



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:


Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Ducnas

March 14, 2012

MEMORANDUM

To: Patricia C. Santos
Clerk of the Legislature

From: Rory J. Respicio 

Subject: Supplement to Committee Report – Bill No. 263

Hafa Adai!

Transmitted herewith is a further substituted version of Substitute Bill No. 263-31 (COR), submitted by Senator vicente (ben) c. pangelinan, Chairperson, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.

Please include this memo and the attachment as a "Supplement" to the Committee Report on Bill No. 263-31 (COR).

Please make the appropriate indication in your records; and forward to MIS for posting on our website.

Si Yu'os ma'åse'!

cc: Senator vicente c. pangelinan

2012 MAR 15 PM 2:02



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

Supplement to the Committee Report on Substitute 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."**

*NOTE: The original Committee Report on
Substitute Bill No. 263-31 (COR)
was filed on January 18, 2012.



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

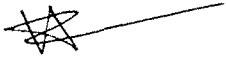
March 8, 2012

MEMORANDUM

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

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

Vice Chairman
Committee on Education

From: Senator Vicente (Cabrera) Pangelinan 
Chairman

Subject: Bill amendments - Bill No. 263-31 (COR) as Substituted

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

HafaAdai!

Please see attached Bill No. 263-31(COR) as Substituted by the Committee.

Also attached is the voting sheet for substitute Bill 263-31(COR).

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

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'ase'!

Member
Committee on the Guam
Military Buildup and
Homeland Security

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

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

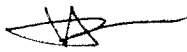



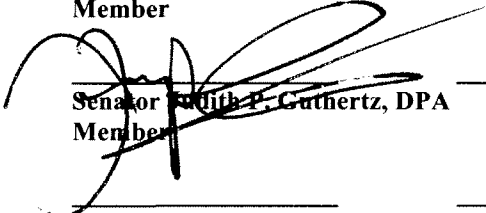
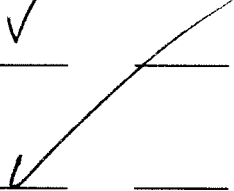


Website: <http://senbenp.com>

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 section 61103(d), amend section 61531, repeal section 61531.1, and amend section 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 | _____ | _____ |  | _____ | _____ |
| Speaker Judith T. Won Pat, Ed.D. Vice Chairperson | _____ | _____ | _____ | _____ | _____ |
| Vice Speaker Benjamin J.F Cruz Member | _____ | _____ |  | _____ | _____ |
|  Senator Tina R. Muña-Barnes Member | _____ | _____ | _____ | _____ | _____ |
|  Senator Judith T. Gutierrez, DPA Member | _____ | _____ |  | _____ | _____ |
| Senator Dennis G. Rodriguez, Jr. Member | _____ | _____ | _____ | _____ | _____ |
|  Senator V. Anthony Ada Member | <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |
|  Senator Christopher M. Dueñas Member | <input checked="" type="checkbox"/> | _____ | _____ | _____ | _____ |
| Senator Mana Silva Taijeron Member | _____ | _____ | _____ | _____ | _____ |

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 further substituted by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement & Land.

Introduced by:

A.A. YAMASHITA, PhD

AN ACT TO AMEND SECTION 61103(D), AMEND SECTION 61531, 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) (1) *Standard-sized automobile.* An automobile whose gross area
10 for parking purposes is one hundred sixty eighty (160 180) square feet
11 or less.”~~

12 **Section 3. § 61531 is hereby amended to read:**

13 **§61531. Automobile Parking Space.**

14 Off-street automobile parking space *shall* be provided as follows:

- 15 (a) For dwellings, at least one (1) automobile parking space for each
16 dwelling unit;
- 17 (b) For hotels, at least one (1) automobile parking space for each four
18 (4) guest rooms;
- 19 (c) For places of assembly, such as churches, auditoriums or theaters
20 with seating facilities, one (1) parking space for each four (4) seats;
- 21 (d) For places of assembly, such as restaurants or night clubs without
22 fixed seating facilities, one (1) parking space for each one hundred
23 (100) square feet of customer area in such use and one (1) parking
24 space for each one hundred twenty five (125) square feet of customer
25 area in such use for each facility that was built prior to or for which
26 building permit was issued prior to March 31, 2012;

- 1 (e) For retail sales of building materials, and goods requiring
2 extensive display areas, industrial buildings and warehouses, one (1)
3 parking space for each eight hundred (800) square feet of area in such
4 use, exclusive of loading requirements and one (1) parking space for
5 each one thousand (1000) square feet of customer area in such use for
6 each facility that was built prior to or for which building permit was
7 issued prior to March 31, 2012;
- 8 (f) For retail and wholesale sales and services, exclusive of warehouse
9 activity, at least one (1) space for each one hundred (100) square feet
10 or portion thereof of usable commercial floor area and one (1) parking
11 space for each one hundred twenty five (125) square feet of customer
12 area in such use for each facility that was built prior to or for which
13 building permit was issued prior to March 31, 2012;
- 14 (g) For professional and business offices, and public administration
15 offices, one (1) parking space for each four hundred (400) square feet
16 or portion thereof of floor area and one (1) parking space for each five
17 hundred (500) square feet of customer area in such use for each
18 facility that was built prior to or for which building permit was issued
19 prior to March 31, 2012;
- 20 (h) For offices and clinics of healing arts, at least ~~five (5)~~ four (4)
21 spaces or each practitioner;
- 22 (i) For hospitals and nursing homes, at least one (1) space for each
23 two (2) beds;
- 24 (j) Three (3) spaces for every four (4) employees;
- 25 (k) To the extent practicable, each of the Subsections (a) through
26 (j) *shall* provide at least one (1) marked parking space for use by
27 bicycles equipped with a motor and motorcycles;

1 (l) Total parking requirements will be a total of all applicable
2 elements in Subsections (a) through (k);

3 (m) Appropriate parking space for open space activities, such as:
4 swimming beaches, picnic areas, campgrounds, boating areas, *shall* be
5 determined by the Guam Land Use Commission;

6 (n) A minimum of one (1) bicycle parking space *shall* be provided for
7 each twenty (20) off-street automobile parking space. At a minimum,
8 all bicycle parking spaces *shall* be provided in the form of bicycle
9 racks with locking capability. Bicycle parking facilities *shall* be
10 designed and installed to include:

11 (1) spaces that are a minimum of two (2) feet by six (6) feet per
12 bicycle;

13 (2) the minimum number possible of potential conflict points
14 between bicycle and motor vehicles;

15 (3) provision for the locking of bicycles to the rack or bicycle
16 locker;

17 (4) adequate spacing for access to the bicycle and locking
18 device when the spaces are occupied; and

19 (5) where possible, bicycle parking *shall* be located within view
20 of building entrances/windows and/or security.”

21 **Section 3-4. § 61531.1 is hereby repealed.**

22 **~~61531.1 Option for Compact Automobiles.~~**

23 ~~The off-street automobile parking space required under '§ 61531 and~~
24 ~~61532 of this Chapter shall be laid out at the ratio of seventy five percent~~
25 ~~(75%) for Standard size compact automobiles to twenty five percent (25%)~~
26 ~~for compact standard sized automobiles or at any greater percentage of~~
27 ~~compact Standard size automobiles.~~

1 **Section ~~3 4-5~~. § 61532 is hereby amended to read:**

2 **“§ 61532. General Requirements.**

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

4 (1) Standard-sized automobile parking spaces shall be at least
5 nineteen feet (19') in length and ~~eight-nine~~ and one-half feet (~~8 1/2~~)(9
6 1/2') in width, with parallel spaces at least twenty-two feet (22') in
7 length.

8 (2) Compact spaces shall be at least sixteen feet (16') in length and
9 seven and one-half feet (7 1/2') in width, with parallel spaces at least
10 nineteen feet (19') in length.

11 ~~(3)~~ (2) Minimum aisle widths for parking bays shall be provided in
12 accordance with the following:

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

14 0° - 44°, 12,

15 45° - 59°, 13.5,

16 60° - 69°, 18.5,

17 70° - 79°, 19.5,

18 80° - 89°, 21,

19 90°, 22.”

20 **Section ~~5-6~~.** This Act *shall* be effective one (1) year from enactment.

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

25 **Section ~~4-6-7~~. Severability.** *If* any provision of this Law or its
26 application to any person or circumstance is found to be invalid or contrary
27 to law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.



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.

Vice Chairman
Committee on Education

Substitute Bill No. 263-31 addresses density requirements in the new Section 3 and grandfathers existing buildings' density requirements for buildings that received permits before March 31st, 2012. For different activities, the parking requirements are adjusted.

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

Public Notice Requirements

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
Municipal Affairs,
Tourism, Housing, and
Recreation

(a) Committee Members and Senators Present

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.

Member
Committee on the Guam
Military Buildup and
Homeland Security

(b) Appearing before the Committee

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

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

Ms. Joanne Brown, Director, Department of Public Works

Mr. Monty Mafnas, Director, Department of Land Management

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 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 your 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 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 or through our website at senbenp.com

This hearing is now adjourned.

III. FINDINGS & RECOMMENDATIONS

Substituted 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.” was reported out on December 17, 2011 by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Since the time this bill was reported out, members of the Department of Land Management and the primary author continued discussions to amend the bill.

The Department of Land Management will work with entities to correct deficiencies, so business can continue and will continue to work collaboratively with Department of Public Works on enforcement issues.

During the February session, the bill was brought back to committee and the sponsor further substituted the measure, changing the density requirements for building activities, but grandfathering existing buildings. For planned buildings, however, the square footage of a parking stall area was increased, while the required amount of parking spaces was lowered. The compact-size regulations have been found to be too small for vehicles, and owners opt to practice double-parking. Therefore, the option for “compact cars” was deleted, and all spaces are to accommodate standard-sized cars.

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 REPORT OUT ONLY.