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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

April 4, 2019

Speaker Tina Rose Muña Barnes
35GL-19-0315
APR 04 2019
Time 2:29 ( )AM ( )PM
Received By:

2019 APR -4 PM 3:18

To: Office of the Speaker
35th Guam Legislature
Guam Congress Building

From: Planning Division
Department of Land Management

Hafa Adai,

Pursuant to 5GCA Chapter 8, Section 8113.1, submitted herewith for your perusal is the Minutes from the Special Meeting of the Guam Land Use Commission hearing of Tuesday, March 19, 2019.

For questions and/or additional information, please feel free to call our office at 649-5263, ext. 300 or ext. 375.

Thank you,

Cristina

_____ Date: _____
Received by (Please print)

0318

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

File for Record is Instrument Number 933398

on the Year 20 19 Month 4 Day 3 Time 901

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Joel C. Tenorio

JOEL C. TENORIO CRUZ

Above Space for Recorder's Use only

COPY

GUAM LAND USE COMMISSION SPECIAL MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Tuesday, March 19, 2019
1:41 p.m. to 4:17 p.m.

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

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

Date of Meeting:	Tuesday, March 19, 2019	X	GLUC		GSPC
		~~X~~	Regular		Regular
Time of Meeting:	GLUC: 1:41P GSPC:		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	
Chairman, Vacant	
Commissioner, Vacant	

STAFF	
Joseph M. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Marvin Q. Aguilar, Chief Planner	
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	
Celine L. Cruz	
M. Grace Vergara, Planner II	
M. Cristina Gutierrez, WPS II	

ADJOURNMENT GLUC: 4:17PM GSPC:

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

[X]	GLUC	[ ]	Regular	Date:	TUESDAY, MARCH 19, 2019
[ ]	HLUC	[X]	Special	Time:	1:41 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	4:17 pm

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

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
HARRY Gutierrez		482 5315
Melinda Swavely	Legend Stone / Patton Vlg	646-1222
DAN SWAVELY	THE VISTA RENT. SD	688-8029
JAE JI	2015-38	688-1779
Geraldine Cepeda	2018-41	477-7623
Robert Lizama	GOV. OFF.	685-1113
EDDIE CRUZ	SELF	482-1600
	- Nothing follows -	

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

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

[X]	GLUC	[ ]	Regular	Date:	TUESDAY, MARCH 19, 2019
[ ]	HLUC	[X]	Special	Time:	1:41 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	4:17 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
EDDIE CRUZ		482-1600
VICKY BORJA		483-8000
	- nothing follows -	

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

GUAM LAND USE COMMISSION SPECIAL MEETING
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning
Tuesday, March 19, 2019 • 1:41 p.m. to 4:17 p.m.

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

PLANNING STAFF PRESENT:

Mr. Joseph Borja, Acting Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION

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

Commissioner [Vacant]
Commissioner [Vacant]

Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

SPECIAL MEETING

Tuesday, March 19, 2019 @ 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 March 12th, 2019 and March 15th, 2019]

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

II. Approval of Minutes

- GLUC Regular Meeting Minutes of December 13, 2018

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. Application No. 2018-36, the Applicant, Edward and Siska Hutapea represented by Harry D. Gutierrez; request for a Zone Change from "A" (Agricultural/Rural) to "LC" (Limited Commercial) zone, to accommodate the Cornerstone Valuation Guam, Inc. office, on Lot 2066-REM-22, in the Municipality of Mongmong-Toto-Maite. Case Planner: Celine Cruz

B. Application No. 2018-41, the Applicant, Pacific Seven Investments, LLC represented by Harry D. Gutierrez; request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone, for the proposed construction of a commercial/professional building, on Lot 1306, in the Municipality of Hagatna. Case Planner: Penmer Gulac

Tentative Subdivision

C. Application No. 2017-46, the Applicant, IAN Corporation represented by Daniel Swavely; requesting approval of a Tentative Subdivision to create a subdivision consisting of thirty-six (36) single family residential lots, on Lot 4-R1NEW, Tract 154, in the Municipality of Yigo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Frank Taitano

V. Administrative & Miscellaneous Matters

D. Application No. 2019-11, Applicant, Eagle Corporation Ltd. represented by Atty. Melinda Swavely; requests issuance of a Final Public Report for a two-story structure, consisting of 4- residential condominium units with amenities (Pution Villa), on Lot 3202-1-1-R1, in the Municipality of Sinajana, in an "R-2" (Multi Family Dwelling) zone, HPR No. 172. Case Planner: Celine Cruz

E. Application No. 2015-38, the Applicant, Richland Development, LLC represented by Jae S. Ji; request for a Second Extension of Time for an approved Tentative Subdivision, on Lot R4, Tract 93021, in the Municipality of Yigo, in an "R-1" (Single Family Dwelling) zone.
Case Planner: Frank Taitano

VI. Adjournment

GUAM LAND USE COMMISSION SPECIAL MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Tuesday, March 19, 2019 • 1:40 p.m. to 3:47 p.m.

I. Notation of Attendance

Chairman Oh called the Special Meeting of the Guam Land Use Commission for Tuesday, March 19, 2019 to order at 1:40 p.m., noting a quorum.

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

II. Approval of Minutes

Chairman Oh for approval today is Minutes from the last GLUC meeting held on December 13, 2018. Commissioners have had the opportunity to review the Minutes, Chairman Oh was ready to entertain a motion.

Commissioner Bathan I would like to make a motion to approve the Minutes of Thursday, December 13, 2018; subject to corrections of any minor typographical errors to be submitted to the Recording Secretary by close of business today.

Commissioner Vy seconds the motion.

Chairman Oh motion is made by Commissioner Bathan, seconded by Commissioner Vy; no discussion noted, 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]**

Next item on the agenda –

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. Application No. 2018-36, the Applicants, Edward and Siska Hutapea represented by Harry D. Gutierrez; request for a Zone Change from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, to accommodate the Cornerstone Valuation Guam, Inc. office, on Lot 2066-REM-22, in the Municipality of Mongmong-Toto-Maite. Case Planner: Celine Cruz

Celine Cruz (Case Planner) summarized the staff report to include, purpose, facts, public hearing results, staff discussion/analysis, conclusion and recommendation. [See attachment for full content/text of staff report]

[Attachment A – Staff Report dated March 15, 2019]

Chairman Oh any questions of the staff.

Commissioner Bathan inquired if the billboard sign was posted on the property.

Celine Cruz a sign was received but was not printed for the Commissioners; Ms. Cruz will forward a copy to the Recording Secretary accordingly.

Chairman Oh the staff report noted that the adoption of the Tiyan Parkway Master Plan is affected by Public Law 34-37. Chairman Oh asked Ms. Cruz to further elaborate on this public law.

Celine Cruz explained that it was not the adoption of the Tiyan master plan; the mention of P.L. 34-37 is a separate issue and it was for certain parcels within the old officer's housing area in Tiyan. For that general area, landowners had the opportunity to rezone their properties up to R-2 zone, pay the necessary fees and submit an affirmation letter to the Department of Land Management in order to avail the zone change.

Chairman Oh was this parcel affected by this law.

Celine Cruz replied yes; however, the owners did not act on the public law at that time.

Marvin Aguilar (Chief Planner) the law gave property owners to exercise that zone change.

Chairman Oh was there a time restriction.

Celine Cruz 180 days from the implementation of the law unless the property was under probate. If a decree was issued under probate it was 180-days from the date of court distribution.

Chairman Oh no additional questions and/or comments for staff, Chairman Oh opened the floor to the applicant. Please state your name for the record.

Harry Gutierrez [representing Edward and Siska Hutapea] explained that his clients would like to move their appraisal office up to the Tiyan area. This is a professional office which receives about one to two customers a day at the most. It is a duplex structure; one side will be converted to an office and the other will remain as the applicants' residential home.

Chairman Oh anything further.

Harry Gutierrez the applicant is inquiring whether or not she will have to return to the Guam Land Use Commission should she, in the future, conduct "R2" activities at the back portion of the property. Mr. Gutierrez further explained that his client can build up to six apartment units in the back.

Marvin Aguilar explained that the applicant will have come back before the Commission with a Conditional Use permit for a multi-use in a commercial zone.

[Discussion ensues]

Chairman Oh asked what the proximity of the TG Engineers office was to the subject lot and what was the current zoning for the parcel.

Celine Cruz that particular parcel is A-zoned because it is returned ancestral lands; however, prior to the public law that deemed all returned ancestral lands A-zoned, the policy was that if a landowner came in with any type of building permit or business license, the department would permit historical uses of the property, and the TG Engineers office is the old Naval Station mini-mart and that is how they are able to use the parcel for commercial use activities.

Acting Executive Secretary Joseph Borja explained that he assisted with the drafting of this law and also conducted research of the area. He believed that Hawaiian Electric is currently occupying a residential unit and not historically in a commercial area.

[Lengthy discussion ensues. Mr. Aguilar explained that the idea was to take these undesignated properties and put them in the zoning law arena; and it was a blanket rezoning of all these properties to agricultural. Mr. Borja added that they were zoned agricultural because it was the lowest status base.]

Commissioner Bathan asked when does the 180-days expires.

Celine Cruz the law was adopted in August 2017, and the time has passed.

Chairman Oh one of the comments made at the public hearing made reference to the conditions of the road and traffic in the area. How heavy is the traffic in this area.

Harry Gutierrez responded that it was mostly residential traffic. The roads are old and most are on private properties as well. Owners would have to dedicate the roads to the government in order for the roads to be maintained and/or repaired.

Chairman Oh are there any additional comments and/or questions.

Commissioner Bathan questioned an answer on the Guam EPA environmental assessment. Commissioner Bathan comments that there is a conflict on the response and explanation of question 7B. It asks if the project would have any impacts and the response was "yes"; however, the explanation states that there would be no dislocation of any existing residences or businesses anticipated.

Harry Gutierrez responds that the answer should have been marked "no."

Commissioner Bathan how many employees does the applicant have.

Harry Gutierrez there are two.

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

Public Comments **[Seeing note, Chairman Oh closed the public comment period.]**

Chairman Oh mentioned that the current proposed use supplements the activities that is ongoing in this area. It is also good to see that these dilapidated buildings are being renovated and occupied. The buildings are eye-sores, and he supported the project.

There being no further comments and/or questions, Chairman Oh was ready to entertain a motion.

Commissioner Bathan I would like to make a motion to approve Application No. 2018-36, request for a zone change from agricultural zone to limited commercial zone to accommodate the commercial activities on Lot 2066-REM-22,

1. Commercial activities be restricted to professional offices and residential uses as maybe permitted under a commercial zone pursuant to Title 21 GCA, Chapter 61, Section 61307(a), (8), (1) and (2), respectively.

2. That the applicants adhere to ARC conditions as may be applicable to general land development regulations.

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

Commissioner Vy seconds the motion.

Chairman Oh motion is seconded by Commissioner Vy. There being no additional 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]**

Next item on the agenda –

Zone Change

B. Application No. 2018-41, the Applicant, Pacific Seven Investments, LLC represented by Harry D. Gutierrez; request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone, for the proposed construction of a commercial/professional building, on Lot 1306, in the Municipality of Hagatna. Case Planner: Penmer Gulac

Chairman Oh announced that Application No. 2018-41 will be taken off today's agenda due to technical issues and will be rescheduled at a later date.

Next item on the agenda –

Tentative Subdivision

C. Application NO. 2017-46, the Applicant, Ian Corporation represented by Daniel D. Swavely; request for a Tentative Subdivision to create a subdivision consisting of thirty-six single family residential homes/lots, on Lot 4-R1NEW, Tract 154, in the Municipality of Yigo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Frank Taitano

Frank Taitano (Case Planner) reads staff report to include purpose, facts, staff analysis/discussion, conclusion, recommendation and conditions. It was noted that this application did not require a public hearing. [For full content/context, see attached report]

[Attachment C – Staff Report dated February 1, 2019]

Chairman Oh no questions noted for staff, Chairman Oh opened the floor to the applicant's representative. Please state your name for the record.

Dan Swavely [representing the applicant Ian Corporation] gave a brief overview of the application [referencing the exhibit displayed which is in the application]. Mr. Swavely presents the following:

- Location of the subject lot which is located on Chalan Paharu and is about 7-acres;
- Predominately a residential area;
- This is a fully improved subdivision which includes underground utilities;
- Public contributions being made in addition to a school bus shelter will be a regulated size tennis court as negotiated between the Mayor of Yigo and the developer. They originally came in with neighborhood facilities onsite, and in discussions with the Mayor, and there being no tennis courts in the area he would like a facility of that nature located where there are more people. The applicant has agreed to build that tennis court at a site to be determined by the Mayor of Yigo in close proximity to other sports complexes;
- This tentative subdivision is step two of three steps; one was the rezoning of the property which was approved by the Commission to R-1; this subdivision; and three, would be the final subdivision application approval;
- The applicant practices business primarily on Guam as Ian Construction, a 70 to 80-manned construction company, and it will be Ian Construction that will be building the infrastructure and houses for this project;
- Residential Yigo and adjacent Dededo and Mangilao is very strong and strongest throughout the island;
- This subdivision fulfills the need for residential homes in that price range for the future;
- In addition to building the tennis court, the developer has agreed to fulfill seven requests made by neighbors and other residents of Yigo as a result of the public hearing and the Yigo Mayor;
- Of the seven requests, two are of particular importance to two people in attendance at today's meeting. Number 4 – coordinate matters with the adjacent property owner Eddie J. Cruz. One, to provide plans for the proposed perimeter fence for Tre Vista subdivision; two, coordinate installation of Tre Vistas' rear perimeter fence (which borders Mr. Cruz's property); and three, coordinate grading operations at the rear of Tre Vista. And these are in writing from the applicant to the Commission. And number seven, advise all public

hearing attendees of the date and time of the GLUC hearing for the rezoning application which was done well;

- Mr. Swavely explained the error in project cost and included it as a cost in excess of three-million dollars; however, this project does not qualify;
- Concurred to all ARC position statements and have responded to several conditions and ready to proceed with construction in that regard;

That concluded Mr. Swavely's presentation and was ready to entertain any questions from the Commission.

Chairman Oh will this be a gated community.

Dan Swavely this will have a perimeter fence, but will not be gated.

Chairman Oh the proposed tennis court will be open to the public.

Dan Swavely the location of the tennis court has not yet been decided and that will be dictated to the developer by the Mayor. Ian Corporation's obligation is to provide the design and construction of the court. This has been coordinated with the Department of Parks and Rec.

Commissioner Bathan who will maintain the court.

Dan Swavely it will be under the Office of the Mayor. Mr. Swavely added that they found a 5-inch, small, unexploded ordinance and was removed from the premises. As a result of the inconvenience suffered by the neighbors during that removal process, the developer has agreed to schedule one full sweep of the entire lot before grading. In addition, Mr. Swavely stated that they will have a biologist onsite during the clearing/grading operation to mitigate any issues that may arise.

Chairman Oh inquired if there were any sewer and/or water demand issues.

Dan Swavely responds "no." GWA reviewed the water/sewer analysis that was prepared by John Duenas (Duenas, Camacho & Associates); however, GWA stipulated that there will be ongoing roadway improvements scheduled for this area of Marine Corps Drive and asked that Ian Construction do the hook-up of utilities prior to the roadway improvements.

Chairman Oh based on the subdivision design, on the northside there seems to be some type of easement.

Dan Swavely there are neighbors that live in this area, and what the families wanted to do was delete the easement, but instead that portion was excised from the developer's property. Mr. Swavely added that he has committed to helping those neighbors in guiding them through the process for the deletion of the easement.

Chairman Oh what is the proposed square footage of the homes and the cost of the homes.

Dan Swavely replied that he could not answer the question at this time; there are master plans, but nothing has been finalized. The developer is committed to twenty-nine, three-bedroom homes and seven, four-bedroom homes.

Chairman Oh comments that the article in the newspaper noted that the cost of the homes would be sold at approximately $300K to $350K per unit which includes the structure.

Dan Swavely this was the price quoted by developer.

Chairman Oh it's a great project, affordable housing and will benefit the community. Any other questions and/or comments.

Marvin Aguilar applauds the consultant and his client in making a hard effort attempt in working with the community to come up with a much needed project for the island. The tentative subdivision and final subdivision are infrastructure intensive; the homes are secondary and what we look at is a subdivision with full improvement infrastructure development.

Chairman Oh there being no additional comments, Chairman Oh opened the floor for public comments. Please state your name for the record.

Public Comments

Robert Lizama (former Mayor of Yigo and current resident of Yigo) will the perimeter fencing be concrete or chain-link fencing.

Dan Swavely it has not been decided.

Robert Lizama there are feral pigs located at the rear of this lot and maybe a problem in the future. The developer should take this into consideration in determining the type of fencing that will be used, and suggested concrete fence. Mr. Lizama inquired if the road that leads into John Sablan Street will be fully paved up to the entrance of the subdivision.

Dan Swavely responded that condition number three that has been agreed to in the April 12th letter to the Commission is to improve Chalan Paharu to where it serves Tre Vista Subdivision. The developer will improve Chalan Paharu from the intersection of Sablan Street to the entrance. In addition, a new street light will be provided and a new street sign for Joshua Lukeala (spelling?) will be provided.

Eddie Cruz properties down from Chalan Gayinero all the way to Juan Sablan is owned by Mr. Cruz. Mr. Cruz states that he owns the biggest portion of this area (referring to the exhibit) and couple lots at the top. Through the years the family has understood (from the government) that this area would be used someday for a sports complex or a high school for the north. The area that he owns is still zoned agricultural and has productive fruit trees and his family constantly monitors activities in the area because they do not want any infringement on their rights. His concern is possible flooding, and hopes that new developments in the area control their runoff. The agreement with the developer was to build a concrete to control runoff.

Dan Swavely responds that the land general slopes in a certain way and it will be graded to have a positive slope because the storm drainage system is down at the corner.

[Seeing no additional public comments, Chairman Oh closed the public comment period.]

Chairman Oh had a question on the ponding basin, but noticed that it will be located closer to the west portion of the property and assumed that it will slope in that direction.

Dan Swavely it will slope from a general elevation of 495-feet above sea-level at the back to 485 in the front and it will be enhanced by the developer, and the ponding basin is at front and will be walled nonetheless.

Chairman Oh there being no additional comments or questions, Chairman Oh was ready to entertain a motion.

Commissioner Vy made a motion to approve Application No. 2017-46, for Ian Corporation requesting to approve a tentative subdivision to create 36-single family residential lots on Lot 4-R1NEW, Tract 154 in the municipality of the Yigo subject to the following conditions:

1. The applicant adheres to the ARC conditions and requirements as stipulated on their official position statements; and,

2. All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21GCA, Chapter 62, Section 62504(a). The Applicant may further elect to secure a bond pursuant to Title 21GCA, Chapter 62, Section 62404(b).

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

Commissioner Bathan seconds the motion.

Chairman Oh motion is seconded by Commissioner Bathan; no discussion on the motion, Chairman Oh puts the motion to a vote.

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

[Chairman Oh called for a five-minute recess at 3:00 p.m. and reconvened the Commission at 3:05 p.m.]

Chairman Oh we are back in session. The next item on the agenda –

V. Administrative and Miscellaneous Matters

Horizontal Property Regime

D. Application No. 2019-11, The Applicant, Eagle Square Corporation Ltd. represented by Atty. Melinda Swavely; requests issuance of its Final Public Report for a two-story structure consisting of four-residential condominium units with amenities (Pution Villa), on Lot 3202-1-1-R2, in the Municipality of Sinajana, in an "R-2" (Multi-Family) dwelling zone, HPR No. 172. Case Planner: Celine Cruz

Celine Cruz summarizes staff report to include purpose, facts, staff analysis/discussion, no public hearing required for an HPR, conclusion, recommendation and conditions. [For full content/context, refer to attached report]

Date of this report shall expire April 19, 2020. Ms. Cruz added that there were typographical errors within the submitted documents referencing "three balconies" but there is actually a total of five balconies for each unit. Ms. Cruz amended that recommendation to have the applicant submit the corrected documents for the Chief Planner's review and approval prior to the recordation of the Final Public Report.

[Attachment D – Staff Report dated March 6, 2019]

Chairman Oh any questions for staff.

Commissioner Conchita asked for clarification on the lot number; lot number noted on the agenda differs from the application.

Celine Cruz the correct lot number 3202-1-1-R2, and the correct company name is Eagle Square Corporation Ltd.

Chairman Oh this is an existing structure. Chairman Oh asked staff to explain location of the subject property.

Celine Cruz driving up San Ramon Hill, towards Sinajana, that is Pale Kiran Hickey Drive, and this project is located on the left side of this road. There was an application for the lot in front of this property for a zero-setback variance which was disapproved by the Commission.

[Discussion ensues]

Chairman Oh no additional comments noted, Chairman Oh opened the floor to the applicant.

Melinda Swavely explained that in the description of the apartments it did call out the five balconies, but when the number of balconies is summarized in the description it states four units, three balconies per unit instead of five balconies per unit. Ms. Swavely only noticed the error today while looking through the application.

Ms. Swavely asked for the Commission's favorable consideration of the application with the condition that the Chief Planner will review the report to ensure that the changes have been made.

Chairman Oh asked for the history of the project.

Melinda Swavely the construction of the structure began in April 2016 and was completed in April 2018; there are four units with common walls.

Chairman Oh what is the current use.

Melinda Swavely they are not being leased at this time; however, shareholders have been on island and have used the units. There is an occupancy permit for the units, but they are not being rented out at this time. They are vacant at this time. They have spoken to Liz Duenas at Remax to market the units, but nothing can be done until the HPR is approved.

Commissioner Bathan is it known where the errors on the balconies are in the application.

Celine Cruz responded that it was pretty much throughout the application. It is fortunate that none of the documents have been recorded. Technically, the Declaration can be recorded prior to the Commission issuing a Public Report; but, the documents usually don't get recorded until action is taken by the Guam Land Use Commission.

Melinda Swavely states that she will provide the Chief Planner the page of each document that will be replaced to reflect the correct number of balconies.

Commissioner Bathan asked Legal Counsel how the Commission will proceed with making the changes needed.

Nick Toft (Legal Counsel) staff can produce affidavits and that should be sufficient.

[Discussion ensues]

Commissioner Bathan were there previous applications for any type of variances for this application.

Marvin Aguilar responds that there were none.

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

Commissioner Bathan I would like to make a motion to approve the acceptance of the Final Public Report for the applicant, Eagle Square Corporation Ltd. for the a two-story structure, consisting of four residential condominium units with amenities (Puiton Villa), on Lot 3202-1-1-R2, in the Municipality of Sinajana, under HPR No. 172; subject to the applicant submitting the changes on the number of balconies from three (3) to five (5) for the Chief Planner's review prior to recordation. This HPR shall expire thirteen (13) months from the date of this meeting or April 19, 2020.

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

Commissioner Vy seconds the motion.

Chairman Oh motion is 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, Commissioner Vy], all opposed say "nay." **[Motion passed; 3 ayes, 0 nay]**

Next item on the agenda –

Tentative Subdivision-Extension of Time

E. Application No. 2015-38, the Applicant, Richland Development, LLC represented by Jae Ji; requests for a Second Extension of Time for a previously approved Tentative Subdivision, on Lot R4, Tract 93021, in the Municipality of Yigo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Frank Taitano

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

[Attachment E – February 5, 2019]

Chairman Oh there were no questions for staff, Chairman Oh welcomed the applicant to present the application. Please state your name for the record.

James Ji [representing owners of Richland Development LLC] in the beginning of January 2018, the developer received the first extension for this project because the issuance of the building permit was pending. It was then issued in July 2018, and construction began for the project. When it was time to connect to the main water line along Takano Street, GWA (Guam Waterworks Agency) requested them to stop until they can explore further because GWA suspected that the water line may be an asbestos line. Several months later, it was discovered and confirmed by GWA that it was asbestos and they needed to try and find alternative ways to hook up to the waterline or decide if GWA would do the connection. In December 2018, GWA decided to do the connection and the developer will pay for the expenses. Since that time, there has been back and forth discussion to schedule the tapping into the main waterline. The project is about 50-percent complete pending GWA scheduling of the connection to the main waterline. The extension is needed in order to complete the project.

Chairman Oh questions for the applicant.

Commissioner Bathan what is the completion percentage.

Jae Ji it is about 50-percent complete; mostly work on on-site of utilities.

Chairman Oh the request for the extension is due to an issue with the scheduling of connection of the waterline. And the delay is due to asbestos in the water line.

Jae Ji that is correct.

Marvin Aguilar are the waterlines active.

Jae Ji yes; it is only when you are cutting into the asbestos pipe when the asbestos problem occurs. The asbestos is not in the water. GWA will perform the tapping and the developer will pay for the cost.

[Discussion ensues]

Chairman Oh what percent of the project is being held up due to this issue.

Jae Ji about twenty-percent (20%). It is mainly the connection points that needs to be done. Once the water and power are connected, the road can be paved.

Chairman Oh in situations such as this does GWA provide any type of supporting documents on their finding.

Jae Ji the inspector came out and advised us that there were issues with the waterline. No documents were given, but can obtain the necessary document needed for the Commission if that is the Commission's condition.

[Discussion ensues]

Marvin Aguilar states that in order for the developer to be granted a third extension (if needed) the developer will need a special circumstance in order for the Commission to grant that third request.

Chairman Oh the Commission can approve the request subject to the developer providing supporting documents to the Chief Planner. When was the first extension granted.

Marvin Aguilar December 14, 2017.

Chairman Oh one year would have been December 14, 2018 and we are at March 19, 2019. Chairman Oh assumed that the delay is due to technical issues with quorum. Will the Commission face any technical issues with this request.

Nick Toft (Legal Counsel) the Commission faced the same issue with the Pago Bay project. It was noted at that time that it was at the discretion of the Commission to approve and/or disapprove the request past the expiration date.

[Discussion ensues]

Chairman Oh there being no additional discussion and/or questions, Chairman Oh was ready to entertain a motion.

Commissioner Vy I would like to make a motion to approve the request for extension of time for Application No. 2015-38, Richland Development, LLC for a second extension of time for an approved tentative subdivision on Lot R4, Tract 93021, in the municipality of Yigo in an "R1" (single family dwelling) zone; subject to the condition that the developer submits supporting documentation from GWA justifying the delay of this project, and the expiration of the 2nd extension of time will be December 14, 2019.

Commissioner Bathan seconds the motion.

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

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

Chairman Oh noted for the recorded that there has been consideration for new board members for the Commission. This matter needs to be resolved since there are only three members at the present time, and quorum has been an issue. Chairman Oh added that he has brought this matter up with the new administration that there is a need for additional GLUC board members.

[Discussion ensues]

There was nothing further for discussion, Chairman Oh was ready to entertain a motion for adjournment.

VI. Adjournment

Commissioner Vy motion to adjourn, seconded by **Commissioner Bathan**; with all in favor.

There being no further business for discussion, the special meeting of the Guam Land Use Commission for Tuesday, March 19, 2019 was adjourned at 3:47 p.m.

Approved by:

Chairman Tae S. Oh
Guam Land Use Commission

Date approved: March 28, 2019

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

ATTACHMENT A

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

LOURDES A. LEON GUERRERO
Governor

JOSHUA F. TENORIO
Lieutenant Governor

JOSEPH M. BORJA
Acting 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

March 15, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: **Staff Report** - Application No. 2018-36, Zone Change from "A" (Agricultural/Rural) to "LC" (Limited Commercial) Zone on Lot 2066-REM-22, Tiyan, in the Municipality of Mongmong-Toto-Maite

1. PURPOSE:

A. Application Summary: The Applicants, Edward and Siska Hutapea, represented by Harry Gutierrez, request for a zone change from "A" (Agricultural/Rural) Zone to "LC" (Limited Commercial) Zone, for office activities on Lot 2066-REM-22, in the Municipality of Mongmong-Toto-Maite, under Application No. 2018-36.

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

2. FACTS:

A. Location: The project site is located in the former Naval Air Station about three thousand feet in from Route 8 in Maite.

B. Lot Area: The lot area is 0.55 Acres or 2,218 Square Meters or 24,086 Square Feet.

C. Present Zoning: The subject lot is zoned "A" (Agricultural/Rural) Zone.

D. Field Description: There is presently a single story residential duplex structure.

E. Masterplan: Military – not designated.

F. Community Design Plan: Military – not designated.

G. Previous Commission Action: None

3. **APPLICATION CHRONOLOGICAL FACTS:**

a. **Date Application Accepted:** June 29, 2018

b. **Date Heard By ARC:** August 2, 2018

c. **Public Hearing Results:** A public hearing was held on December 5, 2018 at 6:10 PM at the Toto Community Center. Present were planning staff, the applicant's representative Mr. Harry Gutierrez, the Mayor of Mongmong-Toto-Maite. Mr. Rudy Paco, and two concerned citizens.

Mr. Gutierrez described to meeting attendees the project intent and location. The request is for a "Limited Commercial" zone; this is intended to house specifically the property owners' appraisal company on one half of the duplex and their residence on the other half.

Mr. Peter Torres, a nearby landowner, expressed concerned about the present conditions of the road and traffic in the area and what the potential impacts of locating a commercial activity on the subject lot would mean to the residents who live there. Mr. Gutierrez indicated that the "Limited Commercial" activity was to allow for a professional office activity; that this type of office activity generally experiences minimal traffic during the normal 8-5 workday.

There were no other concerns expressed and the meeting concluded at 6:27 PM.

4. **STAFF ANALYSIS:** As proposed by this application, the request is to change the existing zone of "A" (Agricultural/Rural) zone to "LC" (limited Commercial) zone for a proposed professional office and residence.

Compatibility with existing uses. The applicant provided that the existing land uses of the area are influenced by the proximity of the Guam International Airport Authority's operations and the Air Installation Compatible Use Zone land use restrictions. The project site is adjacent to other commercial activities, the Hawaiian Electric Office and TG Engineers to the north. Because of the above, the applicant submits that this zone change from "A" to "LC" is very compatible with adjacent and neighborhood developments as they exist.

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

Public Necessity and Convenience: The applicant submits there is a need to align sustainable uses within the Tiyan area that synthesizes a combination of uses complementary to each other in the proximity of aviation-related activities. The objective of aviation related land use planning is to guide incompatible land uses away from the airport environs and to encourage compatible land uses to located around airport facilities. The Limited Commercial zone change is an alignment towards sustainable development within Tiyan, augmenting Guam's economic base benefitting residents and government services.

The applicant feels that the **public convenience** is afforded through the zone change as it will be providing a vital amenity to the Tiyan area. Historically land use plan prepared by local governments have only minimally recognized implications of planning for airports and off site, airport-related development. Local land use planning should be an integral part of the land use policy and regulatory tools used by the airport and local land use planners. Land use along the Tiyan cliff corridor should transition from a mix of residential, commercial and aviation uses to predominately commercial and aviation uses. Commercial uses are more compatible with aviation activities.

General Welfare: The rezoning protects the **general welfare** of the public. The Limited Commercial (LC) zone change was determined to be the best approach embracing public concerns received from similar GLUC zone changes in the Tiyan area. The zone change request is focused towards allowing specific commercial (office) and residential activities on the parcel. The proposal is consistent with the adjacent commercial and industrial uses aligned with GIAA's Parkway Masterplan. The parcel is within the Air Installation Compatible Use Zone (AICUZ), where residential development is not encouraged near the airport flight zones. For Tiyan to continue thriving, the community must share a stake in the area's sustainability and economic outcomes.

5. CONCLUSION

The Tiyan Parkway Environmental Assessment Study of August 2012 noted "Due to the Government of Guam's property conveyance to the heirs of ancestral landowners, a common land use consists of low-density suburban-type residences. The heirs of ancestral landowners and their lessees are currently occupying approximately 26 of the 55 structures remaining on the private parcels. These structures were formerly used as housing for military personnel. The original landowners are using some of these structures as residences with a few used as businesses, and many of these structures are being well-maintained, including their surrounding yards and landscaping. Conversely, many of those that are not occupied are dilapidated, have fallen in disrepair, and their surrounding landscapes and yards are overgrown with weeds. The layout of the structures is of low-density, giving the overall impression of a suburban neighborhood."

In addition to the adoption of the Tiyan Parkway Master Plan, this parcel is also affected by Public Law 34-37; a law relative to rezoning parcels in the former Naval Air Station Agana from "A" to "R-2".

The continued use of the structures as residences was the most practical way to immediately benefit from the returned lands. However, the requested zone change to "LC" (Limited Commercial) ensures that the commercial establishment proposed directly supports the adjacent aviation community already existing and any future commercial developments in in the area. This is encouraged by the property owner's desire to limit commercial activities to professional office and residential uses.

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

6. **RECOMMENDATION:** Based on the above, Planning Staff recommends **approval with conditions** as follows:

A. That commercial activities on Lot 2066-REM-22 be restricted to professional office(s) and residential uses as may be permitted under a "C" (Commercial) zone pursuant to Title 21GCA, Chapter 61, §61307(a) (8), (1), & (2), respectively.

B. That the applicant adheres to ARC conditions as may be applicable to general land development regulations.

Marvin Q. Aguilar
Guam Chief Planner

ATTACHMENTS

Case Planner: Celine Cruz



Recieved via email 3/11/19 ebm

Office of the Mayor
Municipality of
Mongmong-Toto-Maite
P.O. Box 786 • Hagatna • Guam 96932
mtmmayorpaco17@gmail.com

Telephone: (671) 477-9090/6758
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Mayor Rudy A. Paco

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 11 2019
ELTC/GALC/GLUC

January 9, 2019

Chairman and Commissioners, Guam Land Use Commission (GLUC)
c/o Mr. Joseph M. Borja, Acting Director, Department of Land Management
Acting Executive Secretary, Guam Land Use Commission
P.O. Box 2950
Hagatna, Guam 96932

Subject: **"Limited Commercial" (LC); Zone Change Application No. 2018-36; for Lot 2066-REM-22, Tiyan, Municipality of Mongmong-Toto-Maite, Guam; For Conerstone Valuation Guam, Inc., Edward B.M. and Siska S. Hutapea (Owners)**

Dear Mr. Chairman and Commissioners:

We have reviewed the application for a Limited Commercial Zone Change No. 2018-38, and during a recent public hearing conducted by Land Management Planning Staff, which had positive and a favorable outcome, and as the Mayor and Chairman of the Municipality Planning Council of Mongmong-Toto-Maite, I fully support the rezoning of the subject lot from "A" (Agricultural) and "LC" (Limited Commercial) Zone in order to allow for a profession commercial office activity and a family residence on the subject lot.

This development is conducive to existing mixed uses of residential, multi-family, commercial and light-industrial and is within close proximity to the Guam International Airport Authority (GIAA) Industrial Park and is aligned with and relate airport operations in Tiyan and with GIAA's Parkway Master Plan. The proposed uses on the site and poses no significant impacts on utilities (power, water, sewer, etc.). The rezoning project will help our community continue to thrive, provide local employment and will directly contribute positive economic benefits that is needed in our community.

Should you have any questions or need information, please feel free to contact me at the numbers listed above. Your favorable and expeditious action on this matter is greatly appreciated.

1/9/19

Si Yu'os Ma'ase'

RUDY A. PACO
Mayor
Municipality of Mongmong-Toto-Maite

GUAM POWER AUTHORITY

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

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

MB 9/25

September 19, 2018

MEMORANDUM

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

From: General Manager

Subject: Lot 2066-REM-22, Tiyan, Municipality of Mongmong-Toto-Maite, (Edward B.M. and Siska S. Hutapea); Zone Change Application from "A" (Agricultural) to "LC" (Limited Commercial) for the existing residential to also be used as commercial office. **Application No. 2018-36**

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 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

9/26

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Edward B.M. and Siska S. Hutapea
Location: Lot 2066-REM-22, Tiyan, M-T-M
Type of Application: Zone Change
GLUC/GSPC Application No. 2018-36
Brief Project Description:
"A" to "LC" for the existing residential to also be used as commercial 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

9/24/18
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

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

MEMORANDUM

SEP 2 8 2018
DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 27 2018
CLTC/GALC/GLUC

MD 9/27

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO. 2018-36**
LOCATION: Lot 2066-REM-22, Municipality of Mongmong-Toto-Maite
APPLICANT: Cornerstone Valuation Guam, Inc.
PROPOSED: Zone Change Request from "A" Rural Zone to "LC" Limited Commercial Zone

Håfa Adai! The applicant, Cornerstone Valuation Guam, Inc., represented by Mr. Harry D. Guiterrez, is requesting for a zone change from "A" Rural Zone to a "LC" Limited Commercial Zone. Lot 2066-REM-22 is located in Tiyan Parkway in the Municipality of Mongmong-Toto-Maite and is 2,218 square meters or 24,086 square feet. A single-story duplex structure building is currently situated on the said property. The applicant intends to use one unit for office related activities while the other unit remains residential.

The surrounding properties include single family dwellings, apartments/condominiums, commercial offices, Guam International Airport Authority, fuel stations, McDonalds, Hotel Palmridge, and Harvest Christian Academy.

The Bureau of Statistics and Plans (Bureau) has completed its review of the zone change request and finds the use compatible with the surrounding area and is consistent with the Kabales Planu Para Guahan and the North and Central Land Use Plan and provides the following comments and recommendations:

Stormwater Management. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads. The terrain of the subject property is flat and the change from a natural environment to a hardscape environment greatly increases runoff volume created during normal rains and storms which can cause erosion and flooding.

With this in mind, the Bureau requires that the applicant take a proactive approach to stormwater retention on the property and minimize as much impacts, not only on-site, but also to neighboring properties as well. Swales and rain gardens are an example of diversified measures to manage stormwater. For guidance on these practices, an electronic file of the guidebook *"Island Stormwater Practice Design Specifications"* is available at the Bureau's, Guam Coastal Management Program's website www.bsp3.guam.gov

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to surface receiving water bodies within the project site. The Bureau requires that the applicant prevent adverse impacts from construction site runoff by employing best management practices.

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) Practices. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), 50.6% of the Agana watershed is developed and 30.9% is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighborhoods if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while 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 must implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.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 must 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.

In light of the points presented above, the Bureau **recommends Approval** to the zone change request from "A" Rural Zone to the "LC" Limited Commercial Zone. The Bureau finds that the proposed commercial activity is compatible with its surrounding uses. Accordingly, the applicant is encouraged to prevent contaminants by controlling erosion during construction and managing stormwater runoff on site. Subsequently, if this application is approved, the Bureau recommends the applicant to comply with the recommendations stipulated above.

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

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
AUG 21 2018
CLTC/GALC/GLUC

8/22

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO

GLENN LEON GUERRERO
Director
ANDY LEON GUERRERO
Deputy Director

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICATION: 2018-36

APPLICANT: Edward & Siska Hutapea

SUBJECT: "A" (Agricultural) to "LC" (Limited Commercial), Tamuning
Lot 2066-REM-22, Tiyan/ Maite, Guam

Buenas yan Hafa Adai! The Applicant is requesting that an existing single story duplex concrete structure be converted into a commercial (office) and the other unit for residential use. The total lot area is approximately 0.55 acres or 2,218 square meters located within the Municipality of Tiyan.

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:

- parking stalls and lay-out (compact, standard accessible stalls) must meet the American Disability Act (ADA) requirements;
- must remove one (1) toilet, one (1) full bathroom with shower and convert into one (1) accessible bathroom;
- must remove the laundry area ;
- provide an area for filing cabinet; and
- kitchen and the lounge area will remain as it is.

NOTE: Must submit a revised floor plan and incorporate the above conditions provided by DPW.

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 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- Vertical) @ (671) 486-3095 or Maryrose M. Wilson, Engineer III, at (671) 646- 3224/3225.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

Doc. No. 35GL-19-0318.

8/22

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO, GOVERNOR OF GUAM
RAY TENORIO, LT. GOVERNOR OF GUAM

17-3304 MARINER AVENUE TIYAN, BARRIGADA, GUAM 96913-1617 FIND US ONLINE AT EPA.GUAM.GOV

MB 10/25

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

OCT 25 2018

Tao Oh,
Acting Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste. 733
Tamuning, Guam 96913

Ref: Application No. GLUC 2018-36 – "Zone Change from Agriculture (A) to Limited Commercial (LC) on Lot No. 2066-REM-22, Tiyan, Maite, Guam,

The staff of this Agency reviewed the application and determined that this Agency does not have objection to rezone Lot No. 2066-REM-22 that contains an area of +/- 2,218 square meters. However, the owner and/or contractor must comply with all GEPA laws and regulations when obtaining a permit to construct and/or occupy any structure or establishments under the approved zoning.

Should you have question please contact CDR Brian Bearden, P.E., BCEE, Chief Engineer at 300-4779.

For WALTER S. LEON GUERRERO
Administrator

10-26

Doc. No. 35GL-19-0318.

GUAM WATERWORKS AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
AUG 17 2018
CLTC/GALC/GLUC

MEMORANDUM

August 9, 2018

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2018-36 for Lot 2066-REM-22, Tiyan, in the Municipality of MongMong-Toto-Maite.

APPLICANT(S): Siska S. and Edward Hutapea

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "LC" (Limited Commercial) zone for commercial use.

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 GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

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. Sewer and water mains may be located on the subject property. Easements are associated with the water and sewer utilities.

   Future construction should not occur over water and sewer infrastructure. Any proposed changes to existing infrastructure shall: (a) be coordinated with GWA; (b) ensure continuity of utility service for customers near, upstream, or downstream of construction, both during and after construction; (c) establish new utility rights of way/easements, as appropriate; and (d) be at the developer's expense.

   Access to water and sewer utility infrastructure should not be obstructed or restricted either during or after construction.

2. After a GWA utility service account is opened, the account holder is responsible for updating the GWA utility service account with the change from residential to commercial activity. Billing rate changes may apply.

3. The applicant must provide GWA with site development plans to construct new 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.

4. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

5. 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 permit application will be contingent upon the completion of offsite utility 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.

6. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

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

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

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

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

11. 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.

12. 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.

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.

Cc: Rudy A. Paco, Mongmong-Toto-Maite Mayor, mtmmayorpaco17@gmail.com

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:
RC 2018-0714

MB 8/10

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

July 27, 2018

Memorandum

To: Director, Department of Land Management

From: Director, Department of Parks and Recreation

Subject: Application No. 2018-36: Zone Change Application, Agriculture to Limited Commercial Lot Number 2066-REM-22, Tyan, Municipality of Mongmong-Toto-Maite, Guam

We reviewed the subject application for zone change for Edward & Siska Hutapea subject Lot 2066-REM-22 and have no objection to the approval of the Zone Change Application.

Please do not hesitate to call us should you have any questions.

William N. Reyes

Department of Agriculture
Dipåttamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office	300-7970 / 7969 / 7968
Agricultural Development Services	300-7973 / 7972 / 7967
Plant Nursery	300-7974
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	300-7975/6
Plant Inspection Station	475-1426/27; Fax 477-9487
Animal Health	300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 29 2018
CLTC/GALC/GLUC

MB 10/29

October 29, 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 application 2018-36 for a zone change request from an "Agricultural" to a "LC" on Lot 2066-REM-22 consisting of 0.55 of an acre Located off of Rte. 8 and East Sunset Blvd Tiyan in the municipality of Mongmong Toto Maite. (Wan Yuan Jewelry Inc./Man Wing Cheung Principle c/o Harry Gutierrez).**

Agriculture has reviewed the subject lot for the rezoning of this lot to a "Limited Commercial" zone for an existing house and commercial building. Our agency will recommend approval of the current proposal for zone change with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637.* Our preliminary inspection of the site found no adverse impacts to **Agriculture,** as the site has not been used for agricultural purposes when the military still had a presence on Tiyan.

The continued development of the island creates challenges in trying to achieve a proper balance as the removal of Guam's vegetation without having an adequate landscaping plan as part of any development will have devastating effects on the environmental make up of our land mass and coastal waters. Replanting trees will allow and prevent the destruction of our **"Northern Aquifer"** and avoid unchecked and reckless development that does not take into account preservation and continuation of native habitat that has protected our natural resources and island lifestyle. Planting these trees back into the environment will not only achieve that but also add to the developments aesthetic appeal. In addition these planted trees will help provide shading, windbreak capabilities and a greener appeal to the proposed development.

The use of native trees that originate in this area is recommended as they are suitable and will adapt readily to the existing soils and will help to maintain a healthy aquifer and surrounding habitat to allow for a healthy and vibrant eco-system.

The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and coastal zones thereby polluting it. The **Department of Agriculture** has several programs and personnel that can assist you in developing a plan to address this issue.

Please contact our **Agricultural Development Services & Forestry** divisions here at the agency for further assistance and guidance at 300-7972 & 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. In addition our **Agricultural Development Services division** maintains an **Organic and Environmental Demonstration Farm.** The demonstration farm displays various planting techniques that will aid the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment for assistance contact **John Borja, Rick Lizama and Pete Terlaje** at the ADS division at 300-7976 where our agricultural agents can assist you.

The guidelines as listed in this Impact Assessment should be used as a template to ensure continuation of Guam's habitat. Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community. It is vital that all land developers take a proactive step in preventing and causing this loss. For other earth friendly techniques and guidance form the Department of Agriculture please contact our offices at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

ITEM B

APPLICATION NO. 2018-41

PACIFIC SEVEN INVESTMENTS, INC.

WAS WITHDRAWN FROM TODAY'S GLUC HEARING

DUE TO TECHNICAL ISSUES

ATTACHMENT C

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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

February 1, 2019

MEMORANDUM

To: Acting Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2017-46

1. PURPOSE:

a. **Application Summary:** The applicant, IAN Corporation represented by Mr. Daniel Swavely is requesting approval of a Tentative Subdivision to create a subdivision consisting of thirty-six (36) Single Family residential lots on Lot 4-R1NEW, Tract 154 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 lot is located in Yigo, on the eastern side of Chalan Paharu, approximately 800 feet from the junction of Chalan Paharu and Marine Corps Drive and approximately 300 feet south from the junction of Chalan SPC Juan T. Sablan and Chalan Paharu.

b. **Lot Area:** 27,503± Square Meters or 296,040± Square Feet.

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

d. **Field Description:** The proposed site is presently vacant, and is presently overgrown with various types of ground cover vegetation, small bushes and a canopy of various types of trees. The site's topography is from the east (rear) to the west (front) with elevation difference in most areas of up to ten to fifteen feet.

e. **Masterplan:** Mixed Use-2009 North and Central Guam Land Use Plan

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

g. **Previous Commission Action:** May 24, 2018 – GLUC Approval of a Zone Change Application, from "A" (Agricultural/Rural) to "R-1" (Single Family Dwelling).

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** March 20, 2018

b. **Date Heard By ARC:** May 3, 2018

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

4. STAFF ANALYSIS:

As requested by the applicant, the intent is to create a subdivision consisting of thirty-six (36) single family residential lots with each lot size averaging 6,000 square feet, a ponding basin lot, a school bus shelter lot and a forty (40) feet wide public access and utility easement.

The applicant proposes to construct a single family residential structure on each of the thirty-six (36) residential lots (3 bedroom houses on twenty-nine (29) lots and 4 bedroom houses on seven (7) lots), develop the forty (40) feet access and utility easement complete with paved lanes, sidewalks, street lights and utilities. A runoff drainage system, to include the ponding basin, is also to be developed to address all on site runoff and for security, a perimeter fence is to be constructed. Landscaping will occur on each of the residential lots in conjunction with the construction of the houses and the school bus stop shelter.

The applicant in its efforts to address the health, safety and general welfare issues of the proposed development and the public in general has been coordinating with the various government entities to adequately address the following infrastructure need to provide;

1. Adequate connection to the public sewer system;
2. Adequate connection to the public water system;
3. Required number of fire hydrants;
4. Street rights-of-way to accommodate regular and emergency vehicle travel lanes, sidewalks, utilities, street lights and an approved entrance/exit to and from the subdivision;
5. adequate storm water system to include a ponding basin; and
6. a school bus stop shelter.

5. **RECOMMENDATION:** Based on the applicants' proposal to create a residential subdivision consistent with the nearby residential uses and to construct three and four bedroom residences with each residential structure sited within the zoning requirements for setbacks, height, parking, appropriate waste and storm water disposal as presented on the submitted application and supporting information and the applicants 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 time frame 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

Case Planner: F.P.TAITANO

Attachments: ARC Memo to GLUC Member

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DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
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SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

February 1, 2019

Memorandum

To: Guam Land Use Commission (GLUC) Members

From: Chairman, Application Review Committee (ARC)

Subject: Summary of Positions Submitted by ARC

Re: Application No. 2017-46 (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:

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

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

GUAM POWER AUTHORITY (GPA):
Guam Power Authority has reviewed the application 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. 78360.

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 object 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.

DPW recommends approval subject to review comments by the Application Review Committee (ARC) with conditions, prior to building permit application. Applicant must submit a complete set of design drawings with all the engineering disciplines needed in the project. Must also comply with all the rules, regulations and be in conformance with the latest building code edition signed by a registered architect or engineer.

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) Comply with all the Geotechnical requirements related to site preparations.
    c) 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 hall identify the flood hazard area and the elevation of the base flood. (Ref: 5.3 Standard for Subdivision, Page 107, Development Requirements on Guam.

GUAM WATERWORKS AUTHORITY (GWA):

This memorandum shall serve as GWA's position statement for the referenced tentative subdivision application related to the availability of water and sewer infrastructure 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 of 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, the following comments are conditions for GWA's position in favor of the tentative subdivision approval:

1. If the applicant will request that GWA take over water and sewer infrastructure within the subdivision, then a construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.

2. 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 complete drawings and specifications.

3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall finalize the ongoing water and sewer system capacity analysis to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

4. 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.

5. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

6. The applicant shall install GWA water meters in the public right of way or easement.
7. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.
8. New development is subject to water and/or sewer system development charges.
9. Only wastewater shall be discharged to the sanitary sewer system. Storm water, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

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

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR has no objection to the approval of the subject application provided the following concerns are complied with:

- IAN Corporation must consult and coordinate with the project archaeologist and submit the Final Archaeological Survey Report in accordance with our Basic Reporting Requirements, as soon as possible.

- With respect to any previously signed agreement made between the Mayor of Yigo and IAN Corporation, all recreational parks will have to meet the guidelines and standards for subdivisions and planned unit developments (PUD) on Guam and receive consultation and written approval of the Department of Parks and Recreation.

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.

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 recommendations:

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified 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."

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

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

Low Impact Development (LID) 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 highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property.

An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.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, IAN Corporation, 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 sustainable manner.

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

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Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC2017-0341
cr: RC2016-0952

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUL 23 2018
CLTC/GALC/GLUC

July 16, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2017-46:
Tentative Subdivision Application by IAN Corporation for Lot 4-R1NEW
Tract 154, for Tre Vista Subdivision, Yigo, Guam

We reviewed subject application submitted by Daniel D. Swavely, Authorized Representative for IAN Corporation for the subject application. We have no objection to the approval of the subject application provided the following concerns are complied with:

- IAN Corporation must consult and coordinate with the project archaeologist and submit the Final Archaeological Survey Report in accordance with our Basic Reporting Requirements, as soon as possible.

- With respect to any previously signed agreement made between the Mayor of Yigo and IAN Corporation, all recreational parks will have to meet the guidelines and standards for subdivisions and planned unit developments (PUD) on Guam and receive consultation and written approval of the Department of Parks and Recreation.

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: Daniel D. Swavely, Authorized Representative
dds@guam.net

GUAM WATERWORKS AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JUN 07 2018
CLTC/GALC/GLUC

MEMORANDUM

May 24, 2018

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Tentative Subdivision Application No. 2017-46 for Lot 4-R1NEW Tract 154 in the Municipality of Yigo

APPLICANT: IAN Corporation

This memorandum shall serve as GWA's position statement for the referenced tentative subdivision application related to the availability of water and sewer infrastructure 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, the following comments are conditions for GWA's position in favor of the tentative subdivision approval:

1. If the applicant will request that GWA take over water and sewer infrastructure within the subdivision, then a construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.

2. 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 complete drawings and specifications.

3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall finalize the ongoing water and sewer system capacity analysis to determine if

existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

4. 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.

5. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

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

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

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

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

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.

GUAM POWER AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAY 23 2018
925
CLTC/GALC/GLUC

May 15, 2018

MEMORANDUM

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

From: General Manager

Subject: Lots 4-R1NEW, Tract 154, Municipality of Yigo, (IAN Corporation); Tentative Subdivision Application to construct a 36-unit modern housing development. **Application No. 2017-46**

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. 78360.**

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.

JOHN M. BENAVENTE, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: IAN Corporation
Location: Lot 4-R1NEW, Tract 154, Yigo
Type of Application: Tentative Subdivision
GLUC/GSPC Application No. 2017-46
Brief Project Description:
To construct a 36-unit modern housing development.

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

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

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

   Yes ☐ No ☒

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

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

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

for _____ 5/18/18
JOHN M. BENAVENTE, P.E. Date
General Manager

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 facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

SEP 12 2018

VM 9/27

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 27 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.** 2017-46
LOCATION: Lot 4-R1NEW, Tract 154, Municipality of Yigo
APPLICANT: Tre Vista Tentative Subdivision c/o Mr. Daniel Swavely
PROPOSED USE: Tentative Subdivision for the Construction of Thirty-Six (36) Single Family House Lots

Håfa Adai! The applicant, IAN Corporation, represented by Mr. Daniel Swavely, is requesting a tentative subdivision for the proposed construction of thirty-six (36) single family dwellings on Lot 4-R1NEW, Tract 154, in a "R-1" Single Family Dwelling Zone in the Municipality of Yigo.

The subject lot is 27,503 square meters or 296,040 square feet. Lot 4-R1NEW, Tract 154, is located along Route 1, Marine Corp Drive, a major thoroughfare. The adjacent surrounding properties include the 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 recommendations:

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified 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*

CC 9/28

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."

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

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

Low Impact Development (LID) 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 highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.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, IAN Corporation, 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

cc: GEPA
DPW
GWA
DPR
GPA

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAY 10 2018
CLTC/GALC/GLTC

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

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICANT: IAN Corporation

APPLICATION No.: 2017-46

SUBJECT: Tentative Subdivision in an "R-1" (Single Family Dwelling) Zone
Lot 4-R1NEW, Tract 154, Yigo

Buenas yan Hafa Adai!

Applicant, is proposing to construct a tentative subdivision for 36 lots with 29 lots reserved for 3 bedrooms and 7 lots for 4 bedroom houses. Tre Vista subdivision is not a gated community but with provisions to include security fence around the perimeter. Total lot area is approximately 6.8 acres or 27,503 square meters and is within the Municipality of Yigo.

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 review comments by the Application Review Committee (ARC) with conditions, prior to building permit application. Applicant must submit a complete set of design drawings with all the engineering disciplines needed in the project. Must also comply with all the rules, regulations and 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., Chief Engineer for the Division of Capital Improvement Projects @ (671) 988-6273 or Maryrose M. Wilson, Engineer III @ (671) 646-3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

APPLICATION REVIEW COMMITTEE COMMENTS

APPLICATION NO.: 2017- 46

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

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 (See back for additional conditions).

a) Setback requirements must be in place in each lot.
b) Comply with all the Geotechnical requirements related to site preparations.
c) 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).

ATTACHMENT D

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

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

LOURDES A. LEON GUERRERO
Governor

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Lieutenant Governor

JOSEPH M. BORJA
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E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

March 6, 2019

Memorandum

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2019-11 – Request for Issuance of Final Public Report

RE: Villa Pution – Registration Number 172

1. PURPOSE:

A. Application Summary: The applicant, Eagle Square Corporation, represented by Melinda Swavely, Esquire, is requesting issuance of a Public Report for a condominium project to be known as "Villa Pution." Said project consists of a 2-storey building containing a total of Four (4) Residential Condominium Units, with common elements in an "R-2" Multi Family Dwelling Zone, Municipality of Mangilao.

B. Legal Authority: Title 21, GCA (Real Property), Chapter 45 (Horizontal Property Act)

2. FACTS:

A. Location: "Villa Pution", hereinafter called "The Project" is located on Lot 3202-1-1-R2, Municipality of Sinajana. It can be accessed from along Pale Kieran Hickey Drive, a sixty-foot (60') public access and utility easement.

B. Lot Area: 833± Square Meters or 8,974± Square Feet.

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

D. Sewer Status: With sewer.

3. APPLICATION CHRONOLOGICAL FACTS:

A. Previous Commission Actions: None

B. Date Application Accepted: January 17, 2019

C. Date Heard By ARC: N/A

D. Public Hearing Results: N/A

4. DISCUSSION:

Building: There is a two-story building within the "Project" limits. The building consists of four (4) residential dwelling units intended for offer of sale under the proposed HPR. Attributes of offering includes the following:

A. Apartments Description: The proposed HPR offers four (4) apartment 2-story residential units each having a basement and roof deck level. The basement consists of a storage room, bathroom, office, future elevator room, interior stairway and balcony. The first storey consists of a living/ding room, kitchen, one-half (1/2) bathroom, future elevator room, interior stairway, balcony and two (2) car garage. The second storey consists of a master bedroom with walk-in closet and an en-suite bathroom; two (2) bedrooms, bathroom, laundry room, future elevator room, interior stairway and three (3) balconies. The roof deck level consists of a bathroom, future elevator room and interior stairway.

B. Additional Amenities: Common elements of the "Project" consist of the grounds, roof deck terraces, walls, gate, power meter pedestal, and other elements as defined in the Declaration of HPR for Villa Pution.

C. Required Documents:

1. Notice of Intention & Questionnaire Form
2. A copy of the Declaration
3. By-Laws of the Association of Apartment Owners
4. Condominium Plans and Property Map
5. Executed Escrow Agreement
6. Specimen Condominium Deposit Receipt and Purchase Agreement
7. Specimen Apartment Unit Deed, Form of Receipt for Final Public Reports
8. Incorporation Certificate, Articles of Incorporation and By-Laws of Eagle Square Corporation.
9. Title Insurance and Ownership and Encumbrance Report

Since the "Project" has been completed, the following documents are not required, but nonetheless submitted as further evidence of completion and intention for the sale of the Apartment units:

1. Statement of financing the "Project"; and
2. Statement showing all costs involved in completing the project (such as land payments, construction costs, engineering, attorneys' fees)

It is our position, based on the submitted documents, we find the material facts has been presented and considered adequate for any prospective purchaser to consider; and that adequate protection for purchaser's funds has been provided.

5. **STAFF RECOMMENDATION:** Recommend issuance of a Final Public Report. This Project shall be registered as Registration No. 172, known as "Villa Pution" and said Public Report shall expire thirteen months from the date of this meeting or April 14, 2020.

Marvin Q. Aguilar
Chief Planner

Case Planner: Celine Cruz

ATTACHMENT E

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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

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671-649-LAND (5263)

Facsimile:
671-649-5383

February 5, 2019

MEMORANDUM

TO: Acting Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – Tentative Subdivision on Lot R4, Tract 93021, Municipality of Yigo, Application No. 2015-38

1. PURPOSE:

a. Application Summary: The applicant, Richland Development, LLC represented by Mr. Jae S. Ji, Request for a second Extension of Time of an Approved Tentative Subdivision on Lot R4, Tract 93021, 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. DISCUSSION:

As conditionally approved by the Commission on December 14, 2017 for a one- year extension of the October 27, 2016 Tentative Subdivision approval. The subject application is the development of a subdivision consisting of Ten (10) Single Family residential lots.

The applicant is requesting for a second Extension of Time pursuant to Section 62504 (Time Allowed for Completion of Improvements) of the Subdivision Law. The Section states, "Upon approval of the tentative subdivision plan by the Commission, the subdivider 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 subdivider 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."

3. RECOMMENDATION:

Considering that the applicant has been, and continues to consult and coordinate with the Govguam permitting entities, to address their permitting conditions and, or, requirements for the approved Tentative Subdivision, planning staff recommends Approval with the condition that the applicant continue to adhere to the condition of the October 27, 2016 Commission approval.

Marvin Q. Aguilar

ATTACHMENT: **Request Package**

Case Planner: Frank Taitano

Studio e Development.....

DATE: December 09, 2017

INSTRUMENT NUMBER: NOA 900084

DPW PERMIT NUMBER: B17000770

ATTENTION: Mr. Michael J.B. Borja, Executive Secretary
GUAM LAND USE COMMISSION
C/O PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM, HAGATNA, GUAM 96932

MB 12/10

DEPARTMENT OF LAND MANAGEMENT
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PROJECT: NOTICE OF ACTION for RICHLAND DEVELOPMENT LLC
LOT R4, TRACT 93021, 10 - SINGLE FAMILY HOUSING UNIT SUBDIVISION, YIGO, GUAM

SUBJECT: **REQUEST FOR A ONE (1) YEAR EXTENSION FOR AN APPROVED TENTATIVE SUBDIVISION to COMPLETE THE CONSTRUCTION** FOR LOT **R4, TRACT 93021**, YIGO GUAM; EXPIRATION OF TIME on NOA: JANUARY 09, 2018.

Dear Mr. Borja,

We will like to take this time to give you an update on the project referenced above. Since the issuance of the first Notice of Action (NOA) Extension, we have completed the Permit Processing and the permit was issued on July 30 2018 (B17000770). Since then, our General Contractor has been on site working as hard as possible to complete the project on time. With the weather delays, unforeseen site conditions, and Government Agency Scheduling issues it has been very difficult to stay on schedule.

We have been working with our General Contractor, Guam Waterworks (GWA) and Guam Power Authority (GPA) to get our project back on track. Unfortunately, we are unable complete the project by the time allowed by the NOA for us to obtain the Certificate of Occupancy for this project.

We are asking for a Notice of Action Extension of one (1) year, to properly complete the construction, install all infrastructures, and finish the road for this project. We feel that this will be sufficient enough time to complete the work and file the Final Subdivision Survey Plan.

If there are any questions or inquiries, please feel free to contact us at you convenience. Again thank you for your time and immediate attention.

SINCERELY,

JAE JI, Project Manager

Attachments: Copy of the Notice of Action (1 page), Permit and Permit Application (3 pages), General Contractors Letter Requesting Time Extension (5 pages)

545 Chalan San Antonio, Tamuning, Guam 96913, Suite 211 Core Pacific Business Center
P.O. Box 307 Hagatna, Guam 96932 T: 671.969.8920 F:671.969.8922 E: studio@guam.net
Doc. No. 35GL-19-0318.

Studio e Development.....

DATE: December 09, 2017

INSTRUMENT NUMBER: NOA 900084
DPW PERMIT NUMBER: B17000770

ATTENTION: Mr. Tae Oh, Acting Chairman
GUAM LAND USE COMMISSION
C/O PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM, HAGATNA, GUAM 96932

PROJECT: NOTICE OF ACTION for RICHLAND DEVELOPMENT LLC
LOT R4, TRACT 93021, 10 - SINGLE FAMILY HOUSING UNIT SUB-DIVISION, YIGO, GUAM

SUBJECT: **REQUEST FOR A ONE (1) YEAR EXTENSION FOR AN APPROVED TENTATIVE SUBDIVISION to COMPLETE THE CONSTRUCTION** FOR LOT **R4, TRACT 93021**, YIGO GUAM; EXPIRATION OF TIME on NOA: JANUARY 09, 2018.

Dear Mr. Oh,

We will like to take this time to give you an update on the project referenced above. Since the issuance of the first Notice of Action (NOA) Extension, we have completed the Permit Processing and the permit was issued on July 30 2018 (B17000770). Since then, our General Contractor has been on site working as hard as possible to complete the project on time. With the weather delays, unforeseen site conditions, and Government Agency Scheduling issues it has been very difficult to stay on schedule.

We have been working with our General Contractor, Guam Waterworks (GWA) and Guam Power Authority (GPA) to get our project back on track. Unfortunately, we are unable complete the project by the time allowed by the NOA for us to obtain the Certificate of Occupancy for this project.

We are asking for a Notice of Action Extension of one (1) year, to properly complete the construction, install all infrastructures, and finish the road for this project. We feel that this will be sufficient enough time to complete the work and file the Final Subdivision Survey Plan.

If there are any questions or inquiries, please feel free to contact us at you convenience. Again thank you for your time and immediate attention.

SINCERELY,



JAE JI, Project Manager

Attachments: Copy of the Notice of Action (1 page), Permit and Permit Application (3 pages), General Contractors Letter Requesting Time Extension (5 pages)

545 Chalan San Antonio, Tamuning, Guam 96913, Suite 211 Core Pacific Business Center
P.O. Box 307 Hagatna, Guam 96932 T: 671.969.8920 F:671.969.8922 E: studio@guam.net
Doc. No. 35GL-19-0318.

GR CONSTRUCTION LLC
1794 Army Drive, Suite 203, JRV Commercial Plaza, Dededo, Guam 96929
Tel: (671) 632-1920 • Fax: (671) 637-2587 • E-mail: rqcalma@yahoo.com

December 5, 2018

Mr. Jae Ji
Principal
Studio E Development
545 Chalan San Antonio
Tamuning Guam

Subject: Request for Extension – Victory Park Residences

Dear Mr. Jae Ji,

We are continuing to pursue the completion of our work as rapidly as is reasonably possible under the current circumstances. We have, however encountered certain delays to our performance that were beyond our control. The contract we both have signed requires that we furnish to you written notice of such delay. We continue to keep you informed of these delays and of their effect on the overall job completion. Please be assured that we will seek diligently to minimize as best we can the effects of these delays on our work.

Specifically, we have been delayed in the following areas and ways:

1. Inclement weather: We experienced substantial rainy in the months of June (7 days); July (8 days); August (15 days); September (14 days); October (18 days) and November (13 days) for a total of 75 calendar days.
2. Government Agency: Additional requirements are needed by Guam Waterworks and Guam Power. GWA requires us to apply first for an exploratory excavation to determine exact waterline location since new sewer line will cross existing main water line. GPA also requires us to apply for miscellaneous service inspection for underground systems prior to any excavation.

Accordingly, we hereby request an extension of at least Forty Five (75) calendar days to our contract completion date to take into consideration the above delays. Once the full impact of these delays are realized, we will forward to you another letter updating and finalizing our time extension request. We have also attached a revised schedule for your consideration.

Should you have any question or comment on the request, please give us a call at (671) 632-1920 or e-mail us at rqcalma@yahoo.com.

Respectfully,

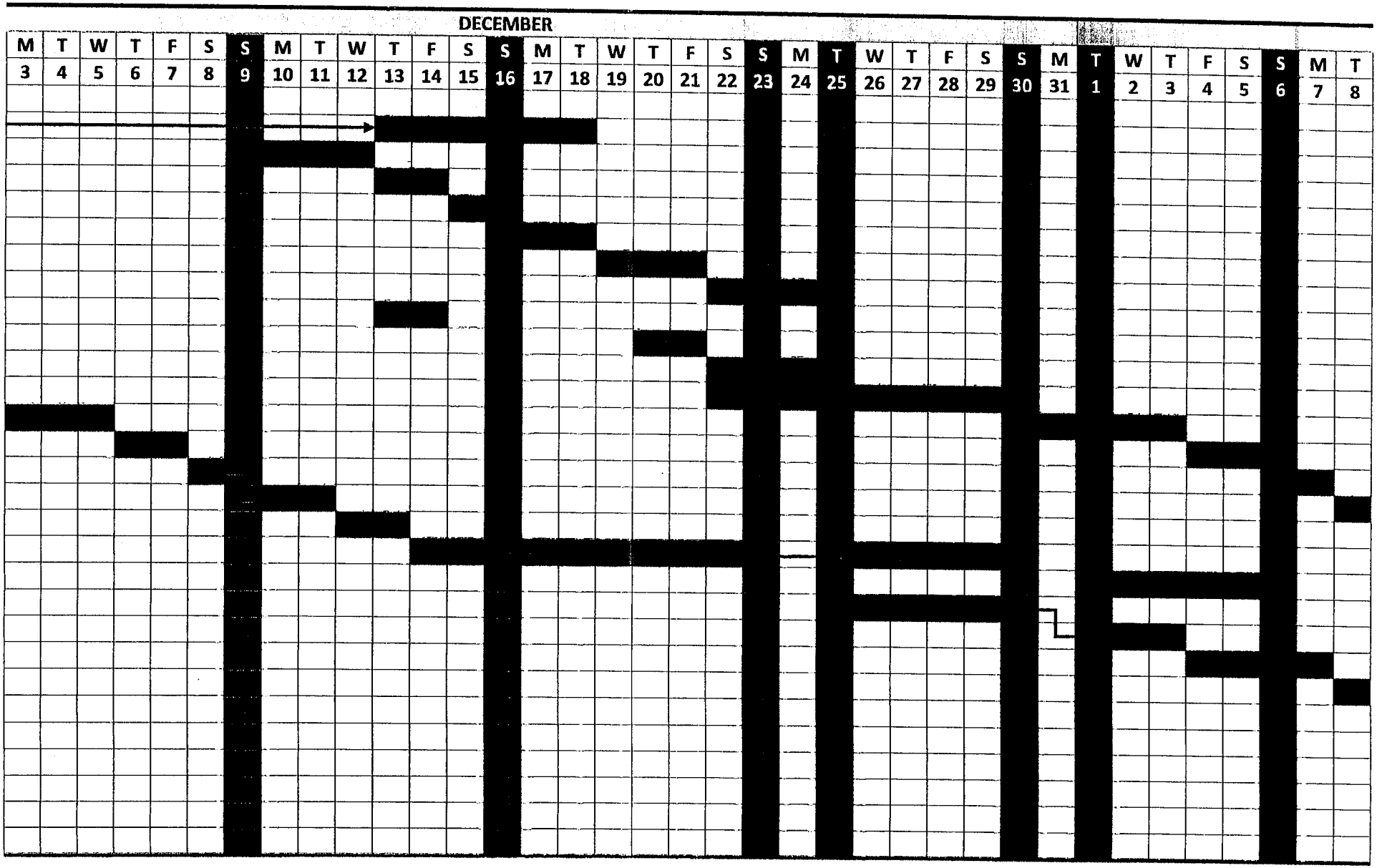
for Rustico Calma
General Manager

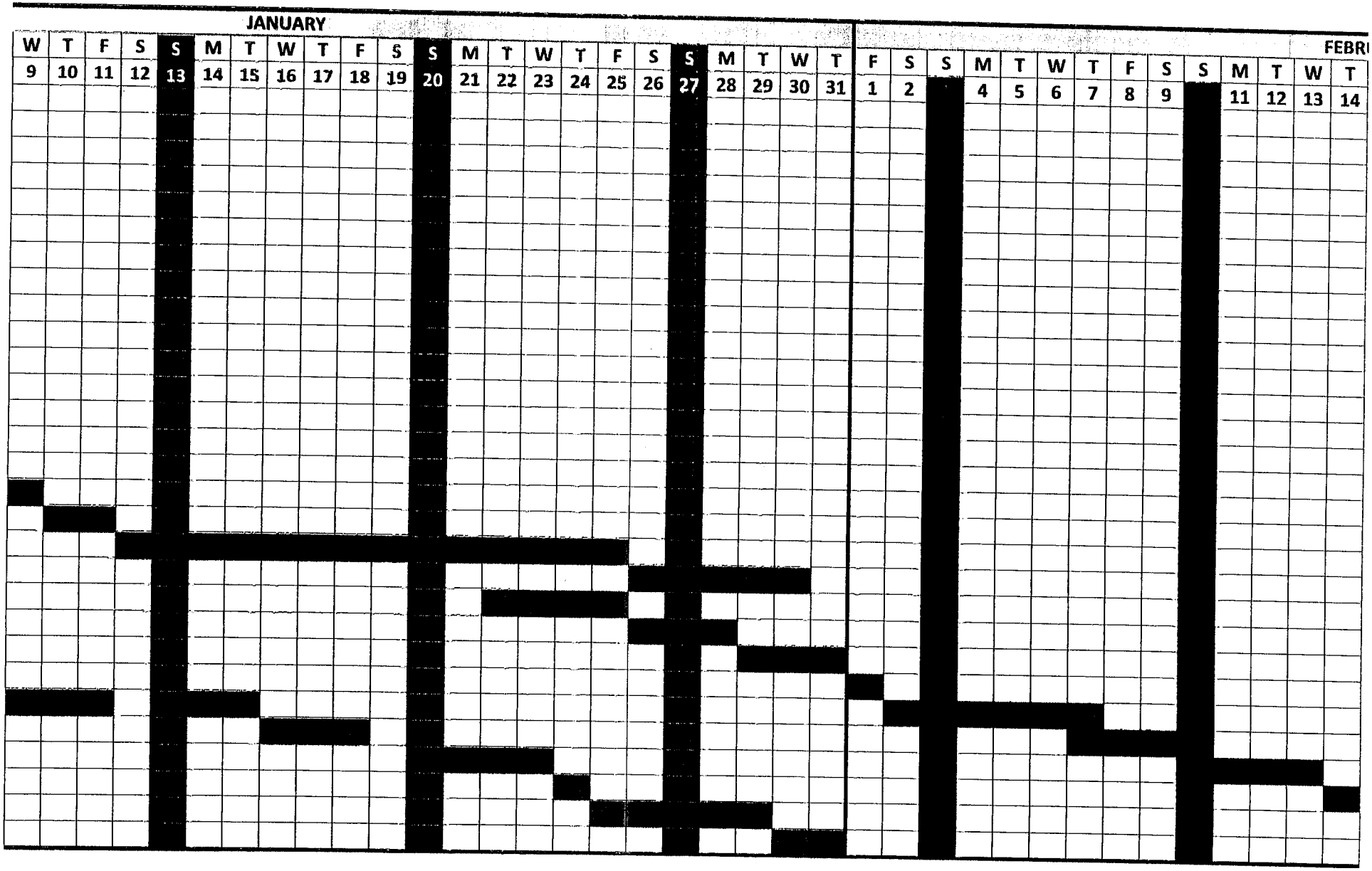
VICTORY PARK RESIDENCES

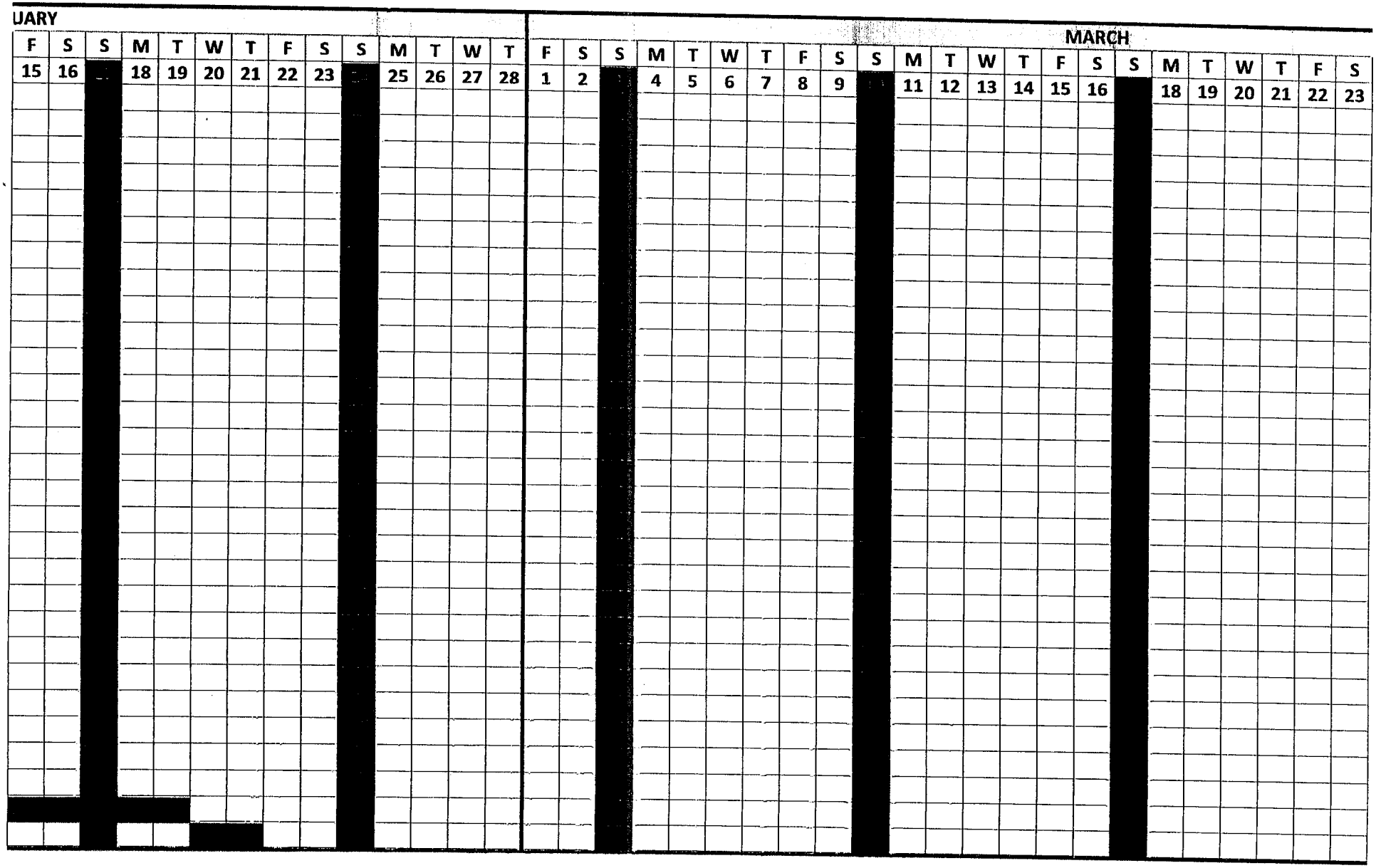
SCHEDULED
REVISED

NOVEMBER

ITEM	WORK	M 12	T 13	W 14	T 15	F 16	S 17	S 18	M 19	T 20	W 21	T 22	F 23	S 24	S 25	M 26	T 27	W 28	T 29	F 30	S 1	S 2
1	SET UTILITY BENCHMARKS																					
2	EXCAVATE FOR UTILITIES																					
3	EXCAVATE FOR RETAINING WALL																					
4	SET REBARS FOR RETAINING WALL																					
5	POUR CONCRETE/RETAINING WALL																					
6	SET RETAINING WALL CMU																					
7	LINE SAND BEDDING/SET DUCT BANKS																					
8	SET PIPES SEWER PIPES																					
9	EXCAVATE FOR MANHOLES/HANDHOLES																					
10	SET MANHOLES																					
11	SET HANDHOLES																					
12	STAKE AND SET FORMS FOR CURBS AND GUTTERS																					
13	SET REINFORCEMENTS - CURBS AND GUTTERS																					
14	POUR CONCRETE - CURBS AND GUTTERS																					
15	REMOVE FORMS - CURBS AND GUTTERS																					
16	LEVEL SIDEWALKS/SET REINFORCEMENTS																					
17	POUR CONCRETE FOR SIDEWALKS																					
18	SET UTILITY PEDESTALS - POWER/COMM/CABLE																					
19	SET ELECTRICAL BOXES, COMM/CABLE																					
20	PONDING BASIN																					
21	FENCE PONDING BASIN																					
22	PREP CUL-DE-SAC FOR PAVING																					
23	ASPHALT PAVING CUL-DE-SAC																					
24	APPLY FOR WORK ORDER GWA/GPA																					
25	SET POWER POLES BY GPA																					
26	CONNECT SEWER/WATER BY GWA																					
27	INSPECTION FOR OCCUPANCY																					
28	PUNCH LIST ITEMS																					
29	DE-MOBILIZE AND CLEAN-UP																					


DECEMBER
M T W T F S S M T W T F S S M T W T F S S M T W T F S S M T W T F S S M T
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1 2 3 4 5 6 7 8


JANUARY
FEBR
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UARY
F S S M T W T F S S M T W T
15 16 18 19 20 21 22 23 25 26 27 28
MARCH
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ORIGINAL

AFFIDAVIT OF AUTHORIZATION

1. THAT I, **Vic Reyes**, the duly authorized representative, shareholder, and co-owner of **VICTORY INC**, the registered owner of the **LOT R4, TRACT 93021**, consisting of an area of 8,525 SM / 91,759+SF, located along Gayinero Road, within the Municipality District of Yigo, Guam;

2. THAT, **Jae Ji** is the duly authorized representatives to act on my behalf for:

   a. A Proposed 10 Lot Single-family Housing Subdivision Development, Municipality District of Yigo, Guam **LOT R4, TRACT 93021.**

3. THAT the extent of my authorization to **Jae Ji,** that he may conduct themselves accordingly to arbitrate, negotiate, commit, revoke, represent, mitigate, abate, apply for permits, request for information, and submit documents to the Government of Guam as stated above through all of the reviewing instrumentalities along the process.

4. THAT the extent of my authorization continues until I hearby revoke it in writing. Further the affiant sayeth naught.

Duly Authorized Representative or Co-Owner:

Signature: Title: PRESIDENT

Vic Reyes 8/11/2017
Print Name: Date:

VICTORY INC.
Company:

NOTARY PUBLIC:

SUBSCRIBED and SWORN to before me this 11 *th day* August *by* 2017, by Vic Reyes.

Sara C. Pangelinan

SARA C. PANGELINAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: July 11, 2021
888 N. Marine Corps Drive, Ste. 200 T...

Doc. No. 35GL-19-0318.

FOR RECORDATION AT THE DEPARTMENT OF LAND MANAGEMENT

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder
File for Record is Instrument No. 910078
On the Year 17 Month 07 Day 24 Time 11:22
Recording Fee 40 Receipt No. 5285
Deputy Recorder Jane Yamasaki
JANET YAMASAKI

(Space Above For Recorder's Use Only.)

QUITCLAIM DEED AND TERMINATING RIGHTS OF REDEMPTION

This Quitclaim is dated Jan. 18, 2017, and is by RICHLAND DEVELOPMENT LLC, a Guam limited liability corporation, whose mailing address is Ladera Tower, 310 Ladera Lane Magilao, Gu 96913 Unit 1612 (the "Grantor"), and VICTORY INC., a Guam corporation, whose mailing address is 888 N. Marine Corps Dr., Suite 208, Tamuning, Guam 96913 (the "Grantee").

IN AND FOR $10.00 AND OTHER valuable consideration exchanged and received, the Transferor hereby QUITCLAIMS, TRANSFERS, SELLS and CONVEYS to the Grantee, in fee simple, as its sole and separate property, any and all redemption rights, and all right, title, and interests, if any, that the Grantor has, or may have, in the following described property (the "Property"):

LOT NO. R4, TRACT NO. 93021, YIGO, GUAM, (ESTATE NO. 17030 under Basic Lot No. 7027-REM-2-2), SUBURBAN, as said lot is marked and designated on Map Drawing No. ES-0707 LM#119FY#2007, dated 8/22/2007 and recorded on 08/23/2007 under Instrument No. 760372, in the Department of Land Management, Government of Guam.

The following is shown for information purposes only: Said map shows the area to be 8,525 ± square meters; Last Certificate of Title No. 25885 under Basic Lot No. 7027-REM-2-2 issued to Luis T. Takano.

TOGETHER with all and singular the buildings, improvements, ways, easements, rights, tenements, privileges and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits, thereof; and also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, at law and in equity, of the Grantor, in, and to the same, and every part and parcel thereof,

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereon and thereunto belonging or in anywise appertaining or held and enjoyed therewith, unto the Grantee, in fee simple, as its sole and separate property, and to Grantee's successors and assigns forever.

We, the Grantor and the Grantee, AGREE that water and electric power is available on the Property or within one hundred feet (100') thereof, and that the Government of Guam is not required to pay for water and power hookup.

/ / /

/ / /

IN WITNESS WHEREOF, the Grantor and the Grantee have caused these presents to be duly executed on the dates noted below.

GRANTOR:

RICHLAND DEVELOPMENT, LLC

Dated: Jan 11, 2017 By: Chan Shih I
CHAN SHIH-I
Its Duly Authorized Representative

GRANTEE:

VICTORY INC.

Dated: JAN 18, 2017 By:
VIC REYES
Its Duly Authorized Representative

Guam

~~CALIFORNIA~~, U.S.A.)
) ss:
CITY OF Tam.)

ON THIS 11 day of Jan., 2017, before me a Notary Public in and for California, U.S.A., personally appeared Chan, Shih-I, known to me to be the authorized representative of RICHLAND DEVELOPMENT LLC, whose name is subscribed to the foregoing instrument, and he/she acknowledged to me that he/she executed the same as his/her free and voluntary act for and on behalf of said corporation for the uses and purposes therein set forth.

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

Sara C. Pangelinan
NOTARY PUBLIC

SARA C. PANGELINAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: MAY 09, 2017
888 N. Marine Corps Dr., Ste. 200, Tamuning Guam 96913

GUAM, U.S.A.)
) ss:
CITY OF Tam.)

ON THIS 18th day of Jan., 2017, before me a Notary Public in and for Guam, U.S.A., personally appeared Vic Reyes, known to me to be the authorized representative of VICTORY INC., whose name is subscribed to the foregoing instrument, and he/she acknowledged to me that he/she executed the same as his/her free and voluntary act for and on behalf of said corporation for the uses and purposes therein set forth.

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

Sara C. Pangelinan
NOTARY PUBLIC

SARA C. PANGELINAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: MAY 09, 2017
888 N. Marine Corps Dr., Ste. 200, Tamuning Guam 96913

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

File for Record is Instrument Number 916828

On the Year 20 18 Month 01 Day 09 Time 10:12

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane Yamasaki
JANET 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***."

COPY

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

December 15, 2017
Date

To: **Richland Development, LLC**
c/o Jae S. Ji
Unit 101, Photo Town Building
353 Chalan San Antonio
Tamuning, Guam 96921

Application No. 2015-38

The Guam Land Use Commission, at its meeting on **December 14, 2017**.

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

____/ Tabled

Your request on **Lot R4, Tract 93021, Municipality of Yigo for a:**

NOTICE OF ACTION
Richland Development, LLC
Lot R4, Tract 93021, Municipality of Yigo
GLUC Meeting of December 14, 2017

Application No. 2015-38

ZONING

___/ Zone Change***

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative Subdivision

___/ 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 No. 2015-38

APPLICATION DESCRIPTION:
The applicant, Richland Development, LLC represented by Mr. Jae S. Ji, Request for Extension of Time of an Approved Tentative Subdivision on Lot R4, Tract 93021, in the Municipality of Yigo.

COMMISSION DECISION:
The Guam Land Use Commission **Approved** the applicant's request subject to the following condition;

1. That the applicant continue to adhere to the condition of the October 27, 2016 Commission approval.

Marvin Q. Aguilar
Guam Chief Planner

12-18-2017
Date

/John Z. Arroyo
Chairman
Guam Land Use Commission

12.18.2017
Date

Case Planner: Frank P. Taitano

Cc: Building Permits Section, DPW

NOTICE OF ACTION
Richland Development, LLC
Lot R4, Tract 93021, Municipality of Yigo
GLUC Meeting of December 14, 2017

Application No. 2015-38

CERTIFICATION OF UNDERSTANDING

I/We_____ / JAE S. JI
(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.

_____ _____ _____ JAN 08'18
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 TENORIO
Lt. Governor

Glenn Leon Guerrero
Director
Andrew Leon Guerrero
Deputy Director

OFFICE OF BUILDING INSPECITON & PERMIT
TERRITORY OF GUAM

BUILDING PERMIT

DATE: July 30, 2018 PERMIT NO: B17000770

APPLICANT: G R CONSTRUCTION CONTRACTOR LIC. NO: 09-0474

ADDRESS: 545 CHALAN SAN ANTONIO TAMUNING GUAM

PERMIT TO: Construct ( ) STORY PROPOSED USE: UTILITIES ( ) UNITS

LOCATION: YIGO ZONING DISTRICT: R1

TRACT: _____ LOT: R4 BLOCK: _____

BUILDING DIMENSIONS: _____ FT. WIDE, BY: _____ FT. LONG, BY: _____ IN HEIGHT

TYPE: II USE GROUP: MISC FOUNDATION: CONCRETE

REMARKS: TO CONSTRUCT UTILITIES FOR VICTORY PARK RESIDENCES

AREA OR VOLUME: _____ COST: $293,775.91 PERMIT FEE: $3,077.25

OWNER: VICTORY INC

ADDRESS: 888 N MARINE CORPS DR
TAMUNING GUAM

BUILDING OFFICIAL:

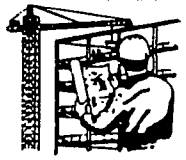
for **Mr. Joseph D. Guevara**
Building Inspection & Permit Administrator

BUILDING PERMIT SHALL EXPIRE IF THE WORK AUTHORIZED IS NOT COMMENCED WITHIN THREE (3) MONTHS OR IS SUSPENDED OR ABANDONED FOR A PERIOD OF THREE (3) MONTHS AFTER WORK HAS BEEN COMMENCED.

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

ublic works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Government of Guam

BUILDING SAFETY
IS NO ACCIDENT



LDING INSPECTION & PERMITS SECTION
PLICATION FOR PERMIT

Application Number:
Permit Number: B17000770

TO BE FILLED OUT BY BUILDING STAFF ONLY

PLAN REVIEW

ıw Required	Date Plans Started	Date Plans Approved	Print Name / Signature	Comments
tectural		—		N/A
:tural		—		
ıanical/Plumbing				
l Control				
rical				N/A
C	7/23/18		I. [illegible]	APPROVED
aulics/Civil		7/24/18	M. CALAOR	APPROVED
			Ref. to HEP-18-044	(WATER CONNECTIONS)
way Encroachment	Jan. 19 2018		M. ARRINCIA	APPLY HEP PERMIT
s of Way	7/10/18		[illegible]	INFRASTRUCTURE/FENCE SHOULD NOT
c Engineering	Jan. 19, 2018		for: Jun Domingo	N.E.T. BE W/IN ROW

ZONING EXAMINATION TO BE DONE BY DLM

ct "R-1"
Proposed 10 Unit Subdivision - infrastructure/Fence w/in Easements
Yard
Yard N/A Side Yard N/A
Yard
ırship of Property:
owner, is there a lease or authorization to the property?
ıis project receive TLUC approval? What are the conditions - Yes - Tentative Subdivision - See DEF

COMMENTS BY OTHER AGENCIES (Route as indicated)

Agency	Date	Print Name / Signature	Comments
Management, Zone	8-17-17	Agueda T. Taitano / Frank T. Taitano	
actor's License Board	10/25/17	MARIE PEREZ	See C&P: 1-30-2018
Health			
	12/1/2017	Yvette Gaverni	Approved per GEPA# MY-111028
	11/6/2017	Maurin Mellmer, PE	See 11/1/2017 permit conditions.
Power Authority	9/6/17	ARIEL D. MATA	APPROVED AS NOTED (991-17)
revention Bureau			
Board	10/25/2017	Nixon N. Isaac	Valid Registration
& Rec.	8/31/17	Russell Cruz	Approved as proposed only.
of Agriculture	12/15/17	[illegible]	Approved (See Conditions for Appr

ALIDATION

g Permit Number B17000770
g Permit Issued , 20
ed By: Joseph T. Ulloa

Approved Valuation: $293,775.91
Plan Checking Fee $ 1,212.50 Rec'd 8/10/17
Building Permit Fee $ 1,565.00 Doc. No. 85GL-0603100

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Government of Guam

BUILDING SAFETY IS NO ACCIDENT



BUILDING INSPECTION & PERMITS SECTION
APPLICATION FOR PERMIT

Application Number: _____

Permit Number: B17000770

IMPORTANT: Applicant must complete all items in sections I, II, III, IV

I. LOCATION OF BUILDING

Location VICTORY PARK RESIDENCES, GAYINERO ROAD (No) (Street) Zoning District R1

Between CHALAN TUN LUIS TAISANO (Cross Street) and GAYINERO ROAD (Cross Street)

Subdivision VICTORY PARK RESIDENCES LOT 124 Lot # Block — Lot Size 93021

II. TYPE AND COST OF BUILDING

Group Occupancy | Type of Construction | Foundation

A. Type of Building

- ☐ New Building
- ☐ Foundation Only
- ☐ Shell Only
- ☐ Fence Wall
- ☐ Retaining Wall
- ☑ Other ROAD
- ☐ Add
- ☐ Alter
- ☐ Repair
- ☐ Demolished
- ☐ Reconstructed
- ☐ Relocated

Dimension of Building

B. Ownership

- ☐ Private (individual, corporation, non-profit institution, etc.)
- ☐ Public (Federal, State, or Local Government)

C. COST

SCOPE OF WORK

Cost of Improvements . . . . . —

electrical . . . . . _____

plumbing . . . . . _____

heating, air conditioning . . . . . _____

other (elevator, etc.) . . . . . _____

TOTAL COST OF IMPROVEMENT $ 293,775.91

NOA #2015-900084 APP# 2015-3

FORMALLY RICHLAND DEVELOPMENT

HORIZONTAL ONLY (ROAD & CLEARING & GRADING UTILITIES)

D. PROPOSED USE

Residential

- ☐ One family
- ☐ Two or more families — Enter No. of Units → _____
- ☐ Transient hotel, motel, or dormitory — Enter No. of Units → _____
- ☐ Garage
- ☐ Carport
- ☐ Other (specify) _____

Non-Residential

- ☐ Amusement, Recreational
- ☐ Church, other religious
- ☐ Industrial
- ☐ Parking garage
- ☐ Service station, repair garage
- ☐ Hospital, institutional
- ☐ Office, bank, professional
- ☐ Public utility
- ☐ School, library, other educat
- ☐ Stores, mercantile
- ☐ Tanks, towers
- ☐ Other (specify) _____

III. SELECT CHARACTERISTICS OF BUILDING

E. Principal Type of Frame

- ☐ Masonry (wall bearing)
- ☐ Wood frame
- ☐ Structural steel
- ☐ Reinforced concrete
- ☐ Other (specify) _____

F. Type of Sewage Disposal

- ☐ Public Sewer
- ☐ Private (septic tank, etc.)

G. Type of Mechanical

- ☐ Yes ☐ No Central Air Conditic
- ☐ Yes ☐ No Will there be an ele

H. Type of Water Supply

- ☐ Public Supply
- ☐ Private (well, cistern)

I. Dimensions

- ☐ Number of stories _____

Total square feet of floor area, all floors, based on exterior dimensions _____

Total land area, sq. ft _____

J. Number of Parking Spaces

Enclosed _____

Outdoors _____

K. Residential Buildings

Number of bedrooms _____

Number of Bathrooms { Full _____ Partial _____

IV. IDENTIFICATION

	Print Name / Signature	Mailing Address - Number, street, city and state	ZIP Code	Telepho
1. Owner or Lessee	VICTORY INC.	888 NORTH MARINE CORPS DRIVE	96931	
		TAMUNING GU. 96931		483.7
2. Contractor	GR CONSTRUCTION LLC	545 CHALAN SAN ANTONIO		
	License # CLB09-12474	TAMUNING GU	96931	688.1
3. Architect or Engineer SEAL NO.	HTD PACIFIC INC	JRV COMMERCIAL PLAZA, DEDEDO, GU		633.4
	1104 BALTAZAR D. HATTORI	1794 ARMY DR, SUITE 305	96929	633.4

The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

Doc. No. 35GL-19-0318.

Owner/Lessee _____ Current Address 888 NORTH MARINE CORPS DRIVE 08/11/1