EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 17 2017

GL# 34-17-1128
Speaker Benjamin J.F. Cruz

OCT 24 2017
Time: 1:30 [ ] AM [X] PM File No. 34-1076
Received By:

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

Re: GLUC Zone Change Approval from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone for Lot 5224-3-1-1, in the municipality of Barrigada, under Application No. 2016-39

Bueñas Yan Hafa Adai Speaker Cruz:

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

I have **APPROVED** the Applicant, **Carmen Mesa,** represented by FC Benavente, Planners; request to re-zone from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone in order to be in uniformity of zoning in the neighborhood, consistent with existing and adjacent "M-1" zones, on Lot 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.

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

2017 OCT 24 PM 2:18 CS

Eddie Baza Calvo
Governor of Guam

1128

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2016-39
LOT 5224-3-1-1
MUNICIPALITY OF BARRIGADA

COPY

ATTACHMENT 1

Space for Recordation

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

File for Record is Instrument No. 913933

On the Year 20 17 Month 10 Day 20 Time 1:50

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane Yamasaki
JANET YAMASAKI

GLUC ZONE CHANGE

APPLICATION NO.: 2016-39

APPLICANT: CARMEN MESA

PREPARED ON SEPTEMBER 18, 2017

FROM: "R-1" (SINGLE FAMILY DWELLING)

TO: "M-1" (LIGHT INDUSTRIAL)

LOT: 5224-3-1-1

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: BARRIGADA

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-75

ZONING MAP NO.: F3-67S39

THE GUAM LAND USE COMMISSION, AT ITS HEARING ON APRIL 13, 2017 APPROVED IN WHOLE THE ZONE CHANGE FROM "R-1" TO "M-1" ON LOT 5224-3-1-1 MUNICIPALITY OF BARRIGADA

==========

[X] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

JOHN Z. ARROYO
CHAIRMAN
GUAM LAND USE COMMISSION

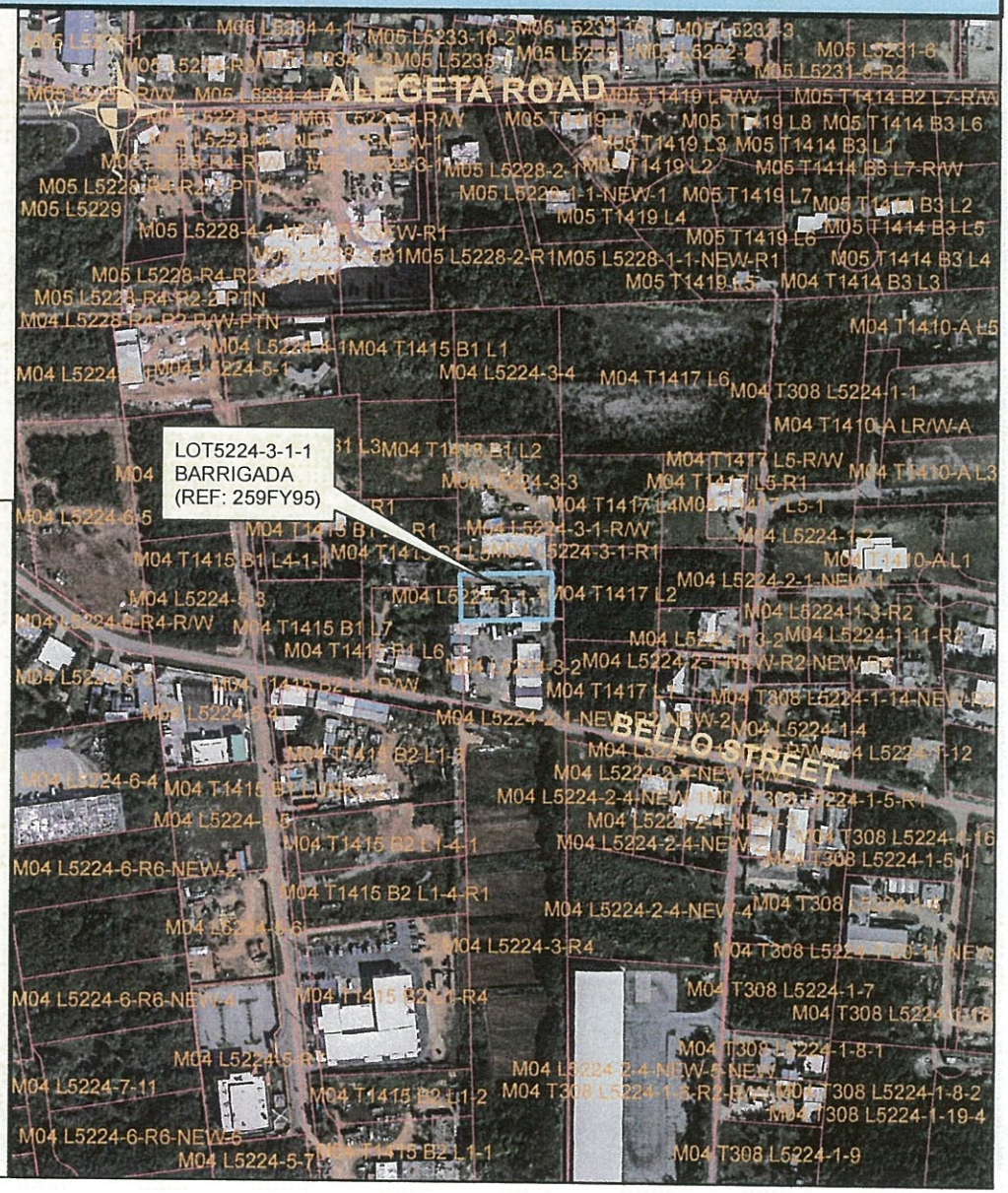
10/17/17
DATE

==========

[X] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

EDDIE BAZA CALVO
GOVERNOR OF GUAM

10/17/17
DATE



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Governor

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OCT 17 2017

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

Eddie Baza Calvo
Governor of Guam

Application No:	2016-39
Applicant:	Carmen Mesa
Type of Application:	Zone Change
Accepted Date:	
Case Planner:	

CARMEN MESA
Lot 5224-3-1-1

APPLICATION FOR ZONE CHANGE FROM "R-1" TO "M-1" IN BARRIGADA

Submitted By: FC BENAVENTE, Planners

ATTACHMENT 2

PE-3105

FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, GU 96913
Tel: 671.687.9865 richardjsana@yahoo.com

August 11, 2016

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

Subject: Zone Change Application for 5224-3-1-1, from "R-1" to "M-1" in Barrigada, Guam

Hafa Adai Mr. Borja:

On behalf of Carmen Mesa, owner of the above referenced property, I am pleased to submit 32 sets of this Zone Change Application for review and approval by the Guam Land Use Commission (GLUC). The application seeks GLUC approval, of a Zone Change to allow construction of a warehouse with office to be in uniformity of zoning in the neighborhood, consistent with the existing and adjacent "M-1" zones. Note that the property adjacent to the south and west are already zoned "M-1", and the property adjacent to the north, which is in a similar situation, has recently submitted a zone change application to "M-1".

Background.
The subject lot is one of only 2 lots on the west side of Benigno Benavente Street that is not zoned "M-1". The subject lot, and its adjacent lot to the north are rezoned to R1 under P.L. 21-82 Summary Zone Change Sec 95-039. The adjacent lot to the north has recently submitted an application for rezoning to "M-1". All the lots to the rear (i.e. west) of these row of lots on this block are zoned "M-1" as well.

Location.
Lot 5224-3-1-1 fronts Benigno Benavente Street, a fifty foot wide access easement. The south terminus of Benigno Benavente Street intersects with Bello Street, a fifty foot wide access easement. The project site is located 1 lot northwest of Bello Street. The lot contains an area of 1,793 square meters (19,298 SF) as shown on the attached property map (Exhibit G). Both streets have 2 lanes of asphalt pavement, with graded shoulders. Both streets and shoulders are well maintained and are in excellent condition.

Infrastructure.
Water and power for the property are immediately available for connection and are located on Benigno Benavente Street. Public sewer is available 1 lot away along Bello Street. As the lot is completely cleared and developed, field review has not revealed the existence of any threatened or endangered flora and fauna on the project site. Nor are there any known archaeological, historic, or cultural features on site.

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

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

Response:
The proposed zone change is compatible with the existing nature of adjacent and neighborhood uses. The property adjacent to the north is presently used as parking for heavy equipment by the property owner. The property 1 lot away toward the south, and at the corner, is zoned M-1 and is used by Orion Construction for construction activities and for their Temporary Workforce Housing Facilities. The 2 neighboring properties, located immediately adjacent to the rear (i.e. western area) are zoned M-1; as well as the 5 lots adjacent to them in flight path of the Guam International Airport, and within an Air Installation Compatible Use Zone (AICUZ), serves to discourage full use of the existing "R-1" (One-Family Dwelling) in line with permitted uses in this M-1 zone change application. We submit that this proposed zone change is not detrimental to the general public and is not incompatible with existing neighborhood developments and regulations as they exist.

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

Response:
There is a "necessity" for the proposed zone change, with its bundle of permitted uses to support organic and construction growth in the local community, including the support requirements for the ongoing and future military construction buildup projects on Guam. It is necessary for the property owner to seek a rezone of the property to the most appropriate zoning i.e. "M-1." Creation of additional "M-1" zoned properties in this area of Barrigada, is a public necessity at this time of growth activity on Guam.

Because of its location, which is well within a light industrial area, the "public convenience" is enhanced by removing the "R-1" (One-Family Dwelling) zoning designation, and placing the property in the most appropriate zone, which is "M-1" (Light Industrial).

The "general welfare" is evident in the availability of new jobs; new public service opportunities created by the "M-1" zone, and a general increase in the revenue tax rolls for Guam. There is

not anticipated to be significant negative impacts to the neighboring infrastructure services as the area is already adequately served by water, sewer, communications services, solid waste services, paved roads, and electric power. The presently allowed density in the existing "R-1" zone on this property is 3.85 units and its use in that direction is discouraged by its proximity to the AICUZ. We submit that the "M-1" zone change and its proposed uses pose less stress in terms of population density, security, infrastructure, and traffic, to the neighborhood and its surroundings.

A Comparison Chart			
Zoning Categories	**Proposed "M-1" Zone**	**What is Allowed in Present "R-1" Zone**	**Uses Presently on Site (Lot 5224-3-1-1)**
Use	All Permitted Uses in the "M-1" and "C" zones are allowed.	Permitted Uses include One-family dwellings, etc. All Conditional Uses allowed only w/ GLUC approval.	An existing One-family dwelling
Height/Storey	Will be within legal allowance	Standard Height Limitation (SHL) is 30' Standard Storey Limitation (SSL) is 3	The existing One-family dwelling is 1 storey in height.
Parking	Required Parking for permitted Uses, Employees, Storage area, Loading/Unloading, and ADA will be provided	1 Parking space for each dwelling is required and is provided.	The existing One-family dwelling provided minimum of 1 parking space.
Setbacks	Greater than F=0', R=20', S=8'	F=15', R=10', S=8'	The existing One-family dwelling provides minimum setbacks.
Landscaping	None required	Not Required for uses permitted in "R-1" zone. May be required for Conditional Uses.	The existing One-family dwelling provides minimal landscaping.
Density (Area is 0.44 Acres = 19,289SF)	No additional residential uses proposed.	Northern Aquifer "R-1" **W Sewer = 3.85 DU** (i.e. 19,298sf / 5,000sf = 3.85 Minimum Lot size – 5,000sf	An existing One-family dwelling.

We look forward to working with The Department of Land Management and the other agencies tasked to review this application and our eventual presentation before the Guam Land Use Commission. Thank you for your valuable time and consideration.

Si Yu'os Ma'åse,

8.11.16

Richard J. Sana
A Duly Authorized Representative

Exhibits:
A. Environmental Impact Assessment
B. Affidavit of Authorization
C. Affidavit of Passage of Community Property
D. Quitclaim Deed
E. Property Map
F. Site Map – Existing Residence

ZONE CHANGE

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

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

1. Information on Applicant:

Name of Applicant: Carmen Mesa U.S. Citizen: [X] Yes [ ] No

Mailing Address: PO Box 22681 GMF Barrigada, Guam 96921

Telephone No.: Business (671) 777-4232 Home: (503) 449-6414

2. Location, Description and Ownership:

Subdivision Name: N/A

Lot(s): Lot 5224-3-1-1 Block: N/A Tract: N/A

Lot Area: Acres 0.44 Square Meters 1,793 Square Feet: 19,298

Village: Barrigada Municipality: Barrigada

Registered Owner: Carmen Mesa

Certificate of Title No.: Quit Claim Deed Recorded Document No.: 792426

3. Current and Proposed Land Use:

Current Use: Residential - Vacant Zoned: "R-1"(Single Family)

Proposed Use: Allow construction of a warehouse with office, GCA S61309(a) Proposed Zone: "M-1" (Light Industrial)

Master Plan Designation: (No updated area master plan)

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

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

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

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

ZONE CHANGE

5. Supporting Information (Continuation):

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

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

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

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

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

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

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

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

h. Additional information as required by the Guåhan Chief Planner

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

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

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

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

_____

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

8.11.16

Richard J. Sana, FCB Planners

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Accepted: _____ Accepted By: _____

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

Date of Public Hearing: _____

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

Receipt No.: _____ Application Number: _____

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

Conditions of Approval: _____

_____

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

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

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

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

Case No: _____

Project Title: Rezoning From "R-1"to "M-1"

1. Name, address and business telephone of applicant: Carmen Mesa
   PO Box 22681 Barrigada, GU 96921

2. Name, title and telephone number of representative: Richard J. Sana
   Principal, FC Benavente Planners (671) 687-9865

3. Name, title and telephone number of EIA document preparer: _____
   Richard J. Sana, Principal, FC Benavente Planners (671) 687-9865

4. Location of the proposed project: (include tract, block, lot, municipality and a location map) Lot No. 5224-3-1-1

5. Describe the general nature or type of proposed project: _____
   Change of zoning from "R-1" single family dwelling zone to "M-1" Light Industrial Zone; to allow construction of warehouse and accessory uses permitted in M-1 zone; GCA S61309(a)

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

a. Ground water recharge area: No. Existing use is residential, and proposed use (warehouse) will have no significant impact

b. Watersheds: No. Existing residential will not impact watersheds, proposed warehouse will have not significant impact.

c. Wellhead protection zone: No. Residential use only, and not located near existing water wells, subject ot GWA and GEPA determinations.

d. Marine waters: No. Property not located near beaches or coastal waters.

e. Reef flats: No. Property not located near beaches or coastal waters.

f. Pristine forest: No. An existing residential building is situated on the property.

g. Critical habitat area: No, an existing residential building is situated on the property

h. Wetlands: No, wetlands does not exist on the property; proposed warehouse will have no significant impact.

e. Flood hazard area: No, the property is not within a flood hazard area or flood zone

f. Archaeological feature(s) or historical sites: None exist; property is developed. An existing residential building is situated on the Property; subject to DPR/HPO determinations.

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

a. Production of toxic or hazardous waste: No, the current land use is residential, no anticipation to change for now.

b. Dislocation of existing businesses, residents or public areas: No. There are no plans to change existing residential land use of property.

c. Production of air contaminants (temporary or permanent): Temporary ONLY during construction.

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

a. Drinking water: No. Residential building is already connected to Public water service; proposed use will have no significant impact.

a. Sewage disposal (public system): Existing residential building is already connected to Public sewer system; proposed warehouse will have no significant impact on system.

b. Vehicle traffic: No increase of traffic is anticipated.

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

No clearing and grading is anticipated for the warehouse and parking area

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

No. Existing residential building is already connected to Public sewer system; new structure will be connected to system.

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

No. None anticipated.

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

No. Property is already developed; new permits will be obtained for construction on site.

13. Does the project include any special or unique features that are not covered above?
No.

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

DECLARATION BY APPLICANT

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

Applicant (Signature) — Date: 8.11.16

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

AFFIDAVIT OF AUTHORIZATION

I, Carmen Q. Mesa, a resident of Guam, of legal age, and owner of Lot 5224-3-1-1, located in the Municipality of Barrigada, Guam, through this instrument hereby depose and say the following:

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

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

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

Carmen Mesa

Carmen Q. Mesa, Owner
Lot 5224-3-1-1, Municipality of Barrigada

ACKNOWLEDGEMENT

~~GUAM~~ Oregon)
Portland)ss.
City of ~~Hagatna~~)

On this 25 day of March, 2015, before me personally appeared Carmen Q. Mesa, known to me as the person whose name is subscribed to this instrument and who acknowledged to me that she executed the same.

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

OFFICIAL STAMP
RODION NEKRASOV
NOTARY PUBLIC - OREGON
COMMISSION NO. 929100
MY COMMISSION EXPIRES JUNE 05, 2018

Notary Public

772264

Island of Guam, Government of Guam
Department of Land Management Office of the Recorder
File for Record is Instrument No. 772264
On the Year 08 Month 04 Day 24 Time 2:37
Recording Fee 6.00 Receipt No. 0892073
Deputy Recorder ATP Amistad

AFFIDAVIT OF PASSAGE OF COMMUNITY PROPERTY TO SURVIVING SPOUSE WITHOUT ADMINISTRATION

The undersigned, after being duly sworn as follows:

1. On **November 25, 1991,** my husband, **JOHN O. MESA,** and I, **ANDREA Q. MESA,** acquired the following described property, pursuant to a **DEED OF GIFT CREATING JOINT TENANCY** executed by **JULIE Q. MESA nka JULIE M. BAKIC,** Grantor, and recorded in the Department of Land Management, Government of Guam under Instrument Number **463306,** dated **November 25, 1991** and recorded on **November 25, 1991:**

Description of the Property

Lot No. 5233-16-4, Municipality of Dededo, Guam, containing an area of 1,000 square meters, more or less, as said lot is marked and designated on Drawing No. A5-03-80D, as recorded in the Department of Land Management, Government of Guam on October 19, 1981 under Document No. 324363.

2. On **October 27, 1989,** my husband, **JOHN O. MESA,** and I, **ANDREA Q. MESA,** acquired the following described property, pursuant to a Warranty Deed Joint Tenancy, executed by **JOSE C. CANLAS and MARIA LUZ M. CANLAS,** Grantor, and recorded in the Department of Land Management, Government of Guam under Instrument Number **424937,** dated **October 27, 1989** and recorded on **October 27, 1989.**

Description of the Property

Lot No. 5233-16-5. Dededo, Guam, containing an area of 1,000 square meters, more or less, as said lot is marked and designated on Drawing No. A5-03-80D, as recorded in the Department of Land Management, Government of Guam on October 19, 1981 under Document No. 324363.

Description of the Property

Lot No. 123-R8, As-Abman, Inarajan, Guam, Estate No. 65609, Suburban, containing an area of 23,677 +/- square meters, as shown on map filed under Document No. 444484, Department of Land Management No. 290- FY90, prepared by Elmer L. Gay, RLS No. 14 dated October 16,1990.

Last Certificate of Title No. 87416, in the name of Juan R. Quidachay and Silvina M. Quidachay.

6. My husband, JOHN O. MESA, died on March 17, 2008 in St. Lukes Medical Center, Quezon City, Philippines. Attached hereto and incorporated herein by reference are copies of our marriage certificate, identified as Exhibit "A", and JOHN O. MESA'S death certificate, identified as Exhibit "B".

7. I am making this Affidavit to confirm my succession to the above described community property in accordance with Title 15, Guam Code Annotated, **Estates and Probate,** which reads in part as follows:

Lot No. 5233-16-4, Municipality of Dededo, Guam
Lot No. 5233-16-5, Municipality of Dededo, Guam
Lot Number 10-5, Tract Number 1413, Municipality of Dededo, Guam
Lot Number 5224-3-1-1, Municipality of Barrigada, Guam
Lot Number 123-R8, Municipality of Inarajan, Guam

§ 1001. Upon death of any married person, one-half of the community property belongs to the surviving spouse; the other one-half is subject to testamentary disposition of the decedent, and in the absence thereof, goes to the surviving spouse, subject to the following provisions of this chapter.

§1005.A. Except as provided §1003 of this title, when a married person dies intestate, or dies testate, and by valid will leaves all of his interest in the community to the surviving spouse, such interest passes to the surviving spouse subject to the provision of 1007 and 1009 of this title, and no administration thereon shall be necessary.

§1007. After ninety (90) calendar days from the death of a married person, the surviving spouse of such person or personal representative or guardian of the estate of such surviving spouse shall the full power to sell, lease, mortgage or otherwise deal with and dispose of the community real property, unless a notice is recorded in the Department of Land Management, Government of Guam to the effect that an interest in the property is claimed by another under the will of the deceased spouse.

8. I hereby declare that my husband died intestate without a will and that ninety (90) calendar days after his death no notice has been recorded in the Department of Land Management claiming any interest in the subject property. I therefore declare that the above-described property has passed to me without administration.

QUITCLAIM DEED

THAT ON THIS 30TH day of June 2009, **ANDREA Q. MESA**, whose address is P.O. Box 22681 Barrigada, Guam 96921, hereinafter referred to as "GRANTOR", for an in consideration One Dollar ($ 1.00) and other good and valuable consideration, does hereby remise, release, and forever quitclaim to CARMEN Q. MESA, whose address is P.O. Box 22681 Barrigada, Guam 96621, all of GRANTOR'S rights, title and interest in and to the following described premises:

LOT 5224-3-1-1, Y-Lisong, Barrigada, Guam, Estate No 72361, Suburban, containing an area of 19,298 +/- square feet/1,793 +/- square meters, As shown on Map Drawing No. ES-9502, L.M. No. 259FY95, prepared by Efren B. Santos, RLS No. 60, Dated 3/30/1995, Recorded under Document No. 538059.

GRANTEE, hereby acknowledges that the Government of Guam is not responsible in any way for water and power hookup and that water and power are immediately available on the property or within 100 feet of the above mentioned property.

IN WITNESS WHEREOF, we have hereunto set our hands this 30th day of June 2009.

GRANTOR:

ANDREA Q. MESA

GRANTEE:

Carmen Q. Mesa

CARMEN Q. MESA

GUAM, U.S.A.)
) **SS**
CITY OF DEDEDO)

Island of Guam / Government of Guam
Department of Land Management / Office of the Recorder
File for Record / Document No. 792426
On the Year 09 Month 7 Day 1 Time 1:48
Recording Fee 7.50 Receipt No.
Deputy Recorder

ON THIS 30TH day of June 2009, before me, a Notary Public in and for GUAM, U.S.A, personally appeared **ANDREA Q. MESA** and they acknowledged to me that they executed the foregoing **QUITCLAIM DEED** as her voluntary act and deed for the purposes therein set forth.

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

ELIZABETH C. LOPEZ
Notary Public
In and for Guam U.S.A.
My Commission Expires: April 06, 2011
P. O. Box 25607. GMF, GU 96921

NOTARY PUBLIC
My Commission Expires: 4/6/2011

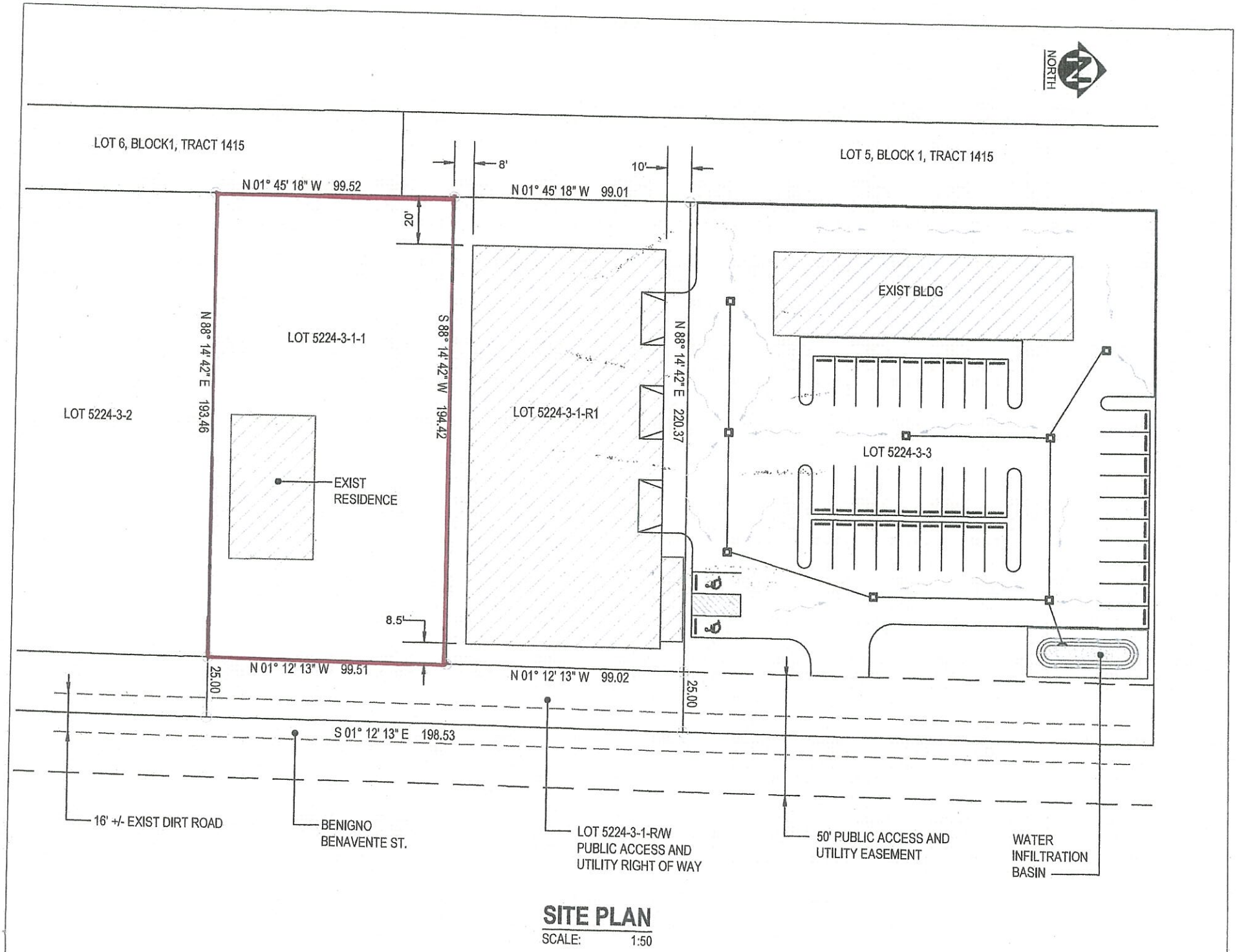
)
) SS
)

ON THIS 30TH day of June 2009, before me, a Notary Public in and for GUAM, U.S.A, personally appeared **CARMEN Q. MESA** and they acknowledged to me that they executed the foregoing **QUITCLAIM DEED** as their voluntary act and deed for the purposes therein set forth.

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

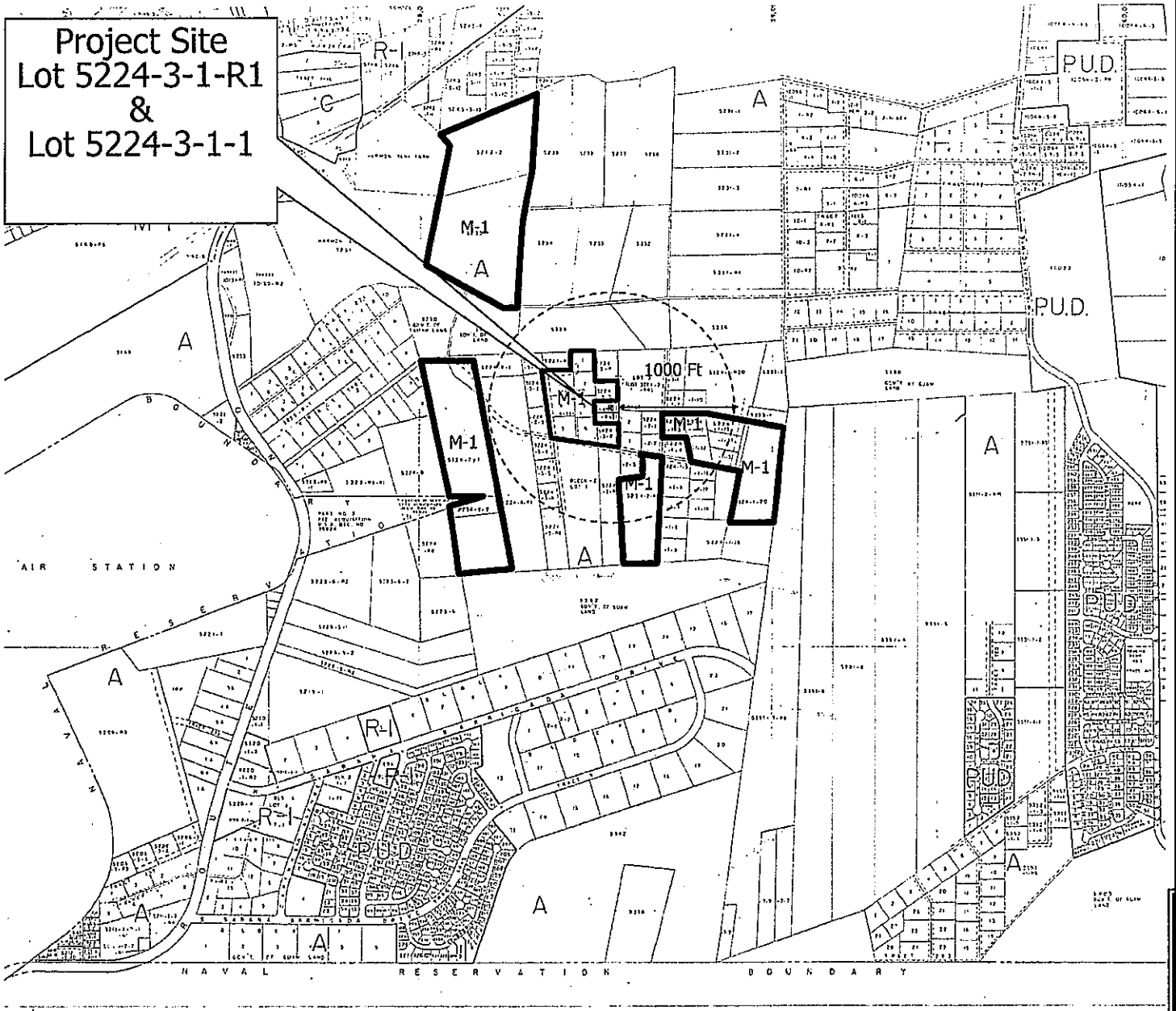
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ELIZABETH C. LOPEZ
Notary Public
In and for Guam U.S.A.
My Commission Expires: April 06, 2011
P. O. Box 25607. GMF, GU 96921



SITE PLAN

SCALE: 1:50



NORTH

Graphic Scale

EXISTING ZONING WITH-IN 1,000 FT RADIUS of Lot 5224-3-1-R1 & -1-1 Municipality of Barrigada

ZONING LEGEND

A Rural Zone
PUD Planned Unit Development
R-1 Single Family Dwelling Zone
R-2 Multiple- Family Dwelling Zone
C Commercial
M-1 Light Industrial
M-2 Heavy Industrial

Reference:
1. Dept of Land Management Official Zoning Map, Barrigada-Dededo. Sheet 5 of 17.
2. PL 22-16.

Variable Size Boundary Lines

FC Benavente, Planners

- Planning,
- Zoning
- Land Development Consulting
- Permitting

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



Graphic Scale

EXISTING LAND USE WITHIN
750 FT RADIUS of
Lot 5224-3-1-R1 & -1
Municipality of Barrigada

LAND USE LEGEND

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

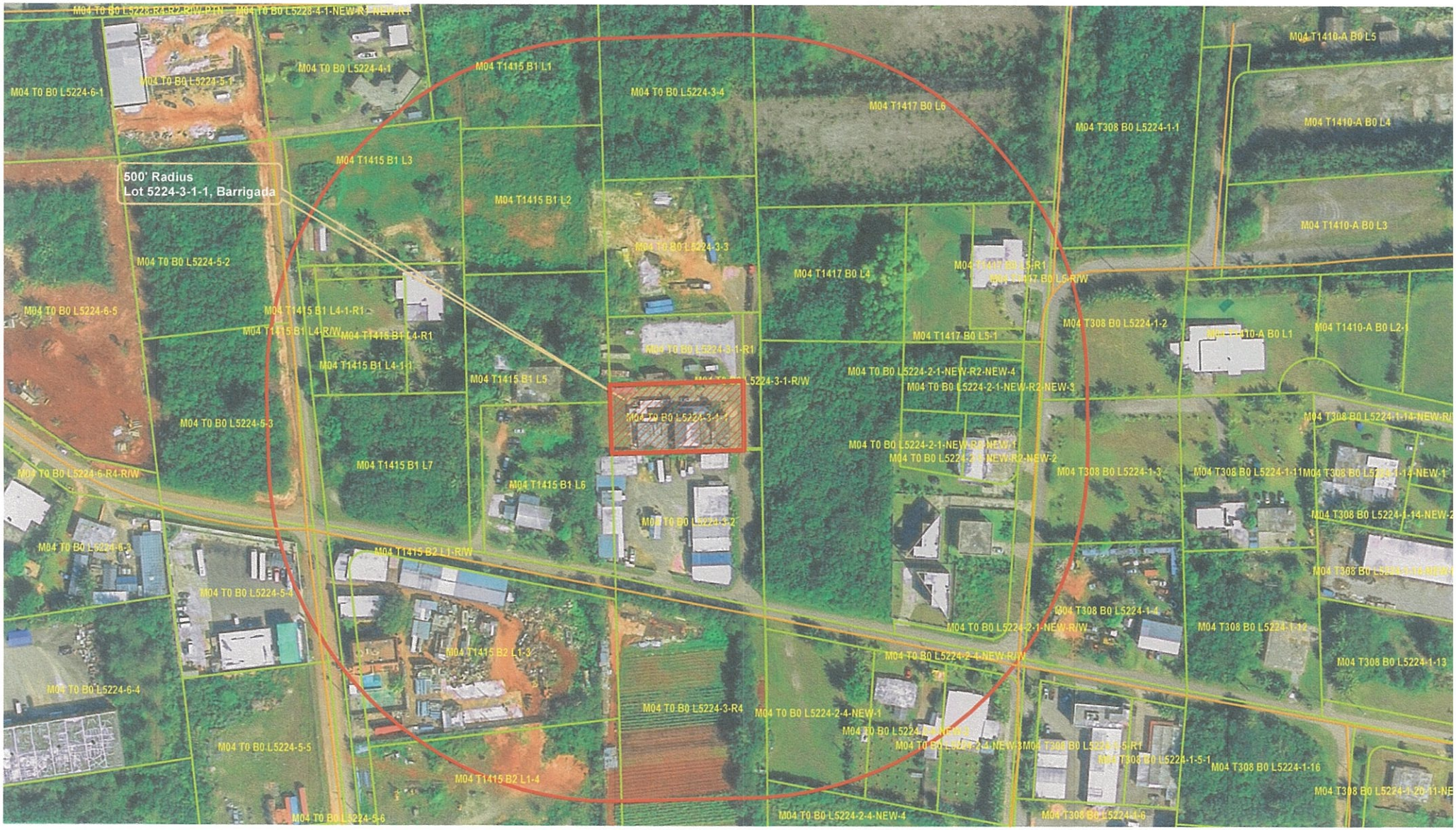
Road Conditions

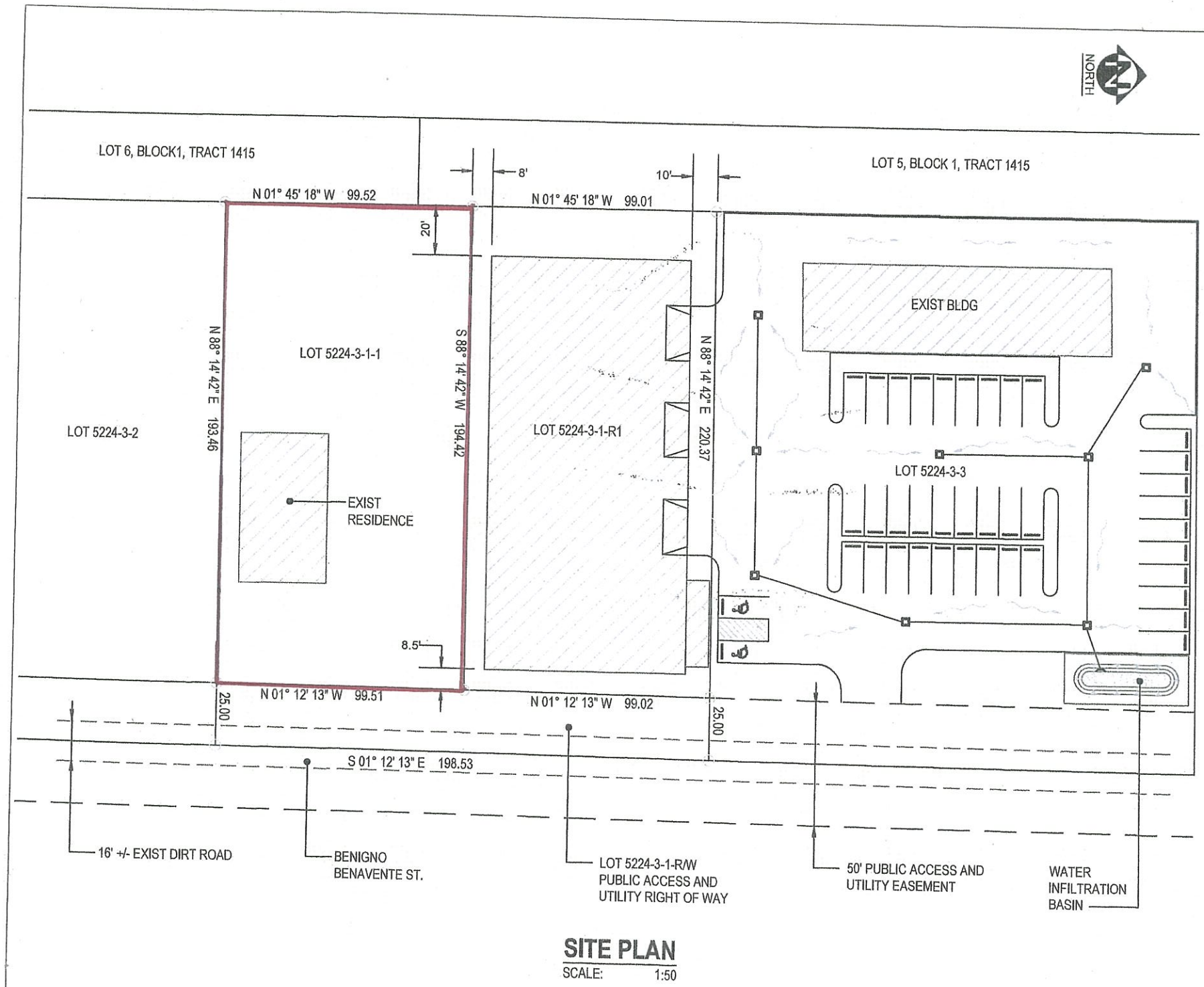
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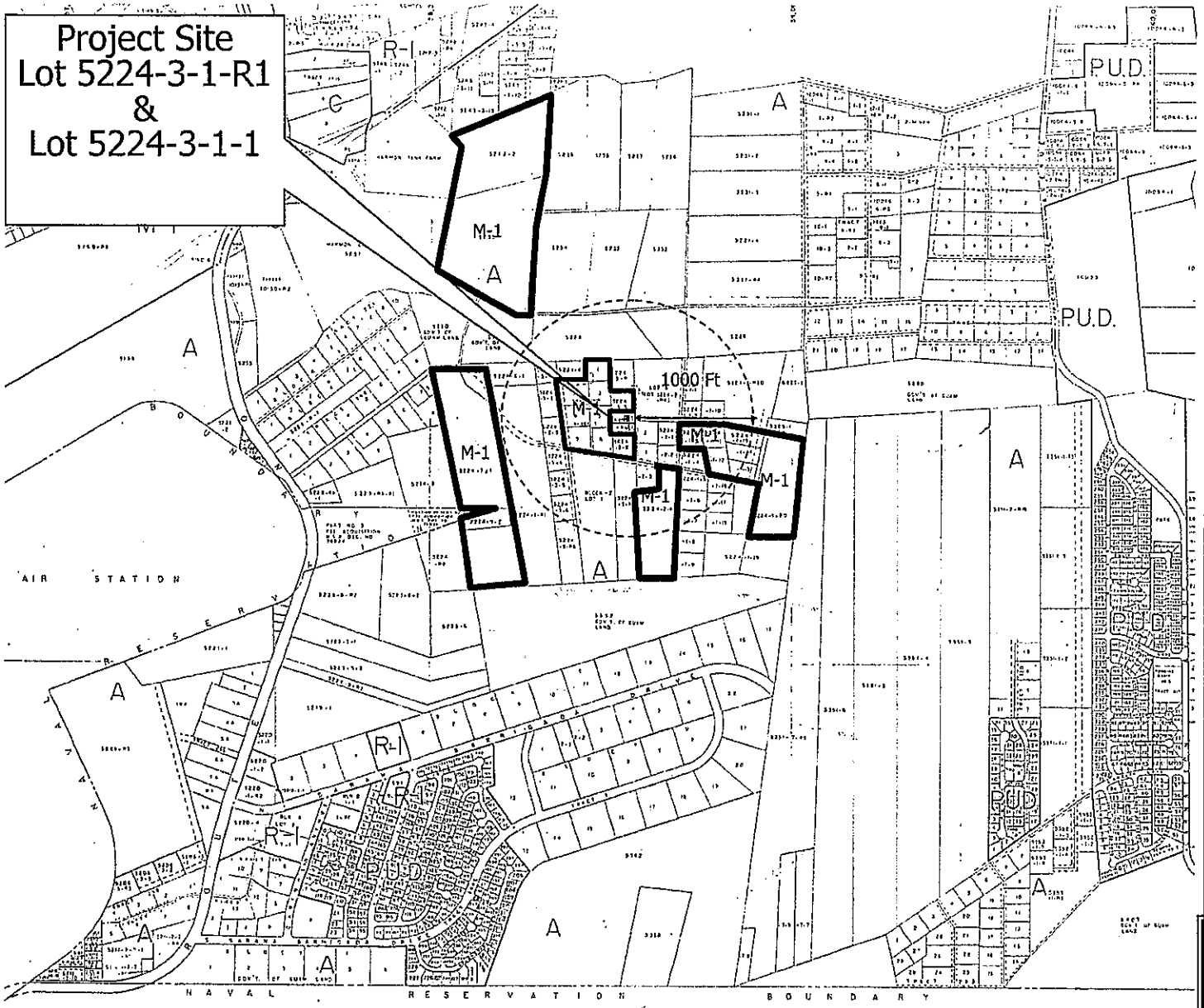
127 Bejong Street, Barrigada, Guam 96913
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500' Radius
Lot 5224-3-1-1, Barrigada
M04 T0 B0 L5224-6-1
M04 T0 B0 L5224-5-1
M04 T0 B0 L5224-4-1
M04 T1415 B1 L1
M04 T0 B0 L5224-3-4
M04 T1417 B0 L6
M04 T308 B0 L5224-1-1
M04 T1410-A B0 L5
M04 T1410-A B0 L4
M04 T1415 B1 L3
M04 T1415 B1 L2
M04 T1410-A B0 L3
M04 T0 B0 L5224-5-2
M04 T0 B0 L5224-3-3
M04 T1417 B0 L4
M04 T1417 B0 L5-R1
M04 T1417 B0 L5-R/W
M04 T0 B0 L5224-6-5
M04 T1415 B1 L4-1-R1
M04 T1415 B1 L4-R/W
M04 T1415 B1 L4-R1
M04 T1417 B0 L5-1
M04 T308 B0 L5224-1-2
M04 T1410-A B0 L1
M04 T1410-A B0 L2-1
M04 T0 B0 L5224-3-1-R1
M04 T1415 B1 L4-1-1
M04 T1415 B1 L5
M04 T0 B0 L5224-3-1-R/W
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M04 T0 B0 L5224-5-6
M04 T0 B0 L5224-2-4-NEW-4
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SITE PLAN

SCALE: 1:50



NORTH

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Graphic Scale

EXISTING LAND USE WITHIN
750 FT RADIUS of
Lot 5224-3-1-R1 & -1
Municipality of Barrigada

LAND USE LEGEND

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

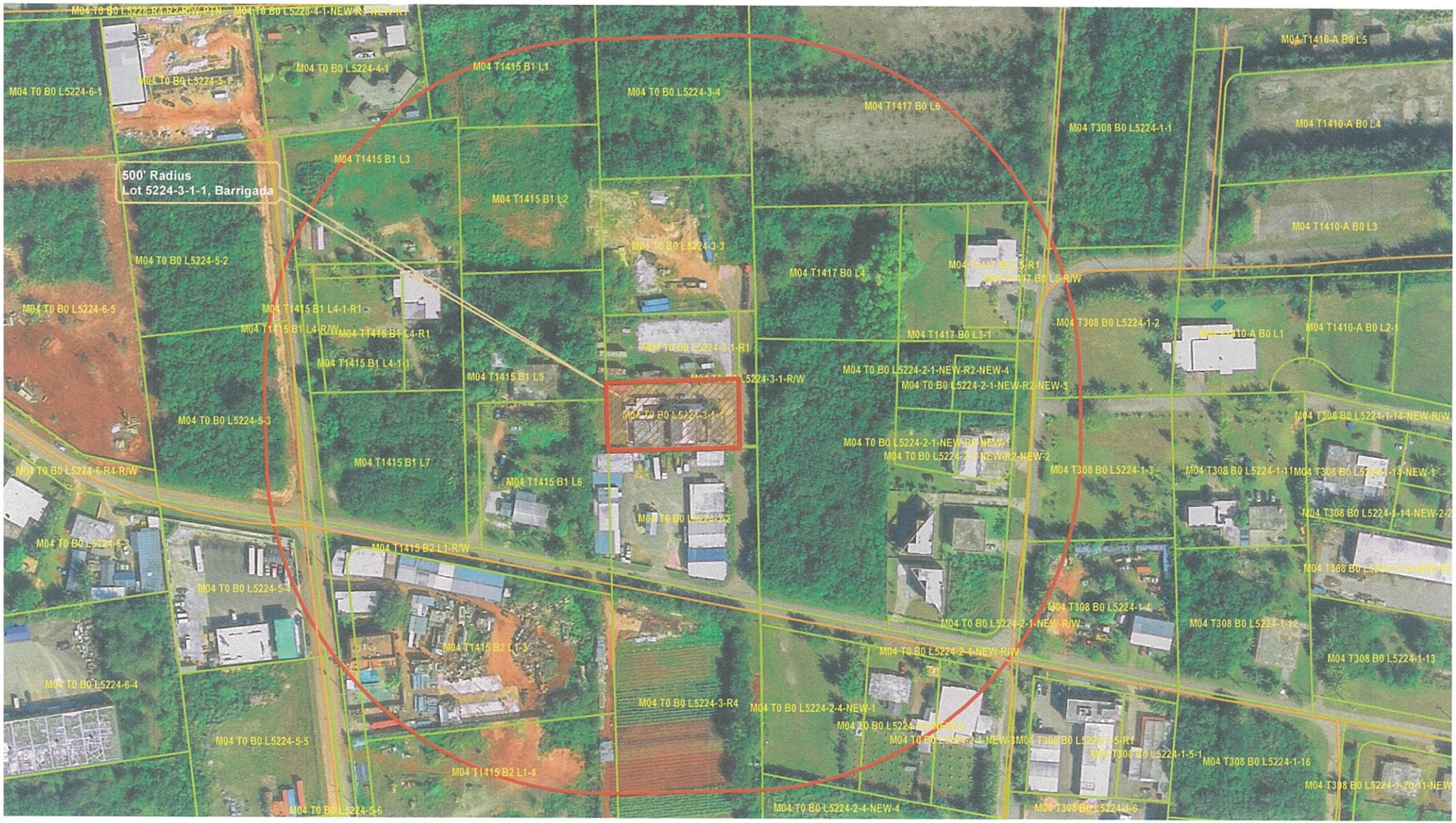
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M04 T1410-A B0 L4
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M04 T1415 B1 L2
M04 T1410-A B0 L3
M04 T0 B0 L5224-5-2
M04 T0 B0 L5224-3-3
M04 T1417 B0 L4
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DIPÅTTAMENTON MINANEHAN TÅNO'
(Department 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

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 28, 2016

RECEIVED
JAN 0 6 2017
MAYORS' COUNCIL OF GUAM

Honorable June U. Blas
Mayor of Barrigada

Dear Mayor:

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

The Applicant, Carmen Mesa, represented by F.C. Benavente, request for a zone change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow construction of a warehouse with office to be in uniformity of zoning in the neighborhood, consistent with the existing and adjacent "M-1" zones on Lot 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.

For any **Zone Change** requests that may have adverse impact on the public's interests, the GLUC is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we would like to schedule a public hearing to be held at the **Barrigada Community Center, January 17, 2017, at 6:00 p.m.**

Please confirm the time, date and place.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner

Attachment:
Application Packet

ATTACHMENT 3

ATTACHMENT (PUBLIC HEARING MINUTES OF JANUARY 17, 2017) ; CASE NO. 2016-39

The required public hearing was held at the Barrigada Mayor's Office / Community Center on January 17, 2017, at 6:00 P.M. Present were, the Case Planner, Mr. Richard Sana, the Applicant's Rep, Mayor June Blas, Vice mayor Jessie Bautista, a few MPC Members, neighbors and lotowners. A total of 11 persons were in attendance.

The Case Planner presented the proposed project and read the positions statements from various agencies and departments. Mr. Sana also highlighted the full extent of the proposed development on the site.

Public comments and concerns that were noted are as follows:

Mr. Frank Benavente, (Neighbor nearby and MPC member):

He expressed concern of the narrow access/road (Belo Road) fronting the site and he wanted to advise the applicant to keep trucks from parking on the road and that keep tires clean from trucks from the field as mud is brought in to the streets in Bello area. Advise developer to clean their muddy tires coming the field, this will fair to the neighborhood. He has stated of no objection to the rezoning application.

Response from Mr. Sana (representative):

Mr. Sana responded and stated that the owners will adhere and improve their operations and be good neighbors keeping Belo Road and other easements clean and safe to travel on a daily basis.

Response (from the Case Planner) :

Based on information on their application and discussion with their consultant, the owners/applicants will access to and from Belo Road to Route No 16 (near GIAA underpass) and to Alegeta Street (Route No. 25, Alageta/GIAA access). The applicants will make improvements only up to the front line of their property to improve and safe access to the street.

Mr. Sana (representative):

Mr. Sana had further explained in detail other aspects of the zone change application, proposed uses as noted on the application...that the site will be fenced (Commission condition) and landscaped to provide a buffer between the residences nearby, again...he reassured the public that his clients will be making improvement of the site and operations and to protect the neighbors and to further comply to all conditions imposed by the commission or permitting agencies ...and additionally

he further stated that other requirements by the agencies on this application will be complied with, that this development will create more jobs in the community and our island.

Mr. James Castro, MPC member :

Inquired about the sewer connection and surface water runoff on site.

Response (from the Case Planner) :

Public sewer is available and the existing residence on site is already connected to public sewer. All public utility infrastructure is available within 100 feet. An on-site ponding basin will be in place and is a development requirement of Guam Environmental Protection Agency. New structures on the lot will be connected to public sewer.

Mayor June Blas:

Our office will assist the neighbors and lot owners and developer. Our MPC will further review the application and work with the consultant ..as how they can contribute to our village and community and if we can provide assistance ..come in and see us at the mayor's office.

Mr. Gutierrez (reperesentative):

He informed those in attendance that other permitting requirements will be adhered to should other permits are needed. On-site ponding basin will be coordinated with Guam EPA and on the approved location. The project and other structures will be hooked up to the sewer line and he reassured those present there will be minimal impacts to infrastructure, traffic, noise...etc... the applicants will continue to be good neighbors..that they will landscape and fence the site..further stated ..as you can see those that have been rezoned to M1 (in the neighborhood) have already started cleaning up their site and have enhanced the area ... my clients will be doing their part to be good neighbors and comply to all government requirements..for the proposed uses on the site. This company has been operating for many years on Guam and it's a desireable location, its noisey as it is along the flight zone of the airport (Accident Potential Zone) and this area/neighborhood is progessing more towards light industrial uses, rather than residential uses. Many of the lots were rezoned to M1 in the last 15-20 years.

Planning Staff Summary of Public Hearing:

After discussion on rezoning and information given by the consultant, and clarification of the access .. the attendees were agreeable on the fact that majority of their concerns, frustrations, and objections were of the traffic/access on Belo Road ...for others they were frustrated that for many years this road has not been improved by the government. The Mayor encourage lot owners to be proactive and report some of their issues regarding development in the area.

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

There hearing was adjourned at 6:25 p.m.

Penmer Gulad, Project Planner

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Tamuning, GU 96913

Mailing Address:
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Hagåtña, GU 96932

Website:
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Facsimile:
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DIPÅTTAMENTON MINANEHAN TÅNO'
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(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

April 7, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2016-39, Zone Change on Lot 5224-3-1-1, (Bello Area), in the Municipality of Barrigada

1. PURPOSE:

A. Application Summary: The Applicant, Carmen Mesa, represented by F.C. Benavente Planners, is requesting approval of a Zone Change from ~~"A"~~ "R-1" (Agricultural) to "M-1" (Light- Industrial) Zone, in order to allow construction of a warehouse with office and accessory uses and to be in uniformity of zoning in the neighborhood, consistent with existing and adjacent "M-1" zones on Lot 5224-3-1-1, Municipality of Barrigada.

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

2. FACTS:

A. Location: The subject site is fronting Benigno Benavente Street and approximately 350-east of Bello Street and approximately 15,00-feet east of Route 25 (GIAA, Alageta Access), and is in Barrigada (**See Attachment**).

B. Lot Area: 1,793 square meters or 19,298 square feet or .44 Acres.

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

D. Field Description: There is an existing single-family residence on site, some vacant lots, duplexes, as well as large and small warehouses to the north and eastern sectors within 750 and 1,000 feet radius of the subject lot. There are materials storage and contractors' yards within 1,000 feet located on M1 zoned lots. Many lots in the area were rezoned to M1 in recent years and others by Public Law in the last 15-20 years. Other land use activities within 500 - 3,300 feet radius to the east are M-1 zoned lots with warehouses and light and heavy equipment repair shops, sporadic residential homes, some small subsistence farming. There are also some

apartments, a gas station and the A.B. Won Pat International Airport (M2 zone) near Route No. 16. All utility infrastructure is within 100 feet of the subject development.

E. Masterplan: Residential – Low Density

F. Community Design Plan: Conservation; no updated master plan to Date.

G. Previous Commission Action: **None**

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Heard By ARC: September 15, 2016

B. Public Hearing Results of : January 17, 2017 (See Attachment)

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

PUBLIC NECESSITY and CONVENIENCE

The requested zone change to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is in the APZ-1 Zone (Accident Potential Zone-1) requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone. The surrounding and nearby parcels have also been zoned to "Light Industrial" and industrial activities are in operation has not been a detriment to other current residential or competing commercial or industrial uses.

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

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

The Commission is interested and has responsibilities to regulate zoning; and watches out for the "health, safety and welfare" of the community, but from zoning perspective. In the case at hand, the requested light industrial rezoning, is in our opinion, a much suitable zone and location for commercial or industrial uses for the primary reason that the area is overshadowed by the AICUZ zone and in which an APZ-1 factor exist based on the AICUZ study. If rezoned to Light Industrial, such zoning designation would appear to have the least impact on the "Health, Safety and General Welfare that would be more pronounced should a residential community exist.

The properties nearby are zoned Light industrial as can be noted in the 1,000' - Foot Radius map. There is construction that are ongoing or completed projects on those properties recently zone changed to M1; while older "M" zone properties have been operating industrially. The area is developing and growing more in the light-industrial use as opposed to residential.

The proposed rezoning for warehousing with an office, proposed accessory uses permitted in light industrial zone uses on the subject lot that would be consistent with current land uses and activities in the immediate area within a range from 200' to 3,000' near the airport access/over pass, and along Route No. 16 and to the northeast in the Belo and Alegeta (Route 25 - Airport Access) area and along lower Barrigada Heights area. The location is central and near Tamuning, Dededo and Yigo areas with large population. It is also in close proximity to the airport, airport industrial park, Harmon Industrial park and other commercial districts.

GENERAL WELFARE

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

An agricultural assessment was received from Department of Agriculture with recommendations and finds that there are no major impacts to existing activities in the area. Historically this area has been disturbed and developed for over 40 years. The zoning designation of the lot is "R-1" (Single-Family Dwelling), therefore, the agricultural assessment will be beneficial for proposed development in the immediate area. Based on existing land use of the site, it appears that there are no significant impacts on existing agriculture activities and or existing lands uses in the immediate area and or near the site.

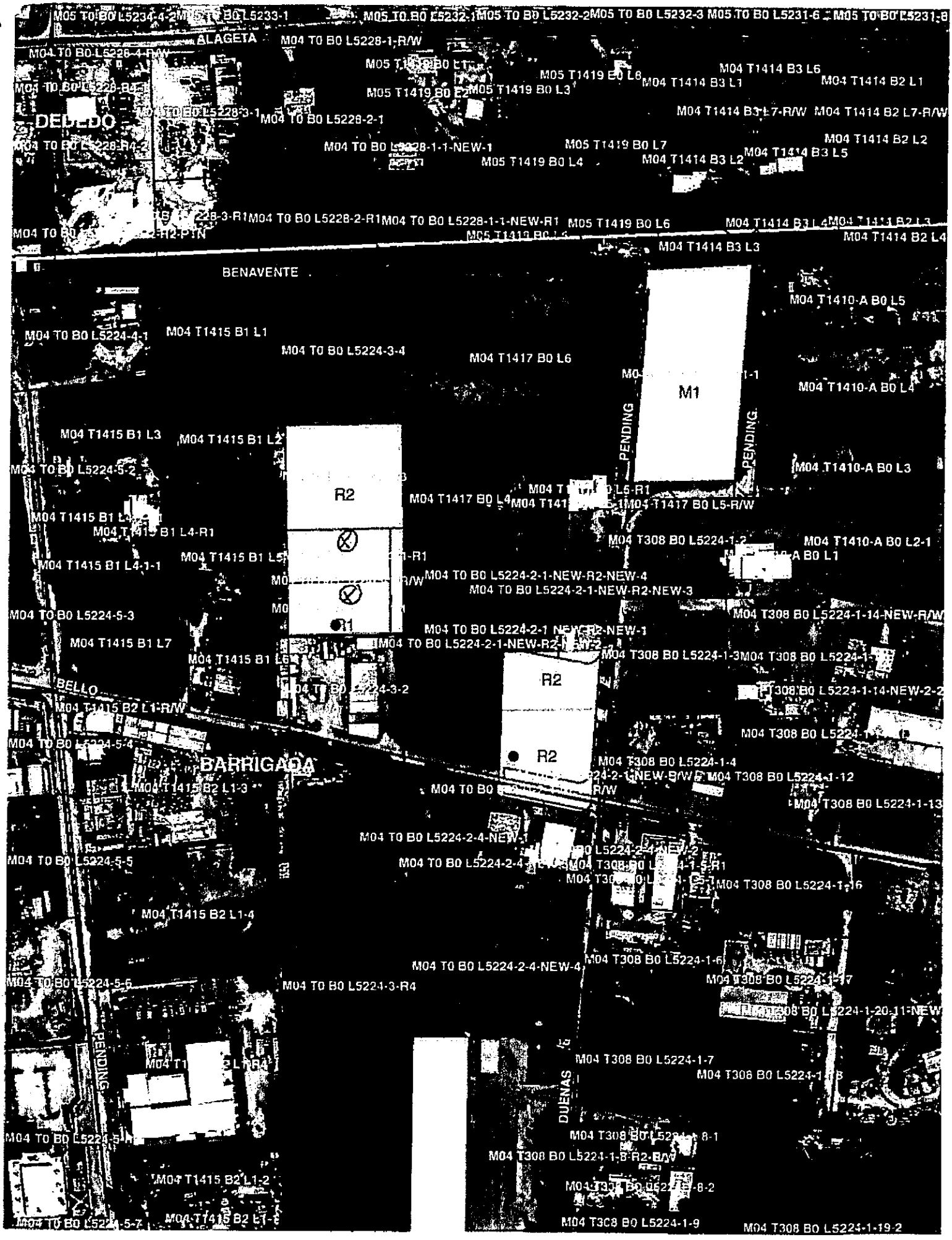
Thus, the proposed zone change and land use development is the highest and best use for this site is not a good site for agricultural or residential uses or activities. It is affected by an APZ factor of 1. The propose activity is more conducive for it is centrally located and near existing commercial and other light industrial properties.

Any development on the site will accommodate wastewater and storm water drainage to protect the residents and the groundwater (aquifer) in the area. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment, that will provide for an orderly development scheme within the area and adjacent surroundings. The Applicants are aware and will comply to all requirements and conditions and any concerns imposed by government agencies and other mandates in their development plans.

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

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

Marvin Q. Aguilar
Guam Chief Planner


ALAGETA
DELEDO
BENAVENTE
BELLO
BARRIGADA
PENDING
PENDING
DUENAS
M1
R2
R2
R2
M05 T0 B0 L5234-4-2
M05 T0 B0 L5233-1
M05 T0 B0 L5232-1
M05 T0 B0 L5232-2
M05 T0 B0 L5232-3
M05 T0 B0 L5231-6
M05 T0 B0 L5231-8
M04 T0 B0 L5228-1-R/W
M04 T0 B0 L5226-4-R/W
M04 T0 B0 L5228-R4-1
M04 T0 B0 L5228-3-1
M04 T0 B0 L5228-2-1
M04 T0 B0 L5228-R4-2
M04 T0 B0 L5228-1-1-NEW-1
M04 T0 B0 L5228-3-R1
M04 T0 B0 L5228-2-R1
M04 T0 B0 L5228-1-1-NEW-R1
M04 T0 B0 L5224-4-1
M04 T0 B0 L5224-3-4
M04 T0 B0 L5224-5-2
M04 T0 B0 L5224-5-3
M04 T0 B0 L5224-5-4
M04 T0 B0 L5224-5-5
M04 T0 B0 L5224-5-6
M04 T0 B0 L5224-2-1-NEW-R2-NEW-4
M04 T0 B0 L5224-2-1-NEW-R2-NEW-3
M04 T0 B0 L5224-2-1-NEW-R2-NEW-1
M04 T0 B0 L5224-2-1-NEW-R2-NEW-2
M04 T0 B0 L5224-2-4-NEW-1
M04 T0 B0 L5224-2-4-NEW-4
M04 T0 B0 L5224-3-R4
M04 T1415 B1 L1
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M04 T1415 B1 L4-R1
M04 T1415 B1 L4-1-1
M04 T1415 B1 L7
M04 T1415 B1 L6
M04 T1415 B2 L1-R/W
M04 T1415 B2 L1-3
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M04 T1415 B2 L1-2
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M04 T1414 B3 L7-R/W
M04 T1414 B2 L7-R/W
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M04 T1410-A B0 L5
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M04 T1410-A B0 L1
M04 T1417 B0 L6
M04 T1417 B0 L4
M04 T1417 B0 L5-R1
M04 T1417 B0 L5-R/W
M04 T308 B0 L5224-1-2
M04 T308 B0 L5224-1-14-NEW-R/W
M04 T308 B0 L5224-1-3
M04 T308 B0 L5224-1-14-NEW-2-2
M04 T308 B0 L5224-1-4
M04 T308 B0 L5224-1-12
M04 T308 B0 L5224-1-13
M04 T308 B0 L5224-1-5-R1
M04 T308 B0 L5224-1-16
M04 T308 B0 L5224-1-6
M04 T308 B0 L5224-1-17
M04 T308 B0 L5224-1-20-11-NEW
M04 T308 B0 L5224-1-7
M04 T308 B0 L5224-1-8-1
M04 T308 B0 L5224-1-8-R2-R/W
M04 T308 B0 L5224-1-9
M04 T308 B0 L5224-1-19-2
M05 T1419 B0 L8
M05 T1419 B0 L3
M05 T1419 B0 L7
M05 T1419 B0 L4
M05 T1419 B0 L6

BARRIGADA

RECEIVED

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

MB 4/11 APR 11 2017

Department of Land Management
Time 10:10 Int

4-10-20 RECEIVED Planning Div, DLM

March 7, 2017

Mr. Michael Borja
Director
Department of Land Management
Tamuning, Guam 96911

Dear Mr. Borja:

Transmitted herewith are copies of Resolution Nos. 2017-001 and 2017-002 which were duly and regularly adopted by the Barrigada Municipal Planning Council.

Resolution No. 2017 – 001; "Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-40 seeking a zone change on Lot No. 5224-3-1-R1, Municipality of Barrigada from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) belonging to IAN Corporation, represented by FC Benavente Planners."

Resolution No. 2017 – 002; "Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-39 seeking a zone change on Lot No. 5224-3-1-1, Municipality of Barrigada from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial), by the Applicant Carmen Mesa represented by FC Benavente Planners."

Sinseramente,

ROWENA HERNANDEZ
Acting Council Secretary

Attachments:

P.O. Box 786, Hagatña, Guam 96932 Tel: (671) 734-3737/3858 Fax: (671) 734-1988 Email: bmoadmin@teleguam.net

BARRIGADA

MUNICIPAL PLANNING COUNCIL

Thursday, February 2, 2017

MB 4/11

Resolution No. 2017 – 002

Introduced by: Chairman and all members of the Barrigada Municipal Planning Council

Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-39 seeking a zone change on Lot No. 5224-3-1-1, Municipality of Barrigada from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial), by the Applicant Carmen Mesa represented by FC Benavente Planners.

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:

WHEREAS, on January 6, 2017, the Mayor received from the Department of Land Management, the application of Carmen Mesa, represented by FC Benavente, Planners, owner of Lot No. 5224-3-1-1, Municipality of Barrigada seeking to rezone her property from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial); and

WHEREAS, the Mayor and the Municipal Planning Council exercising their right finds that government services, facilities and infrastructure currently service the area, which including but not limited to: power lines, poles and facilities; water pump lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; and

WHEREAS, the Applicant, Carmen Mesa, represented by FC Benavente, Planners, is requesting for a zone change of Lot No. 5224-3-1-1, Municipality of Barrigada from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial), the purpose of the zone change is to better utilize the property as a warehouse with replete with office spaces; and

WHEREAS, the Mayor and the Municipal Planning Council further find that the zone change request from "R-1" (Single Family Dwelling) to "M1" Light Industrial is within the proper zoning designation for the intended use; and

WHEREAS, the Mayor and the Municipal Planning Council further express the following:

(1) **Water Quality Standards.** We are concerned because we don't see any mention that the Guam Water Quality standards, §5101.C.1.d, as practical, stormwater disposal systems is being designed and operated to terminate in close proximity to, or within project boundaries, to facilitate groundwater recharge. **Note:** applicable to property within the Northern Aquifer protection.

(2) **GEPA Soil and Sedimentation Control Regulations.** Section 10105.B.5.b; of the "Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations" [P.L. 25-152] provides that "Adequate provisions shall be made to

prevent surface waters from damaging the cut face of an excavation or the sloped surfaces of a fill. Positive drainage shall be provided to prevent the accumulation or retention of surface water in pits, gullies or similar depressions."

(3) **Surface Water Runoff.** It is the position of the Barrigada Municipal Planning Council that "all drainage facilities shall be designed to carry surface water runoff to a storm drain that will discharge to a catchment facility within the project site." More importantly, it shall provide that "the flow of any existing and known natural underground drainage shall not be impeded or changed so as to cause damage to adjoining property."

(4) **Protection of the Adjoining Properties**. The Barrigada Municipal Planning Council further state that Section 10106 addresses their concern that deal with the protection of the adjoining properties. We believe that any person performing or causing to be performed any excavation or fill shall, at his own expense, provide the necessary means to prevent the movement of earth to the adjoining properties, and to maintain the existing natural grade of adjoining properties."

(5) **Water Source Protection from Industrial Waste:** Lot No. 5224-3-1-1, Barrigada is located in and around the Northern Watershed, which is home to the Northern Guam Lens Aquifer. The aquifer is an essential resource for our island and is the primary source of drinking water for our island and shall protected at all times.

now, therefore, be it

RESOLVED, that the Barrigada Municipal Planning Council exercising its rights and privileges to review all applications regarding zone changes involving real property within its boundaries, does hereby express its comments and support of Application No. 2016-39 seeking a zone change on Lot No. 5224-3-1-1, Municipality of Barrigada from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial); and be it further

RESOLVED, that the Chairperson of the Council, certify to and the Vice Mayor and the Secretary of the Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to the Applicant, Carmen Mesa, her representative FC Benavente, Planners; to the Executive Secretary of the Guam Land Use Commission; to the Executive Director of the Mayors Council of Guam; to the Honorable Benjamin JF Cruz, Speaker, Guam Legislature, and to the Honorable Edward JB Calvo, Governor of Guam.

DULY AND REGUARLY ADOPTED ON THE 30th DAY OF MARCH 2017.

JUNE U. BLAS
Mayor and Chairman

JESSIE P. BAUTISTA
Vice Mayor

ROWENA HERNANDEZ
MPC Member and Acting Council Secretary

HAMI BÅRIGÅ
MUNISIPAT BARIGADA
B
GUAHAN

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://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

April 4, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC

Re: **Zone Change - Application No. 2016-39,**
GLUC Hearing – April 13, 2017

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

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

   Recommends APPROVAL

2. **BUREAU OF STATISTICS AND PLANS (BoPS)**

   The Bureau has comments with recommendations with no objection (See Attached)

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

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

4. **GUAM WATERWORKS AUTHORITY (GWA):**
   No Objections, with permitting requirements noted. (See Attached)

5. **DEPARTMENT OF PUBLIC WORKS (DPW):**
   No Objections, with permitting requirements noted. (See Attached)

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

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

No Objections with recommendations and requirements noted (See Attached)

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

No Objections with Recommendations noted, (Attached)

EX OFFICIO

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

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

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

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

Marvin Q. Aguilar
Guam Chief Planner

Case Planner: Penmer Gulac
ATTACHMENTS: Position Statements as noted

GUAM POWER AUTHORITY

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

RECEIVED
SEP 13 2016
Department of Land Management
Time 2:45 pm

September 7, 2016

MB 9/14

MEMORANDUM

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

From: General Manager (A)

Subject: Lot 5224-3-1-1, Municipality of Barrigada, (Carmen Mesa); Zone Change Application from "R-1" (Single-Family Dwelling) to "M-1" (Light-Industrial) to construct a warehouse. **Application No. 2016-39**

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

A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however 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.
   - GPA reserves its easement rights established at the Department of Land Management under document number **538059**.

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.

MELINDA R. CAMACHO, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Carmen Mesa
Location: Lot 5224-3-1-1, Barrigada
Type of Application: Zone Change
GLUC/GSPC Application No. 2016-39
Brief Project Description:
"R-1" to "M-1" to construct a warehouse.

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

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

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

   Yes ☐ No ☒

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

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

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

MELINDA R. CAMACHO, P.E.
General Manager (A)

9/9/16
Date

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

ASG/arp

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

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

Robert S. Lizama
Director

William N. Reyes
Deputy Director

In reply refer to:
RC2016-0986

November 21, 2016

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2016-39:
Zone Change from "R-1" to "M-1" for Lot 5224-3-1-1 in Barrigada, Guam

We reviewed subject application submitted by FC Benavente, Planners, and Consultant, on behalf of Carmen Q. Mesa, applicant and owner of the 1,793-square meter subject lot. The applicant is seeking GLUC approval of subject application to be allowed to construct a warehouse with office in conformity with the zoning of the surrounding area, within the vicinity of Bello Street.

There is a low to no expectation that historic properties may be encountered during any construction activity in subject lot, as the lot is already highly disturbed by existing dwelling structures. Taking this into account, we have no objection to the re-zoning of subject lot for the specific purpose stated in the applications.

However, all developments on the property must go through the DPW permitting process for proper reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to inspection by our office, before and during construction activities.

If you have any questions with regards to our position, please contact our office.

Sincerely,

Robert S. Lizama,
Director

Rec'd
11/29/16
Paula
Planning DW

Cc: FC Benavente, Planners
richardjsana@yahoo.com

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

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

October 21, 2016

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Carmen Mesa

SUBJECT: Position Statement No. 2016-39
Zone Change from ""R-1" to "M-1" on Lot 5224-3-1-1, Barrigada

Buenas yan Hafa Adai!

The applicant, Carmen Mesa proposes to zone change from "R-1" to "M-1" on the above subject lot with an estimated area of 1,793 square meters or 19,298 square feet and is located along the Barrigada area. The project site has a fifty feet wide access easement. Both streets and shoulders are well maintained.

The Department of Public works, (DPW) has completed its review of the subject application and has no objection to the requests provided the existing activities has no environmental effect and because of its potential use should not have any negative impact by its industrial use to the neighboring areas.

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

Dangkulu na Si Yu'os Ma'ase !

GLENN LEON GUERRERO

P. Gulac 11/10/16
Land Planning Div

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

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

William M. Castro
Director
Manuel Q. Cruz
Deputy Director

NOV 10 2016

RECEIVED
NOV 14 2016
Department of Land Management
Time 3:35 PM

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2016-39; **LOCATION:** Lot 5224-3-1-1, Barrigada **APPLICANT:** Carmen Mesa; **PROPOSED USE:** Zone Change from "R-1" Single Family Dwelling to "M-1" Light Industrial

Håfa Adai! The applicant, Carmen Mesa, represented by Richard J. Sana, is requesting for a zone change for Lot 5224-3-1-1 located in Barrigada from Single Family Dwelling (R-1) to Light Industrial (M-1). The applicant requests approval for a zone change in order to bring the current "R-1" zone into uniformity with the surrounding "M-1" zones. The adjacent lots around Lot 5224-3-1-1 are already zoned light industrial and the area itself is a designated light industrial zone by the Guam North and Central Land Use Plan. To justify public necessity, convenience, and general welfare, the applicant cited that there is a necessity due to the surrounding "M-1" zones and impending military buildup, however provided no plans to utilize the property in a manner that calls for a zone change to light industrial.

The Bureau has completed its review of the subject application and provides the following concerns and recommendations should this application be approved.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified "Industrial" designation in the Future Land Use Map of the NCGLUP, which states:

> *"Industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. The Industrial area also includes the Guam International Airport, which serves as the international*

> *transportation hub for both passenger and freight service. A separate Airport Plan ensures compatibility with aviation facilities, for the protection of runway safety and clear zones, and the protection of public safety. Mineral extraction is also permitted in the industrial designation. Prior to development, mineral resource uses must demonstrate the quality, type, available quantity, development and environmental constraints, and other quantitative assessment considerations. Residential development is limited to uses such as caretaker facilities and accessory dwelling units."*

It should be noted, the application states that the rezoning is to "allow construction of a warehouse with office to be in uniformity of zoning in the neighborhood, consistent with the existing and adjacent "M-1" zones." However, in an ARC meeting held September 15, 2016, the applicant's representative Richard Sana clarified that the main purpose of the request "is to keep the uniformity of the zone" for the reason that surrounding lots are zoned light industrial.

The Bureau finds that although the subject property is consistent with the North and Central Guam Land Use Plan, the application lacked clarity in justifying the intent to change Lot 5224-3-1-1 from "R-1" single family residential to "M-1" light industrial zone. Furthermore, the applicant failed to provide a detailed As-Built Plan of the lot to include layouts of utilities and drainage; proposed lot coverage of building(s); feasibility study; and topography as required in GLUC Form 02.

Aquifer Protection from Industrial Waste. The applicant's Barrigada property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

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

    a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
    b. Mopping the workshop floor rather than hosing;

c. Surrounding storage areas with containment berms to control leaks or spills and;
d. Employee training to manage waste and materials properly.

2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

3. Ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Stormwater Management. The Bureau recommends the applicant to consult with Guam EPA in preparing and submitting a stormwater pollution prevention plan (SWPPP) and employing best management practices to control runoff and hazardous waste on site.

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

Industrial sites are classified as stormwater hotspots which is defined in the CNMI Guam Stormwater Management Manual as "a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxins than are found in typical stormwater runoff, based on monitoring studies." As industrial activities produce high concentrations of pollutants, the Bureau is concerned that industrial activities generated on the property may severely impair water quality of Guam's sole source aquifer. If best management practices are not in place before, during, and after construction to control runoff from the site, this activity can adversely affect Guam's drinking water source and surrounding neighbors. The stormwater manual further states that:

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

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

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading on the property, the applicant is required to consult Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to *"Historical Objects and Sites", 21 GCA, Chapter 76.*

In conclusion, the Bureau finds that the applicant failed to justify public necessity, convenience, and general welfare for the zone change. The applicant additionally failed to provide required documentation. The Bureau further finds that industrial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Therefore the Bureau recommends objection to the rezone Lot 5224-3-1-1 from R-1 to M-1 in the municipality of Barrigada. Subsequently, if this application is approved, the property owner must be required to comply with established laws and the recommendations stipulated above. X

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 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'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA
DPR
DOAG
DPW
GWA
GPA

Department of Agriculture
Dipåttamenton Agrikottura

Ref 2016-39

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

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

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

10.21.16

October 24, 2016
Memorandum

To: Director, Department of Land Management

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

From: Director of Agriculture

Subject: **"Environmental Impact Position Statement" for a "Zone Change request in an "R1" zone on Lot 5224-3-1-1 located off of Chalan Benigno Benevente and Chalan Bello in the Municipality of Barrigada (Carmen Mesa c/o FC Benavente Planners)**

Agriculture has reviewed the subject lot and request for a "Zone Change" and finds that there are no major impacts to existing activity in this area. With regard to any environmental issues the **Department of Agriculture** highly recommends that the developer incorporate a dedicated **"Green Zone"** as part of the development should any plans to develop it further come to fruition. Please be aware that although development is good for the islands economy left un-checked the destruction and loss of environmentally important ecosystems will have lasting damage to the island. The entire northern part of Guam sits atop the islands primary source of drinking water contained in the **"Northern Aquifer"**. In order to help protect and maintain its viability and importance to the island the once vast system of trees must be incorporated into modern developments throughout Guam. The trees root system helps to protect from erosion and filters out runoff sediments from above to protect what lies below. This dedicated **"Green Zone"** within the property will help do its part to further insure that the island continues to provide its people safe and clean water. In addition to providing erosion and sediment control the trees will also have the added benefit of providing windbreak capabilities buffeting structures, equipment and property from destructive storms as well as providing improved aesthetic appeal to the overall development of the site.

Please contact our **Agricultural Development Services & Forestry** divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. For the planting of fruit trees and other sound environmental practices designed and showcased at our **Organic Demonstration Farm** in Mangilao to help protect the environment please contact the ADS office at 300-7973 to arrange for a guided tour and demonstration of these practices in use.

Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community it is vital that all land developers take a proactive step in preventing and causing this loss. For questions or concerns regarding Agriculture's position please contact **Pete Terlaje, John Borja, Rick Lizama** at our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

GUAM WATERWORKS AUTHORITY

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

RECEIVED
SEP 29 2016
Department of Land Management
Time 1:30

MEMORANDUM

September 29, 2016

TO: Director, Department of Land Management

FROM: Thomas F. Cruz, P.E., Acting General Manager

SUBJECT: Position Statement on Zone Change Application No. 2016-39 for Lot 5224-3-1-1, in the Municipality of Barrigada.

APPLICANT(S): Carmen Mesa

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Single-Family Dwelling) to "M1" (Light Industrial) zone to allow uniformity of zoning consistent with the existing and adjacent "M1" neighborhood.

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

1. The application states that the existing facility on subject lot is currently connected to public sewer however, GWA records indicate that the applicant is not connected. The applicant shall set up an appointment with the GWA Engineering Department for a site inspection to confirm the sewer facilities. If the structure on the subject lot is not connected to public sewer and existing sewer facilities are confirmed under Guam Environmental Protection Agency and GWA to be available, the applicant will be required to connect. Prior to connection the applicant may be subject to sewer pre-treatment requirements. The applicant is subject to all GWA rules and regulations including all fees regarding public sewer services prior to this zone change approval.

2. GWA records indicate that the customer's account for the subject lot is currently a residential account. Non-residential activities on the subject lot will require an account classification change. The customer must update the GWA account prior to start of any non-residential activities.

3. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.

4. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.

5. Finalized property maps identifying public rights of way or easements must be submitted to GWA.

6. Public water and sewer infrastructure facilities installed by the developer must meet GWA standards including construction on public rights of way or easements and inspection by GWA.

7. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.

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

9. Backflow prevention devices are required for non-residential activities.

10. Grease traps or interceptors are required for food service establishments.

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

Baltimore commissioner reiterates support for police reform, says federal request for delay lacks justification

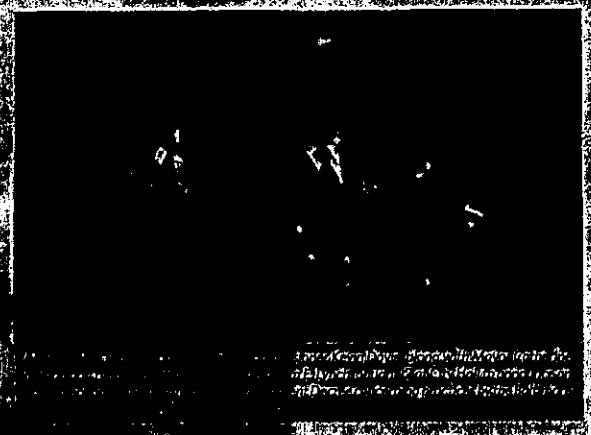
By Kevin Rector
The Baltimore Sun

BALTIMORE – Baltimore Police Commissioner Kevin Davis on Tuesday said he is "ready to roll" with the city's pending consent decree with the U.S. Department of Justice, and fully opposes the federal agency's request for a 90-day pause in the police reform effort.

"I want to say to the community in particular that the police department is absolutely dedicated to the consent decree process. There's no backroom deals. There's no sleight of hand," Davis said. "It'll make us better, it'll make the city better, it'll make our relationships with the community better."

Davis said he and Mayor Catherine Pugh "are both disappointed that the Justice Department asked for more time to review and assess the proposed agreement, which is pending in U.S. District Court in Baltimore and must be approved by a judge. It is to become binding.

He said Justice Department officials made their request without a whole lot of justification.



City police routinely violated residents' constitutional rights

The consent decree was reached after months of negotiations between Baltimore officials and Justice officials under the former Obama administration. Those negotiations followed a sweeping investigation by the Justice Department into the Baltimore Police Department and a report last summer that determined city police routinely violated local residents' constitutional rights.

The report found that police engaged in unconstitutional stops and searches, particularly in poor, predominantly black neighborhoods, and mistreated a range of people from protesters to people with disabilities and youths. It found the department mishandled sexual assault cases, and that officers were poorly trained and supervised.

The consent decree, if approved, would be a binding agreement mandating the police department implement sweeping reforms to address the discriminatory and unconstitutional practices identified. A federal monitor would be appointed to oversee the process, reporting directly to Bredar.

Sessions orders review of local policing initiatives

The city remains "clearly resolved" to reform. "We're not going to back up. We're not going to throw the towel in ... and reforms are going to take place no matter what," Davis said.

But without the federal deal, he said, they may not take root as quickly.

Davis spoke Tuesday morning, after the Justice Department filed a motion late Monday asking to delay a public hearing scheduled for Thursday by 90 days.

The motion was filed along with a memo issued by Attorney General Jeff Sessions to his top deputies instructing them to initiate a review of a broad spectrum of department activities related to law enforcement, particularly around local policing initiatives and consent decrees.

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

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, April 13, 2017 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – February 23, 2017
III. Old Business [None]
IV. New Business

Zone Change

A. Carmen Mesa; from R-1 to M-1 zone, to allow uniformity of zoning with neighboring lots on Lot 5224-3-11 Barrigada. [2016-39]
B. Ian Corporation; from R-1 to M-1 zone, for proposed warehouses, offices and accessory uses, on Lot 5224-3-1-R1, Barrigada. [2016-40]

Tentative Subdivision

C. KOA Inc., Tentative Subdivision for construction of 86 single family residential units, on Tract 10441 (Formerly Lot 7134), Yigo. [2008-70C]
D. Guam Five Star Corp, Tentative Subdivision for construction of 116 single family residential lots on Tract 10442 (formerly Lot 7135-3-5NEW-R1), Dededo/Yigo. [2016-54]

V. Administrative Matters

Order to Show Cause/Status Report:

E. Grandview Development LLC: continuance of an Order to Show Cause for failure to comply with conditions of approval for an amended TDP for the Grandview Shopping Mall and its six-month status report. [2008-0038]

VI. Adjournment

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina at 649-5263 Ext. 375

PACIFIC WAR MUSEUM FOUNDATION
(Tax-Exempt Private Foundation)
Financial Statement
December 31, 2016

ASSETS		
Current Assets		
Cash and Cash Equivalents		$ 114,270
Grants Receivable		$ 47,360
Total Current Assets		$ 161,630
Fixed Assets		
Improvements	$ 91,574	
Auto - 1942 GPW Jeep	$ 5,350	
Security System	$ 2,488	
Furnitures and Fixtures	$ 939	
Office Equipment	$ 749	
Less - Accumulated Depreciation	$ -70,796	
Net Fixed Assets		$ 30,304
Total Assets		$ 191,934
LIABILITIES AND NET ASSETS & FUND BALANCES		
Current Liabilities		
Payroll & Payroll Tax Liabilities		$ 842
Total Current Liabilities		$ 842
Total Liabilities		$ 842
Net Assets or Fund Balances		
Retained earnings, accumulated income, or other funds		$ 170,535
Net Income (Loss)		$ 20,557
Total Net Assets/ Fund Balances		$ 191,092
Total Liabilities and Net Assets/ Fund Balances		$ 191,934

I certify this is true and correct to the best of my knowledge.
Mela G. Gerber, President - Pacific War Museum Foundation

ATTACHMENT 6



The University Of Guam Solicits Applications To Establish A List Of Eligibles For The Following Position (Tenure/ Non-Tenure Track Appointment, Full/ Part-Time, Subject to the availability of funds):

#060-17 ASSISTANT PROFESSOR TO ASSOCIATE PROFESSOR (ELEMENTARY EDUCATION)

Contact the Human Resources Office at (671) 735-2350 for additional information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Thursday and 8:00 a.m. to 1:00 p.m. on Friday, except holidays. View the Human Resources Office website at http://www.uog.edu/hro for detailed information on the job announcement. For further information, please email Dr. Clare Ann Camacho, Search Committee Chair at ccamacho@triton.uog.edu.

The University of Guam is a U.S. accredited institution and an Equal Opportunity Employer and Provider and complies with the Americans with Disabilities Act. For assistance, please contact the Director, EEO and Title IX/ADA Coordinator at (671) 735-2244; (671) 735-2243 (TTY).

/s/LARRY G. GAMBOA, SPHR, SHRM-SCP
Chief Human Resources Officer
THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS

The University Of Guam Solicits Applications To Establish A List Of Eligibles For The Following Position (Tenure/ Non-Tenure Track Appointment, Full/ Part-Time, Subject to the availability of funds):

#059-17 ASSISTANT PROFESSOR TO ASSOCIATE PROFESSOR (COUNSELING)

Contact the Human Resources Office at (671) 735-2350 for additional information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Thursday and 8:00 a.m. to 1:00 p.m. on Friday, except holidays. View the Human Resources Office website at http://www.uog.edu/hro for detailed information on the job announcement. For further information, please email Dr. Stephen Kane, Search Committee Chair at skane@triton.uog.edu.

The University of Guam is a U.S. accredited institution and an Equal Opportunity Employer and Provider and complies with the Americans with Disabilities Act. For assistance, please contact the Director, EEO and Title IX/ADA Coordinator at (671) 735-2244; (671) 735-2243 (TTY).

/s/LARRY G. GAMBOA, SPHR, SHRM-SCP
Chief Human Resources Officer
THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS

GUAM

IMPROVING our Airport
& ENHANCING GUAM's
BUSINESS Investment Potential

INVITATION FOR BID
PURCHASE & DELIVERY OF 3
COMPACT CARGO VAN & SMALL SUV VEHICLES
IFB NO.: GIAA-005-FY17

SUBMISSION DEADLINE: 2:00 PM (ChST) - April 25, 2017 GIAA Executive Office
PRE-BID MEETING: 10:00 AM (ChST) - April 18, 2017

The A.B. Won Pat Int'l. Airport Authority, Guam (GIAA), will receive sealed bids for the project listed above. Bid documents may be obtained between 8:00 am - 5:00 pm Monday through Friday, excluding holidays from the 3rd floor GIAA Executive Office, Main Terminal and are also available for download at www.guamairport.com. All bids must be accompanied by a bid security in the amount of 15% of the total bid price in the form of a bid bond, or certified/cashier's check made payable to the GIAA. A non-refundable fee of Twenty Five U.S. Dollars ($25.00) in cash, or certified check, or cashier's check is required as payment for printed bid documents or Ten U.S. Dollars ($10.00) for electronic file (pdf format) in compact disc, which can be obtained from the GIAA Executive office. GIAA recommends that any and all prospective bidders register by submitting to GIAA the Acknowledgement of Receipt Form included as part of this IFB. GIAA shall not be liable for failure to provide notice(s) or addenda to any bidders who did not submit an Acknowledgement of Receipt Form. GIAA also reserves the right to reject any and all bids and to waive any and all informalities, and to disregard all nonconforming or conditional bids or counter proposals when in GIAA's opinion, such rejection or waiver will be in the Authority's best interest. For additional information, contact Mr. Franklin P. Taitano, Supply Management Administrator, at (671) 646-0300~0302.

CHARLES H. ADA II
Executive Manager

PETER ROY MARTINEZ
Deputy Executive Manager

P.O. Box 8770 Tamuning, GU 96931
Tel: (671) 646-0300 Fax: (671) 646-8823

AD PAID FOR BY
ATURIDAT PUETTON BATKON AMERI GUTENASEKAT GUAHAN

THE SALVATION ARMY GUAM CORPS

Statement of Financial Position
September 30, 2016 and 2015

	2016	2015
ASSETS		
Cash and cash equivalents	$ 235,206	$107,516
Other current assets	423,013	579,938
Total current assets	658,219	687,454
Vehicle and equipment, net	40,845	49,034
	$ 699,064	$736,488
LIABILITIES AND NET ASSETS		
Current Liabilities	$ 370,505	$225,004
Long term liabilities	10,036	10,207
Total Liabilities	380,541	235,211
Unrestricted net assets	318,523	501,277
	$ 699,064	$736,488

Statement of Activities
September 30, 2016 and 2015

	2016	2015
REVENUE, GAINS AND OTHER SUPPORT		
Grants	$1,060,779	$1,151,565
Contributions and fundraising	323,116	308,919
Sales and program fees	763,712	745,716
Other income	676	619,402
Total Revenues, gains and other support	2,148,283	2,825,602
EXPENSES		
Program Services:		
Guam Corps	516,840	1,426,220
Land, Building, Equipment	20,088	21,688
Lighthouse Recovery Center	794,109	778,212
Total Expenses	2,331,037	2,226,120
Change in net assets	(182,754)	599,482
Net assets at the beginning of the year	501,277	(98,205)
Net assets at end of year	$ 318,523	501,277

GUAM LAND USE COMMISSION
Department of Land Management

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

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, April 13, 2017 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – February 23, 2017
III. Old Business [None]
IV. New Business
Zone Change
A. Carmen Mesa, from "R-1" to "M-1" zone, to allow uniformity of zoning with neighboring lots, on Lot 5224-3-11, Barrigada. [2016-39]
B. J Ian Corporation, from "R-1" to "M-1" zone, for proposed warehouses, offices and accessory uses, on Lot 5224-3-1-R1, Barrigada. [2016-40]
Tentative Subdivision
C. KOA Inc., Tentative Subdivision for construction of 86 single family residential units, on Tract 10441(Formerly Lot 7134), Yigo. [2008-70C]
D. Guam Five Star Corp., Tentative Subdivision for construction of 116 single family residential lots on Tract 10442 (formerly Lot 7135-3-5NEW-R1), Dededo/Yigo. [2016-54]
V. Administrative Matters
Order to Show Cause/Status Report
E. Grandview Development LLC; continuance of an Order to Show Cause for failure to comply with conditions of approval for an amended TDP for the Grandview Shopping Mall and its six-month status report. [2008-003B]
VI. Adjournment

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina at 649-5263 Ext. 375

ATTACHMENT 6

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 - Disposition

Regular Meeting

Thursday, April 13, 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 April 6, 2017 and April 11, 2017]

I. Notation of Attendance [X] Quorum 1:40 p.m. [ ] No Quorum
Present were: Chairman John, Arroyo, Vice Chairman Victor Cruz, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez.

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, March 9, 2017

Motion to approve the Minutes of March 9, 2017 was passed unanimously. No corrections received by COB 4/13/2017.

III. Old or Unfinished Business [NONE]

IV. New Business

Zone Change

A. The Applicant, Carmen Mesa represented by FC Benavente, Planners; request for a zone change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow uniformity of zoning consistent with the existing and adjacent "M-1" neighborhood, on Lot 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.
Case Planner: Penmer Gulac
Action – Motion to approve the applicant's request for a zone change was passed unanimously subject to adherence to the recommendations noted on the official position statements of the ARC agencies.

B. The Applicant, Ian Corporation represented by FC Benavente, Planners; request for a zone change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow for warehousing, offices and accessory uses, on Lot 5224-3-1-R1, in the Municipality of Barrigada, under Application No. 2016-40.
Case Planner: Penmer Gulac
Action – Motion to approve the applicant's request for a zone change was passed unanimously subject to adherence to the recommendations noted on the official position statements of the ARC agencies.

Tentative Subdivision

C. The Applicant, KOA Inc. represented by Ignacio F. Santos; request for a Tentative Subdivision approval for the proposed construction of 86 single family residential lots on Tract 10441 (formerly Lot 7134), in an "R-1" (Single Family Dwelling) zone, in the Municipality of Yigo, under Application No. 2008-70C.
Case Planner: Frank Taitano
Action – Motion to approve the request for a tentative subdivision was passed unanimously subject to the following conditions:

a. **Applicant adheres to conditions and requirements as stipulated on the official position statements provided by the Application Review Committee, as such conditions and requirements apply to permitting requirements;**
b. **Applicant may request for an extension from the one-year tentative subdivision approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of issuance as noted on the Notice of Action;**
c. **Any consideration of significant change to the tentative subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the GLUC; and,**
d. **Any changes greater than purported in the submitted tentative subdivision plan as reviewed and approved by the GLUC to include, but not limited to, a request to increase density and/or any similar changes of development preference and not as a result of the compliance with government regulations or requirements shall require consideration by the GLUC.**

D. The Applicant, Guam Five Star Corporation represented by Ignacio F. Santos; request for a Tentative Subdivision approval for the construction of 116 single family residential lots on Tract 10442, (formerly Lot 7135-3-5NEW-R1) in a "PUD" (Planned Unit Development) zone, in the Municipalities of Dededo and Yigo, under Application No. 2016-54.
Case Planner: Frank Taitano
Motion – Motion to approve the request for a tentative subdivision was passed unanimously subject to the following conditions:

a. **Applicant adheres to conditions and requirements as stipulated on the official position statements of the ARC, as such conditions and requirements apply to permitting requirements;**
b. **Applicant may request for an extension from the one-year tentative subdivision approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of issuance as noted on the Notice of Action;**
c. **Any consideration of significant change to the tentative subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the GLUC;**
d. **Any changes greater than purported in the submitted tentative subdivision plan as reviewed and approved by the GLUC to include, but not limited to, a request to increase density and/or any similar changes of development preference and not as a result of the compliance with government regulations and requirements shall require consideration by the GLUC, and,**
e. **Applicant coordinates with DPW upon approval of the final subdivision to ensure adequate bus shelters are provided for the subdivision. In addition, cost of construction will be at the cost of the developer.**

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)

V. Administrative & Miscellaneous Matters

Status Report

E. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013 and its six-month status report, under Application No. 2008-003B. [Continuation of GLUC Hearing – 4/14/2016]
Case Planner: Frank Taitano
Action – Commission accepted the applicant's six-month status report, and to return to the Commission in another six-months for the next status report. [Mr. Phillip Schrage noted for the record that the official name for the project will be Tumon Bay Shopping Mall.]

Additional items for discussion:

- **Discussion on bill being introduced for sunset clause on all GLUC applications;**
- **Bill 54-34; telecommunication towers as conditional uses rather than variances;**
- **Status on the Pago Bay Resorts ongoing suit.**

VI. Adjournment [There being no further business for discussion, the meeting was adjourned at 4:07 p.m.]

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

File for Record is Instrument No. 907579

On the Year 17 Month 05 Day 23 Time 2:50

Recording Fee DE-CLASSIFIED Receipt No. _____

Deputy Recorder Jane Yamasaki
JANE T YAMASAKI

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, April 13, 2017
1:40 p.m. to 4:07 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, April 13, 2017
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Excused Absence: Commissioner Conchita Bathan, 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, April 13, 2017

Time of Meeting: GLUC: 1:40pm GSPC:

	GLUC		GSPC
X	Regular		Regular
	Special		Special
✓	Quorum		Quorum
	No-Quorum		No-Quorum

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

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

ADJOURNMENT: GLUC: 4:07pm 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, April 13, 2017
[X]	GSPC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	4:07 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Lourdes Mesa		777 6372
Ray Bumatay	WEST	988 9141
Ike Santos		777 3862
Carl Tan		898 3777
Dan Suarez		688-2029
Frank Castro		687-2746
Kim, Kenneth T.		787-0064
David Castro	Guam Daily Post	
Ellen Kim		[illegible]
[illegible]		
Phillip Schrage		777-9241
Neil Perez	Guam Daily Post	747-6743

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor ITC Bldg., Tamuning
Thursday, April 13, 2017 • 1:40 p.m. to 4:07 p.m.

I. Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, April 13, 2017 to order at 1:40 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez

[Excused – Commissioner Conchita Bathan and Legal Counsel Nicolas Toft]

Chairman Arroyo the agenda before you, do any of you want to make any changes to the order of the agenda.

Vice Chairman Cruz can we review and entertain the first two items on the agenda (Zone Changes, A and B) since the properties are adjacent from each other. However, when it is time to vote the applications will be voted separately.

[No objections noted from Chairman Arroyo and the Commissioners. For the record, Application No. 2016-39 and Application No. 2016-40 will be heard simultaneously.]

II. Approval of Minutes

Chairman Arroyo next item on the agenda is the approval of the Minutes from the last GLUC meeting of March 9, 2017. Can I get a motion to approve.

Vice Chairman Cruz I move to approve the Minutes of March 9, 2017.

Commissioner Oh seconds the motion.

Chairman Arroyo motion by Vice Chairman Cruz, seconded by Commissioner Oh. Any discussion on the minutes (none noted).

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

[Motion passed; Minutes of March 9, 2017 approved. No corrections noted]

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

[X]	GLUC	[X]	Regular	Date:	Thursday, April 13, 2017
[X]	GSPC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	4:07 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.

III. **Old or Unfinished Business** [None]

IV. **New Business**

Zone Change

a. The Applicant, Carmen Mesa represented by FC Benavente, Planners; request for a Zone Change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to fallow uniformity of zoning that is consistent with the existing and adjacent "M-1" neighborhood, on Lot No. 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.
Case Planner: Penmer Gulac

b. The Applicant, Ian Corporation represented by FC Benavente Planners; request for a Zone Change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow for warehousing, offices and accessory uses, on Lot No. 5224-3-1-R1, in the Municipality of Barrigada, Under Application No. 2016-40.
Case Planner: Penmer Gulac

Chairman Arroyo is it okay to review both applications at the same time; these properties are adjacent to each other.

[It was noted that Mr. Richard Sana, FC Benavente, Planners had no objection.]

Marvin Aguilar (Case Planner) summarizes both staff reports to include purpose, facts, public hearing results, staff analysis/discussion, and recommendation. (For full content/context, please see attached staff report.)

[Attachment A & Attachment B – Staff Report dated April 7, 2017]

Chairman Arroyo Bureau of Statistics and Plans had an issue. They say that the applicant has not justified the public necessity, convenience and general welfare and they did not provide some required documentation. Did we get those documentations we needed? This was for Application 2016-39. I think what they were referring to was the requirement for a site plan.

Marvin Aguilar request for a change of zone is not for development structure. The focus should be on, if approved, what impact would the zone change have on the surrounding community.

[Discussion ensues on industrial development sprawl in the area by virtue of a public law which basically rezoned about ten to fifteen lots which changed the potential comprehensive planning of the area.]

Chairman Arroyo any other questions.

Commissioner Oh just a quick question, clarification. It does say on the initial report here that this is a zone change from "A" to "M1".

Marvin Aguilar it should be "R1" to "M1". For the record, we received the MPC Resolutions for both applications. [For full content/context please refer to attached exhibits.

[Exhibit 1/Exhibit 2 – Resolution 2017-001 and Resolution 2017-002]

Chairman Arroyo anything else? Any other questions? [None noted] Let's invite the applicants and the applicants' representative up. Please state your name for the record.

Richard Sana (with FC Benavente, Planners representing the two applications for zone change; Carmen Mesa (2016-39) and Ian Corporation (2016-40).

Carmen Mesa is here today, and she is the applicant for Application 2016-39 and also the lessor of the property being leased by Ian Corporation.

The property, 2016-39 is an existing residence. We did not provide the site plan because the occupant is still living in the dwelling. And one of the reasons for the zone change is to have uniformity of the M1 zone in that area. If Ian Corporation is approved for M1 that would leave Carmen Mesa being the only R1-zone in that sector that we are looking.

For Ian Corporation, the purpose for the zone change is to allow for warehouse office and accessory uses. They have a construction supply company that serves the construction industry in the shoring, lightweight shoring and shielding system. The other necessity of having the property zone changed is because they desire to move out of their current Barrigada location which is in the Radio Barrigada area on the road between Happy Market, Guam Trades Academy which is adjacent to their existing office/operations. I think the new location is a more desirable location for them and more compatible with their operation. It takes them away from the neighborhood environment. There is a lot of traffic congestion because of the store, the elementary school and Guam Trades Academy. Also, behind their current location there are residential dwellings.

The new location has the potential of becoming a light industrial area, and it is gradually transforming that way.

And as I mentioned earlier, with the Carmen Mesa application it is just to keep that uniformity of the M1 zone because right now she is sandwiched between all these properties that are operating industrial type activities.

Chairman Arroyo with Carmen Mesa, there is a residential structure now?

Richard Sana she is currently living in that structure.

Chairman Arroyo are you planning to stay there once the property is rezoned?

Carmen Mesa (Applicant) no, I don't plan to stay there once I get it rezoned.

Chairman Arroyo are you going to develop that property for warehouses and other purposes that are allowable in M1?

Carmen Mesa probably in the future, not at this time.

Chairman Arroyo but, that is the intent.

Carmen Mesa because like he said the uniformity; I want it to go with everyone else in the compound because it is a cul-de-sac.

Commissioner Oh just a quick question. Are there difficulties residing there because...all your neighbors are currently industrial.

Carmen Mesa yes, that's why I choose to eventually leave because I don't have my view anymore, it's not an ocean view anymore or a city view and it's not so attractive as it was before.

Chairman Arroyo how about the noise from planes ---

Carmen Mesa the noise, the traffic, the dust. My swimming pool always has dust in it now. We don't even swim or hangout outside anymore.

Commissioner Oh so, you said your intentions are to move out once you rezone it.

Carmen Mesa yes, once it is rezoned.

Commissioner Oh so, what is the immediate plan for the property.

Carmen Mesa nothing right now. I have not thought of that. I just wanted to get it rezoned. Whatever I plan on doing once I move out; I will probably rent it out or sell it easily because of the neighborhood.

Chairman Arroyo we have heard a lot of applications to rezone from agriculture to M1, R1 to M1 in that area. We kind of agree that that really should be zoned something other than residential or agricultural specifically because it is right underneath the flight path, the hazardous of planes flying overheard, and just the things that you mentioned. This is the first time, at least as far as I can remember that we actually sat down with a property owner who lives there. It's good to hear that you are confirming some of the things that we thought that would make it uncomfortable for somebody who had a residence to live there. Thank you for coming in and saying that.

Carmen Mesa thank you.

Chairman Arroyo any other questions.

Commissioner Oh Richard, you mentioned that Ian Construction is currently utilizing the lot as mainly as an office space?

Richard Sana no, not this lot. They have an existing office and warehouse in Barrigada. They have a lot that has already been zoned M1 adjacent to the lot that we are talking about that is before you.

[Discussion ensues on lot location, as well as the current use.]

Richard Sana as a result of the public hearing, we have a letter from Ian Corporation to the Mayor of Barrigada because there was some issues that were raised during the public hearing. And the letter that was provided was a way of mitigating the issues and concerns that were raised at the public hearing.

Vice Chairman Cruz no, what we have is the resolutions.

Chairman Arroyo Penmer, were you at the public hearing? What were the issues?

Penmer Gulac (Case Planner) it was just to ensure that the roads were not blocked because of the residential homes. Some trailers are parked on the side of the road blocking the access of the right-of-way.

Richard Sana summarizes the letter from Ian Corporation to Mayor of Barrigada on mitigation of issues that were brought up at the public hearing. Issues include mud and debris on roadways, speeding vehicles, lack of a conceptual plan and parking on access easements. [For full content/context, refer to Exhibit 3]

[Exhibit 3 – Ian Corporation correspondence dated January 18, 2017]

Vice Chairman Cruz who is currently using the right-of-way, parking there? Is it the applicant or is it other people.

Richard Sana the applicant and other people. I believe Mr. Benavente that is right across the street was one of the concerned citizens that was at the public hearing.

Chairman Arroyo sir, if you want to come up and state your name for the record.

Glenn Makepeace I attended the public hearing and the issue was that at one time when there was very little to no activity in that area, Ian had some trailers parked on the easement, and it was blocking the entrance to Mr. Benavente's property. Now that Mr. Benavente has leased the property to Orion, the issue of vehicles parked on the side of the road no longer exists because Ian already moved it.

Vice Chairman Cruz so, I asked you which company was using it. The applicant is using the rights-of-way despite the property they that is vacant and everything they would rather park in the rights-of-way rather than ----

Richard Sana no, it's not on the rights-of-way because I saw where they were parking.

Vice Chairman Cruz well, that's the complaint.

Richard Sana no, they were not in the rights-of-way. If you are talking about the paved area or part of the roadway, they were actually parked on the shoulder of the rights-of-way which actually was blocking Mr. Benavente's property.

Vice Chairman Cruz how wide is the road, 40?

Richard Sana it says 50.

Vice Chairman Cruz so, he's parking within the 50-feet, not within his property. Can you ask him to explain it?

Glenn Makepeace if I may. The reason why Ian at that time had parking of his vehicles ---

Vice Chairman Cruz no, I want to hear it from Ian.

Richard Sana Mr. Ian is not here.

Vice Chairman Cruz unless you are speaking for Mr. Ian...I don't know. I don't like the way it's presented.

Richard Sana Mr. Cruz, if we are going to talk about the width of the right-of-way, the 50-foot right-of-way then Mr. Ian would have been parked within the boundaries of that right-of-way. But, that has been resolved due to this public hearing. Mr. Ian has removed the trailers and no longer there.

Vice Chairman Cruz so, it took this application to make him move.

Richard Sana it was not an issue until the public hearing when we found out that it was happening.

Chairman Arroyo prior to the public hearing Mr. Benavente never complained to Ian.

Richard Sana no. They actually know who Ian is and they are pretty familiar with the company and not hostile towards each other.

Commissioner Oh further back, is there a residence back there or is it undeveloped. I am talking about this property right here (referring to the map on the monitor). This is Ian's property, and it is right at the edge of the cliff. And this is Mr. Benavente's property and all these are undeveloped. And currently these properties are being utilized at M-1, and so the only real residence here is Carmen Mesa.

Richard Sana yes.

[Discussion ensues --]

Chairman Arroyo any other questions.

Commissioner Oh going back to that point you mentioned. You mentioned that Mr. Benavente leased out that undeveloped land over there to Orion. So, Orion is utilizing it mainly as an M-1 property.

Richard Sana correct.

Chairman Arroyo I would like to open the floor to public comment. Is there anybody in attendance who would like to say anything about these two applications, please come forward.

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

Chairman Arroyo anything else you want to add? [No further comments noted from the applicant, consultant and the Commissioners.]

We've heard the presentation for both applications. So, let's take each of them one at a time, and we will start with Application 2016-39; this is the Carmen Mesa zone change request. I am ready to hear a motion.

Commissioner Oh Chairman Arroyo, I move to recommend approval of the zone change for the applicant Carmen Mesa represented by FC Benavente, Planners; request for a zone change from "R1" to "M1" zone to allow uniformity of zoning consistent with the existing and adjacent M-1 neighborhood, on Lot 5224-3-1-1, in the municipality of Barrigada, under Application No. 2016-39; and adhere to all ARC and Commission conditions.

Chairman Arroyo motion made by Commissioner Oh. Second?

Commissioner Vy second.

Chairman Arroyo second by Commissioner Vy. Any discussion on the motion? [None]

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

[Motion to approve Application 2016-39 was passed unanimously]

Chairman Arroyo on the second application; this is for 2016-40, zone change request for Ian Corporation.

Commissioner Oh Mr. Chairman, I move to approve the recommendation for the zone change of the applicant Ian Corporation represented by FC Benavente, Planners for their request for a zone change from "R1" to "M1" zone to allow for warehousing, office and accessary uses, on Lot 5224-3-1-R1, in the municipality of Barrigada, under Application No. 2016-40 adhering to all ARC recommendations and conditions as noted in the official position statements.

Chairman Arroyo with respect to the mitigating factors that was brought up at the public hearing; they are a matter of record, we don't need to make it a condition of this approval?

Marvin Aguilar no sir.

Chairman Arroyo we have a motion on the floor by Commissioner Oh, do I have a second?

Commissioner Vy second.

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

[Motion to approve Application 2016-40 was passed unanimously]

Chairman Arroyo let's move onto the next application –

Tentative Subdivision

c. The Applicant, KOA Inc. represented by Ignacio F. Santos; request for a Tentative Subdivision approval to create a subdivision of 86-single family residential lots, on Tract 10441 (formerly Lot 7134), in an "R-1" (Single Family Dwelling) zone, in the Municipality of Yigo, under Application No. 2008-70C. Case Planner: Frank Taitano

Frank Taitano (Case Planner) reads the staff report to include facts, purpose, chronological facts, staff analysis/discussion, conditions and recommendation. [For full content/contest, please see attached staff report.]

[Attachment C – Staff Report dated April 7, 2017]

Michael Borja (Executive Secretary) can I ask a question. On this survey map, top right corner there is a bull-cart trail that enters into the perimeter of the lot. That bull-cart trail does not transit through the lot?

Marvin Aguilar no.

Michael Borja it ends?

Frank Taitano yes.

Vice Chairman Cruz it ends at the property line?

Frank Taitano on the western side.

Vice Chairman Cruz the property to the right of that they actually developed already and they widened the road.

Marvin Aguilar there are roads throughout the perimeter of this property.

The regular meeting of the Guam Land Use Commission for Thursday, April 13, 2017 was adjourned at 4:07 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

Date Approved: May 11, 2017

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

April 28, 2017
Date

To: **Carmen Mesa**
c/o FC Benavente Planners
#127 Bejong St.,
Barrigada, Guam 96913

Application No. 2016-39

The Guam Land Use Commission, at its meeting on **April 13, 2017**.

X X / Approved ____/ Disapproved ____/ Approved with Conditions

Your request on **Lot No. 5224-3-1-1 , Municipality of Barrigada,**

ATTACHMENT 9

NOTICE OF ACTION
Carmen Mesa
c/o FC Benavente Planners
Lot No. 5224-3-1-1, Municipality of Barrigada
GLUC Meeting of April 13, 2017

Application No. 2016-39

ZONING

__XX /__ **Zone Change*****

_____/ Conditional Use

_____/ Zone Variance

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

_____/ 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)

NOTICE OF ACTION **Application No. 2016-39**
Carmen Mesa
c/o FC Benavente Planners
Lot No. 5224-3-1-1, Municipality of Barrigada
GLUC Meeting of April 13, 2017

APPLICATION DESCRIPTION: The Applicant, Carmen Mesa, represented by FC Benavente Planners, request for a Zone Change from "R-1" (Single-Family Dwelling) to "M-1" (Light-Industrial) zone to allow construction of a warehouse with office space and accessory uses to be in uniformity of zoning in the neighborhood, consistent with existing "M-1" zones on Lot No. 5224-3-1-1, Municipality of Barrigada.

COMMISSION DECISION:

The Guam Land Use Commission **Approved** the applicants request, subject to adherence to the recommendations noted on official position statements of the ARC agencies.

5/12/2017
Marvin Q. Aguilar **Date**
Guam Chief Planner

5/12/17
John Z. Arroyo **Date**
Chairman
Guam Land Use Commission

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

CERTIFICATION OF UNDERSTANDING

I/**We** **Carmen Mesa** / **FC Benavente Planners**
(Applicant [Please print name]) (Representative [Please print name])

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

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

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

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

Signature of Applicant Date Signature of Representative Date

Signature of Applicant Date

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

Applicant(s) Date Representative Date

Reference No.: **Application 2016-39**

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

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

[✓] **APPROVED**

[ ] **APPROVED IN WHOLE**

[ ] **DISAPPROVED**

EDDIE BAZA CALVO
Governor of Guam

10/17/17
Date

DECISION GRANTING ZONE CHANGE
(with findings)

Guam Land Use Commission

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

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, a hearing on the Zone Change was held on the **17th day** of **January**, **2017**, in the Municipal District of **Barrigada** where the property to be rezoned was located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearing was published in a newspaper of general circulation on the _____ day of _____, **2017** as evidenced by an affidavit of publication attached as **Exhibit A**.

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

BE IT RESOLVED, that on the **13th** day of **April**, **2017**, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of **Carmen Mesa** for a Zone Change of Lot No. **5224-3-1-1**, Municipality of **Barrigada**.

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

1. **Mr. John Z. Arroyo, Chairperson**
2. **Mr. Victor F. Cruz, Commissioner**
3. **Mr. Tae Oh, Commissioner**
4. **Mr. Hardy Vy, Commissioner**

Appearing for the applicant were: **Mr. Richard Sana; FC Benavente Planners**

Also appearing and testifying on the above project was:

none in favor/against

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

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

We, the Commission, find that the application as presented by the applicant and the Application Review Committee's Position Statements submitted satisfy the above sections.

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

We, the Commission, find that the application as presented by the applicant and the Application Review Committee's Position Statements submitted satisfy the above section.

We, the Commission, further find that from a planning perspective the area is best suited for industrial type uses followed by commercial activities/uses.

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

4 Ayes 0 Nays 0 Abstentions

This decision was adopted this 13th day of April, 2017, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

John Z. Arroyo
Chairman,
Guam Land Use Commission

AFFIDAVIT OF PUBLICATION

I, the undersigned, do hereby depose and state that:

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

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

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

4. On **December 28, 2016,** I submitted the Official Memorandum (attached as **Attachment A**) from the Guam Chief Planner to the Guam Daily Post, Tamuning, Guam; a request to publish the 2 x 2 legal notice to appear on Saturday, January 7, 2017 for Application No. **2016-39 (Carmen Mesa)** to be heard on January 17, 2017, at the Barrigada Community Center. Proof of advertisement is attached as **Attachment B.**

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

In WITNESS, WHEREOF, I hereby affix my signature this 21 day of September, 2017.

M. Cristina Gutierrez
Word Processing Secretary II

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 22nd day of September, 2017.

TERESITA A.C. TOVES NOTARY PUBLIC FOR GUAM, U.S.A.

Notary

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

EXHIBIT A

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

EDDIE 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

December 28, 2016

COPY

Guam Daily Post
388 S. Marine Corps Drive
Suite 301
Tamuning, GU 96913

Hafa Adai!

Please publish this legal public hearing notice on a **2x2** inch column ad to appear on **Saturday, January 7, 2017.**

Attached is a check amounting to **$96.00** to cover the enclosed government advertisement scheduled the abovementioned date.

Thank you for your anticipated cooperation on this request.

Regards,

Marvin Q. Aguilar
Guam Chief Planner

RECEIVED
12/28

Attachments:
Public Hearing Ad
Check #16279

Department of Land Management
P.O. Box 2950, Hagåtña, Guåhan 96932
Tel: 649-5263 Ext. 375: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: January 17, 2017
Time: 6:00 pm
Place: Barrigada Community Center

For: Carmen Mesa; Zone Change from "R1" to "M1" zone to allow uniformity of zoning consistent with existing and adjacent "M1" neighborhood, Lot 5224-3-1-1, Barrigada. [2016-39]

Funding Source provided by the Applicant.

Persons requiring special accommodations, please call Cristina at 649-5263 ext. 375 or email at cristina.gutierrez@land.guam.gov

Bones of Japan's World War II dead to be DNA tested

TOKYO (Japan News/Yomiuri) - The government intends to expand DNA tests conducted on the remains of war dead to include leg and arm bones, in a bid to identify more Japanese victims of World War II, according to sources.

The Health, Labor and Welfare Ministry has hitherto restricted such tests to teeth. However, in response to growing calls from bereaved families to widen the scope of the tests, the ministry plans to include thigh, arm and other bones in its DNA appraisal methods, the sources said.

DNA tests using bones from hands and feet are common in the United States and South Korea.

At least several hundred sets of remains with no teeth are recovered each year, meaning the expanded tests will increase the potential for identifying these remains.

The ministry started DNA tests on the remains of the war dead in fiscal year 2003. The tests were, in principle, conducted on teeth covered in hard enamel, from which it is easy to extract nuclear DNA that can accurately identify an individual even after many years. Arm and leg bones were excluded for reasons including the low probability of getting a sample of this DNA.

However, in places such as Okinawa and southern countries and areas, which were the site of ferocious battles, many remains have been found without heads, which had been blown off by bombs or removed due to other reasons. This prompted many bereaved families to push the ministry to adopt testing involving arm and leg bones, as is done overseas.

In light of improvements in DNA testing technology, the ministry went on an inspection tour of the United States in June 2016 to examine the procedures used there. The ministry learned the United States successfully extracted nuclear DNA from about 50 percent of the arm and leg bones it tested. Given that South Korea also conducts DNA appraisals on such bones, the ministry has decided to hear the opinion of a panel of DNA appraisal experts as early as this fiscal year and then make a final decision on tests involving the bones.

2.4M wartime deaths

According to the ministry, about 2.4 million Japanese military personnel and civilian employees of the military died in Okinawa and overseas during the war. The remains of about 1.27 million have been collected so far. The remains of about 540,000 unidentified war dead have been laid to rest at locations including the Chidorigafuchi National Cemetery in Tokyo, although most were incinerated and DNA samples cannot be taken from them.

The ministry recovered the remains of 1,437 war dead in fiscal 2014, and 1,053 war dead in fiscal 2015. Of them, several hundred sets of remains found each year had no teeth. In preparation for the expansion of the testing program, the ministry has stored - instead of incinerating - 55 sets of remains found since July 2016.

The ministry's DNA tests have identified the remains of 1,064 people since fiscal 2003. However, 98 percent of them were detainees who had been buried in areas such as Siberia in the former Soviet Union. Just 12 identified sets of remains were from Okinawa and southern countries and areas.

The ministry plans to establish this fiscal year a database containing DNA information from the teeth of about 8,000 war dead. If such information can be gleaned from arm and leg bone tests, it will be added to the database starting next fiscal year.

After the law promoting the collection of the remains of the war dead came into effect in April 2016, the government established a plan to strengthen its DNA testing and recovery operations for remains over a nine-year "concentrated implementation period" that began this fiscal year.

China media warn Trump of 'big sticks' if he seeks trade war

(Bloomberg) - Chinese state media warned U.S. President-elect Donald Trump that he'll be met with "big sticks" if he tries to ignite a trade war or further strain ties.

"There are flowers around the gate of China's Ministry of Commerce, but there are also big sticks hidden inside the door - they both await Americans," the Communist Party's Global Times newspaper wrote in an editorial Thursday.

The article was published in response to Trump picking Robert Lighthizer, a former trade official in the Ronald Reagan administration who has criticized Beijing's trade practices, as U.S. trade representative.

The latest salvo from state-run outlets followed others aimed at Peter Navarro, a University of California at Irvine economics professor and critic of China's trade practices whom Trump named to head a newly formed White House National Trade Council. Those choices plus billionaire Wilbur Ross, the nominee for commerce secretary, will form an "iron curtain" of protectionism in Trump's economic and trade team, according to the paper.

The three share Trump's anti-globalization beliefs and seem unlikely to keep building the current trade order, it said, adding that they will be more interested in disrupting trade. Souring relations could have serious ramifications for the economies: Americans are the biggest buyers of exports from China, the world's largest trading nation.

Other warnings

Official media issued other recent warnings after the announcement about Navarro, saying he doesn't understand trade and will damage relations. An editorial in the state-run China Daily accused Navarro of "anti-China alarmism" and said appointing the "Death by China" author is another sign Trump seems intent on confron-

TRUMP continued on page 13

GOVERNMENT OF GUAM
BEFORE THE COMMISSIONER OF BANKING & INSURANCE

Ticor Title Insurance Company,
by Chicago Title Insurance Company as its
Successor in Interest through merger,
Petitioner

In the Matter of the
Application for Withdrawal and to Permanently Discontinue the
Transaction of Insurance Business in Guam pursuant to Title 22 GCA § 15113

NOTICE OF INTENTION TO WITHDRAW

Notice is hereby given that Ticor Title Insurance Company,
by Chicago Title Insurance Company as its Successor in Interest through merger,
Of 601 Riverside Avenue Building 5, Fifth Floor, Jacksonville Florida 32204

Attention: Regulatory Department
Intends to Withdraw and to Permanently Discontinue the Transaction of
Insurance Business in Guam. All persons interested in this matter should write to
The Company at the above address Or call the Office of
The Commissioner of Banking and Insurance
At Barrigada, Guam at (671) 635-1843/4/5/6

Department of Land Management
P.O. Box 2950, Hagåtña, Guahan 96932
Tel: 649-5263 Ext. 375: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: January 17, 2017
Time: 6:45 pm
Place: Barrigada Community Center

For: Ian Corp.; Zone Change from "R1" to "M1" zone for proposed development of warehouse, offices and accessory uses, Lot 5224-3-R1, Barrigada. [2016-40]

Funding Source provided by the Applicant. Persons requiring special accommodations, please call Cristina at 649-5263 ext 375 or email at cristina.gutierrez@land.guam.gov

Department of Land Management
P.O. Box 2950, Hagåtña, Guahan 96932
Tel: 649-5263 Ext. 375: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: January 17, 2017
Time: 6:00 pm
Place: Barrigada Community Center

For: Carmen Meas; Zone Change from "R1" to "M1" zone to allow uniformity of zoning consistent with existing and adjacent "M1" neighborhood, Lot 5224-3-1-1Barrigada. [2016-39]

Funding Source provided by the Applicant. Persons requiring special accommodations, please call Cristina at 649-5263 ext 375 or email at cristina.gutierrez@land.guam.gov

AFFIDAVIT OF MAILING

I, the undersigned do hereby dispose and state that:

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

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

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

4. On **January 5, 2017, I**, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (attached as **Attachment A**), thirty (30) sealed envelopes, with postage fully paid, each containing a copy of the Notice of Public Hearing for **Carmen Mesa** (attached as **Attachment B),** addressed to the following property owners:

Ian Corporation dba:Ian Construction	P.O. Box 22681	Barrigada, GU 96921
Orion Construction Corp. Guam	P.O. Box 24348	Barrigada, GU 96921
Jupiter Management Corp	P.O. Box 11468	Tamuning, GU 96931
Benavente Francisco G.	P.O. Box 22344	GMF, Barrigada, GU 96921
Shimamura Corporation (Guam)	P.O. Box 7763	Tamuning, GU 96931
Holland Harrison P. & Young Ae	P.O. Box 24043	Barrigada, GU 96921
Ra Sea Yong & Misook Park	P.O. Box 10936	Tamuning, GU 96931
Kim Jae Shin & Lee Kyung Ha	P.O. Box 9718	Tamuning, GU 96931
Kim Kum Soon Lee, Ocampo Domingo	P.O. Box 21075	Barrigada, GU 96921
Guerrero Jesus Duenas & Margarita Benavente	P.O. Box 7007	Tamuning, GU 96931
Limtiaco Emiliana Evelyn Blas	144 Leon Guerrero Dr. #202	Tumon. Guam 96913
Kando William N. & Evangeline L.	158 E. Nandez Ave. #8	Dededo, Gu 96929
Tan Hang Chieng	P.O. Box 10001 PMB 898	Saipan MP 96950
Martinez Bella Bello	P.O. Box 23041	GMF, Barrigada, Guam 96921
Bello Enterprises Inc.	637 Bello Road	Barrigada, GU 96913
RKM Property Group LLC	P.O. Box 10149	Tamuning, GU 96931
IT&E Overseas Inc.	P.O. Box 24881	GMF, Guam 96921
Lai George K.	P.O. Box 8780	Tamuning, GU 96931
Seo Jung Min, MJ Living Trust, Min Won Sun P.	P.O. Box 6547	Tamuning, GU 96931
Torres Daniel U.	3231 San Luces Way	Union City, Ca. 94587
Net Enterprises LLCDBA, Net Tours	P.O. Box 9796	Tamuning, GU 96931
Pacific Green Resources LLC	P.O. Box 25317	Barrrigada, GU 96921
Benavente Rita Mendiola	P.O. Box 20401	Barrigada, GU 96921
Concepcion Lourdes Benavente	P.O. Box 20401	Barrigada, GU 96921

EXHIBIT B

Benavente Lourdes M.	P.O. Box 23951	Barrigada, GU 96921
Concepcion Lulene Ann	P.O. Box 20401	Barrigada, GU 96921
Yu Cheng Shien	3F NO 367 Chen Te RD	Sec 3 Taipei 10367 R.O.C.
Wang Guang Hua & Feng Johnny	P.O. Box 10372	Tamuning, GU 96931
Feng Johnny & Guang Hua Wang	P.O. Box 9441	Tamuning, GU 96931
June Ulloa Blas	P.O. Box 786	Hagatna, Guam 96932

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

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

IN WITNESS, WHEREOF, I hereby affix my signature this 21st day of September, 2017.

ERNEST V. SANTOS
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 21st day of September, 2017.

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

Notary

EXHIBIT B

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

[2015-34]

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 28, 2016

Dear Sir/Madam:

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

The Applicant, Carmen Mesa, represented by F.C. Benavente, request for a zone change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow construction of a warehouse with office to be in uniformity of zoning in the neighborhood, consistent with the existing and adjacent "M-1" zones on Lot 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.

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

PLACE: **Barrigada Community Center**
DATE: **January 17, 2017, Tuesday**
TIME: **6:00 p.m.**

As a property owner identified within 500 feet of this proposed development, we invite you to attend this Public Hearing and participate in the review process and to express your opinion on this application. If you are unable to attend the Public Hearing, please submit written comments to our office on or before the scheduled Guam Land Use Commission which will be published on the Guam Daily Post and noted on the applicant's onsite sign. Our office is located on the third floor (room 304) of the ITC Building and written comments should be addressed to:

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

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

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

Thank you for your interest.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner

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

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

Website:
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EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

October 16, 2017

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone for Lot 5224-3-1-1, Barrigada; Applicant, Carmen Mesa, Application No. 2016-39**

Submitted for your consideration and action is Zone Change Application No. 2016-39. The Applicant, Carmen Mesa requests for a Zone Change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to in order to be in uniformity of zoning in the neighborhood, consistent with existing and adjacent "M-1" zones.

Application chronology is as follows:

- August 11, 2016 – Application officially accepted
- September 15, 2016 – Reviewed by the Application Review Committee (ARC)
- January 17, 2017 – Public Hearing, Barrigada Community Center
- April 13, 2017 – Guam Land Use Commission (GLUC) Public Hearing (approval of Zone Change)

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

CFD1017-4899

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

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

Si Yu'os Ma'ase,

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

Attachments:

1) Amendment No. A-75, Zoning Map No. F3-67S39
2) Zone Change Application
3) Formal letter to Mayor(s) for Public Hearing (December 28, 2016)
4) Public Hearing Minutes of January 17, 2017
5) Staff Report with Summary of ARC Position Statements
6) GLUC Agenda Notice – Guam Daily Post (Dated April 6th and April 11th, 2017)
7) GLUC Agenda of April 13, 2017 – Disposition
8) GLUC Minutes of April 13, 2017 (Document No. 907579)
9) Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to GDP (Dated December 28, 2016)
        - Attachment B – Public Hearing Advertisement (January 7, 2016)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts, January 5, 2017
        - Attachment B – Official Notice Public Hearing, December 28, 2017