



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

APR 25 2013

2013 MAY -3 PM 6:42
amb

The Honorable Judith Won Pat
Speaker, Thirty-Second Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "R-1" (Single Family Dwelling) to "C" (Commercial) zone on Lot P.15-45-1AB-1-R2, Municipality of Dededo, Applicant Eliseo J. and Maria Eliodora C. Tongol, Application No. 2012-31

Bueñas Yan Hafa Adai Speaker Won Pat:

I am pleased to submit for you and your colleagues the above-referenced zoning documents for the Legislature's consideration. This is pursuant to **Title 21, Guam Code Annotated (Real Property), Chapter 61 (Zoning Law), Part 4, Section 61647.**

I have **APPROVED** the Applicants, **Eliseo J. and Maria Eliodora C. Tongol**, represented by Harry Gutierrez, request to re-zone from "R-1" (Single Family Dwelling) to "C" (Commercial) zone to allow commercial activities (minor auto repair services, maintenance shop, safety inspection station, coffee shop, office spaces and residence on the 2nd floor), on Lot P15.45-1AB-1-R2, in the Municipality of Dededo.

I am sure you recognize the public benefits of this endeavor, and respectfully ask your expeditious response.

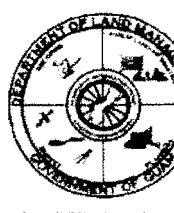

Eddie Baza Calvo
Governor of Guam

Attachments

32-13-372
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 5/8/13
Time 3:00pm
Received by [Signature]



GUAM LAND USE COMMISSION
 ZONE CHANGE
 APPLICATION NO: 2012-31
 LOT P15.45-1AB-1-R2
 MUNICIPALITY OF DEDEDO



COPY

Attachment 1

Space for Recordation

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

851123

File for Record is Instrument No.

On the Year 13 Month 05 Day 01 Time 9:20.

Recording Fee DE-OFFICIAL Receipt No.

Deputy Recorder Lisa D. Manggur

GLUC ZONE CHANGE
 APPLICATION NO.: 2012-31
 APPLICANT: ELISEO J. AND
 MARIA ELIODORA C. TONGOL
 PREPARED ON MARCH 25, 2013
 FROM: "R-1" (SINGLE FAMILY DWELLING)

TO: "C" (COMMERCIAL)

LOT: P15.45-1AB-1-R2

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: DEDEDO

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-90

ZONING MAP NO.: F3-67S41

THE GUAM LAND USE COMMISSION, AT ITS REGULAR
 HEARING ON MARCH 14, 2013, APPROVED IN WHOLE
 THE ZONE CHANGE FROM "R-1" TO "C"
 ON LOT P15.45-1AB-1-R2
 MUNICIPALITY OF DEDEDO

- APPROVED IN WHOLE
- APPROVED IN PART
- DISAPPROVED

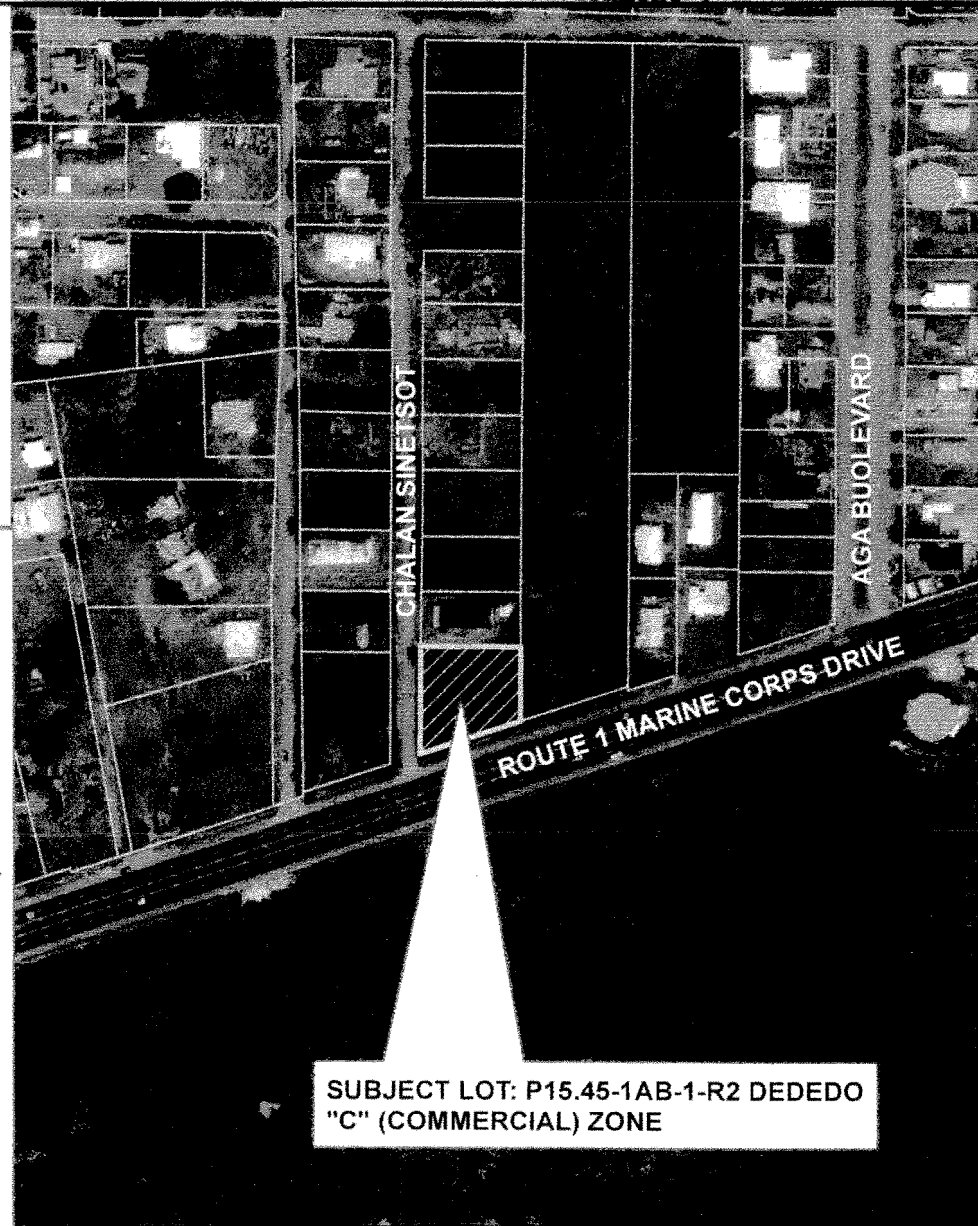
L. Rivera
 LAWRENCE RIVERA
 VICE CHAIRMAN
 GUAM LAND USE COMMISSION

3-27-13
 DATE

- APPROVED IN WHOLE
- APPROVED IN PART
- DISAPPROVED

Eddie Baza Calvo
 EDDIE BAZA CALVO
 GOVERNOR OF GUAM

APR 25 2013
 DATE



SUBJECT LOT: P15.45-1AB-1-R2 DEDEDO
 "C" (COMMERCIAL) ZONE



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



EDDIE B. CALVO
 Governor of Guam

MONTE MAFNAS
 Director

RAY TENORIO
 Lieutenant Governor of Guam

DAVID V. CAMACHO
 Deputy

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

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

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

E-mail Address:
dlm@mail.gov.gu

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

RECEIVED
 APR 26 2013
 Department of Land Management
 Time: 7:50 Int: MB

OFFICE OF THE GOVERNOR
RECEIVED
 APR 13 2013
 16:30
 CENTRAL FILE

April 18, 2013

Memorandum

To: The Governor

From: Acting Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "R-1" (Single Family Dwelling) to "C" (Commercial) zone on Lot P15.45-1AB-1-R2 Municipality of Dededo**

Re: **Eliseo J. and Maria Eliodora C. Tongol Application No. 2012-31**

Bueñas Yan Hafa Adai Governor:

Submitted for your consideration and action is Zone Change Application 2012-31, affecting Lot P15.45-1AB-1-R2, in the Municipality of Dededo. The Applicants, Eliseo J. and Maria Eliodora C. Tongol, represented by Harry Gutierrez, request for a Zone Change to allow commercial activities (minor auto repair services, maintenance shop, safety inspection station, coffee shop, office spaces and residence on the 2nd floor).

Application chronology is as follows:

- July 21, 2012 - Application officially accepted
- August 16, 2012- Reviewed by Application Review Committee (ARC)
- December 11, 2012 - Public Hearing, Piti Mayor's Office
- March 14, 2013 - Guam Land Use Commission (GLUC) Public Hearing (approval of the Zone Change).

CFD0413-1694

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

APR 25 2013

The Honorable Judith Won Pat
Speaker, Thirty-Second Guam Legislature
155 Hesler Place
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Eddie Baza Calvo
Governor of Guam

Attachments

Application #:	2012-31
Eliseo J. & Maria E. Tongol	
Zone Change	
Accepted Date:	31-Jul-12
Case Planner:	CelineA

HARRY D. GUTIERREZ
Consultant

#119 Gutierrez Way
Agana Heights, Guam 96910
482-5315 / 477-7880 Email:harry.gutierrez@yahoo.com

May 11, 2012

To: Mr. Monte Mafnas , Director
Executive Secretary, Guam Land Use Commission
C/o Department of Land Management
ITC Bldg, Suite 700, Tamuning, Guam 96911

R. Golae 5/14/12
RECEIVED
Plangy' Du

Subject: Zone Change Application for: Lot P15.45-1AB-1-R2 , for Eliseo J. and Maria Eliodora C. Tongol

Hafa Adai, Mr. Mafnas :

On behalf of my clients, and pursuant to Sections 61630 through 61634, Part 3, Article 6, Changes of Zones, Chapter 61 – Zoning Law, Title 21 Guam Code Annotated. I am submitting the enclosed zone change application on the subject lot above for your review and consideration before the Guam Land Use Commission, for a Zone Change from **“R-1” Single Family Dwelling to “C” (Commercial) Zone.**

The subject lot is located along Route No. 1, Marine Corps Drive, in Dededo, (see attached maps) and approximately 500 feet southwest of the Ypao Pao Subdivision's main entrance (Aga Drive) and is approximately 1,500 feet east of the Guam Power Authority's Transmission and Distribution Complex and Turbine Substation and Dededo Solid Waste Transfer Station. For your information, the abutting lots are vacant and the nearest residential lots are within 200-400 feet to the northeast and to the south and across the street is US Government /US Air Force's Andersen South Reservation. The lot was recently acquired by my clients who are long time residents and owners/operator of an auto repair, service maintenance and safety inspection station in Harmon Industrial Park. They have been renting the Harmon shop for any years and their landlord have been increasing the rent every year and they have decided that they have to invest their savings on this property and develop it. Over the years they have established a good customer base, working on automotive preventative maintenance contracts with private and government/federal agencies and hundreds of satisfied local residents.

My clients are requesting to rezoned their vacant property from “R-1” (Single-Family) to “C” (Commercial) as it is located along the main highway (Route No. 1, Marine Corps Drive) and it located along the busiest route and the volume of traffic has increased over the years. Based on land use site studies of the area, commercial use of the lot would be the most ideal rather than residential. The nearest commercial zone lot and commercial complex is located at the intersection of Marine Corps Drive and Wusstig Road (approximately three quarter of a mile).

Attachment 2

Page 2 (Ref: Lot P15.45-1AB-1-R2 , Dededo ; for Eliseo J. and Maria Eliodora C. Tongol , Rezoning Application from "R-1 to "C"; Represented by Harry D. Gutierrez.

Again, this site is the most ideal and preferred location to serve the public for a commercial operation that **my clients are proposing for a commercial building that will provide services for minor auto repairs, a maintenance service shop, safety inspection station, a coffee shop and office space and future residence on the 2nd floor.**

Permitted and compatible uses in a "C" zones includes residential a duplexes, and in the future, the second floor will be occupied for owners residence.

The topography slopes slightly toward Route No.1, and also fronts a 44 foot right of way known as Chalan Sinetsot on the western boundary. All utilities (water, sewer, power, etc..) are available in the immediate area. The main access to the site will be from Route No. 1 (Marine Corps Drive) and also through Chalan Sinetsot.

The lot area: 1,503.12, square meters or 16,178 square feet and the site will be able to accommodate the proposed activities, all required parking and loading, all drainage and other requirements by the zoning law and government permitting requirements for the intended use. My clients will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The rezoning of the property will not have any adverse impact within the surrounding properties as there is adequate setbacks that will buffer the commercial activity being proposed on the site. If rezoned, the uses will only be for commercial uses and not for other uses that is not permitted in the approved zone by the commission. An Environmental Impact Assessment (EIS) is required and is attached for review and is a part of this application.

Title 21, Guam Code Annotated , Chapter 61, Section 61630 of the zoning law mandates that public necessity, public convenience, and general welfare are addressed and justified, that the Commission may recommend to the Governor for approval for an amendment of the zoning map.

For the Commission's review and consideration on this application, these three important conditions are presented and justified below.

A. Public Necessity :

The proposed zone change of the lot and proposed uses are compatible with existing Commercial, Light/Heavy Industrial and some residential uses along Marine Corps Drive in this area. The proposed land uses and activities will provide the island community with a wide range of motor vehicles services, a small coffee shop, a professional office space and other permitted commercial services for the public's need. This area is developing into a more commercial, a few light and heavy industrial activities to accommodate a growing population and the anticipated military build up in the next few years and beyond. There will be greater demands for services, and products that will be available to the island community both private, military, and the general public;

Page 2 (Ref: Lot P15.45-1AB-1-R2 , Dededo ; for Eliseo J. and Maria Eliodora C. Tongol , Rezoning Application from "R-1 to "C"; Represented by Harry D. Gutierrez.

B. Public Convenience:

The proposed zone change of the lot will afford public convenience for much needed motor vehicles services, retail of products and provide other special commercial services on the property that is consistent with the current land uses in the immediate area and along Route No. 1. The location is prime and ideal, central and conveniently near residential areas with large population to better provide services to the community;

C. General Welfare:

The proposed zone change of the lots will protect the general public, the immediate surroundings and properties by being consistent for commercial, a few light and heavy industrial activities that are along Route No. 1. At present time, the abutting and adjacent lots and residences will be protected and buffered with landscaping and setbacks in compliance with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is very near commercial districts. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of the company and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owners will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced and landscaped and be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

Again, all performance standards and requirements by the Application Review Committee (ARC), and the Guam Land Use Commission (GLUC) will be complied with as well as submission of an Environmental Impact Assessment (EIA), is attached and any other requirements pursuant to Section 61630, Article 6, Changes of Zones, Chapter 61 – Zoning Law, Title 21 Guam Code Annotated shall be complied with.

Enclosed are additional supporting information for the application and a copy of the survey map. On behalf of my clients, we hope that your consideration of this request will be favorable. Should you need additional information or clarification, please don't hesitate to call me.

Respectfully


Harry D. Gutierrez
Representative 482-5315

With Enclosures attached

ZONE CHANGE

TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932

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

1. Information on Applicant:

Name of Applicant: Eliseo J. and Maria Eliodora C. Tongol
c/o Harry D. Gutierrez, Representative U.S. Citizen: Yes No
Mailing Address: c/o 119 Gutierrez Way, Agana Heights, Guam 96910
Telephone No.: Business c/o 482-5315 Home: _____

2. Location, Description and Ownership:

Subdivision Name: N/A
Lot(s): P15.45-1Ab-1-R2 Block: N/A Tract: N/A
Lot Area: Acres .40 Square Meters 1,503.12 Square Feet: 16, 178
Village: Dededo Municipality: Dededo
Registered Owner: Eliseo J. and Maria Eliodora C. Tongol
Certificate of Title No.: N/A Recorded Document No.: Warranty Deed/
Doc. No. 832042

3. Current and Proposed Land Use:

Current Use: Vacant - Overgrown vegetation Zoned: "R-1 "
Proposed Use: Motor vehicle minor repair services, maintenance shop,
safety inspection station, small coffee shop Proposed Zone: "C"
and office space and residence on the 2nd
Master Plan Designation: floor of a Commercial Building. (No Masterplan of the site)

4. **Attached a one page** typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with **Guåhan Code Annotated 21 GCA, Chapter 61, Section 61630**).

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

- 8 1/2" X 14" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries.

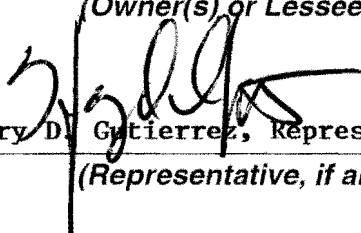
ATTACHMENT: Section 61630 (Requirements For Changes) and Section 61638 (Review by Municipal Planning Council) is attached for your information and guidance in preparation of your Zone Change Application. For additional requirements, visit the Zoning Section, Land Planning Division.

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

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."

Eliseo J. and Maria Eliodora C. Tongol

(Owner(s) or Lessee(s) and Date)



For: Harry D. Gutierrez, Representative/Consultant / May 11, 2012

(Representative, if any, and 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.

FOR OFFICIAL USE ONLY

Date Accepted: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____ Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$): Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [] (See Below) No []

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

**21 GCA REAL PROPERTY
CH. 61 ZONING LAW**

**PART 3
CHANGES OF ZONES**

- § 61630. Requirements for Changes.
- § 61631. Procedure.
- § 61632. Application-Form and Contents.
- § 61633. Hearing Date-Notice.
- § 61634. Decision by Commission.
- § 61635. Planned Development Districts.
- § 61636. Change of Zoning Map.
- § 61637. Agricultural Impact Statement.
- § 61638. Review by Municipal Planning Council.
- § 61639. Summary Procedure for Agricultural and Single Family Residential Rezoning.

§ 61630. Requirements For Changes.

The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action.

SOURCE: GC § 17600.

§ 61631. Procedure.

A proposed change may be initiated by the Commission or by an application directed to the Commission by any person owning or leasing real property within the area covered by the zone.

SOURCE: GC § 17601.

§ 61632. Application-Form and Contents.

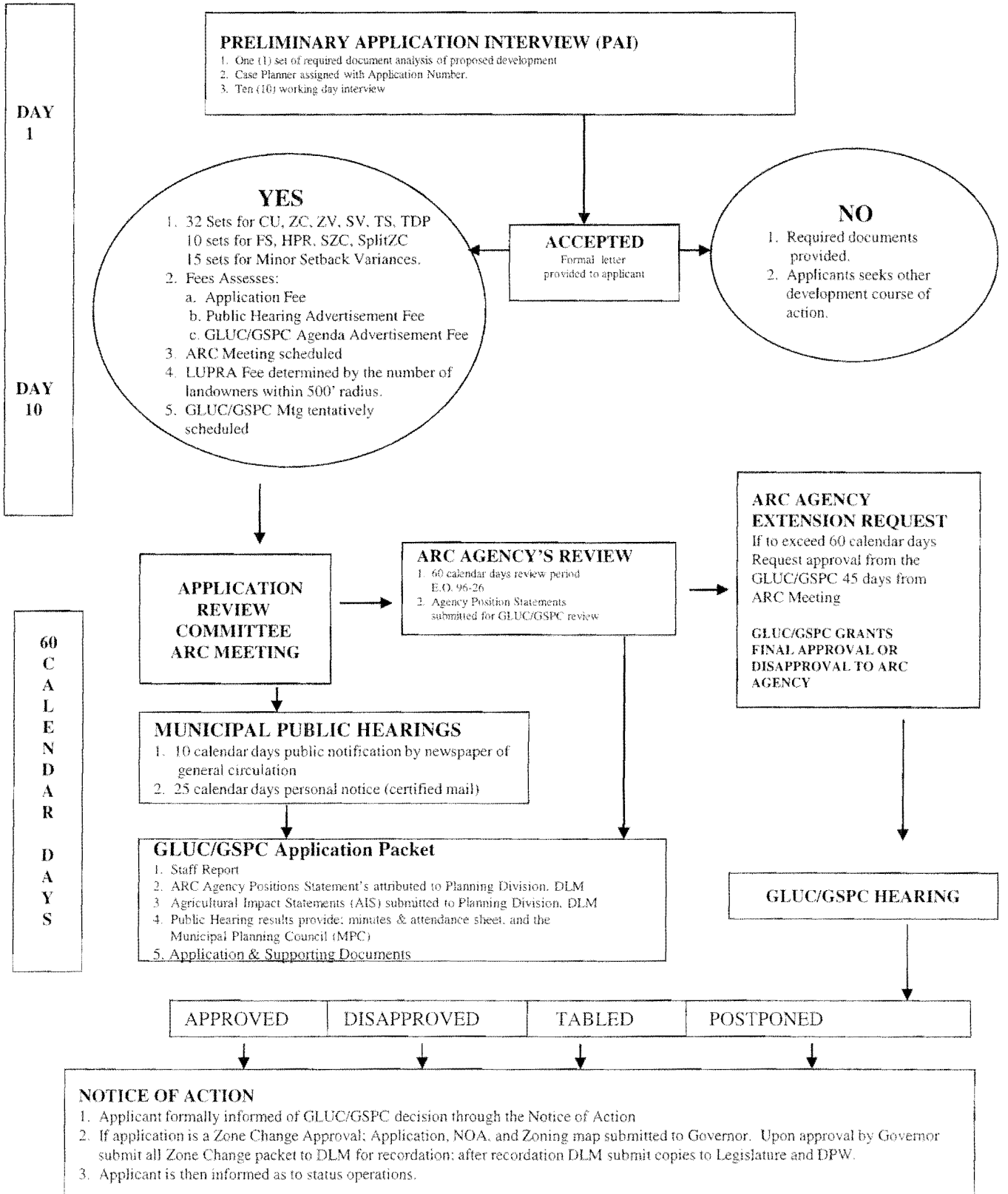
An application for a change of zone shall be filed with the Commission upon a form and accompanied by such data and information as the Commission may prescribe.

SOURCE: GC § 17602.

§ 61633. Hearing Date-Notice.

Upon the filing of an application for change of zone, the Commission shall hold at least one hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, notice of time and place of which shall be given at least one publication in a newspaper of general circulation, at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned, and to those landowners owning land within five hundred (500) feet of the property for which rezoning is requested, the mailing addresses for such landowners to be in the Real Estate Tax records.

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



regulations of yards, open space, lot coverage, density, and height as are reasonably required to permit the foregoing findings.

SOURCE: GC § 17605. Subsection (h) added by P.L. 27-24:9 (7/18/2003).

§ 61636. Change of Zoning Map.

Any changes of zones or approval of comprehensive community plan pursuant to this Chapter shall be endorsed and delineated upon the Zoning Map and shall constitute an amendment of said map.

SOURCE: GC § 17606.

§ 61637. Agricultural Impact Statement.

No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

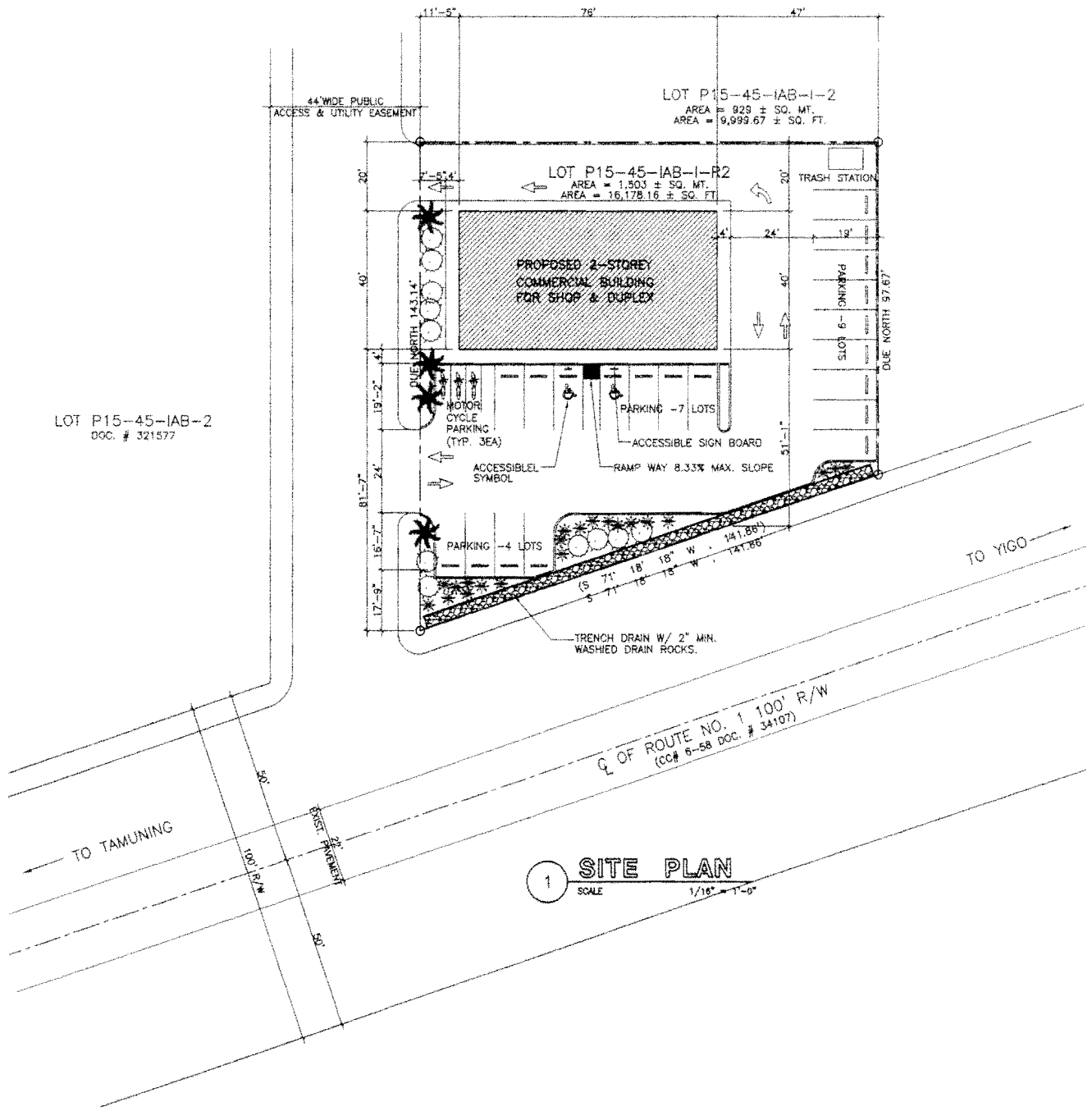
- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefor.

SOURCE: GC § 17607 enacted by P.L. 12-208.

§ 61638. Review by Municipal Planning Council.

The Municipal Planning Council of each municipal district to be affected by a proposed zone change shall within forty (40) days from the date of a public hearing held thereon by such council express its opinion thereon by resolution adopted by the majority of its members. Such resolution shall be forwarded to the Governor for his consideration thereof pursuant to § 61634 within twenty (20) days from the date of its adoption.

SOURCE: Added by P.L. 20-217:5.



**GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
ENVIRONMENTAL IMPACT ASSESSMENT (SHORT FORM)**

October 1999

GEPA has developed this EIA form for use by developers proposing projects or land use activities which may pose only insignificant environmental impacts. This form is provided as an alternative to the EIA standard format provided to satisfy the requirements of Executive Order 96-26. If potential environmental impacts and issues are assessed or determined to be significant either by the applicant or GEPA, a more detailed EIA may be required including a thorough presentation and discussion of alternatives as required by the *Guidelines for the Preparation of Environmental Impact Assessments and Statements* (GEPA October 1999).

This EIA format constitutes the minimum necessary assessment and disclosure of potential impacts for a project. This form may also be used as a preliminary scoping guide or checklist in consultation with the Agency.

Case No : _____

Project Title : Zone Change

1. Name, address and business telephone of applicant:

Eliseo J. and Maria Eliodora Tongol
P.O. Box 27209 Barrigada, Guam 96921

c/o Harry D. Gutierrez 482-5315

2. Name, title and telephone number of Representative:

Harry D. Gutierrez, Authorized Representative, 482-5315

3. Name, title and telephone number of EIA document preparer :

Harry D. Gutierrez, Authorized Representative, 482-5315

4. Location of the proposed project: (include tract, block, lot, municipality and a location map) Lot 15.45-1-1AB-1-R2, Dededo

5. Describe the general nature or type of proposed project: A 2 - storey commercial building that will used to provide services for minor auto repairs, a maintenance service shop, safety inspection station, a coffee shop and office space and future residence on the 2nd floor.

6. Are the following critical environmental factors affected by the proposed project? If yes, describe the impact and state why it would not be significant. If not affected, provide reasons why. If more space is required refer to and attach additional sheets.

a. Groundwater recharge area: Yes, it appears it is within the area and will comply with all required Environmental Controls. No significant impact.

b. Watersheds: Yes, the site may be within the area and will comply with all required Environmental Controls. No significant impact.

c. Wellhead protection zone: None

d. Streams, lakes or ponds: None

e. Marine waters: None

f. Reef flats: None

g. Pristine forest: None

h. Critical habitat area: No known critical habitat or nearby exists; subject to clearance from Guam EPA and Dept of Agriculture.

i. Wetlands: None

j. Flood hazard area: None

k. Archaeological feature(s) or historical sites: None, Subject lot was previously cleared. Will comply to all requirements should any artifacts are found during clearing and construction phases.

7. Will the project result in any of the following environmental or infrastructure impacts?

a. Production of toxic or hazardous waste: Yes, Storage of oil/lubricants will be minimal. Supplies will be delivered from off site vendors/distributors. Using of Oils and lubricants will be used on site, the company will comply with all required Environmental Controls to prevent spills of any fluids into the ground. Used oils will be disposed of in safe containers and picked up by certified vendors to a storage location off site. No significant impact.

b. Dislocation of existing businesses, residents or public areas:

None

c. Production of air contaminants (temporary or permanent): Yes. Temporary dust will be generated during construction. All required Environmental Controls will be complied with.

No significant impact.

8. Will the project require an increase in the requirements for any of the following public services (provide estimated quantities or volumes)? If answering yes to any of these items you must describe how the impact affects current infrastructure capacity. In addition, if the applicant/developer proposes contributions or mitigation to offset impacts, describe the contribution or mitigation.

a. Drinking water: Drinking water will be used by staff and other required services on site will be minimal. Residential use will be minimal. Any additional usage will be determined and will be furnished to GWA as required during review and permitting process. No significant impact.

b. Sewage disposal (public system) : Public sewer is available and the development will be hooked up to the public sewer system. Subject to GWA approval.

c. Vehicle traffic: Daily vehicular traffic will continue day to day along route No. 1, public access to the site will be minimal and controlled on site. Adequate parking is provided.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions):

Clearing and grading will be required to prepare the site. All requires for permits will be obtained prior to any construction activity on the site.

10. Will the project utilize an individual waste water disposal system such as septic tank/leaching field system, secondary package treatment system..etc.?)

No. Applicant will comply, should any special treatment/disposal packages be required.

11. Will the project include the use of above or below ground storage tanks for fuel or water?

No. Applicant will comply, should a requirement be needed in the future.

12. Does the project require permitting, land resources, financial aid or other assistance from the federal government (please provide type of permit, issuing agency, application dates, and contact person)?

No. all financing will be funded with private funds of the applicant/owner.

13. Does the project include any special or unique features that are not covered above?

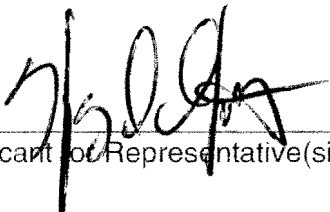
None.

If preliminary construction drawing, site plans, or related documents are available please provide such as attachments. For more information and assistance you may call GEPA Environmental Planning & Review Division at 475-1662/3

DECLARATION BY APPLICANT

Based on this assessment, it is reasonable to expect that this project will not result in significant adverse environmental impacts. I/we hereby declare a "finding of no significant impact".

Applicant: _____



Applicant or Representative(signature)

5-11-12
Date

Providing false or misleading information in this assessment may constitute grounds for permit and EIA suspension or disapproval until such time as the applicant or document preparer makes all appropriate amendments or corrections as required by Guam EPA. Statements made in this form are binding for the purpose of environmental protection and the preparer and/or applicant is responsible for the timely implementation of protection and mitigation measures identified. Failure to fulfill stated avoidance, minimization or mitigation measures may also constitute grounds for Agency enforcement actions to the full extent of all applicable environmental regulations and statutes.

**GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
ENVIRONMENTAL IMPACT ASSESSMENT (SHORT FORM)**

October 1999

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Eliseo J. and Maria Eliodora Tongol
P.O. Box 27209 Barrigada, Guam 96921

c/o Harry D. Gutierrez 482-5315

2. Name, title and telephone number of Representative:

Harry D. Gutierrez, Authorized Representative, 482-5315

3. Name, title and telephone number of EIA document preparer :

Harry D. Gutierrez, Authorized Representative, 482-5315

4. Location of the proposed project: (include tract, block, lot, municipality and a location map) Lot 15.45-1-1AB-1-R2, Dededo

5. Describe the general nature or type of proposed project: A 2 - storey commercial building that will be used to provide services for minor auto repairs, a maintenance service shop, safety inspection station, a coffee shop and office space and future residence on the 2nd floor.

6. Are the following critical environmental factors affected by the proposed project? If yes, describe the impact and state why it would not be significant. If not affected, provide reasons why. If more space is required refer to and attach additional sheets.

a. Groundwater recharge area: Yes, it appears it is within the area and will comply with all required Environmental Controls. No significant impact.

b. Watersheds: Yes, the site may be within the area and will comply with all required Environmental Controls. No significant impact.

c. Wellhead protection zone: None

d. Streams, lakes or ponds: None

e. Marine waters: None

f. Reef flats: None

g. Pristine forest: None

h. Critical habitat area: No known critical habitat or nearby exists; subject to clearance from Guam EPA and Dept of Agriculture.

i. Wetlands: None

j. Flood hazard area: None

k. Archaeological feature(s) or historical sites: None, Subject lot was previously cleared. Will comply to all requirements should any artifacts are found during clearing and construction phases.

7. Will the project result in any of the following environmental or infrastructure impacts?

a. Production of toxic or hazardous waste: Yes, Storage of oil/lubricants will be minimal. Supplies will be delivered from off site vendors/distributors. Using of Oils and lubricants will be used on site, the company will comply with all required Environmental Controls to prevent spills of any fluids into the ground. Used oils will be disposed of in safe containers and picked up by certified vendors to a storage location off site. No significant impact.

b. Dislocation of existing businesses, residents or public areas:

None

c. Production of air contaminants (temporary or permanent): Yes. Temporary dust will be generated during construction. All required Environmental Controls will be complied with.

No significant impact.

8. Will the project require an increase in the requirements for any of the following public services (provide estimated quantities or volumes)? If answering yes to any of these items you must describe how the impact affects current infrastructure capacity. In addition, if the applicant/developer proposes contributions or mitigation to offset impacts, describe the contribution or mitigation.

a. Drinking water: Drinking water will be used by staff and other required services on site will be minimal. Residential use will be minimal. Any additional usage will be determined and will be furnished to GWA as required during review and permitting process. No significant impact.

b. Sewage disposal (public system) : Public sewer is available and the development will be hooked up to the public sewer system. Subject to GWA approval.

c. Vehicle traffic: Daily vehicular traffic will continue day to day along route No. 1, public access to the site will be minimal and controlled on site. Adequate parking is provided.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions):

Clearing and grading will be required to prepare the site. All requires for permits will be obtained prior to any construction activity on the site.

10. Will the project utilize an individual waste water disposal system such as septic tank/leaching field system, secondary package treatment system..etc.?)

No. Applicant will comply, should any special treatment/disposal packages be required.

11. Will the project include the use of above or below ground storage tanks for fuel or water?

No. Applicant will comply, should a requirement be needed in the future.

12. Does the project require permitting, land resources, financial aid or other assistance from the federal government (please provide type of permit, issuing agency, application dates, and contact person)?

No. all financing will be funded with private funds of the applicant/owner.

13. Does the project include any special or unique features that are not covered above?

None.

If preliminary construction drawing, site plans, or related documents are available please provide such as attachments. For more information and assistance you may call GEPA Environmental Planning & Review Division at 475-1662/3

DECLARATION BY APPLICANT

Based on this assessment, it is reasonable to expect that this project will not result in significant adverse environmental impacts. I/we hereby declare a "finding of no significant impact".

Applicant: _____

Applicant or Representative(signature)

Date

Providing false or misleading information in this assessment may constitute grounds for permit and EIA suspension or disapproval until such time as the applicant or document preparer makes all appropriate amendments or corrections as required by Guam EPA. Statements made in this form are binding for the purpose of environmental protection and the preparer and/or applicant is responsible for the timely implementation of protection and mitigation measures identified. Failure to fulfill stated avoidance, minimization or mitigation measures may also constitute grounds for Agency enforcement actions to the full extent of all applicable environmental regulations and statutes.

Island of Guam, Government of Guam
Department of Land Management

832042

The fee record is Instrument No. _____

TGE

For the Year 12, Month 02, Day 03, Time 2:49

Recording Fee 275, Receipt No. 31255

Deputy Recorder Jane Yonanti
WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

FEB.
THAT ON THIS 2nd day of January, 2012, **VIRGILIO ANTONIO and EFIGENIA A. ANTONIO, Husband and Wife**, whose address is P.O. Box 8869 Tamuning, Guam, 96931, hereinafter referred to as "GRANTOR", for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to them paid by **ELISEO J. TONGOL and MARIA ELIODORA C. TONGOL, Husband and Wife**, whose address is P.O. Box 27209 MARRIQUITA, Guam 96921, and **EJ C. TONGOL** whose address is P.O. Box 27209 MARRIQUITA, Guam 96921, and **AIZA T. CUNA** whose address is RYAN JAY CUNA, Husband and Wife, whose address is 270 SE BARRINGTON DR. APT. B201 OAK HARBOR WA 98277, and hereinafter referred to as "GRANTEES", the receipt, adequacy and sufficiency whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the GRANTEES, the following described property:

LOT NUMBER P15.45-1AB-1-R2, (Formerly Lot Number P15.45-1AB-1), MUNICIPALITY OF DEDEDO, TERRITORY OF GUAM, ESTATE NUMBER 58853, SUBURBAN, as said Lot is marked and designated on DRAWING NUMBER CSS-0033-81, as L.M. Check Number 088 FY 82, as described in that Parcelling Survey Map, dated DECEMBER 30, 1981 and recorded JANUARY 04, 1982 at the Records Division, Department of Land Management, Government of Guam, under Document Number 325895.

Registered Land, with the LAST REGISTERED OWNER being **VIRGILIO ANTONIO and EFIGENIA A. ANTONIO, Husband and Wife**, as Joint Tenants with Rights of Survivorship, the OWNER OF RECORD being **VIRGILIO ANTONIO and EFIGENIA A. ANTONIO, Husband and Wife**, as Joint Tenants with Rights of Survivorship, and the CERTIFICATE OF TITLE REGISTRATION NUMBER being **107624**.

AREA: **1,503.12 +/- SQUARE METERS**

TOGETHER with reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the GRANTOR, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto GRANTEE, in fee simple, GRANTEE'S successors and assigns forever.

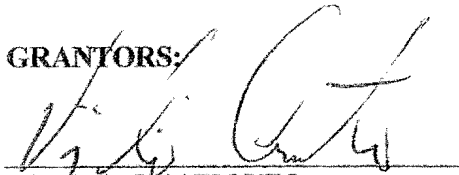
AND GRANTOR, for GRANTOR and GRANTORS' heirs, executors and administrators do hereby WARRANT and COVENANT with the GRANTEE, and GRANTEE'S successors and assigns, that they are lawfully seized of the above described property in fee simple; that the same is free and clear of all encumbrances excepting current real property taxes not yet due and payable;

THAT the GRANTEES shall have the right of quiet enjoyment of said property, and that Grantor and Grantor's heirs, executors and administrator warrant and defend the same to GRANTEES, their successors and assigns against the lawful claims and demands of all persons.

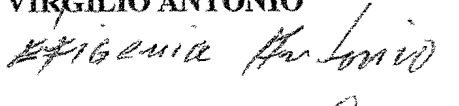
AND GRANTEE, for GRANTEE and GRANTEE'S successors and assigns does hereby acknowledge and confirm that water and power are immediately available on the property or within 100 feet of the property described above.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.


GRANTORS:



VIRGILIO ANTONIO



EFIGENIA A. ANTONIO


By: 

VIRGILIO ANTONIO
Attorney in Fact
for and on behalf of
EFIGENIA A. ANTONIO
POA Doc NO. **832041**


GRANTEES:



ELISEO J. TONGOL



MARIA ELIODORA C. TONGOL



EJ C. TONGOL



AIZA T. CUNA

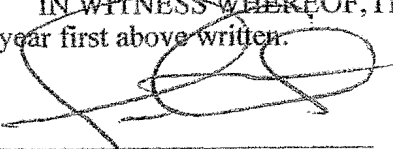


RYAN JAY CUNA

GUAM, U.S.A.)
) ss
CITY OF HAGATNA)

ON THIS 2nd day of ~~January~~^{FEB}, 2012, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **VIRGILIO ANTONIO**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the purposes therein set forth.

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



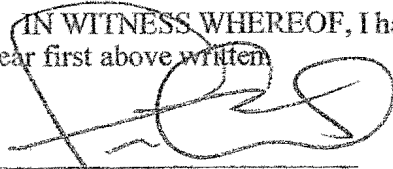
NOTARY PUBLIC
My commission expires:

JOSE GUEVARA CASTRO JR.
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: November 08, 2014
131 Magalahi St. Chalan Pago, GU 96910

GUAM, U.S.A.)
) ss
CITY OF HAGATNA)

ON THIS 2nd day of ~~January~~^{FEB}, 2012, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **VIRGILIO ANTONIO**, as Attorney in Fact for and on behalf of **EFIGENIA A. ANTONIO**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the purposes therein set forth.

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



NOTARY PUBLIC
My commission expires:

JOSE GUEVARA CASTRO JR.
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: November 08, 2014
131 Magalahi St. Chalan Pago, GU 96910

GUAM, U.S.A.)
) ss
CITY OF HAGATNA)

ON THIS 20 day of ~~January~~ ^{FEB}, 2012, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **ELISEO J. TONGOL**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the purposes therein set forth.

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



NOTARY PUBLIC
My commission expires:

JOSE GUEVARA CASTRO JR.
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: November 08, 2014
131 Magalahi St. Chalan Pago, GU 96910

GUAM, U.S.A.)
) ss
CITY OF HAGATNA)

ON THIS 20 day of ~~January~~ ^{FEB}, 2012, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **MARIA ELIODORA C. TONGOL**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the purposes therein set forth.

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



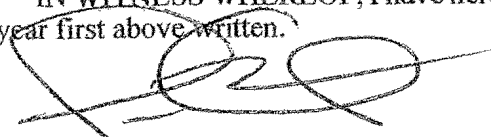
NOTARY PUBLIC
My commission expires:

JOSE GUEVARA CASTRO JR.
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: November 08, 2014
131 Magalahi St. Chalan Pago, GU 96910

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

ON THIS 2nd day of ^{Feb} ~~January~~, 2012, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **EJ C. TONGOL**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the purposes therein set forth.

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



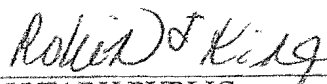
NOTARY PUBLIC
My commission expires: .

JOSE GUEVARA CASTRO JR.
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: November 08, 2014
131 Magalahi St. Chalan Pago, GU 96910

*State of Washington
County of Island*

ON THIS 26th day of **January**, 2012, before me, a Notary Public in and for Washington St. personally appeared **AIZA T. CUNA**, and he/she acknowledged to me that he/she executed the foregoing WARRANTY DEED, as his/her free and voluntary act and deed for the purposes therein set forth.

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



NOTARY PUBLIC
My commission expires: 6-1-2014

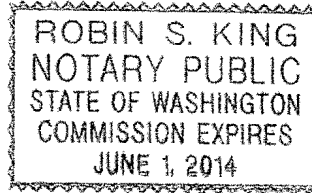
ROBIN S. KING
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 1, 2014

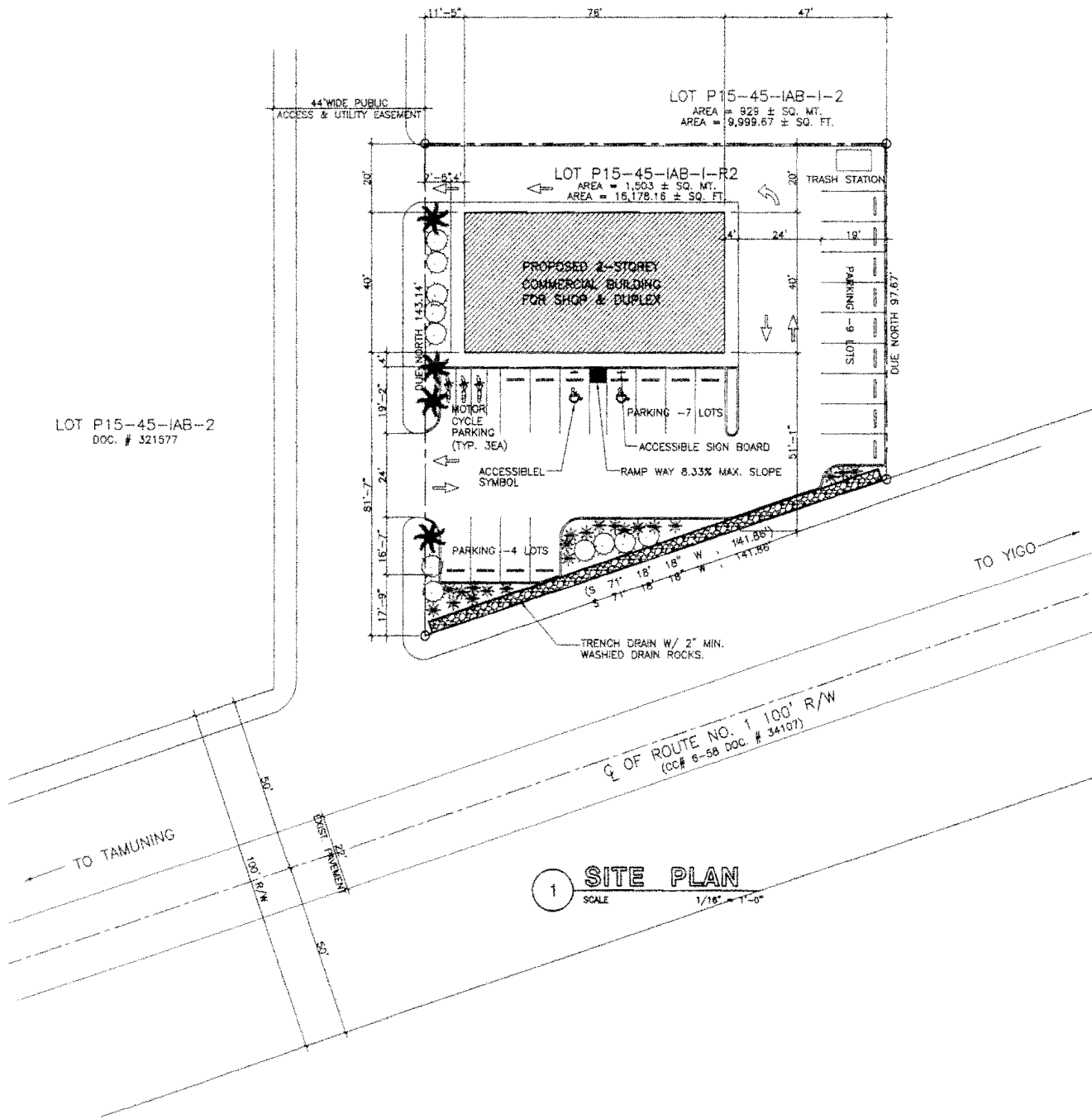
State of Washington
County of Island)^{SS}

ON THIS 26 day of **January, 2012**, before me, a Notary Public in and for WASH. STATE, personally appeared **RYAN JAY CUNA**, and he/she acknowledged to me that he/she executed the foregoing **WARRANTY DEED**, as his/her free and voluntary act and deed for the purposes therein set forth.

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

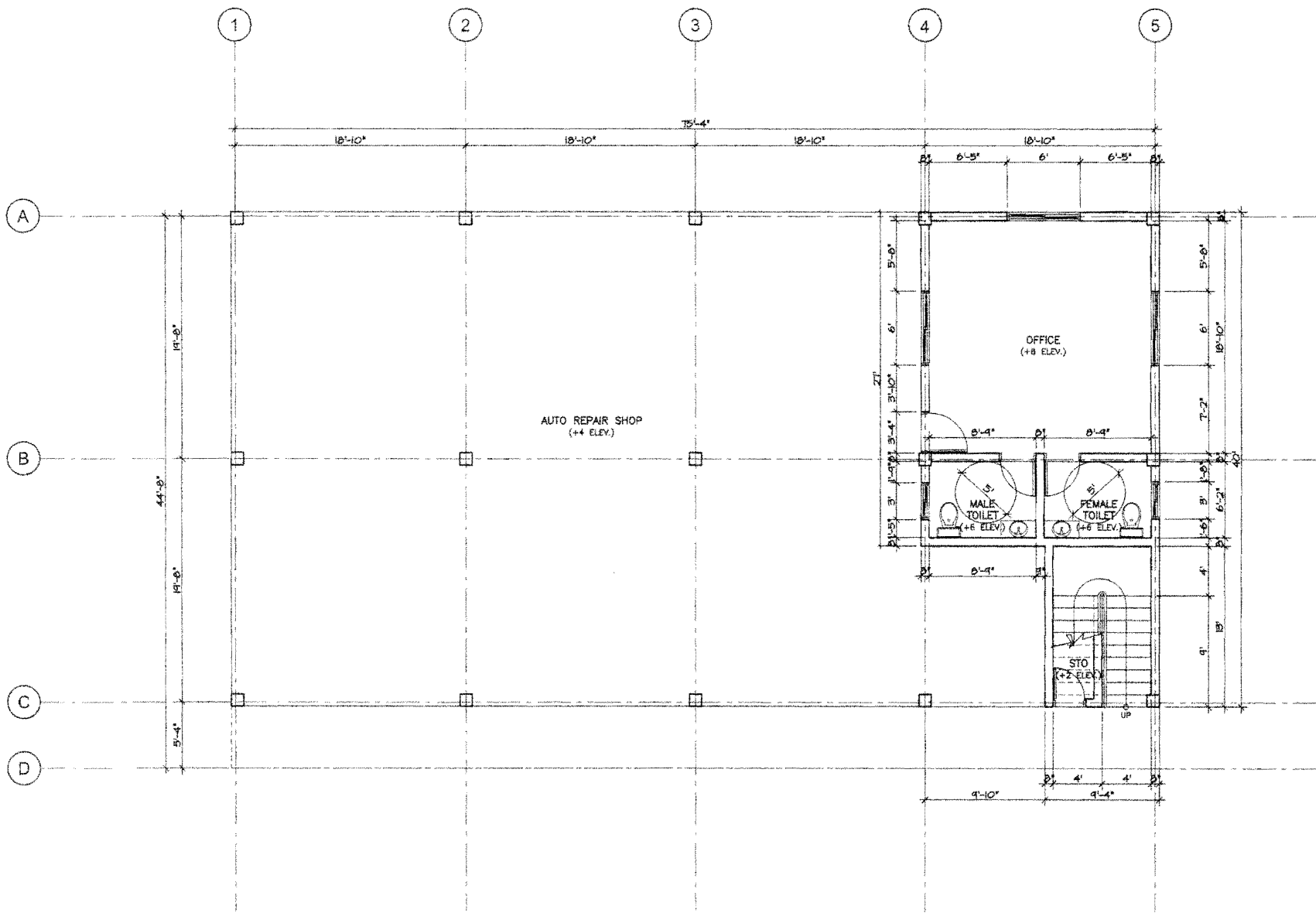
Robin S. King
NOTARY PUBLIC
My commission expires: 6-1-2014



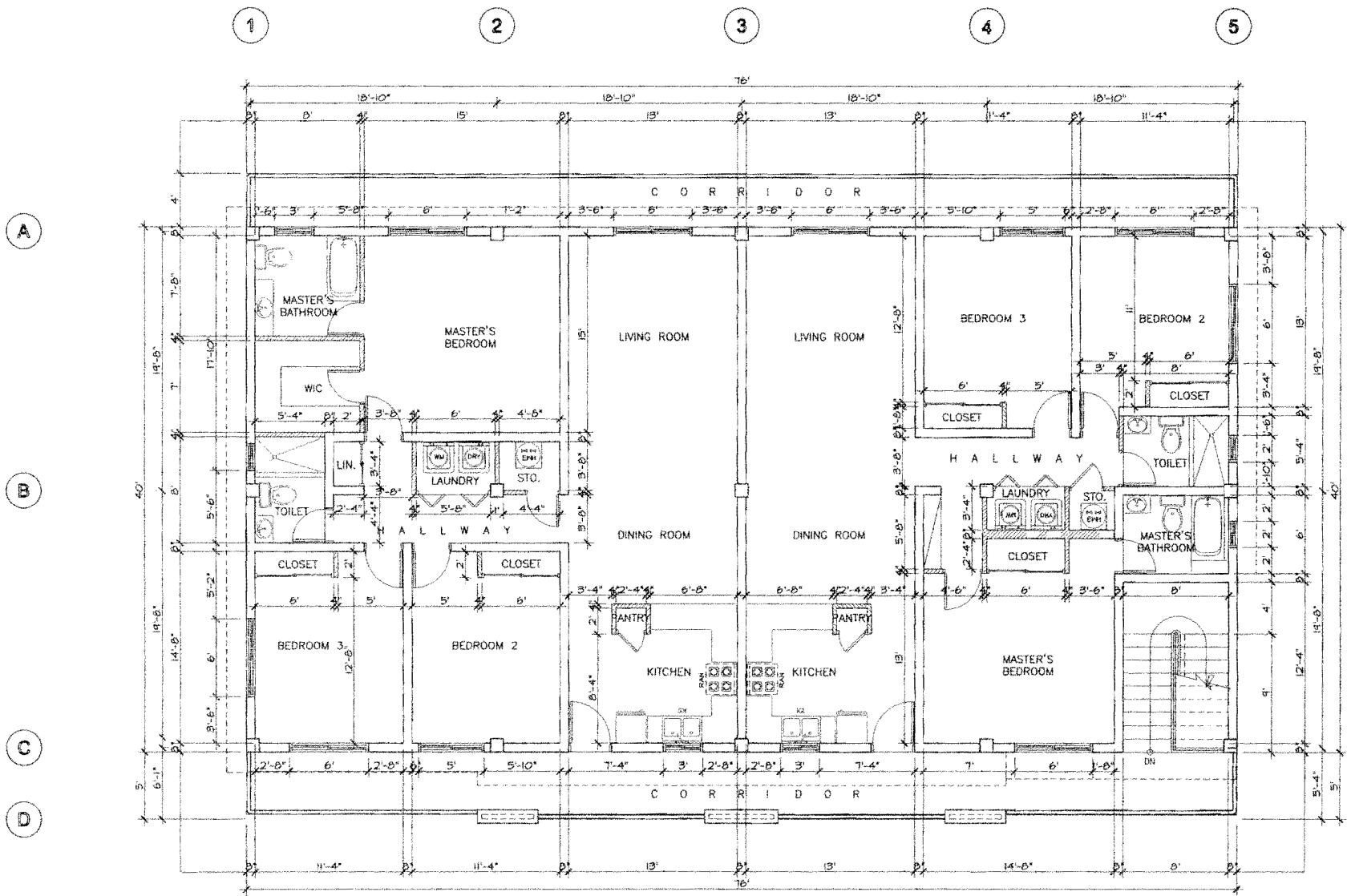


LOT P15-45-IAB-2
 DOC. # 321577

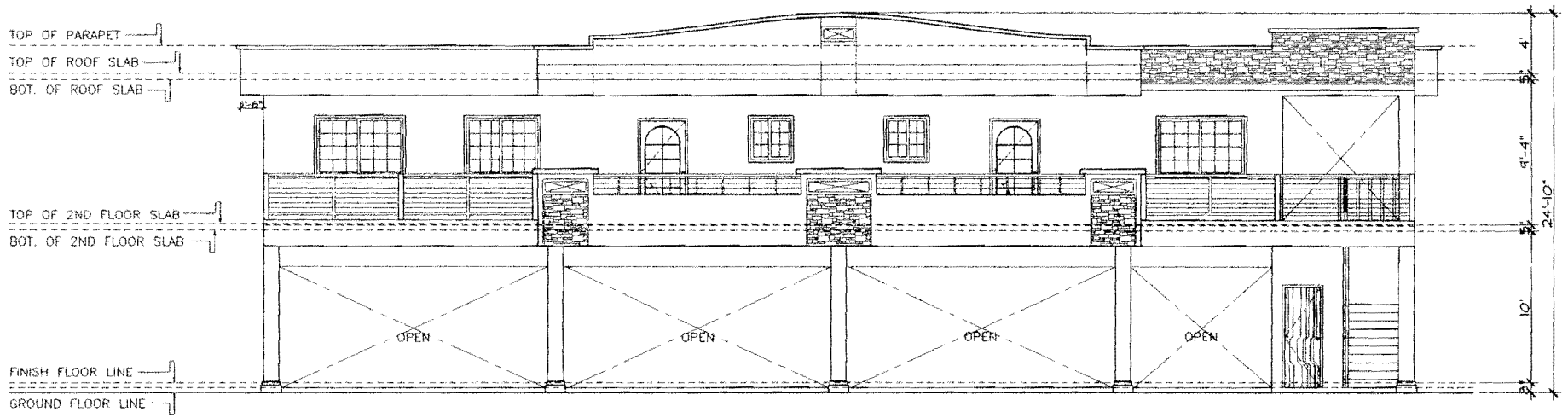
1 SITE PLAN
 SCALE 1/16" = 1'-0"



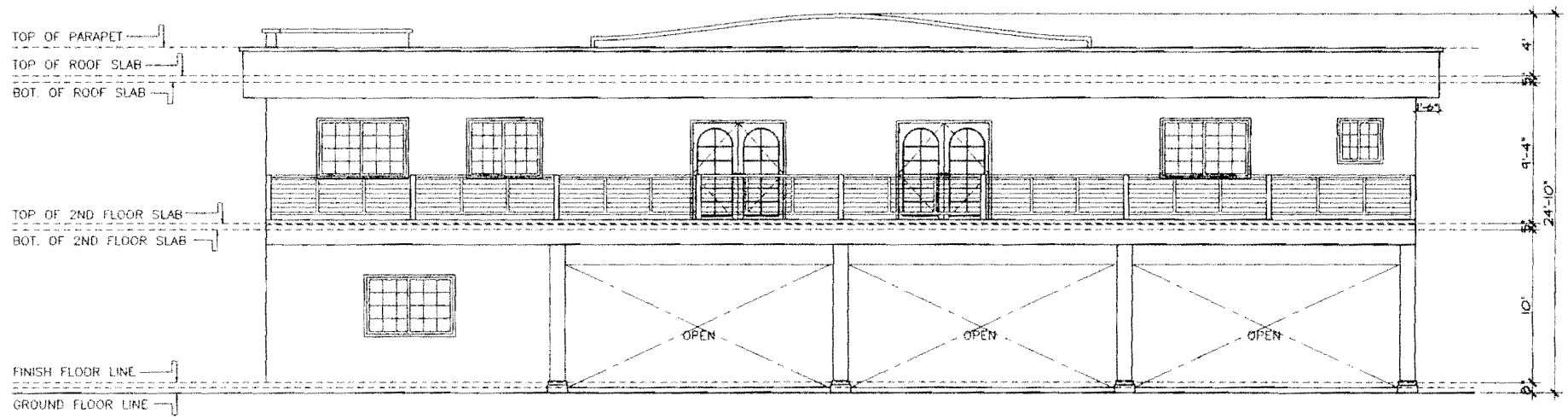
1 GROUND FLOOR PLAN
 SCALE 3/16" = 1'-0"



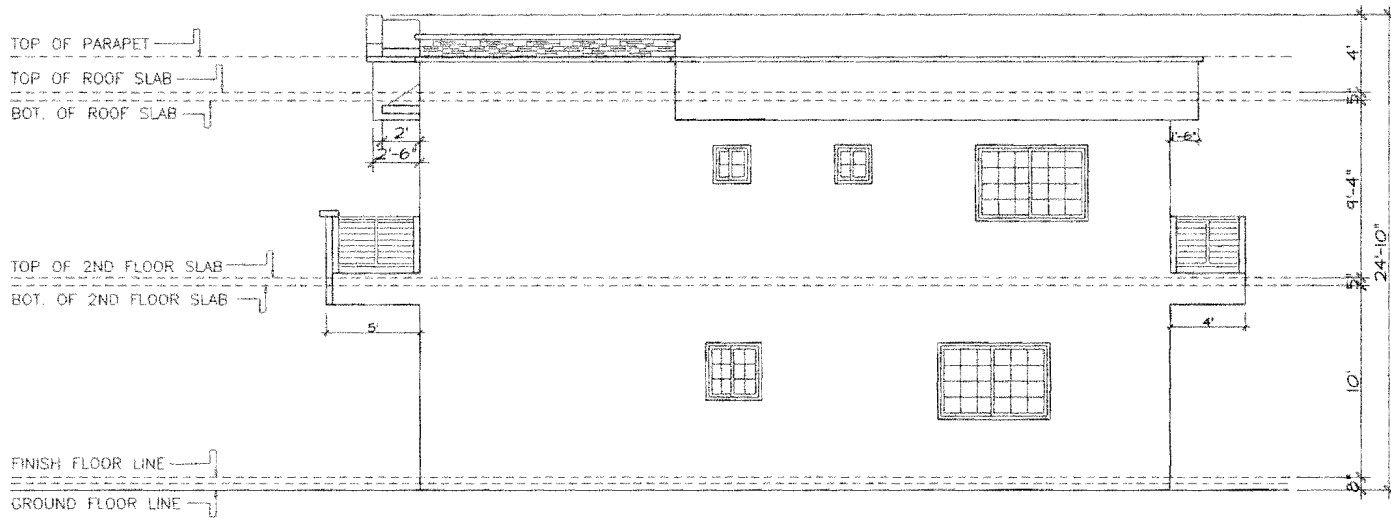
1 SECOND FLOOR PLAN



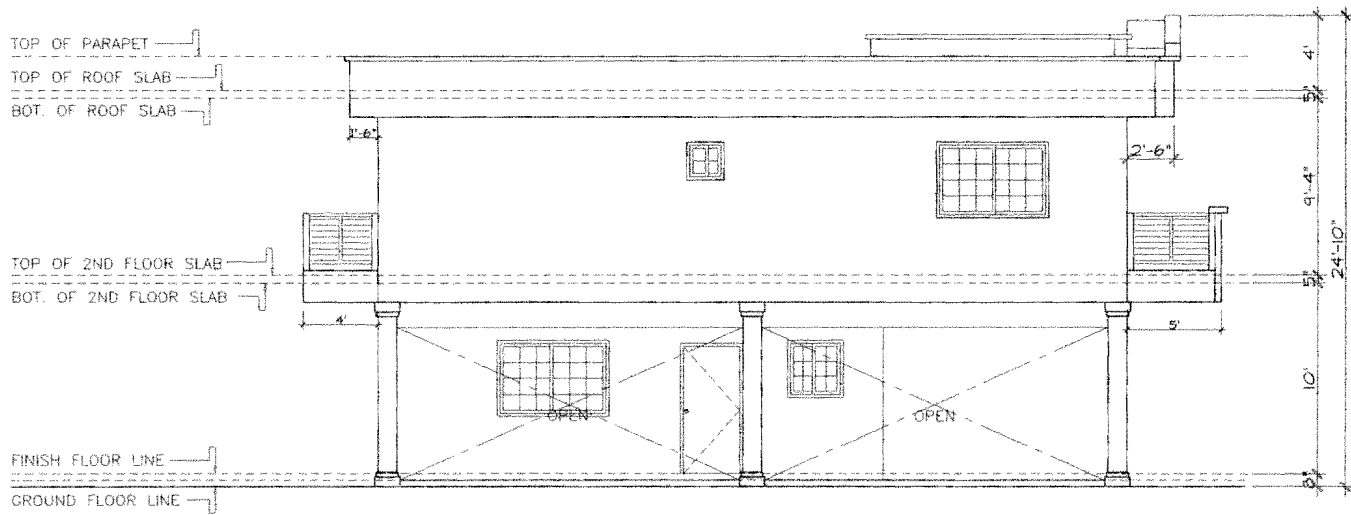
1 FRONT ELEVATION
SCALE 3/16"=1'-0"



1 REAR ELEVATION
SCALE 3/16"=1'-0"

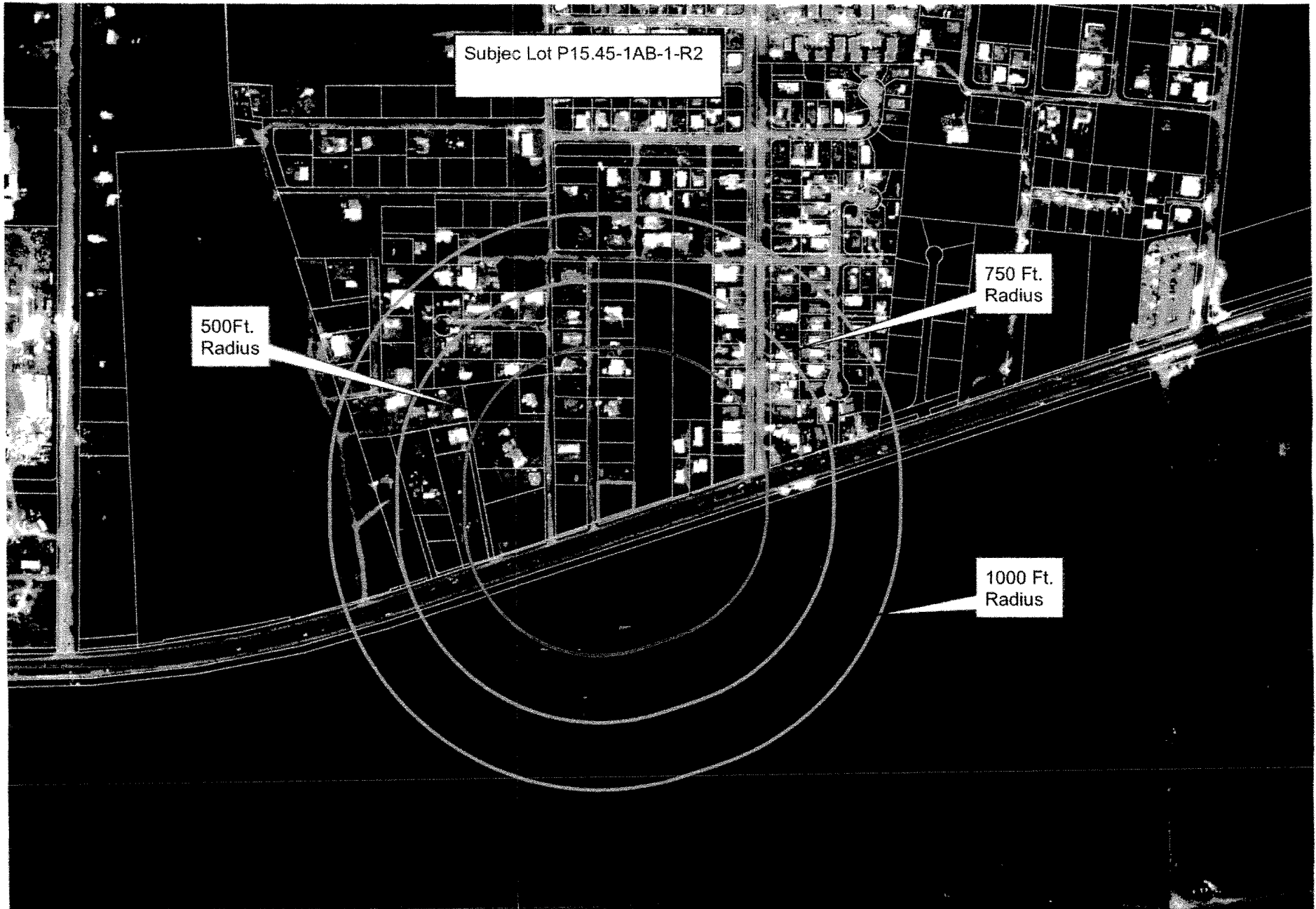


1 RIGHT SIDE ELEVATION
SCALE 3/16" = 1'-0"

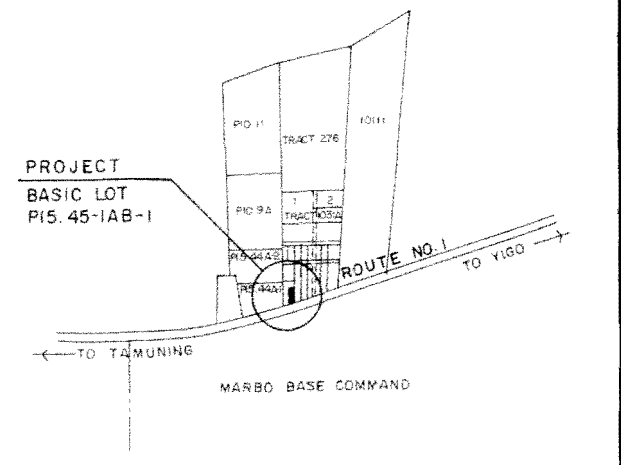
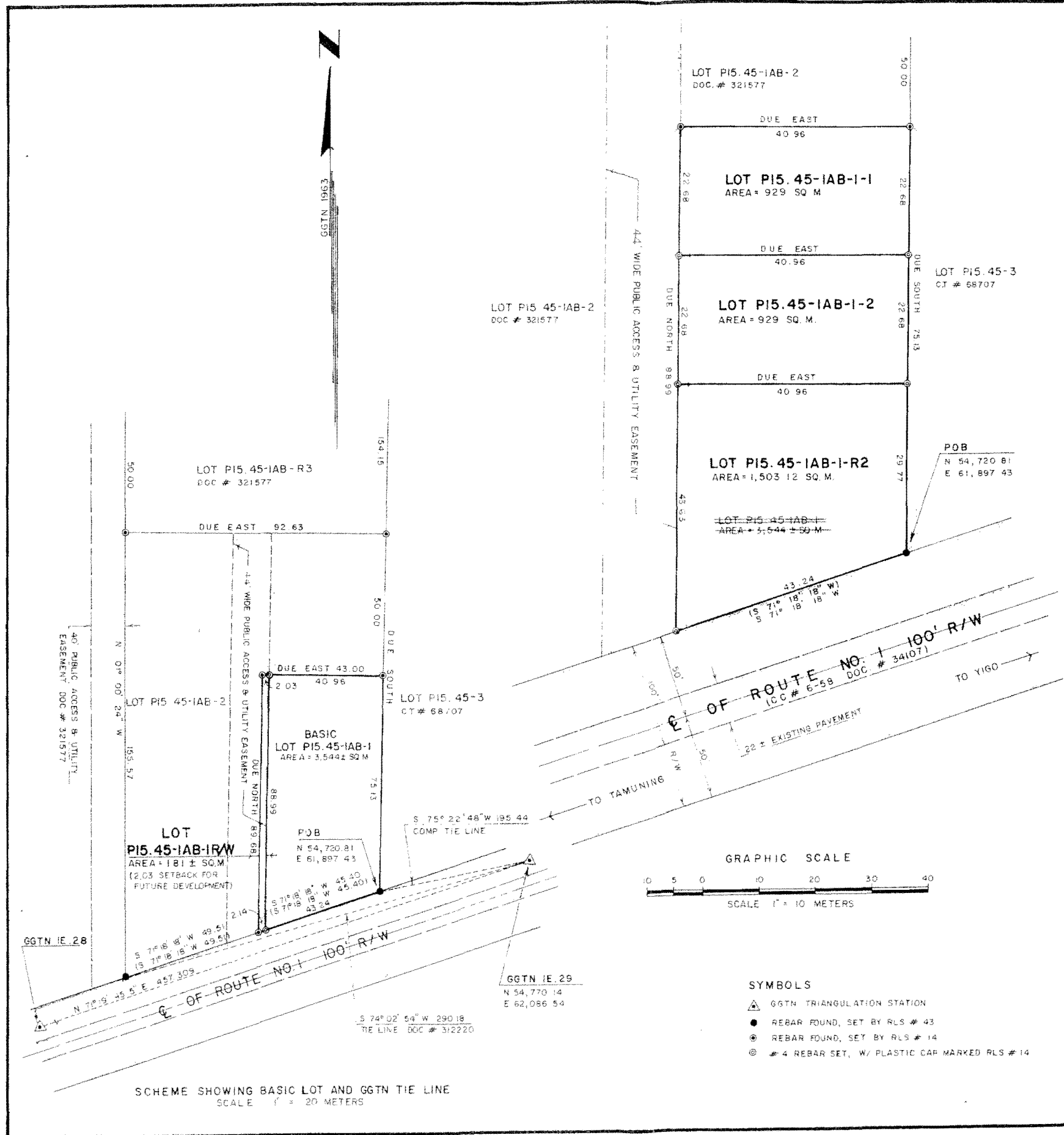


1 LEFT SIDE ELEVATION
SCALE 3/16" = 1'-0"

(YPAO-PAO ESTATES SUBDIVISION)



(ANDERSEN SOUTH MILITARY RESERVATION)



- NOTES**
- SURVEY WAS BASED ON FOUND CORNERS AS SHOWN
 - ALL DISTANCES ARE IN METERS, UNLESS OTHERWISE NOTED.
 - BEARING AND DISTANCES ARE BASED ON 1963 GRID AND FIELD CONDITION ALL IN PARENTHESIS ARE RECORD DATA

REFERENCES

DWS NO. GSS-0003-B1, CONSOLIDATION & PARCELLING SURVEY OF NEW BASIC LOT PI5.45-IAB, PREPARED BY RLS # 14 LM# 224-FY81 DOC # 321577

CERTIFICATIONS

I, ELMER L. GAY, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN DEC. 1981 IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

ELMER L. GAY RLS # 14 DATE 12/2/81

APPROVAL PURSUANT TO PUBLIC LAW 6-134, TITLE 19 GOVERNMENT CODE OF GUAM

TERRITORIAL PLANNER DATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 14, GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS THE 28th DAY OF Dec 1981

TERRITORIAL SURVEYOR

REV	BRIEF DESCRIPTION	BY	DATE	APPROVED
SURVEY DATA				
RESEARCH	EP	DEC 1981		
FIELD BK	GRI			
FIELD BY	EP JM			
COMPUTED	JM			
DRAWN	JM			
CHECKED	ELG			
SATISFACTORY TO DATE				
CHAMORRO SURVEYING SERVICES, INC.				
REGISTERED LAND SURVEYOR NO. 14				
P.O. BOX 3148 AGANA, GUAM, 96910 TEL. 477-8554				
PARCELLING SURVEY MAP OF BASIC LOT PI5.45-IAB-1				
AS-ATDAS, MUNICIPALITY OF DEDEDO LS 15 SEC. 2				
BASIC LOT PI5.45-1B				
CERT OF TITLE 40505/ 9918				
REG ON 3/7/75 / 7/25/57				
OWNER ROSA TERESITA PEREZ SALAS				
SURVEYOR'S DRAWING NO. CSS-0033-81				
LAND MANAGEMENT				
IN NAME OF ROSA TERESITA PEREZ SALAS				
088 -FY 82				
SHEET 1 OF 1 SCALE 1" = 10 METERS				

4036

4036

7012 1640 0002 4787 9135

U.S. Postal Service
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2012-31

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2012-31

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Sent to: **Yolima Roshoo D.**
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City, State, ZIP+4

2012-31

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Street, Apt. No. or P.O. Box No.
City, State, ZIP+4

2012-31

7012 1640 0002 4787 9332

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City, State, ZIP+4

2012-31

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Sent to: **Beltrami Eduardo**
Street, Apt. No. or P.O. Box No.
City, State, ZIP+4

2012-31

7012 1640 0002 4787 9042

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Sent to: **Belcher Marilyn D.**
Street, Apt. No. or P.O. Box No.
City, State, ZIP+4

2012-31

7012 1640 0002 4787 9264

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City, State, ZIP+4

2012-31

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Postage \$ 45
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Restricted Delivery Fee (Government Required) 2.95
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Sent to: **Choi Lina - Sou-Nan**
Street, Apt. No. or P.O. Box No.
City, State, ZIP+4

2012-31

7012 1640 0002 4787 9172

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Street, Apt. No. or P.O. Box No.
City, State, ZIP+4

2012-31

7012 1640 0002 4787 9325

U.S. Postal Service
CERTIFIED MAIL RECEIPT

Postage \$ 45
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Restricted Delivery Fee (Government Required) 2.95
Total Package & Fees \$ 3.40

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Sent to: **Antonio Virgilio A.**
Street, Apt. No. or P.O. Box No.
City, State, ZIP+4

2012-31

7012 1640 0002 4787 9059

U.S. Postal Service
CERTIFIED MAIL RECEIPT

Postage \$ 45
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Restricted Delivery Fee (Government Required) 2.95
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2012-31



(Department of Land Management)
GUBETNAMENTO GUAHAN
(Government of Guam)



MONTEL MAFNAS
Director

EDDIE B. CALVO
Governor of Guam

RAY TENORIO
Lieutenant Governor of Guam

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[2012-31]

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

E-mail Address:
d1m@mail.gov.gu

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

November 19, 2012

Dear Sir/Madam:

An application has been filed with the Guam Land Use Commission (GLUC) by:

The Applicants, Eliseo J. & Eliodora C. Tongol, represented by Harry I Gutierrez, request for a Zone Change from "R-1" (Single Family Dwelling) 1 "C" (Commercial) zone to allow commercial activities (minor auto repair and services, maintenance shop, safety inspection station, coffee shop, office spaces and residence on 2nd floor, on Lot P15.45.1AB-1-R2, in the Municipality of Dededo, under Application No. 2012-31.

For any **Zone Change**, the Guam Land Use Commission is mandated by law to conduct a Public Hearing in the Municipal District where the property is located. Accordingly, a Public Hearing on this application is scheduled to be held:

PLACE: Dededo Senior Citizen Center
DATE: December 11, 2012, Tuesday
TIME: 6:00 p.m.

As a property owner identified within 500 feet of this proposed development, we invite you to attend this Public Hearing and participate in the review process and to express your opinion on this application. If you are unable to attend the Public Hearing, please submit written comments to our office on or before, **December 10, 2012, Monday**. Written comments should be addressed to:

Chairman, GLUC or Executive Secretary, GLUC
c/o Department of Land Management
Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

Accordingly, a GLUC Hearing for this application will be advertised in the Pacific Daily News open ad, Government meeting, and the website.

Attachment B to Exhibit B