

pts

ACKNOWLEDGMENT OF RECEIPT

SUMMARY ZONE CHANGE PACKET

for

Lot No. 16, Block 21, Municipality of Agat

Noemi T. Kim

SZC 2009-105

9E for 36m

Legislative Secretary
 30th Guam Legislature
 Signature: *Elaine McDermott*
 Name (print): Elaine McDermott
 Date: 12/21/09
 Time: 3:15 p.m.

Building Official (Director's Office)
 Department of Public Works
 Signature: *Alfred A. Manibion*
 Name (print): ALFRED A. MANIBION
 Date: 12/21/09
 Time: 2:20 p.m.

FOR RECORDATION ONLY:
 Deputy Civil Registrar

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

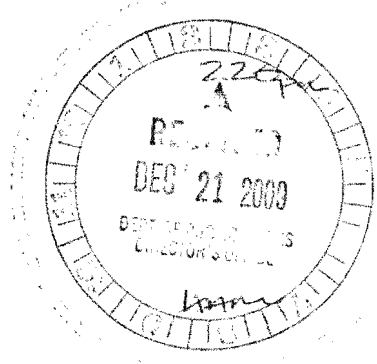
[]

Name (print): *J. N. Nantz, Sr.*
 Signature: *[Signature]*
 Date: 12/21/09

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

36-09-1455

[Signature]
 9:30
 12/22/09



Applicant's Name

Noemi T. Kim

Noemi T. Kim

Signature

12/15/09

Date



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



FELIX P. CAMACHO
 Governor of Guam

CHRISTOPHER M. DUENAS
 Director

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

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://dlm.guam.gov>

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

December 11, 2009

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

Re: Summary Zone Change Application No. SZC 2009-105
 Lot No. 16, Block 21, Municipality of Agat,
 For Noemi T. Kim

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 No. 16, Block 21, Municipality of Agat from "R-1" (Single - Family Dwelling) to "R-2" (Multi - Family Dwelling) Zone in order to put into compliance an existing 2 - storey Tri-plex (3-units) and for future expansion to a Four-Plex (4-units) for affordable rentals.

As such, the Department of Land Management Approved the Zone Change with conditions as specified on December 11, 2009.

Your attention to this matter is greatly appreciated.

Sincerely,

Christopher M. Duenas
 Director

PCG

Attachment(s):

1. Zone Change Map F3-67S44, Amendment No. 62
2. Staff Report and Notice of Action
3. Certifications of Utility Agencies (GPA)
4. Zone Change Application

Island of Guam, Government of Guam
Department of Land Management Office of the Recorder

File for Record is Instrument No. 799833

On the Year 2010 Time 8:00 AM

Recording Fee - Amount Receipt No.

Deputy Recorder *[Signature]*

=====
(Space above for Recordation)

DEPARTMENT OF LAND MANAGEMENT
Government of Guam
Hagåtña, Guam 96910

NOTICE OF ACTION

Application No. SZC 2009-105

December 11, 2009
Date

To: Noemi T. Kim
P.O. Box 11001
Tamuning, Guam 96931

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 No. 16, Block 21, Municipality of Agat, 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 No. 16, Block 21, Municipality of Agat, from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into compliance an existing 2-storey Tri-plex (3-units) and for future expansion to a Four-plex (4-units) for affordable rentals.

Director of Land Management
Notice of Action - SZC 2009-105
Lot No. 16, Block 21, Agat
Noemi T. Kim
Page 2 of 3

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

1. That the applicant shall 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 applicant provide green areas and use local flora for landscaping, as well as provide a trash bin location near the curb side;
7. That the applicant provide 2:1 parking for each dwelling unit.



Carlos R. Untalan
Guam Chief Planner



Christopher M. Duenas
Director of Land Management

December 11, 2009
Date

December 11, 2009
Date

 Case Planner: Penmer C. Gulac, Planner III

Attachments: Certification of Utility Agencies
Position Statement (GPA)

cc: Building Permit Section, DPW

CERTIFICATION OF UNDERSTANDING

I, **Noemi T. Kim**, 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.

Noemi T. Kim

Noemi T. Kim, 12/15/09
Signature of Applicant 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. 2009-105

I, **Noemi T. Kim**, 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. I 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.

Noemi T. Kim:

Noemi T. Kim, 12/15/09
Signature of Applicant Date

December 11, 2009

To: Director, Department of Land Management
From: Guam Chief Planner
Subject: Staff Report - Case No. SZC 2009-105
Re: **Summary Zone Change - Lot No. 16, Block 21,
Municipality of Agat; for Noemi T. Kim**

1. PURPOSE:

a. Application Summary. The Applicant, **Noemi T. Kim**, is requesting for a zone change on **Lot No. 16, Block 21, in the Municipality of Agat, from "R-1" (Single-Family Dwelling) Zone to "R-2" (Multi-Family Dwelling) Zone in order to put into compliance an existing 2-storey Tri-plex (3-units) and for future expansion to a Four-plex (4-units) for 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 South Santa Cruz Drive (to the north) and Emilio Nededog Street (on the east) and is approximately 1,200 feet south of the Mount Carmel School and church and the Agat Senior Citizen Center. It is accessible from both South Santa Cruz and Emilio Nededog streets Agat 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. 1,242 square meters or 13,369 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 (6-unit) apartment complex along Santa Cruz Drive as well as a retail store and laundro-mat (approximately 500-600 feet) east of the subject lot. There are schools and a churches within 1,500-,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 east and northeast. Capital infrastructure improvements are on-going for water and sewer within the village (grants are funded by the EPA for GWA). The proposed development is not expected to have a major impact to existing infrastructure or immediate surroundings.

3. APPLICATION CHRONOLOGICAL FACTS.

- a. Date Application Accepted: October 1, 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 (So. Santa Cruz Drive and Emilio Nededog Street) 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: No Official Certification have been received from GWA . The applicant is 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. Per staff inspection, the units have existing GWA accounts. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

GEPA: No Official Certification have been received from GEPA as of Staff Report Date. The applicant is advised that a building permit must be obtained before any construction / 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 : 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 Agat.
- d. Municipal Planning Council (MPC) Public Hearing and Results: The Mayor and Municipal Planning Council of Agat received a copy of the application for the proposed development by Ms. Noemi T. Kim. A special MPC hearing was scheduled and conducted on November 16, 2009 for the rezoning. Those in attendance were Ms. Kim and Planning staff (Penmer Gulac) were also present. The MPC voted unanimously to approved the zone change application (see MPC agenda) attached.

4. **STAFF RECOMMENDATION:** Planning Staff recommends Approval of the Summary Zone Change request with the following conditions:
1. That the Applicant shall 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 applicant provide green areas using local flora for landscaping, as well as provide a trash bin location near the curb side;
 7. That the applicant provide 2:1 parking for each dwelling unit.


Carlos R. Untalan
Guam Chief Planner

December 11, 2009
Date


PCG



SUMMARY ZONE CHANGE APPLICATION NO. 2009-105 LOT 16, BLOCK 21 MUNICIPALITY OF AGAT



SPACE FOR RECORDATION

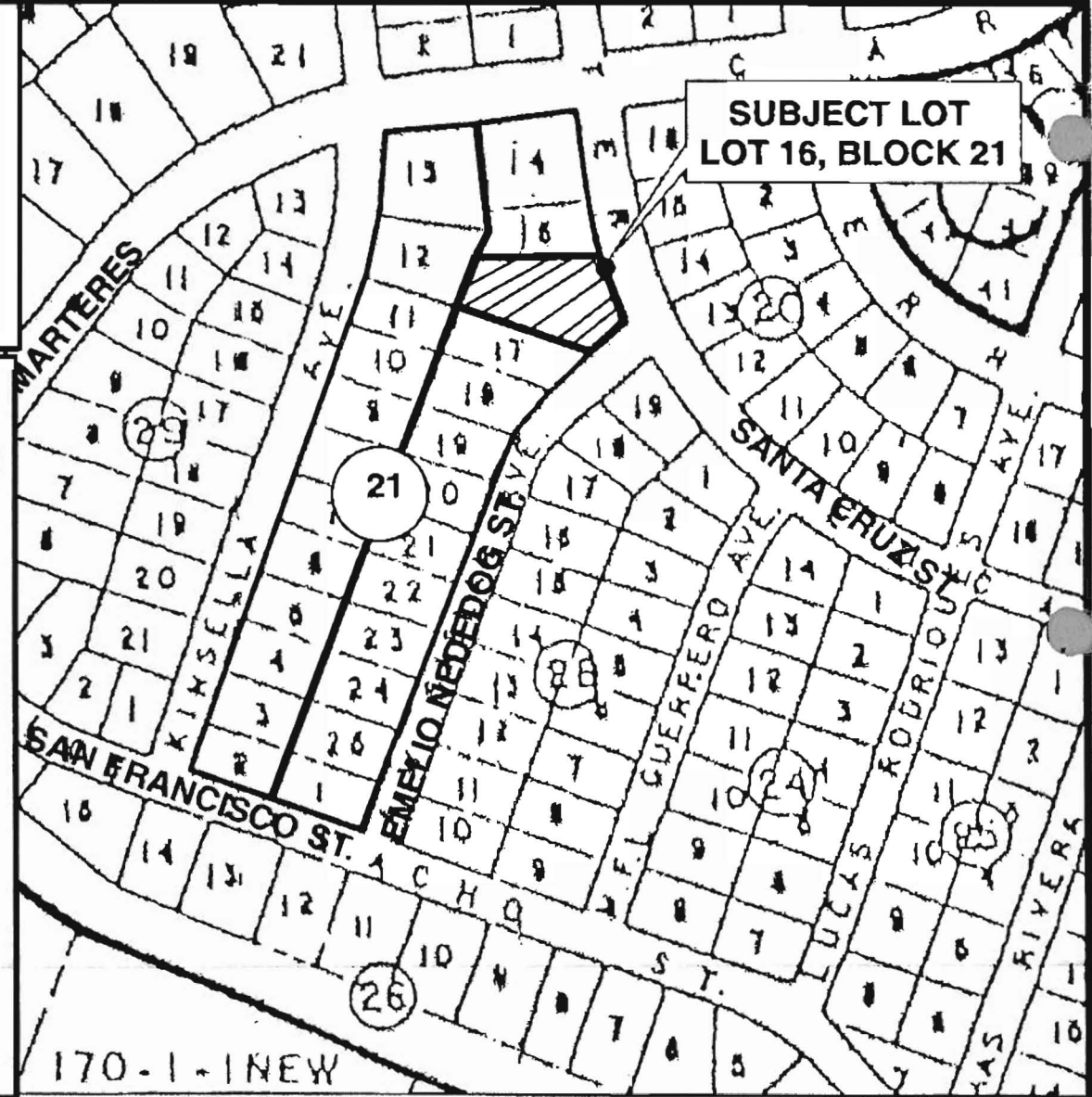
SUMMARY ZONE CHANGE
APPLICATION NO. 2009-105
NOEMI T. KIM
PREPARED ON NOVEMBER 04 2009

FROM: "R-1" SINGLE-FAMILY DWELLING
TO: "R-2" MULTI-FAMILY DWELLING
LOT NO: 16
BLOCK NO. 21
TRACT: N/A
MUNICIPALITY: AGAT
PLACE NAME: N/A
SCALE: N/A

AMENDMENT NO: 62
ZONING MAP NO: F3-67 S 44

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

St *12/15/09*
CHRISTOPHER M. DUENAS DATE
DIRECTOR
DEPARTMENT OF LAND MANAGEMENT



170-1-1NEW

Agat Municipal Planning Council

Special Meeting
Conference Room
November 16, 2009
6:00 p.m.

AGENDA

1. Roll call
Sign in
2. Rezone from R1 to R2 of Lot 16 Block 21
Owner Noemi T. Kim
3. State Funeral for Vice Mayor
Saturday, November 21, 2009
Invitations
4. 40110 Chapter 40 Title 5
Recommendations
5. Meeting adjourned

Mayor Tayama/
MPC/
Majority (All)
Voted to approve
rezoning. *A*

*Attended by:
NOEMI T. KIM +
PENMOR C. GULAC
Land Mgmt.



Office of the Mayor

Uyasinan Mahot Agat
MUNICIPALITY OF AGAT

Carol S. Iiyama
Mayor

Jesus B. Chaco
Vice Mayor

FAX MESSAGE

Date: 12/14/09

Attention: Planning Division
Mr. Perma Gulac

Fax Number: 669-5383

From: The Agat Mayor's Office

Number of copies including fax message sheet: 3

REMARKS:

A copy of Mac Minutes per request



THANK YOU!

GOVERNMENT OF GUAM • P. O. Box 786, Hagåtña, Guam 96932
Office: (671) 565-2524 / 4395 • Fax: (671) 565-4826

Agat Municipal Planning Council

Special Meeting

Monday, November 16, 2009

MINUTES

MEMBERS PRESENT:

Mayor Carol S. Tayama - chairman	Mary Charfauros
Roy Gamboa	Mary Jane Cruz - treasurer
Pacifico Martir	Felicidad Dy
Frank Muna	Agustin Quintanilla
DorisAnn Gulchocho	Cecilia Solldum
Alice Salas	Margie Salas - recorder

The meeting was called to order at 6:05 p.m by Mayor Carol S. Tayama chairman.

- 1) REZONE R1 TO R2 - Mayor Carol Tayama introduced Mr. & Mrs. Noemi T. Kim (owner) and Mr. Pena A. Gulac (Land Management) to the Council Members. Their presence in the meeting was to present a request to rezone Lot 16, Block 21, Agat. The rezoning request is to change from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into compliance an existing triplex (3-units) and future expansion to a Four-plex (4-units) for affordable rentals. The Council said the house was abandon at one time. Mr. Gulac said Land Management will waiver the public meeting since there is an existing building on the property. Member Mr. Roy Gamboa made a motion to approve the rezoning, seconded by member Mr. Pacifico Martir and all members present agreed and approved the rezoning.

- 2) STATE FUNERAL FOR VICE MAYOR - A State Funeral will be held for Vice Mayor Jesus B. Chaco on Saturday, November 21, 2009 at the Guam Legislature. Attendance is by invitations. The Chaco family request the staffs and council members to be present since they are a part of the Vice family. Parking is limited and the ceremony will take 1hour for resolution and wreath presentations. The MPC Members has a part in the Agenda. Mayor Tayama said she made arrangements with the Marcial Elementary School and Mt. Carmel School to wave flags as the Vice Mayor passes by. Mrs. Chaco was/is a teacher to those schools. Mayor Tayama requested to order a wreath for the Vice Mayor's funeral. Member Ms. Mary Charfauros moved a motion to order a wreath and member Mr. Agustin Quintanilla seconded the motion. All members present voted and approved \$100 to procure the wreath.

- 3) S40110 CHAPTER 40 TITLE 5 – According to S40110 Chapter 40 Title 5 this meeting is called for MPC to discuss and make recommendations for the vacant Agat Vice Mayor position. The MPC recommendations will be submitted to the Governor and the Governor will make the appointment but, does not mean he will select them. Mayor Tayama mentioned that there are some people who approached her and said they are interested and willing. Member Ms. Fely Dy asked who the names are: Agustin Quintanilla, Frank Muna, Benny Salas, and Mary Lane. Member Ms. Alice Salas suggest we recommend and know who they are. Mayor Tayama reminded that candidate must be a registered resident of Agat Village, has no current felony, and is a US Citizen. Member Mr. Pacifico Martir wants to ask questions with recommendations and wants the Mayor's opinion. Member Ms. DorisAnn Quichocho said that they should be based on the character and not discriminate them. Mayor Tayama said the appointed has to be eligible for running and someone who will sit in the position until the election in November 2010. Member Ms. Alice Salas recommended her brother Joseph Nededog Salas to the council and read a letter of his credentials and qualifications (copy of letter available). Agustin Quintanilla and Frank Muna said they did not come equip with their letter of credentials and qualifications but, they are both interested and both expressed themselves of their background to the council members. Mayor Tayama asked the council to motion the recommendations. Member Ms. DorisAnn Quichocho made the motion and recommended Francisco D. Muna, Agustin G. Quintanilla (Dinga) and Joseph Nededog Salas for the vacant Vice Mayor position. Member Ms. Fely Dy seconds the motion. Mayor Tayama said she will submit the names to the Governor for the acting Vice Mayor until the election next year 2010. Mayor Tayama said the appointed is very crucial for the community.
- 4) NEW BUSINESS- Member Ms. Mary Charfauros request the council should discuss the upcoming Christmas Island Lighting and Sagan Bisita 1st Annual Bazaar on December 6, 2009. Mayor Tayama said all entertainment will be held at the Sagan Bisita Stage. They will have CAHA, and other interested crafts, food, game vendors selling and promoting their stuffs at the Sagan Bisita 1st Annual Bazaar. The Santa Family will be available for picture taking and giving candies. The Christmas Island Lighting will light up at sunset and have the Akklan Drummers lead the parade to and from the site. Mayor Tayama asked the council members to help volunteer for the preparation and solicit refreshments for the entertainers. We need all the help to make this a success.
- 5) MEETING ADJOURNED AT 6:55p.m. Member Ms. Alice Salas made a motion that the meeting adjourn and members Ms. Cel Solidum and Ms. Fely Dy second it.

November 12, 2009

The Honorable Mayor of Agat, Carol S. Tayama
and Municipal Planning Council Members

Subject: Rezoning request of Lot 16, Block 21, Agat

Dear Mayor Tayama and MPC members:

As you know, I have acquired this beautiful property from Mr. and Mrs. Acuesta with three (3) existing rentals units on March 30, 2009. A few months later I was advised by the Department of Land Management that the property is zoned "R-1" (Single-Family Dwelling) Zone, and with the (3) rental units, it should put into zoning compliance for the multiple dwellings by rezoning it to "R-2" (Multi-Family Dwelling) Zone. The banks will not be able to approve any loans to upgrade the existing units or for any future improvements on this property. I have recently made some upgrading to meet the standards for federal housing program for GHURA and military standards for residential rentals. More improvements will be needed when additional funds become available.

The following information on my proposed are as follows:

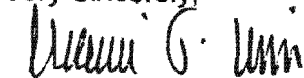
- a. Existing units – 3 , and for future expansion to 4 units
- b. Parking provided : 14 spaces; required for 4 dwelling units is only 8 spaces
- c. Landscaping – The property will be landscaped with local plants and normal lawn maintenance and cleaning will be in order.
- d. Garbage Collection - Commercial trash collections will be in place for tenants only and will be scheduled for weekly collection.

In keeping with beautification of Agat village, the property will be managed to create a pleasant surrounding and respect the adjacent lotowners who are regularly maintaining, cutting their yards, etc. Guam is my home for over 25 years, I will continue to invest in this property and will make more improvements so that I can provide for more affordable rentals housing in our community. I have also purchased property in the village, located on Block 23 and two new homes are now going through the building permit process.

The water, sewer, power, telephone, infrastructure upgrades are on-going in the village to prepare for population growth and my proposed rezoning is in line with Public Law 21-82 (Fast Tract), Summary Zone Change rezoning program, and to be in compliance to the zoning law as advised by Land Management and that I will be able to contribute to the housing needs for our people and the community.

Thank you for your time to review my application. Your favorable consideration will be greatly appreciated, so that I can move forward to realize my plans to improved this beautiful property.

Very Sincerely,



Noemi T. Kim,
Owner of Lot 16, Block 21, Agat



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



FELIX P. CAMACHO
 Governor of Guam

CHRISTOPHER M. DUENAS
 Director

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

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://dlm.guam.gov>

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

October 6, 2009

To: Certification Agencies /Application Review Committee (ARC)
 From: Guam Chief Planner
 Subject: Request for Certification

Attached for your review and action is an application under Public Law 21-82, Section 4; Summary Zone Change Program.

Applicant(s): **NOEMI T. KIM**

Application No. **SZC 2009-105**

Project Description: To rezone the property from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone for in order to put into compliance an existing triplex (3-units) and for future expansion to a Four-plex (4-units) for affordable rentals. (Lot 16, Block 21, Municipality of Agat)

Date Received: September 23, 2009

Date Accepted: October 1, 2009

**** Due Date for Certification: October 19, 2009**
 (Public Law 21-144, Section 8(b)(A)(1))

Certification must be directed to Director, Department of Land Management, Division of Planning. If you have any questions, please call 649-5385 or 5390, and ask for Penmer C. Gulac, the assigned case planner.

Thank You.

Carlos R. Untalan
 Guam Chief Planner

PCG
 Attachment: Application Packet



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



FELIX P. CAMACHO
 Governor of Guam

CHRISTOPHER M. DUENA
 Director

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

MICHAEL C. JAMES
 Deputy Director

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

Mailing Address:
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 Hagåtña, GU 96932

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

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

October 6, 2009

Honorable Carol S. Tayama
 Mayor of Agat,
 c/o Municipal Planning Council

Hafa Adai Mayor Tayama:

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

NOEMI T. KIM, owner of Lot 16, Block 21, Municipality of Agat, under Application No. SZC 2009-105, for a Zone Change from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into compliance an existing triplex (3-units) and for future expansion to a Four-plex (4-units) for 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 or 5390 to the attention of Summary Zone Change Section, Land Planning.

Thank you for your attention to this matter

Senseramente,


 Christopher M. Duenas
 Acting Director

PCG
 Attachments: (SZC Application No. 2009-105)

RECEIVED

OCT 08 2009

MAYORS' COUNCIL
 OF GUAM

Handwritten signature: COPADA

FILE

September 17, 2009

To: Mr. Christopher M. Duenas
Director of Land Management
c/o Planning Division
Summary Zone Change Section
Government of Guam

P. Golac 9/23/09
RECEIVED
Planning Div

Subj: Zone Change Application on Lot 16 Block 21
Agat; rezoning from "R-1" (Single-Family Dwelling) to
"R-2" (Multi-Family Dwelling) Zone

Dear Mr. Duenas:

Pursuant to Public Law 21-82, (as amended by P.L. 21-144, Section 8, I am submitting an application for a Summary Zone Change on the above Property. The following information are required and are provided to you as follows:

- a. What is the current zone on the property? "R-1" Single Family
 - b. Who currently owns the property? Noemi T. Kim
 - c. How did you acquire the property? Purchase. See attached Certificate of Title No. 86861, Document No. 788348, Warranty Deed
 - d. From who did you acquire the property? TeoFilo Anotado Acuesta and Maria Santos Acuesta
 - e. What is currently on the property? Triplex
 - f. Are you hooked up to public sewer? Yes
 - g. What are your intentions or plans? To put property into compliance and expand to Fourplex (4 units)
 - h. Surrounding uses: There are Single-Family dwellings, multiplexes, and apartments within 200-500-700 feet radius to the north, east, west, and south of my property
 - i. Topography: The property is flat with rocky soil and base course
 - j. Access: The property is located on and accessed via public street known as North Santa Cruz Street, Agat
-

- k. All others: Although there are developments of more single-family homes in the southern area, there is a lack of affordable quality rental housing in the south, specifically Agat, to accommodate both the military and the public in general. Agat area is seeing an increase in population growth due in part to the impending military build up for the Navy and the proximity to Naval Station. More civilian people will be working for the Navy needing housing in the village of Agat. Currently, the entire infrastructure such as sewer, water, and power are undergoing capacity upgrades to accommodate the rising needs of the area where my property is located. Therefore, it seems that my project is compatible with the on going upgrades and developments around my immediate area and supports the housing needs of the public in general.

Mr. Duenas, Thank you for your time to review my application. I am hoping for a favorable consideration so that I can provide affordable rental housing to individuals and families in Agat.

Sincerely,



Noemi T. Kim

Owner of Lot 16 Block 21 Agat

Mailing Address: PO Box 11001, Tamuning Guam 96931

SUMMARY ZONE CHANGE

(P. L. 21-82:4 Short Form as Amended by P.L. 21-144:8)

TO: Director, Department of Land Management
c/o Division of Land Planning
Government of Guam
P.O. Box 2950, Hagatna, Guam 96932

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

P. Guam 9/23/09
RECEIVED
DLM Planning

1. Information on Applicant:

Name of Applicant: NDEMI T. KIM U.S. Citizen: Yes No
Mailing Address: P.O. BOX 11001 TAMUNING GUAM 96931
Telephone No.: Business: (671) 482-1071 Home: _____

2. Location, Description and Ownership: (NOTE: The maximum lot cannot exceed two (2) acres or 8,093.743 square meters or 87,120 square feet, gross area.)

Subdivision Name: AGAT
Lot(s): 16 Block: 21 Tract: _____
Lot Area: Acres: _____ Square Meters: 1,242 Square Feet: 13,369
Village: AGAT Municipality: AGAT
Registered Owner(s): NDEMI T. KIM
Certificate of Title No.: 86861 Recorded Document No.: 788348
Deed (Gift, Warranty, etc.): WARRANTY Deed Document No.: _____

3. Current and Proposed Land Use:

Current Use: TRIPLEX Current Zoned: R-1
Proposed Use: TO PUT INTO COMPLIANCE EXISTING TRIPLEX AND FOR FUTURE EXPANSION TO FOURPLEX (4 UNITS) Proposed Zone: R-2

4. Justification Letter: Attach a typed, brief and concise justification (letter format if possible) explaining your intentions and purpose of the Zone Change. Your letter should be addressed to the Director of Land Management.

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

- b. A map, drawn to scale, showing existing zoning within 1000 feet radius and all parcels and their uses within 750 feet radius from the subject lot boundaries. The map shall contain:
 - (6) Lot number for every parcel(s);
 - (7) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
 - (8) All adjacent easements and roads leading to, and serving property, their widths, and condition of surfaces;
 - (9) The nearest location of all public utilities to the subject lot; and
 - (10) Show any/all features of property such as flat/hilly terrain, flood hazard, etc.

RE: NOEMI T. KIM (OWNER)

5. Supporting Information (Continuation):

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

For "R-1" Zone Change request: A proposed property map showing how many lots are to be subdivided.

g. "R-1" Zone Change request: Preliminary sketch plan should be drawn to scale and show the following items:

- (1) Density: Number of units and type. (i.e. Eight (8) units, three (3) bedroom, two baths, etc..)
- (2) All setbacks or distance from proposed building to property boundary line.
- (2) Parking Stalls must be numbered. Also, show one parking for persons with disabilities for every sixty (60) regular stalls (minimum).
- (4) Recreational area or playground must be provided for children of tenants.
- (5) Show nearest location of sewer, water, power connection or hook-up.
- (6) Entrance and Exit of project area.
- (9) Etc...Any other information you feel is necessary or pertinent to your request.
- (10) In addition the following information is required by the Agencies as follows:

GUAM POWER AUTHORITY

2. Include Ownership and Encumbrance Title Report.

2. Provide Proposed Power Demand in Kilovolt Amps (KVA).

GUAM ENVIRONMENTAL PROTECTION AGENCY

3. Copy of Site Layout showing the existing building structures and the outline of the septic tank and leaching field system, if not connected to public sewer.

4. Copy of building Permits for any extensions (additional structures) to the existing dwelling unit.

6. **Filing Fee:** Twenty-Five Dollars (\$25.00) filing fee as per the passage of Bill 74, signed and approved by the Governor of Guam on May 18, 2007, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

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

I/We hereby certify that all information contained in this application and its supplements are true and correct. I/We also understand that any misrepresentation in this application shall void the entire submission.

NOEMI T. KIM *[Signature]*

Owner (Print/Sign)

Owner (Print/Sign)

9/17/09

Date

Date

Representative (If any)

Date

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

Island of Guam, Government of Guam
 Department of Land Management Office of the Recorder

File for Record is Instrument No. 788348

On the Year 09 Month 04 Day 03 Time 10:52

Recording Fee 525 Receipt No. ATBamfija

Deputy Recorder ATBamfija

SECURITY
 TITLE, INC.

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WE, TEOFILO ANOTADO ACUESTA AND MARIA SANTOS ACUESTA, whose mailing address is #2114 Marchita Way, Carmichael, CA. 95608, hereinafter referred to as "GRANTOR(S)", for TEN DOLLARS (\$10.00) and other good and valuable consideration paid by NOEMI T. KIM, whose mailing address is P.O. BOX 11001, TAMUNING, GU 96931, hereinafter referred to as "GRANTEE(S)", do hereby grant, bargain, sell and convey unto GRANTEE, and GRANTEE'S heirs, administrators, executors, successors and assigns, in fee simple, the following described real property in the MUNICIPALITY OF AGAT:

Lot 16, Block 21, Agat, Guam, Estate Number 9168, Urban, as said Lot is described in that Property Map Blocks No. 21 & No. 29, as shown on Drawing Number 10020, dated 17 October 49 and recorded on 16 February 50 under Instrument No. 20847 at Land Management. For informational purposes only, the above referenced map indicates the property contains an area of 1,242± square meters. Certificate of Title Number: 86861 - Teofilo Anotado Acuesta and Maria Santos Acuesta, as joint tenants with rights of survivorship.

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

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

AND GRANTOR DOES HEREBY for itself and its assigns, covenant with said GRANTEE, its heirs, and executors, administrators and assigns; that GRANTOR is lawfully seized in fee of the granted premises; that it is free from all encumbrances other than those disclosed in the STEWART TITLE INSURANCE COMMITMENT for Title Insurance issued by SECURITY TITLE, INC. under File ST-728121; That to sell the same as aforesaid; that GRANTOR shall warrant and defend the same to the said GRANTEE, its heirs, and assigns, forever against the lawful claims and demands of all persons.

AND GRANTEES, for themselves and their successors and assigns do hereby acknowledge and confirm that water and power are immediately available on the property or within 100 feet of the property described above.

IN WITNESS WHEREOF, this instrument has been executed this 30th day of 2009.

GRANTOR:

GRANTOR:

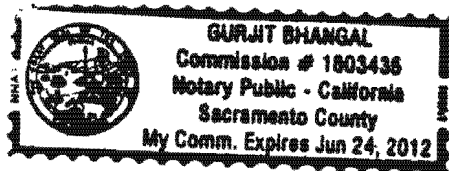
Teofilo A. Acuesta
TEOFILO ANOTADO ACUESTA

Maria Santos Acuesta
MARIA SANTOS ACUESTA

STATE OF CALIFORNIA)
CITY OF SACRAMENTO) SS

On this 30th day of MARCH 2009, before me, a Notary Public in and for SACRAMENTO, CALIFORNIA, personally appeared TEOFILO ANOTADO ACUESTA AND MARIA SANTOS ACUESTA, and they acknowledged to me that they executed the foregoing WARRANTY DEED, as their voluntary act and deed for the purposes herein set forth.

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



Gurjit Bhargal 6/24/2
NOTARY PUBLIC
My commission expires:

Warranty Deed
Acuesta/Kim 2009-0154CMM

GRANTEE:

Noemi T. Kim
NOEMI T. KIM

GUAM, U.S.A
CITY OF TAMUNING) SS

On this 30th day of MARCH 2009, before me, a Notary Public in and for GUAM, U.S.A., personally appeared NOEMI T. KIM, and she acknowledged to me that she executed the foregoing WARRANTY DEED, as her voluntary act and deed for the purposes herein set forth.

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

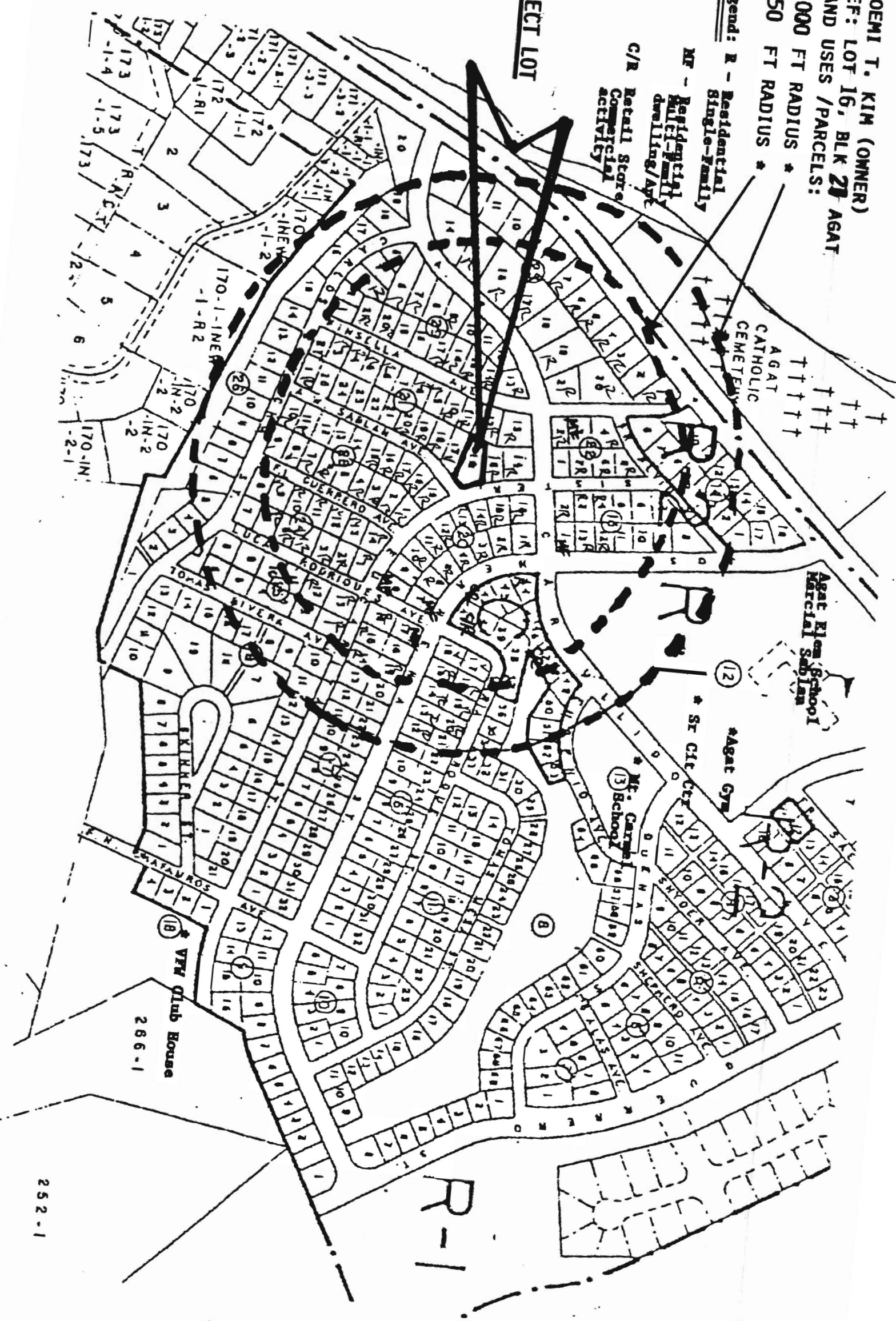
CLAIRE M. MANGLONA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: June 24, 2009
Orleans Pacific Plaza
865 S. Marine Corps Drive, Suite #202B
Tamuning, Guam 96913

[Signature]
NOTARY PUBLIC
My commission expires

NOEMI T. KIM (OWNER)
 REF: LOT 16, BLK 20 AGAT
 LAND USES / PARCELS:
 1,000 FT RADIUS *
 750 FT RADIUS *

Legend: R - Residential
 Single-Family
 NR - Residential
 Multi-Family
 Dwelling/Apt
 C/R Retail Store/
 Commercial
 Activities

SUBJECT LOT



R-1

NOEMI T. KIM (Owner)

Lot No. 16, Block 21, Agat

**Zone Change from: R1 (Single-family Dwelling)
to R2 (Multi-family Dwelling)**

**Proposed: Put into compliance existing duplex and
For future expansion to a Four Flex LOT 12, BLOCK 21
(4-units total) for rentals.**

**1 infra-structure are
available: Water, Sewer, Power, Telephone services**

Parking: Required 2 parking per unit

4 parking for existing duplex,

**8-10 parking spaces will LOT 11,
be provided for tenants BLOCK 21
and guests.**

**Landscaping: Local flora will be used for
green area and fencing is planned in the
future.**

**Garbage Collection: A commercial
trash bin will be
provided for the
complex.**

LEGEND :

ATTACHMENT - SITE PLAN FOR
LOT 16, BLOCK 21 AGAT

