



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

July 21, 2015

Mr. Daniel B. Delahaye
Federal Preservation Officer
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Washington, DC 20260-1862
Email: daniel.b.delahaye@usps.gov

Ms. Julia Mates
1999 Harrison St., Suite 500
Oakland, CA 94612
Email: julia.mates@tetrattech.com

Via Email and USPS

RE: Demolition of Napa Franklin Station

Dear Mr. Delahaye & Ms. Mates:

We received with great concern correspondence dated June 26, 2015 from the United States Postal Service (USPS) to the California State Historic Preservation Officer and Advisory Council on Historic Preservation. The letter describes USPS's decision to demolish the historic Napa Franklin Station Post Office and suggests that it has no intention to explore alternatives to this rash action.

As described below, we have serious concerns that the decision to demolish the building has been made without sufficient analysis and in a manner inconsistent with the regulations implementing the National Historic Preservation Act. We also urge the USPS to initiate public review under the National Environmental Policy Act which requires an evaluation of alternatives to demolition.

The National Historic Preservation Act

The National Trust requested consulting party status on this project in February, 2014. We are pleased to see that this request has been granted, as reflected in the USPS's June 26 correspondence. However, that letter itself does not appear to invite feedback from consulting parties and it is the first we have received from the USPS regarding this undertaking. We ask USPS provide a schedule regarding how consultation will occur and when consulting parties will be invited to provide input in the process.

The June 26 letter does not provide sufficient information to make an informed response. It suggests that USPS has made a unilateral decision that demolition is the only solution to address damage caused to the Post Office by the August 24, 2014 South Napa earthquake. Also missing from the June 26 letter is any technical data to support the demolition proposal. To the extent that USPS is relying on consultants' reports to support its decision, we reiterate the requests of both the City of Napa as well as Congressman Mike Thompson that this information be provided to consulting parties.

Most importantly, we urge the USPS to consider alternatives to the proposed action prior to making a concrete decision that demolition is its only option. The agency has an obligation under the National Historic Preservation Act (NHPA) to consider alternatives prior to making the decision to demolish a historic building. The regulations implementing the NHPA emphasize the importance of this requirement during project planning, stating:

The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.

36 CFR 800.1(c). The USPS June 26 letter is the first correspondence from USPS on the proposed undertaking and contains no evidence that it has considered alternatives.

There is ample reason to believe that alternatives are available in this case. A July 12 article in the Napa Valley Register suggests that the reason that demolition has been proposed is the struggling financial state of the agency. Curiously, however, a USPS spokesman stated that it is unwilling to consider offers from interested developers who have proposed to rehabilitate the building. As the article reports,

When asked if the USPS would consider selling the building "as is" Ruiz said no.

"The property is historic and the Postal Service believes demolition is the only feasible option," he wrote.

We struggle to grasp the reluctance of USPS to engage with interested parties to save a cherished historic building in downtown Napa. Transfer could involve little to no expenditure of federal funds. There is considerable interest in the building in Napa and the community is eager to engage. The costs of demolition, on the other hand, would exceed \$500,000. We encourage the USPS to engage in the Section 106 consultation process as a way to avoid such drastic action, rather than simply justify a decision it has already made, outside of public oversight.

The National Environmental Policy Act

The June 26 letter suggests that USPS has made the decision to demolish the Napa Post Office, but it has posted no public information as to whether and how the USPS will comply with the National Environmental Policy Act (NEPA). NEPA compels the USPS to take a hard look at alternatives prior to taking a major Federal action which would significantly affect the quality of the human environment, such as demolition of a structure listed on the National Register of Historic Places. NEPA and its "action forcing" provisions require Federal agencies like USPS to look before they leap so that harmful environmental impacts can and will be avoided.

NEPA specifically recognizes that it is "the continuing responsibility of the Federal Government to use all practicable means . . . to the end that the Nation may . . . preserve important historic, cultural, and natural aspects of our national heritage . . ." § 101(b)(4), 42 U.S.C. § 4331(b)(4). Under NEPA, "human environment shall be interpreted comprehensively" to include "physical environment and the relationship of people with that environment." 40 C.F.R. § 1508.14. The NEPA procedure followed by federal agencies "must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 C.F.R. § 1500.1(b).

The decision of USPS to demolish the Franklin Station Post Office is precisely the type of action which Congress intended NEPA to apply. The NEPA regulations indicate that an action is severe in intensity when it would cause destruction of significant...cultural, or historical resources." 40 C.F.R. §1508.27(b) (8).

Another compelling reason for heightened NEPA review is the "degree to which the effects on the quality of the human environment are likely to be highly controversial." 40 C.F.R. §1508.27(b)(4). On July 6, 2015 Congressman Mike Thompson wrote to Postmaster General Megan J. Brennan stating that he has "heard from many constituents who are opposed to the USPS's plan to pursue demolition of this long-standing landmark." The Congressman also stated that he is "deeply concerned by the lack of communication between the USPS, the local community and [his] office." Following the Congressman's letter, the Mayor of Napa wrote to Mr. Delahaye on July 13, 2015 stating that it is "deeply concerned that the USPS is considering demolition as an undertaking." Further, on July 15, 2015 the Napa County Board of Supervisors unanimously opposed demolition.

To comply with NEPA, assessment of the demolition must take place at the earliest possible moment to ensure that impacts are acknowledged, alternatives identified, and both the proposal and impacts are assessed before a decision is made and in time to allow meaningful public participation. 40 C.F.R. § 1502.5 (EIS "shall be prepared early enough" to contribute to decision-making and "not be used to rationalize or justify decisions already made").

The USPS is Not Exempt from NEPA and NHPA

On occasion the USPS has made public its claim that it is exempt from federal laws related to the protection of historic resources. While that has not been expressed in this case, we have a considerable difference of opinion with USPS on this point. For more than 40 years federal courts have held that the Postal Reorganization Act did not exempt the Postal Service from its responsibilities under federal environmental laws. In the landmark case of *Chelsea Neighborhood v. United States Postal Serv.*, 516 F.2d 378 (2d Cir. 1974), the Second Circuit stated explicitly that Congress did not exempt the USPS from NEPA. The court wrote that NEPA is an "entirely different type of law" than those from which the USPS is exempt, and cited NEPA's broad declaration of national policy as "instructive."¹

In the four decades since the *Chelsea Neighborhood* case was decided, no court has suggested that the NHPA does not also apply to the USPS. The NHPA, passed in 1966, is similar to NEPA in its intent to further broad policy goals stated by Congress regarding the need for protection of the nation's historic resources. Accordingly, the Advisory

¹ (See also *National Post Office Collaborate v. Donahoe*, 2013 U.S. Dist. LEXIS 154679 (D. Conn. Oct. 28, 2013); enjoining USPS from proceeding from a proposed historic post office sale in Stamford, CT); *City of Rochester v. United States Postal Service*, 541 F.2d 967, 975 (2nd Cir. 1975) (NEPA is not among the "outmoded managerial statutes" which the Postal Service was exempt from under 39 U.S.C. § 410); *City of Waltham v. United States Postal Service*, 786 F. Supp. 105, 114 n.7 (D. Mass. 1992) ("there are some strong precedents holding that the Postal Reorganization Act does not exempt the Postal Service from NEPA and that the Postal Service was obligated to promulgate its NEPA regulations").

Council on Historic Preservation, an independent federal agency that advises the President and Congress on national historic preservation policy, has recently stated that the responsibility of the USPS to comply with the requirements of Section 106 “is supported by persuasive case law.”²

We greatly appreciate your consideration of these comments. Please contact Brian Turner at bturner@savingplaces.org or (415) 692-8083 should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Turner", with a long horizontal flourish extending to the right.

Brian Turner
Senior Field Officer/Attorney

Cc (via email):

Congressman Mike Thompson
Julianne Polanco, State Historic Preservation Officer
Ken McNab, City of Napa Planning Department
Rick Tooker, City of Napa
Board of Directors, Napa County Landmarks

Encls.

- July 6, 2015 Letter from Congressman Mike Thompson to Postmaster General Megan J. Brennan
- Huffman, Jennifer. (2015, July 12). Napa post office repair bill tops \$8 million. *Napa Valley Register*. Retrieved from NapaValleyRegister.com.

² Advisory Council on Historic Preservation, *Preserving Historic Post Offices: A Report to Congress* (Apr. 17, 2014) available at <http://www.achp.gov/historicpostoffices.pdf>.

MIKE THOMPSON

5TH DISTRICT, CALIFORNIA

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July 6, 2015

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Megan J. Brennan
Postmaster General and Chief Executive Officer
United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260

Dear Postmaster General Brennan:

I write today to express my strong support for the United States Postal Service (USPS) to re-open its facility located at 1351 2nd Street in Napa, California.

As you may be aware, the building suffered structural damage in the August 2014 earthquake which rendered it uninhabitable. Last week, the USPS submitted a letter to the State Historic Preservation Officer requesting a permit to demolish the building. My staff has been informed that the decision to pursue demolition was made because the USPS cannot afford to renovate and retrofit the building.

This building is of historical importance to our local community and to our country. Built in 1933 in the art deco style, the building is a rare and treasured architectural gem in Napa. Further, this facility has been named for former Judge Tom Kongsgaard, a veteran and selfless public servant beloved by our community.

I have heard from many constituents who are opposed to the USPS's plan to pursue demolition of this long-standing landmark and I am deeply concerned by the lack of communication between the USPS, the local community and my office. A decision to pursue demolition of our local post office should be made with the full participation of all stakeholders in a transparent manner.

My office has been told that it would cost the USPS \$2.7 million to renovate the building and an additional \$5 million for seismic retrofitting. Please forward to me a detailed cost estimate that demonstrates how you came to this number. It is important that we base our decision on factual data and that this data be transparent and available to my office and the state.

Thank you for your attention to this matter. I look forward to hearing from you. Please contact me should you need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Mike Thompson".

MIKE THOMPSON
Member of Congress

QUAKE RECOVERY

Napa post office repair bill tops \$8 million



JULY 12, 2015 4:00 PM • BY [JENNIFER HUFFMAN](#)

It would cost more than \$8 million to renovate and seismically retrofit Napa's earthquake-damaged downtown post office, roughly 16 times the cost of demolishing it, the United States Postal Service says.

"Since the Postal Service has been struggling financially for several years, an expenditure that large would be difficult to absorb, even if the rehabilitation were feasible," said USPS spokesperson Gus Ruiz. The Postal Service

receives no tax dollars for operating expenses and relies on the sale of postage, products and services to fund its operations.

Simply to demolish the building, at 1351 Second St., would cost just \$500,000. In light of that conclusion, the USPS is moving forward with the plan to demolish the historic property on Second Street, which has remained closed since the day of the quake.

Local officials, however, have objected loudly, fearing the loss of yet another of downtown's dwindling number of historic buildings.

"If it can't be a post office that doesn't mean it has to be demolished," said Rep. Mike Thompson, D-St. Helena.

Several local developers have expressed interest in saving the structure.

"There's got to be a way to preserve it," said Napa developer Jim Keller.

"It'd be a shame to lose that piece of history in downtown," Michael Holcomb said.

"I think that's wrong," said Andy Beckstoffer about the demolition.

"It's too beautiful a building to knock down," said George Altamura.

But merely stabilizing the structure is not enough. Not included in the \$8 million estimate are costs for remodeling mechanical, electrical and plumbing systems, soft costs such as design, or identifying and mitigating hazardous materials, said Ruiz.

"Given the building's age, asbestos and lead-based paint likely are present, which would add to the cost, he said. Additionally, the scope of the repairs and necessary seismic retrofitting may have significant impact on the building's historic integrity.

Ruiz said the Postal Service assessed the damage and concluded that restoration would

likely require complete removal and reconstruction of the historic masonry veneer brick at the base of the building's tall walls, necessitating shoring in place of the upper portions of brick veneer.

The steel structure was not designed to support the dead load of the brick veneer, however, indicating that shoring in place would be impossible.

Ruiz said the USPS will consult with the State Historic Preservation Officer, Julianne Polanco, and other consulting parties and involve the public about the demolition. Additional details or a timeline of that plan were not provided.

"At this point, we are very early in the process, but we are optimistic about reaching an agreement," to demolish the building, said Ruiz.

That's something Thompson wants to prevent.

"That structure is a very important part of our community and a historic building," said Thompson. "Folks in ... Napa have been very clear about their desire to keep it. We should make every effort to keep it."

In a July 6 letter from Thompson to USPS Postmaster General and CEO Megan Brenner, the Congressman asked for a detailed description of the cost for repairs and retrofitting.

"I am deeply concerned by the lack of communication between the USPS, the local community and my office," he wrote to Brennan.

"This has to be a transparent process," he said in a phone interview on Thursday. "We need to figure out what these costs are and make our decisions based on those facts, not on speculation as to what it would cost," he said.

He didn't want to speculate on next steps. "I want to see what the numbers are and move on from there."

Thompson said he's already had people contact him about buying the building. He wouldn't say how many or who they were.

Keller, who owns the Young Building at Coombs and Third streets, and the Main Street Exchange Building on Main Street, said that the postal building is an "integral part" of downtown. He'd like to see it saved "at any cost."

"If they put it out to bid as is, someone will take it on," he believes. He might be interested, said Keller. He thinks tenants would find the building desirable. "It's a pretty cool building. I'm sure someone would love pay a good lease rate to be in that space."

Holcomb owns one of the buildings across the street from the old post office, as well as other downtown Napa properties.

"I think it would be great if there could be a buyer that could keep the historic nature of it," said Holcomb. "It's a beautiful building in a great location." He might also be interested. "It's just a matter of what the price would be and how much it would cost to redevelop. We'll have to see what they want to do. The ball is definitely in their court."

Altamura, owner of the nearby Uptown theater and the Old Adobe, Napa's oldest building,

said that he would like to save the building, if nobody else will.

If the Postal Service is willing to sell, he promised to restore the building to its former glory, though he didn't have any particular plans for what to do after that.

Altamura said he has begun discussions with the Postal Service, but he declined to say how far the talks have gone or what he thinks the property might ultimately be worth.

In part, he said, he's making his interest public to see if he can generate interest from other developers or philanthropists to save the building. Should another worthy investor step up, he said, he would gladly step aside. His only objective, he said, is to see that someone saves the building from being razed.

If he were to acquire the post office, he said, it would operate separately from the Uptown, which is immediately behind the building on the same block.

Beckstoffer, who bought the old Napa Register building on Coombs Street, said The USPS "has some responsibility to the community. I hope they would follow the lead of some of the rest of us that are restoring these old buildings amidst the new construction."

But the vintner said he was not interested in buying it.

"We're not investors in commercial property. We had a special purpose for the old Register building. It was to motivate others to come downtown and get the wine industry involved in the revitalization of downtown."

When asked if the USPS would consider selling the building "as-is" Ruiz said no.

"The property is historic and the Postal Service believes demolition is the only feasible option," he wrote. The property's current as-is value or the land value has not been currently appraised, he said.

The idea of downsizing postal offices shouldn't be a surprise to any city. "It's well known that first class mail volume has declined significantly over the years and it's unlikely the Franklin Street station was immune to that trend," said Ruiz.

The USPS believes the new location at 1436 Second St. is appropriately sized for the operations there. "Whether the former building was the right size was not part of the decision process — the earthquake caused the move," he said.

Ruiz also added that the USPS would consider preserving the history of the building through photographs and interpretive text or taking reasonable steps to further historic preservation elsewhere in Napa.

Notices of any plans will be posted at the postal annex at 820 Randolph St. and the new post office storefront on Second St., opening on July 13.

The Napa Franklin Station is one of three postal facilities serving the city. The post office was built in 1933 with funding from the Public Works Administration. In 1985, it was placed on the National Register of Historic Places.

Register editor Sean Scully contributed to this story.