



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
425.587.3225 - www.kirklandwa.gov

To: Hearing Examiner

From: Craig Salzman, CCEO, Code Enforcement Officer

Date: November 29, 2012

Subject: HEARING FOR Dhruv Chadra and Ryan Ringe, dba Arbor Barber LLC,
NOTICE OF CIVIL VIOLATION FOR VIOLATION OF THE TREE REGULATIONS,
KZC 95.23.2, LOCATED AT 11736 NE 145th St, KIRKLAND; FILE NO.
COM12-00299

I. INTRODUCTION

City of Kirkland staff ("staff") offer this staff report with regard to the above-referenced Code Enforcement matter. The person(s) responsible for the violation are Dhruv Chadra and Ryan Ringe, dba Arbor Barber LLC.

II. ISSUES PRESENTED

- A. Did the respondents remove more than 2 trees in a 12 month period as allowed by the KZC 95.23.2?
- B. Are the respondents responsible for fines of \$3000 dollars for removing three trees above the allowed two trees?
- C. Are the respondents responsible for planting 4 replacement tree credits, or for \$350.00 per tree credit as replacement for the three trees removed in excess of the number allowed?
- D. Is the respondent tree service responsible for obtaining a City of Kirkland Business License?

III. STATEMENT OF FACTS

- A. The site is zoned RSA 6.
- B. The City of Kirkland received a complaint about excessive tree cutting on a slope on September 18, 2012.
- C. I inspected the property on September 18, 2012 and took the attached pictures.
- D. On September 24, 2012 the owner submitted a tree removal request detailing the trees which had been cut. No arborist report justifying the removal of additional trees was submitted.
- E. On October 31, 2012 the owner submitted the contact information for the contractor that did the cutting.
- F. I contacted the contractor by telephone and verified that his company had

in fact performed the tree cutting at the violation address.

- G. I also confirmed that the company does not have a City of Kirkland business license.

IV. LEGAL ANALYSIS

- A. The respondent admitted to having five significant trees removed, KZC 95.23.5.a allows the removal of two significant trees in a 12 month period.
- B. KMC Table 1.12.100 assesses a fine of \$1000.00 per significant tree removed without a tree removal permit.
- C. Table 95.33.1 requires the given amount of tree credits based upon the size of the significant tree removed.

V. CONCLUSION

Statement of relief the City is seeking.

- A. The owner hired Arbor Barber LLC to remove trees on his property.
- B. The removal was done without any City permits being applied for or issued.
- C. We request that the contractor be held primarily responsible, but that the fines of \$3000.00 and 4 tree credits, either in replacement trees, or funds of \$350.00 per credit paid to the City Forestry account, to be paid in a reasonable time.

Exhibit:

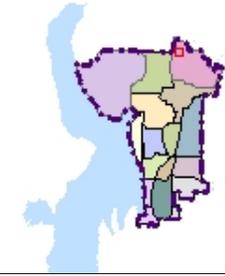
- A. Staff Report

Attachments:

1. Vicinity Map
2. Notice of Civil Violation
3. Affidavit of Service
4. Photos of the site



GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



Legend

- Streams
 - Open
 - Pipe
- Floodplain
- Wetlands
- Seismic
- Address
- City Limits
- Grid
- QQ Grid
- Railroad
- Streets
- Parcels
- Easements
- ComPlace Names
- Buildings
- Parks
- z_Image09
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1: 942



0.0 0 0.01 0.03 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
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Notes

Enter Map Description



GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



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- Contours 2F
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 Code Enforcement
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**NOTICE OF CIVIL
 VIOLATION: TREES**

(Kirkland Municipal Code 1.12.040)

Date: November 6, 2012		Case Number: COM12-00299	
<u>Property Owner Information</u>		<u>Violation Information</u>	
Name: Dhruv Chadha		Site Address: 11736 NE 145 th St	
Address: 11736 NE 145th St		City, State, Zip: Kirkland, WA 98034	
City, State, Zip: Kirkland, WA 98034		Parcel #: 3288301050	
Code Provision(s) Violated:	KZC 95.23.2		
Description of Violation:	Removal of more than two trees in a 12 month period, no permit issued or applied for prior to the cutting		
Inspection Dates:	September 18, 2012		
Date(s) of Violation:	On or about September 15, 2012		
Person(s) Responsible For:	Dhruv Chadha and Ryan R Ringe dba Arbor Barber 21508 52ND PL W MOUNTLAKE TERRACE , WA 98043		
Request for Voluntary Compliance:	None, the trees were already cut		
Corrective Action Compliance Date: (see below for corrective action)	Pay \$3000.00 for three trees cut in excess of the two trees allowed per 12 month period and plant 4 trees, or pay \$350.00 per tree credit to the City forestry account by 12/3/12		
Hearing Date:	December 6, 2012		

HEARING NOTICE:

On December 6, 2012 at 9:00 A.M. the Kirkland Hearing Examiner shall hold a hearing in City Council Chambers, 123 5th Avenue, Kirkland, WA, 98033, 2nd floor, Kirkland City Hall relating to the above issued Notice of Civil Violation: Trees. If the required corrective action is completed AND written approval is obtained from the issuing party at least 48 hours prior to the hearing, the hearing shall be cancelled and no monetary penalty assessed. If you choose NOT to complete the required corrective action by that time, the hearing shall continue as scheduled.

CORRECTIVE ACTION:

Civil Penalty according to KMC Table 1.12.100: \$1000.00 times three trees = \$3000.00
 Restoration according to KMC 1.12.100.F: Submit a restoration plan to restore the unlawfully damaged areas. 4 tree credits or \$350.00 per tree credit to the City of Kirkland Forestry account.

Payment of a monetary penalty pursuant to Chapter KMC 1.12.100 does not relieve the person to whom the Notice of Civil Violation was issued of the continued duty to correct the violation.

ISSUED BY: Craig Salzman, CCEO, Code Enforcement Officer
 Phone: (425)587-3289 - Email: csalzman@kirklandwa.gov

METHOD OF SERVICE:

Hand Delivered Postal Mail Posted at Subject Property Site





CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT

123 Fifth Avenue, Kirkland, WA 98033

Phone: 425.587-3225 – fax: 425.587.3232 ~ www.kirklandwa.gov

DECLARATION OF SERVICE

I am an employee of the City of Kirkland, over eighteen years of age and competent to be a witness herein. On the date written below, I served copies of the Notice of Civil Violation upon the following parties by:

<p>Dhruv Chadha 11736 NE 145th St Kirkland, WA 98034 and</p> <p>Ryan Ringe dba Arbor Barber 21508 52nd PI W Mountlake Terrace, WA 98043</p>	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Posted on-site <input type="checkbox"/> Served to person
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: November 7, 2012

Craig Salzman, CCEO





