

"Zoning Now For 1980"

Comments by

Mr. Frank Lombardi, State Director of Planning and Research

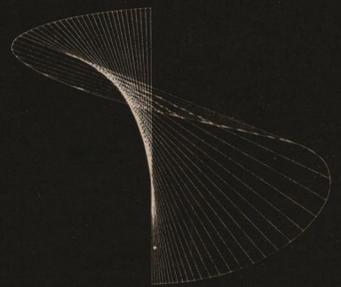
Mr. Frederick K. F. Lee, City Planning Director

Mr. Howard M. Y. Wong, Architect, A.I.A.

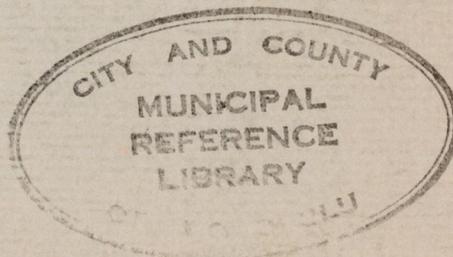
*Mr. Alfred A. Boeke, Vice President and Planning Director of
Oceanic Properties, Inc.*

Remarks presented at a
coffee hour in Honolulu
DECEMBER 6, 1961

(Harland) PREPARED BY
HARLAND BARTHOLOMEW & ASSOCIATES
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DONALD H. WOLBRINK, PARTNER

Dear Friend:

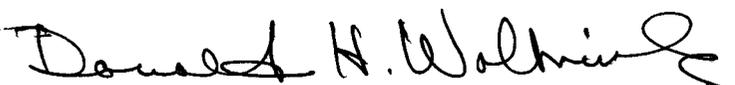
We are deeply indebted to Frederick K. F. Lee, Frank Lombardi, Howard Wong and Alfred Boeke for their significant comments on the subject of "Zoning now for 1980". They were originally presented at a "coffee break" which we sponsored on December 6 at which time we made a tape recording.

Zoning will be a major factor in determining the future of our city, and it is a pleasure to forward this transcript to you.

Sincerely,

HARLAND BARTHOLOMEW AND ASSOCIATES

By



Donald H. Wolbrink

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Remarks made on December 6, 1961, at one of the occasional
"coffee break" sessions arranged by Donald H. Wolbrink
of Harland Bartholomew & Associates.

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Opening Remarks by Mr. Wolbrink

Ladies and gentlemen, aloha, I wish to welcome you to our coffee-break session this morning. We want to keep it right down to our allotted 35 minutes so we can all get back and get to work.

Our subject for this little session, as announced, is "Zoning Now for 1980". The Chamber of Commerce sent out an announcement to a couple of their committees who were particularly interested, and they said that the subject was "Zoning and Its Effect on Business". Now if you have come only to hear about zoning and its effect on business, and you feel you are going to be short-changed don't hesitate to leave. That isn't our subject, but we will get into the broad subject of zoning.

We are making a tape of these comments which will be transcribed and mimeographed. If you would like a copy, just put your name on the card that is on the table. It will be picked up, and we will be glad to send a copy to you.

We are not presenting to you this morning a phalanx of opinion which is unified and coordinated. Zoning is a field of activity that is very much alive, as it involves thinking, and evolution of progress and change, and each of us is presenting individual ideas and thoughts on this subject.

To go back for just half a minute to the English Jurist, Blackstone. Two hundred years ago, he wrote, "The regard of law for private property is

so great that it will not authorize the least violation of it, not even for the general good of the whole community". Then, we were just coming out of a feudal era, but today we are in a very vibrant metropolitan era. The competition between private rights and public values is very keen. The coordination between private rights and public values is of very great importance. Our law of property has proven to be a marvelously flexible thing in meeting these changing needs of our society.

Seven years ago, the United States Supreme Court, in the *Berman Vs. Parker* case, a very famous case, stated, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled." This represents an appreciable reduction of what we think of as the 'fee' in land when we compare this with the statement made only 200 years ago by Blackstone.

Zoning is an activity of government which does affect land speculation. Our Honolulu Planning Commission receives, I believe, about 150 requests per year for zoning changes. This is three a week, or one every other day, which indicates the magnitude of activity in connection with detailed zoning, and a relation between zoning and speculation. Zoning, as far as the individual is concerned, also involves protection, protection of the zoned property. But beyond both of these, we're concerned with zoning and the public good, and I would like to point out that zoning is a tool

for carrying out a plan.

We have four speakers this morning. I will introduce them all now and not introduce them individually later, in order to save time.

Frank Lombardi, our State Director of Planning, will speak first on, "The Case for Flexible Zoning".

Fred Lee, our new City Planning Director, will offer some general comments on, "Zoning Now for 1980", with more specific mention of some of the developments he sees coming.

Howard Wong, Architect, A.I.A., will comment on the "Esthetic Aspects of Zoning".

Alfred Boeke, Planning Director of Oceanic Properties, will comment on some "Economic Tools".

Following these speakers I'll offer a very brief summary.

THE CASE FOR FOR FLEXIBLE ZONING

By
FRANK LOMBARDI

Director, Department of Planning and Research,
State of Hawaii

Good morning! My topic this morning is "Flexible Zoning". To some of you, flexible zoning means how flexible you can get the City Council to be when you're seeking some kind of exception, or variance. This morning I'm not going to talk about that kind of art. I'm going to talk about the new concept in zoning which is evolving now after about 30 years of experience in this country with zoning.

Almost every zoning ordinance that I know of in America is grounded on a major premise which has become totally obsolete. And this premise is that urban development takes place lot by lot. This is a concept that might have been true 40 to 50 years ago but it is no longer true.

Urban development, urban growth, no longer takes place on a lot by lot basis; it happens by area. In present day practice new residential areas are built subdivision by subdivision, commercial areas are not created shop by shop, but by shopping centers, as for example the Ala Moana Shopping Center, and the new center that is proposed for Waipahu. Industrial areas are constructed as organized districts, like the Campbell Estate Park, and redevelopment is by area, not lot by lot. Yet the structure of our zoning ordinances has not kept pace with this changing pattern of land development, and testimony keeps appearing about the need for adjusting the framework

of our zoning ordinances to the practice in land development, which is now changed.

The real problem facing us now is how to combine this knowledge we have of how land development takes place with the tools that are available to produce the type of city we're talking about. Several approaches seem to hold the greatest prospects for success.

The first is the so-called 'planned unit' development where, given a reasonable amount of land, the developer may present precise proposals for a careful and harmonious blend of single, multiple and row housing, duplexes and commercial uses, a single-unit type development. Here, by skillful design and architectural blending, a pleasing neighborhood may be developed. This planned unit development might contain, for example, dead-end streets or cul-de-sacs, clusters of houses that take advantage of topography, change in the typical lot size to allow for smaller lots or lots with no front yards, leaving ravines open to provide parks or open space. Lots might be adjusted in size and shape to preserve certain natural features.

For vertical interest the developer might stack some dwellings into a few multi-story buildings. It has been proven that 20% of the units in multiples, of several types, will effectively break up the monotony of the so-called "ranch house" urban sprawl. It is easy to see, however, that where lots are developed by individual owners such variety cannot be tolerated. In other words, it ends up with a chaotic situation of a

high building here, and a low building in the next block, and so on. The planned unit type of development requires a basic size of land and single ownership, obviously, as well as governmental approval. I think this concept is particularly applicable for us here in Hawaii with our preponderance of large land owners and trusts in single titles.

Another concept of flexible zoning is the density control device. This allows for the development of varied types of units as long as an overall density requirement is met. By specifying the maximum number of family units or minimum lot area per dwelling unit in residential districts, the density of development is regulated. With such control, variety may then be allowed in yard, height, lot size, open space, and housing type. What this means in essence is that instead of taking the usual lot size development for single family dwellings, you allow a density requirement of say not more than 10 units per acre, and a variety of housing types can be placed there as well as lot sizes, setback lines, heights and so on.

Another possibility for flexibility is the so-called floor-area ratio, which is a refined form of density control zoning. It allows a relationship of building area by square foot to lot size, thereby giving flexibility for development. I think these devices are important, and I think we have yet to explore them fully. We should begin to think about them if we are going to avoid perpetuating the monotonous urban sprawl, that is plaguing most cities, and Honolulu as well. And I think that we ought to

explore this in order to achieve better opportunities for our own private builders to exercise the possibilities for greater design, and better neighborhoods and a better place for our public.

GENERAL COMMENTS ON ZONING NOW FOR 1980

By
FREDERICK K. F. LEE

Planning Director, City and County of Honolulu

General Comments on Zoning. In reality, what I would like to do is to give you a slight history of the zoning or planning changes that have occurred during our history.

In 1910, the Bassett Model City Planning Enabling Act was enacted. Back in 1915, by Ordinance 90, the City Planning Commission was established, only to advise the Public Works Department. On July 20, 1915, subdivision regulations were adopted. In 1922, the first zoning ordinance was passed. In 1939, the City Planning Commission was finally established as a body with some jurisdiction. In 1942, the first master plan section was adopted. In 1949, planning jurisdiction was extended beyond the city limits. All of these are landmarks or a short history of what has occurred in the past.

What are we doing now? Have we kept up with the zoning changes as proposed? I think we have. As an excerpt from the zoning ordinance which we are now enacting, I'd like to point out one facet of it.

Back in 1958, we went to the federal government and asked them for money, money in order to have the Planning Commission conduct a survey and resolve a general plan. With that general plan would be a zoning ordinance. The consultants have come up with that general plan and have

come up with a zoning ordinance. What we are now doing is revising this. The item that I am speaking about is at this stage: at present, I have, under 'conditional uses', a planned development provision. What does this consist of? I'll read you a little excerpt from it:

"Submission of an overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, and other open spaces, with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations to the requirements differing from those ordinarily applicable under this ordinance".

What does it mean? Simply this. In a residential area, suppose you want to develop a golf course. Now a golf course is a recreational use. It can go into a residential area, but what about the pro shop, what about the little cafeteria that you might want there with the pro shop? What are you going to do about that? Under this development plan, that little use, which you would have to zone under our present law as a small business use, would be allowable. In other words, it affords a greater flexibility. What Mr Lombardi has stated about flexibility in zoning would be applicable here.

The second portion, the proposed development, must be designed to produce an environment of stable and desirable character, not out of harmony

with its surrounding neighborhood, and must provide standards of open space and adequate parking areas for the occupancy proposed. Here we could exert some control over the character of the neighborhood, and we are not limiting control of this aspect by saying that the structure has to be so high, contained in an envelope of so many stories, or so many widths.

What we are saying is this:

We recognize that the character of the neighborhood is residential, the density to conform to this type of neighborhood. We recognize that this area is landscaped and has a lot of natural beauty that should be preserved. We want your buildings, your density and your landscaping to conform to the character of this neighborhood. This way, we feel we can urge the architects, the landscape architects, the engineers, the developer, to develop something which is creative. We are no longer trying to restrict the people, something definite. We're urging them instead to create something beautiful.

But of course, under this ordinance, we must still review the development plan to see that it is compatible with the neighborhood. That would be the control we would seek. I feel that this approach is very necessary. We must work towards a new concept, one of creating beauty rather than one of regulating beauty.

THE ESTHETIC ASPECT OF ZONING

By

HOWARD M. Y. WONG, A.I.A.

Architect

Esthetics in zoning is perhaps the most nebulous and the most difficult area of zoning. Legally, it is very questionable as to how far we can regulate zoning. Therefore, I would like to speak in a rather general way about esthetics of zoning, and I would like to also give one example, which is specific, as to what we can do in the way of creating esthetic zoning.

A few days ago, A.M. Wilson of the New York Times filed a story with his newspaper in which he remarked that Honolulu is a sort of supermarket of tropical delight. Now fortunately, most of our visitors feel this way, if not in so whimsical a manner. Living in Hawaii is a definite blessing. There are few places in the world where there is such uniform beauty. We have a wonderful seascape, majestic mountains, lush vegetation, equable climate and gracious people. We are all aware that the beauty of our State has become our most marketable commodity. We have become quite concerned about the esthetics of our city. We are aware too, that one of the pressing problems in the total composition is the future of our planning and architecture.

Can we effectively guide and control the appearance of our balmy city? Zoning for esthetics is more than control of the mere visual character of, or

the appearance of a city. Its aim is to create a three dimensional framework of spaces and buildings that is delightful and stimulating to all of the senses, an experience that is lasting and constantly intriguing.

Effective zoning sharply defines the landmarks, the vistas, the tree spaces, points of concentration, the movement, and the sounds and the smells of a vibrant community. The form of the city, its very personality, is shaped by the creative process of zoning. Zoning then, is a cornerstone of any determined effort to maintain and encourage the esthetic development of our environment.

We master plan for safety, for health, and for economic stability. These have been accepted as public measures to insure the public welfare. We are compelled, nevertheless, to master plan for lasting beauty as well. Within the master plan we have such tools as the development, or design, plan which Mr. Lee has just discussed. Through these plans we can define the esthetic character of the entire community. Areas of historic, scenic or architectural beauty can be protected and the blighted areas can be delineated for redevelopment and rehabilitation according to plan, not in a haphazard manner, and standards for esthetics can be created for undeveloped areas. Thus, we can protect from further encroachment areas that are vital to the image of our community, such as the Pali and the Diamond Head area, and we can be sure that future development shall become part of the harmonious whole.

Ideally, this planned development, or development plan, would encourage more creative design and planning through greater flexibility in zoning. We have just touched on this. Rigid zoning requirements force compliance with minimum standards. There is little incentive to pursue an exciting concept that cannot satisfy every detail of the Code. Planned development thus can encourage creative projects by making it possible to judge a project on its own merits, and within its own context, without sacrificing esthetics to the minimum standards of the Code.

As an example, we would all agree that sidewalk level arcades and malls have great esthetic value. Visually they provide relief from the block-long facades along the public way. They are points of orientation and identification in the anatomy of the City. Light and air can reach down between buildings, and the stroller can wander or tarry in the landscaped space that is pedestrian in size, and shape, and in tempo. However, for someone who wishes to obtain maximum usage of his property, to go as high as he can to get as much rentable floor area as he can out of his buildings, we cannot agree that a mall or an esplanade represents a loss of rentable floor area. Creative zoning can make it possible to maximize property while providing this oasis, in this particular case, for the public good.

I would like to give you an example of how this can come about, and how effective it can be. The newly revised New York zoning law provides

bonuses in the form of increased building height beyond normal Code limits, when open space is provided in the ground level of the building. Many of you have been in New York City and you know how mean it can get down on the ground level. But under the new law plazas and promenades, courtyards, and arcades can now penetrate the deep metal canyons with light and air. This very concept came before the Honolulu City Council recently in the form of a request for a maximum height variance for the King's Grant Building. The attractiveness and desirability of the open plaza was obvious. The variance was granted after some modification, and Honolulu, I feel, can anticipate a truly beautiful building and landscaped plaza complex.

All too often the necessity to seek variances and hold public hearings is sufficient penalty, or rather an incentive to discourage creative exploration beyond the limits of existing ordinances. When not in conflict with the master plan, flexibility of this nature in the development plan implies a board or agency capable of reviewing a creative design which exceeds normal Code requirements. Art commissions or design review boards, composed of artists, planners, landscape architects, sociologists, economists, have functioned in this capacity in many communities.

Zoning for esthetics in a community that is determined to have for itself all of the riches and joys that man's creative genius can produce, is possible when we have an active citizens group and an active community that is

anxious for and desirous of this more enjoyable surrounding. We can have this beauty if we are prepared to work and sacrifice for it. Every city in the country is facing this problem of esthetics. Every city recognizes the need for a beautiful as well as a safe, healthy, and economically stable community. Few cities have the great natural beauty we possess. No city has more at stake and more to lose, and no city has more to gain.

SOME ECONOMIC TOOLS

By

ALFRED A. BOEKE

Vice-President and Planning Director,
Oceanic Properties, Inc.

My son has been studying a Japanese verse form known as 'haiku', in which creative ideas are compressed into the absolute minimum verbiage. It's excellent discipline, particularly for me, and it's startling to realize how much can be conveyed in a few words. Don's now regular "coffee break" is a commendable verbal form of haiku dealing with the future of our physical environment.

I would like to recommend that the community, both private and public, exercise its imagination and exhaustively list for further discussion every conceivable tool or technique, no matter how crazy, to stimulate, control, inveigle, or otherwise create the incentive for planning that will result in a finer community. Whenever I say 'planning', I mean public and private: it takes us all. There are many practical opportunities to encourage and guide proper growth, such as the planned development ordinance and other suggestions made this morning. In the brief time that I have, may I touch upon only four means of potentially improving our environment through the years?

First, on the subject of zoning, another of the "coffee breaks" some months ago reviewed the disparity between land price and land value. It

is obvious to all that zoning to a higher use inflates the price of land. Whether it creates value is questionable. We might consider why land to be zoned to a higher use isn't limited to conditional approval pending successful improvement. Why not let the zoning become effective only after completion of an approved building project? Many developments, particularly in fringe or transitional areas, are found to be infeasible after zoning. By withholding the actual granting of the zone and limiting the grant to the applicant rather than its becoming a part of a re-sale package, we help protect the community from land inflation which limits the amount of development and acts as a drag on our economy.

A second and unrelated point. Can't we evolve creative or incentive tools that will stimulate planning and development that directly benefit the community? Mr. Wong has already touched on this, but I think it is so important I will mention it again briefly. For example, if an apartment building or a Waikiki hotel is to be legally crowded onto a property, why not offer an increase in the allowable rental floor area in exchange for keeping the street level entirely open and well landscaped? Why not offer additional allowable floor area for more than the minimum landscaped setback? Carefully designed incentive tools can raise the developer's standards, his income, and benefit the community as well.

A third suggestion, more complex, but more important. We can well afford to consider the land value system of real property taxation rather

our present capital system. According to normal U.S. practice, we tax improvements more than we do land. Urban land, however, due to its location and the action of others, develops lasting value, while buildings deteriorate. We are well aware that our federal, state and local governments combined do not have the resources to keep public redevelopment ahead of blight, and its not likely that there ever will be those funds. If instead of penalizing new improvements with heavy taxation, we gradually shift the burden to deteriorated structures, we would encourage continuous private, not public, re-investment and redevelopment. In the older central city areas, land values and municipal service costs continue to rise, but building values and taxes decline. Shouldn't we consider raising taxes on obsolete structures to encourage their proper reconstruction or private redevelopment? Wouldn't such a solution stimulate the entire economy? Wouldn't it gradually reduce the heavy burden of social welfare and other costs resulting from obsolescence? Not in Honolulu yet, but in some eastern cities, social welfare costs now take 50% of the operating budget each year. Isn't there a solution in providing tax incentives for private maintenance, private reconstruction, and private re-investment lot by lot, owner by owner, or as a part of a private planned development?

Lastly, and even more broadly, don't we acutely need economic as well as physical planning in our community? What kind of neighborhoods and communities should we be planning in order to keep optimum municipal

services, such as police and fire protection, libraries and all of the other services, at a reasonable cost? Is our present urban expansion resulting in a balance of service costs and tax revenues? Have we examined how to provide a fine, healthy, economically-feasible environment for the majority of our people whose income does not provide the luxury of choice?

We are living in a rapidly growing urban area. What are our goals? How do we wish Oahu to look ten years from today? What is our master plan of growth, services, and revenues? Have we set our sights at becoming the most beautiful city in the country, and at taxes we can afford?

I am convinced that we can determine those patterns of growth that will economically accommodate our expansion without destroying our natural beauty. But are we mature enough to implement the tools, the incentives, and the economic and physical patterns that are worthy of Hawaii? I think that we are.

Summary Remarks by Mr. Wolbrink

Thank you Frank, Fred, Howard and Al.

Looking over the records of our city building department, I find that in the past ten years there has been spent on this Island one and one-quarter billion dollars for new construction. When Al asks us what we want this city to be ten years from now, we can take a quick glance backward and see what we have spent in building it in the past ten years and get some idea of the kind of activity that can take place ahead of us.

In reviewing very briefly the points that have been covered this morning, Mr. Lombardi has spoken specifically of the concepts of planned unit development, density control devices, floor area-ratio, all as a part of the new thinking in properly developing cities.

Mr. Lee reviewed the background of our zoning and of our planning development, going back very early in the American history of development, and has told us specifically of a proposal which he wants to put before us, pertaining to the current ordinance being developed, which would permit planned development.

Mr. Wong has gone into some detail about the esthetics of development under zoning and what has been done in other places. He spoke particularly about the New York law, which already has yielded some very significant benefits on Fifth Avenue, and has emphasized the importance of a strong citizens group.

Mr. Boeke spoke of deferred zoning and bonus arrangements in order to minimize speculation in zoning. He spoke of new ideas in taxation, whereby emphasis would be put upon improvements, with some de-emphasis upon land, in order to encourage rebuilding, rather than perhaps (although he didn't use the word) the public, in a sense, subsidizing the old and blighted. He spoke of economic incentives for zoning and emphasized the importance of economic as well as physical planning, the correlation between the two, and asked us, "What are our goals?"

What do we want Oahu to be ten years from now? As I said at the beginning of this little coffee-break session, these ideas were not developed as an organized, correlated phalanx. These are individual ideas and the individual thinking of all of us. They all represent constructive and creative thinking toward the future development of our city, and it is this kind of thinking that must be applied if we are going to have the kind of a city 10 years from now that we all want.

As I said at the beginning, these remarks are being taped and we'll mimeograph them, and if any of you want them just leave your names on the cards that are on the table. We want to adjourn this coffee-break right now, but if anyone does want to stay and ask questions, we will be glad to have a little subsequent discussion session. The meeting is adjourned; thank you very much.

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