



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
 FROM CONCEPT TO CONSTRUCTION

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 Paul L. Scarlett, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 4, 2014  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
 503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 14-111154 NU**

**GENERAL INFORMATION**

**Applicant:** Joel Gregory, Ex Novo Brewing Co.  
 4415 NE 40th Avenue / Portland OR 97211

**Owners:** Kaster Clark Enterprises LLC  
 2326 N Flint Avenue / Portland, OR 97227

Sattie Clark, Kaster Clark Enterprises  
 PO Box 838 / Redwood Valley CA 95470

**Site Address:** 2326 N FLINT AVE

**Legal Description:** BLOCK 35 LOT 7, ALBINA      **Tax Account No.:** R009612670  
**State ID No.:** 1N1E27DB 02400      **Quarter Section:** 2830

**Neighborhood:** Eliot, Mike Warwick at 503-284-7010.

**Business District:** North-Northeast Business Assoc, Joice Taylor at 503-445-1321.

**District Coalition:** NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.

**Plan District:** Albina Community Plan District

**Zoning:** RHd (High Density Multi-Dwelling Residential, with a Design Overlay)

**Case Type:** Nonconforming Situation Review

**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicant is proposing to locate a brew pub on this site in the RHd zone. As noted above, this is a high density multi-dwelling residential zone, with a design overlay. Commercial uses are not generally allowed to locate in residential zones, but sites that historically had a commercial use, prior to being designated as a residential zone, and where the commercial use has continued over time, have legal nonconforming status and the commercial use may continue. This site was determined to have legal nonconforming status for an industrial service use, under 03-173800 PR, which allowed Eleek Inc, described as a lighting contractor, to locate on the premises. Legal nonconforming uses may remain and they may be changed to another type of prohibited use, per Code section 33.258.050 B, if the proposed use is approved through a Nonconforming Situation Review. The proposed brew pub would include a manufacturing use (the brewing operation), in about 5,612 square feet of the building, and also a retail sales and service use (the pub), in the remaining 1,888 square feet.

The proposed business would include a maximum of about 20 employees, including the business owners. Hours of operation would be 8 AM to 3 PM for the brewery. Proposed hours for the pub would vary, opening at 3 PM on Mondays through Fridays and at noon on weekends. Closing times would be 9 PM on Sundays and Mondays, 10 PM on Tuesdays through Thursdays and 11 PM on Fridays and Saturdays.

The building occupies the entire site and so there has not been and will not be any onsite parking. However, the site is located within 500 feet of the Number 4, Fessenden bus line that provides frequent peak hour service. This allows the applicant to claim an exception to the requirement for onsite parking, in accordance with Code Section 33.266.110 D.2.

The applicant is therefore requesting approval of a Nonconforming Situation Review to allow the nonconforming industrial service use that has been located on the site to be replaced by the proposed manufacturing and retail sales and service uses.

**Relevant Approval Criteria:** Nonconforming Situation Review, 33.258.080 B. 1. - 3.

## ANALYSIS

**Site and Vicinity:** The site is a 5,000 square-foot property that is located on the east side of North Flint Avenue, about two-thirds of the way down the block that runs north to south, from North Russell to North Paige Streets. The property is developed with a former warehouse building that was constructed in 1947 and occupies 100% of the site area. Street-facing windows on the west façade of the building cover a significant portion of the building wall. The area around the site is comprised of an eclectic assortment of development and uses. Immediately to the north, there is a small residential apartment building that was constructed in 1910. Further to the north, there is a single-dwelling residence and then a Storefront Commercial Zone area that has an Oregon Health Sciences property and the Columbia Gorge Model Railroad Club. To the south of the site, there are three lots that are all under the same ownership, which include two vacant parcels that are used for parking areas and a shop building that is on the corner of North Flint and North Paige. Directly across Flint Avenue, to the west, is Lillis Albina Park. South of the park there is a Portland Public Schools property that contains some administrative buildings and the now-closed Harriet Tubman Academy building. Beyond these properties, further to the west, is the I-5 freeway. To the east of the site, there is an area that is zoned EX (Central Employment) which contains several different commercial tenants.

**Zoning:** The site is zoned RH, High Density Multi-dwelling Residential. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.

**Land Use History:** City records indicate there are no prior quasi-judicial land use reviews for this site. There was a determination of legal nonconforming status in 2003, which was based on providing documentation through standard evidence (03-173800 PR).

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 28, 2014**. The following Bureaus have responded with no issues or concerns. Agencies provided information regarding future requirements for permits, as summarized below:

- Environmental Services provided information on the sanitary infrastructure, storm water management and requirements and techniques for waste recycling (Exhibit E-1).

- Transportation Engineering noted the Transportation System Plan classifications for the streets in the area, discussed requirements for street improvements, which would be part of the building permit process. Transportation staff also provided an analysis that noted that there would not be any significant impacts from an approval of the proposal. These comments are incorporated into the findings for the review that follow this section (Exhibit E-2).
- Water Bureau described the existing water service for the site and noted requirements for any upgrade to the system (Exhibit E-3).
- Fire Bureau stated that all Fire Code requirements must be met and would be applied at the time of building permit review (Exhibit E-4).
- Site Development Section of BDS provided an overview of the physical characteristics of the site and noted that plumbing records show that the building on the site is connected to the sewer (Exhibit E-5).
- Life Safety Plan Review Section of BDS provided a summary of preliminary building code information for the proposed conversion of the building to use as a brew pub (Exhibit E-6).
- Parks-Forestry Division provided a response of “no concerns” (Exhibit E-7).

**Neighborhood Review:** A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the notice of the proposal. A letter was sent on behalf of the Columbia Gorge Model Railroad Club which expressed concerns that, if approved, patrons of the proposed pub would try to park in the private parking lot owned by the model railroad club. The letter stated that the club expressed strong opposition to the proposal, based on these concerns. The letter further stated that the writer did not believe that the exception for a site that has frequent transit service was a realistic option (Exhibit F-1).

The other two letters that were received expressed support for approval of the proposal. The first of these was from the Eliot Land Use Committee chairperson, Mike Warwick, who noted that the site is included in an area where they had supported the concept of rezoning to either EX or a suitable commercial designation, through a legislative process. The neighborhood representative went on to give an analysis of the potential impacts that the neighborhood committee expected might occur from this proposed use. The letter concludes that there would likely be more positive than negative impacts and offers the concept of requiring a Good Neighbor Agreement, as a condition of approval, in order to address the possibility of any detrimental effects of the proposal, especially as related to the sale of alcohol (Exhibit F-2).

The last letter was from the property owner of the neighboring 5-plex to the north, who stated that she believed approval of the proposed brew pub would have a positive impact on the street. This neighbor described the character of the street as dark and deserted and prone to criminal activity, especially in times when adjacent businesses and institutional uses are closed. In the letter, she states that, “bringing a pub into the neighborhood will deter drinking in the park, as enforcing the rule of ‘no alcohol’ will be a higher priority. Graffiti, garbage dumping and people climbing on the school roof will also be decreased.” (Exhibit F-3).

## **ZONING CODE APPROVAL CRITERIA**

### **NONCONFORMING SITUATION REVIEW**

#### **33.258.010 Purpose of Nonconforming Situation Regulations**

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations

to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

Legal nonconforming status is based on whether the situation was allowed when established, and if it has been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial, employment or industrial zones to protect the livability and character of residential neighborhoods.

### **33.258.050 Nonconforming Uses**

The previous use on this site was Eleek, Inc. This use was determined to be an Industrial Service Use and had legal nonconforming status, as recognized in 2003, through the presentation of standard evidence (03-173800 PR). This document noted that, in 1947 when the building was constructed, the zoning on the site was M3 (a now defunct Manufacturing Zone designation). At that time, the occupant was Fred Shearer Company, a plastering contractor, which is an Industrial Service Use, that remained on the site until 2001. Eleek, Inc was determined to be a lighting fixture contractor, which is also an Industrial Service use. This current proposal is supported by one of the owners of Eleek, who is also the property owner. Documentation, in the form of standard evidence that includes City Directory listings and utility bills, verified that the use had continued on the site through December 26, 2013. Therefore, at this time, the site continues to have an existing legal nonconforming use status for uses in the Industrial Service use category.

**B. Change of Use** A change to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming situation review.

**Nonconforming use status for this site and purposes for review requirements:** This proposal is to use the existing structure for a brew pub, which is classified as two primary uses. The brewing operation is a Manufacturing use and the pub is a Retail Sales and Service use. No changes are proposed to the development on the site, other than any needed interior alterations to the building.

Because legal nonconforming status for the site has been established, according to Code Section 33.258.050, the right also exists to request a change of use to another prohibited use in a different use category, if approved through a Nonconforming Situation Review.

### **33.258.080 Nonconforming Situation Review**

**A. Procedure.** A nonconforming situation review is processed through a Type II procedure.

**B. Approval criteria.** The request will be approved if the review body finds that the applicants has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:
  - a. The hours of operation;
  - b. Vehicle trips to the site and impact on surrounding on-street parking;
  - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
  - d. Potential for increased litter; and
  - e. The amount, location, and nature of any outside displays, storage, or activities; and

**Findings:** The hours for Eleek, Inc. have been 8:00 AM to 5:00 PM, Monday through Friday.

Ex Novo Brewing Company proposes to have general hours of operation for the brewery from 8:00 AM to 3:00 PM, Monday through Friday. The pub would include a restaurant and taproom that would generally have the following operating schedule:  
Mondays, from 3:00 to 9:00 PM;  
Tuesdays through Thursdays, from 3:00 to 10:00 PM;  
Fridays, from 3:00 to 11:00 PM;  
Saturdays, from 12:00 noon to 11:00 PM, and  
Sundays, from 12:00 noon to 9:00 PM.

Eleek had between six and 20 employees. The business also had a variable number of clients who visited the site, ranging from casual walk-ins that occurred daily, to good sized groups who came for industry meetings that were hosted at the site at least once a week. The owner estimated that about 20 people per day visited the business. Vehicle trips also varied, with some groups of architects and construction industry representatives arriving in groups. A 14-foot box truck was kept by the business and was parked on the adjacent street each day. Large "18-wheel" delivery trucks also brought supplies on a regular basis.

Overall, for both the brewery and the pub operation, Ex Novo expects to have five full-time employees and a variable number of part-time employees, with no more than nine employees working at any one time. Seating capacity is projected to be about 83 customers.

The site is fully occupied by the building, so there has not been any onsite parking and there will not be any for the proposed brewpub. The applicant has verified that the site qualifies for the exemption to on-site parking requirements because it is served by the Number 4 Division/Fessenden bus line which provides 20-minute peak hour service. The applicant states that he will post transit information in the pub. He also asked some local property owners to enter into shared parking agreements but the neighbors refused. Instead, the applicant proposes to subsidize public transit costs for employees and has made a request to Portland Transportation for the location of a bike corral adjacent to the site. He also stated that he will post signage warning customers not to park their automobiles in the lots at the nearby commercial properties.

Eleek, Inc used heavy machinery for metal fabrication of large scale lighting fixtures for public and private clients. The process included use of industrial grinders and saws, welding, metal bending and industrial painting. The applicant reports that the impact from these activities were largely contained internally, because the building is largely "sound-resistant," in that the thick concrete walls provide sound-proofing for the adjacent properties.

Ex Novo will be involved in operating a micro-brewery which involves a process that is much quieter and does not involve glare, dust, fumes or smoke. Odors would be largely self-contained, as well. The pub will generate noise of conversation among the patrons. Live music is not being proposed at this time, but all music will be played indoors at levels that will not impact neighbors due to noise levels.

The applicant has stated that the site will be maintained to be free of litter and that signs for the proposed use will meet the requirements of Title 32, the Portland Sign Code.

Summary:

The approval criterion requires that there will be no net increase in overall impacts from the proposed new use(s) over the impacts felt from the previous use. This proposal calls

for an increase in hours, extending into the evenings and weekends. It also calls for more people and, therefore, logically more vehicles coming to the site. While some may view these as additional impacts, the letters from the Eliot Land Use Committee Chair and also from the neighboring property owner both indicate that the use and the activity it will generate are hoped to have a positive impact on the area. The applicant also has noted that he intends for the brewpub to be a neighborhood focal point that will increase the sense of community and reduce crime in the area. The applicant has provided plans for mitigation for the impacts of more vehicles coming into the area. A condition of approval will require that the applicant implement these mitigation measures, to the extent practicable. Portland Transportation reviewed this proposal and has indicated that there is adequate on-street parking to serve the use and has also indicated that they will require some repair and improvements to the sidewalk, which would further enhance the public environment.

The proposed brewery and pub will have fewer impacts from noise, vibration, dust, odor, fumes, glare, and smoke than the previous use. There should be no change in the amount of litter on the adjacent street frontage and there will be no change in the character of the signage for the site.

To ensure that the potential impacts from the use are appropriately managed and to provide a vehicle for ongoing neighborhood engagement, a condition of approval will require the applicant to work with the Eliot Neighborhood to create a Good Neighbor Agreement that would address impacts from noise and vehicle parking and provide contact information for following up on any future problems.

The analysis that was done for this proposal shows that there would be no net increase in impacts, if the proposed mitigation is implemented and the other conditions discussed above are followed. The analysis was very specific to these particular proposed uses, so the approval will be limited to this proposal only. With the conditions previously noted and also a condition that requires that any other future manufacturing and/or retail sales and service uses would be subject to approval through another Nonconforming Situation Review, this criterion can be met.

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
  - a. Building scale, placement, and facade;
  - b. Parking area placement;
  - c. Buffering and the potential loss of privacy to abutting residential uses; and
  - d. Lighting and signs, and

**Findings:** At this time, the only changes that are proposed to the development on the site include interior modifications to the commercial space. Because the building occupies 100% of the site area, there are no opportunities to make any exterior changes that would effect the scale or the placement of the building. The only changes that might occur would be any that might be made to the façade of the building. As the building is well kept with an attractive street-facing façade with large glazed areas, no major changes are expected to the façade. There is no parking area. No changes will occur that would impact buffering or the privacy of the abutting residential property to the north. The only other abutting residential property, to the south, is devoted to another commercial use. Therefore, the appearance of the development that serves the proposed new use will not lessen the residential character of the R zone and this criterion is met.

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

**Findings:** The proposal is in a residentially zoned area. This criterion does not apply.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The proposed change of use, from industrial service to manufacturing and retail sales and service, for the proposed brew pub can occur without a net increase in the overall impacts on the residential area. The hours of operation will be such that they should not have a negative impact on any residential neighbors. The projected numbers of employees and customers, is likely to generate more vehicle trips, but, with the proposed mitigation measures, these can be accommodated by the street system and the available on-street parking. There will be fewer potential impacts from noise, glare, fumes, vibration or dust than there was from the previous use. No noticeable odors are expected to occur and there will not be any change in the amount of litter or in the use of signs. No physical changes are proposed that would detract from the residential character of the area.

The proposal can therefore be approved, subject to conditions of approval that will address any potential impacts that might upset this balance. These conditions include implementing proposed transportation and parking demand mitigation measures to the extent practicable, negotiating with the neighborhood to create a Good Neighbor Agreement and restricting the approval for the change of use to the current proposal.

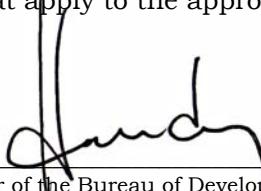
## **ADMINISTRATIVE DECISION**

Approval of a Nonconforming Situation Review to allow the nonconforming industrial service use that has been located on the site to be replaced by the proposed manufacturing and retail sales and service uses, in general compliance with the approved site plan, floor plan and elevation drawing, Exhibits C-1 through C-3, signed and dated April 2, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-111154 NU." All requirements must be graphically represented on the site plan, or other required plan and must be labeled "REQUIRED."
- B. The traffic and parking mitigation measures that have been proposed by the applicant must be implemented, to the extent practicable. These measures include:
  1. Posting schedules for the No. 4 bus in a prominent area where they can be seen by patrons of the pub.
  2. Encouraging the use of transit by employees and providing a substantial subsidy (at least 50%) for the use of public transit. (Tri-met should be contacted to create this employer/employee cost-share subsidy process).
  3. Making application to PBOT for installation of a bike corral in the right-of-way, in the vicinity of, or adjacent to the site.

4. Posting signs on the premises of the pub that advise patrons to refrain from parking in the privately-owned parking lots in the vicinity of the site.
- C. The applicant must negotiate with representatives of the Eliot Neighborhood Association to craft a Good Neighbor Plan that will address issues related to potential noise and vehicle parking problems and that will provide contact information for follow up for any future problems between the pub and the surrounding neighbors.
- D. This approval is only for these proposed uses and does not apply to other Manufacturing and/or Retail Sales and Service uses. Any other brewery or pub that wishes to locate on this site is subject to the conditions that apply to the approval of this proposal.

**Staff Planner: Kathleen Stokes**

**Decision rendered by:**  **on April 2, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 4, 2014**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on January 29, 2014, and was determined to be complete on February 26, 2014.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 29, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 27, 2014.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.



**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 18, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 21, 2014**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

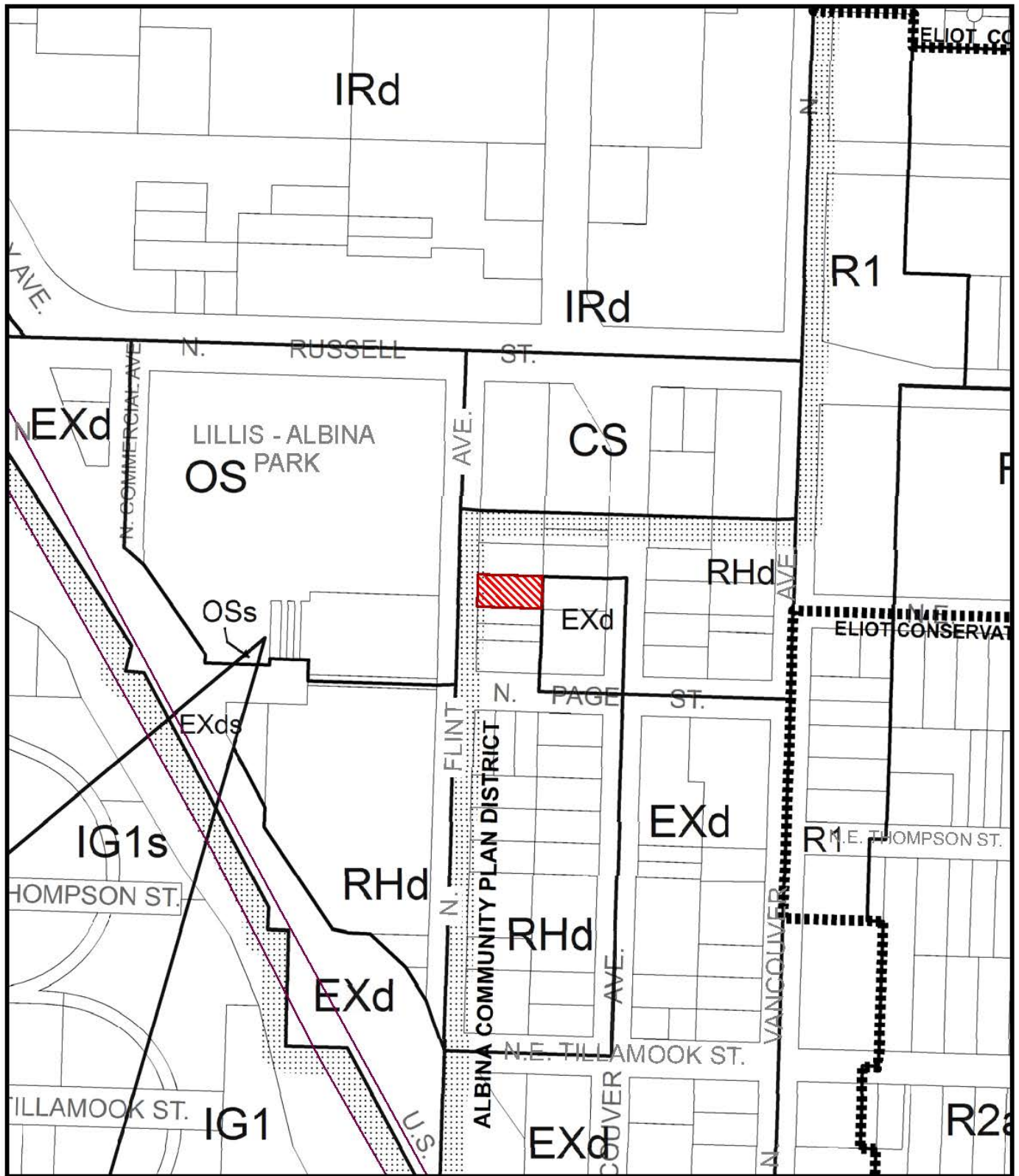
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Application and original plans and narrative, including documentatio of nonconforming status with standard evidence
  2. Supplemental information, received February 19, 2014
  3. Supplemental information, received February 26, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Floor Plan (attached)
  3. Elevation Drawing (attached)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Life Safety Plan Review Section of BDS
  7. Bureau of Parks, Forestry Division and summary of electronic agency responses
- F. Correspondence:
  1. C. Douglas Auburg, Chairman, Board of Directors, Columbia Gorge Model Railroad Club
  2. Mike Warwick, Chairman Land Use Committee, Eliot Neighborhood Association
  3. Susan Hardin
- G. Other:
  1. Letter from Kathleen Stokes to Joel Gregory, February 13, 2014

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



NORTH

This site lies within the:  
**ALBINA COMMUNITY PLAN DISTRICT**

File No. LU 14-111154 NU  
 1/4 Section 2830  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E27DB 2400  
 Exhibit B (Feb 03, 2014)

NORTH

# SITE PLAN

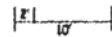
PROJECT LEGAL

PROJECT ADDRESS

SCALE: 1" = 10'

R102570

2326 N. Flint Ave



Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Talkleer M. Stone* Date *April 21, 2014*  
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

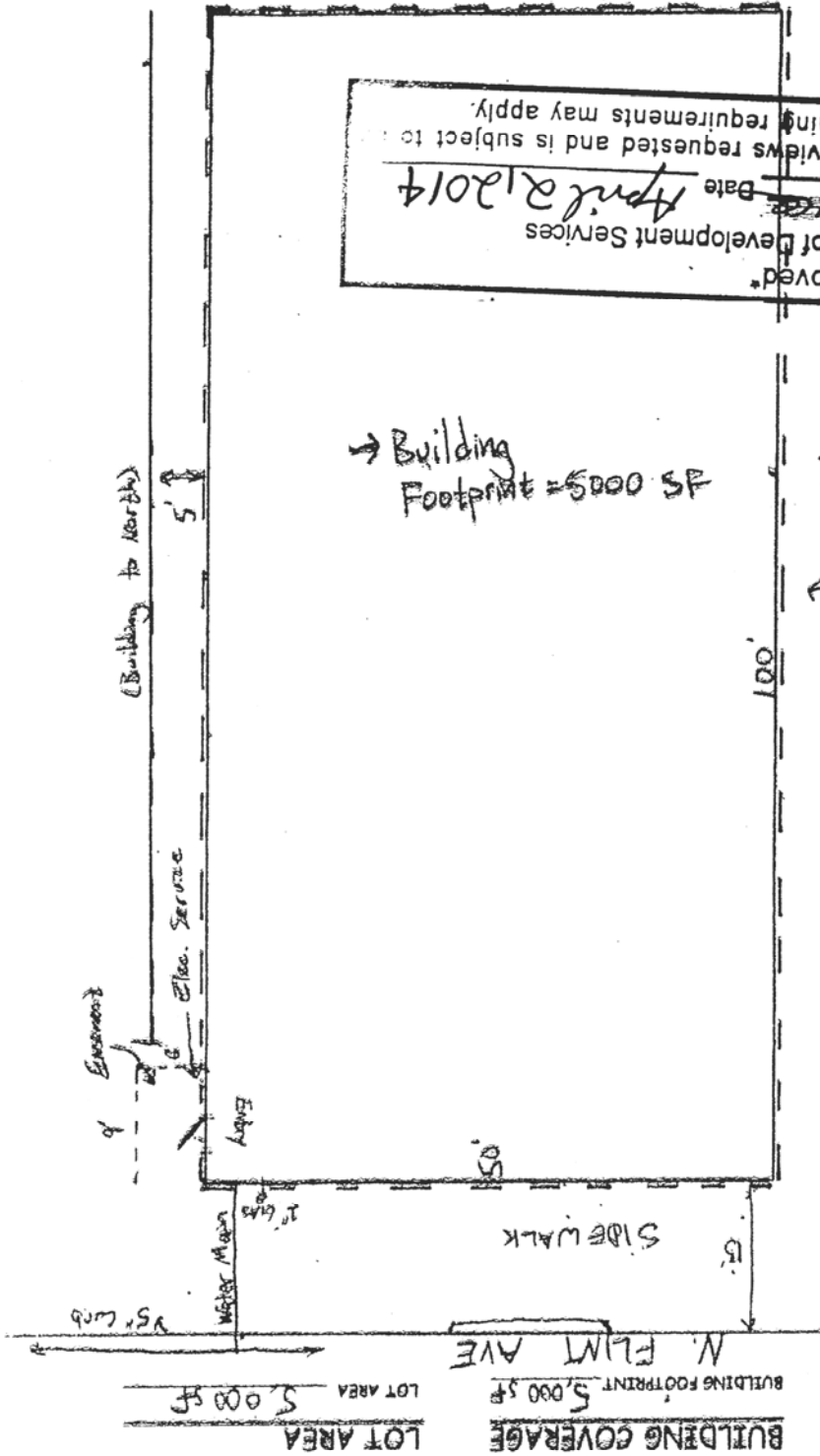
→ Building Footprint = 5,000 SF

Approval to locate a brew pub on this site at 2326 N. Flint.

← property line see conditions of Approval B-D

### Notes:

- Sewer parallel on N. Flint Ave. HD Pressure Zone: Tabor 302
- No change to existing site plan. Building occupies entire 50x100 lot.
- Empty parking lots to the south and east.



IMPERVIOUS AREA
PAVING
PATIO
SIDEWALK
ROOF AREA (INCLUDING OVERHANGS)
TOTAL

BUILDING COVERAGE
BUILDING FOOTPRINT 5,000 SF
LOT AREA 5,000 SF

Exhibit C-1  
 LU 14-111154 NU

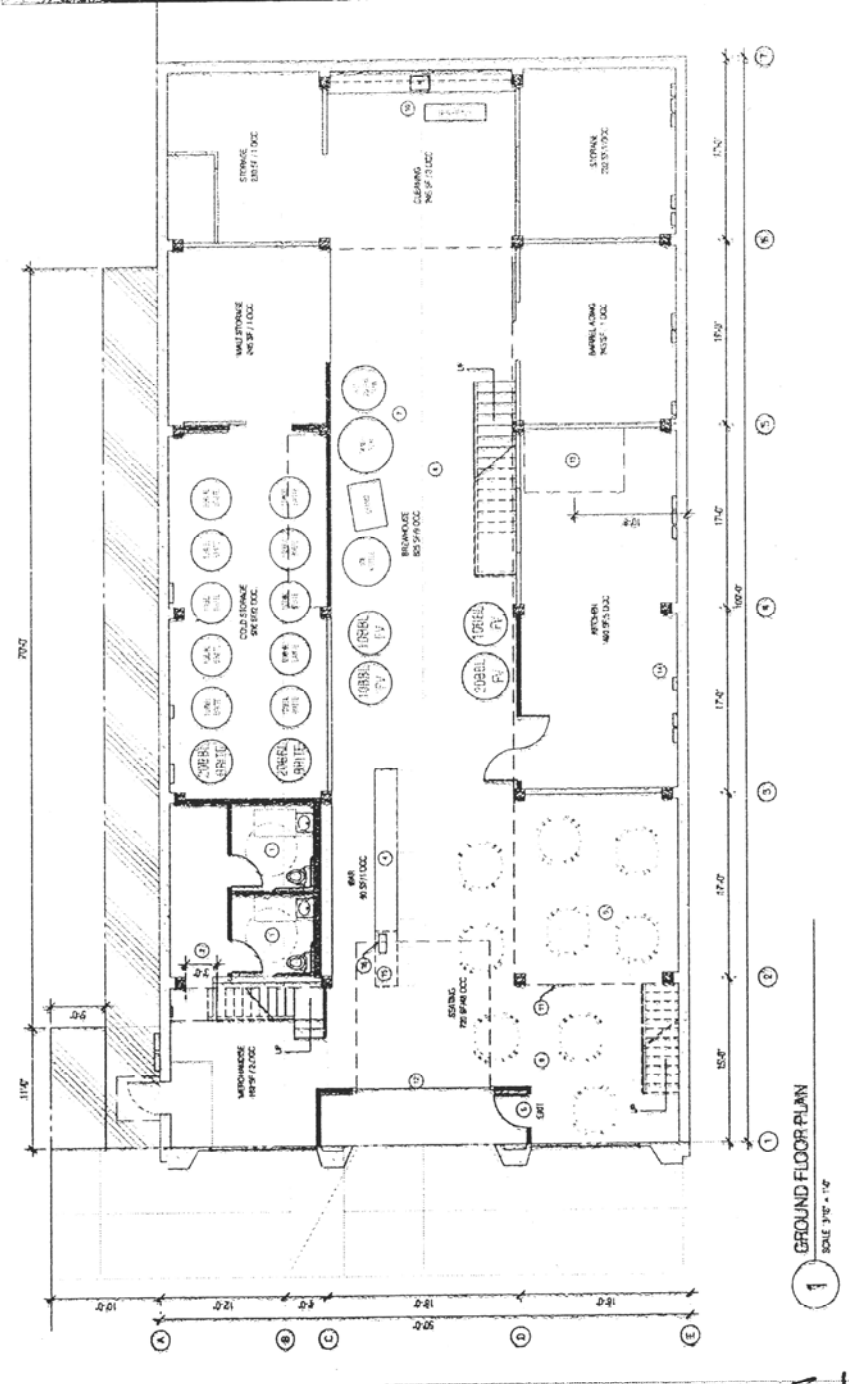


EX NOVO BREWERY  
 PERMIT SET  
 3035 N FLINT AVE  
 PORTLAND, OR 97227

PROJECT NUMBER	14022
DATE	04/02/14
DESIGNER	ED. MA.
REVISIONS	

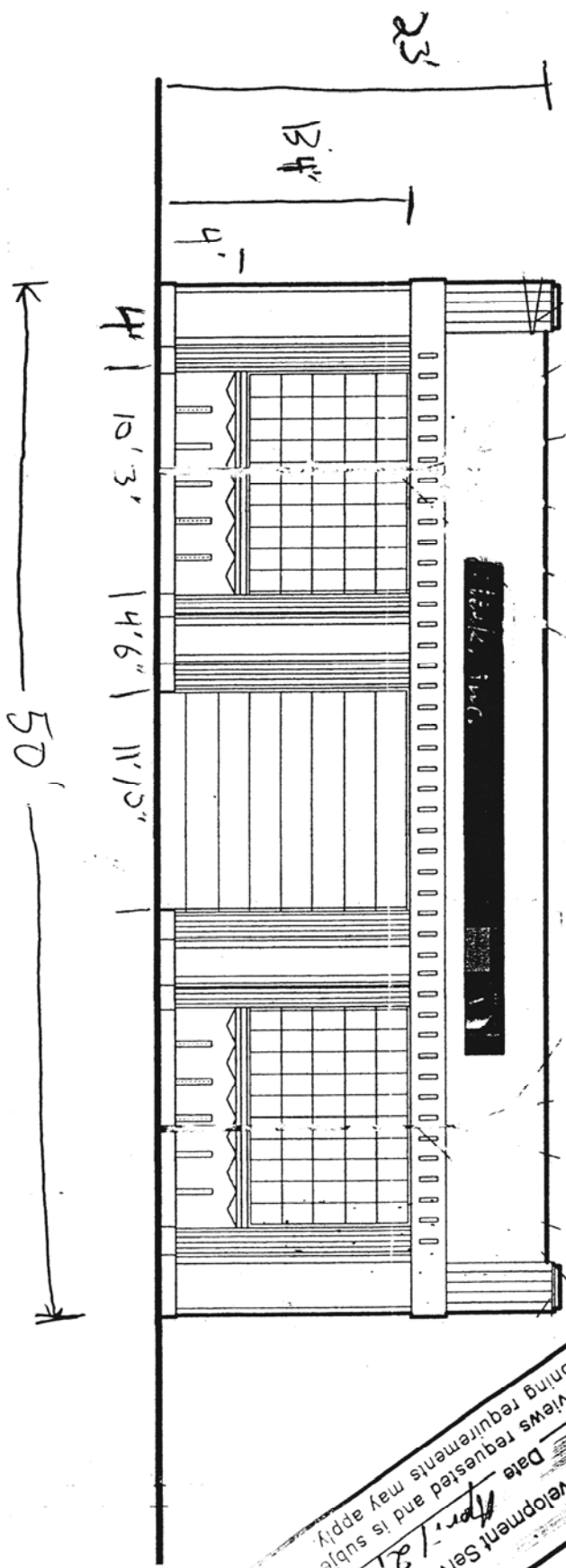
\*Approved\*  
 City of Portland - Bureau of Development Services  
 Designer Kathleen A. Stokes Date April 2, 2014  
 This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

Approval to locate  
 a brew pub at  
 2326 N. Flint -  
 see conditions of  
 Approval B-D



PLAN NOTES	PLAN KEY NOTES	PLAN KEY	CODE REVIEW
1. ELECTRICAL, MECHANICAL, LOCATIONS SHOWN ARE APPROXIMATE. 2. BREWING EQUIPMENT IS SHOWN FOR REFERENCE ONLY. ADDITIONAL CIRCULATION AT TERMINET ALTERNATIONS, ETC. 3. LABEL STORAGE LOCATIONS SHOWN WITH AN ADDITIONAL 2' OF CIRCULATION BETWEEN LARKING AND TERMINET. 4. CIRCULATION AND VENTILATION.	1. NEW RESTROOM 2. CHANGE ROOMS AND LOCKERS ARE SHOWN WITHIN RESTROOMS TO BE ADDED TO EXISTING RESTROOMS. THESE ARE SHOWN WITHIN RESTROOMS TO BE ADDED TO EXISTING RESTROOMS. 3. BEER DRINKING AREA 4. BEER DRINKING AREA 5. BEER DRINKING AREA 6. BEER DRINKING AREA 7. BEER DRINKING AREA 8. BEER DRINKING AREA 9. BEER DRINKING AREA 10. BEER DRINKING AREA 11. BEER DRINKING AREA 12. BEER DRINKING AREA 13. BEER DRINKING AREA 14. BEER DRINKING AREA 15. BEER DRINKING AREA 16. BEER DRINKING AREA 17. BEER DRINKING AREA 18. BEER DRINKING AREA 19. BEER DRINKING AREA 20. BEER DRINKING AREA 21. BEER DRINKING AREA 22. BEER DRINKING AREA 23. BEER DRINKING AREA 24. BEER DRINKING AREA 25. BEER DRINKING AREA 26. 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BEER DRINKING AREA	ALL WALLS EXISTING STRUCTURE METAL DECK FLOOR CONCRETE REMOVED DOORS STAINLESS STEEL BEER DRINKING STAINLESS STEEL BEER DRINKING	SEE ALL EXISTING CODES CHANGES GREATER THAN 10% OF ORIGINAL TO BE APPROVED BY THE CITY OF PORTLAND DEPARTMENT OF PERMITS AND INSPECTION. 1. BEER DRINKING AREA 2. BEER DRINKING AREA 3. BEER DRINKING AREA 4. BEER DRINKING AREA 5. BEER DRINKING AREA 6. BEER DRINKING AREA 7. BEER DRINKING AREA 8. BEER DRINKING AREA 9. BEER DRINKING AREA 10. BEER DRINKING AREA 11. BEER DRINKING AREA 12. BEER DRINKING AREA 13. BEER DRINKING AREA 14. BEER DRINKING AREA 15. BEER DRINKING AREA 16. BEER DRINKING AREA 17. BEER DRINKING AREA 18. BEER DRINKING AREA 19. BEER DRINKING AREA 20. BEER DRINKING AREA 21. BEER DRINKING AREA 22. BEER DRINKING AREA 23. BEER DRINKING AREA 24. BEER DRINKING AREA 25. BEER DRINKING AREA 26. BEER DRINKING AREA 27. BEER DRINKING AREA 28. BEER DRINKING AREA 29. BEER DRINKING AREA 30. BEER DRINKING AREA 31. BEER DRINKING AREA 32. 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Exhibit C-2  
 LU 14-111154NU



Approval to locate  
 a brew pub at  
 2326 N Flint  
 - See conditions of  
 Approval B-D

→ No change in elevation  
 from existing.

Approved  
 Bureau of Development Services  
 Date Apr 12, 2014  
 City of Portland  
*Kathleen*  
 This approval applies only to the reviews requested and is subject to additional zoning requirements that may apply.

LN 14-11154 NM

Exhibit C-3