

Comprehensive plan and zoning testimony - October 28, 2014

My background

- My name is Dawn Cartwright. I live in the Westmoreland neighborhood and have been a full time resident since 1997.
- I am here to today to talk about proposed zoning change for a lot that is in the Westmoreland neighborhood and is currently occupied by a QFC grocery store and an adjacent parking lot for the store.
- The lot is located on Milwaukie Ave between Duke and Henry Streets.
- I live at 1523 SE Henry – adjacent to the store and parking lot.
- I am also speaking on behalf of David Baglien – the neighbor that lives in closest proximity to the store as he was unable to make the meeting this evening.

Lot background

- As I understand it, the lot's zoning is currently under review as part of the comprehensive plan.
- The lot is currently zoned r5 non-conforming use which imposes restrictions on the lot in terms of noise, use off hours (btwn 11pm and 6am – zoning code 33.258.050.A.) and to the strict use of the lot for parking (zoning code 33.258.050.C.)– not to include unloading of trucks, store display, storage etc.
- The lot is zoned this way as a result of a request from the original owners, the Taggesell's which sold the lot to Kienows and wanted to ensure that there was a buffer between commerce and the neighborhood.
- The r5 non-conforming use zoning served the neighborhood well during Kienows decades of occupancy. The neighbors were able to live in harmony with the store essentially without incident.

QFC Occupancy

- The original Kienows vacated the store in 1997/98 and a QFC was built just after
- Just after the opening of the store the neighbors and neighborhood started to experience the negative impact of the store. This include excessive noise and vibration from trucks idling in the parking lot and on surround streets -- the back store wall only magnifies this effect pushing noise back into the neighborhood, alcohol being stolen from the store and those involved fleeing thru the neighborhood, garbage and debris blowing into the neighborhood from outside storage, sidewalks, handicapped parking areas and other public areas being blocked when used for loading/unloading trucks and vandalism perpetrated by those using the store in late evening/overnight hours.

- The neighbors approached the store to try to discuss the impacts and were able to come to a draft good neighborhood agreement with the help of SMILE and others.
- To date, some 15 years later, that agreement remains unsigned and not enforced or communicated to QFC staff despite our repeated efforts to get it into place/use. Many store managers have come and gone over the years and none have made any sustained progress in terms of honoring even one aspect of the agreement, until zoning enforcement began in 2014.
- Just last week at a SMILE board meeting, the representatives from QFC reached out to the neighbors to try to resurrect this agreement – pledging to work in good faith with us toward mutual understanding. Despite the neighbors reaching out to them since that meeting, they have yet to get in contact with us to discuss the agreement.
- The neighbors have little faith, absent zoning restrictions and enforcement, that there is anything that will keep the QFC from using the parking lot in a manner that is disrespectful to the neighbors and severely impacts our enjoyment of our property, neighborhood and very way of life.

Conclusion

- We want and need a grocery store in our neighborhood. It supports the kind of environment we want to live in and where we want to raise our children.
- We love that it helps us live in a car free environment where we can get our goods and services by walking and supporting local businesses
- We LOVE our neighbors and our neighborhood. We are a tight community that spends time outside meeting and greeting and sharing our lives. We want to be able to do that without having to scream over the noise of an idling truck and without us and our children being run over by vehicles disobeying traffic laws (parking unlawfully in and outside of the lot etc.), those that should not be on our neighborhood streets.
- We are neighbors who stick together and respect each other. This is evidenced by our nearly 15 year long effort to get the QFC to be that kind of neighbor – the kind of neighbor the rest of us are to each other. We think they can be just that with some intent and effort expressed in a good neighbor agreement --- overlaid with the current zoning restrictions that help make up for the management churn and profit motives that often get in the way. To be clear, an unenforceable good neighbor agreement will not be enough to maintain livability for the neighbors, although we remain open to discussions with QFC.
- There have been VAST improvements in our quality of life with the enforcement of the current r5 non-conforming use zoning. The noise from trucks, limited overnight activity and garbage and vandalism issues have been greatly reduced by the current zoning and enforcement. We could not be happier with the City's support of the neighbors thru zoning enforcement.
- We ask that as you consider changes to the zoning of this lot that you take this all into consideration and help us maintain the current r5 non-conforming use zoning to ensure that the buffer that we so desperately need to maintain livability is honored.