (LAC)
- LUR2019-00026(Annexation Amendment)
- LUR2019-00027 (Preliminary Plat)
- TEC2019-00049 (Final Plat)

Summary of Annexation Agreement Amendment Request

As you are probably aware the Saddle Creek Project is on hold. There are a variety of reasons including unforeseen site issues, cost increases, and the General Contractor went out of business. However, the principal reason the project cannot be completed is because 45% of the Baseline Number of units, being affordable units, does not work economically. Even if everything goes perfectly, which it did not, it is not possible to make the numbers work. The Covid pandemic shutdown offices and construction sites alike. The lockdown, which lasted many months, meant little to no progress on the project could be made, yet interest on loans continued to accumulate. The site proved to be exceptionally difficult because of an astonishing number of large boulders, in total more than two thousand tons, which needed to be exported from the site. Throughout Site Review and subsequent Technical Document process with the city a connection to the 16" steel water line under the creek path to loop the domestic water was planned. As it turned out, the line was abandoned and the domestic water utilities needed to be redesigned, and water re-routed. This caused significant delays and considerable expense. Excel energy, after exhaustive and thorough staking and instructions from the design team, mis-located a portion of the electric lines and gas lines. These mis-located lines ran through three building envelopes. It took 5 months to get Excel to shut down these lines so they could be relocated and excavation for the foundations could begin. The list goes on but, aside from the fact that 45% affordable is unsupportable, the most significant reasons for the economic difficulties are as follows:

- As lockdown ended, the post pandemic period saw rapidly rising interest rates. For-sale affordable housing policy in Boulder sets affordability by the size of the mortgage payment. This means the mortgage payment cannot go up for an affordable unit. Therefore, when interest rates climb, the only way to keep the payment the same is for the sale price to decrease. The decrease in the affordable sale-price in Saddle Creek resulted in an overall loss of more than \$2,000,000. On top of that, borrowing costs increased and the cost of materials and labor has risen.

- Per the Design Pattern Book approved as part of Site Review, the market rate homes have been designed with high quality, high end, exterior materials. Similarly, the affordable units must be designed to the same standards required in the Design Pattern Book. This requires using many of the same high-cost materials on the exterior as market rate units. This equates to a \$50 per square foot premium added to the cost of the affordable units. As is typical, and economically equitable, any home, whether designated affordable or not at a lower price point would not incorporate the same high-cost exterior finishes.
- The geotechnical engineer located a small area behind building J and K which required rockfall protection fencing. When the time came to design the fencing, the engineer decided that the entire west end and south-west flank of the property needed rockfall protection. This increased the length of the protected area by 600 feet, adding a cost of over \$800,000.
- Another considerable problem is the two historic buildings that have been designated local historic landmarks. As construction work started on these structures, it became evident that the structural integrity of the framing suffered from extensive deterioration, rot, and water damage. They both lacked a foundation system with reinforcing, extend to frost depth, and was capable of supporting the typical gravity and lateral loads in a manner that would allow the buildings to be occupied safely for the years to come. Between remediating most of the foundations with underpinning and replacing rotted and decayed wood, the cost for reuse and adaptation of the buildings was already more than \$1,300,000 over budget at the point when work stopped on the historic structures.
- There is substantial concurrence that the tariffs enacted will dramatically increase the cost of building materials thereby increasing the construction cost of all units both market and affordable. Further, there is concern that the deportation of a segment of the labor force will increase the cost of labor. Both factors, tariffs and labor costs, are likely to increase inflationary pressures. This will certainly increase the pressure to raise interest rates. Any increase in interest rates will drive down the sale price of the affordable units as the amount of the mortgage must remain constant as a percentage of AMI. This recognition of compelling economic forces should be factored into the feasibility of constructing the project and providing affordable housing.

The only way to make the project work is to amend the Annexation Agreement and reduce the number of affordable units.

The development team proposes amending the Annexation Agreement so that the baseline percentage of affordable units is reduced to 24%. This results in the total number of affordable units in the project being reduced from 19 to 10. The following proposed modifications of the approved development are as follows:

Convert affordable units A2, D1, D2, N1, N2, R2, R3, T2, and U2 into Market Rate Units. Switch the two market rate units, C1 and C2, with the two affordable units Q1 and Q2. (C1 and C2 will be affordable and Q1 and Q2 will be market rate).

The proposed modifications would primarily affect Section 10 of the Annexation Agreement. More specifically the unit mix and bedroom count would be modified to accommodate the approved Landmarks Alteration Certificate and subsequent approved building permit for the existing historic buildings. A summary of the proposed modifications follows.

- Total affordable units: 10 (3 Low Moderate, 3 80% AMI, 2 100% AMI, 2 120% AMI)
- Low moderate - All 3 units to be 1 bedroom and all a minimum of 625sf
- 80% AMI – All 3 units to be 1 bedroom, 1 to be 625sf minimum and 2 to be 825sf minimum
- 100% AMI – All 2 units to be 3 bedroom and all 1,200sf minimum
- 120% AMI – All 2 units to be 3 bedroom and 1,400sf minimum

Please refer to the included drawing sheets for a visual representation of the changes overlayed on the approved Site Review Dwelling Unit Plan and a sheet showing the Dwelling Unit Plan as proposed.

We hope that you will look favorably upon this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. McDonald', is written over the word 'Sincerely,'.

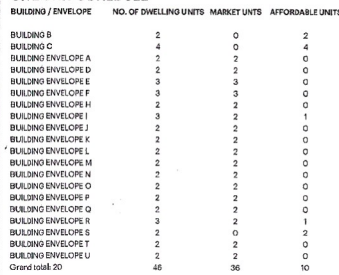
Canyon Creek Villas LLC
Curtis McDonald, Manager

Revised Phasing for Saddle Creek

22-May-25

90 Arapahoe Ave

Phase I	Building	Market	Affordable
	A	2	
	B		2
	C		4
	J	2	
	K	2	
	L	2	
	M	2	
	N	2	
	O	2	
	P	2	
	Q	2	
	Total	18	6
Phase II	D	2	
	E	3	
	F	3	
	H	2	
	I	2	1
	R	2	1
	S		2
	T	2	
	U	2	
	Total	18	4



LAND USE CASES	
ANNEXATION	LUR2015-00057
CONCEPT PLAN (SILVER SADDLE PROPERTY)	LUR2015-00059
USE REVIEW (SEPTEMBER SCHOOL)	LUR2016-00098
APPLICATION FOR INDIVIDUAL LANDMARK	HIS2017-00114
SITE REVIEW	LUR2018-00005
LANDMARKS ALTERATION CERTIFICATE	HIS2018-00069
ROW VACATION	LUR2019-00017
ANNEXATION AGREEMENT AMENDMENT	LUR2019-00026
PRELIMINARY PLAT	LUR2019-00027
FINAL PLAT	TEC2019-00049

90 and 96 Arapahoe
Saddle Creek + September School
90 and 96 Arapahoe, Boulder, CO

Revision Schedule		
No.	Date	Description
2	07.02.2018	Site Review Response
3	10.15.2018	Site Review Response 02
4	02.19.2019	Site Review Response 03
5	04.15.2019	Site Review Response 04
6	05.29.2019	Site Review Corrections
7	07.13.2020	TEC Docs
8	08/30/2021	Minor Mod
10	07.14.2023	Minor Mod
11	11.17.2023	Minor Mod Rev

PROJECT NO: 17.6440
DATE: 10.29.2021

Dwelling Unit Plan

PROPOSED CHANGES TO UNIT TYPES

CONVERT FROM AN AFFORDABLE UNIT TO A MARKET RATE UNIT

CONVERT FROM A MARKET RATE UNIT TO AN AFFORDABLE UNIT

DWELLING UNIT SCHEDULE			
UNIT NO.	ESTIMATED SQUARE FOOTAGE	NO. OF BEDROOMS	
BUILDING B			
LM-3	800	1	
LM-4	800	1	
BUILDING C			
LM-1	525	1	
LM-2	525	1	
M-1	525	1	
M-2	525	1	
BUILDING SITE A			
80-5	1400	3	
M-3	1400	3	
BUILDING SITE D			
80-4	1400	3	
LM-5	1400	3	
BUILDING SITE E			
M-4	2000	3	
M-5	2200	3	
M-28	2000	3	
BUILDING SITE F			
M-6	2200	4	
M-7	1900	3	
M-8	2200	4	
BUILDING SITE H			
M-11	1400	2	
M-12	2000	3	
BUILDING SITE I			
120-2	1400	3	
M-13	1800	3	
M-14	2000	3	
BUILDING SITE J			
M-15	2200	4	
M-16	2000	3	
BUILDING SITE K			
M-17	1800	3	
M-18	2100	3	
BUILDING SITE L			
M-19	2000	3	
M-20	2000	3	
BUILDING SITE M			
M-21	1900	3	
M-22	2200	3	
BUILDING SITE N			
100-4	1400	3	
120-4	1600	3	
BUILDING SITE O			
M-23	1600	3	
M-24	1800	3	
BUILDING SITE P			
M-25	1800	3	
M-26	1900	3	
BUILDING SITE Q			
100-3	1400	3	
120-2	1400	2	
BUILDING SITE R			
80-3	1400	3	
100-1	1400	3	
120-1	1400	2	
BUILDING SITE S			
80-1	1200	2	
80-2	1200	2	
BUILDING SITE T			
100-5	1400	3	
M-27	2000	3	
BUILDING SITE U			
120-3	1600	3	
M-10	1800	3	

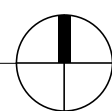
UNIT LEGEND

- MARKET RATE UNITS (M-X)
- 120% AMI UNITS (120-X)
- 100% AMI UNITS (100-X)
- 80% AMI UNITS (80-X)
- LOW/MODERATE AMI UNITS (LM-X)

Affordable Unit Requirements			
Total # of Units	46		
Affordable Units	10	14	22
Market Rate Units	36	32	24
Affordable Unit Distribution			
Low/Moderate	80% AMI	100% AMI	120% AMI
	5	5	2
Permanently Affordable Units			
Unit Minimums	No. of Units	Bedrooms	Floor Area
Low/Moderate			
3 Units	3	1	525-625
+Units	1	1	800
Remaining Units	1	3	1400
80%			
1 Unit 50%	1	2	1000-625
2 Units 50%	2	1	1400-625
Remaining Units	1	3	1400
100%			
2 Units	2	3	1400-1200
120%			
50%	2	2	1400
2 Units 50%	2	3	1600
Remaining Units	0	3	1600
Total Units		19	
Unit Maximums	4 Units	4	1600
Market Unit Maximum			2200

SITE UNIT SCHEDULE

BUILDING / ENVELOPE	NO. OF DWELLING UNITS	MARKET UNITS	AFFORDABLE UNITS
BUILDING B	2	0	2
BUILDING C	4	0	4
BUILDING ENVELOPE A	2	2	0
BUILDING ENVELOPE D	2	2	0
BUILDING ENVELOPE E	3	3	0
BUILDING ENVELOPE F	3	3	0
BUILDING ENVELOPE H	2	2	0
BUILDING ENVELOPE I	3	2	1
BUILDING ENVELOPE J	2	2	0
BUILDING ENVELOPE K	2	2	0
BUILDING ENVELOPE L	2	2	0
BUILDING ENVELOPE M	2	2	0
BUILDING ENVELOPE N	2	2	0
BUILDING ENVELOPE O	2	2	0
BUILDING ENVELOPE P	2	2	0
BUILDING ENVELOPE Q	2	2	0
BUILDING ENVELOPE R	3	2	1
BUILDING ENVELOPE S	2	0	2
BUILDING ENVELOPE T	2	2	0
BUILDING ENVELOPE U	2	2	0
Grand total: 20	46	36	10



LAND USE CASES
ANNEXATION LUR2015-00057
CONCEPT PLAN (SILVER SADDLE PROPERTY) LUR2015-00059
USE REVIEW (SEPTEMBER SCHOOL) LUR2016-00098
APPLICATION FOR INDIVIDUAL LANDMARK HIS2017-00114
SITE REVIEW LUR2018-00005
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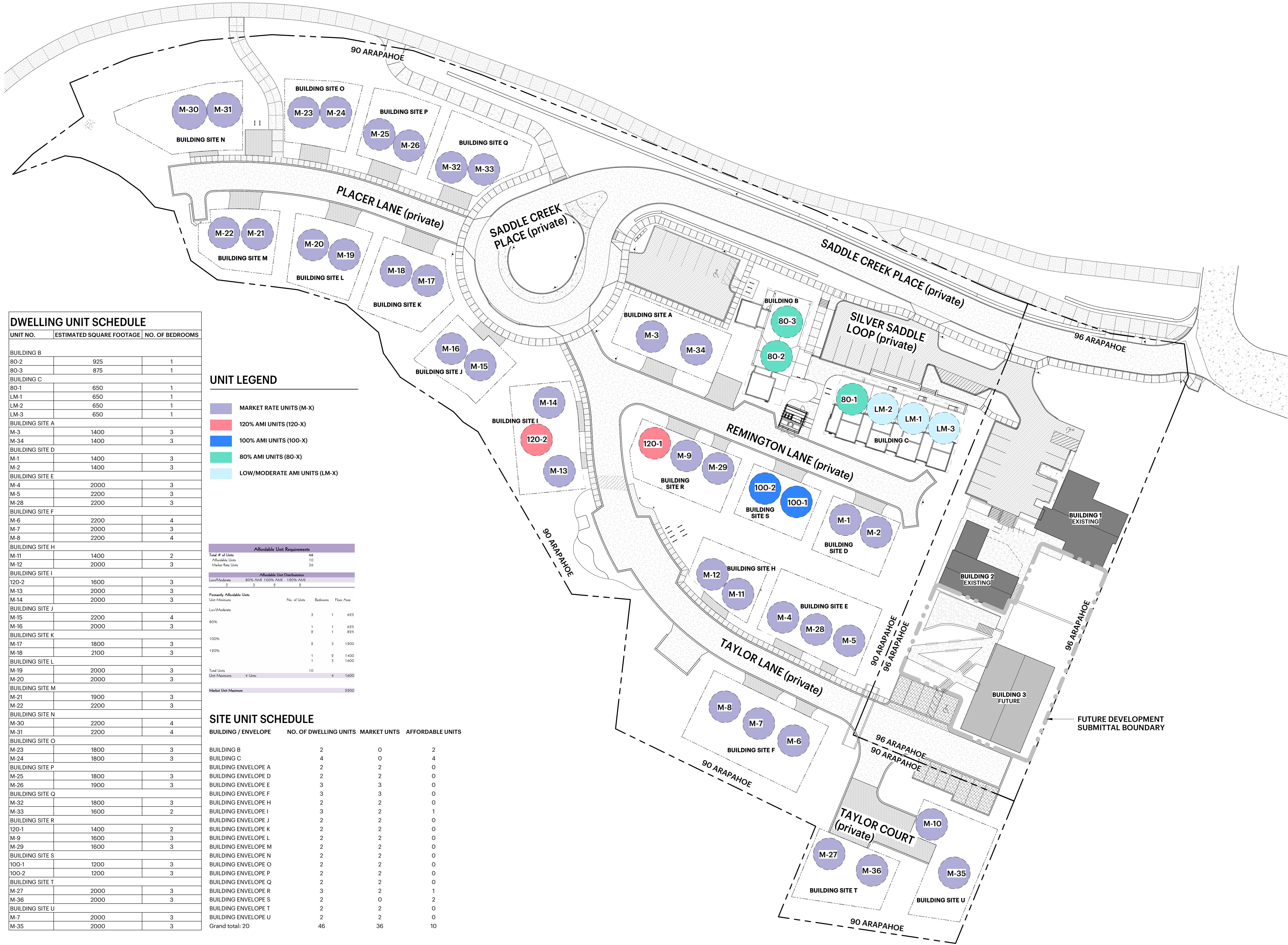
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8	08/30/2021	Minor Mod
10	07.14.2023	Minor Mod
11	11.17.2023	Minor Mod Rev

PROJECT NO: 17.6440
DATE: 03.17.2025

Dwelling Unit Plan

SR 1.4



DWELLING UNIT SCHEDULE			
UNIT NO.	ESTIMATED SQUARE FOOTAGE	NO. OF BEDROOMS	
BUILDING B			
80-2	925	1	
80-3	875	1	
BUILDING C			
80-1	650	1	
LM-1	650	1	
LM-2	650	1	
LM-3	650	1	
BUILDING SITE A			
M-3	1400	3	
M-34	1400	3	
BUILDING SITE D			
M-1	1400	3	
M-2	1400	3	
BUILDING SITE E			
M-4	2000	3	
M-5	2200	3	
M-28	2200	3	
BUILDING SITE F			
M-6	2200	4	
M-7	2000	3	
M-8	2200	4	
BUILDING SITE H			
M-11	1400	2	
M-12	2000	3	
BUILDING SITE I			
120-2	1600	3	
M-13	2000	3	
M-14	2000	3	
BUILDING SITE J			
M-15	2200	4	
M-16	2000	3	
BUILDING SITE K			
M-17	1800	3	
M-18	2100	3	
BUILDING SITE L			
M-19	2000	3	
M-20	2000	3	
BUILDING SITE M			
M-21	1900	3	
M-22	2200	3	
BUILDING SITE N			
M-30	2200	4	
M-31	2200	4	
BUILDING SITE O			
M-23	1800	3	
M-24	1800	3	
BUILDING SITE P			
M-25	1800	3	
M-26	1900	3	
BUILDING SITE Q			
M-32	1800	3	
M-33	1600	2	
BUILDING SITE R			
120-1	1400	2	
M-9	1600	3	
M-29	1600	3	
BUILDING SITE S			
100-1	1200	3	
100-2	1200	3	
BUILDING SITE T			
M-27	2000	3	
M-36	2000	3	
BUILDING SITE U			
M-7	2000	3	
M-35	2000	3	

UNIT LEGEND			
MARKET RATE UNITS (M-X)	120% AMI UNITS (120-X)	100% AMI UNITS (100-X)	80% AMI UNITS (80-X)
LOW/MODERATE AMI UNITS (LM-X)			

Affordable Unit Requirements			
Total # of Units	46		
Affordable Units	10		
Market Rate Units	36		
Affordable Unit Distribution			
Low/Moderate	80% AMI	100% AMI	120% AMI
3	3	2	2
Permanently Affordable Units			
Unit Minimums	No. of Units	Bedrooms	Floor Area
Low/Moderate	3	1	625
80%	1	1	625
	2	1	825
100%	2	3	1200
120%	1	2	1400
	1	3	1600
Total Units	10		
Unit Maximums	4 Units	4	1600
Market Unit Maximum			\$900

SITE UNIT SCHEDULE			
BUILDING / ENVELOPE	NO. OF DWELLING UNITS	MARKET UNITS	AFFORDABLE UNITS
BUILDING B	2	0	2
BUILDING C	4	0	4
BUILDING ENVELOPE A	2	2	0
BUILDING ENVELOPE D	2	2	0
BUILDING ENVELOPE E	3	3	0
BUILDING ENVELOPE F	3	3	0
BUILDING ENVELOPE H	2	2	0
BUILDING ENVELOPE I	3	2	1
BUILDING ENVELOPE J	2	2	0
BUILDING ENVELOPE K	2	2	0
BUILDING ENVELOPE L	2	2	0
BUILDING ENVELOPE M	2	2	0
BUILDING ENVELOPE N	2	2	0
BUILDING ENVELOPE O	2	2	0
BUILDING ENVELOPE P	2	2	0
BUILDING ENVELOPE Q	2	2	0
BUILDING ENVELOPE R	3	2	1
BUILDING ENVELOPE S	2	0	2
BUILDING ENVELOPE T	2	2	0
BUILDING ENVELOPE U	2	2	0
Grand total: 20	46	36	10



**CITY OF BOULDER
PLANNING BOARD MATTERS ITEM
MEETING DATE: July 22, 2025**

TO: Members of the Planning Board

FROM: Laurel Witt, Assistant City Attorney

DATE: July 22, 2025

SUBJECT: Update to the Planning Board Rules of Procedure (**Second Round**)

EXECUTIVE SUMMARY

The purpose of this item is to incorporate changes from the Planning Board on the updated Rules of Procedure, and present the Rules for consideration of adoption. This item has two options for Planning Board: (1) to adopt the revised version of the rules, including any changes made during the July 22, 2025 public meeting; or (2) to provide revision requests to staff, who will then come back for final time with a clean version of the Rules to be adopted by the Board. If the first option occurs, staff will provide a clean version with all the adopted revisions at a later date. If the second, staff will schedule a time to add the final version to a matters item at a future public meeting of the Board.

PROJECT BACKGROUND

The Planning Board adopted a set of procedural rules in 1987. During the COVID-19 pandemic, the Board adopted additional virtual rules, along with rules of decorum. Time has shown that the documents do not align with current practice, including conducting meetings in a hybrid environment. The City Council has given the City's boards and commissions the authority to use Robert's Rules of Order and/or to adopt their own rules of procedure. Additionally, [Charter §75](#) authorizes the Planning Board to "make rules for the conduct of business." The formality of the rules of parliamentary procedure are well suited for conducting business in larger bodies. Much of the rigid formality has been dispensed with in the operation of Boulder's boards and commissions, since they consist of only five to seven members.

Generally, the rules of parliamentary procedure are intended to assist board members in reaching a majority opinion quickly and fairly. They are also intended to help maintain order

at a meeting, ensure that all board members get the right to speak and vote, and help board members make decisions in a fair and orderly manner. Finally, rules help board members deal with the difficult issues that they must address in a courteous and impartial manner. In short, they provide the basis for the operation of representative democracy.

The current procedural rules in place have become outdated and do not match the regular conduct of the Planning Board. The City Attorney's Office redrafted the rules for the Board, based on current practices, to which the Board provided feedback. [At a previous meeting](#) (starting at 03:06:13), the Board provided additional feedback in a public meeting on the Rules that had been drafted, and decided to accept or reject the proposed edits from members of the Board. The packet for that meeting has been attached as **Exhibit B**.

Exhibit A, the updated draft Rules of Procedure, now provides a version with the changes added. The draft Rules of Procedure **highlights** any sections that needed to be rewritten or revised in response to the discussion earlier this year, not including any minor technical clean ups. Any changes approved by the Board have been incorporated into the document and any that were not approved were removed.

The intent of staff during the upcoming meeting is to walk through the Rules of Procedure, as currently amended, and either approve or deny any remaining changes that have been added. Staff also intend to revise any rules further, if appropriate, during the meeting as requested by the Board.

NEXT STEPS

The Board then has two options:

- (1) to adopt the revised version of the rules, including any changes made during the July 22, 2025 public meeting; or
- (2) to provide revision requests to staff, who will then come back for final time with a clean version of the Rules to be adopted by the Board.

If the first option is taken, after the July 22 meeting, a clean version of the rules will be provided to the Planning Board by staff. If the second, staff will schedule a time to add the final version to a matters item at a future public meeting of the Board.

Please let me know if I can provide more information or if you have any questions. You can reach me directly at wittl@bouldercolorado.gov.

EXHIBITS

A – 2025 Proposed Rules of Procedure

B – January 7, 2025 Rules of Procedure Packet Item

PLANNING BOARD RULES OF MEETING PROCEDURE

CITY OF BOULDER, COLORADO

Pursuant to the provision of Sec. 74 and Sec. 76 of the Charter of the City of Boulder and Section 2-3-1 and 2-3-11, B.R.C. 1981, the City of Boulder Planning Board adopts the following procedural rules governing the general conduct of its business.

In handling routine business, the Board may, by general consent, use more informal procedures than that set forth in these rules. Any rule may be suspended at any time by an affirmative vote of four members of the Board taken at a meeting open to the public.

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Chapter 1 — APPLICABILITY AND EFFECTIVE DATE

Section 1.1 Applicability

In addition to any other laws, ordinances or regulations which may be applicable, these Rules of Procedure shall govern all applications, hearings, and advisory proceedings before the City of Boulder Planning Board (“Planning Board” or the “Board”).

Section 1.2 Effective Date

These Rules of Procedure shall be effective as of the adoption date by the Planning Board. Any prior rules or regulations of the Board are thereafter repealed and no longer in effect.

Section 1.3 Organization and Titles of Rules of Procedure

These rules shall be organized and referred to by chapter, section, and subsection. Chapter, section, and subsection titles shall be used for convenience only and shall not be used as catchwords to construe the meaning of any provision of these rules or procedure.

Chapter 2 — OFFICERS OF THE BOARD AND BOARD MEMBER EXPECTATIONS

Section 2.1 Chair

The Board shall annually appoint a Chair from its membership by the process outlined in Section 2.9, Nomination and Elections.

Section 2.2 Duties of the Chair

The Chair is responsible for conducting all meetings in accordance with the Procedural Rules. All questions of procedure or order shall be decided by the Chair, subject to appeal by a majority of the members present. The Chair may direct the city attorney to provide advice and guidance on any question or procedure or order. The Chair, together with the City of Boulder Planning Director or their designee, will set an agenda for each meeting.

Section 2.3 Vice Chair

The Board shall appoint a Vice Chair from its membership by the process outlined in Section 2.9, Nomination and Elections.

Section 2.4 Duties of the Vice Chair

In the absence of the Chair, the Vice Chair will assume the duties of the Chair.

Section 2.5 Chair and Vice Chair Unable to Preside

If the Chair and Vice Chair are unable to preside at a meeting, the present members shall appoint, by majority vote, a member to assume the duties of the Chair until the end of the meeting, or until the Chair or Vice Chair is able to resume presiding, whichever comes first.

Section 2.6 Board Member Unable to Attend

If a Board Member is unable attend a meeting, that Member should notify the Secretary as soon as possible.

Section 2.7 Secretary

The Planning Director or designee shall be the Secretary of the Board.

Section 2.8 Duties of the Secretary

The Secretary shall cause the minutes of the meetings to be kept and submitted in a timely manner after the conclusion of each meeting, ideally within 30 days, to the Board for approval during a future meeting. Once approved by the Board, the minutes shall be filed with Central Records for the City of Boulder and shall be available for review by the public.

Section 2.9 Duties of the Planning Director

The Planning Director or designee shall be the regular technical advisor of the Board, shall serve as the Board Secretary, and shall generally supervise the clerical work of the Board.

Section 2.10 Nominations and Elections

Nominations for Chair and Vice Chair shall be made orally. No second is required. Any nominated person may withdraw their name from consideration. Silence by a nominee shall be acceptance of their candidacy. Voting shall occur on each candidate, offered in alphabetical order by last name, by raising hands. The first candidate receiving four or more votes shall be deemed elected.

Section 2.11 Permanent Removal of the Chair

To remove the Chair from their position, the Board may vote to remove the Chair with a vote of at least four members of the Board. If the Chair is removed, a new Chair must be selected as soon as practicable, using the process in Section 2.9.

Chapter 3 — MEETING TIMES

Section 3.1 Regular Meetings

The Board shall have regular meetings at a time designated by the Board, unless cancelled at least one week in advance. Regular meetings shall be conducted in City Council chambers in the Penfield Tate II Municipal Building located at 1777 Broadway, Boulder, Colorado. The Board may also hold regular meetings in hybrid or fully remote format pursuant to Section 2-3-1, B.R.C. 1981.

Section 3.2 Special Meetings

Special meetings may be added by the Planning Director or designee, based on business need. Special meetings may also be called by the Chair and at least two Board members. Special Meetings shall be conducted in City Council chambers in the Penfield Tate II Municipal Building located at 1777 Broadway, Boulder, Colorado. The Board may also hold Special Meetings in hybrid or fully remote pursuant to Section 2-3-1, B.R.C. 1981.

CHAPTER 4 — AGENDA

Section 4.1 Agenda Setting

The Planning Director or designee shall determine the items to be placed on the agenda of any regular meeting and of any special meeting added by the Planning Director. The agendas of

special meetings called by the Board shall be set by those members of the Board who call the meeting or by staff upon the request of the Board. Additionally, by concurrence of four or more members of the Board, the Board may direct preparation of a matter for the agenda or may request staff to expend substantial time on a matter relevant to the Board's purview.

Section 4.2 Notice

For all agenda items not requiring notice under provisions of the B.R.C. 1981 notice shall be given by publication, that includes the title of an item and a general description of that item, in the Boulder Daily Camera and/or on the city website of the Board ten days prior to the meeting. However, failure to give such notice shall not invalidate any action taken by the Board on those items.

Section 4.3 Distribution

The agenda materials are to be distributed to the Board prior to the Board's meeting, whether regular or special, with sufficient time to ensure members can adequately review and consider the materials, but not less than five days prior to the meeting. Materials provided to the Board may be updated with materials submitted by the public, an applicant, or a member of staff if received within the five-day time period prior to the meeting.

Section 4.4 Order

The order of the agenda shall generally be as follows:

- a. Call to Order.
- b. Roll Call by the Chair's verbal accounting of each present member.
- c. Agenda Review
- d. Instructions for Virtual Participation and Rules of Decorum.
- e. Public Comment.
- f. Review and Approval of Minutes.
- g. Discussion of Dispositions, Planning Board Call Ups, and Continuations
- h. Scheduled Business, including items requiring Public Hearing.
- i. Matters from the Planning Director, the City Attorney's Office, and the Planning Board. Any member may place before the Board matters which are not included in the formal agenda.
- j. Adjournment.

The Chair may rearrange the above order of the agenda after commencing the meeting to facilitate the expeditious resolution of matters, provided that no substantial prejudice to applicants will result from said reordering of the agenda.

Chapter 5 — PUBLIC PARTICIPATION

Section 5.1 Meetings Open to the Public

Pursuant to Section 2-3-1(b)(5), B.R.C. 1981, and the Colorado Open Meetings Law, all meetings of the Board shall be open to the public, after full and timely notice of date, time,

place, and subject matter of the meeting. Meetings may be conducted in a hybrid or fully remote format.

Remote and hybrid meetings will be open to the public and provide the ability for interested members of the public to join the hearing electronically. The method chosen by the Board shall ensure the public can view or listen to the hearing in real time and interested parties may speak at designated times during the hearing. If at any point the Chair determines it is not possible or prudent to hold the hearing by electronic participation, whether due to technical issues or an inability to do so while meeting constitutional and any other due process requirements, the hearing will be continued or vacated, and the matter will be held in abeyance until any technical problems can be resolved or an in-person meeting can be held.

The Chair or Board may exclude or limit the public from in-person attendance at meetings for public health or safety concerns provided that the meeting is conducted in a hybrid or fully remote format and the public has a means of participation.

The Rules of Decorum adopted by the City Council, as amended from time to time, shall apply to Planning Board meetings, except where specifically addressed in these rules or modified by a vote of four Planning Board members during a meeting.

Section 5.2 Public Comment

All meetings shall include an opportunity for public comment on any matter relevant to the Board's responsibilities. Members of the public may address any matters not scheduled for a public hearing on the agenda for that meeting. Public comment may not cover any quasi-judicial matter for which the public hearing is coming up in the future or the public hearing has been closed. Each person shall register to speak at the meeting using that person's real name. Public comment shall be limited to three minutes per speaker unless more than 15 individual speakers sign up, in which case the Chair may limit public comment to two minutes per speaker. Public comment may not be pooled. Members of the public wishing to share slides during public comment may do so only if the slides are submitted to the Board Secretary at least 24 hours prior to the meeting.

Section 5.3 Public Participation Procedures for All Public Participation

Activities that disrupt, delay or otherwise interfere with the meeting are prohibited. At the onset of the hearing, the Secretary or their designee shall explain the hearing procedures, including how testimony and public comment will be received, and shall moderate the remote or hybrid meeting.

Section 5.4 Public Participation Procedures for Remote Participation

To the extent practical, any member of the public who wants to attend the meeting will be added to the meeting and will be muted and must keep their video turned off. Any person who wants to testify should inform the moderator as directed. The moderator will unmute such person during the public hearing. No person shall be permitted to speak except when recognized by the Chair and no person shall speak for longer than the time allotted. Each person shall register to speak at the meeting using that person's real name. Any person believed to be using a pseudonym will not be permitted to speak at the meeting.

Only audio participation shall be permitted for members of the public participating remotely. Applicants, staff, and Board members are encouraged to participate with both audio and video.

Section 5.5 Use of Chat Function Prohibited

During the Board meeting, applicants, staff, and Board members shall not use remote attendance chat or question and answer features, email, or similar functions of remote meeting software, except for the purpose of asking the Chair and/or staff procedural questions, providing motion language, or to request to be recognized to speak.

Section 5.6 Compliance with Digital Accessibility Requirements

Meetings of the Planning Board must comply with the digital accessibility requirements in the federal Americans with Disabilities Act, Colorado House Bill 21-1110, any rules adopted by the Colorado Office of Information Technology or the U.S. Department of Justice, and any requirements adopted by the city. An individual with a disability must not be excluded from participation in the meeting.

Section 5.7 Disruption of Meeting

Any activity that disrupts, delays, or interferes with the orderly conduct of the meeting is prohibited.

Chapter 6 — MEETING PROCEDURES

Section 6.1 Quorum

Pursuant to Charter Sec. 76, four members of the Board shall constitute a quorum, and an affirmative vote of at least four members is necessary to authorize any action of the Board, except for any procedural matters specifically stated in these rules. For purposes of establishing a quorum at remote and hybrid meetings, remote Board members must be able to vote, be capable of active participation, and be able to hear and be heard by the public, staff, and other members of the Board. If a quorum is not established, the Board cannot convene the meeting. If a quorum is not maintained during the meeting, the Board must suspend the meeting until a quorum is established or until the next regularly scheduled meeting.

Section 6.2 Call Up Procedures

Pursuant to 9-4-4, Appeals, Call Ups and Public Hearings, two members of the Board may call up certain city manager decisions upon written notification to staff or by making a verbal request, on the record, at a regularly scheduled board meeting within fourteen days of the manager's decision. One of the board members who called up the item has a right to withdraw their decision to call up an item, in writing via email or by making a verbal announcement to the Board, so long as the withdrawal is requested ten (10) days in advance of the hearing. A withdrawal by one board member does not withdraw any timely call-up by other members of the board by emailing staff directly or making a verbal announcement to the Board during a meeting.

Section 6.3 Reading of the Indigenous Land Acknowledgment

The Board is encouraged to incorporate the City of Boulder Indigenous Land Acknowledgement, or a summary of it, when appropriate. The Acknowledgement shall not be read prior to quasi-judicial matters but may be included before legislative items. To read the

Acknowledgement, at least two Board members must make a verbal request on the record during a regularly scheduled meeting, either before or after the item is introduced.

Section 6.4 Public Hearing Guidelines

The Chair opens the public hearing by reading into the record the full title of the public hearing matter. Prior to staff presentations, the Chair shall ask the Board if they have any matters to disclose under Chapter 7, Title 2, B.R.C. 1981, or other applicable laws. Staff presents first for up to 15 minutes, followed by questions from the Board. The applicant may then present for up to 15 minutes, followed by questions from the Board. The Chair then opens the public hearing for the public to speak on the item. Each person shall register to speak at the meeting using that person's real name. The public hearing shall be limited to three minutes per speaker unless more than 15 individual speakers sign up, in which case the Chair may limit public comment to two minutes per speaker. Witnesses shall not be required to testify under oath or affirmation. The Chair may allow time for applicant and/or staff response to any public comment. The Chair then closes the hearing for Board deliberation and action on the application.

The Board requests that, prior to speaking during the hearing, all members of the public disclose any financial or business relationship with or other membership or affiliation related to the applicant, project, or neighbors, specifically including any paid compensation.

Section 6.5 Materials for Public Hearings

Any documentary evidence or materials for a hearing, including any documentation for public comment on the hearing, must be submitted to the Secretary of the Board via email at least 24 hours prior to the beginning of the meeting. For an application under Title 9, the Secretary will publish the documentary evidence on the Board's city webpage where the rest of the materials are published. Documentary evidence includes, without limitation, materials related to specific applications and other documents to be shown electronically or be referenced during the hearing. Any documentary evidence requested to be shown electronically by city staff during a person's speaking time in a public hearing, such as PowerPoint slides or a PDF with images, shall be marked as to be shown during the person's speaking time, shall be contained in one individual file per speaker, and shall otherwise be in a format that is accepted by the Secretary. Any materials provided after this time will not be accepted or permitted to be provided to the Board for consideration during the hearing. No materials may be submitted to the Board during the hearing that have not already been submitted by email at least 24 hours in advance.

Section 6.6 Rules of Speaking for Board Members

To obtain the floor, a member addresses the Chair, who recognizes the member by calling out the individual's name. Only one individual may have the floor at any time. A member shall not speak while another member has the floor. A member shall generally relinquish the floor if they have addressed the pending issue and upon request of the Chair. The Chair may permit speaking time for each member, before permitting another chance to speak for any member.

Section 6.7 Parliamentary Procedure for Motions

Prior to making a motion, the Chair may allow for a round of discussion on the item or a straw poll. Motions may be made orally or in writing by any member. Friendly amendments may be

made before the motion is seconded; the original motion maker must affirmatively accept the friendly amendment.

After a second is given, each member shall have an opportunity to argue the motion or propose any amendments to the motion. All motions and amendments must follow Robert's Rules of Order (as revised).

While the board may discuss matters and key issues, debate should generally be reserved for debating motions and amendments to motions. Once each member has received the opportunity to argue the motion and amendments have been addressed, the Chair shall put the motion to a vote.

Once the vote is executed, the Chair shall announce the result of the vote. The motion is not completed until the result is announced.

Section 6.8 Effect of Votes

An affirmative vote of four or more members is required to pass a motion or any action per City Charter Sec. 76. Any agenda item **before the Board for a vote** is denied if it does not receive an affirmative vote of four or more Board members. If the first vote taken results in a tie or in a vote of three to two or three to one in favor of approval, the applicant shall be allowed a rehearing upon requesting the same in writing within seven days. The failure to receive an affirmative vote of four members on any subsequent motion on the same item shall result in the defeat of the item. For any item requiring a recommendation from the Planning Board, an affirmative vote of four or more members is required. If a member of the Board is present at a meeting and refuses to vote, the member's vote shall be recorded in the affirmative.

Section 6.9 Continuances

The Planning Director or designee may grant an applicant's request to continue a matter set for hearing to a future, available meeting, so long as the request is given at least 48 hours in advance of the meeting. If a request is provided within 48 hours of the scheduled meeting, the matter may be continued only by the Board for good cause upon a majority vote at the time originally noticed. The Board may by motion and majority vote continue a hearing on its own initiative for good cause, provided that the applicant and other parties are first given an opportunity to state their position on the proposed continuance. The Planning Director or designee will work with the applicant to schedule the matter for a future, available meeting.

Section 6.10 Withdrawals

An applicant may unilaterally withdraw their application at any time before the hearing on the application is closed. During Board deliberation, the applicant may request to withdraw the application; four or more Board members must approve the withdrawal request to be a valid withdrawal. Application fees shall not be refunded upon withdrawal. Any withdrawn application is without prejudice as to reconsideration of the Board within one year. In the event an applicant is not present at the regularly scheduled hearing of the item, and the applicant has not communicated the request for withdrawal to the Board, **the Board shall continue the hearing. If the applicant fails to appear on the continuance, the Board shall** dispose of the agenda item in such manner as it may deem fair and equitable under the circumstances, including continuing the item to another meeting.

Section 6.11 Denial Decisions

The decision of the Board denying an application or request after a public hearing or public meeting shall specifically set forth in what respects the application fails to meet the applicable standards and criteria and shall be made no later than 30 days after the date of the public hearing.

Section 6.12 Rehearing

No application denied or appeal decided by the Board can be reheard or reconsidered within one year except: (a) in the event of a tie vote or a vote of three to two or three to one in favor of approval; or (b) at the discretion of the Board so long as the basis for rehearing is a desire of the applicant or the Planning Department to present new material on the matter that was not available at the initial hearing. Requests for rehearing must be made to the Secretary within seven days of the date of the vote deciding the matter or else the request must be denied.

Section 6.13 Recess

At any point in the meeting, the Chair may declare a recess until a specified time.

Section 6.14 Adjournment

The Board's goal is that all regular and special meetings will be adjourned by 10:30 P.M., and that special sessions will be adjourned by 10:00 P.M. No new item will be introduced after 10:30 P.M. or 10:00 P.M., respectively, unless four or more Board members in attendance vote to introduce an item after that time. The Chair may adjourn the meeting with approval of a majority of members present.

Section 6.15 Rules of Procedure

Any rules of procedure not covered in this document, or the Boulder Revised Code, 1981, shall be governed by the then current Robert's Rules of Order, except when waived by an affirmative vote of four or more members of the Board present.

Section 6.16 Enforcement of Rules

The Chair and/or the Secretary or Secretary's designee shall enforce these rules of decorum which may include muting or removing any person who violates any rule or is otherwise impeding the Board's proceedings in an impermissible manner.



**CITY OF BOULDER PLANNING BOARD
MATTERS ITEM
MEETING DATE: January 7, 2025**

TO: Members of the Planning Board

FROM: Laurel Witt, Assistant City Attorney

DATE: January 7, 2025

SUBJECT: Update to the Planning Board Rules of Procedure

EXECUTIVE SUMMARY

The purpose of this item to incorporate changes from the Planning Board on the updated Rules of Procedure, before bringing back a final clean copy for adoption. This item is for informational purposes only and does not require Planning Board action at this time. Planning Board will be asked to adopt the Rules once all changes from this meeting are incorporated.

PROJECT BACKGROUND

The Planning Board adopted a set of procedural rules in 1987. During the COVID-19 pandemic, the Board adopted additional virtual rules, along with rules of decorum. Time has shown that the documents do not align with current practice, including conducting meetings in a hybrid environment. Robert's Rules provide the basic ground rules of parliamentary procedure that are not addressed in these procedural rules, as mandated by ordinance adopted by City Council. [2-3-1\(b\)\(4\)](#), B.R.C. The City Council has given the boards the authority to use Robert's Rules of Order and/or to adopt their own rules of procedure. Additionally, [Charter §75](#) authorizes the Planning Board to "make rules for the conduct of business." The formality of the rules of parliamentary procedure are well suited for conducting business in larger bodies. Much of the rigid formality has been dispensed with in the operation of Boulder's boards and commission, since they consist of only five to seven members.

The rules of parliamentary procedure are intended to assist the board members in reaching a majority opinion quickly and fairly. They are also intended to help maintain order at a meeting, ensure that all of the board members get the right to speak and vote, and help the board members make decisions in a fair and orderly manner. Finally, they help the board

members deal with the difficult issues that they must address in a courteous and impartial manner. In short, they provide the basis for the operation of representative democracy. The current procedural rules in place have become outdated and do not match the regular conduct of the board. The City Attorney's Office redrafted the rules for the Planning Board, based on current practices, to which the Board provided feedback. The Redlined rules are provided in **Exhibit A** and the specific individual feedback is provided in **Exhibit C**. **Exhibit B** consists of staff responses to the questions provided by Board members.

The intent of staff during the upcoming meeting is to walk through the Rules of Procedure, redlined, and either approve or deny each change proposed by individual board members. Staff will then provide a clean copy in a future meeting for the Board to formally adopt or amend and adopt or not adopt. Board members may also propose additional changes to the Rules during this process.

To keep the process as clear as possible, staff redlined the document by color according to the board member who requested the change, which is as follows:

- Kurt Nordback - Red
- Laura Kaplan - Green
- Mark McIntyre - Orange
- mL Robles - Blue

Staff changes are highlighted in yellow. Staff have proposed language based on member feedback, which may be changed or amended. Some changes requested either do not align with the code or charter or may be problematic from an administrative point of view. Each of those will be discussed with the Board during the meeting.

NEXT STEPS

The next steps would be to incorporate Planning Board's feedback on the proposed planning board rules and develop a final set of rules for approval. Feedback is welcome during the December 17, 2024 meeting. After this meeting, a clean version of the rules will be developed for the Planning Board's consideration of adoption.

Please let me know if I can provide more information or if you have any questions. You can reach me directly at wittl@bouldercolorado.gov.

EXHIBITS

- A – 2024 Proposed Rules of Procedure- Redlined
- B – Response to Planning Board Member Questions
- C – Compiled Planning Board Member Requested Changes

PLANNING BOARD RULES OF MEETING PROCEDURE

CITY OF BOULDER, COLORADO

Pursuant to the provision of Sec. 74 and Sec. 76 of the Charter of the City of Boulder and Section 2-3-1 and 2-3-11, B.R.C. 1981, the City of Boulder Planning Board adopts the following procedural rules governing the general conduct of its business.

In handling routine business, the Board may, by general consent, use more informal procedures than that set forth in these rules. Any rule may be suspended at any time by an affirmative vote of four members of the Board taken at a meeting open to the public.

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Commented [LW1]: Redlines are in a text color based on the requestor, as follows:

Kurt Nordback - Red
 Laura Kaplan - Green
 Mark McIntyre - Orange
 mL Robles - Blue

Staff changes are highlighted in yellow. Staff have proposed language based on member feedback, which may be changed as requested.

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Chapter 1 — APPLICABILITY AND EFFECTIVE DATE

Section 1.1 Applicability

In addition to any other laws, ordinances or regulations which may be applicable, these Rules of Procedure shall govern all applications, hearings, and advisory proceedings before the City of Boulder Planning Board (“Planning Board” or the “Board”).

Section 1.2 Effective Date

These Rules of Procedure shall be effective as of the adoption date by the Planning Board. Any prior rules or regulations of the Board are thereafter repealed and no longer in effect.

Section 1.3 Organization and Titles of Rules of Procedure

These rules shall be organized and referred to by chapter, section, and subsection. Chapter, section, and subsection titles shall be used for convenience only and shall not be used as catchwords to construe the meaning of any provision of these rules or procedure.

Chapter 2 — OFFICERS OF THE BOARD

Section 2.1 Chair

The Board shall annually appoint a Chair from its membership by the process outlined in Section 2.9, Nomination and Elections.

Section 2.2 Duties of the Chair

The Chair is responsible for conducting all meetings in accordance with the Procedural Rules. All questions of procedure or order shall be decided by the Chair, subject to appeal by a majority of the members present. The Chair may direct the city attorney to provide advice and guidance on any question or procedure or order. ~~The Chair, together with the~~ City of Boulder Planning Director or ~~his or her~~ ~~their~~ designee, will set an agenda for each meeting.

Section 2.3 Vice Chair

The Board shall appoint a Vice Chair from its membership by the process outlined in Section 2.9, Nomination and Elections.

Section 2.4 Duties of the Vice Chair

In the absence of the Chair, the Vice Chair will assume the duties of the Chair.

Section 2.5 ~~Absence of~~ Chair and Vice Chair ~~Unable to Preside~~

~~Upon the absence of~~ If the Chair and Vice Chair ~~is unable to preside~~ at a meeting, the present members shall appoint, by majority vote, a member to assume the duties of the Chair ~~until the end of the meeting, or until the Chair or Vice Chair is able to resume presiding, whichever comes first.~~

Section 2.6 Secretary

The Planning Director or designee shall be the Secretary of the Board.

Section 2.7 Duties of the Secretary

Commented [LW2]: Kurt's request: "Duties of the chair" includes agenda-setting by Staff, removing all control over the agenda from the Chair. I would prefer language such as "The Chair, together with the City of Boulder Planning Director or his or her designee, will set an agenda for each meeting."

Commented [LW3]: ML suggestion: Provide provision for notice of absence (of any board member). Goal is to avoid last minute scramble to verify a quorum.

Staff comment: If the Board wishes to encourage notifying staff/board of absences, will draft a new section and include it under the current Section 2.5. There is a provision in the code for three consecutive absences, which may also be included or referenced here and a provision on absences generally. See Exhibit B for more details.

The Secretary shall cause the minutes of the meetings to be kept and submitted in a timely manner after the conclusion of each meeting, ideally within 30 days, to the Board for approval during a future meeting. Once approved by the Board, the minutes shall be filed with Central Records for the City of Boulder and shall be available for review by the public.

Section 2.8 Duties of the Planning Director

The Planning Director or designee shall be the regular technical advisor of the Board, shall present all agenda items to the Board, shall serve as the Board Secretary, and shall generally supervise the clerical work of the Board.

Section 2.9 Nominations and Elections

Nominations for Chair and Vice Chair shall be made orally. No second is required. Any nominated person may withdraw their name from consideration. Silence by a nominee shall be acceptance of their candidacy. Voting shall occur on each candidate, offered in alphabetical order by last name, by raising hands. The first candidate receiving four or more votes shall be deemed elected.

Section 2.10 Permanent Removal of the Chair

To remove the Chair from their position, the Board may vote to remove the Chair with a vote of at least four members of the Board. If the Chair is removed, a new Chair must be selected as soon as practicable, using the process in Section 2.9.

Commented [LW4]: Staff note: Robert's rules requires a $\frac{2}{3}$ vote to remove a chair permanently. Since we have 7 members, 4 is the closest number and aligns with other voting practices in these rules.

Chapter 3 — JURISDICTION AND MEETING TIMES

Section 3.1 — Jurisdiction

~~The Planning Board shall have jurisdiction to hear and take final action on all matters entrusted to the Board by the City Charter, the City Council, or by ordinance or resolution of the City of Boulder. These matters include, but are not limited to, action upon development proposals, annexation and zoning requests, and interpretations of the City of Boulder's land use and subdivision regulations and the Boulder Valley Comprehensive Plan. If any future ordinances passed by the City Council designate the Board as the proper body to hear a particular matter, the procedure for said hearing shall be consistent with these rules.~~

Section 3.2 Regular Meetings

The Board shall have regular meetings on the first and third Tuesday of each calendar month at a time designated by the Board, unless cancelled at least one week in advance. The Planning Director or designee, along with the Chair, may add a third meeting, depending on business need. Regular meetings shall be conducted in City Council chambers in the Penfield Tate II Municipal Building located at 1777 Broadway, Boulder, Colorado. The Board may also hold regular meetings in hybrid or fully remote format pursuant to Section 2-3-1, B.R.C. 1981.

Commented [LW5]: ML's suggestion: add fourth Tuesday as a regular meeting (it would then be subject to the same cancellation procedure) OR add fourth Tuesday to be an optional meeting scheduled at least one month in advance.

Commented [LW6]: Staff note: This sentence is not needed if the Board adopts Kurt's suggestion, marked in red in this subsection 3.2

Section 3.3 Special Meetings

Special meetings may be added by the Planning Director or designee, based on business need with approval from the Chair. Special meetings may also be called by the Chair and at least two Board members. Special Meetings shall be conducted in City Council chambers in the

Penfield Tate II Municipal Building located at 1777 Broadway, Boulder, Colorado. The Board may also hold Special Meetings in hybrid or fully remote pursuant to Section 2-3-1, B.R.C. 1981.

CHAPTER 4 — AGENDA

Section 4.1 Agenda Setting

The Planning Director or designee shall determine the items to be placed on the agenda of any regular meeting and of any special meeting added by the Planning Director. The agendas of special meetings called by the Board shall be set by those members of the Board who call the meeting or by staff upon the request of the Board. Additionally, by concurrence of four or more members of the Board, the Board may direct preparation of a matter for the agenda or may request staff to expend substantial time on a matter relevant to the Board's purview.

Section 4.2 Notice

For all agenda items not requiring notice under provisions of the B.R.C. 1981 notice shall be given by publication, that includes the title of an item and a general description of that item, in the Boulder Daily Camera and/or on the city website of the Board ten days prior to the meeting. ~~However, failure to give such notice shall not invalidate any action taken by the Board on those items.~~

Section 4.3 Distribution

The agenda materials are to be distributed to the Board prior to the Board's meeting, whether regular or special, with sufficient time to ensure members can adequately review and consider the materials, but not less than five days prior to the meeting.

Section 4.4 Order

The order of the agenda shall generally be as follows:

- a. Call to Order.
- b. Roll Call ~~by the Chair's verbal accounting of each present member.~~

c. Reading of the Indigenous Land Acknowledgment: The City of Boulder acknowledges the city is on the ancestral homelands and unceded territory of Indigenous Peoples who have traversed, lived in and stewarded lands in the Boulder Valley since time immemorial. Those Indigenous Nations include the Apache, Arapaho, Cheyenne, Comanche, Kiowa, Pawnee, Shoshone, Sioux and Ute.

d. Agenda Review

c. Instructions for Virtual Participation and Rules of Decorum.

- d. Public Comment.
- e. Review and Approval of Minutes.
- f. Scheduled Business, including items requiring Public Hearing.
- g. Matters from the Planning Director and City Attorney's Office.

Commented [LW7]: Staff requests discussion on Special Meetings. Charter language says "The board shall have regular meetings once a month, and special meetings may be called at any time by the chair and two members." Sec. 76 Ordinance language states "(d) The chair and at least two members may call special meetings." 2-3-11, BRC

Mark comment/ Question: I noted my appreciation for the acknowledgement that PB can hold "Special Meetings". I find this section needs clarification. How would we go about calling a special meeting using a vote by the chair and two supporting board members without actually holding a serial meeting via email or phone if outside of a regular meeting? And, does the chair have effective veto power over special meetings? Could four board members vote to hold a special meeting, with the chair voting no?

Commented [LW8]: Staff comment: There is a process for curing notice defects in 9-4-3(g) for pending review applications.

Commented [LW9]: Staff note on Laura's proposal: Some items can come in (such as comments from the public on an application) 24 hours in advance. Suggest adding: "or as soon as practicable if provided material by the public, an applicant, or staff within the five day window."

Commented [LW10]: City Attorney comment: The Planning Board has authority to include this without the delegation of Council. Suggest not including this unless there is authority to do so provided via ordinance.

Commented [LW11]: Staff note: Will renumber if Laura's and ML's suggestions are adopted.

- h. Matters from the Planning Board. Any member may place before the Board matters which are not included in the formal agenda.
- i. Adjournment.

The Chair may rearrange the above order of the agenda after commencing the meeting to facilitate the expeditious resolution of matters, provided that no substantial prejudice to applicants will result from said reordering of the agenda.

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Activities that disrupt, delay or otherwise interfere with the meeting are prohibited. At the onset of the hearing, the Secretary or their designee shall explain the hearing procedures, including how testimony and public comment will be received, and shall moderate the remote or hybrid meeting.

Section 5.4 Public Participation Procedures for Remote Participation

Commented [LW12]: Mark question: Should our city council adopt new rules regarding public participation, sign size, flag size etc... should we adopt these measures into our rules in an abbreviated form?

Staff Note: If the Board would like similar rules, staff will add similar/the same rules provided under Council's rules of decorum, or will reference the rules of decorum.

To the extent practical, any member of the public who wants to attend the meeting will be added to the meeting and will be muted and must keep their video turned off. Any person who wants to testify should inform the moderator as directed. The moderator will unmute such person during the public hearing. No person shall be permitted to speak except when recognized by the Chair and no person shall speak for longer than the time allotted. Each person shall register to speak at the meeting using that person's real name. Any person believed to be using a pseudonym will not be permitted to speak at the meeting.

Only audio participation shall be permitted for members of the public participating remotely. Applicants, staff, and Board members are encouraged to participate with both audio and video.

Section 5.5 Use of Chat Function Prohibited

During the Board meeting, applicants, staff, and Board members shall not use remote attendance chat or question and answer features, email, or similar functions of remote meeting software, except for the purpose of asking the Chair and/or staff procedural questions, providing motion language, or to request to be recognized to speak.

Section 5.6 Compliance with Digital Accessibility Requirements

Meetings of the Planning Board must comply with the digital accessibility requirements in the federal Americans with Disabilities Act, Colorado House Bill 21-1110, any rules adopted by the Colorado Office of Information Technology or the U.S. Department of Justice, and any requirements adopted by the city. An individual with a disability must not be excluded from participation in the meeting.

Section 5.7 Disruption of Meeting

Activities that disrupt, delay or otherwise interfere with the meeting are prohibited.

Chapter 6 — MEETING PROCEDURES

Section 6.1 Quorum

Pursuant to Charter Sec. 76, four members of the Board shall constitute a quorum, and an affirmative vote of at least four members is necessary to authorize any action of the Board, except for any procedural matters specifically stated in these rules. For purposes of establishing a quorum at remote and hybrid meetings, remote Board members must be able to vote, be capable of active participation, and be able to hear and be heard by the public, staff, and other members of the Board. If a quorum is not established, the Board cannot convene the meeting. If a quorum is not maintained during the meeting, the Board must suspend the meeting until a quorum is established or until the next regularly scheduled meeting.

Section 6.2 Call Up Procedures

Pursuant to 9-4-4, Appeals, Call Ups and Public Hearings, two members of the Board may call up certain city manager decisions upon written notification to staff or by making a verbal request, on the record, at a regularly scheduled board meeting within fourteen days of the manager's decision. One of the board members who called up the item has a right to withdraw their decision to call up an item, in writing via email or by making a verbal announcement to the Board, so long as the withdrawal is requested ten (10) days in advance of the hearing. A

Commented [LW13]: Laura's suggestion: "5.7 I think this is meant to be specific to members of the public. The chair, for example, can call a meeting break or recess, which is a delay."

Staff note: There may be circumstances in which a Board member or staff member is causing delay or interference with the conduct of the meeting. Suggested change: "Activities that disrupt, delay or otherwise interfere with the meeting are prohibited, unless permitted by the Chair."

Commented [LW14]: Staff Note: Changed this from one member to two members to reflect recent code changes as of 7/20/24.

withdrawal by one board member does not withdraw any timely call-up by other members of the board **by emailing staff directly or making a verbal announcement to the Board during a meeting.**

Section 6.3 Public Hearing Guidelines

The Chair opens the public hearing by reading into the record the full title of the public hearing matter. Prior to staff presentations, the Chair shall ask each member of the Board if they have any matters to disclose under Chapter 7, Title 2, B.R.C. 1981, or other applicable laws. Staff presents first for up to 15 minutes, followed by questions from the Board. The applicant may then present for up to 15 minutes, followed by questions from the Board. The Chair then opens the public hearing for the public to speak on the item. Each person shall register to speak at the meeting using that person's real name. The public hearing shall be limited to three minutes per speaker unless more than 15 individual speakers sign up, in which case the Chair may limit public comment to two minutes per speaker. **Witnesses shall not be required to testify under oath or affirmation.** The Chair may allow time for applicant and/or staff response to any public comment. The Chair then closes the hearing for Board deliberation and action on the application.

The Board requests that, prior to speaking during the hearing, all members of the public **disclose any financial or business relationship with or other membership or affiliation related to the applicant, project, or neighbors, specifically including any paid compensation.**

Commented [LW15]: Mark suggestion: Adding the question "do you have any ex parte contacts" before a QJ hearing.

Staff believes this is covered under the matters to disclose language provided here.

Commented [LW16]: Staff note: This mirrors council's procedure and planning board practice.

Commented [LW17]: Marks suggestion: Provide more specific language.

Question from staff: Does the Board wish to specify that this means business interest or any sort of financial interest?

Section 6.4 Materials for Public Hearings

Any documentary evidence or materials for a hearing, **including any documentation for public comment on the hearing,** must be submitted to the Secretary of the Board via email at least 24 hours prior to the beginning of the meeting. For an application under Title 9, the Secretary will publish the documentary evidence on the Board's city webpage where the rest of the materials are published. Documentary evidence includes, without limitation, materials related to specific applications and other documents to be shown electronically or be referenced during the hearing. Any documentary evidence requested to be shown electronically by city staff during a person's speaking time in a public hearing, such as PowerPoint slides or a PDF with images, shall be marked as to be shown during the person's speaking time, shall be contained in one individual file per speaker, and shall otherwise be in a format that is accepted by the Secretary. Any materials provided after this time will not be accepted or permitted to be provided to the Board for consideration during the hearing. No materials may be submitted to the Board during the hearing that have not already been submitted by email at least 24 hours in advance.

Section 6.5 Rules of Speaking for Board Members

To obtain the floor, a member addresses the Chair, who recognizes the member by calling out the individual's name. Only one individual may have the floor at any time. A member shall not speak while another member has the floor. A member shall generally relinquish the floor if they have addressed the pending issue **and upon request of the Chair. The Chair may permit speaking time for each member, before permitting another chance to speak for any member. ~~for five minutes.~~**

Section 6.6 Parliamentary Procedure for Motions

Prior to making a motion, the Chair may allow for a round of discussion on the item or a straw poll. Motions may be made orally or in writing by any member. Friendly amendments may be made before the motion is seconded; the original motion maker must affirmatively accept the friendly amendment.

After a second is given, each member shall have an opportunity to argue the motion or propose any amendments to the motion. All motions and amendments must follow Robert's Rules of Order (as revised). Board members are encouraged to prepare motions in advance and in writing, if different from, or are amendments to, staff proposed motion language. If Board members need assistance in drafting, they may reach out to staff directly for assistance.

While the board may discuss matters and key issues, debate should generally be reserved for debating motions and amendments to motions. Once each member has received the opportunity to argue the motion and amendments have been addressed, the Chair shall put the motion to a vote. Only the member who made the motion must vote in favor of the motion unless the motion has been substantively amended. When conditioning or commenting on a quasi-judicial item matter, amendments may be proposed to the main motion or additional motions may be made depending upon the intent of the motion maker and the board. Additional motions may be advantageous when the board is divided over a condition, i.e. the board supports the project as a whole but is divided on a proposed condition. All motions and amendments to motions shall follow the procedure outlined in Robert's Rules of Order.

Once the vote is executed, the Chair shall announce the result of the vote. The motion is not completed until the result is announced.

Section 6.7 Effect of Votes

An affirmative vote of four or more members is required to pass a motion or any action. Any agenda item requiring a vote for approval of the Board is denied if it does not receive an affirmative vote of four or more Board members. If the first vote taken results in a tie or in a vote of three to two or three to one in favor of approval, the applicant shall be allowed a rehearing upon requesting the same in writing within seven days. The failure to receive an affirmative vote of four members on any subsequent motion on the same item shall result in the defeat of the item. For any item requiring a recommendation from the Planning Board, an affirmative vote of four or more members is required. If a member of the Board is present at a meeting and refuses to vote, the member's vote shall be recorded in the affirmative.

Section 6.8 Continuances

The Planning Director or designee may grant an applicant's request to continue a matter set for hearing to a future, available meeting, so long as the request is given at least 48 hours in advance of the meeting. If a request is provided within 48 hours of the scheduled meeting, the matter may be continued only by the Board for good cause upon a majority vote at the time originally noticed. The Board may by motion and majority vote continue a hearing on its own initiative for good cause, provided that the applicant and other parties are first given an opportunity to state their position on the proposed continuance. The Planning Director or designee will work with the applicant to schedule the matter for a future, available meeting.

Section 6.9 Withdrawals

Commented [LW18]: Staff recommends the Board consider whether suggestive language should be added to the Rules of Procedure, as it could create confusion or more uncertainty in procedural rules.

Commented [LW19]: Laura also agrees with this deletion.

Commented [LW20]: Staff recommends not including this sentence, if the rest of the language is adopted by the Board. This is already covered in Section 6.14, below, and in a sentence already in this section in the above paragraph. It is also in ordinance, 2-3-1

Commented [LW21]: BRC 2-3-1(f)

Commented [LW22]: Staff requests a discussion on Kurt and Laura's comments related to withdrawals, to clarify the section. The sentence from Kurt's question has been highlighted and Laura's suggestion are added in green:

Kurt's questions: "In the event an applicant is not present at the regularly scheduled hearing of the item, and the applicant has not communicated the request for withdrawal to the Board, the Board shall dispose of the agenda item in such manner as it may deem fair and equitable under the circumstances, including continuing the item to another meeting." This seems broad and vague to me. Is it only referring to the case of an application that would otherwise be denied? In any case can we be more specific about the "manners" that would be appropriate?

Laura's questions: Should this say that the applicant may unilaterally withdraw their application at any time before the hearing on the application begins? And then during the hearing, the applicant may request to withdraw but four or more Board members have to agree to withdraw? It's a little unclear how it is written.

An applicant may **unilaterally** withdraw their application at any time before the hearing on the application is closed. During Board deliberation, the applicant may request to withdraw the application; ~~which the Board can approve with a vote of~~ four or more Board members **must approve the withdrawal request to be a valid withdrawal.** Application fees shall not be refunded upon withdrawal. Any withdrawn application is without prejudice as to reconsideration of the Board within one year. **In the event an applicant is not present at the regularly scheduled hearing of the item, and the applicant has not communicated the request for withdrawal to the Board, the Board shall dispose of the agenda item in such manner as it may deem fair and equitable under the circumstances, including continuing the item to another meeting.**

Section 6.10 **Decisions**

The decision of the Board ~~approving or~~ denying an application or request after a public hearing or public meeting shall specifically set forth in what respects the application ~~meets or~~ fails to meet the applicable standards and criteria and shall be made no later than 30 days after the date of the public hearing.

Commented [LW23]: Staff Note: If Kurt's suggestion is approved below, heading will be changed to "Denial Decisions" or something along those lines.

Section 6.11 Rehearing

No application denied or appeal decided by the Board can be reheard or reconsidered within one year except: (a) in the event of a tie vote, vote of three to two in favor, or vote of three to one in favor; or (b) at the discretion of the Board so long as the basis for rehearing is a desire of the applicant or the Planning Department to present new material on the matter that was not available at the initial hearing. Requests for rehearing must be made to the Secretary within seven days of the date of the vote deciding the matter or else the request must be denied.

Section 6.12 Recess

At any point in the meeting, the Chair may declare a recess until a specified time.

Section 6.13 Adjournment

The Board's goal is that all regular and special meetings will be adjourned by 10:30 P.M., and that special sessions will be adjourned by 10:00 P.M. No new item will be introduced after 10:30 P.M. or 10:00 P.M., respectively, unless four or more Board members in attendance vote to introduce an item after that time. **Adjournment of the meeting must be done by motion and a vote of the majority of members present.**

Commented [LW24]: Staff alternative: The Chair can adjourn meetings, too, if that is the preferred approach.

Section 6.14 Rules of Procedure

Any rules of procedure not covered in this document or the Boulder Revised Code 1981 shall be governed by the then current Robert's Rules of Order, except when waived by an affirmative vote of four or more members of the Board present.

Section 6.15 Enforcement of Rules

The Chair and/or the Secretary or Secretary's designee shall enforce these rules of decorum which may include muting or removing any person who violates any rule or is otherwise impeding the Board's proceedings in an impermissible manner.

Exhibit B Compiled Questions from Board Members

This exhibit is a compilation of questions posed by planning board members in response to the Rules of Procedure update. Any suggested changes are supplied in Exhibit A, the redlined Rules of Procedure, for the Board's consideration. Provided below, staff responded to the questions posted by members, in addition to the changes outlined in Exhibit A.

Questions from Mark McIntyre, posed in an email dated 6/10/2024

S 3.3 I noted my appreciation for the acknowledgement that PB can hold "Special Meetings". I find this section needs clarification. How would we go about calling a special meeting using a vote by the chair and two supporting board members without actually holding a serial meeting via email or phone if outside of a regular meeting? And, does the chair have effective veto power over special meetings? Could four board members vote to hold a special meeting, with the chair voting no?

Staff Response: Staff requests a discussion on how the Board wishes to go about requesting special meetings. The Open Meetings Law does permit discussions on scheduling outside of a public meeting. Board members may exchange emails about scheduling and their availability, and other emails that do not concern the "merits or substance" of pending legislation or public business, without worrying about violating the open meetings law. Merits or substance is defined as "any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity." C.R.S. § 24-6-402(2)(d)(III).

Additionally, the power of holding special meetings lies both in the Charter and in the BRC. Charter language says "The board shall have regular meetings once a month, and special meetings may be called at any time by the chair and two members." Sec. 76 Ordinance language states "(d) The chair and at least two members may call special meetings." 2-3-11, BRC

S 4.2 Wouldn't our failure to give public notice actually be grounds for invalidation under the Colorado Open Meetings Act?

Staff Response: The COML requires at least 24 hours' notice for public meetings of local public bodies. § 24-6- 402(2)(c)(I). The only exception is for emergency meetings (which special meetings would not qualify for). Emergency meetings are "narrowly" defined as a meeting caused by "an unforeseen combination of circumstances or the resulting state that calls for immediate action" by the Colorado Court of Appeals in Lewis v. Town of Nederland, 934 P.2d 848, 851 (Colo. App. 1996). If the City fails to meet the twenty-four-hour notice rule, yes, the City would need to postpone the meeting to ensure that the City does not violate the COML.

However, the Board has a ten-day notice provision. If the City fails to meet the ten days' notice, but still meet the 24-hour rule under COML, the City has not violated COML. If

this occurs, the City would need to ensure that notice is “cured” as outlined in [B.R.C. 9-4-3\(g\)](#):

(g) Omissions or Defects in Notice: The purpose of public notice provided in this section is to reasonably inform surrounding property owners of a pending review application. No minor omission or defect in the mailed, published or posted notice shall be deemed to impair the validity of the proceedings to consider the application. If at or prior to the public hearing or final approval, an omission or defect in the public notification is brought to the attention of the approving authority, the approving authority shall determine whether the omission or defect impairs or has impaired a surrounding property owner’s ability to participate in the public review process. Upon such a finding, the approving authority shall continue the review process or hearing for at least ten days. Any omission or defect in the public notice that is not brought to the approving authority’s attention or that the authority finds did not impair a surrounding property owner’s ability to participate in the review process shall not affect the validity of the proceedings.

S 6.2 If a PB member calls up an item and subsequently withdraws their call-up within the 10-day notice period, that withdrawal should be made publicly to the board as a whole and another member should be able to call up that same item, if done so still within the 10-day notice period before presentation. Did council agree to requiring two PB members to call up an item? if yes, this section will need to be rewritten to accommodate the new code.

Staff Response: There are not always planning board meetings that occur during that ten-day period were a planning board member to withdraw. The City can provide the notice of withdrawal to the entire planning board in writing, and if another member were to call it up, they would have the opportunity to contact staff directly. Staff added some language to clarify this in Section 6.2 Council did change the number to two planning board members and the rules have been updated accordingly. This occurred after the rules were brought to Planning Board for review.

Should our city council adopt new rules regarding public participation, sign size, flag size etc... should we adopt these measures into our rules in an abbreviated form? While it has not been an issue to date that I know of, I can see that it might arise as an issue.

Staff Response: Staff defers this to the board, if they wish to add these rules. If the rules are adopted, enforcement of such rules should also be discussed/ adopted. For ease, the rules of decorum for council [may be found here](#). A note has been added to Exhibit A for discussion.

Questions from Kurt Nordback, posed in an email dated 6/11/2024

Is 3.1 “Jurisdiction” necessary? Jurisdiction is actually determined by code/charter, not by whatever is included here.

Staff Response: It is not necessary, as jurisdiction is covered in the Boulder Revised Code, but is a common inclusion for rules of procedure to reiterate. Staff have marked this as a potential removal in the rules for discussion in Exhibit A.

4.1 Can the board really direct staff to expend substantial time?

Staff Response: The purpose of this section is to avoid one member of the planning board requesting a lot of staff time without the direction of the majority of the board (i.e., drafting a new set of rules for the board) or the direction of Council, who sets the work program priorities for the Planning Department. This is similar to the “nod of five” rule that City Council uses.

5.2 “Public comment may not cover any quasi-judicial matter for which the public hearing is coming up in the future or the public hearing has been closed.” Is this necessary? I think it’s appropriate to encourage comments to happen in the relevant public hearing, but we sometimes allow speakers to use public comment if they have some sort of time constraint. To reduce the chance of favoritism, I’d suggest striking this.

Staff Response: Public comment during the hearing keeps the record complete and accurate. If a decision were to be challenged, attorneys for the city and the challenger would review the recording of the hearing, including the public comments. Having someone speak outside of the set time for the hearing disrupts the hearing record and could mean public comments are not included as part of the hearing. This is problematic as it could violate due process if the entire record is not preserved. Additionally, allowing commenters to speak at any time can create issues with ex parte communications, specifically 1-3-6. - Ex Parte Contacts, BRC:

No ex parte material or representation of any kind or any other communication outside the hearing shall be considered by the agency or hearing officer conducting the hearing unless it is fully disclosed on the hearing record and an opportunity is given for comment thereon at the hearing.

If time is a concern for a particular hearing, the Board can rearrange the agenda order with a vote of four members (to suspend the rule). Staff recommends against having comment outside of the hearing for the reasons stated above, primarily keeping the record hole for any appeals.

6.9 Withdrawals: “In the event an applicant is not present at the regularly scheduled hearing of the item, and the applicant has not communicated the request for withdrawal to the Board, the Board shall dispose of the agenda item in such manner as it may deem fair and equitable under the circumstances, including continuing the item to another meeting.” This seems broad and vague to me. Is it only referring to the case of an application that would otherwise be denied? In any case can we be more specific about the “manners” that would be appropriate?

Staff Response: Applicants must be present at hearings that effect their property rights, whether it would be approved or denied. They can withdraw before deliberation for any reason, whether the application would be approved or denied. For what manners means,

a comment has been added to this section on Exhibit A to discuss what a more defined version of manners should be.

Questions from Laura Kaplan from an email dated 7/14/2024

2.7 The previous goal of having minutes done in 30 days was overly ambitious, but “in a timely manner” feels too vague. I recommend keeping the non-binding goal of having minutes available for review within 30 days. Also, a bigger question for me is when staff is representing PB’s advice to City Council. I don’t believe that the Board typically sees our minutes, or staff’s summary of our advice, before it goes into the Council packet. I’d argue strongly that we should have the opportunity to review and comment on any presentation of PB’s advice that is prepared for Council, before it goes into the Council packet. I know this will create timing issues, but it’s an important step for transparency and accuracy.

Staff Response: Staff added back in timing language to 2.7, under Exhibit A, for Board review. It has been added as a goal to strive for in case of illness, holidays, staff turnover, or other considerations that could impact the timing of minutes for review. To your question about representation to City Council, the turnaround time for City Council packets, often times due the very next business day, do not allow for time to edit minutes before the packet is provided to Council or with appropriate time for Planning Board members to all view and provide edits to the minutes. Minutes are thus sent out to Council and understood by Council to be drafts, if there has been time for staff to draft the minutes before packets are due. The way staff handles ensuring the summary is accurate is to incorporate motion language, the link to the meeting recording for Council members to review, and to provide the records to the packet in their memos even on the tight turnarounds. Staff will do this even with next-day turnarounds.

2.8 What does “the clerical work of the Board” mean? Is this different than just saying “the work of the Board”?

Staff Response: Clerical work includes the paperwork side of the Board’s work, such as drafting and providing minutes for the Board’s review, creating and posting an agenda, keeping the website updated, etc. The Planning Director does not have the authority to supervise the other duties of the Board, such as deciding on an individual application. Staff recommends keeping this authority specific to the “clerical” work of the board. The term “technical” could also be used. The type of work aligns with the language of the charter:

Sec. 77. - Director of planning.

*A director of planning, who shall be qualified by special training and experience in the field of city planning, may be appointed on a part-time or full-time basis by the city manager and shall be removable by the city manager. The director of planning shall be **the regular technical advisor of the board** and shall have administrative direction of the*

planning department. The director may be designated as the secretary of the planning board and authorized to perform other necessary functions.

4.2. Calling out the Daily Camera specifically as the location for public notice feels outdated and overly specific. Is DC our only media outlet that has notices? And what about social media?

Staff Response: The Daily Camera, as the newspaper of general circulation in the City, specific call out is due to the notice requirements in 9-4-3(d):

*(d)Published Notice: Published notice is required for all public hearings and good neighbor meetings. **The city manager shall have the notice published in a newspaper of general circulation in the City** within ten days of the receipt of the application and not less than ten days prior to any hearing or meeting. The notice will indicate:*

(1)That a review application has been filed,

(2)The type of review requested,

(3)That such persons may review the application during the planning department's regular business hours, and(4)In the case of notice for a public hearing, the notice will indicate the time, date and place of the hearing, a summary of the proposed development, its location, and where interested parties may request a copy of the city manager's recommendation or decision on the application.

Other types of notice in this section include posting and mailed notice, depending on the application. Posting on city-run social media would need to be a decision of the City Manager and/or City Council as other city departments maintain city social media sites.

5.1 Are there any exceptions to meetings being open to the public, such as retreats, trainings, and field trips of the Board?

Under the COML, meetings need only be open to the public if there are three or more members in attendance, and at which public business is discussed or formal action taken. C.R.S. § 24-6-402(2)(b). Public business could be discussed at retreats and trainings, so staff notifies them and makes the meetings open to the public to not have a potential violation of the COML. Field trips must be notified if it relates to a project that could be or is before the Planning Board, and they must be open to the public. Meetings that are open to the public need not have space for public comment, however.

5.2. To whom should the slides be submitted? The Board Secretary?

Staff Response: To the Board Secretary, yes. This has been added to the draft in Exhibit A.

5.5. I'd specify "During a Board meeting, applicants, staff, and Board members shall not..." Also, I'm not sure why email is on this list. We use email, for example, to send motion

language during the meeting. Should this be “chat features, Q&A, or other similar functions of remote meeting software”?

Staff Response: The section as amended to allow for providing motion language. Email should not be used during the meeting except for procedural matters as the City does not want to create side meetings or discussions outside of the public hearing. This action would create a meeting and violate the Colorado Open Meetings law. The language in Exhibit A has been amended to include Q&A and the ability to provide motion language over email.

6.9 Should this say that the applicant may unilaterally withdraw their application at any time before the hearing on the application begins? And then during the hearing, the applicant may request to withdraw but four or more Board members have to agree to withdraw? It’s a little unclear how it is written.

Staff Response: Language was added to this section in the Rules for clarity, and your questions were added for discussion during the hearing.

Questions from ML Robles from an email dated 7/24/24 and 10/23/2024

I might have missed this but wondering if the PB guidelines speak about absences? If not, would this be a good place to articulate what is expected about attendance and how much notice would be appreciated for absences? I remember Sarah mentioning something about this but not sure if it was just practice or actually articulated in the document.

Staff Response: A note was added to Exhibit A for discussion on absences. Please note the following code sections on absences, which may be sufficient for addressing absences:

[Sec. 74, Boulder Charter:](#)

...

The council shall remove any appointive member who displays lack of interest, or fails, upon due notice, and continuously for three months, to attend meetings of the board without formal leave of absence.

[2-3-11, BRC](#)

(f) The mayor, with the consent of the city council, may appoint former board members as alternates to hear matters under [title 9](#), “Land Use Code,” B.R.C. 1981, when the mayor finds that there will be an absence due to an appearance of impropriety or a conflict of interest under Chapter 2-7, “Code of Conduct,” B.R.C. 1981, or due to an anticipated absence of a board member. An alternate board member may be appointed pursuant to the following standards and procedures:

(1) The board member with the conflict of interest, a recusal because of an appearance of impropriety or anticipated absence shall inform the board at a meeting prior to the

meeting when the item where such conflict or recusal exists is to be considered or the time of an anticipated absence;

(2) If the board or chair finds it necessary to appoint an alternate board member as set forth above, the board or chair shall request that the mayor appoint an alternate member from among the former members of the board; and

(3) The alternate board member shall only be authorized to act upon the matters that have been requested by the full board or chair and authorized by the mayor.

Secondly, when I joined the Board, we understood that being a PB member included time as liaison on backup on the boards that require it. It seems that is not clearly understood any longer. Maybe there should be something to clarify what our obligations are to serve in these liaison capacities?

Staff Response: Currently, members are appointed as primary or secondary liaisons to the following Boards and Committees: Housing Advisory Board, Design Advisory Board, Greenways Advisory Committee, and the Landmarks Board. Staff recommends not specifically defining role details such as which liaisons currently exist as liaison duties and expectations change frequently, and these rules are slower to change.

Is there an option to have Co-Chairs as opposed to Chair and CoChair? As i said it came up years ago but not sure where it landed. Would this option be possible and if so, can we please include it?

Staff Response: The Charter and related ordinances provide for a single chair with a vice chair providing support in the absence of the chair. There is not a provision that gives the Planning Board authority to have co-chairs, so staff recommends not including co-chairs.

Charter Sec. 76. - Organization and procedure of planning board. - “The board shall choose *a chair*, a vice chair, and a secretary who may or may not be a member of the board...”

2-3-1, BRC- General Provisions

(b) Each city board or commission shall:

...

*(3) Appoint *a chair*, vice-chair, and secretary (who may be a city employee);*

...

From: [Kurt Nordback](#)
To: [boulderplanningboard](#); [Witt, Laurel](#)
Subject: Proposed PB rules of procedure
Date: Tuesday, June 11, 2024 3:29:40 PM

External Sender Notice This email was sent by an external sender.

Thanks to Laurel for all the work in drafting updated rules of procedure. Thanks also to Mark for reminding us that we were supposed to send in our comments. Here are mine.

2.2 “Duties of the chair” includes agenda-setting by Staff, removing all control over the agenda from the Chair. I would prefer language such as “The Chair, together with the City of Boulder Planning Director or his or her designee, will set an agenda for each meeting.”

Is 3.1 “Jurisdiction” necessary? Jurisdiction is actually determined by code/charter, not by whatever is included here.

3.2 “Regular meetings”: Do we need to encode the meeting days and location? If the schedule changes it will just become outdated again, and it’s also not binding. I’d suggest deleting at least “on the first and third Tuesday of each calendar month” from this section. (It’s also worth noting that the charter specifies that Planning Board has one regular meeting a month -- so we’ve perhaps been violating the charter for ages. This also is the problem with being so specific in a document that’s difficult to change.)

4.1 Can the board really direct staff to expend substantial time?

4.4 Do we really need a roll call? There are only 7 members. Can’t the Chair just note for the record who is in attendance?

5.2 “Public comment may not cover any quasi-judicial matter for which the public hearing is coming up in the future or the public hearing has been closed.” Is this necessary? I think it’s appropriate to encourage comments to happen in the relevant public hearing, but we sometimes allow speakers to use public comment if they have some sort of time constraint. To reduce the chance of favoritism, I’d suggest striking this.

6.6 Requires a motion-maker to vote in favor of a motion. But that precludes being convinced against it by the arguments. I would suggest striking this.

6.9 Withdrawals: “In the event an applicant is not present at the regularly scheduled hearing of the item, and the applicant has not communicated the request for withdrawal to the Board, the Board shall dispose of the agenda item in such manner as it may deem fair and equitable under the circumstances, including continuing the item to another meeting.” This seems broad and vague to me. Is it only referring to the case of an application that would otherwise be denied? In any case can we be more specific about the “manners” that would be appropriate?

6.10 Requires a statement of why an approved project meets standards. This seems unnecessary. If a project is denied because it doesn’t meet the standards, then it’s appropriate to state how it fails to meet them. But meeting the standards means meeting the standards, and I don’t see that there’s anything to be explained.

-- Kurt

From: [Laura Kaplan](#)
To: [Witt, Laurel](#); [boulderplanningboard](#)
Subject: Re: Proposed PB rules of procedure
Date: Sunday, July 14, 2024 4:59:51 PM

Hi all,

Thank you so much for your work on this, Laurel! I am very glad to see we'll be repealing all the old documents and consolidating them into one current doc.

Apologies for the delay on my comments.

I generally support Mark, ml, and Kurt's comments. Here are my thoughts in addition, trying to avoid redundancy:

Procedural Rules for Planning Board

2.5. I recommend that this specify the duration, e.g. "assume the duties of the Chair until the end of the meeting, or until the Chair or Vice Chair is able to resume presiding, whichever comes first." (for example, the chair might be late to the meeting but able to make the second half). Also, I think we should account for the case where the chair is unable to preside (e.g. needs to save their voice, is remote and has background noise, etc.) but wants to be present to participate in discussions and vote. I've seen City Council allow for this scenario. So instead of saying "absence of chair or vice chair", perhaps say "chair or vice-chair is unable to preside".

2.7 The previous goal of having minutes done in 30 days was overly ambitious, but "in a timely manner" feels too vague. I recommend keeping the non-binding goal of having minutes available for review within 30 days. Also, a bigger question for me is when staff is representing PB's advice to City Council. I don't believe that the Board typically sees our minutes, or staff's summary of our advice, before it goes into the Council packet. I'd argue strongly that we should have the opportunity to review and comment on any presentation of PB's advice that is prepared for Council, before it goes into the Council packet. I know this will create timing issues, but it's an important step for transparency and accuracy.

2.8 What does "the clerical work of the Board" mean? Is this different than just saying "the work of the Board"?

4.2. Calling out the Daily Camera specifically as the location for public notice feels outdated and overly specific. Is DC our only media outlet that has notices? And what about social media?

4.3. This feels too non-specific. Recommend specifying at least five calendar days in advance of the meeting.

4.4 We currently don't do a verbal agenda review, but I think it's worth taking a couple of minutes to at least name the major agenda items (public hearing items and agendaized "matters" items) after the roll call and before going into the rules of decorum. Going straight to the rules of decorum and public comment always feels a bit abrupt and confusing, especially for people who want to comment on a public hearing item. I'd add "agenda review" between items b and c in the order.

5.1 Are there any exceptions to meetings being open to the public, such as retreats, trainings, and field trips of the Board?

5.2. To whom should the slides be submitted? The Board Secretary?

5.3. This should be the Secretary or their designee (e.g. city public outreach staff)

5.5. I'd specify "During a Board meeting, applicants, staff, and Board members shall

not..." Also, I'm not sure why email is on this list. We use email, for example, to send motion language during the meeting. Should this be "chat features, Q&A, or other similar functions of remote meeting software"?

5.7 I think this is meant to be specific to members of the public. The chair, for example, can call a meeting break or recess, which is a delay.

6.5 says "A member shall generally relinquish the floor if they have addressed the pending issue for five minutes." Our custom is that we relinquish the floor, upon request by the chair, until everyone else has had a turn, and then may take another turn.

6.6. I'm okay with the motion maker not voting for the motion for any reason, including if the motion has been substantially amended or if the motion maker has been persuaded by the discussion.

6.9 Should this say that the applicant may unilaterally withdraw their application at any time before the hearing on the application begins? And then during the hearing, the applicant may request to withdraw but four or more Board members have to agree to withdraw? It's a little unclear how it is written.

6.13 Adjournment should be done by motion to adjourn and PB member vote.

On Tue, Jun 11, 2024 at 3:29 PM Kurt Nordback <kurt.nordback@protonmail.com> wrote:

External Sender Notice This email was sent by an external sender.

Thanks to Laurel for all the work in drafting updated rules of procedure. Thanks also to Mark for reminding us that we were supposed to send in our comments. Here are mine.

2.2 "Duties of the chair" includes agenda-setting by Staff, removing all control over the agenda from the Chair. I would prefer language such as "The Chair, together with the City of Boulder Planning Director or his or her designee, will set an agenda for each meeting."

Is 3.1 "Jurisdiction" necessary? Jurisdiction is actually determined by code/charter, not by whatever is included here.

3.2 "Regular meetings": Do we need to encode the meeting days and location? If the schedule changes it will just become outdated again, and it's also not binding. I'd suggest deleting at least "on the first and third Tuesday of each calendar month" from this section. (It's also worth noting that the charter specifies that Planning Board has one regular meeting a month -- so we've perhaps been violating the charter for ages. This also is the problem with being so specific in a document that's difficult to change.)

4.1 Can the board really direct staff to expend substantial time?

4.4 Do we really need a roll call? There are only 7 members. Can't the Chair just note for the

record who is in attendance?

5.2 "Public comment may not cover any quasi-judicial matter for which the public hearing is coming up in the future or the public hearing has been closed." Is this necessary? I think it's appropriate to encourage comments to happen in the relevant public hearing, but we sometimes allow speakers to use public comment if they have some sort of time constraint. To reduce the chance of favoritism, I'd suggest striking this.

6.6 Requires a motion-maker to vote in favor of a motion. But that precludes being convinced against it by the arguments. I would suggest striking this.

6.9 Withdrawals: "In the event an applicant is not present at the regularly scheduled hearing of the item, and the applicant has not communicated the request for withdrawal to the Board, the Board shall dispose of the agenda item in such manner as it may deem fair and equitable under the circumstances, including continuing the item to another meeting." This seems broad and vague to me. Is it only referring to the case of an application that would otherwise be denied? In any case can we be more specific about the "manners" that would be appropriate?

6.10 Requires a statement of why an approved project meets standards. This seems unnecessary. If a project is denied because it doesn't meet the standards, then it's appropriate to state how it fails to meet them. But meeting the standards means meeting the standards, and I don't see that there's anything to be explained.

-- Kurt

--

Laura Kaplan
Planning Board member
Boulder, Colorado

From: [PB Mark McIntyre](#)
To: [boulderplanningboard](#)
Subject: PB Rules of Procedure
Date: Monday, June 10, 2024 9:49:07 PM

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Hello All:

I expressed most of my thoughts regarding the proposed Rules of Procedure for the Planning Board during our last meeting. I thought it might be helpful to put them into an email in addition to the verbal commentary.

First, I want to thank Laurel for tackling this project. It is decades overdue. The lack of clear procedures has caused more than one kerfuffle during a late night PB meeting. Here are my suggestions/edits in a numbered list:

1. Use gender-neutral pronouns throughout the document. This first draft is generally consistent about this, except for the first page.
2. S 2.9 While it should be exceedingly rare, I think there should be a procedure stated for removal of the chair.
3. S 3.2 Should note the possibility of holding a "Regular Meeting" meeting on the fourth Tuesday of the month.
4. S 3.3 I noted my appreciation for the acknowledgement that PB can hold "Special Meetings". I find this section needs clarification. How would we go about calling a special meeting using a vote by the chair and two supporting board members without actually holding a serial meeting via email or phone if outside of a regular meeting? And, does the chair have effective veto power over special meetings? Could four board members vote to hold a special meeting, with the chair voting no?
5. S 4.2 Wouldn't our failure to give public notice actually be grounds for invalidation under the Colorado Open Meetings Act?
6. S 6.2 If a PB member calls up an item and subsequently withdraws their call-up within the 10-day notice period, that withdrawal should be made publicly to the board as a whole and another member should be able to call up that same item, if done so still within the 10-day notice period before presentation. Did council agree to requiring two PB members to call up an item? if yes, this section will need to be rewritten to accommodate the new code.
7. S 6.6 I think we would benefit in both expediency and outcome if we stated in our rules of procedure stated something like "board members are encouraged to prepare motions in advance and in writing, if different from, or are amendments to, staff proposed motion language."
8. S 6.6 I would also suggest additional language along the lines of "while the board may discuss matters and key issues, debate should generally be reserved for debating motions and amendments to motions".
9. S 6.6 I would also suggest clarifying language that states, "when conditioning or commenting on a quasi-judicial item, amendments may be proposed to the main motion or additional motions may be made depending upon the intent of the motion maker and the board. Additional motions may be advantageous when the board is divided over a condition, i.e. the board supports the project as a whole but is divided on a proposed condition. All motions and amendments to motions shall follow the procedure outlined in Robert's Rules of Order."
10. Should our city council adopt new rules regarding public participation, sign size, flag size etc... should we adopt these measures into our rules in an abbreviated form? While it has not been an issue to date that I know of, I can see that it might arise as an issue.

Again, I appreciate Laurel and staff making this effort. I know we will all benefit from this

additional structure.

Warm Regards,

Mark McIntyre | Member of the City of Boulder Planning Board
PB@markmcintyre.me | V/T 303.641.4664

From: [ml robles](#)
To: [Witt, Laurel](#)
Subject: one more thing for the Board guidelines
Date: Wednesday, July 24, 2024 2:53:51 PM

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Hi Laurel -

i might have missed this but wondering if the PB guidelines speak about absences? If not, would this be a good place to articulate what is expected about attendance and how much notice would be appreciated for absences? I remember Sarah mentioning something about this but not sure if it was just practice or actually articulated in the document.

Secondly, when I joined the Board, we understood that being a PB member included time as liason on backup on the boards that require it. It seems that is not clearly understood any longer. Maybe there should be something to clarify what our obligations are to serve in these liason capacities?

I appreciate your time and attention to this and look forward to updated and clear guidelines on how PB functions.

kind regards,--

ml Robles, NCARB Architect LEED AP
City of Boulder Planning Board member 2022-present
Architect at [STUDIO POINTS](#)
[ADU & small house specialist](#)
Inventor of [Poche Truss building system](#)
[www.studiopoints.com](#)
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303-443-1945

From: [ml robes](#)
To: [Witt, Laurel](#)
Cc: [boulderplanningboard](#)
Subject: Re: Proposed PB rules of procedure
Date: Monday, June 17, 2024 4:45:41 PM
Attachments: [image001.png](#)

hi Laurel -
adding to the input on the Proposed PB rules of procedure, here are my comments that I believe I also stated at the meeting:

3.2 Regular Meeting

add fourth Tuesday as a regular meeting (it would then be subject to the same cancellation procedure) **OR** add fourth Tuesday to be an optional meeting scheduled at least one month in advance.

4.4 Order (FYI as staff had concerns with PB using this given CC does not, I have reached out to two city council members and there was no concern with PB adding this to our Order)

C. Reading of the Indigenous Land Acknowledgment: *The City of Boulder acknowledges the city is on the ancestral homelands and unceded territory of Indigenous Peoples who have traversed, lived in and stewarded lands in the Boulder Valley since time immemorial. Those Indigenous Nations include the Apache, Arapaho, Cheyenne, Comanche, Kiowa, Pawnee, Shoshone, Sioux and Ute.* (this could be just added into the existing items under C **OR** it could stand alone and then the ensuing items get re-alphabetized).

Thank you for your diligent work on this! It will make for better meetings :)
Kind regards, ml

On Tue, Jun 11, 2024 at 3:55 PM Witt, Laurel <WittL@bouldercolorado.gov> wrote:

Good afternoon,

Thank you, Mark and Kurt, for your feedback, questions, and kind words. I will provide a redlined version of the document incorporating your feedback, and anyone else who provides feedback, to be circulated before we discuss the topic again. I will also work to answer your questions.

Best,

Laurel Witt
Assistant City Attorney

Direct: 303-441-4121

wittl@bouldercolorado.gov

City Attorney's Office
1777 Broadway | 2nd Floor | Boulder, CO 80302
bouldercolorado.gov

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From: Kurt Nordback <kurt.nordback@protonmail.com>

Sent: Tuesday, June 11, 2024 3:29 PM

To: boulderplanningboard <boulderplanningboard@bouldercolorado.gov>; Witt, Laurel <WittL@bouldercolorado.gov>

Subject: Proposed PB rules of procedure

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From: [ml robes](#)
To: [Witt, Laurel](#)
Cc: [Pannewig, Hella](#)
Subject: PB procedures...
Date: Tuesday, October 15, 2024 12:20:23 PM

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Hi Laurel,
i have been wondering, i think this conversation came up early on my Board tenure and I would like to follow it up. Is there an option to have Co-Chairs as opposed to Chair and CoChair? As i said it came up years ago but not sure where it landed. Would this option be possible and if so, can we please include it? Thanks so much, ml

--

ml Robles, NCARB Architect LEED AP
City of Boulder Planning Board member 2022-present
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