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)

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

2019 MAR 28 PM 4:14

March 27, 2019

35GL-19-0282
Speaker Tina Rose Muña Barnes

MAR 2 8 2019
Time 2:19 ( )AM (✓)PM
Received By:

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

From: Planning Division
Department of Land Management

Hafa Adai:

Pursuant to 5 GCA Chapter 8, Section 8113.1, submitted herewith for your perusal are the Minutes from the last GLUC hearings of

1. Guam Land Use Commission; Thursday, December 13, 2018

Please call our office at 649-5263, extension 375 if you have any questions and/or require additional information.

Thank you.

Cristina

0282

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

File for Record is Instrument Number 932992

on the Year 20 19 Month 03 Day 25 Time 10:11

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Lisa M. Quitano
LISA M. QUITANO

Above Space for Recorder's Use only

COPY
GUAM LEGISLATURE

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, December 13, 2018
1:37 p.m. to 6:25 p.m.

GUAM LAND USE COMMISSION REGULAR MEETING
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning
Thursday, December 13, 2018 • 1:37 p.m. to 6:15 p.m.

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

PLANNING STAFF PRESENT:

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GLUC-HYBRID LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting: Thusday, December 13, 2018

Time of Meeting:

GLUC:	1:37pm
HYBRID:	

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

COMMISSION MEMBERS	SIGNATURE
Acting Chairman Tae S. Oh	
Commissioner Conchita D. Bathan	
Commissioner Hardy T.I. Vy	
HYBRID COMMISSION: LF Corporation; MCoG DLM 2019-01	
Municipal Commissioner June Blas	
Municipal Commissioner Rudy Paco	
Municipal Commissioner John Cruz	ABSENT
Municipal Commissioner Allan Ungacta	
HYBRID COMMISSION: Kevin Shin; MCoG DLM 2019-02	
Municipal Commissioner Louise Rivera	
Municipal Commissioner Melissa Savares	
Municipal Commissioner Rudy Paco	EXCUSED
Municipal Commissioner Rudy Matanane	
Michael J.B. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Marvin Q. Aguilar, Chief Planner	Present
Frank Taitano, Planner IV	Present
Penmer Gulac, Planner IV	Present
Celine Cruz, Planner IV	Present
M. Grace Vergara, Planner II	
M. Cristina Gutierrez, WPS II	

Adjournment	GLUC: 6:15pm	HLUC: 3:45pm

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

☑	GLUC	X	Regular	Date:	THURSDAY, DECEMBER 13, 2018
☑	HLUC	☐	Special	Time:	1:37pm
☑	Quorum	☐	No Quorum	Adjournment:	3:25pm / 6:15pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Bryan Nokat		483-7075
Norman Taoc		649-[illegible]
GILLIAN WONG		6337072
William Wolk		6337072
TONY KIM		649-5270
RICHARD [illegible]		649-5270
Borja Christina		
Daniel Bren		777-4935
JOSE [illegible]		
Anumita Kaur		483-0434
Ed Camacho		687 8001
STEVE MARTINEZ		483 9032
Eloy Aldea		788 2269
	— various items —	

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

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

☑	GLUC	X	Regular	Date:	THURSDAY, DECEMBER 13, 2018
☑	HLUC	☐	Special	Time:	1:37 pm
☑	Quorum	☐	No Quorum	Adjournment:	3:25 pm (HLUC) 6:15 pm - GLUC

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
HARRY GUTIERREZ	2018-32/41B/24	
Richard Sana	2015-26PSA	
FRANKIE DIAMZON	2018-32 Frankie Diamzon	
~~ANUNCIATA YALUE~~		
DANNY NATIVIDAD		
Richard Untalan	Application # 2018-21	
	— Nothing follows —	

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

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, December 13, 2018 • 3:38 p.m. to 6:15 p.m.
[As advertised in the Guam Daily Post on December 6th and December 11th, 2018]

I. Notation of Attendance

Chairman Oh called to order, the regular meeting of the Guam Land Use Commission for Thursday, December 13, 2018 at 3:38 p.m., noting a quorum.

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

II. Approval of Minutes [None]

III. Old or Unfinished Business [None]

Chairman Oh before moving onto New Business, Chairman Oh announced for the record that the next three applications; Application No. 2017-36, Application No. 2017-41B and Application No. 2002-30E, will be re-heard by the Commission due to technical issues. During the GLUC regular meeting of August 23, 2018, the Commission reviewed and approved all three (3) of the applications mentioned; however, two of the Commissioners that voted at that meeting, their terms had expired, rendering their votes null and void. Therefore, today's Commission will be hearing all three cases once again in order the review and voting of the applications official.

Chairman Oh asked Commissioner Bathan who was not available for the August 23, 2018 meeting, to state for the record that she has reviewed all three applications that will be discussed today.

Commissioner Bathan confirmed for the record that she was not present at the August 23, 2018 meeting; however, received the application packets from staff, and has reviewed each application. Commissioner Bathan further commented that she is okay to proceed with the review of the applications.

IV. New Business

Zone Change

A. Application No. 2017-36, Christina M. Borja; Zone Change request from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, for continued operation of an existing water and video store, on Lot 101-9, in the Municipality of Yona. **[GLUC – 8/23/2018]** Case Planner: Penmer Gulac

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

[Attachment A – Staff Report dated October 3, 2018]

Chairman Oh the original request for this zone change application was from agricultural to commercial zone; however, it was the recommendation from the Commissioners at the previous meeting that this request was best suited for a limited commercial to which the applicant agreed to. [Chairman Oh invited the applicant to come forward]

Christina Borja agreed with the staff's report and had nothing further to add.

Chairman Oh Commissioner Bathan has reviewed your application; and therefore, Chairman Oh was comfortable to move forward with a vote on the application. In addition, it was the recommendation of Legal Counsel Toft that the Chairman open the floor for public comment.

Public Comments [opened the floor to public comment. Seeing none, Chairman Oh closed the public comment period]

Chairman Oh noting no further discussion and/or comments, Chairman Oh was ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I move to approve Application No. 2017-36 for a Zone Change request from "A" to "LC" for the continued operation of an existing water/video store on Lot 101-9, in the municipality of Yona, subject to the comments, concerns and recommendation of the ARC members as noted in their official position statements.

The Limited Commercial zone is restricted for water operation and video rental activities only; and the following are the restricted uses, bars, night clubs, adult entertainment, strip bars, game rooms, and massage parlors.

Chairman Oh there is a motion on the floor by Commissioner Bathan, is there a second.

Commissioner Vy seconds the motion.

Chairman Oh seconded by the Commissioner Vy. Noting no discussion, the motion is put to a vote.

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

[Motion passed – 3 ayes, 0 nay]

Chairman Oh thanked Ms. Borja for her understanding, and again, apologized for the inconvenience of having to return back before the Commission.

Zone Change

B. Application No. 2017-41B, Albert P. Sanga represented by Harry D. Gutierrez; Zone Change request from "R-1" (Single Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed construction of a commercial building, on Lot 1103-3-1A-1, in the Municipality of Mangilao. **[GLUC – 8/23/2018]** Case Planner: Penmer Gulac

Marvin Aguilar reports that this application was originally heard on May 24, 2018. The Commission made a motion for the continuation of the application in order for the consultant to ask the property owner to consider changing the request for a zone change from commercial to limited commercial. To which the applicant agreed. In order to conform to GLUC Resolution 2015-03 pertaining to limited commercial, the applicant proposes a two-story commercial complex with the following specific uses on the premises:

- Catering services and mini-cantina of the first floor;
- Beauty/Barber shop on the first floor;
- Professional office space on the second floor; and,
- Residential unit on the second floor.

This is one of the applications previously heard and considered null and void by the Office of Senator Ada due to the expiration of the two Commission members.

Chairman Oh noting no questions for staff, Chairman Oh invited the applicant's consultant to come forward.

Harry Gutierrez representing the applicant Mr. Albert Sanga. Mr. Sanga agrees with the Commission's decision to restrict the proposed uses for the catering service, beauty/barber shop on the first floor and professional office and residential unit on the second floor.

Marvin Aguilar the biggest concern was the size of the property. The applicant's representative advised the owner that his design and operation would be very limited based on the property size. The applicant has been working to commit to a smaller footprint. Mr. Aguilar also stated that the Mayor of Mangilao re-endorses his support for the project.

[Discussion ensues on the number of commercial activities popping up along Route 10. Chief Planner Aguilar further commented that they are encouraging more non-residential development along this major routed roadway.]

Chairman Oh noting no discussion and/or questions, Chairman Oh opened the floor for public comment.

Public Comment [Noting no public comments, Chairman Oh closed the public comment period.]

Chairman Oh no additional discussion, Chairman Oh was ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I would like to make a motion to approve the Zone Change request from "R-1" (Single Family Dwelling) to "LC" (Limited Commercial) zone for the proposed construction of a commercial building with catering services, mini cantina, barber and beauty shop, professional office and residential unit, on Lot 1103-3-1A-1, in the municipality of Mangilao, under Application No. 2017-41B; subject to the ARC agencies' comments and conditions as noted on their official position statements.

The allowed activities under the Limited Commercial will be catering services/mini cantina, beauty and barber shop, professional office and residential unit on the second floor. The restricted activities are bars, night clubs, adult entertainment, strip bars, massage parlors and game rooms.

Chairman Oh motion on the floor by Commissioner Bathan, is there a second.

Commissioner Vy seconds the motion.

Chairman Oh seconded by Commissioner Vy. Noting no discussion, Chairman Oh puts the motion to a vote.

All in favor of the motion say "aye" **[Chairman Oh, Commissioner Bathan, Commissioner Vy]**, all opposed say "nay." **[Motion passed, 3 ayes 0 nay]**

Chairman Oh moving onto the next item on the agenda –

Zone Variance/Status Report

C. Application No. 2002-30E, BME & Sons, Inc.; requests renewal of a previously approved Use Zone Variance and Status Report for an existing contractor's yard, on Lot 10, Tract 293, in the Municipality of Mangilao, in an "A" (Rural/Agricultural) zone. **[GLUC – 8/23/2018]** Case Planner: Penmer Gulac

Marvin Aguilar this is the last application that was null and void due to the expiration of Chairman Arroyo and Commissioner Cruz's terms. Continues to summarize the supplemental staff report to include facts, purposes, staff analysis/discussion, recommendation and conditions. [Please see report for full content/context]

[Attachment C – Supplemental Staff Report dated August 15, 2018]

Chairman Oh we confirmed that the applicant did request for a permanent status for the Use Zone Variance which is not recommended by staff, and that the Commission decided to move forward with the renewal for the next five (5) years. Inquired if the date of the expiration date would be changed to current date.

Commissioner Bathan December 11, 2018 is the expiration date of the Use Zone Variance.

Marvin Aguilar we are looking at an expiration date of December 14, 2023.

Chairman Oh no additional comments noted, Chairman Oh welcomed back the applicant and apologized for the inconvenience. The Commission needs to ensure that there are enough valid votes for the continuation of the Zone Variance for the contractor's yard.

Danny Natividad (representing BME & Sons) Mr. Natividad requested if it would be possible to submit their annual status report to the Chief Planner rather than to the Commission.

Chairman Oh during the December 11, 2013 meeting, the Commission granted the applicant's request from six months to an annual reporting basis effective June 2015. In addition, the Commission also denied the applicant's request for a permanent status on the zone variance. The applicant is now requesting to report to the Chief Planner rather than to the Commission. Chairman Oh sought the advice from Legal Counsel on this request.

Nick Toft (Legal Counsel) it is something that the Commission can decide on today because the previous decision is null and void. The Commission is not bound by the decision in anyway.

Commissioner Bathan the applicant has been very compliant with the Commission's requirements, and felt that it was a reasonable request to address the annual status report to the Executive Secretary. However, the annual report should be done every six months for a period of one year, and annually thereafter.

[Discussion ensues]

Chairman Oh expressed that the applicant should report, once a year, to the GLUC, and that he was not comfortable with providing the status report to the Executive Secretary and the Chief Planner.

Noting no additional comments and/or questions, Chairman Oh opened the floor for public comments.

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

Chairman Oh there were no additional discussion on the application, Chairman Oh was ready to entertain a motion.

Commissioner Vy made a motion to approve Application No. 2002-30E, request for the renewal of a previously approved Use Zone Variance for an existing contractor's yard, on Lot 10, Tract 293, in the municipality of Mangilao, in an "A" zone. The approval is for an additional five (5) years beginning December 14, 2018 to December 14, 2023. All conditions noted on the original Notice of Action still apply and the status report will be provided on an annual basis to the Guam Land Use Commission. Further, the request for a permanent Use Zone Variance is denied.

Chairman Oh there is a motion on the floor made by Commissioner Vy. Is there a second.

Commissioner Bathan seconds the motion.

Chairman Oh noting no discussion, the motion was put to a vote. All in favor of the motion say "aye" **[Chairman Oh, Commissioner Bathan, Commissioner Vy],** all opposed say "nay."

[Motion passed 3 ayes, 0 nay]

Final Subdivision

D. Application No. 2015-26FSA, Deepak and Kiran Sadhawani represented by FC Benavente, Planners; Final Subdivision request for the development of an industrial park for warehousing and other permitted uses, on Lot 5315, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone. Case Planner: Marvin Aguilar

Marvin Aguilar summarizes the staff report to include purpose, facts, staff analysis, discussion, and recommendation. [Please see attached staff report for full content/context]

[Attachment D – Staff Report dated December 3, 2018]

Chairman Oh no further questions for staff, Chairman Oh opened the floor to the applicant.

Richard Sana [with FC Benavente, Planners and representing the applicants] Mr. Sana had nothing further to add to the staff report and was ready to answer any questions the Commission may have.

Chairman Oh asked Mr. Sana to elaborate on the Contractor's report in terms of the progress of the items noted on this report.

Richard Sana sewer and water lines have been installed at 100-percent, and the only item that is pending at this time is the lift station at the corner of where the ponding basin will be located.

Chairman Oh when do you expect the completion of the infrastructure.

Richard Sana the target date is still for April 2019, but there was a slight delay because of negotiations between the applicant and Guam Waterworks Agency on the water requirements.

Chairman Oh no additional comments noted, Chairman Oh opened the floor for public comments.

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

Chairman Oh no further discussion noted from the Commissioners. Chairman Oh inquired if there are any potential buyers.

Richard Sana responded that buyers cannot be sought until the final subdivision plan is approved by the Commission.

Chairman Oh noting no additional discussion, Chairman Oh was ready to entertain a comment.

Commissioner Bathan made a motion to approve the request for a Final Subdivision for the applicants Deepak and Kiran Sadhwani, on Lot 5315, for 54 lots, in the municipality of Dededo, subject to the following conditions:

1) That the applicant will initiate the release of bond report upon securing final occupancy of all improvements to include, but not limited to, the completion of public easements with curbs and gutters, water, power and public sewer connection as directed by associated utility agencies and Guam Environmental Protection Agency (for onsite surface water containment). A request for bond release to the Department of Public Works must be concurred n writing by the Guam Chief Planner and Executive Secretary of the Guam Land Use Commission.
2) Applicants may execute a dedication of easement and infrastructure for public use upon concurrence, in writing, by appropriate utilities. Concurrence shall be based on agencies' certification that infrastructure, be it public easements with curbs and gutters, water, power, public sewer connection as directed by associated utility agencies and Guam Environmental Protection Agency (for on-site surface water containment), that such improvements are fully functional and connected to public services.

Chairman Oh motion the floor by Commissioner Bathan, is there a second.

Commissioner Vy seconds the motion.

Chairman Oh motion is seconded by Commissioner Vy. No discussion noted, Chairman Oh puts the motion to a vote.

Chairman Oh all in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Vy], all opposed say "nay." **[Motion passed – 3 ayes, 0 nay]**

[Chairman Oh calls for a five-minute recess at 4:45 p.m. and reconvened the meeting at 4:50 p.m.]

Next item on the agenda –

Tentative Subdivision

E. Application No. 2018-21, TRI Inc. represented by FC Benavente, Planners; request for a Tentative Subdivision to create a subdivision consisting of seventeen (17) single-family dwelling residential units, on Lot 2303-R8NEW, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Mangilao **[GLUC – 10/25/2018]** Case Planner: Frank Taitano

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

[Attachment E – Staff Report dated October 18, 2018]

Chairman Oh noting no questions for staff, Chairman Oh opened the floor to the applicant.

Felix Benavente [representing TRI Inc.] commended the Case Planner for a comprehensive report on the project and had nothing further to add.

Chairman Oh questions for the applicant.

Michael Borja was pleased that there is a ponding basin in place because the property slopes and flooding can occur. Will the development be hooked up to sewer.

Felix Benavente responds "yes." This is a third of a line of successful subdivision projects that TRI, Inc. has put together; the first of which is Paradise Estates, and the second is Paradise Meadows and now this subdivision.

Chairman Oh the property is totally undeveloped and pretty much overgrown vegetation. Chairman Oh inquired if there were any environmental concerns for this parcel; findings of endangered species, flora/fauna that was discussed.

Richard Untalan (President, TRI) nothing unusual was found. Joel Sablan did the biological study and no issues were found.

Chairman Oh there is an abandoned structure on the parcel; are there plans for the removal of this structure.

Richard Untalan it is a concrete structure, 4-bedroom home that will be renovated and will be part of the subdivision. It will be only 4-bedroom home available.

Commissioner Bathan in the past you have developed subdivisions in large numbers and are phased. This particular subdivision is for seventeen homes.

Richard Untalan yes, only seventeen homes and only one phase. All seventeen homes have been reserved already. The development will be gated.

Chairman Oh inquired if there were any issues with infrastructure.

Richard Untalan sewer, water, power is available up the road.

Chairman Oh commends the applicant for his contribution on housing development on the island. Noting no additional questions and/or comments, Chairman Oh opened for public comments.

Public Comments [Seeing none, public comment period was closed by Chairman Oh]

Chairman Oh no additional comments/questions, Chairman Oh was ready for to entertain a motion.

Commissioner Bathan Mr. Chairman, I would like to make a motion to approve the request for a Tentative Subdivision for Application No. 2018-21, submitted by TRI Inc., to create a subdivision consisting of seventeen single family residential units on Lot 2303-R8NEW, in an "R1", in the municipality of Mangilao; subject to the following conditions.

1. Applicant adheres to the ARC conditions and requirements as stipulated on the official position statements;
2. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year pursuant to Title 21 GCA, Chapter 62, Section 62504A;
3. The applicant may further elect to secure a bond pursuant to Title 21 GCA, Chapter 62, Section 62504B; and,
4. The one-year period will commence on December 13, 2018 and will expire on December 13, 2019.

Commissioner Vy seconds the motion.

Chairman Oh motion made by Commissioner Bathan and seconded by Commissioner Vy. No discussion noted, the motion was put to a vote.

All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan and Commissioner Vy], all opposed say "nay." **[Motion passed – 3 ayes, 0 nay]**

Tentative Subdivision

F. Application No. 2018-24, Wellborn LLC represented by Harry D. Gutierrez; request for a Tentative Subdivision to create a subdivision consisting of one-hundred twenty-one (121) single family residential lots, one (1) commercial lot, one (1) ponding basin lot, and one (1) playground lot, and six (6) green area lots, on Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2 and 7110-NEW-NEW-R2, in an "R2" zone, in the municipality of Yigo.
[GLUC – 10/25/2018] Case Planner: Frank Taitano

Frank Taitano reads staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [See attached report for full content/context]

[Attachment F – Staff Report dated October 15, 2018]

Chairman Oh no questions noted for staff; Chairman Oh welcomed the applicant to present the application to the members.

Harry Gutierrez (representing Wellborn LLC) Mr. Gutierrez agreed with the Case Planner's report and nothing further to add to the staff report. He commented that the owners have been pursuing this project since August 2008, but held off on the project since then due to misinformation received.

Chairman Oh has the owners changed.

Harry Gutierrez the property was originally owned by the Roberto family and was later sold to Wellborn in 2007. The current owners purchased all three lots.

Chairman Oh inquired why the owners wanted to pursue this project now; there have been two previous Commission actions for this development.

Harry Gutierrez owners felt that it is the right time for the development. A clearing permit has already been obtained and the property has been cleared of about 80-percent of vegetation. GEPA is aware of the clearing and has been monitoring the project.

Chairman Oh asked if the owners are on island.

Harry Gutierrez the owners currently live in Taiwan; however, they have hired Richard Chang, P.E. to oversee the project.

Chairman Oh any questions of the applicant.

Commissioner Bathan questioned the public access and utilities rights-of-way that is located on the property. Will it be dedicated to the government or will stay with the development.

Harry Gutierrez it will be dedicated to the government to include the ponding basin.

Commissioner Bathan the lots have to be consolidated as a condition of the subdivision. The commercial zone portion will this be included in the subdivision proposal.

Marvin Aguilar the lots are being created by virtue of this subdivision. But, in terms of development they will not be doing any commercial activities on the commercial lot, and will be severing this lot which abuts Route 1.

[Discussion ensues on the severing of the commercial lot and its uses. Mr. Aguilar reiterated that the commercial lot will be part of the subdivision, but will not be developed. This application is strictly for a housing residential development.]

Chairman Oh is this for the subdivision of lots only or will houses be built on the property.

Harry Gutierrez this development is for building of residential homes.

Chairman Oh the subdivision does not include the commercial lot and is being severed.

Marvin Aguilar by severing it out there will be a creation of the lot.

Frank Taitano it is part of the subdivision. The plan is to consolidate, subdivide into 121 lots and green area and the commercial lot. The actual development is for the residential lots only and not the commercial portion.

[Discussion ensues]

Chairman Oh will there be any issues with infrastructure.

Harry Gutierrez coordination with GWA is needed in order to connect to Marine Corps Drive closest to the Mormon Church and on the opposite of the Mormon Church.

[Discussion ensues on infrastructure, connections, dedication of easement]

Commissioner Bathan there are five lots dedicated for green area. Commissioner Bathan asked what is being proposed for these five lots.

Harry Gutierrez they are proposing developing five smaller scaled playgrounds, jogging paths, and concrete pipes for exercising.

[Discussion ensues on recreational area for the development]

Chairman Oh will the housing development be gated.

Harry Gutierrez that concept is still being discussed at this time.

Chairman Oh no additional questions and/or comments for the applicant, Chairman Oh opened the floor for public comments.

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

Chairman Oh if there are no further comments and/or questions, I am ready to entertain a motion for this application.

Commissioner Bathan Mr. Chair, I move to approve the request for a Tentative Subdivision to create a subdivision consisting of 121 single family residential lots, 1 commercial lot, 1 ponding basin lot, 1 playground lot and six green area lots, on Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2 and 7110-NEW-NEW-R2, in an "R2" zone, in the municipality of Yigo, subject to the following conditions:

1. The applicant adheres to the ARC conditions and requirements as stipulated on the official position statements;
2. The current lots as described in the Tentative Subdivision plan are consolidated as a precursor to creating subdivision design as proposed;
3. That the Tentative Subdivision plan be revised to include plans to provide full improvements to Chalan Josen Diego as provided in figure 1;
4. The residential subdivision plan submits one tentative subdivision plan request to blanket a three-increment development proposal. As presented all infrastructure improvement requirements must be installed throughout each increment within the prescribed one (1) year pursuant to Title 21GCA, Chapter 62, Section 62504(a) to commence December 13, 2018 with an expiration date of December 13, 2019. The applicant may further elect to secure a bond pursuant to Title 21GCA, Chapter 62, Section 62504(b).

Chairman Oh motion on the floor made by Commissioner Bathan. Do I have a second.

Commissioner Vy I second.

Chairman Oh motion is seconded by Commissioner Vy. No additional discussion, the motion is put to a vote.

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

V. Administrative & Miscellaneous Matters [None]

VI. Adjournment

Commissioner Bathan makes a motion to adjourn today's meeting, seconded by **Commissioner Vy; with all in favor.**

The regular meeting of the Guam Land Use Commission for Thursday, December 13, 2018 was adjourned at 6:15 p.m.

Approved by:

Chairman Tae S. Oh
Guam Land Use Commission

Date approved:

3/19/2019

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

GUAM LAND USE COMMISSION

Acting Chairman Tae S. Oh
Commissioner Conchita D. Bathan
Commissioner Hardy T.I. Vy

Commissioner [Vacant]
Commissioner [Vacant]

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

AGENDA

Regular Meeting

Thursday, December 13, 2018 @ 1:30 p.m.

Department of Land Management Conference Room

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

[As advertised in the Guam Daily Post on December 6th and December 11th, 2018,]

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

II. Approval of Minutes

- NONE

III. Old or Unfinished Business

IV. New Business

Zone Change

A. **Application No. 2017-36**, Christina M. Borja; Zone Change from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, for the continued operation of an existing water and video store, on Lot 101-9, in the Municipality of Yona. Case Planner: Penmer Gulac **[GLUC – 8/23/2018]**

B. **Application No. 2017-41B**, Albert P. Sanga represented by Harry D. Gutierrez; Zone Change from "R-1" (Single Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed construction of a commercial building, on Lot 1103-3-1A-1, in the Municipality of Mangilao. **[GLUC – 8/23/2018]** Case Planner: Penmer Gulac

Zone Variance Renewal/Status Report

C. **Application No. 2002-30E**, Applicant, BME & Sons, Inc.; requests renewal of a previously approved Use Zone Variance and Status Report for an existing contractor's yard, on Lot 10, Tract 293, in an "A" (Agricultural/Rural) zone, in the Municipality of Mangilao. **[GLUC – 8/23/2018]** Case Planner: Penmer Gulac

Final Subdivision

D. **Application No. 2015-26FSA,** Deepak and Kiran Sadhwani represented by FC Benavente, Planners; Final Subdivision request for the development of an industrial park for warehousing and other permitted uses, on Lot 5315, in "M-1" (Light Industrial) zone, in the Municipality of Dededo. Case Planner: Marvin Aguilar

Tentative Subdivision

E. **Application No. 2018-21**, TRI Inc. represented by FC Benavente, Planners; request for a Tentative Subdivision to create a subdivision consisting of seventeen (17) single family residential units, on Lot 2303-R8NEW, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Mangilao. **[GLUC – 10/25/2018]** Case Planner: Frank Taitano

F. **Application No. 2018-24**, Wellborn LLC represented by Harry D. Gutierrez; request for a Tentative Subdivision to create a subdivision consisting of one-hundred twenty-one (121) single family residential lots, one (1) commercial lot, one (1) ponding basin, one (1) playground lot and six (6) green area lots, on Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2, and 7110-NEW-NEW-R2, in an "R-2" (Multi Family Dwelling) zone, in the Municipality of Yigo. **[GLUC – 10/25/2018]**
Case Planner: Frank Taitano

V. Administrative & Miscellaneous Matters

VI. Adjournment

FOR ATTACHMENTS A THRU C

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

October 19, 2018

MEMORANDUM

To: Acting Chairman, Guam Land Use Commission

From: Guam Chief Planner

Re: Re-evaluation of Land Use Applications
(Regularly Scheduled Meeting of August 23, 2018)

Mr. Chairman:

At its regularly scheduled meeting of August 23, 2018, the Guam Land Use Commission (hereafter "Commission") under the chairmanship of Mr. John Arroyo reviewed and approved the following land use applications:

1. **Application No. 2017-41B**, Applicant, Albert P. Sanga represented by Harry D. Gutierrez; Zone Change request from "R-1" (Single Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed construction of a commercial building with catering service/mini-canteen, beauty salon/barber shop, professional office and residential unit, on Lot 1103-3-1A-1, in the Municipality of Mangilao;

2. **Application No. 2017-36**, Applicant, Christina M. Borja; Zone Change request from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, for the continued operation of an existing water and video store, Lot 101-9, in the Municipality of Yona.

3. **Application No. 2002-30E**, Applicant, BME & Sons, Inc.; requests renewal of a previously approved Use Zone Variance and Status Report for an existing contractor's yard, on Lot 10, Tract 293, in an "A" (Agricultural/Rural) zone, in the Municipality of Mangilao.

In a letter dated September 4, 2018, the office of Honorable Senator Thomas Ada notified our office that actions taken on these applications were void due to lack of quorum, citing term expiration of Messrs. John Arroyo and Victor Cruz.

As a result of the Senator's findings, the Commission is compelled to re-evaluate each application to complete Commission review, assessment, and action.

Please find attached staff reports per each application for your perusal. Other supporting information are available, but scarce due to distribution at the August 23, 2018 meeting. With this, we humbly ask each Commissioner to retained their original packets, otherwise a complete packet will be re-generated for their perusal.

MARVIN Q. AGUILAR

Cc: Office of Honorable Senator Thomas Ada,
Chairman, Committee on Land
Plaza Center, Suite 207
173 Aspinall Avenue Hagatna, Guam 96910

ATTACHMENT A

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

DEPARTMENT OF LAND MANAGEMENT

MICHAEL JB BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

October 3, 2016

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report – Zone Change Application No. 2017-36;
GLUC Meeting of August 23, 2018

1. PURPOSE:

a. **Application Summary:** The applicant, Cristina M. Borja, is requesting approval for a Zone Change from "A" (Agricultural) to "C" (Commercial) zone in order to allow the continuation of operation of an existing video rental and a proposed distilled water store on Lot 101-9 , Municipality of Yona.

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

2. FACTS:

a. **Location:** The subject lot is fronting Route No. 4, (Chalan Kanton Tasi) and is across the main entrance to M.U. Lujan Elementary School, in Yona (see vicinity map).

b. **Lot Area:** 1,000 square meter or 10,357 square feet; or 1/4 Acre

c. **Present Zoning:** "A" (Agricultural) Zone

d. **Field Description:** There is an existing structure (part residential) with a video rental business. Topography fairly flat all around the property. The main access is Route No. 4 (Chalan Kanton Tasi).

e. **Masterplan:** Residential (Med-High Density/Mix Uses)

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

g. **Previous Commission Action:** Conditional Use Permit; Approved by GLUC August 22, 2002 (See Attached Notice of Action); DLM Doc No. 662431; Note: Video Rental business is on-going with active business license.

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** November 15, 2017
b. **Date Heard By ARC:** December 7, 2017
c. **Public Hearing Results:** May 1, 2018 **(See Attachment "A")**

4. DISCUSSION and STAFF ANALYSIS:

The applicant's request is for the rezoning and approval of Lot 101-9, Municipality of Yona from "A" (Agricultural) zone to "C" (Commercial) zone in order to allow continuation of a video rental and to allow a proposed distilled water store within the structure and provide adequate parking area and some landscaping around the property.

Pursuant to Section 61630 (Requirements For Changes) of Chapter 61 (Zoning Law) 21GCA, where it states; **"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"**.

The applicant in response for the Zone Change submits the following justification:

a. **Public Necessity:** The proposed zone change of the lot and proposed uses are compatible with existing Commercial and some residential uses in this area and along Route No. 4 in Yona. The proposed land use and activities will provide the community with additional retail, rental of goods (distilled water) and other necessities and services to be offered to the immediate area and community of Yona.

b. **Public Convenience:** The proposed zone change of the lot will afford public convenience for much needed retail, and commercial service related activities at this location as it is consistent with the current land uses as an extension of the existing commercial zone along Route No. 4. The location is prime and ideal, central and conveniently near the village area with a growing population to better provide goods and services and related activities the immediate area and to a growing population of Yona village and community.

c. **General Welfare:** The proposed zone change of the lots will protect the general public, the immediate surroundings and properties by being consistent for commercial zone activity within close proximity of commercial lots and commercial zone with existing commercial activities along Route No. 4 (Chalan Kanton Tasi) in Yona. There are vacant lots, single family dwellings, multi-family complexes, commercial businesses, a church and schools nearby. The activity will be protected

with landscaping of the site and all setbacks to comply with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is near a village large with growing population. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment/improvements of this site for continued commercial activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicant/owner will ensure that all conditions and other requirements by permitting agencies are to be adhered to for improvements, construction and to final occupancy. The proposed development will be fenced if required, and will be landscaped and will be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

Planning has continued to support non-residential development along major routes and roads as we believe such use would best benefit the intent to encourage the protection of the public's health, safety, general welfare, and convenience. This position remains consistent with our position in other land use cases with similar characteristics. That is, to exist abutting a major road way. Although commercial activities are confined properties north of Yona village proper, the effects for more commercial outlets, be it small or medium, appears to be in demand. And in this respect planning staff finds that the proposal to change the designated zone presents an opportunity for a steady growth of commercial uses befitting of the needs of the surrounding community. Anticipated growth and expansion of existing facilities shall be limited to the confines of the property and dictated by necessary accessory structures such as parking and safe egress/ingress.

Further, his request received no objection on Position Statements from ARC members with conditions and, in addition, the results of the community public hearing, was positively supported of those in attendance. In conclusion, we find the above and the context of the application provides justification that the public necessity, convenience and general welfare, supports a positive action on the zone change request.

5. **RECOMMENDATION:** Planning staff recommends Approval subject to the comments, concerns, and recommendations Application Review Committee Position Statement.

Marvin Q. Aguilar
Guam Chief Planner

Case Planner: Penmer Gulac

ATTACHMENTS: Position Statements as noted

Attachment A

Public Hearing Results of May 1, 2018; GLUC Application No. 2017-36

Public Hearing was called to Order at 6:05 pm; A total of 4 persons were in attendance with 2 neighbors and Ms. Cristina Borja (applicant) and Planning Staff Case Planner.

The Case Planner presented the proposed project and read the positions statements of the agencies and highlighted details of the application; discussed the time frame of the application process, construction and completion time and other pertinent information on the proposed development/site improvements as well as infrastructure requirements; access to the site and area of development near and along Route No. 4 in Yona.

Public comments and concerns that were noted are as follows:

Ms. Patricia Sablan, (property owner and neighbor):

Ms. Sablan and her husband Vicente stated they fully support the application as it will be convenient and will continue to serve the people in the village and the public of their needs.

Ms. Cristina Boja, Business Owner & Applicant:

Stated she is asking again for neighbors help and thank them for continued support for her family business to serve the village and public at large.

No other public comments.

Staff Planner informed those in attendance that the project is co-located near residences and that the commercial activities will be fenced and some landscaping of the development site. That the next meeting will be with the commission and will be published in the newspaper 10 days before the date of the hearing. The Mayor will be advised by Land Management.

There were no major concerns, the majority in attendance had favorable comments and fully supported the application. The hearing was adjourned at 6:30 p.m.

Penmer Gulac

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

August 14, 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. 2017-36

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

DEPARTMENT OF LAND MANAGEMENT (DLM):
Planning staff recommends Approval with the following condition:

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

DEPARTMENT OF AGRICULTURE (DoAg):

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. 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. Inspection of the site found no immediate adverse impacts to Agricultural activity and to any Endangered Species. As the site is located above the Coastal Zone, Wetland habitat and Watersheds it is important to incorporate silt screen fencing when and if any clearing and grading work is to be done on the site to prevent any seepage into lower areas that do contain protected waters.

The proposed zone change for Lot 101-9 contains no commercial agricultural activity, based on the inspection no immediate impact to any agricultural activity and to native habitats where observed within the property scope as described in the application. The site currently contains a building that has been used for living quarters and a video rental business. With regard to any 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. Firstly, should the proposed zone change be approved and the project moves into any proposed 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 increases on the island destruction and removal of native tree species increases the potential for pollution and the loss of Guam's Coastal Zones, Northern Aquifer and Environment. As such our agency recommends the inclusion of a landscaping plan to address deficiencies in development of the island and adds to a sustainable and stable eco-system.

Agriculture recommends that the lot if designated for build will have elements of a green zone dedicated to it as part of the overall landscaping plan. The plan should include parking and green zones as part of the build phase that use native trees as they are suitable and will adapt readily to the existing soils. Simply re-planting of native trees in a dedicated section of the lot(s) or allowing the existing fauna to remain as is, 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 Guam's shores and adjacent properties. The Department of Agriculture has several programs and personnel that can assist you in developing a plan to address this issue. Should the project be used to house industrial chemicals and any such synthetic material that has the potential for leaking into the soil and running off into adjacent lots and easements Agriculture will require that Geo-Matting and other approved environmental mitigation practices such as run-off catchments and dedicated mixing stations is incorporated into the project to protect seepage into the Guam's Coastal Zones and Environment.

Please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains 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 in the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment by erosion and leeching. The plating 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 Yona. 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.

DEPARTMENT OF PUBLIC WORKS (DPW):

The Department of Public Works (DPW) recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the provisions that the following conditions are met:

site once any clearing and grading is to take place. Firstly, should the proposed zone change be approved and the project moves into any proposed 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 increases on the island destruction and removal of native tree species increases the potential for pollution and the loss of Guam's Coastal Zones, Northern Aquifer and Environment. As such our agency recommends the inclusion of a landscaping plan to address deficiencies in development of the island and adds to a sustainable and stable eco-system.

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DEPARTMENT OF PUBLIC WORKS (DPW):

The Department of Public Works (DPW) recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the provisions that the following conditions are met:

1. provide a storm drainage disposal area and must be shown in details to be supported with calculations;
2. parking lay-out and detail for parking stalls (compact, standard, and accessible stalls) must meet the American Disability Act (ADA) requirements;
3. to include solid waste trash area for either public or private services;
4. copy of notice of action issued by the Department of Land Management; and
5. to provide a copy of building permit and occupancy permit signed by DPW Building official.

NOTE: Applicant must submit all the necessary requirements needed to DPW-CIP prior to approval of this position statement and in the future if there is any changes or alteration in the structure then applicant needs to re-apply a new building permit for re-issue new occupancy permit.

GUAM POWER AUTHORITY (GPA):

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

1. 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.

2. General Comments:

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

DEPARTMENT OF PARKS AND RECREATION (DPR):
We reviewed the subject and determined that the Zone Change will not affect historic properties within or around the subject lot. Therefore, we have no objection to the approval of this Summary Zone Change Application.

BUREAU OF STATISTICS AND PLANS (BSP):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

GUAM WATERWORKS AUTHORITY (GWA):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES (DPH&SS):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

GUAM FIRE DEPARTMENT (GFD):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

GUAM DEPARTMENT OF EDUCATION (GDOE):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
No Position Statement has been received as of the date of this Memorandum of August 14, 2018.

Marvin Q. Aguilar

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

Department of Agriculture
Dipåttamenton Agrikottura

DEPARTMENT OF LAND MANAGEMENT RECEIVED AUG 10 2018 CLUC/GALC/GLUC

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 477-9434
Animal Health 300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

August 8, 2018
Memorandum

ORIGINAL

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 "Agricultural" to a "Commercial" for application 2017-36 on Lot 101-9 Located in Yona. (Christina M. Borja).**

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. 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.* Inspection of the site found no immediate adverse impacts to **Agricultural** activity and to any **Endangered Species.** As the site is located above the **Coastal Zone, Wetland habitat** and **Watersheds** it is important to incorporate silt screen fencing when and if any clearing and grading work is to be done on the site to prevent any seepage into lower areas that do contain protected waters. .

The proposed zone change for **Lot 101-9** contains no commercial agricultural activity, based on the inspection no immediate impact to any agricultural activity and to native habitats where observed within the property scope as described in the application. The site currently contains a building that has been used for living quarters and a video rental business. With regard to any 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. Firstly, should the proposed zone change be approved and the project moves into any proposed 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 increases on the island destruction and removal of native tree species increases the potential for pollution and the loss of **Guam's Coastal Zones, Northern Aquifer and Environment.**

As such our agency recommends the inclusion of a landscaping plan to address deficiencies in development of the island and adds to a sustainable and stable eco-system.

Agriculture recommends that the lot if designated for build will have elements of a green zone dedicated to it as part of the overall landscaping plan. The plan should include parking and green zones as part of the build phase that use native trees as they are suitable and will adapt readily to the existing soils. Simply re-planting of native trees in a dedicated section of the lot(s) or allowing the existing fauna to remain as is, 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 Guam's shores and adjacent properties.. The **Department of Agriculture** has several programs and personnel that can assist you in developing a plan to address this issue. Should the project be used to house industrial chemicals and any such synthetic material that has the potential for leaking into the soil and running off into adjacent lots and easements Agriculture will require that **Geo-Matting** and other **approved environmental mitigation** practices such as **run-off catchments and dedicated mixing stations** is incorporated into the project to protect seepage into the **Guam's Coastal Zones and Environment.**

Please contact our **Agricultural Development Services & Forestry** divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains 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 in the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment by erosion and leeching. 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 Yona. 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.

For questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

GUAM POWER AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 19 2017
CLTC/GALC/GLUC

12/19

December 11, 2017

MEMORANDUM

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

From: General Manager (A)

Subject: Lot 101-9, Municipality of Yona, (Christina M. Borja) Conditional Use Zone Application from "A" (Agriculture) to "C" (Commercial) on an existing video rental and a proposed water business. **Application No. 2017-36**

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.

12/15/2017
JOHN J. CRUZ JR., P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Christina M. Borja
Location: Lot 101-9, Yona
Type of Application: Conditional Use Zone
GLUC/GSPC Application No. 2017-36
Brief Project Description:
"A" to "C" on an existing video rental and a propose water business.

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 J. CRUZ JR., P.E.
General Manager (A)

12/15/2017
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 shall provide the schedule and magnitude of project power demand requirements for new loads. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

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

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC2018-0067

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
APR 30 2018
CLTC/GALC/GLUC

April 4, 2018

Memorandum

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: Application No. 2017-36, Summary Zone Change
Lot 101-9, Municipality of Yona
Applicant: Christina M. Borja
Case Planner: Penmer C. Gulac

We reviewed the subject and determined that the Zone Change will not affect historic properties within or around the subject lot. Therefore, we have no objection to the approval of this Summary Zone Change Application.

Please do not hesitate to contact our office if you have any questions.

Sincerely,

William N. Reyes
Director

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
ANDREW S. LEON GUERRERO
Deputy Director

RECEIVED
DEC 14 2017
DEPARTMENT OF LAND MANAGEMENT
CITC/GALO/GUAM

12/14

December 13, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

SUBJECT: Applicant: Christina M. Borja
Application No.: 2017-36
Rezone from "A" to "C"
Lot 101-9, Yona

Buenas yan Hafa Adai!

The applicant is requesting to rezone the above subject property from Agricultural ("A") to Commercial ("C") and allow a retail store to add goods and commodities that will serve the residents and the general public. The structure is one- storey building approximately 1,296 square feet of an area and is within the Municipality of Yona.

The Department of Public Works (DPW) recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with the provisions that the following conditions are met:

A. provide a storm drainage disposal area and must be shown in details to be supported with calculations;
B. parking lay- out and detail for parking stalls (compact, standard, and accessible stalls) must meet the American Disability Act (ACT) requirements;
C. to include solid waste trash area for either public or private services;
D. copy of notice of action issued by the Department of Land Management; and
E. to provide a copy of building permit and occupancy permit signed by DPW Building official.

NOTE: Applicant must submit all the necessary requirements needed to DPW-CIP. prior to approval of this position statement and in the future if there is any changes or alteration in the structure then the applicant needs to re-apply a new building permit for re- issue new occupancy permit.

Should you have any questions, please call Mr. Max Manzano, P.E., Chief Engineer for the Division of Capital Improvement Projects (CIP- Vertical) or Maryrose M. Wilson, Engineer III @ (671) 646- 3230 or 646-3225.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

542 North Marine Corps Drive, Tamuning, Guam 96913 • (671) 646-3121/3232• Fax (671)649-6178

12/14/2017

ATTACHMENT B

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
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 15, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Guam Chief Planner

SUBJECT: Supplemental Staff Report – Continuation of Application No. 2017-41, Zone Change request for Lot 1103-3-1A-1, in the Municipality of Mangilao, for Albert Sanga, represented by Harry D. Gutierrez.
GLUC Meeting of August 23, 2018

Application Summary: Per GLUC meeting of May 24, 2018, the Commission made a motion for continuation to request from the consultant to ask the applicant/property owner to consider changing the Zone Change (Commercial) application to a "**Limited Commercial**" zone change with specific uses and with imposed conditions by the commission. Per concurrence of the owner, Mr. Albert Sanga, he accepts a "Limited Commercial" zone change by the commission.

In order to conform with GLUC Resolution No. 2015-03, pertaining to "Limited Commercial" (LC) rezoning, the following proposed uses are as follows:

The Applicant proposes a two-story commercial complex with the following specific uses on the premises:

1. Catering service and Mini-canteen – 1st Floor
2. Beauty Salon and Barber Shop – 1st Floor
3. Professional office space – 2nd Floor
4. Residential unit – 2nd Floor

All required parking will be met for the specific uses, plans subject to review and approval by permitting agencies.

RECOMMENDATION: Planning recommends approval of the Zone Change to Limited Commercial zone subject to Commission and ARC imposed conditions.

MARVIN Q. AGUILAR
Guam Chief Planner

Attachment: Letter from Mr. Albert Sanga
Case Planner: Penmer C. Gulac, Planner IV

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

June 7, 2018

Chairman and Commissioners, Guam Land Use Commission (GLUC)
c/o Mr. Michael J.B. Borja, Executive Secretary GLUC
Director of Land Management, P.O. Box 2950, Hagatna, Guam 96932;
C/O Attention: Land Planning Division/Chief Planner;
Mr. Penmer C. Gulac (Case Planner)

R Gulac 7/23/18
RECEIVED
Plang DM

Subject: Request consideration to Amend Zone Change Application No. 2017-41 from "R-1" (Single-Family Dwelling) zone to "Limited Commercial" (LC) Zone Change, on Lot 1103-3-1A-1, Municipality of Mangilao,; Requested Supplemental Information

Buenas Yan Hafa Adai:

I am representing the owner of the subject lot. I am writing in response to the Chairman & Commissioners on last GLUC meeting of May 24, 2018 which was moved for continuation, that it was requested for the Consultant to ask the Applicant to consider changing the Zone Change (Commercial) application to "**Limited Commercial" zone change**) with specific uses and with conditions imposed by the commission. Per concurrence of the Applicant, (Mr. Sanga) he accepts a Limited Commercial zone change.

In order to conform with GLUC Resolution No. 2015-03 pertaining to" Limited Commercial" (LC) rezoning the following proposed uses are as follows:

The proposed commercial complex will have the following specific uses:
Catering Service and Mini-Canteen, a Beauty Salon & Barber Shop, a professional office space and a residential unit.

Note: There will be no game room or massage parlor on the premises.

All parking, loading, access to and from the site are adequate for the proposed uses and will be reviewed by GovGuam permitting agencies.

Your consideration and acceptance is greatly appreciated, further request to be scheduled for the next available GLUC meeting.

Should you need more information, I could be reached at 482-5315 or my email at harry.gutierrez@yahoo.com.

Sincerely,

Harry D. Gutierrez
Consultant

With attachments

RECEIVED 7/23/18

AFFIDAVIT

I, Albert Sanga, Lot Owner of Lot 1103-3-1A, Mangilao, Guam, That on May 24, 2018, the Guam Land Use Commission (GLUC), meeting , requested through my representative, Mr. Harry D. Gutierrez, that if I would accept a "Limited Commercial" (LC) Zone Change, instead of a zone change to "C" (Commercial) rezoning. This is in reference to GLUC Application No. 2017-41, under Albert Sanga, the lot is located in the Municipality of Mangilao.

In response to the Chairman & Commissioners of the last GLUC meeting of May 24, 2018, I am concurring and changing the Zone Change (Commercial) application to **Limited Commercial (LC) zone change,** with specific uses and with conditions imposed by the commission.

In order to conform with GLUC Resolution No. 2015-03 pertaining to" Limited Commercial" (LC) rezoning the following proposed uses on the lot are as follows:

The proposed commercial complex will have the following specific uses:

Catering Service and a Mini-Canteen, a Beauty Salon & Barber Shop, a professional office space and a residential unit.

Note: There will be no game room or massage parlor on the premises.

All parking, loading, access to and from the site are adequate for the proposed uses and will be reviewed by GovGuam permitting agencies. Your consideration and acceptance is greatly appreciated, further request my application to be scheduled for the next available GLUC meeting.

---

1. The affiant is the owner of Lot 1103-3-1A, Municipality of Mangilao, Guam.
2. Further you sayeth not.

ALBERT SANGA

Guam, USA (ss.

SUBSCRIBED AND SWORN to before me this 12th day of June 2018

NOTARY PUBLIC

RAMON JD QUINENE
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **OCT. 01, 2020**
1779 Army Drive Ste. 105 Tamuning, Guam 96913

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

May 15, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-41 (Zone Change)

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

DEPARTMENT OF LAND MANAGEMENT (DLM):
Planning staff recommends Approval subject to the ARC Position Statement and the permitting agencies requirements.

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

A. To provide a preliminary lay-out of the commercial building and incorporate the following:
   1. retail store and office space;
   2. parking lay-out (compact, standard and accessible stalls) and must be ADA compliant;
   3. entry/exit must be wide enough for public access; and
   4. to include solid waste composition.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application, a complete set of design drawings must be submitted with all the engineering disciplines needed in the project and must comply with all the applicable rules and regulations. Drawings must also conform to the latest building code prior to issuance of building permit.

GUAM WATERWORKS AUTHORITY (GWA):
The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Single-Family) to "C" (Commercial) zone for the proposed construction of a commercial building with retail, office and service shops.

GUAM POWER AUTHORITY

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

RECEIVED
AUG 23 2017
Department of Land Management
Time 1:40 Init
Penmer G.

August 16, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 1103-3-1A-1, Municipality of Mangilao, (Albert P. Sanga); Zone Change Application from "R-1" (Single-Family Dwelling) to "C" (Commercial) to construct a commercial building for retail and office. **Application No. 2017-41**

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

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Albert P. Sanga
Location: Lot 1103-3-1A-1, Mangilao
Type of Application: Zone Change
GLUC/GSPC Application No. 2017-41
Brief Project Description:
"R-1" to "C" to construct a commercial building for retail and office.

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

8/21/17
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

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 06 2017
1230 pm
CLTC/GALC/GLUC

MEMORANDUM

September 22, 2017

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2017-41 for Lot 1103-3-1A-1, in the Municipality of Mangilao.

APPLICANT(S): Albert P. Sanga

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Single-Family) to "C" (Commercial) zone for the proposed construction of a commercial building with retail, office and service shops.

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 development. 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. If a development will be served by a septic tank/leaching field system, then the system must be approved by the Guam Environmental Protection Agency. Note: the last statement can be removed when a sewer line is available for connection.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to 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 from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

4. The applicant shall install GWA water meters in the public right of way or easement.

5. Backflow prevention devices are required for non-residential activities or when a development will be served by a master meter.

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

7. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.

8. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.

9. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

10. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

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.

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 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 development. 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. If a development will be served by a septic tank/leaching field system, then the system must be approved by the Guam Environmental Protection Agency. Note: the last statement can be removed when a sewer line is available for connection.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to 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 from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

4. The applicant shall install GWA water meters in the public right of way or easement.

5. Backflow prevention devices are required for non-residential activities or when a development will be served by a master meter.

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

7. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.

8. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.

9. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

10. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

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.

GUAM POWER AUTHORITY (GPA):
Guam Power Authority has reviewed the application 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:

    a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
    b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
    c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
    d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
    e. Provide scheduling and magnitude of project power demand requirements for new loads;
    f. 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.

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR submits the following statement;
"We reviewed the subject application submitted by Harry D. Gutierrez, authorized representative, on behalf of Albert Sanga, the applicant and owner of subject lot. The applicant is requesting

approval of subject application in order to construct a new commercial building with retail, office, and service shops.

The vacant 1,045 square-meter lot is located along Route 10, across KNS Retail Store and not far from the Champion Sporting Goods store and the new Mangilao Medical Center. Based on our review of the area, it is highly unlikely that historic properties or historic features would be encountered during the course of the construction development. However, subject the proposed development project must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation which may be subject to other development requirements. Therefore, we have no objection to the approval of subject application. If you have any questions with regards to our position, please contact our office.

BUREAU OF STATISTICS AND PLANS (BSP):
Has not submitted Position Statement as of Staff Report date.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date.

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

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

MB 9/28

RECEIVED
SEP 28 '17
230 PM
DEPARTMENT OF LAND MANAGEMENT
GUAM

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

RECEIVED
Mum 9-29-17
to case planner

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

SUBJECT: Applicant: Albert P. Sanga
Application: 2017-41
Zone Change from ("R-1") Single Family Dwelling to ("C") Commercial
Lot No.: 1103-3-1A-1, Mangilao, Guam

Buenas yan Hafa Adai! The above applicant is requesting for a zone change on the above subject property from single- family dwelling to commercial. The intent is to build a commercial building that consists of a retail and office space including parking area for tenants and patrons. The total lot area is 1,045 square meters (11,248 square feet), located along Route 10, Mangilao.

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

A. To provide a preliminary lay-out of the commercial building and incorporate the following:
   - retail store and office space;
   - parking lay-out (compact, standard and accessible stalls) and must be ADA compliant;
   - entry/ exit must be wide enough for public access; and
   - to include solid waste composition.

✓ DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application, a complete set of design drawings must be submitted with all the engineering disciplines needed in the project and must comply with all the applicable rules, regulations. Drawings must also conform to the latest building code prior to issuance of building permit.

Should you have any questions, please call Linda Ibanez, In - Charge of CIP or Maryrose M. Wilson, at Division at Capital Improvement Projects (CIP) at 646- 3209 or 646-3224.

GLENN LEON GUERRERO

✓
LIbanez/ MRWilson

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

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC2017-0857

NB 12/7

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 07 2017
2:50 PM
CLTC/GALC/GLUC

December 4, 2017

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2017-41: Application for Zone Change from "R-1" Single-Family Dwelling to "C" Commercial Zone, Lot 1103-3-1A-1, Municipality of Mangilao, Guam

We reviewed the subject application submitted by Harry D. Gutierrez, authorized representative, on behalf of Albert Sanga, the applicant and owner of subject lot. The applicant is requesting approval of subject application in order to construct a new commercial building with retail, office, and service shops.

The vacant 1,045 square-meter lot is located along Route 10, across KNS Retail Store and not far from the Champion Sporting Goods store and the new Mangilao Medical Center. Based on our review of the area, it is highly unlikely that historic properties or historic features would be encountered during the course of the construction development. However, subject the proposed development project must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation which may be subject to other development requirements. Therefore, we have no objection to the approval of subject application. If you have any questions with regards to our position, please contact our office.

Sincerely,

William N. Reyes

Cc: Harry D. Gutierrez, Consultant
harry.gutierrez@yahoo.com

ATTACHMENT C

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

DEPARTMENT OF LAND MANAGEMENT

MICHAEL JB BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 16, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Guam Chief Planner

SUBJECT: Supplemental Staff Report – Annual Reporting and renewal for a permanent use of a previously approved Zone Variance (Use) to operate a Contractors' Yard – For BME & Sons, Inc. Re: Application No. 2002-30E

1. PURPOSE:

   a. Application Summary: BME & Sons, Inc. request for review and renewal for the continued operation and permanent use of an Approved Zone Variance (Use) to operate a Contractors' Yard in an "A" (Rural/Agricultural) Zone, Lot 10, Tract 293, Municipality of Mangilao,

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

2. FACTS:

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

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

   c. Present Zoning: "A" (Agricultural)

   d. Masterplan: Undesignated

e. Previous Commission Action(s):

i. The initial Commission approval of the zone variance was on December 11, 2003 for a term period of two (2) years period and expired period December 11, 2005;
ii. Commission approved renewal for another two (2) years and expired on December11, 2005
iii. Commission approved renewal on December 11, 2005 and expired on December 11, 2008;
iv. Commission approved renewal on November 6, 2008 for a term of five (5) years and expiring December 11, 2013;

Note: The Application had expired on December 11, 2013 due to oversight, and BME had continued to operate a contractor's yard on the above subject lot with active license and adhered to conditions that conditions imposed by the Commission and comply with Application Review Committee conditions;

A request for renewal was submitted and accepted by the Commission on May 4, 2015, and was given another term of Five (5) years, from December 11, 2013 to December 11, 2018, as the new expiration date.

3. DISCUSSION:

On August 2, 2018, BME& Sons, Inc., submitted a letter of request for annual renewal/reporting status of their Contractors' Yard and also requesting for a permanent use variance status of their operation. As required by Notice of Action dated May 28, 2015; and reporting annually that they have complied with all ARC conditions and have further maintained good standing in the community, no complaints/problems or negative impacts of their operations, and have been pro-active in the community civic action projects and village mayor's projects as well as a good neighbor in the immediate area.

On August 3, 2018; Planning Staff conducted a site inspection and found in compliance with all conditions of the commission approval and all previous commission approval's and conditions; at the site, the area and yard are well maintained; the property is fenced for security purposes, the company activities observed on site to be routine, support operations of a contractor's yard, loading and stocking of materials for off-site projects, etc. No significant impacts of on-going activities in the immediate area observed or noted during inspection.

On August 2, 2018, Mangilao and Barrigada Mayor's (MPC) support letters of support were also attached on the application submitted by BME renewal and they that they have not received any complaints from neighbors on their operations and that the company has been a good neighbor and further stated that the company has contributed to the betterment of the island community. That the site/subject property and activity as an acceptable entity within the surrounding community.

The company's contractors' yard and its activities have co-existed for many years and the have complied with all requirements and imposed conditions by the commission. They have actively and proactively continued efforts to improving the landscape of the property and surroundings with no detrimental effects to the neighborhood. They have contributed assistance in labor and equipment to the community, the schools and many non-profit organizations. The company long and short terms projects are improvement of infrastructure, residential and commercial and local and federal government projects and development. They have continued positively to contribute to the island's economy and have many local and off-island employees.

4. RECOMMENDATION: Having complied with previously-approved Conditions imposed by the Guam Land Use Commission for the operation of a Contractor's Yard, planning staff recommends approval of the applicant's request for renewal to continue existing operations for the next five (5) years. Planning further recommends continuation of annual reporting requirement on their status to the Guam Chief Planner with all Commission and ARC applicable conditions still applicable and in force.

Although we commend the applicant's continued compliance with conditions as imposed in the past, in consideration of current community overlay which remains agricultural with single-family residential development within the surrounding community, Planning Division is not in favor of the applicant's request for a permanent use under said variance approval. Further, any consideration for permanent use should require reconsideration by the municipality most affected by the variance.

Marvin Q. Aguilar
Guam Chief Planner

Case Planner: Penmer Gulac

ATTACHMENT D

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

DEPARTMENT OF LAND MANAGEMENT

MICHAEL JB BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 3, 2018

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Status Report - Application No. 2015-26D
(Request for Final Subdivision)

Applicants Deepak and Kiran Sadhwani represented by FC Benavente Planners, has secured approval of a Tentative Subdivision in an "M-1 zone" to create an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Dededo.

Legal authority to consider and approve the applicants' request is provided under Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law. Title 18 GAR, Chapter 3, Article 2, Section 3219.

The subject lot is located in the Ukudu area of Dededo west of Rt. 3 roughly across from the Ukudu High School and less than a quarter of a mile north of the New Guam Regional Medical Center. The entrance of the proposed development is to be located at the northeast corner of the pentagon-shaped lot via a proposed 40-ft right-of-way connecting to the existing 100ft wide easement, roughly a quarter of a mile northwest of Rt.3. Encircling this lot are properties having various zoning designations ranging from "R-2","C","M-1" and M-2 as per the "Dos Amantes" Official Zoning Map F3-67S52.

Other characteristics of this project include:

a. **Lot Area:** 36.7 +/- Acres or 148,810+/- Square meters
(minimum lot size with public sewer = 5,000 sqft)

b. **Present Zoning:** "M-1" (Light Industrial) Zone per Public Law 30-211

c. **Master plan:** Referenced "Dos Amantes Master Plan".

d. Community Design Plan: Rezoned to "M-1" Light Industrial via P.L. 30-211[1].

e. Previous Commission Action: Attached for the Commission's perusal are following previous actions for this development project:

1. Issuance of a Tentative Subdivision Plan – Doc. No. 884231
2. Issuance of first extension - Doc. No. 900212
3. Issuance of second extension- Doc. No. 922275

On September 25, 2015 the applicant secured a Tentative Subdivision Plan (TSP) to establish an industrial park subdivision on Lot 5315 in the municipality of Dededo. By statute, all infrastructure improvements must be completed within one (1) year of issuance of the TSP, to which time the applicant would apply for a Final Subdivision Plan (FSP) approval. An FSP approval would allow the applicant full benefit of the subdivision to include the sale of lots.

The applicant presented on two occasions reasons for not completing improvements within the prescribed one-year physical development phase. The second extension, which is to expire on April 2019, requires a status report as a condition of approval. However, since then the applicant has been able to secure an acceptance of bonding letter from the Department of Public Works, and therefore, has since elected to submit a request for a Final Subdivision Plan Approval[2]. If approved, the proposed subdivision map may be recorded upon final review by the Department of Land Management.

f. Analysis: A recent site inspection of the project revealed extensive sub-ground infrastructure work were completed and/or are in the initial stage of completion. The applicants have been advised that although secured bonding warrants a final subdivision approval, remaining infrastructure work must be completed at the satisfaction of the Department of Public Works for the release of the bond. That is, the bond serves as the guarantee that, prior to its release, all improvements to include paved easements with curb and gutter, final installation of water, power, and sewer infrastructure must all be completed, connected, and in operational order.

g. Recommendation: No material changes have occurred to proposed subdivision and the request for a Final Subdivision Plan remains at fifty-one (51) lots ranging in size from 937 square meters (ponding basin) to sellable lots ranging from 1,858 square meters to 5,574 square meters and 7,433 square meters. Upon completion the subdivision shall incorporate full improvements containing public easements with curbs & gutters, water, power, and public sewer connection as directed by utilities

---

[1] Public Law 30-211 – An Act to approve Official Zoning Map F3 67S 52, the Dos Amantes Planning Area and all related zoning amendment. Signed into law and promulgated on December 2010.
[2] Title 21 GCA, Ch. 62, §62504 (b) where the applicant may request for a Final Subdivision Plan, provided he "furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen percent (115%) of total work costs as verified by the Director of Public Works.

agencies and Guam Environmental Protection Agency (for on-site surface water containment).

Based on persistent progress of development and the applicants' ability to secure proper bonding as insurance for project completion, we **recommend approval with the following conditions:**

1. Applicants may initiate release of bond report upon securing final occupancy of all improvements to include, but not limited to, the completion of public easements with curbs & gutters, water, power, and public sewer connection as directed by associated utilities agencies and Guam Environmental Protection Agency (for on-site surface water containment). A request for bond release to the Department of Public Works must be concurred in writing by the Guam Chief Planner and Executive Secretary of the Guam Land Use Commission.

2. Applicants may execute a dedication of easement and infrastructure for public use upon concurrence, in writing, by appropriate utilities. Concurrence shall be based on agencies' certification that infrastructure, be it public easements with curbs & gutters, water, power, and public sewer connection as directed by associated utilities agencies and Guam Environmental Protection Agency (for on-site surface water containment), that such improvements are fully functional and connected to public services.

MARVIN Q. AGUILAR

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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

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

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL JB BORJA
Director

DAVID V. CAMACHO
Deputy Director

October 18, 2018

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Status Report - Application No. 2015-26

Applicants Deepak and Kiran Sadhwani represented by FC Benavente Planners, has secured approval of a Tentative Subdivision in an "M-1 zone" to create an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Dededo.

Legal authority to consider and approve the applicants' request is provided under Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law. Title 18 GAR, Chapter 3, Article 2, Section 3219.

The subject lot is located in the Ukudu area of Dededo west of Rt. 3 roughly across from the Ukudu High School and less than a quarter of a mile north of the New Guam Regional Medical Center. The entrance of the proposed development is to be located at the northeast corner of the pentagon-shaped lot via a proposed 40-ft right-of-way connecting to the existing 100ft wide easement, roughly a quarter of a mile northwest of Rt.3. Encircling this lot are properties of various zones ranging from "R-2","C","M-1" and M-2 as per the "Dos Amantes" Official Zoning Map F3-67S52. Other characteristics of this project include:

a. **Lot Area:** 36.7 +/- Acres or 148,810+/- Square meters

b. **Present Zoning:** "M-1" (Light Industrial) Zone per Public Law 30-211

c. **Field Description:** Since its approval the project site has been subjected to mass clearing and earthwork for the installation of utilities infrastructure

d. **Master plan:** N/A

e. **Community Design Plan:** Rezoned to "M-1" Light Industrial via P.L. 30-211[1].

f. **Previous Commission Action:** Attached for the Commission's perusal are following previous actions for this development project:

   a. Issuance of a Tentative Subdivision Plan – Doc. No. 884231
   b. Issuance of first extension - Doc. No. 900212
   c. Issuance of second extension- Doc. No. 922275

On September 25, 2015 the applicant secured a Tentative Subdivision Plan (TSP) to establish an industrial park subdivision on Lot 5315 in the municipality of Dededo. By statute, all infrastructure improvements must be completed within one (1) year of issuance of the TSP, to which time the applicant would apply for a Final Subdivision Plan (FSP) approval. An FSP approval would allow the applicant full benefit of the subdivision to include the sale of lots.

The applicant presented on two occasions reasons for not completing improvements within the prescribed one-year physical development phase, thus issuance of two Notice of Actions for extension. The second extension, which is to expire in April 2019, requires a status report as a condition of approval. The applicant provides the attached status report presenting the state of development of infrastructure within the project site. We also received a letter from the Department of Public Works stating the department's acceptance of bonding for the completion of improvements as an elective to securing a Final Subdivision Plan Approval[2].

As of preparation of this report, a formal request for a Final Subdivision Plan approval has yet been submitted under premise of Title 21GCA, Ch. 62, §62504.

MARVIN Q. AGUILAR

ATTACHMENTS:

1. Status Report as submitted by FC Benavente, Planners with supporting documents.
2. NOA of September 25, 2015 -LM. Doc. No. 884231
3. NOA of November 16, 2016 -LM. Doc. No. 900212
4. DPW Letter on Bonding – September 19, 2018

[1] Public Law 30-211 – An Act to approve Official Zoning Map F3 67S 52, the Dos Amantes Planning Area and all related zoning amendment. Signed into law and promulgated on December 2010.

[2] Title 21 GCA, Ch. 62, §62504 (b) where the applicant may request for a Final Subdivision Plan provided he "furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen percent (115%) of total work costs as verified by the Director of Public Works.

884231

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

File for Record is Instrument No. 884231

On the Year 15 Month 10 Day 08 Time 12:50

DE-OFFICIO
Recording Fee _____ Receipt No. _____

Deputy Recorder Jan Yamasaki

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

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

ORIGINAL

NOTICE OF ACTION

September 25, 2015
Date

To: **Deepak & Kiran Sadhwani**
c/o FC Benavente Planners
127 Bejong St.
Barrigada, Guam 96913

Application No. 2015-26

The Guam Land Use Commission, at its meeting on **September 24, 2015**.

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

____/ Tabled

Your request on **Lot 5315 in the Municipality of Dededo, as recorded under Document Number 803785, as approval of this Notice of Action for a:**

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT 884231

OFFICE OF THE RECORDER

RECORDING DATE:	INSTRUMENT NUMBER:	NO. PAGE:
October 8, 2015	884231	5

A.M.	P.M.	FILING FEES	RECEIPT NO:
	12:50	DE-OFFICIO	

Appointed Deputy Recorders for Ex-Officio Recorder		Signature of Recorder
Maria L. Ngata	Victoria C. Torres	Jane Yamasaki
Andrew D. Santos	Amy T. Bautista	
Jane T. Yamasaki	Joel Antenorcruz	
Lisa M. Quitano		

MARK (X) TYPE OF INSTRUMENT RECORDED			
	DEED		AFFIDAVIT
	MORTGAGE		RELEASE
	ASSIGNMENT		AMENDMENT
	ADDENDUM		ASSUMPTION
	DECREE		MAP
	ORDERS		JUDGEMENT
	POWER OF ATTORNEY		REVOCATION
	AGREEMENT		TERMINATION

MARK (X) TYPE OF INSTRUMENT RECORDED					
	LEASE			CLAIMS	
	CONTRACT			CANCELLATION	
	CERTIFICATE		✓	NOTICE	
	DECLARATION			BILL OF SALE	
	EASEMENT			WITHDRAWAL	
	OTHERS:				

ABSTRACT OF TITLE SUMMARY

ABSTRACT BY:	DATE	NEW CERTIFICATE OF TITLE NO.	CANCELLED CERTIFICATE OF TILE NO.

COMMENTS

DATA ENTRY INFORMATION SECTION

PROPERTY LISTING NO.			
MUNICIPALITY:			
LOT NUMBER		UNIT OF MEASUREMENT	
BLOCK NUMBER		SQUARE METERS	
TRACT NUMBER		SQUARE FEET	
ESTATE NO.			
L.M. NO.			
SEPIA NO.			
DATA ENTRY BY:			
SCANNED BY:			

Revised: 01/31/2011

884231

NOTICE OF ACTION **Application No. 2015-26**
Deepak & Kiran Sadhwani
Lot 5315, Municipality of Dededo
GLUC Meeting of September 24, 2015

ZONING

___/ Zone Change***

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

XX / **Tentative**

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION: The applicants, Deepak and Kiran Sadhwani represented by Mr. Richard Sana of FC Benavente Planners, is requesting approval of a Tentative Subdivision in an "M-1 zone" to create an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Dededo.

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

a) Applicant must work with DPW to provide adequate road widths to facilitate safe and efficient ingress/egress *to and from* the subdivision; such coordination should include input from the Chief Planner. Condition was amended to include input must be obtained from the Guam Fire Department;

b) Applicant shall provide full improvement infrastructure to address the intended use and operation needs of an industrial park subdivision. This shall be vetted and approved by the pertinent government entities and as required pursuant to Title 21GCA, Chapter 21, Section 62401 at the time of approval of this request and Title 21GCA, Chapter 62, Section 62402 at the time the applicant requests for approval of a final subdivision;

c) That the CCRs must be submitted to the Chief Planner per his recommendation (any activity associated with the sale, lease, rent or any form of alienation to include securing reservation for lease or sale of the subdivision or individual lots thereof, shall not be permitted until document instrument(s) containing CCRs as proposed by the applicant are in place to ensure that the proposed subdivision will be used strictly for light industrial use[1]. Such CCRs shall be reviewed and approved by the Guam Chief Planner and Chairman of the GLUC, and recorded for every lot at the Department of Land Management;

d) Plans prepared for the final subdivision approval shall contain elements of surface water run-off containment as recommended by BSP and Guam EPA; and that these plans be available to the GLUC upon the submission of the application for a final subdivision approval;

e) That the tentative subdivision plan be reviewed and approved by the Survey Division of the Department of Land Management in the appropriate timeframe; and

f) The applicant must include a fencing plan upon submittal of the application for the final subdivision approval.

Marvin Q. Aguilar **Guam Chief Planner** JPB	9·28·2015 **Date**	**Lawrence S. Rivera** **Chairman** **Guam Land Use Commission**	9/28/2015 **Date**

[1] *In reference to Condition c of this Notice of Action, by using the term "special uses" that does not include applications for temporary workforce housing or any variances that must an independent application that goes to the Chief Planner and the GLUC.*

884231

NOTICE OF ACTION
Deepak & Kirin Sadhwani
Lot 5315, Municipality of Dededo
GLUC Meeting of September 24, 2015
Page 4 of 4

Application No. 2015-26

CERTIFICATION OF UNDERSTANDING

I/We _____ / Richard J. Sana
(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.

_____ _____ _____ 10.8.15
Signature of Applicant Date Signature of Representative Date

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

_____ _____ _____ 10.8.15
Applicant **Date** **Representative** **Date**

900212

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

File for Record is Instrument No. 900212

On the Year 16 Month 11 Day 23 Time 2:33

Recording Fee DE-OFFICIO 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*."**

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

ORIGINAL

NOTICE OF ACTION

November 16, 2016
Date

To: **Deepak & Kiran Sadhwani**
c/o FC Benavente Planners
127 Bejong St.
Barrigada, Guam 96913

Application No. 2015-26B

The Guam Land Use Commission, at its meeting on **October 27, 2016**.

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

____/ Tabled

The applicant's request **for a one-year extension of a previously-approved Tentative Subdivision Plan on Lot 5315, Municipality of Dededo.**

GOVERNMENT OF GUAM
DEPARTMENT OF LAND MANAGEMENT

900212

OFFICE OF THE RECORDER

RECORDING DATE:		NO. PAGE:
NOV 23 2016	900212	5

FILE TIME			FILING FEES	RECEIPT NO:
A.M.	P.M.		DE-OFFICIO	
	2:33			

Appointed Deputy Recorders for Ex-Officio Recorder	Signature of Recorder
Lisa M. Quitano; Lisa P. Cruz, Jane T. Yamasaki; Victoria C. Torres; Amy T. Bautista; Joel Antenorcruz; May M. Castro	

MARK (X) TYPE OF INSTRUMENT RECORDED

	DEED		AFFIDAVIT
	MORTGAGE		RELEASE
	ASSIGNMENT		AMENDMENT
	ADDENDUM		ASSUMPTION
	DECREE		MAP
	ORDERS		JUDGEMENT
	POWER OF ATTORNEY		REVOCATION
	AGREEMENT		TERMINATION

MARK (X) TYPE OF INSTRUMENT RECORDED

	LEASE		CLAIMS		
	CONTRACT		CANCELLATION		
	CERTIFICATE	X	NOTICE		
	DECLARATION		BILL OF SALE		
	EASEMENT		WITHDRAWAL		
	OTHERS:				

ABSTRACT OF TITLE SUMMARY

ABSTRACT BY:	DATE	NEW CERTIFICATE OF TITLE NO.	CANCELLED CERTIFICATE OF TILE NO.

COMMENTS

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SEPIA NO.			
DATA ENTRY BY:			
SCANNED BY:			

Revised: 06/20/08

NOTICE OF ACTION
Deepak & Kiran Sadhwani
Lot 5315, Municipality of Dededo
GLUC Meeting of October 27, 2016

Application No. 2015-26B

ZONING

___/ Zone Change***

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

XX / Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

NOTICE OF ACTION
Deepak & Kiran Sadhwani
Lot 5315, Municipality of Dededo
GLUC Meeting of October 27, 2016

Application No. 2015-26B

APPLICATION DESCRIPTION: The applicants, Deepak and Kiran Sadhwani represented by Mr. Richard Sana of FC Benavente Planners, request approval of an extension of time relative to the mandatory one-year submission of final subdivision plans pursuant to Title 21GCA, Ch. 62, §62205. The intent of the previously-approved tentative subdivision plans in an "M-1 zone" is to create an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Dededo.

COMMISSION DECISION: The Guam Land Use Commission **Approved** the applicants request for an extension of time to expire on **September 24, 2017** and that all conditions as provided in the applicant's initial Notice of Action, as recorded under DLM Document No. 884231, remain in effect.

Marvin Q. Aguilar
Guam Chief Planner

11/15/2016
Date

John Z. Arroyo
Chairman, Guam Land Use Commission

11/18/16
Date

Case Planner: Jeff P. Baker
Cc: Building Permits Section, DPW

NOTICE OF ACTION
Deepak & Kiran Sadhwani
Lot 5315, Municipality of Dededo
GLUC Meeting of October 27, 2016

Application No. 2015-26B

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.

_____ _____ _____ 11.23.16
Signature of Applicant Date Signature of Representative Date

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

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

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
ANDREW LEON GUERRERO
Deputy Director

MB 10/2

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 02 2018
CLTC/GALC/GLUC

Michael Borja
Director
Department of Land Management
590 S Marine Corps Drive
Tamuning, Guam 96913

Re: Pacific Industrial Park Subdivision

Buemas Yan Hafa Adai!

Section 62504(b) of Guam's Subdivision law provides that developers furnish a bond in the penal sum of one hundred fifteen percent (115%) of the total work costs as verified by the Director of Public Works. Enclosed is a copy of Land Developer's Bond (Bond No. 08072018) from the Surety, Aioi Nissay Dowa Insurance Company Limited, on behalf of developer, Deepak H. Sadhwani, its general contractor, International Consolidated Contracting, for the infrastructure of Pacific Industrial Park Subdivision, located on Lot No. 5315, Dededo, Guam. This serves to confirm that the bond issued on this project satisfies the one hundred fifteen percent (115%) requirement of the total work costs.

Please contact my office if you have any questions regarding this matter.

Sincerely,

GLENN LEON GUERRERO
Director

cc: Guam Land Use Commission
Mr. Deepak H. Sadhwani

RECEIVED
DEM 9/24/18

FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting
127 Bejong Street, Barrigada, Guam 96913
Tel: 671.988.7911 felouben@yahoo.com

September 19, 2018

Guam Land Use Commission
Department of Land Management
PO Box 2950
Hagatna, Guam 96932

Attn: John Arroyo, Chairman

Subject: GLUC No. 2015-26. Status Report and Construction Schedule for Pacific Industrial Park Subdivision

Hafa Adai Mr. Chairman,

Item No. 2, under "Conditions of approval..." in our most recent Notice of Action (Document No. 922275 – Copy attached), states:

"2. That the Applicant will be required to return on/or before September 30, 2018 for a status report and construction schedule for the project."

We therefore submit the following construction progress updates:

1. Sewer line installation is complete. Mid-September 2018.
2. Waterline installation is complete. Mid-September 2018.
3. Sewer Lift Station, target completion date: Mid-November 2018.
4. Ponding Basin, target completion date: December 2018.
5. Electrical, target completion date: December 2018.
6. Curbs, and Gutters, target completion date: December 2018.
7. Roadway Pavement, target completion date: December 2018.

Ownership is moving full stride towards project completion and is presently in the process of preparing documents necessary for filing the Final Subdivision Approval Application. A Performance Bond has been submitted to the Department of Public Works, for review and approval (Copy attached).

We would like to express our appreciation to your staff and to all the GovGuam permitting agencies that have assisted us along the way.

Si Yu'os ~~Ma'~~Ase

Felix C. Benavente, Principal

Attachments As Stated

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

File for Record is Instrument Number 922275

On the Year 20 18 Month 5 Day 25 Time 243

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Joel Antenorcruz

JOEL ANTENORCRUZ

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

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

COPY

NOTICE OF ACTION

April 12, 2018
Date

To: **Deepak & Kiran Sadhwani**
c/o FC Benavente Planners
127 Bejong St.
Barrigada, Guam 96913

Application No. 2015-26C

The Guam Land Use Commission, at its meeting on **April 12, 2018**.

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

____/ Tabled

The applicant's request **for a second (2nd) one-year extension of a previously-approved Tentative Subdivision Plan on Lot 5315, Municipality of Dededo.**

NOTICE OF ACTION
Deepak & Kiran Sadhwani
Lot 5315, Municipality of Dededo
GLUC Meeting of April 12, 2018

Application No. 2015-26C

ZONING

___/ Zone Change***

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

XX / Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION: The applicants, Deepak and Kiran Sadhwani represented by Mr. Richard Sana of FC Benavente Planners, request approval of a second extension of time relative to the mandatory one-year submission of final subdivision plans pursuant to Title 21GCA, Ch. 62, §62205. The intent of the previously-approved tentative subdivision plans in an "M-1 zone" is to create an industrial park consisting of fifty-one (51) lots on Lot 5315, in the Municipality of Dededo.

COMMISSION DECISION: The Guam Land Use Commission **Approved with conditions** the applicants' request for an extension of time to expire on **April 11, 2019.**

Conditions of approval are as follows:

1. **That all conditions as provided in the applicant's initial Notice of Action, as recorded under DLM Document No. 884231, are to remain in effect; and**

2. **That the Applicant will be required to return on/or before September 30, 2018 for a status report and construction schedule for the project.**

5/24/18
Marvin Q. Aguilar **Date**
Guam Chief Planner

5/24/18
John Z. Arroyo **Date**
Chairman, Guam Land Use Commission

Case Planner: MQAguilar
Cc: Building Permits Section, DPW

Application No. 2015-26C

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:

_____ _____ _____ 7/17/2018
Applicant **Date** **Representative** **Date**

DEEPAK H. & KIRAN D. SADHWANI
788 S. Marine Corps. Dr. Ste. 202, Tamuning, Guam 96913
Tel: (671) 649-7349 Fax: (671) 649-3308

August 09, 2018



Mr. Glenn Leon Guerrero
Department of Public Works
Government of Guam
542 N. Marine Corps Dr.
Tamuning, Guam 96913

Re: Land Developer's Bond for Pacific Industrial Park Subdivision

Dear Mr. Leon Guerrero,

Attached is the Land Developer's Bond (BOND NO. 08072018) from the Surety, Aioi Nissay Dowa Insurance Company Limited, on behalf of the developer, Deepak H. Sadhwani, its general contractor, International Consolidated Contracting, for the infrastructure of Pacific Industrial Park Subdivision, located in Dededo, Guam, Lot No. 5315.

The lots will be subdivided and the infrastructure will proceed as Pacific Industrial Park Subdivision, a Fifty (50) lot subdivision.

Section 62004 of the Subdivision law requires that we furnish a bond to be in the penal sum of 115% of the cost of the infrastructure improvements for Pacific Industrial Park. We have determined that the cost will be Eight Hundred Eight-Nine Thousand, Six Hundred and no/100 ($889,600.00) with 48.33 % already completed as of July 24, 2018. Please see attached letter dated July 31, 2018 from International Consolidated Contracting, the general contractor. Because this bond meets the 115% requirement, we request that you issue a letter to the Department of Land Management informing them of the receipt and adequacy of the bond. Upon your notification, we can then proceed with the filing and recordation of the Final Subdivision map and the sale of the lots.

Sincerely,

Deepak H. Sadhwani
Principal/Owner

BOND NO. 08072018

SUBDIVISION/SITE IMPROVEMENT BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Deepak H. Sadhwani _____, as Principal, and Aioi Nissay Dowa Insurance Company Limited, of _____, as Surety, are held and firmly bound unto the County/Village of Dededo _____ as Obligee, in the sum of One Million Twenty Two Thousand and no/100 ******* ($ 1,022,000.00) Dollars for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our executors, administrators, successors, and assigns, firmly by these presents.

WHEREAS, the Principal has agreed to perform the following improvements,
To Subdivide a certain tract of land owned by it and situate within Lot No. 5315, Municipality of Dededo, Guam
in the Subdivision known as: Pacific Industrial Park, Route 3 NCS, Dededo

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that, if said Principal shall perform and complete said improvements to said development in accordance with either the plan (s)/specification(s)/agreement, then this obligation shall be void, otherwise to be and remain in full force and effect.
THIS BOND WILL TERMINATE upon written acceptance of the improvements by the Obligee to the Principal and/or Surety.

RECEIVED
AUG 14 2018
DPW
Director's Office

Sealed with our seals and dated this 8th day of August, 2018.

PRINCIPAL Deepak H. Sadhwani

By: _____

SURETY Aioi Nissay Dowa Insurance Company Limited

By: _____
Jo Takagi, Attorney-in-Fact

Countersigned by: _____
Takagi & Associates, Inc.
Resident General Agent

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS

That AIOI NISSAY DOWA INSURANCE COMPANY LTD., a corporation of the State of Japan, having its principal office in the city of Tokyo, Japan, does hereby appoint, HIDENOBU TAKAGI, JO TAKAGI, PAMELA A.CRUZ, ALL OF THE CITY OF TUMON,GUAM, its true and lawful attorney, with full authority to execute on its behalf as surety, bonds, undertakings and contracts of suretyship thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed $***1 0,000,000Dollars***.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 21st day of September 1990.

RESOLVED, that the President, an Executive Vice President or a Senior Managing Director or a Managing Director or an Associate Director of the Company, shall have the power and authority to appoint Attorney and to authorize them to execute on behalf of the Company and attach the seal of the Company hereto to surety, bonds, undertakings and contracts of suretyship.

RESOLVED FURTHER, that the signatures of such Directors and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company in the future with respect to any surety, bonds, undertakings and contracts of suretyship."

I, Hideshi Matsui , being duly sworn, depose and say that I am the Executive Officer of Aioi Nissay Dowa Insurance Company Limited and that this Power of Attorney set forth herein is true and correct to the best of my information, knowledge and belief.

Hideshi Matsui
Executive Officer

Subscribed and sworn before me this 13th day of July, 2017

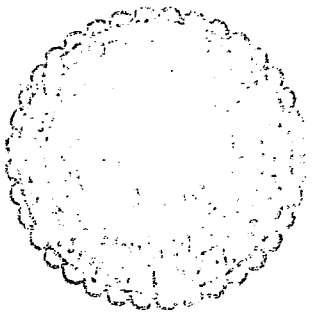
I, Hiroyuki Muto, being duly sworn, depose and say that I am the General Manager of Aioi Nissay Dowa Insurance Company Limited and that this Power of Attorney set forth herein is true and correct to the best of my information, knowledge and belief.

Hiroyuki Muto
General Manager
International Department

Subscribed and sworn before me this 13th day of July, 2017

NOTARIAL CERTIFICATE

This is to certify that Kei Nemoto, an agent of Hideshi Matsui, Executive Officer of Aioi Nissay Dowa Insurance Co., Ltd., and Hiroyuki Muto, General Manager of International Department of Aioi Nissay Dowa Insurance Co., Ltd., have stated in my presence that the said Hideshi Matsui and Hiroyuki Muto acknowledged themselves to have signed on the attached document.



JUL 24, 2017

Kazuhiro Ishida

TOKYO [illegible]
[illegible]
CHUO-KU, TOKYO, JAPAN

平成２９年登簿第 712 号

認　　証

嘱託人あいおいニッセイ同和損害保険株式会社 執行役員 松井秀司 及び 同国際業務部長 武藤啓之の代理人 根本圭は、本職に対し、松井秀司及び武藤啓之が添付書面の署名につき、各々自らしたものであることを承認する旨陳述した。

よって、これを認証する。

平成２９年　７月　21 日、本公証人役場において

東京都中央区八重洲１丁目７番20号

東 京 法 務 局 所 属

公 証 人

Notary 石田一宏

Kazuhiro ISHIDA

証　　明

上記署名は、東京法務局所属公証人の署名に相違ないものであり、かつ、その押印は、真実のものであることを証明する。

平成２９年 ７ 月 21 日

東 京 法 務 局 長　　秋山仁美

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: JAPAN
   This public document
2. has been signed by Kazuhiro ISHIDA
3. acting in the capacity of Notary of the Tokyo Legal Affairs Bureau
4. bears the seal/stamp of Kazuhiro ISHIDA, NOTARY

Certified

5. at Tokyo
6. JUL. 21. 2017
7. by the Ministry of Foreign Affairs
8. 17-Nº 052531
9. Seal/stamp:
10. Signature

T. TANAKA

Toshie TANAKA

For the Minister for Foreign Affairs

GOVERNMENT OF GUAM
DEPARTMENT OF REVENUE AND TAXATION
OFFICE OF THE BANKING AND INSURANCE COMMISSIONER

CERTIFICATE OF AUTHORITY

RENEWAL 272

Know All Men By These Presents That:

Name **AIOI NISSAY DOWA INSURANCE COMPANY LIMITED**

Address 1-28-1,EBISU 1-CHROME, SHIBUYA-KU
TOKYO,150-8488 JAPAN

Classes of Insurance Authorized

ACCIDENT & HEALTH
FIDELITY & SURETY
FIRE
MARINE
MISCELLANEOUS
MOTOR VEHICLE
PROP. DAMAGE & LIABILITY
WORKMENS COMP

Having complied with the Insurance Law of Guam, is hereby authorized to transact as an insurer, the above named Classes of Insurance in Guam from the 01 *day of* July *, 20* 18 *, to the* 01 *day of* July *, 20* 19 *, unless authority is revoked for failure to comply with the law.*

General Agent(s):

TAKAGI & ASSOCIATES INC

In Witness Whereof, I have hereunto subscribed my name officially and have hereon impressed my Seal of Office at the City of Hagatña, Guam on this 05 *day of* June *A.D. 20* 18.

John P. Camacho

JOHN P. CAMACHO
Acting Banking and Insurance Commissioner

International Consolidated Contracting

P.O. Box 20908 Barrigada, Guam 96921 Phone 671-734-4245 Fax 671-734-4246

July 31, 2018

Mr. Glenn Leon Guerrero, Director
Department of Public Works
Government of Guam
542 N. Marine Corps Dr.
Tamuning, Guam 96913

Re: Construction Contract for Infrastructure on L5315

Dear Mr. Leon Guerrero,

International Consolidated Contracting has contracted with Deepak H. Sadhwani to construct the development known as Pacific Industrial Park Subdivision.

We hereby certify that we have been contracted to do the infrastructure (civil work including roads, curbs, gutter, underground utilities for water, power, sewer storm drains, and any other work in compliance with local subdivision laws and regulations) of Pacific Industrial Park for the amount of Seven Hundred Thirty Thousand Two Hundred Forty-Seven & 13/100 ($730,247.13). Attached you will find the current percentage of work completed as of July 24, 2018.

We submit this certification in support of Deepak H. Sadhwani's application for a Final Subdivision approval before the Guam Land Use Commission.

Sincerely,

Donald J. Harper

Donald J. Harper
Owner
International Consolidated Contracting LLC
727-4244

Item No.	Project Code	Description	U/M	Total Contract Price	Percentage Previously Billed	Amount Previous Billed to Date	Percentage Completed this Billing	Amount Billed This Period	Percentage Completed to Date	Total Billed to Date
1	MOB001	Mobilization	LS	$66,960.60	100.00%	$66,960.60	0.00%	$0.00	100.00%	$66,960.60
2	B01420	12" Gravity Sewer Main, Manholes, Laterals	LS	$149,850.00	75.00%	$112,387.50	0.00%	$0.00	75.00%	$112,387.50
3	B01421	6" Forced Main Sewer	LS	$42,120.00	10.00%	$4,212.00	0.00%	$0.00	10.00%	$4,212.00
4	B00803	24" Storm Drain and Catch Basin	LS	$75,600.00	10.00%	$7,560.00	0.00%	$0.00	10.00%	$7,560.00
5	B01405	8" Water Main, Laterals, Fire Hydrants and accessories	LS	$73,620.00	10.00%	$7,362.00	55.00%	$40,491.00	65.00%	$47,853.00
6	B01430	Electrical Conduit, Transformer Pads, Manholes, Handholes	LF	$58,500.00	10.00%	$5,850.00	0.00%	$0.00	10.00%	$5,850.00
7	B01440	Communications Conduit, Handholes	LF	$54,000.00	10.00%	$5,400.00	0.00%	$0.00	10.00%	$5,400.00
8	B00211	Cutting, Filling, Compacting Grade for Curb and Gutter	EA	$20,250.00	40.00%	$8,100.00	0.00%	$0.00	40.00%	$8,100.00
9	B00601	Installation of Curb and Gutter	EA	$35,555.40	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00
10	B00209	Backfilling to Grade and Compacting for Asphalt Roads ± 2%	LF	$34,650.00	0.00%	$0.00	15.00%	$5,197.50	15.00%	$5,197.50
11	B00214	Ponding Basin and Headwalls	LF	$58,500.00	75.00%	$43,875.00	0.00%	$0.00	75.00%	$43,875.00
12	CO-001	Work on Raised Roads		$31,429.01	100.00%	$31,429.01	0.00%	$0.00	100.00%	$31,429.01
		TOTAL CONTACT PRICE		**$701,035.01**	**41.81%**	**$293,136.11**	**6.52%**	**$45,688.50**	**48.33%**	**$338,824.61**
		Gross Receipts Tax (4.167%)		**$29,212.13**	**41.81%**	**$12,214.98**	**6.52%**	**$1,903.84**	**48.33%**	**$14,118.82**
		TOTAL DUE		**$730,247.13**	**41.81%**	**$305,351.09**	**6.52%**	**$47,592.34**	**48.33%**	**$352,943.43**

Title 21GCA, Chapter 62, §62504.

Time Allowed for Completion of Improvements. Upon approval of the tentative subdivision plan by the Commission, the sub-divider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the sub-divider must either:

(a) Complete the required improvements and, upon acceptance thereof by the government, file his final plans; or

(b) Furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen percent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed.

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

ATTACHMENT E

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

October 18, 2018

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2018-21

1. PURPOSE:

a. Application Summary: The applicant, TRI Inc. represented by FC Benavente, Planners is requesting approval of a Tentative Subdivision to create a subdivision consisting of Seventeen (17) Single Family residential lots on Lot 2303-R8NEW, Municipality of Mangilao.

b. Legal Authority: Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

2. FACTS:

a. Location: The subject lot is located in Mangilao along the western side of the Old Price Road, approximately 500 feet from the southern junction of the Old Price Road and Route No. 10 and approximately 800 feet from the northern junction of the Old Price Road and Route No. 10.

b. Lot Area: 12,200± Square Meters or 131,319± Square Feet

c. Present Zoning: "R1" (Single Family Dwelling) Zone

d. Field Description: A vacant single-family concrete house is existing on the southern portion of the site with an abandoned house and a metal shipping container located on the northern portion of the site. The site was previously cleared with several grassy areas and is presently overgrown with various types of ground cover vegetation and vines, small bushes and dominant medium size tangantangan, coconut and fruit trees. The site's topography is from the west (front) to the east (rear) with elevation difference in most areas of up to twenty to twenty-five feet.

e. **Masterplan:** Residential

f. **Community Design Plan:** Urban Residential

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** May 21, 2018

b. **Date Heard By ARC:** June 21, 2018

c. **Public Hearing Results:** Not Required

4. STAFF ANALYSIS:

The intent of this request is for the subdivision of Lot 2303-R8NEW into seventeen (17) single family residential lots ranging in size from 500 square meters to 748 square meters. The proposed subdivision further intends to create a 150 square meter lot to accommodate a ponding basin, and a forty (40) feet wide access and utility easement containing 2,520 square meters.

The applicant/developer proposes to retain and renovate an existing single-family structure on site (proposed Lot 13). Remaining lots will accommodate residential homes. In its efforts to address the health, safety and general welfare as may be related to the proposed development and the public in general, the applicant is directed to engage the various government entities to ensure mandatory requirements are adhered to.

Mandatory requirements shall include:

a. Development of a fully-improved 40-foot wide access and utility easement, appropriately designed to accommodate paved lanes, sidewalks, and planting/utility strips;

b. Executing adequate connection to public systems for sewer, water, power;

c. Installation of an approved storm water runoff drainage system; and

d. Provisions for installing fire hydrants and street lights.

The request also installation of a CMU perimeter fence for safety and privacy.

5. RECOMMENDATION:

Based on the submitted application and supporting information, the applicant's continuing efforts to work with the various government entities and the positive response from members of the ARC. We recommend **APPROVAL WITH CONDITIONS**, as follows:

a. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement; and

b. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year pursuant to Title 21GCA, Ch. 62, §62504(a). The applicant may further elect to secure a bond pursuant to Title 21GCA, Ch. 62, §62504(b).

Marvin Q. Aguilar

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

October 15, 2018

Memorandum

To: Guam Land Use Commission (GLUC) Members

From: Chairman, Application Review Committee (ARC)

Subject: Summary of Positions Submitted by ARC

Re: Application No. 2018-21 (Tentative Subdivision)

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

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

A. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement and the permitting agencies requirements.

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

GUAM POWER AUTHORITY (GPA):
Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendation 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:

a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
e. Provide scheduling and magnitude of project power demand requirements for new loads;
f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
g. **GPA reserves its easement rights established under Document No. 480498.**

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 development 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.

DEPARTMENT OF PUBLIC WORKS (DPW):

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

a) storm drainage water disposal must be shown in detail in the final drawings to be supported with calculations;

b) must meet setback requirements of each lot;

c) access road (entrance/exit, sidewalk) must be in conformance to the Guam Highway Master Plan to be coordinated with DPW, Division of Highways (rights of way section);

d) if the owner chooses to use solid waste 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;
e) coordinate with DPW (bus operations) for the designated bus shelters;
f) street lights must be coordinated with the DPW, Division of Highways (traffic management control section).

NOTE:

Plan the project to fit the particular topography, soils, drainage patterns and natural vegetation of the site and must comply with all the geotechnical requirements needed.

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

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR submits the following position statement;

We reviewed subject application submitted by FC Benavente, Planners, Authorized Representative, on behalf of the applicant and developer, TRI, Inc. The applicant is requesting approval to build a 17—residential lot Paradise Court Subdivision on the 3.05-acre subject lot, a portion of which fronts the Old Price Road in Mangilao.

We have no objection to the approval of the subject application. However, our archival research — indicates the likelihood that a Phase I archaeological investigation may be required of the area. A meeting with the project's authorized representative and the applicant will be scheduled to discuss the archaeological requirements as soon as possible. Moreover, the subject development must go through the proper DPW permitting process for reviews by our department and various agencies, and may be subject to additional development requirements. If you have any questions with regards to our position, please contact our office.

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and conditions:

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 as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center:

> *"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed the Hagatna Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. The designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding areas."*

In order to meet the goals and objectives of the NCGLUP, the applicant shall be required to comply with the guidance to adhere to the concept of affordable development as proposed within the North and Central Guam Land Use Plan. Housing Policy H-9 States:

> *"Provide a requirement or incentives for inclusion of affordable housing in larger residential developments. For example, consider a requirement or incentives to provide at least 15% of housing units built at a price affordable to households earning 80% to 120% of local income adjusted for family size. Incentives could include density increases, flexibility in development standards or other measures."*

The Bureau finds that the proposed project is in line with the NCGLUP's Future Land Use Map designations.

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

The Bureau is concerned that the proposed construction of 17 single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carry pollutants into the aquifer.

The Bureau requires that the applicant:

1. Implement best management practices (BMP) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual.

   The Bureau requires the applicant to incorporate bio-retention features to the planter lane dividers and Cul-de-sac loops and modify the road slope plan so the islands serve as a feature to help management stormwater. Additional BMPs may be found in the manual in the Bureau's website www.bsp.guam.gov under the Guam Coastal Management Program.

2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," SS 1424 and Guam Safe Drinking Water Act, " 10 GCA Chapter 53.

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 1797, and the Guam Water Resource Development & Operating Regulations.

Erosion Control. Controlling erosion and sediment flow from construction sites **are** a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau requires that TRI, Inc., prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during the dry season.

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

Low Impact Development (LID) and Stormwater Management. This area has seen an increase in impervious surfaces throughout the years. Between the years 2005 and 2011, the impervious surface area increased by more than 5 (five) percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). A

As surface area increases so does the risk of flooding and degradation of water quality. Th Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

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

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

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division, that the proposed development does not affect historic properties,

In conclusion, the Bureau **recommends Approval with conditions** and finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if BMPs are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant, TRI, Inc., to comply with above listed conditions if this application is approved.

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

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

GUAM POWER AUTHORITY

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

August 28, 2018

MB 9/5

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 05 2018
CLTC/GALC/GLUC

MEMORANDUM

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

From: General Manager

Subject: Lots 2303-R8NEW, Municipality of Mangilao, (TRI, INC.); Tentative Subdivision Application to construct 17 single-family residential homes. **Application No. 2018-21**

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.
   - **GPA reserves its easement rights established under Document No. 480498.**

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 development 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.

JOHN M. BENAVENTE, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: TRI, INC.
Location: Lot 2303-R8NEW, Mangilao
Type of Application: Tentative Subdivision
GLUC/GSPC Application No. 2018-21
Brief Project Description:
To construct 17 single-family residential homes.

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

9/3/18
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 may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
ANDREW S. LEON GUERRERO
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 25 2018
CLTC/GALC/GLUC

MS 7/26

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Tri, Inc.

SUBJECT: Position Statement No. 2018-21
Tentative Subdivision, Zoned "R-1", Lot 2303-R8NEW
Municipality of Mangilao, Guam

Buenas yan Hafa Adai!

The proposed development will consist of 17 units, one story (3) bedroom, single detached homes, zoned "R-1" and will be known as Paradise Court subdivision. The on- site improvements consists of internal paved collector street with curbs, sidewalk, streetlights, fire hydrant, storm water collection, power, water cable and telephone services. The location of the ponding basin will be at the entrance/ exit area. The total land area is approximately 131,319.70 square ft. or 3.01 acres. The land is irregular in shape, as a result of consolidation of four (4) different lots in the Municipality of Mangilao.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions are met:

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- must meet setback requirements of each lot;
- access road (entrance/exit, sidewalk) must be in conformance to the Guam Highway Master Plan to be coordinated with DPW, Division of Highways (rights of way section);
- if the owner chooses to use solid waste 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;
- coordinate with DPW (bus operations) for the designated bus shelters;
- street lights must be coordinated with the DPW, Division of Highways (traffic management control section).

NOTE:

Plan the project to fit the particular topography, soils, drainage patterns and natural vegetation of the site and must comply with all the geotechnical requirements needed.

542 North Marine Corps Drive. Tamuning. Guam 96913 • (671) 646-3121 3232• Fax (671)649-6178

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

Should you have any questions, please contact Mr. Max C. Manzano, P.E., CIP- Chief Engineer @ (671) 486-3095 or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

OCT 0 1 2018

MS 10/4

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 03 2018
CLTC/GALC/GLUC

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO. 2018-21**
LOCATION: 2303-R8NEW, Municipality of Mangilao
APPLICANT: TRI, Inc. c/o FC Benavente
PROPOSED USE: Tentative Subdivision for the Construction of 17 Single Family House Lots in a "R-1" Zone

***Håfa Adai*!** The applicant, TRI, Inc., represented by FC Benavente, is requesting a tentative subdivision for the proposed construction of 17 single family dwellings on Lot 2303-R8NEW in a "R-1" One Family Dwelling Zone in the Municipality of Mangilao.

The subject lot is 12,200 square meters or 131,319 square feet. Lot 2303-R8NEW is located along Route 10 and Old Price Road. The adjacent surrounding properties include single family homes, apartment complexes, Wendy's Restaurant, First Church of God, L.P. Untalan Middle School, Hornet Sporting Goods, American Medical Clinic, laundromat, video, and convenience stores.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and conditions:

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 as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center:

> *"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and*

CB 10/5

neighborhoods (similar to the urban neighborhoods proposed the Hagatna Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. The designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding areas."

In order to meet the goals and objectives of the NCGLUP, the applicant shall be required to comply with the guidance to adhere to the concept of affordable development as proposed within the North and Central Guam Land Use Plan. Housing Policy H-9 States:

"Provide a requirement or incentives for inclusion of affordable housing in larger residential developments. For example, consider a requirement or incentives to provide at least 15% of housing units built at a price affordable to households earning 80% to 120% of local income adjusted for family size. Incentives could include density increases, flexibility in development standards or other measures."

The Bureau finds that the proposed project is in line with the NCGLUP's Future Land Use Map designations.

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

The Bureau is concerned that the proposed construction of 17 single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carry pollutants into the aquifer.

The Bureau requires that the applicant:

1. Implement best management practices (BMP) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual.

   The Bureau requires the applicant to incorporate bio-retention features to the planter lane dividers and Cul-de-sac loops and modify the road slope plan so the islands serve as a feature to help management stormwater. Additional BMPs may be found in the manual in the Bureau's website www.bsp.guam.gov under the Guam Coastal Management Program.

2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," SS 1424 and Guam Safe Drinking Water Act, " 10 GCA Chapter 53.

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau requires that TRI, Inc., prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during the dry season.

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

Low Impact Development (LID) and Stormwater Management. This area has seen an increase in impervious surfaces throughout the years. Between the years 2005 and 2011, the impervious surface area increased by more than 5 (five) percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). A

As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

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

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

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division, that the proposed development does not affect historic properties.

In conclusion, the Bureau **recommends Approval with conditions** and finds that ✓ construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if BMPs are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant, TRI, Inc., to comply with above listed conditions if this application is approved.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health,

safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. ***Si Yu'os Ma'ase'.***

CARL V. DOMINGUEZ
Director

cc: GEPA
DPW
GWA
DPR
GPA

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

ATTACHMENT F

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

October 15, 2018

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2018-24

1. PURPOSE:

a. **Application Summary:** The applicant, Wellborn LLC represented by Mr. Harry D. Gutierrez is requesting approval of a Tentative Subdivision to create a subdivision consisting of one hundred twenty-one (121) single family residential lots, one (1) commercial lot, one (1) ponding basin lot, one (1) playground lot and six (6) green area lots on Lot Nos. 7110-NEW-NEW-1, 7110-NEW-NEW-2 and 7110-NEW-NEW-R2 in the Municipality of Yigo.

b. **Legal Authority:** Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

2. FACTS:

a. **Location:** The subject lots are located in Yigo, along the northern side of Marine Corps Drive, between Chalan Tun Josen Diego and Chalan Milalak, and across from the Latter Day Saints Church facility located on the northern corner of the junction of Marine Corps Drive and Chalan Milalak.

b. **Lot Area:** This residential subdivision project consists of three lots encompassing a total 31 acres and is broken down as follows:

Lot Description	Lot Area (recorded)
Lot 7110-NEW-NEW-1	60,000 square meters
Lot 7110-NEW-NEW-2	3,716 square meters
Lot 7110-NEW-NEW-R2	62,651 square meters
TOTAL AREA →	**126,367 square meters**

c. **Present Zoning:** "R2" (Multi- Family Dwelling) & "C" (Commercial) Zone

Lot Description	Zoning Designation
Lot 7110-NEW-NEW-1	"R-2" with "C" fronting Rt.1
Lot 7110-NEW-NEW-2	"R-2" entirely
Lot 7110-NEW-NEW-R2	"R-2" with "C" fronting Rt.1

Ref: Public Law 22-97:2b

d. **Field Description:** The proposed site is presently vacant, previously cleared and is presently overgrown with various types of ground cover vegetation, small bushes and dominant medium size local trees.

e. **Masterplan:** Residential

f. **Community Design Plan:** Urban Residential

g. **Previous Commission Action:**

Date of Action	Action	Status
Aug. 28, 2008	GLUC approval with conditions of a Tentative Subdivision of Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2 AND 7110-NEW-NEW-R2 to create 118 single family residential lots, park areas and seven (7) one (1) acre lots.)	Expired
Sep. 24, 2009	GLUC approval with conditions for a one (1) year extension of the August 28, 2008 Tentative Subdivision approval.	Expired
Aug 26, 2010	GLUC second approval with conditions for a one (1) year extension of the August 28, 2008 Tentative Subdivision.	Expired

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** May 21, 2018

b. **Date Heard By ARC:** June 21, 2018

c. **Public Hearing Results:** Not Required

4. STAFF ANALYSIS:

The intent is to consolidate the three subject lots to create a subdivision consisting of:

a. One hundred twenty-one (121) single family residential lots ranging in size from 500 square meters to 858 square meters;
b. 1,861square meters of green area consisting of 6 green area lots ranging in size from 169 square meters to 436 square meters;
c. A 791 square meter playground lot;
d. A 1,728 square meter ponding basin lot;
e. 8 public access and utilities right-of-way lots encompassing a total of 23,688 square meters.

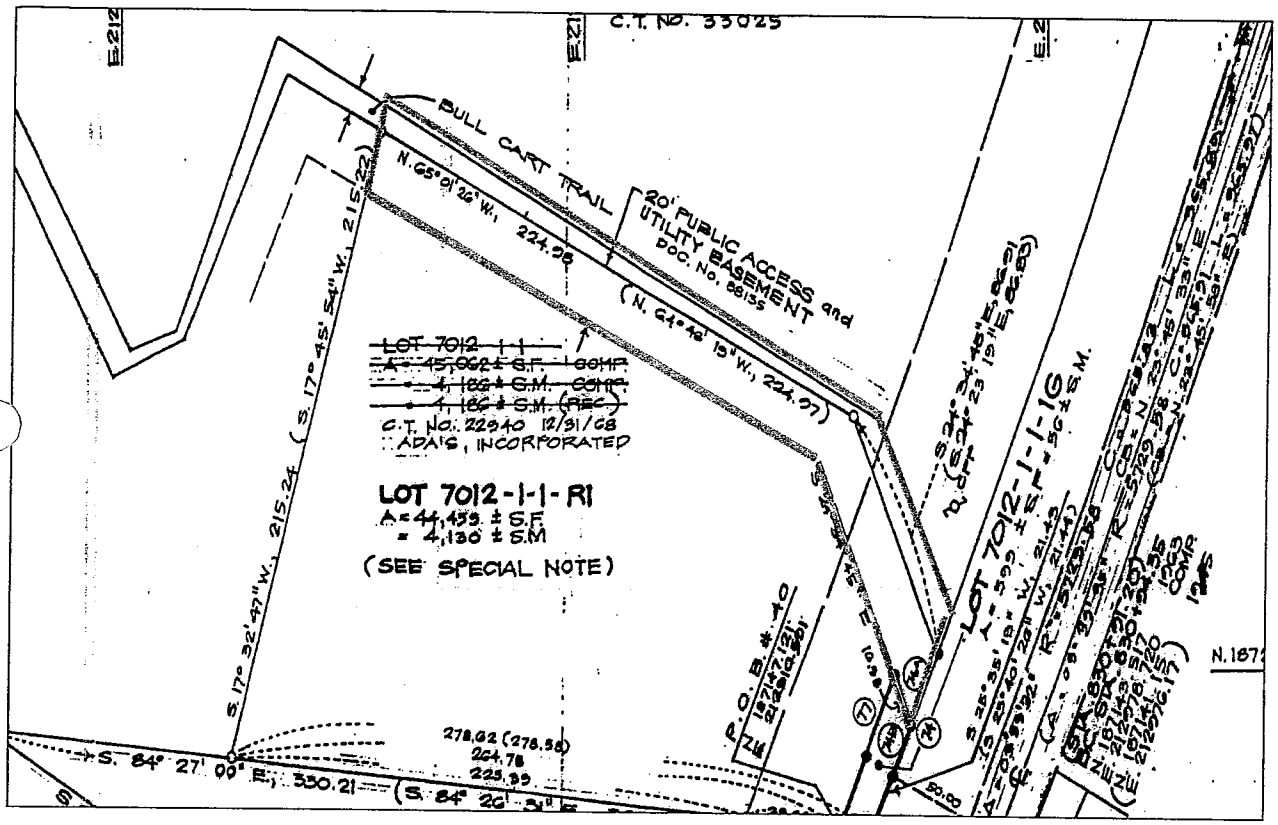


Figure 1.
Extent of Required Public Access & Utilities Improvements
Reference: LM Map No. 303FY88, Sht. 9

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

October 15, 2018

Memorandum

To: Guam Land Use Commission (GLUC) Members

From: Chairman, Application Review Committee (ARC)

Subject: Summary of Positions Submitted by ARC

Re: Application No. 2018-24 (Tentative Subdivision)

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

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

A. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement and the permitting agencies requirements.

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

DEPARTMENT OF PUBLIC WORKS (DPW):
The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the request provided the following conditions are met:

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

These are the following conditions required by DPW.

I. STORM WATER DISPOSAL:
Show storm drainage disposal with details in the final drawings and to be supported by calculations. No run-off permitted in the surrounding properties or the streets.

2. ACCESS ROAD:
The entrance/exit, sidewalks, pedestrian should be wide enough for public access and shall be in conformance to the Guam Highway Master Plan. Must be coordinated with DPW, Division of Highways (Rights of Way Section).
3. STREETLIGHTS:
The developer shall be responsible for the streetlights and must be coordinated with DPW, Division of Highways (Traffic Management Control Section):
4. FLOOD ZONE:
The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meets the current Federal Emergency Management Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.
5. PARKS AND PLAYGROUNDS:
The construction of parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment.
6. SOLID WASTE:
Provide amenities for solid waste disposal (private or public) services.
7. TRANSPORTATION:
To provide bus shelter and coordinate with DPW, Bus Operations Division for the designated location, and must not hinder the entry/exit and public access to the subdivision housing area.
8. TRAFFIC ANALYSIS:
Traffic Impact Analysis must be coordinated with the Division of Highways (Traffic Management Control Section).
9. OTHERS:
   a) Setback requirements must be in place in each lot.
   b) On- site improvements must consists of paved roads, curbs, gutters, fire hydrants, power, water services for telephone and cable.
   c) Comply with all the Geotechnical requirements related to site preparations.
   d) Ecological planning is needed to ensure the conservation of its resources.

NOTE: All preliminary subdivision proposals of 5 acres or 50 lot or whichever is lesser shall identify the flood hazard area and the elevation of the base flood.
(Ref: 5.3 Standard for Subdivisions, page 107, Development Requirements on Guam).

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR submits the following position statement:

We reviewed subject application submitted by Harry D. Gutierrez, Authorized Representative, on behalf of the applicant, Wellborn, LLC. We have no objection to the approval of the subject application provided V the following concerns are met:

- The applicant/developer must comply with the Work Plan for Archaeological Monitoring of the 35m by 22m depression at a portion of the Wellborn Estate Development. The applicant and/or authorized representative must consult and coordinate with the Guam Historic Resources Division to ensure that this requirement is met.

  The applicant must construct the "recreational park, landscape area, and bus station" adjacent to Chalan Milalak, and the playground adjacent to Tun Josen Diego, as proposed, with concurrence by the Department of Parks and Recreation (DPR), Department of Public Works (DPW), and the Yigo mayor's Office.

- Any impact, issues, or requirements regarding public access and traditional rights-of-ways caused by the subject development shall require the consultation with Department of Land Management, DPW, and **DPR.**

- The project site shall be accessible to authorized staff of the Guam Historic Resources Division at all times during construction activities.

The subject development must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to additional development requirements. If you have any questions with **regards** to our position, please contact our office.

GUAM POWER AUTHORITY (GPA):
Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendation 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:

   a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;

b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
e. Provide scheduling and magnitude of project power demand requirements for new loads;
f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
g. GPA reserves its easement rights on existing 25' wide bull cart trails fo future easement.

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 development on GPA's existing power facilities;
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

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

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and conditions:

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 as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center:

"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed the Hagatna Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings.

The designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding areas."

In order to meet the goals and objectives of the NCGLUP, the applicant shall be required to comply with the guidance to adhere to the concept of affordable development as proposed within the North and Central Guam Land Use Plan. Housing Policy H-9 States :

"Provide a requirement or incentives for inclusion of affordable housing in larger residential developments. For example, consider a requirement or incentives to provide at least 15% of housing units built at a price affordable to households earning 80% to 120% of local income adjusted for family size. Incentives could include density increases, flexibility in development standards or other measures."

The Bureau finds that the proposed project is in line with the NCGLUP's Future Land Use Map designations.

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

The Bureau is concerned that the proposed construction of 121 single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carry pollutants into the aquifer.

The Bureau requires that the applicant:

1. Implement best management practices (BMP) to manage stormwater runoff on site, prevent runoff from flooding to surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual.

The Bureau requires the applicant to incorporate bio-retention features to the planter lane dividers and Cul-de-sac loops and modify the road slope plan so the islands serve as a feature to help management stormwater. Additional BMPs may be found in the manual in the Bureau's website www.bsp.guam.gov under the Guam Coastal Management Program.

2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," SS 1424 and Guam Safe Drinking Water Act, " 10 GCA Chapter 53.

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 1(GCA Chapter 46, as amended by P.L. 1797, and the Guam Water Resource Development & Operating Regulations.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau requires that Wellborn, LLC, prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during the dry season.

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

Low Impact Development (LID) and Stormwater Management. This area has seen an increase in impervious surfaces throughout the years. Between the years 2005 and 2011, the impervious surface area increased by more than 5 (five) percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

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

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

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division, that the proposed development does not affect historic properties.

In conclusion, the Bureau **recommends Approval with conditions** and finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if BMPs are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant, Wellborn, LLC, to comply with above listed conditions if this application is approved.

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

GUAM WATERWORKS AUTHORITY (GWA):
Has not submitted Position Statement as of Staff Report date.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

GUAM POWER AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 02 2018
CLTC/GALC/GLUC

September 24, 2018

MB 10/2

MEMORANDUM

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

From: General Manager

Subject: Lots 7110-NEW-NEW-R2-NEW, Municipality of Yigo, (WELLBORN LLC); Tentative Subdivision Application for One Hundred Twenty One (121) Lot Single-Family Subdivision and a Commercial Lot. **Application No. 2018-24**

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.
   - **GPA reserves its easement rights on existing 25' wide bull cart trails for future easement.**

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 development 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

MCG 10/2

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: WELLBORN LLC
Location: Lots 7110-NEW-NEW-R2-NEW, Yigo
Type of Application: Tentative Subdivision
GLUC/GSPC Application No. 2018-24
Brief Project Description:
For (121) Lot Single-Family Subdivision and a Commercial Lot.

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

10/1/18
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 may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO' PUBLIKO
GLENN LEON GUERRERO
Director
ANDREW S. LEON GUERRERO
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 12 2018
CLTC/GALC/GLUC

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: WellBorn Estates

SUBJECT: Position Statement No. 2018-24
Tentative Subdivision in a Split Zoned Lots ("R-2" and "C"), Lot # 7110 NEW-NEW-1, 7110-NEW-NEW-2 and 7110-NEW-R2, Yigo, Guam

Buenas yan Hafa Adai!

The applicant is proposing to construct a residential subdivision consisting of 121 Single- Family Dwellings and Commercial within the Municipality of Yigo. The proposed subdivision will be in three (3) existing lots with a cumulative total area of 31 acres or 125,452.55 sq. meters. The lots designated for the residential area is approximately 100,042.55 square meters and 25,410.000 sq. meters for the commercial area.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the request provided the following conditions are met: (See attachment).

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

Should you have any questions, please contact Mr. Max C. Manzano, P.E., Chief Engineer for the Division of Capital Improvement Projects (CIP) at 988-6273 or Maryrose M. Wilson, Engineer III @ (671) 646- 3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

542 North Marine Corps Drive. Tamuning. Guam 96913 • (671) 646-3121 3232• Fax (671)649-6178

APPLICATION REVIEW COMMITTEE COMMENTS

APPLICATION NO.: 2018-24

These are the following conditions required by DPW.

1. STORM WATER DISPOSAL
   Show storm drainage disposal with details in the final drawings and to be supported by calculations. No run-off permitted in the surrounding properties or the streets.

2. ACCESS ROAD
   The entrance/exit, sidewalks, pedestrian should be wide enough for public access and shall be in conformance to the Guam Highway Master Plan. Must be coordinated with DPW, Division of Highways (Rights of Way Section).

5. STREETLIGHTS
   The developer shall be responsible for the streetlights and must be coordinated with DPW, Division of Highways (Traffic Management Control Section).

6. FLOOD ZONE
   The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meets the current Federal Emergency Management Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.

7. PARKS AND PLAYGROUNDS
   The construction of parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment.

8. SOLID WASTE
   Provide amenities for solid waste disposal (private or public) services.

9. TRANSPORTATION
   To provide bus shelter and coordinate with DPW, Bus Operations Division for the designated location, and must not hinder the entry/exit and public access to the subdivision housing area.

10. TRAFFIC ANALYSIS
    Traffic Impact Analysis must be coordinated with the Division of Highways (Traffic Management Control Section).

11. OTHERS:
    a) Setback requirements must be in place in each lot.
    b) On- site improvements must consists of paved roads, curbs, gutters, fire hydrants, power, water services for telephone and cable.
    c) Comply with all the Geotechnical requirements related to site preparations.
    d) Ecological planning is needed to ensure the conservation of its resources.

NOTE: All preliminary subdivision proposals of 5 acres or 50 lot or whichever is lesser shall identify the flood hazard area and the elevation of the base flood.
(Ref: 5.3 Standard for Subdivisions, page 107, Development Requirements on Guam).

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

OCT 0 1 2018

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 03 2018
CLTC/GALC/GLUC

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO. 2018-24**
LOCATION: 7110-New-New-1, 7110-New-New-2, 7110-New-New-R2, Municipality of Yigo
APPLICANT: Wellborn LLC c/o Mr. H.D. Gutierrez
PROPOSED USE: Tentative Subdivision for the Construction of 121 Single Family House Lots in a split zone of "R-2" Multiple Dwelling Zone and "C" Commercial Zone

Håfa Adai! The applicant, Wellborn, LLC, represented by Mr. Harry D. Gutierrez, is requesting a tentative subdivision for the proposed construction of 121 single family dwellings on Lots 7110-New-New-1 & 2 and 7110-New-New-R2 in a split zone of "R-2" Multiple Dwelling Zone and "C" Commercial Zone in the Municipality of Yigo.

The subject lot is 126,367 square meters or 1,360,189 square feet. Lots 7110-New-New 1 & 2 and 7110-New-New-R2 are located along Route 1, Marine Corp Drive, a major thoroughfare. The adjacent surrounding properties include single family homes, apartment complexes, strip malls, Yigo Catholic Church, Shell and Mobil Service Stations, McDonald's, convenience stores, St. Paul's Christian and Dominican Schools, Yigo Sports Complex, GAIN Animal Shelter, and Anderson Airforce Base.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and conditions:

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 as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center:

> *"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed the Hagatna Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. The designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding areas."*

In order to meet the goals and objectives of the NCGLUP, the applicant shall be required to comply with the guidance to adhere to the concept of affordable development as proposed within the North and Central Guam Land Use Plan. Housing Policy H-9 States :

> *"Provide a requirement or incentives for inclusion of affordable housing in larger residential developments. For example, consider a requirement or incentives to provide at least 15% of housing units built at a price affordable to households earning 80% to 120% of local income adjusted for family size. Incentives could include density increases, flexibility in development standards or other measures."*

The Bureau finds that the proposed project is in line with the NCGLUP's Future Land Use Map designations.

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

The Bureau is concerned that the proposed construction of 121 single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carry pollutants into the aquifer.

The Bureau requires that the applicant:

1. Implement best management practices (BMP) to manage stormwater runoff on site, prevent runoff from flooding to surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual.

   The Bureau requires the applicant to incorporate bio-retention features to the planter lane dividers and Cul-de-sac loops and modify the road slope plan so the islands serve as a feature to help management stormwater. Additional BMPs may be found in the manual in the Bureau's website www.bsp.guam.gov under the Guam Coastal Management Program.

2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," SS 1424 and Guam Safe Drinking Water Act, " 10 GCA Chapter 53.

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau requires that Wellborn, LLC, prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during the dry season.

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

Low Impact Development (LID) and Stormwater Management. This area has seen an increase in impervious surfaces throughout the years. Between the years 2005 and 2011, the impervious surface area increased by more than 5 (five) percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

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

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

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division, that the proposed development does not affect historic properties.

In conclusion, the Bureau **recommends Approval with conditions** and finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if BMPs are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant, Wellborn, LLC, to comply with above listed conditions if this application is approved.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health,

safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. ***Si Yu'os Ma'ase'.***

CARL V. DOMINGUEZ
Director

cc: GEPA
DPW
GWA
DPR
GPA

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

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

William N. Reyes
Director
John P. Taitano
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
AUG 15 2018
CLTC/GALC/GLUC

In reply refer to:
RC2018-0695
cr: RC2008-0852

August 2, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on GLUC Application No. 2018-24: Wellborn Estates Tentative Subdivision Plan, Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2, and 7110-NEW-NEW-R2, Municipality of Yigo, Guam

We reviewed subject application submitted by Harry D. Gutierrez, Authorized Representative, on behalf of the applicant, Wellborn, LLC. We have no objection to the approval of the subject application provided the following concerns are met:

- The applicant/developer must comply with the Work Plan for Archaeological Monitoring of the 35m by 22m depression at a portion of the Wellborn Estate Development. The applicant and/or authorized representative must consult and coordinate with the Guam Historic Resources Division to ensure that this requirement is met.

- The applicant must construct the "recreational park, landscape area, and bus station" adjacent to Chalan Milalak, and the playground adjacent to Tun Josen Diego, as proposed, with concurrence by the Department of Parks and Recreation (DPR), Department of Public Works (DPW), and the Yigo mayor's Office.

- Any impact, issues, or requirements regarding public access and traditional rights-of-ways caused by the subject development shall require the consultation with Department of Land Management, DPW, and DPR.

- The project site shall be accessible to authorized staff of the Guam Historic Resources Division at all times during construction activities.

The subject development must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to additional development requirements. If you have any questions with regards to our position, please contact our office.

Sincerely,

William N. Reyes
Director

Cc: Harry D. Gutierrez, Authorized Representative