

From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Wednesday, June 9, 2021 10:54 AM
To: Clerks; Rennae Meno
Cc: Speaker Therese M. Terlaje; Vice Speaker Tina Rose Muña Barnes
Subject: Messages and Communications for Doc. Nos. 36GL-21-0651 through 36GL-21-0655.
Attachments: 36GL-21-0651.pdf; 36GL-21-0652.pdf; 36GL-21-0653.pdf; 36GL-21-0654.pdf; 36GL-21-0655.pdf

Håfa Adai Clerks,

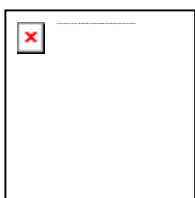
Please see attached, M&C Doc. Nos. 36GL-21-0651 through 36GL-21-0655 for processing:

36GL-21-0651	GLUC Zone Change Application No. 2018-45, Lot No. 1-4, Tract 2832 - Talofoto. GLUC Zone Change approval from "R-1" to "LC" zone, Lot 1-4, Block 3, Tract 2832, in the Municipality of Talofoto.	Guam Land Use Commission Department of Land Management
36GL-21-0652	GLUC Zone Change Application No. 2018-46, Lot Nos. 45-41 and 45-R1, Tract 1536 - Mangilao. GLUC Zone Change approval from "A" to "LC" zone, Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao.	Guam Land Use Commission Department of Land Management
36GL-21-0653	GLUC Zone Change Application No. 2018-41, Lot No. 1306 - Hagatna. GLUC Zone Change approval from "R-1" to "C" zone, Lot 1306, in the Municipality of Hagatna.	Guam Land Use Commission Department of Land Management
36GL-21-0654	GLUC Zone Change Application No. 2018-04, Lot No. 1107-3-1 - Mangilao. GLUC Zone Change approval from "R-1" to "C" zone, Lot 1107-3-1, in the Municipality of Mangilao.	Guam Land Use Commission Department of Land Management
36GL-21-0655	GLUC Zone Change Application No. 2019-21, Lot No. 1123-1-R6 - MongMong-Toto-Maite. GLUC Zone Change approval from "R-2" to "C" zone, Lot 1123-1-R6, in the Municipality of Mongmong-Toto-Maite.	Guam Land Use Commission Department of Land Management

Please be advised that the current attachments will be replacing the attachments sent on June 4, 2021 at 5:19 p.m.

Thank you for processing.

Si Yu'os Ma'ase',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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----- Forwarded message -----

From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>

Date: Tue, Jun 8, 2021 at 11:23 AM

Subject: Fwd: Cover Letter for Zone Change Applications for M&C

To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Hafa Adai,

Please see attached cover letter from DLM for M&C Docs. 36GL-21-0651, 36GL-21-0652, 36GL-21-0653, 36GL-21-0654 & 36GL-21-0655.

Si Yu'os Ma'ase,

Maria Abante
Legislative Assistant

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: speaker@guamlegislature.org

website: www.senatorterlaje.com

----- Forwarded message -----

From: **crystina gutierrez** <crystina.gutierrez@land.guam.gov>

Date: Tue, Jun 8, 2021 at 10:23 AM

Subject: RE: Cover Letter for Zone Change Applications

To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Hafa Adai Maria,

Attached are the cover letters I submit for Zone Change applications and GLUC Minutes.

Please let me know if this suffices.

Regards,

Cristina

From: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Sent: Monday, June 7, 2021 10:14 AM
To: cristina.gutierrez <cristina.gutierrez@land.guam.gov>
Subject: Cover Letter for Zone Change Applications

Hafa Adai Ms. Gutierrez,

Per our phone Conversations, these are the Zone Change Applications that we needed a cover letter for the Speaker.

36GL-21-0651	GLUC Zone Change approval from "R-1" to "LC" zone, Lot 1-4, Block 3, Tract 2832, in the Municipality of Talofofo.	Guam Land Use Commission
36GL-21-0652	GLUC Zone Change approval from "A" to "LC" zone, Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao.	Guam Land Use Commission
36GL-21-0653	GLUC Zone Change approval from "R-1" to "C" zone, Lot 1306, in the Municipality of Mangilao.	Guam Land Use Commission
36GL-21-0654	GLUC Zone Change approval from "R-1" to "C" zone, Lot 1107-3-1, in the Municipality of Mangilao.	Guam Land Use Commission
36GL-21-0655	GLUC Zone Change approval from "R-2" to "C" zone, Lot 1123-1-R6, in the Municipality of Mongmong-Toto-Maite.	Guam Land Use Commission
36GL-21-0656	GLUC Zone Change application from "C" Commercial to "M-1" Light Industrial Lot 8, Tract 1141 Ukudu, Dededo.	Guam Land Use Commission
36GL-21-0657	Staff Report - Application No. 2019-10B - Request for Issuance of the First Supplementary Final Public Report for Tumon Isa 16 Condominiums under HPR Registration Number 171.	Department of Land Management

Appreciate your assistance,

Si' Yu'os Ma'ase,

Maria Abante
Legislative Assistant

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

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website: www.senatorterlaje.com



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



JOSEPH M. BORJA
 Director

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

LOURDES A. LEON GUERRERO
 MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO
 SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

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

ACKNOWLEDGEMENT OF RECEIPT

May 18, 2021

Doc Type: 36GL-21-0651, 36GL-21-0652,
~~36GL-21-0653, 36GL-21-0654,~~
36GL-21-0655
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

To: Office of the Speaker
 36th Guam Legislature
 Congress Building, Hagatna

05-21-2021
 2:04 pm
 Time: _____
 Received: [Signature]

From: Division of Land Planning
 Department of Land Management

Hafa Adai!

Transmitted herewith are the following approved GLUC Zone Change applications:

1. Lot 1-4, Tract 2832, Talofofu (Mark J. Paulino)
2. Lots 45-1 and 45-R1, Mangilao (Annie Yanfang Zhao)
3. Lot 1036, Hagatna (Pacific Seven Investments, LLC)
4. Lot 1107-3-1, Mangilao (Wang Jun Rong)
5. Lot 1123-1-R6, Mongmong-Toto-Maite (EMC Inc.)

Thank you,

[Signature]

COMMITTEE ON RULES

RECEIVED:

June 8, 2021

11:23 A.M.

[Signature]

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

Website:
<http://dlm.guam.gov>

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

RECEIVED:

June 3, 2021

12:53 P.M.

Ray Swartz



COPY
Signature

ATTACHMENT 1



Doc Type: 36GL-21-0652

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

05 21 2021

Time: 2:04 pm

Received: [Signature]

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO.: 2018-46
LOT NOS. 45-1 AND 45-R1, TRACT 1536
MUNICIPALITY OF MANGILAO

Space for Recordation

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

File for Record is Instrument Number 959283

On the Year 20 21 Month 5 Day 12 Time 1257

Recording Fee _____ Receipt No. _____

Deputy Recorder *Joel Antenor Cruz*

GLUC ZONE CHANGE
APPLICATION NO.: 2018-46
APPLICANT: ANNIE YANFANG ZHAO
PREPARED ON FEBRUARY 24, 2021
FROM: "A" (AGRICULTURAL)
TO: "LC" (LIMITED COMMERCIAL)
LOT NOS.: 45-1 AND 45-R1
BLOCK: N/A
TRACT: 1536
MUNICIPALITY: MANGILAO
SCALE: N/A
AMENDMENT NO.: A-102
ZONING MAP NO.: F3-67S41

JOEL ANTENORCRUZ
THE GUAM LAND USE COMMISSION, AT ITS HEARING ON NOVEMBER 14, 2019 APPROVED IN WHOLE THE ZONE CHANGE FROM "A" TO "LC" ON LOTS 45-1 & 45-R1, TRACT 1536 MUNICIPALITY OF MANGILAO

APPROVED IN WHOLE
 APPROVED IN PART
 DISAPPROVED

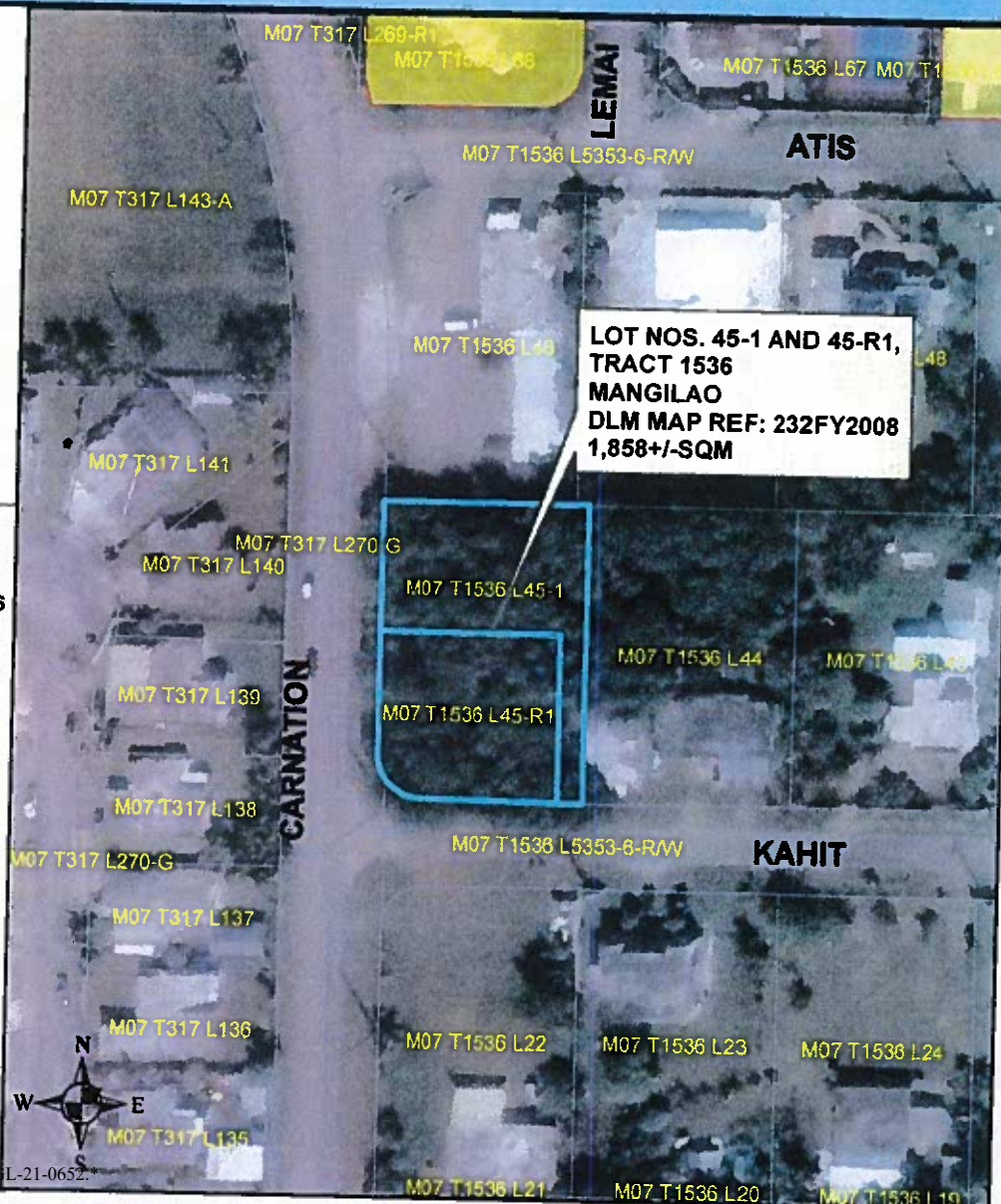
[Signature] 3/22/21 DATE

ANITA B. ENRIQUEZ
CHAIRPERSON
GUAM LAND USE COMMISSION

APPROVED IN WHOLE
 APPROVED IN PART
 DISAPPROVED

[Signature] 4/3/2021 DATE

LOURDES A. LEON GUERRERO
GOVERNOR OF GUAM



LOT NOS. 45-1 AND 45-R1,
TRACT 1536
MANGILAO
DLM MAP REF: 232FY2008
1,858+/-SQM

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

May 12, 2021

Honorable Therese M. Terlaje
Speaker
I Mina'trentai Kuáttro Na Liheslaturan Guáhan
163 Chalan Santo Papa
Hagatna, Guam 969201

Re: GLUC Zone Change approval from "A" to "LC" zone, Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao.

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** Annie Yanfang Zhao's request for a Zone Change from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone, for the proposed construction of a professional commercial building, on Lots 45-1 and 45-R2, Tract 1536, in the Municipality of Mangilao. This approval is in conformance with 21 G.C.A. §61630 and justified to satisfy public necessity, convenience and general welfare.

Senseremente,

Handwritten signature of Lourdes A. Leon Guerrero in purple ink.

LOURDES A. LEON GUERRERO
I Maga'hāgan Guáhan
Governor of Guam



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



LOURDES A. LEON GUERRERO
 MAGA'HAGA • GOVERNOR

JOSEPH M. BORJA
 Director

JOSHUA F. TENORIO
 SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

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

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

Website:
<http://dlm.guam.gov>

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

April 1, 2021

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "A" (Rural/Agricultural) to "LC" (Limited Commercial) zone for Lot Nos. 45-1 & 45-R1, Tract 1536 in the Municipality of Mangilao; Applicant – Annie Yanfang Zhao, Application No. 2018-46.**

Submitted for your consideration and action is Zone Change Application No. 2018-41. The Applicant Pacific Seven Investments, LLC is requesting for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone for the proposed construction of a commercial professional building.

Application chronology is as follows:

- July 27, 2018 – Application officially accepted
- August 9, 2018 – Reviewed by the Application Review Committee (ARC)
- October 2, 2019 – Public Hearing, Mangilao Community Center
- November 14, 2019 – Guam Land Use Commission (GLUC) Public 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.

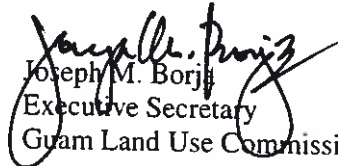
ROAD AT CENTRAL FILES
 APR 1 '21 PM 8:03

Elaine Tajalle
 2021-13340

Memorandum to the Governor
Zone Change Report – Annie Yanfang Zhao
Lot Nos. 45-1 & 45-R1, Mangilao
Page 2

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-102, Zoning Map No. F3-67S41
- 2) Zone Change Application
- 3) Formal letter to Mayor for Public Hearing (September 16, 2019)
- 4) Public Hearing Minutes (dated October 2, 2019)
- 5) Staff Report with Summary of ARC Position Statements
- 6) GLUC Agenda Notice – Guam Daily Post (November 7th & November 12th, 2019)
- 7) GLUC Agenda of November 14, 2019 – Disposition
- 8) GLUC Minutes of November 14, 2019 (**Document No. 945954**)
- 9) Notice of Action – Findings of Facts
 - Exhibit A – Affidavit of Publication
 - Attachment A – Official Memorandum to GDP (September 16, 2019)
 - Attachment B – Public Hearing Advertisement (September 22, 2019)
 - Exhibit B – Affidavit of Mailing
 - Attachment A – U.S. Postal Certified Receipts (September 19, 2019)
 - Attachment B – Official Notice Public Hearing (September 17, 2019)

GLUC APP NO. 2018-46
CASE PLANNER: PENMER G.

ZONE CHANGE APPLICATION

FROM: "A" (AGRICULTURAL)

TO

"C" (COMMERCIAL) ZONE

FOR : ANNIE YANFANG ZHAO

C/O HARRY D. GUTIERREZ, CONSULTANT

LOT NOS. 45-1 & 45-R1, Tract 1536

MUNICIPALITY OF MANGILAO, GUAM

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

* Accepted
7/27/18
PK

RECEIVED

6/26/2018
ATTACHMENT 2
Q

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

June 14, 2018

To: Chairman & Commissioners, Mr. Michael JB Borja, Director and
Executive Secretary, Guam Land Use Commission (GLUC)
C/o Department of Land Management
ITC Bldg, Suite 700, Tamuning, Guam 96911

**Subject: Zone Change Application for: Lots 45-1 & 45-R1, Tract 1536, Municipality of
Mangialo; For Annie Yanfang Zhao (Owner)**

Hafa Adai:

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

The subject lots are fronting Carnation Avenue, known as Route No. 26, and also across Latte Hts Subdivision on Tract 317 (see attached map) and is approximately 1.8 miles east off Route No. 1, Marine Corps Drive. The lot is abutting another commercial lot (Latte Hts Store) and approximately 450 feet west of the Island pantry Retail Store. The main access is a public right of way, 60- foot (Carnation Avenue) that also connects to Route No. 15, back road to Andersen to the east.

Land Uses in the area: For your information, there other commercial within 100 feet and 450 feet are zoned commercial properties are along Route No. 26, rezoned by the Guam Legislature thru Public Laws. Other land uses are residential, single family, duplex, multi-family thru Summary Zone Change and Public Law 21-72. A large subdivision known as Latte Hts. Tract 317, Adacao Elementary School is nearby. There are also agricultural/residential lots and tracts of Government of Guam land on the northeastern sector within 3,000 feet in the Adacao area and toward Route 15.

The lot was acquired by my client recently and subdivided it into two lots. They want to develop this site with a commercial/ retail with office and residential unit. This will provide a few professional office spaces for rent and the site also will have adequate parking and will be landscaped. They intend to develop and to be consistent to other commercial establishment on the abutting lot and other commercial establishments nearby and fronting major thoroughfare along Carnation Avenue.

Page 2 (Ref: Lots 45-1 & 45-R1, Tract 1536, Mangilao, Guam
For Annie Yanfang Zhao (Owners)
Rezoning Application from "A" to "C";
Represented by Harry D. Gutierrez.

Based on land use site studies of the area, commercial use of the lots would be the most ideal rather than residential along Carnation Avenue. As other commercial activities are existing and will serve the continued growing in population and development in the immediate area. Other commercial activities are within 1.2 mile and 1.8 miles along Carnation Avenue toward Route No. 1.

Again, this site is the most ideal and preferred location to serve the public for a commercial operation, that my clients are proposing for a commercial/retail with office spaces, a residential unit, and provide adequate parking on site for tenants and patrons.

Permitted and compatible uses in a "C" zones includes commercial buildings and complexes with accessory structures, retail/wholesale activities, gas stations, maintenance repair services shops for 00minor repairs, single family dwellings, residential duplexes, etc.. and the likes as noted on 21GCA 61307 (Commercial Zones).

The topography is flat all around the property. The subject lot has a main access on Carnation Avenue (Route No. 26). All utilities (water, sewer, power, etc..) are available in the immediate area within 100 feet. GWA pump station is within 200 feet west of the subject lot.

**The 2 lot areas: 929 x 2 Square Meters or 10,000 x 2 Square Feet
or Total 20,000 SF or 1/2 Acre;**

Note : A consolidation of the 2 lots is proposed prior to commercial development.

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

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

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

A. Public Necessity :

The proposed zone change of the lot and proposed uses are compatible with existing Commercial activities nearby and along Carnation Avenue and some residential land uses in this area. The proposed land use and activities will provide the community with commercial/retail, office spaces and other permitted commercial services for the public's need. This area is within northern Guam and near the airport and business districts. This area will be developing into a more commercial type activities to accommodate a growing island population in the north and the anticipated military build-up in the next few years and beyond. It is also within minutes of the other large commercial district of the along Carnation Avenue and along Route No. 1 (Marine Corps Drive) in Dededo.

B. Public Convenience:

The proposed zone change of the lot will afford public convenience for much needed commercial/retail services, office spaces and other service related activities at this location as it is near a large populated area in the Adacao area. This location is consistent with the current land uses as an extension of the existing commercial zone along Carnation Avenue (Route No. 26). The location is prime and ideal, and will provide convenience near areas with large population to better provide goods and services and related activities the immediate area and to a growing island community.

C. General Welfare:

The proposed zone change of the lot will protect the general public, the immediate surroundings and properties by being consistent for commercial zone within close proximity of other commercial lots and commercial zone with existing commercial activities along Route No. 26 and it is within the Adacao area. There are single family dwellings, multi-family complexes, commercial building and government school and churches nearby. The abutting residences will be buffered by conforming to the 40 feet setbacks of the proposed commercial structure, as well as with landscaping of the site and other zoning law applicable regulations. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is abutting other commercial properties. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of this site for commercial activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced if required, and landscaped and will be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

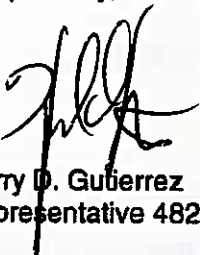
Page 4 (Ref: Lots 45-1 & 45-R1, Tract 1536, Mangilao, Guam
For Annie Yanfang Zhao (Owners)
Rezoning Application from "A" to "C";
Represented by Harry D. Gutierrez.

Cont.

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

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

Respectfully,



Harry D. Gutierrez
Representative 482-5315

With Enclosures attached

ZONE CHANGE

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

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

1. Information on Applicant:

Name of Applicant: Annie Yanfang Zhao
C/O Harry D. Gutierrez; Consultant U.S. Citizen: [] Yes [] No

Mailing Address: C/O #119 Gutierrez Way, Agana Heights, GU 96010

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

2. Location, Description and Ownership:

Subdivision Name: REF: Basic Lot 45, Tract 1536 Mangilao

Lot(s): 45-1 & 45-R1 Block: N/A Tract: 1536

Lot Area: Acres : 1/2 Square Meters: 929.00 ea. / 929.00 ea. Square Feet: Totals 20,000

Village: Mangilao Municipality: Mangilao

Registered Owner: Annie Yanfang Zhao; Warrantee Deed: Doc No. 913665; Official Survey Map LM 232FY2008

(See attached Supporting Documents & Maps; Special Note: The 2 lots will be consolidated for proposed

2. Current and Proposed Land Use:

Current Use: Vacant -Overgrown Vegetation Zoned: "A" (Agricultural)

Proposed Use: Construct a commercial building for commercial/retail, office spaces with residential unit

Proposed Zone: "C" (Commercial)

Master Plan Designation: No Master Plan in this area, the land use is mix of commercial and residential uses along Route No. 26

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 Guáhan Chief Planner
- i.

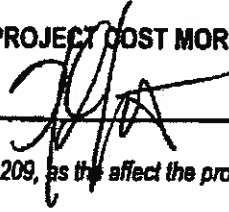
Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format,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

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

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

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

Please sign attesting to your answer: ⇒ _____



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

ZONE CHANGE

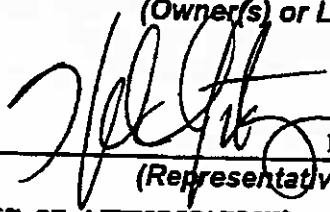
9. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"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."

(REF:L:45-1 & 45-R1, TRACT 1536, MANGILAO GUAM)

ANNIE YANFANG ZHAO (OWNER)

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



HARRY D. GUTIERREZ, CONSULTANT JUNE 14, 2018

(Representative, if any, and Date)

(SEE ATTACHED AFFIDAVIT OF AUTHORIZATION)

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: _____

**REZONING FROM: "A" (Agricultural) Zone
TO : "C" (Commercial) Zone**

For Lots 45-1 & 45-R1, Tract 1536, Mangilao, Guam

FOR : ANNIE YANFANG ZHAO (Owner)

ATTACHMENTS:

Ownership

Affidavit of Authorization

Environmental Impact Assessment (EIA) Short form

Site Location & Land Use Radluses Map

Official Survey Map

913665

Island of Guam, Government of Guam	
Department of Land Management Office of the Recorder	
File for Record is Instrument No.	913665
On the Year <u>12</u> Month <u>10</u> Day <u>13</u> Time <u>3:30</u>	
Recording Fee <u>475</u>	Receipt No. <u>2165</u>
Deputy Recorder	<i>Jan Yamasaki</i>

Security Title

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

We, **JERRY CHIEN-HUA CHEN**, married, whose mailing address is 13523 Palm Place, Cerritos, CA 90703, **AND AARON CHUNG-I CHEN AND EUGENIA KO CHEN**, husband and wife, whose mailing address is P.O. Box 2725 Hagatna, Guam 96932, hereinafter referred to as "GRANTOR", for TEN DOLLARS (\$10.00) and other good and valuable consideration paid by **ANNIE YANFANG ZHAO**, an unmarried woman, whose mailing address is P.O. Box 11221 Tamuning, GU 96931, hereinafter referred to as "GRANTEE", do hereby grant, bargain, sell and convey any and all of the Grantor's right, title and interest unto GRANTEE, and GRANTEE'S heirs, administrators, executors, successors and assigns, in fee simple, as her sole and separate property, the following described real property in the MUNICIPALITY OF MANGILAO:

PARCEL ONE:

Lot 45-1, Tract 1536, Mangilao, Guam, Suburban, as said Lot is described in that Parental Division Survey Map of Lot 45, Tract 1536, as shown on Drawing Number 05RIIM2008, as L.M. Check Number 232 FY 2008, dated 04 February 2009 and recorded on 05 February 2009 under Instrument No. 785586 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 929 ± square meters.

Last Certificate of Title Number: 85871 - Aaron Chung-I Chen and Eugenia Ko Chen husband and wife, as joint tenants with rights of survivorship (as to Basic Lot 45, Tract 1536; Estate Number 56502).

PARCEL TWO:

Lot 45-R1, Tract 1536, Mangilao, Guam, Suburban, as said Lot is described in that Parental Division Survey Map of Lot 45, Tract 1536, as shown on Drawing Number 05RIIM2008, as L.M.

Warranty Deed

PARCEL ONE: Lot Number 45-1, Tract 1536, Mangilao & PARCEL TWO: Lot Number 45-R1, Tract 1536, Mangilao
 2017-1028CMM/17-10224-GU
 (Chen/Zhao)

Check Number 232 FY 2008, dated 04 February 2009 and recorded on 05 February 2009 under Instrument No. 785586 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 929 ± square meters.

Last Certificate of Title Number: 85871 - Aaron Chung-I Chen and Eugenia Ko Chen husband and wife, as joint tenants with rights of survivorship (as to Basic Lot 45, Tract 1536; Estate Number 56502).

TOGETHER with all and singular the tenements, privileges, hereditaments, and appurtenances, whatsoever belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issue and profits thereof, and all the estate, rights, title interest, property, claim and demand whatsoever of the said GRANTOR, at law or in equity, in and to the same.

TO HAVE AND TO HOLD the same, together with all tenements, hereditaments, and appurtenances hereunto belonging and in anywise appertaining unto the said GRANTEE, her heirs, and executors administrators and assigns, forever.

AND GRANTOR DOES HEREBY for themselves and assigns, covenant with said GRANTEE, her heirs, and executors, administrators and assigns; that GRANTOR is lawfully seized in fee of the granted premises; that it is free from all encumbrances other than:

1. Grant of Easement for the Erection and Maintenance of Power and Communication Lines, Poles and Towers, granted to Guam Power Authority, for a 5 foot strip of land extending across Lot Nos. 1 thru 89, Tract 1536, dated 30 August 79 and recorded on 18 November 81 under Instrument No. 325010 at Land Management.

That to sell the same as aforesaid; that GRANTOR shall warrant and defend the same to the said GRANTEE, her heirs, and assigns, forever against the lawful claims and demands of all persons.

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

Warranty Deed
PARCEL ONE: Lot Number 45-1, Tract 1536, Mangilao & PARCEL TWO: Lot Number 45-R1, Tract 1536, Mangilao
2017-1028CMM/17-10224-GU
(Chen/Zhao)

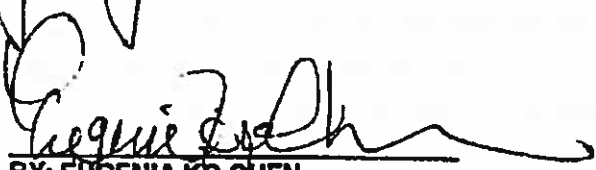
IN WITNESS WHEREOF, this instrument has been executed this 17th day of October, 2017.

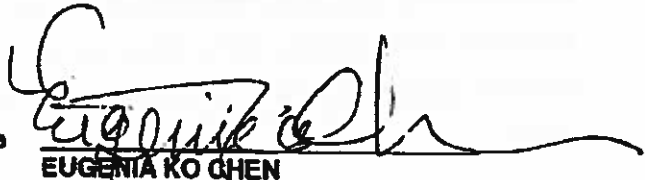
GRANTOR:

GRANTOR:


JERRY CHIEN-HUA CHEN


AARON CHUNG-I CHEN


BY: EUGENIA KO CHEN
ATTORNEY-IN-FACT
REFERENCE POA#: **913664**


EUGENIA KO CHEN

GUAM, U.S.A.

) SS

CITY OF TAMUNING

On this 17th day of October, 2017, before me, a Notary Public in and for GUAM, U.S.A., personally appeared EUGENIA KO CHEN, AS ATTORNEY-IN-FACT FOR AND ON BEHALF OF JERRY CHIEN-HUA CHEN, and she acknowledged to me that she executed the foregoing WARRANTY DEED, as her voluntary act and deed for the purposes herein set forth.

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



NOTARY PUBLIC
My Commission Expires:

DEREK ANTHONY M. DEJAPAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **JULY 13, 2019**
356 South Marine Corps Drive, Tamuning, Guam 96913

Warranty Deed
PARCEL ONE: Lot Number 45-1, Tract 1536, Mangilao & PARCEL TWO: Lot Number 45-R1, Tract 1536, Mangilao
2017-1028CMMW/17-10224-GU
(Chen/Zhao)

913665

GUAM, U.S.A.

} SS

CITY OF TAMUNING

On this 11th day of October, 2017, before me, a Notary Public in and for GUAM, U.S.A., personally appeared AARON CHUNG-I CHEN AND EUGENIA KO CHEN, and they acknowledged to me that they executed the foregoing WARRANTY DEED, as their voluntary act and deed for the purposes herein set forth.

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



NOTARY PUBLIC
My Commission Expires:

DEREK ANTHONY M. DIMAPAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
356 South Marine Corps Drive, Tamuning, Guam 96913

Warranty Deed

PARCEL ONE: Lot Number 45-1, Tract 1536, Mangilao & PARCEL TWO: Lot Number 45-R1, Tract 1536, Mangilao
2017-1028CMM/17-10224-GU
(Chen/Zhao)

913665

GRANTEE:

[Handwritten Signature]

ANNIE YANFANG ZHAO

GUAM, U.S.A.

) SS

CITY OF TAMUNING

On this 15th day of October, 2017, before me, a Notary Public in and for GUAM, U.S.A., personally appeared ANNIE YANFANG ZHAO, and she acknowledged to me that she executed the foregoing WARRANTY DEED, as her voluntary act and deed for the purposes herein set forth.

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

[Handwritten Signature]

NOTARY PUBLIC
My Commission Expires:

DEREK ANTHONY M. DIMAPAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **JULY 13, 2019**
356 South Marine Corps Drive, Tamuning, Guam 96913

Warranty Deed
PARCEL ONE: Lot Number 45-1, Tract 1536, Mangilao & PARCEL TWO: Lot Number 45-R1, Tract 1536, Mangilao
2017-1028CMW/17-10224-GU
(Chen/Zhao)

SPOUSAL CONSENT

I, PATTY LEI CHEN, spouse of JERRY CHIEN-HUA CHEN, do hereby consent to the sale of the following described property to ANNIE YANFANG ZHAO.

LOT NO. 45-1, TRACT 1536, MANGILAO
SEE FULL LEGAL DESCRIPTION ON EXHIBIT "A"

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of September, 2017.


PATTY LEI CHEN

STATE OF CALIFORNIA)
CITY OF _____) SS

~~On this _____ day of September, 2017, before me, a Notary Public in and for The State of California, personally appeared PATTY LEI CHEN and she acknowledged to me that she executed the foregoing SPOUSAL CONSENT AND RELEASE, as her voluntary act and deed for the purposes herein set forth.~~

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

NOTARY PUBLIC
My commission expires:

.

AUTHORIZATION

ANNIE YANFANG ZHAO, owner of Lot 45-1 and 45-R1, Tract 1536 Municipality of Mangilao, of legal age and with power bestowed as the owner representative of the subject properties, through this instruments hereby do grant and authorize the following:

- 1. That **HARRY D. GUTIERREZ** is hereby authorized to represent me in obtaining a **Application to Rezone to Commercial** with the Department of Land Management.

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

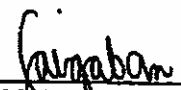
I hereunto affix my signatures to this affidavit:



Owner and Date

)
)
)

SUBSCRIBED AND SWORN TO before me this 8th day
November, 2017.



NOTARY PUBLIC

JONALYN ASHLEY E. UGABAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **JUNE 13, 2020**
155 E.T. Celvo Memorial Pkwy Ste 100 Tamuning, GU 96913



**GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
ENVIRONMENTAL IMPACT ASSESSMENT (SHORT FORM)**

October 1999

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

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

Case No : _____

Project Title : Zone Change

1. Name, address and business telephone of applicant:

Annie Yanfang Zhao (Owner)

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

2. Name, title and telephone number of Representative:

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

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

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

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

Lots 45-1 & 45-R1, Tract 1536, Mangilao, Guam, see map LM 232 FY 2008

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

To construct a commercial /retail building, office spaces, residential unit with vehicular parking, landscaping, ponding basin on site.

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

a. Groundwater recharge area: Yes, it appears it is within the area and will comply with all required Environmental Controls. Minimal impacts.

b. Watersheds: Yes, the site may be within the area and will comply with all required Environmental Controls. Minimal impacts.

c. Wellhead protection zone: None

d. Streams, lakes or ponds: None

e. Marine waters: None

f. Reef flats: None

g. Pristine forest: None

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

i. Wetlands: None

j. Flood hazard area: None

k. Archaeological feature(s) or historical sites:

None; Subject lot has is abutting a commercial activities. The applicant will comply to all requirements should any artifacts are found during clearing and construction phases.

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

a. Production of toxic or hazardous waste: None

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

None

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

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

No significant impact.

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

a. Drinking water:

Drinking water will be used by commercial complex and other required services on site. A commercial meter will be applied for and used. Any additional usage will be determined and will be furnished to GWA as required during review and permitting process. Water reserve tanks will be on site to augment water supply and for fire suppression requirements. No significant impact.

b. Sewage disposal (public system) :

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

c. Vehicle traffic: Daily vehicular traffic will continue day to day fronting a right of way, its also known as Carnation Avenue/ Route No. 26, public access to the site will be controlled and traffic circulation will be designed for safe egress /ingress to and from the site. Adequate parking will be provided on site.

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

There will be clearing and grading and excavation for foundation on the site to prepare the proposed development . All required permits will be obtained prior to any construction activity on the site.

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

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

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

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

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

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

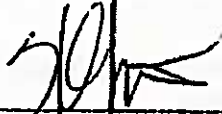
13. Does the project include any special or unique features that are not covered above? NONE

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

DECLARATION BY APPLICANT

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

HARRY D. GUTIERREZ, CONSULTANT



Applicant (signature)

JUNE 14, 2018

Date

(SEE ATTACHED AFFIDAVIT OF AUTHORIZATION)

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)

NOTICE TO REZONE (Red Letters)

PUBLIC NOTICE

GLUC No: _____

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

ZONE CHANGE

APPLICATION DESCRIPTION:

To rezone the lots from "A" (Agricultural) to "C" (Commercial) Zone for proposed construction of a commercial / retail building with office spaces, a residential unit and provide adequate parking and landscaping on site.

OWNER: ANNIE YANFANG ZHAO (Owner)

DEVELOPER: ANNIE YANFANG ZHAO (Owner)
c/o Harry D. Gutierrez (Consultant)

LOT, BLOCK, TRACT, MUNICIPALITY: Lots 45-1 & 45-R1, Block : N/A Tract 1536
Municipality of Mangilao

PROPOSED CHANGE OF ZONE: To rezone from "A" (Agricultural)
to "C" (Commercial) Zone

DATE:

TIME :

PLACE:

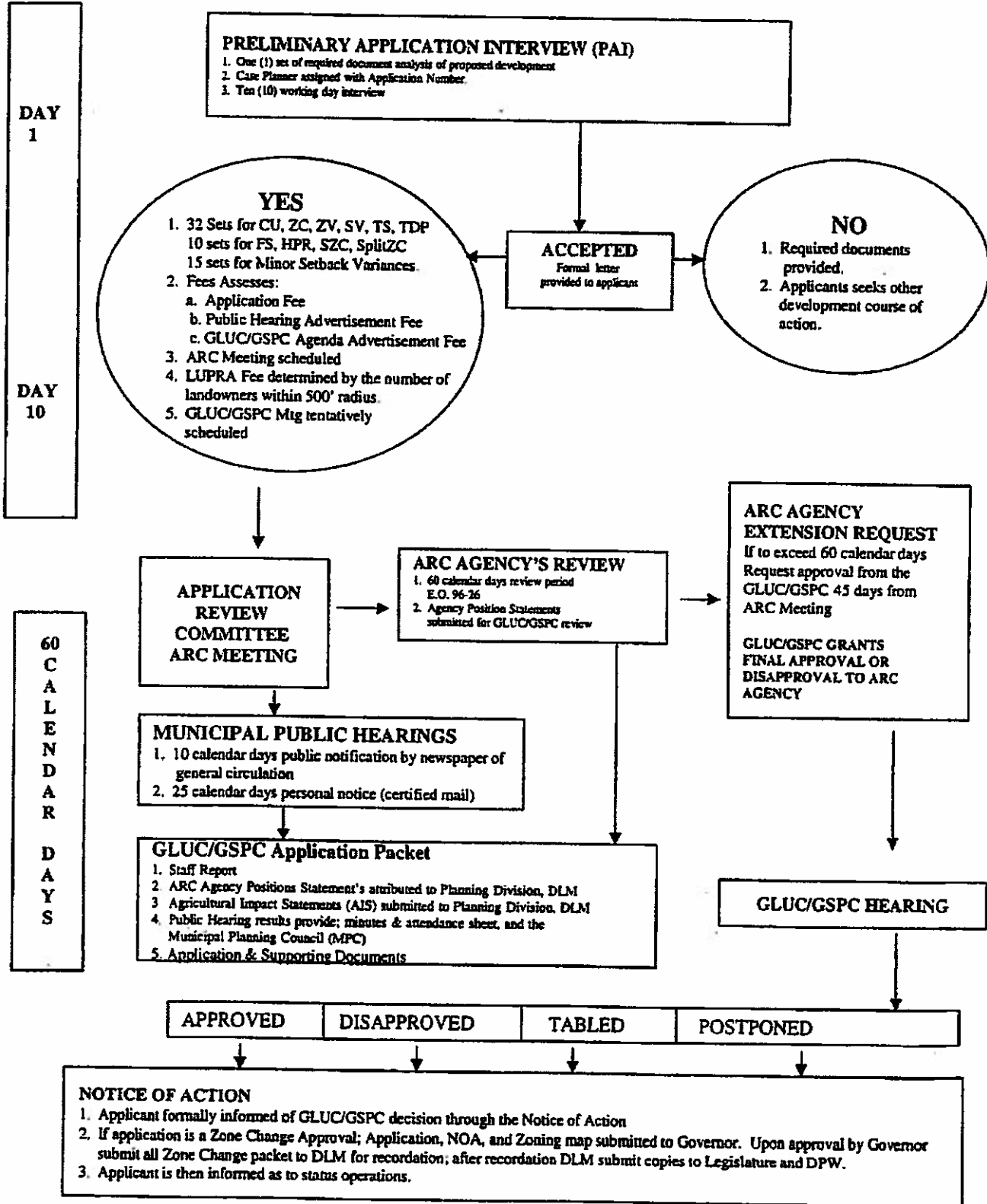
PUBLIC HEARING:

Mangilao Mayor's /
Office/Community Ctr

GLUC MEETING:

DLM/GLUC CONF RM
3RD FLR ITC BLDG, TAMUNING

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



Procedures for Placement of Mandatory Billboard for Public Notification

Effective Date: November 11, 2011

As Approved by the Office of the Guam Chief Planner

Division of Land Planning, Department of Land Management

The purpose for these following procedures is to clarify and standardize the requirement for the placement of public notice signs on the subject lots under review by the Guam Land Use Commission (GLUC) pursuant to 21GCA, Chapter 61, *Zoning Laws, Part 3, Changes of Zones, Section 61633, Hearing Dates-Notice (for Zone Change Requests); Article 3, Section 61303(c) (for Conditional Use Permit Requests); Part 2, Appeals & Review, Section 61619, Hearing Date-Notice (for Zone Variance Requests)*. Applicants are instructed to review the following steps and procedures and acknowledge its contents and responsibilities. (This document shall be entered as a mandatory information and part of the filed application packet)

A. SIZE DIMENSION AND SIGNAGE:

1. The Billboard shall maintain a dimension no smaller than 4 feet by 8 feet (as allowed in a standard-sized plywood board) with a white background entirely.
2. In that portion stating **"NOTICE TO REZONE"** shall be dominantly in English, shall use a letter font size no smaller than 12", and shall be in red. This portion of the sign shall take up no less than 2 feet by 8 feet and preferably on the upper half of the sign.
3. In that portion stating **"PUBLIC NOTICE"** shall be dominantly in English, shall use a letter font size no smaller than 8", and shall be in red.
4. In that portion stating **"AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE CHANGE"** shall be dominantly in English, shall use shall use a letter font size no smaller than 4-6", and shall be in red.
5. In that portion providing: the title of the filed application; owner and name of the developer; the lot, block, and tract number of the subject lot; and the proposed change of zone, proposed variance, or proposed conditional use regarding the application, shall be dominantly in English, shall use a letter font size no smaller than 4-6", and shall be in either red or black.
6. In that portion providing: the Date and Time for each Public or GLUC Hearing shall be dominantly in English, shall use a letter font size no smaller than 4-6", and shall be in either red or black.
7. All characters and letters will be printed in legible and permanent media so as to prevent any possible degradation in material or context due to elements of nature.

Applicant Initials _____

B. PLACEMENT AND MAINTENANCE OF SIGNAGE:

1. The applicant shall not be restricted to the placement of one billboard advertisement of public notice, but shall opt to place additional billboard as may deemed necessary to insure public notification in accordance with applicable statutes is achieved and may be applicable at the recommendation of the Guam Chief Planner.
2. The Billboard shall be erected and displayed in a visible and prominent place on the subject site no less than 5 days after the application has been filed with the Guam Land Use Commission or Guam Seashore Commission, whichever is applicable and in accordance to applicable statute.
3. Billboards shall be erected and in placed in a location within the subject lot(s) as to avoid any hindrance to pedestrian or vehicular travel. The billboard shall not be used for the purpose of hindering public access within a Public Right-of-Way.
4. When facing a roadway or in an area determined as the most obvious and visually accessible, such area where the billboard will be placed shall be free of any object, natural material, or any man-made or natural structure or form that would otherwise hinder visual access to the billboard. The applicant or his authorized agent shall be responsible for maintaining said area and sign for the duration of the application's review and assessment period and no later than one day after the GLUC/GSPC has rendered a final decision.
5. The applicant or his authorized agent shall be responsible for updating the billboard, particularly on public hearing or GLUC/GSPC hearing dates.

C. OFFICIAL STAMP DATE PROOF OF PUBLIC NOTIFICATION:

In an effort to insure timely public notification of public or GLUC hearing dates, times, and venue the applicant or his authorized agent shall perform the following:

1. Upon notification of a confirmed and scheduled public or Commission hearing date, the applicant or his authorized agent shall enter such date(s) on the billboard no later than three days after being notified *or as required under statute.*
2. For the purpose of insuring proof new information has been added to the sign within the required timeline, the applicant or his authorized agent shall either:
 - a. Obtain a **digital photograph of the billboard, obviously showing the entered date(s).** The digital photograph shall then be sent to the application case planner via email or other electronic media. The date received via email or other electronic media shall serve as the **date stamp proof** in accordance with part 1a of this instruction; or
 - b. Obtain a **still photograph of the billboard, obviously showing the entered date(s).** The photograph shall then be brought to the office of the application case planner, either personally or by electronic means (i.e. electronically scanned then sent by

Applicant Initials _____

(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:

OWNER:

DEVELOPER:

LOT, BLOCK, TRACT, MUNICIPALITY:

PROPOSED CHANGE OF ZONE:

DATE:

TIME:

PLACE:

PUBLIC HEARING:

GLUC MEETING:

Procedures for Placement of Mandatory Billboard for Public Notification (con't)

email, facsimile, etc). The case planner shall then receive the photo(s) as the date stamp proof of the hearing date in accordance with part 12a of this instruction (in the event a facsimile is used, the case planner shall use the date received in faxed copy as the date stamp proof, otherwise,

- c. When personally delivering the photo(s), the applicant or his authorized agent shall submit accordingly using the following form and context for the receipt and acknowledgement of stamp date proof.

<p>This is to acknowledge that the <u>applicant's or authorized agent</u> has submitted proof that dates pertaining the public hearing/Commission were entered in the mandatory Public Notice Billboard pursuant to Part C2a of the <i>Procedures for Placement of Mandatory Billboard Public Notification</i>.</p> <p>DATE NOTIFIED BY CASE PLANNER: _____</p> <p>DATE ENTERED ONTO BILLBOARD BY APPLICANT: _____</p> <p>CASE PLANNER ACKNOWLEDGED: _____</p> <p>GUAM CHIEF PLANNER ACKNOWLEDGED: _____</p>
--

***This document to have attached a copy of a sign sample.

I/We have been advised of my/our Case Planner of the requirements of the mandatory installation of a public notice sign as described above and that I am/we are responsible for its installation, maintenance, and updating of said sign as well meeting the requirements of all applicable statues relative to providing appropriate public notice of all applicable public meeting and/or hearing dates concerning my/our land use application as filed with the Division of Land Planning. I/ We understand that any failure to meet these requirements may prevent further processing of my/our application or revocation, thereof.

APPLICANT'S NAME (PLEASE PRINT)

SIGNATURE

DATE

**21 GCA REAL PROPERTY
CH. 61 ZONING LAW**

**PART 3
CHANGES OF ZONES**

- § 61630. Requirements for Changes.
- § 61631. Procedure.
- § 61632. Application-Form and Contents.
- § 61633. Hearing Date-Notice.
- § 61634. Decision by Commission.
- § 61635. Planned Development Districts.
- § 61636. Change of Zoning Map.
- § 61637. Agricultural Impact Statement.
- § 61638. Review by Municipal Planning Council.
- § 61639. Summary Procedure for Agricultural and Single Family Residential Rezoning.

§ 61630. Requirements For Changes.

The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action.

SOURCE: GC § 17600.

§ 61631. Procedure.

A proposed change may be initiated by the Commission or by an application directed to the Commission by any person owning or leasing real property within the area covered by the zone.

SOURCE: GC § 17601.

§ 61632. Application-Form and Contents.

An application for a change of zone shall be filed with the Commission upon a form and accompanied by such data and information as the Commission may prescribe.

SOURCE: GC § 17602.

§ 61633. Hearing Date-Notice.

Upon the filing of an application for change of zone, the Commission shall hold at least one hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, notice of time and place of which shall be given at least one publication in a newspaper of general circulation, at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned, and to those landowners owning land within five hundred (500) feet of the property for which rezoning is requested, the mailing addresses for such landowners to be in the Real Estate Tax records.

SOURCE: GC § 17603 as amended by P.L. 10-158.

§ 61634. Decision by Commission.

The Commission shall consider the proposed change of zone and may approve or disapprove the same, in whole or in part. The Commission shall make its findings and determination within forty (40) days from the date of the hearing thereon and shall forward notice of such decision to the applicant, if any. 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.

SOURCE: GC § 17604.

§ 61635. Planned Development Districts.

A PD District enables the unified development of a substantial land area with such combination of uses as shall be appropriate to an integrated plan for the area. The procedure for establishing a PD District is the same as that for the rezoning of an area, providing that a detailed plan be submitted to and discussed with the Territorial Land Use Commission. The application shall be accompanied by the appropriate fee and the detailed plan, or revision thereof. The Territorial Land Use Commission may approve the detailed plan and rezoning, following the required hearing, upon findings that the plan, considering structures, uses, access, regulations and layout fixed in it, comprises:

- (a) An area of sufficient acreage to constitute a large planning unit having special attributes for integrated development;
- (b) An appropriate development of the area from the viewpoints of its natural features, location and suitability for particular uses;
- (c) A combination of structures and uses which are in reasonable association and proportion to make a harmonious unit and likely to continue compatibly with one another;
- (d) All structures, including accessory structures, shall not cover more than thirty percent (30%) of the area;
- (e) A project adequately serviced by the necessary public services, existing or proposed;
- (f) A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas; and
- (g) An appropriate evolution of the comprehensive plan for that portion of the territory.
- (h) All impermeable surfaces considered as a structure constituting gardens, sidewalks, fences, barrier walls, retaining walls, open air recreational facilities exposed to sunlight, swimming pools, and all subterranean structures located beneath grade and covered by earth shall be considered as an open area. In approving a detailed development plan, the Territorial Land Use Commission may impose such

regulations of yards, open space, lot coverage, density, and height as are reasonably required to permit the foregoing findings.

SOURCE: GC § 17605. Subsection (h) added by P.L. 27-24:9 (7/18/2003).

§ 61636. Change of Zoning Map.

Any changes of zones or approval of comprehensive community plan pursuant to this Chapter shall be endorsed and delineated upon the Zoning Map and shall constitute an amendment of said map.

SOURCE: GC § 17606.

§ 61637. Agricultural Impact Statement.

No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

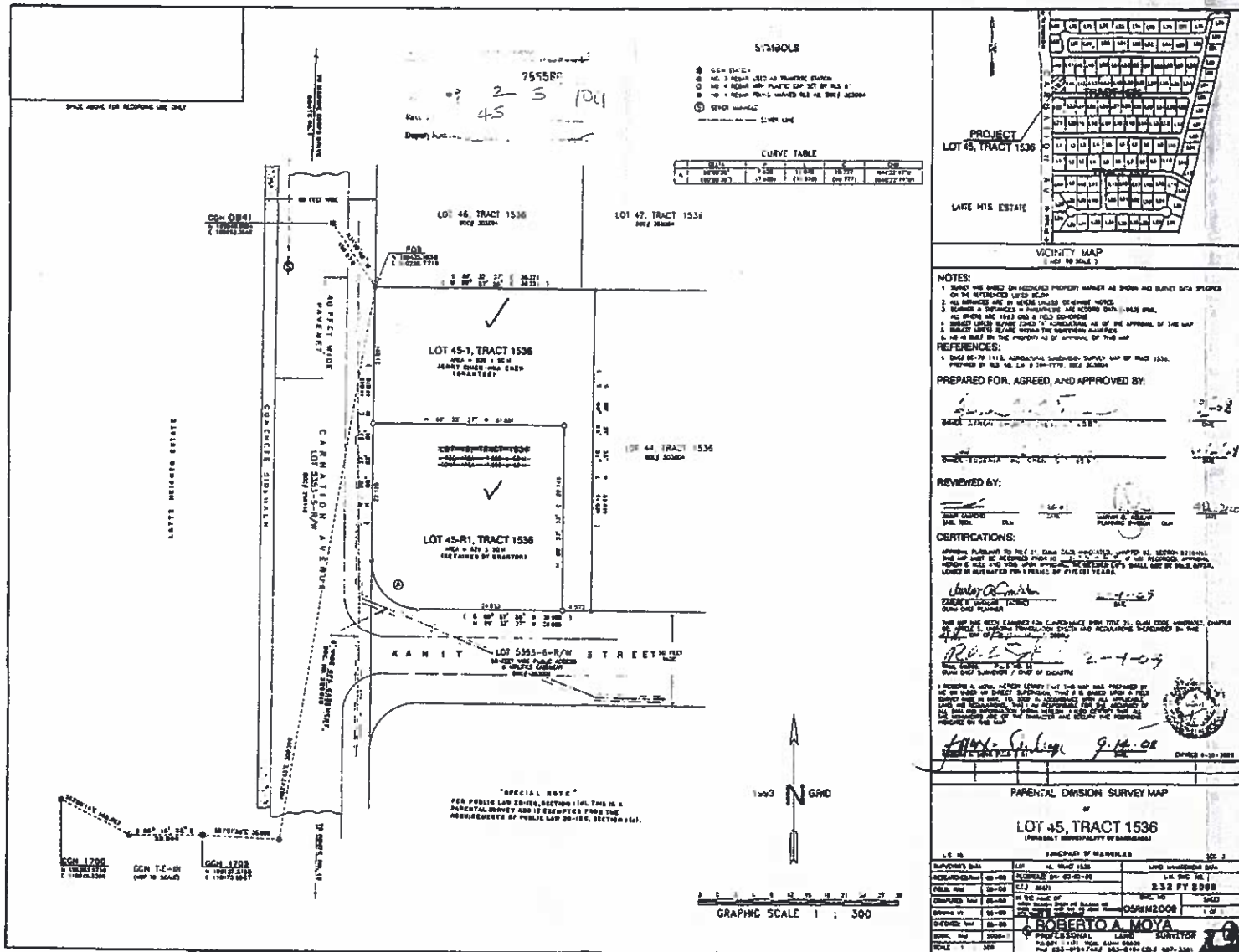
- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefor.

SOURCE: GC § 17607 enacted by P.L. 12-208.

§ 61638. Review by Municipal Planning Council.

The Municipal Planning Council of each municipal district to be affected by a proposed zone change shall within forty (40) days from the date of a public hearing held thereon by such council express its opinion thereon by resolution adopted by the majority of its members. Such resolution shall be forwarded to the Governor for his consideration thereof pursuant to § 61634 within twenty (20) days from the date of its adoption.

SOURCE: Added by P.L. 20-217:5.



NOTES:

1. SURVEY WAS BASED ON RECORDS PROPERTY MAPS AS SHOWN AND SURVEY DATA SPECIFIED ON THE RECORDS USED HEREIN.
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
3. SURVEY IS BASED ON PHOTOGRAPHIC AND RECORD DATA, UNLESS NOTED.
4. ALL DIMENSIONS ARE 1983 AND A FIELD CORRECTION.
5. SURVEY LINES BEYOND 1:5000 SCALE ARE OF THE APPROVAL OF THE MAP.
6. SURVEY LINES BEYOND 1:5000 SCALE ARE OF THE APPROVAL OF THE MAP.
7. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.

REFERENCES:

1. DMS 85-79 141A, AGRICULTURAL SUBDIVISION SURVEY MAP OF TRACT 1536, PREPARED BY R.L. DE LA ROSA, 1979, REC. 26380A.

PREPARED FOR, AGREED, AND APPROVED BY:

DATE: 2/14/08

REVIEWED BY:

CERTIFICATIONS:

I, the undersigned, being a duly qualified and sworn-in Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey map as shown and surveyed data specified on the records used herein, and that the same has been examined and found to be correct and true to the original survey map as shown and surveyed data specified on the records used herein.

DATE: 2-14-08

ROBERTO A. MOYA

PROFESSIONAL LAND SURVEYOR

NO. 11111, VOL. 2008-0000

DATE: 2-14-08

PARENTAL DIVISION SURVEY MAP
OF
LOT 45, TRACT 1536
(PARENTAL DIVISION SURVEY BY SURVEYOR)

SURVEYOR'S No.	11111	DATE OF SURVEY	02-14-08
RECORDS/PLAN No.	2008-0000	DATE OF RECORDS	02-14-08
FILE No.	11111	DATE OF FILE	02-14-08
OWNER'S No.	11111	DATE OF OWNER'S	02-14-08
OWNER'S No.	11111	DATE OF OWNER'S	02-14-08
OWNER'S No.	11111	DATE OF OWNER'S	02-14-08

ROBERTO A. MOYA
PROFESSIONAL LAND SURVEYOR

5-13349



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guam)



LOURDES A. LEON GUERRERO
 MAGA'HAGA • GOVERNOR

JOSEPH M. BORJA
 Director

JOSHUA F. TENORIO
 SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

September 16, 2019

COPY
 09.17.19

Honorable Allan R.G. Ungacta
 Mayor of Mangilao

Hafa Adai Mayor Ungacta:


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

The Applicant, Annie Yanfang Zhao represented by Harry D. Gutierrez; a request for a Zone Change from "A" (Agricultural/Rural) to "C" (Commercial) zone, for the proposed construction of a commercial building, on Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao, Application No. 2018-46.

For any **Zone Change** requests that may have an adverse impact on the public's interests, the Guam Land Use Commission is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we have scheduled with your office a public hearing to be held at the **Mangilao Community Center, on Wednesday, October 2, 2019.**

If you have any questions and/or require additional information, please call our office at 649-5263, extension 300 or 375.

Si Yu'os Ma'ase,


CELINE L. CRUZ
 Acting Guam Chief Planner

 PG, Case Planner

ATTACHMENT – B; SECOND PUBLIC HEARING RESULTS OF October 2, 2019

Ref: Staff Report - Application No. 2018-46 Zone Change, Lots 45-1 & 45-R1, Tract 1536
Municipality of Mangilao

The required public hearing was held at the Mangilao Mayor's Office / Community Center on October 2, 2019, at 6:00 P.M. Present were, the Case Planner, Mr. Harry Gutierrez, Applicant's Rep, a few MPC members, some neighbors. A total of 8 persons were in attendance.

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

Mr. Harry Gutierrez (representative):

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

Mayor Ungacta: Stated again.. he fully supports the rezoning of the lots and proposed site development for a commercial building, and that it should not have significant impacts to the neighbors or immediate surroundings, he further stated that the premises should always be kept clean of trash as there are private residences at the rear of the property. He stated that an MPC Resolution will be transmitted to DLM prior to the commission meeting.

Public comments and concerns that were noted are as follows: No public comments

Planning Staff Summary of Public Hearing:

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

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

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

Penmer Gulac 



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



LOURDES A. LEON GUERRERO
 MAGA'HĀGA • GOVERNOR

JOSEPH M. BORJA
 Director

JOSHUA F. TENORIO
 SIGUNDO MAGA'LĀHI • LIEUTENANT GOVERNOR

November 6, 2019

MEMORANDUM

TO: Chairman, Guam Land Use Commission
FROM: Guam Chief Planner (Acting)
SUBJECT: Staff Report - Application No. 2018-46; Zone Change,
 Municipality of Mangilao; GLUC Meeting of November 14, 2019.

1. PURPOSE:

A. Application Summary: The Applicant, Annie Yanfang Zhao, represented by Harry D. Gutierrez, is requesting approval of a Zone Change from "A" (Agricultural) to "C" (Commercial) Zone in order to construct a commercial building with retail space and office, professional office spaces and a Duplex residence on the second floor, on Lots 45-1 & 45-R1, Tract 1536, Municipality of Mangilao.

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

2. FACTS:

A. Location: The subject lots are fronting a public right of way (known as Route No. 26, (Carnation Avenue) and is across Latte Hts Subdivision (Tract 317) as well as abutting Latte Hts Retail store and approximately 450 feet west the Village Pantry Retail store and Laundro-mat. Other commercial activities along Carnation/Macheche Avenue are 1.8 miles north and Marine Corps Drive (Route No. 1), (See Vicinity Map **ATTACHMENT**).

B. Lot Areas: 929 Square meters or 10,000 Square feet each x 2 or 20,000 square feet (1/2 acre); (Note: Consolidation of the lots is proposed by the owner prior to construction on the site)

C. Present Zoning: "A" (Agricultural) Zone.

D. Field Description: The lots are vacant with overgrown vegetation and there are abutting single family, duplexes and there are multi-family residential apartments on the northeast and east, as well as an abutting retail store (Latte Hts Retail), are Commission/Legislative Approved Zone Changes, as well as DLM Summary Zone changes on apartment complexes and triplexes near the area on Tract 1538). The land use in the immediate area is of mix uses of residential, multi-family, commercial/retail, schools, and government land as well as a the Latte Heights residential subdivision across the street on Tract 317. All utility infrastructures are within 100 feet of the subject development.

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E-mail Address:
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Telephone:
 71-649-LAND (5263)

Facsimile:
 671-649-5383

Continuation of Memorandum

RE: Staff Report – Zone Change - Application No. 2018-46

GLUC Meeting Date of: November 14, 2019

Date of Preparation of Staff Report: November 6, 2019

Page 2 of 3

E. Masterplan: Residential – Low to Medium Density with a Commercial district

F. Community Design Plan: Residential with Commercial district

G. Previous Commission Action: None

3. APPLICATION CHRONOLOGICAL FACTS:

A. Date Heard By ARC: August 9, 2018

B. Public Hearing Results of : 1st Hearing – February 19, 2019, and 2nd Hearing – October 2, 2019 (To comply with PL 33-209, submissions of required positions statements from ARC agencies **(See Attachments– A & B)**)

4. STAFF ANALYSIS:

A Zone change must address **Public Necessity**, **Public Convenience** and **General Welfare** criteria. Our analysis is as follows:

PUBLIC NECESSITY

The proposed zone change of the lots and proposed uses are compatible with existing Commercial activities nearby and along Carnation Avenue and some residential land uses in this area. The proposed land use and activities will provide the community with commercial/retail, office spaces and other permitted commercial services for the public's need. This area is within northern Guam and near the airport and business districts. This area will be developing into a more commercial type activities to accommodate a growing island population in the north and the anticipated military build-up in the next few years and beyond. It is also within minutes of the other large commercial district along Carnation Avenue and along Route No. 1 (Marine Corps Drive) in Dededo and to serve the needs of the Adacao area and Latte Heights as well as the needs of the civilian and military community demands for goods and services.

CONVENIENCE

The proposed zone change of the lots will afford public convenience for much needed commercial/retail services, office spaces and other personal service related activities at this location as it is near a large populated area in the Adacao and Latte Heights area of Mangilao. This location is consistent with the current land uses as an extension of the existing commercial zone along Carnation Avenue (Route No. 26). The location is prime and ideal, and will provide convenience near areas with large population and to better provide goods and services and related activities in the immediate area and to a growing island community.

GENERAL WELFARE

The proposed zone change of the lots will protect the general public, the immediate surroundings and properties by being consistent for commercial zone within close proximity of other commercial lots and commercial zone with existing commercial activities along Route No. 26 and it is within the Adacao and Latte Heights area. There are single family dwellings, large residential subdivisions, multi-family complexes, commercial buildings and government school and churches nearby. The abutting residences will be buffered by conforming to the 40 feet setbacks of the proposed commercial structure, as well as with landscaping of the site and other zoning law applicable regulations. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is abutting other commercial properties. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of this site for commercial activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced if required, and landscaped and will be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

In supporting a commercial use, owner's representative assured those in attendance during the public hearing that the site and structure will be well managed and landscaped, that all storm water run-offs will be contained on site, and a perimeter fence will be erected if necessary along the boundary of the lot. At the public hearings, Mayor Alan Ungacta repeatedly stated he fully supports the rezoning and site development for a commercial building that should not have significant impacts to the neighbors or immediate surroundings as it is along a major highway. There were no major concerns or objections during the public hearing. There were no major concerns noted, or no objections from the Application Review Committee (ARC) agencies as majority recommended approval of the application.

As such, it is the position of DLM Planning Staff, the application to be entertained with favorable action by the Guan Land Use Commission.

5. RECOMMENDATION: Recommend Approval and the applicant shall adhere to all Commission and ARC recommendations, conditions, and requirements.


CELINE L. CRUZ
Acting Guam Chief Planner

Case Planner: Penmer C. Gulac 

With ATTACHMENTS;

·ATTACHMENT – A; PUBLIC HEARING RESULTS OF (1st Hearing) Feb. 19, 2019

Ref: Staff Report - Application No. 2018-46; Zone Change, Lot 45-1 & 45-R1, Tract 1536, Municipality of Mangilao;

Present were, the Case Planner, Mr. Harry Gutierrez, Applicant's Rep, Mayor Alan Ungacta, a few MPC members, and some neighbors and general public. A total of 14 persons were in attendance.

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

Public comments and concerns that were noted are as follows:

Mr. Gutierrez (representative):

Mr. Gutierrez further explained in detail the zone change application, its proposed uses as noted on the application...that the site will be well maintained, clean, landscaped for the commercial /retail with office, rentals spaces, (for beauty and barber, doctor/dental clinic, attorney's office, pastry/coffee shop), and storage space as an accessory to commercial/retail building operations. The owners will also have a Duplex residence on the 2nd floor. A fence will be erected to buffer noise to the neighbors, the site will maintain storm run-offs within the site by a special drainage/catchment (French Drain). Additionally, the owners will be working with the Mayor for any other municipal requirements, as well as GovGuam agencies on this application that will be complied with, the owners will be hiring local of employees. This new development will continue to create new jobs in the community, also reassured the mayor and the public that no drinking bars, no massage parlors, no game rooms, no pachinko machines, and no laundro-mat will be in operation in the commercial building.

Mayor Ungacta: Stated .. he fully supports the rezoning of the lots and proposed site development for a commercial building, and that it should not have significant impacts to the neighbors or immediate surroundings, he further stated that the premises should always be kept clean of trash as there are private residences at the rear of the property. He stated that an MPC Resolution will be transmitted to DLM prior to the commission meeting.

Planning Staff: The applicant's representative was advised to work with the Mayor and agencies to address any other issues on the development of the site, and to ensure they adhere to all permitting agency requirements.

Planning Staff Summary of Public Hearing:

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

DLM Project Planner: Informed those in attendance that the Application Review Committee (ARC) had no objections on the application. We are still waiting for other agencies to submit their position/assessment of the rezoning project. Advised the attendees, the next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the newspaper 10 days prior as to the hearing date and time. There hearing was adjourned at 6:50 p.m.

Penmer Gulac 



DIPĀTTAMENTON MINANEHAN TĀNO'
(Department of Land Management)
GUBETNAMENTON GUĀHAN
(Government of Guam)



LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO
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November 6, 2019

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members
FROM: Chairman, Application Review Committee (ARC)
SUBJECT: Summary of Positions Submitted by ARC
RE: Application No. 2018-46 (Zone Change)

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

DEPARTMENT OF LAND MANAGEMENT (DLM):

Planning staff recommends Approval subject to the ARC Position Statement and the permitting agencies requirements.

DEPARTMENT OF PUBLIC WORKS (DPW):

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

Provide a preliminary site development plan to show the following:

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

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

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "C" (Commercial) zone for the proposed development of commercial/retail with office spaces, a residential unit and adequate parking on site for tenants and patrons in the Municipality of Mangilao.

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

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

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Note that the nearest public sewers are located along Carnation road approximately 800 feet away both north and south of the subject lots. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.
2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.
3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite improvements.

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

4. The applicant shall install GWA water meters in the public right of way or easement.
5. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

6. New development is subject to water and/or sewer system development charges.
7. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system. The applicant would be responsible for the design, permitting, construction, and maintenance of a sufficiently large lift station to meet this requirement.
8. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.
9. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
10. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

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

GUAM POWER AUTHORITY (GPA):

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

A. Comments and Recommendations Concerning GPA requirements:

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

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

B. General Comments:

GPA has no objection to the request subject to the conditions cited above. (See Attached Position Statement).

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

The staff of this Agency reviewed the application and determined that this Agency does not have any objections to the proposed rezone of Lots No. 45-1 & 45-R1, Tract 1536, from "A" to "C" that contains an area of +/-1,858 square meters. However, the owner and/or contractor must comply with all GEPA laws and regulations when obtaining a permit to construct and/or occupy any structure or establishments under the approved zoning. (See Attached Position Statement).

DEPARTMENT OF PARKS AND RECREATION (DPR):

We reviewed the subject application submitted by Harry D. Gutierrez, Consultant, on behalf of the owners, Annie Yanfang Zhao, the subject lots with combined total area of 1,858 square meters in area, area adjacent to the Latte Heights Store, fronting Carnation Avenue, Route No. 26, and across the Late Heights Housing Subdivision. The lots offer no likelihood the significant historical or cultural properties may be encountered during the course of any development.

Moreover, the proposed construction of the commercial retail building, with office spaces and a residential unit must go through the proper DPW permitting process for review by various government agencies, including DPR, and may subject to additional development requirements.. Therefore, we have no objection to the approval of the subject application. (See Attached Position Statement).

DEPARTMENT OF AGRICULTURE (DoAg): (Agriculture and Environmental Impact Statement):

Agriculture has reviewed the subject lots for a Zone Change request from Agricultural "A" to a Commercial "C" and has no opposition to the proposed zone change for the construction of a commercial /retail building with office and residential unit. Our agency will recommend approval of the current proposal for zone change with the following statements, conditions and requirements set forth in 21 GCA Chapter 61 Section 61637. Our preliminary inspection of the site found no adverse impacts to Agriculture activity and to any Endangered Species and protected Coastal Zones and Wetland Habitat and Watersheds.. (See attached Position Statement for comments and recommendations, received on august 8, 2019)

Continuation of Memorandum

Ref: ARC Summary of Position Statements - Application No. 2018-46

November 6, 2019

Page 5 of 5

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Lots 45-1 & 45-R1, Tract 1536, and provide comments and recommendations as presented in their position statement received on March 26, 2019, and further, the Bureau recommends approval to the zone change request as submitted ..(See attached Position Statement for comments, conditions, and recommendations).

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):

GEDCA has no objections.

GUAM FIRE DEPARTMENT (GFD):

Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Has not submitted Position Statement as of Staff Report date.



CELINE L. CRUZ

Acting Guam Chief Planner

Case Planner: Penmer Gulac

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor



GLENN LEON GUERRERO

Director

ANDREW S. LEON GUERRERO

Deputy Director

MEMORANDUM

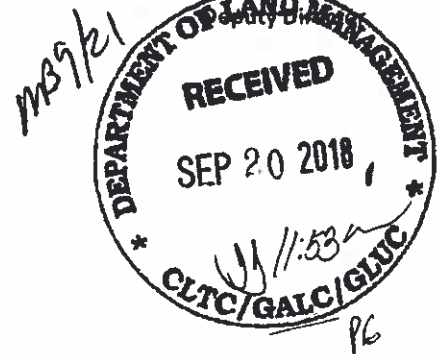
TO: Director, Department of Land Management

FROM: Director, Department of Public Works

APPLICANT: Annie Yanfang Zhao

APPLICATION NO.: 2018-46

SUBJECT: Zone Change from "A" to "C", Lot Nos: 45-1 & 45R-1, Tract 1536, Mangilao



Buenas yan Hafa Adai! The applicant is requesting a zone change on the above subject property from Agricultural ("A") to Commercial ("C") in order to allow the construction of commercial (retail) office spaces and a residential unit. The total area for both lots is approximately 1,858 square meters or 20,000 square feet in the Municipality of Mangilao.

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

Provide a preliminary site development plan to show the following:

- preliminary layout of the structure showing the commercial space, office spaces and residential unit;
- provide calculations for a storm drainage disposal area and must be shown in details;
- entrance / exit must be wide enough for public access;
- parking lay- out and detail for parking stalls (compact, standard, and accessible stalls) that meets the American Disability Act (ACT) requirements; and
- include solid waste trash area for either public or private services.

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

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


GLENN LEON GUERRERO

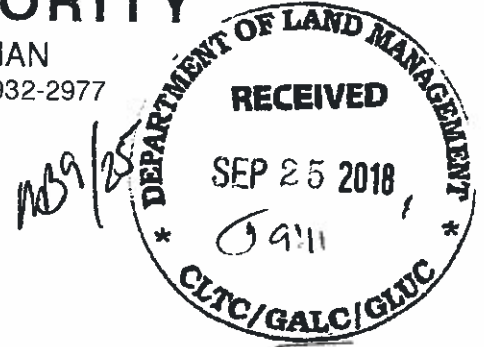
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9/24



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

September 19, 2018



MEMORANDUM

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

From: General Manager

Subject: Lots 45-1 & 45-R1, Tract 1536, Municipality of Mangilao, (Annie Yanfang Zhao); Zone Change Application from "A" (Agricultural) to "C" (Commercial) to construct a commercial building for retail, office space and residential. **Application No. 2018-46**

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

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
 - **GPA reserves its easement rights established under Document No. 325010.**
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this development on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

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


JOHN M. BENAVENTE, P.E.

ASG/arp



INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
 Applicant: Annie Yanfang Zhao
 Location: Lots 45-1 & 45-R1, Tract 1536, Mangilao
 Type of Application: Zone Change
 GLUC/GSPC Application No. 2018-46
 Brief Project Description:

"A" to "C" to construct a commercial building 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.**

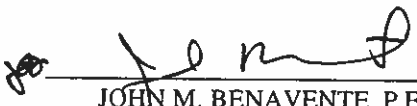
1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project:
 Yes No

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

GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENSIA PROTIEKSION LINA LA GUAHAN

EDDIE BAZA CAIVO
GOVERNOR OF GUAM

RAY TENORIO
LT GOVERNOR OF GUAM

17304 MARINE AVENUE TIAN, PARRAGUAI, GUAM 96913-1617 [FIND US ONLINE AT EPA.GUAM.GOV](http://www.epa.guam.gov)



OCT 25 2018

Mr. Tao 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 2018-46 – “Zone Change from Agricultural (A) to Commercial (C) Zone on Lot Nos. 45-1 & 45-R1, Tract 1536 Municipality of Mangilao, Guam.

The staff of this Agency reviewed the application and determined that this Agency does not have any objections to the proposed rezone of Lot Nos. 45-1 & 45-R1, Tract 1536, Mmangilao from “A” to “C” that contains an area of +/- 1,858 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.


WALTER S. LEON GUERRERO
Administrator

TODDY NITALA Y IANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE.





Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

**Department of Parks and Recreation
Government of Guam**

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



William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC2018-0744

September 18, 2018

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

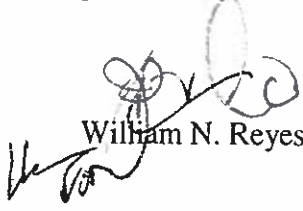
Subject: DPR Position Statement on DLM Application No. 2018-46:
Zone Change Application for Lot Nos. 45-1 & 45-R1, Tract 1536,
from "A" (Agricultural) to "C" (Commercial) Zone, Municipality of
Mangilao, Guam



We have reviewed the subject application submitted by Harry D. Gutierrez, Consultant, on behalf of the applicant and owner, Annie Yanfang Zhao. The subject lots, with a combined total of 1,858 square meters in area, are adjacent to the Latte Heights Store, fronting Carnation Avenue, Rt. 26, across from the Latte Heights Housing Subdivision. The lots offer no likelihood that significant historical or cultural properties may be encountered during the course of any development.

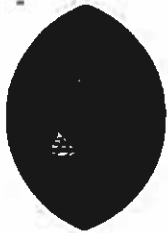
Moreover, the proposed construction of the commercial retail building, with office spaces and a residential unit, must go through the proper DPW permitting process for reviews by various government agencies, including DPR, and may be subject to additional development requirements. Therefore, we have no objection to the approval of the subject application.

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


William N. Reyes 19 SEP 18

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

9/24/18



Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Director's Office 300-3965/66; Fax 734-6569
 Agricultural Dev. Services 300-7972/73
 Animal Health 300-7965
 Aquatic & Wildlife Resources 735-3955/56; Fax 734-6570
 Forestry & Soil Resources 300-7975/76; Fax 300-3201



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lt. Governor

Chelsa Muna-Brecht
Director

July 31, 2019

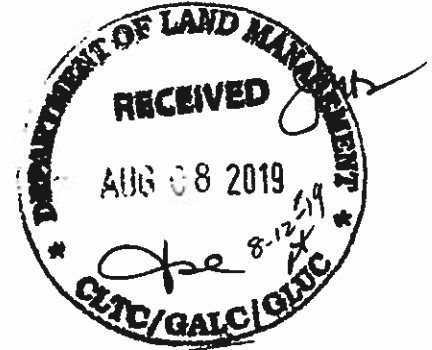
Memorandum

To: Director, Department of Land Management

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

From: Director of Agriculture

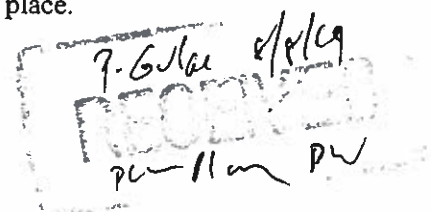
Subject: "Agricultural & Environmental Impact Statement" for a "Zone Change" request from "Agricultural" to "Commercial" for application 2018-46 on Lots Nos. 45-1 & 45-R1, tract 1536 in the Municipality of Mangilao (Annie Yanfang Zhao)



Agriculture has reviewed the subject lot for a "Zone Change" request from an Agricultural "A" to a Commercial "C" Zone and has no opposition to the proposed zone change for the construction of a commercial/retail with office and residential unit. Our agency will recommend approval of the zone change with the following statements, conditions and requirements set forth in 21 GCA Chapter 51 Section 61637 as our preliminary inspection of the site found no adverse impact to Agricultural activity and to any Endangered Species and or protected Coastal Zones, Wetland Habitat and Watersheds.

The proposed zone change for the lot is located in an area that has been traditionally used for various farming and ranching activities in the past. Currently, no such "Agricultural" activity has been identified for this particular site in over ten plus years and no active farms are within the immediate area. The current uses of the surrounding facilities are in line with proposed zone change and subsequent development in a full service commercial center as inclusive of the Legislative Summary Zone Change and Public Law 21-72.

Therefore, no adverse impact to any agricultural activity exists whether within the property scope or surrounding properties. With regard to any immediate damage to the environment should the project proceed our agency will require the following conditions to be met and implemented onto the project site once any clearing and grading is to take place.



Should the proposed zone change be approved and the project moves into the build phase, be aware that the proper Clearing and Grading permits must be obtained and registered with the Department of Public Works One Stop section with all the regulatory agencies signed off on the permit in order to proceed with clearing and grading of the site. No land clearing activity is to occur prior to securing the proper permit. Agriculture suggests that a landscaping plan to be designated around the parking and building area have elements of a "green zone" dedicated to it for the planting of native trees to promote such as while providing aesthetics overall and to assist in filtering out synthetic contaminants that would otherwise make it into the northern aquifer polluting it.

Please consult the Division of Agricultural Development Services and or Forestry and Soil Resources should you need assistance with in "Best Management Practices" the telephone numbers are listed above.


JOHN C. BORJA
Acting

Lourdes A. Leon Guerrero
Governor of Guam

 **BUREAU OF
STATISTICS & PLANS**
SAGAN PLANU SIHA YAN EMFOTMASION



Tyrone J. Taitano
Director
Matthew Santos
Deputy Director

Joshua F. Tenorio
Lieutenant Governor

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

MEMORANDUM

TO: Director, Department of Land Management

ATTN: Division of Planning

FROM: Director, Bureau of Statistics and Plans

SUBJECT: APPLICATION NO. 2018-46

LOCATION: Lots 45-1 & 45-R1, Tract 1536, Municipality of Mangilao

APPLICANT: Ms. Annie Yanfang Zhao

PROPOSED USE: Zone Change from "A" Rural Zone to "C" Commercial to Construct a Commercial/Retail Building with Office and Residential Unit



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

Project Overview

The applicant, Ms. Annie Yanfang Zhao, represented by Mr. Harry D. Gutierrez, requests for a Zone Change from "A" Rural Zone to "C" Commercial to construct a Commercial/Retail Building with Office and Residential Unit on Lots 45-1 & 45-R1, Tract 1536, in the Latte Heights Area, Municipality of Mangilao.

The property encompasses 1,858 square meters or 20,000 square feet and can be accessed through Carnation Avenue and Route 15. The surrounding land uses include vacant lots, government building, private businesses, housing subdivision, and single and multi-family dwellings. Basic infrastructure such as water and power including sewer is available and located 200 feet from the proposed development.

Landscape Assessment

This property is located on the Northern Watershed. Having an accurate picture of an area's landscape and understanding how that landscape is changing is important information for planning effort. Land cover data can help provide that big-picture view. According to NOAA's C Change Analysis Program (CCAP) land cover data from 2011, it shows this watershed has changed 9.39% which is primarily due to increased impervious surfaces.

In terms of development impacts, 29.42% of the Northern Watershed is developed and 15.05% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

Effects Test Review and Analysis and Conditions

Land Use. As per Public Law 30-224, the North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Village Center" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (e) Village Center:

"The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern that is consistent with traditional Chamorro villages and neighborhoods (similar to the urban neighborhoods proposed the Hagatna Redevelopment Masterplan). Uses may be mixed vertically, such as retail street level, with residential above, or horizontally, with a mixed of uses next to each other in separate buildings. The designation applies to the existing Dededo and Yigo villages, on a smaller scale to Mangilao and Barrigada, along with two new areas in the northern part of the Island. Flexibility is encouraged in this category, recognizing that the exact mix and configuration of uses must be responsive to community needs and history. Future implementation may include development standards to ensure preservation of existing historic structures. Development should occur in a manner that creates a central focal point and supports bicycle and pedestrian linkages to the surrounding areas."

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

Resource Policy

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

While the Bureau recognizes the need for economic growth, it must always be concerned with impacts of unbridled, growth. However, there are development principles that work toward minimizing cumulative and secondary impacts as growth reaches its tipping point. The Low Impact Development (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. Incorporating a green approach in its landscaping design by implementing island bioretention, permeable parking and walkways, grassed swales and/or rain gardens is a way to reduce runoff from their property. These approaches will benefit the property with respect to low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride.

As mentioned earlier, 15.05% of this watershed is impervious, in which any additional development will add to the hydrologic and hydraulic dynamics within the Mangilao basement drainage basin. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Therefore, the Bureau recommends that the GLUC require the following conditions:

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

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

The Future Land Use Map of the NCGLUP, as stated in Goal LU-4 "Preserve agricultural lands and encourage expansion of market opportunities for local crops and products". Policy LU-13 states "Consider measures to preserve agricultural lands through land use categories, zoning, restrictions on non-agricultural uses in farming areas, agricultural

easements, right-to-farm ordinances, incentives for active farming activities, and other measures. The vast majority of available agricultural land is located in northern and central Guam, thus, the Bureau urges Ms. Annie Yangfang Zhao to consider other sustainable options such as farm-to-home sale of agriculture products or exclusive open space use. As a result, the half-acre parcel will be used in a manner to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, and to provide essential habitat for wildlife, as well as the conservation and protection of natural resources.

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

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

Recommendation and Decision

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

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


TYRONE J. TAITANO
Director

Cc: DPW
GPA
GWA
GEPA
DOAg

GUAM WATERWORKS AUTHORITY

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



MB 10/1

MEMORANDUM

September 20, 2018

TO: Michael Borja, Director, Department of Land Management

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

CC: Mayor Allan R.G. Ungacta, Municipality of Mangilao
(mayorallan.ungacta@yahoo.com)

SUBJECT: Position Statement on Zone Change Application No. 2018-46 for Lot 45-1 & 45-R1 Tract 1536 in the Municipality of Mangilao.

APPLICANT(S): Annie Yanfang Zhao

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "C" (Commercial) zone for the proposed development of commercial/retail with office spaces, a residential unit and adequate parking on site for tenants and patrons in the Municipality of Mangilao.

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

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

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Note that the nearest public sewers are located along Carnation Road approximately 800 feet away both north and south of the subject lots. A connection to the sewer system south of the subject lots will require confirmation that the lift

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station servicing the area has sufficient capacity to accommodate the proposed development.

Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.
3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite utility improvements.

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

4. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.
5. The applicant shall install GWA water meters in the public right of way or easement.
6. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.
7. New development is subject to water and/or sewer system development charges.

8. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system. The applicant would be responsible for the design, permitting, construction, and maintenance of a sufficiently large lift station to meet this requirement.
9. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.
10. 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.
11. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

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

9 US citizens killed in Mexico cartel gunfight

MEXICO CITY (Tribune News Service) — Nine U.S. citizens were killed Monday when their vehicles were ambushed by gunmen in northern Mexico, a brutal attack that prompted President Donald Trump to call for a "war" against Mexico's increasingly powerful criminal groups.

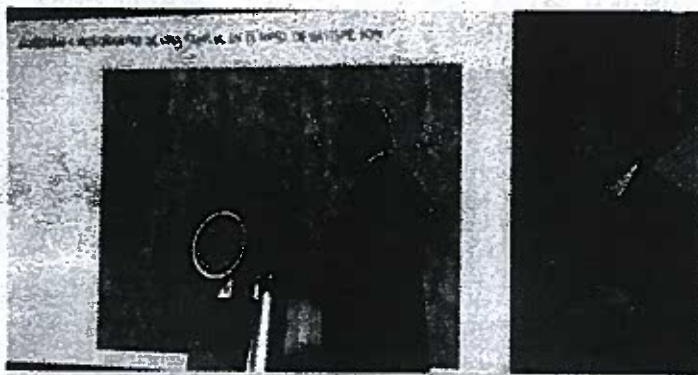
The victims — three women and six children — were members of the LeBaron family, who are linked to a breakaway fundamentalist Mormon sect that has been based for many decades in a remote stretch of Mexico not far from the U.S. border.

Relatives of the dead posted a video showing the bullet-riddled and charred remains of an SUV in which one woman and her children were apparently burned alive.

The group was ambushed as they traveled in a caravan of three vehicles from the town of Galeana, Chihuahua, to Bavispe, Sonora, Mexican Security Secretary Alfonso Durazo said at a news conference Tuesday morning. Durazo said the assailants may have mistaken the victims for members of a rival cartel because they were traveling in large SUVs, which are favored by criminal groups. He said at least five children were taken to Phoenix for treatment.

Durazo said that Mexican security forces had located six other children and another woman who fled the attack, and that another minor was still missing. The victims who were found were all injured, he said, with one child having a gunshot wound to the back.

Durazo and Mexican President Andres Manuel Lopez Obrador said the motives of the attack were unclear. "It's been a very violent area for a long time," Lopez Obrador said. "We're going to wait to see what the investigations say about what actually happened."



DEADLY FIREFIGHT: Mexican President Andres Manuel Lopez Obrador, left, and the Secretary of Public Security Alfonso Durazo, right, during a morning conference in Mexico City, Mexico on Tuesday, Nov. 5. The attack on a Mormon family on a highway in northern Mexico left nine dead, six of them children, seven children injured and one minor reportedly missing. Sashenka Gutierrez/EFE/Zuma Press/Tribune News Service

Trump tweeted angrily about the ambush Tuesday morning. "A wonderful family and friends from Utah got caught between two vicious drug cartels, who were shooting at each other, with the result being many great American people killed," he wrote.

Trump said the U.S. was ready to assist "if Mexico needs or requests help in cleaning out these monsters."

"This is the time for Mexico, with the help of the United States, to wage WAR on the drug cartels and wipe them off the face of the earth," the president tweeted.

His response was a harsh rebuke of Mexico, where Lopez Obrador has repeatedly said he does not want war with criminal groups, saying the militarized strategy of his predecessors turned Mexico into a "graveyard."

Mexico and the U.S. have long cooperated on security under the Merida Initiative, a multibillion-dollar partnership under which the U.S. has trained Mexican police and soldiers and pushed for other criminal justice reforms.

In recent weeks, amid criticism from other U.S. officials that Mexico does not have a cogent security strategy to fight rising violence, Lopez Obrador has said the U.S. must respect Mexico's sovereignty and that "officials from other countries should not offer opinions about internal issues that only concern our government."

He reiterated that point on Tuesday morning at the news conference, saying Mexico will act independently.

"We are very grateful to President Trump, or to any foreign government

that wants to cooperate and help," he said, "but in these cases we have to act independently, in accordance with our Constitution and our tradition of independence and sovereignty."

Monday's massacre is the latest in a string of extreme violent incidents in Mexico that have created the biggest crises yet for the young Lopez Obrador administration.

Last month, 13 people were killed in a botched federal operation to capture a leader of the Sinaloa drug cartel in the city of Culiacan. Mexican forces decided to release the leader, Ovidio Guzman, after the cartel laid siege to the city for several hours.

Earlier in the month, 14 state police forces were ambushed and killed in Michoacan state. In August, the bodies of 19 people were hung from a bridge and dumped nearby in another city in Michoacan. Also that month, 27 people burned to death when criminals firebombed a strip club in Veracruz, allegedly after its owners failed to produce extortion payments.

The region where Monday's massacre took place has long been lawless.

It is a highly remote mountainous region that is mainly disputed by two criminal organizations: the Sinaloa cartel and La Linea, a criminal group linked to the Juarez cartel.

GUAM LAND USE COMMISSION

Department of Land Management

ITC Building, Third Floor, Tamuning, GU
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Tel: (671) 649-5263, Fax: (671) 649-5383

AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, November 14, 2019 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

- I. Roll Call
- II. Approval of Minutes – October 24, 2019
- III. Old Business (None)
- IV. New Business
 - A. **2018-04**, Wang Jun Rong; Zone Change from "R1" to "C" zone for proposed construction of a commercial building, Lot 1107-3-1, Mangilao.
 - B. **2018-46**, Annie Yanfang Zhao; Zone Change from "A" to "C" zone for proposed construction of a commercial building, Lots 45-1 and 45-R1, Mangilao.
- V. Administrative & Miscellaneous Matters
 - C. **2008-038**, Grandview Development, LLC; Six-month Status Report for the Grandview Shopping Mall, Tumon.
- VI. Adjournment.

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

In Loving Memory

Olivia Cruz Quinto

"Juling"

June 1, 1925 - October 31, 2019

Of Agana Heights, was called home by our heavenly Father at the age of 94.

Mass of Intention is being offered each evening at 6 p.m. Monday to Friday (no mass on Thursday) at Our Lady of the Blessed Sacrament Catholic Church in Agana Heights. In her new life, Olivia will be greeted at the gates of heaven by her

Husband: Maximino Quinto Sr.
Parents: Agapita Manalang and Severino Cruz
Brothers / Sister: Tenorio Cruz, Rosalina Cruz, Alfredo Cruz, Benjamin Cruz
Parents-In-Law: Francis and Pedro Quinto
Brothers / Sister-In-Law: Fortunato and Violeta Quinto, Benjamin and Francisco Quinto, Ruperto Quinto
Olivia's love and memories will be cherished forever in the hearts of her Children and Spouses (Grandchildren): Leticia and †Ralph Bartels (Michael, Christine, and Katherine); †Violeta and †Arturo Padriquetla Sr. (Marites, Daisy, Arturo Jr., Philip, Nancy, Ferdinand, and Alma); Maximino Quinto Jr. (Maximilian); Danilo Sr. and Amalia Quinto (Rudolph, Michelle, Rex John, Danilo Jr., Ronald, and Ray Mark); Clarita and Wilfredo Blandis (Francis, Liza, and Wilfred) †Josephine Quinto; †Raymundo and †Rose Quinto (Clint, Claire, Christopher, and Nancy) and Jeng Quinto (Gabriel, Maryann, and Boho) Corazon and †Rodrigo Cortez (Leonard, Aaron, Renz, and Ken); †Roch Quinto (Chastain)
Brother and Spouse: Hipeto and Maria Cruz
Close Friends: The Boy's Family: Emily, Eric, Millic Artero, Eleanor Artero, Lucia Saldanhan, Sidera Perez, Terry Perez, Maribeth, David, Marlon
Numerous additional relatives and friends will also miss her.

Last Restings for Olivia will be held on Saturday, November 23, from 9:00 am to 12:00 pm at Our Lady of the Blessed Sacrament Catholic Church in Agana Heights, Mass. The interment will be held at 11 am. Interment will follow at Guam Memorial Park in Teyang - Baniwala, where we will find her final rest and a peaceful

GUAM DAILY POST • TUESDAY, NOVEMBER 12, 2019

Bolivian President Morales resigns, lashes out at 'coup'

LA PAZ (Reuters) – Bolivian President Evo Morales said on Sunday he would resign to ease violence that has gripped the South American nation since a disputed election last month, but he stoked fears of further unrest by saying he was the victim of a "coup" and faced arrest.

Video footage showed clashes on the streets of La Paz and some buildings on fire Sunday night after the military had called on Morales to step down and allies had deserted him following weeks of protests since the Oct. 20 election.

Morales, in power for nearly 14 years, said in televised comments earlier that he would submit his resignation letter to help restore stability, though he aimed barbs at what he called a "civic coup" and later said police planned to arrest him.

"I am resigning, sending my letter of resignation to the Legislative Assembly," Morales said, adding that it was his "obligation as indigenous president and president of all Bolivians to seek peace."

However, underscoring the ongoing tensions, Morales later said on Twitter that the police had an "illegal" warrant for his arrest and that "violent groups" had attacked his home.

The commander of Bolivia's police force said in a television interview that



WALKING AWAY?: Bolivia's President Evo Morales addresses the media at the presidential hangar in the Bolivian Air Force terminal in El Alto, Bolivia, Nov. 10. Reuters

there was no warrant for Morales' arrest.

The departure of Morales, a leftist icon and the last survivor of Latin America's "pink tide" of two decades ago, is likely to send shockwaves across the region at a time when left-leaning leaders have returned to power in Mexico and Argentina.

Vice President Álvaro García Linera also resigned.

Some of Morales' leftist allies in Latin America decried the turn of events as a "coup," including Venezuelan President Nicolas Maduro and Argentine President-elect Alberto Fernandez.

Mexican Foreign Minister Marcelo Ebrard said his country would offer Morales asylum if he sought it.



A NATION IN CHAOS: Mourners carry the casket of an Iraqi protester, who was killed the day before during protests in the capital, during his funeral in the central Iraqi city of Najaf on Nov. 5. Haidar Hamdani/AFP via Getty Images/Tribune News Service

Iraqi leaders pledge reforms; toll hits 319

BAGHDAD (Tribune News Service) – Iraq's embattled leaders on Sunday pledged wide reforms in a fresh effort to assuage anti-government protests that have paralyzed the country and left hundreds dead.

At least 319 protesters and security personnel have been killed in the demonstrations since they erupted in early October, the Iraqi parliament's human rights committee said, according to the official news agency INA, without giving a breakdown.

Street protests, mostly by young people, have roiled Iraq in two waves, mainly in the capital Baghdad and the oil-rich south.

Demonstrators have decried corruption, a lack of jobs and poor access to electricity and clean water.

The demonstrators have also demanded the resignation of the government, the dissolution of parliament and an overhaul of the country's political system, which has

been in place since the 2003 U.S.-led invasion of Iraq.

On Sunday, President Barham Salih, Prime Minister Adel Abdul-Mahdi and parliament head Mohammed al-Halbousi promised in a joint statement to combat corruption and work for an electoral reform.

They called on the country's political powers to accept "positive" changes.


"They (changes) are particularly related to having a government shake-up based on efficiency, and initiating a national dialogue to revise the ruling system and the constitution," they added in the statement following talks in Baghdad.

The chief of Iraq's Supreme Judiciary Council, Iraq's highest judicial authority, Faeq Zidan, attended too.


Iraqi governments have been formed along political and sectarian lines since the 2003 invasion which deposed dictator Saddam Hussein.

Critics say the system contributes to corruption and incompetence in state institutions.

The three leaders on Saturday called the ongoing protests "a legal reform movement" and vowed to bring to justice those involved in attacks on demonstrators.



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AGENDA

A regular meeting of the Guam Land Use Commission will be held on Thursday, November 14, 2019 at 1:30 pm, Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

- I. Roll Call
- II. Approval of Minutes – October 24, 2019
- III. Old Business [None]
- IV. New Business
 - A. 2018-04, Wang Jun Rong; Zone Change from "R1" to "C" zone for proposed construction of a commercial building, Lot 1107-3-1, Mangilao.
 - B. 2018-46, Annie Yanfang Zhao; Zone Change from "A" to "C" zone for proposed construction of a commercial building, Lots 45-1 and 45-R1, Tract 1536, Mangilao.
- V. Administrative & Miscellaneous Matters
 - C. 2008-03B, Grandview Development, LLC; Six-month Status Report for the Grandview Shopping Mall, Tumon.
- VI. Adjournment

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

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GUAM LAND USE COMMISSION

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

Commissioner Leilani R. Flores
Commissioner [Vacant]

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

AGENDA - Disposition

Regular Meeting

Thursday, November 14, 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 November 7th, 2019 and November 12th, 2019]

- I. **Notation of Attendance** Quorum 1:38 p.m. No Quorum
Present were: Chairman Tae Oh, Commissioner Hardy Vy, Commissioner Leilani Flores, Commissioner Conchita Bathan, Legal Counsel Nick Toft, Acting Chief Planner Celine Cruz, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez.
- II. **Approval of Minutes**
 - GLUC Regular Meeting Minutes of Thursday, October 24, 2019
Action – motion to approve the Minutes of October 24, 2019 was approved with a vote of 3 ayes [Chairman Oh, Commissioner Vy, Commissioner Flores], 0 nay. Note: Commissioner Bathan was late for meeting and did not vote.
- III. **Old or Unfinished Business [None]**
- IV. **New Business**

Zone Change

- A. Application No. 2018-04, Wang Jun Rong represented by Romeo Merjilla; request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone, for the proposed construction of a commercial building, on Lot 1107-3-1, in the Municipality of Mangilao. Case Planner: Penmer Gulac
Action – Motion to approve the applicant's request was passed unanimously; 4 ayes [Chairman Oh, Commissioner Bathan, Commissioner Vy, Commissioner Flores], 0 nay.
- B. Application No. 2018-46, Annie Yanfang Zhao represented by Harry D. Gutierrez; request for a Zone Change from "A" (Rural/Agricultural) to "~~C~~" (Commercial) "LC" (Limited Commercial) zone, for the proposed construction of a commercial building, on Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao.
Case Planner: Penmer Gulac
Action – Commission approved the applicant's zone change request from "A" (Rural) to "LC" (Limited Commercial) with a vote of 4 ayes [Chairman Oh, Commissioner Vy, Commissioner Bathan, Commissioner Flores], 0 nay; with the following conditions – no sale of alcoholic beverages, no bars, taverns, night clubs, no massage parlors, no pachinko machines, adult game rooms, adult entertainment. Exclusion – sale of alcoholic beverages will be allowed in a restaurant setting only.

V. Administrative & Miscellaneous Matters

- C. Application No. 2008-03B, Grandview Development, LLC; continuation of an Order to Show Cause as to the reason(s) for failure to comply with conditions of approval of an amended Tentative Development Plan as noted on the GLUC NOA dated March 29, 2013, and its Six-Month Status Report for the Tumon Bay Shopping Mall. Case Planner: Frank Taitano
Action – Commission approved the following motions:

- 1st motion – with a vote of 4 ayes and 0 nay; the Commission lifted the conditions under the applicant's Order to Show Cause;
- 2nd motion - with a vote of 4 ayes and 0 nay; the Commission approved the establishment of the reporting requirement, under the original Notice of Action, for Grandview Development's Tentative Development Plan, on annual basis; and, that the applicant is required to adhere and abide by the conditions under the original Notice of Action.

➤ Public Announcements and Notices

- Interim Hotel/Resort Rules and Regulations
- GLUC – Rules and Procedures

- VI. **Adjournment** [Being no further discussion, the meeting was adjourned at 3:43 p.m.]

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

File for Record is Instrument Number 945954

on the Year 20 20 Month 3 Day 10 Time 1207

Recording Fee DE-OFF: 0 Receipt No. DE-OFFICIO

Deputy Recorder: *[Signature]*

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION MEETING MINUTES

Department of Land Management Conference Room
 ITC Building, Tamuning



Thursday, November 14, 2019
 1:38 p.m. to 3:43 p.m.

GUAM LAND USE COMMISSION SPECIAL MEETING
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning
Thursday, November 14, 2019

MEMBERS PRESENT:

Mr. Tae S. Oh, Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Hardy I.T. Vy, Commissioner

Ms. Leilani R. Flores, Commissioner

PLANNING STAFF PRESENT:

Mr. Nicolas Toft, Legal Counsel

Ms. Celine Cruz, Acting Guam Chief Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

**GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet**

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

Date of Meeting: Thursday, November 14, 2019

Time of Meeting: GLUC: 1:38 PM GSPC:

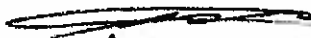
X	GLUC
X	Regular
	Special
✓	Quorum
	No-Quorum

	GSPC
	Regular
	Special
	Quorum
	No-Quorum

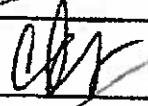
COMMISSION MEMBERS

SIGNATURE

Chairman Tae S. Oh



Commissioner Conchita D. Bathan



Commissioner Hardy I.T. Vy



Commissioner Leilani R. Flores



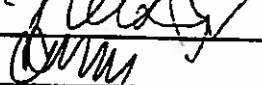
Commissioner, Arthur D. Chan

[Pending Confirmation]

STAFF

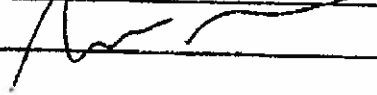
Joseph M. Borja, Executive Secretary

Nicolas E. Toft, Legal Counsel (OAG)



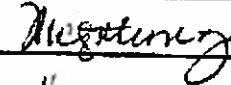
Celine L. Cruz, Acting Chief Planner

Frank Taitano, Planner IV



Penner Gulac, Planner IV

M. Grace Vergara, Planner II



M. Cristina Gutierrez, WPS II

Recording Secretary

ADJOURNMENT GLUC: 3:43 PM GSPC:

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
DLM Conference Room, 3rd Floor ITC Bldg., Tamuning, GU
Thursday, November 14, 2019 • 1:38 p.m. to 3:43 p.m.

I. Notation of Attendance

Chairman Tae Oh called to order the regular meeting of the Guam Land Use Commission for Thursday, November 14, 2019 at 1:38 p.m., noting a quorum.

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

II. Approval of Minutes

Chairman Oh before the Commission today is the approval of the Minutes from the October 24, 2019 GLUC meeting. Commissioners have had the opportunity to review the Minutes, and was ready to entertain a motion.

Commissioner Vy made a motion to approve the Minutes of October 24, 2019.

Chairman Oh motion made by Commissioner Vy; is there a second.

Commissioner Flores I second.

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

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

- A. **Application No. 2018-04**, Wang Jun Rong represented by Romeo Merjilla; request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone, for the proposed construction of a commercial building, on Lot 1107-3-1, in the Municipality of Mangilao. Case Planner: Penmer Gulac

Penmer Gulac (Case Planner) reads the staff report to include purpose, facts, public hearing results, staff analysis/discussion, and recommendation. [For full content/context, please see attached report] Mr. Gulac also notes that the billboard sign is up at the project site.

[Attachment A – Staff Report dated November 5, 2019]

Chairman Oh notes the arrival of Commissioner Bathan. Questions for staff.

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

Commissioner Bathan seconds the motion.

Chairman Oh motion is seconded by Commissioner Bathan. There being no further discussion on the motion, Chairman Oh put the motion to a vote; all in favor of the motion say "aye" [Chairman Oh, Commissioner Vy, Commissioner Bathan, Commissioner Flores], all opposed say "nay."

[Motion passed unanimously – 5 ayes, 0 nay]

Next item on the agenda –

Zone Change

- B. Application No. 2018-46, Annie Yanfang Zhao represented by Harry D. Gutierrez; request for a Zone Change from "A" (Rural/Agricultural) to "~~C~~" (Commercial) "LC" (Limited Commercial) zone, for the proposed construction of a commercial building, on Lot Nos. 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao. Case Planner: Penmer Gulac

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

Mr. Gulac noted that the Mangilao Mayor did not submit a resolution for this application; however, has verbally stated to him that he was in full support of the applicant's request for a zone change.

[Attachment B – Staff Report dated November 6, 2019]

Chairman Oh asked for a brief recess to straighten out the confusion on the application he received for the staff report that was just provided by staff, and time to review the correct application package.

[Commission recessed at 2:15 p.m.; Chairman Oh reconvened the meeting at 2:20 p.m.]

Chairman Oh application has been reviewed and we can move forward. Any questions for staff [none noted from the Commission]. Chairman Oh noted for the record that the required billboard sign is present at the project site.

In reviewing the public hearing, Chairman Oh inquired what was the reason for two public hearings.

Penmer Gulac to comply with Public Law 33-209, all ARC position statements must be provided before scheduling of a public hearing. In the first public hearing held, due to an oversight, there

were two position statements that were not submitted prior to the public hearing; therefore, there was a need for a second public hearing.

Chairman Oh on February 19, 2019 at the first public hearing, not all of the agencies had submitted their position statement due to an oversight.

Penmer Gulac that is correct. When the two remaining statements were received, the second public hearing was scheduled.

Chairman Oh noting no additional comments and/or questions, Chairman Oh opened the floor to the applicant's representative.

Harry Gutierrez (representing the applicant, Annie Yanfang Zhao) Mr. Gutierrez informs the Commission that Ms. Zhao is constructing this commercial building for her own use. She currently has a beauty shop located at the East West Rental Center. Ms. Zhao's plans for the new building is to have a retail shop, coffee shop and a doctor's clinic on the second floor. She would like to have her own building so that she no longer has to pay rent. Mr. Gutierrez has discussed the design of the ingress/egress with Public Works and there will be no impact on traffic.

Chairman Oh [no questions noted from the Commission] looking at the design of the building, it is very efficient, two entrances for ingress/egress is well designed to alleviate traffic impact. It is a large building with four-units on each floor.

Harry Gutierrez once construction begins and is completed, his applicant would like to reside there until all units are rented out and this would be for security purposes. This is a two-story building with apartment units on the second floor.

Chairman Oh there will be eight-units for this building.

Harry Gutierrez no, only two apartment units on the second floor are allowed under a commercial zone.

Chairman Oh the first floor will be commercial space and the second floor will be built out with two apartment units.

Harry Gutierrez the entire building will be constructed all at once.

Commissioner Bathan asked if parking stalls for the apartment units is designated in the parking layout.

Harry Gutierrez replies that it has not been included yet. The entire building will be commercial, and the required number of parking stalls will be provided for the tenants.

[Brief discussion ensues on parking requirements.]

Chairman Oh this is a very highly developed area. It is a known fact that on that same street there are already two existing mom and pop stores.

Harry Gutierrez confirmed that there are two stores; and one of the stores has a laundromat. Mr. Gutierrez and Ms. Zhao has reassured the store owners that they will not compete with the existing stores; there will be no laundromat or mom and pop stores. Ms. Zhao is building to accommodate her beauty shop retail store and other commercial activities.

Chairman Oh the commercial uses in the area is the Latte Heights retail store that abuts this lot and the other is the Island Pantry store a bit further down. Chairman Oh inquired if these are the only two commercial activities in the area.

Harry Gutierrez yes.

Chairman Oh it is surprising that this lot is zoned agriculture and asked if the surrounding lots were also zoned agricultural.

Celine Cruz (Acting Chief Planner) most of them are zoned "A".

Chairman Oh public sewer is available.

Celine Cruz confirms that sewer is available.

Chairman Oh questions for staff. [None noted from the Commission]

[NOTE: From this point on, due to audio recording issues, transcription of Minutes will be based on based on notes taken by the Recording Secretary.]

Chairman Oh in situations like this where there are several activities for a proposed commercial building, the Commission would like applicants to consider a zone change to Limited Commercial rather than Commercial. Chairman Oh asked if this would be something that Mr. Gutierrez's client would be amenable to.

Harry Gutierrez responds yes, and that his client is looking for more of a professional commercial building no bars, game room activities, etc.

[Discussion ensues on the zoning and activities within the vicinity of the subject lot.]

Chairman Oh Chairman Oh asked what is the recommendation of staff on changing the request to limited commercial zone.

Celine Cruz limited commercial is recommended for better control of the activities at the project site.

Chairman Oh the application is for a zone change to commercial; can the Commission consider changing it to limited commercial.

Celine Cruz responds that yes it can be changed as the Commission has done in the past.

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

Public Comments [Seeing none, Chairman Oh closed the public comment period]

Chairman Oh any further discussion concerning the application. Chairman Oh asked what was the recommendation of the Commission members.

Commissioner Bathan comments that limited commercial is appropriate for the zone change considering the vicinity is predominately residential homes.

Chairman Oh considering that the surrounding areas still have remnants of residential zoning limited commercial is best suited for this request.

Commissioner Vy the applicant has stated that they do not have any intentions to have bars, adult entertainment activities, etc.

[Discussion ensues on the consideration of changing the applicant's request from commercial to limited commercial. Chairman Oh states that if the Commission should decide to approve a full commercial zone, the applicant can have activities allowed in a commercial zone, there are no limitations versus limited commercial zone where they are limited to what is stated in their application.]

Chairman Oh called for a recess to discuss the motion.

[Commission recessed at 2:34 p.m., Chairman Oh reconvened the meeting at 2:44 p.m.]

Chairman Oh the Commission briefly discussed the action to be taken. Chairman Oh explained to Mr. Gutierrez what was discussed.

Limited Commercial was brought up to the applicant's consultant for consideration. Chairman Oh is aware that the surrounding neighborhood is primarily in a residential area. The Commission would like to rezone the area to limited commercial rather than commercial. The Commission's intention is not to totally restrict the use of the property knowing that property owners have their rights. There are concerns and the Commission would like to ensure that the public's concerns are addressed.

Mr. Gutierrez has agreed to the limitation of retail sales of alcoholic beverages on site, no night clubs, bars, massage parlors, adult game rooms, adult entertainment, etc.

Harry Gutierrez inquired about the restriction of alcoholic beverage on site for a restaurant.

Chairman Oh the Commission has agreed that this will be acceptable and will be clarified in the motion. There was also limitation on the activities such as laundromats and mom and pop stores. These types of activities are within the benefits for the community and the Commission does not want to limit these types of activities. The restriction of these activities will be on a personal agreement between the applicant and the store owners within the area.

Chairman Oh noted that there were no additional questions for the applicant, and was ready to entertain a motion.

Commissioner Vy Mr. Chair, I would like to make a motion to approve Application No. 2018-46, for a zone change from "A" to Limited Commercial, for the proposed construction of a commercial building, on Lot Nos. 45-1 and 45-R1, Tract 1536, in the municipality of Mangilao, with the following conditions:

- 1) No sale of alcoholic beverages on site;
- 2) No taverns and/or night clubs;
- 3) No massage parlors;
- 4) No pachinko machines;
- 5) No adult game rooms; and,
- 6) No adult entertainment activities

Further, the sale of alcoholic beverages will only be allowed when attached to a restaurant.

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

Commissioner Flores I second the motion.

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

[Motion passed unanimously; 4 ayes, 0 nay]

V. **Administrative and Miscellaneous Matters**

Status Report/Order to Show Cause

- C. **Application No. 2008-03B**, Grandview Development, LLC represented by FC Benavente, Planners; continuation of an Order to Show Cause as to the reason(s) for failure to comply with conditions of approval of an amended Tentative Development Plan as noted on the GLUC NOA dated March 29, 2013, and its Six Month Status Report for the Tumon Bay Shopping Mall. Case Planner: Frank Taitano

Celine Cruz reads the Commission Brief. [For full content/context, see attached report]

[Attachment C – Commission Brief dated November 7, 2019]

Chairman Oh questions for staff.

Commissioner Bathan asked of staff if it was part of the Notice of Action that the applicant reports to the Commissioner every six months was it because of the Order to Show Cause.

Frank Taitano replies that it was as a result from the Order to Show Cause.

The regular meeting of the Guam Land Use Commission for Thursday, November 14, 2019 was adjourned at 3:43 p.m.

Approved by:

Date approved:



Tae S. Oh, Chairman
Guam Land Use Commission

1-23-2020

Transcribed by:



M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

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

File for Record is Instrument Number _____

On the Year 21 _____ 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

November 22, 2019

Date

To: **Annie Yanfang Zhao**
Represented by Harry D. Gutierrez
#119 Gutierrez Way
Agana Heights, Guam 96910

Application No. 2018-46

The Guam Land Use Commission, at its meeting on: **November 14, 2019,**

Approved **Disapproved** **Approved with No Conditions**

Tabled

Your request for a zone change from **"A" (Agricultural) to "LC" (Limited Commercial) Zone, in the municipality of Mangilao.**

ATTACHMENT 9

NOTICE OF ACTION

Annie Yanfang Zhao, c/o Harry D. Gutierrez
Lots 45-1 and 45-R1, Tract 1536, Municipality of Mangilao
Date of GLUC Hearing: November 14, 2019
Date of Preparation of NOA: November 22, 2019
Page 2 of 4

Application No. 2018-46

ZONING

XX / "LIMITED COMMERCIAL" ZONE
CHANGE ***

 / Conditional Use Permit

 / Zone Variance

- | | |
|----------------------------------|--|
| <input type="checkbox"/> Height | <input type="checkbox"/> Use |
| <input type="checkbox"/> Density | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Setback | |

SUBDIVISION

 / Tentative

 / Final

 / Extension of Time

 / PL 28-126, SECTION
1(A)

NOTE ON ZONE CHANGE

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

SEASHORE

 / Wetland Permit

 / Seashore Clearance

HORIZONTAL PROPERTY REGIME

 / Preliminary

 / Final

 / Supplementary (Specify)

MISCELLANEOUS

 / Determination of Policy and/or
Definitions

 / Other (Specify)

NOTICE OF ACTION

Application No. 2018-46

**Annie Yanfang Zhao, c/o Harry D. Gutierrez
Lots 45-1 and 45-R1, Tract 1536, Municipality of Mangilao
Date of GLUC Hearing: November 14, 2019
Date of Preparation of NOA: November 22, 2019
Page 3 of 4**

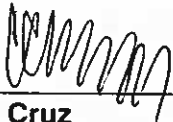
APPLICATION DESCRIPTION:

The Applicant, Annie Yanfang Zhao, Represented by Harry D. Gutierrez, request for a Zone Change from "A" (Agricultural) to "LC" (Limited Commercial) Zone for proposed construction of a commercial building on Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao.

COMMISSION DECISION:

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


1. That no sale of alcoholic beverages, no bars, taverns, night clubs, no massage parlors, no pachinko machines, adult game rooms, adult entertainment. Exclusion – sale of alcoholic beverages will be allowed in a restaurant setting only;
2. Applicant shall comply to all ARC conditions as documented on official position statements and any noted conditions imposed by the commission.



Celine L. Cruz
Guam Chief Planner, Acting

12-10-19

Date



Tae S. Oh
Acting Chairman
Guam Land Use Commission

12/12/2019

Date

Case Planner/Project Planner: Penmer C. Gulac

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

NOTICE OF ACTION

Application No. 2018-46

Annie Yanfang Zhao, c/o Harry D. Gutierrez
Lots 45-1 and 45-R1, Tract 1536, Municipality of Mangilao
Date of GLUC Hearing: November 14, 2019
Date of Preparation of NOA: November 22, 2019
Page 3 of 4

Page 4 of 4

CERTIFICATION OF UNDERSTANDING

I/We, _____/
(Applicant [Please print name])

Harry D. Gutierrez, Rep
(Representative [Please print name])


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

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

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

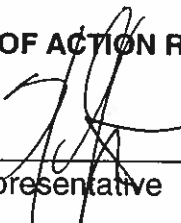
I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

Signature of Applicant Date

 _____
Signature of Representative Date 9-16-20

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

Applicant(s) Date

 _____
Representative Date 5-17-21

Reference No. **Application : 2018-46**


**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.**

APPROVED

APPROVED IN WHOLE

DISAPPROVED



LOURDES A. LEON GUERRERO
Governor of Guam

4/3/2021
Date

**DECISION GRANTING ZONE CHANGE
(with findings)**

Guam Land Use Commission

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

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, a hearing on the Zone Change was held on the 2ND day of October, **2019**, in the Municipal District of Mangilao where the property to be rezoned was located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearing was published in a newspaper of general circulation on the 22nd day of September, 2019 as evidenced by an affidavit of publication attached as **Exhibit A**.

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

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

We, the Commission, find that from a planning perspective the site is best suited for commercial activities and other permitted uses that are existing, the limited commercial zoned property; and pursuant to Guam Land Use Commission Resolution 2015-03, the Zoning Designation for the lots shall be "*Limited Commercial*" (LC) on the approved amended zoning map, with conditions allowing construction of a commercial building; With Conditions: 1. That no sale of alcoholic beverages, no bars, taverns, night clubs, massage parlors, no pachinko machines, adult game rooms, and adult entertainment; Exclusion – sale of alcoholic beverages will be allowed in a restaurant setting only; 2. Applicant shall comply to to all ARC conditions as documented on official position statements and any other noted conditions imposed by the commission on Lots 45-1 & 45-R1, Tract 1536, Municipality of Mangilao.

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

3 Ayes 0 Nays 0 Abstentions

This decision was adopted this ___ day of _____, 2021, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.



Anita B. Enriquez, Chairperson
Guam Land Use Commission

Decision Granting Zone Change (with findings)
Ref. No. Application 2018-46
Page 2

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

BE IT RESOLVED, that on the 14th day of November, 2019, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of Annie Yanfang Zhao for a Zone Change of Lots 45-1 & 45-R1, Tract 1536, Municipality of Mangilao.

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

1. Mr. Tae S. Oh, Acting Chairman
2. Ms. Conchita D. Bathan, Commissioner
3. Mr. Hardy V. Tan, Commissioner

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

Also appearing and testifying on the above project was:

Mayor Alan Ungacta in favor/against

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

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

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

AFFIDAVIT OF PUBLICATION

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

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.
2. I have personal knowledge of all the facts herein.
3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.
4. On **September 16, 2019**, I submitted the Official Memorandum (attached as **Attachment A**) from the Guam Chief Planner to the Guam Daily Post, Tamuning, GU; a request to publish the 2 x 2 legal notice to appear on September 22, 2019 for Application No. 2018-46 [Annie Yanfang Zhao] to be heard on October 2, 2019, at the Mangilao Community Center. Proof of advertisement is attached as **Attachment B**.
5. This Affidavit is executed as proof of the compliance with 21 G.C.A. Section 61633 (Hearing Date – Notice).

In WITNESS, WHEREOF, I hereby affix my signature this 30th day of March, 2021.



 M. CRISTINA GUTIERREZ
 WPS II

Island of Guam)
) ss:
 City of Tamuning)

Subscribed and sworn to before me this 30th day of March, 2021.





 Notary

TERESITA A.C. TOVES
NOTARY PUBLIC
 In and for Guam, U.S.A.
 My Commission Expires: **JULY 13, 2023**
 P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT A



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



LOURDES A. LEON GUERRERO
 MAGA'HAGA • GOVERNOR

JOSEPH M. BORJA
 Director

JOSHUA F. TENORIO
 SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

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

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

Website:
<http://dln.guam.gov>

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

COPY

September 16, 2019

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

Hafa Adai Ms. Smart:

Please publish the attached legal public hearing notice on a 2x2 inch column ad to appear in the Guam Daily Post on Sunday, September 22, 2019.

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

Thank you for your attention to this request.

Regards,

Celine L. Cruz
 Acting Chief Planner

RECEIVED

Attachments: Public Hearing Notice

ATTACHMENT A

GUAM DAILY POST • SUNDAY, SEPTEMBER 22, 2019

Support for SKorea's Moon hits record low

SEOUL (Tribune News Service) - South Korean President Moon Jae-in's approval rating hit a record low after he appointed a scandal-tainted ally as justice minister, adding to woes that include a tepid economy, a trade war with Japan, and North Korea snubbing his overtures for talks.

A regular tracking survey from Gallup Korea released Friday showed Moon's rating at 40%, a drop from 43% two weeks ago. Respondents cited "personnel appointment issues" as a major reason for what they saw as shortcomings. The disapproval rate for Moon's government hit a record high of 53%, the poll showed.

The numbers are worrying for progressive Moon, who is about midway through his term and facing national elections for parliament in April. South Korea's democratically elected presidents typically see a slide in support



Moon Jae-in

as they head into the second half of their single five-year term because they are perceived to be lame ducks.

Moon's appointment of Cho Kuk on Sept. 9 touched a nerve with many as they questioned why a person who, along with his family, was being probed for financial irregularities should lead the ministry currently investigating him. Protests also spread to university campuses with students angered about reports that Cho may have used his influence to help his daughter win admission to a prestigious college.

"It is seen that the appointment of Justice Minister Cho Kuk is the main reason behind the approval and disapproval ratings," Gallup Korea said in a statement.

Cho has denied any wrongdoing, and Moon has stood by the side of the person he named to reform the ministry.

Investment funds move to protect Brazil forests

SAO PAULO (The Washington Post) - A group of over 200 investment funds urged businesses to take an active role in halting the destruction of the Amazon and warned that companies whose supply chains benefit from deforestation could face financial risks.

The funds, which manage a combined \$16 trillion in assets, called on companies to reduce their supply chains' reliance on deforestation, citing operational, regulatory and reputation risks in an open letter published Wednesday.

"Considering increasing deforestation rates and recent fires in the Amazon, we are concerned that companies exposed to potential deforestation in their Brazilian operations and supply chains will face increasing difficulty accessing international markets," the investors wrote.

The funds also call on companies to establish a no-deforestation policy and report on their suppliers' compliance.

The letter did not advise funds against considering investments from Brazil. Still, the missive marks the most pointed rebuke from the international financial community since Brazil came under increased scrutiny for a spike in deforestation and forest fires in the Amazon, the world's largest rainforest.

Deforestation rates have nearly doubled since Brazil's right-wing president, Jair Bolsonaro, took office in January, vowing to spur development in the Amazon and cut environmental red tape. In August alone, Brazil's National Institute for Space Research detected over 30,000 fires in the Amazon, triple the number for the same month in 2018.

In response to the letter, Otávio Régio Barros, a spokesman for the Bolsonaro administration, told reporters on Wednesday that the government was "adopting all measures to deal with the fire and deforestation crisis."

Last month, Bolsonaro sent hundreds of soldiers to fight the fires



GLOBAL TREASURE IN FLAMES: Smoke billows during a fire in an area of the Amazon rainforest near Humaita, Amazonas State, Brazil, Aug. 17. Ueslei Marcelino/Reuters

and crack down on illegal deforestation. But the president also pushed back on calls for international collaboration in the effort.

Bolsonaro's perceived lack of commitment to preserving the environment has jeopardized a long-sought free-trade deal with Europe and created the most serious diplomatic crisis of his presidency.

In August, Germany and Norway froze tens of millions of dollars in assistance toward the Amazon after Bolsonaro pledged to use the funds to aid farmers occupying the region. Soon, Finland called for a boycott of Brazilian beef in Europe. Then, North Face, Timberland and H&M, the world's second-biggest fashion retailer, announced that they would no longer buy Brazilian leather because of the cattle industry's effect on deforestation.

"There is a legitimate worry amongst international investors about how business is being conducted, and that fear is growing," said Marcos Lisboa, former president of Itaú Unibanco, one of Brazil's largest banks, and the head of Inspira, a business university in Sao Paulo. The letter, he said, could make it harder for businesses in the farming and mining industry to gain access to financial resources.

The letter was signed by 230 investors, including Amundi, Europe's largest asset manager; pension funds in Norway, Sweden and Switzerland; and the California Public Employees' Retirement System.

"Their worry is that they will

have adequate control of its suppliers and in the future discover that its raw materials come from illegal deforestation. The company could be affected, and it could impact the fund's returns," said Joelson Sampaio, an economist at Brazil's Getulio Vargas Foundation, a university in Sao Paulo. "It reflects a growing concern about the environment not only as it relates to Brazil but in the rest of the world."

Bolsonaro is expected to address the international community next week at the United Nations General Assembly, where Barros said the president plans to "deconstruct this narrative, particularly abroad, that Brazil is not interested in the Amazon, doesn't take care of the environment and is not interested in it."

But in a television interview this week, Bolsonaro said he sees the speech as an opportunity to reassert Brazil's sovereignty over the Amazon.

Bolsonaro's critics, meanwhile, applauded the letter as a sign that the market can no longer ignore Brazil's environmental issues.

"We are facing a two-pronged defeat in the government - we are losing both the forest and the country's image," said Marcio Astrini, Greenpeace's public policy coordinator. "That loss of image will be expensive. It will cost business."

"There is a parallel between environmental preservation and the preservation of the markets. Both take a long time to build but a short time to destroy. And Bolsonaro's destructive

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

PUBLIC HEARING NOTICE

Date: **Wednesday, October 2, 2019**
Time: **6:00 p.m.**
Place: **Mangilao Community Center**

App. No. 2018-46, Annie Yanfang Zhao; Zone Change from "A" to "C" zone, for a proposed commercial building, on Lots 45-1 and 45-R1, Tract 1536, Mangilao.

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

ATTACHMENT B

AFFIDAVIT OF MAILING

I, the undersigned do hereby dispose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled manner.
2. I have personal knowledge of all the facts herein.
3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.
4. On **September 19, 2019**, I, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (**Attachment A**), [76 certified mail], with postage fully paid, each containing a copy of the Notice of Public Hearing for **Annie Yanfang Zhao (Attachment B)** addressed to the following property owners:

Owner	Delivery Address	Delivery Address 2
BENITEZ LUIS L & VILMA P	168 KAHIT ST	MANGILAO GU 96913
RUIZ ROGER P & SHIRLEY C	127 KAHIT ST	MANGILAO GU 96913
DUAROSAN CEFERINO C & REVELINA A	153 KAHIT ST	MANGILAO GU 96913
ORDONEZ FRUCTUOSO & FLORDELIZA C	PO BOX 11085	TAMUNING GU 96931
AGANON LOUISEVIL B	168 KAHIT ST	MANGILAO GU 96913
DIZON ARNEL R ANGELICA F	PO BOX 7369	TAMUNING GU 96931
ASUNCION EUGENE ANTHONY, ASUNCION JERRILYNN LIZAMA	PO BOX 24511	BARRIGADA GU 96921
LANQUIN LARRY I & ELSE V	PO BOX 10121	TAMUNING GU 96931
LANQUIN LARRY DON VENCER, LANQUIN LARREL VENCER, BAKER LAUREL LANQUIN, LANQUIN JACOB JOSE VENCER	PO BOX 5610	HAGATNA GU 96932
ROSARIO RICHARD J & CHRISTINE O	140 KAYEN CHANDO	DEDEDO GU 96929
ROSARIO ELVIRA M	PO BOX 12283	TAMUNING GU 96931
CRUZ GREGORY J, KUMAR ROSHNI B	PO BOX 25624	BARRIGADA GU 96921
HEMLANI MOTI U & REKHA M	PO BOX 9085	TAMUNING GU 96931
MADLANGBAYAN GEMINIANO R & VERONICA S	143 PUGUA STREET	MANGILAO GU 96913
MUNOZ SOLEDAD JEANNE G	PO BOX 8413	TAMUNING GU 96931
NGIRAILILD LEROY H, NGIRAILILD JOSEPH U	PO BOX 1049	HAGATNA GU 96932

EXHIBIT B

THE THOMAS T YANG TRUST	PO BOX 22053	BARRIGADA GU 96921
CHUN JONG HA	PO BOX 27182	BARRIGADA GU 96921
NOJIRI HIROYOSHI & TAKAKO	PO BOX 6171	TAMUNING GU 96931
CARLOS ANGELINA	PO BOX 8976	TAMUNING GU 96931
CAMACHO RONALD J	142 CHERRY BLOSSOM	MANGILAO GU 96913
CRUZ PEDRO C & GLADYS P	148 CHERRY BLOSSOM LN	MANGILAO GU 96913
CASTRO SHANYDEE GUIA S	PO BOX 27546	BARRIGADA GU 96921
SAN NICOLAS VICTOR HENRY JR	160 CHERRY BLOSSOM	MANGILAO GU 96913
SAN NICOLAS VICTOR HENRY JR & STELLA C	166 CHERRY BLOSSOM	MANGILAO GU 96913
BLAZ GREGORY A S, BLAZ TRAM T LE	309 VIVIAN WAY	TAMUNING GU 96913
DOMINGO OSCAR A & TERESITA Y	PO BOX 994	HAGATNA GU 96932
CHEN BEEH TSUE & CHIH-YUAN	1090 ARMY DR	BARRIGADA GU 96913
CAMACHO ANTONIO R	9723 MALLARD DRIVES SE	LACEY WA 98513
BLAS GREGORY BENAVENTE	190 CHERRY BLOSSOM LN	MANGILAO GU 96913
AGUON PETER L & REBECCA L	PO BOX 21273	BARRIGADA GU 96921
MARANAN BERNIE & BERNADETTE P, ZACARIAS VANESSA M	112 ORCHID LANE	MANGILAO GU 96913
TRINIDAD DANTE D & SHIRLEY V	185 CHERRY BLOSSOM	MANGILAO GU 96913
GARCIA BERNADITA L	PO BOX 20096	BARRIGADA GU 96921
BORJA VINCENT J AND NADINE V JOHNSTON	173 CHERRY BLOSSOM LN	MANGILAO GU 96913
AGTAY GREGORIO E & LOURDES R	PO BOX 9254	TAMUNING GU 96931
HARADA TADAOMI & TOMIKO	PO BOX 8595	TAMUNING GU 96931
TAISAGUE MARIE R	PO BOX 23282	BARRIGADA GU 96921
GARCIA ERNIE & MARIA	P.O. BOX 7227	TAMUNING, GU 96931
FIELD ROBERT L	143 CHERRY BLOSSOMS LN	MANGILAO GU 96913
PEREZ MARTHA DYDASCO	135 CHERRY BLOSSOM LN	LATTE HGTS MANGILAO GU 96913
INDALECIO VINCENT EUGENE	129 ROSE COURT LATTE HGTS	MANGILAO GU 96913
BALDONADO FELICISIMO A	127 ROSE CT	MANGILAO GU 96913
REGALA RAFAEL M, EVARISTO EVITA R, REGALA MERLINA C	126 LILY CT	MANGILAO GU 96913
CLAROS FRANKIE P	128 LILY CT	MANGILAO GU 96913

EXHIBIT B

BLAS GREGORY BENANENTE, BLAS EILEEN M BENAVENTE, BLAS DOREEN JUANITA	190 CHERRY BLOSSOM LN	MANGILAO GU 96913
OLIVEROS EDUARDO C & JOSEPHINE M	PMB 524, 130 WEST MARINE CORPS DR.	DEDEDO, GU 96929
CARRUTHERS MARY LOU TRUSTEE, MARY LOT CARRUTHERS FAMILY REVOCABLE LIV	PO BOX 22619	BARRIGADA GU 96921
GOGUE ROLAND JOSEPH	223 TULIP LANE	MANGILAO GU 96913
DONATO ELEANOR OLIVAR	215 TULIP LN	MANGILAO GU 96913
FLEMING BALBINA NELLIE AYUYU	5014 STEEL MEADOWS LANE	HUMBLE TX 77346-2889
TAIMANGLO MARISSA OMAC	PO BOX 2302	HAGATNA GU 96932
MARANAN BERNIE V TRUSTEES	112 ORCHID LN	MANGILAO GU 96913
WUSSTIG FRANKIE M	120 ORCHID LN	MANGILAO GU 96913
GEN CONFERENCE CORP OF SEVENTH DAY ADVENTIST	290 CHALAN PALASYO	AGANA HEIGHTS GU 96910
DOU JACOB S ETAL	PO BOX 8081	TAMUNING GU 96931
KANG ELISSA C	PO BOX 10001	TAMUNING GU 96931
AMPARO ENCARNACION	148 ORCHID LANE	MANGILAO GU 96913
THE PALAUAN EVANGELICAL CHURCH OF THE, TERRITORY OF GUAM	1090 ARMY DR	BARRIGADA GU 96913
ACHARON ROMEL G & JUDESALYN M	P.O. BOX 9762	TAMUNING GU 96931
CORTADO HILARIO M & MAYLYN E & ROGELIO M	133 LEMAI ST	MANGILAO GU 96913
CORTADO PATRICIO M & EVANGELINE M, BELGA HELEN T	139 LEMAI ST	MANGILAO GU 96913
GAITAN LIMIO V & CLARITA T, ARELLANO LOLITA B, ARELLANO FE B	P.O. BOX 24474	BARRIGADA, GU 96921
OCAMPO VALERIE LEIGH S	946 SW 19TH WAY	TROUTDALE OR 97060-1512
UMPIG JERRY S AND ROSALIA S	P.O. BOX 20625	GMF, BARRIGADA, GU 96921
MALIMBAN BNONIFACIO A & TERESITA D	PO BOX 6206	TAMUNING GU 96931
SUNG JONG & YOUNG NUN CHOT	PO BOX 10898	TAMUNING GU 96931
RAPANUT LODIVICO C & MINDA C	PO BOX 12137	YIGO GU 96929
RAPANUT RACHELLE C	PO BOX 12137	YIGO GU 96929
KIM SUSAN JENI	PO BOX 11798	TAMUNING GU 96931
RONQUILLO JEV ARDEN N B	PO BOX 9616	TAMUNING GU 96931
LE LYLAN T N & PHAT VAN	PO BOX 22595	BARRIGADA GU 96921
ACEBEDO CARLO R & ROSABELLE A	PO BOX 4500	HAGATNA GU 96932


EXHIBIT B

ESPOSO OSCAR F & JAYNA C, MAGALING FAUSTINO A NKA JUN A MAGALING, MAGALING ESABEL V	PO BOX 7305	TAMUNING GU 96931
CONNELLEY CARMELITA OGO	141 REDONDO CATAN	DEDEDO GU 96929
Allan R.G. Ungacta	P.O. Box 786	Hagatna, Guam 96932

AFFIDAVIT OF MAILING

5. The above referenced names and addresses are those of the landowners owning land within five hundred (500) feet of the property for which rezoning is requested, including those to the Commissioner of the Municipal District concerned.
6. This Affidavit is executed as proof of the compliance with 21 G.C.A. Section 61633.

IN WITNESS, WHEREOF, I hereby affix my signature this 30th day of March, 2021.



 ERNEST V. SANTOS
 Land Agent Supervisor

Island of Guam)
) ss:
 City of Tamuning)

Subscribed and sworn to before me this 30th day of March, 2021.





 Notary

TERESITA A.C. TOVES
NOTARY PUBLIC
 In and for Guam, U.S.A.
 My Commission Expires: **JULY 13, 2023**
 P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT B



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



LOURDES A. LEON GUERRERO
 MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO
 SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
 Director

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

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

Website:
<http://dlm.guam.gov>

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

September 17, 2019

Dear Sir/Madam:

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

The Applicant, Annie Yanfang Zhao represented by Harry D. Gutierrez; Zone Change request from "A" (Rural/Agricultural) to "C" (Commercial), for the proposed construction of a commercial building, on Lots 45-1 and 45-R1, Tract 1536, in the Municipality of Mangilao. Application No. 2018-46.

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 for this application is scheduled as follows:

PLACE: Mangilao Community Center
DATE: Wednesday, October 2, 2019
TIME: 6:00 p.m.

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

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

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

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

Thank you for your interest.

Si Yu'os Ma'ase,



CELINE L. CRUZ
Acting Guam Chief Planner

REZONING FROM: "A" (Agricultural) Zone
TO : "C" (Commercial) Zone
Lots 45-1 & 45-R1, Tract 1536, Mangilao, Guam

For FOR : ANNIE YANFANG ZHAO (Owner)

SUBJECT SITE:

GWA SEWER PUMP STATION

Latte Hts Subdivision-Tract 317

Carnation Avenue (60-Foot R.O.W.)

Land Use Ra

500 Feet

750 Feet

1,000 Feet

