EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

GL# 34-17-092

2017 JAN 24 PM 3:06

JAN 23 2017

Speaker Benjamin J.F. Cruz

JAN 24 2017
Time: 247 [ ] AM [ ] PM File No.
Received By

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
The Thirty-Fourth Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "A" (Rural) to "C" (Commercial) zone for Lot 5223-1B-2-4NEW, in the Municipality of Barrigada, under Application No. 2015-37

Bueñas Yan Hafa Adai Speaker Won Pat:

I am pleased to submit to you and your colleagues the above referenced zoning documents for the Legislature's consideration. This is pursuant to **Title 21, Guam Code Annotated (Real Property), Chapter 61 (Zoning Law), Part 4, Section 61647**.

I have **APPROVED** the Applicant, **Our Lady of Peace Memorial Plan Inc., represented by FC Benavente, request for a Zone Change from "A" (Rural) to "C" (Commercial) zone to have one uniform zone for the existing Our Lady of Peace facility, on Lot 5223-1B-2-4NEW, in the Municipality of Barrigada, under Application No. 2015-37.**

I am sure you recognize the public benefits of this endeavor, and respectfully ask your expeditious response.

Ray Tenorio
Acting Governor of Guam

Attachments

0092

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA. CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J. B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

November 14, 2016

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2015-37

1. PURPOSE:

a. **Application Summary:** The applicant, Our Lady of Peace Memorial Plan, Inc., represented by Mr. Richard Sana of FC Benavente, Planners is requesting approval for a Zone Change from "A" (Agricultural) to "C" (Commercial) in order to have a one uniform zone for the existing Our Lady of Peace Facility on Lot 5223-1B-2-4NEW, Municipality of Barrigada.

b. **Legal Authority:** Sections 61630 to 61638 (Changes of Zones) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property)

2. FACTS:

a. **Location:** The subject site is located along Route 16 directly across the Department of Revenue and Taxation.

b. **Lot Area:** 1,957 Square Meters or 21,064.97 Square Feet.

c. **Present Zoning:** "A" (Agricultural) Zone

c. **Field Description:** The site is a existing parking lot with existing landscaping and an approved on site storm water retention system.

e. **Masterplan:** Undesignated

f. **Community Design Plan:** Conservation

Attachment 5

DEPARTMENT OF LAND MANAGEMENT - LAND PLANNING DIVISION
GUAM LAND USE COMMISSION (GLUC)/GUAM SEASHORE PROTECTION COMMISSION (GSPC
PUBLIC HEARING ATTENDANCE SHEET

PLACE: Barrigada Community Center

DATE: June 14, 2016 TIME: 6:00 p.m.

APPLICATION TYPE: Zone Change APPLICATION NO: 2015-37

DESCRIPTION: Zone Change from "A" to "C"

APPLICANT/REP: Our Lady of Peace Memorial Plan Inc. / F.C. Benavente

LOT NO(s): 5223-1B-2-4NEW, Barrigada

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
1. Filemon Suniga	PO Box 4718 Hagatna, Guam 96932	687-0710
2. Jesse Bautista		487-0076
3. James P. Castro	PO Box 20731 GMF, 96921	734.3737
4. June U. Blas	P Box 786 Hagatna, Gu. 96913	482.1500
5. Richard Sane		687.9865
6. ANA R. LLARENAS	127 - Sgt. Pedro Aguon St	637-1828
7. Francisco G. Benavente	PO Box 22344, GMF Barrigada Gu, 96921	633-6667
8. Bernard Llarenas	127 U.S. Army Sgt. Pedro L. Aguon St. Barrigada	637-1828
9. Philip Flores	157 Aspinall, Hagatna	477-2671
10.		
11.		
12.		

Attachment 4

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** September 30, 2015

b. **Date Heard By ARC:** October 15, 2015

c. **Public Hearing Results:** June 14, 2016
(See Attachment "A")

Note: In response to the application the Mayor and Vice Mayor of Barrigada submits a response letter attached as Attachment "B"

4. DISCUSSION and STAFF ANALYSIS:

The applicant's request is to rezone Lot 5223-1B-2-4NEW, Barrigada, from "A" (agricultural) zone to "C" (Commercial) zone in order to create a uniform zoning designation for its existing funeral home facility.

As shown on Exhibit "D" (Conceptual Site Plan) the subject lot is located adjacent to Route 16 (Army Drive) and is intergraded with the existing parking layout located on the adjacent lot that also accommodates the existing funeral home building. The funeral home facility which includes the intergraded parking areas has been in existence since the initial occupancy of the funeral home facility and has become an accepted commercial establishment along Route 16.

Pursuant to Section 61630 (Requirements For Changes) of Chapter 61 (Zoning Law) 21GCA, where it states; **"The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action"**.

The applicant in response for the Zone Change submits the following justification:

a. Compatability of the proposed project with adjacent and neighborhood developments as they exist;

Response:

The property is adjacent to and primarily supports its owner's main facility, its mortuary business. The adjacent property is presently zoned "C" (commercial) and is the site of an actively operating mortuary. This facility is appropriately located along a fully improved major Guam highway (i.e. Route 16), allowing for ease of access to the general public patrons. Located directly across the highway from this property, are active commercial and government facilities. The proposed zone change, properly "back fits" the proper zoning, ("C") onto this accessory lot. This zone change from "A" to "C" is very compatible with adjacent and neighborhood developments as they exist.

b. Intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare.

Response:

The public necessity and convenience is demonstrated in placing the proper zoning label to the subject lot, which presently serves as a parking lot supporting the main facility. The main facility sits on "C" zoned property. Proper zoning is necessary for consistent licensing and permitting of the activities on the properties, especially as the primary and accessory facilities are owned by the same company, Our Lady of Peace Memorial Plan, Inc.

The general welfare is elevated as a result of increased property tax revenue generated because of the property's change from the lower property tax rated "A" zone, to the higher property tax rated "C" zone.

We submit that this zone change request is a public necessity, is for public convenience, and provides for the general welfare of the people of Guam.

In our analysis planning staff finds that the proposal to change the designated zone of the existing intergraded parking lot of the Our Lady of Peace chapel complex which has existed since the initial occupancy of the facility while not impacting nearby residential and retail sales areas and from a planning perspective supports the applicant's position that the proposed development is the best use of the subject property.

This request has received no objection Position Statements from ARC members with conditions and the Department of Agriculture (DoAg), pursuant to Chapter 61, Section 61637 has submitted an Agricultural Impact Statement (AIS) stating that, DoAg does not oppose the development and recommends that the developer include a comprehensive **Landscaping Plan** that incorporates the use of **Indigenous and or fruit and ornamental** varieties of trees.

In addition, the results of the community public hearing, was positive and the Mayor responded with a letter. In conclusion, we find the above and the context of the application provides justification that the public necessity, convenience and general welfare, supports a positive action on the zone change request.

5. **RECOMMENDATION:** Planning staff recommends Approval subject to the ARC Position Statement and the permitting agencies requirements.

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position Statement Summary

Case Planner: F. Taitano

Exhibit A. Affidavit of Authorization

Attachment "A"

Minutes of Public Hearing

Application No. 2015-37 – Zone Change
Lot 5223-1B-2-4NEW, Municipality of Barrigada

On June 14, 2016 - 6:01P.M. a public hearing was conducted at the Barrigada Community Center, present were the applicant's representatives, Mr. Richard Sana with FC Benavente, Planners, Mr. Philip Flores and Mr. Filemon Sunga with Our Lady of Peace Memorial Plan, Inc., the Mayor, Ms. June U. Blas, Vice Mayor Mr. Jessie P. Bautista, Barrigada MPC Members Mr. James Castro and Mr Francisco Benavente and two public attendees, Ana Llarenas and Bernard Llarenas.

Case Planner called the meeting to order, introduced himself, the application and the applicant's representative and handed the floor to the representative to present the application.

Mr. Richard Sana presented the zone change requested, the history and location of the existing parking area and its function as part of the existing Our Lady of Peace Memorial Plan mortuary complex and the location of the complex in relation to the location of other commercial and industrial uses in the area. The floor was then opened for questions and concerns from the attendees.

Comments:

Mr. Frank Benavente (MPC Member) asked, if the approved plans for the existing parking lot with a storm drain system? Mr. Sana explained that the plans that was approved for a building permit included the plans for the parking area on the subject lot which included a storm drain system to retain the water within the site.

Mr. Bernard Llarenas asked, what is the plan to retain the water runoff from the facility within the site? Mr. Sana explained that the existing system that was approved was designed to include the runoff from the facility and the parking areas on the lot were the buildings are located and the parking area that is existing on the subject lot to be rezoned.

Mr. Bernard Llarenas asked, what kind of system is it and what is the elevation of the existing system? Mr. Sana and case planner responded that they believe the system to be an underground french drain type system.

Mayor Blas asked, if the applicant is planning to build a wall? Mr. Filemon Sunga explain that the existing fence around the complex consist of a wall on the bottom of the chain link fence to prevent runoff from flowing out of the parking areas.

Mr. Philip Flores explains that they are also concern about the flooding problem in the area, but their facility was permitted and built with a storm drain system that was designed to mitigate all on-site storm water runoff, to include, that generated by the building and all the parking areas. He also explained that in all the years they are in operation he has never seen the facility or parking area flooded during raining days.

Attachment "A"

Mr. James Castro (MPC Member) commented that the zone change will require an Agricultural Impact Statement and was acknowledged by the applicant and case planner.

Mr. Frank Benavente (MPC Member) commented that the owner is telling the truth and is willing to work with his neighbors.

Mayor Blas commented that her office is looking into the flooding situation in the area as part of their flood mitigation request to DPW.

During the entire meeting Mr. Bernard Llarenas commented on the dynamics of hydrology and his concern is that the storm runoff from the facility and parking areas do contribute into the flooding problem in the area, the case planner explained that although he has some knowledge on the matter he is not qualified to response to his concern but he has utilized the parking area for a couple of viewing during a rainy tropical storm and there was no flooding in the facility or parking area.

After no further concerns or question was put forth by the attendees the meeting was adjourned at 7:05 P.M.

Frank P. Taitano
Case Planner

ATTACHMENT "B"

BARRIGADA

Office of the Mayor & Vice Mayor
124 Luayao Lane, Barrigada, Guam 96913

RECEIVED
JUN 27 2016
Department of Land Management
Time 9:30 AM/PM

6-27-16
RECEIVED

June 27, 2016

Mr. John Arroyo
Chairman
Guam Land Use Commission
Department of Land Management
Tamuning, Guam 96931

Re: Application No. 2015-37: Zone Change from "A" (Rural) to "C" (Commercial) for Lot 5223-1B-2-4NEW, Barrigada, Guam.

Chairman Arroyo & Members of the Commission:

Buenas yan Hafa Adai! Vice Mayor Jessie P. Bautista and I, together with the Barrigada Municipal Planning Council hereby inform you and members of the Guam Land Use Commission that we reviewed the Applicant's submission and request for a zone change. Specifically, **Application No. 2015-37,** deals with a zone change for Our Lady of Peace Memorial Plan, Inc. in order to have one uniform zone for the existing facility situated on Lot 5223-1B-2-4NEW, Barrigada.

In our review, we found the following:

1. Our Lady of Peace Memorial Plan, Inc., currently operates a funeral home with a small parking area on their adjacent Lot 5223-1B-2-2-NEW. This property is currently zoned "C" Commercial.

2. Since the facility's inception, additional parking was provided on two (2) adjacent leased properties zoned "A" (Rural) have recently been purchased and consolidated as Lot 5223-1B-2-4NEW.

3. The Applicant requests to have a unified zone for the facility and its existing parking amenities. Approval of the zone change will allow Our Lady of Peace Memorial Plan, Inc., to have a singular zoning designation of "C" (Commercial) for their mortuary facility on Lot 5223-1B-2-2NEW and their parking facility on Lot 5223-1B-2-4NEW.

Once again, thank you for allowing us to comment on the abovenamed application.

Sincerely,

JUNE U. BLAS
Mayor

JESSIE P. BAUTISTA
Vice Mayor

6-28-16
VALC.

P.O. Box 786, Hagatña, Guam 96932 • Tel: (671) 734-3737/3859 • Fax: (671) 734-1988 • Email: barrigadaoffice@gmail.com

NOTICE TO REZONE

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE CHANGE: From "A" To "C"

PROJECT NAME:	Zone Change "A" Zone To "C" Zone			
APPLICANT/REPRESENTATIVE:	Our Lady of Peace Memorial Plan, Inc. / FC Benavente, Planners			
PROJECT DESCRIPTION:	To Rezone Parking Area Property From "A" Zone To "C" Zone			
LOT, BLOCK, TRACT:	LOT 5223-1B-2-4NEW MUNICIPALITY: Barrigada			
PUBLIC HEARING:	Date: Jun. 13, 2016	Time: 6:00	Place: Barrigada Mayor's Office	
GLUC MEETING:	Date: NOV. 29. 2016	Time: 1:30 pm	Place: DLM Conf Rm, 3rd Flr, ITC Bldg, Tamuning	

Doc. No. 34GL-17-0092.

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J. B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

November 14, 2016

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2015-37 (Zone Change)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):
Planning staff recommends Approval subject to the ARC Position Statement and the permitting agencies requirements.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):
GEDCA has no objections

GUAM POWER AUTHORITY (GPA):
GPA has reviewed the application and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

   a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;

b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
e. Provide scheduling and magnitude of project power demand requirements for new loads;
f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments:
GPA has no objection to the request subject to the conditions cited above.

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR has reviewed the application and submits the following position statement:
"We reviewed the subject undertaking and have determined that no cultural properties will be affected by the zone change of the subject lot. Therefore, we have no objection to the approval of this Zone Change Application."

GUAM WATERWORKS AUTHORITY (GWA):
GWA's memorandum shall serve as GWA's position statement to the zone change request related to availability of water and sewer infrastructures to serve the subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and existing conditions observed in the field, the following is GWA's position on the zone change application.

1. GWA has no objections to the proposed zone change as it will not have a direct impact to water consumption or wastewater generation.
2. GWA is to be consulted for any future construction on the lot to determine water and wastewater needs, as well as potential impacts to those systems.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

DEPARTMENT OF PUBLIC WORKS (DPW):
DPW has completed its review of the subject application and has no objection to the applicant's request. Therefore, DPW recommends approval.

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau has completed its review of the subject application and has the following comments and recommendations:

1. **Agricultural District.** The applicant is advised to consult with the Department of Agriculture (DOAg) on an Agricultural Impact Statement pursuant to 21 GCA Chapter 61 § 61637 which states:

   "No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

   (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
   (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
   (c) The Director 's opinion whether said rezoning should be approved and reasons therefore."

   The Bureau recommends the applicant to submit the Agricultural Impact Statement as required.

2. **Water Source Protection.** The applicant's property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population.

Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use. The applicant is advised to consult with the Guam Environmental Protection Agency (GEPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

Additionally, the Bureau recommends the applicant coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.

3. **Stormwater Management.** Managing stormwater is a crucial element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

   The application lacks a drainage plan showing the methods and facilities for collection and disposal of stormwater on the property as required in the Zone Change Application. The applicant's rear property slopes about 20 feet within an estimated 300 feet distance to the next lowest level according to the Guam Resource Environmental Tool (GREAT). Moreover, the applicant, Our Lady of Peace Memorial, Inc. plans to expand mortuary services according to statements made by the applicant's representative, Richard Sana at the Application Review Committee meeting on October 15, 2015.

   The Bureau is concerned that additional construction to the property will increase stormwater runoff. If best management practices are not in place during and after construction to control runoff and erosion from the site, this activity can adversely impact drinking water source and surrounding neighbors.

   Therefore, the Bureau highly recommends that the applicant:
   a) Submit a drainage plan showing methods or practices for managing stormwater on site.

b) Examine the existing stormwater catchment system and consult with Guam EPA if the system is appropriate and an effective implementation of stormwater practices.

c) Incorporate stormwater facilities inclusive of but not limited to multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.

d) Implement erosion and sediment control methods to prevent sediment from leaving the project site during and after construction.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors and to the CNMI Guam Stormwater Management Manual for detailed stormwater treatment criteria and standards. An electronic version of the manual and field guide can also be obtained at the Guam EPA office or the Bureau.

4. **Low Impact Development (LID).** The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking stalls, driveways, and rooftops accelerate stormwater runoff.

According to the National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) Land Cover Atlas, 40.42 percent of Fonte River-Frontal Hagatna Bay Watershed is developed and 21.65 percent is impervious between the years 2005 to 2011. The analysis further identifies areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The applicant's properties comprise approximately 97 percent of impervious surfaces in addition to the 20-feet slope. If the mortuary facility is expanded, the Bureau is concerned that additional impervious surfaces may exacerbate flooding concerns in the area and surrounding neighbors if practices are not in place to manage runoff on the on the property. The applicants are encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property.

For guidance on these practices, an electronic file of the guidebook *Island Stormwater Practice Design Specifications is* available at the Bureau's, Guam Coastal Management Program (GCMP) office.

5. **Native Flora and Fauna Protection.** The Bureau recommends the applicant consult with the DOAg's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid andlor minimize the spread of invasive species. Additionally, the Bureau advises the applicant to consult with DOAg regarding the use of organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water sources. The applicant is encouraged to consult with GEPA regarding their Pesticide Control Program.
6. **Entrance/Exit.** The Bureau recommends the applicant to coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress as well as proper parking configuration and dimensions. Additionally, the Bureau suggests the applicants to work with DPW to ensure all building codes and regulations mandated under 21 GCA Chapter 61 of "The Parking and Loading Space Regulations" and 21 GCA Chapter 67 of "The Building Code".
7. **Setbacks.** The Bureau recommends that proper setback requirements are followed and to include a perimeter or buffer area either through landscaping or fencing to ensure the minimum yard and lot areas is established for light industrial zones. The Bureau recommends the applicants to coordinate with the GEPA as stated in §61501 Minimum Yards and Lot Areas "(c) *Lots over the aquifer. Lot sizes and set-back on properties above the aquifer shall be established by the Guam Environmental Protection Agency."*
8. **Government Clearances.** Should future expansion occur, the applicant is advised to obtain appropriate government agency review and approval to ensure compliance.

In light of the points presented above, the Bureau has no objections to the rezoning of Lot 5223-1B-2-4NEW from "A" to "C" for its existing parking lot. However, the applicant must take into account the risk for increased flooding and decreased water quality in Guam's drinking water should future expansion occur. The Bureau encourages the applicant to comply with the above listed recommendations.

DEPARTMENT OF AGRICULTURE (DoAg):

Agriculture has reviewed the subject lot for a zone change from "A" to "C" and does not oppose the development. Agriculture recommends that the developer include a comprehensive **Landscaping Plan** that incorporates the use of **Indigenous and or fruit and ornamental** varieties of trees.

As Guam loses native habitat to increased development it is imperative that any future development replace and preserve these species that provide a valuable resource that protects important ecological habitat and the "Northern Aquifer" the primary source of drinking water for the island. As these trees disappear the function they perform in preventing erosion and filtering contaminants from entering the aquifer and coastal systems is lost. By replanting and ensuring that a healthy strand of these trees are in place the developer takes an important step in protecting our resources. In addition to these benefits of a landscaping plan the trees will also provide windbreak capabilities, shading, filtration system, habitat for indigenous and migratory species of birds and the overall aesthetic visual improvement appeal rather than just a concrete jungle.

Our Forestry **division** grows and maintains these native tree species should you choose to incorporate them into the project. Contact Justin Santos and Christine Fejeran at 300-7976/7 for assistance and consultation at 300-7976. For assistance in using fruit and ornamental tree species contact our Agricultural **Development** Services where we maintain an Organic and Environmental **Demonstration** Farm that showcases proper erosion control measures using trees. In addition vetiver grass that can also aid in erosion control can be made available to clientele upon consultation.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

11-575

October 28, 2015

MEMORANDUM

POSTED 17

TO: Director, Department of Land Management

FROM: Director

APPLICATION: 2015- 37

APPLICANT: Our Lady of Peace Memorial Plan

SUBJECT: Zone Change from Agricultural ("A") to Commercial ("C")
Lot No. 5223-1B-2-4NEW, Barrigada

Buenas yan Hafa Adai!

The applicant, Our Lady of Peace Memorial Plan, Inc, is requesting a zone change from "A" to "C". The main facility sits on a "C" zoned property. The existing parking area of this facility is an "A" zone and the purpose of this requests is to have a uniform zoning of the lot with the pri mary use of the facility, the Our Lady of Peace Funeral Home. The existing facility is located along Guam Highway Road (Route 16), and to allow an access for the general public and pat rons. The properties from along this area are mostly Commercial Zone and across, is a Govern ment facility which is the Department of Revenue and Taxation. The total area of this property is 954+/- square meters.

The Department of Public Works has completed its review on the above subject application and has no objection to the applicant's request. Therefore, DPW recommends approval.

If you have any questions, please call John F. Calanayan, Acting Engineer In - Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

542 North Marine Corps Drive, Tamuning, Guam 96913 ● Tel (671) 646-3131 / 3232 ● Fax (671) 649-6178

Department of Agriculture
Dipattamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office	300-7970 / 7969 / 7966
Agricultural Development Services	300-7973 / 7972 / 7967
Plant Nursery	300-7974
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	300-7975/6
Plant Inspection Station	475-1426/27; Fax 477-9487
Animal Health	300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

RECEIVED
RECEIVED
OCT 24 2016
Department of Land Management
Time 4:19 pm

October 19, 2016
Memorandum

To: Director, Department of Land Management

Attn: Executive Secretary, Guam Land Use Commission

From: Director of Agriculture

Subject: **"Agricultural and Environmental Impact Statement on Lot 5223-1B-2-4NEW Located off of Route 16 in Barrigada. (Our Lady of Peace Memorial Plan Inc.)**

Agriculture has reviewed the subject lot for a zone change from "A" to "C" and does not oppose the development. Agriculture recommends that the developer include a comprehensive **Landscaping Plan** that incorporates the use of **Indigenous** and or **fruit and ornamental** varieties of trees. As Guam looses native habitat to increased development it is imperative that any future development replace and preserve these species that provide a valuable resource that protects important ecological habitat and the **"Northern Aquifer"** the primary source of drinking water for the island. As these trees disappear the function they perform in preventing erosion and filtering contaminants from entering the aquifer and coastal systems is lost. By replanting and ensuring that a healthy strand of these trees are in place the developer takes an important step in protecting our resources. In addition to these benefits of a landscaping plan the trees will also provide windbreak capabilities, shading, filtration system, habitat for indigenous and migratory species of birds and the overall aesthetic visual improvement appeal rather than just a concrete jungle.

Our **Forestry division** grows and maintains these native tree species should you choose to incorporate them into the project. Contact **Justin Santos** and **Christine Fejeran** at 300-7976/7 for assistance and consultation at 300-7976. For assistance in using fruit and ornamental tree species contact our **Agricultural Development Services** where we maintain an **Organic and Environmental Demonstration Farm** that showcases proper erosion control measures using trees. In addition vetiver grass that can also aid in erosion control can be made available to clientele upon consultation.

For other questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

Doc. No. 34GL-17-0092.

Epa 10-012

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

October 21, 2015

RECEIVED
OCT 28 2015

MB 10/28

MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lots 5223-1B-2-4NEW, Municipality of Barrigada, (Our Lady of Peace Memorial Plan, Inc.); Zone Change Application from "A" (Agricultural) to "C" (Commercial) to have one uniform zone for the owner's facilities on the properties. **Application No. 2015-37**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

for JOHN M. BENAVENTE, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Our Lady of Peace Memorial Plan, Inc.
Location: Lots 5223-1B-2-4NEW, Barrigada

Type of Application: Zone Change
GLUC/GSPC Application No. 2015-37
Brief Project Description:
"A" to "C" to have one uniform zone for the owner's facilities on the properties.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:
   Yes ☒ No ☐

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

   Yes ☐ No ☒

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE,** itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E.
General Manager

10/23/15
Date

Comments:
Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Department of Parks and Recreation
Government of Guam
490 Chalan Palasyo
Agana Heights, Guam 96910
Director's Office: (671) 475-6296/7
Facsimile: (671) 477-0997
Parks Division: (671) 475-6288/9
Guam Historic Resources Division: (671) 475-6294/5
Facsimile: (671) 477-2822

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

Robert S. Lizama
Director

William N. Reyes
Director

In reply refer to:
RC 2016-0002

RECEIVED
OCT 23 2015
Department of Land Management
Time ____ Init ____

MB 10/26

October 20, 2015

Memorandum

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: Application for Zone Change from "A" to "C" Our Lady of Peace Memorial Plan, Inc. Lot 5223-1B-2-4NEW, Barrigada, Guam

APP 2015-37

We reviewed the subject undertaking and have determined that no cultural properties will be affected by the zone change of the subject lot. Therefore, we have no objection to the approval of this Zone Change Application.

Should you have any questions, please do not hesitate to call us.

Sincerely,

Robert S. Lizama
Acting

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS
SAGAN PLANU SIHA YAN EMFOTMASION
Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

William M. Castro
Director
James T. McDonald
Deputy Director

DEC 1 5 2015

RECEIVED
DEC 16 2015
Department of Land Management
Time 3:20 Rcvd

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2015-37; **LOCATION:** Lot No. 5223-1B-2-4NEW, Barrigada; **APPLICANT:** Our Lady of Peace Memorial Plan, Inc., c/o Richard J. Sana; **PROPOSED USE:** Rezone property from "A" (Agriculture) to "C" (Commercial) to establish singular zoning designation for current land use.

Buenas yan Håfa Adai! The applicant, Our Lady of Peace Memorial Plan, Inc. represented by Richard J. Sana, is requesting a zone change from "A" Agricultural to "C" Commercial in order to unify the current business operations on the property in Barrigada.

Our Lady of Peace Memorial Plan, Inc. operates a funeral home with a small parking area on their adjacent lot 5223-1B-2-2NEW. This property is currently zoned "C". At the facility's inception, additional parking was attained on two (2) adjacent leased properties. These properties, zoned "A" have recently been purchased and consolidated as Lot 5223-1B-2-4NEW. The applicant requests to have a unified zone for the facility and its existing parking lot.

Currently used as a parking area for the funeral home, the subject property has an area of 21,064.97 (±) square feet or a total of 0.48 (±) acre and is fronting Route 16, a major highway. The basic infrastructure of sewer, power and water are within the area and are servicing the mortuary facility. The Guam Resource Environmental Assessment Tool Map identifies the surrounding land zones to be agricultural lots. However, the adjacent property is zoned commercial and within the 500-1,000 (±) foot radius, there are mixed uses of single-family and multi-family residential, heavy-industrial, and Government use designations as well.

The Bureau has completed its review of the subject application and has the following comments and recommendations:

1. **Agricultural District**. The applicant is advised to consult with the Department of Agriculture (DOAg) on an Agricultural Impact Statement pursuant to 21 GCA Chapter 61 §61637 which states:

Doc. No. 34GL-17-0092.

> *"No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:*
>
> *(a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.*
>
> *(b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.*
>
> *(c) The Director's opinion whether said rezoning should be approved and reasons therefore."*

The Bureau recommends the applicant to submit the Agricultural Impact Statement as required.

2. **Water Source Protection.** The applicant's property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use. The applicant is advised to consult with the Guam Environmental Protection Agency (GEPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

   Additionally, the Bureau recommends the applicant coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.

3. **Stormwater Management.** Managing stormwater is a crucial element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

   The application lacks a drainage plan showing the methods and facilities for collection and disposal of stormwater on the property as required in the Zone Change Application. The applicant's rear property slopes about 20 feet within an estimated 300 feet distance to the next lowest level according to the Guam Resource Environmental Tool (GREAT). Moreover, the applicant, Our Lady of Peace Memorial, Inc. plans to expand mortuary services according to statements made by the applicant's representative, Richard Sana at the Application Review Committee meeting on October 15, 2015.

The Bureau is concerned that additional construction to the property will increase stormwater runoff. If best management practices are not in place during and after construction to control runoff and erosion from the site, this activity can adversely impact drinking water source and surrounding neighbors.

Therefore, the Bureau highly recommends that the applicant:

a) Submit a drainage plan showing methods or practices for managing stormwater on site.
b) Examine the existing stormwater catchment system and consult with Guam EPA if the system is appropriate and an effective implementation of stormwater practices.
c) Incorporate stormwater facilities inclusive of but not limited to multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
d) Implement erosion and sediment control methods to prevent sediment from leaving the project site during and after construction.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors and to the CNMI Guam Stormwater Management Manual for detailed stormwater treatment criteria and standards. An electronic version of the manual and field guide can also be obtained at the Guam EPA office or the Bureau.

4. **Low Impact Development (LID).** The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking stalls, driveways, and rooftops accelerate stormwater runoff.

According to the National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) Land Cover Atlas, 40.42 percent of Fonte River-Frontal Hagåtña Bay Watershed is developed and 21.65 percent is impervious between the years 2005 to 2011. The analysis further identifies areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The applicant's properties comprise approximately 97 percent of impervious surfaces in addition to the 20-feet slope. If the mortuary facility is expanded, the Bureau is concerned that additional impervious surfaces may exacerbate flooding concerns in the area and surrounding neighbors if practices are not in place to manage runoff on the on the property. The applicants are encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. For guidance on these practices, an electronic file of the guidebook *Island Stormwater Practice Design Specifications* is available at the Bureau's, Guam Coastal Management Program (GCMP) office.

5. **Native Flora and Fauna Protection.** The Bureau recommends the applicant consult with the DOAg's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid and/or minimize the spread of invasive species. Additionally, the Bureau advises the applicant to consult with DOAg regarding the use of organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water sources. The applicant is encouraged to consult with GEPA regarding their Pesticide Control Program

6. **Entrance/Exit.** The Bureau recommends the applicant to coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress as well as proper parking configuration and dimensions. Additionally, the Bureau suggests the applicants to work with DPW to ensure all building codes and regulations mandated under 21 GCA Chapter 61 of "The Parking and Loading Space Regulations" and 21 GCA Chapter 67 of "The Building Code".

7. **Setbacks.** The Bureau recommends that proper setback requirements are followed and to include a perimeter or buffer area either through landscaping or fencing to ensure the minimum yard and lot areas is established for light industrial zones. The Bureau recommends the applicants to coordinate with the GEPA as stated in §61501 Minimum Yards and Lot Areas *"(c) Lots over the aquifer. Lot sizes and set-back on properties above the aquifer shall be established by the Guam Environmental Protection Agency."*

8. **Government Clearances.** Should future expansion occur, the applicant is advised to obtain appropriate government agency review and approval to ensure compliance.

In light of the points presented above, the Bureau has no objections to the rezoning of Lot 5223-1B-2-4NEW from "A" to "C" for its existing parking lot. However, the applicant must take into account the risk for increased flooding and decreased water quality in Guam's drinking water should future expansion occur. The Bureau encourages the applicant to comply with the above listed recommendations.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicants to protect Guam's natural resources and to ensure they are used in a sustainable manner.

WILLIAM M. CASTRO

cc: GEPA
DPW
GWA
DPR
GPA
DOAg

RECEIVED
11/5/2015 CG
DLM Planning

GUAM **WATERWORKS** AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

RECEIVED
NOV 6 2015
Department of Land Management
Time 9:22 Init MP

MB 11/6

MEMORANDUM

October 19, 2015

TO: Director, Department of Land Management

FROM: Mark G. Miller, Interim General Manager

SUBJECT: Position Statement on Zone Change Application No. 2015-37; Zone Change from "A" to "C" for Lot 5223-1B-2-4NEW, in Barrigada, Guam

APPLICANT: Our Lady of Peace Memorial Plan, Inc.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request on a zone change for its existing parking lot. The applicant proposes the zone change to have one uniform zoning with its existing facility located on the adjacent lot in the Municipality of Barrigada.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and existing conditions observed in the field, the following is GWA's position on the zone change application:

1. GWA has no objections to the proposed zone change as it will not have a direct impact to water consumption or wastewater generation.
2. GWA is to be consulted for any future construction on the lot to determine water and wastewater needs, as well as potential impacts to those systems.

CG

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information, please contact Mauryn McDonald, Permits & New Area Development Supervisor at 300-6054.



GSA General Services Agency

DEPT OF ADMINISTRATION / GENERAL SERVICES AGENCY

INVITATION FOR BID

INTERESTED PARTY MAY PICK UP FORMS/SPECIFICATIONS AT SAID PLACE

GUAM EDUCATION BOARD

PUBLIC NOTICE

AGENDA

THE SECRET OF CHANGE IS TO FOCUS ALL OF YOUR ENERGY, NOT ON FIGHTING THE OLD, BUT ON BUILDING THE NEW.

GHURA

NOTICE TO THE PUBLIC
AVAILABLE FOR PUBLIC REVIEW
GHURA'S CONSOLIDATED ANNUAL PERFORMANCE
AND EVALUATION REPORT (CAPER)
PROGRAM YEAR 2015

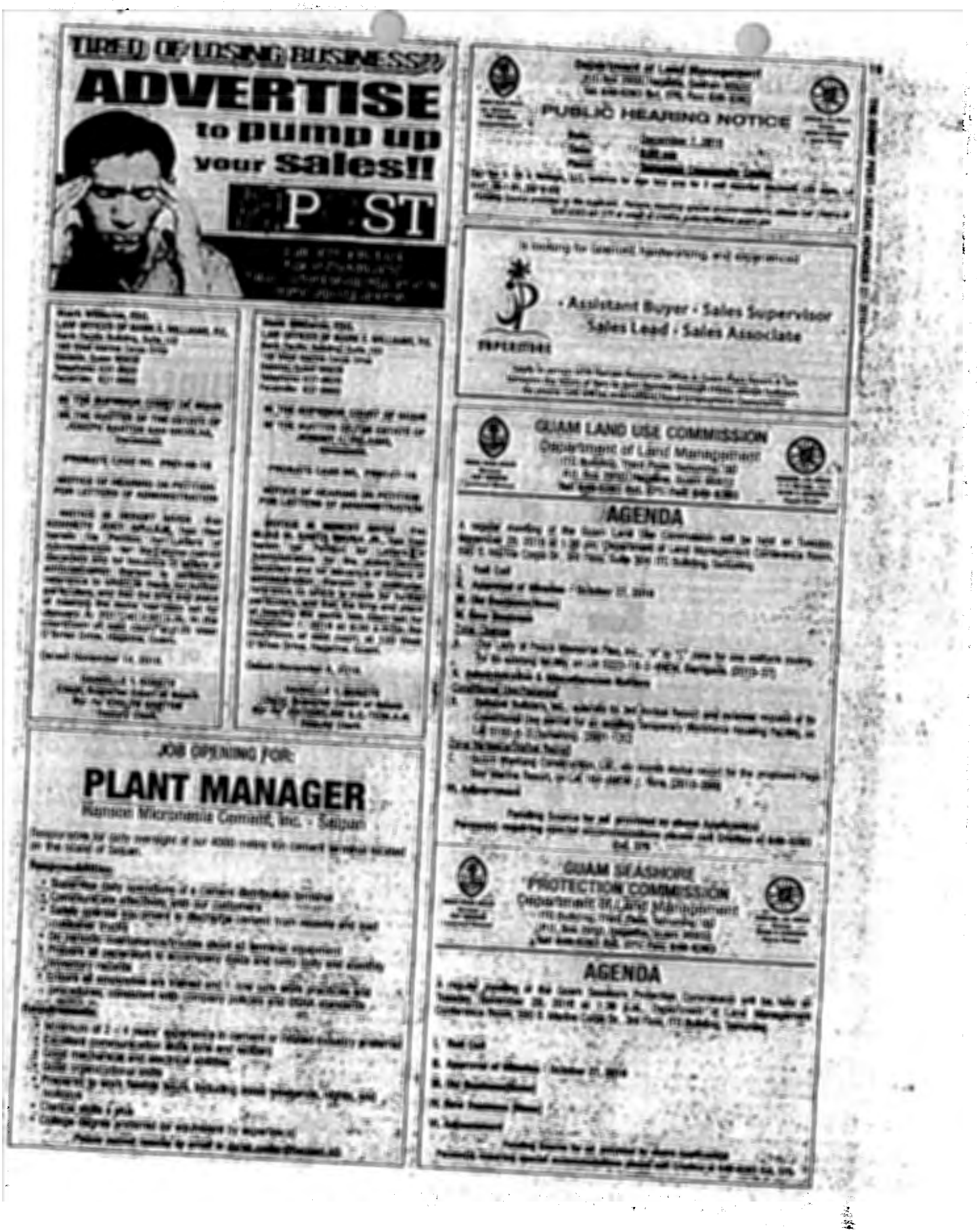
GUAM LAND USE COMMISSION
Department of Land Management

AGENDA

GUAM SEASHORE
PROTECTION COMMISSION
Department of Land Management

AGENDA

Attachment 6


TIRED OF LOSING BUSINESS??
ADVERTISE
to Pump up
your sales!!
PST
PUBLIC HEARING NOTICE
GUAM LAND USE COMMISSION
Department of Land Management
AGENDA
GUAM SEASHORE
PROTECTION COMMISSION
Department of Land Management
AGENDA
JOB OPENING FOR:
PLANT MANAGER
Ramon Micronesia Cement, Inc. - Saipan

GUAM LAND USE COMMISSION

Chairman John Z. Arroyo
Vice Chairman Victor F. Cruz
Commissioner Conchita D. Bathan

Commissioner Tae S. Oh

Michael J.B. Borja, Executive Secretary
Kristan Finney, Assistant Attorney General

AGENDA – Disposition

Regular Meeting

Tuesday, November 29, 2016 at 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on November 22, 2016 & November 27, 2016]

I. Notation of Attendance [X] Quorum 1:45 p.m. [ ] No Quorum

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Executive Secretary Michael Borja, Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Celine Cruz and Recording Secretary Cristina Gutierrez

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, October 27, 2016

Motion to approve the Minutes of October 27, 2016 was passed unanimously subject to correction of any minor typographical errors [None received]; 4 ayes, 0 nay.

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. The Applicant, Our Lady of Peace Memorial Plan, Inc. represented by FC Benavente, Planners; request for a zone change from "A" (Rural) to "C" (Commercial) zone to have one uniform zoning for its existing facility located on Lot 5223-1B-2-4NEW, in the Municipality of Barrigada, under Application No. 2015-37.
Case Planner: Frank Taitano
Action – Motion approve the applicant's request for zone change was passed unanimously subject to ARC conditions as noted on the agencies' official position statements; 4 ayes, 0 nay.

V. Administrative and Miscellaneous Matters

Attachment 7

Conditional Use Renewal

B. The Applicant, Reliable Builders, Inc. represented by Daniel D. Swavely; submits its third annual report and renewal request for a previously approved conditional use permit for its temporary workforce housing facility, on Lot 5160-6-3, Harmon, in the Municipality of Tamuning, under Application No. 2000-12B.
Case Planner: Frank Taitano
Action – Motion to accept and approve the applicant's annual report and renewal request for its conditional use pemit was passed unanimously subject to the condition that the applicant continues compliance to the conditions as specified on the Notice of Action dated October 14, 2011, filed under Document No. 828333. [4 ayes, 0 nay]

Zone Variance/Status Report

C. The Applicant, Guam Wanfang Construction, Ltd. represented by FC Benavente, Planners; six-month status report for a previously approved height variance for the proposed Pago Bay Marina Resort, on Lot 164-4NEW-1, in the Municipality of Yona, under Application No. 2015-29B.
Case Planner: Celine Cruz
Action – it was the order of Chairman Arroyo to issue an Order to Show Cause to Guam Wanfang Construction, Ltd., for a previously approved height variance for the proposed Pago Bay Marina Resort [4 ayes, 0 nay]

Chairman Arroyo directed Chief Planner Marvin Aguilar to issue and serve an Order to Show Cause to Guam Wanfang Construction, Ltd. to reappear before the Commission at its next available GLUC meeting; and at minimum to include on the OTSC the following:

a) **Failure to meet the required six (6) month deadline;**
b) **Excluding the financial status of the project;**
c) **Density requirements appearing to have been exceeded;**
d) **Not meeting the parking requirements;**
e) **Update and status on the interment of remains; and,**
f) **Written report from the Army Corps of Engineers on any possible impacts to the wetlands.**

- **Brief discussion on the upcoming Planners' Symposium hosted by the Bureau of Statistics and Plans.**
- **Legal Counsel states that per Section 61309 that any renewal of TWFH facilities are subject to inspection by the Chief Planner and that a public hearing before the Commission is required for the renewal process.**
- **It was also noted that there will be no GLUC hearings for December and will reconvene in January.**

VI. Adjournment [Meeting was adjourned at 3:30 p.m.]

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder
File for Record is Instrument No. 902005
On the Year 17 Month 01 Day 13 Time 1:55
Recording Fee DE-OFFICIO Receipt No.
Deputy Recorder

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Tuesday, November 29, 2016
1:45 p.m. to 3:30 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Tuesday, November 29, 2016
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Tuesday, November 29, 2016 • 1:45 p.m. to 3:30 p.m.

I. Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission for Tuesday, November 29, 2016 at 1:45 p.m. noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano and Celine Cruz, and Recording Secretary Cristina Gutierrez

Chairman Arroyo on the agenda, are you okay with the order of business on the agenda.

[No objections noted from the Commissioners.]

II. Approval of Minutes

Chairman Arroyo first item is the approval of the October 27, 2016 meeting Minutes. Everyone received a copy of the Minutes. Let's move forward with a motion.

Commissioner Oh I move to approve the Minutes of the regular meeting of Thursday, October 27, 2016 with any revisions to be submitted by close of business today.

Vice Chairman Cruz I second.

Chairman Arroyo moved by Commissioner Tae, seconded by Vice Chair Cruz. Any discussion on the Minutes? [None noted]

All in favor of the motion say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Oh and Bathan], all opposed say "nay."

[Motion to approve passed unanimously; 4 ayes, 0 nay]

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. The Applicant, Our Lady of Peace Memorial Plan, Inc. represented by FC Benavente, Planners; request for a Zone Change from "A" (Rural) to "C" (Commercial) zone to have one uniform zoning for its existing facility located on Lot 5223-1B-2-4NEW, in the Municipality of Barrigada. Application No. 2015-37.
Case Planner: Frank Taitano

Chairman Arroyo Marvin or Frank ---

Commissioner Bathan before we proceed Mr. Chair. This is a zone change so do we need a billboard sign?

Vice Chairman Cruz the sign? I saw the sign.

Chairman Arroyo do we have a picture on that Frank?

Frank Taitano (Case Planner) it's available with the dates and everything, and they did submit a copy.

Marvin Aguilar (Chief Planner) we would like to attest to the fact that the sign is up and with appropriate form and contents and dates.

Commissioner Bathan okay.

Chairman Arroyo Frank or Marvin ---

Marvin Aguilar summarizes the Staff Report to include purpose, facts, chronological history, public hearing, staff analysis/discussion, and recommendation. [For full content/context, refer to the attached report.]

Chief Planner Aguilar added that the application was submitted in 2015, and that the reason for the lapse in time was due to the lack of an Agriculture Impact Statement, which was received recently and is included in the Commissioner's application packet for their reference.

[Attachment A – Staff Report dated November 14, 2016]

Chairman Arroyo any questions?

Vice Chairman Cruz on the layout there (referring to the monitor). They got the chapel and the next one that says the subject. So then the next says subject lot. So, they don't own the lot next to it?

Marvin Aguilar the following lot? [Vice Chair responds "yes] Actually, those two lots where the parking lots those are actually combined and that's why you have a consolidated lot number.

Vice Chairman Cruz so, it's consolidated into one.

Marvin Aguilar yes sir.

Chairman Arroyo in reading the Minutes of the public hearing, there were a lot of questions and concerns about flooding in the area. Is there a flood zone there?

Marvin Aguilar well, this property drops approximately 15 to 20 westward towards an agricultural subdivision. By virtue of the development scheme of both the parking lot and the mortuary, they had to follow EPA storm drain requirements. While there is by natural characteristics that there is flooding issues in the area, they don't contribute to that.

Chairman Arroyo I think there was some discussion about a wall. Is there a wall?

Marvin Aguilar there is a wall sir. Actually it runs along their west boundary (refers to the map on the monitor).

Chairman Arroyo so, is it partially concrete and then cyclone fencing is that what it is?

Frank Taitano (Case Planner) on the parking lot yes.

Chairman Arroyo all that is intended to retain the water within the parking lot so the flooding issue has nothing to do from it coming off this property.

Marvin Aguilar and there is a surface retention program (my understanding) that the parking lot...a design the parking lot had to follow for them to occupy it as a parking lot.

Chairman Arroyo the Mayor's Office was she in favor of this? It wasn't really clear on her letter.

Frank Taitano during the public hearing they were actually in favor of it. But, when the Mayor's letter came out it was basically a recital of what the application is and not a position of the results of the public hearing. There were Municipal Planning Commission members there; Mr. Castro (I think) and Mr. Benavente and they did have questions in reference to other matters then the zone change; but, eventually they were in support of it.

Chairman Arroyo no opposition.

Frank Taitano there was only one, there was a gentleman there and his mother who basically had a big issue on the fact that there's continuous flooding everytime it rains down in their area. A lot of that water comes from Route 16 and the adjoining development that Kalingal complex. The site itself has a fence, which is a low-wall and chain-link, and raised where the entrance is so that all the water is contained in the lot. Like I was explaining to them in my experience because I have attended a lot of services up there during rainstorms, the place never floods. And the owner, Mr. Flores also explained that ever since they built the parking area it never floods.

Vice Chairman Cruz so this lady that was concerned about the flooding. Where is her ....

Frank Taitano it's down past the Kalingal complex.

Marvin Aguilar beyond the mortuary towards the northwest you actually have an agricultural subdivision that kinda levels out same elevation with the Guam International Airport.

Vice Chairman Cruz if you look at it is it behind the parking lot.

Frank Taitano no, more to the left behind the Kalingal complex.

Marvin Aguilar so, if the question is does this existing facility contributes to the flooding, no it doesn't. Neither Dr. Kallingal's actually doesn't because they are all contained within this fence system. Route 16 is of a higher elevation and water takes it natural course. Unfortunately, it does go down that road.

Commissioner Bathan what about the percolation? How does the water go down? Because if it floods ...

Marvin Aguilar it's pure limestone in that area and it's along the cliffline.

Commissioner Bathan does it take time for the water to go down?

Marvin Aguilar in areas where its pervious of course, but along ... it will sit for awhile along the pavement, on road pavement. There's a house there that actually had their entire lot flood which is including their septic tank leaching field and I don't know how that worked out.

Vice Chairman Cruz one question. Where is the fuel pipeline within that area?

Marvin Aguilar northwest and then along Route 16 .... at the overpass, the merging overpass that's where it starts the fuel line.

Commissioner Oh is this projection of the property line accurate with the map?

Marvin Aguilar no.

Commissioner Oh that triangular piece of property right there (referring to the site map on monitor). That whole commercial complex lies right on top of that triangular piece.

Marvin Aguilar no, it's inward. This is a little off.

Commissioner Oh so you're saying that this property should be like further over here. There is no description about what this is. Do you know what this is?

Marvin Aguilar it's a 40 or 50 foot wide easement. It's an easement and feeds all the way up to...it supports the subdivided lots to the rear.

Chairman Arroyo any other questions? [None] Okay, so at this time I would like to invite the applicant or the applicant's representative to come forward. Please state your name for the record.

Phil Flores I am President of Our Lady of Peace.

Richard Sana I am from FC Benavente Planners representing the applicant.

Chairman Arroyo anytime you are ready ---

Richard Sana if you don't mind I will not repeat everything that has already been said as far as the description of the projection. But as far as rezoning, this re-designation of the zoning, this property is actually surrounded by gas stations, medical clinic, building supply, hardware stores, the Airport, Revenue and Taxation being right across the street and other commercial and industrial uses also residential wasn't mentioned in the back or the northwest portion of the property. It is consistent and compatible with the surrounding area.

The proposed zoning would allow the mortuary business to thrive in a (undecipherable) very much in demand in Guam. It is one of the few mortuaries operating and serving our island community. And due to its location which is the north-central location it is very accessible for the island population which is of course is northern-central Guam.

We are here to answer any of your questions.

Commissioner Oh I have a question. Since the conception of this property, this project or this business, I think there was a mention about the parking lot. Initially it was leased. Am I right?

Phil Flores no. The building on which the funeral sits is an eighty year lease. The two properties that we are talking about are fee simple.

Commissioner Oh the parking lot is fee simple?

Phil Flores correct.

Commissioner Oh and the property in which the building is on top of that is leasehold.

Phil Flores that's leasehold.

Commissioner Oh now, has that been acquired? I think there was a mention of that.

Phil Flores no, it's an eighty-year lease and probably has like sixty-eight, sixty-five years left. The owner is in the Philippines and we make occasional outreaches to him to buy it. He's a single man, and he has no family for him to leave the property to and so we keep trying to buy it.

Commissioner Oh so when the project was initiated was ... did you guys already have a lease and also owned the other two properties fee simple?

Phil Flores we originally got the leasehold property and then over the years we acquired the ones next to us.

Commissioner Oh okay. So, when you guys were doing the actual design of the parking lot ... there was ... I don't know if the storm drainage or any of the flooding issues were considered?

Phil Flores yes, because we're lower than the road so we get the runoff from the road. But, we've always contained our own water. We put a very good storm drainage system in there. And actually it's more than that. We own the property behind us too. There was a mention of a hurricane fence, the property behind has a CMU wall all around it. So, any water that comes on our property we keep.

Commissioner Oh that property being ---

Richard Sana right to the west of the parking lot.

Michael Borja (Executive Secretary) and Commissioners this company recently purchased that bull-cart trail that separates it all.

[Brief discussion ensues on the location of the bull-cart trail and the location of the fuel line. It was noted by Mr. Frank Taitano is within the Airport's property, and approximately 500-feet away from the subject lot.]

Commissioner Oh I have another question. Considering the fact that these properties were recently purchased (I'm assuming) ---

Phil Flores 15-years ago.

Commissioner Oh 15-years ago; so, prior to that did the existing structure sit on top of the property prior to the acquisition of the fee simple?

Phil Flores going back to the cobweb mind. When we were designing the property, the building and we wanted to get more space out of it we originally thought we could build a building on the property and have a parking on the property. It didn't turn out to be that way. We made the building a little larger. And as the business grew there was more demand for parking, and so we started reaching out to our neighbors to buy those properties. To answer your question at first we thought we would have enough property for parking; we did for Code, but not for actual business. We have a memorial chapel in the building and we often have family viewings, and the family viewings can get very crowded so that is why we started buying the properties.

Chairman Arroyo any other questions? [None noted] Okay, so I'll open the floor to public comments. If there's anybody would like to say anything about this application please come forward.

Public Comments [Seeing none, Chairman Arroyo closed public comment period]

Chairman Arroyo anything else you'd like to say before we make a decision?

Phil Flores no, just that we are happy that we made it to the Commission and that you are considering us. It's a perfect business because taxes and death. (Laughter) Thank you very much.

Chairman Arroyo any other comments Commissioners? [None]

I am ready to entertain a motion if you are ready to put one forward.

Commissioner Bathan Mr. Chair, I would like to make a motion to approve Application No. 2015-37 for Our Lady of Peace Memorial Plan, Inc. requesting a Zone Change from "A" [Rural] to "C" [Commercial] zone on Lot 5223-1B-2-4NEW in Barrigada; subject to comments noted on the official ARC position statements.

Chairman Arroyo okay, so there is a motion on the floor by Commissioner Bathan. Is there a second?

Vice Chairman Cruz I second.

Chairman Arroyo seconded by the Vice Chair. Any discussion? [None noted from the Commissioners] I think it makes perfect sense to rezone this property so that there's a continuous zone across the whole facility. I'm all in favor of it.

On the motion, all in favor say aye **[Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan and Oh]**, those opposed say nay. The motion is approved.

[Motion to approve Application No. 2015-37 was passed unanimously; 4 ayes, 0 nay]

Chairman Arroyo onto the next item on the agenda –

V. Administrative & Miscellaneous Matters

Conditional Use Renewal

B. The Applicant, Reliable Builders, Inc. represented by Daniel D. Swavely; submits its third annual report and renewal request for a previously approved Conditional Use per for its temporary workforce housing facility, on Lot 5160-6-3, in the Municipality of Tamuning. Application No. 2000-12B. Case Planner: Frank Taitano

Chairman Arroyo we actually got the packet today, we received a different in our packet. We got the corrected one this afternoon, and I don't know if you have had a chance to look at it. Let's take a 10-minute recess so we can go through this application.

[Commission recessed at 2:10 p.m. and reconvened at 2:20 p.m.]

Chairman Arroyo we are back in session. We've had a chance to take a look at it. Frank ---

Frank Taitano (Case Planner) summarized the staff report to include purpose, facts, staff analysis/discussion, recommendation, and conditions. [For full content/context, refer to Attachment B.]

[Attachment B – Staff Report dated November 14, 2016]

Chairman Arroyo any questions?

Frank Taitano the place is real nice and very clean.

Commissioner Bathan it seems like it's well kept and clean.

Chairman Arroyo if there are no questions we will invite the applicant up.

Dan Swavely on behalf of Reliable Builders, and I am joined by Neal Ernie who is staff Project Engineer of the company.

Reliable continues to require this facility for its workers. It is not too full right now only 11 of the 36 units are presently occupied. It was not a great year for Reliable, but it's a good year coming

[Discussion continues on the agenda topics for the upcoming symposium.]

Chairman Arroyo if you can attend it that would be nice. So, on the motion to adjourn ---

VI. Adjournment

Vice Chairman Cruz moves to adjourn today's meeting, seconded by **Commissioner Bathan**; with all in favor.

The regular meeting of the Guam Land Use Commission for Tuesday, November 29, 2016 was adjourned at 3:30 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, *Pro Tem*
Planning Division, DLM

Date approved: January 12, 2017

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION

Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

NOTICE OF ACTION

November 30, 2015
Date

To: **Our Lady of Peace Memorial Plan, Inc.**
c/o Richard J. Sana, Associate Planner
FC Benavente, Planners
127 Bejong Street
Barrigada, Guam 96913

Application No. 2015-37

The Guam Land Use Commission, at its meeting on **November 29, 2015**.

____/ Approved ____/ Disapproved **XX/** Approved with Conditions

____/ Tabled

Your request on **Lot 5223-1B-2-4NEW, Municipality of Barrigada for a:**

Attachment 9

Application No. 2015-37

ZONING

XX/ **Zone Change*****

___/ Conditional Use

___/ Zone Variance
[ ] Height [ ] Use
[ ] Density [ ] Other (Specify)
[ ] Setback

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

___/ PL 28-126, SECTION 1(A)

NOTE ON ZONE CHANGE

***Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION:

The applicant, Our Lady of Peace Memorial Plan, Inc., represented by Mr. Richard Sana of FC Benavente, Planners is requesting approval for a Zone Change from "A" (Agricultural) to "C" (Commercial) in order to have a one uniform zone for the existing Our Lady of Peace Facility on Lot 5223-1B-2-4NEW, Municipality of Barrigada.

COMMISSION DECISION:

The Guam Land Use Commission **Approved** the applicants request subject to ARC conditions as noted on the agencies' official position statement.

12/21/16

Marvin Q. Aguilar **Date**
Guam Chief Planner

12/21/16

John Z. Arroyo **Date**
Chairman
Guam Land Use Commission

Case Planner: Frank Taitano
Cc: Building Permits Section, DPW

Application No. 2015 37

CERTIFICATION OF UNDERSTANDING

I/We_____ / _____
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

_____ 1.24.17 _____ _____
Signature of Applicant Date Signature of Representative Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

_____ _____ _____ _____
Applicant **Date** **Representative** **Date**

Reference No.: **Application 2015-37**

To: Director, Department of Land Management
Director, Department of Public Works

Upon review of the decision of the GLUC to approve the zone change and in accordance with Title 21 GCA §61634, I hereby indicate my decision below on the proposed change, and any changes approved shall be endorsed and delineated upon the zoning map, and shall constitute an amendment to such map pursuant to Title 21 GCA §61630. **PERMITS SHALL NOT BE ISSUED UNTIL THE AMENDMENT TO THE MAP HAS BEEN MADE.**

[✓] **APPROVED**

[ ] **DISAPPROVED**

RAYMOND S. TENORIO
ACTING GOVERNOR OF GUAM

1/23/17
Date

DECISION GRANTING ZONE CHANGE
(with findings)

Guam Land Use Commission

WHEREAS, the following decision of the Guam Land Use Commission is made in accordance with 21 GCA §61630, now therefore;

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, public hearings on the Zone Change were held on the **14th** day of **June, 2016**, in the Municipal District of **Barrigada** where the property to be rezoned is located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearings were published in a newspaper of general circulation on the **4th** day of **June, 2016** as evidenced by an affidavit of publications attached as **Exhibit "A"**.

WHEREAS, notice was mailed to the Mayor of the Municipal District concerned and to those landowners owning land within 500 feet of the property, where the property to be rezoned is located as evidenced by the affidavit of mailing attached as **Exhibit "B"**.

WHEREAS, in accordance with notices duly issued to consider the application of **Our Lady of Peace Memorial Plan, Inc.** for a Zone Change, hearing of the Guam Land Use Commission (GLUC) were held on the **29th** day of **November, 2016** as evidenced of publications attached as **Exhibit "C"**.

BE IT RESOLVED, that on the **29th** day of **November**, **2016**, the Guam Land Use Commission, **Approved** the Zone Change from **"A" to "C"** for **Lot No. 5223-1B-2-4NEW**, Municipality of Barrigada.

A quorum of the Commission was present. In attendance were:

1. **Mr. John Arroyo, Chairman**
2. **Mr. Victor Cruz, Vice Chairman**
3. **Ms. Conchita D. Bathan, Commissioner**
4. **Mr. Tae S. Oh, Commissioner**

Appearing for the applicant was: **Mr. Richard Sana and Mr. Philip Flores ;**

Also appearing and testifying on the above project were:

None in favor; **None** against:

After considering all the statements and testimony presented by interested parties the GLUC finds that the application for zone change is granted on the following grounds: (Note: All three (3) sections should be answered.)

(a) **Public Necessity**: **The following facts support a finding that public necessity justifies the zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

(b) **Public Convenience**: **The following facts support a finding that public convenience justifies the zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

(c) **General Welfare**: **The following fact support a finding that the General Welfare of the public is best served by the granting of a zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

The members, after due consideration voted to approve the application. The vote of the members was as follows:

4 Ayes 0 Nays 0 Abstentions

This decision was adopted this 29th day of **November**, **2016**, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

John Z. Arroyo
Chairman,
Guam Land Use Commission

12/21/16
Date

Attachments: Exhibit "A" (Affidavit of Publications)
Exhibit "B" (Affidavit of Mailings)
Exhibit "C" (Evidenced of Publications)

AFFIDAVIT OF PUBLICATION

I, the undersigned do hereby depose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.

2. I have personal knowledge of all the facts herein.

3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.

4. On **May 24, 2016**, I submitted the Official Memorandum (attached as **Attachment A**) from the Guam Chief Planner to the Pacific Daily News, Hagåtña, Guam, a request to publish the 2x2 legal notice to appear on June 4, 2016, for Application No. **2015-37 (Our Lady of Peace)** to be heard on June 14, 2016, at the Barrigada Community Center. Proof of advertisement is attached as **Attachment B**)

5. This Affidavit is executed as proof of the compliance with 21 G.C.A §61633 (Hearing Date-Notice).

IN WITNESS WHEREOF, I hereby affix my signature this 20th day of December, 2016.

PATRICIA A. MUNA
Administrative Assistant

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 20th day of December, 2016.

Notary

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

Exhibit A

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE B. CALVO
Governor of Guam

RAY TENORIO
Lieutenant Governor of Guam

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy

Street Address:
590 S. Marine Corps Drive
ITC Building,
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlm@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

May 24, 2016

Guam Daily Post
388 South Marine Corps Drive
Suite 103 Tamuning GU 96913

Dear Sir/Madame:

Please publish this legal notice on a **2 X 2 inch** column, to appear on **June 4, 2016.**

Attached are check(s)/monies amounting to **$ 125.00** to cover the enclosed advertisement fee scheduled.

Thank you for your anticipated cooperation in this matter.

Si Yu'os Ma'ase,

Marvin Q. Aguilar
Guam Chief Planner

Attachments:
Public Hearing Notice 2.5" x 2" = $125.00
(Government rate per inch column - $25.00)
Check(s)

RECEIVED
5/27 @ 10:23

Attachment A – Exhibit A

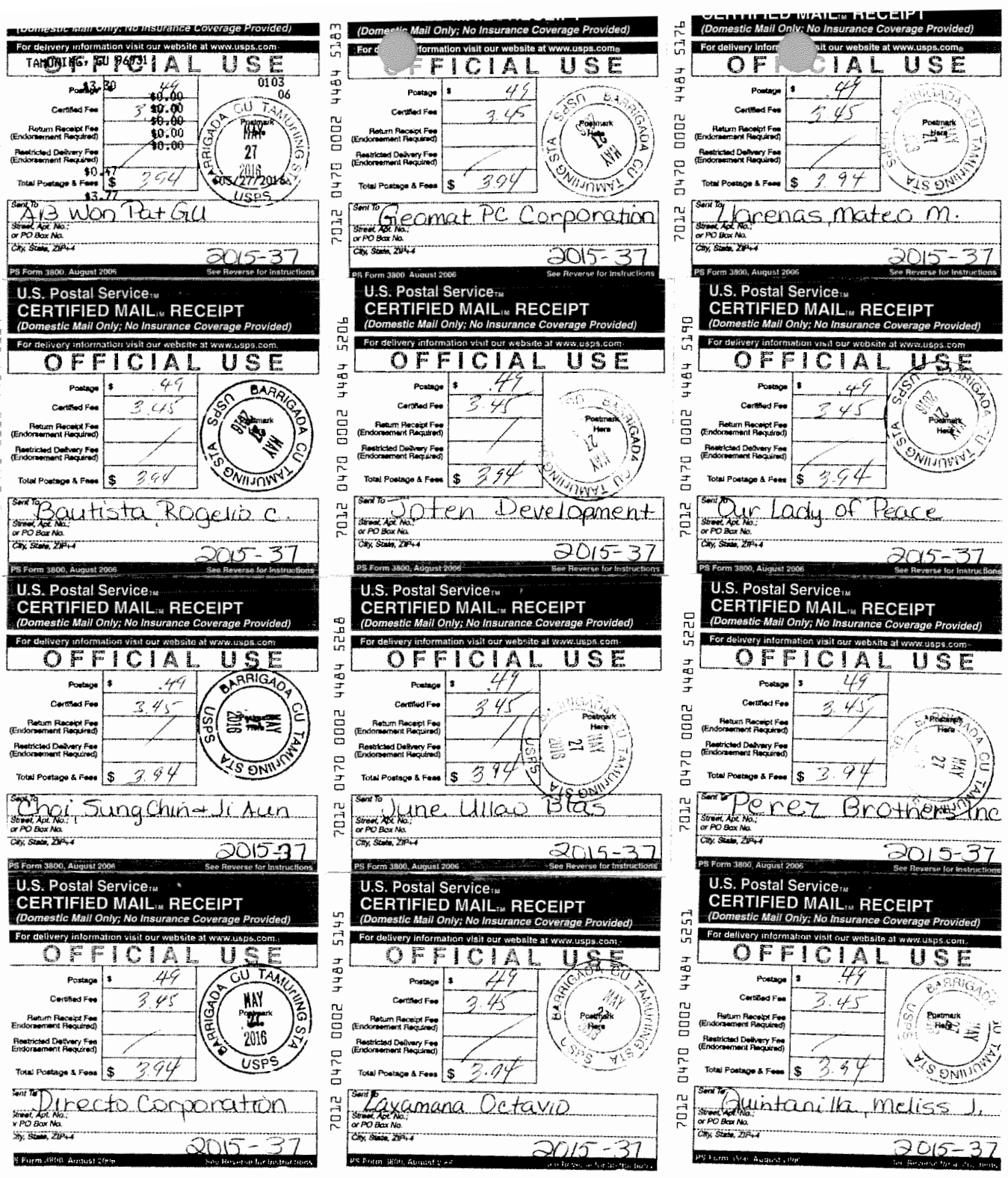
Department of Land Management
P.O. Box 2950, Hagåtña, Guåhan 96932
Tel: 649-5263 Ext. 371: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: **June 14, 2016**
Time: **6:00 pm**
Place: **Barrigada Community Center**

For: Our Lady of Peace Memorial Plan Inc., Zone Change from "A" to "C" zone, to have one uniform zone for the existing Our Lady of Peace facility, on Lot 5223-1B-2-4NEW, Barrigada. [2015-37]

Funding Source provided by the Applicant.



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Total Postage & Fees	$ 3.94

Postmark Here: BARRIGADA GU TAMUNING STA USPS MAY 27 2016

7012 0470 0002 4484 5183	Sent To: AIB Won Pat GU	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
7012 0470 0002 4484 5206	Sent To: Geomat PC Corporation	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
7012 0470 0002 4484 5176	Sent To: Llarenas, Mateo M.	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
7012 0470 0002 4484 5190	Sent To: Bautista, Rogelio C.	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 205-37
7012 0470 0002 4484 5268	Sent To: Joten Development	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
7012 0470 0002 4484 5220	Sent To: Our Lady of Peace	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 205-37
7012 0470 0002 4484 5244	Sent To: Choi, Sung Chin + Ji Aun	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
7012 0470 0002 4484 5145	Sent To: June Ulloa Blas	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
7012 0470 0002 4484 5251	Sent To: Perez Brothers Inc	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
	Sent To: Directo Corporation	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
	Sent To: Laxamana, Octavio	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37
	Sent To: Quintanilla, Meliss J.	Street, Apt. No.; or PO Box No.:	City, State, ZIP+4: 2015-37

PS Form 3800, August 2006 — See Reverse for Instructions

Attachment A – Exhibit B

7012 0470 0002 4484 5213

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$ .44
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.89

BARRIGADA GU 96913 TAMUNING ST Postmark Here JUN 27

Sent To: Sapp, Rodney Charles

Street, Apt. No.; or PO Box No.:

City, State, ZIP+4: 2015-37

PS Form 3800, August 2006 — See Reverse for Instructions

AFFIDAVIT OF MAILING

I, the undersigned do hereby depose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.

2. I have personal knowledge of all the facts herein.

3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.

4. On **May 27th, 2016, I,** Patricia A. Muna deposited in the United States Postal Service, in Tamuning, Guam, via certified return receipt mail (attached as **Attachment A**), thirteen (13) sealed envelopes, with postage fully prepaid, each containing a true copy of the Notice of Public Hearing for **Our Lady Of Peace Memorial Plan *(2015-37)*** (attached as **Attachment B**) addressed to the following property owners:

1	Laxamana Octavio R. & Conchita T.	L5223-1B-2-R4	POB 6677 Tamuning, GU 96931
2	A.B. Won Pat Guam International Airport Authority	Lot Naval Air Station Agana-R10 (Airport Parcel 1)	POB 8770 Tamuning, GU 96931
3	Quintanilla Melissa J. & Bernadita B.	L5223-6-NEW-1-NEW	2130 Plaza Del Amo Unit 133 Torrance, CA. 90501
4	Perez Bros. Inc.	L5223-6-NEW-5	POB F Hagatna, GU 96932
5	Choi Sung Chin & Ji Aun, Choi Immanuel & Chung H.	L5223-6-NEW-6-R1-NEW-1	POB 27678 GMF, Barrigada, GU 96921
6	Joeten Development Inc.	L5223-5A-1-2	POB 137 Saipan, MP 96950
7	Sapp Rodney Charles	L5210-1-1-1	POB 1417 Hagatna, GU 96932
8	Our Lady of Peace Memorial Plan Inc.	L5223-1-B-2-2-NEW; L5221-1-1-1NEW	POB 598 Hagatna, GU 96932
9	Geomat P.C. Corporation A Guam Corp.	T295 L1-NEW	POB 24572 GMF, Guam 96921
10	Llarenas Mateo M. & Ana R.	L5221-1-10	POB 9533 Tamuning, GU 96931
11	Bautista Rogelio C. & Mary Jane B.	L5223-1-3	115 Boque Court Barrigada Heights, GU 96913
12	Directo Corporation	L5221-1-2	929 S. Marine Corps Drive, 2nd Flr. Edge Beauty Bldg. Tamuning, GU 96913
13	June Ulloa Blas	Mayor of Barrigada	POB 786 Hagatna, GU 96932

Exhibit B

5. The above referenced names and addresses are those of the landowners owning land within five hundred (500) feet of the property for which rezoning is requested, including notice to the Commissioner of the Municipal District concerned

6. This Affidavit is executed as proof of the compliance with 21 G.C.A §61633.

IN WITNESS WHEREOF, I hereby affix my signature this 20th day of December, 2016.

Patricia A. Muna

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 20th day of December, 2016.

TERESITA A.C. TOVES NOTARY PUBLIC

Notary

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

UCLA goes from fear to sadness in wake of shooting

LOS ANGELES (AP) — A murder-suicide brought a massive police response and widespread fear of an active shooter among tens of thousands of people at UCLA. Now fear has shifted to sadness as many lament the death of a professor who worked at computer models of the human heart who was also a caring father who coached his young son's baseball team.

William S. Klug, a professor of mechanical engineering, was gunned down in an engineering building office Wednesday, according to a law enforcement official with knowledge of the investigation but not authorized to publicly discuss it.

The shooter in the murder-suicide has not yet been identified, and finding his motive in killing Klug will be foremost in the investigation to continue Thursday.

Classes at the University of California, Los Angeles campus will resume Thursday for most of the school, and on Monday for the engineering department, whose students and faculty were coming to grips with his loss.

"Bill was an absolutely wonderful man, just the nicest guy you would ever want to meet," said a colleague for UCLA Professor Alan Garfinkel. "Devoted family man, superb mentor and teacher to so many students. He was my close colleague and friend. Our research together was to build a computer model of the heart, a 50 million cardiac cell 'virtual heart' that could be used to test drugs."

Peter Giamilos, who headed the El Segundo Little League where Klug coached, said he "exemplified what Little League was all about: character, courage and loyalty."

"He had a special relationship with his son through baseball, was a great coach, spent countless hours on the field with the boys and girls of El Segundo Little League," Giamilos said.

The initial reports from the scene set off widespread fears of an attempted mass shooting on campus, bringing a response of hundreds of heavily armed officers who swarmed the campus.

Groups of officers stormed into buildings that had been locked down and cleared hallways as police helicopters hovered overhead.

Advised by university text alerts to turn out the lights and lock the doors where they were, many students let friends and family know they were safe in social media posts. Some described frantic evacuation scenes, while others wrote that their doors weren't locking and posted photos of photocopiers and furniture they used as barricades.

After about two hours, city Police Chief Charlie Beck said it was a murder-suicide and declared the threat over. Two men were dead, and authorities found a gun and what might be a suicide note, he said.

It was the week before final exams at UCLA, whose 43,000 students make it the largest campus in the University of California system.

Those locked down inside classrooms described a tense calm. Some said they had to rig the doors closed with whatever was at hand because they would not lock.

Umar Rahman, 21, was in a math sciences classroom adjacent to Engineering IV, the building where the shooting took place. The buildings are connected by walkways. Bridges near the center of the 419-acre campus.



MOURNING: Carole Browne, left, hugs her friend Nikita Stanley, right, as they stand in front of a memorial for professor William Klug at the University of California, Los Angeles, Thursday, June 2, in Los Angeles. AP

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title 11, Chapter III, Section 3315, notice is hereby given that:

YIM, HEE KYUNG KO
dba: NEW WASHLAND MART

has applied for a Class 5 OFF SALE BEER ALCOHOLIC BEVERAGE LICENSE, said premises being marked as Lot 5105-2-3-R1 & 5105-2-3 196 Adrian Sanchez St., Harmon.

Department of Land Management
[illegible]

PUBLIC HEARING NOTICE

Date: June 14, 2016
Time: 5:30 pm
Place: Barrigada Community Center

[illegible]

GUAM MEMORIAL HOSPITAL VOLUNTEER ASSOCIATION

a non-profit organization

Statement of Financial Position
For the year ended December 31, 2015

Total Assets	$ 321,064.30
Total Liability and Net Asset	
Liability	$
Net Assets	$ 321,064.30
Total Liability and Net Asset	$ 321,064.30

Statement of Activities
For the year ended December 31, 2015

Income:	
Fundraising and donations	$ 325,815.00
Dues	$ 2,586.00
Bank interest	$ 228.30
Total Income	$ 328,629.30
Expenses:	
Fundraising cost	$ 83,881.00
Donation to GMH	$ 200,913.00
Administrative and general	$ 14,080.00
Total expenses	$ 307,874.00
Change in net assets	$ (34,045.00)
Net assets at beginning of year	$ 355,109.30
Net assets at end of year	$ 321,064.30

PUBLIC NOTICE

Guam Board of Barbering and Cosmetology Regular Session Meeting, Monday, June 06, 2016 at 9:00 AM at Terlaje's Building, 194 Hernan Cortez Ave. Hagatña, Guam 2nd floor Conference room.

Persons with disabilities needing special accommodations please call Johnny San Office at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1821.

Get results in our CLASSIFIEDS
POST
Call (671) 649-1924
Fax: (671) 648-2007
Email: advertise@postguam.com

Agana Heights Athletes Organization

DECEMBER 2015

AFTER SCHOOL PROGRAM	$34,280.50
SUMMER PROGRAM	$24,[illegible].00
DEPOSITS SUBTOTAL REGULAR PROGRAM	$45,[illegible].25
TOTAL	$[illegible]
AFTER SCHOOL PROGRAM/SUMMER PROGRAM	$[illegible]
SUBTOTAL REGULAR PROGRAM	$[illegible]
DONATIONS	$[illegible]
EVENTS	$[illegible]
COMMUNITY DEPOSITIONS/SUPPLIES	$[illegible]
TOTAL	$[illegible]

Attachment B – Exhibit A

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

[2015-37]

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

May 24, 2016

Dear Sir/Madam:

An application has been filed with the Guam Land Use Commission (GLUC) by:

The Applicant, Our Lady of Peace Memorial Plan Inc., represented by FC Benavente, request for a Zone Change from "A" (Rural) to "C" (Commercial) zone in order to have one uniform zone for the existing Our Lady of Peace facility, on Lot 5223-1B-2-4NEW, in the Municipality of Barrigada, under Application No. 2015-37

For any **Zone Change** requests, the Guam Land Use Commission is mandated by law to conduct a Public Hearing in the Municipal District where the property is located. Accordingly, a Public Hearing on this application is scheduled to be held:

PLACE:	**Barrigada Community Center**
DATE:	**June 14, 2016, Tuesday**
TIME:	**6:00 p.m.**

As a property owner identified within 500 feet of this proposed development, we invite you to attend this Public Hearing and participate in the review process and to express your opinion on this application. If you are unable to attend the Public Hearing, please submit written comments to our office on or before, **June 13, 2016, Monday.** Written comments should be addressed to:

Chairman, GLUC or Executive Secretary, GLUC
c/o Department of Land Management
Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

Attachment B - Exhibit B

May 24, 2016
Public Hearing Notice for Residents
Our Lady of Peace Memorial Plan, Inc. - Application No. 2015-37

Accordingly, a GLUC Hearing for this application will be advertised in the Pacific Daily News open ad, Government meeting, and the website.

Should the public hearing be canceled due to unforeseen circumstances beyond our control, please consult with the village mayor's office.

You may review the development application at our office or your Mayor's Office.

Thank you for your interest.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE B. CALVO
Governor of Guam

RAY TENORIO
Lieutenant Governor of Guam

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy

Street Address:
590 S. Marine Corps Drive
ITC Building,
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

[2015-37]

Website:
http://dlm.guam.gov

E-mail Address:
dlm@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

COPY

May 24, 2016

RECEIVED
JUN 01 2016
10:10 AM
GUAM

Honorable June Blas
Mayor of Barrigada

Dear Mayor:

The following application has been filed with the Guam Land Use Commission (GLUC) by:

The Applicant, Our Lady of Peace Memorial Plan Inc., represented by FC Benavente, request for a Zone Change from "A" (Rural) to "C" (Commercial) zone in order to have one uniform zone for the existing Our Lady of Peace facility, on Lot 5223-1B-2-4NEW, in the Municipality of Barrigada, under Application No. 2015-37.

For any **Zone Change** requests that may have adverse impact on the public's interests, the GLUC is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we would like to schedule a public hearing to be held at the **Barrigada Community Center, Tuesday, June 14, 2016 at 6:00 p.m**.

Please confirm the time, date and place.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner

Attachment:
Application Packet

Attachment 3

DEPARTMENT OF LAND MANAGEMENT - LAND PLANNING DIVISION
GUAM LAND USE COMMISSION (GLUC)/GUAM SEASHORE PROTECTION COMMISSION (GSPC)
PUBLIC HEARING ATTENDANCE SHEET

PLACE: Barrigada Community Center

DATE: June 14, 2016 TIME: 6:00 p.m.

APPLICATION TYPE: Zone Change APPLICATION NO: 2015-37

DESCRIPTION: Zone Change from "A" to "C"

APPLICANT/REP: Our Lady of Peace Memorial Plan Inc. / F.C. Benavente

LOT NO(s): 5223-1B-2-4NEW, Barrigada

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
1. FILEMON SUNGA	PO BOX 4718 Hagatna, Guam 96932	687-0710
2. JESSE BRUNSMA		487-0076
3. James P. Castro	P/O Box 20731 GMF, 96921	734-3737
4. June U. Blas	Pbox 786 Hagatna, Gu. 96913	482.1500
5. Richard Sane		687.9865
6. ANA R. LLATENAS	127 - Sgt. Pedro Aguon St	637-1828
7. FRANCISCO G. BENAVENTE	PO Box 22344, GMF Barrigada Gu, 96921	633-6467
8. BERNARD LLARENAS	127 U.S. ARMY SGT. PEDRO LAGUON ST. BARRIGADA	637-1828
9. Philip Flores	157 Aspinall, Hagatna	477-2671
10.		
11.		
12.		

Attachment 4

Doc. No. 34GL-17-0092.

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
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P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 18, 2017
Memorandum

To: Honorable Eddie Baza Calvo
Governor of Guam

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "A" (Rural) to "C" (Commercial) zone for Lot 5223-1B-2-4NEW, Barrigada**

Re: Our Lady of Peace Memorial Plan Inc. – Application 2015-37

Submitted for your consideration and action is a Zone Change, Application No. 2015-37, affecting Lot 5223-1B-2-4NEW, in the Municipality of Barrigada. The Applicant, Our Lady of Peace Memorial Plan Inc., represented by FC Benavente, request for a Zone Change from "A" (Rural) to "C" (Commercial) zone to have one uniform zone for the existing Our Lady of Peace facility.

Application chronology is as follows:

- September 30, 2015 - Application officially accepted
- October 15, 2015 - Reviewed by Application Review Committee (ARC)
- June 14, 2016 - Public Hearing, Barrigada Community Center
- November 29, 2016 - Guam Land Use Commission (GLUC) Public Hearing (approval of the Zone Change).

Pursuant to the Guam Code Annotated, Title 21 (Real Property), Chapter 61 (Zoning Law), §61634 (Decision by the Commission), which states, *"If the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part"*, this application is being sent to you for your action.

GFD0117-020

This Application is being sent to you for decision pursuant to Title 21, GCA, Chapter 61 (Zoning) Section 61634.

Contact Land Planning Division at 649-5263, extension 371, should you have Additional questions or need further clarification.

Si Yu'os Ma'ase

MICHAEL J.B. BORJA
Executive Secretary,
Guam Land Use Commission

Attachments:

1. Amendment No. **A-94** Zoning Map No. **F3-67S41**
2. Zone Change Application
3. Formal Letter(s) to Mayor for Public Hearing (dated May 24, 2016)
4. Attendance Sheet(s) of Public Hearing (dated June 14, 2016)
5. Staff Report with Summary of ARC Position Statements
6. GLUC Agenda Notice – PDN (dated November 22nd, & 27th, 2016)
7. GLUC Agenda of November 29, 2016 – Disposition
8. GLUC Minutes for November 29, 2016 (Doc. No. **902005**)
9. Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to PDN (dated May 24, 2016)
        - Attachment B –Public Hearing Advertisement (June 4, 2016)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts (dated May 27, 2016)
        - Attachment B – Official Notice of Public Hearing (dated May 24, 2016)

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2015-37
LOT 5223-1B-2-4NEW
MUNICIPALITY OF BARRIGADA

COPY

Attachment 1

Space for Recordation

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 902352

On the Year 17 Month 01 Day 24 Time 12:18

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder _____

MAY M. CASTRO

GLUC ZONE CHANGE
APPLICATION NO.: 2015-37
APPLICANT: OUR LADY OF PEACE MEMORIAL PLAN, INC.

PREPARED ON DECEMBER 15, 2016

FROM: "A" (AGRICULTURAL/RURAL)

TO: "C"(COMMERCIAL)

LOT: 5223-1B-2-4NEW

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: BARRIGADA

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-94

ZONING MAP NO.: F3-67S41

THE GUAM LAND USE COMMISSION, AT ITS HEARING ON NOVEMBER 29, 2016 APPROVED IN WHOLE THE ZONE CHANGE FROM "A" TO "C" ON LOT 5223-1B-2-4NEW MUNICIPALITY OF BARRIGADA

==========

[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

JOHN Z. ARROYO
CHAIRMAN
GUAM LAND USE COMMISSION

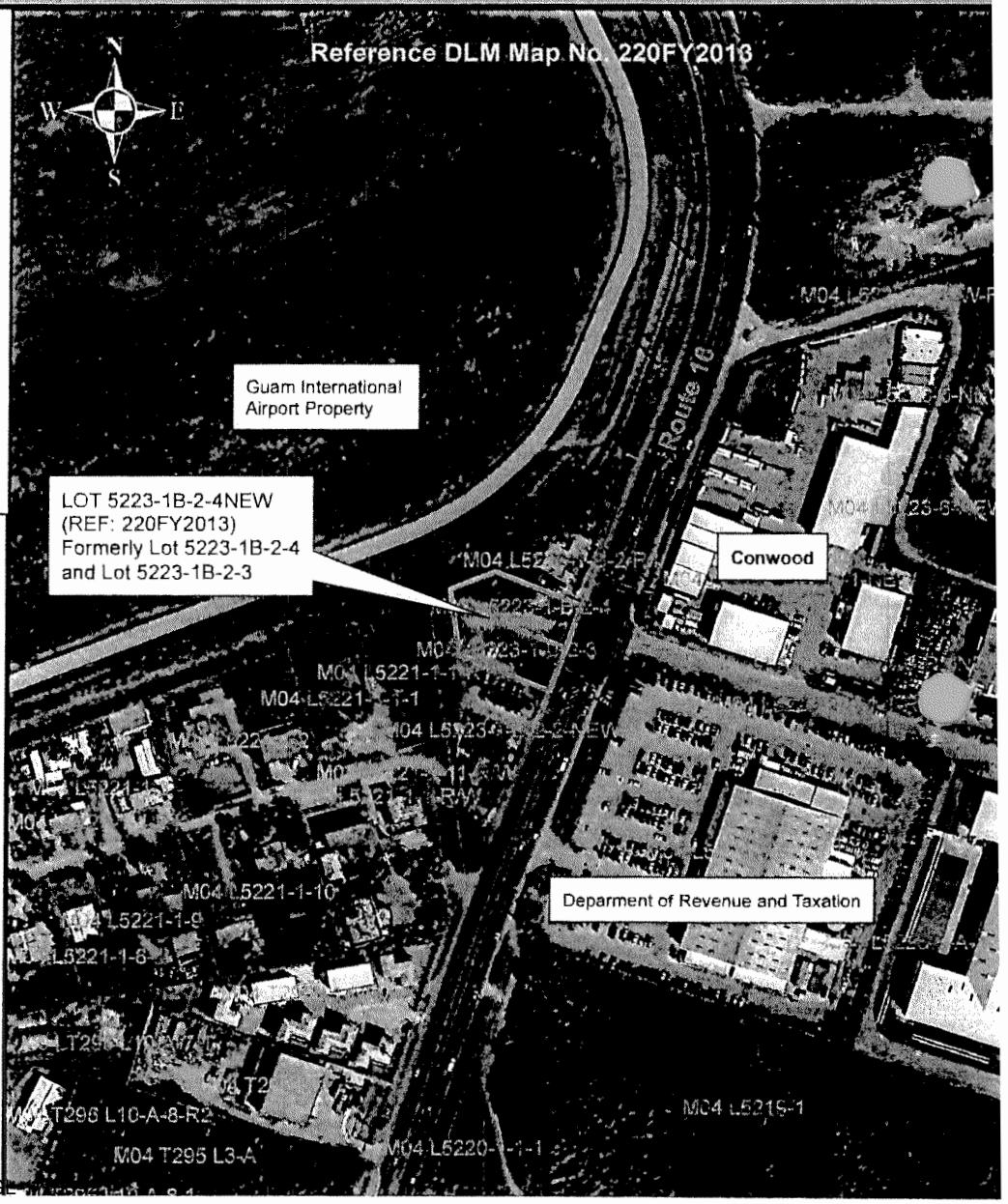
12/21/16
DATE

==========

[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

RAYMOND S. TENORIO
ACTING GOVERNOR OF GUAM

JAN 23 2017.
DATE



Application No:	2015 - 37
Type of Application:	Zone Change
Accepted Date:	September 30, 2015
Case Planner:	Frank P. Taitano

APPLICATION FOR

ZONE CHANGE FROM

"A" TO "C"

OUR LADY OF PEACE MEMORIAL PLAN, INC.

LOT 5223-1B-2-4NEW

BARRIGADA, GUAM

SUBMITTED BY:
FC BENAVENTE, PLANNERS
JULY 2015

ATTACHMENT 2

FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, GU 96913
Tel: 671.988.7911 felouben@yahoo.com

July 21, 2015

Mr. Michael Borja, Executive Secretary
Guam Land Use Commission
Department of Land Management
P.O. Box 2950
Hagatna, Guam 96932

Subject: Zone Change Application from "A" to "C" for Lot 5223-1B-2-4NEW, in Barrigada, Guam.

Hafa Adai Mr. Borja,

On behalf of Our Lady of Peace Memorial Plan, Inc., owner of the above subject property, I am pleased to submit 32 sets of this Zone Change Application for review and approval by the Guam Land Use Commission (GLUC). The application seeks GLUC approval for a zone change from "A" to "C" to have one uniform zone for the owner's facilities on the properties.

Our Lady of Peace Memorial Plan, Inc. operates a mortuary with a small parking area, on their adjacent lot 5223-1B-2-2NEW. That property is presently zoned "C." At the facility's inception, additional parking was provided on two (2) adjacent leased properties. Those two properties have recently been purchased and consolidated as Lot 5223-1B-2-4NEW. Lot 5223-1B-2-4NEW, the subject lot, is presently zoned "A.". This request for a zone change will allow Our Lady of Peace Memorial Plan, Inc. to have a singular zoning designation of "C" for their mortuary facility property (i.e. Lot 5223-1B-2-2NEW) , as well as this adjacent parking lot property (i.e. Lot 5223-1B-2-4NEW).



Figure 1 View of Our Lady of Peace from Route 16.

We look forward to working with The Department of Land Management and the other agencies tasked to review this application; as well as our eventual presentation before the Guam Land Use Commission.

The required supporting documents are included and indexed in the following pages; and are labeled as exhibits A through J. Thank you for your consideration.

Si Yu'os Ma'Ase

Richard J. Sana, Associate Planner
A Duly Authorized Representative

INDEX OF EXHIBITS

A. Affidavit of Authorization

B. Zone Change Application

C. Justification

D. Conceptual Site Plan

E. Existing Zoning Within 1,000' Radius

F. Land Use Within 750' Radius

G. Properties Within 500' Radius

H. Property Map

I. Environmental Impact Assessment

J. Ownership Document

AFFIDAVIT OF AUTHORIZATION

I, Rogelio S. Alim, resident of Guam, of legal age, and as Vice President and General Manager of Our lady of Peace Memorial Plan, Inc., owner of Lot 5223-1B-2-4NEW, located in Municipality of Barrigada, Guam. through this instrument hereby depose and say the following:

1) That FC BENAVENTE, PLANNERS, Consultant, is hereby authorized to request the Guam Land Use Commission to review and consider this request for approval of a Zone Change Application at the above mentioned locations; and

2) That our authorized Consultant may conduct himself accordingly to arbitrate, negotiate, commit, revoke, represent, mitigate and abate the proposed project through all reviewing instrumentalities involved in the Zone Change Application process.

In TESTIMONY THEREOF, I/We hereunto affix my signature to my/our deposition.

Rogelio S. Alim
Vice President and General Manager
Our Lady of Peace Memorial Plan, Inc.

ACKNOWLEDGEMENT

GUAM)
)ss.
City of Hagatna)

On this 29th day of July, 2015, before me personally appeared Rogelio S. Alim, known to me as the person whose name is subscribed to this instrument and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereby lay my hand and affix my official seal on the day, month, and year aforementioned above.

Notary Public

VANESSA SALAS PADUA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Jun. 13, 2019
P.O. Box 11835 Tamuning, GU 96931

Exhibit B. Zone Change Application

Doc. No. 34GL-17-0092.

ZONE CHANGE

TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Zone Change.*

1. Information on Applicant:

Name of Applicant: Our lady of Peace Memorial Plan, Inc. U.S. Citizen: [X] Yes [ ] No

Mailing Address: PO Box 598, Hagatna, GU 96932

Telephone No.: Business (671) 633-8426 Home: (671)

2. Location, Description and Ownership:

Subdivision Name: Unknown

Lot(s): Lot 5223-1B-2-4NEW Block: N/A Tract: N/A

Lot Area: Ac: 0.48 Sq Meters: 1,957 Sq Feet: 21,064.97

Village: Barrigada Municipality: Barrigada

Registered Owner: Our Lady of Peace Memorial Plan, Inc.

Certificate of Title No.: Recorded Document No.:863920 Map

3. Current and Proposed Land Use:

Current Use: Parking area for funeral home Zoned: "A"

Proposed Use: Parking area for funeral home Proposed Zone: "C"

Master Plan Designation: Rural

4. **Attached a one page** typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with ***Guåhan Code Annotated 21 GCA, Chapter 61, Section 61630.***

5. **Support Information.** The following supporting information shall be attached to this application:

a. 8 1/2" X 14" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries.

ATTACHMENT: Section 61630 (Requirements For Changes) and Section 61638 (Review by Municipal Planning Council is attached for your information and guidance in preparation of your Zone Change Application. For additional requirements, visit the Zoning Section, Land Planning Division.

5. **Supporting Information (Continuation):**

b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain:

(1) Lot number for every parcel(s);
(2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
(3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
(4) The nearest location of all public utilities to the subject lot;
(5) All natural or topographic peculiarities.

c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.

d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.

e. A detailed As-Built Plan of the lot shall include the following:

(1) Total number and types of building;
(2) Parcel size in square meters/feet;
(3) Layouts of utilities and drainage;
(4) Proposed lot coverage of building(s) and accessories in square meters/feet;
(5) Approximate gross and net densities allowed on parcel;
(6) Feasibility study;
(7) Topography;
(8) Existing earth faults and sinkholes;
(9) Water courses and lens;
(10) Reservation, conservation and historic places;
(11) Total percentage of open spaces exclusive of parking stalls and other man-man features;
(12) Percentage of building footprint (PD only); and
(13) Compatibility to surrounding uses (PD only).

f. If leased, lease agreement (the assignment of lease and the covenant).

g. An initial comprehensive ***Environmental Impact Assessment (EIA)*** in accordance with Executive Order 90-10.

h. Additional information as required by the Guåhan Chief Planner

Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format, etc.)

6. **Filing Fee: Fifty Dollars ($50.00)** filing fee for the first five pages, and $.25 for any additional page, under Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management).*

7. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."

(See Affidavit of Authorization)
(Owner(s) or Lessee(s) and Date)

8/17/15

Richard J. Sana, FC Benavente, Planners
(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____ Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid *($)*: Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [ ] (See Below) No [ ]

Conditions of Approval: _____

_____

GLUC Resolution No.: _____ Date of Notice of Action: _____

Exhibit C. Justification

JUSTIFICATION

ZONE CHANGE FOR LOT 5223-1B-2-4NEW, BARRIGADA

We submit the following justification requirements for this Zone Change application as required by *21 GCA, Chapter 61, Section 61630*.

a. Compatibility of the proposed project with adjacent and neighborhood developments as they exist;

Response:

The property is adjacent to and primarily supports its owner's main facility, its mortuary business. The adjacent property is presently zoned "C" (commercial) and is the site of an actively operating mortuary. This facility is appropriately located along a fully improved major Guam highway (i.e. Route 16), allowing for ease of access to the general public patrons. Located directly across the highway from this property, are active commercial and government facilities. The proposed zone change, properly "back fits" the proper zoning ("C") onto this accessory lot. This zone change from "A" to "C" is very compatible with adjacent and neighborhood developments as they exist.

b. Intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare.

Response:

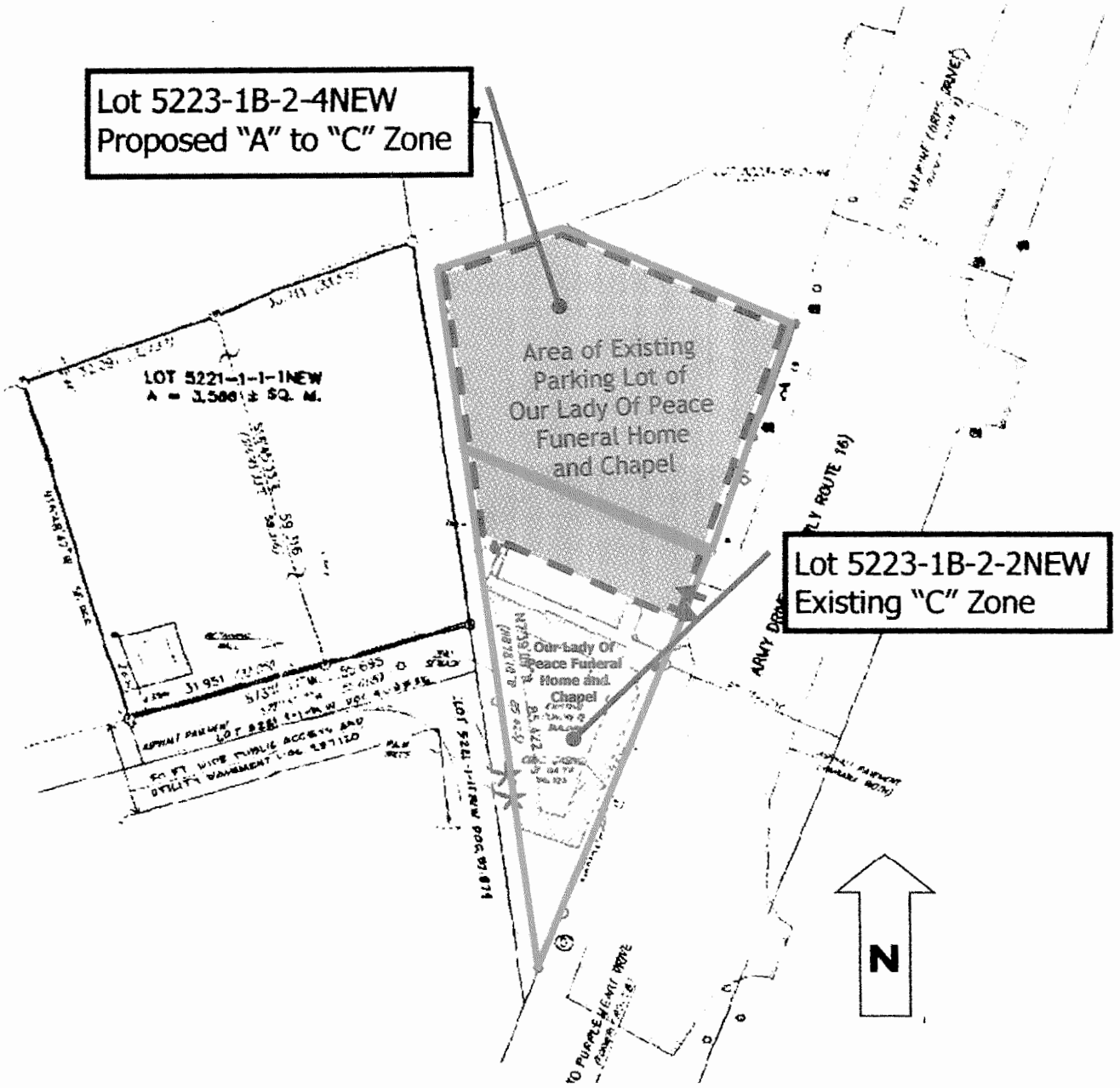
The public necessity and convenience is demonstrated in placing the proper zoning label to the subject lot, which presently serves as a parking lot supporting the main facility. The main facility sits on "C" zoned property. Proper zoning is necessary for consistent licensing and permitting of the activities on the properties, especially as the primary and accessory facilities are owned by the same company, Our Lady of Peace Memorial Plan, Inc.

The general welfare is elevated as a result of increased property tax revenue generated because of the property's change from the lower property tax rated "A" zone, to the higher property tax rated "C" zone.

We submit that this zone change request is a public necessity, is for public convenience, and provides for the general welfare of the people of Guam.

SUBMITTED BY:
FC BENAVENTE, PLANNERS
JULY 2015

Exhibit D. Conceptual Site Plan



Conceptual Site Plan

The land area of the two Lots owned by Our Lady Of Peace Memorial Plan, Inc. are delineated in green lines.

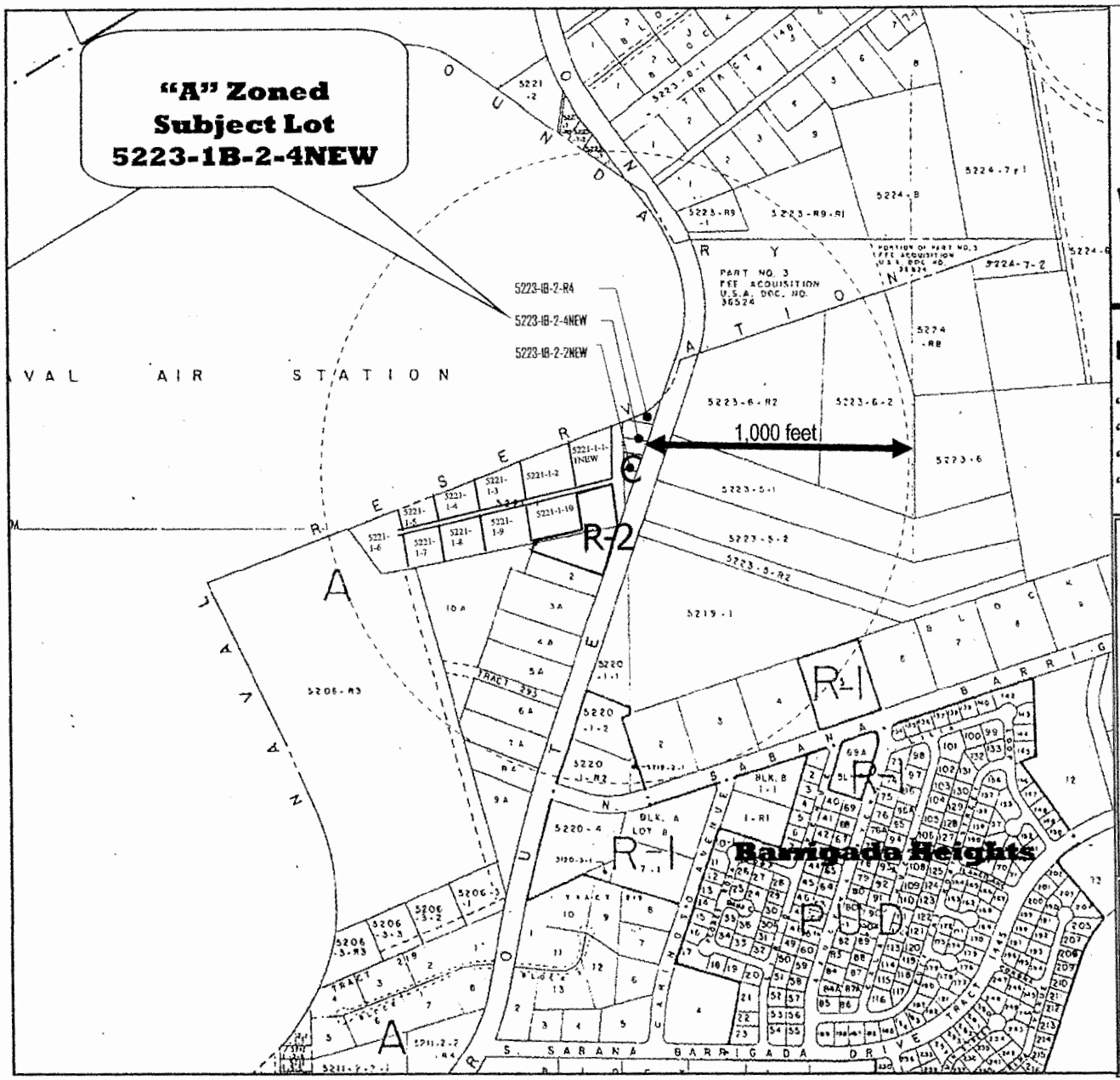
The gray shaded area is the location of the existing parking lot. The parking lot area sits on two lots with two separate zones. One is zone "A," the other is zoned "C." Both lots are owned by Our Lady of Peace memorial Plan, Inc.

This Zone Change request is to have a uniform "C" zone for the Our Lady of Peace Memorial Plan, Inc. facility.

Our lady of Peace Memorial Plan, Inc.
Zone Change Application
From "A" To "C"
Lot 5223-1B-2-4NEW
In Barrigada

FC Benavente, Planners
Planning * Zoning * Land Development Consulting*Permitting
127 Bejong Street, Barrigada, Guam 96913
Tel: (671) 988-7911
Email: felouben@yahoo.com

Exhibit E. Existing Zoning Within 1,000' Radius



ZONING MAP

SHOWING EXISTING ZONING WITHIN 1,000 FT RADIUS OF SUBJECT LOT

(Ref: Official Zoning Map of Barrigada, Sheet II of 17, Department of Land Management)

Legend:

"C"	Commercial
"R-2"	Multi-Family
"R-1"	Single Family
"A"	Rural

OUR LADY OF PEACE MEMORIAL PLAN, INC.

Zone Change Application
From "A" To "C"

Lots = 5223-1B-2-~~NEW4~~ -4NEW

Barrigada, Guam

FC Benavente, Planners

127 Bejong Street, Barrigada, Guam 96913
Tel: (671) 988-7911
Email: felouben@yahoo.com

Exhibit F. Land Use Within 750' Radius



NORTH
Graphic Scale

LAND USE MAP
EXISTING LAND USE WITHIN
750 FT RADIUS Of
Lot 5223-1B-2-4NEW
Municipality of Barrigada

LAND USE LEGEND

V Vacant
S Single Family Dwelling Unit
M Multi Family Dwelling Unit
C Commercial Use

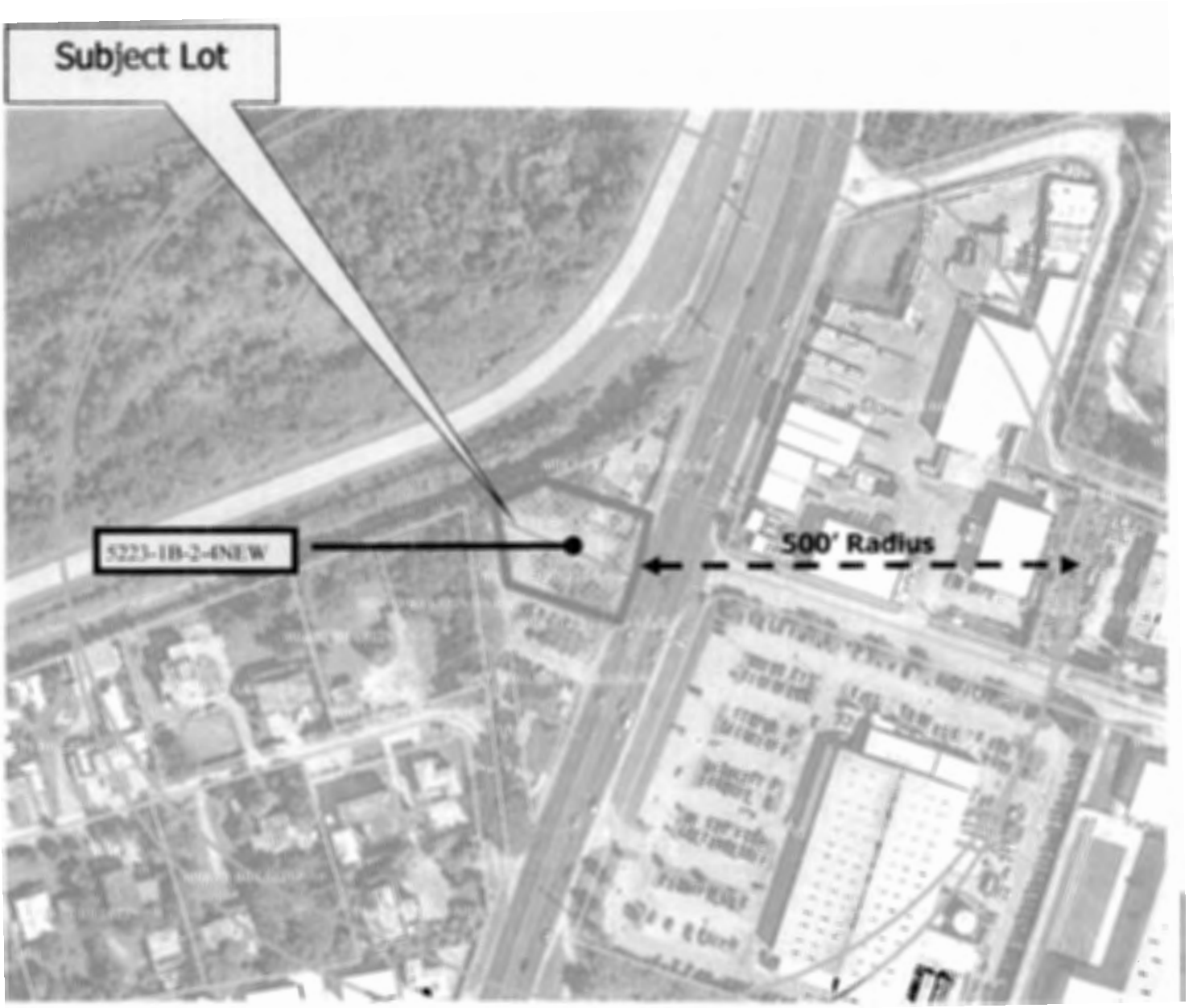
Road Conditions:

1. **Route 16 (AKA Army Drive)** Is paved, W 4 travel lanes, and a center turning lane, W streetlights, fire hydrants. Good condition. Utilities include power, water, sewer, telephone, & cable.
2. **Sgt Pedro Aguon Street** Is a paved dead end street, W 2 travel lanes, W fire hydrants. Fair condition. Utilities include power, water, telephone, & cable.

FC Benavente, Planners
- Planning,
- Zoning
- Land Development Consulting
- Permitting

127 Bejong Street, Barrigada, Guam 96913
Tel: 671 988-7911 Email. felouben@yahoo.com

Exhibit G. Properties Within 500' Radius



NORTH

Graphic Scale

EXHIBIT F

PROPERTY WITHIN 500 FT RADIUS of

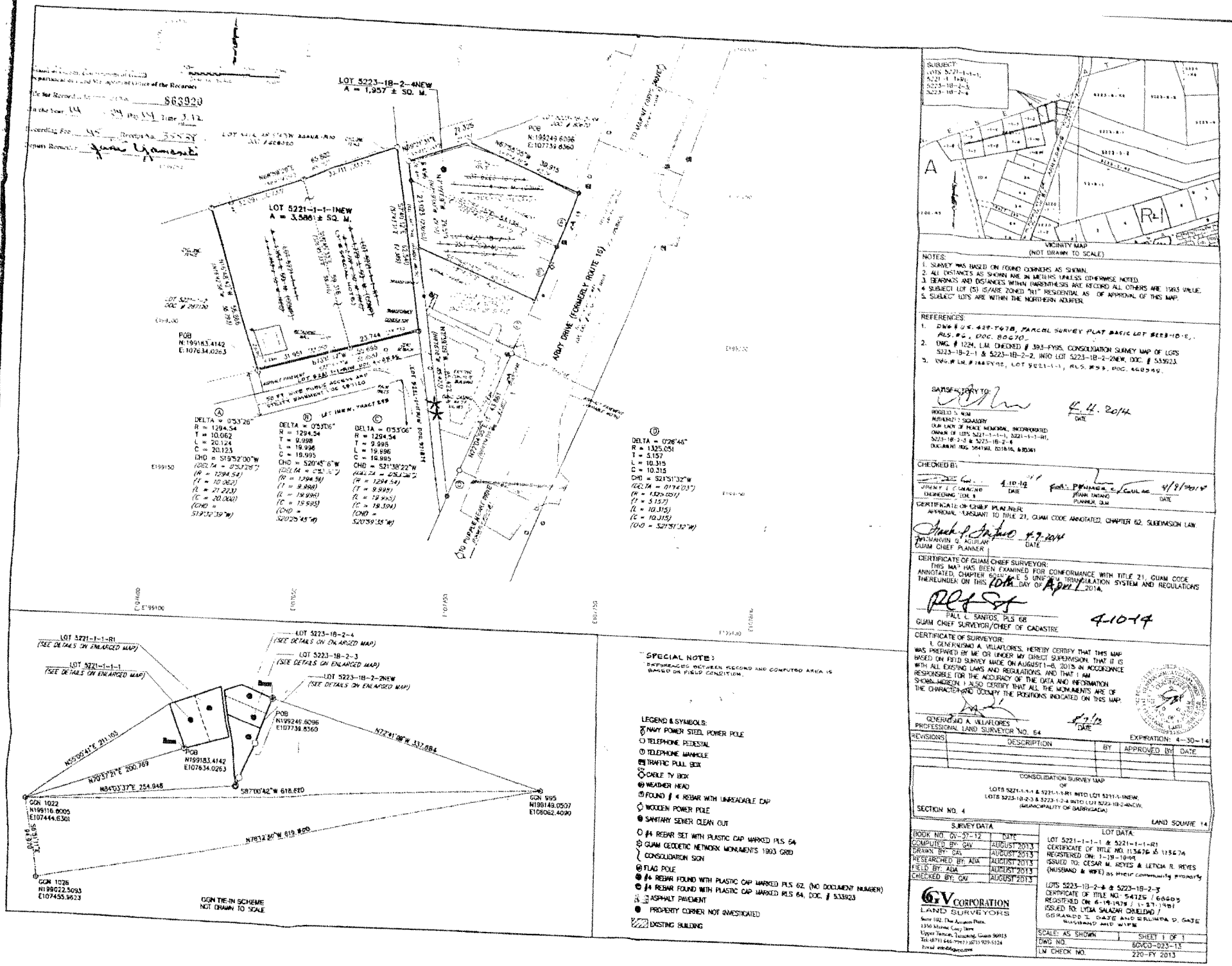
Lot 5223-1B-2-4NEW
Municipality of Barrigada

NOTES:

FC Benavente, Planners
- Planning,
- Zoning
- Land Development Consulting
- Permitting

127 Bejong Street, Barrigada, Guam 96913
Tel: 671 988-7911 Email: felouben@yahoo.com

Exhibit H. Property Map



NOTES:
1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
2. ALL DISTANCES AS SHOWN ARE IN METERS UNLESS OTHERWISE NOTED.
3. BEARINGS AND DISTANCES WITHIN PARENTHESES ARE RECORD. ALL OTHERS ARE 1993 VALUE.
4. SUBJECT LOT (S) IS/ARE ZONED "R1" RESIDENTIAL AS OF APPROVAL OF THIS MAP.
5. SUBJECT LOTS ARE WITHIN THE NORTHERN AQUIFER.

REFERENCES:
1. DWG # U.S. 629-T678, PARCEL SURVEY PLAT BASIC LOT 5223-1B-2, RLS. PG., DOC. 806710.
2. DWG. # 1224, L.M. CHECKED # 393-FY05, CONSOLIDATION SURVEY MAP OF LOTS 5223-1B-2-1 & 5223-1B-2-2, INTO LOT 5223-1B-2-2NEW, DOC. # 533923.
3. DWG. # L.M. # 2885-FY02, LOT 5221-1-1, RLS. #59, DOC. 468549.

SURVEY PREPARED FOR:
ROGELIO S. ADA
AUTHORIZED SIGNATORY
OUR LADY OF PEACE MEMORIAL, INCORPORATED
OWNER OF LOTS 5221-1-1-1, 5221-1-1-R1, 5223-1B-2-3 & 5223-1B-2-4
DOCUMENT NOS. 564168, 021816, & 80361
4.4.2014
DATE

CHECKED BY:
JIMMY I. CAMACHO
DRAFTING TECH II
4.10.14
DATE
FRANK P. PANGELINAN, C.M.L.S.
FRANK PANGELINAN
PLANNER III
4/9/2014
DATE

CERTIFICATE OF CHIEF PLANNER:
APPROVAL PURSUANT TO TITLE 21, GUAM CODE ANNOTATED, CHAPTER 62, SUBDIVISION LAW
MARVIN Q. AGUILAR
GUAM CHIEF PLANNER
4.9.2014
DATE

CERTIFICATE OF GUAM CHIEF SURVEYOR:
THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH TITLE 21, GUAM CODE ANNOTATED, CHAPTER 60, ARTICLE 5 UNIFORM TRIANGULATION SYSTEM AND REGULATIONS THEREUNDER ON THIS 10th DAY OF April 2014.
PAUL L. SANTOS, PLS 68
GUAM CHIEF SURVEYOR/CHIEF OF CADASTRE
4-10-14

CERTIFICATE OF SURVEYOR:
I, GENEROSO A. VILLAFLORES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED ON FIELD SURVEY MADE ON AUGUST 1-8, 2013 IN ACCORDANCE WITH ALL EXISTING LAWS AND REGULATIONS, AND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION SHOWN HEREON. I ALSO CERTIFY THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED ON THIS MAP.
GENEROSO A. VILLAFLORES
PROFESSIONAL LAND SURVEYOR NO. 64
4/7/14
DATE
EXPIRATION: 4-30-14

REVISIONS	DESCRIPTION	BY	APPROVED BY	DATE

CONSOLIDATION SURVEY MAP
OF
LOTS 5221-1-1-1 & 5221-1-1-R1 INTO LOT 5221-1-1NEW,
LOTS 5223-1B-2-3 & 5223-1B-2-4 INTO LOT 5223-1B-2-4NEW,
(MUNICIPALITY OF BARRIGADA)
SECTION NO. 4
LAND SQUARE 14

SURVEY DATA

BOOK NO. CV-57-12	DATE
COMPUTED BY: GAV	AUGUST 2013
DRAWN BY: GAV	AUGUST 2013
RESEARCHED BY: ADA	AUGUST 2013
FIELD BY: ADA	AUGUST 2013
CHECKED BY: GAV	AUGUST 2013

LOT DATA:
LOT 5221-1-1-1 & 5221-1-1-R1
CERTIFICATE OF TITLE NO. 115676 & 115674
REGISTERED ON: 1-19-1968
ISSUED TO: CESAR M. REYES & LETICIA R. REYES (HUSBAND & WIFE) as their community property
LOTS 5223-1B-2-4 & 5223-1B-2-3
CERTIFICATE OF TITLE NO. 54126 / 66603
REGISTERED ON 6-19-1978 / 3-21-1991
ISSUED TO: LYDIA SALAZAR CRUZ(LDG) / GERARDO T. GATE AND GERLINDA D. GATE (HUSBAND AND WIFE)

GV CORPORATION
LAND SURVEYORS
Suite 102, The Avenues Plaza,
1350 Marine Corps Drive,
Upper Tumon, Tamuning, Guam 96913
Tel: (671) 646-7997 | (671) 929-5124
Email: gvcorp@ymail.com

SCALE: AS SHOWN	SHEET 1 OF 1
DWG NO.	GVCO-023-13
LM CHECK NO.	220-FY 2013

Doc. No. 34GL-17-0092.

Exhibit I. Environmental Impact Assessment

Doc. No. 34GL-17-0092.

Our Lady of Peace Memorial Plan, Inc. Zone Change Application

Short Form EIA

July 2015

Prepared By: FC Benavente, Planners

Doc. No. 34GL-17-0092.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
ENVIRONMENTAL IMPACT ASSESSMENT (SHORT FORM)
October 1999

GEPA has developed this EIA form for use by developers proposing projects or land use activities, which may pose only insignificant environmental impacts. This form is provided as an alternative to the EIA standard format provided to satisfy the requirements of Executive Order 96-26. If potential environmental impacts and issues are assessed or determined to be significant either by the applicant or GEPA, a more detail EIA may be required including a thorough presentation and discussion of alternatives as required by the *Guidelines for the Preparation of Environmental Impact Assessments and Statements* (GEPA October 1999).

This EIA format constitutes the minimum necessary assessment and disclosure of potential impacts for a project. This form may also be used as a preliminary scoping guide or checklist in consultation with the Agency.

Case No: _____

Project Title: **Our Lady of Peace Memporial Plan, Inc. - Zone Change Application From "A" to "C" on Lot 5223-1B-2-4NEW, Barrigada.**

1. Name, address and business telephone of applicant:

   Name: **Our lady of Peace Memorial Plan**
   Address: **PO Box 598, Hagatna, Guam 96932**
   Tel: **(671) 633-8426**

2. Name, title and telephone number of representative:

   FC Benavente, Planners
   127 Bejong Street
   Barrigada, GU 96913
   Tel: (671) 687-9865

3. Name, title and telephone number of EIA document preparer:

   Richard J. Sana, Principal
   FC Benavente, Planners
   127 Bejong Street
   Barrrigada, GU 96913
   Tel: (671) 687-9865

4. Location of the proposed project: (include tract, block, lot, municipality and a location map)

Lot 5223-1B-2-4NEW is located along Route 16 in Barrigada.



Figure 1. Aerial Vicinity Map Showing Location of Project Site.

5. Describe the general nature or type of proposed project:

This Zone Change request seeks to rezone the property from "A" to "C" in order to have uniform zoning of this lot with its primary use facility, the Our Lady of Peace funeral home.

6. Are the following critical environmental factors affected by the proposed project? If yes, describe the impact and state why it would not be significant. If not affected, provide reasons why. If more space is required refer to and attach additional sheets.

   a. Ground water recharge area:

Yes. The property, located in Barrigada, is acknowledged to be within the boundary of the Northern Guam Water lens area which encompasses the northern half of the entire island. This Zone Change application makes uniform the zoning of the lots comprising the Our Lady Of Peace funeral home complex. The subject lot is an existing, paved parking lot for the funeral home facility and was subjected to GEPA's permitting requirements to receive its construction and occupancy permits. Approval of this application is not expected to significantly impact the water recharge area.
See GEPA Northern Guam Sole Source Aquifer Map below – Figure 2.

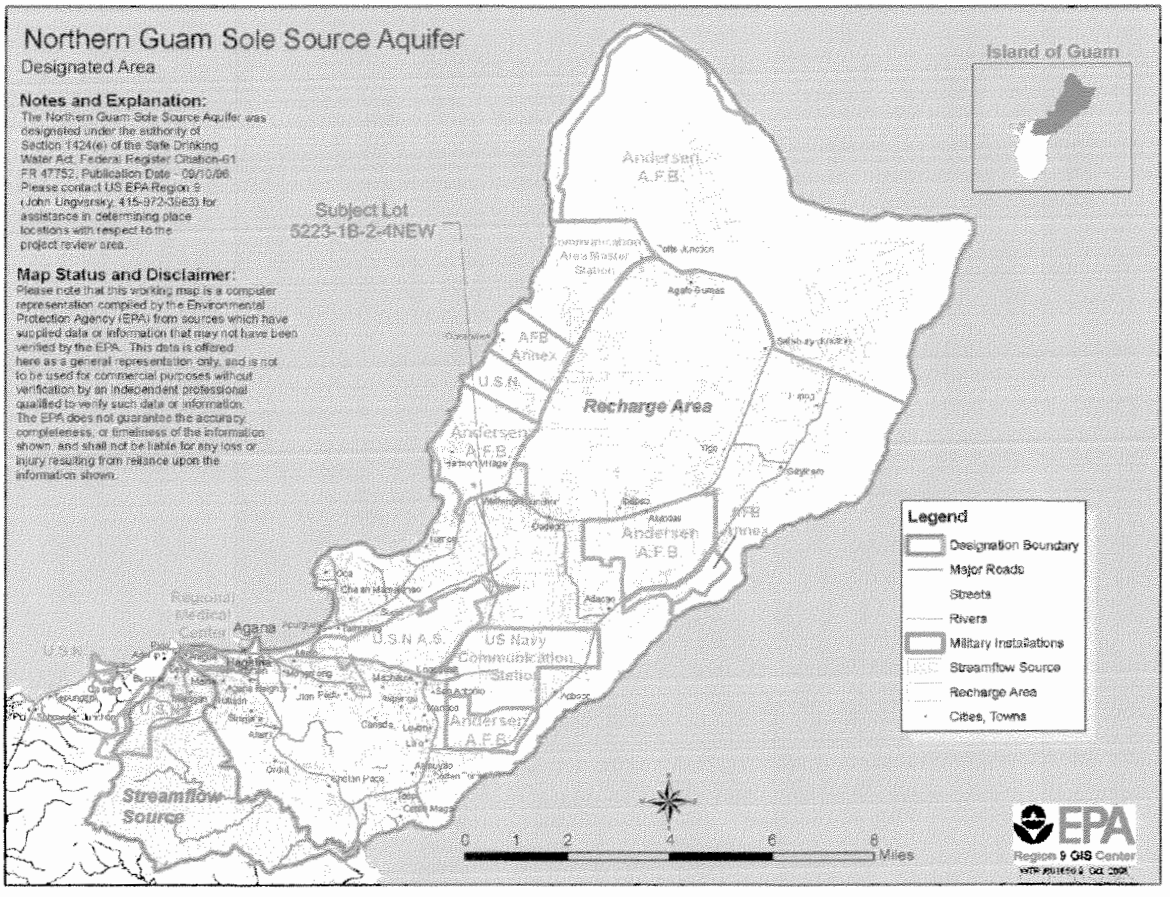


Figure 2. Northern Guam Sole Source Aquifer Map.

b. Watersheds:

Yes. Although located within a watershed area, as all property on Guam within the Northern Aquifer, the impact of the Zone Change is not expected to be significant.

c. Wellhead protection zone:

No. The property is not known to be located within a wellhead protection zone. Further assessment is ongoing for verification with GWA.

d. Streams, lakes, or ponds:

No. There are no natural streams, lakes or ponds on the property.

e. Marine waters:

No. The property is not close to or within marine waters.

f. Reef flats:

No. The property is not close to or within a reef flat.

g. Pristine forest:

No. The property is an existing parking lot, and is not close to or within a known pristine forest.

h. Critical habitat area:

No. The property is not close to or within a known designated critical habitat area.

i. Wetlands:

No. The property is not close to or within a known wetland area.

j. Flood hazard area:

No. The property is not close to or within a designated flood hazard area.

Doc. No. 34GL-17-0092.

k. Archaeological feature(s) or historical sites:

No. Preliminary research and discussions with DPR Historic Resources Division has revealed no known archaeological or historical features on site or within the immediate vicinity of the property.

7. Will the project result in any of the following environmental or infrastructure impacts.

a. Production of toxic or hazardous waste:

No. There is no plan for any site work at this time.

b. Dislocation of existing businesses, residents or public areas:

No. The property is presently a parking lot. There is no dislocation of any existing business, residents or public areas.

c. Production of air contaminants (temporary or permanent):

No. The property is presently a parking lot. It has been a parking lot for many years. The plan is for the property to continue being used as a parking lot.

8. Will the project require an increase in the requirements for any of the following public service (provide estimated quantities or volumes)? If answering yes to any of these items you must describe how the impact affects current infrastructure capacity. In addition, if the applicant/ developer proposes contributions or mitigation to offset impacts, describe the contribution or mitigation.

a. Drinking water:

No. The property is presently a parking lot. No drinking water impacts are anticipated on the property.

b. Sewage disposal (public system):

No. The property is presently a parking lot. No sewer impacts are anticipated on the property.

c. Vehicle traffic:

No. This zone change application for this Lot, will not generate any additional vehicle traffic. The property is presently used and will continue to be used as a parking lot for the adjacent funeral home, under the same ownership.

d. School System.

No.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions):

No. The total area of the property is approximately 0.48 acres. There are no immediate plans to clear and grade the property as the parking area is already improved.

10. Will the project utilize an individual waste water disposal system such as septic tank/leaching field system, secondary package treatment system...etc.?)

No.

11. Will the project include the use of above or below ground storage tanks for fuel or water?

No.

12. Does the project require permitting; land resources, financial and or other assistance from the federal government (please provide type of permit, issuing agency, application dates, and contact person)?

No.

13. Does the project include any special or unique features that are not covered above?

No. The project does not include special or unique features not covered above.

If preliminary construction drawing, site plans, or related documents are available please provide such as attachments. For more information and assistance you may call GEPA Environmental Planning & Review Division at 475-1662/3.

DECLARATION BY APPLICANT

Based on this assessment, it is reasonable to expect that this project will not result in significant adverse environment impacts. I/we hereby declare a "finding of no significant impact".

Applicant (Signature)
Richard J. Sana, Applicant's Representative

8/17/15
Date

Providing false or misleading information in this assessment may constitute grounds for permit and EIA suspension or disapproval until such time as the applicant or document preparer makes all appropriate amendments or corrections as required by Guam EPA. Statements made in this form are binding for the purpose of environmental protection and the preparer and/or applicant is responsible for the timely implementation of protection and mitigation measures identified. Failure to fulfill stated avoidance, minimization or mitigation measures may also constitute grounds for Agency enforcement actions to the full extent of all applicable environmental regulations and statues.

GEPA-EPR001 (12/12/96)

Exhibit J. Ownership Document

Doc. No. 34GL-17-0092.

The real property affected by this Instrument is described as: Lot No. 5223-1B-2-3, Barrigada, Guam. Registered Owners: Gerardo Insular Gaje and Linda Defensor Gaje Last Certificate of Title No. 68603	)	FOR RECORDER'S USE: 584199 27 98 223

WARRANTY DEED

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

KNOW YE, that **GERARDO INSULAR GAJE (SS# 586-05-1920) and LINDA DEFENSOR GAJE (SSN 586-05-7593)**, whose mailing address is Post Office Box 1414, Agana, Guam 96932, for and in consideration of the sum of **TEN DOLLARS** ($10.00), lawful money of the United States, and other good and valuable consideration, paid by **OUR LADY OF PEACE MEMORIAL PLAN, INC.,** the receipt whereof is hereby acknowledged, hereby give, grant, bargain, sell and convey into the said **OUR LADY OF PEACE MEMORIAL PLAN, INC.,** a Guam Corporation, whose mailing address is Post Office Box 598, Agana, Guam 96932, in fee simple, all that certain piece or parcel of land situated and located in the Municipality of Barrigada, Territory of Guam, described as follows:

> **Lot No. 5223-1B-2-3, Barrigada, Guam, Estate No. 14683, Suburban, as said Lot is marked and designated on Map Drawing No. U.S. 429-T67B recorded on June 9, 1967, in the Department of Land Management, Government of Guam under Insturment No. 80670.**
>
> **Area: 954 +/- Square Meters.**
> **Certificate of Title No. 68603**

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, passages, water, water-courses, rights, liberties, hereditaments and appurtenances, whatsoever thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate,

right, title, interest, property, claim and demand whatsoever, of them, the said Grantors, at law or in equity, in and to the same.

TO HAVE AND TO HOLD the same, together with all the hereditament and appurtenances thereunto belonging and in anywise appertaining unto the said Grantee, its successors and assigns, forever.

AND GRANTORS DO HEREBY for themselves and their successors and assigns, covenant with the said GRANTEE, its successors and assigns that they are lawfully seized in fee of the granted premises; that they are free from all encumbrances; that they have good right to sell the same as aforesaid; that they will and their successors and assigns shall warrant and defend the same to the said GRANTEE, their successors and assigns, forever, against the lawful claims and demands of all persons.

GRANTORS further certify that water and power are available within 100 feet of the above-described property. GRANTEE acknowledges such certification and agrees that the government shall not be obligated for water and power hook-ups.

IN WITNESS WHEREOF, we have hereunto set our hands this 18th day of May, 1998.

GRANTORS:

Gerardo I. Gaje
GERARDO INSULAR GAJE

Linda D. Gaje
LINDA DEFENSOR GAJE

WITNESS:

Genevieve Gaje-Dizon

GRANTEE:

OUR LADY OF PEACE MEMORIAL PLAN, INC.

By: _____
It's Duly Authorized Representative.
ROGELIO S. ALIM

Guam, U.S.A.,)
(ss:
City of Agana.)

On this 18th day of MAY, 1998, before me a Notary Public in and for Guam, U.S.A., personally appeared **GERARDO INSULAR GAJE and LINDA DEFENSOR GAJE**, known to me to be the persons whose names are subscribed to the foregoing WARRANTY DEED, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Alma A. Alojepan
NOTARY PUBLIC

ALMA A. ALOJEPAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: October 14, 2001
P.O. Box 2888 • Agana, Guam 96932

Guam, U.S.A.,)
City of Agana.) ss:

On this 18th day of MAY, 1998, before me, a Notary Public in and for Guam, U.S.A., personally appeared ROGELIO S. ALIM known to me to be the person who executed the Warranty Deed on behalf of the corporation **OUR LADY OF PEACE MEMORIAL PLAN, INC.**, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Alma A. Alojepan
NOTARY PUBLIC

ALMA A. ALOJEPAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: October 14, 2001
P.O. Box 2888 • Agana, Guam 96932

Registration under the Guam Land Title Registration Act requested by the Grantor. After registration, deliver copies to **Pacific American Title Insurance & Escrow Company,** Maite, Guam. The real property affected by this instrument is **registered land**, and the name of the last registered owner being Lydia Salazar Crueldad and the number of the certificate of last registration being No. 54725

Island of Guam, Government of Guam
Department of Land Management, Office of The Recorder

File for record is Instrument No. 630361

on the year 20 20, Month NOV, Day 30, Time 2:13

Recording Fee 18 | Receipt No. 1165427

Deputy Recorder Jed Cruz

(Space Above for Recorder's Use Only.)

WARRANTY DEED

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

KNOW YE, that **LYDIA SALAZAR CRUELDAD nka LYDIA NOSTRATIS (Social Security No.** 586-05-0678), a widowed woman, whose mailing address is P.O. Box 22581 Gmf Barrigada 96921, hereinafter referred to as "Grantor", for good and lawful consideration paid by, **OUR LADY OF PEACE MEMORIAL, INCORPORATED (TIN** 660466515), whose mailing address is P.O. BOX 598 HAGATNA GUAM 96932, hereinafter referred to as "Grantee", the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto the Grantee, in fee simple, as its Sole and Separate Property, the following

PATI:DEED:816 \ MJB:rlg

described parcel of property:

> LOT NO. 5223-1B-2-4, BARRIGADA, GUAM, ESTATE NO. 14691, SUBURBAN, as said lot is marked and designated on Map Drawing No. U.S. 429-T67 B, recorded under Instrument No. 80670, in the Department of Land Management, Government of Guam.
>
> The following is shown for information purposes only: Said map shows the area to be: 999 ± Square Meters; Certificate of Title No. 54725 issued to Lydia Salazar Crueldad.

TOGETHER with the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest, or demand whatsoever, of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all and singular the buildings, improvements, rights, ways, easements, streets, alleys, passages, water-courses, liberties, privileges, hereditaments, property, claim, and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee, in fee simple, as its Sole and Separate Property, and Grantee's successors and assigns.

AND said Grantor, for herself and Grantor's heirs, administrators and assigns, does hereby WARRANTY AND COVENANT with the Grantee and Grantee's successors and assigns, that Grantor is lawfully seized of the above described real property in fee simple; that the same is free and clear of all encumbrances, excepting easements, covenants and restrictions of record, and current real property taxes not yet due and payable; and that Grantor has good right to sell and convey said property, as aforesaid; that the Grantee shall have the right of quiet enjoyment of said property; and that Grantor and Grantor's heirs, administrators and assigns will WARRANT and DEFEND the same to the Grantee and Grantee's heirs, successors and assigns, against the lawful claims and demands

of all persons. Grantor makes no representation nor warranty that the Grantee may use the property for any particular purpose or that the Grantee may obtain a change of zone permit.

WATER AND POWER

We, the Grantor and the Grantee, AGREE that water and electric power are available on the Property or within one hundred feet (100') thereof. The Grantee is aware that the Government of Guam is not required to pay for water and power connection.

IN WITNESS WHEREOF, the Grantor and the Grantee have caused these presents to be duly executed on the dates noted below.

Dated: 11-30-00

GRANTOR: Lydia Salazar Crueldad NKA Lydia Nostratis

LYDIA SALAZAR CRUELDA nka LYDIA NOSTRATIS

GRANTEE:
OUR LADY OF PEACE MEMORIAL PLAN, INCORPORATED

Dated: 11.30.00

PHILIP J. FLORES
President/Chairman of the Board

///

///

GUAM, U.S.A.)
) ss:
CITY OF HAGÅTÑA)

ON THIS 30th day of November, 2000, before me a Notary Public in and for Guam, U.S.A., personally appeared **LYDIA SALAZAR CRUELDAD nka LYDIA NOSTRATIS**, who executed the foregoing instrument and she acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Antoinette C. Castro
NOTARY PUBLIC

ANTOINETTE C. CASTRO
NOTARY PUBLIC
In and for the Territory of Guam, U.S.A.
My Commission Expires: March 13, 2001
#715 Chalan Machaute, Route 8,
Suite 101, Maite, Guam 96927

GUAM, U.S.A.)
) ss:
CITY OF HAGÅTÑA)

ON THIS 30th day of November, 2000, before me, a Notary Public in and for Guam U.S.A., personally appeared **PHILIP J. FLORES**, known to me to be the President/Chairman of the Board of Our Lady of Peace Memorial Plan, Incorporated, whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed on behalf of Our Lady of Peace Memorial Plan, Incorporated for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Antoinette C. Castro
NOTARY PUBLIC

ANTOINETTE C. CASTRO
NOTARY PUBLIC
In and for the Territory of Guam, U.S.A.
My Commission Expires: March 13, 2001
#715 Chalan Machaute, Route 8,
Suite 101, Maite, Guam 96927