



STATE OF HAWAII
DEPARTMENT OF EDUCATION
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LAND USE COM.
STATE OF HAWAII
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July 26, 2021

TO: Mr. Daniel E. Orodener
Executive Officer, Land Use Commission
Department of Business, Economic Development and Tourism

FROM: Dr. Christina M. Kishimoto 
Superintendent

SUBJECT: **2021 Annual Report for LUC Docket No. A11-794**
Hawaii State Department of Education
Kihei, Maui, Hawaii, Maui Tax Map Key No.: 2-2-002:081

Pursuant to the Condition No. 22 in the Decision and Order in the above referenced docket, the Hawaii State Department of Education (HIDOE or Petitioner) is pleased to provide this annual progress report to the State Land Use Commission (LUC), the State Office of Planning, and the County of Maui Planning Department (MPD) concerning the current status of compliance with the conditions of approval. An electronic pdf file copy of this annual report will be transmitted by email to your department.

Project Status:

The LUC approved the HIDOE's petition to reclassify approximately 77.2 acres of land at Kihei, Maui, Hawaii from the State Land Use Agricultural District to the State Land Use Urban District for the construction of the Kihei High School by order dated July 29, 2013. This letter is the HIDOE's eighth annual progress report to the LUC in this matter. The Decision and Order sets forth twenty-five (25) conditions of approval regarding the reclassification.

Effective June 27, 2014, conditional zoning for approximately 77.2 acres of land at Kihei, Maui, Hawaii was changed from Agricultural to P-1, Public/Quasi-Public for the Kihei High School as granted by the County of Maui, Ordinance No. 4135.

This report will reference LUC Phase I, which is the design and construction for enrollment up to 800 students, and LUC Phase II, which is the design and construction for enrollment from 801 up to 1,650 students. The HIDOE also refers to phases of development and construction of the Kihei High School as "New School" phases which bear Arabic instead of Roman numerals.

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To facilitate the coordination of future construction phases, two irrigation wells were made part of a predesign phase, New School, Irrigation Wells, HIDEOE Job No. Q00017-06 (see attachment for the sequencing of the LUC and New School or the HIDEOE phases). The wells have been completed, tested and one is used for construction needs and irrigation. Permanent pumping equipment is being installed as part of New School – Phase 2 for the construction of the initial buildings.

New School - Phase 1 - Infrastructure, HIDEOE Job No. Q55000-16 has been completed. In this phase, a perimeter chain link fence was constructed for the project site; on-site mass grading, erosion controls, and partial off-site and on-site underground utility infrastructure, including storm water, potable water, fire protection water, reclaimed irrigation water, sewer, power, telecommunication, and data work were completed. A paved driveway that provides access/egress from the highway to the school site was installed. The jobsite work commenced on June 1, 2018, the final inspection was held on January 6, 2020 and the work accepted in November. This phase included archaeological monitoring for all ground disturbances.

The bid closing date for New School - Phase 2, HIDEOE Job No. Q55000-17 was June 29, 2018. This phase is for initial buildings and support physical education (PE) field and court facilities. The phase was delayed due to bid protests, which were resolved, and the contract was awarded on April 29, 2020. The jobsite work commenced on October 12, 2020 and construction completion is anticipated in July 2022. This phase includes infrastructure work, the administrative building, two classroom house buildings, the cafeteria/library building, and PE facilities for the opening of the school.

The bid closing date for New School - Phase 3, HIDEOE Job No. Q55208-18 for elective classrooms was June 26, 2020 and the phase has been delayed due to bid protests. A resolution must be reached before the contract can be awarded. Construction was anticipated to start in January of 2022, but this date may be impacted by the bid protest.

The balance of the school facilities planned for LUC Phase I work include the gymnasium, athletic courts, music building, track and field complex, and related support facilities such as parking and access roads and walkways. A future New School phase will involve design and construction of facilities as available funding will allow. Additional phases of construction may be necessary until these facilities and improvements are constructed.

Per the LUC Declaratory Order (Docket No. DR 19-65) dated April 25, 2019, the school cannot open until a grade separated pedestrian crossing (GSPC) is in place. However, the Declaratory Order also states that the HIDEOE is required to get approval from the State of Hawaii Department of Transportation (HIDOT) of its Pedestrian and Traffic Plans. The HIDOT does not approve the construction of any GSPC.

A supplemental intersection study titled “Kihei High School – Multimodal Operations Alternatives Evaluation of the Kulanihakoī Street/Piilani Highway Intersection” and dated August 1, 2019 was reviewed and approved by the HIDOT. In concurrence therewith, the HIDOT has recommended and proposed a roundabout with at-grade pedestrian crossing, and does not recommend either an overpass or underpass.

The HIDOT has cited a Texas Transportation Institute report which concludes that virtually no pedestrian would use a grade separated crossing that extends their path of travel by more than 25 percent. The at-grade pedestrian roundabout crossing will be about 130 feet. An overpass would be about 235 feet (+80%) to 760 feet (+500%) for stair and ramped crossings, respectively, and the Waipuilani Gulch would be about 1,200 feet (+900% in one direction) from the school entrance road with a steep grade to overcome.

As referenced above, throughout planning and design, three possibilities for GSPC have been suggested; an overpass, or an underpass beneath Piilani Highway along either Kulanihakoi Gulch or Waipuilani Gulch. Because it will take significantly longer to cross using an overpass compared to at-grade, pedestrians would avoid using it. An underpass at Kulanihakoi Gulch is not recommended due to security issues and concerns for pedestrian safety in the event of a storm. The HIDOT's assessment of the potential underpass at Waipuilani Gulch determined that it cannot be safely and practically designed, since the cost to build it in compliance with Federal flood zone requirements would be \$30 million or more. For the conditions at Kihei High School, the HIDOT determined that a direct route incorporating a roundabout will be the safest, accessible option compared to an overpass or underpass as the main pedestrian access route to the school campus.

On August 20, 2020, the HIDEOE filed a Motion to Amend the LUC's Findings of Fact, Conclusions of Law and Decision and Order Filed July 29, 2013, to eliminate the GSPC requirement. Hearings were held on September 10, 2020 and November 4, 2020. In response to a written request from the LUC dated November 10, 2020, the Petitioner submitted an Update Regarding its Motion and the matter has not yet been decided.

In response to the LUC concern that Petitioner did not engage the community in the plans for development of Kihei High School, Petitioner has conducted online meetings for the Kihei community on October 27, 2020 and January 12, 2021 to present the HIDOT traffic/pedestrian route recommendations and respond to questions and comments about the school design. The Petitioner has also followed up by posting project updates on its website.

Conditions and Compliance:

1. **Highway and Road Improvements.** *Petitioner will work cooperatively with the Department of Transportation (DOT) to reach mutually agreeable solutions. Petitioner shall abide by, complete and/or submit the following:*
 - a. *The Traffic Impact Analysis Report (TIAR) shall be revised and accepted by DOT prior to Petitioner executing a contract for the design of Phase I of the Project. The TIAR shall be structured to show assumptions about, traffic impacts of, and mitigations for both Phase I of the Project only and also the full build out of the Project. Petitioner shall submit three updated TIARs for the Project: the first one full year after opening of Phase I of the Project, the second with DOT approval prior to the issuance of any certificate of occupancy for Phase II of the Project, and the third with DOT approval one full year after full build out of Phase II of the Project. Should there be delays over three years between preparation of the updated TIAR one full year after opening of Phase I and the scheduled issuance of the certificate of occupancy for Phase II or any potential later Phasing, Petitioner shall submit an additional updated TIAR at DOT's request. All requirements and criteria for the TIAR and updated TIARs shall be agreed and approved by DOT. All project generated traffic shall be mitigated at Petitioner's expense as recommended or required in any of the TIARs approved by DOT. Petitioner shall submit copies of all TIARs and TIAR updates to the State of Hawaii DOT for review and approval, and to the County of Maui Department of Public Works for review and comment.*
 - b. *Petitioner shall complete a pedestrian route study for Phase I of the Project which includes ingress and egress of pedestrians through defined location(s) approved by DOT and shall analyze compliance with the proposed warrants in FHWA/RD-84/082 (July 1984) to the satisfaction of DOT.*