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

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December 19, 2017

GL#34-17-1329
Speaker Benjamin J.F. Cruz

To: Office of the Speaker of the Guam Legislature
Guam Congress Building
Hagatna, GU

DEC 19 2017
Time: 1:13 [ ] AM [ ] PM File No. ____
Received By: ____

From: Planning Division
Department of Land Management

Hafa Adai!

Transmitted herewith is the Minutes of the Guam Land Use Commission's meeting of **October 26, 2017.**

Thank you.

Received by: _____

2017 DEC 19 PM 1:57 O.

1329

GOVERNMENT OF GUAM – Department of Land Management
Office of the Recorder

File for Record is Instrument Number 915832

on the Year 20 17 Month 12 Day 14 Time 10:44

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder: Jane Yamasaki
JANE T YAMASAKI

Above Space for Recorder's Use only

COPY

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, October 26, 2017
1:34 p.m. to 2:30 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, October 26, 2017
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Mr. Tae S. Oh, Commissioner

Mr. Hardy T. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Penmer Gulac, Case Planner

Mr. Frank Taitano, 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, October 26, 2017	X	GLUC		GSPC
		X	Regular		Regular
Time of Meeting:	GLUC: 1:34Pm GSPC:		Special		Special
		✓	Quorum		Quorum
			No-Quorum		No-Quorum

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

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

ADJOURNMENT: GLUC: 2:30Pm GSPC:

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

[X]	GLUC	[X]	Regular	Date:	Thursday, October 26, 2017
[ ]	GSPC	[ ]	Special	Time:	1:34pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	2:30pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Robert Lizama	OBS.	685-1113
Nicole Benavente		689-9009

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

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

[X]	GLUC	[X]	Regular	Date:	Thursday, October 26, 2017
[ ]	GSPC	[ ]	Special	Time:	1:34pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	2:30pm

(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.
Richard Sare	Grandview	687-9866
RAY BERNEGA	Cornerstone View	988-4142
HIRA [illegible]	Consultant	4625315
MEP TAMON	GRANDVIEW	688 3391
PHILIP SCHRAGE	GRANDVIEW DEVELOP.	649-1470

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

GUAM LAND USE COMMISSION

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

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

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

AGENDA

Regular Meeting

Thursday, October 26, 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 October 19th and October 24th, 2017]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, October 12, 2017

III. Old or Unfinished Business [None]

IV. New Business

Conditional Use

A. The Applicants, Guang Hua Wang and Kendy Fang represented by Harry D. Gutierrez; request for a Conditional Use permit for the proposed construction of a two-story structure with a retail/mini-hardware store, office, storage and warehouse space on the first floor and family residence and storage on the second floor, Lot 7047-3-1-R1, in an "A" (Rural) zone, in the Municipality of Yigo, Application No. 2017-10.
Case Planner: Penmer Gulac

Zone Change

B. The Applicant, Steven J. Petersohn represented by Harry D. Gutierrez; request for a Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) zone, for future construction of commercial buildings, Lots 1120-REM-5, -6 & -10, in the Municipality of Mong-Mong-Toto-Maite, Application No. 2017-18.
Case Planner: Penmer Gulac

V. Administrative & Miscellaneous Matters

Status Report

C. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause on conditions of approval of an amended TDP and six-month status report for Tumon Bay Mall, Application No. 2008-003B.
Case Planner: Frank Taitano

VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, October 26, 2017 • 1:34 p.m. to 2:30 p.m.

I. Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission for Thursday, October 26, 2017 at 1:34 p.m., noting a quorum.

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

Chairman Arroyo asked of the Commissioners if they like to make any changes to the order of business on today's agenda. [None was noted.]

II. Approval of Minutes

Chairman Arroyo first item on the agenda is the approval of the October 12th, 2017 meeting minutes; Cris sent them out earlier this week. I am ready to entertain a motion.

Vice Chairman Cruz made a motion to approve the October 12, 2017 GLUC Minutes.

Commissioner Vy seconded the motion.

Chairman Arroyo motion by Vice Chairman Cruz, seconded by Commissioner Vy. [No discussion]

All in favor of the motion say "aye" **[Chairman Arroyo, Vice Chairman Cruz, Commissioner Vy, Commissioner Oh]**, all opposed say "nay." **[Motion passed; 4 ayes, 0 nay]**

III. Old or Unfinished Business [None, Chairman Arroyo moved on to the next item on the agenda]

IV. New Business

Conditional Use

A. The Applicants, Guang Hua Wang and Kendy Fang represented by Harry D. Gutierrez; request for a Condition Use permit for the proposed construction of a two-story structure with a retail/mini-hardware store, office, storage and warehouse space on the first floor and a family residence and storage on the second floor, on Lot 7047-3-1-R1, in an "A" (Rural) zone, in the Municipality of Yigo, Application No. 2017-10.
Case Planner: Penmer Gulac

Michael Borja (Executive Secretary) does this portion of Route 8 qualify on the 200-feet from center line for commercial zoning.

Marvin Aguilar it should, only because it is a major routed road. To give the Commission an understanding of the multi-family dwelling designation for this area. First Hawaiian Bank, the old Belta Perez warehouse used to be "R-2" all the way to the cliff-line. The old University Road used to be the main road in that area until Route 8 was fully developed. Essentially, this zoning designation was bifurcated by Route 8 and exists on both sides. You can see the transition of multi-family or residential development to more commercial. This rezone request would be consistent for property as well.

[Lengthy discussion ensues on setbacks. Once the lots are consolidated it will encroach onto residential homes and apartments. The applicant will be restricted to certain yard setback requirements. Mr. Aguilar added that the applicant will not be able to benefit of the zero-lot line in a commercial zone.]

Chairman Arroyo will you be doing anything on the sides of the property that are abutting residential homes.

Harry Gutierrez there will be a driveway going down. The lot goes in about five, six feet and then drops down to ten-feet. On the rear of the building will be a three story, the front will be a two-story and there will be a driveway on both sides.

Chairman Arroyo will the neighboring properties be able to utilize that driveway.

Harry Gutierrez no, there will be a wall to hold back the soil that we are creating for the driveway down. The property will be completely fenced in.

Chairman Arroyo what kind of landscaping are you looking at around the borders.

Harry Gutierrez the front will be landscaped similar to what First Hawaiian Bank and Coast 360 have. There will be no landscaping at the sides because of the driveway going down.

Chairman Arroyo as far as commercial uses you were saying office spaces. Are you talking about retail as well.

Harry Gutierrez yes, and retail; we are currently talking with Ross for possible commercial space.

Chairman Arroyo any other questions.

Vice Chairman Cruz I noticed on the property map and also on the proposed consolidation map there is a sliver in the front that says Route 8 taking. Is this considered an R/W.

Marvin Aguilar yes; you are referencing Lot 1120-REM-4G, the "G" signifies Government of Guam. It is dedicated to the Government.

[Discussion ensues]

Frank Taitano (Case Planner) reads Commission Brief including completed work done at the project site. [For full contents/context, please refer to attached brief.]

[Attachment C – Commission Brief dated October 16, 2017]

Chairman Arroyo questions for staff? [None noted] Chairman Arroyo welcomed the applicants, and asked that they state their name for the record.

Richard Sana (with Mr. Sana was Phillip Schrage and Fred Yamon] Mr. Taitano has briefed you on all the details of our updates and upgrades at the project site for the Tumon Bay Mall. We are ready to answer any questions that the Commission may have.

Chairman Arroyo any questions.

Commissioner Oh when do you anticipate the opening of the mall. What is the status on finding a prime tenant.

Phillip Schrage we need to find two to three capable contractors that can do the Phase II. The initial contractor that did Phase I currently does not have the manpower to complete the project. This will be the challenge.

Commissioner Oh Phase I is completed and was more on the civil work, exterior work, ponding basin.

Fred Yamon landscaping and the bus shelters.

Phillip Schrage Phase II consists of interior work and the remainder of the exterior work, backside, second level entrance, backside parking lot. We are still pursuing anchor tenants and that is an ongoing process.

Chairman Arroyo say you are successful in finding a contractor. How long will it take to complete the second phase of the construction work.

Fred Yamon about nine months.

Chairman Arroyo are you concentrating on local contractors or looking off-island.

Phillip Schrage in the 30-years I have been with the company, I don't think we ever brought anyone in from off-island.

Michael Borja BME was the prime contractor for this whole thing and they are now saying they are unable to support the project.

Fred Yamon they do not have any H-2 workers at this time.

Commissioner Oh are you offering public parking.

Michael Borja on the floor for a vote tomorrow a bill that discusses the sign enforcement, and I don't know what the final text of that bill looks like. We wanted to offer testimony saying that they should keep the ARC and GLUC as the oversight of those kinds of things since everything is already in place.

[Lengthy discussion ensues on bill introduced by Senator Tom Ada on signage and a sign bill that puts signs under DPW for enforcement and compliance.]

Michael Borja Public Law 34-45 is the bill that allows people who have property in the Tiyan area on the south side along Routes 8 and 16 to be rezoned to light industrial. The bill had a strict timeline, and so by Tuesday we are issuing out letters to every known property owner of that area. I think we came up to 120 known property owners. We have assembled it and have the letters ready to go with attachments. If an owner affirms they want to rezone, with $640.00 they are rezoned. The window of opportunity expired 180-working days from enactment. The deadline is July 2nd, 2018.

[Discussion ensues on PL 34-45]

Marvin Aguilar if I may, I would like to recognize Cristina Gutierrez, Ernie Santos and Mae Castro for doing the leg work and research and preparing the letters.

Chairman Arroyo anything else. [None noted]

VI. Adjournment

Vice Chairman Cruz makes a motion to adjourn, seconded by **Commissioner Vy** with all in favor.

APPLICATION NO. 2017-10

FOR THE APPLICANT

GUANG HUA WANG AND KENDY FENG

APPLICATION WAS WITHDRAWN PER CONSULTANT

HARRY D. GUTIERREZ

MB 10/26

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 26 2017
930 A
GLUC/GALC/GLUC

R Gulac 10/26/17
RECEIVED 9:30 A
Land Planning Dvl

October 26, 2017

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

Subject: Request for Withdrawal for Conditional Use Permit Application No. 2017-10, for Lot 7074-3-1-R1, Municipality of Yigo, Guam; from GLUC meeting of October 26, 2017

Hafa Adai:

I am submitting this letter to inform you that I am withdrawing the application at his time on behalf of my clients. There may be some changes on the application and further consultation is needed with my clients. The Chief Planner will be informed of the outcome of our meeting regarding the application status.

On behalf of my clients, I hope that your consideration of this request will be favorable. Should you need additional information or clarification, please don't hesitate to call me.

Respectfully,

Harry D. Gutierrez
Representative/Consultant

CC: Guam Chief Planner
CC: Case Planner/Penmer Gulac

ATTACHMENT B

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
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dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

October 16, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2017-18

1. PURPOSE:

a. **Application Summary:** The applicant, Steven Petersohn C/O Harry D. Gutierrez is requesting approval for a Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) for 3-lots for commercial development of Lots 1120-REM-5, -6 & -10 , Municipality of Mongmong-Toto-Maite.

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

2. FACTS:

a. **Location:** The subject lot is located in Maite along the southern side of Route No. 8, approximately 1,000 feet east (towards Barrigada) from the junction of Route No. 8 and East Obrien Dr., and across first Hawaiian Bank.

b. **Lot Areas:** L1120-REM-5, 2,988 SM or 32,163 SF ; L1120—6-REM 2,988 SM or 32,163 SF, and L1120—REM-10 3,221 SM or 34,672 SF or a total of 2.7 Acres (Note: A proposed consolidation map is attached)

c. **Present Zoning:** "R-2" (Multi-Family Dwelling) Zone

c. **Field Description:** The 3-lots are undeveloped with with all untility infrastructure connection within 100-150 feet of the subject lots. Topoggraphy slopes from the western border (along Route No. 8 to Camacho Street (Eastern border).

e. **Masterplan:** Residential (Med-High)

f. **Community Design Plan:** Urban Residential (Med-High Density)

B. Public Convenience:

The proposed zone change of the lots 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 and that is consistent with the current land uses as an extension of the existing commercial zone along Route No. 8. The location is prime and ideal, central and conveniently near areas with large population to better provide goods and services and related activities in the immediate area and to a growing island community.

C. General Welfare:

The proposed zone change of the lots will protect the general public, the immediate surroundings and properties by being consistent for commercial zone within close proximity of commercial lots and commercial zone with existing commercial and light industrial activities along Route No. 8. There are vacant lots, single family dwellings, multi-family complexes, commercial businesses, bank/credit union, car dealership, and churches nearby and on the south, south west that will be protected and buffered by a public access, as well as with landscaping of the site and all setbacks to be 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 and the airport. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of this site for commercial activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owner 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.

In our analysis, planning staff finds that the proposal to change the designated zone of the subject lots and site to be compatible to existing land uses of the immediate area and surroundings, the proposed development is not expected to signifcantly impact nearby residential and commercial activities and from a planning perspective supports the applicant's position that the proposed development is to be "most ideal and preferred" location for proposed commercial uses and activities.

Attachment: Public Hearing Minutes of October 10, 2017
RE: Staff Report – Application 2017-18 ; Zone Change
Lots 1120-REM-5, -6, & -10, Municipality of Mongmong-Toto-Maite

GLUC Hearing of: **October 10, 2017**
Date of Preparation of Staff Report: October 16, 2017

DLM Staff Planner and Mr. Harry Gutierrez, the Representative, explained the Zone Change appl; and the Case Planner provided Positions Statements from Department of Public Works, Guam Waterworks, Guam Power Authority, and Bureau of Statistics and Plans . A total of Seven (7) persons attended the hearing to include Mayor Paco. Public comments and concerns are noted as follows:

Mr. Harry Gutierez, representative, presented details of the application for the proposed zone change and the commercial development of the site and the proposed consolidation of the 3 lots . He also elaborated on the uses permitted in the zone as well as the plot plan, access on the site, parking, waste water disposal, (ponding basin) french drain systems applicable to minimize flooding and containment of stormwater runoffs. He stated that he will work with the developer to prepare a safe access, traffic control and safety of patrons within the commercial site and minimize impacts to neighbors and nearby areas.

Mrs. Rosemary Laguana , Lotowner & neighbor, there's flooding in her front yard from water coming from the road and the Mayor informed her that he will assess and work with Department of Public Works (DPW) on the drainage issues in the area.

Mayor Paco , stated that the heavy rains and glogged drains in the area and Camacho St., will be assessed by DPW .. and the run-off from Camacho St are causign flooding..but this will be rectified soon, he said..

There were no major concerns or significant issues, there were no objection at the hearing.

A Total of 7 persons were present at the hearing. The Hearing was adjourned at 6:45 pm

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RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

October 16, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-18 (Zone Change)

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

DEPARTMENT OF LAND MANAGEMENT (DLM):
Recommends approval subject to the ARC Position Statement and the permitting agencies requirements.

DEPARTMENT OF PUBLIC WORKS (DPW):
DPW has reviewed the application and recommends approval with permitting requirements and recommendations on submissions of building plans for agency review.

GUAM POWER AUTHORITY (GPA):
GPA has reviewed the application and provides statement of general requirements:

General Comments:
GPA has no objection to the request subject to the conditions cited, (see Attached) statement.

GUAM WATERWORKS AUTHORITY (GWA):
GWA submitted a position statement to the above zone change request with general comments and agency permitting requirements, related to availability of water and sewer infrastructures to serve the above subject lot, see Attached position statement

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

RECEIVED
MAY 05 2017
Department of Land Management
Time 9:47 Init RR

MB 5/5

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

April 17, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICATION: 2017-18

APPLICANT: Steven Petersohn

SUBJECT: Rezone from ("R-2") Multi Family Dwelling to ("C") Commercial, Mongmong Toto - Maite, Guam

Buenas yan Hafa Adai! The applicant is requesting to rezone subject property from "A" to "C" with the intent to construct a commercial, retail store, office spaces with storage including parking and loading on site.

Lots to be rezone are as follows: a) Lot 1120-REM-5 (2, 988) Square Meters or (32,163) Square Feet b) Lot 1120- M 6 (2,988) Square Meters or (32,163) Square Feet and c) Lot 1120-REM-10 (3,221) Square Meters or (34,672) Square with a total consolidated area of 9,197 square meters or 2.27 acres. (See attached map).

The Department of Public Works (DPW) has completed its review with the following requirements:

- provide a site development plan;
- to consolidate the additional lots and provide a supplemental copies to all ARC members;
- to comply with all the setback requirements for commercial areas;
- provide a storm drainage disposal (must be shown in detail and be supported with calculations);
- parking layout and detail of parking stalls (compact, standard and accessible) must meet the American Disability Act (ADA);
- if the owner chooses to use GSWA disposal or any private services, the location of the trash or bin container should be situated in an area that will not hinder the public rights of way;
- comply with all the geotechnical requirements related to site preparations; and
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access.

DPW recommends approval, subject to the comments after review by the Application Review Committee (ARC) with conditions that a complete set of design drawings incorporating all the engineering disciplines are provided for building permit. The plans shall be in conformance with the latest building code edition and must be signed by a registered engineer or architect.

If you have any questions, please call Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III at Division of Capital Improvement Projects (CIP) at 646-3189 or 646-3224. Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

gc

5/4/17 - DM

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

Doc No. 34GL17-1328

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project.

The applicant will be responsible for the minimum cost of upgrading the line (less projected revenue) if submitted plans indicate additional capacity is required.

Sincerely,

JOHN M. BENAVENTE, P.E.

ASG/arp

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Lot(s) 1120-REM-5,-6, & -10 from "R-2" Multi-Family Zone to "C" Commercial zone use and provides the following comments and recommendations:

Stormwater Management. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads. The properties terrain is downward sloping and the change from a natural environment to a hardscape environment greatly increases runoff volume created during normal rains and storms, as well as waterway velocities, erosion, and flooding. The application lacks a drainage plan or methods to address stormwater runoff. This needs to be addressed and managed properly

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to surface receiving water bodies within the project site. The Bureau recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

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

2. Where feasible, schedule construction during dry season;

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

The applicant should refer to the CNMI and Guam Stormwater Management Manual, October 2006, the Guam Erosion & Sediment Control Field Guide available at www.bsp.guam.gov or at the Guam Environmental Protection Agency (GEPA) for detailed construction stormwater treatment criteria and standards, bio-retention areas, and rain garden specifications.

Low Impact Development (LID) Practices. The project site also lies within the Fonte River-Frontal Hagåtña Bay Watershed, which comprises, Piti Marine Preserve, various rivers and streams, nearly 12 square miles of forest, and wetlands. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), 40.4% of this watershed is developed and 21.6% is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighborhoods if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while

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

RECEIVED
MAY 23 2017
Department of Land Management
Time 1015 Intl

MEMORANDUM

May 16, 2017

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2017-18 for Lot 1120-REM-5, Lot 1120-REM-6, Lot 1120-REM-10 in the Municipality of MongMong-Toto-Maite.

APPLICANT(S): Steven J. Petersohn represented by Harry D. Gutierrez

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R2" (Multi-family) to "C" (Commercial) zone for the proposed development of retail spaces, offices, and other permitted uses on the site and provide adequate parking on site for tenants and patrons in the Municipality of MongMong-Toto-Maite.

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

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this zone change application:

1. The applicant must provide GWA with site development plans to construct the proposed commercial building. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

ATTACHMENT C

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

October 16, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – 6-Month Status Report and Compliance to Conditions of Approval of Application No. 2008-003B, Amended Tentative Development Plan for Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Tumon, Municipality of Tamuning

In response to the 6-month status report condition noted on the attached Notice of Actions dated March 29, 2013 and April 14, 2017 the applicant Grandview Development , LLC submits its status report covering;

1. The issuance of a consolidated Occupancy Permit for:
   a. The construction of four (4) bus shelters;
   b. The paving of the parking lots, storm drainage and utilities construction.
   c. The relocation of the ponding basin and road widening

2. The completion of the utilities work except for GPA's installation of electrical lines and transformers.

3. The completion of the landscaping and irrigation system on the sides and front of the building and entrance way into the site.

4. The resubmission of the traffic report on September 22, 2017 to DPW and Parsons for the construction work, on the mall's entrance at San Vitores Road (as noted on the last 6 month report the initial report was submitted to DPW on March 15, 2017).

5. The completion of the structural design alterations and upgrades of the structure to include but not limited to skylights, loading dock, installation of major equipment, addition of freight elevator and paving the remaining areas for parking and roadwork which, shortly be requesting for bids for construction.

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

File for Record is Instrument No. 906602

On the Year 17 Month 05 Day 02 Time 2:50

Recording Fee DE-OFFICIO Receipt No.

Deputy Recorder Jane Yamasaki
JANE T YAMASAKI

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

GUAM LAND USE COMMISSION
Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

ORIGINAL

NOTICE OF ACTION

April 14, 2017
Date

To: **Grandview Development, LLC**
c/o F C Benavente, Planners
2149 San Miguel Building,
Suite 1, Army Drive
Dededo, Guam 96929

Application No. 2008-003B

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

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

6-month Status Report in Compliance to Conditions of Approval of Application No. 2008-003B, Amended Tentative Development Plan for Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Tumon, Municipality of Tamuning

APPLICATION DESCRIPTION: The Applicant, Grandview Development, LLC; submission of its six-month status report in continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Actions dated March 29, 2013 and November 4, 2016 under Application No. 2008-003B.

COMMISSION DECISION: The Guam Land Use Commission accept the applicant's Six Month Status Report and that, the applicant is to return in six (6) months for the next status report.

Marvin Q. Aguilar **Guam Chief Planner**	4/20/2017 **Date**	**John Z. Arroyo** **Chairman** **Guam Land Use Commission**	4/28/17 **Date**

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

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

File for Record is Instrument No. 850531

On the Year 2013 DE-OFFICIO Month 04 Day 16 Time 3:49.

Recording Fee 0 Receipt No.

Deputy Recorder Lisa S. Mangaur.

(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 29, 2013
Date

To: **Grandview Development, LLC**
c/o Felix C. Benavente
2149 San Miguel Building,
Suite 1, Army Drive
Dededo, Guam 96929

Application No. 2008-003B

The Guam Land Use Commission, at its meeting on **March 28, 2013**.

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

____/ Tabled

Your request on **Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Municipality of Tamuning for approval of an Amended Tentative Development Plan (TDP).**

APPLICATION DESCRIPTION: The applicant, Grandview Development, LLC represented by Felix C. Benavente is requesting for an Amended Tentative Development Plan approval for the Grandview Shopping Mall (formerly Ino Corporation's Tumon Bay Shopping Center). Tumon, Municipality of Tamuning.

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

A. Applicant continues to adhere to the March 13, 2008 conditions listed on the original Notice of Action; and

B. That the March 13, 2008, Notice of Action be amended to show that it was temporarily suspended from October, 2011 to March, 2013 with a new expiration date of April, 2014 ; and

C. That the proposed number of parking stalls to be provided on Lots 5126-2-1, 5126-2-2 and 5126-2-R2 should not be less than 174; and

D. That Applicant, within six months, returns before the Commission with a status report.

4-01-2013 4-16-13

Marvin Q. Aguilar Date **Lawrence S. Rivera** Date
Acting Guam Chief Planner **Acting Chairman**
Guam Land Use Commission

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

RECEIVED
10.9.17

Grandview Development, LLC

Application No. 2008-003B

Status Report

to the

Guam Use Land Commission



Tumon Bay Mall

Submitted By: FC BENAVENTE, Planners

FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

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

October 9, 2017

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

Subject: Application No. 2008-003B – Status Report

Hafa Adai Mr. Borja:

We are pleased to submit the attached status report of the approved TDP for Grandview Development LLC a.k.a. Tumon Bay Mall. This is in accordance with the GLUC decision stipulated on the Notice of Action dated April 14, 2017.

Si Yu'os Ma'ase,

Verified by PDFfiller
10/06/2017

Richard J. Sana
Principal Planner
A Duly Authorized Representative

Cc: Mr. Marvin Aguilar, Chief Planner, DLM

Attachments
1. Status Report
2. Site Plan
3. Consolidated Certificate of Occupancy

Grandview Development LLC
Application No. 2008-003B
Status Report

1. **Construction:** The following consolidated Occupancy Permit were issued on September 11, 2017.
   a. B14000468 for civil works.
   b. B15000871 for Bus shelters.
   c. B17000400 for widening of road entrance and ponding basin relocation.

2. **Utilities:** Work are complete except the work for GPA to install the electrical lines and transformers.

3. **Landscaping and Irrigation:** Landscaping work and installation of irrigation systems located on the sides and front of the building structure and entrance way are complete.

4. **Traffic Study:** The traffic study performed and generated by Stanley Consultants Inc., as a requirement by DPW for removal of the curbs and center lane median located at the front of road access entrance to the facility is complete and has been resubmitted to DPW and Parsons on September 22, 2017 for review and reconsideration.

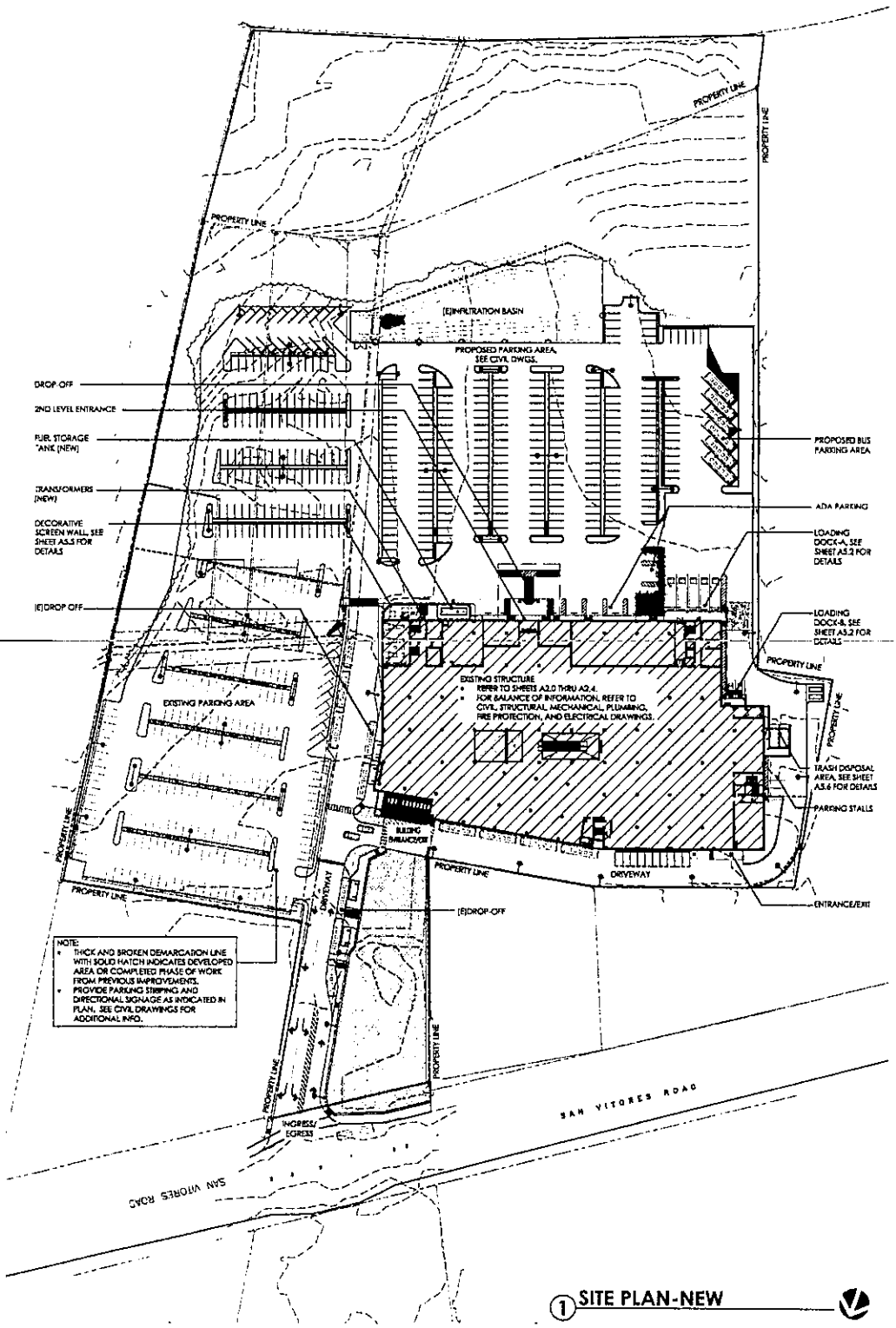
5. **Design:** Laguana Architects LLC, completed the structural design alterations and upgrades to include skylights, loading dock, installation of major equipment, addition of freight elevator and paving the remaining areas for parking and roadwork. This upgrades will go out for bids for construction shortly.

UPDATED SITE PLAN AND REVISED PARKING CALCULATION

Reference the analysis below, Grandview was able to meet the 700 parking stalls with more allocated for bus parking. The site plan (attached) shows significant changes/additions as follows:

a. Expanded covered drop-off for the 2nd level entrance.
b. Relocation of the diesel fuel tank.
c. Expanded Loading Dock.
d. Covered Structure for Waste Disposal area.

PARKING ANALYSIS	
GROSS BUILDING FLOOR AREA	**179,693 SQ. FT.**
LESS UTILITIES/M & E, SERVICE ARES, TOILETS, GENERAL CIRCULATION	84,393 SQ. FT.
TOTAL LEASABLE AREA	95,300 SQ. FT.
@ 67% USEABLE AREA	63,851 SQ. FT.
1 PARKING SPACE PER 100 SQ. FT.	639 SPACES
18 TENANTS @ 3 SPACES / TENANT	54 SPACES
TOTAL NO. OF SPACES REQUIRED	**693 SPACES**
CALCULATION OF SPACES PROVIDED:	
CARS	673 SPACES
ADA CARS & VANS	14 SPACES
BUSES	18 SPACES
TOTAL NO. OF SPACES PROVIDED	**705 SPACES**



1 SITE PLAN-NEW

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHETKO PUBLIKO
Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

TERRITORY OF GUAM

BUILDING PERMIT

CERTIFICATE OF OCCUPANCY

THIS CERTIFICATE ISSUED PURSUANT TO THE REQUIREMENTS OF SECTION 3103, BUILDING LAW, TITLE XXXII, GOVERNMENT CODE OF GUAM CERTIFYING THAT AT THE TIME OF ISSUANCE THIS STRUCTURE WAS IN COMPLIANCE WITH THE VARIOUS CODES REGULATIONS BUILDING STRUCTURE OR USE

Date: 7-28-17 Permit No. B14 000 468 / B15 000 871 / B17 000 400

Applicant (Contractor): BME & SONS INC Address: P.O. BOX 20450, BARRIGADA GUAM 96921

Contractor's License No.: 3078 Permit To GRANDVIEW DEVELOPMENT LLC

Units: _____ Story: _____ Proposed Use: 1. BUS SHELTER ~4 UNITS 2. PAVING PARKING LOTS, DRAINAGE WATER 3. RELOCATE PONDING BASIN & POND WIDENING.

Location: TAMUNING Zoning District: C

Lot No: 5731 / 5731-1 / 5732-R1 / 5216-3-1 / 5216-3-R1 Block No: _____ Tract No: _____

RWEA GUAM 9/8/17

Construction Type: _____ Use Group: _____ Basement Walls of Foundation: _____

Remarks: 1. BUS SHELTER
2. PAVING PARKING LOTS
3. RELOCATION PONDING BASIN & WIDEN ROAD ENTRANCE POND.

Area or Volume: _____

Owner: GRANDVIEW DEVELOPMENT LLC / for [signature]
Print Signature

2149 ARMY DRIVE. SAN MIGUEL BUILDING, BARRIGADA GUAM 96921
Address

Building Official [signature] 9-11-17
Mr. Joseph D. Guevara
Building Inspection & Permit Administrator