



CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

CC 81-511
AG 81044A

July 1, 1981

APPROVED
BY THE CITY COUNCIL

JUL - 7 1981

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Condemnation Proceedings to Acquire the Diepenbrock
Mansion (2315 Capitol Avenue) (P-9351)

At the June 26, 1981, City Planning Commission meeting, the Commission discussed a proposal brought forward by the First Baptist Church concerning the City's acquisition of the Diepenbrock Mansion and the church's long range land use plan for the remainder of their property holdings on the block bounded by 23rd, 24th and L Streets and Capitol Avenue (see Attachment 3). A limited amount of public testimony from representatives of the local neighborhood association was also received.

The Commission passed unanimously by those present the following motion: "To urge the Council to use its existing land use regulations to ensure the preservation of neighborhood values as stated in the Central City Plan. The City's existing land use policies and regulations, particularly the special permit process, are sufficient." (Attachment 4)

The intent of the Commission's recommendation is that normal land use procedures be used in deciding the issuance of any special permits or development agreements between the City and the church. The normal process would be that the Planning Commission would hear the applications for those special permits concerning the church's social hall and office development on the north half of the block, the additional parking to be provided on the south half of the block and the continuation of a day care center within the church facility.

The Commission heard this item as an informational item only. Should the Council adopt the Resolution of Necessity for acquisition of 2315 Capitol Avenue, then the church proposal would be heard at a future Planning Commission public hearing. All concerned parties will then discuss

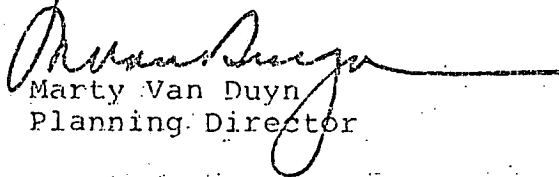
City Council

-2-

July 1, 1981

the land use issues involved. Should either side feel aggrieved by the Planning Commission's action, the issue would be decided by an appeal to the City Council.

Respectfully submitted,



Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:RBH:jm
Attachments
P-9351

July 7, 1981
District No. 4

RESOLUTION NO. 81-511

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

July 7, 1981

APPROVED
BY THE CITY COUNCIL

RESOLUTION OF NECESSITY: ACQUISITION OF
PARCEL LOCATED AT 2315 CAPITOL AVENUE,
COUNTY PARCEL NO. 007-155-13

JUL - 7 1981

OFFICE OF THE
CITY CLERK

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, TWO-THIRDS
OF ALL MEMBERS OF SAID COUNCIL VOTING IN FAVOR THEREOF:

1. That the City of Sacramento intends to acquire through the exercise of the power of eminent domain the real property or interests in real property hereinafter described as County Parcel No. 007-155-13 (herein referred to as the "Subject Parcel").

2. That the City of Sacramento intends to acquire the Subject Parcel in fee simple absolute unless a lesser estate is expressly specified in the description of said parcel.

3. That the Subject Parcel is to be taken for the following public uses in connection with preservation of an essential structure established by this Council.

4. That the statute or statutes authorizing the City of Sacramento to acquire the Subject Parcel for the above-mentioned public purposes are as follows: Government Code, Sections 37350.5 and 37361, and Code of Civil Procedure Sections 1240.010 and 1240.110.

5. That the Sacramento City Code authorizes the City of Sacramento to acquire the Subject Parcel and structure for the above mentioned public purposes is as follows: Ch. 32.806(e).

6. That the Subject Parcel is generally located on Capitol Avenue between 23rd and 24th Streets in the City of Sacramento.

7. That the City Council declares that it has found and determined each of the following:

(a) The public interest and necessity require the project.

(b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(c) The Subject Parcel is necessary for the project.

8. That the City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered:

(a) To acquire in fee simple in the name of the City of Sacramento, a municipal corporation, the Subject Parcel by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California;

(b) To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Subject Parcel; and,

(c) To deposit the probable amount of compensation, as fixed by the City Council in accordance with law, with the Clerk of the appropriate court and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Subject Parcel.

9. The Subject Parcel, being the real property or interests in real property which the City Attorney is by this resolution authorized to acquire for public uses, is situated in the City of Sacramento, State of California, and is described as follows:

All that certain real property, situate, lying and being in the City and County of Sacramento, State of California, particularly described as follows:

E ½ Lot 7, Block bounded by L Street, Capitol Avenue, 23rd and 24th Streets of the City of Sacramento, according to the map or plan thereof.

MAYOR

ATTEST:

CITY CLERK



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE

RECEIVED

MAY 27 1981

CITY PRESERVATION BOARD

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5504

May 27, 1981

City Council
Sacramento, California

Honorable Members in Session

SUBJECT

Recommendation by Preservation Board that City acquire 2315 Capitol Avenue (Diepenbrock Mansion) through the power of eminent domain. Authorizing Giving of Notice of Intent to Adopt Condemnation Resolutions - E 1/2 Lot 7, block bounded by L Street, Capitol Avenue, 23rd and 24th Street, City of Sacramento, California.

SUMMARY

The demolition suspension on 2315 Capitol Avenue will expire in June, 1981. This structure is an essential building on the City's Official Register. The Preservation Board has voted to request the Council to acquire the property and building to prevent demolition. Funds for this project could come from various CDBG sources. The property and building would then be sold for rehabilitation with the City retaining a historic facade easement. Staff recommends adoption of the attached Resolution Authorizing Giving of Notice of Intent to Adopt Condemnation Resolution.

BACKGROUND

In December 1980, the City Council passed a resolution extending the demolition suspension on 2315 Capitol Avenue for 180 days. (Resolution No. 80-799). The Council based its decision on the vote and recommendations of the Planning Commission and the Preservation Board. The Commission and Board were in favor of an extension of the demolition suspension in order for the city and the church to work out mitigation measures which would allow the church to expand their parking facilities and the city to retain the Diepenbrock Mansion, which is an essential building on the City's Official Register. The Commission had requested that the Baptist Church during the 180 day suspension period develop an overall master plan for all church property. The church was then to return to the Planning Commission with the master plan and any request for special permits needed. The Planning Department received revised master plan drawings for the church facilities on March 6, 1981. The Planning Department's Environmental Section reviewed the master plan and special permit requests. The Environ-

mental Section required additional information from the church. The church submitted that additional information on May 18, 1981. The Environmental Section is now reviewing the church master plan and the additional information to determine whether an EIR will be required for the scope of work proposed. In any case, the Planning Commission will not review the church's master plan until after the demolition suspension on the Diepenbrock building has expired.

During the last 180 days, City staff has met with the church and other interested groups concerning the building. All inquiries by developers or interested persons have been forwarded to the church. Unfortunately, no final agreement was made between any of the developers and the church. Therefore, as potential demolition draws closer, no viable proposal for the buildings rehabilitation is pending. This situation has left the Preservation Board no alternative but to vote to request that the Council through eminent domain acquire the Diepenbrock structure.

The Preservation Board on April 27, voted "to recommend to City Council that the City use the power of eminent domain to acquire the Diephenbrock Mansion for the purpose of placing it under the control of Sacramento Heritage Inc. to solicit proposals from the private sector for the restoration of the building on-site and/or to consider acquisition of the adjacent vacant parcel to the west for relocation of the Diepenbrock Building."

Sacramento Heritage Inc., at their meeting of May 21, passed a motion unanimously by those present to accept the Diephenbrock Building should the City Council choose to acquire the structure and property. Once the City has acquired the property and building then it could be turned over to Sacramento Heritage Inc.

Funds for purchase would be available from the following sources:

- | | |
|--|-----------|
| 1. Preservation CDBG Fund | \$ 16,000 |
| 2. Sale of 1010 "F" Street
(This Preservation Board
money should be available
by September, 1981) | 50,000 |
| 3. Sale of 517 - 8th Street
(This money should be avail-
able by July, 1981 and would
need to be approved by Sac-
ramento Heritage Inc. Board
of Directors) | 57,000 |

POTENTIAL TOTAL	<u>\$123,000</u>
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Sacramento Heritage Inc. would hold an auction as soon as possible after the City had acquired the property and building. The sale of the property would be conducted in a manner similar to those for 1010 "F" Street, 517 - 8th Street, and 925 G Street with the City retaining a historic facade easement. The money returning to the City from the sale would then be dispersed back to Sacramento Heritage Inc. and the Preservation Board to be used for other Preservation needs. If other CDBG funds were needed they would be reimbursed at this time.

Staff is requesting the Council at this time to only consider acquisition of 2315 Capitol Avenue for rehabilitation on site. (See A under Financial Data). Should negotiations with the church deem it necessary, staff may return to Council with a proposal to relocate the structure to an adjacent vacant parcel. (See B under Financial Data).

FINANCIAL DATA

A. Acquisition on Site:	(Approximate)
Building and parcel	\$100,000
Sacramento Heritage overhead	5,000
	<u>\$105,000</u>
B. Relocation to Vacant Site:	(Approximate)
Vacant Parcel	\$ 40,000
Building move	10,000
Value of building	10,000 to 20,000
Foundation plans	1,000
Foundation work	5,000
Sacramento Heritage overhead	5,000
	<u>\$ 81,000</u>

VOTE OF BOARDS

The Preservation Board voted to recommend that the Council acquire the Diepenbrock Mansion. The vote was six ayes, one no, one abstain, and one absence. (See attachment No. 1) Sacramento Heritage Inc., voted to accept the Diepenbrock should the City acquire the structure. The vote was three ayes and two absent. (See attachment No. 2)

RECOMMENDATION

It is recommended that the attached Resolution Authorizing Giving of Notice of Intent to Adopt Condemnation Resolution be adopted.

Respectfully submitted,

Richard B. Hastings

Richard B. Hastings
Preservation Director

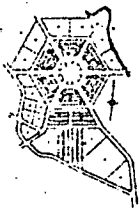
For Transmittal to City Council:

Walter J. Slipe

Walter J. Slipe
City Manager

RBH:kk
Attachments

June 2, 1981
District No. 4



CHARLES HALL PAGE & ASSOCIATES

Urban & Environmental Planning & Design

400 Montgomery Street • San Francisco, California 94104 • (415) 362-5154

HISTORICAL/ARCHITECTURAL SURVEY FORM

Street Address: 2315 M Street

File Number:

Name of Structure:

Date of Construction: 1906

Present Owner:

Building Type: 2 1/2 story wood frame

Original Owner: Henry C. Keyes

Building Material: Shingles, narrow clapboard

Present Use: Thrift shop

Builder: probably Philip Wolf

Original Use: Res., single family

Architect:

Occupant(s):

Style: Craftsman/Colonial Revival

Additions & Alterations: Additions to rear, brickwork removed from porch base

Significant Architectural Features: Shingled second floor, arched windows, gable dormers with Palladian motif, clinker brick porch, pattern on tile porch floor, elegant detailing, probably same architect as 2151 H.

Ancillary Structures:

None

Adjacent Land Uses: Res., parking, modern apartments opposite

Intrusion on Neighborhood?:

EVALUATION

Historical/Cultural Significance

Exceptional	—	—
Major	—	—
Contributing	<u>X</u>	—
Non-Contributing	—	—

Architectural Significance

Exceptional	<u>X</u>	—
Major	—	—
Contributing	—	—
Non-Contributing	—	—

Environmental Significance

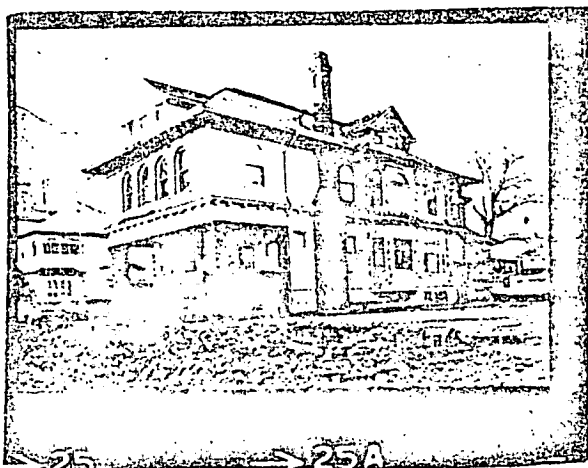
Exceptional	<u>X</u>	—
Major	—	—
Contributing	—	—
Non-Contributing	—	—

Design Integrity: Alterations

None or Little	—	—
Moderate	<u>X</u>	—
Considerable	—	—

Physical Condition

Good, or Minor Repairs	—	—
Major Repairs	<u>X</u>	—
Dilapidated	—	—



96325-25

Date: 1/13/76 By: MW

Checked: MC Mapped: X

Architectural Analysis:

A very distinctively styled house in what might be described as a blend of the Craftsman and Colonial Revival Styles. With a hip roof, and gabled dormers with Palladian windows, a shingled overhanging second floor with round arched windows, and a massive clinker brick front porch recessed under the second floor. This is the most prominent house in an impressive block.

Historical Information:

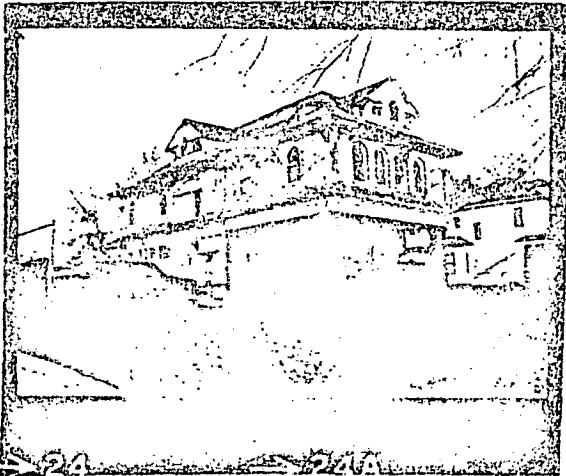
Built 1906. Owner Henry C. Keyes, secretary and manager of Sacramento Natural Gas Co. Later occupied by Melchior H. Diepenbrock. Research suggested.

Present Zoning:

Assessed Value - Land:
Improvements:
Total:

Lot Size:

Additional Comments:



MEETING DATE: April 27, 1981

MOTION NO: 1

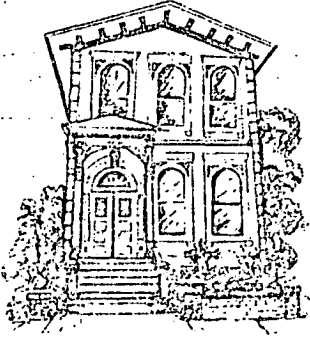
MOTION TO: Preservation Board recommends to City Council that the City use the power of eminent domain to acquire the Deiphenbrock Mansion for the purpose of placing it under the control of Sacramento Heritage, Inc. to solicit proposals from the private sector for restoration of the building on site. (over

MEMBERS	MOTION BY	2ND	YES	NO	ABSTAIN	ABSENT
BALESTRERI			X			
MALINOWSKY	X		X			
COLE			X			
GIVAS						X
RAKELA		X	X			
LUEVANO			X			
REMITZ				X		
LAGOMARSINO			X			
McLEAN					X	

MOTION CARRIED: _____

MOTION FAILED: _____

And/or to consider acquisition of the adjacent vacant parcel to the west for relocation of the Deiphenbrock Building.



Sacramento Heritage, Inc.

630 I Street, Sacramento, California 95814 (916) 444-9210

May 27, 1981

City Council of the
City of Sacramento
Sacramento, California

Honorable Members in Session:

At its special meeting of May 21, 1981 Sacramento Heritage, Inc. voted to accept sponsorship of the Diepenbrock Mansion should the City acquire the structure through condemnation proceedings.

Dick Hastings, City Preservation Director, was invited to this meeting by the Board in order that they would be informed concerning the recommendation that the Preservation Board is presenting to the Council.

Some concern was expressed that the Preservation Board's recommendation and staff report address the potential cost of the project, especially the administrative costs of Sacramento Heritage should the corporation acquire the property with the intent of advertising for sale.

The vote of the Board was unanimous, 3-0, with two members absent.

Sincerely,

Lanny Tobe
Lanny Tobe *CB*
Vice Chairman

cb/LT

JUN - 8 1981

RECEIVED
NEWPORT BEACH OFFICE
4041 MACARTHUR BOULEVARD, SUITE 100
NEWPORT BEACH, CALIFORNIA 92660
(714) 833-2304

McDOROUGH, HOLLAND & ALLEN
A PROFESSIONAL CORPORATION
ATTORNEYS

555 CAPITOL MALL, SUITE 950
SACRAMENTO, CALIFORNIA 95814
(916) 444-3900

June 5, 1981

IN REPLY REFER TO:

05990/001

MARTIN McDOROUGH
ALFRED E. HOLLAND
BRUCE F. ALLEN
V. BARLOW GOTT
JOSEPH E. COOMES, JR.
WILLIAM G. HOLLIMAN, JR.
DAVID J. SCOTT-SWOOD
ELMER B. MALYKOFF
RICHARD W. NICHOLS
DONALD C. POOLE
RICHARD W. OSEH
RICHARD E. BRUNDT
GARY E. LOVERBEE
G. RICHARD BROWN
DENNIS D. O'NEIL
DAVID W. POST
SUSAN K. EDLING

BRUCE McDOROUGH
WILLIAM L. OWEN
D. WILLIAM DENTING
DAVID F. BEATTY
LUCAS W. WATSON
MICHAEL E. FOGARTY
ANN H. MORRIS
HARRY E. HULL, JR.
RICHARD L. DECOSKY, JR.
JEFFREY R. JONES
DAVID H. BAIRD
DANIEL J. GRIMM
ROBERT W. O'CONNOR
BETSY S. KIMBALL
WILLIAM F. ZIPRICK

Marty Van Duyn
Planning Director
City of Sacramento
725 J Street
Sacramento, CA 95814

Re: First Baptist Church/Diepenbrock House

Dear Marty:

This letter follows discussions in your office on June 3, 1981, concerning the referenced matter. Those present included you, Preservation Officer Richard Hastings, Attorneys Lee Savage and Christy Prim, and me. It was concluded that the First Baptist Church reduce to writing its offer of compromise concerning the proposed action in eminent domain by the City to acquire the Diepenbrock house and adjoining property. The matter will then be considered in concept first by the Planning Commission and then by the City Council. If conceptually approved the details would be reduced to acceptable written form by the attorneys.

The proposal is as follows:

1. The Church will sell, for \$1.00, the Diepenbrock house (but not the underlying real property) to the City or the City's nominee.
2. The Church will sell all, or part, of the adjacent vacant lot to the west of the Diepenbrock house to the City, or its nominee, for fair market value.
3. The Diepenbrock house will be relocated to the adjoining lot.
4. The Church will grant a reciprocal parking easement for use of the Diepenbrock house.

Marty Van Duyn
June 5, 1981
Page 2

5. The Church will offer for public sale the houses located at 2310, 2304 and 2300 L Street, and 1209 23rd Street. The buyers must purchase with the understanding that the structures are to be relocated and preserved. If the Church cannot sell the houses within a specified period of time it will sell each structure to the City, or its nominee, for \$1.00 per structure, on condition that the City remove or demolish the houses within a specified period.

6. The City will execute a development agreement with the Church permitting the Church to carry out its Master Plan, including the proposed addition on L Street. The term of agreement would be for not less than 15 years.

The Church membership must ratify any agreement reached before it becomes binding.

The preceding offer is made as a good faith offer to compromise proposed litigation between the Church and the City and is not to be used by the City, its agents, officers, employees or any third party in any legal proceeding against the Church.

If there are any questions on the foregoing, please let us know.

Very truly yours,

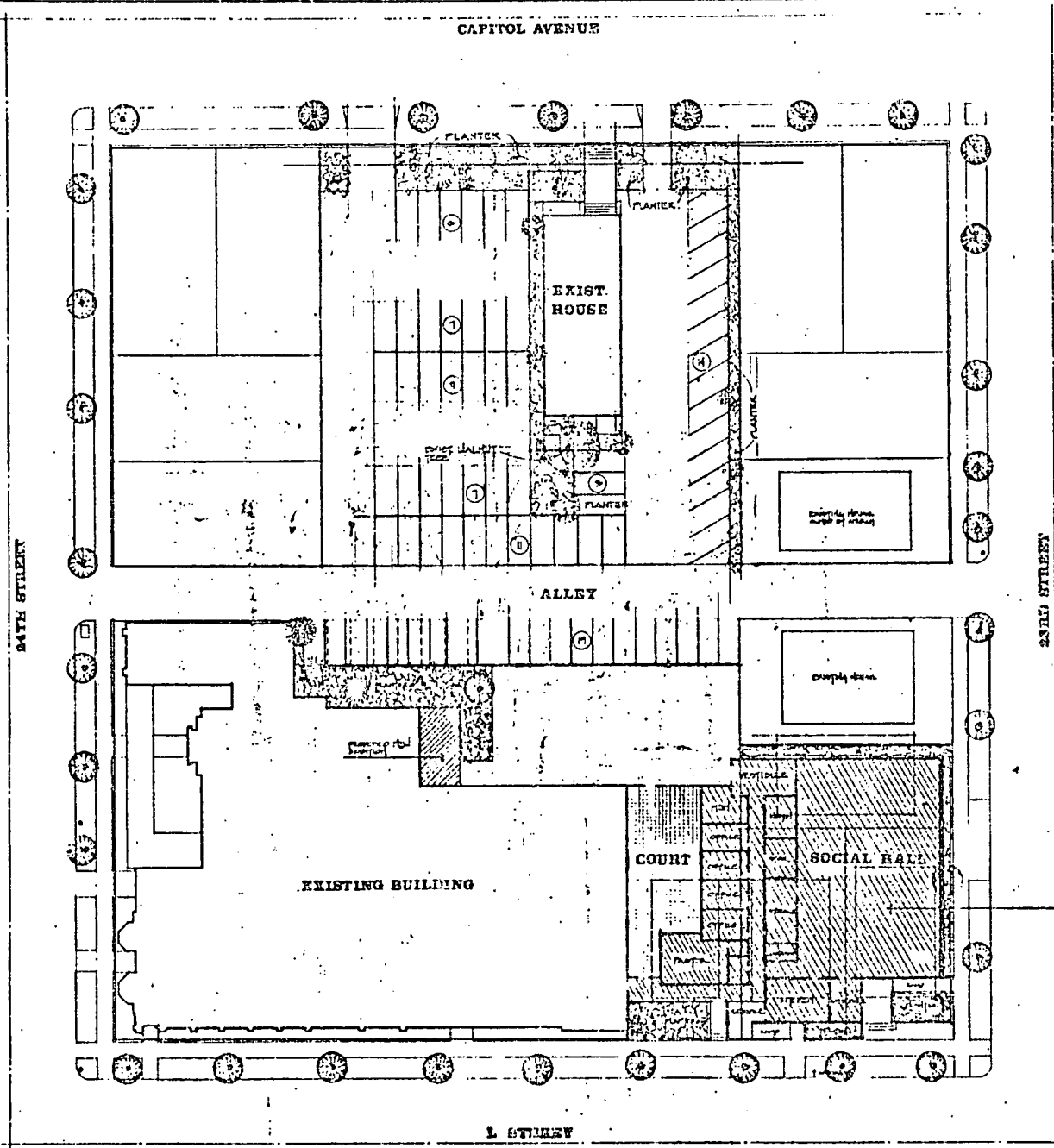


G. Richard Brown

GRB:tf

cc: Phillip Isenberg
Anne Rudin
Walter Slipe
Richard Hastings
Lee Savage, Esq.
Christy Prim, Esq.
Dorothy Stewart
Russ Cannon
Pastor Robert Murphy

-14-



VESTIBULE	80
SOCIAL HALL	800
OFFICES	800
KITCHEN	800
LAVATORIES	800
STORAGE	800
HALL	800
PASSAGE	800
PASCOA	800
TOTAL	8000

PARKING SPACES: 20

SITE PLAN

FIRST BAPTIST CHURCH
 OF SACRAMENTO
 2301 L STREET
 SACRAMENTO, CALIF 95811

TOMICH AND YEE
 ARCHITECTS AND PLANNERS, INC.
 1801 EYE ST., SACRAMENTO, CALIF 95814 • (916) 441-2872

Professional stamps and seals for the architect and planner, including the name 'TOMICH AND YEE' and the firm name 'ARCHITECTS AND PLANNERS, INC.' along with a date stamp.

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE 6-25-81
 ITEM NO. 32 FILE NO. P-
 M- 312

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- EIR DETERMINATION
- OTHER FIDEL BARTLET
CHURCH MEMORIAL
ITEM.

Recommendation: Favorable Unfavorable
 LOCATION: _____
 Petition Correspondence

PROPOSERS	
NAME	ADDRESS

OPPOSERS	
NAME	ADDRESS

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	✓			
Fong	✓			
Goodin	<u>absent</u>			
Holloway	✓			
Hunter	✓			
Larson	✓			✓
Muraki	✓			
Silva	✓		✓	
Simpson	✓			

- MOTION:
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
 - TO RECOMMEND APPROVAL _____ & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
 - OTHER Discussed & Recommended
to City Council