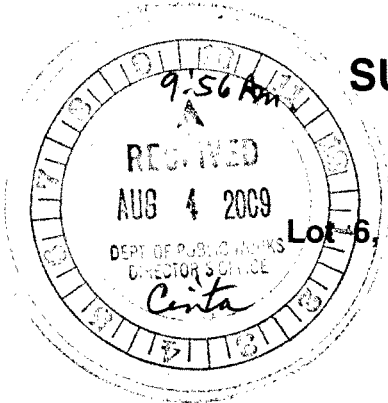


LEGISLATURE
L

ACKNOWLEDGMENT OF RECEIPT SUMMARY ZONE CHANGE PACKET



2009 AUG -5 PM 11:03 AM

for

Lot 6, Block 8, (Dededo Village), Municipality of Dededo

Derry C. and Eden S. Antolin

SZC 2009-69

Legislative Secretary
30th Guam Legislature
Signature: _____
Name (print): _____
Date: _____
Time: _____

Building Official (Director's Office)
Department of Public Works
Signature: Jacinta Perez
Name (print): JACINTA PEREZ
Date: 8-4-09
Time: 9:56 AM

FOR RECORDATION ONLY:
Deputy Civil Registrar

Dept. of Public Works
Bldg. Permit/Bldg. Official

[_____]

J. NINEZ, Sr
Name (print)
[Signature]
Signature
8/4/09
Date

THIS SECTION IS NOT
APPLICABLE; SEE NOTICE OF ACTION
(NOA) ATTACHED.

[_____]

30-09-0978
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 8/4/09
Time: 10:50 AM
Received by: [Signature]

Applicant's Name

Derry C. Antolin

[Signature]
Signature

Eden S. Antolin

[Signature]
Signature

8/03/09
Date



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



FELIX P. CAMACHO
 Governor of Guam

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

CHRISTOPHER M. DUENAS
 Acting Director

MICHAEL C. JAMES
 Deputy Director

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

July 29, 2009

Honorable Senator Tina Rose Muna-Barnes
 Legislative Secretary, 30th Guam Legislature
 155 Hessler Place
 Hagåtña, Guam 96932

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

Re: Summary Zone Change Application No. SZC 2009-69
 Lot 6, Block 8, Dededo Village, Municipality of Dededo,
 For Derry C. and Eden S. Antolin

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

Pursuant to 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedure for Agricultural and Single-Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), the Department of Land Management is herewith submitting to the Legislature, a Zone Change application for Lot 6, Block 8, Dededo Village, Municipality of Dededo, from "R-1" (Single - Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to construct a Four - Plex (4-unit complex) for family and affordable rentals.

E-mail Address:
dmdir@dlm.guam.gov


Telephone:
 671-649-LAND (5263)

As such, the Department of Land Management **Approved** the Zone Change with conditions as specified on **July 29, 2009**.

Your attention to this matter is greatly appreciated.

Facsimile:
 671-649-5383

Sincerely,


 Christopher M. Duenas
 Acting Director

PCG
 Attachment(s):

1. Zone Change Map F3-67S39, Amendment No. 166
2. Staff Report and Notice of Action
3. Certifications of Utility Agencies
4. Zone Change Application

July 29, 2009

To: Director, Department of Land Management

From: Guam Chief Planner

Subject: Staff Report - Case No. SZC 2009-69

Re: Summary Zone Change- Lot 6, Block 8, Dededo Village, Municipality of Dededo: Derry C. and Eden S. Antolin

1. PURPOSE:

a. Application Summary. The Applicants, **Derry C. and Eden S. Antolin**, are requesting for a zone change on **Lot 6, Block 8, Dededo Village the Municipality of Dededo, from "R-1" (Single-Family Dwelling) Zone to "R-2" (Multi-Family Dwelling) Zone in order to construct a Four-plex (4-unit complex) for family and affordable rentals.**

b. Legal Authority. 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones, Section 61639 (Summary Procedure for Agricultural and Single Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), Public Law 21-82:4 as amended by P.L. 21-144:8.

2. FACTS:

a. Location. The subject lot (corner lot) fronts Santa Barbara Avenue and Gloria Circle and is approximately 400-500 feet east of the Dededo Mayor's Office and Senior Citizen Center, as well as 500 feet west of Santa Barbara School. It is accessible through Santa Barbara Avenue and Gloria Circle in Dededo Village (see attached vicinity map).

b. Field Description. The lot is vacant. The topography is flat. All public utilities such as sewer, water, power, telephone service connections are within 100 feet fronting the right-of-way.

c. Lot Area. 682.84 square meters or 7,349 square feet

d. Present Zoning. "R-1" (Single – Family Dwelling) Zone

e. 1967 Master Plan. Residential

f. Community Design Plan. Residential ; Medium Density

g. Surrounding Area. The surrounding area consists of single-family dwellings (100 - 750 - 1,000 feet) as well as a few multi-family (four-plexes. and apartments. There is an apartment complex abutting the subject lot on Lot 3, Block 8, Santa Barbara Avenue and Gloria Circle and more along West Buena Vista Avenue and commercial activities on East Buena Vista Avenue (approximately 400-500 feet) and toward the southeast and northeast and across along Route No. 1 (Marine Corps Drive). There are schools and a churches within 2,000 feet radius of the property. The proposed development is conducive to the existing land use trend comprising of mix uses of single-family, multi-family and commercial activities within 500 - 2,000 feet to the west, east and northeast. The

3. APPLICATION CHRONOLOGICAL FACTS.

- a. Date Application Accepted: June 5, 2009
- b. Certifications:

DPW: No Official Certification have been received from DPW as of Staff Report Date. Per Planning Staff inspection, the property is accessible from a 40-foot right-of-way (Santa Barbara Avenue and Gloria Circle) which is fronting the subject lot. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

GWA: An Official Certification have been received from GWA . The agency have no objections to the zone change provided the applicant comply with all GWA's requirements during the building permit process stage:

- Applicants must submit an engineering report verifying the water and wastewater design flows. Should flows be significantly higher, then applicant shall be responsible for the design and construction of infrastructure required to support the proposal. Submittals to GWA: Certified water, sewer and fire flow demand calculations and drawings illustrating both existing and proposed site utility layout. Submittal shall demonstrate compliance with proposed zoning rules and regulations.
- The project design effort shall include an evaluation of fire flow requirements and fire flow test of the existing hydrant.

The applicants are further advised that GWA's new requirements for conformance for new connections and extensions for sewer and water service requirements are to be coordinated with GWA's Customer Service unit. The applicant is put on notice that water and wastewater development charges may be applicable. GWA Position Statement shall remain valid for 365 calendar days from date stated on their position statement of June 19, 2009.

GEPA: No Official Certification have been received from GEPA as of Staff Report Date. The applicants are advised they must apply for a building permit and coordinate permitting requirements with all government agencies before any clearing or improvements on the property. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

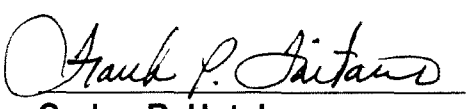
GPA: The Authority has submitted their official certification. GPA has no objections, however, the customer is required to comply with all requirements pursuant to the National Electric Safety code and GPA's Service Rules and Regulations as noted in their official certification (attached).

(Note): Pursuant to Section 61639 (a)((1), failure to provide the Department of Land Management, from any infrastructure agency as to the availability and/or adequacy of infrastructure (water, power, sewer), within ten (10) working days from receipt of this request, shall constitute an assumption by DLM that the agency not answering the request has no objection to the rezoning.

- c. Municipal Public Hearing Results: Pursuant to P.L. 21-144:3, the public hearing on this zone change application has been waived and any hearing is deferred to the Mayor and the Municipal Planning Council of Dededo. The applicants were able to garner petition of support for their application from the neighbors in the immediate area (attached).
- d. Municipal Planning Council (MPC) Resolution: The Mayor of Dededo received a copy of the application for the proposed development by Mr. and Mrs. Antolin.

4. STAFF RECOMMENDATION: Planning Staff recommends **Approval** of the Summary Zone Change request with the following conditions:

1. That the Applicants comply with all permitting agency conditions and requirements;
2. That the building construction site development plan provide detail of structure location, parking layout, landscaping plan, disposal of sewage and access; and that the site development plan be approved by the Guam Chief Planner prior to issuance of a building construction permit;
3. That any future increase in dwelling units or use intensity from the approved site development plan shall require the owner/developer to resubmit a revised site development plan to the Guam Chief Planner, Department of Land Management for re-evaluation and re-assessment to determine physical, as well as, social impacts prior to requesting for a building permit;
4. That said zone change under this process shall not include the following uses or conversions: Horizontal Property Regimes (Title 21, GCA Chapters 45 (Horizontal Property Act) and 47 (Time Share Ownership), hotels/motels, and residential commercial activities such as laundry room, gift shop, and the likes; and temporary workers housing facilities;
5. That the development be hooked up to public sewer and comply with GEPA's waste-water disposal system requirements and conditions and other building permit requirements;
6. That the applicants provide green areas using local flora for landscaping, as well as provide a trash bin location near the curb side;
7. That the applicants provide 2:1 parking for each dwelling unit.


For: **Carlos R. Untalan**
Guam Chief Planner

July 29, 2009
Date

 PCG
Attachments

=====
(Space above for Recordation)

**DEPARTMENT OF LAND MANAGEMENT
Government of Guam
Hagåtña, Guam 96910**

NOTICE OF ACTION

Application No. SZC 2009-69

July 29, 2009
Date

**To: Derry C. and Eden S. Antolin
#324 West Santa Monica
Dededo, Guam 96929**

The Department of Land Management, pursuant to Title 21 GCA, Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedures for Agricultural and Single-Family Residential rezoning), and Executive Order No. 92-08:

APPROVED
 DISAPPROVED
 APPROVED WITH CONDITIONS

your request on **Lot 6 Block 8, Dededo Village, Municipality of Dededo, for a Zone Change:**

from "A" (Rural) to "R-1" (Single-Family Dwelling)
 from "A" (Rural) to "R-2" (Multi-Family Dwelling)
 from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling)

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

NOTATION: Zone Change on Lot 6, Block 8, Dededo Village, Municipality of Dededo, from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to construct a Four-plex (4-unit complex) for family and affordable rentals.

CONDITIONS: The Department of Land Management **Approved** the application based on the following conditions:

1. That the applicants comply with all permitting agency conditions and requirements;
2. That the building construction site development plan provide detail of structure location, parking layout, landscaping plan, disposal of sewage and access; and that the site development plan be approved by the Guam Chief Planner prior to issuance of a building construction permit;
3. That any future increase in dwelling units or use intensity from the approved site plan shall require the owner/developer to resubmit a revised site development plan to the Guam Chief Planner for re-evaluation to determine physical and social impacts prior to requesting for a building permit;
4. That said zone change under this process shall not include the following uses or conversions: Horizontal Property Regimes ((21 GCA, Chapters 45) (Horizontal Property Act) and 47 (Time Share Ownership)), hotels/motels, and residential commercial activities such as laundry room, gift shop, and the like; and temporary workers housing facilities;
5. That the development be hooked up to public sewer and comply with GEPA's waste-water disposal system requirements and conditions and other permitting requirements;
6. That the applicants provide green areas and use local flora for landscaping, as well as provide a trash bin location near the curb side;
7. That the applicants provide 2:1 parking for each dwelling unit.



cc: Carlos R. Untalan
Guam Chief Planner

July 29, 2009
Date



Christopher M. Duenas
Director of Land Management
(Acting)

July 29, 2009
Date

PK Case Planner: Penmer C. Gulac, Planner III

Attachments: Certification of Utility Agencies
Position Statements (GWA & GPA)

cc: Building Permit Section, DPW

CERTIFICATION OF UNDERSTANDING

We, **Derry C. and Eden S. Antolin**, understand and accept the conditions above as a part of the Notice of Action, and further agree to adhere to the conditions made a part of and attached to this Notice of Action as mandated by the approval of this zone change by the Department of Land Management.

Derry C. Antolin:


Signature of Applicant 18/03/09
Date

Eden S. Antolin:


Signature of Applicant 8/03/09
Date

=====

NOTICE: This Notice of Action must be presented by the applicant and/or their representative (engineer, contractor, etc.) to all permitting agencies in securing permits for construction.

=====

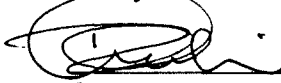
AGREEMENT

Summary Zone Change

Application No. 2009-69

We, **Derry C. and Eden S. Antolin**, the undersigned, acknowledge that approval of the Zone Change request does not constitute automatic approval or guarantee the issuance of the "Building Permit" for the construction of any dwelling. We further understand that the issuance of the necessary "Building Permit" will be dictated by the availability and/or adequacy of infrastructure in the area. This will be determined by the infrastructural agencies, i.e., Guam Environmental Protection Agency, Guam Power Authority, Guam Waterworks Authority and the Department of Public Works.

Derry C. Antolin:


Signature of Applicant 18/03/09
Date

Eden S. Antolin:


Signature of Applicant 8/3/09
Date



**SUMMARY ZONE CHANGE
APPLICATION NO. 2009-69
LOT 6, BLOCK 8
MUNICIPALITY OF DEDEDO**

SPACE FOR RECORDATION

**SUMMARY ZONE CHANGE
APPLICATION NO. 2009-69
DERRY C. & EDEN S. ANTOLIN
PREPARED ON JULY 6, 2009**

**FROM: "R-1" SINGLE-FAMILY
DWELLING**

**TO: "R-2" MULTI-FAMILY
DWELLING**

LOT NO: 6

BLOCK NO. 8

TRACT: N/A

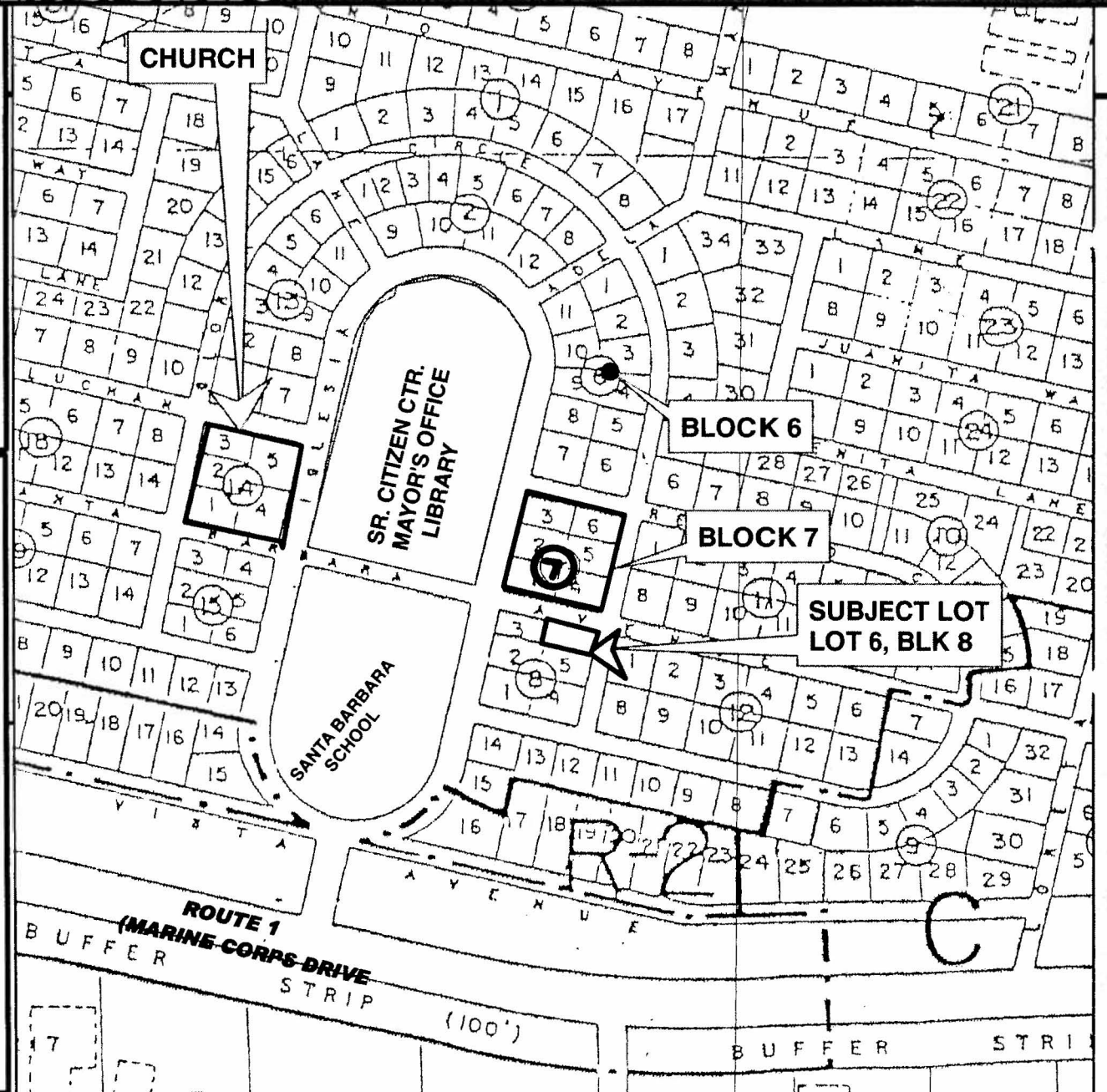
MUNICIPALITY: DEDEDO

PLACE NAME: N/A

**SCALE: N/A
ZONING MAP NO: F3-67 S 39
AMENDMENT NO: 166**

**APPROVED WITH CONDITIONS
[AS NOTED ON NOTICE OF ACTION AND
PURSUANT TO TITLE 21, GCA, CHAPTER 61,
SECTION 61639 AND EXECUTIVER ORDER 92-08]**

sf 7/30/09
CHRISTOPHER M. DUENAS DATE
ACTING DIRECTOR
DEPARTMENT OF LAND MANAGEMENT



GUAM WATERWORKS AUTHORITY
1188P

June 19, 2009

Terezo Mortera
Director, Department of Land Management
Government of Guam
Hagatna Guam 96910

RECEIVED

Wsm
6/22/09
06-23-09
RMLH
PASS TO CC

SUBJECT: Certification by Guam Waterworks Authority in Accordance with GCA Title 21, Chapter 61, Section 61639 thru 61670. Summary Zone Change Application #2009-069; from "R-1" to "R-2" Zone; Lot-6, Block-8; Municipality of Dededo; Applicant: Derry C. and Eden S. Antolin

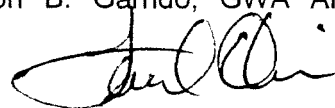
VIA: Barbara C. Cruz, GWA Acting Chief Engineer

GWA has completed its review of the subject Summary Zone Change from "R-1" to "R-2", for a proposed construction of a Four-plex (4-units) for family and affordable rentals on the existing vacant lot. GWA has no objections to the zone change provided that Applicant comply with the following requirements during the building permit process stage:

- Applicant must submit an engineering report verifying the water and wastewater design flows. Should flows be significantly higher, then applicant shall be responsible for the design and construction of infrastructure required to support the proposal. Submittals to GWA: Certified Water, Sewer and Fire Flow demand calculations and drawings illustrating both existing and proposed site utility layout. Submittal shall demonstrate compliance with proposed zoning rules and regulations.
- The project design effort shall include an evaluation of fire flow requirements and a fire flow test of the existing hydrant.

Any extension or capacity upgrades required of the water and wastewater system in order to serve the proposal shall be subjected to the rules and regulations of GWA and shall be at the expense of the developer.

Applicant is also on notice that water and sewer development charges may be applicable. GWA Position Statement shall remain valid for 365 calendar days from the date above. For further information, contact Mr. Joseph B. Garrido, GWA ARC representative @ 647-7814.



LEONARD J. OLIVE
General Manager

LJO: jbg



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN

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

June 19, 2009

MEMORANDUM

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

From: General Manager, Guam Power Authority

Subject: Lot 6, Block 8, Municipality of Dededo, (Derry C. and Eden S. Antolin); Summary Zone Change Application from "R-1" Single-Family Dwelling to "R-2" Multi-Family Dwelling to construct a Four-Plex (4-units) for family and affordable rentals. **Application No. 2009-69 SZC**

Handwritten notes:
9:20
06-21-09
Lind L.
pass to
CC
P
1/14

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

A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements
 - Secure electric utility easements required
 - Provide scheduling and magnitude of project power demand requirements for new loads
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials
2. Primary distribution line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A "fair share" assessment for power generation, transmission and/or substation facilities may be required.

B. General Comments

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

Handwritten signature: JOAQUIN C. FLORES, P.E.

Handwritten mark: f

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**

Applicant: Derry C. and Eden S. Antolin

Location: Lot 6, Block 8, Dededo

Type of Application: Summary Zone Change

GLUC/GSPC Application No. 2009-69 SZC

Brief Project Description:

Summary Zone Change from (R-1) to (R-2) to construct a Four-Plex (4-units) for family and affordable rentals.

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

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:

Yes No


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

Yes No

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

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

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

JCF

 JOAQUIN C. FLORES, P.E.
 General Manager

6/24/09
 Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. GPA will be responsible for performing the work.



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



FELIX P. CAMACHO
 Governor of Guam

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

TEREZO R. MORTERA
 Director

MICHAEL C. JAMES
 Deputy Director

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

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

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

E-mail Address:
dimdir@dim.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

June 9, 2009

Honorable Melissa B. Savares
 Mayor of Dededo, c/o Municipal Planning Council

Hafa Adai Mayor Savares:

An application has been filed with the Department of Land Management, Division of planning by:

Derry C. and Eden S. Antolin, owners of Lot 6, Block 8, Dededo Village, Municipality of Dededo, under Application No. SZC 2009-69, for a Zone Change from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone for a proposed construction of a Four-plex (4-units) for family and affordable rentals.

Pursuant to Public Law 21-144, Section 3 (Waiver of Formal Public Hearing), the Department of Land Management hereby waives the requirement of a formal public hearing and defers any hearing on the application to your Municipal Planning Council (the MPC).

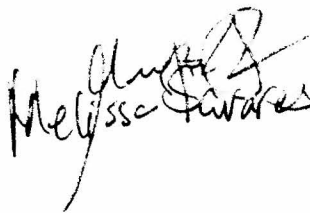
Although the Department has waived the requirements of a formal public hearing, a mandatory MPC Resolution is required prior to any final action on the application. To ensure that our recommendation is consistent with the desire of your community, we request that your MPC submit a Resolution stating its position (i.e., support, objections, concerns, conditions, etc.) on the zone change. The Resolution should be transmitted within fourteen (14) days from the date of DLM filing with your office. The Resolution can be faxed to the Department at 649-5383 to the attention of Summary Zone Change Section, Land Planning.

Thank you for your attention to this matter

Sincerely,


 Terezo R. Mortera

Attachments: as noted
 PCG

 6/9/09
 Melissa Savares

FILE COPY