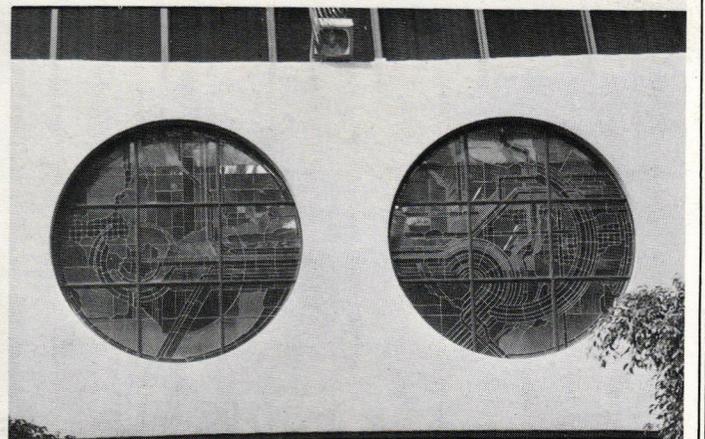
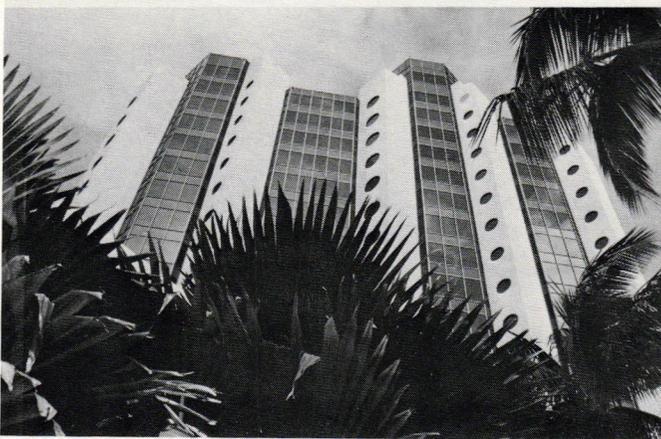
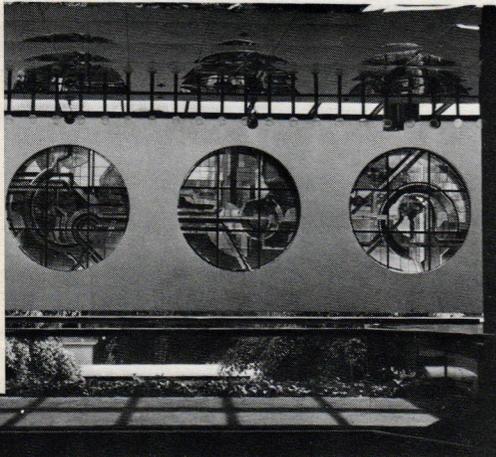


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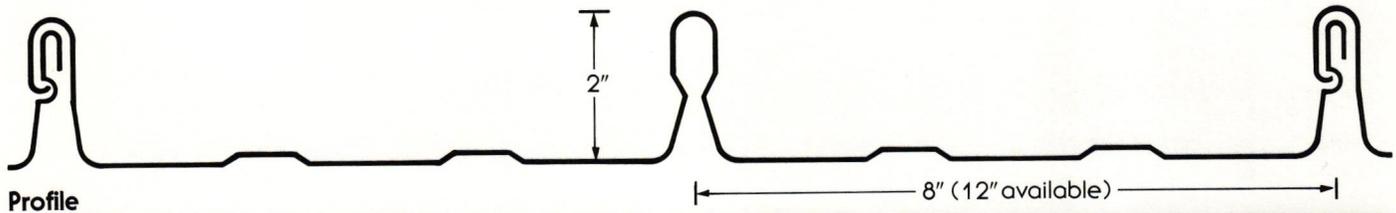
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HAWAII ARCHITECT

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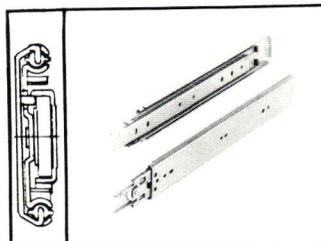
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To the Editor

It is a pleasure to find something well written about architecture when our national architectural publications frequently contain not only a preponderance of bad architecture, but a lot of convoluted language and obtuse thinking.

Lew Ingleson's headlines in our local contribution to architectural journalism is not only well-written, it waxes eloquent with such phrasing as "the majesty of rhythm, the sparkle of articulation, the authority of scale." Not only can one applaud the logical presentation of the writer but one can enjoy the poetry of the language as written.

However, maybe we need to confine Lew to one column, since [in the May **Hawaii Architect**] his second column urging "monument building" also objects to "cheapest, fastest, most moderate building"—that same language would aptly apply to affordable housing which is one of our society's most pressing needs.

Cheapness obviously has some bad connotations but providing shelter that the less fortunate can afford is a neglected goal that our profession should not shirk. *Fastness* is largely a contractor function, but a cumbersome or complicated design can contribute to slowness and that is difficult to describe as a desired architectural goal. *Most moderate* argues with an entire philosophic tradition of "moderation in all things."

The conventional wisdom against building monuments is generally pretty good advice. (Consider that Portland office building as an example of monumentalism gone awry.) One man's monumental meat can be another man's poison. In fact, a lethal attack of "bashfulness" is just what the post-modern cult needs.

Jo Paul Rognstad
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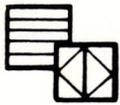
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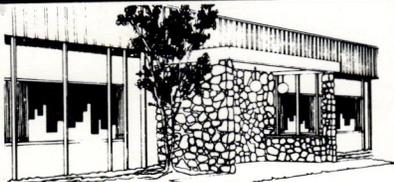
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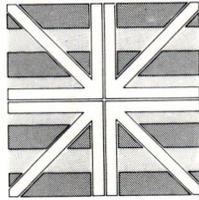
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The Litigation Explosion

by Lewis Ingleson
President, Hawaii Society/AIA

Headlines

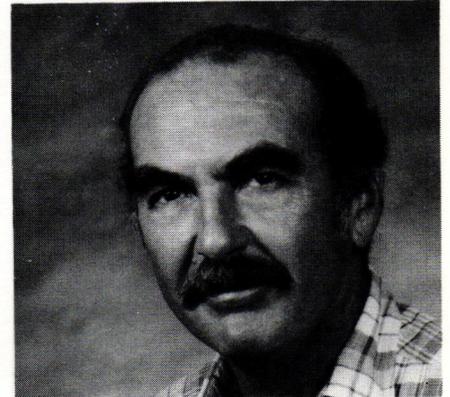
Much of this issue is devoted to the law and its relationship to the architectural profession. Sadly, many of us are enmeshed in legal tangles, an experience that is emotionally debilitating and financially draining. Unfortunately, more and more of us will likely be involved in what some have called the "litigation explosion." The per capita population of attorneys in the United States, as compared to other nations is indicative of this trend. As John Naisbitt contends in his book, "Megatrends," attorneys are like beavers. They get into the system and dam it up.

Though you may believe that you will never be either a plaintiff or defendant in a lawsuit relative to your profession, too many of your colleagues will testify otherwise. Architects as a group tend to be very trusting and naive about such matters. It is time to put naivete aside and get smart! Our very professional existence is threatened and we must learn how to protect ourselves.

Why this proliferation of lawsuits? First, we are confronted by a society that is unwilling to take risks and will seek restitution if put at risk. Our nation was established by those willing to assume awesome risks. That pioneering spirit has made the United States a leader in the world community of nations.

Over the years, however, we have become more and more acquisitive (nothing wrong with that). But we have also become frightened of losing our acquisitions and we no longer seem to have the self-confidence that we could do it all again, if necessary.

We have forgotten that without risk, there can be no progress. Never in the long history of mankind has there been a major achievement without someone taking a gamble. As architects, our natural tendency is to blaze new



technological trails and voyage into uncharted architectural waters. This is as it should be. There are so many new ideas to be tried, so many new exciting spaces to fashion and mold, and so many improvements possible in the materials with which our projects are built and in the methods by which they are assembled. We have so much within us to offer.

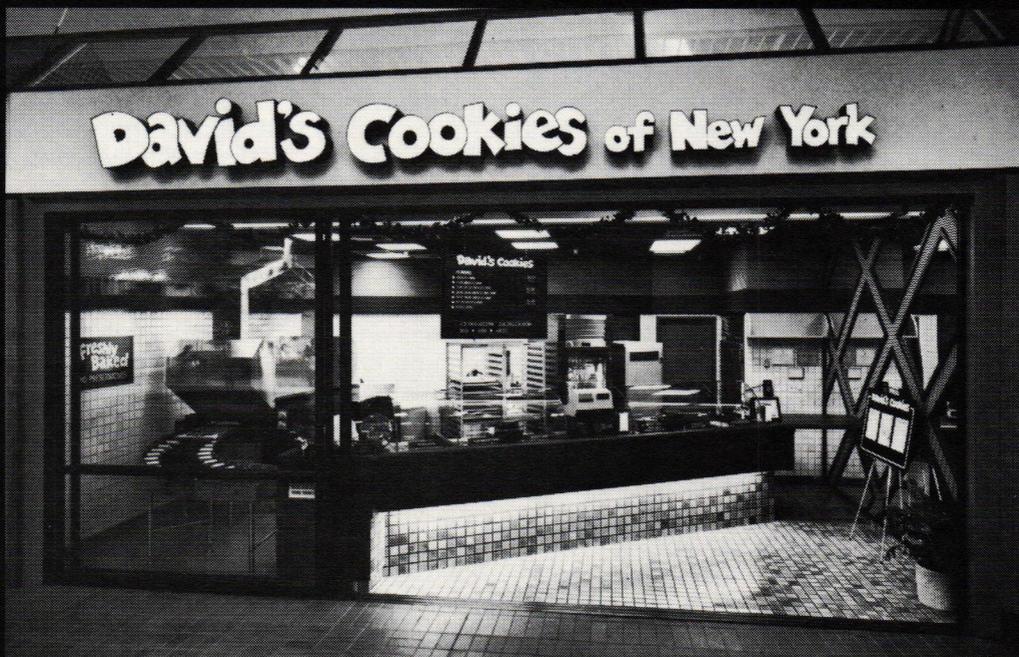
However, being in the vanguard causes us to be particularly vulnerable and at tremendous risk. While we should not seek to evade the responsibility that is rightfully ours, we must protect ourselves from unjustified claims against us. Errors can never be entirely eliminated, nor can claims for alleged negligent performance be barred. However, we can and must try to protect ourselves.

First, we must do our work with as much skill and care as is humanly possible. Second, we must educate the public, including our clients so that they thoroughly understand our responsibilities and duties. Third, we must continually hone our architectural skills so that membership in our profession is synonymous with competence, responsibility and integrity.

In these litigious times, there is no place for complacency, laxity, or incompetence. We must forge within ourselves and our profession the skills necessary to negotiate these murky, legal shoals. **IA**

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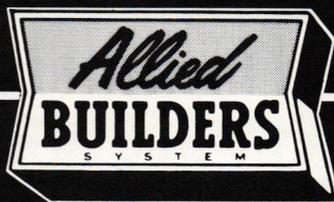
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Requiring Low-Income Housing: Is “Inclusionary Zoning” Legal?

by David L. Callies
Professor of Law
University of Hawaii at Manoa

The Problem of Affordable Housing and the Meaning of “Inclusionary Zoning”

How to find affordable housing. This is the nub of the problem. Too many of Hawaii’s people see the price of decent shelter rising well beyond their present and anticipated grasp. Having decided collectively that government should do something about it, the obvious question is, “what”? One response: require the land development community to set aside a share or quotient of “affordable” (presumably to low and moderate income families) dwelling units out of every development project. There is a growing trend to require such a “mandatory set-aside” in states such as California, New Jersey, and Florida. Indeed, the New Jersey Supreme Court has recently directed certain New Jersey municipalities to amend their zoning codes to require such set-asides. It is just such a set-aside requirement that gets tagged with the misnomer, “inclusionary zoning”—along with a number of other, far less draconian measures. Some of these form a convenient backdrop for analyzing such mandatory set-asides which, until this year, were of questionable legality.

The Context for Mandatory Set-Asides

There are a variety of other techniques for providing affordable housing besides requiring developers to set aside a percentage of dwelling units for low and moderate income families out of each development. Most of these other techniques are relatively free of legal problems. Among them:

1. Publicly Funded Housing Programs. State and federal courts

have for at least two decades upheld the power of local and state government to acquire—even condemn—land and spend public money for the construction, lease and sale of housing affordable to low and moderate income families. This, however, is expensive and administratively time-consuming, even when the federal government is willing to bear a substantial share of the costs. Nevertheless, both the State of Hawaii and its four counties have such programs, but they do not provide enough units to meet demand.

2. Bonuses for Affordable Housing. Many municipalities award density, height, and other so-called “bonuses” (permission to exceed zoning and other local land use regulations) in exchange for a developer’s providing “extras.” Usually such extras are beyond (or conceived to be beyond) what the municipality can require through its police-power limited land use regulations. Affordable housing units is one such “extra” for which many municipalities provide bonuses. Since a developer can presumably choose to forego the bonus and refuse to build the housing, most courts have upheld such schemes. It is this “bonus-incentive” technique for encouraging the construction of affordable housing that formed the basis for most so-called “inclusionary zoning” schemes until the late 1970s and early 1980s.

The Mandatory Set-Aside

A variety of mandatory set-aside schemes has proliferated in California, New Jersey, and Florida over the past few years. This, despite the language of the sole state supreme court case on the subject

for the past decade—*Board of Supervisors of Fairfax County v. De Groff Enterprises*, 198 S.E.2d 600 (Va. 1973)—holding such schemes an unconstitutional taking of property without compensation. The Virginia Supreme Court characterized the housing requirement as “socioeconomic” zoning and beyond the power of Fairfax County to exercise.

Nevertheless, a variety of mandatory set-aside schemes was adopted requiring a percentage of affordable housing as a condition of development approval for both residential and commercial developments. Most famous for the latter is San Francisco’s so-called “Tandem Housing” ordinance requiring “contributions” from commercial developers. The Orange County program, under which the County can require a developer to provide up to 25 percent “affordable housing” units, is coupled with a “bonus” system which—though not optional—is designed to ease the financial burden and minimize the possibility of a constitutional “taking” challenge a la’ *De Groff*. In fact, while most of these schemes would probably be held unconstitutional under *De Groff*, they were unchallenged largely because of the time and money it would cost to go to court, together with the municipal enmity which would probably result.

But *De Groff* was a widely criticized decision, and its reasoning was squarely rejected by one of the nation’s leading land use courts, the Supreme Court of New Jersey, in *Southern Burlington NAACP v. Township of Mt. Laurel* on January 20 of this year. Quickly dubbed “Mt. Laurel II” (to distinguish it from the earlier case of the

[I]t is not the rich or even the moderately well-off for whom decent shelter near jobs is a desperate need. It is the low-income

R. Babcock and D. Callies, "Ecology and Housing: Virtues In Conflict," in *Modernizing Urban Land Policy*, at 208.

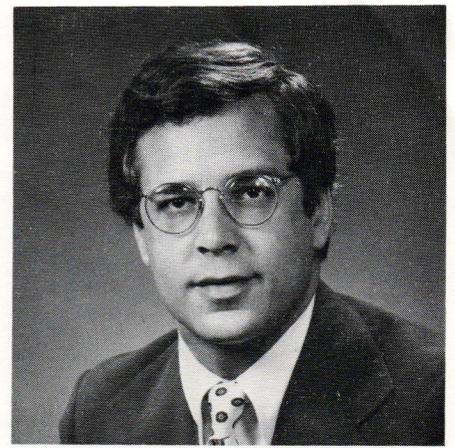
same name, reported at 67 N.J. 151 (1975)), the 287-page opinion specifically holds constitutional municipal mandatory set-aside of units for low and moderate income households, with or without an accompanying "bonus." As part of a broad-ranging judicially imposed program to insure that New Jersey municipalities met their obligations to provide for a "fair share" of regional low and moderate housing needs as set out in *Mount Laurel I*, the New Jersey Supreme Court has assigned three judges to hear *only* such fair/share housing cases, and directed them, *inter alia*, to order recalcitrant municipalities to amend their zoning ordinances to comply with this "constitutional mandate."

The so-called "Mount Laurel doctrine" will apply primarily to those municipalities which the State Plan designates as "growth areas." Specifically **excluded**: conservation and open space areas, prime agricultural lands, and most coastal zone areas, all as designated on the same State Plan. The New Jersey Court took great pains to point out that the mandatory set-aside was one of several potential "affirmative" techniques, should a "growth area" municipality be unsuccessful in attracting low-income housing simply by removing zoning, subdivision and other land use regulatory barriers to such housing.

While *Mt. Laurel II* replaces with cogent arguments for upholding such mandatory set-asides the facile and flawed opinion in *De Groff*, this does not mean that such schemes are now free from legal challenge. The U.S. Supreme Court has not yet ruled on whether such a technique takes property

without compensation or without due process of law—both constitutional arguments. It has, however, refused to find, as in New Jersey, that housing is a "fundamental right." (*Lindsay vs. Normet*, 405 U.S. 56 (1972).) It has also recently breathed new life into **regulatory** takings (*San Diego Gas & Electric v. City of San Diego*, 450 U.S. 621 (1981)), and may soon decide whether, as the Ninth Circuit Court of Appeals would have it, Hawaii's Land Reform Act lacks a sufficient "public purpose" for the exercise of eminent domain. It has already held last year that an "invasion" of so much as a CATV box is a taking of property requiring compensation. (*Loretto v. Manhattan Teleprompter Corp.*, 50 USLW 4988 (1982).) These are conservative land use decisions, from a Court with very little in common, philosophically, with the liberal New Jersey Supreme Court and its views on fair share housing and how to achieve it. On the other hand, the federal Ninth Circuit in *Petaluma* held back in 1975 that if there were a housing imbalance it was up to the **state** to redress it, and that New Jersey has arguably done.

What effect this will have on Honolulu's proposed "inclusionary zoning" schemes—seeking a mandatory set-aside of land or money for low-income housing as a precondition to **residential** zoning—is not altogether clear. *Mount Laurel II* makes good arguments for its constitutionality in principle, but the "fair share" issue is not the motivating force. There are no municipalities excluding a definable economic class of householders. Which way this cuts remains to be seen. Moreover, such a mandatory set-aside raises a critical problem.



Who will pay for the mandatory set-aside:

(a) The original landowners/developer?

(b) Buyers of so-called "market rate" housing?

(c) The municipality, through an award of bonuses, as in California? Either way, the price of other housing or local taxes will go up to compensate for what is in essence a subsidy for low-income housing. As Professor Gideon Kanner of Loyola Law School (Los Angeles) is fond of observing here and elsewhere at irregular intervals: "There is no such thing as a free lunch."

Selected References:

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Ellickson, "The Irony of Inclusionary Zoning." 54 *Southern California Law Review* 1167 (1981).

David Callies, Professor of Law, University of Hawaii, has recently completed a term as Chairman of the American Bar Association Committee on Land-Use, Planning, and Zoning. He is the author of several articles on planning law as well as co-author of The Taking Issue, The Quiet Revolution in Land Use Control and EPA Authority Affecting Land Use. He is also a consultant to a number of state and local governments on land use and land-use legislation. HA

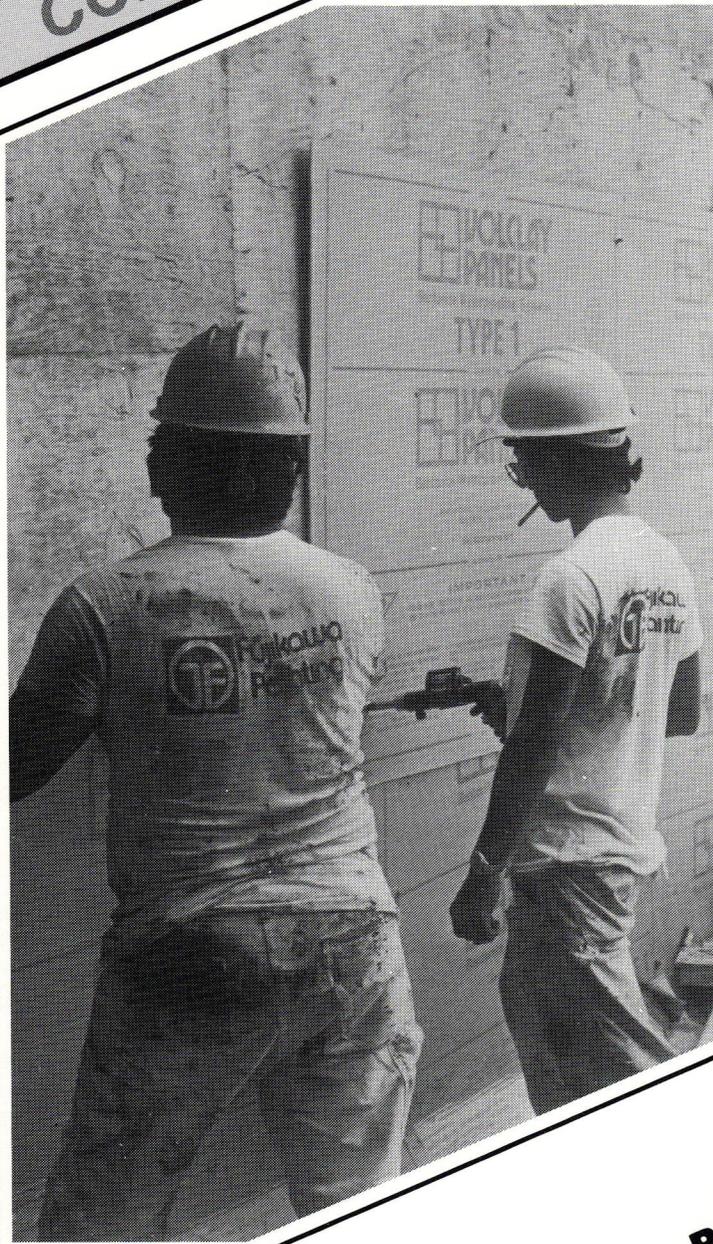
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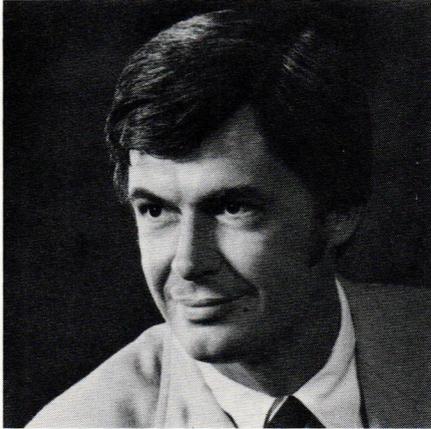
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The Day the Panels Fell

by William A. Stricklin
Hamilton, Gibson, Nickelsen,
Rush & Moore



Stricklin is the lawyer for HS/AIA. He assisted the Society and CIO in connection with recent hearings in the State Legislature to obtain a favorable and constitutional statute of limitations forever barring claims against design professionals. A Harvard Law School graduate, Stricklin represents a number of individual architects as well as the Society.

What may we take into the vast Forever?

A hundred years after the poet asked that question, the Hawaii Senate has answered it for Hawaii design professionals: Liability. Liability forever.

Senate Bill 640 passed a few weeks ago. The new law changes how Hawaii's design professionals must relate to their clients in "tight budget" jobs. The House version of the bill provided a six-year absolute statute of repose for claims against design professionals, both as to property damage and bodily injury or wrongful death. The House version then went across to the Senate the day the panels fell.

As the precast panels fell from John Carl Warnecke's 14-year-old Hawaii State capitol, the Senate Judiciary Committee geared up for hearings. It was of no particular help that we walked into the hearings through a door above which a precast panel had been crudely bolted back into place with two shiny new galvanized bolts. It did

not take long for Senate rhetoric to move from the falling panels on the Hawaii State capitol to the Kansas City Regency Hotel walkway's collapse and the Hartford Civic Center Coliseum roof collapse. Where the senators left off, the personal injury litigation lawyers picked up: In Judiciary Committee hearings they added the MGM Grand Hotel fire and every construction problem since the leaning tower of Pisa.

Unlike most other consumer products, the improvements to real property often outlive the designers and builders. The Legislature faced a difficult balancing of interests: It would be wrong to have too short a period whereby most of the recipients of bad design could not reasonably discover it and file claims for justifiable recovery. On the other hand it would be wrong to leave the situation totally open-ended so there could be no ultimate repose for the design professions and construction

industry. Also it would be wrong to drive up the cost of housing and office space by leading all prudent design professionals to select the rubbed bronze monumental hardware for the Ohana-zoned tutu house.

To compound the difficult balancing of interests there were complex constitutional issues. Fourteen states so far have found statutes such as ours to be constitutional, requiring reasonable classifications so that all persons in similar circumstances are treated alike. The time periods tended to range between six years and ten years.

Our Senate concluded that ten years was the appropriate cut-off for property claims. In the emotionally charged context of the hearings the Senate committee concluded that there was a higher social purpose to be served as to

Continued on page 20



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*Shopping Area
Consulting*

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AIA, & Associates
Consultants: Richard M. Libbey,
Inc.—Structural
Frederick H. Koh-
loss & Associates,
Inc.—Mechanical/
Electrical
Tongg Associates,
Inc.—Landscape

Contractor: Swinerton &
Walberg Co.

Photographer: Williams
Photography

Completion

Date: May 1980

Program:

A 156,000-square-foot office/commercial building to house travel, hotel, and tourism related firms. Client desired a quality office tower and a luxury theme shopping experience along Kuhio and Seaside Avenues.

Site:

1.3 acres in the heart of Waikiki with 390 lineal feet of street frontage.

Construction Methods and Materials:

Reinforced concrete used for structural slabs, walls, and columns, with cement plaster stucco finish on exterior concrete and concrete block walls. Glazed curtain walls are of bronze tinted glass and bronze anodized aluminum frames. Polished granite, polished stainless steel columns and ceiling, and mirrored glass are used



WILLIAMS PHOTOGRAPHY

extensively throughout the shopping gallery arcade.

Solution:

The office tower with its multifaceted exterior is oriented to produce both mountain and ocean vistas. The light colored stucco forms used on all the exterior faces soften the impact of an all-glass tower, and project the required high quality image desired by the clients.

The project, at Seaside and Kuhio Avenues, was the first major development built under the Waikiki Special Design District Ordinance. It is the only major office facility to be constructed in Waikiki in the past 15 years. Construction costs were \$27.75 per gross square foot.

Tropical landscaping surrounds the building in a variety of raised planters and ground-level planting spaces, and follows the axial circulation patterns inherent in the design of the building floor plans. Patterned tile pavers form walkways along Kuhio and Seaside Avenues from curbside through the entire two-story shopping gallery.

Design Philosophy:

The basic design thesis of Warner Boone for the Waikiki Trade Center was to downplay the use of cubes or squares. The box-like effect of most standard urban and suburban forms is typically generated by a literal interpretation of the comprehensive zoning codes. HA

CERAMIC TILE ELEVATOR FLOORS HIGHLIGHT CONDO UPGRADES



More feet tramp through elevators than any other location in any apartment condo—wet feet, dirty feet, feet that shed their share of litter wet and dry from accompanying hands.

In other words, elevator floors take a beating.

Many materials have relatively brief lives when put down on elevator floors. One stands up and is becoming more and more commonly used these days in Hawaii—floors of Ceramic Tile. They stand up to heaviest wear. They're also easiest to keep clean. Soap and water does the job despite that heaviest traffic.

Actually, Ceramic Tile elevator floors have become a growing trend in Hawaii. It

started with a few replacements as tile went in to take over when earlier materials wore out and it was time to upgrade things. Today, it's not only the upgrades and improvements and replacements but Ceramic Tile elevator floors in new construction, too.

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An Interview with the Planning and Zoning Committee Chairman Councilman Leigh Wai Doo

by Michael S. Chu



Leigh Wai Doo, a graduate of Punahou, Columbia College, and Harvard Law School, was formerly attorney for the State House, law clerk for the State Supreme Court, and assistant dean at the University of Hawaii Law School. He is now a private practitioner of law and a City Councilman.

As a freshman Councilman, Doo has completed a Development Plan cycle, and will further set the stage for charting the development future on Oahu.

*Doo is a 37-year-old Honolulu attorney, a bachelor and surfer, who expresses a genuine concern for the future of Oahu. His Council office is cluttered with maps, charts, schedules, and paperwork. **Hawaii Architect** interviewed Doo, the chairman of all-powerful Planning and Zoning Committee, at Honolulu Hale in late May. Excerpts from the interview follow.*

HA: What led you to run for City Council?

LWD: A desire to serve. I feel very for-

tunate having grown up here and receiving a great deal of love and affection, and I'd like to return some of that to the people of Hawaii.

HA: Do you see a political career for yourself?

LWD: That's always a possibility. The term of my office is four years, and I want to see how satisfied I am with the work that I'm doing and the contribution that I'm actually making and weigh it from there.

HA: You are in the limelight because you chair the P&Z Committee, always known to be somewhat of a hot seat. Is that something that you sought out? Have planning and zoning issues always been of interest to you, or did you just by chance end up as chairman of the committee?

LWD: It wasn't by chance that I'm chairing the P&Z Committee. I perceive planning and zoning as one of the key matters which our City Council does in that what we are planning is not just land use, but we're planning

social and economic effects. Because of that, we are really projecting the future of the City and County of Honolulu. The planning is something I believe should not be done parcel by parcel, but rather should be viewed with a perspective projected over at least a generation.

HA: Having gone through the Development Plan (DP) process one time already, do you have any reflections about it as a whole in terms of say its efficiency, fairness, or community involvement? What is your general feeling about that process?

LWD: The DP process is something which has just been born. Depending on how it's nurtured, it may be a great contribution to our community, or it may become just another procedure. The process that the DPs have set forth is really just the framework so far and must be interpreted and fleshed out. During the coming years I hope to concentrate very substantially on this.

HA: What you're saying is that the more times you go through the process the better the process will become.

LWD: Well, it won't come automatically. We have to refine it, and try to define what our goals are, where we should be going as to the purpose of the Development Plans and the Public Facilities Map as well. Is it something we should try to project ahead 20 years—a generation—and leave plenty of options open, or something which we should view from a five-year span?

HA: The construction industry and business are two major groups which lobbied extensively for various DP amendments. In most cases, I don't believe they got what they were asking for—or am I mistaken in that perception?

LWD: First, let me say I think that the groups that came forward and did the largest amount of lobbying were groups which were denied their requests by the administration, and that's the reason why they saw it necessary to lobby. With regard to whether they got what they requested, many of them may not have. But that doesn't take into consideration the many hundreds of groups who did get what they were looking for under the

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draft that was submitted early, and so they saw no need to lobby. I'd like to step away from the term "lobbying," because I would hope that what people would be doing is bringing forward information in principal part through the public hearing process, and through submissions in writing to us. We worked very hard to get the plans adopted on schedule within the first four months of our taking office, which was vital in order to allow the six new urban fringe and rural DPs to be coordinated with the Primary Urban Center and Ewa DPs. But now that that rush is over, I believe we can welcome the opportunity for detailed study of each project of a substantial nature that comes before us.

HA: From your position as chairman, what is the most efficient way for proposals to be presented to the P&Z Committee?

LWD: The appropriate and most efficient way would be to present the proposal to the Department of General Planning, and have the department assess and consider all problems that may be involved, or give its blessing as the proposal stands. As the Council receives it, I should like the Council to develop an attitude of looking at the parcel for its policy implications; the proposal as to how it fits the social needs of our society. If matters do need to be presented directly to the Council, it would be appropriate to put it all in writing and submit it to us with a detailed scheme, and also to present an overview of the proposal and the project at a public hearing.

HA: At these public hearings, what are some of the key things you look for when you are reviewing a project?

LWD: The principal factor we would be looking at is how the project contributes to the general welfare of our community. The principal things the Council is looking at stem from this overview—how the proposal fulfills the goals of our General Plan. Is it consistent with the surrounding land uses, either by continuity or by complementary effect? Who bears what costs? What burden does it pose upon our community by way of infrastructure costs, or fire services, or schools and police services, or traffic impact?

HA: How much influence does a neighborhood board or community association have when it recommends support or opposition for a particular DP amendment?

LWD: Their considerations are valuable because they are a reflection, hopefully, of people who are directly impacted.

HA: How would you describe the interface, if in fact there is one, between the P&Z Committee and the planning/design professionals?

LWD: By "design professionals," I

gather you mean persons who are paid by a client in the private sector to plan or design. As such, they are advocates trying to maximize their client's view while providing good architectural or planning principles. I view that as a very healthy information-refining group that distills a position for the Council to make judgments upon. There are planning professionals, of course, in our City administration. And there are planning advocates, of course, in our community. And they also are part of a process which advocates viewpoints and design and planning considerations. By each side advocating, one is able to derive refined facts and thinking which makes the Councilman or committee member much better informed.

HA: What are some of the big issues you see coming down the road as far as the P&Z Committee is concerned, now that this DP rush is past?

LWD: One of the principal items now becoming a priority is to expedite and simplify our land use management procedures, hopefully from the State level on through to the building permit level. I hope before the end of this year to have proposed pieces of draft rules and regulations and ordinances to expedite and simplify our land use management procedures and I am presently having the Department of General Planning (DPG) and the Department of Land Utilization (DLU) put forward a draft of what they're doing by way of an application that is received, as to which agencies it goes to and what reviews are taking place, and how long it takes and why they're doing what they do. From that, we'll circulate the findings out to the community for them to identify what problems they have and to propose recommended changes they desire.

HA: I'm sure you'll get plenty of feedback from the industry on that. What are some of the other big issues you see down the road?

LWD: Another major task is to flesh out the significance of the Public Facilities Map, which is another part of our DPs, separate from the Land Use Map. The Public Facilities Map is a wonderful educational tool as to what our County is projecting, because on that map go major public facilities that are being planned. And with that map, one can begin to foresee and predict development based on the City's ability to fund the infrastructure.

HA: Are you saying that at this point we don't have as firm a grasp on the Public Facilities Map as we do on the Land Use Map?

LWD: There is no experience to flesh out the Public Facilities Map and its working relation to the budget and the public perception of what to expect from it. To my knowledge, the City and

County of Honolulu's use of this facilities map is the first in the country. I may be mistaken on that, but that's my understanding. As a result, we are pioneering a significant and helpful educational tool so that when we think of planning development, we are also thinking of what the costs are to the city.

HA: How does affordable housing fit into your personal list of priorities?

LWD: Housing for low and moderate income groups is extremely important to me. It's an issue that is not a P&Z Committee issue alone, but runs through the whole concern of the Council. I hope industry, landowners, and government bodies will say let's plan together on how to reach that goal. I haven't yet had time to pursue some of the solutions. Examples that come to mind that may assist the industry or landowner are perhaps to have priority processing if a project addresses this social goal of meeting low and moderate income housing needs. Or to have a special person at the City administration who assists people who are trying to process projects that are fulfilling those needs. Perhaps there are zoning or other requirements that could be made more flexible when the social needs of low and moderate income housing are met. What we are addressing here is not only the need to find shelter for a significant group of our population, but also the desire to have within major projects a mix of economic backgrounds so that the children who are growing up may experience an intermix of cultural values and so that we insure that we do not perpetuate an economically segregated society. I should hope to eliminate the sharp distinctions that there are, for example, between Kalihi and Kahala.

HA: Thank you for your time and candor. Do you have any closing remarks?

LWD: One further matter I'd like to see the P&Z Committee address is a proposed award the Council would give, acknowledging the project which best fulfills the social needs of our city. The jury, hopefully, would be a blue ribbon committee which would recognize the architect, the planner, the project, and the developer who have made a strong and positive statement of good planning, architecture, and development for the City and County of Honolulu. In July, we will start formulating the committee and criteria toward the goal of making an annual award. We hope it will be a significant award that will be difficult to earn.

In closing, I'd like to say that I look forward to working with the industry and the professionals, landowners, and the community in trying to resolve the City's needs. HA

HS/AIA 1983 Design Awards

by Michael S. Chu

Punctuating the end of the 1982-83 school year was the presentation of the annual HS/AIA student awards, held in the unique and gracious setting of the Following Sea at Ala Moana. A total of four awards were issued to the students.

The winning design projects included a bold re-design of the Union Mall by the freshman team of Joanne Taira, Keith Tanaka, Paul Tonaki, Robert Weber, and Kathleen Sullivan Wo; a classy casino/bar/restaurant called the "Pink Flamingo," by Kendra Kurosawa; a thoughtful site plan and

design for the Akiko Dance Company, by Bonnie Nagata and Helen Tsang; and a recreational site plan for Mokuleia utilizing tent structures, by Jim Park.

All projects were well delineated and displayed throughout the showroom at the Following Sea.

About 50 AIA members, professors, students, and friends witnessed the event emceed by Lew Ingleson, president of HS/AIA.

The jury was composed of three professional architects from the private sector. Interestingly, the background of each jury member is quite different and together they

represent a broad cross-section of architectural practice. There seems however, a common agreement among the jury members that the best submitted projects got the awards. Particular comments were made about the Pink Flamingo design and the non-400-level design award.

Special thanks go to the Blueprint Company, Ridgway's, Honolulu Blueprint & Supply Co., and Aloha Blueprint & Supply Co. for contributing the awards, and to Pam Ross for making the Following Sea available for the display.





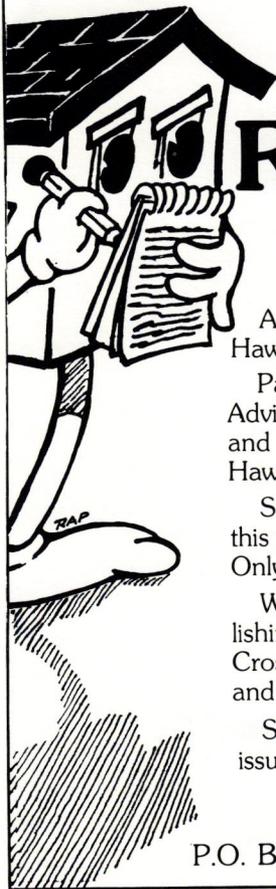
CHU

CHU

Photo below: Top row, l to r, Lloyd Arakaki, Robert Weber, John Hara. Middle row, Kathleen S. Wo, Keith Tanaka, Pravin Desai. Bottom row, Bonnie Nagata, Helen Tsang, Kendra Kurosawa.

Jury members were:

Pravin Desai	Lloyd Arakaki	John Hara
<p>Pravin Desai is a partner in the well-known firm of Chapman, Co-been, Desai, Sakata. He received his B.Arch from the University of Southern California in 1967, has practiced in Hawaii for over 16 years, and is both an architect and an interior designer. He has been a critic and a lecturer at the University of Hawaii for the past one and one-half years.</p> <p><i>The Pink Flamingo had that "experimental" or "imaginative" flair to it ... the jury was looking for that kind of creativity.</i></p> <p><i>... so who's keeping score? Whether I give a guy an award or not has no bearing on my view of their potential in the profession. I'd like to see more involvement in things like this by the faculty, students, and the profession. Hawaii is a small place and we need this kind of interaction to do great architecture.</i></p>	<p>Lloyd Arakaki is a 1980 alumni of the University of Hawaii School of Architecture. He is an architectural designer and project manager for Architects Hawaii, the largest firm in town. He has been with the firm since 1979 and represents the "recent graduate" faction of the jury.</p> <p><i>... I would say the jury was looking for imaginative and fun design ideas, like the Pink Flamingo. School should be a place to exercise your creative ability. In professional practice there are too many real constraints to be experimental.</i></p> <p><i>... the 400-level hotel project [which did not receive an award] was a good effort but got lost in the complexity of detail. There wasn't enough time to fulfill that kind of design problem.</i></p>	<p>John Hara received his B.Arch. from the University of Pennsylvania in 1962. He owns and operates his own architectural practice (John Hara & Associates, Inc.) in McCully, and lectured at the University of Hawaii in the early 70s. As the owner of a small business, he actively participates in both the administrative and design responsibilities of his firm.</p> <p><i>... the most significant thing is that the jury really viewed a very limited number of projects. Many projects were not submitted.</i></p> <p><i>... I think a short verbal presentation by the students would be helpful in getting to understand their thought process and assumptions</i></p> <p><i>... most of the projects were team efforts, therefore it is difficult to judge an individual's performance.</i></p> <p style="text-align: right;">HA</p>



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matters of life safety. The upshot of the hearings was an absolute limit of not six years, but ten years, as to property damage claims against design professionals and "forever" as to bodily injury or wrongful death.

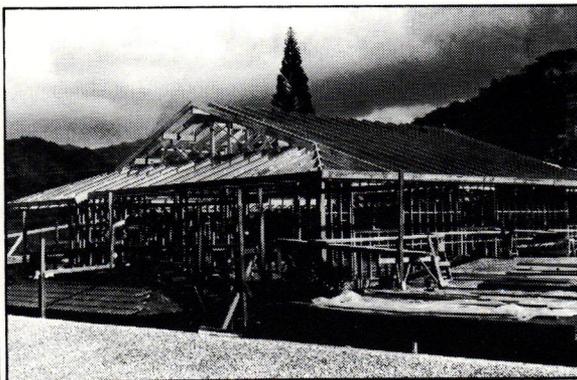
"What they're saying is that they don't want low cost housing in Hawaii," said one embittered architect. "I can specify a low-cost roof of corrugated steel that will last forever with annual painting and good maintenance, but I know perfectly well that I cannot count on people to do that. With a six-year statute," he said, "I felt comfortable specifying aluminum, but the Senate has just persuaded me to specify copper from now on if I don't want to be sued . . . or maybe pure lead."

"As to matters of safety and structural strength," another architect said, "I'm going to overdesign until there's no chance of my estate being tapped 100 years from now because of the Senate's new 'forever' standards for bodily injury and wrongful death."

The Senate's action came on the heels of its receipt of testimony from the Honolulu Board of Realtors Multiple Listing Service that the average cost of a single family home sold in Hawaii was \$185,000. This is more than \$50,000 over the average price of a home in San Francisco, another high-cost area, and considerably more than the low and moderate cost housing designed recently by some Hawaii architects in reliance on the six-year statute. The low cost shelters depend on high levels of maintenance as the trade-off for the low initial cost. Architects involved in the design of low income housing costing \$25,000 to construct (not including land) with a six-year statute of limitation testified before the Senate that their specifications would be upgraded so as to increase cost by 17 percent with a ten-year statute and 41 percent with a "forever" standard.

What does an architect do today when the developer who employed her and pays her asks for some "kokua" in "cost-engineering" (i.e. cheapening) her design? There are no easy answers. Among the answers we used to consider were leaving clear records as to the downgrades by the developer so

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as to fix responsibility for the poorer quality windows, roofs, and other cheap features when the budget didn't quite stretch. Sometimes we got indemnities. They didn't do much good when the developer went out of business after taking his profits, we learned, or went back to the mainland with his contractor and condo development team leaving us to face a few hundred condo owners.

The Senate's action in so amending HRS 657-8 means that a design professional acts at her peril when she accedes to a developer's pleas to find cheaper design solutions for roofs, windows, and other things that leak, or for floors, stairways, handrails, and other things that collapse.

We live in litigious times, sometimes called the "age of consumerism" by those who like what's happening. When the situation is measured from the standpoint of the 1983 Oahu Yellow Pages, one of the realities of practice today is that there are 20 pages of attorneys ready to sue three pages of architects.

The owner and the user of a building usually perceive "no risk" in being in a building. They lack the sophistication and perspective of our industry and do not even think in terms of the "acceptable risk" or "manageable risk" inherent in the state-of-the-art of building design and construction.

This public attitude contributes to the legal morass that often follows even relatively minor building failures. When facing intensely practical design challenges, the architect usually has been responsive to finding realistic means of coming within the developer's budget while reasonably protecting the users. When these decisions fail and are viewed after-the-fact, the designer often is in court facing a no-win situation.

Because of the day the panels fell, perhaps our only safe course is to agree with the embittered architect who will no longer cheapen his designs so as to leave himself with any significant exposure. To be safe, do not select materials or design features which depend on good maintenance to last ten years, as to property damage claims. As to matters of life safety, design so as to last forever. Good luck. HA

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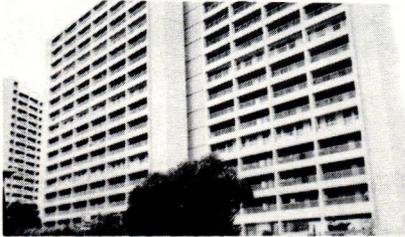
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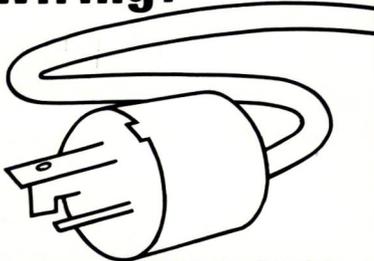
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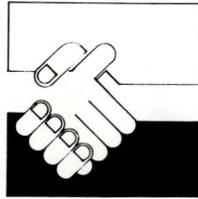
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New Members

by Nancy Peacock

Teddie R. Brown, Student Affiliate, is employed by Design Production of Honolulu, Inc. He has attended Los Angeles City College, Pratt Institute, and is attending



Honolulu Community College. He is married to Judith, and some of his hobbies include flying, art, and golf.

Maria Rosalinda Chun Churma, Associate Member, is currently working at the Office of Counsel Services, City Hall, and is also doing contracting work for Space Management Consultants, Inc. Born in the Philippines, she received her B.S. Arch. from St. Louis University there. She has



lived in Hawaii seven years and is married to husband Thomas. She

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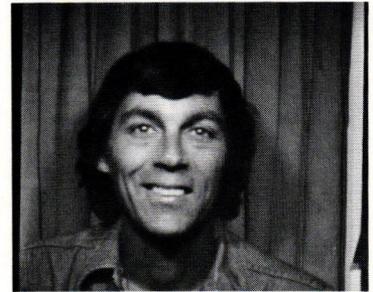
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enjoys creative writing, portrait sketching, and created the "Aunty Kay" cartoon character used by the Architectural Secretary's Association, and various local publications.

Ray Pickens, AIA, has his own architectural practice, and operates out of his Nuuanu home. Raised in Albuquerque, he received his B.Arch. from the University of New Mexico in 1964. He has lived in Hawaii 18 years and his



jobs include many "design/build" commercial and residential projects. He plans on getting his general contractors license soon. His hobby is "dog walking and bird watching."

Scott R. Wilson, our newest Student Affiliate member, is studying architecture at the University of Hawaii, and will be next year's president of the Student Chapter, HS/AIA. His other degrees are in



anthropology—a B.A. from Stanford University and an M.A. from the University of Michigan. His wife's name is Christine Yano, and some of his hobbies include volleyball, tennis, and carpentry. HA

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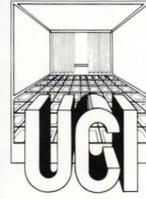

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