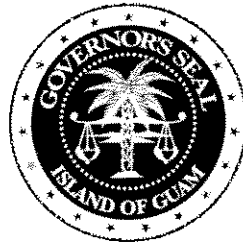


EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAR 04 2014

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

32-14-1426
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 3/9/14
Time 3:15 PM
Received by JTB

Re: GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone on Lots 2436-4, -5 and -6, Mangilao; Applicant Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz

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 Applicant, **Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz**, represented by Harry D. Gutierrez, request to re-zone from "A" (Rural) to "M-1" (Light Industrial) zone to allow aggregate processing and storage, asphalt and concrete batching, heavy equipment repair shop and parking and other related light industrial uses, on Lots 2436-4, -5 and -6, in the Municipality of Mangilao.

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

Eddie Baza Calvo
Governor of Guam

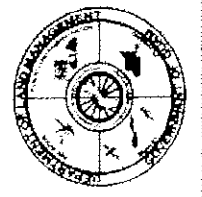
Attachments

1426

2014 MAR 20 AM 8:35



**GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2012-48B
LOTS 2436-4, 2436-5, 2436-6
MUNICIPALITY OF MANGILAO**



COPY

Attachment 1



Reference DLM Map No. 002FY2005



Space for Recordation
 Island of Guam, Government of Guam
 Department of Land Management Officer of the Recorder
 File for Record is Instrument No. **862774**
 On the Year 13 Month 03 Day 7 Time 9:45
 Recording Fee _____ Receipt No. _____
 DE-OFFICIO
 Deputy Recorder Lisa S. Manggar

GLUC ZONE CHANGE APPLICATION NO.: 2012-48B APPLICANT: ESTATE OF ALEJANDRO P. CRUZ & EXECUTRIX ROSITA G.P. CRUZ, PEDRO JOSE ADA II c/o FE ADA CEPEDA, HERMAN F. ADA & ANTONIA C. DIAZ PREPARED ON JANUARY 29, 2014 FROM: "A" (AGRICULTURAL/RURAL) TO: "M-1" (LIGHT INDUSTRIAL) LOT: 2436-4, -5, & -6 BLOCK: N/A TRACT: N/A MUNICIPALITY: MANGILAO PLACE NAME: N/A SCALE: N/A AMENDMENT NO.: A-71 ZONING MAP NO.: F3-67S40	THE GUAM LAND USE COMMISSION, AT ITS REGULAR HEARING ON JULY 25, 2013, APPROVED IN WHOLE THE ZONE CHANGE FROM "A" TO "M-1" ON LOTS 2436-4, 2436-5 AND 2436-6 MUNICIPALITY OF MANGILAO <input checked="" type="checkbox"/> APPROVED IN WHOLE <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DISAPPROVED JOHN Z. ARROYO, CHAIRMAN, ACTING GUAM LAND USE COMMISSION DATE: <u>2/5/2014</u> <input checked="" type="checkbox"/> APPROVED IN WHOLE <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DISAPPROVED EDDIE BAZA CALVO, GOVERNOR OF GUAM DATE: MAR 04 2014
---	---



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

February 3, 2014

Memorandum

To: The Governor

From: Acting, Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone Lots 2436-4, -5 and -6, Mangilao**

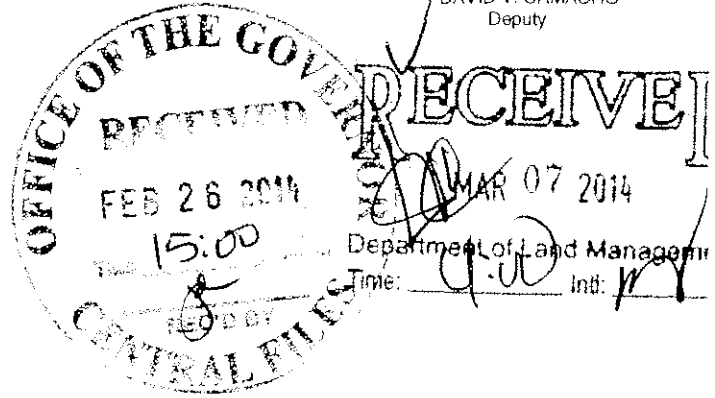
Re: Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz

Bueñas Yan Hafa Adai Governor:

Submitted for your consideration and action is Zone Change Application 2012-48B, affecting Lots 2436-4, -5 and -6, in the Municipality of Mangilao. The Applicant, Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz, represented by Harry D. Gutierrez, request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone to allow aggregate processing and storage, asphalt and concrete batching, heavy equipment repair shop and parking and other related light industrial uses.

Application chronology is as follows:

- July 31, 2012 - Application officially accepted
- August 16, 2012- Reviewed by Application Review Committee (ARC)
- December 20, 2012 - Public Hearing, Mangilao Community Center
- July 25, 2013 - Guam Land Use Commission (GLUC) Public Hearing (approval of the Zone Change).



170214-0790

Memorandum to the Governor

*Zone Change request - Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz,
Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz*

Lots 2436-4, -5 and -6, Municipality of Mangilao

Application No. 2012-48B

February 3, 2014

Page 2 of 2

Pursuant to the Guam Code Annotated, Title 21 (Real Property), Chapter 61 (Zoning Law), §61634 (Decision by the Commission), which states, "If the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part", this application is being sent to you for your action.

This Application is being sent to you for decision pursuant to Title 21, GCA, Chapter 61 (Zoning) Section 61634.

Contact Land Planning Division at 649-5263, extension 371, should you have Additional questions or need further clarification.

Si Yu'os Ma'ase


David V. Camacho
Acting, Executive Secretary, GLUC

Attachments:

1. Amendment No. **A-71**, Zoning Map No. **F3-67S40**
2. Zone Change Application
3. Formal Letter to Mayors for Public Hearing (dated December 4, 2012)
4. Attendance Sheet of Public Hearing (dated December 20, 2012)
5. Supplemental/Staff Report with Summary of ARC Position Statements
6. GLUC Agenda Notice – PDN (dated July 18th & 23rd, 2013)
7. GLUC Agenda of July 25th, 2013 – Disposition
8. GLUC Minutes for July 25th, 2013 (Doc. No. 855916)
9. Notice of Action – Findings of Facts
 - * Exhibit A – Affidavit of Publication
 - Attachment A – Official Memorandum to PDN (dated December 4th, 2012)
 - Attachment B – Public Hearing Advertisement (December 10th, 2012)
 - * Exhibit B – Affidavit of Mailing
 - Attachment A – U.S. Postal Certified Receipts (dated December 6th, 2012)
 - Attachment B – Official Notice of Public Hearing (dated December 4th, 2012)

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAR 04 2014

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

Re: **GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone on Lots 2436-4, -5 and -6, Mangilao; Applicant Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz**

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 Applicant, **Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda & Herman F. Ada & Antonina C. Diaz**, represented by Harry D. Gutierrez, request to re-zone from "A" (Rural) to "M-1" (Light Industrial) zone to allow aggregate processing and storage, asphalt and concrete batching, heavy equipment repair shop and parking and other related light industrial uses, on Lots 2436-4, -5 and -6, in the Municipality of Mangilao.

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


Eddie Baza Calvo
Governor of Guam

Attachments

Application No.: **2012-48**

Estate of Alejandro P. Cruz

HARRY D. GUTIERREZ

Zone Change

Consultant

Accepted Date:

31-Jul-12

#119 Gutierrez Way

Case Planner:

PenmerG

Agana Heights, Guam 96910

482-5315 / 477-7880 Email: harry.gutierrez@yahoo.com

July 24, 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

P. Cortez 2/15/12
RECEIVED
Planning Div

Subject: Zone Change Application for:
Lot 2436-4, Pagat, Mangilao for the Estate of Alejandro P. Cruz and Executrix Rosita G.P. Cruz
Lot 2436-5 Pagat, Mangilao for Pedro Jose Ada II and Fe Cepeda
Lot 2426-6, Pagat, Mangilao for (Antonina C. Diaz)

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 the subject lots above for your review and consideration before the Guam Land Use Commission, for a Zone Change from "A" (Agricultural) to "M-2" (Heavy -Industrial) Zone

The subject lots are located along Route No. 15 in Pagat , Mangilao and approximately 200-300 feet northeast east of the Hawaiian Rock Products plant and quarry. For your information, the abutting lot (Lot 2436-7) was recently rezoned to from "C" (Commercial) to "M2" (Heavy Industrial) by the GLUC and nearby is the AMELCO heavy industrial yard and the location of Guam Rebar Company. The lots were a part of the federal return ancestral lands from the U.S. Government. The return properties were unzoned and the previous lot owners (Lot 2436-7) sought assistance from the Guam Legislature and they requested to rezoned their properties to industrial" zone as it was within the area of abutting lots with existing light and heavy industrial activities. Based on information obtained from the previous owners, testimonies were to have the legislature to establish designation of an 'M' zone (Industrial) in the Pagat area as there are existing uses in abutting and adjacent properties , are of light to heavy industrial uses; and in which proper "M" Zone designation has been established for these properties. During initial legislative public meeting as well as during legislative discussion during its committee as a whole review, all indications was that the establishment of the "M" Zone appeared favorable. Unfortunately, in the end, the "C" Zone was approved only for Lot 2436-7, notwithstanding the fact that the testimonies by the owners and the Department (Land Management) provided justification for the "M" zone.

Attachment 2

The Guam Legislature had recently passed Public Law 31-209 rezoning all federal returned unzoned lands to "A" (Agricultural) that included the lots in this application. The present conditions on the lots are that they are all vacant and overgrown with vegetation and also abuts other vacant lots on the northwest (all returned ancestral lands). These lots are also located within similar industrial activities that are within 100-2,000' (feet) to the east, south and southeast. Hawaiian Rock, which is across from this site, operates a more intensive industrial use; and to its north, is the AMELCO facility that also conducts light and heavy industrial uses. Both the AMELCO and Hawaiian Rock properties are zoned M-2 (Heavy Industrial). Water, power, telephone are all available with the exception of sewer. Route No. 15 serves as the major collector arterial road; and is also served by an internal 40' wide public access and utilities right-of-way.

On April 12, 2012, the Guam Land Use Commission (GLUC) approved the zone change application for M2 proposed heavy industrial activities for Lot 2436-7.

The property owners of the abutting and neighboring lots have joined and their intent to rezone their property and make it compatible with the same zoning (M2 Zone) as other lots abutting and in the adjacent and immediate area and to allow aggregate processing and storage, asphalt and concrete batching, heavy equipment parking, a repair shops and warehousing facilities, and other related light-heavy industrial activities in support of the military build up requirements and island wide construction projects, housing development projects, building improvements and other island-wide future projects as well.

The lot areas: Lot 2636-4, 31,842 square meters or 342,743 square feet (8.56 acres)
Lot 2436-5, 31,841 square meters or 342,732 square feet (8.56 acres)
Lot 2436-6, 31,842 square meters or 342,732 square feet (8.56 acres)

Total Acreage of three (3) lots = 25.68 acres

The individual lot areas 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 the majority of the lots are already zoned M2. If rezoned, the uses will only be for light and heavy industrial 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.

Other land uses nearby are sporadic single family (approximately 500- 1,000 feet) to the northeast, residential duplexes, a few commercial activities, a military antenna field to the northwest (US Government property and Radio Barrigada).

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 lots and uses are compatible with existing M1/M2 zoned properties. The proposed land uses and activities will provide the island community much needed products and services for residential, private and commercial structures and as well as building and improvement of infrastructure and military construction requirements. This area is developing into a more 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 demand for aggregates, concrete products and asphalt other heavy industrial support services, warehousing facilities and staging areas that will be available to will serve the island community both private, military, and the general public;

B. Public Convenience:

The proposed zone change of the lots will afford public convenience for much needed products and materials for construction of homes, commercial, private structures, military construction, and infrastructure improvement, products warehousing, storage, office space and other light industrial and heavy industrial activities and uses on the property that is consistent with the current land uses in the immediate area and is within a radius of 100 feet of Route No. 15. The location of the lots is central and convenient to all areas with large population, and near commercial districts and military activity sites and most importantly very close proximity from one of the main arterial route known as Route No. 15 that fronts the development site;

C. General Welfare:

The proposed zone change of the subject lots will protect the general public, the immediate surroundings and properties by being consistent for light and heavy industrial activities that is on-going at present time in the abutting and adjacent lots and for other uses and requirements that is permitted in a heavy industrial zone. 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 and is central to all areas with large population, and is very near commercial districts, proposed new residential and commercial developments requiring products and industrial services, transportation support, equipment repairs, warehousing, and related uses available for the general public. The establishment of the industrial site and its operations will provide employment to our local residents and contribute to the island's economic development and prosperity. Although the properties has a total acreage of 25 acres, only a portion of each lot will be fully developed for the intended batch plants, aggregate storage, products storage, warehousing facilities, parking for heavy equipment, service and repair shops, office operations and related accessory uses. The development will be fenced and landscaped.

Page 4 (Ref: Lots 2436-4, 2436-5, and 2436-6, Pagat, Mangilao, Rezoning Application from "A" to "M-2"; Represented by Harry D. Gutierrez.

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 noted

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: Estate of Alejandro P. Cruz and Executrix Rosita G.P. Cruz,
Pedro Jose Ada II/Fe Ada Cepeda and Herman F. Ada,
Antonina C. Diaz U.S. Citizen: Yes No

Mailing Address: c/o Harry D. Gutierrez (Auth Representative)

Telephone No.: Business 482-5315 Home: _____

2. Location, Description and Ownership:

Subdivision Name: (Formerly Returned Federal Lands)

Lot(s): 2436-4, 2436-5, 2436-6 Block: N/A Tract: N/A

Lot Area: Acres 25.6 acres Square Meters 95,520 Square Feet: 1,028,207
L2436-4, 31,842sm, 342,743sf; 8.56acres/L2436-5, 31,841sm, 342,732sf; 8.56acres/L2436-6,
31,842sm, 342,732sf; 8.56acres, Municipality: Mangilao

Registered Owner: L2436-5; Pedro J. Ada II/Fe A. Cepeda/Herman F. Ada, L2436-4; Est. of Alejandro P. Cruz & Executrix Rosita G.P. Cruz, L2436-6; Antonina C. Diaz,

Certificate of Title No.: See Attached Documents Recorded Document No.: See Attached Documents

3. Current and Proposed Land Use:

Current Use: Vacant and overgrown vegetation Zoned: "A" (Agricultural)

Proposed Use: Aggregate processing and storage, asphalt and concrete batching, heavy equipment repair shops and parking, warehousing and logistical support facility, and other related light/heavy industrial uses. Proposed Zone: "M-2" (Heavy-Industrial)

Master Plan Designation: No Masterplan Designation on this site (Pagat).

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:

- a. 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.

ZONE CHANGE

5. Supporting Information (Continuation):

- b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also 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 inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
 - (4) The nearest location of all public utilities to the subject lot;
 - (5) All natural or topographic peculiarities.
- c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.
- d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.
- e. A detailed As-Built Plan of the lot shall include the following:
- (1) Total number and types of building;
 - (2) Parcel size in square meters/feet;
 - (3) Layouts of utilities and drainage;
 - (4) Proposed lot coverage of building(s) and accessories in square meters/feet;
 - (5) Approximate gross and net densities allowed on parcel;
 - (6) Feasibility study;
 - (7) Topography;
 - (8) Existing earth faults and sinkholes;
 - (9) Water courses and lens;
 - (10) Reservation, conservation and historic places;
 - (11) Total percentage of open spaces exclusive of parking stalls and other man-man features;
 - (12) Percentage of building footprint (PD only); and
 - (13) Compatibility to surrounding uses (PD only).
- f. If leased, lease agreement (the assignment of lease and the covenant).
- g. An initial comprehensive **Environmental Impact Assessment (EIA)** in accordance with Executive Order 90-10.
- h. Additional information as required by the Guåhan Chief Planner

Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the Application and nine (9) copies of the Application in electronic format (example: in CD format, etc.)

6. **Filing Fee: Fifty Dollars (\$50.00)** filing fee for the first five pages, and \$.25 for any additional page, 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 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."

For Estate of Alejandro P. Cruz, Pedro Jose Ada and Antonina C. Diaz;
For Lotowners of 2436-4, 2436-5 & 2436-6

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

Harry D. Gutierrez, Consultant/Representative 7/24/2012

(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: _____

File for Record is Instrument No. 797135

On the Year 09 Month 10 Day 12 Time 3:54

Recording Fee 35 Receipt No. 10011290

Deputy Recorder Jane Yamashita

(Space above this line for Recorder's use only.)

DEED OF GIFT

KNOW ALL MEN BY THESE PRESENTS:

That **THE ESTATE OF ALEJANDRO P. CRUZ BY AND THROUGH ITS EXECUTRIX ROSITA G.P. CRUZ** ("Grantor"), for and in consideration of the **LOVE AND AFFECTION** which I have and bear unto **ROSITA G.P. CRUZ**, whose mailing address is P. O. Box 2169 Hagatna, Guam 96932, **ROBERT G.P. CRUZ**, whose mailing address is P. O. Box 23396, GMF Barrigada, Guam 96921, **CATHERINE CRUZ SIMPSON** whose mailing address is 1981 Iwi Way Honolulu, HI 96816, **ALLAN F.P. CRUZ** whose mailing address is 210 Castle Hill Ranch Road, Walnut Creek, CA 94595 "Grantees", do by these presents hereby give, grant, alien, and confirm any and all interest unto the Grantees, as **Tenants in Common with an undivided equal interest** in the following described parcel of real property, to wit:

- A. A One-fourth (1/4) undivided equal interest in Lot 2436-3 Municipality of Mangilao, Guam consisting of approximately 20,989 square meters; and
- B. Lot 2436-4 Municipality of Mangilao, Guam consisting of approximately 31,842 square meters.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, unto the said Grantees, and Grantee's heirs, administrators and assigns forever.

GRANTOR FURTHER STATES that water is available within 100 feet of the above-mentioned property and that power (electricity) is available within 100 feet. The Grantees are aware that the Government of Guam is not required to pay for water and power hookup.

TO HAVE AND TO HOLD the same, in fee simple, unto Grantees and Grantee's heirs, administrators and assigns forever.

IN WITNESS WHEREOF, we whose hereunto set our hands this 5th day of October, 2009.

GRANTOR:

THE ESTATE OF ALEJANDRO P. CRUZ

Dated: 10/5/09

By: Rosita A.P. Cruz
ROSITA G.P. CRUZ, EXECUTRIX

)
)
)
ss:

ON THIS 5th day of October, 2009, before me a Notary Public in and for Guam, personally appeared **ROSITA G.P. CRUZ** who executed the foregoing instrument and she acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and 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.

Jennifer C. Bautista
NOTARY PUBLIC
JENNIFER C. BAUTISTA
NOTARY PUBLIC
in and for Guam, U.S.A.
My Commission Expires: October 5, 2009
P.O. Box 326178
Hagatna, Guam 96932

June 2, 2011

KNOW ALLMENBY THESE PRESENTS:

I, **FE ADA CEPEDA**, whose address is P.O. Box 5623, Saipan, MP 96950 as beneficiary to one-sixth (1/6) of Lot No. 2436-5, Mangilao hereby authorize my brother **HERMAN F. ADA**, whose address is 2346 Laguina Circle, Windward Estates - Phase II, Yona, Guam 96915 to act on my behalf to transact any and all paperwork relative to the rezoning of Lot No. 2436-5, Municipality of Mangilao, Guam, Drawing No. FC03-036, Document No. 723746, Mangilao, Guam, including the signing of documents necessary for the rezoning of said property.

Fe Ada Cepeda
FE ADA CEPEDA

IN WITNESS WHEREOF, I hereby affix my signature this 2 day of June, 2011.

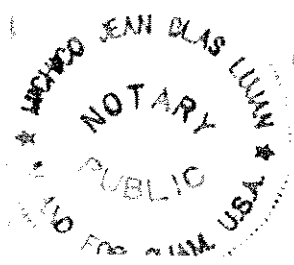
Fe Ada Cepeda
FE ADA CEPEDA

Island of Guam)
)
City of Hagatna)

Subscribed and sworn to before me this 2nd day of June 2011.

MICHICO JEAN BLAS LUJAN
NOTARY PUBLIC
in and for Guam, U.S.A.
My Commission Expires: **Apr. 04, 2015**
105 Tun Joe Domingo Ct.
Mangilao, Guam 96913

Michico Jean Blas Lujan



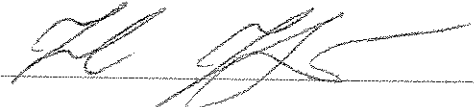
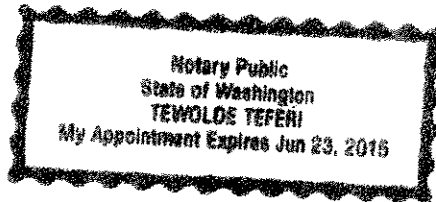
KNOW YE, that Pedro Jose Ada II (address: 11223 NE 97th Street, Kirkland, WA 98033) grants Herman F. Ada authority to pursue re-zoning of real property described as follows:

A 1/6th interest in Lot No. 2436-5, containing 31.841 square meters, Municipality of Mangilao, Guam: DRW# FC03-036



GRANTEE

SUBSCRIBED AND SWORN to before me this 25th day of July 2011, by




NOTARY PUBLIC

AUTHORIZATION

I, Antonina C. Diaz, owner of Lot No. 2436-6, Municipality of Mangilao, Guam, of legal age and with power bestowed as the owner of the subject property, through this instrument hereby grant and authorize the following:

1. That **HARRY D. GUTIERREZ**, a resident of Guam residing at 119 Gutierrez Way, Agana Heights, Guam, is hereby authorized to represent me in obtaining a **zone change** of the subject property with the Department of Land Management, Government of Guam.
2. That my authorized representative/consultant to conduct himself accordingly to arbitrate, negotiate, commit, represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

I hereunto affix my signature to this affidavit.


6-16-2011

 Antonina, C. Diaz, Owner Date

Guam USA)
)ss
 Village of Maite)

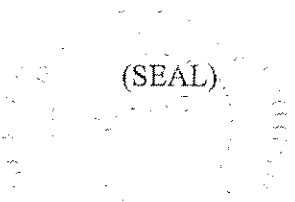
On this 16th day of June, 2011, before me, a Notary Public in and for Guam, personally appeared Antonina C. Diaz, known to me or proved to be the person named in and who executed the foregoing instrument, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date last above written.



 NOTARY PUBLIC
 My Commission Expires: 11/09/2013

(SEAL)



Gerard T. Ogo
 NOTARY PUBLIC
 In and for the Territory of Guam, USA
 My Commission Expires: November 9, 2013
 121 Robat St. Maite, GU 96910

AUTHORIZATION

I, **Antonina C. Diaz**, owner of Lot No. 2436-6, Municipality of Mangilao, Guam, of legal age and with power bestowed as the owner of the subject property, through this instrument hereby grant and authorize the following:

1. That **HARRY D. GUTIERREZ**, a resident of Guam residing at 119 Gutierrez Way, Agana Heights, Guam, is hereby authorized to represent me in obtaining a **zone change** of the subject property with the Department of Land Management, Government of Guam.

2. That my authorized representative/consultant to conduct himself accordingly to arbitrate, negotiate, commit, represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

I hereunto affix my signature to this affidavit.

	<u>6-16-2011</u>
Antonina, C. Diaz, Owner	Date

Guam USA)
)ss
Village of <u>Maite</u>)

On this 16th day of June, 20 11, before me, a Notary Public in and for Guam, personally appeared Antonina C. Diaz, known to me or proved to be the person named in and who executed the foregoing instrument, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date last above written.



NOTARY PUBLIC
My Commission Expires: 11/09/2013

(SEAL)


<p style="text-align: center;">Gerard T. Ogo NOTARY PUBLIC In and for the Territory of Guam, USA My Commission Expires: November 9, 2013 121 Robat St. Maite, GU 96910</p>

AUTHORIZATION


We, the **GRANTEES** and **HEIRS** of Lot 2436-5, Municipality of Mangilao, Guam, of legal age and with power bestowed as the joint owners of the subject property, through this instrument hereby do grant and authorize the following:

1. That HARRY D. GUTIERREZ is hereby authorized to represent us in obtaining a **Zone Variance Application** with the Department of Land Management.
2. That our authorized representative/consultant to conduct himself accordingly to arbitrate, negotiate, commit represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.


We hereunto affix our signatures to this affidavit:



by: Herman F. Ada, Authorized
Representative
For: Pedro J. Ada II, Grantee/Heir




Lourdes A. Suzuki, Grantee/Heir



by: Herman F. Ada, Authorized
Representative
For: Fe A. Cepeda, Grantee/Heir



Elvira A. Mew, Grantee/Heir



Herman F. Ada, Grantee/Heir

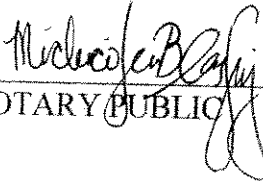


Frances A. Ysrael, Grantee/Heir

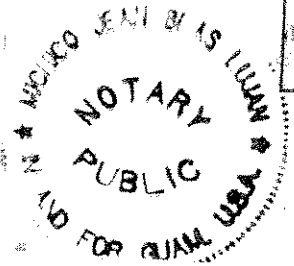
GUAM, U.S.A.)
)
Tomuning)

SUBSCRIBED AND SWORN TO before me this 27th day of ~~August~~ July 2010 me

MICHICO JEAN BLAS LUJAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Apr. 04, 2013
105 Tun Joe Domingo Ct.
Mangilao, Guam 96913



NOTARY PUBLIC



**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: Estate of Pedro Alejandro P. Cruz, Pedro Jose Ada II and Antonina C. Diaz
c/o Harry D. Gutierrez, Consultant/Rep 482-5315

2. Name, title and telephone number of representative: Harry D. Gutierrez, Consultant/Representative 482 5315

3. Name, title and telephone number of EIA document preparer Harry D. Gutierrez - 482-5315
(Consultant/Representative)

4. Location of the proposed project: (include tract, block, lot, municipality and a location map) Lots 2436-4, 2436-5 & 2436-6 Pagat, Mangilao

5. Describe the general nature or type of proposed project: Agregate proceesing and storage, asphalt and concrete batching, heavy equipment repair shops and parking, warehousing and logistical support facility and other related light/heavy industrial uses. Note: Agregates, asphalt and concrete will be processed and deliver to clients. There will be no excavation/extraction of coral on site. All materials will delivered from outside source for precessing at this site.

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; The impact will not be significant as all control measures will be in place pursuant to all pertinent regulations by the government agencies and applicable federal regulations to protect our groundwater resource and environment, and minimize any impacts.

b. Watersheds: Yes; this area is within the watershed in the northern area and all controls to protect it will be in place and pursuant to adhering to all local and federal regulations to minimize any impacts.

c. Wellhead protection zone: No. There appears to be no water wells within or near the area of the proposed development; should a site be identified by GUAM EPA, subject to inspection and verification, all regulations will be adhered to, in order to minimize any impact to any well head in the area.

d. Streams, lakes or ponds: No; There are no streams, lakes or ponds that exist in the subject lot or near the proposed development site. No impact.

e. Marine waters: No; Marine waters are a distance to the east and far from site; No Impact marine waters.

f. Reef flats: No; Reef flats are a distance to the east of the proposed development site and there is no impact to the reef flats.

g. Pristine forest: No; There are currently no pristine forest that is within or near the site; No Impact to any forests, subject to verification and inspections by government agencies.

h. Critical habitat area: No; There appears to be no critical habitat of any type of living species, subject to verification and inspections by government agencies.

i. Wetlands: No; There are no wetlands on the site or within or near the site; subject to verification and inspections by government agencies.

j. Flood hazard area: No; No Flood Hazards area that exist or near the development site; subject to government agencies verifications and inspections.

k. Archaeological feature(s) or historical sites: No; There appears to be no known archaeological features or site in the proposed development area; subject to Parks and Recreation/Historical Preservation verification and determinations.

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

a. Production of toxic or hazardous waste: Yes; smoke and dust will produced from batching of asphalt, concrete, aggregate processing. Measures to control and minimized the impacts to the environment and surroundings will be maintained by the owners/operators. Emergency measures will be in place to prevent spills or any toxic chemicals that will contaminate the environment and water resources. Minimal impact to infrastructure required

b. Dislocation of existing businesses, residents or public areas: No one is expected to be dislocated for this proposed development. There are no residential homes within 1,000 feet of the proposed site. Heavy industrial activities are existing within 500 feet of the proposed site, to the east and southeast.

c. Production of air contaminants (temporary or permanent): Yes; some smoke and dust will be produced into the air and control measures will be in place to minimize any impacts to the air, environment and to the public. A clearing and grading permit will required and all requirements will be adhered to as required by Guam EPA and other regulations to minimized any impacts for the proposed development.

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: Yes; water will be used for production, processing and fire fighting, cleaning and drinking. A water storage will be phased in for water supply requirement for this development. A water usage calculation will be determined upon completions of the masterplan. The applicants/owners will coordinated with all requirements with GWA and comply with all requirements of the agency and other agencies.

b. Sewage disposal (public system) :No; There is no public sewer system in the immediate area. An approved individual waste-water disposal system will be required and approved by Guam EPA. Should other system be required for the proposed activity to dispose of sewage, the applicant/owner will adhere to all requirements and permits.

c. Vehicle traffic: Yes; Mostly heavy equipment will be utilizing to and from the site to make deliveries of asphalt, concrete, aggregates, etc.. Employees will also be utilizing the access to and from the site and designated parking area. Traffic control will be in place and coordination with DPW traffic and highways division will be consulted to assist in safe traffic management of the development from Route No. 15.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions):
Clearing will be required for only the portion that will accommodate the operations; grading will be minimal. Any other requirements for additional clearing will be planned and managed with consultation from engineers and Guam EPA. All grubbing, excess will be properly disposed of or re-utilized to on-site locations or designated disposal sites with proper permits and clearances.

10. Will the project utilize an individual waste water disposal system such as septic tank/leaching field system, secondary package treatment system..etc.?)
An individual waste-water disposal system will be in use (septic tank/leaching field) or other Guam EPA approved waste water disposal system. Should public sewer become available and operational, the development will be connected to the new system as required by law.

11. Will the project include the use of above or below ground storage tanks for fuel or water? Yes; Fuel and water will be above ground. All safety control measures will be in place should emergencies or accidents occur on site to control spillage and contaminate the groundwater resources and environment, as well as the immediate surroundings. Guam EPA and other agencies will be consulted for requirements both local and federal regulations and laws.

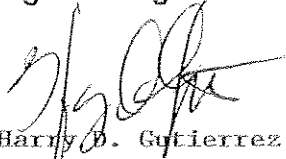
12. Does the project require permitting, land resources, financial aid or other assistance from the federal government (please provide type of permit, issuing agency, application dates, and contact person)?
At this time the owner/applicant will be funding this development. Special permits for this development will be required and will be obtained by the applicant/owner/operator. Applicant will adhere to all conditions imposed by the Land Use Commission, Local and Federal Agencies to fully develop this activity and its uses.

13. Does the project include any special or unique features that are not covered above? None; Subject to government agencies inspections and findings
GEPA, Parks and Recreation/HPO and others...

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".



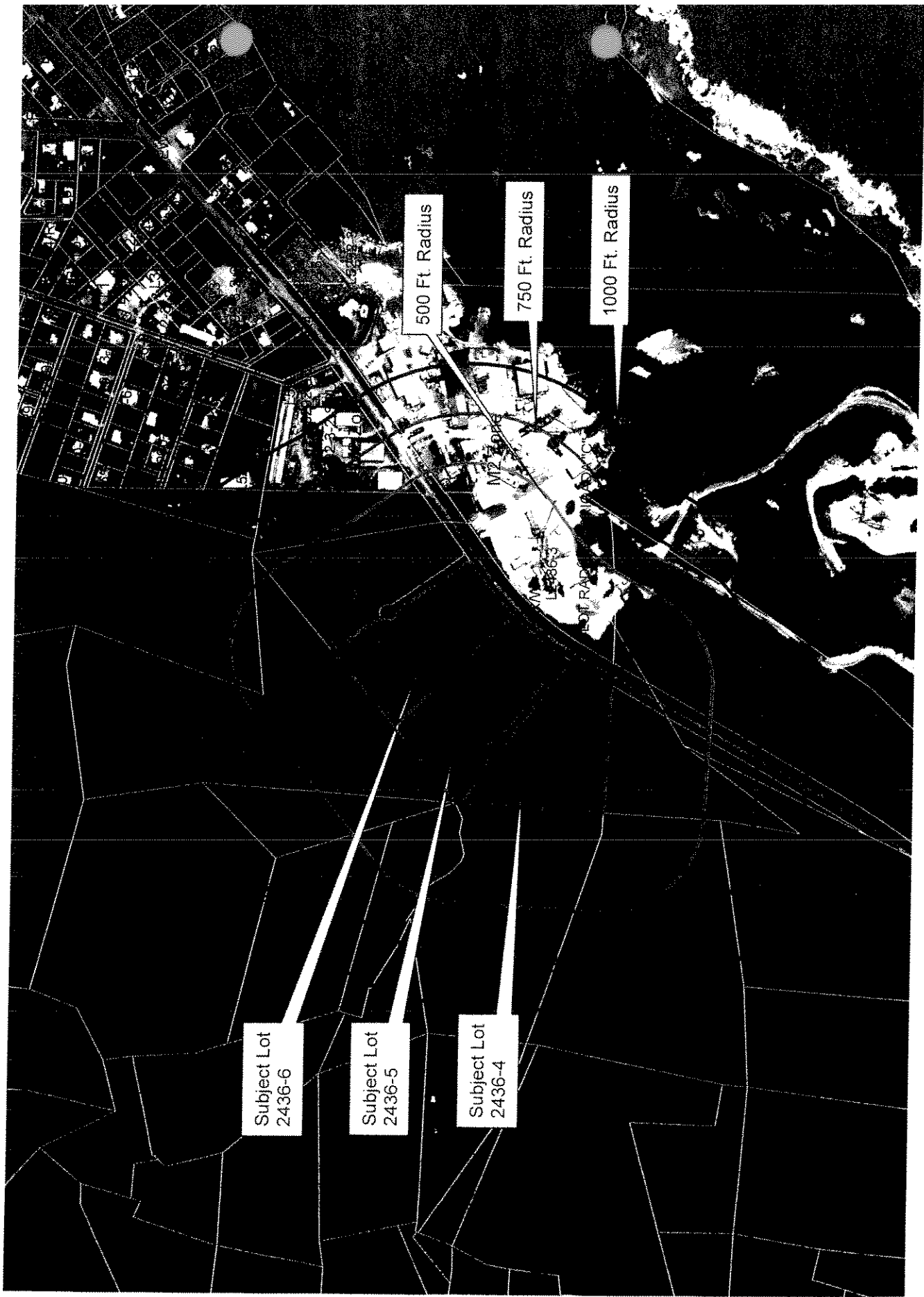
For: Harry D. Gutierrez, Representative

7/23/2012

Applicant (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.



Subject Lot
2436-6

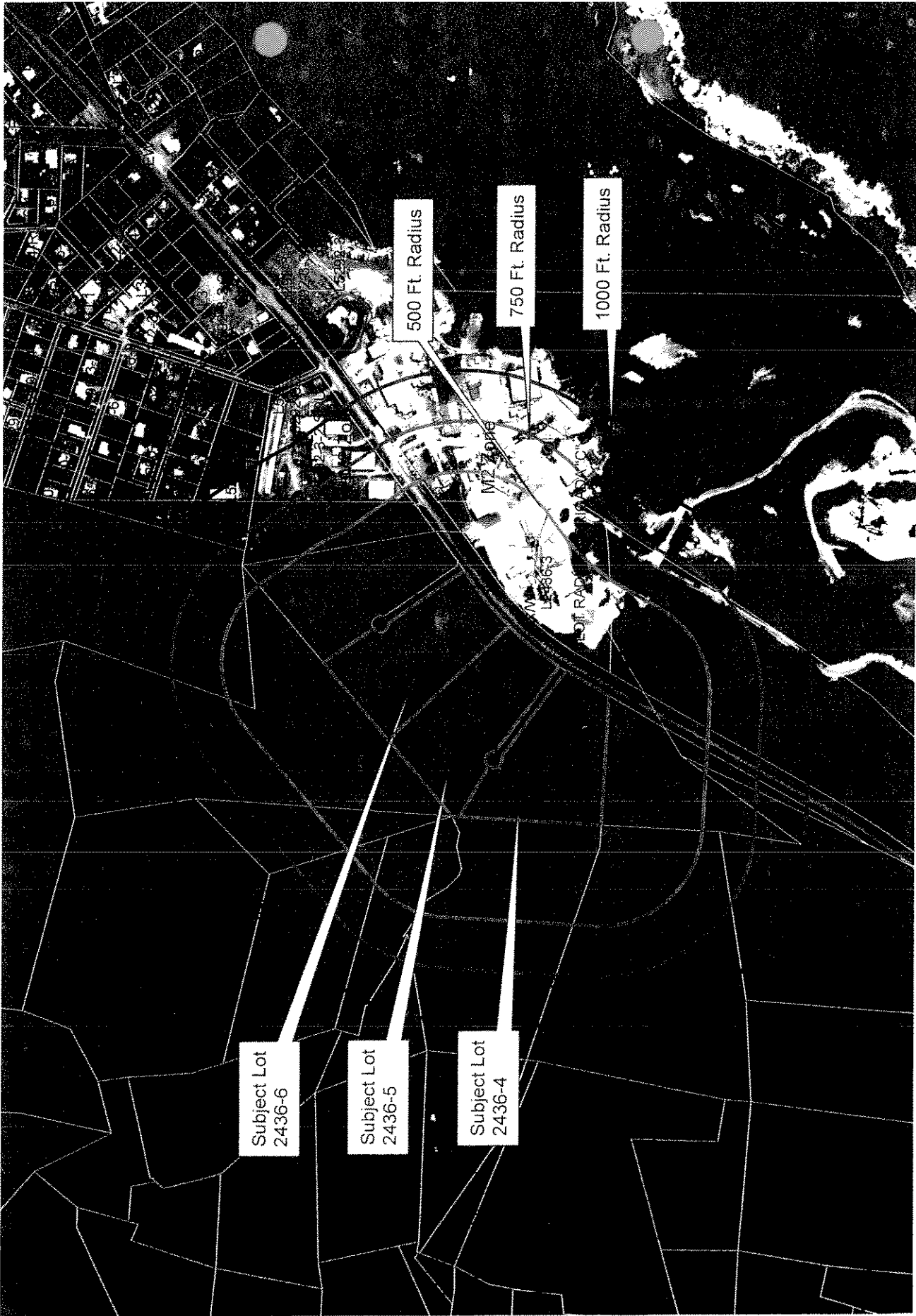
Subject Lot
2436-5

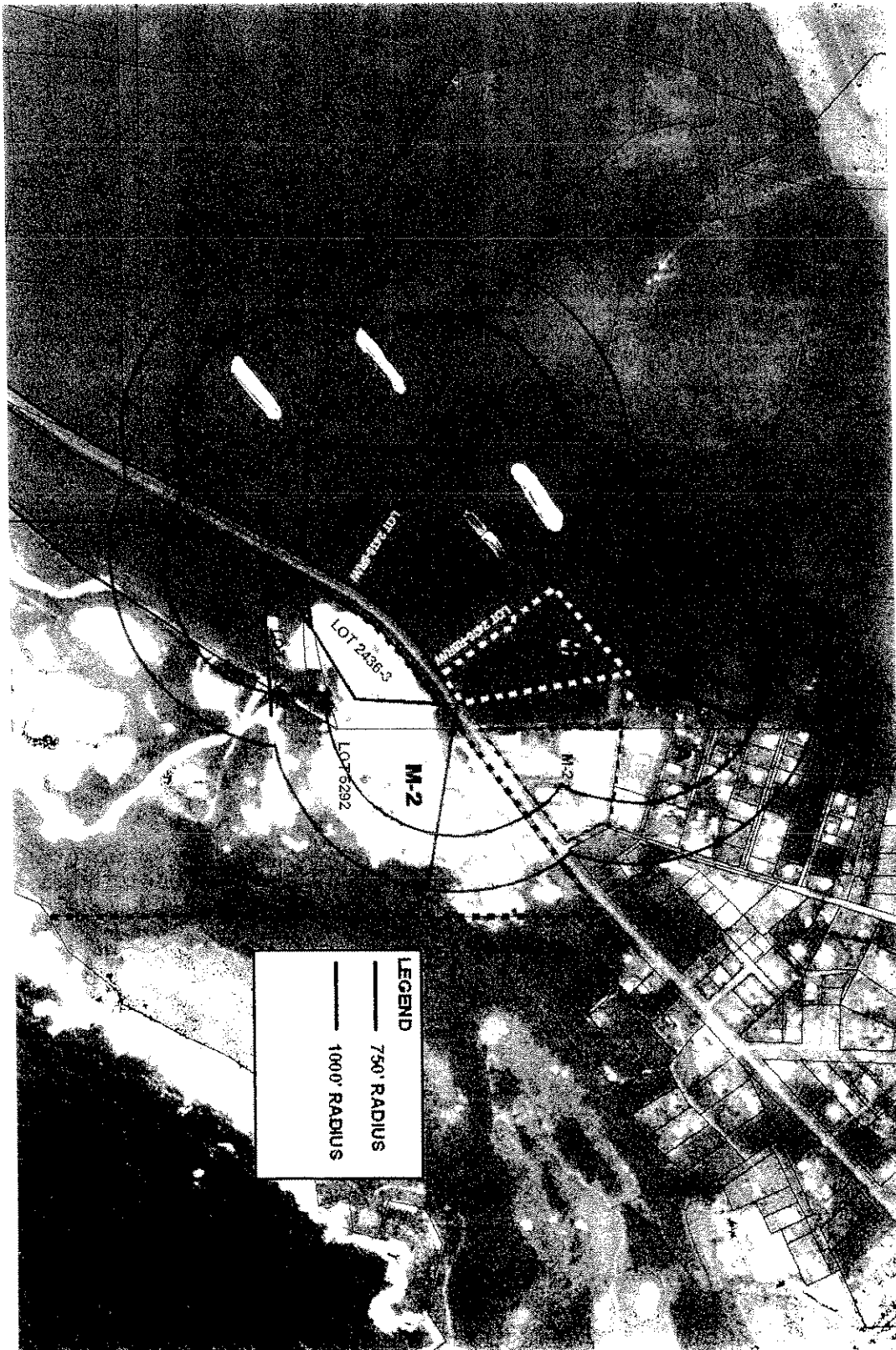
Subject Lot
2436-4

500 Ft. Radius

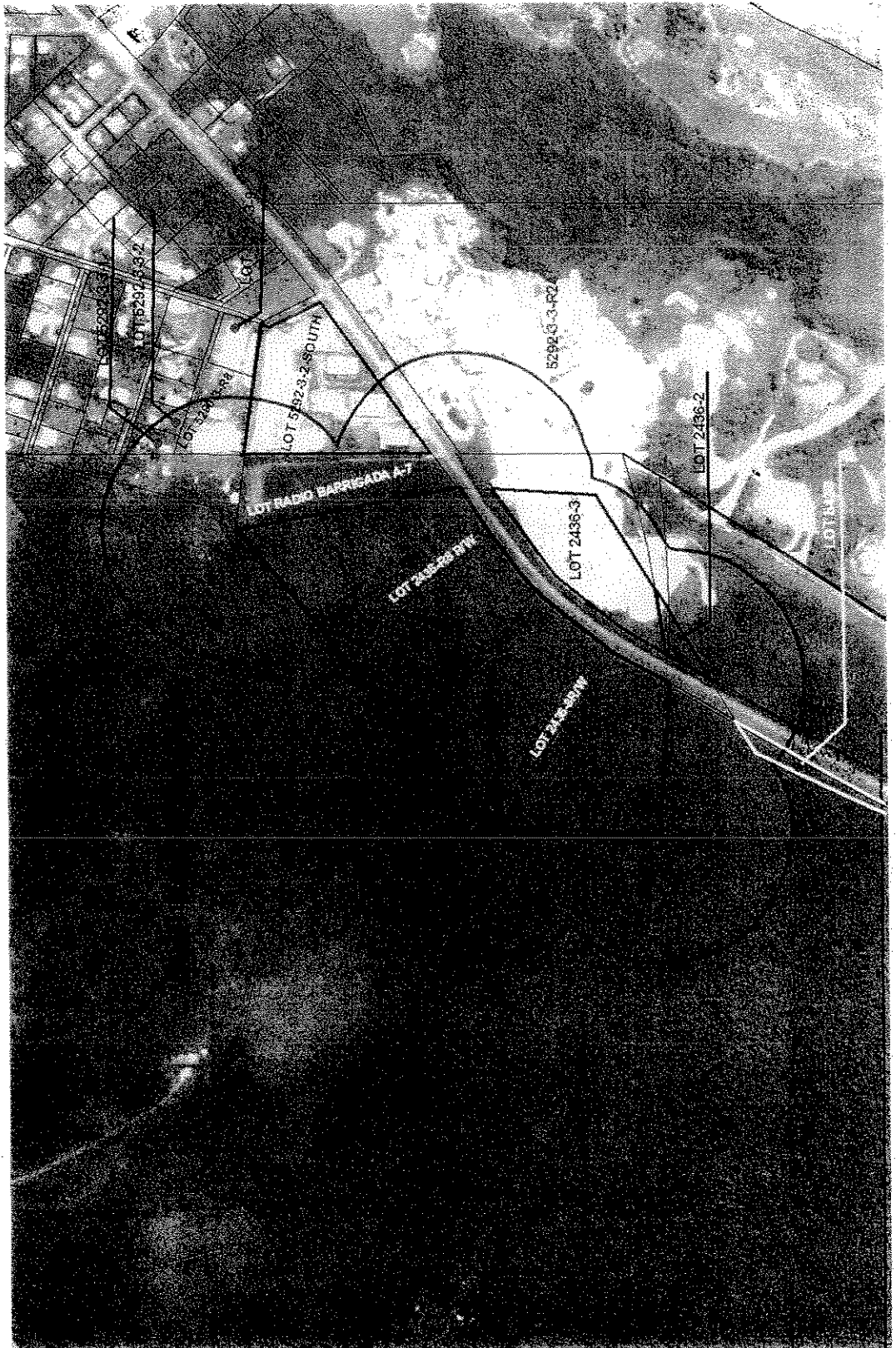
750 Ft. Radius

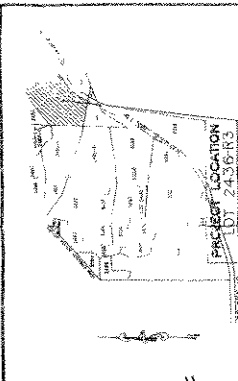
1000 Ft. Radius





LEGEND
—— 750' RADIUS
- - - 1000' RADIUS





NOTES:
 1. Survey was based on field notes, etc.
 2. All distances are in meters unless otherwise stated.
 3. All bearings are in degrees, minutes and seconds unless otherwise stated.
 4. All bearings are in degrees, minutes and seconds unless otherwise stated.
REFERENCES:
 1. U.S. GEOLOGICAL SURVEY, NATIONAL MONUMENTS ACT OF 1908.
 2. U.S. GEOLOGICAL SURVEY, NATIONAL MONUMENTS ACT OF 1908.
SYMBOLS:
 ○ Open circle, center of monument
 ○ Open circle with number inside, center of monument
 ○ Open circle with number inside and dot, center of monument
 ○ Open circle with number inside and dot, center of monument
 ○ Open circle with number inside and dot, center of monument

DEFINITIONS:
 1. A boundary line shown on this map is not to be construed as a boundary line between adjacent lands.
 2. A boundary line shown on this map is not to be construed as a boundary line between adjacent lands.
 3. A boundary line shown on this map is not to be construed as a boundary line between adjacent lands.
 4. A boundary line shown on this map is not to be construed as a boundary line between adjacent lands.

CERTIFICATION:
 I, FRANK L.G. CASTRO, State Licensed Professional Surveyor No. 3925, do hereby certify that this map was prepared by me or under my direct supervision and that I am a duly licensed and in good standing member of the Surveyors' Association of the State of California.

APPROVED:
 CHARLES R. UNTERLAND, County Clerk - PHOENIX
 This map has been accepted for recording with the State Office of the County Clerk and is hereby acknowledged for all legal purposes.

PAID TO: FRANK L.G. CASTRO, 10141 N. DATE, EXP. 06/30/2011

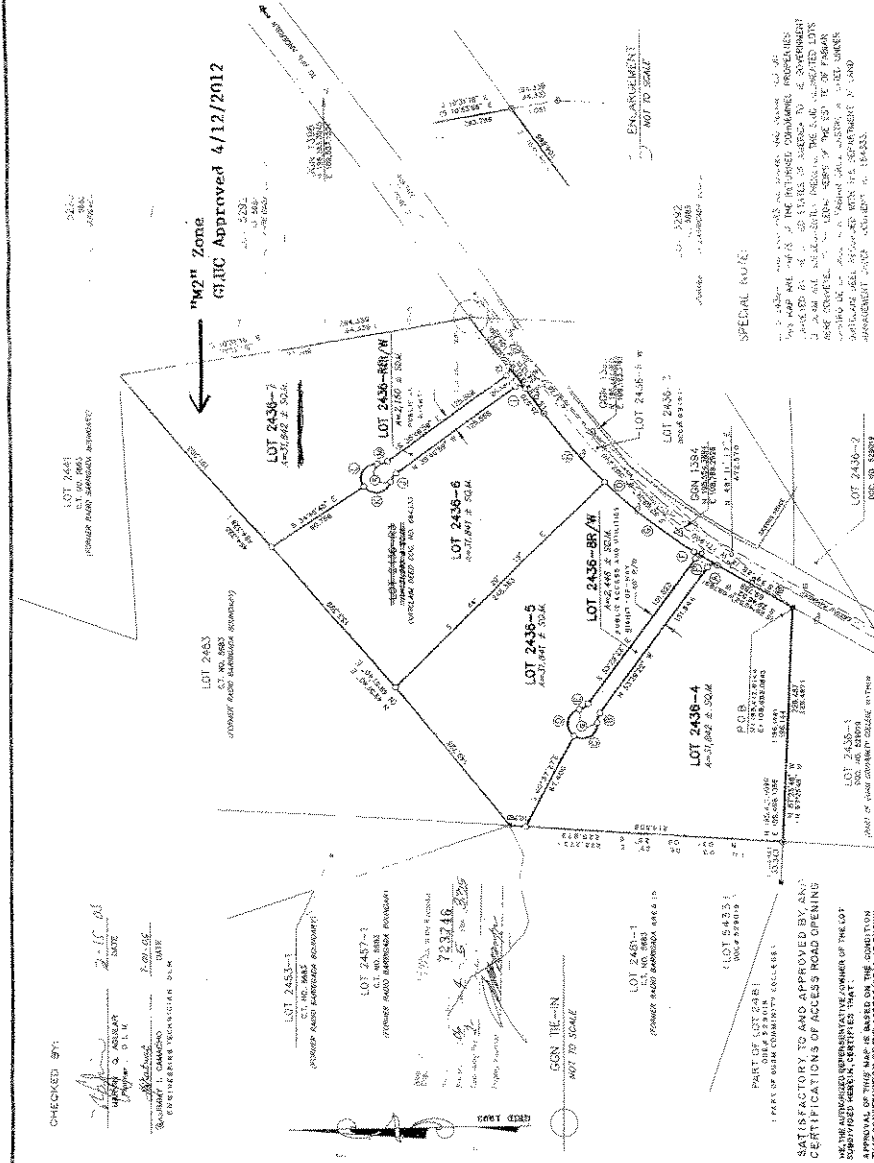
RECORDING:
 DATE: 06/02/2011
 TIME: 09:00 AM
 BOOK: 2436-R3

PROJECT INFORMATION:
 PROJECT LOCATION
 LOT 2436-R3
 PARCEL: 1:3 SURVEY MAP
 RECORDING NUMBER: 2436-R3

DATE: 06/02/2011
TIME: 09:00 AM
BOOK: 2436-R3

DATE: 06/02/2011
TIME: 09:00 AM
BOOK: 2436-R3

DATE: 06/02/2011
TIME: 09:00 AM
BOOK: 2436-R3



CURVE DATA

Curve No.	Length	Radius	Central Angle	Chord	Area
1	12.50	37.50	90°	12.50	156.25
2	15.00	45.00	90°	15.00	225.00
3	18.00	54.00	90°	18.00	270.00
4	21.00	63.00	90°	21.00	315.00
5	24.00	72.00	90°	24.00	360.00
6	27.00	81.00	90°	27.00	405.00
7	30.00	90.00	90°	30.00	450.00
8	33.00	99.00	90°	33.00	495.00
9	36.00	108.00	90°	36.00	540.00
10	39.00	117.00	90°	39.00	585.00

GRAPHIC SCALE
 1 inch = 50 ft

S-12810

AUTHORIZATION

We, the **GRANTEES** and **HEIRS** of Lot No. 2436-5, Municipality of Mangilao, Guam, of the legal age and with power bestowed as the joint owners of the subject property, through this instrument hereby do grant and authorize the following:

1. That **HARRY D. GUTIERREZ**, is hereby authorized to represent us in obtaining a **Zone Change Application to M-2** with the Department of Land Management.
2. That our authorized representative/consultant to conduct himself accordingly to arbitrate, negotiate, commit represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

We hereunto affix our signatures to this affidavit:

By: **Herman F. Ada**, Authorized Representative
For: **Pedro J. Ada, II**, Grantee/Heir

Lourdes A. Suzuki, Grantee/Heir

By: **Herman F. Ada**, Authorized Representative
For: **Fe A. Cepeda**, Grantee/Heir

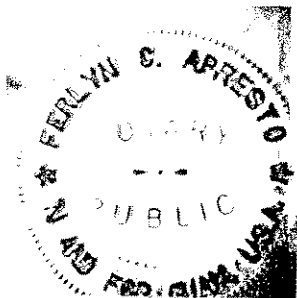
Elvira A. Mew, Grantee/Heir

Herman F. Ada, Grantee/Heir

Frances A. Ysrael, Grantee/Heir

GUAM, U.S.A.)
)
TAMUNING)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF MAY, 2012.



FERLYN C. APRESTO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: April 02, 2016
P.O. Box 23149 Barrigada, Guam 96921

NOTARY PUBLIC



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



EDDIE B. CALVO
 Governor of Guam

MONTE MAFNAS
 Director, Acting

RAY TENORIO
 Lieutenant Governor of Guam

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

RECEIVED

December 4, 2012

DEC 11 2012

MAYORS COUNCIL
 OF GUAM

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

Honorable Nito C. Blas
 Mayor of Mangilao

[2012-48]

Dear Mayor:

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

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

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

The Applicants, Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda and Herman F. Ada; and Antonina C. Diaz, represented by Harry D. Gutierrez, request for a Zone Change from "A" (Rural) to "M-2" (Heavy Industrial) zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment, repair shops and parking, warehousing and logistical support facility & other related light/heavy industrial uses, on Lots 2436-4, -5 & -6, in the Municipality of Mangilao, under Application No. 2012-48.


Telephone:
 671-649-LAND (5263)

For any **Zone Change** requests that may have adverse impact on the public's interests, the GLUC is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we would like to schedule a public hearing to be held at the **Mangilao Community Center, Thursday, December 20, 2012 at 6:00 p.m.**

Facsimile:
 671-649-5383

Please confirm the time, date and place.

Si Yu'os Ma'ase,


MARVIN Q. AGUILAR
 Guam Chief Planner, Acting

Attachment:
 Application Packet

Attachment 3

**DEPARTMENT OF LAND MANAGEMENT - LAND PLANNING DIVISION
 GUAM LAND USE COMMISSION (GLUC)/GUAM SEASHORE PROTECTION COMMISSION (GSPC)
 PUBLIC HEARING ATTENDANCE SHEET**

PLACE: MANGILAO COMMUNITY CENTER/MAYOR'S OFC

DATE: DECEMBER 20, 2012 TIME: 6:00

APPLICATION TYPE: ZONE CHANGE APPLICATION NO: 2012-48

DESCRIPTION: For a Zone Change from "A" (Agricultural) to "M-2" (Heavy-Industrial) zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment repair shops and parking, warehousing and logistical support facility and other related light/heavy industrial uses.

APPLICANT/REP: Estate of Alejandro P. Cruz & Executrix Rosita G.P. Cruz, Pedro Jose Ada II c/o FeAda Cepeda and Herman Ada; and Antonina C. Diaz. Represented by

LOT NO(s): 2436-4, 2436-5 & 2436-6, Mangilao Harry D. Gutierrez

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
1. <i>Penner C. Gutierrez</i>	<i>DLM Planning ITC Tam.</i>	<i>649-5263</i>
2. <i>Rogues S. Balogco</i>	<i>Pd Box 22024 Bannock</i>	<i>7341760</i>
3. <i>Harry D. Gutierrez</i>	<i>Consultant</i>	
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

DEPARTMENT OF LAND MANAGEMENT - LAND PLANNING DIVISION
GLUC/GSPC - PUBLIC HEARING ATTENDANCE SHEET

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
13.		
14.		
15.		
16.		
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30.		



EDDIE BAZA CALVO
Governor

MONTE MAFNAS
Director

RAY TENORIO
Lieutenant Governor

DAVID V. CAMACHO
Deputy Director

April 24, 2013

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner, Acting

SUBJECT: Supplemental Staff Report - **Application No. 2012-48B**,
Estate of Alejandro P. Cruz, Executrix Rosita G.P. Cruz,
and Pedro Jose Ada II, c/o Fe Ada Cepeda and Herman F. Ada,
and Antonina C. Diaz, Represented by Harry D. Gutierrez,
Consultant; GLUC Meeting: May 9, 2013

Street Address:
590 South
Marine Corps Drive, ITC
Building
Tamuning, Guam
96931

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

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

Telephone
671-649-5389

Facsimile
671-649-5383

On March 9, 2013, the Guam Land Use Commission entertained a request from the Estate of Alejandro P. Cruz, Executrix Rosita G.P. Cruz, and Pedro Jose Ada II, c/o Fe Ada Cepeda, and Herman F. Ada, and Antonina C. Diaz, Represented by Harry D. Gutierrez, for a *Change of Zone* from "A" (Rural-Agricultural) to "M-1" (Light-Industrial) zone on Lots 2436-4, -5, & -6, Pagat, Municipality of Mangilao.

Application No. 2012-48 initiated a change of zone request to allow aggregate processing and storage, asphalt and concrete batching, heavy equipment parking and repair shop, and related light to heavy industrial activities on the subject lots.

After careful deliberation, the Commission *did not take action on the request*, but granted a continuance with recommendation that the application be amended to a request to change of zone to "M-1" (light Industrial) as opposes to "M-2" (Heavy Industrial) Zone. The applicants were further advised that once they have decided and accept on the commission's recommendation, they would be placed back on the next available GLUC agenda.


The applicants submitted their intent in a letter dated April 2, 2013, accepting the GLUC recommendation for a change of zone to "M-1" (Light-Industrial) Zone (See Attachment 1).

All other aspects of review and consideration remain as originally submitted to include:

- A. No Objections from Application Review Committee (ARC), No objection during municipal public hearing, mayor of Mangilao supports the application; and
- B. Submission of an Agricultural Impact Statement submitted with no objection.

Supplemental Staff Report - Application No. 2012-43,
Zone Change Request
Lots 2436-4, -5, & -6, Pagat, Municipality of Mangilao
GLUC Meeting of: May 9, 2013
Date of Preparation of Supplemental Staff Report: April 24, 2013
Page 2 of 2

RECOMMENDATION: Based on the applicants' compliance with the recommendation as provided by the GLUC, where such recommendation will encourage consistent industrial development in the area, we recommend **APPROVAL** of this request.



Marvin Q. Aguilar
Guam Chief Planner, Acting



Case Planner: Penmer C. Gulac

ATTACHMENT

RECEIVED
4/2/2013
G
Dum Plaza

HARRY D. GUTIERREZ
Consultant
119 Gutierrez Way
Agana Heights, Guam 96910
482-5315 / 477-7880
email: harry.gutierrez@yahoo.com

April 2, 2013

To: Mr. Chairman and Commissioners, GLUC
Mr. David V. Camacho, Acting Executive Secretary, GLUC
Mr. Marvin Q. Aguilar, Acting Guam Chief Planner
c/o Department of Land Management
Attention: Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

Subject: Zone Change Application No. 2012-48; Lots 2436-4, -5 & 6, Pagat, Mangilao

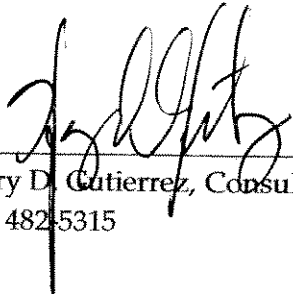
Hafa Adai:

On behalf of my clients and property owners, I am submitting this letter to advise you that they have accepted GLUC Commissioners recommendations to rezone their respected lots from "A" (Agricultural" to "M-1" (Light Industrial) zone instead of "A" (Agricultural) to "M-2" (Heavy Industrial) zone.

Further request to be placed on April 28, 2013 or May 9, 2013 GLUC Agenda.

Thank You for your time and consideration, and should there be questions or other requirements, please feel free to call me.

Very Respectfully,



Harry D. Gutierrez, Consultant / Auth Rep
Tel : 482-5315

The Community of Education, Culture and Sports



Office of the Mayor
Municipality of Mangilao



PO Box 786 Hagatna, GU 96932

(671) 734-2163 / 5731

Fax: (671) 734-4130

Nonito "Nito" C. Blas, Mayor

Allan G. Ungacta, Vice Mayor

RECEIVED

Recvd 3/15/13

MAR 19 2013

March 13, 2013

Mr. David Camacho
Acting Executive Secretary
Guam Land Use Commission

Department of Land Management
Time: 7:00 Int: W

P. Golac 3/14/13 11:30 AM
RECEIVED
Planning Div

Subject: Zone change from "A" Zone to "M-2" Zone for Lots 2436-4, -5 & -6, in the Municipality of Mangilao, under Application No. 2012-48, the Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda and Herman F. Ada; and Antonina C. Diaz, represented by Harry D. Gutierrez.

Dear Mr. Camacho,

I am writing to support the re-zoning of the above subject properties from A zone to M-2 zone. It is hoped that the development of these properties will bring economic opportunities and employment to our local community.

I will also note that on December 20, 2012, the Guam Land Use Commission (GLUC) held a public hearing at my village (Mangilao Community Center) and there were no objection from the public.

Your kind consideration will be greatly appreciated.

CC: GLUC Members
Governor's Office

Sincerely,

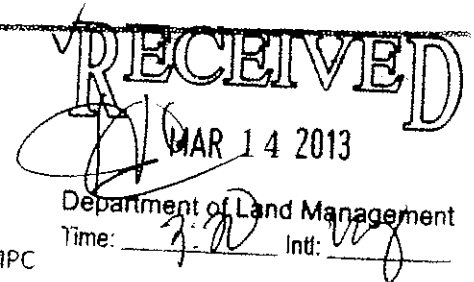

Nonito C. Blas

Nonito "Nito" C. Blas
Mayor

Allan "Al" R.G. Ungacia
Vice Mayor



Office of the Mayor Municipality of Mangilao



Resolution 13--01
Introduce By:

Mayor Nonito "Nito" C. Blas, Chairman, MMPC

MMPC Members:

Carmen C. Aguon	James Mantanane
Juan A. Aguon	Bobby Pelkey
Ben C. Carbullido	Darlene M. Taitano
Thomas S. N. Chargualaf	Joseph A. Yatar
Oscar L.G. Jesus	

Relative to the Mangilao Municipal Planning Council reviewing the application of the Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o of Fe Ada Cepeda and Herman F. Ada; and Antonina C. Diaz, represented by Harry Gutierrez, for a Zone Change from "A" (Rural) to "M-2" (Heavy Industrial) zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment, repair shops and parking, warehousing and logistical support facility & other related light/heavy industrial uses on Lots 2436-4, -5 & -6, in the municipality of Mangilao, under Application No. 2012-48.

BE IT RESOLVED BY THE MANGILAO MUNICIPAL PLANNING COUNCIL, MUNICIPALITY OF MANGILAO:

WHEREAS, Lot 2436-4, -5, & -6 Municipality of Mangilao, originally zoned as "A" (Rural) to "M-2" (Heavy Industrial) zone, under Application No. 2012-48, request for Zone Change to allow manufacturing operations, aggregate processing, storage asphalt and concrete batching operations and for parking of heavy equipment as well as a heavy equipment repair shop and related light-heavy industrial activities.

WHEREAS, a public hearing was conducted on December 20, 2012 at 6:00 p.m. at the Mangilao Community Center conducted by Mr. Penmer Gulac of Land Management. There was one (1) present. No objections.

RESOLVED, that there is water, power and telephone services available in the vicinity and that prior to approval of this application that the applicant conform to the conditions imposed by Guam Water

P.O. Box 786 Hagatna, Guam 96932

Tel: (671) 734-5731 / 2163 ~ Fax: (671) 734-4130

The Community of Education, Culture, and Sports

Works and Guam Power Authority and other Government Agencies during building permit process.
Be it further

RESOLVED, that the Mangilao Municipal Planning Council met on their regular monthly meeting on March 6, 2013 and voted unanimously to approve said application with no objection to this application. Be it further

RESOLVED, that should the summary zone change be approved by Department of Land Management, the applicant must comply with all rules, regulations, codes and request from all required agencies. Be it further

RESOLVED, that the Chairman of the Mangilao Municipal Planning Council certifies and the secretary attests the adoption hereof and that copies of the same be therefore transmitted to the Guam Land Use Commission and Department of Land Management Planning Division


DULY RECORDED AND ADOPTED BY THE MANGILAO MUNICIPAL PLANNING COUNCIL
ON THE 6th DAY OF March 2013.

CERTIFIED: .



Mayor Nonito "Nito" C. Blas
Chairman, MMPC

ATTESTED:



Rosita D. Tosco
MMPC Secretary



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



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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MONTE MAFNAS
Director

DAVID CAMACHO
Deputy Director

MARCH 7, 2013

MEMORANDUM

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

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner, Acting

SUBJECT: **Staff Report – Application No. 2012-48, Zone Change
Lots 2436-4, 5, & 6, Pagat, in the municipality of Mangilao**

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

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

1. PURPOSE:

A. Application Summary: The Applicants, Estate of Alejandro P. Cruz and Executrix Rosita G.P. Cruz (Lot 2436-4), Pedro Jose Ada II and Fe Cepeda (Lot 2436-5), and Antonia C. Diaz (Lot 2436-6), represented by Harry D. Gutierrez, requests approval for a Zone Change from "A" (Agricultural) to "M-2" (Heavy Industrial) zone in order to allow aggregate processing and storage, asphalt and concrete batching, heavy equipment parking and repair shop, warehousing and logistical support facility, and related light-heavy industrial activities on Lots 2436-4, 5, & 6, Pagat, in the Municipality of Mangilao.

B. Legal Authority: Title 21, GCA (Real Property), Chapter 61 (ZoningLaw) and Section 61630 to 61634, Part 3, Article 6, Changes of Zone and applicable sub-sections.

2. FACTS:

A. Location: The lots are located along Route No. 15 and approximately 500-1,000 feet southwest, of the AMELCO heavy industrial yard and across the Hawaiian Rock products plant and are within 1,000 feet south of Lot 2436-7 (M2 zone) in Pagat, Mangilao (**see attached vicinity map**).

Continuation of Memorandum

RE: Staff Report – Application No. 2012-48; Zone Change,

Lots 2436-4, -5, & -6, Pagat, Municipality of Mangilao

GLUC Hearing of: March 14, 2013

Date of Preparation of Staff Report: March 6, 2013

Page 2 of 5

B. Lot Area: The properties maintains lot areas as follows:

1. Lot 2436-4; 31,842 square mtrs or 342,743 square ft. or 8.56 acres
2. Lot 2436-5; 31,841 square mtrs or 342,732 square ft. or 8.56 acres
3. Lot 2436-6; 31,842 square mtrs or 342,742 square ft or 8.56 acres

C. Present Zoning: "A" (Agricultural) Zone ; formerly federal returned ancestral lands and rezoned by the Guam Legislature under Public Law 31-198, March 30, 2012.

D. Field Description: The subject lot is vacant and overgrown with evidence of past vegetation clearing in certain areas of the subject lots. Access to the lots is provided through Route No. 15.

E. Master plan: Conservation / Open Space / Rural Residential – Low Density

F. Community Design Plan: Immediate land uses reflect the community's zoning designation for public institutions and open space, with rural residential (low density). Residential development is concentrated toward the northeast at approximately 600 feet (with sporadic residential dwellings) and beyond.

The 1967 Guam Land Use Master Plan identifies these and contiguous property for conservation and low rural residential use. However, per recommendation by the First Provisional Commission, a government group established for the sole purpose of designing an island-wide land use/zoning master plan for all returned excess federal lands, such lands in the immediate vicinity were proposed for light and heavy industrial use relative to existing land uses such as quarrying, cement batching, and other similar activities in the immediate and adjacent areas.

G. Previous Commission Action: None

3. APPLICATION CHRONOLOGICAL FACTS:

- A. Date Application Accepted: July 27, 2012
B. Date Heard By ARC: August 16, 2012
C. Date of Public Hearing: December 20, 2012

Public Hearing Results are provided in Attachment 2.

DISCUSSION and STAFF ANALYSIS

4. STAFF ANALYSIS: A Zone Change must address Public Necessity, Public Convenience and General Welfare criteria. Our analysis is as follows:

PUBLIC NECESSITY

The proposed zone change of the lots and uses are compatible with existing M1/M2 zoned properties. The proposed land uses and activities will provide the island community much needed products and services for residential, private and commercial structures and as well as building and improvement of infrastructure and military construction requirements, such as logistical support facilities, warehousing, and related light to heavy industrial activities. This area is developing into a more light and heavy industrial activities to accommodate a growing population and the anticipated military forces build up in the next few years and beyond. There will be greater demand for aggregates, concrete products and asphalt other industrial support services that will be available to will serve the island community both private, military, and the general public;

PUBLIC NECESSITY

The proposed zone change of the lots will afford public convenience for much needed products and materials for construction of homes, commercial, private structures, military construction, and infrastructure improvement, products warehousing, storage, office space and other light and heavy industrial activities and uses on the property that is consistent with the current land uses in the immediate area (Hawaiian Rock Products Plant, Guam Rebar Fabrications, AMELCO Heavy Industrial Yard) and is within a radius of 100 feet of Route No. 15. The location of the lots is central and convenient to all areas with large population, and near commercial districts and military activity sites and most importantly very close proximity from one of the main arterial route known as Route No. 15 that fronts the development site;

GENERAL WELFARE

The proposed zone change of the lots will protect the general public, the immediate surroundings and properties by being consistent for light and heavy industrial activities that is on-going at present time in the abutting and adjacent lots and for other uses and requirements that is permitted in a heavy industrial zone. 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 and is central to all areas with large population, and is very near commercial districts, proposed new residential and commercial developments on island requiring products and industrial services, transportation support, equipment repairs for the general public. The establishment of the company and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. Although the properties have a total acreage of 25.68 acres, the intended operations for the batching plants, aggregate storage, products storage, warehousing, parking for heavy equipment, service and repair shops, office operations and storage yard facilities and other related accessory uses. The development will be fenced and landscaped and provide buffer to other abutting vacant lots. The adjacent lots to the west all federal returned ancestral lands from the U.S. Government and are all vacant. The area is developing and growing more into "light industrial" and "heavy industrial" uses as opposed to residential. The surrounding parcels have also been zoned to "heavy industrial" activities are in operation has not been a detriment to other current residential uses nearby to the north.

5. CONCLUSION:

The proposed zone change and land use development is the highest and best use for this site as they would be an inclusion of similar if not consistent uses in the immediate area. Any development on the site/lots will accommodate wastewater and storm water drainage to protect the residents nearby and the groundwater (aquifer) area and the environment. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment, that will provide for an orderly development scheme within the area and adjacent surroundings. The Application is complete and has justified Public necessity and Convenience and all the requirements of the zone change and is aware and will comply to all requirements and conditions and any concerns imposed by government permitting agencies and other mandates in their development plans, thus ensuring that the overall General Welfare of the community is not compromised. The Department of Agriculture have issued their Agricultural Impact Statement dated February 14, 2013 with No Objection to the rezoning application and that the agency must be consulted prior to any development activity on the subject lots.

Continuation of Memorandum

RE: Staff Report – Application No. 2012-48, Zone Change,

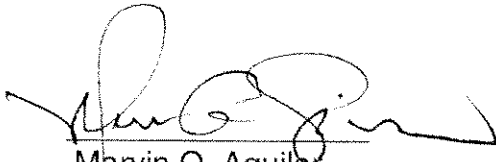
Lots 2436-4, -5, & -6, Pagat, Municipality of Mangilao

GLUC Hearing of: March 14, 2013

Date of Preparation of Staff Report: March 6, 2013


Page 5 of 5

6. **RECOMMENDATION:** Notwithstanding an anticipated Municipal Planning Council's Resolution, based on our analysis of the applicant's ability to justify this request for a change of zone to "M-2", the application's form and content, and positive outcome of request's public hearing, we **RECOMMEND APPROVAL**,



Marvin Q. Aguilar
Guam Chief Planner, Acting

ATTACHMENTS

 Case Planner: Penmer C. Gulac

ATTACHMENT 2 – PUBLIC HEARING RESULTS

The required public hearing was held at the Mangilao Community' Center. The hearing commenced at 6:05 p.m. with an introduction and explanation of the request provided by the case planner and Positions Statements from Bureau of Plans and Statistics and Guam Power Authority. The Applicant's representative, Mr. Harry D. Gutierrez provided a summary of conditions and circumstances leading to the request for the Zone Change. A total of three (3) persons attended the hearing. The Mayor was not present during the hearing.

Public comments and concerns are noted as follows:

Mr. Roque Angoco, a neighbor/lotowner : Had a question to Mr. Gutierrez if there will be any excavating of gravel/coral for the quarrying and selling to their customers:

Response from (representative Mr. Gutierrez):

There will be no excavating or quarrying of coral on the site. All coral and aggregates will be from off site (Yigo) and other location from on island and stockpiled on the yard for processing and delivered to project sites or to civilian and military customers orders.

Mr. Gutierrez; The legislature rezoned the three lot to "A" and now the owners are requesting to rezone it to "M-2" , these are within 500 feet of "-2" zoned lots in the immediate area for light to heavy industrial uses.

Penmer Gulac(Case Planner): For your information, Public Law 31-198 rezoned all returned federal excess lands, the legislature rezoned all unzoned properties, the owner wants to maximize the use of their land and so they have filed this application for industrial (M1 & M2) uses must be rezoned through the Guam Land Use Commission (GLUC).

Comments from (representative Mr. Gutierrez) The applicants/developer will be fencing the perimeter, improve the access to and from the site from Route No. 15 and comply with all requirements and conditions imposed by the Guam Land Use Commission (GLUC), and all permitting agencies and furthermore be cognizant and be proactive to protect the environment and immediate surroundings.

There were no major concerns or objections on the rezoning application as presented.

The hearing was adjourned at 6:30 pm.

**DEPARTMENT OF LAND MANAGEMENT - LAND PLANNING DIVISION
 GUAM LAND USE COMMISSION (GLUC)/GUAM SEASHORE PROTECTION COMMISSION (GSPC)
 PUBLIC HEARING ATTENDANCE SHEET**

PLACE: MANGILAO COMMUNITY CENTER/MAYOR'S OFC

DATE: DECEMBER 20, 2012 TIME: 6:00

APPLICATION TYPE: ZONE CHANGE APPLICATION NO: 2012-48

DESCRIPTION: For a Zone Change from "A" (Agricultural) to "M-2" (Heavy-Industrial) zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment repair shops and parking, warehousing and logistical support facility and other related light/heavy industrial uses.

APPLICANT/REP: Estate of Alejandro P. Cruz & Executrix Rosita G.P. Cruz, Pedro Jose Ada II c/o FeAda Cepeda and Herman Ada; and Antonina C. Diaz. Represented by Harry D. Gutierrez

LOT NO(s): 2436-4, 2436-5 & 2436-6, Mangilao

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
1. <i>Penner C. Gulac</i>	<i>DLM Planning ITC Tam.</i>	<i>649-5263</i>
2. <i>Rogues S. Puyoco</i>	<i>Pd Box 22024 Bunnigada</i>	<i>7341760</i>
3. <i>Harry D. Gutierrez</i>	<i>Consultant</i>	
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

EDDIE BAZA CALVO
Governor



FILED NUMBER 1
2012-48

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

2012 APR -9 PM 4:14

31-12-1457

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 4/9/12
Time 11:50 AM
Received by [Signature]

April 5, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 377-31 (COR) "AN ACT TO ADD A NEW §61217 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING ALL FEDERAL EXCESS LAND RETURNED BY THE U.S. GOVERNMENT TO THE GOVERNMENT OF GUAM, AS AGRICULTURAL ZONE (A)", which I signed into law on March 30, 2012 as Public Law 31-198.

Senseramente,

EDDIE BAZA CALVO

Attachment: copy of Bill

1457

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

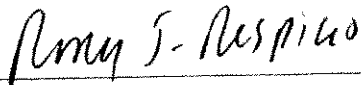
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 377-31 (COR), "AN ACT TO ADD A NEW § 61217 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING ALL FEDERAL EXCESS LAND RETURNED BY THE U.S. GOVERNMENT TO THE GOVERNMENT OF GUAM, AS AGRICULTURAL ZONE (A)", was on the 21st day of March, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:




Rory J. Respicio
Acting Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 21 day of March, 2012, at 5:45 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: MAR 30 2012

Public Law No. 31-198

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 377-31 (COR)

As amended by the Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement, and Land;
and further amended on the Floor.

Introduced by:

Chris M. Dueñas
R. J. Respicio
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW § 61217 TO ARTICLE 2 OF
CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED,
RELATIVE TO DESIGNATING ALL FEDERAL
EXCESS LAND RETURNED BY THE U.S.
GOVERNMENT TO THE GOVERNMENT OF GUAM,
AS AGRICULTURAL ZONE (A).**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new § 61217 is *added* to Article 2 of Chapter 61, Title 21,
3 Guam Code Annotated, to read:

4 “§ 61217. **Federal Excess Land Zoning.** Notwithstanding any
5 provision of law, all federal excess land returned by the government of

1 Guam to the original landowner *shall* be designated as Agricultural Zone
2 (A). Subsequent to the return of the land by the government of Guam, the
3 landowner, through the Planning Division of the Department of Land
4 Management, may apply for a higher zone designation, up to a zone
5 designation consistent with that of the majority of land contiguous to the
6 returned land as of the date of the return by the government of Guam.

7 (a) Any landowner who applies for a higher zone
8 designation in accordance with this Section must submit to the
9 Planning Division of the Department of Land Management:

10 (1) a map of the subject property;

11 (2) a contact listing of the surrounding property
12 owners for the purposes of notifying surrounding property
13 owners of any public hearings or other public discussions to be
14 held in regards to the zoning designation request;

15 (3) evidence of any consultation made, at the
16 discretion of the Department, with other permitting
17 governmental departments and agencies, and the property
18 owner, in consideration and review of the requested zoning
19 designation; and the outcome of any such consultation; and

20 (4) input from the municipal planning council of any
21 municipal district to be affected by the proposed zone
22 designation.”



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



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

EDDIE BAZA CALVO
 Governor

RAY TENORIO
 Lieutenant Governor

MONTE MAFNAS
 Director

DAVID V. CAMACHO
 Deputy Director

March 4, 2013

MEMORANDUM

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

To: Guam Land Use Commission (GLUC) Members

From: Chairman, Application Review Committee (ARC)

Subject: Summary of Position Statements by ARC

Re: Zone Change; **Application No. 2012 - 48, Zone Change
 GLUC Meeting of March 14, 2013**

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

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

E-mail Address:
lldir@dml.guam.g
OV

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends Approval with No Conditions;

ENVIROMENTAL PROTECTION AGENCY (GEP):

Has not submitted Position Statement as of Staff Report date.

Telephone:
 671-649-LAND (5263)

BUREAU OF STATISTICS AND PLANS (BSP):

Facsimile:
 671-649-5383

The Bureau believes the applicant has adequately justified the need for a zone change. The property is currently zoned "A" (Agricultural). The products and services applicant proposes to provide is anticipated to be demand due to the numerous on-going projects and proposed projects related to the military build-up. The activity will only be possible in an M-1 and M-2 zoned property or through a zone variance for use. Furthermore, the proposed activity in compatible to the surrounding area. At the present, there is the AMELCO facility and the Hawaiian Rock products. All are either adjacent or across the proposed site. The properties to the west and further towards Route No. 10 are un-zoned properties and mostly vacant. A few of these properties are returned ancestral lands and the remainder is under the U.S. Federal Government which are being used as an antenna field. Therefore, most of the residential are upwind and northeast of the proposed activity and should not be adversely affected by this additional operation



and mostly vacant. A few of these properties are returned ancestral lands and the remainder is under the U.S. Federal Government which are being used as an antenna field. Therefore, most of the residential are upwind and northeast of the proposed activity and should not be adversely affected by this additional operation

Base on their review of the application as submitted, the Bureau provides the following comments and /or concerns.

1. Because the subject property is located above the Northern Lens, we are concerned with the proposed heavy equipment and repair shop as well as the warehousing storage activity. Steps must be taken to ensure that a Pollution Protection Plan is submitted to Guam EPA for review and approval.
2. The applicants must coordinate GEPA for an approved Spill Prevention Control and Countermeasure Plan. This should be in place in the event of an accidental release of oils and lubricants from the heavy equipment and during heavy equipment repairs and maintenance.
3. Because the area along Route No. 15 is prone to flooding during heavy rains, there is a possibility that the subject area may experience those issues. Therefore, the applicant must also be required to work with GEPA to ensure that all storm water and run-off issues are addressed on-site and meet GEPA standards
4. Because the nature of the proposed activity. The applicant must again work with GEPA to address air quality and fugitive dust issues.

In light of the increase of development and the compatibility of the site to the surrounding area, the Bureau finds the proposed zone change request to adequately justify public necessity, public convenience and general welfare, and therefore recommends approval.

Should the Guam Land Use Commission act favorably on this request, we would like to suggest to the Commission that the zone change be time-sensitive. Perhaps, if the development does not materialize within a reasonable amount of time, the property will revert back to the original zone of "A" Agricultural zone. With the increase number of rezoning applications, the Bureau is concerned that developers submit application to the GLUC, only to sell it at a higher price after it is rezoned. We are concerned that speculative buying will increase land prices of the surrounding lots. The Bureau hopes our concerns and comments are taken into consideration as the commission reviews this application and makes its final decision.

GUAM WATERWORKS AUTHORITY (GWA):

Has not submitted Position Statement as of Staff Report date.

GUAM POWER AUTHORITY (GPA):

A. Comments and Recommendations concerning GPA Requirements:

GPA has no objection, however the customer is required to comply with the following pursuant to the National Electric Safety Code and GPA's Service Rules and Regulations:

- Coordinate overhead/underground power requirements with GPA Engineering for new structures;
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code;
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
 - Secure electric utility easements required;
 - Provide scheduling and magnitude of project power demand requirements for loads;
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
1. Primary distribution line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulation;
 2. 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 conditions cited above.

Summary of Position Statements;
Application No. 2012-48; Zone Change
GLUC Meeting; March 14, 2013
Page 3

DEPARTMENT OF PARKS AND RECREATION/HISTORICAL PRESERVATION (DPR/HPO):

Has not submitted a Position Statement as of Staff Report date.

DEPARTMENT OF AGRICULTURE (DoAGR): Agricultural Impact Statement received February 19, 2013; Has no objections with comments and conditions noted to consult with agency prior any development activities on the subject lots. (Attached).


GEDCA: Has no objections.

GFD: Has not submitted a Position Statement as of Staff Report date.

DOE: Has not submitted a Position Statement as of Staff Report date.


DPHSS: Has not submitted a Position Statement as of Staff Report date.

Note Please note that of the eight (8) ARC voting member agencies and five (5) Ex-Officio members, six (6) members have not submitted their position as of date of this report. However, in accordance with E.O. 96-26, the time frame for submitting position statements has lapsed and the application is allowed to continue with the GLUC process.



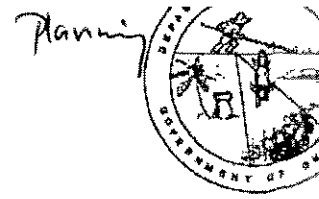
Marvin Q. Aguilar
Guam Chief Planner, Acting

Attachment: Position Statements as noted

 Project Planner: Penmer C. Gulac



Dipattamenton Agrikottura



Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office
Agricultural Development Services
Plant Nursery
Aquatic & Wildlife Resources
Forestry & Soil Resources
Plant Inspection Station
Animal Health

734-3942/43; Fax 734-6569
734-3946; 735-3946; 735-3950
734-3949
735-3955/56; Fax 734-6570
735-3949/51; Fax 734-0111
475-1426/21
734-3943 Fax 734-6569

Mariquita F. Tait
Director

Manuel Q. Cruz
Deputy

February 14, 2013

RECEIVED
FEB 19 2013
Department of Land Management
Time: 10:10 Int: [initials]
POSTE
RECEIVED
P. Bula 2/18/13

Memorandum

To: Director, Department of Land Management
Attn: Executive Secretary, Guam Land Use Commission and Guam Seashore Protection Commission
From: Director of Agriculture
Subject: "Agricultural & Environmental Impact Statement" for a "Zone Change request on Lot 2436-4, 2436-5, 2436-6 from "Agricultural to an M-2". Ref. Case 2012-48 (Estate of Alejandro Cruz & Executix Rosita G.P. Cruz, Pedro J. Ada II c/o Fe A. Cepeda , Herman F. Ada, Antonia C. Diaz.

Agriculture's ADS and DAWR divisions have reviewed the subject lots for a "Zone Change" request. The agency requires that the following concerns should be addressed before any clearing and grading of the lots are to take place. Our agency through our mandates must require that due to its size and proximity to areas known to contain "Partula" (Guam tree snails) a survey should be done to identify and mitigate to protect this locally endangered species. A contractor familiar with survey work of this kind will be able to advise and create a plan for dealing with these.

Secondly, the project encompasses a huge area of land over our northern aquifer. It is vital that if the proposed usage come to fruition, we require that a protective layer of material should be incorporated into the final phase of the build to prevent any chemical contaminants generated by the site and its operation from percolating into our aquifer, or leaking and running into stream channels that lead into the coastal areas. Refueling of heavy equipment and or other vehicles should be done off site in an area that is capable of handling any spillage of fuel and other chemicals from vehicles. Please be aware of the sensitive nature of our resources and the need to protect them for future generations as well as ensuring an overall environmentally healthy island. Silt screens must be in place around houses, other buildings and roadways to prevent any contamination from entering and creating additional problems that occur with large projects such as this. Upon obtaining permits, prior to actual clearing of the land a contaminant wash out area should be place around the project site to prevent mud and sediment running onto roads, and from equipment entering and exiting the site.

Thirdly, the area contains small pockets of agricultural activity but few, if any, are commercial suppliers of locally grown agricultural goods. So a negative effect on agricultural production is minor. We would highly recommend that any mature fruit tree species or any indigenous mature trees be kept in place and incorporated for windbreaks, shading, soil erosion control and aesthetics for the proposed usage. These trees around and allowed to grow is a bonus for accomplishing the goal of keeping our island "Green".

A landscaping plan should be incorporated onto the project to further enhance and improve the image of creating an industrial facility in this area. The boundaries of the lots can be planted with both native and non native trees that include fruit trees as well. This will allow the developer to help enhance the buildings should they decide to erect them. Capitalizing on the size of the lots by planting fruit trees will allow the property owners to sell fruits produced on site and add to the way it can be another source of income. As mentioned earlier by planting these trees the benefit of having a windbreak wall to protect interior structures from damaging winds and other storm threats will help not only saving money on repairing damages but add to the aesthetics of the site. With assistance in developing this plan further please contact our ADS and Forestry divisions for assistance and recommendation in realizing this aspect of an environmentally sound and needed benefit to our island resources. Our contacts numbers are listed below.

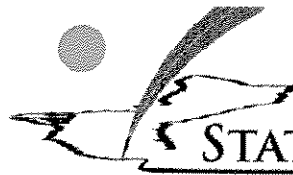
Lastly, this area is also located in a zone that has been known to harbor the destructive coconut rhinoceros beetle. For this reason before any clearing and grading, you must consult with our Rhino Beetle Task Force at 734-1426. The task force can provide advice on removal and storage of the green debris, and disposition of green waste. Disposal of the green debris should be at an approved site located in the northern part of Guam. This dumping area is located on route 15 before the Mount Santa Rosa junction, known as Primo's.

Agriculture does not object to the proposed zone change if the afore mentioned actions are adhered to and the consultations and mitigation work with bio-contractors have been met. Should you have any questions or concerns regarding our agencies response and consultation regarding an eco-friendly development plan please contact our office at 734-3946. For assistance in developing a forestry plan contact the division at 735-3949/51. Thank you in this regard.


MARIQUITA F. TAITAGUE,

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor



**BUREAU OF
STATISTICS & PLANS**

SAGAN PLANU SIIIA YAN EMFOTMASION
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3 Fax: (671) 477-1812



Thomas A. Morrison
Director

SEP 28 2012

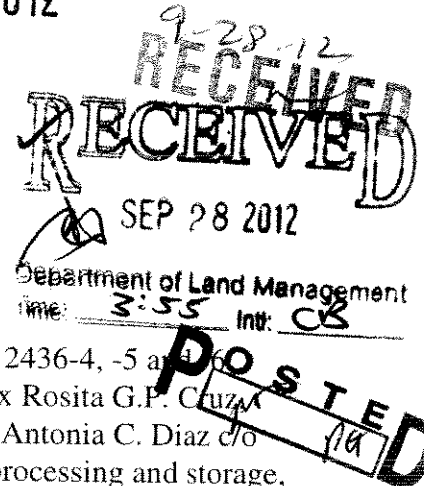
MEMORANDUM

To: Chairperson, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: Position Statement on **Application No. 2012-48**; Lot Nos. 2436-4, -5 and 166 Pagat, Mangilao; Estate of Alejandro P. Cruz and Executrix Rosita G.F. Cruz; Pedro Jose Ada II and Fe Cepeda and Herman F. Ada, and Antonia C. Diaz c/o Harry Gutierrez; Zone Change; Proposed Use: Aggregate processing and storage, asphalt and concrete batching, heavy equipment parking and repair shop, and related light-heavy industrial activities.



The applicants, being represented by Mr. Harry D. Gutierrez, are requesting a zone change from "A" Agricultural to "M-2" Heavy Industrial, in order to allow manufacturing operations that will include an aggregate processing and storage, asphalt and concrete batching operations as well as heavy equipment parking and repair shop. The operation will also include office and warehousing/ storage and related activities. The proposed development will be located on the above-mentioned (3) lots, having an 8.56 acres each or a total area of 25.68 acres. The properties' present "A" agricultural zone does not allow for (M-2) heavy industrial activities, therefore a zone change is being requested. The subject properties front Route No. 15 and are directly across Hawaiian Rock Products. The surrounding land uses consist predominantly of industrial activities and some single family residences nearby.

Chapter 61, Section 61630 of the 21 Government Code Annotated (GCA) requires that zone change requests justify public necessity, public convenience, and general welfare.

The applicants' representative has provided the following justifications. The products and services they propose to provide is anticipated to be in demand due to the numerous on-going projects and proposed projects related to the military buildup. This activity could only be possible in an M-1 or M-2 zoned property. Furthermore, the proposed activity is compatible to the surrounding area. At present, there is the AMELCO facility, a new building/construction material activity and the Hawaiian Rock products. All are either adjacent or in close proximity to or across the proposed site. The properties to the west and further towards Route No. 10 are un-zoned properties and mostly vacant. A few of these properties are returned ancestral lands and the remainder is under the U.S. Federal Government which are being used as an antenna field. Therefore, most of the residential areas are upwind and northeast of the proposed activity and should not be adversely affected by this additional operation.

Based on our review of the subject application as submitted, the Bureau provides the following comments and/or concerns.

1. Because the subject properties are located above the Northern Lens, we are concerned with the proposed heavy equipment and repair shop as well as the warehousing storage activity having a negative impact to the lens. Steps must be taken to ensure that a Pollution Protection Plan is submitted to Guam Environmental Protection Agency (GEPA) for review and approval.
2. The applicants must coordinate with GEPA for an approved Spill Prevention Control and Countermeasure Plan. This should be in place in the event of an accidental release of oils and lubricants from the heavy equipment and during equipment repairs and maintenance.
3. Because the area along Route No. 15 is prone to flooding during heavy rains, there is a possibility that the subject area may experience those issues too. Therefore, the applicant must also be required to work with the GEPA to ensure that all storm water and run-off issues are addressed on-site and meet GEPA standards.
4. Because of the nature of the proposed activity, the applicants must again work with the GEPA to address air quality and fugitive dust issues.

In light of the increase of development and the compatibility of the site to the surrounding area, the Bureau finds the proposed zone change request to adequately justify public necessity, public convenience and general welfare, and therefore recommends approval.

Should the Guam Land Use Commission (GLUC) act favorably on this request, we would like to suggest to the Commission that the zone change be time-sensitive. Perhaps, if the development does not materialize within a reasonable amount of time, the property will revert back to the original zone of "A" Agricultural zone. With the increase number of rezoning applications, the Bureau is concerned that developers submit applications to the GLUC, only to sell it at a higher price after it is rezoned. We are concerned that speculative buying will increase land prices of the surrounding lots. The Bureau hopes our concerns and comments are taken into consideration as the commission reviews this application and makes its final decision.


THOMAS A. MORRISON

cc: GEPA
DPR
DPW
GFD
GWA



GUAM POWER AUTHORITY

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

September 26, 2012

RECEIVED

OCT 01 2012

Department of Land Management

Time: 3:10 AM

POSTED

MEMORANDUM

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

From: General Manager

Subject: Lots 2436-4, 2436-5, 2436-6, Municipality of Mangilao, (Rosita G.P. Cruz, Pedro Jose Ada II, Antonia C. Diaz); Zone Change Application from "A" (Agricultural) to "M-2" (Heavy Industrial) for warehousing facility, asphalt and concrete batching, aggregate processing and storage. **Application No. 2012-48**

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

A. Comments and Recommendations Concerning GPA requirements:

- GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, 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 and National Electrical 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.
- 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.
- A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

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


JOAQUIN C. FLORES, P.E.

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**

Applicant: Rosita G.P. Cruz, Pedro Jose Ada II, Antonia C. Diaz

Location: Lots 2436-4, 2436-5, 2436-6, Mangilao

Type of Application: Zone Change

GLUC/GSPC Application No. 2012-48

Brief Project Description:

“A” to “M-2” for warehousing facility, asphalt and concrete batching, aggregate processing and storage.

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


1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:
- Yes No

2. If the answer to #1 above is YES, then:
I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:
- Yes No

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

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

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


 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. A system impact assessment maybe required to determine the effect of this facility on GPA’s existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

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 Department of Land Management
 ITC Building, Third Floor, Tamuning, GU
 P.O. Box 2950, Hagåtña, Guam 96932
 Telephone: (671) 649-5263 • Facsimile: (671) 649-5383

AQMNDA

Regular Meeting of the Guam Land Use Commission will be held on Thursday, July 25, 2013 at 1:30 p.m. at the Department of Land Management Conference Room, 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning, I. Roll Call.

II. Approval of Minutes:
 • GLUC Regular Meeting April 25, 2013

III. Old Business

Zone Change

A. Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz; zone change from "A" to "M2" zone for a proposed aggregate/storage facility, asphalt/concrete batching and other related heavy industrial activities, on Lots 2436-4, -5 and -6, Mangilao [2012-48B] (Continuation from GLUC Mtg of 3/14/2013)

B. Lorenzo B. Flores, Zone Change from "R-1" to "C" for a proposed mini-mall complex on Lots 146-4, -5, -6, -7 & -R7, Merizo. [2011-54] (Continuation from GLUC Mtg of 2/14/2013)

IV. New Business

Conditional Use

C. BME & Sons, Inc., request renewal of a previously approved conditional use permit to continue operations for temporary workforce housing on Lot 5223-R9-3, Barrigada. [1997-23B]

Zone Variance

D. Can Pacific LLC; zone variance for height for a proposed six-storey, 36 unit multi-family structure with amenities on Lot 2127#NEW-1, Tamuning. [2011-63]

E. Larry and Norma Rivera Pittman; setback variance on right and left side yard setbacks on Lot 12, Block 20, Agat. [2009-76B]

Tentative Development Plan

F. Grandview Corp.; tentative development plan for a proposed Tumon International Market on Lot 5132-1, Tamuning. [2013-06]

V. Miscellaneous Matters

G. Luxury Beachfront Partners, LLC; request issuance of a 6th supplementary final public request (Blue Lagoon Condominiums) on Lot 5124-1-3-R1, Tamuning. [2007-14G]

VI. Adjournment

Funding Source for this ad provided by the Applicants above.
 Persons requiring special accommodations please call 649-5263 Ext. 375

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REQUEST FOR PROPOSALS
 RFP No. RFP004-13

GBB
 SOLID WASTE MANAGEMENT CONSULTANTS RECEIVER

Gershman, Brickner & Bratton, Inc. (GBB) in its capacity as Receiver for the Guam Solid Waste Authority (GSWA), of the Government of Guam is seeking to procure construction management (CM) services for the construction of Ordot Dump closure systems, wetland restoration, Dero Road improvements and utilities for the Ordot Dump Closure Construction in compliance with the Consent Decree (Federal Court Case CV02-00022).

The complete Request for Proposal may be acquired and downloaded at the Receiver and GSWA websites: www.guamsolidwastereceiver.org, www.guamsolidwasteauthority.com in a PDF Format. Proposers or their representatives are required to attend a mandatory Pre-Proposal Conference, which will be held on August 1, 2013 at 9:00 AM at the Guam Solid Waste Authority second floor in the Department of Public Works compound, 542 N. Marine Corps Drive, Tamuning, Guam 96913. Any prospective Proposer intending to attend the Pre-Proposal Conference must pre-register for the Conference by contacting the GSWA contact person, shown in Section V. Inquiries and requests for clarifications relative to the RFP and /or the proposal process shall be sent in writing to: Linda Ibanez, Government of Guam, Guam Solid Waste Authority, 542 N. Marine Corps Drive, Tamuning, Guam 96913, or via email at LindaIbanez@gmail.com or by fax at (671) 649-3777. Such inquiries and requests for clarifications must be submitted at least 24 hours prior to the start of the Pre-Proposal Conference.

/s/ Chris Lund,
 GSWA /GBB Receiver

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THE GUAM PUBLIC UTILITIES COMMISSION NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that the Guam Public Utilities Commission (PUC) will conduct a regular business meeting, commencing at 7:00 p.m. on July 30, 2013, at Suite 202 GDC Building, 414 W. Soledad Ave., Hagåtña. The following business will be transacted:

- Agenda**
- Approval of Minutes of June 25, 2013
 - Part Authority of Guam
 - PAG Docket 13-01, PAG's Interim Rate Petition, ALJ Status Report
 - Talagusan Holdings LLC
 - GTA Docket 13-02, Talagusan Holdings, LLC ("GTA") Term Traversal No. 24, Establishment of a Penetration Tariff for GTA Emergency Line Service, Public Notice, PUC Counsel Report, and Proposed Order
 - Guam Solid Waste Authority
 - GWSA Docket 12-02, Post Community Fund, Request by Receiver for Receiver of PUC Protocol for Distribution of Post Community Funds directly to Village Mayors in accordance with Public Law 32-21, PUC Counsel Report, Proposed PUC Protocol, and Proposed Order.
 - Guam Waterworks Authority
 - GWA Docket 13-01, Petition of Guam Waterworks Authority for Rate Relief (Re: Compliance with Order Issued on May 28, 2013), ALJ Status Report
 - GWA Docket 13-03, Petition for Approval of GWA's 8th and the Proposed Contract for Lab Services with Eurofins Eaton Analytical, Inc., ALJ Report, Proposed Order
 - Guam Power Authority
 - GPA Docket 10-03, GPA Status Report on the Implementation of the new Fuel Hedging Protocol (Informational)
 - GPA Docket 11-13, Petition for Contract Review of Additional Block and Vastak Contract Services under the Smart Grid Project, PUC Counsel Report, and Proposed Order
 - GPA Docket 13-02, Filing of GPA Integrated Resource Plan ("IRP"), Luzerna Consultants Report, and Proposed Order
 - GPA Docket 13-09, Laissez-faire Energy Adjustment Clause Filing, dated June 14, 2013, Report of the PUC Chairman, and Proposed Order
 - GPA Docket 13-10, Petition to Approve the Contract with Hyundai Corporation for Supply of Residential Fuel Oil No. 6 to GPA, PUC Counsel Report, and Proposed Order
 - GPA Docket 13-11, Petition to Approve the Contract with Triton Terminals Guam Inc. for the Dock Facility Lease Agreement, Pipeline Agreement, and Fuel Storage Agreement for GPA, PUC Counsel Report, and Proposed Order
 - Administrative Matters
 - Other Business

Further information about the meeting may be obtained from the PUC's Administrative Liaison at 472-1907. Those persons who require special accommodations, auxiliary aids, or services to attend the meeting should also contact Ms. Pokemo. This Notice is paid for by the Guam Public Utilities Commission

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Hospital Bed, New, Semi-Electric \$250 Call 788-3727

HP network \$250, Dell 14" w/ dvd \$250, Dell notebook \$270, Wifi router \$40 Call 482-8666

Santa bed sets full \$215, twin \$165, double \$185, king \$450, queen \$365-\$265, Fire cabinet \$175, 649-8234

Gene Scaisor Lifts 2 Just Serviced, Great Shape GS1630-\$7,500, GS1930-\$8,000 483-8078

Short Metal Equip, 4th elec. shower, 4th brake wheel, pittsburg machine, all 3 \$5,000 Harry 483-8078

Chihuahua 2 Male / 1 Female 11 weeks \$300/ea. Call 477-0448

Pure Pug Black (Female 9 weeks old, parents on sight \$1,350 OBO. Call 727-8568

GUAM LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagåtña, Guam 96932
Telephone: (671) 649-5283 • Facsimile: (671) 649-5383

AGENDA

Regular Meeting of the Guam Land Use Commission will be held on Thursday, July 25, 2013 at 1:30 p.m. at the Department of Land Management Conference Room, 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning.

- Roll Call
- Approval of Minutes:
 - GLUC Regular Meeting April 25, 2013
- Old Business

- Zone Change**
- Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz; zone change from "A" to "M2" zone for a proposed aggregate/storage facility, asphalt/concrete batching and other related heavy industrial activities, on Lots 2436-4, -5 and -6, Mangilao [2012-48B] (Continuation from GLUC Mtg of 3/14/2013)
 - Lorenzo B. Flores, Zone Change from "R-1" to "C" for a proposed mini-mall complex on Lots 146-4, -5, -6, -7 & -R7, Mertz. [2011-54] (Continuation from GLUC Mtg of 2/14/2013)

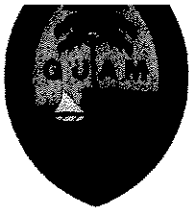
- IV. New Business**
- Conditional Use**
- BME & Sons, Inc., request renewal of a previously approved conditional use permit to continue operations for temporary workforce housing on Lot 5223-R9-3, Bantigada. [1997-23B]

- Zone Variance**
- Can Pacific LLC; zone variance for height for a proposed six-story, 36 unit multi-family structure with amenities on Lot 2127#NEW-1, Tamuning. [2011-63]
 - Larry and Norma Rivera Pillman; setback variance on right and left side yard setbacks on Lot 12, Block 20, Agat. [2009-76B]

- Tentative Development Plan**
- Grandview Corp., tentative development plan for a proposed Tumon International Market on Lot 5132-1, Tamuning. [2013-06]

- V. Miscellaneous Matters.**
- Luxury Beachfront Partners, LLC; request issuance of a 6th supplementary final public request (Blue Lagoon Condominiums) on Lot 5124-1-3-R1, Tamuning. [2007-14G]

VI. Adjournment
Funding Source for this ad provided by the Applicants above. Persons requiring special accommodations please call 649-8263 Ext. 375



GUAM LAND USE COMMISSION

Vice Chairman John Z. Arroyo
Commissioner Conchita D. Bathan
Commissioner Roland S. Certeza
Commissioner Andrew C. Park

Commissioner Beatrice P. Limtiaco
Commissioner Victor F. Cruz
Commissioner (Vacant)

Monte Mafnas, Executive Secretary
Vacant, Assistant Attorney General

AGENDA - Disposition

Regular Meeting

Thursday, July 25, 2013 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning

- I. **Notation of Attendance** Quorum 1:39 p.m. No Quorum
(Present were: Commissioners John Arroyo, Tricee Limitiac, Conchita Bathan, Andrew Park and Victor Cruz, Executive Secretary Monte Mafnas, Acting Chief Planner Marvin Aguilar, Case Planners Frank Taitano, Penmer Gulac and Celine Cruz)

II. **Reading and Approval of Minutes**

- GLUC Regular Meeting April 25, 2013 (Minutes approved with no corrections noted)

III. **Old or Unfinished Business**

Zone Change

- A. The Applicants, Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II (c/o Fe Ada Cepeda & Herman F. Ada) & Antonina C. Diaz represented by Harry D. Gutierrez; request for a Zone Change from "A" (Rural) to "M2" (Heavy Industrial) zone for a proposed aggregate/storage facility, asphalt/concrete batching, heavy equipment repair shop/parking, warehouse, logistical support facility and other related light/heavy industrial uses on Lots 2436-4, -5 and -6 in the Municipality of Mangilao. Application No. 2012-48B. (Continuation: GLUC Mtg. of March 14, 2013)
Case Planner: Penmer Gulac
(Request for Zone Change was approved unanimously; 4 – ayes; 0 – nay)
- B. The Applicant, Lorenzo B. Flores, request for Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone for a proposed mini-mall complex, ten (10) unit facility to include parking spaces on Lots 146-4, -5, -6, -7 & -R7, in the Municipality of Merizo. Application No. 2011-54. (Continuation; GLUC Meeting – February 14, 2013)
Case Planner: Celine Aguilar
(Mr. Lorenzo Flores via email dated 7/24/2013 withdrew his application for Zone Change; no objections noted from the Commission.)

IV. New Business

Conditional Use

- C. The Applicant, BME & Sons, Inc., represented by FC Benavente, Planners; request for renewal for a previously approved conditional use in order to continue operations for a temporary workforce housing on Lot 5223-R9-3, in the Municipality of Barrigada, in an "M1" (Light Industrial) zone. Application No. 1997-23B.

Case Planner: Penmer Gulac

(BME & Sons was approved unanimously for renewal of a conditional use permit subject to the following conditions set forth by Staff:

- 1) Applicant shall comply with all requirements and conditions and any concerns imposed by government agencies and other mandates in their development plans;
- 2) Initial approval shall be for 24 months (2 years) and thereafter shall be renewed annually;
- 3) Applicant shall adhere to all provisions of GLUC Resolution 2009-01 (Paragraphs 5B – F); and,
- 4) There will be no changes to the approved conditional use permit unless subject to ARC review and GLUC approval

(Commission passes motion to approve unanimously 4 – ayes; 0 – nay)

Zone Variance

- D. The Applicant, Can Pacific, LLC, represented by FC Benavente, Planners; request for a zone variance for height to build proposed a six-storey, 36-unit multi-family structure on Lot No. 2127#1NEW-1 in the Municipality of Tamuning, in an "R-2" (Multi-Family Dwelling) zone. Application No. 2011-63.

Case Planner: Marvin Aguilar

(It was the order of the Commission that this application be continued; Applicant to work with the homeowners to resolve the issues (traffic, etc.) brought up by neighbors and a resolution from the Tamuning MPC.)

- E. The Applicants, Larry and Norma Rivera Pillman; request for setback variance on the right side yard setback of 7 feet (1 foot short) from required 8 feet, and left side yard setback of 7.5 feet & 3 feet (0.5 feet & 5 feet short) of required 8 feet, on Lot 12, Block 20 in the Municipality of Agat, in an R1 (Single Family Dwelling). Application No. 2009-76B.

Case Planner: Penmer Gulac

(Applicants' request for setback variance was approved by the Commission subject to the following conditions:

- 1) Adhere to ARC conditions and permitting requirements;
- 2) Obtain building permits for any future constructions of any structures on subject lot; and,
- 3) Copy of the Occupancy Permit to be submitted to the Chief Planner.

(Commission passes motion to approval unanimously; 4 – ayes, 0 – nay)

Tentative Development Plan

- F. The Applicant, Grandview Corporation represented by FC Benavente, Planners; request for a tentative development plan for a proposed Tumon Night Market on Lot 5132-1 in the Municipality of Tamuning, in an “H” (Hotel/Resort) zone Application No. 2013-06.

Case Planner: Frank Taitano

(It was order for the Acting Chairman that this application be continued pending additional information to be provided to the Commission on addressing traffic safety issues and parking information; Mr. Benavente to provide a comprehensive plan for both Grandview projects.)

V. Miscellaneous Matters

- G. The Applicant, Luxury Beachfront Partners, LLC (Developers), represented by Atty. Melinda Swavely, request for issuance of a Sixth Supplementary Final Public Report for the Blue Lagoon Condominiums, on Lot 5124-1-3-R1, in the Municipality of Tamuning, in an “H” (Hotel/Resort) zone, Registration No. 152, Application No. 2007-14G.

Case Planner: Joseph Cruz

(6th Supplementary Final Public Report for 13 month extension was granted from August 9, 2013 to September 8, 2014)

VI. Adjournment (Hearing was adjourned at 5:30 p.m.)

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

File for Record is Instrument No. 855916

On the Year 13 Month 09 Day 03 Time 11:02

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Lisa S. Manggar

Above Space for Recorder's Use only

COPY

**GUAM LAND USE COMMISSION
REGULAR MEETING MINUTES**



Department of Land Management Conference Room
ITC Building, Tamuning



Thursday, July 25, 2013
1:39 p.m. to 5:30 p.m.

GUAM LAND USE COMMISSION

Thursday, July 25, 2013

Regular Meeting

Department of Land Management Conference Room
ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Acting Chairman/Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Andrew Park, Commissioner

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Mr. Victor Cruz, Commissioner

Mr. Monte Mafnas, Executive Secretary

Legal Counsel – Vacant

TAMUNING LAND USE COMMISSION
 WILDLIFE PROTECTION COMMISSION
Attendance Sheet

Department of Land Management Conference Room
 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

Date of Meeting: Thurs., July 25, 2013

Time of Meeting: 1:30 pm

<input checked="" type="checkbox"/> GLUC	<input checked="" type="checkbox"/> GSPC
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Regular
<input type="checkbox"/> Special	<input type="checkbox"/> Special
<input checked="" type="checkbox"/> Quorum	<input type="checkbox"/> Quorum
<input type="checkbox"/> No-Quorum	<input type="checkbox"/> No-Quorum

COMMISSION MEMBERS

- Lawrence S. Rivera, Commissioner
- Conchita D. Bathan, Commissioner
- Roland S. Certeza, Commissioner
- Andrew C. Park, Commissioner
- Beatrice "Tricee" P. Limtiaco, Commissioner
- Victor F. Cruz, Commissioner
- John Z. Arroyo, Commissioner

SIGNATURE

reconfirmation process

Adrian

Assent

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Present by
Frank Taitano

[Signature]

[Signature]

Monte Mafnas
Executive Secretary (GLUC/GSPC)

Vacant
Legal Counsel, Assistant Attorney General

- Marvin Q. Aguilar, Acting Chief Planner
- Frank Taitano, Case Planner
- Penmer Gulac, Case Planner
- Joseph I. Cruz, Case Planner
- Celine Cruz, Case Planner
- Mario Garcia, Case Planner

Joseph Guevara
 Chief Bldg. Inspection Administrator (DPW)

Cristina Gutierrez, WPS II

ADJOURNMENT: 5:30 pm

Speakers Sign-In Record

<input checked="" type="checkbox"/>	GLUC	<input checked="" type="checkbox"/>	Regular	Date:	Thurs., July 25, 2013
<input type="checkbox"/>	GSPC	<input type="checkbox"/>	Special	Time:	1:30 PM
<input checked="" type="checkbox"/>	Quorum	<input type="checkbox"/>	No Quorum	Adjournment:	5:30 PM

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)

Print Name	Applicant or Representative	Telephone No.
Edix C Benavod	BME/Can Pac/ Groundwork	988-7911
N Pillman	set back variances reg.	686-1143
Paul P. Aoa	CAN PAC LLC	472-9830
Melinda Sweeney	Luxury Beachfront Dev. LLC	646-1222
Jamie E. [unclear]		482-5315
Harsh IVAS	James Jones Can Pacific	646-2466
Jill Mudd	Can Pacific	646-8992
Cheng T. Chien	CAN PACIFIC LLC	649-4196
M Potchen	CAN PACIFIC LLC	727-7799

Guam Land Use Commission Regular Hearing Minutes
Department of Land Management Conference Room
Thursday, July 25, 2013 • 1:40 p.m. to 5:10 p.m.

Monte Mafnas (Executive Secretary) thank you for your time. The Guam Land Use Commission shall come to order.

Guam Land Use Commission has been in a quandary these past months due to the Chairman's term being expired. And the Vice Chairman serving as the Acting Chairman, his term also expired. When he was scheduled to be confirmed he was off-island. At present, the Legislature is focused on the budget of Government of Guam; so, until the Chairman is appointed by the Governor that remains.

Today, I am the Executive Secretary to the Board, and I formally request the Commissioners to vote for a Vice Chairman to the Board in lieu of the absence of Mr. Larry Rivera the former Vice Chairman whose term has expired.

To those who question the validity of today's session, please be advised that it will be ratified when the Chairman comes in and we have a full quorum.

Commissioners, is there a motion for a Vice Chairman?

Commissioner Limtiaco I move to nominate our newest Commissioner, Mr. John Arroyo to be Vice Chairman for our Commission.

Monte Mafnas is there a second.

Commissioner Cruz I second and move to close nominations.

Monte Mafnas all in favor of the motion say "aye" [**Commissioners Limtiaco, Cruz, Bathan, and Park**] and those who oppose say "nay."

Welcome to Mr. John Arroyo as Vice Chairman, congratulations. I turn the floor over to you at this time.

(Motion to elect Commissioner John Arroyo as Vice Chairman is passed unanimously; 4 – ayes, 0 – nay)

I. Notation of Attendance

Vice Chair Arroyo thank you and again welcome. This is my first meeting as a Vice Chair so please bear with me and I'll try and do my best. Definitely looking forward to Mr. Rivera's return no one more than me. Let's go ahead and proceed.

Acting Chair Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, July 25, 2013 to order at 1:39 p.m., noting a quorum.

Present were: Vice Chairman John Arroyo, Commissioner Conchita Bathan, Commissioner Tricee Limtiaco, Commissioner Andrew Park and Commissioner Victor Cruz, Executive Secretary Monte Mafnas, Acting Chief Planner Marvin Aguilar, DLM Case Planners Frank Taitano, Penmer Gulac and Celine Cruz.

II. Approval of Minutes

Acting Chair Arroyo Commissioners, you've all had a chance to review the minutes; I'll entertain a motion at this time.

Commissioner Bathan I'll make a motion to approve the meeting Minutes of April 25, 2013 (no changes noted).

Acting Chair Arroyo is there a second? Moved and seconded by **Commissioner Park**. Any discussion on the Minutes? (None noted) So, we'll move to a vote –

All in favor say "aye" [**Commissioner Bathan, Limtiaco, Park and Cruz**], those that oppose say "nay."

(Motion to approve the Minutes of April 25, 2013 was passed unanimously; 4 – ayes, 0 – nay)

Acting Chair Arroyo we did have a request to move Item G under Miscellaneous Matters up to the top to this section of the agenda. Is there any objection to make that change? **(None noted from the Commissioners)**

V. Miscellaneous Matters

- G. The Applicant, Luxury Beachfront Partners, LLC (Developers), represented by Atty. Melinda Swavely; request for an issuance of a Sixth Supplementary Final Public Report for the Blue Lagoon Condominiums, on Lot 51224-1-3-R1, in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone, Registration No. 152, Application No. 2007-14G.

Case Planner: Joseph I. Cruz

Marvin Aguilar (Acting Chief Planner) I will be providing any further information on behalf of the Case Planner Mr. Joseph Cruz.

(Attachment G – Staff Report dated June 20, 2013)

We do have Ms. Swavely as the representative and I'll give the floor to her to provide further explanation of the project.

Melinda Swavely I am representing Luxury Beachfront Partners, (LLC) who is the developer. We are now requesting the sixth supplementary public report. The fifth will expire in August, I believe August 8th. And so we are requesting for an extension based on the sixth which is a 13 month extension which will take it then to September 8, 2014.

In this last period of thirteen months, the developers have been able to sell an additional unit. They continue to show the units regularly. They have one more unit that they hope will sell within the next few months; but frankly, the market is a little slow so they are continuing to use their best efforts to market the units. But at this time, those units that aren't sold are being rented primarily to military. So we would request the supplementary final public report be extended for the sixth time so that the developer will be able to continue to market the units and sell them.

Do the Commissioners have any questions?

Acting Chair Arroyo any questions? **(No questions from the Commissioners noted)** I'd like to open the floor up now to public comment. Are there any members in the audience that would like to say anything?

Public Comment (Seeing none, Acting Chair Arroyo closed public comment)

Acting Chair Arroyo any additional comments at all from the Commissioners (none noted). I'll entertain a motion on the application.

Commissioner Park I'd like to move to approve the sixth supplementary final public report requested by Luxury Beachfront Partners (Blue Lagoon Condominiums) Registration No. 152 as requested.

Acting Chair Arroyo the application approval has been moved by Commissioner Park; can I have a second **(Commissioner Limtiaco seconds)**. Moved and seconded by Commissioner Limtiaco. Any discussion on the motion? (None noted)

All in favor of the motion approve say "aye" [**Commissioners Park, Limtiaco, Bathan and Cruz**] and those oppose say "nay."

(Motion to approve passes unanimously; 4 – ayes, 0 – nay)

Marvin Aguilar if I may interject. Certain members of the Commission have mentioned their interest to do a site inspection. If you can accommodate the Commission's request.

(Ms. Swavely replies that she is more than happy to conduct a site inspection, and asked that Mr. Aguilar coordinate with her on a date and time for the inspection.)

Marvin Aguilar (reads next item on the agenda)

III. Old or Unfinished Business

Zone Change

- A. The Applicants, Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II (c/o Fe Ada Cepeda & Herman F. Ada) & Antonina C. Diaz, represented by Harry D. Gutierrez; request for a zone change from "A" (Rural) to "M2" (Heavy Industrial) zone for a proposed aggregate/storage facility, asphalt/concrete batching, heavy equipment repair, shop/parking, warehouse, logistical support facility and other related light/heavy industrial uses on Lot Nos. 2436-4, -5 and -6 in the Municipality of Mangilao. Application No. 2012-48B. (Continuation: GLUC Mtg of March 14, 2013).
Case Planner: Penmer Gulac

Marvin Aguilar this is a continuation from the GLUC meeting of March 14, 2013 to which time the applicants was requested to reconsider a rezone to "M1" as opposed to "M2."

Penmer Gulac no additional information was submitted since the previous meeting; I'd like to hand over the floor over to Mr. Gutierrez.

Harry Gutierrez I represent the estate of Mr. Cruz. The family basically agreed to change it from "M2" to "M1." Everything else was explained at the last session.

Acting Chair Arroyo any questions for Mr. Gutierrez by members of the Commission.

Commissioner Limtiaco Harry, I don't have any questions; but, I'd like to thank the family for taking our comments into consideration.

Acting Chair Arroyo further public comments was closed at the previous hearing so that opens the floor up for a motion. May I have a motion please ---

Commissioner Limtiaco I move to approve Application 2012-48B for the Estate of Alejandro P. Cruz *et al* to rezone Lots 2436-4, -5 and -6 in the Municipality of Mangilao from "A" to "M1."

Acting Chair Arroyo we have a motion to approve the application by Commissioner Limtiaco. Do I have a second? Moved and seconded by **Commissioner Cruz**. Any discussion? (None noted)

Acting Chair Arroyo (cont'd) all in favor of the motion to approve say "aye" [**Commissioners Limtiaco, Cruz, Park and Bathan**] and those oppose say "nay." Motion carries.

(Motion passes unanimously; 4 – ayes, 0 – nay)

Zone Change

- B. The Applicant, Lorenzo B. Flores, request for zone change from "R1" (Single Family Dwelling) to "C" (Commercial) zone for a proposed mini-mall complex, ten unit facility to including parking spaces on Lot Nos. 146-4, -5, -6, -7 & R7, in the Municipality of Merizo. Application No. 2011-54 (Continuation: GLUC mtg of February 14, 2013).
Case Planner: Celine Cruz

Marvin Aguilar as of the most recent status, Mr. Flores has submitted a request to formally, officially withdraw his request before the Commission for a request of a zone change from "R1" to "C" (commercial). This would have been a continuation from the February 14, 2013. As of this time, we have received an official notice from him that he would like to withdraw his application.

(Refer to Exhibit 1 – Email dated July 24, 2013; Mr. Lorenzo Flores notice to withdraw)

Monte Mafnas and for the record, I did speak with Mr. Flores yesterday.

Acting Chair Arroyo and he concurred?

Monte Mafnas he concurred.

Acting Chair Arroyo moving onto the next agenda item.

VI. New Business

Conditional Use

- C. The Applicant, BME & Sons, Inc. represented by FC Benavente, Planners; request for renewal for a previously approved conditional use permit in order to continue operations of a temporary workforce housing facility, on Lot No. 5223-R9-3, in the Municipality of Barrigada, in an "M1" (Light Industrial) zone. Application No. 1997-23B.
Case Planner: Penmer Gulac

(Attachment C – Staff Report dated July 3, 2013)

Penmer Gulac Mr. Chairman, Commissioners. There was some supplementary information that was submitted by the applicant's representative of BME, and it is in your reading file at this time. It's just to clarify some of the information that you wanted on some of the issues from the last technical meeting and those were all addressed accordingly as far as the transportation, medical, number of workers to be housed on the premises from the old existing barracks.

(Acting Chair Arroyo states that the supplementary information was just received today, and gave the Commissioners some time to review the document.)

Acting Chair Arroyo are there any comments from the Commission members for Mr. Gulac? (None noted at this time) Let's open it up to the applicant and their representative; state your name for the record.

Felix Benavente (representative for BME with Bernie Maranan, President of BME & Sons)

The applicant wishes to continue the use of the former M.D. Crisostomo barracks compound. The property is 1.2 acres, it's zoned "M1." The development plan that we have complies with the requirements of the public law that puts regulations of development of workforce housing facilities.

The barracks that M.D. Crisostomo got approved was back in 1997, and they continued operations up until several years ago when they terminated their operations. BME purchased the property October 2012 thinking they could continue with the operations and resurrect and clean up the place.

Land Management told them that the barracks that was working there was no longer in operation and was terminated. So they have to start the process of reapplying to continue the process. The original approval was for 70 workers. The application that we put together is for 100; and in further review of the dimensions and requirements of 50 square feet per worker, we are only putting 87 workers in the main dormitory building which is located in the site plan that is in the exhibit.

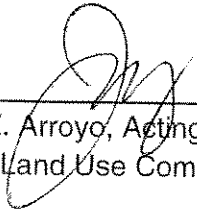
I have on the board here that is the same exhibit that is in your application. The large building is referred to as 100-workers dormitory, and that facility is now going to house only 87 workers. In that building in room number 11, and we also included that in the plan, on the second floor is room 11 located here (refers to drawing) that would be the isolation/sick bay unit in compliance with CDC and Public Health requirements for isolating sick workers so not to contaminate and get other workers sick as well.

In the description, I'm sure along the way in the permitting process we would have been required that, but I'm glad that Land Management asked us to provide that ahead of time. So, those are the two things that we have added in this supplement.

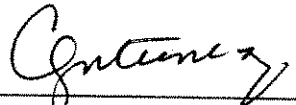
The Guam Land Use Regular meeting for Thursday, July 11, 2013 was adjourned at 5:30 p.m.

Approved by:

Transcribed by:



John Z. Arroyo, Acting Chairman
Guam Land Use Commission



Cristina Gutierrez, Pro Tem
DLM, Planning Division

Date approved: August 8, 2013

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION

Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

NOTICE OF ACTION

September 27, 2013

Date

To: **Estate of Alejandro P. Cruz and
Executrix Rosita G.P. Cruz, Pedro Jose Ada II
and Fe Cepeda , and Antonina C. Diaz,
Represented by Harry D. Gutierrez
#119 Gutierrez Way
Agana Heights, Guam 96910**

Application No. 2012-48B

The Guam Land Use Commission, at its meeting on: **July 25, 2013.**

/ **Approved** / Disapproved / Approved with No Conditions
 / Tabled

Your request for a **Zone Change for Lots 2436-4, 2436-5, and 2436-6 , from "A" (Agricultural) to "M-1" (Light -Industrial) Zone in the Municipality of Mangilao,**

NOTICE OF ACTION

Estate of Alejandro P. Cruz and
Executrix Rosita G.P. Cruz, Pedro Jose Ada II
and Fe Cepeda, and Antonina C. Diaz,
Represented by Harry D. Gutierrez
Date of GLUC Hearing: July 25, 2013
Date of Preparation of NOA: September 27, 2013
Page 2 of 4

Application No. 2012-48B

ZONING

- / Zone Change***
- / Conditional Use Permit
- / Zone Variance
- Height Use
- Density Other (Specify)
- Setback
- TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

- / Tentative
- / Final
- / Extension of Time
- / PL 28-126, SECTION 1(A)

NOTE ON ZONE CHANGE

***Approval by the Guam Land Use Commission of a **ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL** but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

SEASHORE

- / Wetland Permit
- / Seashore Clearance

HORIZONTAL PROPERTY REGIME

- / Preliminary
- / Final
- / Supplementary (Specify)

MISCELLANEOUS

- / Determination of Policy and/or Definitions
- / Other (Specify)

NOTICE OF ACTION

Application No. 2012-48B


Estate of Alejandro P. Cruz and
Executrix Rosita G.P. Cruz, Pedro Jose Ada II
and Fe Cepeda , and Antonina C. Diaz,
Represented by Harry D. Gutierrez
Date of GLUC Hearing: July 25, 2013
Date of Preparation of NOA: September 27, 2013
Page 3 of 4

APPLICATION DESCRIPTION:

The Applicants, the Estate of Alejandro P. Cruz and Executrix Rosita G.P. Cruz, Pedro Jose Ada II and Fe Cepeda , and Antonina C. Diaz, Represented by Harry D. Gutierrez, requests for a Zone Change from "A" (Agricultural) to "M-1" (Light-Industrial) Zone in order to allow operations for aggregate processing and storage, asphalt and concrete batching, heavy equipment parking and repair shop, warehousing and logistical support facility, and related light industrial activities on Lots 2436-4, 2436-5, and 2436-6 Pagat, in the Municipality of Mangilao.

COMMISSION DECISION:

The Guam Land Use Commission APPROVED the Applicants request without Conditions.



Marvin Q. Aguilar
Guam Chief Planner

11/13/2013

Date



John Z. Arroyo
Acting Chairman
Guam Land Use Commission

11/13/13

Date

Case Planner: Penmer C. Gulac

Attachment(s): Staff Report ; GLUC Meeting, May 9, 2013; Supplemental Staff Report dated April 24, 2013.

Cc: Building Permits Section, DPW (Attn: Building Official)
Real Property Division, Department of Revenue and Taxation

NOTICE OF ACTION

Application No. 2012-48B

Estate of Alejandro P. Cruz and
Executrix Rosita G.P. Cruz, Pedro Jose Ada II
and Fe Cepeda , and Antonina C. Diaz,
Represented by Harry D. Gutierrez
Date of GLUC Hearing: July 25, 2013
Date of Preparation of NOA: September 27, 2013
Page 4 of 4

CERTIFICATION OF UNDERSTANDING

I/We, Estate of Alejandro P. Cruz and Executrix Rosita G.P. Cruz, Pedro Jose Ada II and Fe Cepeda , and Antonina C. Diaz, Represented by Harry D. Gutierrez

Harry D. Gutierrez, Rep
(Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

Signature of Applicants Date

Harry D. Gutierrez 12-2-13
Signature of Representative Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

Applicant(s) Date Representative Date


To: Director, Department of Land Management
Director, Department of Public Works

Upon review of the decision of the GLUC to approve the zone change and in accordance with Title 21 GCA '61634, I hereby indicate my decision below on the proposed change, and any changes approved shall be endorsed and delineated upon the zoning map, and shall constitute an amendment to such map pursuant to Title 21 GCA '61630. **PERMITS SHALL NOT BE ISSUED UNTIL THE AMENDMENT TO THE MAP HAS BEEN MADE.**

APPROVED IN WHOLE

APPROVED IN PART

DISAPPROVED


EDDIE BAZA CALVO
Governor of Guam

MAR 04 2014

Date

A DECISION OF THE GLUC GRANTING A ZONE CHANGE IS NOT FINAL UNTIL FIFTEEN (15) WORKING DAYS AFTER FILING OF THE DECISION WITH DPW AND DLM. PERMITS SHALL NOT BE ISSUED TO THE APPLICANT BEFORE IT BECOMES FINAL. (TITLE 21, GCA, SECTIONS 61621, 61631, 61632, 61633, 61634 & 61636)

**DECISION GRANTING ZONE CHANGE
(with findings)**

Guam Land Use Commission

WHEREAS, the following decision of the Guam Land Use Commission is made in accordance with 21 GCA §61630, now therefore;

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, a hearing on the Zone Change was held on 27th day of July, 2012, in the Municipal District of Mangilao, where the properties to be rezoned are located pursuant to Title 21 GCA 61633. (**Lots 2436-4, 2436-5 & 2436-6, Pagat**)

WHEREAS, notice of the time and place of the hearing was published in a newspaper of general circulation on _____ of _____, 2012, as evidenced by an affidavit of publication attached as **Exhibit A**.

WHEREAS, notice was mailed to those landowners owning land within 500 feet of the property where the properties to be rezoned are located as evidenced by the United States Postal Service Receipt of mailing attached as **Exhibit B**.

BE IT RESOLVED, that on the 25th day of July, 2013, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of the Estate of Alejandro P. Cruz, and Executrix Rosita G.P. Cruz (lot 2436-4); Pedro Jose Ada II and Fe Cepeda (Lot 2436-5) & Antonina C. Diaz (Lot 2436-6) for a Zone Change on :

Lots 2436-4, -5 & -6 (Pagat),

Municipality of Manqilao

A quorum of the Commission was present. In attendance were:

- 1) John Z. Arroyo, Acting Chairman
- 2) Tricee Limtiaco, Commissioner
- 3) Conchita Bathan, Commissioner
- 4) Andrew Park, Commissioner
- 5) Victor Cruz, Commissioner

Appearing for the applicant was: Harry D. Gutierrez, Representative.

Also appearing and testifying on the above project was:

None in favor/against

After considering all the statements and testimony presented by interested parties the GLUC finds that the application for zone change is granted on the following grounds: (Note: All three (3) sections should be answered.)

- (a) **Public Necessity: The following facts support a finding that Public Necessity justifies the zone change:**

That the application as presented by the applicant , the Application Review Committee's Position submitted and the results of the Community Public hearing satisfy the above section.

- (b) **Convenience: The following facts support a finding that Public Convenience justifies the zone change:**

That the application as presented by the applicant , the Application Review Committee's Position submitted and the results of the Community Public hearing satisfy the above section.

(c) General Welfare: The following facts support a finding that the General Welfare of the Public is best served by the granting a zone change:

That the application as presented by the applicant, the Application Review Committee's Position submitted and the results of the Community Public hearing satisfy the above section.

The members, after due consideration voted to approve the application. The vote of the members was as follows:

4 Ayes 0 Nay's 0 Abstentions

This decision was adopted this 25 th day of July 2013, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.



John Z. Arroyo
Acting Chairman
Guam Land Use Commission

AFFIDAVIT OF PUBLICATION

I, the undersigned do hereby depose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.
2. I have personal knowledge of all the facts herein.
3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.
4. On **December 4th, 2012**, I submitted the Official Memorandum (attached as **Attachment A**) from the Guam Chief Planner to the Pacific Daily News, Hagåtña, Guam, a request to publish the 2x2 legal notice to appear on December 10th, 2012, for Application No. 2012-48B (Estate of Alejandro Cruz) to be heard on December 20, 2012, at the Mangilao Community Center. Proof of advertisement is attached as **Attachment B**)
5. This Affidavit is executed as proof of the compliance with 21 G.C.A §61633 (Hearing Date-Notice).

IN WITNESS WHEREOF, I hereby affix my signature this 3rd day of JANUARY, 2013. 2014

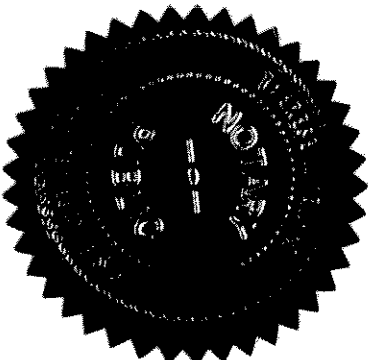


PATRICIA A. MUNA
Administrative Assistant

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 3rd day of JANUARY, 2013. 2014

Therese A. Ybarra
Notary



THERESE A. YBARRA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: December 03, 2016
ITC Bldg. Suite 811, 880 South Marine Corps Dr.
Tamuning, Guam 96913

Exhibit A



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



MONTE MAFNAS
 Director

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

EDDIE B. CALVO
 Governor of Guam

RAY TENORIO
 Lieutenant Governor of Guam

December 4, 2012

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

Pacific Daily News Advertising
 P. O. Box DN
 Agana, Guam 96910

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

Dear Sir/Madame:

Please publish this legal notice on a 2 X 2 inch column, to appear on December 10th, 2012.

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

Attached are check(s)/monies amounting to \$ 146.00 to cover the enclosed advertisement fee scheduled.

Thank you for your anticipated cooperation in this matter.

Telephone:
 671-649-LAND (5263)

Si Yu'os-Ma'ase,

Marvin Q. Aguilar
 Guam Chief Planner, Acting

RECEIVED
 12/10

Facsimile:
 671-649-5383

Attachments:

Public Hearing Notice 2" x 2" = \$146.00
 (Government rate per inch column - \$36.50)
 Check(s)

Attachment A to Exhibit A



Department of Land Management

P.O. Box 2950, Hagåtña, Guåhan 96932
Tel: 649-5263 Ext. 341: Fax: 649-5383



PUBLIC HEARING NOTICE

Date: December 20, 2012

Time: 6:00 pm

Place: Mangilao Community Center

For Estate of Alejandro P. Cruz, Zone Change from "A" to "M-2" zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment, repair shops and parking, warehousing and logistical support facility & other related light/heavy industrial uses, on Lots 2436-4, -5 & -6, Mangilao.

[2012-48]

Funding Source provided by the Applicant.

P.O. Box 2950, Hagåtña, GUAM 96932
Tel: 640-6283 Ext. 341 • Fax: 640-5363

PUBLIC HEARING NOTICE
Date: December 20, 2012
Time: 5:00 pm
Place: Mangilao Community Center

For: Estate of Alejandro P. Cruz, Zone Change from "A" to "M-2" zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment, repair shops and parking, warehousing and logistical support facility & other related light/heavy industrial uses, on Lots 2436-4, -5 & -6, Mangilao, [2012-48]

Funding Source provided by the Applicant.

Give your family the Christmas Gift EVER

A Beautiful Open Ocean side View Home 3br, 2.5ba 1,842 sq ft lot 1,933 sq mt, fruit trees, nice big yard, private and secure. Below appraised value of **\$300,000**

Call Jeff 687-2930
OR agents pls

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LOOKING FOR RENT?

Agana Heights 2br/2ba First Floor Apt \$775/m	Dededo 2007br Duplex Close to Airport \$1,050/m	Mangilao 2007 1ba Apt Close to USG \$675/m
Barrigada Corner, Spacious Home 1250 sq ft \$1,200/m	Sinajana 20072ba Townhome \$900/m	Tumon Corner Bldg for Lease \$3,000/m
Dededo Lan Palanca Pk I 3007.2ba Townhome \$1,500/m	Vigo Washed Rd 30072ba Home \$2,450/m	Tamuning 30072ba House Fully Furnished \$1,700/m
Barrigada 3007.2ba Townhome W. Palanca II \$1,200/m	Amigosa 2ba/1ba Beachfront Townhome \$1,200/m	Tumon 30072ba Dededo Fully Furnished \$1,500/m

Pacific Daily News Monday, December 10, 2012 guampdn.com

JMC EQUIPMENT

CIVIL ESTIMATOR

J.M.C. Equipment, Inc. is seeking a Civil Estimator to provide full estimating services and support.

A prospective candidate must have the following:

- A minimum five (5) years experience in preparation of total construction estimates.
- A four (4) year civil engineering degree or equivalent combination of technical training and/or related training.
- Capable of computer estimating, material takeoff and quantity survey, solicit and evaluate material quotes, hard bid, client negotiations and ability to interface with engineer and project management team.
- Must have good knowledge of Microsoft Excel and Word.

J.M.C. Equipment offers a salary commensurate with experience and a benefits package. A successful candidate must submit to a drug & alcohol testing. Interested candidates must submit an application/resume to jmcguip@teleguam.net or at our Site Office in Aiegeta Street, Barrigada, Guam. For more information, please call our office at 632-4596 / 632-4957.

J.M.C. Equipment is an equal opportunity employer.

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

The job offer is temporary and open to all qualified U.S. workers without regard to race, color, national origin, age, sex, citizenship and is open to U.S. workers with disabilities who are qualified, willing, able and available to perform the job. The job offer is in compliance with Title II of the General Information Nondiscrimination Act of 2008.

Benefits: Round-trip airfare for off-island hire, food and lodging @ \$400.00/mo. Employee/ Employer and commercial medical insurance offered, and local transportation tuition benefits. Police and Court Clearance required within 3 working days from indication of hire.

10 - CARPENTER with minimum 1 yr. exp.\$12.00 PER HR.
Perform cabinet install duties for residential, commercial and government projects.

11 - CEMENT MASON with minimum 1 yr. exp.\$12.87 PER HR.
Perform cabinet install duties for residential, commercial and government projects.

5 - REMEDIATION METAL WORKER with minimum 1 yr. exp.\$12.66 PER HR.
Perform remediation metal work duties for residential, commercial and government projects.

2 - HEAVY EQUIPMENT OPERATOR with minimum 2 yrs. exp.\$14.14 PER HR.
Perform maintenance and repairs, overhaul and maintain heavy construction equipment & machines.

3 - ELECTRICIAN with minimum 2 yrs. exp.\$11.40 PER HR.
Perform electrical duties for residential, commercial and government projects.

2 - CAMP COOK with minimum 1 yr. exp.\$11.80 PER HR.
Prepare and serve meals for construction crew. Must possess a health certificate after hiring.

For complete job details, please refer to the Guam Job Bank @ www.guam.gov or contact GES at 475-7000 or by visiting GES on the 1st Floor, GCIC Building in Hagåtña. (Ref # 2013-005)

The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor. All will independently review the matter.

Search thousands of properties at guamhome.com

Ray 685-5070 Angie 687-0463

DEDEDO-GRAN PAGO HOME 4368/2ba New appliances Fully finished W. Palanca II ID# 12-5181	MANGILAO HOME 4368/2ba Upgraded 1,800+ sq ft ID# 12-1159	DEDEDO LAND +2,686+/-sq m Adjacent lot also for sale ID# 12-1549 ID# 12-1547	WOODLAND TOWNHOMES +2bd/1.5ba Upgraded Near AAFB ID# 12-9995
--	---	--	---

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To advertise, please call 479-0206 or your Sales Representative. The Green Pages run every Sunday, Monday, Wednesday and Friday.

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

Apply with GES at the One Stop Career Center
1st Floor, GCIC Building in Hagåtña
Ref # 2013-009

The job offer is temporary and open to all qualified U.S. workers without regard to race, color, national origin, age, sex, citizenship and is open to U.S. workers with disabilities who are qualified, willing, able and available to perform the job. The job offer is in compliance with Title II of the General Information Nondiscrimination Act of 2008.

Benefits: Round-trip airfare for off-island hire.

2 - Electrical Drafter (Six months experience in job offered)....\$16.28/hr.
Duties: Drafts detailed drawings and specifications for electrical systems such as singleline, lighting, power distributions, schematics, instrumentations, and emergency and safety systems. Confer with engineering staff to resolve problems. Uses computer-assisted drafting (CAD) equipment and software.

The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review the matter.

PPC PERSONAL FINANCE CENTER
You're First in All We Do.

Vehicle for Sealed Bid
2006 Nissan Sentra 4Dr Sedan

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NO WARRANTY WRITTEN OR IMPLIED
Contact our Collection Department at 647-6881

PPC HAS THE RIGHT TO REFUSE ANY AND ALL BIDS.
SEALED BID ACCEPTED UNTIL
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PAYMENT TERMS: CASH OR CASHIER'S CHECK

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A DIVISION OF HANSHINE ENTERPRISES CO., LTD.

OFFICE CLERK / MERCHANDISER WAREHOUSE PERSONNEL

Requirements:
• Must have own transportation
• Must be able to work flexible hours
• Must be able to work under pressure
• Team Player
• Valid Police and Court Clearance
• Valid Health Certificate

Benefits: 401K, Medical and Dental Insurance, Personal and Sick Leave, Yearly bonus and Commiselon

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AFFIDAVIT OF MAILING

I, the undersigned do hereby depose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.
2. I have personal knowledge of all the facts herein.
3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.
4. On **December 6th, 2012**, Ms. Stephanie Duenas (Land Agent I) deposited in the United States Postal Service, in Hagatna, Guam, via certified return receipt mail (attached as **Attachment A**), six (6) sealed envelopes, with postage fully prepaid, each containing a true copy of the Notice of Public Hearing for ***Estate of Alejandro P. Cruz (2012-48B)*** (attached as **Attachment B**) addressed to the following property owners:

1	American Electric Co. Inc.	L5292-3-2-South	26236 Enterprise CT Lake Forest, CA 92630
2	Hawaiian Rock Products Corp.	L2436-3	1402 Route 15 Mangilao GU 96913
3	Joaquin G. Blaz	Lot 2441-R1	PO Box 23 Hagatna GU 96932
4	Judge Bamba Memorial Trust c/o Hi Rock Product	L5292-3-3-R24	1402 Route 15 Mangilao GU 96913
5	Nonito C. Blas	Mayor of Mangilao	PO Box 786 Hagatna GU 96932
6	Tan Han Chieng	Lot 2436-7	PO Box 504357 Saipan, MP

Exhibit B

5. The above referenced names and addresses are those of the landowners owning land within five hundred (500) feet of the property for which rezoning is requested, including notice to the Commissioner of the Municipal District concerned.
6. This Affidavit is executed as proof of the compliance with 21 G.C.A §61633.

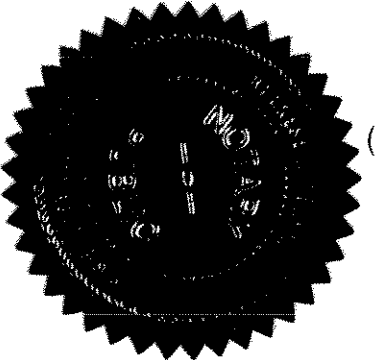
IN WITNESS WHEREOF, I hereby affix my signature this 3RD day of JANUARY, ~~2013~~ 2014



Matthew Leon Guerrero
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 3RD day of JANUARY,
~~2013~~ 2014



Therese A. Ybarra
Notary

THERESE A. YBARRA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: December 08, 2016
ITC Bldg. Suite 511, 590 South Marine Corps Dr.
Tamuning, Guam 96913

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.40

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 BARRIGADA GU HAWAIIAN ISLANDS
 2012

Sent To Joaquin G. Blaz
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4 2012-48

PS Form 3800, August 2006 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.40

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 BARRIGADA GU HAWAIIAN ISLANDS
 2012

Sent To American Electric Co. Inc.
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4 2012-48

PS Form 3800, August 2006 See Reverse for Instructions

7012 1640 0002 4787 9394

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.40

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 2012

Sent To Judge Bamba Memorial Trust 96
 Street, Apt. No., or PO Box No. Hawaiian
 City, State, ZIP+4 2012-48

PS Form 3800, August 2006 See Reverse for Instructions

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Certified Fee	2.95
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.40

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 2012

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PS Form 3800, August 2006 See Reverse for Instructions

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Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.40

Postmark Here
 BARRIGADA GU HAWAIIAN ISLANDS
 2012

Sent To Hawaiian Rock Products Corporation
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4 2012-48

PS Form 3800, August 2006 See Reverse for Instructions

7012 1640 0002 4787 9370

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.40

Postmark Here
 BARRIGADA GU HAWAIIAN ISLANDS
 2012

Sent To Nonito C. Blas
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4 2012-48

PS Form 3800, August 2006 See Reverse for Instructions



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



EDDIE B. CALVO
 Governor of Guam

RAY TENORIO
 Lieutenant Governor of Guam

MONTE MAFNAS
 Director

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

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

[2012-48]

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

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

December 4, 2012

Dear Sir/Madam:

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

The Applicants, Estate of Alejandro P. Cruz & Executrix Rosita GP Cruz, Pedro Jose Ada II c/o Fe Ada Cepeda and Herman F. Ada; and Antonina C. Diaz, represented by Harry D. Gutierrez, request for a Zone Change from "A" (Rural) to "M-2" (Heavy Industrial) zone for aggregate processing and storage, asphalt and concrete batching, heavy equipment, repair shops and parking, warehousing and logistical support facility & other related light/heavy industrial uses, on Lots 2436-4, -5 & -6, in the Municipality of Mangilao, under Application No. 2012-48.

For any **Zone Change** requests, 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: Manqilao Community Center
DATE: December 20, 2012, Thursday
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 19, 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.

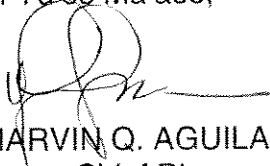
December 4, 2012
Public Hearing Notice for Residents
Alejandro P. Cruz - Application No. 2012-48
Page 2

Should the public hearing be canceled due to unforeseen circumstances beyond our control, please consult with the village mayor's office.

You may review the development application at our office or your Mayor's Office.

Thank you for your interest.

Si Yu'os Ma'ase,



MARVIN Q. AGUILAR
Guam Chief Planner, Acting