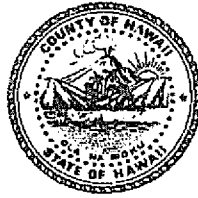


Harry Kim  
Mayor



**County of Hawaii**  
**PLANNING COMMISSION**

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DEC 02 2002

Ms. Noriko Kikuchi  
Bistro Yokohama  
Alii Sunset Plaza  
75-5799 Alii Drive, Building C  
Kailua-Kona, HI 96740

Dear Ms. Kikuchi:

Sign Variance Application (SV 02-01)

Applicant: Noriko Kikuchi for Bistro Yokohama

Request: Sign Variance to Allow Deviations from the Requirements of Chapter 3  
(Advertising and Signs), Article 2 (Kailua Village Signs) of the Hawaii County Code

Tax Map Key: 7-5-9:30

The Planning Commission at a duly advertised public hearing on November 1, 2002, denied the above-referenced request for a Sign Variance to allow certain deviations from the requirements of Article 2 (Kailua Village Signs), Chapter 3 (Advertising and Signs) of the Hawai'i County Code, as amended. Specific deviations would have applied to the sign and lettering size, height and number of signs, and prohibited signs. The property is the existing Ali'i Sunset Plaza located between Kuakini Highway and Ali'i Drive, 'Ahuaukea'e, North Kona, Hawai'i.

The Commission voted to deny Sign Variance No. 20 based on the following findings:

The subject parcel is situated within the Kailua Village core area of the Kailua Village Special District. This core area, is described as that area bounded by Ali'i Drive, Palani Road, Kuakini Highway and Hualalai Road. The project site is situated within a portion of Ali'i Sunset Plaza, which consists of three separate buildings and a parking lot that can be accessed via Ali'i Drive or Kuakini Highway. The primary intent and purpose of the Kailua Village Sign Code is to encourage and foster good sign design in harmony with the Kailua Village Design Plan theme and related elements of building design, scale, proportion and image. Attractive, harmonious, integrated signs have been found to promote and enhance business identification within commercial developments.

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In consideration of the foregoing, there is a need to give special thought to the relationship of signage to building design that is sensitive and reasonable. To implement these objectives, the Kailua Village boundaries receive special consideration within the Kailua Village boundaries, with respect to sizes, numbers and placement of signs.

Excerpts from the Kailua Village Sign Code that are applicable to the subject request include:

Section 3-72 Sign and lettering size states, in part, as follows:

- (a) *Unless otherwise provided, the maximum permitted surface area of any sign oriented to any public street or vehicular access shall be:*
  - (1) *Twelve square feet on any building or portion of a building under separate management or control having property frontage of thirty feet or less, except the total surface area of all signs shall not exceed, in the aggregate, twelve square feet on any building frontage.*
  - (2) *Forty percent of the building frontage or twenty-two square feet, whichever is less, on any building or portion of a building under separate management or control having a property frontage of at least thirty feet, except the total surface area of all signs shall not exceed in the aggregate, twenty-two square feet on any building frontage.*
  - (3) *Twelve square feet for any sign not fronting a public street or vehicular access or for any sign located within the Kailua Village core.*
- (c) *Any lettering or symbol, including free-standing letters, shall not exceed nine inches in height.*

Section 3-73 Number of signs states, in part, as follows:

- (a) *Only one sign for any business or one sign for any street or vehicle access on which a building has frontage shall be permitted.*
- (b) *In a multi-building complex, a directory sign or a sign for the complex may be allowed which shall not be computed into the aggregate signing.*

Section 3-74 Sign height states, in part, as follows:

- (a) *Maximum sign height, measured from the finished ground elevation to the top of the sign, shall be as follows:*

- (4) *Window or Wall sign. A window or wall sign shall not exceed five and one-half feet in height.*

The subject property is the site of the Ali`i Sunset Plaza within Kailua Village, just north of Coconut Grove Marketplace. The Ali`i Sunset Plaza has pedestrian frontage along Ali`i Drive with access to a parking area fronting Kuakini Highway. Within the Kailua Village Special District, the limitations on the size and height of signs is due to the visitor/pedestrian-oriented nature of the Village. If we want to maintain the ambiance and unique atmosphere of Kailua Village, it would be in the best interest of Kailua Village to ensure that the sign code for Kailua Village is adhered to. The applicant's requested wall sign exceeds the size and height limit of Sections 3-72 and 3-74. The requested freestanding and wall signs exceed the number of signs permitted in Section 3-73.

The denial of the applicant's request to increase the size, height and number of signs is based on the following findings:

According to Article 2 (Kailua Village Signs), Chapter 3 (Advertising and Signs) of the Hawaii County Code, as amended, no variance may be granted unless the Commission finds that:

1. *There are special and unusual circumstances which do not generally apply to surrounding property, buildings or signs in the same district, including but not limited to a sign's long-term historical or traditional association with Kailua Village.*

The restaurant's proposed signs have no documented long-term historical or traditional association with Kailua Village, nor has the applicant demonstrated any special and unusual circumstances which do not generally apply to the other surrounding commercial tenants within the Ali`i Sunset Plaza or the adjacent Coconut Grove Marketplace that would require the need for deviations from the requirements of the Kailua Village Sign Code.

2. *Special or unusual circumstances either deprive the owner or applicant of substantial property rights which would otherwise be available, or obviously interfere with the best use of signage on the property.*

There are no special or unusual circumstances submitted or demonstrated by the applicant indicating that there would be a deprivation of substantial property rights that would otherwise be available or obviously interfere with the best use of signage on the property. The Kailua Village Design Code was created to ensure that special attention be paid to maintain the unique and unhurried atmosphere of Kailua Village. Kailua Village is designed to be a pedestrian-oriented shopping area. Small shopping complexes in a pedestrian-oriented area do not allow for all businesses to have roadway frontage, but it allows pedestrians to meander through, explore and inquire with others about the area. The plaza has directory signs at the Ali`i Drive street frontage and parking lot entrance from Kuakini Highway. The restaurant's double faced, projecting sign is visible to pedestrians standing next to the directory sign along Ali`i Drive and motorists in the main parking lot off Kuakini Highway.

3. *The granting of the variance does not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules.*

Permitting the requested freestanding sign would constitute a grant of personal or special privilege inconsistent with the limitations placed upon all other tenants in the Ali`i Sunset Plaza. The directory sign located along the Ali`i Drive pedestrian frontage lists all tenants in the plaza. The restaurant's requested freestanding sign is located right next to the directory that already contains the restaurant's name. If that freestanding sign were to be permitted, all other tenants in the plaza could similarly request permission to post signs right next to the directory sign, thus defeating the purpose of the directory sign.

Similarly, permitting the requested wall sign facing the main parking lot on the Kuakini Highway side of the plaza would constitute a grant of personal or special privilege inconsistent with limitations placed upon all other tenants of the plaza. The requested wall sign would exceed the allowable size, height and number of signs. Bistro Yokohama is actually more visible from the plaza's main parking lot than other tenants that are located in the center of the shopping complex. The wall sign would in effect grant special privilege to the restaurant over the other tenants by attracting special attention to that particular building in the plaza. The restaurant's double faced, projecting sign that is permitted by the Kailua Village Sign Code is easily seen from the main parking lot. Without the necessary substantiation or any special circumstances related to the proposed signage, the granting of this variance request would be contrary to the limitations placed on other adjacent properties under similar circumstances.

4. *The granting of the variance does not violate the intent and purpose of the Kailua Village Design Plan or the intent and purpose of this article, does not militate against the County General Plan, and does not materially affect the public welfare and is not injurious to improvements or property rights in the near vicinity.*

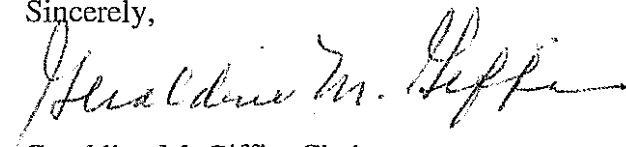
The granting of the variance to permit larger, higher and more numerous signs for a single business would be contrary to the intent and purpose of the Kailua Village Design Plan. An element of the Kailua Village Design Plan, which was adopted by the County Council in 1979, as Ordinance No. 481 (Kailua Village Sign Code), defined the criteria and requirements for signage within the Kailua Village Special District. Again, we emphasize the unique pedestrian-oriented nature of the Kailua Village and the need to maintain this theme. In addition, the Kailua Village Design Commission unanimously voted to forward an unfavorable recommendation of the subject sign variance request to the Planning Director as it also found that the request did not meet the criteria for granting a sign variance.

Based on the above findings, the sign variance request for permitting deviations to the sign and lettering size, height and number of signs, and prohibited signs is hereby denied.

Action of the Commission shall be final, unless the applicant appeals the decision in writing to the Third Circuit Court within thirty (30) calendar days after this action (date of this letter).

Should you have any questions on this matter, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

Lbistro01PC

cc: Kailua Village Design Commission  
Department of Public Works  
Planning Department – Kona