OFFICE OF THE PEOPLE
SENATOR RÉGINE BISCOE LEE
SIKRITÅRIAN LIHESLATURAN GUÅHAN • I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

December 19, 2018

Acting Speaker Therese M. Terlaje
I Mina'Trentai Kuåttro Na Liheslaturan Guåhan
34th Guam Legislature

Re: GLUC Zone Change Approval from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone for Lot 7, Tract 10417, in the municipality of Yigo, under Application No. 2017-04

Håfa Adai Acting Speaker Terlaje.

Pursuant to Title 21, GCA (Real Property), Chapter 61 (Zoning Law), Part 4, Section 61647, attached is the GLUC Zone Change Approval, under Application No. 2017-04 under YSengSong Inc. c/o Kevin J. Yang, represented by Daniel D. Swavely.

It is hereby submitted to your office for posting as messages and communications on our legislative website.

Si Yu'os Ma'åse',

Senator Régine Biscoe Lee

Enclosures

V: Speaker Therese M. Terlaje
34GL-18-2679
DEC 20 2018
Time: 14:20
Received by:

2018 DEC 20 PM 3:35

Chairperson, Committee on Innovation and Economic, Workforce, and Youth Development
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910 | senatorbiscoelee@guamlegislature.org

2679

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

December 18, 2018

Vice Speaker Therese M. Terlaje
34GL-18-2679
DEC 18 2018
Time: 14:20
Received by:

Honorable Therese M. Terlaje
Acting 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/Agricultural) to "LC" (Limited Commercial) zone for Lot 7, Tract 10417, in the municipality of Yigo, under Application No. 2017-04

Bueñas Yan Hafa Adai Speaker Terlaje:

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, **YSengSong Inc. c/o Kevin J. Yang** represented by Daniel D. Swavely; request to re-zone from "A" (Rural/Agricultural) to "LC" (Limited Commercial) for the proposed development of the Yigo Family Plaza, on Lot 7, Tract 10417, in the Municipality of Yigo, under Application No. 2017-04

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

RAYMOND S. TENORIO
Acting Governor of Guam

Office of the People
Senator Régine Biscoe Lee
Legislative Secretary
Date/Time: 12-18-18 @ 1430
Initials:

GUAM HYBRID LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2017-04
LOT 7, TRACT 10417
MUNICIPALITY OF YIGO

COPY

ATTACHMENT 1 Legislature

Space for Recordation

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

File for Record is Instrument Number 929604

On the Year 20 19 Month 12 Day 14 Time 1:14

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane Yamasaki JANE T. YAMASAKI

GLUC ZONE CHANGE

APPLICATION NO.: 2017-04

APPLICANT: YSENGSONG, INC.
c/o KEVIN YANG

PREPARED ON OCTOBER 9, 2018

FROM: "A" (AGRICULTURAL/RURAL)

TO: "C" (COMMERCIAL)

LOT: 7

BLOCK: N/A

TRACT: 10417

MUNICIPALITY: YIGO

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-134

ZONING MAP NO.: F3-67S42

THE GUAM LAND USE COMMISSION, AT ITS HEARING ON AUGUST 23, 2018 APPROVED IN WHOLE THE ZONE CHANGE FROM "A" TO "C" ON LOT 7, TRACT 10417 MUNICIPALITY OF YIGO

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

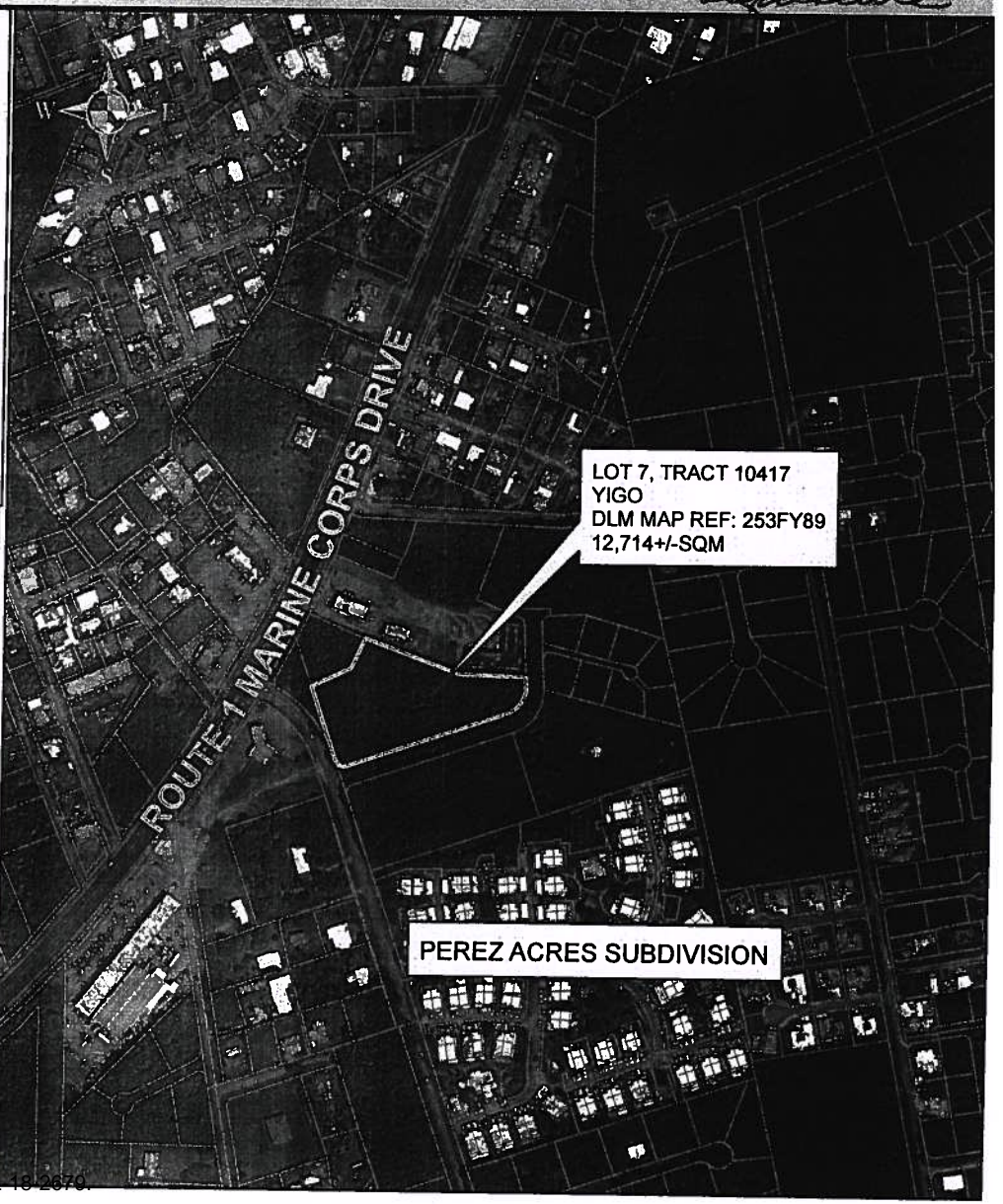
TAE S. OH
ACTING CHAIRMAN
GUAM LAND USE COMMISSION

11/21/2018
DATE

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

RAYMOND S. TENORIO
Acting Governor of Guam

11/30/2018
DATE



Doc. No. 34GL-18-2670.

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

Honorable Therese M. Terlaje
Acting 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/Agricultural) to "LC" (Limited Commercial) zone for Lot 7, Tract 10417, in the municipality of Yigo, under Application No. 2017-04

Bueñas Yan Hafa Adai Speaker Terlaje:

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, **YSengSong Inc. c/o Kevin J. Yang** represented by Daniel D. Swavely; request to re-zone from "A" (Rural/Agricultural) to "LC" (Limited Commercial) for the proposed development of the Yigo Family Plaza, on Lot 7, Tract 10417, in the Municipality of Yigo, under Application No. 2017-04

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

RAYMOND S. TENORIO
Acting Governor of Guam

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 11 2018
CLTC/GALC/GLUC

NOV 20 2018

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone for Lot 7, Tract 10417, in the Municipality of Yigo, Application No. 2017-04.**

Submitted for your consideration and action is Zone Change Application No. 2017-04. The Applicant, YSengSong Inc. c/o Kevin J. Yang represented by Daniel D. Swavely; Zone Change request from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, for the proposed development of the Yigo Family Plaza, in the Municipality of Yigo.

Application chronology is as follows:

- November 28, 2016 – Application officially accepted
- February 02, 2017 – Reviewed by the Application Review Committee (ARC)
- June 20, 2018 – Public Hearing, Yigo Senior Center
- August 24, 2018 – Guam-Hybrid Land Use Commission (GLUC) Public Hearing (approval of Zone Change)

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

GFD-118-5671

Daniel D. Swavely Consulting Services, Inc.

December 12, 2016

Mr. John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96910

Subject: **APPLICATION 2017-04** to Rezone Lot 7 Tract 10417, Yigo to Commercial for Yigo Family Plaza
Re: Letter of Transmittal

Hafa Adai Mr. Chairman and Commissioners,

With a population of more than 20,000, Yigo is the Island's second-most populous municipality with the third highest number of housing units. Today Yigo continues to attract new families and more residences. A recent realtor listing of 113 properties for sale in Yigo included 65 single family or multi-family residential units and 48 vacant lots suitable for housing. The predominate residential and non-commercial character of Yigo is further depicted through data released by the Guam Department of Labor for year 2012 (latest available): that year Guam had 2,246 business establishments yet only 75 in Yigo, and Guam had 60,950 employees yet only 890 in Yigo. This area is commercially underserved.

Lot 7, Tract 10417 is about 3 acres, level, rectangular in shape and located on Chalan Lujuna, close to Perez Acres. The Bureau of Planning and Statistics 2009 North & Central Guam Land Use Plan designates this area as Mixed Use which is further defined as, among other uses, "malls and should be developed at a walkable neighborhood scale".

The applicant, Kevin J. Yang, and his wife first resided in and later raised their family in Yigo for about 15 years Mrs. Yang's parents owned and managed Yigo Mart, a family grocery store across from Trinity School, for nearly 20 years. The Yang's have their Guam roots in Yigo and wish to contribute to the community's value with a modern commercial plaza offering restaurants, convenience shopping and similar neighborhood attractions.

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

ATTACHMENT 2

Prior to the submittal of this application, the president of the Homeowners Association of nearby Perez Acres was asked for suggestions about businesses and services the neighborhood needs. As a result of that input and our own market research, Yigo Family Plaza is master planned to be a one-story, 25,000 square foot shopping mall offering at least one restaurant, a convenience/grocery store, a coffee shop, a branch of Copy Express, and similar services to fill local market demand. Further, as a result of discussions with owners of both the adjacent Yigo Town Center as well as a fast food restaurant planned for the corner of Marine Corps Drive and Chalan Lujuna, we hope to link Yigo Family Plaza with those developments via convenient driveways and walkways in order to accommodate patron interaction.

The Yigo Family Plaza design will reflect locally themed architecture, typhoon proof durability, and abundant parking. No height, density or parking variances are required.

I invite your attention to the enclosed exhibits which comply with the requirements of this rezoning application as well as portray the character and nature of the Yigo Family Plaza.

Respectfully and on behalf of Kevin J. Yang,

Daniel D. Swavely

Enclosures as stated

ZONE CHANGE

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

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

1. Information on Applicant:

Name of Applicant: Kevin J. Yang U.S. Citizen: [X] Yes [ ] No

Mailing Address: P.O. Box 9807; Tamuning , GU 96932

Telephone No.: Business 688-8737 Home: _____

2. Location, Description and Ownership:

Subdivision Name: Yigo Family Plaza

Lot(s): 7 Block: _____ Tract: 10417

Lot Area: Acres 3.1 Square Meters 12,714 Square Feet: 136,856

Village: Perez Acres/Rt. 1 area Municipality: Yigo

Registered Owner: Ysengsong, Inc. (a Guam corporation)

Certificate of Title No.: NA Recorded Document No.: 429657

3. Current and Proposed Land Use:

Current Use: Undeveloped Zoned: Agriculture

Proposed Use: Neighborhood Mall Proposed Zone: Commercial

Master Plan Designation: Mixed Use, including mall (per BS&P 2009 North & Central Land Use Plan

4. **Attached a one page** typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with ***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-18-2679.

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).*

ZONE CHANGE

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."

12/21/16

(Owner(s) or Lessee(s) and Date)
Kevin J. Yang

Daniel D. Swavely 12/21/16

(Representative, if any, and Date)
Daniel D. Swavely

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: _____

LIST OF EXHIBITS

EXHIBIT 1 – Justification

EXHIBIT 2 – 1,000' offset map showing zones

EXHIBIT 3 – 750' offset map showing land uses

EXHIBIT 4 – 500' offset map showing lot numbers

EXHIBIT 5 – Location Map, Recorded Property Map, Quitclaim Deed

EXHIBIT 6 – Master Plan

EXHIBIT 7 – Feasibility

EXHIBIT 8 – Topography Map

EXHIBIT 9 – Infrastructure Analysis

EXHIBIT 10 – Environmental Baseline Survey

EXHIBIT 11 – FONSI

EXHIBIT 12 – Authorization to Represent

JUSTIFICATION
REZONING OF LOT 7, TRACT 10417, YIGO TO COMMERCIAL
YIGO FAMILY PLAZA

The Yigo Family Plaza will be a neighborhood mall located within walking distance from Perez Acres subdivision. Additionally, the Plaza will be adjacent to and easily accessible to an established commercial complex, Yigo Town Center, and a new fast food restaurant planned for the adjacent corner lot at the intersection of Marine Corps Drive and Chalan Lujuna in southern Yigo. Lot 7, Tract 10417 is located one lot away from that intersection, with direct access onto Chalan Lujuna, a popular crossover between Marine Corps Drive and Route 15 near the Guam Raceway Park.

Yigo is Guam's second-most populous municipality with a population of more than 20,000 and now boasts the third highest number of housing units of all municipalities while continuing to attract new families and more residential development. Nonetheless, commercial development in Yigo does not match its residential growth. The latest (2012) Department of Labor statistics reveal that Guam had 2,246 business establishments that year yet only 75 where located Yigo. Similarly, of 60,950 employees on Guam that year, only 890 worked in Yigo.

All these data highlight a commercially-underserved area and an opportunity for investment. The applicant, Kevin J. Yang, is already a successful businessman (co-owner of Copy Express), has family roots in Yigo, and has had long term plans to develop a family-oriented neighborhood mall to serve a portion of Yigo's commercial market. As a result of study and understanding of this market, the Plaza will host such family-friendly businesses as at least one restaurant, a convenience/grocery store, a coffee shop, a branch of Copy Express, specialty merchandise shopping and similar neighborhood-oriented services to fill local market demand. Yigo Family Plaza will not host bars or nightclubs.

The Yigo Family Plaza will feature a modern design with flexibility for leasable spaces but remain affordable for tenants. The one-story structure with abundant parking will be phased construction in order to accommodate growing interest by quality tenants without over committing to an initial large financial burden for development. Either Building 01 plus parking or Building 02/03 plus parking will be built first, depending on market demand.



50 100 250 500 750

GRAPHIC SCALE 1" = 416'

Zoning Map within 1000ft Radius of Subject Property

LEGEND:

Subject Property Boundary

1000ft Radius Boundary

ZONING CLASSIFICATION LEGEND:
**see map for zoning boundaries*

A	Rural Zone
C	Commercial Zone
R-1	Single Family Residential Zone
R-2	Multiple Family Residential Zone
P.U.D.	Planned Unit Development

YIGO FAMILY PLAZA.
T10417 Lot 7, Yigo, Guam

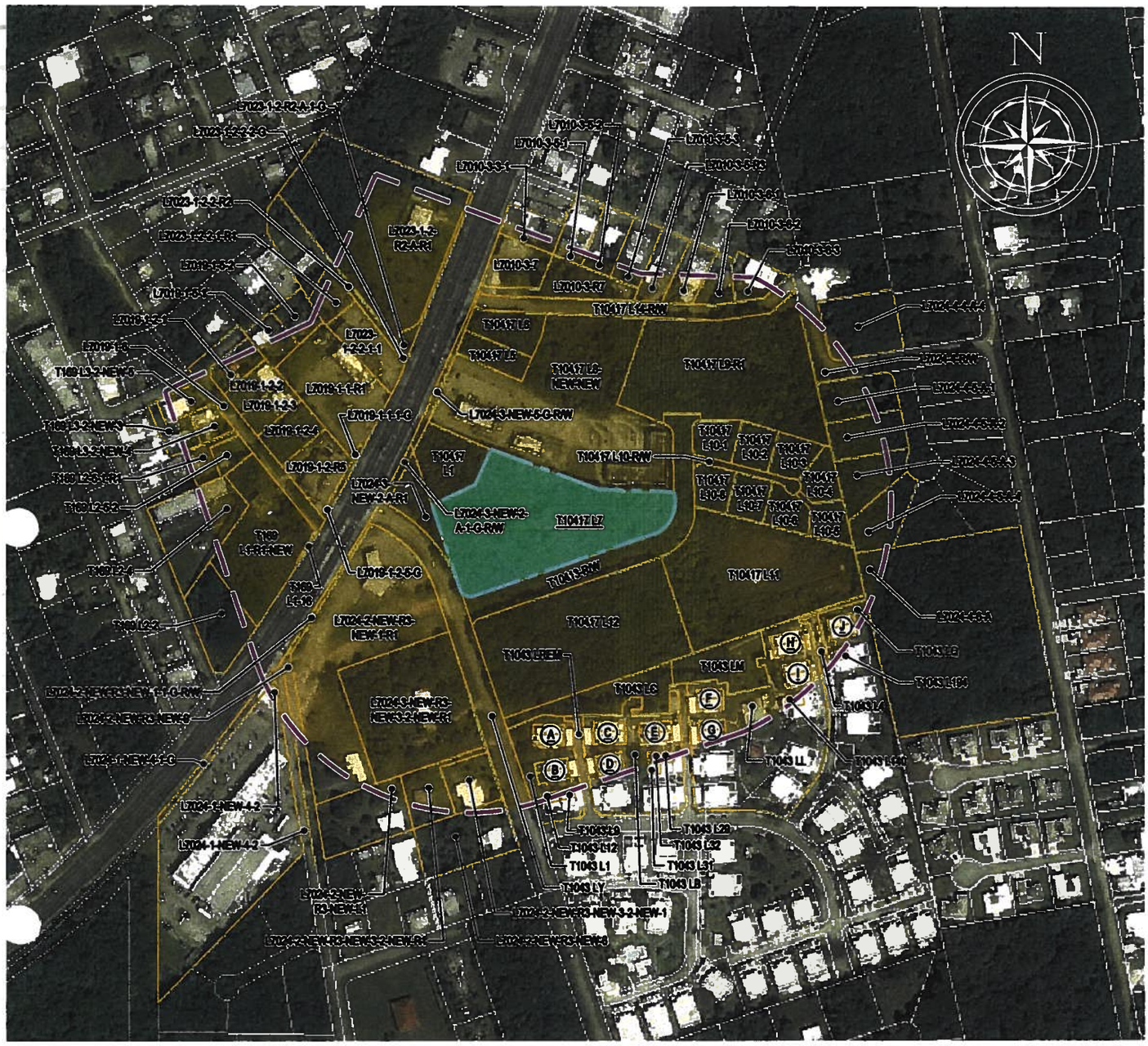


Land Use Map within 750ft Radius of Subject Property

LEGEND:

- Subject Property Boundary
- 750ft Radius Boundary
- Major and Minor Roads
- Land Use Category Outline
  **See Map for Category Names*

YIGO FAMILY PLAZA.
T10417 Lot 7, Yigo, Guam



50 100 250 500 750

GRAPHIC SCALE 1" = 333'

4	1
3	2

	A	B	C	D	E	F	G	H	I	J
1	T1043 L1	T1043 L5	T1043 L23	T1043 L19	T1043 L25	T1043 L131	T1043 L127	T1043 L145	T1043 L141	T1043 L199
2	T1043 L2	T1043 L6	T1043 L24	T1043 L20	T1043 L26	T1043 L132	T1043 L128	T1043 L146	T1043 L142	T1043 L200
3	T1043 L3	T1043 L7	T1043 L21	T1043 L17	T1043 L27	T1043 L129	T1043 L125	T1043 L147	T1043 L143	T1043 L197
4	T1043 L4	T1043 L8	T1043 L22	T1043 L18	T1043 L28	T1043 L130	T1043 L126	T1043 L148	T1043 L144	T1043 L198

Lot Numbers within 500ft Radius of Subject Property

LEGEND:

- Subject Property Boundary
- 500ft Radius Boundary
- Property Boundaries

YIGO FAMILY PLAZA.
T10417 Lot 7, Yigo, Guam

Doc. No. 34GL-18-2679.

Dan sweavery guam - Go
Geocortex Viewer for HT
www.guam-am-gis.com/html5viewer/index.html?viewer=GMobileApp
GovGuam Mobile Apps
I want to...
ADA VIGO TOWN CENTER
A zone
L7 T10417
C zone
R2
MOBIL
RT 1 MARINE CORPS DR
0 50 100m
6/7/2016

THE UNDERSIGNED WILL AGREE TO THE DELETION OF THE SLOPE EASEMENT (SEE REF. NO. 3) IN THE FUTURE SHOULD THE PARCEL MEET THE R/W (ROUTE NO. 1) GRADE

(SEE NOTE 4)

DPW. DIRECTOR — DATE

1-9-90
D.P.W. R/W DIV. — DATE

FRANCIS TAITANO

GRAPHIC SCALE
100 50 0 100 200
SCALE 1" = 100 F

LOT 14-R/W
AREA = 93,816 ± 35 FT
= 8,688 ± SQ M
40' WIDE PUBLIC ACCESS & UTILITY EASEMENT DOC # 10^294

LOT 6
AREA = 17,928 ± SQ FT
= 1,665 ± SQ M.

LOT 5
AREA = 19,[illegible] ± SQ FT
= 1,189 ± SQ M

LOT 4
AREA = 12,797 ± SQ FT
= 1,189 ± SQ M

LOT 3
AREA = 12,798 ± SQ FT
= 1,189 ± SQ M

LOT 2
AREA = 12,798 ± SQ FT.
= 1,189 ± SQ M.

LOT 1
AREA = [illegible] ± SQ FT.
= [illegible] ± SQ M.

LOT 7024-3NEW-5G
RIGHT OF WAY
DOC # 419100

LOT 7024-3NEW-2A-1G
DOC. # 414838

LOT 7024-3NEW-2A-R1
DOC # 414838

68TN IE.33
N 183,177 480'
E 211,258 706

SEE DETAIL "A"

LOT 7010-3-5-R5
DOC # 88780

LOT 7010-3-6-1
DOC # 338939

DETAIL "A"
NOT TO SCALE

LOT 7010-3-6-2
DOC # 84[illegible]

LOT 7010-3-6-3
C.T. # 55007

LOT 7010-3-5-R7
DOC # 421[illegible]
C.T. # 54965

LOT 7010-3-A7
C.T. # 54,[illegible]
DOC # 95[illegible]

LOT 7010-3-5-1
LOT 7010-3-5-2
LOT 7010-3-5-3

CHECKED BY
PLANNER, DLM — DATE
TECHNICIAN, DLM — DATE
SURVEYOR, DLM — 2/9/90 DATE

LOT 8
AREA = 136,117 ± SQ FT.
= 12,832 ± SQ M.

LOT 9
AREA = 136,897 ± SQ FT
= 12,690 ± SQ M

LOT 7024-4-9A
DOC # 315009

TRACT 10417
(FORMERLY LOT # 7024-3NEW-R4) → SEE NOTE 4

LOT 10
AREA = 94,881 ± SQ FT
= 8,784 ± SQ M

BASIC CURVE DATA
CHD = N 47°-29'-26" W
C = 28.86'
R = 25.00'
Δ = 90°-00'-00"
L = 39.27'

CHD = S 42°-31'-26" W
C = 28.86'
R = 25.00'
Δ = 90°-00'-00"
L = 39.27'

VARIABLE WIDTH SLOPE EASEMENT AS PER MASTER PLAN SEE REF. NO. 3

LOT 7
AREA = 136,686 ± SQ FT
= 12,714 ± SQ M

CHD = S 24°-29'-26" E
C = 28.86'
R = 25.00'
Δ = 73°-29'-00"
L = 32.07'

LOT 11
AREA = 120,649 ± SQ FT
= 11,209 ± SQ M.

LOT 7024-4-8A
DOC # 318609

LOT 7024-2NEW-R3 NEW-1
DOC # 279034

LOT # 7024-2NEW-1AR3
60' WIDE PUBLIC ACCESS AND UTILITY EASEMENT
DOC. # 2 [illegible] AND 259107

CHD = S 65°-29'-26" E
C = 28.86'
R = 25.00'
Δ = 90°-00'-00"
L = 39.27'

LOT 12
AREA = 138,384 ± SQ FT
= 12,668 ± SQ M

CHD = S 65°-29'-26" W
C = 28.86'
R = 25.00'
Δ = 90°-00'-00"
L = 39.27'

TRACT NO. 10417
BASIC LOT 7024-3NEW-R4
AREA = 194,467 ± SQ FT REC
= 87,372 ± SQ M

LOT 13-R/W
AREA = 46,797 ± SQ FT
= 4,348 ± SQ M
50' WIDE PUBLIC ACCESS & UTILITY EASEMENT

68TN IE.82

POB
N 182,709.696'
E 211,690.686'

LOT # 7029-2NEW-1R
50' WIDE PUBLIC ACCESS & UTILITY EASEMENT
DOC # 279033

APPROVED OF SATISFACTION

BASIC CURVE DATA "F"
Δ = 04°-55'-05"
R = 580.00'
L = 50.01'
CHD = 50.01' (S 87°-00'-45"E)

1. PEDRO PEREZ ADA
DOC # 415100

2. VICENTE GUEVARA PEREZ
DOC # 415100

3. FE PEREZ ADA
DOC # 415100

4. SUSANNA C. PEREZ
DOC # 415100

5. FELIX GUEVARA PEREZ
DOC # 415100

6. GLAFIRA S. PEREZ
DOC # 415100

SYMBOLS
- △ TRIANGULATION STATION
- ○ 4"x 4" CONC MON SET BY RLS # 54
- ● CONC MON FOUND, SET BY UNKNOWN
- C CURVATURE NOT REFRACED

CURVE DATA					
COURSE	Δ	R	L	C	CHD
A	00° 10' 06"	4,844.15	13.26	13.22	N 21° 42' 19" E
B	00° 47' 06"	4,844.15	62.36	62.36	N 22° 15' 13" E
C	00° 47' 06"	4,844.15	62.36	62.36	N 22° 53' 09" E
D	00° 47' 06"	4,844.15	62.36	62.36	N 23° 41' 05" E
E	00° 47' 06"	4,844.15	62.36	62.36	N 24° 28' 01" E
F	00° 47' 06"	4,844.15	62.36	62.36	N 25° 53' 57" E
G	00° 45' 23"	4,844.15	59.50	59.50	N 26° 09' 26" E

DOTTED LINE TECHNICAL DESCRIPTION IN FRONT OF ROUTE NUMBER 1
LOT NO. 7024-3NEW-5G

	CURVE DATA	DISTANCE IN FEET
A-2	Δ = 00° 04' 38" (00°-04'-38") R = 4,844.15' (4,844.15) CHD = S 24° 49' 49" E (S 24°-54'-48"E)	C = 182.0' (182.00) Lc = 182.05' (182.05)
2-3	N 65° 00' 37" W (N65°-00'-39"W)	0.00' (0.00)
3-4	Δ = 04° 54' 44" (04°-54'-43") R = 4,389.15' (4,389.15) CHD = N 27° 28' 01" E (N 27°-28'-00"E)	C = 191.00' (191.00) Lc = 191.06' (191.07)
4-5	N 87° 04' 21" W (S86°-57'-14" W)	5.00' (5.00)
5-6	Δ = 00° 23' 28" (00°-23'-28") R = 4,384.15' (4,384.15) CHD = N 22° 15' 53" E (N 22°-20'-08"E)	C = 119.00' (119.00) Lc = 119.00' (119.00)
6-7	N 21° 57' 50" E (N 22°-03'-52"E)	C = 20.31' (20.31)
7-8	N 71° 13' 21" W (N 71°-08'-04"W)	0.00' (0.00)
8	S 21° 57' 15" W (S 21°-53'-21"W)	20.80' (20.80)
8-9	SEE CURVE DATA (D)	
9-10	S 10° 43' 53" E (S 10°-45'-08"E)	23.00' (23.00)

CONTAINS = 4,815 ± SQ FT

SUBJECT
LOT 7024-3NEW-R4

LOCATION MAP
NOT TO SCALE

NOTES
1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN FEET, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE 1965
4. THIS MAP SUPERSEDES THE REAL ESTATE REQUIREMENT MAP DATED DEC-5-89-16, LM # 269-1789, PREPARED BY RLS # 65 RECORDED IN OWNER DOC. # 416988 WITH RESPECT ONLY TO LOT # 7024-3NEW-R4, AS FOR EASEMENT SHOWN ON PLAN

REFERENCES
1. DWG NO 3464 CONSOLIDATION & PARCELLING OF LOTS 7024-5, 7024-3NEW-1 & 2, 7024-3NEW-R2 AND 7024-1NEW PREPARED BY RLS # 48, LM # 236-FY 75. DOC. # 255107
2. DWG. NO. ESM 80-17, SUBDIVISION OF LOT 7024-4, PREPARED BY RLS # 51, LM # 367-FY 80. DOC. # [illegible]
3. DWG NO. ESM 89-[illegible] REFERENCE FOR SLOPE EASEMENT ON 7024-3NEW-R4 PREPARED [illegible], LM # 213 FY 89 DOC # 416988

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 21, GCA OF GUAM, AND REGULATIONS THEREUNDER ON THIS THE 1st DAY OF February 1990.

TERRITORIAL SURVEYOR

APPROVAL PURSUANT TO PUBLIC LAW 6-194, GOV'T. CODE OF GUAM.

TERRITORIAL PLANNER (ACTING) — DATE 8-20-87

CERTIFICATE OF SURVEYOR

I, ROBERT R. VENTURA, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN MARCH 1989 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

8-15-89

ROBERT R. VENTURA RLS # 54 — DATE

REVISION	DESCRIPTION	BY	APPROVED

SUBDIVISION SURVEY MAP
FOR
TRACT 10417
(FORMERLY LOT 7024-3NEW-R4)
MUNICIPALITY OF YIGO

LS 10 — SEC 4

SURVEY DATA	DATE	BASIC LOT DATA
FIELD RBV	MARCH 1989	BASIC LOT NO. 7024-3NEW
BOOK NO. RBV-89-01	"	CERTIFICATE NO. 54988
COMPUTED GML	"	REGISTERED ON JAN. 1, 1915
DRAWN BRV	"	IN NAME OF
RESEARCHED RBV	"	[illegible]
CHECKED RBV	APR 1990	

PREPARED FOR, SATISFACTORY TO AND APPROVED BY
[illegible] MAP — DATE
DOCUMENT NO. 412788

SCALE 1" = 100'

SHEET 1 OF 1

DRAWING NO. RRV-89-002

LAND MANAGEMENT
693 FY 89
253

ROBERT R. VENTURA
REGISTERED LAND SURVEYOR NO. 54
P.O. BOX 8645 TAMUNING GUAM 96911 TEL. 472 1789 / 477 0825/6

DOC # 429657

Doc. No. 34GL-18-2679.

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

File for Record is Instrument No. 894323

On the Year 16 Month 6 Day 29 Time 338

Recording Fee 25 Receipt No. 45232

Deputy Recorder

JOEL D. ANTENORCRUZ

Security Title

QUITCLAIM DEED

THAT ON THIS 29th day of June, 2016, **KEVIN J. YANG**, a married man, whose mailing address is P.O. Box 9807, Tamuning GU 96931, hereinafter referred to as "**GRANTOR**", for and in consideration in the amount of ZERO DOLLARS ($0.00) do hereby remise, release, and forever quitclaim unto **YSENGSONG, INC.**, a Guam corporation, whose mailing address is 155 E.T. Calvo Memorial Parkway #100, Tamuning GU 96913, hereinafter referred to as "**GRANTEE**", all of GRANTOR'S rights, title and interest, in and to the following described premises:

Lot 7, Tract 10417, Yigo, Guam, Estate Number 65992, Suburban, as said Lot is described in that Subdivision Survey Map for Tract 10417 (formerly Lot 7024-3NEW-R4, as shown Drawing Number RRV-89-009, as L.M. Check Number 253 FY 89, dated 09 February 90 and recorded on 09 February 90 under Instrument No. 429657 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 12,714± square meters or 136,856± square feet.

Certificate of Title Number: 88391 - Vicente Guevara Perez

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

IN WITNESS WHEREOF, this instrument has been executed this 29th day of June, 2016.

GRANTOR:

KEVIN J. YANG

GUAM U.S.A.

} ss

CITY OF TAMUNING

ON THIS 29th day of June, 2016, before me, a Notary Public in and for Guam, U.S.A., personally appeared Kevin J. Yang, and he acknowledged to me that he executed the foregoing QuitClaim Deed, as his voluntary act and deed for the purposes herein set forth.

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

Notary Public
My Commission Expires:

LENA L CASTRO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **SEPT. 14, 2019**
356 S. Marine Corps Dr. Tamunig Guam 96913

Doc. No. 34GL-18-2679.

GRANTEE:

YSENGSONG, INC., A GUAM CORPORATION

BY _____
CHAE SUN YANG
AUTHORIZED REPRESENTATIVE

GUAM U.S.A.

} ss

CITY OF TAMUNING

ON THIS 29th day of June, 2016, before me, a Notary Public in and for Guam, U.S.A., personally appeared Chae Sun Yang, and she acknowledged to me that she executed the foregoing QuitClaim Deed, as her voluntary act and deed for the purposes herein set forth.

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

_____
Notary Public
My Commission Expires:

LENA L CASTRO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **SEPT. 14, 2019**
356 S. Marine Corps Dr. Tamunig Guam 96913

SPOUSAL CONSENT AND RELEASE

I, CHAE SUN YANG, spouse of Kevin J. Yang, do hereby relinquish any interest I may have on the following described property:

Lot 7, Tract 10417, Yigo, Guam, Estate Number 65992, Suburban, as said Lot is described in that Subdivision Survey Map for Tract 10417 (formerly Lot 7024-3NEW-R4, as shown Drawing Number RRV-89-009, as L.M. Check Number 253 FY 89, dated 09 February 90 and recorded on 09 February 90 under Instrument No. 429657 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 12,714± square meters or 136,856± square feet.

Certificate of Title Number: 88391 - Vicente Guevara Perez

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of June, 2016.

CHAE SUN YANG

GUAM, U.S.A.

} ss

CITY OF TAMUNING

ON THIS 29th day of June, 2016, before me, a Notary Public in and for Guam, U.S.A., personally appeared Chae Sun Yang, and she acknowledged to me that she executed the foregoing Spousal Consent and Release, as her voluntary act and deed for the purposes herein set forth.

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

Notary Public
My commission expires:

LENA I. CASTRO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: SEPT. 14, 2019
356 S. Marine Corps Dr. Tamunig Guam 96913

Doc. No. 34GL-18-2679.

Security Title

AFFIDAVIT OF TRUE CONSIDERATION

TO: DIRECTOR OF LAND MANAGEMENT

WE, the undersigned having been first duly sworn hereby depose and say as follows:

WE, have duly transferred any interest we may have in the following described real property:

Lot 7, Tract 10417, Yigo, Guam, Estate Number 65992, Suburban, as said Lot is described in that Subdivision Survey Map for Tract 10417 (formerly Lot 7024-3NEW-R4, as shown Drawing Number RRV-89-009, as L.M. Check Number 253 FY 89, dated 09 February 90 and recorded on 09 February 90 under Instrument No. 429657 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 12,714± square meters or 136,856± square feet.

Certificate of Title Number: 88391 - Vicente Guevara Perez

by the terms of a QuitClaim Deed executed on this 29th day of June, 2016, bearing Document Number 894323, said deed Incorporated here is reference.

That the true consideration or value given for said real property is **$0.00**.

That the said value is based on payment of **$0.00** U.S. Currency.

That to my knowledge (initial where applicable):

GRANTEE GRANTOR

No real estate commissions were paid in this transaction.

Doc. No. 34GL-18-2679.

That this Affidavit is executed to satisfy the requirements of Section 20102 of Title 11 GCA and for official use by the Government of Guam.

It is further understood that this document is submitted only for such official use by the Government and is not to be made available for inspection by the general public.

IN WITNESS WHEREOF, WE, hereby affix our signatures this 29th day of June, 2016.

GRANTOR:

KEVIN J. YANG

Subscribed and sworn before me this 29th day of June, 2016, by Kevin J. Yang.

Notary Public
My Commission Expires:

LENA I. CASTRO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **SEPT. 14, 2019**
356 S. Marine Corps Dr. Tamunig Guam 96913

GRANTEE:

YSENGSONG, INC., A GUAM CORPORATION

BY _____
CHAE SUN YANG
AUTHORIZED REPRESENTATIVE

Subscribed and sworn before me this 29th day of June, 2016, by Chae Sun Yang, for and on behalf of Ysengsong, Inc., as its duly authorized representative.

_____
Notary Public
My Commission Expires:

LENA I. CASTRO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **SEPT. 14, 2019**
356 S. Marine Corps Dr. Tamunig Guam 96913

Doc. No. 34GL-18-2679.

ENDORSEMENT

Attached to Policy No. O-9301-003885996

Issued By:

STEWART TITLE GUARANTY COMPANY

The policy is hereby amended by adding as a named insured therein

YSENGOSONG, INC.

This endorsement does not extend the coverage of the policy to any later date than Date of Policy, nor does it impose any liability on the Company for loss or damage resulting from (1) failure of such added insured to acquire an insurable estate or interest in the land, or (2) any defect, lien or encumbrance attaching by reason of the acquisition of an estate or interest in the land by such added insured.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Date: May 26, 2016

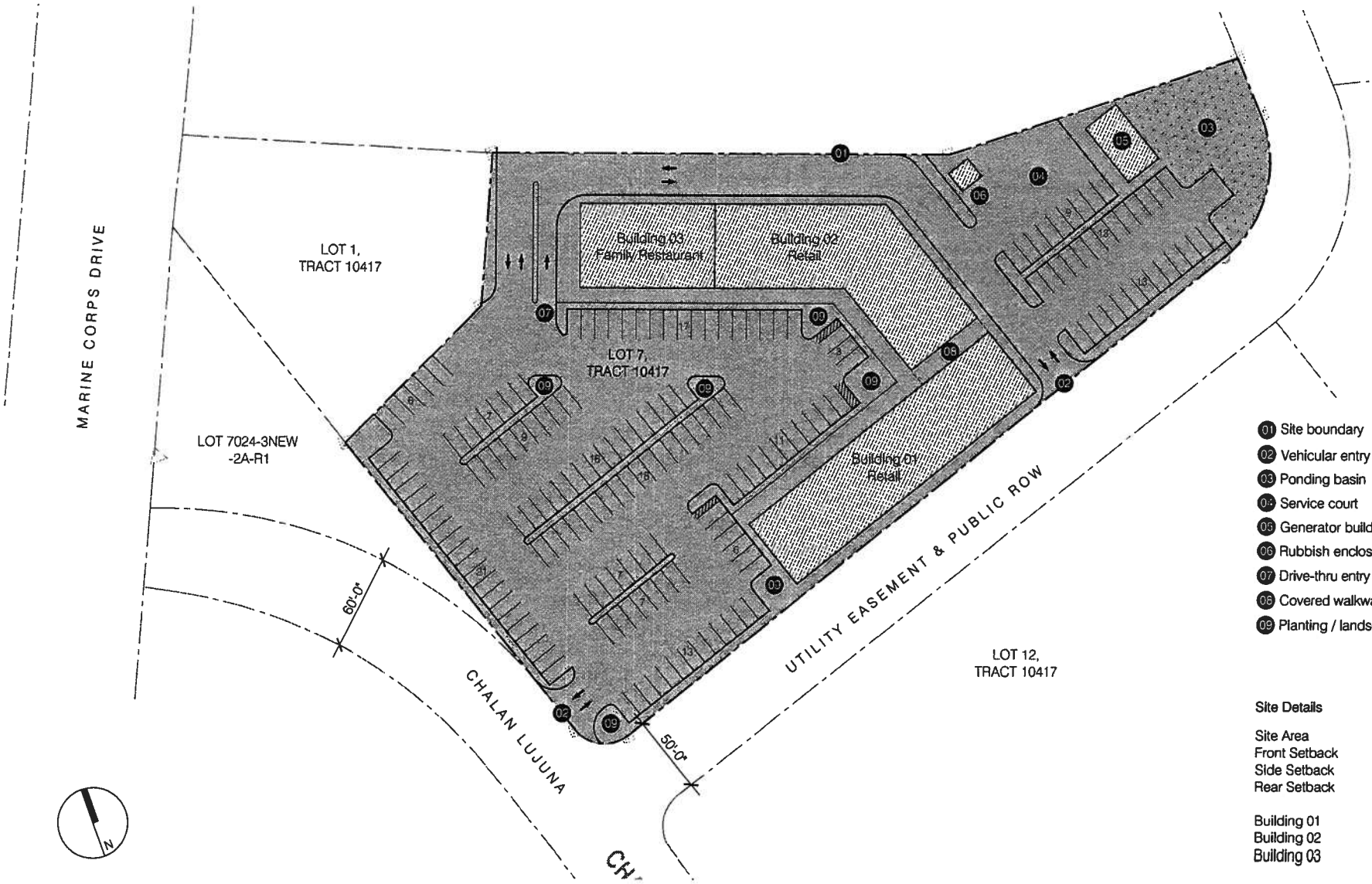
STEWART TITLE GUARANTY COMPANY

Authorized Signatory

Security Title, Inc.
Company Name

Tamuning, GU
City, State

Site Development Plan



Site Details

Site Area	±136,856 sf
Front Setback	0 ft.
Side Setback	0 ft.
Rear Setback	20 ft.
Building 01	10,000 sf
Building 02	10,000 sf
Building 03	5,000 sf
Total Parking	176

ARi Partners Architecture+ © COPYRIGHT AR/Partners
Tumon Bay Business Center, Suite 201
919 Pale San Vitores Road, Tumon, GU. 96913
T: 671.646.5144/5
E: ariadmin@ariarchitecture.com

YIGO FAMILY PLAZA

Site Development Plan

PROJECT NO.:	20276
DATE:	Sep 16 2018
SCALE:	N/A

Doc. No. 34GL-18-2679.

FEASIBILITY STUDY
REZONING OF LOT 7, TRACT 10417, YIGO TO COMMERCIAL
YIGO FAMILY PLAZA

The feasibility of this proposed neighborhood mall can be assessed in two ways: market demand and development costs.

MARKET DEMAND

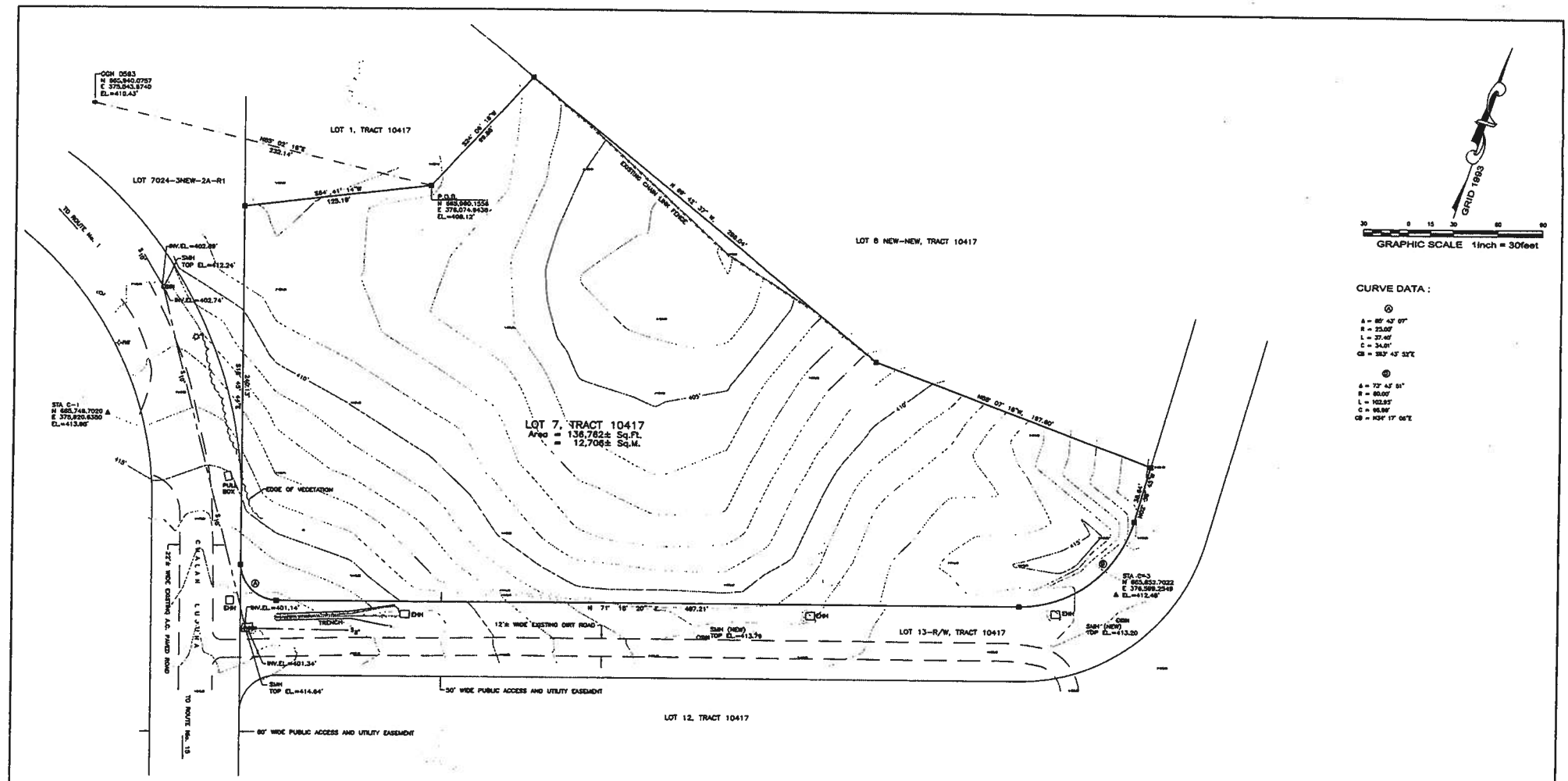
The Justification accompanying this application describes Yigo's proportionate population in relation to other Guam municipalities (second most populous) as well as its standing among islandwide commercial enterprises (only 75 establishments in relation to Guam's 2,246 businesses). Further, Yigo continues to attract new residential development and nearby Andersen Air Force is predicted to grow steadily.

The project's site location is adjacent to other commercial activities, to which customer traffic is already attracted, and only one lot away from Marine Corps Drive. Additional traffic is generated along Chalan Lujuna which serves nearby residences for crossover traffic between Routes 1 and 15.

With an emphasis on neighborhood-friendly businesses, this mall can appeal to a variety of small stores, shops and restaurants on which most families rely: low budget diners, personal services, convenience stores, specialty foods and shopping. The goal for tenant selection will be a mix of products and services that are most commonly needed by both nearby residents as well as commuters.

DEVELOPMENT COSTS

Since the structure will be only one story high with large interior spans allowing for maximum interior flexibility to accommodate varying tenant spaces, the construction will be simple and relatively inexpensive. Many contractors will be qualified for this particular type of building construction, offering a competitive bidding scenario. Further, the property is large enough to include a ponding basin for stormwater disposal and not rely on expensive retention chambers under the parking lot. The site is relatively level, and all utilities are very close. Lastly, phase 1 will be self-financed, obviating the burden of typical expenses for bank fees and interest payments.



NOTES :

1. SURVEY WAS BASED ON FOUND CORNERS.
2. ELEVATION DATUM WAS BASED ON CGN 0563 WITH AN ELEVATION OF 410.43' (MSL)
3. ALL DISTANCES AND ELEVATIONS ARE IN FEET.
4. CONTOUR LINES ARE ONE (1) FOOT INTERVAL.

REFERENCES :

1. OWG No. RRV-88-008, SUBDIVISION SURVEY MAP OF TRACT 10417 (FORMERLY LOT 7024-3NEW-R4), PREPARED BY RLS No. 54, L.M. No. 283-FY88, Doc. No. 429857.

SYMBOLS :

- CGN STATION
- TRAVERSE STATION
- 4x4 CONCRETE MONUMENT FOUND, SET BY RLS No. 54
- FIRE HYDRANT
- LAMP POST
- SERVICE POLE
- ELECTRICAL HANDHOLE
- SEWER MANHOLE

TOPOGRAPHIC SURVEY MAP
OF
LOT 7, TRACT 10417

L.S. 10 MUNICIPALITY OF YIGO SEC. 4

CERTIFICATION OF SURVEYOR

I, FRANK L.G. CASTRO, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON FIELD SURVEY MADE IN SEPTEMBER 2016.

FRANK L.G. CASTRO, PLS No. 19 DATE 10-23-2016

CERTIFICATE NO. 19 PROFESSIONAL LAND SURVEYOR EXP: APRIL 30, 2017

FLGC FRANK L.G. CASTRO
PROFESSIONAL LAND SURVEYOR No. 19
ISLAND OF GUAM
P.O. BOX 1116, AGANA, GUAM 96932 TEL. NO. 687-2746

SHEET NO. 1 OF 1 SCALE 1" = 30 feet SURVEYOR'S DRAWING NO. FC15-TP

Doc. No. 34GL-18-2679.

YIGO FAMILY PLAZA, LOT 7, TRACT 10417
INFRASTRUCTURE REQUIREMENTS ASSESSMENT

1.0 Project Location and Development Profile

A. Location: The project is located in Yigo, specifically Lot 7, Tract 10417 containing an area of 136, 856 square feet. Access is through a 50-foot wide Access and Utility Easement extending from Chalan Lujuna and abutting Lot 7 to the southeast. See Exhibit A.

B. Development Profile: The Yigo Family Plaza project profile follows:

- Three (3) separate buildings with the floor areas:
  - Building 01: 10,000 SF
  - Building 02: 10,000 SF
  - Building 03: 5,000 SF
- Exhibit B shows Plaza layout plan and the proposed Tenant List
- Parking spaces provided: 176

The proposed family shopping center/plaza is accessed from Chalan Lujuna, a collector road that intersects Route 1 at a signalized 3-way intersection a short distance to the northwest.

2.0 Potable Water

The proposed shopping center/plaza under full tenancy and if consistent with the proposed tenant uses will generate an average daily water demand of 32,308 gallons and a maximum minute flow of 90 gallons per minute. See Table W-1. The fire code requires a minimum fire flow of 2,500 gpm. This can be made available from a fire hydrant fed by a waterline with a diameter of 6 to 8 inches in diameter. For this project, the fire protection requirement will far exceed the maximum water demand for the proposed development. Thus the water system infrastructure serving the project site must consist of a water distribution system that will meet the *Fire Flow + 25% of the Maximum Day Demand* requirement with the following system characteristics:

- 6" or 8" diameter waterline per Guam Waterworks requirements
- Fire hydrants spaced per code requirement
- Meter-ready water service lateral meeting GWA requirements

The shortest point of connection to water service for the Plaza is to the 6-inch distribution line located along Chalan Lujuna serving the Perez Acres residential community. If during actual Plaza site work design it is determined that an 8-inch diameter line is required for fire flow, than the specific point of connection will be the 12-inch diameter water transmission line located on Route 1. See Exhibit C.

3.0 Wastewater

The proposed shopping center/plaza under full tenancy and if consistent with the proposed tenant uses will generate an average daily wastewater flow of 28,171 gallons and a peak daily flow of 99,636 gallons using a peaking factor of 3.54. See Table WW-1.

The Plaza can connect to the GWA wastewater collector line along Chalan Lujuna or to the transmission line along Route 1. For a gravity connection to the sewer system to be possible, the finish elevation of the buildings at the Plaza must provide sufficient slope to the point of connection. Depending on slope, the connecting sewerline will either be a 6" or 8" diameter line. See Exhibit C.

4.0 Road, Traffic and Drainage Impacts

Access to the Plaza will be from Chalan Lujuna. See Exhibits A, B and C. Traffic Generation Analysis is as shown by Table T-1. The average weekday traffic flow (expressed in vehicle-trips) is 1,068; the average peak hour traffic flow is 69. Traffic volumes generated by the Plaza is easily dissipated by access to Route 1 to the west and along Chalan Lujuna to Route 15 to the east.

Storm runoff from the development can be collected by strategically placed inter-connected field inlets throughout the site and disposed by discharge to a properly designed on-site percolation/ponding basin. The final overall storm drainage collection and disposal system will be determined during the design of site improvements.

*** *** ***

THE UNDERSIGNED WILL AGREE TO THE DELETION OF THE SLOPE EASEMENT (SEE REF. NO. 2) IN THE FUTURE SHOULD THE PARCEL MEET THE R/W (ROUTE NO. 1) GRADE

(SEE NOTE 6)

D.P.W. DIRECTOR — DATE

D.P.W. R/W DIV. — DATE

FRANCIS TAITANO

GRAPHIC SCALE
100 50 0 100 200
SCALE 1" = 100 FT

LOT 14-R/W
AREA = 37,315 ± SQ FT
= 3,468 ± SQ M
40' WIDE PUBLIC ACCESS & UTILITY EASEMENT DOC # 10 294

LOT 6
AREA = 17,928 ± SQ FT
= 1,665 ± SQ M

LOT 5
AREA = 19,[illegible] ± SQ FT
= 1,[illegible] ± SQ M

LOT 4
AREA = 12,787 ± SQ FT
= 1,189 ± SQ M

LOT 3
AREA = 12,788 ± SQ FT
= 1,189 ± SQ M

LOT 2
AREA = 18,788 ± SQ FT
= 1,189 ± SQ M

LOT 1
AREA = [illegible] ± SQ FT
= [illegible] ± SQ M

SEE DETAIL "A"

68TN 1963

LOT 7024-3NEW-5-B
RIGHT OF WAY
DOC # 219 [illegible]

LOT 7024-3NEW-2A-16
DOC # 414858

LOT 7024-3NEW-2A-R1
DOC # 414856

68TN IE.33
N 183,177 460'
E 211,298 706

LOT 7024-2NEW-R3NEW-1
DOC # 279054

LOT # 7024-2NEW-1A-R3
60' WIDE PUBLIC ACCESS AND UTILITY EASEMENT
DOC # 210294 AND 255107

LOT 13-R/W
AREA = 48,797 ± SQ FT
= 4,348 ± SQ M
50' WIDE PUBLIC ACCESS & UTILITY EASEMENT

68TN IE.32

LOT # 7024-3NEW-1A-R3
60' WIDE PUBLIC ACCESS & UTILITY EASEMENT
DOC # 279054

LOT 7010-3-5-R5
DOC # 58 [illegible]

LOT 7010-3-6-1
DOC # 336039

LOT 7010-3-6-2
DOC # 468 [illegible]

LOT 7010-3-6-3
C.T # 55007

LOT # 7010-3-6A
DOC # [illegible]

LOT 7010-3-7
DOC # 69 [illegible]
C.T # 74,[illegible]

LOT 7010-3-A-1
C.T # 74,[illegible]
DOC # 252 [illegible]

LOT 7010-3-1
LOT 7010-3-2
LOT 7010-3-3
LOT 7010-3-4

CHECKED BY
PLANNER, R&M — DATE
TECHNICIAN, R&M — DATE
SURVEYOR, R&M — 2/9/90 DATE

LOT 9
AREA = 136,887 ± SQ FT
= 12,690 ± SQ M

LOT 8
AREA = 136,117 ± SQ FT
= 12,632 ± SQ M

LOT 7024-4-9A
DOC # 348803

BASIC CURVE DATA
CHD = N 47°-59'-56" W
C = 28.58'
R = 25.00'
Δ = 90°-00'-00"
L = 39.27'

CHD = S 42°-01'-04" W
C = 28.58'
R = 25.00'
Δ = 90°-00'-00"
L = 39.27'

TRACT 10417
(FORMERLY LOT # 7024-3NEW-R4) → SEE NOTE 4
AREA = 87,400 ± SQM

LOT 10
AREA = 84,881 ± SQ FT
= 7,884 ± SQ M

VARIABLE WIDTH SLOPE EASEMENT AS PER MASTER PLAN SEE REF. NO. 2

LOT 7
AREA = 136,856 ± SQ FT
= 12,714 ± SQ M

Area: 136,856 SF

LOT 11
AREA = 120,849 ± SQ FT
= 11,229 ± SQ M

LOT 7024-4-8A
DOC # 348803

LOT 12
AREA = 136,384 ± SQ FT
= 12,668 ± SQ M

TRACT NO. 10417
BASIC LOT 7024-3NEW-R4
AREA = 94,[illegible] ± SQ FT SEC
= 87,372 ± SQ M

POB
N 182,709.596'
E 211,690.664'

APPROVED w/ SATISFACTION

SYMBOLS
- △ TRIANGULATION STATION
- ○ 4"x4" CONC MON SET BY RLS # 54
- ● CONC MON FOUND, SET BY UNKNOWN
- C CORNERS NOT REFINED

CURVE DATA					
COURSE	Δ	R	L	C	CHB
A	00° 10' 00"	4,844.15	13.22	13.22	N 21° 42' 15" E
B	00° 47' 06"	4,844.15	66.36	66.36	N 22° 09' 09" E
C	00° 47' 06"	4,844.15	66.36	66.36	N 22° 56' 09" E
D	00° 47' 06"	4,844.15	66.36	66.36	N 23° 43' 08" E
E	00° 47' 06"	4,844.15	66.36	66.36	N 24° 30' 07" E
F	00° 47' 06"	4,844.15	66.36	66.36	N 25° 17' 07" E
G	00° 45' 22"	4,844.15	63.90	63.90	N 26° 03' 36" E

DOTTED LINE TECHNICAL DESCRIPTION IN FRONT OF ROUTE NUMBER 1
LOT NO. 7024-3NEW-5G

						DISTANCE	IN FEET
1-2	A =	00° 54' 33" (00°-54'-00")				C =	102.01' (102.00)
	R =	4,844.15' (4,844.00)				L =	102.03' (102.00)
	CHD =	N 24° 44' 49" E (N 25°-04'-00"E)					
2-3		N 65° 09' 33" W (N 65°-08'-59"W)					0.00' (0.00)
3-4	A =	01° 54' 44" (01°-54'-43")				C =	161.98' (161.96)
	R =	4,844.15' (4,843.15)				L =	161.98' (161.97)
	CHD =	N 23° 52' 01" E (N 24°-00'-00"E)					
4-5		N 67° 04' 21" W (N 66°-57'-14" W)					3.00' (3.00)
5-6	A =	00° 23' 52" (00°-23'-30")				C =	110.00' (110.00)
	R =	4,844.15' (4,844.00)				L =	110.00' (110.00)
	CHD =	N 22° 15' 53" E (N 22°-30'-00"E)					
6-7		N 21° 37' 15" E (N 22°-00'-00"E)					20.31' (20.31)
7-8		N 71° 12' 21" W (N 71°-15'-00"W)					6.00' (6.00)
8		S 21° 37' 15" W (S 21°-23'-21"W)					20.80' (20.80)
9		SEE CURVE DATA (F)					
1'		S 16° 43' 53" E (S 16°-45'-00"E)					23.00' (23.00)

CONTAINS = 0.1312 ± ACRES

SUBJECT
LOT 7024-3NEW-R4

LOCATION MAP
NOT TO SCALE

NOTES
1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
2. ALL DISTANCES ARE IN FEET, UNLESS OTHERWISE NOTED
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE 1985
4. THIS MAP SUPERSEDES THE REAL ESTATE REQUIREMENT MAP DEC # DES-5-88-16, LM # 289-FY88, PREPARED BY RLS # 65, RECORDED UNDER DOC # 345 998 WITH RESPECT TO LOT # 7024-3NEW-R4, AS PER ASSESSMENT SPLIT AND PLAN

REFERENCES
1. DWG NO 3464 CONSOLIDATION & PARCELLING OF LOTS 7024-5, 7024-3NEW-1 & -2, 7024-2NEW-R2 AND 7024-1NEW PREPARED BY RLS # 48, LM # 256-FY 75. DOC. # 255107
2. DWG. NO. ESM 80-17, SUBDIVISION OF LOT 7024-4, PREPARED BY RLS # 91, LM # 367-FY 80. DOC. # [illegible]
3. DWG NO. DES-5-88-16 REFERENCE FOR SLOPE EASEMENT OF 7024-3NEW-R4 PREPARED UNDER LM # 289 FY 88 DOC # 345 998

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 21, GCA OF GUAM, AND REGULATIONS THERE-UNDER ON THIS THE 11 DAY OF Feb 1990

TERRITORIAL SURVEYOR

APPROVAL PURSUANT TO PUBLIC LAW 9-194, GOV'T. CODE OF GUAM.

TERRITORIAL PLANNER (ACTING) — DATE 8-3-90

CERTIFICATE OF SURVEYOR

I, ROBERT R. VENTURA, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN MARCH 1988 IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

8-1-90

ROBERT R. VENTURA RLS # 54 — DATE

REVISION	DESCRIPTION	BY	APPROVED

SUBDIVISION SURVEY MAP
FOR
TRACT 10417
(FORMERLY LOT 7024-3NEW-R4)
MUNICIPALITY OF YIGO
LS 10 SEC 4

SURVEY DATA	DATE	BASIC LOT DATA
FIELD RRV	MARCH 1988	BASIC LOT NO. 7024-3NEW-R4
BOOK NO. RRV-88-VI		CERTIFICATE NO. 88988
COMPUTED RRV		REGISTERED ON JAN. 1, 1912
DRAWN BRV		IN NAME OF
RESEARCHED RRV		[illegible]
CHECKED BRV	APR 1990	PREPARED FOR, SATISFACTORY TO AND APPROVED BY
DOCUMENT NO. 445788		SUB MAP — DATE

SCALE 1" = 100'
SHEET 1 OF 1
DRAWING NO. RRV-88-009

LAND MANAGEMENT
LM # 253 FY 89

ROBERT R. VENTURA
REGISTERED LAND SURVEYOR NO 54
P.O. BOX 8645 TAMUNING GUAM 96911 TEL 472 1789 / 477 0825/6

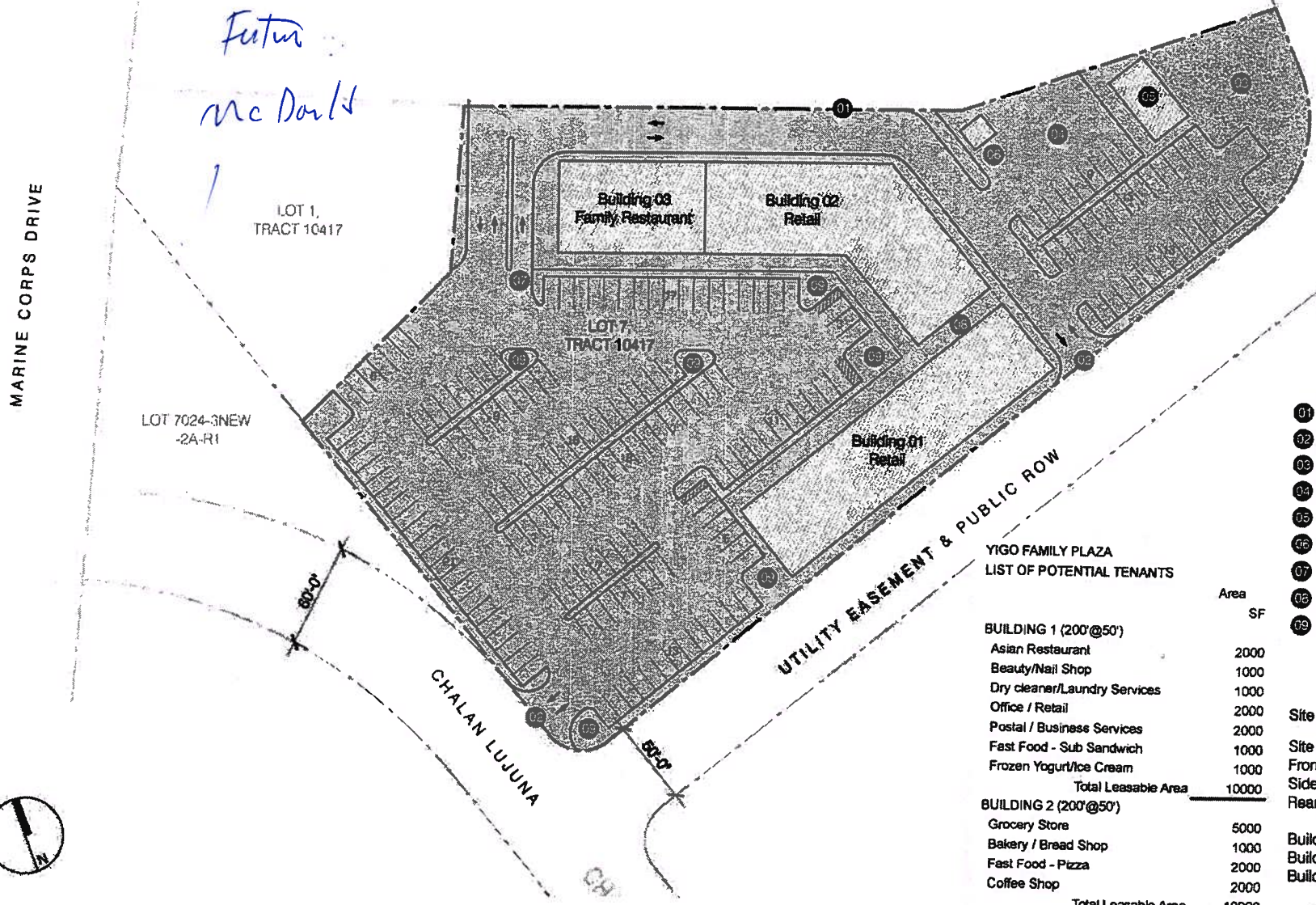
DOC # 429657

EXHIBIT A
Yigo Family Plaza
Infrastructure
Analysis

Site Development Plan

Exhibit B

Futur
Mc Donld
/



YIGO FAMILY PLAZA
LIST OF POTENTIAL TENANTS

	Area SF
BUILDING 1 (200'@50')	
Asian Restaurant	2000
Beauty/Nail Shop	1000
Dry cleaner/Laundry Services	1000
Office / Retail	2000
Postal / Business Services	2000
Fast Food - Sub Sandwich	1000
Frozen Yogurt/Ice Cream	1000
Total Leasable Area	10000
BUILDING 2 (200'@50')	
Grocery Store	5000
Bakery / Bread Shop	1000
Fast Food - Pizza	2000
Coffee Shop	2000
Total Leasable Area	10000
BUILDING 3 (100'@50')	
Family Restaurant	5000
Total Leasable Area	5000

01 Site boundary
02 Vehicular entry / egress
03 Ponding basin
04 Service court
05 Generator building
06 Rubbish enclosure
07 Drive-thru entry
08 Covered walkway
09 Planting / landscaping

Site Details	
Site Area	136,856 sf ~~± 13,856 sf~~
Front Setback	0 ft.
Side Setback	0 ft.
Rear Setback	20 ft.
Building 01	10,000 sf
Building 02	10,000 sf
Building 03	5,000 sf
Total Parking	176

AR/ Partners Architecture+ © COPYRIGHT AR/Partners
Tumon Bay Business Center, Suite 201
919 Pale San Vitores Road, Tumon, GU. 96913
T. 671.646.5144/5
E: arladmin@ariarchitecture.com

YIGO FAMILY PLAZA

Site Development Plan

PROJECT NO.: 20075
DATE: Sep 18 2018
SCALE: N/A

Doc. No. 34GL-18-2679.

TABLE W-1

DUENAS, CAMACHO & ASSOCIATES, INC.

Preliminary Average and Maximum Daily Water Demand

Project: YIGO FAMILY PLAZA **Date:** 12/17/16

Location: Yigo, Guam

Site: Lot 7, Yigo, Between Route 1 and Perez Acres

Gross Area 25,000 SF

Basis of Water Demand Estimate:	Area (SF)	Unit	*Gal per day each	Max Units	Line Total
A. Basic Demand				Usage Factor**	
BUILDING 1 (200'@50')					
Asian Restaurant	2000	Seats/Patrons	8	320	2,560
Beauty/Nail Shop	1000	SF		Estimated	600
Dry cleaner/Laundry Services	1000	Machine		Estimated	3,200
Office / Retail	2000	SF		Estimated	250
Postal / Business Services	2000	SF		Estimated	250
Fast Food - Sub Sandwich	1000	Seats/Patrons	8	141	1,128
Frozen Yogurt/Ice Cream	1000	Seats/Patrons	8	141	1,128
BUILDING 2 (200'@50')					
Grocery Store	5000	SF		Estimated	3,250
Bakery / Bread Shop	1000	SF		Estimated	150
Fast Food - Pizza	2000	Seats/Patrons	8	320	2,560
Coffee Shop	2000	Seats/Patrons	8	240	1,920
BUILDING 3 (100'@50')					
Family Restaurant	5000	Seats/Patrons	12	1,000	12,000
Leasable Area	*25,000*				
B. Other Loads					
Irrigation (Landscaped Areas)		Per Acre	0.25	500	125
Misc. Maintenance					250
				Subtotal	29,371
C. Miscellaneous Demand					
(Assume 10% of Total Load)					2,937
Total Gallons Per Day Average Flow					**32,308.10**
Maximum Day Flow (1.5 x Day Average Flow)***					**48,462.15**
Maximum Hourly Flow (3.0 x Day Average Flow)***					**4,038.51**
Maximum Minute Flow (4.0 x Day Average Flow)***					**89.74**
Fire Flow + 25% of Maximum Day Flow (GPM)***			2,500	8.41	**2,508.41**
Fire Flow + 25% of Maximum Day Flow (CFS)***					**5.59**

LEGEND:

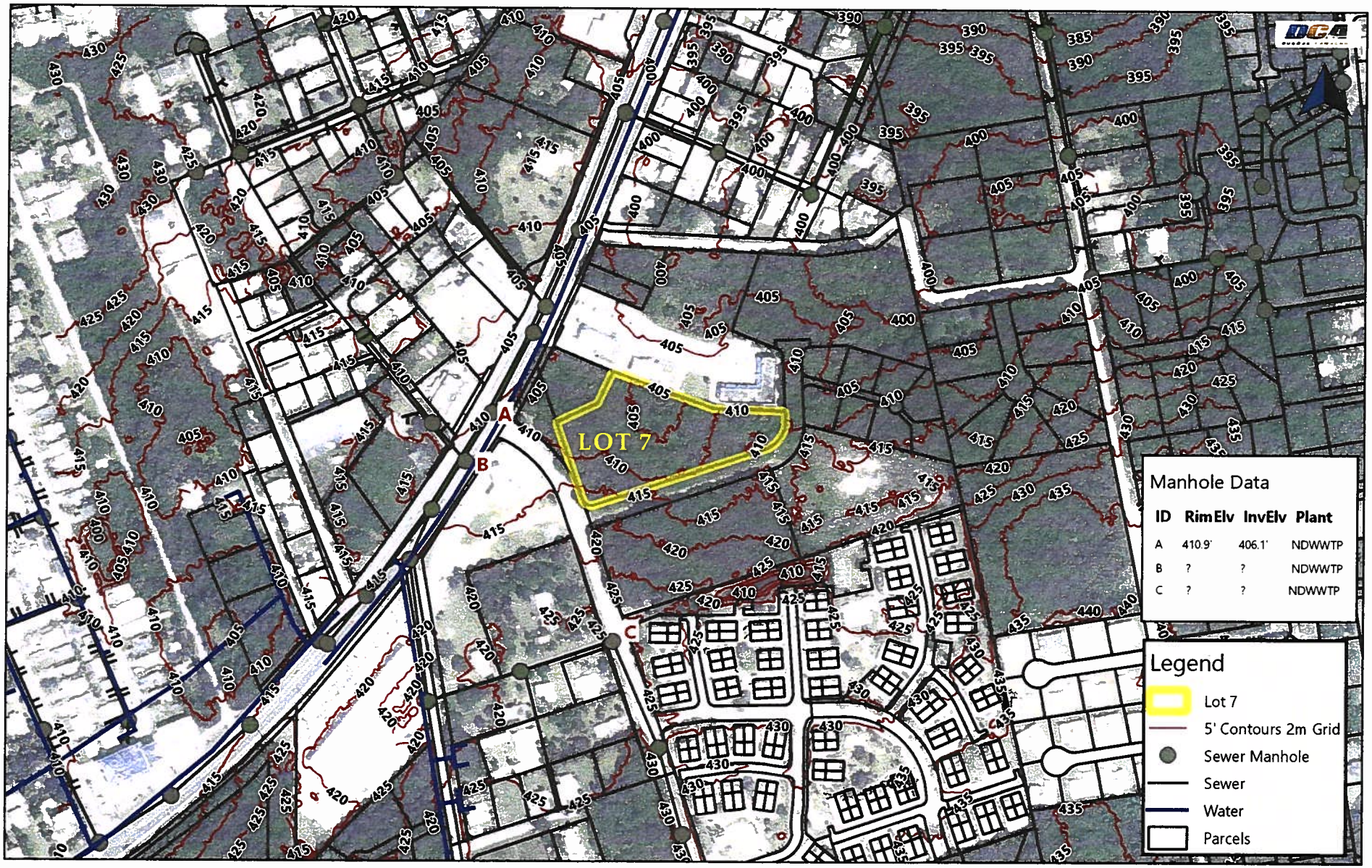
** Based on Technical Publications of Water Demand Flow Rates*

*** Usage factor assumes maximum loadings/units*

*** * Established Engineering Standards, recognized and approved by Guam Waterworks Authority and Guam EPA.*

NOTE: *System design criteria should be based upon greater of*

1. *Total Gallons Per Minute Maximum Flow, or*
2. *Fire Flow + 25% of Maximum Day Flow*



Base Map: WorldView 2 - 2011
Courtesy of Guam Bureau of Statistics and Planning
Utilities Data: GWA - 2008

T10417 L7 Utility Proximation
Municipality of Yigo

Exhibit C
Yigo Family Plaza
Availability of Water & Wastewater Infrastructure

Doc. No. 34GL-18-2679.

TABLE WW-1

DUENAS, CAMACHO & ASSOCIATES, INC.

Preliminary Average and Peak Wastewater Loading

Project: YIGO FAMILY PLAZA **Date:** 10/20/16

Location: Yigo, Guam

Site: Lot 7, Yigo, Between Route 1 and Perez Acres

Gross Area: 25,000 SF

Basis of Wastewater Loading Estimate:	Area (SF)	Unit	*Gal per day each	Max Units	Line Total
A. Basic Demand				Usage Factor**	
BUILDING 1 (200'@50')					
Asian Restaurant	2000	Seats/Patrons	30	80	2,400
Beauty/Nail Shop	1000	SF	4	125	500
Dry cleaner/Laundry Services	1000	Machine			3,000
Office / Retail	2000	SF	2	120	240
Postal / Business Services	2000	SF	2	120	240
Fast Food - Sub Sandwich	1000	Seats/Patrons	20	47	940
Frozen Yogurt/Ice Cream	1000	Seats/Patrons	20	47	940
BUILDING 2 (200'@50')					
Grocery Store	5000	SF	60	50	3,000
Bakery / Bread Shop	1000	SF	10	10	100
Fast Food - Pizza	2000	Seats/Patrons	30	80	2,400
Coffee Shop	2000	Seats/Patrons	20	80	1,600
BUILDING 3 (100'@50')					
Family Restaurant	5000	Seats/Patrons	40	250	10,000
Total Leasable Area	*25,000*	SF			
B. Other Loads					
Misc. Maintenance					250
				Subtotal	25,610
C. Miscellaneous Demand					
(Assume 10% of Total Load)					2,561
Total Gallons Per Day Average Flow					**28,171**
Peaking Factor*					**3.54**
Peak Gallons per Day					**99,636**
Peak Gallons per Minute					**69.19**
Peak Cubic Feet Per Second					**0.15**

LEGEND:

** Based on Technical Publications of Wastewater Generation Rates*

*** Usage factor assumes maximum loadings/units*

TABLE T-1

DUENAS CAMACHO & ASSOCIATES, INC.

PRELIMINARY TRAFFIC GENERATION ANALYSES - YIGO FAMILY PLAZA, YIGO, GUAM

PROJECT:	25,000 SF Family Shopping Center						Date:	12/16/16
LOCATION:	Yigo, Guam, Lot 7, Tract 10417							
Function/Use	Number of		Vehicle Trips/Day			Vehicle Peak Hour Traffic		
	Units	Unit	Avg. Rate	Min. Rate	Max. Rate	Min. Rate	Max. Rate	Avg. Rate
1. Shopping Center	25	1K SF	42.70	12.50	270.89	0.68	29.27	2.74
a. Week Day			*1067.50*	*312.50*	*6772.25*	*17.00*	*731.75*	*68.50*
b. Saturday			49.97	16.70	227.50	1.46	18.32	4.82
			1249.25	*417.50*	*5687.50*	*36.50*	*458.00*	*120.50*
TOTALS:		**Week Day**	**1067.50**	**312.50**	**6772.25**	**17.00**	**731.75**	**68.50**
		Saturday	***1249.25***	***417.50***	***5687.50***	***36.50***	***458.00***	***120.50***

NOTES:

1. Vehicle trip information was obtained from Section 820 of the Trip Generation Manual, Institute of Transportation Engineers, 9th Ed.

2. Assumptions:

a. 25,000 SF at maximum occupancy

b. Saturday trips provide largest numbers of average daily and peak houly vehicle flow.

DUEÑAS · CAMACHO

Environmental Baseline Survey
Lot L7-T10417, Yigo, Guam



Prepared by:
PCR Environmental, Inc.
111 East Sunset Boulevard
Barrigada, GU 96913

Prepared for:
Kevin Yang, Owner
Lot L7-T10417
Yigo, Guam 96929

August 16, 2016

111 East Sunset Boulevard, Barrigada, Guam 96913
Tel: 671.473.3560 • Fax: 671.473.3563 • Email:
info@pcrguam.com Web: http://www.pcrguam.com

Proposed Subdivision Lot No. L7-T10417, Yigo, Guam
Project Description and Environmental Baseline Survey

Project Description:

The proposed project involves the development of a commercial property on an approximately 3.1 acres parcel of property located in the Municipality of Yigo, in northern Guam.

This environmental baseline survey (EBS) is a consideration of environmental laws, regulations, and executive orders as they apply to actions that can impact the natural environment. It incorporates the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA), federal statutes and laws designed to protect the Nation's resources, as well as Guam-specific regulations.

The preparer of this EBS has knowledge of the environmental features of the area and general potential impacts associated with the proposed development. Although some of the analyses may be obtained from the preparer's own knowledge and observations, previous environmental documents and current agency correspondence are cited, when available.

The analysis and opinions offered in this EBS are applicable to current conditions of the subect property at the dated completion of this report. Future changes or findings at the site may require further analysis.

ANALYSIS OF ENVIRONMENTAL IMPACT CATEGORIES

SECTION 1. AIR QUALITY

The proposed project will not have an adverse impact on air quality or violate local, State, or Federal air quality standards under the Clean Air Act Amendments of 1990. Construction of the commercial property is not expected to generate significant air pollution and short-term impacts during construction can be mitigated by using dust control measures if needed. The project is not located within or adjacent to a USEPA-defined Non-Attainment area.

SECTION 2. COASTAL RESOURCES

The entire island of Guam is considered a "Coastal Zone" per the Coastal Zone Management Regulations. However, the property is not located near the seashore or an actual island coastline. Therefore, no impacts are expected.

SECTION 3. COMPATIBLE LAND USE

The proposed project is not expected to result in a direct or indirect increases in noise levels at or adjacent to the site. The project is compatible with the surrounding development and uses. The surrounding uses include, residential housing, open space, an automotive service station, and commercial buildings.

SECTION 4. CONSTRUCTION IMPACTS

Because the proposed project is located near a major roadway, the minor construction noise expected will not adversely impact the human environment.

SECTION 5. DEPARTMENT OF TRANSPORTATION ACT, SECTION 4(f)

The proposed project is located on private property, which is not designated as a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance. In addition, the property is not identified as a historic site of national, State, or local significance according to the Guam State Historic Preservation Office Register Listing.

SECTION 6. FARMLANDS

The project site is currently undeveloped. No farmlands will be impacted.

SECTION 7. FISH, WILDLIFE, AND PLANTS

PCR personnel conducted a site visit on August 1, 2016, of the subject property to observe if any listed endangered species were present on the property. Site reconaissance revealed that the proposed site is currently undeveloped and supports a variety of native and introduced plants and fauna, including Pandanus Palms (*Pandanus Dubius*), Pago (*Hibiscus tiliaceus*), Pengua (*Macaranga thompsonii*), Noni (*Morinda citrifolia*), and other broad-leafed trees with a substantial canopy. Various vines and ferns were also observed on site. Pig rooting and ungulate trails were present throughout the property.

According to the Guam Comprehensive Wildlife Conservation Stategy (GCWCS 2006), several plant species are locally listed as Species of Greatest Conservation Need (SOGCN): the fire tree (*Tabernaemontana rotensis)*, tree fern (*Cyathea lunulata*; endangered), cycad (*Cycas marianensis*), *Heritiera longipetiolata* (endangered), and *Merrilliodendron megacarpum*. **These species were not identified on the proposed site during the site visit.**

The federally threatened and locally endangered Mariana fruit bat (*Pteropus mariannus mariannus*) is typically associated with a number of forest types, including primary and secondary limestone forest, *Cocos nucifera* forest, *Casuarina equisetifolia* groves, and ravine forest (Wiles et al. 1989, Johnson 2001, Worthington et al. 2001, Wiles and Johnson 2004). Tree species known to be used for roosting include *Aglaia mariannensis, Barringtonia asiatica, Casuarina equisetifolia*, *Cestrum diurnum*, *Cocos nucifera*, *Cordia subcordata, Elaeocarpus joga, Erythrina variegata, Ficus prolixa, Intsia bijuga, Macaranga thompsonii, Mammea odorata, Neisosperma oppositifolia, Ochrosia mariannensis, Premna obtusifolia, Pisonia grandis,* and *Terminalia catappa* (Johnson

2001, Janeke 2006). Presently the Mariana fruit bat, also a locally endangered SOGCN, persists in small numbers on Guam, primarily in the northern region of the island.

Guam has seven (7) locally-listed endangered reptiles: the snake-eyed skink (*Cryptoblepharus poecilopleurus*), Pacific slender-toed gecko (*Nactus pelagicus*), tide-pool skink (*Emoia atrocostata*), Slevin's skink (*Emoia slevini* [also known as the Mariana skink]), azure-tailed skink (*Emoia cyanura*), moth skink (*Lipinia noctua*), and Micronesian gecko (*Perochirus ateles*) (GDAWR 2006a).

No endangered snails, birds, bats, or lizards were identified during the preliminary environmental analysis (PEA).

SECTION 8. FLOODPLAINS

The proposed project is not located in a designated floodzone area based upon a review of the Federal Emergency Management Agency's (FEMA) Floodway Flood Boundary and Floodway Map for the Territory of Guam (FEMA 2007).

SECTION 9. HAZARDOUS MATERIALS, POLLUTION PREVENTION, AND SOLID WASTE

No hazardous waste is expected to be generated from the proposed commercial development. All solid wastes and construction debris will be properly handled and disposed of at Guam EPA-permitted solid waste management facilities.

SECTION 11. HISTORICAL, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES

The proposed project could have a potential adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended, if there are known historic, pre-historic or archaeological resources on or near the project site. A State Historic Preservation Officer (SHPO) approved archaeologist should be consulted regarding the need for an archaeological baseline survey. The project does not have any "Historic" structures over 50 years old.

SECTION 12. LIGHT EMISSIONS AND VISUAL IMPACTS

Additional lighting in the area upon completion of the development is not expected to adversily impact the area.

SECTION 13. NATURAL RESOURCES AND ENERGY SUPPLY

Additional electricity, water and wastewater demands will be placed on local resources and will need to be evaluated as part of the planning documents for the development.

SECTION 14. NOISE

The proposed project is not expected to generate significant noise during construction and will have minimal noise impact upon completion.

SECTION 15. SECONDARY (INDUCED) IMPACTS

The commercial development is expected to minimally increase traffic to the area and is not expected to be a major concern.

SECTION 16. SOCIOECONOMIC IMPACTS, ENVIRONMENTAL JUSTICE, AND CHILDREN'S ENVIRONMENTAL HEALTH AND SAFETY RISKS

The proposed project will not result in a disproportionately high and adverse socioeconomic impact or impact on people of color and children. No displacement of persons will result from the proposed project.

SECTION 17. WATER QUALITY

The proposed project will not impound, divert, drain, control, or otherwise modify the waters of any stream or other body of water. Best Management Practices will be implemented during construction periods to manage stormwater, and a stormwater management system will be designed as part of the site development.

SECTION 18. WETLANDS

This project does not involve new construction within or adjacent to wetlands. The site is not located in a Wetland area per the 2014 National Wetland Inventory - U.S. Dept. of the Interior, Fish & Wildlife Service.

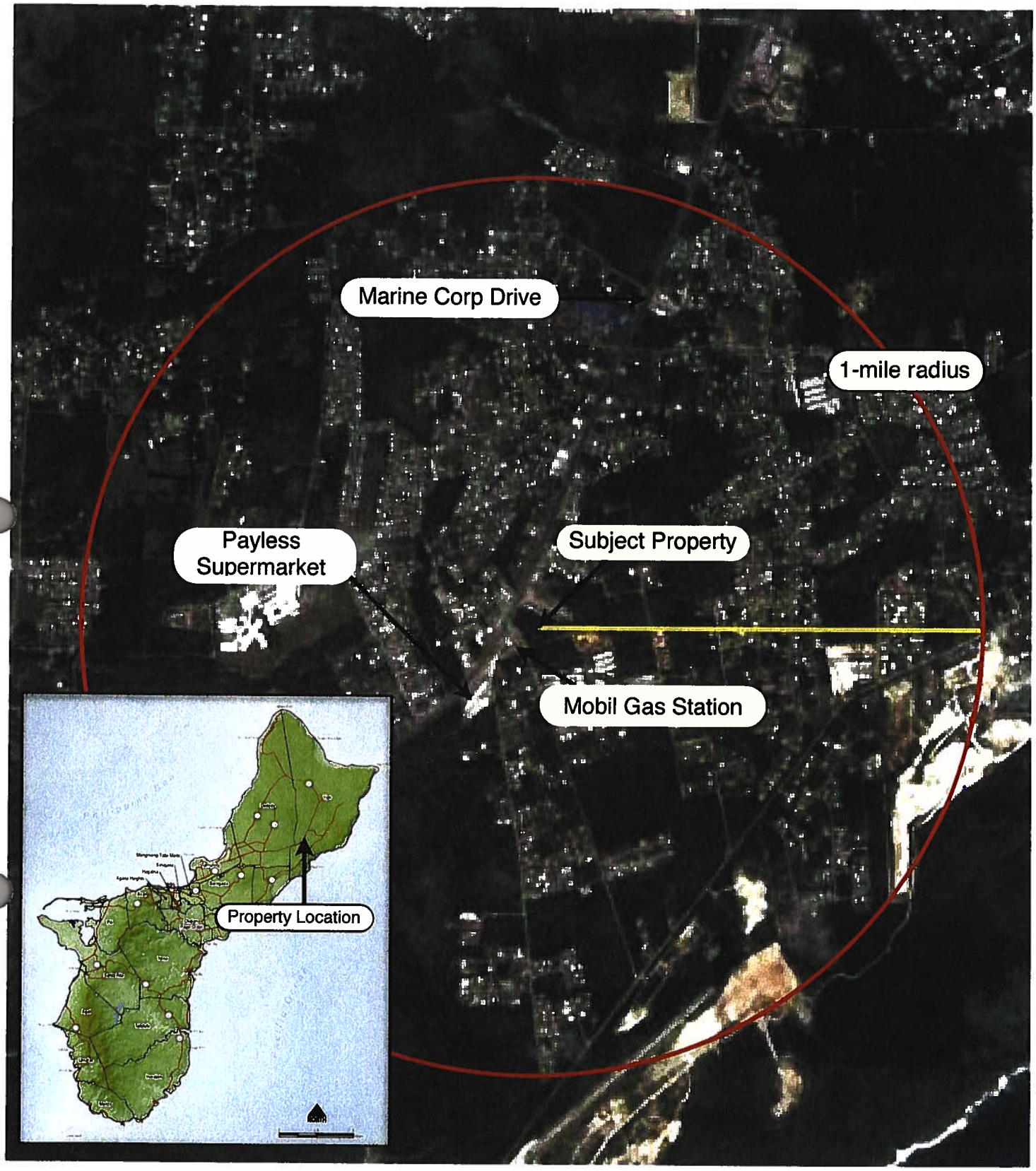
SECTION 19. WILD AND SCENIC RIVERS

The project will not have an effect on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers System since there are no rivers nearby.

CONCLUSION

The project will most probably qualify for a "Categorical Exclusion" under environmental analysis guidelines.

Site Location Map



PCR environmental inc. 111 East Sunset Boulevard Barrigada, GU 96913 Telephone: 671.473.3560	Lot No. L7-T10417 Yigo, Guam Site Location Map	Figure 1

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: Rezoning of Lot 7, Tract 10417, Yigo, to Commercial for Yigo Family Plaza

1. Name, address and business telephone of applicant: Kevin J. Yang; PO Box 9807; Tamuning, Guam 96931. Work phone: 688-8737.

2. Name, title and telephone number of representative: Daniel D. Swavely; Authorized Representative for Kevin J. Yang for rezoning application for Lot 7, Tract 10417, Yigo. Work phone: 688-8029.

3. Name, title and telephone number of EIA document preparer: Daniel D Swavely; Authorized Representative for Kevin J. Yang for rezoning application for Lot 7, Tract 10417, Yigo. Work phone: 688-8029.

4. Location of the proposed project: (include tract, block, lot, municipality and a location map): Lot 7, Tract 10417, Yigo. See location map accompanying rezoning application.

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

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, however, all stormwater on this Lot will be collected and diverted to a retention basin(s) where recharge will occur in compliance with the GovGuam building permit process and with GEPA regulations and permits.

b. Watersheds: Yes, however, all stormwater on this Lot will be collected and diverted to a retention basin(s) where recharge will occur in compliance with the GovGuam building permit process and with GEPA regulations and permits.

c. Wellhead protection zone: No.

d. Streams, lakes or ponds: No.

e. Marine waters: No.

f. Reef flats: No.

g. Pristine forest: See accompanying Environmental Baseline Survey Report.

h. Critical habitat area: See accompanying Environmental Baseline Survey Report.

i. Wetlands: No.

j. Flood hazard area: No

k. Archaeological feature(s) or historical sites: The Applicant has been advised by the Director of Parks and Recreation that an archaeological baseline survey is required to determine whether historic properties are present and mitigation may be required. The Applicant will undertake this work in full compliance with the Director's instructions prior to any clearing, grading or development on the lot.

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

a. Production of toxic or hazardous waste: No.

b. Dislocation of existing businesses, residents or public areas: No.

c. Production of air contaminants (temporary or permanent): No.

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: Yes. See Water and Wastewater Demand Analysis accompanying rezoning application.

b. Sewage disposal (public system): Yes. See Water and Wastewater Demand Analysis accompanying rezoning application.

c. Vehicle traffic: Yes. See Traffic Analysis accompanying rezoning application.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions): Yes, about 3 acres of grading. The terrain is generally level. The soil type is Guam Cobbly Clay Loam.

10. Will the project utilize an individual wastewater disposal system such as septic tank/leaching field system, secondary package treatment system, etc.? No.

11. Will the project include the use of above or below ground storage tanks for fuel or water? No.

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.

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

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

DECLARATION BY APPLICANT

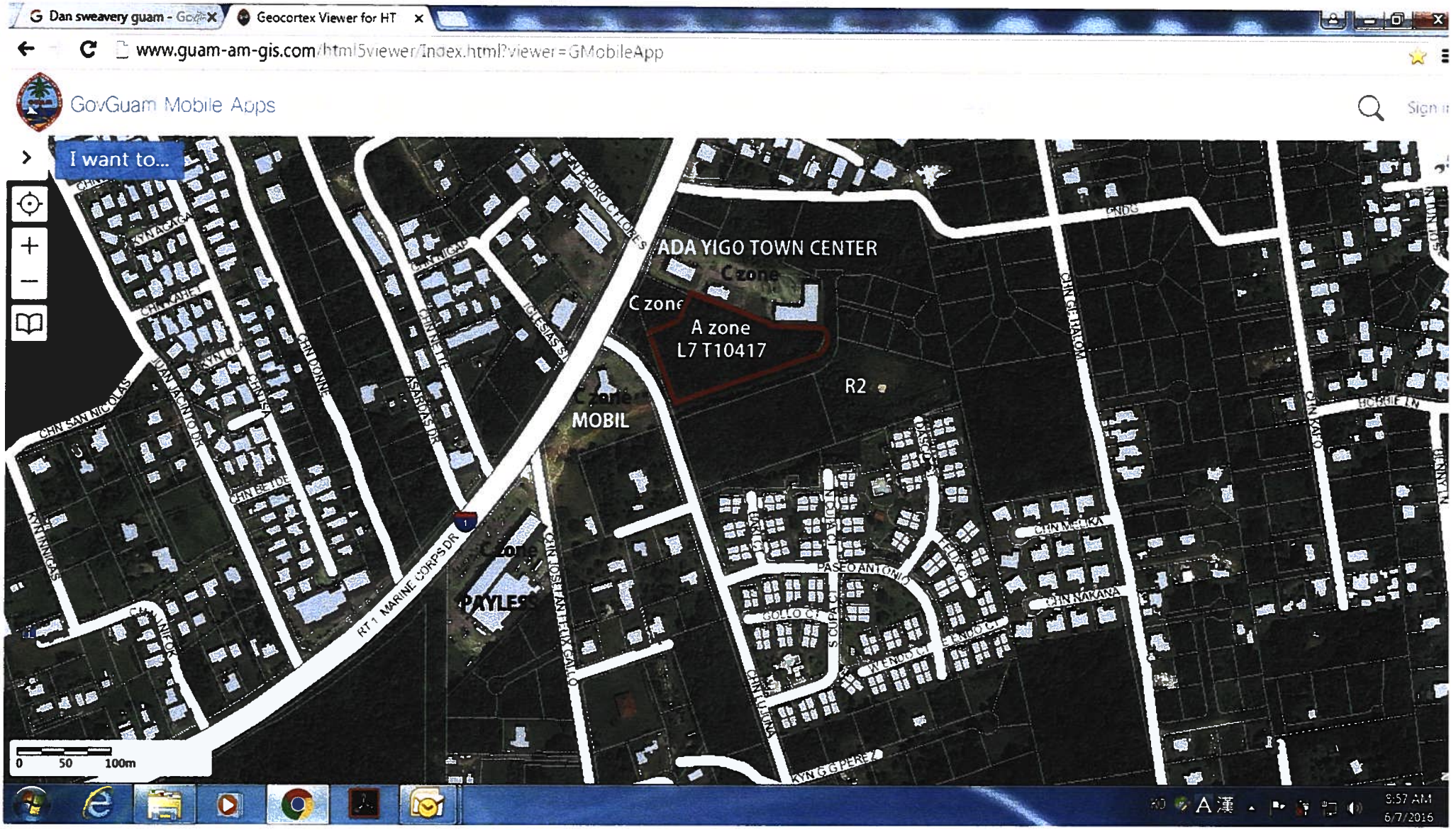
Based on this assessment, it is reasonable to expect that this project will not result in significant adverse environmental impacts. I/we hereby declare a "finding of no significant impact".

12/20/2016

Applicant (signature) Date

Kevin J. Yang

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.



Doc. No. 34GL-18-2679.

KEVIN J. YANG

LETTER OF AUTHORIZATION

September 15, 2016

Mr. John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
590 S. Marine Corps Drive, 3rd Floor
Tamuning, Guam 96913

Subject: Application to Rezone Lot 7 Tract 10417, Yigo, to Commercial Zone for Yigo Family Plaza

Re: Letter of authorization to represent Kevin J. Yang

Dear Chairman Arroyo and Commissioners:

This will authorize Mr. Daniel D. Swavely to represent me before the Guam Land Use Commission regarding the Subject rezoning request.

Sincerely,

Kevin J. Yang

Territory of Guam
City of Tamuning

Subscribed and sworn to before me on this 15th day of September, 2016 by KEVIN J. YANG personally known to me who appeared before me.

RYAN MANALAC
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **MAY 09, 2020**
155 E.T. Calvo Memorial Parkway Suite 100 Tamunig, GU 96913

P. O. BOX 9807, TAMUNING, GUAM 96931 TELEPHONE (671) 688-8737 FAX (671) 649-1010

Daniel D. Swavely Consulting Services, Inc.

December 07, 2017

Mr. John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96910

Subject: **APPLICATION 2017-04** to Rezone Lot 7 Tract 10417, Yigo to Commercial for Yigo Family Plaza
Re: Supplemental Application #1

Hafa Adai Mr. Chairman and Commissioners,

Please accept this supplemental information in further support of the Subject application. This information was compiled during the application review process and demonstrates how input from the government, neighbors and the public-at-large helps to shape community development within the GLUC rezoning process.

A. Summary of Comments from Perez Acres Homeowners Association on October 25, 2017 and Responses by Applicant (signed by applicant Kevin Yang, Ysengsong, Inc.). Sent to J. Merrill, spokesperson for the Perez Acres Homeowners Association, on November 09. See Exhibit 1.

The Perez Acres Homeowners Association is requesting the following.

1. Provide exterior landscaping.
   Applicant will provide exterior landscaping.

2. Provide 24/7 security of the premises.
   Applicant will provide for 24/7 security via guard(s) and/or roving patrol.

3. Provide exterior lighting.
   Applicant will provide exterior lighting.

4. Consider a second ingress/egress between YFP and "Dewan Drive".
   Applicant will work with project's civil engineer and DPW about this second access on Dewan Drive. If this second ingress/egress is allowable and results in better traffic movement, Applicant will provide.

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

5. Provide sidewalk along Ch. Lujuna and YFP property.
   Applicant will provide a standard size, concrete sidewalk along Ch. Lujuna and the Yigo Family Plaza property. If the Yigo Family Plaza property frontage along Ch. Lujuna increases, the Applicant will extend its sidewalk accordingly.

6. Support road widening on Ch. Lujuna.
   Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group (responsible for the Guam Highway Master Plan) to elevate Ch. Lujuna improvements to a priority level which results in the earliest possible implementation. The Perez Acres HOA is invited to participate in this task.

   See Exhibit 2 - letter to Director of Public Works, dated November 30, 2017, requesting that the Director provide an explanation of improvements for the entire length of Ch. Lujuna in the 2020 and 2030 Highway Master Plan and otherwise.

7. Support an extended (3-minute ?) left/turn signal from Ch. Lujuna to Marine Corps Drive.
   Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group to recalibrate the left turn signal at this intersection so as to reflect current traffic volume. The Perez Acres HOA is invited to participate in this task.

   Refer to Exhibit 2 - letter to Director of Public Works, dated November 30, 2017, requesting that the Director begin protocol for studying the left-turn vehicle movements from Ch. Lujuna onto Marine Corps Drive in order to justify a longer left-turn interval.

B. Summary of Comments from Public Hearing on November 01, 2017 and Responses by Applicant (signed by applicant Kevin Yang, Ysengsong, Inc.). Sent to J. Merrill, spokesperson for the Perez Acres Homeowners Association, on November 09. Refer to Exhibit 1.

The Perez Acres Homeowners Association is requesting the following.

1. The Applicant should continue to seek open accesses among Yigo Family Plaza, Yigo Town Center and McDonald's.
   Applicant will continue to promote this open access scheme with the owners of Yigo Town Center and McDonald's. This is also the Applicant's preferred scheme. The Perez Acres HOA is invited to participate in this work.

See Exhibit 3 - letter to Michael Muyco, Area Construction Manager for McDonald's, dated December 02, 2017, again requesting that McDonald's cooperate in providing interconnections between the new McDonald's store at the intersection of Ch. Lujuna and Marine Corps Drive and the proposed Yigo Family Plaza in order to eliminate the McDonald's ingress/egress at Ch. Lujuna.

See Exhibit 4 - letter to P. Sonny Ada, President of Ada's Trust and Investment (owner of Yigo Town Center), dated December 01, 2017, again requesting consideration of the option to interconnect Yigo Town Center with the proposed Yigo Family Plaza in order to provide for convenient and safe passage between customers from both establishments without using Marine Corps Drive or Ch. Lujuna.

2. The preferred egress from McDonald's to Ch. Lujuna is via Yigo Family Plaza.
   This is also the Applicant's preferred scheme. **Refer to Exhibits 3 and 4.**

3. GLUC shall take action to provide for a new traffic signal at the intersection of Perez Acres and Ch. Lujuna.
   GLUC's authority in this matter is likely limited to advisory only. However, the Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group to document the safety issues and measure traffic volume at that intersection in order justify a traffic signal at this intersection. The Perez Acres HOA is invited to participate in this work.

   Refer to Exhibit 2 - letter to Director of Public Works, dated November 30, 2017, requesting that the Director begin protocol for studying the left-turn vehicle movements from Ch. Lujuna onto Marine Corps Drive in order to justify a longer left-turn interval.

4. GLUC shall take action to provide for the upgrade of Ch. Lujuna to reflect current traffic and anticipated (both civilian and military build-up) traffic.
   GLUC's authority in this matter is likely limited to advisory only. Nonetheless, GLUC's opinion can carry considerable influence, particularly when presented in a formal manner, with justification and with public support. The Applicant will direct its Consultant to work with GLUC, DPW and Parsons Brinckerhoff Guam Transportation Group to justify and promote this improvement. The Perez Acres HOA is invited to participate in this work.

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Refer to Exhibit 2 - letter to Director of Public Works, dated November 30, 2017, cited above.

5. GLUC is expected to adopt these recommendations by the Perez Acres HOA and oversee their implementation.
   The Perez Acres HOA made this expectation clear to the Land Management Hearing Officer at the public hearing.

C. Archaeological Reconnaissance Survey

See Exhibit 5 - letter from Director of Parks and Recreation approving the Survey report and accepting the recommendations.

D. Position Statements for Application Review Committee

To date we have received position statements from:

Bureau of Statistics and Plans – recommends approval with conditions;
Guam Waterworks Authority – favors approval with conditions;
Department of Public Works – recommends approval with conditions;
Department of Parks and Recreation – no objection to approval with conditions;
Guam Power Authority – no objection to approval with conditions.

We have no objection to the conditions imposed for approval by these agencies.

E. Letter of Support from Mayor Matanane of Yigo

See Exhibit 6.

Respectfully and on behalf of Kevin J. Yang,

Daniel D. Swavely

Enclosures as stated

YIGO FAMILY PLAZA REZONING APPLICATION

Comments from Perez Acres Homeowners Association and Responses by Applicant

Comments from the private presentation to Perez Acres residents at Perez Acres on October 25

The Perez Acres Homeowners Association is requesting the following.

1. Provide exterior landscaping.
   Applicant will provide exterior landscaping.

2. Provide 24/7 security of the premises.
   Applicant will provide for 24/7 security via guard(s) and/or roving patrol.

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   Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group (responsible for the Guam Highway Master Plan) to elevate Ch. Lujuna improvements to a priority level which results in the earliest possible implementation. The Perez Acres HOA is invited to participate in this task.

7. Support an extended (3-minute ?) left/turn signal from Ch. Lujuna to Marine Corps Drive.
   Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group to recalibrate the left turn signal at this intersection so as to reflect current traffic volume. The Perez Acres HOA is invited to participate in this task.

Comments from the public hearing on November 01

The Perez Acres Homeowners Association is requesting the following.

1. The Applicant should continue to seek open accesses among Yigo Family Plaza, Yigo Town Center and McDonald's.
   Applicant will continue to promote this open access scheme with the owners of Yigo Town Center and McDonald's. This is also the Applicant's preferred scheme. The Perez Acres HOA is invited to participate in this work.

2. The preferred egress from McDonald's to Ch. Lujuna is via Yigo Family Plaza.
   This is also the Applicant's preferred scheme. See item #1, above.

3. GLUC shall take action to provide for a new traffic signal at the intersection of Perez Acres and Ch. Lujuna.
   GLUC's authority in this matter is likely limited to advisory only. However, the Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group to document the safety issues and measure traffic volume at that intersection in order justify a traffic signal at this intersection. The Perez Acres HOA is invited to participate in this work.

4. GLUC shall take action to provide for the upgrade of Ch. Lujuna to reflect current traffic and anticipated (both civilian and military build-up) traffic.
   GLUC's authority in this matter is likely limited to advisory only. Nonetheless, GLUC's opinion can carry considerable influence, particularly when presented in a formal manner, with justification and with public support. The Applicant will direct its Consultant to work with GLUC, DPW and Parsons Brinckerhoff Guam Transportation Group to justify and promote this improvement. The Perez Acres HOA is invited to participate in this work.

5. GLUC is expected to adopt these recommendations by the Perez Acres HOA and oversee their implementation.
   The Perez Acres HOA made this expectation clear to the Land Management Hearing Officer at the public hearing.

*** *** ***

KEVIN YANG
YSENG SONG, INC

Daniel D. Swavely Consulting Services, Inc.

November 30, 2017



Mr. Glenn Leon Guerrero, Director
Department of Public Works
Government of Guam
542 North Marine Corps Drive
Upper Tumon, Guam 96913

Subject: Chalan Lujuna, Yigo
Re: Improvements needed

Hafa Adai Glenn,

I'm writing on behalf of both property owners and residents in the vicinity of Chalan Lujuna and Route 1, Yigo, about the urgent need for safety improvements in the area of that intersection.

These conditions where strongly expressed during two recent meetings: one a well-attended private gathering with only residents of Perez Acres; and one a public hearing in Yigo with nearby residents, particularly from Perez Acres. These meetings were held in conjunction with the GLUC Rezoning Application #2017-04. There are two issues at stake.

1) The intersection of Perez Acres and Ch. Lujuna is very dangerous. Since Ch. Lujuna is used as a popular connector between Routes 15 and 1 (it was initially a leg of the Haul Road Network), traffic volume is heavy and fast. Although a stop sign is in place to require a Ch. Lujuna stop at that intersection, residents exiting Perez Acres have had countless experiences of westbound Ch. Lujuna vehicles disregarding that stop sign and causing near collisions. Further, it is my understanding that a fatality recently occurred at this intersection.

   In the interest of safety, nearby property owners and residents want a 3-way traffic signal at that intersection. We understand that the protocol for installing a signalized intersection requires a formal traffic study and begins with your office. Please approve this request and initiate that protocol.

2) Westbound traffic at the intersection of Ch. Lujuna and Rt. 1 is unnecessarily congested, because the left-turn signal interval onto Marine Corps Drive is too short. It is not unusual for the left-turn cue to require several light cycles. On behalf of all Ch. Lujuna drivers, nearby property owners and residents are urging that this left-turn signal interval to be

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extended. Again, we understand that the protocol for adjusting traffic signal intervals begins with your office. Please approve this request and initiate that protocol.

Lastly, those who attended the private meeting and public hearing are asking about the status of improvements in general for Ch. Lujuna, over its entire stretch from Rt. 1 to Rt. 15. What improvements are planned and for when? Will you please arrange for that information to be available?

Thank you,

Daniel D. Swavely
Authorized Representative for GLUC Rezoning Application #2017-04

cc: Celine Cruz, Case Planner, GLUC Rezoning Application #2017-04

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Tumon, Guam 96913
Direct Phone: (671) 649-2227
Cell: (671) 688-8029
Email: dds@guam.net

YSENGSONG, INC.

December 02, 2017

Mr. Michael Muyco
Area Construction Manager - Pacific Southwest Field Execution Team
McDonald's Restaurants of Hawaii, Inc.
1132 Bishop Street Ste. #2000
Honolulu, HI 96813

Dear Mr. Muyco,

Congratulations on your new store at the corner of Marine Corps Drive and Chalan Lujuna in Yigo. I own the adjacent property to the southeast, and both of our properties abut Chalan Lujuna.

I am in the final stage of rezoning my property for a 25,000 sq. ft. neighborhood mall, the Yigo Family Plaza. During the rezoning process, we held two meetings with local residents. At both a private meeting with nearby Perez Acres residents and at the subsequent public hearing at the Yigo Senior Center, we were strongly encouraged to pursue an interconnection among McDonald's, Yigo Family Plaza and Yigo Town Center, which abuts both of our properties. We believe that much can be learned from public hearings, particularly when those neighbors will likely be future customers of our respective establishments.

From the very beginning of planning my Yigo Family Plaza, I allowed for an interconnection with your McDonald's property in order to minimize the points of ingress and egress to Ch. Lujuna. In fact, I discussed this option several times with both your realtor as well as with the realtor for your store operator, Mr. Joe Ayuyu. I believe a passageway between our properties, in order for vehicles and customers to conveniently and safely pass between McDonald's and the Yigo Family Plaza, will be in everyone's best interest. Particularly to McDonalds's, you can eliminate the ingress/egress now planned from McDonald's onto Ch. Lujuna.

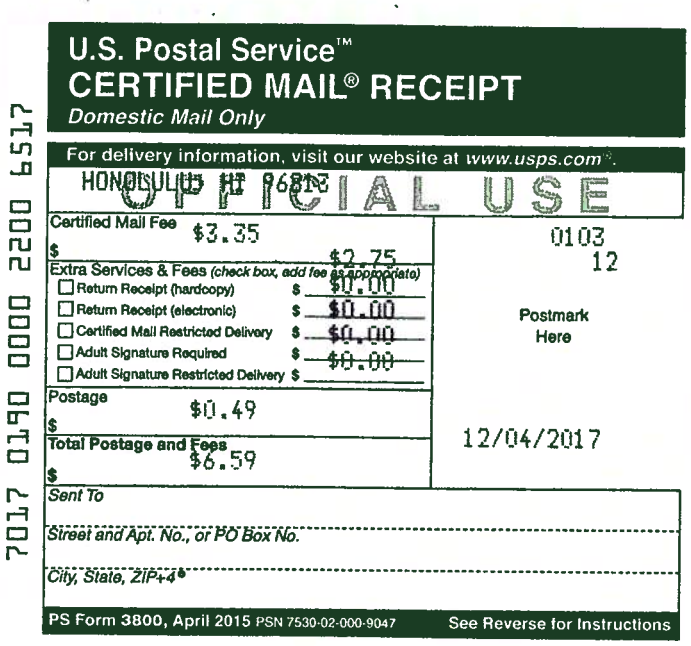
I hope you agree with the wisdom of this option and agree to meet very soon, so we can finalize how best to provide this feature between our properties.

Sincerely,

Kevin J. Yang
Vice President

P. O. BOX 9807, TAMUNING, GUAM 96931 TELEPHONE (671) 688-8737 FAX (671) 649-1010

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Robert Klitzkie, Esq.
22 Baki Ct., Yigo, GU 96929
(671) 653-6607
klitzkie@hotmail.com

December 14, 2017

Honorable members of the Guam Land Use Commission: Chairman John Z. Arroyo, Vice Chairman Victor F. Cruz, Commissioner Conchita D. Bathan, Commissioner, Tae S. Oh, Commissioner Hardy Tan I. Vy

Re: Application to Rezone Lot 7, Tract 10417, Yigo, Application 2017-04

Allowing the building of this project would create a situation fraught with danger. That danger will be fully explained in reason 7. *infra.*

There are six reasons that this application should not be approved:

1. Kevin J. Yang is not eligible to file an application to change the zoning of the captioned parcel from "A" to "C" because he is not the owner. Eligibility is governed by 21 GCA § 61631 which reads:

> § 61631. Procedure. A proposed change may be initiated by the Commission or by an application directed to the Commission by any **person owning or leasing real property** within the area covered by the zone. [Emphasis supplied.]

The record in this application shows that Y Sengsong, Inc. is the owner not Yang.

2. Notice of the meeting held November 1 was not mailed to all the landowners as required by 21 GCA § 61633[1] which reads:

> § 61633. Hearing Date-Notice. (a) Upon the filing of an application for a change of zone, the Commission shall hold at least one (1) hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, and a notice of the time and place of the hearing shall be published in at least one (1) newspaper of general circulation at least ten (10) days before the date of said hearing, and **sent** by mail to the Mayor of the municipal district concerned, and to those **landowners owning land within five hundred (500) feet of the property** for which the rezoning is requested, the mailing addresses for such landowners to be in the Real Tax records. [Emphasis supplied.]

The subdivision known as Perez Acres, a horizontal property regime[2], of which I am a forty-plus years resident, lies partially with 500 foot zone surrounding Lot 7, Tract 10417, Yigo. There are 200 owners in Perez Acres each of whom owns a 1/200th undivided interest in the common area of the subdivision[3]. The record in this application shows that only 82 notices were mailed in accordance with § 61633. Simple arithmetic, 200-82=118, shows that over 118 Perez Acres owners were not mailed the statutorily required notice. If the Commission proceeds in default of the § 61633 notice requirements it does so at great peril because of the extremely strong language of 21 GCA § 6133 (c) which reads:

> (c) The Commission shall not render a decision in favor of any applicant that fails to comply with both this sign requirement and any other public notice requirement that is prescribed by law, rule or regulation. **Failure** to meet the notice requirements as provided herein **renders any approval by the Commission null and void[4].** [Emphasis supplied.]

3. The balance of the equities[5] favors the Chalan Lujuna neighborhood but disfavors this application. Reasons xthroughx describe the hardships that the Chalan Lujuna neighborhood will suffer if Yang's project is built. Although Chalan Lujuna neighborhood will undergo great inconvenience and be exposed to danger, the shopping center will provided no benefit to the neighborhood. Yang, on the other hand, will enjoy a significant windfall. Land which is zoned "A" sells for much less than that which is zoned "C." Because Lot 7, Tract 10417 is zoned "A," the owner can build one family houses or duplexes which of course could be rented for as much as $100,000 *per annum*.

Yang's shopping center will consist of 25,000 square feet of space. Attached is a real estate listing paper showing that retail space in a nearby shopping center went for $2.00 per square foot a year and a half ago. Do the math: $2.00 per square foot X 25,000 square feet=$600,000 per year. If granted, zone "C" provides a great financial gain for Yang for the minimal cost of preparing some papers and bringing this matter before this Commission. A great gain for Yang correlates with at least great inconvenience for the Chalan Lujuna neighborhood. Balance the equities and the hardships and it becomes clear that this application should be denied.[6]

4. Even if Yang's application complied with the jurisdictional requirements of 21 GCA Ch. 6, Art. 6 Subarticle 3, which it doesn't, an examination of the merits of the application shows that it still should not be granted. In order to be meritorious an application for a zone change must meet all three requirements of 21 GCA § 61630 which reads:

> § 61630. Requirements For Changes. The Commission may, with the approval of the Governor, change the zones established under

this Chapter whenever it finds that the **public necessity, convenience** and **general welfare** justify such action.[7]

ONE AT A TIME: There is **no public necessity** to rezone an agricultural lot to a commercial lot in order to build the shopping center Yang describes in his application. Dr. Tom Rozycki lays it out quite clearly in his well researched letter, which is part of the record in this matter , a copy of which is attached for your easy reference. The key word in Dr. Tom's letter is

ABSURD

> "The claim that more commercial space is needed for the residents of Yigo is **absurd**. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza." [Emphasis supplied.]

5. Anyone intending in good faith to build a commercial structure in Yigo would naturally gravitate to Marine Corps Drive where there has been an abundance property zoned "C" for over forty years. See 21 GCA § 61208. One would have to concur with Dr. Tom's analysis that idea that there is a public necessity to rezone Lot 7, Tract 10417, Yigo is indeed absurd.

> § 61208. Yigo Commercial Zone. All property lying on either side of Route 1 (Marine Drive) between the Old Marbo PX and the Yigo Catholic Church, to a depth of 200 feet from the edge of the right of way along Route 1, is hereby established as commercial zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly. SOURCE: GC § 17053.3 enacted by P.L. 12-160.

6. Yang's project fails miserably when it come to the **public convenience** prong of the statutory requirement of § 61630. In fact, as more fully described *infra,* Yang's project will visit a great **inconvenience** on the Chalan Lujuna neighborhood. A commercial ingress/egress onto an already overburdened two lane road to accommodate an unnecessary shopping center is the very essence of a lack of public convenience.

7. The **general welfare** of the neighborhood will be severely impacted if Yang is allowed to build his project. Here's the historical background:

> When Perez Acres was built in the early 70's a paved road was constructed from Marine Drive to Paseo Antonio, *i.e.* the entrance to Perez Acres. A temporary primitive gravel road was constructed from that intersection to Rt. 15 to serve as a haul road to bring building materials into the Perez Acres construction site from the companies located on Rt. 15. When the construction of Perez Acres was completed a berm was built across the gravel road closing it to all traffic. In a couple years the boonies reclaimed the road and it was forgotten.
>
> About twenty years ago when Goring Villa Estates was built the scenario was repeated. But this time no berm was built across Chalan Lujuna closing it. Instead the mayor of Yigo, Bob Lizama, took it upon himself to have the road paved! No public notice, hearings, legislation or whatever. The road that Lizama built lacked proper markings and signage. It was just a road and the cause of a multitude of problems. It is still a poor excuse for a road especially considering the amount of heavy duty traffic it handles on a daily basis.

Some points to consider:

- Chalan Lujuna connects Rt. 15 with Marine Corps Drive bearing heavy traffic composed primarily of large construction vehicles, *e.g.* dump trucks and low boys hauling bulldozers, front end loaders, etc. The stop signs at the junction of Chalan Lujuna and Paseo Antonio, *i.e.* the entrance to Perez Acres, are routinely ignored.
- The intersection of Marine Corps Drive and Chalan Lujuna is already burdened with traffic exiting the Mobil station directly onto Chalan Lujuna. Shortly, McDonalds will open, exiting onto Chalan Lujuna directly across from the Mobil station. Adding yet a third shopping facility on Chalan Lujuna with no other ingress and egress is a recipe for disaster.
- Congestion and collisions are sure to result as traffic to and from Marine Corps Drive attempts to penetrate traffic flow from the three businesses less than fifty yards from a major intersection.

Back to Dr. Tom again:

> "The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujuna returning to her home."

As can be seen, allowing Yang to build his project is the opposite of furthering the general welfare: it would create a situation fraught with danger.

In closing there are at least six reasons not grant the application. Right now, Lot 7, Tract 10417, Yigo is zoned "A." Here's what that means:

> § 61304. A Rural Zone. (a) Uses permitted: (1) **One-family dwellings and duplexes.** (2) **Farming** and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production whether for commercial or personal uses.
> (3) Cockpits.
> (4) Uses customarily accessory to any of the above uses including home occupations, and private auto mobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures. [Emphasis supplied.]

Lot 7, Tract 10417, Yigo, is zoned "A." Please let it stay that way. Please for the sake of all of us who live in the neighborhood, those who must drive Chalan Lujuna and for the sake of school children who catch their bus on Chalan Lujuna, deny Application 2017-04

Respectfully submitted,

Robert Klitzkie

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[1] A fair reading of the statute suggests that the notice requirements for every Public Hearing, including this one, are mandated.

[2] See generally 21 GCA CH. 45 HORIZONTALPROPERTY ACT.

[3] See 21 GCA § 45106.

[4] *NB* because of the verbiage of the statute, "null and void," the failure to comply with the notice requirements is fatal to the application *ab initio*.

[5] "Equities" here is not used in economic sense but as used in a legal sense, *e.g.* "Where competing interests are weighed against each other in an effort to determine the most appropriate outcome of a dispute.--Quimby

[6] The matters set out in Reason 3. are hypothetical and conjectural and are not to be taken as factual representations.

[7] NB the requirements of § 61630 are in the conjunctive not the disjunctive so failure to meet just one of the requirements means that the Commission would not be justified in approving the application.

Response in objection to application to rezone lot 7, tract 10417, Yigo

For many years Chalan Lujuna was a road which ended near the entrance to Perez Acres. It is a narrow 2 lane road which was adequate to serve its purpose as access for Perez Acres residents to get to Route 1. However, it was eventually paved all the way from Route 1 to Route 15, making it a favored road connecting Route 1 and Route 15 and causing an exponential increase in vehicular traffic, including its use by numerous large trucks. It's not unusual during peak morning hours to have traffic backed up from near the Perez Acres entrance all the way to Route 1.

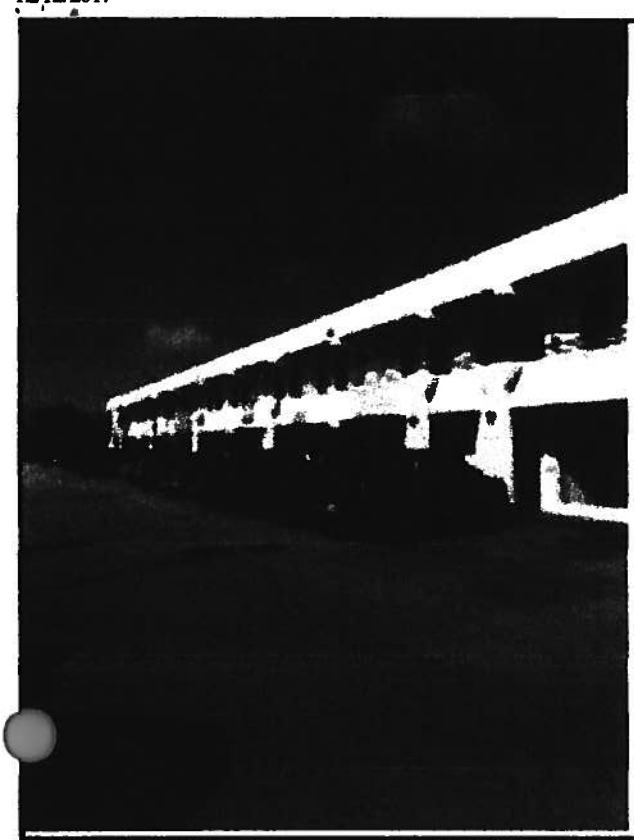
The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujana returning to her home.

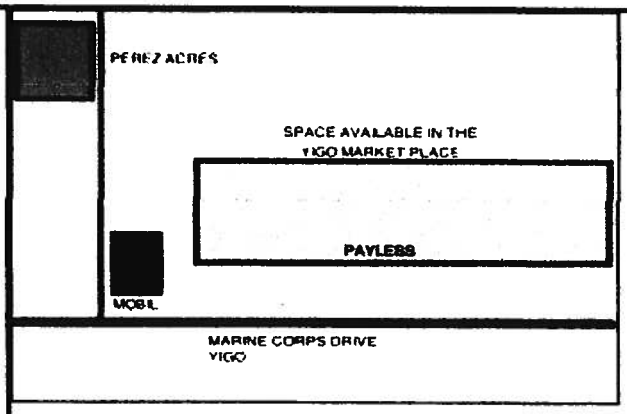
The rezoning proposal for Guam Family Plaza includes an access road from Chalan Lujuna into the Plaza with links to the adjacent Yigo Town Center and to the McDonald's currently under construction. This will cause a further increase in traffic on the already overloaded Chalan Lujuna and will exacerbate the danger to pedestrians.

The claim that more commercial space is needed for the residents of Yigo is absurd. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza.

I am strongly opposed to the rezoning proposal for lot 7, tract 10417.

Thomas Rozycki, M.D.





Reports

List Number	16-1317	**Property Type**	Comm Space for Rent
Listing Member	Janet G. Calvo Office Phone: (671) 687-1841 Office E-Mail: janet@guamhome.com	**Listing Office**	Today's Realty Office Phone: (671) 649-4361
Selling Member	Dennis Unpingco, DJ Unpingco Office Phone: (671) 483-0654	**Selling Office**	Guam Realty Finder Office Phone: (671) 647-4140
Days On Market	167		

Contract Information

Status	Closed	**Terms**	1st Month's Rent & Security Deposit
List Date	04/16/2016	**Expiration Date**	
Status Change Date	10/14/2016	**Original List Price**	3200
List Price	3200	**How To Show**	Call Agent
Type	Exclusive Authorization	**Occupancy**	Vacant
Commission	1 Mo - 50/50		

Pending/Sold Information

Sold Date	09/30/2016	**Under Contract Date**	09/14/2016
Sold Price	3,200.00	**Terms of Sale**	5 year lease

Location

Village	Yigo	**Postal Code**	96929
Street Name	Marine Corps	**Building Name**	Yigo Market Place
Apt/Unit #	111/112	**State/Province**	Guam

Property Description

Style	Retail Space	**Realtor.com Type**	Commercial
Stories	2	**Zoning**	C
Book Section	Commercial Rental	**Living Area SqFt**	1600
Year Built	1999	**Access**	Paved
Flood Zone	UNKNOWN	**Condition**	Very Good
SqFt Source of Info	Not in List	**Ownership**	Fee Simple
Floor	1		

Taxes & Legal

Legal	L7024-1-NEW-1-2 YIGO

Remarks

Public RemarksLOOK NO FURTHER! TWO 800 s.f. spaces directly next to PAYLESS SUPERMARKET. Winner location for the business who benefits from the constant flow of customers making their way to the market.

YSENGSONG, INC.

Mr. P. Sonny Ada
President
Ada's Trust and Investment, Inc.
P.O. Box 2889
Hagatna, Guam 96932

December 01, 2017

Hello Mr. Ada,

Last year in August and October my representative, Dan Swavely, contacted you about Yigo Family Plaza, my proposed neighborhood mall located between your Yigo Town Center and Chalan Lujuna. Shortly thereafter, we submitted a rezoning application to GLUC, and that review process will culminate on December 14 when GLUC hears the application.

The reasons for Dan's contact were to inform you about my proposed development before the application was finalized, and to offer the option for a passageway between our properties in order for vehicles and customers to conveniently and safely pass between the Yigo Town Center and the Yigo Family Plaza. Incidentally, we also offered the same option to McDonald's, our new neighbor.

During the GLUC rezoning process, we held two meetings with local residents. At both a private meeting with Perez Acres residents and at the subsequent public hearing at the Yigo Senior Center, we were strongly encouraged to pursue an interconnection among Yigo Town Center, McDonald's and Yigo Family Plaza. We believe that much can be learned from public hearings, particularly when those neighbors will likely be future customers of our respective establishments.

In your last communication on this matter dated October 19, 2016, you reserved decision about linking our properties, but asked to be kept apprised of the rezoning process and final plan.

I hope you will now agree in concept with this option, so we can meet again to discuss how best to provide this feature between our properties.

Sincerely,

Kevin J. Yang
Vice President

COPY

P. O. BOX 9807, TAMUNING, GUAM 96931 TELEPHONE (671) 688-8737 FAX (671) 649-1010

Doc. No. 34GL-18-2679.



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USPS 12/01/2017

Sent To: Ada's Trust and Investment, Inc.
Street and Apt. No., or PO Box No.: PO Box 2889
City, State, ZIP+4®:

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

Department of Parks and Recreation
Government of Guam
490 Chalan Palasyo, Agana Heights, Guam 96910
Director's Office: (671) 475-6288
Parks Division: (671) 475-6291
Guam Historic Resources Division: (671) 475-6294/5
Facsimile: (671) 477-2822

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC 2016-0951

October 31, 2017

Boyd Dixon, Ph.D.
Senior Archaeologist
Cardno GS Inc.
425 Chalan San Antonio Road,PMB 1004
Tamuning, GU 96913

Subject: Review of Draft Report Archaeological Reconnaissance Survey of Lot 7 Tract 10417 in Yigo, Guam

Dear Mr. Dixon,

We have concluded our review of subject report and agree with your finding and recommendations. We have agreed that the shovel tests did not present any cultural materials or deposits and so a monitoring plan will not be necessary. We will require that your client must inform our office of any inadvertent discoveries of historic properties during clearing and all planned earthmoving activities during this project. Please submit your final report and follow our basic reporting requirements.

Should you have any questions, please do not hesitate to call us.

Sincerely,

William N. Reyes
Director

YIGO MAYOR'S OFFICE
"OFFICINAN I TAOTAO"

Rudy M. Matanane, Mayor
Anthony P. Sanchez, Vice Mayor

December 7, 2017

John Z. Arroyo
Chairman
DEPARTMENT OF LAND MANAGEMENT
Government of Guam
P.O. Box 2950
Hagatna, Guam 96910

Subject: Letter of Support on Application 2017-04 to Rezone Lot 7, Tract 10417, Yigo To Commercial for Yigo Family Plaza

Hafa Adai Chairman Arroyo:

I provided suggestions about this proposed project before the application was submitted and the applicant incorporated my comments. Further, the applicant is taking steps in response to the comments at the public hearing from neighbors and the public in general.

I approve of this development that is good for Yigo and the Yigo Family Plaza as proposed has my support.

Sincerely,

Rudy M. Matanane
Yigo Mayor

Tel: (671) 653-YIGO (9446) & 653-5248 • Fax: (671) 653-3434 • Email: yigomayorsoffice@gmail.com

Doc. No. 34GL-18-2679.

Daniel D. Swavely Consulting Services, Inc.

February 06, 2017

Mr. John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96910

P. Caulee 2/6/18
RECEIVED
Land Plng

Subject: **APPLICATION 2017-04** to Rezone Lot 7 Tract 10417, Yigo to Commercial for Yigo Family Plaza
Re: Supplemental Application #2

Hafa Adai Mr. Chairman and Commissioners,

Please accept this information as Supplemental Application #2 in further support of the Subject rezoning request.

A. Agree to Revised Change of Zone to "Limited Commercial" with Certain Prohibited Uses

In accordance with the discussion during our GLUC hearing on December 14, 2017 about the merits of a Limited Commercial Zone with certain prohibited uses that reflect the Applicant's development plans as well as conformance with GLUC Resolution 2015-03, we agree to a Limited Commercial Zone in which these uses and activities are prohibited:

a. bar
b. nightclub
c. gambling
d. strip club
e. massage parlor
f. adult shop
g. game room

B. Resubmittal of Authorization by Ysengsong, Inc. for Kevin Yang to Rezone Lot 7, Tract 10417

It came to our attention during the GLUC hearing on December 14, 2017 that a document previously on file with the Department of Land Management regarding this rezoning application was inadvertently missing from the application copy being reviewed by the Commission. That document, "Waiver of Notice and Unanimous Consent of the Board of the Directors for Ysengsong, Inc. in Lieu of Meeting", sets

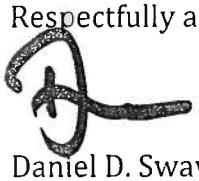
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forth the legal authorization for Kevin Yang to pursue rezoning of Lot 7, Tract 10417 on behalf of the Lot owner, Ysengsong, Inc. See Enclosure.

This document was filed in Exhibit 5 of the Pre-application Change of Zone package for Lot 7, Tract 10417, date-stamp received on November 03, 2016 by Land Management and is, therefore, on file with Land Management. Consequently, it could be viewed by anyone inspecting the official project file. Only an oversight in copying and binding the subsequent sets of the application resulted in this document's inadvertent omission. Further, this document will be presented at the next public hearing for this application, in order to assure that it is part of the public record during the public review phase of processing.

Inasmuch as the Authorization was timely enacted (signed by all Directors of Ysengsong, Inc. on September 15, 2016) and received by Land Management in the Pre-application (on November 03, 2016), we request that the Commission accept this copy of the Authorization as part of Supplement Application #2.

Respectfully and on behalf of Kevin J. Yang,



Daniel D. Swavely

Enclosure as stated: Waiver of Notice and Unanimous Consent of the Board of the Directors for Ysengsong, Inc. in Lieu of Meeting

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

WAIVER OF NOTICE AND UNANIMOUS CONSENT OF THE BOARD OF THE DIRECTORS FOR YSENGSONG, INC. IN LIEU OF MEETING.

THE UNDERSIGNED, being Directors of YSENGSONG, INC. (the "Corporation"), a Guam corporation, duly elected by the stockholders, who would be entitled to vote upon the matter hereafter set forth if the same had been submitted to a formally convened meeting of the Directors, hereby waive formal notice of a meeting and hereby consent to the action taken or to be taken as set forth in the resolutions below, and agree that when all Directors have signed this consent or an exact counterpart hereof, such action shall have the same force and effect as any action unanimously approved at a formally convened and duly called meeting of the Board of Directors.

The following action is, by unanimous consent of the Board of Directors, hereby r esolved and adopted:

WHEREAS, the Corporation desires to rezone the property owned by the Corporation;

WHEREAS, the Corporation desires to appoint Kevin J. Yang to handle all tasks necessary in the rezoning process;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Corporation shall appoint Kevin J. Yang to handle all tasks necessary in the rezoning of the property owned by the Corporation described below;

Lot 7, Tract 10417, Yigo, Guam, Estate Number 65992, Suburban, as said Lot is described in that Subdivision Survey Map for Tract 10417 (formerly Lot 7024-3NEW-R4), as shown Drawing Number RRV-89-009, as L.M. Check Number 253 FY 89, dated 09 February 90 and recorded on

09 February 90 under Instrument No. 429657 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 12,714± square meters or 136,856± square feet.
Certificate of Title Number: 88391 - Vicente Guevara Perez

There was no further business transacted by the Directors through this written consent. This written consent is made by the Directors without a meeting and, though it may be executed by the Directors at different times and locations.

CHAE SUN YANG / President — Date 9/15/16

KEVIN YANG / Vice President, Secretary & Treasurer — Date 9/15/16

CHAE SON YI / Director — Date 9/15/16

CERTIFICATION OF CORPORATE SECRETARY

I, Kevin Yang, Secretary of the above-named Corporation, duly organized and existing under the laws of Guam, do hereby certify that the foregoing is a full, true and correct copy of the resolution of the Board of Directors of said Corporation, duly and regularly passed and adopted by Consent of the Board of Directors of said Corporation dated 15th day of September, 2016, which Consent was executed by all of the Directors of said Corporation.

FORMS\CORPS\M-LIEU.MTG

I FURTHER CERTIFY that said resolution is still in full force and effect and has not been amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand as such Secretary of said Corporation this 15th day of September, 2016.

KEVIN YANG / Secretary

FORMS\CORPS\M-LIEU.MTG

Daniel D. Swavely Consulting Services, Inc.

July 31, 2017

ACCEPTED
8-2-18 CC

Mr. John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96910

Subject: **APPLICATION 2017-04** to Rezone Lot 7 Tract 10417, Yigo to Commercial for Yigo Family Plaza
Re: Supplemental Application #3

Hafa Adai Mr. Chairman and Commissioners,

Please accept this information as Supplemental Application #3 in further support of the Subject rezoning request.

A. Revised Site Plan which removes ingress/egress from Ch. Lujuna

In response to neighbor concerns regarding potential traffic congestion created by adding another ingress/egress along Ch. Lujuna and the current uncertainty about the timeline for improving the Ch. Lujuna roadway as well as its intersection with Marine Corps Drive, we have revised the Yigo Family Plaza site plan to relocate its ingress/egress from Ch. Lujuna to the existing easement to the east. See Exhibit 1.

Proposing a new ingress/egress onto Ch. Lujuna from Yigo Family Plaza has been a major point of opposition by neighbors. That ingress/egress has now been eliminated.

The adjustments required for this relocation also resulted in a reduction of 5,000 sq. ft. in the footprint of building area at Yigo Family Plaza, which also reduces the net projected traffic at Yigo Family Plaza by about 20%.

B. Extending the sidewalk along Ch. Lujuna from Yigo Family Plaza to Marine Corps Drive

The Applicant previously agreed to providing a standard-width sidewalk along the border between Yigo Family Plaza and Ch. Lujuna. Also, we learned that McDonald's plans to construct a sidewalk along its property bordering Ch. Lujuna. As a compliment to McDonald's plans, Yigo Family Plaza also agrees to extend that sidewalk to Marine Corps Drive, with the permission and cooperation of McDonald's and the Department of Public Works.

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

C. Updated log of communications between Applicant and adjacent McDonald's and Yigo Town Center

In the interest of improving traffic flow in the neighborhood, we continue to seek approval from neighboring McDonald's and Yigo Town Center for cross-connections between those two establishments and Yigo Town Center. See Exhibit 2 for a log of communications to date between Ysengsong, Inc. and McDonald's/Yigo Town Center. These efforts will continue.

D. Public Works position statement and improvements for Ch. Lujuna

We continue to work with Public Works and its highway planning consultant WSP/Parsons Brinkerhoff regarding: 1) the protocol required to justify a new traffic signal at the intersection of Perez Acres and Ch. Lujuna; 2) extending the left-signal interval for the traffic signal at the intersection of Ch. Lujuna and Marine Corps Drive; and 3) the status of overall improvements for Ch. Lujuna, since it was removed as a leg of the Haul Road Network. Further, we continue to encourage participation by representatives of Perez Acres in our resolution of these matters, inasmuch as all three items are longstanding matters and broached by Perez Acres residents at the private meeting held at Perez Acres and at both public hearings.

Note that the official Position Statement from Public Works for this rezoning application recommends approval with 6 conditions addressing: stormwater drainage; parking specifications; solid waste management services; geotechnical requirements for site preparation; width of entrance, exit and sidewalks; and coordination with GFD while under construction. See Exhibit 3.

E. The viability of commercial development cannot be measured by nearby existing, vacant commercial space

Some opposition to developing new commercial space along Ch. Lujuna centers on the current availability of nearby vacant commercial space; however, this is a faulty conclusion.

Viable commercial space answers to several market forces - including location, primarily - but also to building quality, tenant mix, marketing, pricing, maintenance, security, 1st floor vs. upper levels, and management. Guam is replete with examples of successful commercial ventures located next to or nearby failing ones. Yigo Family Plaza will be no exception to the common occurrence of a modern, well-conceived, neighborhood commercial plaza within a Village of several under-performing properties.

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

H. Evolving and escalating costs to construct the Yigo Family Plaza now exceed $3M, possibly activating a Hybrid Commission

The evolving and escalating projected cost for developing Yigo Family Plaza (less land cost) has now exceeded $3 million.

This revised development cost has resulted from escalating construction costs since the application's initial submittal, due to the on-going prohibition of sufficient H-2 labor to support private construction projects on Guam, and from the recent added costs of improving a portion of the easement next to Yigo Family Plaza where its new ingress/egress will be located.

PL 33-219 (Hybrid Commission, etc.) is silent on an application for projects whose costs exceed the $3 million threshold after the application was submitted. Nonetheless, PL 33-219 was enacted on December 17, 2016 and the Yigo Family Plaza Application 2017-04 was stamp-received on January 09, 2017, so we disclose this information in the event Land Management determines that a Hybrid Commission is warranted.

I. A portion of Lot 7 Tract 10417, Yigo, is already zoned as "Commercial" and could be developed without GLUC approval

We respectfully note that our initial Application, Exhibit 2 "Zoning Map within 1000 ft. Radius of Subject Property" shows the Subject Lot to be already partially zoned as "Commercial". In fact, the Commercially-zoned area of this lot amounts to 12,594 sq. ft. (see Exhibit 6), and this area abuts Ch. Lujuna.

For Commercially-zoned properties, Guam's zoning law requires a minimum lot size of 2,000 sq. ft. and setbacks of: front yard @ 0'; rear yard @ 20'; and side yards @ 0'. The allowable height limit is 3 stories (30').

Further, the remaining approximately 3.1-acre portion of Lot 7, Tract 10417 can remain as an Agriculture zone, which permits private automobile parking areas as an accessory use to any permitted use of that zone, including:

> Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production whether for commercial or personal uses.
>
> Cockpits.

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Uses customarily accessory to any of the above uses including home occupations, and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures.

As such, the current Commercially-zoned portion of Lot 7 Tract 10417, Yigo could be developed today – without GLUC approval – to accommodate a commercial building footprint of at least 11,500 sq. ft., which at 3 stories in height would yield gross leasable area of 34,500 sq. ft. Parking could be provided on the adjacent Agriculture-zoned portion of the property as an accessory use to any permitted activities listed above.

Note:

1) this permittable commercial structure is almost twice as large as the leasable area now being proposed by Yigo Family Plaza; and

2) this Commercially-zoned portion of Lot 7 Tract 10417 has direct ingress/egress access to Ch. Lujuna, which cannot be denied, as with McDonald's.

While this option without GLUC intervention was evident from the very beginning of planning for the Yigo Family Plaza, the Applicant has not had an intention of pursing it nor, we suspect, would that be the preference of surrounding neighbors. Nonetheless, we hope this perspective on a fully-permittable, non-GLUC, viable commercial development option by the Applicant bears positively on GLUC's present consideration to rezone all of Lot 7 Tract 10417 to Commercial for the proposed Yigo Family Plaza and thereby fulfill the Commission's mandate to facilitate sound land use planning practices on Guam.

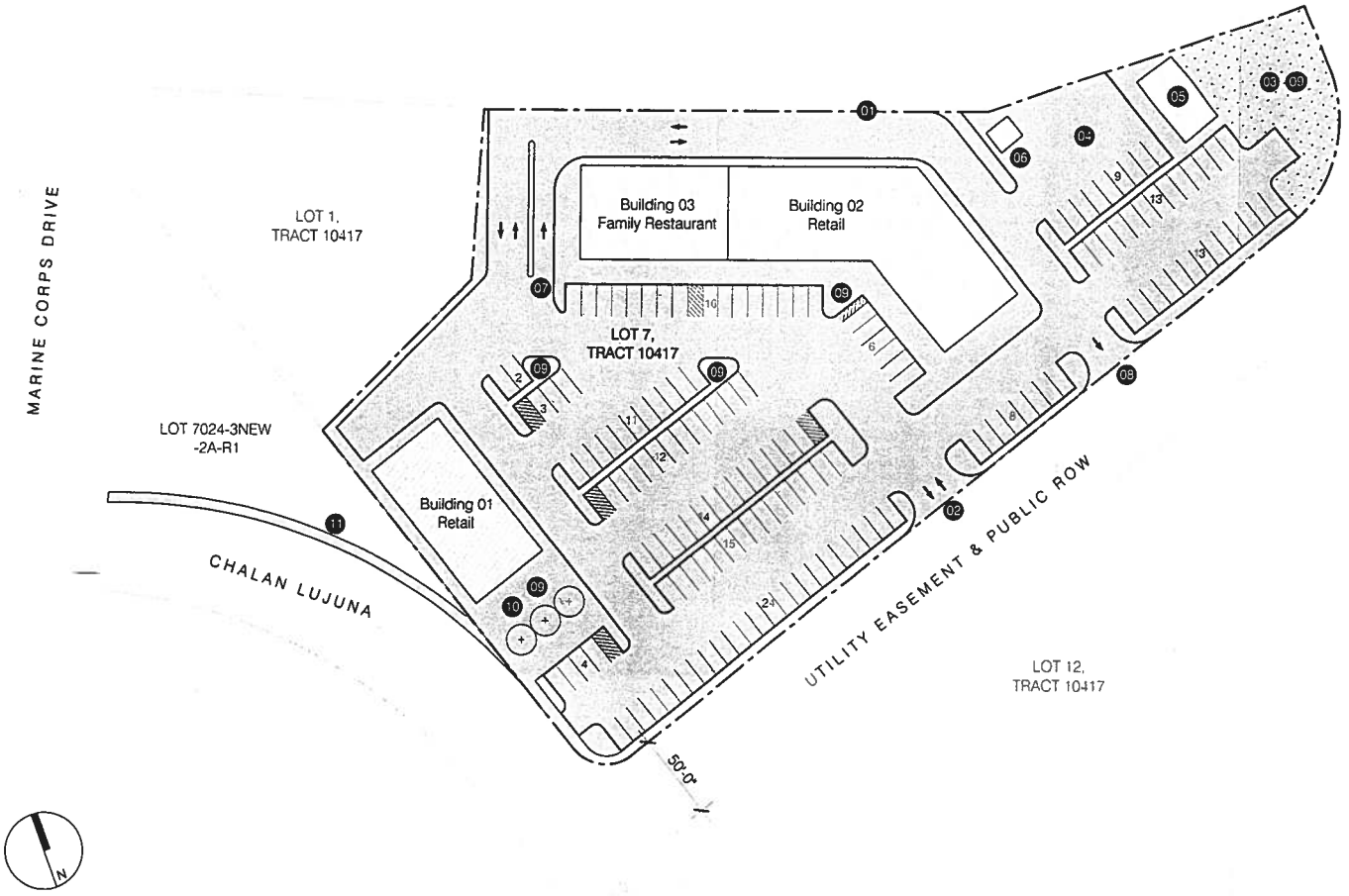
Respectfully and on behalf of Kevin J. Yang,

Daniel D. Swavely

Enclosures as stated

301 Frank H Cushing Way #1201
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Cell: (671) 688-8029
Email: dds@guam.net

Site Development Plan



01 Site boundary
02 Vehicular Entry / Exit
03 Ponding basin
04 Service court
05 Generator building
06 Rubbish enclosure
07 Drive-thru entry
08 Vehicle Exit only
09 Planting / landscaping
10 Public open space
11 Proposed new sidewalk

Site Details

Site Area	±136,856 sf
Front Setback	0 ft.
Side Setback	0 ft.
Rear Setback	20 ft.
Building 01	5,000 sf
Building 02	10,000 sf
Building 03	5,000 sf
Total Parking	150

ARi Partners Architecture+
Tumon Bay Business Center, Suite 201
919 Pale San Vitores Road, Tumon, GU. 96913
T: 671.646.5144/5
E: ariadmin@ariarchitecture.com

YIGO FAMILY PLAZA

Site Development Plan - R1

PROJECT NO.	20275
DATE:	June 18 2018
SCALE:	N/A

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YSENGSONG, INC.

Ada's Trust and Investments, Inc.

December 1, 2017

Sent a letter to Mr. Sonny Ada, president of Ada's Trust and Investments, Inc. updating the public hearing results and a proposal to linking the Yigo Town Center and the proposed Yigo Family Plaza.

December 19, 2017

Met with Mr. Sonny Ada at the Hagatna Ada's Trust and Investments, Inc. office and discussed options to connect the ingress/egress of two properties.
Kevin Yang informed Mr. Ada the results of the first GLUC meeting including the concerns of the opposition group. Kevin Yang delivered a map showing a proposed connection point between YTC and YFP. The point of connection was the path in between the Bank of Guam bldg. and the VFW Post bldg.

Mr. Ada needs more time to review the concept. He requested to see more details of YFP plans and designs. Mr. Ada is open to proposals but suggested to wait until more details are clearly defined, including the overall development plan of YFP.

February 14, 2018

Met with Mr. Sonny Ada at the Hagatna office.
It was a follow-up meeting to hear any decisions made by the Ada's. Mr. Ada mentioned that Ada's shareholders are open to the linkage concept but the plan must benefit both properties. He again suggested that detailed development plan is necessary before he makes the final decision. Mr. Ada is open to any proposal that is beneficial to the shareholders, including a fee-based connection.

July 9, 2018

Met with Mr. Sonny Ada at his Hagatna office.

Updated Mr. Ada the results of recent public hearing at Yigo Community Center.
Delivered him a copy of a revised YFP site plan.
Mr. Ada withheld his decision to interconnect two properties until the final details of YFP plans become available. If he determines the linkage provides benefits to his property, he will agree to the connection. With only the preliminary plot plan, he is not in a position to approve the linkage.

P. O. BOX 9807, TAMUNING, GUAM 96931 TELEPHONE (671) 688-8737 FAX (671) 649-1010

McDonalds Hawaii.

December 2, 2017

Sent a letter to Mr. Michael Muyco, Area Construction Manager of McDonald's Restaurants of Hawaii, Inc., updating the public hearing results and a proposal to linking the Yigo McDonald's Building and the proposed Yigo Family Plaza.

December of 2017

A teleconference with Mr. Muyco confirmed that he received the December 2, 2017 letter. In response to linking two properties, he does not foresee any problems with the removal of the proposed chain link fence in between two developments. For connecting a pathway and shared parking concepts, he is not in the capacity to decide and had forwarded the letter to the McDonald's office in California for review.

Few follow-up attempts made via telecom in 2018 but no formal response received from McDonald's.

July 7, 2018

Provided via email to Mr. Muyco updates to YFP project and a revised site plan.

A follow-up teleconference with Mr. Muyco revealed the following:

- McDonalds is going to provide access to all walk-in customers from YFP and Yigo Town Center. McD wants free foot traffic flows in between all three properties.
- McDonalds will consider in the future, if necessary and beneficial, vehicle access from/to YFP and McDonalds. Mr. Muyco is aware of the potential benefits of multiple ingress/egress and parking share concepts. Mr. Muyco acknowledged the benefits of McD's south-bound drive thru customers to egress via YFP property. Mr. Muyco also understands that the interconnection is available for future should McD decides to do so.
- McDonalds is planning to provide the sidewalk along the Chalan Lujuna Street and invited YFP to build the sidewalk on its portion.
- McDonalds is happy to work together with YFP and Yigo Town Center and willing to discuss/consider all other issues affecting the Yigo developments.

Kevin J. Yang
Vice President

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works

GLENN LEON GUERRERO
Director

FELIX C. BENAVENTE
Deputy Director

MB 3/16 MAR 16 2017

130

March 8, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Kevin J. Yang

APPLICATION: 2017-04

SUBJECT: Rezone from ("A") Agricultural to ("C") Commercial. Lot 7, Tract 10417, Yigo

Buenas yan Hafa Adai! The applicant is requesting to rezone subject property from "A" to "C" with the intent to construct a family plaza neighborhood mall. The proposed mall will be located within a walking distance from Perez Acres Subdivision adjacent to Yigo Town Center. (See attached map). The Plaza will consist of a restaurant, grocery store, coffee shop, branch copy express and a specialty merchandise store.

The Department of Public Works (DPW) has completed its review with the following requirements from DPW-Division of Capital Improvement Projects (CIP).

- 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) which 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;
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access; and must be in conformance in the Highway Master Plan.

NOTE: The applicant must coordinate with Guam Fire Department as to the required distance from (Mobil) gas station due to technological hazard that may be reasonably expected to impact in the structure before and after construction.

✓ 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. Dangkulo na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

jfc

P. 6 of 9 3/16/17 PI-30!

OK

167 North Marine Corps Drive, Tamuning, Guam 96913 • Tel: (671) 646-3131 • FAX: (671) 649-6178

GUAM-HYBRID LAND USE COMMISSION

Chairman John Z. Arroyo
Vice Chairman Tae S. Oh
Commissioner Conchita D. Bathan

Commissioner Victor F. Cruz
Commissioner Hardy T.I. Vy

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

AGENDA

Regular Meeting

Thursday, August 23, 2018

Department of Land Management Conference Room

590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

[As advertised in the Guam Daily Post on August 16th and August 21st, 2018]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, May 24, 2018

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. **Application No. 2017-04**, Applicant, Kevin J. Yang represented by Daniel D. Swavely; Zone Change request from "A" (Rural/Agricultural) to "C" (Commercial) zone, on Lot 7, Tract 10417, in the Municipality of Yigo. **[MCoG DLM 2018-06]**
Case Planner: Celine Cruz

V. Administrative & Miscellaneous Matters

VI. Adjournment

APACHA
ABABANG LP
SASATA COURT
CHN INFOK
CHN SAN NICOLAS
CHN KAHET
CHN AMARYU
CHN BETDE
CHN USA
CHALAN CAMENTE
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GORING VILLA
CHALAN NANLAO
CHALAN GE HALOM
PENDING
CHALAN KAFO
BOBBIE LANE
BENNY
WENDY LANE
CHN JUANJOSE
JESUS AMPARO
TREVOR WAY
CHALAN CAMENTE
CHALAN GUAKA
CHALAN AYUNG
CHALAN RAMON TAN ANA
CHALAN MATILDA TAN ANA
Y I G O
Sumuni Bay

Robert Klitzkie, Esq.
22 Baki Ct., Yigo, GU 96929
(671) 653-6607
klitzkie@hotmail.com

December 14, 2017

Honorable members of the Guam Land Use Commission: Chairman John Z. Arroyo, Vice Chairman Victor F. Cruz, Commissioner Conchita D. Bathan, Commissioner, Tae S. Oh, Commissioner Hardy Tan I. Vy

Re: Application to Rezone Lot 7, Tract 10417, Yigo, Application 2017-04

Allowing the building of this project would create a situation fraught with danger. That danger will be fully explained in reason 7. *infra.*

There are six reasons that this application should not be approved:

1. Kevin J. Yang is not eligible to file an application to change the zoning of the captioned parcel from "A" to "C" because he is not the owner. Eligibility is governed by 21 GCA § 61631 which reads:

> § 61631. Procedure. A proposed change may be initiated by the Commission or by an application directed to the Commission by any **person owning or leasing real property** within the area covered by the zone. [Emphasis supplied.]

The record in this application shows that Y Sengsong, Inc. is the owner not Yang.

2. Notice of the meeting held November 1 was not mailed to all the landowners as required by 21 GCA § 61633[1] which reads:

> § 61633. Hearing Date-Notice. (a) Upon the filing of an application for a change of zone, the Commission shall hold at least one (1) hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, and a notice of the time and place of the hearing shall be published in at least one (1) newspaper of general circulation at least ten (10) days before the date of said hearing, and **sent** by mail to the Mayor of the municipal district concerned, and to those **landowners owning land within five hundred (500) feet of the property** for which the rezoning is requested, the mailing addresses for such landowners to be in the Real Tax records. [Emphasis supplied.]

Received 12/14/17 cmm

1

The subdivision known as Perez Acres, a horizontal property regime[2], of which I am a forty-plus years resident, lies partially with 500 foot zone surrounding Lot 7, Tract 10417, Yigo. There are 200 owners in Perez Acres each of whom owns a 1/200th undivided interest in the common area of the subdivision[3]. The record in this application shows that only 82 notices were mailed in accordance with § 61633. Simple arithmetic, 200-82=118, shows that over 118 Perez Acres owners were not mailed the statutorily required notice. If the Commission proceeds in default of the § 61633 notice requirements it does so at great peril because of the extremely strong language of 21 GCA § 6133 (c) which reads:

> (c) The Commission shall not render a decision in favor of any applicant that fails to comply with both this sign requirement and any other public notice requirement that is prescribed by law, rule or regulation. **Failure** to meet the notice requirements as provided herein **renders any approval by the Commission null and void[4].** [Emphasis supplied.]

3. The balance of the equities[5] favors the Chalan Lujuna neighborhood but disfavors this application. Reasons xthroughx describe the hardships that the Chalan Lujuna neighborhood will suffer if Yang's project is built. Although Chalan Lujuna neighborhood will undergo great inconvenience and be exposed to danger, the shopping center will provided no benefit to the neighborhood. Yang, on the other hand, will enjoy a significant windfall. Land which is zoned "A" sells for much less than that which is zoned "C." Because Lot 7, Tract 10417 is zoned "A," the owner can build one family houses or duplexes which of course could be rented for as much as $100,000 *per annum*.

Yang's shopping center will consist of 25,000 square feet of space. Attached is a real estate listing paper showing that retail space in a nearby shopping center went for $2.00 per square foot a year and a half ago. Do the math: $2.00 per square foot X 25,000 square feet=$600,000 per year. If granted, zone "C" provides a great financial gain for Yang for the minimal cost of preparing some papers and bringing this matter before this Commission. A great gain for Yang correlates with at least great inconvenience for the Chalan Lujuna neighborhood. Balance the equities and the hardships and it becomes clear that this application should be denied.[6]

4. Even if Yang's application complied with the jurisdictional requirements of 21 GCA Ch. 6, Art. 6 Subarticle 3, which it doesn't, an examination of the merits of the application shows that it still should not be granted. In order to be meritorious an application for a zone change must meet all three requirements of 21 GCA § 61630 which reads:

> § 61630. Requirements For Changes. The Commission may, with the approval of the Governor, change the zones established under

> this Chapter whenever it finds that the **public necessity, convenience** and **general welfare** justify such action.[7]

ONE AT A TIME: There is **no public necessity** to rezone an agricultural lot to a commercial lot in order to build the shopping center Yang describes in his application. Dr. Tom Rozycki lays it out quite clearly in his well researched letter, which is part of the record in this matter , a copy of which is attached for your easy reference. The key word in Dr. Tom's letter is

ABSURD

> "The claim that more commercial space is needed for the residents of Yigo is **absurd**. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza." [Emphasis supplied.]

5. Anyone intending in good faith to build a commercial structure in Yigo would naturally gravitate to Marine Corps Drive where there has been an abundance property zoned "C" for over forty years. See 21 GCA § 61208. One would have to concur with Dr. Tom's analysis that idea that there is a public necessity to rezone Lot 7, Tract 10417, Yigo is indeed absurd.

> § 61208. Yigo Commercial Zone. All property lying on either side of Route 1 (Marine Drive) between the Old Marbo PX and the Yigo Catholic Church, to a depth of 200 feet from the edge of the right of way along Route 1, is hereby established as commercial zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly. SOURCE: GC § 17053.3 enacted by P.L. 12-160.

6. Yang's project fails miserably when it come to the **public convenience** prong of the statutory requirement of § 61630. In fact, as more fully described *infra,* Yang's project will visit a great **inconvenience** on the Chalan Lujuna neighborhood. A commercial ingress/egress onto an already overburdened two lane road to accommodate an unnecessary shopping center is the very essence of a lack of public convenience.

7. The **general welfare** of the neighborhood will be severely impacted if Yang is allowed to build his project. Here's the historical background:

> When Perez Acres was built in the early 70's a paved road was constructed from Marine Drive to Paseo Antonio, *i.e.* the entrance to Perez Acres. A temporary primitive gravel road was constructed from that intersection to Rt. 15 to serve as a haul road to bring building materials into the Perez Acres construction site from the companies located on Rt. 15. When the construction of Perez Acres was completed a berm was built across the gravel road closing it to all traffic. In a couple years the boonies reclaimed the road and it was forgotten.
>
> About twenty years ago when Goring Villa Estates was built the scenario was repeated. But this time no berm was built across Chalan Lujuna closing it. Instead the mayor of Yigo, Bob Lizama, took it upon himself to have the road paved! No public notice, hearings, legislation or whatever. The road that Lizama built lacked proper markings and signage. It was just a road and the cause of a multitude of problems. It is still a poor excuse for a road especially considering the amount of heavy duty traffic it handles on a daily basis.

Some points to consider:

- Chalan Lujuna connects Rt. 15 with Marine Corps Drive bearing heavy traffic composed primarily of large construction vehicles, *e.g.* dump trucks and low boys hauling bulldozers, front end loaders, etc. The stop signs at the junction of Chalan Lujuna and Paseo Antonio, *i.e.* the entrance to Perez Acres, are routinely ignored.
- The intersection of Marine Corps Drive and Chalan Lujuna is already burdened with traffic exiting the Mobil station directly onto Chalan Lujuna. Shortly, McDonalds will open, exiting onto Chalan Lujuna directly across from the Mobil station. Adding yet a third shopping facility on Chalan Lujuna with no other ingress and egress is a recipe for disaster.
- Congestion and collisions are sure to result as traffic to and from Marine Corps Drive attempts to penetrate traffic flow from the three businesses less than fifty yards from a major intersection.

Back to Dr. Tom again:

> "The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujuna returning to her home."

As can be seen, allowing Yang to build his project is the opposite of furthering the general welfare: it would create a situation fraught with danger.

In closing there are at least six reasons not grant the application. Right now, Lot 7, Tract 10417, Yigo is zoned "A." Here's what that means:

> § 61304. A Rural Zone. (a) Uses permitted: (1) **One-family dwellings and duplexes.** (2) **Farming** and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production whether for commercial or personal uses.
> (3) Cockpits.
> (4) Uses customarily accessory to any of the above uses including home occupations, and private auto mobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures. [Emphasis supplied.]

Lot 7, Tract 10417, Yigo, is zoned "A." Please let it stay that way. Please for the sake of all of us who live in the neighborhood, those who must drive Chalan Lujuna and for the sake of school children who catch their bus on Chalan Lujuna, deny Application 2017-04

Respectfully submitted,

Robert Klitzkie

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[1] A fair reading of the statute suggests that the notice requirements for every Public Hearing, including this one, are mandated.

[2] See generally 21 GCA CH. 45 HORIZONTALPROPERTY ACT.

[3] See 21 GCA § 45106.

[4] *NB* because of the verbiage of the statute, "null and void," the failure to comply with the notice requirements is fatal to the application *ab initio*.

[5] "Equities" here is not used in economic sense but as used in a legal sense, *e.g.* "Where competing interests are weighed against each other in an effort to determine the most appropriate outcome of a dispute.–Quimby

[6] The matters set out in Reason 3. are hypothetical and conjectural and are not to be taken as factual representations.

[7] NB the requirements of § 61630 are in the conjunctive not the disjunctive so failure to meet just one of the requirements means that the Commission would not be justified in approving the application.

Response in objection to application to rezone lot 7, tract 10417, Yigo

For many years Chalan Lujuna was a road which ended near the entrance to Perez Acres. It is a narrow 2 lane road which was adequate to serve its purpose as access for Perez Acres residents to get to Route 1. However, it was eventually paved all the way from Route 1 to Route 15, making it a favored road connecting Route 1 and Route 15 and causing an exponential increase in vehicular traffic, including its use by numerous large trucks. It's not unusual during peak morning hours to have traffic backed up from near the Perez Acres entrance all the way to Route 1.

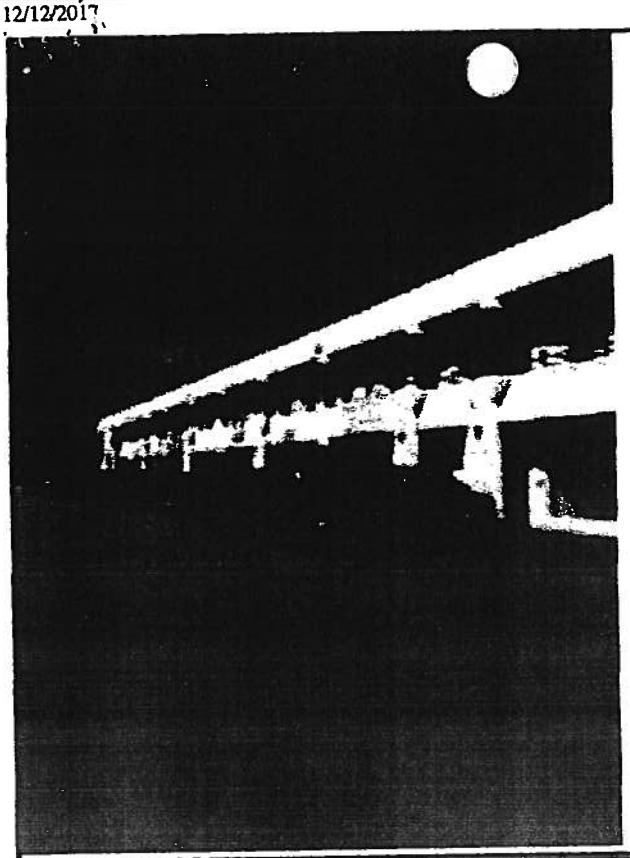
The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujana returning to her home.

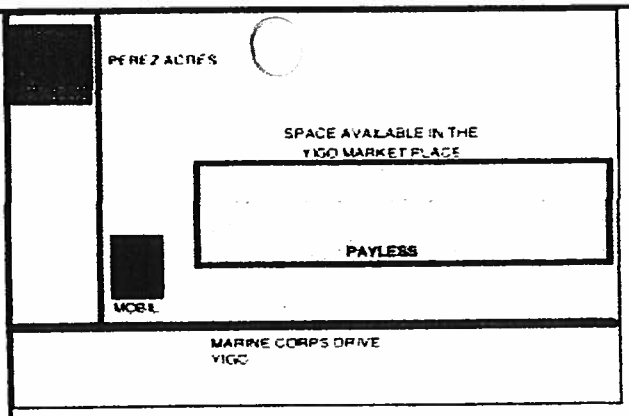
The rezoning proposal for Guam Family Plaza includes an access road from Chalan Lujuna into the Plaza with links to the adjacent Yigo Town Center and to the McDonald's currently under construction. This will cause a further increase in traffic on the already overloaded Chalan Lujuna and will exacerbate the danger to pedestrians.

The claim that more commercial space is needed for the residents of Yigo is absurd. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza.

I am strongly opposed to the rezoning proposal for lot 7, tract 10417.

Thomas Rozycki, M.D.





Reports

List Number	16-1317	**Property Type**	Comm Space for Rent
Listing Member	Janet G. Calvo Office Phone: (671) 687-1841 Office E-Mail: janet@guamhome.com	**Listing Office**	Today's Realty Office Phone: (671) 649-4361
Selling Member	Dennis Unpingco, DJ Unpingco Office Phone: (671) 483-0654	**Selling Office**	Guam Realty Finder Office Phone: (671) 647-4140
Days On Market	167		

Contract Information

Status	Closed	**Terms**	1st Month's Rent & Security Deposit
List Date	04/16/2016	**Expiration Date**	
Status Change Date	10/14/2016	**Original List Price**	3200
List Price	3200	**How To Show**	Call Agent
Type	Exclusive Authorization	**Occupancy**	Vacant
Commission	1 Mo - 50/50		

Pending/Sold Information

Sold Date	09/30/2016	**Under Contract Date**	09/14/2016
Sold Price	3,200.00	**Terms of Sale**	5 year lease

Location

Village	Yigo	**Postal Code**	96929
Street Name	Marine Corps	**Building Name**	Yigo Market Place
Apt/Unit #	111/112	**State/Province**	Guam

Property Description

Style	Retail Space	**Realtor.com Type**	Commercial
Stories	2	**Zoning**	C
Book Section	Commercial Rental	**Living Area SqFt**	1600
Year Built	1999	**Access**	Paved
Flood Zone	UNKNOWN	**Condition**	Very Good
SqFt Source of Info	Not in List	**Ownership**	Fee Simple
Floor	1		

Taxes & Legal

Legal	L7024-1-NEW-1-2 YIGO

Remarks

Public RemarksLOOK NO FURTHER! TWO 800 s.f. spaces directly next to PAYLESS SUPERMARKET. Winner location for the business who benefits from the constant flow of customers making their way to the market.

5 Baki Court,
Perez Acres,
Yigo, GU 96929



August 23, 2018

Guam Land Use Commission
ATTENTION:
Chairman John Arroyo/Cristina Gutierrez

I am a homeowner and resident of Perez Acres. I write in strong support of the Yigo Family Plaza, to be built close to Perez Acres.

There are several reasons why I support this development, and ask the Guam Land Use Commission to also support it.

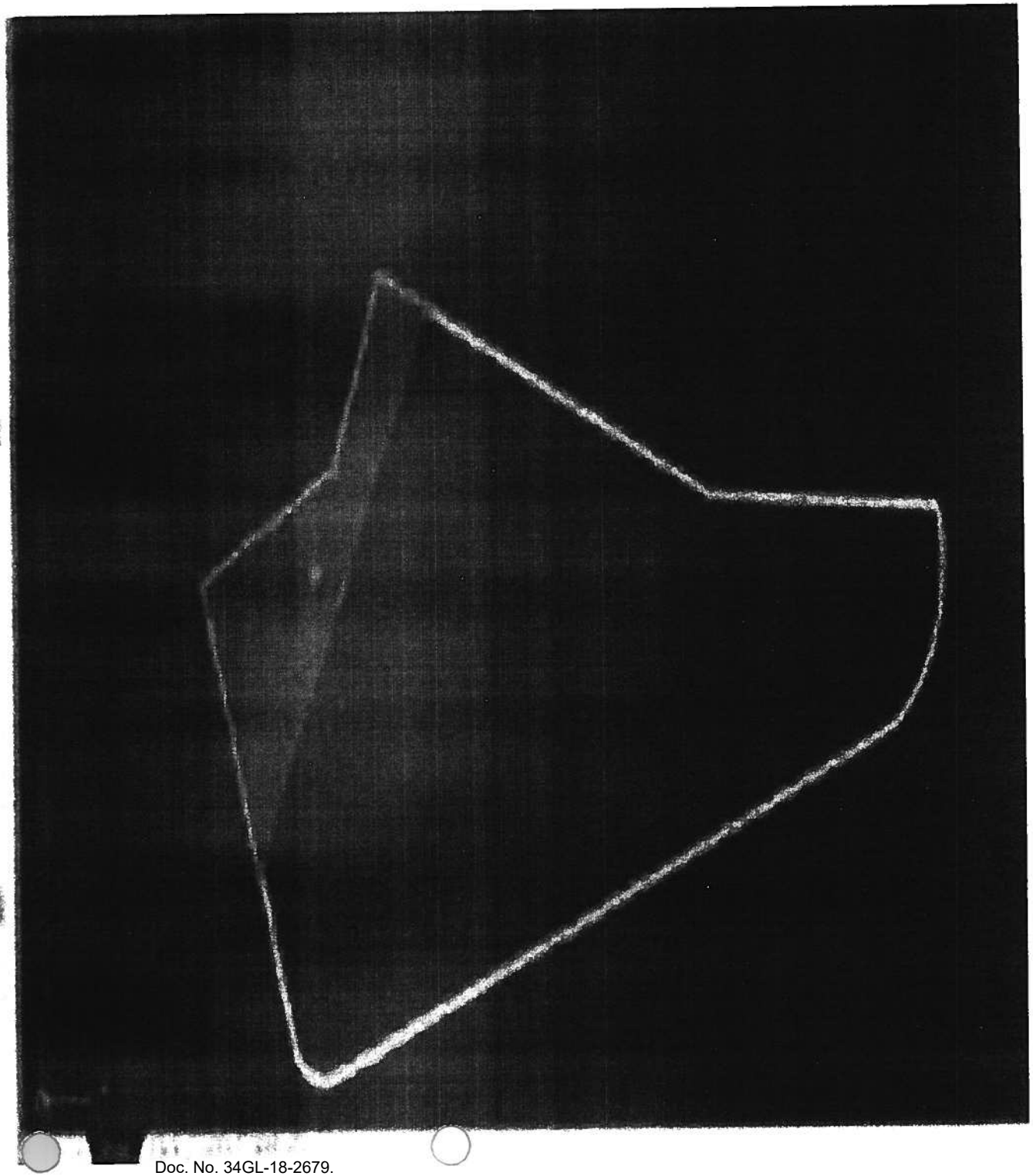
- The board of the Perez Acres Homeowners Association chose to oppose this development, but I believe there are many residents and homeowners like me that would like to see it proceed.
- Firstly, we can all walk to this commercial center – a distinct plus. We will not even have to cross a road to reach it, which is another advantage.
- There are definitely residents who already walk to those shops and facilities we have close by, and patronize local shops. But we could certainly do with more facilities that we can walk to, especially if we don't have to cross Marine Corps Drive. I would welcome more restaurants that we can walk to.
- Most importantly, I think Mr. Kevin Yang clearly wants to build a development that will be welcomed, and is going out of his way to be a good neighbor and ensure that Yigo Family Plaza is a plus to the village and to our part of it, and that it harmonizes with neighboring developments.
- Yigo has grown in past decades and we have some shops near us, but nothing like the variety of facilities in Dededo; commercial development in Yigo has not kept pace with residential growth. The more we can do to improve the commercial offerings, the better.

Please do not hesitate to call me if you have any questions. I can be reached on 687-2505.
Sincerely and with thanks,

M Maratita

Maureen N. Maratita

TURNER
CUNKOWN
CHN
MARINE
CUPA
ENDO
PENDING
CHALAN KANADA
CHALAN KAPO
CHALAN MANGLO
CHALAN PAPAGO
CHALAN RAMON ANA
CHALAN GUAKA
CHALAN CHIPA
CHALAN MIRADO
WENDY LANE
BENNY
TAYLOR WAY
MUMO DRIVE
ESCRING VILLA
ROCKY'S KOOP
APACHA
Y I G O
Yumuna
RTE 64
RTE 576
RTE 699
RTE 489



Doc. No. 34GL-18-2679.

PUBLIC HEARING MINUTES
June 20, 2018 6:00 PM
Yigo Senior Center
Zone Change Application No. 2017-04
Lot 7, Tract 10417, Yigo

The meeting was called to order at 6:05 PM by Planning Division staff. Planning staff announced that there have been several meetings related to this project and that any and all testimony submitted is made part of the record. The applicant's representative Mr. Dan Swavely was introduced and he began with updates to the project from its acceptance on November 2016 to date Mr. Swavely explained how the project has evolved since the acceptance of the application in late 2016.

Supplemental information has been provided as a result of public concerns and coordination with the Application Review Committee (ARC) members. As of the date of the public hearing, there were 2 Supplemental Applications submitted in response to the concerns raised. Key changes to the project include ingress and egress to the lot will not be from Chalan Lajuna, instead, Lot 13-R/W, Tract 10417 will be partially developed to provide access to the proposed commercial complex.

The request is now for a "Limited Commercial" zone. Also, there has been correspondence made with the Department of Public Works and their consultation to request a new traffic signal at the entrance to Perez Acres, increasing the length of time for the left turn signal from Chalan Lajana to Route 1 and general road improvements to Chalan Lajuna.

General questions and comments were specific to traffic along Chalan Lajuna. The public were concerned about the present conditions of traffic in the area and what the potential impacts of locating a commercial complex on the subject lot would mean to the residents who live on Chalan Lajuna. Egress and ingress has been shifted to the interior (undeveloped) right of way within Tract 10417 in order to alleviate delays that entering and exiting the commercial complex may cause.

Attendants questioned why DPW has not address the existing conditions of traffic and congestion on the main road.

There were no additional questions and the public hearing was adjourned at 7:03 PM.

ATTACHMENT 3

Doc. No. 34GL-18-2679.

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 14, 2018

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: **Supplementary Staff Report** - Application No. 2017-04, Zone Change from "A" (Agricultural/Rural) to "C" (Commercial) Zone on Lot 7, Tract 10417 in the Municipality of Yigo

1. PURPOSE:

A. **Application Summary:** The Applicant, Kevin J. Yang, represented by Daniel D. Swavely, request for a zone change from "A" (Agricultural/Rural) Zone to "LC" (Limited Commercial) Zone, for the proposed Yigo Family Plaza, on Lot 7, Tract 10417, in the Municipality of Yigo, under Application No. 2017-04.

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

2. **FACTS:**

A. **Location:** The project site is located about three hundred fifty feet in from Route 1 in Yigo along Chalan Lujuna, a sixty feet wide Public Access and Utility Easement.

B. **Lot Area:** The lot area is 3.14 Acres or 12,714 Square Meters or 136,656 Square Feet.

C. **Present Zoning:** The subject lot is split zoned; "A" (Agricultural/Rural) Zone and "C" (Commercial) zone.

D. **Field Description:** The lot is undeveloped with heavy vegetation.

E. **Masterplan:** Residential – Medium High

F. **Community Design Plan:** Urban Residential – Low Density

G. **Previous Commission Action:** None

ATTACHMENT 4

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Application Accepted: November 28, 2016

B. Date Heard By ARC: February 2, 2017

C. Public Hearing Results: A public hearing was held on June 20, 2018 at 6:05 PM at the Yigo Senior Center. Present were planning staff, the applicant and his representative Mr. Dan Swavely, and about twelve concerned citizens.

Mr. Swavely explained how the project has evolved since the acceptance of the application in late 2016. Supplemental information has been provided as a result of public concerns and coordination with the Application Review Committee (ARC) members. As of the date of the public hearing, there were 2 Supplemental Applications submitted in response to the concerns raised. Key changes to the project include ingress and egress to the lot will not be from Chalan Lajuna, instead, Lot 13-R/W, Tract 10417 will be partially developed to provide access to the proposed commercial complex. The request is now for a "Limited Commercial" zone. Also, there has been correspondence made with the Department of Public Works and their consultation to request a new traffic signal at the entrance to Perez Acres, increasing the length of time for the left turn signal from Chalan Lajana to Route 1 and general road improvements to Chalan Lajuna.

The public were concerned about the present conditions of traffic in the area and what the potential impacts of locating a commercial complex on the subject lot would mean to the residents who live on Chalan Lajuna.

The meeting was closed at 7:03 PM; full public hearing results are included as **Attachment 1.**

4. STAFF ANALYSIS: As proposed by this application, the request is to change the existing split zone of "A" (Agricultural/Rural) zone and "C" (Commercial) zone to a full "LC" (limited Commercial) zone for a proposed commercial complex.

Compatibility with existing uses. The applicant provided a feasibility study which draws attention to market demands. The project site is adjacent to other commercial activities, to which customer traffic is already attracted, and only one lot away from Marine Corps Drive. Additional traffic is generated along Chalan Lajuna which serves nearby residences for crossover traffic between Route 1 and Route 15.

With an emphasis on neighborhood-friendly businesses, the mall can appeal to a variety of small stores, shops and restaurants on which most families rely. The goal for tenant selection will be a mix of products and services that are most commonly needed by both nearby residents as well as commuters. Because of the above, the applicant submits that this zone change from "A" to "LC" is compatible with adjacent and neighborhood developments as they exist.

Title 21 GCA, Chapter 61, Section 61630 cites the Commission may, with the approval of the Governor, change the zones established under this chapter whenever it finds that the **public necessity, convenience and general welfare** justifies this action. To assist the Commission on its assessment of the request, the applicants provide their perspective on how such criteria is met and planning staff concludes their finding on such response.

Public Necessity and Convenience: The applicant submits there is demonstrated **necessity** since Yigo is Guam's second most populous municipality, and has the third highest number of housing units of all municipalities which continuing to attract new families and more residential

development. Nonetheless, commercial development in Yigo does not match its residential growth. The applicant sites that in 2012, of the 2,246 business establishments on Guam, only 75 of those businesses are located in Yigo. Similarly, in the same timeframe (2012), of 60,950 employees on Guam, only 890 worked in Yigo.

The applicant feels **public convenience** is enhanced by locating such facilities in closer proximity to this area nearby Route 1, where a sizeable population of neighborhood residents are presently located. Un-needed travel far away for retail items and services will be reduced if not eliminated significantly, thus saving on energy, fuel costs, and minimizing resident inconvenience and stress.

General Welfare: general welfare is elevated because there will be new community responsive facilities to provide much needed neighborhood and similar commercial services. Furthermore, the applicant submits that there are increased employment opportunities; as well as tax generating revenue economic activities which all contribute to the general welfare of the community.

5. **CONCLUSION:** We submit that in areas which have the potential to become densely populated, we must anticipate related uses/activities to support such growth. Retail stores and personal service shops have become integral components of growing communities. By granting the zone change, it will not be materially detrimental to the public welfare, in fact, it will improve public welfare by affording a convenience retail outlet and other neighborhood services for the public and most especially the residents of Yigo. The requested change of zoning to "LC" (Limited Commercial) ensures that the commercial establishments proposed for the Yigo Family Plaza directly support the community already existing and any future residential developments in Yigo.

   We have reviewed the Master Plan and the Community Design Plan for the area which is designated as Residential. An urban-residential design considers the growth of the community to become densely populated and anticipates related uses/activities to conveniently support growth. Related uses/activities such as the proposed mall, support growth of the community and in this respect, we feel such use will not be contrary to the Plans' objectives. In addition, future land use plans such as the North and Central Guam Land Use Plan designate this area as Mixed Use. The mixed-uses category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the island.

   To date, three supplement applications have been received as the applicant's response to comments, conditions and concerns brought forth by the public and the ARC members. The application has evolved from its original submission in response to the concerns at the public hearing and recommendations and conditions as stated in ARC Official Position Statements.

   Based on the above preceding discussions, we find the criteria for the grant of zone change is justified. ARC agencies who officially responded have "no objections" as reflected in their position statements. We find within the context of the application, justification that public necessity, convenience and general welfare supports a positive action of the zone change request.

6. **RECOMMENDATION:** Based on the above, Planning Staff recommends **APPROVAL WITH CONDITIONS** as follows:

   That the applicant adheres to ARC conditions as stated in their official position statements.

Marvin Q. Aguilar
Guam Chief Planner

ATTACHMENTS:

1. **Public Hearing Results**
2. **Testimony received from Thomas Rozycki, M.D.**
3. **Testimony received from Robert Klitzkie**
4. **Testimony received from Phillip Santos**
5. **Testimony received from John Duenas**

Case Planner: Celine Cruz

**********NOTHING FOLLOWS**********

Response in objection to application to rezone lot 7, tract 10417, Yigo

For many years Chalan Lujuna was a road which ended near the entrance to Perez Acres. It is a narrow 2 lane road which was adequate to serve its purpose as access for Perez Acres residents to get to Route 1. However, it was eventually paved all the way from Route 1 to Route 15, making it a favored road connecting Route 1 and Route 5 and causing an exponential increase in vehicular traffic, including its use by numerous large trucks. It's not unusual during peak morning hours to have traffic backed up from near the Perez Acres entrance all the way to Route 1.

The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujana returning to her home.

The rezoning proposal for Guam Family Plaza includes an access road from Chalan Lujuna into the Plaza with links to the adjacent Yigo Town Center and to the McDonald's currently under construction. This will cause a further increase in traffic on the already overloaded Chalan Lujuna and will exacerbate the danger to pedestrians.

The claim that more commercial space is needed for the residents of Yigo is absurd. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza.

I am strongly opposed to the rezoning proposal for lot 7, tract 10417.

T Thomas Rozycki

Thomas Rozycki, M.D.

Received 11-15 6:01 PM

Robert Klitzkie, Esq.
22 Baki Ct., Yigo, GU 96929
(671) 653-6607
klitzkie@hotmail.com

RECEIVED
DEC 15 2017
1225
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12.15.17
Comm

December 14, 2017

Honorable members of the Guam Land Use Commission: Chairman John Z. Arroyo, Vice Chairman Victor F. Cruz, Commissioner Conchita D. Bathan, Commissioner, Tae S. Oh, Commissioner Hardy Tan I. Vy

Re: Application to Rezone Lot 7, Tract 10417, Yigo, Application 2017-04

Allowing the building of this project would create a situation fraught with danger. That danger will be fully explained in reason 7. *infra.*

There are seven reasons that this application should not be approved:

1. Kevin J. Yang is not eligible to file an application to change the zoning of the captioned parcel from "A" to "C" because he is not the owner. Eligibility is governed by 21 GCA § 61631 which reads:

> § 61631. Procedure. A proposed change may be initiated by the Commission or by an application directed to the Commission by any **person owning or leasing real property** within the area covered by the zone. [Emphasis supplied.]

The record in this application shows that Y Sengsong, Inc. is the owner not Yang.

2. Notice of the meeting held November 1 was not mailed to all the landowners as required by 21 GCA § 61633[1] which reads:

> § 61633. Hearing Date-Notice. (a) Upon the filing of an application for a change of zone, the Commission shall hold at least one (1) hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, and a notice of the time and place of the hearing shall be published in at least one (1) newspaper of general circulation at least ten (10) days before the date of said hearing, and **sent** by mail to the Mayor of the municipal district concerned, and to those **landowners owning land within five hundred (500) feet of the property** for which the rezoning is requested, the mailing addresses for such landowners to be in the Real Tax records. [Emphasis supplied.]

The subdivision known as Perez Acres, a horizontal property regime[2], of which I am a forty-plus years resident, lies partially with 500 foot zone surrounding Lot 7, Tract 10417, Yigo. There are 200 owners in Perez Acres each of whom owns a 1/200th undivided interest in the common area of the subdivision[3]. The record in this application shows that only 82 notices were mailed in accordance with § 61633. Simple arithmetic, 200-82=118, shows that over 118 Perez Acres owners were not mailed the statutorily required notice. If the Commission proceeds in default of the § 61633 notice requirements it does so at great peril because of the extremely strong language of 21 GCA § 6133 (c) which reads:

> (c) The Commission shall not render a decision in favor of any applicant that fails to comply with both this sign requirement and any other public notice requirement that is prescribed by law, rule or regulation. **Failure** to meet the notice requirements as provided herein **renders any approval by the Commission null and void[4].** [Emphasis supplied.]

3. The balance of the equities[5] favors the Chalan Lujuna neighborhood but disfavors this application. Reasons 6. and 7. describe the hardships that the Chalan Lujuna neighborhood will suffer if Yang's project is built. Although Chalan Lujuna neighborhood will undergo great inconvenience and be exposed to danger, the shopping center will provided no benefit to the neighborhood. Yang, on the other hand, will enjoy a significant windfall. Land which is zoned "A" sells for much less than that which is zoned "C." Because Lot 7, Tract 10417 is zoned "A," the owner can build one family houses or duplexes which of course could be rented for as much as $100,000 *per annum*.

Yang's shopping center will consist of 25,000 square feet of space. Attached is a real estate listing paper showing that retail space in a nearby shopping center went for $2.00 per square foot a year and a half ago. Do the math: $2.00 per square foot X 25,000 square feet=$600,000 per year. If granted, zone "C" provides a great financial gain for Yang for the minimal cost of preparing some papers and bringing this matter before this Commission. A great gain for Yang correlates with at least great inconvenience for the Chalan Lujuna neighborhood. Balance the equities and the hardships and it becomes clear that this application should be denied.[6]

4. Even if Yang's application complied with the jurisdictional requirements of 21 GCA Ch. 6, Art. 6 Subarticle 3, which it doesn't, an examination of the merits of the application shows that it still should not be granted. In order to be meritorious an application for a zone change must meet all three requirements of 21 GCA § 61630 which reads:

> § 61630. Requirements For Changes. The Commission may, with the approval of the Governor, change the zones established under

this Chapter whenever it finds that the **public necessity, convenience** and **general welfare** justify such action.[7]

ONE AT A TIME: There is **no public necessity** to rezone an agricultural lot to a commercial lot in order to build the shopping center Yang describes in his application. Dr. Tom Rozycki lays it out quite clearly in his well researched letter, which is part of the record in this matter , a copy of which is attached for your easy reference. The key word in Dr. Tom's letter is

ABSURD

> "The claim that more commercial space is needed for the residents of Yigo is **absurd**. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza." [Emphasis supplied.]

5. Anyone intending in good faith to build a commercial structure in Yigo would naturally gravitate to Marine Corps Drive where there has been an abundance property zoned "C" for over forty years. See 21 GCA § 61208. One would have to concur with Dr. Tom's analysis that idea that there is a public necessity to rezone Lot 7, Tract 10417, Yigo is indeed absurd.

> § 61208. Yigo Commercial Zone. All property lying on either side of Route 1 (Marine Drive) between the Old Marbo PX and the Yigo Catholic Church, to a depth of 200 feet from the edge of the right of way along Route 1, is hereby established as commercial zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly. SOURCE: GC § 17053.3 enacted by P.L. 12-160.

6. Yang's project fails miserably when it come to the **public convenience** prong of the statutory requirement of § 61630. In fact, as more fully described *infra,* Yang's project will visit a great **inconvenience** on the Chalan Lujuna neighborhood. A commercial ingress/egress onto an already overburdened two lane road to accommodate an unnecessary shopping center is the very essence of a lack of public convenience.

7. The **general welfare** of the neighborhood will be severely impacted if Yang is allowed to build his project. Here's the historical background:

> When Perez Acres was built in the early 70's a paved road was constructed from Marine Drive to Paseo Antonio, *i.e.* the entrance to Perez Acres. A temporary primitive gravel road was constructed from that intersection to Rt. 15 to serve as a haul road to bring building materials into the Perez Acres construction site from the companies located on Rt. 15. When the construction of Perez Acres was completed a berm was built across the gravel road closing it to all traffic. In a couple years the boonies reclaimed the road and it was forgotten.
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> About twenty years ago when Goring Villa Estates was built the scenario was repeated. But this time no berm was built across Chalan Lujuna closing it. Instead the mayor of Yigo, Bob Lizama, took it upon himself to have the road paved! No public notice, hearings, legislation or whatever. The road that Lizama built lacked proper markings and signage. It was just a road and the cause of a multitude of problems. It is still a poor excuse for a road especially considering the amount of heavy duty traffic it handles on a daily basis.

Some points to consider:

- Chalan Lujuna connects Rt. 15 with Marine Corps Drive bearing heavy traffic composed primarily of large construction vehicles, *e.g.* dump trucks and low boys hauling bulldozers, front end loaders, etc. The stop signs at the junction of Chalan Lujuna and Paseo Antonio, *i.e.* the entrance to Perez Acres, are routinely ignored.
- The intersection of Marine Corps Drive and Chalan Lujuna is already burdened with traffic exiting the Mobil station directly onto Chalan Lujuna. Shortly, McDonalds will open, exiting onto Chalan Lujuna directly across from the Mobil station. Adding yet a third shopping facility on Chalan Lujuna with no other ingress and egress is a recipe for disaster.
- Congestion and collisions are sure to result as traffic to and from Marine Corps Drive attempts to penetrate traffic flow from the three businesses less than fifty yards from a major intersection.

Back to Dr. Tom again:

> "The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujuna returning to her home."

As can be seen, allowing Yang to build his project is the opposite of furthering the general welfare: it would create a situation fraught with danger.

In closing there are at least seven reasons not grant the application. Right now, Lot 7, Tract 10417, Yigo is zoned "A." Here's what that means:

> § 61304. A Rural Zone. (a) Uses permitted: (1) **One-family dwellings and duplexes.** (2) **Farming** and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production whether for commercial or personal uses.
> (3) Cockpits.
> (4) Uses customarily accessory to any of the above uses including home occupations, and private auto mobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures. [Emphasis supplied.]

Lot 7, Tract 10417, Yigo, is zoned "A." Please let it stay that way. Please for the sake of all of us who live in the neighborhood, those who must drive Chalan Lujuna and for the sake of school children who catch their bus on Chalan Lujuna, deny Application 2017-04

Respectfully submitted,

Robert Klitzkie
[Corrections made on December 15.]

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[1] A fair reading of the statute suggests that the notice requirements for every Public Hearing, including this one, are mandated.
[2] See generally 21 GCA CH. 45 HORIZONTALPROPERTY ACT.
[3] See 21 GCA § 45106.
[4] *NB* because of the verbiage of the statute, "null and void," the failure to comply with the notice requirements is fatal to the application *ab initio*.
[5] "Equities" here is not used in economic sense but as used in a legal sense, *e.g.* "Where competing interests are weighed against each other in an effort to determine the most appropriate outcome of a dispute.--Quimby

Robert Klitzkie, Esq.
22 Baki Ct., Yigo, GU 96929
(671) 653-6607
klitzkie@hotmail.com
June 20, 2018



Honorable members of the Guam Land Use Commission: Chairman John Z. Arroyo, Vice Chairman Victor F. Cruz, Commissioner Conchita D. Bathan, Commissioner, Tae S. Oh, Commissioner Hardy Tan I. Vy

Re: Application to Rezone Lot 7, Tract 10417, Yigo, Application 2017-04[1]

Prior to any discussion of the concerns raised in my testimony submitted to this august body on December 14 (corrected copy submitted on December 15,) I am compelled to bring to your attention the invalidity of this meeting. At the December 14 meeting as reasons not to approve the application then pending before the Commission I advance reasons 1. and 2., *viz:*

1. Kevin J. Yang is not eligible to file an application to change the zoning of the captioned parcel from "A" to "C" because he is not the owner. Eligibility is governed by 21 GCA § 61631 which reads:

> § 61631. Procedure. A proposed change may be initiated by the Commission or by an application directed to the Commission by any **person owning or leasing real property** within the area covered by the zone. [Emphasis supplied.]

The record in this application shows that Y Sengsong, Inc. is the owner not Yang.

2. Notice of the meeting held November 1 was not mailed to all the landowners as required by 21 GCA § 61633[2] which reads:

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The subdivision known as Perez Acres, a horizontal property regime, of which I am a forty-plus years resident, lies partially with 500 foot zone surrounding Lot 7, Tract

Doc. No. 34GL-18-2679.

10417, Yigo. There are 200 owners in Perez Acres each of whom owns a 1/200th undivided interest in the common area of the subdivision[3]. The record in this application shows that only 82 notices were mailed in accordance with § 61633. Simple arithmetic, 200-82=118, shows that over 118 Perez Acres owners were not mailed the statutorily required notice. If the Commission proceeds in default of the § 61633 notice requirements it does so at great peril because of the extremely strong language of 21 GCA § 6133 (c) which reads:

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You adjourned without addressing the pending application. The application came before you again at your January 25 meeting. Your minutes for that meeting show the following:

- An exchange between Commissioner Oh and Commission Counsel Nick Toft yielded, Commissioner Oh: "In cases of these types of situations, Legal Counsel's opinion and advice is to notify all homeowners of Perez Acres. Nick Toft: responds yes..."
- An exchange between Acting Chairman Cruz and Nick Toft yielded: "Acting Chairman Cruz will the applicant have to start the process over or is it just the notification process. Nick Toft: because this one the first things that has to be done, the application should be started over. Mr. Klitzkie also point out the defect on the name that was noted on the billboard sign being Mr. Yang's name and not the corporation or visa [*sic*] versa. Correct this as well so it does not give him a "foothold to launch an appeal" on the Commission's decision on a technical legal matter. If Mr. Klitzkie wishes to appeal the decision of the Board [*sic*] it is considered more difficult for him to get the Court to overturn the decision."

Summarizing: Commission Counsel advises as follows:

1. The Commission is required to notify all homeowners in Perez Acres of a meeting to deal with an application to rezone.
2. More than just renoticing the December 14 meeting is required. Per Toft the application should be started over.
3. The application should be corrected showing the correct name of the applicant.
4. The billboard announcing the meeting should conform to 3., *supra.*(see attached photo of the billboard).

The notice that called this meeting is identical to that that called the October 15 and December 14 meetings excepting only that the date was changed to June 20. The applicant is still Kevin J. Yang. Conclusion: This meeting is a nullity.

Recommendation: Take heed of Counsel's advice and if Applicant Yang or Y Sengsong, Inc., or whoever the owner or lessee of the realty happens to be, submits a correct

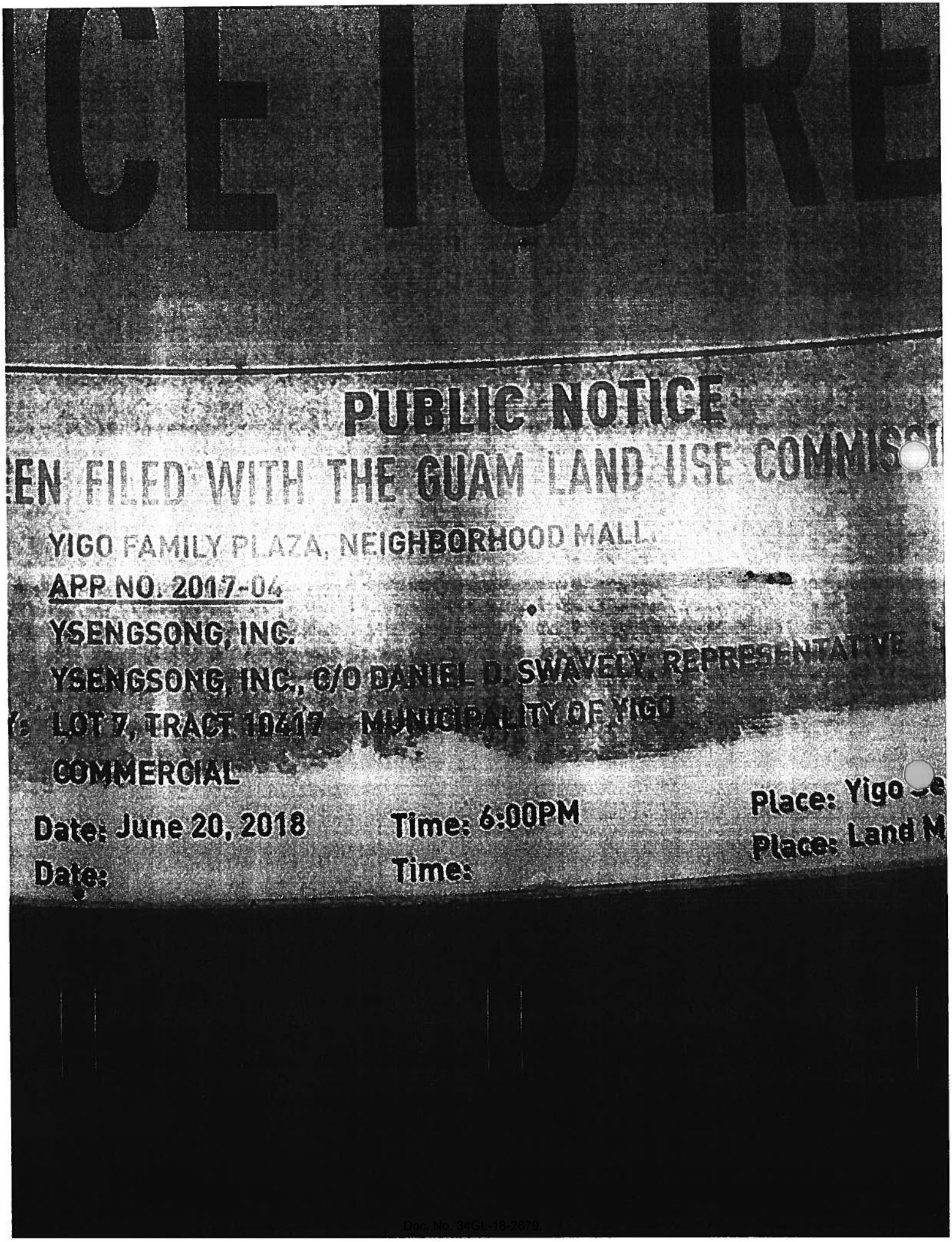
application, after the necessary staff work has been accomplished, notice the required public hearings (giving notice to all 500 owners in Perez Acres) and proceed.

I waive no ability, and reserve all rights, to challenge the validity of this gathering in the face of any claim that it is a valid meeting or public hearing of the Guam Land Use Commission as I attach a copy of my aforementioned testimony. The testimony is attached for your handy reference and in no way may be regarded as legitimizing your invalidly noticed meetings of last year and this gathering which suffers the same infirmity. In other words referencing your two earlier improperly called and noticed meetings in submitting my testimony dated December 14 to this gathering must not be regarded as acquiescence or approval of those meetings or today's flawed attempt at a "do over."

Respectfully submitted,

Robert Klitzke

[1] Although improper for the reasons stated *supra,* because it is used on the June 5 notice I received. I use this reference not because it's correct but merely convenient.



Doc No. 34GL-18-2679

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Received 12/14/17 cmm

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Some points to consider:

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Back to Dr. Tom again:

> "The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujuna returning to her home."

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In closing there are at least six reasons not grant the application. Right now, Lot 7, Tract 10417, Yigo is zoned "A." Here's what that means:

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Respectfully submitted,

Robert Klitzkie

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[2] See generally 21 GCA CH. 45 HORIZONTALPROPERTY ACT.

[3] See 21 GCA § 45106.

[4] *NB* because of the verbiage of the statute, "null and void," the failure to comply with the notice requirements is fatal to the application *ab initio*.

[5] "Equities" here is not used in economic sense but as used in a legal sense, *e.g.* "Where competing interests are weighed against each other in an effort to determine the most appropriate outcome of a dispute.--Quimby

[6] The matters set out in Reason 3. are hypothetical and conjectural and are not to be taken as factual representations.

Response in objection to application to rezone lot 7, tract 10417, Yigo

For many years Chalan Lujuna was a road which ended near the entrance to Perez Acres. It is a narrow 2 lane road which was adequate to serve its purpose as access for Perez Acres residents to get to Route 1. However, it was eventually paved all the way from Route 1 to Route 15, making it a favored road connecting Route 1 and Route 15 and causing an exponential increase in vehicular traffic, including its use by numerous large trucks. It's not unusual during peak morning hours to have traffic backed up from near the Perez Acres entrance all the way to Route 1.

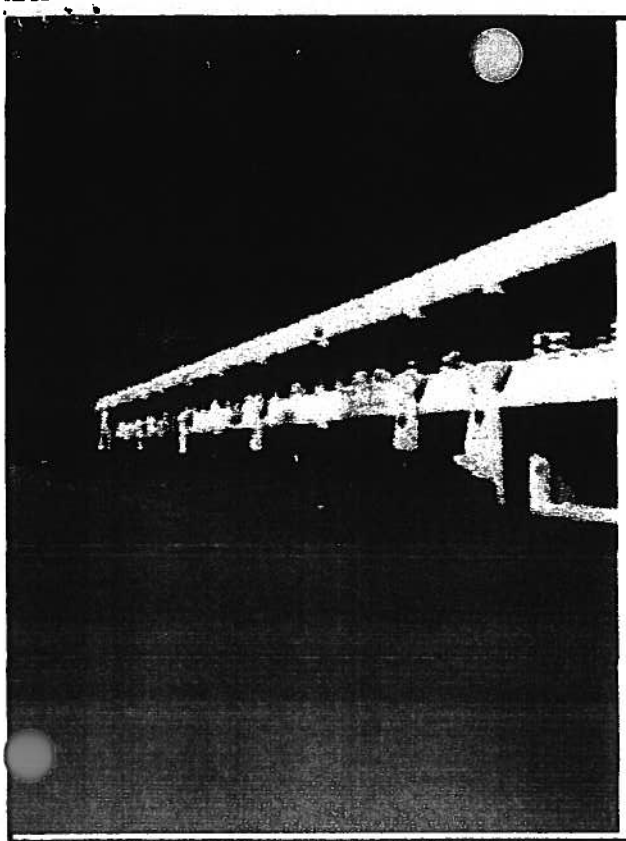
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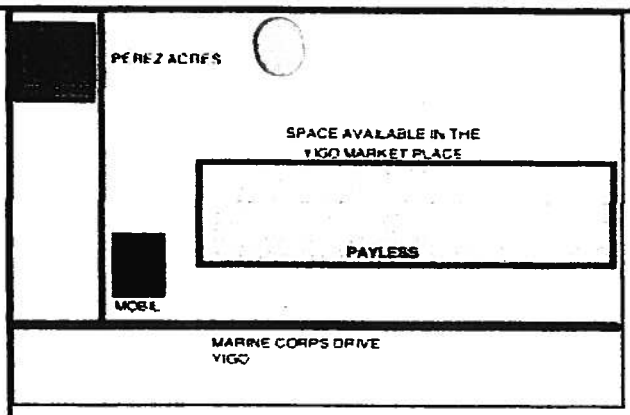
The rezoning proposal for Guam Family Plaza includes an access road from Chalan Lujuna into the Plaza with links to the adjacent Yigo Town Center and to the McDonald's currently under construction. This will cause a further increase in traffic on the already overloaded Chalan Lujuna and will exacerbate the danger to pedestrians.

The claim that more commercial space is needed for the residents of Yigo is absurd. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza.

I am strongly opposed to the rezoning proposal for lot 7, tract 10417.

Thomas Rozycki, M.D.





Reports

List Number	16-1317	**Property Type**	Comm Space for Rent
Listing Member	Janet G. Calvo Office Phone: (671) 687-1841 Office E-Mail: janet@guamhome.com	**Listing Office**	Today's Realty Office Phone: (671) 649-4361
Selling Member	Dennis Unpingco, DJ Unpingco Office Phone: (671) 483-0654	**Selling Office**	Guam Realty Finder Office Phone: (671) 647-4140
Days On Market	167		

Contract Information

Status	Closed	**Terms**	1st Month's Rent & Security Deposit
List Date	04/16/2016	**Expiration Date**	
Status Change Date	10/14/2016	**Original List Price**	3200
List Price	3200	**How To Show**	Call Agent
Type	Exclusive Authorization	**Occupancy**	Vacant
Commission	1 Mo - 50/50		

Pending/Sold Information

Sold Date	09/30/2016	**Under Contract Date**	09/14/2016
Sold Price	3,200.00	**Terms of Sale**	5 year lease

Location

Village	Yigo	**Postal Code**	96929
Street Name	Marine Corps	**Building Name**	Yigo Market Place
Apt/Unit #	111/112	**State/Province**	Guam

Property Description

Style	Retail Space	**Realtor.com Type**	Commercial
Stories	2	**Zoning**	C
Book Section	Commercial Rental	**Living Area SqFt**	1600
Year Built	1999	**Access**	Paved
Flood Zone	UNKNOWN	**Condition**	Very Good
SqFt Source of Info	Not in List	**Ownership**	Fee Simple
Floor	1		

Taxes & Legal

Legal	L7024-1-NEW-1-2 YIGO

Remarks

Public RemarksLOOK NO FURTHER! TWO 800 s.f. spaces directly next to PAYLESS SUPERMARKET. Winner location for the business who benefits from the constant flow of customers making their way to the market.

Phillip Santos
#48 South Cupa Ct.
Yigo, Guam 96929
(671) 689-5462
GALFED2003@GMAIL.COM



6/6/21

6.20.18
7:04pm

Håfa Adai and good evening members of the Guam Land Use Commission,

My name is Phillip Santos, a resident of Yigo for 45 years and for 19 years, a homeowner at Perez Acres. I currently serve as Chairman of the Board for the Perez Acres Homeowners Association (PAHA) but, testifying tonight as a homeowner and resident of Yigo.

I wish to express my objection to the proposed Application to Rezone Lot 7 Tract 10417, Yigo, Application 2017-4. The rezoning of this area from Zone A to Zone C will create hardships on the residents of Perez Acres.

As it is right now, Chalan Lajuna that leads to Perez Acres from Route 1 or Route 15 has seen an increase in traffic over the last 10 to 15 years. Residents of our beautiful and quiet community have seen dump trucks, racing cars, utility vehicles, and private vehicles utilize this road to gain access to Marine Corp Drive and Route 15, including school buses who use this road to pick up students at Perez Acres or just simply to exit Chalan Lajuna on their way to drop off students to our schools.

As a resident, I have witnessed drivers fail to stop at the stop signs on Chalan Lajuna - in all directions. There have been numerous near collisions as a result of this. Nearly 10 years ago, a young girl was hit and killed on this very same road because the motorist failed to stop. A close relative was killed in a tragic car accident at the Route 1 and Chalan Lajuna intersection - prior to traffic lights being installed.

With the proposed rezoning for the Yigo Family Plaza, there will be a definite increase to vehicle traffic on Chalan Lajuna which will also very likely impact the safety of pedestrians walking to nearby establishments - including young school children walking to their respective bus stops. No sidewalks exists from to Perez Acres boundaries to Route 1 nor to Route 15.

There are several other vacant commercial places within the vicinity of Perez Acres along Route 1, which are already appropriately zoned. There are businesses along Route 1 that have opened up within a mile of Perez Acres including laundromats, a bakery, fast food restaurants, a filtered water station, Notary and copying office and a drive thru coffee café. I don't see the zone change and plans for ingress and egress for the proposed development as further benefit to our neighborhood.

I live in Perez Acres and I oppose the rezoning of Lot 7 Tract 10417, Yigo, and Application 2017-04.

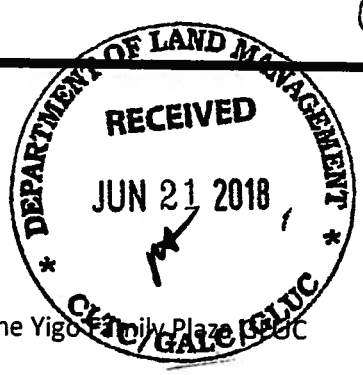
Thank you for giving me this opportunity to come before you to read my testimony.

Si Yu'os Ma'åse',

Phillip Santos
Perez Acres Homeowner

6-P-Rcomm

Celine Cruz



From: John P. Duenas <jpduenas@dcaguam.com>
Sent: Tuesday, June 19, 2018 10:52 AM
To: Celine Cruz
Subject: Fwd: Yigo Family Plaza

MB 6/21

Forwarding my comments to the Perez Acres HoA Board of Directors regarding the Yigo Family Plaza [illegible] development-related application for your records and use.

John Duenas

Begin forwarded message:

From: "Perez Acres HoA" <paha@guam.net>
Subject: RE: Yigo Family Plaza
Date: June 19, 2018 at 8:33:08 AM GMT+10
To: "'John P. Duenas'" <jpduenas@dcaguam.com>
Cc: "'Elizabeth C. Duenas'" <lduenas@remaxguam.com>, "'PAHA GM | David R. Fowler'" <pahagm@guam.net>

Good morning Mr. & Mrs. Duenas,
The PAHA Office truly appreciates your below email regarding the Yigo Family Plaza construction. I will forward your email to the Board of Directors to notify them of your concerns.

Regards,
Arlene V. M.

Administrative Assistant

Perez Acres Homeowners Association
Ofc: 671.653.2014 | Fax: 671.653.3544
Email: paha@guam.net | Website: www.perezacresguam.org
Office Hours: MON to FRI - 8am to 5pm | SAT/SUN & Holidays - Closed

Save trees. Print Only When Necessary. * This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient of this email or if you have received this email and any attachments with it, in error, you must not copy, distribute or take any further action in reliance upon it and you must delete it immediately and notify paha@guam.net Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the organization. Finally, the recipient should check this email and any attachments for the presence of viruses. The organization accepts no liability for any damage caused by any virus transmitted by this email.

-----Original Message-----
From: John P. Duenas [mailto:jpduenas@dcaguam.com]
Sent: Tuesday, June 19, 2018 8:30 AM
To: paha@guam.net
Cc: Elizabeth C. Duenas

Subject: Yigo Family Plaza

We (John P and Elizabeth C. Duenas) own a unit at Perez Acres.I have read you message about the Perez Acres HoA Board of Directors deciding to oppose the development based on "several" homeowners expressing opposition to the development. While we do not live at Perez Acres and have leased our unit to tenants over the past many years, we are also concerned about the quality of developments that can occur on neighboring properties. As I know it, the Yigo Family Plaza is a commercial development proposal that is in character with abutting commercial uses (MacDonalds and the strip commercial plaza to the north. The Plaza proposes to add commercial uses that would seem to benefit the residents of Yigo and Perez Acres. The property proposed for development is currently zoned Agricultural and can actually be used without rezoning for agricultural uses such as a piggery, animal grazing activities and other uses that can be obnoxious.

Your reference to the traffic on Chalan Lujuna that will be generated by MacDonalds assumes that that volume of traffic is high such that the use of Chalan Lujuna will be severely compromised by additional traffic that will be generated by the proposed new Yigo Family Plaza development. I do not agree as MacDonalds has direct access to Route 1 and the bulk of vehicular MacDonalds-bound traffic will be from Route 1. I believe that improvements need to made to the intersection of Chalan Lujuna and Route 1 to accommodate the additional traffic projected to be generated by the Plaza and that these improvements need to be a required part of the Plaza development. This will be quantified by the results of the review of the development by the Department of Public Works. Also, note that Chalan Lujuna is a collector road that connects Route 15 and Route 1 and functions to shunt traffic to and from these two major highways. Indeed DPW should focus on improving Chalan Lujuna over its entire length to function more efficiently as a collector road and not necessarily and specifically in reaction to accommodating projected traffic from developments on abutting properties. If the Perez Acres HoA is concerned about assuring that traffic on Chalan Lujuna does not affect the quality of life at Perez Acres, the focus of that concern should be directed at the Department of Public Works and not in opposition to developments that may use this road for ingress and egress.

In my opinion, this proposed development if undertaken properly will be a great benefit to the village of Yigo and specifically to the residents of Perez Acres.

We do not agree with Perez Acres HoA BOD's opposition to the proposed development and ask that your representative at the Public Hearing testify as such.

In full disclosure, I provided the infrastructure analysis in support of the GLUC application by the Developer as the Principal of Duenas, Camacho & Associates, Inc. and my wife, Liz Duenas, was the Real Estate agent for the sale of the property to the developer.

Thank you.

John and Elizabeth Duenas

=

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

August 16, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC Members

RE: Zone Change Application No. 2017-04

Listed below are the **APPLICATION REVIEW COMMITTEE POSITION STATEMENTS** as submitted:

PERMANENT VOTING MEMBERS

1. **DEPARTMENT OF LAND MANAGEMENT:** Recommend **APPROVAL WITH CONDITIONS** as follows:

   That the Applicants adhere to all ARC recommendations as provided in their respective position statements.

2. **GUAM ENVIRONMENTAL PROTECTION AGENCY:**
   No Position Statement has been received as of the date of this Memorandum of August 16, 2018.

3. **DEPARTMENT OF AGRICULTURE:**
   Agriculture has reviewed the subject lot for a "Zone Change" request from Agricultural to a Commercial Zone and has no opposition to the proposed zone change for the construction of a Family Plaza Shopping Mall development. Our agency will recommend approval of the zone change with the following statements, conditions and requirements set forth in 21 GCA Chapter 61 Section 61317 as our primary inspection of the site found no adverse impact to Agricultural activity and to any Endangered Species and other protected Coastal Zones, Wetland Habitat and Watersheds.

   The proposed zone change for the lot is located in an area that has been traditionally used for various farming and ranching activities in the past. Currently no such "Agricultural" activity has been identified for this particular site in over 20

years and no active farms are in the immediate area. the current uses of the surrounding facilities are in line with the proposed zone change and subsequent development into a full service commercial center. Therefore no adverse impact to any agricultural activity exists either within the property scope or the surrounding properties. With regard to any immediate damage to the environment should the project proceed our agency will require the following conditions to be met and implemented onto the project site once clearing and grading is to take place.

Should the proposed zone change be approved and the project moves into the building phase be aware that the proper Clearing and Grading permits must be obtained and registered with the Department of Public Works One Stop section with all the regulatory agencies signed off on the permit in order to proceed with mass clearing and grading of the site. No land clearing activity is to occur prior to securing the proper permit.

As rapid development occurs in this region of the island the destruction and removal of native tree species increases the potential for pollution and the loss of Guam's Northern Aquifer the primary source of drinking water that supplies the island. As such our agency requires that a comprehensive landscaping plan address this deficiency in development of the northern part of the island and as it relates to the construction of Yigo Family Plaza to be built on this site. Should the proposed project precede Agriculture recommends that the lot designated for build will have elements of a green zone dedicated to it, as part of the overall landscaping plan. It this includes parking and green zones not identified in the application the use of native trees that originate in this area is highly recommended as they are suitable and will adapt readily to the existing soils. Simply, the re-planting of native trees in a dedicated section of the lot(s) or allowing the existing fauna to remain as is vital in maintain the aquifer and the surrounding habitat to allow for healthy and vibrant eco-system. The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and polluting it. The Department of Agriculture has several programs and personnel that can assist you in developing a plan to address this issue.

Please contact our Agricultural Development Services & Forestry divisions here at he agency for further assistance and guidance at 300-7972 and 7976 respectively. Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community. It is vital that all land developers take a proactive step in preventing and causing this loss. To fully benefit and see these eco-friendly practices being used visit our Department of Agriculture Organic and Environmental Demonstration Farm. The demonstration farm displays various planting techniques that will aid the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment. The planting of native trees will add to the aesthetic appeal of the development as it uses the trees that were once abundant in this part of Yigo. The trees will also serve to provide shading for its residents, windbreak capabilities during heavy weather, erosion control, filtration of runoff and more nature driven development that takes into account Guam's vital natural resources.

During our site investigation of the area there were no incidents of the "Little Fire Ant" (Wassmannia auropunctata) however be aware that there are reported infestations located at the Yigo waste dumpsite which lies on the back road of Route

15 the opposite end of this property. This is of concern as the presence of this invasive and threatening species could spread to this area if heavy equipment is being used on other sites and brought into this area by contamination of equipment and vehicles. To avoid issues from occurring and preventing future problems down the road we recommend that equipment entering the work site be properly treated by a licensed pesticide company. In addition to this any clearing of vegetation should also be handled with care as stockpiling of green waste will act as a breeding and nesting site for the "Coconut Rhinoceros Beetle" (Oryctes rhinoceros) larvae. All green waste should be transported to a facility that can properly dispose and treat the organic matter either through mulching and composting. By having the green waste recycled the plant material can be used to provide landscaping material back into the project for weed control and aesthetics for a proper managed landscaping plan. Please see the listing for these companies that are available on line or for proper guidance you can contact our office for further assistance in using their services.

Once again should the project proceed to the build phase and the permits for land clearing and grading are secured be aware that Guam is a migratory route for various species of birds to use as a resting point. During our investigation and inspection of the site no birds were observed. However there exists a strong possibility that the site is used as it contains very little human activity that would otherwise discourage them from landing. If these species of migratory birds are observed at any point in the site no interference is to occur either to prevent them from landing or disturbance and disruption of their normal behavior should be altered.

Please be aware that development and the loss of Guam's natural habitat can have a devasting effect on the quality of life here on island. It is vital that all land developers take a conscious approach in protecting our resources for future island residents and the general well being of our delicate eco-system. The guidelines as listed in this Impact Assessment should be used as a template to ensure continuation of Guam's habitat. For other earth friendly techniques and guidance please contact our offices at 300-7973.

4. **GUAM WATER WORKS AUTHORITY**:

The following comments are conditions for GWA's position in favor of the approval of the 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.
2. GWA requires the applicant to coordinate with the GWA Engineering Department will in advance of the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

3. If on-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant.
4. On-site utilities installed on public rights of way or easements to support the proposed development shall be at the expense of the developer/applicant.
5. The applicant shall install GWA water meters in the public right of way or easement.
6. Backflow prevention devices are required for non-residential activities.
7. A grease trap is required if the development will include a food preparation facility.
8. New development is subject to water and/or sewer system development charges (SDC).

5. GUAM POWER AUTHORITY:

A. Comments and Recommendations Concerning GPA requirements:
   1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
      - Coordinate overhead/underground power requirements with GPA Engineering for new structure.
      - 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 electrical utility easements in accordance with NESC and GPA requirements.
      - Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.
      - Provide scheduling and magnitude of project power demand requirements for new loads.
      - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
   3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
   4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

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

6. DEPARTMENT OF PARKS AND RECREATION:

We reviewed our records and found no evidence of any archeological investigation conducted on the subject lot. We have determined that any construction or development proposed on the lot will require an archeological survey to determine if historic properties are present on the property and the mitigation required for their treatment of disposition, if any.

As to the rezoning of the subject lot, we have no objection to the approval of the subject application.

7. DEPARTMENT OF PUBLIC WORKS:

The Department of Public Works, (DPW) has completed its review with the following requirements from DPW- Division of Capital Improvement Projects (CIP).

- 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 stalls) must meet the American Disability Act (ADA);
- If the owner chooses to use GSWA disposal or any private services, the location of the trash 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;
- Road (entrance, exit, sidekicks and pedestrian) must be wide enough for public access; and must be in conformance to the Highway Master Plan.

NOTE: The applicant must coordinate with Guam Fire Department as to the required distance from (Mobil) gas station due to the technical hazard that may be reasonably expected to impact in the structure before and after construction.

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

8. **BUREAU OF STATISTICS AND PLANS**: The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-04 to rezone Tract 10417 Lot 7 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:

> *"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. Tract 10417 Lot 7 is located in an "A" Rural zone in the municipality of Yigo. 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, Kevin J. Yang, 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 CNM[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 Chapter47; '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.*

The **Bureau recommends approval** to the zone change in order to develop a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other compatible activities. 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, and most especially due to the Aquifer directly below, the activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control storm water 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 and any other concerns by all the Application Review Member agencies/department as stipulated. Moreover, the applicant must be required to comply with established laws and the recommendations 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.

EX-OFFICIO MEMBERS

1. **DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES:**

   No Position Statement has been received as of the date of this Memorandum of August 16, 2018.

2. **GUAM FIRE DEPARTMENT:**

No Position Statement has been received as of the date of this Memorandum of August 16, 2018.

3. **GUAM ECONOMIC DEVELOPMENT AUTHORITY:**

No Position Statement has been received as of the date of this Memorandum of August 16, 2018.

4. **GUAM PUBLIC SCHOOL SYSTEM**:

No Position Statement has been received as of the date of this Memorandum of August 16, 2018.

5. **DEPARTMENT OF CHAMORRO AFFAIRS:**

No Position Statement has been received as of the date of this Memorandum of August 16, 2018.

Marvin Q. Aguilar
Chairman, ARC

Case Planner: Celine Cruz

GUAM POWER AUTHORITY

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

RECEIVED
JAN 30 2017
Department of Land Management
Time 2:10 Int

January 24, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 7, Tract 10417, Municipality of Yigo, (Kevin J. Yang); Zone Change Application from "A" (Agricultural) to "C" (Commercial) to construct 65 single or multi-family residential with 48 vacant lots suitable for housing. **Application No. 2017-04**

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

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

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

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

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

ASG/arp

VFSR

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Kevin J. Yang
Location: Lot 7, Tract 10417, Yigo
Type of Application: Zone Change
GLUC/GSPC Application No. 2017-04
Brief Project Description:
"A" to "C" to construct 65 single or multi-family residential with 48 vacant lots suitable for housing.

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

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

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:
   Yes ☐ No ☒

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

1/26/17
Date

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

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

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

William C. Mcdonald
Acting Director
Manuel Q. Cruz
Deputy Director

APR 0 3 2017
RECEIVED
MB 4/4 APR 0 4 2017
Department of Land Management
Time 2:42 Int 17

MEMORANDUM

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Acting Director, Bureau of Statistics and Plans

SUBJECT: Position Statement on Application 2017-04; Tract 10417, Lot 7 Municipality of Yigo, Guam from "A" Rural Zone to "C" Commercial Zone; Applicant: Mr. Kevin J. Yang c/o Daniel D. Swavely

Håfa Adai! Applicant, Mr. Kevin J. Yang represented by consultant, Daniel D. Swavely seeks to rezone his property located in the Municipality of Yigo, from "A" Rural zone to "C" Commercial zone. The applicant proposes to construct a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other similar activities.

Tract 10417, Lot 7 is located just off the Chalan Lujuna road close to Perez Acres. The property is currently forested and is 136,856 square feet or approximately 3.1 acres and is surrounded by the Perez Acres Subdivision and the Ada Yigo Town Center. A vacant property separates Marine Corp Drive from the applicant's property.

The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-04 to rezone Tract 10417 Lot 7 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:

> *"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. Tract 10417 Lot 7 is located in an "A" Rural zone in the municipality of Yigo. 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, Kevin J. Yang, 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.*

The **Bureau recommends approval** to the zone change in order to develop a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other compatible activities. 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, and most especially due to the Aquifer directly below, the 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 and any other concerns by all the Application Review Member agencies/department as stipulated. Moreover, the applicant must be required to comply with established laws and the recommendations 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 C. MCDONALD
Acting Director

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

MB 3/16 MAR 16 2017

130

March 8, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Kevin J. Yang

APPLICATION: 2017-04

SUBJECT: Rezone from ("A") Agricultural to ("C") Commercial, Lot 7, Tract 10417, Yigo

Buenas yan Hafa Adai! The applicant is requesting to rezone subject property from "A" to "C" with the intent to construct a family plaza neighborhood mall. The proposed mall will be located within a walking distance from Perez Acres Subdivision adjacent to Yigo Town Center. (See attached map). The Plaza will consist of a restaurant, grocery store, coffee shop, branch copy express and a specialty merchandise store.

The Department of Public Works (DPW) has completed its review with the following requirements from DPW-Division of Capital Improvement Projects (CIP).

- 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) which 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;
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access; and must be in conformance to the Highway Master Plan.

NOTE: The applicant must coordinate with Guam Fire Department as to the required distance from (Mobil) gas station due to technological hazard that may be reasonably expected to impact in the structure before and after construction.

✓ 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.

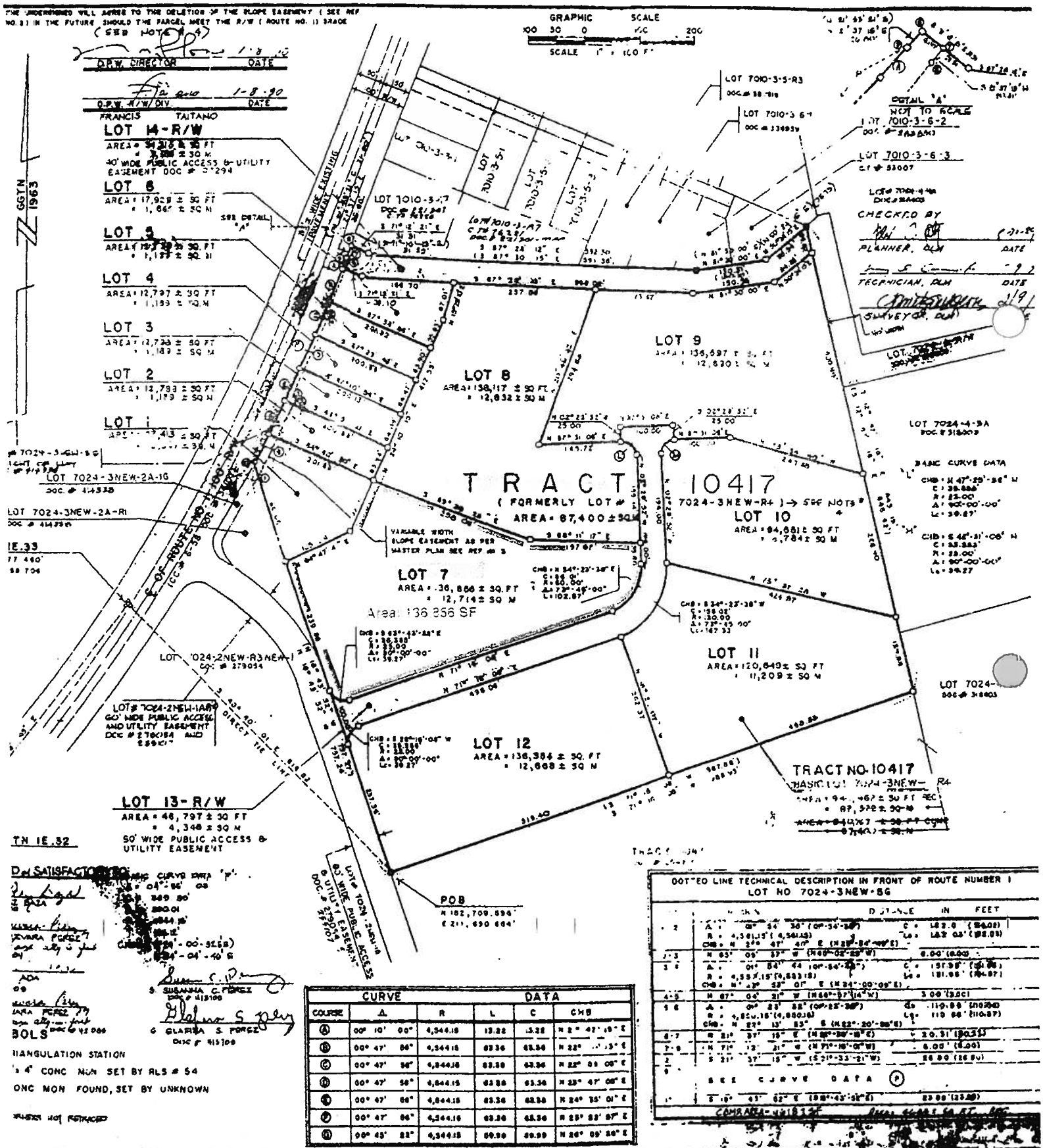
If you have any questions, please call Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III at Division of Capital Improvement Projects (CIP) at 646-3189 or 646-3224. Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

jfc

P. Gulac 3/16/17 PLSO

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



CURVE DATA					
COURSE	Δ	R	L	C	CHD
Ⓐ	00° 10' 00"	4,344.18	13.22	13.22	N 8° 42' 19" E
Ⓑ	00° 47' 56"	4,344.18	60.36	60.36	N 22° 13' 15" E
Ⓒ	00° 47' 56"	4,344.18	60.36	60.36	N 22° 55' 08" E
Ⓓ	00° 47' 56"	4,344.18	60.36	60.36	N 23° 47' 00" E
Ⓔ	00° 47' 56"	4,344.18	60.36	60.36	N 24° 35' 01" E
Ⓕ	00° 47' 56"	4,344.18	60.36	60.36	N 25° 23' 07" E
Ⓖ	00° 45' 23"	4,344.18	59.99	59.99	N 26° 09' 36" E

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

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

Robert S. Lizama
Director

William N. Reyes
Deputy Director

In reply refer to:
RC2016-0951

February 17, 2017

RECEIVED
MAR 0 3 2017

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2017-04:
Rezone Lot 7, Tract 10417, Yigo, to Commercial for Yigo Family Plaza

We reviewed our records and found no evidence of any archaeological investigation conducted on the subject lot. We have determined that any construction or development propose on the lot will require an archaeological survey to determine if historic properties are present on the property and the mitigation required for their treatment of disposition, if any.

As to the rezoning of subject lot, we have no object to the approval of subject application. If you have any questions regarding our position, please do not hesitate to contact our office.

Sincerely,

Robert S. Lizama
Director

Cc: Dan D. Swavely, Consulting Service, Inc.
dds@guam.ne

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

RECEIVED
APR 07 2017
Department of Land Management
Time Int

MEMORANDUM

March 17, 2017

TO: Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2017-14 for Lot 7, Tract 10417, in the Municipality of Yigo.

APPLICANT(S): Kevin J. Yang represented by Daniel D. Swavely

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "R2" (Commercial) zone for the proposed development of a commercial building (Yigo Family Plaza).

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.

2. GWA requires the applicant to coordinate with the GWA Engineering Department well in advance of the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant.

4. On-site utilities installed on public rights of way or easements to support the proposed development shall be at the expense of the developer/applicant.

5. The applicant shall install GWA water meters in the public right of way or easement.

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

7. A grease trap is required if the development will include a food preparation facility.

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

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

Department of Agriculture
Dipåttamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

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

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 14 2017
CLTC/GALC/GLUC

11/12/17

December 11, 2017
Memorandum

To: Director, Department of Land Management

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

From: Director of Agriculture

Subject: "Agricultural & Environmental Impact Statement" for a "Zone Change" request from an "Agrcultural" to a "C" for application 2017-04 on Lots 7 Tract 10417 Yigo Family Plaza Located in Yigo. (Kevin J. Yang).

Agriculture has reviewed the subject lot for a "Zone Change" request from an **Agricultural to a Commercial zone** and has no opposition to the proposed zone change for the construction of a Family Plaza Shopping Mall development. Our agency will recommend approval of the zone change with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637* as our preliminary inspection of the site found no adverse impact to **Agricultural** activity and to any **Endangered Species** and other protected **Coastal Zones, Wetland habitat** and **Watersheds**.

The proposed zone change for the lot is located in an area that has been traditionally used for various farming and ranching activities in the past. Currently no such "Agricultural" activity has been identified for this particular site in over 20 years and no active farms are in this immediate area. The current uses of the surrounding facilities are in line with the proposed zone change and subsequent development into a full service commercial center. Therefore no adverse impact to any agricultural activity exists either within the property scope or to surrounding properties. With regard to any immediate damage to the environment should the project proceed our agency will require the following conditions to be met and implemented onto the project site once any clearing and grading is to take place.

Should the proposed zone change be approved and the project moves into the build phase be aware that the proper Clearing and Grading permits must be obtained and registered with the Department of Public Works One Stop section with all the regulatory agencies signed off on the permit in order to proceed with mass clearing and grading of the site. No land clearing activity is to occur prior to securing the proper permit.

As rapid development occurs in this region of the island the destruction and removal of native tree species increases the potential for pollution and the loss of **Guam's Northern Aquifer** the primary source of drinking water that supplies the island. As such our agency requires that a comprehensive landscaping plan address this deficiency in development of the northern part of the island and as it relates to the construction of **Yigo Family Plaza** to be built on this site. Should the proposed project precede **Agriculture** recommends that the lot designated for build will have elements of a green zone dedicated to it, as part of the overall landscaping plan. If this includes parking and green zones not identified in the application the use of native trees that originate in this area is highly recommended as they are suitable and will adapt readily to the existing soils. Simply, the re-planting of native trees in a dedicated section of the lot(s) or allowing the existing fauna to remain as is vital in maintaining the aquifer and the surrounding habitat to allow for a healthy and vibrant eco-system. The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and polluting it. The Department of Agriculture has several programs and personnel that can assist you in developing a plan to address this issue.

Please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7974 respectively. Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community. It is vital that all land developers take a proactive step in preventing and causing this loss. To fully benefit and see these eco-friendly practices being used visit our Department of Agriculture Organic and Environmental Demonstration Farm. The demonstration farm displays various planting techniques that will aid the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment. The planting of native trees will add to the aesthetic appeal of the development as it uses the trees that were once abundant in this part of Yigo. The trees will also serve to provide shading for its residents, windbreak capabilities during heavy weather, erosion control, filtration of runoff and a more nature driven development that takes into account Guam's vital natural resources.

During our site investigation of the area there where no incidents of the **"Little Fire Ant"** (*Wassmannia auropunctata)* however be aware that there are reported infestations located at the Yigo waste dumpsite which lies on the back road of Rte.15 the opposite end of this property. This is of concern as the presence of this invasive and threatening species could spread to this area if heavy equipment is being used on other sites and brought into this area by contamination of equipment and vehicles. To avoid issues from occurring and preventing future problems down the road we recommend that equipment entering the work site be properly treated by a licensed pesticide company. In addition to this any clearing of vegetation should also be handled with care as stockpiling of green waste will act as a breeding and nesting site for the **"Coconut Rhinoceros Beetle"**(*Oryctes rhinoceros)* larvae. All green waste should be transported to a facility that can properly dispose and treat the organic matter either through mulching and composting. By having the green waste recycled the plant material can be used to provide landscaping material back into the project for weed control and aesthetics for a proper managed landscaping plan. Please see the listing for these companies that are available on line or for proper guidance you can contact our office for further assistance in using their services.

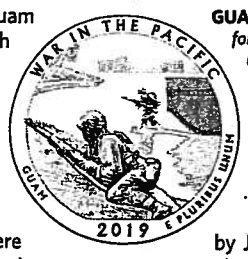
Once again should the project proceed to the build phase and the permits for land clearing and grading are secured be aware that Guam is a migratory route for various species of birds to use as a resting point. During our investigation and inspection of the site no birds were observed. However there exist a strong possibility that the site is used as it contains very little human activity that would otherwise discourage them from landing. If these species of migratory birds are observed at any point on the site no interference is to occur either to prevent them from landing or disturbance and disruption of their normal behavior should be altered.

Please be aware that development and the loss of Guam's natural habitat can have a devastating effect on the quality of life here on island. It is vital that all land developers take a conscious approach in protecting our resources for future island residents and the general well being of our delicate eco-system. The guidelines as listed in this Impact Assessment should be used as a template to ensure continuation of Guam's habitat. For other earth friendly techniques and guidance please contact our offices at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

US Mint unveils quarters featuring Guam, CNMI

Historical parks on Guam and the Commonwealth of the Northern Mariana Islands are featured on the back of 2019-dated coins the U.S. Mint unveiled in its America the Beautiful Quarters Program.



GUAM QUARTER: *The design for the back side of the newly unveiled 2019 America the Beautiful Quarters featuring Guam's War in the Pacific Historical Park. Image courtesy of the U.S. Mint*

The designs were unveiled at the American Numismatic Association's World's Fair of Money in the Philadelphia Convention Center.

The designs are featured on the reverse of quarters honoring: Lowell National Historical Park (Massachusetts), American Memorial Park (Commonwealth of the Northern Mariana Islands), War in the Pacific National Historical Park (Guam), San Antonio Missions National Historical Park (Texas), and Frank Church River of No Return Wilderness (Idaho).

The designs were sculpted by the Mint's sculptor-engravers.

The War in the Pacific National Historical Park quarter was designed by Joel Iskowitz, and was sculpted and engraved by Michael Gaudioso.

The design portrays American forces coming ashore at Asan Bay, strengthening the number of troops in the fight for Guam and its eventual retaking. Inscriptions are "WAR IN THE PACIFIC," "GUAM," "2019," and "E PLURIBUS UNUM."

The American Memorial Park quarter, designed by Donna Weaver and sculpted and engraved by Phebe Hemphill, features a young CHamoru woman in traditional dress at the front of the Flag Circle and Court of Honor. She is resting her hand on the plaque that honors the sacrifice of those who died in the battle for Saipan. ***(Daily Post Staff)***

Four women charged with visa fraud may be released

By John O'Connor
john@postguam.com


Yu-Hsin Chang


Chiao-En Wang


I-Ying Lin


I-Jung Kuo

Discussions for the release of Taiwanese nationals Yu-Hsin Chang, I-Ying Lin, Chiao-En Wang and I-Jung Kuo took place Wednesday at the District Court of Guam but the hearing was continued.

The women don't pose a safety risk to the community, defense attorneys argued, but the prosecution recommended they remain detained to ensure they return to court.

After a lengthy side bar discussion with their attorneys and the prosecution, Magistrate Judge Joaquin Manibusan Jr. said more time was needed to discuss factors involving their potential release.

The women were living in an apartment behind Wild Orchid Tavern, the business where they allegedly worked illegally as hostesses. The unit is being rented by Peter Wang, according to court discussions Wednesday. An earlier court document spelled his last name Pwang.

Wang is also the owner and manager of Wild Orchid. He confirmed to Homeland Security Investigations special agents that the women were employed by him shortly after their entry to Guam.

He has not been arrested and no charges have been filed against him – a factor some of the defense attorneys pointed out Wednesday.

Some of the women arrived in June while the rest came in July. One of the women, Lin, has been on Guam for just two weeks, according to her lawyer, Joaquin Arriola.

A criminal complaint accuses the women of failing to disclose to U.S. Customs and Border Protection officers that they intended to illegally work as hostesses at Wild Orchid.

Guam's visa waiver program allows visitors from Taiwan to stay for 45 days – without the need to apply at a U.S. embassy or consulate for a travel visa – on the condition the reason for their entry is business or pleasure, according to the CBP.

Court documents state an undercover agent with HSI purchased drinks from the women, who were working as hostesses at the lounge this month. The court documents add the undercover agent paid $20 per drink.

Prior representation

Attorney Curtis Van de veld was brought on to represent Kuo. He disclosed Wednesday that he may have represented Wang about 15 years ago, as a photograph of Wang shown to him appeared to be of the same man. That case was an unrelated business matter and he said he did not believe a disqualification would arise from his representation of Kuo.

GUAM LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, August 23, 2018 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 – July 26, 2018

III. Old Business

A. A.2017-41B, Albert P. Sanga; Zone Change from "R1" to "LC" zone, Lot 1103-3-1A-1, Mangilao.

IV. New Business

B. 2017-36, Christina M. Borja; Zone Change from "A" to "C" zone, Lot 101-9, Yona.

V. Administrative & Miscellaneous Matters

C. 2002-30E, BME & Sons, Inc.; renewal request for a previously approved Use Zone Variance and Status Report for contractor's yard, Lot 10, T293, Mangilao.

VI. Adjournment

GUAM/HYBRID LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

A regular meeting of the Guam-Hybrid Land Use Commission will be held on Thursday, August 23, 2018, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call

II. Approval of Minutes – May 24, 2018

III. New Business

A. 2017-04, Kevin J. Yang; Zone Change from "A" to "C" zone, Lot 7, T10417, Yigo.

VI. Administrative & Miscellaneous Matters

V. Adjournment

***Funding source provided by above Applicants**
Person(s) requiring special accommodations, please call Cristina Gutierrez at 694-5263, Ext 300 or 375

Police department: DUI checkpoints set for Aug. 17

The Guam Police Department Highway Patrol Division announced it will conduct DUI sobriety checkpoints from 6 p.m. Friday to 6 a.m. Saturday.

Checkpoints will be set up on major roadways including:

- Route 1 Marine Corps Drive from Dededo to Hagåtña
- Route 14 in Tumon
- Route 10 Vietnam Veterans Highway
- Route 8 Purple Heart Memorial Highway
- Route 16 Army Drive

What to expect

The announcement warned that motorists should expect delays when approaching or entering a checkpoint. Motorists should proceed with caution, as officers will be situated along the roadways.


ALERT: *Officer J.L. Laxamana of the Guam Police Department's Highway Patrol Division is on the lookout for seatbelt or cellphone violations during a traffic enforcement operation in Upper Tumon in May 2017. The campaign also involved speed-limit enforcement and DUI checkpoints.* *Post file photo*

GPD's Highway Patrol Division conducted additional DUI checkpoints earlier this month, on the night of Aug. 10, along the same routes.

(Daily Post Staff)

Doc. No. 34GL-18-2209

Trump says he's not worried about what White House counsel told prosecutors

By Laura King
Los Angeles Times

WASHINGTON – President Donald Trump insisted Sunday that he's unconcerned by reports that the White House counsel, Don McGahn, has cooperated extensively with special counsel Robert Mueller's investigation into possible Russian collusion and obstruction of justice.

The president said on Twitter that McGahn was not a "rat."

"I have nothing to hide," Trump said.

The president's latest series of disparaging Twitter posts came at what may be a pivotal point in the investigation into Russia's election interference, possible Trump campaign complicity and any obstruction of justice.

The New York Times reported Saturday that McGahn had voluntarily spent 30 hours in interviews with Mueller's team, acting in part on fears that Trump would try to shift the blame to him for any wrongdoing.



WHITE HOUSE COUNSEL: *President Donald Trump's top White House lawyer, Don McGahn, attends an event at the White House in Washington, D.C., May 24. Olivier Douliery/Abaca Press/Tribune News Service*

Trump, spending the weekend at his New Jersey golf resort, said he was not worried about whatever McGahn had told investigators, adding he had authorized his aides' cooperation with the special counsel. The New York Times report noted that McGahn knew about many events central to the possible obstruction of justice case being built by Mueller's team.

Trump, who has a habit of making unguarded references while seeking to bolster a contrary argument, voiced confidence that McGahn was not a "John Dean type of RAT,'" referring to the Watergate-era White House lawyer whose testimony helped bring down President Richard Nixon. Although the substance of McGahn's statements to Mueller is not publicly known, Dean went on Twitter Saturday to praise the White House counsel for "doing right."

Meanwhile, a parallel Mueller-related drama was playing itself out. A federal jury was set Monday to resume deliberations in the trial of Trump's former campaign chairman, Paul Manafort, who is on trial for tax evasion and bank fraud charges.

Trump, who in recent months has issued presidential pardons to some political supporters, last week took the highly unusual step of publicly opining about the case while the jury, which is not sequestered, was still out. The president said Manafort had been treated badly and was a "very good person."

For the past week, the White House has also been confronted with a steady drip of allegations by fired presidential aide Omarosa Manigault Newman, who became a reality-show star under Trump's tutelage. She is promoting a book billed as a tell-all about her months in the White House, with some elements of her story backed by surreptitiously made recordings. On Sunday, she said on MSNBC that Trump is trying to start

'NOTHING TO HIDE' continued on page 15

GUAM LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, August 23, 2018 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 – July 26, 2018

III. Old Business

A. A.2017-41B, Albert P. Sanga; Zone Change from "R1" to "LC" zone, Lot 1103-3-1A-1, Mangilao.

IV. New Business

B. 2017-36, Christina M. Borja; Zone Change from "A" to "C" zone, Lot 101-9, Yona.

V. Administrative & Miscellaneous Matters

C. 2002-30E, BME & Sons, Inc.; renewal request for a previously approved Use Zone Variance and Status Report for contractor's yard, Lot 10, T293, Mangilao.

VI. Adjournment

GUAM/HYBRID LAND USE COMMISSION

Department of Land Management
ITC Building, Third Fldor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
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EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

A regular meeting of the Guam-Hybrid Land Use Commission will be held on Thursday, August 23, 2018, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call

II. Approval of Minutes – May 24, 2018

III. New Business

A. 2017-04, Kevin J. Yang; Zone Change from "A" to "C" zone, Lot 7, T10417, Yigo.

VI. Administrative & Miscellaneous Matters

V. Adjournment

***Funding source provided by above Applicants**
Person(s) requiring special accommodations, please call Cristina Gutierrez at 694-5263. Ext 300 or 375

Fire that prompted closure of parts of Yosemite Park is contained

(Reuters) – A massive and deadly California wildfire that sent choking smoke into Yosemite National Park, causing a temporary closure of large parts of the tourist destination, is completely contained, fire officials said on Sunday.

More than 3,000 personnel have battled the Ferguson Fire, which ignited on July 13 and has burned through nearly 97,000 acres of steep slopes and bone-dry terrain southwest of the park, the California Department of Forestry and Fire Protection, or Cal Fire, said.

Two firefighters were killed while tackling the blaze and 19 others injured, it said.

Cooler weather and calmer winds in recent days have helped firefighters in California and other western states get a handle on major blazes, according to authorities.

"The weather is helping the fires to lay down and they (firefighters) are able to get better containment lines around them," said Lynnette Round, a Cal Fire spokeswoman.

The heart of Yosemite National Park, shut for nearly three weeks due to the Ferguson Fire, was reopened to the public on Tuesday. But smoke lingered in the air and a few major roads in the park remained cl[illegible] over the weekend.

There were still sporadic fires within the containment lines, Yosemite park officials said, adding that visitors should exercise caution.

The park's closure has taken a major toll on the local economy. Some 4.3 million visitors spent an estimated $452 million last year, most of that during the summer.

While there has been progress in battling blazes nationwide, officials worry that lightning strikes in states such as Washington, Oregon and Idaho could spark more wildfires, according to Ashton Robinson Cook, a meteorologist at the U.S. National Weather Service Storm Prediction Center.

"There are quite a few areas in the West where fuels are dry and susceptible to fire starts and rapid fire spread," he said.

Wildfires have consumed nearly 5.9 million acres of the United States so far this year, well above the national average for the same period over the past 10 years of 4.8 million acres, according to the National Interagency Fire Center, a monitoring agency.

DOC. No. 34GL-18-2679

GUAM-HYBRID LAND USE COMMISSION

Chairman John Z. Arroyo
Vice Chairman Tae S. Oh
Commissioner Conchita D. Bathan

Commissioner Victor F. Cruz
Commissioner Hardy T.I. Vy

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

AGENDA - DISPOSITION

Regular Meeting

Thursday, August 23, 2018

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on August 16th and August 21st, 2018]

I. Notation of Attendance [X] Quorum **1:42 p.m.** [ ] No Quorum
Present were: Chairman John Arroyo, Vice Chairman Tae Oh, Commissioner Victor Cruz, Commissioner Hardy Vy, Legal Counsel Nick Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Celine Cruz and Recording Secretary Cristina Gutierrez; Municipal Commissioners Mayor Louise Rivera, Mayor Melissa Savares and Mayor Allan Ungacta.

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, May 24, 2018

Motion to approve the Minutes of Thursday, May 24 ,2018 was passed unanimously; 7 ayes, 0 nay]

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. **Application No. 2017-04**, Applicant, Kevin J. Yang represented by Daniel D. Swavely; Zone Change request from "A" (Rural/Agricultural) to ~~"C" (Commercial~~) "LC" (Limited Commercial) zone, on Lot 7, Tract 10417, in the Municipality of Yigo. **[MCoG DLM 2018-06] Case** Planner: Celine Cruz

Action – Motion to pass the applicant's request for Limited Commercial was passed unanimously [7 ayes, 0 nay], subject to the following conditions:

1. **Applicant adheres to ARC conditions as stated in their official position statements;**
2. **The following activities are prohibited –**
   a. **Bars;**
   b. **Night Clubs;**
   c. **Any type of gambling activities;**
   d. **Strip Clubs;**
   e. **Massage parlors;**
   f. **Adult shops; and,**
   g. **Game rooms.**

V. Administrative & Miscellaneous Matters [NONE]

VI. Adjournment [There being no further business before the Hybrid Commission, the meeting was adjourned at 2:47 p.m.]

ATTACHMENT 6

GUAM-HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, August 23, 2018 • 1:42 p.m. to 2:47 p.m.
[As advertised in the Guam Daily Post on August 16th and August 21st, 2018]

I. Notation of Attendance

Chairman Arroyo called the regular meeting of the Guam-Hybrid Commission for Thursday, August 23, 2018 to order at 1:42 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Tae Oh, Commissioner Victor Cruz, Commissioner Hardy Vy, Mayor Louise Rivera, Mayor Melissa Savares, Mayor Allan Ungacta, Legal Counsel Nick Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Celine Cruz and Recording Secretary Cristina Gutierrez.

II. Approval of Minutes

Chairman Arroyo before the Commission is the GLUC-Hybrid Minutes from May 24, 2018. Commissioners have had the opportunity to review the Minutes, Chairman Arroyo requested for a motion.

Commissioner Vy made a motion to approve the GLUC-Hybrid Minutes of May 24, 2018.

Commissioner Cruz seconds the motion.

Chairman Arroyo motion made by Commissioner Vy, seconded by Commissioner Cruz. No discussion noted, Chairman Arroyo puts the motion to a vote.

All in favor of the motion to approve say "aye" [Chairman Arroyo, Commissioner Vy, Commissioner Cruz, Mayor Savares, and Mayor Rivera], opposed say "nay."

[Motion passed; 6 ayes, 0 nay]

III. Old Business [None]

IV. New Business

Zone Change

A. **Application No. 2017-04**, Applicant, Kevin J. Yang represented by Daniel D. Swavely; Zone Change request from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, on Lot 7, Tract 10417, in the Municipality of Yigo. [MCoG DLM 2018-06]
Case Planner: Celine Cruz

Celine Cruz reads staff report to include purpose, facts, public hearing results, staff analysis/discussion, and recommendation. [For full content/context, please see attached report]

[Attachment A – August 14, 2018]

[Chairman Arroyo acknowledges the arrival of Mayor Allan Ungacta, Mangilao]

Doc. No. 34GL-18-2679.

ATTACHMENT 7

Chairman Arroyo read for the record, a letter received from Maureen N. Maratita, a resident of Perez Acres who is in support of the project. [For full content/context, please see attached Exhibit 1]

Questions of the staff.

Commissioner Cruz in the staff analysis it states 890 employees; Commissioner Cruz asked if this number was for the private sector.

Celine Cruz Mr. Swavely cites in the original application that it is a Department of Labor statistics and believes that it is all in one.

Chairman Arroyo (no additional questions noted from the Board) Chairman Arroyo noted that several letters of opposition was received for this project; however, one in particular that was received from the last meeting was from Robert Klitzkie. Because of this letter, the Commission had to have the applicant re-submit the application because of questions with respect to the mailing of notices to all property owners within the 500-foot area received the notice. Chief Planner, was this done.

Marvin Aguilar (Guam Chief Planner) responded "yes sir."

Chairman Arroyo the other issue was with respect to whether or not the applicant of record which is Kevin J. Yang is eligible to submit an application when he is not the owner of the property. In Mr. Klitzkie's follow up letter he mentions a discussion between Commissioner Cruz and Legal Counsel regarding who is eligible to submit an application.

Chairman Arroyo states that Mr. Klitzkie cites Section 61631, and clarification was needed to identify the owner of the property and who is the applicant.

Marvin Aguilar the owner of the property is Ysengsong Inc. In the second supplement submitted by the applicant's representative, there is action by the Corporation to elect Mr. Kevin Yang as their duly authorized representative.

Chairman Arroyo asked Legal Counsel Nick Toft if he had confirmed that this was the actual law.

Nick Toft (Legal Counsel) confirmed that the section noted was the actual law.

Chairman Arroyo if Mr. Yang is authorized by the owner, the law says that it has to be the property owner or somebody that is leasing the property. Is Mr. Yang leasing the property from the legal owner.

Celine Cruz no; however, part of the supplement is a Waiver of Notice of consent by the Board of Directors on behalf of Ysengsong of which Mr. Yang is the Secretary of Ysengsong.

Chairman Arroyo was unsure if this satisfies the complaint.

Nick Toft his thought on this is that Mr. Kevin Yang is an authorized representative of the Corporation. The way he would approach it is to have a vote by the Board to see if they believe that this satisfies 61631 as far as whether Mr. Yang fulfills that requirement. The way to approach this is that the Board should discuss the matter, and whether or not they accept that the applicant

qualifies under 61631. If this will go through any type of litigation the Court will look to the Board to see whether this was discussed or not, analyzed and if the Board actually made a decision on it.

Chairman Arroyo has this ever come up before, this situation.

Marvin Aguilar it has happened; best way to approach this is to read the definition of ownership under Chapter 60.

Mayor Louise Rivera recalls the Meskla on the Cove situation where they were not the owners of the property. That went to the Supreme Court where they were not able to change the zone to commercial, and that is the reason why the business is no longer at this location.

Chairman Arroyo was that situation similar to this case.

Marvin Aguilar it was defined under a split-zone (that is how the zone changed occurred) under a split-zone which has specific requirements on which the Court cited for split-zones. In this case, Meskla was not the owner, but the lessee of the property. This was for a split-zone and this application is for a change of zone which is totally different.

[Lengthy discussion ensues]

Chairman Arroyo the whole issue is that we don't want someone arbitrarily coming in and requesting for a zone change who has no interest in the property. However, in this particular case Mr. Yang is authorized to represent the company, and did not believe that Mr. Yang was doing anything that the company is not aware of. Is Mr. Yang before the Commission today.

Kevin Yang responds to Chairman Arroyo that together with his wife they are 99.9 percent owners of Ysengsong Inc. which is the owner of the property.

Chairman Arroyo why did you not have your company put their name on the application.

Kevin Yang explained that when the property was first purchased it was under Mr. Yang's name; however, since the property was going to be developed into a commercial center he felt it was best to form a corporation and transfer the title of the property under the corporation. This happened after the application was submitted to the Department of Land Management. A supplemental application was submitted explaining this transaction.

Chairman Arroyo was the property owned by the corporation when the application was submitted.

Kevin Yang at that time, it was owned by the applicant.

Chairman Arroyo did Mr. Yang own any portion of that land.

Kevin Yang identifies himself as the owner of the property.

Chairman Arroyo at the time the application was submitted you owned the property.

Kevin Yang yes, under his personal name.

Chairman Arroyo asked of the members if they were comfortable with Mr. Yang's explanation on the ownership to which the Board stated they had no objections.

Vice Chairman Oh is there a rule in place that states that the application's name has to be Ysengsong.

Nick Toft not that he has seen. In the previous split-zone case that was discussed, the lessees where not considered owners of the property versus under Section 61631, it explicitly says that both lessees and owner, and did not know whether this has any bearings on this case. There is nothing that would prevent the Board at this time on deciding that Mr. Yang would qualify as the owner.

Chairman Arroyo Mr. Yang was asked to produce some sort of documentation that shows that he and his wife were the owners of the property at the time the application was submitted as proof of record, and to submit to the Case Planner.

Vice Chairman Oh was not understanding the whole argument behind Mr. Klitzkie's written statement.

Nick Toft explained that it was kind of a distinction without a difference sort of situation. He assumed that Mr. Klitzkie knew that Mr. Yang was part of the Corporation of Ysengsong Inc.

[Discussion ensues]

Vice Chairman Oh states that he did not see an issue.

Commissioner Cruz inquires if the Deeds are included in the application.

Celine Cruz in the original application it does. It is part of the original application that was submitted. Ms. Cruz explains that these applications take some time to develop. At the initial time when Mr. Yang was discussing this with Mr. Swavely it was under his name. Ms. Cruz added that the Commission has acted on applications where it starts off as the applicant as one name but by the end of the application process it's a different owner just because of time passing. We knew that this was not a show-stopper for the application because it could be verified through documentation. In the original application and all the supplements submitted there is information to support this.

Chairman Arroyo believed that the Commission was okay in proceeding with this application. [All agreed] There were no additional questions of staff, Chairman Arroyo asked for the applicant and his consultant to present the application.

Dan Swavely (with Kevin Yang) presented the application which is almost two years old. This is a major application with three supplementals; this is the second GLUC public hearing; there was two village public hearings; one private meeting with Perez Acres' residents; and something meaningful transpired at each one the events.

- Although Mayor Matanane is not present at today's meeting, his letter of support is included in the original application.
- Two years ago, Mr. Swavely met with George Gogue who was the President at that time of the Perez Acres Homeowners Association. The project was discussed but no application had been submitted, and it looked good to him;

- Met with Mayor Matanane and stated what he would like to see what the village needs;
- A month later, a pre-application was submitted to Land Management.
- Two months later, received direction from Planning Division to make corrections, and submitted the final copies (the final application) and this happened in January 2017;
- Received on 12/6/2016 letter of support from the Yigo Mayor.
- February 2017 the application went before the Application Review Committee for review. Position statements received, no objections.
- It took nine months to do the research for properties within 500-feet.
- The public hearing was tentatively scheduled in November, Mr. Swavely and Mr. Yang met with residents of Perez Acres and presented the project. It was a good meeting, and some of the suggestions from the residents included exterior lighting, 24-7 security, landscaping, provide exterior lighting to which was agreed upon. In addition, they requested for a second egress/ingress from Yigo Family Plaza. Mr. Swavely continues to explain location of the additional egress/ingress into the property.
- First public hearing was conducted on November 1, 2017. Turn out was good. Community asked that they continue to work on an interconnection between McDonald's and Yigo Towne Center and Yigo Family Plaza so that there could be parking lots that could connect. An open area was provided along each of those adjacent properties where a drive-thru can be placed.
- December 14th, 2017 the application went before the GLUC for the first time. At this hearing it changed the application process "forever more." A 500-foot radius has to be done around the perimeter of the property, identify the owner, addresses and send a USPS certified letter informing the owner of a public hearing.
- When the 500-foot arc goes through a subdivision that has a homeowner's association, Planning Division sends out a letter within that arc and sends the same letter to the HOA for all other residents. It was brought up by Bob Klitzkie that when there is a HOA and there are common areas within that 500-feet, residents of Perez Acres own 1/200th of that common area; and therefore, they should be given a certified letter. This was confirmed by DLM's Legal Counsel and agreed. Second research was done and a second public hearing was scheduled.
- At this GLUC meeting, it was suggested that the zone change go from commercial to limited commercial to which was done. They are prohibited from bars, gambling, night clubs, strip clubs, massage parlors …
- Prior to the second public hearing, Mr. Swavely then approached the Perez Acres HOA and advised them of the changes made to the application, and suggested another meeting with the residents be scheduled but no response received.
- Second public hearing done and about the same number of concerns was received. What was shown at the public hearing was the revised site plan.
- Supplemental Application number three was submitted, and in it everything that was discussed was included in the application; and, it had the revised site plan. Mr. Swavely stated that the buildings had to be reconfigured and layouts and lost 5,000 square feet of gross leasable areas dues to the reconfigurations done. It went from 25,000 square foot plaza to 20,000 square foot plaza.
- Discussions continued with the Yigo Towne Center and McDonald's on the interconnection.
- Explains that due to high construction costs, the cost to construct this plaza now exceeds three-million dollars and this is the reason for this application is now before the Hybrid Commission

Summarizing his presentation, Mr. Swavely states that they have been in this process for about two years. At the end of the day they have a better project and planning has to be a dynamic process. A developer must work with his neighbors, listen and respond to the needs. What they are looking for is consensus which is the objective of community planning. Mr. Swavely asked that the members look into all the meetings, processes, requests and concerns and responses in writing, to prove positive that consensus does exist for this rezoning application and asked for support in voting in favor of approving the request for limited commercial zone change.

Chairman Arroyo noting no comments and/or questions for the applicant, Chairman Arroyo opened the floor for public comments.

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

Chairman Arroyo any additional comments ---

Kevin Yang (Applicant) comments that Mr. Swavely has covered everything, and thanked the Commission members for their time and effort. Mr. Yang is committed to working with the community to make this project a success. It is a much-needed commercial center and it will help the residents of Yigo and Dededo.

Chairman Arroyo thanks both Mr. Swavely and Mr. Yang for reaching out to the community and trying to find a common point; and they have gone out of their way to work with the community.

There was no additional discussion on the application, Chairman Arroyo was ready to entertain a motion.

Vice Chairman Oh wanted to go back to the opposition that was presented by Mr. Robert Klitzkie. First concern was on who the legal owner of the property was which was rectified.

For the record, Vice Chairman wanted to ensure that all issues were ironed out before going for a vote. The other issue was on the mailing of certified letters to all homeowners of Perez Acres, and asked if there were more residents present at the public hearing, and asked if there were any major concerns.

Dan Swavely there more than the first public hearing, and same concerns were brought up.

Celine Cruz most questions were directed towards the GLUC, the government and what the government was going to do about the existing conditions in the area.

Vice Chairman Oh asked Mr. Swavely if he was aware of any traffic plans and/or upgrades within Chalan LaJuna.

Dan Swavely responded that he was aware that there are none at this time.

[Discussion ensues on the improvement of Chalan LaJuna]

Mayor Melissa Savares (Dededo) comments that as far development is concerned, and she believes that moving services closer to where the people are, in their neighborhoods, is more appreciated once commercial services are closer to them.

Chairman Arroyo for the record, confirmed that the application is not a Zone Change from "A" to "C", but will be a change in zone to Limited Commercial zone. There was no further discussion, Chairman Arroyo was ready to entertain a motion.

Mayor Savares makes a motion to approve from agriculture to limited commercial for Lot 7, Tract 10417, in the municipality of Yigo.

Mayor Ungacta (Mangilao) seconds the motion.

Chairman Arroyo there is a motion on the floor to approve the application from "A" to "Limited Commercial" and it has been seconded by Mayor Allan Ungacta. Any discussion.

Vice Chairman Oh amended the motion to include limited activities; the amendment to the motion is to change the zoning to Limited Commercial zone that prohibits the following activities:

A. Bars;
B. Night Clubs;
C. Any type of gambling activities;
D. Strip clubs;
E. Massage parlors;
F. Adult shops; and,
G. Game rooms

Chairman Arroyo there is an amended motion on the floor; can I get a second on the amended motion.

Commissioner Cruz seconds the motion.

Chairman Arroyo seconded by Commissioner Cruz. No discussion on the amended motion, Chairman Arroyo put the amendment motion to a vote; all in favor of the motion say "aye" **[Chairman Arroyo, Vice Chairman Oh, Commissioner Cruz, Commissioner Vy, Mayor Savares, Mayor Ungacta and Mayor Rivera]**, all opposed say "nay." **[Amended motion passed; 7 ayes, 0 nay]**

Chairman Arroyo on the main motion; any further discussion [None noted]. All in favor of the motion say "aye" **[Chairman Arroyo, Vice Chairman Oh, Commissioner Vy, Commissioner Cruz, Mayor Savares, Mayor Ungacta and Mayor Rivera]**, all opposed say "nay."

[Main motion passed; 7 ayes, 0 nay]

V. Administrative and Miscellaneous Matters [None]

Chairman Arroyo noting no additional business for discussion for this hybrid meeting, Chairman Arroyo was ready to entertain a motion for adjournment.

VI. Adjournment

Mayor Savares motions to adjourn today's meeting, seconded by Vice Chairman Oh; with all in favor.

The regular meeting of the Guam-Hybrid Land Use Commission for Thursday, August 23, 2018 was adjourned at 2:47 p.m.

Approved by:

Date approved:

Tae S. Oh, Vice Chairman
Guam Land Use Commission

Sept. 27, 2018

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

RECORDING SECRETARY'S NOTE: On September 4, 2018, Executive Secretary Michael Borja received correspondence from Senator Tom Ada's Office in reference to the expiration of Chairman John Arroyo and Commissioner Victor Cruz GLUC terms. [Please see attached]

As stated in Senator Ada's letter, the terms of both Chairman Arroyo and Commissioner Cruz expired as of July 17, 2018; and therefore, the votes of Chairman Arroyo and Commissioner Cruz for Application No. 2017-04 is considered void.

However, note that a quorum of the Guam-Hybrid Commission consists of five (5) members; and therefore, with the votes from the remaining Commissioners, Application No. 2017-04 was passed with a vote of 5 ayes [Vice Chairman Oh, Commissioner Hardy Vy, Mayor Melissa Savares, Commissioner Allan Ungacta, and Mayor Louise Rivera]; 5 ayes, 0 nay.

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

File for Record is Instrument Number _____

On the Year 20 _____ Month _____ Day _____ Time _____

Recording Fee _____ Receipt No. _____

Deputy Recorder _____

(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*."**

HYBRID GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

August 23, 2018
Date

To: **YSENGSONG INC.**
c/o Kevin Yang
Represented by Daniel Swavely
P.O. Box 24725
Barrigada, Guam 96921

Application No. 2017-04

The Hybrid Guam Land Use Commission, at its meeting on **August 23, 2018,**

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

____/ Tabled

Your request on **Lot 7, Tract 10417, Municipality of Yigo, for a zone change from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone.**

NOTICE OF ACTION
YSENGSONG INC.
Lot 7, Tract 10417
Municipality of Yigo
HGLUC Meeting of August 23, 2018

Application No. 2017-04

ZONING

XX/ **Zone Change*****

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

Application No. 2017-04

APPLICATION DESCRIPTION:

The applicant, YSENGSONG INC., is requesting approval for a Zone Change from "A" (Agricultural/Rural) to "LC" (Limited Commercial) zone for the proposed construction of the Yigo Family Plaza on Lot 7, Tract 10417, Municipality of Yigo.

COMMISSION DECISION:

The Hybrid Guam Land Use Commission **Approved** the applicants request for a zone change to "LC" (Limited Commercial) that prohibits the following activities:

a. Bar
b. Nightclub
c. Gambling
d. Strip club
e. Massage parlor
f. Adult shop
g. Game room

Marvin Q. Aguilar
Guam Chief Planner

9-14-2018
Date

Tae S. Oh
Vice Chairman
Hybrid Guam Land Use Commission

9/14/2018
Date

Case Planner: Celine Cruz
Cc: Building Permits Section, DPW

Application No. 2017-04

CERTIFICATION OF UNDERSTANDING

I/We_____ / _____
(Applicant [Please print name]) (Representative [Please print name])

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

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

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

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

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

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

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

Reference No.: **Application 2017-04**

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

Upon review of the decision of the HGLUC 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**

[ ] **DISAPPROVED**

RAYMOND S. TENORIO
Acting Governor of Guam

11/30/18
Date

DECISION GRANTING ZONE CHANGE
(with findings)

Hybrid Guam Land Use Commission

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

WHEREAS, prior to consideration of the application by the Hybrid Guam Land Use Commission, public hearings on the Zone Change were held on the **20th** day of **June, 2018**, in the Municipal District of **Yigo** where the property to be rezoned is located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearings were published in a newspaper of general circulation on the **10th** day of **June, 2018** as evidenced by an affidavit of publications 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"**.

WHEREAS, in accordance with notices duly issued to consider the application of **YSENGSONG INC.** for a Zone Change, hearing of the Hybrid Guam Land Use Commission (GLUC) was held on the **23rd** day of **August, 2018** as evidenced of publications attached as **Exhibit "C"**.

BE IT RESOLVED, that on the **23rd** day of **August ,2018**, the Hybrid Guam Land Use Commission, **Approved** the Zone Change from **"A" to "LC"** for **Lot 7, Tract 10417**, Municipality of **Yigo**.

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

1. **Mr. John Arroyo, Chairman**
2. **Mr. Tae Oh, Vice Chairman**
3. **Mr. Victor Cruz, Commissioner**
4. **Mr. Hardy Vy, Commissioner**
5. **Mayor Alan Ungacta, Municipal Commissioner**
6. **Mayor Louise Rivera, Municipal Commissioner**
7. **Mayor Melissa Savares, Municipal Commissioner**

Appearing for the applicant was: **Daniel Swavely**
Kevin Yang

Also appearing and testifying on the above project were: **None.**

All in favor; **None** against:

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

(a) **Public Necessity**: **The following facts support a finding that public necessity justifies the zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

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

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

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

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

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

7 Ayes **0** Nays **0** Abstentions

This decision was adopted this **23rd** day of **August, 2018**, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

9/14/2018

Tae S. Oh **Date**
Vice Chairman
Hybrid Guam Land Use Commission

Attachments: **Exhibit "A" (Affidavit of Publications)**
Exhibit "B" (Affidavit of Mailings)
Exhibit "C" (Evidenced of Publications)

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 **June 7, 2018**, 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 **June 10, 2018** for Application No. 2017-04 **(Kevin J. Yang)** to be heard on June 20, 2018, at the Yigo 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 20th day of NOVEMBER, 2018.

M. CRISTINA GUTIERREZ
WPS II

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 20th day of NOVEMBER, 2018.

Notary

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

EXHIBIT A

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

COPY

June 7, 2018

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

RECEIVED
06/07/18
By: Kim

Hafa Adai!

Please publish this legal public hearing notice on a **2x2** inch column ad to appear in the Guam Daily Post on **Sunday, June 10, 2018.**

Attached is a check for **$96.00** to cover the enclosed government public notice scheduled for the abovementioned date.

Please email proof to cristina.gutierrez@land.guam.gov for review and approval.

Thank you for your anticipated cooperation on this request.

Regards,

Marvin Quitugua Aguilar
Guam Chief Planner

Attachments:
Public Hearing Ad
Check

Senate's curtailed recess puts fundraising in flux

WASHINGTON (Tribune News Service) - The official Senate calendar isn't the only agenda in flux after Majority Leader Mitch McConnell announced he would cancel much of the chamber's cherished summer recess.

The change may also disrupt plans for fundraising events outside Washington - as well as the dockets of lobbyists, who typically take their annual respite along with the congressional recess.

Though many lobbyists and Washington political donors say they're skeptical the Senate will remain in session for much of August, K Street has begun to reassess the summer.

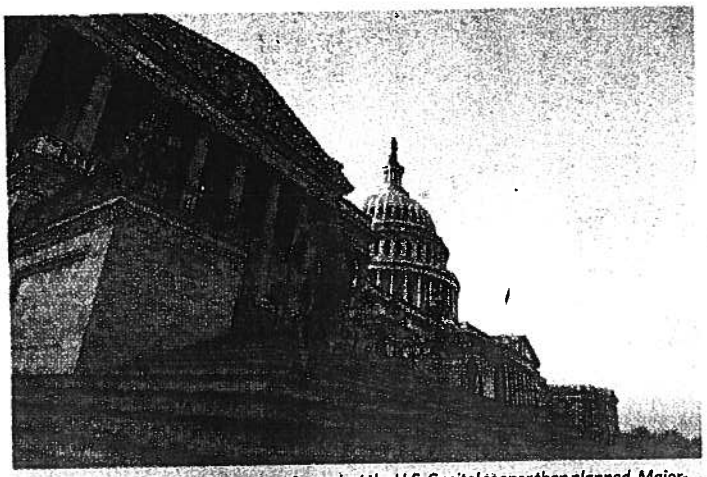
Far-flung fundraising events long planned for weekdays in August could end up in peril, while senators may seek new campaign events inside the Beltway, if they're going to be here anyway. The question is: Will donors stick around, too, especially since the House plans to spend its summer break away from Washington?

"If they do put on fundraisers in D.C. in August, the only people attending will be the D.C. cab drivers," quipped Ken Kies, a tax lobbyist and top Republican donor.

"The vacation fundraising activity could take a hit," Kies added, if senators can't get to their scheduled events out of town.

Mike Fraioli, who runs the Democratic fundraising firm Fraioli & Associates, said it was difficult to begin scheduling in-town events, given the uncertainty of the August schedule. But he said, if it becomes clear that a grueling August looms inside the Capitol, senators will find a way to pull together political events after hours.

"Particularly if you're in a race where it's competitive, you'd rather be home campaigning," Fraioli said. "But if you're here, there's money to be raised."



SENATE: *Some senators may return to work at the U.S. Capitol sooner than planned. Majority Leader Mitch McConnell announced he would cancel much of the Senate's summer recess. Alex Edelman/CNP/Zuma Press/Tribune News Service*

Lobbyists said they had not yet received word about canceled events, but numerous K Street sources said they'd been in touch with Senate aides and fundraising professionals about what to do in August. Senators are wary to cancel their events, especially if their work schedule changes and some recess time gets added back, as has happened in the past.

"I think people think that they may end up amending the cancellation," said GOP lobbyist Stewart Verdery, who runs the Monument Policy Group. "This has happened before. Is this locked in stone? We don't know yet."

The Senate's extended session into August likely would hurt vulnerable in-cycle Democrats the most, such as North Dakota's Heidi Heitkamp and West Virginia's Joe Manchin III. Fundraising consultants for both senators did not respond to requests for comment.

But Republicans also have big plans for destination August fundraisers.

Kansas Sen. Jerry Moran's eighth annual summer retreat fundraiser at the posh Broadmoor resort in Colorado Springs, Colorado, is slated for Aug. 12-14. An organizer did not respond to request for comment. Ditto for Idaho Sen. Michael D. Crapo, who has an event planned for Aug. 14-15, in Sun Valley in his home state.

McConnell's plans for a break the week of Aug. 6 for a state work period means Sen. Dan Sullivan's annual fishing trip back home in Alaska, slated for Aug. 8-10, could be safe. Missouri GOP Sen. Roy Blunt is the special guest, according to an invitation to lobbyists.

As for monitoring the Senate's official business in August, lobbyists say they're unsure what to expect. If the chamber focuses mainly on nominations, then K Street can shrug it off and go on their planned vacations.

"I've heard more than one lobbyist say, 'They can stay here, but I'm not staying here,'" said former House GOP aide Kathryn Lehman, a lobbyist with Holland & Knight. "If you have a deposit down and a vacation plan, my guess is you're probably going on vacation."

Florida parent resigns from panel to probe shooting

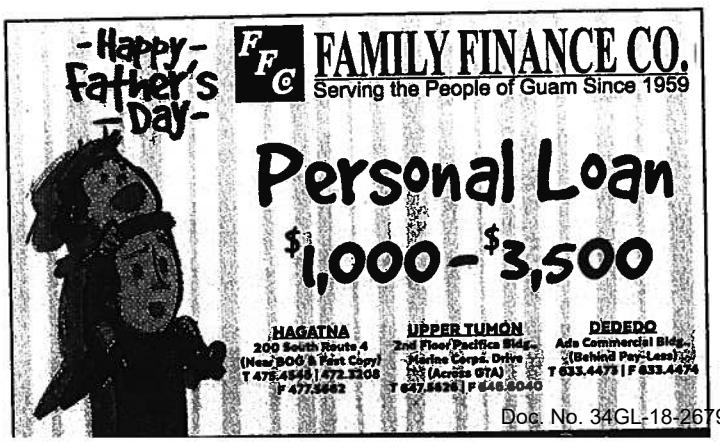
FORT LAUDERDALE, Fla. (Miami Herald) - Andrew Pollack, whose daughter Meadow was killed in the deadly school shooting at Marjory Stoneman Douglas High School, quietly resigned last month from a state commission created to investigate the shooting in order to pursue his own probe.

Pollack, among the more outspoken Parkland parents, submitted a resignation letter following the commission's first meeting in April, announcing that he was leaving. Pollack wrote in the letter dated May 4 and read [illegible]s-day morning into the rec[illegible] by commission chairman Sheriff Bob Gualtieri - that he wants to focus on the upcoming Broward School Board elections and on an independent investigation in which he's involved.

"It is my intention to get individuals elected to our school board who will take preventative measures to keep our schools safe," Pollack wrote. "I will also be spending my time and resources on an independent investigation that will get to the bottom of who is responsible for the atrocities that occurred in our school on Valentine's Day 2018, the last Valentine's Day I will ever spend with my daughter."

Pollack was appointed [illegible]he Marjory Stoneman Dougl[illegible]igh School Public Safety Commissior by Gov. Rick Scott. He has beer extremely critical of the Browarc School district and the Browarc Sheriff's Office, and has created a messaging campaign to promote safety measures in schools, such as metal detectors. He was among the group of parents whose lobbying helped push a gun-control and school-safety bill through the Florida Legislature this year.

Pollack also has sued Scot Peterson, the school resource officer who failed to enter the building where Nikolas Cruz carried out his attack, killing Meadow Pollack



Doc. No. 34GL-18-2679.

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

PUBLIC HEARING NOTICE

Date: June 20, 2018
Time: 6:00 pm
Place: Yigo Senior Center

For: Kevin J. Yang; Zone Change request from "A" to "C" for proposed commercia building, Lot 7, Tract 10417, Yigo. [2017-01]

Funding Source provided by the Applicant.
Persons requiring special accommodations, please call Cristina Gutierrez

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

PUBLIC HEARING NOTICE

Date: **June 20, 2018**
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Funding Source provided by the Applicant.

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

AFFIDAVIT OF MAILING

I, the undersigned do hereby dispose and state that:

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

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

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

4. On **June 7, 2018, I**, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (**Attachment A**), two-hundred-eighteen (218), with postage fully paid, each containing a copy of the Notice of Public Hearing for **Kevin J. Yang** (**Attachment B),** addressed to the following property owners:

Owner	Delivery Address	Delivery Address 2
McDonalds USA LLC, Delaware Limited Liability Company	P.O. Box 182571	Columbus, OH 43218-2571
Adas Trust & Investment Inc.	P.O. Box 2889	Hagatna, Guam 96932
Perez Susanna C.	P.O. Box 824	Hagatna, Guam 96932
Calvo Lydia P.	P.O. Box 27667	GMF, Barrigada, GU 96921
Perez Jesse A.	199 Fonte Drive	Agana Heights, GU 96910
Perez George J.	239 Cunao Street	Dededo, GU 96929
Villaverde Cecilia P.	P.O.Box 979	Hagatna, Guam 96932
Perez Felix Edward	277 Chalan Lajuna	Yigo, GU 96929
Perez Patricia Marie	11048 Abbeyfield Rosie DR.	Henderson, NV 89052
Hernandez Shane Stewart	P.O. Box 1044	Hagatna, Guam 96932
Gogue Elaine P.	148 N. Guamela CT	Dededo, GU 96929
Perez Baza Family LLC	P.O. Box 26794	GMF, Barrigada, GU 96921
Santanyana Alfredo A.	P.O. Box 9792	Tamuning, GU. 96931
Perez Joseph V.L.G.	1088 W. Marine DR. STE 211	Dededo, GU 96929
Perez Frank A. aka: Francisco, Perez Peter F., Perez Victor J.	P.O. Box 3404	Hagatna, Guam 96932
Perez Gardens, LLC	643 Chalan San Antonio, Suite 102B	Tamuning, GU 96913
Perez Acres Homeowners Association; c/o Blas Robert-President	49 South Cupa Court, Perez Acres	Yigo, GU 96929-2366
Fowler David-Property Manager, Perez Acres Subdivision	49 South Cupa Court, Perez Acres	Yigo, GU 96929-2366
Mann Barry R. & Jean M.	23 Baki CT.	Yigo, GU 96929
Pierson Belinda L.	PO BOX 22558	BARRIGADA GU 96921

EXHIBIT B

Sablan Michael Skilang & Violeta Lopez	P.O. Box 10143	Tamuning, GU 96931
Difuntorum Sherry Lynn I.	P.O. Box 6902	Tamuning, GU 96931
TAITANO JOHN JOSEPH,TAITANO PRINCESS DEE CAMACHO	P.O. Box 26703	Barrigada, GU 96921
Simpkins Williams Roxanne & Robert C.	P.O. Box GK	Hagatna, Guam 96932
Klitzkie Robert W. & Lourdes P.	22 Baki CT.	Yigo, GU 96929
Yu Richard C. & Jeselyn K. Tan	2263 Fox Hills DR. Apt 302	Los Angeles, CA. 90064
DUENAS DAVID GERARD	PO BOX 203	Hagatna, GU 96932
ALVIA GUILLERMO B	P O BOX 12695	TAMUNING GU 96931
LAXAMANA OCTAVIO R	PO BOX 6677	TAMUNING GU 96931
MARATITA KENNETH C	PO BOX 22686	BARRIGADA GU 96921
WINTER AIKO S	2 BAKI CT	YIGO GU 96929
ELLINGWOOD MICHIKO	949 KOAE ST	HONOLULU HI 96816
YAMAGUCHI LISA	PO BOX 6726	TAMUNING GU 96931
CANOVAS E GLENN	4 BAKI COURT	PEREZ ACRES YIGO GU 96929
LIAO CHEN CHEN	4F, N023, LN. 811 SEC. 5 ZHONGSHAN N. RD SHILIN DIST	TAIPEI CITY 111 ROC
Herradura Ruth I., Woo Gerald M.	P.O. Box 9865	Tamuning, GU 96931
HOLLENBACK SEV INC	145 Federico Street	Mangilao, GU 96913
Liu Yu Chin	P.O. Box 315219	Tamuning, GU 96931
Shiroma Zerlina Duenas	P.O. Box 24342	GMF, Barrigada, GU 96921
Merrill Jay Richard, Merrill Rocio Arellano	P.O. Box GW	Hagatna, Guam 96932
Seki Isao, Seki Hiroko	P.O. Box 11226	Tamuning, GU. 96931
Chico Maria Perdon	P.O. Box 2574	Hagatna, Guam 96932
Leonen Celso M. & Emerenciana A.	257 Puti Tainabio	Barrigada Heights, GU 96913
Fitzgibbon Gerald & Esser Andrea Lee	106 G. ST. Royal Gardens Townhouse	Tamuning, GU. 96913
SAY AMEN C	13 Baki Court	YIGO GU 96929
LOUGHLIN JUN ZHENG	232 Cunao StreetT	DEDEDO GU 96929
PAEK JAMES SH	PO BOX 12625	TAMUNING GU 96931
CANOVAS ENRIQUE A JR	1640 ARMY DRIVE	DEDEDO GU 96929
ASANO GARY K	801 S KING ST APT 2909	HONOLULU HI 96813
THE SECRETARY OF VETERANS AFFAIRS	810 VERMONT AVENUE NW	WASHINGTON DC 20420
DUENAS JIMMY J	PO BOX 103-NC	YIGO GU 96929
BIOLCHINO RICHARD A ETAL	5 North Cupa Court	Yigo, GU 96929
KIM JIN A	123 BIRADAN ANAKKO SUMMER PALACE	DEDEDO GU 96929
SHIBASAKI TAKAE	107 Gollo Court	YIGO GU 96929
CRUZ GREG P	P O BOX 12715	TAMUNING GU GU 96931
LIEN WEN	PO BOX 9432	TAMUNING GU 96931
KURASHINA HIRO ETAL	MARC UOG STATION	BARRIGADA GU 96913
TOUGHER MICHAEL A III & WENDY T	128 SALI CT, Marianas Terr.	YIGO GU 96929
HAURILLON BERTRAND	13 GOLLO CT	YIGO GU 96929

EXHIBIT B

GILLIAM GLENDA E	PO BOX 3637	HAGATNA GU 96932
DEATLEY EIICHI	17 GOLLO CT	YIGO GU 96929
STRANDHAGEN JON A	17 NIMITZ DR	PITI GU 96915
HAO HUA HUNG	PO BOX 315219	TAMUNING GU 96931
ROZYCKI THOMAS J	PO BOX 6578	TAMUNING GU 96931
KIM JUNGHYUN & JI YEUN YOON	101-1204 BUKAHYEON-RO 1GA-GIL 20	SEODAEMUNG-GU, SEOUL, KOREA
ZEDER MIGUELA V	13032 COG HILL WAY	ORLANDO FL 32828
POLLOCK ROGER K	P O BOX 4231	AAFB BR YIGO GU 96929
TEEHAN RONALD E	PO BOX 6073	TAMUNING GU 96931
JOHNSON, BRUCE & JIAN-PING LAM	24 GOLLO AVE	YIGO GU 96929
LAW PHILIP & PAULA	1128 N MARINE CORPS DR UNIT 501	TAMUNING GU 96913
LIN BAOYONG	PO BOX 10568	TAMUNING GU 96931
SECHLER JAMES A	743 TURNER RD, BOX 8	PITI, GU 96915
XING KUN	PO BOX 10568	TAMUNING GU 96931
LIN MING HUA	PO BOX 315219	TAMUNING GU 96931
CHEN YU CHI	14-6 ALY, 25 LN 113, SEC 3 MINSHENG E RD	SONGSHAN DIST, TAIPEI CITY 105, TAIWAN (R.O.C.)
CHEN YI-TING	PO BOX 9432	TAMUNING GU 96931
CHEN JIANN JOU	3F, NO. 8, ALLEY 7, LANE 205, SEC 4, DAAN DIST.	TAIPEI CITY, TAIWAN
MARQUEZ ROLAND A	#1 GALLO COURT,	YIGO GU 96929
BOOTH JUDITH R	PO BOX 8181	TAMUNING GU 96931
WOLCOTT CHARLES	865A MARINE CORPS DR STE 105	TAMUNING GU 96913
THE JEFFREY AND KATHLEEN ANN BRISTOL TRUST	178 SUNRISE HILL PAGO BAY RESORT	YONA GU 96915
Drews, David	52 South Cupa Court	YIGO GU 96929
Santos, Philiip P.	48 South Cupa Court	YIGO GU 96929
HURCHANIK JONATHAN (TRUSTEE); HURCHANK DEBORAH S.	42 S CUPA CT	YIGO GU 96929
TAKENO MASAHARU	PO BOX 235627	HONOLULU HI 96823
CHEN HUAN YU	188 TUMON BAY RD	TUMON GU 96913
COMER SAEKO	PO BOX 5305	HAGATNA GU 96932
ISAAC PHILIP DEANS	36 S CUPA CT	YIGO GU 96929
WANG XIANJUN	124 VIVIAN WAY	TAMUNING GU 96913
ONE FAST ISLAND LLC	PO BOX 11412	TAMUNING GU 96931
WANG ALAN T K	135 E STREET STE C	TAMUNING GU 96913
DEWAN RAVINDER N. & BINA	P O BOX BM	HAGATNA GU 96932
RICE HENRY SOLOMON	PMB 543 1270 N MARINE DR. SUITE 101	TAMUNING GU 96913
SANTOS EFREN B	147 DAMA DE NOCHE LN	MANGILAO GU 96913
WINTTERLE MICHAEL LEE	22 W ENDON CT	YIGO GU 96929
FLORES LORENZO B	114-16 W ENDON CT	YIGO GU 96929
HOTALING ANNA PANGELINA AKA	10 W ENDON CT	YIGO GU 96929

EXHIBIT B

MILLER ANDREW J	241 CONDO LN U 520	TAMUNING GU 96913
GOSHI MICHAEL N	#2 WEST ENDON COURT	PEREZ ACRES YIGO GU 96929
KING STEFFAN NICHOLAS	4 WEST ENDON COURT	PEREZ ACRES, YIGO, GU 96929
LI TANG GUAM CORP	626 PALE SAN VITORES ROAD UNIT 206 ROYAL ORCHID HOTEL	TAMUNING GU 96913
HA JOON S	PO BOX 26568	BARRIGADA GU 96921
BECCA CORPORATION	PO BOX 315219	TAMUNING GU 96931
MCCARROLL CHARLES M	1199 PALE SAN VITORES RD	TUMON GU 96913
VEKSLER YOSI J	PO BOX 218007	BARRIGADA GU 96921
JASKOWIAK JASON A & ALEKSANDRA	1001 ARMY DRIVE SUITE 103	BARRIGADA, GU 96913
HSU HUA-CHEN & HUA-SHENG	5F, NO.11, ALLEY 9, LANE 298, SEC 2, GUANG FU ROAD,	TAIWAN, R.O.C.
CHEN JIAN	2-403 ABINPIO KAWASAKI OMIYAMACHI 26-4 SAIWA KU	KAWASAKI CITY, JAPAN 212-0014
DESIGN PARTNERS INC	2 W ENDON CT	YIGO GU 96929
BAST BENJAMIN FRANKLIN III	PO BOX 10204	TAMUNING GU 96931
SU MIMI CHIN LIN	PO BOX 315219	TAMUNING GU 96931
DOBROWOLSKI H JOSEPH	19 WEST ENDON CT	YIGO GU 96929
KIM JAE HOON	PO BOX 25356	BARRIGADA GU 96921
WILLTER JR HARUO NGIRAKED	120 N MARINE DR PMB 330 STE 101	TAMUNING GU 96913
HUNG HAO TING	NO.28, LN 45, SEC 1, LUODING TOWNSHIP	YILAN COUNTY 265, TAIWAN ROC
WANG YAN YAN	PO BOX 11583	TAMUNING GU 96931
BLAS ROBERT B & PAULA M	PO BOX L	HAGATNA GU 96932
CHOE TU SAENG	PO BOX 23441	BARRIGADA GU 96921
LIN HSUEH-HUI	F. 18-1, NO 90, AN-HO RD, SEC. 2,	TAIPEI, TAIWAN
WANG RUI YUN	PO BOX 11583	TAMUNING GU 96931
TOMADA ROLLY T	505 HARMON LOOP RD STE 200	DEDEDO GU 96929
HIRAKAWA PENNY K TRUSTEE	745 PAANI ST	HONOLULU HI 96826
STICKLEY JAMES ALLEN	98-506 K PAEPAE ST	AIEA HI 96701
CALORI WILLIAM HODGE	PO BOX 7932	TAMUNING GU 96931
DUENAS JOHN P TRUSTEE	301 FRANK H CUSHING WAY	TAMUNING GU 96913
YOSHIDA THOMAS S	6 N CUPA CT	YIGO GU 96929
WEBBER LEE P & JUNE P COTRUSTEES OF THE	PO BOX 3472	HAGATNA GU 96932
THE ENGLISH FAMILY TRUST, ENGLISH JOHN H AND ANE A (TRUSTEES)	10 N CUPA CT	YIGO GU 96929
CHANG I CHIH	7F, 346-1, SEC 4, REN-AI RD	TAIPEI, TAIWAN ROC

EXHIBIT B

LIU LAN-PING	3F, NO. 9, ALLEY 1, LANE 101, WEN-DE RD, NEI-HU	TAIPEI, TAIWAN ROC
HERRERO MARIA FLOR L	10 W ANACO LN	PITI GU 96915
VAN SETERS JACQUES	12 NORTH CUPA CT	YIGO GU 96929-2370
LIU SHYH CHENG	57, NO. 8, AY 7, LN 205, SEC. 4	CHUNG-HSIAU E. RD TAIPEI
Rosario Lolita Hines	P.O. Box 753	Hagatna, Guam 96932
SABLAN RANDEL L	P O BOX 3593	HAGATNA GU 96932
GOGUE GEORGE	20 N CUPA CT	PEREZ ACRES YIGO 96929
Lee Li-Hua, c/o Remax Daimond Realty	238 E. Marine Corps Drive, Suite 202	Hagatna, Guam 96932
Castro Rick L.	P.O. Box 5280 UOG ST.	Mangilao, GU 96913
Mitchell Gerry W.	P.O. Box 8674	Tamuning, GU. 96931
Sabang William, Williams Rosemary M.	P.O. Box 10536	Tamuning, GU. 96931
PIERSON TOMMY L	P O BOX 22558	BARRIGADA GU 96921
I MEI CHU	4F, NO. 10, 12 ALLEY 171 LANE SECTION I ZHONG CHENG RD	SHILIN CITY, TAIPEI, TAIWAN
TOUGHER MICHAEL A III	11 DASCO CT	YIGO GU 96929
GREENHILL INC	P O BOX CM	HAGATNA GU 96932
WOO GERALD M	PO BOX 9865	TAMUNING GU 96931
DASHER MIA NICOLE	21 DASCO COURT PEREZ ACRES	YIGO GU 96929
Guzman Ana Palomo	P.O. Box 23300	Barrigada, GU 96921
JOHNSTON GERDANNA AGUEDA	25 DASCO CT. PEREZ ACRES	YIGO GU 96929
Yamada Family 2004 Revocable Living Trust	98 2042 Kaahumanu ST. SPT. K.	Pearl City, HI. 96782
Lotz David T. & Beverly A.	29 Dasco CT.	Yigo, GU 96929
Horst Larry C. & Jessica P.	39 Dasco CT	Yigo, GU 96929
Chen Hsiao Ting	P.O. Box 315219	Tamuning, GU 96931
Ordonez Michael D. & Maria May E.	P.O. Box 9084	Tamuning, GU. 96931
Pierce Timothy K. & Marilyn N.	P.O. Box 26426	Barrigada, GU 96921
GALOSKI JOSEPH P	UNIT 8166, BOX P	APO AP 96546
MAFNAS VINCENT PA	8 E ENDON CT PEREZ ACRES	YIGO GU 96929
NAGAI YUSAKU	PMB 524 #1270 N MARINE DRIVE	TAMUNING GU 96913
PHAN JACK,PHAN LUZVIMINDA LAQUIAN	788 ROUTE 4 UNIT 312	SINAJANA GU 96910
TEUBERT JAMES R	PO BOX 7988	TAMUNING GU 96931
XING KUN	P.O. BOX 21027	BARRIGADA, GU 96921
LOU HAI FENG	ROOM 1508 BLDG 1 LVDIFEICUIWAN	SHANGHU FENGJINGQU CHANGSHU CITY SUZHOU PROVINCE
FRANQUEZ SR ROLAND R	PO BOX 10508	TAMUNING GU 96931
TENKA INVESTMENTS LLC	1 REIMER RD	WESTPORT CT 06880-2733
YEH HUI SHAN	1ST FLR, #8, LANE 238, NORTH TUN-HUA ROAD	TAIPEI 105 TAIWAN

EXHIBIT B

DREWS MARSHA A	52 S CUPA CT	YIGO GU 96929
ORZAME CAMILO S	PO BOX 218316	BARRIGADA GU 96921
CRONIN STEPHEN A	197 VERONICA WAY	TAMUNING GU 96913
CRITCHFIELD THEODORE M ETAL	7490 CUNNINGHAM SARLES RD	BORDEN IN 47106
CHEN DAN	19 EAST ENDON CT., PEREZ ACRES	YIGO, GU 96929
AOKI KYLE L & LIANNE	95-222 ANUANU PLACE	MILILANI, HI 96789
KATANO WADE & MICHELLE,ABE MICHAEL & JANICE Y	258 HOOMALU STREET	PEARL CITY, HI 96782
AQUINO JOHNNY M & MYRNA F	P.O. BOX 6052	TAMUNING GU 96931
RCT CORPORATION	155 BENITA LN	DEDEDO GU 96929
62H CORPORATION	PO BOX 31529	TAMUNING GU 96931
YU RICHARD C	PO BOX 12398	TAMUNING GU 96931
CRUZ ROBERT A	11 FELIX CT	YIGO GU 96929
HO LAURINE YOOKO SHIGEMURA	2118 HAENA DRIVE	HONOLULU HI 96822
FLEMING PAMELA S	#7 FELIX COURT	YIGO GU GU 96929
KIM CATHERINE H	5 FELIX CT	YIGO GU 96929
RYLEY BRYAN J & LENNIE BACONGA	3 FELIX CT	YIGO GU 96929
MEYER RALPH A	16 FELIX CT	YIGO GU 96929
SMITHWICK YASUKO W	10 FELIX COURT	YIGO GU 96929
PHAN JACK	P O BOX 1328	SAIPAN MP 96950
MONKRES BOB J	14350 NORTH 100 PLACE	SCOTTDALE AZ 85260
WYATT CURTIS E (DEBARD)	PO BOX DT	HAGATNA, GU 96932
CORE ONE INVESTMENT INC	PO BOX 3875	HAGATNA GU 96932
VAN AUSDALL JOHN M	PO BOX 4774	HAGATNA GU 96932
LEE CHING-YU	109 NOBIU CT	DEDEDO GU 96929
DELFIN RONNIE B	20 DASCO CT	YIGO GU 96929
TENORIO SHARIAKIHA JUANELLE	PO BOX 1379	HAGATNA GU 96932
RIONACH INTERNATIONAL INVESTMENT GROUP L	PO BOX 215219	TAMUNING GU 96931
CHEN SHENG YEN	PO BOX 9432	TAMUNING GU 96931
VALDERRAMA THOMAS C	PMB 925 N MARINE CORPS DR STE 101	TAMUNING GU 96913
O'BRIEN CHARLES EM	PO BOX 7284	AGAT GU 96928
CHEN ZHONG	124 VIVIAN WAY JONESTOWN	TAMUNING GU 96913
Bejado Thomas Flores	136 D Kayen Chando A10A 306	Dededo, GU 96929
ROSSETTI REGINA A	111 CHALAN BALAKO PMB 554	DEDEDO GU 96929
NGUYEN HOANG HUU	PO BOX 6305	TAMUNING GU 96931
Axcell Stephen R. & Lourdes B.	174 Chalan Lujuna	Yigo, GU 96929
Cote Kelly Ann	174 Chalan Lujuna	Yigo, GU 96929
Perez Emmanuel V.F. & Rosalind L.G.	P.O. Box 6741	Tamuning, GU 96931
Perez Maria Elena F.	174 Chalan Lujuna	Yigo, GU 96929
Perez Felix Joseph F., Perez Emmanuel V. & Jesus Gregorio, Axcell Lourdes P., Perez Maria Elena F.	P.O.Box 10461	Tamuning, GU 96931

EXHIBIT B

Perez Jesus Gregorio	135 Cherry Blossom Lane	Latte Heights, GU 96923
Lee Duk Yoon & Kyung Sook	36512 32nd Ave. S.	Auburn, WA. 98001
Global Management Group LLC	852 535 Chalan Pale Ramon Haya	Yigo, GU 96929
Avilla Cynthia Ramos & Peter James JR.	P.O. Box 1435	Hagatna, Guam 96932
Iglesias Albert Duenas, Iglesias Marybelle Celleros	P.O. Box 8685	Agat, GU 96915
Santos Roland P. & Felicita S.	P.O. Box 21484	Barrigada, GU 96921
Servino Jose S. & Estrella A.	P.O. Box 21156	Barrigada, GU 96921
Flores Ignacio C.	1024 San Vitores Road	Tumon, GU 96913
Cruz Dorithy F. & Samuel T.	P.O. Box 11853	Yigo, GU 96929
Teodosio Romeo A.	P.O. Box 23186	Barrigada, GU 96921
Teodosio Inocentes M.	P.O. Box 930	Hagatna, Guam 96932
Beltran Alfredo F. JR. & Rosalyn D.	535 Chalan Pale RH STE 116	Yigo, GU 96929
Dayrit Conrad P. & Lolita D.	P.O. Box 9211	Dededo, GU 96929
Flores John Patrick T.	P.O. Box 860	Hagatna, Guam 96932
Rudy M. Matanane	P.O. Box 786	Hagatna, Guam 96932

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

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

IN WITNESS, WHEREOF, I hereby affix my signature this 30th day of NOVEMBER, 2018.

ERNEST V. SANTOS
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 30th day of NOVEMBER, 2018.

Notary

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

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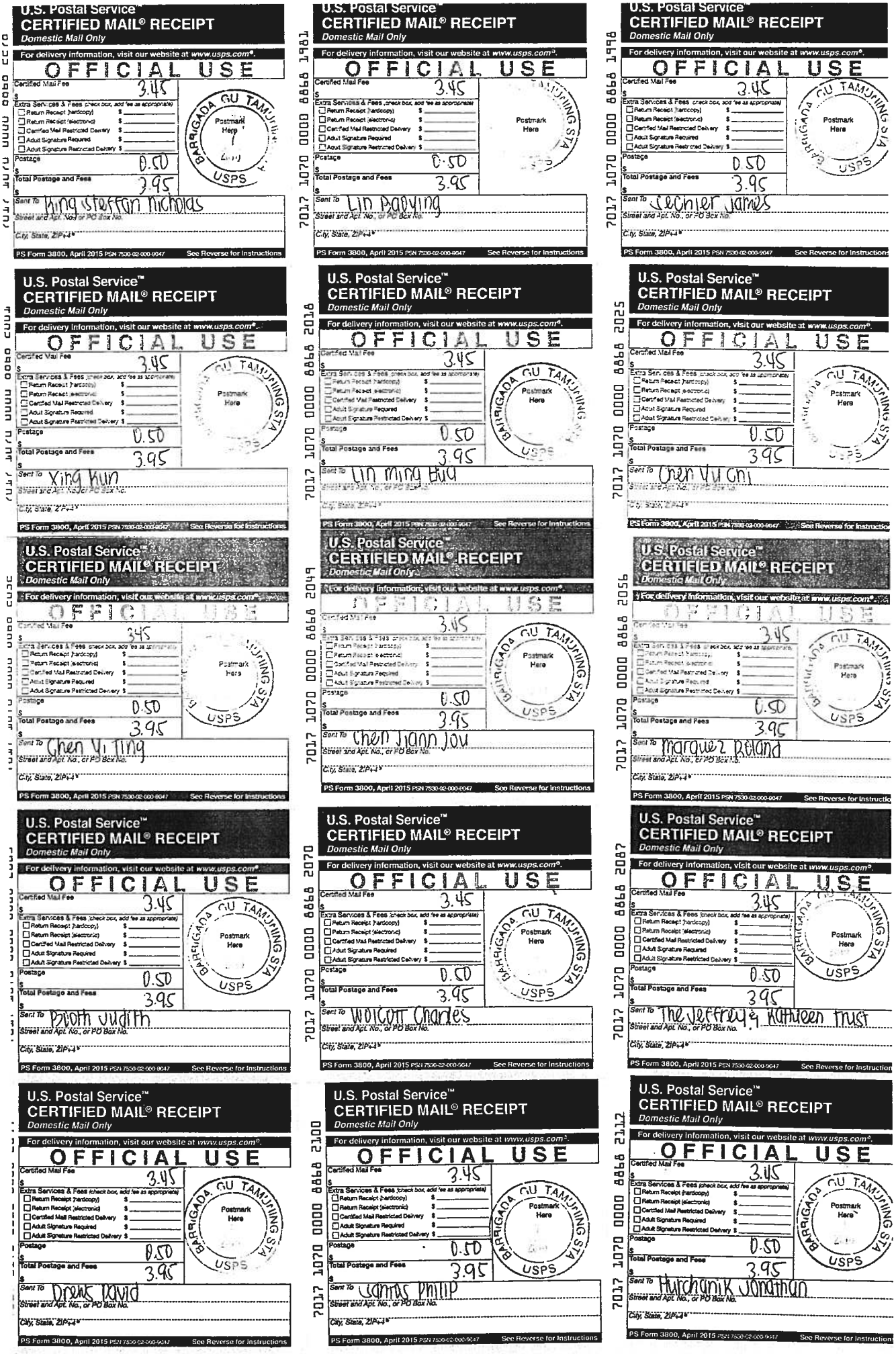
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Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $0.50
Total Postage and Fees $3.95

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Sent To Wolcott Charles
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9590 9402 4111 8168 8868 2087 7017 1070 0000 8868 2087

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Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $0.50
Total Postage and Fees $3.95

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BARRIGADA GU TAMUNING STA USPS

Sent To The Jeffrey & Kathleen Trust
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

9590 9402 4111 8168 8868 2094 7017 1070 0000 8868 2094

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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $0.50
Total Postage and Fees $3.95

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Sent To Dreas David
Street and Apt. No., or PO Box No.
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9590 9402 4111 8168 8868 2100 7017 1070 0000 8868 2100

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Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $0.50
Total Postage and Fees $3.95

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Sent To Llamas Philip
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

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9590 9402 4111 8168 8868 2117 7017 1070 0000 8868 2117

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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $0.50
Total Postage and Fees $3.95

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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Takeno Mary Hart
Street and Apt. No., or PO Box No.:
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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Shibacaki Takae
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Cruz Greg P.
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (hardcopy) $
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- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Lien Wen
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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Hurashima Hiro
Street and Apt. No., or PO Box No.:
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Tougher Michael
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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Street and Apt. No., or PO Box No.:
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Gilliam Glenda
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Deatley Eiichi
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Standhagen John
Street and Apt. No., or PO Box No.:
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Hao Hua
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Rozycki Thomas
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Kim Junghyun
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Zeder Miguel
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Pollock Roger
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To Johnson, Bruce
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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To Law Philip
Street and Apt. No., or PO Box No.
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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To Perez Suzanna C.
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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
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☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To Hernandez Shane
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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage $ 0.50
Total Postage and Fees $ 3.95

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Postage $ 0.50
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- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

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- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Certified Mail Restricted Delivery $
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- Certified Mail Restricted Delivery $
- Adult Signature Required $
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- Certified Mail Restricted Delivery $
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Postage $ 0.50
Total Postage and Fees $ 3.95

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- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
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- Certified Mail Restricted Delivery $
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Postage $ 0.50
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- Certified Mail Restricted Delivery $
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Postage $ 0.50
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Sent To: Maratta Kenneth
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Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Winter Aiko
Street and Apt. No., or PO Box No.:
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Postage $ 0.50
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Sent To: Ellingwood Michiko
Street and Apt. No., or PO Box No.:
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Postage $ 0.50
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Sent To: Yamaguchi Lisa
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Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Cunovas Glenn
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- Certified Mail Restricted Delivery $
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Postage $ 0.50
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Postage $ 0.50
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Sent To: Herrajdura Ruth
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Postage $ 0.50
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Sent To: Hollen Jack
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- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Liu Yu Chin
Street and Apt. No., or PO Box No.:
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.96

Sent To: Merrill Jay Richard
Street and Apt. No., or PO Box No.:
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Seki Arao
Street and Apt. No., or PO Box No.:
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Chico Mona
Street and Apt. No., or PO Box No.:
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Leonen Celso
Street and Apt. No., or PO Box No.:
City, State, ZIP+4®:

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Postage $ 0.50
Total Postage and Fees $ 3.95

Sent To: Firzgibbon Gerald
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To: Say Amen
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To: Loughlin Jun Zheng
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- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To: Baek James
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To: Canovas Enrique
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☐ Adult Signature Required	$
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Postage	0.50
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Postage	0.50
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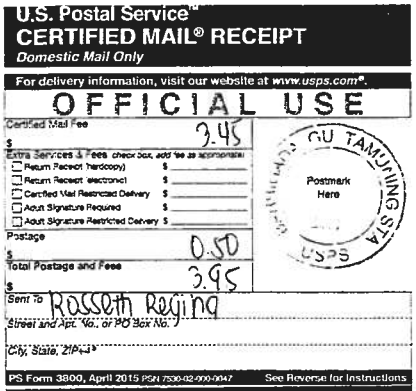
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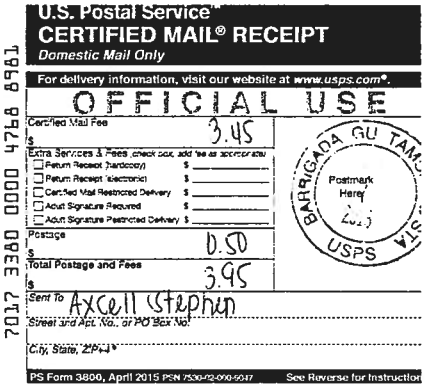
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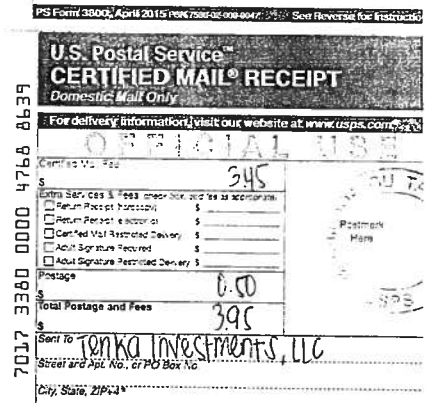

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Postage $0.50
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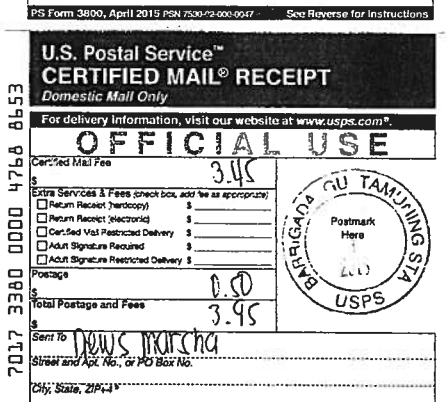

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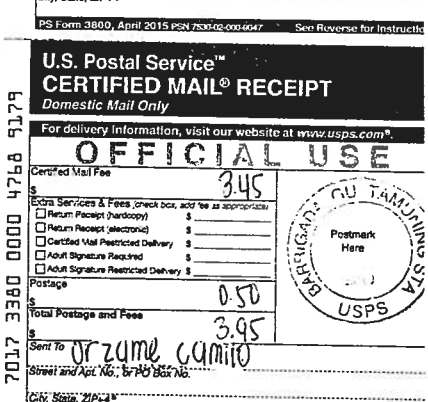

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Postage $0.50
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Adult Signature Required $
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Postage $0.50
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Adult Signature Required $
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Postage $0.50
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Adult Signature Required $
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Postage $0.50
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Postage $0.50
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Sent To: Yu, Richard
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Sent To: AO Laurine YOOKO Shigemura
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Postage $ 0.50
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- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Certified Mail Restricted Delivery $
- Adult Signature Required $
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Postage $ 0.50
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- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Adult Signature Restricted Delivery $

Postage $ 0.50
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- Return Receipt (hardcopy) $
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- Certified Mail Restricted Delivery $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Return Receipt (hardcopy) $
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- Certified Mail Restricted Delivery $
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- Certified Mail Restricted Delivery $
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- Certified Mail Restricted Delivery $
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Postage $ 0.50
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- Certified Mail Restricted Delivery $
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
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Postage $ 0.50
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- Return Receipt (electronic) $
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Postage $ 0.50
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- Certified Mail Restricted Delivery $
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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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- Certified Mail Restricted Delivery $
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Postage $ 0.50
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- Return Receipt (electronic) $
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Postage $ 0.50
Total Postage and Fees $ 3.95

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Sent To Ha Jeon S.
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- Return Receipt (electronic) $
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- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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Postage $ 0.50
Total Postage and Fees $ 3.95

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Postage $ 0.50
Total Postage and Fees $ 3.95

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- Adult Signature Restricted Delivery $

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- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
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Postage $ 0.50
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- Return Receipt (hardcopy) $
- Return Receipt (electronic) $
- Certified Mail Restricted Delivery $
- Adult Signature Required $
- Adult Signature Restricted Delivery $

Postage $ 0.50
Total Postage and Fees $ 3.95

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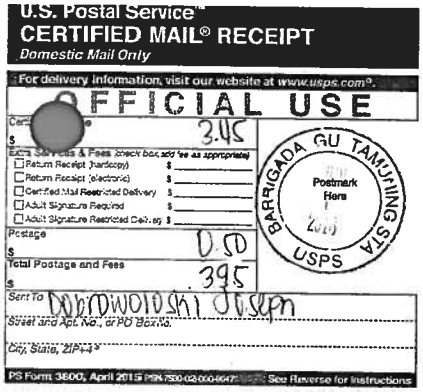
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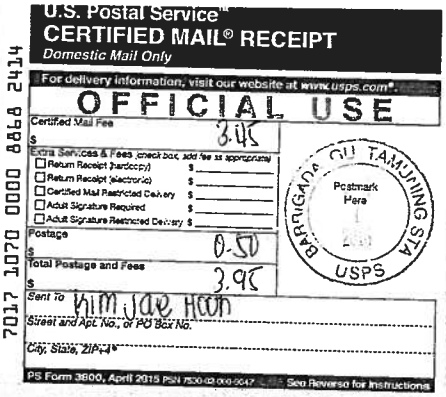
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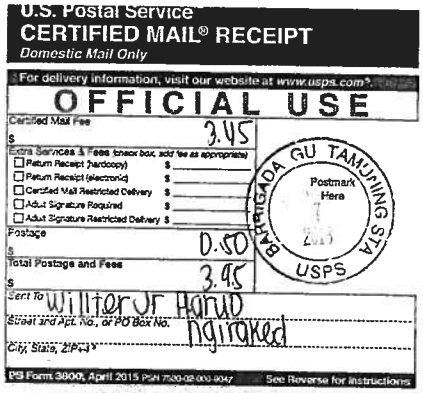
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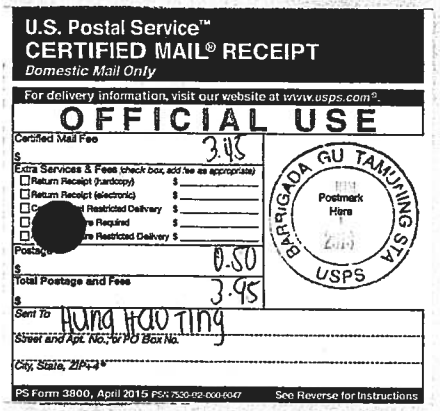
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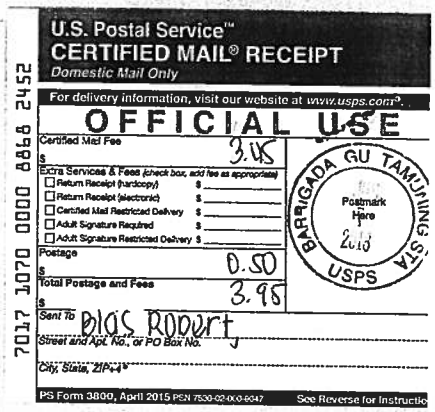

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Tamuning, GU 96913

Mailing Address:
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Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383



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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

June 5, 2018

Dear Sir/Madam:

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

The Applicant, Kevin J. Yang represented by Daniel D. Swavely; request for Zone Change from "A" (Rural) to "C" (Commercial) for the proposed construction of a commercial building (Yigo Family Plaza), on Lot 7, Tract 10417, in the Municipality of Yigo, Application No. 2017-04.

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 as follows:

PLACE: **Yigo Senior Center**
DATE: **June 20, 2018, Wednesday**
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 Hearing 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

For your information, in addition to the GLUC's regular hearing advertised for this application, it will also be advertised in the Guam Daily Post open ad for Government meetings and the Department of Land Management's website: www.dlm.guam.gov.

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

CC, Case Planner