UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Via Hand-Delivered

35GL-19-0627
Speaker Tina Rose Muña Barnes

May 20, 2019

JUN 18 2019
Time 2:59 ( )AM (PM
Received By:

2019 JUN 18 PM 3:33

HONORABLE TINA MUNA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guahan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "A" to "LC" Zone, Lot 2066-REM-22, Mongmong-Toto-Maite, under Application No. 2018-36

Dear Madam 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** the application of Edward and Siska Hutapea for a Zone Change from "A" (Agricultural/Rural) zone to "LC" (Limited Commercial) zone for office activities, on Lot 2066-REM-22, in the Municipality of Mongmong-Toto-Maite, Application No. 2018-36. This approval is in conformance with 21 G.C.A. §61630 and justified to satisfy public necessity, convenience and general welfare.

Senseramente,

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

Enclosure (1)

EDUARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA GUAM 96910
P.O. BOX 2950 • HAGÅTÑA GUAM 96910
671.472.8931 • 671.472.8932-6

0627

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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

2019-2799

Tara Sanchez

May 9, 2019

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval; Application No. 2018-36**

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

Application chronology is as follows:

- June 29, 2018 – Application officially accepted
- August 2, 2018 – Reviewed by the Application Review Committee (ARC)
- December 5, 2018 – Public Hearing, MTM Community Center
- March 19, 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: 5-9-19
TIME: 3:50pm
RECEIVED BY:
GC2019-1188

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-60, Zoning Map No. F3-67S50
2) Zone Change Application
3) Formal letter to Mayor(s) for Public Hearing (November 19, 2018)
4) Minutes of Public Hearing (dated December 5, 2018)
5) Staff Report with Summary of ARC Position Statements
6) GLUC Agenda Notice – Guam Daily Post (dated March 12th and March 15th, 2019)
7) GLUC Special Meeting Agenda of March 19, 2019, – Disposition
8) GLUC Minutes of March 19, 2019 **(Document No. 933398)**
9) Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to GDP (dated November 19, 2019)
        - Attachment B – Public Hearing Advertisement (dated November 25, 2019)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts (dated November 20, 2018)
        - Attachment B – Official Notice Public Hearing (dated November 19, 2018)

Speaker Tina Rose Muña Barnes

JUN 18 2019

Time 2:59 (AM) PM

Received By

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2018-36
LOT 2066-REM-22
MUNICIPALITY OF MONGMONG-TOTO-MAITE

COPY
Legislature

ATTACHMENT 1

Space for Recordation

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

File for Record is Instrument Number 936299

On the Year 20 19 Month 6 Day 13 Time 801

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder Joel Antenorcruz

JOEL ANTENORCRUZ

GLUC ZONE CHANGE

APPLICATION NO.: 2018-36

APPLICANT: EDWARD and SISKA HUTAPEA

PREPARED ON APRIL 9, 2019

FROM: "A" (AGRICULTURAL/RURAL)

TO: "LC" (LIMITED COMMERCIAL)

LOT: 2066-REM-22

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: MONGMONG-TOTO-MAITE

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-60

ZONING MAP NO.: F3-67S50

THE GUAM LAND USE COMMISSION, AT ITS SPECIAL HEARING ON MARCH 19, 2019 APPROVED IN WHOLE THE ZONE CHANGE FROM "A" TO "LC" ON LOT 2066-REM-22 MUNICIPALITY OF MONGMONG-TOTO-MAITE

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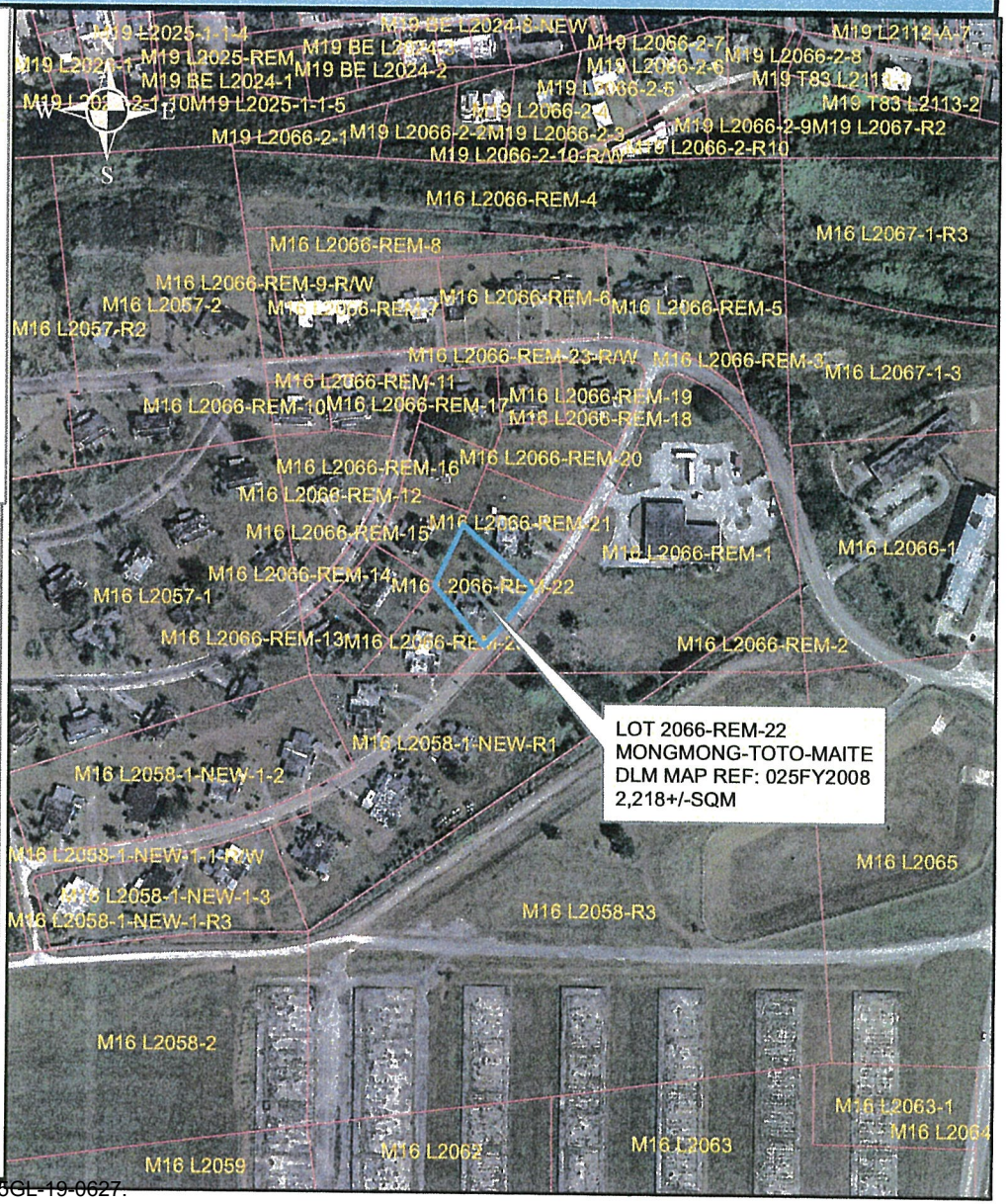
[X] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

TAE S. OH — DATE 4/17/2019
ACTING CHAIRMAN
GUAM LAND USE COMMISSION

==========

[X] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

LOURDES A. LEON GUERRERO — DATE 6/7/2019
GOVERNOR OF GUAM



GLUC APPLICATION NO.:
2018-36

Zone Change Application

Agriculture to Limited Commercial
Lot Number 2066-REM-22, Tiyan
Municipality of Mongmong-Toto-Maite



CORNERSTONE VALUATION GUAM, INC.
We Value

Edward B.M Hutapea
Siska S. Hutapea

May 2018

ATTACHMENT 2

Zone Change to Limited Commercial "LC" Zone
Project Assessment

Proposed Cornerstone Valuation Guam, Inc. - Office
Lot Number 2066-REM-22, Tiyan
Municipality of Mongmong-Toto-Maite

APPLICATION CONTENT LIST

1. Cover Letter
2. Affidavit of Authorization
3. GLUC Form 02 - Zone Change Application
4. Project Assessment
5. GIAA – AICUZ
6. GIAA – Land Use Masterplan
7. Tiyan Aerial Diagram
8. 500ft Radius Map of Lot Numbers
9. 750ft and 1,000 Radius of Buildings, Uses and Zones
10. Survey Map
11. Deed – Document Number 776786
12. GEPA EIA – Finding of No Significant Impact (FONSI) Application
13. Floor Plan

May 31, 2018

Michael J. B. Borja, Director
Department of Land Management
Dipåttamenton Minanehan Tåno'
C/O Guam Land Use Commission
ITC Building, 7th Floor, Suite 733
590 S. Marine Corps Drive ITC Building
Tiyan, Maite Guam 96913

Re: Zone Change Application for Lot 2066-REM-22 Tiyan, Maite, Guam.

Hafa Adai:

Submitted for the Guam Land Use Commission's determination is Edward B.M. and Siska S. Hutapea, request for a zone change from Agricultural (A) to Limited Commercial (LC) on lot number 2066-REM-22, Tiyan, Maite. Lot number 2066-REM-22 contains an area of ± 2,218 square meters located directly adjacent to the Hawaiian Electric and TG Engineering offices. It is currently developed situating a concrete single-story duplex building.

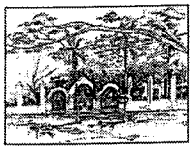
The immediate vicinity realizes a mix of commercial (office) and residential uses. The Hutapeas intend to locate their business (Cornerstone Valuation Guam, Inc.) on a unit while maintaining the other residential. The zone change supports the evolution of the area and is consistent with improvements to the Tiyan Parkway and GIAA Air Installation Compatible Use Zone (AICUZ). The proposal offers substantial benefits to the transitional development of the area.

I look forward to your favorable review and representation of this zone change application before the Guam Land Use Commission.

Si Yu'us Maase',

HARRY D. GUTIERREZ

Attachments



HARRY D. GUTIERREZ, Consultant • 119 Gutierrez Way • Agana Heights, Guam 96932
Telephone (671) 482-5315 • Facsimile (671) 632-2763 • harry.gutierrez@yahoo.com

AUTHORIZATION

SISKA S. AND EDWARD HUTAPEA, owner of Lot 2066-REM-22, Municipality of Barrigada, 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 an **Application to Rezone** to Limited Commercial with the Department of Land Management.

2. That my authorized representative/consultant to 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:

SISKA S. HUTAPEA, Owner

EDWARD HUTAPEA, Owner

GUAM, USA) ss

SUBSCRIBED AND SWORN to before me this 9th day February, 2018

NOTARY PUBLIC, Guam

IN AND FOR GUAM NOTARY RENEE C. WADE PUBLIC U.S.A.

RENEE ANN C. WADE
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **OCT. 31, 2021**
111 Chalan Santo Papa Hagatna, Guam 96910

ZONE CHANGE

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

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

1. Information on Applicant:

Name of Applicant: **Edward B.M. and Siska S. Hutapea - Cornerstone Valuation Guam, Inc. Office C/O Harry D. Gutierrez, Consultant** U.S. Citizen: [X] Yes [ ] No

Mailing Address: **119 Gutierrez Way; Agana Heights, Guam 96913**
710 W. Marine Corp Drive; Ste. 203 Bell Tower; Hagatna, Guam 96910

Telephone No.: Business: **671-483-5315** Home: **Fax: 671-632-2763**

2. Location, Description and Ownership:

Subdivision Name: **Tiyan**

Lot(s): **2066-REM-22** Block: **N/A** Tract: **N/A**

Lot Area: Acres **0.55 acres** Square Meters: **2,218** Square Feet: **24,086.1**

Village: **Maite** Municipality: **Mongmong-Toto-Maite**

Registered Owner: **Edward B.M. and Siska S. Hutapea**

Certificate of Title No.: **510** Recorded Document No.: **776786**

3. Current and Proposed Land Use:

~~§61217 & 61218~~ **21 GCA - Unknown if executed.**

Current Use: **Vacant Concrete Duplex** Zoned: **Agricultural (A)**

Proposed Use: **Cornerstone Valuation Guam, Inc. Office and Residence** Proposed Zone: **Limited Commercial**

Master Plan Designation: **N/A Immediately at outside boundary of GIAA Industrial Designation and ~~Industrial Designation of 2009 North and Central Guam Land Use Plane~~**

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, Chapter 61, Section 61630.***

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

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

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

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 Guåhan 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? ○ Yes ● No

Please sign attesting to your answer: ⟹ _____

(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."

_____

(Owner(s) or Lessee(s) and Date)

_____

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Accepted: _____ Accepted By: _____

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

Date of Public Hearing: _____

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

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [ ] (See Below) No [ ]

Conditions of Approval: _____

_____

GLUC Resolution No.: _____ Date of Notice of Action: _____

4. Project Assessment
5. GIAA – AICUZ Diagram
6. GIAA – Land Use Masterplan
7. Tiyan Aerial

Zone Change to Limited Commercial "LC"

Project Assessment

Cornerstone Valuation Guam, Inc. Office

Lot Number 2066-REM-22

Municipality of Tiyan, MTM

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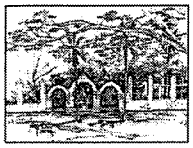
a. An appropriate development of the area from the viewpoints of its natural features, location and suitability for particular uses 6

b. The proposed development will be in reasonable association and proportion to continue compatibly with the surrounding area. 6

c. A project adequately serviced by the necessary public services, existing and proposed. 7

d. A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas. 7

e. An appropriate evolution of the comprehensive plan for that portion of the Territory. 7



HARRY D. GUTIERREZ, Consultant • 119 Gutierrez Way • Agana Heights, Guam 96932

Telephone (671) 482-5315 • Facsimile (671) 632-2763 • harry.gutierrez@yahoo.com

Zone Change to Limited Commercial "LC"

Project Assessment
Cornerstone Valuation Guam, Inc. Office
Lot Number 2066-REM-22
Municipality of MTM

I. STATEMENT OF INTENT AND PURPOSE

Edward B.M. and Siska S. Hutapea, requests for a zone change from Agricultural "A" zone to limited commercial (LC) zone on Lot 2066-REM-22, municipality of Mongmong-Toto-Maite. A single story duplex structure remains on the site built in the 1960s. The structure is currently vacant and unoccupied. Existing land uses of the area is influenced by the proximity of GIAA's operations and AICUZ land use restrictions. GIAA's activities and AICUZ are important elements to the transitional and evolving land use patterns for the area.

The request is consistent with the §61201 "Establishment of Zones and Boundaries" of Article 2; §61307 of Article 3 "C" Commercial Zone"; and, Subarticle 3 et al. "Changes of Zones" of Chapter 61 of Title 21, Guam Code Annotated. The justification for the zone change is further discussed reflecting the site's conditions and compatibility of the proposed action to the surrounding area surrounding lot number 2066-REM-22.



Figure 1. Aerial View. The site currently is situated within an area subjected to the dynamics of its vicinity within Tiyan's and compatibility to the GIAA AICUZ.

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Telephone (671) 482-5315 • Facsimile (671) 632-2763 • harry.gutierrez@yahoo.com

II. GENERAL SITE CONDITIONS

The site is located on Lot Number 2066-REM-22, Tiyan, Municipality of MTM. The parcel contains an area of 2,218 square meters. The northern boundary is contiguous to Hawaiian Electric Office and First Street Road a 33 feet wide public utility and access easement with 4 feet wide sidewalks and curbs.



Figure 2 . Hawaiian Electric and TG Engineers, PC offices are located immediately adjacent to the site Guam, GIAA's activities and AICUZ are essential elements to the transitional and evolving land use patterns for the area.



A single-story duplex concrete building is situated on site with ample areas for on-site parking is available on the parcel. The structure was intended for residential accommodations. One unit will be used for office related activities while the other remains residential.

Figure 3. Duplex View. Southwest view of the site reflecting newly renovated duplex structure taken along First Street.

III. TIYAN LAND USE PATTERNS

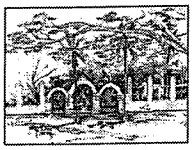
Tiyan, the area generally encompassing the former NAS Agana, is surrounded by the villages of Tamuning and Harmon on the north side below the cliff; the villages of Dededo and Barrigada on the eastern border; the village of Barrigada on the southern border, and Maite on the western border.

The 1,400-acre Antonio B. Won Pat International Airport (GIA) is the dominant land use in Tiyan. Other significant land uses include low-density suburban-type residences, government offices, and light industrial facilities, such as warehouse type structures.

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

The light industrial land uses are located on the north side of the GIA, within airport lands planned to be developed into cargo handling, and other airport-related businesses and functions. An integrated air cargo facility and a private freight company recently opened facilities on GIAA property. Most of the GIAA owned land along the south side is vacant.

The Tiyan plateau was once a vital farming area for Guam, with the land privately owned by various individuals and families. The United States military expanded the airfield improvements after retaking Guam in July-August 1944. NAS Agana remained in operation under the control of the United States Navy until it was closed in 1993. The United States government provided a quitclaim deed to the Government of Guam on November 16, 2000, for land encompassing specific property at the former Naval Air Station, including 'Lot Naval Air Station Agana-12, (Parkway)' that was intended to be used

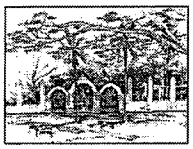


by the Government of Guam to construct Tiyan Parkway. The Tiyan properties were quitclaimed to the government of Guam and contained conditions and reservations that covenants the use of the properties.

Guam Public Law 27-113, passed in December 2004, stipulated that any property conveyed to DPW's jurisdiction from the former NAS Agana shall be deeded to GALC for distribution to heirs of the original landowners. On January 24, 2005, the Government of Guam provided a quitclaim deed to the GALC. GALC subsequently conveyed most of the property that was intended for Tiyan Parkway to heirs of ancestral landowners. The quitclaim deeds provided to heirs of ancestral landowners referenced to conditions and reservations made in the original deed. Residential and small business uses of private properties along the Tiyan cliff line would likely continue. These private property owners do not hold a marketable title to the properties because the quitclaim deed from the federal government to the Government of Guam provided for reversion of ownership to the federal government if the Government of Guam did not use the property to construct Tiyan Parkway. Therefore, they cannot obtain title insurance or mortgages to fund improvements; nor are they able to sell to any buyer who requires title insurance or a marketable title. It is likely that the condition of residential properties along the Tiyan cliff line would degrade over time because owners would be unable to obtain financing that is secured by the property evolving towards commercialized activities.

IV. COMPATIBILITY TO ZONE CHANGE REQUEST

The development of land uses that are not compatible with airports and aircraft noise is a growing concern across the country. In addition to aircraft noise, there are other issues, such as safety and other environmental impacts to land uses around airports which need to be considered when addressing the overall issue of land use compatibility. Adjacent uses within the periphery of 750 feet include single family, multi-family, and commercial office activities. The owners propose to situate Cornerstone Valuation Guam, Inc., an appraisal office on the site. The parcel is not significantly greater in size than the parcels located immediately adjacent which its impact may be of substantial size and intensity. The immediate area is not included in the most recent land use plan which is the "2009 North and Central Land Use Plan". The property and vicinity are immediately outside the scope of the area covered by the plan which designates GIAA's Tiyan as an Industrial. The plan designates the area



adjacently located below the escarpment along East Agana as Commercial while the area beyond the Tiyan-Maite fence line is designated Mixed-Use.

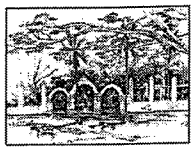
Development of GIAA's Tiyan Parkway along with Legislative and GLUC zone changes of Tiyan properties have influenced the land use patterns of the area. Undoubtedly, the transformation of the area continues where sustainable and complementary development is necessary synthesis for Tiyan.

Under traditional zoning processes, zone changes approved by GLUC action cannot be conditioned except in the case of a PUD. However, "**Limited Commercial (LC) Zone**" changes enable the GLUC to establish policy as to what is permitted on the property affected. The applicant request for the GLUC to allow commercialized office use and residential activities as permitted uses on the parcel. The zone change is a part of Tiyan's changing and evolutionary progression of land uses.

A. Public Necessity. There is a need to align sustainable uses within the Tiyan area that synthesizes a combination of uses complementary to each other in the proximity of aviation-related activities. The objective of aviation-related land use planning is to guide incompatible land uses away from the airport environs and to encourage compatible land uses to locate around airport facilities.

The economy of Guam is mainly supported through business derived activities. Airports and its supporting aviation activities impose considerable constraints on land uses in the vicinity. Commercial land uses are acceptable activities. It provides significant employment and economic benefits to communities stimulating future business development, and the opportunity for a wide variety of jobs. The Limited Commercial (LC) zone change is an alignment towards sustainable development within Tiyan, augmenting Guam's economic base benefitting residents and government services.

B. Public Convenience. Undoubtedly, the rezoning of the parcel will afford public convenience by providing a vital amenity to the Tiyan area. Historically land use plans (comprehensive plans) prepared by local governments have only minimally recognized the implications of planning for airports and offsite, airport-related development. Local land use planning, as a method of determining appropriate (and inappropriate) use of properties around airports, should be an integral part of the land use policy and regulatory tools used by airports and local land use planners. Very often such land use planning coordination is hampered by the fact that airport facilities can be surrounded by a multitude of individual local governmental jurisdictions, each with their comprehensive planning process. Land use along the Tiyan cliff corridor would transition from a mix of residential, commercial, and aviation uses



to predominantly commercial and aviation uses. Commercial uses are more compatible with aviation activities.

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

V. OTHER ZONE CHANGE CONSIDERATIONS

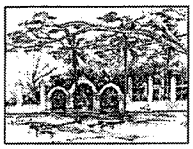
Part 3 of Chapter 61 of Title 21, Guam Code Annotated, delineates the conditions that are required for the Guam Land Use Commission to approve a zone change. To assist in the Commission's review of this application, the following points are addressed.

(a) An appropriate development of the area from the viewpoints of its natural features, location and suitability for particular uses.

Central and northern Guam is used increasingly to support pockets of synthesized urban development that eventually conglomerate into urban centers. The Cornerstone Valuation Guam, Inc. office is a progression of this setting for the Tiyan Area. The proximity of the project to available public sewage and utilities safeguards the integrity of the natural resources along Agana Bay. The proximity of GIAA and aviation-related activities within the AICUZ provides a compatibility challenge for various land uses to exist. This zone change as proposed may be an acceptable alternative and probably the highest and best use for the parcel.

(b) The proposed development will be in reasonable association and proportion to continue compatibly with the surrounding area.

The Cornerstone Valuation Guam, Inc. office allows a commercial activity to exist in the



midst of similar activities complementing the land use fabric of the area. The need for integrating the project to the area will undoubtedly enhance accessibility, opportunities and is a sustainable path of Tiyan's evolution.

(c) A project adequately serviced by the necessary public services, existing and proposed.

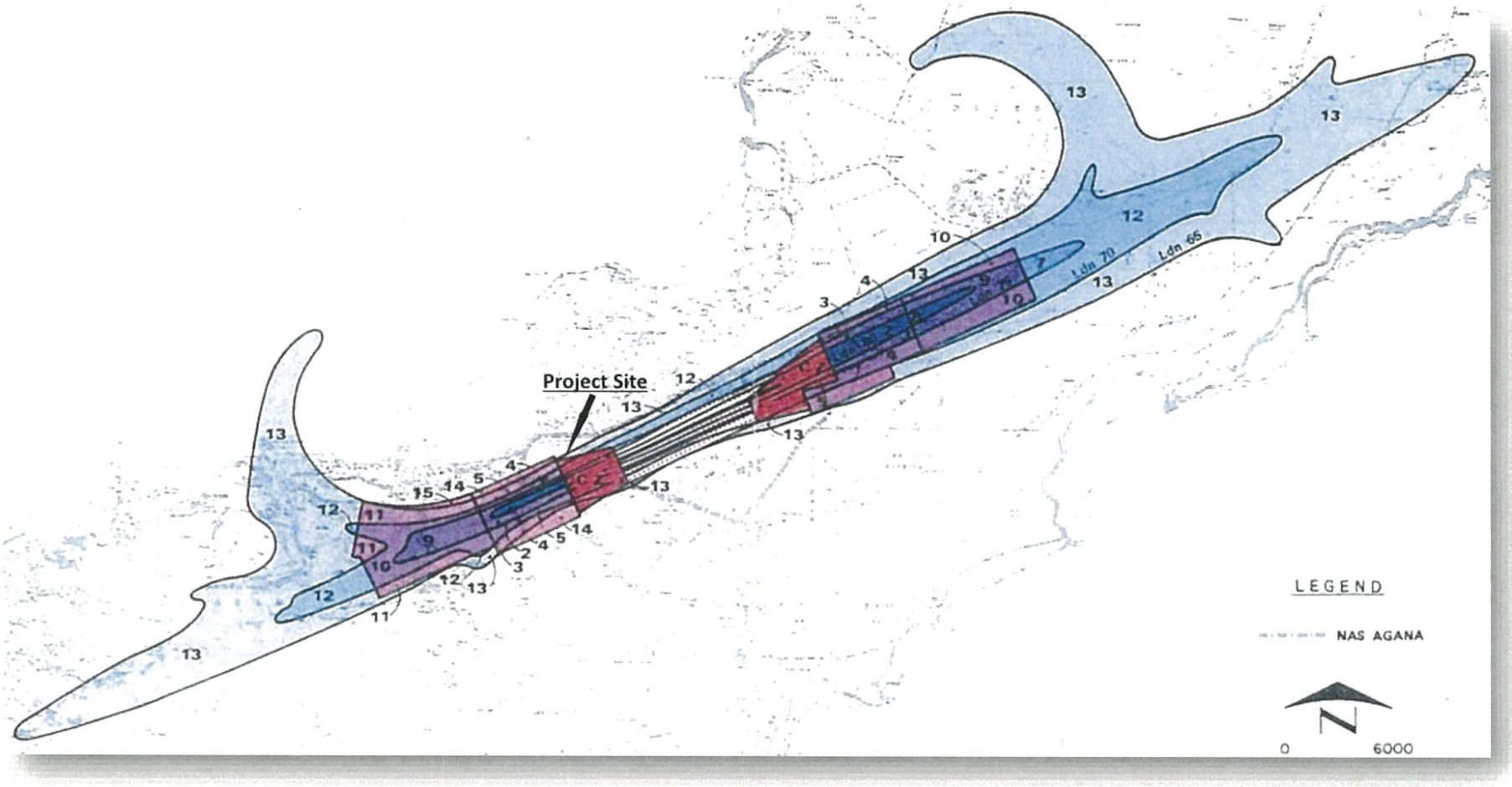
The is accessible to all public infrastructural utilities.

(d) A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas.

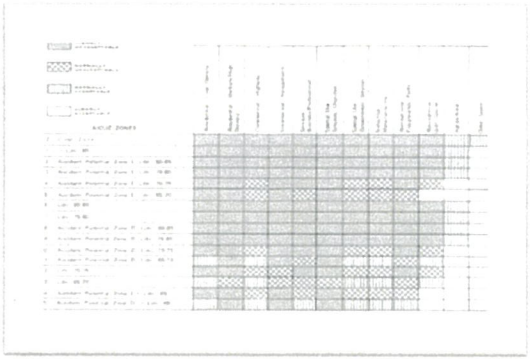
The proposed zone change will supplement the needs and opportunities of the area and will not detract or be unusual to existing land use activities located in the immediate vicinity or Tiyan proper.

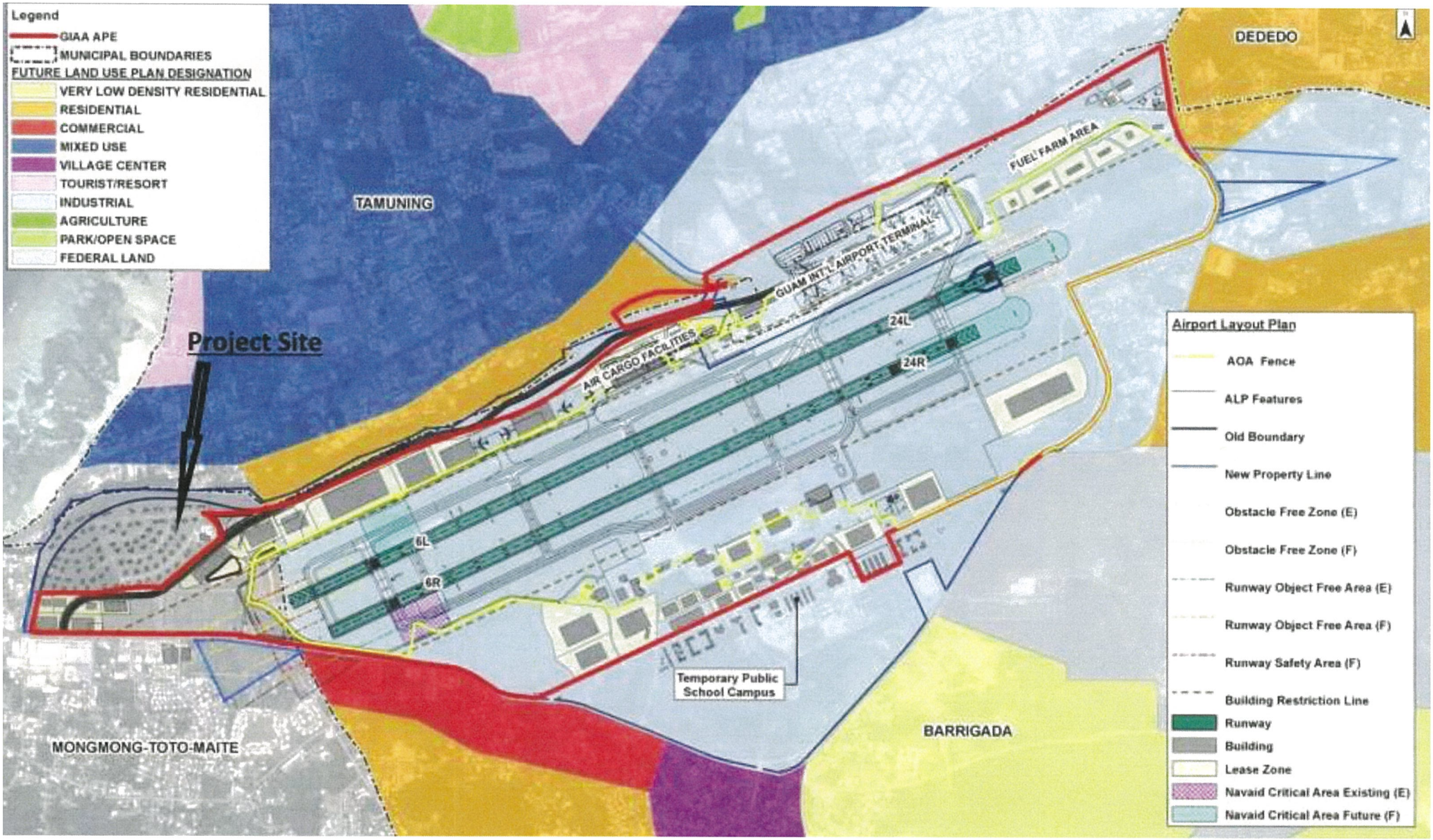
(e) An appropriate evolution of the comprehensive plan for that portion of the Territory.

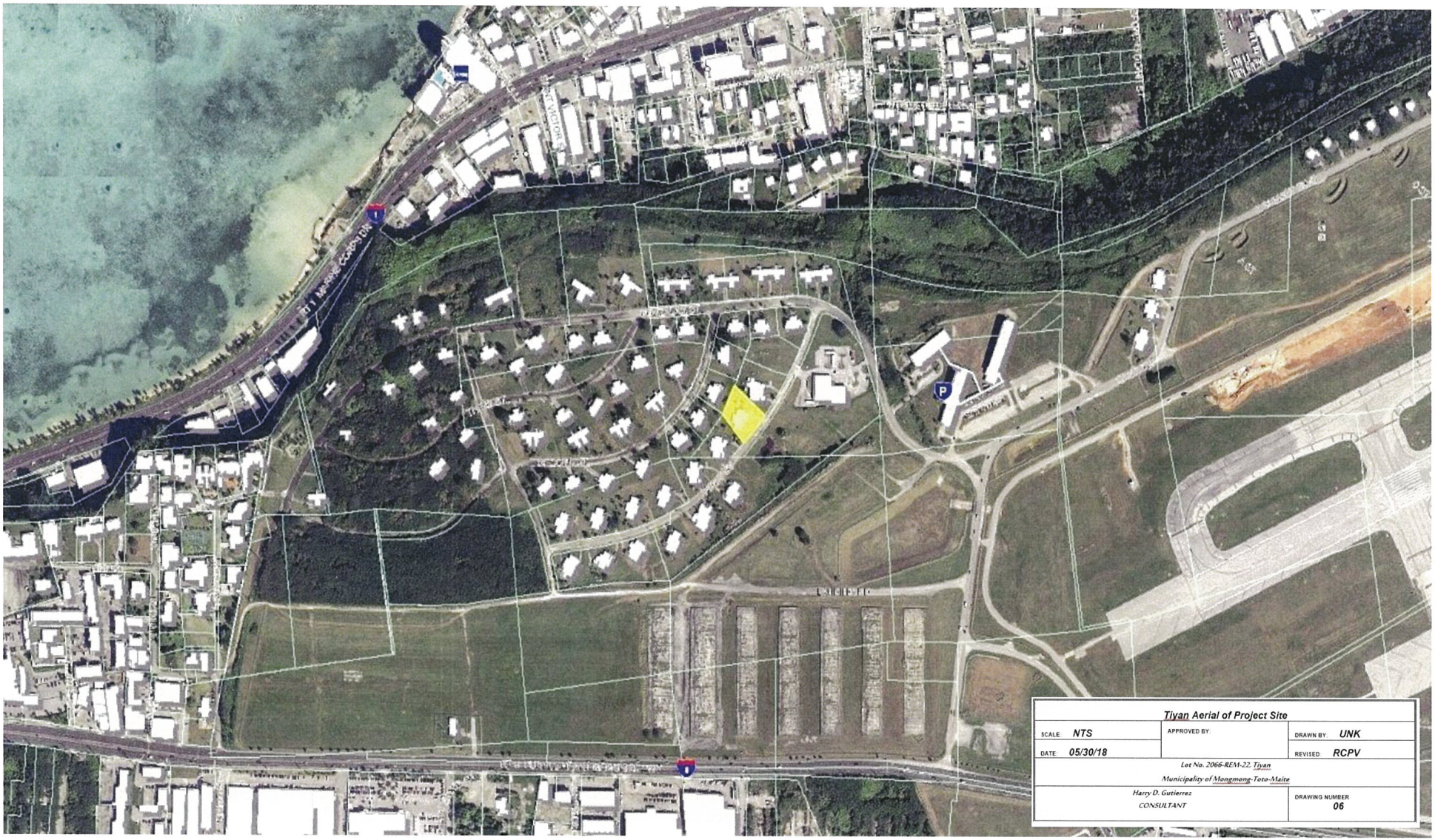
The most recent approved comprehensive plan for this portion of the Territory is the 1978 Guam Comprehensive Development Plan (GCDP). GIAA's 2014 Tiyan Masterplan designates its properties proximally located to the site for industrial use. Additionally, the zone change embraces a reinvestment by Guam businesses towards improving the island's economic footprint.



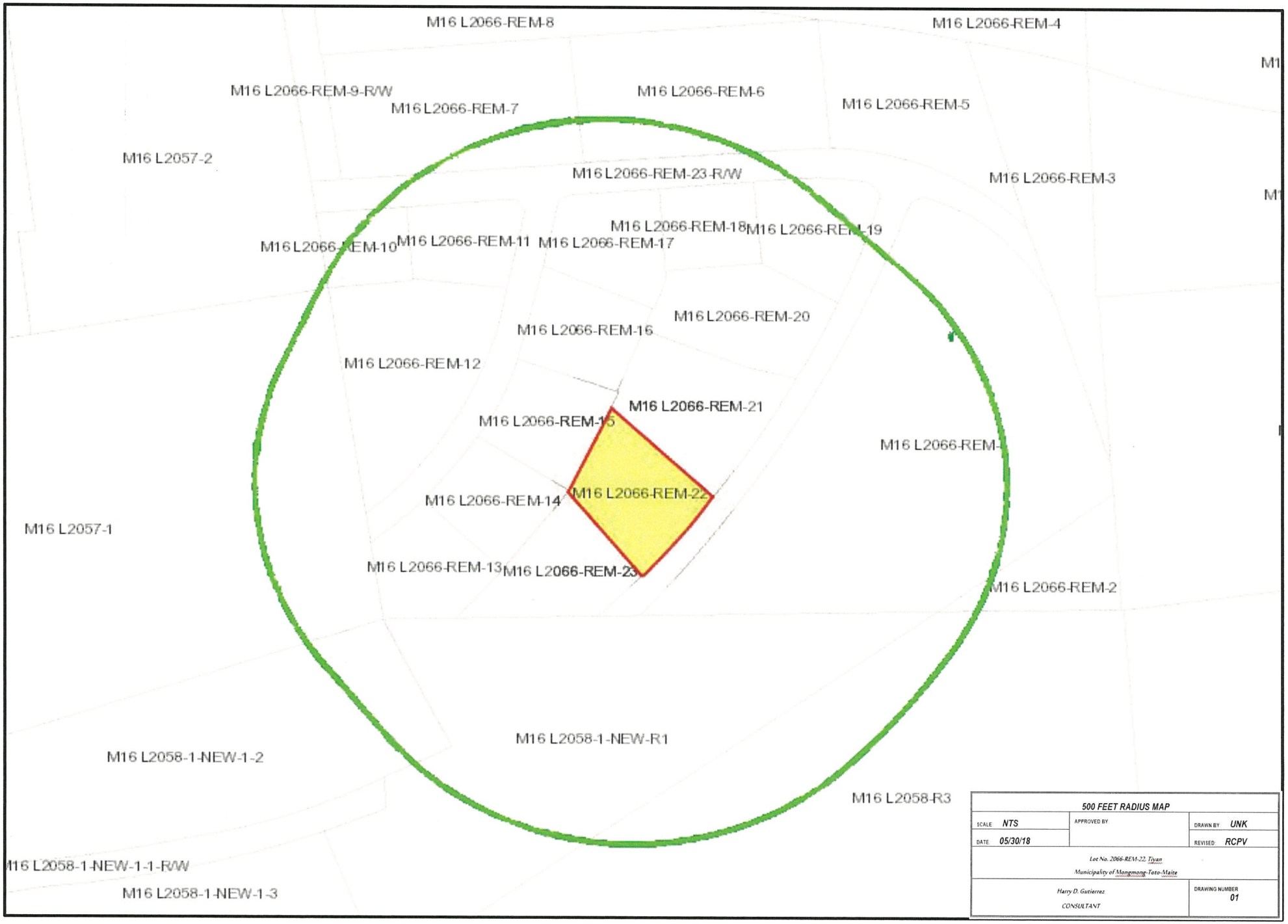
AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ - GIAAA)		
SCALE: NTS	APPROVED BY:	DRAWN BY: UNK
DATE: 05/30/18		REVISED: RCPV
Lot No. 2066-REM-22, Tiyan Municipality of Mongmong-Toto-Maite		
Harry D. Gutierrez CONSULTANT		DRAWING NUMBER 04



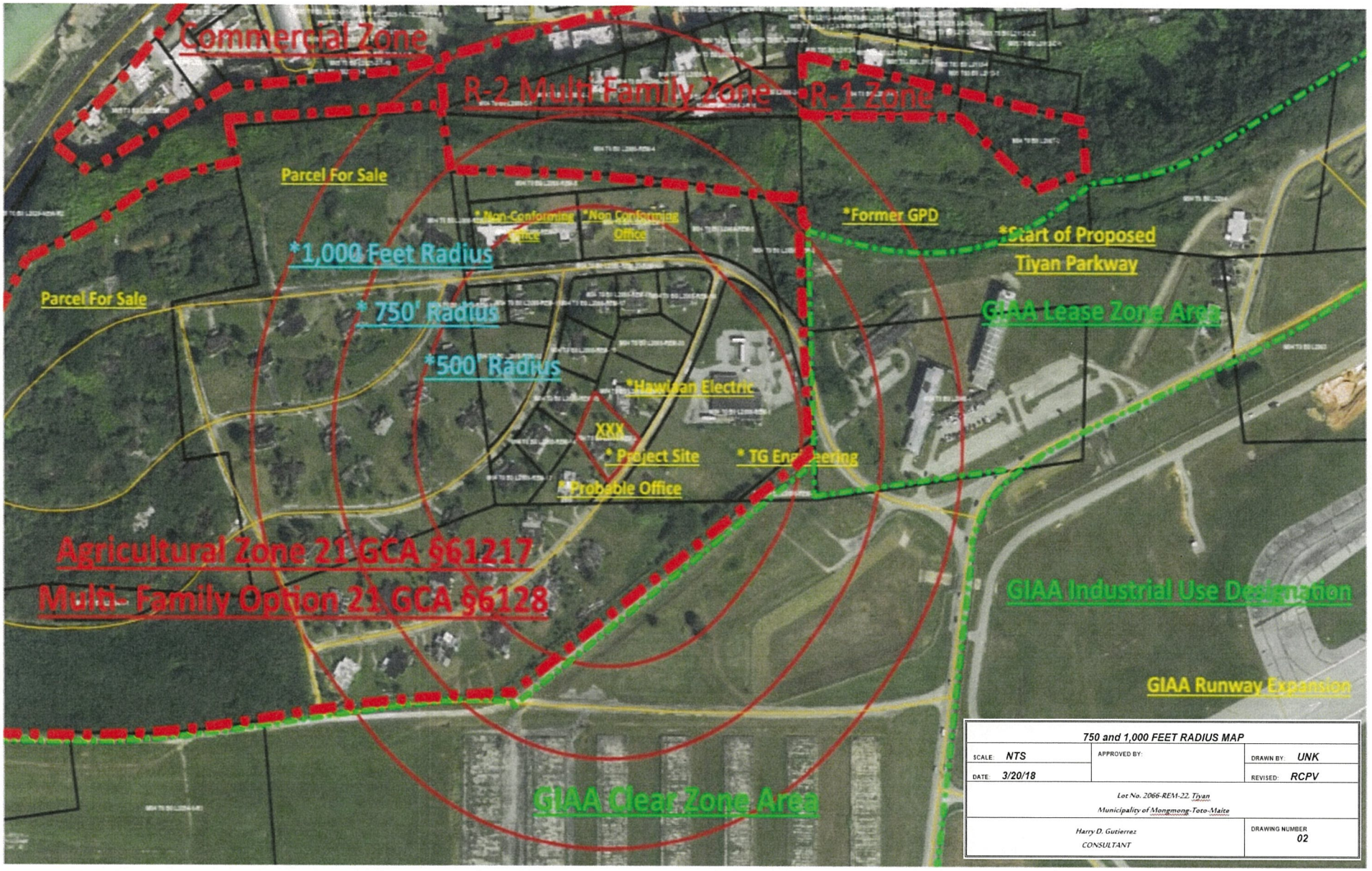

Legend
GIAA APE
MUNICIPAL BOUNDARIES
FUTURE LAND USE PLAN DESIGNATION
VERY LOW DENSITY RESIDENTIAL
RESIDENTIAL
COMMERCIAL
MIXED USE
VILLAGE CENTER
TOURIST/RESORT
INDUSTRIAL
AGRICULTURE
PARK/OPEN SPACE
FEDERAL LAND
TAMUNING
DEDEDO
MONGMONG-TOTO-MAITE
BARRIGADA
Project Site
FUEL FARM AREA
GUAM INT'L AIRPORT TERMINAL
AIR CARGO FACILITIES
24L
24R
6L
6R
Temporary Public School Campus
Airport Layout Plan
AOA Fence
ALP Features
Old Boundary
New Property Line
Obstacle Free Zone (E)
Obstacle Free Zone (F)
Runway Object Free Area (E)
Runway Object Free Area (F)
Runway Safety Area (F)
Building Restriction Line
Runway
Building
Lease Zone
Navaid Critical Area Existing (E)
Navaid Critical Area Future (F)


MacArthur Highway
Tiyan Aerial of Project Site
SCALE: NTS
APPROVED BY:
DRAWN BY: UNK
DATE: 05/30/18
REVISED: RCPV
Lot No. 2066-REM-22, Tiyan
Municipality of Mongmong-Toto-Maite
Harry D. Gutierrez
CONSULTANT
DRAWING NUMBER
06

8. 500ft Radius Map of Lot Numbers
9. 750ft and 1,000 Radius of Buildings, Uses and Zones

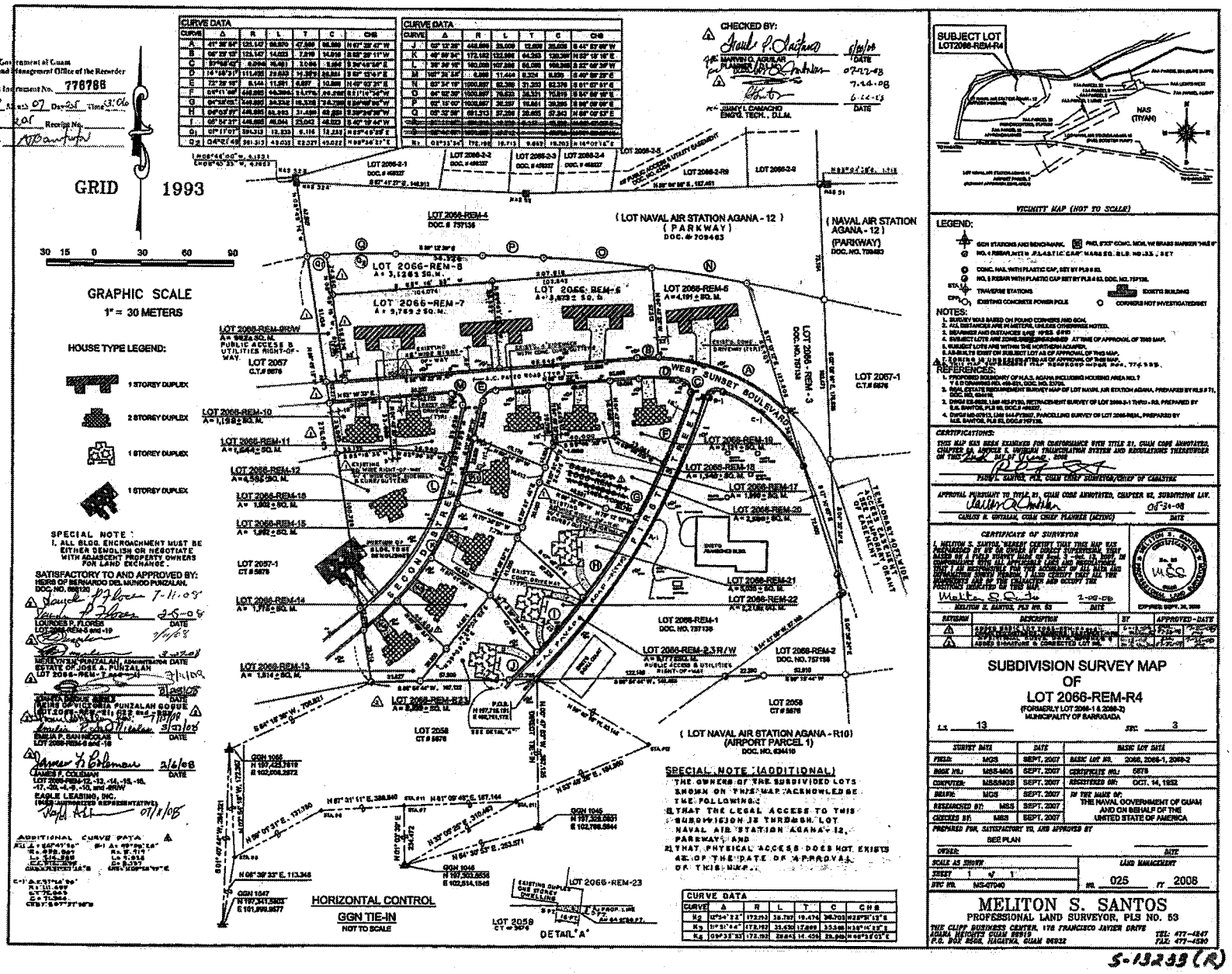


Doc. No. 35GL-19-0627.


Commercial Zone
R-2 Multi Family Zone
R-1 Zone
Parcel For Sale
*Non-Conforming Office
*Non Conforming Office
*Former GPD
*Start of Proposed Tiyan Parkway
*1,000 Feet Radius
Parcel For Sale
* 750' Radius
*500' Radius
GIAA Lease Zone Area
*Hawaiian Electric
XXX
* Project Site
* TG Engineering
* Probable Office
Agricultural Zone 21 GCA §61217
Multi- Family Option 21 GCA §6128
GIAA Industrial Use Designation
GIAA Runway Expansion
GIAA Clear Zone Area
750 and 1,000 FEET RADIUS MAP
SCALE: NTS
APPROVED BY:
DRAWN BY: UNK
DATE: 3/20/18
REVISED: RCPV
Lot No. 2066-REM-22, Tiyan
Municipality of Mongmong-Toto-Maite
Harry D. Gutierrez
CONSULTANT
DRAWING NUMBER
02

10. Survey Map
11. Deed – Document No. 776786

776786



S-13239 (R)

Land of Guam, Government of Guam
Department of Land Management Office of the Recorder
905502
File for Record is Instrument No. _____
On this Year 17 Month 4 Day 7 Time 1141
Recording Fee 27.50 Receipt No: 3072
County Recorder JOEL B. ANTENORCRUZ

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

THAT ON THIS 27 day of **March 2017, DAVID P. GOGUE,** whose address is. P.O. Box 3672, Lakewood, CA 90711, and **WILLIAM P. GOGUE,** whose address is.20208 12th Ave. E. Spanaway, WA 98387, and **DANIEL P. GOGUE,** whose address is.13742 Pacific Ave. Westminster, CA 92683, and **PATRICIA G. PEREZ,** whose address is. P.O. Box 1254 Hagatna, Guam, 96932, and **MICHAEL P. GOGUE now known as MICHAEL BERNARD GOGUE,** whose address is. 22123 Hathaway Ave., Hayward, CA 94541 and **RAYMOND P. GOGUE,** whose address is. 1615 Leader Drive, Killeen, TX 76549, and **JUANITA G. CRUZ,** whose address is. P.O. Box 1254 Hagatna, Guam, 96932, and **LISA G. CABRERA,** whose address is. 2323 164th St. E. Tacoma, WA 98445, and **JOHN PAUL P. GOGUE,** whose address is.150 Jose Sablan St. Yona, Guam 96915, and hereinafter referred to as "GRANTORS", for and in consideration of the sum of TEN DOLLARS ($10.00) and other valuable consideration to them paid by, **EDWARD B.M. HUTAPEA and SISKA S. HUTAPEA, Husband and Wife,** whose address is.710 W. Marine Corps. Dr Bell Tower, Suite 203 Hagatna, Guam 96910, 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 2066-REM-22, (Subdivision of Lot Number 2066-Rem-R4), **MUNICIPALITY OF BARRIGADA,** TERRITORY OF GUAM, ESTATE NUMBER 1793, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER MS-07040, as L.M. CHECK NUMBER 025 FY 2008, as described in that Subdivision Survey Map, dated JUNE 02, 2008 and recorded JULY 25, 2008, at the Records Division, Department of Land Management, Government of Guam, under Document Number **776786.**

Registered Land, with the LAST REGISTERED OWNER being **BERNARDO D. PUNZALAN** and the OWNER OF RECORD being **DAVID P. GOGUE, WILLIAM P. GOGUE, DANIEL P. GOGUE, PATRICIA G. PEREZ, MICHAEL P. GOGUE, RAYMOND P. GOGUE, JUANITA G. CRUZ, LISA G. CABRERA and JOHN PAUL P. GOGUE, Equal Undivided Interest** and the LAST CERTIFICATE OF TITLE REGISTRATION NUMBER being **510** (Basic Lot 2066).

AREA: **2,218 +/- 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 Subject to the Reservations, Covenants, Limitations, Reversions, Exceptions, Restrictions and Conditions as set forth in those Quitclaim Deeds filed under document numbers 636649, 638644, 630525, 666120, 703606 and 709483; GRANT OF RIGHT-OF-WAY FOR THE ERECTION AND MAINTENANCE OF POWER LINES POLES, WIRES, CABLES AND UNDERGROUND CONDUITS dated 01/30/03 and recorded 01/30/03 under document number 668446.

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:

DAVID P. GOGUE

WILLIAM P. GOGUE

GRANTEES:

EDWARD B.M. HUTAPEA

SISKA S. HUTAPEA



DANIEL P. GOGUE

PATRICIA G. PEREZ

MICHAEL P. GOGUE

now known as:

MICHAEL BERNARD GOGUE

RAYMOND P. GOGUE

JUANITA G. CRUZ

LISA G. CABRERA

JOHN PAUL P. GOGUE

)
) ss
)

ON THIS _____ day of **March, 2017,** before me, a Notary Public in and for _____, personally appeared, **DAVID P. GOGUE** and he acknowledged to me that he executed the foregoing WARRANTY DEED, as his 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.

SEE ENCLOSED ALL PURPOSE ACKNOWLEDGMENT FORM
NOTARY SEAL DOES NOT

_____
NOTARY PUBLIC
My commission expires:

)
) ss
)

ON THIS _____ day of **March, 2017,** before me, a Notary Public in and for _____, personally appeared, **WILLIAM P. GOGUE** and he acknowledged to me that he executed the foregoing WARRANTY DEED, as his 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.

_____
NOTARY PUBLIC
My commission expires:

)
) ss
)

ON THIS _____ day of **March, 2017**, before me, a Notary Public in and for _____, personally appeared, **DAVID P. GOGUE** and he acknowledged to me that he executed the foregoing WARRANTY DEED, as his 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.

_____
NOTARY PUBLIC
My commission expires:

)
) ss
)

ON THIS 30th day of **March, 2017**, before me, a Notary Public in and for State of Washington, County of Pierce, personally appeared, **WILLIAM P. GOGUE** and he acknowledged to me that he executed the foregoing WARRANTY DEED, as his 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.

Tina Marie Davidson
NOTARY PUBLIC
My commission expires: August 29, 2020

TINA MARIE DAVIDSON
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
AUGUST 29, 2020

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On 3/22/2021 before me, Trinity Kaye Krueger, Notary Public
Date *Here Insert Name and Title of the Officer*

personally appeared David P. Cicciuc
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

TRINITY KAYE KRUEGER
Notary Public - California
Los Angeles County
Commission # 2183707
My Comm. Expires Feb 17, 2021

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer is Representing: _____

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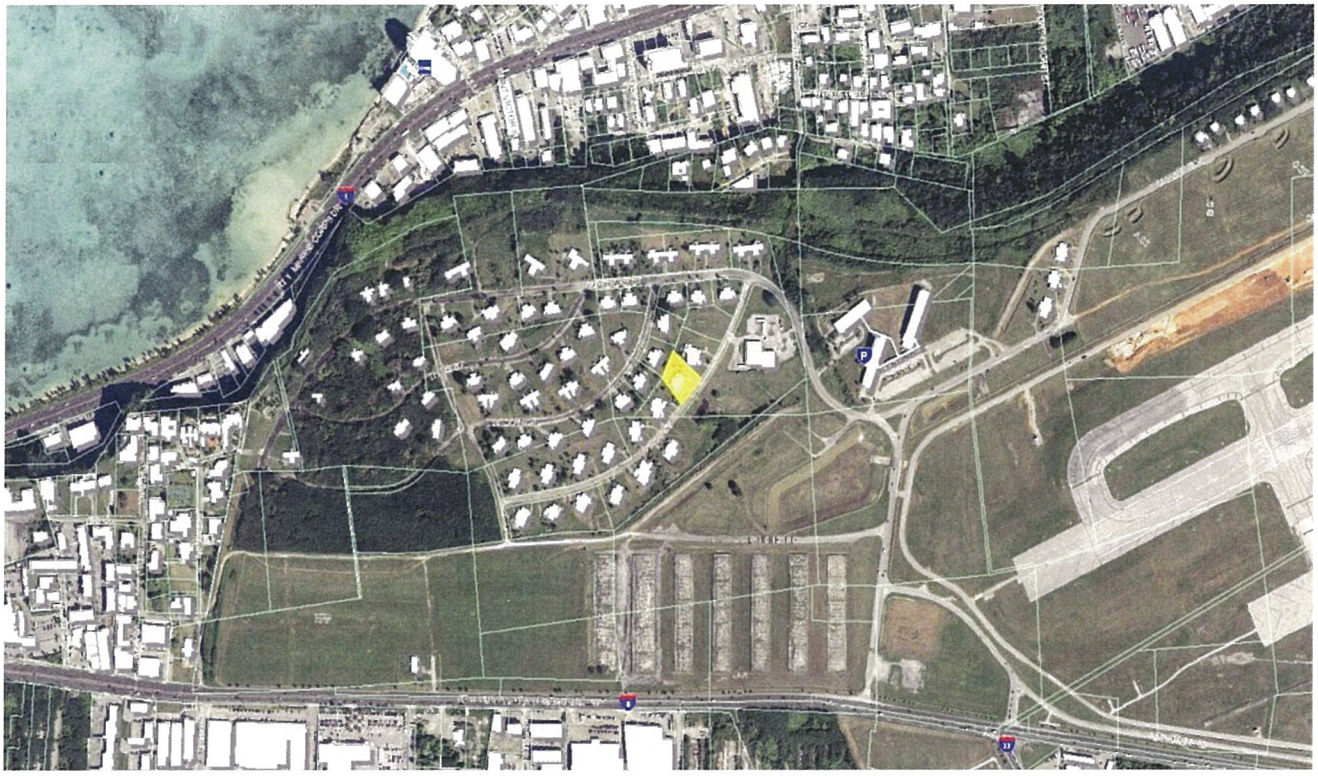
12. GEPA EIA – Finding of No Significant Impact (FONSI) Application
13. Floor Plan

GLUC APPLICATION NUMBER
2018-

Environmental Impact Assessment

Finding of No Significant Impact Report

Executive Order 96-26 as amended on October 1999



Prepared By:
Harry D. Gutierrez

Proposed Office

CORNERSTONE VALUATION GUAM, INC.
We Value

Edward B.M. Hutapea
Siska S. Hutapea

May 2018

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 detail 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□_____

Pro□ect Title□"Cornerstone Valuation Guam, Inc.; Office"

Pro□ect O□er□iew and □ustification of □ONS□Submittal

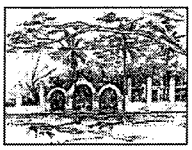
Edward and Siska Hutapea, currently owns a single-story duplex structure on Lot 2066-REM-22, Mongmong-Toto-Maite. The viability and continued use of the structure supporting the transitional activities in the area is contingent on the approval of a zone change request to an "LC" Limited Commercial zone. The request is consistent with the §61201 "Establishment of Zones and Boundaries" of Article 2; §61307 of Article 3 "C" Commercial Zone"; and, Subarticle 3 et al. "Changes of Zones" of Chapter 61 of Title 21, Guam Code Annotated.

The zone change request is submitted for the review of the Guam Land Use Commission (GLUC), Agency Review Committee (ARC) and the Guam Environmental Protection Agency (GEPA). The justification for the zone change is further discussed reflecting the site's conditions and compatibility of the proposed action to the surrounding area surrounding lot number 2066-REM-22.

Upon review of the subject site, it was determined by the project consultants that a "Finding of No Significant Impact" (FONSI) application be submitted concurrently with the application for the review of Guam Environmental Protection Agency (GEPA). This preliminary determination is based on the physical and social characteristic of the lot, project, surrounding environment, and infrastructure located in the vicinity of the proposed development.

The preliminary FONSI determination by the consultants is based on the following:

1. The proposed office is located within a +2,218 square meter parcel that has unique characteristics bearing:
   a. highly disturbed property as evidenced by the existence of adjacent urban sprawl and activities consistent with the proposed office/residential use;



b. the proposed development is situated within a parcel whose size is not significantly greater than the parcels located immediately adjacent to the site of which such impact will not be of substantial size and intensity;

c. the parcel is not included in the most recent land use plan which is the "2009 North and Central Land Use Plan". The property and vicinity are immediately outside the scope of the plan which designates the immediate Tiyan area as an Industrial Use. The area adjacently located below the escarpment along East Agana is designated Commercial Use while the area beyond the Tiyan Maite fence line is designated Mixed Use;

d. GIAA speculates that privately owned parcels within Tiyan may evolve into commercialized uses considering challenges imposed by existing deed restriction covenants. It is likely that the condition of residential properties along the Tiyan cliff line would degrade over time as owners would be unable to obtain financing evolving into commercialized activities on the property.

e. The proposed zone change is aligned with the evolutionary progression anticipated for the area. The project will be complementary to the surrounding land uses, aviation activities and will harmoniously exist in the area.

2. Adequate infrastructure reasonably services the project:
   a. The parcel is within adjacent lateral connections to water, power, sewer, and cable;
   b. The storm runoff will be contained on-site; and
   c. Sewage will be conveyed to a public system and will not exacerbate the fragile integrity of the northern water lens.

1. Name, address and business telephone of applicant:

Attention: Cornerstone Valuation Guam, Inc.
Edward and Siska Hutapea
710 W. Marine Corp Drive
Ste. 203 Bell Tower Bldg.
Hagatna, Guam 96910

2. Name, title and telephone number of representative:

C/O Harry D. Gutierrez, *Consultant*
119 Gutierrez Way
Agana Heights, Guam 96932
Phone: *(671) 482-5315*
Fax: *(671) 632-2763*

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

Harry D. Gutierrez, *Consultant*
119 Gutierrez Way
Agana Heights, Guam 96932
Phone: *(671) 482-5315*
Fax: *(671) 632-2763*

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

The Cornerstone Valuation Guam, Inc. office is proposed within an existing single-story duplex structure situated on a natural geological plateau along the Maite ridge on Lot Number 2066-REM-22; Tiyan, Municipality of Mongmong-Toto-Maite. Similar duplex structures immediately surround the site. It is adjacent to the Hawaiian Electric Office and about 100 feet from the TG Engineers, PC Office along First Street. The immediate vicinity reflects mixed office and residential uses within the GIAA Air Installation Compatible Use Zone (AICUZ).

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

Edward and Siska Hutapea, principals of Cornerstone Valuation Guam, Inc., intend to locate their appraisal operations on a unit of the duplex while occupying the adjacent unit as a place of residence. The intended use of the site can be realized through the requested zone change to "Limited Commercial (LC) Zone." The single-story duplex structure situated is situated on a ±2,218 square meter parcel. It is constructed of reinforced concrete, and parking could be easily accommodated on the spacious yard area.

Stormwater catchment facilities are contained and controlled along roadside swales and curbs while onsite drainage is maintained and percolates onsite within the spacious yard area. General utility services for power, cable and telephone lines service the located within the corresponding arterial roads servicing the vicinity.

Land use along this vicinity will transition from a mix of residential and commercial uses to predominantly commercial and aviation uses. Commercial uses are more compatible with the immediately located aviation activities.

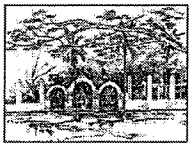
6. Are the following critical environmental factors affected by the proposed project? If yes, describe the impact and state why it would not be significant. If not affected, provide reasons why. If more space is required, refer to and attach additional sheets.

a. Groundwater recharge area: Yes.

Any development of varying magnitude will have an impact on the northern aquifer recharge area. The project will continue to convey its wastewater effluent through the public sewer system. Stormwater will be controlled along easement corridor swales and curbs. Storm runoff on site will continue to percolate within the spacious yard area. Despite the small scale of the development which will have a negligible impact on the northern aquifer lens, the cumulative effect of development, in general, will impact the integrity of the groundwater recharge zone.

b. Watersheds: No.

There will be no impacts to any watersheds. No surface watersheds exist within the area. The geological composition where this project is located has high percolation rates and is unable to support watersheds.



c. Wellhead protection zone: No.

There will be no impacts to any known wellhead protection zones. No wells occur within 1,000 feet of the site.

d. Streams, lakes or ponds: No.

There will be no impacts to any streams, lakes or ponds. Streams, lakes or ponds do not occur within this general area.

e. Marine waters: No.

There will be no impacts to any marine waters. The project site is located inland and the disposal of stormwater runoff will continue to occur along water control/catchment facilities and on-site surface percolation.

f. Reef flats: No.

There will be no impacts to any reef flats. The project site is located inland and not immediately adjacent to the Agana Bay coastal area.

g. Pristine forest: No.

The site has been severely disturbed and is grassed with occasional opportunistic flora (weed) species. There is no canopy growth on the project site and the predominant identifiable weed flora is Bidens Pilosa, an opportunistic weed. The area was probably forested prior to the encroachment of development over 50 years ago.

h. Critical habitat area: No.

No critical habitat areas will be affected by the proposed development.

i. Wetlands: No.

No known wetlands occur within the vicinity of the project site.

j. Flood hazard area: No.

The proposed project is not located within a categorical designation identified within the FEMA Flood Hazard Map for this area.

k. Archaeological feature(s) or historical sites: No.

No impact is known to any archaeological, historic properties or resources resulting from the proposed project. Few archeological sites are located within the interior recess of Guam. Documentation has indicated that the settlement pattern for Guam in the prehistoric and early historical periods were mainly coastal. However, settlements that were developed in the



interior recess may have been developed during the early historic period when hostile encounters took place during Guam's Spaniard periods. The project area has not been investigated by a qualified archeologist to conduct an actual field reconnaissance survey. No observations of any resources that may have been historic or prehistoric were sited on the parcel. The property is highly disturbed having received previous clearing and grading with an existing single story duplex building situated thereon. No archaeological or historical properties are known to exist on the site.

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

a. Production of toxic or hazardous waste: No.

No anticipated production of toxic or hazardous waste is expected to be generated from the proposed use.

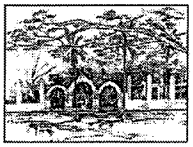
b. Dislocation of existing businesses, residents or public areas: Yes.

The property is currently zoned Agricultural (A) and is requesting a zone change to Limited Commercial "LC" to allow the office activities on the parcel. No dislocation of any existing businesses or residents is anticipated to occur as a result of the proposed zone change.

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

The developer may be required by GEPA to apply for an Air Pollution Source Construction Permit as a generator may be eventually located on the site.

As provided by law, any facility which may emit pollutants into the atmosphere is required to have an Air Pollution Source Construction Permit, issued by GEPA. This permit assures that facilities are built in a manner which keeps airborne emissions at a reduced level and within permissible limits, as established by Guam's Air Quality Standards. Types of facilities which need a construction permit include laundries, incinerators, and other, similar, facilities as well as any facilities that burn petroleum products such as standby generators, boilers and compressors. Permits are in force for a one-year period. Furthermore, this permit must be obtained before the startup of the facility, and the application must be submitted at least 30 days before the startup of the facility. AUTHORITY: "Air Pollution Control Act," Title 10, Chapter 49, Guam Code Annotated, and "Air Pollution Control Standards and Regulations."



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. Also, if the applicant/developer proposes contributions or mitigation to offset impacts, describe the contribution or mitigation.

a. Drinking water: Yes.

As with any development, it will take away from the available capacity and resources in the transmission of potable water. Although the impact is negligible, the cumulative effect of all development will impact this resource.

b. Sewage disposal (public system): Yes.

As with any new development that will connect to the public wastewater system, it will impose an additional demand on the carrying capacity of the system. Although the impact is negligible, the cumulative effect of all development will impact the wastewater system.

The development is adequately serviced through a centralized public sewage system. Sewage from the project conveys its waste effluent through conventional 4-inch gravity line into the existing public sewage system located on First Street.

c. Vehicle traffic: Yes.

The proposed office and residence will impose an additional demand on the carrying capacity of the road system in the area. Although the impact is negligible, the proposed project will add cumulatively to the effect with other developments additional traffic impact to the public roadways in the area.

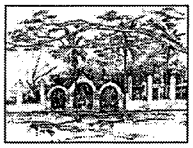
9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions): No.
A building currently exists, and no further earthwork is anticipated to occur on any portion of the site.

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

These systems are not proposed or are alternatively considered as an element of the proposed project.

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

No surface of subterranean tanks for water or fuel are proposed on the site.



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.

No other federal permits or loans are known to be required for the site.

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

There are no special or unique features covered by this FONSI knowingly omitted in meeting with the requirement of Executive Order 96-26 as amended October 1999.

DECLARATION BY APPLICANT

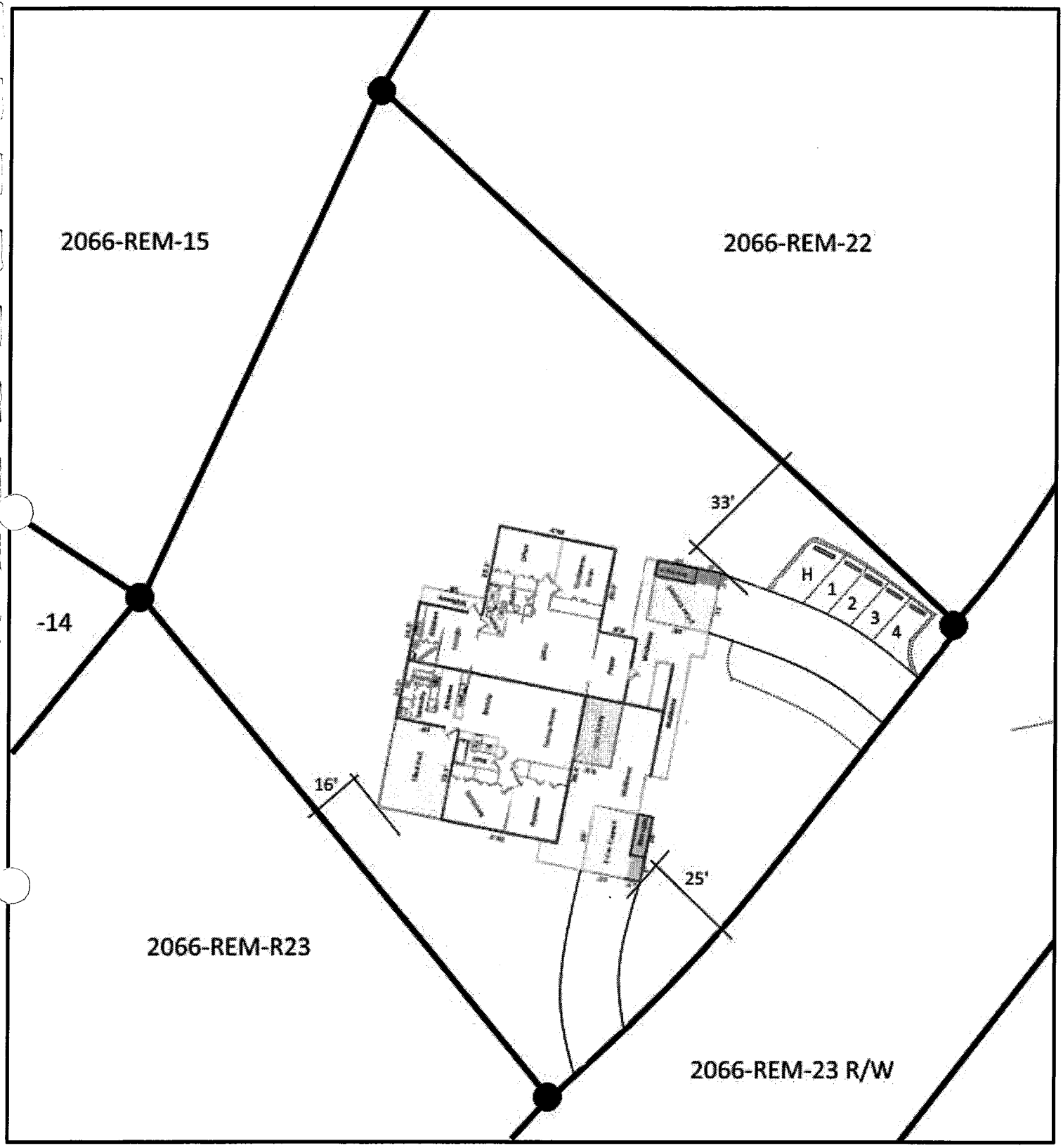
Based on this assessment, it is reasonable to expect that this project will not result in significant adverse environmental impacts. I/we hereby declare a "finding of no significant impact".

Harry G. Gutierrez
Preparer (FONSI)

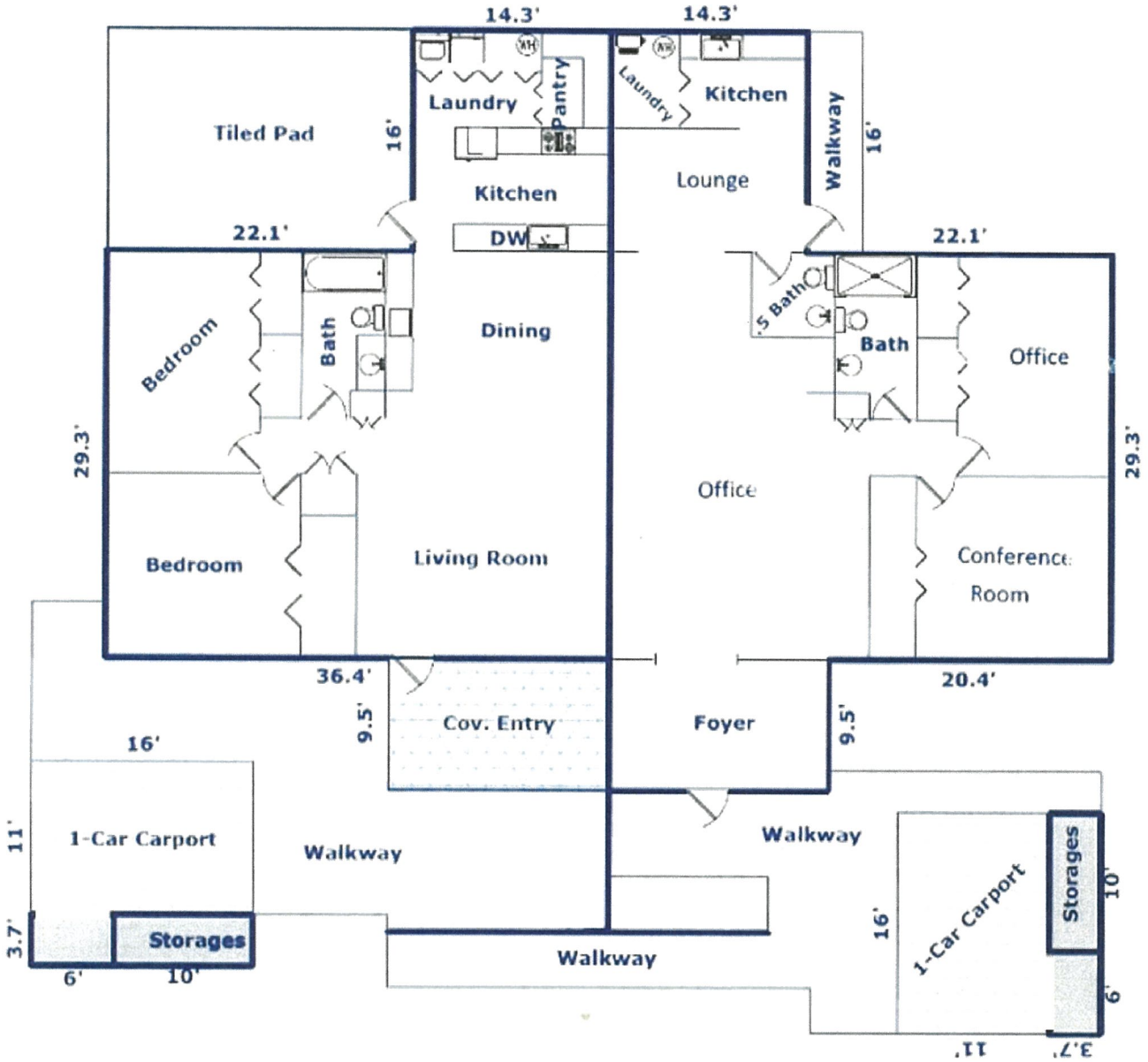
May 31, 2018
Date

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) as revised by the applicant.


2066-REM-15
2066-REM-22
-14
33'
H
1
2
3
4
16'
25'
2066-REM-R23
2066-REM-23 R/W

Site Plan



Floor Plan

CORNERSTONE VALUATION GUAM, INC.
We Value

Doc. No. 35GL-19-0627.

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

November 19, 2018

COPY

Honorable Rudy Paco
Mayor of Mongmong-Toto-Maite

Hafa Adai Mayor Paco:

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

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

For any **Zone Change** requests that may have an 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 **Mongmong-Toto-Maite Community Center on Wednesday, December 5, 2018 at 6:00 p.m.**

Si Yu'os Ma'ase,

MARVIN QUITUGUA AGUILAR
Guam Chief Planner

11218

ATTACHMENT 3

PUBLIC HEARING RESULTS FROM DECEMBER 5, 2018

A public hearing was held on December 5, 2018 at 6:10 PM at the Toto Community Center. Present were Planning Staff, the Applicant's representative, Mr. Harry Gutierrez, the Mayor of Mongmong-Toto-Maite, Mr. Rudy Paco, and two concerned citizens.

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

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

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

Case Planner: Celine L. Cruz

ATTACHMENT 4

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

LOURDES A. LEON GUERRERO
Governor

JOSHUA F. TENORIO
Lieutenant Governor

JOSEPH M. BORJA
Acting Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

March 15, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

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

1. PURPOSE:

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

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

2. FACTS:

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

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

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

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

E. Masterplan: Military – not designated.

F. Community Design Plan: Military – not designated.

G. Previous Commission Action: None

ATTACHMENT 5

3. **APPLICATION CHRONOLOGICAL FACTS:**

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

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

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

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

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

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

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

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

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

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

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

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

5. CONCLUSION

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

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

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

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

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

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

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

Marvin Q. Aguilar
Guam Chief Planner

ATTACHMENTS

Case Planner: Celine Cruz

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

Telephone: (671) 477-9090/6758
Fax: (671) 472-6494

Mayor Rudy A. Paco

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

January 9, 2019

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

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

Dear Mr. Chairman and Commissioners:

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

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

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

1/11/19

Si Yu'os Ma'ase'

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

GUAM POWER AUTHORITY

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

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

MB 9/25

September 19, 2018

MEMORANDUM

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

From: General Manager

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

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

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

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

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

JOHN M. BENAVENTE, P.E.

ASG/arp

9/25

INFRASTRUCTURE CERTIFICATION FORM

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

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

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

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

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

9/24/18
Date

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

ASG/arp

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

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

8/22

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO

GLENN LEON GUERRERO
Director
ANDY LEON GUERRERO
Deputy Director

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICATION: 2018-36

APPLICANT: Edward & Siska Hutapea

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

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

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

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

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

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

Should you have any questions, please contact Mr. Max C. Manzano, P.E., Chief Engineer for the Division of Capital Improvement Projects (CIP- Vertical) @ (671) 486-3095 or Maryrose M. Wilson, Engineer III, at (671) 646- 3224/3225.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

8/22

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

MEMORANDUM

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

MB 9/27

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

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

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

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

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

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

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

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

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

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

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

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

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

from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

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

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

CARL V. DOMINGUEZ
Director

cc: GEPA
DPW
GWA
DPR
GPA

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

17-3304 MARINER AVENUE TIYAN, BARRIGADA, GUAM 96913-1617

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MB 10/25

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

OCT 25 2018

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

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

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

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

FOR WALTER S. LEON GUERRERO
Administrator

GM 10-26-18

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

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

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC 2018-0714

MB 8/10

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

July 27, 2018

Memorandum

To: Director, Department of Land Management

From: Director, Department of Parks and Recreation

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

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

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

William N. Reyes

GUAM WATERWORKS AUTHORITY

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

MW38/17



MEMORANDUM

August 9, 2018

TO: Michael Borja, Director, Department of Land Management

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

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

APPLICANT(S): Siska S. and Edward Hutapea

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

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

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

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

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

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

8/10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Department of Agriculture
Dipåttamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office	300-7970 / 7969 / 7966
Agricultural Development Services	300-7973 / 7972 / 7967
Plant Nursery	300-7974
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	300-7975/6
Plant Inspection Station	475-1426/27; Fax 477-9487
Animal Health	300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

MB 10/29

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

ORIGINAL

October 29, 2018
Memorandum

To: Director, Department of Land Management

Attn: Executive Secretary, Guam Land Use Commission and Guam Seashore Protection Commission

From: Director of Agriculture

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

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

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

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

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

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

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

MATTHEW L.G. SABLAN
Director



MODI: *Prime Minister Narendra Modi during the inauguration of Botanical Garden-Kalkaji Mandir metro line at Amity University on Dec. 25, 2017, in Noida, India.*
Hindustan Times file photo via Tribune News Service

India announces election dates as Modi seeks to retain power

NEW DELHI (Bloomberg News) – India will hold elections from April 11 to May 19 to decide whether Prime Minister Narendra Modi wins a second term as leader of the world's largest democracy.

About 900 million voters will elect 543 lawmakers to the lower house of parliament, the chief election commissioner Sunil Arora said. Counting will take place on May 23 and results are likely to be announced that day.

The prime minister's popularity has waned over rising concerns about lack of job creation and rural distress.

Meanwhile, the main opposition Congress party – led by Rahul Gandhi – is gaining lost ground and electoral momentum after taking power from Modi's Bharatiya Janata Party in three states in December.

Daunting logistics

Voting in India does not take place on a single day. Because of the daunting logistics of overseeing the world's largest electorate – stretching from the Himalayas in the north to tropical jungles – the voting is stretched out over several weeks.

Elections will take place in seven phases – April 11, 18, 23 and 29, and May 6, 12 and 19, Arora announced in New Delhi on Sunday.

Modi's Hindu nationalist BJP is counting on his welfare programs to win votes, including the provision of toilets, electricity connections and cooking gas for the poor, small business loans, annual income support for farmers and lower taxes for the middle class. BJP leaders are also focusing on religious nationalism, including protection of cows, which are considered sacred by India's majority Hindu population.

GUAM LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Telephone: (671) 649-5263, Facsimile: (671) 649-5383

AGENDA

A SPECIAL meeting of the Guam Land Use Commission will be held on TUESDAY, MARCH 19, 2019 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 – December 13, 2018
IV. New Business
A. 2018-36, Edward & Siska Hutapea; Zone Change from "A" to "LC", Lot 2066-REM-22. Mongmong-Toto-Maite.
B. 2018-41, Pacific Seven Investments, LLC; Zone Change from "R-1" to "C", Lot 1306, Hagatna.
C. 2017-46, IAN Corporation; Approval of a Tentative Subdivision for proposed 36 single-family residential lots, Lot 4-R1NEW, Tact 154, Yigo.
VI. Administrative & Miscellaneous Matters
D. 2019-11, Eagle Corporation requests issuance of a Final Public Report for the Puiton Villa Condominium, Lot 3202-1-1-R1, Sinajana.
E. 2015-38, Richland Development, LLC; requests for a Second Extension of Time for an approved Tentative Subdivision Plan, Lot R4, T93021, Yigo.
V. Adjournment

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

Cassidy's ASSOCIATED INSURERS

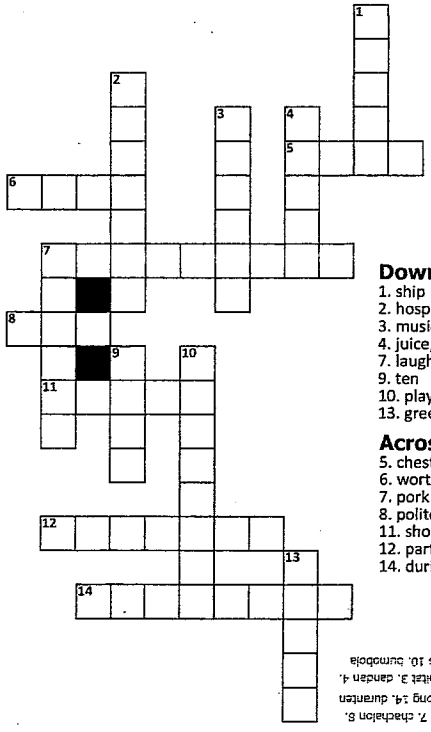
Presents

Chamorro Activity

A great way to learn and increase your Chamorro Vocabulary is by doing Crossword Puzzles. Crossword puzzles provide hours of enjoyment and challenge. With practice and patience you'll be done in no time!

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BALI	worth, value
BATKO	ship
BETDE	green
BUMOBOLA	playing ball
CHACHALON	pork rind
CHALEK	laugh
CHUGO'	juice, pus
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DIES	ten
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ESPITAT	hospital
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FAN	polite particle
GACHONG	partner, companion
HAOF	chest



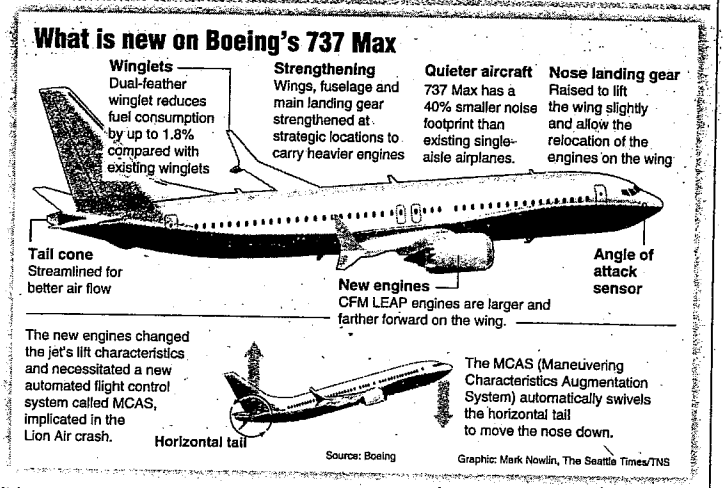
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2. hospital
3. music
4. juice, pus
7. laugh
9. ten
10. playing ball
13. green

Across
5. chest
6. worth, value
7. pork rind
8. polite particle
11. short
12. partner, companion
14. during

Across: 5. haof 6. bali 7. chachalon 8. fan 11. etigu 12. gachong 14. duranten
Down: 1. batko 2. espitat 3. dandan 4. chugo 7. chalek 9. dies 10. bumobola 13. betde

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Boeing in crisis with worldwide grounding of jetliners



WASHINGTON (Reuters) - The United States grounded Boeing's money-spinning 737 Max aircraft on Wednesday over safety fears after an Ethiopian Airlines plane crash that killed 157 people, leaving the world's largest planemaker facing its worst crisis in years.

The U.S. Federal Aviation Administration cited new satellite data and evidence from the scene of Sunday's crash near Addis Ababa for its decision to join Europe, China and other nations in suspending 737 Max flights.

The crash was the second disaster involving the 737 Max, the world's most-sold modern passenger aircraft, in less than five months.

The new information from the wreckage in Ethiopia and newly refined data about the plane's flight path indicated some similarities between the two disasters "that warrant further investigation of the possibility of a shared cause," the FAA said in a statement.

The acting administrator of the FAA, Daniel Elwell, said he did not know how long the U.S. grounding of the aircraft would last. A software fix for the 737 Max that Boeing has been working on since a fatal crash last October in Indonesia will take months to complete, Elwell told reporters.

The single-aisle 737 is central to Boeing's future in its battle with European rival Airbus SE. The new variant of the 737, the fastest-selling jetliner in Boeing's history, is viewed as the likely workhorse for global airlines for decades.

"The agency made this decision as a result of the data-gathering process and new evidence collected at the site and analyzed today," the FAA said, shortly after President Donald Trump announced the planes would be grounded.

It was the second time the FAA has halted flights of a Boeing plane in six years. It grounded the 787 Dreamliner in 2013 because of problems with smoking batteries.

Boeing, which maintained that its planes were safe to fly, said in a statement that it supported the latest FAA move.

"Boeing has determined - out of an abundance of caution and in order to reassure the flying public of the aircraft's safety - to recommend to the FAA the temporary suspension of operations of the entire global fleet of 371 737 Max aircraft."

The crash involving a Boeing 737 Max in Indonesia killed 189 people. Passengers have been spooked by the two disasters. U.S. travel website Kayak was making changes to let customers exclude specific aircraft types from searches, and booking sites were looking to reroute passengers.

U.S. airlines that operate the 737 Max, Southwest Airlines, American Airlines and United Airlines, said they were working to re-book passengers. Southwest had five Max-related cancellations on Wednesday and American nearly 40.

Canada also grounded 737 Max jets on Wednesday, saying satellite data suggested similarities to the previous crash involving the same plane model in October.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting
12:00 P.M., Friday, March 22, 2019
GHURA Main Office
1st Floor Conference Room
117 Bien Venida Avenue, Sinajana

For special accommodation, contact Ms. Kathy Taitano Tele No. 475-1322 or TTY #472-3701

PUBLIC NOTICE

The Guam Council on the Arts and Humanities Agency will hold its Regular Board Meeting on Tuesday, March 19, 2019 at 3:00 pm at the Guam Museum Board Conference Room in Hagåtña.

Persons requiring special accommodations should contact the GCAHA Office at 300-1204-8 or fax at 300-1209.

"Paid with government funds by Guam CAHA"

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lt. Governor

GSA GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam
148 Route 1 Marine Drive, Piti, Guam 96915
Tel: 475-1707-13 Fax: 475-1716/475-1727

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GUAM BEHAVIORAL HEALTH & WELLNESS CENTER

A non-refundable fee of $10.00 per bid package will be assessed.
Certified Check, Cashier's Check or Cash will be accepted. No personal or company check.
Payment for bid package picked up after 3:00 P.M. will not be accepted

INVITATION FOR BID

BID NO.: GSA-012-19
FOR: REMOVAL AND INSTALLATION OF AIR CONDITIONING UNIT: 20-TON PACKAGE, ROOF TOP
Opening Date: APRIL 1, 2019 **Time:** 10:00 A.M.
Place: GENERAL SERVICES AGENCY, PITI GUAM

Note: Bid packages could be picked up at the General Services Agency located in Piti Guam next to the fire station or may be acquired in the GSA Website: gsa.doa.guam.gov; please follow the instructions once downloaded.

The bid package will be available at GSA in Piti commencing on date of advertisement up to the opening date and time stated above or can be downloaded from the GSA website: gsa.doa.guam.gov from the date of advertisement.

GSA recommends that prospective bidders register current contact information with GSA to ensure they receive any notices regarding any changes or updates to the IFB. The procuring agency and GSA will not be liable for failure to provide notice to any party who did not register current contact information.

/s/ CLAUDIA S. ACFALLE
Chief Procurement Officer

GUAM LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Telephone: (671) 649-5263, Facsimile: (671) 649-5383

AGENDA

A SPECIAL meeting of the Guam Land Use Commission will be held on TUESDAY, MARCH 19, 2019 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

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A. 2018-36, Edward & Siska Hutapea; Zone Change from "A" to "LC", Lot 2066-REM-22, Mongmong-Toto-Maite.
B. 2018-41, Pacific Seven Investments, LLC; Zone Change from "R-1" to "C", Lot 1306, Hagatna.
C. 2017-46, IAN Corporation; Approval of a Tentative Subdivision for proposed 36 single-family residential lots, Lot 4-R1 NEW, Tact 154, Yigo.
VI. Administrative & Miscellaneous Matters
D. 2019-11, Eagle Corporation requests issuance of a Final Public Report for the Puiton Villa Condominium, Lot 3202-1-1-R1, Sinajana.
E. 2015-38, Richland Development, LLC; requests for a Second Extension of Time for an approved Tentative Subdivision Plan, Lot R4, T93021, Yigo.
V. Adjournment

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

GUAM LAND USE COMMISSION

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

Commissioner [Vacant]
Commissioner [Vacant]

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

AGENDA - Disposition

SPECIAL MEETING

Tuesday, March 19, 2019 @ 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on March 12th, 2019 and March 15th, 2019]

I. **Notation of Attendance** [X] Quorum **1:40 p.m.** [ ] No Quorum
Present were: Acting Chairman Tae Oh, Commissioner Bathan, Commissioner Vy, Acting Executive Secretary Joseph Borja, Legal Counsel Nick Toft, Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Celine Cruz and Recording Secretary Cristina Gutierrez.

II. **Approval of Minutes**

- GLUC Regular Meeting Minutes of December 13, 2018

Motion to approve Minutes of December 13, 2018 was passed unanimously subject to corrections of any minor typographical errors to be submitted to the Recording Secretary by close of business 3/19/2019; 3 ayes, 0 nay.

III. **Old or Unfinished Business [None]**

IV. **New Business**

Zone Change

A. Application No. 2018-36, the Applicant, Edward and Siska Hutapea represented by Harry D. Gutierrez; request for a Zone Change from "A" (Agricultural/Rural) to "LC" (Limited Commercial) zone, to accommodate the Cornerstone Valuation Guam, Inc. office, on Lot 2066-REM-22, in the Municipality of Mongmong-Toto-Maite. Case Planner: Celine Cruz
Motion to approve the Zone Change was passed unanimously; 3 ayes, 0 nay, subject to the following conditions:
1. **Commercial activities on Lot 2066-REM-22 be restricted to professional office(s) and residential uses as maybe permitted under a "C" (Commecial) zone pursuant to Title 21GCA, Chapter 61, Section 61307(a)(8), (1) & (2), respectively; and,**
2. **The applicant adheres to ARC conditions as may be applicable to general land development regulations.**

B. Application No. 2018-41, the Applicant, Pacific Seven Investments, LLC represented by Harry D. Gutierrez; request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone, for the proposed construction of a commercial/professional building, on Lot 1306, in the Municipality of Hagatna. Case Planner: Penmer Gulac
The Applicant's representative requested that the hearing of this application be rescheduled at a later date due to technical issues with the public hearing. [No objections from the Commission]

Tentative Subdivision

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

Motion to approve the applicant's request was approved unanimously (3 ayes, 0 nay) subject to the following conditions:

1. **Applicant adheres to the ARC conditions and requirements s stipulated on their official Position Statement; and,**
2. **All infrastructure improvement requirements must be installed throughout the proposed development site within the prescribed one-year time frame pursuant to Title 21GCA, Chapter 62, Section 62504(a). The applicant my further elect to secure a bond pursuant to Title 21GCA, Chapter 62, Section 62504(b).**

V. Administrative & Miscellaneous Matters

D. Application No. 2019-11, Applicant, Eagle Square Corporation Ltd. represented by Atty. Melinda Swavely; requests issuance of a Final Public Report for a two-story structure, consisting of 4-residential condominium units with amenities (Pution Villa), on Lot 3202-1-1-R2, in the Municipality of Sinajana, in an "R-2" (Multi Family Dwelling) zone, HPR No. 172. Case Planner: Celine Cruz

Motion to approve the applicant's request for acceptance of a Final Public Report was passed unanimously (3 ayes, 0 nay), subject to the applicant submitting changes for the Guam Chief Planner's review on the number of balconies from three (3) to five (5); and, that the expiration of the Public Report shall expire thirteen (13) months from the date of today's meeting or April 19, 2020.

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

Motion to approve the applicant's request was passed unanimously (3 ayes, 0 nay), subject to the following conditions:

1. **The applicant submits, within thirty (30) days from today's hearing, document from GWA justifying the delay of the project; and,**
2. **The second extension of time will expire on December 19, 2019.**

- **Chairman Oh noted for the record that he has discussed the issue of additional board members with the new administration. Chairman Oh added that he has a meeting with the Acting Executive Secretary on Wednesday, March 20, 2019 to further discuss the matter.**

VI. Adjournment [There being no further business for discussion, the meeting was adjourned at 3:47 p.m.]

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

File for Record is Instrument Number 933398

on the Year 20 19 Month 4 Day 3 Time 901

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Joel Contenoruz

JOEL CONTENORCRUZ

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION SPECIAL MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

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

ATTACHMENT 8

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

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

PLANNING STAFF PRESENT:

Mr. Joseph Borja, Acting Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

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

Date of Meeting: Tuesday, March 19, 2019

Time of Meeting: GLUC: 1:41f | GSPC:

GLUC	
X	GLUC
~~M~~	Regular
	Special
✓	Quorum
	No-Quorum

GSPC	
	GSPC
	Regular
	Special
	Quorum
	No-Quorum

COMMISSION MEMBERS	SIGNATURE
Acting Chairman Tae S. Oh	
Commissioner Conchita D. Bathan	
Commissioner Hardy T.I. Vy	
Chairman, Vacant	
Commissioner, Vacant	

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

ADJOURNMENT GLUC: 4:17pm GSPC:

GUAM LAND USE COMMISSION

GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

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

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

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

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
HARRY GUTIERREZ		482 5315
Melinda Swavely	Legend Stone / Puntan Vista	646-1222
PAUL SWAVELY	PUNTAN VISTA TENT. S.D	688-8029
JAE JI	2015-38	688-1779
Geraldine Cepeda	2018-41	477-7623
Robert Guzman	Gov. of H.	685-1113
EDDIE CRUZ	SELF	482-1600
	- Nothing follows -	

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

GUAM LAND USE COMMISSION

GUAM SEASHORE PROTECTION COMMISSION

Public Attendance Record

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

[X] GLUC [ ] Regular Date: TUESDAY, MARCH 19, 2019

[ ] HLUC [X] Special Time: 1:41 pm

[✓] Quorum [ ] No Quorum Adjournment: 4:17 pm

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

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

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

I. Notation of Attendance

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

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

II. Approval of Minutes

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

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

Commissioner Vy seconds the motion.

Chairman Oh motion is made by Commissioner Bathan, seconded by Commissioner Vy; no discussion noted, motion was put to a vote.

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

Next item on the agenda –

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

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

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

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

Chairman Oh any questions of the staff.

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

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

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

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

Chairman Oh was this parcel affected by this law.

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

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

Chairman Oh was there a time restriction.

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

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

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

Chairman Oh anything further.

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

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

[Discussion ensues]

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

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

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

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

Commissioner Bathan asked when does the 180-days expires.

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

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

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

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

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

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

Commissioner Bathan how many employees does the applicant have.

Harry Gutierrez there are two.

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

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

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

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

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

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

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

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

Commissioner Vy seconds the motion.

Chairman Oh motion is seconded by Commissioner Vy. There being no additional discussion, the motion was put to a vote.

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

Next item on the agenda –

Zone Change

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

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

Next item on the agenda –

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

Commissioner Bathan seconds the motion.

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

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

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

[Discussion ensues]

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

VI. Adjournment

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

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

Approved by:

Date approved:

Chairman Tae S. Oh
Guam Land Use Commission

March 28, 2019

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

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

March 21, 2019
Date

To: **Edward and Siska Hutapea** **Application No. 2018-36**
Represented by Harry D. Gutierrez
710 W. Marine Corps Drive, Ste 230 Bell Tower
Hagatna, Guam 96910

The Guam Land Use Commission, at its Special Meeting on **March 19, 2019,**

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

____/ Tabled

Your request on **Lot 2066-REM-22, Municipality of Mongmong-Toto-Maite, for a zone change from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone.**

NOTICE OF ACTION
Edward and Siska Hutapea
Lot 2066-REM-22
Municipality of Mongmong-Toto-Maite
GLUC Special Meeting of March 19, 2019

Application No. 2018-36

ZONING

XX/ Zone Change***

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION:

The applicants, Edward and Siska Hutapea, are requesting approval for a Zone Change from "A" (Agricultural/Rural) to "LC" (Limited Commercial) zone to accommodate commercial office activities on Lot 2066-REM-22, Municipality of Mongmong-Toto-Maite.

COMMISSION DECISION:

The Guam Land Use Commission **Approved with conditions** the applicants' request for a zone change to "LC" (Limited Commercial) subject to following conditions:

1. Commercial activities on Lot 2066-REM-22 be restricted to professional office(s) and residential uses as may be permitted under a "C" (Commercial) zone pursuant to Titel 21 GCA, Chapter 61, Section 61307(a)(8), (1) and (2), respectively; and
2. The applicant adheres to the ARC conditions as may be applicable to general land development regulations.

Marvin Q. Aguilar 3/27/19
Guam Chief Planner Date

Tae S. Oh 3/28/2019
Acting Chairman Date
Guam Land Use Commission

Case Planner: Celine Cruz
Cc: Building Permits Section, DPW

Application No. 2018-36

CERTIFICATION OF UNDERSTANDING

I/We_____ / _____
(Applicant [Please print name]) (Representative [Please print name])

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

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

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

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

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

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

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

Reference No.: **Application 2018-36**

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

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

[✓] **APPROVED**

[ ] **DISAPPROVED**

LOURDES A. LEON GUERRERO
Governor of Guam

5/20/19
Date

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 public hearing on the Zone Change was held on the **5th** day of **December, 2018**, in the Municipal District of **Mongmong-Toto-Maite** where the property to be rezoned is located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearings were published in a newspaper of general circulation on the **25th** day of **November**, **2018** as evidenced by an affidavit of publications attached as **Exhibit "A"**.

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

WHEREAS, in accordance with notices duly issued to consider the application of **Edward and Siska Hutapea** for a Zone Change, a special meeting the Guam Land Use Commission (GLUC) was held on the **19th** day of **March, 2019** as evidenced of publications attached as **Exhibit "C"**.

BE IT RESOLVED, that on the **19th** day of **March, 2019**, the Guam Land Use Commission, **Approved with Conditions** the Zone Change from **"A" to "LC"** for **Lot 2066-REM-22**, Municipality of **Mongmong-Toto-Maite**.

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

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

Appearing for the applicant was: **Harry D. Gutierrez**

Also appearing and testifying on the above project were: **None**

All in favor; **None** against:

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

(a) **Public Necessity**: **The following facts support a finding that public necessity justifies the zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

(b) **Public Convenience**: **The following facts support a finding that public convenience justifies the zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

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

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

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

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

This decision was adopted this **19th** day of **March, 2019**, 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

3/28/2019
Date

Attachments: **Exhibit "A" (Affidavit of Publications)**
Exhibit "B" (Affidavit of Mailings)
Exhibit "C" (Evidenced of Publications)

AFFIDAVIT OF PUBLICATION

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

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

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

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

4. On **November 19, 2018**, I submitted the Official Memorandum (**Attachment A**) from the Guam Chief Planner to the Guam Daily Post, Tamuning, Guam; a request to publish the 2 x 2 legal notice to appear on November 25, 2018 for Application No. 2018-36 (Edward and Siska Hutapea) to be heard on December 5, 2018, at the Mongmong-Toto-Maite 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 7th day of May, 2019.

M. CRISTINA GUTIÉRREZ
WPS II

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 7th day of May, 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 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

November 19, 2018

COPY

Guam Daily Post
388 S. Marine Corps Drive
Core Tech Int'l Building, Suite 301
Tamuning, GU 96913

Hafa Adai Ms. Smart:

Please publish the attached legal public hearing notice on a **2x2** inch column ad to appear in the Guam Daily Post on **Sunday, November 25, 2018.**

Attached is a check for the amount of **$96.00** to cover the government advertisement scheduled on the abovementioned date.

Please send proof to Cristina.gutierrez@land.guam.gov for review.

Thank you for your attention to this request.

Regards,

Marvin ~~Quitugua~~ Aguilar
Guam Chief Planner

RECEIVED
11/17/18

Attachments: Public Hearing Notice

Trump disputes Saudi prince's role in killing

PALM BEACH, Fla. (The Washington Post) – President Donald Trump on Thursday contradicted the CIA's assessment that Saudi Crown Prince Mohammed bin Salman had ordered the killing of Washington Post contributing columnist Jamal Khashoggi, insisting that the agency had "feelings" but did not firmly place blame for the death.

Trump, in defiant remarks to reporters from his Mar-a-Lago resort in Florida, defended his continued support for Mohammed in the face of a CIA assessment that the crown prince had ordered the killing.

"He denies it vehemently," Trump said of the crown prince. He reiterated that his own conclusion was that "maybe he did, maybe he didn't."

"I hate the crime, I hate the coverup. I will tell you this: The crown prince hates it more than I do, and they have vehemently denied it," Trump said. Mohammed has not shown remorse for the killing, which was carried out by some of his close advisers.



CONTRADICTION: *President Donald Trump speaks to the media outside the White House in Washington, D.C., Nov. 20. He contradicted a CIA assessment about the killing of Saudi journalist Jamal Khashoggi. Andrew Harrer/Bloomberg*

Asked who should be held accountable for the death of Khashoggi, who was killed at the Saudi Consulate in Turkey on Oct. 2, Trump again refused to place blame – instead espousing a grim view of the world that he often shares with advisers.

"Maybe the world should be held accountable because the world is a very, very vicious place," the president said.

He also seemed to suggest that all U.S. allies were guilty of the same behavior, declaring that if others were held to the standard to which critics have held Saudi Arabia in recent days, "we wouldn't be able to have anyone for an ally."

Trump said "not at all" when asked if he was concerned that his refusal to substantially punish Saudi Arabia would send a message to the rest of the world that people in power can do as they please.

The president has grown annoyed with the constant attention on the killing, advisers say, and sought to effectively close the matter Tuesday with an eight-paragraph, exclamation-mark-packed statement that smeared Khashoggi, questioned the CIA and praised Saudi Arabia.

Butte County faces massive cleanup after fire

PARADISE, Calif. (Tribune News Service) – The cleanup facing Butte County's mountain towns is monumental in size but probably won't start for weeks.

"It is a historic, almost biblical disaster," said California state Sen. Jim Nielsen, a Republican who represents Paradise and has toured the destruction left in the fire's wake. "Old Testament stuff."

According to the California Department of Forestry and Fire Protection, the fire destroyed more than 13,500 single-family homes, 275 multifamily structures and more than 500 businesses. At least 83 people have died in the fire and hundreds are considered missing.

"We have so many souls unaccounted for; I believe that this search for remains is going to go on for a long time. Could be weeks," Nielsen said.

But once that search is over, the next phase of the recovery can begin. And for a rugged mountain town that essentially improvised its way into existence, that's going to carry some unique challenges, experts say.

For starters, Paradise has the dubious honor of being the largest municipality west of the Mississippi River to have no sewer system. Instead, its residents and business district off its main road – Skyway – rely on between 11,000 and 12,000 septic systems that are prone to failure, according to a city website dedicated to the issue.



SEARCH CONTINUES: *A search and rescue team combs through debris for human remains after the Camp fire destroyed most of Paradise, Calif., Nov. 20. Marcus Yam/Los Angeles Times/Tribune News Service*

Unfortunately for crews tasked with scraping the topsoil then removing debris, those systems sit in shallow basalt soil resting on hardened bedrock, said Clint Snyder, assistant executive officer for the Central Valley Water Board.

If they scrape too deep into the volcanic earth, equipment could compromise the septic system – which would spoil the location for future use in many cases, he said. Finding a new septic leach field that is far from a domestic drinking well to avoid contamination would be difficult, he said.

"Our biggest concern would be anything that impedes those folks getting into (their) homes as soon as possible," he said.

City and state officials said any rebuilding effort should seriously consider modernizing Paradise's infrastructure – specifically its sewer system. The town mayor said last week that an old study to add sewers to its business district should be updated and considered, and Snyder said state grants could help continue that work in the residential areas.

Even if all goes well and the debris is removed and the town's septic systems come out unscathed, there's the looming question of where to put all the rubble.

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

PUBLIC HEARING NOTICE

Date: December 5th, 2018
Time: 6:00 p.m.
Place: MTM Community Center

App No. 2018-36, Edward & Siska Hutapea; Zone Change from "A" to "LC" zone, to convert an existing duplex structure for Cornerstone Valuation Office, Lot 2066-REM-22; Mongmong-Toto-Maite

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina Gutierrez at 649-5263 Ext. 375 or email at cristina.gutierrez@land.guam.gov

PUBLICATION NOTICE

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

HAEVICHI HOSPITALITY GUAM, INC.

dba: I Pilan Room, Misty's Poolside Grill, Mix @ Cha Cha Cha, Prego, Pution Room, Royal Beach Club Lounge, Service Express, Somnak Ballroom, Taste, Unnai Room.

has applied for a Class: **4 General On Sale Alcoholic Beverage License** said premises being marked as Lot: **5052-6-NEW, WESTIN HOTEL, TUMON.**

35GL-19-0627

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 **November 20, 2018, I**, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (**Attachment A**), [18 certified mail], with postage fully paid, each containing a copy of the Notice of Public Hearing for **Edward and Siska Hutapea** (**Attachment B)** addressed to the following property owners:

Owner	Delivery Address	Delivery Address 2
YANG JOHN & KYONG RO	PO BOX 9807	TAMUNING GU 96931
TG ENGINEERS PC	125 Tun Jesus Crisostomo Street, Suite 206 Sunny Plaza	Tamuning, GU 96913
EAGLE LEASING INC	PO BOX 23997	BARRIGADA GU 96921
FLORES LOURDES P	129 PUNZALAN ST	TAMUNING GU 96913
BROWN CELINA SN, GURION DOLORES SN, SAN NICOLAS ROBERT	PO BOX 1205	RIPON CA 95366
BENITO MICHAEL T & MARIE C	116 CHALAN SANTO PAPA	HAGATNA GU 96910
HAN KUKHWAN	P.O. Box 12736	Tamuning, GU 96931
SAN NICOLAS JOSE CASTRO, EST OF	PO BOX 7776	TAMUNING GU 96931
HEIRS OF TOMAS GUZMAN	4606 ACACIA AVE	LA MESA CA 91941
CRUZ TERESITA TORRES	13 COUNTRY CLUB DRIVE	LEESBURG, VA 20175
SANCHEZ LOURDES TORRES	109 PALTING WAY	TAMUNING, GU 96913
FRASURE MARGARITA TORRES	P.O. BOX 24929	GMF, GUAM 96921
TORRES CECILIA F.	136 FIRST STREET	TIYAN, GU 96910
TORRES PETER F.	P.O. BOX 1447	HAGATNA, GU 96932
GUAM INTERNATIONAL AIRPORT AUTHORITY	P.O. BOX 8770	TAMUNING, GU 96931

EXHIBIT B

LUJAN ANGELLA M A (Administratrix of the Estate of EMILIA PUNZALAN SAN NICOLAS)	487 CHALAN CANTON TASI TUTUJAN	SINAJANA GU 96910
PUNZALAN JOSE A (EST OF)	204 W SUNSET BLVD	BARRIGADA GU 96913
MESA VICTORIANA BLAS (Administratrix of the Estate of JOSE GARRIDO MESA)	P.O. BOX 290624	YIGO, GU 96929
Andrew C. Villagomez	P.O. Box 786	Hagatna, Guam 96932

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 7th day of May, 2019.

ERNEST V. SANTOS
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 7th day of May, 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 B

CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee $3.45
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $
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Postage $.70
Total Postage and Fees $3.95
Sent To YANG JOHN Y KYONG
Street and Apt. No., or PO Box No.
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Sent To HAN KWANG
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Sent To SAN NICOLAS JOSE
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Postage $.70
Total Postage and Fees $3.95
Sent To TORRES PETER
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
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Postage $.70
Total Postage and Fees $3.95
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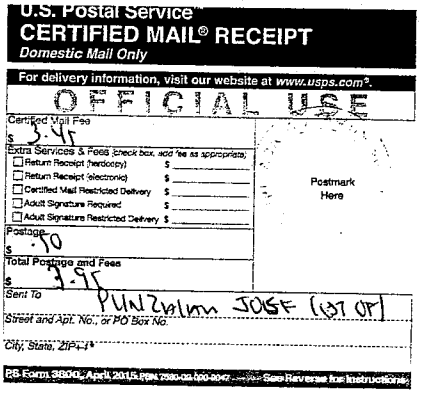
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Postage
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Total Postage and Fees
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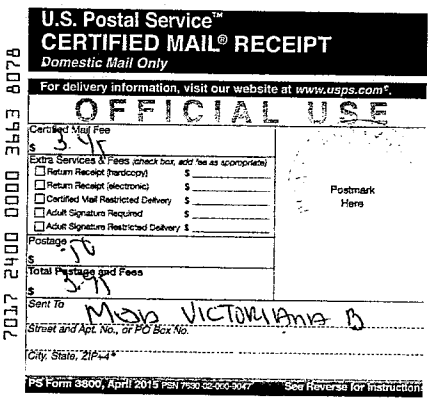
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Postage
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Total Postage and Fees
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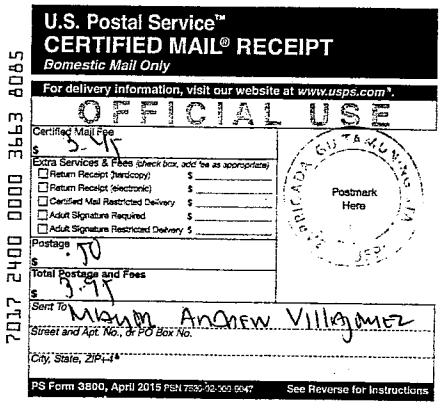
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Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

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

November 19, 2018

Dear Sir/Madam:

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

The Applicants, Edward and Siska Hutapea represented by Harry D. Gutierrez; requests approval of a Zone Change from "A" (Rural) to "LC" (Limited Commercial) zone, to convert an existing duplex structure to accommodate the Cornerstone Valuation Guam, Inc., office, on Lot 2066-REM-22, in the Municipality of Mongmong-Toto-Maite, under Application No. 2018-36.

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:	**Mongmong-Toto-Maite Community Center**
DATE:	**Wednesday, December 5, 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 in the Guam Daily Post and noted on the applicant's onsite sign. Our office is located on the third floor (Room 304) of the ITC Building and written comments should be addressed to:

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

For your information, in addition to the GLUC's regular hearing advertised for this application, it will also be advertised in the Guam Daily Post 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

CC, Case Planner