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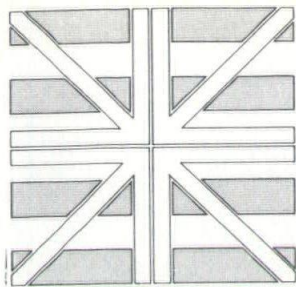
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Canlis restaurant is an oasis in concrete-crowded Waikiki. Wimberly Whisenand Allison Tong & Goo Architects Ltd. recently received a 25-year award for its design from the Hawaii Society/AIA. Photo by Augie Salbosa.





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*Dining is one of several activities that takes place in the Waialae Country Club Men's Grille. The room is also used for card playing, meetings, parties and wide-screen TV viewing.*

# RENOVATING A CLASSIC

*by Marne Richardson  
Architects Hawaii, Ltd.*

**B**ecause the patron of a restaurant spends so much time in one place observing his surroundings, restaurant design may be more demanding than many other forms of commercial design. In a private dining room like the Waialae Country Club Men's Grille the design is under more scrutiny than in an ordinary restaurant because members use the Grille for numerous purposes other than dining. The room is also used for card playing, meetings, cocktail parties and watching sports events on wide-screen TV. Spending so much time observing their surroundings, members have more time to look closely and evaluate the design. Mindful of this scrutiny, it was

my goal as the interior designer renovating the Men's Grille to combine efficient planning and layout with a design that would make the Grille memorable and ensure its success with the members and patrons.

To meet this goal I initially established a process of communicating with management and members that was to be consistent throughout all phases of the design process. I met regularly with Alan Lum, the club manager, and with the club's house committee. Careful attention was paid to all their recommendations and suggestions with the knowledge that every restaurant manager and club member has a personal formula which he has learned through

years of experience will satisfy the needs of the patrons and ensure a successful operation.

The project began as a fix-up operation but quickly became more complex. The first issue was seating capacity. With the growing popularity of the Hawaiian Open golf tournament the need for more space had become critical. An additional 1,092 square feet of space was added to the existing Grille by extending the front glass wall facing the ocean out approximately 18 feet. This provided additional seating for 54 as well as a more expansive and desirable view of the surrounding Kahala beach area.

Separate areas for private dining, executive dinners, and professional meetings were



required. While these areas needed individual architectural definition as separate spaces, they were also needed to accommodate the capacity seating expected in the main Grille area. The Grille, which seats 178, was therefore divided into three small sections by sliding koa panels that had been concealed within the woodwork. These panels were finished with the same color and quality of wood used throughout the project so that the overall harmony of the setting was not disturbed. The resulting two private dining areas also opened up to each other by use of the same panel system, allowing the space to function gracefully and flexibly.

Furnishings provided for the private dining areas were required to be as flexible as the rooms themselves. Rectangular tables were custom designed in three- by six-foot sections which could be arranged together to form one large conference table or lined up to accommodate a small dining meeting. Tables, which were fitted with folding legs for easy storage, were composed of koa trim with a black plastic laminate inset. Koa trim was designed with a flush edge so the tables would fit well when placed next to each other, creating an interesting trim pattern. The design in these rooms was kept simple and the details were of high quality which created an atmosphere of unforced elegance.

The primary Grille area was divided into two visually distinct zones—the card playing area and the dining area. Card players were placed along the perimeter walls so that custom brass pendant lights could be hung low enough to provide adequate lighting for card playing and not reflect onto the large screen TV. It was essential to keep these pendants out of the primary traffic areas and out of the line of vision of the television watchers.

Furnishings provided for the card players were carefully designed and custom fabricated to accommodate the multiple uses

they would receive. The 36-inch square tables were designed with the same koa edge treatment as the conference tables, but with a bullnose edge for comfort. The inset provided was a padded leather simulated vinyl which was soft enough for easy card pickup but firm enough to use as a dining room table if necessary. Small cube tables were fabricated to be used as convenience and drink tables for the card players and as presentation tables during other functions.

An array of varied seating arrangements was designed for the main dining area. The same custom 36-inch square tables were arranged in various combinations to accommodate groups of two, four, six, or eight people. A window fronting the beach was the most popular seating area and was furnished primarily with tables for two and four to allow for maximum seating density.

Knoll Pollack chairs were used throughout the Grille. These classic chairs alongside the custom tables provided a setting that was both refined and informal, making downtown professionals and relaxing golfers equally at ease.

The most outstanding feature of the new Grille was the koa bar located between the main entrance and the locker room hallway. Rich koa combined with a deep-grained marble inset top with brass accent strips created a sense of sophistication and solid comfort.

Complementing the bar were numerous architectural finishes in which comfort and functionality were mutually dependent elements. Deep green plush carpet, accented with a subtle dot pattern, was beautiful, easily maintained and most important, spike proof. The walls were protected by a koa wainscot with a rich woven linen wall covering above. This feature visually tied the large open space together with the bar and sliding door treatment to create an intimate and restful atmosphere.

Although notable objects and surfaces were treated with expensive new finishes, many

items were inconspicuously reused to help with the overall renovation budget. Existing light fixtures and ceiling tiles were painted and relocated to accommodate the new space plan. An existing ceiling soffit was lined with a brass panel system which made an initially uninteresting detail elegant and distinctive.

At the request of the members, I worked with Dr. Thomas Hitch and Mary Ishii Kuramoto to compile a group of historic photographs of the Waialae Country Club to hang at the Grille. Since its inception in September, 1930, the club has had a colorful architectural history, moving from its original clubhouse, a garage and servants' quarters, to a World War II Army theater building, to its current building, constructed in 1972. Photographs of all phases of the club's growth were enlarged into sepia-toned prints and mounted in koa frames. Photographs such as "The First Hawaiian Open, 1928", "The Original Home of the Waialae Country Club—The Former Paul Isenberg Garage and Servants' Quarters," and "The First Tee, 1933" are only a few examples of the pictorial history which was displayed on the walls of the Men's Grille.

With this renovation I attempted to create an area that complemented the architectural history of the Waialae Country Club. Nothing looked too new, too slick, or too polished. All was solid koa, marble and brass. Combined with comfortable and flexible seating, proper lighting, and a tasteful atmosphere, these attributes assured the continued popularity of the Grille with Waialae Country Club members. HA

*The bar combines rich koa, deep-grained marble and brass. A koa wainscot with linen wall covering above and plush carpeting help create a sophisticated and comfortable atmosphere. Photos by Augie Salbosa.*



*Since its inception in September, 1930, the club has had a colorful architectural history, moving from its original clubhouse, a garage and servants' quarters, to a World War II Army theater building, to its current building, constructed in 1972.*





*A festive atmosphere pervades Rosie's Cantina. Bright handrails and varied floor levels define spaces.*



*Natural wood finishes and varied ceiling heights enhance the entrance foyer at Steamers in Haleiwa.*





# AMBIENCE AND ATMOSPHERE: DESIGNING FOR ENJOYMENT

*by Robert M. Fox, AIA*

**R**estaurant projects have always been appealing to architects because of the creative opportunity to design a space dedicated to enjoyment.

A major goal in restaurant design is to develop a particular desired effect which must fit the restaurant concept. Over-designing a moderate cost restaurant can scare away customers as they may think so much was spent on the design, they can't afford to eat there. The challenge is to achieve excellence in design which captures the ambience and atmosphere that is conducive to the specific restaurant.

A good restaurant, to be a success, must function as a finely tuned machine. The movement of service versus guests is an extremely important element of the design. The objective is to never have the service traffic and guests cross. In many ways, the design of a restaurant is like theater, creating an atmosphere which provides the most enjoyable

dining experience and not allowing guests to see what is going on backstage.

We have designed a number of restaurants—two that I particularly enjoyed are Steamer's and the new Rosie's Cantina, both in Haleiwa.

Steamer's was conceived as a multi-faceted restaurant including a bar, disco and outdoor seating. The biggest problem was incorporating a bar and disco into a lunch and dinner restaurant and not having it look like a disco when it was being used as a restaurant. The solution was to have movable seating on the disco floor and develop collapsible walls which allowed the interior spaces to expand visually and physically to the exterior. The design relied heavily on natural wood finishes, color, a variety in ceiling heights, exposed air conditioning ducts, level changes and mirrors to expand the long, narrow, irregular space. The project has been a continuing success and the original design concepts appear still valid today.

Rosie's Cantina is a Mexican

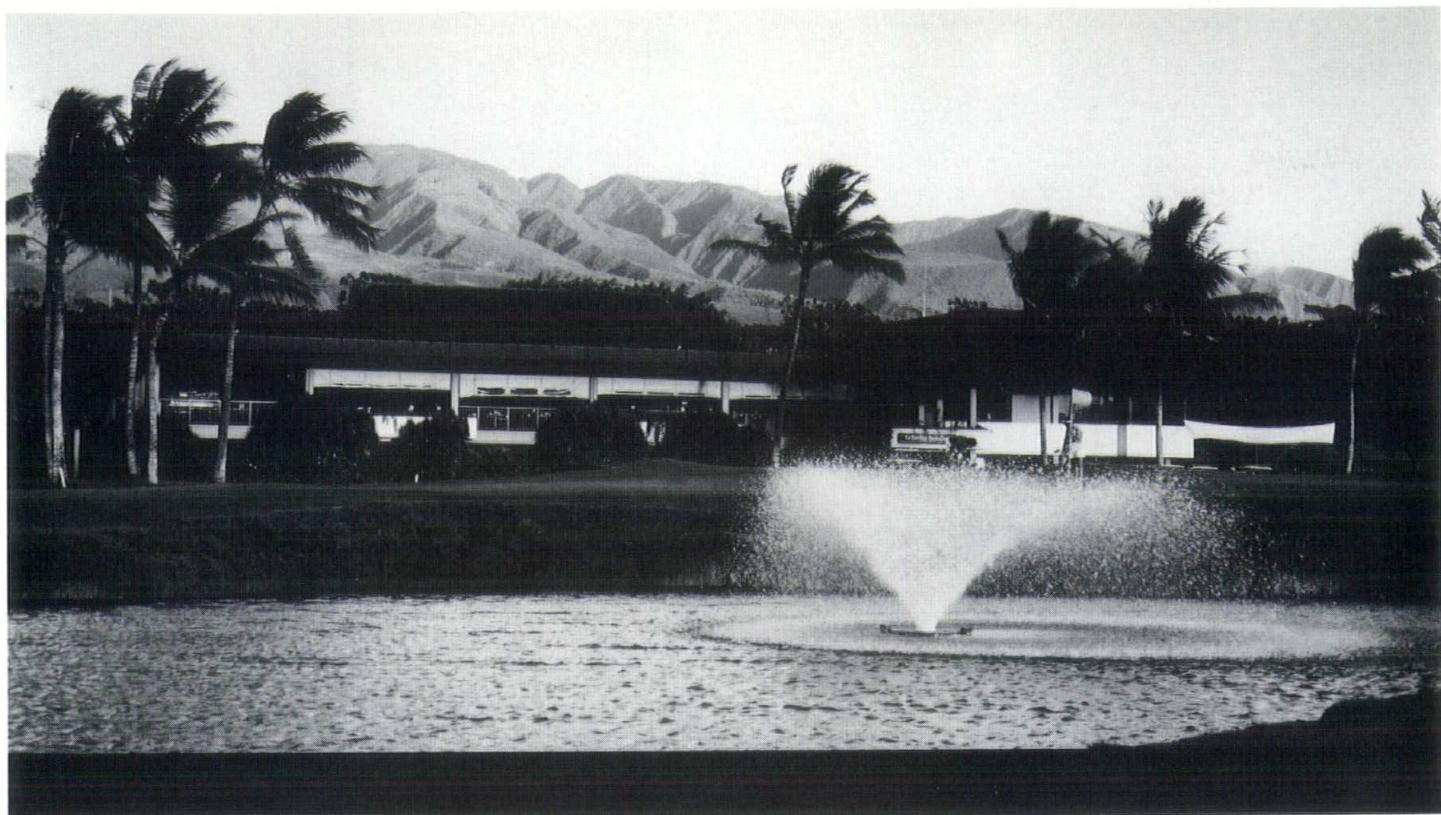
restaurant without the normal cliches identified with Mexican restaurants. The concept was to provide a festive, colorful, informal space, setting the background for Mexican food.

The space had been a very traditional coffee shop. We were able to develop a more exciting environment by employing floor level changes, moving out walls, creating angles and expanding the entrance to be more inviting. The spacial flow was enhanced by tile patterns, wood floors and bright colored handrails which contribute to the sense of space definition and flow.

Floor textures, level changes and seating arrangements were designed to equalize the less desirable seating areas. A mural using nine bright colors was created for the wall behind the booths to further emphasize the festive and bright atmosphere.

As one who enjoys the dining and atmosphere of good restaurants, I find their design challenging and rewarding.



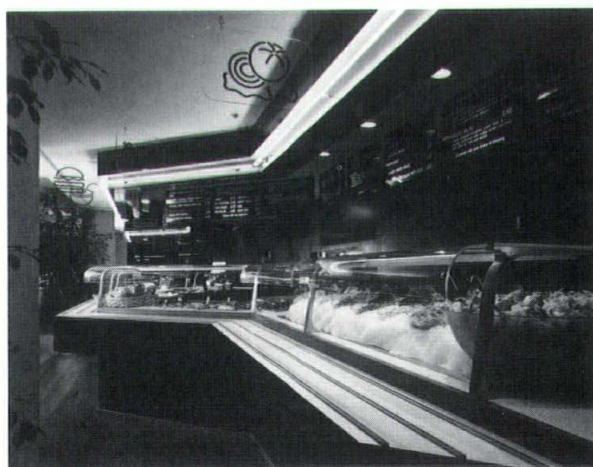


*Diners at La Familia Restaurant at Kaanapali Golf Club House on Maui enjoy views of the 18th fairway and irrigation ponds. The interior was completely renovated with redwood and etched glass materials. Work was completed within 60 days.*

# EMERGING TRENDS IN RESTAURANT DESIGN

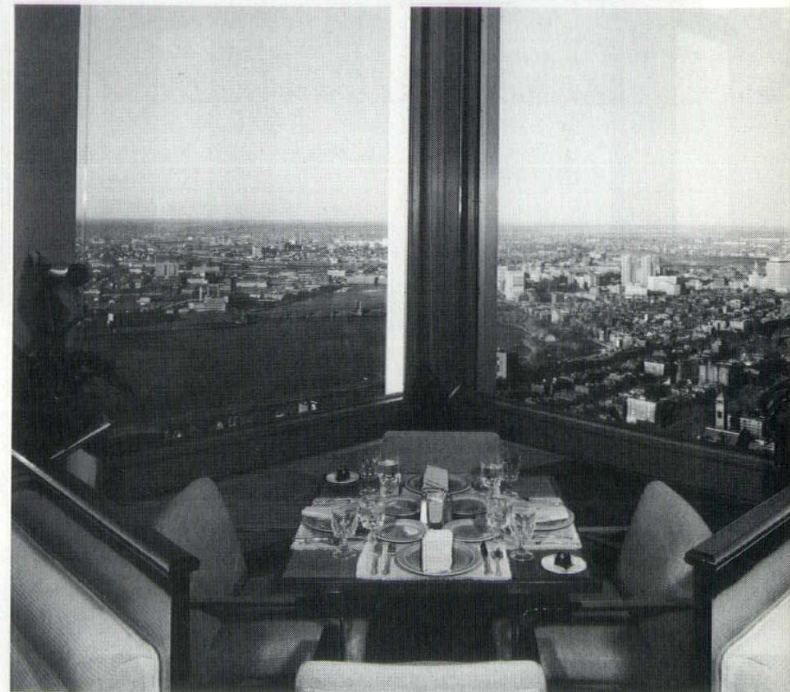
*by Don Wudtke, FAIA and Ted Garduque, AIA  
Wudtke Watson Garduque Associates*

*An expansive salad bar at San Francisco's Mangia Mangia reflects the health-conscious attitude of today's society. Photo by Russell Abraham.*



**T**he direction which restaurant growth and expansion is taking reflects a number of economic, market and geographic conditions. From the perspective of architects and planners specializing in the design of food service facilities, we recognize the evolution of a number of significant trends which are occurring within the industry. These trends are reflected both among our multi-facility corporate clients and independent





*The entrance to Fat City (above) on Pacific Highway in San Diego, California beckons diners. Top of the Hub (above right) is an award-winning restaurant atop Boston's Prudential Center. A corner table at Top of the Hub (right) affords a spectacular view of the city. Photos by Dan Whitney Photography.*

entrepreneurial owner/operators.

There is an increasing realization within the hospitality industry that restaurant image and design has a significant impact on the profitability of operations and prospects for growth. Distinctive design may be used as an effective tool in planning and financing successful expansion programs.

Despite the advantages of high visibility and repeat prototype design that freestanding restaurants should provide, the

high cost of land, construction and money can far outstrip these benefits. The unrestricted heyday of freestanding full-service restaurants is over for now. Retrofitting and revitalizing existing freestanding restaurants, with a new and more contemporary image, will be the mainstay of growth trends for the immediate future. Existing equipment and spatial configuration constraints must be creatively integrated into a facility projecting a revitalized new image.

Regional shopping malls are again competing with revitalized downtowns and the mall restaurants are reaching for the competitive edge. According to recent surveys of major mall developers, the largest single complaint of mall patrons is the quality of food offerings. Mall owners and developers are realizing that food facilities are no longer just a necessary convenience but rather may be a limiting liability or a dynamic attraction and vital asset to the



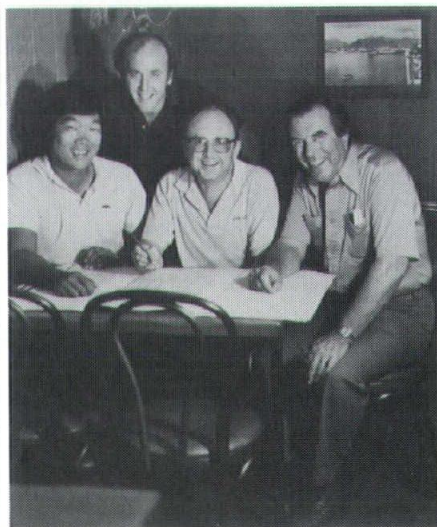


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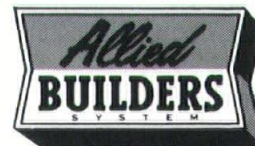
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economic success of the mall development.

### Subsidized Employee Food Service No Longer Clearly Makes Sense

The old fashioned concept of a company providing low cost food/lunches is no longer always perceived as an employee benefit. Rather, it is considered a turn-off. Large corporations and institutions will have to begin rethinking and understanding that their employees are looking for convenience, menu quality, diversity, and a pleasant change of environment/scenery when making a lunchtime selection. Moreover the mere economics of giving up prime leasable space for a subsidized food operation no longer makes much sense. New concepts must be employed to fulfill these economic and lifestyle changes.

*Stained glass is a major feature at Fat City in San Diego. The decor creates a warm, nonthreatening atmosphere. Photo by Dan Whitney Photography.*



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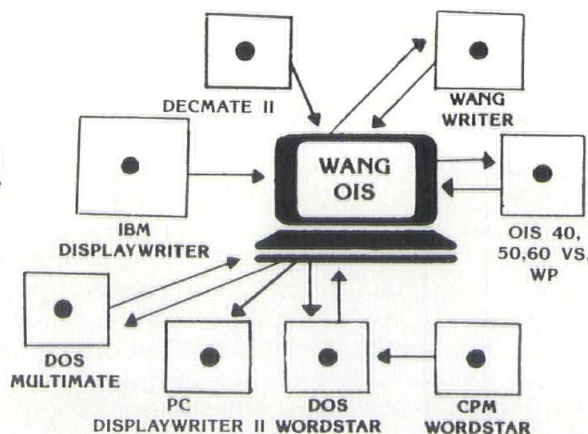
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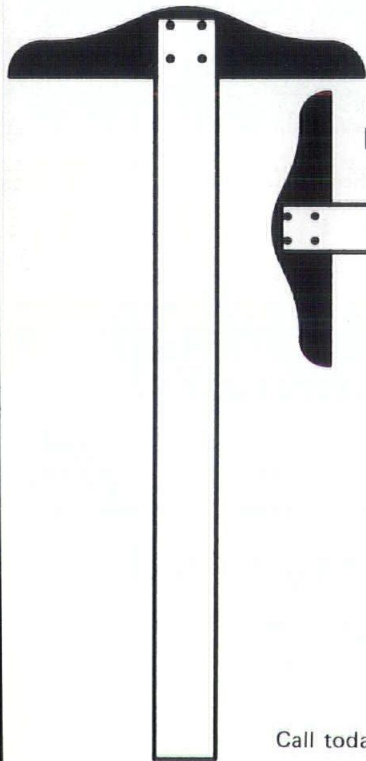
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## Hotel Food Service Facilities Cater to Broader Market

As gross food sales constitute a larger and larger proportion of total hotel revenue and with food service facilities increasing dramatically in cost, hotel operating companies are realizing that in-house facilities must successfully garner a greater share of the patron market outside the hotel. Hotel restaurants are being repositioned and upgraded to be advertised, marketed and recognized on their own merit to outside patronage.

## Health and Fitness and the End User

There is a consciousness in the American public which concerns itself with health and fitness. People are likely to be concerned about their diets, and social ramifications that go along with a lighter and healthier fare. Consequently, the design of restaurants is beginning to reflect that desire and demand for light, airy and clean-looking spaces. This is not to say that the design of restaurants cannot be upbeat, friendly, cozy or warm. The average restaurant patron is knowledgeable about calorie counts, food production and type, as well as wine selections. Therefore, there is customer appeal to displaying and preparing foods in an exhibition manner so that the end user can see the product they are buying and the people preparing it. This concept has been used successfully (consciously or unconsciously) from Chinese delicatessens and pizza-making stands to gourmet restaurants.

## Identifying a New Market

At a recent shopping center convention, the major owners of shopping centers identified a potential market for the restaurant and user. This market is a lady or pair of ladies out shopping and looking for a light food within easy access of their shopping expedition. Prior to this, freestanding units or distant restaurants outside of shopping complexes were the few choices



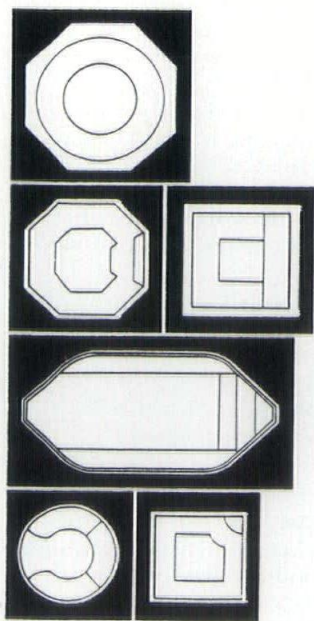
available. Therefore, it is not surprising to find that in concert with the consciousness of health and fitness, there is a large market out there which is demanding a nonthreatening environment in which two ladies can sit in a light and well-designed place that offers chic ambience with a reasonable fare.

#### Trend Versus Fashion

In identifying ever changing trends in the restaurant industry, we must be very careful to distinguish between that of trend versus fashion. What is fashionable today may not necessarily be fashionable in two years. A successful restaurant usually upgrades its facilities in five to ten years. Creating a space based on today's fast turning fashion does not necessarily make economic, functional or philosophical sense. Astute restaurant clients are demanding timely quality of design which stands the test of time yet is appropriate to the style of operation, setting, and ambience of now.

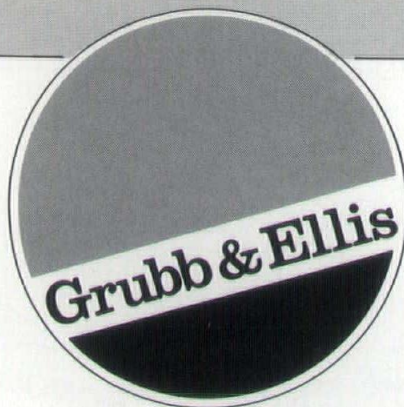
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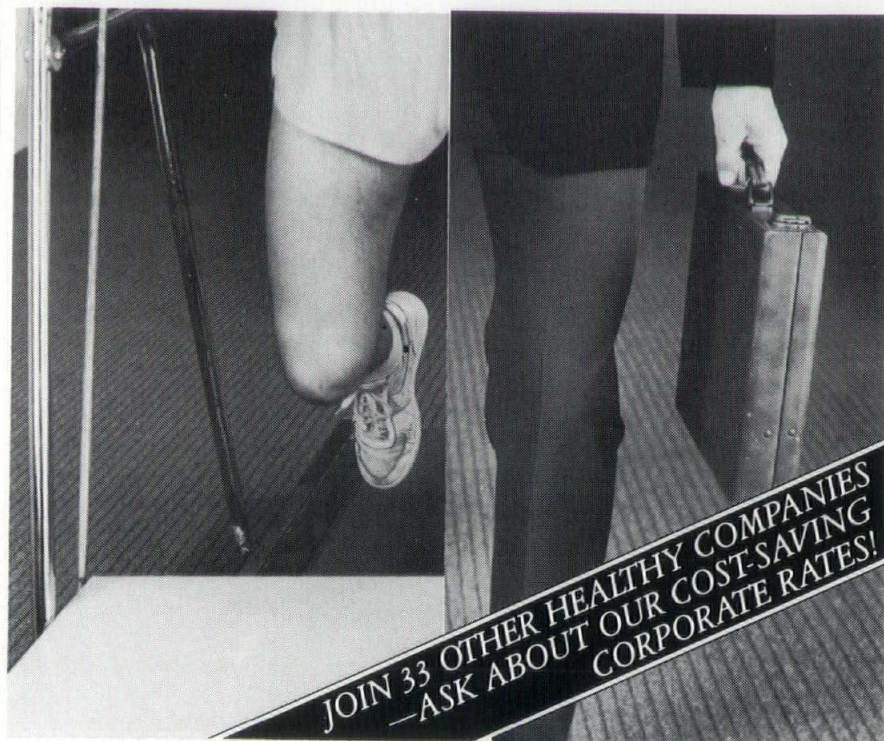


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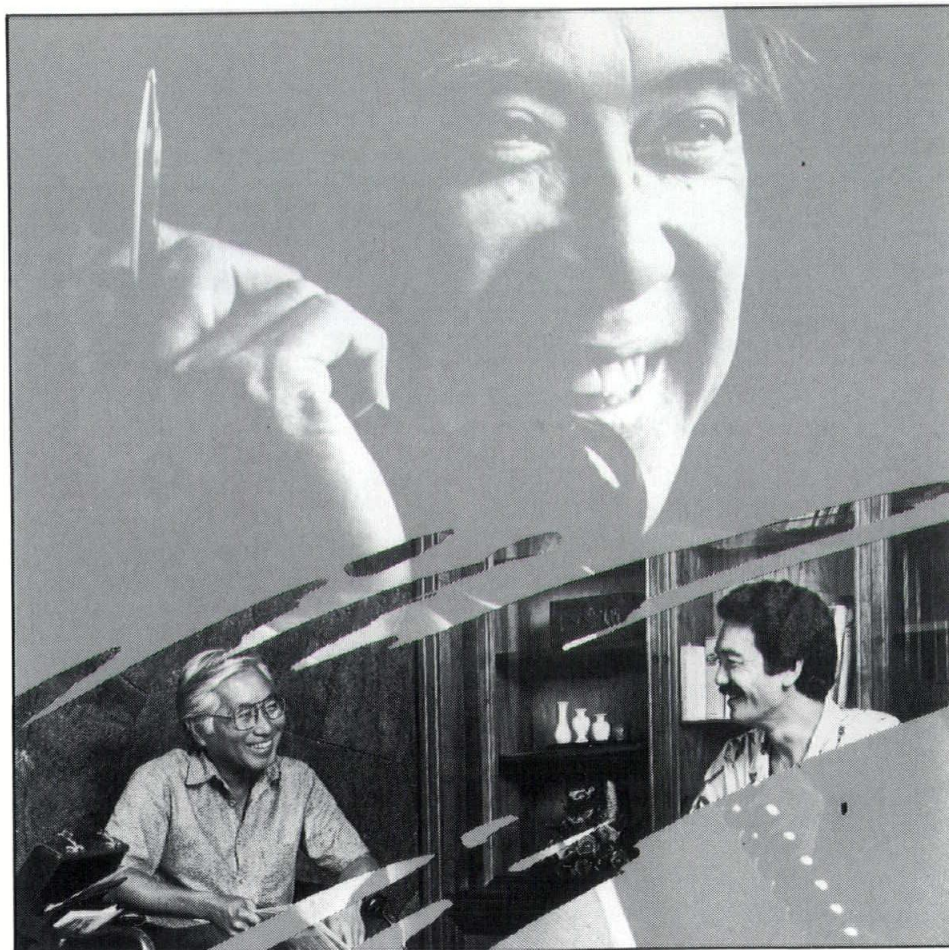
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*Warm pastels act as a background for the main dining areas. Diners enjoy the view through glass walls. There is a friendly, exciting atmosphere in the bar (below). A variety of levels and shapes adds interest and a sense of fun.  
Photos by Dana Edmunds.*

# PLAYFULNESS AND SOPHISTICATION

*by Bill Brooks  
CJS Group Architects Ltd.*

**C**hi-chi's is a welcome departure from the stereo-typed architecture we've come to expect and accept in restaurants specializing in Mexican food. An established national chain, Chi-Chi's at Westridge Shopping Center is the first of several restaurants planned for Oahu and Maui.

The best description for Chi-Chi's image is "contemporary." The forms and spaces are fun and imaginative. Finishes have been tastefully selected and are accentuated against a background palette of warm pastels. It is impressive that for all the playfulness there is still an ambience of sophistication that comes easily. Instead of choosing the "dark and intimate" tactics of many

restaurants, the attitude is at once friendly and exciting. It is an enjoyable experience at every level.

Much of the credit for the Chi-Chi's style rightfully belongs to the owners who are based in St. Paul, Minnesota. Working closely with The Wold Association Architects, a firm also in St. Paul, they played an integral role during the development of the conceptual and schematic plans. In a joint venture relationship with Wold, the CJS Group Architects, Ltd. was chosen to finalize the design and detailing, and provide construction documents and administration.

The desired opening date put forth by the owners mandated that the project proceed on a fast-track basis. Construction time was





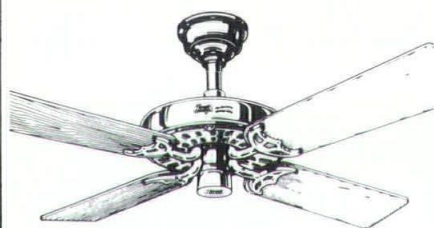
limited to 10 weeks. Hawaii/Western Construction was chosen as the general contractor, and costs were developed on a negotiated basis.

To say the schedule was tight would be an understatement. It was noted at the outset that a restaurant nearby only half as large took twice as long to build. When the dust settled, however, the predicted date of substantial completion was only missed by five days (one of the air conditioning units being freighted "disappeared" en route to Honolulu and had to be replaced).

Somebody once said "I love it when a plan comes together." Chi-Chi's is an example of one of those times when that line can be spoken by architect, client and contractor, which is no small accomplishment! Judging by the packed house every night of the week since their official opening on Sept. 16, patrons must agree. **HA**



*Dinner guests entering Chi-Chi's may be surprised to find a contemporary image. There is none of the architecture usually associated with Mexican restaurants.*



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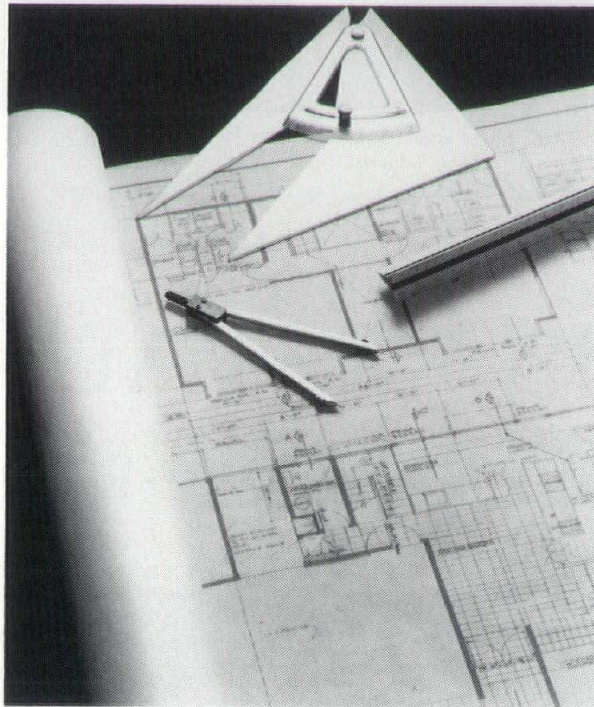
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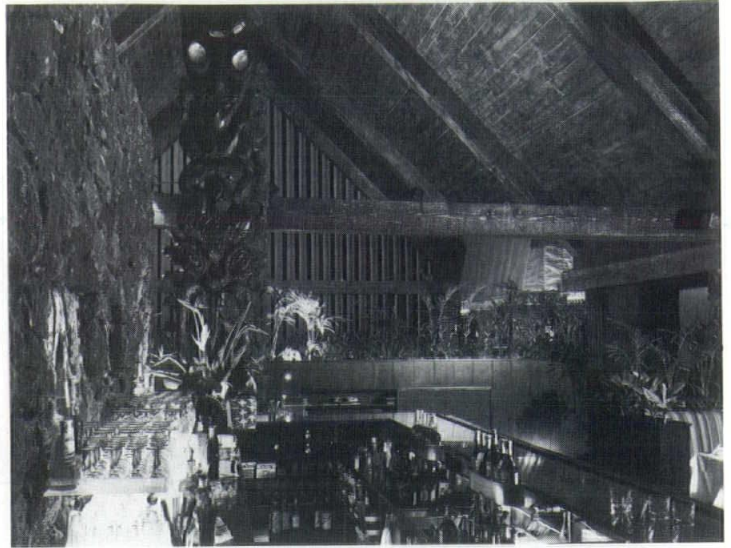
For assistance call Ed Inouye at 547-3519 or Charlie Bazell at 547-3518. Or write to The Gas Company, P.O. Box 3379, Honolulu, Hawaii 96842.

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Mosaics are set in a lava rock wall behind the bar (left). The mosaics were executed by Bumpei Akaji from designs by Ben Norris. The bar and cocktail lounge are dominated by a 14-foot carved wood Polynesian god (right) by Edward M. Brownlee. Photo by Wenkham. Daylight is filtered through 18 plastic domes in the copper roof of the high-beamed wood structure (below).

## CANLIS RESTAURANT

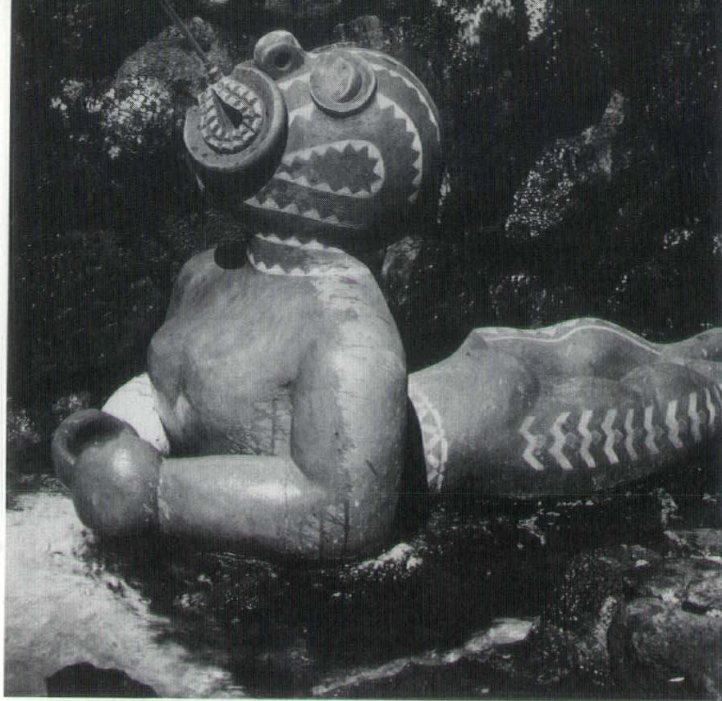
*Hawaii Society/AIA's 25-Year Design Award Winner  
Wimberly Whisenand Allison Tong & Goo Architects Ltd.*



Since its opening in March of 1954, Canlis restaurant has become a historic architectural landmark of Waikiki, not to mention one of the most popular and highly praised restaurants in Hawaii.

A beautiful blend of architecture and art, Canlis was produced through the collaborative efforts of a notable creative team of local artists. The building was designed by architect George J. "Pete" Wimberly, FAIA, founding partner of Wimberly Whisenand Allison Tong & Goo Architects Ltd. Ben Norris, then chairman of the University of Hawaii Art Department, was the designer and coordinator of the restaurant's art, aquatic displays, color coordination and landscape features that include mosaics by Bumpei Akaji, wooden sculpture by Edward M. Brownlee, ceramics by Harue Oyama McVay, sculptured ceramic





A Polynesian elf bathing in a pool (above) sends a jet of water from his mouth. Photo by Wenkham. Tradewinds flow through vertical louvers that extend to the roof (right). The louvers are decorative as well as functional.



fountain figures by Hester Robinson, and John Dominis Holt's 9,000 square feet of interior and exterior planting for the 8,000 square foot restaurant.

The distinguishing feature of the architecture is the structure's high-beamed roof sheathed in copper with 18 rectangular plastic bubbles to light the interior gardens. The main dining room is cooled by tradewinds that flow through full-height vertical louvers that make up the *mauka* and *makai* end walls, enabling Canlis patrons to enjoy Honolulu's balmy breezes.

The restaurant has been expanded in the past few years by new additions which complement the original architectural design. The integrity of the design has been maintained by the building's original owners, who have meticulously maintained the property and have made changes

only through careful consultation with the architect.

With its distinctive copper roof, massive stone walls and heavy timber framing sitting within lush landscaping, Canlis is an oasis in concrete-crowded Waikiki. It is no wonder that founder Peter Canlis called this unique place "the most beautiful restaurant in the world."

Over the years the architectural acclaim of Canlis restaurant has spread worldwide. The Hawaii Society/AIA recognized the project with an Honor Award for excellence in 1955. The restaurant has also received an Institutions Magazine Design Award and a number of Holiday Magazine Design Awards. In addition, Canlis won international recognition as an example of some of America's finest architecture through its selection for inclusion in the Whitney Museum's traveling exhibit to Russia.

#### **Owner**

Peter Canlis

#### **Architect**

Wimberly & Cook, AIA

#### **Associates**

Paul D. Jones  
Rowland Terry

#### **Interior Designer**

Terry & Moore, AIA

#### **Art Coordinator**

Ben Norris

#### **Landscape Designer**

John Dominis Holt

#### **Contractor**

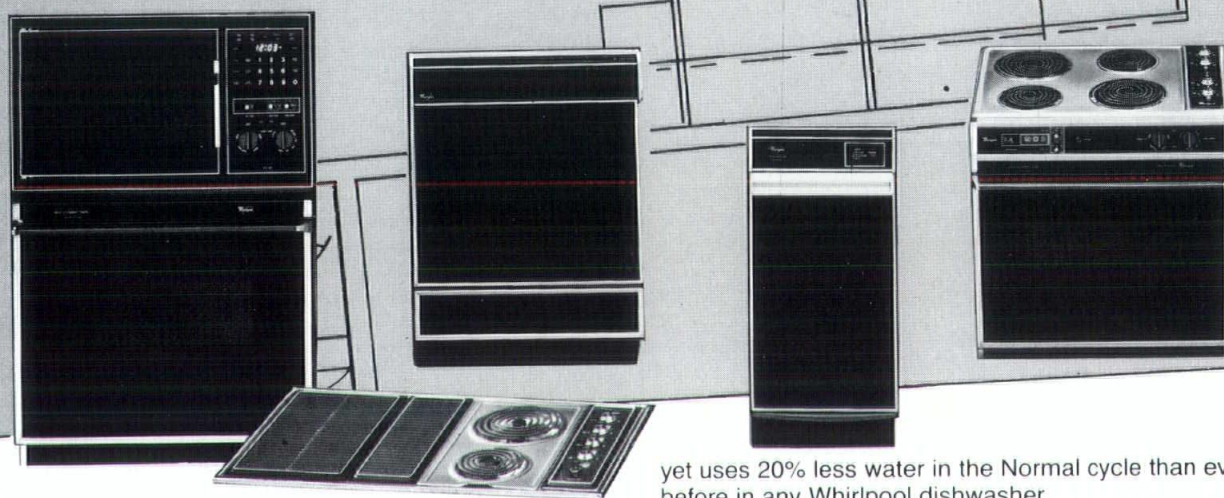
Nordic Construction Co.

#### **Artists**

Bumpai Akaji (mosaics)  
Edward M. Brownlee (sculpture)  
Harue Oyama McVay (ceramics)  
Hester Robinson (sculpture)  
John Young (paintings)



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## WHO CARES?

*Some thoughts on client and professional responsibilities  
by E. Alan Holl, AIA, CSI and Jack C. Lipman, AIA*

*(The opinions expressed by the authors are derived from their collective experience as arbitrators and expert consultants to the architectural and legal professions. The article is published with the understanding that neither the authors nor the publication are rendering legal services. If legal advice is required, the services of an attorney should be obtained.)*

**E**veryone should care—owners, architects, engineers and contractors. Why? To reinforce the total team so that the end result is achieved—a project completed on time, within budget, to the satisfaction of each team member.

To illustrate some of the problem areas and to offer suggestions for their avoidance, the following hypothetical questions and answers are presented to create a level of awareness.

**Q: Why have disputes or litigation related to architectural services in Hawaii increased so dramatically in recent years?**

A: There are several reasons:

- growth too rapid, particularly in the late '60s and early '70s, to maintain an adequate work force with requisite skills by the designer as well as by the construction industry;
- architect's compensation insufficient to research, staff and service the project adequately, particularly during construction document preparation and construction phases;
- acquiescence to client pressure to release documents for bidding and construction prior to the architect's comprehensive coordination and technical check;
- erroneous design assumptions on building material performance; and use of materials inadequately researched or tested for use in Hawaii's unique climate and exposure;
- assuming that the technology for a three-story walkup could be extended into a highrise condo;
- deep pockets (liability insurance);
- markedly changed expectations

on building performance exacerbated by a changing market (mainland investors versus local buyers, third party buyers, etc.);

- an increasingly contentious and litigious society.

**Q: What can we do to reduce our exposure?**

A: While there is little that can be done in advance to minimize exposure to third party actions, consult your attorney and your professional liability insurance carrier on each proposed professional service contract that deviates in any way from the standard AIA forms of agreement and their conditions.

Sharpen your business senses; use common sense. If the deal falls through, you may be better off in the long run. If you want to take risks, know what they are and what the consequences may be.

One area over which you have absolute authority is your own internal quality control process. Commit to a process which puts as much emphasis on integrated,



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Research products and materials to insure that their intended use in your design is consistent with their ability to perform in our unique environment. Don't rely solely on material supplier's or salesmen's representations; check them out. Remember, it is your seal on the document, not theirs.

Develop office production standards and a master outline specification so that your employees learn how you want it done and learn what it is called so that your drawings and specifications are truly compatible and complementary (eliminate the widget on the drawings and gadget in the specs with the result that the contractor claims you have neither and wants an extra for either).

Use the design development outline specification as a first quality assurance check for material or product appropriateness and suitability. Use a gross checking process, similar to NAVFAC's "Redi-Check" or the Corps of Engineer's check list, to insure that all basic information is displayed.

Minimize notes on the drawings; they usually belong in the specs. Standardize products, i.e. don't mix 1/2-inch and 5/8-inch gypsum board on the same project. Simplify drawings so that only essential information is displayed. Rely on graphics rather than verbiage on the drawings.

Make maximum use of schedules or other abbreviated notations to simplify presentation of repetitive construction information, i.e. door schedules by mark (not by consecutive number), hardware groups, room material codes, window schedule, louver schedule, toilet accessory schedule, casework schedule, etc.

Do not repeat information. Show or specify it once.

Demand professional compensation commensurate with the level of professional skill required and the risk involved; otherwise,

forget the project unless you are truly masochistic.

Don't allow your project to be jeopardized by excessive value engineering (cheapening the job). While legitimate value engineering is appropriate if performed at the appropriate time (design development) by the design team or peer professionals, what usually happens is a knee-jerk reaction at construction contract time resulting in savings which increase downstream liability.

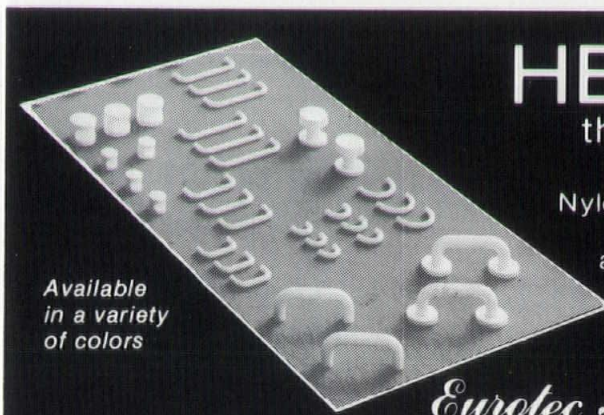
If a client attempts to coerce you into doing something you feel

is unprofessional, risky, illegal, unsound, or dumb, have him indemnify, hold harmless and defend you from any and all consequences resulting from such action.

**Q: When an architect has agreed that his compensation will be deferred until some future event, i.e. building permit issue, construction loan, etc., what should he do if it appears that the event will not take place?**

**A: First, second and third—call your attorney!**

Do not breach your contract by

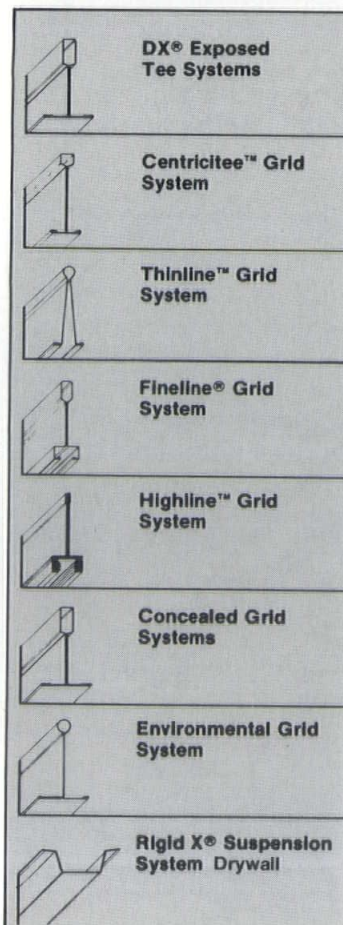


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formally stopping or terminating services unless you do so based on sound legal advice.

Don't panic. Remember the contingency plan you had in mind when you decided to defer your compensation. Hope that you included that contingency in your agreement.

**Q: My client, whose cousin will be the contractor, refuses to pay for my construction administration services. What do I do?**

A: Limit your stamp on the documents to design only. Do not

stamp for construction inspection. If you have dual stamped the drawings, write the Building Department and the Registration Board advising them that you are no longer responsible for construction inspection. Obtain a copy of Chapter 464 HRS (\$.50) and Chapter 82, Rules of the Board of Professional Engineers, Architects and Surveyors (\$.75) from the Department of Commerce and Consumer Affairs. Refresh your memory as to the law under which you are

registered and the rules of the Board under which you practice.

**Q: Why is a professional registration stamp required on construction drawings (sometimes called working drawings)?**

A: It is required by the Hawaii State Revised Statutes, Chapter 464. This law was enacted primarily for protection of the public. The construction drawings and specifications are legal documents. They are used for the execution of a legally contracted project.

**Q: What protection does this stamp give a client?**

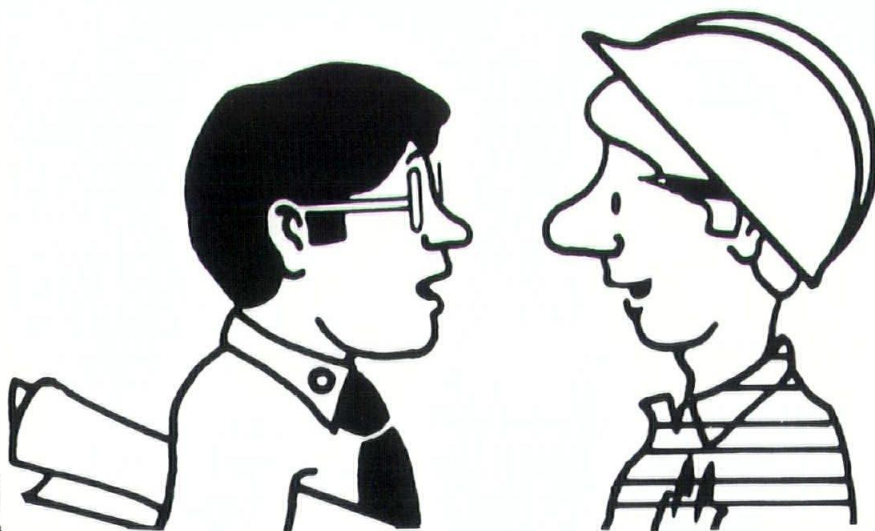
A: The protection and/or assurance assumed by a numbered registered stamp will:

- assure a client that the architect or engineer who prepares or supervises the preparation of construction drawings is properly licensed.
- provide the acknowledgement of a legally authorized professional to assume the responsibilities involved in the design and construction administration of public and private projects.
- in the case of litigation, either direct or third party, assure the court that the construction documents were prepared by a registered professional, or under his supervision. If drawings are prepared by someone other than a registered professional, the professional who stamps the drawings does so with the knowledge that he is fully responsible.

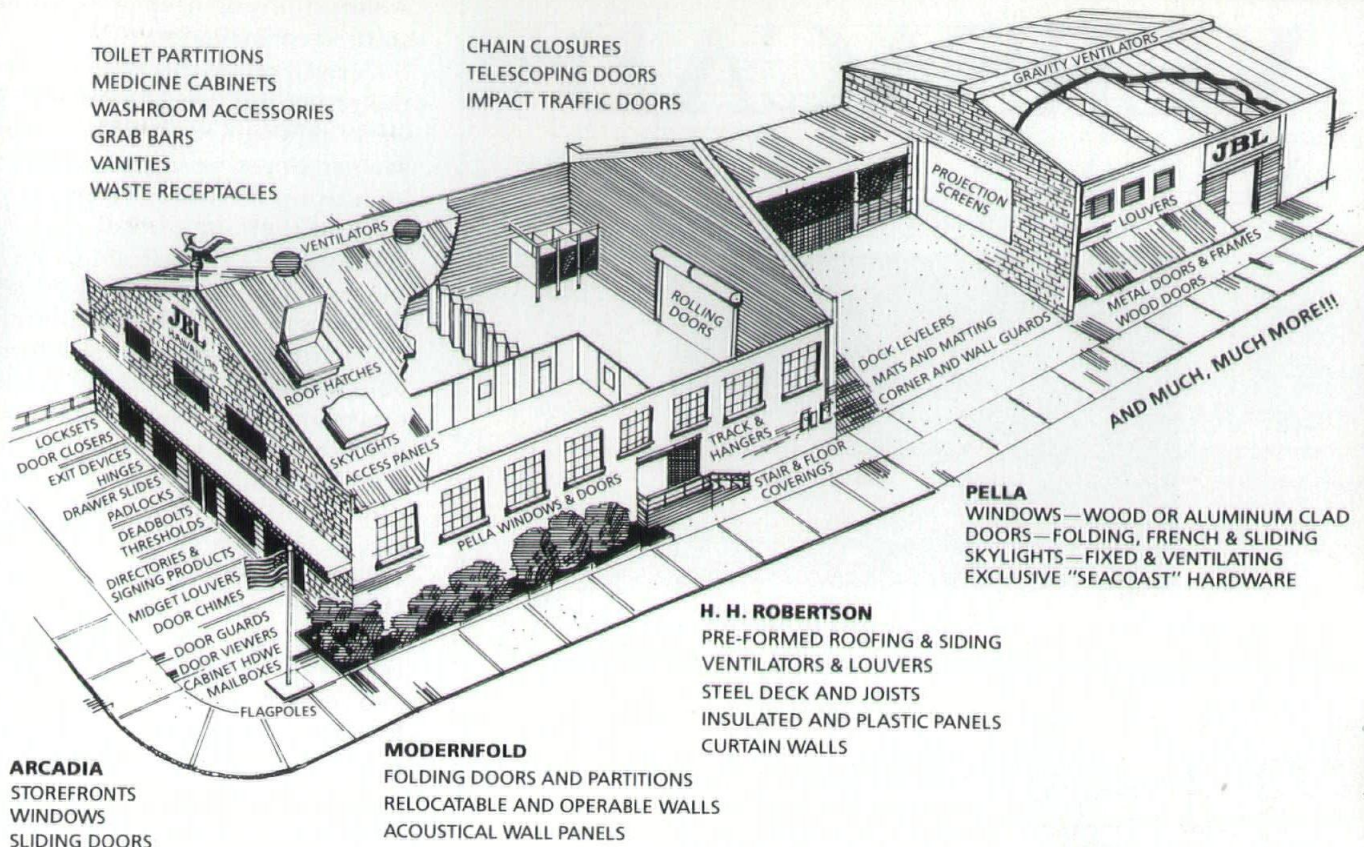
In most cases, it can be assumed that the registered architect or engineer will carry "Errors & Omissions" insurance with limitations commensurate with his individual type of practice. In the case where a project architect (or engineer) who is employed by a professional firm stamps the drawings indicating his responsibility to the project but is not insured, the insurance protection would undoubtedly be carried by his employer.

**Q: What is the cause of most problems during construction?**

A: In all probability, the lack of thorough checking of the







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drawings and specifications by the architect or engineer prior to the start of construction.

Careful cross-checking among the structural, mechanical and electrical engineers and between each engineering discipline and the architectural work is essential.

Careful checking of the specifications against notations on the drawings is equally essential.

**Q: Does checking by the Building Department, during review for a building permit, catch errors or omissions that may be made by the preparer of the drawings?**

**A:** The Building Department is concerned only with health and safety requirements and, thus, only checks the structural, electrical, and mechanical portions of the project. They cannot be relied upon to check the drawings and, therefore, are not responsible for other errors or omissions that might cause construction problems or extra costs.

**Q: How can a client be protected against extra costs during the construction period, over and above the agreed construction price?**

**A:** The cause of extra costs depends, primarily, under whose responsibility the extra work falls. It may be:

- the structural engineer, if proper soils evaluation or investigation did not occur;
- the specifications writer, if an error was made in specifying the material or method of application;
- the client, if changes to the work were requested directly to the contractor without knowledge of any extra cost; or
- the architect if changes were authorized by him, during construction, without approval of the client.

Generally, extra costs can be curtailed at the outset by careful wording in the Owner-Contractor Agreement, indicating the sequence of "why", "where", and "how much".

**Q: If an architect is given a construction budget within which he is to design, how can a client be assured that the job will be built within that budget?**

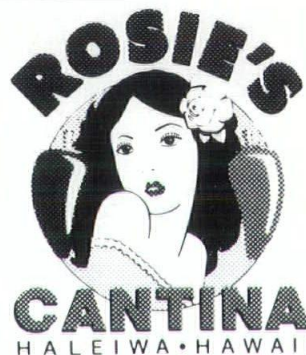


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A: A proper Owner-Architect Agreement calls for budgetary construction estimates at different phases of the architects' development (i.e., Design Phase, Construction Documents Phase, etc.).

- If the architect has assured the owner of designing within budget during the progress of his work and no major changes have been made by the owner, then the owner assumes that the project is financially "on target."

- If, however, the contractor's estimate (or the low bid) comes in considerably over budget, the architect is responsible for revising the drawings to reduce the estimated costs to within budget, at no additional professional cost to the owner. Clarification of this should be in the Owner-Architect Agreement.

- Extras which occur during construction should be carefully evaluated to determine whether they were caused by job conditions (possibly unknown during bidding), requests by the owner, a possible error or omission in the drawings or specifications, or other plausible reasons.

There is no way an architect or engineer can guarantee the construction cost.

**Q: How can an owner be assured of the compatibility of contractors for competitive bidding?**

A: For the most comparable competitive bids the contractors selected should be "on a par." They should be:

- particularly qualified to handle the respective type of product,
- comparable in quality of workmanship with what may be required by the project, and
- equally bondable.

They should have:

- a track record of no mechanics liens and/or a minimum of construction litigation, and
- sufficient staff to handle other bidding and construction projects during the construction of this particular job.

All of the above information can be obtained through the local contractor's association or through

architects with whom the potential bidders have completed other projects.

**Q: What control does an owner have with a contractor relative to the completion date for a project?**

A: If a completion date clause is not included in the Owner-Contractor Agreement, then the owner has only the good will of the contractor to complete the work within the period indicated in the contractor's bid.

To establish a definite date for completion, which will hold up in

court, a penalty clause must be included in the basic contract. This penalty clause is usually a pre-conceived amount to be withheld from the contractor's final payment for each working day that his work exceeds the established completion date. Under this system the contractor is generally entitled to a proportionate amount, over and above his agreed contract, for each day that he finished the job ahead of the established date. "Turn about is fair play."

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# THE PITFALLS OF COMPREHENSIVE GENERAL LIABILITY INSURANCE

by Paul Alston  
Paul, Johnson & Alston

Several months ago, *Hawaii Architect* published an article concerning the risks of "going bare", or foregoing any professional liability insurance. This article addresses a related question: whether a comprehensive general liability policy can serve as a substitute for a professional malpractice policy.

Although each case turns on its unique facts, in many cases, the answer is not a good one for the architect. The policy may not apply and the architect may find himself without coverage, notwithstanding his intentions to be fully covered. An architect who relies on a comprehensive liability policy to take the place of malpractice insurance is asking for trouble.

With lawsuits against architects becoming more and more common, the last thing an architect who gets sued for malpractice needs is to be subjected to the expense and time of "fighting the battle" on two fronts. It is expensive enough to defend against a disgruntled client or property owner; it is worse for the architect to have to fight his own insurance company over the company's duty to defend and cover him. This can happen, however, when the architect's insurance coverage is incomplete.

The following hypothetical case illustrates the problems that can arise:

Smith, Jones & Associates

("SJ&A"), an architectural firm in Honolulu, purchases a comprehensive general liability ("CGL") policy from ABC Insurance Company. SJ&A does not purchase a professional liability insurance policy.

During the policy period for the CGL policy, SJ&A provides architectural services in connection with the development of the Seaview condominium project. Several years later, the Association of Apartment Owners of Seaview sues SJ&A for damages to the project allegedly caused by SJ&A's defective design of the project's roof and windows.

What is likely to happen if SJ&A demands that ABC provide it with a defense and coverage in the Seaview lawsuit? Because under Hawaii law, an insurance company's duty to defend its insured is broader than its duty to provide coverage, ABC will probably agree to defend SJ&A. It may do so unconditionally, but more likely will do so only after informing SJ&A that it is reversing its right later to deny coverage of SJ&A because of certain exclusions or other provisions of the policy. If it defends SJ&A subject to a reservation of rights notice, it will probably file a declaratory judgment lawsuit against SJ&A asking the court to declare that ABC has no duty either to defend or cover SJ&A under the CGL policy.

If ABC agrees to defend SJ&A,

who chooses the attorney who will defend SJ&A? ABC will probably try to select the attorney. However, if (1) ABC has reserved its rights to deny coverage, (2) the damages demanded exceed the policy limits; or (3) some of the claims are undeniably outside the scope of the policy, then SJ&A *must* assert the right to select the defense attorney.

If ABC insists on picking the defense counsel, despite a reservation of rights, SJ&A should hire its own independent attorney to monitor the defense provided by ABC and to evaluate ABC's position with respect to its reservation of rights. Hawaii law is still unclear, but in many states, SJ&A would be entitled to require ABC to pay the fees of SJ&A's counsel on the grounds that there is a conflict of interest between ABC and itself. The rationale behind the conflict of interest rule is that in the absence of independent counsel representing SJ&A's interests, ABC would essentially be in control of SJ&A's defense and might have an interest in providing a less vigorous defense to those theories which would decrease its liability and would increase SJ&A's liability to the association.

What if ABC initially undertakes SJ&A's defense unconditionally and later attempts to reserve its rights or files a declaratory judgment lawsuit?



Whether ABC will be deemed to have waived its right to deny coverage will probably depend on how long it waits to reserve its rights after providing SJ&A with a defense. In the Hawaii cases where an insurer's reservation of rights has been upheld, the insurer has given notice of its reservation of rights *before* providing its insured with a defense. However, if ABC initially provides SJ&A with an unconditional defense and a few days or a week later, gives notice of its reservation of rights, it may argue that it reserved its rights within a reasonable time. If, on the other hand, ABC does not give notice of its reservation of rights until months after providing a defense, chances are that it will be deemed to have waived its right to deny coverage. If SJ&A were able to show that its ability to defend against the Seaview lawsuit was prejudiced by ABC's delay in reserving its rights, ABC would probably be precluded from denying coverage

under the CGL policy, no matter how short the delay.

Assuming ABC adequately reserves its rights, how can ABC deny its duty to cover SJ&A? Many CGL policies contain "Professional Liability Exclusion Endorsement" which excludes coverage for claims arising from the rendering of architectural services. ABC will argue that this exclusion provides ABC with a justification for evading liability under the policy. Obviously, this will present problems.

Even if SJ&A's policy had no Professional Liability Exclusion Endorsement, can ABC still try to evade liability under the policy? Most CGL policies contain standard "business risk exclusions" which generally exclude coverage for (1) damage to the insured's "product," (2) damage caused by failure of the product to serve its intended purpose due to deficiencies in design, and (3) liabilities assumed under contracts (except certain implied warranties). The little Hawaii case

law that does exist interpreting these exclusions suggests that SJ&A's policy may not cover claims for the repair, correction or redesign of the Seaview's defectively designed roofs or windows. However, the policy might be read as covering claims for damage to property other than the project's roofs and windows (such as water damage to the project's floors and walls due to a leak from a defectively designed window).

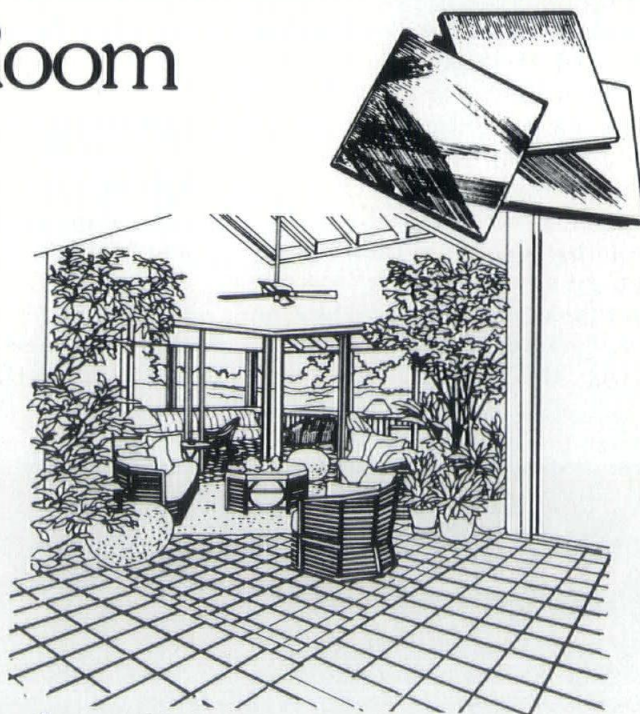
The moral of the story: an architect who does not want to "go bare" against malpractice claims must, to be safe, purchase not only comprehensive general liability insurance but professional liability insurance as well. The architect who relies only on a CGL policy for protection against malpractice lawsuits will often find that he faces both a lawsuit from his CGL carrier **and** a genuine risk of personal responsibility for all or part of the dissatisfied client's or owner's claims.

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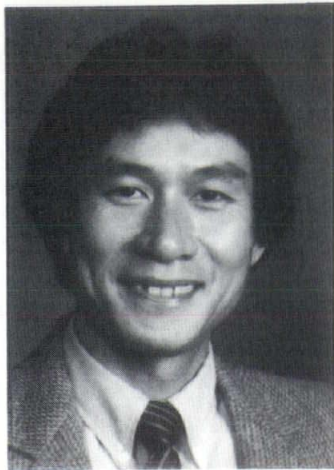
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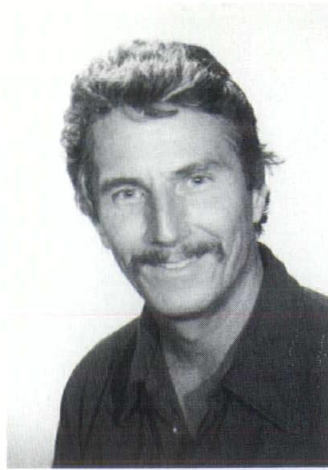




*Claire Bentley Drake*



*Andrew Sun Hoong Lee, AIA*



*Stephan F. Lundgren*



*Kathleen K. Saito*

## NEW MEMBERS

*by Lyna Burian, AIA*

**Claire Bentley Drake, Professional Affiliate**, is an interior designer at C.S. Wo & Sons. She attended the Parsons School of Design in New York, University of New Mexico, UCLA and the University of California in Berkeley, where she received her degree in Interior Design. She is currently a Board Member/Secretary of the ASID Hawaii Chapter. A native of San Francisco, she and her son, Clyde,

moved to Hawaii just one year ago. She enjoys swimming, bicycle riding and arts and crafts.

**Charles Lau, AIA**, is a principal of the newly formed firm of AM Partners, which is working on several projects in Hong Kong and Mainland China. He received a BFA in Architecture from the University of Hawaii in 1977. Born and raised in Hong Kong, Lau came to Hawaii 12 years ago.

He loves to travel, and lists his hobbies as photography, graphic design and cooking.

**Andrew Sun Hoong Lee, AIA**, is a project architect with Sam Chang and Associates. He graduated with a BFA in Environmental Design from the University of Hawaii, and also took the Architecture Drafting Technology course at Honolulu Community College. Originally from Hong Kong, he has been in Hawaii 16 years. His hobbies include traveling, tennis, cooking and photography.

**Peter Fa, Associate Member**, is currently employed at Walter Leong and Associates. He has a Bachelor of Architecture degree from the University of Hawaii. Born in Taiwan, he has lived in Hawaii since he was eight.

**Stephan F. Lundgren, Associate Member**, is one of the architects at Laber, Masters, Huxley, Inc. He received his Bachelor of Architecture degree from the University of California at

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Berkeley, and has recently passed the professional exams to become a registered architect. Originally from the San Francisco Bay Area, he moved to Hawaii 14 years ago. Among his hobbies are swimming, music, reading, carpentry, jogging and "psychokinesis."

**Patrick Seguirant, Associate Member,** is a designer/drafts-person at Sutton Candia Partners. He attended the University of Hawaii at Manoa where he received his Bachelor of Architecture degree and the University of Hawaii in Hilo where he took an electrical engineering course. Born in Honolulu, he grew up on the Big Island. He enjoys spear fishing, tennis and soccer.

**Robert Michael Mandich, AIA,** is a principal with Construction Plus, Inc. He received his Master of Architecture degree from the University of Hawaii and a Bachelor of Arts in Psychology and Philosophy from San Diego State University. Originally from Los Angeles, he came to Hawaii 10 years ago. His hobbies include reading, writing, surfing and skiing.

**Dennis F. Saito, AIA,** is employed at Robert Matsushita and Associates. He graduated from the University of Hawaii with a Bachelor of Architecture degree. Born and raised on Maui, he enjoys photography and woodworking.

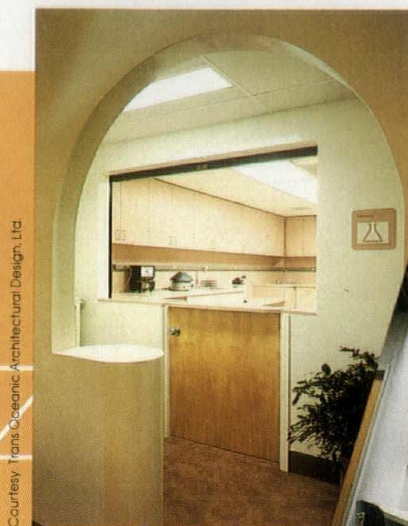
**Kathleen K. Saito, Associate Member,** is an architect/interior designer at Group 70. She received her Bachelor of Architecture degree from the University of Hawaii. A native of Honolulu, she enjoys aerobics and golf.

**Azita Pourmehr, Associate Member,** is one of the associates at Ossipoff, Snyder and Rowland. She received a Bachelor of Architecture degree from the University of Oregon. Originally from Iran, she came to the U.S. in 1974, and has been in Hawaii for three years. Her hobbies include tennis, yoga, sculpting, painting and photography.

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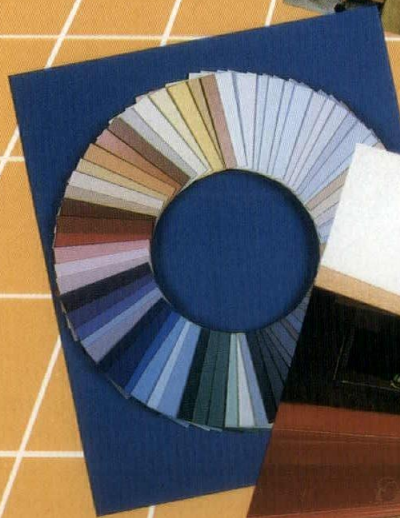


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Untying the maile strands to start Kahala Mall's renovation project are (from left): Mel Choy and Ann Matsunami of Media 5 Limited, the Rev. David Kaupu of Kamehameha Schools, the mall's general manager, Mike Murray, and Richard Page of Eagle Construction Co., Ltd.

## KAHALA MALL'S NEW LOOK

*Restaurants,  
theaters and  
boutiques replace  
the J.C. Penney  
Store.*

**S**queezing a five-screen theater complex, three restaurants and boutiques into the space at Kahala Mall formerly occupied by the J.C. Penney store might at first seem a Herculean task.

But the cavernous 75,000-square-foot space proved a renovator's dream site, allowing Media 5 architects to unleash their creative forces unencumbered by excessive structural limitations.

The result: a design combining travertine marble walkways, arched ceilings, fanned columns and a glass elevator in an atmosphere evoking the charm of Milan's famous Galleria shopping

district.

"We pulled out the stops in designing the new wing for Kahala Mall," said Melvyn Choy, senior principal at Media 5 Limited. "We knew the owners wanted quality, so we set out to create a fresh new design that would enhance the existing facilities."

"We believe that this new addition will make the mall more than just a place to shop. It will be a place to be seen—a place to spend the entire day.

"At Kahala Mall we're bringing the style and appeal of an exciting city like New York, but thankfully, Hawaii residents will



enjoy the pleasures without experiencing the pressures.

"Islanders have the good fortune to enjoy the best of both worlds. We can sip wine at a fashionable restaurant or cafe, but if we glance under the tables we'll see that everyone's wearing rubber slippers," he said.

Lending much appeal to the project was the blend of restaurants, theaters and boutiques that the owners sought for the renovated wing.

Mike Murray, general manager of Kahala Mall, said the decision to incorporate these elements was based on input from prospective tenants and consumers.

"We received feedback from East Honolulu residents who were tired of driving all the way to Waikiki to take in a movie. They wanted something closer to home."

Murray said there also had been requests from consumers and potential lessees for new specialty shops and boutiques at the mall.

Thus, the new Media 5 design will incorporate approximately 20 new shops ranging in size from 780 to 1,200 square feet.

Preliminary negotiations already are underway with retailers interested in occupying the space.

The restaurants, which will be grouped around a central courtyard, will range in size from approximately 3,000 to 7,500 square feet.

The five-screen theater complex will have seating to accommodate 1,360 people. The largest theater will have 480 and the smallest 160, while the other three will have between 240 and 280 seats.

The box office will be located on the upper level adjoining the mall's parking deck, a design incorporated to encourage theatergoers to use the upper-parking level. A glass elevator will connect the box office with the theaters below.

Demolition of the interior of the site got underway in September, with construction set to begin this month. The project is expected to be completed in mid-1986. **HA**

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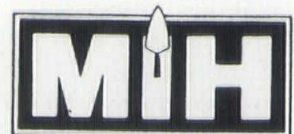
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*"Beyond Utopia: Changing Attitudes in American Architecture," an independent documentary about the work of Robert Venturi, Denise Scott Brown, Michael Graves, Frank Gehry and Peter Eisenman, will be shown at 2 p.m. on Sunday, Nov. 17 in the Academy Theater. Tickets are \$3.*

## DISCUSSION ON REGIONAL INFLUENCES SET

The Honolulu Academy of Arts and the State Foundation on Culture and the Arts will present a panel discussion on "Regional Influences in Hawaii Architecture," featuring leading local architects and architectural historians. Originally set for Nov. 17, the discussion is being rescheduled for a date in December or January.

The panelists will discuss examples of architectural forms in Hawaii which reflect and express the islands' cultural and natural environment. The presentation will include commentary on the Hawaii building which was named the winner of the 1985 Hawaiian Architectural Arts Award by the State Foundation on Culture and the Arts.

For more information phone the Hawaii Society/AIA at 545-4242.

### AH Adds New CADD System

Architects Hawaii, Ltd., the largest architectural firm in

Hawaii, now has one of the largest Computer-Aided Design and Drafting (CADD) systems in the islands.

The big, new CADD system comes from McDonnell Douglas Architectural, Engineering and Construction Information Systems Company, also referred to as McDonnell Douglas AEC.

N. Robert (Rob) Hale, a director of Architects Hawaii and in charge of the firm's facilities, supervised the selection process of the McDonnell Douglas system.

He predicted that in a very few years, architectural, engineering and construction firms may not be able to get some of the larger development contracts if they do not have a "good, reliable and stable" CADD system.

Why does Architects Hawaii want a CADD system that costs approximately \$200,000 to start with, and many more thousands of dollars in searching for a system, training five people to use it (several more will be receiving training in the coming months),

and setting aside 600 square feet of space to house the system?

"The profession of architecture is becoming more and more complex," Hale said. "Buildings are becoming more complex and larger. The need to coordinate our work with the various engineering disciplines and the general contractor—all of these things—demand that we have the best possible tools.

Hale listed a number of reasons why he believes CADD will be good for Architects Hawaii clients:

- CADD permits us to explore design alternatives at the start of the project when the impact of change is less costly.
- It is possible to quickly provide design alternatives and drawings to give the client a great number of options in terms and graphics he can understand.
- CADD will make the on-site construction operate more smoothly and thus less costly. For instance, CADD can help coordinate the work of all the consulting engineers and the



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general contractor and subcontractors to a degree that cannot be achieved without computer assistance. CADD has the ability to spot a mistake in plans at an early stage—before it becomes a problem. For example, it would spot and flag down an air duct erroneously designed to go through a concrete beam.

- CADD is especially helpful in aiding the design of buildings with repetitive features, such as a hotel, office building or large residential condominium.

- The system is also especially good for highly complex and fast-tracked projects in which many design changes are made or when available information to the architect is provided by the client incrementally, such as major modernization of a large hospital.

- CADD can quickly and affordably provide well-coordinated construction documents.

- It can even assist the client after the building is constructed by its ability to do such things as providing information on the amount of furniture and appliances a building (say a hotel) will need, when they will be needed, and a building maintenance schedule.

A number of McDonnell Douglas AEC technicians came to Honolulu to assist Architects Hawaii in bringing the new CADD system into full operation.

## Access Floors Reduce Costs

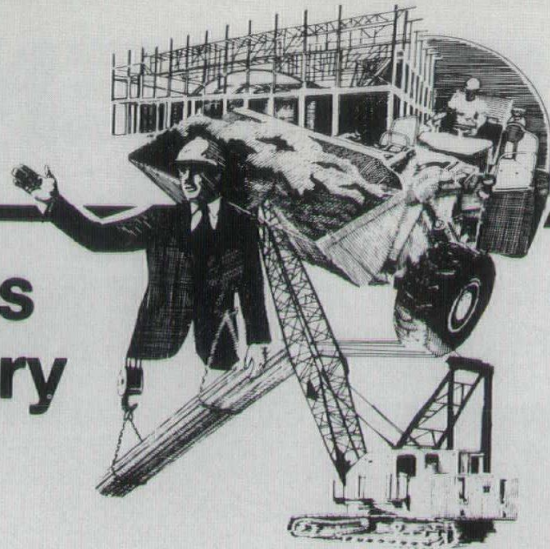
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