

LEGISLATURE

2010 MAY 17 PM 1:58

CITY

ACKNOWLEDGMENT OF RECEIPT

SUMMARY ZONE CHANGE PACKET

for

Lot No. 125-2-1, Municipality of Inarajan

Frank P. and Teresita T. Diego

SZC 2010-34

30-16-0938
2:20 PM
5/15/10



Legislative Secretary
30th Guam Legislature

Signature: Elaine Meponab
Name (print): Elaine Meponab
Date: 5-12-10
Time: 2:34 PM

Building Official (Director's Office)
Department of Public Works

Signature: Jacinta Perez
Name (print): Jacinta Perez
Date: 5-10-10
Time: 1:50 PM

FOR RECORDATION ONLY:
Deputy Civil Registrar

[

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

NINETE, S.
Name (print)
[Signature]
Signature
5/10/10
Date

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

[

]

Applicant's Name

Frank P. Diego

[Signature] 4-27-10
Signature

Teresita T. Diego

Signature

Date



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



FELIX P. CAMACHO
 Governor of Guahan

CHRISTOPHER M. DUENAS
 Director

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

MICHAEL C. JAMES
 Deputy Director

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

April 26, 2010

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 2010-34
 Lot No. 125-2-1, Municipality of Inarajan;
 For Frank P. and Teresita T. Diego

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 No. 125-2-1, in the Municipality of Inarajan, from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance an existing 2-storey Duplex and for future rentals.

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

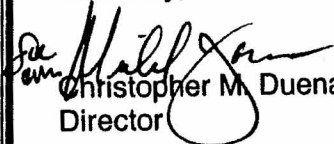
As such, the Department of Land Management **Approved** the Zone Change with conditions as specified on **April 26, 2010.**

Telephone:
 671-649-LAND (5263)

Your attention to this matter is greatly appreciated.

Sincerely,

Facsimile:
 671-649-5383


 Christopher M. Duenas
 Director

PCG
 Attachment(s):

1. Zone Change Map F3-67S48, Amendment No. 05
2. Staff Report and Notice of Action
3. Certification(s) of Utility Agencies (GWA & 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. 805138

On the Year 09 Month 04 Day 27 Time 9:10

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder Jane Yanesaki

(Space above for Recordation)

DEPARTMENT OF LAND MANAGEMENT
Government of Guam
Hagåtña, Guam 96910

NOTICE OF ACTION

Application No. SZC 2010- 34

April 26, 2010
Date

To: Frank P. and Teresita T. Diego
P.O. Box 170185
Inarajan, Guam 96917

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. 125-2-1, Municipality of Inarajan, Guam, 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. 125-2-1, Municipality of Inarajan, from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance an existing 2-storey Duplex and for future rentals.

Special Note: There is a proposed lot consolidation by the applicants for the subject lot and the abutting lot in the rear that they also own. The applicants are advised that they must submit a request to DLM to rezone it as well.

NOTICE OF ACTION

APPLICATION NO. SZC 2010-34


Frank P. & Teresita T. Diego
RE: Lot 125-2-1, Inarajan, Guam
NOA Date: April 26, 2010
Page 2 of 2

CONDITIONS: The Director of Land Management approved the Application with the following conditions:

1. That the Applicants shall comply with all permitting Agency conditions and requirements as noted in each of their Position Statements; and
2. That the building construction site development plan provide detail of structure location, parking layout, landscaping plan, disposal of sewage and access; and
3. That the Site Development Plan shall be first approved by the Guam Chief Planner, prior to issuance of a building permit; and
4. That said Zone Change under this process shall not include the following uses or conversions: Horizontal Property Regime (Per 21 GCA, Chapter 45, Horizontal Property Act); Chapter 47 (Time Share Ownership); and residential commercial activities such as laundry rooms, gift shops, and the like; and Temporary Workers Housing Facilities (TWHF); and
5. Comply with GWA's conditions as follows:
 - A. A Copy of the property map indicating Lot 125-2-1 (929 sm) and Lot 125-2-R2 (1060 sm) have been officially consolidated.
 - B. The Applicant will be required to apply for additional water meter for the additional units.
 - C. The Applicant shall apply for a sewer account when sewer infrastructure becomes available and must connect within a 5-year period.

(Note: GWAs Position shall remain valid for 365 calendar days from the date of its Memorandum of April 16, 2010).

6. Comply with GEPAs conditions and requirements; and
7. That the Applicants provide green areas and use local flora for landscaping; and
8. That a Trash Bin be made available and be located near the curb side; and
9. That the Applicants provide a 2:1 parking for each dwelling unit.



Carlos R. Untalan
Guam Chief Planner

04-26-2010
Date



Christopher M. Duenas
Director, Land Management

4-26-10
Date

ATTACHMENTS
GPA - Position Statment

CC: Mr. Jesus Ninete, Administrator, Building Permits

Case Planner: Penmer C. Gulac

=====

802138

NOTICE OF ACTION

APPLICATION NO. SZC 2010-34

Frank P. & Teresita T. Diego
RE: Lot 125-2-1, Inarajan, Guam
NOA Date: April 26, 2010
Page 2 of 2



CERTIFICATION OF UNDERSTANDING AND AGREEMENT

WE, FRANK P. & TERESITA T. DEIGO, understand and accept the conditions as cited above as part of this Notice of Action; and further agree to adhere to the conditions noted and as required by the Approval of this Zone Change by the Director of the Department of Land Management.

WE, further acknowledge that approval of this Zone Change does not constitute automatic approval or guarantee the Issuance of a "Building Permit" for the construction of any dwelling. We, further understand that that the issuance of any required "Building Permit" will be contingent on the adequacy of infrastructure in the area. Adequacy of Infrastructures shall be determined by the appropriate and responsible Permitting Agencies, e.g., Guam WaterWorks Authority, Guam Environmental Protection Agency, Guam Power Authority, Department of Public Works, etc.

	<u>4-26-10</u>		<u>4/26/10</u>
FRANK P. DIEGO	DATE	TERESITA T. DIEGO	DATE

(Note: The Applicant or Authorized Representative must present this Notice of Action when securing any permits as it affects development on the subject lot)

FD.
4-27-10



**SUMMARY ZONE CHANGE
APPLICATION NO. 2010-34
LOT 125-2-1
MUNICIPALITY OF INARAJAN**



**SUMMARY ZONE CHANGE
APPLICATION NO. 2010-34
FRANK P. & TERESITA T. DIEGO
PREPARED ON APRIL 20, 2010**

FROM: "R-1" SINGLE-FAMILY DWELLING

TO: "R-2" MULTI-FAMILY DWELLING

LOT NO: 125-2-1

BLOCK NO. N/A

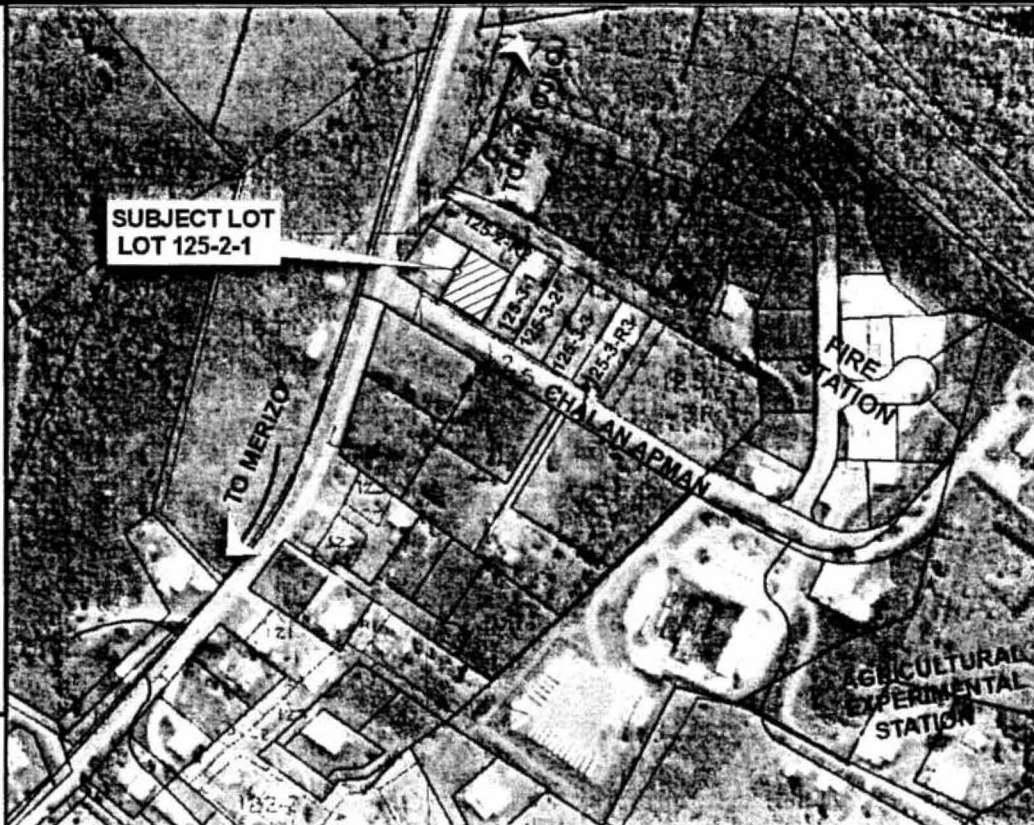
TRACT: N/A

MUNICIPALITY: INARAJAN

PLACE NAME: N/A

SCALE: N/A

**AMENDMENT NO: 05
ZONING MAP NO: F3-67 S 48**



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

Christopher M. Duenas 4-26-10
CHRISTOPHER M. DUENAS DATE
DIRECTOR
DEPARTMENT OF LAND MANAGEMENT

April 26, 2010

To: Director, Department of Land Management

From: Guam Chief Planner

Subject: Staff Report - Case No. SZC 2010-34

**Re: Summary Zone Change - Lot No. 125-2-1,
Municipality of Inarajan; for Frank P. and Teresita T. Diego**

1. PURPOSE:

- a. Application Summary. The Applicants, **Frank P. and Teresita T. Diego**, are requesting for a zone change on **Lot No. 125-2-1, in the Municipality of Inarajan, from "R-1" (Single-Family Dwelling) Zone to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance an existing 2-storey Duplex for family and future 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 fronts As Apmam Street and is accessible approximately 150 feet west from Route No. 4 (Chalan Kanton Tasi). It is also approximately 1,000 – 1,200 feet north of the Southern Public Health Center and Department of Agriculture Experimental Station, Inarajan Fire Station and the Senior Citizen Center (see attached vicinity map).
- b. Field Description. There is a 2-storey structure on the lot. The topography is flat. All public utilities such as water, power, telephone service connections are within 100 feet fronting the right-of-way. Presently there is no public sewer servicing the subject property. The nearest public sewer connection is approximately 200 feet.
- c. Lot Area. 929 square meters or 10,000 square feet
- d. Present Zoning. "R-1" (Single – Family Dwelling) Zone
- e. 1967 Master Plan. Residential
- f. Community Design Plan. Residential Low Density

Surrounding Area. The surrounding area consists of single-family dwellings (100 - 750 - 1,000 feet radius) as well as a few duplexes at (approximately 500-600 feet) east of the subject lot. There are also community support service centers such as a public health center, a senior citizen center, a fire station and Department of Agriculture Experimental Station is also within 1,200 feet radius (south) of the property. The proposed development is conducive to the existing land use trend comprising of mix uses of single-family, duplexes, multi-family, government and public facilities 2,000 feet to the east, southeast and to the west. Capital improvements are on-going for water line upgrades and placement of new sewer lines within the village (grants are funded by the EPA and GWA). The proposed development/rezoning is not expected to have a major impact to existing infrastructure or immediate surroundings.

3. APPLICATION CHRONOLOGICAL FACTS.

- a. Date Application Accepted: April 14, 2010
- 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 (As Apmam 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: GWA has reviewed the application to rezone from R1 to R2 in order to be in compliance with the zoning law for the existing two storey duplex. GWA understands the building structure along with the water infrastructure already exists. With regards to wastewater, there is no sewer infrastructure within 200 feet of the subject property. GWA further stated that this letter shall serve as GWA's position statement to the summary zone change application. As a condition of GWA approval the following conditions will be applicable:

- 1.) A copy of the property map indicating Lot 125-2-1 (929 sm) and Lot 125-2-R2 (1060 sm) have been officially consolidated.
- 2.) The applicant will be required to apply for additional water meter for the additional units.
- 3.) The applicant shall apply for sewer account when sewer infrastructure becomes available and must connect within a 5-year period

This GWA Position Statement (attached) shall remain valid for 365 calendar days from the date of this response. For additional information, please contact Mr.. Thomas Cruz, P.E., GWA Engineering Supervisor at 647-0492.

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 Inarajan.
- d. Municipal Planning Council (MPC) Public Hearing and Results: The Mayor and Municipal Planning Council of Inarajan received a copy of the application for the proposed development by Mr. and Mrs. Diego. A special MPC hearing was scheduled and conducted on April 20, 2010. The MPC voted unanimously to approved the zone change application (see attached MPC Resolution 2010-01), dated 4/20/2010 received by Land Management on April 21, 2010.

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


1. That the Applicants 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 GWA's & GEPA's waste-water disposal system requirements and conditions and other building permit requirements; and in the absence of public sewer, the applicants must comply to Guam EPA's individual wastewater disposal system for upgrades in order to accommodate the proposed density on the subject lot and other permitting requirements of government agencies;
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.



Carlos R. Untalan
Guam Chief Planner

April 26, 2010
Date




GUAM WATERWORKS AUTHORITY
578 North Marine Corps Drive
Tumon, Guam 96931
Phone: 646-7810 Fax: 647-2621

April 16, 2010

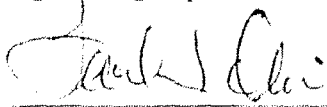
Christopher M. Duenas
Director
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Subject: ARC# 2010-34; Summary Zone Change for
Lot No. 125-2-1, Municipality of Inarajan
Applicant: Frank P Diego

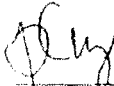
Guam Waterworks Authority has reviewed the Summary Zone Change application requesting approval to rezone the subject lot from an "R1" (single family dwelling) to "R-2" (Multi-Family Dwelling) in order to be in compliance with zoning laws for an existing two-storey duplex. GWA understands the building structure along with the water infrastructure already exists. With regards to wastewater there is no sewer infrastructure within 200 feet of the subject property. This letter shall serve as GWA's position statement to the summary zone change application. As a condition of GWA approval the following conditions will be applicable:

- 1) A copy of the property map indicating Lot 125-2-1 (929sm) and Lot 125-2-R2 (1060 sm) have been officially consolidated.
- 2) The applicant will be required to apply for additional water meter for the additional units.
- 3) The applicant shall apply for a sewer account when sewer infrastructure becomes available and must connect within a 5-year period.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. For additional information please contact Mr. Thomas Cruz, P.E. Engineering Supervisor at 647-0492.



Leonard J. Olive, ScD
General Manager



Barbara Cruz, P.E.
Acting Chief Engineer



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



FELIX P. CAMACHO
 Governor of Guahan

CHRISTOPHER M. DUENAS
 Director

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

MICHAEL C. JAMES
 Deputy Director

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 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

April 14, 2010

Honorable Franklin M. Taitague
 Mayor of Inarajan, c/o Municipal Planning Council

Hafa Adai Mayor Taitague:

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

Frank P. and Teresita T. Diego, owners of Lot No. 125-2-1, Municipality of Inarajan, under Application No. SZC 2010-34, for a Zone Change from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance an existing duplex for family and for future 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,


 Christopher M. Duenas

Attachments: as noted
 PCG

Mark Cepson
 RECEIVED BY: *4.15.10*

FILE

*04-16-2010 BF.
 will.
 Pass to Pen G.*



**MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF INARAJAN
HCR BOX 17383
INARAJAN, GUAM 96917**



Date: Tuesday, April 20, 2010
To: Mr. Christopher M. Duenas, Director of Land Management
From: Inarajan Municipal Planning Council
Subject: Resolution No. 2010-001

P. Wilson
RECEIVED
Apr 20 2010
Plan. Council
DM

Whereas, on Lot 125-2-1 sits a duplex home own by Mr. Frank P. and Teresita T. Diego that is in violation of current zoning laws; and

Whereas, I order to put into compliance an existing duplex for family and for future rentals, now therefore, be it;

Resolved that Lot 125-2-1 with existing R-1 be rezone to R2 for compliance, and be it;

Further Resolved, that the Chairman of the Inarajan Municipal Planning Council certify the adoption hereof and that copies of the same be therefore transmitted to Mr. Frank P. and Teresita T. Diego.

DULY RECORDED AND REGULARLY ADOPTED THIS 20th DAY OF APRIL , 2010.


Franklin M. Taitague, Chairman, IMPC


Date



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



FELIX P. CAMACHO
 Governor of Guahan

CHRISTOPHER M. DUENAS
 Director

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

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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

April 14, 2010

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): **Frank P. and Teresita T. Diego**

Application No. **SZC 2010-34**

Project Description: To rezone the property from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance an existing duplex for family and for future rentals .
 (Lot No. 125-2-1, Municipality of Inarajan)

Date Received: April 14, 2010

Date Accepted: April 14, 2010

**** Due Date for Certification: April 27, 2010**
 (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 ext 352 or 5390, and ask for Penmer C. Gulac, the assigned case planner.

Thank You.

For: Carlos R. Untalan
 Guam Chief Planner

PCG
 Attachment: as noted

Site 2010-34

DEPARTMENT OF LAND MANAGEMENT
LAND PLANNING DIVISION

SITE INSPECTION REPORT - FIELD WORK

Planner/Staff: <u>Penner Gulac</u>	Date of Request: <u>4/15/10</u>
Date of Inspection: <u>4/15/10</u>	Time of Inspection:
Project Name: <u>Frank + Teresita Diego #131 As Apman St</u>	
Lot Number: <u>125-2-1 929 SM</u>	Municipality: <u>Inarajan</u>
Description: <u>Duplex structure in "R1" zone; Proposed for rezoning to R2 for zoning compliance</u>	

Type of Inspection: [] Occupancy [] Site [] Other _____

Contact Person: Frank Diego Sr. Phone: 678-8191/828-8474

Findings: 2-Storey structure w/ stairs outside - front;
Cooking/storage facility on the rear yard (Right/Rear);
Proposed to lot consolidation w/ lot 125-2-122, 1060 SM;
Adequate parking area for 6-8 stalls for proposed duplex
in higher density; septic tank / LF waste disposal (e) structures

OCCUPANCY INSPECTION ONLY: [] IN COMPLIANCE Adequate for proposed
& upgrade of septic / LF [] NOT IN COMPLIANCE Duplex upon
& Subject to GEP/ GWA Clearance. Recommended Approval for
ATTENTION: All inspection must be approved three (3) days in advance by Guam Chief Planner.

Applicant: cc Penner to R2. 4/15/10

P Gulac
Case Planner

CARLOS R. UNTALAN
Frank P. Santano
Approved: _____
702: Guam Chief Planner

April 14, 2010

To: Mr. Christopher M. Duenas
Director, Department of Land Management
Attention: Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

P. Goloc 4/14/10
RECEIVED
DLM Planning

Subject: Summary Zone Change Application for Lot No. 125-2-1, Inarajan, Guam;
Rezoning from "R-1" (Single-Family) Dwelling to "R-2" (Multi-Family) Dwelling Zone
Frank P. and Teresita T. Diego (Owners)

Hafa Adai Mr. Duenas:

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

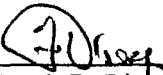
- a. What is the current zone on the property ? " R-1" (Single-Family)
- b. Who currently owns the property ? Frank P, and Teresita T. Diego
- c. How did you acquire the property ? Quit Claim Deed ; Doc No. 240404, see attached with property map, DLM 047-FY73
- d. From who did you acquire the property? Elizabeth D. Aguilar, on September 26, 1974, (see Quitclaim Deed attached).
- e. What is currently on the property? A 2-storey duplex
- f. Are you hooked up to public sewer ? No, we are hooked up to a septic tank –leaching field individual wastewater system.
- g. What are your intentions or plans? To put into zoning compliance our existing duplex and for future rentals; parking - 6-8 stalls or more, and into an adjacent lot that we also own. A consolidation of the two lots is planned in the near future.
- h. Surrounding land uses: There are single family land uses, vacant lots, a public health satellite center within 200 – 1,000 feet to the south of our property. There are small farming activities for subsistence and some for commercial produce. Department of Agriculture station is near our area as well at approximately 1,000 feet to the south.
- i. Topography: Fairly flat and slopes gradually from the front to the rear.
- j. Access" The property is accessible via Apmam Drive fronting the subject lot and from Route No. 4 (Chalan Kanton Tasi) from the west (see vicinity map).
- k. All others: Today we see more residential developments as well as in this area of Inarajan and nearby and some small subdivision and developments. There are plans for capital improvements of infrastructure, such as water, sewer by our government . Our proposed rezoning and plans will not have a significant impact to existing infrastructure. Should upgrade of our individual wastewater disposal system be required, we will comply to all regulatory requirements and permitting requirements. This project will provide some additional rental income for our family in the near future and any future expansion for more affordable rental units for those who may want to live in quiet and serene village of Inarajan. Therefore, this project is compatible to the ongoing developments in the immediate area and others nearby that will support the housing needs of the general public as well.

Page 2 (Lot No. 125-2-1, Inarajan, Guam)
Summary Zone Change Application
Mr. and Mrs. Frank P. Diego
April 14, 21010

Mr. Duenas and Staff, Thank You for your time to review the proposed rezoning. We are praying for your favorable consideration so that this project can be realized for our family. We are aware that all building permit requirements and conditions will be adhered to as required by law.

Should you need more information on this application, please feel free to contact us at 828-8474 or 678-8195 (Cell).

Senseramente,



Frank P. Diego
Owner/Applicant



Teresita T. Diego
Owner/Applicant

Attachments: SZC Application & Supporting Documents

"ORIGINAL COPY"

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.

File loc 4/19/10
RECEIVED
DLMP

1. Information on Applicant:

Name of Applicant: Frank P. and Teresita T. Diego U.S. Citizen: Yes No
Mailing Address: P.O. Box 170185 Inarajan, Guam 96917
Telephone No.: Business: 678-8195 Home: 828-8474

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: _____
Lot(s): 125-2-1 Block: N/A Tract: N/A
Lot Area: Acres: _____ Square Meters: 929 Square Feet: 10,000
Village: _____ Municipality: Inarajan
Registered Owner(s): Frank P. and Teresita T. Diego
Certificate of Title No.: 39593 Recorded Document No.: 240404
Deed (Gift, Warranty, etc.): Quitclaim Deed Document No.: 240404
Ref Map No. 047-FY73

3. Current and Proposed Land Use:

Current Use: Duplex (2-storey) Current Zoned: "R-1" (Single-Family Dwelling)
Proposed Use: To put into zoning compliance an existing Duplex for family and future rentals. Proposed Zone: "R-2" (Multi-Family Dwelling)

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:

- a. 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:
- (1) Lot number for every parcel(s);
 - (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
 - (3) All adjacent easements and roads leading to, and serving property, their widths, and condition of surfaces;
 - (4) The nearest location of all public utilities to the subject lot; and
 - (5) Show any/all features of property such as flat/hilly terrain, flood hazard, etc.

"ORIGINAL COPY"

RE: Lot 125-2-1 Inarajan **SUMMARY ZONE CHANGE**

Frank P. and Teresita Diego

5. Supporting Information (Continuation):

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

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

d. For "R-2" Zone Change request: Preliminary sketch plan shall 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 setback or distances 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

- 1. Include Ownership and Encumbrance Title Report.
- 2. Provide Proposed Power Demand in Kilovolt Amps (KVA).

GUAM ENVIRONMENTAL PROTECTION AGENCY

- 1. 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.
- 2. Copy of building Permits for any extensions (additional structures) to the existing dwelling unit.

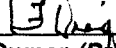
6. Filing Fee: Twenty-Five Dollars (\$25.00) filing fee, signed and approved by the Governor of Guam on May 18, 2007, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

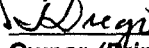
7. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

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.

Frank P. Diego

Teresita T. Diego


Owner (Print/Sign)


Owner (Print/Sign)

April 14, 2010

April 14, 2010

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.

**TERRITORY OF GUAM
DEPARTMENT OF LAND MANAGEMENT
CERTIFICATE OF TITLE**

Certificate of Title Number 39531

Document No. 240404

Originally registered 14 June, 1973 Vol. _____
Municipality of _____ Page _____ Certificate of Title _____
Transfer from Number C. T. No. 36274 ~~Transfer from~~ ~~Volume~~ No. 36274

TERRITORY OF GUAM)
AGANA, GUAM) ss.

This is to certify that Frank P. Diego and Teresita T. Diego
husband and wife
now residing at the territory municipality of GUAM are
Certificate of Identification No. _____, and by occupation _____
the owner of an estate in Fee Simple, in that certain piece or parcel of land situated in the
municipality of Inarajan, territory of Guam, designated by
Cadastral Lot Number 125-2-1, Inarajan, Guam, Estate No. 24385, Suburban, containing an
area of 929+square meters, as shown on Map Drawing No. ACOAZ-75, prepared by Candido T.
Castro, RLS#48, dated 9-15-74,
subject, however, to the estate, easements, liens, charges and encumbrances hereunder noted.
Said owner ^{are over} is of the age of 21 years; civil status married, and ~~is~~ are
under no disability.

The sale, gift or devise to aliens of lands in the territory of Guam is prohibited, except as provided in Section 672, Civil Code of Guam.

IN WITNESS WHEREOF, I have hereunto set my hand and caused my official seal to be affixed this 27th day of August 19 74.

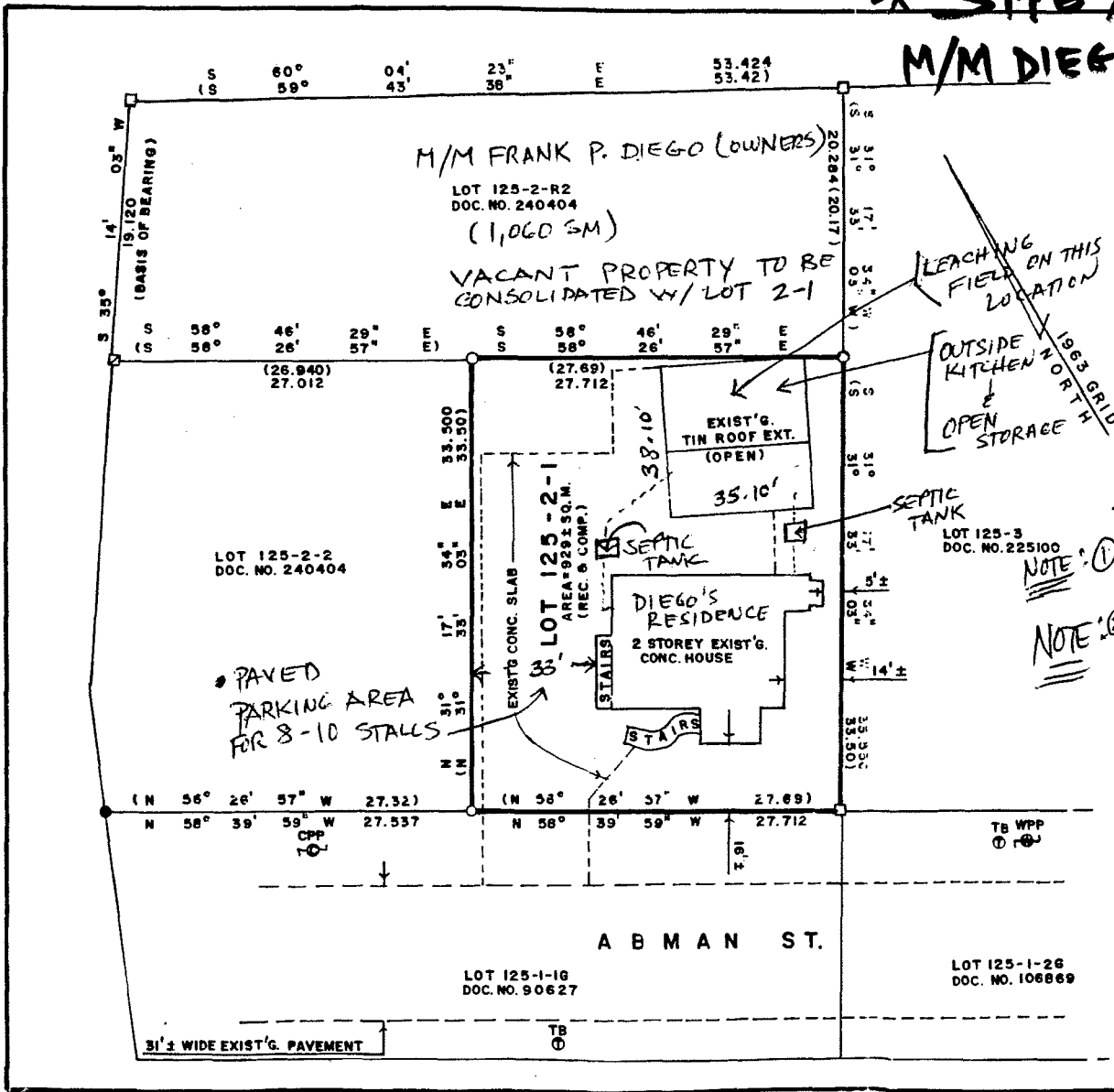
C. C. Perez
C.C. PEREZ
Deputy Recorder of Titles
In and for the Territory of Guam

Memorial of estates, assessments, liens, charges or encumbrances on the land described in the above Certificate of Title, other than taxes, for non-payment of which said property has not yet been sold.

Document No.	Kind of Instrument	Registration		Amount	In favor of	Signature Deputy Recorder of Title
		Date	Time			
261631	Mtg	10-30-75	3:28 pm	\$36,900	American Savings & Loan Assoc.	
294640	Mtg	7-27-78	2:50 pm	\$15,000.00	Bank of Guam	
302476	Mtg	5-12-79	3:42 pm		Bank of Guam	
376133	Mortgage	9/24/86	2:15 pm	\$16,050	Bank of Guam	
377064	Assignment of mtg	10/13/86	9:30 am		First Savings & Loan Assoc.	
416531	Notice of Default	5/18/89	4:34 pm		Bank of Guam	
920941	Notice of Sale	8/7/89	10:22 am		Bank of Guam	
442569	Cancellation of Release of mtg	9/7/89	2:30 pm		Frank P. Diego & Teresita T. Diego	
1st	absence of C.T. in place of Lot no. 12/3/80					

* SITE / PLOT PLAN

M/M DIEGO



- NOTES**
1. BEARING AND DISTANCES IN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1963 & FIELD CONDITION.
 2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED.
 3. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
- SYMBOLS**
- ☒ 4" x 4" CONC. MON. FOUND MARKED RLS. NO. 48.
 - ☐ 4" x 4" CONC. MON. FOUND MARKED 020327.
 - NO. 4 RB. SET WITH PLASTIC CAP MARKED PLS NO. 37.
 - NO. 4 RB. FOUND, SET BY UNKNOWN.
 - ⊙ CPP CONC. POWER POLE ⊕ WPP WOODEN POWER POLE
 - Ⓟ TB TEL. BOX
- REFERENCES**
1. DWS. NO. AC047-75, PARCELLING SURVEY PLAT OF LOT 125-2, PREPARED BY RLS. NO. 48. LM. NO. 047FY75. DOC. NO. 240404.

RETRACEMENT SKETCH MAP
 OF
LOT 125-2-1
 MUNICIPALITY OF INARAJAN
 SCALE 1" = 6 M.

NOTE ① CONSOLIDATION IS IN DRAFT W/ SURVEYOR, LOTS 125-2-1 & 2-2
TOTAL AREA: 1,989 SM

NOTE ② CAPITAL IMPROVEMENT PROJECT FOR WATER & SEWER IS ON-GOING TO TIE IN ALL RESIDENCES, PUBLIC HEALTH, FIRE DEPARTMENT. PUBLIC SEWER TO BE LOCATED ALONG AS ABMAN ST AND ROUTE NO. 4.
 CERTIFICATION OF SURVEYOR
 I, BERNARDO T. ORTEGA, JR., HEREBY CERTIFY THAT THIS SKETCH WAS PREPARED BY ME AND WAS BASED ON A FIELD SURVEY MADE ON JANUARY 25, 2005.

Bernardo T. Ortega, Jr.
 BERNARDO T. ORTEGA, JR.
 PLS NO. 37

- 14.178.2005
 DATE



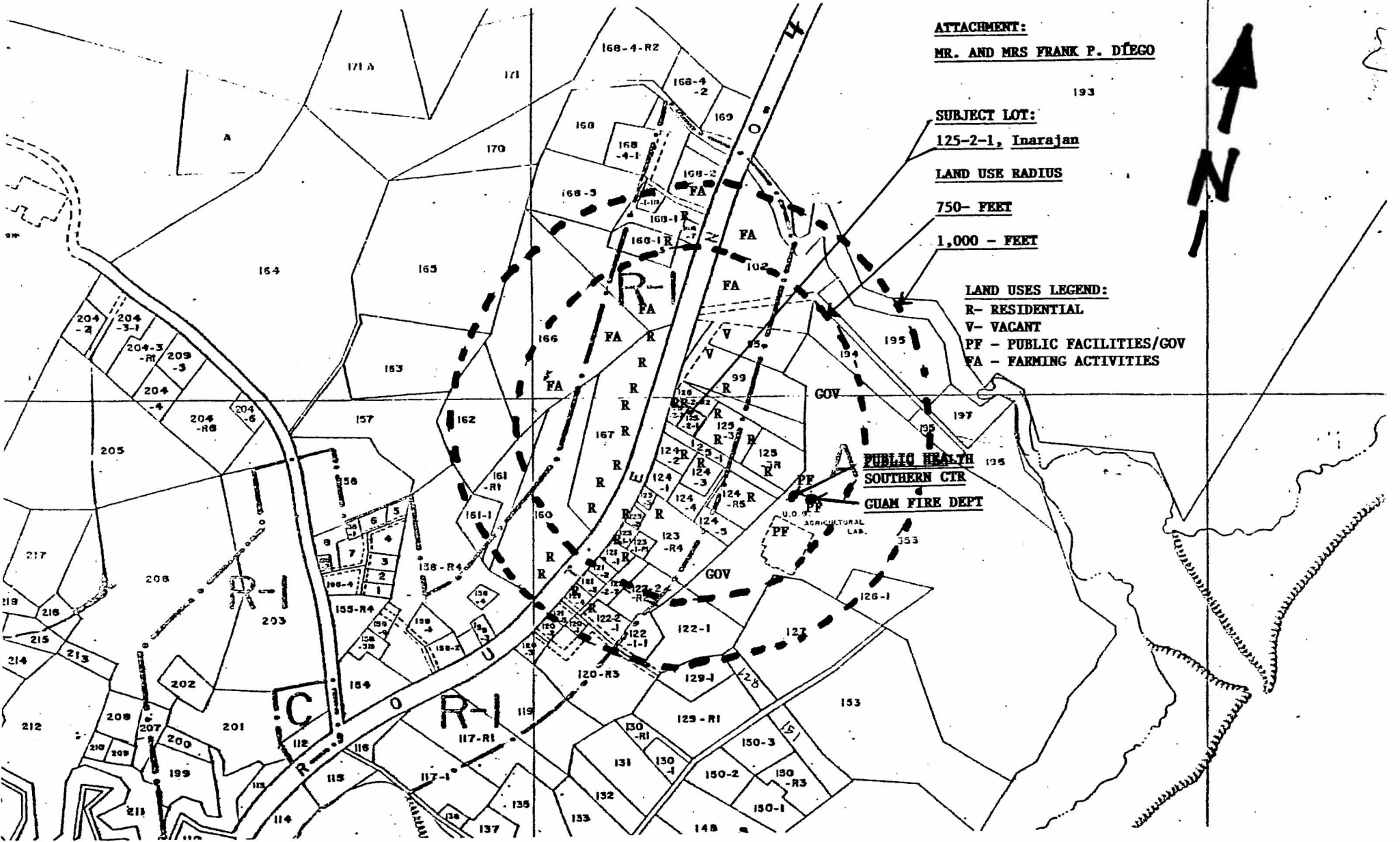
ATTACHMENT:
MR. AND MRS FRANK P. DIEGO

193

SUBJECT LOT:
125-2-1, Inarajan

LAND USE RADIUS
750- FEET
1,000 - FEET

LAND USES LEGEND:
R- RESIDENTIAL
V- VACANT
PF - PUBLIC FACILITIES/GOV
FA - FARMING ACTIVITIES



ATTACHMENT

NOTES

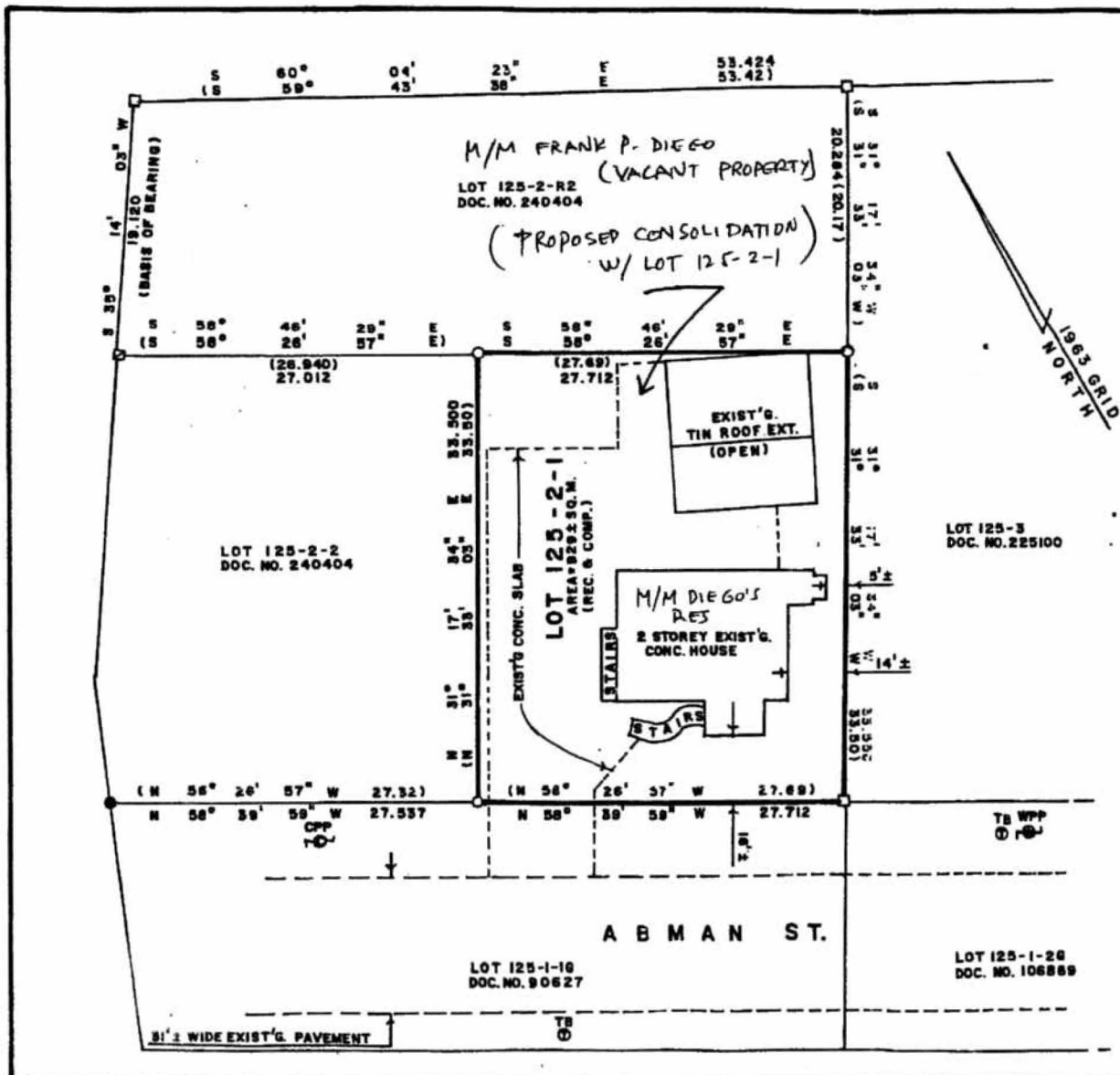
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2. ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED.
3. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.

SYMBOLS

- ☐ 4" X 4" CONC. MON. FOUND MARKED RLS. NO. 48.
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- ⊕ CPP CONC. POWER POLE ⊕ WPP WOODEN POWER POLE
- ⊙ TB TEL. BOX

REFERENCES

1. DWG. NO. ACO47-75, PARCELLING SURVEY PLAT OF LOT 125-2, PREPARED BY RLS. NO. 48. L.M. NO. 047FY75. DOC. NO. 240404.



RETRACEMENT SKETCH MAP
 OF
LOT 125-2-1
 MUNICIPALITY OF INARAJAN
 SCALE 1" = 6 M.

CERTIFICATION OF SURVEYOR
 I, BERNARDO T. ORTEGA, JR., HEREBY CERTIFY THAT THIS SKETCH WAS PREPARED BY ME AND WAS BASED ON A FIELD SURVEY MADE ON JANUARY 25, 2005.

Bernardo T. Ortega, Jr. 1-25-2005
 BERNARDO T. ORTEGA, JR. DATE
 PLS NO. 37





GUAM POWER AUTHORITY

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

April 21, 2010

RECEIVED

APR 28 2010

Department of Land Management
Time: 10:30 Intt: [initials]

04-29-2010
call U.
put together
w/ APPL
Perb.

MEMORANDUM

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

From: General Manager, Guam Power Authority

Subject: Lot 125-2-1, Municipality of Inarajan, (Frank P. and Teresita T. Diego);
Summary Zone Change from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) in compliance of an existing duplex for family and future rentals. **Application No. 2010-34 SZC**

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
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection
 - Provide scheduling and magnitude of project power demand requirements for new loads
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A "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.


JOAQUIN C. FLORES, P.E.



INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
 Applicant: Frank P. and Teresita T. Diago
 Location: Lot 125-2-1, Inarajan
 Type of Application: Summary Zone Change
 GLUC/GSPC Application No. 2010-34 SZC
 Brief Project Description:
 R-1 to R-2 in compliance of an existing duplex for family and for future 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

Yes No

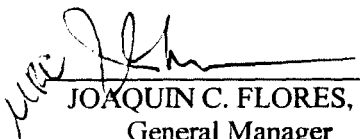
2. If the answer to #1 above is YES, then:
 I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

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.


 JOAQUIN C. FLORES, P.E.
 General Manager


 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. The applicant will be responsible for the minimum cost of upgrading the line (less projected revenue) if submitted plans indicate additional capacity is required.