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**LOCAL HISTORIC DISTRICT:** Dilworth

**PROPERTY ADDRESS:** 524 East Tremont Avenue

**SUMMARY OF REQUEST:** Painted Brick

**APPLICANT/OWNER:** Brian and Brianne Darcy

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**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**

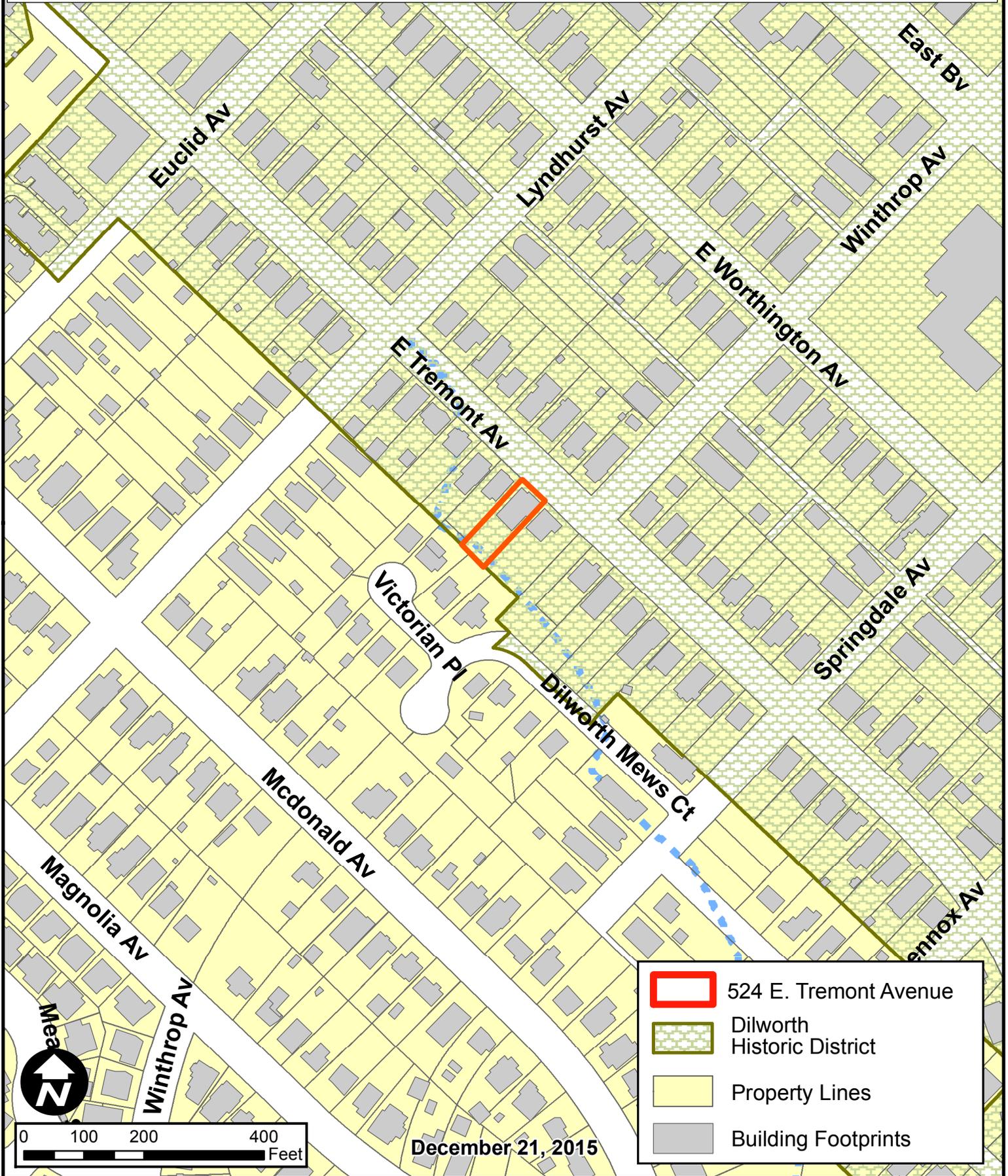
4. The painting of unpainted brick or masonry will require a Certificate of Appropriateness. Painting brick or masonry is not considered a change of color, but a fundamental change in the character of a building. The painting of brick or other masonry will not be permitted except in such special circumstances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

# Charlotte Historic District Commission - Case 2015-243

## HISTORIC DISTRICT:DILWORTH



# Application for Painting Brick Exterior of 524 E Tremont

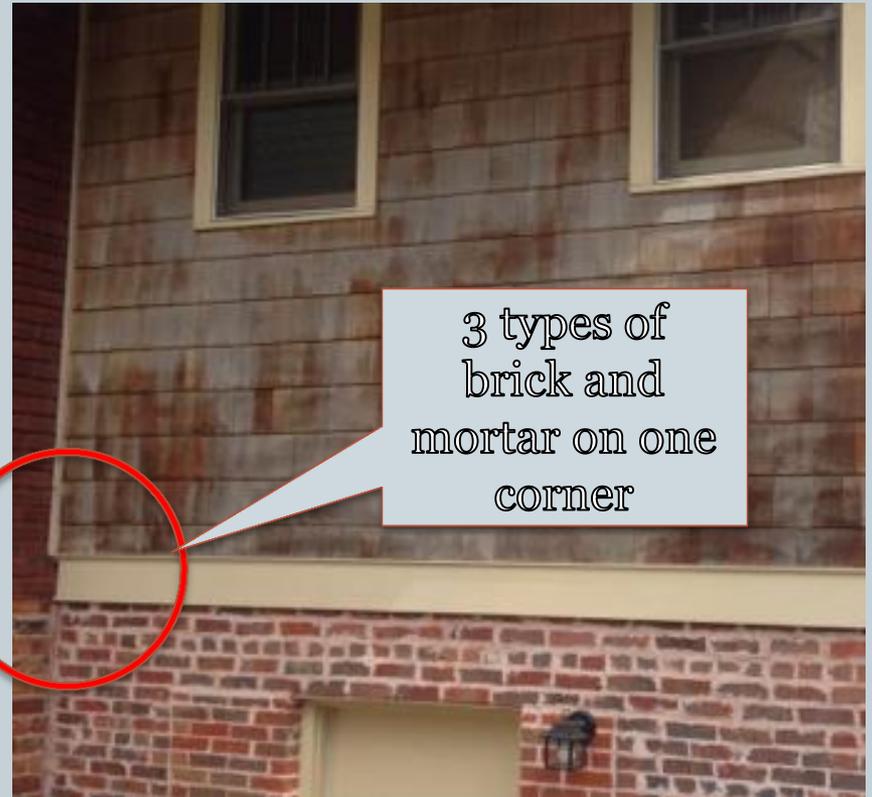


# 524 E Tremont Originals (3 types of Bricks, 3 types of Mortar, and Discolored Cedar Shake)

Side of House (exposed to street along driveway)



Side of House (exposed to street along driveway)



# 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

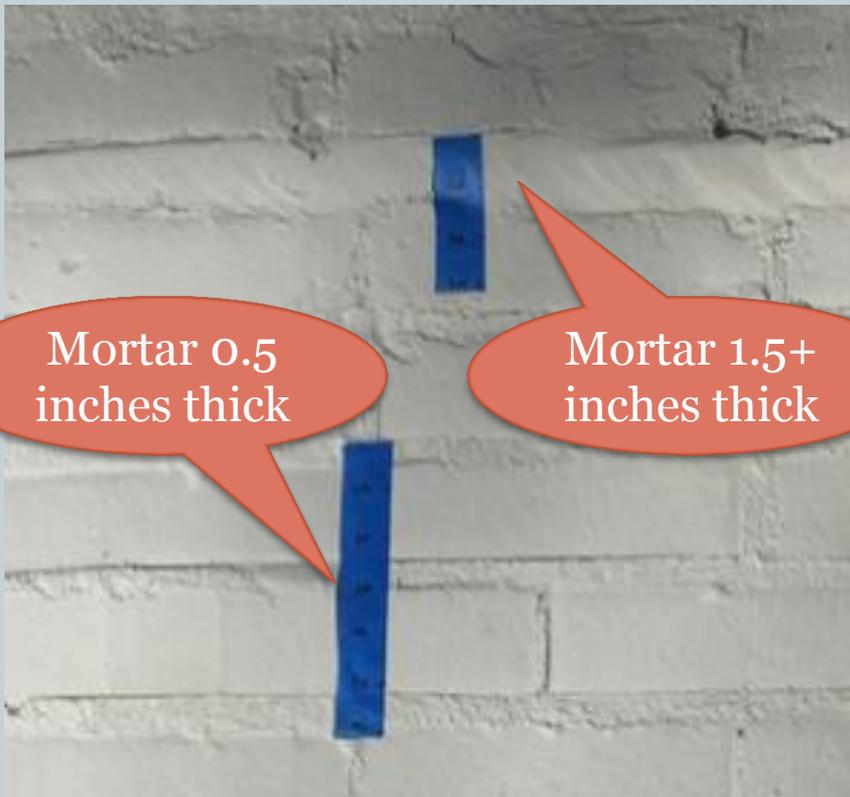


Brick and  
Mortar Type 2

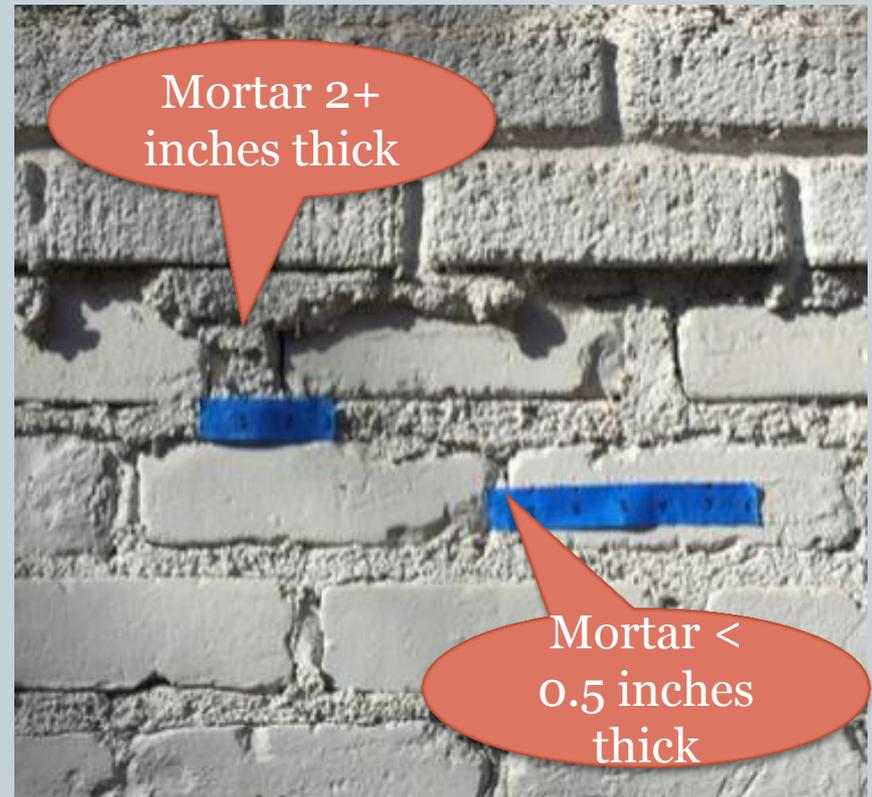
Brick and  
Mortar Type  
3: 2004  
Addition

# Brick and Mortar Quality Documentation

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



**Mortar variation is a contributor to disparate color impact**



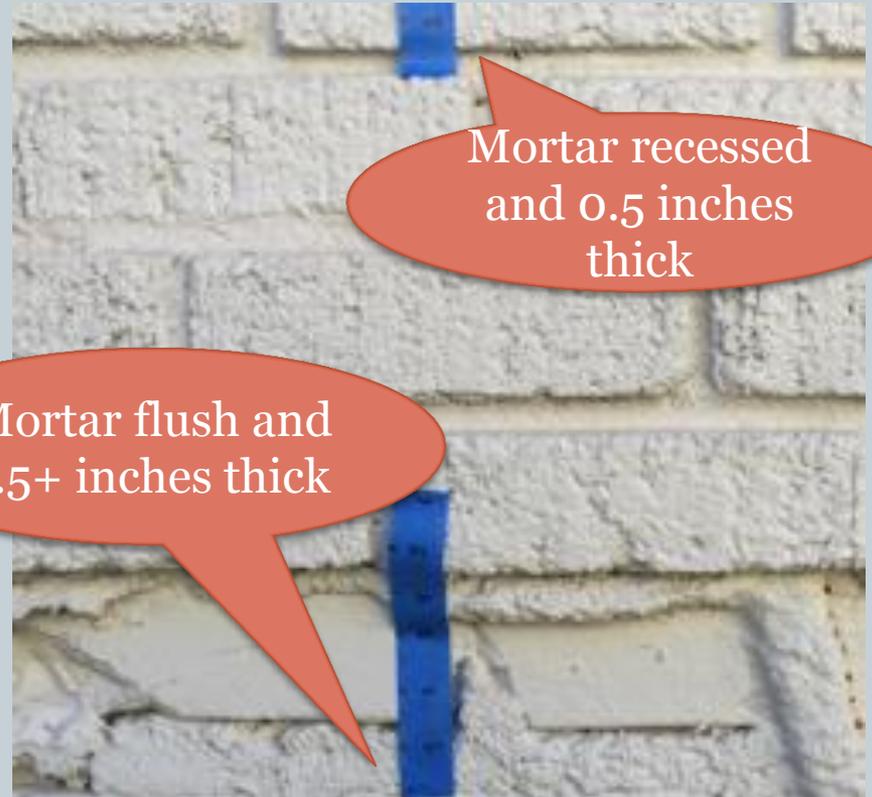
# Brick and Mortar Quality Documentation (continued)



**Broken brick and excess mortar  
prevalent throughout exterior**



**Mortar Depth and thickness  
variations throughout exterior**



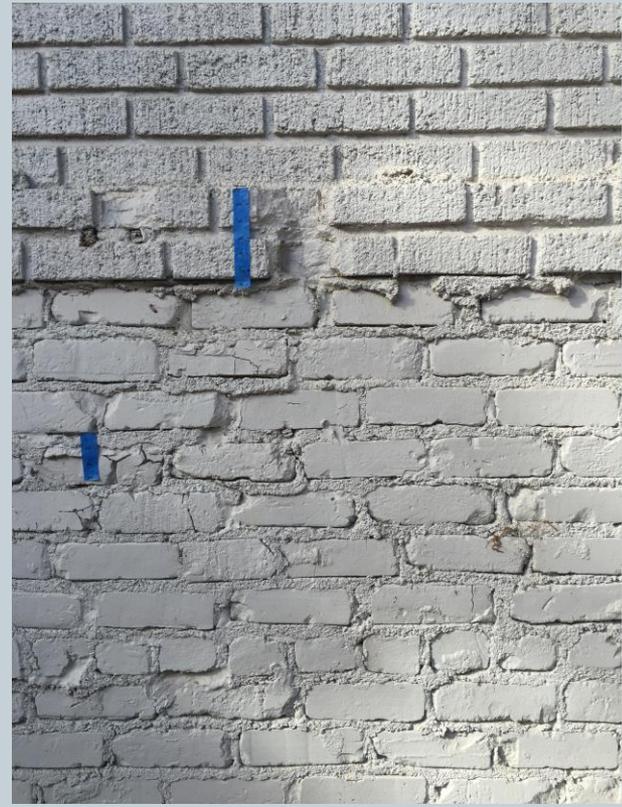
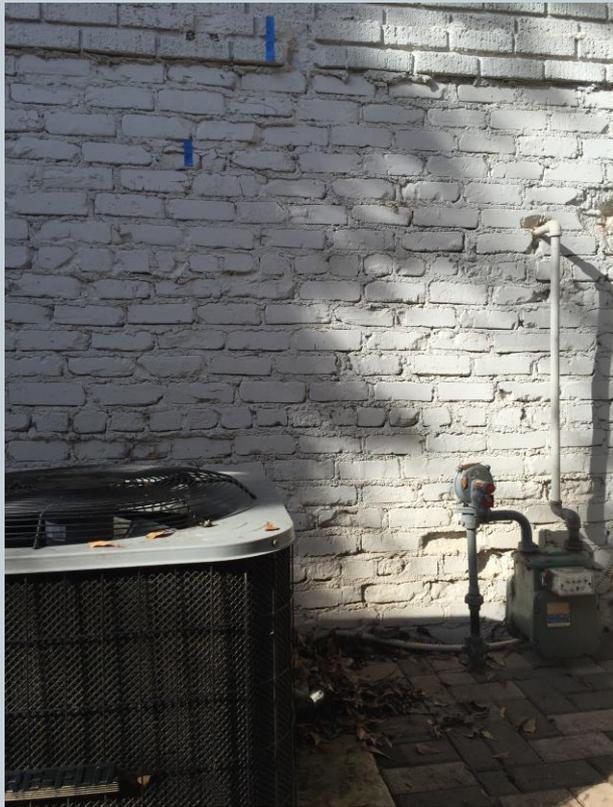
Mortar recessed  
and 0.5 inches  
thick

Mortar flush and  
1.5+ inches thick

# Brick and Mortar Quality Documentation (continued)



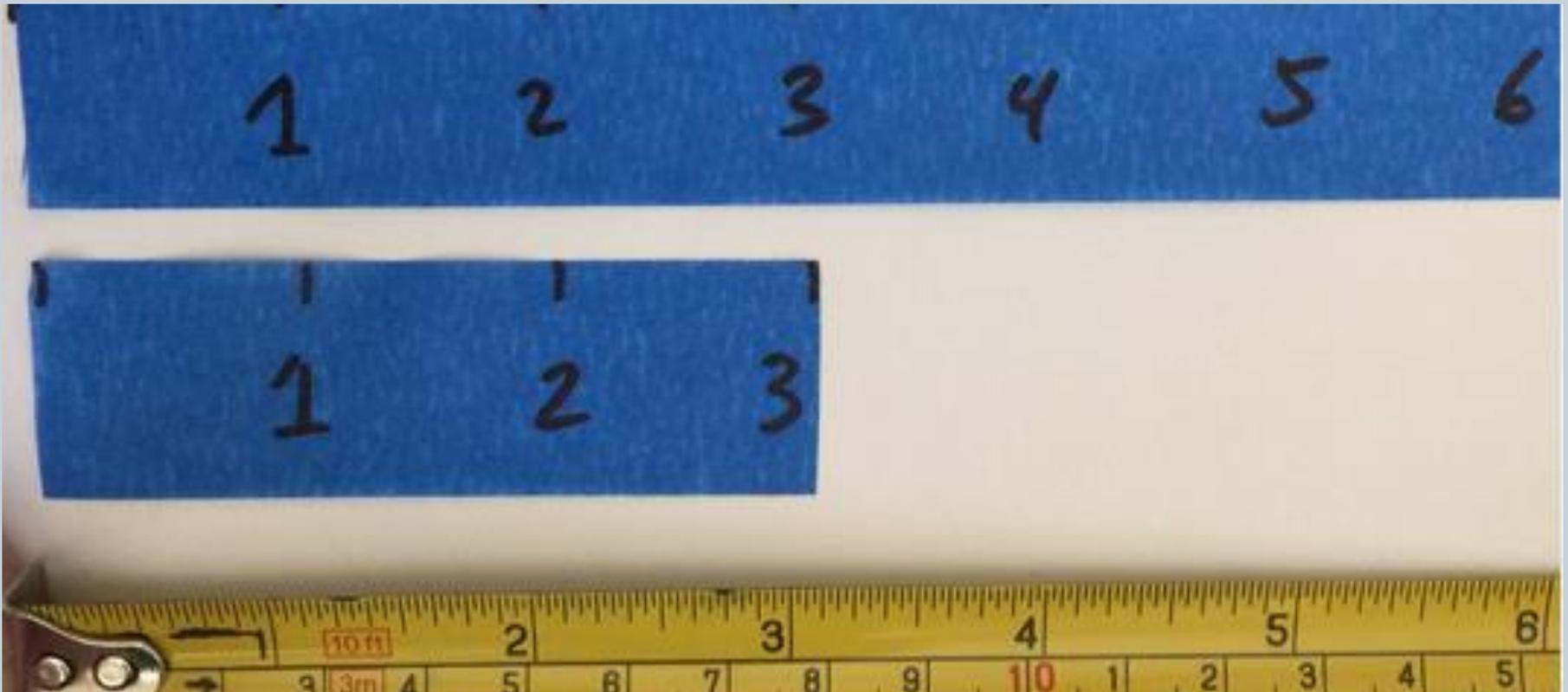
**This is a wider view to show how widespread the mortar and brick quality persists throughout the exterior**



# Mortar and Brick Quality Section Measurements (Just for reference)



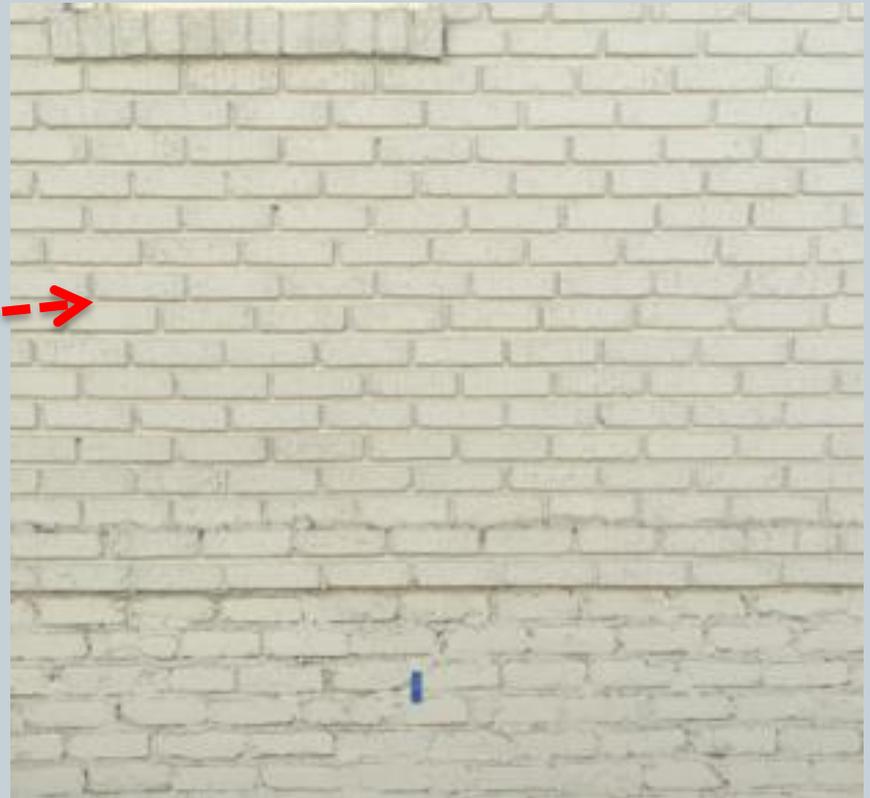
**Blue tape sections used in previous photos are 6 inches and 3 inches respectively (per below)**



# 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)**



# Painting unified disparate Brick and Mortar Colors (continued)



**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)**



# Anecdotal Information



## No Knowledge of Painting Restrictions/Guidelines

- 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).

# Anecdotal Information

## Example of city specific preservation documentation received during previous real estate transaction (provided by department of community development)

REPORT OF RESIDENTIAL BUILDING RECORDS  
CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
1400 HIGHLAND AVE., MANHATTAN BEACH CA 90266  
310/802-5500



### TREE PRESERVATION REGULATIONS PRIVATE PROPERTY

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
1400 HIGHLAND AVENUE  
(310) 802-5504

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 streetside (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 parkway trees are protected and information can be found at [http://www.citymb.info/pubworks/Maintenance/Street%20Trees/street\\_trees.htm](http://www.citymb.info/pubworks/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 text of the revisions can be found on the City website, <http://www.citymb.info/commdev/sections/treeord/index.htm>.

1. The design of residences needs to consider and accommodate trees.
3. Abuse, neglect, damage to trees is a violation.
4. Advisory signs with the tree protection requirements need to be posted.
5. Grading and paving that disturbs the root system during construction needs approval.
6. A security deposit may be required to ensure required replacement trees are planted and/or that existing trees are properly protected prior to permit issuance.
7. Any new project over 50% valuation needs one new 36" box tree- unless Planning determines there is no room.
8. Replacement trees must be 36" box minimum- location and species subject to Planning approval.
9. Emergency removal requires prior approval.
10. 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.
11. A Property Owner Acknowledgement Form is required to be signed prior to issuance of a permit when protected trees are on a property.
12. 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, whatever is higher.

G:\PLANNING DIVISION\Forms-Checklists\Counter Handouts\Tree Preservation regulations- SUMMARY 2009.doc

Visit the City of Manhattan Beach Web Site at [www.citymb.info](http://www.citymb.info)



### 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 canopies on individual properties as well as overall neighborhoods, striving to provide the right trees in the right location.

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 streetside yard on corner lots, provide pruning guidelines and require the planting of new trees with new construction. In 2009 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 protected trees. If you want to remove or relocate a tree or do construction near a tree in the 20 foot front yard or the streetside yard in these areas, you need a Tree Permit. Tree Permits are available from Planning or on the City's website at <http://www.citymb.info/Index.aspx?page=62>.

Pruning standards are available from the Tree Care Industry to non-members at their online store at <https://secure.tcia.org/store/ProductListing.aspx?Category=STANDARDS>

The tree preservation ordinance applies to trees with trunks a minimum 12-inch in diameter as measured 4-½ 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 tree(s) in the front and streetside yards, 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 need 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 Arboriculture at [www.isa-arbor.com](http://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 dripline of the trees, which is the farthest extent of the canopy of the leaves. Additionally, temporary protective construction fencing must be provided as close to the dripline 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) 802-5503, visit the City's website at [www.citymb.info](http://www.citymb.info), 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 [manhattancanopy@aol.com](mailto:manhattancanopy@aol.com).

G:\PLANNING DIVISION\Forms-Checklists\Counter Handouts\Tree Preservation Ordinance-2009.doc

- New owner must apply for burglar alarm permit, see attached.  
Buyer must apply for transfer of Encroachment Permit for improvements constructed on City Right of Way. This is suggested prior to close of escrow (see attached).  
Trees may NOT be removed without prior approval and a city permit.  
Solar Panels may NOT be modified or removed without a city permit.

#### PLEASE NOTE:

1. The information contained in this report is a summary of the building records on file with the City of Manhattan Beach. The use of the property is limited to the development and improvements made under the permits. Additional construction/improvements existing on the property may be unlawful and may require submittal of plans and permit applications for an after-the-fact building permit.
2. It is the buyer's responsibility to compare the above building permits and conformance to City Codes with the present condition of the subject property. Any omission in the report regarding code violation or permit requirements does not relieve the property owner from compliance with City Codes.
3. An inspection of the property was not performed in conjunction with the preparation of this report.
4. All required garages built under permit must be permanently maintained for parking purposes.
5. This report expires six (6) months from date of issue. Each transfer requires a separate report.

By: ROZ BRITTON Date: 10/21/10

I HAVE READ AND UNDERSTAND THE ABOVE REPORT. I am aware the City has not inspected the property.

# Valentine Painting and Decorating



**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](mailto: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](tel:704-243-3997)