



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 17 2012

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 263-31 (COR), As Substituted**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 263-31 (COR), As Substituted: "An act to amend § 61103(D), repeal § 61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations." and which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

<u>1</u>	TO PASS
<u>0</u>	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

*Si Yu'os Ma'åse'.*

Vicente (ben) Cabrera Pangelinan  
Chairman

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

2012 JAN 18 9:12

Committee  
Report  
On

Bill No. 263-31 (COR), As Substituted: “An act to amend § 61103(D), repeal § 61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations”



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 17 2012

## MEMORANDUM

### **To: All Members**

Committee on Appropriations, Taxation, Public Debt, Banking,  
Insurance, Retirement, and Land

**From:** Senator Vicente (ben) Cabrera Pangelinan  
Committee Chairman

**Subject:** Committee Report on Bill No. 263-31 (COR), As Substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 263-31 (COR), As Substituted: "An act to amend § 61103(D), repeal § 61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations." sponsored by Senator Aline Yamashita, Ph.D.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 263-31 (COR), As Introduced
4. Copy of Bill No. 263-31 (COR), As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony and Supporting Documents
7. Fiscal Note
8. Copy of COR Referral of Bill No. 263-31 (COR), As Introduced
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

*Si Yu'os Ma'åse',*

Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 263-31 (COR), As Introduced: "An act to amend § 61103(D), repeal § 61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations."

### I. OVERVIEW

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on November 17, 2011 at 9:00 am in *I Liheslatura's* public hearing room.

#### **Public Notice Requirements**

Vice Chairman  
Committee on Education

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on November 9, 2011 (5-Day Notice), and again on November 15, 2011 (48 Hour Notice).

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

#### **(a) Committee Members and Senators Present**

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Senator Vicente (ben) Cabrera Pangelinan, Chairman  
Senator Judith Guthertz, Member  
Senator V. Anthony Ada, Member  
Senator Mana Silva Taijeron, Member  
Senator Adolpho Palacios  
Senator Frank Blas, Jr.  
Senator Aline Yamashita, Ph. D.

#### **(b) Appearing before the Committee**

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Mr. Carl Dominguez, Deputy Director, Department of Public Works  
Mr. Phil Tydingco, Assistant Attorney General, Attorney General's Office  
Mr. Joseph Santos, Senior Planner, Department of Land Management

#### **(c) Written Testimonies Submitted**

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

Ms. Joanne Brown, Director, Department of Public Works  
Mr. Monty Mafnas, Director, Department of Land Management


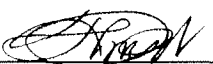
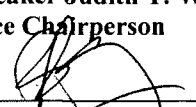
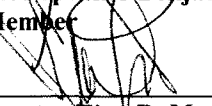
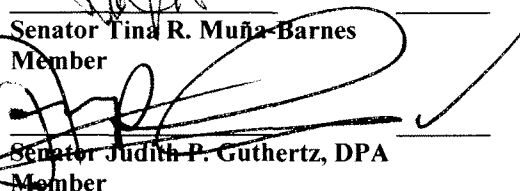


*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*

**Committee Voting Sheet**

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,  
Retirement, and Land**

Bill No. 263-31 (COR), As Substituted: "An act to amend § 61103(D), repeal § 61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations"

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman			<input checked="" type="checkbox"/>		
 Speaker Judith T. Won Pat, Ed.D. Vice Chairperson			<input checked="" type="checkbox"/>		
 Vice Speaker Benjamin J.F Cruz Member			<input checked="" type="checkbox"/>		
 Senator Tina R. Muña-Barnes Member			<input checked="" type="checkbox"/>		
 Senator Judith P. Guthertz, DPA Member	<input checked="" type="checkbox"/>				
Senator Dennis G. Rodriguez, Jr. Member					
Senator V. Anthony Ada Member					
Senator Christopher M. Dueñas Member					
Senator Mana Silva Taijeron Member					

## II. COMMITTEE PROCEEDINGS

**Chairman Vicente (ben) Cabrera Pangelinan:** The next bill on the agenda is Bill No. 263-31 (COR) An act to amend § 61103(D), repeal § 61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations. We have with us the author of legislation and we would like to give her the opportunity to provide a short synopsis of the bill and then begin receiving testimony. Senator Yamashita?

### **(a) Bill Sponsor Summary**

**Senator Aline Yamashita:** Thank you very much speaker Ben. Speaker Ben we have introduced Bill 263 – 31 in an effort to provide safety and a sense of security for our people who park their cars. We have received many phone calls and we ourselves have experienced this, in our own parking lot here where we'll drive in and someone has taken two parking slots and we can't park our trucks or SUVs. In what I'm told is the required measurements, current statute requires that we have at least 8 1/2 feet wide for a person to park. And there are many times when we actually do fit inside that 8 1/2 feet and can't get out of your car.

And so for those of us who can suck in and squeeze out of our vehicle have a hard time getting our gear out laptops and the sorts. So this is an issue which is very serious and raised by those of us who use walkers. They'll park, they don't have a placard, they don't have to take up a spot for those of us that have disabilities because they can still manage but they will park but they can't manage take the water out of the car so that will has been raised by people in our world. So we studied and looked at it and talked to land management and public works and so we offer this. I look forward to this discussion and the conversation.

Speaker Ben in 1999 we had 99,000 cars traveling on our roads. Today we have 109,000 cars driving down our roads and we know that our land is not growing the amount of cars are growing and our parking situation just needs to be addressed. And then I actually performed correctly and didn't even see the person next to me and I had their car, I nicked it and he was outraged with me. I apologized of course. But if I just had a little bit more space I wouldn't have touched his car. So again I look forward to the discussion and the conversation and certainly hope that it makes it to the session floor and I'm so sure that will have a much energized conversation on this bill. Thank you very much Speaker Ben.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much Senator Yamashita. We have signed up to testify this morning Mr. Carl Dominguez who is the Deputy Director of Department of Public Works, Mr. Phil Phil Tydingco of the Attorney General's office and Mr. Joseph Santos of Department of Land Management. Please come forward and we'll receive your testimony. Please identify yourself record and make sure that microphone is on and proceed.

## **(a) Testimony**

### **1. Mr. Carl Dominguez, Deputy Director, Department of Public Works**

**Mr. Carl Dominguez:** Hafa adai Mr. Chairman and members of the committee and happy birthday Senator Taijeron. Thank you for the opportunity to submit testimony relative to this bill. The DPW recognizes in recent years there's been a shift in preference for the standard size and larger vehicles rather than compact automobiles by consumers in Guam.

The November 2011 issue of the Pacific Marketplace, a Pacific Daily News publication shows 3359 new vehicle registrations in Guam between April 2011 and September 2011. If you take a calculator that's roughly 560 vehicles per month.

Undoubtedly the majority of these vehicles categorized as cars, trucks, vans and SUVs are standard and large size. Operators of these vehicles will find it difficult or hazardous to park in lots where majority of the stalls size compact automobiles.

We support this bill as it will improve the convenience and safety of the motoring public in regards to parking their vehicles at residences, businesses and public areas. Thank you.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much Mr. Dominguez. Mr. Santos?

### **2. Mr. Joseph Santos, Senior Planner, Department of Land Management**

**Mr. Joseph Santos:** Mr. Chairman, Senator's, my name is Joseph Santos, Senior Planner, Planner IV for the Department of Land Management. My Director has testimony on this bill and in the end and we actually support this bill wholeheartedly and the original amendment that occurred with the bill, the department was against that change in the bill. You want consistency in your land-use laws. Changing it fit a need in a trend at a point of time does not make sense. So we come back again to this bill which really makes sense and so we wholeheartedly support this bill. Let me read what our director has signed.

[Reads testimony, Department of Land Management]

This is a standard that actually the American planning Association recognizes and uses part of their standards to include even the international business code that was adopted by our esteemed legislature.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much si yu'os ma'ase. Mr. Tydingco?

### **3. Phil Tydingco, Assistant Attorney General, Attorney General's Office**

**Mr. Phil Tydingco:** Good morning Chairman Pangelinan and Senators Guthertz, Blas, Palacios, Yamashita, Ada and Silva Taijeron. The office of the Attorney General of course supports the intent of Bill 263 – 31, which seeks to make the parking areas more accessible and usable by the people Guam. The only issue I raise is that, and it may be more of a policy call. Typically statutes when they are passed or are viewed as perspective and did you want to include some kind of transition period to allow people to adjust it or grandfathering nonconforming for those businesses that are in place. These are just policy calls but it might be important to allow a transition period, at least we can say, well folks we gave a sunset or sunrise clause that will go into effect 180 days within the enactment of the statute.

So everybody so got 180 days or whatever you deem appropriate policy wise to come into compliance. And so when the time comes and say “well you had a year or six months and all of our agencies to come into compliance, as well as the businesses” and so I just wanted to put that on record and put it out there that would probably be very helpful for all concerned. In fact, I would ask for one year quite frankly given our abilities in compliance. Thank you.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much Mr. Tydingco. Senator Yamashita?

#### **PANEL COMMENTS AND QUESTIONS**

**Senator Aline Yamashita:** Thank you for the comments and the reflection on that. Some really good points and I appreciate that. And I look forward to working with Speaker Ben seeing where this is going to next. Thank you very much. Thank you Speaker Ben.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much. Senator Guthertz?

#### **PANEL COMMENTS AND QUESTIONS**

**Senator Judi Guthertz :** Thank you Mr. Chairman. I want to commend Senator Yamashita for the bill. I am really happy with this bill, Senator and I would be honored if I could be one of the co-sponsors. Just yesterday, by the way the government seemed to be the biggest problem with reference to these small parking spaces even in the building. Just yesterday at the University of Guam School of Business and Public Administration, I must've driven around the parking lot like 11 times to be able to find a spot that I was comfortable with driving in for just a very standard size truck. I was kind of shocked by that, I thought I could easily make the turn and get in the spot, but I couldn't and I basically had to wait till and end spot opened up so that I would not impede another vehicle so that I could get out of the slot itself. I think this bill is very important. Mr. Chairman and I think you get some negativism from private companies that would not want to comply with this but I have a question since Mr. Santos is here. Joe it's nice to see you. Does the Guam Land Use Commission regularly give variances on parking in the size of parking slots and size of this stuff?

**Mr. Joseph Santos:** The zoning law authorizes the Guam Land Use Commission to review the parking that the developers are presenting and then provide whatever we can work out

with the developer. We try to give the benefit of the doubt to the developer or the person that's operating the business. You're right, this amendment where it talks about compact automobiles preference to the developer or the business owner to go up 100% of compact size stalls.

**Senator Judi Guthertz :** Ok I want to very strongly suggests that if it's not covered we make it very clear that there shall be no variances for the size of the slot that is identified in this bill under any conditions, any conditions.

**Mr. Joseph Santos:** Yes Senator as a matter of fact the section of the parking regulation is so specific that even the commission can't grant the size because again, section 61531.1 give the preference to the land owner or developer to go up to 100% of the parking stalls the be compact.

**Senator Judi Guthertz :** So in this case there's only going to be one size?

**Mr. Joseph Santos:** For this case this bill...

**Senator Judi Guthertz :** So they'll be one size and no one can change it and everybody has to comply whether it's government or private.

**Mr. Joseph Santos:** Yes , ma'am.

**Senator Judi Guthertz :** I just want to make that very clear for the record, and I think it's very appropriate that we don't allow variances for things like this because then we just make problems for the public and customers. It makes it very difficult.

**Mr. Joseph Santos:** Just to add on the commission doesn't grant variances on the size of the parking slot. They are able to grant on the number of parking the activity can have.

**Senator Judi Guthertz :** That's another issue that maybe we have to deal with differently because that's a big problem. Not providing adequate parking for commercial facilities. So we need to do with that separately but that's coming sure. Right. Dr. Yamashita? We'll work something out on that. Thank you very much.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much. Senator Palacios?

### **PANEL COMMENTS AND QUESTIONS**

**Senator Adolpho Palacios:** Thank you Mr. Chairman. Definitely of course there has to be a transition period for this bill to complete but I understand that there are laws know that require that for certain number of rooms at a hotel or apartment that they'll be certain number of parking stalls. If this is passed this would reduce the number of stalls by redoing the whole... resize it and so that statute would have to be amended to be consistent with this.

**Mr. Joseph Santos:** Actually no Senator when we deal with especially developments that come through the commission or even come through the Department of Land Management we try as hard as possible to make sure that the users are identified and they match up with the number of stores that are there. There's also requirements that as part of the overall parking the aesthetics portion, the isles of the parking, the ingress and egress so that an automobile does not get into an accident with another automobile, which is currently what's happening because of the size of the stalls. Would it reduce it? Maybe, but the most businesses provide an overage of the number of stalls that they need for their activity.

**Senator Adolpho Palacios:** No, but were talking about sizes. Now they have to resize assuming that it's all compact they have to resize that and by resizing you as a foot for every slot eventually you're going to eliminate five or six stalls. That's all I'm saying. At any rate that has to be reconciled I think that the land commission has the authority to do that then we don't have to amend the law because you can still exercise your discretion.

**Mr. Joseph Santos:** The parking regulation portion of the zoning law is specific. The commission cannot modify that portion. So it's not commission that does that the law says that if this is your type of activity then this how many stalls that you need.

**Senator Adolpho Palacios:** That's what I'm saying. So currently there are some compact car stalls there. Those would have to be enlarged a little.

**Mr. Joseph Santos:** Yes.

**Senator Adolpho Palacios:** Eventually the cumulative...

**Mr. Joseph Santos:** Currently, most large businesses right now have met the requirements of standard because they know what their customers need. So they've met the requirements. At some businesses that modify to try and jam so many business into one thing. It's just because of the amendment, the parking regulation where it allowed them to, when they found out that they can go 100% compact automobile then that's when they said okay let's jam and so many stalls one parking space.

**Senator Adolpho Palacios:** I brought that up so that can be a consideration in the markup.

**Mr. Joseph Santos:** By the way Senator relative to the grandfathering, if you choose to allow a waiting period in June would be preferred time, because that's when all businesses must renew their licenses. So if you want to use that as of threshold or an area where you can change it over that they must meet that requirement by the June period because that's when they have to renew their licenses.

**Senator Adolpho Palacios:** Thank you Mr. Chairman.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you. Senator Ada? Senator Taijeron, Senator Blas?

## **PANEL COMMENTS AND QUESTIONS**

**Senator Frank Blas, Jr.:** Thank you. Joe is your understanding that in regards to the bill that the compliance would mean that some of these places are with the new or existing buildings and their existing parking requirements would have to realign their parking spaces?

**Mr. Joseph Santos:** It's individual cases and each business would come in and we'll look in their parking stalls and see really what activities exist there and inform them of how many stalls they actual need and then go in and say how many stalls do you have and then do a configuration. Now of course Department of Public Works is the enforcer of the zoning law, so they would come in and enforce the law in respect to the activity there. Most buildings when they come in they don't necessarily come in for a shopping center or a commercial space to come in for an office. They take that and convert it and the office requirements are different from a commercial requirement because you look at other factors in the mix. And then of course you have the accessible parking regulation dealing with handicap parking stalls that are a parking requirement. It's a must. No ands or buts.

**Senator Frank Blas, Jr.:** So Carl with regards to the enforcement, could it be assumed that there will be some places as a result of this realignment are not going to have the required amount of parking spaces?

**Mr. Carl Dominguez:** Yes , it's possible especially where in cases the landlord has just met the absolute minimum to get a building permit to construct his building and put the parking lot if they just met the absolute minimum.

**Senator Frank Blas, Jr.:** Along those lines I happen to come upon some parking spaces that I don't think they meet the current minimum requirements with regards to just to see they can meet the parking space requirements for the building. That's another issue in itself. My concern now is with the issues concerning those existing structures, those existing buildings...

**Mr. Carl Dominguez:** And my answer to you is it's possible. So when they go into the parking lot and they have existing lines and that they need to reconfigure these lines, stretch those lines you essentially lose parking slots, especially the pending on the percentage of compact stalls that you have. The higher the percentage the more parking stalls, you're going to lose seems to me and so there's a possibility, yes.

**Senator Frank Blas, Jr.:** So what would this mean in regards to enforcement? Here is a building that two months ago was in compliance and today it's not in compliance?

**Mr. Phil Tydingco:** If I could try to... this bill is a good idea as you all are raising it does impact another law which is what is the minimum number of stalls based on the permit you've got for your property which is a little bit different than the actual size of the stalls. This bill is about the size of the parking stalls versus the minimum requisite that landowners, or business owners need to have.

So I would say they are two different issues and I know the good Senator says that we probably should address that but I would beg you to consider that the number of stall requirement should have a nonconforming, existing nonconforming exception because I can anticipate the disputes that would arise, I know that these are policy calls but if you had a building that's been sitting for 40 years or 30 years or 20 years, you have a smaller size... it's one thing for me to have to enlarge the stalls but the creation of this law, you may put land owner into a catch 22.

If it went to court the judge did say tear down your building in order to meet the minimum number of stalls. That's a different issue than vacate a portion of it. So I put that out there that we should consider that. Put yourself in the shoes of folks that are landowners or business owners. It's one thing to require them to enlarge the size but should put them at a complete disadvantage or catch-22 if they can't meet the minimum number of stalls.

**Senator Frank Blas, Jr.:** Well what about the idea of for the lack of a better term...

**Mr. Phil Tydingco:** I am talking about existing nonconforming...yeah.

**Senator Frank Blas, Jr.:** Existing nonconforming, what about for grandfathering those existing nonconforming...on a minimum number...

**Mr. Phil Tydingco:** On a minimum number, that's what I was putting out there for discussion...

**Senator Frank Blas, Jr.:** Making then the space requirement, making this new configuration if there are any improvements to the building.

**Mr. Phil Tydingco:** That's kind of like a different circumstance.

**Chairman Vicente (ben) Cabrera Pangelinan:** That's just like the ADA.

**Mr. Phil Tydingco:** Yeah exactly.

**Mr. Joseph Santos:** You know again I go back to, this thing talks about bringing back to standard size. A lot of the buildings when they are created most business owners and developers choose the occupancy of office rather than retail and so the occupancy should've been modified but they didn't modify the occupancy they just went in and build their building and that's what we need to look at and this is why...

**Chairman Vicente (ben) Cabrera Pangelinan:** This is where you guys come in.

**Mr. Joseph Santos:** Yeah this is where we come in, we looked at it and say "no your occupancy says you have to have this many parking for an office space and you are leasing out retail activity or a restaurant activity that wasn't configured into the original development . You need to either go back and change your occupancy and meet the parking requirements or you need to go to the commission and request for a variance or comply with the requirements of...



**Senator Frank Blas, Jr.:** And you I suggest that when it does happen like that and Land Management does go out and see if they're not meeting they built it for one type of activity but yet you doing another. Then this requirement comes into play.

**Mr. Joseph Santos:** I'm saying do not grandfather them. Just let the agency ...

**Chairman Vicente (ben) Cabrera Pangelinan:** Just take what was permitted uses and let's just take...confiscate it Joe, let's just do eminent domain?

**Mr. Joseph Santos:** No, no, we want to do any taking...

**Chairman Vicente (ben) Cabrera Pangelinan:** Isn't that what it is? Didn't the Supreme Court just issue...

**Mr. Joseph Santos:** We don't want to do any eminent domain we do want to do any of that.

**Chairman Vicente (ben) Cabrera Pangelinan:** That's what we have to resolve these questions.

**Mr. Joseph Santos:** I'm bringing up that when you look at it you look at it at a case-by-case basis. Again, most businesses or developers come in, they choose to select the office occupancy.

**Senator Frank Blas, Jr.:** Joe what I'm saying is be cases where you have owners of these buildings that are in full compliance the building and the activity matches what they went in for. Based on the current law they met the minimum number of parking spaces based on that activity. Now my concern is if this is were enacted would they then have to go back and reconfigure their lots which would mean that they are going to lose spaces.

**Mr. Joseph Santos:** And this where we work with the developer...again you know we are not there to be the traffic cop. We are there to help Guam develop so we can get our revenues and everyone can be happy. So that's what we do we turn around and help the developer come up with solutions to their thing if it comes to push to shove then that's when we say "I'm sorry you need to get a change in occupancy or you need to go and get a...but I think more than likely most of that would be exceptions not the rule. Most businesses will meet the requirement of the minimum parking that they need. When this law was passed so this is recent so in the last seven to eight years is where the compact issue came into being.

**Chairman Vicente (ben) Cabrera Pangelinan:** No, no, no Joe it's not that recent. Its probably...

**Mr. Joseph Santos:** No this is recent Senator.

**Chairman Vicente (ben) Cabrera Pangelinan:** Really?

**Mr. Joseph Santos:** You could look at the law. The compact car...do you have the law there?

**Chairman Vicente (ben) Cabrera Pangelinan:** Seven years Joe?

**Mr. Joseph Santos:** About seven to eight years...if you have the law it will tell you what law it modified this requirement.

**Chairman Vicente (ben) Cabrera Pangelinan:** Really? And its seven years?

**Mr. Joseph Santos:** It's a respective number of years. It's a recent change to that and most businesses, most buildings most of them have already been constructed. In terms of where they're at right now its just some businesses that you see now the new buildings that have been built are the recent ones that are going to be impacted.

**Chairman Vicente (ben) Cabrera Pangelinan:** Like the bank of Guam, like the East West Rental Center.

**Mr. Joseph Santos:** The Bank of Guam? Which location?

**Chairman Vicente (ben) Cabrera Pangelinan:** Everywhere.

**Senator Frank Blas, Jr.:** They reconfigured their lots.

**Mr. Joseph Santos:** I know but the Bank of Guam existed before the modifications...

**Senator Frank Blas, Jr.:** And that's what I'm getting at. We're in a situation where we got...

**Chairman Vicente (ben) Cabrera Pangelinan:** I think you need to check your facts Joe.

**Senator Frank Blas, Jr.:** I understand Joe and I like that as far as the bill goes I would appreciate larger parking spaces and I too have an issue with regards to getting a vehicle in. My concern now is going back to those buildings that have met all the requirements based on the old law. Now that we do this what's going to happen? Some places you may have to look...you have to increase the parking spaces or decrease parking spaces and increase their size by about four or five or six parking spaces. They don't have that land and what we going to do as far as the enforcement of this? Joe what I'm saying is, what if they did meet those activities...

**Mr. Joseph Santos:** And what I'm saying is that this is a case-by-case basis...

**Senator Frank Blas, Jr.:** And that's why I'm asking...

**Mr. Joseph Santos:** Maybe one of the things we could do is provide a report to the Legislature after one June after the impact of this law, relative to this was been impacted and

what's been impacted and from there we can provide a report and you could see if there's a systemic problem or is it just an individual case-by-case issue. I know but you take a look at all the businesses and then go in and survey it. We don't have the money to do that and we don't have the resources or even people.

**Senator Frank Blas, Jr.:** Thank you Mr. Chairman.

**Chairman Vicente (ben) Cabrera Pangelinan:** Thank you very much. The other thing Joe is once again I just want to make sure that what you're saying are facts and not assumptions. You say here that insurance policies, relative to accidents in parking lots in damages to vehicles shall be minimized. My understanding of insurance policies is that they don't cover these small dings anyways so it doesn't affect the insurance policy it will affect the accident but your deductible is like \$500.00 to \$1000.00 and that small ding that you have because you open the door and chip the paint doesn't affect the insurance policies. It's just these assumptions that you're making.

**Mr. Joseph Santos:** but I'm not making an assumption this...

**Chairman Vicente (ben) Cabrera Pangelinan:** So you're making a statement...

**Mr. Joseph Santos:** We went down to the insurance firm right below in the ITC building and we discussed it with them with what the impact would be. They only go with what's reported so the dings and the damages that are not reported they...

**Chairman Vicente (ben) Cabrera Pangelinan:** So you can't say that...

**Mr. Joseph Santos:** We're saying that if they reported this and the insurance companies are saying there is a lot because the individual is in to repaint or make sure that their cars back to the way it looks then they're the ones saying it. If you want a copy of what they provided us then we'll provide you a copy.

**Chairman Vicente (ben) Cabrera Pangelinan:** That would be helpful because we look at insurance and I just don't think that a person gets a chip on their car is coming go and spend \$800.00 to repaint it or when his insurance company will not cover it, the deductible doesn't even cover it. Again it's just those statements. I agree that the accident rates may change, but it doesn't affect the insurance policies is what I'm saying. The correlation may not be there but the fact that you will minimize dings is absolutely correct. I certainly agree with that statement.

We'll continue to receive that, we'll look forward to that information and talk to the author and get some more discussion on how do we... I think the intent is certainly very clear, implementation is clear, the ramifications of and how we work with what would result that would not adversely affect to greatly the individual property owners anything that's what everyone's concern is. Thank you very much and si yu'os ma'ase' for your testimony.

This concludes the testimony on Bill No. 263-31. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at [senbenp@guam.net](mailto:senbenp@guam.net) or through our website at [senbenp.com](http://senbenp.com)

This hearing is now adjourned.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 263-31 (COR), As substituted by the committee, with the recommendation TO REPORT OUT ONLY.

**I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN**  
**2011 (FIRST) Regular Session**

2011 JUL 13 PM 1:56  
*Umu*

BILL NO. 243-31(car)

Introduced by:

A.A. YAMASHITA, PhD *ay*

**AN ACT TO AMEND § 61103(D), REPEAL § 61531.1,  
AND AMEND §61532 ALL OF PART 4, CHAPTER 61,  
TITLE 21, GUAM CODE ANNOTATED RELATIVE TO  
PARKING REGULATIONS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative findings and intent.** *I Liheslaturan Guahan* finds that Public Law No. 12-142 mandated that “every automobile parking space shall contain a minimum of one hundred eighty (180) square feet and shall have adequate access to the public right of way.” *I Liheslatura* further finds that subsequent laws amended Guam zoning laws allowing for a majority of parking stall to be designated for compact automobiles. At the time the past laws were passed, local consumers may have been purchasing compact automobiles. It is evident that there is a large majority of standard-sized vehicles on Guam roads.

*I Liheslatura*, therefore, intends to amend public law to allow for safe and convenient vehicular access to Guam’s residences, businesses and public services and places of public assembly by readdressing the minimum dimensions for parking spaces.

**Section 2. § 61103(d) is hereby amended to read:**

**“§ 61103. Definitions.**

(d) *Automobile Parking Area, Public.* An open area, other than a street or private automobile parking area, designed to be used for the parking of two or more automobiles.

~~(1) *Compact automobile.* An automobile whose gross area for parking purposes is one hundred twenty (120) square feet or less.”~~

(2) *Standard-sized automobile.* An automobile whose gross area for parking purposes is one hundred ~~sixty eighty~~ sixty eighty (160 ~~180~~) square feet or less.”

1           **Section 3. § 61531.1 is hereby repealed.**

2   ~~**61531.1 Option for Compact Automobiles.**~~

3   ~~The off-street automobile parking space required under '§ 61531 and~~  
4   ~~61532 of this Chapter shall be laid out at the ratio of seventy-five percent~~  
5   ~~(75%) for compact automobiles to twenty-five percent (25%) for standard sized~~  
6   ~~automobiles or at any greater percentage of compact automobiles.~~

7           **Section 3. § 61532 is hereby amended to read:**

8   **“§ 61532. General Requirements.**

9   (d) Every automobile parking space shall be of the following sizes:

10       (1) Standard-sized automobile parking spaces shall be at least nineteen feet (19')  
11       in length and ~~eight-nine~~ and one-half feet (~~8 ½~~) (9 ½') in width, with parallel  
12       spaces at least twenty-two feet (22') in length.

13       ~~(2) Compact spaces shall be at least sixteen feet (16') in length and seven and one-~~  
14       ~~half feet (7 ½') in width, with parallel spaces at least nineteen feet (19') in length.~~

15       (3) Minimum aisle widths for parking bays shall be provided in accordance with  
16       the following:

17       **Parking angles: Aisle widths in feet:**

18       0° - 44°, 12,  
19       45° - 59°, 13.5,  
20       60° - 69°, 18.5,  
21       70° - 79°, 19.5,  
22       80° - 89°, 21,  
23       90°, 22.”

24       **Section 4. Severability.** *If* any provision of this Law or its application to any  
25   person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*  
26   affect other provisions or applications of this Law which can be given effect without the  
27   invalid provisions or application, and to this end the provisions of this Law are severable.

***I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
**2011 (FIRST) Regular Session**

**BILL NO. 263-31 (COR)**

*As Substituted by the Committee on Appropriations, Taxation,  
Public Debt, Banking, Insurance, Retirement & Land and the Author*

Introduced by:

A.A. YAMASHITA, PhD

**AN ACT TO AMEND SECTION 61103(D), REPEAL  
SECTION 61531.1, AND AMEND SECTION 61532 ALL  
OF PART 4, CHAPTER 61, TITLE 21, GUAM CODE  
ANNOTATED RELATIVE TO PARKING  
REGULATIONS.**

**1 BE IT ENACTED BY THE PEOPLE OF GUAM:**

2       **Section 1. Legislative findings and intent.** *I Liheslaturan Guahan*  
3 finds that Public Law No. 12-142 mandated that “every automobile parking  
4 space shall contain a minimum of one hundred eighty (180) square feet and  
5 shall have adequate access to the public right of way.” *I Liheslatura* further  
6 finds that subsequent laws amended Guam zoning laws allowing for a  
7 majority of parking stalls to be designated for compact automobiles. At the  
8 time the past laws were passed, local consumers may have been purchasing  
9 compact automobiles. It is evident that there is a large majority of standard-  
10 sized vehicles on Guam roads.

11       *I Liheslatura*, therefore, intends to amend public law to allow for safe  
12 and convenient vehicular access to Guam’s residences, businesses and  
13 public services and places of public assembly by readdressing the minimum

1 dimensions for parking spaces.

2 **Section 2. § 61103(d) is hereby amended to read:**

3 **“§ 61103. Definitions.**

4 (d) *Automobile Parking Area, Public.* An open area, other than a street or  
5 private automobile parking area, designed to be used for the parking of two  
6 or more automobiles.

7 (1) *Compact automobile.* An automobile whose gross area for parking  
8 purposes is one hundred twenty (120) square feet or less.”

9 (2) *Standard-sized automobile.* An automobile whose gross area for  
10 parking purposes is one hundred ~~sixty~~ eighty (~~160~~ 180) square feet or  
11 less.”

12 **Section 3. § 61531.1 is hereby repealed.**

13 **61531.1 Option for Compact Automobiles.**

14 The off-street automobile parking space required under '§ 61531 and  
15 61532 of this Chapter shall be laid out at the ratio of seventy-five percent  
16 (75%) for Standard-size ~~compact~~ automobiles to twenty-five percent (25%)  
17 for compact ~~standard-sized~~  
18 automobiles or at any greater percentage of ~~compact~~ Standard-size  
19 automobiles.

20 **Section-3 4. § 61532 is hereby amended to read:**

21 **“§ 61532. General Requirements.**

22 (d) Every automobile parking space shall be of the following sizes:

23 (1) Standard-sized automobile parking spaces shall be at least  
24 nineteen feet (19') in length and ~~eight~~ nine and one-half feet (~~8 ½~~) (9  
25 ½') in width, with parallel spaces at least twenty-two feet (22') in  
26 length.

27 (2) Compact spaces shall be at least sixteen feet (16') in length and



seven and one-half feet (7 1/2') in width, with parallel spaces at least nineteen feet (19') in length.

~~(3)~~ (2) Minimum aisle widths for parking bays shall be provided in accordance with the following:

**Parking angles: Aisle widths in feet:**

0° - 44°, 12,

45° - 59°, 13.5,

60° - 69°, 18.5,

70° - 79°, 19.5,

80° - 89°, 21,

90°, 22.”

**Section 5.** This Act *shall* be effective one (1) year from enactment.

The Department of Land Management will evaluate the establishments for compliance and the Department of Public Works *shall* revoke occupancy permits from those establishments or structures who fail to comply. Permits will be reinstated when compliance is met.

**~~Section—4~~ 6. Severability.** *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.



**Mina'trentai Unu Na Liheslaturan Guahan**  
**THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan**

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**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,  
INSURANCE, RETIREMENT AND LAND**  
**Thursday, November 17, 2011**

**BILL NO. 263**

**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
CARL DOMINGUEZ	DPW	646-3232	carl.dominguez@dpu.guam.gov	✓	✓	yes	
Phil Tydings	ABO				✓		
Joseph C. Santos	DLm	649-5263 x341	joseph.santos@dlm	✓	✓	Yes	



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



November 17, 2011

The Honorable Vicente C. Pangelinan  
Committee on Appropriations, Public Debt, Banking, Insurance, Retirement and Land  
I Mina'trentai Unu Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**Re: Bill No. 263-31 (COR), *An Act to Amend §61103(d), Repeal §61531.1, and Amend §61532 All of Part 4, Chapter 61, Title 21, Guam Code Annotated Relative to Parking Regulations.***


Dear Senator Pangelinan:

The Department of Public Works (DPW) thanks you and the committee for the opportunity to submit testimony relative to the above referenced bill.

The DPW recognizes that in recent years there has been a shift in the preference for standard sized and larger vehicles rather than compact automobiles by consumers in Guam. The November, 2011 issue of the Pacific Marketplace, a Pacific Daily News publication, shows three thousand three hundred fifty nine (3,359) new vehicle registrations in Guam between April, 2011 and September, 2011. Undoubtedly, the majority of these vehicles, categorized as cars, trucks, vans and SUVs, are standard and large sized. Operators of these vehicles will find it difficult or hazardous to park in lots where a majority of stalls are sized for compact automobiles.

We support this bill as it will improve the convenience and safety of the motoring public in regards to parking their vehicles at residences, businesses and public areas.

Sincerely,



JOANNE M.S. BROWN



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



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

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MONTE MAFNAS  
Acting Director

November 17, 2011

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

The Honorable Senator Vicente C. Pangelinan  
Chairman, Committee on Appropriation, Taxation, Public Debt, Banking, Insurance,  
Retirement and Land  
324 West Soledad Avenue, Suite 100  
Hagatna, Guam 96910

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

SUBJECT: Comments on Bill Numbers 263-31 (COR)

*Bueñas Yan Hafa Adai:*

We have reviewed Bill 263-31 (COR) *"An Act to Amend §61103(d), Repeal §61531.1; and Amend §61632 of Part 4, Chapter 61 (The Zoning Law of Guam), 21 GCA, relative to Parking Regulation"* and supports the legislative intent *"...to allow for safe and convenient vehicular access to Guam residences, businesses and public services and places of assembly by readdressing the minimum dimensions for parking spaces."*

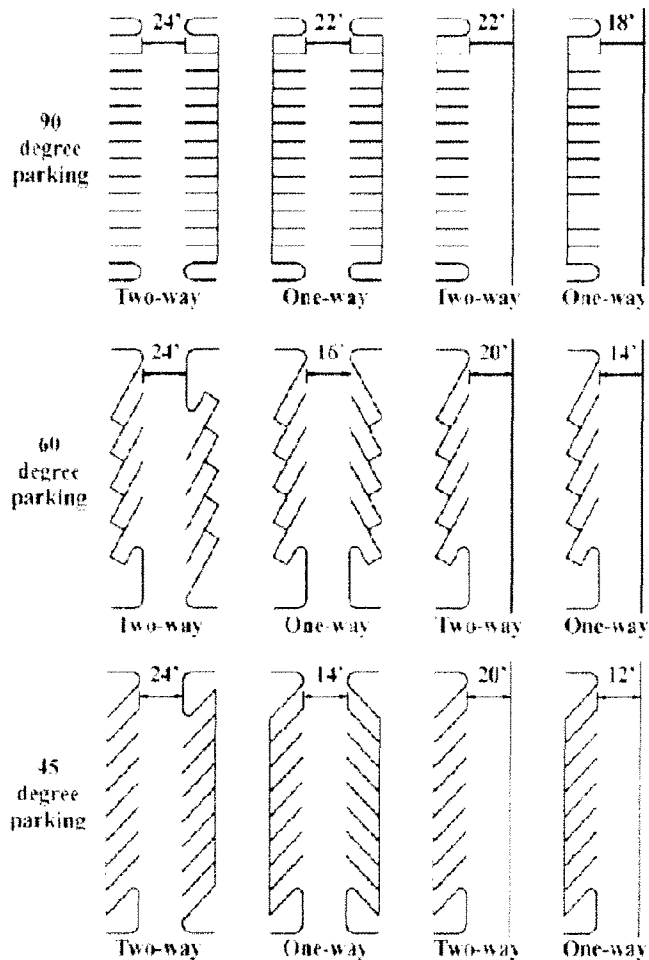
The Department, as the support staff for the Guam land use Commission, recognizes that the parking regulation should be written to allow maximum creativity and flexibility of design and provide an opportunity for business owners / developers to accommodate the unique characteristics of individual properties. Moreover, the Department lauds the intent of Bill 263-31 (COR) recognizing that the existing parking regulation does not comprehensively address and recognize that standard size vehicles are the automobile of choice preferred by our island residence. This information can be validated through the Department of Revenue & Taxation, Division of Motor Vehicles.

Therefore, the economic impacts to the island would be positive and two-fold relative to land uses:

1. Meeting the immediate needs & norms of residences and customers alike relative to standard size automobile preference.
2. That insurance policies relative to accidents on parking lots or damages to vehicles through dings & damages caused by parking in small stalls be minimized.

The Department recommends the following changes:

1. That the proposed amendment for §61103(d)(2) end with "...feet." crossing out "...or less."
2. That Section 4 of Bill 263-31 (COR) add in a 'no grandfather clause' of any existing business or multi-family residences.
3. That the parking regulation recognize only 45°; 60°; 90° parking stall angles with parking aisles as shown below:



Thank you for the opportunity to comment.

Senseramente,

 **MONTY MAFNAS**  
Director (Acting), Department of Land Management

**DEPARTMENT OF LAND MANAGEMENT - LAND PLANNING DIVISION**  
**STAFF ANALYSIS**

APPLICATION TYPE: \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_

APPLICATION DESCRIPTION: \_\_\_\_\_

LOT(S): \_\_\_\_\_ MUNICIPALITY: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ REPRESENTATIVE: \_\_\_\_\_

PRESENT ZONE: \_\_\_\_\_ PROPOSED ZONE: \_\_\_\_\_

<b>A. DESCRIPTION</b>	<b>ALLOWABLE</b>	<b>PROPOSED</b>	<b>VARIANCE</b>	<b>REMARKS</b>
1. Land Area				
2. Density (No. Units)				
3. Recreational				
4. Height/Storey				
5. Setback <input type="checkbox"/> Front <input type="checkbox"/> Rear <input type="checkbox"/> Left Side <input type="checkbox"/> Right Side				
6. <input type="checkbox"/> Loading <input type="checkbox"/> Unloading				
7. Parking				
8. Access				
<b>B. INFRASTRUCTURE</b>	<b>EXISTING</b>	<b>ADEQUATE/INADEQUATE</b>	<b>PROPOSED</b>	<b>REMARKS</b>
9. Water				
10. Power				
11. Sewer				
12. Drainage				
<b>C. AMENITIES</b>	<b>REQUIRED</b>	<b>PROPOSED</b>		<b>REMARKS</b>
13. Recreation				
14. Landscaping				
15. Horizontal Regime				

PLANNERS COMMENTS:

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

# STAFF ANALYSIS WORKSHEET

The following is a worksheet to be used for TPC/TSPC application by the Land Planning Division Planners.

- a. To convert from square meters (sm) to square feet (sf) multiply by 10.76387; to convert from sf to sm divide by 10.76387.
- b. **DO NOT ROUND OFF!!!**
- c. Application Completeness Checklist:
- \_\_\_\_\_ (1) Application Form;
  - \_\_\_\_\_ (2) Justification Letter;
  - \_\_\_\_\_ (3) Site Plan - consist of setback, lot lines, location of proposed building and existing building on subject lot;
  - \_\_\_\_\_ (4) Floor Plan - showing proposed use of building;
  - \_\_\_\_\_ (5) Elevation Plan - showing relative height of structure;
  - \_\_\_\_\_ (6) Utilities Plan;
  - \_\_\_\_\_ (7) Radius Maps:
    - (a) 500 ft from boundary lines of subject lot
    - (b) 750 ft from boundary lines of subject lot
    - © 1000 ft showing all existing zones with legend;
  - \_\_\_\_\_ (8) Certified, recorded survey map;
  - \_\_\_\_\_ (9) EIA for Zone Variance and Zone Changes; and
  - \_\_\_\_\_ (10) Additional information required by Chief Planner.

Is ownership or authorization (Lease Agreement) secured: ☐ YES ☐ NO

If leased, does Lease Agreement permit such development: ☐ YES ☐ NO

Is applicant represented: ☐ YES ☐ NO Whom: \_\_\_\_\_

## 1. LAND AREA: 21 GCA, Chapter 61, §61501. (Minimum Required Lot size, irrelevant of density):

- (1) "A" Zone - 1858.06778 sm (20,000 sf) regardless of sewer;
- (2) "R-1" Zone - 464.51694 sm (5,000 sf) with sewer;
- (3) "R-1" Zone - 929.03389 sm (10,000 sf) without sewer;
- (4) "R-2" Zone - 464.51694 sm (5,000 sf) must have sewer;
- (5) "C" Zone - 185.80678 sm (2,000 sf) must have sewer;
- (6) "M-1" Zone - 464.51694 sm (5,000 sf) must have sewer;
- (7) "M-2" Zone - 3716.13555 sm (40,000 sf) must have sewer
- (8) "H" Zone - 2.5 acres (Zone Change) (See Interim "H" Hotel-Resort Zone Yard and Area Regulation); and
- (9) "PD" District - 5 acres (Anything less than five (5) acres, other than an extension of existing zones, is considered spot zoning.

Present Zone of Proposed Development:

Does proposed development meet minimum required lot size: ☐ YES ☐ NO

Total Land Area (sm/sf): sm \_\_\_\_\_ sf

## 2. DENSITY (# Units): 21 GCA, Chapter 61, §61501. (Take lot area and divide by the required.):

	MINIMUM LOT SIZE	REQUIRED
(1) "A" Zone	- 1858.06778 sm (20,000 sf)	10,000 sf
(2) "R-1" Zone	- 464.51694 sm (5,000 sf) must with sewer	5,000 sf
(3) "R-2" Zone	- 464.51694 sm (5,000 sf) must have sewer	1,250 sf
(4) "C" Zone	- 185.80678 sm (2,000 sf) must have sewer	400 sf
(5) "M-1" Zone	- 464.51694 sm (5,000 sf) must have sewer	1,250 sf
(6) "M-2" Zone	- 3716.13555 sm (40,000 sf) must have sewer	00000 sf
(7) "H" Zone	- See Interim "H" (Hotel-Resort Rules & Regulation.	

Variance required: ☐ YES ☐ NO

Total Land Area (sm/sf): sm \_\_\_\_\_ sf

## 3. RECREATIONAL: Consult with DPR, in particularly, MOU between DLM & DPR;

Willing to contribute to the Adopt A Public Park Program. ☐ YES ☐ NO

If yes, what park/recreational area applicant adopting?

Has Applicant signed an agreement with DPR on Adoption? ☐ YES ☐ NO

If yes, what park/recreational area applicant adopti8ng?

**STAFF ANALYSIS WORKSHEET**

**4. HEIGHT:** 21 GCA, Chapter 61, Part 1, §61501

- a. Standard height limitation (SHL) thirty (30) feet;
- b. In the New Agana "C" (*Commercial*) area limit of seventy-five (75) feet;
- c. Hotels for every foot (1) exceeding SHL two (2) feet shall be added to each of the required yard depths and widths not to exceed seventy-five (75) feet;
- d. In the "A" (*Rural*) zone area any building may exceed the SHL if building is located at least distance equal to two (2) times the setback of the building from any lot line; and
- e. All other areas shall meet SHL;

Building Height: \_\_\_\_\_  
By how much:

Variance Required: ☐ YES ☐ NO

**5. STOREY:** 21 GCA, Chapter 61, Part 1, §61501

- a. Standard Storey Limitation (SSL) two (2) storey;
- b. In the New Agana "C" (*Commercial*) area limit of six (6) storey;
- c. Hotels for every foot (1') exceeding SSL two feet (2') shall be added to each of the required yard depths and widths not to exceed six feet (6') storeys;
- d. In the "A" (*Rural*) zone area any building may exceed the SSL if building is located at least a distance equal to two (2) times the height of the building from any lot line; and
- e. All other areas shall meet SSL.

Storey(s): \_\_\_\_\_  
By how much:

Variance Required: ☐ YES ☐ NO

**6. LOADING SPACE REGULATION:** 21 GCA, Chapter 61, §61533

- a. Off-street loading spaces for every commercial or industrial building shall be provided;
- b. Located in service areas at the rear or sides of establishments in such a way that there will be minimum interference with off-street parking or vehicular movement.

Is loading space provided? ☐ YES ☐ No

**7. LANDSCAPING:** Ten percent (10%) of total land area using local flora. (DLM requirements); In the "H" (Hotel-resort) zone two percent (2%) of construction cost, Title 13, Chapter 3, Sub-Chapter C, §12224.5.

- a. Is landscaping proposed? ☐ YES ☐ NO Approximate Percentage: \_\_\_\_%
- b. Are local flora and fauna being used? ☐ YES ☐ NO
- c. Is there an Erosion Control Plan? ☐ YES ☐ NO If not, consult with GEPA.

**8. SEWER:** Consult with PUAG and GEPA.

- a. Proposed Sewer: Leaching Field: ☐ YES ☐ NO Public: ☐ YES ☐ NO
- b. Proposed Sewer hook-up to:
- c. Willing to contribute to the Sewer Treatment Program: ☐ YES ☐ NO

**9. WATER:** Consult with PUAG.

- a. Existing water line:
- b. Proposed water hook-up to:

**10. POWER:** Consult with GPA.

- a. Existing power:
- b. Proposed power hook-up to:

**11. DRAINAGE:** Consult with GEPA and DPW, Hydraulic Section.

Drainage proposed: ☐ YES ☐ NO Type:

**12. HISTORICAL:** Consult with DPR, in particular, MOU between DLM and DPR, on National/Guam Registry of Historical Places and sites that might be undiscovered historic places.

- a. Is lot area on the National/Guam Registry: ☐ YES ☐ NO
- b. Location:
- c. Does applicant have a preservation plan: ☐ YES ☐ NO



# STAFF ANALYSIS WORKSHEET

- 13. PARKING REGULATION:** 21 GCA, Chapter 61, §61531  
(For any application submitted, excluding Zone Changes, TPC shall request two (2) to one (1) ration (2:1).)

## REQUIRED

## PROPOSED

- a. One (1) for each dwelling unit. \_\_\_\_\_
- b. Hotels - One (1) for every four (4) guest rooms. \_\_\_\_\_
- c. Places of Assembly, i.e., churches, auditoriums, theaters with seating facilities etc... one (1) for every four (4) seats. \_\_\_\_\_
- d. Places of Assembly, i.e., restaurants, night clubs without fixed seating facilities. etc... one (1) for every 100 sf of customer area. \_\_\_\_\_
- d. Retail sales of building materials and goods requiring extensive display areas, industrial buildings and warehouses, one (1) for each 800 sf of area in such use, exclusive of loading requirements. \_\_\_\_\_
- f. Retail and wholesale sales and services, exclusive of warehouse activity, one (1) for each 100 sf or portion thereof of usable commercial floor area. \_\_\_\_\_
- g. Professional and business offices, public administration offices; One (1) for each 400 sf or portion thereof of floor area. \_\_\_\_\_
- h. Offices and clinics, or healing arts, five (5) for each practitioners. \_\_\_\_\_
- i. Hospitals and nursing homes - One (1) for every two (2) beds: \_\_\_\_\_
- j. Three (3) for every four (4) employees: \_\_\_\_\_
- k. The sum of (a) through (j) for total parking requirements: \_\_\_\_\_
- l. In addition, parking must be identified for handicapped: one (1) for twenty-five (25) parking stalls or less.

Is handicapped parking identified: ☐ YES ☐ NO

Variance Required: ☐ YES ☐ NO By How Much:

- 14. ACCESS:** Compare applicant's map with DLM's recorded and certified property map for verification.

Access available: ☐ YES ☐ NO Width:

If no, proposed access:

- 15. A, B, CH, D - SETBACKS:** 21 GCA, Chapter 61, §61533

USE	FRONT YARD DEPTH	REAR YARD DEPTH	SIDE YARD DEPTH
"A" Zone specific	15 ft	10 ft	8 ft
Single Family	15 ft	10 ft	8 ft
Multi-Family	15 ft	10 ft	8 ft
Commercial	0 ft	20 ft	0 ft
Light Industrial	0 ft	20 ft	8 ft
Heavy Industrial	25 ft	25 ft	15 ft

Hotel-Resort See Interim "H" zone Rules and Regulations.

Does application meet all setback requirements? ☐ YES ☐ NO

Variance required? ☐ YES ☐ NO

What area(s)?

By how much?

NOTES:

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 263-31(COR)**

**AN ACT TO AMEND §61103(D), REPEAL §61531.I, AND AMEND §61532 ALL OF PART 4, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO PARKING REGULATIONS.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Monte Mafnas, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Land Survey Revolving Fund) appropriation(s) to date:	3,398,329
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$3,398,329</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1. Does the bill contain "revenue generating" provisions? / / Yes / x/ No  
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / x/ N/A / / Yes / / No  
 If no, what is the additional amount required? \$ / x / N/A
3. Does the Bill establish a new program/agency? / / Yes / x/ No  
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / x / No  
 Is there a federal mandate to establish the program/agency? / / Yes / x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes / x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x/ Yes / / No  
 / / Requested agency comments not received by due date / / Other: \_\_\_\_\_

Analyst: Evelyn G. Fernandez Date: 9/7/11 Director: John A. Rios, Acting Director Date: 9/8/11

**Footnotes:**

1. There is a potential impact in terms of manpower needed in the implementation phase and costs to the Government of Guam if government buildings are to also conform to the parking regulations. The Bill's impact cannot be determined at this time. See also attached comments from the Department of Land Management.



## COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature

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Senator  
Christopher M. Duenas

July 14, 2011

### MEMORANDUM

To: Pat Santos  
Clerk of the Legislature

Attorney Therese M. Terlaje  
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bills No. 263-31 and 264-31

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 263-31 (COR) and 264-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

(1) Attachment

2011 JUL 14 PM 2:30

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**July 06, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?</b>
263-31 (COR)	A. A. Yamashita, Ph.D.	AN ACT TO AMEND § 61103(D), REPEAL § 61531.1, AND AMEND §61532 ALL OF PART 4, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO PARKING REGULATIONS.	07/13/11 1:56 p.m.	7/14/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land			
264-31 (COR)	A. A. Yamashita	AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO EDUCATION & TRAINING FACILITIES AND OPPORTUNITIES FOR THE INDIVIDUAL WITH A DISABILITY.	07/13/11 1:56 p.m.	7/14/11		Committee on Education and Public Libraries			



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 9, 2011

## Memorandum

To: Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – FIRST NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Thursday, November 17, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

### **Bill No. 232-31 (COR)**

**An Act to Amend Public Law 30-83; Relative to creating the Festival of Pacific Arts Revolving Fund.**

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**An Act to amend §61103(D), repeal §61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations.**

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Memo to Senators  
November 9, 2011  
Page 2

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi [www.guamlegislature.com](http://www.guamlegislature.com). Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)



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## Public Hearing - First Notice

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Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 17 beginning at 9:00am at the Guam Legislature Public Hearing Room. Please see attached memo for details.

Saina Ma'ase.

---  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

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## Public Hearing - First Notice



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Hafa Adai,  
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,  
 Retirement and Land will hold a public hearing on Thursday, November 17 beginning at 9:00am at the Guam Legislature  
 Public Hearing Room. The following is on the agenda:

### INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Huebes, gi diha 17 gi Nubembre 2011  
 (Thursday, November 17, 2011)

*Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan*  
 (Guam Legislature Public Hearing Room)

### TAREHA (AGENDA)

*alas nuebi gi egga'an*  
 (9:00 AM)

*Priniponi Siha*  
 (Bills)

**Bill No. 232-31 (COR)**  
**An Act to Amend Public Law 30-83; Relative to creating the Festival of Pacific Arts Revolving Fund.**

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**An Act to amend §61103(D), repeal §61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations.**

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Saina Ma'ase.

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c pangelinan  
(671) 473-4236  
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# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 15, 2011

## Memorandum

To: Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
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Memo to Senators  
November 15, 2011  
Page 2

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Military Buildup (2)  
NCSL Fall Seminar...  
News Releases  
PA Docs  
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Referrals  
Referrals 2011 (1)  
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## Public Hearing - Second Notice

from Lisa Cipollone cipo@guamlegislature.org  
to phnotice@guamlegislature.org  
date Tue, Nov 15, 2011 at 12:02 PM  
subject Public Hearing - Second Notice  
mailed-by guamlegislature.org

12:02 PM (1 hour ago) Reply

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Hafa Adai,  
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 17, 2011 beginning at 9:00am at the Guam Legislature Public Hearing Room. Please see attached memo for details of the public hearing.

Thank you.

...  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

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Tasks

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Important  
**Sent Mail**  
Drafts  
Agent Orange  
**Budget FY2012 (10)**  
**Calvo (18)**  
**campaign 2010 (3)**  
**CMTF (1)**  
DC-Conf Trip  
Democrat Speech  
Dos Amantes  
Farmer's Coop  
Faxes  
Faxes 31GL  
Fundraiser 2010  
FY11 Comm Rpts  
GDP  
GEDA  
**Grants (242)**  
GVB  
Messages Comm  
**Messages Comm ...**  
**Military Buildup (2)**  
NCSL Fall Seminar...  
News Releases  
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Referrals  
**Referrals 2011 (1)**  
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■ Lisa Cipollone  
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**Public Hearing - SECOND Notice** Inbox | x

from ■ Lisa Cipollone cipo@guamlegislature.org

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to news@guampdn.com,  
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Jason Salas <jason@kuam.com>,  
Mindy Aguon <mindy@kuam.com>,  
nick@kuam.com,  
Ken Quintanilla <kenq@kuam.com>,  
Josh Tyquieneco <jtyquieneco@k57.com>,  
clynt@k57.com,  
Betsy Brown <betsy@k57.com>,  
Kevin Kerrigan <kevin@k57.com>,  
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Therese Hart <therese.hart.writer@gmail.com>,  
zita@mvguam.com,  
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rgibson@k57.com,  
ALICIA PEREZ <aliciaperez69@hotmail.com>,  
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Gaynor Daleno <gdumat-ol@guampdn.com>,  
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bmkelman@guampdn.com,  
Enn Thompson <egthompson@guampdn.com>,  
Oyaol Ngirainki <odngirainki@guampdn.com>,  
"Alladi, Amritha" <aalladi@guam.gannett.com>,  
"Melyan, Catriona" <cmelyan@guam.gannett.com>

date Tue, Nov 15, 2011 at 11:59 AM  
subject Public Hearing - SECOND Notice  
mailed-by guamlegislature.org

Hafa Adai,  
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 18, 2011 beginning at 9:00am at the Guam Legislature Public Hearing Room. The following is on the agenda.

**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

*gi Huebes, gi diha 17 gi Nubembre 2011*  
(Thursday, November 17, 2011)

*Kuátton Inekungok Pupbleko gi i Liheslaturan Guåhan*  
(Guam Legislature Public Hearing Room)

**TAREHA  
(AGENDA)**

*alas nuebi gi egga'an*  
(9:00 AM)

**Priniponi Siha  
(Bills)**

**Bill No. 232-31 (COR)**  
An Act to Amend Public Law 30-83; Relative to creating the Festival of Pacific Arts Revolving Fund.

**Bill No 263-31 (COR)**  
An Act to amend §61103(D), repeal §61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations.

**Bill No. 287-31 (COR)**  
An Act to Amend §§26203 (K)(9), (28), (29), (30), (31), and (32) of Article II, Chapter 26, Title 11, Guam Code Annotated, Relative to Increasing the Business Privilege Tax Exemptions from Forty Thousand Dollars (\$40,000) to One Hundred Thousand Dollars (\$100,000) and Limitations of Fifty Thousand Dollars (\$50,000) to One Hundred Twenty-Five Thousand Dollars (\$125,000).

**Bill No. 327-31 (COR)**  
An Act to Amend §40135 and to add New Sections 40137, 40138, 40139, 40140, 40141, All of Chapter 40, Division 4, Title 5 Guam Code Annotated relative to Gymnasium Revolving Funds within various island municipalities.

**Bill No. 340-31 (COR)**  
An Act to Amend §§2101 and 2101.1 and to add a New §2106 to Chapter 2 of title 5 of the Guam Code Annotated Relative to the Jurisdiction of the Guam State Clearinghouse.

Yanggen un nisisita espesialt na setbision, put fabot agang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, halom gi i uepsait i Liheslaturan Guåhan gi [www.guamlegislature.com](http://www.guamlegislature.com). Yanggen para

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbeno@guam.net](mailto:senbeno@guam.net).

Page 2 of 4



**I Mina'trentai Unu Na  
Liheslaturan Guahan  
THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan  
Office of the People  
Website: [www.senbenp.com](http://www.senbenp.com)**

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

***gi Huebes, gi diha 17 gi Nubembre 2011  
(Thursday, November 17, 2011)***

***Kuátton Inekungok Pupbleko gi I Liheslaturan Guahan  
(Guam Legislature Public Hearing Room)***

**TAREHA  
(AGENDA)**

***alas nuebi gi egga'an  
(9:00 AM)***

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If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)