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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

**LOURDES A. LEON GUERRERO**
MAGA'HÅGA • GOVERNOR

**JOSHUA F. TENORIO**
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

35GL-19-1277
Speaker Tina Rose Muña Barnes

November 22, 2019

NOV 2 9 2019
Time 9:56 AM ( )PM
Received By: Glen

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

From: Planning Division
Department of Land Management

Hafa Adai,

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

1. Guam Land Use Commission; Thursday, October 24, 2019

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

Thank you.

2019 NOV 29 AM 10:37

1277

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

File for Record is Instrument Number 942014

on the Year 20 19 Month 11 Day 15 Time 411

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder: Joel C. Antonio

JOEL ANTENORCRUZ

Above Space for Recorder's Use only

COPY

# GUAM LAND USE COMMISSION MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, October 24, 2019
1:42 p.m. to 5:06 p.m.

**GUAM LAND USE COMMISSION SPECIAL MEETING**
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning
Thursday, October 24, 2019

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Ms. Leilani R. Flores, Commissioner

[Excused: Commissioner Hardy Vy]

PLANNING STAFF PRESENT:

Mr. Nicolas Toft, Legal Counsel

Ms. Celine Cruz, Acting Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, 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:** | Thursday, October 24, 2019 | X | GLUC | | GSPC |
| | | X | Regular | | Regular |
| **Time of Meeting:** | GLUC: 1:42pm GSPC: | | Special | | Special |
| | | ✓ | Quorum | | Quorum |
| | | | No-Quorum | | No-Quorum |

| COMMISSION MEMBERS | SIGNATURE |
|---|---|
| Chairman Tae S. Oh | |
| Commissioner Conchita D. Bathan | |
| Commissioner Hardy I.T. Vy | EA |
| Commissioner Leilani R. Flores | |
| Commissioner, Arthur D. Chan | |

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

**ADJOURNMENT** GLUC: 5:10pm GSPC:

# 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 | [X] | Regular | Date: | Thursday, October 24, 2019 |
| [ ] | HLUC | [ ] | Special | Time: | 1:42 pm |
| [✓] | Quorum | [ ] | No Quorum | Adjournment: | 5:06 pm |

| PLEASE PRINT NAME CLEARLY | APPLICATION NAME AND/OR NUMBER | Telephone No. |
|---|---|---|
| Charles Lintalan | 2018-41 | 686-3554 |
| WILLIAM FLORES | 2016-54B / speakers for | 646-1714 |
| Mike Gutierrez | 2018-41 / Application | 482-5315 |
| | — voting fellows — | |
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GLUC Form 21 - GLUC Public Attendance Record Form - APRIL 2010

# 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 | [X] | Regular | Date: | Thursday, October 24, 2019 |
| [ ] | HLUC | [ ] | Special | Time: | 1:42 pm |
| [✓] | Quorum | [ ] | No Quorum | Adjournment: | 6:06 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. |
|---|---|---|
| ROSAMUNDA LUJAN | ZONE VARIANCE | 688 4007 |
| Michael D. Flynn, Jr. | Ladera Towers | 477-7035 |
| SUNG T KIM | ZONE VARIANCE | 998-2617 |
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GLUC Form 20 - GLUC Speaker Log Record Form - APRIL 2010

# GUAM LAND USE COMMISSION

Chairman Tae S. Oh
Commissioner Conchita D. Bathan
Commissioner Hardy T.I. Vy
Commissioner Leilani R. Flores
Commissioner [Vacant]
Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

# AGENDA

## Regular Meeting

## Thursday, October 24, 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 October 17th, 2019 and October 22nd, 2019]***

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

**II. Approval of Minutes**

- GLUC Regular Meeting Minutes of Thursday, August 8, 2019

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

**IV. New Business**

**Zone Change**

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

**V. Administrative & Miscellaneous Matters**

**Zone Variance Renewal**

B. **Application No. 2012-27C**, the Applicant, Sung T. Kim; renewal request for a previously approved Zone Variance for Use, for the continued operation of the 2H Market, in an existing single-residence, on Lot 24-2, Tract 538, in the Municipality of Dededo, in an "R-1" (Single Family Dwelling) zone.
Case Planner: Penmer Gulac

C. **Application No. 2013-43C**, the Applicant, Rosalinda L. Cura; renewal request for a previously approved Zone Variance for Use, for the continued operation of a home-based operated barber/beauty shop, on Lot 18, Block 5, Tract 112, Unit 1, in the Municipality of Dededo, in an "R-1" (Single Family Dwelling) zone.
Case Planner: Penmer Gulac

**Tentative Subdivision/Extension of Time**

D. **Application No. 2016-54B,** the Applicant, Guam Five Star Corporation represented by W.B. Flores & Associates; requests an Extension of Time for a previously approved Tentative Subdivision Plan for the Siena Gardens Subdivision, on Tract 10442, in the Municipalities of Dededo & Yigo.
Case Planner: Frank Taitano

**Final Subdivision**

E. **Application No. 2016-54C**, the Applicant, Guam Five Star Corporation represented by W.B. Flores & Associates; requests approval for a Final Subdivision for the Siena Gardens Subdivision; on Tract 10442, in the Municipalities of Dededo and Yigo.
Case Planner: Frank Taitano

**Horizontal Property Regime**

F. **Application No. 1993-01F**, the Applicant, LGI Pacific Guam, Inc. represented by Atty. Michael D. Flynn, Jr.; requests acceptance of a Second and Restated Declaration of HPR and issuance of its Third Supplementary Final Public Report for Ladera Towers Condominium, on Lots 4 & 5, Tract 1822, in an "R-2" (Multi Family Dwelling) zone, in the Municipality of Mangilao, HPR No. 104.
Case Planner: Celine Cruz

## VI. Adjournment

**GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**
**DLM Conference Room, 3rd Floor, ITC Bldg., Tamuning, GU**
**Thursday, October 24, 2019 • 1:42 p.m. to 5:06 p.m.**

## I. Notation of Attendance

**Chairman Oh** called to order the regular meeting of the Guam Land Use Commission for Thursday, October 24, 2019 at 1:42 p.m., noting a quorum.

Present were: Chairman Tae Oh, Commissioner Conchita Bathan, Commissioner Leilani Flores, Legal Counsel Nicolas Toft, Acting Chief Planner Celine Cruz, Planning Staff Penmer Gulac, Frank Taitano and Recording Secretary Cristina Gutierrez.

Chairman Oh welcomed and congratulated Commissioner Leilani Flores on her appointment to the Guam Land Use Commission.

## II. Approval of Minutes

**Chairman Oh** next item on the agenda is the approval of the GLUC Minutes of the last meeting dated Thursday, August 8, 2019. Commissioners have received and reviewed an electronic copy of the Minutes. Chairman Oh was ready to entertain a motion.

**Commissioner Bathan** Mr. Chair, I would like to make a motion to approve the GLUC Meeting Minutes of August 8, 2019 subject to minor edits and/or corrections of typographical errors to be submitted to the Recording Secretary before close of business today.

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

**Commissioner Flores** I second the motion.

**Chairman Oh** noting no discussion, the motion was put to a vote. All in favor of the motion to approve the Minutes of August 8, 2019 say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Flores], all opposed say "nay." **[Motion passed 3 ayes, 0 nay]**

## III. Old or Unfinished Business

**Chairman Oh** noted there were no old or unfinished business for discussion.

## IV. New Business

### Zone Change

A. Application No. 2018-41, the Applicant, Pacific Seven Investments, LLC represented by Harry D. Gutierrez; Zone Change request 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

**Penmer Gulac** read the staff report to include facts, purpose, public hearing results, staff analysis/discussion, and recommendation. [For full content, please see attached report]

**[Attachment A – Commission Brief dated 10/16/2019 and Staff Report dated 3/52019]**

**Chairman Oh** questions for staff.

**Commissioner Bathan** noted a minor correction on the date that the position statement from BSP was received; it should read December 13, 2018. Commissioner Bathan added that the applicant is request for a change in zone to commercial, and asked what the zoning were on adjacent lots and what is existing on the lots.

**Penmer Gulac** the adjacent lot is an R-1 zone (Law Library) and the other lot is a parking lot which is an accessory to the Court House; across the street is zoned commercial which are gift shops, restaurants and a few residential lots and other lots that are undeveloped.

**Commissioner Bathan** suggested that perhaps the applicant consider limited commercial zoning to limit the activities that can take place on the subject property; and asked Mr. Gulac if it would be appropriate to consider limited commercial zone, considering the surrounding areas.

**Celine Cruz (Acting Chief Planner)** the applicant stated it is for professional offices. It would be different if they offered retail services or any other types of services and that would be more concerning. However, the applicant was specific in stating that the proposed construction of a building would be for professional offices and not intended for retail services; consideration of limited commercial zone is not necessary, and that almost all abutting properties to this particular lot has commercial activities.

**Chairman Oh** in looking at surrounding adjacent property maps, it seems that the Superior Court of Guam consists of several lots and asked if this was accurate.

**Celine Cruz** back in the 80's, the Government of Guam had to do a Real Estate Requirement map for the Superior Court that required that the individual lots be consolidated into one lot.

**Chairman Oh** map in the application is not accurate (Ms. Cruz responds "correct.") Of the many lots shown on the map, how many of lots are adjacent to the Superior Court and privately owned.

**Celine Cruz** basic Lot 1306 is confirmed, basic Lot 1307 is the Law Library and the only lots that were not consolidated as part of the Superior Court of Guam along that easements are Lots 1312-1; 1312; 1311; 1310; and 1309 which are probably privately owned.

**Nick Toft (Legal Counsel)** comments on the surrounding businesses of the subject lot which includes shops, haircut salon and gift shops and further back are homes.

**Chairman Oh** a lot of the adjacent properties are commercial zoned. In past applications, radius maps are provided, and Chairman Oh noted that the did not see an application for this request and only received the Staff Report and Commission Brief.

**Penmer Gulac (Case Planner)** explained that this was before the Commission in March 2019, and had to be removed from the agenda due to technical issues. Commissioners were only provided with the initial staff report and the new commission brief. Original application was provided to members in March and there no additional copies to be provided to them.

**Chairman Oh** noted for the record that a letter of opposition was received from the Guam Law Library. Chairman Oh briefly summarized the contents of the letter. The letter of opposition is from the Guam Law Library Board of Trustees. Their concern questions items five and six on the Environmental Impact Assessment short form; question five pertains to general nature or type of proposed project and question six refers to wetland area, flood hazard area and archeological or historic features on the subject lot. **[For full content, please refer to Exhibit 1]**

Noting no additional questions and/or comments for staff, Chairman Oh invited the applicant's representative to provide a brief presentation of the application. Please state your name for the record.

**Carl Untalan** explained that he was given authorization to represent the project as Mr. Harry Gutierrez (Consultant for the project) is currently off-island for medical referral.

**Michael Gutierrez** also representing for Mr. Harry Gutierrez.

**Carl Untalan** provides a brief presentation for the Commission which included:

- The application is for a Zone Change from "R1" to Commercial. The subject lot is located in Agana abutting Esperanza Street and it is Lot 1306;
- Staff has justified the need for public necessity, convenience, and health and welfare;
- Public Necessity – justified and compatible with the surrounding existing commercial activities and to provide needed office spaces in the area;
- It is centrally located and when services are available it meets the needs of the public requiring office spaces which will then have been met;
- Public Welfare – the zone change is for a proposed commercial/professional office space. The use is compatible with other commercial and professional offices in the surrounding vicinity;
- It is in-line with the Hagatna Restoration and Redevelopment Master Plan;
- The welfare of the public is protected because public utilities are available; there is water, power and sewer;
- There were two public hearings for this application which proved to be beneficial as it gave the public the opportunity to make comments on the proposed application;

**Carl Untalan** addressed the letter of objection that was received and addressed the points that were noted on the letter. Mr. Untalan said that in relation to question five which is the construction of a commercial/professional building with vehicular parking, ponding basin on site. The plans provided for the application is conceptual at this time and a more detailed analysis will be provided during the actual development/permitting phase.

Item six in reference to wetlands – Mr. Untalan comments that he has read the position statements provided by the ARC agencies; Guam EPA who is the lead agency in determining wetlands did

not oppose the request and/or mentioned in their position statement the presence of any wetlands in the area. During stormwater runoff the area can flood; however, Mr. Untalan again mentions that the position statements from the ARC did not object and/or oppose to the zone change or the proposed commercial/professional building. Even with impervious surfaces it can be mitigated through some sort of infiltration parking. These concerns will be determined during the design phase and coordinating with the various agencies.

Archeological and historic features - Department of Parks and Rec did make mention of the possibility of finding of artifacts, but did not object to the requested zone change. The applicant will have to coordinate with DPR/SHPO if there are any findings of archeological and historic sites in the area during the permitting and construction phase of the project.

Mr. Untalan also addressed the setbacks. Because this is a commercial building it is typical for setbacks to be zero front, zero sides. If the other side was being used for single family zone there would have to be a slight setback of at least 20-feet, but that is not the case with the proposed use.

Mr. Untalan reiterated that there were no objections from the permitting agencies for the zone change request and the proposed use. Most agencies have already placed conditions to the proposed commercial/professional office building, and that a resolution received from the Hagatna Mayor's Office supports the project.

**Chairman Oh** the Chief Planner mentioned that the Law Library is in an R-1 zone. Chairman Oh's question was, does the 20-feet setback apply depending on the use or based on the zone.

**Celine Cruz** it is based on the zone; but, should not be a limitation to rezoning this particular property because the other adjacent properties have that commercial/government office, and there could also be the opportunity of the consolidation of the lots so that any future development can accomplish that 20-foot setback requirement.

**Chairman Oh** the concern from the Law Library was the flooding and wetlands. Chairman Oh read the position statement provided by the GEPA and asked if they were in fact the determining ARC agency for wetlands.

**Celine Cruz** Department of Agriculture is also another agency, it's a consort of the two departments in identifying and delineating wetlands in acceptance of wetland areas. The Guam Land Use Commission has the prevue for granting and/or determination of development of wetlands. There were no objections from the ARC members because the concerns can be mitigated at the point of permitting.

**Chairman Oh** asked for clarification that the subject lot is not a wetland area and asked if this could be confirmed.

**Carlos Untalan** comments that they can meet and reconfirm with Guam EPA who has maps that determines where wetlands are on the island. Mr. Untalan added that he does not recall this area being a wetland and/or designated as a wetland area; otherwise, the surrounding buildings could not have been built and that includes the Superior Court of Guam.

**Nick Toft (Legal Counsel)** the letter from the Department of Agriculture states that after the preliminary inspection of the site, there were no findings of adverse impacts to the agriculture and to any of the native protected habitat as well as coastal and wetland zones. Mr. Toft added that from personal experience, a lot of the water in that area runs off to the west onto the other lot on the other side of the library.

**Chairman Oh** any ponding issues will be mitigated during the permitting phase of the development.

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

**Public Comment**

**Geraldine Cepeda** (states name for the record, Guam Law Library Director) there is a letter of objection on the record and did not need to add more to the letter. However, Ms. Cepeda did say that during the recent rains, there has been a lot of flooding in the library itself. So, there is an impact of flooding in the area regardless of whether anyone knows for sure if it is a wetland area or not; and, this has happened even without the construction of the proposed building. She understands that there will be mitigation during the permitting phase which may also benefit the library if they manage to create proper drainage system under the lot that will help mitigate the flooding, then there would be no objection. The objection that they have at this time is the lack of information about the status of the property on whether it is a wetland and what the affect will be during the construction in the area to the law library. They will stand on the written testimony objecting to the project.

**Chairman Oh** asked Ms. Cepeda what she meant when she said "status of the property."

**Geraldine Cepeda** whether the subject lot is or is in a wetland area and was unsure of the comment made by Legal Counsel on the position of the Department of Agriculture. Ms. Cepeda goes on to say that they have been told by past administrators that the library is in wetland area and because of this they have national flood insurance. It surprises her that the property adjacent to the library would not be. She wanted to make clear that if there was any effect on the library they would be concerned because they are the only publicly accessible law library for Guam. If there is any considerable flooding that would affect their foundation or their structure she would have to object to the project.

**[Noting no further public comment, Chairman Oh closed the public comment period]**

**Chairman Oh** (no additional questions and/or comments from Commissioner Bathan and Commissioner Flores).

Chairman Oh states that this is a zone change request and that they are not the agency that will need to mitigate some of the issues mentioned. There are mitigation plans that will address the flooding and wetland issues during the design and permitting process. The GLUC determines whether or not the subject lot is suitable to be zoned commercial or not. Following the approval, the applicant must still go through the permitting process where these issues can be mitigated.

There is a position statement from the Department of Parks and Rec indicating that they are not opposed to the zone change; however, they did indicate that it is in an archeological sensitive site and the applicant will have to coordinate with their department prior to any clearing/grading. In addition, the applicant will have to adhere to these conditions noted in the ARC position statements.

**Commissioner Bathan** if the land is considered wetland, it does not necessarily mean that it cannot be developed. The applicant will still have to adhere to ARC conditions and/or regulations.

**Chairman Oh** if this was a wetland area it would have been noted in the Department of Agriculture's position statement, there was no mention of wetlands. Chairman Oh also commented that it was surprising to him that the Law Library is in a wetland area and the adjacent lot is not. The applicant may need to verify this and mitigate and address this.

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

**Commissioner Bathan** Mr. Chair, I would like to make a motion to approve Application No. 2018-41 submitted by Pacific Seven Investments requesting for a Zone Change from "R1" to Commercial for the proposed construction of a commercial/professional building, on Lot 1306 in the municipality of Hagatna.

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

**Commissioner Flores** I second the motion.

**Chairman Oh** seconded by Commissioner Flores. Noting no discussion, the motion was put to a vote.

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

## V. Administrative and Miscellaneous Matters

### Zone Variance Renewals

B. Application No. 2012-27C, the Applicant, Sung T. Kim; renewal request for a previous approved Zone Variance for Use, for the continued operation of the 2H Market, in an existing single family residence, on Lot 24-2, Tract 538, in the Municipality of Dededo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Penmer Gulac

**Penmer Gulac** reads supplemental staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [For full content/context, refer to attached report]

Mr. Gulac added that he received a call from the Mayor of Dededo who could not be in attendance at today's meeting, and Mayor Savares asked that Mr. Gulac convey to the Commission that she and the Dededo MPC are in full support of a permanent zone variance for Mr. Kim.

**[Attachment B – Supplemental Staff Report dated August 13, 2019]**

**Chairman Oh** Chairman Oh asked if the GLUC, in the past, approved any permanent zone variances.

**Celine Cruz** the Commission has approved a mom/pop retail store right outside of the Dededo village past the quarry on YSengsong Road. The applicant came in every two years and it was on the third renewal request that the Commission granted a zone change rather than a renewal of a zone variance.

**Chairman Oh** for this particular type of operation, a limited commercial zone change is suitable for this application. This is a renewal of a zone variance and in the past a zone variance renewal has never been granted for more than 3 to 5 years; the conditions noted in the original Notice of Action does not make note of this. Chairman Oh asked if the Commission has the authority to change the application before the Commission today to a limited commercial application.

**Nick Toft (Legal Counsel)** it may require the Notice to Rezone bulletin sign that is not present.

**Celine Cruz** the Commission can grant a zone change if they justify the criteria for a zone change which has to be noted in the Finding of Facts as part of the documentation for a zone change. Ms. Cruz did not think at this point that the Commission can address this as a zone change.

**Nick Toft** added that the Commission can consider this the next time it comes before the Commission.

**Commissioner Bathan** suggested that instead of coming in every two years, it can be extended.

**Chairman Oh** we can put that on the table and decide after hearing the applicant's presentation. Noting no additional comments/questions, Chairman Oh invited the applicant to provide a presentation.

**Sung Kim** Mr. Kim is the owner and applicant of 2H Market. He is before the Commission to respectfully ask for consideration on the renewal of his mom/pop retail store so that he can continue to serve his loyal customers and the good neighbors and the community which he has done since 2014. The Mayor Council of Dededo fully supports the request for a permanent variance.

**Chairman Oh** questions for the applicant.

**Commissioner Bathan** based on the report presented by staff, Mr. Kim has maintained his facility well; it is clean inside and outside. Your customers have given you a lot of support for your application.

**Chairman Oh** this is a request for a permanent term for the zone variance. Chairman Oh asked Mr. Kim if he would consider a limited commercial zone change that cannot be done at today's meeting due to other requirements for a zone change request. Chairman Oh gave the applicant

a choice to either a permanent zone variance or the other option is a renewal for a certain term and before that term expires, the applicant can come back and apply for a zone change for limited commercial. It will be a full zone change from R-1 with a variance to a limited commercial zone.

**Sung Kim** asked what the term was for his renewal of the variance. Mr. Kim explained that the term of five years will not work because banks will not approve loans with limited term and he is seeking refinancing with the bank.

**Chairman Oh** the applicant is seeking permanent status in order to secure a bank loan. The options presented to the applicant is on the table; if the applicant would agree to a certain term for financial reasons; or an unlimited term, or the Commission can grant a term with the caveat that the applicant returns to apply for a limited commercial zone change. If financing is the reason, the Commission would like to provide these options to the applicant.

**Celine Cruz** the request in the application is for a permanent term. Planning's recommendation is based on the applicant's information that they have complied with conditions to date and then the Dededo's MPC supporting the permanent term. Ms. Cruz feels that if the Commission granted a permanent variance it will assist Mr. Kim in obtaining the financing that he needs. Ms. Cruz added that even with a limited term the conditions are still in place and that the applicant is still obligated to meet those conditions. If there are any complaints from the community, there is the opportunity to revoke that permanent variance.

**Commissioner Bathan** the applicant is requesting for the zone variance to not have an expiration date.

**Celine Cruz** that is correct; but it can be conditioned for a five-year renewal term and that the applicant will report back to the Chief Planner internally, but not for the variance itself.

**Chairman Oh** called for a five-minute recess.

**[Commission recessed at 2:47 p.m. Chairman Oh reconvened the meeting at 2:52 p.m.]**

**Chairman Oh** explained that he asked for a recess in order to speak to the applicant because of the language barrier about his options that the Commission is proposing. Mr. Kim did mention that he is currently seeking financing in the future, but with a five-year term it is a concern for him because banks are hesitant to approve financing because of the term involved. The Commission can consider an unlimited term, ten-year term or the option to limited commercial. Mr. Kim has told Chairman Oh that he intends to seek the option of a zone change for limited commercial. The Commission today will have to determine the term to be given to the applicant.

Chairman Oh noted for the record that the Notice of Action does call out that the term is no longer than five-years from the day of issuance of an occupancy permit. The permit is dated October 1, 2014 and five years from that date if October 1, 2019. The application was submitted December 2018 to the Planning Office.

For the record, the Commission did receive an MPC Resolution from Dededo in support of the project for a permanent zone variance [Refer to Exhibit 2].

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

**Commissioner Bathan** comments that she is apprehensive about approving a permanent zone variance, but supports a limited term for either five or ten years; with the applicant submitting a status report to the Chief Planner.

**Chairman Oh** the Commission has the option to approve a permanent term with no conditions, a permanent term with condition to report back to the Chief Planner every five years or it can be renewed for five years. Chairman Oh states that he is reluctant on approving a permanent term, but the applicant is agreeing with a ten-year term.

**Commissioner Bathan** is the applicant in agreement with a ten-year term.

**Chairman Oh** asks Mr. Kim if he is okay with a ten-year term.

**Sung Kim** agreed with a ten-year term with the understanding that he can come back before the Commission to apply for a zone change to limited commercial.

[Discussion ensues on the term and its expiration date]

**Commissioner Bathan** Mr. Chair, I would like to make a motion to approve the request of applicant Sung T. Kim for the renewal request for a previously approved zone variance for use for the continued operation of the 2H Market in an existing single-family residence on Lot 24-2, Tract 538 in Dededo in an "R1" zone; for a period of ten years to commence October 1, 2019 to September 30, 2029, with the condition that the applicant adhere to the conditions noted in the original Notice of Action, and for the applicant to provide a status report to the Chief Planner after five years.

**Chairman Oh** there's a motion on the floor by Commissioner Bathan. Is there a second.

**Commissioner Flores** I second the motion.

**Chairman Oh** motion is seconded by Commissioner Flores. Discussion on the motion. The Chief Planner mentioned a period of five years; but it is states in the Notice of Action a timeline of no more than five years from the initial approval. It makes no mention of a renewal of period.

**Celine Cruz** confirms that that is for the initial five years only.

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

**[Motion passed; 3 ayes, 0 nay]**

Next item on the agenda –

**Zone Variance Renewal**

C. Application No. 2013-43C, the Applicant, Rosalinda L. Cura; renewal request for a previously approved Zone Variance for Use, for the continued operation of a home-based beauty/barber shop, on Lot 18, Block 15, Tract 112, Unit 1, in the Municipality of Dededo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Penmer Gulac

**Penmer Gulac** reads staff report to include purpose, facts, staff analysis/discussion, conclusion and recommendation. [For full content/context, please see attached report]

Mr. Gulac added that he received a phone call from Mayor Savares (Dededo) that she was unable to attend today's meeting; but, supports the permanent renewal request for Ms. Cura.

**[Attachment C – Staff Report dated August 12, 2019]**

**Chairman Oh** noting no questions and/or comments, Chairman Oh welcomed Ms. Cura to provide a presentation. Please state your name for the record.

**Rosalinda Cura** is before the Commission today to request for the renewal of a Zone Variance for use for her barber/beauty shop. Ms. Cura explains that she has been operating her business for five (5) years, and is asking the Commission for approval of a permanent Use Zone Variance. The MPC of Dededo has submitted a letter of support in renewing the variance for permanent term.

**Commissioner Bathan** inquired if the applicant had a current bank loan.

**Rosalinda Cura** explains to the Commissioner Bathan that her children as well as herself are all cosmetologists, and there are plans to upgrade their shop.

**Chairman Oh** as previously stated in the application before, Chairman Oh asked Ms. Cura if she has intentions of returning before the GLUC and request for a limited commercial.

**Rosalinda Cura** asked for clarification on the meaning of limited commercial and what the chances would be for being granted a limited commercial zone change.

**Chairman Oh** explained that limited commercial zoning was created for situations such as this. This is area is predominantly residential and the Commission would like to grant a more permanent solution for applicants rather than a permanent Use Variance where the applicant has to return after so many years. The limited commercial limits the type of activities at the site with no terms. Limited commercial zoning ensures that there are no commercial activities that would be a nuisance to the neighbors such as bars, clubs, game rooms, and all activities allowed in a regular commercial zone.

Chairman Oh adds that it is very rare that the Commission grants a permanent Use Variance. There are no oppositions for this application, but there is no guarantee that a limited commercial zone will be approved. You have support from your neighbors and the Mayor's Office.

**Chairman Oh (cont'd)** no additional comments noted. Chairman Oh noted that Ms. Cura has the support of the community, there are no issues and the Mayor of Dededo stated that a petition was circulated and has received over 50 signatures from the residents in support of Ms. Cura.

**Commissioner Bathan** asked Ms. Cura if this was her first renewal.

**Rosalinda Cura** this will be the third renewal request.

**Chairman Oh** the initial approval was for three years, and then increased to five years?

**Rosalinda Cura** the first approval was for two years and the second was for three years.

**Celine Cruz** this is Ms. Cura's third appearance before the Commission. The initial approval was in 2013, and in 2016 she was granted a three-year extension.

**Chairman Oh** if the applicant wishes to pursue a limited commercial zoning, she would have to submit a new application for review and approval of the GLUC.

The renewal was for three years since the date of recordation of the updated Notice of Action which was August 2, 2016 and expired August 2, 2019. The applicant's request was received in July and was submitted in a timely manner and thanks Ms. Cura for submitting on time.

Any additional comments and/or discussion.

**Commissioner Bathan** expressed that she does not support the granting of a permanent use variance.

**Chairman Oh** agreed with Commissioner Bathan and also expressed that he was a bit uncomfortable with granting a permanent term; however, the term can be extended.

**Rosalinda Cura** inquired if there was a way to obtain an approval for a certain term and not have to come back before the Commission.

**Chairman Oh** that is what the Commission is trying to determine. Is there any limitation on terms granted for a use variance?

**Celine Cruz** the most recent Notice of Action states that the approval shall be for an additional three years. The initial approval was valid for two years. The NOA states, *for additional two years or permanent provided that the Commission finds that the applicant shows, as provided by the Dededo Municipal Planning Council, via a town meeting, if any, shall submit a one year report on the status of the operation that the one year report is in form and context to the satisfaction of the Guam Chief Planner.*

**Chairman Oh** there is no mention of particular number of years.

**Celine Cruz** mentions that in terms of temporary workforce housing permits; about 10, 15 years ago where the Commission would approve a temporary workforce housing facility and that the

renewals were every two to three years, but the renewals were subject to the approval and satisfaction of the Chief Planner. With those types of applications an annual letter is received from the operator of the facility expressing its intent to renew. The conditions are reviewed with the Case Planner, an inspection is conducted and then a written response to the operator is provided noting that they need to continue to comply with the conditions of approval.

**Chairman Oh** as stated with the previous applicant, place a condition that the applicant provide a status report to the Chief Planner every five years.

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

**Commissioner Bathan** Mr. Chair, I would like to make a motion to approve the request of the applicant, Rosalinda Cura, for Application No. 2013-43C for the renewal request for a previously approved Zone Variance for Use for the continued operation of a homebased barber/beauty shop, on Lot 18, Blk 5, Tract 112, Unit 1, in the municipality of Dededo in an "R1" zone. This approval is valid for a period of ten (10) years commencing August 2, 2019 to August 2, 2029; and, that the applicant is requested to submit a status report to the Guam Chief Planner every five (5) years.

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

**Commissioner Flores** I second the motion.

**Chairman Oh** motion is seconded by Commissioner Flores. Chairman Oh amended the motion to include that the applicant adheres to all conditions as noted in all previous Notices of Action.

Is there a second for the amendment?

**Commissioner Bathan** I second the amended motion.

**Chairman Oh** noting no discussion, the amended motion was put to a vote. All in favor of the amended motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Flores], all opposed say "nay." **[Amended motion passed; 3 ayes, 0 nay]**

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

**Tentative Subdivision/Extension of Time**

D. Application No. 2016-54B, the Applicant, Guam Five Star Corporation represented by W.B. Flores & Associates; a request for an Extension of Time for a previously approved Tentative Subdivision Plan for the Siena Gardens Subdivision, on Tract 10442, in the Municipalities of Dededo/Yigo. Case Planner: Frank Taitano

**Frank Taitano** reads the staff report to include purpose, facts, staff analysis discussion, and recommendation. [For full content/context, please see attached report]

**[Attachment D – Staff Report dated October 16, 2019]**

**Chairman Oh** questions for staff.

**Commissioner Bathan** the application states that a bond will be provided; however, Commissioner Bathan stated that she did not see a confirmation from the Department of Public Works accepting the amount of the bond.

**Frank Taitano** has spoken to the applicant's representative who stated that the bond was forwarded to Public Works but is unsure if it has been accepted.

**Chairman Oh** noting no additional questions for staff, Chairman Oh invited the applicant to provide a presentation to the Commission and to state their name for the record.

**Willie Flores** (W.B. Flores & Associates) representing Guam Five Star Corporation in their pursuit of the subdivision approval for the Sienna Gardens. Mr. Flores the providing status report to the Commission.

- Mr. Flores states for the record that he was not the original presentative for the project. The applicant was sorting through the myriad of procedures to be completed, and his assistance was sought to work their way through the process in order to get the tentative subdivision on its way once again.
- There are photos included in the application. There are currently fifteen (15) houses in Phase I; infrastructure is completed and they continue to move forward.
- The delay was caused because of permitting process and issues with the current labor force.
- The bond was changed early on. The application was submitted to DPW to accept the bond, but DPW has not responded. Mr. Flores requested for an official letter certifying that the bond was adequate for the infrastructure. A follow up was made this morning and DPW did state over the phone that it was adequate and that the response format is being reviewed by their Legal Counsel.
- The infrastructure construction is about 1.2 million and bond is for 1.5 million which is about 150% threshold that is required.
- The construction is ongoing and now moving forward to ensure that the requirements of the Subdivision Law are being followed.

**Commissioner Bathan** when the acceptance of the is received from the Department of Public Works, Commissioner Bathan asked that a copy be provided to the Chief Planner for record purposes.

**Chairman Oh** the Notice of Action is an approval of a Tentative Subdivision, and the period of the approval was for one (1) year.

**Celine Cruz** that is correct.

**Chairman Oh** this was approved May 3, 2017, and the request application for extension was submitted on August 22, 2019. Chairman Oh stated that this was almost two years past the due date.

**Willie Flores** replies that the developer had performed all that was required of them to include obtaining the bond and the permits. The developer had counted on a third party to keep them updated especially on timelines and this was not done; and that is why, his company was hired to continue with the process. The developer had assumed that they were in line with timelines until Mr. Flores pointed it out to them that there was an issue with the Tentative Subdivision approval.

Mr. Flores states that there are explicit reasons for the lapse in the NOA, and did not want to discuss them at this time, was not comfortable discussing it at this forum.

**Chairman Oh** called for a brief recess to discuss the matter with Mr. Flores.

**[Commission recessed at 3:40 p.m., Chairman Oh reconvened the meeting at 3:50 p.m.]**

**Chairman Oh** for the record, Chairman Oh stated that there was a brief meeting with staff and Mr. Flores on the history of this project. The applicant is being considered for a Final Subdivision plan approval following this application on the agenda if the Commission approves the extension of the time for the Tentative Subdivision. There have been several discussions between the applicant and the Department of Land Management regarding the renewal of this project. The main concern here is that the approval is expired. Chairman Oh asked Mr. Flores to provide more details on the ongoing project.

**Willie Flores** thanks the Commission for considering the request despite the circumstances. As stated by Mr. Taitano, the primary BMPs (best management practices) and pre-development BMPs, environmental protection measures are all in place. The photos indicate the construction of fifteen homes that are near completion; the bottom center shows the ponding basin with sedimentation trap, silk basin with the berm barrier has been installed; water, sewer, power have been installed. The developer has invested quite a bit of money into this subdivision and the photos is an indication that they wish to continue and complete the project. Additionally, permits have been obtained and have been paid for; the bond is in place and awaiting letter of acceptance.

**Commissioner Bathan** it was mentioned that the fees for permits have been paid; however, Commission Bathan did not believe the cost of $372.00 was the correct amount under Permit No. B17000705 for the construction cost.

**Willie Flores** the building permit copies that are included in the application did not explain what the cost entailed. The copies provided are for floor plan changes only. Mr. Flores had two Treasurer of Guam receipts paid for the amount of $28,270.13 and $43,492.50 for this project.

**Commissioner Bathan** asked that Mr. Flores provide copies of this to the Chief Planner.

**Willie Flores** with the documentation provided and the photos of the progress of the project, it is the developer's intent to complete this project as permitted by the Guam Land Use Commission and the regulatory agencies. They will continue to move forward with the Commission's approval.

**Chairman Oh** asked how are the developers in Phase I of the project.

**Willie Flores** the photos provided is Phase I, and standing by for the approval of the Final Subdivision. They have established the Homeowners' By-Laws, Covenants, CC&Rs and ready to be filed.

**Chairman Oh** infrastructure is provided; the roads are paved?

**Willie Flores** was unsure if the roads were paved, but stated that they will be shortly.

**Commissioner Bathan** how many phases for this project.

**Willie Flores** with labor issues, the development will be in six phases.

**Chairman Oh** what is the progress of the ponding basin.

**Willie Flores** that is completed.

**Chairman Oh** considering that the developer has shown due diligence in completing the project, and although there was failure to return to the Commission for an extension of time for the Tentative Subdivision Plan, Chairman Oh stated that he is open to reinstating the applicant's request pending Legal Counsel's thoughts. The developer has accomplished quite a bit in moving forward with the project; the houses are reasonable and aesthetically pleasing. Chairman Oh states that he supports the project, but asked that the applicant/developer adheres to, and is mindful of further deadlines with this project. Chairman Oh asked of Legal Counsel if the Commission can proceed with the request.

**Nick Toft (Legal Counsel)** the Commission has issued and extension of time before with another application; and based on research conducted by Atty. Toft, the Commission has the power to reinstate this request. It should be noted in their fact findings, for the record, why the Commission believes that the applicant does merit a reinstatement of the project and is not disqualified.

**Chairman Oh** going through the Notice of Action, there are stipulations and requirements of the applicants. They are as follows:

- That the applicant adheres to the conditions and requirements as stipulated in the ARC agencies' official position statements; and, the applicant has provided the current status on all items noted in the position statements;
- Applicant must request for an extension from the one-year tentative subdivision development approval as required by law. The applicant did not meet this requirement;
- Significant changes made to the tentative development plan must be submitted to the Chief Planner for assessment and consideration to be reported to the Guam Land Use Commission. Has there been any significant changes made to the plans [none noted].
- Changes greater than what was purported in tentative subdivision plan as approved by the GLUC shall include but not limited to, a request to increase density and/or any similar changes of development...Chairman Oh states that he assumes that this has been addressed accordingly. [Mr. Flores replies "that is correct."]

**Willie Flores** there have been no changes; and the tentative plan has been reviewed and accepted by Planning Division and ready for approval of the Final Subdivision.

**Chairman Oh** has a Master Plan been submitted to the Chief Planner.

**Frank Taitano** no, that will be submitted at the end of the Final Subdivision process. Before the occupancy of a final phase the applicant will have to submit the overall master plan of the subdivision.

**Chairman Oh** that the applicant works with DPW to ensure adequate number of bus shelters required are provided and the cost to be shouldered by the applicant.

**Willie Flores** following up with DPW on this condition, they stated that they have not even reviewed the plans. A meeting will be scheduled to further discuss this condition.

**Chairman Oh** moving forward, the applicant is asked to be mindful of critical deadlines/timelines and that they are adhered to. The Commission understands the circumstances of the delay, but recommends that the applicant continues to abide by the conditions of the NOA.

Noting no additional comments/conditions, Chairman Oh was ready to entertain a motion.

**Commissioner Bathan** Mr. Chair, I would like to make a motion to reinstate a previously approved Tentative Subdivision Plan for the Sienna Gardens, on Tract 10442, in the municipalities of Dededo/Yigo.

**Chairman Oh** there is a motion made by Commissioner Bathan. Is there a second.

**Commissioner Flores** I second the motion.

**Chairman Oh** motion is seconded by Commissioner Flores. Noting no discussion, the motion was put to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Flores], all opposed say "nay." **[Motion passed; 3 ayes, 0 nay]**

**Final Subdivision**

E. Application No. 2016-54C, the Applicant, Guam Five Star Corporation represented by W.B. Flores & Associates; requests approval of a Final Subdivision for the Siena Gardens Subdivision, on Tract 10442, in the Municipalities of Dededo/Yigo.
Case Planner: Frank Taitano

**Frank Taitano** reads Commission Brief to include purpose, discussion and recommendation. [For full content/context please see attached report]

**[Attachment E – Commission Brief dated October 16, 2019]**

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

**Willie Flores** (representing Guam Five Star Corporation) they are here today to present to the Commission their request for a Final Subdivision approval. The request is two-fold; one, is the progress of the project and second, the developer would like to begin marketing and selling the homes and this cannot be accomplished with the approval of the final subdivision.

- The current status of the project is that Phase I consisting of 15 homes is just about completed.
- Phase II will commence immediately upon completion of Phase I.
- The project is for 116 homes, with playgrounds, streets, utilities and infrastructure.
- All clearing and grading have been obtained and are paid for.
- The developer understands the permit conditions noted on the Notice of Action.
- The delay was caused by the permitting status process and Guam EPA has changed its policies on environmental protection; pre-development and post-development BMPs (best management practices) that are now in place.
- Developer's Bond has been provided in the amount of 1.5 million dollars to cover the infrastructure cost which is at 1.2 million dollars.
- Tentative Subdivision map as well as the Final Subdivision has been submitted and reviewed by the Department of Land Management to include Planning and Survey Divisions; and now requires signatures, upon approval.
- Existing project is likely for a period of 18-months for full completion given the current labor conditions and may be extended.
- Playgrounds 1 and 2 have not been constructed and will be constructed in Phase II.
- Solid waste has been contracted out.
- There is in place an emergency response plan; the stormwater pollution plan that has been approved by U.S. EPA.
- HOA Bylaws, CC&Rs are prepared and copies have been provided.

In closing, Mr. Flores askes the Commission for their favorable consideration in approving the subdivision.

**Chairman Oh** questions for Mr. Flores.

**Commissioner Bathan** the project consists of three different lots and Rights-of-Way have been dedicated.

**Willie Flores** the lots will be consolidated and a Deed of Dedication is in place.

**Chairman Oh** 18-months was mentioned. Is this for Phase I.

**Willie Flores** this was the figure provided by the Developer should the labor issue ease up, but may be extended and looking at Phase II and part of Phase III in 18 months with six phases total.

**Commission Bathan** are the phases dependent upon the developers selling the units that are already built.

**Willie Flores** no, the developer will continue with the phases; they have their financing in place.

**Chairman Oh** asked if there were buyers for the Phase I homes.

**Willie Flores** confirmed that they do have interested buyers for most if not all of the homes. Mr. Flores added that the contractor who is building the homes is a very well-established contractor on Guam, and will not have issues with completing the project.

**Chairman Oh** the project is progressing smoothly, project is organized, and is pleased to hear that the developer is committed to completing the project. Chairman Oh is in full support of the project.

Noting no further comments, Chairman Oh was ready to entertain a motion.

**Commissioner Bathan** Mr. Chair, I would like to make a motion to approve the request of the applicant, Guam Five Star Corporation, under Application No. 2016-54C, for a Final Subdivision for the Sienna Gardens Subdivision, on Lot 10442, in the municipalities of Dededo and Yigo; subject to the condition that the applicant continues to adhere to the original conditions as noted in the Notice of Action approval of April 13, 2017.

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

**Commissioner Flores** I second the motion.

**Chairman Oh** motion is seconded by Commissioner Flores. Noting no discussion on the motion, Chairman Oh put the motion to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Flores], all opposed say "nay."

**[Motion passed 3 ayes, 0 nay.]**

Next item on the agenda –

**Horizontal Property Regime**

F. Application No. 1993-01F, the Applicant, LGI Pacific Guam, Inc. represented by Atty. Michael D. Flynn, Jr.; requests acceptance of a Second and Restated Declaration of an HPR, and issuance of its Third Supplementary Final Public Report for Ladera Towers Condominium, on Lots 4 and 5, Tract 1822, in the Municipality of Mangilao, in an "R-2" (Multi Family Dwelling) zone, under HPR No. 104. Case Planner: Celine Cruz

**Celine Cruz** summarizes the staff report to include purpose, staff analysis/discussion, discussion and recommendation. [For full content/context please see attached report]

**[Attachment F – Staff Report dated August 16, 2019]**

**Commissioner Bathan** inquires about the expiration date of the 3rd Supplementary Final Public Report.

**Celine Cruz** responds that she is leaving that at the discretion of the Commission; it could be 13 months from Date of Recordation of the Notice of Action or from today's meeting.

**Chairman Oh** noting no additional questions for staff, Chairman Oh opened the floor to the applicant's representative. Please state your name for the record and provide a brief presentation for the project.

**Michael Flynn** (Attorney for LGI Pacific Guam Inc. and for the HOA of owners at Ladera) Mr. Flynn was approached by the applicant, and has appeared before the Commission on several occasions. LGI was exploring financing and at that point an appraiser was hired by the Bank. The appraiser noted that there were four units listed on the Declaration that are actually not in existence. There may be have been some confusion or miscommunication amongst the clients who live in Taiwan and their local representative. They spoke to their realtor and he suggested that the 4 units which are basically shells, instead of the owners hang onto the units and responsible for the CFA and fees that they turn it over to the Association.

As a result of the four non-existing units and the transfer of units to the Association, the common area percentages had to be readjusted and that is one of the main changes to the Declaration.

**Chairman Oh** the four units are shell units; empty and not improved units.

**Michael Flynn** that is correct. They have been used for storage space at this time, they are not built out.

**Commissioner Bathan** will this be developed at a later date.

**Michael Flynn** it would be a decision of the HOA who owns the units.

[Note: Unable to transcribe parts of the discussion due to audio issues.]

**Celine Cruz** the Declaration prior to this request, there were four units that were reserved for LGI, but they were still subject to the HPR rules. What is represented in the application is that the offering for all the units within Ladera Towers describes the unit. It would be the Association to provide descriptions of the units to potential at some point in time.

**Commissioner Bathan** if this should happen at a later date will they need to return before the GLUC.

**Celine Cruz** the number of units being offered in this particular project is still the 222 units. How the association manages the four units because they are described as "shells" and may not have all fixtures in place, but the HPR Public Report states this is the offering and obligated to provide that in the offering.

**Chairman Oh** the HOA can decide at a later time what to do with the four units, but must be spelled out in the Bylaws, if they would be allowed to put them on market and sold.

[Discussion ensues on what the four units can be used for.]

**Chairman Oh** there are a total of 222-units, and the current owner LGI owns all 222 units.

**Michael Flynn** the owners 218 units and the HOA owns the 4 units.

**Chairman Oh** it is under one ownership.

**Michael Flynn** yes, LGI Pacific Guam, Inc.

**Chairman Oh** changes are needed in order for the developer to move forward with the selling of units.

**Michael Flynn** yes; it was erroneously stated in prior Declarations.

**Chairman Oh** the owner's intent is finalizing the HPR, CC&R, Bylaws so that they can move forward with the selling of units.

**Michael Flynn** that is correct. The owner was contemplating on the possibility of selling the project itself to a buyer versus the units individually; this was a challenge they were faced with, and this is reason for the delay in the application.

**Chairman Oh** the project is off the beaten path, but it is a well-built structure with good amenities included and well maintained.

**Michael Flynn** they have regular military customer-based tenants which provides regular cash flow and excellent tenants.

**Chairman Oh** what is the occupancy of the tower.

**Michael Flynn** about 95-percent occupancy.

**Commissioner Bathan** with the four units being transferred to the HOA, will parking configuration be changed.

**Michael Flynn** no, it will not; but, the parking spaces for the four units will be determined by the HOA.

**Chairman Oh** no additional questions and/or comments, Chairman Oh was ready to entertain a motion.

**Commissioner Bathan** Mr. Chair, I would like to make a motion to approve the acceptance of a Second and Restated Declaration of and HPR, and issuance of a Third Supplementary Final Public Report for Ladera Towers Condominium, on Lots 4 and 5, Tract 1822, in "R2", multi family dwelling zone, in the municipality of Mangilao, HPR No. 104. The Third Supplementary Final Public Report will be valid for a period of thirteen months from today's meeting date [Expiration will be November 23, 2021].

**Chairman Oh** motion made by Commissioner Bathan, is there a second.

**Commissioner Flores** I second the motion.

**Chairman Oh** Commissioner Flores seconded the motion. No further discussion, the motion was put to a vote. All in favor of the motion say "aye" [Chairman Oh, Commissioner Bathan, Commissioner Flores], all opposed say "nay." **[Motion passed; 3 ayes, 0 nay]**

Next item on the agenda –

**Public Notices and Announcements**

**Chairman Oh** turned the floor over to Acting Chief Planner Celine Cruz.

**Celine Cruz** reported that the Director would like to update the Commission on developments happening in the Department.

The Permit Center at the Department of Public Works – two staff members from Planning Division have been assigned to the Permit Center two days a week; Tuesday/Wednesday, in order to accommodate business license applications and all other permit applications with the Government of Guam for the convenience to the public. Planning Staff has not been there for a couple of years due to personnel shortage.

[Discussion ensues]

Interim Hotel/Resort Rules and Regulations – the R&Rs are still in interim form. In 2009, there was effort to adopt the rules and regulations; but, it was not properly transmitted to the Legislature. The adjudication process was completed with the exception of being properly transmitted to the Legislature; and therefore, have not been adopted. We will prepare documents for the Commission to discuss timelines to move this forward.

**Chairman Oh** asked that the Commission be kept apprised of the status in order to move this forward to the next step, and that it be kept on the agenda for update purposes.

**Celine Cruz** in addition, Ms. Cruz stated that the Commission will also have to update their own Rules of Procedure as a result of PL 33-209 which changed the composition of the GLUC. The Guam Seashore Protection Commission was not affected by P.L. 33-209 and still consists of seven members and five to make quorum.

[Discussion ensues on the composition of members for the Guam Seashore Protection Commission]

**Chairman Oh** recently Chairman Oh was speaking with former Governor Gutierrez who indicated that there's been a back-log on a lot of the Guam Land Use projects. Chairman Oh added that he is not always aware, as the Chairman of the GLUC, what the statuses are of applications. He was approached by an individual who questioned him about the hold up of projects by the GLUC that caught Chairman Oh by surprise. He doesn't feel that the Commission is holding up any projects, and that the problem lies within the public hearing process and waiting for needed position statements from the ARC agencies. There have been cases in the past where it's taken

a year to obtain position statements from the ARC members, and the Commission cannot entertain any projects, based on the Law, without the position statements. Former Governor Gutierrez is aware of the situation and believes a bill is being introduced so that public hearings and Guam Land Use can move in parallel; a lot of what the Commission does, can move in parallel with the position statements. This is something that is being considered. Also, the current administration is trying to iron out the current permitting issues.

**Celine Cruz** that is the reason for the scheduling of staff at the Permit Center two days out of the week. This is an effort by the administration to accommodate the public in the permitting process.

[Discussion ensues]

**Chairman Oh** anything further.

**Celine Cruz** the last item is the upcoming Planners Symposium sponsored by the Bureau of Statistics and Plans. A set a date of February 20, 2020 has been set with the venue yet to be determined. Ms. Cruz believes that the topic for this symposium is climate change in the sense of how climate change impacts the development on Guam.

**Commissioner Bathan** on the interim hotel rules and regulations, Commissioner Bathan was unsure if provisions for parking is included; but, it needs to be addressed. Some hotels have dedicated parking for rental companies which takes parking away from the guests and customers who patronize the hotels; spaces in the garage being used as storage.

**Celine Cruz** advised the Commission that there is an application forthcoming for a parking structure that is off-site parking for a hotel parking to address these issues.

Ms. Cruz added that what she would like to do is share with the Commission, the 2009 draft that was presented to public and the final that was presented to the Governor for adoption which was not done due to improper transmittal to the Legislature. There will be an opportunity to address issues such as parking and the need to include a table which is used by Planners in TDPs which is not reflected in the GAR, when the rules and regulations are reviewed by the Commission.

**[Discussion ensues]**

**Chairman Oh** asked if there were any updates on the new Commission member.

**Celine Cruz** Mr. Art Chan had his public hearing with the Oversight Senator about two weeks ago; he has not been placed on the agenda for confirmation. Ms. Cruz continues to monitor the Legislature's calendar for his confirmation hearing and will keep the Commission updated.

**Commissioner Bathan** inquires on the next GLUC meeting date.

**Recording Secretary** the next meeting date is scheduled for Thursday, November 14th. Commissioners were asked to keep in mind that the 4th Thursday in November is Thanksgiving which is an official Government of Guam holiday; and therefore, no meeting is scheduled.

[December meeting dates was briefly discussed as well the availability of the Commissioners for the remainder of 2019.]

**Chairman Oh** noting no additional discussion, Chairman Oh moved on to the next item on the agenda. And asked for a motion to adjournment.

## VI. Adjournment

Commissioner Bathan made a motion to adjourn today's meeting, seconded by Chairman Oh; with all in favor.

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**The regular meeting of the Guam Land Use Commission for Thursday, October 24, 2019 was adjourned at 5:06 p.m.**

Approved by:

Tae S. Oh, Chairman
Guam Land Use Commission

Date approved: 11/14/2019

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

ATTACHMENT A

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


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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383



**LOURDES A. LEON GUERRERO**
Maga' Haga • Governor

**JOSHUA F. TENORIO**
Sigundo Maga 'Lahi • Lieutentant Governor

JOSEPH M. BORJA
Director


October 16, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Acting Guam Chief Planner

SUBJECT: Supplemental Staff Report - Zone Change Application ;
Ref Application No. 2018-41, ( Pacific Seven Investments);
GLUC Meeting: October 24, 2019

Pursuant to Public Law 33-209, mandating Application Review Committee agencies submission of required position statements for municipal hearings for Guam Land Use Commission applications. The application was placed on hold for the GLUC, and upon receipt of Bureau of Statistic and Plans (BSP) position on December 13, 2018, a Second public hearing was scheduled and conducted on April 16, 2019 at the Hagatna Community Ctr/Mayor's office with Five (5) attendees and One (1) letter of objection (attached). The First public hearing was scheduled and conducted March 28. 2013, with no objection and an MPC Resolution of support was received from the Mayor John Cruz.

1. ARC Position Statement (BSP): Recommends approval with conditions and comments (Attached)

2. Second Public Hearing Results of April 16, 2019 (Attached)

**Recommendation: Based on our findings, positive assessments, and favorable reviews and recommendations from the ARC agencies, we find the change of zone for Lot 1306, in the municipality of Hagatna is reasonable and consistent with caveats set forth by the zoning code of Guam. Thus, the Division of Planning, further recommends approval.**

**CELINE L. CRUZ**
**Guam Chief Planner (Acting)**

With Attachments
Case Planner: Penmer C. Gulac

## ATTACHMENT – A; SECOND PUBLIC HEARING RESULTS OF April 16, 2019

Ref: Staff Report - Application No. 2018-41 Zone Change, Lot 1306, Municipality of Hagatna

The required public hearing was held at the Hagatna Mayor's Office / Community Center on April 16, 2019, at 6:05 P.M. Present were, the Case Planner, Mr. Harry Gutierrez, Applicant's Rep, Ms. Geraldine R. Cepeda (Guam Law Library), 3-family members of the Roberto family (neighbors). A total o5 4 persons were in attendance.

The Case Planner presented the proposed project and Mr. Gutierrez highlighted details of the application and clients intentions; discussed the time frame of the application process, and activities of the site and area of developments near the site.

Public comments and concerns that were noted are as follows:

**Mr. Harry Gutierrez (representative):**
Mr. Gutierrez further explained in detail the zone change application, its current uses as noted on the application...that the site will be well maintained , clean, landscaped for the commercial/professional office building. A fence all around will be erected to buffer noise, maintain storm run-offs within the site by a special drainage/catchment (French Drain. Additionally, the owners and their staff and consultants will be working with the Mayor for any other municipal requirements, as well as GovGuam agencies on this application that will be complied with, the owners will be hiring local of employees. This new development will continue to create new jobs in the community.

**Ms. Carol R. Cepeda (Guam Law Library):** Submitted a letter of opposition

**Planning Staff Summary of Public Hearing:**

After discussion on rezoning and information given by the consultant, and clarification of the uses, the majority of attendees were fully in support the rezoning of the subject lot. There were no major concerns noted and, we note that (ARC Agencies) have no objection.

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

There hearing was adjourned at 6:35 p.m.

Penmer Gulac

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅGI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
DIRECTOR

March 5, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2018-41
Zone Change, Lot 1306, Municipality of Hagåtña

## 1. PURPOSE:

**a. Application Summary:** The applicant, Pacific Seven Investments, LLC., & Ignacio C. Aguigui, represented by Harry D. Gutierrez, is requesting approval of a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) Zone in order to construct a commercial/professional building, on Lot 1306, municipality of Hagåtña.

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

## 2. FACTS:

**a. Location:** The subject lot is fronting a public right of way and is abutting the Guam Public Law Library and Superior Court property. Is approximately 220 feet west of Route No. 4 and approximately 300 feet west of Agana Shopping Center premises (See **Figure 1).**

**b. Lot Area:** 481.22 Square meters or 5,179.7 Square feet or 1/8 acre.

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

**d. Field Description:** The lot is vacant and abuts the Guam Law Library and the Superior Court property, on west and northwest, and on the southern (across the street) is the cliff side of San Ramon Hill with sporadic multi-family residential apartments (R2) zone. The land use in the immediate area is of mix uses of residential and commercial activities and is conducive to the Hagåtña Restoration and Redevelopment Land Use Masterplan. Other land use activities within 300-2,500 feet radius are residential, apartments and condominiums, government facilities, commercial/retail establishments. All utility infrastructures are within 100 feet of the subject development.

e. **Masterplan:** Commercial

f. **Community Design Plan:** Commercial, Government Facilities and residential/multi-family.

g. **Previous Commission Action: None**

h. **Land Covenants:** No covenants and/or restrictions on land use have been discovered to otherwise disqualify this request for a change of zone.

3. **APPLICATION CHRONOLOGICAL FACTS:**

a. **Date Heard By ARC**: August 9, 2018

b. **Public Hearing Results of:** November 13, 2018 **(See Attachment A)**

4. **STAFF ANALYSIS:**

A change of zone must address **Public Necessity, Public Convenience and General Welfare** criteria, pursuant to Title 21, Guam Code Annotated, Chapter 61, Article 6, Part 3 (Changes of Zones), Sections 61630 thru 61638 Our analysis is as follows:

Regarding public necessity, the applicant provides the proposed zone change of the lot and proposed uses are compatible with existing Commercial activities in this area. The proposed land use and activities will provide the community with office spaces as well as professional office space and other permitted commercial services for the public's need. This area is within central Guam and near the airport and business districts. This area will be developing into a more commercial type activities to accommodate a growing island population and the anticipated military build-up in the next few years and beyond. It is also within the commercial district as proposed by the Hagåtña Redevelopment masterplan.

Regarding public convenience, the provides the proposed zone change of the lot will afford public convenience for much needed office spaces and commercial/professional office, and service-related activities at this location as it is centrally located that is consistent with the current land uses as an extension of the existing commercial zone along Route No. 4. The location is prime and ideal, central and conveniently near areas with large population to better provide goods and services and related activities the immediate area and to a growing island community.

With respect to general welfare, the applicant provides proposed zone change of the lot will protect the general public, the immediate surroundings and properties by being consistent for commercial zoning within close proximity of other commercial lots with existing commercial activities along Route No. 4, and it is within the Hagåtña Restoration and Redevelopment Masterplan commercial zoning area. There are vacant lots, a few single-family dwellings, multi-family complexes, commercial buildings and government offices, schools and churches nearby and on the west and south west that will be protected and buffered by a public access, as well as with landscaping of the site and all setbacks to be in compliance with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations.

The applicant further provides the establishment of this site for commercial/professional office activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy.

Owners assured those in attendance during the public hearing that the site and structure will be well-managed and landscaped, that all storm water run-off will be contained on site, and a concrete fence will be installed along the boundary of the lot. Mayor John Cruz stated his full support of the request and associated site development for a commercial/professional building. He further noted the proposal should not have significant impacts to the neighbors or immediate surroundings. There were no major concerns or objections during the public hearing. There were no major concerns or objections from the Application Review Committee (ARC) agencies.

5. **<u>RECOMMENDATION</u>: Based on our findings that include an assessment and overview of the surrounding community and properties most affected by the proposal as presented in this request, we find a change of zone for Lot 1306 in the municipality of Hagåtña is reasonable and consistent with caveats set forth by the zoning code of Guam. Thus, the Division of Planning recommends approval.**

**MARVIN Q. AGUILAR**
Guam Chief Planner

**Attachments**

Case Planner: Penmer C. Gulac



Doc. No. 35GL-19-1277.

*ATTACHMENT – A*

*Public Hearing Results*

| | |
|---|---|
| **Date of Hearing:** | **November 13, 2018** |
| **Application No.** | **2018-41 (Lot 1306 – Hagåtña)** |
| **Type:** | **Change of Zone "R-1" to "C"** |
| **Venue:** | **Hagåtña Mayor's Office / Community Center** |
| **Present at Hearing:** | **Case Planner, Penmer Gulac**<br>**Applicant Representative, Harry Gutierrez,**<br>**Honorable Mayor John Cruz**<br>**Joseph C. Santos, (Planner -HRRA)**<br>**4 individuals from the general public.** |
| **Time Commenced:** | **6:06 pm** |
| **Time Adjourned:** | **6:45 pm** |

The Case Planner presented the proposed project and Mr. Gutierrez highlighted details of the application and client's intentions; discussed the time frame of the application process, and activities of the site and area of developments near the site.

Public comments and concerns that were noted are as follows:

**Mr. Harry Gutierrez (representative):**
Mr. Gutierrez further explained in detail the zone change application, its current uses as noted on the application...that the site will be well maintained, clean, landscaped for the commercial/professional office building. A fence all around will be erected to buffer noise, maintain storm run-offs within the site by a special drainage/catchment (French Drain. Additionally, the owners and their staff and consultants will be working with the Mayor for any other municipal requirements, as well as GovGuam agencies on this application that will be complied with, the owners will be hiring local of employees. This new development will continue to create new jobs in the community.

**Mayor John Cruz**: Stated he fully supports the rezoning and site development for a commercial/professional building that should not have significant impacts to the neighbors or immediate surroundings. An MPC Resolution will be transmitted to DLM prior to the commission meeting.

**Planning Staff Summary of Public Hearing:**

After discussion on rezoning and information given by the consultant, and clarification of the uses, the attendees were fully in support the rezoning of the subject lot. There were no major concerns or objections. We note that (ARC Agencies) have no objection.

**DLM Project Planner:** Informed those in attendance that the Application Review Committee (ARC) had no objections on the application. We are still waiting for other agencies to submit their position/assessment of the rezoning project. Advised the attendees, the next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the newspaper 10 days prior as to the hearing date and time.

Penmer Gulac




Figure 1
Site Location
Lot 1306, municipality of Hagatna

# Office of the Mayor
*Ufisinan Mahot*
Capital of Guam
*Hagåtña, Kapitåt Guåhan*

*John A. Cruz*
*Mayor*

Mayor John A. Cruz

To: Mr. Joseph M. Borja, Acting Director, Department of Land Management/Acting Executive Secretary, Guam Land Use Commision
Attention: Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
MAR 19 2019
CLMC/GALC/GLUC

Subject: Zone Change Application No. 2018-41, for Lot 1306, Hagatna, Guam;
Pacific Seven Investments, LLC & Ignacio C. Aguigui
C/O Harry D. Guitierrez, Consultant

Dear Mr. Borja:

We have reviewed the application (ZC 2018-41) and as the Mayor and Chairman of the Municipal Planning Council of Hagatna, I fully support the rezoning of the subject lot from "R-1" (Single-Family Dwelling) to "C" (Commercial) zone in order to construct a Professional /Commercial Building on the subject lot.

A recent public hearing on November 13, 2018 was conducted by Land Management with no objection from the public. Application Review Committee agencies favorably supports the application.

This development is conducive to existing commercial land uses within the immediate area and poses no significant impacts on infrastructure as it will be connected to all utilities. This is in project is in line with the Hagatna Restoration and Redevelopment masterplan and will enhance the immediate area. All required permits and clearances shall be obtained prior to any clearing and construction on site.

Your attention and favorable expeditious commission actions is greatly appreciated

Senseramente,

Mayor John A. Cruz

GOVERNMENT OF GUAM • P.O. Box 786, Hagåtña, Guam 96932
Telephone: (671) 477-8045 / 8047 • Fax: (671) 477-6686
Doc. No. 35GL-19-1277.

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

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

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**LOURDES A. LEON GUERRERO**
MAGA'HÅGA • GOVERNOR

**JOSHUA F. TENORIO**
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

March 5, 2019

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2018-41 (Zone Change)

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

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

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

Provide a preliminary site development plan to show the following:

a) layout of a storm drainage disposal area and must be shown in details to be supported with calculations;
b) provide entrance/exit that is wide enough for public access;
c) parking lay-out and detail for parking stalls (compact, standard and accessible stalls) that meets the American Disability Act (ADA) requirements; and
d) include solid waste trash area for either public or private services.

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

**GUAM WATERWORKS AUTHORITY (GWA):**

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Single-Family) to "C" (Commercial) zone for the proposed development of commercial/professional building for office spaces in the Municipality of Hagatna. This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to 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. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

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

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

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

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

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

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

7. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system. The applicant would be responsible for the design, permitting, construction, and maintenance of a sufficiently large lift station to meet this requirement.

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

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

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

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

**GUAM POWER AUTHORITY (GPA):**

Guam Power Authority has reviewed the application 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:

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

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

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

**GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**
The staff of this Agency reviewed the application and determined that this Agency does not have any objections to the proposed rezone of Lot No. 1036 from "R-1" to "C" that contains an area of +/-481.22 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.

**DEPARTMENT OF PARKS AND RECREATION (DPR):**
We reviewed the subject application submitted by Harry D. Gutierrez, Consultant, on behalf of the owners, Pacific Seven Investments, LLC, and Authorized Representative, Ignacio C. Aguigui. The subject lot is located in an area that is considered archaeologically sensitive. Therefore, a Plan will be required to address the potential adverse effects on historical and cultural properties. We will issue a Certificate of Approval before any project activity begins.

Moreover, the proposed project construction must go through the proper DPW permitting process for review by various government agencies, including DPR. Therefore, we have no objection to the approval of the subject application.

**DEPARTMENT OF AGRICULTURE (DoAg):**
Agriculture has reviewed the subject lot for the rezoning to a "Commercial" for the construction of a commercial / professional building. The lot currently sits idle with little or no active usage of any sorts observed on it. 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 and to any native protected habitat as well as coastal and wetland zones.

Our agency recommends should development of this lot proceed a landscaping plan should be part of its overall development to enhance and protect what remnants of indigenous tree species remain on Guam and to help preserve and maintain the islands limited resources for our current and future generations. 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.

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.

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

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

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

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

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

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

Marvin Q. Aguilar

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

*The Honorable*
**EDDIE BAZA CALVO**
*Governor*

*The Honorable*
**RAY TENORIO**
*Lt. Governor*

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 04 2018
CLTC/GALC/GLUC

**Public works**
DIPATTAMENTON CHE'CHO' PUPBLEKO

*GLENN LEON GUERRERO*
**Director**
*ANDREW S. LEON GUERRERO*
**Deputy Director**

**MEMORANDUM**

TO: Director, Department of Land Management

FROM: Acting Director, Department of Public Works

APPLICANT: Pacific Seven Investments, LLC & Ignacio Aguigui (Authorized Representative)

APPLICATION NO.: 2018-41

SUBJECT: Zone Change from "R-1" to "C", Lot 1306, Hagatna

**Buenas yan Hafa Adai!**

The applicants are requesting a zone change on the above subject property from ("R-1") Single - Family Dwelling to ("C") Commercial in order to allow the construction of commercial and office spaces. The total lot area is 5,179 square feet or 481.22 square meters in the Municipality of Hagatna.

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:

Provide a preliminary site development plan to show the following:

a) layout of a storm drainage disposal area and must be shown in details to be supported with calculations;
b) provide entrance / exit that is wide enough for public access;
c) parking lay- out and detail for parking stalls (compact, standard, and accessible stalls) that meets the American Disability Act (ACT) requirements; and
d) include solid waste trash area for either public or private services.

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

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

**Dangkulu na Si Yu'os Ma'ase!**

8/30/18

**ANDREW S. LEON GUERRERO**

# Dipattamenton 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 477-0487
Animal Health 300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

MB 10/31

DEPARTMENT OF LAND MANAGEMENT RECEIVED OCT 31 2018 GLTC/GALC/GLUC

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 2018-41 for a zone change request from an "R-1" to a "Commercial" on Lot 1306 consisting of 0.125 of an acre Located off of Rte. 4 and on Chalan San Ramon abutting the Guam Law Library in the municipality of Hagatna. (Pacific Investments LLC & Ignacio C. Aguigui (Authorized Rep.) c/o Harry Gutierrez).**

Agriculture has reviewed the subject lot for the rezoning to a "Commercial" for the construction of a commercial / professional building. The lot currently sits idle with little or no active usage of any sorts observed on it. 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** and to any native protected habitat as well as coastal and wetland zones.

Our agency recommends should development of this lot proceed a landscaping plan should be part of its overall development to enhance and protect what remnants of indigenous tree species remain on Guam and to help preserve and maintain the islands limited resources for our current and future generations. 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.

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**

# GUAM POWER AUTHORITY

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

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

August 28, 2018

MB 9/5

**MEMORANDUM**

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

From: General Manager

Subject: Lot 1306, Municipality of Hagatna, (Pacific Seven Investments, LLC & Ignacio C. Aguigui); Zone Change Application from "R-1" (Single-Family Dwelling) to "C" (Commercial) for a redevelopment masterplan to provide a few professional office spaces. **Application No. 2018-41**

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

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

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

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

for JOHN M. BENAVENTE, P.E.

ASG/arp

## INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Pacific Seven Investments, LLC & Ignacio C. Aguigui
Location: Lot 1306, Hagatna
Type of Application: Zone Change
GLUC/GSPC Application No. 2018-41
Brief Project Description:
"R-1" to "C" for a redevelopment masterplan to provide a few professional office spaces.

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

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

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

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

9/3/18
Date

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

ASG/arp

# GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

GUAM ENVIRONMENTAL PROTECTION AGENCY 1973

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

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


10/25

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

OCT 25 2018

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

**Ref: Application No. GLUC 2018-41 – "Zone Change from Single Family Dwelling (R-1) to Commercial (C) Zone on Lot No. ~~1036~~ Hagatna, Guam.**
(LOT 1306) &

The staff of this Agency reviewed the application and determined that this Agency does not have any objections to the proposed rezone of Lot No. 1036 from "R-1" to "C" that contains an area of +/-481.22 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**

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

**Eddie B. Calvo**
*Governor*
**Ray Tenorio**
*Lt. Governor*

**William N. Reyes**
*Director*
**John P. Taitano**
*Deputy Director*

In reply refer to:
RC2018-0745

9/25

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 24 2018
CLTC/GALC/GLUC

September 18, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2018-41:
Zone Change Application for Lot 1306, From "R-1" (Single-Family Dwelling)
To "C" (Commercial) Zone, Municipality of Hagåtña, Guam

We reviewed the subject application submitted by Harry D. Gutierrez, Consultant, on behalf of the owners, Pacific Seven Investments, LLC, and Authorized Representative, Ignacio C. Aguigui. The subject lot is located in an area that is considered archaeologically sensitive. Therefore, a Plan will be required to address the potential adverse effects on historical and cultural properties. We will issue a Certificate of Approval before any project activity begins.

Moreover, the proposed project construction must go through the proper DPW permitting process for review by various government agencies, including DPR. Therefore, we have no objection to the approval of the subject application.

Please do not hesitate to contact our office should you have any question with regards to our position statement.

William N. Reyes
FOR

19 Sep 18

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

**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

DEC 12 2018

MB 12/13

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 13 2018
CLTC/GALC/GLTC

**MEMORANDUM**

**TO:** Director, Department of Land Management

**ATTN:** Division of Planning

**FROM:** Director, Bureau of Statistics and Plans

**SUBJECT:** **APPLICATION NO.** DLM 2018-41
**LOCATION:** Lot 1306, Municipality of Hagatna
**APPLICANT:** Pacific Seven Investments, LLC
**PROPOSED USE:** Zone Change from "R-1" One-Family Dwelling Zone to "C" Commercial Zone to Construct a Commercial/Professional Building

***Buenas yan Håfa Adai!*** The Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau herby submits its position statement and conditions based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

## Project Overview

The applicant, Pacific Seven Investments, LLC, represented by Mr. Harry D. Gutierrez, requests for a Zone Change from "R-1" One-Family Dwelling Zone to "C" Commercial Zone to construct a Commercial/Professional Building on Lot 1306, Municipality of Hagatna.

The property encompasses 481 square meters or 5,179 square feet and can be accessed through San Ramon Hill and Route 4. The surrounding land uses include government buildings, restaurants, public parks, religious centers, schools, and apartments and condominiums. Basic infrastructure such as water and power including sewer is available and located 200 feet from the proposed development.



CG 12/14

## Landscape Assessment

This property is located on the Agana Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for any planning effort. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, shows this watershed has changed due to increased impervious surfaces.

In terms of development impacts, 50.59% of the Agana Watershed is developed and 30.91% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. 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.

## Effects Test Review and Analysis and Conditions

**Land Use.** The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The property is identified as "Mixed Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (d):

> *"The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings, medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space."*

The Hagatna Master Plan, authored by the Hagatna Restoration and Redevelopment Authority in collaboration with the Maxtrix Design Group, Goal HC-4:

> *To have land uses that are intelligently integrated with community services, transportation, recreation, and employment.*
>
> *Center of Commerce: Government facilities such as Adelup Point, the Government House, the Post Office/Legislative Offices, the US Court, and the Judicial Center help to keep*

*Hagatna the center of commerce and government. Centralization of offices would help improve upon this.*

**Development Policy**

This project is generally staying within its original footprint and is compatible to Guam's Urban Development Policy, Land Use Plan and Zoning. The application is consistent and does not conflict with this policy.

**Resource Policy**

Executive Order 78-37, (C) Resource Policy, (3) Water Quality states that "Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas." The Water Pollution Act (10 GCA Ch. 47) is in place to protect the Northern Guam Lens Aquifer (NGLA). The property is located on the boundary of Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island's population. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply or nearshore area.

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.

As mentioned earlier, 30.91% of this watershed is impervious, in which any additional development will add to the hydrologic and hydraulic dynamics within the Hagatna basement drainage basin. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Therefore, the Bureau recommends that the GLUC require the following conditions:

a. Comply with the CNMI Guam Stormwater Management Manual Standards
b. Implement Island BMP Specification #2: Island Bioretention*
c. Implement Island BMP Specification #3 Permeable Parking and Walkways*
d. Implement Island BMP Specification #4 Rainwater Harvesting*

*Concepts, design and performance standards can be found in the following two CCMP publications 1) Island Stormwater Practice Design Specifications Manual and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID.

Pursuant to 5GCA Ch.1 Article 2 Section 1204, the Bureau recommends that the GLUC require the following condition pertinent to other Agency permitting requirements:

a. Comply with 22 GAR – GEPA Division II – Water Control Chapter 10, Guam Soil Erosion and Sediment Control Regulations.
b. Comply with Guam Safe Drinking Water Act, 10 GCA Chapter 53.
c. Comply with 21 GCA, Chapter 76 Historical and Archaeological Resources.
d. Comply with EPA Pesticide Control Program.

**Recommendation and Decision**

Pursuant to Appendix A § 700 (g), the Bureau hereby recommends approval with the above mentioned conditions. If any of the Bureau's conditions are not met, then this position statement is to be interpreted as a recommendation for disapproval.

As government officials, it is our primary responsibility to ensure that growth and development are done in a manner that does not harm public health or safety, but works to promote the public welfare and convenience in a manner that is within balance with the environment in order to preserve and sustain the unique culture, traditions and beauty of the island for future generations. ***Si Yu'os Ma'ase'.***

**CARL V. DOMINGUEZ**
Director

Cc: DPW
GEPA
DPR
GWA
GPA

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 01 2018
PSC/GALC/GLUC

MEMORANDUM

September 20, 2018

TO: Michael Borja, Director, Department of Land Management

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

CC: Mayor John A. Cruz, Municipality of Hagatna (hagatnamayor@hotmail.com)

SUBJECT: Position Statement on Zone Change Application No. 2018-41 for Lot 1306 in the Municipality of Hagatna.

APPLICANT(S): Pacific Seven Investments, LLC & Ignacio C. Aguigui

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Multi-family Dwelling) to "C" (Commercial) zone for the proposed development of commercial/professional building for office spaces in the Municipality of Hagatna.

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

2. 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.

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

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

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

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

7. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system. The applicant would be responsible for the design, permitting, construction, and maintenance of a sufficiently large lift station to meet this requirement.

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

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

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

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

EXHIBIT 1

**GUAM LAW LIBRARY**
141 San Ramon Street, Hagåtña, Guam 96910-4333
Tel: (671) 477-7623/472-8062 | Fax: (671) 472-1246
Email: gll@guamlawlibrary.org | www.guamlawlibrary.org

**Geraldine Amparo Cepeda**
Executive Director/Librarian

April 16, 2019

Mr. Tae S. Oh, Chairman
Guam Land Use Commission
c/o Department of Land Management
Land Planning Division
P.O. Box 2950
Hagåtña, Guam 96910

Rec'd 4/16/19 @ 3:30pm

Re: Zone Change Application, GLUC App. No. 2018-41 (Lot 1306, Municipality of Hagåtña)

Dear Chairman Oh,

*Hafa Adai!* On behalf of the Guam Law Library Board of Trustees, I am writing to express opposition to the Zone Change Application, GLUC App. No. 2018-41, for Lot 1306, Municipality of Hagåtña. This application requests a designation change from R-1 (Single Family Dwelling) to C (Commercial Zone). Lot 1306 is immediately adjacent to the Guam Law Library. I am concerned by certain representations made in the application, and specifically, in the Guam Environmental Protection Agency (GEPA) Environmental Impact Assessment (Short Form). The concerns are as to Questions 5 and 6, as explained below:

> 5. Describe the general nature or type of proposed project.
> Answer: *To construct a commercial/professional building with vehicular parking, landscaping, ponding basin on site.*

The entire lot is about 481 square meters, and it seems at most optimistic that the lot would be large enough to accommodate the proposed three-story building with first floor parking, as well as a ponding basin, and still adhere to setback requirements. Notably, one boundary of the lot is the Guam Law Library building, while the other two boundaries consist of the walls of an elevated parking lot.

> 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 and attach additional sheets.
> ...
> i. Wetlands:
> Answer: *None*
>
> j. Flood hazard area:
> Answer: *None*
>
> k. Archaeological feature(s) or historical sites:
> Answer: *None; Subject lot has abutting commercial activities the norther lot is a parking lot for the courthouse. The applicant will comply to all requirements should any artifacts are found during the clearing and construction phases.*

BOARD OF TRUSTEES
PRESIDENT Judge Vernon Perez | VICE PRESIDENT Ray Haddock | SECRETARY Judith P. Hattori | TREASURER Sean Brown | MEMBERS Sophia S. Diaz, Maria Fitzpatrick, Joseph D. Ostrowski, John C. Terlaje

It is somewhat common knowledge that most of the Municipality of Hagåtña is a wetland; this is no secret. It is also somewhat common knowledge that the areas around Lot 1306 and this part of Hagåtña are prone to flooding. In fact, the Guam Law Library had leased Lot 1306 for nearly four years (from 1998 to 2002) to use as a parking lot; however, the lease was terminated due to budget reasons and because the property was frequently flooded and not well maintained.

From my review and understanding of the library's records, I am well aware of the nature of Lot 1306. Therefore, I must question the representations in the EIA that Lot 1306 is not in a wetland and not in a flood hazard area. Since beginning my service as the Guam Law Library Executive Director/Librarian in 2011, the interior of the library building has sustained flooding at times of heavy rain, most recently in September 2018 due to rain from Typhoon Mangkhut.

Furthermore, across from Lot 1306 are the Japanese Caves, a historic site that has been on the Guam Register of Historic Places for almost 40 years, since August 21, 1975, according to the State Historic Preservation Office website. (*See* https://historicguam.org/register.htm). Therefore, I must further question the representation in the EIA that Lot 1306 will not affect a historic site.

There is a clear lack of information provided to justify the proposed zone change. I urge the Commission to require the applicant to fully respond to the questions in the EIA before considering the proposal. I encourage the Commission to visit Lot 1306 so they can see for themselves whether this lot, consisting of about 1/8 of an acre, can realistically support the proposed three-story commercial building as well as a ponding basin.

This testimony opposes the proposed zone change from Single Family Dwelling to Commercial, in part, because the immediate proximity of Lot 1306 to the Guam Law Library will have a direct effect on the Library. The construction of the proposed building will most certainly have an impact on the flooding that already occurs in the area. There will also be increased traffic as a result of the commercial establishments that will lease the office spaces. These concerns would not arise if the lot were to continue being zoned at R1 for a single family dwelling.

Finally, I ask the Commission to obtain – and thoroughly review – all the information required by the application, before coming to a decision on the proposed zone change.

I appreciate the opportunity to present testimony. Please feel free to contact me if you have any questions or concerns.

*Sinseramente,*

GERALDINE AMPARO CEPEDA
Guam Law Library Executive Director/Librarian

BOARD OF TRUSTEES
PRESIDENT Judge Vernon Perez
VICE PRESIDENT Ray Haddock
SECRETARY Judith P. Hattori
TREASURER Sean Brown
MEMBERS Sophia S. Diaz, Maria Fitzpatrick, Joseph D. Ostrowski, John C. Terlaje

**ATTACHMENT B**

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

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

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

Website:
land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

**LOURDES A. LEON GUERRERO**
Maga' Haga • Governor

**JOSHUA F. TENORIO**
Sigundo Maga 'Lahi • Lieutentant Governor

JOSEPH M. BORJA
Acting Director

August 13, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Supplemental Staff Report - Renewal Request of previously approved Zone Variance (Use) ; Ref Application No. 2012-27B, For Sung T. Kim ; GLUC Meeting: August 22, 2019

On March 28. 2013, the Guam Land Use Commission approved the Zone Variance (Use) application with conditions of Mr. Sung T. Kim, in order to convert an existing residence into a "Mom and Pop" Retail Store on Lot 24-2, Tract 538, (Perez Gardens), within an "R-1" (Single-Family Dwelling) Zone, Municipality of Dededo.

1. Commission Approved the application for a term of Five (5) years to be effective on date of issuance of an Occupancy Permit issued by Department of Public Works (October 1, 2014) and term expiring on September 30, 2019, and further adhere to applicable Conditions noted on the Notice of Action (NOA) recorded on Document # 850632).

2. Planning Staff Inspections were not conducted, however, an on-site staff inspection on July 11, 2019 was conducted and staff observed and discovered that the applicant/owner is meeting all conditions of the Notice of Action (NOA), with no complaints from neighbors, clients, and general public, providing adequate site parking, current business license, sanitary permit with public health department inspection compliance, and paying gross receipts taxes, other business tax obligations, hiring local employees to operate the business and maintaining a clean area inside and outside the premises. Store Signage is within 10% (percent) of the exterior wall and also meets the Alcohol and Tobacco Board regulations under the auspice of Department of Revenue and Taxation. ADA parking is provided in front of the store with easy access for patrons/clients with disability or mobility issues.

3. Planning Staff Inspection requirement will be as needed to ensure that all conditions of the Notice of Action (NOA) issued by the commission are adhered to and that the facility continues to be a viable operation by preventing any nuisance or hardship to the surrounding neighbors or community (i.e., maintaining appropriate appearances both interior and exterior of the premises, that no complaint from neighbors, clients, and general public, secured business license, sanitary permit with public health department

and paying gross receipts taxes, other business tax obligations, hiring local employees to operate the retail business and maintaining a clean area inside and outside the premises.

**DISCUSSION AND STAFF ANALYSIS**:

The applicant/owner obtained support of the neighbors (see attached petition of support), and clients, and with no complaints of its retail operations since opening the store and received the Dededo Municipal Planning Council fully supports for the renewal for a permanent term (see attached MPC Resolution), we further commend the applicant/owner for continuing to be proactive in adherence to conditions on the Notice of Action issued by the commission and being a good small business community partner.

**RECOMMENDATION:** Based on our review, inspection and additional information provided by the applicant/owner and a Dededo Municipal Planning Council Resolution supporting for renewal for a permanent term, Planning further recommends that the application be renewed for a permanent term and be entertained by the Guam Land Use Commission for favorable action with previous NOA conditions still in effect and in force.

5 years status report

**Celine L. Cruz**
**Acting Guam Chief Planner**

Case Planner: Penmer C. Gulac

# DEPARTMENT OF LAND MANAGEMENT
## LAND PLANNING DIVISION
## SITE INSPECTION REPORT - FIELD WORK

| | |
|---|---|
| **Planner/Staff:** R Gulac | **Date of Request:** July 10, 2019 |
| **Date of Inspection:** July 11, 2019 | **Time of Inspection:** 12:00 pm |
| **Project Name:** Sung T. Kim (Store - ZH) | |
| **Lot Number:** 24-2 TR 538 | **Municipality:** Perez Garden, Dededo |

**Description:** Retail Store - Renewal of Variance information packet, Letter request; MPC Resolution and photos; DPW Occupancy Permit.

**Type of Inspection:** [ ] Occupancy [ ] Site [✓] Other

| | |
|---|---|
| **Contact Person:** Sung T. Kim | **Phone:** 788-2617 |

**Findings:** Retail Store clean inside and out; no trash - very clean surroundings. Site parking with ADA stall + trash bin in rear of store. Parking is adequate on site. The owner/operator is commended for adhering to MPC conditions; MPC supports renewal and support petition from neighbors.

**OCCUPANCY INPECTION ONLY:** [✓] IN COMPLIANCE Recommend approval for renewal.
Signage within ROW of wall; in compliant to Zoning Law
[ ] NOT IN COMPLIANCE

*ATTENTION: All inspection must be approved three (3) days in Advance by Guåhan Chief Planner*

R. Gulac 7/11/19

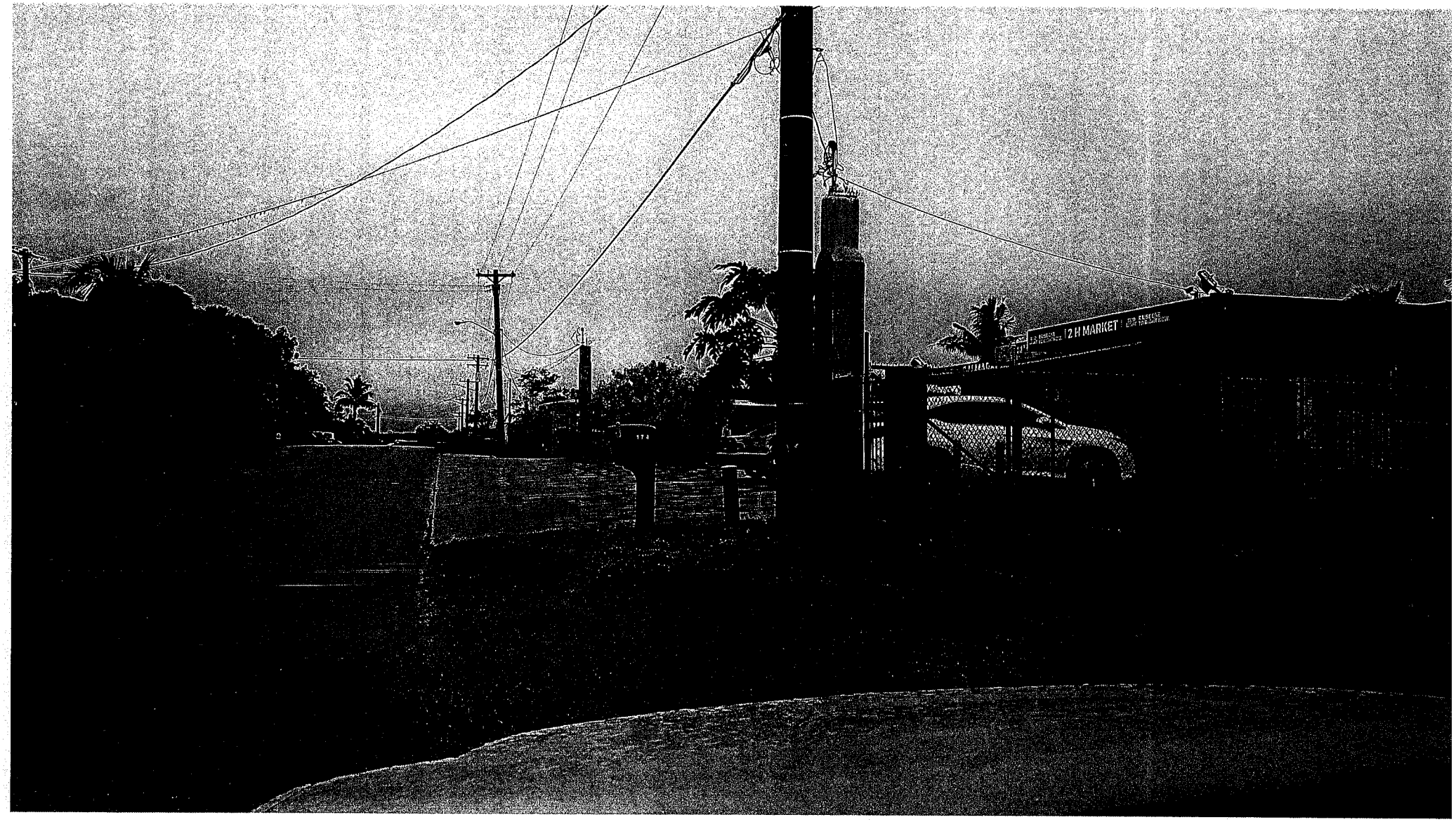
**Applicant:** S. T. Kim

Approved [ ]

R. Gulac
**Case Planner**

**Guam Chief Planner**

*DLM Form 6 - Site Inspection - April 2010*




Doc. No. 35GL-19-1277.

Application 2012-27B
Applicant: Sung T. Kim
Accepted Date: Dec 13, 2018
Case Planner: P. Cruz

# Zone Variance
# (Request for Extension)
# Lot 24-2, Tract 538
# Municipality of Dededo

## 2H Market

RECEIVED
12/13/18
bm
mcg

Doc. No. 35GL-19-1277.

December 3, 2018

John Arroyo, Chairman
Guam Land Use Commission
Department of Land Management
P.O. Box 2950, Hagatna, Guam 96932

Subject: Request to extend use variance for 2H Market on Lot 24-2, Tract 538 (Perez Garden Subdivision) Municipality of Dededo

Hafa adai Mr. Arroyo,

We are submitting this request for permanent extension of the Use Variance approved by the Guam Land Use Commission. We make this request to continue the operations of **2H Market** on Lot 24-2, Tract 538 in Dededo within the Perez Garden Subdivision (Machanao). Item number 5 on the Notice of Action recorded on April 19, 2013 (Instrument No. 850632) describes the timeline for our initial operations along with other conditions which outlines the Guam Land Use Commission's decision made at its meeting of March 28, 2013.

As part of our request for renewal of our variance, we are pleased to submit a Resolution from the Municipal Planning Council of Dededo; they are in support of a permanent variance to continue operations of a retail store for the neighborhood, citing the beneficial impacts that **2H Market** has had on the Perez Garden/Machanao Community and the surrounding area. (Exhibit B)

We submit that we have faithfully complied with the conditions of approval as stipulated by the GLUC as itemized below and depicted in photos and exhibits:

A. Condition No. 1: "That the applicants comply with all the ARC conditions and all permitting requirements;"

   **The structure and store operations are in compliance with all requirements of the Government of Guam permitting agencies. We have attached as exhibits copies of our Business License, Alcoholic Beverage License, and our Guam Power Authority utility bill; the establishment of these accounts with the various government entities is an indication of compliance with requirements; all accounts are active and current indicating continued compliance to requirements of the Government.**

B. Condition No. 2: "A landscaping plan must be submitted and approved by the Guam Chief Planner prior to issuance of an Occupancy Permit;"

   **As evidenced by our existing Business License, we would not have received an occupancy permit for the commercial activities without such a permit; we have complied with this condition.**

C. Condition No. 3: "Applicant shall provide a copy of the Occupancy Permit to the Guam Chief Planner;"

**As evidenced by our existing Business License, we would not have received an occupancy permit for the commercial activities without such a permit; we have complied with this condition.**

D. Condition No. 4: "As a standard condition, the applicant shall be restricted from posting any external coverage of such kind not to exceed an area of ten percent (10%) of exterior wall within the premises of the primary structure; furthermore, free standing signs of the advertisement shall adhere to the requirements of the Guam Zoning Code. This condition on signage may exceed the requirements as may be required by the Alcohol and Tobacco Board under the auspice of the Department of Revenue and Taxation;"

**We are in compliance of this condition. Please see attached photo exhibits of the exterior of the building.**

E. Condition No. 5: "A Timeline of no more than five years be imposed starting from the date of issuance of Occupancy Permit. No later than six months before the expiration date, the applicant must submit a status report to the GLUC relative to the status of compliance with all conditions as imposed by the Commission; positive attributes served to the surrounding community as supported by a petition from surrounding residents; and justification to support the continuance of retail activities. Such information shall be used by the Commission to determine the continuance or termination of the variance;"

**We began construction for the conversion of the residential structure to the retail store soon after we received approval by the GLUC (Notice of Action 850632 dated April 19, 2013). Although it took over a year from the approval of the Zone Variance, we applied for an occupancy permit as well as a business license in July 2014. We have provided a copy of the Business License as Exhibit C. We have also provided a petition from the community we serve to continue operations of the retail store (Exhibit G).**

F. Condition No. 6: "DLM Planning Division shall exercise the opportunity to inspect the approved retail facility and associated accessories from time to time to ensure that all conditions imposed by any of the other approving government agencies are adhered to."

**We cooperate with all government authorities that enter our retail establishment for inspection.**

In addition to complying with the conditions of approval, we have committed to assist the village of Dededo; we employ residents of the area and also donate to assist the village with special events hosted by the Mayor.

We look forward to presenting this request to the GLUC. Please contact me should you have any questions or concerns.

Sincerely,

Sung T. Kim
Owner of 2H Mart

Attachments
Exhibit A : Notice of Action
Exhibit B : Dededo MPC Resolution
Exhibit C: Business License
Exhibit D : Alcoholic Beverage License
Exhibit E : GPA Utility Bills
Exhibit F: Petition of Support for 2HMarket
Photos of Interior and Exterior of 2H Market

# Exhibit A :

# Notice of Action

850632

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

File for Record is Instrument No. 850632

On the Year 13 Month 04 Day 19 Time 9:48

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder _____

(Space above for Recordation)

**IMPORTANT NOTICE - READ CAREFULLY**

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

## GUAM LAND USE COMMISSION

ORIGINAL

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

# NOTICE OF ACTION

April 10, 2013
Date

To: **Sung T. Kim**
**Represented by Richard R. Rosario**
**P.O. Box 1534**
**Hagatna, Guam 96932**

**Application No. 2012-27**

The Guam Land Use Commission, at its meeting on **March 28, 2013.**

___ Approved ____Disapproved **XX** **Approved with Conditions**

___ Tabled

your request on **Lot 24-2, Tract 538 (Perez Gardens), Municipality of Dededo**, Guam, to allow conversion of existing single-family residence to a "Mom and Pop" retail store in an "R-1" (Single-Family Dwelling) Zone.

10/1/15
10/10 2015

**NOTICE OF ACTION** **Application No. 2012-27**

Sung T. Kim, Represented by Richard R. Rosario
Lot 24-2, Tract 538, Perez Gardens, Municipality of Dededo
GLUC Meeting of: March 28, 2013
Date of Preparation of NOA : April 10, 2013.


**ZONING**

___/ Zone Change***

____/ Conditional Use

**XX / Zone Variance [ USE ]**

To allow conversion of existing single-family residence to a (Mom & Pop) retail store, on Lot 24-2, Tract 538, Perez Gardens, Dededo, in an "R-1" (Single-Family Dwelling) Zone

**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

**NOTICE OF ACTION** **Application No. 2012-27**

Sung T. Kim , Represented by Richard R. Rosario
Lot 24-2, Tract 538, Perez Gardens, Municipality of Dededo
GLUC Meeting of: March 28, 2013
Date of Preparation of NOA : April 10, 2013.


**APPLICATION DESCRIPTION:** The Applicant, Sung T. Kim, represented by Richard R. Rosaro, requests a Zone Variance (Use) for a proposed conversion of an existing single family residence to a (Mom & Pop) retail store activity, on Lot 24-2, (Perez Gardens) Tract 538, in an "R-1" (Single-Family Dwelling) Zone, Municipality of Dededo.

**CONDITIONS:** The Guam Land Use Commission **Approved** the application to allow conversion of an existing single family dwelling to a (Mom & Pop) retail store activity, on Lot 24-2, (Perez Gardens) Tract 538, in an "R-1" (Single-Family Dwelling) Zone, Municipality of Dededo with the following conditions:

1. That the Applicants comply with all ARC Conditions and all permitting requirements; and

2. A landscaping plan must be submitted and approved by the Guam Chief Planner prior to issuance of an Occupancy Permit; and

3. Applicant shall provide a copy of the Occupancy Permit to the Guam Chief Planner; and

4. As a standard condition, the applicant shall be restricted from posting any external advertisement for the sale of alcohol, tobacco products , where external coverage of such kind shall not exceed an area of ten (10%) percent of exterior wall within the premises of the primary structure; furthermore, free standing signs of the advertisement shall adhere to the requirement of the Guam Zoning code. This condition on signage may exceed the requirements as maybe required by the Alcohol and Tobacco Board under the auspice of the Department of Revenue and Taxation; and

5. A Timeline of no more than five years be imposed starting from the date of issuance of an Occupancy Permit. No later than six months before the expiration date, the applicant must submit a status report to the GLUC relative to the status of compliance with all conditions as imposed by the Commission; positive attributes served to the surrounding community as supported by a petition from surrounding residents; and justification to support continuance of retail activities. Such information shall be used by the commission to determine continuance or termination of the variance; and

6. DLM Planning Division shall exercise the opportunity to inspect the approved retail facility and associated accessories from time to time to ensure that all conditions imposed by any of the other approving government agencies are adhered to.

9/16/2013
**Marvin Q. Aguilar** **Date**
**Guam Chief Planner, Acting**

4-16-13
**Lawrence S. Rivera** **Date**
**Chairman, Guam Land Use Commission**

Case Planner: Penmer C. Gulac
Attachment(s): Findings of Facts
Cc: Building Permits Section, DPW (Attn: Bldg Official)

**NOTICE OF ACTION** **Application No. 2012-27**

Sung T. Kim , Represented by Richard R. Rosario
Lot 24-2, Tract 538, Perez Gardens, Municipality of Dededo
GLUC Meeting of: March 28, 2013
Date of Preparation of NOA : April 10, 2013



## CERTIFICATION OF UNDERSTANDING

I/We _____ / Richard R. Rosario
(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.

_____ _____ _____ 4-18-2013
Signature of Applicant Date Signature of Representative Date

_____ _____
Signature of Applicant Date

---

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

_____ _____ _____ _____
Applicant(s) Date Representative Date

# Exhibit B :

# Dededo MPC Resolution

# DEDEDO MUNICIPAL PLANNING COUNCIL
# MUNICIPALITY OF DEDEDO

## RESOLUTION NO 2018-07

Introduced by:
Melissa B. Savares, Chairperson
Frank A. Benavente, Vice Chairperson
MEMBERS:
Acda, Romy
Artero, Pascual V.
Chan, Jose Arthur Jr.
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie M.
Pangelinan, Edith C.
San Nicolas, Joseph C.
Santos, Felix
Servino, Benito
Tainatongo, Carmen N.
Wusstig, Ernie

**Relative to the Dededo Municipal Planning Council's (DMPC) support of the zone variance renewal for 2H Mart located at 174 Kayen Che'op Machanao, in the Municipality of Dededo.**

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

**WHEREAS**, on Tuesday, June 19, 2018, during a DMPC meeting, members reviewed and discussed the zone variance renewal for 2H Mart located at 174 Kayen Che'op application for owner, Sung T. Kim; and

**WHEREAS**, 2H Mart has been in operations for over four (4) years at the above location and provides daily necessities for the immediate neighborhood community; and

**BE IT RESOLVED**, that after further discussion, members of the DMPC motioned to support this zone variance permanently; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works and Department of Revenue & Taxation.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 19th DAY OF June 2018.

MELISSA B. SAVARES, MAYOR OF DEDEDO

YVONNE S. ACDA, Secretary DMPC

# Exhibit C:

# Business License

DEPARTMENT OF REVENUE AND TAXATION
GOVERNMENT OF GUAM
P.O. Box 23607
Barrigada, Guam 96921
www.guamtax.com

# BUSINESS LICENSE

SRL NO: 1902046

Domestic Corporation Retail N

EXPIRES: 03/31/2019 ACCOUNT NO 80-201800447-001

| | | |
|---|---|---|
| FEE | 100 | 00 |
| PENALTY | | 00 |
| TOTAL FEE | 100 | 00 |

ISSUED TO: MORNING REVIVAL CORPORATION

DOING BUSINESS AS: 2H MARKET

TYPE OF LICENSE: SALE OF GROCERIES, BEVERAGES DRY GOODS AND RELATED ITEMS

BUSINESS LOCATION: LOT 24 2 T 538 #174 KAYEN CHEOP MACHANAO DEDEDO

PAID
MAR 09 2018
TREASURER OF GUAM
#7

MAILING ADDRESS: PO BOX 24762
BARRIGADA GUAM
ZIP: 96921

TELEPHONE HOME: 688-8552 BUSINESS

3/09/18

KEEP POSTED IN A CONSPICUOUS PLACE. LICENSE MUST BE PRODUCED UPON DEMAND TO ANY AUTHORIZED GOV'T OFFICIAL.

JOHN P. CAMACHO
DIRECTOR OF REVENUE AND TAXATION

# Exhibit D :

# Alcoholic Beverage License

FCB 2014
Approved 09/2014

GOVERNMENT OF GUAM

# ALCOHOLIC BEVERAGE LICENSE

№ 13885

ISSUED March 28, 20 18

FEE $ 1,000.00

TO Morning Revival Corporation, D.B.A. 2H Market

Beverage sales area is confined to: 39' x 39' of a single story concrete structre on Lot: 24-2 Tract, 174 Kayen Chedp , Dededo.

PREMISES FOR WHICH ISSUED:

CLASS OF LICENSE: Five (5) KIND: General Off Sale

IF AGENT'S LICENSE, NAME OF MANUFACTURER(S)

*RECORD OF FEES PAID:*

*RECORD OF SUBSEQUENT TRANSFERS:*

EFFECTIVE DATE: March 28, 2018 OFFICIAL RECEIPT NO: A99-272960 EXPIRATION DATE: June 30, 2018

RENEWED: June 22, 2018 OFFICIAL RECEIPT NO: A99-280436 EXPIRATION DATE: June 30, 2019

RENEWED: OFFICIAL RECEIPT NO: EXPIRATION DATE:

RENEWED: OFFICIAL RECEIPT NO: EXPIRATION DATE:

AUTHORITY: *TITLE 11 GUAM CODE ANNOTATED, CHAPTER 3*
Hong, Sun Hui
Hong, Daniel

***KEEP POSTED IN CONSPICUOUS PLACE***

ALCOHOL BEVERAGE CONTROL BOARD

BY

Renie A. Llaneta

TITLE Chairman

***Any person who maliciously mutilates, tears, defaces, obliterates or destroys this document is liable to punishment 9GCA Section 34.50***

# Exhibit E :

# GPA Utility Bills

# Guam Power Authority
Aturidåt Ilektresedåt Guahan

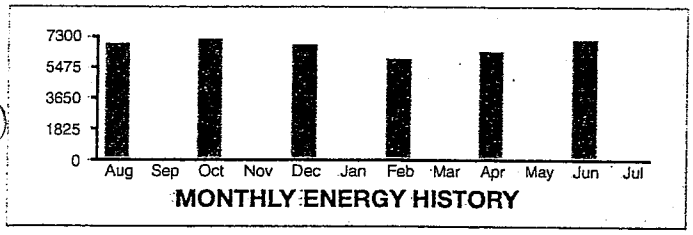
# MY ENERGY STATEMENT

HONG,SUN HUI
PO BOX 24762
BARRIGADA, GU 96921-4762

| BALANCE FROM PREVIOUS STATEMENT | AMOUNT PAID | ARREARS | CURRENT PERIOD BILLING | PLUS/LESS ADJUSTMENTS | TOTAL AMOUNT DUE |
|---|---|---|---|---|---|
| $2,339.04 | $-2,339.04 | $0.00 | $2,304.43 | $0.00 | **$2,304.43** |

## SERVICE INFORMATION

| | |
|---|---|
| Account Number | 6769410000 |
| Primary Name | HONG,SUN HUI |
| Service Location | 174C KAYEN CHEOP MACHANAO, DEDEDO |
| Bill Date: | 07/18/2018 |
| Due Date: | 08/02/2018 |



MONTHLY ENERGY HISTORY

## ENERGY S

**Bringing energy solutions to you!**

The warmer summer months of June, July and August are here. Earn a rebate from GPA with the purchase of an energy-efficient air conditioner and lower your energy consumption. **Rebates for air conditioners range from $200-$800 per unit, depending on the Seasonal Energy Efficiency Rating (SEER) level and tonnage.** The higher the SEER, the more efficient the unit, thus the more the savings on your energy use. **Energy Saving Tips: maintain** your air conditioner, **install** and set a programmable thermostat, **install** energy-efficient window coverings, **use** the bathroom fan when taking a shower or bath and range hood when cooking. For more information visit www.guampowerauthority.com.

Register your residential account at **myenergyguam.com** to view your energy usage. For GPA EZ-Pay by Phone, please contact 647-5787/8/9.

| Read Date | Meter Nbr | Current Rdg | Previous Rdg | Multiplier | Consumption | Unit | Days | AveDly |
|---|---|---|---|---|---|---|---|---|
| 07/16/2018 | 16000480 | 60.53 | 59.92 | 1 | 0.61 | RKWH | 32 | 0.02 |
| 07/16/2018 | 16000480 | 12222.01 | 5315.08 | 1 | 6,906.93 | KWH | 32 | 215.84 |
| 07/16/2018 | 16000480 | 14.85 | 15.21 | 1 | 14.85 | KW | 32 | 0.46 |

| Billing Period | Statement Item | Quantity x Rate | Amount |
|---|---|---|---|
| 06/15/2018 - 07/16/2018 | Electric Small General Service - Demand - Schedule J - | | |
| | Monthly Customer Charge | | $ 38.33 |
| | Demand Charge | 14.85 x $5.80 | $ 86.13 |
| | Energy Charge (First 5000 kWh) | 5,000.00 x $0.19437 | $ 971.85 |
| | Energy Charge (Over 5000 kWh) | 1,906.31 x $0.06484 | $ 123.61 |
| | Fuel Recovery Charge | 6,906.31 x $0.154242 | $ 1,065.24 |
| | Emergency Water-well/Wastewater Charge | 6,906.31 x $0.00279 | $ 19.27 |
| | **Current Period Statement Amount** | | **$ 2,304.43** |

** Fuel Recovery charge reflects rates approved by the PUC effective May 1, 2018 and extended thru January 31, 2019.

**Return this portion with payment. Keep above portion for your records. Important information on reverse side.**

| Account Number: | Due Date: | Total Amount Due: | Amount Enclosed: |
|---|---|---|---|
| 6769410000 | 08/02/2018 | $2,304.43 | $ |

GP20180718 R593 C2********SCH 5-DIGIT 96910
HONG,SUN HUI
PO BOX 24762
BARRIGADA, GU 96921-4762

845 676949020068

Guam Power Authority
Aturidåt Ilektresedåt Guahan
P.O. Box 21868 Barrigada, Guam
96921-1868

# Guam Power Authority
Aturidåt Ilektresedåt Guahan

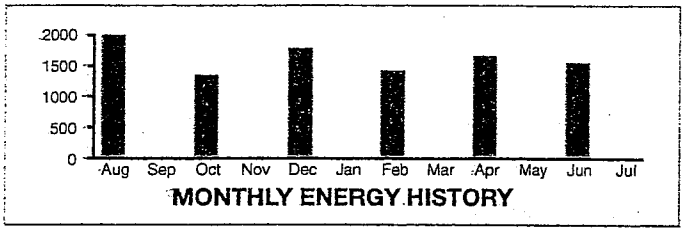
# MY ENERGY STATEMENT

HONG,SUN HUI
PO BOX 24762
BARRIGADA, GU 96921-4762

| BALANCE FROM PREVIOUS STATEMENT | AMOUNT PAID | ARREARS | CURRENT PERIOD BILLING | PLUS/LESS ADJUSTMENTS | TOTAL AMOUNT DUE |
|---|---|---|---|---|---|
| $637.80 | $-637.80 | $0.00 | $636.96 | $0.00 | **$636.96** |

## SERVICE INFORMATION

| | |
|---|---|
| **Account Number** | 5769410000 |
| **Primary Name** | HONG,SUN HUI |
| **Service Location** | 174B KAYEN CHEOP MACHANAO, DEDEDO |
| **Bill Date:** | 07/18/2018 |
| **Due Date:** | 08/02/2018 |



MONTHLY ENERGY HISTORY

# ENERGY S

**Bringing energy solutions to you!**

The warmer summer months of June, July and August are here. Earn a rebate from GPA with the purchase of an energy-efficient air conditioner and lower your energy consumption. **Rebates for air conditioners range from $200-$800 per unit, depending on the Seasonal Energy Efficiency Rating (SEER) level and tonnage.** The higher the SEER, the more efficient the unit, thus the more the savings on your energy use. **Energy Saving Tips: maintain** your air conditioner, **install** and set a programmable thermostat, **install** energy-efficient window coverings, **use** the bathroom fan when taking a shower or bath and range hood when cooking. For more information visit www.guampowerauthority.com.

Register your residential account at **myenergyguam.com** to view your energy usage. For GPA EZ-Pay by Phone, please contact 647-5787/8/9.

| Read Date | Meter Nbr | Current Rdg | Previous Rdg | Multiplier | Consumption | Unit | Days | AveDly |
|---|---|---|---|---|---|---|---|---|
| 07/16/2018 | 16000548 | 79587.08 | 78048.56 | 1 | 1,538.52 | KWH | 32 | 48.08 |
| 07/16/2018 | 16000548 | 3.82 | 3.84 | 1 | 3.82 | KW | 32 | 0.12 |

| Billing Period | Statement Item | Quantity x Rate | | Amount |
|---|---|---|---|---|
| 06/15/2018 - 07/16/2018 | Electric Small General Service - Demand - Schedule J - | | | |
| | Monthly Customer Charge | | $ | 38.33 |
| | Demand Charge | 10.00 x $5.80 | $ | 58.00 |
| | Energy Charge (First 5000 kWh) | 1,538.52 x $0.19437 | $ | 299.04 |
| | Fuel Recovery Charge | 1,538.52 x $0.154242 | $ | 237.30 |
| | Emergency Water-well/Wastewater Charge | 1,538.52 x $0.00279 | $ | 4.29 |
| | **Current Period Statement Amount** | | **$** | **636.96** |

** Fuel Recovery charge reflects rates approved by the PUC effective May 1, 2018 and extended thru January 31, 2019.

**Return this portion with payment. Keep above portion for your records. Important information on reverse side.**

| Account Number: | Due Date: | Total Amount Due: | Amount Enclosed: |
|---|---|---|---|
| 5769410000 | 08/02/2018 | $636.96 | $ |

GP20180718 R592 C2********SCH 5-DIGIT 96910
HONG,SUN HUI
PO BOX 24762
BARRIGADA, GU 96921-4762

845 576944794450

Guam Power Authority
Aturidåt Ilektresedåt Guahan
P.O. Box 21868 Barrigada, Guam
96921-1868

# Guam Power Authority
Aturidåt Ilektresedåt Guahan

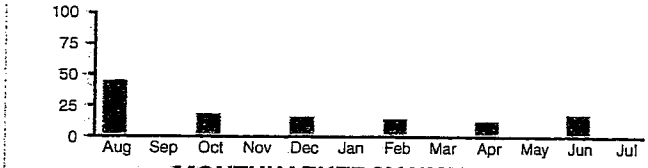
# MY ENERGY STATEMENT

HONG,SUN HUI
PO BOX 24762
BARRIGADA, GU 96921-4762

| BALANCE FROM PREVIOUS STATEMENT | AMOUNT PAID | ARREARS | CURRENT PERIOD BILLING | PLUS/LESS ADJUSTMENTS | TOTAL AMOUNT DUE |
|---|---|---|---|---|---|
| $102.64 | $-102.64 | $0.00 | $102.88 | $0.00 | **$102.88** |

## SERVICE INFORMATION

| | |
|---|---|
| Account Number | 0769410000 |
| Primary Name | HONG,SUN HUI |
| Service Location | 174A KAYEN CHEOP MACHANAO, DEDEDO |
| Bill Date: | 07/18/2018 |
| Due Date: | 08/02/2018 |



MONTHLY ENERGY HISTORY

## ENERGY S

**Bringing energy solutions to you!**

The warmer summer months of June, July and August are here. Earn a rebate from GPA with the purchase of an energy-efficient air conditioner and lower your energy consumption. **Rebates for air conditioners range from $200-$800 per unit, depending on the Seasonal Energy Efficiency Rating (SEER) level and tonnage.** The higher the SEER, the more efficient the unit, thus the more the savings on your energy use. **Energy Saving Tips: maintain** your air conditioner, **install** and set a programmable thermostat, **install** energy-efficient window coverings, use the bathroom fan when taking a shower or bath and range hood when cooking. For more information visit www.guampowerauthority.com.

Register your residential account at **myenergyguam.com** to view your energy usage. For GPA EZ-Pay by Phone, please contact 647-5787/8/9.

| Read Date | Meter Nbr | Current Rdg | Previous Rdg | Multiplier | Consumption | Unit | Days | AveDly |
|---|---|---|---|---|---|---|---|---|
| 07/16/2018 | 16000540 | 5854.85 | 5836.21 | 1 | 18.64 | KWH | 32 | 0.58 |
| 07/16/2018 | 16000540 | 0.58 | 0.53 | 1 | 0.58 | KW | 32 | 0.02 |

| Billing Period | Statement Item | Quantity x Rate | Amount |
|---|---|---|---|
| 06/15/2018 - 07/16/2018 | Electric Small General Service - Demand - Schedule J - Monthly Customer Charge | | $ 38.33 |
| | Demand Charge | 10.00 x $5.80 | $ 58.00 |
| | Energy Charge (First 5000 kWh) | 18.64 x $0.19437 | $ 3.62 |
| | Fuel Recovery Charge | 18.64 x $0.154242 | $ 2.88 |
| | Emergency Water-well/Wastewater Charge | 18.64 x $0.00279 | $ 0.05 |
| | **Current Period Statement Amount** | | **$ 102.88** |

** Fuel Recovery charge reflects rates approved by the PUC effective May 1, 2018 and extended thru January 31, 2019.

**Return this portion with payment. Keep above portion for your records. Important information on reverse side.**

| Account Number: | Due Date: | Total Amount Due: | Amount Enclosed: |
|---|---|---|---|
| 0769410000 | 08/02/2018 | $102.88 | $ |

GP20180718 R591 C2********SCH 5-DIGIT 96910
HONG,SUN HUI
PO BOX 24762
BARRIGADA, GU 96921-4762

845 076947385424

Guam Power Authority
Aturidåt Ilektresedåt Guahan
P.O. Box 21868 Barrigada, Guam
96921-1868

Doc. No. 35GL-19-1277.

# Exhibit F:

# Petition of Support for 2HMarket

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 1 | Rufina Quintanilla | 124B Hikamas Lane |
| 2 | Denver Sarmiento | 312 Machanao Street |
| 3 | JACQUE PONG | 156 CHN. KIN MENDIOLA |
| 4 | Alymark Portaao | 205 Kayen Tramahu St. |
| 5 | Shy Mesa | 250 Iron Wood Estates |
| 6 | Julynn Soto | 144 Kayon Alageta Str. Ironwood Dededo Guam 96929 |
| 7 | Vica Mateus | Kayen tramahu Dededo |
| 8 | DONNA SORAM | Chalan KIN MENDIOLA |
| 9 | Elfel manuel | Afelan Margarita st 287 Dededo Gu 96 |
| 10 | MARCELO MOISES | 219 KAYEN TRAMO HU MACHANAO DEDEDO 96929 |
| 11 | Kathleen Phillip | 132 Biraddan Kakkak Ironwood Dededo GU. 96929 |
| 12 | Lorina, Phillip | 132 ~~Biraddan~~ Biraddan kakkak Ironwood Dededo GU 96929 |
| 13 | Allen Nahoolecaa | 247 Kayon Kafa St. Dededo GU 96929 |

Thank you!

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 14 | Beyani Livy | koyea shop dededo |
| 15 | Nancy Paul | Dededo |
| 16 | S·N· CONICHADOREEN | DEDEDO, IRONWOOD |
| 17 | Matt Lizama | Dededo, Machanao |
| 18 | [illegible] | DEDEDO |
| 19 | Sieska S. Kini | Koyea Tramalu Dededo |
| 20 | Quidy Tom | Dededo ironwood |
| 21 | Marc Moises | Dededo, Machanao |
| 22 | Sarah S. | Dededo, Ironwood |
| 23 | Art Salomes Jr. | Dededo, Ironwood |
| 24 | George Ogawa | Dededo, Ironwood |
| 25 | Merly Saimon | Margarita St. Dededo |
| 26 | Treoza Amniery | Ironwood Dededo |

Thank you!

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 40 | Gracelynn Barnes | gracelynnbarnes4@gmail.com |
| 41 | Salares, Jonathan | 125 Kayen Pikay |
| 42 | Shawn Charfauros | 143 Chalan Tun Jose Dededo |
| 43 | Matthew Matlanore | — |
| 44 | Sandra Mazawa | 117 Biradan Kakkak Ironwood |
| 45 | Jerry A Guon | 164 Kayen fa-ih. Ironwood Glen |
| 46 | Victoria D. Salas | 260D Kayen Tramohu |
| 47 | Domingo Ucertura | 114 KAYEN TRANSITO MACHANAO GUAM. |
| 48 | Christian Canales Maura Arriola | 181 Kayen Tramahu Machanao Guam |
| 49 | Joshua Molina | 139 Kayen Tramohu Machanao |
| 50 | Ronel Templo | Ironwood phase 2 |
| 51 | Angielyn Quichocho | bazangie@ymail.com Ironwood phase2 |
| 52 | Elaine Balmonte | 293 Ubas St. NCS |
| 53 | John Techaira | Ironwood Phase 2 |

Thank you!

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 54 | Peter Atalig | 280 chalan kurason |
| 55 | Michelle Devera | 222 Kayon kafu Ironwood |
| 56 | ~~Romeo Fortezhz~~ | 143 " " " |
| 57 | Edward Sahm | Ironwood Estate |
| 58 | James Glory | Chalan Guagua |
| 59 | Thomas Tom | Machanao |
| 60 | Steven Landle | 148 Kayo N Abas Ironwood |
| 61 | Timothy Sappa | 134 Kayon Alageta |
| 62 | Anor Katzuta | Chln Batanga |
| 63 | Efino Aisek | Jalan Palumaan |
| 64 | Stephen C Dennis | 117 KAYEN TOTOT, DEDEDO, IRONWOOD |
| 65 | ENI INC. | Machanao |
| 66 | Patrick Arriola | Bong Bong st 286 DEDEDO |

Thank you!

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 07 | Steven Davis | 215 chalan kurasan Ironwood |
| 08 | Mildred Quevara | 123 Chalan Paluan st. Ironwood |
| 09 | Lino Mathias | Hillside 203 Harmon |
| 10 | A. CORRO | DEDEDO |
| 11 | Matthew Gedenderz | Machanao Dededo |
| 12 | JEFFREY PERATTA | MACHANAO |
| 13 | EMILY KINNY | MACHANAO |
| 14 | Agueline Fred | IRON-wood |
| 15 | BEDEN BEDOR | IRONWOOD |
| 16 | Tasia J. Quidachay | Ironwood |
| 17 | [illegible] | mangilao |
| 18 | Jeffrey Tomaldon | Machanao Dededo |
| 19 | Justin Atalig | Ironwood |

Thank you!

(page 6 of 12)

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 80 | Terry Thinom | 270 Kayen Tramohu Machenao |
| 81 | JAY. SIMG | 176 Kayon alegata |
| 82 | Andrew Pangelinan | 261 kayen Sumsia Ded |
| 83 | ANDY DEARTH | 260 Kayen Tramohu |
| 84 | Full Cuy | 105 Kayen DULILI ST. |
| 85 | Cherie San | Dronond |
| 86 | Virginio Uncano | V. Uncano |
| 87 | Chaco, Ronevin | Ironwood Estates |
| 88 | Erson. Mesakes | Iron2 wood |
| 89 | REDILA, JANALYN | 204 B KAYEN CHECP |
| 90 | Kurt. Wuestig | 181 Kayen Tramohu |
| 91 | Wang, Kaycee | 134 Ifil Ct. Ligman Terrace |
| 92 | Anderson, Shawn | 270B Kayen Tramohu |

Thank you!

(page 7 of 12

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 106 | Dans Sablan | Machanao, Dededo |
| 107 | Kimberlee Mendiola | Machanao, Dededo. |
| 108 | Honorius. Katzuda | machanao DEDEDO |
| 109 | Thime Sappa | Ironwood manman 345 |
| 110 | Sarita Iata | ironwood |
| 111 | jeneva Hadley | Ironwood |
| 112 | jenaasha Hadley | Ironwood |
| 113 | Norma Torres | Mangilao |
| 14 | Raphina Midey | Iron wood |
| 115 | Dolphina Rudolph | iron wod |
| 16 | Randy Muña | iron wod |
| 17 | MARTINA GISOG | Iron Wood |
| 18 | Rising Aiken | Ironwood |
| 58 | Ray Yerton | |

Thank you!



Doc No. 35GL-19-1277.

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 119 | Nestor S GALSANO | 1110 chalan Gua GUA DEDEDO |
| 120 | SKELLY, KINI | Dededo |
| 121 | Michael Saunder | Dededo |
| 122 | Bobbie Ada | Dededo |
| 123 | FRITZ | DEDEDO |
| 124 | TONU KIKKU | DEDEDO |
| 125 | Thimothy Sattora | DEDEDO |
| 126 | MACKY | DEDEDO |
| 127 | Ren | Dededo |
| 28 | KENSON | ~~PIKA~~ Dededo |
| 29 | Kiama | NCS - Dededo |
| 30 | SGT. Sebastian | NCS Dededo |
| 31 | Rosario, Bernad | Harmon dededo |

Thank you!

(page 10 of 12)

**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 32 | Corbi Ueda | 165 Dededo |
| 33 | Lynette Ueda | Dededo |
| 34 | Timothy L. Williamson | Dededo |
| 35 | PAUL Ligorlang | Dededo |
| 36 | CLAYTON WOLFE | DEDEDO |
| 37 | Lanalyn Wolfe | dededo |
| 38 | Kyana Reyes | dededo |
| 39 | William Willy | Dededo |
| 40 | Keich Ichiro | Barrigada |
| 41 | Carol ~~Flamagan~~ | Dededo |
| 42 | Joreleen Kenty | Dededo |
| 43 | Jonen Kenty | Dededo |
| 44 | MELO-MAX | YIGO |

Thank you!

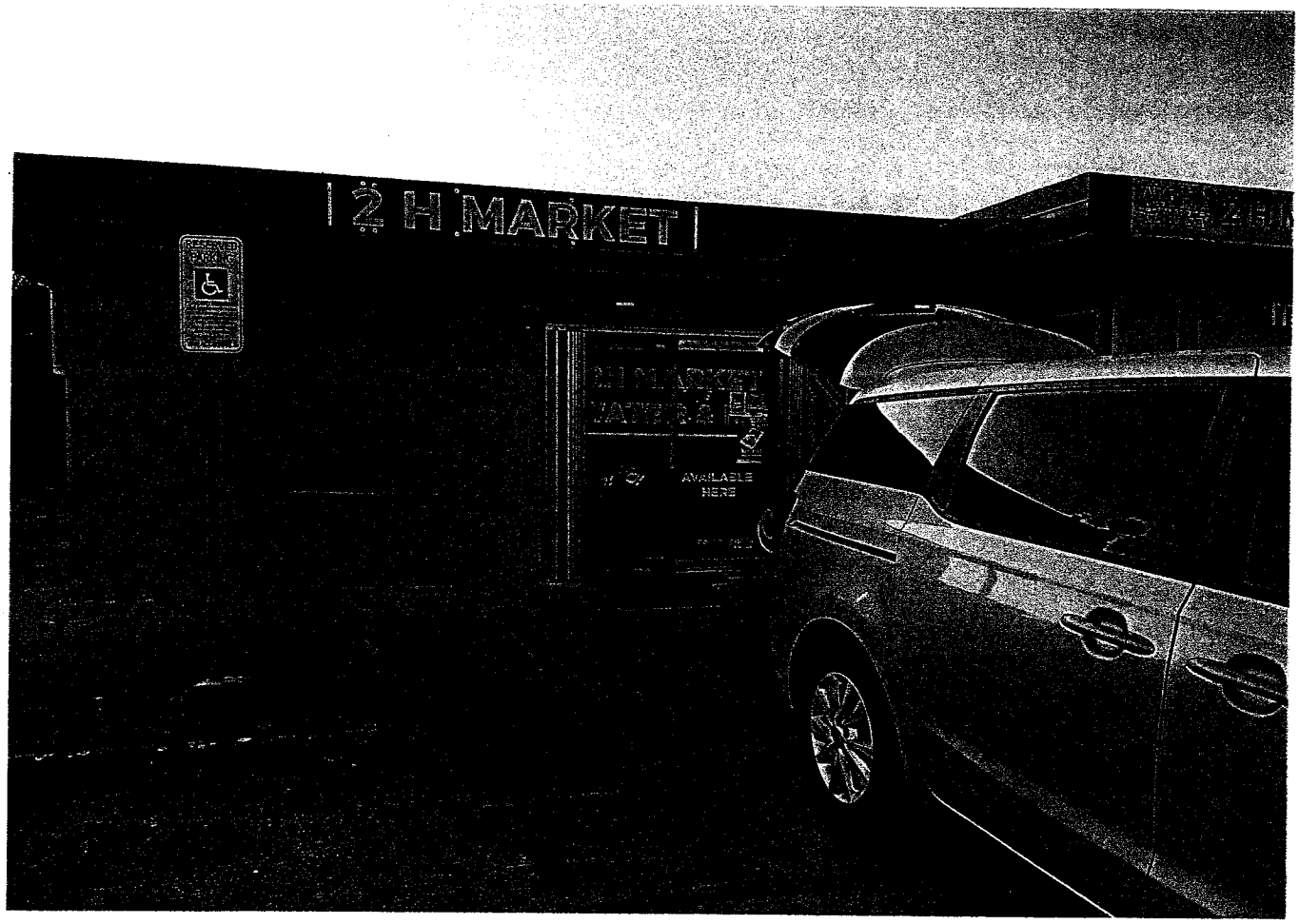
(page 11 of 12)

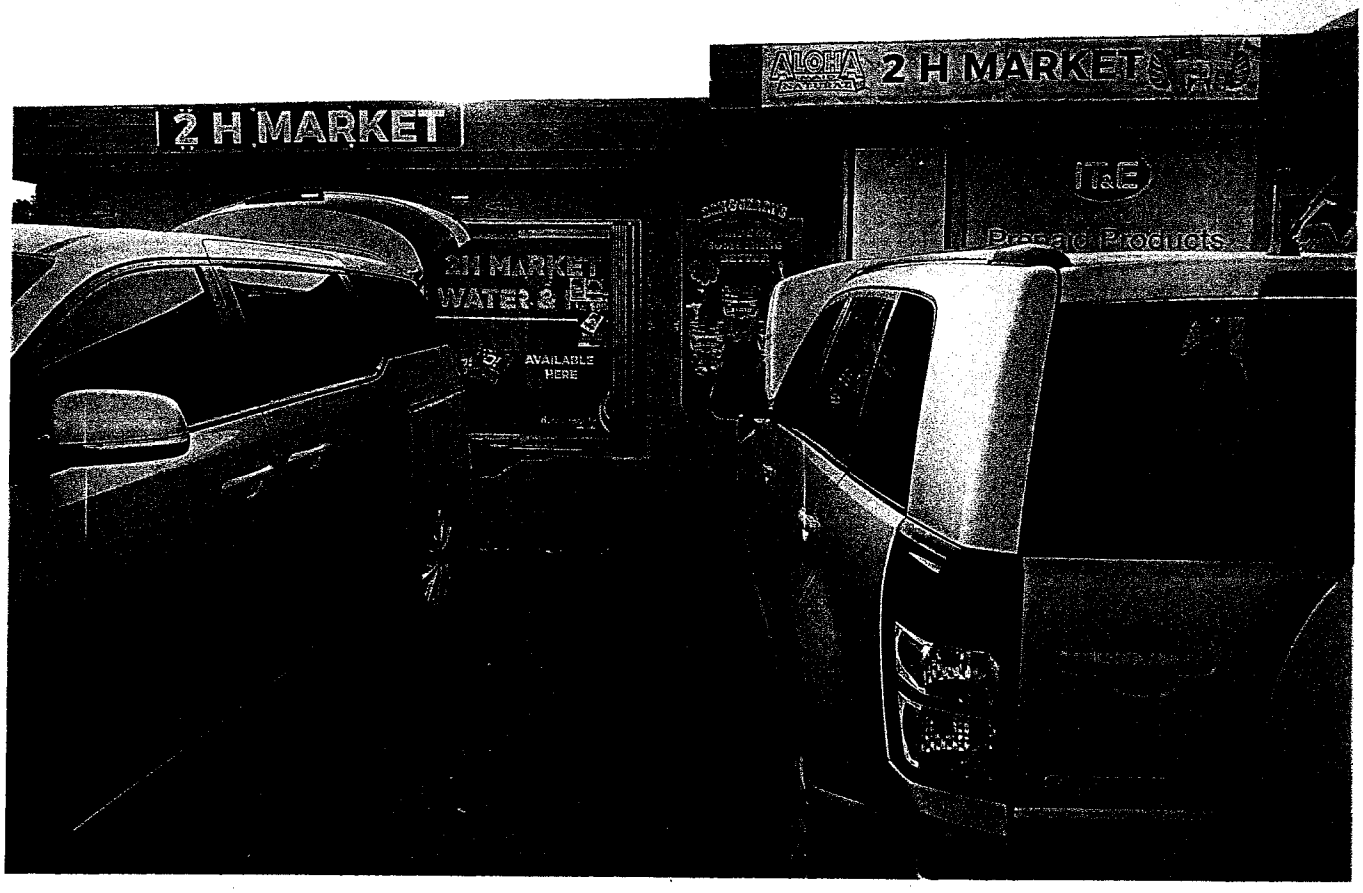
**The undersigned support the use variance for the continued operation of 2H Mart in Machanao, Dededo.**

| | Name | Address |
|---|---|---|
| 45 | Michael Guzman | 209 # Joseph Cruz Ave 96910 |
| 46 | Paulino. Wolliby | Machedie Dededo |
| 47 | Alyssa Cruz | 127 Rosadan St. Dededo Gu. |
| 48 | Christian Flores | Yigo Tokano St. |
| 49 | Rocky Talley | Dededo Guam U.S.A 2018 |
| 50 | Jesse A. Faynaro | Yigo |
| 51 | Jesse M. Beram | Yigo |
| 52 | Vic coasy Erwin | Iron wood |
| 53 | Benneth Solomon | Dededo |
| 54 | Floyd Quinga | Tamuning |
| 55 | TAYLOR TOM | Dededo |
| 56 | Mark Benavente. | Dededo |
| 57 | Bobson Anglan | Dededo |

Thank you!

# Photos of Interior and Exterior of 2H Market




Doc. No. 35GL-19-1277.






Doc. No. 35GL-19-1277.

*The Honorable*
**EDDIE BAZA CALVO**
*Governor*

*The Honorable*
**RAY TENORIO**
*Lt. Governor*

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
**Carl V. Dominguez**
**Director**
**Jesse B. Palican**
***Deputy Director***

# TERRITORY OF GUAM

## BUILDING PERMIT

## CERTIFICATE OF OCCUPANCY

THIS CERTIFICATE ISSUED PURSUANT TO THE REQUIREMENTS OF SECTION 31033, BUILDING LAW TITLE XXXII, GOVERNMENT CODE OF GUAM CERTIFYING THAT AT THE TIME OF ISSUANCE THIS STRUCTURE WAS IN COMPLIANCE WITH THE VARIOUS CODES, REGULATIONS, BUILDING STRUCTURE OR USE.

**Date:** _____ **Permit No.** B 13000761

**Applicant (Contractor):** S.K CONST **Address:** P.O.BOX 12063 TAMUNING

**Contractor's License No.:** 07-01-156 **Permit To** ALTER

**Units:** _____ **Story:** _____ **Proposed Use:** Market (Commercial)

**Location:** DEDEDO **Zoning District:** R1

**Lot No:** 24-2 **Block No:** _____ **Tract No:** 537

**Construction Type:** II **Use Group:** M **Basement Walls of Foundation:** _____

**Remarks:** UPGRADE ELECTRICAL SYSTEM FOR STORE

**Area or Volume:** _____

**Owner:** MS:HOUNG SUN
**Print**

**Signature**

P.O.BOX 24762 BARRIGADA 96921 GUAM
**Address**

Building Official: 10-1-14
Mr. Joseph D. Guevara
Building Inspection & Permit Administrator

# DEDEDO MUNICIPAL PLANNING COUNCIL
# MUNICIPALITY OF DEDEDO

## RESOLUTION NO 2018-07

Introduced by:
Melissa B. Savares, Chairperson
Frank A. Benavente, Vice Chairperson
MEMBERS:
Acda, Romy
Artero, Pascual V.
Chan, Jose Arthur Jr.
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie M.
Pangelinan, Edith C.
San Nicolas, Joseph C.
Santos, Felix
Servino, Benito
Tainatongo, Carmen N.
Wusstig, Ernie

**Relative to the Dededo Municipal Planning Council's (DMPC) support of the zone variance renewal for 2H Mart located at 174 Kayen Che'op Machanao, in the Municipality of Dededo.**

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

**WHEREAS**, on Tuesday, June 19, 2018, during a DMPC meeting, members reviewed and discussed the zone variance renewal for 2H Mart located at 174 Kayen Che'op application for owner, Sung T. Kim; and

**WHEREAS**, 2H Mart has been in operations for over four (4) years at the above location and provides daily necessities for the immediate neighborhood community; and

**BE IT RESOLVED**, that after further discussion, members of the DMPC motioned to support this zone variance permanently; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works and Department of Revenue & Taxation.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 19th DAY OF June 2018.

MELISSA B. SAVARES, MAYOR OF DEDEDO

YVONNE S. ACDA, Secretary DMPC

ATTACHMENT C

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


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

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

Website:
land.guam.gov

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

Telephone:
49-LAND (5263)

Facsimile:
671-649-5383

**LOURDES A. LEON GUERRERO**
Maga' Haga • Governor

**JOSHUA F. TENORIO**
Sigundo Maga 'Lahi • Lieutentant Governor

JOSEPH M. BORJA
Acting Director


August 12, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Supplemental Staff Report - Renewal Request of previously approved Zone Variance (Use) ; Ref Application No. 2013-43C, For Rosalinda L. Cura ; GLUC Meeting: August 22, 2019

On July 16, 2016, the Guam Land Use Commission approved the Zone Variance (Use) Renewal application with conditions of Ms. Rosalinda L. Cura, for a home based Barber and Beauty Shop on Lot 18, Block 5, Tract 112, Unit 1, Municipality of Dededo

1. Commission Approved the application for a term of additional Three (3) years expiring on August 2, 2019, and must continue to adhere to applicable Conditions noted on the Notice of Action (NOA) recorded on Document # 865431 and Document # 922967(See attached NOA and Affidavit).

2. Planning Staff yearly Inspections were not conducted, however, an on-site staff inspection on July 11, 2019 was conducted and staff observed and discovered that the applicant/owner is meeting all conditions of the Notice of Actions (NOAs), with no complaint from neighbors, clients, and general public, adequate site parking, current business license, sanitary permit with public health department inspection compliance, and paying gross receipts taxes, other business tax obligations, hiring local employees to operate the business and maintaining a clean area inside and outside the premises. ADA parking is provided in front of the shop with easy access for persons/clients with disability or mobility issues.

3. Planning Staff Inspection requirement will be scheduled with applicant/owners annually, to ensure that all conditions of the Notice of Action (NOA) issued by the commission are adhered to and that the facility continues to be a viable operation by preventing any nuisance or hardship to the surrounding neighbors or community (i.e., maintaining appropriate appearances both interior and exterior of the premises, that no complaint from neighbors, clients, and general public, secured business license, sanitary permit with public health department, and paying gross receipts taxes, other business tax obligations, hiring local employees to operate the business and maintaining a clean area inside and outside the premises.

RE: Supplemental Staff Report - Application No. 2013-43C,
Zone Variance (Use) ; Lot 18, Block 5, Tract 112, Municipality of Dededo
GLUC Meeting of : August 22, 2019
Date of Preparation of Supplemental Staff Report: August 12, 2019



**DISCUSSION AND STAFF ANALYSIS**:

The applicant obtained support of her neighbors, and clients, and with no complaints of operations from its service operations and received the Dededo Municipal Planning Council support for renewal (see attached MPC Resolution), we further commend the applicant/owner for continuing to be proactive in adherence to conditions on the Notice of Action issued by the commission and being a good small business community partner.

**RECOMMENDATION:** Based on our review, inspection and additional information provided by the applicant and a Dededo Municipal Planning Council Resolution supporting for renewal, Planning recommends application to be entertained by the Guam Land Use Commission for favorable action and with previous NOA conditions still in effect and in force.

**Celine L. Cruz**
**Acting Guam Chief Planner**

Case Planner: Penmer C. Gulac

**Mr. Tae Oh**
**Chairman**
**Guam Land Use Commission**
**C/O Division of Planning**
Department of Land Management
P.O. Box 2950, Hagatna, Guam

Re: Request for Renewal ( **Permanent** )
Application 2013-43C
(Use Variance )

RECEIVED
Rec'd 7/10/19
P. Galvez
Land Mgmt DLM

Date: July 08, 2019

**Mr. Tae Oh**
**Chairman**
**Guam Land Use Commission**
**C/O Division of Planning**
Department of Land Management
P.O. Box 2950, Hagatna, Guam

Re: Request for Renewal ( **Permanent** )
Application 2013-43
(Use Variance )

**Dear Mr Oh,**

On July 14, 2016, the Guam Land Use Commission entertained and approved my request to operate a home – based barber abd beauty shop on my residential property located along Y-Seng Song Road . I was issued a Notice of Action as attached for 3 Years renewal to expire on July 14, 2019.

As part of my approval, my use variance was allowed up to 3 years from the date of recordation of my Notice of Action. After this term I am required to submit this request for Extension should I wish to continue my operations. I therefore submit this request to the Commission for its favorable consideration to continue operating my shop.

I further submit to you that during the last 5 years of operations, I have complied all the requirements and conditions of my Notice of Action. Also, please find an attached letter from the Mayor of Dededo and her Municipal Planning Council, expressing their concurrence and support for me to continue operating my barber and beauty shop. Attached MPC Letter from Mayor.

If approved I assert my intent to provide a service of convenience to my community and will continue to do so without any complains or negative impact to my neighbors and surrounding community.

Your kind consideration in this request will be very much appreciated and look forward to presenting this matter before the commission.

Sincerely,

Rosalinda L. Cura

**Rosalinda L. Cura**
**Owner and Operator**

# DEDEDO MUNICIPAL PLANNING COUNCIL
# MUNICIPALITY OF DEDED

## RESOLUTION NO. 2017-08

Introduced by:
Melissa B. Savares, Chairperson
Frank A. Benavente, Vice Chairperson
MEMBERS:
Acda, Romy
Artero, Pascual V.
Chan, Jose-Arthur Jr.
Cruz, Tara B.
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie
Pangelinan, Edith C.
San Nicolas, Joseph C.
Santos, Felix
Tainatongo, Carmen
Wusstig, Ernie

Relative to the Dededo Municipal Planning Council's (DMPC) support for the renewal of Zone Variance application to operate a **home-base barber and beauty shop business on Lot No. 18, Block 5, Tract 112, known as 370 Y-SengSong Rd.** in the Municipality of Dededo.

**BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:**

**WHEREAS**, on Wednesday, November 15, 2017, members of the Dededo Municipal Planning Council (DMPC) reviewed and discussed the request to renew the zone variance for Rosalinda L. Cura, owner of the above property to continue to operate a home-base barber and beauty shop business; and

**WHEREAS**, immediate neighbors were surveyed for the third time. Like the other times, there were no objections this application for renewal of the zone variance; and

**WHEREAS**, traffic flow was observed by DMCP Vice Chairperson on Monday, Nov. 6; Thursday, Nov. 9; and Monday, Nov. 13; between the hours of 4:00 p.m. to 5:30 p.m. to observe for any congestion caused by customers entering and exiting the business. There was none; and

**WHEREAS,** that after thorough discussion members moved to support the zone variance renewal for Rosalinda L. Cura to continue to operate her home-base barber and beauty shop business at the address indicated above; and

**BE IT RESOLVED,** that the recommendation from the members of the DPMC is to allow this zone variance for the remaining time that Ms. Cura feels necessary for this home barber/beauty salon will operate in this location of her home; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Health & Social Services, Department of Public Works and the Department of Revenue & Taxation.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 15th DAY OF November 2017.

MELISSA B. SAVARES, MAYOR OF DEDEDO

YVONNE S. ACDA, Secretary DMPC


L&K'S
HAIRCUT-$10
BEAUTY &
BARBER SHOP
TEL: 971-0970 TEL: 688-4007



GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH

# SANITARY PERMIT

Permit No. 190001624 Establishment ID. 201500117 Field Receipt No. 2219092479
Expiration Date : 6/30/2020

Permit Holder:
CURA, ROSALINDA L

Doing Business As:
L & K'S HAIRCUT BEAUTY & BARBER

Business Location: LOT 18 BLK 5 TRACT 112 #370 YSENGSONG RD
DEDEDO

Special Event: _____

To engage in the business of
Category: COSMETIC ESTABLISHMENT
Sub-Category: BARBER/BEAUTY SHOP

Limitations:

This Permit is granted upon the expressed provision that the Holder thereof will comply in all respects with all applicable Provisions of 10 GCA, Volume 1, Division 3, and Rules and Regulations Promulgated thereto.

NON-TRANSFERABLE. Display Permit at all times in a conspicuous place designated by the Department of Public Health and Social Services (10 GCA Chapter 21 § 21103(b)).

LINDA UNPINGCO DENORCEY MPH
Director

DEPARTMENT OF REVENUE AND TAXATION
GOVERNMENT OF GUAM
P.O. Box 23607
Barrigada, Guam 96921
www.guamtaxcom

# BUSINESS LICENSE

SRL NO: 1919

R

Sole proprietorship — Service

EXPIRES: 09/30/2019

ACCOUNT NO. 13-000921988-005

| | |
|---|---|
| FEE | 37 |
| PENALTY | 0( |
| TOTAL FEE | 37 5( |

ISSUED TO: CURA, ROSALINDA L.

DOING BUSINESS AS: L & K'S HAIRCUT BEAUTY & BARBER

TYPE OF LICENSE: BARBER SHOP

PAID
NOV 1-5-2018
TREASURER OF GUAM
#7

BUSINESS LOCATION: LOT 18 BLK 5 TRACT 112 #370 YSENG-SONG RD DEDEDO GUAM

MAILING ADDRESS: PO BOX 25729
BARRIGADA GUAM
ZIP: 96921

TELEPHONE: HOME 688-4007 BUSINESS

11/15/18

KEEP POSTED IN A CONSPICUOUS PLACE. LICENSE MUST BE PRODUCED UPON DEMAND TO ANY AUTHORIZED GOV'T OFFICIAL.

JOHN F. CAMACHO

DIRECTOR OF REVENUE AND TAXATION

Guam Board of Barbering and Cosmetology
Department of Public Health & Social Services
Establishment License

*This certifies that*

# L&K's Haircut Beauty & Barber

*Located in the Village of*

Dededo, Guam

*Operated By*

Rosalinda L. Cura (CX0282)

Is registered with the Guam Board of Barbering and Cosmetology and is authorized to provide services as set forth by Public Law 30-152:3, Chapter 19, Title 10, Section 18125 of the Guam Code Annotated under the licensed number BOC 369 which will expire on the 31st day of December 2019.

*Chairperson*

*Secretary*

This license must be conspicuously displayed where the public can see it and is not transferrable to another establishment, locator, or other owner(s).

# GUAM BOARD OF BARBERING AND COSMETOLOGY

~~P.O. Box 2985, Hagatna Guam 96932~~

123 CHALAN KARETA, MANGILAO, GUAM 969

CERTIFIES THAT

KEN C. GARCIA

is licensed to practice as a

COSTMETOLOGIST

in Guam



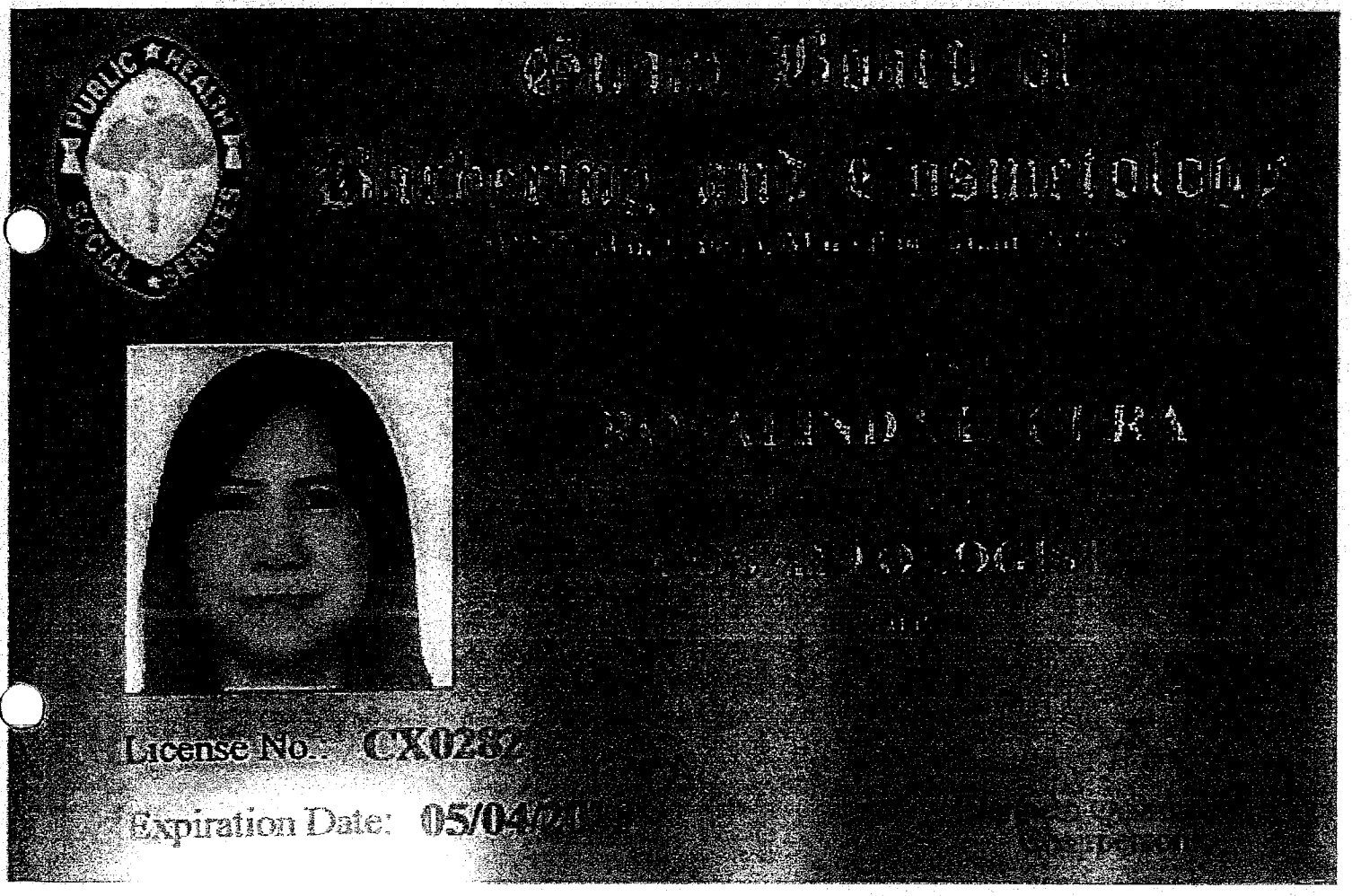
License No.: CX0455 Expiration Date: 09/01/2019

CHAIRPERSON

SECRETARY

**DISPLAY IN A CONSPICUOUS SPACE**

This license is non-transferable. Any amendments on this license must be filed immediately with the Board. Any person who maliciously mutilates, tears, defaces, obliterates or destroys this document is liable to punishment under Section 55, 10 GCA of Guam.


PUBLIC HEALTH
SOCIAL SERVICES
License No.: CX02
Expiration Date: 05/04/

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

922967

File for Record is Instrument Number _____

On the Year 20 18 Month 6 Day 15 Time 910

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder _____

JOEL ANTENORCRUZ

(Space above for Recorder's use only)

*ORIGINAL*

## AFFIDAVIT

**Mr. Marvin Q. Aguilar,** being first duly sworn, depose and say:

That I, Marvin Q. Aguilar, the Guam Chief Planner of the Department of Land Management, Government of Guam.

That on July 14, 2016, the Guam Land Use Commission (GLUC), approved a Zone Variance for GLUC Application No. 2013-43B, for Rosalinda L. Cura; on Lot 18, Block 5, Tract 112, Municipality of Dededo, and a Notice of Action with Conditions dated August 2, 2016 was not recorded. The Notice of Action of Approval with following Conditions as follows: **(ATTACHMENT A – Notice of Action)**

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

1. **Applicant to adhere to all applicable conditions as specified in the previously issued Notice of Action, as recorded under Document #865431;**
2. **Approval shall be for an additional three (3) years, to which time shall commence from date of recordation of an updated NOA;**
3. **At the end of each year, the facilities shall be subject to an annual inspection to insure compliance of conditions as issued by the Commission are adhered to; and,**
4. **Upon the applicant's desire to either discontinue such use and/or transfer current business activities to a new owner or operator, that the Guam Chief Planner be notified of such intent for the purpose of providing additional guidance to the applicant.**

This affidavit further clarify that the imposed GLUC Conditions of the Notice of Action are still in effect from date of the Notice of Action of August 2, 2016 for a term of Three (3) years, which will expire on August 2, 2019, with attached updated Notice of Action GLUC No. 2013-43B

ATTACHMENT A

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

*ORIGINAL*

# NOTICE OF ACTION

August 2, 2016
Date

To: Rosalinda L. Cura
P.O. Box 25729 GMF
Barrigada, GU 96921

Application No: 2013-43B

The Guam Land Use Commission, at its meeting on July 14, 2016.

____/ Approved ____/ Disapproved __X__/ Approved with Conditions

____/ Tabled

**Your request on Lot No. 18, Block 5, Tract 112, in the Municipality of Dededo for:**

**NOTICE OF ACTION** **Application No. 2013-43B**
**Rosalinda L. Cura**
**Lot No. 18, Block5, Tract 112, Municipality of Dededo**
**GLUC Meeting of July 14, 2016**
**Date of Preparation of NOA: August 2, 2016**



**APPLICATION DESCRIPTION:** **The Applicant, Rosalinda L. Cura, requests approval for renewal a previously approved Zone Variance (Use) to continue operations of a home based Barber /Beauty shop in an "R-1" (Single-Family Dwelling) Zone, on Lot No. 18, Block 5, Tract 112, Municipality of Dededo.**

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

A. **Applicant to adhere to all applicable conditions as specified in the previously issued Notice of Action, as recorded under Document #865431;**
B. **Approval shall be for an additional three (3) years, to which time shall commence from date of recordation of an updated NOA;**
C. **At the end of each year, the facilities shall be subject to an annual inspection to insure compliance of conditions as issued by the Commission are adhered to; and,**
D. **Upon the applicant's desire to either discontinue such use and/or transfer current business activities to a new owner or operator, that the Guam Chief Planner be notified of such intent for the purpose of providing additional guidance to the applicant.**

4-11-2018
**Marvin Q. Aguilar** **Date**
**Guam Chief Planner**

4.11.2018
**John Z. Arroyo** **Date**
**Chairman**
**Guam Land Use Commission**

Case Planner: Penmer C. Gulac
Cc: Building Permits Section, DPW (Attn: Administrator)

# *Office of the Mayor*
MUNICIPALITY OF DEDEDO

***Melissa B. Savares***
*Mayor*

***Frank A. Benavente***
*Vice Mayor*


August 5, 2019

Mr. Frank Taitano
Department of Land Management
Planning Division
Tamuning, Guam

Dear Mr. Taitano,

Buenas yan Hafa Adai! Attached are Dededo Municipal Planning Council Resolution Nos. 2013-06 and 2017-08 supporting the zone variance application for a home-base barber and beauty shop business on Lot No. 18, Block 5, Trac5 112, known as 370 Y-SengSong Rd. in the Municipality of Dededo. There have been no objections from neighbors since the opening of this home business. The parking for customers is located at the front of the business, fronting a main highway. There are no traffic obstructions caused by the customers.

I, along with members of the Dededo MPC, agree that the zone variance should continue and remain until, applicant, Rosalinda L. Cura, decides that she will no longer operate her home-base barber and beauty shop business on the above property. We are in full support of this application for Ms. Cura.

Should you have any further questions, please call me at the numbers below. Your immediate approval of this application will be greatly appreciated.

Sincerely,

MELISSA B. SAVARES
Mayor of Dededo

Attachments

# DEDEDO MUNICIPAL PLANNING COUNCIL
# MUNICIPALITY OF DEDEDO

## RESOLUTION NO. 2013-06

Introduced by:
Melissa B. Savares, Chairperson
Andrew Peter A. Benavente, Co-Chairperson
**MEMBERS**
Acda, Romy
Artero, Pascual V.
Chan, Jose-Arthur Jr.
Cruz, Elizia
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie
Pangelinan, Edith
San Nicolas, Joseph
San Nicolas, Laura
Tainatongo, Carmen
Wusstig, Ernie

Relative to the Dededo Municipal Planning Council's (DMPC) approval of the Zone Variance request to operate a home-base barber and beauty shop business on Lot No. 18, Block 5, Tract 112, known as 370 Y-SengSong Rd., in the Municipality of Dededo.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL OF DEDEDO:

**WHEREAS,** on Tuesday, June 11, 2013, members of the Dededo Municipal Planning Council (DMPC) reviewed and discussed the request by Rosalinda L.Cura, owner for zone variance to operate a home-base barber and beauty shop business at Lot No. 18, Block 5, Tract 112, known as 370 Y-SengSong Rd., in the Municipality of Dededo; and

**WHEREAS,** Chairperson Savares stated that over fifty (50) signatures from home owners living within 500 feet radius from the above property have signed in support of this homes zone variance request; and

**BE IT RESOLVED** that the Dededo Municipal Planning Council supports the zone variance request for Lot 18, Block 5, Track 112; and therefore be it

**FURTHER RESOLVED,** that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management and Department of Public Works.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 11th DAY OF June 2013.

MELISSA B. SAVARES
MAYOR & CHAIRMAN

Yvonne S. Acda, Secretary DMPC

# DEDEDO MUNICIPAL PLANNING COUNCIL
# MUNICIPALITY OF DEDED

## RESOLUTION NO. 2017-08

Introduced by:
Melissa B. Savares, Chairperson
Frank A. Benavente, Vice Chairperson
MEMBERS:
Acda, Romy
Artero, Pascual V.
Chan, Jose-Arthur Jr.
Cruz, Tara B.
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie
Pangelinan, Edith C.
San Nicolas, Joseph C.
Santos, Felix
Tainatongo, Carmen
Wusstig, Ernie

Relative to the Dededo Municipal Planning Council's (DMPC) support for the renewal of Zone Variance application to operate a **home-base barber and beauty shop business on Lot No. 18, Block 5, Tract 112, known as 370 Y-SengSong Rd.** in the Municipality of Dededo.

**BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:**

**WHEREAS,** on Wednesday, November 15, 2017, members of the Dededo Municipal Planning Council (DMPC) reviewed and discussed the request to renew the zone variance for Rosalinda L. Cura, owner of the above property to continue to operate a home-base barber and beauty shop business; and

**WHEREAS,** immediate neighbors were surveyed for the third time. Like the other times, there were no objections this application for renewal of the zone variance; and

**WHEREAS,** traffic flow was observed by DMCP Vice Chairperson on Monday, Nov. 6; Thursday, Nov. 9; and Monday, Nov. 13; between the hours of 4:00 p.m. to 5:30 p.m. to observe for any congestion caused by customers entering and exiting the business. There was none; and

**WHEREAS,** that after thorough discussion members moved to support the zone variance renewal for Rosalinda L. Cura to continue to operate her home-base barber and beauty shop business at the address indicated above; and

**BE IT RESOLVED,** that the recommendation from the members of the DPMC is to allow this zone variance for the remaining time that Ms. Cura feels necessary for this home barber/beauty salon will operate in this location of her home; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Health & Social Services, Department of Public Works and the Department of Revenue & Taxation.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 15th DAY OF November 2017.

MELISSA B. SAVARES, MAYOR OF DEDEDO

YVONNE S. ACDA, Secretary DMPC

ATTACHMENT E


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

LOURDES A. LEON GUERRERO
MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383


October 16, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Acting Guam Chief Planner

SUBJECT: Commission Brief – Final Subdivision of Tract 10442 (formerly Lot 7135-3-5NEW-R1), Municipalities of Yigo & Dededo. Application No. 2015-38

## 1. PURPOSE:

a. **Application Summary:** The applicant, Guam Five Star Corporation represented by William B. Flores, is requesting for approval of a Final Subdivision on Tract 10442 (formerly Lot 7135-3-5NEW-R1) in the Municipalites of Yigo & Dededo.

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

## 2. DISCUSSION:

As noted on the attached request package, the applicant is requesting for a Final Subdivision Approval pursuant to Section 62504 (b) (Time Allowed for Completion of Improvements) of the Subdivision Law where it states;

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

In addition to the submitted Developer's Bond (Exhibit 4) and a Declaration of Covenants, Conditions and Restrictions (Exhibit 8).

The applicant has noted that all the ongoing permitted construction work are subjected to interim inspections by the permitting agencies to ensure that the project is complying with the approved building permits.

That, appropriate pre-development Best Management Practices (BMP's) which include silt fences, compost socks, earth berms, diversion swales, sediment traps, and stabilized construction entrances are installed and in operation.

That, post development/developed project Best Management Practices (BMP's) that are under construction which include infiltration trenches, stabilized inlets and outlets, splash blocks and a system of curbs and gutters, planting strips infiltration/percolation trenches and grassing and sediment basins upstream of the ponding basin inlets to pre-treat storm water runoff disposed in ponding basins.

That, the construction phase worker's facilities to include temporary toilets, handwashing facilities, house-keeping storage, field office and eating rooms or covered shelters are in place and operational.

## 3. RECOMMENDATION:

Considering that the applicant has been, and continues to consult and coordinate with the Govguam permitting entities involved to address their permitting conditions/requirements for the ongoing construction work within the subdivision.

Planning staff recommends Approval with the condition that the applicant continue to adhere to the conditions of the April13, 2017 Commission approval.

Celine L. Cruz

**ATTACHMENT:** **1. Request Package**

Case Planner: Frank Taitano

**ATTACHMENT D**

***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

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

October 14, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Acting Guam Chief Planner

SUBJECT: Commission Brief – Tentative Subdivision of Tract 10442 (formerly Lot 7135-3-5NEW-R1), Municipalities of Yigo & Dededo.
Application No. 2015-38

## 1. PURPOSE:

a. **Application Summary:** The applicant, Guam Five Star Corporation represented by William B. Flores, request for extension of time of an Approved Tentative Subdivision on Tract 10442 (formerly Lot 7135-3-5NEW-R1) in the Municipalites of Yigo & Dededo.

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

## 2. DISCUSSION:

As conditionally approved by the Commission on April 13, 2017, the subject application is a Tentative Subdivision Application to create a subdivision consisting of one hundred sixteen (116) single family residential lots ranging in size from 573± square meters to 1,121± square meters, two park area lots, one containing 1,976 ±square meters and a second one containing 1,810± square meters, two ponding basin lots, one containing 1,886± square meters and the other containing 1,939±square meters. In addition five public access and utilities right-of-way lots containing a total of 24,157± square meters are to be created.

In its development concept, the applicant proposes to construct a single, 3 bedroom or 4 bedroom single family residential structure on each of the 116 residential lots, develop the public access and utility easement complete with paved lanes, sidewalks, curbs and gutters, a storm drainage system to include the two ponding basin, streetlights, fire hydrants and underground utilities. The park areas are to be developed and landscaped appropriately for recreational use.

As noted on the attached request package, the applicant is requesting for an Extension of Time pursuant to Section 62504 (Time Allowed for Completion of Improvements) of the Subdivision Law where it states "Upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the subdivider must either:

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

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

Within their request package the applicant has noted that all the ongoing permitted construction work are subjected to interim inspections by the permitting agencies to ensure that the project is complying with the approved building permits. And that, appropriate pre-development Best Management Practices (BMP's) which include silt fences, compost socks, earth berms, diversion swales, sediment traps, and stabilized construction entrances are installed and in operation.

Also noted, are post development/developed project Best Management Practices (BMP's) that are under construction which include infiltration trenches, stabilized inlets and outlets, splash blocks and a system of curbs and gutters, planting strips, infiltration/percolation trenches and grassing and sediment basins upstream of the ponding basin inlets to pre-treat storm water runoff disposed in ponding basins.

In addition, the applicant also included an explanation on the project schedule delay to include the Clearing and Grading and Building Permit processing and absents of skilled laborers. The in place and operational construction phase worker's facilities to include temporary toilets, handwashing facilities, house-keeping storage, field office and eating rooms or covered shelters.

The applicant also included a Developer's Bond in the amount of $1,500,000.00 for the subdivision project that remains current and in effect in favor of the Government of Guam.

## 3. RECOMMENDATION:

Considering that the applicant has been, and continues to consult and coordinate with the Govguam permitting entities involved to address their permitting conditions/requirements for the ongoing construction work within the subdivision.

Planning staff recommends Approval with the condition that the applicant continue to adhere to the conditions of the April13, 2017 Commission approval.

Celine L. Cruz

**ATTACHMENT:** **1. Request Package**

Case Planner: Frank Taitano

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

File for Record is Instrument No. 906659

On the Year 17 Month 05 Day 03 Time 1:14

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane Yamasaki
JANET YAMASAKI

(Space above for Recordation)

[redacted]

Scanned

**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

**April 14, 2017**
Date

To: **Guam Five Star Corporation**
**c/o Ignacio F. Santos**
**P.O. Box 651**
**Hagåtña, Guam 96932**

**Application No. 2016-54**

The Guam Land Use Commission, at its meeting on **April 13, 2017**.

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

____/ Tabled

Your request on **Tract 10442 (Formerly Lot 7135-3-5NEW-R1), Municipalities of Dededo & Yigo for a:**

**NOTICE OF ACTION**
**Guam Five Star Corporation**
**Tract 10442, Municipalities of Dededo & Yigo**
**GLUC Meeting of April 13, 2017**


**Application No. 2016-54**

## ZONING

___/ Zone Change***

___/ Conditional Use

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

_____/ TENTATIVE DEVELOPMENT PLAN

## SUBDIVISION

**XX / Tentative**

___/ Final

___/ Extension of Time

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

## NOTE ON ZONE CHANGE

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

## SEASHORE

___/ Wetland Permit

____/ Seashore Clearance

## HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

## MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

**Application No. 2016-54**

**APPLICATION DESCRIPTION:** The applicant, Five Star Corporation represented by Mr. Ignacio Santos is requesting approval of a Tentative Subdivision to create a subdivision consisting of one hundred sixteen (116) Single Family residential Lots on Tract 10442 (formerly Lot 7135-3-5NEW-R1) in the Municipalities of Dededo and Yigo.

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

a. The applicant, adhere to conditions and requirements as stipulated on official Position Statement provided by the Application Review Committee, as such conditions and requirements apply to permitting requirements;

b. The applicant may request for an extension from the one-year tentative subdivision development approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of issuance as noted on the project's Notice of Action;

c. Any consideration of significant change to the tentative subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the Guam Land Use Commission;

d. Any changes greater than purported in the submitted tentative subdivision plan as reviewed and approved by the Guam Land Use Commission to include, but not limited to, a request to increase density and/or any similar changes of development preference and not as a result of compliance with government regulations or requirements shall require consideration by the Guam Land Use Commission;

e. That the applicant, submit an updated Master Plan to the Chief Planner for his review and approval; and,

f. That the applicant, work with the Department of Public Works to ensure the adequate number of bus stations required and that the bus stations are to be constructed by the applicant.

4/10/2017
**Marvin Q. Aguilar** **Date**
**Guam Chief Planner**

4/10/17
**John Z. Arroyo** **Date**
**Chairman**
**Guam Land Use Commission**

Case Planner: Frank P. Taitano

Cc: Building Permits Section, DPW
Real Property Tax Division, Department of Revenue and Taxation

**Application No. 2016-54**

## CERTIFICATION OF UNDERSTANDING

I/We_____ / Ignacio F. Santos
(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.

_____ _____ _____ 5/3/17
Signature of Applicant Date Signature of Representative Date

---

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

_____ _____ _____ 5/3/17
Applicant Date Representative Date

**ATTACHMENT F**


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

**LOURDES A. LEON GUERRERO**
MAGA'HÅGA • GOVERNOR

**JOSHUA F. TENORIO**
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

**JOSEPH M. BORJA**
Acting Director

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590 S. Marine Corps Drive
Suite 733 ITC Building
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Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383


August 16, 2019

Memorandum

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 1993-01F Request for Acceptance of the Second Amended and Restated Declaration and Issuance of a Third Supplementary Final Public Report

RE: Ladera Towers Condominium – Registration No. 104

## 1. PURPOSE:

**A.** **Application Summary:** The Association of Apartment Owners of Ladera Towers Condominium, represented by Michael Flynn, Jr. Esq. request acceptance of the Second Amended and Restated Declaration and issuance of a Third Supplementary Final Public Report for "Ladera Towers Condominium", on Lots 4 and 5, Tract 1822, in the Municipality of Mangilao, in an "R-2" (Multi-Family Dwelling) zone, HPR Registration No. 104, under application No. 1993-01F.

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

## 2. FACTS:

**A.** **Ladera Towers Condominium,** located on Lots 4 and 5, Tract 1822 in Mangilao, consists of an apartment building with 21 stories and no basement level, containing a total of 222 condominium units, 218 of which units are residential and common elements of the project, including but not limited to 2 parking stalls assigned to each unit, ADA parking stalls, storage areas, mechanical and electrical equipment room, generator, water storage tanks, refuse facilities, swimming pool and deck area, barbeque area, sidewalks, access way, wall, fences and gates.

**B.** A Horizontal Property Regime Final Public Report for the Ladera Towers Condominium under Registration No. 104 was issued no December 27, 2007 and Expired on January 26, 2009. Said public report was recorded under

instrument number 773111 at the Department of Land Management on May 12, 2008.

**C.** The Amended and Restated Floor Plans of Ladera Towers Condominium dated July 1, 2016 was recorded on August 30, 2016 under Instrument No. 896812 at the Department of Land Management.

**D.** The Amended and Restated Declaration of Horizontal Property Regime for Ladera Towers Condominium dated April 27, 2016 and recorded on August 30, 2016 under Instrument No. 896815 at the Department of Land Management.

**E.** First Supplementary Final Report was issued on July 29, 2016 and expired on August 29, 2017. (Reference Instrument No. 914852 recorded on November 16, 2017).

**F.** Second Supplementary Public Report was issued on October 12, 2017 and expired on November 12, 2018. (Reference Instrument No. 897182 dated September 9, 2016).

**G.** The Owner, LGI Pacific Guam, Inc. owns 218 units in the project. The owner transferred its interest in 4 of the 222 units to the Association of Apartment Owners of Ladera Towers Condominium; however, such transferred units are subject to the provision of the Second Amended Declaration.

**H.** The project is subject to the following mortgage and assignment of rental income: 1) Mortgage, Security Agreement, Assignment of Leases and Rents, Fixture Filing and Financing Statement dated May 26, 2017 and recorded on June 29, 2017 under Instrument No. 909121, executed by LGI Pacific Guam, LLC in favor of Bank of Hawaii; 2) Assignment of Leases and Rents dated May 26, 2017 and recorded June 29, 2017, under Instrument No. 909127, executed by LGI Pacific Guam, Assignor to Bank of Hawaii, Assignee; and 3) Assignment of Sales Contracts and Sales Proceeds dated May 26, 2017 and recorded on June 29, 2017 under Instrument No. 909128.

**I.** **Changes to Original Project.** The Applicant, in preparing for the sale of the units, discovered that physical conditions on the property were not correctly identified in the Amended and Restated Declaration as accepted by the Guam Land Use Commission and recorded at the Department of Land Management under instrument 896815. The applicant identified that units 205, 206, 207 and 208 were non-existent, and therefore did not represent the physical status of the project. To address this, in accordance with the above noted Amended and Restated Declaration, the applicant has given notice and provided minutes of the Association of Apartment Owners of Ladera Towers Condominium, and as a result, submits to the Commission for consideration of acceptance, the **"Second Amendment and Restated Declaration of Horizontal Property Regime."** The Second Amended and Restated Declaration corrects Exhibit B and C and paragraph E-1 of the Declaration; and in all other respects, restates the representations made by developer in the Declaration and the Owner and Declarant in the Amended and Restated Declaration.

**THE ASSOCIATION**
**OF APARTMENT OWNERS OF**
**LADERA TOWERS CONDOMINIUM**
SUITE 2110
310 LADERA LANE
MANGILAO, GUAM 96913

August 7, 2019

**VIA HAND-DELIVERY**

Honorable Commission Members
**GUAM LAND USE COMMISSION**
590 S. Marine Corps Drive
ITC Building, Ste 733
Tamuning, Guam 96913

**RE: Request to Accept the Second Amended and Restated Declaration of Horizontal Property Regime, Ladera Towers Condominium and for Issuance of a Third Supplemental Final Public Report**

Dear Commission Members:

The Association of Apartment Owners of Ladera Towers Condominium (the "Association"), respectfully requests the Guam Land Use Commission to accept the Second Amended and Restated Declaration of Horizontal Property Regime of Ladera Towers Condominium, as proffered by LGI PACIFIC GUAM, INC., a Guam corporation ("LGI Pacific") and the Association, on the bases stated below.

LGI Pacific, the current owner of 218 condominium units of the 222 condominium unit Project (4 condominium units are owned by the Association of Apartment Owners of Ladera Towers Condominium), possesses a current Guam business license for the rental of 218 unit condominiums at the Project, signifying that the Project has met the building and business operation requirements of each and every Government of Guam agency.

In LGI Pacific's preparation to sell individual condominium apartment units at the Project to prospective purchasers, LGI Pacific, its bank, and its agents and architects conducted physical inspections of the Project (including condominium apartments) and determined that 4 condominium units stated in the Amended and Restated Declaration, i.e., Units 205, 206, 207, and 208, were non-existent and, therefore, did not correctly represent, in all respects, the physical status of the Project. LGI Pacific determined that in order to provide full disclosure to prospective purchasers concerning the Project, the Amended and Restated Declaration requires amendment. Also LGI Pacific transferred title in 4 condominium units (i.e., Units 305, 306, 307, and 308) to the Association.

In addition, the owner of the project, LGI Pacific, transferred title in 4 condominium units (Units 305, 306, 307, and 308) to the association.

3. **STAFF RECOMMENDATION:** Recommend acceptance of the **"Second Amendment and Restated Declaration of Horizontal Property Regime"** and issuance of a **Third Supplementary Final Public Report** in order for the developer to market and sell the 222 condominium units in the project, and pursuant to §45154 of Chapter 45, Title 21 the issuance of a Third Supplementary Final Public Report is valid for a period of thirteen months.

Celine L. Cruz
Acting Chief Planner

LGI Pacific, as Owner and Declarant, submits its Second Amended and Restated Declaration of Horizontal Property Regime (the "Second Amended and Restated Declaration"): to amend and correct Exhibit B, Exhibit C, and Paragraph E-1 of the Declaration; and, in all other respects, to restate the representations made by the Developer in the Declaration and the Owner and Declarant in the Amended and Restated Declaration. The Association has approved the Second Amended and Restated Declaration.

In support of its request that the Commission accept its Second Amended and Restated Declaration, the Association offers the following additional information:

1. The name of the project is Ladera Towers Condominium;
2. The project is located on Lot Numbers 4 and 5, Tract Number 1822, Municipality of Barrigada, Guam, which location, zone, permits and conditions allow for the project;
3. The developer of the project was LTA LLC, a Guam limited liability company;
4. The project is comprised of one building with twenty-one floors, two hundred twenty-two condominium units of six types (A-F), and four hundred forty-four parking stalls dedicated to the condominium units;
5. Other amenities of the project include a pool and a playground;
6. The Owner has sold no condominium; provided, however, that the Owner transferred four condominium units (i.e., Unit Nos. 305, 306, 307, and 308) to the Association of Apartment Owners of Ladera Towers Condominium;
7. The Owner requests issuance of a Third Supplemental Final Public Report, as the Second Supplemental Final Public Report expired on November 12, 2018;
8. The Owner's real estate broker is Christopher Felix, Century 21 Realty Management, Tamuning, Guam;
9. The Owner's marketing plan involves marketing the condominium units to prospective buyers located in the People's Republic of China, Taiwan, Japan, Guam, and Hawaii;
10. No changes have occurred to the original project.

Enclosed in support of the Association's request, are the following documents:

11. The Association of Apartment Owners of Ladera Towers Condominium (the "Ladera Towers Owner's Association") August 5, 2019 letter of authorization for representation before the Guam Land Use Commission;
12. Condominium Deed, transferring Units 305, 306, 307, and 308 to the Association;
13. Waivers and Minutes of the Association of Apartment Owners of Ladera Towers Condominium;
14. Waivers and Minutes of the Board of Directors of the Association of Apartment Owners of Ladera Towers Condominium;

15. Second Amended and Restated Declaration of Horizontal Property Regime of Ladera Towers Condominium and Exhibits A-F;
16. Bylaws of Association of Apartment Owners of Ladera Towers Condominium;
17. Specimen Ladera Towers Sales Contract (as revised); and
18. Third Supplemental Final Public Report.

Thank you for your kind attention to this matter.

Sincerely,

**THE ASSOCIATION OF APARTMENT OWNERS OF LADERA TOWERS CONDOMINIUM**

Scott A. Clark, President, hereto duly authorized

## CORRECTIONS OR AMENDMENTS TO THE GUAM LAND USE COMMISSION'S FINAL PUBLIC REPORT

WHEREAS, corrections, or amendments, to the Guam Land Use Commission's Final Public Report concerning the Project were considered and discussed by the Owner. Upon motion duly made, seconded and unanimously carried it was:

> **RESOLVED**, that the Association and the Owner take all necessary steps in working with the Guam Land Use Commission to have the Commission's Final Public Report concerning the Project corrected, or amended, in accordance with the provisions stated in the Third Supplemental Final Public Report, as more fully set out and attached to these meeting minutes, as Exhibit "B".

## CORRECTIONS OR AMENDMENTS TO OTHER DOCUMENTS CONCERNING THE PROJECT

WHEREAS, corrections, or amendments, to other documents concerning the Project were considered and discussed by the Sole Owner. Upon motion duly made, seconded and unanimously carried it was:

> **RESOLVED**, that the Association and the Owner take all necessary steps to make necessary corrections or amendments to any and all other documents concerning the Project.

## ADJOURNMENT

There being no further business to come before the meeting, on motion duly made, seconded and unanimously carried, the meeting was adjourned.

A TRUE COPY:

ATTEST:

SCOTT A. CLARK, Chairperson

KAREN WU, Secretary