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**From:** Jim Brunberg <[jim@mississippistudios.com](mailto:jim@mississippistudios.com)>

**Sent:** Friday, September 28, 2018 11:00 AM

**To:** Wheeler, Mayor <[MayorWheeler@portlandoregon.gov](mailto:MayorWheeler@portlandoregon.gov)>; Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>; Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)>; Commissioner Saltzman <[dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)>; Commissioner Eudaly <[chloe@portlandoregon.gov](mailto:chloe@portlandoregon.gov)>; BDS URM Buildings <[BDS.URMBuildings@portlandoregon.gov](mailto:BDS.URMBuildings@portlandoregon.gov)>; Music Portland <[info@musicportland.org](mailto:info@musicportland.org)>; Fries, William <[Will.Fries@portlandoregon.gov](mailto:Will.Fries@portlandoregon.gov)>; Michelle Lamb <[mlamb@beneficialstate.com](mailto:mlamb@beneficialstate.com)>

**Subject:** Issues with Placarding, offer to help, other options.

Dear City Council and other Interested Parties,

I'm writing on behalf of building owners, tenants, businesses, leases, and community centers, and in my capacity as Advisor to Music Portland.

The proposed placarding plan for URMs, standing alone, works against public safety, exposes the city to thousands of lawsuits, and effects exactly the opposite of intended effect.

I very much appreciate the city's efforts to provide information to the public about how to retrofit these buildings, but the placarding strategy (without any comprehensive strategy), compounds the problem by frustrating the bigger work. The issue deserves your invention and sticktoitive problem-solving, not just placards. We can do better and I'm happy to help in any way I can.

I have spoken at length to bankers, investors, engineers, and legal scholars and have determined the following:

**1. Diminished value of buildings works against program's aims.**

- a. Buildings will lose value. Placarding of any kind that advertises a building as "unsafe" WILL have a detrimental effect on the building's value. I've heard the argument that banks are already aware of the URM classification and adjust their lending practices accordingly, but this is only one piece of the picture. Buildings' diminished "curb appeal" and weakened leases / rent will, without doubt, have tangible results and create tremendous downward pressure on property value appraisals.
- b. Placarding stops the real work from being done. Refinancing is the ONLY way to afford seismic work for most. Only a few extremely wealthy owners can afford to immediately adopt to the new regulations – most others will need time. The diminution of value that most will experience will make this very difficult, often impossible.
- c. Placards deter but do nothing else. Some of you have stated that the placards will be like "historical landmark" designations and won't turn patrons or others away. If the city holds the opinion that people won't be deterred from entering, then how do the placards possibly serve any public safety interest? It's impossible to support the contradictory arguments that a warning sign won't deter AND that it will enhance public safety.
- d. The city is vulnerable to expensive lawsuits. With diminished value will come takings lawsuits (see attached letter from Michael Blumm, Jeffrey Bain Scholar & Property Law Professor). These lawsuits are not a probability; they will be successful. All commonlaw precedent supports a direct liability on the City's part. Not only is placarding a large-scale takings issue but it's also a trespass and violates all concepts of due process and is arbitrary and capricious. I don't wish to see the progeny of this program be lawsuits, but rather, safer buildings.

**2. Insufficient data and analysis exists to determine which buildings are unsafe.**

- a. No study, survey nor engineering on individual has been undertaken to prove that individual URM buildings are any less safe than neighboring wooden buildings, except a very casual "eyeballing." Without proper inspection and engineering calculations, it's impossible to tell which buildings are most in need of seismic work.

- b. If “information for the public” is the most effective way for the city to make things safer, let’s start with information, not guesses.

**3. Equity Concerns:**

- a. Many URM buildings are homes for cultural, faith, arts & entertainment, and nonprofit entities - businesses and organizations that bring community, art, and compassion to this great city. They are not overflowing with cash. By contrast, predatory developers support placarding because it puts them one step closer to a business or building owners’ surrender and eventual sale to high end developers, who will likely tear down these buildings rather than restore/retrofit them. An honest developer will admit that they lay in wait as these cultural resources disappear or become derelict under regulatory pressure, scanning for bargains.
- b. This contributes to the worst kinds of gentrification and displacement.

**4. There are other options!**

- a. I have spoken to Beneficial (formerly Albina), Umpqua, and to mortgage brokers in Portland who would LOVE to have the chance to work with the city to help secure loan products and other financial instruments to retrofit Portland’s beautiful old buildings. Just as the PDC has helped rebuild neighborhoods in a public/private partnership, offering administrative and financial assistance to Portland’s most vulnerable communities and industries, we all need to be innovative here, not cynical and short-sighted.

I beg you to not “punt” on this issue. Please work together to keep Portland beautiful and safe. If you are patient and comprehensive in your approach to making Portland’s URM’s safer, you’ll have support from the business community, financial sector, and the public. The last thing you want to leave as your legacy is a set of draconian and destructive rules that render so many beautiful community centers into worthless piles of bricks.

Dan, I’ve supported you for years and know that your legacy is one for which you can be proud. I understand your frustrations that the process has not produced a comprehensive plan to augment the seismic code. I know you are a person who gets things done. But your own staff, in conversations with me, has used the word “cynical” to describe your motivations here – that you doubt that anything will happen as the can gets kicked down the road. I’m here to ask you, pointedly, Ted Wheeler, Amanda Fritz, Nick Fish, and Chloe Eudaly, if we can do better than cynicism.

Can we? Can we commit to a fair path toward reasonable changes that enhance safety in a way that doesn’t sell out our city to the richest predatory developers? Can we commit to there being a functioning process with attributes like notice and fairness?

This isn’t an easy fix – everyone knows that. But placarding a beautiful old brick building with a scarlet letter is a step in the wrong direction – worse than backwards.

Thanks for your time!

Ever respectful of your dedication to keeping Portland the best city on earth,  
Jim Brunberg

Co-owner, Revolution Hall, Mississippi Studios

Co-creator / Producer, Live Wire Radio, Roam Schooled, Wonderly Music

“A refreshing, beautiful listen” – [\*The Guardian 50 best podcasts of 2016\*](#)

“Our favorite thing in a while. A dose of wonder” – [\*The Audit\*](#)

“A podcast for curious families to enjoy together” – [\*The New York Times\*](#)

[Roam Schooled](#)

[Wonderly](#)

[Revolution Hall](#)

[Mississippi Studios](#)

**From:** Corey Brunish  
**To:** [URM Building Work Group](#)  
**Subject:** Who Tells Our Story  
**Date:** Sunday, September 23, 2018 5:07:46 PM

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Everyone wants the safest possible city.

Every building owner wants to know he has done everything in his power to make his premises safe beyond reproach. That said, are we doing the very best for our citizens and our city by imposing mandatory rehabilitation via seismic upgrades? Are we serving our population, our heritage and our economy by forcing the vacating of 1,640 of commercial properties for 12 months at a time at a cost of lost revenue (for both the landlord and the business in residence) and hard costs of \$100,000 each?

Are we preserving our history and the art of our ancestors by thus compelling owners to sell and demolish our legacy? As a resident of Portland for 37 years and an owner of some 15 buildings in town, rather than see us as a city destroy so much of what we have built, why not use our intellect to find another path?

Surely, in place of panic mongering and strong arming, we can calmly and methodically solve the issues before us and preserve

the chronicle that is our architecture.

What is that alternative?

Science.

Science which invented the cell phone, the jet plane, the electric car, the drone, 3-D printer -- the things we use to make our lives better and safer and which make the world better to live in -- surely there exists technology that can "save" these structures WITHOUT 12 months of down time.

Surely there is a way to retro-fit masonry structures from the OUTSIDE, that makes them impervious to seismic threats.

Surely there is an epoxy so strong as to render a one-story brick building impervious to seismic attack and failure.

What a shame to lose countless vintage buildings because we, as a city, in the moment of "crisis" failed to seek and locate a better option.

My buildings are not just brick and mortar.

My buildings make a neighborhood.

My buildings house places where our citizens have an experience.

A graduation dinner, an anniversary celebration, a first date.

Finding the ideal gift for the beloved daughter, son, brother, sister, husband and wife.

The places where we shop and eat, form the very fabric of our lives.

I don't lease spaces, I build memories. I provide a venue for people to make a living.

People who pay taxes -- income, business, property and payroll taxes.

The very definition of symbiosis is small business and the city which they inhabit.

Once these buildings are gone, they are gone forever.

I say, "Not on my watch"

As the custodians of these classic and beloved structures, we must do better.

We must serve and honor the history that was put in our care.

Winston Churchill said:

"We shape our buildings, then they shape us".

Respectfully,  
Corey Brunish

**From:** Kevin Cradock <[kevin.cradock@mississippistudios.com](mailto:kevin.cradock@mississippistudios.com)>

**Sent:** Monday, September 24, 2018 2:06 PM

**To:** Runkel, Marshall <[Marshall.Runkel@portlandoregon.gov](mailto:Marshall.Runkel@portlandoregon.gov)>; Grumm, Matt <[Matt.Grumm@portlandoregon.gov](mailto:Matt.Grumm@portlandoregon.gov)>; Crail, Tim <[Tim.Crail@portlandoregon.gov](mailto:Tim.Crail@portlandoregon.gov)>; Schmanski, Sonia <[Sonia.Schmanski@portlandoregon.gov](mailto:Sonia.Schmanski@portlandoregon.gov)>; Cox, Michael <[Michael.B.Cox@portlandoregon.gov](mailto:Michael.B.Cox@portlandoregon.gov)>; Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)>; Commissioner Saltzman <[dan@portlandoregon.gov](mailto:dan@portlandoregon.gov)>; Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>; Commissioner Eudaly <[chloe@portlandoregon.gov](mailto:chloe@portlandoregon.gov)>; Wheeler, Mayor <[MayorWheeler@portlandoregon.gov](mailto:MayorWheeler@portlandoregon.gov)>; Merlo, Carmen <[Carmen.Merlo@portlandoregon.gov](mailto:Carmen.Merlo@portlandoregon.gov)>

**Subject:** From Kevin @ Mississippi Studios / Rev Hall re: URM 'U's' etc.

Hi Everyone - I know we'd all like to survive and recover from the big one, but I am emailing with a request for the council to vote no (unanimously) on the October 3 URM 'U' thing. Let's continue the discussion then develop and adopt resilience policies that are consistent a maximum benefit-to-survival and recovery framework. And have evidence and proven

best-practices which support it.

'U-shaming' beautiful historic buildings, which have stood for decades (some centuries), belies proven preparedness and resiliency policies.

Dan, I mean no disrespect to the macro endeavor / public safety strategy that underlies this policy as you wrap up your term. I've applauded your policies and leadership - at lot - while in office. This just doesn't make sense on the legal, financial hardship, maximum benefit-to-investment-to-preparedness level. (Disclosure: I used to work tangentially in health preparedness epidemiology in a past life). We should continue the discussions on how to better prepare the city and its **critical infrastructure** to survive and recover, but again, slapping U's on buildings isn't the way to go.

The bridges (except Sellwood and center I-5 Fremont) aren't safe either, the raised highways, the non-URM buildings that are falling over, etc. etc. No one is even 100% sure Doerenbecher won't fall down during big one if it hits in mid-winter with saturated ground. After Loma Prieta, St. Louis, where I'm from (New Madrid fault exposure) focused on I-64 and critical infrastructure. Too many brick buildings to even count. They took a major interstate offline for 18 months for a retrofit. Because it, not the brick buildings, are the artery of life during recovery. And the hazardous materials that you can find any day on US highways don't respond well when pancaked.

And even if its the 'medium one' Cascadia Subduction, Richter akin to Auckland, labeling the bricks as the #1 culprit for EQ risk isn't the best target.

Let's get the existing URM's seismically outfitted on a reasonable timetable with savvy public financing options for the less wealthy owners. This would be progress for a better prepared Portland.

Thanks for listening, sorry I can't be there on the 3rd.

Take care, thanks for all you do (especially the listening part),

Sincerely,  
Kevin  
503-309-5313

**From:** Brad  
**To:** [URM Building Work Group](#)  
**Subject:** [User Approved] Re: UPDATE: URM Placarding Ordinance Draft  
**Date:** Monday, September 24, 2018 1:27:42 PM

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Hello,

Placarding buildings with "danger" signs is the stupidest, most embarrassing idea you could possibly come up with.... many of these buildings are perfectly safe or at least as safe as any other building. In a major "big one" quake, liquefaction will render the supposed safety of any building moot. In a non-big one situation, fire is the bigger risk than collapse. Plus, you make no determination about the safety of individual buildings -- no distinction between masonry-clad buildings and true URMs.

This is lazy, crappy policy for a city hell-bent on erasing its history and giving ever more sweetheart deals to the development industry. You are either terrible at your job or simply disingenuous and corrupt. You prey upon people's fears to feel like you're doing something when you're not or, you're simply embracing development for the sake of increased profits for your cronies in the development industry.

Good job making the city worse and worse with your every action.

Sincerely,

Brad Larrabee

Living in a wood frame house in NE with no automatic gas shut-off and no seismic Retrofitting

On Fri, Sep 21, 2018 at 10:59 AM URM Building Work Group <[urms@portlandoregon.gov](mailto:urms@portlandoregon.gov)> wrote:

Dear URM owners, experts, and interested parties:

This is a brief mid-month update on Portland's URM work. The draft ordinance to require URM placarding and tenant notifications, and to strengthen the existing triggers for retrofitting a URM when other work is performed, is available on the BDS website: <https://www.portlandoregon.gov/bds/article/697998>.

In response to community concerns, publicly owned buildings will now post signs before other buildings, and non-profits will have two years to post the signs. The timeline is unchanged for private buildings, with a proposed March 1, 2019 deadline.

Comments on the proposal can be sent directly to the Council Clerk, [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov). I also welcome your comments and will share them.

The first Council hearing of this proposal is still set for **Wednesday, October 3 at 2 PM in Portland City Hall, 1221 SW 4th Ave., Portland.**

Thank you again for your interest in this issue.

Sincerely,

**Taylor Steenblock**

**Seismic and Resiliency Policy Advisor**

Pronouns: She/her/hers

Portland Bureau of Emergency Management

Phone: (503) 823-3984

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September 11, 2018

The Honorable Ted Wheeler  
Mayor, City of Portland  
1221 SW Fourth Ave., Suite 340  
Portland, OR 97204

Dear Mayor Wheeler:

The Portland Business Alliance (Alliance) represents nearly 1,900 small, medium and large businesses, including property owners, throughout the Portland metro region. As you are aware, we have been closely monitoring the city's process to develop a mandate to retrofit unreinforced masonry (URM) buildings and we are largely supportive of the resolution passed in June that outlines the various class requirements and retrofit timelines.

While we recognize that resolution is binding city policy, it is our understanding that Portland City Council will consider an additional resolution on Oct. 3 that will codify the details and timeline of the placarding requirement. We certainly understand that these vulnerable buildings pose a safety risk in the event of an earthquake; however, we continue to hear significant concerns that placarding will go into effect before any clear upgrade requirement or financial incentives are in place, which is at odds with the city's URM stakeholder advisory committee recommendation of voluntary placarding for compliance.

We appreciate the clear direction in the recently passed resolution to identify incentives and other financial support for property owners required to meet this mandate. The upgrade requirement will have a financial impact on property owners and commercial tenants, particularly smaller property owners and businesses in neighborhood districts. The placard may further impact revenue and the property owners' ability to finance the required seismic upgrades.

Though our preference is to refer discussion of the placard requirement to the new stakeholder committees formed to evaluate the retrofit requirements, if the city does move forward, we urge the following to be included in the placard requirement:

1. Include an appeal process. The city has stated that the accuracy of the URM inventory cannot be confirmed due to a number of factors; property owners must have a way to avoid the placard if the building has been upgraded to current standards.
2. Include a clear process to remove the placard after upgrades are complete.

The Alliance recognizes the difficulty of balancing public safety, the need for affordable commercial and residential space and financial impacts on building owners. We urge the city to continue to monitor the impacts of any placarding requirement, should it move forward, and to take further steps to assist business and property owners if necessary.

We look forward to a continued partnership with the city on this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Dave Robertson". The signature is written in a cursive, slightly slanted style.

Dave Robertson  
Chair, board of directors

cc: City Council  
Jonna Papaefthimiou



**From:** Denny Schuler  
**To:** [URM Building Work Group](#)  
**Subject:** Re: UPDATE: URM Placarding Ordinance Draft  
**Date:** Monday, September 24, 2018 12:07:03 PM

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Hello Taylor, I just received some disturbing news from my insurance broker. It looks as if our current policy will be dropping us from any liability claims in the event of an earthquake if we have the placard placed on the building. Obviously this will effect all who are mandated to do this including all schools and public buildings. Our lawyer is drafting a letter to send to the city because this is something that cannot be undone after it has been mandated.

I am urging the city to carefully consider the consequences to everyone involved because the financial impact may be devastating.

Please contact me at any time to discuss  
Sincerely  
Denny Schuler

On Fri, Sep 21, 2018 at 10:59 AM URM Building Work Group <[urms@portlandoregon.gov](mailto:urms@portlandoregon.gov)> wrote:

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Thank you again for your interest in this issue.

Sincerely,

**Taylor Steenblock**

**Seismic and Resiliency Policy Advisor**

Pronouns: She/her/hers

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SplinterMetalwurks  
Denny Schuler  
T 503.754.4621

**From:** Richard Vidan  
**To:** [URM-City of Portland](#)  
**Subject:** URM's  
**Date:** Sunday, September 30, 2018 5:47:24 PM

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People like us keep asking the same questions over and over because no one with the City has the courage and forthrightness to answer them.

The City's own Committee on URM's voted unanimously against negative placarding. They recommended voluntary placarding of retrofitted buildings. Their recommendation: "The Committee further recommends that the City support a public education campaign for building owners and tenants, a voluntary building placarding program to mark retrofitted URM buildings, and an earthquake navigator to assist building owners in navigating the permitting, financing, and design of seismic retrofits." The City is overruling the voice of the citizens who served on a 4-year citizen's advisory committee process. Why did you bother to create the sham of a URM Advisory Committee just to ignore its findings?

Why were there no tenants on the advisory committee?

Placarding is stigmatizing. The City of Portland does not guarantee the accuracy of its own URM database. If the city's own database of URM's is incomplete and inaccurate, how can placarding be fairly implemented? If buildings that are actually not URM's are placarded as such, would that not be unjust and grounds for a lawsuit?

Owners and tenants have had no due process. How is that just?

There are lots of other buildings that are not URM's but which would also be unsafe in an earthquake. Why is it that they are not up for discussion or inclusion? How is that just? What about buildings in liquefaction zones? What about bridges?

Will public employees be allowed to refuse to work, without retribution, in placarded unreinforced buildings because they feel they would be in danger? Will children be allowed to refuse to attend schools for the same reasons?

If negative (and, perhaps, incorrect) placarding puts businesses out of business, does the City have in place funding or financial assistance programs for bankrupted building owners? Bankrupted business owners? Their employees?

Does the City have a large body of certified engineers on hand to verify if a building actually is or is not a URM?

As proposed, a placarded building would not be able to take down the placard even after it is retrofitted. **How on earth is that just?**

If employees in placarded buildings quit their jobs because they feel unsafe, will they be granted state or federal unemployment assistance?

The optics of this are horrendous. It screams "Portland City Officials in Pocket of Big Developers". There's a headline to be proud about.

This whole thing is so poorly and ineptly thought out that it is truly shocking. This is the level and quality of thinking and expertise we should expect from the City of Portland? The fairness and justice? Really? Wow.

Richard and Deborah Vidan  
300 NW 10th Ave  
Portland, Oregon

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**From:** Richard Vidan [mailto:r.vidan@comcast.net]

**Sent:** Friday, September 07, 2018 3:11 PM

**To:** Wheeler, Mayor <MayorWheeler@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Eudaly <chloe@portlandoregon.gov>; Papaefthimiou, Jonna <Jonna.Papaefthimiou@portlandoregon.gov>; City Ombudsman <Ombudsman@portlandoregon.gov>; Council Clerk – Testimony <CCTestimony@portlandoregon.gov>; URM Building Work Group <urms@portlandoregon.gov>; Perez, Elisabeth <Elisabeth.Perez@portlandoregon.gov>; Fetters, Mark <Mark.Fetters@portlandoregon.gov>; Thorington, Nancy <Nancy.Thorington@portlandoregon.gov>; Haack, Shelly <HaackS@prosperportland.us>

**Subject:** RE: URMs, placarding, et alia

RE: URMs, placarding, et alia

Questions-

1 - Why have there been no public meetings to discuss placarding with **all** concerned parties?

2 - If the Policy Committee did not unanimously support placarding, why is it

now being treated as a settled matter?

3 - The City of Portland does not guarantee the accuracy of its own URM database. If the city's own database of URMs is incomplete and inaccurate, how can placarding be fairly implemented? If buildings that are actually not URMs are placarded as such, would that not be inequitable and grounds for a lawsuit?

4 - If other types of buildings that are not URMs but would also be unsafe in an earthquake are not up for discussion or inclusion, how is that equitable?

5 - If placarding puts business tenants out of business, does the city have in place assistance programs for those people so they do not become indigent?

6 - As the proposal is currently formatted, people who seismically retrofit their building may not remove their placard after the fact. How is that equitable?

7 - Placarding is stigmatizing. Will I also be required to wear a yellow star on my clothing? Will there be "Whites Only" drinking fountains?

8 - If a school is placarded, will students be legally allowed to not attend school because they feel unsafe in that building?

9 - If a business is placarded, will employees be able to file for unemployment wages because they do not want to enter a building they feel may possibly be unsafe in the event of an earthquake?

10 - Does the city have a sufficiently large enough database of certified Seismic Engineers to accommodate the vast number of buildings the city alleges need evaluating in the short time period posited?

11 - Does the city or the county or the state have in place any sort of financial assistance program for those who cannot afford retrofitting?

12 - Does the city or the county or the state have sufficient numbers of inspectors to determine if buildings are placarded and braced?

13 - Will city-owned buildings be placarded?

14 - If a city employee refuses to work in a city-owned placarded building

because they feel it is unsafe, will they be fired?

Thank you  
Richard and Deborah Vidan  
300 N.W. 10th Ave.  
Portland, OR