

HAWAII ADMINISTRATIVE RULES
TITLE 15
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

SUBTITLE 5
ALOHA TOWER DEVELOPMENT CORPORATION

CHAPTER 26
ALOHA TOWER DEVELOPMENT CORPORATION
RULES OF PRACTICE AND PROCEDURE

Subchapter 9 Subdivision Rules

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§15-26-150 Title and authority. This subchapter may be cited as the "Subdivision Rules of the Aloha Tower Development Corporation". These rules are adopted pursuant to chapter 206J, HRS. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-151 Purpose. The purpose of this subchapter is to regulate and control the subdivision and consolidation of land for the following purposes, all of which promote the general welfare and an environment that is safer, healthier, more convenient, efficient, and attractive:

- (1) To implement the purpose of chapter 206J, HRS, namely, to strengthen the international economic base of the community in trade activities, to enhance the beautification of the waterfront, and in conjunction with the state department of transportation, to better

- serve modern maritime uses, and to provide for public access and use of the waterfront property;
- (2) To serve as a stimulant to the commercial activities of the downtown business community and to help transform the waterfront into a "people place";
 - (3) To insure and promote the observance of desirable planning and engineering design principles and practice;
 - (4) To promote good civic planning and design and assure an arrangement of lots, streets, utilities, and other features so as to achieve an orderly layout and efficient use of the land;
 - (5) To preserve, enhance, and improve the natural amenities, qualities, and environment of the community by securing a harmonious relationship between the subdivision and its environment;
 - (6) To coordinate street improvements with relation to existing and planned street and highway systems and insure adequate provisions for traffic control, traffic safety, water supply, sewage, drainage, and electrical and other utility lines;
 - (7) To prevent population congestion and to secure safety from fire and other dangers to persons and property; and
 - (8) To promote efficient expenditure of public money. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-152 Scope. (a) No person shall subdivide or consolidate land without complying with the provisions of these rules and receiving approval of the final map.

(b) No person shall designate an easement unless it conforms to the provisions of these rules and receives approval.

(c) No person shall submit a map of a subdivision or consolidation, for recordation or filing in the state registrar of conveyances or registrar of the land courts, unless a final map has been approved by the executive officer.

(d) No person shall sell or transfer any interest in land located in a subdivision or consolidation until

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the final map thereof has been approved by the executive officer and recorded in the state registrar of conveyances, registrar of the land courts, or office of the state surveyor.

(e) Within a subdivision, no roadway system shall be opened to the general public and no building shall be occupied for any use permitted in the land use zone until all improvements required by these rules have been constructed, installed, and approved by the executive officer. [Eff

(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7) JUN 17 1993

§15-26-153 Administration. The board, through its executive officer, shall administer this subchapter. [Eff

(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7) JUN 17 1993

§15-26-154 Appeals. (a) The board shall hear and determine appeals from the actions of the executive officer in the administration of this subchapter. An appeal shall be sustained only if the board finds that the executive officer's action was based on an erroneous finding of a material fact, or that the executive officer acted in an arbitrary or capricious manner or committed a manifest abuse of discretion.

(b) All appeals shall comply with the provisions of this chapter. [Eff

(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7) JUN 17 1993

§15-26-155 Violations and penalties. The development corporation may maintain an action for an injunction to restrain any violation of this subchapter, and may take any other lawful action to prevent or remedy any violation of this subchapter. [Eff

(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7) JUN 17 1993

§15-26-156 Definitions. Except as otherwise stated in this subchapter, all of the definitions contained in the land use ordinance of the city and county of Honolulu, ordinance no. 86-96, as amended ("LUO"), are incorporated herein by reference and made

a part hereof. As used in this subchapter, unless the context clearly requires otherwise:

"Approval" means that the subdivision or consolidation has met the standards and requirements of the board.

"Bikeway" means "bikeway" as defined in chapter 15, Revised Ordinances of Honolulu of 1969.

"Block" means an area bounded by streets.

"Board" means the board of directors of the Aloha Tower development corporation.

"Chief engineer" means the director and chief engineer of the department of public works, city and county of Honolulu.

"City" means the city and county of Honolulu, whose geographical limits include the island of Oahu and all other islands in the State of Hawaii, not included in any other county and the waters adjacent thereto.

"Consolidation" means the combining of two or more lots into one lot. It includes reconsolidation, and when appropriate to the context, relates to the land consolidated and may include consolidation of unregistered land with registered land.

"Development plan" means the Aloha Tower project area development plan, effective December, 1991, as amended, as authorized pursuant to section 206J-7, HRS.

"Easement" means a grant of the right to use a strip of land for a specific purpose.

"Engineer" means a licensed professional engineer in the State of Hawaii.

"Frontage street" means a street parallel and adjacent to a major street providing access to abutting properties, but protected from heavy through traffic.

"Lot" means a parcel of land intended as a unit for transfer of ownership or interest therein or for development purpose.

"Major street" means a street of considerable continuity which can carry a large volume of traffic and used primarily as a route between communities, large urban areas, or from one section of the City to another.

"Manager" means the manager and chief engineer of the board of water supply, city and county of Honolulu.

"Minor street" means a street other than a major or secondary street providing access to abutting property and serving local traffic only.

"Pedestrian way" means a right-of-way or easement for pedestrian traffic. It may also be used as a

utility easement, or for restricted vehicular traffic.

"Private street" means a street or easement providing access to land, retained in private ownership, but subject to an easement for public use.

"Secondary street" means a street which carries or collects traffic from minor streets either directly or via other secondary streets.

"Street" means any public or private right-of-way primarily for vehicular use.

"Subdivider" means a person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof causing land to be subdivided or consolidated, which is the owner of the land or the duly authorized agent or lessee of the owner.

"Subdivision" means the division of land into two or more lots, parcels, or other division of land, including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such lots or other division and shall include resubdivision.

"Surveyor" means a licensed professional land surveyor in the State of Hawaii.

"Traffic engineer" means the director of transportation services, city and county of Honolulu.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

"Wastewater management director" means the director of the department of wastewater management, city and county of Honolulu. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-157 Subdivision committee. (a) There shall be a subdivision committee which shall hold regular meetings and make recommendations to the executive officer on subdivision applications and such other matters pertaining to the subdivision of land as may be presented to it by the executive officer.

(b) The subdivision committee shall be composed of the executive officer, the mayor of the City, the chairpersons of the department of transportation and the department of land and natural resources, or their authorized representatives, and one public member of the board, as designated by the board.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-158 Consolidation. (a) The owner of any land subdivided into lots shall file an application under this subchapter if the owner wishes to consolidate two or more lots. Procedures in connection therewith shall conform to the requirements for approval of a subdivision. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-159 Modifications. (a) The executive officer may modify provisions of this subchapter whenever the land to be subdivided or consolidated is of such size and shape or is affected by such location, or topographical condition, or is devoted to such uses that it is impractical in the particular case to conform fully to this subchapter; or if the subdivision or consolidation is by a public agency and in the public interest.

(b) Modification from specific compliance may be granted where a plan provides adequate public spaces and improvements for circulation, recreation, light, air, and all other needs of the development when fully constructed and populated, and covenants or other legal provisions are provided as will assure continued conformity to and achievement of the development.

(c) Modification requests must be in writing and substantiated by facts presented with the request, indicating that the modification is reasonably necessary and not contrary to the intent and purpose of this subchapter.

(d) Before granting any modifications, the executive officer may refer the request to the chief engineer, traffic engineer, wastewater management director, manager, or other appropriate agency for consideration, comments, or recommendations.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-160 Fees. Filing fees shall be as determined by the executive officer.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-161 Public utility easements. Where only the designation of easements for the construction, installation or maintenance of cables, lines, anchors,

guys, poles, pipelines, conduits, and similar installations with their associated facilities, of public utilities subject to the provisions of chapter 269, HRS are involved, it shall be sufficient compliance with this subchapter if the utility company files fifteen copies of a map with the executive officer showing the name of the owner, tax map key, the purpose of the easement, street and street names, and property lines and existing and proposed easements clearly identified with areas, dimensions, and other data to definitely locate and identify the easements, without otherwise complying with the requirements for preliminary or final maps as herein set forth, and such map shall be deemed approved thirty days after filing, subject to disapproval by the executive officer by written notice to the one so filing, given within thirty days of the filing, if the executive officer finds that the easements so designated will result in a condition likely to be harmful or dangerous to the health, safety, or welfare of the neighborhood or community, or not in accordance with the development plan. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-162 Preliminary map; requirements. (a) A preliminary map filed with the executive officer shall be prepared by or under the supervision of an engineer or surveyor.

(b) The preliminary map shall be of one of the following sizes, in inches: 10 x 15, 15 x 21, 21 x 32, 30 x 36, 36 x 42, or 42 inches wide without restriction as to length. The map shall be prepared and drawn according to one of the following scales: 10, 20, 30, 40, 50, 60, 100, 200, 300, 400, 500, 1000, 2000, 3000, 4000, or 5000 feet to an inch. When more than one sheet is required, an index sheet of the same size as the other sheets shall be filed showing the entire subdivision on one sheet with block and lot numbers.

(c) The preliminary map shall include the requirements set forth below and shall clearly show all or as much of the following information as the executive officer may require:

- (1) Name, address, and signature of owner or owners of the land to be subdivided, the subdivider, and signature and stamp of the engineer or surveyor. If the preliminary map is not signed by the owner or owners, the

- preliminary map shall be accompanied by a certificate or letter from the owner stating that the subdivider is an authorized agent of the owner of the land.
- (2) Date, north arrow, scale, tax map key, geographic locations, and subdivision description. The proposed name of the subdivision shall not duplicate nor resemble the name of another subdivision in the City. The subdivision name shall be subject to approval by the executive officer.
 - (3)
 - (A) Where a subdivision is otherwise difficult to locate by tax map key or existing streets, the location of the subdivision shall be shown in relation to the entire tract and the surrounding area and the names and locations of subdivisions immediately adjacent to it.
 - (B) In an area which is subdivided in increments, the preliminary map shall be accompanied by an overall development plan of the total area showing general data of future streets and topography.
 - (C) In a subdivision which may reasonably be expected to be resubdivided in whole or in part at some future time, there shall be shown in dotted lines on the preliminary map a plan of any possible future subdivision and street extensions.
 - (D) If the preliminary map covers a larger tract or parcel of land than shown on the final map, the preliminary map shall constitute only that portion in conformity with the final map approved by the executive officer. Each portion of a preliminary map shall constitute a separate and distinct map in conformity with each and every final map submitted for approval to the executive officer and each final map so submitted shall be considered a new application.
 - (4) Lot layout and approximate dimensions, lot width, lot number of each lot, area of each lot, total number of lots, and total area of the proposed subdivision.

- (5) The features of the development plan, the ATDC Land Use Zone designation, as defined in subchapter 7, and the existing zoning designation, in accordance with the LUO, on and adjacent to the subdivision.
- (6) Locations, names, dimensions, approximate gradients, and radius of curves of existing and proposed streets within and adjacent to the subdivision; approximate location, area, dimensions of existing and proposed easements; existing drainage facilities; method of sewage disposal; and source of water supply.
- (7) Approximate location of areas subject to inundation or storm water overflow, and of all areas covered by waterways, including ditches, streams, and drainage courses within or abutting the subdivision and dangerous areas or features likely to be harmful to the proposed subdivision or the surrounding area, and possible Flood Area designation in accordance with the LUO.
- (8)
 - (A) Existing contours at vertical intervals of one foot, and the finished condition to be achieved by the proposed grading to be shown by contours, cross sections, spot elevations or other means. Elevations shall be marked on such contours based on city and county datum.
 - (B) Approximate location and general description of any historical, or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication as to the proposed retention or disposition of such features.
- (9) Existing improvements including buildings and their locations in relation to existing and proposed street and lot lines, the dimensions to street and lot lines, and the uses and height of existing buildings or structures, if they are to be retained. Indicate if the buildings or structures are to be demolished.
- (10) Proposed use of the lots whether for parks, open spaces, multi-family dwellings, hotel,

- commercial, maritime or other purposes, and existing parks, and other public places or spaces within adjoining properties.
- (11) Location, with notations, and the sizes of all parcels of land, including streets, improvements, facilities, and easements proposed to be dedicated to the City or State, or whether the streets, improvements, facilities, and easements are to remain private.
 - (12) Other information such as existing and proposed sewers, water, drainage facilities, street trees, street lights, gas, electric, and telephone conduits or lines and other utilities within and adjacent to the subdivision to be dedicated to the City or State, together with invert elevations based on City datum, or reports such as a soils report, traffic report, or drainage study, as may be required by the executive officer or upon recommendation of the chief engineer, traffic engineer, wastewater management director or manager, shall be furnished. Information not practical to be shown on maps shall be furnished in a written statement accompanying the maps.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-163 Preliminary map; procedures. (a) The subdivider shall file with the executive officer twenty copies of the preliminary map and filing fee.

(b) The executive officer shall act on the preliminary map within thirty days after filing.

(c) The time of filing is the time at which the preliminary map and filing fee are received by the executive officer who shall indicate the date and time of filing on one copy of the preliminary map.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-164 Preliminary map; action. Upon review and report by the subdivision committee and other governmental agencies as required, the executive officer shall act upon the preliminary map as follows:

- (1) Tentative approval of the preliminary map is subject to the following:
 - (A) Tentative approval of the preliminary map means that the preliminary map conforms to all the requirements of this subchapter. It authorizes the subdivider to proceed with preparation of construction plans for streets, utilities, and other improvements and requirements as may be required by the executive officer and to proceed with preparation of the final map.
 - (B) In the case of a subdivision which does not involve construction or widening of streets or highways, or construction of utilities, including sewer and water mains, the subdivider, after obtaining tentative approval of the preliminary map, may prepare a final map of the proposed subdivision. Approval of the final map may be granted upon certification of the chief engineer and manager that, where required, an adequate deposit or deposits for installation of necessary service laterals have been made for water and sewer service connections.
 - (C) Any proposed subdivision at the time tentative approval of the preliminary map is granted, shall be required to conform to any changes or amendments to this subchapter or other applicable laws, rules, standards, and policies in effect at the time. New or amended standards shall be required to be met as a condition of permitting an extension of time.
- (2) Disapproval by the executive officer means the preliminary map does not conform to all or portions of the requirements of this subchapter.
- (3) Deferral by the executive officer means the preliminary map requires further consideration, study or consultation, or additional reports or data are required from the subdivider, or minor changes to the preliminary map are required. The deferral shall be for a period of ninety days. A

request for an extension of the deferral may be made by the subdivider in writing to the executive officer stating the reasons therefor, prior to the expiration of the ninety-day period. One 180-day extension may be granted by the executive officer. Failure to receive tentative approval of the preliminary map within the ninety-day or 180-day deferral period shall automatically terminate all proceedings, and the application shall become null and void. To reactivate an application, a new application and a new preliminary map shall be filed with the required filing fee.

- (4) Actions of the executive officer shall be reported in writing directly to the subdivider stating or describing reasons, requirements, or any conditions of action on the preliminary map.
- (5) Tentative approval of the preliminary map shall not be entered in writing on the map or be construed to mean approval of the subdivision for recordation or any other purpose.
- (6) If the proposed subdivision covers only a portion of a large tract or parcel of land, the action of the executive officer shall be directed to only that portion of the large tract or parcel. Each and every other portion shall constitute a separate action, and each portion shall be submitted as a new application.
- (7) If the preliminary map is disapproved, the stamp of disapproval shall be issued on a copy or print of the preliminary map.
- (8) In a subdivision which involves no streets, drainage, or other improvements, the preliminary map may be approved by the executive officer as a final map, provided the preliminary map meets requirements of a final map. [Eff JUN 17 1993]
 (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-165 Final map; requirements. (a) A final map filed with the executive officer shall be prepared by or under the supervision of a surveyor.

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(b) Size and scale of the final map shall be as required under section 15-26-162. A final map which affects land court lands shall comply with requirements of the land court.

(c) The final map shall include the requirements set forth below and any additional information which the executive officer may require:

- (1) Name of the owner or owners, and stamp and signature of the surveyor.
- (2) Date, north arrow, scale, tax map key, geographic location, and subdivision description.
- (3) Subdivision boundary lines, right-of-way lines, lot lines with true azimuths and distances, radii, points of curvature, and the lot area with lot identification and total area of the subdivision.
- (4) Easements, denoted by fine broken lines, clearly identified with area, widths, lengths, and azimuths, and sufficient title thereto to definitely locate and identify the easement.
- (5) The map shall be accurately surveyed, coordinated to City street monuments and government survey triangulation stations and permanently monumented on the ground with adequate monuments of a permanent nature.
- (6) Reference points of existing surveys and all other monuments found or established in making the survey of the subdivision shall be identified.
- (7) Approved street names.
- (8) Setback lines and minimum floor elevations for structures.
- (9) Possible flood area designation and encumbrances in accordance with the LUO.

(d) The final map shall conform substantially to the preliminary map given tentative approval and the executive officer may disapprove a final map which does not so conform. At any stage of the subdivision application, any proposed revision to the preliminary map shall be submitted in writing to the executive officer for approval. [Eff JUN 17 1993]

(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-166 Final map; procedures. (a) Within two years after tentative approval of the preliminary

map, the subdivider shall file with the executive officer fifteen copies of the final map.

(b) The time limit specified may be extended not exceeding one year as may be granted in writing by the executive officer. Request for extension of time for filing of the final map shall be made by the subdivider in writing to the executive officer stating the reasons therefor, prior to expiration of the two-year period. Only two such time extensions shall be granted by the executive officer, except in cases where the construction plans have been approved by the executive officer and construction of improvements has commenced.

(c) Failure to file a final map within the required period shall automatically terminate all proceedings and the subdivision shall become null and void. Before a final map may thereafter be approved, the subdivider shall recommence proceedings by filing a new application with the required filing fee.

(d) The time of filing a final map shall be taken to mean the time at which the same together with all required data are received by the executive officer, who shall indicate the date and time filing upon one copy of the final map. [Eff JUN 17 1993]
 (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-167 Final map; action. Upon review and report by the subdivision committee, the executive officer shall act upon the final map within forty-five days after filing as follows:

- (1) Approval of the final map means the subdivision has met all requirements of this subchapter. Approval of the subdivision shall be issued in writing to the subdivider, and the stamp of approval shall be placed on a copy or print of the final map. The approval of the final map by the executive officer shall not be deemed to constitute or effect an acceptance by the State of any easement shown on the map and shall not relieve the subdivider of responsibility for errors or other discrepancies in the subdivision. Errors or discrepancies shall be revised or corrected to the satisfaction of the executive officer. No approval shall be granted unless any and all assessment liens outstanding to the City or to the State have been paid in full or ratably reallocated

between or among the lots resulting from the subdivision. After approval, the executive officer shall submit the final map to the department of land utilization of the City for filing. The approved final map on file with the development corporation and with the department of land utilization of the City shall be an official record for the purpose of administering laws, ordinances, and other regulations.

- (2) Disapproval of the final map means the final map does not conform to all or portions of the requirements of this subchapter. The reasons for disapproval shall be stated in a letter to the subdivider and a stamp of disapproval shall be placed on a copy or print of the final map. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-168 Conformance to development plan. Each subdivision shall conform to and implement the intent and purpose of the development plan. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-169 Conformance to other laws. Each subdivision shall conform to the Aloha Tower Complex Project Area Rules, federal and state laws, regulations and standards of the board of water supply, and other requirements and standards of other agencies. The subdivider shall be responsible for securing required approvals and permits for subdivisions regulated by law or regulations other than this subchapter, except to the extent that such laws or regulations have been superseded by these rules. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-170 Land suitability. (a) No subdivision shall be granted tentative approval of the preliminary map or approval of the final map if the land is found by the executive officer, upon consultation with the chief engineer or other government agencies, to be unsuitable for the proposed use by reason of propensity

to flooding, bad drainage, geological conditions, unstable subsurface, ground water or seepage conditions, inundation or erosion by sea water, adverse earth or rock formation or topography, or other features or conditions likely to be harmful or dangerous to the health, safety, or welfare of future users of the proposed subdivision or of the surrounding neighborhood or community, unless satisfactory protective improvements or other measures have been proposed or taken by the subdivider and approved by the executive officer.

(b) No subdivision shall be granted approval of the final map until protective measures or improvements to make the land suitable for the proposed uses have been constructed and certified in writing to be complete and acceptable by the executive officer.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-171 Design review. (a) The authority to approve, approve with conditions, or to disapprove the design of a subdivision shall be vested in the executive officer. The subdivider shall revise, delete, amend, and comply with the design requirements of the executive officer.

(b) Design review shall be conducted consistent with the intent and purpose of this subchapter and shall consider adequate provisions for street pattern, street alignment, street width, and geometric design; lot layout, dimensions, areas, and uses; location, alignment, and width of easements and utilities; traffic safety, traffic circulation, traffic control, street capacity, and vehicular and pedestrian access including bikeways to and within the subdivision; grading work and any alternative designs that could be utilized to minimize the extent of grading; public and emergency services; effect on surrounding area and environment; and effect on areawide traffic.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-172 Streets and highways. (a) The standards for street rights-of-way shall be consistent with the standards approved by the City planning commission, but subject to approval only by the executive officer.

(b) Rights-of-way and alignments are subject to the following:

- (1) The right-of-way and alignment of all streets shall conform to and implement the intent and purpose of the development plan. Where the development plan does not indicate street right-of-way or alignment, subdivision streets shall be laid out in the most advantageous design for the subdivision as well as for the surrounding area, and coordinated so as to compose a convenient system and subject to approval of the executive officer upon consultation with the traffic engineer and chief engineer.
- (2) The rights-of-way and alignments of all streets and highways shall be considered in their relation to existing and planned streets, topographical conditions, and to public convenience and safety, and in their appropriate relation to the proposed uses, surrounding zoning and development plan of the land to be served.
- (3) In order to provide public access or permit a satisfactory future subdivision of adjoining land and to preclude the creation of landlocked parcels, streets or access and utility easements shall extend to the boundary of the proposed subdivision and shall include the construction of facilities as required by the executive officer upon consultation with the chief engineer and traffic engineer.
- (4) Where a subdivision abuts or contains an existing or proposed major street the executive officer may require a frontage street or such other treatment as may be necessary for adequate protection of the lots.

(c) Future streets. Where the preliminary map covers only a part of the subdivider's tract, a sketch of the proposed future street system of the entire tract shall be furnished, and the street system of the part submitted shall be considered in connection with the street system of the part not subdivided. The action by the executive officer on the preliminary map shall in no way indicate any action or approval on the part not subdivided.

(d) Future subdivision. Where a tract is subdivided into larger parcels than for the minimum size lots provided for in this subchapter, the executive officer may require adequate streets to serve the future subdivision in conformity with the street and other requirements of this subchapter.

(e) Intersections. Street intersections shall be as near right angles as possible. Acute angles between street intersections are to be avoided. Intersections of more than four approaches shall not be allowed unless approved by the executive officer upon consultation with the chief engineer and traffic engineer. Jogs and acute angles in a street shall be held to a minimum. When acute angles or jogs are necessary, the street intersection shall be designed with reasonably long radius as approved by the executive officer upon recommendation of the traffic engineer. At the street intersection, adjacent properties shall be so graded and developed that adequate sight distance can be maintained. Streets entering upon opposite sides of any given street shall have their centerlines directly opposite each other, or said centerline shall be offset by at least three hundred feet, to eliminate close proximity of T-intersections, or as otherwise approved by the executive officer upon consultation with the traffic engineer. Intersection gradients, sight distances, offsets and design of the intersection shall be approved by the executive officer upon consultation with the traffic engineer.

(f) Gradients. Gradient of all streets shall be designed for adequate drainage and traffic requirements, and the development and grading of the subdivision. Gradients shall be a reasonable minimum and in conformity with the development plan, but shall in no case be less than four-tenths of one per cent, and shall not exceed seven per cent for major and secondary streets; ten per cent for minor streets; and fifteen per cent for dead-end streets of less than three hundred feet. Where a street has a grade in excess of twelve per cent, reinforced concrete pavement is required, in conformity with the standards of the chief engineer. Modifications may be permitted by the executive officer upon consultation with the chief engineer and traffic engineer when necessary to meet topographical conditions.

(g) Horizontal and vertical curves. Horizontal and vertical curves shall be designed to the standards

of the traffic engineer. Modification may be permitted by the executive officer when necessary to conform to the development plan.

(h) Property line radius. The property line radius at a street intersection shall be a minimum of twenty feet for secondary, minor, and dead-end streets, and thirty feet for major streets. Where streets of different widths intersect each other, the smaller radius shall govern. The executive officer may require a greater length of radius upon consultation with the traffic engineer when design of the subdivision indicates such need.

(i) Existing streets. Existing streets abutting or within the proposed subdivision which are of inadequate width or are not in conformity with the development plan shall be provided with the additional rights-of-way at the time of subdivision.

(j) Half streets. No half streets shall be developed except where essential to the reasonable incremental development of a subdivision, when it is in conformance with this subchapter and when the executive officer is given satisfactory evidence that the remaining half will be constructed. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-173 Access. (a) Land shall be subdivided so as to provide each lot with satisfactory access to an adequate public street by means of either a public street or private street of approved width and improvements. Permanent easement for access to a street may be established upon approval of the executive officer. Improvements for easements shall be provided as required by the executive officer.

(b) Reserve strips or nonaccess areas controlling the access to streets shall not be permitted except as required by the executive officer, as necessary for the public safety and welfare and where the control of such strip is definitely placed under conditions approved by the executive officer.

(c) Public and private streets and highways including pedestrian ways, bridges, structures, and facilities for adequate vehicular and pedestrian access to meet the needs and requirements of the proposed subdivision shall be provided subject to the approval of the executive officer upon consultation with the

traffic engineer and chief engineer. Factors to be considered are adequate width and improvements for adequate, proper, and safe vehicular and pedestrian traffic circulation for ingress and egress to the proposed subdivision. Where major access to a proposed subdivision crosses or connects to a major street or highway, such access shall be provided with acceleration lanes, deceleration lanes, turning lanes, traffic controls, overpass or underpass structures, off and on ramps and other traffic engineering improvements as required by the executive officer upon consultation with the traffic engineer and chief engineer in accordance with the requirements and standards of the department of transportation services, department of wastewater management and the state department of transportation.

(d) Private streets providing access to or within a proposed subdivision shall be improved to meet the requirements of this subchapter. [Eff JUN 17 1993]
 (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-174 Drainage, water, sewers, and utilities. (a) Drainage, water and sewer systems, and utility lines, including but not limited to those required for electric, communications, and street lighting, necessary for the general use of the occupants in the subdivision shall be installed by the subdivider.

(b) Utilities shall generally be located in accordance with the standards and requirements of each agency. The location of utilities shall not be contrary to any location provided by the development plan.

If the location for any of the utilities, such as sewers, storm drains, water and gas pipes, electric and telephone lines and conduits, which are likely to be required within a subdivision, either for the service thereof or for the service to the surrounding areas, do not lie wholly within the street right-of-way, the executive officer, upon consultation with the chief engineer, wastewater management director and manager, may require the location of such utilities on routes elsewhere than within said street right-of-way. The subdivider shall designate the required area or areas

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for all such utility locations and shall deliver proper easements for them.

(c) Adequate width shall be provided for easements for sewers, storm drains, water, public utilities, and government-owned facilities as required by the chief engineer, wastewater management director or manager, as appropriate. Easements for all government-owned utilities except those under the jurisdiction of the board of water supply, shall be conveyed to the development corporation and documents with supporting materials, such as maps, search of title or lien letter, transfer certificate of title, releases, consents, or other materials, as may be required, shall be delivered to the development corporation for acceptance. Easements for water facilities shall be conveyed for the use of the board of water supply and documents with all supporting materials shall be delivered to the board of water supply for acceptance.

Whenever it is determined that future easements are necessary, the future easements shall be designated on the final map indicating that the development corporation or the City may accept such easements at any time. The location of all easements shall generally border the boundaries of lots. Easements traversing a lot shall not be allowed except when approved by the executive officer.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5),
206J-7) (Imp: HRS §206J-7)

§15-26-175 Pedestrian ways. The executive officer may require the designation and dedication of a right-of-way, easement, or easements of sufficient length and width to provide for a pedestrian way within a block; over or under streets, highways, or waterways; or to public shorelines, parks, or other facilities of a public nature and to serve the subdivision.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5),
206J-7) (Imp: HRS §206J-7)

§15-26-176 Block; width and length. Intersecting through streets shall determine the width and length of a block. The widths and lengths of blocks shall conform to the development plan. Where the subdivision is not covered by the development plan the widths and lengths of blocks shall be approved by

the executive officer upon consultation with the traffic engineer and chief engineer.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-177 Lot area, width, and depth. The lot areas, width, and pattern of lot lines shall comply with the requirements of the development plan.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-178 Grading. Grading shall conform to the development plan. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-179 Street names. The authority to approve or to disapprove street names shall be vested in the executive officer, upon consultation with the department of land utilization of the City. Street names may or may not conform to article 8 of chapter 22, Revised Ordinances of Honolulu, as amended.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-180 Requirements for improvements; in general. (a) The subdivider shall improve all streets, highways, and easements and install drainage facilities, sewer, water, street lights, traffic control devices, street trees, and utilities within the subdivision. If it is determined by the executive officer that the subdivision has been submitted only for the purpose of clarifying records, or for conveyance of large portions of land, the executive officer, upon consultation with the director of the department of parks and recreation of the City and County of Honolulu, the chief engineer, traffic engineer, wastewater management director and manager, may waive all or a portion of the improvements which otherwise would be required. The minimum improvements which the subdivider shall make prior to approval of the final map shall be as stated herein.

(b) The total cost of improvements and cost of maintenance, and providing the necessary services up to

the date of acceptance by the development corporation of the dedication of the subdivision improvements, shall be borne by the subdivider. The construction of improvements shall comply with the standards, specifications, and plans on file with the various government agencies.

(c) The owner or owners of property or future owners or any person in control of such property shall be responsible to maintain and repair any private subdivision improvements, private drainage ways, or protective improvements located in such property which serves the property or adjoining properties.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-181 Streets and highways. (a) Streets and highways shall be on a grade to permit proper drainage and shall have sidewalks, gutters, curbing, pavements, bridges, and other improvements as required by the executive officer upon consultation with the chief engineer and traffic engineer.

(b) Streets shall be designed for the site soil conditions and shall contain water mains, sewers, storm drainage facilities, street survey monuments, utilities, traffic controls, and other improvements as herein specified. Streets and sidewalks shall be constructed under the supervision of and in accordance with standards and specifications of the executive officer, upon consultation with the chief engineer and traffic engineer.

(c) Streets within or abutting the subdivision shall be improved to the standards of this subchapter. Where the proposed subdivision abuts an existing substandard public or private street, improvements may be required to be constructed only on the lesser of one-half of the street or thirty feet abutting the proposed subdivision, as determined by the executive officer, upon consultation with the chief engineer, traffic engineer, and manager. Said improvements shall be constructed in conformance with the development plan and all improvements, bridges, structures, or road widening required shall be constructed and installed by the subdivider and may be required to be dedicated to the development corporation, as determined by the executive officer upon consultation with the chief engineer, traffic engineer, and manager. In calculating the area of each lot in the proposed

subdivision, the area of such street widening shall be excluded.

(d) The location of a subdivision street connection to a state highway shall be subject to approval of the state department of transportation. The state department of transportation may require a traffic study where subdivision streets connect to a state highway. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-182 Private streets. (a) Private streets used as principal access, abutting, or within a subdivision, shall be improved to conform to the requirements of this subchapter. The subdivider shall bear responsibility for private streets including maintenance and regulating traffic.

(b) Private streets and private improvements shall be maintained by the subdivider or owners of property contiguous or adjacent thereto in such manner that adequate access by vehicular traffic and services is permitted at any time so that fire, police, health, and public utility vehicles can service the area. If private streets and improvements are not maintained, and the executive officer determines that the maintenance is inadequate to provide necessary services for the subdivision, public services may be withheld from the area until adequate access is provided for such services.

(c) The subdivider and subsequent property owners shall be responsible for informing future owners of the affected properties that the development corporation is not responsible for any maintenance or repair work or any other services within the limits of the private subdivision and the private improvements.

(d) At or near the entrance of each private street, a sign shall be installed depicting the words "Private Street" or "Private Road." The type and location of the sign shall be subject to the approval of the executive officer and the subdivider shall bear the total cost of the purchase and installation of the sign.

(e) The board of water supply may be consulted regarding conditions under which the public water system may be extended into a private street. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

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§15-26-183 Drainage. Drainage and drainage structures and facilities including culverts and bridges, shall be installed in accordance with standards approved by the chief engineer.
[Eff. JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-184 Street lighting. Street lights and related apparatus and appliances shall be installed by the subdivider, including street connections to public highways, in accordance with chapter 22, Revised Ordinances of Honolulu, or as otherwise approved by the executive officer. [Eff. JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-185 Underground utilities. Utility lines shall be installed in accordance with chapter 22, Revised Ordinances of Honolulu, or as otherwise approved by the executive officer.
[Eff. JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-186 Water supply and system. The subdivider shall provide an adequate and potable water supply and system including water mains and fire hydrants to and within the subdivision. The system shall conform to the requirements of the board of water supply. If a private water system is to be used, construction of the system shall conform to the requirements of the board of water supply.
[Eff. JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-187 Sewers. (a) Each subdivision shall have an adequate and approved sewage disposal system. In every subdivision where connection to a sewer is practical and reasonable, the subdivider shall be required to install and connect an adequate sewerage system.

(b) Sewers shall be designed based on City standards and approved by the executive officer, and installed at the location specified by the executive officer as necessary to provide the subdivision with adequate sewage disposal; provided that this location

shall not be contrary to the location fixed for utilities by the development plan.

(c) The executive officer may require construction of a sewage treatment plant. The sewage treatment plant shall be constructed to the standards of the executive officer and the state department of health.

(d) The executive officer may allow a sewage disposal plan. The sewage disposal system shall be designed in accordance with the standards of the executive officer and the state department of health.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5),
206J-7) (Imp: HRS §206J-7)

§15-26-188 Street monuments. Street monuments shall be placed and properly coordinated with government survey triangulation stations at all street intersections and angle points and at such intermediate points and of such standards as required by the chief engineer. Street monuments and bench mark elevations based on City datum shall be recorded on construction plan tracings. Street monuments shall be installed with an accuracy of one to ten thousand for City property, as provided in the rules and procedure of the land court, State of Hawaii. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-189 Street name signs. Street name signs for all streets within a subdivision shall be installed by the subdivider coincident with the construction of street improvements and utilities to serve the subdivision or made a part of the contract for subdivision improvements. The type and location of street name signs are subject to approval of the executive officer and shall conform to standard specifications imposed by the City. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-190 Traffic controls. Traffic signs and markings for controlling, safeguarding, or expediting vehicular and pedestrian traffic shall be installed by the subdivider in each subdivision, coincident with construction of street improvements and utilities, before the roadways are open to public traffic, and

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before the first residential unit is occupied, and before a business enterprise or public or quasi-public agency commences operations, and shall be a part of the contract for subdivision improvements. Plans and specifications showing type, location, and installation of traffic signs and markings shall be submitted for approval to the executive officer and shall conform to the standard specifications on file in the department of transportation services. The subdivider shall bear full responsibility for regulating traffic and the total cost of maintaining and regulating traffic signs and markings in a satisfactory condition until such time as the streets are accepted by the City, the State or the development corporation, or the development corporation acquires jurisdiction to regulate private streets within the subdivision. The subdivider may install other traffic control devices where it is determined by the executive officer that the devices are necessary for providing adequate access to a subdivision. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-191 Planting. (a) To preserve and enhance scenic character and to prevent environmental problems in the subdivision and the surrounding community, subdivision construction plans shall include a planting plan to be reviewed and approved by the executive officer. Planting within the street right-of-way shall be subject to approval of the executive officer and maintained by the subdivider.

(b) Screen planting, landscaping, area and slope planting, shall be provided and maintained by the subdivider until the plant growth is established and as required by the executive officer. Planting shall be conducted in accordance with an approved schedule of planting. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-192 Street trees. The subdivider shall develop a street tree planting plan for each subdivision indicating the quantities, locations, types, size, and planting specifications which shall be reviewed and approved by the executive officer. The subdivider shall plant the street trees in conformance with the standards of the city department of recreation, or as otherwise approved by the executive

officer. The subdivider shall plant and maintain the street trees to the acceptability of the executive officer. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-193 Pedestrian way. (a) Whenever a pedestrian way is designated for a subdivision, the minimum width shall be twelve feet except as otherwise approved by the executive officer.

(b) Pedestrian overpass or underpass structures and improvements shall be designed and constructed by the subdivider based upon plans approved by the executive officer. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-194 Construction plans. (a) After the subdivider has received tentative approval of the preliminary map from the executive officer, and before beginning construction of improvements, the subdivider shall prepare and submit construction plans and specifications showing details of grading, road construction, drainage structures, sewers, water, and all other utilities, improvements, landscaping and planting proposed to be installed in the proposed subdivision, in conformance with the approved preliminary map. The construction plans shall be drawn on acceptable tracing medium to City standards as to size and general drafting practice. Included with the construction plans shall be a general layout map showing the location of lots and streets and the location of water lines, sewer mains, drainage system, and other utilities.

(b) The subdivider shall submit copies of the construction plans to the executive officer or other agencies as required by the executive officer, for their consideration, comments, and recommendations. Plans submitted for approval shall bear the stamp of an engineer, or other licensed professional, as appropriate, in accordance with the rules of the state department of commerce and consumer affairs.

(c) Construction plans shall be considered approved for construction purposes when the construction plans bear the approval signature of the executive officer. No construction work shall commence

without the approved construction plans.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5),
206J-7) (Imp: HRS §206J-7)

§15-26-195 Completion of improvements for final map approval. (a) After the subdivision has received tentative approval of the preliminary map and approval of the construction plans, the subdivider, as a condition to approval of the final map shall comply with either subsection (b) or (c).

(b) The subdivider may proceed with construction of required improvements, utilities, and facilities, and after completion of the same in accordance with the approved construction plans and approval of improvements by the executive officer, the executive officer shall take action on the final map.

(c) In lieu of completion of the required improvements, utilities, and facilities prior to final map approval, the subdivider may enter into an agreement with the development corporation, to assure the development corporation of the construction, installation, maintenance, and services of such improvements, utilities, and facilities as shown on the approved construction plans. The executive officer, after execution and acceptance of the agreement, shall take action on the final map.

- (1) The agreement shall be approved by the development corporation as to form and legality. The agreement shall specify that the subdivider agrees to make, install, complete, and provide services for all required improvements, utilities, and facilities within a specified time to the satisfaction of the executive officer and shall provide that if the subdivider fails to complete the work within the specified time or provide the necessary services, the development corporation may collect the full estimated cost from the subdivider, and complete the project. The development corporation shall be authorized in the event of any default in performance of work, services, or construction of improvements to use some or all of the bond or security to cause the required work or services, including engineering and administrative work to be done and for payment of all costs.

Failure of the subdivider to complete the work shall be a violation of this subchapter. The subdivider shall be firmly bound by the specified time of completion of all improvements. The time limit may be extended for one six-month extension period which may be granted by the executive officer upon recommendation of the subdivision committee.

The agreement may provide for partial withdrawal of the security, in money or bonds, as the work progresses, upon certification of the executive officer. When a substantial portion of required improvements has been completed to the satisfaction of the executive officer and completion of remaining improvements is delayed beyond control of the subdivider, the executive officer may consent to a reduction of the surety bond or security proportionate to an amount estimated to be adequate to assure completion of the remaining improvements. The agreement and bond to secure and guarantee construction of improvements shall be so conditioned that the surety executing the bond or making a deposit shall be firmly bound under continuing obligation for the payment of all necessary costs and expenses, including engineering and administrative expenses, incurred or expended by the development corporation in causing any work to be done.

- (2) The surety bond or other security that must be filed with the agreement shall be in an amount not less than the cost of all work and services required to be completed by the subdivider including engineering and other administrative costs and approved by the executive officer, and shall remain in effect until subdivision improvements are approved by the executive officer. Cost estimates prepared by the subdivider shall be delivered in writing to the executive officer for approval. No personal surety bond shall be accepted by the executive officer. The security bond or security shall be conditioned to be payable to the development corporation. Should the subdivider fail to

complete all work required within the specified time, the development corporation may collect the moneys of the bond or security and require all unfinished work to be completed, and the parties executing the security bond shall be firmly bound to pay for all necessary cost therefor.

Securities shall be filed with the executive officer and deposited with the development corporation.

A performance guarantee to be filed with the agreement shall be one of the following:

- (i) A surety bond executed by the subdivider as principal, and a corporate surety company authorized to do business in the State, as surety.
- (ii) A deposit of money made with the executive officer or a responsible escrow agent designated by the executive officer as the development corporation's agent.
- (iii) Where the subdivider has entered into a contract with a responsible contractor for construction of improvements and utilities, the subdivider shall file the following with the executive officer: (1) a certified copy of the contract; (2) a certified copy of the contractor's performance bond; and (3) a surety bond, other than personal surety, of a sum equal to at least fifty per cent of the cost of all the work, including engineering and administrative work required to be completed by the subdivider as estimated upon consultations with the chief engineer, traffic engineer, director of the city's department of parks and recreation, wastewater management director and manager. The surety bond shall be payable to the development corporation, and shall be conditioned as described above.

- (iv) Negotiable bonds or other securities approved by the development corporation and the state director of finance for securing deposits of public money.
[Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7)
(Imp:)

§15-26-196 Construction procedures. (a) The subdivider shall notify the executive officer at least one week in advance of the date the subdivider will begin construction, of the contractor's name, contract price, construction schedule, and any other pertinent information, and shall file four sets of prints of the approved construction plans with each of the following: the division of engineering and division of sewers of the department of wastewater management, division of traffic planning and division of street lighting of the department of transportation services, the board of water supply, and the department of recreation; and one print with the executive officer.

(b) Every three months, the subdivider shall report the status of construction to the executive officer indicating progress and the work remaining.

(c) At any stage of construction and prior to approval of improvements, if the executive officer, or his or her designee, find that any of the work is likely to create problems jeopardizing property or public safety, they may require a temporary stopping of work, plan revisions, or remedial work procedure changes such as limiting the area which may be graded or developed at one time. [Eff JUN 17 1993]
(Auth: HRS §§206J-5(5), 206J-7) (Imp:)

§15-26-197 Inspections. During construction, the work is subject to inspection at any time by the executive officer, or the executive officer's designee.
[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-198 Certification. (a) Upon completion of improvements, and prior to approval, the improvements shall be inspected by the executive

officer, upon consultation with the chief engineer, traffic engineer, director of the city's department of parks and recreation, wastewater management director and manager. The cost of testing any improvement, if required by the executive officer, shall be borne by the subdivider.

(b) If the street lighting conforms to approved plans and specifications, and the installation is energized and continues in proper operating condition for a period of one week, the development corporation shall approve the installation and issue a certificate to the subdivider attesting to such inspection, test, and approval. The subdivider shall arrange with the public power company and bear the cost of arrangements and electrical energy used for the tests.

(c) Subdivision improvements shall not be approved by the executive officer until the subdivider has received written certification that they are complete and acceptable to the development corporation. The subdivider must accomplish the following, in addition to the testing above, in order to obtain such certification:

- (1) File tracings of construction plans as actually constructed, showing all changes from the original plans, with the executive officer and the department of wastewater management.
- (2) File duplicate tracings of the sewer system as actually constructed showing all changes from the original plans with the executive officer and the department of wastewater management.
- (3) File tracings of the street lighting system and traffic control devices as actually constructed, showing all changes from the original plans, with the executive officer and the department of transportation services.
- (4) File tracings of the street tree planting plans as planted, with the executive officer and the department of recreation.
- (5) File tracings of the water system as actually constructed, showing all changes from the original plans, with the executive officer and the board of water supply.

[Eff JUN 17 1993] (Auth: HRS
§§206J-5(5), 206J-7) (Imp: HRS §206J-7)

§15-26-199 Repair and replacement of improvements. (a) The subdivider shall file with the development corporation such agreement and surety bonds as specified in this section to insure the adequacy and workability of provisions for repair and replacement of the subdivision improvements.

(b) Approval of improvements for dedication will not be given unless the subdivider enters into an agreement with the development corporation, wherein the subdivider agrees to pay costs of repairing and replacing the subdivision improvements and guarantees their adequacy. The subdivider shall also file a surety bond or other security other than personal surety, with the development corporation as obligee, conditioned upon faithful performance of said agreement. The amount of the surety bond shall be ten per cent of the cost of construction as estimated by the executive officer upon consultation with the chief engineer, traffic engineer, director of recreation, and manager.

(c) The agreement shall specify that the subdivider agrees to repair and replace subdivision improvements, utilities, and facilities to the satisfaction of the development corporation and shall provide that if the subdivider fails to complete such work within the specified time, the development corporation may collect the moneys of the bond or security and complete the same. The development corporation shall be authorized in the event of default in the performance of any work for which bonds or securities were deposited, to use some or all of the bond or securities to cause the required work, including engineering and administrative work, to be done and for payment of costs therefor.

(d) The agreement and surety bond shall be for a period of one year from the date of acceptance by the development corporation of the dedication and shall be extended as required by the executive officer upon consultation with the chief engineer, traffic engineer, director of recreation, or manager.

(e) The form of the agreement and surety bonds shall be approved by the development corporation counsel as to form and legality and when fully executed, filed with the executive officer.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5),
206J-7) (Imp:)

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§15-26-200 Approval of improvements. Upon receipt of certificates of completion of improvements from the required agencies and acceptance of the executed repair and replacement agreement and surety bond for dedication purposes, the executive officer shall grant approval of improvements.

[Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp:)

§15-26-201 Retroactive cure. Any defect in the approval of a subdivision or consolidation applied for or obtained pursuant to this subchapter prior to the effective date of this subchapter may be cured retroactively and effective as of the date of the original approval. [Eff JUN 17 1993] (Auth: HRS §§206J-5(5), 206J-7) (Imp:)

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

SUBTITLE 5

ALOHA TOWER DEVELOPMENT CORPORATION

CHAPTER 26

ALOHA TOWER DEVELOPMENT CORPORATION
RULES OF PRACTICE AND PROCEDURE

§15-26-96 REPEALED. [R]JUN 17 1998