Street Address:
) 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

ACKNOWLEDGEMENT OF RECEIPT

January 17, 2020

35GL-20-1418

Speaker Tina Rose Muña Barnes

JAN 17 2020
Time 2:44 ( )AM (PM
Received By: alan

2020 JAN 17 PM 3:30

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

From: Division of Land Planning
Department of Land Management

Hafa Adai!

Transmitted herewith is GLUC Zone Change approval for Lot 5172-3-9, in the municipality of Tamuning; signed and approved by the Governor on December 6, 2019.

Thank you.

1418

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

December 6, 2019

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

Re: GLUC Zone Change approval from "R-2" to "LC" zone, Lot 5172-3-9, in the Municipality of Tamuning.

Dear Madame Speaker:

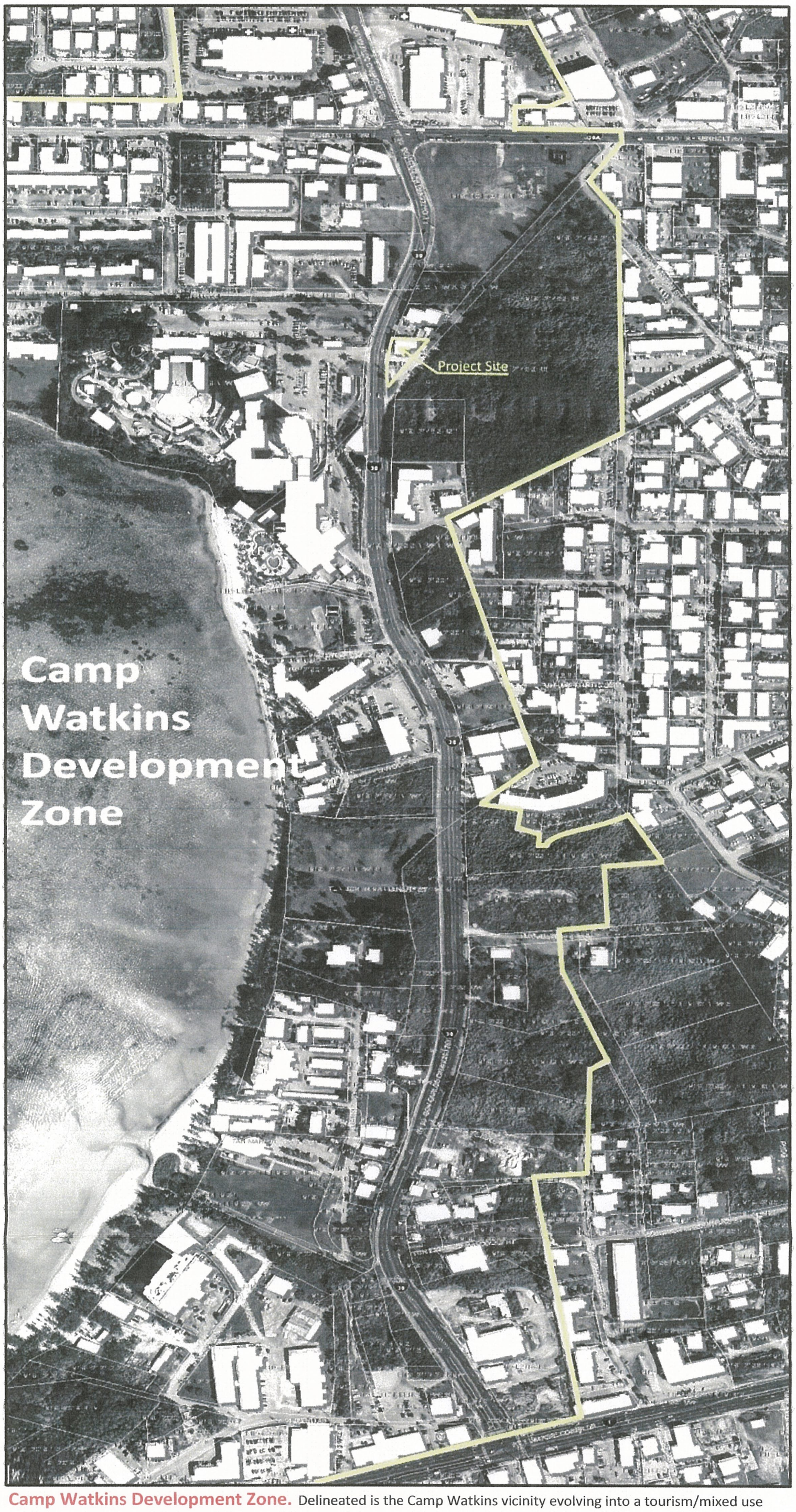
Please find attached the above-referenced zoning documents for the Legislature's consideration, which is submitted pursuant to 21 G.C.A. §61647.

I have **APPROVED** Wan Yan Jewelry Inc.'s request for a Zone Change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed use of an existing two-story structure for retail space and an accessory storage on the first floor, professional office space and residential unit on the second floor, on Lot 5172-3-9, Tamuning. This approval is in conformance with 21 G.C.A. §61630 and justified to satisfy public necessity, convenience and general welfare.

Senseremente,

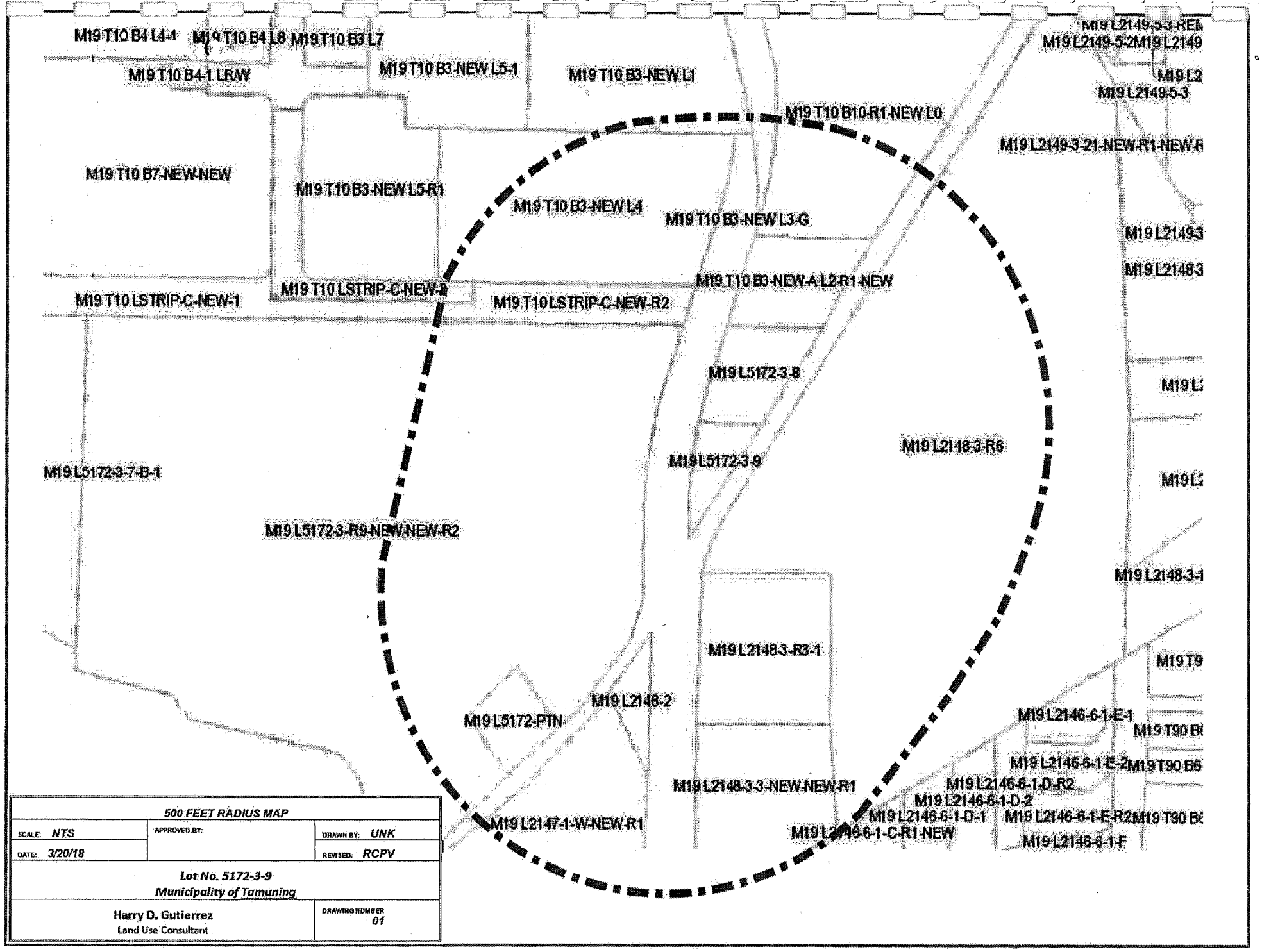
LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

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

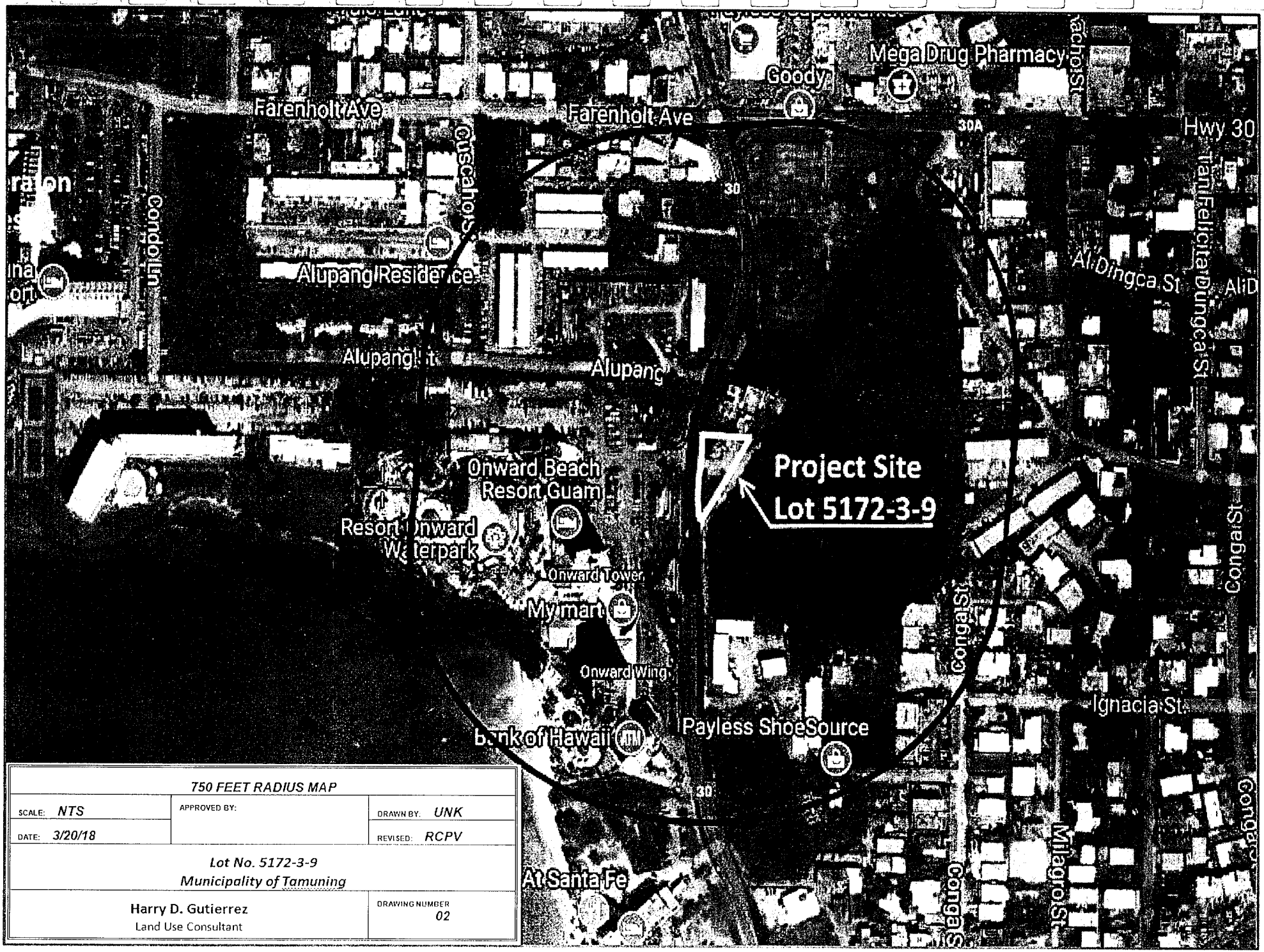


Camp Watkins Development Zone. Delineated is the Camp Watkins vicinity evolving into a tourism/mixed use urban center demonstrating high intensity activities. The prospective urban center is enveloped by Agana Bay and properties along Governor Carlos G. Camacho Road (Rt. 30) rendering a barrier that limits urban sprawl from encroaching into the Tamuning village proper. No tributary roads or easements exist that would convey infrastructure or vehicular access into the village proper. The robust and dynamic transformation of Camp Watkins allows for the progression of sustainable land uses that may compliment the forward motion of the tourism and mixed use core.

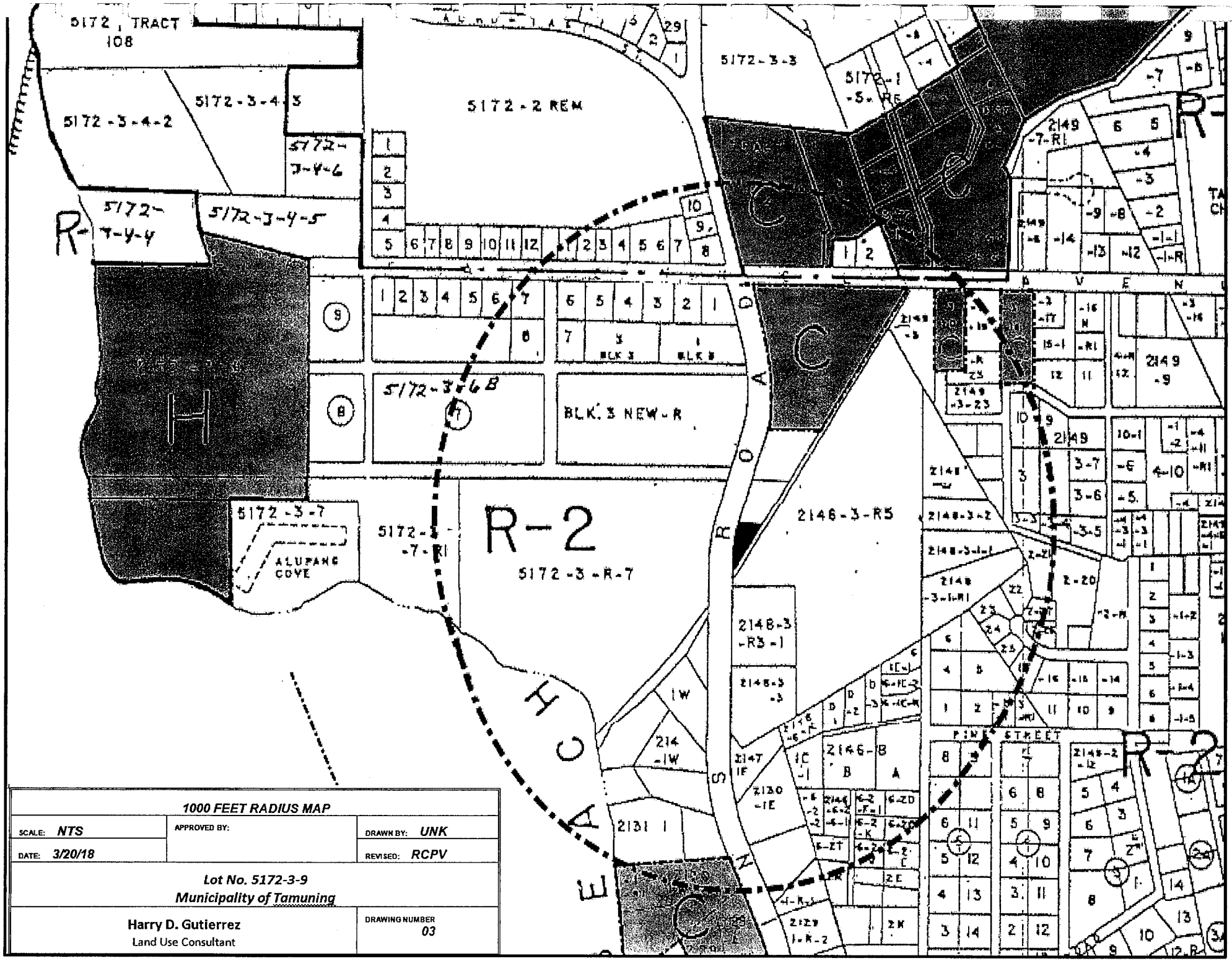
9. 500ft Radius Map of Lot Numbers
10. 750ft Radius Map of Buildings
11. 1,000'ft Radius Map of Uses



500 FEET RADIUS MAP		
SCALE: NTS	APPROVED BY:	DRAWN BY: UNK
DATE: 3/20/18		REVISED: RCPV
Lot No. 5172-3-9 Municipality of Tamuning		
Harry D. Gutierrez Land Use Consultant		DRAWING NUMBER 01

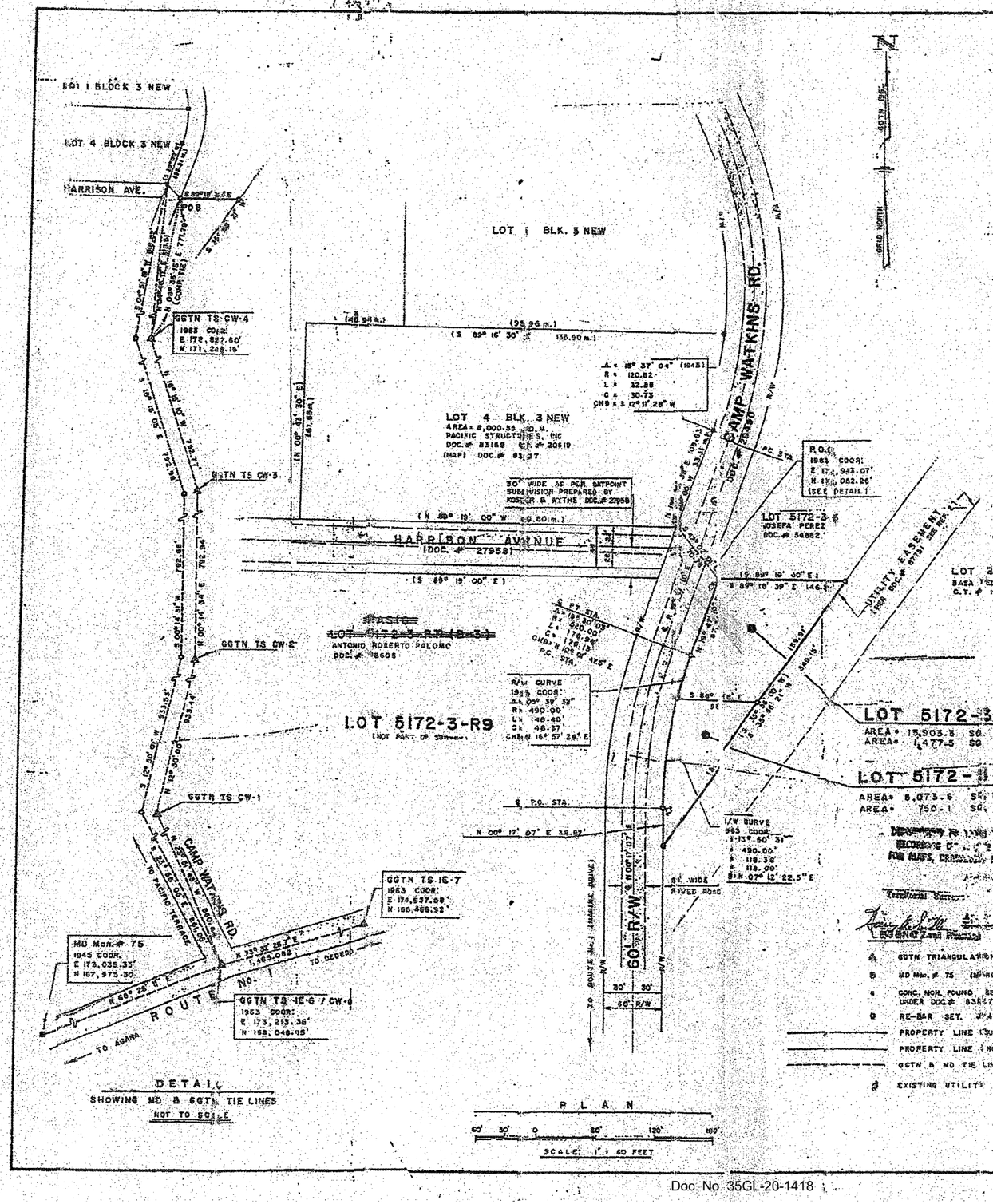


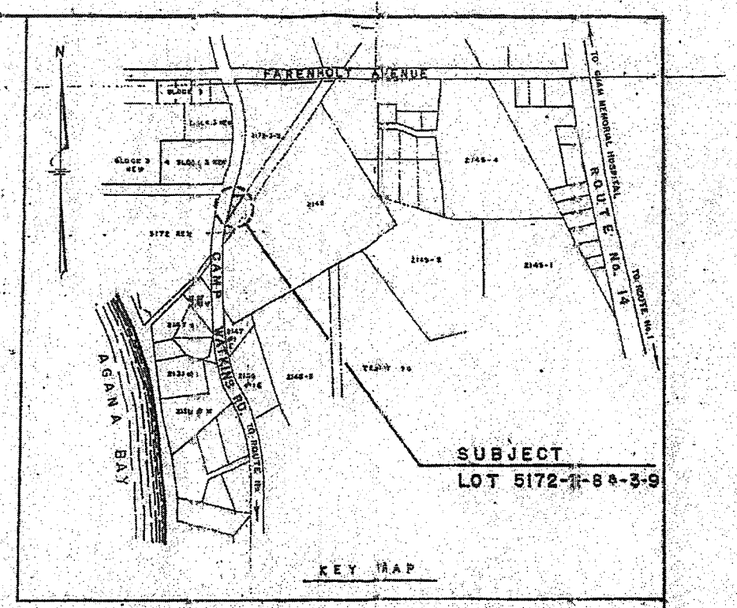
750 FEET RADIUS MAP		
SCALE: NTS	APPROVED BY:	DRAWN BY: UNK
DATE: 3/20/18		REVISED: RCPV
Lot No. 5172-3-9 Municipality of Tamuning		
Harry D. Gutierrez Land Use Consultant		DRAWING NUMBER 02



1000 FEET RADIUS MAP		
SCALE: NTS	APPROVED BY:	DRAWN BY: UNK
DATE: 3/20/18		REVISED: RCPV
Lot No. 5172-3-9 Municipality of Tamuning		
Harry D. Gutierrez Land Use Consultant		DRAWING NUMBER 03

12. Survey Map
13. Assignment of Lease- Instrument No. 540532





REFERENCES:

1. SKETCH SHOWING LOT 5172-REM. MARKED PARCELS B-1, B-2 & B-3, UNDER DOC.# 48605.
2. DWG. NO. I-24-1 488, PARCEL SURVEY PLAT OF SUBJECT LOT 2148-3-1, PREPARED BY A.T. UNTALAN UNDER DOC.# 8775.
3. DWG. No. LCJ69T85, PARCELLING OF BLOCK 3 NEW REM. PREPARED BY F.J. SPOOR UNDER DOC.# 83827.
4. M.A. DWG. No. 10406, REAL ESTATE REQUIREMENTS FOR ROUTE No. 1, PREPARED BY THE DEPT. OF THE NAVY DATED: 2nd MAY 1952.

NOTES:

1. SURVEY WAS BASED ON GGTN TS IE-6/CW-5 & IE-7 ✓ 1963 COOR. VALUES.
2. ALL DISTANCES ARE IN FEET U.S.N.
3. BEARINGS AND DISTANCES ENCLOSED IN PARENTHESIS INDICATE RECORD DATA.

CERTIFICATE OF SURVEYOR

I, H. M. TOLBERT, hereby certify that this map was prepared by me or under my direct supervision; that it is based upon a field survey made FEB. 1969, in conformance with all applicable laws and regulations.

H. M. TOLBERT RLS # 18 — 4-17-69
Territory of Guam — DATE

STATEMENT

This map has been examined for conformance with requirements of Chapter 9 Title XIV Government Code of Guam, and regulations thereunder on this 18th day of April 1969

RONALD G. PERRY
Territorial Surveyor

SURVEY DATA	DATE
FIELD: Survey, E.	FEB. 1969
BOOK: LCJ69 -	—
COMP: Meridional, E	MAR. 1969
DRAWN: ISSUE, JB	"
CHKD: REV: T. Bland, HM	"
APPROVED: (SURV. LC)	"
LAND MANAGEMENT DATA	
ACCRD MID CHECK: 220 FT 69	
CALC BY:	
APPROVED: Feb 18-69 DATE	
Chief of Land Planning	
SATISFACTORY TO: Apr 14, 1969 DATE	
OWNER: ANTONIO R. PALOMO	

LAWRENCE C. JOHNSRUD AND ASSOCIATES
H. M. TOLBERT REGISTERED LAND SURVEYOR
P.O. BOX 1, AGANA, GUAM, M.I. 96910 TELEPHONE 72755

PARCELLING
FOR
LOT 5172-3-8
LOT 5172-3-9
TAMUNING, MUNICIPALITY OF DEDEDO
LS 13 SEC. 6 UNIT 6

SURVEY LOT No. 5172-3-R7 (B-3)
RECORDED ON 12. FEB. 1963
INSTRUMENT No. DOC.# 48605
IN NAME OF ANTONIO ROBERTO PALOMO
SHEET 1 OF 1 — DRAWING No. LCJ69T11
SCALE 1"=60 Feet

SURVEY MAP

Recording requested by Grantee. After recoration deliver copies to Title Guaranty of Guam, Inc., P.O. Box 771, Agana, Guam 96910. The real property affected by this instrument is a leashold unit, the name of the registered lessees being the Grantor(s) and the number of the certificate of last registration being No. 78250.

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT
OFFICE OF THE RECORDER
INSTRUMENT NUMBER 540532
This instrument was filed for record on
Day of JAN 19 96, at 9:38 A.M
and duly recorded on Book 40 at Page
Recording Fee Voucher No. 48403

Deputy Recorder

ASSIGNMENT OF LEASE AGREEMENT

For value received, **GUAM COMFORT DEVELOPMENT CORPORATION, a Guam corporation**, whose address is P.O. BOX 8720, TAMUNING, GUAM, 96931, ASSIGNOR herein, hereby assign, transfer and set over to **WAN YUAN JEWELRY, INC., a Guam corporation**, whose address is P.O. BOX 8720, TAMUNING, GUAM, 96931, ASSIGNEE herein, all of my interest in and to that LEASE AGREEMENT dated MARCH 19, 1988 and recorded MARCH 21, 1988, by and between **ESEBAR SATO WANG**, as Lessor, and **GUAM COMFORT DEVELOPMENT CORPORATION**, as Lessee, as recorded under Document Number 395965, with regard to the following property described below:

LOT NUMBER 5172-3-9, MUNICIPALITY OF TAMUNING, (Formerly of Dededo), TERRITORY OF GUAM, ESTATE NUMBER 16920, SUBURBAN, as said Lot is marked and designated on Drawing Number LCJ69T11, as recorded April 22, 1969, in the Department of Land Managment, Government of Guam, under Document Number 89863.

AREA: 750.1 +/- SQUARE METERS

CERTIFICATE OF TITLE NUMBER: 78250

subject to all the terms and conditions thereof.

We remise, release and quitclaim unto ASSIGNEE, all our rights, title and interest in and to the property within described and agreed to be conveyed.

Dated this 29th day of JANUARY, 1996.

ASSIGNOR:
GUAM COMFORT DEVELOPMENT CORPORATION

By _____
MAN-WING CHEUNG
Authorized Representative

ACCEPTANCE OF ASSIGNMENT

WAN YUAN JEWELRY, INC., ASSIGNEE, hereby accepts the foregoing instrument this 29th day of JANUARY, 1996.

ASSIGNEE:
WAN YUAN JEWELRY, INC.

By _____
CHI LIANG TAN
Authorized Representative

CONSENT TO ASSIGNMENT

ESEBAR SATO WANG, do hereby consent to the assignment of this lease agreement.

_____
ESEBAR SATO WANG

TERRITORY OF GUAM)
) ss
CITY OF AGANA)

ON THIS 29th day of **JANUARY**, 1996, before me, a Notary Public in and for the Territory of Guam, personally appeared **MAN-WING CHEUNG, as Authorized Representative for and on behalf of GUAM COMFORT DEVELOPMENT CORPORATION**, and he acknowledged to me that he executed the foregoing ASSIGNMENT OF LEASE AGREEMENT on behalf of the said corporation, as his free and voluntary act and deed for the purposes therein set forth.

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

Ronald R. Sabla
NOTARY PUBLIC
My commission expires:

RONALD R. SABLAN
NOTARY PUBLIC
In and for the Territory of Guam, U.S.A.
My Commission Expires: Nov. 27, 1999
Malayan Building Suite 320, Hernan Cortez,
Agana, Guam 96910

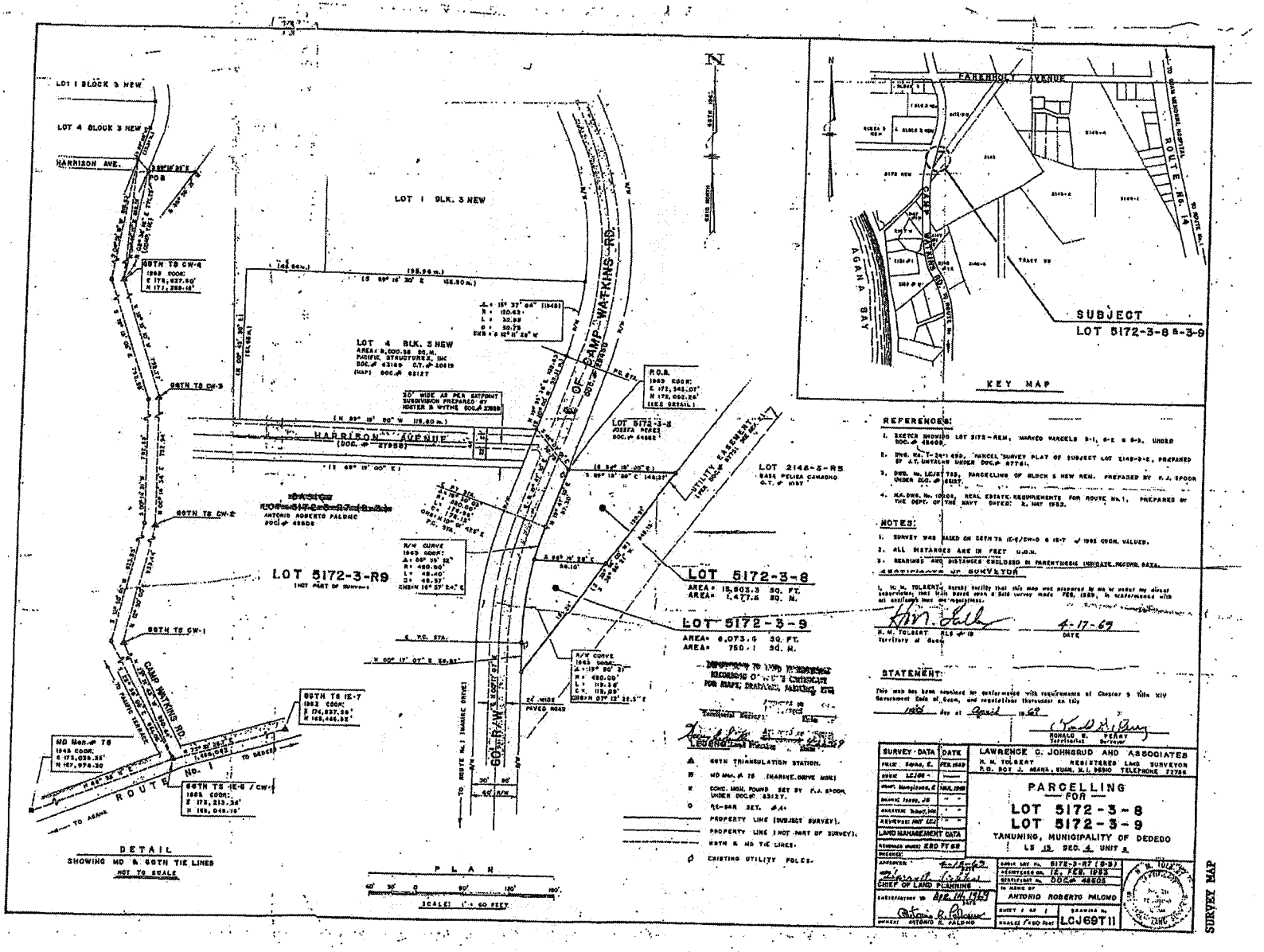
TERRITORY OF GUAM)
) ss
CITY OF AGANA)

ON THIS 29th day of **JANUARY**, 1996, before me, a Notary Public in and for the Territory of Guam, personally appeared CHI LIANG TAN, **for and on behalf of WAN YUAN JEWELRY, INC.**, and he acknowledged to me that he executed the foregoing ASSIGNMENT OF LEASE AGREEMENT on behalf of the said corporation, as his free and voluntary act and deed for the purposes therein set forth.

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

Ronald R. Sabla
NOTARY PUBLIC
My commission expires:

RONALD R. SABLAN
NOTARY PUBLIC
In and for the Territory of Guam, U.S.A.
My Commission Expires: Nov. 27, 1999
Malayan Building Suite 320, Hernan Cortez,
Agana, Guam 96910



REFERENCES:

1. SKETCH SHOWING LOT 5172-REM; MARKED PARCELS 3-1, 8-2 & 8-3, UNDER DOC.# 48808.
2. DWG. No. T-3411-650, "PARCEL SURVEY PLAT OF SUBJECT LOT 2148-3-E, PREPARED BY A.T. GUTIERREZ UNDER DOC.# 47781.
3. DWG. No. LC/ST 733, PARCELLING OF BLOCK 3 NEW REM. PREPARED BY F.J. SPOON UNDER DOC.# 68127.
4. NAVDWG. No. 10068, REAL ESTATE REQUIREMENTS FOR ROUTE No.1, PREPARED BY THE DEPT. OF THE NAVY DATED: 2, MAY 1952.

NOTES:

1. SURVEY WAS TIED ON 60TH TS (E-6/CW-1 & IE-7 ✓ 1965 COOR. VALUES.
2. ALL DISTANCES ARE IN FEET U.S.N.
3. BEARINGS AND DISTANCES ENCLOSED IN PARENTHESIS INDICATE RECORD DATA.

CERTIFICATE OF SURVEYOR

I, H. M. TOLBERT, hereby certify that this map was prepared by me or under my direct supervision; that it was based upon a field survey made FEB. 1969, & is performance with all applicable laws and regulations.

H. M. Tolbert — 4-17-69
H. M. TOLBERT RLS # 10 — DATE
Territory of Guam

STATEMENT:

This map has been examined for conformance with requirements of Chapter 9 Title XIV Government Code of Guam, and regulations thereunder on this 16th day of April 19 69

RONALD B. PERRY
Territorial Surveyor

SURVEY DATA	DATE
FIELD: Spoon, F.	FEB. 1969
DEED: LC/ST -	
CONST. Monuments, E	MAR. 1969
GEODETIC TIES, FB	" "
ANALYTICAL Subdiv. Map	" "
REFERENCE PART LOT	" "
LAND MANAGEMENT DATA	
TOPOGRAPHIC MAPS: ESD FY 68	
CHECKED:	
APPROVED:	5/16/69
CHIEF OF LAND PLANNING	
SUBDIVISION TO BE RECORDED:	DEC. 24, 1969
OWNER: ANTONIO R. PALOMO	

LAWRENCE C. JOHNSRUD AND ASSOCIATES
H. M. TOLBERT REGISTERED LAND SURVEYOR
P.O. BOX J, AGANA, GUAM, M.I. 96910 TELEPHONE 72764

PARCELLING FOR
LOT 5172-3-8
LOT 5172-3-9
TAMUNING, MUNICIPALITY OF DEDEDO
LS 13 SEC. 4 UNIT A

CADASTRAL MAP No.	5172-3-R7 (3-3)
REFERENCE No.	T.E. FEB. 1969
DEED/PLAT No.	DOC.# 48808
TO NAME OF	ANTONIO ROBERTO PALOMO
SHEET 1 OF 1	DRAWING No. LCJ69T11
SCALE 1"=60 feet	

SURVEY MAP

330

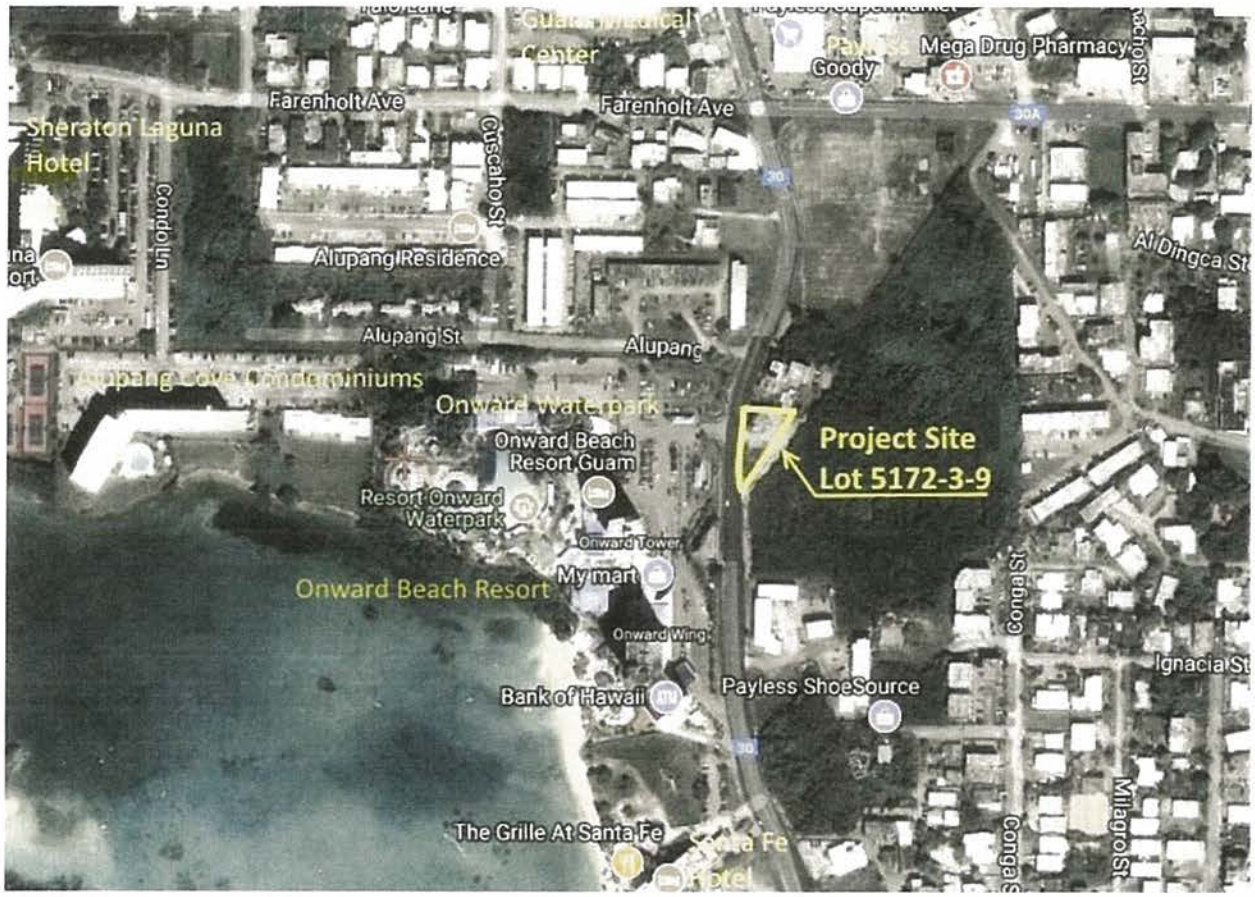
14. GEPA EIA – Finding of No Significant Impact

GLUC APPLICATION NUMBER
2018-31

Environmental Impact Assessment

Finding of No Significant Impact Report

Executive Order 96-26 as amended on October 1999



Prepared By:
Harry D. Gutierrez

Wan Yuan Jewelry, Inc.

March 2018

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

□E□A has de□eloped this EIA form for use by de□elopers proposing pro□ects or land use acti□ities, which may pose only insignificant en□ironmental impacts. This form is pro□ided as an alternati□e to the EIA standard format pro□ided to satisfy the re□uirements of E□ecuti□e Order 9□-2□. If potential en□ironmental impacts and issues are assessed or determined to be significant either by the applicant or □E□A, a more detail EIA may be re□uired including a thorough presentation and discussion of alternati□es as re□uired by the *Guidelines for the Preparation of Environmental Impact Assessments and Statements* (□E□A October 1999).

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

Case No: □□□□□□□□□

Project Title: "Wan Yuan Jewelry Building"

Project Overview and Justification of FONSI Submittal

Wan Yuan Jewelry, Inc., currently owns a two (2) story structure on Lot 5172-3-9, Tamuning. The viability and continued use of the structure supporting the tourism activities in the area is contingent on the approval of a zone change request to a "LC" Limited Commercial zone. The request is consistent with the §61201 "Establishment of Zones and Boundaries" of Article 2; §61307 of Article 3 "C" Commercial Zone"; and, Subarticle 3 et al "Changes of Zones" of Chapter 61 of Title 21, Guam Code Annotated.

The zone change request is submitted for the review of the Guam Land Use Commission (GLUC), Agency Review Committee (ARC) and the Guam Environmental Protection Agency (GEPA). The justification for the zone change is further discussed reflecting the site's existing conditions and compatibility of the proposed action to the surrounding area surrounding lot number 5172-3-9.

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

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

1. The project is located within a +750 square meter parcel that has unique characteristics bearing:
   a. highly disturbed property as evidenced by the existence of wasteland flora without any canopy cover indicative to the undisturbed area located across the parcel;

b. the proposed development is situated within a parcel whose size is not significantly greater than the parcels located immediately adjacent to the site of which such impact will not be of substantial size and intensity;
c. the parcel under the most resent land use plan which is the "2009 North and Central Land Use Plan", has designated this parcel as "Mixed Use" which would receive such commercialized development following the rigid performance standards of the district; and
d. in consideration of the evolution and in anticipation of future demands that will be placed to this vicinity as speculated in the increased military presence earmarked for Guam, the proposed development is in line with that evolution. The project will be complementary to the surrounding land uses and will harmoniously provide convenience increasing the quality of life for the surrounding residence.

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

1. Name, address and business telephone of applicant:

Wan Yuan Jewelry
C/O Man Wing Cheung, Principle
20817 E. Rim Lane
Walnut, California 91789

2. Name, title and telephone number of representative:

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

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

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

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

The Wan Yuan Jewelry, Inc. Building is located on a natural geological plateau on top of the aquifer lens on Lot Number 5172-3-9, Camp Watkins area Municipality of Tamuning. It is located

across Onward Beach Resort and is bisected by the intersection of Governor Carlos G. Camacho Road and an undeveloped forty (40) feet wide easement. (Figure 1). The immediate vicinity reflects a myriad of Resort, commercial and multi-family structures.

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

Wan Yuan Jewelry, Inc., proposes to continue the commercialized use of the site which can be realized through a zone change to "LC" Limited Commercial Zone. The Wan Yuan Jewelry, Inc. building is a two (2) story structure situated within the ±750 square meter site. It is constructed of reinforced concrete and a total 10 of parking stalls services the building. Parking on the site could be expanded utilizing the rear easement for vehicular circulation. Catchment facilities for storm water runoff are maintained on site and general utility services for power, cable and telephone lines are adjacently located along Governor Carlos G. Camacho Road.

The site is anticipated to provide the convenience of commercialized activities within an area that lacks such infra-social amenities sustainable towards complimenting the tourism activities immediately within the area

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

a. Groundwater recharge area: Yes.

Any development of varying magnitude will have an impact to the northern aquifer recharge area. The project will convey its wastewater effluent through the public sewer system. However, storm water will be collected on site. Despite the small scale of the development which will have negligible impact to the northern aquifer lens, the cumulative effect of development in general will impact the integrity of the groundwater recharge zone.

b. Watersheds: No.

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

c. Wellhead protection zone: No.

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

d. Streams, lakes or ponds: No.

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

e. Marine waters: No.

There will be no impacts to any marine waters. The project site is located inland and storm water runoff along Governor Carlos G. Camacho Road is collected within its storm water catchment facilities.

f. Reef flats: No.

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

g. Pristine forest: No.

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

h. Critical habitat area: No.

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

i. Wetlands: No.

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

j. Flood hazard area: No.

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

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

No impact is known to any archaeological, historical properties or resources resulting from the proposed project. Few archeological sites are located within the interior recess of Guam. Documentation has indicated that the settlement pattern for Guam in the prehistoric and early historic periods were mainly coastal. However, settlements that were developed in the interior recess, may have been developed during the early historic period when hostile encounters took place during Guam's Spaniard periods. The project area has not been investigated by a qualified archeologist to conduct an actual field reconnaissance survey. No observations of any resources that may have been historic or prehistoric were sited on the parcel. The property is highly disturbed having received previous clearing and grading with an existing 2 story commercial building situated thereon. No archaeological or historical properties are known to exist on the site.

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

a. Production of toxic or hazardous waste: No.

There is no anticipated production of toxic or hazardous waste that will be generated from the proposed development.

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

The property is currently zoned Multi Family "R-2" and is requesting a zone change to Limited Commercial "LC" to allow the commercialized activities on the parcel. Although the proposal may not dislocate any existing businesses or residents, the proposal will potentially eliminate the ability of the parcel of sustaining up to 6 multi-family residential units should there be no action taken on the zone change.

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

The developer may be required by GEPA to apply for an Air Pollution Source Construction Permit as a generator will be located on the site during periods where the public electrical services are absent.

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

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

a. Drinking water: Yes.

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

b. Sewage disposal (public system): Yes.

As with any new development that will connect into the public wastewater system, it will impose an additional demand on the carrying capacity of the system. Although the

impact is negligible, the cumulative affect of all development will impact the wastewater system.

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

c. Vehicle traffic: Yes.

The Wan Yuan Jewelry, Inc. Building will impose an additional demand on the carrying capacity of the system. Although the impact is negligible, the proposed project will add cumulatively to the effect with other developments additional traffic impact to the public roadways in the area.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions): No.
The Wan Yuan Jewelry, Inc. Building project currently exists and no further earth work is anticipated to occur on any portion of the site.

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

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

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

The developer intends to keep diesel fuel available within the fuel tank of the generator. Otherwise, no further structural accommodation for fuel storage is proposed or anticipated. It is unlikely that the generator's fuel tank will require additional permit.

12. Does the project require permitting, land resources, financial aid or other assistance from the federal government (please provide type of permit, issuing agency, application dates, and contact person) ? No.

This document may be utilized by a federally sanctioned lending institution in meeting with the environmental requirements towards securing a construction loan. No other federal permits are known to be required for the development of the proposed project.

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

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

DECLARATION BY APPLICANT

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

Harry G. Gutierrez
Preparer (FONSI)

May 15, 2018
Date

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

GEPA-EPR001 (12/12/96) as revised by applicant.

15. Building Permit – Certificate of Occupancy

16. Engineering Drawings

a. Site, Drainage and Utility Plan

b. First and Second Floor Plan

c. Elevation Plan

public works

OFFICE OF BUILDING PERMITS & INSPECTION



TERRITORY OF GUAM

BUILDING PERMIT
CERTIFICATE OF OCCUPANCY

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

DATE _____ 19 ____ PERMIT NO. 3995

pplicant Chi Construction Inc (Contractor) Address P.O. Box 9157 Tamuning (No.) (street) 2019 (Contr's License)

ermit To Occupancy (Type of Improvement) (2) No. Story Store & Storage (Proposed Use) Number of Dwelling Units _____

t (Location) _____ (No.) Zoning District C

etween Tamuning (Cross Street) And _____ (Cross Street)

'ract No. _____ Lot 5172-3-9 Block _____

uilding is to be 45'4" Ft. Wide By 57 Ft. Long By 20 Ft. In Height And Shall Conform In Construction

o Type 11 Use Group B-2 Basement Walls Or Foundation Concrete

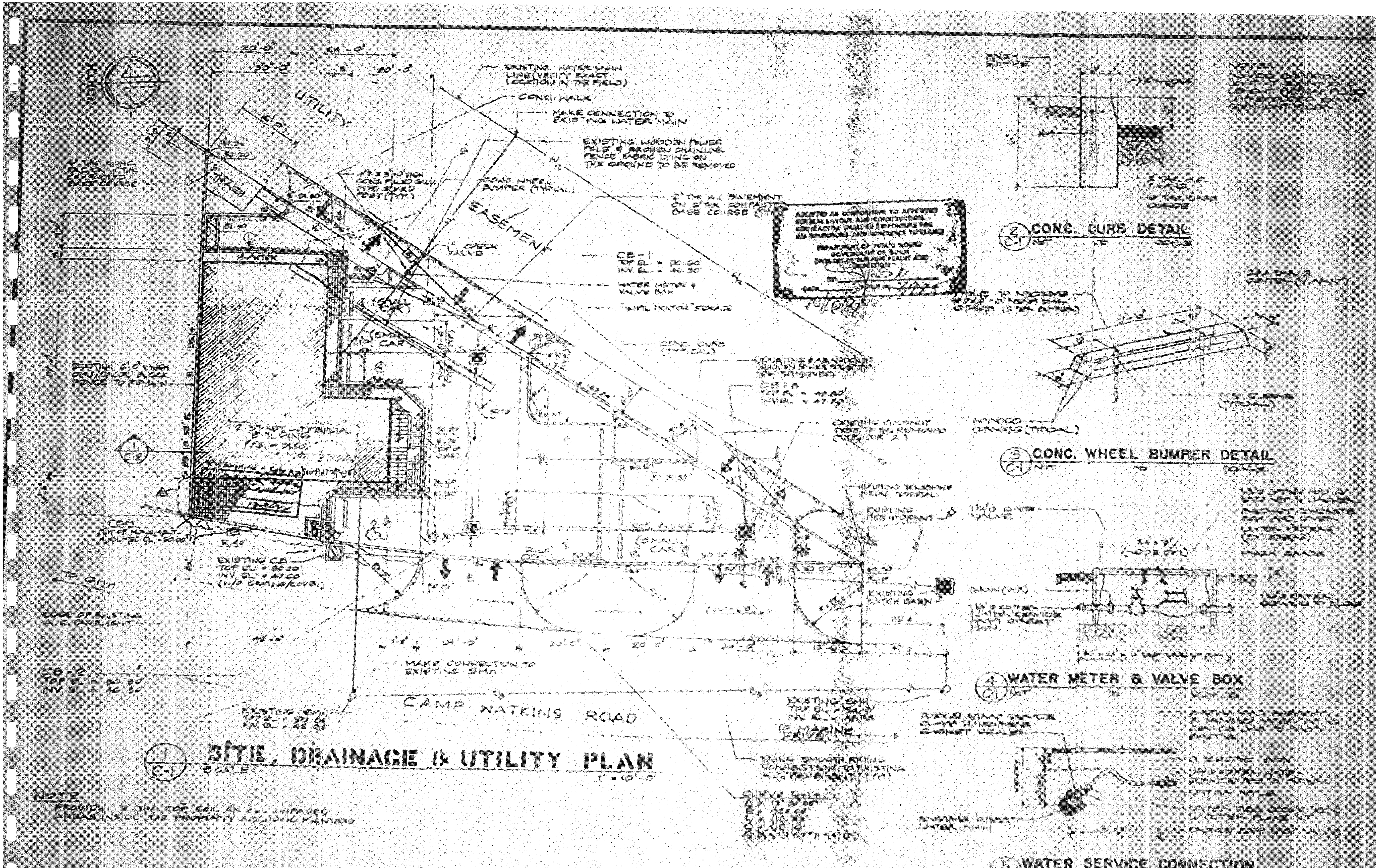
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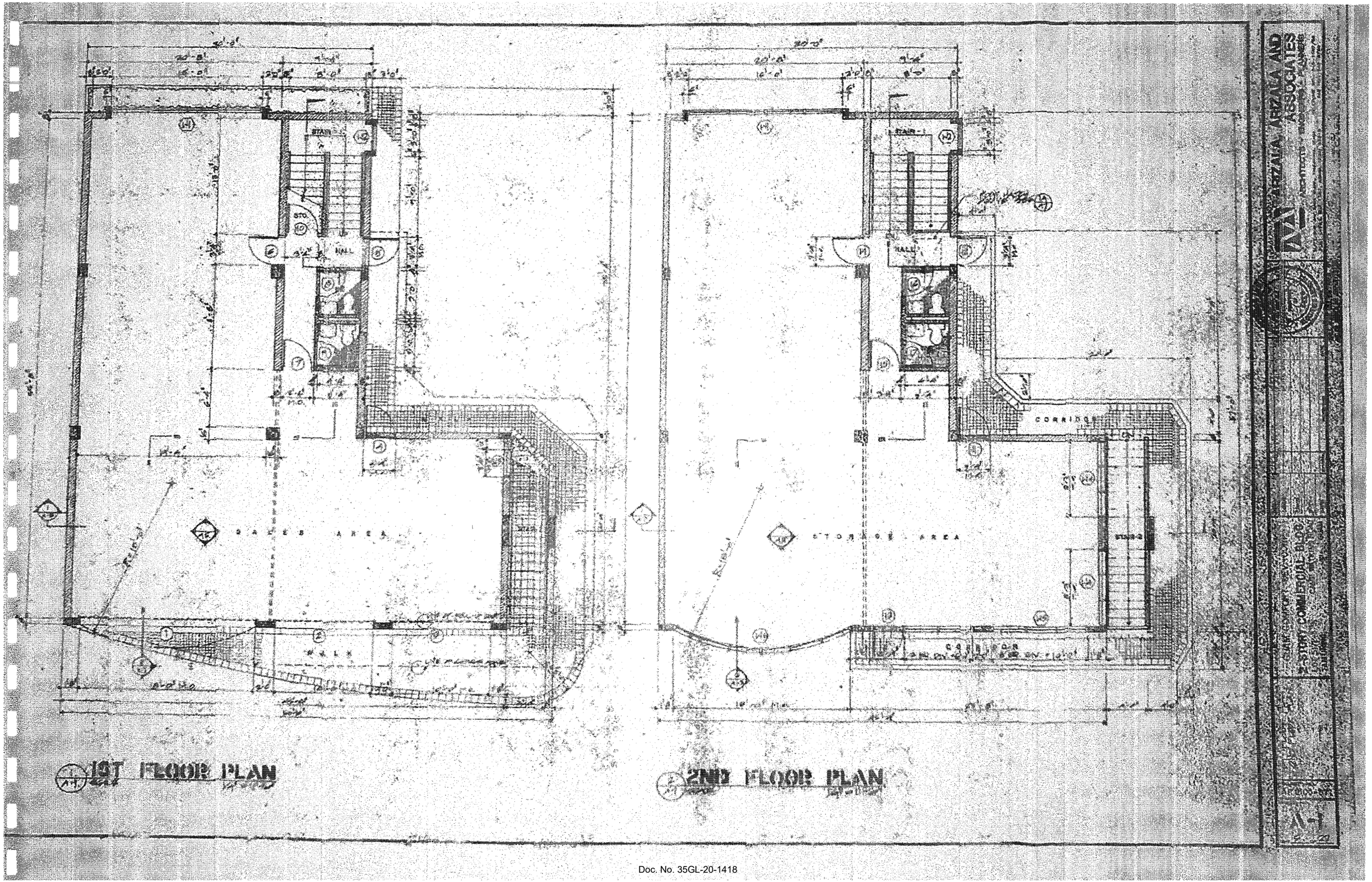
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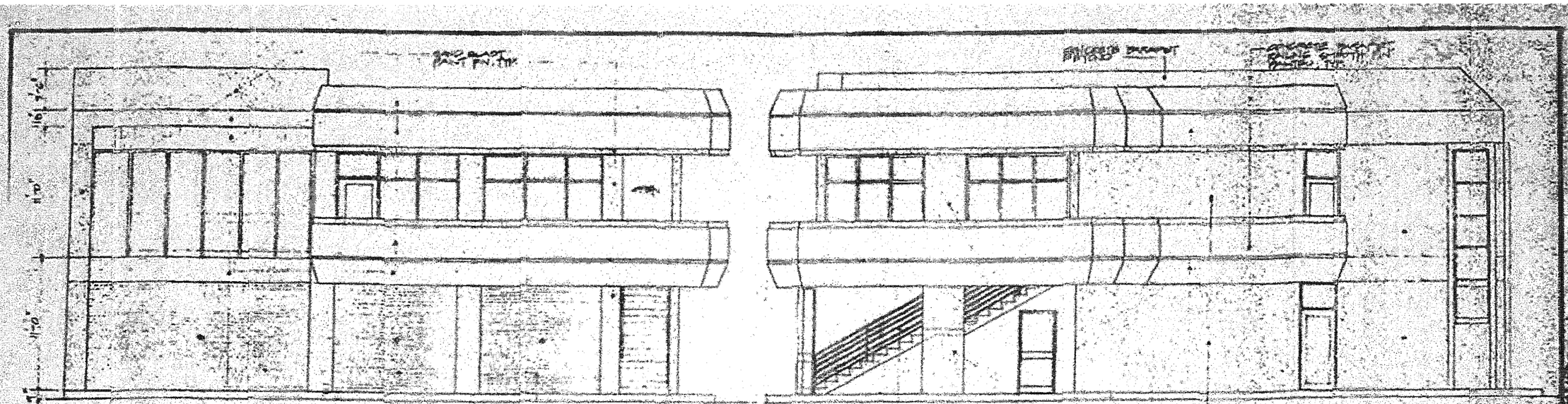
wner Guam Comfort Development (Signature)
P.O. Box 6218 Tamuning 96931 (Address)

Building Official _____ 11/23/93
JESUS Q. NINETE, SR.

11/23/93

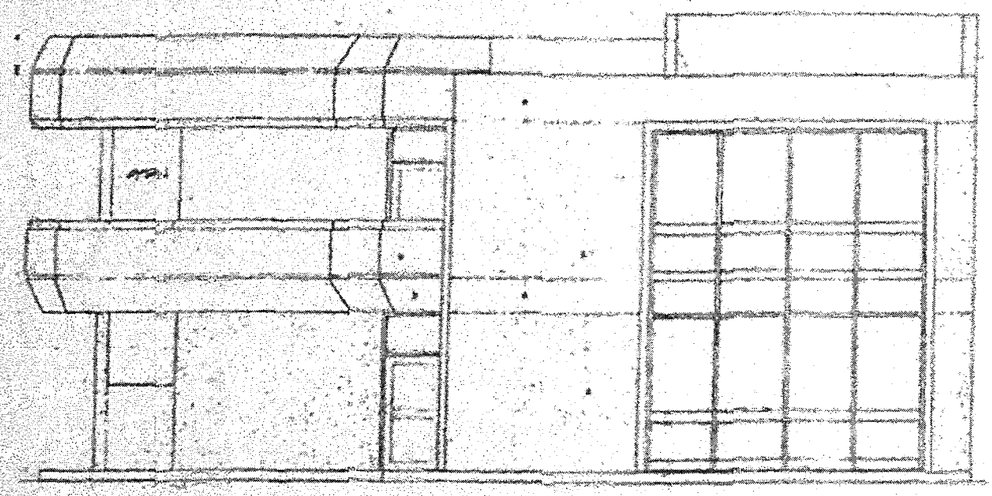

NORTH
UTILITY EASEMENT
EXISTING WATER MAIN LINE (VERIFY EXACT LOCATION IN THE FIELD)
CONC. WALK
MAKE CONNECTION TO EXISTING WATER MAIN
EXISTING WOODEN POWER POLE & BROKEN CHAINLINK FENCE FABRIC LYING ON THE GROUND TO BE REMOVED
CONC. WHEEL BUMPER (TYPICAL)
1" CHECK VALVE
CB - 1
WATER METER & VALVE BOX
"INFILTRATOR" STORAGE
CONC. CURB (TYPICAL)
EXISTING 6'-0" HIGH CMU/DECOR BLOCK FENCE TO REMAIN
TRASH
EXISTING COCONUT TREES TO BE REMOVED
EXISTING TELEPHONE METAL PEDESTAL
EXISTING FIRE HYDRANT
EXISTING CB
EXISTING CATCH BASIN
EDGE OF EXISTING A.C. PAVEMENT
TO SMH
CB - 2
TOP EL. = 50.30'
INV. EL. = 46.30'
MAKE CONNECTION TO EXISTING SMH
CAMP WATKINS ROAD
EXISTING SMH
TO MARINE DRIVE
MAKE SMOOTH RIDING CONNECTION TO EXISTING A.C. PAVEMENT (TYP.)
CURVE DATA
1 / C-1 SITE, DRAINAGE & UTILITY PLAN
SCALE 1" = 10'-0"
NOTE:
PROVIDE 6" THK. TOP SOIL ON ALL UNPAVED AREAS INSIDE THE PROPERTY INCLUDING PLANTERS
2 / C-1 CONC. CURB DETAIL
NTS
3 / C-1 CONC. WHEEL BUMPER DETAIL
NTS
4 / C-1 WATER METER & VALVE BOX
NTS
5 / C-1 WATER SERVICE CONNECTION
NTS
ACCEPTED AS CONFORMING TO APPROVED GENERAL LAYOUT AND CONSTRUCTION.
DEPARTMENT OF PUBLIC WORKS
GOVERNMENT OF GUAM


1ST FLOOR PLAN
2ND FLOOR PLAN
SALES AREA
STORAGE AREA
WALK
CORRIDOR
HALL
STAIR
ALTEZZA, ALTEZZA AND ASSOCIATES

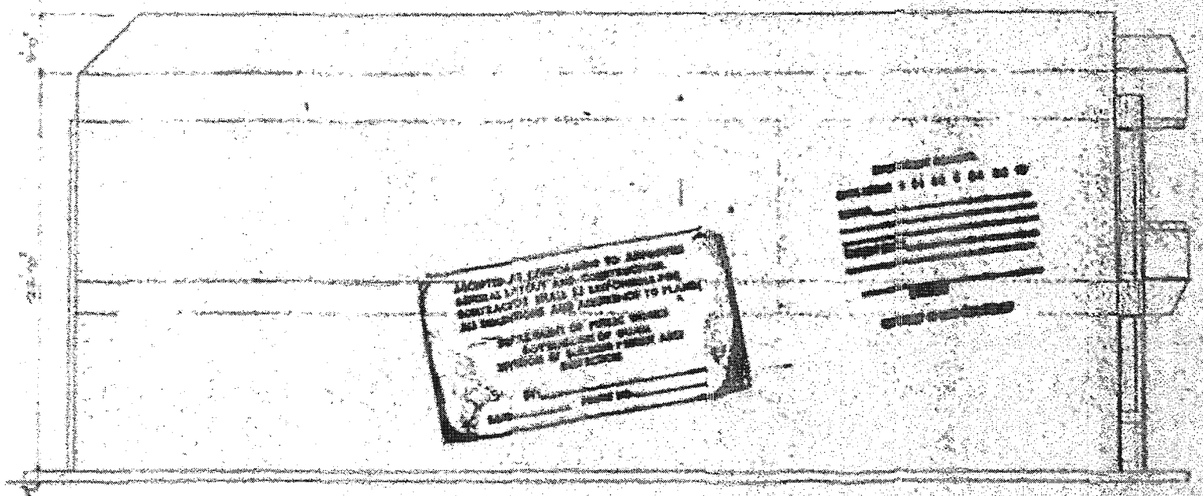


FRONT ELEVATION

RIGHT-SIDE ELEVATION



REAR ELEVATION



LEFT-SIDE ELEVATION

ARZAIA, ARZAIA AND ASSOCIATES
ARCHITECTS · ENGINEERS · PLANNERS

GUAM COMFORT DEV. CORP.

2-STORY COMMERCIAL BLDG.

A-2

Doc. No. 35GL-20-1418

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

November 27, 2018

Honorable Louise C. Rivera
Mayor of Tamuning-Tumon-Harmon

Hafa Adai Mayor Rivera:

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

Application No. 2018-31. The Applicant, Wan Yuan Jewelry represented by Harry D. Gutierrez; Zone Change request from "R-2" (Multi Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed use of an existing two-story structure with retail space on the first floor and professional office and residential unit on the second floor, on Lot 5172-3-9, in the municipality of Tamuning.

For any **Zone Change** requests that may have adverse impact on the public's interests, the GLUC is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we have scheduled with your office a public hearing to be held at the **Tamuning Senior Center, on Tuesday, December 11, 2018 at 6:00 p.m.**

Si Yu'os Ma'ase,

MARVIN QUITUGUA AGUILAR
Guam Chief Planner

Attachment: Application No. 2018-31

Date Received
J. TOMAGAN 11/26/18
Tamuning-Tumon-Harmon
Mayor's Office 4:45 pm

ATTACHMENT 3

PUBLIC HEARING MINUTES – December 11, 2018
Tamuning Senior Center
Wan Yuan Jewelry, Inc.
Application No. 2018-31
Lot 5172-3-9

The meeting was called to order at 6:07 PM by Planning Division staff. After a brief explanation by Planning Division staff of the public hearing process, the floor was turned over to the applicant's representative, Mr. Harry Gutierrez. Mr. Gutierrez did not discuss the project nor provided the attendees a detailed description of the application, but answered questions:

Mr. Harry Gutierrez: Sorry I forgot about this meeting. The owner built this way back in 2007, right? If I remember correctly.
Grace Vergara: 1991
Mr. Harry Gutierrez: 1991? That's when he renewed it.
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Celine Cruz: Harry, I understand what she's saying. It is not physically labeled as parking area but the Salvation Army staff utilize it and drive vehicles out, to unload/offload and that obstructively affects the traffic.
Mr. Harry Gutierrez: Now, I understand. That was Salvation Army that's why the owner kicked them out. They don't even care. Is that your only concern, the parking?
Ms. Rosario Flores: No, not only that. What's gonna be the use?
Mr. Harry Gutierrez: A store.
Ms. Rosario Flores: What kind of store?

ATTACHMENT 4

Mr. Harry Gutierrez: A clothing store, a jewelry store, or whatever will be the renter would do, they will just lease it.
Ms. Rosario Flores: How many parking stalls are there?
Mr. Harry Gutierrez: There are 10.
Ms. Rosario Flores: I don't think there's 10 parking stalls, can you provide us a clear and new parking lay out?
Mr. Harry Gutierrez: I'll try to get that.
Mayor Louise Rivera: Mr. Harry, you know you're representing the company and so we need to hear the answers. Even with the Municipal Planning Council I need to bring back information because you know we have to vote on this. The President wants to know what is gonna happen? Are they gonna have a facelift, is it gonna be a jewelry store, is it gonna be another Salvation Army type store or storage. You know you're not giving the exact information. The application says "retail" and I'm glad you indicated there won't be a game room or a massage parlor on the premises, wonderful! But you need to tell us what kind of retail store it is. If you cannot give us the answer then we need to owners to be here to say what they're going to do.

Mr. Harry Gutierrez: The owner will just lease it out and see whatever will be approved so he could restrictions to the renters. But basically, it's going to be a commercial use. A Clothing store or whatever they could lease it out for.

Celine Cruz: Actually Mayor and Harry if I may, the request is for "Limited Commercial" and in Limited Commercial uses, on the conditions we can indicate to what extent the uses are gonna be and based on the letter submitted it says a gift shop and accessory storage on the first floor and professional office and residential unit on the second floor. So, the kind of zone change that's being requested here basically on the notice of action and so in the building permit we need to look out that notice of action and any other build out and any other type of use or even a business license application we're gonna hold them to these uses that they say that's what they're requesting for a Limited Commercial. It's different from just an outright commercial use where anything we can't put conditions in a regular commercial zone change, but the request is just for a Limited Commercial.

Mayor Louise Rivera: Even if it says a "Gift Shop" what kind of gift shop, there are different kinds of gift shop like that Adult gift shop in Tumon. We want more home stuff and we want to more the red district away from the children. We also want to know what are the owners plan on the structure, are they gonna do some renovation, fixed it up to make it look pleasant? The building is so old, are they going to repaint it or leave it like that? We just did a clean up this past weekend and it looks like a dumpsite and so you know how come the owner are applying for a zone change but are not taking care of the property and didn't take care of their mess? they haven't met with the community like I said we have staff who can help and other organizations who can help do the clean up. I'm glad to meet with the owner to see and get the answers we are looking. I'm sorry they had you represent them but I don't think you can answer the questions we're asking. When is the next GLUC hearing and will this be included?

Celine Cruz: The next GLUC meeting might be around January but I don't think we're ready to put this in the agenda for the next GLUC meeting based on the issues that you're bringing up.

Mayor Louise Rivera: Harry, will you be able to contact the owners and get the answers for us?
Mr. Harry Gutierrez: My apology I wasn't prepared for this meeting like what I said I forgot about this Public Hearing but I will try contact owner. The owners are in L.A. and their contact here is the realtor (Gina Campos). Honestly, the owners just want to lease it out but let me know what kind of business you want on the property and I'll get the answers for you.

Mayor Louise Rivera: I don't want to be hard on you, just give us the answers on the questions that we ask.

Mr. Harry Gutierrez: I'll give you a letter next week after I contacted the owner, a letter regarding the answers to your questions and regarding the exact kind of establishment. They just really want to lease it out so I need to talk to them.

No further discussions. Attendees were informed that when there's already a schedule for GLUC it will be posted on the on-site sign. Meeting adjourned at 6:29 PM.

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
Acting Director

July 29, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Acting Guam Chief Planner

SUBJECT: Staff Report - Application No. 2018-31, Zone Change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) Zone, on Lot 5172-3-9, in the Municipality of Tamuning.

1. PURPOSE:

A. Application Summary: The applicant, Wan Yuan Jewelry Inc., represented by Harry Gutierrez, requests for a zone change from "R-2" (Multi-Family Dwelling) Zone to "LC" (Limited Commercial) Zone, for the proposed use of an existing two-story structure with retail space and an accessory storage on the 1st floor, professional office space and residential unit on the 2nd floor, on Lot 5172-3-9, Municipality of Tamuning.

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

2. FACTS:

A. Location: The subject lot abuts Governor Camacho Street (formerly Camp Watkins Road) and across Onward Beach Resort.

B. Lot Area: The total lot area is 750 square meters, 8,073 square feet; or approximately 0.2 acres.

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

D. Field Description: Subject lot is fairly flat. The property is developed with an existing two-story building that is currently vacant.

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

F. Community Design Plan: Urban Residential - Medium High Density

G. Previous Commission Action:

1) On October 10, 1991 the Territorial Land Use Commission (TLUC) approved with conditions a Zone Variance in Use to construct a

two-story commercial building to accommodate a jewelry shop, a small office and security storage. The variance granted was limited to seven (7) years only.

2) On September 14, 2006 the Guam Land Use Commission approved with conditions a Zone Variance in Use to allow for other commercial uses in the existing two-story structure. The variance granted was good for seven (7) years only.

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Application Accepted: April 11, 2018

B. Date Heard By ARC: June 21, 2018

C. Public Hearing Results: A public hearing was held on December 11, 2018 at 6:00 P.M. at the Tamuning Senior Center. Present were planning staff, the applicant's representative, Mr. Harry Gutierrez, and two concerned citizens.

Mr. Guttierez explained the proposed development or proposed uses should the zone change be approved. He responded to some questions and concerns of those present at the public hearing. After responding to all the questions and concerns, the attendees were informed that if they have any other concerns or questions or if they know of anyone who will like to submit their position or inquire further information on the application they can visit Planning Division, Department of Land Management of they may contact Planning Division at any of the Department's phone numbers and the meeting was adjourned at 6:29 P.M. (See attachment for full public hearing results)

4. DISCUSSION and STAFF ANALYSIS:

This request is to rezone Lot 5172-3-9 from "R-2" (Multi-Family Dwelling) zone to "LC" (Limited Commercial) zone in order to use the existing two-story structure with retail space and an accessory storage on the first floor and professional office space and residential unit on the second floor.

Pursuant to Section 61630 (Requirements for Changes) of Chapter 61 (Zoning Law) 21 GCA, where it states "The Commission may, with approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action".

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

Public Necessity and Convenience is addressed by providing retail of goods, and provide the convenience of professional office and related services to the immediate area and for the general public as well. The retail and professional office operations may be small but the proximal location of the site to high intensity activities and its location along Governor Carlos G. Camacho Road will add to the area's opportunities and become a convenience for locals and tourists. Tourism and military installation primarily support the economy of Guam; and since tourism is vital for Guam, other areas such as Camp Watkins may benefit from the saturated overflow of Tumon. Extending tourism beyond Tumon, the island can maximize economic and

employment opportunities that could benefit the government and all the island residents.

General Welfare. The general welfare of the public is protected by the requested zone change. The Limited Commercial (LC) zone change was determined to be the best approach embracing public concerns received from the prior Territorial and Guam Land Use Commission use variances approved in 1991 and 2006. It has been twelve (12) years since the 2006 approval consequent to the owner's medical relocation. Its expiration resulted in a commercially useable building to remain vacant and become prone to vandalism. Opportunities that could be derived from a sustainable commercial activity that complements the welfare of the area's land use remain unavailable.

The "Guam Tourism 2020 Plan" attempts to revitalize efforts encouraging the private sector to reinvest and upgrade the quality of Guam's tourism product. The zone change request is consistent with that plan and Guam can achieve its full potential as a tourism destination only with the support of the entire community.

Should the zone change be approved, the applicant intends to modify the site and structure in order to accommodate the proposed limited commercial activities. The applicant will ensure that there is adequate parking for tenants and patrons, safe access in and out of the site and a sign will be posted on the premises in order to avoid customers parking on the adjacent properties. The site will be landscaped and the existing two-story structure will be painted to aesthetically enhance the area.

The requested zone change will not reduce any zoning standards in the immediate vicinity; thus, will create a more stable environment providing for orderly development scheme. The proposed project is compatible with the existing nature of adjacent and neighborhood uses. The property adjacent to the north is Onward Beach Resort while the surrounding properties on the east, west and south are predominantly high density multi-family apartments and/or condominiums. There are commercial establishments within the 1,000 feet radius such as Payless Supermarket, clinics, pharmacies and other retail stores that complement each other, help improve the economy of Guam and provide employment to the residents. With respect to zoning and land use compatibility, the property is identified for "Mixed Use" under the 2009 North and Central Guam Land Use Plan. Under this category, mixed use developments primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites which includes 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 which qualifies the proposed zone change to be compatible with the proposed mixed use designation.

Conditions of approval are identified to safeguard existing permitted uses are not adversely impacted and the surrounding neighborhood concerns are addressed. Based on our review and analysis of the form and context of this application in reference to the Zoning Law and the response of the ARC members who have responded with no objections with conditions, we find the criteria for the grant of zone change is justified and that it be considered favorably by the Guam Land Use Commission.

5. **RECOMMENDATION:** Planning staff recommends **APPROVAL WITH CONDITIONS** as follows:

A. That the only use allowed on the first floor is a retail and an accessory storage for a gift shop, while the second floor will be a professional office and a residential unit. No retail activity shall include the sale of alcoholic beverages; and

B. That there shall be no drinking establishment such as nightclub or bar, pub and tavern where the sale and consumption of alcoholic beverages is allowed; and

C. That there shall be no massage parlor, pachinko machines, adult gaming, videos, and no sales of adult related gift items within the premises; and

D. That Applicant is responsible for maintaining the property in a clean and good condition free from trash and other types of debris at all times; no outside restroom; and further that the perimeter of the property be fenced; and

E. That Applicant ensure that a sign will be posted on the premises to avoid tenants and customers parking on the adjacent properties; and

F. That the Applicant designates a "loading/unloading" area within the property in such a manner that it does not obstruct traffic view nor becomes a safety hazard because of its location; and

G. That the current location of the ADA parking be relocated; and

H. That Applicant ensure that on-site or adjacent parking requirements are met for new tenants prior to assignment of lease and that Applicant shall submit a copy of the new parking layout plan to the Guam Chief Planner; and

I. That the Applicant also ensure the site will be landscaped and the existing two-story building will be painted; and

J. That the Applicant strictly comply with all ARC conditions as stated in their official position statement.

Celine L. Cruz
Acting Guam Chief Planner

Attachments: ARC Position Statements Summary & Public Hearing Minutes

Case Planner: Grace Vergara

PUBLIC HEARING MINUTES – December 11, 2018
Tamuning Senior Center
Wan Yuan Jewelry, Inc.
Application No. 2018-31
Lot 5172-3-9

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Mr. Harry Gutierrez: My apology I wasn't prepared for this meeting like what I said I forgot about this Public Hearing but I will try contact owner. The owners are in L.A. and their contact here is the realtor (Gina Campos). Honestly, the owners just want to lease it out but let me know what kind of business you want on the property and I'll get the answers for you.

Mayor Louise Rivera: I don't want to be hard on you, just give us the answers on the questions that we ask.

Mr. Harry Gutierrez: I'll give you a letter next week after I contacted the owner, a letter regarding the answers to your questions and regarding the exact kind of establishment. They just really want to lease it out so I need to talk to them.

No further discussions. Attendees were informed that when there's already a schedule for GLUC it will be posted on the on-site sign. Meeting adjourned at 6:29 PM.

ATTACHMENT

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
Acting Director

July 29, 2019

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC Members

RE: Zone Change Application No. 2018-31

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

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

A. That the only use allowed on the first floor is a retail and an accessory storage for a gift shop, while the second floor will be a professional office and a residential unit. No retail activity shall include the sale of alcoholic beverages; and

B. That there shall be no drinking establishment such as nightclub or bar, pub and tavern where the sale and consumption of alcoholic beverages is allowed; and

C. That there shall be no massage parlor, pachinko machines, adult gaming, videos, and no sales of adult related gift items within the premises; and

D. That Applicant is responsible for maintaining the property in a clean and good condition free from trash and other types of debris at all times; no outside restroom; and further that the perimeter of the property be fenced; and

E. That Applicant ensure that a sign will be posted on the premises to avoid tenants and customers parking on the adjacent properties; and

F. That the Applicant designates a "loading/unloading" area within the property in such a manner that it does not obstruct traffic view nor becomes a safety hazard because of its location; and

G. That the current location of the ADA parking be relocated; and

H. That Applicant ensure that on-site or adjacent parking requirements are met for new tenants prior to assignment of lease and that Applicant shall submit a copy of the new parking layout plan to the Guam Chief Planner; and

I. That the Applicant also ensure the site will be landscaped and the existing two-story building will be painted; and

J. That the Applicant strictly comply with all ARC conditions as stated in their official position statement.

DEPARTMENT OF AGRICULTURE (DoAg):
Agriculture has reviewed the subject lot for the rezoning of this lot to a "Limited Commercial" zone. 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 impact to Agriculture as the site has no recent history of cultivation and animal husbandry occurring and has been mainly used for dwelling and commercial service. Because the site is adjacent to the Alupang Bay our will require the developer implement "Best Management Practices" that addresses both environmental and ecological issues. The Alupang coast has been subject to frequent tests that show high levels of pollution in the water due to both man made and natural occurrences. To further prevent and compound pollution in this area we will require that should any demolition and or clearing and grading work is to occur, a proper silt screen barrier and berm system must be in place to prevent any contaminants and material generated by the activity is contained on the property and not allowed to erode and make its way into or near adjacent properties and coastal waters. Agriculture encourages planting a tree or bush line that will help limit and prevent such erosion and runoff from occurring.

The continued development of the island creates challenges in trying to achieve a proper balance as the removal of Guam's vegetation without having an adequate landscaping plan as part of any development will have devastating effects on the environmental make up of our land mass and coastal waters.

Replanting these trees will allow and prevent the destruction of our "Northern Aquifer" and avoid unchecked and reckless development that does not take into account preservation and continuation of native habitat that has protected our natural resources and island lifestyle. Planting these trees back into the environment will not only achieve that but also add to the developments aesthetic appeal. In addition these planted trees will help provide shading, windbreak capabilities and a greener appeal to the proposed development. The use of native trees that originate in this area is recommended as they are suitable and will adapt readily to the existing soils and will help to maintain a healthy aquifer and surrounding habitat to allow for a healthy and vibrant eco-system. The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and coastal zones thereby polluting it. The Department of Agriculture has several programs and personnel that can assist you in developing a plan to address this issue.

Please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. In addition our Agricultural Development Services division maintains an Organic and Environmental Demonstration Farm. The demonstration farm displays various planting techniques that will

aid the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment for assistance contact John Borja, Rick Lizama and Pete Terlaje at the ADS division at 300-7976 where our agricultural agents can assist you.

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

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:
      - Coordinate overhead/underground power requirements with GPA Engineering for new structure.
      - 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 electrical utility easements in accordance with NESC and GPA requirements.
      - Developer/Owner shall provide necessary electrical utility easements to GPA prior to final connection.
      - Provide scheduling and magnitude of project power demand requirements for new loads.
      - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
      - GPA reserves its easement rights established under Document No. 87751.

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

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

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

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

DEPARTMENT OF PARKS AND RECREATION (DPR):
We reviewed the subject application submitted by Harry D. Gutierrez, Consultant, authorized representative, on behalf of Wan Yuan Jewelry, the applicant and owner of subject lot. The applicant is requesting approval of subject application to use the existing 2-story for retail activity on the first floor and office and residential unit on the second floor.

The application package did not provide any adequate construction plan for us to review other than indicating that all parking, loading, and accesses are adequate for the proposed uses. We will determine if there are archaeological concerns once we obtain and review the complete construction plan, if any, associated with the subject application. Therefore, we have no objection to the approval of subject application.

However, all future development on the property must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to other development 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 the following conditions are met:

1. Traffic Generations – Provide a traffic impact analysis report to be coordinated with DPW Division of Highways (traffic management control section);
2. Access Road – Entrance/Exit must be wide enough for public access and must be in conformance with Guam Highway Master Plan to be coordinated with DPW, Division of Highways (rights of way section); and
3. Parking requirements – Parking stalls and lay-out (compact, standard accessible stalls) must meet the American Disability Act (ADA) requirements.

NOTE: Must submit previous copy of the as-built drawings and occupancy permit signed by DPW building official.

BUREAU OF STATISTICS AND PLANS (BSP):
The applicant, Wan Yuan Jewelry, Inc., represented by Mr. Harry D. Gutierrez is requesting for a zone change from "R-2" Multiple Dwelling Zone to a "LC" Limited Commercial Zone for the proposed use of a 2-storey structure. The subject lot is 750 square meters or 8073 square feet. Lot 5172-3-9 is located along Camp Watkins Road, a major thoroughfare in the Municipality of Tamuning, and will feature a retail gift shop and accessory storage on the first floor with a professional office and residential unit on the second floor. The adjacent surrounding properties include grocery stores, apartment and condominiums, medical clinics, hotels, retail stores and water outlets, churches, schools, and single family homes.

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

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

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

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

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

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

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

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

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

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

In light of the points presented above, the Bureau **recommends Approval with conditions** to the zone change request from "R-2" Multiple Dwelling Zone to the "LC" Limited Commercial Zone. The Bureau finds that the proposed commercial activity is compatible with its surrounding uses. Accordingly, the applicant is encouraged to prevent contaminants by controlling erosion during construction and managing stormwater runoff on site.

Subsequently, if this application is approved, the Bureau recommends the applicant to comply with the recommendations stipulated above.

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

GUAM WATERWORKS AUTHORITY (GWA):
The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R2" (Multi-family) to "LC" (Limited Commercial) zone.

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

The existing structure is connected to GWA's water and sewer systems. GWA supports the zone change, so long as applicant meets the conditions listed below.

1. Prior to renovation or occupancy by a new tenant, the account holder shall inform 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.

2. Prior to renovation or occupancy by a new tenant, the applicant is required to install a reduced pressure backflow preventer. Contact the GWA Permits Office for details at permits@guamwaterworks.org.

3. Prior to renovation or occupancy by a new tenant, the applicant shall meet applicable sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities. Contact the GWA Permits Office for details at permits@guamwaterworks.org.

4. Sewer cleanouts were not visible on the public right of way fronting the subject lot. If the applicant requests that GWA service the portion of sewer lateral located on the public right of way, then the applicant will be responsible for identifying the location of any existing cleanouts of the public right of way or installing sewer cleanouts on the public right of way.

General construction conditions are listed below.

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 sue by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

3. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.

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

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

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

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

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

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
The staff of this Agency reviewed the application and determined that this Agency does not have objection to rezone Lot No. 5172-3-9 from R-2 to LC that contains an area of +/-750 square meters. However, the owner and/or contractor must comply with all GEPA laws and regulations when obtaining permit to construct and/or occupy any structure or establishments under the approved zoning.

GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):
No Position Statement has been received as of the date of this Memorandum of July 29, 2019.

DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES (DPH&SS):
No Position Statement has been received as of the date of this Memorandum of July 29, 2019.

GUAM FIRE DEPARTMENT (GFD):
No Position Statement has been received as of the date of this Memorandum of July 29, 2019.

GUAM DEPARTMENT OF EDUCATION (GDOE):
No Position Statement has been received as of the date of this Memorandum of July 29, 2019.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
No Position Statement has been received as of the date of this Memorandum of July 19, 2019.

CHAMORRO LANGUAGE COMMISSION:
No Position Statement has been received as of the date of this Memorandum of July 19, 2019.

JOINT REGION MARIANAS (JRM):
No Position Statement has been received as of the date of this Memorandum of July 19, 2019.

Celine L. Cruz

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

epartment of Agricultur
Dipåttamenton Agrikottur

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

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

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

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

ORIGINAL

October 29, 2018
Memorandum

To: Director, Department of Land Management

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

From: Director of Agriculture

Subject: **"Agricultural & Environmental Impact Statement" for application 2018-31 for a zone change request from an "R2" to a "LC" on Lot 5172-3-9 consisting of 0.1853 of an acre Located off of Rte. 30 Farenholt Ave. and across the Onwaard Beach Resort parking lot in the municipality of Tamuning (Wan Yuan Jewelry Inc./Man Wing Cheung Principle c/o Harry Gutierrez).**

Agriculture has reviewed the subject lot for the rezoning of this lot to a "Limited Commercial" zone. 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 impact to **Agriculture** as the site has no recent history of cultivation and animal husbandry occurring and has been mainly used for dwelling and commercial service. Because the site is adjacent to the **Alupang Ba**y our will require the developer implement **"Best Management Practices"** that addresses both environmental and ecological issues. The **Alupang** coast has been subject to frequent tests that show high levels of pollution in the water due to both man made and natural occurrences. To further prevent and compound pollution in this area we will require that should any demolition and or clearing and grading work is to occur, a proper silt screen barrier and berm system must be in place to prevent any contaminants and material generated by the activity is contained on the property and not allowed to erode and make its way into or near adjacent properties and coastal waters. Agriculture encourages planting a tree or brush line that will help limit and prevent such erosion and runoff from occurring.

The continued development of the island creates challenges in trying to achieve a proper balance as the removal of Guam's vegetation without having an adequate landscaping plan as part of any development will have devastating effects on the environmental make up of our land mass and coastal waters.

Replanting these trees will allow and prevent the destruction of our "**Northern Aquifer**" and avoid unchecked and reckless development that does not take into account preservation and continuation of native habitat that has protected our natural resources and island lifestyle. Planting these trees back into the environment will not only achieve that but also add to the developments aesthetic appeal. In addition these planted trees will help provide shading, windbreak capabilities and a greener appeal to the proposed development. The use of native trees that originate in this area is recommended as they are suitable and will adapt readily to the existing soils and will help to maintain a healthy aquifer and surrounding habitat to allow for a healthy and vibrant eco-system. The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and coastal zones thereby polluting it. The **Department of Agriculture** has several programs and personnel that can assist you in developing a plan to address this issue.

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

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

MATTHEW L.G. SABLAN
Director

GUAM ENVIRONMENTAL PROTECTION AGENCY
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RAY TENORIO

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

10/25

OCT 25 2018

Mr. Tae Oh, Acting Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
P.O. Box 2950, Hagatna, Guam 96910

Ref: Application No. GLUC 2018-31 – "Zone Change from Multi Family (R-2) to Limited Commercial (LC) on Lot No. 5172-3-9 Tamuning, Guam.

The staff of this Agency reviewed the application and determined that this Agency does not have objection to rezone Lot No. 5172-3-9 from R-2 to LC that contains an area of +/-750 square meters. However, the owner and/or contractor must comply with all GEPA laws and regulations when obtaining 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:
RC2018-0697

MB 7/25

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

July 19, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on GLUC Application No. 2018-31: Zone Change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial), Lot Number 5172-3-9, Municipality of Tamuning

We reviewed the subject application submitted by Harry D. Gutierrez, Consultant, authorized representative, on behalf of Wan Yuan Jewelry, the applicant and owner of subject lot. The applicant is requesting approval of subject application to use the existing 2-story for retail activity on the first floor and office and residential unit on the second floor.

The application package did not provide any adequate construction plan for us to review other than indicating that all parking, loading, and accesses are adequate for the proposed uses. We will determine if there are archaeological concerns once we obtain and review the complete construction plan, if any, associated with the subject application. Therefore, we have no objection to the approval of subject application.

However, all future development on the property must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to other development requirements.

If you have any questions with regards to our position, please contact our office.

Sincerely,

William N. Reyes

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

GUAM POWER AUTHORITY

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

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

MB 9/25

September 19, 2018

MEMORANDUM

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

From: General Manager

Subject: Lot 5172-3-9, Municipality of Tamuning, (Wan Yuan Jewelry, Inc./Man Wing Cheung, Principle); Zone Change Application from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) for the existing building to be used for retail, office space and residential **Application No. 2018-31**

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

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   - **GPA reserves its easement rights established under Document No. 87751.**

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

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

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

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

for **JOHN M. BENAVENTE, P.E.**

ASG/arp

9/18

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Wan Yuan Jewelry, Inc./Man Wing Cheung, Principle
Location: Lot 5172-3-9, Tamuning
Type of Application: Zone Change
GLUC/GSPC Application No. 2018-31
Brief Project Description:
"R-2" to "LC" for the existing building to be used for retail, office space and residential.

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

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

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

   Yes ☐ No ☒

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

9/24/18
Date

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

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

MEMORANDUM

SEP 26 2018
MB 9/27

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

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO. 2018-31**
LOCATION: Lot 5172-3-9, Municipality of Tamuning
APPLICANT: Wan Yuan Jewelry, Inc.
PROPOSED: Zone Change Request from "R-2" Multiple Dwelling Zone to "LC" Limited Commercial Zone

***Håfa Adai*!** The applicant, Wan Yuan Jewelry, Inc., represented by Mr. Harry D. Gutierrez is requesting for a zone change from "R-2" Multiple Dwelling Zone to a "LC" Limited Commercial Zone for the proposed use of a 2-storey structure. The subject lot is 750 square meters or 8073 square feet. Lot 5172-3-9 is located along Camp Watkins Road, a major thoroughfare in the Municipality of Tamuning, and will feature a retail gift shop and accessory storage on the first floor with a professional office and residential unit on the second floor. The adjacent surrounding properties include grocery stores, apartment and condominiums, medical clinics, hotels, retail stores and water outlets, churches, schools, and single family homes.

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

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

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

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to surface receiving water bodies within the project site. The Bureau requires that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

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

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

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

Considering the growing concerns of flooding due to increased impervious surface, the applicant must implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island

Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp.guam.gov under the Guam Coastal Management Program.

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

In light of the points presented above, the Bureau **recommends Approval with conditions** ✓ to the zone change request from "R-2" Multiple Dwelling Zone to the "LC" Limited Commercial Zone. The Bureau finds that the proposed commercial activity is compatible with its surrounding uses. Accordingly, the applicant is encouraged to prevent contaminants by controlling erosion during construction and managing stormwater runoff on site. Subsequently, if this application is approved, the Bureau recommends the applicant to comply with the recommendations stipulated above.

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

CARL V. DOMINGUEZ
Director

cc: GEPA
DPW
GWA
DPR
GPA

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor

public works
GLENN LEON GUERRERO
Director
ANDREW S. LEON GUERRERO
Deputy Director

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

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICATION: 2018-31

APPLICANT: Wa Yuan Jewelry, Inc.

POSITION STATEMENT: "R-2" (Multi-Family Dwelling) to Limited Commercial, Tamuning

Buenas yan Hafa Adai! The Applicant is requesting to convert an existing two storey structure, zoned ("R-2") into a limited commercial zone area. The proposed zone change is to accommodate a retail activity gift shop, accessory storage at the 1st floor and an office and residential area at the 2nd floor. The total lot area is approximately 750 square meters or 8,073.6 square feet.

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

1. Traffic Generations - Provide a traffic impact analysis report to be coordinated with DPW Division of Highways (traffic management control section);
2. Access Road - Entrance/ Exit must be wide enough for public access and must be in conformance with Guam Highway Master Plan to be coordinated with DPW, Division of Highways (rights of way section); and
3. Parking requirements - Parking stalls and lay-out (compact, standard accessible stalls) must meet the American Disability Act (ADA) requirements.

NOTE:

Must submit previous copy of the as-built drawings and occupancy permit signed by DPW building official.

Attached herewith are copies (pages 2 & 3) under 21 GCA, Real Property, Chapter 66, Building Law. SOURCE: GC S31002, S66104, Application to Existing Buildings.

Should you have any questions, please contact Mr. Max C. Manzano, P.E., Chief Engineer for the Division of Capital Improvement Projects (CIP- Vertical) @ (671) 486-3095 or Maryrose M. Wilson, Engineer III, at (671) 646- 3224. **Dangkulu na Si Yu'os Ma'ase!**

GLENN LEON GUERRERO

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

The purpose of this Chapter is to secure and promote the safety, health and general welfare of the people of the Territory of Guam by providing standards for the location, design, material, construction, alteration, repair, building service equipment, maintenance, use, occupancy, moving, removal and demolition of buildings, structures and appurtenances thereto in the Territory of Guam.

SOURCE: GC §31001.

§ 66103. Compliance.

All buildings and structures, appurtenances connected and attached thereto, or equipment thereof, which are erected, constructed, installed or moved within the Territory of Guam after the effective date of this Chapter shall comply with all provisions of this Chapter; provided, however, that as to structures designed as single family dwellings such structures shall comply with the provisions of this Chapter only if they are located or are to be located within an organized village having public utilities. The location and boundaries of such organized villages for the purposes of this Law shall from time to time be designated and redesignated and defined and redefined by Executive Order of the Governor of Guam.

SOURCE: GC §31002.

§ 66104. Application to Existing Buildings.

(a) General. Buildings or structures to which additions, alterations or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section.

(b) Addition, Alterations and Repairs: More than Fifty Percent (50%). When additions, alterations or repairs within any 12-month period exceed fifty percent (50%) of the value of an existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures.

(c) Additions, Alterations and Repairs: Twenty-Five Percent (25%) to Fifty Percent (50%). Additions, alterations and repairs exceeding twenty-five percent (25%) but not exceeding fifty percent (50%) of the value of an existing building or structure and complying with the requirements for new buildings or structures may be made to such building or structure within any 12-month period without making the entire building or structure comply. The new construction shall conform to the requirements of this Chapter for a new building of like area, height and occupancy. Such building or

Doc. No. 35GL-20-1418

structure, including new additions, shall not exceed the areas and heights specified in this Chapter.

(d) Additions, Alterations and Repairs: Twenty-Five Percent (25%) or Less. Structural additions, alterations and repairs to any portion of an existing building or structure, within any 12-month period, not exceeding twenty-five percent (25%) of the value of the building or structure, shall comply with all of the requirements for new buildings or structures, except that minor structural additions, alterations, or repairs, which are made by the building owner, lessee, or their full-time employees, families or friends, and not made by a hired contractor, which do not affect structural design or integrity of the house such as, but not limited to, painting, dry wall repair, finishing, siding, plumbing, interior wall construction or electrical repairs, may be made with the same material of which the building or structure is constructed, and may be made without application or notice to the building official. Such building or structure, including new additions, shall not exceed the areas in height specified in this Chapter.

(e) Nonstructural Alterations and Repairs: Twenty-Five Percent (25%) or Less. Alterations or repairs, not exceeding twenty-five percent (25%) of the value of an existing building or structure which are nonstructural and do not affect any member or part of the building or structure having required fire resistance, and which are made by the building owner, lessee, employee, family or friends and not made by a hired contractor, may be made with the same materials of which the building or structure is constructed, and may be made without a building permit, application or notice, to the building official when made within any twelve-month period.

(f) Repairs: Roof Covering. Not more than twenty-five percent (25%) of the roof covering of any building or structure shall be replaced in any 12-month period unless the new roof covering is made to conform to the requirement of this Chapter for new buildings or structures. Roof coverings which are twenty-five percent (25%) or less, and are replaced within a 12-month period, when replaced by the building owner, and are not replaced by a hired contractor, may be made without building permit, application or notice to the building official.

(g) Existing Occupancy. Buildings in existence at the time of the passage of this Chapter may have their existing use or occupancy continued if such use or occupancy was legal at the time of the passage of this Chapter, provided such continued use is not dangerous to life.

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

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

MEMORANDUM

October 22, 2018

TO: Michael Borja, Director, Department of Land Management

CC: Mayor Louise C. Rivera, Municipality of Tamuning-Tumon-Harmon (mayorlcrivera.tatuha@gmail.com)

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

SUBJECT: Position Statement on Zone Change Application No. 2018-31 for Lot 5172-3-9 in the Municipality of Tamuning-Tumon-Harmon

APPLICANT: Wan Yuan Jewelry, Inc.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R2" (Multi-family) to "LC" (Limited Commercial) zone.

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

The existing structure is connected to GWA's water and sewer systems. GWA supports the zone change, so long as applicant meets the conditions listed below.

1. Prior to renovation or occupancy by a new tenant, the account holder shall inform 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.

2. Prior to renovation or occupancy by a new tenant, the applicant is required to install a reduced pressure backflow preventer. Contact the GWA Permits Office for details at permits@guamwaterworks.org.

3. Prior to renovation or occupancy by a new tenant, the applicant shall meet applicable sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities. Contact the GWA Permits Office for details at permits@guamwaterworks.org.

4. Sewer cleanouts were not visible on the public right of way fronting the subject lot. If the applicant requests that GWA service the portion of sewer lateral located on the public right of way, then the applicant will be responsible for identifying the location of any existing cleanouts of the public right of way or installing sewer cleanouts on the public right of way.

General construction conditions are listed below.

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. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.

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

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

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

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

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

US-China rivalry a subject of concern for regional shippers

By Kevin Kerrigan
kevin@postguam.com

Competition between China and the United States in Micronesia was the subject of concern at the opening of a regional shippers conference at the Hotel Nikko Guam in Tumon Wednesday morning.

"A major concern is the tension between the superpowers," said Micronesia Shipping Commission Vice Chairman Charles Obichang of Palau, referencing "the world's two largest economies."

Obichang said Micronesia's "delicate situation" as "a way-post rather than a destination-post" puts the region "at the mercy of major disruptions" on the international scene.

He told the delegates that "while the prospect of international seaborne trade (is) bright, the rising trade protectionism and inward-looking polices are nevertheless something to be concerned about."

Obichang was the opening speaker at the 46th annual conference of the Association of Terminal Operators, Stevedoring and Shipping Companies of Micronesia.



LEON GUERRERO: Gov. Lou Leon Guerrero was the keynote speaker at the opening of a regional shippers conference Wednesday at the Hotel Nikko Guam in Tumon. Photo courtesy of the Office of the Governor

Gov. Lou Leon Guerrero responded to Obichang in her remarks, saying she too sees the growing interest from the international community in the region. That interest, however, is something that can be turned to regional advantage.

She pointed out that representatives from the governments of China, Taiwan, Japan, Russia and the U.S. were all present in Pohnpei on Monday for the inauguration of the new Federated States of Micronesia president.

They were there, she said, because "they see the Pacific islands as an expanding economy" and they are "competing to be the first at the table."

Foreign band recruiter wins appeal in 9th Circuit

By John O'Connor
john@postguam.com

A man who admitted to making false statements in order to recruit female band members from the Philippines and have them sell drinks to club patrons is up for resentencing after a successful appeal in the 9th U.S. Circuit Court of Appeals.



Jemuel Luciano

Jemuel Luciano pleaded guilty in April 2017 and was initially sentenced to six months at the District Court of Guam in June 2018. He appealed the following month.

Luciano stated during his sentencing that he accepted the plea agreement because it was his understanding that he would be sentenced to zero months in prison.

In its decision, the court stated the federal government breached the plea agreement by recommending a sentence that was within, rather than below, the sentencing guidelines, even after asserting that Luciano had provided substantial assistance.

"Under the plain language of the plea agreement, if the government determined that Luciano had provided substantial assistance, it was obligated to move the court ... 'to impose a sentence below the otherwise-applicable' guidelines range of 6-12 months," the April 2019 decision stated.

The parties on Wednesday asked for more time on the matter. The case is scheduled for another hearing on Aug. 26.

CONTRACK WATTS

JOB FAIR

Saturday, August 10, 2019
9:00 am to 2:00 pm

674 Harmon Loop Road, Ste. 212, Dededo
(2nd Floor, Bank of Guam across from Harmon McDonalds)

Same day interviews will be conducted for open positions:

Carpenter (Formwork)
Pipefitter
Plumber
Cement Mason
Heavy Equipment Operator
Ironworker (Steelmen)
Electrician

Please bring certifications and resumes if available

Applications can be picked up at
Contrack Watts office
Monday - Friday, 8am to 4pm

Qualified candidates must be able to obtain and maintain base access
(Valid US Passport or REAL ID Compliant identification required)

EEO/AA Employer/E-Verify Participant
Contrack Watts is a Drug & Alcohol-Free Workplace

GUAM LAND USE COMMISSION

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

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, August 8, 2019 at 1:30 p.m., Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – April 25, 2019
III. Old Business
IV. New Business
  A. 2018-31, Wan Yan Jewelry: Zone Change from "R2" to "LC" zone, Lot 5172-3-9, Tamuning
  B. 2019-01, MS Investment, Inc., Tentative Subdivision for proposed housing development, Lot 22-2NEW-R2, Talofofo.
V. Administrative Matters
  C. 95-460, Hawaiian Rock Products: Renewal of previously approved Conditional Use permit for its quarrying operation, Lot 7092-3, Yigo.
  D GLUC Resolution: Request for Resolution to add recycling of engine oil as permitted use in M1 zone.
VI. Adjournment

GUAM-HYBRID LAND USE COMMISSION

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

AGENDA

A regular meeting of the Guam-Hybrid Land Use Commission will be held on Thursday, August 8, 2019 at 1:30 p.m., Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – April 25, 2019
III. Old Business (None)
IV. New Business (None)
V. Administrative Matters
  A. 2017-30B, NPLJ, LLC; request for Extension of Time for a previously approved Zone Variance for Height (Dos Amantes Residences), on Lots 5040-11 & 5040-12, Dededo/Tamuning.
  B. 2017-29C, Blue Ocean Investment LLC; request for Extension of Time for a previously approved Zone Variance for Height & Density, for proposed 21-story boutique hotel, Lots 5093-R1-1-1 & 5093-R1-1-R1, Tamuning.
VI. Adjournment

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

Walmart massacre in Texas being investigated as domestic terrorism

By Julio-Cesar Chavez
Reuters

EL PASO, Texas – U.S. authorities investigating what drove a young man from the Dallas area to kill 20 people at a Walmart store hundreds of miles away in the border city of El Paso said on Sunday they are treating it as a case of domestic terrorism.

Texas Gov. Greg Abbott said Saturday's rampage appeared to be a hate crime, and police cited a manifesto they attributed to the suspect as evidence that the bloodshed was racially motivated.

A state prosecutor said the state will seek the death penalty for the suspect, Patrick Crusius, 21, of Allen, Texas.

The U.S. attorney for the western district of Texas, John Bash, said federal authorities were treating the massacre as a case of domestic terrorism.

"And we're going to do what we do to terrorists in this country, which is to deliver swift and certain justice," Bash told reporters at a news conference on Sunday.

He said the attack appeared "to be designed to intimidate a civilian population, to say the least."

The shooting happened just six days after the last major outbreak of U.S. gun violence in a public place – a food festival in California where a teenager killed three people with an assault rifle and injured a dozen others before taking his own life in a hail of police gunfire.

The Texas killings were followed just 13 hours later by another mass shooting in Dayton, Ohio, where a gunman in body armor and a mask killed nine people in less than a minute and wounded 27 others in the city's downtown historic district before he was shot dead by police.

The shootings reverberated across the United States' political arena on Sunday as Democratic presidential candidates called for stricter gun laws and accused President Donald Trump of stoking racial tensions.

Trump told reporters he would make a statement on Monday morning about the shootings.

"Hate has no place in our country, and we're going to take care of it," Trump said. "This is also a mental illness problem, if you look at both of these cases. These are really people that are very, very seriously mentally ill."

Schumer to GOP: Cancel summer vacation, work on gun safety legislation

By Brian Niemietz
New York Daily News

WASHINGTON D.C. – Senate Minority Leader Chuck Schumer is willing to forgo his summer vacation to work on gun control legislation if freshly injured Senate Majority Leader Mitch McConnell – injured Sunday during a fall in his Louisville, Kentucky, home – will join him in Washington, D.C.

The 66-year-old Brooklyn native made his demand Sunday, following a weekend that saw a massacre in Texas take 20 lives Saturday and nine people gunned down in Ohio early Sunday morning.

"El Paso, Dayton, one awful event after another," Schumer tweeted. "(Sen. McConnell) must call the Senate back for an emergency session to put the House-passed universal background checks legislation on the Senate floor for debate and a vote immediately," he wrote.

The House of Representatives passed comprehensive legislation in February that would require federal criminal background checks for all gun purchases. The senate and the president have not yet signed on. Only two Democrats opposed the House mandate, which saw eight Republicans reach across the aisle to work with the majority party.

The Senate is in recess through September so representatives can get out of Washington, D.C., for a few weeks.

CONTRACK WATTS

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9:00 am to 2:00 pm

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Plumber
Cement Mason
Heavy Equipment Operator
Ironworker (Steelmen)
Electrician

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  B. 2019-01, MS Investment, Inc.; Tentative Subdivision for proposed housing development, Lot 22-2NEW-R2, Talofofo.
V. **Administrative Matters**
  C. 95-46D, Hawaiian Rock Products; Renewal of previously approved Conditional Use permit for its quarrying operation, Lot 7092-3, Yigo.
  D. GLUC Resolution; Request for Resolution to add recycling of engine oil as permitted use in M1 zone.
VI. **Adjournment**

GUAM-HYBRID LAND USE COMMISSION

Department of Land Management
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AGENDA

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III. **Old Business (None)**
IV. **New Business (None)**
V. **Administrative Matters**
  A. 2017-30B, NPLJ, LLC; request for Extension of Time for a previously approved Zone Variance for Height (Dos Amantes Residences), on Lots 5040-11 & 5040-12, Dededo/Tamuning.
  B. 2017-29C, Blue Ocean Investment LLC; request for Extension of Time for a previously approved Zone Variance for Height & Density, for proposed 21-story boutique hotel, Lots 5093-R1-1-1 & 5093-R1-1-R1, Tamuning.
VI. **Adjournment**

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

Doc No. 35GL-20-1418

GUAM LAND USE COMMISSION

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

Commissioner [Vacant]
Commissioner [Vacant]

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

AGENDA - Disposition

Regular Meeting
Thursday, August 8, 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 August 1st, 2019 and August 6th, 2019]

I. **Notation of Attendance** [X] Quorum 3:10 p.m. [ ] No Quorum
Present were: Chairman Tae Oh, Commissioner Conchita Bathan, Commissioner Hardy Vy, Mayor Louise Rivera, Mayor Melissa Savares, Mayor June Blas, Acting Chief Planner Celine Cruz, Case Planner Frank Taitano.

II. **Approval of Minutes**

- GLUC Regular Meeting of Thursday, April 25, 2019

Action – Motion to approve the Minutes of April 25, 2019 was passed unanimously; 3 ayes, 0 nay.

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

IV. **New Business**

Zone Change

A. **Application No. 2018-31**, the Applicant, Wan Yuan Jewelry represented by Harry D. Gutierrez; request for a Zone Change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) zone, for the continued use of an existing commercial building, on Lot 5172-3-9, in the Municipality of Tamuning. Case Planner: Grace Vergara

Action – motion to approve the request was passed [3 ayes, 0 nay], subject to the following conditions:

1) **Only use allowed on the first floor is a retail and an accessory storage for a gift shop, and professional office and residential unit on the second floor. No retail activity shall include the sale of alcoholic beverages;**
2) **There shall be no drinking establishments such as night clubs or bars, pubs and taverns where sale and consumption of alcoholic beverages is allowed;**
3) **There shall be no massage parlor, pachinko machines, adult gaming, videos, and no sales of adult related gift items within the premises;**
4) **Applicant is responsible for maintaining the property in a clean and good condition, free from trash and other types of debris at all times; no outside restroom, and further that the perimeter of the property be fenced;**
5) **Applicant shall ensure that a sign will be posted on the premises to avoid tenants and customers parking on adjacent properties;**
6) **Applicant shall designate a "loading/unloading" area within the property in such a manner that it does not obstruct traffic view nor becomes a safety hazard because of its location;**
7) **Current location of ADA parking be relocated;**

ATTACHMENT 7

8) **Applicant ensure that on-site or adjacent parking requirements are met for new tenants prior to assignment of lease and that the applicant shall submit a copy of the new parking layout plan to the Guam Chief Planner;**
9) **Applicant also ensures that the site will be landscaped and the existing two-building will be painted; and,**
10) **Applicant strictly comply with all ARC conditions as noted in the official position statements.**

Tentative Subdivision

B. **Application No. 2019-01**, the Applicant, MS Investment, Inc. represented by W.B. Flores & Associates; request for a Tentative Subdivision for the proposed development of a total of 62 lots, 58 for single family residential lots, 4 public lots consisting of recreational space, ponding basin, Right-of-Way access road, and a non-access utility easement, on Lot 22-2NEW-1-2, in the Municipality of Talofofo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Frank Taitano
Action – Motion to approve was passed unanimously [3 ayes, 0 nay] subject to, that the applicant adheres to the ARC conditions and requirements as stipulated on their official position statements.

V. Administrative & Miscellaneous Matters

C. **Application No. 95-46D**, the Applicant, Hawaiian Rock Products represented by FC Benavente, Planners; requests renewal of a previously approved Conditional Use permit for its quarrying operations, on Lot 7092-3, in the Municipality of Yigo, in an "A" (Rural/Agricultural) zone. Case Planner: Frank Taitano
Action – Motion to approve the applicant's request for extension was passed unanimously (3 ayes, 0 nay) subject to the following:
1) **Applicant adheres to the ARC conditions and requirements as stipulated on their official position statements; and,**
2) **Applicant adheres to the conditions listed on the March 13, 2014 Commission approval; Notice of Action recorded under Document No. 864294.**

D. **Daniel D. Swavely**; requests a GLUC Resolution to add recycling of engine oil as a permitted use in an "M-1" (Light Industrial) zone. Case Planner: Frank Taitano
Action – due to the recusal of Commissioner Vy due to personal conflict, there is no quorum to hear the applicant's request; and therefore, will be continued when the Commission has sufficient members to constitute a quorum.

VI. Adjournment [There being no further business for discussion, the meeting was adjourned at 5:06 p.m.]

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

File for Record is Instrument Number 941393

on the Year 20 19 Month 10 Day 30 Time 941

DE-OFFICIO 10

Recording Fee _____ Receipt No. DE-OFFICIO

Deputy Recorder: JOEL ANTE NGRUZ

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, August 8, 2019
3:10 p.m. to 5:06 p.m.

ATTACHMENT 8

GUAM LAND USE COMMISSION SPECIAL MEETING
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning
Thursday, August 8, 2019

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

PLANNING STAFF PRESENT:

Mr. Joseph Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Ms. Celine Cruz, Acting Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Grace Vergara, Case Planner

Chairman Oh Commissioner Vy is conflicted and has a valid reason for the recusal because he is involved in the industry that is before the Commission today.

Commissioner Bathan since Commissioner Vy has recused himself, this request cannot be heard today due to lack of quorum.

Chairman Oh confirmed Commissioner Bathan's comment; and, invited the applicant to come forward.

Dan Swavely is before the Commission today on behalf of the applicant. Mr. Swavely thanks Commissioner Vy for the disclosure and understands the situation. He further added that a little more homework has to be done in Barrigada to address some of Mayor Blas' concerns before proceeding with this application; and, he will use this time to accomplish this.

Chairman Oh Chairman Oh apologized for the inconvenience; and, expressed the frustration of having only three members at this time. Chairman Oh also states that the process of finding new members has taken a bit longer than expected. He thanked Mr. Swavely for his time today.

Moving onto the next item on the agenda –

IV. New Business

Zone Change

A. Application No. 2018-31, the Applicant, Wan Yuan Jewelry represented by Harry D. Gutierrez; request for a Zone Change from an "R-2" (Multi Family Dwelling) to "LC" (Limited Commercial) zone, for the continued use of an existing commercial building, on Lot 5172-3-9, in the Municipality of Tamuning. Case Planner: Grace Vergara

Grace Vergara (Case Planner) reads the Staff Report to include the purpose, facts, public hearing results, staff analysis/discussion, recommendation and conditions for limited commercial activities. [For full content/context, refer to attached report]

[Attachment A – Staff Report dated July 29, 2019]

Chairman Oh [there were no questions noted for staff] Chairman Oh comments that he did not see an MPC Resolution from the Tamuning Mayor's Office, and since Mayor Rivera is in attendance today, Chairman Oh invited Mayor Rivera to provide her comments for this application.

Mayor Louise Rivera thanks the Commission for the opportunity to provide comments today. There was a public hearing for this application and Mr. Gutierrez presented the application before the community. There were questions that was asked of Mr. Gutierrez at the public hearing; however, he was not able to provide the answers that were posed to him. Since there was no additional public hearing for this application, Mr. Gutierrez along with another representative of the applicant was invited to the MPC meeting to present the application before the Council; but still the questions the members had were still unanswered. Mayor Rivera reaffirms that the plan

for use of the building is for a retail store on the first floor with a residential unit and/or office on the second floor. Mayor Rivera states it is still not clear exactly what the building will be used for. The building housed the Salvation Army and there have been many incidences that have occurred at this property. The owner is off-island for medical issues; if it is the owner's intention is to sell the property, let the property be sold as is and then let the new owner answer to the Tamuning MPC on what the plans are for use of the building. Areas are zoned for a reason and there is a reason why we go through this application process to change that. For all of us in the community, it is best that we know for sure, from the owner, what their intentions are. [SIC]

Chairman Oh has there been discussion within the MPC regarding this application.

Mayor Rivera they heard what the applicant and Mr. Gutierrez had to say. The last thing that Ms. Campus told the Council was that the owner has the right to do whatever they want with their property. The applicant is requesting for a rezone of the property and the MPC wants to know what the plans are. Mayor Rivera comments that often times when the property is sold, the new owner has a different agenda from what was presented during the application process. If the proposed use is for retail, the traffic coming in and out of that area is bad because the building is located at a dangerous curve and there is a concern.

Chairman Oh thank you Mayor Rivera for the comments. [Notes no additional questions for staff] Chairman Oh invited the applicant to come forward, and to state their name for the record.

Harry Gutierrez there has been ongoing discussion with the Tamuning MPC for this application. The applicant has agreed to abide by the Council's proposal that there will be no strip bars, gambling, no sale of alcohol, and no massage parlors. This is the reason for the limited commercial zone so that the activities are limited or conditioned to have only what is stated. The building exists. The owner left the island due to medical issues. He allowed the Salvation Army to use the building without charge as a donation. The previous approval expired and there was no chance to renew it because he was off-island for medical reasons. The owner then hired Remax Realty to manage the building, and because the Salvation Army was not upkeeping the property, they were asked to move out. The applicant has agreed to the conditions as stated in the staff's report; no liquor sales, no massage parlors, night clubs, bars, etc. At this time, no decision has been made by the owner to sell the property; however, if it is sold, the new owner will have to abide by the conditions as noted on the limited commercial approval. Mr. Gutierrez adds that there will be more of an impact to the area if the proposed use would be a six-unit apartment building which will create more traffic issues in the area. Adequate parking will be provided based on the square footage of the property.

Chairman Oh asked staff if there was photo copy of the billboard sign on file.

Grace Vergara replied that there was one provided by Mr. Gutierrez. [Ms. Vergara provided a copy for the members perusal.]

Chairman Oh although Chairman Oh saw the sign at the property, he notes that a copy of the sign is needed for documentation purposes.

Harry Gutierrez there have been many incidences were people have dropped off used appliances and/or clothing at the building thinking that the Salvation Army is still at this site; but, many people were not aware that the store had relocated. Remax Realty has had to have the items removed to maintain the cleanliness of the property.

Commissioner Bathan how long has the property been vacant.

Harry Gutierrez it's been about a year and half.

Commissioner Bathan inquired if vandalism has occurred on the property since it is vacant.

Harry Gutierrez there has been no vandalism and the property is being maintained. The doors have been sealed and locked to ward off homeless people and illegal activities.

Chairman Oh the property is in a prominent area and has been an eyesore for quite some time. It was mentioned that the property owner intends to either manage it themselves, and if the daughter is not willing to manage the store, they will proceed with the sale of the property.

Harry Gutierrez Remax, if agreed by the owner, will continue to manage the property.

Chairman Oh from the minutes of the public hearing there were concerns brought up by citizens of Tamuning that the property is an eyesore; it is not managed properly because of the trash accumulating on the property; and what is the intended use of the property. Chairman Oh asked Mr. Gutierrez if he has an idea what the owner's intentions are other than just to lease it out.

Harry Gutierrez his client has expressed that he would like to lease the property out as commercial, and whoever leases the building has to meet the requirements of licensing and parking requirements. Based on their calculations, half of the second floor will have to be converted to storage space or a two-bedroom apartment which will still meet the parking requirements.

Chairman Oh was a parking layout provided in the application.

Harry Gutierrez it was included in the application. The building existed before the road improvements was done; and when the improvements were made to the road, the curbs and gutters were ten-inches high. Department of Public Works had to cut off one of the entrances to the property because they felt that the road 30-feet down could be used as an access to the other side of the parking. The building currently has two accesses to the property.

Chairman Oh notes that there is a parking layout in the application but this was from the original construction of the building.

Celine Cruz comments that the new parking layout will not be found in the application.

Chairman Oh based on what was recorded, there is one accessible parking stall and ten regular parking stalls (this is what was previously recorded).

Chairman Oh asked whether or not the applicant is aware that a request for limited commercial means there will be restrictions on the activities allowed on the property. He noted that there is quite an extensive list of restrictions.

Harry Gutierrez they are aware of the conditions and has accepted them.

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

Public Comments before closing the public comment period, Chairman Oh again invited Mayor Louise to provide her comments.

Chairman Oh the current restrictions are quite extensive; activities not allowed on the property are massage parlors, night clubs, etc. Chairman Oh asked Mayor Rivera if there were any additional concerns from the community.

Mayor Louise Rivera comments that it was nice that this was all brought up, but the restrictions did not come from her office or from the MPC. Their main concern is wanting to know what the property will be used for. They want to ensure safety in the area, traffic impact to the area, pedestrian crossing, etc. They need to know what kind of store will be there. Mayor Rivera added that the restricted activities noted on the staff report did not come from the Mayor's Office.

Chairman Oh [Chairman Oh closed the public comment period. No additional comments noted from the Commission members].

It was Chairman Oh's opinion that the current state that the property is in will only get worse; the property is vacant, there are no tenants. And on top of there being no tenants and some type of revenue or management to oversee the property, it will remain abandoned and will continue to be an eyesore. It will also attract types of illegal activities. The concern from the Tamuning Mayor's Office is valid on what the intentions are of the owners. But the owner's argument is also valid. As Commissioners, at least for Chairman Oh, he is grateful that the request is for a limited commercial zone and the Commission can place restrictions. If this was a full commercial zone application, restrictions and/or conditions cannot be controlled and limited. Because of the community's concerns on the use of that property, Chairman Oh is more comfortable with a limited commercial zone knowing that certain activities will not be allowed.

Chairman Oh was ready to entertain a motion if there were no further comments and/or questions from the Commissioners.

Commissioner Bathan is an MPC resolution needed before the application is put to a vote.

Celine Cruz they are required to submit an MPC resolution within 40-days of the date of public hearing, and we are well beyond that 40-days. The Case Planner had asked the Tamuning MPC; but, from the Chief Planner's understanding, the Council did not want to write a resolution until their questions were answered. At the public hearing, Mr. Gutierrez did not answer many of the questions that were posed, but he tried to, but was unsure of what the owner's exact intentions were. When the staff report was being prepared, part of the conditions was based on the public

hearing comments and the issues brought up was incorporated in as a condition of approval before the Commission. There will be a limit on what can be done at the property; it does say retail store and there many variations to a retail store, but they excluded some of the less desirable neighborhood retail activities by specifically stating that in the conditions. In closing, Ms. Cruz stated that the resolution can still come through because it is part of the requirements that needs to be submitted to the Governor, should the Commission approve this request. There is still a few more steps in this process; with the additional information provided to the Governor, the application can still be disapproved. But, it can move forward without an MPC resolution.

Chairman Oh the restrictions placed on this request was a result of public comments at the public hearing. [No additional comments noted from the members].

Addressing Mr. Gutierrez, Chairman Oh comments that the MPC is not comfortable with the application because they are not fully aware of what the owner's intentions are. It was mentioned that the property may be leased, and the concern of the public is really what type of activity will be conducted at the site.

Harry Gutierrez responds that the MPC is not fully aware that conditions will be placed on the type of activities. At least two or three members of the MPC was not keen on any type of activity in the area including the application for Dr. Shieh's clinic (which is allowable in an R-2 zone). It was Mr. Gutierrez's opinion that Mayor Rivera has a difficult time convincing the MPC to support projects in Tamuning [Mr. Gutierrez apologizes to the Mayor that he had to make this comment]. Conditions have placed on the request; the building will be renovated and will still need to go through the permitting process.

Chairman Oh noting no additional 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 the request under Application No. 2018-31 for a zone change from "R-2" to "LC" (Limited Commercial), on Lot Number 5172-3-9, in the municipality of Tamuning, subject to the following conditions:

1. Only use allowed on the first floor is a retail and an accessory storage for a gift shop, and professional office and residential unit on the second floor. No retail activity shall include the sale of alcoholic beverages;
2. There shall be no drinking establishments such as night clubs or bars, pubs and taverns where sale and consumption of alcoholic beverages is allowed;
3. There shall be no massage parlor, pachinko machines, adult gaming, videos, and no sales of adult related gift items within the premises;
4. Applicant is responsible for maintaining the property in a clean and good condition, free from trash and other types of debris at all times; no outside restroom, and further that the perimeter of the property be fenced;
5. Applicant shall ensure that a sign will be posted on the premises to avoid tenants and customers parking on adjacent properties;
6. Applicant shall designate a "loading/unloading" area within the property in such a manner that it does not obstruct traffic view nor becomes a safety hazard because of its location;
7. Current location of ADA parking be relocated;

8. Applicant ensure that on-site or adjacent parking requirements are met for new tenants prior to assignment of lease and that the applicant shall submit a copy of the new parking layout plan to the Guam Chief Planner;
9. Applicant also ensures that the site will be landscaped and the existing two-building will be painted; and,
10. Applicant strictly comply with all ARC conditions as noted in the official position statements.

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

Commissioner Vy seconds the motion.

Chairman Oh one of the conditions noted is the painting of the building. Limited Commercial basically limits the type of activity on the property, but to place a condition saying that the building has to be painted, questions where is the enforcement in that.

Celine Cruz it will be in the permitting process; a scope of work from a contractor will have to note the work that was done to that affect. Ms. Cruz understands that it will be difficult to enforce, but it was the neighbor that was most impacted by this development that has seen all the activities that have gone on in that building over the years; and she mentioned that from day-one, that building has always had a problem with maintenance.

Chairman Oh comments that he is concerned when it comes to the spirit of the law for limited commercial; limited commercial's intention is to limit the use of the property. Chairman Oh asked for clarification from Legal Counsel on limited commercial, spirit of the law, to limit use/conditions on the property. His concern is putting restrictions and/or conditions when it comes to painting of the property.

Nick Toft (Legal Counsel) legally the Commission has the ability to put that sort of restriction, but the applicant can bring up legal action and have that condition declared void.

Celine Cruz even if the applicant had interior painting done, this would satisfy this condition.

Commissioner Bathan it would be to their advantage to do exterior painting for aesthetic purposes.

Commissioner Vy assumed that this condition was placed because of graffiti.

Commissioner Bathan they want the property to be maintained and not rundown.

Harry Gutierrez the neighbor that complained about the building is a friend of Mr. Gutierrez, and she had mentioned to him that since the building was built, she was not fond of the brown tiles that they put on the exterior of the building and now that the tiles are falling it is not appealing. The tiles will have to be removed because they are falling off.

[Discussion ensues. It was noted that Chairman Oh was comfortable with moving forward after Legal Counsel's clarification.]

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

Next item on the agenda –

Tentative Subdivision

B. Application No. 2019-01, the Applicant, MS Investment, Inc. represented by W.B. Flores & Associates; request for a Tentative Subdivision for the proposed development of 62 lots, 58 for single family residential lots, 4 public lots consisting of recreational space, ponding basin, Right-of-Way access road, and a non-access utility easement, on Lot 22-2NEW-1-2, in the Municipality of Talofofo, in an "R-1" (Single Family Dwelling) zone.
Case Planner: Frank Taitano

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

[Attachment B – Staff Report dated July 17, 2019]

Chairman Oh [no questions noted from the Commissioners] Chairman Oh notes that there was previous action on this property.

Frank Taitano explained to Chairman Oh that the proposed subdivision that was previously approved by the Commission has expired and no longer valid.

Chairman Oh that proposed subdivision was for 31-lots and this request is for 62 lots. [Mr. Taitano responds "yes" to both queries of Chairman Oh] Noting no questions for staff, Chairman Oh invited the applicant's representative to present the application, and to state their name(s) for the record.

Willie Flores [from W.B. Flores and Associates representing the applicant]

Chairman Oh asked Mr. Flores to expand a bit more on the project and what, if any, differences from the previous approved project versus today's application.

Willie Flores everything reported by Mr. Taitano is correct. When MS Investments was looking at this project, they wanted it to be as low cost as possible, in terms of development costs for potential buyers. There were 30 sum odd lots in the initial application and if you look at record, they came in and asked for some severe waivers to include exemption of sidewalks, etc. The new owners did not want any infrastructure issues for this development, so they put together a new, better and affordable subdivision plan to include all the amenities. The original intent remains the same and that is to keep Talofofo a very family-oriented community and to provide families who want to move to the south.

Chairman Oh there are 62 lots for the subdivision.

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

File for Record is Instrument Number _____

on the Year 20____ Month _____ Day _____ Time _____

Recording Fee _____ Receipt No. _____

Deputy Recorder: _____

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

August 12, 2019
Date

To: **WAN YUAN JEWELRY, INC.**
Represented by Harry D. Gutierrez
119 Gutierrez Way,
Agana Heights, Guam 96932

Application No. 2018-31

The Guam Land Use Commission, at its meeting on **August 8, 2019**.

____/ Approved ____/ Disapproved __X__/ Approved with Conditions

____/ Tabled

Your request on **Lot 5172-3-9, Municipality of Tamuning, for a zone change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) zone.**

Application No. 2018-31

ZONING

XX/ **Zone Change*****

___/ Conditional Use

___/ Zone Variance

[ ] Height [ ] Use

[ ] Density [ ] Other (Specify)

[ ] Setback

__/ TENTATIVE DEVELOPMENT PLAN

___/ Subdivision Variance

___/ Tentative Subdivision

___/ Final Subdivision

___/ Extension of Time

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

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION: The Applicant, Wan Yuan Jewelry, Inc., represented by Harry D. Gutierrez, is requesting approval for a Zone Change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed ised of an existing two-story structure with retail space and an accessory storage on the 1st floor, professional office and residential unit on the 2nd floor, on Lot 5172-3-9, Municipality of Tamuning.

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

A. Only use allowed on the first floor is a retail and an accessory storage for a gift shop, and professional office and a residential unit on the second floor. No retail activity shall include the sale of alcoholic beverages;

B. There shall be no drinking establishments such as night clubs or bars, pubs and taverns where sale and consumption of alcoholic beverages is allowed;

C. There shall be no massage parlor, pachinko machines, adult gaming, videos, and no sales of adult related gift items within the premises;

D. Applicant is responsible for maintaining the property in a clean and good condition free from trash and other types of debris at all times; no outside restroom; and further that the perimeter of the property be fenced;

E. Applicant shall ensure that a sign will be posted on the premises to avoid tenants and customers parking on the adjacent properties;

F. Applicant shall designate a "loading/unloading" area within the property in such a manner that it does not obstruct traffic view nor becomes a safety hazard because of its location;

G. Current location of the ADA parking be relocated;

H. Applicant ensure that on-site or adjacent parking requirements are met for new tenants prior to assignment of lease and that the Applicant shall submit a copy of the new parking layout plan to the Guam Chief Planner;

I. Applicant also ensures the site will be landscaped and the existing two-story building will be painted; and

J. Applicant strictly comply with all ARC conditions as stated in their official position statements.

Application No. 2018-31

8.14.19

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

8/22/2019

Tae S. Oh — **Date**
Acting Chairman
Guam Land Use Commission

Case Planner: Grace Vergara
Cc: Building Permits Section, DPW

CERTIFICATION OF UNDERSTANDING

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

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

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

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

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

Signature of Applicant — Date

8-20-19

Signature of Representative — Date

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

1:16-20

Applicant — **Date**

Representative — **Date**

Reference No.: **Application 2018-31**

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

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

[X] **APPROVED**

[ ] **DISAPPROVED**

LOURDES A. LEON GUERRERO
Governor of Guam

12/26/2019
Date

DECISION GRANTING ZONE CHANGE
(with findings)

Guam Land Use Commission

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

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, public hearings on the Zone Change were held on the **11th** day of **December, 2018**, in the Municipal District of **Tamuning** where the property to be rezoned is located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearings were published in a newspaper of general circulation on the 1ST day of December, **2018** as evidenced by an affidavit of publications attached as **Exhibit "A"**.

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

WHEREAS, in accordance with notices duly issued to consider the application of **Wan Yuan Jewelry, Inc.** for a Zone Change, hearing of the Guam Land Use Commission (GLUC) were held on the **8th** day of **August, 2019** as evidenced of publications attached as **Exhibit C**.

BE IT RESOLVED, that on the **8th** day of **August**, **2019**, the Guam Land Use Commission, **Approved with Conditions** the Zone Change from **"R-2" to "LC"** for **Lot No. 5172-3-9**, Municipality of Tamuning.

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

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

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

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

All in favor; **None** against:

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

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

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

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

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

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

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

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

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

This decision was adopted this **8th** day of **August**, **2019**, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

8/22/2019

Tae S. Oh **Date**
Acting Chairman
Guam Land Use Commission

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

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

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Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
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Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
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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

November 19, 2018

COPY

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

Hafa Adai Ms. Smart:

Please publish the attached legal public hearing notice on a **2x2** inch column ad to appear in the Guam Daily Post on **Saturday, December 1, 2018.**

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

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

Thank you for your attention to this request.

Regards,

Marvin Quitugua Aguilar
Guam Chief Planner

RECEIVED
11/19/18

Attachments: Public Hearing Notice

ATTACHMENT A

CURRENCY EXCHANGE RATES On Nov. 30, $1 was worth: Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

52.370 PHP₱	113.39 JPY¥	1,120.98 KRW₩	30.775 TWD NT$	6.9417 CNY¥	1.3668 AUD A$	0.8778 EUR €

San Agustin named to Bank of Guam board

BankGuam Holding Co. announced, following its Nov. 26 meeting, the appointment of John San Agustin to the board of Bank of Guam and BG Investment Services Inc.

The appointment was made following the retirement of Joe San Agustin, his father, on Oct. 31. John San Agustin also was appointed to serve as a member of the Audit, Nominating and Governance, and Compensation committees of the board of the company and the bank, and the Executive and Loan committees of the bank.

John San Agustin is a partner at Morling & Company, a financial services firm specializing in tax, accounting and financial consulting located in San Francisco, California, that emphasizes small and high net worth clients. He has been with Morling for more than 18 years, specializing in employee stock option planning, international taxation, retirement plans and estate/fiduciary taxation.

San Agustin is a graduate of Father Duenas Memorial School and St. Mary's College in Moraga, California.

"I am very pleased at the appointment of John to our board of directors. His extensive business, accounting and tax experience and community involvement in the San Francisco Bay Area bring a seasoned perspective and deep knowledge to our company. We look forward to his many contributions to our mission and purpose," said Lou Leon Guerrero, board chair, president and chief executive officer.



HEADQUARTERS: *The Bank of Guam headquarters in Hagåtña is pictured in August. Post file photo*

The board declared a quarterly cash dividend of 10 cents per share for the holders of its common stock and a dividend payment to the holders of the company's 5.5 percent fixed rate/floating rate noncumulative preferred stock, Series A.

The dividends will be paid Dec. 31 to shareholders of record as of Dec. 14.

(Daily Post Staff)

Asian shares wobble before Trump-Xi meeting

SHANGHAI (Reuters) – Asian shares wavered on Friday as investors were on edge before a crucial weekend meeting between the Chinese and U.S. presidents that could determine the course of a heated trade war over the next year.

MSCI's broadest index of Asia-Pacific shares outside Japan wobbled between positive and negative territory in early trade, as more evidence of a slowdown in China dampened sentiment. It was last up less than 0.1 percent and has risen 2.7 percent for the week so far, largely reflecting a rebound from a recent steep sell-off.

In Japan, the Nikkei was up 0.4 percent, while Korean shares dropped 0.2 percent after the country's central bank lifted its policy interest rate in a widely expected decision.

Chinese blue-chips advanced 0.5 percent despite a survey showing China's factory growth stalled for the first time in more than two years in November. The weak manufacturing growth reinforced expectations that Beijing will roll out more economic support measures – a factor that has helped to prop up battered Chinese stocks recently. Investor attention is now squarely focused on planned talks between Chinese President Xi Jinping and his U.S. counterpart over the weekend on the sidelines of a G20 summit in Argentina.

Victor Huang, head of investment strategy at Guotai Junan International in Hong Kong, said a no-deal outcome could lead to "much more volatile" markets next week.

U.S. S&P e-mini futures ticked down 0.06 percent, pointing to a weaker Wall Street session on Friday after a mixed overnight performance.

The Dow Jones Industrial Average fell 0.11 percent, the S&P 500 lost 0.22 percent, and the Nasdaq Composite dropped 0.25 percent on Thursday.

Adding to apprehension ahead of the Trump-Xi meeting were comments from a U.S. official, who said White House trade adviser Peter Navarro, who has advocated a tougher trade stance with China, would attend.



5G: *DOCOMO PACIFIC's Tamuning headquarters will hold its parent company NTT DOCOMO's first 5G open lab outside Japan. Photo courtesy of DOCOMO PACIFIC*

NTT DOCOMO to launch 5G open lab on Guam – its first outside Japan

DOCOMO PACIFIC will launch its fifth-generation, or 5G, wireless broadband service test lab in early 2019 on Guam.

The company's parent NTT DOCOMO operates 5G open labs in Tokyo and Osaka and will open a third in Okinawa, Japan, this month.

Ahead of the 5G commercial service launch for business and residential customers, DOCOMO PACIFIC's sole shareholder, Tokyo-based NTT DOCOMO, will begin operating the DOCOMO 5G Open Lab Guam as a 5G verification center at its Tamuning headquarters in early 2019.

The company's 5G open lab on Guam will be the company's fourth verification center and its first lab outside of Japan.

Fifth-generation wireless broadband service is the latest iteration of cellular technology engineered to greatly increase the speed and responsiveness of wireless networks.

Bringing ultra-high speeds, and the ability to connect a massive number of devices, 5G is an emerging technology that will transform "augmented and virtual reality" when it comes to gaming, education, manufacturing, telemedicine and beyond, the company stated.

"We are proud to be at the forefront of new technologies like 5G that help revolutionize the way we communicate and connect with our physical, virtual, and social worlds," stated Roderick Boss, president and CEO of DOCOMO PACIFIC. "While each new generation of wireless technology has offered great benefits to customers, 5G is the wave of the future and will offer higher speeds than ever before, shorter delays and increased connectivity. We're excited our parent company NTT DOCOMO wants Guam to experience the future of 5G first."

The 5G open lab will allow worldwide partners including Guam to access the lab and its 5G base/mobile stations and equipment, along with the latest 5G information, test environments, and opportunities for partner workshops through the DOCOMO 5G Open Partner Program with more than 1,900 partners. DOCOMO PACIFIC will continue collaborating with start-ups, enterprises and other partners from various industries to co-create innovative 5G services globally, the company stated. ***(Daily Post Staff)***

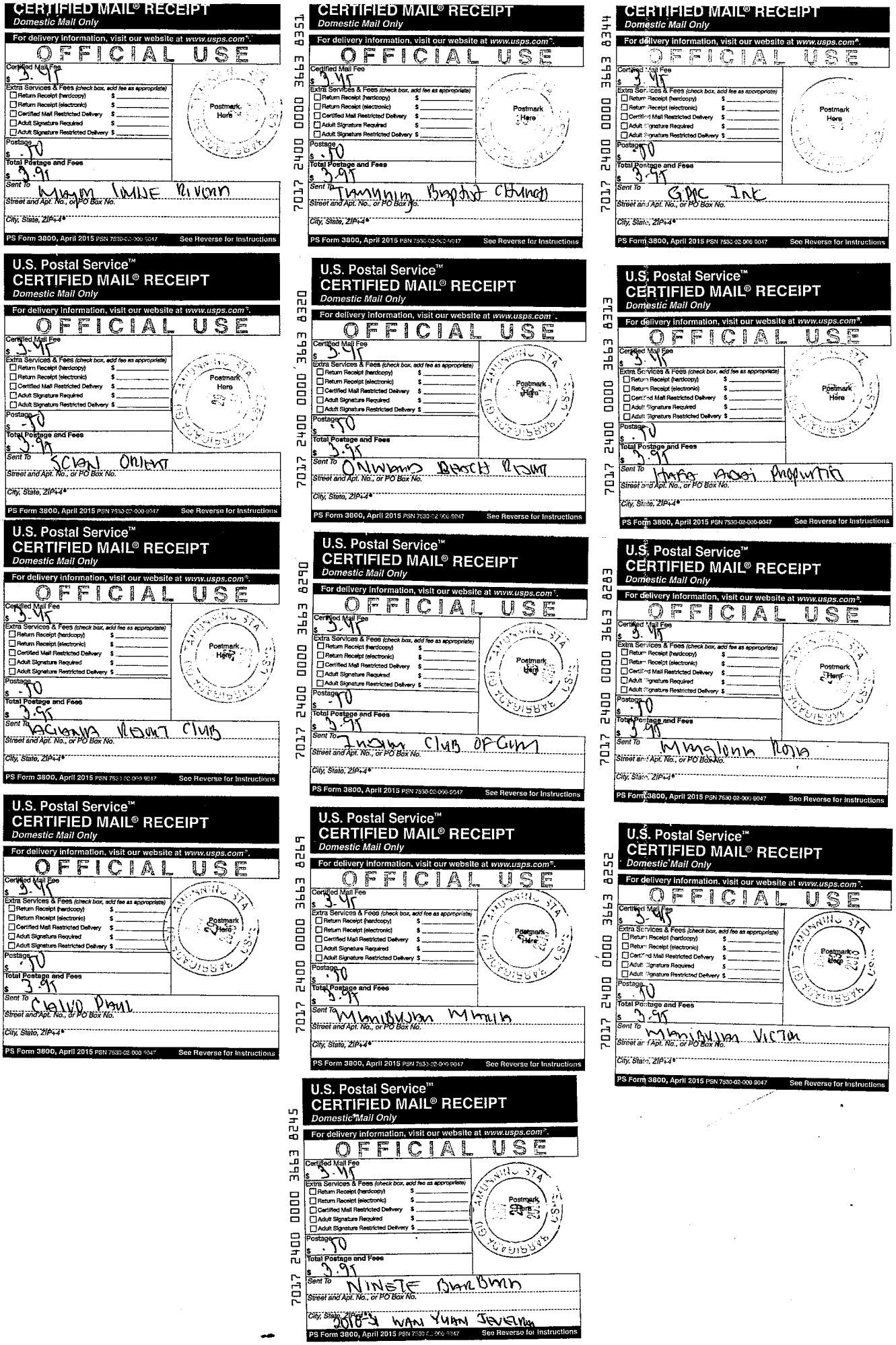
Department of Land Management
P.O. Box 2950, Hagåtña, Guam 96932
Tel: 649-5263 Ext. 375: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: December 11th, 2018
Time: 6:00 p.m.
Place: Tamuning Senior Center

App No. 2018-31, Wuan Yuan Jewelry; Zone Change from "R-2" to "LC" zone, to convert existing 2-story structure with retail, professional office spaces and residential unit, on Lot 5173-3-9, Tamuning.

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



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- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage $ .70
Total Postage and Fees $ 3.95
Sent To SHAMIRA RAJESH
Street and Apt. No., or PO Box No.
City, State, ZIP+4® 2010-31, WAN YUAN JEWELRY

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

November 27, 2018

Dear Sir/Madam:

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

Application No. 2018-31, The Applicant, Wan Yuan Jewelry represented by Harry D. Gutierrez; Zone Change request from "R-2" (Multi Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed use of an existing structure with retail space on the first floor and professional office and residential unit on the second floor, on Lot 5172-3-9, in the Municipality of Tamuning.

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

PLACE:	**Tamuning Senior Center**
DATE:	**Tuesday, December 11, 2018**
TIME:	**6:00 p.m.**

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

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

ATTACHMENT B

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

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

Thank you for your interest.

Si Yu'os Ma'ase,

MARVIN QUITUGUA AGUILAR
Guam Chief Planner

MGV, Case Planner

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2018-31
LOT 5172-3-9
MUNICIPALITY OF TAMUNING

COPY
Legislature

ATTACHMENT 1

Space for Recordation

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

File for Record is Instrument Number 943954

On the Year 2020 Month 1 Day 15 Time 357

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder _____

JOEL ANTENORCRUZ

GLUC ZONE CHANGE

APPLICATION NO.: 2018-31

APPLICANT: WAN YUAN JEWELRY, INC.

PREPARED ON AUGUST 12, 2019

FROM: "R-2" (MULTI-FAMILY DWELLING)

TO: "LC" (LIMITED COMMERCIAL)

LOT: 5172-3-9

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: TAMUNING

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-84

ZONING MAP NO.: F3-67S36

THE GUAM LAND USE COMMISSION, AT ITS HEARING ON AUGUST 8, 2019 APPROVED IN WHOLE THE ZONE CHANGE FROM "R-2" TO "LC" ON LOT 5172-3-9 MUNICIPALITY OF TAMUNING

==========

[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

8/22/2019
TAE S. OH — DATE
ACTING CHAIRMAN
GUAM LAND USE COMMISSION

==========

[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

8/22/2019
LOURDES A. LEON GUERRERO — DATE
GOVERNOR OF GUAM



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

2019- 8161

DECEMBER 10, 2019

Memorandum **Elaine Tajalle**

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval; Application No. 2018-31**

Submitted for your consideration and action is Zone Change Application No. 2018-31. The Applicant, Wan Yan Jewelry Inc. represented by Harry D. Gutierrez; requests for a Zone Change from "R-2" (Multi Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed use of an existing two-story structure for retail space and an accessory storage on the first floor, professional office space and residential unit on the second floor, on Lot 5172-3-9, in the Municipality of Tamuning.

Application chronology is as follows:

- April 11, 2018 – Application officially accepted
- June 21, 2018 – Reviewed by the Application Review Committee (ARC)
- December 11, 2018 – Public Hearing, Tamuning Senior Center
- August 8, 2019 – Guam Land Use Commission Hearing (approval of Zone Change)

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

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

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

Si Yu'os Ma'ase,

JOSEPH M. BORJA
Executive Secretary
Guam Land Use Commission

Attachments:

1) Amendment No. A-84, Zoning Map No. F3-67S36
2) Zone Change Application
3) Formal letter to Mayor for Public Hearing (November 27, 2018)
4) Minutes of Public Hearing (dated December 11, 2018)
5) Staff Report with Summary of ARC Position Statements
6) GLUC Agenda Notice – Guam Daily Post (dated August 1st and August 6th, 2019)
7) GLUC Meeting Agenda of August 8, 2019 – Disposition
8) GLUC Minutes of August 8, 2019 **(Doc No. 9413930**
9) Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to GDP (November 19, 2018)
        - Attachment B – Public Hearing Advertisement (December 1, 2018)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts (November 29, 2018)
        - Attachment B – Official Notice Public Hearing (November 27, 2018)

December 6, 2019

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

Re: GLUC Zone Change approval from "R-2" to "LC" zone, Lot 5172-3-9, in the Municipality of Tamuning.

Dear Madame Speaker:

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

I have **APPROVED** Wan Yan Jewelry Inc.'s request for a Zone Change from "R-2" (Multi-Family Dwelling) to "LC" (Limited Commercial) zone, for the proposed use of an existing two-story structure for retail space and an accessory storage on the first floor, professional office space and residential unit on the second floor, on Lot 5172-3-9, Tamuning. This approval is in conformance with 21 G.C.A. §61630 and justified to satisfy public necessity, convenience and general welfare.

Senseremente,

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

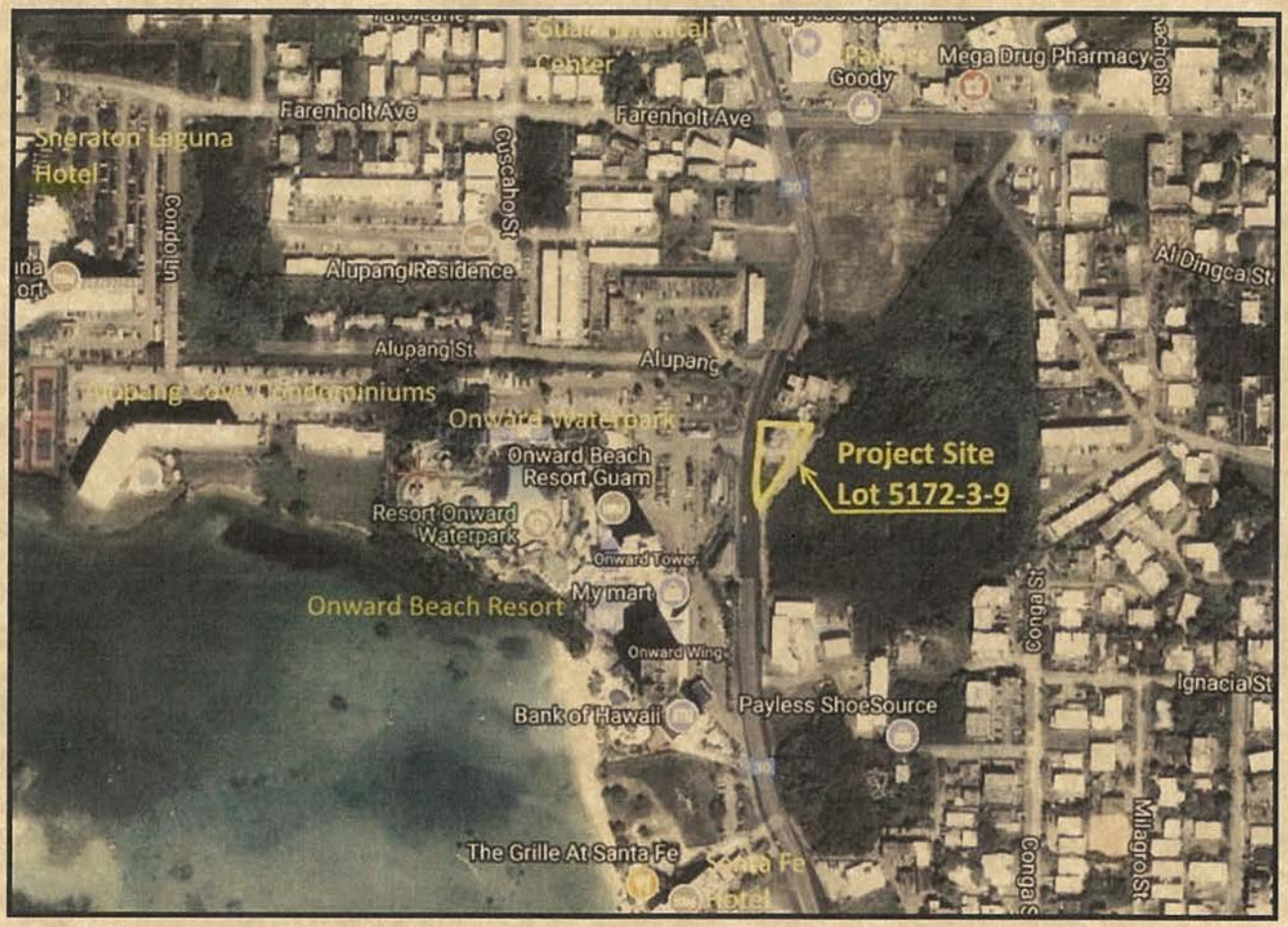
GLUC APPLICATION NO.:
2018-31

Zone Change Application

R-2 Multi-Family to LC Limited Commercial

Lot Number 5172-3-9

Municipality of Tamuning



Wan Yuan Jewelry, Inc.

Man Wing Cheung, Principle

April 2018

ATTACHMENT 2

Zone Change from "R-2" to "LC"

Project Assessment
Wan Yuan Jewelry Building
Lot Number 5172-3-9
Municipality of Tamuning

APPLICATION CONTENT LIST

1. Cover Letter
2. Affidavit of Authorization
3. GLUC Form 02 - Zone Change Application
4. GLUC 1991 Use Variance Notice of Action
5. Project Assessment
6. Overhead Aerial of Lot Number 5172-3-9
7. 2009 Draft North and Central Land Use Plan (Figure 2a Excerpt)
8. Camp Watkins Development Zone Aerial
9. 500ft Radius Map of Lot Numbers
10. 750ft Radius Map of Buildings
11. 1,000'ft Radius Map of Uses
12. Survey Map
13. Assignment of Lease- Instrument No. 540532
14. GEPA EIA – Finding of No Significant Impact
15. Building Permit – Certificate of Occupancy
16. Engineering Drawings
    a. Site, Drainage and Utility Plan
    b. First and Second Floor Plan
    c. Elevation Plan

Zone Change Application

R-2 Multi-Family to LC Limited Commercial

Lot Number 5172-3-9

Municipality of Tamuning



Wan Yuan Jewelry, Inc.

Man Wing Cheung, Principle

March 2018

1. Cover Letter
2. Affidavit of Authorization
3. GLUC Form 02 - Zone Change Application
4. GLUC 1991 Use Variance Notice of Action

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

May 21, 2018

Mr. Michael J.B. Borja, Executive Secretary GLUC
Director of Land Management, P.O. Box 2950
Hagatna, Guam 96932;
C/O Attention: Land Planning Division/Chief Planner;
Ms. Grace Vergara (Case Planner)

Subject: Limited Commercial (LZ) Zoning Change, Ref: Application No. 2018-31
Lot 5172-3-9 Tamuning, Guam; Requested Supplemental Information

Dear Mr. Borja:

I am representing the owners of the subject lot. I am writing for to advise during preliminary review the specific use of the structures for the requested "Limited Commercial" (LZ) zone to and to conform with GLUC Resolution 2015-03 pertaining to" Limited Commercial" (LZ) rezoning.

The proposed use of the 2-storey structure will be:
a. 1st Floor (Retail Activity for a Gift Shop and accessory storage)
b. 2nd Floor (Professional Office and a residential unit)
Note: There will be no game room or massage parlor on the premises.

All parking, loading, access are adequate for the proposed uses and will be reviewed by GovGuam permitting agencies and will adhere to all permitting conditions and GLUC conditions.

Your assistance and expeditious review and acceptance is greatly appreciated, further request to be scheduled for the next available ARC meeting.

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

Respectfully,

Harry D. Gutierrez
Consultant

RECEIVED
GV 05/21/18

March 29, 2018

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

Re: Zone Change on Lot 5172-3-9 Tamuning, Guam.

Hafa Adai:

Submitted for the Guam Land Use Commission's determination is Wan Yuan Jewelry, Inc.'s, zone change request from Multi Family (R-2) to Limited Commercial (LC) on lot number 5172-3-9, Tamuning. Lot number 5172-3-9 contains an area of ± 750 square meters or ±8,073 square feet located directly across the Onward Beach Guam Hotel. It is currently developed situating a two (2) story building where the Salvation Army Thrift Shop formerly was found.

The site is fronted by the Carlos G. Camacho Road, a highly traversed road servicing GMH (hospital), Onward Beach Guam Hotel, Santa Fe Hotel, Sheraton Hotel, Payless and a myriad of commercial establishments medical clinics and pharmacies. The proposed zone change supports the evolution of the area suggesting activities that support hotel/transient activities. The proposed zone change offers substantial benefits to the transitional development of the area.

I look forward to your favorable review of the Wan Yuan Jewelry, Inc., zone change application.

Si Yu'us Måase',

HARRY D. GUTIERREZ

Attachments

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

ZONE CHANGE

Application □2018-31

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

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

1. Information on Applicant:

Name of Applicant: Wan Yuan Jewelry, Inc./Man Wing Cheung, Principle C/O Harry D. Gutierrez U.S. Citizen: [XX] Yes [ ] No

Mailing Address: 119 Gutierrez Way, Agana Heights 96932

Telephone No.: Business: 671-482-5315 harry.gutierrez@yahoo.com Home: Fax: 671-632-2763

2. Location, Description and Ownership:

Subdivision Name: N/A

Lot(s): 5172-3-9 Block: N/A Tract: N/A

Lot Area: Acres *±0.1853* Square Meters: *± 750* Square Feet: *± 8073.6*

Village: *Tamuning* Municipality: *Tamuning*

Registered Owner: *Kim Quichocho & Escabar Wang Doc. No. 597825; Guam Comfort Development Corporation Lessee-Document No. 395965; and, Wan Yuan Jewelry, Inc. - Assignment Lessee Doc. No. 540532.*

Certificate of Title No.: *78250* Recorded Document No.: *540532 Lease Agreement*

3. Current and Proposed Land Use:

Current Use: *Vacant two (2) story structure* Zoned: *R-2*

Proposed Use: *Commercial Building* Proposed Zone: *LC*

Master Plan Designation: *North and Central Land Use Plan 2009 - Mixed Use*

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

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

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

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

ZONE CHANGE

6. Supporting Information (Continuation):

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

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

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

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

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

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

h. Additional information as required by the Guåhan Chief Planner

i.

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

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

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

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

Please sign attesting to your answer: ⟹ _____

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

ZONE CHANGE

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

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

_____

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

Harry D Gutierrez May 14, 2018

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Accepted: _____ Accepted By: _____

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

Date of Public Hearing: _____

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

Receipt No.: _____ Application Number: _____

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

Conditions of Approval: _____

_____

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

(No Smaller than 4 FT X 8 FT Sign Board)

NOTICE TO REZONE*

*1. Shall Occupy Two (2') Feet X Eight (8') Feet of the Sign Area

*2. Letters are to be Twelve (12") Inches High, Colored Red on a White Background

3. Sign Shall be Erected and Displayed in a Visible and Prominent Place on the Subject Site No Less than **Five (5) Days** after Application is filed with the Commission and Shall be Removed when the Commission Renders a Final Decision or Applicant Officially Withdraws the Application.

PUBLIC NOTICE

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A

ZONE CHANGE

APPLICATION DESCRIPTION: Zone Change from Multi-Family (R2) to Limited Commercial (LC)

OWNER: Kim Quichocho and Escabar Wang C/O Wan Yuan Jewelry, Inc. - Lessee

DEVELOPER: Wan Yuan Jewelry, Inc.

LOT, BLOCK, TRACT, MUNICIPALITY: 5172-3-9 Municipality of Tamuning

PROPOSED CHANGE OF ZONE: Limited Commercial (LC)

	DATE:	TIME:	PLACE:
PUBLIC HEARING:	_____	_____	_____
GLUC MEETING:	_____	_____	_____

10:38 AM
RECEIVED
DEC 10 1991
DEPT. OF PUBLIC WORKS

(Space above for Recordation)

TERRITORIAL LAND USE COMMISSION
DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM
AGANA, GUAM 96910

NOTICE OF ACTION

November 26, 1991

To: Wan Yuan Jewelry & Guam Comfort Development
c/o JAT Consultants
P.O. Box 2477
Agana, Guam 96910

Case No. 90-005

The Territorial Land Use Commission, at its meeting on October 10, 1991

___/	Approved	___/	Denied
_X_/	Approved with Conditions	___/	Tabled

your request on Lot 5172-3-9, Tamuning, Municipality of Dededo for a:

___/	Zone Change**	___/	Subdivision Variance
_X_/	Zone Variance	___/	Tentative Subdivision
_X_/	Conditional Use	___/	Final Subdivision
___/	Wetland Permit	___/	Re-subdivision
___/	Determination of Policy Definition	___/	Subdivision Definition
___/	Seashore Clearance	___/	Miscellaneous

Please submit this form with necessary plans to the appropriate agency. If request was tabled, approved with conditions or involved clarification, please see the conditions below for further details.

NOTATION: Use Variance to construct a 2-storey commercial building to accommodate a jewelry shop, a small office and security storage in an "R-2" (Multi-Family Dwelling) Zone.

CONDITIONS: The Territorial Land Use Commission approved the application based on the following:

1. That no conversion of the activities be permitted other than those stated in the Application and that the Applicant submit a written covenant to be recorded at Land Management;

2. That the parking stalls and landscaping plan be submitted and approved by the Territorial Planner prior to issuance of an Occupancy Permit;

3. That the Applicant participate in their fair share cost of the Infrastructure Improvement Program; and

Doc. No. 35GL-20-1418

NOTICE OF ACTION
Wan Yuan Jewelry & Guam Comfort Development
c/o JAT Consultants
Lot 5172-3-9, Tamuning
Municipality of Dededo
November 26, 1991

Case No. 90-005

4. That the granting of Variance by limited to seven (7) years.

NOTE: Covenant relative to activities permitted to be attached to NOTICE OF ACTION for recordation.

FELIXBERTO R. DUNGCA, Jr.
Territorial Planner

F. L.G. CASTRO
Executive Secretary, TLUC

JESUS F. CRUZ
Chairman, TLUC

Case Planner: Joe C. Santos/Jose Quinata, Jr.

cc: Building Permits Section, DPW (Attn: Jesus Ninete)

** Approval by the Territorial Land Use Commission of a Zone Change DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Notification will be sent upon action taken by the Governor. (Ref: 21 GCA (Real Property), Chapter 6 (Zoning Law), Section 61634 (Decision by the Commission)

==========

CERTIFICATION OF UNDERSTANDING

"WE, MAN-HUNG CHEUNG / Jose G. Taitano understand
(Applicant & Representative, please print names)
and accept the conditions above as a part of the Notice of Action, and further agree to adhere to any and all conditions made a part of and attached to this Notice of Action as mandated by the approval of the Territorial Land Use Commission/Territorial Seashore Protection Commission."

12/5/91
Applicant Date

12/5/91
Representative Date

Doc. No. 35GL-20-1418

5. Project Assessment
6. Overhead Aerial of Lot Number 5172-3-9
7. 2009 Draft North and Central Land Use Plan (Figure 2a Excerpt)
8. Camp Watkins Development Zone Aerial

Zone Change from "R-2" to "LC"

Project Assessment
Wan Yuan Jewelry Building
Lot Number 5172-3-9
Municipality of Tamuning

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

VII. Other Zone Change Considerations 13

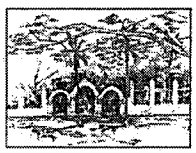
a. An appropriate development of the area from the viewpoints of its natural features, location and suitability for particular uses 13

b. The proposed development will be in reasonable association and proportion to continue compatibly with the surrounding area. 13

c. A project adequately serviced by the necessary public services, existing and proposed. 13

d. A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas. 14

e. An appropriate evolution of the comprehensive plan for that portion of the Territory. 14



Zone Change from "R-2" to "LC"

Project Assessment
Wan Yuan Jewelry Building
Lot Number 5172-3-9
Municipality of Tamuning

I. STATEMENT OF INTENT AND PURPOSE

Wan Yuan Jewelry, Inc., requests for a zone change from multi-family (R-2) zone to limited commercial (LC) zone on Lot 5172-3-9, municipality of Tamuning. The site received prior Guam Land Use Commission (GLUC) use zone variance approvals in 1991 and again in 2006. Both permits have since expired. A two-story structure remains on the site built in 1993. The structure remains vacant and unoccupied. Existing land uses of the area is influenced by the highly traversed Governor Carlos G. Camacho Road, Onward Beach Resort, Santa Fe Hotel, Sheraton Laguna Hotel, and the Guam Memorial Hospital. These activities influence the transitional and evolving land use patterns for the area.



Figure 1. Aerial View. The site currently is situated within an area subjected to the dynamics of Guam's tourism industry. Fronting Governor Carlos G. Camacho Road and across Onward Beach Resort Guam, the site provides pedestrian opportunities for guests that augments the transitional land use patterns of the vicinity.

The request is consistent with the §61201 "Establishment of Zones and Boundaries" of Article 2;

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

§61307 of Article 3 "C" Commercial Zone"; and, Subarticle 3 et al "Changes of Zones" of Chapter 61 of Title 21, Guam Code Annotated. The justification for the zone change is further discussed reflecting the site's conditions and compatibility of the proposed action to the surrounding area surrounding lot number 5172-3-9.

II. PROJECT LOCATION

The site is located on Lot Number 5172-3-9, Municipality of Tamuning. The parcel contains an area of seven hundred fifty (750) square meters or eight thousand seventy-three (8,073) square feet. The western boundary is contiguous to Governor Carlos G. Camacho Road and a forty (40) feet wide easement located to the rear of the site. Governor Carlos G. Camacho Road is a sixty (60) feet wide easement. It is the primary thoroughfare for Camp Watkins that services the Guam Memorial Hospital, Guam Behavioral and Wellness Center, Santa Fe Hotel, Onward Beach Resort, Sheraton/Laguna, Guam Medical Plaza, Payless, medical and pharmaceutical services and a myriad of ancillary business/restaurant establishments.

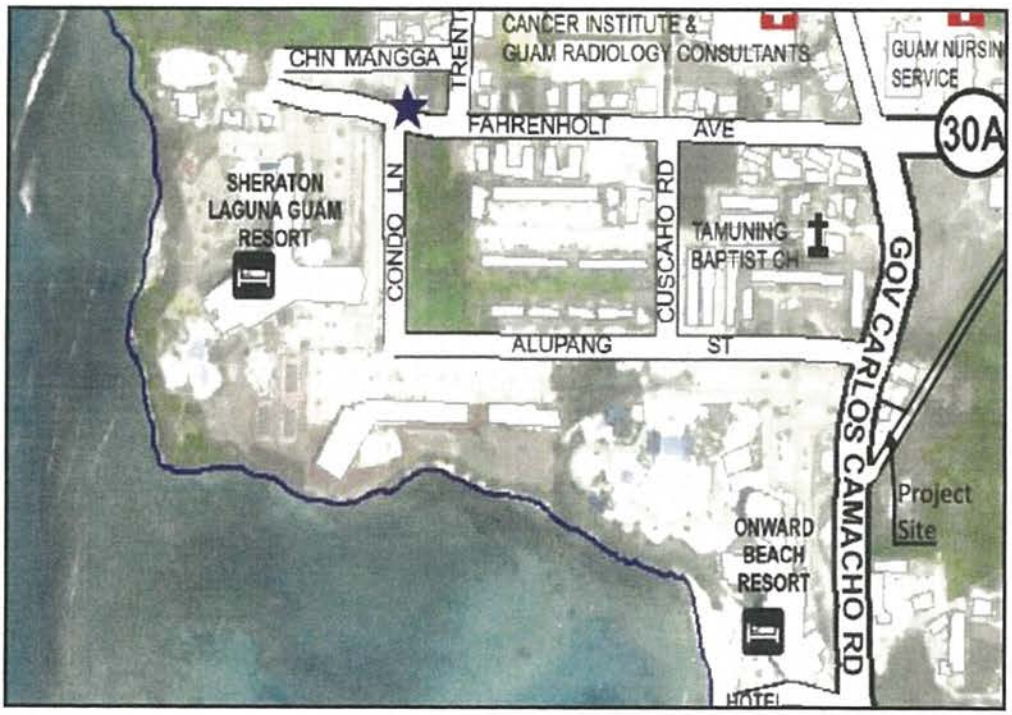


Figure 2. Property is located between Governor Carlos G. Camacho Road and a forty (40) feet wide easement along the eastern boundary. Onward Beach Resort is located directly across the site.

III. GENERAL SITE CONDITIONS

A two (2) story concrete building and a ten (10) stall parking area are located on the parcel. Parking could be expanded utilizing the rear easement for parking circulation. The structure layout of the building embraces open spans with restrooms on each floor. The structure was intended for office related activities



Figure 3. Panoramic View. View of the site taken from the fence line of Onward Beach Resort. Carlos G. Camacho Road is the primary thoroughfare from Marine Corps Drive. There is no easement along this road that connects or services the Tamuning R-2 village proper. Farenholt, Chalan San Antonio, and Marine Corps Drive provide access into the central village area.

and could easily accommodate retail and other ancillary commercial functions. The building is currently vacant and may continue to remain unoccupied pending action from the GLUC.



Figure 4. View of Easement. View of 40' easement facing north along the eastern boundary. Occasional illegal dumping occurs along this easement induced by the unoccupied condition of the building.

The Governor Carlos G. Camacho Road (Rt. 30) was formerly known as Camp Watkins Road, was built after World War II with two asphaltic paved lanes. It served as the primary access from Marine Corp Drive to the defunct Camp Watkins military installation. Road construction to realign and expand Rt. 30 was completed in 2000. It became a five (5) lane highway over most of its length. Traffic is moderate to heavy during peak periods between 7:30am-8: 30 am, noon and 5pm-6pm.

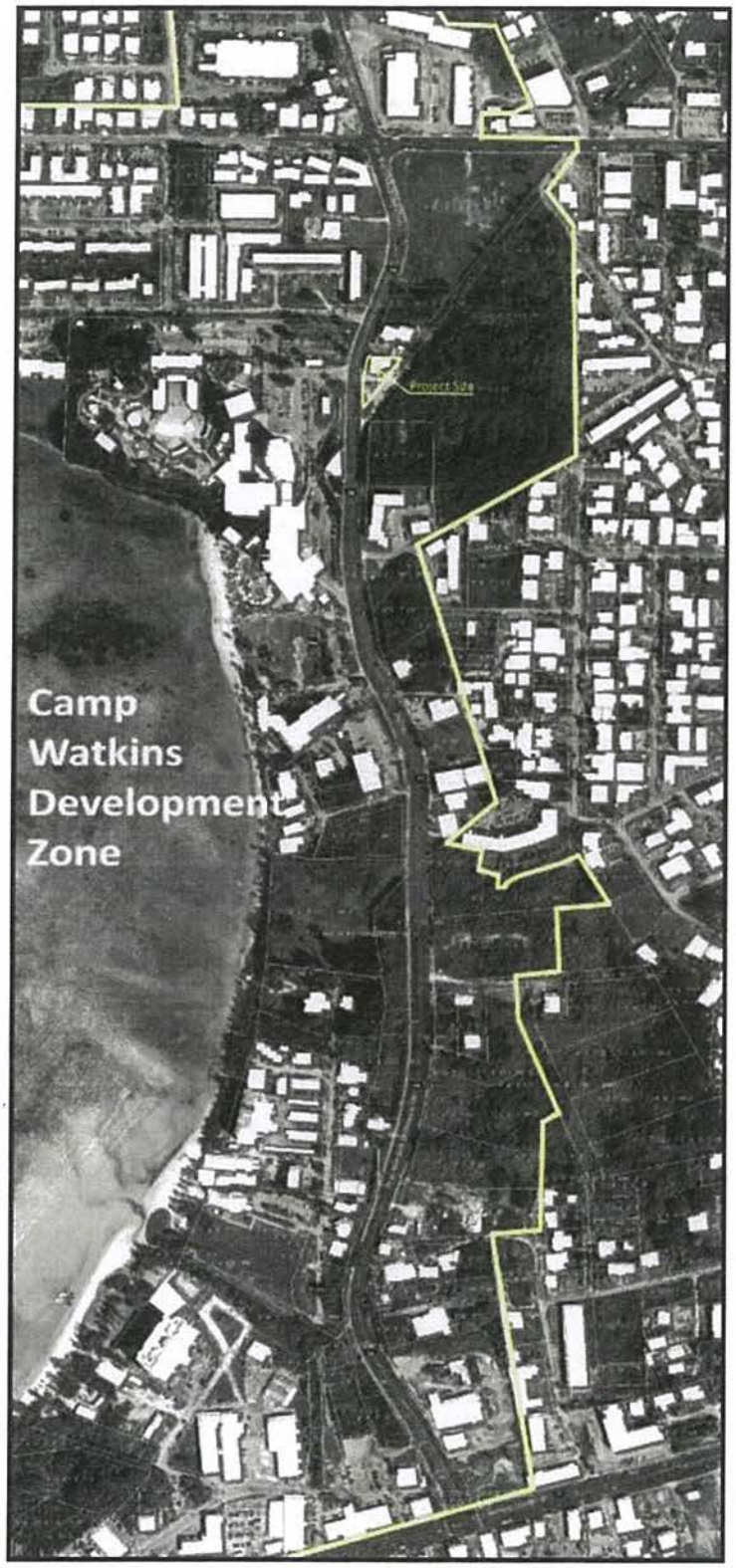
A forty (40) feet easement located contiguous to the site's eastern boundary is unnamed and mostly undeveloped. The easement spans the distance between Governor Carlos G. Camacho Road and Farenholt Avenue. A portion of the easement is a dirt road extending a distance of four hundred (400) feet that hosts the adjacent condominium's off-site parking overflow.

IV. CAMP WATKINS LAND USE PATTERNS

The Camp Watkins area is steadily influenced by tourism and high-intensity activities that drive the evolving land use patterns of the area. Evolving use patterns of Camp Watkins must contribute to the sustainability of existing land uses within the area. Most of the activities are focused on tourism, medical-oriented facilities, higher density multi-family development, and ancillary business establishments. Recreational/scenic opportunities are accessible along the Camp Watkins/Agana Bay shore area and complemented by more traditional fishing activities.

Critical to the success of land use planning is how it creates livable and dynamic urban centers. Discussed is the Camp Watkins area which an identified planning zone is conceptualized and focuses on a robust and progressive land use pattern that continues to transform the area.

A. **Extent of the Camp Watkins Development Zone**. The Camp Watkins area is unique, and its urban center is easily demarcated by Agana Bay and the manner of how properties have been subdivided along the Governor Carlos G. Camacho Road. Parceling throughout the years provided for no legal access, roads or easements that enter into the Tamuning village proper. This area is discussed illustrating progressive requirements for sustainable land uses "*that makes sense*" within the Camp



Watkins vicinity. The delineated area originates from the intersection of Marine Corp Drive and extends to Guam Memorial Hospital. All outlying properties located between the Agana Bay lagoon and immediately accessible along Carlos G. Camacho Road to the Sheraton Laguna Hotel are part of the conceptualized urban center.

The span of the Camp Watkins urban center is easily definable. Prior land use draft plans/studies did not account for the unique attribute of this area which in retrospect has similarities to the physical boundaries of the Tumon tourist district. The Tumon Bay Master Plan delineated an urban area that spans the length of Tumon Bay with physical boundaries of alignment enveloped by Tumon Bay's shoreline extending towards the natural escarpment/cliff line.

Figure 5. Camp Watkins Development Zone No tributary roads or easements exist that connect infrastructure or access from the Tamuning village proper to the Governor Carlos G. Camacho Road. The physical barriers created by Agana Bay coupled with the lack of vehicle and infrastructural access from the Tamuning village proper defines a robust area that can be treated as a sustainable urban center.

Camp Watkins area is similarly demarcated by physical boundaries perpetuated by Agana Bay extending to properties accessible along Governor Carlos G. Camacho Road. No tributary easements exist that extend into the Tamuning village proper. *The village proper is accessible from Farenholt Avenue, Chalan San Antonio Road and Marine Corp Drive and not Governor Carlos G. Camacho Road.*

Additionally, infrastructure along the road's entire length is inaccessible from the main village proper. Accessibility to infrastructure and vehicular/pedestrian circulation corridors are essential towards influencing the land use of an area. Resulting, land use patterns that become influenced by internal and external driving forces are expected to remain within the Camp Watkins area.

The area's robust transformation is undoubtedly influenced by the completion of the Governor Carlos G. Camacho Road into a paved five (5) lane highway lined with curb, gutter and sidewalk improvements. The sidewalks provide safe and convenient pedestrian circulation opportunities that were not available before the road expansion.

B. Camp Watkins Infrastructure. Infrastructure for water, sewer, and electricity are all located on the Governor Carlos G. Camacho Road that is sized to meet future demands of the area. The Camp Watkins sewage infrastructure is part of the sewage delivery system conveying Tamuning's and a portion of Tumon's sewage towards the Hagatna treatment plant. Twelve (12) inch water mains and 13.8 KVA electrical transmission lines are also accessible along Governor Carlos G. Camacho Road.

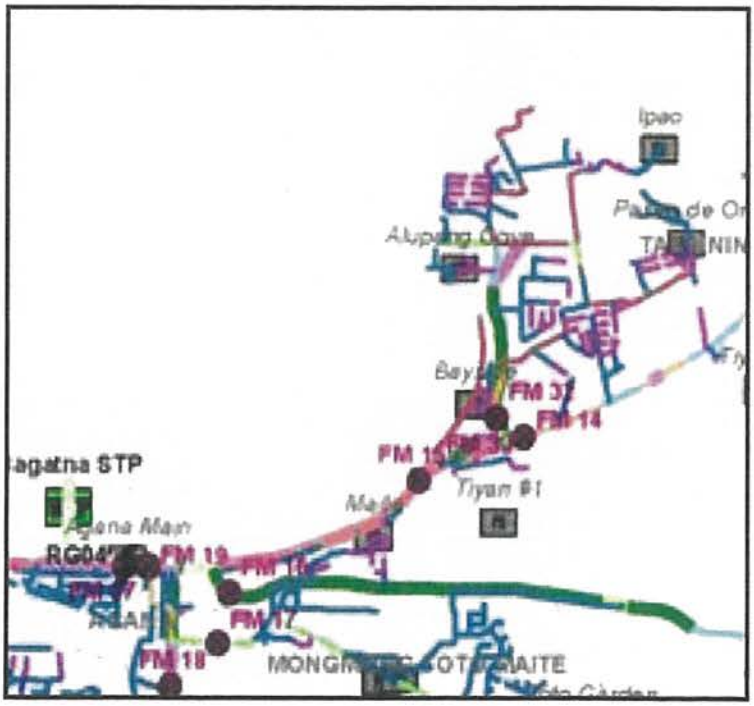


Figure 6. Camp Watkins primary sewer lines contain a 10" line along Dungca's Beach and a 24" line on Governor Carlos G. Camacho Road.

C. Present and Proposed Developments Influencing Area Land Use. High-intensity development along Camp Watkins has progressed since the site's initial GLUC use zone variance approval in 1991. These developments have influenced and morphed the physical landscape of Camp Watkins. Figure 5 reflects developments that have influenced the evolution of the area's land use.

Development Influencing the Land Use Evolution of Camp Watkins Area (post-1987 to present)	Year
Palace Hotel Zone Change to Hotel "H"	1987
Palace Hotel/Sheraton Laguna	1991
Nanbo Zone Change "C" B10-R1NEW T10	1991
Onward Agana	1992
Santa Fe Hotel	1998
Shirley's Coffee Shop	1998
Jimmy Dee's Beach Bar	1998
Camp Watkins Sewage Interceptor	1999
Camp Watkins-Farenholt Road Realignment Upgrades	2000
Onward Agana Water Park	2000
Onward Agana Expansion Hi-Rise Tower	2003
Payless Oka	2004
Guam Medical Plaza	2008
Summer Towers	2017

Figure 7. Camp Watkins Area Development. Completed projects influencing area land use patterns.

A separate high rise condominium project approved by the GLUC is located near the site. Proposed is a ten (10) story tower. It is located on lot number 2131-R1 situated between Santa Fe Hotel and Onward Beach Resort.

Another six (6) story hotel is planned on lot number 2148-3-R6. The leasehold property (Joe Chou principle) is accessible through the undeveloped forty (40) feet wide easement located to the rear of the site. The design fuses corresponding zoning requirements for a shovel-ready project that could receive a building permit without GLUC review.



VI. COMPATIBILITY TO ZONE CHANGE REQUEST

Adjacent zones within the periphery of 750 feet are Multi-Family "R-2" and Commercial "C." The 2009 North and Central Land Use Plan designated Camp Watkins as a "Tourist Resort" and "Multi-Use" area. The classification anticipates future developments to track on a higher intensity and commercialized course for the area.

A diverse mixture of uses represents Camp Watkins' existing landscape. The quiet setting thirty-five (35) years ago has transformed realizing three large hotels increasing the demand for water, sewer, and electrical transmission capacity. Additionally, the five (5) lane side-walked lined Governor Carlos G. Camacho Road; and, and the community's evolving acceptance and toleration to higher intensity development. High-intensity developments are currently queued geared for permitting and eventual construction along Camp Watkins.

Guam has developed into a major tourist destination, and the Camp Watkins area appears to be driven by Tumon's development spill overstimulated to its proximity to other urban centers and the Antonio B. Wonpat International Airport. Statistics released by the Guam Visitor's Bureau for 2016, reported that tourism generated the bulk of the island's non-government income. Approximately 1.2 million tourists arrive in Guam annually generating $1.4 billion for the economy. An annual 16.8% economic growth is expected under favorable tourism settings. More than 20,300 jobs, with associated income of $590 million, were sustained by visitors in 2015. Accordingly, one in three jobs on Guam is sustained by the visitor industry producing $245 million in taxes.

The two influential economic factors growing Guam's closed economy are stable long-term employment that supports growth for new jobs/businesses; and, new investments from off-island sources supporting local activities, businesses or programs. Tourism provides stability and economic growth beneficial to Guam.

Numerous legislative zone changes have influenced the land use patterns along Governor Carlos G. Camacho Road and Farenholt Avenue. Undoubtedly, the transformation of the area continues where sustainable and complementary development is necessary to create a vibrant Camp Watkins urban center. At present, pedestrian tourism opportunities are limited along Camp Watkins and are confined within each hotel's boundary.



Under traditional zoning processes, zone changes approved by GLUC action cannot be conditioned except in the case of a PUD. However, "**Limited Commercial (LC) Zone**" changes enable the GLUC to establish policy as to what is permitted on the property affected. The applicant proposes for the GLUC to allow what is a permitted and conditioned within a commercial "C" zone except for the following uses/activities:

1. *Bars and Taverns promoting the sale and consumption of alcoholic beverages; or,*
2. *social entertainment activities such as clubs where the sale and consumption of alcoholic beverages is allowed; and,*
3. *any relevant accessory use where alcoholic beverages are sold and consumed within an establishment except a dine-in eatery or restaurant where alcoholic beverages are served with meals and no bar is present.*

The uses requested for the "Limited Commercial" (LC) zone change is provided to foster stability, suitability, tolerability, and predictability for the rising Camp Watkins urban center. Accordingly, it is anticipated that the zone change to "Limited Commercial" (LC) zone acknowledges concerns submitted in the past by adjacent owners during the site's approved GLUC use variance review. Future commercialized activities on site will become a part of Camp Watkins' growing urban center upon GLUC's determination on the Limited Commercial Zone Change.

A. Public Necessity. There is a need to align sustainable uses within the Camp Watkins area that grows an urban center for tourism and medical tourism. Developments occurring along Governor Carlos G. Camacho Road (supra §IV [A]) is controlled by two physical barriers that prevent urban sprawl from encroaching into the Tamuning village proper. There is a need to infuse complimentary and sustainable land use activities meeting the area's progressive growth (see Figure 5). Currently, there are limited pedestrian opportunities at Camp Watkins that are complementary to activities within the area.

Tourism and the military primarily support the economy of Guam. Guam residents have benefited from tourism and will continue to be a significant economic base for the island.

While tourism is vital for Guam, other critical areas as Camp Watkins may benefit from the saturated overflow of Tumon. Extending tourism beyond Tumon, the island can maximize economic and employment opportunities benefiting all Guamanians and the government. The Limited Commercial (LC) zone change is an alignment towards sustainable development to the area aligned with the expectations of the 2009 North and Central Land Use Plan.



VII. OTHER ZONE CHANGE CONSIDERATIONS

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

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

Central and northern Guam is used increasingly to support pockets of synthesized urban development that eventually conglomerate into urban centers. The Wan Yuan Jewelry Building is a progression of this setting for the Camp Watkins Area. The proximity of the project to available public sewage and utilities safeguards the integrity of the natural resources along Agana Bay. The current zoning designation is limited for multi-residential activity within the ±750 square meter parcel. The proximity of Governor Carlos G. Camacho Road is a challenge when siting a small multi-family activity along the highly traversed thoroughfare. High traffic, noise, pollution and intense lights in the evenings are annoyances that do not encourage a likely residential setting.

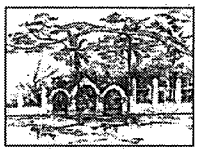
Anticipating tourism growth as the evolutionary progression of development for the area, this zone change as proposed, may be the best alternative and probably the highest and best use for the parcel.

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

The Wan Yuan Jewelry Building will allow for a commercial activity exist in the midst of other commercial and higher intensity activities complementing the land use fabric of the area. The need for integrating the project to the area will undoubtedly enhance accessibility and opportunities towards a tourism-based urban center on Camp Watkins.

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

The Wan Yuan Jewelry building will be accessible to all public infrastructural utilities.



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

The proposed zone change will supplement the needs and opportunities of the area and will not detract or be unusual to existing land use activities along the Governor Carlos G. Camacho Road.

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

The most recent comprehensive plan for this portion of the Territory is the 1978 Guam Comprehensive Development Plan (GCDP). However, two (2) other land use plans have been created but were not adopted. The Y-tanota Land Use Plan in 1994 and the more recent 2009 North and Central Land Use Plan. The Y-tanota Land Use Plan designated this area as "Intensity District 7" and the North and Central Land Use Plan as 'Tourist Resort" and "Mixed Use" which are perhaps the most flexible land use designation proposed by each plan. Additionally, the zone change embraces a reinvestment by Guam businesses towards improving the island's tourism product sought after by the Guam Tourism 2020 Plan.



GovGuam Mobile Apps

M19 L5172-3-9

Sign in

Parcel: M19 L5172-3-9

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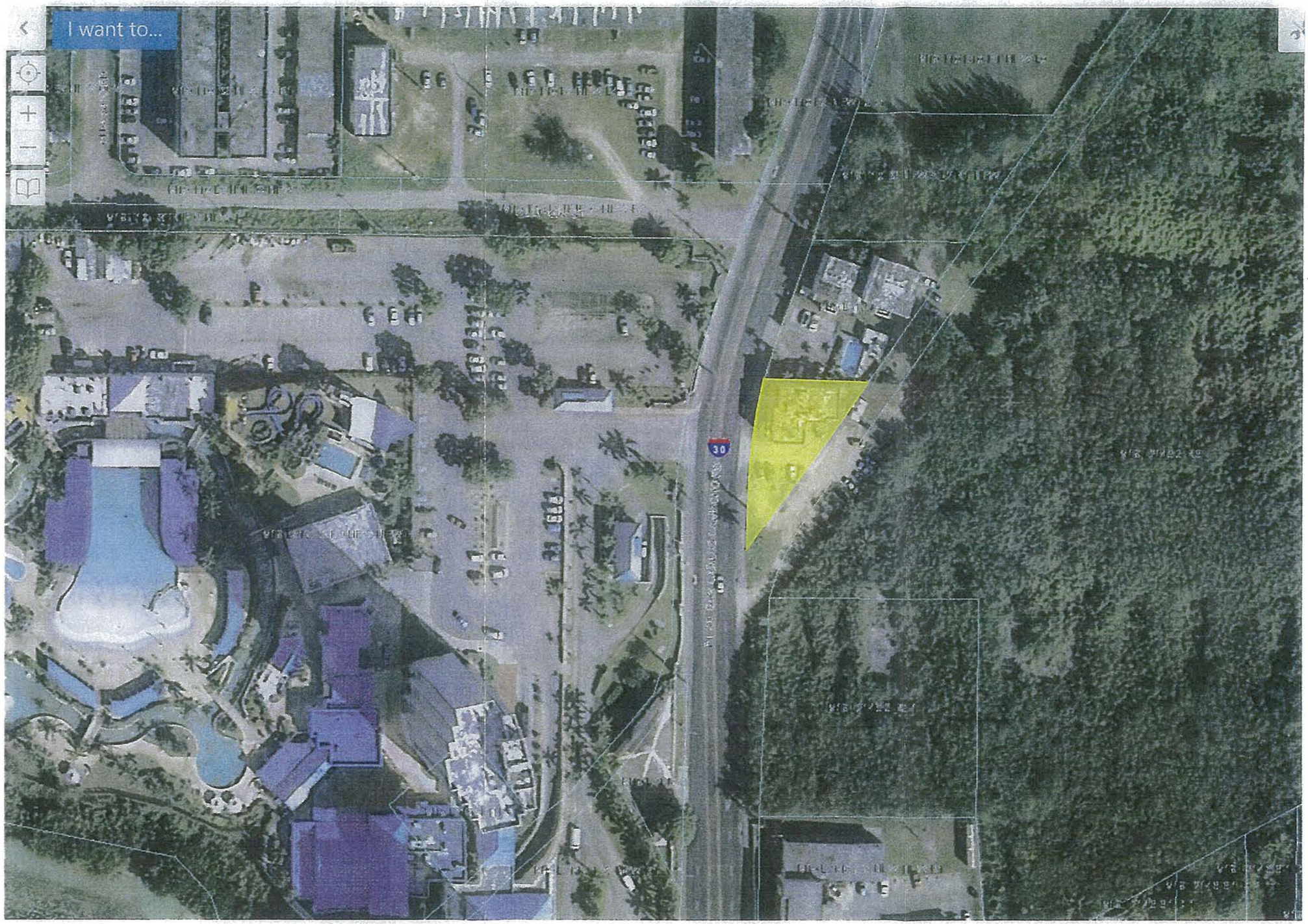
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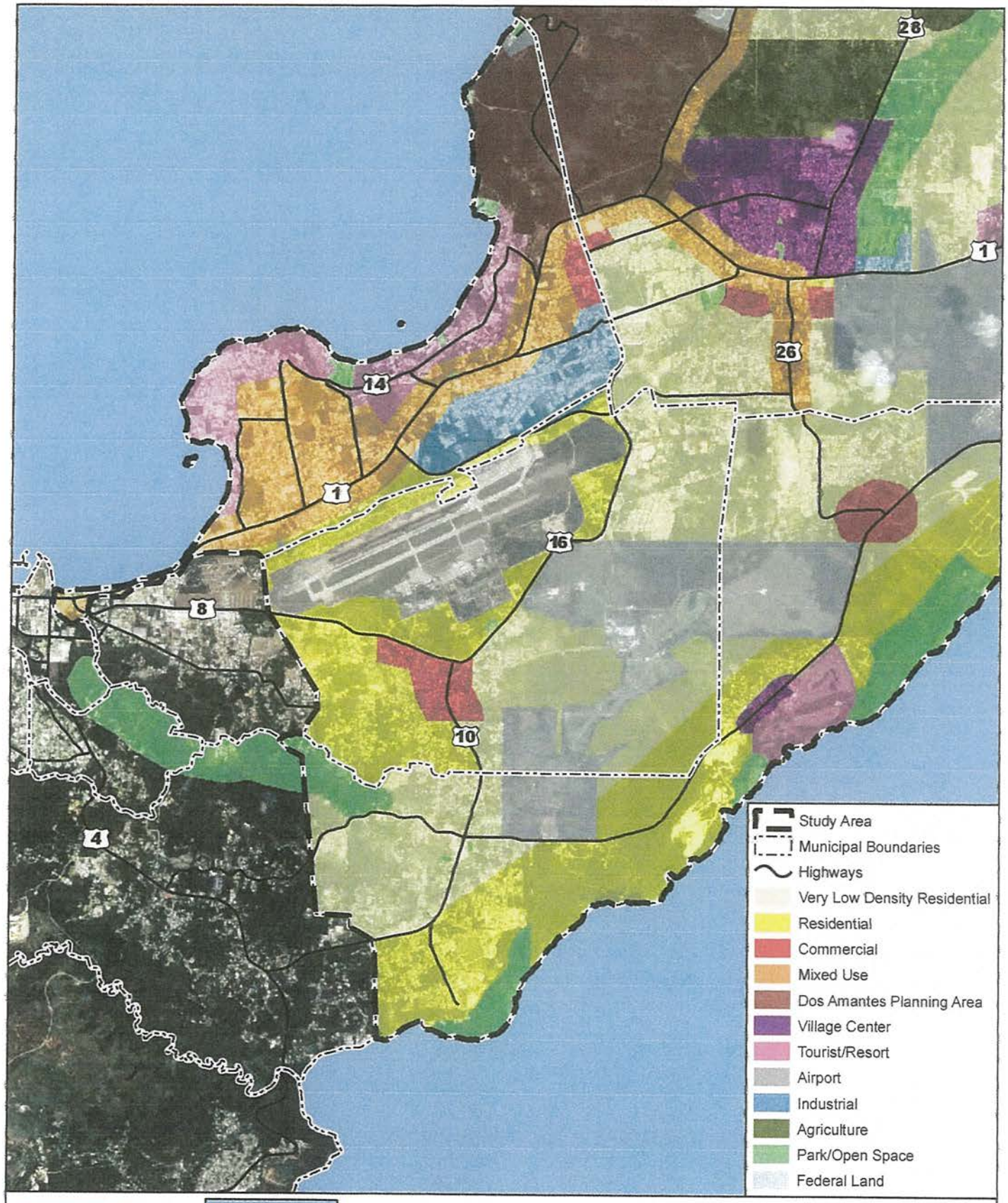


Figure 2a - Future Land Use Map
(West Sheet)
North & Central Guam
January 2009