EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 17 2017

GL# 34-17-1129
Speaker Benjamin J.F. Cruz

OCT 24 2017
Time: 1:30 [ ] AM [ ] PM File No. 34-1077
Received By:

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

Re: GLUC Zone Change Approval from "A" (Rural) to "C" (Commercial) zone for Lot 1-4-R1, Tract 1141 Ukudu, in the Municipality of Dededo, under Application No. 2016-31

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, **GLS Yama's Co., Inc.** represented by Harry D. Gutierrez, request to re-zone from "A" (Rural) to "C" (Commercial) zone for the proposed construction of a commercial building with office and retail spaces, on Lot 1-4-R1, Tract 1141 Ukudu, in the Municipality of Dededo.

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

Eddie Baza Calvo
Governor of Guam

2017 OCT 24 PM 2:19 CS

1129

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2016-31
LOT 1-4-R1, TRACT 1411
MUNICIPALITY OF DEDEDO

COPY

Signature

ATTACHMENT 1

Space for Recordation

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

File for Record is Instrument No. 913932

On the Year 20 17 Month 10 Day 20 Time 1:40

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane Yamasaki
JANE T YAMASAKI

Doc. No. 34GL-17-1129

GLUC ZONE CHANGE
APPLICATION NO.: 2016-31
APPLICANT: GLS YAMAS CO., INC.

PREPARED ON SEPTEMBER 18, 2017

FROM: "A" (AGRICULTURAL/RURAL)

TO: "C" (COMMERCIAL)

LOT: 1-4-R1

BLOCK: N/A

TRACT: 1141

MUNICIPALITY: DEDEDO

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-95

ZONING MAP NO.: F3-67S41

THE GUAM LAND USE COMMISSION, AT ITS HEARING ON FEBRUARY 9, 2017 APPROVED IN WHOLE THE ZONE CHANGE FROM "A" TO "C" ON LOT 1-4-R1, TRACT 1141 MUNICIPALITY OF DEDEDO

==========

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

JOHN Z. ARROYO
CHAIRMAN
GUAM LAND USE COMMISSION

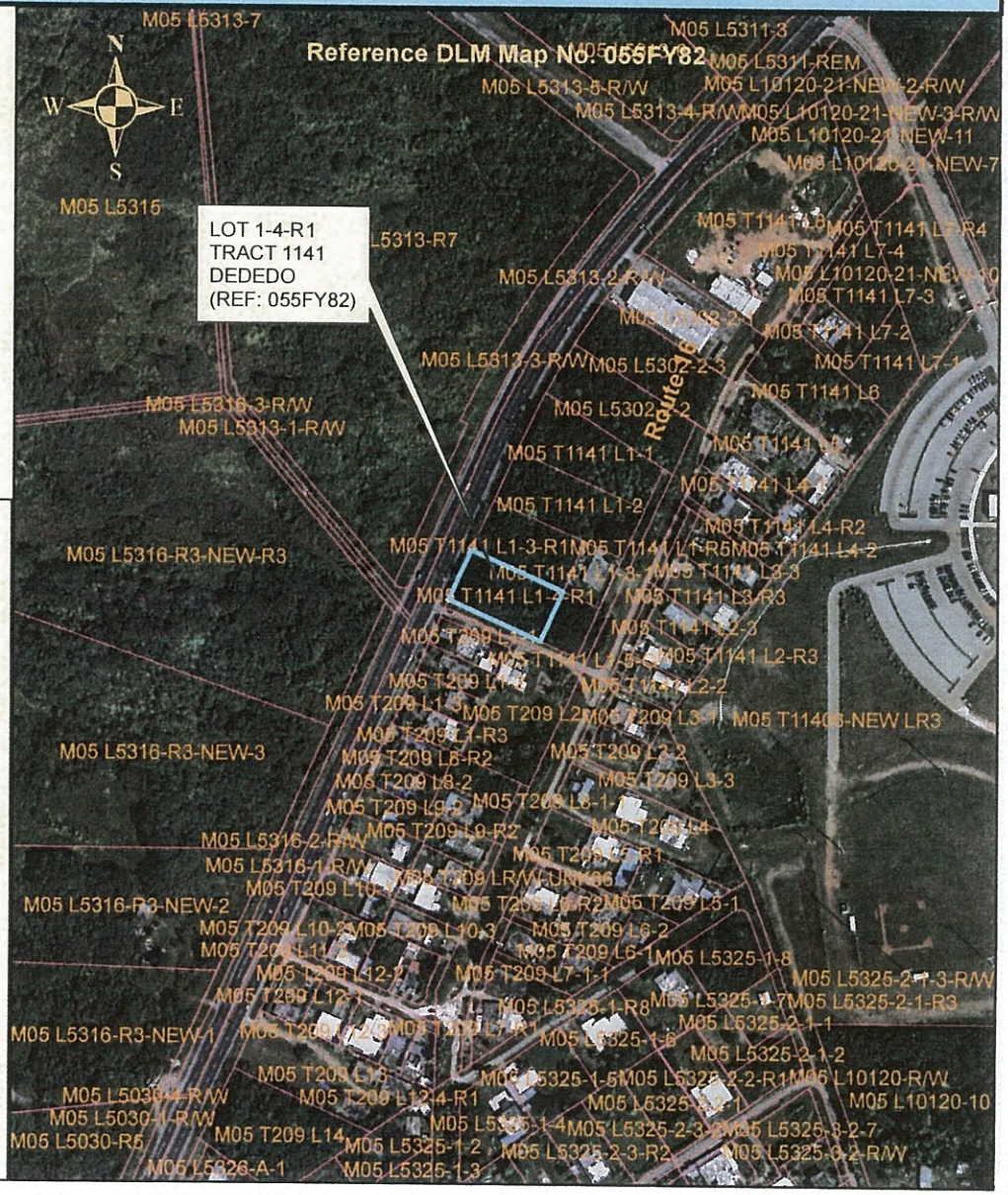
10/12/17
DATE

==========

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

EDDIE BAZA CALVO
GOVERNOR OF GUAM

10/17/17
DATE



(b)(3)(A)

Secret

Declassified

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 17 2017

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

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Eddie Baza Calvo
Governor of Guam

Doc. No. 34GL-17-1129 .

2016-31
GLS Yama's Co. Inc.
Zone Change
Accepted Date: 9-Jun-16
Case Planner: PenmerG

HARRY D. GUTIERREZ
Consultant
#119 Gutierrez Way
Agana Heights, Guam 96910
482-5315 / 477-7880 Email:harry.gutierrez@yahoo.com

6/9/16 RECEIVED

June 3, 2016

6/3/16 RECEIVED Land Planning Div

To: Mr. John Z. Arroyo, Chairman, GLUC.
& Executive Secretary, Guam Land Use Commission
C/o Department of Land Management
ITC Bldg, Suite 700, Tamuning, Guam 96911

Subject: Zone Change Application for: Lot 1-4-R1, 1141, Ukudu, Dededo
GLS, Yama's Co., Inc., (Owner)

Hafa Adai :

On behalf of my clients, and pursuant to Sections 61630 through 61634, Part 3, Article 6, Changes of Zones, Chapter 61 – Zoning Law, Title 21 Guam Code Annotated. I am submitting the enclosed zone change application on the subject lot above for your review and consideration before the Guam Land Use Commission, for a Zone Change **from "A" (Agricultural) to "C" (Commercial) Zone.**

The subject lot is located along Route No. 3, Ukudu/NCS, in Dededo, (see attached maps) and is approximately 500 feet west of the Ukudu High School and main access from Route No. 3 and Inda Street on the southern boundary and is approximately a mile and a half from Marine Corps Drive (Route No. 1 & Route No. 3 intersection.

Land Uses in the area: For your information, (Lot 5203-2-R3) is a commercial zoned property, that was rezoned by Public Law 21-145, where former Abundant Life Church was is now a warehouse and the nearest residential homes are to the south approximately 300-400 feet in an agricultural subdivision. Across the main thoroughfare (Route No. 3) are zoned "M1" (Light-Industrial) and "C" (Commercial) zoned lots through Public Law 30-211 and GLUC APPROVED DOS AMANTES MAP SHEET/OFFICIAL ZONING MAP NO. F3 67S52. Recently GLUC rezoned to Commercial zone was Lot 8, Tract 1141 fronting entrance to Ukudo High School. There is development activity at the present time on the subject on this lot for commercial purposes. At approximately 1,000 feet to the north is the south Finegayen Housing and is US Government Reservation.

My clients acquired the property on October 12, 2006, and my clients who are long-time residents of Guam and operating a bus transportation business. They want to develop this site with a commercial building for retail and service shops, and their business office, and provide a few professional office spaces and also landscape the property. They intend develop it in support of requirements for the military build-up in the coming years as well. They have local and government contracts and government/federal agencies on island.

ATTACHMENT 2

My clients are requesting to rezoned their vacant property from "A" (Agricultural) to "C" (Commercial) as it is located along the main highway (Route No. 3, NCS Dededo) and its located along one of the busiest route and the volume of traffic has increased over the years. Based on land use site studies of the area, commercial use of the lot would be the most ideal rather than light industrial or residential. The nearest commercial zone lot is approximately 600 feet north and is abutting another commercial lot. Across the highway are commercial and light industrial lots rezoned by Public Law 30-211 and as part of the Dos Amantes land use master plan. Aside from existing Ukudu High School campus within 500 feet to the east. The nearest commercial building/hospital is the new Medical City near the intersection of Marine Corps Drive and Route No. 3 (approximately one and a half a mile) to the south.

Again, this site is the most ideal and preferred location to serve the public for a commercial operation that **my clients are proposing for a commercial building that will have professional offices , retail and service shops and parking for customer, staff, equipment and commercial vehicles.**

Permitted and compatible uses in a "C" zones includes commercial buildings and complexes with accessory structures, retail/wholesale activities, gas station, maintenance repair services shops for minor repairs, single family dwellings, residential a duplexes, etc.. and the likes as noted on 21GCA 61307 (Commercial Zones).

The topography is flat all around the property. The subject lot has three fronts and may access to all fronts. All utilities (water, sewer, power, etc..) are available in the immediate area.

The lot area: 2,305 square meters or 24,810 square feet; or .62 acre The site will be able to accommodate the proposed activities, all required parking and loading, all drainage and other requirements by the zoning law and government permitting requirements for the intended use. My clients will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The rezoning of the property will not have any adverse impact within the surrounding properties as there is adequate setbacks that will buffer the commercial activity being proposed on the site. If rezoned, the uses will only be for commercial uses and accessory uses permitted and not for other uses that is not permitted or approved by the commission. An Environmental Impact Assessment (EIS) is required and is attached for review and is a part of this application.

Title 21, Guam Code Annotated , Chapter 61, Section 61630, of the zoning law mandates that public necessity, public convenience, and general welfare are addressed and justified, that the Commission may recommend to the Governor for approval for an amendment of the zoning map.

For the Commission's review and consideration on this application, these three important conditions are presented and justified below.

A. Public Necessity :

The proposed zone change of the lot and proposed uses are compatible with existing Commercial, Light/Heavy Industrial and some residential uses along Route No. 3 (NCS), in this area. The proposed land use and activities will provide the community with office spaces as well as professional office space and other permitted commercial services for the public's need. This area will be developing into a more commercial type activities to accommodate a growing island population and the anticipated military build-up in the next few years and beyond. There will be greater demands for retail, contracting services, and products that will be available to the island community both private, military, and the general public;

B. Public Convenience:

The proposed zone change of the lot will afford public convenience for much needed office spaces and commercial/professional office and service related activities at this location as it is centrally located that is consistent with the current land uses as an extension of the existing commercial zone along Route No. 3. The location is prime and ideal, central and conveniently near areas with large population to better provide retail, contractor services, professional services related activities to the community;

C. General Welfare:

The proposed zone change of the lot will protect the general public, the immediate surroundings and properties by being consistent for commercial zone, commercial lots and light industrial lots across the highway that are along Route No. 3. At present time, there's a commercial lot with a warehouse the north approximately 600 feet, other adjacent lots are a few residences that will be protected and buffered by a public access, as well as with landscaping of the site and all setbacks in compliance with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is very near commercial districts. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of the company on this site and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced if required, and landscaped and will be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

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

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

Respectfully,

Harry D. Gutierrez
Consultant; 482-5315

With Attachments as noted

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:

GLS, Yama's Co., Inc.
Name of Applicant: c/o Harry D. Gutierrez, Consultant U.S. Citizen: [XX] Yes [ ] No

Mailing Address: c/o 119 Gutierrez Way, Agana Heights Guam 96932

Telephone No.: Business 482-5315 Home: _____

2. Location, Description and Ownership:

Subdivision Name: Lot 5302-2-R3

Lot(s): 1-4-R1 Block: N/A Tract: 1141

Lot Area: Acres .62 Square Meters 2,305 Square Feet: 24,810

Village: Ukudu/NCS Municipality: Dededo

Registered Owner: Yama's Co. Inc. a Guam Corporation

Certificate of Title No.: N/A /Deed Recorded Document No.: 744163

Ref Map #055FY82

3. Current and Proposed Land Use:

Current Use: Vacant Property Zoned: "A" (Agricultural)

Proposed Use: Commercial Building, office, retail space and professional office spaces, parking on site. Proposed Zone: "C"(Commercial)

Master Plan Designation: No Designation

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

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

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

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

Doc. No. 34GL-17-1129 .

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."

REF: Lot 1-4-R1, Tract 1141, Ukudu, Dededo, Guam

GLS, Yama's Co., Inc., A Guam Corporation

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

FOR: Harry D. Gutierrez, Consultant

June 3, 2016

(Representative, if any, and Date)

(See attached Affidavit of Authorization)

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

FOR OFFICIAL USE ONLY

Date Accepted: _____ Accepted By: _____

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

Date of Public Hearing: _____

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

Receipt No.: _____ Application Number: _____

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

Conditions of Approval: _____

_____

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

AUTHORIZATION

GLS, Yama's Co.,Inc., owner. of , Lot 1-4-R1, Tract 141, Municipality of Dededo, of legal age and with power bestowed as the owner representative of the subject properties, through this instruments hereby do grant and authorize the following:

1. That HARRY D. GUTIERREZ is hereby authorized to represent me in obtaining a **Application to Rezone to Commerical** with the Department of Land Management.

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

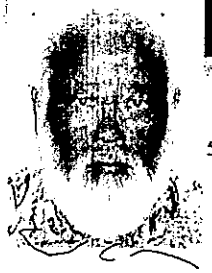
I hereunto affix my signatures to this affidavit:

4/2/16.

Owner and Date

Driver License

GUAM DRIVER'S LICENSE



Where America's Day Begins

4d DL # 1228053933 12 ISSUED 11/01/2012

3 DOB 10/29/47 4b EXPIRE 10/29/2016

16 HT	17 WT	19 HAIR	18 EYE	15 SEX
5' 06"	185	GRY	BRO	M

9 CLASS CHAUFFEUR

9a ENDORSEMENTS ABCD

12 RESTRICTIONS I

2,1 TOSHIO YAMAMOTO

8 P.O. BOX 3299

HAGATNA, GU 96932

5 S# 330096082

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

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

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

Case No : _____

Project Title : **Zone Change**

1.Name, address and business telephone of applicant:
Yama's, Co.. Inc.
P.O. Box 3299 Aganao, Guam 96932

c/o Harry D. Gutierrez 482-5315 (Auth Rep/Consultant)

2. Name, title and telephone number of Representative:

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

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

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

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

Lot 1-4-R1, Tract 1141, Dededo (Subdivision of Lot 5302-2-R3, Ukudu, Dededo) see attached survey map LM 055 FY 82

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

To construct a commercial building for office space and a material storage warehouse as accessory structure with vehicular and equipment parking area.

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

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

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

c. Wellhead protection zone: None

d. Streams, lakes or ponds: None

e. Marine waters: None

f. Reef flats: None

g. Pristine forest: None

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

i. Wetlands: None

j. Flood hazard area: None

k. Archaeological feature(s) or historical sites:

None; Subject lot is overgrown with vegetation. The applicant will comply to all requirements should any artifacts are found during clearing and construction phases.

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

a. Production of toxic or hazardous waste: None

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

None

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

Temporary dust will be generated during clearing and construction or phases of construction. All required Environmental Controls will be complied with.

No significant impact.

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

a. Drinking water:

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

b. Sewage disposal (public system) :

Public sewer is available in the area. Subject to GWA approval for connection into the public sewer system and Guam EPA approval. An individual septic tank/leaching field and a holding tank wastewater disposable system will be used if unable to connect to public sewer system. Applicant will coordinate and comply to this requirement for on-site wasterwater disposal.

c. Vehicle traffic: Daily vehicular traffic will continue day to day along Route No. 3, public access to the site will be minimal and controlled on site. Adequate parking is provided for company vehicles, assets and its employees and guests.

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

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

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

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

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

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

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

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

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

None.

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

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

Applicant: **Yama's Co., Inc.**

For: Harry D. Gutierrez, Consultant (See Affidavit of Authorization)

Applicant or Representative(signature)

June 3, 2016
Date

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

GEPA-EPR001 (12/12/96)

Recording Requested by Mortgagee. After Recordation deliver copies to LAW OFFICE OF TERRENCE M. BROOKS, P.C., C&A Professional Building, 259 Martyr Street, Suite 101, Hagåtña, Guam 96910.

Government of Guam
Department of Land Management Office of the Recorder
For Recorder's Use:
File for Record is Instrument No. 744163
On the Year 2006 Month 10 Day 13 Time 10:05
Recording Fee 10- Receipt No.
Deputy Recorder

MORTGAGEE'S DEED

YAMA'S CO. INC., a Guam corporation organized and existing under the laws of Guam, whose address is P.O. Box 3299 Hagatna, Guam 96932, herein referred to as "Grantor", as mortgagee and holder of the power of sale conferred by the mortgage hereinafter described, hereby grants and conveys, but without covenant or warranty, express or implied, to **YAMA'S CO., INC.**, whose address is P.O. Box 3299 Hagatna, Guam 96932, herein referred to as "Grantee", the real property in the Municipality of Dededo, Guam described as follows:

> **Lot No 1-4-R1, Tract No. 1141, Dededo, Guam, as said lot is marked and designated on Map Drawing No. 23-81-001 (LM#055FY82), dated, December 11, 1981, and recorded on December 21, 1981 in the Department of Land Management, Government of Guam, under Document No. 325653**
>
> **Area: 2,305± square meters**
> **Last Certificate of Title: 70337**

This Deed is made pursuant to the authority and powers given to Grantor by law and by that Mortgage dated February 2, 1999, made by **LAWRENCE P. ESCAMILLA**, as mortgagor to **YAMA'S CO. INC.**, mortgagee, recorded on July 9, 1999, at the Department of Land Management, Government of Guam, as Instrument No. 606530, and Grantor has complied with all applicable statutory provisions and requirements of law relating to this sale and to notice thereof and has performed all of its duties under the mortgage.

Pursuant to such notice of sale, the above-described property was offered for sale at public auction on October 12, 2006, at the Dededo Mayor's Office, pursuant to the power of sale provision contained in said mortgage which was duly recorded at the Department of Land Management, Government of Guam, as Instrument No. 742665 and was sold at the place and time specified in such notice to Grantee, who was the highest bidder thereof, for **ONE HUNDRED FORTY THOUSAND DOLLARS AND 00/100 CENTS ($140,000)** in the form of its credit bid.

The Grantee acknowledges that water and power (electricity) are available within one hundred feet of the property.

Transferee by this Mortgagee's Deed hereby gives notice to **LAWRENCE PALOMO ESCAMILLA**, as mortgagor of his right of redemption (as such exists by Guam law) before the expiration of twelve (12) months from the date of the foreclosure sale. Please contact the undersigned to request the amount necessary to redeem the real property foreclosed upon in lawful currency of the United States of America.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Deed this _____ day of October, 2006.

GRANTOR:

YAMA'S CO., INC.

By: _____

TOSHIO YAMAMOTO
Its President and Director

GRANTEE:

YAMA'S CO. INC.

By: _____

TOSHIO YAMAMOTO
Its President and Director

GUAM, U.S.A.)
(ss:
CITY OF HAGÅTÑA)

On this 12th day of Oct, 2006 before me, the undersigned Notary Public, personally appeared **Toshio Yamamoto**, authorized representative of YAMA'S CO., INC., and known to me to be the person whose name is subscribed to the foregoing **Mortgagee's Deed**, and he acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

NOTARY PUBLIC

CLARE C. LEON GUERRERO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: September 15, 2007
P.O. Box. 4665
Hagåtña, Guam 96932

2404-07

PACIFIC AMERICAN TITLE
INSURANCE & ESCROW COMPANY
The Closing Professionals

888. N. Marine Corps Drive, Suite 200
Tamuning, Guam 96913
Phone (671) 648-7777 Fax (671) 648-7214

email: patico@pamericantitle.com
website: www.pamericantitle.com

OWNERSHIP & ENCUMBRANCE REPORT

Order No. 729837 **Date:** 2/25/2015

REQUESTED BY:

LAW OFFICES OF THOMPSON GUTIERREZ & ALCANTARA
239 Archbishop Flores St.
Suite 801, DNA Bldg.
Hagatna, Guam 96910
Telephone: 472-2089
Attn: MITCHELL F. THOMPSON
Email: mthompson@tgalaw.net

File No.

The following is a list of the real property(ies) owned by YAMA'S CO. INC., as of February 23, 2015, information derived from the Department of Land Management, Government of Guam.

LEGAL DESCRIPTION:

LOT NO. 1-4-R1, TRACT NO. 1141, DEDEDO, GUAM

PACIFIC AMERICAN TITLE INSURANCE & ESCROW CO.

BY: _____
Authorized Signature

Order No. 729837	DATE: 2/23/2015

This Report is not guarantee or warranty title, a legal opinion as to the status of the title, a title commitment to issue a title insurance policy or a title insurance policy.

The Status or Validity of the Title to Subject Property may be also affected by the following matters; (a) Rights or Claims of parties in possession not shown by the public records; (b) easements, or claims of easements, not shown by the public records; (c) encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of premises; (d) taxes or special assessments which are not shown as existing lines by the public records; and (e) any lien or right to a lien, for services, labor or material hereto or hereafter furnished, imposed by law and not shown by the public records.

DISCLAIMER

1. Pacific American Title Insurance & Escrow Co. disclaims any and all liability or responsibility for defects in, or the marketability of the title to the Real Property which is the subject of this ownership and encumbrance report.
2. The total liability of Pacific American Title Insurance & Escrow Co. shall not exceed $100 paid for the ownership and encumbrance report.

Therefore, no on should rely on this report as the basis for the Consummation of any real estate transaction until it is converted into an actual Title Insurance Commitment, at which time additional requirements and exceptions will necessarily be added.

REPORT

LOT NO. 1-4-R1, TRACT NO. 1141, DEDEDO, GUAM, ESTATE NO. 24316, SUBURBAN, as said lot is marked and designated on Map Drawing No. 23-81-001 (LM#055FY82), dated December 11, 1981 and recorded on December 21, 1981 under Instrument No. 325653, in the Department of Land Management, Government of Guam.

The following is shown for information purposes only: Said map shows the area to be 2,305 ± square meters; Last Certificate of Title No. 70337 issued to Carmen Palomo Escamilla, married to AlfonsoEscamilla.

The search of said records shows YAMA'S CO. INC., a Guam corporation, as the last Grantee of subject property, as shown on that certain Mortgagee's Deed dated October 12, 2006 and recorded on October 13, 2006 under Instrument No. 744163, in the Department of Land Management, Government of Guam, executed by Yama's Co. Inc., a Guam corporation, grantor.

The search of said records also shows the subject property being affected or encumbered by the following recorded instruments:

1. Territorial Real Estate Taxes for the year 2015 is not yet due and payable.

2. Tax information relative to taxes and assessments for tax year 2014 against subject property, which may be due and payable, is not available at the present time. A supplemental report will soon follow.

3. A 15' MUT-10 Easement referenced under Document No. 38547, as shown on that certain map dated December 11, 1981 and recorded on December 21, 1981 under Instrument No. 325653, in the Department of Land Management, Government of Guam.

4. Abstract of Judgment under Civil Case No. CV1117-85; Entitled: Major Distributors, Inc., Plaintiff, vs. Alberto S. Capulong, Jr. and Lawrence P. Escamilla and International Computer, Defendant, for the amount of $9,408.85, plus interest and other costs, dated December 5, 1985 and recorded on December 11, 1985, under Instrument No. 366031, in the Department of Land Management, Government of Guam.

jds

After recording, deliver copies to:
TERRENCE M. BROOKS, P.C.
at Ste. 101, 259 Martyr Street,
Hagatna, Guam 96910

FOR RECORDER'S USE:

Office, Government of Guam
Department of Land Management Office of the Recorder
File for Record is Instrument No. 744030
On the Year 04 Month 10 Day 11 Time 3:53
Recording Fee 10- Receipt No. 949
Deputy Recorder

NOTICE OF POSTPONEMENT OF SALE UNDER MORTGAGE

NOTICE IS HEREBY GIVEN that the sale of property under power of private sale under mortgage scheduled to be held on Thursday, October 12, 2006 at the hour of 10:00 a.m., at the Dededo Mayor's Office has been postponed until 10:00 a.m., Thursday, February 15, 2007, at the Dededo Mayor's Office. This Notice was posted at the Dededo Mayor's Office prior to the date and time of the scheduled sale for the following described property:

Lot No 1-4-R1, Tract No. 1141, Dededo, Guam, as said lot is marked and designated on Map Drawing No. 23-81-001 (LM#055FY82), dated, December 11, 1981, and recorded on December 21, 1981 in the Department of Land Management, Government of Guam, under Document No. 325653

Area: 2,305± square meters
Last Certificate of Title: 70337

This notice is given in reference to the Mortgage dated February 2, 1999 and recorded in the Department of Land Management on July 9, 1999 under instrument number 606530, between LAWRENCE PALOMO ESCAMILLA, (Mortgagor), and YAMA'S CO. INC., (Mortgagee) and the Notice of Sale Under Power of Sale in Mortgage recorded in the Department of Land

Management on September 14, 2006, under instrument number 742665.

Dated this 11th day of October, 2006.

Terrence M. Brooks, P.C.
Suite 101, 259 Martyr Street Hagåtña, Guam
Counsel for Yama's Co., Inc.

By: _____
TERRENCE M. BROOKS

GUAM, U.S.A.)
(ss
CITY OF HAGATÑA)

On this 11th day of October, 2006, before me, the undersigned notary public, personally appeared, TERRENCE M. BROOKS, known to me to be the attorney for Yama's Co., Inc. and the person whose name is signed on the preceding document, and acknowledged to me that he executed the same as attorney and agent for Yama's Co. Inc.

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

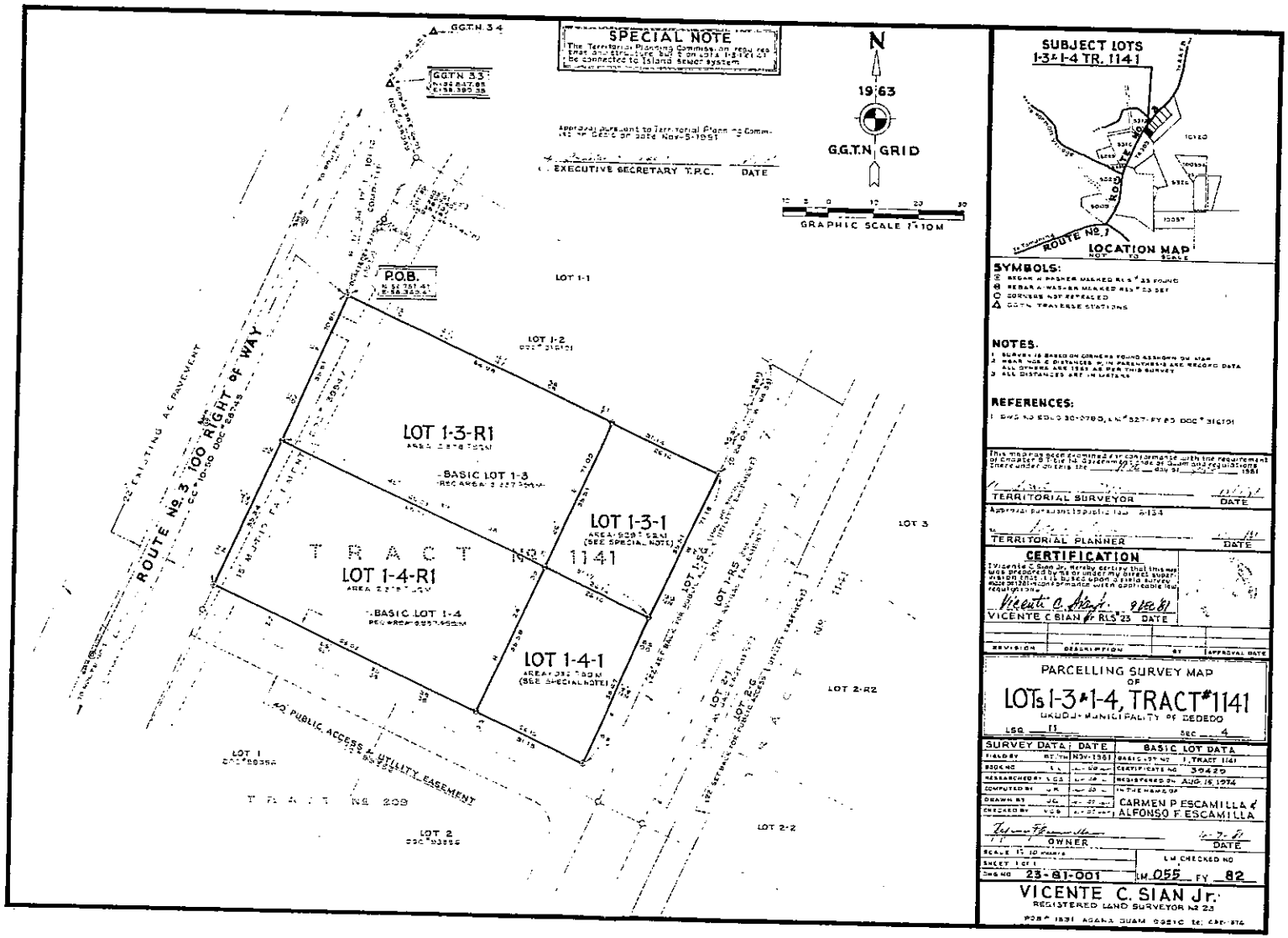
_____
NOTARY PUBLIC

CLARE C. LEON GUERRERO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: September 15, 2007
P.O. Box. 4665
Hagåtña, Guam 96932

Esc\Ntc of Post\
2404-07



Doc. No. 34GL-17-1129 .



SUBJECT LOTS
1-3 & 1-4 TR. 1141

LOCATION MAP
NOT TO SCALE

SYMBOLS:
- ⊙ REBAR W/ PLASTIC MARKED RLS # 23 FOUND
- ⊕ REBAR W/ WASHER MARKED RLS # 23 SET
- C CORNERS NOT REPEATED
- △ GGTN TRAVERSE STATIONS

NOTES.
1. SURVEY IS BASED ON CORNERS FOUND AS SHOWN ON MAP
2. MEAS. VAL. & DISTANCES W/ IN PARENTHESIS ARE RECORD DATA
3. ALL CORNERS ARE SET AS PER THIS SURVEY
4. ALL DISTANCES ARE IN METERS

REFERENCES:
1. SWG NO. EDLO 30-0780, L.M. 527-FY 83 DOC # 316701

This mapping was examined for conformance with the requirements of Chapter 57 of the 21st Guam Code of Laws and regulations thereunder on this the 19th day of June 1981

TERRITORIAL SURVEYOR DATE

Approval pursuant to public law 4-154

TERRITORIAL PLANNER DATE

CERTIFICATION

I, Vicente C. Sian Jr., Hereby certify that this map was prepared by me or under my direct supervision from field notes of an actual survey made on 12-31-80 and that it complies with the requirements of Section 2 of Public Law 4-154 to the best of my knowledge and belief.

Vicente C. Sian 6 Dec 81
VICENTE C. SIAN # RLS 23 DATE

REVISION	DESCRIPTION	BY	APPROVAL DATE

PARCELLING SURVEY MAP
OF
LOTS 1-3 & 1-4, TRACT # 1141
GUAM - MUNICIPALITY OF DEDEDO
LSQ 11 SEC 4

SURVEY DATA	DATE	BASIC LOT DATA
FIELD BY	NOV-1981	BASIC LOT NO. 1, TRACT 1141
BOOK NO.		CERTIFICATE NO. 39429
RESEARCHED BY		REGISTERED ON AUG. 15, 1974
COMPUTED BY		IN THE NAME OF CARMEN P. ESCAMILLA & ALFONSO F. ESCAMILLA
DRAWN BY		
CHECKED BY		

OWNER DATE

SCALE 1" = 10 meters
SHEET 1 OF 1
DWG NO. 23-81-001
L.M. CHECKED NO. L.M. 055 FY 82

VICENTE C. SIAN Jr.
REGISTERED LAND SURVEYOR NO. 23
P.O. BOX 1831 AGANA, GUAM 96910 Tel. 477-874

4016

4016

Doc. No. 34GL-17-1129.

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 12, 2016

Honorable Melissa Savares
Mayor of Dededo

Dear Mayor:

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

The Applicant, GLS Yama's Co. Inc., represented by Harry D. Gutierrez, request for a Zone Change from "A" (Agricultural) to "C" (Commercial) zone for a proposed commercial building that will have a professional offices, retail and service shops and parking for customer, staff, equipment and commercial vehicles on Lot 1-4-R1, Tract 1141, in the Municipality of Ukudu, Dededo under Application No. 2016-31.

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 **Dededo Senior Center, December 29, 2016, at 6:00 p.m.**

Please confirm the time, date and place.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner

Rec'd 12/21/16

Attachment:
Application Packet

ATTACHMENT 3

RECEIVED

(Attachment -) Public Hearing Results , December 29, 2016
Application No. 2016-31

The Public Hearing was conducted at the Dededo Community/Senior Ctr., at 6:00 pm. The Case Planner presented the proposed project and read the positions statements from Department of Public Works, Guam Power Authority, and Guam Waterworks Authority. Mr. Gutierrez (representative) highlighted details of the application; discussed the time frame of the application process, construction and completion time; access to the site and area of development. A total of 8 persons were in attendance to include Mayor Melissa Savares.

Public comments and concerns that were noted are as follows:

Mrs. Eva Los Banes; a neighbor, asked if her taxes will be going up because of the rezoning and further stated she has no objection.

Planning Staff: No. However, the value of your property may increase as it is near a commercial zone.,

Representative - Mr. Gutierrez: Informed those in attendance that the project is co-located or near commercial zones and some light industrial zones across the street, and that the applicant will keep the site presentable and fenced if required and landscape the development site as it is near residential site. He further started he and the owners have met with other line agencies, and will work closely for their requirements on the proposed rezoning application and development of the site. He also informed the the Mayor that developer will work with US Navy Facility Engineering as the site in near the Navy Petroleum Lines to the east of the property.

Mayor Savares: Stated she is aware of the potential commercialization growth here or near the immediate area as some operation have begun construction since GLUC approved their rezoning on the site (near the Ukudu High School) and that she said many lots are already zoned commercial, some light industrial on the Dos Amantes Map..its consistent land use and along the a main highway..and should not have a significant impact to the surroundings properties and residents or the existing school. Further, stated that traffic has increased in the area, that DPW and the Federal Government have already joint plans to upgrading Route No. 3 from Route No. 1 to Andersen main gate. Businesses here will hire local residents or new businesses will set up at this development site. A new medical clinic is nearing completion adjacent to South Fenegayan Nave Housing . New homes are being built in the area as it is near schools. This is good for our community and the MPC has no objection and supports the application for the rezoning.

There were no major concerns or objections on the application. The hearing was adjourned at 6:45 p.m.

12/29/16

Penmer Gulac, Project Planner

ATTACHMENT 4

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:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

February 6, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2016-31 Zone Change
Lot 1-4-R1, Tract 1141, Ukudu, Municipality of Dededo;
GLUC Hearing – February 9, 2017

1. PURPOSE:

A. Application Summary: The Applicant, GLS Yamas's Co., Inc. represented by Harry D. Gutierrez requests approval of a Zone Change from "A" (Agricultural) to "C" (Commercial) one for a proposed construction of a commercial building with retail and office spaces, an accessory storage/warehouse and vehicular and equipment parking area on Lot 1-4-R1,Tract 1141, Ukudu, Municipality of Dededo;

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 property fronts Route No. 3 (NCS) Road and abut Inda street and is approximately 1,000 west of Ukudu High School and is abutting residential and fronting (across Route No. 2) light-Industrial zones and commercial zones under Dos Amantes Zoning Map, there are also 2-commercially zoned properties in Tract 1141, within 900-1,000 feet north of the proposed project. (**See Vicinity Map attachment).**

B. Lot Area: 2,305 Square meters or 28,810 square feet; 0.62 acres

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

D. Field Description: The subject property is currently overgrown with secondary vegetation and remains vacant with no structures. The site is fairly flat and slopes gradually to Route No. 3 and its abuts a access road to the inner lots and is approximately 100 feet west of the Navy Petroleum Lines (Utility access), also used by the surrounding neighbors traversing to Route

No. 3. Land use activities within a 500 -1,000 feet radius are mixed uses of single family, residential duplexes and a former church with a commercial warehouse activity and a commercial activity with construction office within 200 feet of Ukudu High School. Across the highway are formerly returned federal lands and zoned multi-family, commercial and light industrial on the west sector. A school zone is identified to the east (Ukudo High School) site. All utility infrastructures are within 100 – 200 feet east subject lot and along Route No. 3.

E. Masterplan: Rural-Agricultural use

F. Community Design Plan: Conservation/Open Space.

G. Previous Commission Action: None.

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Heard By ARC: July 7, 2016

B. Public Hearing Results: December 29, 2016 (See Attachment)

4. STAFF ANALYSIS: Pursuant to a §61630 of the zoning law, "the Commission may, with the approval of the Governor, change the zones established under [said] Chapter whenever it finds that the public necessity, convenience and general welfare justify such action". The applicant provides the following on these caveats:

On public necessity, the applicant provides the requested zone change to "Commercial" zone is a more prudent zone designation for the area. There other surrounding parcels have also been zoned to R2, Commercial, and Light Industrial, some lots are located across the highway (Route No. 3, NCS) are returned Federal land rezoned by GLUC within the Dos Amantes amendment map approved by the Governor of Guam on December 4, 2009. There are two (2) lots with commercial operations to the north within 700-900 feet along Route No. 3 and has not been a detriment to other current residential uses or school nearby. The proposed zone change of the lot and proposed uses are compatible with existing Commercial, Light/Heavy Industrial and some residential uses along Route No. 3 (NCS), in this area. The proposed land use and activities will provide the community with retail office spaces as well as professional office space and other permitted commercial services for the public's need. This area will lean towards a more commercial type oriented area along Route No. 3 to accommodate a growing island population and the anticipated military build-up in the next few years and beyond. There will also be greater demands for contracting services, and products and other goods that will be available to the island community for both private, military, and the general public.

On public convenience, the proposed zone change of the lot will afford public convenience for much needed retail, office spaces and commercial/professional office and service related activities at this location as it is centrally located that is consistent with the current land uses as an extension of the existing commercial zone along Route No. 3. The location is prime and ideal, central and conveniently near areas with large population to better provide contractor services, services related activities to the community; other construction of

commercial buildings have started and are near completion near the site. The proposed development will continue to serve the needs of the growing community and surrounding areas.

On general safety and welfare, the proposed zone change of the lot will protect the general public, the immediate surroundings and properties by being consistent for commercial zone in line with other commercial zoned lots, and light industrial lots across the highway that are along Route No. 3. At present time, there's a commercial lot that was used as a church and now an commercial office with accessory warehouse and is abutting on the southwest and other adjacent lots are a few residences that will be protected and buffered by a public access, as well as with landscaping of the site and all setbacks in compliance with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is very near commercial districts. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of the company on this site and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced if required for security and landscaped and will be kept in good order to buffer, protect neighbors, residences nearby and to provide an orderly, safe and appealing site.

We agree with the applicant's justification to the extent the property occurs on a routed road and the notion that development along such major roadways should be limited to non-residential use. Route 3 is presumed to serve as the core access way to and from areas presumed as "ground zero" for the much anticipated military buildup. However, this consideration should be a secondary effect as we must consider the island's long-term growth and projections of increase as population increases, *with or without the buildup.* And therefore, we believe a change of zone to commercial for such areas is in line with caveats of community development planning. As such, we do not anticipate the requested zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will suggest, if not encourage, this desired growth along Route 3. We are of the position the area is best suited for commercial type uses and related support activities.

We must note however, regardless of position on this request, that as of the date of this report, we have not received the required Agricultural Impact Statement (AIS) from Department of Agriculture. Pursuant to § 61637 of the zoning code, No additional land may be established as a rural zone and no land presently zoned ["A"] may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture *[sic].* Thus, the Commission cannot consider a recommendation of approval until official receipt of an AIS is provided for its review.

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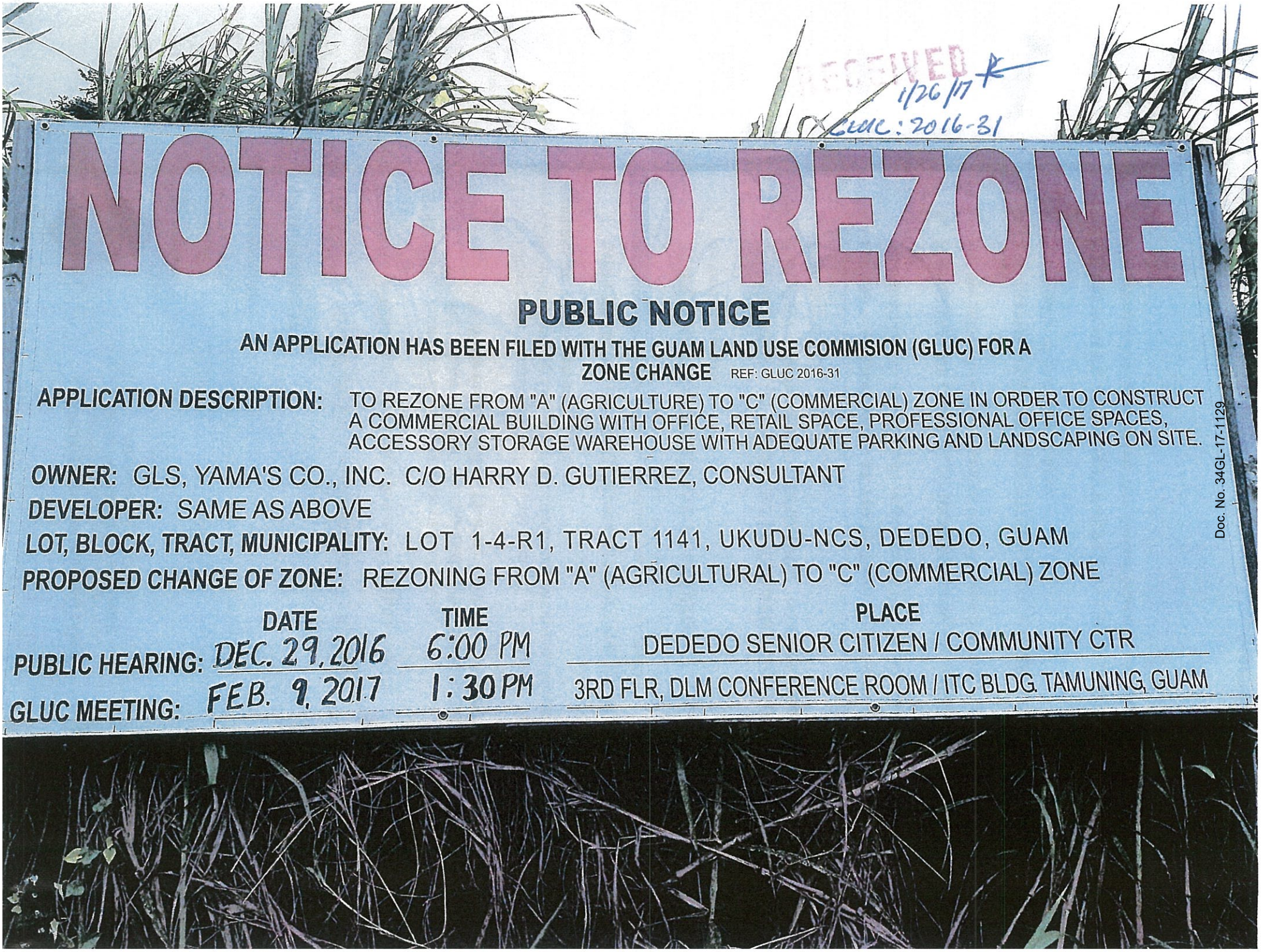
We must note however, regardless of position on this request, that as of the date of this report, we have not received the required Agricultural Impact Statement (AIS) from Department of Agriculture. Pursuant to § 61637 of the zoning code, No additional land may be established as a rural zone and no land presently zoned ["A"] may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture *[sic]*. Thus, the Commission cannot consider a recommendation of approval until official receipt of an AIS is provided for its review.

5. **RECOMMENDATION: We recommend Approval, upon receipt of Agricultural Impact Statement (AIS).**

Marvin Q. Aguilar
Guam Chief Planner

ATTACHMENTS

Case Planner: Penmer C. Gulac


RECEIVED
1/26/17
GLUC: 2016-31
NOTICE TO REZONE
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISION (GLUC) FOR A ZONE CHANGE REF: GLUC 2016-31
APPLICATION DESCRIPTION: TO REZONE FROM "A" (AGRICULTURE) TO "C" (COMMERCIAL) ZONE IN ORDER TO CONSTRUCT A COMMERCIAL BUILDING WITH OFFICE, RETAIL SPACE, PROFESSIONAL OFFICE SPACES, ACCESSORY STORAGE WAREHOUSE WITH ADEQUATE PARKING AND LANDSCAPING ON SITE.
OWNER: GLS, YAMA'S CO., INC. C/O HARRY D. GUTIERREZ, CONSULTANT
DEVELOPER: SAME AS ABOVE
LOT, BLOCK, TRACT, MUNICIPALITY: LOT 1-4-R1, TRACT 1141, UKUDU-NCS, DEDEDO, GUAM
PROPOSED CHANGE OF ZONE: REZONING FROM "A" (AGRICULTURAL) TO "C" (COMMERCIAL) ZONE
DATE
TIME
PLACE
PUBLIC HEARING: DEC. 29, 2016 6:00 PM DEDEDO SENIOR CITIZEN / COMMUNITY CTR
GLUC MEETING: FEB. 9, 2017 1:30 PM 3RD FLR, DLM CONFERENCE ROOM / ITC BLDG. TAMUNING, GUAM
Doc. No. 34GL-17-1129

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:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

February 6, 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. 2016-31, Lot 1-4-R1, Tract 1141, NCS, Dededo; GLUC Hearing – February 9, 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 pending submission of an Agricultural Impact Statement.

2. **BUREAU OF STATISTICS AND PLANS (BSP):** Provided comments and recommendations.

3. **DEPARTMENT OF PARK AND RECREATION/HISTORICAL PRESERVATION OFFICE (DPR/HPO):** No Position Statement Received as of Staff Report Date.

4. **GUAM WATERWORKS AUTHORITY (GWA):** No Objections with recommendations and agencies requirements for utilities hookups.

5. **DEPARTMENT OF PUBLIC WORKS (DPW):** No Objections with conditions and recommendations as noted on their Position Statement (Attached).

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

7. **GUAM POWER AUTHORITY (GPA):** No Objections with conditions and recommendations as noted on their Position Statement (Attached).

8. **DEPARTMENT OF AGRICULTURE (DoAG):**
No Position Statement or AIS received as of Staff Report Date.

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

Attachments: Accompanying ARC Position Statements

Department of Agriculture
Dipåttamenton Agrikottura
163 Dairy Road, Mangilao, Guam 96913

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office	300-7966 Fax 734-6569
Agricultural Dev. Services	300-7973
Animal Health	300-7964
Aquatic & Wildlife Resources	735-3955 Fax 734-6570
Forestry & Soil Resources	735-3949/51 Fax 734-0111
Plant Nursery	300-7974
Plant Protection & Quarantine	475-1426/1427 Fax 477-9487

www.guamagriculture.org

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

February 1, 2017

RECEIVED
Feb 6 2017
Department of Land Management
Time 12:27 Int

MB 2/6

MEMORANDUM

TO: Department of Land Management
Attn: Executive Secretary, Guam Land Use Commission

FROM: Director, Department of Agriculture

SUBJECT: YAMA'S CO., INC. ZONE CHANGE APPLICATION FOR 5302-2-R3 LOT 1-4-R1 FROM "A" (AGRICULTURAL) To "C" (COMMERCIAL) UKUDU/NCS
(Above Corrected to read: Lot 1-4-R1, Tract 1141, Ukudu/NCS, Dededo)

Buenas yan Hafa Adai,

The Department of Agriculture has no objections in the rezoning of the above captioned subject property from "A" to "C" but would like to be an advocate in the planting of trees, and other greenery as part of the aesthetics especially trees that are indigenous to Guam and plant species that are non-invasive. As part of the Department of Agriculture's regulatory role, acquiring proper clearing permits and assessment of property through a biological survey report may be required as the area may possibly contain certain plant and animal organisms that are indigenous to Guam and are listed with the United States Fish & Wildlife Service as protected and or endangered.

Should there be any questions in reference to this memorandum, please do not hesitate to contact the department of agriculture at 300-7965/7973. The Forestry and Agricultural Development Services Division can provide assistance recommending the best types of trees and plants to be incorporated into the landscape.

MATTHEW L.G. SABLAN

cc: USFWS

RC Cortez 2/6/17
RECEIVED
Planning Div

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHE'CHO' PUBLEKO

GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

August 12, 2016

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICATION: SCZ 2016-31

APPLICANT: GLS Yama's Co. Inc.

SUBJECT: Zone Change from Agricultural to Commercial on Lot 1-4R1, 1141, Dededo

RECEIVED
AUG 25 2016
Department of Land Management
Time 2:00 Initial

Buenas yan Hafa Adai!

The applicant, GLS Yamas Co. Inc is requesting for a zone change from "A" to "C" located in Route 3, Ukudu, Dededo. The above subject lot is 500 feet west of Ukudu High School. The proposal is to build a commercial building which consists of offices, retail and service shops and parking for customer, staff equipment and commercial vehicles.

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

- provide a preliminary lay out of the site development plan to incorporate the structure;
- adequate egress/ingress must be coordinated with Rights of Way Section;
- the parking layout and detail of parking stalls (compact, standard and accessible stalls) must meet the American Standard Disability Act; and
- to include the solid waste composition

NOTE: a) Specify what kind of heavy equipment and type of commercial vehicles that will be park because this will determine the status of the application; and
b) because its nearby Ukudu High School and the application includes a retail store that liquor and cigarette should not be allowed.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that for building permit application must incorporate all the necessary engineering disciplines needed in the design drawings and must be in conformance with the latest building code edition including the applicable rules, regulations and ADA requirements.

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

Dangkulu na Si Yu'os Ma'ase !

GLENN LEON GUERRERO

542 North Marine Corps Drive, Tamuning, Guam 96913 • Tel (671) 646-3131 • Fax (671) 649-6178
Doc. No. 34GL-17-1129

GUAM POWER AUTHORITY

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

June 29, 2016

RECEIVED
JUL 05 2016
Department of Land Management
Time 4:15 Intl

MEMORANDUM

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

From: General Manager

Subject: Lot 1-4-R1, Tract 1141, Municipality of Dededo, (GLS, Yama's Co., Inc.); Zone Change Application from "A" (Agricultural) to "C" (Commercial) to construct a commercial building. **Application No. 2016-31**

POSTED

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 **38547**.

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

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

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

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

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

ASG/arp

Doc. No. 34GL-17-1129 .

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: GLS, Yama's Co., Inc.
Location: Lot 1-4-R1, Tract 1141, Dededo
Type of Application: Zone Change
GLUC/GSPC Application No. 2016-31
Brief Project Description:
"A" to "C" to construct a commercial building.

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

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

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

   Yes ☐ No ☒

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

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

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

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

7/1/16
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.

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

nb 9/12

RECEIVED
SEP 12 2016
Department of Land Management
Time 2:16 Intl
RECEIVED
9/12/2016

MEMORANDUM

August 22, 2016

TO: Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2016-31 for Lot 1-4-R1, Tract 1141, in the Municipality of Dededo.

APPLICANT(S): GLS Yama's Co., Inc c/o Harry D. Gutierrez

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "C" (Commercial) zone for the proposed construction of a commercial building with retail/service shops and business offices.

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. 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

9/12

RECEIVED

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.

2. 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.

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

4. 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.

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

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

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

8. 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.

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

SEP 30 2016 RECEIVED
RECEIVED 10/4/2016
OCT 04 2016
Department of Land Management
Time 1130 Initi

MEMORANDUM

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Director, Bureau of Statistics and Plans

SUBJECT: Position Statement on Application 2016-31; Lot 1-4-R1, Tract 1141 Municipality of Dededo, Guam from "A" Rural Zone to "C" Commercial Zone; Applicant: GLS, Yama's Co. Inc.

Håfa Adai! Applicant, GLS, Yama's Co., Inc. represented by consultant, Harry D. Gutierrez seeks to rezone their property located in the Municipality of Dededo, from "A" Rural zone to "C" Commercial Zone. The applicant proposes to construct a commercial building for retail, service shops, and business offices. The applicant also intends to landscape their property.

Lot 1-4-R1, Tract 1141 is located along Route 3 just off of Route 1, Marine Corps Drive. The vacant lot is 2,305 square meters or .62 acres and is surrounded by residential homes, commercial development, and a public school, Okkodo High School.

The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2016-31 to rezone Lot 1-4-R1, Tract 1141 from "A" Rural Zone to "C" Commercial Zone and provides the following comments and recommendations.

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 "Mixed Use" designation in the Future Land Use Map of the NCGLUP, which states:

Doc. No. 34GL-17-1129

> *"The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space."*

The Bureau finds that the proposed commercial activity is consistent with mixed uses in accordance with the North and Central Guam Land Use Plan.

Agricultural District. Lot 1-4-R1, Tract 1141 is located in an "A" Rural zone in the municipality of Dededo. Guam's zoning law, 21 GCA Real Property, Chapter 16, §61637, states:

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

The Bureau recommends the applicant, GLS, Yama's Co., Inc. to submit an agricultural impact statement addressed to the Director of the Department of Agriculture as required by Guam's zoning law.

Aquifer Protection from Commercial Waste. The subject property is in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer. The aquifer 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 a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent

sources of contamination from entering Guam's water supply.

The Bureau is concerned that activities from the proposed commercial zone will adversely affect Guam's sole source aquifer. The Bureau recommends that the property owner, comply with the following:

1. Implement practices for managing waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976."

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. The property owner must work closely with Guam Environmental Protection Agency (EPA) for this review and for implementation of best management practices (BMPs) in preventing runoff from contaminating Guam's sole source aquifer in accordance with the CNMI Guam Stormwater Management Manual.

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the *"Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.*

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

The Bureau is concerned that once impervious surfaces are installed, commercial wastes are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors.

The Bureau recommends the property owner to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook *"Island Stormwater Practice Design Specifications"* is available on the Bureau's, Guam Coastal Management Program's website www.bsp3.guam.gov.

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 light of the points presented above, the Bureau finds that the zone change from Rural Zone to Commercial Zone is consistent with the North and Central Guam Land Use Plan "Mixed Use" designation. However, we also find that commercial 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. Subsequently, if this application is approved, the property owner is highly encouraged to implement best management and LID practices as stipulated above.

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

WILLIAM M. CASTRO

PUBLICATION NOTICE

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

MONKEYPOD ENTERPRISES, LLC.
dba: POKIFRY

has applied for a Class: 4 General On Sale Alcoholic Beverage License said premises being marked as Lot: 1152-5REM-New R1;Rt 8 YMLG Bldg.

TAKECARE FOUNDATION, INC.
FINANCIAL STATEMENT
For the year ended December 31, 2016

BALANCE SHEET

Assets		
Cash	$	76,996
Due from TakeCare Insurance Co., Inc.	$	160
Total Assets	$	77,156
Liabilities	$	-
Net Assets, Unrestricted	$	77,156
Total Liabilities & Net Assets	$	77,156

STATEMENT OF ACTIVITIES

Income		
Contributions	$	23,196
Fundraising	$	1,831
Others	$	91
Total	$	25,118
Expenses		
Contributions	$	26,499
Others	$	193
Total	$	26,692
Increase in Net Assets	$	(1,574)
Net Assets, 12/31/2015	$	78,730
Net Assets, 12/31/2016	$	77,156

Certified True and Correct
/Lucio Almira
Treasurer

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

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

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, February 9, 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 – January 12, 2017
IV. New Business
- A. Trivision Media Group LLC; Tentative Development Plan and Zone Variance to erect a 30-foot high LED billboard sign on a portion of the Pacific Bay Hotel, Tumon, Lot 5114#1-2-2NEW, Tamuning. [2016-01A/B]
- B. Fargo Pacific Inc.; Conditional Use permit for a proposed temporary workers' housing facility (FPI Village), Lot 5161-1-3, Tamuning. [2011-09B]
- C. Vantage LLC; Zone Variance to install two-wall mounted electronic LED billboard signs on the front & side walls of an existing commercial building, Lot 5147-2B-1-R1, Tamuning. [2016-03]
- D. GLS Yama's Co.; Zone Change from "A" to "C" zone for the proposed construction of a commercial building with retail/service shops and business office, Lot 1-4-R1, Tract 1141, Dededo. [2016-31]

V. Administrative Matters
- E. Wonderful Resorts LLC; clarification/approval on multi-family use within a previously approved PUD, Lot 154-2, -3 & -4, Yona. [Continuation – GLUC of 9/8/16]

VI. Adjournment

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

PATA PACIFIC ASIA TRAVEL ASSOCIATION
MICRONESIA CHAPTER
FINANCIAL STATEMENT OF ACTIVITIES
Statement from January 1, 2016 to December 31, 2016

TOTAL SUPPORT AND REVENUE:		$79,475.04
Checking Balance as of 12/31/2015	$58,735.04	
Membership Dues	$20,740.00	
TOTAL EXPENDITURES:		$8,649.14
Online Service Fee	$36.00	
Checking Service Fee	$120.00	
Post Office Box Rental	$290.00	
URL Registration Renewal	$150.00	
PATA Chair Travel Expense	$2,071.14	
Travel Expense for Trainer	$7.00	
Website Maintenance and Support	$5,600.00	
Publishing of Financial Report	$300.00	
Miscellaneous Expense	$75.00	
REVENUE AFTER EXPENSES		$70,825.90

PREPARED BY: Judy C. Torres, PATA Micronesia Chapter Treasurer

Government of Guam
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT
EDDIE BAZA CALVO, Governor
RAY TENORIO, Lieutenant Governor
JAMES W. GILLAN, Director
LEO D. CASE, Deputy Director

REQUEST FOR PROPOSAL
RFP/DPHSS-2017-003

The Department of Public Health and Social Services is soliciting Pharmacy services from any of the National Pharmaceutical Distributors that have an agreement with the U.S. Department of Health & Human Services/Health Resources and Services Administration (HRSA), in offering and administering 340 B Drug Discount Pricing.

Copies of request for proposals will be available beginning January 30, 2017 at the Northern Region Community Health Center Administration Office Room 53, 520 West Santa Monica Avenue, Dededo, Guam 96929, from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday. Deadline for submission for proposals under this solicitation is due on March 03, 2017.

For more information, contact Linda Unpingco-DeNorcey, MPH, CHC Chief Executive Officer, at 635-4422 or 828-7558/9.

/s/ JAMES W. GILLAN
Director

GEORGE WASHINGTON HIGH SCHOOL
(GWHS) CLASS OF 1977
Statement of Financial Position
December 31, 2016

ASSETS:		
Cash	$8,725.73	
Accounts Receivable	$0.00	
Inventory		
Memory Books	$15.00	
Reunion Tote Bags	$208.80	
Reunion Mugs	$439.00	$9,389.53
LIABILITIES AND NET ASSETS:		
Total Liabilities	$0.00	
Net Assets	$9,389.53	$9,389.53
TOTAL LIABILITIES AND NET ASSETS		$9,389.53

Statement of Activity
December 31, 2016

REVENUES:		
Fundraising Events	$1,935.00	
Reunion Events CY	$0.00	
Account Adjustment	$15.00	$1,950.00
EXPENSES:		
Fundraising Events	$97.60	
Reunion Event	$1,190.85	
Less Total Inventory	-$662.80	
Operational Transactions	$120.00	$745.65
Income (Gain) over Expenses		$1,204.35
Net assets, Beginning of Year		$8,185.18
Net assets, Ending of Year		$9,389.53

I certify that the above information is true and accurate to the best of my knowledge.
/s/DAVID S. OKADA - Finance Director, GWHS Class of 1977 Reunion Committee

ATTACHMENT 6

Standing Rock Sioux want 'no forcible removal' of protesters from Dakota Access pipeline site

By Juliet Eilperin
The Washington Post

Standing Rock Sioux Tribe officials said this weekend that while they were working with federal authorities to stabilize the situation at the Dakota Access Pipeline protest site, they were not calling on law enforcement to forcibly remove activists there.

After months of protests, both tribal officials and residents in the town of Cannon Ball, North Dakota, have asked those opposed to completion of the controversial, 1,170-mile pipeline to leave. A few hundred activists remain, both on the Standing Rock Sioux's reservation and on neighboring land.

Tribal officials and their allies, including environmentalists and many military veterans, argue that the project could cause environmental damage and disturb ancient burial sites. Proponents, including President Donald Trump and many business and labor leaders, say it will spur economic growth in the United States and provide a means of safely transporting heavy crude from western North Dakota to the pipeline network and refineries in Illinois.

Indian Affairs will send in agents

On Friday evening, the acting assistant secretary for Indian affairs, Michael S. Black, said that the agency had sent "enforcement support and would assist the tribe in closing the protest camps within the Standing Rock Reservation boundary."

But tribal officials responded over the weekend that while they wanted people to leave the reservation, they did not want them arrested or ousted by force.

"We want to stress that we are cleaning the camps, not clearing them," the tribe posted on Facebook on Saturday. "We do not support or endorse any 'raids.' We have not asked for law enforcement to assist in clearing camps and in fact have repeatedly told them there will be no forcible removal."

Tribal officials have been trying to persuade protesters to leave on their own, although it is unclear whether they will do so. The extended period of encampment has caused soil erosion that could cause significant flooding, depending on future weather conditions.



US: Oceanic whitetip shark warrants 'threatened' listing

PORTLAND, Maine (AP) — The oceanic whitetip shark's declining status in the wild warrants listing as threatened under the Endangered Species Act, an arm of the federal government has determined.

The shark is found around the world, mostly in open water, and the conservation group Defenders of Wildlife called on the government to list the species. The listing would be the most widespread shark listing in the U.S. to date.

The National Marine Fisheries Service said in a document published in the Federal Register in December that the sharks are indeed likely to become endangered in all or at least a significant portion of their range within the foreseeable future.

Threats to the sharks include fishing pressure all over the world, as their fins are prized in Asian markets for use in soup. The sharks have declined by 80 to 90 percent in the Pacific Ocean since the 1990s, and 50 percent to 85 percent in the Atlantic Ocean since the 1950s, said Chelsey Young, a natural resource management specialist for the fisheries service.

The oceanic whitetip has very large pectoral fins, and so they have fetched a high price on the international market in Asia, Young said. "It incentivized the fin trade."

GUAM VISITORS BUREAU

Public Notice - Announcement

The Guam Visitors Bureau will hold its Regular Meeting of the Board of Directors on **Thursday, February 9, 2017 at 3:30 p.m. in GVB's Main Conference Room**. Any individuals needing special accommodations are requested to contact GVB at 646-5278 for assistance.

This ad was paid for by the GVB Membership Fund.

STAYWELL FOUNDATION, INC

STATEMENT OF ACTIVITIES

	12/31/16
REVENUES, GAINS AND OTHER INCOME	$0.00
EXPENSES AND LOSSES	$0.00
CHANGES IN NET ASSETS	$0.00
NET ASSETS AT BEGINNING OF YEAR	$0.00
NET ASSETS AT END OF YEAR	$0.00

STATEMENT OF FINANCIAL POSITION

ASSETS	
LIABILITIES	$0.00
NET ASSETS	$0.00
Unrestricted	$0.00
Temporarily restricted	$0.00
Permanently restricted	$0.00
TOTAL NET ASSETS	$0.00

This is to certify that the above Statement of Activities and Statement of Financial Position are a true and accurate account of the StayWell Foundation, Inc.

GUAM LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatña, 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, February 9, 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 - January 12-2017
IV. New Business
A. Trivision Media Group LLC; Tentative Development Plan and Zone Variance to erect a 30-foot high LED billboard sign on a portion of the Pacific Bay Hotel, Tumon, Lot 5114-1-2-2NEW, Tamuning. [2016-01A/B]
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VI. Adjournment

Funding Source for this ad provided by the Applicant(s) above.
For person(s) requiring special accommodations please call 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
Kristan Finney. Assistant Attorney General

AGENDA - Disposition

Regular Meeting

Thursday, February 09, 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 February 2nd and February 7th, 2017

I. Notation of Attendance [x] Quorum 1: [ ] No Quorum

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

Excused Absence: Commissioner Tae Oh

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, January 12, 2017

Action – motion to approve the Minutes of the GLUC regular meeting of Thursday, January 12, 2017 was passed unanimously subject to any comments and/or corrections submitted to the Recording Secretary by COB 2/9/2017; 4 ayes, 0 nay. [Note: No corrections noted]

III. Old or Unfinished Business [None]

IV. New Business

Tentative Development Plan/Zone Variance

A. The Applicant, TriVision Media Group LLC represented by Christopher A. Morato; request for a Tentative Development Plan & Zone Variance to erect a 30'0" high LED billboard sign on a portion of the Pacific Bay Hotel parking lot in Tumon, Lot 5114# 1-2-2 NEW, in the Municipality of Tamuning in an "H" (Hotel/Resort) zone, Application No. 2016-01A/B. [GLUC – July 28, 2016]
Case Planner: Celine Cruz

Action – motion to approve the applicant's request for a TDP was passed unanimously (4 ayes, 0 nay) subject to the following conditions:

a. Applicant shall adhere to all ARC conditions and requirements as stipulated in the ARC's official position statements;
b. Any future additional development or changes to the approved site plan shall require the applicant to submit an amended TDP application for review and approval by the GLUC;
c. Pursuant to Interim "H" Hotel/Resort rules and regulations, Paragraph F, the improvements as specified in the TDP shall be completed within 1-year from date of Commission approval;
d. Applicant shall comply with "H" Hotel-Resorts rules and regulations yard area and height regulations;
e. Applicant shall also ensure compliance to the 1-year time restriction that states a *grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise, the approval as granted by the Commission be "NULL and VOID" per E.O. 96-26, Section 5;*

f. Applicant shall provide a Landscaping plan pursuant to Section 5(G) of the Interim "H" Hotel-Resort rules and regulations for review and approval by the Guam Chief Planner;
g. Within 1-year of operation, where such date shall start at the activation of the LED, the applicant shall submit a report to the GLUC. Such report shall include; (1) any changes to the site plan as a result of adhering to the requirements of regulatory agencies, and (2) updated affirmation of the Tamuning MPC's support and or concurrence for continuance of the TDP;
h. This approval will be for a period of two (2) years; and upon expiration of the two (2) years, the applicant must submit a request for an extension/renewal; and,
i. Applicant must approach all non-profit organization and other organizations to avail the free advertising (PSAs) on the LED sign. [Commissioner Bathan commented that this will open up the opportunity for all non-profit organizations and local government to avail the free PSA service and not to those that are contacted by the company.]

Conditional Use

B. The Applicant, Fargo Pacific Inc. represented by Daniel D. Swavely; request for a Conditional Use permit for a Temporary Workers Housing Facility (FPI Village), Lot No. 5161-1-3, in an "M-1" (Light Industrial) zone, in the Municipality of Tamuning, Application No. 2011-09B.
Case Planner: Frank Taitano
Action – motion to approve the request was passed unanimously by the Commission subject to the following conditions:

a. Applicant adheres to the ARC conditions and requirements as stipulated on the ARC official position statements;
b. That this initial approval shall be for twenty-four (24) months and thereafter shall be renewed annually (per Section 2(4)(A) of P.L. 31-72);
c. That there be no changes to the approved Conditional Use permit unless subjected before the ARC review and GLUC approval; and,
d. That when the actual operations begin and as new and improved procedures and measures are implemented that these amendments must be incorporated and made a part of the TWHF rules and regulations document; and a copy be provided to the Planning Division, Department of Land Management.

Zone Variance

C. The Applicant, Vantage LLC (Tae S. Oh, Owner) represented by Harry D. Gutierrez; request to install 2-wall mounted electronic LED signs on the front and side walls of a commercial building, on Lot 5147-2B-1-R1, in a "C" (Commercial) zone, in the Municipality of Tamuning, Application No. 2016-03.
Case Planner: Penmer Gulac [It was noted for the record that the application was modified from putting two signs on the roof to the side and front walls of the existing commercial building.]

Action – Motion to approve the applicant's request was passed unanimously (4 ayes, 0 nay) subject to the following conditions:

1. Applicant complies to all Commission and ARC conditions and all permitting requirements;
2. No occupancy permit shall be released to the applicant until (a) A perimeter fence is erected to surround the billboard structure for safety and security purposes; (b) A landscaping plan is submitted to and approved by the Guam Chief Planner and such plan must include a periodic maintenance plan; (c) A typhoon mitigation plan is submitted to and approved by the Guam Chief Planner;
3. In the absence of comments from the Tamuning MPC as of this report date was officially submitted to the GLUC, we recommend that:
    a. Within 45 days from approval of this request, to which shall be noted at its GLUC hearing date, the applicant shall secure a letter from the Tamuning MPC. Such letter must contain the MPC's concurrence with actions taken by the GLUC. That such concurrence shall be an expression of the MPC's viewpoint through resolution;

Doc. No. 34GL-17-1129

b. In the event that the MPC provides a dissenting opinion or viewpoint, the applicant must submit such findings to the Guam Chief Planner for the purpose of assessing such opinion and for the Guam Chief Planner to report his findings and/or recommendations to the Commission for its review and consideration; [Note: Conditions 3-A and 3-B are deleted as a letter from the Tamuning MPC was received in favor of the applicant's request]
c. Submit for the Commission a letter of agreement between Vantage LLC and the government agencies engaged in protecting and encouraging public safety and welcome. Such agreement shall include public notifications from agencies to include but not limited to GPD, GFD, DPHSS, and the Tamuning Mayor's Office. Notifications should include amber alerts, traffic conditions, public events, weather reports/warnings, etc. Such notifications shall be prepared and advertised at the expense of Vantage, LLC. Such notifications shall run 1/3 of every hour during peak hours (7am to 9pm). Such report shall be submitted to the Guam Chief Planner no later than 60-working days from the date of recordation of the NOA. Such report shall be considered reportable to the GLUC;
d. Vantage, LLC shall be restricted from advertising products, services and industries engaged in practices that are generally considered immoral, depraved or degrading any associated society. This should include products, services and/or industry promoting bad and unhealthy habits or habit-forming;
e. The applicant shall submit to the Commission a report in support of the requested action. Such report shall include report of the existing or non-existence of any adverse effect caused to traffic and surrounding community to include but not limited to an increase in traffic accidents and cause of visual blight as determined by a degradation of harmonious co-existence with neighboring and/or commercial facilities. Evidence dissuading from such impacts shall be supported by appropriate agencies such as GPD on traffic and DPW on matters concerning highways, as well as any other positive attributes shall be endorsed by the MPC of Tamuning; and,
f. That the variance approval will be a period of two (2) years and will expire from the date of recordation of the NOA. At such time, the applicant and/or owner shall submit a request to the GLUC to continue operations. The GLUC, through the Guam Chief Planner, must be officially notified, *in writing*, of such request forty-five (45) days from the date of expiration of the two-year approval and shall be accompanied by justification to continue based on the LED sign during its operation, the structure proved materially non-detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which it is located and not be contrary to the objectives of any part of the Master Plan adopted by the Commission or Legislature.

Zone Change

D. The Applicant, GLS Yama's Co., Inc. represented by Harry D. Gutierrez; request for a zone change from "A" (Agricultural) to "C" (Commercial) zone for the proposed construction of a commercial building with retail/service shops and business office, on Lot 1-4-R1, Tract 1141, in the Municipality of Dededo, Application No. 2016-31.
Case Planner: Penmer Gulac
Action – Motion to approve the applicant's zone change was approved; 4 ayes, 0 nay. [It was noted that the AIS required for approval of this application was received as of GLUC meeting date of 2/9/2017]

V. Administrative and Miscellaneous Matters

E. Wonderful Resorts LLC (dba: Wonderful Windward Hills Resort); request for clarification and approval on multi-family use within a previously approved Planned Unit Development (PUD) for the proposed construction of townhomes, Lot 154-2, -3, and -4, in the Municipality of Yona. **[Continued from GLUC Hearing of 9/8/2016]**
Case Planner: Marvin Aguilar
Action – The order of the Chairman was to continue this application for the next Commission hearing of February 23, 2017. The empanelment of the Hybrid Commission is needed in order to proceed with the review/approval of this application.

- **Chairman Arroyo requested that the Order to Show Cause for Guam Wanfang Construction be placed on the next GLUC hearing of February 23, 2017.**

VI. Adjournment [Adjourned at 4:40 p.m.]

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

File for Record is Instrument No. 903869

On the Year 17 Month 03 Day 02 Time 1:42

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder _____

MAY M. CASTRO

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, February 9, 2017
1:40 p.m. to 4:40 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, February 9, 2017
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

Excused: Commissioner Tae S. Oh

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Penmer Gulac, Case Planner

Mr. Frank Taitano, Case Planner

Ms. Celine Cruz, 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, February 9, 2017	X	GLUC		GSPC
		X	Regular		Regular
Time of Meeting:	GLUC: 1:40pm GSPC:		Special		Special
		✓	Quorum		Quorum
			No-Quorum		No-Quorum

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

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

ADJOURNMENT: GLUC: 4:40pm GSPC:

GLUC Form 19 - GLUC Commission Attendance Sheet

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, February 9, 2017
[ ]	GSPC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	4:40 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.
KIKO CRISOSTOMO	2016-13	988-7229
SUAUEG	2011-09 B	688-8029
CHRIS A. MORATO	2016-01 A/B	687-0369
MICHAEL MAKO	ADMIN & MISC.	475-8772

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

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, February 9, 2017
[ ]	GSPC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	4:40 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
KATHY BROWN	WINDWARD HILLS	688-0644
AQUILINO CABRINS JR.	2016-05 / WINDWARD HILLS	888 6362
TANYA PIMSRI	TPMA ARCHITECTS	787-7817
David Lon Bunnell	TPMA ARCHITECTS	487-3285
MATT BECK	TRIVISION Modify	687-7323
CHRIS A. MORATO	TRIVISION	687-0369
PHIL GRAVELY	FPI 2011-15	688 8029
R. Bobby Schildg	TRIVISION	688-7807
Richard T. Pauling	WINDWARD HILLS	687-0478
LEE J. CARTER	WINDWARD HILLS RESIDENT	929-4820
Jennifer Cruzgum	Cube Inc	688-8285
Benson Au-Yong	Cube Inc	649-3611
David Castro	POST	727-5601
HARRY Gutierrez	Consultant	4825315
C MURPHY	Windward hills	4887371
MARK FISH	Windward Hills	486-3474
T. Sakazaki		453-5386
Ed & Gina Perez	Tamuning	688-3471
Lara Oteki	Glimpses Publications	480-4570
Neil Pang	Neil Pang	797-6743
JUNO PARK	PRESIDENT	734.3131
JESSE BAMICHI	"	734-3131

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

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor ITC Bldg., Tamuning
Thursday, February 9, 2017 • 1:40 p.m. to 4:40 p.m.

I. Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission for Thursday, February 9, 2017 at 1:40 p.m., noting a quorum.

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

[Chairman Arroyo welcomed newly appointed Commissioner, Mr. Hardy Vy to today's meeting.]

[Excused Absence – Commissioner Tae Oh]

II. Approval of Minutes

Chairman Arroyo first item on the agenda is the review and approval of the minutes of our regular meeting dated January 12, 2017. Those meeting minutes have been circulated, and ready to entertain a motion.

Vice Chairman Cruz motion to approve the minutes of January 12, 2017.

Commissioner Bathan I second.

Chairman Arroyo there being no discussion, the motion was put to a vote with all in favor. [Chairman Arroyo, Vice Chair Cruz, Commissioner Bathan and Commissioner Vy]

[Motion was passed with a vote of 4 ayes, 0 nay. Minutes of January 12, 2017 was approved]

III. Old or Unfinished Business

Chairman Arroyo I would like to reserve and move this item to the end of the agenda if there are no objections from the Commissioners. [No objections noted from the Commission]

Moving on to New Business –

Chairman Arroyo what is the pleasure of the Commission.

Commissioner Bathan Mr. Chair, I would like to make a motion to approve the request for a zone variance for sign to erect two (2) wall-mounted LED signs on the front and the side walls of a commercial building, on Lot 5147-2B-1-R1, in a "C" zone, in the municipality of Tamuning, Application No. 2016-03; subject to the recommendation of Planning staff as a condition of approval. [For full list on conditions, please refer to Attachment C.]

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

Vice Chairman Cruz second.

Chairman Arroyo second by the Vice Chair. Any discussion. Again, my comments are, and notwithstanding the advice we got from Legal Counsel, there is some public benefit from these signs and I think that they do out weigh in terms of importance the existing sign law and especially considering the age of the sign law. I am willing again to move forward on this application regardless simply because of the benefits that these signs provide to the community.

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

Motion is passed; 4 ayes, 0 nay

Zone Change

D. The Applicant, GLS Yama's Co., Inc. represented by Harry D. Gutierrez; request for a zone change from "A" (Agricultural) to "C" (Commercial) zone for the proposed construction of a commercial building with retail/service shops and business offices, on Lot 1-4-R1, Tract 1141, in the Municipality of Dededo, Application No. 2016-31.
Case Planner: Penmer Gulac

Chairman Arroyo Harry, will this proposed project going to cost three million dollars or more.

Harry Gutierrez no it will not.

Penmer Gulac (Case Planner) reads the staff report to include purpose/facts, public hearing results, staff analysis/discussion, and recommendation. [For full content/context of the report, please see attached report.]

[Attachment D – Staff Report dated February 6, 2017]

Chairman Arroyo any questions?

Michael Borja I just want to note that on the applicant's document he supplied a survey map, and on the very front part of this lot closest to Route 3 there is a military utility easement that is 50-feet wide. And that has to be honored as a no-use zone. You cannot build anything on top of it.

Vice Chairman Cruz it can be used for ingress and egress.

Michael Borja it has to be noted that it is an active military utility easement.

Commissioner Bathan do we know what the military utility easement is.

Michael Borja have had to work with a similar issue with a property further on up because it is part of the Chamorro Land Trust. They will not tell me what is in there. My belief that it is an old utility easement which they do not want to surrender and they are reserving it for future use.

[Discussion ensues on easements along this region most especially across the highway.]

Commissioner Bathan I have a question for Penmer. What is the zoning for Lot 1-3-R1 and 1-4-R1, and 1-2-1, adjacent to the subject lot.

Penmer Gulac they are all still zoned agricultural. Property owners were notified of the public hearing.

Commissioner Bathan were there any present at the public hearing and did you have any comments from them.

Penmer Gulac none of the property owners were present. They wanted clarification whether or not the road will be improved for access to their property and to Route 3. The applicant said that they will improve the road and make it safe for all to traverse. It traverses over the POL. They were all in support of the application provided that the access for the property owners in the back. The Mayor of Dededo also addressed the issue at the public hearing.

Michael Borja is it an unimproved road at present.

Penmer Gulac it is only about 12-feet of asphalt.

Marvin Aguilar it is a 40-foot access.

Chairman Arroyo it's a 40-foot access but only 12-feet is paved. [Mr. Gulac responds "yes, Mr. Chairman."]

Any other questions? [None noted]

Harry Gutierrez (representing the Yama's Corporation) Penmer has elaborated on every aspect of the concerns of adjoining landowners, and the owner has made it clear that the following concerns will be addressed. First, the owner has no intention of allowing a night club business because it is within 500-feet of a school, and secondly, the road will be widen. The entrance of the proposed building will be further forward so that the traffic will not be backed up as you turn off on Route 3. The exit would be right on Route 3 coming out. Third, the owner will be putting in a sewer line and will be bringing it all the way out to the edge of the property line, manhole so that it can be tapped into; and four, a water line will also be put in.

Chairman Arroyo is that 500-feet to the boundary of the school.

Harry Gutierrez responded to the boundary of the school.

Marvin Aguilar explained that the subject lot is literally about two lots plus an easement away from the perimeter fence line.

Chairman Arroyo retail establishments cannot sell alcohol.

Harry Gutierrez a retail store can sell alcohol, but it cannot be consumed on premise.

Commissioner Bathan you mentioned earlier about certain activities that the owner will not do once the property is zoned to commercial. There is another zoning designation which is called the limited commercial zone. Would this be something that the applicant would be willing to accept; from commercial zone change to limited commercial.

Harry Gutierrez the owners are only planning to build office space at this time. Limited would be conditioned.

Commissioner Bathan because the property is near a school and residential area.

Vice Chairman Cruz I would agree to it if the property was further off the highway. Route 3 is now a major thoroughfare and will be under construction. A lot of activities would change in that area.

[Brief discussion ensues on the possibility of a limited commercial zone for the subject property.]

Chairman Arroyo there being no further questions and/or comments, Chairman Arroyo opened the floor for public comments.

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

Chairman Arroyo Harry, anything else you want to add? [None noted] I am ready to entertain a motion on this application.

Vice Chairman Cruz Mr. Chairman, I would like to make a motion to approve the request from GLS Yama's Co., Inc. represented by Harry Gutierrez for a zone change from "A" to "C" zone for the construction of a commercial building and retail service shop and business office, on Lot 1-4-R1, Tract 1141, in the municipality of Dededo, Application No. 2016-31.

Chairman Arroyo motion on the floor by Vice Chair Cruz. Do I have a second.

Commissioner Bathan I will second.

Chairman Arroyo second by Commissioner Bathan. Any discussion? [None noted]

On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Bathan and Commissioner Vy], all opposed say "nay." **Motion passes; 4 ayes, 0 nay**

V. Administrative and Miscellaneous Matters

E. Wonderful Resorts LLC (dba: Wonderful Windward Hills Resort); request for clarification and approval, on the multi-family use within a previously approved Planned Unit Development (PUD) for the proposed construction of townhomes, on Lot 154-2, -3, and -4, in the Municipality of Yona. [Continuation – GLUC Hearing of 9/8/2016]

Chairman Arroyo the history of this application is that sometime back in the 1970s, this request was approved by the TPC (Territorial Planning Commission), and nothing has happened on the property with respect that we can see to the PUD. There were some pieces of property that were developed and sold along the way and the property has changed hands several times. Back in September, the new property owner came to us with a request to move forward on an initial phase of that PUD plan, and that would be the construction of 12 townhouse buildings for a total of 24 townhouse units. We could not find anything in our records, the old records from the Territorial Planning Commission or any record that detailed or contained the master plan of the PUD, which is a requirement for approval. We are assuming that the plans were submitted at the time it was approved. At that meeting in September (2016), Carl Peterson who was a member of the Territorial Planning Commission was present and he could not recall if anything was approved. This is an approved project. We did ask the current property owner to provide us with something that we could use as a master plan so that in going forward we have something to gage their development on.

Kristan (Finney), between then and now there has been some changes in the law. What we are looking at today is not just the 24 townhouse units. We are looking at the full master plan for the PUD. I am assuming that that is going to be in excess of three million dollars. Do we have to convene the hybrid commission?

There being no further business for discussion, the regular meeting of the Guam Land Use Commission for Thursday, February 9, 2017 was adjourned at 4:40 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Date approved: 2/23/2017

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Land Planning Division

(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

March 20, 2017
Date

To: **GLS Yamas, Co., Inc.**
Represented by Harry D. Gutierrez
c/o #119 Gutierrez Way
Agana Heights, Guam 96910

Application No. 2016-31

The Guam Land Use Commission, at its meeting on: **February 9, 2017**,

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

Your request for a **Zone Change for Lot 1-4-R1, Tract 1141, from "A" (Agricultural) to "C" (Commercial) Zone, in the Municipality of Dededo.**

ATTACHMENT 9

NOTICE OF ACTION **Application No. 2016-31**
GLS, Yamas, Co., Inc.
Lot 1-4-R1, Tract 1141, Municipality of Dededo
Date of GLUC Hearing: February 9, 2017
Date of Preparation of NOA: March 20, 2017

ZONING

XX / **ZONE CHANGE *****

_____/ Conditional Use Permit

_____/ Zone Variance

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

____/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

____/ Seashore Clearance

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

NOTICE OF ACTION **Application No. 2016-31**
GLS, Yamas, Co., Inc.
Lot 1-4-R1, Tract 1141, Municipality of Dededo
Date of GLUC Hearing: February 9, 2017
Date of Preparation of NOA: March 20, 2017

APPLICATION DESCRIPTION:

The Applicant, GLS, Yamas, Co., Inc., Represented by Harry D. Gutierrez, request for a Zone Change from "A" (Agricultural) to "C" (Commercial) Zone in order to allow construction of a commercial building for office and professional spaces with accessory materials storage warehouse with on-site equipment and vehicular parking on Lot 1-4-R1, Tract 1141, in the Municipality of Dededo.

COMMISSION DECISION:

The Guam Land Use Commission **APPROVED** the Applicants request with ARC Conditions noted.

Marvin Q. Aguilar **Guam Chief Planner**	3-31-2017 **Date**	**John Z. Arroyo** **Chairman** **Guam Land Use Commission**	4/1/17 **Date**

Case Planner: Penmer c. Gulac
Attachment(s): Staff Report ; GLUC Meeting, February 9, 2017

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

NOTICE OF ACTION **Application No. 2016-31**
GLS, Yamas, Co., Inc.
Lot 1-4-R1, Tract 1141, Municipality of Dededo
Date of GLUC Hearing: February 9, 2017
Date of Preparation of NOA: March 20, 2017

==========

CERTIFICATION OF UNDERSTANDING

I/We, _____/ **Harry D. Gutierrez, Rep**
(Applicant [Please print name]) (Representative [Please print name])

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

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

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

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

Signature of Applicant	Date	Signature of Representative	3-31-17 Date

==========

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

Applicant(s)	Date	Representative	Date

Reference No. **Application : 2016-31**

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 10/17/17
Governor of Guam **Date**

DECISION GRANTING ZONE CHANGE
(with findings)

Guam Land Use Commission

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

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, a hearing on the Zone Change was held on the **29th day** of **December**, **2016** in the Municipal District of **Dededo** 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 _____, **20**__ 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 9th day of **February**, **2017**, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of **GLS, Yamas, Co., Inc.** for a Zone Change of **Lot No. 1-4-R1, Tract 1141**, Municipality of **Dededo**.

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

1. **Mr. John Z. Arroyo, Chairman**
2. **Mr. Victor F. Cruz, Vice Chairman**
3. **Ms. Conchita D. Bathan, Commissioner**
4. **Mr. Hardy Vy, Commissioner**

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

Also appearing and testifying on the above project was:

none in favor/against

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

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

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

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

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

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

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

4 Ayes **0** Nays **0** Abstentions

This decision was adopted this **9th** day of **February**, **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 15, 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 December 19, 2016 for Application No. **2016-31 (GLS Yama's Co., Inc)** to be heard on December 29, 2016, at the Dededo Senior 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 25th day of May, 2017.

M. CRISTINA GUTIERREZ
Word Processing Secretary II

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 25th day of May, 2017.

NOTARY PUBLIC T.A.C. TOVES GUAM USA

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

SCANNED & Emailed
12/15/2016 8

December 15, 2016

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 **Monday, December 19, 2016.**

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

Attachments:
Public Hearing Ad

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

PUBLIC HEARING NOTICE

Date: December 29, 2016
Time: 6:00 pm
Place: Dededo Senior Citizen Center

For: GLS Yama's Co., Inc.; Zone Change from "A" to "C" zone for a proposed commercial building with office space, storage warehouse for accessory structure with vehicle and equipment parking area, on Lot 1-4-R1, Tract 1141, Dededo. [2016-31]

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

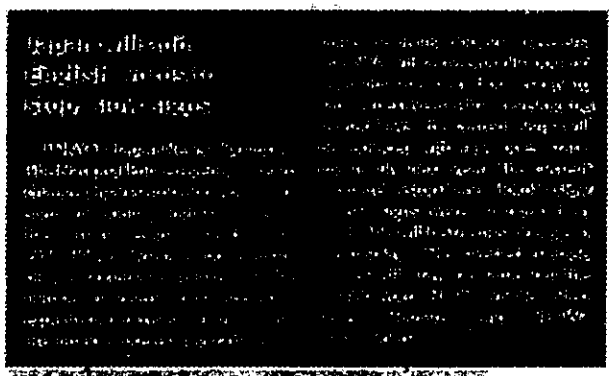
Philippines nixes Trump associate's project over concerns

MANILA (AP) – Philippine environment officials have canceled a compliance certificate for a housing project by President-elect Donald Trump's business associate, saying it would endanger a watershed that supplies drinking water to 12 million people.

Century Communities Corp. seeks to put up the 58-hectare (143-acre) housing project within the 2,000-hectare (4,942-acre) La Mesa Watershed in the capital. It is the source of metropolitan Manila's drinking water.

"That's the watershed of 12 million people and I cannot see the possibility that a business interest is more important than the water our people drink," said Environment Secretary Regina Lopez.

The certificate issued by the previous administration has been canceled because of scientific recommendation against any kind of development inside the watershed, she said.



In Japan, making sacred shimenawa rope



NEW YEAR'S TRADITION: *A father and son at home in Tokyo, Japan, make sacred shimenawa rope – some of the 4,000 the family will make by hand to ship out across the Kanto region – last week during the busy season ahead of the New Year. Made from straw, shimenawa are used for traditional decorations to welcome the New Year. Japan News*

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

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

PUBLIC HEARING NOTICE

Date: December 29, 2016
Time: 6:00 pm
Place: Dededo Senior Citizen Center

For: GLS Yama's Co., Inc.; Zone Change from "A" to "C" zone for a proposed commercial building with office space, storage warehouse for accessory structure with vehicle and equipment parking area, on Lot 1-4-R1, Tract 1141, Dededo. [2016-31]

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

NOTICE OF GOVERNMENT MEETING

The Contractors License Board regular board meeting will be held on Wednesday, **December 21, 2016 at 5:30pm** at the Contractors License Board conference room, located at 542 North Marine Corps Drive in Upper Tumon.

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

GUAM EDUCATION BOARD

500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone: (671) 300-1627 • Fax: (671) 472-5001
Website: www.gdoe.net/geb

LOURDES B. SAN NICOLAS, Chairperson; ROBERT B. TAINATONGO, Vice Chairperson

PUBLIC NOTICE

Education Board
REGULAR BOARD MEETING
Tuesday, December 27, 2016
6 pm
George Washington High School, Cafeteria

AGENDA

I. Meeting Call to Order
II. Roll Call of Members
III. Public Participation
IV. Approval of Minutes
1) Minutes on July 15, 2016 Special meeting
2) Minutes on July 25, 2016 Regular meeting
3) Minutes on August 10, 2016 Special meeting
4) Minutes on August 30, 2016 Regular meeting
5) Minutes on September 13, 2016 Special meeting
6) Minutes on September 20, 2016 Regular meeting
7) Minutes on September 27, 2016 Special meeting
8) Minutes on October 3, 2016 Continuation Executive Session
9) Minutes on October 13, 2016 Special meeting
10) Minutes on October 25, 2016 Regular meeting
11) Minutes on November 30, 2016 Regular meeting

V. Receipt of Communication and Reports
1) Superintendent's Report and Communication
2) Head Start Program Director's Report

VI. Unfinished Business
1) Code of Ethics
2) Proposed Revision BP 409- Prevention and Intervention Against Harassment, Intimidation or Bullying, Cyberbullying, Sexting, and Harassment
3) Transgender Access to Facilities

VII. New Business
1) GEB response to Declaration of Financial Status Designation August 2016
2) FY 2018 Budget
3) NASBE Government Affairs Committee membership
4) Committee Reports
a. Executive Committee
b. Instructional and Academic Support Committee
c. Safe and Healthy Schools Committee
d. Organizational Efficiency and Development Committee
e. Accreditation Subcommittee
f. Budget & Finance Subcommittee
5) IBOGS Report
6) GFT Report
7) Mayor's Council Report

VIII. Executive Session

IX. Announcements and Adjournment

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 300-1627 or by email: lmbcruz@gdoe.net.

This advertisement was paid by GDOE local funds.

ATTACHMENT B

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 **December 16, 2016,** I, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (attached as **Attachment A**), forty-four (44) sealed envelopes, with postage fully paid, each containing a copy of the Notice of Public Hearing for **GLS Yama's Co., Inc.** (attached as **Attachment B),** addressed to the following property owners:

Escamilla Mary M. Marston	P.O. Box 662	Hagatna, Guam 96932
Losbanes Abelardo & Eva D.	P.O. Box 25765	GMF, Barrigada, GU 96921
Wirkkunen Rosalina Escamilla	13250 Giant CT.	Germantown, MD 20874
Escamilla Lenora Palomo	36 VIA Cheparro	Greenbrae, CA. 94904
McDonald Julia Escamilla	300 North Bluerock ST.	Anaheim Hills, CA. 92807
Sison Family LLC, Sison Benjamin S. & Ofelia C.	P.O. Box 23026	Barrigada, GU 96921
Dela Cruz Clarita D.	NO ADDRESS	NO ADDRESS
Rebugio Victoria R.	P.O. Box 6786	Tamuning, GU 96931
Capili Helen N.	P.O. Box 9814	Tamuning, GU 96931
Desamito Celso T. & Pacita	P.O. Box 9814	Tamuning, GU 96931
Legaspi Joselito R. & Helen	P.O. Box 9814	Tamuning, GU 96931
Martin Nathaniele E.	P.O. Box 6758	Tamuning, GU 96931
Estoy Virgillo A. & Victoria P.	P.O. Box 8391	Tamuning, GU 96931
Delos Santos Ramon H. & Teresa S.	P.O. Box 20824	Barrigada, GU 96921
Eliptico Demetrio P. & Angelina C.	P.O. Box 10685	Tamuning, GU 96931
Hipolito Mercedita D.	P.O. Box 10685	Tamuning, GU 96931
Lebita Edmundo L. & Zenaida B.	P.O. Box 946	Hagatna, Guam 96932
Guhit Cherie May M.	P.O. Box 9875	Tamuning, GU 96931
Alano Efren M. & Mary T.	P.O. Box 22056	Barrigada, GU 96921
Domingo Leonardo V. & Elenita M.	P.O. Box 11536	Tamuning, GU 96931
Templanza Hermene Gildo A. & Rita A.	116 SW Pago CT.	Dededo, GU 96929

EXHIBIT B

Capacia Antonio V. JR. & Norlinda M.	P.O. Box 6845	Tamuning, GU 96931
Sablan Franklin F.	P.O. Box 22046	Barrigada, GU 96921
Romero Jeremy T. & Corazon P.	P.O. Box 6762	Tamuning, GU 96931
Guam Department of Education	P.O. Box DE	Hagatna, Guam 96932
Pueblo Eric Q. & Josephine A.	P.O. Box 9290	Yigo, GU 96929
De Jesus Leonardo R. & Flora P.	P.O. Box 7136	Tamuning, GU 96931
Lucero Elpidio N. & Pelagia V.	P.O. Box 11054	Tamuning, GU 96931
De Ramos Francisco L.	P.O. Box 9337	Dededo, GU 96929
Hernandez Julius M. & Maria Ana	P.O. Box 12104	Tamuning, GU 96931
Rafan Mariano & Belen	PMB 1121 111 Can Balako St.	Dededo, GU 96929
Pitts Noemi T., Teves Anecito B.	P.O. Box 6555	Tamuning, GU 96931
Estoy Shirley P., Estoy Gregoria P.	P.O. Box 12153	Yigo, GU 96929
De Jesus Flora P., Ramos Dionisio M.	P.O. Box 7136	Tamuning, GU 96931
Their Hiroko	P.O. Box 11351	Tamuning, GU 96931
Basbas Napoleon H. & Paz J.	P.O. Box 8	Hagatna, Guam 96932
Mortera Evelyn P.	174 Loreta ST.	Dededo, GU 96929
Tumpag Emma B., Tumpag Jonalyn Tricia B., Espiritu Roland B. JR.	P.O. Box 10824	Tamuning, GU 96931
Liao Mao Shung & Shu Cheng	P.O. Box 6781	Tamuning, GU 96931
Herrera Cesar Lamberto	218 Culview Court	Simi Valley, CA. 93065
Herrera Anthony Carl	44738 N. El Macero Drive	El Macero, CA. 95618
Herrera Eugene Carl	120 Kafu Court	Santa Rita, GU 96915
Quenga Victoria T. Co Admin.	NO ADDRESS	NO ADDRESS
Torres Isabel A.	P.O. Box 911	Hagatna, Guam 96932
Aguon Michael Joseph	P.O. Box 11884	Tamuning, GU 96931
Melissa B. Savares	P.O. Box 786	Hagatna, Guam 96932

EXHIBIT B

5. The above referenced names and addresses are those of the landowners owning land within five hundred (500) feet of the property for which rezoning is requested, including 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 25th day of May, 2017.

ERNEST V. SANTOS
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 25th day of May, 2017.

NOTARY PUBLIC
TERESITA A.C. TOVES
GUAM USA

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 B

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Street, Apt. No.; or PO Box No.: FINA P.
City, State, ZIP+4:

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Sent To: LUCERO ELIPIDO ?
Street, Apt. No.; or PO Box No.: PELAGINA V.
City, State, ZIP+4:

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Sent To: Eliphico DeMetrio
Street, Apt. No.; or PO Box No.: P. & Angelina C.
City, State, ZIP+4:

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Street, Apt. No.; or PO Box No.: D.
City, State, ZIP+4:

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Sent To: LEBITA EDMUNDO L.
Street, Apt. No.; or PO Box No.: & ZENAIDA B.
City, State, ZIP+4:

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Sent To: CHRISTINE M.
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:

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ATTACHMENT A

CERTIFIED MAIL™ RECEIPT
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Sent To ALANO EFREN M.
Street, Apt. No.; or PO Box No. [illegible] MIAMI, FL
City, State, ZIP+4

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Sent To Domingo Leonard V.
Street, Apt. No.; or PO Box No. ELENITA M.
City, State, ZIP+4

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Sent To Templanza Herman
Street, Apt. No.; or PO Box No. A. I RINA
City, State, ZIP+4

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Sent To Chapacka Anthony JR
Street, Apt. No.; or PO Box No. NAMINDA
City, State, ZIP+4

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Sent To Stallion Franklin F.
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

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Sent To Romero Jeremy
Street, Apt. No.; or PO Box No. CAMAZO
City, State, ZIP+4

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Sent To Escamilla Leonila
Street, Apt. No.; or PO Box No. Palomo
City, State, ZIP+4

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Restricted Delivery Fee (Endorsement Required)	
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Sent To Mcanally Julia
Street, Apt. No.; or PO Box No. Escamilla
City, State, ZIP+4

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.77

Postmark Here: DEC 16 2016 BARRIO DA GU TAMUNING STA

Sent To: SUDNI Family LLC.
Street, Apt. No.; or PO Box No.: SUDNI BENJAMIN T
City, State, ZIP+4: OFELIA C.

PS Form 3800, August 2006 — See Reverse for Instructions

7012 0470 0002 4484 2823

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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:
90 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 12, 2016

Dear Sir/Madam:

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

The Applicant, GLS Yama's Co. Inc., represented by Harry D. Gutierrez request for a Zone Change from "A" (Agricultural) to "C" (Commercial) zone for a proposed commercial building that will have a professional offices, retail and service shops and parking for customer, staff, equipment and commercial vehicles on Lot 1-4-R1, Tract 1141, in the Municipality of Ukudu, Dededo under Application No. 2016-31.

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:	**Dededo Senior Center**
DATE:	**December 29, 2016, Thursday**
TIME:	**6:00 p.m.**

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

ATTACHMENT B

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

Office of the Governor
Central Files
By:
Time: 1:20 Date: 10-16-17