



Kihei Community Association

"e mālama pono"...dedicated to protecting,  
sustaining and enhancing our 'āina, kai and 'ohana

January 13, 2023

The Honorable Richard T. Bissen, Jr. sent via email: [mayors.office@co.maui.hi.us](mailto:mayors.office@co.maui.hi.us)  
Office of the Mayor  
200 S. High Street  
Kalana O Maui Building, 9<sup>th</sup> Floor  
Wailuku, HI 96793

Re: Temporary Certificates of Occupancy Regarding Kulanihako'i High School

Dear Mayor Bissen:

As President of the Kihei Community Association, I am writing on behalf of the Association's Board of Directors and its Members. The focus of this correspondence is the grade-separated pedestrian crossing highways/roads improvement condition ("Condition") imposed by the State Land Use Commission ("LUC") in 2013 when it granted a boundary amendment that permitted the State Department of Education ("DOE") to construct the Kihei High School located mauka of the intersection at Piilani Highway and Kulanihako'i Street. The Condition required the DOE to construct a grade-separated pedestrian overpass or pedestrian underpass before the DOE could obtain a Certificate of Occupancy and open the school. However, we now know that, despite the LUC's unequivocal Condition, the DOE is intending to open the school without having constructed a grade-separated pedestrian overpass or underpass.

The DOE is expecting to open the school on January 18, 2023, after obtaining "temporary certificates of occupancy" from the Maui County Planning Department. The DOE's application for obtaining the temporary certificates of occupancy is based upon its new proposed "pedestrian safety plan". The plan includes crossing guards at the Kulanihako'i Street traffic roundabout and school-operated shuttles. The proposed pedestrian safety plan will be in place until the DOE constructs the required overpass or underpass. The DOE has informed the LUC and the Planning Department that construction of the overpass or underpass will take between three and five years.

The LUC denied the DOE's application seeking an amendment to the Condition based upon its proposed pedestrian safety plan. On December 1, 2022, the DOE also sought temporary certificates of occupancy from the Maui County Planning Department. Michele McLean, the former Planning Department Director, denied the application.

Based upon media reports, we understand that representatives of the DOE are planning to meet with officials in Your Honor's office, presumably to seek Your Honor's support in connection with their efforts to obtain temporary certificates of occupancy from the County Planning Department. We further understand that Mahina Martin, your chief of communications and public affairs, has publicly stated that "Students getting into their school safely is our priority".

We are writing to request that Your Honor take whatever steps are necessary to **deny** the DOE's application for temporary certificates of occupancy. It is beyond dispute that the DOE has failed to comply with the LUC's Condition. Moreover, Nanea Kalani, a spokeswoman for the DOE, has stated that January 18 "remains only a tentative opening date" since it is still contingent on some "final construction-related inspections" that will be completed "during the first half of [January]".

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It is patently apparent that the high school is not “complete”, and certainly not ready to be “safely” opened to Kihei students. The DOE’s proposed “pedestrian safety plan”, which admittedly will be in place for three to five years, is incapable of providing the degree of safety envisioned by the LUC when it imposed the Condition in 2013. We suggest that Your Honor consider the expertise of the LUC, and take whatever steps are necessary to **deny** the DOE’s request for temporary certificates of occupancy.

Finally, the KCA Board of Directors is prepared to meet with you regarding this issue. Please advise us as to when it is convenient for you to do so.

Mahalo for your time and attention to this matter.

Respectfully submitted,

Michael Moran, President  
Kihei Community Association

cc: senmckelvey@capitol.hawaii.gov  
repamato@capitol.hawaii.gov  
county.clerk@mauicounty.us  
kathleen.aoki@co.maui.hi.us  
edwin.h.sniffen@hawaii.gov  
daniel.e.ordenker@hawaii.gov

