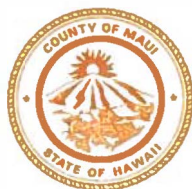


MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JACKY TAKAKURA  
Deputy Director



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

December 1, 2022



Mr. Edward S. Ige, Facilities Director  
Facilities Development Branch  
Hawaii State Department of Education  
P.O. Box 2360  
Honolulu, Hawaii 96804

Dear Mr. Ige,

**SUBJECT: KULANIHAKOI (FORMERLY KIHEI) HIGH SCHOOL  
TEMPORARY CERTIFICATES OF OCCUPANCY  
TMK: 2-2-002: 081**

Thank you for your letter dated October 20, 2022, also emailed on November 18, 2022, asking the Department of Planning (Department) to “grant” temporary Certificates of Occupancy (TCOs) for the new Kulanihakoī High School. The letter provides two “short term commitments” of providing crossing guards at the roundabout crosswalk and providing buses or shuttles until an overpass (or underpass) is constructed.

We would like to call your attention to our prior correspondence, summarized below and attached hereto:

March 23, 2020: Letter from Tracy Okumura, Department of Education (DOE), stating that “the design of the pedestrian overpass has already been started” and attaching a timeline that shows the overpass being constructed between mid-2022 through mid-2023. This letter requested the Department to approve five pending building permits.

April 3, 2020: Letter to DOE’s Janna Mihara, stating that the State Land Use Commission (LUC) and County Council (Council) both imposed conditions on the project’s entitlements that require the overpass (or underpass) to be constructed, not just designed, and that the Department would look for the overpass (or underpass) to be

completed and useable to find compliance with the LUC's and Council's conditions requiring the overpass (or underpass). This letter asked for the DOE's commitment to complete the overpass (or underpass) before occupancy, in which case the Department could conditionally approve the building permits. This letter also stated "Please note that we will withhold approval of any Certificate of Occupancy until the overpass (or underpass) is constructed and useable."

April 14, 2020: Letter from DOE's Tracy Okumura stating DOE's "commitment to constructing the pedestrian overpass" and that DOE "will insure that it is ready for use when the high school opens for students."

April 21, 2020: Email exchange with DOE's Janna Mihara where the Department says it will sign-off on the five pending building permits, and confirms that it will not sign-off "on Certificates of Occupancy until the overpass can be used."

Ms. Mihara asked if the Department would sign-off on COs prior to completion of the overpass.

The Department responded that it would assess the progress of the overpass at that time, and that it could consider signing-off on TCOs if the overpass construction appeared to be on schedule.

We note that these exchanges took place more than two years ago, and that the DOE has been aware of the LUC's and Council's conditions ever since the entitlements were granted in 2013. On March 23, 2020, DOE stated that design of an overpass was underway; however, earlier this year, DOE conducted outreach to get community input on whether an overpass or underpass was preferred at various locations, bringing into question whether design was really underway in 2020 (though we commend DOE for finally reaching out to the community). We have informed DOE and its consultants for more than two years that it needs to request amendments to its State and County entitlements if it wishes to open the school before an overpass (or underpass) is useable or substantially complete; DOE and its consultants have acknowledged this but we have not seen any progress toward this effort.

The "short term commitments" presented in your October 20, 2022 letter should be presented to the LUC and the Council as justification to (temporarily) amend your entitlement conditions. These commitments are not sufficient for the Department to find compliance in order to sign-off on TCOs.

Mr. Edward S. Ige, Facilities Director  
December 1, 2022  
Page 3

Until the entitlement conditions are amended, or until the overpass (or underpass) is at least substantially complete, the Department cannot sign-off on TCOs. If DOE occupies the buildings before an overpass (or underpass) is built, DOE would be in violation of its State and County entitlements.

Please feel free to contact me if you have any questions.

Sincerely,



MICHELE MCLEAN, AICP  
Planning Director

Attachments (4)

MCM:atw

xc: Mayor Michael P. Victorino (pdf)  
Jordan Molina, Director of Public Works (pdf)  
Daniel Orodener, LUC Executive Director (pdf)  
Jacky Takakura, Deputy Director (pdf)  
Jordan Hart, Planning Program Administrator (pdf)  
Renee Segundo, Supervising Building Plans Examiner (pdf)  
Gail Davis, Supervising Zoning Inspector (pdf)

S:\ALL\Michele\DOE Kihei HS 02.docx

DAVID Y. IGE  
GOVERNOR



DR. CHRISTINA M. KISHIMOTO  
SUPERINTENDENT

RECEIVED

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

20 APR -2 P12:49

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

COUNTY OF MAUI  
DEPT OF PLANNING  
ADMINISTRATION

March 23, 2020

Ms. Michele Chouteau McLean  
Director, Department of Planning  
County of Maui  
2200 Main Street, One Main Plaza, Suite 315  
Kahului, Hawaii 96793

Re: Pedestrian Overpass  
Kihei High School  
New School - Phase 2  
DOE Job No: Q55000-17  
Tax Map Key: (2) 2-2-002: 081

County Of Maui Planning Department	PT	COMMENTS	SEE ME	ASSIGN	FILE	DEPT RESPONSE
DIRECTOR <i>y pof</i>	<input checked="" type="checkbox"/>					
DEPUTY DIRECTOR	<input checked="" type="checkbox"/>					
CURRENT	<input type="checkbox"/>					
ZAED	<input checked="" type="checkbox"/>					
LONG RANGE	<input type="checkbox"/>					
DEPT SECRETARY	<input type="checkbox"/>					
_____	<input type="checkbox"/>					
_____	<input type="checkbox"/>					

Due Date: \_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

Dear Ms. McLean:

The Hawaii State Department of Education (HIDOE) is committed to moving forward with the design of the pedestrian overpass. As a result, the design of the pedestrian overpass has already been started. The balance of the design work will be funded by a legislative add-on appropriation. Please see the attached project timeline for the anticipated pedestrian overpass work as well as the remaining primary school structures.

As a result, the HIDOE is requesting approval of Permit Application No. T20181483 (Building A), T20181517 (Building B), T20181556 (Building C), T20181654 (Building D), and T20181655 (Building H).

Your early and favorable approval will be greatly appreciated. Should you have any questions, please contact Janna Mihara, Project Coordinator for the Facilities Development Branch, Project Management Section at (808) 784-5120 or via e-mail at janna.mihara@k12.hi.us.

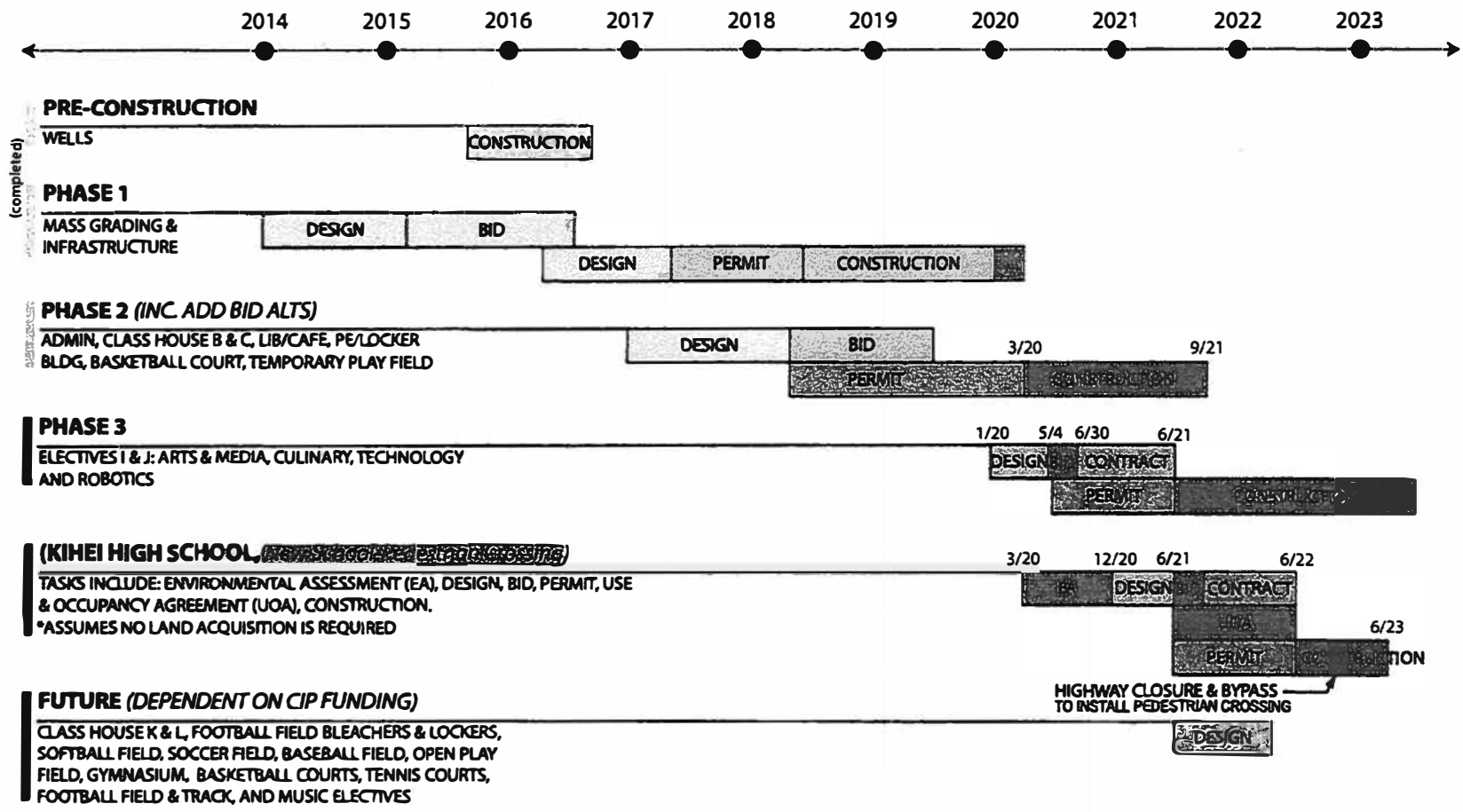
Sincerely,

Tracy Okumura  
Executive Assistant

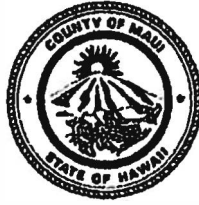
TO:lm  
Attachment: Project Timeline

c: Renee Segundo, Planning Department, Zoning Administration & Enforcement Division,  
Land Use & Building Plans Examiner  
Janna Mihara, Project Management Section

### KIHEI HIGH SCHOOL: PROJECT TIMELINE



MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JORDAN E. HART  
Deputy Director



DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

April 3, 2020

Ms. Janna Mihara, Project Coordinator  
Facilities Development Branch  
Hawaii State Department of Education  
P.O. Box 2360  
Honolulu, Hawaii 96804

Dear Ms. Mihara,

**SUBJECT: PEDESTRIAN OVERPASS, KIHEI HIGH SCHOOL  
NEW SCHOOL – PHASE 2, DOE JOB NO: Q55000-17  
TMK: 2-2-002: 081**

Thank you for your letter dated March 23, 2020, asking the Department of Planning (Department) to approve several building permit applications for the new Kihei High School.

Your letter states that "HIDOE is committed to moving forward with the design of the pedestrian overpass" and provides a project timeline for the overpass and the remaining school structures. However, the specific language of the conditions of approval of the project by the State Land Use Commission and the Maui County Council call for the overpass (or underpass) to be constructed not just designed. For the Department to find compliance with these conditions, the overpass (or underpass) must be completed and useable before or at the same time that the school buildings are ready for occupancy.

If you can provide us with a letter that documents your commitment to constructing the overpass (or underpass) and having it ready for use before or when the buildings are ready for occupancy, then we can conditionally approve the building permits. Please note that we will withhold approval of any Certificate of Occupancy until the overpass (or underpass) is constructed and useable.

Ms. Janna Mihara, Project Manager  
April 3, 2020  
Page 2

We note that the project timeline includes an Environmental Assessment (EA) for the overpass (or underpass); we believe that this may not be needed since this component was a condition of approval after the environmental review process was completed. However, if an EA will assist – through its analysis of alternatives – with obtaining community input and providing disclosure of the issues related to both an overpass and an underpass, then such a process would be worthwhile. In other words, we believe that the South Maui community strongly supports an underpass rather than an overpass, and an EA would be a valuable mechanism for you to consider both options.

Please feel free to contact me if you have any questions.

Sincerely,



MICHELE MCLEAN, AICP  
Planning Director

MCM:atw

xc: Mayor Michael P. Victorino (pdf)  
Don Couch, Executive Assistant (pdf)  
Councilmember Kelly King (pdf)  
Daniel Orodener, LUC Executive Director (pdf)  
Jeffrey Dack, Supervising Planner (pdf)  
Renee Segundo, Building Plans Examiner (pdf)

S:\ALL\Michele\DOE Kihei HS 01.docx



**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF FACILITIES AND OPERATIONS

October 20, 2022

Ms. Michele Chouteau McLean  
Director, County of Maui Planning Department  
2200 Main Street  
One Main Plaza, Suite 315  
Wailuku, HI 96793

Re: Kulanihakoi (formerly Kihei) High School  
Kihei, Maui, Hawaii, Maui Tax Map Key (2) 2-2-002:081  
Temporary Certificates of Occupancy

Dear Ms. McLean:

The Hawaii State Department of Education (Department) requests the support of the County of Maui, Department of Planning in seeking the approval of County of Maui agencies to grant temporary Certificates of Occupancy (COs) for the school buildings on the new Kulanihakoi High School campus. These temporary COs would allow the school to open on its new campus at the beginning of January 2023 or soon thereafter with the following short term commitments in place:

- The Department and the Hawaii State Department of Transportation (DOT) are committed to arranging for a Maui Police Department officer or crossing guard at the roundabout crosswalk in the morning and afternoon hours when school is in session until such time as a Grade Separated Pedestrian Crossing (GSPC) is operational, or the County, the Department, and DOT all agree the service is no longer needed.
- The Department is committed to providing bussing/shuttling to and from the school from a satellite location(s) in the morning and afternoon when school is in session until such time as a GSPC is operational, or the County, the Department, and DOT all agree the services are no longer necessary.
- The Department and DOT are committed to the construction of a GSPC overpass, located near Kulanihakoi Street. Start of construction will be subject to funding.

We thank you for your support of this project and look forward to working with you.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER



Ms. Michele Chouteau McLean  
October 20, 2022  
Page 2

Should there be any questions, please contact Mitch Tamayori, Project Coordinator of the Facilities Development Branch, Project Management Section, at 808-784-5116 or via email at [mitch.tamayori@k12.hi.us](mailto:mitch.tamayori@k12.hi.us).

Sincerely,



Edward S. Ige  
Facilities Director  
Facilities Development Branch

ESI:mt

c: Randall M. Tanaka, Assistant Superintendent, Office of Facilities and Operations  
Ryan W. Roylo, Deputy Attorney General, Education Division  
Facilities Development Branch

**Michele McLean - Re: Kihei High School building permits**

---

**From:** Michele McLean  
**To:** janna.mihara@k12.hi.us  
**Date:** 4/21/2020 3:21 PM  
**Subject:** Re: Kihei High School building permits

---

Hi again Janna,

We can assess the situation when the time comes. To be frank, DOE does not have a good track record on this matter.

The community clearly wants an underpass, yet DOE is pursuing an overpass. The County and LUC conditions of approval call for either an overpass or underpass, but DOE tried to get around the requirement by having DOT say it wasn't warranted. It falls on the Planning Department to ensure that the County and LUC conditions are met, so we had to go back to the LUC to get this clarified.

When the time comes, please get in touch with me, and my Department will assess the progress on the overpass (or underpass) at that time. If it appears to be on schedule and that DOE has proceeded in good faith, then we may sign-off on Temporary COs to allow you to move-in and set-up.

Hope you understand.....

Aloha,  
Michele.

>>> Janna Mihara <janna.mihara@k12.hi.us> 4/21/2020 2:05 PM >>>

Aloha Michele,  
Great news. The DOE appreciates your department's support for this project.

In regards to your comment on the certificate of occupancy, we would greatly appreciate it if you would consider signing-off on the certificate of occupancy at least 6 months prior to the completion and use of the pedestrian overpass to prevent any delays in opening the school. When we have started new schools in the past, the Administration (including key cafeteria, library, and teaching staff) have typically asked for 5-6 months to move in and set-up operations prior to officially opening the school and accepting students. I have attached a list of some of the kinds of tasks the school needs to work on once they move into the school facility, but prior to opening.

Thanks,  
Janna Mihara  
Project Coordinator  
Hawaii Department of Education  
Office of Facilities and Operations  
Facilities Development Branch, Project Management Section  
3633 Waialae Avenue, B201  
Honolulu, HI 96816  
Phone: (808) 764-5060  
Fax: (808) 784-4660

On Tue, Apr 21, 2020 at 10:48 AM Michele McLean <[Michele.McLean@co.maui.hi.us](mailto:Michele.McLean@co.maui.hi.us)> wrote:  
Aloha Janna,

We received your April 14, 2020 letter that confirms DOE will construct the pedestrian overpass so that it is usable when the Kihei High School will open.

With that commitment, we will sign-off on the building permits for Buildings A, B, C, D and H.

Please note that we will withhold signing-off on Certificates of Occupancy until the overpass can be used.

Please let me know if you have any questions or need additional information.

Mahalo,  
Michele.

Michele Chouteau McLean, AICP, Planning Director  
County of Maui  
One Main Plaza, Suite 315  
2200 Main Street  
Wailuku, Hawaii 96793  
Office: [808/270-7735](tel:808/270-7735)  
Fax: [808/270-7634](tel:808/270-7634)

\*\*\*\*\*  
This email was scanned by the Cisco IronPort Email Security System contracted by the Hawaii Dept of Education. If you receive suspicious/phish email, forward a copy to [phishing-report@k12.hi.us](mailto:phishing-report@k12.hi.us). This helps us monitor suspicious/phish email getting thru. You will not receive a response, but rest assured the information received will help to build additional protection.  
\*\*\*\*\*

This is a staff email account managed by Hawaii Department Of Education School District. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.