EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

GR#34-17-996

SEP 0 1 2017

Speaker Benjamin J.F. Cruz

SEP 19 2017
Time: 12:58 AM PM File No. 34-917
Received By:

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
The Thirty-Fourth Guam Legislature
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone for Lot 5224-1-8-2, Tract 308, in the Municipality of Barriagda, under Application No. 2015-39

Bueñas Yan Hafa Adai Speaker Cruz:

2017 SEP 22 AM 11:04

I am pleased to submit for 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, Sin-Hung Construction Corporation, represented by Harry D. Gutierrez, request to re-zone from "A" (Rural) to "M-1" (Light Industrial) zone for the proposed construction of a warehouse with office and covered structure for storage of light and heavy equipment, on Lot 5224-1-8-2, Tract 308, in the Municipality of Barrigada, under Application No. 2015-39.

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

Eddie Baza Calvo
Governor of Guam

0396

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910
Tel: (671) 472-8931/6 • Fax: (671) 477-4826 • www.governor.guam.gov

GR#34-17-3963

December 16, 2015
Public Hearing Notice for Residents
Sin-Hung Construction - Application No. 2015-39

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

Office of the Governor
Central Files
By: [signature]
Time: 2:25p Date: 8/29/17

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

[2015-39]

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 16, 2015

Dear Sir/Madam:

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

The Applicant, Sin-Hung Construction Corporation, represented by Harry D. Gutierrez, request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone to construct a warehouse with office and a covered shelter structure for storage of light & heavy equipment, on Lot 5224-1-8-2, Tract 308, the Municipality of Barrigada, under Application No. 2015-39.

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:	**January 7, 2016, Thursday**
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, **January 6, 2016, Wednesday.** 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

Office of the Governor
Central Files
Attachment B - Exhibit B

2015-39 - Zone Change
Sin-Hung Construction

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 $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 7921
Sent To: Bal DEVAMANI COMM'Y
Street, Apt. No.; or PO Box No.: Kizbelina
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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 $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 7938
Sent To: BELLO JOSE I DIANA
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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For delivery information visit our website at www.usps.com®
OFFICIAL USE
Postage $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8034
Sent To: BENAVENTE FRANCISCO
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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 $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8010
Sent To: Commercial Plumbing Supply
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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 $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8027
Sent To: Jumbo Management Corp.
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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 $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8041
Sent To: LENG CHANLIN & HUANG NING
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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For delivery information visit our website at www.usps.com®
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Postage $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 7963
Sent To: MAGIN JUNE BLAS
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8058
Sent To: ORION CONSTRUCTION CORP
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE
Postage $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 7990
Sent To: Wang Kinghung, Kevin & Kingsie
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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Postage $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8003
Sent To: WU QIANLIN & XIAOYU BAO
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

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OFFICIAL USE
Postage $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 7956
Sent To: HONG FENG ENT.
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com®
OFFICIAL USE
Postage $ .49
Certified Fee $3.45
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $ 3.94
Postmark Here DEC 2015 USPS BARRIGADA GU TAMUNING STA
7012 3460 0000 8484 8065
Sent To: SONG QIAN HONG & YANG ZHI XIA
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:
PS Form 3800, August 2006 See Reverse for Instructions

Attachment A - 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 28th day of AUGUST, 2017.

Ernest V. Santos
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 28th day of AUGUST, 2017.

Notary

JOHN J. GUMATAOTAO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 11, 2021
P.O. Box 2950 Hagatna, Guam 96932

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 **December 18th, 2015, I,** Ernest V. Santos deposited in the United States Postal Service, in Tamuning, Guam, via certified return receipt mail (attached as **Attachment A**), twelve (12) sealed envelopes, with postage fully prepaid, each containing a true copy of the Notice of Public Hearing for **Sin-Hung Construction *(2015-39)*** (attached as **Attachment B**) addressed to the following property owners:

1	Baldevarona Edgar B. & Rizalina R.	T308 L5224-1-9	POB 700 Hagatna GU 96932
2	Bello Jose JR. & Dolores B.	T308 L5224-1-7 & -6 and T308, L5224-1-20-11NEW	POB 23041 GMF Barrigada GU 96921
3	Benavente Francisco G.	L5224-2-4NEW-4, -3, -2	POB 22344 GMF Barrigada GU 96921
4	Commercial Plumbing Properties LLC	L5224-2-4NEW-5NEW	147 Duenas St Barrigada GU 96921
5	Jupiter Management Corporation	L5224-3-R4	POB 11468 Tamuning GU 96931
6	Hongfeng Enterprises Inc.	T308 L5224-1-8-1	POB 12261 Tamuning GU 96931
7	Leng Charles X. & Huang Ning	T308, L5224-1-19; T308 L5224-1-19-4, -3, -2 & -1	POB 12886 Tamuning GU 96931
8	Mayor June Ulloa Blas	Mayor Barrigada	POB 786 Hagatna GU 96932
9	Orion Construction Corp GU	T308, L5224-1-5-R1 & -1-5-1	POB 24348 Barrigada GU 96921
10	Song Dian Hong & Yang Zhi Xia	T308 L5224-1-18	POB 12261 Tamuning GU 96931
11	Wang Kirkland, Kervin & Kengie	T308 L5224-1-16	POB 3327 Hagatna GU 96932
12	Wu Qianlin & Xiao Yu Bao	T308 L5224-1-17	POB 27117 GMF Barrigada GU 96921

Exhibit B

CLASSIFIEDS

Place an ad **online** TODAY!
PDN Lobby Hours: **Monday–Friday 8am–5pm**
Guampdn.com/**Classifieds**
Or call **(671)472-1PDN (1736)**

Jobs Find a new job or career

Homes & Rentals Discover your new home

Auto Turn here for your next vehicle

Stuff Household, Furniture, Pets & Stuff

CLASSIFIED RATES

Package rates are consecutive run days. These rates don't apply to commercial customers. Please contact Customer Service at 472-1736. Some conditions apply.

RENTALS
GOOD: 3 Lines, 3 Consecutive Days $74.00
BETTER: 3 Lines, 7 Consecutive Days $94.00
BEST: 3 Lines, 10 Consecutive Days $109.00
$5 each additional line

ROOMMATES
Conditions/Restrictions: Roommate a person who shares a room or apartment with another or others.
GOOD: 3 Lines, 7 Consecutive Days $54.00
BETTER: 3 Lines, 10 Consecutive Days $69.00
$4 each additional line

AUTOMOTIVE PACKAGES
Automotive: Trucks, Bikes, Boats, Motorcycles
Conditions/Restrictions: One vehicle per ad for not more than 1 year.
GOOD: 3 Lines, 7 Consecutive Days $55.00
BETTER: 3 Lines, 10 Consecutive Days $62.00
BEST: 3 Lines, 14 Consecutive Days $75.00
$4 each additional line

SUPER DEALS
Personal Items below $500 in total value
GOOD: 3 Lines, 7 Consecutive Days $23.00
BETTER: 3 Lines, 10 Consecutive Days $31.00
BEST: 3 Lines, 14 Consecutive Days $38.00
Price must be included in the ad to qualify.
$4 each additional line

PRIVATE PARTY PLEASERS
Personal Items below $2,500 in total value
GOOD: 3 Lines, 7 Consecutive Days $31.00
BETTER: 3 Lines, 10 Consecutive Days $41.00
BEST: 3 Lines, 14 Consecutive Days $51.00
Price must be included in the ad to qualify.
$4 each additional line
Personal Items $2,501 and above
GOOD: 3 Lines, 7 Consecutive Days $56.00
BETTER: 3 Lines, 10 Consecutive Days $66.00
BEST: 3 Lines, 14 Consecutive Days $76.00
Price must be included in the ad to qualify.
$4 each additional line

GARAGE SALE
Fundraising, Rummage, Yard Sale
Conditions/Restrictions: 3 Consecutive Days
Ad format: Village, Date, Time
Garage Sale: Private residence
Rummage: School or Non-Profit organization
GOOD: 3 Lines, 3 Consecutive Days $23.00
BETTER: 3 Lines, 7 Consecutive Days $31.00
$4 each additional line

PETS
GOOD: 3 Lines, 7 Consecutive Days $23.00
BETTER: 3 Lines, 10 Consecutive Days $31.00
BEST: 3 Lines, 14 Days $38.00
$4 each additional line

EFFECTIVE 06/01/15

All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Pacific Daily News / Pacific Sunday News reserves the right to edit, revise, reject, classify or cancel any ad at any time. Under no circumstances will the Pacific Daily News / Pacific Sunday News be liable for any loss or expense that results from the publication of or omission of an advertisement. No refunds for early cancellation of order.

Automotive

Wheels
best deal for you...

Cars

BMW X5 2001 AC works $8,000 Miles $3,650 Please call 482-1128

Toyota 4Runner 2004 AT, AC, am/fm radio, 129k miles $6500. 727-8612 or 565-2588

Toyota Land Cruiser 1991 Asking $6,800 OBO 483-7106 or 477-0040

Motorcycles, Scooters

BEST DEAL
Yamaha Raptors 2012, 90cc & 250cc Selling as a pair. VERY low riding hours $4,500 Allen (671)864-0222

Professional Service
all your needs...

Construction Service

Renovation/Extension/Paint. Roof/Fence 8881941 or 6850503



Great Buys

Yard Sale
neighborly deals...

Garage & Moving Sales

Ded Sat/Sun 8a-2p Bags, Cithng, Dolls, Blu 2stry 118 Consolation St. nr Mayors Office. 483-5510

Adopt Me

Pets
all your favorites...

Domestic Pets

AKC Reg Staffordshire Bull Terrier puppies for sale. Call/text Brandon,747-7077

Careers

Jobs
new beginnings...

General

Accountant / Internal Auditor: Bachelor's degree in Accountancy (may be foreign equivalent), 60 months exp. as Internal Auditor or Accountant required. Supervise & accounting assistants in the accounts payable section's operations with monthly transactions covering both CNMI and Guam disbursements. Send resume to: The Micronesian Telecommunications Corporation dba IT&E, Attn: Shirley Dotts, P.O. Box 500306, Chalan Kanoa, Saipan, MP 96950

General

Accountant / Internal Auditor: Bachelor's degree in Business Administration/Commerce (may be foreign equivalent) 60 months exp. as Internal Auditor or Accountant required. Responsible for the analysis of capital expenditures ensuring that project costs are completely and accurately recorded in the continuing property records and in compliance with company guidelines, acct. principles and regulatory requirements. Send resume to: The Micronesian Telecommunications Corporation dba IT&E, Attn: Shirley Dotts, P.O. Box 500306, Chalan Kanoa, Saipan MP 96950

HVAC Mechanic/ABM Government Services is seeking a licensed Journeyman HVAC Mechanic to maintain, replace, and repair all systems, sub systems, components and associated devices for HVAC Refrigeration system, Building Automation System, and other systems associated with the operation of a medical facility and or hospital at Andersen Air Force Base. The individual must be knowledgeable to preform other general maintenance. To apply, please follow the link below or copy and paste it into your browser. https://abm.mua.hrdepartment.com/hr/ats/Posting/View/33054

Join the RE/MAX Team! We are Wanted: F/T, persons exp in plumbing, elect. or carpentry Send resume to jicruz@remaxguam.com

LSGSKYCHEFS seeks an Executive Sous Chef; Sr. Sanitation Supervisor; Equipment Supervisor; Administrative Clerk; Police/court/health cert. Required. Email resume to: luis.baza@lsgskychefs.com No calls please.

General

Toll Settlement Accountant: Bachelor's degree in Business Administration (may be foreign equivalent), 60 months exp. as Accountant or Internal Auditor required. Negotiate the best long distance destination telecommunication settlement rates with partner carriers. Send resume to: The Micronesian Telecommunications Corporation dba IT&E, Attn: Shirley Dotts, P.O. Box 500306, Chalan Kanoa, Saipan, MP 96950

Real Estate

Rentals
great places to live...

Apartments-Rent

YIGO/Duplex 2BD/1BA SEC 8 OK, Ref, Stove, Shutters, Wtr Htr, Lrg Prkg, Fenced $750 #5890219

Homes-Rent

Mangilao mobile home duplex $400 security deposit 734-1213

Nimitz Hill 3bd 2ba Carport, Shutters, AC & Appliances, Sec 8 & Military welcome 988-9312

Yigo 3 bdrm, 2 ba, 226 Chalan Okra Fully Furnished, no pets allowed, $1200 483-7307 jdevera@guam.net

Assorted

Stuff
all kinds of things...

Cemetery Lots

Guam Memorial Park Garden of Resurrection Burial Lot 44 Site 10 (Burial 2 people) Selling at $4,500 OBO 727-3668 or email jdiaz25@cox.net

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

PUBLIC HEARING NOTICE
Date: Januray 7, 2016
Time: 6:00 pm
Place: Barrigada Community Center

For: Sin-Hung Construction Corporation, Zone Change from "A" to "M-1" zone to construct a warehouse, office and structure for storage of light & heavy equipment, on Lot 5224-1-8-2, Tract 308, Barrigada. [2015-39]

Funding Source provided by the Applicant.

Guam Interagency Coordinating Council (ICC)
Quarterly Meeting

Date: Tuesday, December 29, 2015
Time: 4:30pm - 6:30pm
Location: University of Guam School of Business and Public Administration, Rm#129

Your attendance is highly encouraged.

For more information or special accommodations, please contact R-Leen at 300-5776/5816.

Online Classifieds at GuamPDN.com

To place your ads, please:

1. Log onto GuamPDN.com
2. Click on "Place an ad" under the Quick Links on the left blue side bar
3. Click on "Start Creating Your Ad Now"
4. Complete the form and Make Payment

Pacific Daily News
GuamPDN.com

Attachment B – 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: **January 7, 2016**
Time: **6:00 pm**
Place: **Barrigada Community Center**

For: Sin-Hung Construction Corporation, Zone Change from "A" to "M-1" zone to construct a warehouse, office and structure for storage of light & heavy equipment, on Lot 5224-1-8-2, Tract 308, Barrigada. [2015-39]

Funding Source provided by the Applicant.

Street Address:
)0 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@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

December 17, 2015

COPY

Pacific Daily News Advertising
P. O. Box DN
Agana, Guam 96910

Dear Sir/Madame:

Please publish this legal notice on a **2 X 2 inch** column, to appear on **December 27, 2015.**

Attached are check(s)/monies amounting to **$ 146.00** 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" x 2" = $146.00
(Government rate per inch column - $36.50)
Check(s)

Attachment A – Exhibit A

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 **December 17th, 2015**, 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 December 27th, 2015, for Application No. **2015-39 (Sin-Hung Construction Corporation)** to be heard on January 7th, 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 13th day of July, 2016.17

PATRICIA A. MUNA
Administrative Assistant

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 13th day of July, 2017.
~~2016.11~~

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

NOTARY PUBLIC T.A.C. TOVES FOR GUAM USA

Exhibit A

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

We, Commission have reviewed the application and find that, as presented by the applicant's and their representative and that all conditions imposed by the Commission and the Application Review Committee position statements for the zone change has been satisfied as well as the above section.

We, the Commission, find that from a planning perspective the site is best suited for light industrial activities, followed by commercial activities and other permitted uses.

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 **14th** day of **April**, **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

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.**

BE IT RESOLVED, that on the **14th** day of **April**, **2016**, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of **Sin Hung Construction** for a Zone Change of **Lot No. 5224-1-8-2-, Tract 308**, Municipality of **Barrigada**.

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

1. **Mr. John Z. Arroyo, Chairperson**
2. **Mr. Victor Cruz, Vice, Commissioner**
3. **Ms. Tricee Limtiaco, Commissioner**
4. **Mr. Tae Oh, Commissioner**

Appearing for the applicant were: **Mr. Harry D. Gutierrez, Consultant**

Also appearing and testifying on the above project was:

none in favor/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, b) **Public Necessity and Convenience**: **The following facts support a finding that public necessity and convenience justifies the zone change**:

We, Commission have reviewed the application and find that, as presented by the applicant's and their representative and that all conditions imposed by the Commission and the Application Review Committee position statements for the zone change has been satisfied as well as the above sections.

Reference No.: **Application 2015-39**

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

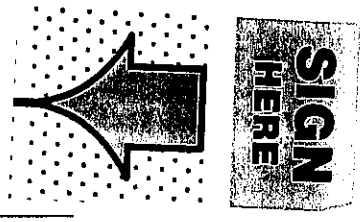
Upon review of the decision of the GLUC to approve the zone change and in accordance with Title 21 GCA §61634, I hereby indicate my decision below on the proposed change, and any changes approved shall be endorsed and delineated upon the zoning map, and shall constitute an amendment to such map pursuant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

[✓] **APPROVED**

[ ] **APPROVED IN WHOLE**

[ ] **DISAPPROVED**

EDDIE BAZA CALVO
Governor of Guam



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, a hearing on the Zone Change was held on the **7th day** of **January**, **2015**, in the Municipal District of **Barrigada** where the property to be rezoned was located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearing was published in a newspaper of general circulation on the _____ day of _____,____ as evidenced by an affidavit of publication attached as **Exhibit A.**

NOTICE OF ACTION **Application No. 2015-39**
Sin-Hung Construction, Guam &
Pejman Gounial
Represented by Harry D. Gutierrez
Lot 5224-1-8-2, Tract 308, Municipality of Barrigada
Date of GLUC Hearing: April 14, 2016
Date of Preparation of NOA: May 31, 2017

==========

CERTIFICATION OF UNDERSTANDING

I/We, _____/ Harry D. Gutierrez, Rep_____
(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.

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

==========

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

_____ _____ _____ _____
Applicant(s) Date Representative Date

NOTICE OF ACTION **Application No. 2015-39**
Sin-Hung Construction, Guam &
Pejman Gounial
Represented by Harry D. Gutierrez
Lot 5224-1-8-2, Tract 308, Municipality of Barrigada
Date of GLUC Hearing: April 14, 2016
Date of Preparation of NOA: May 31, 2017

APPLICATION DESCRIPTION:

The Applicant, Sin-Hung Construction, Guam & Pejman Gounial, represented by Harry D. Gutierrez, request approval for a Zone Change from "A" (Agricultural) to "M-1" (Light-Industrial) Zone in order to allow construction of a warehouse with office space and covered shelter for light and heavy equipment on Lot 5224-1-8-2, Tract 308, in the Municipality of Barrigada.

COMMISSION DECISION:

The Guam Land Use Commission **APPROVED** the Applicant's request without Conditions.

Marvin Q. Aguilar **Guam Chief Planner**	6/5/2017 **Date**	**John Z. Arroyo** **Chairman** **Guam Land Use Commission**	6/5/17 **Date**

Case Planner: Penmer c. Gulac

Cc: Building Permits Section, DPW (Attn: Bldg Official)
Real Property Division, Department of Revenue and Taxation

NOTICE OF ACTION **Application No. 2015-39**

Sin-Hung Construction, Guam &
Pejman Gounial
Represented by Harry D. Gutierrez
Lot 5224-1-8-2, Tract 308, Municipality of Barrigada
Date of GLUC Hearing: April 14, 2016
Date of Preparation of NOA: May 31, 2017

ZONING

__XX__/ **ZONE CHANGE *****

_____/ Conditional Use Permit

_____/ 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)

(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

May 31, 2017
Date

To: **Sin-Hung Construction, Guam &**
Pejman Gounial
Represented by Harry D. Gutierrez
c/o #119 Gutierrez Way
Agana Heights, Guam 96910

Application No. 2015-39

The Guam Land Use Commission, at its meeting on: **April 14, 2016**.

XX / Approved ____/ Disapproved ____/ Approved with No Conditions

____/ Tabled

Your request for a **Zone Change for Lot 5224-1-8-2, Tract 308 from "A" (Agricultural) to "M-1" (Light-Industrial) Zone, in the Municipality of Barrigada.**

Chairman Arroyo I think that these are just items that are required to be submitted with the application itself. I think that's what they're doing is that to complete the application they submit the information that is required to be submitted.

Vice Chairman Cruz go for it Harry ---

Harry Gutierrez my clients .... he and his partner finalized their agreement as per EPA's requirement they will do a site drawing for drain system, the catch basement, connection to the sewer and the layout of the units that are put there containers and the warehouse that was put there open warehouse. And they would have to I believe, correct me if I'm wrong, EPA would require that on their next building permit application and license and they have to renew their license under a different company. So EPA would get involve (sic). Notice was given to them already by EPA, Angel Marquez. They're very much concerned about the water runoff.

Vice Chairman Cruz so by the time they get their permit EPA will provide and your client would adhere to EPA's requirements.

Harry Gutierrez I notified the owners also and they have to hire an engineer for the sketch out.

Commissioner Limtiaco so Harry, I agree generally with our short-form EIA that you included with the exception of Item 7A & C. The question is very broad; *will the project result in any of the following environmental or infrastructure impacts.* The first one is the production of toxic or hazardous waste. I think the better answer would be possibly for that first one. You're asking us to rezone this to light industrial so a warehouse can be a warehouse for anything. It doesn't have to be a warehouse; it can be any use under the uses of this zone. And then for "C" production of air contaminants whether temporary or permanent, I'm very glad that you put "yes"; however, as far as significant impact I think a better question would be it would be based on the actual post-zone change uses. I just want to throw out that because I think that generally when these applications for zone changes M1 comes to us, we generally look in the area and we think well okay there's a bunch of different M1s. The situation is changing and you mentioned that yourself with Guam EPA. As there are more and more M1s that are changed, M1 lots that are rezoned to M1 one (excuse me) and they're all together, I think collectively it poses a much greater hazard. I just wanted to point that out in your EIA. Otherwise, I'm good.

Vice Chairman Cruz does anybody else have any questions for the applicant? If there's none, it's now open for public comments. Is there anybody for public comments?

Public Comments [None noted, public comments closed.]

Vice Chairman Cruz okay .... was there any ....

Commissioner Limtiaco so Mr. Vice Chair, we have all four Commissioners in the room. I would like to move if you don't mind.

I would like to move to approve Application No. 2015-39, zone change from "A" to "M1" on Lot number 5224-1-8-2, Tract 308, in the municipality of Barrigada; and the applicant shall adhere to all the ARC recommendations and Commission conditions.

Chairman Arroyo second.

Vice Chairman Cruz motion by Commissioner Limtiaco, second by Chairman Arroyo; discussion? [None noted]

All in favor of the motion say "aye" **[Chairman Arroyo, Vice Chair Arroyo, Commissioners Limtiaco and Oh]**, those oppose. Motion passes.

[Motion to approve Application 2015-39 was passed unanimously with a vote of 4 ayes, 0 nay.]

V. Administrative and Miscellaneous Matters

Order to Show Cause

E. The Applicant, Grandview Development, LLC; order to show cause as to the reason(s) for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013, under Application No. 2008-003B. **[Continuation: GLUC hearing of 1/14/2016]**
Case Planner: Frank Taitano

Marvin Aguilar reads the Commission brief to include purpose, facts, conditions noted on the previously approved Notice of Action, and recommendation. [For full content/context, please refer to Attachment E.]

[Attachment E – Commission Brief dated April 7, 2016]

Commissioner Limtiaco I have a question. In the staff report you had mentioned that the ongoing construction of the improvement for water, sewer, power, parking lot facilities is estimated at 18.25 percent completion. So, this application has a long history; we can go back to the Ino Corporation with their original plan. I just need to understand … 18.25 percent of what plan?

Marvin Aguilar at the last meeting as I recall they were doing a lot of external work at this time. So, they were revamping … they had purchased additional property for what is proposed, what is designed for the proposed parking and working out doing some work … installation of certain infrastructure to include water and I think the access into the property. There has been no work on the … within the internal building itself. I think that is based on the (undecipherable/inaudible) that they are waiting for a suitable occupant and they would improve at the renter's request.

Commissioner Limtiaco you mentioned that that as far as the improvements for water, sewer, power and parking facility, parking lot facilities that I was asking about at 18.25 percent completion. If I look in the applicant's package on Plan A-1 and title is Tumon Bay Shopping Center and it still says owner Ino and on the very bottom in the middle it says amended site plan. On the top right, there's a shaded area that says this shaded area is location of newly acquired lots 5126-2-1, -2-2, -2-R2, and it references big shaded area that says ground parking space area reserved for blah, blah, blah, blah, number 5 joint parking with the proposed with the Guam International Market which is going to be located across the street. So, my question is this application for Tumon Bay Shopping Center, but we had heard, the Commission had heard in the past that the same applicant that appears before to show cause regarding the Tumon Bay Shopping Center is also the owner of the Guam International....the lot that had been slated for the Guam International Market which is across. And we had heard also that the applicant does not intend to proceed with the Guam International Market at this time. **[Mr. Aguilar responds "yes ma'am.]** So if that is the case, does the scope of this large area which consists of at least three lots combined does the scope of the parking work changed? Has it reduced the footprint because they no longer will need to accommodate at this time the Guam International Market?

Frank Taitano (Case Planner) yes, it will be ... the number of parking will be reduced in the amount of parking that is required for the international market. And they actually withdrew that application, they're not proceeding.

Commissioner Limtiaco so, we focused on this application before us and specifically sheet A-1 still. If the grey area for the new parking, there's a large rectangular grey that shows the lot boundary line and half of that has a shaded hall out area. Generally it's a hall out area within the larger grey space. My question ... going back to 18.25 percent; so is that ... how am I supposed to (inaudible) area Mr. Chief Planner. Is it half of the area that will be completed for the parking improvements? Or are we still looking at the entire shaded lot?

Marvin Aguilar perhaps the applicant can expand on that, but what we've observed out there was extreme, significant ground preparation. What I mean by that is cutting of the property to the boundary line, putting up a retaining wall, improving on the easement coming into the property and there's also ....

Frank Taitano and we also have ... interject here; just prior to the meeting the applicant's representative provided me a copy of the transmittal letter and a new site plan. And I think the new site plan which is going to be provided by the applicant's representative would explain your question.

Chairman Arroyo how does the new site plan differ from the amended site plan in the application?

[Mr. Taitano asked the consultant to provide a copy of the amended site plan to the Commission – Exhibit 1. Commission takes a moment to review the site plan provided by the applicant.]

Commissioner Oh I second.

Vice Chairman Cruz discussion?

Chairman Arroyo the reason why we want you to come back on the LC is because we need to arrive at a dollar amount. I think that was the issue the last time you came here is we needed to arrive at a dollar amount. So, when you come back we need to know what would be the value of the LC. I think we need to make sure that it's 100 percent of the remaining work to be done.

Fred Yamon we looked into that Mr. Chairman; the value amount of the infrastructure cost is about 800,000 dollars.

Commissioner Limtiaco for Phase IA and 1B.

Fred Yamon part of the 3.615 million in the contract.

Chairman Arroyo I think the reason why we split this up into two; you didn't necessarily want to have to pay for such a huge performance bond so we said let's take a look at the infrastructure first and then we'll come back and we'll take a look at the building.

Vice Chairman Cruz so the performance bond we're looking for is for the current work which is actually the civil work.

Chairman Arroyo the remaining work to be done.

Vice Chairman Cruz remaining work to be done and at the sametime be researching another...whether you come back with a performance bond for insurance or by LC.

Chairman Arroyo we still need to talk about the mall itself because the expiry date that we have, the end of the year was only for the infrastructure. So, we need to come back and talk about the mall because we're talking about a four year horizon there.

Vice Chairman Cruz okay ... so all in favor of the motion **[Chairman Arroyo, Vice Chair Cruz, Commissioners Limtiaco and Oh]**, all opposed. **[Motion passes with 4 votes, 0 nay]**

Vice Chairman Cruz next motion ---

VI. Adjournment

Commissioner Limtiaco Mr. Vice Chair, if there is no other business to discuss I move to adjourn.

Commissioner Oh I second.

[Motion to adjourn made by Commissioner Limtiaco, affirmed by Commissioner Oh; with all in favor.]

The regular meeting of the Guam Land Use Commission for Thursday, April 14, 2016 was adjourned at 5:15 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

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

Date approved: 4/28/2016

Commissioner Limtiaco you need to correct that last lot number and the date.

Harry Gutierrez I'll have them both done tomorrow.

Vice Chairman Cruz so we order to continue this application until the next available which is the 28th.

[There was a brief discussion whether or not this application would have to be published in the newspaper. Chief Planner quotes for the record Chapter 5 GCA Section 8107 on Notices of Regular meetings; *any public agency which holds a meeting required by statute resolution shall give five (5) working days public notice and a second public notice at least forty-eight (48) hours prior to the start of the meeting.]*

Vice Chairman Cruz next item on the agenda –

Zone Change

B. The Applicant, Sin-Hung Construction Corporation represented by Harry D. Gutierrez; request for zone change from "A" (Agricultural) to "M1" (Light Industrial) zone, for the proposed construction of a warehouse, office spaces, equipment shelter and other permitted light industrial uses in an industrial zone, on Lot 5224-1-8-2, in the Municipality of Barrigada, under Application No. 2015-39. Case Planner: Penmer Gulac

Marvin Aguilar summarizes staff report to include purpose, facts, public hearing results, staff analysis/discussion, conclusion and recommendation. [For full content/context of the staff report please refer to Attachment B.]

[Attachment B – Staff Report dated April 13, 2016]

Commissioner Limtiaco Mr. Chief Planner, have you received anything from EPA?

Marvin Aguilar you have attached a summary of the ARC report, ARC comments. We have not received any position statement as of the crafting of this letter. Our ARC summary report is dated April 6, 2016.

Commissioner Limtiaco I do want to address one comment from the Bureau of Statistics and Plans which is their first comment regarding a detailed as-built plan of the lot which includes number of buildings and everything else. I wanted to address this because I believe that in the staff report and the general report it talks about a container that's on there. To me it's deemed temporary; and I don't believe that a temporary structure should necessarily be included on, necessarily as-built. But for zone changes and for this application in particular, an as-built plan that contains a container house on it or container storage is of no significance to me. I just wanted to address that.

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, ITC Bldg.
Thursday, April 14, 2016 • 1:45 p.m. to 5:15 p.m.

I. Notation of Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission for Thursday, April 14, 2016 at 1:45 p.m., noting a quorum.

Present today were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioners Tricee Limtiaco and Tae Oh, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Planning Staff Celine Cruz, Penmer Gulac and Frank Taitano and Recording Secretary Cristina Gutierrez

II. Approval of Minutes

Chairman Arroyo good afternoon everybody. Let's go through the Minutes before we talk about the rest of the agenda.

Today we need to approve the Minutes for two (2) meetings; the February 25th, 2016 (recessed) and March 10th, 2016 (reconvened/adjournment) Minutes. You've all had an opportunity to review them ---

Commissioner Limtiaco Mr. Chair, I'm sorry. The clarification...the meeting of March 10th wasn't that a continuation of the February 25th meeting?

Chairman Arroyo yes it was and so it should just be one meeting.

Commissioner Limtiaco held two different days.

Chairman Arroyo correct. So, if there aren't any questions ---

Commissioner Limtiaco Mr. Chair, I move to approve the Minutes of the Guam Land Use Commission's regular meeting which began on February 25th, 2016 and continued and completed on March 10th, 2016 with any edits or comments to be submitted to our Recording Secretary by end of business day.

Chairman Arroyo moved by Commissioner Limtiaco; can I have a second.

Vice Chairman Cruz I second.

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Public Attendance Record
Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

[X]	GLUC	[X]	Regular	Date:	Thursday, April 14, 2016
[ ]	GSPC	[ ]	Special	Time:	1:45pm
[ ]	Quorum	[ ]	No Quorum	Adjournment:	5:15pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
RTUDD THOMPSON		472 2089
Ray Roberto		
C. Kasperbauer		688.1462

GLUC Form 21 - GLUC Public Attendance Record Form - APRIL 2010

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Speaker's Sign-In Record
Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

[X]	GLUC	[X]	Regular	Date:	Thursday, April 14, 2016
[ ]	GSPC	[ ]	Special	Time:	1:45 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	5:15pm

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Harry Gutierrez	Micro & Sin Sang	4825315
Linda Swavely	Happy Conda 8	649-2227
TERRY BROOKS	ABT	472-6845
DAN SAVAVECH	ABT	688-8025
R. TODD THOMPSON	ABC, INC.	4722089
Steven Kasperbauer	Almighty Beach Club	687-5381
Harry Sampson	ABC	727-5381
Richard Sana	PCB Planners	687-9865

GLUC Form 20 - GLUC Speaker Log Record Form - APRIL 2010

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting:	Thursday, April 14, 2016	[X]	GLUC	[ ]	GSPC
		[X]	Regular	[ ]	Regular
Time of Meeting:	1:45pm	[ ]	Special	[ ]	Special
		[✓]	Quorum	[ ]	Quorum
		[ ]	Non-Quorum	[ ]	Non-Quorum

COMMISSION MEMBERS	SIGNATURE
John Z. Arroyo, Chairman	
Conchita D. Bathan, Commissioner	Excused Absence
Beatrice "Tricee" P. Limtiaco, Commissioner	
Victor F. Cruz, Commissioner	
Tae S. Oh, Commissioner	
Vacant, Commissioner	
Vacant, Commissioner	

Michael J.B. Borja, Executive Secretary	
Kristan K. Finney, Legal Counsel	
Marvin Q. Aguilar, Chief Planner	
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	
Celine Cruz, Planner IV	
Jeffrey Baker, Planner II	
M. Cristina Gutierrez, WPS II	

ADJOURNMENT: 5:15pm

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, April 14, 2016

Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

[Excused Absence: Commissioner Conchita Bathan]

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

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

File for Record is Instrument No. 892025

On the Year 16 Month 05 Day 02 Time 4:04
DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder Jane Yamasaki
JANE T. YAMASAKI

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, April 14, 2016
1:45 p.m. to 5:15 p.m.

Attachment 8

B. The Applicant, Sin-Hung Construction Corporation represented by Harry D. Gutierrez; request for zone change from "A" (Agricultural) to "M1" (Light Industrial) zone, for the proposed construction of a warehouse, office spaces, equipment shelter and other permitted use in a light industrial zone, on Lot 5224-1-8-2, Tract 308 in the Municipality of Barrigada, under Application No. 2015-39.
Case Planner: Penmer Gulac
Action – Motion to approve the applicant's request for a zone change was passed unanimously by the Commission. [4 ayes, 0 nay]

V. Administrative and Miscellaneous Matters

Horizontal Property Regime

C. The Applicant, Karen Young S. Kim (Developer) represented by Melinda S. Swavely, Esq.; requests issuance of its Seventh Supplementary Final Public Report Happy Condo located on Lot 10, Block 1, in the Municipality of Tamuning, HRP No. 160, under Application No. 2008-78G.
Case Planner: Celine Cruz
Action – Commission approved unanimously the applicant's request for issuance of its 7th Supplementary Final Public Report with an expiration date of May 14, 2017. [4 ayes, 0 nay]

D. The Applicant, Alupang Beach Tower; requests issuance of its supplementary final public report for Alupang Beach Tower Condominiums, on Lot #2015-1-REM-NEW-2 and Lot 131-REV-Unit 1, in the Municipality of Tamuning, in a "C" (Commercial) zone, HPR No. 92, under Application No. 1992-39C.
Case Planner: Celine Cruz
Action – Commission was not ready at this point to make a decision on this application. Chairman Arroyo ordered the continuation of this application; and, placed back on the May 12, 2016 agenda for further discussion and/or decision.

Order to Show Cause

E. The Applicant, Grandview Development, LLC; order to show cause as to the reason(s) for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013, under Application No. 2008-003B. **[Continuation: GLUC Hearing – January 14, 2016]**
Case Planner: Frank Taitano
Action – Commission accepted the applicant's 6-month status report which included a portion of the amended Site Development Plan (dated April 4, 2016) that focuses strictly on the proposed Tumon Bay mall structure and revised parking area. In addition, it was the order of the Commission that the Order to Show Cause be continued and that the applicant returns to the Commission to address the financial assurance portion of this project (Letter of Credit dollar amount).

VI. Adjournment [There being no further business to be discussed, meeting was adjourned at 5:15 p.m.]

GUAM LAND USE COMMISSION

Chairman John Z. Arroyo
Commissioner Conchita D. Bathan
Commissioner Tricee P. Limtiaco

Vice Chairman Victor F. Cruz
Commissioner Tae S. Oh
Commissioner (Vacant-2)

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

AGENDA - Disposition

Regular Meeting

Thursday, April 14, 2016 @ 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

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

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioners Tricee Limtiaco and Tae Oh, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Planning Staff Celine Cruz, Penmer Gulac and Frank Taitano, and Recording Secretary Cristina Gutierrez

[Excused absence – Commissioner Conchita Bathan]

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, February 25, 2016/March 10, 2016

[It was clarified that the hearing of March 10, 2016 was a continuation of the February 25, 2016 meeting. Motion to approve the Minutes of February 25, 2016 and adjourned on March 10, 2016 was passed unanimously with a vote of 4 ayes, 0 nay.]

III. Old or Unfinished Business [None noted by the Chief Planner]

IV. New Business

Zone Change

A. The Applicant, Goodwind Development Corporation represented by Harry D. Gutierrez; request for zone change from "A" (Agricultural) to "M1" (Light Industrial) zone for the proposed construction of warehouses, office spaces and equipment parking, on Lots 5326-8, 5326-12, 5326-14, 5326-4-1, 5326-4-2-R1, in the Municipality of Dededo, under Application No. 2015-35. **[Postponed from GLUC Hearing of February 25, 2016]**
Case Planner: Penmer Gulac
[It was the order of the Commission to continue the hearing of this application pending correction of lot numbers noted on the Notice to Rezone billboard sign. Application is tentatively scheduled for 4/28/2016]

Attachment 7

NOTICE OF GOVERNMENT MEETING

The Guam Building Code Council regular board meeting will be held on **Tuesday, April 19, 2016** at 5:30pm at the Contractors License Board conference room, located at 542 North Marine Corps Drive in Upper Tumon.

For any special accommodations, please contact our office at 649-2211/9676.

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Upper Tumon, Pacifica Bldg., Marine Drive
Tel: 647-5626
Fax: 646-6040
*subject to credit approval

GUAM LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: 649-5263 Ext. 371: Fax: 649-5383

EDDIE BAZA CALVO, Governor
RAY TENORIO, Lieutenant Governor
MICHAEL J.B. BORJA, Director
DAVID V. CAMACHO, Deputy Director

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, April 14, 2016 at 1:30 pm, at the Department of Land Management Conference Room, 590 S. Marine Corps Dr. 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of GLUC Minutes - February 25, 2016 and March 10, 2016
III. Old Business [None]
IV. New Business

Zone Change

A. Goodwind Development Corp.; zone change request from "A" to "M1" zone for the proposed construction of warehouses, office spaces and equipment parking on Lots 5326-8, -12, -14, -4-1, & -4-2-R1, Dededo. [2015-35]
B. Sin-Hung Construction Corp.; zone change from "A" to "M 1" zone for the proposed construction of warehouse, office spaces, equipment shelter & other permitted use in a light industrial zone, Lot 5224-1-8-2, Barrigada. [2015-39]

V. Administrative & Miscellaneous Matters

Horizontal Property Regime

C. Karen V.S. Kim; requests issuance of its Seventh Supplementary Final Public Report for Happy Condo, Lot 10, Block 1, Tamuning, HPR No. 160. [2008-78G]
D. Alupang Beach Tower; requests issuance of its Supplementary Final Public Report for Alupang Beach Tower Condominiums, Lot #2015-1-REM-NEW-2 and Lot 131-REV-Unit 1, Tamuning, HPR No. 92. [1992-39C]

Order to Show Cause

E. Grandview Development, LLC; Order to Show cause as to reason(s) for failure to comply with the conditions of approval of an amended TDP for the Tumon Grandview Shopping Mall, Tamuning. [2008-003B] **[Continuation - GLUC Hearing of January 14, 2016]**

VI. Adjournment

Funding Source for this ad provided by the App/icant(s) above.
Person(s) requiring special accommodations
please call 649-5263 Ext. 375

ROLLBACK continued from page 1

a look here at where we're going with our votes," he said.

With that in mind, Leon Guerrero's group is proposing a referendum that aims to roll back the salaries of senators, the lieutenant governor and the governor to what it was prior to Nov. 21, 2014. At the time, senators were paid $60,000, the lieutenant governor was paid $85,000 and the governor was paid $90,000.

"Every single one of these people ran for office when the salary was $61,000 a year," Leon Guerrero said of the 33rd Guam Legislature. "That $61,000 didn't stop them from running for office. They claim that in order for us to attract quality candidates we need to raise it to ($85,000). So what does that say about them?"

The group is also proposing that any future adjustments to the salaries of elected officials will have to be determined through another voter referendum.

Part-time legislature

Lawmakers have three duties outlined in the Organic Act: make policy, pass budgets and approve appointments, Leon Guerrero said. These duties can be done by a part-time legislature, he said.

The CPA is also proposing that the legislature become a part-time body with job-protection guarantee. This proposal, according to Leon Guerrero, is made with the intent to guard the full-time employment positions any part-time senators may also have.

With the salaries passed in 2014, Guam senators are the third highest paid state or territorial lawmakers in America, paid less than only Pennsylvania and California state senators, who are paid $85,338 and $97,197 annually. "What's the justification?" Leon Guerrero asked. "This group of legislators has proven to us that they are in it for themselves."

With the primary election 141 days away, politicians have recently made moves to "distract" the electorate from the raises and other substantial issues, and instead are vying for "political sound bytes," Leon Guerrero said yesterday.

He pointed to recent headlines about war reparations, a private partnership for Guam Memorial Hospital, decriminalizing medical marijuana and a decolonization vote. These election-year efforts initiated by elected officials are not supported with concrete plans and would take longer to complete than the time between now and the general election, according to Leon Guerrero.

"In the past, what would happen, is after a few weeks a few months, the public would have forgotten about it but they haven't forgotten about it," he said.

Earlier this year, Bill 204-33 was passed by this crop of senators to roll back the raises for elected and appointed officials. It had been previously entertained in November 2015 but was voted down in a 7-8 vote. With Sen. Tina Muña-Barnes absent from January session, the resurrected bill passed with a 9-5 vote. Gov. Eddie Calvo's veto brought the measure back to the legislative body, but senators were unable to override the veto and effectively kept their pay hikes.

Leon Guerrero said that he contacted the five senators who initially voted against Bill 204, hoping to change their minds so they might vote for the override. He also contacted Muña-Barnes. Sens. Frank Blas, Dennis Rodriguez and Tony Ada did not return his calls. Sens. Muña-Barnes, Tommy Morrison and Brant McCreadie said they would not change their minds, according to Leon Guerrero.

The raises ranged from $15,917.00 to $40,000 and were granted through legislation introduced by Adelup, passed by lawmakers in the 32nd Guam Legislature and signed into law by the lieutenant governor. Public Law 32-208 which was enacted about two weeks after the incumbent Calvo-Tenorio administration were re-elected to their second term, and most incumbent senators were also re-elected. As per the law, Gov. Eddie Calvo and Lt. Gov Ray Tenorio have been paid $130,000 and $110,000, respectively, in annual salaries.

Village meetings

Citizens for Public Accountability will be hosting village presentations about their referendum. The next meeting is at the Santa Rita Senior Center on April 13 at 5:30 p.m.

For more information, email c4paguam@gmail.com

GUAM LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: 649-5263 Ext. 371; Fax: 649-5383

EDDIE BAZA CALVO, Governor
RAY TENORIO, Lieutenant Governor
MICHAEL J.B. SORIA, Director
BRENDA V. CAMACHO, Deputy Director

AGENDA

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II. Approval of GLUC Minutes - February 25, 2016 and March 10, 2016
III. Old Business [None]
IV. New Business

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V. Administrative & Miscellaneous Matters

Horizontal Property Regime

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VI. Adjournment

Funding Source for this ad provided by the App/icant(s) above.
Person(s) requiring special accommodations
please call 649-5263 Ext. 375

Sen. Thomas Ada
Committee on Lands and Transportation

Public Hearing and Roundtable Notice

Thursday, April 14, 2016, 9am and 2pm
I Liheslaturan Guahan, Public Hearing Room

AGENDA FOR PUBLIC HEARING

9:00 AM:

Bill No. 290-33 (COR) – T.C. Ada
An act to place tract 3620 (formerly lot 381-2, Municipality of *Inarajan*) under the administrative jurisdiction of the Office of the Mayor of *Inarajan* and the *Inarajan* Municipal Planning Council.

Bill No. 287-33 (COR) – R.J. Respicio/M.C. Torres
An act to establish the Southern River Erosion Council and to mandate the creation of multi-year masterplans to address the erosion issues related to rivers in southern Guam.

Bill No. 284-33 (COR) – R.J. Respicio
An act to amend Section 3219 (c) of Chapter 3 of Title 16 of the Guam Code Annotated to amend the notice requirement for the sale of used tires.

Bill No. 276-33 (COR) – T.R. Muña Barnes/T.T. Won Pat, Ed.D
An act to add a new §75125 to Title 21, Guam Code Annotated, relative to designating a portion of lot 5133-1, *Tumon, Dededo, Guam* as a biodiversity conservation easement for the purpose of providing an area for the preservation of indigenous biodiversity.

2:00 PM ROUNDTABLE AGENDA

Bill No. 162-33 (COR) – T.C. Ada
An act to amend articles 3, 9, and 12 of Chapter 5, Title 5 Guam Code Annotated by amending § 5201, 5210, 5211,5214, 5215, 5216, 5217, 5219, 5220,5230, 5231, 5232, 5233, 5235, 5237, 5240, 5245, 5248, 5249, 5251, 5252, and to add a new § 5212, § 5221, and 5254 relative to source selection and contract formation and to amend §§ 5425, 5426, 5427, 5450, 5452, 5480, 5481 and 5485(a) and (b) of article 9; and amend §§ 5703, 5705, 5706(b), 5707(a) and 5708, and add a new § 5710 relative to legal and contractual remedies in Guam Procurement Law.

Individuals requiring special accommodations should submit request to Blaine Dydasco at 473-3301.
Paid for by funds of the Committee on Lands and Transportation
www.senatorada.org

Attachment 6

10. **Historic Preservation**. To preserve historic properties and artifacts, the applicants are advised to coordinate with the Department of Parks and Recreation (DPR), Guam Historic Resources Division, especially if excavation is involved.

The project and the area appears to be in line with the North and Central Guam Land Use Plan (NCGLUP) Goal Land Use 1: *"Establish land use categories that provide for a mix of residential, commercial, civic, and industrial development to meet future population and employment needs."* As well it appears to be compatible with the Future Land Use Map in the NCGLUP.

Considering the growing concerns of development to the environment and our community, the applicant should be required to incorporate sustainable community development as specified in the NCGLUP Goal Land Use 2, Policy Land Use 5 in the project specifications as well as address the recommendations of this position statement should the application be approved.

> *"Goal Land Use 2: Promote sustainable community development.*
> *Policy LU-5: Promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks, transit-oriented and transit-ready development, improved networks for walking and wheeling, site design to promote renewable energy use, and other measures."*

In light of the points presented in the application, the Bureau finds that the proposed project will affect the landscape, water quality, and surrounding area if best management measures conducive to industrial uses are not in place. Furthermore, the application lacks sufficient information on the project.

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

Control Field Guide. The applicant is advised to work with GEPA for best management practices.

6. **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), impervious surfaces in this watershed classified as the Mataguac Spring-Frontal Pacific Ocean Watershed have increased by 5.17 percent from 2005 to 2011, while the total net loss of forest is -1.96 percent. The new construction of warehouse, storage, and offices will increase impervious surfaces for this watershed.

   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 landscaping design as a means to reduce runoff and control erosion from their property. An electronic file of the guidebook *Island Stormwater Practice Design Specifications* is available at the Bureau's, Guam Coastal Management Program (GCMP) office.

7. **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 or near shore waters. The applicant is encouraged to consult with GEPA regarding their Pesticide Control Program.

8. **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".

9. **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."*

a. *Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;*
b. Mopping the workshop floor rather than hosing
c. Surrounding storage areas with containment berms to control leaks or spills; and
d. Employee training to manage waste and materials properly.

2.) 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.

4. **Stormwater Management.** The project does not have a layout or a drainage plan. Industrial activities can produce high concentrations of pollutants. Industrial sites are classified as stormwater hotspots which is defined in the *CNMI Guam Stormwater Management Manual* as "*a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxins than are found in typical stormwater runoff, based on monitoring studies.*" The Bureau is concerned that activities generated from this proposed industrial site may severely impair the water quality of the NGLA.

   Additionally, according to "Stormwater Treatment Practice Criteria and Standards" chapter 2 in the *CNMI Guam Stormwater Management Manual*:

   1. *"...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."*

   2. *"...a greater level of stormwater treatment is needed at hotspot sites to prevent pollutant wash off after construction. This will involve preparing and implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices at the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants."*

   Therefore, should this application be approved, the Bureau recommends the applicant to consult with the GEPA on creating a SWPP and install appropriate stormwater methods that will address runoff and hazardous waste.

5. **Erosion Control.** The Bureau advises the applicant to implement erosion control methods to prevent sediment from leaving the project site before, during, and after construction pursuant to the *CNMI Guam Stormwater Management Manual* and *Erosion and Sediment*

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-made features.

The Bureau recommends the applicant submit the detailed information as required.

2. **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 submit the Agricultural Impact Statement as required.

3. **Water Source Protection from Industrial Waste.** The applicant's property is located on 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 Bureau is concerned that industrial activities would have an adverse effect to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (GEPA) to:

> 1.) Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:

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 04 2015

12-4-15
RECEIVED
Land Mgt.
Planning Div.

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2015-39; **LOCATION:** Lot No. 5224-1-8-2, Tract 308, Barrigada; **APPLICANT:** Sin-Hung Construction Corporation, c/o Harry D. Gutierrez; **PROPOSED USE:** Rezone property from "A" (Agriculture) to "M1" (Light-Industrial) to construct a warehouse, office spaces, and equipment shelter.

Buenas yan Håfa Adai! The applicant, Sin-Hung Construction Corporation represented by Harry D. Gutierrez, is requesting a zone change for Lot No. 5224-1-8-2, Tract 308 located in the Belo area in the municipality of Barrigada from an "A" Agricultural to "M1" Light Industrial. The request to rezone the subject lot will allow the existing lot currently with a container house and a tin-covered vehicle shelter to become a light industrial zone. The project proposes to construct a warehouse, offices, and equipment shelter for permitted uses in an M1 zone. The subject property has an area of 19, 285 (±) square feet or a total of 0.44 (±) acre. The basic infrastructure of sewer, power and water are within the area.

The Guam Resource Environmental Assessment Tool Map identifies the surrounding land zones to be agricultural lots with Government of Guam lands directly abutting the subject property. However, within the 500-1,000 foot radius there are several lots designated light industrial to include the property directly across the subject lot.

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

1. **Zone Change.** The application lacks the following as required by GLUC Form 02- Revised April 2010:

   5e. A detailed As-Built Plan of the lot shall include the following:
   1.) Total number and types of building;
   3.) Layouts of utilities and drainage;
   4.) Proposed lot coverage of building(s) and accessories in square meter/feet;
   5.) Approximate gross and net densities allowed on parcel;

Doc. No. 34 GL-17-0996

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

RECEIVED
OCT 15 2015
Department of Land Management
Time 2:52 Intl

10-15-15

October 09, 2015

MEMORANDUM

TO: Director, Department of Land Management (DLM)

Send to zone planner
10/15

FROM: Director

APPLICANT: Sin-Hung Construction

SUBJECT: Position Statement No. 2015- 39
Zone Change from "A" (Agricultural) to "M-1" (Light Industrial) Zone on Lot 5224-1- 8-2. Tract 308, Barrigada

Buenas yan Hafa Adai!

The applicant, Sin-Hung Construction proposes to zone change from "A-1" to "M-1" on the above subject lot with an estimated area of 1.791 square meters or 19, 285 square feet and is located in the Belo road area, lower Barrigada. The proposed warehouse and a small office on the property would be consistent with the current land uses in the immediate area and is within the radius of 100 to 3,000 feet and is within the Municipality of Barrigada.

The Department of Public works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- adequate egress/ingress must be wide enough for the entry/exit of heavy equipment;
- if the existing metal container will be utilize as an office space, this must be mounted and vaulted in a concrete pad for safety.

Must comply with all the applicable rules, regulations and design drawings must meet all the requirements in conformance with the latest building code requirements prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, 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 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
Acting Director

William N. Reyes
Deputy Director

RECEIVED
NOV 16 2015
Department of Land Management
Time 1:30 rec'd MD

In reply refer to:
RC2015-0926

November 12, 2015

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on: DLM Application No. 2015-39 Zone Change for Lot 5224-1-8-2, Tract 308, Barrigada, for Sin-Hung Construction Corporation, Guam & Pejman Gounial (REP), c/o Harry Gutierrez

We reviewed the subject application, submitted by Consultant, Harry D. Gutierrez, on behalf of the applicants, Sin-Hung Construction Corporation, Guam & Pejman Gounial (Rep), owner of subject lot. The applicants are requesting a rezone of their lot, from "A" (Agricultural) to "M-1" (Light-Industrial) in order to be compatible with the same zone within the vicinity.

The subject lot, consisting of 1,791.63 square meters, is in the Bello area of Lower Barrigada, and the surrounding area is predominately of M-1 zone compatible uses. Based on our archaeological knowledge of the area, and although the property has a low to no probability that cultural resources will be present the area will be subject to inspection should any development or unforeseen events occur. In light of the above, we have no objection to the approval of subject application.

If you have any questions with regards to our position, please contact our office at 475-6339.

Robert S. Lizama
Acting

Cc: Harry D. Gutierrez, Consultant/Representative

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Sin-Hung Construction Corporation
Location: Lots 5224-1-8-2, Tract 308, Barrigada

Type of Application: Zone Change
GLUC/GSPC Application No. 2015-39
Brief Project Description:
"A" to "M-1" to construct a warehouse.

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

Ema-10-09

GUAM POWER AUTHORITY

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

October 19, 2015

RECEIVED
OCT 2 8 2015
Department of Land Management
Time 4:50 rec'd

MEMORANDUM

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

From: General Manager

Subject: Lots 5224-1-8-2, Tract 308, Municipality of Barrigada, (Sin-Hung Construction Corporation); Zone Change Application from "A" (Agricultural) to "M-1" (Light-Industrial) to construct a warehouse. **Application No. 2015-39**

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.

JOHN M. BENAVENTE, P.E.

ASG/arp

RECEIVED

1. Existing water and sewer lines are located along Duenas Road. GWA recommends coordination with the GWA Engineering Department well in advance of the building permit application submittal including, verification of backflow preventer requirements. Backflow preventers are required for non-residential activities.

2. Discussions with the GWA Engineering Department shall include the estimated water demand and sewer production calculations in order to determine if the existing water and sewer systems can support the proposed development.

3. If water and sewer infrastructure facilities are installed by the developer, they will require prior approval and shall be subject to inspection by GWA.

4. The applicant shall install the water meters in the right of way or easement. If an existing meter is already present, it must be in compliance with the GWA Rules and Regulations.

5. If the development will include a food preparation facility, then a grease trap shall be required.

6. New development is subject to water and/or sewer system development charges (SDC).

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

RECEIVED
12/10/2015
Planning

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

RECEIVED
DEC 11 2015
Department of Land Management
Time 9:17 Intl

Recvd 11/30/15

MEMORANDUM

November 25, 2015

TO: Director, Department of Land Management

FROM: Greg P. Cruz, Acting General Manager

SUBJECT: Position Statement on Zone Change Application No. 2015-39 for Lot 5224-1-8-2, Tract 308, in the Municipality of Barrigada.

APPLICANT: Sin-Hung Construction Corporation, Guam & Pejman Gounial (Rep)

The Guam Waterworks Authority (GWA) has reviewed the applicant's request to change the subject property zoning from "A" (Agricultural) to "M-1" (Light-Industrial) Zone to construct a warehouse, office spaces, and equipment shelter on Lot 5224-1-8-2, Tract 308, in the Municipality of Barrigada.

This memorandum shall serve as GWA's position statement to the zone change request related to the 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 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:

Q4

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

Ref 2015-34

Department of Agriculture
Dipåttamenton 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

March 30, 2016
Memorandum

To: Director, Department of Land Management

Attn: Executive Secretary, Guam Land Use Commission and Guam Seashore Protection Commission

From: Director of Agriculture

Subject: **"Agricultural and Environmental Impact Statement" for a Zone change request on Lot 5224-1-8-2 Tract 308 Located in the Belo area of Lower Barrigada (Sin Hun Construction c/o Harry Gutierrez (119 Gutierrez Way Agana Heights, Guam 96910).**

Agriculture has reviewed the subject lot for a "Zone Change" request and does not oppose the development provided the following conditions and concerns are met to prevent major ecological damage to include erosion and leaching of industrial and other chemicals and liquids associated with this type of zoning and usage. The removal of Guam's vegetation of its indigenous flora and fauna species creates the loss of the benefits that these species provide to our island such as sedimentation control and soil system preservation. It is therefore vital that a comprehensive Landscaping Plan that incorporates the use of Indigenous and or fruit and ornamental varieties of trees that will help restore capabilities of this micro and macro ecosystem. 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.

6. **ENVIROMENTAL PROTECTION AGENCY (GEPA):**
No Position Statement Received as of Staff Report Date.

7. **GUAM POWER AUTHORITY (GPA):**

No Objections with recommendations and requirements noted.

8. **DEPARTMETN OF AGRICULTURE (DoAG):**

No Objections with Recommendation on AIS (Attached)

EX OFFICIO

1. **GUAM FIRE DEPARTMENT (GFD):**
No Position Statement Received as of Staff Report Date

2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):**
NO OBJECTIONS.

3. **DEPARTMENT OF EDUCATION (DOE):**
Has not submitted a Position Statement as of Staff Report date.

4. **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS):**
Has not submitted a Position Statement as of Staff Report date.

Marvin Q. Aguilar
Guam Chief Planner

Case Planner: Penmer Gulac
ATTACHMENTS: Position Statements as noted

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

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

Website:
http://land.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 Guahan)

EDDIE BAZA CALVO
Governor of Guahan

RAY TENORIO
Lieutenant Governor of Guahan

MICHAEL JB BORJA
Director

DAVID V. CAMACHO
Deputy Director

April 6. 2016

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC

Re: **Zone Change - Application No. 2015-39,**
GLUC Hearing – April 14, 2016

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

1. **DEPARTMENT OF LAND MANAGEMENT (DLM):**

   Recommends APPROVAL

2. **BUREAU OF STATISTICS AND PLANS (BSP**

   The Bureau has comments with recommendations (Attached Certification).

3. **DEPARTMENT OF PARK AND RECREATION/HISTORICAL PRESERVATION OFFICE (DPR/HPO):**

   DPR/HPO have determined that the proposed project has low probability that cultural resource will be present in the area. They have no objections to approving the subject application.

4. **GUAM WATERWORKS AUTHORITY (GWA):**
   No Objection with recommendations noted.

5. **DEPARTMENT OF PUBLIC WORKS (DPW):**
   No Objections with recommendations noted.

There were no objections on the proposed rezoning at the hearing by those in attendance. Planning Staff reminded the Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

Planning informed those in attendance that the Application Review Committee (ARC) had no objections on the application. The next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the daily newspaper circulation 10 days prior to the hearing date and time.

There hearing was adjourned at 6:35 p.m.

Mr. Harry Gutierrez (representative):

Mr. Gutierrez further stated that other requirements by GovGuam agencies on this application will be complied with, and that this company already has local residents employed and will create more jobs once they have more construction contracts.

Mayor June Blas:

She stated that the municipal planning council will further review the application and will be work closely with DPW on some road widening issue, said that a safer road and access for the public is needed in this area .. she states that the MPC will further review the application and work with the consultant ..as how they have invested interests in our village and community and if they can provide assistance and work together... she further encourage the owners to come in and see mayor and staff if they have other needs.

Mr. Gutierrez (reperesentative):

He informed those in attendance that new construction permitting requirements will be adhered to... an on-site ponding basin will be coordinated with Guam EPA and on the approved location. The project will be hooked up to the sewer line and he reassured those present there will be minimal impacts to infrastructure, traffic, noise...etc... the applicants will be good neighbors..that they will landscape, fence, install security lights on the site..further stated ..other lots were rezoned to M1 in the immediate area and neighborhood. The applicants/owners will clear the site for any debri, junks, and enhanced the site. He further stated the subject lot is within the area that is progressing more toward light industrial uses, rather than residential uses. Many of the lots were rezoned to M1 in the last 20 years by the Legislature as well as the Guam Land Use Commission (GLUC).

Planning Staff Summary of Public Hearing:

After discussion on rezoning and information given by the consultant, and clarification of the access, attendees were agreeable on the fact that majority of their concerns, frustrations, and objections were of the traffic/access on Belo Road. The road and others nearby has not been improved by the government...and issues on re-alignment of the narrow roads that commuters traverse on a daily basis on or along Belo road and nearby public access roads, planning staff encouraged lotowners to be proactive in resolving property issues and that they need to work with the village mayor and her staff..the will assist and coordinate with DPW Highways and Right-of Ways section on subject matter.

(AMENDED)

PUBLIC HEARING MINUTES

The required public hearing was held at the Barrigada Mayor's Office / Community Center on Janaury 7, 2015, at 6:05 P.M. Present were, the Case Planner, Mr. Harry D. Gutierrez, the Applicant's Rep, Mayor June Blas, Vice Mayor Jessie Bautista, a few MPC Members, neighbors and lotowners. A total of 7 persons were in attendance.

The Case Planner presented the proposed project and read the positions statements from Bureau of Statistics and Plans, Guam Power Authority, Parks and Recreation/Historical Preservation Office. Mr. Harry Gutierrez highlighted details of the application and clients intentions; he discussed the time frame of the application process, proposed construction, improvements and compliance of the building code, permits required for new development on the site; access to the site and area of development to maximize the proposed use and permitted uses on the subject lot.

Public comments and concerns that were noted are as follows:

Mr. James Castro, MPC member :

He was inquired about the sewer and water connection and surface water runoff on site and how large the ponding basin will be for the development.

Response (from the Case Planner) :

Public sewer and water connections are available and the proposed warehouse will be hooked up to public sewer. Commercial meters will be applied for by the applicants/owner. All public utility infrastructure is available within 100 feet. The on-site ponding basin will be in place and is subject to approval of Guam Environmental Protection Agency.

Response from Mr. Harry Gutierrez (representative):

Mr. Gutierrez responded and stated that the warehouse will be used storage and office, and house equipment under shelter will be erected as they are currently renting a warehouse in Harmon. They will fence the perimeter and will also improve the site, parking area. They have local employees and they will support the incoming military construction and private and public needs. Further stated that the applicants will improve and hardened the access and drive way to their site fronting their premises at their expense. They will apply for highway encroachment clearance/permit with DPW.

development scheme within the area and adjacent surroundings. The Applicants are aware and will comply to all requirements and conditions and any concerns imposed by government agencies and other mandates in their development plans.

In supporting an industrial or commercial use, we find that the added note to the protection of the general welfare of the public is that the subject lot is near the airport; and that based on recent studies on noise impact in this specific area, residential development is not favorable or suitable within and or near this area which is within an area designated as Accident Potential Zone II. As such, it is the position of DLM Planning Staff that the area is best suited for industrial type uses followed by commercial activities/uses.

5. RECOMMENDATION: Recommend Approval and the applicants shall adhere to all ARC recommendations, Commission conditions and requirements.

Marvin Q. Aguilar
Guam Chief Planner

ATTACHMENTS
Case Planner: Penmer C. Gulac

been operating industrially. The area is developing and growing more in the light-industrial use as opposed to residential.

The proposed rezoning for new construction of warehouse with office, a parking area for equipment are permitted light industrial uses on the subject lots that would be consistent with current land uses and activities in the immediate area within a range from 200' to 3,000' near the airport access/over pass, and along Route No. 16 and to the northeast in the Belo area and along lower Barrigada Heights area. The location is central to the Tamuning, Dededo and Yigo areas with large population. It is also in close proximity to the airport, airport industrial park, Harmon Industrial park and other commercial districts.

GENERAL WELFARE

Legitimate Agricultural activities in this area is either non-existent or negligible. While it is true that remaining parcels are still zoned "Agricultural", the prevalent use is heavy towards a more intense industrial and commercial uses; however, we do point out that there exists residential uses scattered throughout the area as well.

We received the required Agricultural Impact Statement (AIS) from Department of Agriculture and stated they do not oppose to the zone change and development with stated conditions and concerns in regard to preventing major ecological damage to the environment and the Northern Aquifer. The AIS recommendations a comprehensive landscaping plan that will be incorporated as part of the review and approval of existing or proposed development in the immediate area. Agriculture further offer assistance for proposed development. Based on existing land use of the site, appears that there are no significant impacts on agriculture (subsistence farming) and or existing lands uses in the immediate and near the proposed site.

Thus, the proposed zone change and land use development is the highest and best use for this site, is not a good site for agricultural activities. It is affected by an APZ factor of II. The propose activity on this site is more conducive for it is centrally located and near existing commercial and other light industrial properties.

Any development on the site will accommodate wastewater and storm water drainage to protect the residents and the groundwater (aquifer) in the area. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment, that will provide for an orderly

4. STAFF ANALYSIS:

A Zone change must addressed **Public Necessity, Public Convenience and General Welfare** criteria. Our analysis is as follows:

PUBLIC NECESSITY and CONVENIENCE

The requested zone change to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is at the edge of APZ-II Zone (Accident Potential Zone - II) requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone. The surrounding and nearby parcels have also been zoned to "Light Industrial" and industrial activities are in operation has not been a detriment to other current residential or competing commercial or industrial uses.

The "Health, Safety and General Welfare" issues, in a community's comprehensive Plan divides these categories and mandates the various governmental entities to develop plans to address such factors. For example, the government basically has several "powers" so to speak; the power of taxation, the policing powers, the power of eminent domain and the regulatory power.

In doing so, it defers the specific issues to the specific government entity mandated to oversee the technical review of a proposed plan such as for GEPA/GWA for sewer requirements (a health issue), DPW on access (a safety issue) and so forth, thus ensuring that the overall **General Welfare** of the community is not compromised.

The Commission is interested and has responsibilities to regulate zoning; and watches out for the "health, safety and welfare" of the community, but from zoning perspective. In the case at hand, the requested light industrial rezoning, is in our opinion, a much suitable zone and location for commercial or industrial uses for the primary reason that the area at the edge the AICUZ zone and in which an APZ-II factor exist based on the AICUZ study. If rezoned to Light Industrial, such zoning designation would appear to have the least impact on the "Health, Safety and General Welfare that would be more pronounced should a residential community exist.

The properties abutting and nearby are zoned Light industrial as can be noted in the 1,000' - Foot Radius map. There are construction that is ongoing or completed projects on those properties recently zone changed to M1; while older "M" zone properties have

D. Field Description: The subject lot has a small container for office and light and heavy construction equipment with a temporary shelter for company vehicles. The topography is fairly flat and slopes gradually toward the right of way (front of property). The zoning designation are "A" and "M-1" zoned lots abuts the subject on the eastern border (rezoned by GLUC November 18, 2010). There is a large warehouse owned by WESTCO Warehousing across the street (rezone to M1 by Public Law 22-16 many year ago. Other warehouses are further east and scattered on M1 lots within 200-1,300 feet and other undeveloped M1 zoned properties on the east and southeast. Other land use activities within 500 - 3,300 feet radius to the east are M1 zoned lots with warehouses and light and heavy equipment repair shops, sporadic residential homes and apartments along Belo Road. There's a gas station and the A.B. Won Pat International Airport (GIAA), M2 zone on the southwest. All utility infrastructures are within 100 feet of the subject development.

E. Masterplan: Not Determined

F. Community Design Plan: Conservation – No Updated Land Use Masterplan to this date.

G. Previous Commission Action: None.

3. **APPLICATION CHRONOLOGICAL FACTS:**

A. Date Heard By ARC: October 1, 2015

B. Public Hearing : January 7, 2016

The required public hearing was held at the Barrigada Mayor's Office / Community Center on January 7, 2016, at 6:05 P.M. Present were, the Case Planner, Mr. Harry D. Gutierrez, the Applicant's Rep, Mayor June Blas, Vice Mayor Jessie Bautista, a few MPC Members, neighbors and lotowners. A total of 7 persons were in attendance.

Note: Minutes of the hearing are provided in ATTACHMENT 2.

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL JB BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

April 13, 2016

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Amended Staff Report - Application No. 2015-39 Zone Change, Lot 5224-1- 8-2, Tract 308 (Belo Area), Municipality of Barrigada.

1. PURPOSE:

A. Application Summary: The Applicant, Sin Hung Construction &Pejman Gounial (Rep), represented by Harry D. Gutierrez, is requesting the approval of a Zone Change from "A" (Agricultural) to "M-1" (Light - Industrial) Zone, in order to construct a warehouse with office space, and equipment shelter on Lot 5224-1-8-2, Tract 308, Municipality of Barrigada.

B. Legal Authority: Title 21, Guam Code Annotated, Chapter 61 Title 21, Guam Code Annotated, Chapter 61 Article 6, Part 3 (Changes of Zones), Sections 61630 thru 61638 (Zoning Law).

2. FACTS:

A. Location: The subject site is fronting a 40-foot right of way (Duenas Street) and approximately 700 feet east of Belo Road and across WESTCO Warehousing Facility and approximately 700 feet north of Chinese Temple and approximately 1/4 mile east of Route 16 (GIAA/airport overpass) Barrigada. **(See ATACHMENT).**

B. Lot Area: 1,691 square meters or 19,285 square feet or (½ Acre +)

C. Present Zoning: A" (Agricultural) Zone.

Note: Amendments: Page 1 ; (2) Facts: A. Location and B. Lot Area; Page 2; Field Description, D., (3) Date of ARC; (B) Public Hearing Date, Public Hearing Minutes Attachment (Pages 1,2,3)

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 Mayor's Office/ Community Center

DATE: January 7, 2016 TIME: 6:05

APPLICATION TYPE: Zone Change APPLICATION NO: 2015-39

DESCRIPTION: To Rezone the lot from "A" (Agricultural) to "M-1" (Light-Industrial) Zone in order to build a warehouse, office spaces, and equipment shelter.

APPLICANT/REP: Sin-Hung Costruction Corporation, GUam & Pejman Gounial (Rep) C/O Harry D. Gutierrez, Consultant

LOT NO(s): 5224-1-8-2, Tract 308 (Belo) Barrigada, Guam

	PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
1.	Ramon Gulac	DLM Planning Div	649-5380
2.	[illegible]	[illegible]	632-0673
3.	Francisco G. Benavente	[illegible]	633-6607
4.	James P. Castro	Barrigada	734.3737
5.	Jessie Bautista	Barrigada	487-0076
6.	June U. Blas	Barrigada	482-1500
7.	Harry Gutierrez	Consultation	4825315
8.			
9.			
10.			
11.			
12.			

Attachment 4

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:
90 S. Marine Corps Drive
ITC Building,
Tamuning, GU 96913

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

[2015-39]

Website:
http://dlm.guam.gov

E-mail Address:
dlm@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 16, 2015

Honorable June Blas
Mayor of Barrigada

Dear Mayor:

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

The Applicant, Sin-Hung Construction Corporation, represented by Harry D. Gutierrez, request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone to construct a warehouse with office and a covered shelter structure for storage of light & heavy equipment, on Lot 5224-1-8-2, Tract 308, the Municipality of Barrigada, under Application No. 2015-39.

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, Thursday, January 7, 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

Rec'd 12/24/15

Attachment 3

5224-7-2	Northern Island Co., Inc.
5224-7-3	Janice/Peter Benavente
5223-R9-2	Linda Suda
Tract No. 1415, Block 1, Lots 1 thru 7	Jose G./Joseph M. Benavente
Tract No. 1415, Block 2, Lot 1	Jose G. Benavente
5223-R9-1	Juan L. G. Guerrero."

Section 4. Nissan Motors Corporation rezoning. (a) **Legislative findings and intent.** Nissan Motor Corporation in Guam has a need for utilizing its Lot No. 5206-Rem-3-R4, municipality of Barrigada, containing an area of 18,703± square meters, for a pre-delivery inspection station for automobiles, which lot is located between Route 16 and the A.B.Won Pat International Airport. The land is unsuitable for housing and most other uses, but can be made accessible to water. There is presently no sewer. The lot adjacent to such lot is already zoned Light Industrial ("M-1").

(b) **Rezoning.** Lot No. 5206-Rem-3-R4, Municipality of Barrigada, containing an area of 18,703+ square meters, as shown on Department of Land Management map filed under instrument no. 332034, and owned by Nissan Motor Corporation in Guam, is rezoned from Agricultural ("A") to Light Industrial ("M-1").

1	5235-6	Calvo Enterprises
2	5235-7	Calvo Enterprises
3	5235-R7	Calvo Enterprises
4	5242-2-2NEW	Sung Hee Development, Inc.
5	5242-2-2-R2	Sung Hee Development, Inc.
6	5242-3-R11	Charles Whang
7	5224-2-4NEW-R3	Francisco G. Benavente
8	5224-2-4NEW-1	Francisco G. Benavente
9	5224-2-4NEW-2	Francisco G. Benavente
10	5224-2-4NEW-3	Francisco G. Benavente
11	5224-2, Lot No. 4, Tract 1417	Francisco G. Benavente
12	5224-1-20-1 thru 16	Dolores B./Benny B. Bello
13	5224 Lot No. 1, Tract 1410A	Carline B. Bukikosa
14	5224 Lot 2, Lot 4, Lot 5, Tract 1410A	Dolores B. Bello
15	5224-1-3	Bella B. Martinez
16	5224-1-5	Benny B. Bello
17	5224-1-11	Bella B. Martinez
18	5224-1-12	George B. Bello
19	5224-1-13	George B. Bello
20	5224-1-14	Josephine Bello Dueñas
21	5224-1-15	Josephine Bello Dueñas
22	5224-1-NEW	Dolores B. Bello
23	5224-3-2	Myong S. Chong
24	5224-6-R4	Pedro G. Benavente
25	5224-6-3	Pedro G. Benavente
26	5224-6-4	Pedro G. Benavente
27	5224-7-1	Northern Island Co., Inc.

Section 3. (a) **Legislative statement.** Benny B. Bello, Janice and Peter Benavente and Linda Suda sought assistance from the Legislature in January of 1991 to rezone properties owned by them in the Municipality of Dededo along Route 16 and the Bello Road area. The rezoning request covering such properties was incorporated in Bill No. 455, passed by the Twenty-First Guam Legislature as Section 9 of Public Law 21-55. Unfortunately, in the preparation of the bill, there was an inadvertent omission of the lots owned by them. After reviewing the Committee records and public hearing documents, the Legislature finds that they did formally request the Legislature to incorporate their lots in Bill No. 455, the rezoning measure, and it was due to typographical errors in the drafting of the bill that their names and lots were not set out in the bill and the subsequent law. This error should be corrected.

(b) **Technical amendment.** Section 9 of Public Law 21-55 is amended to read:

"**Section 9. Rezoning from Agricultural ("A") to Light Industrial ("M-1").** The following lots, all situated in the Harmon area of the Municipality of Dededo, being suitable and appropriate for light industrial use and warehouse facilities, are hereby rezoned from Agricultural ("A") to Light Industrial ("M-1"):

Lots Nos.:	**Owners:**
5235-1	Dolores B. Bello
5235-2	Margarita G. Benavente
5235-3	Eric Eun-Ha Choi
5235-4	Pedro G. Benavente
5235-5	Rosario B. Espinoza

submission to the Legislature **unless** the Legislature, by statute, amends or rejects the same. The two (2) zone change requests are as follows:

Lots Nos.:	Changes:	Applicants:	DLM decisions:
5396-R5-NEW-3, Mangilao,	R-1 to R-2	Pacific Island Bible College	Conditional Approval
P19.77-1-1, Mangilao	R-1 to R-2	Li Hua Corporation	Conditional Approval

At the Committee on Housing and Community Development's public hearing on February 5, 1993, residents in the affected areas requested the Committee to disapprove the two (2) zone changes because they would substantially alter the neighborhood's character. After considering all available data and public testimony, the Committee concurs with the residents and recommends disapproval. Since the changes have already gone into effect it is therefore necessary to again rezone these properties. Accordingly, Lots Nos. 5396-R5-NEW-3 and P19.77-1-1, Mangilao, are hereby rezoned from Multi-family Residential ("R-2") to Single Family Residential ("R-1").

(b) **Amendment to Summary Zone Change Act.** Subparagraph (C) of §61639, Title 21, Guam Code Annotated, is hereby amended to read as follows:

> "(C) If the application has been approved by the Director, the property the subject of the application shall be rezoned to either Single Family Residential ("R-1") or Multi-Family Residential ("R-2") as the case may be, unless within sixty (60) days of its submission to the Legislature, the Legislature, by statute, amends or rejects the same. If the application has been disapproved by the Director, the property the subject of the application shall not be rezoned unless within sixty (60) days of its submission to the Legislature, the Legislature, by statute, overrules the Director and approves the change of zone."

AND 5223-R9-2, DEDEDO, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1"), AND TO REZONE LOT NO. 5206-REM-3-R4, BARRIGADA, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1").

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. (a) **Legislative statement.** Johnny T. Blas has requested the assistance of the Legislature in the rezoning of his property in Yoña (Lot No. 1-1, Tract 2621) so he can divide this land among his family's members who wish to build permanent homes thereon. Although the property is presently zoned Agricultural, there are numerous single-family units situated on the lots surrounding the subject lot, and the Legislature finds that there is an established pattern of predominantly residential land use as opposed to agricultural. The Legislature further finds that the Blas family is justified in seeking to erect housing thereon, given the fact that the area possesses adequate water, power and telephone services, although it is noted that sewer lines have not be extended to this area of Yoña.

(b) **Rezoning.** Lot No. 1-1, Tract 2621, owned by Johnny T. Blas under Certificate of Title No. 91349, containing an area of 3,176.07 square meters, as shown in Map No. RTDC-042691, recorded at the Office of the Recorder, Guam under Instrument No. 468634, is hereby rezoned from Agricultural ("A") to Single-Family Residential ("R-1").

Section 2. (a) **Legislative statement.** In accordance with the provisions of §61639 of Title 21, Guam Code Annotated, the Department of Land Management ("DLM") on February 3, 1993 submitted to the Legislature two (2) "fast track" zone changes requests for consideration. Said section provides that such zone changes will take effect forty-five (45) days after

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 187 (LS)
As substituted by the Committee on Housing and Community Development, as further amended by the Committee on Rules, and as further amended by the principal author.

Introduced by:

E. D. Reyes
F. R. Santos
V. C. Pangelinan
T. S. Nelson
T. C. Ada
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
D. Parkinson
J. T. San Agustin
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REZONE LOT NO. 1-1, TRACT 2621, IN YOÑA FROM AGRICULTURAL ("A") TO SINGLE-FAMILY RESIDENTIAL ("R-1"), TO REZONE TWO ZONE CHANGES IN MANGILAO, TO AMEND SUBPARAGRAPH (C) OF §61639, TITLE 21, GUAM CODE ANNOTATED, ON SUMMARY ZONE CHANGES, TO AMEND SECTION 9 OF PUBLIC LAW 21-55 TO REZONE LOTS NOS. 5224-1-5, 5224-7-3

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

CERTIFICATION TO THE GOVERNOR OF PASSAGE OF AN ACT

This is to certify that Substitute Bill No. 187 (LS), "AN ACT TO REZONE LOT NO. 1-1, TRACT 2621, IN YOÑA FROM AGRICULTURAL ("A") TO SINGLE-FAMILY RESIDENTIAL ("R-1"), TO REZONE TWO ZONE CHANGES IN MANGILAO, TO AMEND SUBPARAGRAPH (C) OF §61639, TITLE 21, GUAM CODE ANNOTATED, ON SUMMARY ZONE CHANGES, TO AMEND SECTION 9 OF PUBLIC LAW 21-55 TO REZONE LOTS NOS. 5224-1-5, 5224-7-3 AND 5223-R9-2, DEDEDO, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1"), AND TO REZONE LOT NO. 5206-REM-3-R4, BARRIGADA, FROM AGRICULTURAL ("A") TO LIGHT INDUSTRIAL ("M-1")," returned to the Legislature without the approval of the Governor, was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 1st day of June, 1993, agree to pass said bill notwithstanding the objection of the Governor by a vote of two-thirds or more of all the members thereof, to wit: by a vote of fifteen (15) members.

JOE T. SAN AGUSTIN
Speaker

Attested:

PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of June, 1993, at 3:17 o'clock P.M.

Assistant Staff Officer
Governor's Office

Public Law No. 22-16

Territory of Guam
Teritorion Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

RECEIVED
OFFICE OF THE SPEAKER
DATE: 6/14/93
TIME: 12:15
RECD BY: Cruzpeda

JUN 11 1993

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 187, which has been designated as Public Law 22-16.

Sincerely yours,

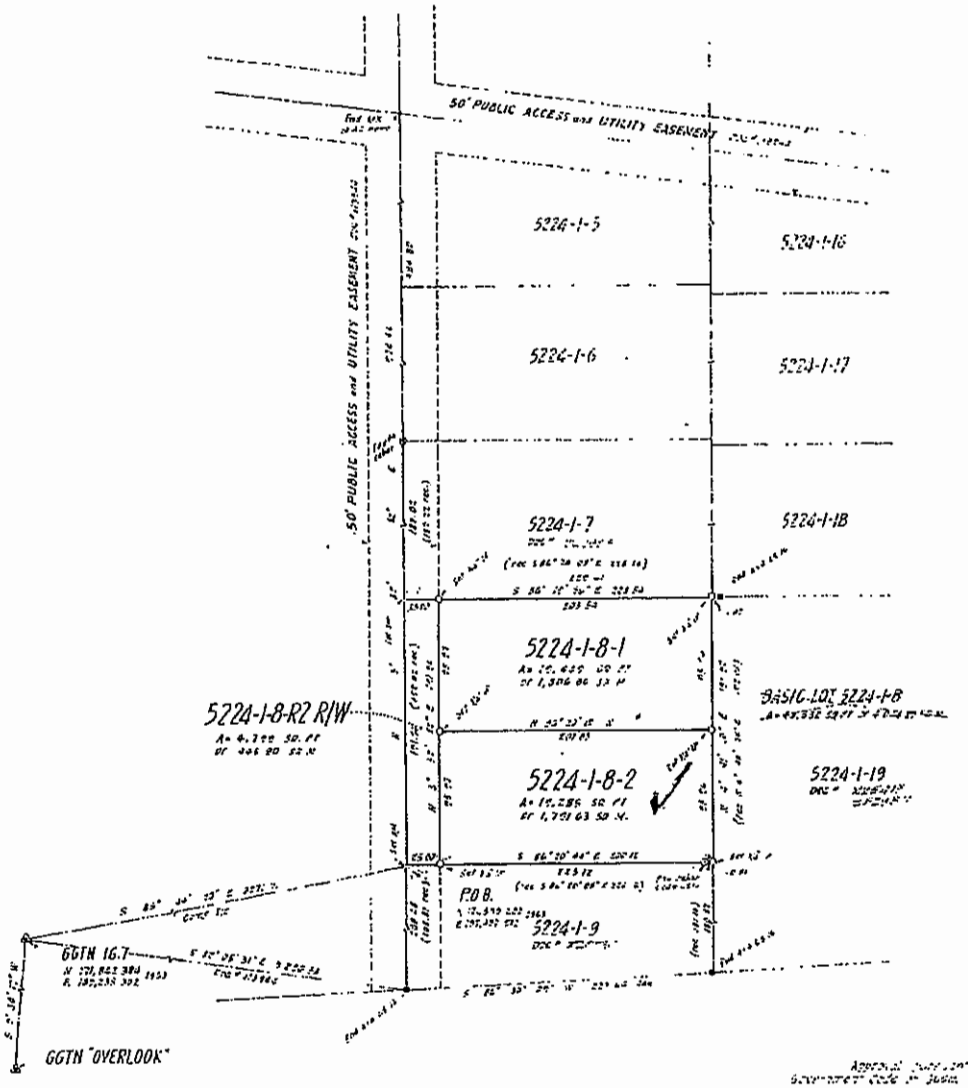
JOSEPH F. ADA
Governor of Guam

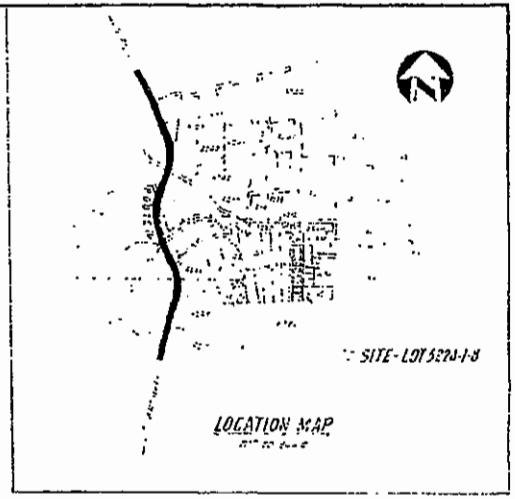
220251

Attachment

Commonwealth Now!

Doc. No. 34 GL-17-0996.





GENERAL NOTES

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]

GRAPHIC SCALE

I, Robert A. Beam hereby certify that this map was prepared by me or under my direct supervision; that it is based upon a field survey made in February of 1982 in conformance with applicable laws and regulations.

Dated April 20 1982

Licensed Surveyor

This map has been examined for conformance with the requirements of Chapter 9, Title 21 Government Code of Guam and regulations thereunder on this [illegible] day of [illegible] 1982

Territorial Surveyor

Approval [illegible] 21 Public [illegible] Government Code of Guam.

Dated [illegible] 1982

Territorial Surveyor

Prepared for and certification to be

Dated [illegible] 1982

Dated [illegible] 1982

REVISION	BY	DESCRIPTION	APPROVED	DATE

SURVEY & MAP DATA

RESEARCH	[illegible]
SURVEY	R.A.B.
COMPUTED	[illegible]
DRAWN	[illegible]
CHECKED	[illegible]
OWNER'S DEED & CURRENT TAX MAP REFERENCES	
BASIC LOT	5224-1-8
GTAD ZONE	
REGISTERED	[illegible]

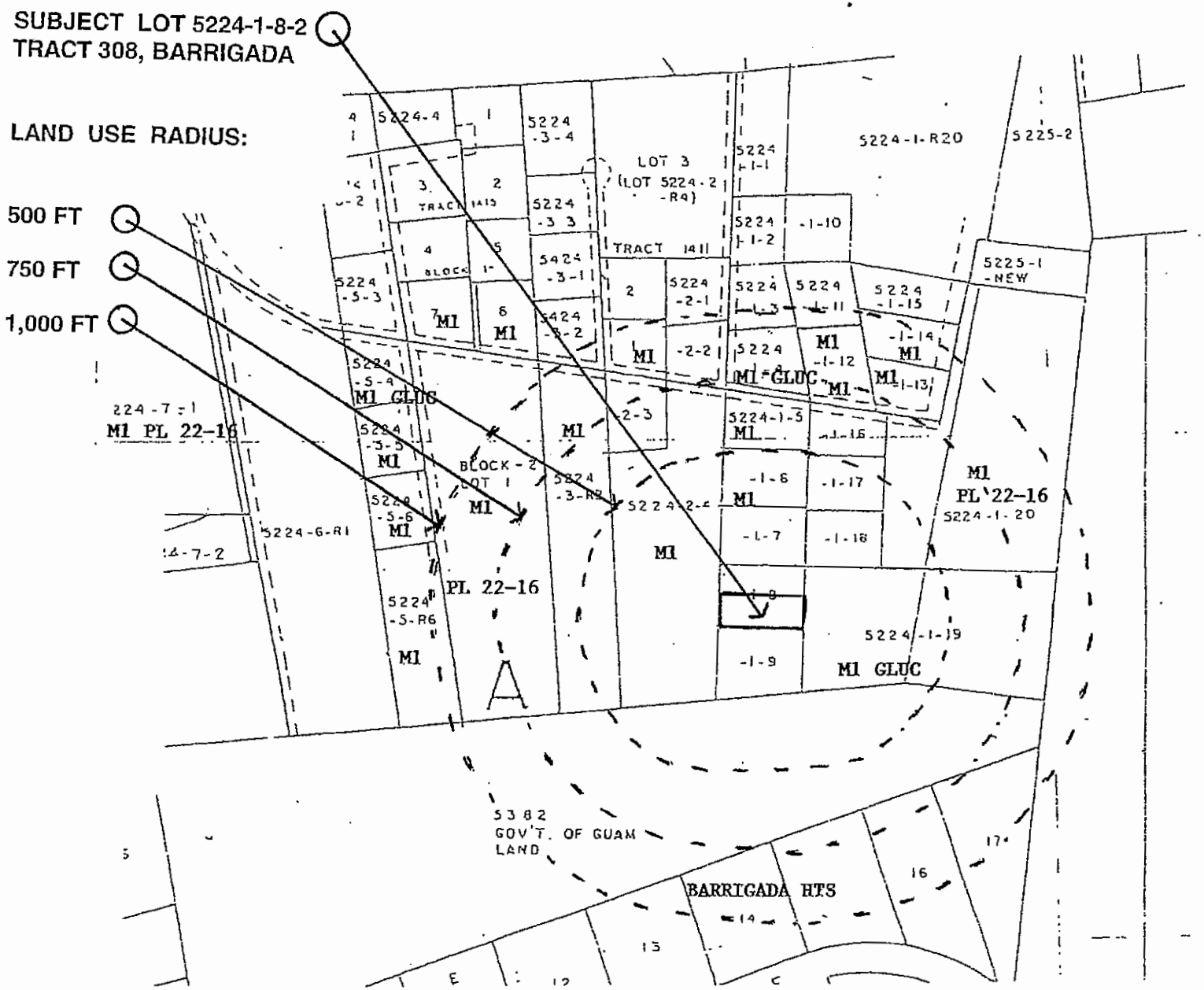
PARCELLING SURVEY
LOT 5224-1-8 TRACT 308
IN Y-LIGONG - MUNICIPALITY OF BARRIGADA
LND SO 14 SEC. 1

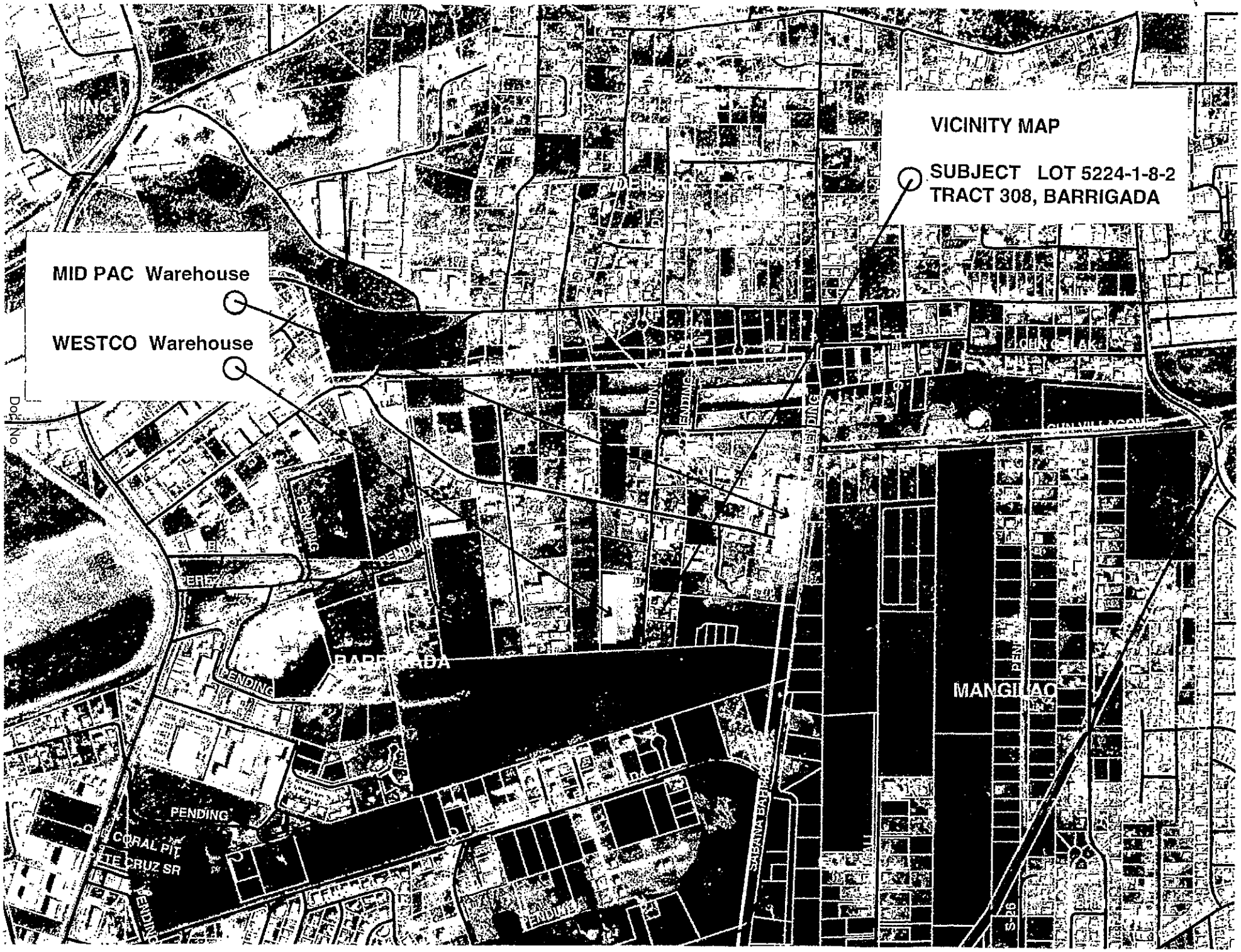
ROBERT A. BEAM
LAND SURVEYOR LIC 73
GB CHERNICH & SO. REGENT
TEL 333-6889

SCALE 1" = 50' APRIL 16 1982

Land Management GA 82 [illegible] [illegible] Dwg L-GA

41.38


SUBJECT LOT 5224-1-8-2
TRACT 308, BARRIGADA
LAND USE RADIUS:
500 FT
750 FT
1,000 FT
M1 PL 22-16
M1 GLUC
PL 22-16
BARRIGADA HTS
5382
GOV'T. OF GUAM
LAND
LOT 3
(LOT 5224-2-R4)
TRACT 1411
5224-1-R20
5225-2
5225-1
-NEW
5224-1-19
5224-1-20
5224-6-R1
5224-5-R6


VICINITY MAP
SUBJECT LOT 5224-1-8-2
TRACT 308, BARRIGADA
MID PAC Warehouse
WESTCO Warehouse
PENDING
MANGILAO
CORAL PIT
CRUZ SR

Doc No.

71,8608

GUAM, U.S.A.)
) ss.:
City of Maite)

On this 8 day of November, 2005, before me, a Notary Public, in and for GUAM, U.S.A., personally appeared **JOHN CHANG,** known to me to be the **attorney in fact** for **YOUNG YE CHANG,** and he acknowledged to me that he subscribed the name of **YOUNG YE CHANG,** thereto as principal and his own name as attorney in fact for the uses and purposes therein set forth.

WITNESS my hand and official seal.

) seal (

Sara C. Pangelinan
Notary Public

SARA C. PANGELINAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: May 09, 2009
Route 8, 715 Chalan Machaute
Suite 101, Maite, Guam 96910

GUAM, U.S.A.)
) ss.:
City of Maite)

On this 8 day of November, 2005, before me, a Notary Public, in and for GUAM, U.S.A., personally appeared PETER H.Y. CHANG, known to me to be the **authorized representative** of **SIN-HUNG CONSTRUCTION CORPORATION,** the corporation therein named and he acknowledged to me that he subscribed the within instrument on behalf of said corporation for its uses and purposes therein set forth.

WITNESS my hand and official seal.

) seal (

Sara C. Pangelinan
Notary Public

SARA C. PANGELINAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: May 09, 2009
Route 8, 715 Chalan Machaute
Suite 101, Maite, Guam 96910

716608

GRANTORS:

Date: 11/8/05

John Chang
JOHN CHANG

Date: 11/8/05

Young Ye Chang
YOUNG YE CHANG /s/

John Chang
By: JOHN CHANG,
her attorney in fact.

716607

GRANTEE:

SIN-HUNG CONSTRUCTION CORPORATION, a Guam corporation

Date: 11/8/05

By: PETER H.Y. CHANG
authorized representative

GUAM, U.S.A.)
) **ss.:**
City of Maite)

On this 8 day of **November, 2005**, before me, a Notary Public, in and for GUAM, U.S.A., personally appeared **JOHN CHANG,** known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and official seal.

) seal (

Sara C. Pangelinan
Notary Public

SARA C. PANGELINAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: May 09, 2009
Route 8, 715 Chalan Machaute
Suite 101, Maite, Guam 96910

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, passages, water-courses, rights, liberties, privileges, hereditaments, and appurtenances, whatsoever thereunto belonging or in anywise appertaining, and reversion, remainder and remainders, rents, issues and profits thereof, and all estates, rights, title, property, claim and demand whatsoever, of the Grantors at law or in equity, in and to the same.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging and in anywise appertaining unto the GRANTEE and GRANTEE'S successors, administrators, and assigns, forever.

Grantors and Grantors' heirs, successors, administrators, and assigns, covenant with the said Grantee and Grantee's successors, administrators, and assigns, that Grantors are lawfully seized in fee simple of the granted premises; that said premises are free from all encumbrances except; current real estate taxes not yet due and payable; rights of way, easements, covenants and restrictions of record; that Grantors have good right to sell and convey the same; and that Grantors and any of Grantors' heirs, successors and assigns will forever warrant and defend the same to the said Grantee and Grantee's successors, administrators, and assigns forever against the lawful claims and demands of all persons.

Grantors make no representations nor warranties that the Grantee may use the property for any particular purpose or that the Grantees may obtain a change of zone permit.

WATER AND POWER

Grantors further state that water and power (electricity) are immediately available on the property or within 100 feet of the property, and that the Grantee is aware that the Government of Guam ***is not*** required to pay for water and power (electricity) hookups or extensions.

IN WITNESS WHEREOF, the Grantors and the Grantee have caused these presents to be duly executed this 8 day of **November, 2005.**

716609

FOR RECORDATION AT DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM

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

File for record is Instrument No. 716609
for the year 20 05 Month 11 Day 9 1004
Recording Fee 10 Receipt No.
Deputy Recorder

(ABOVE SPACE FOR RECORDERS USE ONLY)

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

Parties, Consideration and Grant

KNOW YE, that we, **JOHN CHANG and YOUNG YE CHANG, husband and wife,** whose mailing address is P. O. Box 20910, GMF, Guam 96921, who are hereinafter referred to as the **"GRANTORS"**, for good and in lawful consideration in the sum of ($10.00), and other valuable consideration paid to us by, **SIN-HUNG CONSTRUCTION CORPORATION, a Guam corporation,** who is hereinafter referred to as the **"GRANTEE"**, the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto the GRANTEE, in fee simple, forever, the following described parcel of property:

DESCRIPTION OF PROPERTY

LOT NO. 5224-1-8-2, TRACT NO. 308, BARRIGADA, GUAM, ESTATE NO. 23064, SUBURBAN, as said lot is marked and designated on Map Drawing No. RTDC-0528-91, dated November 19, 1991 and recorded on December 10, 1991 under Instrument No. 463793, in the Department of Land Management, Government of Guam.

The following is shown for information purposes only: Said map show the area to be 19,285 +/- Square Feet or 1,791.63 +/- Square Meters; Last Certificate of Title No. 70472 issued to John Chang and Young Ye Chang, husband and wife, as joint tenants with rights of survivorship.

AUTHORIZATION

I, **Pejman Gounial,** representative of Lot No. 5224-1-8-2, Tract 308, Municipality of Barrigada, of legal age and with power bestowed as the Representative of the subject property, through this instruments hereby do grant and authorize the following:

1. That HARRY D. GUTIERREZ is hereby authorized to represent me in obtaining a Zone Change from A to M-1 with the Department of Land Management.

2. That my authorized representative/consultant to conduct himself accordingly to arbitrate, negotiate, commit represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

I hereunto affix my signatures to this affidavit:

Pejman Gounial
Owner and Date

tamuning
~~Hagatna~~, Guam)
)
_____)

SUBSCRIBED AND SWORN TO before me this 18th day August, 2015 by Pejman Gounail.

MARIA MB DELLOMAS
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 07, 2018
PMB 884 111 Chalan Balako Machanao
Dededo, Guam 96929

NOTARY PUBLIC

Doc. No. 34 GL-17-0996.

Ref:
Lot 5224-1-8-2, Belo, Barrigada, Guam

13. Does the project include any special or unique features that are not covered above? None

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 environmental impacts. I/we hereby declare a "finding of no significant impact".

For: Sin-Hung Construction Corporation, Guam & Pejman Gounial (Rep)

Harry D. Gutierrez, Consultant — August 19, 2015

Applicant (signature) — Date

(See Attached Affidavit of Authorization)

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 statutes.

GEPA-EPR001 (12/12/96)

b. Sewage disposal (public system) :

Public sewer is available in the area. Subject to GWA approval for connection into the public sewer system and Guam EPA approval. An individual septic tank/leaching field and a holding tank wastewater disposable system will be used if the unable to connect to public sewer system. Applicant/owner will coordinate and comply to this requirement for on-site waste-water disposal. No significant impacts

c. Vehicle traffic: Daily vehicular traffic will continue day to day along nearby Belo Road from Airport Access, public access to the site will be minimal and controlled on site. Adequate parking is provided for company buses and vehicles, assets and its employees and guests. No significant impacts

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

There will be minor clearing and grading required to prepare the site or any portion of the property for construction/improvements. All required permits will be obtained prior to any construction activity on the site.

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

No. Public Sewer is available. Applicant will comply to GWA/GEPA requirements, should any special treatment/disposal packages or wastewater holding tank be required on site.

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

No. Applicant will comply, should a requirement be needed in the future.

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

No. All financing will be funded with private funds of the applicant/owner.

j. Flood hazard area: None

k. Archaeological feature(s) or historical sites:

None; Subject lot was previously cleared over 30 years ago. The applicant will comply to all requirements should any artifacts are found during clearing and construction phases on site improvements.

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

a. Production of toxic or hazardous waste: None

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

None

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

Temporary dust will be generated during celaring & construction or phases of construction of site improvements. All required Environmental Controls will be complied with.

No significant impact.

8. Will the project require an increase in the requirements for any of the following public services (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:

Drinking water will be used by staff and other required services on site will be minimal. A commercial meter will be applied for and used. Any additional usage will be determined and will be furnished to GWA as required during review and permitting process. No significant impact.

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. Groundwater recharge area: Yes, I appears it is within the area and will comply with all required Environmental Controls. No significant impacts.

b. Watersheds: Yes, the site may be within the area and will comply with all required Environmental Controls. No significant impacts.

c. Wellhead protection zone: None; subject to Guam EPA/GWA Verification

d. Streams, lakes or ponds: None

e. Marine waters: None

f. Reef flats: None

g. Pristine forest: None

h. Critical habitat area: No known critical habitat or nearby exists; subject to clearance from Guam EPA and Dept of Agriculture.

i. Wetlands: None

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 detailed 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 : **Zone Change**

1. Name, address and business telephone of applicant:

Sin-Hung Construction Corporation, Guam & Pejman Gounial (Rep)
c/o Harry D. Gutierrez 482-5315 (Auth Rep/Consultant)

2. Name, title and telephone number of Representative:

Harry D. Gutierrez, Authorized Representative/Consultant, 482-5315

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

Harry D. Gutierrez, Authorized Representative/Consultant , 482-5315

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

Lot 5224-1-8-2, Tract 308, Barrigada (see attached survey map)

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

To construct a new warehouse with office with tin covered shelter/structure for vehicles & equipment on site, (the existing site improvements are temporary).

(No Smaller than 4 FT X 8 FT Sign Board)

NOTICE TO REZONE*

*1. Shall Occupy Two (2') Feet X Eight (8') Feet of the Sign Area *2. Letters are to be Twelve (12") Inches High, Colored Red on a White Background

3. Sign Shall be Erected and Displayed in a Visible and Prominent Place on the Subject Site No Less than **Five (5) Days** after Application is filed with the Commission and Shall be Removed when the Commission Renders a Final Decision or Applicant Officially Withdraws the Application.

PUBLIC NOTICE

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A

ZONE CHANGE

APPLICATION DESCRIPTION:

OWNER:

DEVELOPER:

LOT, BLOCK, TRACT, MUNICIPALITY:

PROPOSED CHANGE OF ZONE:

	DATE:	TIME:	PLACE:
PUBLIC HEARING:	_____	_____	_____
GLUC MEETING:	_____	_____	_____

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."

RE: Lot 5224-1-8-2, Belo, Barrigada

Sin-Hunh Construction Corporation & Pejman Gounial (Rep)

(Owner(s) or Lessee(s) and Date)

FOR: Harry D. Gutierrez, Consultant/ August 19, 2015

(Representative, if any, and Date)

NOTE: (See attached Affidavit of Authorization)

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 Accepted: _____ 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: _____

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).*

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: Sin-Hung Construction Corporation & Pejman Gounial(Rep) c/o Harry D. Gutierrez, Consultant U.S. Citizen: [ ] Yes [ ] No

Mailing Address: c/o #119 Guiterrez Way, Agana Heights, Guam 96910

Telephone No.: Business 482-5315 Home: _____

2. Location, Description and Ownership:

Subdivision Name: N/A

Lot(s): 5224-1-8-2 Block: N/A Tract: 308

Lot Area: Acres 1/2 + Square Meters 1,791.63 Square Feet: 19,285

Village: Belo Area Municipality: Barrigada

Registered Owner: Sin-Hung Construction Corporation, Guam

Certificate of Title No.: Warranty Deed (See Attached) Recorded Document No.: 716609

3. Current and Proposed Land Use:

Current Use: Container house with tin covered vehicle shelter Zoned: "A"(Agricultural)

Proposed Use: Construction of a warehouse and covered shelter/structure for light and heavy equipment on site. Proposed Zone: "M-1"(Light-Industrial) Zone

Master Plan Designation: No Masterplan Designation at this site of Barrigada

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 *Guam 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.

Enclosed are additional supporting information for the application and a copy of the survey map. On behalf of my clients, we hope that your consideration of this request will be favorable. Should you need additional information or clarification, please don't hesitate to call me.

Respectfully,

Harry D. Gutierrez
Representative 482-5315

With Enclosures/Maps/Afidavit/etc.

rezoning of the lot will be compatible with other zoned properties (M1) and will be the same characteristics. The subject lot is deemed to be undesirable for agricultural use. Water, power, public sewer connections are within 100 feet. A paved road (50-foot) right of way is fronting the subject lot and connects to Bello Street and serves as the main access the proposed development.

We believe that the rezoning of the lot will not be out of character in the area. On the hand, keeping the agricultural zoning is not feasible as majority of the surrounding uses are already M1. The construction and proposed uses require for M1 zoning to accommodate a small warehouse with an office and equipment shelter. The warehouse and facilities will also be available for other uses that requires warehousing of goods and equipment and will be available in support of the anticipated military build-up in the next few years and for any future warehousing needs available to the public as well.

Section 61630 (GCA of the zoning law mandates that public necessity, general convenience, and public welfare are addressed and justified, that the Commission may recommend to the Governor for approval for an amendment of the zoning map. For the Commission's review and consideration on this application, these three important conditions are presented and justified below.

A. **Public Necessity** : This area is developing into more light industrial activities and to accommodate a growing population and the anticipated military build up to support logistical and storage requirements in the next few years and beyond. There will be a demand for warehousing/storage for all goods incoming and outgoing on the island that will serve the island community;

B. **Public Convenience:** The proposed warehouse and office on the property would be consistent with the current land uses in the immediate area and within a radius of 100 to 3,000 feet in the Belo area. The location is central to all area with large population, very near the airport and commercial districts requiring warehousing and other storage space.

C. **General Welfare:** The proposed rezoning and uses will protect the general public, the immediate surroundings and properties by being consistent for light industrial activities that is on-going at the present time and for future uses and requirements that is permitted in a light industrial zone. The owners will ensure that all permitting requirements and conditions of the land use commission and all government agencies are adhered to as well as to minimizing impacts to the immediate surroundings and to the general public and specially our environment and the water lens below the property.

Again, all performance standards and requirements by the Application Review Committee (ARC), and the Guam Land Use Commission will be complied with as well as submission of an Environmental Impact Assessment (EIA), is attached and any other requirements pursuant to Sections 61630 through 61634, Part 3, Article 6, Changes of Zones, Chapter 61 – Zoning Law, Title 21 Guam Code Annotated shall be complied with.

2015-39
Sin-Hung Construction
Zone Change
Accepted Date: 3-Sep-15
Case Planner: PenmerG

HARRY D. GUTIERREZ
Consultant
119 Gutierrez Way
Agana Heights, Guam 96910
4 82-5315 / 477-7880

Accepted 9/3/15 K
RECEIVED
Land Plng Div, DLM

August 25, 2015

To: Mr. Michael JB Borja
Executive Secretary, Guam Land Use Commission
C/o Department of Land Management
ITC Bldg, Suite 700, Tamuning, Guam 96911

Subject: Zone Change Application for Lot 5224-1-8-2, Tract 308, Barrigada
For Sin-Hung Construction Corporation, Guam & Pejman Gounial, (Rep)
c/o Harry D. Gutierrez, Consultant

Dear Mr. Borja:

On behalf of my client, and pursuant to Sections 61630 through 61634, Part 3, Article 6, Changes of Zones, Chapter 61 – Zoning Law, Title 21 Guam Code Annotated. I am submitting the enclosed zone change application for your review and consideration before the Guam Land Use Commission, for a Zone Change from "A" (Agricultural) to "M-1" (Light-Industrial) Zone

The property is located in Tract 308, in the Belo area and approximately 1,000 feet southwest of the MID PAC Warehouse in Belo area, Lower Barrigada. There is also very large distribution warehouse across the street owned by WESTCO . For your information, Public Law 22-16, that was passed by the Guam Legislature rezoned most of the surrounding lots from agricultural to light industrial. A copy of the public law is attached for your review.

Recent years Lot 5224-1-19-R18, Tract 308 (abutting lot on the east border) have been rezoned by the Guam Land Use Commission (GLUC) to M1 (Light Industrial). There were still many of the lots that were not rezoned thru Public Law 22-16 for some unknown reason and are located to the north, northeast and on the west along Benavente Street.

My client intent to rezone the property and make it compatible with the same zoning as the other lots and to build a warehouse, office spaces, and equipment shelter for other uses permitted in a light industrial zoned property. The existing structures on the lot are temporary and the proposed new structures will be well designed to conform to current building codes and standards that will be situated within the size of the 1,791 square meter property (19,285 square feet) or .48 acres and to accommodate all required parking and loading, all drainage and other requirements by the zoning law and government permitting requirements for the intended use. My client will ensure all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The rezoning of the property will not have any adverse impact within the surrounding properties, as the majority of the lots are already zoned M1 within 500-1,000 feet radius. If rezoned, the uses will only be for light industrial use and not for other uses that is not permitted in the approved zone. The other current land uses in the immediate area are commercial, warehousing, barracks, and some residential uses. The

ATTACHMENT 2

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

Please contact Land Planning Division at 649-5263, extension 375 should you have any questions and/or need further clarification.

Si Yu'os Ma'ase,

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

Attachments:

1) Amendment No. A111, Zoning Map No. F3-67S35
2) Zone Change Application
3) Formal letter to Mayor(s) for Public Hearing (December 16, 2016)
4) Public Hearing Attendance Sheet (January 7, 2016)
5) Staff Report with Summary of ARC Position Statements
6) GLUC Agenda Notice – Guam Daily Post (Dated April 7th and April 12th, 2016)
7) GLUC Agenda of April 14, 2016 – Disposition
8) GLUC Minutes of April 14, 2016 (Document No. 892025)
9) Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to PDN (December 17, 2015)
        - Attachment B – Public Hearing Advertisement (December 27, 2015)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts, December 18, 2015
        - Attachment B – Official Notice Public Hearing, December 16, 2015

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

August 29, 2017

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone for Lot 5224-1-8-2, Tract 308, in the Municipality of Barrigada.**

Submitted for your consideration and action is Zone Change Application No. 2015-39. The Applicant, Sin-Hung Construction Corporation represented by Harry D. Gutierrez, requests for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone for the proposed construction of a warehouse with office space and covered structure for storage of light and heavy equipment.

Application chronology is as follows:

- September 3, 2015 – Application officially accepted
- October 1, 2015 – Reviewed by the Application Review Committee (ARC)
- January 7, 2016 – Public Hearing at the Barrigada Community Center
- April 14, 2016 – Guam Land Use Commission (GLUC) Public Hearing (approval of Zone Change)

Pursuant to the Guam Code Annotated, Title 21 (Real Property), Chapter 61 (Zoning Law), Section 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.

CF-DD 817-3963

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

SEP 0 1 2017

RECEIVED

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
The Thirty-Fourth Guam Legislature
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone for Lot 5224-1-8-2, Tract 308, in the Municipality of Barriagda, under Application No. 2015-39

Bueñas Yan Hafa Adai Speaker Cruz:

I am pleased to submit for 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, Sin-Hung Construction Corporation, represented by Harry D. Gutierrez, request to re-zone from "A" (Rural) to "M-1" (Light Industrial) zone for the proposed construction of a warehouse with office and covered structure for storage of light and heavy equipment, on Lot 5224-1-8-2, Tract 308, in the Municipality of Barrigada, under Application No. 2015-39.

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

Eddie Baza Calvo
Governor of Guam

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910
Tel: (671) 472-8931/6 • Fax: (671) 477-4826 • www.governor.guam.gov
Doc. No. 34 GL-17-0996.

GLX 17-3963

GUAM LAND USE COMMISSION
ZONE CHANGE APPLICATION NO. 2015-39
LOT 5224-1-8-2, TRACT 308
MUNICIPALITY OF BARRIGADA

COPY

Space for Recordation
Government of Guam, Department of Land Management
Office of the Recorder

File for Record is Instrument No. 912553

On the Year 20 17 Month 09 Day 19 Time 9:34
DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder Jane Yamasaki
JANE T. YAMASAKI

ZONE CHANGE
APPLICATION NO.: 2015-39

APPLICANTS:
SIN HUNG CONSTRUCTION
CORPORATION, GUAM

PREPARED ON: JUNE 16, 2016

FROM: "A"
(AGRICULTURAL)

TO: "M-1"
(LIGHT INDUSTRIAL)

LOT: 5224-1-8-2

BLOCK: N/A

TRACT: 308

MUNICIPALITY: BARRIGADA

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-111

ZONING MAP NO.: F3-67S35

THE GUAM LAND USE COMMISSION, AT ITS REGULAR HEARING ON APRIL 14, 2016, TOOK THE FOLLOWING ACTION ON LOT 5224-1-8-2, TRACT 308 IN THE MUNICIPALITY OF BARRIGADA.

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[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPROVED

JOHN Z. ARROYO
CHAIRMAN
GUAM LAND USE COMMISSION

6/5/17
DATE

==========

[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPROVED

EDDIE BAZA CALVO
GOVERNOR OF GUAM

9/1/17
DATE

