



**National Trust *for*
Historic Preservation**

Save the past. Enrich the future.

February 7, 2017

Mr. Jody Lowe, Real Estate Specialist
USPS Facilities Office
PO Box 27497
Greensboro, NC 27498-1103

Re: **Richmond, CA Main Post Office, 1025 Nevin Avenue
Comment in Response to Disposal Notice dated January 25, 2017**

VIA Overnight Mail

Dear Mr. Lowe:

We are deeply concerned with the decision of the United States Postal Service (USPS) to dispose of the historic Main Post Office in Richmond, California. This post office has been a fixture of Richmond's vibrant historic downtown for 78 years. Disposing the building will have an adverse effect on its historic character and a detrimental impact on the City of Richmond.

We urge USPS to rescind its disposal notice, until such time as the agency has evaluated less harmful measures that would protect the historic building. Most notably, USPS has yet to make a formal decision on relocation of postal services, a regulatory process which allows for community input and opportunity for appeal. USPS should also refrain from making a premature decision on selling the property until it complies with the National Historic Preservation Act. By means of this correspondence the National Trust formally submits our request to participate in the review process for the Richmond Post Office as a "consulting party" under Section 106 of the NHPA, pursuant to 36 C.F.R. §§ 800.2(c)(5) and 800.3(f)(3).

Interests of the National Trust

In 2012 the National Trust for Historic Preservation listed America's Historic Post Office Buildings on its annual list of America's 11 Most Endangered Historic Places. As the USPS seeks to cut its operational costs in response to broad economic trends, the National Trust has committed to direct engagement and advocacy to ensure that more of the nation's architectural gems and public works projects owned or leased by USPS will be protected for future generations. It is critical that the USPS follow a proper compliance process to ensure that the public's voice is heard prior to disposing its unique historic assets, which have served for generations as great repositories of our Nation's architecture, arts, and culture.

History of the Richmond Main Post Office

The Richmond Main Post Office is an Art Deco building completed in August, 1939 on Nevin Avenue in the heart of Richmond's downtown. Following America's entry into World War II, the building was a designated air raid shelter. It was also the location where citizens of Japanese descent were required to register as enemy aliens prior to

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being forcibly relocated to internment camps in April, 1942.¹

USPS Disposal Notice and Relocation Notice

A notice posted in the Richmond Post Office dated January 25, 2017 indicates that the USPS is accepting public comments related to a “disposal action” for the historic property. The Notice indicates that such comments “must be received” by February 8, 2017. The Notice also suggests that the decision to sell the building has already been made, stating: “Postal Service policy requires the property to be sold at market value.” It also indicates that comments are being solicited “in accordance with [USPS] community contact policies,” though it contains no citation or information as to how a concerned citizen might find those policies.

The Disposal Notice Is Inconsistent with USPS Regulations on Relocation.

The Disposal Notice is fraught with legal error, particularly because it does not indicate what regulatory process the USPS is following for the proposed sale of the Richmond Main Post Office building. Upon inquiry via e-mail on February 3, you indicated that the notice was published pursuant to the Postal Accountability Enhancement Act (PAEA) “which applies to circumstances where USPS might sell a piece of property.” While the PAEA has no defined procedures for real property disposal, 39 U.S.C. § 409(f)(5), it contains a requirement that USPS establish procedures “for soliciting, assessing, and incorporating local community input on real property and land use decisions.” It is unclear whether such procedures have been developed by USPS.

A Relocation Notice, by contrast, would clearly refer to the relocation process governed by 39 C.F.R. § 421.4. Those rules were revised in 2015 to enhance transparency and public input as a result of recommendations from the Postal Service Office of Inspector General. 80 Fed. Reg. 9,190 (Feb. 20, 2015). Most notably, the new rule provides a 30-day period following a public meeting for the community and their elected officials to appeal the Postal Service’s tentative decision proposing to relocate retail services. 39 C.F.R. § 241.4(c)(4). (This rule revision extended the previous rule’s comment deadline, which was 15 days beyond the public meeting).

We are concerned that the Disposal Notice was timed in a way that predetermines the outcome of the relocation decision. Relocation is a process intended to take into account the community’s interests. In contrast, the Disposal Notice was submitted without reference to any particular procedures, and leaves the people of Richmond with the impression that USPS has already decided to sell the building.

The Inconsistent and Confusing Notices Undermine the Review Process Required Under the National Historic Preservation Act

The National Historic Preservation Act (NHPA) and its implementing regulations apply to all programs of the USPS, including the disposal of historic real estate.² Section 106 of

¹ Page & Turnbull & Donna Graves, *City of Richmond PRISM Historic Context Statement* (2011) at p. 77 available at <http://www.ci.richmond.ca.us/DocumentCenter/View/7082>

² See generally *Preserving Historic Post Offices: A Report to Congress*, Advisory Council on Historic Preservation (2014), issued in response to a request by Congress in the explanatory statement of the Consolidated Appropriations Act of 2014, Division G, available at <http://www.achp.gov/historicpostoffices.pdf>

the NHPA requires that, prior to making a formal decision on the sale of a historic building, the agency must “take into account” the effect of its actions. 54 U.S.C. § 306108. The Section 106 regulations also prohibit agencies, such as the USPS, from taking planning actions that may “restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties” prior to completing Section 106 review. 36 C.F.R. § 800.1(c).³

The Section 106 regulations also instruct that compliance with Section 106 must commence “at the early stages of project planning.” *Id.* § 800.1(c). As such, we urge the Postal Service to commence the Section 106 process immediately.

In addition, prior to making a formal decision on the sale of the historic Richmond Post Office, the USPS must take seriously its obligations to consider options to lease the facility rather than sell it outright. Section 111 of the NHPA states that:

each Federal agency ... shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and . . . may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

54 U.S.C. § 306121(a).

A federal district court in Washington State concluded that the Federal Reserve Bank of San Francisco failed to comply with Section 111 of the NHPA by authorizing the sale of a historic federal building without considering adaptive use, lease, or exchange. The court stated that “[t]he congressional directive to at least consider, if not implement, adaptive use or lease strategies to protect historic properties is clear ... and the failure to do so would constitute a violation of NHPA.” *Comm. for Preservation of the Seattle Federal Reserve Bank Bldg. v. Fed. Reserve Bank of San Francisco*, 2010 U.S. Dist. LEXIS 26084 at 19 (W.D. Wash. Mar. 19, 2010). The USPS must comply with its legal obligations under Section 111 of the NHPA prior to proceeding down a path that would commit the agency to an outright transfer of a historic property out of federal control.

The Notices Are Inconsistent with Executive Orders 12072 and 13006.

Two Executive Orders reinforce the strong national policy for keeping post office operations in historic buildings. These Orders instruct federal agencies to incorporate a strong preference for the utilization of historic properties for federal agency activities.

Executive Order 12072, issued in 1978, states that “Federal space shall conserve existing urban resources.” Section 1-101. Further, it indicates that “[p]rocedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.” Section 1.102. In the process of making decisions to meet

³ On February 3 we contacted Tristan Tozer at the California Office of Historic Preservation who confirmed that USPS has yet to engage with its office on this issue.

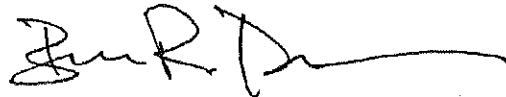
federal space needs, “[a]gencies must consider the “utilization of human, natural, cultural, and community resources.” Section 1-104(c). The agency is required to consider “[u]tilization of buildings of historic, architectural, or cultural significance” and “[o]pportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.” Section 1-105(b),(e).

Executive Order 13006, issued in 1996, directs federal agencies not only to locate their operations in established downtowns, but to give first consideration to locating in historic properties within historic districts (See 61 Fed. Reg. 26,071 (May 24, 1996).) The order requires the federal government to “utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in central business areas.” It also directs federal agencies to give “first consideration” to historic buildings when “operationally appropriate and economically prudent.”

We appreciate your consideration of these comments and we strongly urge the USPS to reconsider its disposal decision. In the meantime, we urge you to initiate consultation promptly under Section 106 of the NHPA, and we appreciate being included as a consulting party in that review.

Please contact me at (415) 692-8083 if you have any questions or concerns.

Sincerely,



Brian R. Turner
Senior Field Officer & Attorney, San Francisco Field Office
National Trust for Historic Preservation

Cc (via email):

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Daniel Delahaye, Federal Preservation Officer, US Postal Service
Dean Cameron, US Postal Service, San Francisco
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Tom Butt, Mayor, City of Richmond
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