**LOCAL HISTORIC DISTRICT:** Dilworth  
**PROPERTY ADDRESS:** 524 East Tremont Avenue  
**SUMMARY OF REQUEST:** Painted Brick  
**APPLICANT/OWNER:** Brian and Brianne Darcy  

**Details of Proposed Request**

**Existing Context**  
The existing home is a one story Bungalow constructed in 1920. The home was previously unpainted and a Notice of Violation was issued October 2015. Staff met with the property owner and contractor at the site on December 7, 2015 to view the painted areas.

**Proposal**  
The applicant has submitted an application and materials for review to the request an exception for the brick to remain painted.

**Policy & Design Guidelines, page 30**

4. The painting of unpainted brick or masonry will require a Certificate of Appropriateness. Painting brick or masonry is not considered a change of color, but a fundamental change in the character of a building. The painting of brick or other masonry will not be permitted except in such special circumstances as:

   a. The repainting of buildings first painted prior to the establishment of the appropriate Local Historic District.

   b. Cases where a brick building has poorly matched additions or repair work, and where the painting is designed to unify the disparate parts of the building.

**Staff Analysis**  
The Commission shall discuss the new evidence and testimony by the homeowner and will determine if an exception shall be granted based on item 4b above.
Application for Painting Brick Exterior of 524 E Tremont
524 E Tremont Originals (3 types of Bricks, 3 types of Mortar, and Discolored Cedar Shake)

Side of House (exposed to street along driveway)

3 types of brick and mortar on one corner
Closer View of Original Brick and Mortar Types

Previous Slide (enlarged): This shows the house at time of purchase in June 2014

- Brick and Mortar Type 1
- Brick and Mortar Type 2
- Brick and Mortar Type 3: 2004 Addition
Brick and Mortar Quality Documentation

Mortar thickness variation of over an 1 inch (multiple examples)

Mortar variation is a contributor to disparate color impact

Mortar 0.5 inches thick

Mortar 1.5+ inches thick

Mortar 2+ inches thick

Mortar < 0.5 inches thick
Brick and Mortar Quality Documentation (continued)

Broken brick and excess mortar prevalent throughout exterior

Mortar Depth and thickness variations throughout exterior

Mortar recessed and 0.5 inches thick

Mortar flush and 1.5+ inches thick
This is a wider view to show how widespread the mortar and brick quality persists throughout the exterior.
Blue tape sections used in previous photos are 6 inches and 3 inches respectively (per below)
Painting unified disparate Brick and Mortar Colors

Before Paint: (color and mortar quality variation is noticeable)

After Paint: (same wall; color and mortar quality differences unified by paint)
Removed old outdoor stairs as part of new deck (shows side by side of how paint brought uniform quality to variations in original brick and mortar)
We relocated to Charlotte in June 2014 (as part of a cross country move), and had minimal prior knowledge of Charlotte neighborhoods/districts.

The home was painted in August 2014 (2 months after move-in).

We used a painter highly recommended by other Dilworth owners (painter declared 18+ years in this market and cited other jobs done in our section of Dilworth without mention of need for certificate of appropriateness).

We also used a reputable and highly recommended realtor for the Dilworth/Myers Park area.

There was no mention of painting restrictions during the purchase process.

- The home prospectus during open house sessions only had property specific/lead paint disclosures.
- The closing documentation contained no disclosures regarding painting or any city specific historic guidelines.
- In previous real estate transactions, we have received city specific preservation documentation; example provided in subsequent slide.
- We purchased this home with a vision of renovating/updating the interior and exterior (while keeping the charm of an older home). If we knew there was a chance we could not paint the exterior, it is likely we would have not moved forward with our investment in this property (as the variations in color and quality of brick/mortar were visually quite unappealing).
Example of city specific preservation documentation received during previous real estate transaction (provided by department of community development)

Anecdotal Information

The Tree Ordinance applies to all residential properties in Area Districts I and II- not the Beach area. All trees on private property in front and side street (corner lots) yards 12’ or greater in trunk diameter are protected by the Ordinance, except Mexican and California Fan Palms. All required replacement trees (even if less than 12’ trunk diameter) are protected. Removal of a protected tree requires prior City approval with a Tree Permit.

All City street and parkways are protected and information can be found at http://www.ci.mbm.ca.us/services/Maintenance/Street%20Trees/street_trees.htm.

Section 10.52.120 of the Manhattan Beach Municipal Code provides the Tree Preservation regulations. The following are the highlights of the requirements. The complete list of the revisions can be found on the City website, http://www.ci.mbm.ca.us/services/pdf/SectionsTreePreservationRegulations.pdf.

1. The design of residence needs to consider and accommodate trees.
2. Adequate, neglect, damage to trees is a violation.
3. Advisory signs with the tree protection requirements need to be posted.
4. Grading and paving that disturbs the root system during construction needs approval.
5. A security deposit may be required to ensure required replacement trees are planted and that existing trees are properly protected prior to permit issuance.
6. Any view project over 50% valuation needs one new 36” box tree, unless Planning determines there is a room.
7. Replacement trees must be 36” box minimum - location and species subject to Planning approval.
8. Emergency removal requires prior approval.
9. Protected trees must be pruned by a licensed City Tree Trimmer in accordance with ANSI A300 pruning standards. Residents pruning their own trees are exempt from the permit requirements, but must still comply with the ANSI A300 pruning standards.
10. A Property Owner Acknowledgement Form is required to be signed prior to issuance of a permit when protected trees are on a property.

Administrative fines for violations of the regulations are allowed. Fines are placed in a Tree Canopy Restoration Fund to plant new trees throughout the City. Fines can be up to the cost of an equal size replacement tree or the appraised value of the tree, whichever is higher.

Anecdotal Information

Tree Preservation Regulations

Trees in the urban environment are one of the greatest resources a community can possess. Trees provide beauty, shade, wildlife habitat, reduce air pollutants, and protect the ground from soil erosion and flood hazards. Well-maintained trees also increase property values and add to a community’s charm. The regulations strive to preserve and enhance the existing and future tree canopy on individual properties as well as overall neighborhoods, striving to provide the right trees in the right locations.

In 1993 the City Council passed an ordinance to protect trees in the front yard in the residential "tree section" of Manhattan Beach. In 2003 the ordinance was expanded to all residential properties in Area Districts I & II, excluding the Beach area. In 2006 the ordinance was further revised to protect trees on the roadway median on corner lots, providing pruning guidelines and requiring the planting of new trees with new constructions. In 2008 the regulations were again revised to allow more flexibility in the removal and replacement of trees and to require a Tree trimmers Permit for pruning permitted trees. If you want to remove or relocate a tree or construction near a tree in the 20 foot front yard or the setback yard in these areas, you need a Tree Permit. Tree Permits are available from Planning or the City’s website at http://www.ci.mbm.ca.us/services/pdf/SectionsTreePreservationRegulations.pdf.

Removing trees requires a permit. In order to remove a tree, a permit must be obtained from the Planning Department. Permits are required for the removal of any trees except those trees that are determined to be dead or a danger to the public.

Pruning standards are available from the Tree Cure Industry to tree members at their online site at https://www.tci.org/Tree/Pruning.rtf. The tree preservation ordinance applies to trees with trunks a minimum 12-inch in diameter as measured 4-1/2 feet above ground level. Trees that are required to be planted as replacement trees for trees that are removed are also covered by the tree preservation regulations, even though their trunk diameter may be less than 12-inches. The ordinance does not apply to removal of deciduous fruit-bearing trees, or California or Mexican fan palms. There are provisions for emergency situations, trees extending across property lines and utility company safety requirements.

The Tree Permit requires a tree plan to show details of all of the existing and proposed trees in the front and side yard areas, the adjacent properties and public right of-way, and the existing and proposed buildings, structures, utilities, septic tanks, walls, grading, and protective fencing. Trees proposed to be removed may require a letter from an arborist stating why they are to be removed and neighbors must acknowledge in writing that they are aware of any proposed removal. Information on certified arborists is available from the International Society of Arboriculturists at www.isa-arbor.com. Large replacement trees are generally required for any trees that are removed.

New construction, including grading, driveways, walkways, patios, and utilities, need to be designed to accommodate and protect existing protected trees. During construction, trees to remain must be protected appropriately to ensure their health. Generally, construction, including structures, walls, and grading, is discouraged within the drip line of the tree, which is the furthest extent of the canopy of the leaves. Additionally, temporary protective construction fencing must be provided as close to the drip line as feasible. Construction material and trash may not be stored within the protected area.

If you have more questions about our tree protection ordinance, call one of our planners at (310) 802-5655, visit the City’s website at www.ci.mbm.ca.us, or see Section 10.52.120 of the MBMC. The City Council authorized the formation of a Tree Committee that can assist residents with information on the benefit of trees and proper tree care. The Committee can be reached at manhattanacrep@gb.com.
2 Coats of Sherwin Williams Loxon used to paint home (painter said this was ideal for our substrate). We can provide the original work order upon request (if desired). The email below is also from the painter.

---

Date: September 17, 2014 at 8:33:11 AM EDT
To: Brianne Darcy <brie.darcy@gmail.com>
Subject: Painting of 524 East Tremont

To Whom It May Concern,

I painted Brian and Brie Darcy’s home at 524 East Tremont Ave., Charlotte, NC. Prior to painting the home, the house was aesthetically unpleasing. The brick mortar needed to be patched and there were several different, mismatched shades of brick color. In order to camouflage these flaws, we painted the brick to match the rest of the home and blended it into one neutral color.

Thank you,

Jim Valentine

Valentine
Painting & Decorating, LLC
704-243-3997

---