UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

April 30, 2019

35GL-19-0612

Speaker Tina Rose Muña Barnes

JUN 13 2019
Time 2:49 ( )AM ( )PM
Received By: Mary

2019 JUN 13 PM 3:28

Honorable Tina Muña Barnes
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagatna, Guam 969201

Re: GLUC Zone Change approval from "R-1" to "LC" zone, Lot 1103-3-1A-1, Mangilao, under Application No. 2017-41B

Dear Madame Speaker:

Please find attached the above-referenced zoning documents for the Legislature's consideration, which is submitted pursuant to 21 G.C.A. §61647.

I have **APPROVED** Albert P. Sanga's request for a Zone Change from "R-1" (Single Family) to "LC" (Limited Commercial) zone, for the proposed construction of a commercial complex, on Lot 1103-3-1A-1, Municipality of Mangilao, Application No. 2017-36. This approval is in conformance with 21 G.C.A. §61630 and justified to satisfy public necessity, convenience and general welfare.

Senseremente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

0612

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96910
671.472.8931 • 671.472.8932/6

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA P. TENORIO
SIGUNDO MAGALÅHI • LIEUTENANT GOVERNOR

April 30, 2019

Honorable Tina Muña Barnes
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
163 Chalan Santo Papa
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Senseremente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

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P.O. BOX 2950 • HAGÅTÑA GUAM 96910
671.472.8931 • 671.472.8565

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

2019-2596

BOARD AT CENTRAL FILE
MAY 1 '19 PM2:19

April 30, 2019

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "R-1" to "LC", for Lot 1103-3-1A-1, Mangilao**

Submitted for your consideration and action is Zone Change Application No. 2017-41B. The Applicant, Albert P. Sanga, requests a Zone Change from "R-1" (Single Family Dwelling) to "LC" (Limited Commercial) zone, for a proposed commercial complex with catering services/mini canteen, beauty/barber shop, professional office and residential unit, on Lot 1103-3-1A-1, Mangilao.

Application chronology is as follows:

- June 30, 2017 – Application officially accepted
- August 17, 2017 – Reviewed by the Application Review Committee (ARC)
- January 30, 2018 – Public Hearing, Barrigada Community Center
- December 13, 2019 – Guam Land Use Commission Hearing (approval of Zone Change)

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

OFFICE OF THE GOVERNOR
GOVERNOR'S CHAMBER
DATE: 5-1-19
TIME: 3:10pm
RECEIVED BY:

Doc. No. 35GL-19-0612

GLC2019-1103

This application is being sent to you pursuant to Title 21, GCA, Chapter 61 (Zoning), Section 61634.

Please contact Land Planning Division at 649-5263, extension 375 should you have any questions and/or need further clarification.

Si Yu'os Ma'ase,

JOSEPH M. BORJA
Acting Executive Secretary
Guam Land Use Commission

Attachments:

1) Amendment No. A-84, Zoning Map No. F3-67S40
2) Zone Change Application
3) Formal letter to Mayor(s) for Public Hearing (January 17, 2018)
4) Minutes of Public Hearing (dated January 30, 2018)
5) Staff Report with Summary of ARC Position Statements
6) GLUC Agenda Notice – Guam Daily Post (dated December 6th & December 11th, 2018)
7) GLUC Agenda of December 13, 2018, – Disposition
8) GLUC Minutes of December 13, 2018 **(Doc No. 932992)**
9) Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to GDP (January 17, 2018)
        - Attachment B – Public Hearing Advertisement (dated January 20, 2018)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts (dated January 19, 2018)
        - Attachment B – Official Notice Public Hearing (dated January 17, 2018)

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2017-41B
LOT 1103-3-1A-1
MUNICIPALITY OF MANGILAO

COPY
Legislature

ATTACHMENT 1

Space for Recordation

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

File for Record is Instrument Number 935717

On the Year 20 19 Month 5 Day 30 Time 847

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Joel Antenorcruz

JOEL ANTENORCRUZ

GLUC ZONE CHANGE

APPLICATION NO.: 2017-41B

APPLICANT: ALBERT P. SANGA

PREPARED ON JANUARY 25, 2019

FROM: "R-1" (SINGLE FAMILY DWELLING)

TO: "LC" (LIMITED COMMERCIAL)

LOT: 1103-3-1A-1

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: MANGILAO

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-84

ZONING MAP NO.: F3-67S40

THE GUAM LAND USE COMMISSION, AT ITS HEARING ON DECEMBER 13, 2018 APPROVED IN WHOLE THE ZONE CHANGE FROM "R-1" TO "LC" ON LOT 1103-3-1A-1 MUNICIPALITY OF MANGILAO

==========

[T] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

TAE S. OH
ACTING CHAIRMAN
GUAM LAND USE COMMISSION

1/28/2019
DATE

==========

[T] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

LOURDES A. LEON GUERRERO
GOVERNOR OF GUAM

DATE



2017-41
ZONE CHANGE
ALBERT P. SANGA
Accepted Date: 30-Jun-17
Case Planner: PENMER GULAC

P. Gulac 6/30/17
ACCEPTED

ZONE CHANGE
APPLICATION

P. Gulac 5/29/17
RECEIVED
Land Plng Div

FROM: "R-1" (SINGLE-FAMILY DWELLING) ZONE

TO

"C" (COMMERCIAL) ZONE

FOR : ALBERT P. SANGA (OWNER)

LOT NO. 1103-3-1A-1

MUNICIPALITY OF MANGILAO, GUAM

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

ATTACHMENT 2

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

May 26, 2017

To: Mr. Michael JB Borja, Director
Executive Secretary, Guam Land Use Commission
C/o Department of Land Management
ITC Bldg, Suite 700, Tamuning, Guam 96911

Subject: Zone Change Application for: Lot 1103-3-1A-1, (formerly Barrigada), Municipality of Mangilao; For Albert P. Sanga (Owner)

Hafa Adai, Mr. Borja:

On behalf of my clients, and pursuant to Sections 61630 through 61634, Part 3, Article 6, Changes of Zones, Chapter 61 – Zoning Law, Title 21 Guam Code Annotated. I am submitting the enclosed zone change application on the subject lot above for your review and consideration before the Guam Land Use Commission, for a Zone Change **from "R-1" (Single-Family Dwelling) to "C" (Commercial) Zone.**

The subject lot is located along Route No. 10, Mangilao, across KNS Retail Store and approximately 400 feet north Champion Sporting Goods (see attached map) and is also approximately 700 feet east of the new Mangilao Medical Clinic. The main access is fronting from Route No. 10 (80-foot right-of-way).

Land Uses in the area: For your information, there are commercial zoned properties that are along Route No. 10 within 100 – 1,200 feet of the proposed development. The rest of the lots are zoned "R1" in the immediate area and mixed uses of R1, R2, residential homes and apartments south near the Route No. 10 & 15 intersection. Recent years Guam Land Use Commission (GLUC) rezoned Lot 1106-4-2 to Commercial zone (Champion's sporting Goods) and Guam Legislature rezoned Lot 1103-1-1-1 for the new Mangilao Medical Center. There is a single family dwelling, which is an old modular home on the lot and will be demolished for future development on the lot.

The lot was acquired by my clients recently and are long-time residents of Guam. They want to develop this site with a commercial building for office and retail spaces as well as provide a few professional office spaces, and the site also will be landscaped. They intend to fully operate a retail store and want to invest on this property and develop it, as it is near other commercial establishments and is near major thoroughfares.

Based on land use site studies of the area, commercial use of the lot would be the most ideal rather than residential. The nearest commercial zone and retail activities is a lot that is across the street 100 west of the subject property and the other lots that are located along the highway (Route No. 10) are commercial as well.

Again, this site is the most ideal and preferred location to serve the public for a commercial operation, that my clients are proposing for a commercial building that will have retail spaces, offices, and provide adequate parking on site for tenants and patrons.

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

The topography is flat all around the property. The subject lot has a main access on a 80-foot right of way. All utilities (water, sewer, power, etc..) are available in the immediate area within 100 feet.

The lot area: 1,045 square meters or 11, 248 square feet or ¼ + acre; The site will be able to accommodate the proposed activities, all required parking and loading, all drainage and other requirements by the zoning law and government permitting requirements for the intended use. My clients will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The rezoning of the property will not have any adverse impact within the surrounding properties as there is adequate setbacks that will buffer the commercial activity being proposed on the site. Meets regulations along district boundaries 21 GCA 61302 of setback requirements abutting adjacent residential/rural zones lots. If rezoned, the uses will only be for commercial uses and accessory uses permitted and not for other uses that is not permitted or approved by the commission. An Environmental Impact Assessment (EIS) is required and is attached for review and is a part of this application.

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

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

A. Public Necessity :

The proposed zone change of the lot and proposed uses are compatible with existing other Commercial and some residential uses in this area. The proposed land use and activities will provide the community with retail, office spaces as well as professional office space and other permitted commercial services for the public's need. This area is within central Guam and near business districts. This area will be developing into a more commercial type activities to accommodate a growing island population and the anticipated military build-up in the next few years and beyond. There will be greater demands for retailing, offices, services, restaurants, and lodging for short and long term, and products and commodities, import/export activities that will be available to the island community both private, military and the general public;

B. Public Convenience:

The proposed zone change of the lot will afford public convenience for much needed retail, office spaces and commercial/professional office and service related activities at this location as it is centrally located that is consistent with the current land uses as an extension of the existing commercial zone along Route No. 10. The location is prime and ideal, central and conveniently near areas with large population to better provide goods and services and related activities the immediate area and to a growing island community.

C. General Welfare:

The proposed zone change of the lot will protect the general public, the immediate surroundings and properties by being consistent for commercial zone within close proximity of commercial lots and commercial zone with existing commercial and residential land use activities along Route No. 10. There are vacant lots, single family dwellings, multi-family complexes, schools and churches nearby and on the south, south west that will be protected and buffered by a public access, as well as with landscaping of the site and all setbacks to be in compliance with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is very near commercial districts and the airport. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of this site for commercial activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced if required, and landscaped and will be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

Cont.

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

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

Respectfully,

Harry D. Gutierrez
Representative 482-5315

With Enclosures/Maps/Afidavit/etc.

ZONE CHANGE

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

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

1. Information on Applicant:

Name of Applicant: ALBERT P. SANGA c/o Harry D. Gutierrez; Consultant U.S. Citizen: [x] Yes [ ]

No Mailing Address: C/O #119 Gutierrez Way, Agana Heights, GU 96010

Telephone No.: Business: 482-5315 Home: N/A

2. Location, Description and Ownership:

Subdivision Name: N/A

Lot(s): 1103 -3-1A-1 Block: N / A Tract: N/ A

Lot Area: Acres : 1/4 Square Meters: 1,045 Square Feet: 11,248

Village: Mangilao Municipality: Mangilao

Registered Owner: Albert P. and Crisanta D. Sanga

Certificate of Title No.: N/A ; (Warranty Deed) Recorded Document No.: Deed Doc #903594

3. Current and Proposed Land Use:

Current Use: Residential- Single Family (Old Modular home) Zoned: "R-1" (Single-Family)

Proposed Use: Construct a new commercial building with retail, office & service shops Proposed Zone: "C" (Commercial)

Master Plan Designation: No Master Plan in this area, the land use is mix commercial and residential uses along Route No. 10

4. Attach a one page typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with *Guam Code Annotated 21 GCA, Cha1Jter 61, Section 61630.*

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

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

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

ZONE CHANGE

6. Supporting Information (Continuation):

b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain:
   (1) Lot number for every parcel(s);
   (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
   (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
   (4) The nearest location of all public utilities to the subject lot;
   (5) All natural or topographic peculiarities.

c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.

d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.

e. A detailed As-Built Plan of the lot shall include the following:
   (1) Total number and types of building;
   (2) Parcel size in square meters/feet;
   (3) Layouts of utilities and drainage;
   (4) Proposed lot coverage of building(s) and accessories in square meters/feet;
   (5) Approximate gross and net densities allowed on parcel;
   (6) Feasibility study;
   (7) Topography;
   (8) Existing earth faults and sinkholes;
   (9) Water courses and lens;
   (10) Reservation, conservation and historic places;
   (11) Total percentage of open spaces exclusive of parking stalls and other man-man features;
   (12) Percentage of building footprint (PD only); and
   (13) Compatibility to surrounding uses (PD only).

f. If leased, lease agreement (the assignment of lease and the covenant).

g. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with Executive Order 90-10.

h. Additional information as required by the Guahan Chief Planner

i.

Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format, etc.)

7. Filing Fee: Fifty Dollars ($50.00) filing fee for the first five pages, and $.25 for any additional page, under Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management).*

8. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the land and regulations of real property uses, this land use application must be assessed for the need to an empanelment of a Hybrid Commission pursuant to P.L. 33-219. A Hybrid Commission will be empaneled if this application represents a development cost of more than three million dollars ($3,000,000.00), exclusive of the cost of the property as described in this application.

LESS THE VALUE OF THE PROPERTY, WILL THIS PROJECT COST MORE THAN $3,000,000.00? O Yes ✓ No

Please sign attesting to your answer: C:=:> _____

(See attachment for more information on P.L. 33-219 and 33-209, as the affect the process of assessment of this application)

ZONE CHANGE

9. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements are true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32} sets of the above listed required information is provided."

ALBERT P. SANGA May 25, 2017
(Owner(s) or Lessee(s) and Date)

FOR: HARRY D. GUTIERREZ, CONSULTANT May 25, 2017
(Representative, if any, and Date)

Note: (Affidavit of Authorization is attached)

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

FOR OFFICIAL USE ONLY

Date Accepted:_____ Accepted By:_____

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

Date of Public Hearing:_____

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

Receipt No.:_____ Application Number: ___

_____ Date of GLUC Action:_____

Conditions: Yes [ ] (See Below) No [ ]

Conditions of Approval: _____

_____

ZONE CHANGE APPLICATION SUPORTING DOCUMENTS:

FROM: "R1" (SINGLE FAMILY) DWELLING ZONE
TO : "C" (COMMERCIAL) ZONE
FOR : ALBERT P. SANGA (OWNER)

FOR LOT 1103-3-1A-1, MANGILAO, GUAM

ATTACHMENTS:

Ownership
Affidavit of Authorization
Environmental Impact Assessment (EIA) Short form
Site Location & Land Use Radiuses
Official Survey Map

AUTHORIZATION

I, **ALBERT SANGA,** owner. of , Lot 1103-3-1A-1, Municipality of Mangilao, of legal age and with power bestowed as the owner representative of the subject properties, through this instruments hereby do grant and authorize the following:

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

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

I hereunto affix my signatures to this affidavit:

Sanga 3-9-17

Owner and Date

GUAM, U.S.A.)
)
Tamuning)

SUBSCRIBED AND SWORN TO before me this 9th day of March, 2017

March by Albert Sanga.

NOTARY PUBLIC

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

Doc. No. 35GL-19-0612.

Island of Guam, Government of Guam 903594
Department of Land Management Office of the Recorder

File for Record in Instrument No. 903594

On the Year 17 Month 2 Day 24 Time 9:59

Recording Fee 3.00 Receipt No. 2193

Deputy Recorder

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

THAT ON THIS 23 day of **February, 2017, CAROL DUYUNGAN GOGUE, a Married Woman,** whose address is, PO Box 22934 Barrigada Gu. 96921, and **GLEN MICHAEL DUYUNGAN GOGUE, an Unmarried Man,** whose address is, P.O. Box 22934 Barrigada Gu. 96921, hereinafter referred to as "GRANTOS", for and in consideration of the sum of TEN DOLLARS ($10.00) and other valuable consideration to them paid by, **ALBERT P. SANGA and CRISANTA D. SANGA, Husband and Wife,** whose address is, PMB # 239 111 Ch. Palako Dededo 96929, hereinafter referred to as "GRANTEES", the receipt, adequacy and sufficiency whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the GRANTEES, as **Joint Tenants with Rights of Survivorship,** the following described property:

LOT NUMBER 1103-3-1A-1, (Subdivision of Lot 1103-3-1A), **MUNICIPALITY OF MANGILAO,** (Formerly BARRIGADA), TERRITORY OF GUAM, ESTATE NUMBER 60600, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER GD 77-07, as L.M. Check Number 320 FY 77, as described in that Consolidation and Parcelling Survey Map, dated MAY 17, 1977 and recorded MAY 17, 1977 at the Records Division, Department of Land Management, Government of Guam, under Document Number **279584.**

Registered Land, with the LAST REGISTERED OWNER being **ERNIE P. DUYUNGAN and TERESITA M. DUYUNGAN, Husband and Wife,** the OWNER OF RECORD being **CAROL DUYUNGAN GOGUE, a Married Woman and GLEN MICHAEL DUYUNGAN GOGUE, an Unmarried Man, as Joint Tenants with Rights of Survivorship** and the LAST CERTIFICATE OF TITLE REGISTRATION NUMBER being **74234**.

AREA: **1,045 +/- SQUARE METERS**

TOGETHER with reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the GRANTOR, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto GRANTEE, in fee simple, GRANTEE'S successors and assigns forever.

AND GRANTOR, for GRANTOR and GRANTORS' heirs, executors and administrators do hereby WARRANT and COVENANT with the GRANTEE, and GRANTEE'S successors and assigns, that they are lawfully seized of the above described property in fee simple; that the same is free and clear of all encumbrances excepting current real property taxes not yet due and payable; GRANT OF EASEMENT dated 06/21/68 and recorded 07/03/68 under document number 86482

THAT the GRANTEES shall have the right of quiet enjoyment of said property, and that Grantor and Grantor's heirs, executors and administrator warrant and defend the same to GRANTEES, their successors and assigns against the lawful claims and demands of all persons.

AND GRANTEE, for GRANTEE and GRANTEE'S successors and assigns does hereby acknowledge and confirm that water and power are immediately available on the property or within 100 feet of the property described above.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

GRANTORS:

CAROL DUYUNGAN GOGUE

GLEN MICHAEL DUYUNGAN GOGUE

GRANTEES:

ALBERT P. SANGA

CRISANTA D. SANGA

903594

GUAM, USA)
) ss
CITY OF HAGATNA)

ON THIS 23 day of **February, 2017,** before me, a Notary Public in and for GUAM, U.S.A., personally appeared, **CAROL DUYUNGAN GOGUE,** and she acknowledged to me that she executed the foregoing WARRANTY DEED, as her free and voluntary act and deed for the 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.

Maelani L. Q. Evangelista
NOTARY PUBLIC
My commission expires:

MAELANI L. Q. EVANGELISTA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **SEPT. 14, 2019**
Hernan Cortez St. Title Guaranty Bldg, Ste 320 Hagatna, Guam 96932

GUAM, USA)
) ss
CITY OF HAGATNA)

ON THIS 23 day of **February, 2017,** before me, a Notary Public in and for GUAM, U.S.A., personally appeared, **GLEN MICHAEL DUYUNGAN GOGUE,** and she acknowledged to me that she executed the foregoing WARRANTY DEED, as her free and voluntary act and deed for the 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.

Maelani L. Q. Evangelista
NOTARY PUBLIC
My commission expires:

MAELANI L. Q. EVANGELISTA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **SEPT. 14, 2019**
Hernan Cortez St. Title Guaranty Bldg, Ste 320 Hagatna, Guam 96932

903594

GUAM, USA)
) ss
CITY OF HAGATNA)

ON THIS 23 day of **February, 2017**, before me, a Notary Public in and for GUAM, U.S.A., personally appeared, **ALBERT P. SANGA and CRISANTA D. SANGA**, and they acknowledged to me that they executed the foregoing WARRANTY DEED, as their free and voluntary act and deed for the 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.

Maelani L. Q. Evangelista
NOTARY PUBLIC
My commission expires:

MAELANI L. Q. EVANGELISTA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: SEPT. 14, 2019
Hernan Cortez St. Title Guaranty Bldg, Ste 320 Hagatna, Guam 96932

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

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

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

Case No : _____

Project Title : **Zone Change**

1.Name, address and business telephone of applicant:
ALBERT P. SANGA (owner)
P.O. Box PMB #239 11 Chln Balako, Dededo, Guam 96929

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

2. Name, title and telephone number of Representative:

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

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

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

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

Lot 1103-3-1A-1, Mangilao, Guam, see map LM 320 FY 77

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

To construct a commercial building with retail space, office and rental spaces, with vehicular parking area, landscaping, ponding basin on site.

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

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

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

c. Wellhead protection zone: None

d. Streams, lakes or ponds: None

e. Marine waters: None

f. Reef flats: None

g. Pristine forest: None

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

i. Wetlands: None

j. Flood hazard area: None

k. Archaeological feature(s) or historical sites:

None; Subject lot has an old residential structure and will be demolished. The applicant will comply to all requirements should any artifacts are found during clearing and construction phases.

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

a. Production of toxic or hazardous waste: None

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

None

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

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

No significant impact.

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

a. Drinking water:

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

b. Sewage disposal (public system) :

Public sewer is available in the area. Subject to GWA approval for connection into the public sewer system and Guam EPA approval. Applicant will coordinate and comply to this requirement for connection.

c. Vehicle traffic: Daily vehicular traffic will continue day to day along Route No. 10, public access to the site will be minimal and controlled on site. Adequate parking will be provided for patrons and its employees and a loading area.

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

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

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

No. Applicant will comply to GWA/GEPA requirements for connection to public sewer near the R.O.W.

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

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

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

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

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

None.

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

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

Applicant: **Albert P. Sanga (Owner)** _____

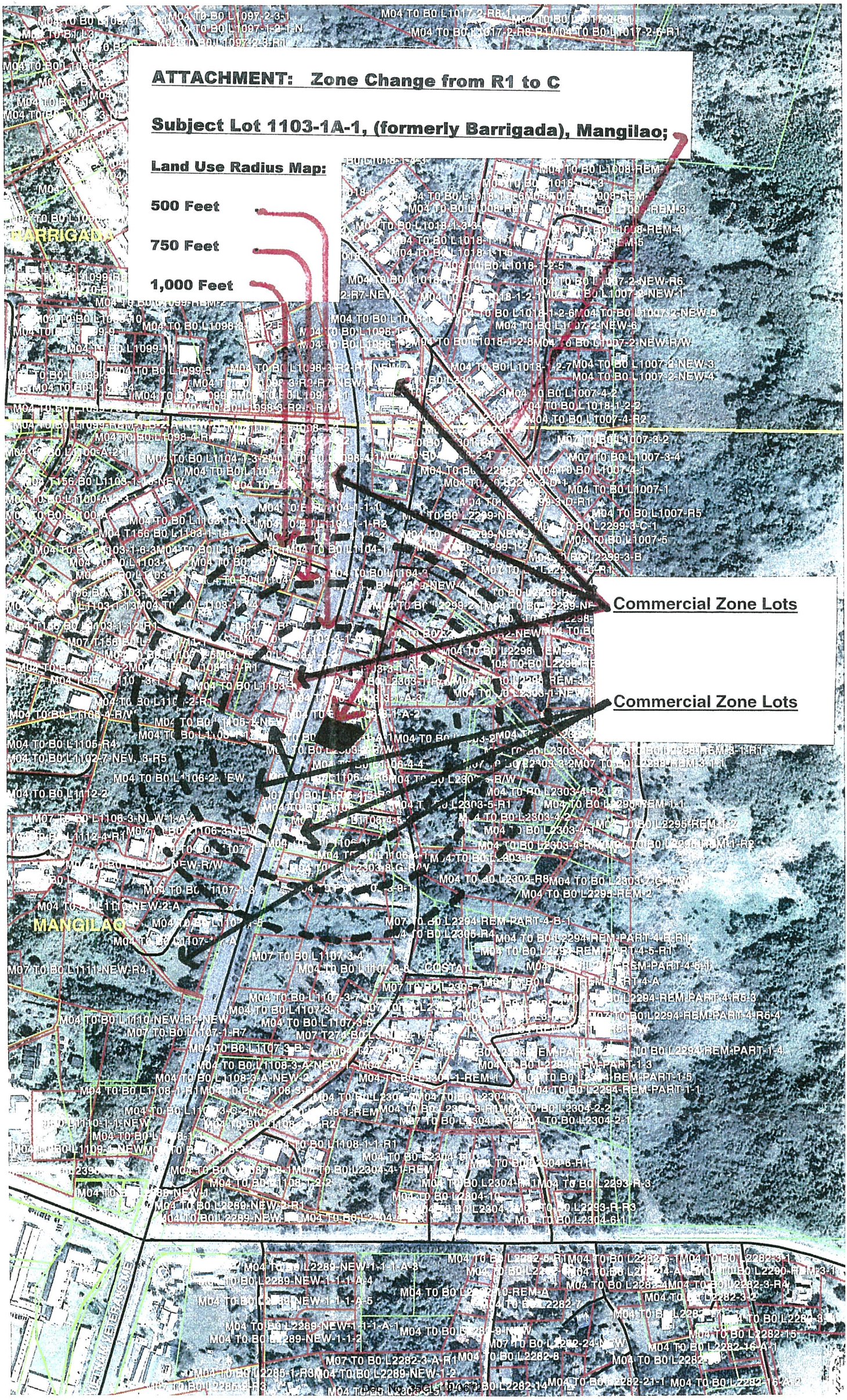
For: Harry D. Gutierrez, Consultant (See Affidavit of Authorization)

_____ May 25, 2017

Applicant or Representative(signature) Date

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

GEPA-EPR001 (12/12/96)

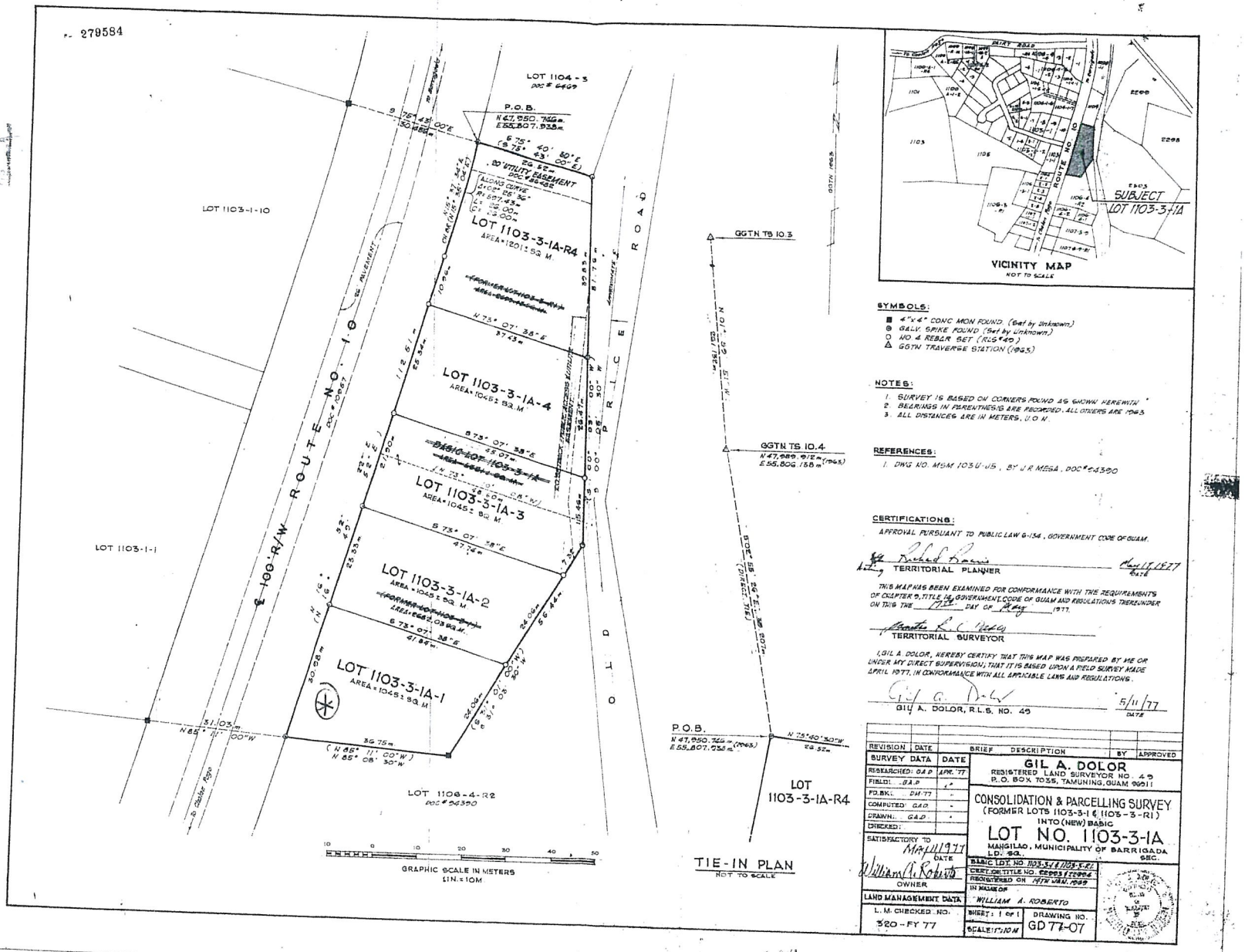

ATTACHMENT: Zone Change from R1 to C
Subject Lot 1103-1A-1, (formerly Barrigada), Mangilao;
Land Use Radius Map:
500 Feet
750 Feet
1,000 Feet
Commercial Zone Lots
Commercial Zone Lots
BARRIGADA
MANGILAO

ATTACHMENT: Zone Change from R1 to C

Subject Lot 1103-1A-1, (formerly Barrigada), Mangilao;



279584



VICINITY MAP
NOT TO SCALE

SYMBOLS:

- ■ 4"x4" CONC. MON FOUND. (Set by Unknown.)
- ◉ GALV. SPIKE FOUND. (Set by Unknown.)
- ○ NO. 4 REBAR SET (RLS # 40.)
- △ GGTN TRAVERSE STATION (1963.)

NOTES:

1. SURVEY IS BASED ON CORNERS FOUND AS SHOWN HEREWITH.
2. BEARINGS IN PARENTHESIS ARE RECORDED. ALL OTHERS ARE 1963.
3. ALL DISTANCES ARE IN METERS, U.O.N.

REFERENCES:

1. DWG NO. MSM 1030-05, BY J.R. MESA, DOC # 24390

CERTIFICATIONS:

APPROVAL PURSUANT TO PUBLIC LAW 6-154, GOVERNMENT CODE OF GUAM.

Richard Farris — May 17, 1977
TERRITORIAL PLANNER — DATE

THIS MAP WAS EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 21, GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS THE 17th DAY OF May, 1977.

Charles R. Reed
TERRITORIAL SURVEYOR

I, GIL A. DOLOR, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT IS BASED UPON A FIELD SURVEY MADE APRIL 1977, IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

G. A. D. — 5/11/77
GIL A. DOLOR, R.L.S. NO. 40 — DATE

REVISION	DATE	BRIEF DESCRIPTION	BY	APPROVED

SURVEY DATA	DATE
RESEARCHED: G.A.D	APR. '77
FIELD: G.A.D	"
FD.BK.: DM-77	"
COMPUTED: G.A.D	"
DRAWN: G.A.D	"
CHECKED:	

SATISFACTORY TO
MAY 11 1977
DATE
William A. Roberto
OWNER

LAND MANAGEMENT DATA
L. M. CHECKED NO.
320 - FY 77

GIL A. DOLOR
REGISTERED LAND SURVEYOR NO. 40
P. O. BOX 7035, TAMUNING, GUAM 96911

CONSOLIDATION & PARCELLING SURVEY
(FORMER LOTS 1103-3-1 & 1103-3-R1)
INTO (NEW) BASIC
LOT NO. 1103-3-1A
MAGILAO, MUNICIPALITY OF BARRIGADA
L.D. SQ.
SEC.

BASIC LOT NO. 1103-3-1 & 1103-3-R1
CERT. OF TITLE NO. 22903 & 22904
REGISTERED ON 14TH JAN. 1969
IN NAME OF
WILLIAM A. ROBERTO

SHEET: 1 of 1
DRAWING NO. GD 77-07
SCALE: 1" = 10 M

5-9149

Doc. No. 35GL-19-0612.

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 17, 2018

COPY

1/17/18

Honorable Allan R.G. Ungacta
Mayor of Mangilao

Hafa Adai Mayor Ungacta:

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

The Applicant, Albert P. Sanga represented by Harry D. Gutierrez; request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) for the proposed construction of a commercial building, on Lot 1103-3-1A-1, in the Municipality of Mangilao, under Application No. 2017-41.

For any **Zone Change** requests that may have adverse impact on the public's interests, the GLUC is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we have scheduled with your office a public hearing to be held at the **Mangilao Community Center, on Tuesday, January 30, 2018 at 6:00 p.m.**

Time and venue has been confirmed by your staff.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner

ATTACHMENT 3

ATTACHMENT – 2
Public Hearing
January 30, 2018
Application No. 2017-41 Zone Change Request
Lot 1103-3-1A-1, Municipality of Mangilao

The required public hearing was held at the Mangilao Mayor's Office / Community Center on January 30, 2018, at 6:00 P.M. Present were, the Case Planner, Mr. Harry D. Gutierrez, Applicant's Rep, Mayor Alan Ungacta, a few MPC Members, neighbors and lot owners. A total of 13 persons were in attendance.

The Case Planner presented the proposed project Mr. Harry Gutierrez highlighted details of the application and clients intentions; discussed the time frame of the application process, construction and completion time; access to the site and area of development.

Public comments and concerns that were noted are as follows:

Mr. William Long (Lot owner nearby): He wanted to know what type of structure to be built on site as it's a small property. Parking may not be sufficient coming in or out of the premises. He recommends a conditional use application instead of permanent zone change so conditions may be imposed.

Response (from the Case Planner): Based on information on their application and discussion with their consultant, the owners/applicants will only build a small commercial building, 1-storey and all parking, loading, trash bins, on site drainage will be planned out and subject to permitting clearances. Access to and from the site will be designed and approved by Department of Public Works. The proposed site plan maybe revised and will need further review for other permit requirements, building code, etc. Based on the application review, the site will be for a small commercial building and proposed setbacks are in compliance Guam's Zoning Law.

Mr. Harry Gutierrez (representative): Mr. Gutierrez had further explained in detail the zone change application, that the owner will be catering and bring his food to Chamorro village. A small retail business and office spaces will be within the premises as noted on the application…that the site will be fenced and landscaped to provide a buffer between the residences nearby …. he also clarified that no game room or bar or adult massage services/uses will be in the premises. All permitting agencies will review the final plans from parking, access to structural plans of the building. His client recently bought the lot and wants to develop it as it is along the main route with commercial activities and design it with no significant impacts to the immediate neighbors.

Ms. Gloria Long (Neighbor): Mr. Gutierrez the building is too close to the neighbors and it's a small low. What about the bus stop.

Mr. Gutierrez (representative): for your information, the setbacks required by law is 20 feet from commercial building to the property line when its abutting residential homes or within R1 zone to construct a commercial building, so the plan we have complies to the lay. The bus stop may be relocated to a nearby site, coordination with Dwaine Mayor.

Response (from the Case Planner): Yes. Per plot sketch. They are able to construct a building within the setback of 20-feet; no other structures are permitted to be built unless they meet the setback and other improvements such as parking, loading area, ponding basins, landscaping are allowed within the 20 feet setback from building to the lot line.

ATTACHMENT 4

Doc. No. 35GL-19-0612.

Ms. Michelle LG Craig- Neighbor: Its near my residence and it seem that the lot is too small for a commercial building to meet parking; we got problems with pedestrian, drinking of liquor on the site, loitering, trash all over. No control. No enforcement. Like the other stores on the strip.

Response (from the Case Planner); As for the proposed commercial building, they have to go through a permitting process; right now, they have a plot sketch and is acceptable as they meet the basic plot sketch showing parking, loading area, egress/ingress, setbacks. For site improvements. Further review of final plans will be submitted for permitting.

Vincent A. Leon Guerrero: a neighbor: cannot support the application as it will continue to contribute to traffic fatalities; over the years he had witness fatalities in the area, people crossing, very dark. And no lighting; the government is not helping out villages to be safe. The client is not cleaning his lot.

Mayor Alan Ungacta:

Our office and MPC will further review the application and work with the consultant and his clients…our next MPC meeting will be announced at a later date…if you folks have questions on the application, we have it at the mayor's office.

Mr. Gutierrez (representative):

Informed those in attendance that other permitting requirements will be adhered to should other permits are needed. The project will be hooked up to the sewer line and he reassured those present there will be minimal impacts to infrastructure, traffic and noise. The applicants will be a good neighbor that they will landscape and fencing of the site. again. They will conform to all permitting regulations to construct a safe commercial activity.

After discussion on rezoning and information given by the consultant, and clarification of the access and other requirements of the zone change. The attendees were made aware the zone change hearing was provide information to the neighbors and general public. Some had concerns, issues, with proposed rezoning, some do not support, and majority in attendance did not voice any concerns or made comments.

Planning staff provided clarification that per land planning and zoning consideration the site is within a major thoroughfare (Route No. 10) and a very busy highway, that the area is growing in population, more vehicular traffic, noise, and more commercialization along the area/site. Based on Land Planning and development activities, this area will be more conducive to commercial uses along this general area and residential uses may still be ideal at the rear boundaries with other residential uses (R1) zone.

Informed those in attendance that the Application Review Committee (ARC) had no objections on the application. The next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the newspaper 10 days prior as to the hearing date and time.

There hearing was adjourned at 7:05 p.m.

Penmer Gulac

Doc. No. 35GL-19-0612.

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

August 15, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Guam Chief Planner

(2017-41B)

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

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

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

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

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

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

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

MARVIN Q. AGUILAR
Guam Chief Planner

ATTACHMENT 5

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

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

June 7, 2018

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

P Gulac 7/23/18
RECEIVED
Planning Div

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

Buenas Yan Hafa Adai:

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

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

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

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

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

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

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

Sincerely,

Harry D. Gutierrez
Consultant

With attachments

R. Galac 7/23/18
RECEIVED
Plng Div

AFFIDAVIT

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

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

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

The proposed commercial complex will have the following specific uses:

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

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

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

---

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

ALBERT SANGA

Guam, USA (ss.

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

NOTARY PUBLIC

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

Doc. No. 35GL-19-0612.

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

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Website:
http://dlm.guam.gov

E-mail Address:
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DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

May 15, 2018

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2017-41
Zone Change Request
Lot 1103-3-1A-1, Municipality of Mangilao

1. PURPOSE:

A. Application Summary: The Applicant, Albert P. Sanga, represented by Harry D. Gutierrez, requests approval of a Zone Change from "R-1" (Single-Family) to "C" (Commercial) Zone, for a proposed construction of a commercial building, on Lot 1103-3-A1-1, Municipality of Mangilao.

B. Legal Authority: Title 21, Guam Code Annotated, Chapter 61Title 21 Guam Code Annotated, Chapter 61 Article 6, Part 3 (Changes of Zones), sections 61630 thru 61638 (Zoning Law).

2. FACTS:

A. Location: The subject site fronts Route No.10 (Vietnam Veteran's Highway and approximately 700 feet north of Route No. 10 & 15 intersection. It is located across the street from a retail stores (KNS Retail Store and AH Retail Store) and the previously- American Medical Center (**see Attachment 1**).

B. Lot Area: 1,045 Square meters or 11,248 square feet or 1/4 Acre

C. Present Zoning: "R-1" (Single-Family Dwelling) Zone.

D. Field Description: The proposed development site contains an abandoned modular home with overgrown vegetation. The topography is fairly flat, gradually sloping towards Route No. 10. On the south, at approximately 300-500 feet, there is a commercial sporting goods store and across the street is retail store and a medical clinic. Other commercial land use activities exist are within 600 - 1,200 feet radius and further north along Route No.10 and toward Route No. 8. All utility infrastructures are within 100 feet of the subject development.

E. **Masterplan:** Residential Low Density &Mix Uses of Commercial and Public Facilities.

E. **Community Design Plan:** Residential and Open space; Mix Land Uses

F. **Previous Commission Action:** None.

3. **APPLICATION CHRONOLOGICAL FACTS:**

A. **Date Heard By ARC:** August 17, 2017

B. **Public Hearing Results:** A public hearing was held on January 30, 2018 at the Mangilao Community Center. **(See Attachment 2 for minutes of the hearing)**

4. **DISCUSSION and STAFF ANALYSIS:** Any change of zone must address the criteria of **Public Necessity, Public Convenience and General Welfare**. These criteria resonate the fundamental purpose of our zoning code. That is, to *consider certain regulations deemed necessary in order to encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities.*

With respect to providing a public necessity, the applicant provides this area is developing into more commercialization and near residential/multi-family districts and in order to accommodate a growing population in the northern/central areas near and along Route No. 10 in Mangilao, the anticipated military forces build-up will continue, and the proposed uses and activities will provide the community with commercial/retail services and activities in the coming years and beyond. There will be a greater demand for retail, restaurants, food catering/contracting services, and other special services as population grows. This type of commercial activity in the area will serve the needs of the public, the private, and the military communities demands for goods and services of the business establishment;

With respect to public convenience, the applicant provides the proposed zone change of the subject lot will afford public convenience for needed retail and commercial/food/restaurant/catering outlet and other permitted uses for services and goods as may be related in a commercial zone, more over as the property is located in an area that may serve not just the surrounding area, extended area since Route 10 serves as a major route between south and central/northern Guam. The location is prime and ideal, central, and conveniently near areas with a large population in this area of Mangilao.

With respect to protecting the general welfare of the community, the applicant provides that the proposed rezoning and uses will protect the general public by being consistent for commercial uses and related activities that is on-going at the present time. The owners will ensure that all permitting requirements and conditions of the land use commission and all government agencies are adhered to as well as to minimizing impacts to the immediate surroundings. The site development plan will provides setbacks and fenced and landscaped to buffer and minimize impacts of the existing and abutting residential properties and are in conformance of to the zoning law and to the general public. Since the site is within the Northern Recharge Area. Any development on the site will accommodate wastewater and storm water drainage to protect the residents and the groundwater (aquifer) in the area in accordance with current requirements of development. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment, that will provide for an orderly development scheme within the area and adjacent surroundings. The Applicants are aware and

Doc. No. 35GL-19-0612.

At its scheduled public hearing, the request to re-zone was met with opposition by several property owners with 500 feet of the subject lot. Dissenting opinions in the following concerns:

a. To apply a conditional use permit as opposed to a permanent change of zone;
b. The lot size as being too small to accommodate commercial operations; and
c. Commercial operations will contribute to increase in traffic.

These opinions have merit. And perhaps in a more confined community located away from a major routed road, such opinion would warrant our concurrence to dissent as well. However, we have continued to support non-residential development along major routes and roads as we believe such use would best benefit the intent to encourage the protection of the public's health, safety, general welfare, and convenience. This position remains consistent with our position in other land use cases with similar community overlay characteristics, particular in areas where land use is greatly affected by upgrades in infrastructure.

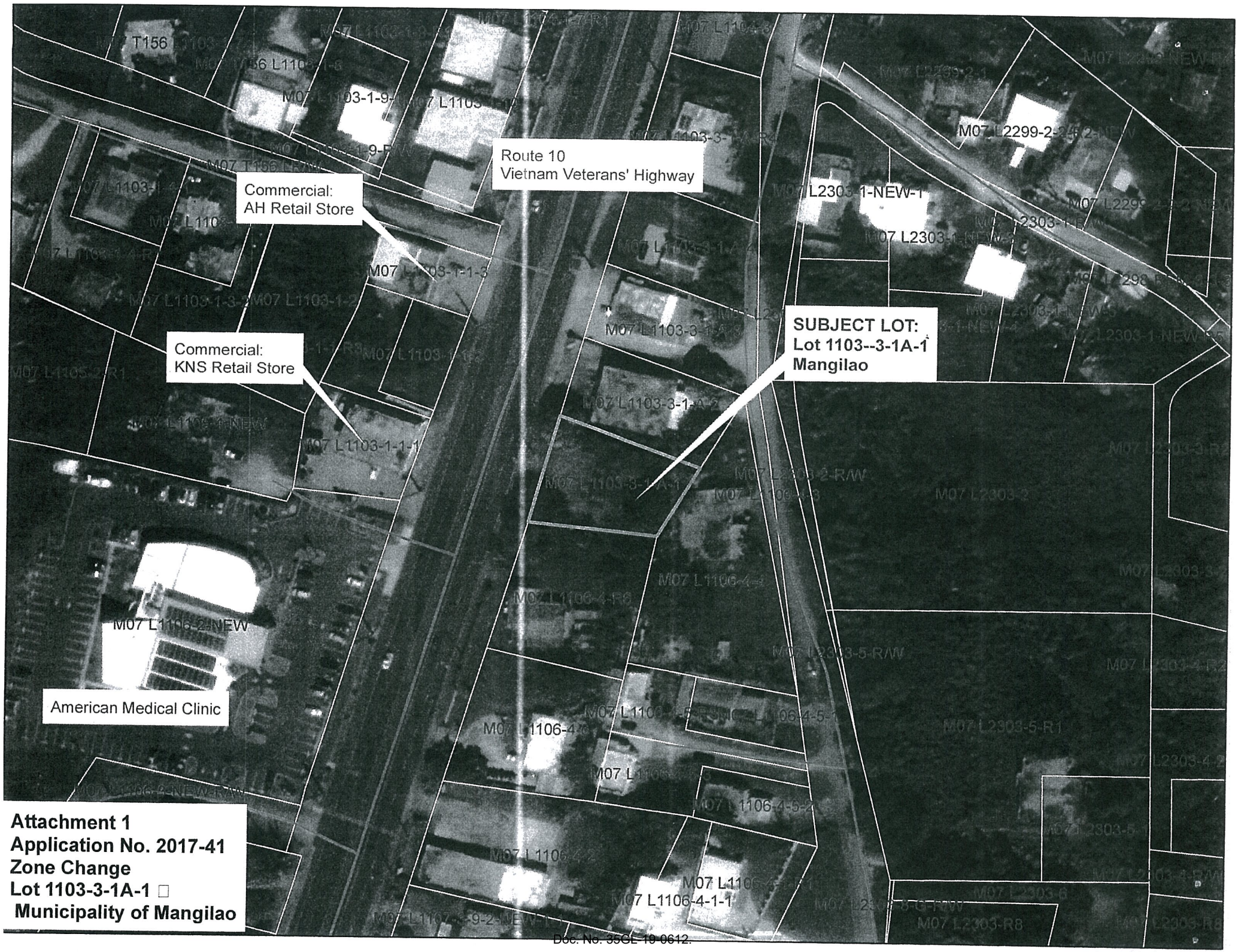
5. **RECOMMENDATION:** We find the general welfare of the public is protected by encouraging land uses that may be more conducive to activities associated with commercialization along Route No. 10. Based on this, the Division of Planning **recommends approval** of the requested change of zone.

In the event both the Commission and Governor of Guam renders a favorable consideration on this request, all permitting requirements shall be imposed on future development schemes presented under a new zoning designation of "C" (Commercial) to include, but not limited to, imposing Regulations Along District Boundaries per Title 21GCA, Chapter 61, §61302.

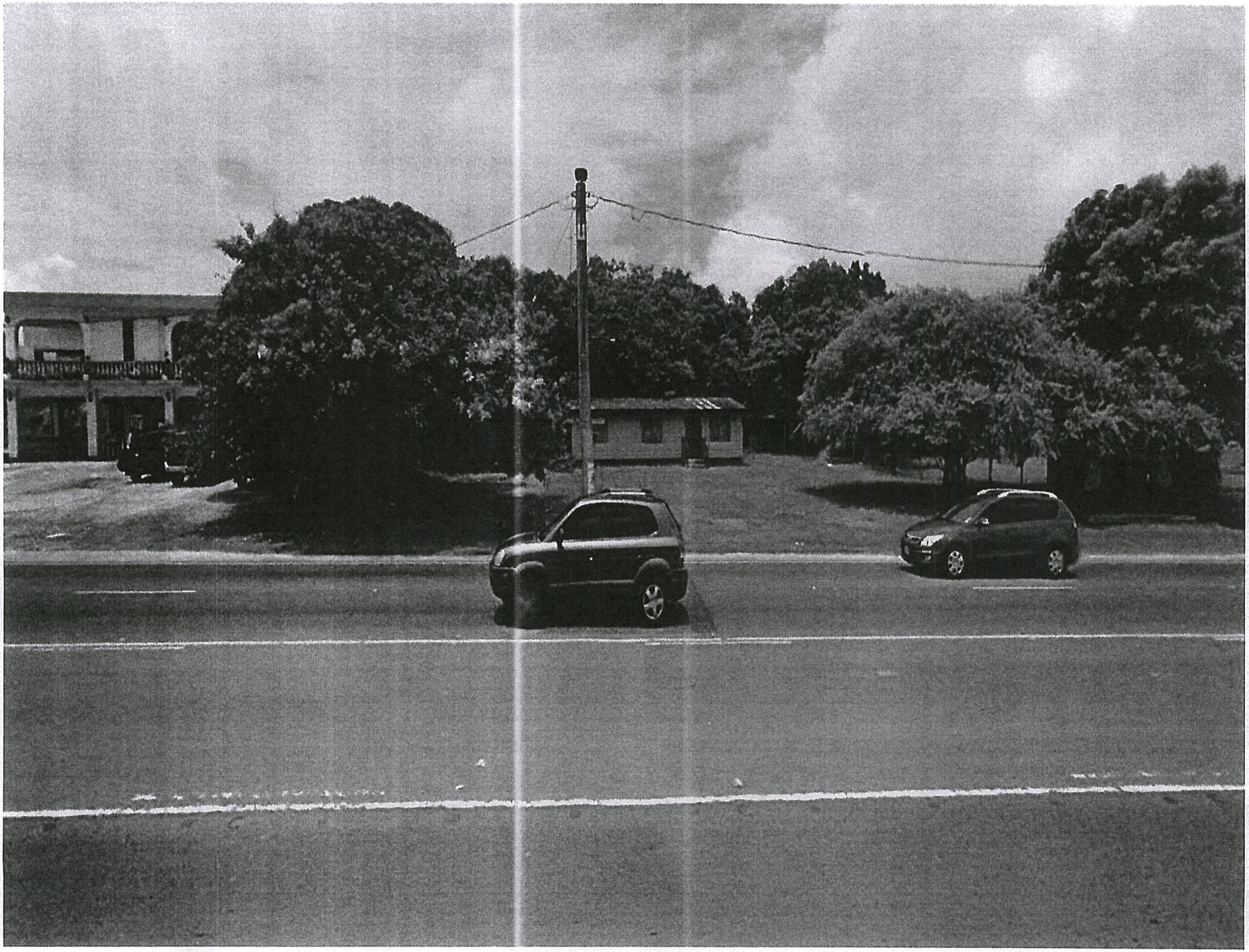
Marvin Q. Aguilar
Guam Chief Planner

CASE PLANNER: Penmer Gulac

Doc. No. 35GL-19-0612.



Attachment 1
Application No. 2017-41
Zone Change
Lot 1103-3-1A-1
Municipality of Mangilao



Doc. No. 35GL-19-0612.

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

May 15, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

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

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

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

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

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

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

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

GUAM POWER AUTHORITY

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

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

August 16, 2017

MEMORANDUM

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

From: General Manager

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

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

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

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

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

JOHN M. BENAVENTE, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

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

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

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

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

   Yes ☐ No ☒

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

8/21/17
Date

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

ASG/arp

GUAM WATERWORKS AUTHORITY

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

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

MEMORANDUM

September 22, 2017

TO: Michael Borja, Director, Department of Land Management

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

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

APPLICANT(S): Albert P. Sanga

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

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

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

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations. If a development will be served by a septic tank/leaching field system, then the system must be approved by the Guam Environmental Protection Agency. Note: the last statement can be removed when a sewer line is available for connection.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to

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

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

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations. If a development will be served by a septic tank/leaching field system, then the system must be approved by the Guam Environmental Protection Agency. Note: the last statement can be removed when a sewer line is available for connection.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

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

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

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

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

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

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

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

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

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures.

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

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

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

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

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

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

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

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

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

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

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

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

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

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

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

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

Marvin Q. Aguilar

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

MB 9/28

RECEIVED
SEP 28 2017
230 pm

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

RECEIVED
9-29-17
to Case planner

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

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

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

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

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

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

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

GLENN LEON GUERRERO

✓
LIbanez/ MRWilson

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

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

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC2017-0857

MB 12/7

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

December 4, 2017

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

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

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

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

Sincerely,

William N. Reyes

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

ATTACHMENT 6

Lawsuit: Altar boy abused for two years

By Mindy Aguon
mindy@postguam.com

A former altar boy alleges he was sexually abused at least 40 times over a two-year period in the late 1970s by a priest during swimming outings after Sunday mass.

W.M., who used initials to protect his identity, filed a civil lawsuit in the Superior Court of Guam against the Archdiocese of Agana and the Capuchin Franciscans.

The lawsuit alleges George Maddock, who died in October, sexually abused the boy for two years beginning when W.M. was 9 years old and served as an altar boy at St. Francis of Assisi parish in Yona where Maddock served as priest.

Maddock allegedly took W.M. and other altar boys to swim at the USO Beach in Piti after Sunday Mass.

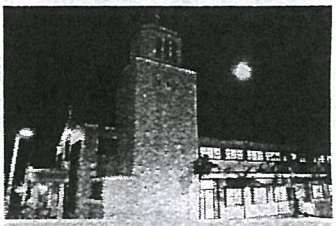
One day while at the beach, Maddock allegedly took W.M. to the deep part of the water and allowed the boy to climb on his back because the boy was still learning to swim, court documents state. While in the deep part of the water, Maddock allegedly removed the boy's shorts and began to masturbate him.

"On at least 20 Sundays per year for a period of at least two years, Maddock would force W.M. to remove his pants and would fondle and masturbate the boy," the lawsuit stated.

Maddock also is accused of penetrating the boy while pretending to teach the boy to drive his car and making the minor sit on his lap, the civil suit indicated.

W.M.'s attorney, Anthony Perez, maintained the incidents affected his client's performance as an altar boy.

"He walked around in fear and had anxieties about seeing Father George," the lawsuit stated. "Although he tried his best to avoid him, whenever he did see him walking around or when they made eye contact, W.M. became frightened."



YONA CHURCH: *St. Francis of Assisi Catholic Church in Yona is pictured on Oct. 23. A new lawsuit filed by a former altar boy at the church alleges a now-deceased priest sexually abused him in the late 1970s. Post file photo*

'Harboring child abusers'

The lawsuit alleges gross negligence on the part of the defendants.

Perez alleged the defendants had a "practice and pattern of harboring child abusers and protecting their identities."

The suit seeks damages to be proven at trial and nonmonetary relief that would require the defendants to do the following:

- Post the names of all known clergy, religious, representatives and employees of the archdiocese and Capuchin Franciscans who are known as sexual abusers.
- Establish a toll-free phone number and website where anonymous abuse complaints can be made.
- Adopt a whistleblower policy concerning the method by which a report concerning abuse within the archdiocese can be made.
- Conduct a private conference with any survivor of sexual abuse with the archbishop or bishop on Guam.
- Write a letter of apology in which the defendants take responsibility for the abuse.

ATTACHMENT 6

PUBLICATION NOTICE

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

DOHBOYS
dba: STAX

has applied for a Class: **4 / On-Sale Beer Alcoholic Beverage License.** Said premises being marked as Lot: **1134 5 BLK 1, 110 W SOLEDAD ST. HAGATNA.**

Sen. Thomas Ada
Committee on Environment, Land, Agriculture, and Procurement Reform

Monday, December 10, 2018
I Liheslaturan Guahan, Public Hearing Room

AGENDA

5:30pm

Bill No. 369-34 (COR) – Thomas C. Ada - An act to authorize the sale of a five hundred eighty-one plus or minus (581±) square meter portion of the Old Dela Corte street and alley in Old Agaña contiguous to Lot 1000, Lot 1001, Lot 1001-2, Lot 1002, Lot 1006, Lot 1007, Lot 1008, and Lot 1010 in the municipality of *Hagåtña.*

Bill No. 370-34 (COR) – Thomas C. Ada - An act to authorize a commercial lease between the Mayor of Piti, the Piti Municipal Planning Council and the Guam Telephone Authority for use of Lot 5NEW-R1, Block 2, Municipality of *Piti.*

Tuesday, December 11, 2018
I Liheslaturan Guahan, Public Hearing Room

AGENDA

5:30pm

Bill No. 372-34 (COR) – Therese M. Terlaje - An act to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; to add a new subsection (p) and (q) to § 50104 of chapter 50, title 10, Guam Code Annotated; and to add a new subsection (g) and (h) to § 22107, chapter 22, title 22, Guam Administrative Rules and Regulations, relative to the timely publication of all notices of violation, orders of compliance, notices of defense, voluntary compliance agreements and referrals to the office of attorney general for prosecution, issued by the Guam Environmental Protection Agency and to requiring that all voluntary compliance agreements be subject to the final review, approval and amendment by the GEPA Board of Directors.

Bill No. 357-34 (COR) – Thomas C. Ada - An act to authorize I Maga'låhen Guåhan to exchange three hundred twenty-four (324) square meters of Lot 12-2 REM in the municipality of Agana Heights (government of Guam land) with three hundred twenty-four (324) square meters of lot 12-9REM-R4 in the municipality of Agana Heights (private land) to correct an encroachment by the *Agana Heights* sports and recreational facility.

Bill No. 376-34 (COR) – Thomas C. Ada - An act to authorize I Maga'låhen Guåhan to sell the remainder portion of government of Guam Lot 12-2 REM in the municipality of *Agana Heights.*

Individuals requiring special accommodations should submit request to Rick Salas at 473-3301.
Paid for by Committee funds.www.senatorada.org

EDDIE BAZA CALVO, Governor
RAY TENORIO, Lieutenant Governor

GUAM LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

MICHAEL J.B. BORJA, Director
DAVID V. CAMACHO, Deputy Director

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, December 13, 2018 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – NONE
III. New Business
A. 2017-36, Christina M. Borja; Zone Change from "A" to "LC", Lot 101-9, Yoña. [GLUC-8/23/2018]
B. 2017-41B, Albert P. Sanga; Zone Change from "R-1" to "LC" Lot 1103-3-1A-1, Mangilao. [GLUC-8/23/2018]
C. 2002-30E, BME & Sons, Inc.; renewal of its previously approved Use Zone Variance & Status Report; Lot 10, T293, Mangilao. [GLUC-8/23/2018]
D. 2015-26C, Deepak & Kiran Sadhwani; Final Subdivision request for an industrial park, Lot 5315, Dededo.
E. 20181-21, TRI Inc.; Tentative Subdivision for proposed Paradise Court Subdivision, Lot 2303-R8NEW, Mangilao.
F. 2018-24, Wellborn LLC, Tentative Subdivision for proposed Wellborn Estates, on Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2 & 7110-NEW-NEW-R2, Yigo
IV. Administrative & Miscellaneous Matters
V. Adjournment

EDDIE BAZA CALVO, Governor
RAY TENORIO, Lieutenant Governor

HYBRID LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

MICHAEL J.B. BORJA, Director
DAVID V. CAMACHO, Deputy Director

A regular meeting of the Guam/Hybrid Land Use Commission will be held on Thursday, December 13, 2018 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – October 11, 2018
III. New Business
A. 2018-32, LF Corporation; Zone Change from "C/R2" to "C" zone, Lot 1143-R1. Barrigada. [MCoG DLM 2019-01]
B. 2018-48, Kevin Shin; Height Zone Variance for proposed construction of an 11-story, 246-unit airport hotel, Lot 5195-2-R-1, Tamuning. [MCoG DLM 2019-02]
V. Administrative & Miscellaneous Matters
VI. Adjournment

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina at 649-5263 Ext. 375

ATTACHMENT 6

Doc. No. 35GL-19-0612

Soldiers, airmen return home after assisting Saipan recovery

More than 70 members of the Guam National Guard and the U.S. Army Reserves returned home Saturday after helping the people of Saipan recover from the devastation of Supertyphoon Yutu. They were among hundreds of service members who assisted with recovery efforts.

"Over the past six weeks, Guard members and U.S. Army Reservists were on Saipan to help with clearing and transporting more than 10,000 cubic yards of debris, assessing thousands of homes and repairing more than 300 roofs with temporary fixtures to allow residents to return to safe, livable conditions," stated a release from the Guam National Guard.

"Recovery efforts on Saipan will continue as FEMA sources civilian contractors to seamlessly take over what the military started."

The remaining Guard members are expected to return this week, the release added.

(Daily Post Staff)



ON THE FLIGHT LINE: *Airmen and soldiers from the Guam National Guard and U.S. Army Reserves pose for a picture on the flight line at Andersen Air Force Base in Yigo. They were among hundreds of service members who assisted with recovery efforts following the devastation of Supertyphoon Yutu in October. Maj. Josephine Blas/Guam National Guard*

GUAM LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, December 13, 2018 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – NONE
III. New Business
- A. 2017-36, Christina M. Borja; Zone Change from "A" to "LC", Lot 101-9, Yoña. [GLUC-8/23/2018]
- B. 2017-41B, Albert P. Sanga; Zone Change from "R-1" to "LC" Lot 1103-3-1A-1, Mangilao. [GLUC-8/23/2018]
- C. 2002-30E, BME & Sons, Inc.; renewal of its previously approved Use Zone Variance & Status Report; Lot 10, T293, Mangilao. [GLUC-8/23/2018]
- D. 2015-26C, Deepak & Kiran Sadhwani; Final Subdivision request for an industrial park, Lot 5315, Dededo.
- E. 20181-21, TRI Inc.; Tentative Subdivision for proposed Paradise Court Subdivision, Lot 2303-R8NEW, Mangilao.
- F. 2018-24, Wellborn LLC, Tentative Subdivision for proposed Wellborn Estates, on Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2 & 7110-NEW-NEW-R2, Yigo

IV. Administrative & Miscellaneous Matters
V. Adjournment

HYBRID LAND USE COMMISSION

Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

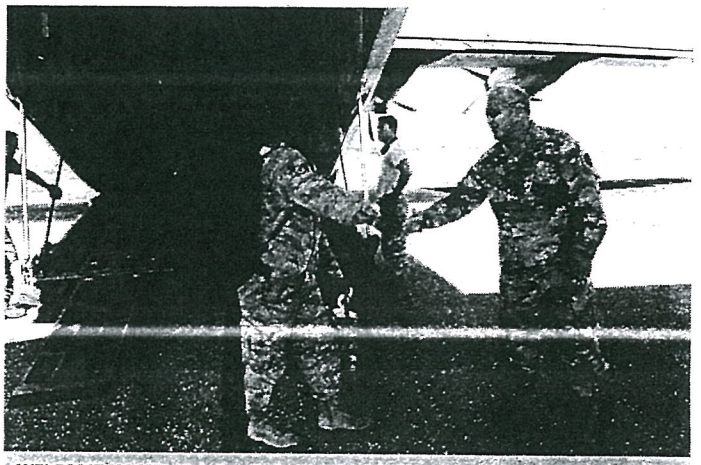
MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

A regular meeting of the Guam/Hybrid Land Use Commission will be held on Thursday, December 13, 2018 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – October 11, 2018
III. New Business
- A. 2018-32, LF Corporation; Zone Change from "C/R2" to "C" zone, Lot 1143-R1. Barrigada. [MCoG DLM 2019-01]
- B. 2018-48, Kevin Shin; Height Zone Variance for proposed construction of an 11-story, 246-unit airport hotel, Lot 5195-2-R-1, Tamuning. [MCoG DLM 2019-02]

V. Administrative & Miscellaneous Matters
VI. Adjournment

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina at 649-5263 Ext. 375



WELCOME HOME: *Maj. Gen. Roderick Leon Guerrero, right, the adjutant general of the Guam National Guard, greets Staff Sgt. Edward San Nicolas, from the Guam Air National Guard 254th Red Horse Squadron. Maj. Josephine Blas/Guam National Guard*



REUNITED: *Staff Sgt. Jesse San Nicolas, from the Guam Air National Guard 254th Red Horse Squadron, is greeted by his son. Sgt. Denise Raphael/ Guam National Guard*



DADDY'S HOME: *Master Sgt. Jesse Franquez, from the Guam Air National Guard 254th Force Support Squadron, is greeted by his daughter Saturday at the Air Guard's facility on Andersen Air Force Base in Yigo. Franquez returned from Saipan after assisting with recovery efforts following the devastation of Supertyphoon Yutu in October. Tech. Sgt. Denise Raphael/Guam National Guard*

Doc. No. 35GL-19-0612.

GUAM LAND USE COMMISSION

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

Commissioner [Vacant]
Commissioner [Vacant]

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

AGENDA - Disposition

Regular Meeting

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

Department of Land Management Conference Room

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

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

I. Notation of Attendance [X] Quorum **3:38 p.m.** [ ] No Quorum

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

II. Approval of Minutes

- NONE

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. **Application No. 2017-36**, Christina M. Borja; Zone Change from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, for the continued operation of an existing water and video store, on Lot 101-9, in the Municipality of Yona. Case Planner: Penmer Gulac **[GLUC – 8/23/2018]**
Action – Approved; 3 ayes, 0 nay; with the following conditions:

1. **Applicant's request is limited to the continued operation of the existing water and video store; and is prohibited to have bars, night clubs, gaming, strip clubs, massage parlors, adult shops and game rooms; and,**
2. **Applicant shall adhere to all ARC conditions as noted in the official position statements.**

B. **Application No. 2017-41B**, Albert P. Sanga represented by Harry D. Gutierrez; Zone Change from "R-1" (Single Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed construction of a commercial building, on Lot 1103-3-1A-1, in the Municipality of Mangilao. **[GLUC – 8/23/2018]** Case Planner: Penmer Gulac
Action – Approved; 3 ayes, 0 nay; with the following conditions:

1. **Applicant shall follow the specific uses on the premise to be limited to: catering service/mini canteen; beauty salon/barber shop; professional office space and residential unit; and,**
2. **Applicant shall comply to all ARC conditions as documented on the official position statements.**

ATTACHMENT 7

Zone Variance Renewal/Status Report

C. **Application No. 2002-30E**, Applicant, BME & Sons, Inc.; requests renewal of a previously approved Use Zone Variance and Status Report for an existing contractor's yard, on Lot 10, Tract 293, in an "A" (Agricultural/Rural) zone, in the Municipality of Mangilao. **[GLUC – 8/23/2018]**
Case Planner: Penmer Gulac
Action – Approved; 3 ayes, 0 nay; with conditions.

1. **Zone Variance is renewed for a period of five (5) years effective December 13, 2018 to December 13, 2023;**
2. **All conditions setforth in the original approved Notice of Action with the exception of the reporting. That the reporting be changed from six months to an annual reporting basis to be submitted to the Guam Chief Planner for review and approval;**
3. **The Commission denied/disapproved the Applicant's request for a permanent Use Zone Variance.**

Final Subdivision

D. **Application No. 2015-26FSA**, Deepak and Kiran Sadhwani represented by FC Benavente, Planners; Final Subdivision request for the development of an industrial park for warehousing and other permitted uses, on Lot 5315, in "M-1" (Light Industrial) zone, in the Municipality of Dededo.
Case Planner: Marvin Aguilar
Action – Approved; 3 ayes, 0 nay; with conditions:

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

Tentative Subdivision

E. **Application No. 2018-21**, TRI Inc. represented by FC Benavente, Planners; request for a Tentative Subdivision to create a subdivision consisting of seventeen (17) single family residential units, on Lot 2303-R8NEW, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Mangilao. **[GLUC – 10/25/2018]** Case Planner: Frank Taitano
Action – Approved; 3 ayes, 0 nay; with conditions;

1. **Applicant adhere to ARC conditions and requirements as stated in the official position statements; and,**
2. **All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year pursuant to Title 21GCA, Chapter 62, Sec 62504(a). The applicant may further elect to secure a bond pursuant to Title 21GCA, Chapter 62, Section 62504(b).**
3. **The one-year period will begin December 13, 2018 and expires on December 13, 2019.**

F. **Application No. 2018-24**, Wellborn LLC represented by Harry D. Gutierrez; request for a Tentative Subdivision to create a subdivision consisting of one-hundred twenty-one (121) single family residential lots, one (1) commercial lot, one (1) ponding basin, one (1) playground lot and six (6) green area lots, on Lots 7110-NEW-NEW-1, 7110-NEW-NEW-2, and 7110-NEW-NEW-R2, in an "R-2" (Multi Family Dwelling) zone, in the Municipality of Yigo. **[GLUC – 10/25/2018]**
Case Planner: Frank Taitano
Action – Approved; 3 ayes, 0 nay; with conditions.

1. **Applicant shall adhere to the ARC conditions as stipulated in the official position statements;**
2. **Current lots as described in the Tentative Subdivision Plan are consolidated as a precursor to creating subdivision design as proposed;**
3. **The Tentative Subdivision Plan be revised include plans to provide fill improvement to Chalan Josen Diego as provided in Figure 1; and,**
4. **The residential subdivision plan submits one tentative subdivision plan request to blanket a three-increment development proposal. As presented, all infrastructure improvement requirements must be installed throughout each increment within the prescribed one-year pursuant to Title 21GCA, Chapter 62, Section 62504(a) which will begin December 13, 2018 and expired on December 13, 2019. The Applicant may further elect to secure a bond pursuant to Title 21GCA, Chapter 62, Section 62504(b).**

V. Administrative & Miscellaneous Matters

- **Commissioners were given a letter from the Governor-elect and Lt. Governor-elect in regards to serving on current commissions. The letter states that they are not requesting for any members resignation letters. It was further noted that by law, Commissioners do not have to submit courtesy resignations.**
- **Mr. Borja thanked the Commissioners for having had the opportunity to work with them for the past few years, and that his last day is January 4, 2019.**

VI. Adjournment [Adjournment 6:00 p.m.]

932992

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

File for Record is Instrument Number 932992

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

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Lisa M. Quitano

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

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

ATTACHMENT 8

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

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

PLANNING STAFF PRESENT:

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

SBGSEP
932992

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

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

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

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

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

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

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

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

Commissioner Vy seconds the motion.

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

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

[Motion passed – 3 ayes, 0 nay]

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

Zone Change

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

Doc. No. 35GL-19-0612.

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Vy seconds the motion.

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

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

Chairman Oh moving onto the next item on the agenda –

Zone Variance/Status Report

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

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

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

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

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

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

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

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

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

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

932992

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

Approved by:

Chairman Tae S. Oh
Guam Land Use Commission

Date approved:

3/19/2019

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

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

File for Record is Instrument Number _____

On the Year 20_____ Month _____ Day _____ Time _____

Recording Fee _____ Receipt No. _____

Deputy Recorder _____

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

January 10, 2019
Date

To: **Albert P. Sanga**
Represented by Harry D. Gutierrez
#119 Gutierrez Way
Agana Heights, Guam 96910

Application No. 2017-41B

The Guam Land Use Commission, at its meeting on: **December 13, 2018**,

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

____/ Tabled

Your request for a zone change from **"R-1" (Single-Family Dwelling) to "LC" (Limited Commercial) Zone, in the municipality of Mangilao.**

ATTACHMENT 9

NOTICE OF ACTION
Albert P. Sanga, c/o Harry D. Gutierrez
Lot 1103-3-1A-1, Municipality of Mangilao
Date of GLUC Hearing: December 13, 2018
Date of Preparation of NOA: January 10, 2019

Application No. 2017-41B

ZONING

__XX__/ **"LIMITED COMMERCIAL" ZONE CHANGE *****

_____/ Conditional Use Permit

_____/ Zone Variance

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

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

NOTICE OF ACTION **Application No. 2017-41B**
Albert P. Sanga, c/o Harry D. Gutierrez
Lot 1103-3-1A-1, Municipality of Mangilao
Date of GLUC Hearing: December 13, 2018
Date of Preparation of NOA: January 10, 2019

APPLICATION DESCRIPTION:

The Applicant, Albert P. Sanga, Represented by Harry D. Gutierrez, request for a Zone Change from "R-1" (Single-Family Dwelling) to "LC" (Limited Commercial) Zone for proposed construction of a commercial building on Lot 1103-3-1A-1, in the Municipality of Mangilao.

COMMISSION DECISION:

The Guam Land Use Commission **APPROVED** the Applicants request with Conditions as follows:

1. That the applicant shall follow the specific uses on the premise to be limited to: catering service/mini canteen; beauty salon/barber shop; a professional office space and a residential unit ; and

2. Applicant shall comply to all ARC conditions as documented on official position statements.

Marvin Q. Aguilar **Guam Chief Planner**	3/19/19 **Date**	**Tae S. Oh** **Acting Chairman** **Guam Land Use Commission**	3.21.19 **Date**

Case Planner/Project Planner: Penmer C. Gulac

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

Application No. 2017-41B

==========

CERTIFICATION OF UNDERSTANDING

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

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

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

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

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

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

==========

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

_____ _____ _____ _____
Applicant(s) Date Representative Date

Reference No. **Application : 2017- 41B**

To: Director, Department of Land Management
Director, Department of Public Works

Upon review of the decision of the GLUC (Hybrid) to approve the zone change and in accordance with Title 21 GCA §61634, I hereby indicate my decision below on the proposed change, and any changes approved shall be endorsed and delineated upon the zoning map, and shall constitute an amendment to such map pursuant to Title 21 GCA §61630. **PERMITS SHALL NOT BE ISSUED UNTIL THE AMENDMENT TO THE MAP HAS BEEN MADE.**

[✓] **APPROVED**

[ ] **APPROVED IN WHOLE**

[ ] **DISAPPROVED**

LOURDES A. LEON GUERRERO **Date**
Governor of Guam

DECISION GRANTING ZONE CHANGE
(with findings)

Guam Land Use Commission

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

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, a hearing on the Zone Change was held on the **30th day** of **January**, **2018**, in the Municipal District of **Mangilao** where the property to be rezoned was located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearing was published in a newspaper of general circulation on the _____ day of _____, **2018** as evidenced by an affidavit of publication attached as **Exhibit A**.

WHEREAS, notice was mailed to the Mayor of the Municipal district concerned and to those landowners owning land within 500 feet of the property where the property to be rezoned is located as evidenced by the affidavit of mailing attached as **Exhibit B**.

BE IT RESOLVED, that on the **13th** day of **December**, **2018**, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of **Albert P. Sanga C/O Harry D. Gutierrez** for a Zone Change of **Lot 1103-3-1A-1**, Municipality of **Mangilao**.

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

1. **Mr. Tae S. Oh, Acting Chairman**
2. **Ms. Conchita D. Bathan, Commissioner**
3. **Mr. Hardy I.T. Vy, Commissioner**

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

Also appearing and testifying on the above project was:

Allan Ungacta, Mayor of Mangilao **in favor**/against

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

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

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

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

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

We, the Commission, find that from a planning perspective the site is best suited for commercial activities and other permitted uses with conditions as stated on the Notice of Action (NoA) within the limited commercial zoned property; and **pursuant to Guam Land Use Commission Resolution 2015-03, the Zoning Designation shall *be "Limited Commercial" (LC)* on the approved amended zoning map, with conditions as noted on the Notice of Action (NoA) for the establishment, on Lot 1103-3-1A-1, Municipality of Mangilao.**

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

3 Ayes **0** Nays **0** Abstentions

This decision was adopted this **13th** day of **December**, **2018**, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

Tae S. Oh
Acting Chairman,
Guam Land Use Commission

AFFIDAVIT OF PUBLICATION

I, the undersigned, do hereby depose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.

2. I have personal knowledge of all the facts herein.

3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.

4. On **January 17, 2018**, I submitted the Official Memorandum (attached as **Attachment A**) from the Guam Chief Planner to the Guam Daily Post, Tamuning, GU; a request to publish the 2 x 2 legal notice to appear on January 20, 2018 for Application No. 2017-41 (Albert P. Sanga) to be heard on January 30, 2018, at the Mangilao Community Center. Proof of advertisement is attached as **Attachment B**.

5. This Affidavit is executed as proof of the compliance with 21 G.C.A. Section 61633 (Hearing Date – Notice).

In WITNESS, WHEREOF, I hereby affix my signature this 27 day of March, 2019.

M. CRISTINA GUTIERREZ
WPS II

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 27th day of March, 2019.

Notary

JOHN J. GUMATAOTAO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 11, 2021
P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT A

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

COPY

January 17, 2018

Guam Daily Post
388 S. Marine Corps Drive
Suite 301
Tamuning, GU 96913

Hafa Adai!

Please publish this legal public hearing notice on a **2x2** inch column ad to appear in the Guam Daily Post on **Saturday, January 20, 2018.**

Attached is a check for **$96.00** to cover the enclosed government public notice scheduled for the abovementioned date.

Please email proof to cristina.gutierrez@land.guam.gov for review and approval.

Thank you for your anticipated cooperation on this request.

Regards,

Marvin Quitugua Aguilar
Guam Chief Planner

Attachments:
Public Hearing Ad

ATTACHMENT A

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

PUBLIC HEARING NOTICE

Date: **January 30, 2018**
Time: **6:00 pm**
Place: **Mangilao Community Center**

For: Albert P. Sanga; Zone Change request from "R-1" to "C" for a proposed commercial building, Lot 1103-3-1A-1, Mangilao. [2017-41]

Funding Source provided by the Applicant.
Persons requiring special accommodations, please call Cristina at 649-5263 ext. 375 or email at cristina.gutierrez@land.guam.gov

Canton Cuisine allowed to reopen after reinspection

Almost three weeks after a public health inspection shut it down, Canton Cuisine in the Dededo Mall has regained its sanitary permit after a follow-up inspection.

Canton Cuisine was one of several food stalls or dine-in restaurants that failed Department of Public Health and Social Services inspections over the past few weeks, after customers filed complaints of pest infestation or sanitation issues or both.

"Canton Cuisine was re-inspected and the establishment did pass the follow-up inspection," stated DPHSS Chief Environmental Public Health Officer Thomas Nadeau yesterday. "(Canton is) authorized to operate."

Other recent closures

The initial inspections of Canton and several other establishments found infestation of cockroaches, which the division calls an "imminent health hazard," along with improper food handling and an alleged lack of maintenance and cleanliness at the facilities.

Uomaru Honten, in Tumon, received similar findings but has reopened after a reinspection a few days ago.

Brooklyn Kitchenette, a neighbor to Canton Cuisine at the Dededo Mall, failed a similar inspection and is closed for good, according to Marilou Scroggs, an environmental public health officer administrator with DPHSS.

Residents can report any food-related health and sanitation issues to the DPHSS Division of Environmental Health by calling 735-7221 or 735-7205. ***(Daily Post Staff)***

Make a report

Residents can report any food-related health and sanitation issues to the DPHSS Division of Environmental Health by calling 735-7221 or 735-7205.



LIFESAVER: *Department of Parks and Recreation lifeguard Dustin Lizama scans the waters of Tumon Bay yesterday, looking for signs of distressed swimmers. Dontana Keraskes/The Guam Daily Post*

RESCUE continued from page 1

to safety.

Lizama 'saved my life, too'

Tellain told The Guam Daily Post it was his wife who noticed the two women struggling, so he swam their way in hopes of providing assistance. After helping one, Tellain couldn't muster enough energy to save the other, and attempted to relax his body by surrendering to the water.

Tellain said going back for the second person wasn't a good idea, and that attempting to save someone else when you haven't worked out in a while is "basically hurting your body."

"I thought it was a good choice, whether it be my life or hers," he said. "Taking in water is not too nice, but I'm glad I got out of it in one piece. I'm glad they're okay. (Lizama) saved my life, too."

Lizama said, "It's very rewarding to see them, then get a big 'thank you' from them. It makes your day, and it makes you feel like you are here for a reason. It makes me feel good that they get to go back home, and leave the way they came."

The lifeguard said he hopes, when he's not on duty and it's his family that's swimming, that other lifeguards are watching and can be trusted to act quickly when necessary.

Rescue the day before

DPR Lifeguard Tony Babauta made his way down the same beach on Thursday to assist two tourist children who had gone out of their mother's reach in deeper water.

Babauta saw a woman in panic, who was seeking help from other beachgoers. As soon as Babauta identified what was going on, he grabbed his rescue board and paddled out to return the young girl and boy to their mother.

According to Babauta, lifeguards assist swimmers in distress multiple times every single day.

"Every day there are new visitors, and they're not aware of their environment – most especially the water," he said. "They're unaware of where the deep areas are, and they also might not be wearing life vests."

Babauta suggested studying the tides, and questioning lifeguards on duty on water safety. He added that parents should always keep young children within arm's reach whenever in the water.

'Guardians of the water'

"We are guardians of the water. I'm grateful that I was able to be there to help," Babauta said. "I would love to thank DPR for allowing us the opportunity to serve the public."

Water safety tips

Lifeguard Tony Babauta said swimmers should study the tides, and discuss water safety with lifeguards on duty. He added that parents should always keep young children within arm's reach whenever in the water.

DEPORTATION continued from page 1

The governor's office stated it wants to shift the cost of housing, feeding and providing medical care to foreign convicts behind bars to the federal government while their deportation process is pending.

The Guam Department of Corrections has previously estimated it costs about $119 per day to house a prisoner.

Another convict faces deportation

The second man facing deportation, Ero Erwin, violated the conditions of his parole after initially being convicted of family violence and terrorizing, the governor's office stated.

The commutation triggers their transfer from the jurisdiction of the Department of Corrections to that of the federal government, which will pick up the cost of housing as well as the cost of their deportation, the governor's office stated.

Housing cost

The Guam Department of Corrections has previously estimated it costs about $119 per day to house a prisoner.

Erwin was initially convicted of family violence and terrorizing, both as third-degree felonies.

At the time of his arrest in 2014, Erwin, who's from Chuuk State in the FSM, was 31.

He was released on parole in April 2015 with a full closure of his case set for April 1, 2018.

However, last year, he violated his parole by using and possessing controlled substances, according to the governor's office.

U.S. immigration officials identified Erwin and Gilfigir as having committed deportable crimes.

Police notified the victims of both convicts about the governor's decision to commute their sentences.

The victims noted their support of their deportations, the governor's office stated.

(Daily Post Staff)

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

PUBLIC HEARING NOTICE
Date: January 30, 2018
Time: 6:00 pm
Place: Mangilao Community Center

For: Albert P. Sanga; Zone Change request from "R-1" to "C" for a proposed commercial buidling, Lot 1103-3-1A-1, Mangilao. [2017-41]

Funding Source provided by the Applicant.
Persons requiring special accommodations, please call Cristina Gutierrez at 649-5263 ext. 375 or email at cristina.gutierrez@land.guam.gov

Doc. No. 35GL18-0012

AFFIDAVIT OF MAILING

I, the undersigned do hereby dispose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled manner.

2. I have personal knowledge of all the facts herein.

3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.

4. On **January 19, 2018, I**, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (attached as **Attachment A**), with postage fully paid, each containing a copy of the Notice of Public Hearing for **Albert P. Sanga** (attached as **Attachment B)** addressed to the following property owners:

Owner	Delivery Address	Delivery Address 2
ESCALANTE JESS E & FILIPINA F	PO BOX 20455	BARRIGADA GU 96921
CHANG CHONG KIL, HWA OK	PO BOX 3133	HAGATNA GU 96932
YSRAEL WILLIAM C	PO BOX 806	HAGATNA GU 96932
GRINO RODSON H & ROSE P	PO BOX 21233	BARRIGADA GU 96921
BLAS JOANN MARIE LONG, LONG GLORIA JEAN,FLANAGAN CAROL LYNN LONG	PO BOX 2265	HAGATNA GU 96932
MILLER ELIZA DELEON	2877 FIREBRAND DR	ALPINE CA 91901-3187
AMMON DEE MILLER	2877 FIREBRAND DR	ALPINE CA 91901
MACCORMACK YUCHUAN	129 BILMAR CT	MANGILAO GU 96913
GUERRERO PILAR P. & JOAQUIN C.	13951 WALNUT CT	MORENO VALLEY CA 92555
FLORES FRANCISCO BORJA	216A LALO ST	MANGILAO GU 96913
TAITANO MARK ANTHONY	4409 TERARACE DR	OK HARBOR WA 98277
TAITANO JUAN C	393 W CORNET BAY RD	OAK HARBOR WA 98277
TAITANO JOHN G	202 W SUNSET BLVD	BARRIGADA GU 96913
FRANQUEZ BARCELISA T	PO BOX 1707	HAGATNA GU 96932

EXHIBIT B

HERMAL MERLYN WESLYN T,HERMAL KATHERINE MARIA,HERMAL RAMSEY ISIDRO T, HERMAL NIESINA CARMEN	238 DAIRY RD.	MANGILAO GU 96913
TAITANO LISA M	1270 N MARINE DR PMB 153 STE 101	TAMUNING GU 96913
CAMACHO JIWON S	129 CHALAN GUNOT U 310	DEDEDO GU 96929
QUICHOCHO GERALDINE D & BRIAN G	P.O. BOX 3687	HAGATNA, GU 96932
TAITAGUE BERNADETTE & WILLIAM	88 CARRIAGE HILL DR	FREDERICKSBURG VA 22405
TAITANO ROBERT CHARGUALAF	PO BOX 344	HAGATNA GU 96932
TAITANO JOSE C	P O BOX 344	HAGATNA GU 96932
NAPOLI ELIZABETH F	P.O. BOX 4216	HAGATNA GU 96932
COUNTRYWIDE HOME LOANS INC	2130 WARD AVENUE	SIMI VALLEY, CA 93065
TAITANO MARIA C	P O BOX 1707	HAGATNA GU 96932
TRI INC A GUAM CORPORATION	562 HARMON LOOP RD. #200	DEDEDO, GU 96929
TAITANO BENJAMIN M	P O BOX 612	HAGATNA GU 96932
OU YANG MING, OU WEI WEI CHEN	PO BOX 4337	HAGATNA GU 96932
FLORES FRANCISCO BORJA & MARIE WHITE	216A LALO STREET	MANGILAO GU 96913
FLORES FRANCISCO B	216A LALO STREET	MANGILAO GU 96913
WHITE JUSTO L G & ROSALIA R	222 N SHUPE DR	BENSON AZ 85602-6248
PANGILINAN ROBERTO & VELMA	122 BIRADAN ANAKKO	DEDEDO GU 96929
WEI JILING & CHEN MEI YING	979 ARMY DR PMB 291	BARRIGADA GU 96913
CHEN YOU WANG & ZHENG FEI BI	PMB 267 979 ARMY DRIVE	BARRIGADA GU 96913
OGO GERARD T & KAYLA NICOLE G	PO BOX 326153	HAGATNA GU 96932
BORDALLO ROBERT J	261 A OLD PRICE ROAD	MANGILAO GU 96913
CASTRO JESSE T. ANTIONETTE C	133 E BANALO CT	DEDEDO GU 96929
NAVARRO DONNA M, NAVARRO VANESSA M	PO BOX 1085	HAGATNA GU 96932
DUENAS RAYMOND I & ESTHER M	PO BOX 22703	BARRIGADA GU 96921

EXHIBIT B

TULOP OTTO & NORMA	PO BOX 26306	BARRIGADA GU 96921
DUENAS GEORGE S & SALOMAE S N	PO BOX 2308	HAGATNA GU 96932
LEON GUERRERO JILLETTE T	PO BOX 5763	HAGATNA GU 96932
LEON GUERRERO, MATTHEW A. LEON GUERRERO PETER R	P.O. BOX 26577	GMF, BARRIGADA, GU 96921
TAITANO RUFO C	P O BOX 3386	HAGATNA GU 96932
AMERICAN MEDICAL CENTER LLC	1244 N MARINE CORPS DR STE 101	TAMUNING GU 96913
KIM HAK YUL, REEP HAN SUN	P.O. BOX AQ	HAGATNA, GU 96932
DELA ROSA JOSE LG & JULIA P	PO BOX 20074	BARRIGADA GU 96921
SCHELLER CECILIA D R ETAL	32255 SAFFLOWER ST	WINCHESTER CA 92596
TAITANO TEDDY CEPEDA	PO BOX 3462	HAGATNA GU 96932
CADAWAS BERNARDO C & ELEANOR A	PO BOX 24523	BARRIGADA GU 96921
QUITUGUA YVONNE MC	401 CHLN GUMA YUUS CT	SINAJANA GU 96910
CRUZ GERALD IGLESIAS	PO BOX 1386	HAGATNA GU 96932
TENORIO RICK L & KISUK C	PO BOX 6142	TAMUNING GU 96931
HWANG MUN SUNG,AN JAM SUK	PO BOX 218026	BARRIGADA GU 96921
DIEGO MARGARITA D	PO BOX 1382	HAGATNA GU 96932
DIEGO JOHN DUENAS	PO BOX 22362	BARRIGADA GU 96921
DIEGO JOHN D & PATRICIA L	PO BOX 22362	BARRIGADA GU 96921
ARRIOLA JEFFREY C & LORI JEAN R	PO BOX 23725	BARRIGADA GU 96921
GUEVARA JANINE PEREZ	PO BOX 23054	BARRIGADA GU 96921
FEJERAN MARIA LYNN TENORIO	128 NANAS CT	MANGILAO GU 96913
LEON GUERRERO VICENTE	PO BOX AF	HAGATNA GU 96932
DIERKING JOHN PAUL K & KAMIA ROSE LG	108 THERESA COURT	TAMUNING, GU 96913
Allan R.G. Ungacta	P.O. Box 786	Hagatna, Guam 96932

EXHIBIT B

AFFIDAVIT OF MAILING

5. The above referenced names and addresses are those of the landowners owning land within five hundred (500) feet of the property for which rezoning is requested, including those to the Commissioner of the Municipal District concerned.

6. This Affidavit is executed as proof of the compliance with 21 G.C.A. Section 61633.

IN WITNESS, WHEREOF, I hereby affix my signature this 27 day of MARCH, 2019.

ERNEST V. SANTOS
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 27th day of MARCH, 2019.

NOTARY PUBLIC
GUAM

Notary

JOHN J. GUMATAOTAO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 11, 2021
P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT B

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Sent To Dicking John Paul K & Kamia Rose G.
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Gloria Jean, Flanagan Carol Ly
City, State, ZIP+4®
Long

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Total Postage and Fees
3.64

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2017 ALBAY P. SANCH

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Postage
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Total Postage and Fees
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Sent To Grina Radson H & Rose P
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Street Address:
90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

January 17, 2018

Dear Sir/Madam:

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

The Applicant, Albert P. Sanga 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 building, on Lot 1103-3-1A-1, in the Municipality of Mangilao, under Application No. 2017-41.

For any **Zone Change** requests, the Guam Land Use Commission is mandated by law to conduct a Public Hearing in the Municipal District where the property is located. Accordingly, a Public Hearing on this application is scheduled as follows:

PLACE:	**Mangilao Community Center**
DATE:	**Tuesday, January 30, 2018**
TIME:	**6:00 p.m.**

As a property owner identified within 500 feet of this proposed development, we invite you to attend this Public Hearing and participate in the review process and to express your opinion on this application. If you are unable to attend the Public Hearing, please submit written comments to our office on or before the scheduled Guam Land Use Commission Hearing which will be published on the Guam Daily Post and noted on the applicant's onsite sign. Our office is located on the third floor (Room 304) of the ITC Building, and written comments should be addressed to:

Chairman, GLUC or Executive Secretary, GLUC
c/o Department of Land Management
Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

ATTACHMENT B

For your information, in addition to the GLUC's regular hearing advertised for this application, it will also be advertised in the Guam Daily Post and the Department of Land Management's website: www.dlm.guam.gov.

You may review the development application at our office or your Mayor's Office.

Thank you for your interest.

Si Yu'os Ma'ase,

MARVIN QUITUGUA AGUILAR
Guam Chief Planner