Speaker Benjamin J.F. Cruz

SEP 27 2017

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GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, August 24, 2017
1:30 p.m. to 4:10 p.m.

2017 SEP 27 PM 5:09

1007

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, August 24, 2017
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

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, August 24, 2017	X	GLUC		GSPC
		X	Regular		Regular
Time of Meeting:	GLUC: 1:30pm GSPC:		Special		Special
		✓	Quorum		Quorum
			No-Quorum		No-Quorum

COMMISSION MEMBERS	SIGNATURE
Chairman John Z. Arroyo	
Vice Chairman Victor F. Cruz	
Commissioner Conchita D. Bathan	
Commissioner Tae S. Oh	
Commissioner Hardy T.I. Vy	

STAFF	
Michael J.B. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Marvin Q. Aguilar, Chief Planner	
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	
Celine Cruz, Planner IV	
M. Cristina Gutierrez, WPS II	

ADJOURNMENT: GLUC: 4:10pm GSPC:

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, August 24, 2017
X	GSPC		Special	Time:	1:30 pm
✓	Quorum		No Quorum	Adjournment:	4:10 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Diana Brown	Docomo Pacific	
Jun Baisa	Docomo Pacific	
Andrew Roberto		
Connie Sayama	Vice Speaker Terlaje's office	472-3586
Chamba Mayor	ASC	777-7877
Dianne Stone	SSG	
Blas Daniel V	for Senator San Agustin	489-1067
Joni Kerr	SSG	
John Sherman	ACS	788-2222
Lara Ozaki	Glimpses Publications	480-4570
Yoko Pipes	City Hill.	9886042

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, August 24, 2017
[X]	GSPC	[ ]	Special	Time:	1:30 pm
[ ]	Quorum	[ ]	No Quorum	Adjournment:	4:10 pm

(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.
DAN SWAVELY	LEO PALACE / ARINC	688-8029
Rebecca Elmore	PNC News	689-8306
Elizabeth Gaza	City Hill / Setiati Aich.	687.2690
Jomar Herman	Pacific Daily News	788-8787

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

GUAM LAND USE COMMISSION

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

Commissioner Tae S. Oh
Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

Regular Meeting

Thursday, August 24, 2017, 2017 at 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on August 17th and August 22nd, 2017)

I. Notation of Attendance [ ] Quorum [ ] No Quorum

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, August 10, 2017

III. Old or Unfinished Business

A. Guam Wanfang Construction Ltd.; six-month status report and continuation of an Order to Show Cause on the conditions of approval for a previously approved Height Variance for the Pago Bay Resort, in the Municipality of Yona, under Application No. 2015-29B. **[Continuation from GLUC hearing of June 22, 2017]**
Case Planner: Celine Cruz

B. The Applicant, ARINC (subsidiary of Rockwell Collins) represented by Daniel D. Swavely; technical amendment request for Leo Palace Resort's Planned District Development (PDD) to accommodate a temporary aviation communication receiving tower, on a portion of Tract 2511 (portion of Lot 177-4-1NEW), in the Municipality of Yona. **[Continuation – GLUC Hearing of August 10, 2017]**
Case Planner: Frank Taitano

IV. New Business

Zone Variance

C. The Applicant, Docomo Pacific, Inc.; request for a Height Zone Variance for the construction of a 100-foot telecommunication monopole tower, on Lot 4, Block 2, in the Municipality of Talofofo, in an "R-1" (Single Family Dwelling) zone, under Application No. 2016-52.
Case Planner: Frank Taitano

V. Administrative & Miscellaneous Matters

Status Report

D. The Applicant, BME Sons, Inc.; status report for the operation of an existing contractor's yard, on Lot 10, Tract 293, in the Municipality of Mangilao, in an "A" (Rural) zone, under Application No. 2002-30C.
Case Planner: Penmer Gulac

Tentative Development Plan

E. The Applicant, City Hill (Guam), Ltd. represented by Setiadi Architects LLC; request for extension of time for a previously approved amended Tentative Development Plan for the Guam Plaza Hotel, on Lot 5058-R3NEW-1, in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone, under Application No. 1996-60B/C.
Case Planner: Frank Taitano

VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor ITC Bldg., Tamuning
Thursday, August 24, 2017 • 1:30 p.m. to 4:10 p.m.

I. Notation of Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, August 24, 2017 to order at 1:30 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Legal Counsel Nicolas Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Santos, Penmer Gulac and Recording Secretary Cristina Gutierrez.

[It was noted that Mr. Michael Borja, Executive Secretary will be late for today's GLUC meeting.]

Chairman Arroyo the agenda that is before us today, does anybody want to make any changes to the agenda or the order of the agenda? [None noted]

II. Approval of Minutes

Chairman Arroyo first item on the agenda is the approval of the August 10th, 2017 minutes. You've all had an opportunity to read them; I will entertain a motion.

Commissioner Bathan makes a motion to approve the GLUC regular meeting minutes of August 10, 2017; subject to minor corrections and/or edits that will be submitted to the Recording Secretary by close of business today.

Chairman Arroyo there is a motion to approve the minutes subject to edits. Second?

Vice Chairman Cruz seconds the motion.

Chairman Arroyo seconded by the Vice Chairman; any discussion? [None]

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

[Motion passed; 5 ayes, 0 nay]

III. Old or Unfinished Business

Status Report/Order to Show Cause

A. The Applicant, Guam Wanfang Construction Ltd.; six-month status report and continuation of an Order to Show Cause on the conditions of approval for a previously approved Height Variance for the Pago Bay Resort, in the Municipality of Yona, under Application No. 2015-29B. **[Continuation of GLUC Meeting of June 22, 2017]**

Chairman Arroyo asked of Chief Planner Aguilar if he had anything to add since the last meeting.

Marvin Aguilar (Chief Planner) responded that this is a continuation from the last meeting, and that his last report to the Commission dated June 16, 2017 stands.

Chairman Arroyo noted for the record the following documents; letter addressed to the Commission dated August 22, 2017 and signed by Fong Wu (for full content/context, please refer to **Exhibit 1**) and a status update dated May 2, 2017 which an addendum to the August 7, 2017 report submitted by the applicant (for full content/context, please refer to **Exhibit 2**).

[Commission takes a few minutes to review the documents received.]

Chairman Arroyo the letter is basically a re-affirmation of Pago Bay Laguana Resort's commitment to reintern the ancient remains found in the Laguana Resort's property which was a condition of their NOA (Notice of Action) for that particular project and it was also a condition of the NOA for the Wanfang project and some information on the sites; and lastly, an update of the items of the NOA relative to the Wanfang project and where we are with that.

Any comments or questions on what we received? [None noted]

Chairman Arroyo gave a summary of what had transpired at the last meeting. There was a question whether or not the applicant had submitted their request for a permit extension on time and whether or not the Commission could proceed with entertaining that application as the applicant had not submitted it on time; and, Legal Counsel was asked to provide the Commission with an opinion on that. We met after that, but you were not here and so we decided to continue this so we could ask for you to review your opinion with us and give us your guidance.

Nick Toft (Legal Counsel) explained that the issue presented is kind of a two-pronged issue. The first issue was whether or not the Board could deliberate on whether or not to grant Wanfang an extension on their requirement to obtain a clearing/grading permit within a year of receipt of their Notice of Action given the language of Executive Order 96-26, Section 5. The applicant submitted their request for an extension on May 2nd (2017) prior to the expiration of the one-year period, but not in time for GLUC to perform any action upon it; deadline was May 10th (2017) and the Board did not meet until after that. So, the first issue was whether the Board has jurisdiction to consider the request at all. And I believe it does under, oddly enough, the same case logic that is presented in the special proceedings case that was the appeal of the original approval of the NOA that Save Southern Guam filed. It is a little bit difficult to understand the legal distinction; but basically, the default is that a Board is allowed to consider something post expiration unless there is some sort of legislative intent or this case executive intent that is an executive order to divest the Board of the ability to decide it. Because there is no language in the Executive Order that says after this time the Board has no authority to hear it, it falls under what is called a claims processing rule. So, the Board has the ability to examine this.

And at this point, I will mention that there were prior incidences that the Guam Land Use Commission has considered an extension of NOAs after the deadlines had expired. One was August 11, 2016, it was FC Benavente, Planners and Dr. and Mrs. Alegria. They were told that there NOA was null and void because it had expired and their request came after the deadline had passed. They were told an NOA with new dates had to be obtained; but, because it was a project in Tumon and it had a tentative development plan they were told they didn't need a new public hearing so a vote for a new NOA was immediately taken and it passed.

The other time that this occurred was back in 2011; there was a project called Takano Towers who had applied for a height variance in Tamuning, and their request was received on the day of the expiration, but the Board considered their request. When they deliberated they noted that the developer was having difficulties with GWA regarding the infrastructure and that contributed to their inability to get a grading/building permit so they unanimously approved the motion to grant the extension even though that meeting was similar to this, two months after the expiration of the NOA.

So, if Guam Land Use Commission has the ability to vote upon the extension this is what's to be considered. This oddly enough is paralleling that court case where the remedies available for failure to meet the statutory deadline. So, there are two options available, two equitable doctrines that would apply; equitable tolling and equitable estoppel. If you have read the Court decision these are the exact same things that the Court examined when Save Southern Guam's petition to Court was initially considered untimely. Equitable tolling happens when there is deception or mis-representation by the other party; and that didn't happen in the court case and I don't that this has happened here. I don't think the Board has actively mislead Wanfang at all. The other possibility is equitable estoppel. Equitable estoppel can be invoked if Wanfang's failure to meet the filing deadline was the consequence of actions that Guam Land Use Commission should have understood that would cause them to miss the deadline. I believe that, not last year, but two hearings ago that they had some ability to get the grading/building permit. The primary reason and I think should they be allowed to present any additional reasons, but the primary reason was the delay in approving the language of the demolition bond which Wanfang contended had to occur prior to securing of the permits.

So, what I would suggest that the Board do after they're given an opportunity to present, is to take a vote on whether or not this constituted a sufficient reason for Wanfang to fail to secure an extension prior to the deadline; and if it did, the Board should vote to approve the extension, and if not, the Board should vote to deny the extension. And in that case, the NOA will have expired and then the Land Use Commission and Wanfang can examine the possibility of creating a new NOA. However, if that does happen that would fall under the new hybrid commission rules. So, I don't think a vote could be taken immediately upon that.

Are there any questions regarding that analysis?

Commissioner Oh just so that this is clear; you are saying is if there is sufficient reason for Wanfang's failure to secure an extension prior to the deadline and if there is sufficient reason then the Board can vote. That is what you're saying basically.

Nick Toft yes, but you can vote regardless because I believe it hasn't been divested of the ability to vote just because the deadline has passed. But, one important note to clarify that is that it can't be just any reason. It has to be a reason that Land Management and/or the Land Use Commission kind of contributed to that delay. Something that our offices did that impacted their ability to secure the permits.

Commissioner Oh regardless of that we can still vote on it, that is what you're saying.

Nick Toft yes.

Vice Chairman Cruz you were mentioning that basically whether this Commission talking about what if any had transpired there would be for us to cause their delay in getting their permit. Is that correct?

Nick Toft the Commission or Department of Land Management or some sort of GovGuam based reason.

Vice Chairman Cruz if you take it out of Department of Land Management and you take it to the other regulatory agencies that they get clearance and for some reason within that it caused them their delay to get the required permit be it grading or any other kind of permit and they submitted it before the NOA expired then we could actually decide on that at the same time.

Nick Toft I would say it is a simple one vote system that you approve the permit because you believe that the equitable estoppel has been met in this instance or you deny it because you believe it has not been met.

Vice Chairman Cruz the reason I ask is because there is a clearing process for getting a permit. I believe it cleared Land Management before the expiration date?

Marvin Aguilar it cleared Land Management before the expiration date.

Vice Chairman Cruz that is what I want to basically put into the record that if there is anything to say that we the Commission or Land Management is causing it then it's out on the table that it could be or might be another government clearing authority.

Chairman Arroyo any other questions. [None noted] You had indicated that the primary reason for their inability to get the permit was because we needed more language for the demolition bonding.

Nick Toft that was my understanding.

Chairman Arroyo I think there were five (5) reasons, but I think that was one of the major ones. I would like to open the floor to the applicant. If there is anything more you would like to say or anything else you would like to add that occurred since the last time we had met. If you could mention your name for the record.

Barbara Burkhardt (representing Guam Wanfang Construction) explained that since the last meeting, they have had construction management discussions about moving forward on the development. The developer is eager to move forward on the project. She added that they take very seriously what they call a pre-requisite and find that a grading permit is a good pre-requisite for them. It indicates that they have all the agency approvals in order; and, in their discussions with EPA in regard to the grading permit, there are a lot of good things that are happening. They take very seriously that every agency signs off on the grading permit, and that Land Management already reviewed it, and that they are in process with all the other agencies.

- Ms. Burkhardt the letter that was given to the Commission was a commitment from the developer of the subdivision and their commitment to the reinternment of the remains regardless of how what happens at today's meeting.

- Bonding is part of their ability to move forward. Department of Public Works will need evidence of the bond before signing off on the permit. She added that the Commission's comments are needed so that they can move forward on the bond and complete the grading permit process. With that it would be a clear go to their group and construction manager to go forward with the project.

Chairman Arroyo the last time the Commission met, a list was given of five issues that had prevented you from applying for the permit within the one-year period, and a number of them was discussed. Chairman Arroyo expressed that if they had anticipated that some of these issues would have caused them problems in obtaining the permit, could they have submitted the request for an extension earlier than what they had actually done.

The other issue was the language on the demolition bond. You had indicated that you could not move forward with the permit because you didn't have the language. Have you received the comments?

Barbara Burkhardt we still have not received the Commission's comments.

Chairman Arroyo but you said you could not do it because you did not have the language, but you did submit an application for a permit in spite of that.

Barbara Burkhardt explained that getting a permit is a three-step practice. First, is with DPW and they check all the documents to see if they appear to be correct. The second step is what I will refer to as the ARC agencies (Application Review Committee); in the case of the grading permit, not all the agencies review that. That review can take a long time and if they don't have a clear path to approve something you need to work with them on that, and Parks and Rec and EPA are our high priority reviews on those. Then after the ARC reviews are finished then it goes to DPW and they do their in-house review which could take two to eight weeks. And the final signature is the Director who signs off on at. At that point, he will need to know that an extension has been granted and he needs to show evidence of the bond. So, we have time during that process. It will sit on the Director's desk until the bond is presented to him and that is a Government of Guam requirement to provide a demolition bond. That is how we see the process, and we didn't feel that there was any risk in submitting and getting the process going.

Commissioner Bathan how many agencies have signed off on your permit application.

Barbara Burkhardt responded that they have signatures from the Department of Land Management and Survey, EPA and Department of Parks and Rec who is taking their time; I am not clear if they're going to sign in because we haven't reinterned yet. The other requirement is that we have an archeologist to be on call during construction.

Commissioner Oh asked of the applicant if they had acquired a building permit or are they still in the process.

Barbara Burkhardt responded that they have not received a building process and they were still in the processing of obtaining one.

[Discussion ensues on the agencies who have or have not signed off on the applicant's permit.]

Commissioner Oh read through the Commission Brief prepared by the Chief Planner dated June 16, 2017, and it lists three reasons for the delay. First, the extended review by DPR to obtain the permit for the reburial of the remains which appears to have taken six months to present. The second is the ongoing litigation in court to which ruling has yet to occur and causing a default on AES to hold design and engineering work at fifty-percent. And the third, reconsideration of construction methodology. Are there additional reasons?

Barbara Burkhardt yes, but the fourth was in the paragraph ahead of the three reasons which was a request to provide comments on the bond language.

Commissioner Oh going back to the logic of did GovGuam delay the project in any way. Number one talks about DPR reviewing the reburial program, and you have engaged DPR since the beginning of this project.

Barbara Burkhardt we've been in discussion with DPR since March of 2016.

Commissioner Oh second, is the court ruling that has nothing to do with GovGuam.

Barbara Burkhardt it's the Attorney General; it seems to me it is a GovGuam or court issue which is under GovGuam.

Commissioner Oh it's a litigation issue with Save Southern Guam.

Barbara Burkhardt it is out there but we don't feel risk, but it is something out there.

Commissioner Oh I don't think this contributes to the delay in obtaining a permit.

Chairman Arroyo there really has not been a stay on the project.

Barbara Burkhardt there is not a stay, but it is a concern. Our construction team and developer looked at that very hard, and I wrote that because it was something to consider. She further added that it was not a substantial reason or a high risk on their part.

Commissioner Oh the third is the reconsideration of construction methodology; I don't think that has anything to do with delay on the part of GovGuam.

Barbara Burkhardt no, but added that H2 workers are important to Guam and that the Governor is going to Washington, DC to address the H2 problem to remedy the issue.

Commissioner Oh reiterated his point of did this issue cause the company to delay the acquisition of a permit due to this issue being the responsibility of GovGuam.

Barbara Burkhardt GovGuam is involved in the H2; the remedy on the H2 and the ability to get them on Guam. This is an issue for private, GovGuam, military; anyone who is building. Unfortunately, the H2 issue has not been resolved at this time, and I trust that Core Tech .... many people have been involved in the H2 at this point. At this point, we want to get the grading permit and we would like the H2 issue to be resolved in September, and as of October 1 our project looks very viable with those two things in place. And so, we ask for your assistance in the grading permit and the issues that we have there and what we need to comply to get the grading permit; what the Director of DPW needs in order to approve it and so we ask for that. And that is our construction management critical path the two key milestones at this point, and we appreciate your consideration of the extension.

Commissioner Oh the fourth was the demolition bond.

Barbara Burkhardt correct, and that is one that is in the Commission's hands to give us the language so that it can be brought to the bonding company and comply with that portion.

Commissioner Oh what was the exact issue with the language on the demolition bond.

Barbara Burkhardt our attorney drafted a proposed language for the bond and the process is that the Commission needs to provide its comments and if there are no disagreements on the comments then it goes to the bonding company and get the bond; but comments are needed. We can't take our proposal to the bonding company because they have risk...they can't bond it without the comments of the GLUC. This process was very clearly stated in the NOA.

Commissioner Bathan comments that she understand that they are waiting on the Commission's comments on the language for the demolition bond, and asked of Ms. Burkhardt when was the last time a follow up was made with Land Management or GLUC regarding the comments needed for the bond.

Barbara Burkhardt replied, "in terms of Land Management?"

Commissioner Bathan Land Management or GLUC, it's the same, and I am talking about before May 2nd.

Barbara Burkhardt I made comment at the February 23rd 2017 meeting, and it was not commented on.

Marvin Aguilar the comments were particularly and directed to our Legal Counsel; and unfortunately, I believe there was a switch in our Legal Counsel at that time and beyond our control.

Commissioner Oh have we had any issues with the language in the demolition bond because it is my understanding that we issued out this exact statement to other projects; restrictions to other projects also, is this correct? **[Mr. Aguilar responds, "yes."]** Did we ever have an issue with any of the other projects?

Marvin Aguilar in this case it is a demolition bond. The applicant and their legal (and correct me if I am wrong) people had a difficult time trying to define or understand what a demolition bond was or how to put it together. Any comments I made would be my opinion, and so it was deferred to Legal Counsel.

[Discussion ensues on the demolition bond]

Commissioner Oh when was the inquiry for clarification on the demolition bond submitted.

Barbara Burkhardt it was submitted on December 22nd, 2016. I am not faulting the Board in any way. Our developer looks at that and wants an indication that the Commission can move on the bond and close that issue. They look at professionally and something on the critical path that is important to the company.

Commissioner Oh for clarification, is the demolition bond a requirement to get a building or grading permit.

Barbara Burkhardt responded that the way they had read the NOA it required a demolition bond. Our scope of work on the grading permit is to put in the silk fences, put in a large temporary storm water pond and an adjacent flow over pond. So, rather than leave this pond and the fence in

perpetuity if we stop work we would need to restore the site to its original state should the project not move forward, and that is the intent of the bond.

Chairman Arroyo Commissioner Oh, what it is is a special condition of the NOA that the bond be in place prior to them moving forward with the permitting process.

Vice Chairman Cruz was any other permit acquired for any work done on the property because I have seen work being done on the property.

Barbara Burkhardt the only other permit applied was for the park and we received a full permit for the park and pretty much completed at this time. This is located on the subdivision property not on ours.

Vice Chairman Cruz incorporating the first project into this project in the NOA. The burial issue is relating to the first project which is totally different owners.

Barbara Burkhardt but it is noted in the Notice of Action for this project. The first permit was for the burial park and the second permit is for a grading permit.

Vice Chairman Cruz what you had just explained is that you received a grading permit, but the NOA for the first part of the interment is somehow tied into this property that basically restricts this project from obtaining the required permit. If they would have separated the issue of the interment from the first project from this project, I don't think there would have been much of a problem getting the permit.

Barbara Burkhardt clarified that they did delay dropping the grading permit because they wanted the approval of Parks and Recreation to approve the location of the park; that approval was obtained on April 24th, 2017. It all happened concurrently in those last eight weeks before May 2nd.

Marvin Aguilar Mr. Vice Chair, are you asking that since a grading permit was secured for a project not on the same property and noted on the Notice of Action and a clearing/grading permit has been secured on behalf of the Notice of Action?

Vice Chairman Cruz that seems to be one way of looking at it. These are two separate properties, two separate owners, and somehow it was put together into this property and caused all the issues with permits and time and everything.

Chairman Arroyo I would like to go back and remind everybody why we wanted the burial site to be completed because it was a significantly past due item of the NOA for the previous project. And there was an indication that there was common ownership of the two projects at the time. So, we wanted to make sure that the remains go interred, and we were using this project as leverage to make sure that happened. The intent of the Executive Order is a grading project for that particular project as opposed to some other project. I believe if we start thinking about getting a permit for some other property as opposed to the property that is to be developed, I think we're going to start setting some precedence that we don't necessarily want to do.

Commissioner Bathan the permit has to be tied in with the lot number.

Chairman Arroyo I believe so; that is the intent, at least to my understanding of the executive order.

Vice Chairman Cruz I agree to that it's just that .... for me the issue to come out was did they apply on time and there is a process. With a project of this magnitude it will take some time to get through the permitting process.

Chairman Arroyo I liked the way you dissected the reasons for not being able to obtain the grading permit, and it seemed like the only issue that could have caused the delay on the part of the Government of Guam is the language in the demolition bond.

Commissioner Oh but at the same time, my thought process is for a project of this magnitude and you're talking about once you submit an application for a grading permit you are going to expect three to six months on the process of getting that. I don't think right now that they are at any point near the process where this demolition bond has to be clarified ---

Barbara Burkhardt (interjecting) I have to disagree with that. For you to assert that our building process and our ability to get that permit etcetera, is not include the demolition bond. Our construction management group, my experience concludes that statement and it is a statement that we have to take acceptation to that we do need to be able to apply for a demolition bond required by the Government of Guam by the GLUC and we do need this as part of our process to get the approval from DPW Director and do work on this project.

Commissioner Oh the point was, yes, there was a delay getting the permit but it didn't delay the intent of applying for the permit.

Barbara Burkhardt that is correct. But, you have to apply and you have to receive. We are coming up on we need to receive the permit. A reasonable time is passing, and on our construction management schedule we allowed for eight to twelve weeks and we are now going into sixteen weeks.

Commissioner Oh what I am uncomfortable with and going back to the point of initiating the application permit process; your NOA expired sometime in May. Is that correct?

Barbara Burkhardt May 10th, 2017.

Commissioner Oh May 10th, and you submitted your application for grading permit on what day? **[Ms. Burkhardt responded May 2nd, 2017]** That is what bothers me.

Barbara Burkhardt what bothers me is that we worked very hard to get that interment approval, and we did not anticipate how long that would take. And we take the interment very seriously, and I will take responsibility for this, I prioritized it. We would have liked to be able to drop that permit on the park much sooner, but we were unable to. I think that the unfortunate thing is the deadline set by the NOA at first seemed to appear to be reasonable and professionally able to comply.

Chairman Arroyo as far as the park is concerned, and I commend you for the work that you have done and the progress that has occurred so far and your commitment to continue to make sure that this comes ahead especially since you were not part of the original development. I don't remember how many years had passed since the NOA was issued. It really it isn't your fault that the prior project developers allowed it [inaudible due to excess noise]. Unfortunately, you ended up having to pick up the ball for that, and so I think if there is any blame to be made with respect to bonding and meeting that requirement as part of this NOA, it has to go back to the original project owners who allowed it to languish. I don't think we can fault the government or any agencies of the government for not being able to get a permit issued in time because it simply

would have fell into the lap of the prior developers who chose not to do anything, more or less to ignore that particular condition of the NOA.

Nick (Toft), I was going to ask the question regarding the level of responsibility with respect to requesting an extension. Let's say we agree that we did play a part in their inability to get the permit because the language of the demolition bond had not been transmitted to them. A project of this magnitude, size and publicity that it had gotten is there some level of responsibility on part of the developer to be more proactive knowing that we talked about how long it takes to get a bond for the grading and the length of time it was taking to some response back from us on the demolition bond; kind of the responsibility is placed on the shoulder of the developer to be proactive in requesting an extension more than eight (8) days prior to the expiry (which was May 10th). Where is their obligation in being proactive in getting a request to the Commission eight days prior of the expiry date?

Nicolas Toft point of clarification, the estoppel argument it can be meant for both if their failure to meet the deadline and the way the deadline works (the May 10th deadline) is whether they get the permit or they get the extension and so it is not just one or the other. And it's if that was the consequence because of actions from the government that we should have understand what caused them to miss the deadline. That is the language the Commission needs to use in its vote to decide whether estoppel is at play here. So, it doesn't necessarily state that it is unilaterally because of GovGuam; is it a consequence because of GovGuam's actions that we should have known that they would have missed the deadline.

Chairman Arroyo consequence of GovGuam's actions that we would have known that they would have missed the deadline.

Nicolas Toft I just want to make sure we decide on the correct legal language when we do take a vote.

Commissioner Oh I don't think that there are any consequences that we knew prior that would delay this project from getting a building permit. I think all of us to a certain degree didn't feel that the current conditions would limit them or would delay the acquisition of the grading permit. They had a year to do so. And if we knew ahead of time that all these conditions would have delayed them, I think we would have been reasonable to either give them more time or if the applicant comes back to us and asks for an extension and the Board would have thought about that and perhaps considered that and taken that into consideration. The problem is that the NOA has expired as of May 10th, and I think that the Chairman made a good point and the point was that a project of this magnitude it would have been a lot more responsible for the applicant to come before the Commission as ask for an extension and not put us in a bind as Legal Counsel had mentioned in our earlier hearing that whether we grant this or not grant this we are pretty much....we lose, lose in either situation. Let's say we do approve this and extend this I am sure there will be comments and actions from Save Southern Guam or if we don't approve it then there will be appropriate actions from the applicant. Looking at the merits of the situation it would have been a lot more reasonable that the applicant should have come to us prior to the deadline and ask for the extension if they were responsible, and that is the point I am trying to get across.

Chairman Arroyo Commissioner Vy, I know you are coming into this half-way. Do you have any thoughts or comments?

Commissioner Vy I have no comments; however, I am processing all of the information and valid points have been made.

Vice Chairman Cruz moving forward and regardless of who it favors, how long would it take you to get the grading permit.

Barbara Burkhardt I am looking at October 1st, October 2nd. In regard to DPR there are two conditions in their comment. The first is in regard to the burial of ancient remains and the second requirement is that we have a contract with an archeologist, that we have a plan to do the demolition, construction under the supervision or overview of an archeologist. We are covered on the second condition we have hired an archeologist and we have a plan to submit to DPR and the first part is the reburial of the remains.

Vice Chairman Cruz so you are telling me that between now and October, you are going to get DPR and you are going to get everything that you said and you will be done by then and get a permit?

Barbara Burkhardt I have no control over how quickly people ..... I would hope for October 2nd. This permit is not very complicated and it should move in the eight to twelve-week timeframe, we are now going into sixteen possible twenty weeks. I think we are very close.

Commissioner Oh for the record, I was just received a letter from, I didn't open it I just saw the title; it is a letter from Save Southern Guam, and just so everyone knows I did not read or open the letter. Just one more thing. I've thought about this project a lot and considered all the available options, and me being a private developer ... as a Commissioner, as a Board member, we have to look at the situation, look at the viability of the project and also determine if this developer will be a responsible developer. If you look at the intent behind the demolition bond you can probably see that it's due to the four towers at Oka Point which was abandoned for the longest time. We don't want to run into those types of situations again. I feel, and I've had to do some soul searching and go back to my recollection on this this whole project, and I realized that there were a lot of things that bothered me in the beginning. But as time progressed, there are additional items that are bothering me. I have to come up with an opinion as a Commissioner whether this project will go through or whether this project will fall through. Initially, I understand this project to be Pago Bay Marina Resort and now it's Pago Bay Ocean Resort. There are certain items that did bother me; the other item was the financially side of things. We've asked for some type of financial information, and we did receive it but it took how long, six months, upon approval of the NOA. As a Commission member, we really have to consider whether this project is being developed by someone responsible, and I will leave that decision to every Commission member. I don't have too much confidence.

Chairman Arroyo any other comments [none noted]. I am ready for a vote now; and the question is whether or not to issue a one-year extension of the NOA, and I think the justification for a decision has been made very clear. Does everybody understand the reasons why we would or would not vote in favor of their request. [No comments noted] I am ready for a motion.

Vice Chairman Cruz you mentioned a one-year extension for the project. Whatever means for them to get it and I guess issuance for the grading permit requirement?

Chairman Arroyo yes, it's issuance of the grading permit. That is requirement of the executive order. So, we do have the ability to grant two, one-year extensions. So, if we do grant a one-year extension now, today, and they're not able to get the grading permit issued within a year of May 10th, then then can come back and request for the second extension that we are authorized to grant given justification.

Commissioner Oh or a new NOA can be issued.

Chairman Arroyo as Legal Counsel said, we cannot do that today because this then becomes subject to the hybrid commission and they would have to come back.

Vice Chairman Cruz if that route is taken does the process start over.

Chairman Arroyo yes, because it would be a new Commission. It would no longer be just us it would include the empanelment of the hybrid commission.

Commissioner Bathan they would have to go through the ARC, public hearing, etc.

Chairman Arroyo I believe so because it is a new Commission.

Marvin Aguilar a significant change in the project itself, it changes from what it was approved for …the whole process is an information gathering process.

Chairman Arroyo I think we could address that issue if and once we get there. I don't want to stray too far from the business of today.

Vice Chairman Cruz I will make a motion to provide a one-year extension based on today's discussion, and that is the issuance of a grading permit only and not to the extent of using the demolition bond as another issue to be brought in should there be any future discussion.

Commissioner Bathan but that is a condition of the NOA.

Vice Chairman Cruz they will have to work on that. Let me ask Legal Counsel; does getting the grading permit that it require the demolition bond?

Nicolas Toft under the language of the NOA, I believe it did (I don't have it in front of me). But if I recall from two hearings ago, I believe that that was established that part of the NOA stated that they had to acquire the demolition bond before acquiring the clearing and/or grading permit.

[Discussion ensues on the language of the Notice of Action with regards to the demolition bond. Chief Planner explains that it is as it relates to the actual construction. Mr. Aguilar added that this was the language of the actual Notice of Action; clearing, grading, building permits anything that is related to the construction of the structure.]

Vice Chairman Cruz how would that be worded into a motion?

Chairman Arroyo you can withdraw your motion and make a new motion. Legal Counsel is correct; it is condition number eight if you look at the NOA.

Vice Chairman Cruz I withdraw my motion, and I would like to make a new motion. The new motion is to extend for one (1) year in order for them to get a grading permit.

Chairman Arroyo there is a motion to grant the extension of one (1) year to obtain the grading permit. Do I have a second on the motion?

Commissioner Vy I second.

Chairman Arroyo any discussion on the motion? [none noted] On the motion, all in favor say "aye" **[Vice Chair Cruz, Commissioner Vy and Commissioner Bathan]**, all opposed say "nay" **[Chairman Arroyo and Commissioner Oh]**.

[Motion to grant the applicant's request for a one-year extension was passed with a vote of 3-ayes, 2-nays.]

Chairman Arroyo next item on the agenda ---

B. The Applicant, ARINC (subsidiary of Rockwell Collins) represented by Daniel D. Swavely; technical amendment for Leo Palace's Planned District Development (PDD) to accommodate a temporary aviation communication receiving tower, on a portion of Tract 2511 (portion of Lot 177-4-1NEW), in the Municipality of Yona. **[Continuation – GLUC hearing of August 10, 2017]**

Chairman Arroyo the reason why we could not forward with that meeting was because there wasn't anybody here to represent the Leo Palace, and I guess Dan that is what you are doing now.

Daniel Swavely that is correct.

Chairman Arroyo Chief Planner, is there anything more to add than what was discussed last time.

Marvin Aguilar just to note that that concern was brought before Mr. Swavely, and he submitted a new application with Leo Palace Resort as the applicant and representing accordingly.

Chairman Arroyo the representative of ARINC was here and sat through pretty much all of the last meeting, and we didn't want him to walk away without having to say something for the time he sat there. We had a pretty good lengthy discussion, and pretty much aware of what they are intending to do. If you want to add to that ---

Daniel Swavely it is not necessary. It is just a technical amendment to move our tower from off property to on property. It seems pretty minor (I hope). We are in a little bit of squeeze because the lease hold property was sold and we need to get out of there, but we need rebuild somewhere first and then move out.

Chairman Arroyo the area where this is going to be placed is the soccer field?

Daniel Swavely it is the existing soccer field and it is the least used of the five soccer fields.

Chairman Arroyo was the soccer field part of the original use of that plan for that particular area.

Daniel Swavely yes it was; it was in the original 1988 planned district development master plan for Leo Palace Resort, and this being a change of land use and it constitutes the need to explain to the Commission and justify it so that the site for a new purpose.

Chairman Arroyo you are asking for an approval for a temporary use, and it is for six years with the extension of another six years.

Daniel Swavely that is what we are asking for. FAA's contract to Rockwell Collins operating on Guam as ARINC is on six year increments, and it has started on the first six years and hope to get the next six years.

Chairman Arroyo let's say it goes out to twelve years and then after that it will revert to the soccer field.

Daniel Swavely it will revert back to the soccer field unless other circumstances come to bear and I would be before you to extend. All we know now is we have a contract for six with an option for six.

Chairman Arroyo any other questions.

Vice Chairman Cruz no, it was well presented at the last meeting.

Marvin Aguilar reiterated that the division whole-heartedly supports this change in the master plan, it made sense, and that we support this approach.

Daniel Swavely Mr. Chairman, I feel obligated also to share that in 1988, it's 2017 now, it's a big operation out and things evolve. There are a couple of changes that the Leo Palace would like to see in their operations and they involve this sort of change, this sort of technical amendment. It is my feeling that if this is successful Leo Palace will ask for a couple more changes here and there. So, you may be seeing me again on behalf of the Leo Palace.

Marvin Aguilar mentions for the record, receipt of revised application submitted by Mr. Swavely dated August 16, 2017 as well as letter of authorization.

Chairman Arroyo if there aren't any questions or comments, I am ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I would like to make a motion to approve the request for a technical amendment for Leo Palace's Planned District Development (PDD) to accommodate a temporary aviation communication receiving tower, on a portion of Tract 2511 (portion of Lot 177-4-1NEW), in the Municipality of Yona.

Chairman Arroyo there is a motion by Commissioner Bathan, is there a second.

Commissioner Oh second.

Chairman Arroyo seconded by Commissioner Oh. Any discussion on the motion [none noted] On the motion, all in favor say "aye" **[Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan, Oh and Vy]**, all opposed say "nay."

[Motion passes unanimously; 5 ayes, 0 nay]

IV. New Business

Zone Variance

C. The Applicant, Docomo Pacific, Inc.; request for a Height/Use Zone Variance for the construction of a 100-foot telecommunication monopole tower, on Lot 4, Block 2, in the Municipality of Talofofo, in an "R-1" (Single Family Dwelling) zone, under Application No. 2016-52. Case Planner: Frank Taitano

Commissioner Vy reminds Chairman Arroyo on his conflict of interest with Docomo Pacific as previously stated that the last application's hearing.

Chairman Arroyo and you have a conflict as well (addressing Commissioner Oh).

Commissioner Oh yes, one my companies is doing business with Docomo.

Chairman Arroyo alright; it is okay for you to sit in as long as you do not participate in the discussion. Commissioners Oh and Vy have indicated that there is a possibility of a conflict of interest and would like to abstain from any discussion and voting on this request.

[Noted for the record – recused from Application No. 2016-52 were Commissioner Oh and Commissioner Vy due to conflict of interests.]

Marvin Aguilar reads the staff report to include facts, purpose, public hearing, staff/analysis discussion, recommendations and conditions. [For full content/context, refer to attached report.]

[Attachment C – Staff report dated August 14, 2017]

Chairman Arroyo there were no objections at the public hearing? [Mr. Aguilar responded that there were no objections.] And it appeared in the Minutes that the Mayor is also in support of the request.

Commissioner Bathan was there a sign put up?

Frank Taitano (Case Planner) there is a sign up.

[Commission takes a ten minutes recess at 3:05 p.m. and reconvenes at 3:15 p.m.]

Chairman Arroyo we have a received a copy of the sign and looks to be in order. Any questions of the staff before we move onto the applicant? [None noted] Please mention your names for the record.

Diana Guzman with Contracts Engineering Department. I am the person who was in charge of putting the application together.

Jun Baysac with Operations.

James Hoffman Chief Legal Officer for Docomo Pacific.

Chairman Arroyo I am assuming that this is the same kind of tower, different location as the one we listened last time. You did alert us that you were coming back with one or two more or

something like that. This falls under the previous Executive Order wherein they erect the tower and then contact the Commission for approval.

Michael Borja (Executive Secretary) no, they submitted their application under the new Executive Order. So, the tower has not been erected.

Chairman Arroyo okay, so please go ahead with your presentation.

Diana Guzman we are here on the final decision on the approval for the proposed Talofofo site which is located down in the village of Talofofo. We have two more based on the new Executive Order.

Commissioner Bathan the two that you mentioned under the new Executive Order, are they located in residential areas.

Diana Guzman one more in YSengSong and one at the Yigo Church which will be located behind the social hall.

Vice Chairman Cruz are they privately owned properties?

Diana Guzman YSengSong is privately owned and the one in Yigo is owned by the Archdiocese of Agana.

Chairman Arroyo do you have anything you would like to add? [None] Any questions?

Commissioner Bathan there are two Executive Orders; the previous one which is 2001-36 it is relative to the permitting of towers for wireless communications in non-residential zones. So, with the new Executive Order 2016-01, it says the same thing non-residential. Why is the non-residential specified? Is it allowable to build towers on residential zone?

Nicolas Toft the original purpose of it was for the development of towers on basically commercial sites, commercial buildings things like that to increase coverage. It was not intended for residential areas, and the current zoning laws already covered that as far as permitted structures.

Vice Chairman Cruz it can basically go up in any zone.

Nicolas Toft originally it couldn't go up in any zone other than commercial, M-1 or M-2. And so, what the 2001 E.O. did was to open it up to agricultural and certain uses of (I believe) of R-2 where it was not in a residential area at the time.

Marvin Aguilar E.O. 2001-36 was an attempt to stand-up the industry, technology.

Vice Chairman Cruz when you select your sites you select it based on where you get the most coverage.

Jun Baysac the site is selected based on the lack of coverage or poorr coverage in the area and it needs to be covered.

James Hoffman site selection is very much based on maximizing the coverage radius for a population such as Talofofo. We try our best to find a piece of property we can put the tower site

up and it can broadcast a certain frequency and range to cover as many people as possible. The higher up you are the more coverage.

Chairman Arroyo any other questions, comments.

Nicolas Toft is there any attempt to contact owners of commercial zone store or agricultural zone areas to try and see if agreements could be made with those areas?

Diana Guzman yes, there was an attempt.

Nicolas Toft my concern is that it is a double variance because the request is a variance from an R-1 residential zone to the purpose that would be essentially be commercial or light industrial, but also height in the middle of a village. And as we ran into with the billboard issue, variances have to be looked at very carefully and they have to meet all four factors that were pointed out. The exceptional circumstances or conditions applicable to the property involved that don't apply to properties in the same area. That is what I am having issues with. It is not necessarily that that piece land is unusable for R-1 purposes it's that they want to use it for light industrial purpose.

[Discussion ensues]

Chairman Arroyo what you are saying is that we should also consider a use variance as well.

Nicolas Toft I think it is both use and height.

Chairman Arroyo is this type of structure on a conditional use allowed in R-1?

Marvin Aguilar no; the only option would be to apply for a variance for use to deviate from what is allowable.

Chairman Arroyo the request is for both use and height variance? I thought it was just for height.

Michael Borja in the application it states both use and height.

Chairman Arroyo any other questions or comments? If not, I would like to open the floor for public comment. Anybody out there who would like to provide any comments on this application.

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

Vice Chairman Cruz asked if the entire lot was being utilized for the tower to which Ms. Guzman responded that they are leasing only a 25 x 30 portion of the lot.

Marvin Aguilar will this tower compromise any allowable uses with condition or without on that property; can you still put a house on it.

Diana Guzman yes, you can. The tower will be placed in the back corner of the lot.

[Discussion ensues on lot size]

Commissioner Bathan is the tower made out of concrete?

Jun Baysac it is made of steel.

Commissioner Bathan does it have to come down in case of a typhoon.

James Hoffman no; all of our towers are rated for 250 mph winds, they don't come down. The equipment hanging on the towers come down but the towers does not come down.

Commissioner Bathan it is made of steel; is there a need to change it over a period of time.

Jun Baysac we do regular maintenance. Our engineer will check the tower and if it is recommended that the tower be changed, it will be changed.

Chairman Arroyo can you explain why this particular site. Is it absolutely essential that you have to put the tower at this particular location.

Diana Guzman reason why this location was located was when we did our (inaudible) this is the location where there was poor coverage; we received calls from our customers.

Chairman Arroyo so, you are saying in this location it is poor.

Diana Guzman there is poor coverage and this area and part of potentials.

Chairman Arroyo the last time you were here you explained that the site where the tower is at does not necessarily service the area around the tower and that that area receives service by some other tower (undecipherable) from that site because the signal kind of goes out that way and doesn't go down this way.

Jun Baysac that location, the nearest adjustment site is at the Talofofo Golf Course near the water reservoir and in that area, we do not have any cell sites and it is really weak in that area. The next area would be in Ipan near Jeff's Pirate Cove.

Chairman Arroyo is there anywhere within a radius of less than a mile where the zone is conforming that you could possible put this tower without degrading the signal.

Diana Guzman I spoke with the Paulinos'; and this was the second choice, and they declined because of possible future development on their property.

[Discussion ensues on other possible properties that are zoned agricultural to erect the tower.]

Commissioner Bathan are you using fiber optics and if you use fiber optics would you still need to put a tower.

Jun Baysac we use fiber optic, but there will still be a need to erect a tower.

James Hoffman the fiber cable does not cast a signal, the fiber cable just carries the information traffic to and from.

Michael Borja all your equipment; pedestal, generator, electrical will be within the 25 x 30 which will be sitting on the back corner of the lot, and you will have a driveway leading up to is. Does this owner plan on using anything else on this property.

Diana Guzman a house can still be built and that was the intention of the property owner.

Michael Borja the driveway, which is what you are leasing as well, I am assuming.

Diana Guzman that is access that the owner is providing for us.

[Discussion ensues]

Chairman Arroyo there is absolutely no other place that you can put this, and still get the intended use of the tower.

James Hoffman we believe that that is a correct assessment of the situation, yes.

Chairman Arroyo any other questions or comments [none noted]. I am ready for a motion.

Vice Chairman Cruz I would like to approve the applicant's request for a height and use zone for Docomo Pacific, Inc. for the construction of a 100-foot telecommunication monopole tower on Lot 4, Block 2, in the municipality of Talofofo, in an "R-1" (Single Family Dwelling) zone, under Application No. 2016-52 with conditions as recommended by staff.

Chairman Arroyo the motion to approve the height/use variance subject to the ARC conditions.

Commissioner Bathan second.

Chairman Arroyo motion by Vice Chair Cruz, seconded by Commissioner Bathan. Any discussion on the motion? [None noted]

On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz and Commissioner Bathan], all opposed say "nay."

[Motion passed with a vote of 3-ayes, 0 nay, 2 recused]

V. Administrative & Miscellaneous Matters

Status Report

D. The Applicant, BME Sons, Inc.; status report on the operation of an existing contractor's yard, on Lot 10, Tract 293, in the Municipality of Mangilao, in an "A" (Rural) zone, under Application No. 2002-30C. Case Planner: Penmer Gulac

Penmer Gulac this is the applicant's second status report as required by the approved Notice of Action. Reads the Commission Brief. [For full content/context, refer to attached report.]

[Attachment D – Commission Brief dated August 16, 2017]

Chairman Arroyo questions for staff. [None noted]

Danny Natividad (Operations Manager for BME & Sons) on behalf of our President Mr. Bernie Maranan, we are requesting your acceptance of our second annual reporting.

Chairman Arroyo any questions.

Commissioner Bathan I would like to commend the applicant, BME & Sons for keeping their facility really clean and for submitting their annual report in a timely manner.

Chairman Arroyo anything else [none noted]. Can I have a motion to accept the second status update.

Commissioner Oh I move to accept the status report for the applicant BME & Sons, Inc., for the operation of an existing contractor's yard on Lot 10, Tract 293, in the municipality of Mangilao, in an "A" zone, under Application No. 2002-30C.

Chairman Arroyo there's a motion by Commissioner Oh, do I have a second.

Commissioner Bathan seconds the motion.

Chairman Arroyo seconded by Commissioner Bathan; any discussion the motion? [None] Just for the record, Vice Chairman Cruz stepped out and so there will only four of us voting on this application. No discussion on the motion; all in favor of the motion say "aye" [Chairman Arroyo, Commissioners Oh, Bathan and Vy], all opposed say "nay."

[Motion passes with a vote of 4 ayes, 0 nay]

Last item on the agenda --

Tentative Development Plan

E. The Applicant, City Hill (Guam), Ltd. represented by Setiadi Architects, LLC; request for an extension of time for a previously approved amended Tentative Development Plan for the Guam Plaza Hotel, on Lot 5058-R3NEW-1, in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone, under Application No. 1996-60B/C. Case Planner: Frank Taitano

Frank Taitano reads Commission Brief to include chronological history of the application [for full content/context, please see attached report].

[Attachment E – Commission Brief dated August 14, 2017]

Chairman Arroyo any questions [none noted]. I will open the floor to the applicant; please state your name for the record.

Elizabeth Gayle (with Setiadi Architects) I am here representing Setiadi who is also representing City Hill Development. Just to give additional background. The project plans for the six-story building were completed and the owner invited bids from contractors on the island. The bids that came in at a more higher cost than anticipated. One of the reasons the contractors gave was the lack of skilled workers that all contractors are dealing with. The owner decided to scale back the design. He will still be providing almost the same number of parking stalls; he is reducing it from a four-story height, six level garage to a two-story height with three levels. There will still be a total of 221 stalls.

The warehouse and office spaces the construction of those facilities will be deferred for now. They will wait to see if they have the money and the time to do it at a later time and that is why the request for two years was requested. And we also agreed that we will resubmit an update to the tentative development plan showing the plan for warehouse and warehouse space if so decided.

Elizabeth Gayle I heard some of the comments earlier and it seems the request for the extension came in very late. To be honest, we thought that since we were going below what was approved and that it wasn't going to be an issue. But after talking with our planner he said we would need to resubmit. We submitted the original letter in time for the Notice of Action recordation date, but this application packet did not get in until August, but we were already working the planners already at that time.

The bids came in as a surprise to the owner; we were not working with one contractor, but we were receiving bids from several contractors and they all came in higher than the owner expected and that was the main reason.

Chairman Arroyo your revised plan is build it to Code.

Elizabeth Gayle yes, basically it will be less than 30-feet and the variances we requested for will not be necessary.

Chairman Arroyo if the NOA had expired you could have still built as long as it was still conforming.

Marvin Aguilar the tentative development plan is approved for a plan specific design.

Elizabeth Gayle it did take us another month to package all together to get the revised drawings in and that is why it was not submitted earlier this month. But, we did submit the notice of request to revise before the deadline.

Chairman Arroyo I am anticipating that other than the change in height, the revised plan will it still be encroaching setbacks.

Elizabeth Gayle we have zero-inch setbacks on both the requests. So, it is really the height that is being reduced. The variance that was previously approved will go back to be compliant.

Chairman Arroyo you want to continue with the height variance.

Elizabeth Gayle we didn't ask for a change in the height variance; we are just informing the Commission that we are not going to build it to what we were given a variance for, but build at the 30-feet. But, in the future we may build it later and we will come back to inform the GLUC.

Chairman Arroyo the building you plan to put up even though it's lower in height will still be able to support an additional two floors.

Elizabeth Gayle yes, that is what it will be designed for; it will basically be knocking off the offices up above.

Chairman Arroyo I remember this application and we discussed it in detail.

Elizabeth Gayle it is a parking garage for the back of the house, and so it is for the employees and for nearby tenants. The owner has some agreements to allow overflow parking, and so it is very competitive for space.

Chairman Arroyo I also recall that you were going to build a green-wall. Is that still part of the plan.

Elizabeth Gayle yes; and if you look at the application under Exhibit J (introduces Ms. Yoko Pipes) shows the landscaping plan and one of the items that they are proposing is to do a landscape wall to allow creeping vines up the wall to both soften, to provide noise buffer, and soften the visual look of the space up against the cliff-line.

[Discussion ensues on the green wall concept. Ms. Gayle explains that it is set about 4-inches away from the wall, and the vines grab onto the screen and not onto the wall. The green wall will reduce heat, provides shade into the parking stalls and reduces noise from outside coming inside.]

Commissioner Oh the Mall they have some vines growing on the walls of the parking garage.

Elizabeth Gayle that directly adheres to the wall, this will climb onto a screen. This green space with the screen set apart is the newer technology.

[Discussion ensues]

Chairman Arroyo any other questions or comments. [None noted]

Elizabeth Gayle hopefully the skilled worker issue will be resolved; but, we are starting to see it from developers coming to us and inviting contractors to bid has been a challenge.

Chairman Arroyo I will open the floor for public comments. Is there anybody who would like to say something about this application.

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

Commissioner Bathan the applicant is asking for a two-year extension not one-year. On the NOA it says the Commission may grant two, one-year extensions. Are we allowed to entertain a two-year extension or one-year?

Marvin Aguilar the standard is one-year. The question would be why are you requesting for two-years opposed to one-year.

Elizabeth Gayle the worker situation has made it hard to predict how long we will need to finish the project.

Frank Taitano the provision where it says the Commission can grant two, one-year extension. That is reference to E.O. 96-26; but, the Hotel/Resort Interim Rules and Regulations also gives the authority to the Commission to grant a timeframe of no less than 6-months or no more than 4-years. That authority will accommodate the two-year extension and not be in conflict with the E.O. 96-26.

Chairman Arroyo does one supersede the other.

Frank Taitano no, they will still need to maintain the provision of 96-26 which is from today, they still have one-year.

Chairman Arroyo so, you are saying we can only grant one year.

Frank Taitano basically yes; but, for the TDP you can do two.

Chairman Arroyo it's the interim hotel rules and regulations which was supposed to have been temporary provisions subject to the GLUC coming with permanent rules and regulations and we have not done that yet.

Marvin Aguilar it still stands and promulgated to be accepted as interim.

Frank Taitano what it says in the TDP that everything that was approved in the TDP has to be completed within that two-year timeframe. The provision in E.O. 96-26 says that within one-year you have to get a permitting or grading permit.

Chairman Arroyo so, we are looking at two things; one, is to get the grading permit within a year. Did you do that?

Elizabeth Gayle we were in the process of doing that, but we stopped because bids came in so high.

Chairman Arroyo are we at that one-year expiry now.

Elizabeth Gayle it would have been July 16th.

Chairman Arroyo so, it is expired.

Nicolas Toft if I may. One of the two projects that the Land Use Commission had approved or done an extension on was in Tumon with a TDP where that action had expired. What the GLUC did was they did a vote on a new NOA; it didn't need a new public hearing at all because it was pursuant to the TDP. So, the Board just took a vote and it passed and a new NOA was issued. There weren't any issues with renewal it was a new NOA, one-year.

Chairman Arroyo we need to look at the expired NOA before we consider your request for a two-year extension. Is the Commission okay with that? [No objections noted] Any other discussion?

Nicolas Toft the language of 96-26 does not specify when the request for the extension has to be made as far as with regard to the deadline of the NOA. So, in theory, when reading it, is if there is a new NOA and they request an additional year extension immediately it would essentially be a two-year NOA at that time if that it is approved.

Chairman Arroyo if there are no additional discussion, if anybody would like to put a motion forward based on the guidance of Legal Counsel. So, it is basically the NOA is expired so we are going to issue a new NOA and the other part of the motion would be to grant the first one-year extension because we know that they're going to have some issues getting a grading permit within a year. Commissioner Oh, just make sure your motion is subject to the conditions of the previous NOA.

Commissioner Oh Mr. Chair, I move to issue a new Notice of Action based on the conditions stated in the previous NOA issued June 10, 2016 with an extension to their one-year deadline in reference to E.O. 96-26.

Chairman Arroyo there is a motion on the floor to approve this TDP and issue a new NOA subject to the conditions of the previous NOA, and then to grant the first of 12-month extensions to allow

the applicant to obtain their grading permit as required by the Executive Order. That is the motion, is there a second.

Vice Chairman Cruz second.

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

Marvin Aguilar in the motion, if you could make reference to Notice of Action dated June 10, 2016 and recorded under Instrument No. 894911.

Chairman Arroyo Commissioner Oh would you like to just clarify your motion.

Commissioner Oh so clarified (as stated by Chief Planner Marvin Aguilar).

Chairman Arroyo any other discussion on the motion? [None] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Oh, Commissioner Bathan and Commissioner Vy], all opposed say "nay."

[Motion passed; 5 ayes, 0 nay]

Chairman Arroyo is there anything else we need to discuss.

Commissioner Oh I know that there was a bill concerning the grandfathering in of digital billboard signs. Because I am in the industry I am involved in the new sign law which I believe is Bill 34-116 and introduced by Senator Ada. There was discussion, there was a public hearing held. I had the chance to talk to some of the other players in the industry; the way the bill is currently proposed is proposes to give the authority and the responsibility of issuing sign permits to the Director of DPW (originally written). There are certain elements in the bill that does not have normal vetting process; one being no public hearing. It didn't have any mention of ARC requirements, no resolutions from the municipality that it will affect. And everyone in the industry left that the process was sound and so therefore they want to keep the process and it could be a different agency that will take on the responsibility of issuing sign permits. Another comment made was if there was already a process in place and with the GLUC, and there were recommendations to give the authority back to the GLUC; and I think that was proposed.

Commissioner Oh further commented that if the authority was given to DPW, DPW would have to create a new procedure and all the normal procedural vetting items. Those in the industry felt that the process is already in place with Land Management and GLUC why reinvent the wheel. The bill is in the process of being amended, and I will keep you updated on its progress.

Chairman Arroyo was there anything in the bill that restricted the signs in certain areas.

Commissioner Oh can't quite remember the details, but I believe it is 500-feet from the proposed sign if it is 50 percent residentially zoned it is not allowed to have a sign. The other condition was on distance between signs that you cannot have one within 1000-feet of each other.

[Discussion ensues]

Chairman Arroyo thank you for that, appreciate it. Anything else to discuss? [None]

VI. Adjournment

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

The regular meeting of the Guam Land Use Commission for Thursday, August 24, 2017 was adjourned at 4:10 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

Date approved: 9.14.2017

ATTACHMENT A

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

DEPARTMENT OF LAND MANAGEMENT

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
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671-649-LAND (5263)

Facsimile:
671-649-5383

June 16, 2017

Memorandum

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Commission Brief - Application No. 2015-29B

Re: Continuation-
Status report on conditions of approval (3rd Submittal)

At its regularly scheduled meeting of May 25, 2017 the Guam Land Use Commission deliberated on information provided by Guam Wanfang Construction, Ltd's 3rd six-month reporting requirement.

As part of its 3rd submitted report, AES requests for an extension of relief where,

"The applicant shall apply for and receive a building or grading permit for the approved project within One (1) year of the date of recordation of the Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire; provided, however, that the Commission may grant Two (2) one-year extensions of the above approval period".

AES noted reasons for this request were based on the following:

1. The extended review by DPR to obtain its first permit on the re-burial program, of which appears to have taken six (6) months to its current status;
2. Ongoing litigation of the project in court, to which ruling has yet to occur and causing a default on AES to hold design and engineering work at 50%; and
3. Reconsideration of construction methodology however, as a result of a workforce shortage on Guam the applicant felt it necessary from completing construction documents until the workforce issue has been resolved.

4.

After lengthy discussion the Commission focused on the matter of its authority to grant extensions as allowed under Executive Order 96-26, section 5. That the application be continued pending the following:

1. Additional guidance from Legal Counsel/AG's Office on whether or not the Commission has the authority to grant the applicant's request for extension when the Notice of Action has expired; and,

2. Previous applications to determine how the GLUC proceeded with expired NOAs and whether or not the Commission has approved requests for extension on expired NOAs in the past.

In response to this request, Assistant Attorney General Nick Toft, Esq. provided the following response[1]:

The issue presented was whether the Board could deliberate on whether or not to grant Wanfang an extension on their requirement to obtain a building or grading permit within a year of the receipt of their Notice of Action, given the language of Executive Order 96-26 section 5. I will proceed step-by-step with the sub-issues presented and attempt to explain succinctly the processes and conclusions.

First, Wanfang submitted its request for an extension on May 2, prior to the expiration of the one year period, but not in time for the GLUC to perform any action upon it, as the deadline was May 10. The preliminary issue is whether the Board has the jurisdiction to consider the request at all. I believe it does, under the same case law and logic as presented in the Decision and Order in SP0102-16, the Save Southern Guam appeal from the GLUC's initial approval. The time limit appears to be what's called a claims processing rule, versus a jurisdictional rule, because there is no legislative (or in this case, executive) intent to divest the board of the ability to examine the request after the deadline has expired. See, also, Sebelius v. Auburn Reg'l Med. Ctr., 133 S.Ct. 817 (2013).

At this point, I will mention two prior instances of the GLUC considering extensions of NOA's after the deadline had expired. On 8/11/16, GLUC told FC Benavente Planners and Dr. and Mrs. Alegria that their NOA was null and void, as it had expired, and their request came two months after the deadline had passed. They were told that a new Notice of Action with new dates would be needed. Because this was a project in Tumon with a Tentative Development Plan, they were told they did not need a new public hearing, and a vote for a new NOA was immediately taken and passed. On 2/10/11, GLUC told Takano Towers*, who had applied for a height variance, that because their request for an extension was received on the day of the expiration, they would consider the request. The commission noted that the developers were having difficulties with GWA regarding the infrastructure, and unanimously approved the motion to grant the extension, even though the meeting was two months after the expiration of the NOA.*

Which leads to the next sub-issue – if GLUC has the ability to vote upon the extension, is there anything to be considered? I believe there is – In Sebelius, as well as Save Southern Guam's appeal, the courts allowed for equitable remedies to be available for the failure to meet the statutory deadline. In a way, and I'll explain, I believe the GLUC in the Takano Towers did so as well. As pointed out in the Save Southern Guam opinion, there are two equitable doctrines – tolling and estoppel. Equitable tolling occurs when there has been deception or misrepresentation by the GLUC, which does not appear to be the case here. Equitable estoppel may be invoked if Wanfang's failure to meet the filing deadline was the consequence of a deliberate design by GLUC or because of actions that GLUC should unmistakably have understood would cause Wanfang to miss the deadline.

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[1] Source of comments are from Assistant Attorney General Mr. Nicolas Toft, Esq. and forwarded via email to the Guam Chief Planner for distribution to members of the Guam Land Use Commission and its Executive Secretary.

And that is the point on which the GLUC should vote. Wanfang has alleged that one of the reasons for its failure to meet the deadline was due to GLUC's delay in approving the language of the demolition bond, which they contended had to occur prior to the securing of permits. So if this constituted a sufficient reason for Wanfang to fail to secure an extension prior to the deadline, the Board should vote to provide the extension. If not, the Board should vote to deny the extension, the NOA would have expired, and GLUC/Wanfang can then examine the possibility of creating a new NOA.

* The assistant Attorney General references two (2) land use applications that were considered for issuance for an extension and actions taken, as requested by the GLUC.

We reiterate our position that in the event a one-year extension is considered for this project basis for such action should address whether or not an opportunity exists to insure protection and promotion of public safety, public health, and general welfare, or for such matter if such caveat can be achieved should the project be forced into a drawn out timeline.

Likewise, focus should be placed on the management of the project and perhaps a reassessment is in order to first, determine if requirements of the issued Notice of Action (NOA) can be fulfilled in light of pending issues beyond the control of either the project owner or the Guam Land Use Commission. Second, since the applicant has decided to hold back on further expending resources until suitable conditions to commence forward movement, then perhaps the Commission may wish to "re-set" the requirements of NOA, this without compromising purpose to which such conditions were initially asserted. As an example, if the applicant remains compelled to remain status quo until suitable conditions to move forward occurs, then perhaps requirements such a 6-month reporting schedule may be moot however, the applicant should not be dissuaded from meeting other requirements as may be directed or may be achieved in the interim.

We remain available to provide further assistance to the Commission.

Marvin Q. Aguilar
Guam Chief Planner

Attachments

PAGO BAY RESORT

RECEIVED
AUG 2 3 2017
Department of Land Management
Time 2:35 Initial

August 22, 2017

Guam Land Use Commission
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Attention: Mr. John Arroyo
Chairman

This letter is written as the Pago Bay Laguna Resort Developer to reaffirm our continuing commitment to inter the ancient remains found on Lot164-4NEW and to request GLUC Commission for separation of the internment responsibility from Pago Bay Ocean Resort project. The ancient remains were found by our archaeologist were during the construction of Pago Bay Laguna Resort.

Previous to this time, we proceeded to construct our residential subdivision (Phase 1) project under permit in 2008 and substantially completed our Phase 1 project in 2010. During this development process, the master lot 164-4NEW was subdivided into 3 parcels, renaming the divided lots as Lots 164-4NEW-2, 164-4NEW3 and 164-4NEW-R3. Subsequently, majority interest in Lot 164-4NEW-2 was transferred to WanFang Construction Inc in 2015 for development as the Pago Bay Ocean Resort.

We have attached an exhibit from our Archaeology Report illustrating the where the ancient remain were found. The exhibit shows that the remains were not found on the area of what is now the Lot of Pago Bay Ocean Resort (Lot 164-4NEW-2). The internment of the ancient remains has lingered as a final item to be closed under our original Permit. Our last correspondence with the Department of Parks & Recreation was in 2012. At that time we were unable to complete and the internment remained open until the task was assigned to WanFang in 2016.

Pago Bay Ocean Resort team, we have made considerable progress with the Department of Parks and Recreation since March of 2016. A final interment location is approved and a permit to construct a surrounding park is approved. Local artists and landscapers have been engaged to create a park setting in its Pre-Spanish condition. Construction of the site is now substantially complete.

The last prerequisite to inter the remains is to finalize the Archaeology Report. We have engaged our previous archaeologist and osteologist to amend the November 2010 Final Report as requested by the Department of Parks & Recreation. Unfortunately the time frame to amend the document cannot be constrained to the NOA of May 2, 2016.

We respectfully request that GLUC acknowledge Pago Bay LagunaResorts'eager commitment to complete the internment and remove this requirement from the separate Pago Bay Ocean Resort NOA dated May 2, 2016.

Thank you for consideration of this request.

Sincerely,

Fong S. Wu, Representative of the Pago Bay ~~Ocean~~ Resort

125 Tun Jesus Crisostomo Street • Suite 102 • T. 671.888.1688 • F. 671.969.7229 • www.pagobayresort.com

8/23/2017 CR
PLANNING
@ 2:30pm

HERITGAGE RESOURCE MANAGEMENT

Mike T. Carson and John A. Peterson

AT PRESENT, NO ADDITIONAL ARCHAEOLOGICAL WORK WILL BE NEEDED for the purposes of resource identification and management in the subject property. The effort for site inventory was exhaustive, resulting in detailed documentation of four sites (Pago T-1 through -4) and verification that no other sites existed within the subject property. Extensive subsurface testing, data recovery excavations, construction monitoring, collection of historical context information, and paleoenvironmental studies all contributed to a sophisticated documentation and interpretation of the four sites, as well as to significant new substantive and theoretical research based on these findings.

Site locations and boundaries are depicted in Figure 81, shown on a USGS map base as required by GHPO. Table 8 summarizes the major characteristics of each site, along with significance evaluations and recommended management actions. The significance evaluations are in accordance with National Register of Historic Places (NRHP) standards.

For NRHP eligibility, a property or site must retain integrity, meaning that its components must be intact and bear significance toward substantive or theoretical knowledge. The National Historic Preservation Act (NHPA) of 1966, as amended, provides a definition of the criteria for evaluating site significance and NRHP eligibility in 36 CFR 60:

> The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
>
> A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
> B. that are associated with the lives of persons of significance in our past; or
> C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or
> D. that have yielded, or may be likely to yield, information important in prehistory or history.

Doc. No. 34GL-17-1007.

Table 8. Summary of sites, significance evaluations, and management recommendations.

Site	Site Description	Integrity Retained	NRHP Significance Criteria Evaluation	Management Recommendations
Pago T-1	*Latte* period and more recent, potentially A.D. 1000-1900s; habitation ruins	No	None	Thorough resource identification and documentation already completed; extensive surface and subsurface collections already completed; historical setting information already collected; adverse effects already mitigated through data collection and monitoring; no additional data-collection appropriate
Pago T-2	*Latte* period and more recent, potentially A.D. 1000-1900s; crop-growing area	Yes	D	Thorough resource identification and documentation already completed; extensive surface and subsurface collections already completed; historical setting information already collected; adverse effects already mitigated through data collection and monitoring; no additional data-collection appropriate
Pago T-3	1940s; Japanese WW II occupation	No	None	Thorough resource identification and documentation already completed; extensive surface and subsurface collections already completed; historical setting information already collected; adverse effects already mitigated through data collection and monitoring; no additional data-collection appropriate
Pago T-4	1940s to 1970s; post-WW II U.S. military rifle training range	No	None	Thorough resource identification and documentation already completed; extensive surface and subsurface collections already completed; historical setting information already collected; adverse effects already mitigated through data collection and monitoring; no additional data-collection appropriate

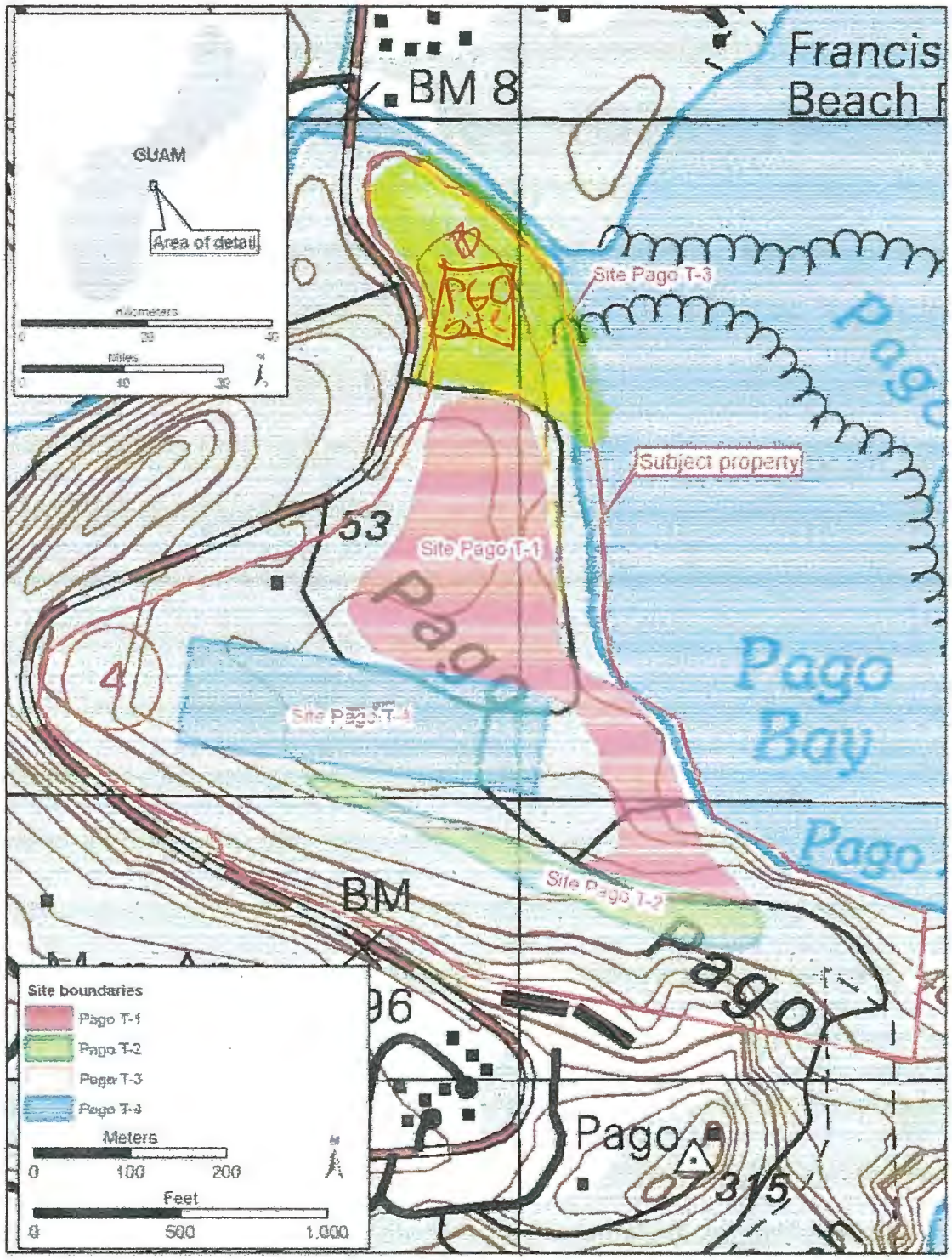


Figure 81. site locations and boundaries, shown on portions of U.S. Geological Survey (USGS) 1:24,000 scale topographic series maps, Agana and Talofofo Quadrangles.

Sites Pago T-1, T-3, and T-4 lack integrity as a basis that potentially would have enabled significance for scientific data content. The lack of integrity means that significance of data toward a specific research topic cannot be distinguished according to NRHP guidelines.

Site Pago T-1 was documented as associated with a *latte* period and more recent habitation, but its components materials had been greatly disturbed by prior land-clearing and other activities. For example, no *latte* stone remained at the site, and the surviving artifacts were intensively fragmented in a rather rocky layer over the limestone bedrock. Also, remnants of burial features had been extremely disturbed, fragmented, and weathered. Based on these observations, site integrity had not been retained, so Site Pago T-1 could not be considered eligible for NRHP nomination.

Site Pago T-2 was documented as associated with *latte* period and more recent crop growth and other associated land use. Unlike the other sites in the subject property, the components of Site Pago T-2 retained integrity of location, design, setting, materials, workmanship, feeling, and association. Also, significant substantive and theoretical knowledge was gained through archaeological documentation and data recovery. At present, the potential for significant data-collection has been exhausted at Site Pago T-2 through site inventory documentation and mitigation of the Laguna Pago Bay Resorts land development.

Site Pago T-3 was a series of tunnels and niches that had been carved into the limestone cliff face bordering Pago Bay during the Japanese WW II occupation. Their creation and use was associated with the Japanese Army's South Seas Detachment (*Nankai Shitai*). These defensive works may have modified pre-existing caves or other cavities. No remnants of Japanese WW II or earlier occupations were found in these tunnels and niches, except for secondary re-deposited materials post-dating WW II use due to collapse of tunnels from weathering and structural weakness. The surviving tunnel features lacked integrity and did not meet requirements for nomination in NRHP. Nonetheless, substantial historical information was gathered about their larger context and association.

Site Pago T-4 included the remnants of a post-WW II U.S. military rifle training range. The rifle range was constructed by the U.S. Navy Construction Battalion (CB or "seabee"), but searches of the U.S. Navy Construction Battalion Museum (in Port Hueneme, California) yielded no existing documentation of this rifle range. Anecdotal accounts suggest that these works in Guam were accomplished mostly without formal construction drawings and other documents that otherwise would be curated at the museum. The present documentation includes historical photographs from the time of the rifle range construction, modern

From: Jon Visosky
Sent: Tuesday, August 22, 2017 2:43 PM
To: [redacted]
Subject: Demolition bond (GLUC - Guam Wanfang Construction Ltd.)

Nicholas,

This office is assisting Guam Wanfang Construction Ltd. regarding its variance proceeding before the Guam Land Use Commission ("GLUC"). My client informs me that a GLUC hearing on the matter is set for August 24, and that one of the issues is the form of the demolition bond required by the GLUC. My client is also under the impression that the GLUC needs an opinion or some sort of input from the AG's office on the demolition bond.

In December of 2016 another attorney from my office, Seth Forman, sent the attached letter and draft bond. I believe we did not receive a response. Guam Wanfang would like to be able to move forward with this matter, and hopes the demolition bond can be resolved at the August 24 hearing. Feel free to call if you would like to discuss. Thanks.

Best Regards.

Jon A. Visosky

ROBERTS FOWLER & VISOSKY LLP
865 South Marine Corps Drive, Ste. 201
Tamuning, Guam 96913
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Email: visoskyj@guamlawoffice.com

RECEIVED
8.21.2017

Category		Condition of Approval	Agency	Ref	BAU	Eco-green	5/2/17 Update	Time-frame	Lead	May 2017 Status Update
0. General – Prerequisites to Submitting Permits										
0. 1	Prerequisite	Item 4. Within six (6) months of recordation of approval the applicant shall submit re-design plans with supporting information of such design to the Guam Chief Planner for assessment of compliance. After review, such information shall be forwarded to the Guam Land Use Commission for its consideration and approval at the next available regularly scheduled hearing	GLUC	10.e			SU 1	SD	AES	**In Compliance.** Submitted under 6 month Status Update October 14, 2016 and amended under OTSC December 21, 2016. Approved by GLUC February 23, 2017.
	Architectural	Item 4. In its current design, the applicant attempts to promote a level view corridor serving reason for "two tower" design. The applicant shall assume or retain this intent to provide, as best as possible, a design that will not interfere with view corridors	GLUC	10.c			SU-1	SD	AES	**In Compliance.** GLUC Application schematic design assumed a level view corridor; any future design changes will maintain this intent.
	Architectural	Item 4. Be based on maximum footprint consideration(s) available by law (239 units)	GLUC	10.a			SU-1	SD	AES	**In Compliance.** Submitted under 6 month Status Update October 14, 2016 and amended under OTSC December 21, 2016. Approved by GLUC February 23, 2017.

	Architectural	Item 1. Maximum height for the three structures – commercial building and common area the height is not to exceed 58-feet mean sea level, Tower 1 not to exceed 168-feet mean sea level and for Tower 2 not to exceed 158-feet mean sea level	GLUC	10.d			SU-1	SD	AES	**In Compliance.** Submitted under 6 month Status Update October 14, 2016 and amended under OTSC December 21, 2016. Approved by GLUC February 23, 2017.
0. 2	Prerequisite	Item 2. Developer must secure an agreement with DPR to address and resolve the reburial of human remains	DPR	6.b			SU-1 P-1 SU-2	SD	AES	**Ongoing. Responsibility of Separate Developer Pago Bay Laguana Resort. Grading Permit Secured May 5, 2017 Park is under construction, scheduled for completion August 1, 2017. Internment of Ancient Remains is multi step process and remains on going. Indefinite schedule for completion at this time.** **Hurao Inc. under contract to coordinate reburial of remains. This is being performed to be in compliance with a Notice of Action dated March 13, 2008 for Application No. 2007-84.**
0. 3	Prerequisite	Item 3. In matters remaining unresolved by individual agencies particularly that of matters concerning infrastructure, the applicant shall be restricted from submitting and/ or securing any permit requests to include, not limited to building permits until such time such agency concerns have been satisfied.	GLUC	9.3			P-1 P-2 P-3 P-4 P-5	SD	AES	**Clarification Requested. In regard to "restricted from submitting and/ or securing any permit requests. To clear concerns permit submission is the process. No agency will address concerns for approval unless submitted under cover by Permit. Ongoing. Grading Permit Submitted May 2, 2017. Addressed and permitted separately, scheduled for completion in March 2018.**

0. 4	Prerequisite	Item 8. That prior to securing any permits for the purpose of construction, the applicant shall engage in crafting and securing a demolition bond agreement between the applicant/ property owner and the GLUC, where; (a,b,c,d)	GLUC	17.8.a,b, c,d			SU-1	SD	AES	**Extension of 1 year Deadline Requested May 2, 2017. Owner has previously expedited this item to GLUC. Draft agreement submitted by owner December 23, 2016. GLUC review and comment has extended past the 1 year deadline."**
	1. General									
1.1	General	Item 2. Incorporate eco-green and energy efficient as part of your design concept	DPW	7.a		✓	P-2 P-3 P-4 P-5	CD	AES	**Ongoing.** Developer and Owner are committed to 'eco-green' goals; Draft 2015 Guam Tropical Energy Code amending IBC 2009 and LEED principles being used to craft a green Basis of Design
0. 5	General	Item 5. All commercial operations associated with the Pago Bay marine resort intended to occur within or in association with the territorial Seashore Reserve shall require consent and approval by the Guam Seashore Protection Commission(GSPC);	GSPC	9.3			Not Applica ble P-3		AES	**Clarification Requested. No Scope of Work including a Mariana is included in the project or within the Seashore Reserve. A Submission will be made at P-3 to GSPC confirming no scope of work during the Building & Stormwater Permit Period.**
0. 6	General	Item 6. Owners/operators of the Pago Bay Ocean (*Marina*)Resort shall engage the technical assistance expertise of the University of Guam in implementing beach/ bay cleanup program; and partnered marine science education program.	U o G	9.3			SU-2	Permit	AES	**In Compliance. Pago Bay Laguana Resort has and will participate in the International Coastal Cleanup. Completed 2016, Scheduled for 2017.** Commitment is ongoing. Further discussions participating in stabilizing the Pago Bay River watershed are on going.
1. 3	General	Item 2. DPW recommends approval subject to comments review by the Application Review Committee (ARC) with conditions that the complete set of design drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing including flood zone and ADA requirements	DPW	7.j	Y		P-1 P-2 P-3 P-4 P-5	Permit		**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer

	2. Site									
2. 1	Archeologist	Item 2. Must hire a qualified archaeologist to prepare an Archaeological Monitoring, Discover, and Data Recovery Plan in consultation with our office. Recommended to schedule a meeting soon, with the appropriate DPR staff to discuss the concerns raised	DPR	6.a			P-2 P-3	DD	AES	**In Compliance.** Developer has contracted a qualified Archeologist for this work
2. 3	Architectural	Item 2.Comply with ADA (parking layout, stalls, etc)	DPW	7.f, 7.j	Y		P-3	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer
2. 4	Architectural	Item 2. Entrance/exit must be wide enough for public access	DPW	7.g	Y		P-3	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer
2. 5	Architectural Site/ Landscape	Item 7. Item 2. Public access to beach area (resolve with DPR prior to resubmittal)	DPR, DPW, GLUC	6.b, 7.h			P-3	CD	AES	**In Compliance.** Included in GLUC Application; will also be included in final CD submission; will coordinate with DPR per request
2. 6	Architectural Site/ Landscape	Item 2. Outdoor amenities including landscaping must be design in detail and make use of its physical and biological resources which will make a great impact to the environment	DPW	7.c	Y	✓	P-3	CD	AES	**Compliance Anticipated.** AES anticipates meeting DPW's expectations with commitment to use native plants, protect the habitat, avoid invasive plants, and promote "beautification"
2. 7	Architectural Site/ Landscape	Item 2. Encouraged to avoid use of invasive plants, incorporate native plants. Advised to preserve native vegetation. Best blend into the natural beauty of Pago Bay	BSP, GLUC	8.j, 10.b		✓	P-3	CD	AES	**Ongoing.** Developer working with experts to preserve, protect and restore the area
2. 8	Architectural / Landscape/ Civil	Item 2. Provide open vegetated buffer between the shoreline and buildings in accordance with NCGLUP Policy NS-9	BSP	8.a			P-2 P-3 P-5	DD	AES	**Clarification Needed.** Will seek clarification with BSP

2. 9	Civil	Item 2. Non-potable water for landscape and other non-domestic use must be explored by collecting rainwater	GEPA	3.j		✓	P-3 P-5	CD	AES	**Ongoing.** Researching and considering options to collect water for non potable uses. Any designs will be included by AES Civil Engineer
2. 10	Civil	Item 2. With respect to wetland protection, wetland areas must be protected and a buffer of 30 feet must be maintained	GEPA	3.k			P-2 P-3 P-5	CD	AES	**Ongoing.** Working with BSP and the Army Corp of Engineers on wetland protection, including a 30 ft buffer
2. 11	Civil	Item 2. Must comply with all GEPA regulations, to be incorporated during the issuance of building permit clearance (i.e. Solid Waste Management Plan, Boring and Dewatering Permit, Air Emission permit, etc.).	GEPA	3.l			P-1 P-2 P-3 P-4 P-5	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer
2. 12	Civil	Item 2. Must provide a traffic impact analysis to be coordinated with DPW, Division of Highways (Traffic Control Section); to include, i. Request the widening of Route 4; and ii. Creation of a turning lane south-bound into Yona	DPW	7.e	Y		P-4	CD	AES	**In Compliance.** Traffic Mitigation Plan dated March 15, 2016 included in GLUC Application 2015-29 Supplemental Information. Final CD submission will include results of this study
2. 13	Civil	Item 2. Employ erosion and sediment controls during construction, no sediment or debris into water. Coordinate with GEPA for effective implementation of erosion control methods	BSP, GEPA	8.b	Y	✓	P-1 P-2 P-5	CA	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer; also in line with developer's eco-green goals for construction activity pollution prevention. **Clarification Needed.** Will seek clarification with BSP regarding sign off authority
2. 14	Civil	Item 2. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods	BSP,GEPA	8.c			P-1 P-2 P-5			**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer. **Clarification Needed.** Will seek clarification with BSP regarding sign off authority
2. 15	Civil	Item 2. Advised to avoid clearing, grading and construction over the wetlands	BSP, DPW	8.d	Y		P-3 P-4 P-5	CA	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer; also in line with developer's eco-green goals for construction activity pollution prevention.

2.16	Civil	Item 2. Encouraged to implement Low-Impact Development (LID) practices such as permeable pavement for parking lots and walkways, grassed swales, island bio retention, and/or rain gardens into the landscaping design that will capture runoff from roofs, parking lots, or driveways, which filters pollutants before entering the water. An electronic file of the guidebook "island Storm-water Practice Design Specifications: is available at the Bureau's Guam Costal Management Program office.	BSP	8.h, 8.i		✓	P-3 P-4 P-5	CD	AES	**Ongoing.** Researching and developing options to implement various LID practices; AES is in contact with a BSP representative and will schedule an appointment to coordinate on this effort
2.17	Operations	Item w. Encouraged to consult with Dep of Ag in using organic fertilizers or pesticides for landscaping to avoid additional contaminants from entering river bay. May also seek guidance from GEPA Pesticide Control Program	BSP, Dag, GEPA	8.k		✓	P-3 P-4 Ops	CD, Ops	AES,Owner	**Compliance Anticipated.**
2.18	Soil Analysis	Item 2. Must provide a soil report and geology engineering report	DPW	7.d	Y		P-2 P-3 P-4 P-5	SD	AES Contractor	**In Compliance.** Soil engineer contracted and testing complete
2.19	Stormwater	Item 2. Must conduct comprehensive soil analysis to determine percolation rate, taking into consideration the water table, to be used as a basis of design for a storm water management	GEPA	3.a	Y		P-2 P-3 P-4 P-5	SD	AES Contractor	**Ongoing.** AES contracted this work; awaiting report
2.20	Stormwater	Item 2. Comply with the requirements of the 2006 Guam CNMI and Guam Storm Water Management Manual or current stormwater management plan and associated pre-treatment program, as directed by GWA	GEPA	3.b	Y		P-2 P-3 P-4 P-5	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer. **Clarification.** Will seek clarification with GEPA regarding authority
2.21	Stormwater	Item 2. Discharge of storm water into Pago River and Bay should be avoided to the fullest extent practicable	BSP	8.e	Y		P-2 P-3 P-4 P-5	CD	AES	**Compliance Anticipated.** In line with developer's eco-green goals for construction activity pollution prevention.

2. 22	Stormwater	Item 2. Submit a drainage plan showing methods for managing storm water on site; implement best management practices on property to control erosion and runoff during and after construction of the project in accordance with current storm-water management plan per DPW direction	BSP	8.f	Y	✓	P-2 P-3 P-4 P-5	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer; also in line with developer's eco-green goals for construction activity pollution prevention
2. 23	Stormwater	Item 2. Consult with GEPA for effective implementation of storm water management practices	BSP	8.g	Y		P-2 P-3 P-4 P-5	CD	AES	**Compliance Anticipated.** Developer will implement stormwater management practices and consult with GEPA
3. 4	Architectural	Item 2. Provide structural analysis for winds velocity that can withstand 170 mph	DPW	7.b	Y		P-3	CD	AES Contra ctor	**Compliance Anticipated.** In line with existing regulatory/ permit requirements; will be addressed in final CD submission
	4. Materials & Resources									
4. 1	Solid Waste Management	Item 2. Provide solid waste compositions	DPW	7.i			P-3	CD,CA	AES	**Clarification Needed.** Will seek clarification with DPW
	5. Energy									
5. 1	Site Utilities	Item 2. GPA has determined that significant infrastructure upgrades, that includes but is not limited to, switches, voltage regulations, load transfers and capacitor banks must be completed in order to support this project. GPA is also investigating the line extension of feeder P-211 to support the Pago Bay Ocean Marina Resort as a permanent solution. Consequently, the infrastructure upgrades, at a minimum of those referenced above, shall be completed prior to final service connection of Pago Bay Ocean Marina Resort.	GPA	5.a			P-3	CD	AES Contra ctor	
5. 2	Site Utilities	Item 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	GPA	5.c			P-3	CD	AES Contra ctor	**Compliance Anticipated.** Will be addressed/included by contracted Electrical Engineer, in line with existing regulatory/ permit requirements

5. 3	Site Utilities / Electrical Engineering	Item 2. The 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. i. Coordinate overhead/underground power requirements with GPA Engineering for new structures. ii. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code; iii. Maintain adequate clearance between any structures and electrical utility easements in accordance with NESC and GPA requirements. iv. Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection. v. Provide any revision to scheduling and magnitude of project power demand requirements for new loads. vi. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials. vii. Require system upgrades will be charged to the applicant. This includes relocation costs, new installation costs and all costs associated with modification of GPA facilities	GPA	5.b	Y		P-3	CD	AES Contractor	**Compliance Anticipated.** Will be addressed/included by contracted Electrical Engineer, in line with existing regulatory/ permit requirements
5. 4	Site Utilities / Electrical Engineering	Item 2. Further system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.	GPA	5.d			P-3	CD	AES	**Compliance Anticipated.** Impact assessment based on estimates included in GLUC Application; final power calculations will be included in final CD submissions with new impact assessment as required
	6. Water									
6. 1	Civil	Item 2. The water point of connection must be before the Pago Bay Booster station to conserve energy, as directed by GWA.	GEPA	3.i			P-3	CD	AES	**Compliance Anticipated.** Will be included by AES Civil Engineer

6. 2	Operations	Item 2. Cleaning and maintenance of any swimming pool must not be discharged to the sewer system. It must be pumped by a private company and discharged at an acceptable location, as directed by GWA	GEPA	3.e	Y		P-3 Ops	Ops	AES Owner	**Compliance Anticipated.** In line with existing regulatory and inspection requirements known to the developer
6. 3	Operations	Item 2. Wastewater pump station requires certified operator, compliance with 10 GCA Chapter 52 "Water and Wastewater Operator's Mandatory Certification Act" (per GWA)	GEPA	3.f	Y		Ops	Ops	Owner	**Compliance Anticipated.** In line with existing regulatory and inspection requirements known to the developer
6. 4	Plumbing	Item 2. The applicant must construct a water storage tank with a minimum capacity of 24 domestic demands and the required fire flow, as directed by GWA	GEPA	3.h			P-3	CD	AES Contra ctor	**Compliance Anticipated.** Will be included by contracted Plumbing Engineer
6. 5	Sewer	Item 2. Sewer discharge must be contained in a holding tank and a pump station with a capacity of 24 hours to allow schedule of pumping by GWA during non-peak hours, as directed by GWA	GEPA	3.c	Y		P-3	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer.
6. 6	Sewer	Item 2. Proposed discharge points must bypass the Pago Double Shaft Sewer Pump Station, as directed by GWA	GEPA	3.d	Y		P-3	CD	AES	**In Compliance.** Included in GLUC Application; will also be included in final CD submission
6. 7	Sewer	Item 2. Pumping of sewage to GWA's gravity main must be scheduled during non-peak hours	GEPA	3.g	Y		P-3	CD.OC	AES	**In Compliance.** Included in GLUC Application; will also be included in final CD submission
6. 8	Site Utilities	Item 2. GWA recommends coordination with the GWA Engineering Department will in advance of the building permit application submittal. Discussions shall include the proposed project's impacts on existing water and sewer infrastructure and any required infrastructure improvements.	GWA	4.a	Y		P-3	CD	AES	**Ongoing.** Coordinated with GWA for initial GLUC application and will maintain cooperation for final CD submission
6. 9	Site Utilities	Item 2. Water service point of connection, connection details, water service line and meter size must be illustrated in the design drawings and approved by GWA.	GWA	4.b			P-3	CD	AES	**Compliance Anticipated.** Will be included by AES Civil Engineer

6. 10	Site Utilities	Item 2.Water demand and sewer production calculations provided in the variance application do not specifically identify associated water uses, such as the pool and the water park. Utility calculations should identify all water demand activities and sewage sources (restaurants and laundry facilities, etc)	GWA	4.c			P-3	CD	AES	**Compliance Anticipated.** Will be addressed and included by AES Civil Engineer. Will coordinate with GWA as needed
6. 11	Site Utilities	Item 2. If water and sewer infrastructure are installed by developer, they will require prior approval and shall be subject to inspection by GWA	GWA	4.d			P-3	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer
6. 12	Site Utilities	Item 2. Install the water meters in the right of way or easement. If the developer will include a food preparation facility, then a grease trap shall be required. Backflow preventers are required for non-residential activities	GWA	4.e			P-3	CD	AES	**Compliance Anticipated.** In line with existing regulatory/ permit requirements known to the developer
6. 13	Site Utilities	Item 2. New development is subject to water and/or sewer system development charges (SDC)	GWA	4.f			P-3		Owner	**Ongoing.** Will be paid at the time stipulated by GWA.

ATTACHMENT B

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

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Governor

RAY TENORIO
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August 4, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: **Commission Brief**
Request for Technical Amendment
to a Previously-Approved PDD

ARINC, a subsidiary of Rockwell Collins, requests for technical and temporary amendment to an existing PDD's (*Planned District Development*) master plan[1]. The PDD is better known as Leo Palace Resort which was approved in 1988 to accommodate facilities for hotel, golf, sports and residential development and activities. Such use was intended to spread throughout over 1000 acres and has been served a well-known venue for each use as prescribed in its master plan.

PDDs are intended to exist under the guise of a master plan that is vetted by the government and public to insure, promote, and guard against adverse impact to public rights. That is, to assess a combination of such uses to protect and/or promote public health, general welfare, convenience, and safety of the surrounding and extended community. This was achieved by the issuance of the 1988 change of zone[2] to PDD and to date, Leo Palace Resort has served as a venue for uses that has served the community and various industries (i.e. housing) for nearly 25 years.

The requested technical amendment focuses on the proposed temporary change in use of three (3) acres of land currently designated as a soccer field. A change in use will allow for the relocation of an antenna that serves as an FAA communication receiving tower. The use represents a 0.003% change in the master plan with relocation to be less than 1000 feet from the original site. With this we do not expect any adverse impact to surrounding uses either inside or outside of the master plan.

[1] See Title 21GCA, Ch. 61, §61103(bb).
[2] Sections 61630 to 61638 (Changes of Zones) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property).

In 2001 precedence was set when Sky Properties Corporation received an approved Notice of Action[3] to change a portion of PDD master plan to develop and operate the NASDA Guam Mobile downrange station. This facility currently operates within a 1.33-acre portion of the Master Plan.

The Commission's action to amend the PDD caused a permanent change in use of the 1.33acre portion and not its zoning designation. Thus, the amendment permanently affixes the NASDA facility as part of otherwise allowable uses within the PDD that can only be reverted by Commission action.

We are of the understanding that ARINC provides a critical service to the Federal Aviation Administration by facilitating communication reception for commercial aircraft movement. In this respect, such activity logically promotes public health, general welfare, convenience and safety. By allowing a technical and temporary amendment, a change in the PDD master plan will be averted and perhaps assert a timeline of use commensurate of the existing lease with ARINC. In this respect, we are inclined to concur with the applicant's request and to recommend favorable consider provided legal counsel remains in agreement with the Commission's authority to act accordingly with recommended instrument(s) for such action.

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position Statement Summary

Case Planner: F. Taitano

[3] Notice of Action dated June 15, 2001 under Application No.2001-015 and recorded under DLM Doc. No. 640720.

ATTACHMENT C

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
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August 14, 2017

Memorandum

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2016-52, Zone Variance for Lot No. 4, Block 2, Municipality of Talofofo.

1. PURPOSE:

a. **Application Summary:** The applicant, Docomo Pacific, Inc. Guam is requesting for a Zone Variance approval for use and height to construct, operate and maintain a 100 feet telecommunication monopole tower on a portion of Lot 4, Block 2, Municipality of Talofofo.

b. **Legal Authority:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

2. FACTS:

a. **Location:** The subject site is located along Leonardo Tenorio Street, approximately 100 feet north from the intersection of Juan Mantanona Street and Leonardo Street.

b. **Lot Area:** Portion of Lot 4, Block 2 at 155.67 Square Meters or 1,675 Square Feet.

c. **Present Zoning:** "R-1" (Single Family Dwelling) Zone.

d. **Field Description:** Presently vacant and maintained with various trees along the boundaries.

e. **Masterplan:** Residential – medium low

f. **Community Design Plan:** Urban Residential – low density

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** November 29, 2016

b. **Date Heard By ARC:** December 15, 2016

c. **Public Hearing Results:** May 17, 2017
(See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

As proposed, the zone variance request for use and height to construct, operate and maintain a 100 feet telecommunication monopole tower on the subject site is intended to enhance the wireless coverage and improve services for the residents of Talofofo.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty.

In response to;

A. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law.

The applicant provides that;

DOCOMO Pacific, Inc. seeks to improve its telecom infrastructures to provide quality services across the island of Guam, most especially in underserved areas with less robust signal coverage. The proposed tower location is critical to ensure the widest and best coverage. Guam enacted the Executive Order 2001-36 to allow Guam Telecommunications companies to develop competitive, safe & efficient mobile communications services. This Variance request is consistent with the general purpose and intent of the law, and further, if not granted, will impose significant delays and logistical hardship, not least of which will be the necessity of selecting an inferior alternative site.

In response to;

B. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone.

The applicant provides that;

The Company performed extensive radio frequency (RF) simulation & testing conducted at several locations, the results of which indicated that the site in question is ideal for improving coverage in the area, and also that alternative sites in the area were inferior from a coverage and/or logistical standpoint.

In response to;

C. That the granting of Variances will not be materially detrimental to the public welfare or injurious to the property improvements in the neighborhood in which the property is located.

The applicant provides that;

All equipment installed and maintained by the Company is licensed and regulated by the Federal Communications Commission (FCC), which regulations include operating frequencies, range, and power levels consistent with public safety and industry best practices.

Further, the Company maintains a Comprehensive General Liability Insurance policy, which requires a minimum of $1,000,000 liability policy for each site constructed. All sites are registered and recorded with the FCC.

In response to;

D. The granting of such Variances will be contrary to the objectives of any part of the Guam Master Plan:

The applicant provides that;

This Telecommunication site is being constructed to fulfill both the current and future demands of the Community for state-of-the-art coverage island-wide, a goal that is consistent with Executive Order 2001-36 enacted to benefit the people of Guam.

In response to;

E. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach are upon which the building is to be constructed and that such building shall not interfere with adversely affect the surrounding property owners or the public right to an untrammeled use of the beach and its natural beauty.

The applicant provides that;

The requested variance is not located near a beach.

In our assessment of the response provided by the applicant in reference to the criterion cited in Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, we find that the applicant has provide adequate justification in reference to their request that there are practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan, that the proposed building will not adversely affect the surrounding properties or public right to an untrammeled use of the beach and its natural beauty.

In addition, the result of the public hearing shows support from the Mayor and those in attendance, and, other than the Bureau of Planning's objection based on the proposed mono-tower's structural integrity, the submitted ARC position statements are with no objection and therefore conclude that their request is in proper form and context to be considered favorably by the Guam Land Use Commission.

5. RECOMMENDATION: Recommend Approval with conditions as follows:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

B. That the Applicant shall also ensure compliance to the 1-year time restriction that states a ***"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5"***.

Marvin Q. Aguilar

CASE PLANNER: F.P.TAITANO

Attachments: ARC Memo to GLUC Members

Attachment "A"
Docomo

Minutes of Public Hearing

Application No. 2016-52, Zone Variance for Use and Height
Lot 4, Block 2, Municipality of Talofofo, 2016-52

On June 13, 2017 - 6:10 P.M. a public hearing was conducted at the San Miguel Social Hall, Talofofo, present was the applicant's representatives, Ms. Diana Guzman, Ms. Rebecca Sablan and Mr. Jowell Lxpirx, the Mayor, Mr. Vicente Taitague, the land owner, Mr. Michael Merfalen and 5 public attendees.

Case Planner called the meeting to order, introduced himself, the application and explained the purpose of the public hearing. He then introduced Ms. Guzman representing the applicant, Docomo Pacific Inc. who would present and explain the purpose of the application.

Ms. Guzman introduced herself and her co-representatives Ms. Sablan and Mr. Lxpirx, she then recognized the Mayor, Mr. Vicente Taitague and the land owner, Mr. Michael Merfalen. Ms. Guzman then presented the application. She explained why the applicant decided to erect the proposed 100 feet tower on the subject location, how the site was chosen and that a chain link fence will be installed along the boundaries of the site.
Ms. Guzman then opened the presentation for comments:

Comments:

Mayor Taitague asked, In reference to health risk, what is the health of the tower?
Ms. Guzman responded that based on studies done on this type of tower, the reports have concluded that there is no health risk in the operations of such towers.

Mr. Louis Ross asked, are this report on the subject matter available?
Ms. Guzman responded, yes and available in our office. She then asked Mr. Lxpirx to comment on the matter.

Mr. Lxpirx then explained the requirements of their tower and phones in comparison to a common household appliance, the microwave oven which generates around 2,000 watts, where their system generates around 10% of what a micro wave generates.

Mr. Louis Ross asked if the tower to be hook on to island power?
Ms. Guzman replied that the site will be hook up to the island power and an onsite generator is to be installed.

Mr. Louis Ross asked if there are any other towers in the island?
Ms. Guzman replied, yes, there are.

Mayor Taitague asked, why pick this lot?
Ms. Guzman responded that testing of several locations was done and this lot is the most ideal site to improve coverage in the area.

Mayor Taitague asked how safe is the pole?
Ms. Guzman responded that the tower is designed to meet typhoon condition requirements and Docomo maintains a million dollar liability policy for each site constructed.

Minutes of Public Hearing
Application No. 2016-52 (Zone Variance)
Lot 4, Block 2, Municipality of Talofofo
Page No. 2

Mayor Taitague commented that his office supports the proposed Docomo tower which is to improve the communication in the area and was acknowledged by those in attendance and he thanked those present.

After no further concerns or question was put forth by the attendees the case planner adjourned the meeting at 7:10 P.M.

Frank P. Taitano
Case Planner

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Director

DAVID V. CAMACHO
Deputy Director

August 14, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2016-52 (Zone Variance)

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

DEPARTMENT OF LAND MANAGEMENT (DLM):
DLM recommends approval with the following conditions;

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

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

DEPARTMENT OF PUBLIC WORKS (DPW):
DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the following conditions:

- the drawings (structural, electrical and civil) incorporated in the application is totally different from the above lot number and location;
- must revised the sheet content in the drawings as per location;
- installation must be well engineered that can withstand all wind, vibration forces of 170 MPH; and

- for building permit application must have a complete set of drawings that meets all the requirements in conformance with the latest building code edition and must be signed by a registered engineer per discipline.

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone variance for height for a permitted 100-foot telecommunication monopole tower on portion of Lot No. 04, Block 2, in an "R1" (Single Family) Zone, in the Municipality of Talofofo.

This memorandum shall serve as GWA's position statement to the above zone variance request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve 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 field observations, the following comment is GWA's position in favor of the approval of this zone variance application:

The applicant's request for a zone variance for height will not require an increase in water and wastewater services and there are no GWA utilities that will be impacted following the approval of this zone variance request. Therefore, GWA has no objection to this application request.

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

GUAM POWER AUTHORITY (GPA):

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

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and CPA'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.

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

Land Use and Safety Concerns. Docomo Pacific Inc. Guam states that the proposed location is critical to ensure the widest and best coverage. Docomo further cites Executive Order 2001-36 to allow Guam telecommunications companies to develop competitive, safe, and efficient mobile communications services.

The applicant is advised that Executive Order 2016-01 repeals and rescinds Executive Order (EO) 2001-36 in its entirety. Accordingly, this project is no longer applicable to EO 2001-36. Therefore, the applicant must adhere to EO 2016-01.

Lot 04, Block 2 is located in an "R1" One-Family Dwelling Zone. Surrounding land uses are predominantly residential homes and community service facilities including Talofofo Elementary School and the Talofofo Mayor's Office. The maximum building height in the project area is two-stories high. In contrast the proposed tower is approximately 10 to 12 stories high.

The Bureau is concerned about the close proximity of the tower to the surrounding neighbors. The safety of residents in this this area is of utmost concern, should a typhoon or natural disaster occur.

In their justification letter, Docomo Pacific Inc. Guam maintains that all equipment installed and maintained by the company is licensed and regulated by the Federal Communications Commission (FCC). The company further maintains a Comprehensive General Liability Insurance policy, which requires a minimum of $1,000,000 liability policy for each site constructed. While the company asserts that it complies with FCC regulations, the Bureau is concerned that the close proximity of the 100 ft. monopole tower to residents may be harmful and injurious to the property and the residents in the neighborhood.

The Bureau finds that the applicant's justification lacked clear specifications such as tolerance to storm hazards to assure public safety and welfare and that the granting of the height variance will not be detrimental to public welfare or injurious to the property and residents in the area. Therefore, the Bureau finds that the proposed 100 ft. monopole tower in a residential neighborhood presents potential danger of collapsing in the event of storm winds exceeding the strength tolerance rating within the fall radius should the structure fail.

Stormwater Management. The subject property is located in the Talofofo River-Frontal Talofofo Bay Watershed, which comprises Talofofo Bay, Talofofo River, various streams and nearly 15 square miles of forested land according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). The C-CAP further characterizes that 3.7% of this watershed is developed and 1.35% is impervious surfaces between the years 2005 and 2011. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

Although the project site is less than an acre, the applicant is required to implement best management practices before, during, and after construction of the telecommunications tower to control erosion, sediment, and runoff on site. Docomo is further advised to consult with Guam Environmental Protection Agency for effective implementation of these practices that may include but are not limited to the following:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.

3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
4. Where feasible, schedule construction during dry season.

In light of the points presented above, the Bureau finds that the close proximity of the tower can be materially detrimental to the residential environment and injurious to property should the structure fail. Therefore, the Bureau recommends objection to this project. Subsequently, if this application is approved, the applicant must comply with all established laws, comply with the recommendations above, and implement safety measures to ensure the safety of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

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 applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si *Yu'us Ma'ase*

DEPARTMENT OF PARKS AND RECREATION (DPR):
Has not submitted Position Statement as of Staff Report date
GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date
DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date
DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.
GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.
GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

RECEIVED
FEB 02 2017
Department of Land Management
Time 4:30 Int

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

January 25, 2017

MEMORANDUM

Received 2-2-17

TO: Director, Department of Land Management

FROM: Director

APPLICATION: 2016 - 52

APPLICANT(s) DOCOMO Pacific

SUBJECT: Zone Height Variance @ Lot 04, Block 02, Municipality of Talofofo, Guam

Buenas yan Hafa Adai!

The above applicants, proposes for the construction of a Monopole Tower and intent to enhance the over all island wireless coverage and improve services for Guam residents.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the following conditions:

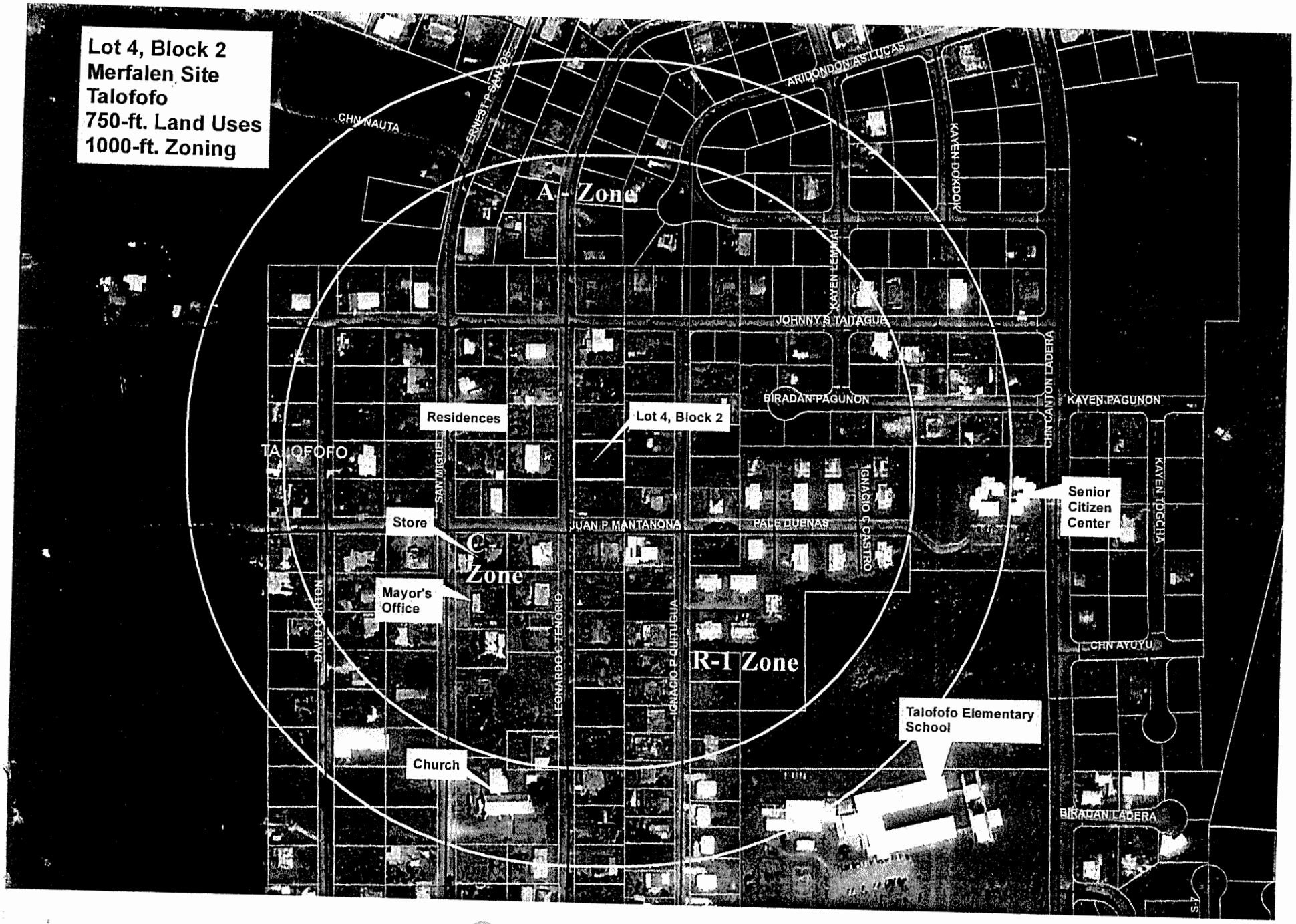
- the drawings (structural, electrical and civil) incorporated in the application is totally different from the above lot number and location;
- must revised the sheet content in the drawings as per location;
- installation must be well engineered that can withstand all wind, vibration forces of 170 MPH; and
- for building permit application must have a complete set of drawings that meets all the requirements in conformance with the latest building code edition and must be signed by a registered engineer per discipline.

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

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

JFC


Lot 4, Block 2
Merfalen Site
Talofofo
750-ft. Land Uses
1000-ft. Zoning
A - Zone
R-1 Zone
C Zone
Residences
Lot 4, Block 2
Store
Mayor's Office
Church
Senior Citizen Center
Talofofo Elementary School
CHN NAUTA
ERNEST P. SAN JOS
ARIDONDONTAS LUCAS
KAYEN DOKDOK
KAYEN LEMMAI
JOHNNY S. TAITAGUE
BIRADAN PAGUNON
KAYEN PAGUNON
CHN CANTON LADERA
TALOFOFO
SAN MIGUEL
JUAN P. MANTANONA
PALE' DUENAS
IGNACIO C. CASTRO
KAYEN TOGCHA
CHN AYUYU
DAVID CARTON
LEONARDO C. TENORIO
IGNACIO P. QUITUGUA
BIRADAN LADERA

GUAM POWER AUTHORITY

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

RECEIVED
JAN 25 2017
Department of Land Management
Time 1:25 Int

January 18, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 4, Block 2, Municipality of Talofofo, (DOCOMO Pacific Inc.); Zone Variance Application for a 100ft. Communication Monopole Tower. **Application No. 2016-52**

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

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

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

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

for **JOHN M. BENAVENTE, P.E.**

ASG/arp

FT
01

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: DOCOMO Pacific Inc.
Location: Lot 4, Block 2, Talofofo
Type of Application: Zone Variance
GLUC/GSPC Application No. 2016-52
Brief Project Description:
For a 100ft. Communication Monopole Tower.

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.

for JOHN M. BENAVENTE, P.E.
General Manager

1/24/17
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

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

Manuel Q. Cruz
Deputy Director

FEB 0 1 2017 RECEIVED
WB2/3 FEB 0 2 2017
Department of Land Management
Time 1:40 Int

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Deputy Director, Bureau of Statistics and Plans

Subject: **Application No.** 2016-52 Family
Applicant: Docomo Pacific Inc. Guam
Location: Lot 04, Block 2, Talofofo, Guam
Purpose: 100ft. Telecommunications Monopole Tower

Hafa Adai! The applicant, Docomo Pacific Inc. Guam requests a zone variance for use and height on Lot 04, Block 2 in the municipality of Talofofo. Docomo proposes to install a 100ft. telecommunications monopole tower on a portion of the subject property, approximately 900 square feet in size. A telecommunications antenna site agreement indicates that the property is leased to Docomo Pacific Inc. Guam by Michael A. Merfalen (Landlord) for a term of twenty-five (25) years.

The proposed project is located in an "R1" One-Family Dwelling Zone in the village of Talofofo and can be accessed from Leonardo Tenorio Street and Juan Mantanona Street. The vacant lot is surrounded primarily by single family residential homes. Other uses surrounding the property within a 750 ft. and 1,000 ft. radius are predominantly residential homes, a church, a park, a small retail store, the mayor's office and a public school.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application and provides the following comments and recommendations.

Land Use and Safety Concerns. Docomo Pacific Inc. Guam states that the proposed location is critical to ensure the widest and best coverage. Docomo further cites Executive Order 2001-36 to allow Guam telecommunications companies to develop competitive, safe, and efficient mobile communications services.

The applicant is advised that Executive Order 2016-01 repeals and rescinds Executive Order (EO) 2001-36 in its entirety. Accordingly, this project is no longer applicable to EO 2001-36. Therefore, the applicant must adhere to EO 2016-01.

Lot 04, Block 2 is located in an "R1" One-Family Dwelling Zone. Surrounding land uses are predominantly residential homes and community service facilities including Talofofo Elementary School and the Talofofo Mayor's Office. The maximum building height in the project area is two-stories high. In contrast the proposed tower is approximately 10 to 12 stories high. The Bureau is concerned about the close proximity of the tower to the surrounding neighbors. The safety of residents in this this area is of utmost concern, should a typhoon or natural disaster occur.

In their justification letter, Docomo Pacific Inc. Guam maintains that all equipment installed and maintained by the company is licensed and regulated by the Federal Communications Commission (FCC). The company further maintains a Comprehensive General Liability Insurance policy, which requires a minimum of $1,000,000 liability policy for each site constructed. While the company asserts that it complies with FCC regulations, the Bureau is concerned that the close proximity of the 100 ft. monopole tower to residents may be harmful and injurious to the property and the residents in the neighborhood.

The Bureau finds that the applicant's justification lacked clear specifications such as tolerance to storm hazards to assure public safety and welfare and that the granting of the height variance will not be detrimental to public welfare or injurious to the property and residents in the area. Therefore, the Bureau finds that the proposed 100 ft. monopole tower in a residential neighborhood presents potential danger of collapsing in the event of storm winds exceeding the strength tolerance rating within the fall radius should the structure fail.

Stormwater Management. The subject property is located in the Talofofo River-Frontal Talofofo Bay Watershed, which comprises Talofofo Bay, Talofofo River, various streams and nearly 15 square miles of forested land according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). The C-CAP further characterizes that 3.7% of this watershed is developed and 1.35% is impervious surfaces between the years 2005 and 2011. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms.

Although the project site is less than an acre, the applicant is required to implement best management practices before, during, and after construction of the telecommunications tower to control erosion, sediment, and runoff on site. Docomo is further advised to consult with Guam Environmental Protection Agency for

effective implementation of these practices that may include but are not limited to the following:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
4. Where feasible, schedule construction during dry season.

In light of the points presented above, the Bureau finds that the close proximity of the tower can be materially detrimental to the residential environment and injurious to property should the structure fail. Therefore, the Bureau recommends objection to this project. Subsequently, if this application is approved, the applicant must comply with all established laws, comply with the recommendations above, and implement safety measures to ensure the safety of the community in the event of tropical storms, typhoons, seismic activity and other catastrophic events.

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 applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. *Si Yu'us Ma'ase'.*

MANUEL Q. CRUZ

cc: Guam EPA
DOAG
DPR
GWA
GPA
DPW

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

RECEIVED
FEB 13 2017
Department of Land Management
Time 930 Init

MEMORANDUM

February 8, 2016

TO: Director, Department of Land Management

FROM: Miguel C. Bordallo, P.E., General Manager

SUBJECT: Position Statement on Zone Variance Application No. 2016-52 on portion of Lot No. 04, Block 2, in an "R1" (Single Family) Zone, in the Municipality of Talofofo.

APPLICANT(S): Docomo Pacific Guam

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone variance for height for a permitted 100-foot telecommunication monopole tower on portion of Lot No. 04, Block 2, in an "R1" (Single Family) Zone, in the Municipality of Talofofo.

This memorandum shall serve as GWA's position statement to the above zone variance request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve 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 field observations, the following comment is GWA's position in favor of the approval of this zone variance application:

The applicant's request for a zone variance for height will not require an increase in water and wastewater services and there are no GWA utilities that will be impacted following the approval of this zone variance request. Therefore, GWA has no objection to this application request.

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, P.E., Permits and New Area Development Supervisor, at 300-6054.

ATTACHMENT D

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
h /land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 16, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Guam Chief Planner

SUBJECT: Supplemental Staff Report – 2nd Annual Reporting and Status; Zone Variance (Use) – Ref: Application No. 2002-30D; GLUC Meeting: August 24, 2017

1. PURPOSE:

A. Application Summary: BME & Sons, Inc. request for review and 2nd Annual reporting and status for the continued operation and uses of an Approved Zone Variance (Use) to operate a Contractors' Yard in an "A" (Rural) Zone, Lot 10, Tract 293, Municipality of Mangilao, Ref Application No. 2002-30D.

B. Legal Authority: Title 21 GCA, Chapter 61 Zoning Law, Article 3 – Use Regulations, Section 61616 (Variances) and 61617 (Variance requirements)

2. FACTS:

A. Location: The subject lot is located in Mangilao, South of Sunrise Villa Subdivision via Camela Lane and fronting Golden Cupid Road, and approximately 600 feet southwest of Latte Heights (See attached VIC map).

B. Lot Area Size: The total area size is 3,750 square meters or 40,364.51 square feet; approximately 1.0 acre.

C. Present Zoning: "A" (Agricultural)

D. Masterplan: Undesignated

E: Previous Commission Action(s): 1. On November 6, 2008, the applicants, BME & Sons, Inc., was granted approval by the Guam Land Use Commission for a Zone Variance (Use) for a term of Five (5) years and expiring December 11, 2013; in order to operate a contractor's yard on the above subject lot with condition that applicants meet the conditions imposed by the Commission and comply with Application Review Committee conditions;

Note: 1. *The approval was for another five (5) years from December 11, 2008 to December 11, 2013. During the period, the applicants have been complying to all ARC conditions and have good standing in the community.*

2. On May 28, 2015, the applicants, BME & Sons, Inc., was granted approval by the Guam Land Use Commission for a Zone Variance (Use) for another term of Five (5) years effective 12/11/2013 with an expiration pf 12/11/2018 in order to operate a contractor's yard on the above subject lot with condition that applicants meet the all conditions imposed by the Commission and comply with Application Review Committee conditions, and with an exception of the reporting; that the reporting be changed from six (6) months to Annual Reporting basis effective June 2015 to include photographs of the facility.

3. On July 14, 2016 the applicants, BME & Sons, Inc., reported its 1st Annual status on the operations of their contractor's yard, and was Accepted by the Commission having met all conditions imposed by the Commission and having complied with Application Review Committee conditions of pertinent NOA's and with letters of support from Mangilao and Barrigada Mayor's Councils. This satisfies the annual reporting and status of current operations. (See NoA 2002-30D)

3. DISCUSSION:

On July 26, 2017, BME& Sons, Inc., submitted a letter of request for annual reporting of their use variance that per Notice of Action (NOA) dated June 11, 2015, recorded on June 26, 2015; subject to Annual Reporting; the expiration term of the zone variance is December 11, 2018. BME & Sons reported that they have complied with all ARC conditions and have maintained good standing in the community, no complaints/problems or negative impacts of their operations, and have been pro-active in the community civic action projects and village mayor's projects as well as a good neighbor in the immediate area.

On July 27, 2017; Planning Staff conducted a site inspection and found to be in compliance with all conditions of the initial 12/11/03 commission approval and all previous commission approval's and conditions thru May 28, 2015; the site/area/yard is well maintained. The property is fenced for security purposes, the company activities observed on site to be routine, such as loading of supplies and materials for off-site projects, and administrative office and support operations. Staff further note of no significant impacts of on-going activities in the immediate area observed or noted during time inspection.

On August 1, 2017, the Barrigada Mayor submitted a Mayor's letter of support and on August 4. 2017, the Mangilao Mayor also submitted a letter of support for continues operation and both mayors noted BME & Sons contribute to development in the community and surrounding areas.

The company's contractors' yard and its activities on the subject lot have co-exist within the residential neighborhood, their continued efforts in improving the landscape of the property is not negatively detrimental to the surrounding community; an active civic action/community partner, with many ongoing projects both short and long term, are for the improvement of infrastructure and to help improve and sustain the quality of life for our community, and also the military expansion on our island. Hence, with the company's operation on the property and to support on-going community and federal/military projects, the company have continued to positively contributed to the increase of the island's economic tax base and is indicative to be a critical asset to the economic prosperity of our island community.

RECOMMENDATION: Having complied with previously approved variances and conditions imposed by the Guam Land Use Commission, and based on the above, planning staff ***recommends approval*** of the applicants request for continued operations and its 2nd annual report submission of a contractor's yard, with all ARC conditions still applicable and in force and must continue adhering to all remaining conditions imposed by the Commission.

MARVIN Q. AGUILAR
Guam Chief Planner

Attachment: Letter from BME & Sons, MPC Letter & Mayor's Letter of Support, Project listings, NOA;s noted

Case Planner: Penmer C. Gulac, Planner IV

BME & SONS INC.

GENERAL CONTRACTOR & EQUIPMENT RENTAL

P.O. Box 24402, GMF, Barrigada, Guam 96921 * Tel: (671) 632-3338 * 637-5498 * Fax: (671) 632-3334
E-mail: bvm@bmesons.com

August 24, 2017

Mr. John Z. Arroyo, Chairman & Commissioners
Guam Land Use Commission
c/o Department of Land Management/Land Planning
Attn: Mr. Marvin Q. Aguilar, Chief Planner

P.Gulac 8/24/17
RECEIVED
Land Plang Div

Subject: 2nd Annual Reporting of continuing operation of a Contractor's Yard, Lot 10, Tract 293, Mangilao, Guam; Ref. GLUC # 2002-30D

Hafa Adai Mr. Chairman& Commissioners:

I am Danny Natividad, Chief Operations Officer/Safety Manager of BME & Sons, Inc., I am here before you on behalf of Mr. Bernie V. Maranan, our company president.

Our company is here again before you to update and inform you that our on-going operations is going well and is in full compliance to the Notice of Action (NOA) that was granted for a Zone Variance on May 28, 2015 and will be expiring December 11, 2018, and we are required to provide annual reports on our operational status.

BME & Sons, Inc., has continued to adhere to all GLUC imposed conditions on the Notice of Action and all ARC conditions and those imposed by the Guam Land Use Commission on the above subject lot an until December 11, 2018.

Our main office is currently licensed to operate its activities on the subject lot, has complied to all conditions and requirements and we have enhanced and improved the landscape of the property and which has not negatively been detrimental to the immediate neighborhood and surrounding community since our initial approval December 11, 2003. Our company's operation and activities comprises of projects both local and federal funded. For example, recently various Guam International Airport interior complex improvement and perimeter security fencing; Guam Port Authority Wharf Repairs; Guam Legislature (Congress Building) Rehabilitation; Guam Waterworks Authority (Baza Garden/Route 17) Phase 1 & 2 pumping and conveyance(sewer lines) is on-going; Tumon Bay Mall Civil Works; and Governor's office improvements; Demolition of the Manuel FL Leon Guerrero Administration Building (Hagatna Revitalization)and other local projects. We continue to hire more local workers/employees to support on-going community and federal funded projects around the island. We have supported our local municipal mayors and government civic action projects, island-wide beautification projects, community parks, contributed our services to many non-profit groups and organizations. Guam is our home and our company will continue to support in improving a stronger island economy and prosperity for our people.

BME & SONS INC.

GENERAL CONTRACTOR & EQUIPMENT RENTAL

P.O. Box 24402, GMF, Barrigada, Guam 96921 * Tel: (671) 632-3338 * 637-5498 * Fax: (671) 632-3334
E-mail: bvm@bmesons.com

BME & Sons continues to be proactive in the management and operation of our facility and ensure that we comply will all requirements, licenses, permits, transportation, taxations, as well as the safety of our workers on and off site.

We will continue be pro-active in managing our business activities, projects, and contracting for future projects for our company. We further request your favorable acceptance of our report and consideration for the continuance of operations of our main office to support operations island-wide and to include future military base projects.

Please be advised that letters of support have been received from Barrigada & Mangilao Mayors and we are grateful to inform the commission, that the both Mayors continues to support our request which is provided (letters) in your information packet. We will continue to work closely with all agencies and comply with all requirements of the Application Review Committee, Guam Land Use Commission requirements and imposed conditions well as the Guam Chief Planner and Land Management Planning Staff. We further request your favorable acceptance of our 2nd annual report.

Should have questions, I will do my best to provide acceptable answers.

Thank You Again.

Very Respectfully,

Danny Natividad
Chief Operations Officer
BME & Sons, Inc.
Contact Nos. 632-3338/988-4421

MUNICIPALITY OF BARRIGADA

JUNE U. BLAS
MAYOR

OFFICE OF THE MAYOR & VICE MAYOR
124 LUAYAO LANE, BARRIGADA, GUAM 96913

JESSIE P. BAUTISTA
VICE MAYOR

RECEIVED
AUG 01 2017
Department of Land Management
Time 3:15 Init MV

August 1, 2017

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

Re: Support for BME & Sons, Inc. Annual Reporting of their Contractor's Yard; Lot 10 Tract 239 Municipality of Mangilao, GLUC Application 2002-30C

Dear Mr. Chairman,

Buenas yan Hafa Adai! This is to inform you that Vice Mayor Jessie P. Bautista and I, together with the Barrigada Municipal Planning Council support the request for the Annual Renewal for BME & Sons Inc., Continuing Operations of a Contractor's yard on Lot 10, Tract 293 Mangilao.

Once again, our support demonstrates the Municipal Planning Council's agreement with the proposed use of the property by the current landowner, BME & Sons, Inc. The renewal request will once again contribute to the development of our community as well as contribute to the social benefit of our residents including those in the surrounding boundary areas.

More importantly, the Barrigada Municipal Planning Council exercising its rights and privileges to review all conditional land use requests involving real property within the its boundaries, does hereby support and endorse the request.

Thank you and on behalf of BME & Sons, Inc., we look forward to the Commission's endorsement of their renewal request.

Sincerely,

JUNE U. BLAS
MAYOR

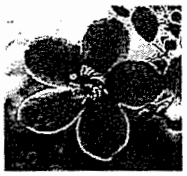
cc: BME & Sons, Inc.

Rec'd 8/1/17 P Gulac Planning

P.O Box 786, Hagatña, Guam, 96932 ◊ Tel: (671) 734-3725/3737/3859 ◊ Fax: (671) 734-1988 ◊ Email: barrigadaoffice@gmail.com

The Community of Education, Culture and Sports

Office of the Mayor
Municipality of Mangilao



PO Box 786 Hagatna, GU 96932 (671) 734-2163 / 5731 Fax: (671) 734-4130

Allan G. Ungacta, Mayor **Thomas J. F. Duenas, Vice Mayor**

August 1, 2017

RECEIVED
AUG 04 2017
1230

Chairman and Members
Guam Lan Use Commission
Department of Land Management
Tamuning, Guam 96913

Subject: Request for Support for Annual Reporting of our Contractor's Yard:
Lot 10, Tract 293 Municipality of Mangilao, Guam for BME & Sons, Inc;
Ref GLUC Application #2002-30C (Zone Variance)

Dear Mr. Chairman:

Buenas Yan Hafa Adai! This is to inform you that Mayor Allan Ungacta, together with the Mangilao Municipal Planning Council support the request for Annual Renewal of Zone Variance for BME & Sons, continuing operations of a contractor's yard on Lot, 10, Tract 293 Mangilao.

Once again, our support demonstrates the Municipal Planning Council's agreement with the proposed use of the property by the current landowner, BME & Sons, Inc. The renewal request will contribute to the community as well as be of social benefit to all of the residents in the surrounding area.

Allan G. Ungacta
Mayor

RECEIVED
Land Plng Div

BME & SONS INC.

GENERAL CONTRACTOR & EQUIPMENT RENTAL

P.O. Box 24402, GMF, Barrigada, Guam 96921 * Tel: (671) 632-3338 * 637-5498 * Fax: (671) 632-3334
E-mail: bvm@bmesons.com

RECEIVED
AUG 0 1 2017
Department of Land Management
RECEIVED
Land Planning DW

July 26, 2017

Mr. John Z. Arroyo, Chairman and Commissioners
Guam Land Use Commission (GLUC)
c/o Guam Chief Planner , DLM Land Planning Division3rd Flr ITC Bldg
Tamuning, Guam 96911

Subject: Annual Reporting to the GLUC of Contractor's Yard operation ;
Lot 10, Tract 293 Municipality of Mangilao, Guam for BME & Sons, Inc.;
Ref GLUC Application #2002-30C (Zone Variance)

To Case Planner 8/7/2017

Hafa Adai Mr. Chairman & Commissioners,

We are again requesting for your consideration to appear before you and for our annual reporting to the Guam Land Use Commission of our Contractor's Yard on Lot 10, Tract 293, Municipality of Mangilao, see attached Notice of Action (NOA) and supporting documents.

We actively continue to adhere to the conditions imposed by the Guam Land Use Commission approval on July 14, 2016 which are still applicable, conditions of the variance that apply for Five (5)years effective on 12/11/2013 and expires on 12/11/2018, under Application No. 2002-30C; We have continued and actively supported community projects in your village when requested and participate in island beautification as well as donate our services to non-profit organizations. Most recently, assisted in clean-up and assist the Mayor's Council clean up and upgrade certain community facilitiies.

We are proud to report of no complaints from neighbors, no incidents or violations of our site daily operations, always maintain a clean area and surrounding and be a good neighbor to nearby residential area. All required Contractor's License have been renewed and all taxation requirements have been reported and satisfied as required by law. We continue to employ local and imported H2 workers to help sustain and improve our island's economic base.

We hope for your usual kind attention of this request and for your favorable consideration.

Very truly yours,

Bernie V. Maranan
President

Attachments:
Notice of Action

Office Site Address: #132 Golden Cupid, Latte Hts, Mangilao, Guam

8/4/06

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

File for Record is Instrument No. 907575

On the Year 17 Month 05 Day 23 Time 12:39

Recording Fee DE OFFICIO Receipt No. _____

Deputy Recorder _____

MAY M. CASTRO

(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

COPY

NOTICE OF ACTION

April 21, 2017
Date

To: BME & Son's Inc.
P.O. Box 24402 GMF
Barrigada, Guam 96921

Application No. 2002-30D

The Guam Land Use Commission, at its meeting on July 14, 2016.

____/ Approved ____/ Disapproved XX/ Approved with Conditions

Your request on Lot No. 10, Tract 293, Municipality of Mangilao for : a

Application No. 2002-30D

ZONING

___/ Zone Change***

___/ Conditional Use

XX / Zone Variance (Use) for Annual reporting and status of a Contractor's Yard in an "A" (Agricultural) Zone

[ ] Height
[ ] Density
[ ] Setback
[ ] Use
[ ] Other (Specify)

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

Application No. 2002-30D

APPLICATION DESCRIPTION: The Applicant, BME & Sons, Inc., submits their Annual status report of a previously approved Zone Variance (Use) to continue operations of a previously approved Contractor's Yard in an "A" (Agricultural) Zone, on Lot No. 10, Tract 293, Municipality of Mangilao.

COMMISSION DECISION: **The Guam Land Use Commission Accepts the applicant's First (1) Annual Report, having complied with previously approved variances and conditions imposed by the GLUC. Chairman Arroyo expressed his appreciation for reporting in a timely manner.**

5/11/2017
Marvin Q. Aguilar
Guam Chief Planner
Date

5/11/17
John Z. Arroyo
Chairman
Guam Land Use Commission
Date

Case Planner: Penmer C. Gulac
Cc: Building Permits Section, DPW (Attn: Administrator)

NOTICE OF ACTION
BME & Sons, Inc.
Lot No. 10, Tract 293, Municipality of Mangilao
GLUC Meeting of May 28, 2016
Date of Preparation of NOA: April 3, 2017

Application No. 2002-30D

CERTIFICATION OF UNDERSTANDING

I/We BERNADETTE P. MARANAN / _____
(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.

5/18/17

Signature of Applicant Date Signature of Representative Date

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

5/23/17

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

BME & Sons, Inc., 2nd Annual Report for Zone Variance (Use) for Contractor's Yard operation.

Subject Lot : Lot 10, Tract 293 , Mangilao

Attachments:

Contractor's License

Projects: Present and completed (Local & Federal)

Contractor's Yard Photos

Location Site Sketch

Mayor's Support Letters

2018

CONTRACTOR'S LICENSE

EDDIE BAZA CALVO
Governor of Guam

RE-ISSUANCE

RAY TENORIO
Lt. Governor of Guam

Pursuant to the provisions of Chapter VII Title XI of the Government of Guam and the Rules and Regulations of the Contractors License Board, the Executive Director of Contractors hereby issues this license to:

BME & Son's Inc.

To engage in the business or act in the capacity of a contractor in the following classifications

A,B,C3,C5,C7,C10,C11,C12,C13,C13A,C17,C18,C19,C20,C21,C24,C26, C27,C29,C32,C33,C37,C40,C42,C44,C45,C48,C51,C55,C56 & C68 (Epoxy / Electrical Cable Casing)

This license is the property of the Executive Director of Contractors, not transferable, and shall be returned to the Executive Director upon demand when suspended, revoked, or invalidated for any reason. It becomes void if not renewed on or before the expiration date.

Signature of RME
RME #

GRT # 86868

Issued: July 26, 2017

Signature of LICENSEE
License # 3028

Certificate # C-0717-0032

Expires: June 30, 2018

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

Doc. No. 34GL-17-1007.

BME & SONS, INC.
PROJECT LIST
7/31/2017

	Award Date	Completion Date	Contract No.	Contract Amount
ON-GOING PROJECTS				
TO#74 RM1113139/1113140/1113141 Energy Projects - Retro Commissioning of F	7/12/2013	9/30/2016 (requested)	N40192-09-D-2702	7,810,181.22
DR. CONRAD ALEGRIA TOWNHOUSE	4/8/2016	420CD		1,693,000.00
GIAA FY14-04-1 TSA Recapitalization and Optimization Project	1/5/2015	5/15/2016	GIAA-15-001©	4,788,235.64
GIAA-FY15-02-1 Airport Restroom Renovations	5/1/2015	9/1/2016	GIAA-FY15-02-1	350,000.00
GIAA C01-FY16 West Tiyan Perimeter Fence and Gates	3/24/2016	9/22/2016	GIAA C01-FY16	479,606.15
GIAA FY16-62558 Install Automated Passport Control Kiosk	6/7/2016	6/30/2016		49,500.00
GPT Rehabilitation of the Guam Legislature Building	4/17/2015	11/15/2016		6,976,419.63
GSWA Layon Leachate System Improvements to Pump Stations No. 3 and 4, Malo	6/18/2016	TBD		298,659.60
GWA Baza Gardens Wastewater Cross-Island Pumping and Conveyance (Phase 1	10/25/2016	3/1/2018		7,888,151.19
GWA Baza Gardens Wastewater Cross-Island Pumping and Conveyance (Phase 2	12/19/2016	12/19/2017		5,919,045.43
Macy's Relocation of Electrical at Men's/Home and Kids Building	7/20/2015	10/31/2015		35,373.94
PAG CIP-014-005 Marine Service Life Extension Wharf Repair Project	6/23/2014	4/9/2016	PAG-CIP-014-005	5,447,098.23
PAG 12887-OF Asphalt Repair	6/28/2016	7/27/2016		24,850.00
Construct Tumon Bay Mall (TBM) – Phase 1 Civil Works	12/19/2014	7/19/2016		3,652,716.27
Tumon Mall Bus Shelter	8/24/2015	8/28/2016		120,000.00
500-5-1058-F-AGN Various Repair Works at Governor's Office	8/8/2016	11/13/2016	500-5-1058-F-AGN	
WMES BUILDING	4/4/2016	6/17/2017		1,910,532.11
SUB TOTAL				**47,443,369.41**
COMPLETED AND COLLECTED 2016				
DPW Demolition, Removal and Disposal of Debris and Materials of Manuel Guerrer	8/27/2015	3/9/2016		345,085.91
Galaide Groud - Painting of Museum				18,360.00
GIAA FY16-62333 Air Quality Control for PacAir Cargo Building Upgrade	1/25/2016	2/29/2016		14,250.00
GMHA Replacement of Two Cooling Towers	1/20/2015	3/26/2016		244,680.00
Macys Expansion Shell Building & Parking Lots at Micronesia Shopping Mall Guam	12/19/2014	5/16/2016		5,558,892.40
COMPLETED AND COLLECTED 2015				
TO#62 AJJY113000 Replace Conventional Water Heaters and Inefficient Lighting,	3/7/2012	1/2/2015	N40192-09-D-2702	1,398,888.54
TO#75 RM1113119 Base Wide Exterior Lights Phase 1, Andersen Air Force Base,	8/30/2013	12/3/2014	N40192-09-D-2702	1,473,950.93
TO#76 WR7183755 Replace 12 inch Steel Water Pipe Navy Exchange (NEX) Furn	11/19/2013	4/15/2015	N40192-09-D-2702	369,684.38
TO#77 WR7409113 Replace/Upgrade 10" C/ACP Sewerline to 14" Fusible PVC Se	4/2/2014	4/15/2015	N40192-09-D-2702	492,000.00
CEN-TAM BLDG.				45,559.00
ELAINE ZABALA HOUSE EXTENSION	11/24/2014			15,000.00
GIAA-FY15-61327 Expansion Loop Replacement Delta Office	2/19/2015	2/28/2015		20,950.00
INC Air Conditioning Package Unit Retrocom (2-50 Tons Unit)	2/28/2015	4/30/2015		1,705.00
ITC San Vitores Condo Bldg. E Unit 15 Renovation	2/9/2015	4/302015		15,000.00
ITC Water Blasting of ITC Bldg, Walls	8/3/2015	OPEN		15,500.00
ITC Installation of Owner Furnished LED Lighting	1/8/2015	OPEN		95,970.00
ITC Venue Demolition Work	2/5/2015	3/5/2015		35,541.00
PAG 12248-OF Demolition of Existing Crane Warehouse	9/21/2015	11/20/2015		26,480.00
THG				3,500.00
COMPLETED AND COLLECTED 2014				
TO#58 WR#C87LR Replace Nimitz Hill Booster Pumps, Building 1181 Adelup, Gua	12/30/2011	6/30/2014	N40192-09-D-2702	388,013.37
TO#61 RM#11-4441 Install Solar Water Heaters.Low Flow Fixtures, Various Locati	2/10/2012	3/24/2014	N40192-09-D-2702	793,457.00
TO#64 WR#CF6GH Install Hardened Canopy Covers to Various Play Stations at C	7/27/2012	8/13/2014	N40192-09-D-2702	339,340.56
TO#67 WR#5448112 Repair and Modernization of B75 Naval Base Guam	9/20/2012	1/6/2014	N40192-09-D-2702	958,676.49
TO#72 WR#5579860 (H-08-12) Correct Flooding Issue at House No. 2250B Saffor	9/22/2012	7/25/2014	N40192-09-D-2702	64,187.32
Apolinario Mabini Monument	11/6/2014	12/6/2014		14,100.00
ELAINE ZABALA HOUSE EXTENSION	11/24/2014			15,000.00
GPA-011-13 Tumon Substation Transformer Capacity Upgrade	4/3/2013	4/7/2014	GPA-011-13	1,082,269.37
GDOE IFB 018-2013 L.P. Untalan Middle School Renovation and Construction	7/29/2013	7/15/2014		6,981,111.21
GIAA FY13-06-01 TSA Expansion CCO & Offices/Conference Rooms	8/12/2013	6/24/2014		426,170.65
Goodwin - Replacement of Cantilever Platform	6/2/2014			30,188.83

ITC Building Exterior Painting	11/6/2013	8/5/2014		289,131.23
ITC - RE-COATING OF TENNIS FLOOR DECK	12/4/2014			16,000.00
JR4F Exterior Painting of 10 Warehouses at Tamuning Industrial Park	2/17/2014	5/17/2014		81,950.00
MEDPHARM WAREHOUSE	8/15/2014			75,455.31
PAG CIP-013-001 Installation of the Motor Operated Valve at Golf Pier Fuel Pipelin	1/31/2013	9/23/2014	PAG CIP-013-001	424,990.46
Polyphase - GPA Hagatna Substation (Sub-contract civil works)	9/20/2013	5/24/2014		194,012.22
CARLO COMIA - TOP SOIL 5 TRUCK				500.00
Sinajana Pharmacy	2/12/2014			73,866.30
SRF Office Renovation	3/11/2014			534,437.00
SRF - PMT Building Renovation	8/21/2014	9/21/2014		27,371.52
SRF - Data Cable Installation	9/11/2014	10/11/2014		16,000.00
SRF - ELECTRICIAN				640.00
THEODY HOUSE RENOVATION				5,171.44
UOG Design & Build for Air Conditioning Retrofits for CNAS Bldg. A&B	10/23/2012	8/8/2013	BC110533	1,400,000.00

COMPLETED AND COLLECTED 2013				
TO#49 WR#C8WM8 Replace Metal Building with Concrete Structure Bldg. 775, Na	8/25/2011	8/1/2013	N40192-09-D-2702	375,831.76
TO#51 WR#C6YXW Provide 20,000 Gallon Aboveground Storage Tank (AST) Bilg	8/27/2011	3/14/2012	N40192-09-D-2702	280,261.44
TO#65 WR#544634 Repair and Paint Building 2, Naval Base Guam Apra Harbor	8/7/2012	7/29/2013	N40192-09-D-2702	436,522.30
TO#66 WR#5451885 Misc. Repairs to Polaris Point Club (B4429PP), Naval Base G	8/23/2012	3/18/2013	N40192-09-D-2702	260,384.44
TO#68 WR#5924835 / 6324948 Repair Spalled Concrete at BEQ's 11, 12, 16, 17 1	8/30/2012	5/12/2013	N40192-09-D-2702	334,828.27
TO#69 WR#5446808 Repair and Paint Missile Maintenance Facility Bldg 870NM N	8/30/2012	1/27/2013	N40192-09-D-2702	254,474.13
TO#70 WR#5443059 Miscellaneous Repairs to Training Facility B-5536, Polaris Po	9/20/2012	2/17/2013	N40192-09-D-2702	275,773.52
TO#71 WR#5676493 Repair Fire Protection System, Bldg. 1803 Kilo Wharf, NBGA	9/20/2012	4/5/2013	N40192-09-D-2702	113,224.15
TO#73 WR#6062717 Repairs Various Manholes and Handholes, Naval Base Guan	9/23/2012	5/6/2013	N40192-09-D-2702	315,357.48
GDOE IFB 018-2012 George Washington High School STEM Classroom Building F	6/7/2012	4/26/2013	IFB 018-2012	2,658,178.14
GDOE IFB 008-2012 Souther High School Fine Arts Auditorium Renovation & Repa	5/19/2012	8/9/2013	IFB 008-2012	3,944,733.63
GDOE IFB 007-2012 Souther High School Gymnasium Renovation & Repair	5/19/2012	10/24/2013	IFB 007-2012	3,275,959.31
GIAA FY13-59600 Replacement of FIDS Cabinet on Concourse Level, A.B. Won P	6/7/2013	6/30/2013	GIAA-FY13-59600	35,280.00
GPA-002-12 Upgrade Fire Protection and Smoke Alarm Systems at Talofofo Powe	2/21/2012	5/31/2013	GPA-002-12	432,700.77
GPA-003-12 Upgrade Fire Protection and Smoke Alarm Systems at Tenjo Power P	2/21/2012	5/31/2013	GPA-003-12	646,538.18
ITC - Repair of Expansion Joint	3/11/2014	5/31/2014		23,431.23
PAG CIP-013-002 Warehouse 1 Demolition of CMU Wall and Concrete Column Sp	4/1/2013	11/4/2013		75,500.00

COMPLETED 2012				
TO#37 WR#65778 Replace Upgrade 12-Inch CIP with New 14-Inch PVC Main, NC	4/29/2011	10/4/2012	N40192-09-D-2702	473,681.49
TO#38 WR#CBG6B Repair and Modernize Security HQ WHSE/Dispatch Center, B	5/18/2011	3/28/2012	N40192-09-D-2702	372,422.51
TO#39 WR#CF6GL, Install 6-inch PVC Loop Line Along Turner Road, Nimitz Hill, G	5/26/2011	2/22/2012	N40192-09-D-2702	217,222.40
TO#15 WR#C7HCJ Emergency Repair to Exterior & Interior Building 1008A, Naval	8/20/2010	5/19/2012	N40192-09D-2702	221,330.74
TO#41 WR#AJJY 10-1155 Replace 2 each unit, LOX Plant, Building 26224, AAFB,	6/30/2011	5/30/2012	N40192-09-D-2702	53,786.82
TO#42 WR#AJJY 10-1191 Replace Air Handling Unit Hangar 4, AAFB, Guam	6/24/2011	8/15/2012	N40192-09-D-2702	233,452.38
TO#43 WR#C8WMP Building 1010 Investigate & Repair Erosion NAWMU-1 NAVM	7/28/2011	4/26/2012	N40192-09-D-2702	197,708.02
TO#44 WR#CB37F & CB37G Install Motorized Winches, Air Drying System at BLD	7/28/2011	6/8/2012	N40192-09-D-2702	445,772.10
TO#45 AJJY 07-1105 Repair Chilled Water System B25010, AAFB, Guam	8/3/2011	12/3/2012	N40192-09-D-2702	557,101.57
TO#46 WR#C9CPS Install Telemetry system for Adelup Booster Pump Station and	8/16/2011	8/27/2012	N40192-09-D-2702	599,661.66
TO#47 WR#CHKTT Miscellaneous Repairs B600 (Bowling Alley), Naval Base Gua	8/12/2011	3/29/2012	N40192-09-D-2702	261,708.31
TO#48 WR#C8XGS Miscellaneous Repairs to Bldg. 465, Naval Base Guam Munitic	8/19/2011	9/20/2012	N40192-09-D-2702	163,150.40
TO#50 WR#CF847 Miscellaneous Repairs To BEQ Bldg. 4, Naval Base Guam Apr	9/28/2011	8/8/2012	N40192-09-D-2702	458,713.31
TO#51 WR#C6YXW Provide 20,000 Gallon Aboveground Storage Tank (AST) Bilg	8/27/2011	3/14/2012	N40192-09-D-2702	280,261.44
TO#52 WR#CF6T6 Miscellaneous Repairs to Bldg. 1 Naval Base Guam Apra Harb	8/26/2011	5/22/2012	N40192-09-D-2702	309,408.83
TO#53 WR#C4JW8 Install Pressure Regulating Valve with Bypass and Meter at Ma	8/29/2011	10/8/2012	N40192-09-D-2702	358,660.10
TO#54 AJJY 11-1322 Renovate Arc Light Park, Construct Jogging Path Lighting Sy	9/26/2011	4/6/2012	N40192-09-D-2702	451,272.66
TO#55 WR#CK83T Provide Generator Enclosure, Old Football Field Naval Base G	9/27/2011	3/14/2012	N40192-09-D-2702	239,555.43
TO#56 WR#CJGN3 Correct Drainage at 2251 Safford Road Lockwood Terrace, Na	9/30/2011	8/5/2012	N40192-09-D-2702	75,227.77
TO#57 WR#CHVHG Miscellaneous Repairs to Building 740NM Naval Base Munitic	10/20/2011	4/16/2012	N40192-09-D-2702	294,199.29
TO#59 WR#CJNZR Miscellaneous Repairs and Renovation, Building 112, Naval B	1/20/2012	7/3/2012	N40192-09-D-2702	153,354.69
TO#60 RM#11-4702 Replace Light Fixtures and Install Temperature Setback, Varic	2/10/2012	8/8/2012	N40192-09-D-2702	1,361,290.00
TO#6001 WR#AJJY 10-1050/10-1051/11-1229/11-1442 Repair Concrete Spall/Cra	8/17/2012	9/20/2013	N40192-09-D-2702	359,894.43
TO#63 WR#CGKBK Install Security Ventilation and Personnel Door At Bldg 2117 a	6/7/2012	11/14/2012	N40192-09-D-2702	56,598.56
PAG CIP-012-003 Gregorio D. Perez Marina Dock "A" & "B" Pile Extension Repair	5/2/2012	1/20/2013	CIP-012-003	96,230.00

TEMS-RFQ-11-003 Waterline Replacement Fire Hydrant System, Cabras 1 & 2	5/23/2011	2/17/2012	TEMS-RFQ-11-003	340,442.85
TEMS-RFQ-11-004 Installation of Fire Protection System for Fuel Oil Day Tank	5/23/2011	3/9/2012	TEMS-RFQ-11-004	1,124,859.66
UOG Design - Build for Air Conditioning Retrofits for CNAS	9/1/2011	4/16/2012	BC110533	525,000.00
UOG CNAS & Science Bldg. Renovations	7/22/2011	2/28/2012	BC110412	965,734.89
CYBERTECH HOLDING Bldg 289 Security Camera Pole	6/26/2012	7/26/2012		19,000.00
DKHS Micronesia				372,600.00
DIOR Interior Fit-Out, DFS Galleria	11/6/2012			178,044.30
PAG 9733-OF Repair of Rusted Waterline & Install 1 Backflow Preventer	3/30/2012	6/30/2012	9733-OF	9,892.32
GIAA- Sounds Insulation	9/4/2008	10/22/2009	GIAA-C008-007	3,802,235.51

Completed Projects 2011				
DO#42 WR#C5S2G-32557 Repair & Repaint Exterior Wall Bldg. 13, 14,15 & 23, N	2/2/2010	4/15/2011	M40192-06-D-2582	106,225.14
DO#47 WR#C5R4J-32867 Painting Indefinite Delivery Indefinite Quantity; Exterior	6/4/2010	5/30/2011	N40192-06-D-2582	1,219,590.96
DO#49 WR#C9GT4 Exterior Painting at B-206, 291, 292A, 295, 303, 305 & 492 NC	9/28/2011	3/26/2011	N40192-06-D-2582	106,989.46
JQ#34 WR# AJJY 00-5751 Replace Fire Alarm System at the NDI Lab, Bldg. 1700	9/28/2010	11/30/2011	N40192-09-D-2702	130,812.55
TO#12 WR#C55SD Miscellaneous Repais to Building 203, Joint Region Marianas	7/22/2010	5/27/2011	N40192-09-D-2702	608,490.39
TO#13 Building Modification, BLDG N0. 100, RADIO BARRIGADA Warehouse Nav	8/10/2010	8/9/2011	N40192-09-D-2702	261,637.82
TO#14 WR#31273 Provide Repair/Renovate Gallery at Bldg. 586 Camp Covington	8/6/2010	4/13/2011	N40192-09D-2702	385,989.65
TO#16 WR#C8SFV/55962 Repair Sewer Manholes, Main Base and Navy Housing	8/21/2010	4/17/2011	N40192-09D-2702	198,939.26
TO#18 WR#C8CB7-65784 Replace Asbestos Sewer Force Main Line, SLS No. 7,	9/8/2010	3/2/2011	N40192-09-D-2702	258,151.12
TO#17 WR#C7H3H Renovate Front Desk Space into ABA Compliance; Misc. Repa	9/8/2010	3/7/2011	N40192-09-D-2702	133,229.24
TO#19 WR#FY10 AF MILCON Install Electrical Components to Support F-22 Equip	9/22/2010	10/7/2011	N40192-09-D-2702	1,624,991.12
TO#20 WR#C55SS Miscellaneous Repairs to Various Bridges, Naval Base Guam	9/29/2010	5/27/2011	N40192-09-D-2702	290,182.80
TO#34 WR#C5Y64-32954 Repair Fire Damaged Unit at North Tipalao Housing Are	9/10/2011	2/22/2011	N40192-09-D-2702	138,732.01
TO#35 WR#1111863 Install Antenna Field Security and Fire Alarm Systems, NCTS	9/23/2010	11/8/2011	N40192-09-D-2702	814,641.38
TO#36 WR#C6XXC Harden Pre-engineered Building (B) - Extension to B106 Famil	3/31/2011	12/11/2011	N40192-09-D-2702	261,390.89
TO#40 WR#C6BFX Miscellaneous Repair to Bldg. 900 NMCEAD, NAVMAG	6/8/2011	12/5/2011	N40192-09-D-2702	293,611.38
GIAA-Expansion Loop	7/6/2011	9/8/2011	GIAA-FY11-57611	30,957.00
Completed Projects 2010				
DO#34 WR#32855 Exterior Painting of 296 Units at Harbor & Bay View Housing, C	2/23/2010	12/10/2010	N40192-06-D-2582	1,444,469.58
DO# 35 Ext. Paint 132Units S.	8/5/2009	5/30/2010	N40192-06-D-2582	588,356.00
DO# 37 Ext Painting B4175 Complex	9/19/2009	3/18/2010	N40192-06-D-2582	212,103.70
DO#40 WRC4KWS-2010NV Paint Exterior of Bldg. 768 Gym, Naval Magazine, Gua	1/29/2010	4/29/2010	N40192-06-D2582	22,362.27
DO#41 WR#C4N7R-31351 Prepare & Paint Bldg 364, 372, 373 Transportation, Na	1/29/2010	6/28/2010	N40192-06-D-2582	106,061.04
DO#44 WR#C5RZYRepair & Repaint Exterior Walls Bldg 132, 133, 197 & 230 NCT	2/19/2010	7/19/2010	N40192-06-D-2582	97,968.75
DO#43 WR#C4N7K-32578 Repair & Repaint Bldg. 179 & 1000 Nimitz Hill, Bldg. 20	2/22/2010	7/22/2010	N40192-06-D-2582	90,411.80
DO#46 WR#C5R4G-3266 To Perform Complete Exterior Painting with 2 Coats, 44	5/10/2010	1/24/2011	N40192-06-D-2582	265,034.91
DO#48 Exterior Painting of Bldg. 100, 500 & Retaining Wall at GUARNG Readines	8/10/2010	1/17/2011	N40192-06-D-2582	62,042.09
TO#2 WR#31126 Miscellaneous Repairs to Bldg. 3192 Polaris Point, Naval Base G	2/23/2010	5/7/2010	N40192-09-D-2702	297,647.19
TO#03 WR#32856 Install Area Light at Playground, 2 Sites, Harbor/Bay View Hous	3/11/2010	5/5/2010	N40192-09-D-2702	105,935.57
TO#04 WR# 32851H-07-10 Construct Picnic Pavilion New Apra Housing	3/24/2010	7/25/2010	N40192-09-D-2702	445,210.77
TO#05 WR#32922 Install Handicapped Accessible Playground, Various Locations,	3/15/2010	2/26/2011	N40192-09-D-2702	1,286,091.94
TO#06 Construct Dog Park at South Finegayan Housing Area, Guam	9/29/2009	11/18/2010	N40192-09-D-2702	145,145.87
TO#07 WR#32942 Construct Picnic Pavilion, Naval Hospital, Guam	4/5/2010	9/22/2010	N40192-09-D-2702	464,181.17
TO#08 WR#32861 Install Area Lighting at Playgrounds Lockwood Housing Naval B	3/22/2010	5/5/2010	N40192-09-D-2702	160,501.42
TO#09 WR#32809 Construct Picnic Pavilion at Nimitz Hill Housing Area, Naval Bas	3/4/2010	9/15/2010	N40192-09-D-2702	465,644.81
TO#10 WR#C58JF Miscellaneous Repairs, Golf Cart Battery Charging Room, MWR	4/23/2010	11/1/2010	N40192-09-D-2702	269,582.83
TO#11 WR#C5TNS Building 642 Fence Relocation and concrete pavement MSRO	7/23/2010	1/19/2011	N40192-09-D-2702	414,856.56
TO# 48 Misc Repair Bldg 585	5/1/2009	4/14/2010	N40192-06-D-2535	500,828.58
TO# 49 Misc Repairs Restroom	5/22/2009	5/31/2010	N40192-06-D-2535	187,461.55
TO# 51 Misc Repairs B3201 XRAY	6/14/2009	2/24/2010	N40192-06-D-2535	512,102.92
TO#52 WR#31234 Base Signage Replacement Phase 3, U.S. Naval Base, Guam	7/2/2009	12/26/2009	N40192-06-D-2535	152,184.96
TO# 53 Repair Existing V-Ditch Naval Magazine	9/18/2009	2/24/2009	N40192-06-D-2535	237,582.39
TO# 58 Replace Electrical Panel Boxes	8/27/2009	3/3/2010	N40192-06-D-2535	282,063.14
TO# 59 Provide Sound Proofing	9/8/2009	3/2/2010	N40192-06-D-2535	64,873.06
TO# 62 SPAWAR Office Renovation	9/28/2009	1/28/2010	N40192-06-D-2535	103,262.92
TO#63 WR#BRFJJ Romeo Wharf Parking, Naval Base Guam	3/3/2010	5/12/2010	N40192-06-D-2535	99,844.64
TO#64 WR#32848 Replace Bollard lights Flag Circle Housing Area, Nimitz Hill, Gu	9/28/2009	4/25/2010	N40192-06-D-2535	76,278.09
TO#65 WR#95833 Replace AHU, Pre-cooler & ACCU at Mechanical Room, Wing	9/29/2009	4/7/2010	N40192-06-D-2535	200,702.49

TO#66 WR#95834 Replace Exterior Package AC Guam Naval Hospital NEX Buildi	9/9/2009	3/12/2010	N40192-06-D-2535	207,523.80
TO#67 WR# C4K6N Replace Two Each Generator Sets, Bldg. 2647, HCS-25, NCT	12/31/2009	9/1/2010	N40192-06-D-2535	592,849.59
TO#68 WR#31255 Exterior Improvements Franks Café Bldg. 3192 Polaris Point, N	3/17/2010	5/17/2010	N40192-06-D-2535	44,078.19
Inglesia Ni Cristo	9/15/2010	11/23/2010		49,285.00
GIAA- AHU 7	2/3/2010	4/15/2010		40,000.00
Completed Projects 2009				
DPW Tinaga Bridge			GQ-ER-22(018)	223,684.54
DO# 39 Paint DODEA Andersen Sch			N40192-06-D-2582	27,269.85
TO#26 Bowling Alley			N40192-06-D-2535	523,682.00
TO# 50 Correct AIS Def B529 **			N40192-06-D-2535	137,542.00
TO# 45 Misc. Repairs B631 DRMO			N40192-06-D-2535	239,146.97
TO# 60 Resurface Motorcycle range			N40192-06-D-2535	284,912.00
TO# 42 Replace AHU bldg 1			N40192-06-D-2535	487,202.10

Zone Variance / Annual Report (BME & Sons)
Lot 10, Tract 293 Mangilao, Guam

(Main Office Site #132 Golden Cupid, Latte Hts, Mangilao, Guam)

GLUC Meeting - August 24, 2017



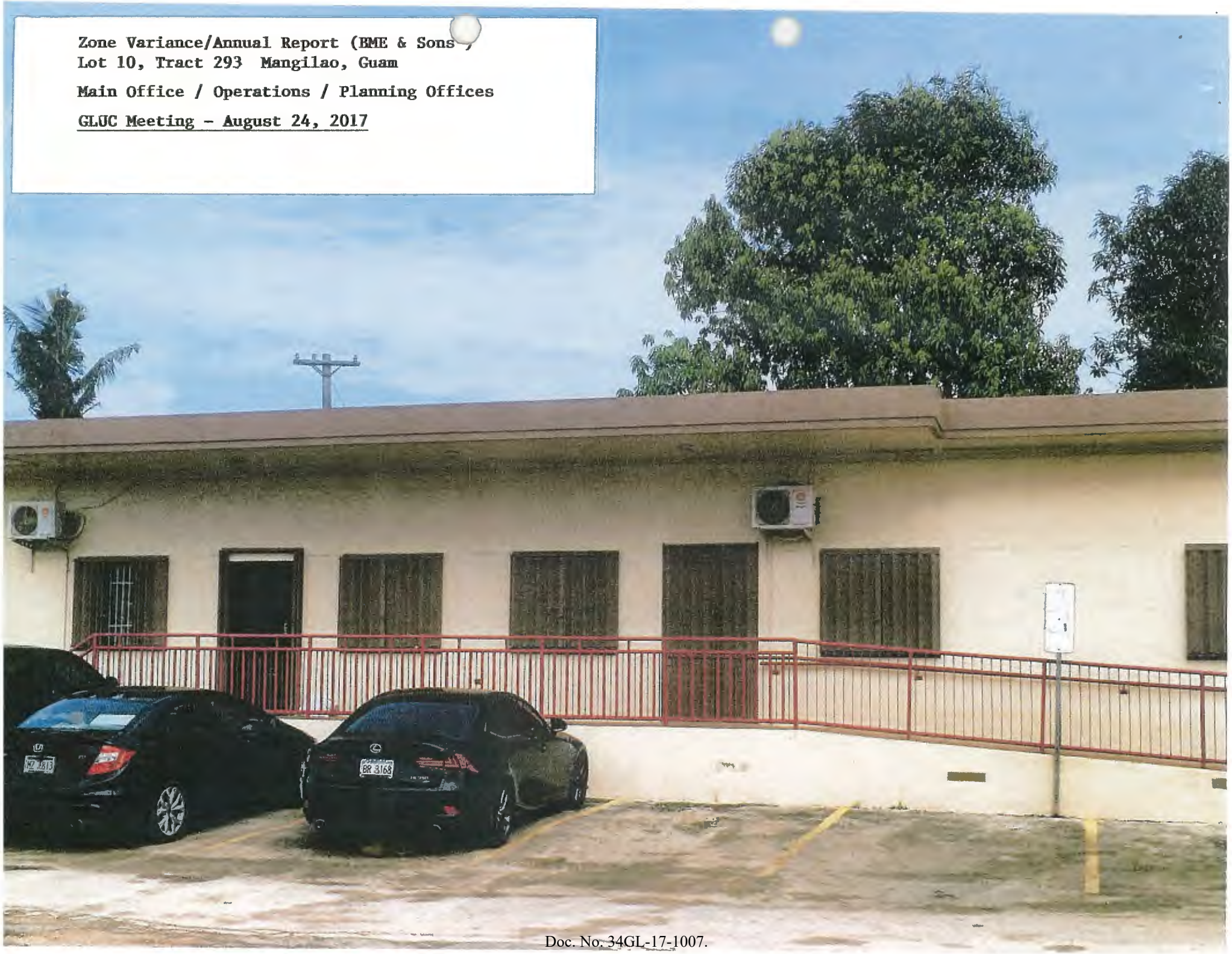
Doc. No. 34GL-17-1007.


Zone Variance/Annual Report (BME & Sons)
Lot 10, Tract 293, Mangilao, Guam
Site Office/Operations& Staging Area
GLUC Meeting August 24, 2017
STOP
BME & SONS INC.

Zone Variance/Annual Report (BME & Sons)
Lot 10, Tract 293 Mangilao, Guam

Main Office / Operations / Planning Offices

GLUC Meeting - August 24, 2017

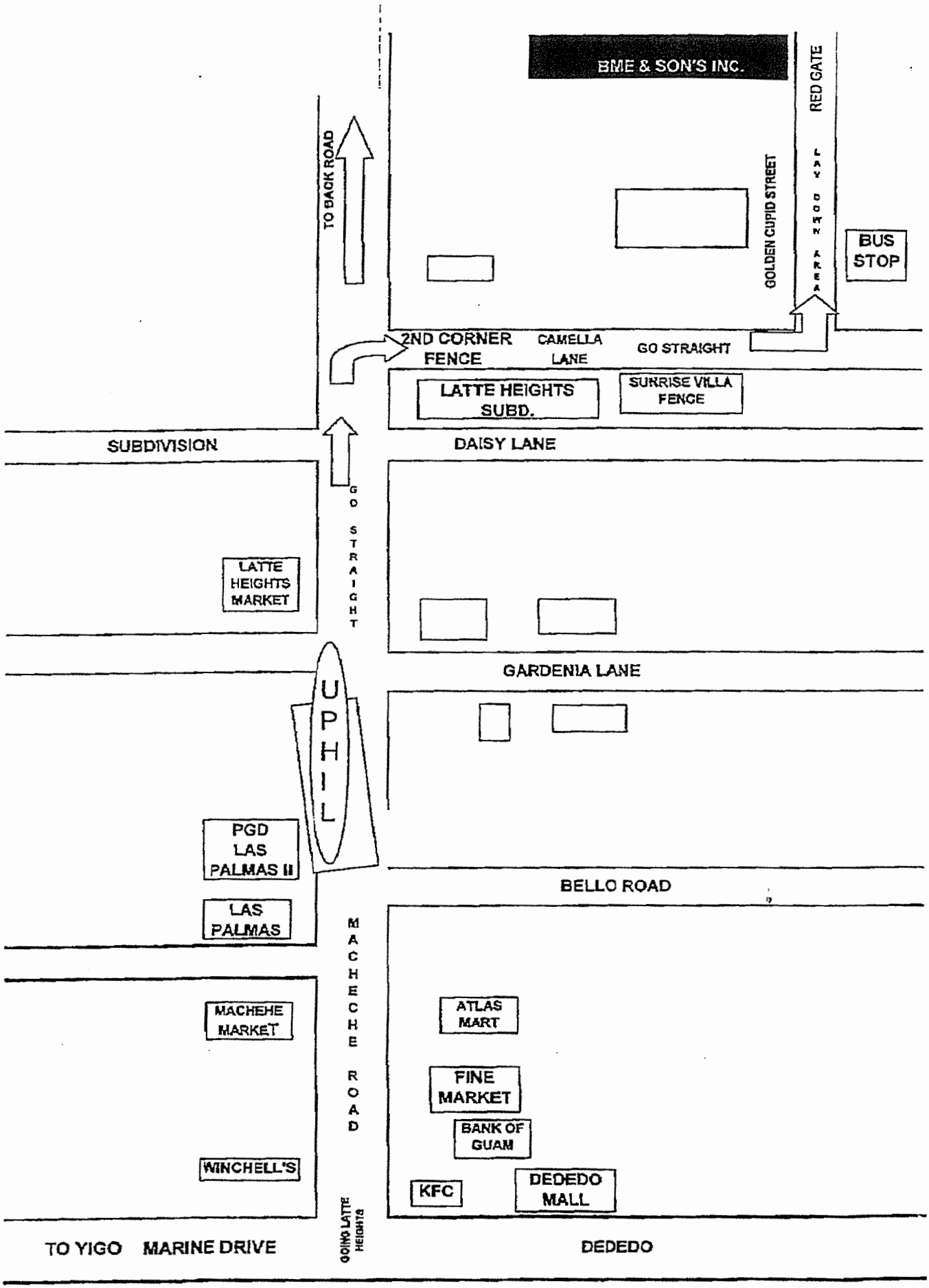


Doc. No. 34GL-17-1007.

Zone Variance/Annual Report (BME &Sons)
Lot 10, Tract 293 Mangilao, Guam

(Warehouse/Workshop/Staging Area)




BME & SON'S INC.
RED GATE
GOLDEN CUPID STREET
BUS STOP
TO BACK ROAD
2ND CORNER FENCE
CAMELLA LANE
GO STRAIGHT
LATTE HEIGHTS SUBD.
SUNRISE VILLA FENCE
SUBDIVISION
DAISY LANE
GO STRAIGHT
LATTE HEIGHTS MARKET
GARDENIA LANE
UPHIL
PGD LAS PALMAS II
LAS PALMAS
BELLO ROAD
MACHECHE ROAD
MACHEHE MARKET
ATLAS MART
FINE MARKET
BANK OF GUAM
WINCHELL'S
KFC
DEDEDO MALL
GOING LATTE HEIGHTS
TO YIGO MARINE DRIVE
DEDEDO

JUNE U. BLAS
MAYOR

MUNICIPALITY OF BARRIGADA

OFFICE OF THE MAYOR & VICE MAYOR
124 LUAYAO LANE, BARRIGADA, GUAM 96913

JESSIE P. BAUTISTA
VICE MAYOR

RECEIVED
AUG 01 2017
Department of Land Management
Time 3:15 Int MV

August 1, 2017

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

Re: Support for BME & Sons, Inc. Annual Reporting of their Contractor's Yard; Lot 10 Tract 239 Municipality of Mangilao, GLUC Application 2002-30C

Dear Mr. Chairman,

Buenas yan Hafa Adai! This is to inform you that Vice Mayor Jessie P. Bautista and I, together with the Barrigada Municipal Planning Council support the request for the Annual Renewal for BME & Sons Inc., Continuing Operations of a Contractor's yard on Lot 10, Tract 293 Mangilao.

Once again, our support demonstrates the Municipal Planning Council's agreement with the proposed use of the property by the current landowner, BME & Sons, Inc. The renewal request will once again contribute to the development of our community as well as contribute to the social benefit of our residents including those in the surrounding boundary areas.

More importantly, the Barrigada Municipal Planning Council exercising its rights and privileges to review all conditional land use requests involving real property within the its boundaries, does hereby support and endorse the request.

Thank you and on behalf of BME & Sons, Inc., we look forward to the Commission's endorsement of their renewal request.

Sincerely,

JUNE U. BLAS
MAYOR

cc: BME & Sons, Inc.

Rec'd 8/1/17 P Bautista Planning Dept

The Community of Education, Culture and Sports

Office of the Mayor
Municipality of Mangilao



PO Box 786 Hagatna, GU 96932 (671) 734-2163 / 5731 Fax: (671) 734-4130

Allan G. Ungacta, Mayor **Thomas J. F. Duenas, Vice Mayor**

August 1, 2017

RECEIVED
AUG 04 2017
1230

Chairman and Members
Guam Lan Use Commission
Department of Land Management
Tamuning, Guam 96913

Subject: Request for Support for Annual Reporting of our Contractor's Yard:
Lot 10, Tract 293 Municipality of Mangilao, Guam for BME & Sons, Inc;
Ref GLUC Application #2002-30C (Zone Variance)

Dear Mr. Chairman:

Buenas Yan Hafa Adai! This is to inform you that Mayor Allan Ungacta, together with the Mangilao Municipal Planning Council support the request for Annual Renewal of Zone Variance for BME & Sons, continuing operations of a contractor's yard on Lot, 10, Tract 293 Mangilao.

Once again, our support demonstrates the Municipal Planning Council's agreement with the proposed use of the property by the current landowner, BME & Sons, Inc. The renewal request will contribute to the community as well as be of social benefit to all of the residents in the surrounding area.

Allan G. Ungacta
Mayor

RECEIVED
Land Plan

DEPARTMENT OF LAND MANAGEMENT
LAND PLANNING DIVISION
SITE INSPECTION REPORT - FIELD WORK

Planner/Staff: P Gulac	Date of Request: 7/26/17
Date of Inspection: 7/27/17	Time of Inspection: 8:30 AM
Project Name: BASE MAIN OFFICE.	
Lot Number: 10 TV 293	Municipality: Mangilao

Description: Annual Reporting/Renewal Inspection of Contractor's Yard. Main Facility Operations compound (Zone Variance Applicable)

Type of Inspection: [ ] Occupancy [ ] Site [✓] Other

Contact Person: Myra Maraman	Phone: 632 3338

Findings: - The facility is in good standing and well maintained. Fully clean all around fenced area. No violation of NOA conditions or land use permit/variance. Company is pro-active in community and mayors council/assistance. All licenses updated for its operations.

OCCUPANCY INPECTION ONLY: [ ] **IN COMPLIANCE** Recommend Approval for continued operations.

[ ] **NOT IN COMPLIANCE**

ATTENTION: All inspection must be approved three (3) days in Advance by Guåhan Chief Planner.

7/27/17

Applicant:

Approved [✓]

P. Gulac — Case Planner

Paul P. Tai for Guåhan Chief Planner

Revised: March 2010

ATTACHMENT E

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 14, 2017

MEMORANDUM

TO: Acting Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – Request for Two (2) Year Extension of Approved Application No. 1996-60B&C, Tentative Development Plan and Zone Variance (Height & Setback) for City Hill Company (Guam) Ltd. (Guam Plaza Hotel) on Lot No. 5058-R3NEW-1, Tumon, Municipality of Tamuning

The subject development under application 1996-60B&C was approved with conditions, by the Commission on June 9, 2016 for an Tentative Development Plan and a Zone Variance for Height and Setback for the construction of a 6-level (4-story) parking garage on the site of the existing "back-of-the-house" parking area. The parking garage will be used by the employees of the hotel and superstore complex and will provide supplemental parking for patrons of the nearby restaurant complex (Rotary Sushi and Fuji Ichiban), and will also include warehouse space for the JP Superstore, office spaces to accommodate the relocation of the hotel's and the superstore's existing offices. The six levels of the parking structure will consist of a basement level, the four levels of the four story building and a roof level for a total of 180,028 square feet floor area.

In addition, the approval includes the development of a 30 feet wide private access road from the parking structure to Pale San Vitores Road along the northeastern boundary of the subject site to improve traffic circulation by providing employees direct access to the upper Pale San Vitores Road.

As a result of our consultation with Mr. John Setiadi and as reflected on the request package, the request is for a two (2) year extension approval with the intention of keeping the June 9, 2016, Tentative Development Plan and Zone Variance (Height and Setback) intact and request that the approved development be phased.

As proposed by the applicant the initial phase is to scale down the original approved 6-level mixed-use structure to a 2 story, 3 level parking structure accommodating a total of 221 parking spaces including 7 accessible parking spaces. The revised structure excludes the warehouse and office spaces that were in the original approved mixed –use structure.

All the other elements of the original approval, such as the 30 feet wide private access road, landscaping, onsite storm water containment system are to be part of the initial phase.

In line with Section 3316 (Time Period) of Article 3 (Interim "H" Resort-Hotel Zone), Chapter 3, Title 18, GCA, Where it states " The Commission shall approve a maximum time period within which all of the improvements authorized in the Tentative Development Plan shall be completed. The time period shall be no less than six (6) months and no more than four (4) years. The time period shall be based on the size, character and complexity of the authorized improvements. The Commission may for good cause shown, grant any extension of time." Planning staff supports the applicant's request and submit it to the Commission for its action.

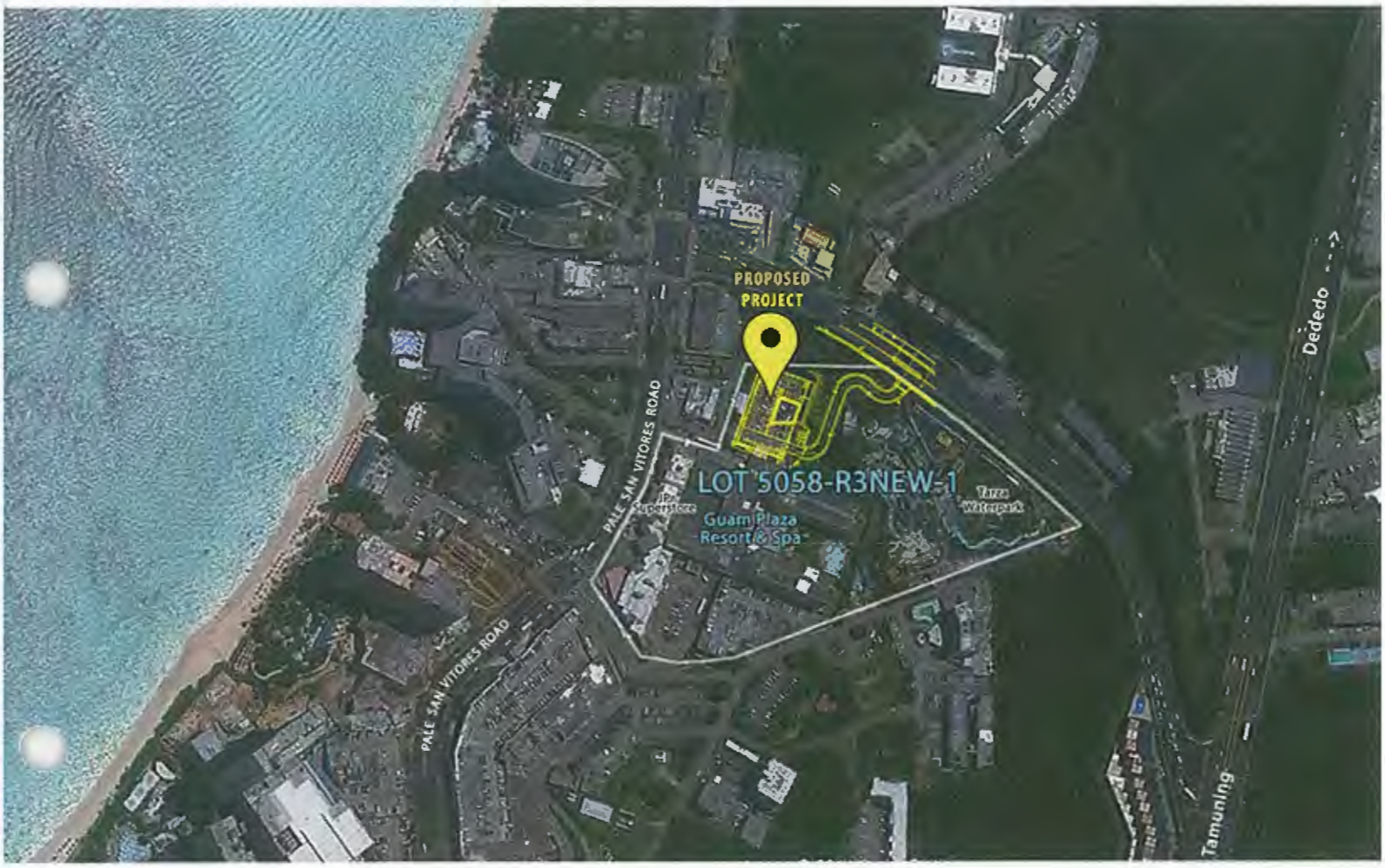
Should the Commission approve the applicant's request, planning staff recommends that the conditions of the Commission's June 9, 2016 approval are still in effect and that the applicant with a year from the date of approval submit an amended Tentative Development Plan application for review and approval by the Guam Land Use Commission.

Marvin Q. Aguilar
Chief Planner

Case Planner: Frank .P. Taitano

REQUEST FOR AN EXTENSION

**of NOA's for Approved City Hill Company (Guam) Ltd.
Parking Structure on Lot 5058-R3NEW-1, Tumon,
Municipality of Tamuning, Guam**



PRESENTED FOR:

CITY HILL COMPANY (GUAM) LTD.

PRESENTED BY:
SETIADI ARCHITECTS LLC
357 Route 8 Maite, Guam 96910
T: 671-477-3556 | F: 671-477-3559

PRESENTED TO:

GUAM LAND USE COMMISSION
Dept. of Land Management
03 August 2017

SETIADI ARCHITECTS LLC
357 Route 8 Tel: (671) 477-3556
Maite, Guam 96910 Fax: (671) 477-3559

August 03, 2017

Mr. John Arroyo, Chairman
Guam Land Use Commission
c/o Guam Department of Land Management
P.O. Box 2950 Hagatna, GU 96932

Subject: Guam Plaza Hotel (GPH) and JP Superstore Back of House (BOH) Tentative Development Plan and Zone Variance, Lot 5058-R3NEW-1
Tumon, Municipality of Tamuning, Guam
Notices of Action Recorded 14 July 2016 (1996-60B and 1996-60C)

Dear Chairman Arroyo and Commission Members:

On behalf of City Hill (Guam), Ltd., the owner of subject Lot 5058-R3NEW-1 in Tumon, Guam, we are pleased to submit this document, requesting the Commission's approval for two years extensions of the Notice of Action for:

- NOA 1996-60B - Tentative Development Plan Application for a 4-story, 6-Level Parking Garage and Access Road
- NOA 19966-60C - Zone Variance Application for a setback variance and height variance for the parking garage

Project Background

On June 10, 2016, City Hill (Guam), Ltd. received approval of the Tentative Development Plan and the Zone Variance Applications to develop a mixed-use warehouse, office, and parking structure facility on an existing vacant lot currently utilized for Back of the House parking, consisting of 74 parking spaces.

Since the approval, the owner has finalized the design and solicited bids for construction. However, unfortunately the owner received high construction cost proposals. The contractors explained that the current shortage of available construction labor as the primary reason of the high quotation.

Due to the unexpected high cost, the owner decided to alter the development. The immediate development will be a smaller parking structure. The warehouse and office space are excluded.

SETIADI ARCHITECTS LLC
357 Route 8 Tel: (671) 477-3556
Maite, Guam 96910 Fax: (671) 477-3559

Proposed/Revised Development

1. Construct a 3-level parking structure:

Item	Approved Design	Proposed/Revised Design		
Total Stories:	4 stories	2 stories		
Parking Levels:	6 levels (286 stalls)	3 levels (221 stalls)		
- Parking Requirement: 74 existing parking spaces. No additional parking required. - Bicycle Parking Requirement: 1 bicycle parking space per 20 off-street automobile parking space: 14 - Accessible Parking Requirement based on American with Disabilities Act (ADA) Standards: 7 stalls.		**Floor**	**Stalls**	**ADA**
		Level P1	56	7
		Level P2	92	-
		Level P3	66	-
		Total:	214	7
		Overall Total:	**221**	
Height:	46.33'H	< 30'H		
North & South Setback:	0" setback	0" setback		
- Height and Setback Variance complies with the requirements for Commercial use in H Zoning code				

2. Parking Structure: The revised development will scale-down the original approved 6-level mixed-use building/structure to a 3-level parking structure. The revised development will accommodate a total of 221 parking spaces including 7 accessible parking spaces. The revised development does not require additional parking spaces beyond replacing the existing 74 existing surface parking spaces. The additional parking spaces are provided not because of regulatory requirements but for business operations purposes for the employees.

3. Warehouse and Office Spaces: The original approved development includes 11,087 SF warehouse/storage space and 8,897 SF office space to consolidate offices in Guam Plaza Hotel and JP Superstore. The revised development excludes warehouse and office spaces. If required in the future, a separate Tentative Development Plan for the warehouse and/or the office will be submitted.

4. Access Road: Access to/from the parking structure will be through the new 30 feet wide private access road connecting to the upper Pale San Vitores Road, and the existing driveway at the lower Pale San Vitores Road through the corridor behind or between the Rotary Sushi/Fuji Ichiban complex.

5. Landscaping: The site development will incorporate a mix of appropriate native and non-native species. The entrances to the parking garage will incorporate a vertical green-wall system of living plants which will substantially increase the aesthetic of the site in keeping with the Tumon Bay resort-hotel setting.

SETIADI ARCHITECTS LLC
357 Route 8 Tel: (671) 477-3556
Maite, Guam 96910 Fax: (671) 477-3559

6. Traffic Analysis: The revised smaller development of the 3-level parking structure will not have an adverse impact compared to the approved initial design traffic generation analysis.

7. Environmental Compliance: Pursuant to the *18 GAR Chapter 3, Art. 3 §3319, Standards for Development within an "H" Zone* City Hill (Guam) Ltd. will comply with all applicable pollution and erosion standards as promulgated by the Guam Environmental Protection Agency. All storm water runoff will be contained within the property.

8. Water & Electrical Calculations: The revised smaller development will require less electrical and water demand.

9. The 2% of the construction cost remains committed toward landscaping, pursuant to *Subsection "G" of Section "V" (Standards for Development within an "H" Zone) of the Interim "H" Resort-Hotel Zone Rules and Regulations.*

Included in this package is the information regarding the revised 3-level parking structure design and the surrounding site development including access driveway and landscaping.

We respectfully request the Commission's approval for the smaller immediate development, and for the time extension necessary to finalize the construction documents, to select a contractor, and to obtain the building permit. Mr. Ichioka, in his letter dated June 9, 2017 requested for 6-month time extension. Upon further discussions with the design team and contractors, we request for 2-year extension. Thank you.

Sincerely,

SETIADI ARCHITECTS LLC

John Setiadi Tan
President

REQUEST FOR AN EXTENSION

OF NOA's CITY HILL COMPANY (GUAM) LTD. PARKING STRUCTURE
ON LOT 5058-R3NEW-1 TUMON, MUNICIPALITY OF TAMUNING, GUAM

TABLE OF CONTENTS

- Request for Extension Letter
- Exhibits:
    A. Letter of Extension from City Hill Co. Ltd., dated June 9, 2017
    B. Tentative Development Plan NOA 1996-60B
    C. Zone Variance Height and Setback NOA1996-60C
    D. Recorded Property Map
    E. Project Site
    F. Site Plan
    G. Floor Plans
    H. Building Elevations
    I. Building Sections
    J. Landscaping Plans



▪ Exhibit A

Letter of Extension from City Hill Co. Ltd.
dated June 9, 2017

CITY HILL COMPANY (GUAM) LTD.
Guam Plaza Hotel • JP Superstore, Couture, Edge, Xtreme
Jia Asia Bistro, Nana's Café/Sails BBQ • Tarza Waterpark
Tel: (671) 646-7803/8 • Fax: (671) 646-7809

June 9, 2017

6-12-17
RECEIVED
Guam Land Use Planning Div.

Mr. John Arroyo, Chairman
Guam Land Use Commission
c/o Guam Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Subj: Guam Plaza Hotel (GPH) and JP Superstore Back of House (BOH) Tentative Development Plan and Zone Variance, Lot 5058-R3NEW-1, Tumon, Municipality of Tamuning, Guam
Notices of Action Recorded 14 July 2016 (1996-60B and 1996-60C)

Dear Chairman Arroyo and Commission Members:

On June 10, 2016, City Hill (Guam), Ltd received approval of its Tentative Development Plan and Zone Variance Applications. This letter is to inform you that the development will be phased; the immediate development will be smaller and the ultimate development as approved will be for future development.

One condition on the Notice of Action for the Tentative Development Plan (1996-60) was that any future additional development or changes to the approved site plan shall be reviewed approved by the Guam Land Use Commission. This letter is to inform the GLUC of the proposed smaller immediate development. For comparison, we provide the following summary of changes:

Item	Original Plan	New Plan
Total Stories	4 stories	3 stories
Height	46.33' H	28.33' H
Parking levels	6 levels	3 levels
North yard setback	0' setback	0' setback
West yard setback	0' setback	0' setback

It should be noted that the New Plan now only 3 stories in accordance with the permitted stories; and a total height below the 30 feet permitted height. The North and West 0 feet yard setbacks remain.

This letter shall serve as our Notice to the GLUC of our development's changes and request for the extended Notice of Action period for another 6 months. Should you have any questions, or require additional information, please contact me at the number below, or my architect, Mr. John Setiadi Tan at 477-3556.

Sincerely,

Eric Ichioka
City Hill (Guam) Ltd.

SETIADI

▪ Exhibit B

Tentative Development Plan NOA 1996-60B

Doc. No. 34GL-17-1007.

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

File for Record is Instrument No. 894911

On the Year 16 Month 07 Day 14 Time 4:18

Recording Fee DE-OFFICIO Receipt No.

Deputy Recorder Jane Yamasaki

(Space above for Recordation.) JANE YAMASAKI

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

COPY

NOTICE OF ACTION

June 10, 2016
Date

To: **City Hill Co. (Guam), Ltd.**
c/o Setiadi Architects LLC and
Duenas, Camacho & Assoc., Inc.
P.O. Box 7755
Tamuning, Guam 96931

Application No. 1996-60B

The Guam Land Use Commission, at its meeting on **June 9, 2016**.

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

____/ Tabled

Your request on **Lot No. 5058-R3NEW-1, Municipality of Tamuning for a Tentative Development Plan (TDP).**

NOTICE OF ACTION
City Hill Co. (Guam), Ltd.
RE: Lot No. 5058-R3NEW-1
Municipality of Tamuning
GLUC Hearing Date: June 9, 2016

Application No. 1996-60B

ZONING

___/ Zone Change***

___/ Conditional Use

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

XX / **Tentative Development Plan**

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

Application No. 1996-60B

APPLICATION DESCRIPTION: The applicant, City Hill Company (Guam) Ltd. represented by Setiadi Architects LLC and Duenas, Camacho & Associates, Inc. is requesting for a Tentative Development Plan Amendment approval to construct a 4-storey, 6-Level parking garage and access road on Lot No. 5058-R3NEW-1, Tumon, Municipality of Tamuning.

COMMISSION DECISION: The Guam Land Use Commission **APPROVED** the applicants request subject to the following conditions:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

B. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and

C. That Applicant shall provide a Landscaping Plan w/ an Engineer's or Architect's certification, pursuant to Section 5G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner; and

D. That pursuant to the Interim "H" Resort-Hotel Rules and Regulations, Paragraph F, the infrastructure improvements as specified in the TDP shall be completed within 1-year from date of Commission approval; and

E. That the Applicant shall also ensure compliance to the 1-year time restriction that states a ***"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5".***

6/13/16

Marvin Q. Aguilar
Guam Chief Planner

Date

6/20/2016

John Z. Arroyo
Chairman
Guam Land Use Commission

Date

Case Planner: Frank P. Taitano
Cc: Building Permits Section, DPW
Real Property Tax Division, Department of Revenue and Taxation

NOTICE OF ACTION
City Hill Co. (Guam), Ltd.
RE: Lot No. 5058-R3NEW-1
Municipality of Tamuning
GLUC Hearing Date: June 9, 2016

Application No. 1996-60B

CERTIFICATION OF UNDERSTANDING

I/We CITY HILL COMPANY (GUAM) LTD. (Applicant [Please print name]) SETIADI ARCHITECTS LLC (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.

7/8/16 — Signature of Applicant — Date

7/8/2016 — Signature of Representative — Date

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

Applicant — Date — Representative — Date

SETIADI

▪ Exhibit C

Zone Variance Height/Setback NOA1996-60C

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

File for Record is Instrument No. 894870

On the Year 14 Month 07 Day 14 Time 12:54

Recording Fee DE-OFFICIO Receipt No.

Deputy Recorder Jane Yamasaki JANE T. YAMASAKI

(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

COPY

NOTICE OF ACTION

June 10, 2016
Date

To: **City Hill Co. (Guam), Ltd.**
c/o Setiadi Architects LLC and
Duenas, Camacho & Assoc., Inc.
P.O. Box 7755
Tamuning, Guam 96931

Application No. 1996-60C

The Guam Land Use Commission, at its meeting on **June 9, 2016**.

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

____/ Tabled

Your request on **Lot No. 5058-R3NEW-1, Municipality of Tamuning for a Zone Variance.**

NOTICE OF ACTION
City Hill Co. (Guam), Ltd.
RE: Lot No. 5058-R3NEW-1
Municipality of Tamuning
GLUC Hearing Date: June 9, 2016

Application No. 1996-60C

ZONING

___/ Zone Change***

__/ Conditional Use

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

__/ Tentative Development Plan

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION: The applicant, City Hill Company (Guam) Ltd. represented by Setiadi Architects LLC and Duenas, Camacho & Associates, Inc. is requesting for a Zone Variance approval to construct a 4-storey, 46.33 feet high, 6-Level parking garage (one story above the permitted three stories and 16.33 feet above the 30 feet permitted height and zero yard setbacks from the north and west property lines) on Lot No. 5058-R3NEW-1, Tumon, Municipality of Tamuning.

COMMISSION DECISION: The Guam Land Use Commission **APPROVED** the applicants request subject to the following conditions:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

B. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and

C. That applicant, submit a new Site/Master Plan in accordance to the as-built conditions for the Chief Planners review and approval; and

D. That Applicant shall provide a Landscaping Plan w/ an Engineer's or Architect's certification, pursuant to Section 5G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner.

6/13/16
Marvin Q. Aguilar **Date**
Guam Chief Planner

6/20/2016
John Z. Arroyo **Date**
Chairman
Guam Land Use Commission

Case Planner: Frank P. Taitano
Cc: Building Permits Section, DPW
Real Property Tax Division, Department of Revenue and Taxation

NOTOICE OF ACTION
City Hill Co. (Guam), Ltd.
RE: Lot No. 5058-R3NEW-1
Municipality of Tamuning
GLUC Hearing Date: June 9, 2016

Application No. 1996-60C

CERTIFICATION OF UNDERSTANDING

I/We CITY HILL COMPANY (GUAM) LTD. SETIADI ARCHITECTS LLC
(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.

7/8/16 7/8/2016
Signature of Applicant Date Signature of Representative Date

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

Applicant Date Representative Date

Reference No.: GLUC 1996-60C

ACKNOWLEDGEMENT

Filed with the Department of Land Management on 8th day of July, 2016 in accordance with 21 Guam Code Annotated Section 61620.

DIRECTOR OF LAND MANAGEMENT
or Designee

ACKNOWLEDGEMENT

Filed with the Department of Public Works on 12th day of July, 2016 in accordance with 21 Guam Code Annotated Section 61620.

DIRECTOR OF PUBLIC WORKS
or Designee

A DECISION OF THE GLUC GRANTING A VARIANCE IS NOT FINAL UNTIL 15 WORKING DAYS AFTER FILING OF THE DECISION WITH DPW AND DLM. PERMITS SHALL NOT BE ISSUED TO THE APPLICANT BEFORE IT BECOMES FINAL. (21 GCA §61621)

DECISION GRANTING VARIANCE
WITH FINDINGS
[Pursuant to Title 21 GCA §61616 (a) through (h), (j) and (k)]

Guam Land Use Commission

WHEREAS, the following decision of the Guam Land Use Commission is made in accordance with 21 GCA §61616, §61617, and §61620, now therefore;

BE IT RESOLVED, that on the **9th** day of **June , 2016**, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of **City Hill Co. (Guam), Ltd.** for a **Zone Variance** for (Building Height and Setbacks) on Lot Number **5058-R3NEW-1**, Municipality of **Tamuning** .

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

1.	John Z. Arroyo	Chairman
2.	Victor F. Cruz	Vice Chairman
3.	Beatrice P. Limtiaco	Commissioner
4.	Conchita D. Bathan	Commissioner

Appearing for the applicant was/were: **Ms. Claudine Camacho and Mr. John Duenas with Duenas, Camacho & Associates, Inc., Mr. John Satiadi Tan with Setiadi Architects, LLC and Ms. Yoko Pipes with City Hill Co. (Guam), Ltd.**

Also appearing and testifying on the above project was/were:

None favor/against

After considering all the statements and testimony presented by interested parties the GLUC finds that the application for variance is granted on the following grounds: (Note: All five (5) sections should be answered.)

(a) That the application of Title 21 GCA Chapter 61 results in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the law. The following facts support such a finding:

That the application as presented by the applicant and the Application Review Committee's Position Statements submitted satisfy the above section.

(b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that does not apply generally to other property in the same zone. The following facts support such a finding:

That the application as presented by the applicant and the Application Review Committee's Position Statements submitted satisfy the above section.

(c) That the grant of variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the zone or neighborhood in which the property is located. The following facts support such a finding:

(d) That the variance will not be contrary to the objectives of any part of the "Master Plan." The following facts support such a finding:

That the application as presented by the applicant and the Application Review Committee's Position Statements submitted satisfy the above section.

(e) That, as to variances from the restrictions of Title 21 GCA §61504, the proposed building will substantially enhance the recreational aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owners' or the publics' right to an untrammeled use of the beach and its natural beauty. Facts, which support this conclusion, are as follows:

That the application as presented by the applicant and the Application Review Committee's Position Statements submitted satisfy the above section.

The members, after due consideration, voted to approve the application with the following conditions:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and
B. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and
C. That applicant, submit a new Site/Master Plan in accordance to the as-built conditions for the Chief Planner's review and approval; and
D. That Applicant shall provide a Landscaping Plan w/ an Engineer's or Architect's certification, pursuant to Section 5 G of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Chief Planner.

The vote of the members were as follows:

[4] Ayes [0] Nays [0] Abstentions

This decision was adopted this **9th** day of **June** , **2016**, and shall be filed with the Department of Land Management, and the Department of Public Works as mandated under 21 GCA §61620.

John Z. Arroyo
Chairman, Guam Land Use Commission

▪ Exhibit D

Recorded Property Map

SPECIAL NOTE:

THE PRE-WAR BULLCART TRAIL BETWEEN LOT NOS. 5058-R3 NEW & LOT NO. 5068-1 AS INDICATED IN TUMON TORENO IS HEREBY RELOCATED ON THE SOUTHERN BOUNDARY OF LOT 5058-R3 NEW-1 AS CONSOLIDATED AND SHOWN ON PLAN IS HEREBY APPROVED.

DIRECTOR OF LAND MANAGEMENT DATE

N

GGTN 1963

20 10 0 20 40 60

GRAPHIC SCALE
SCALE 1" = 20m

GGTN TR. 8

TO GUAM SHIPYARD HAGÅTÑA

℄ OF SAN VITORES DRIVE
CC# 15-58 DOC # 342500

34' WIDE EXISTING PAVEMENT

P.I. 31+27.71'

50' 65'

LOT 5051-R2
LOT # 40886

(139.45')

DC 25+48.91

50' 65'

LOT 5058-2
LOT # 63166

(N 89° 30' E 65.72')

BASIC LOT 5058-R3 NEW=
AREA= 23,249 ± SQ M

(S 85° 33' 05" E)
S 85° 33' 30" E
97.08

(S 30° 40' 43" E)
S 30° 42' 31" E
(97.07')

10 ROUTE ROAD WIDTH

GGTN TR. 7
N 54,646.87
E 56,077.41

(N 70° 30' 30" W 28.80')
N 70° 30' 30" W
28.80

LOT 5058-3 NEW
DOC # 293619

(S 70° 30' 30" E 68.47')
S 70° 30' 30" E
68.47

(N 70° 30' 30" W 68.47')

(S 70° 40' 30" E 97.24')

POB
N 54,643.26
E 56,091.62

PRE-WAR BULLCART TRAIL
(TO BE RELOCATED)
AREA= 1,654 ± SQ M.

LOT 5058-R3 NEW-1
AREA= 36,449 ± SQ M

(N 84° 04' 00" E)
N 84° 04' 00" E
319.54

(S 84° 34' 00" W)
S 84° 34' 00" W
(319.94')

LOT 5076-R4-1
CT # 38555

BASIC LOT 5068-1=
AREA= 15,200 ± SQ M

S 70° 22' 46" W 246.386'
(S 70° 22' 46" W 246.136')

N 43° 14' 53" E
6.157

LOT 5076-R4-6 NEW-1
DOC # 3519

PRE-WAR BULLCART TRAIL
(RELOCATED)
AREA= 1,654 ± SQ M

S 88° 52' 21" E 74.376
(S 88° 45' 00" E 73.47')

N 88° 48' 13" W 72.469
(N 88° 45' 00" W 73.47')

LOT 5076

LOT 5076-R4-2
CT # 13792

LOT 5076-4 (R/W)
40' PERPETUAL EASEMENT
DOC # 44962

TO TAMUNING

CURVE DATA

COURSE	Δ	R	L	C	CHB
Ⓐ	04° 43' 35"	566.711	46.72	46.74	S 58° 04' 18.5" E
Ⓑ	01° 02' 56"	136.596	2.50	2.50	S 60° 11' 02" E
Ⓒ	03° 32' 44"	136.596	8.453	8.451	S 47° 52' 10" E
Ⓓ	03° 44' 44"	136.596	8.930	8.928	S 44° 20' 06" E
Ⓔ	02° 19' 42"	136.596	5.551	5.550	S 42° 11' 53" E

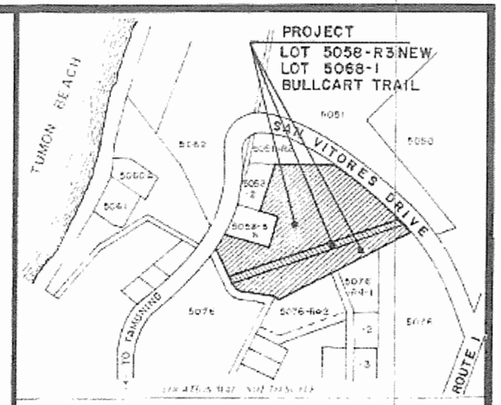
REFERENCES:

1. DWG. NO. SDCD 40-0979, RETRACEMENT SURVEY OF LOT 5058-R3 NEW, PREPARED BY RLS # 23, LM # 00779 80 DOC # 307150
2. DWG. NO. SDCD 26-0680, RETRACEMENT SURVEY OF LOT 5068 PREPARED BY RLS # 23 LM # 282-FY80 DOC # 307151
3. DWG. NO. SK NO. 1427, RETRACEMENT OF BULLCART TRAIL, PREPARED BY DEPT OF LAND MANAGEMENT DATED 3/17/80

PREPARED FOR, SATISFACTORY TO, AND APPROVED BY:

LOT 5058-R3 NEW
OWNER: CITY HILL CO. (GUAM) REPRESENTED BY _____ DATE
LTD. A GUAM CORPORATION
CT # 56504 REG ON JAN 30, 1980

LOT 5068
OWNER: CITY HILL CO. (GUAM) REPRESENTED BY _____ DATE
LTD. A GUAM CORPORATION
CT # 60899 REG ON APRIL 9, 1980



NOTES:

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED
3. BEARING AND DISTANCES IN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1963

SYMBOLS:

- GGTN TRIANGULATION STATION
- CONC. MON. FOUND, SET BY UNKNOWN
- CONC. MON. FOUND, SET BY RLS # 23
- CONC. MON. FOUND, SET BY RLS # 23 SEE REF. 1
- REBAR FOUND, SET BY RLS # 49
- REBAR FOUND, SET BY RLS # 23
- # 4 REBAR SET, W/ WASHER MARKED RLS # 32

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND REFLECTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION ON OR ABOUT _____ 19__. I CERTIFY THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THAT THEIR LOCATIONS, SIZES, AND MATERIALS ARE CORRECTLY SHOWN.

_____
REGISTERED LAND SURVEYOR

_____ DATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR WILL BE SET AS SHOWN; AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY CONFORMS TO THE REQUIREMENTS OF TITLE 21 GCA CHAPTER 75 EFFECTIVE JUNE 1981, AND WAS COMPLETED ON THE DATE SHOWN BELOW.

_____
REGISTERED LAND SURVEYOR NO. 32 DATE

REVISIONS	DESCRIPTION	BY	APPROVED

RELOCATION OF PRE-WAR BULLCART TRAIL &
CONSOLIDATION OF
LOT Nos. 5068-1 & 5058-R3 NEW
INTO
LOT 5058-R3 NEW-1

TUMON, MUNICIPALITY OF DEDEDO

SURVEYED BY:	RTC	JUNE 1981	AREA (SQ M):	SEE PLAN
DRAWN BY:	RTC	JUNE 1981	CHECKED BY:	SEE PLAN
LOCATION:	RTC	JUNE 1981	REGISTRATION:	SEE PLAN
AREA:	RTC	JUNE 1981	FILING NUMBER:	
RECOMMENDED:	RTC	JUNE 1981		SEE PLAN
APPROVED:	RTC	JUNE 1981		

SEE PLAN

DIRECTOR DATE

LAND REGISTRATION OFFICER

06681 245 81

REMI T. DE CASTRO
REGISTERED LAND SURVEYOR, RLS NO. 32
TEL. NO. 472 8072

3815

Doc. No. 34GL-17-1007.

Page # 4

SETIADI

▪ Exhibit E

Project Site

Site Description: The project site is located on the northwestern portion of Lot 5058-R3NEW-1, a 9-acre (36,449 sq. meter or 393,333 sq. ft.) corner lot in the northern sector of Tumon Bay that is zoned "H" for Hotel/Resort uses. The parcel has frontage along upper Pale San Vitores Road (Route 14) on its northeastern boundary; however, the primary vehicle access is at the southern boundary via Rivera Lane. Secondary access for delivery vehicles is provided by a 20 to 24-foot wide service road leading from lower Pale San Vitores Road to the warehouse at the rear of Guam Plaza Hotel.

Exhibit E

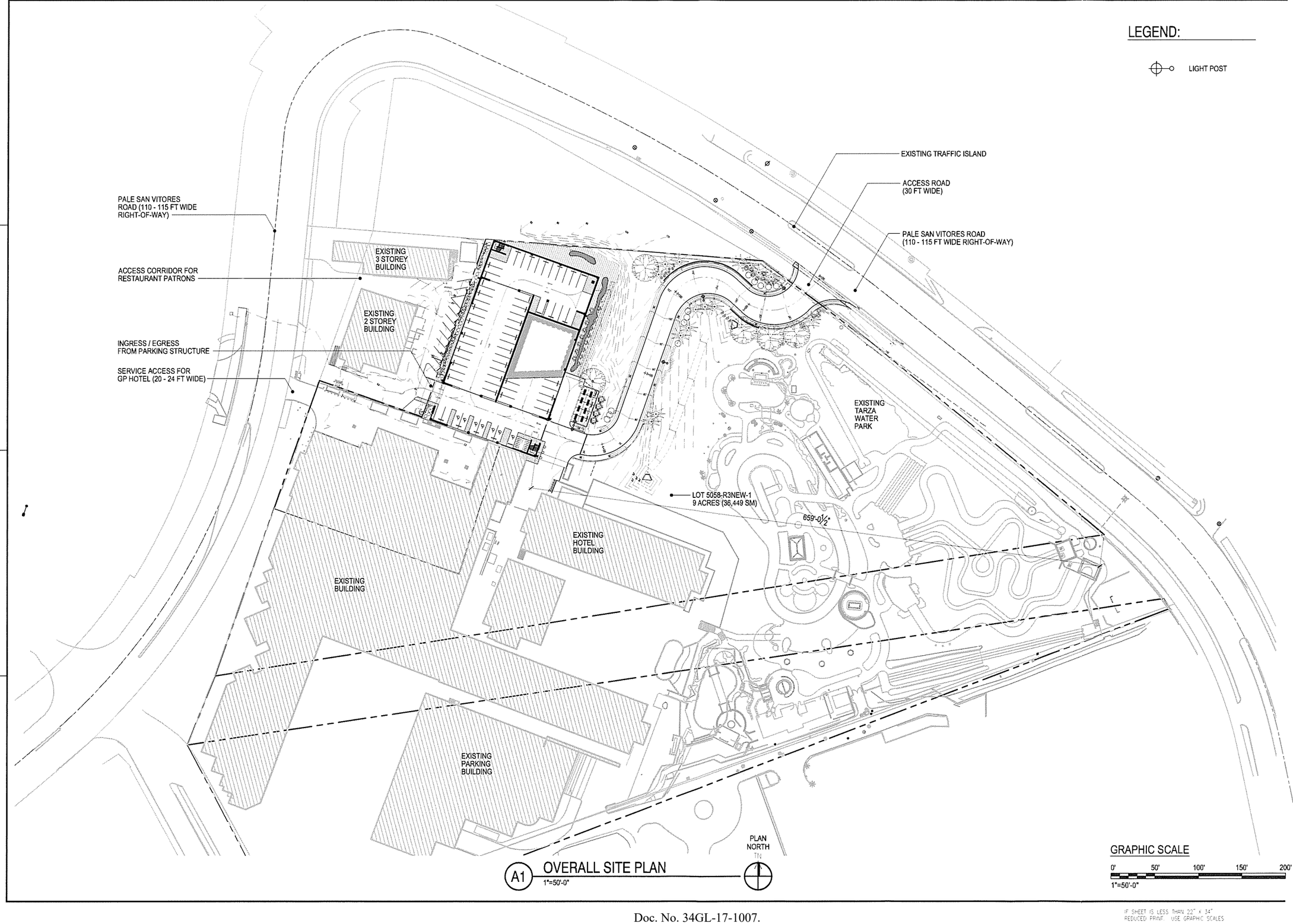


SETIADI

▪ Exhibit F

Site Plan

S:\073J3_GPH_...ing Structure\3_Working Files\GLUC Files\073J3_GPH_...C.dwg, 8/2/2017 9:1...3 AM, CesarC, 1:2



A1 OVERALL SITE PLAN
1"=50'-0"

SETIADI ARCHITECTS LLC
357 ROUTE 8
MAITE, GUAM 96910-2007
TEL : 477-3556
FAX : 477-3559

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM

PROJECT NO. : 073J3

DWG. TITLE : OVERALL SITE PLAN

REVISIONS	DATE

DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

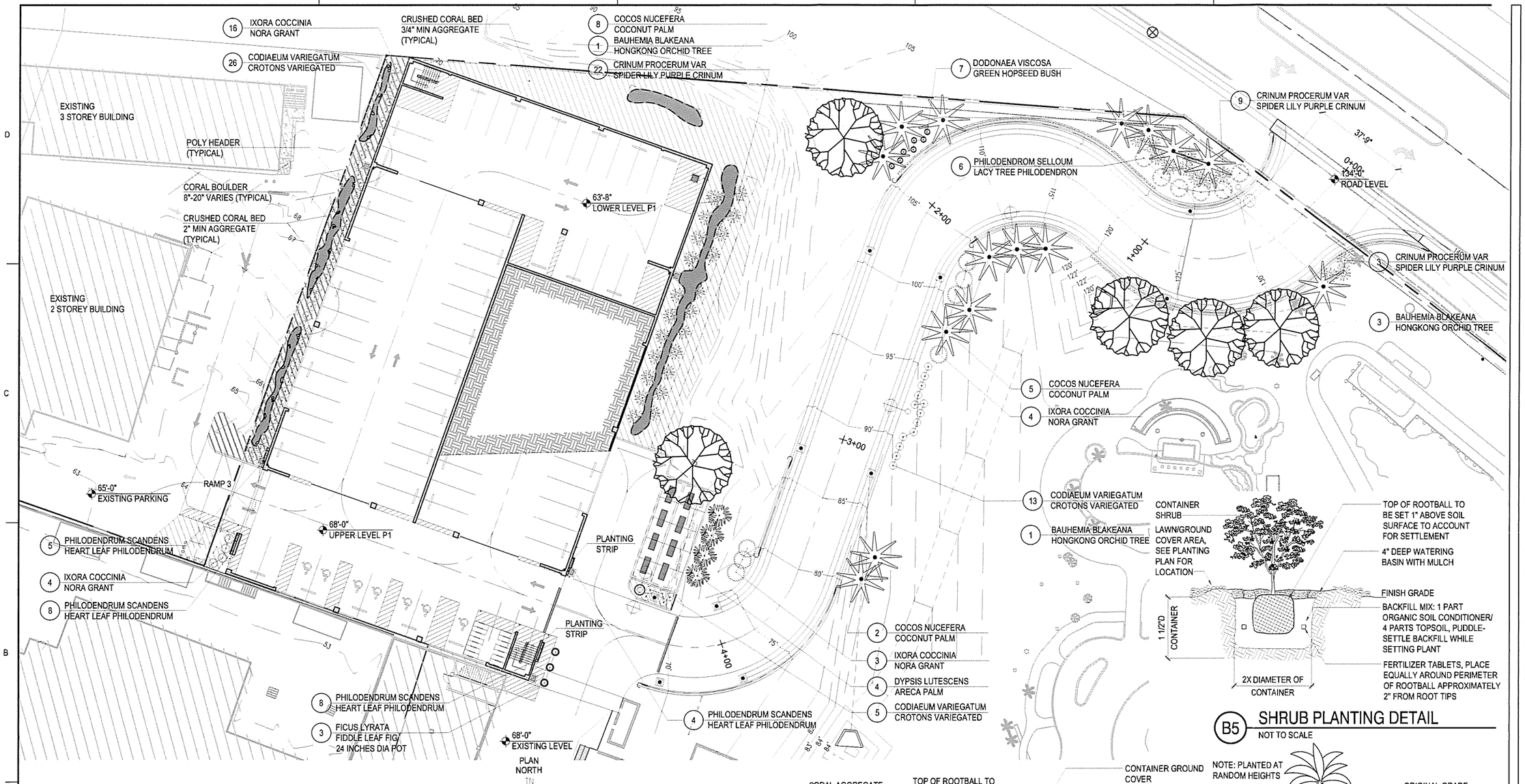
DRAWING NO.

AS-101

SHEET XXX OF 62

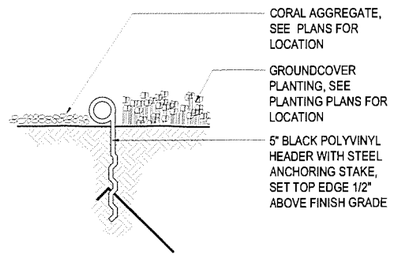
Doc. No. 34GL-17-1007.

IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT. USE GRAPHIC SCALES

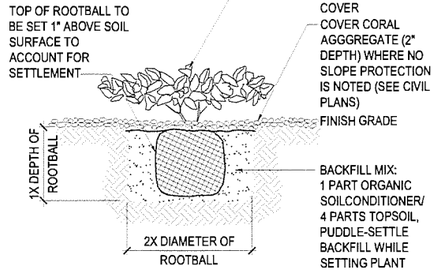


B1 ENLARGED SITE PLAN
1"=20'-0"

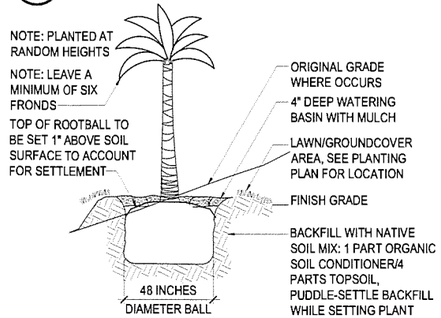
PLANT MATERIAL LIST							
	BOTANICAL NAME	COMMON NAME	SIZE	CALIPER	HEIGHT	SPACING	REMARKS
PALMS							
15 EA	COCOS NUCEFERA	COCONUT PALM	3 GAL.		10'-15' TRUNK	15'-20'	FULL
4 EA	DYPSUS LUTESCENS	ARECA PALM	10 GAL.		8'-10'	8' -10'	
TREES							
5 EA	BAHEMIA BLAKEANA	HONGKONG ORCHID TREE	15 GAL		8'-10'		FULL
3 EA	FYCUS LYRATA	FIDDLE LEAF FIG	15 GAL		4'-6'		FULL
SHRUBS							FULL
34 EA	CRINUM PROCERUM VAR.	SPIDER LILY PURPLE	5 GAL.		2'-3'	4'	FULL
27 EA	IXORA COCINIA	NORA GRANT IXORA	5 GAL.			4'	FULL
43 EA	CODAEUM VARIEGATUM	CROTON	3 GAL.			4'	FULL
6 EA	PHILODENDRON SELOUM	LACY LEAF PHILODENDRON	5 GAL.			4'	FULL
7 EA	DODONAEA VISCOSA	GREEN HOPSEED BUSH	3 GAL.			4'	FULL
CLIMBERS							
26 EA	PHILODENDRON (HEART LEAF)	PHILODENDRON SCANDENSE	1 GAL		2'-3'	12"	FULL



A3 POLY HEADER DETAIL
NOT TO SCALE



A4 GROUND COVER PLANTING DETAIL
NOT TO SCALE



A5 PALM PLANTING DETAIL
NOT TO SCALE

B5 SHRUB PLANTING DETAIL
NOT TO SCALE

GRAPHIC SCALE
0' 50' 100' 150' 200'
1"=50'-0"

IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT. USE GRAPHIC SCALES.

SETIADI ARCHITECTS LLC
357 ROUTE 8
MAITE, GUAM 96910-2007
TEL : 477-3556
FAX : 477-3559

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : ENLARGED SITE PLAN

REVISIONS	DATE

DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

DRAWING NO.
AS-102

SHEET XX OF 62

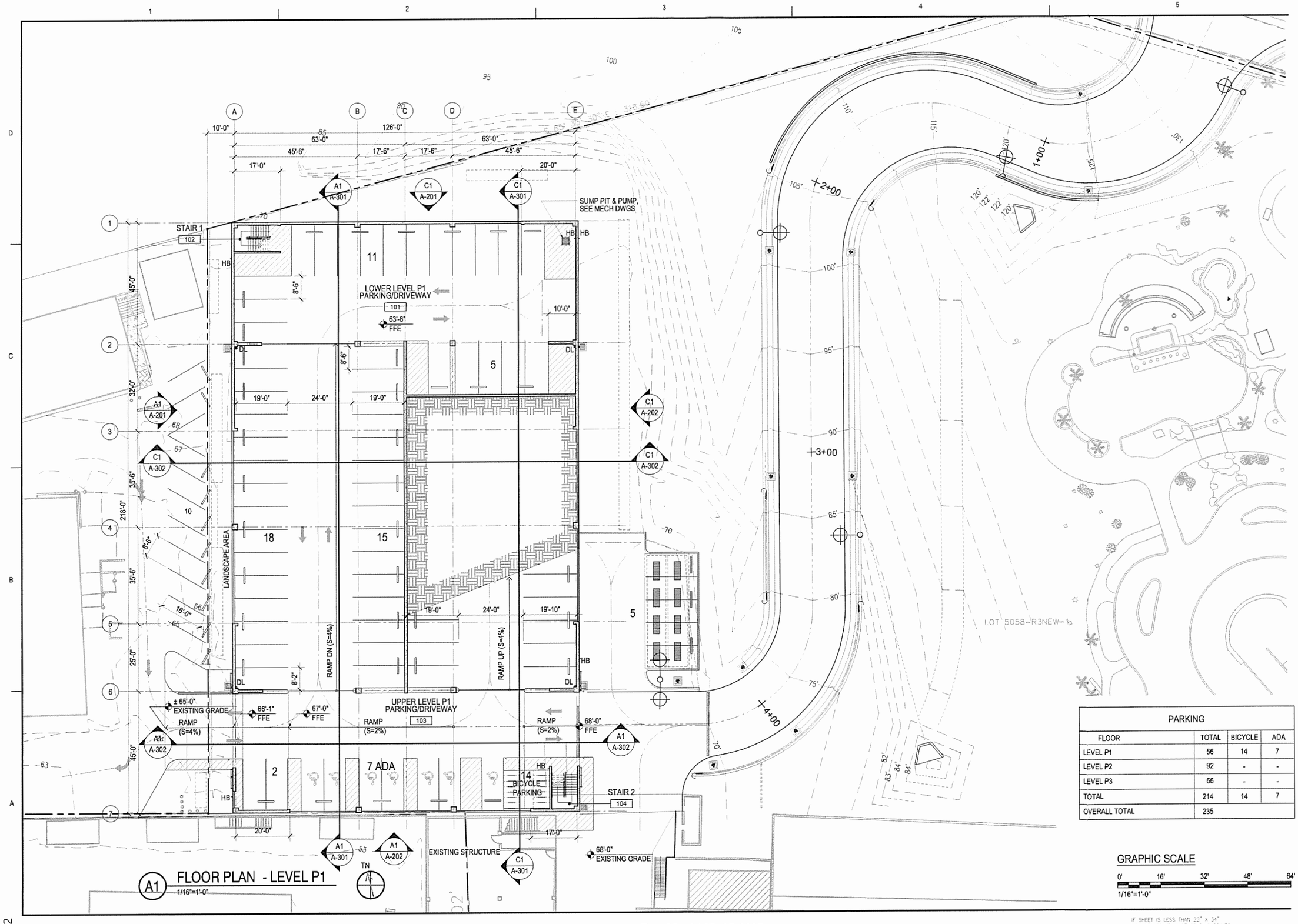
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▪ Exhibit G

Floor Plans



PARKING			
FLOOR	TOTAL	BICYCLE	ADA
LEVEL P1	56	14	7
LEVEL P2	92	-	-
LEVEL P3	66	-	-
TOTAL	214	14	7
OVERALL TOTAL	235		

GRAPHIC SCALE
0' 16' 32' 48' 64'
1/16"=1'-0"

IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT. USE GRAPHIC SCALES

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : FLOOR PLAN - LEVEL P1

REVISIONS	DATE

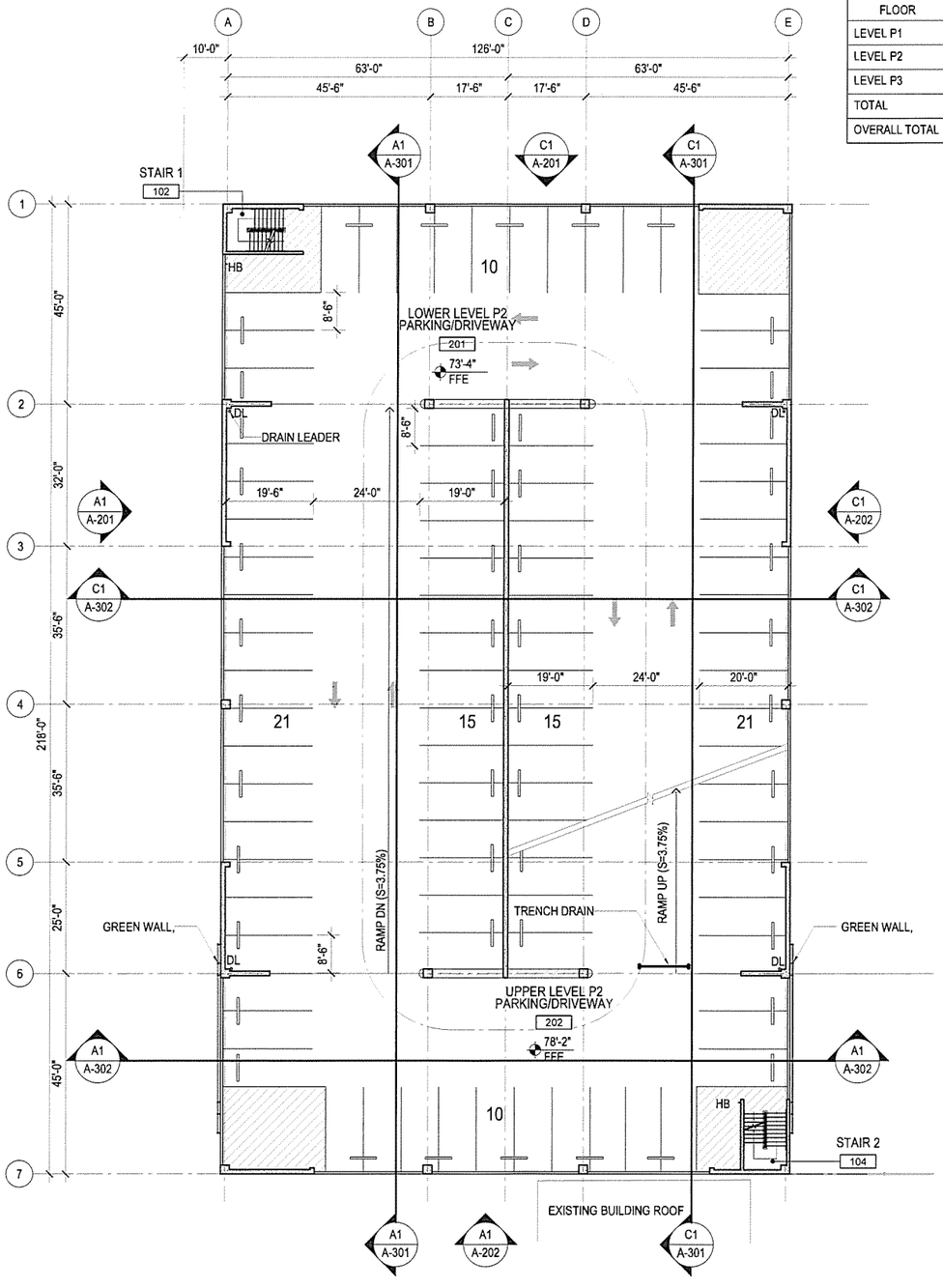
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CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

DRAWING NO.
A-101

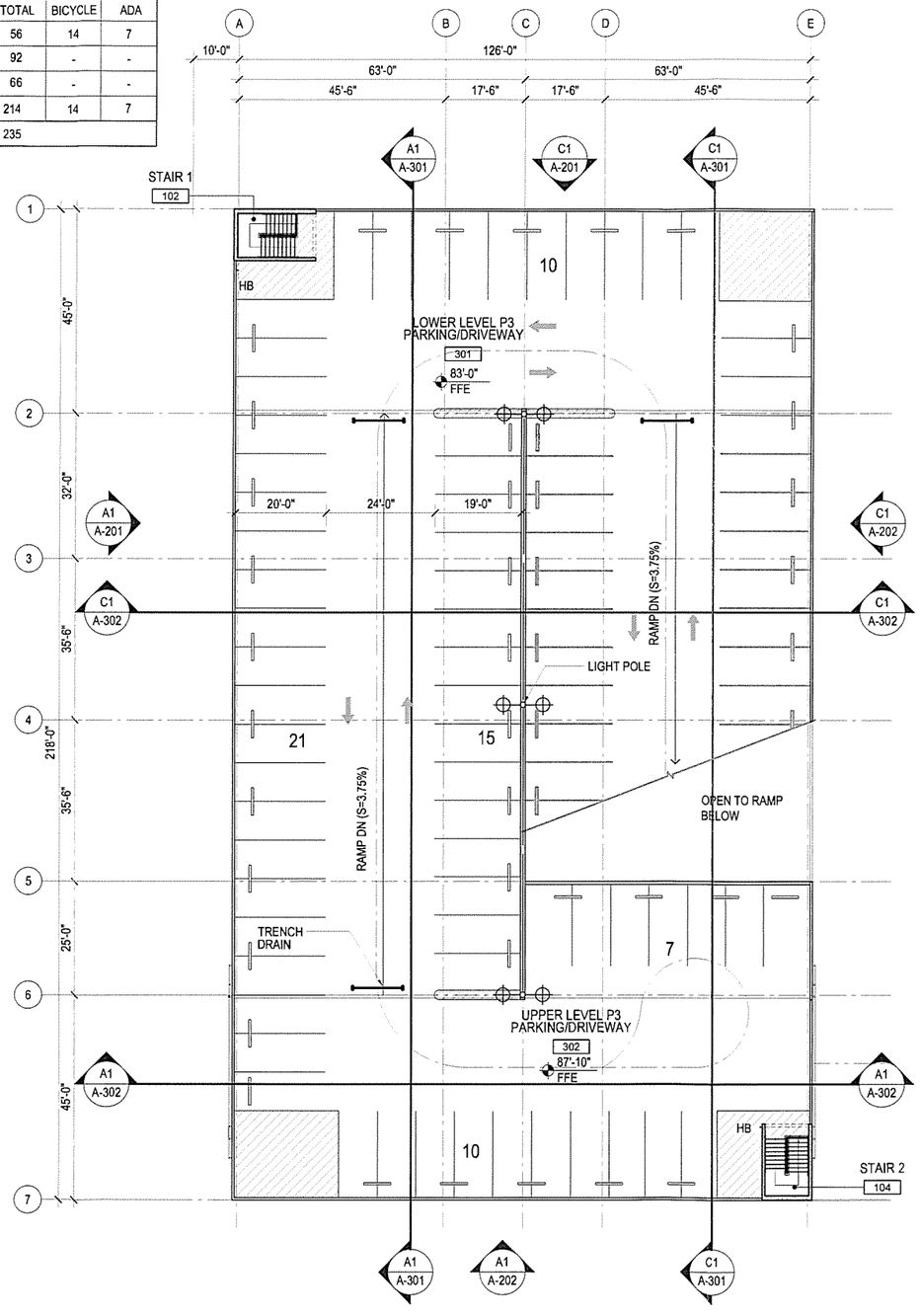
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PARKING			
FLOOR	TOTAL	BICYCLE	ADA
LEVEL P1	56	14	7
LEVEL P2	92	-	-
LEVEL P3	66	-	-
TOTAL	214	14	7
OVERALL TOTAL	235		



A1 FLOOR PLAN - LEVEL P2
1/16"=1'-0"



A3 FLOOR PLAN - LEVEL P3
1/16"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48' 64'
1/16"=1'-0"

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MAITE, GUAM 96910-2007
TEL : 477-3556
FAX : 477-3559

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : FLOOR PLANS -LEVEL P2 & P3

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DESIGNED BY :
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DATE : 08/01/17

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A-102

SHEET XX OF 62

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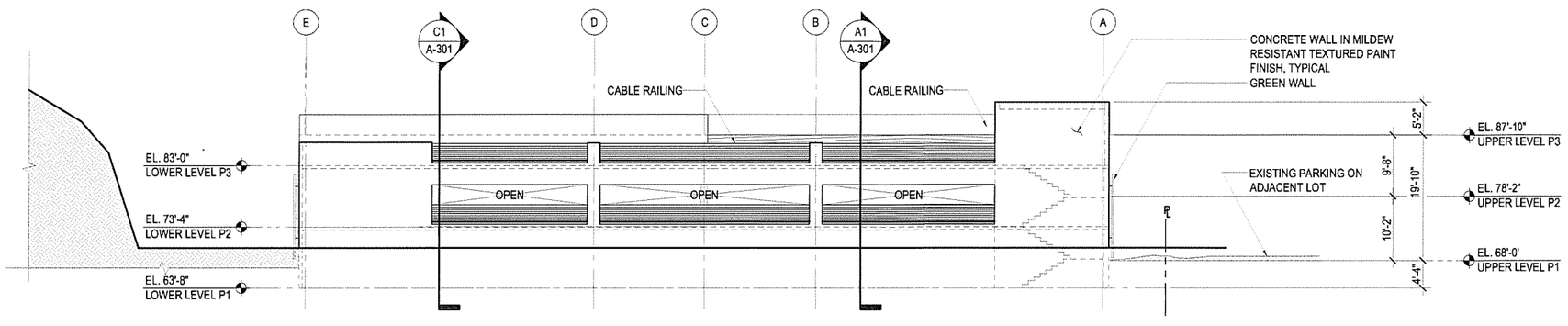
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■ Exhibit H

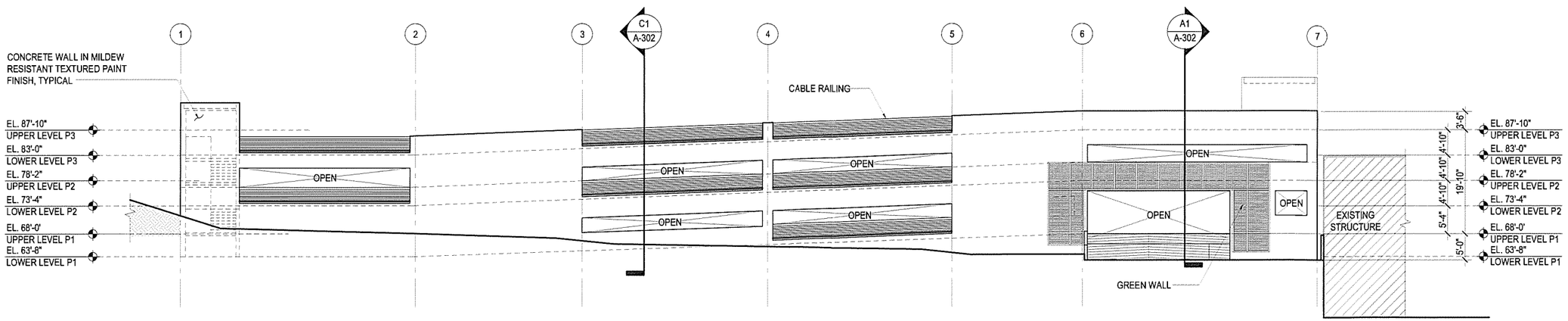
Building Elevations

PAINT/FINISH SCHEDULE	
SYMBOLS	STYLE / COLOR / FINISH
C-1	SEALED CONCRETE, CLEAR
P-1	REFLECTIVE TRAFFIC YELLOW PAVEMENT PAINT
P-2	REFLECTIVE TRAFFIC WHITE PAVEMENT PAINT
P-3	REFLECTIVE BLUE PAVEMENT PAINT
P-4	MILDEW RESISTANT TEXTURED PAINT
P-5	ALUMINUM IN GREEN POWDERCOAT FINISH

NOTE: VERIFY PAINT COLOR WITH ARCHITECT. CONTRACTOR TO SUBMIT SAMPLE FOR APPROVAL.



C1 BUILDING NORTH ELEVATION
3/32"=1'-0"



A1 BUILDING WEST ELEVATION
3/32"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48'
3/32"=1'-0"

IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT. USE GRAPHIC SCALES.

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM

PROJECT NO. : 073J3

DWG. TITLE : BUILDING ELEVATIONS

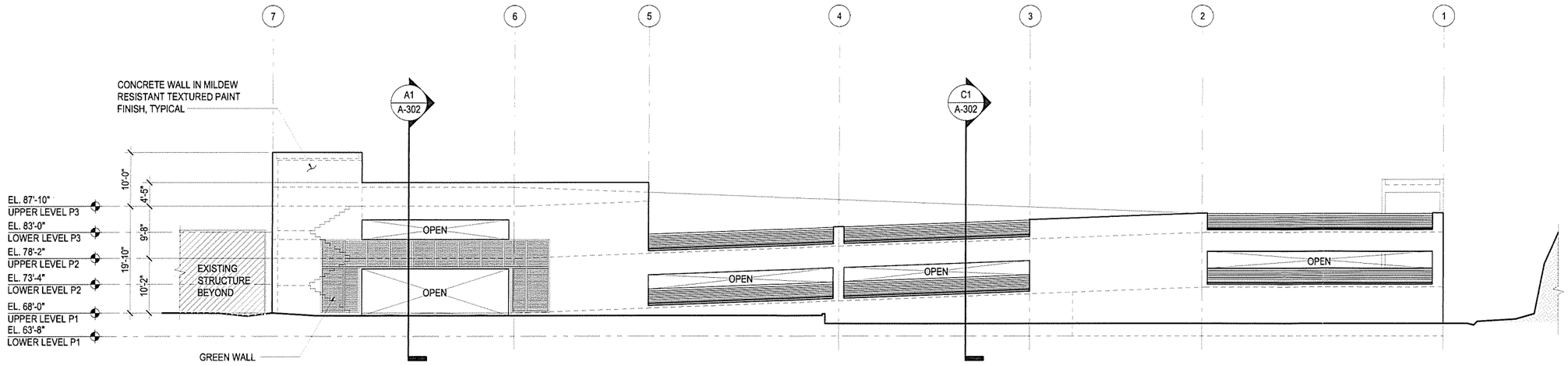
REVISIONS	DATE

DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

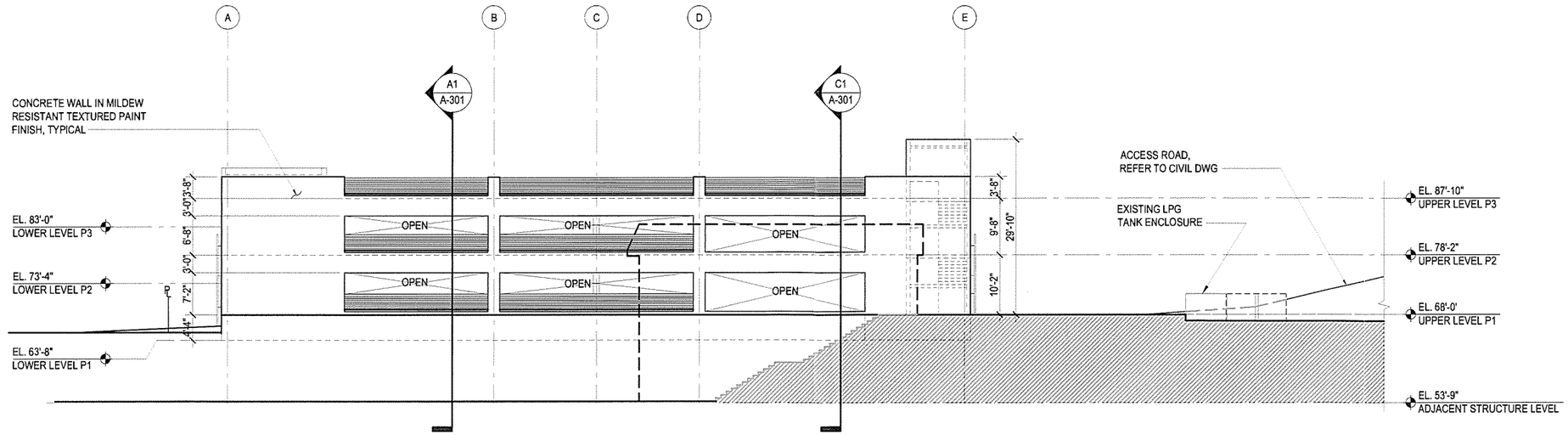
DRAWING NO.
A-201

SHEET XX OF 62

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1:2



C1 BUILDING EAST ELEVATION
3/32"=1'-0"



A1 BUILDING SOUTH ELEVATION
3/32"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48'
3/32"=1'-0"

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TEL : 477-3556
FAX : 477-3559

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : BUILDING ELEVATIONS

REVISIONS	DATE

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DATE : 08/01/17

DRAWING NO.
A-202

SHEET XX OF 62

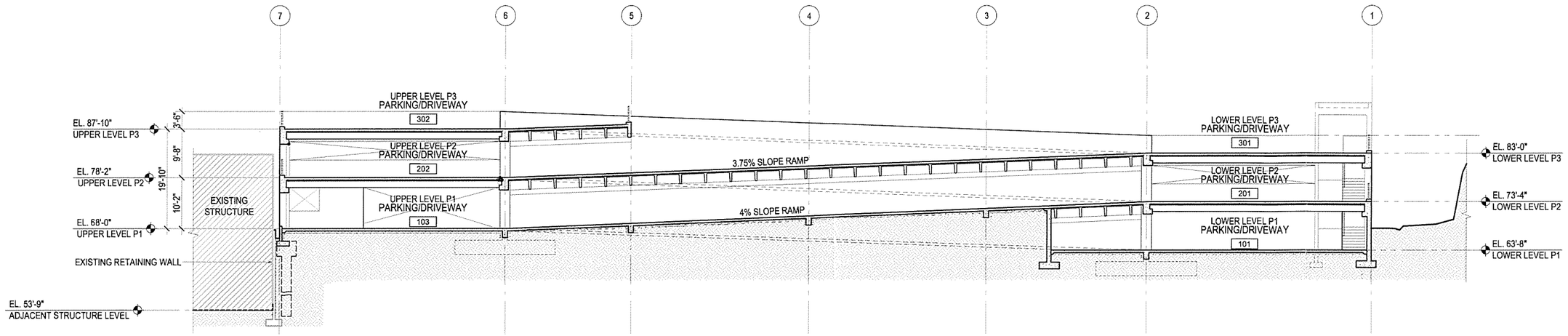
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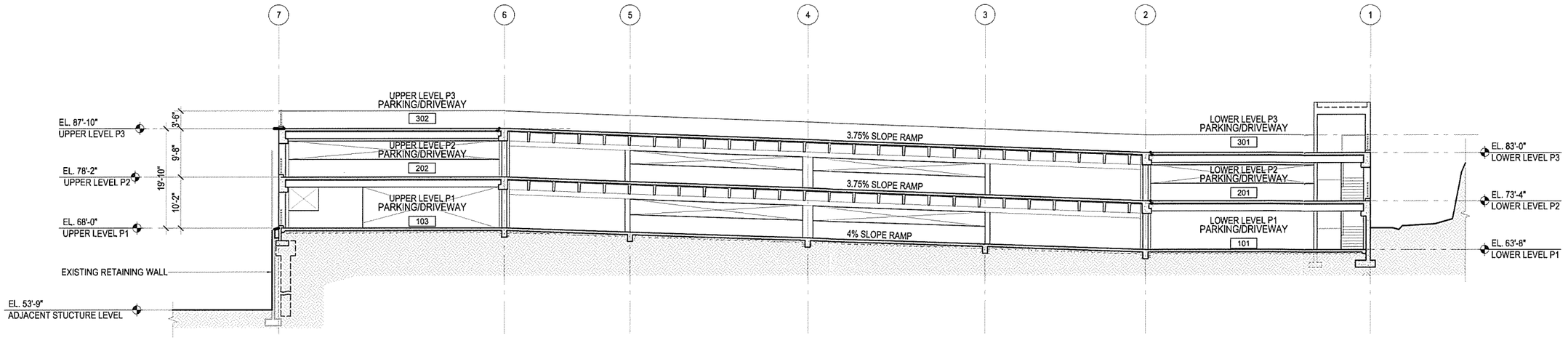
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▪ Exhibit I

Building Sections



C1 BUILDING SECTION
3/32"=1'-0"



A1 BUILDING SECTION
3/32"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48'
3/32"=1'-0"

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357 ROUTE 8
MAITE, GUAM 96910-2007
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FAX : 477-3559

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : BUILDING SECTION

REVISIONS	DATE

DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

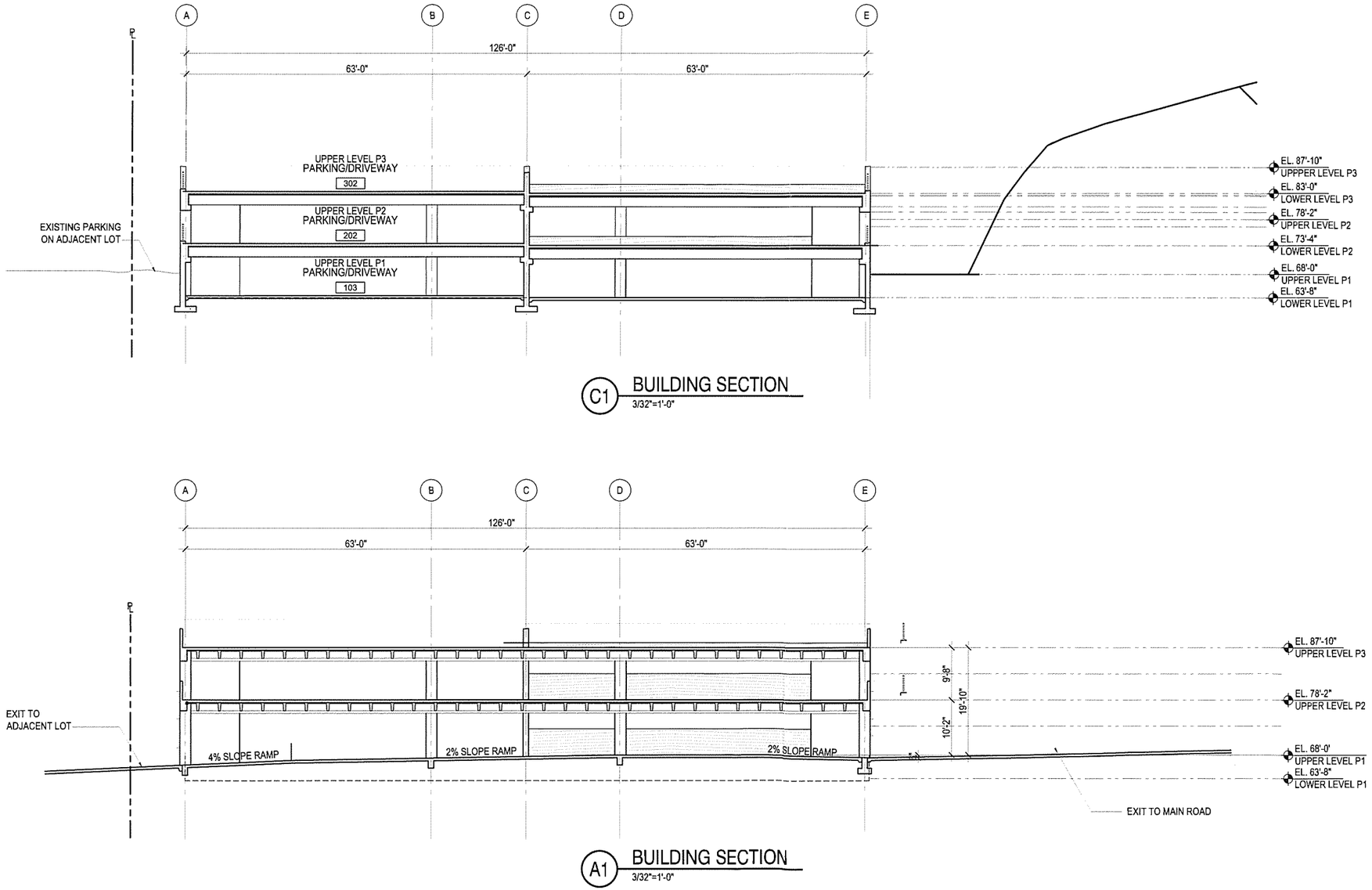
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A-301

SHEET - OF 62

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Doc. No. 34GL-17-1007.

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C1 BUILDING SECTION
3/32"=1'-0"

A1 BUILDING SECTION
3/32"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48'
3/32"=1'-0"

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SETIADI ARCHITECTS LLC
357 ROUTE 8
MAITE, GUAM 96910-200
TEL : 477-3556
FAX : 477-3559

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM

PROJECT NO. : 073J3

DWG. TITLE : BUILDING SECTIONS

REVISIONS	DATE

DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

DRAWING NO.
A-302

SHEET xx OF 62

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IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT USE GRAPHIC SCALES

Doc. No. 34GL-17-1007.

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▪ Exhibit J

Landscaping Plans



A1 LANDSCAPE PLANTING PLAN
1"=20'-0"

PLAN NORTH TN


PHILODENDRON SELLOUM


COCOS NUCIFERA

CRINUM PROCERUM

BAUHINIA BLAKEANA

PHILODENDRON (HEART LEAF)
CLIMBERS

DYPSIS LUTESCENS

CODIAEUM VARIEGATUM

IXORA GRANT

DODONAEA VISCOSA

GRAPHIC SCALE
0' 50' 100' 150' 200'
1"=50'-0"

IF SHEET IS LESS THAN 22" X 34"
REDUCED PRINT. USE GRAPHIC SCALES

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MAITE, GUAM 96910-2007
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FAX : 477-3559

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : LANDSCAPE PLANTIN GPLAN

REVISIONS	DATE

DESIGNED BY :
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DATE : 08/01/17

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L-101

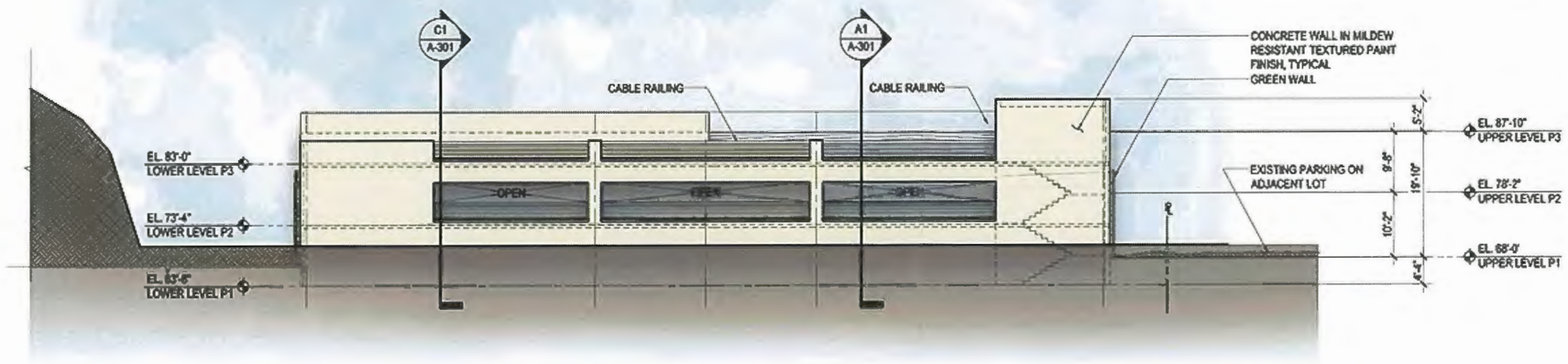
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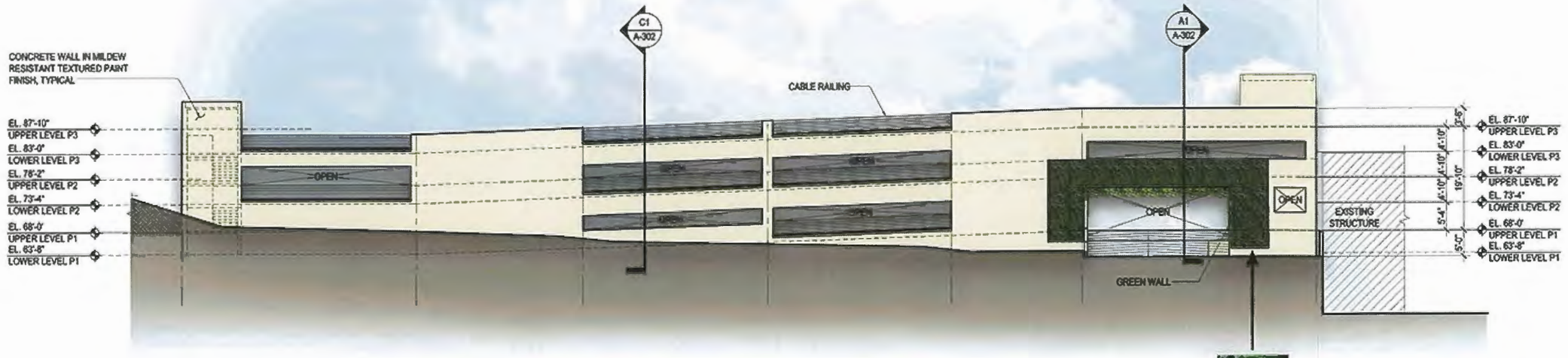
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PAINT/FINISH SCHEDULE	
SYMBOLS	STYLE / COLOR / FINISH
C-1	SEALED CONCRETE, CLEAR
P-1	REFLECTIVE TRAFFIC YELLOW PAVEMENT PAINT
P-2	REFLECTIVE TRAFFIC WHITE PAVEMENT PAINT
P-3	REFLECTIVE BLUE PAVEMENT PAINT
P-4	MILDEW RESISTANT TEXTURED PAINT
P-5	ALUMINUM IN GREEN POWDERCOAT FINISH

NOTE: VERIFY PAINT COLOR WITH ARCHITECT. CONTRACTOR TO SUBMIT SAMPLE FOR APPROVAL.



C1 BUILDING NORTH ELEVATION
3/32"=1'-0"



A1 BUILDING WEST ELEVATION
3/32"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48'
3/32"=1'-0"

IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT. USE GRAPHIC SCALES

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TEL : 477-3556
FAX : 477-3559

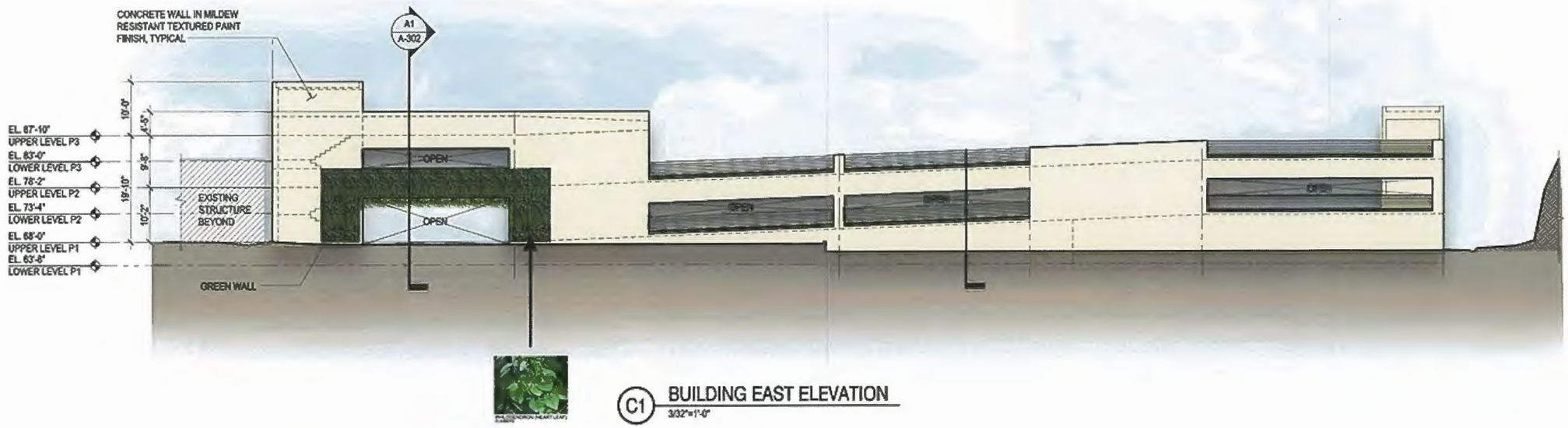
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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : BUILDING ELEVATIONS

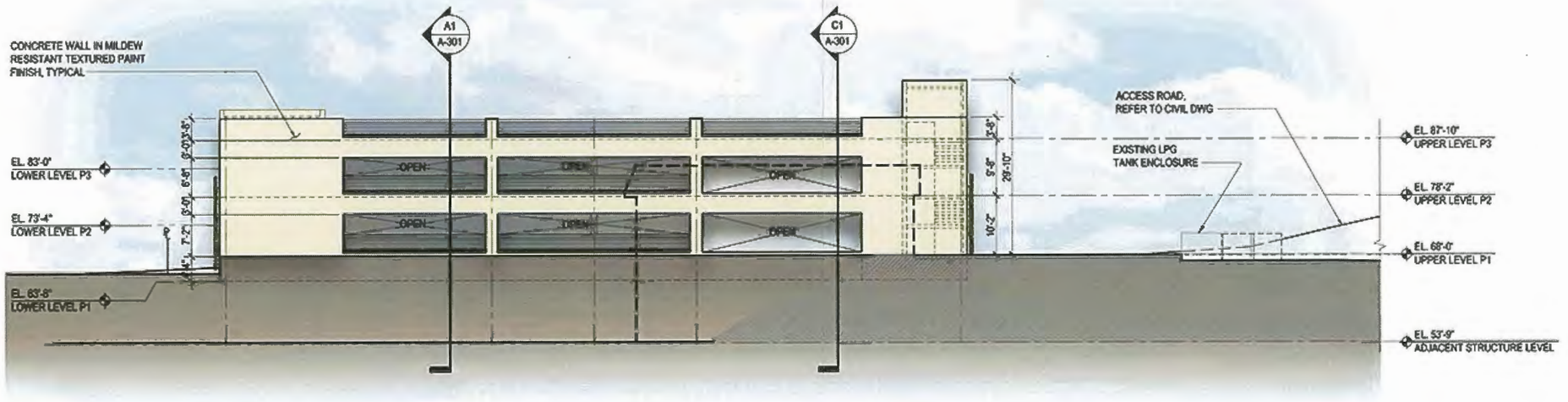
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DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17
DRAWING NO.
A-201
SHEET XX OF 62

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C1 **BUILDING EAST ELEVATION**
3/32"=1'-0"



A1 **BUILDING SOUTH ELEVATION**
3/32"=1'-0"

GRAPHIC SCALE
0' 16' 32' 48'
3/32"=1'-0"

IF SHEET IS LESS THAN 22" X 34" REDUCED PRINT, USE GRAPHIC SCALES

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PROJECT : GPH PARKING STRUCTURE
TUMON, GUAM
PROJECT NO. : 073J3
DWG. TITLE : BUILDING ELEVATIONS

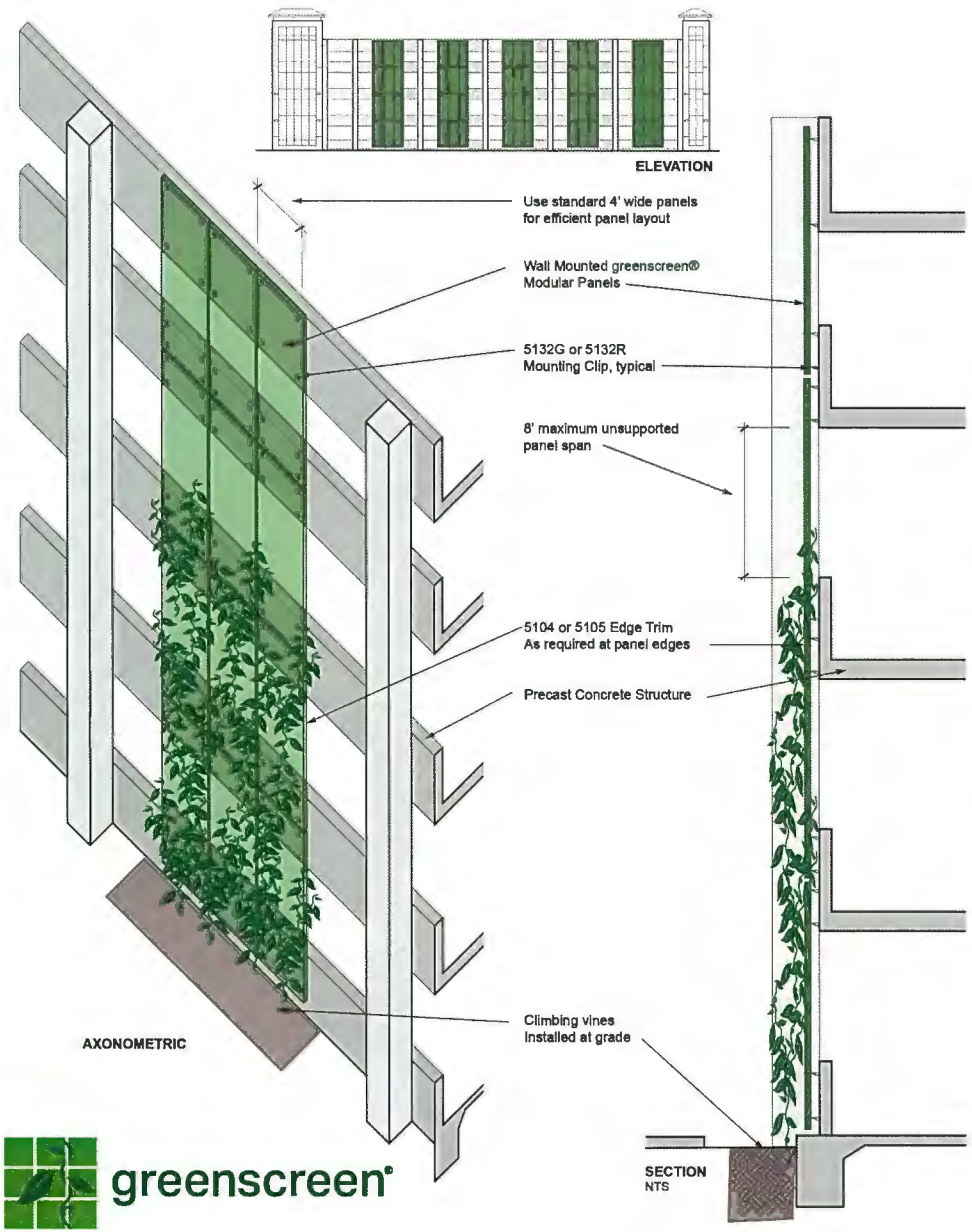
REVISIONS	DATE

DESIGNED BY :
CHECKED BY :
DRAWN BY : CAC
DATE : 08/01/17

DRAWING NO.
A-202

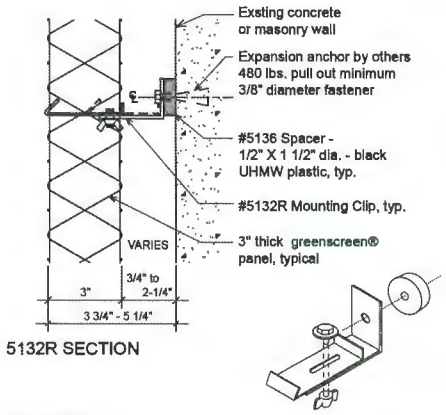
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5132R ADJUSTABLE CLIP

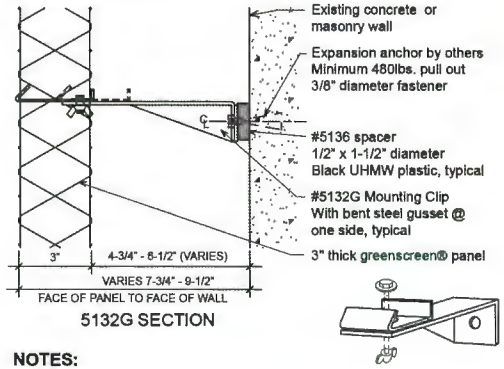
The 5132R Adjustable Clip provides panel support for both download and uplift. The clip can mount to wall surfaces or to a steel frame. The slot allows for panel adjustment and ease of installation.



5132R SECTION

5132G ADJUSTABLE CLIP

The 5132G Adjustable Clip provides panel support for both download and uplift. The clip can mount to wall surfaces or to a steel frame. The slot allows for panel adjustment and ease of installation. Maximum bracket extension is 9-1/2" to outside of panel.

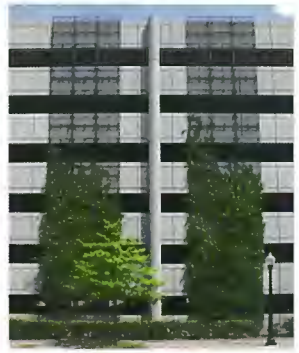


5132G SECTION

NOTES:

- Standard 4' wide greenscreen® panels mounted to precast.
- 5132R or 5132G standard mounting clips used for attachment to concrete structure.
- All precast mounting surfaces typically in the same plane.
- Edge trim options available depending on budget and design intent.





Fishers Place at Metro Center, Rockville, MD

ADDITIONAL RESOURCES:

- General Panel Info
- 5132R Clip Info Sheet PDF
- 5132G Clip Info Sheet PDF
- Detail Drawings Collection PDF
- Accessories PDF
- Project Photos PDF
- Continuing Education PDF
- Plant Selection Guidelines PDF
- Vine Planting Details PDF
- Planting Guidelines PDF
- Plant Maintenance Guidelines PDF

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- End of Report -