



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

MAR 10 2014

32-14-1430

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

3-10-14  
3:20p  
JP

**Re: GLUC Zone Change Approval from "R-2" (Multi-Family Dwelling) to "C" (Commercial) on Lot 3219-4NEW-2NEW, Municipality of Chalan Pago-Ordot, Applicant Jay Park, Application No. 2013-09**

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, **Jay Park**, represented by FC Benavente, request for a Zone Change from "R-2" (*Multi-Family Dwelling*) to "C" (*Commercial*) zone to construct and operate a restaurant, on Lot 3219-4NEW-2NEW, in the Municipality of Chalan Pago Ordot.

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

**Eddie Baza Calvo**  
Governor of Guam

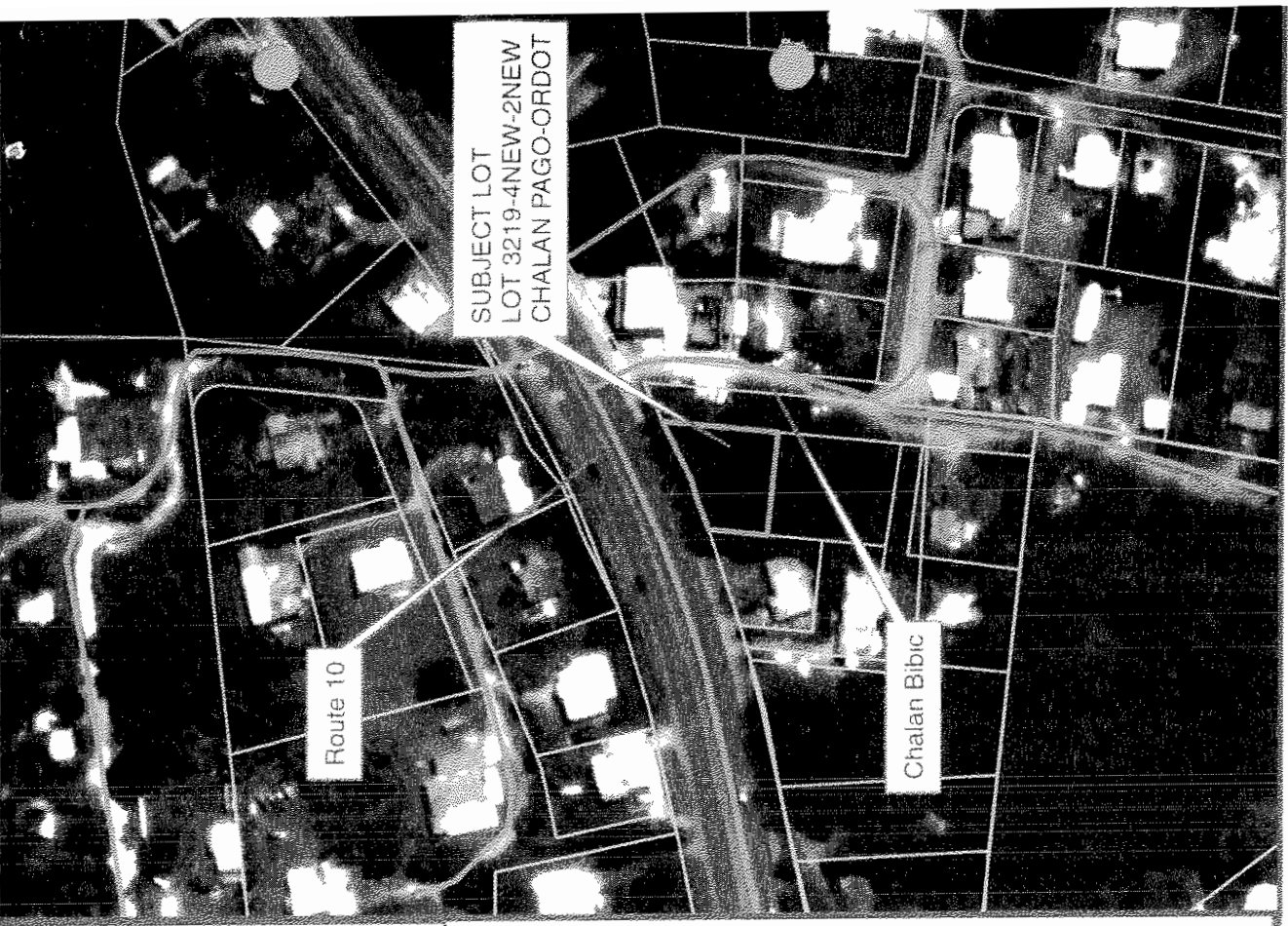
Attachments

2014 MAR 10 11 08:36

1430



**GUAM LAND USE COMMISSION**  
**ZONE CHANGE APPLICATION NO. 2013-09**  
**LOT 3219-4NEW-2NEW**  
**MUNICIPALITY OF CHALAN PAGO - ORDOT**



SUBJECT LOT  
 LOT 3219-4NEW-2NEW  
 CHALAN PAGO-ORDOT

(SPACE FOR RECORDATION)  
 Island of Guam, Government of Guam  
 Department of Land Management Officer of the Recorder  
 File for Record is Inscribed **862711**  
 On the Year **14** **03** **14** **0831**  
 Recording Fee **DE-OFFICIO**  
 Deputy Recorder **Stsa Manggar**

THE GUAM LAND USE COMMISSION, AT ITS  
 REGULAR HEARING ON JANUARY 23, 2014  
 APPROVED WITHOUT CONDITIONS THE ZONE  
 -CHANGE FROM "R-1" TO "C" ON LOT 3219-4NEW-  
 2NEW  
 MUNICIPALITY OF CHALAN PAGO - ORDOT

APPROVED IN WHOLE  
 APPROVED IN PART  
 DISAPPROVED

*Stsa Manggar* 2-27-14  
 LAWRENCE RIVERA DATE  
 CHAIRMAN  
 GUAM LAND USE COMMISSION

APPROVED IN WHOLE  
 APPROVED IN PART  
 DISAPPROVED

*Eddie Baza Calvo*  
 EDDIE BAZA CALVO DATE  
 GOVERNOR OF GUAM

ZONE CHANGE  
 APPLICATION NO. 2013-09

JAY PARK  
 Represented By: FC Benavante  
 Prepared on JANUARY 27, 2014

FROM: "R-1" SINGLE-FAMILY DWELLING  
 TO: "C" COMMERCIAL  
 LOT NO: LOT 3219-4NEW-2NEW

MUNICIPALITY: CHALAN PAGO - ORDOT

SCALE: N/A

AMENDMENT NO: 42

ZONING MAP NO: F3-67 S37



**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](mailto:dlm@mail.gov.gu)

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

February 21, 2014

**RECEIVED**  
 MAR 11 2014  
 Department of Land Management  
 Time: 11:00 Int: [initials]

**OFFICE OF THE GOVERNOR**  
**RECEIVED**  
 MAR 07 2014  
 TIME 8:00  
 REC'D BY [signature]  
**CENTRAL FILES**

Memorandum

To: The Governor  
 From: Acting, Executive Secretary, Guam Land Use Commission  
 Subject: **GLUC Zone Change Approval from "R-1" (Single Family Dwelling) to "C" (Commercial) zone on Lot 3219-4NEW-2NEW, Municipality of Chalan Pago-Ordot**

**Re: Jay Park - Application No. 2013-09**

Bueñas Yan Hafa Adai Governor:

Submitted for your consideration and action is Zone Change Application No. 2013-09, affecting Lot 3219-4NEW-2NEW, in the Municipality of Chalan Pago – Ordot. The Applicant, Jay Park, represented by FC Benavente, request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) zone to construct and operate a restaurant.

Application chronology is as follows:

- December 5, 2012 - Application officially accepted
- December 20, 2012 - Reviewed by Application Review Committee (ARC)
- July 11, 2013 - Public Hearing at Chalan Pago-Ordot Community Center
- January 23, 2014 - Guam Land Use Commission (GLUC) Public Hearing (approval of the Zone Change).

CFD0314-0908

**Memorandum to the Governor**

*Zone Change Request – Jay Park*

Lot 32119-4NEW-2NEW, Municipality of Chalan Pago - Ordod

*Application No. 2013-09*

February 21, 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-42**, Zoning Map No. **F3-67S37**
2. Zone Change Application
3. Formal Letter to Mayors for Public Hearing (dated June 13, 2013)
4. Attendance Sheet of Public Hearing (dated July 11, 2013)
5. Staff Report with Summary of ARC Position Statements
6. GLUC Agenda Notice – PDN (dated January 16 & 21, 2014)
7. GLUC Agenda of January 23, 2014 – Disposition
8. GLUC Minutes for January 23, 2014 (Doc. No. 862045)
9. Notice of Action – Findings of Facts
  - \* Exhibit A – Affidavit of Publication
    - Attachment A – Official Memorandum to PDN (dated June 13, 2013)
    - Attachment B – Public Hearing Advertisement (dated July 1, 2013)
  - \* Exhibit B – Affidavit of Mailing
    - Attachment A – U.S. Postal Certified Receipts (dated June 20, 2013)
    - Attachment B – Official Notice of Public Hearing (dated June 13, 2013)

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

MAR 10 2014

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


**Re: GLUC Zone Change Approval from "R-2" (Multi-Family Dwelling) to "C" (Commercial) on Lot 3219-4NEW-2NEW, Municipality of Chalan Pago-Ordot, Applicant Jay Park, Application No. 2013-09**

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, **Jay Park**, represented by FC Benavente, request for a Zone Change from "R-2" (*Multi-Family Dwelling*) to "C" (*Commercial*) zone to construct and operate a restaurant, on Lot 3219-4NEW-2NEW, in the Municipality of Chalan Pago Ordot.

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

  
**Eddie Baza Calvo**  
Governor of Guam

Attachments



EDDIE B. CALVO  
Governor of Guam

RAY TENORIO  
Lieutenant Governor of Guam

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



MONTE MAFNAS  
Director

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

[2013-09]

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

E-mail Address:  
[dlm@mail.gov.gu](mailto:dlm@mail.gov.gu)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

June 13, 2013

Honorable Jesse C. Gogue  
Mayor of Chalan Pago, Ordot

RECEIVED  
*J. Gogue* 7/11/13

Dear Mayor:

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

**The Applicant, Jay Park, represented by FC Benavente, request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) to construct and operate a restaurant, on Lot 3219-4NEW-2NEW, in the Municipality of Chalan Pago Ordot, under Application No. 2013-09.**

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 **Chalan Pago Community Center, Thursday, July 11, 2013 at 6:00 p.m.**

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: Chalan Pago Community Center

DATE: 11 July 2013 TIME: 18005

APPLICATION TYPE: Zone Change APPLICATION NO: 2013-09

DESCRIPTION: Request for a Zone Change from "R1" (Single Family Dwelling) to "C" (Commercial) to construct and operate a restaurant

APPLICANT/REP: Felix Benavente

LOT NO(S): LOT 3219-4NEW-2NEW

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
1. Felix Benavente	127 Bajor St. Bompala, GU96913 April # 2013-09	988-7911
2. Jessy O. Gogve, mayor	171 Doro Rd Doro, Guam 96910	472-8302
3. Roy C. San Nicolas	P.O. Box 3746 HAGATNA GU. 96932	734-2037
4. Roy San Nicolas	P.O. Box 3746 Hagatna, GU 96932	734-2037
5. Crystal Saman	Chalan Biber, Chalan Pago 96910	727-1937
6. Frankie Perez	Chalan Biber, Chalan Pago	788-7540
7. ANTONITA C. PEREZ	218A CHALAN BIBIC " "	734-5127
8. JONATHAN VABLAN	130P Chalan Biber Chalan Pago	687 0507
9. ANGEL CASTRO	198A CHALAN BIBIC	734-9758
10.		
11.		
12.		

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

PRINT NAME	MAILING ADDRESS/LOT #	TELEPHONE
13.		
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**DIPATTAMENTON MINISTEHAN TANO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
 (Government of Guam)



EDDIE BAZA CALVO  
 Governor

MONTE MAFNAS  
 Director

RAY TENORIO  
 Lieutenant Governor

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

January 16, 2014

**MEMORANDUM**

**To:** Chairman, Guam Land Use Commission  
**From:** Acting Chairman, Application Review Committee (ARC)  
**Subject:** Staff Report – Application No.2013-09, Zone Change Application

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

**1. PURPOSE:**

- a. **Application Summary:** The applicant, Jay Park, represented by Mr. Felix C. Benavente is requesting for a zone change from "R-1" (Single Family Dwelling) to "C" (Commercial) on **Lot 3219-4NEW-2NEW, in the Municipality of Chalan Pago-Ordot.**
- b. **Legal Authority:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law), Article 6 (Administration and Enforcement) and Part 3 (Zone Change).

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

E-mail Address:  
[dlmdir@dlm.guam.gov](mailto:dlmdir@dlm.guam.gov)

**2. FACTS:**

- a. **Location:** The subject site is located along the south side of Route 10 and Chalan Bibic. The property exists opposite Song Market from Chalan Bibic.
- b. **Lot Area:** 710 Square Meters or 7,642 Square Feet.
- c. **Present Zoning:** "R-1" (Single-Residential Dwelling) Zone.
- d. **Field Description:** The site was recently cleared of overgrown vegetation of various species of ground cover vegetation, bushes and trees, exposing a slightly elevated topography of about 7%-10% grade slope. The neighboring parcels to the rear of the subject lot appear to taper into low-lying areas.
- e. **Masterplan:** Rural-Agricultural
- f. **Community Design Plan:** Urban Residential-Low Density (Community Design Plan-Central Guam, Pg.9)
- g. **Previous Commission Action:** None

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

**3. APPLICATION CHRONOLOGICAL FACTS:**

- a. **Date Application Accepted:** December 5, 2012
- b. **Date Heard By ARC:** December 20, 2012
- c. **Public Hearing Results:** See Attachment 1

**STAFF ANALYSIS:**

The applicant, Jay Park, represented by Mr. Felix C. Benavente is requesting for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) Zone, to build and operate Coffee House and Restaurant. This is permitted by Section 61307 (a) (11) of the Zoning Code, subject to addressing **Public Necessity, Public Convenience, and General Welfare**, pursuant to 21 GCA, Chapter 61, Section 61630, the applicant provides the following:

- a. **Public Necessity:** The need for food service industry for growing communities will continue to exist as population growth increases. Rezoning of Lot 3219-4NEW-2NEW from "R-1" (Single Family Dwelling) to the following zone designation will allow the following:
  - i. "R-1" (Single Family Dwelling) to "C" (Commercial) will compliment an existing Commercial Zone designation, Lot 3262-1B-1NEW (P.L. 21-72, Section 12 (a) (b).
  - ii. The zone change will allow for food service development in a form of a Restaurant and Coffee House.
- b. **Public Convenience:** The rezoning of Lot 3219-4NEW-2NEW from R-1" (Single Family Dwelling) to "C" (Commercial) will allow for food service enterprise across a major routed road servicing communities beyond parcel boundaries.
  - i. As with Wendy's and McDonalds (Agana, Yigo) the proposed Restaurant and Coffee House may serve the multitude of commuters: employees, students, families, military and general public transiting the area.
  - ii. In the absence of an updated Master Plan, commercial zone change approvals correlates with infrastructure support. This subject lot is supported with public infrastructure on Route 10.
  - iii. The two areas for noted food industry establishments are approximately .8 miles in either direction, Route 10 towards public health building and Route 10/Route 4 towards Hagatna.

- b. **General Welfare:** In regards to health, safety and general welfare, we find that the proposed development will remove “unsafe junk” located on the subject lot “an eyesore”. Additionally, the improvements for a Restaurant and Coffee House on the subject lot may enable a progressive intersection development of traffic flow from Route 10 to Chalan Bibic. The applicant had reported in the Public Hearing that the intersection would comply with “safety design”. The Department of Public Works will review the design plans to ensure the “safety design” features are within the design plans during the permitting/building process.

With Restaurant and Coffee House, economic multipliers will complement the existing commercial activity opposite Chalan Bibic, giving rise to employment, business tax, property tax, etc.

#### **Highlights of Public Comments:**

1. Flooding - The applicant has submitted their Environmental Site Assessment Exhibit “EIA-E”. The site inspections indicate parcels to the rear of the subject lot is/are in low lying areas and subject to natural occurring ponding.
2. Traffic - The applicant has reported during the public meeting, “access must be designed with safety for the area and the neighborhood”. The Department of Public Works did not submit a position statement in regards to ingress/egress from Route 10 or Chalan Bibic St. as of this staff report.
3. Strip-clubs or game rooms – The applicant shared during the public meeting “Clubs and these types of activities are not successful in these types of residential settings”.

#### **Availability of Infrastructure:**

1. Waste Disposal/Public Sewer: The applicant indicates that public sewer is available from Route 10. Public Sewer hookup is a mandatory requirement pursuant to Public Law 21-26, identifying minimum land density requirements in areas over the Northern Aquifer Water Recharge Area of Guam.
2. Access: proposed access by the applicant is either from Route 10 or from Chalan Bibic. The proposed conceptual plan “Exhibit “C”, indicates the ingress/egress features. The proximity of the subject to the Route 10 / Route 4 intersection is approximately 225m (approximately 740ft). The Commission has taken precedence of approving a zone change from “A” (agriculture) to “C” (Commercial), Application 2009-20, Lot 154-6-3, Recorded Document No.#804963, which provides a shorter distance from Route 17 unto Route 4A, of approximately 65m (approximately 213ft). The applications are similar in form and content for the “Commercial” zone change request. The Department of Public Works has not submitted a position statement as of this staff report.

3. Buffer: With the zone change to "C" (Commercial), a zone boundary will be established between a "C" (Commercial) and "R-1" (Single Family Dwelling) Zones. The developer will need to incorporate the appropriate spatial requirements to allow for air-flow, noise reductions, lighting and community circulation in accordance to 21 GCA, Chapter 61, Article 3, §61302, Regulation Along District Boundaries.

The MPC resolution noted the availability of infrastructure to support the proposed change of zone as a caveat of support.

**Form & Context:** We have determined that this application is consistent and acceptable with respect to form and content, albeit the fact the application focuses on the immediate intent to construct and operate a coffee shop, as opposed to providing discussion to justify the overall effects the zoning designation to the surrounding community. The Bureau of Statistics & Plans, however speculative in its reasoning, raised this concern as well.

**Public Municipal Support:** Notwithstanding public concerns during the mandatory municipal public hearing, the Ordot-Chalan Pago MPC submitted a resolution supporting the requested change of zone to "C" (Commercial) (**Ref: Attachment 2**).

**Application Review Committee (ARC) Review & Analysis:** The overall position provided by the ARC appears positive, and any cautionary concerns provided could be addressed during further mandatory administrative permitting processes.

**Assessment of Community Development Overlay:** From a land use perspective, the subject property serves as a prime location to encourage non-residential development. We express this position to support non-residential development along major routed roadways to address obvious potential adverse impacts that would be availed to restricted residential development if its current zoning designation were continued.

It is our findings that this requested Zone Change is in line with the requirements of 21 GCA, Chapter 61, Article 6, Part 3 Section 61630 of the Zoning Code and find it proper that it be considered by the Guam Land Use Commission based on:

- a. Available avenues available to address any potential adverse effect with respect to the physical development of the subject property;
- b. MPC support of the proposed change of zone;
- c. Availability of infrastructure to support such change of zone; and
- d. The location of the subject lot that support logical long-term land use development of the immediate and surrounding area,

**RECOMMENDATION:** Base on the assessment of facts presented in this request, we submit a recommendation to **approve the proposed change of zone of Lot 3219-4NEW-2NEW, in the municipality of Chalan Pago-Ordot from "R-1" (Single Family Residential Dwelling) to "C" (Commercial).**

  
Marvin Q. Aguilar  
Guam Chief Planner

**Attachment 1**  
**Public Hearing Results**

The public hearing was conducted at the Chalan Pago – Ordod Community Center, 6:08pm, July 11, 2013. In attendance was the applicant's representative, Mr. Felix Benavente, the Mayor, Mr. Jessy C. Gogue and 7 concerned citizens.

Mr. Benavente presented a portion of the elements of the proposed development and explained the proposed zone change from R-1 (Single Family Dwelling) to "C" (Commercial).

The predominate tone of the public comments by the concerned citizens where:

1. That the zone change may bring about strip-clubs and other types of businesses not compatible with a residential neighborhood,

**Mr. Benavente:** expressed that clubs and these types of activities are not successful in residential settings.

2. That the ingress/egress from Chalan Bibic to Route 10 will become unsafe due to the increase in traffic flow

**Mr. Benavente:** expressed that a safety design utilized for access to the property and support the neighborhood.

3. That the rain run-off from the development will increase flooding to the lower lying parcels at the bottom of Chalan Bibic.

**Mr. Benavente:** iterated that rain/storm water run-off will meet development requirements. Plans may utilize French drains in the design concept, but would be addressed during the permitting process.

**The hearing adjourned at 7:20 pm.**



*Office of the Mayor*  
District of Chalan Pago - Ordot

JESSY C. GOGUE  
MAYOR

District of Chalan Pago – Ordot  
Municipal Planning Council  
January 15, 2014

CPO Resolution No. 2014 – 01

Introduced by:

Members:

Jessy C. Gogue, Chairman  
Marcel Camacho  
Benny Campos  
Raymond Chaco  
Carmelita C. Cruz  
Nicklos Prelosky  
Jeannette Quintanilla  
Christopher Roberto  
John Salas  
Wayne Santos

RELATIVE TO THE ORDOT/CHALAN PAGO MUNICIPAL PLANNING COUNCIL (MPC) EXPRESSING THEIR VIEWS PERTAINING TO THE ZONE CHANGE APPLICATION 2013-09 SUBMITTED TO THE GUAM LAND USE COMMISSION (GLUC) FOR THEIR REVIEW. THAT, THIS APPLICATION WAS SUBMITTED ON BEHALF OF APPLICANT JAY PARK, OWNER OF LOT 3219-4NEW-2NEW, REQUESTING FOR A ZONE CHANGE OF HIS LOT FROM A "R-1" (Single Family Dwelling) TO A "C" (Commercial) ZONE IN ORDER TO CONSTRUCT AND OPERATE A RESTAURAUNT AND COFFEE HOUSE IN THE MUNICIPALITY OF CHALAN PAGO - ORDOT.

BE IT RESOLVED BY THE ORDOT/CHALAN PAGO MUNICIPAL PLANNING COUNCIL, DISTRICT OF CHALAN PAGO – ORDOT AND, WITH THE APPROVAL BY A MAJORITY OF THE MEMBERS LISTED ABOVE; THE FOLLOWING RESOLUTION IS ADOPTED:

**WHEREAS**, Lot 3219-4NEW-2NEW is currently a vacant lot located along Route 10 in Chalan Pago and is adjacent to a commercial lot, to the east, in which a small retail store exists and operates under the name of "Song Market"; and

**WHEREAS**, Lot 3219-4NEW-2NEW is further surrounded by "single" family residential homes to the south & southeast, west, and to the north, across Route 10; and

**WHEREAS**, along Route 10 there exists adequate infrastructure to support a commercial business, to include power, water, sewer, telephone, and other utilities a business would require to support its day-to-day functions, and



Village Flower "Chichirika"

Government of Guam • P. O. Box 786, Hagåtña, Guam 96932  
Tel. (671) 472-8302 / 477-1333 • Fax: (671) 477-7131

**WHEREAS**, on July 11, 2013 at 6:00 p.m. at the Chalan Pago Community Center, a public hearing was held to provide residents and the general public with information regarding this application for a zone change along with the intent of Mr. Jay Park to construct a restaurant and coffee house on his lot should this zone change application be approved; and

**WHEREAS**, at the public hearing, approximately seven (7) residents and property owners living in close proximity to Mr. Park's lot attended the public hearing to listen to the presentation made regarding the rezoning of Lot 3219-4NEW-2NEW and to ask questions regarding the potential impact to the area should this restaurant and coffee shop be built; and

**WHEREAS**, the residents who attended the public hearing were primarily concerned about the increase volume of traffic in the area and the storm water impact from this lot since many of their homes were downhill from Lot 3219-4NEW-2NEW; and

**WHEREAS**, the Mayor provided comment to their concerns regarding traffic; and, that this issue can be addressed after the business has established itself and the Department of Public Works is able to analyze if a need exists for any additional traffic signage and/or traffic controls that would better manage the additional volume of traffic in and out of this area as a result of this commercial building; and

**WHEREAS**, Felix Benavente, who was acting as Mr. Park's Representative, assured the residents attending the public hearing that any commercial development performed on this lot would be required to comply with the building standards of the government which includes preventing storm water runoff from negatively impacting surrounding lots; and

**WHEREAS**, before the public hearing concluded, the Mayor encouraged the residents in attendance to put their concerns in writing and address it to the Guam Land Use Commission (GLUC) for their review and consideration; and, asked resident to provide his Office with a copy of any written statements submitted to the GLUC for inclusion with this Resolution, adopted by the Village Municipal Planning Council; and

**WHEREAS**, to date, NO further comments have been made by residents regarding this zone change application; nor, have any copies of written concerns been provided to the Mayor's Office; and

**WHEREAS**, the members of the MPC realize that along with residential growth, "commercial development" often follows in support of the anticipated needs and desires of the Community, therefore, be it

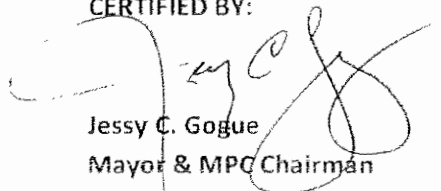
**RESOLVED**, that given the proposed location for this restaurant and coffee house, along Route 10, that the Ordot – Chalan Pago MPC is in **SUPPORT** of Mr. Park's zone change application **2013-09**; and be it further

**RESOLVED**, asks that, at a minimum, the assurances regarding storm water runoff be properly address when plans are submitted and approved for any construction within this lot; and be it further

**RESOLVED**, that the Chairman of the Ordot – Chalan Pago MPC certifies and the Recording Secretary attests to the adoption hereof, and that copies of this resolution be thereafter transmitted to the Governor of Guam; Speaker, 31<sup>st</sup> Guam Legislature; Director, Department of Land Management; the Director, Department of Public Works; the Mayors' Council of Guam; and to Mr. Jay Park via the Department of Land Management, and/or his designated representative.

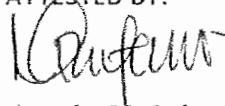
**DULY RECORDED AND REGULARLY ADOPTED BY THE ORDOT – CHALAN PAGO MUNICIPAL PLANNING COUNCIL ON THE 15<sup>th</sup> DAY OF January 2014.**

**CERTIFIED BY:**



Jessy C. Gogue  
Mayor & MPC Chairman  
District of Chalan Pago - Ordot

**ATTESTED BY:**



Natasha M. Quitano  
Recording Secretary





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



EDDIE B. CALVO  
 R. UNTALAN  
 Governor

MONTE MAFNAS  
 Director

RAY TENORIO  
 Lieutenant Governor

DAVID V. CAMACHO  
 Deputy Director

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

November 20, 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

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

Re: Zone Change - Application No. 2013-09, Lot 3219-4NEW-2NEW;  
 Chalan Pago-Ordot  
**GLUC Hearing – November 26, 2013**

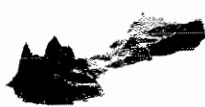
E-mail Address:  
[dlmdir@dlm.guam.gov](mailto:dlmdir@dlm.guam.gov)

Listed below are the compilations of Positions received from various ARC Member Agencies as submitted to the Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

Telephone:  
 671-649-LAND (5263)

1. **DEPARTMENT OF LAND MANAGEMENT (DLM):** The DLM recommends approval and that the applicant meets all the permitting requirements.
2. **BUREAU OF STATISTICS AND PLANS (BSP):** The BSP completed its review of the subject application and finds it meets the requirements for the zone change and recommends approval. However, the BSP provides the zone change be "time sensitive" for development. (Attached)
3. **Department of Parks and Recreation/Historical Preservation Office (DPR/HPO):**  
 No Position Statement Received as of Staff Report Date.
4. **GUAM WATERWORKS AUTHORITY (GWA):**  
 No Position Statement Received as of Staff Report Date.
5. **DEPARTMENT OF PUBLIC WORKS (DPW):**  
 No Position Statement Received as of Staff Report Date.

Facsimile:  
 671-649-5383



Page 2 of 2


6. **ENVIROMENTAL PROTECTION AGENCY (GEPa):**  
No Position Statement Received as of Staff Report Date.
7. **GUAM POWER AUTHORITY (GPA):**  
Places no objections to the zone change, but provides compliance to National Electric Code, National Safety Code and GPA's Service Rules and Regulations. (Attached)
8. **DEPARTMENT OF AGRICULTURE (DoAG):**  
No Position Statement Received as of Staff Report Date

**EX OFFICIO**

1. **GUAM FIRE DEPARTMENT (GFD):**  
Has not submitted a Position Statement as of Staff Report date.
2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):**  
Has not submitted a Position Statement as of Staff Report date.
3. **DEPARTMENT OF EDUCATION (DOE):**  
Has not submitted a Position Statement as of Staff Report date.
4. **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS):**  
Has not submitted a Position Statement as of Staff Report date.


Marvin Q. Aguilar  
Guam Chief Planner

ATTACHMENTS  
Position Statements as noted

Case Planner: Mario R. Garcia, 

Eddie Baza Calvo  
Governor of Guam

Ray Tenorio  
Lieutenant Governor

 **BUREAU OF  
STATISTICS & PLANS**

SAGAN PLANU SIIIA YAN EMTOTMASION  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 477-4202 Fax: (671) 477-1812



Thomas A. Morrison  
Director

RECEIVED

JAN 08 2013

JAN 04 2013

MEMORANDUM

Department of Land Management  
Time: 11:00 Int: 10

RECEIVED  
Jan 08 2013 Krm

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. 2013-09; LOT NO.3219-4NEW-2NEW; CHALAN PAGO, ORDOT; JAY PARK; ZONE CHANGE; PROPOSED USE: RESTAURANT AND COFFEE HOUSE.

The applicant, being represented by Mr. Felix C. Benavente, is requesting for a Zone Change to "C" (commercial) for their property in order to construct a restaurant and coffee shop. The present zone designation is "R-1" (single-family dwelling). The current land uses in the area are predominantly single-family residential, a retail store and private schools to the west and east approximately half a mile each way. The subject property is on a corner lot fronting Route Nos. 10 and Chalan Bibic, with a lot size of approximately 710 square meters.

The Bureau has completed its review of the subject application and has the following comments:

1. There is an existing commercial activity across Chalan Bibic along Route 10. The proposed activities will complement each other. The closest restaurant in this area of Chalan Pago is in Mangilao approximately 60 miles away due east.
2. Should the Zone Change be approved, there is no guarantee that the proposed land use will remain as originally envisioned. Once the land is rezoned to "C" (commercial), all commercial activities allowed in a "C" zone will be processed and permitted. Therefore, should the Guam Land Use Commission (GLUC) act favorably on this request, we would like to suggest that the Commission's 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 "R-1" single-family residential. 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.
3. The positive impacts of the proposal are that the surrounding community will benefit from the convenient access to a restaurant and coffee shop and that the proposed activities will provide additional employment and help the economy. As a result of the additional commercial activities that are allowed, if the lot were to be rezoned, there may be an increased demand for public services like water, power and to the existing sewer system.

POSTED

In view of the above, the Bureau finds that the applicant has adequately met the necessary requirements, for rezoning by justifying the public necessity, public convenience and general welfare and is therefore recommending approval. Again, the Bureau would like to suggest that the zone change be time sensitive.

  
THOMAS A. MORRISON

cc: GEPA  
GWA  
DPW  
DPR



# GUAM POWER AUTHORITY

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

December 31, 2012

RECEIVED

Department of Land Management  
Time: 1:52 Int: AS

Post  
MA

## MEMORANDUM

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

From: General Manager

Subject: Lots 3219-4NEW-2NEW, Municipality of Chalan Pago. (Jay Park); Zone Change Application from "R-1" (Single-Family Dwelling) to "C" (Commercial) to build and operate a restaurant and coffee house. **Application No. 2013-09**

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

### A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric 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.
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
4. 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: Jay Park

Location: Lots 3219-4NEW-2NEW, Chalan Pago

Type of Application: Zone Change

GLUC/GSPC Application No. 2013-09

Brief Project Description:

"R-1" to "C" to build and operate a restaurant and coffee house.

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:

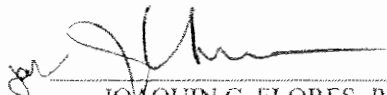
I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

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

1/3/13  
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.

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 I of the Genetic Information Nondiscrimination Act of 2008.

**Benefits:** Round-trip airfare for off-island hire, food and lodging @ \$320.00/month, and transportation to/from jobsite. Police and Court Clearance required within 3 working days of notification of hire.

**1- AN ASSISTANT REFRIGERATION MECHANIC - MIN 2 YEARS EXP. - \$15.75 PER HOUR**  
 Duties: Install, service, troubleshoot, and repairs air conditioning and refrigeration systems and equipment for residential, commercial, and institutional establishments utilizing knowledge of refrigeration theory, gas safety, and electrical fundamentals. Assemble and install ductwork, chassis parts and other equipment using portable metal working tools & welding equipment. Calibrates thermocouple controls.

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 matter.

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 I of the Genetic Information Nondiscrimination Act of 2008.

**1- ROUND-TRIP AIRFARE FOR OFF-ISLAND HIRE**  
**2- ROUND-TRIP AIRFARE FOR OFF-ISLAND HIRE**  
**3- ROUND-TRIP AIRFARE FOR OFF-ISLAND HIRE**

**1- BODY REPAIR TECHNICIAN WITH 1 YEAR EXP. - \$12.83 PER HR.**  
 One (1) year experience as auto body repair technician or auto body painter.

Duties: Reviews automobile damage reports, assesses nature and extent of damage or malfunction, prepares or reviews repair cost estimates, and work to be performed. Removes damaged section of vehicles and installs welds and/or patch replacement. Replaces or repairs damaged automobile parts. Primes and paints repaired surfaces, using paint sprayers and motorized sanders.

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 matter.

**Quality Control Manager**  
 (QCM certificate must be current and have 2+ years experience)

**Foreman for Construction Jobites**  
 (40-Hour Safety & OSHA - Hour Certificate and must have 4+ years experience)

Contact Nora Santos at 478-7408 or visit office at 206 Sgambabul Street, Upper Tumon.

**AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS**

Apply with GES at the One Stop Career Center  
 1<sup>st</sup> Floor, GCIC Building in Hagatña  
 Ref #2014-031

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 I of the Genetic Information Nondiscrimination Act of 2008.

**Benefits:** Round-trip airfare for off-island hire, food & lodging @ \$320.00/month, and transportation to/from jobsite. Police and Court Clearance required within 3 working days of notification of hire.

**1 - CARPENTER WITH 1 YEAR EXP. - \$13.56 PER HR.**  
 Duties: Construct, erect, install and repairs structures and fixtures of wood, wallboard and plywood, including framework, uses carpenter's hand tools and power tools conforming to local building codes. Reads blueprints, sketches or building plans to determine type of work required and materials needed. Prepares layout, using ruler, framing square and compass. Erects framework for structure and lay exterior board. Builks and installs stone, cabinets, closets, windows and doorframes.

**11 - GENERAL WELDER WITH 1 YEAR EXP. - \$12.87 PER HR.**  
 Duties: Smooths and finishes surfaces of poured concrete floors, walls, sidewalks or curbs to specified textures using hand tools or power tools including floats, trowels and screeds. Slapsh concrete delivered in position truck to facilitate pouring concrete. Compacts concrete into accessible section of forms using rakes or shovel. Levels concrete to specified depth and maintains consistency using hand screed and floats to bring water to surface and produce soft tamping. Lays concrete blocks and mixes cement (dry form) or cement slurry machine.

**8 - HEAVY EQUIPMENT OPERATOR WITH 2 YEARS EXP. - \$13.77 PER HR.**  
 Duties: Operates several power construction equipment such as backhoes, dump trucks, bulldozers, tractors or graders to excavate, move and grade earth; post concrete on other hand surfaces paving materials; turn valve to control air and water output of compressors and pumps; adjust hand wheels and dials to position and control automatics such as hoes, buckets, scrapers and leveling boards.

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 matter.

**GUAM LAND USE COMMISSION**  
 DEPARTMENT OF LAND MANAGEMENT  
 11C Building, Third Floor, Tamuning, GU  
 P.O. Box 2950, Hagatña, Guam 96932  
 Telephone: (671) 649-5263, Facsimile: (671) 649-5283

**AGENDA**

A Regular Meeting of the Guam Land Use Commission will be held on Thursday, January 23, 2014 at 1:30 p.m. at the Department of Land Management Conference Room, 590 S. Marine Corps Drive, 3rd Floor, TIC Building, Tamuning.

1. Roll Call  
 2. Approval of Minutes:  
 • GLUC Regular Meeting, January 9, 2014

**3. Old Business**  
**Zone Change**

A. Immanuel W.S. Choi, "R1" to "C" zone for the proposed construction/operation of a retail store, Lot 2269-NEW-2-R1, Manglao, [2011-668]  
 B. M.C. Paulino, Inc., "A" to "M1" zone for proposed construction of an office building/warehouse facility on Lot Nos. 5228-3-1, 5228-3-R1, 5228-4-1-NEW-R1-NEW-1, 5228-4-1-NEW-R1-NEW-R1 and 5228-R4-R2-R2, Dededo, [2013-26]  
 C. Jay Park, "R1" to "C" zone to construct and operate a new restaurant/coffee shop on Lot 3219-4NEW-2NEW, Ordot-Chalan Pago, [2013-09]  
 V. Miscellaneous Matters  
 W. Adjournment

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

**TakeCare**

**Career Opportunities**

With increasing number of members, patients and employer groups, TakeCare continues to grow and expand throughout the region. Join a forward moving company.

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Job descriptions can be viewed on our website below.  
 Please fax resume to 1-471-647-3554 or e-mail to [br@takecareasia.com](mailto:br@takecareasia.com)  
[http://www.takecareasia.com/career\\_listing.php](http://www.takecareasia.com/career_listing.php)

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Apply with GES at the One Stop Career Center  
 1<sup>st</sup> Floor, GCIC Building in Hagatña  
 Ref# 2014-035

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 I of the Genetic Information Nondiscrimination Act of 2008.

**Benefits:** Round-trip airfare for off-island hire, food & lodging @ \$320.00/month, local transportation to/from jobsite. Police and Court Clearance required within 3 working days of notification of hire.

**4 - CARPENTER WITH 1 YR. EXP. - \$13.56/HR.**  
 Duties: Construct, erect, install and repairs structures and fixtures of wood, wallboard and plywood, including framework, uses carpenter's hand tools and power tools conforming to local building codes. Reads blueprints, sketches or building plans to determine type of work required and materials needed. Prepares layout, using ruler, framing square, and compass. Erects framework for structure and lay exterior board. Builks and installs stone, cabinets, closets, windows, and doorframes.

**1 - ELECTRICIAN WITH 2 YEARS EXP. - \$15.45/HR.**  
 Duties: Plans layout, route and prepares wiring, electrical fixtures, apparatus and control equipment. Plans new or modified installation to minimize waste of materials. Provides access for future maintenance and avoids unsightly, hazardous and unreliable wiring consistent with specifications and local electrical codes. Prepares sketches controlling wiring and installs before completion of future walls, ceilings and floorings. Measure, cut, bend, thread, assemble and install electrical conductors using tools such as hacksaw, pipe threader, and conduit bender. Pulls wiring through conduit and splices wires by striping insulation from terminal ends with knife or pliers. Ties or solder wires together and apply tape or terminal caps. Connects wiring to lighting fixtures and power equipment using hand tools. Install control and distribution apparatus such as switches, relays and circuit breaker panels conforming to place with screw or bolts using hand tools or power tools. Connects power of cable to equipment.

**3 - HEAVY EQUIPMENT OPERATOR WITH 2 YEARS EXP. - \$13.77/HR.**  
 Duties: Operates several power construction equipment such as backhoes, dump trucks, bulldozers, tractors or graders to excavate, move and grade earth; post concrete on other hand surfaces paving materials; turn valve to control air and water output of compressors and pumps; adjust hand wheels and dials to position and control automatics such as hoes, buckets, scrapers and leveling boards.

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 matter.

**NOTICE OF AVAILABILITY**  
 DEPARTMENT OF DEFENSE  
 DEPARTMENT OF THE NAVY

**DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR X-RAY WHARF IMPROVEMENTS, U.S. NAVAL BASE GUAM, INNER APRÀ HARBOR, GUAM**

**SUMMARY:** Pursuant to the Council on Environmental Quality Regulations implementing the National Environmental Policy Act (NEPA), United States Naval Base Guam ("Naval Base Guam") gives notice that a Draft EA has been prepared assessing improvements to X-Ray Wharf, the existing main supply wharf within Naval Base Guam's Inner Apra Harbor, to accommodate the current class of multi-purpose auxiliary support ships (T-AKE class) being used in the Navy's supply fleet.

The T-AKE vessel is larger than the older supply vessels it replaced. The Proposed Action would rehabilitate and modernize the existing X-Ray Wharf to provide berthing and utilities to accommodate the T-AKE and conduct construction dredging of portions of Inner Apra Harbor and the submerged lands fronting X-Ray Wharf to accommodate the vessel's draft requirements. The project would be implemented as military construction projects P-518 (X-Ray Wharf Improvements, Berth 1) and P-519 (X-Ray Wharf Improvements, Berth 2).

Based on the information analyzed, the Draft EA finds that the Proposed Action would not result in any significant direct, indirect, or cumulative adverse impacts on the natural or human environment. Please direct questions to: Mr. William Austin, NAVFAC Marianas Public Affairs Office (671) 487-0029.

The Draft EA is available for comment at [www.dau.af.mil/ea](http://www.dau.af.mil/ea). The Draft EA is also available for public review in the University of Guam Library and the Nieves M. Flores Memorial Library.

Written comments may be provided by mail for Naval Facilities Engineering Command Pacific, 258 Makalapa Drive, Suite 100, JPSPH, Hawaii 96860-3134, Attention: EV21 X-Ray Wharf EA Project Manager or via e-mail: [NFPAC-Receive@navy.mil](mailto:NFPAC-Receive@navy.mil). Written comments must be received or postmarked by January 29, 2014 to be considered.

**LOTTE DUTY FREE**

**GUAM AIRPORT**

At Lotte Duty Free, we value exceptional service and pride ourselves in anticipating the needs of our customers in order to provide a luxury class shopping experience.

Lotte Duty Free Guam is now accepting applications for the following positions:

- SALES MANAGER
- MARKETING MANAGER
- SALES ASSOCIATES (PART-TIME)
- FINANCE/ACCOUNTING SPECIALISTS
- LOGISTICS SPECIALIST

Interested applicants may apply online at <http://lotte.dutyfreeguam.com/careers/> or apply in person at our main office located at 770 East Sunset Blvd. Ste. 235 Tiyán, Guam.

Our office hours are Monday-Thursday, 9:00am-6:00pm and Friday's from 8:00am-5:00pm.

Lotte Duty Free Guam is an Equal Opportunity Employer. Federal Law requires presentation of proof of identity and eligibility to work in the US.



**Breakthrough:** The Doosan Lady Crushers' Anjelica Perez uses her speed to break past Quality Distributors' last line of defense en route to the goal in an opening-week match of the Bud Light Women's Soccer League Spring season at the Guam Football Association National Training Center. The Lady Crushers defeated Quality 6-2. Courtesy Guam Football Association.

## Soccer: Lady Rovers blank Hyundai 3-0

■ Continued from Page 28

In other games: ■ Pintco Lady Strykers defeated Pika Soccer Club 9-0. Kimberly Sherman, Alexy Barbe and Francesca Pangelinan each scored twice for the Lady Strykers. Koharu Minato, Krystiana Martinez and Christina Duenas also scored for the Lady Strykers.

■ In the late match, the Lady Rovers blanked Hyundai 3-0. Niki Perkins finished with a hat trick for the Lady Rovers.

The Bud Light Women's Soccer League Spring season continues Sunday with all matches on the GFPA National Training Center upper turf pitch. The full schedule is



### PHOTOS ONLINE

For more photos, visit the Pacific Daily News photo gallery at [www.GuamPDN.com](http://www.GuamPDN.com)

available online for download at <http://www.guamfa.com/all-leagues-women-regular-regular-regular>.

Information was provided by Jill Espiritu, media and marketing officer for the Guam Football Association.

MELBOURNE, Australia (AP) — If you and Mike Bryan could spin on their heels, exit from the Australian Open in 11 years, it's that their loss shows how competitive the doubles game has become — and perhaps how wrong John McEnroe was in his assessment of it.

The Bryans, the tops seeds and defending champions, lost in the third round Monday to American Eric Butorac and South African Raven Klaasen 7-6 (9), 6-4.

"We like coming down here and starting the year hot and I don't think we played terribly," Mike Bryan said. "It's just the margins are really small."

The brothers have been almost invincible at the Australian Open — six of their 15 Grand Slam titles have come here, and they've reached the

final nine of the last 10 years. They haven't lost before the quarterfinals since 2003.

But they said the loss illustrates the depth of the doubles game and how much tougher the top teams have become thanks to better conditioning, equipment, strategies and coaching.

"I feel like the game's being played at a pretty high level by a lot of good teams," Bob Bryan said. "The old days of just enjoying the pro tennis lifestyle without fully committing yourself is completely in the past."

His comments stand in stark contrast to the opinions voiced by McEnroe last month in an interview with The Times of London, in which he questioned why doubles is still being played at the majors and said today's doubles players are "the slow

guys who aren't quick enough to play singles."

"Most of you guys know I love doubles. But I look at it now and say, what is this? I don't even recognize what this is," McEnroe, who won seven Grand Slam singles titles as well as major doubles crowns, was quoted as saying.

"Obviously, we didn't agree with what he said," Bob Bryan said. His brother added: "I'm pretty sure it was a rogue interview where he just went on a rant."

The Bryans said they spoke with McEnroe for about 45 minutes about the interview and characterized it as a "good conversation," though they don't think they changed his mind.

"The game is played a lot different than when he was on the tour," Bob Bryan said. "It's probably harder for him to ap-

preciate what's going on."

The Bryans were the second-marquee team taken out by Butorac and Klaasen, who have only been partners for four months. They defeated crowd favorites Leyton Hewitt and Pat Rafter, who came out of retirement at the age of 41 to play doubles at the Australian Open, in the first round.

Butorac joked that he and Klaasen almost never became a team after a potential set-up — sort of like a blind date — went badly.

"Someone actually suggested, 'I think Raaven would be a good partner for you,'" Butorac said. "I went to go watch his match, thinking this could be my guy, and he was awful. And I was like forget that."

Now they're into the quarters of a Grand Slam.

## A squalid Sochi hides behind Olympic facades

SOCHI, Russia (AP) — A shining new \$635 million highway on the outskirts of Sochi stands next to a crumbling apartment block with a red "SOS!" banner on its roof.

The residents of 5e Akatsy street have lived for years with no running water or sewage system. Construction for the 2014 Winter Games has made their lives more miserable: The new highway has cut them off from the city center. Even their communal out-house had to be torn down because it was found to be too close to the new road and ruled an eyesore.

The stum is one of the many facets of a hidden dark side in the host city of next month's Winter Olympics, which stands side-by-side with the glittering new construction projects that President Vladimir Putin is touting as a symbol of Russia's transformation from a dysfunctional Soviet leviathan to a successful, modern economy. While state-run TV trains its cameras on luxury malls, sleek stadiums and high-speed train links, thousands of ordinary people in the Sochi area put up with squalor and environmental waste: villagers living next

to an illegal dump filled with Olympic construction waste, families whose homes are sinking into the earth, city dwellers suffering chronic power cuts despite promises to improve electricity.

Putin promoted the Sochi Games, which begin on Feb. 7, as a unique opportunity to bring investment to the Black Sea region and improve living standards for its 350,000 residents. Looking back at those promises, many residents, weary from years of living in the middle of Russia's biggest construction project in modern history, say they have yet to see any improvement in their lives and point to an array of negative effects.

"Everyone was looking forward to the Olympics," said Alexandra Krivchenko, a 37-year-old mother of three who lives on Akatsy street. "We just never thought they would leave us bang in the middle of a federal highway!"

People elsewhere in Sochi and surrounding villages have seen the quality of their life decline because of Olympic construction. In the village of Akhshtyi, residents complain about an illegal landfill operated by an Olympics contrac-

tor that has fouled the air and a stream that feeds the Sochi water supply. Waste from another illegal dump in the village of Loo has slid into a brook that flows into the already polluted Black Sea.

In the village of Mimy, just outside the Olympic Park, rumbling trucks have damaged foundations and caused homes to sink. And right across the railroad tracks from the Akatsy building, another multi-family residence has become prone to flooding after an Olympics-related road was built nearby.

Sochi residents also complain about widespread environmental damage, including the destruction of forests and the contamination of a river running down to the sea. Near the Olympic Park, a popular sandy beach was paved over for the development of a port that was never built.

The Winter Games were intended to showcase the Russia's resurgence from the collapse of the Soviet Union two decades ago. From drab sanatoriums to glamorous ski resorts. From outdoor markets with counterfeit clothes to boutiques filled with international brands. When an AP correspondent

asked the Sochi mayor last year what had changed in the city for the better, Anatoly Pakhomov started talking about a new shopping mall and a Louis Vuitton store as symbols of positive change.

Amid such pride in status symbols, Sochi has fallen short in providing basic necessities, residents say.

Two giant power stations have been commissioned to provide electricity for the Olympic venues and the city, but power shortages across the city are still ubiquitous. At a recent televised meeting with Putin, Russia's energy minister said the grid was still being built and was unlikely to come online before Jan. 25, less than two weeks before the opening ceremonies.

The city has undertaken a colossal effort to upgrade its infrastructure and municipal services, installing a new sewage and waste-disposal system and hooking up thousands of homes to pipelines supplying natural gas. Three weeks before the start of the games, some Sochi streets remain dug up as construction workers continue to lay down new pipes and pavements.

**GUAM LAND USE COMMISSION**  
Department of Land Management  
ITC Building, 3rd Floor, Tamuning, GU  
P.O. Box 2960, Hagatña, Guam 96937  
Telephone: (671) 649-5263, Facsimile: (671) 649-5383

**AGENDA**

A Regular Meeting of the Guam Land Use Commission will be held on Thursday, January 23, 2014 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 January 9, 2014
- III. Old Business
- Zone Change
  - A. Immanuel W.S. Choi, "R1" to "C" zone for the proposed construction/operation of a retail store, Lot 2289-NEW-2-R1, Mangilao. (2011-66B)
  - B. M.C. Paulino, Inc., "A" to "M1" zone for proposed construction of an office building/warehouse facility on Lot Nos. 5228-3-1, 5228-3-R1, 5228-4-1NEW-R1-NEW-1, 5228-4-1NEW-R1-NEW-R1 and 5228-R4-R2-R2, Dededo. (2013-26)
  - C. Jay Park, "R1" to "C" zone to construct and operate a new restaurant/coffee shop on Lot 3219-4NEW 2NEW, Ordof-Chalan Pago (2013-09)
- IV. Miscellaneous Matters
- V. 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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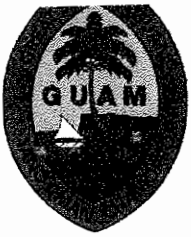
**#035-14 ASSISTANT PROFESSOR TO ASSOCIATE PROFESSOR (ADMINISTRATION/SUPERVISION)**

Contact the Human Resources Office at (671) 735-2350 for additional information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Thursday, 8:00 a.m. to 12 noon Friday, except holidays. View the Human Resources Office website at <http://www.uog.edu/hro> for detailed information on the job announcement. For further information, please email Therese Roberto at [troberto@uogam.uog.edu.gu](mailto:troberto@uogam.uog.edu.gu).

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/s/ LARRY G. GAMBOA, SPHR  
Chief Human Resources Officer  
THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS





# GUAM LAND USE COMMISSION

Chairman Lawrence S. Rivera  
Vice Chairman John Z. Arroyo  
Commissioner Conchita D. Bathan  
Commissioner Tricee P. Limtiaco

Commissioner Victor F. Cruz  
Commissioner Andrew C. Park  
Commissioner (Vacant)

David V. Camacho, Acting Executive Secretary  
Vacant, Assistant Attorney General

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## AGENDA - Disposition

### Regular Meeting

Thursday, January 23, 2014, 1:30 p.m.

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

- I. **Notation of Attendance** [X] Quorum 1:40 pm [ ] No Quorum  
(Present were: Chairman Lawrence Rivera, Vice Chairman John Arroyo, Commissioners Beatrice "Tricee" Limtiaco, Victor Cruz, Conchita Bathan and Andrew Park, Acting Executive Secretary David Camacho, Legal Counsel David Highsmith, Chief Planner Marvin Aguilar, Case Planners Penmer Gulac and Mario Garcia, Recording Secretary Cristina Gutierrez.)
- II. **Approval of Minutes**
- GLUC Regular Meeting of Thursday, January 9, 2014  
(Motion to approve the Minutes of January 9, 2014 was passed unanimously with corrections noted.)
- III. **Old or Unfinished Business (None)**
- IV. **New Business**

#### Zone Change

- A. The Applicant, Immanuel W.S. Choi represented by Ignacio F. Santos; request for a zone change from "R1" (Single Family Dwelling) to "C" (Commercial) zone for the proposed construction/operation of a retail store on Lot 2289-NEW-2-R1, in the Municipality of Mangilao, under Application No. 2011-66B.  
Case Planner: Penmer Gulac  
(At the request of the Consultant Mr. Ike Santos, application was withdrawn from today's hearing and rescheduled for the next meeting scheduled for February 13, 2014. Postponement was due to technical issue on the billboard sign requirement.)
- B. The Applicant, M.C. Paulino, Inc. represented by Ignacio F. Santos; request for a zone change from "A" (Rural) to "M1" (Light Industrial) zone for the proposed construction of an office building and warehouse facility on Lots 5228-3-1, 5228-3-R1, 5228-4-1NEW-R1-NEW-1, 5228-4-1NEW-R1-NEW-R1, and 5228-R4-R2-R2 in the Municipality of Dededo, under Application No. 2013-26.  
Case Planner: Penmer Gulac  
(Motion to approve the zone change was approved; 5 ayes [Chairman Rivera, Vice Chairman John Arroyo, Commissioners Limtiaco, Bathan, Park; Commissioner Cruz recused himself from voting due to personal affiliation with the applicant.] (Recording Secretary's Note: Mr. Cruz did not recuse himself prior to the presentation.)

- C. The Applicant, Jay Park represented by FC Benavente Planners, request for a zone change from "R1" (Single Family Dwelling) to "C" (Commercial) zone to construct and operate a new restaurant and coffee shop on Lot 3219-4NEW-2NEW in the Municipality of Ordot-Chalan Pago, under Application No. 2013-09.  
Case Planner: Mario Garcia  
(Motion to approve the zone change request was approved unanimously; 6 – ayes [Chairman Rivera, Vice Chairman Arroyo, Commissioners Park, Cruz, Bathan and Limtiaco], 0 – nay.)

**V. Miscellaneous Matters** (None noted)

**VI. Adjournment** (Commissioner Limtiaco motions to adjourn meeting with all in favor; adjourned at 3:05 p.m.)

862045

File for Record is Instrument No.

On the Year 14 Month 02 Day 25 Time 2:00

Recording Fee DE-OFFICIO Receipt No. \_\_\_\_\_

Deputy Recorder [Signature]

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ORIGINAL

**GUAM LAND USE COMMISSION  
REGULAR MEETING MINUTES**

Department of Land Management Conference Room  
ITC Building, Tamuning



Thursday, January 23, 2014  
1:40 p.m. to 3:05 p.m.

**GUAM LAND USE COMMISSION**

Thursday, January 23, 2014

Regular Meeting

Department of Land Management Conference Room  
ITC Building, Tamuning

**MEMBERS PRESENT:**

Mr. Lawrence Rivera, Chairman

Mr. John Arroyo, Vice Chairman

Ms. Beatrice "Tricee" Limtiaco, Commissioner

Mr. Victor Cruz, Commissioner

Mr. Andrew Park, Commissioner

Mr. David Camacho, Acting Executive Secretary

**STAFF PRESENT:**

Marvin Aguilar, Chief Planner

Penmer Gulac, Case Planner

Mario Garcia, Case Planner

Cristina Gutierrez, Recording Secretary

# Attendance Sheet

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

Date of Meeting:


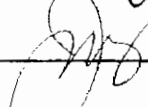
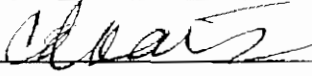
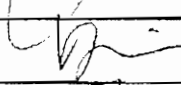
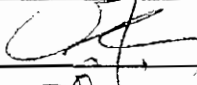
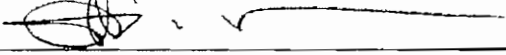
Time of Meeting:

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

## COMMISSION MEMBERS

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

## SIGNATURE

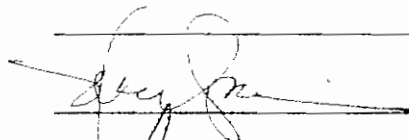
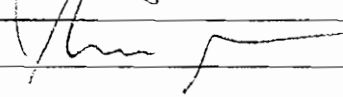
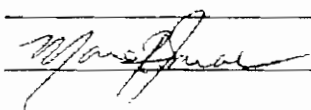
  
  
  
  
  


David V. Camacho  
*Acting Executive Secretary*



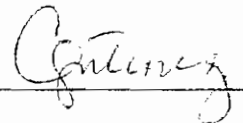
Vacant  
*Legal Counsel, Assistant Attorney General*

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

Joseph Guevara  
Chief Bldg. Inspection Administrator (DPW)

Cristina Gutierrez, WPS II



ADJOURNMENT:

**GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**  
**Department of Land Management Conference Room**  
**Thursday, January 23, 2014 • 1:40 p.m. to 3:05 p.m.**

**I. Notation of Attendance**

**Chairman Rivera** called the regular meeting of the Guam Land Use Commission for Thursday, January 23, 2014 to order at 1:40 p.m. noting a quorum.

Present were: Chairman Lawrence Rivera, Vice Chairman John Arroyo, Commissioners Tricee Limtiaco, Conchita Bathan, Victor Cruz and Andrew Park, Acting Executive Secretary David Camacho, Attorney David Highsmith (Attorney General's Office), DLM Chief Planner Marvin Aguilar, Case Planners Penmer Gulac and Mario Garcia, Recording Secretary Cristina Gutierrez.

**II. Approval of Minutes**

**Chairman Rivera** let's go right into the approval of our Minutes which is the Land Use Commission of the regular meeting on Thursday, January 9, 2014. Is there any motion for approval.

**Commissioner Bathan** I make a motion to approve the Minutes of our regular meeting of January 9, 2014.

**Commissioner Cruz** I second.

**Chairman Rivera** motion by Commissioner Bathan, second by Commissioner Cruz. Any discussion, if not let's go ahead and vote for it.

All in favor of the motion for the approval of the Minutes say "aye" [**Chairman Rivera, Vice Chair Arroyo, Commissioners Bathan, Cruz, Limtiaco and Park**], all oppose say "nay."

(Motion to approve was passed unanimously with corrections noted; 6 – ayes, 0 – nay)

**III. Old or Unfinished Business [None noted]**

**IV. New Business**

**Zone Change**

- A. The Applicant, Immanuel W.S. Choi represented by Ignacio F. Santos; request for a zone change from "R1" (Single Family Dwelling) to "C" (Commercial) zone for the proposed construction/operation of a retail store on Lot 2289-NEW-2-R1, in the Municipality of Mangilao, under Application No. 2011-66B.  
Case Planner: Penmer Gulac

(Mr. Ignacio Santos requested that this item be removed from today's agenda and rescheduled for the next available GLUC hearing. It was noted that the reason for the postponement was due to a technicality on the posting of the billboard sign as required by law. Duly noted by the Commission.)

## Zone Change

- B. The Applicant, M.C. Paulino, Inc. represented by Ignacio F. Santos; request for a zone change from "A" (Rural) to "M1" (Light Industrial) zone for the proposed construction of an office building and warehouse facility on Lot Nos. 5228-3-1, 5228-3-R1, 5228-4-1NEW-R1-NEW-1, 5228-4-1NEW-R1-NEW-R1, and 5228-R4-R2-R2, in the Municipality of Dededo, under Application No. 2013-26.  
Case Planner: Penmer Gulac

Marvin Aguilar (Chief Planner) for the record sir, not part of our staff report was an Agricultural Impact Statement dated January 16, 2014; submitted to our office.

Chairman Rivera basically this was the agricultural impact statement that was pending.

**(Exhibit 1 – Agricultural Impact Statement dated January 16, 2014.)**

Penmer Gulac summarizes the staff report to include the purpose, facts, public hearing results, staff analysis/discussion and recommendation.

Marvin Aguilar for the record as far as the agricultural impact statement that was noted earlier; Department of Agricultural has no objection to the zone change other than certain recommendations for landscaping and protection of the northern aquifer.

Chairman Rivera just make sure that we get a copy to the applicant so they can be aware of what the Department of Agricultural has indicated.

**(Mr. Gulac continues with this staff report)**

Chairman Rivera the one from the Hagens' basically advise they have no objection. Are they across the street?

Penmer Gulac they have a business there across the street; they have an M1 zone property; commercial/light industrial business.

Marvin Aguilar they maintain a pesticide company.

Chairman Rivera I just want to make sure that the surrounding neighbors around .... any questions for staff?

Commissioner Bathan I have a question regarding the notice; the notice to rezone. First of all the GLUC meeting it says the time 1:30; but it didn't say AM/PM, it's not a big issue but I think we need to inform our applicants to be more attentive to details and is compliant. And also the place here it just says Land Planning Conference Room and it didn't specify where. Since we advertise this twice in the newspaper I would consider that as an adequate notification. But, please next time.

**(Brief discussion continues regarding the billboard sign requirements; i.e., information noted on the billboard.)**

Commissioner Limtiaco Penmer, in the application that AICUZ (Air Installation Compatible Use Zone) study; that study looks like it was dated back in 1978, is this the most recent?

Penmer Gulac it's still in effect.

Commissioner Limtiaco even if there's no Naval Air Station anymore?

Penmer Gulac yes ma'am because it's still being used by the Airport. The military uses it also.

Marvin Aguilar and for whatever reason, maybe due to national security issues or whatever we haven't been able to get a copy of the updated. I'm sure there's some kind of an updated plan or assessment.

Commissioner Limtiaco I thought that we had another application before us and there was a more updated data.

Penmer Gulac we'll check with the Airport Executive Office.

Commissioner Limtiaco I know the airplanes are still going over this area. I just want to make sure we have all the updated data.

**(Brief discussion continues on the AICUZ. Mr. Santos states that he believes that there is a more updated version but only addresses commercial airlines.)**

Chairman Rivera staff look into it and see if there is a more updated version. Any other questions for staff? How was the Mayor on this project?

Penmer Gulac she was very receptive. In fact she was telling stories. There used to be farming in the area, but because the soil there is not very suitable for farming some of them relocated to NCS or farther away and it's noisy.

Chairman Rivera she indicated on the noise problem, the flight issue and it basically she did in a sense say that it's not suitable for residential any other but the M1 is suitable for that area. Any other questions for staff?

Commissioner Park where is the exact location? I cannot figure it out.

**(Brief discussion on the location of the project site and other businesses in the area. Mr. Aguilar also mentioned that Alageta Street has been renamed but unsure what the new street name was.)**

Chairman Rivera any other questions for staff? If not, we'll go to the applicant. Please introduce yourself.

Ignacio "Ike" Santos representing the applicant M.C. Paulino, Inc. This site is actually one of the most visible sites when you go through Alageta Street. Actually when you go through the overpass and you just drive down the first thing you see is the cliff side. Unfortunately, you don't see what's in the property until you are actually in front of the property only because what they did was when they cut into it they created walls and it kinda like restricts everything from visible from any distance unless you are actually almost in front of it. Now located across this is the application that came here actually for a retail store and an office building, that is located in front of this.



(Points out the project location with the display; Alageta Street is a 50-foot road and on top is the cliffline which is approximately 90-feet.)

**Ignacio Santos** the red line outlines the property line and then I actually drew a green line in and you can tell that the green line is almost setback in 70-feet from the top towards the bottom. Because on the top you have a fence, but that fence is also setback from the edge of the cliff also. And then through series you have a step down, hard to see if you're just facing the wall of the cliff but it actually kinda steps down and slants to protect the wall. And that wall is kinda solid enough that it doesn't actually crumble during earthquake. And you can see this in a lot of area with the same type of soil. Once it was cleared is not suitable for farming as is ... I guess in the agricultural impact statement. The only ... I guess as far as when they cut it it is approximately halfway is almost like 60-feet. Whatever happens inside here is actually the height of the building it does not exceed of the wall because the building is actually setback almost 100-feet in from the main road so it pushes it in so the sides of the hill will not actually ... it will kind of block it off from the neighbors. With the exception of one neighbor down towards the front; the neighbor asked him if they could put a six-foot wall in which is no problem putting in the six-foot wall.

Because this place is located also within the ground water protection zone, when they upgraded the Alageta Street (or whatever the new name is now) one thing they failed to do was to provide sewer line. I almost wonder why would they not bring the sewer when you just put in a new road. But when you look at Alageta Road one side is the hill and the other side goes down, so it will only benefit the people on the hill because of the gravitational, you know, but on the other side requires a pump to send everything up. What this applicant is trying to do is bring the sewer line all the way in to here (per diagram displayed) because also some of the neighbors that are on the hillside if they could connect to the sewer line and we have no objections with that. Actually the lot across us is also helping the improvement of this line. Most likely, I'm not sure if it's a 12-inch line, but before even holding the public hearing the Mayor asked me if I could do a presentation for the Municipal Planning Council. There was two things that they asked of us; one was the sidewalk in front of the property which I didn't think was a problem and number two is that the sewer line is compliance (sic) with GWA's requirements. Of course when you are putting something in like putting in a new sewer line, of course GWA has the final approval on what goes in and the design of it as well. I think when we put the sidewalk in and once they cut the road we'll try and connect the asphalt all the way to the street. Also this is a three-lane ... there's a turning left and right lane on this road and there's a center lane for turning.

**Chairman Rivera** so you'll be doing some sidewalks there in the front?

**Ignacio Santos** yes, there will be a sidewalk in the front. Actually when you guys approved the project across the street it also included sidewalks. I noticed that asphalt does not come all the way up to the edge. Maybe when the sidewalk goes in they'll just try ... by cutting it, maybe clean it up and make it go all the way from sidewalk to sidewalk. So, it's a big improvement for the area where it's located. And perhaps maybe it helps push the sidewalk further down the street.

Just further down on this side is also a trucking company. I think, I'm not sure what the name is but I know there's a trucking company you see it on the Google satellite picture it shows a trucking company. I didn't catch the name but I know it's a trucking company that uses the lot next door this way.

Any surface runoff we dedicated one of the lots as a ponding area. The way it works right now when it rains actually the water rolls to the rear of the lot; it flows that way because when they cut down on it they cut it at an angle in so the runoff goes towards the rear of the property. So what that does is it actually could be funnel all the way to this side where the ponding basin is at.

**Chairman Rivera** you'll be improving the area.

**Ignacio Santos** the parts of ... when they put the building up because a lot of the workers complain about the noise level outside. They qualify for sound-proofing so most of the windows actually within the office building will be sound-proof except for the warehouse.

**Commissioner Bathan** can you repeat that again like.

**Ignacio Santos** sound-proofing. This actually sits dead down center of the runway. When the planes take off they kinda fly right above this area, and there's a tennis court actually further up the hill if you're heading towards the overpass on the left side. Actually that place also got sound proofed financed by the company that does the AICUZ. They also sound proof the buildings that were there, that's a straight line down with this.

**Chairman Rivera** one concern that I have and the Bureau of Planning has indicated and of course your facility will be sitting in the water lens of our aquifer. Are you or I hope that your applicant does not store any chemical, are you planning of storing anything like that.

**Ignacio Santos** no, they are not in the business of storing chemicals. They're business is dealing with ... they're more like civil engineers; they build like roads and other projects that require field material. What they do is they go to the site, get the material and then dump it.

**Chairman Rivera** would you they be having heavy equipments in that area?

**Ignacio Santos** if there's any heavy equipment it's actually just a truck. So what they attend to do is park it towards the back of the property.

**Chairman Rivera** on your warehousing facility I just want to make sure that there's no toxic hazardous material or any material thinking of storing in that there just in case it does happen and it goes to our aquifer. Please inform your applicant of our concern on that.

**Ignacio Santos** actually it's part of the permitting process issue when they go through EPA and type of use and EPA has a really restrictions on what is being stored here. One of the ones that are actually moving in is American Fencing and what they have is a lot of rolls of chain link fence, pipes and all that stuff. This is the type of materials that will be stored in I guess in one part and the other one is maybe is service, you know, materials that they use.

**Commissioner Park** actually it doesn't matter the purpose of the use of the current owner. What we are going to do is to make action for the rezoning. So as soon as it's rezoned, they will have the all benefits of the rezoned use. So we don't care whether they are going to have a storage or whether they are going to have heavy equipment so there might be some kind of spill, oil spill on the floor or something like that which should be controlled and controlled by the EPA. So we are talking about I mean our action should be focused on the entire use of use change.

**Chairman Rivera** I understand. It's just that the Bureau of Planning and other permitting agencies indicated that. All I'm saying is to make sure and inform your applicant that we have an issue and we are concerned on the type of materials being stored. Notwithstanding we can't control it, but for the record we're saying make sure they don't store any chemical that would tamper our water lens.

**Ignacio Santos** with regards to Commissioner Park is true that when you look at changing a zone you look at the list of uses within the zone. And when you look at the property and how, it so happens that when they carved it out they kinda created a barriers that cannot protect our...they only way you can tell what's here is actually in front of it. The only thing I could see that was here was the green fence that they had in the front when you are driving up.

**Chairman Rivera** any other questions for the applicant?

**Commissioner Limtiaco** in your application and this may just my application; but in your application on Page 2 which is the Zone Change application on number four ... your justification. I understand that we have the Chief Planner's summary in which Mr. Gulac had verbally read out loud in this meeting. But where is your one page justification in your application? I'm just not finding it and maybe it's just my book.

**(Mr. Santos explains that it was towards the last couple of pages of the report. It was noted that the justification page was missing from all the applications which maybe a printing error as explained by Mr. Santos.)**

**Commissioner Limtiaco** with that being said I think the Chief Planner and Mr. Gulac summarized the justification; but from an application standpoint, it's incomplete without it and I suggest that you submit it to the Chief Planner. I'm just pointing that out because I think that the summary from the Chief Planner summarized it.

**(Discussion continues again on the missing page and where it is located in the application.)**

**Commissioner Limtiaco** I just want to reiterate what Commissioner Park had said; this is a zone change application so it's a zone change application. The justification should focus only on the zone change and not the proposed use.

**Commissioner Park** taking this opportunity I just mentioned again, you know ... we've been doing a lot of application and the applications there are some typographical error like you are applying for zone change for the area of 518,642 square meters; missing the statement; such administrative error please try to minimize it.

**[Commissioner Park's correction – change from mentioned to mention]**

**Chairman Rivera** is there any other questions, and if not we'll call for public comments that's part of our requirement here. And it's open for public comments. Any public comments? If not public comments are closed. We can continue the discussion or do you have any questions or discussion.

**(No public comments noted – public comments closed)**

**Commissioner Limtiaco** I think in light of the AICUZ study I think that this is right for this type of zone change. However, on the very end of the Alagena Street (which has now been since renamed) there is a lot of residential homes that fall outside of that accident zone. I think the Commission probably should take a look at this area, and ask the Chief Planner if he can identify where the accident zone changes as well as the AICUZ zone. Maybe you can give that to the Commission because that's very important. We're going to probably see more applications for zone changes and we really should have a defining line between what's the buffer between an M1 and the remaining residential areas. I think I'm in full support of this. I think it's right for this action.

**Chairman Rivera** you know a lot of the information here of course it's consistent with the activities around, it's close to other M1 zone properties, the proposed zone change for warehouse is compatible; it's within the .... there's other M1 properties there and compatible with the surrounding areas. I myself feel that the applicant ... the zone change merits the change.

Any other discussion? (None noted) Let's move forward. Is there any motion to approve the recommendation from the Chief Planner?

**Commissioner Park** I'll make it. I move to approve the application number 2013-26 for the applicant M.C. Paulino for zone change from "A" to "M1" on Lots 5228-3-1, 5228-3-R1, 5228-4-1NEW-R1-NEW-1, 5228-4-1NEW-R1-NEW-R1 and 5228-R4-R2-R2, municipality of Dededo.

**Chairman Rivera** motion by Commissioner Park. Is there a second?

**Vice Chair Arroyo** second.

**Chairman Rivera** motion by Commissioner Park, second by Vice Chair (Arroyo). All in favor of the motion for approval say "aye" [**Chairman Rivera, Vice Chair Arroyo, Commissioners Park, Bathan and Limtiaco**]; all oppose say "nay."

**Commissioner Cruz** I have to recuse myself; I have very close relationship with Mr. Paulino.

**Chairman Rivera** oh okay. Five Commissioners aye, Commissioner Cruz has recused himself. So the motion passed and the approval and so it's passed. Congratulations and have a good project.

The next item on the agenda --

### **Zone Change**

- C. The Applicant, Jay Park represented by FC Benavente Planners; request for a zone change from "R1" (Single Family Dwelling) to "C" (Commercial) zone to construct and operate a new restaurant and coffee shop on Lot 3219-4NEW-2NEW in the Municipality of Ordot-Chalan Pago, under Application No. 2013-09.  
Case Planner: Mario Garcia

**Marvin Aguilar** sir, I will be reading this staff report; Case Planner is Mr. Mario Garcia. Mr. Aguilar continues to give a brief summarization of the staff report to include purpose, facts, public hearing results, staff analysis/discussion and recommendation. (For full contents of the staff report, please refer to Attachment "C") And in light of comments made regarding the

justification on the request for zone change; the application has also noted the request for the desire to achieve the zone change for purpose of building and operating a restaurant and coffee shop.

**(Attachment C – Staff Report dated January 16, 2014)**

**Chairman Rivera** questions for staff?

**Commissioner Limtiaco** I have a question. On the first page of the (unable to decipher due to excessive noise) is there another sign in the application that shows the date of the public hearing.

**Mario Garcia** yes ma'am.

**(Discussion continues on the billboard notice. Commissioner Limtiaco stated that the public hearing information at the municipality level was missing from the sign.)**

**Chairman Rivera** any questions for staff? (None) At this time we'll go straight into our ---

**Marvin Aguilar** if I can just make one note regarding our support of this zone change request. It appears that the responses provided by the MPC pretty much reflected the understanding and their interpretation of this request to meeting the zone change requirements. They found that it meets public necessity and general welfare.

**Vice Chair Arroyo** I just want to point out for the record that we do take the comments from the ARC very seriously. But in this particular case this is a zone change to "C" and one of the recommendations from the Bureau of Statistics and Planning is to set some kind of limitations which we cannot do.

**Chairman Rivera** any other questions for staff? (None) Please introduce yourself for the record.

**Felix Benavente** I am representing Mr. Jay Park owner of the subject property and seeking approval of an application for a zone change from R1 to C. We have heard the staff report and the findings and we, of course, concur with all of them. I just to mention two things; we all know the location it is Chalan Pago. I guess the boundary of Mangilao and Chalan Pago is right about the Father Duenas line and so this property is ... as you continue further up towards the Chalan Pago/Mangilao intersection Route 10 and Route 4, it's right across the street from Song Market. If you're going up the hill it's on the left side. Song Market is presently a commercial zone. Then there's Bibic Street that goes downhill into that community behind there, and this lot is directly across Song Market at the same side of the street. So that takes us to the location.

And if you notice there was a concern about traffic. The (undecipherable) that we did takes that into consideration and we are planning to use the entrance to the property to be along Bibic Street so that you don't directly drive out to Route 10. From a traffic planning standpoint, the intention is to have the entrance to the restaurant to be along Bibic Street and not Route 10 and that should address some of those concerns.

If anyone has seen the property recently, it's seems like it's been saved for commercial because nobody has touched it and it hasn't been developed ... there's a lot of development along Bibic Street. It's boonies; it's one of these strange places where there is a 40-foot right-of-way

**Felix Benavente (cont'd)** easement directly in front the property which is Bibic Street and it's also adjacent to a 60-foot easement right in front of Song Market. So in effect, there's a 60-foot right-of-way going down Bibic Street. So, should the Commission approve this application the intent to clean up that whole corner which is now inundated with white appliances, I think there's even two abandoned vehicles in there. It's really a junky location and that is one the reasons why the Mayor was actually very happy when we submitted the application because the applicants would be in charge of cleaning up that whole corner.

In the matter of the flooding, there's really no flooding it's just that the water naturally flows downhill. We all know that EPA regulations require that if you build a commercial building you need to contain your own storm water on your property. Remember we ran into this last time so I brought a copy of the EPA PowerPoint permitting procedures and by Executive Order, this says that *the CNMI and Guam's storm water management criteria is adopted for use in all non-transportation construction projects and construction projects on private property*. So, it is a part of the permitting process that storm water is contained on property. This was originally used for highways, but by Executive Order it also is adopted (E.O. 2012-02) for storm water management on construction projects on private property. So we think that addresses the Mayor's concern and we brought this up when the Mayor ... third whereas on the second page of the resolution where it says residents were concerned about volume of traffic in the area and storm water impact and then it goes further mentions me by name that Mr. Benavente ensured the residents that the development on this lot will be required to comply with building standards of the government which includes preventing storm water runoff from negatively impacting the surrounding areas. So, by the ministerial permit processing procedure, EPA and Public Works will necessarily require a storm water management on site. There's not much we can do about what naturally flows on the road, but anything generated by the property will be retained on the property.

Basically the restaurant and coffee shop, Mr. and Mrs. Park have an existing restaurant on Route 10 and they've doing that for over eight (8) years and they just think that this is a good place to .... the point is they are experienced restaurateurs. That summarizes our presentation.

**Chairman Rivera** any questions for Felix?

**Commissioner Cruz** I have one. You said that the property kind of slopes toward the back right from Chalan Bibic Street and then you got Route 10 in the front. My question to you is how far back before it starts to slope. And the reason why .... just to understand where I'm coming from; it's a high volume traffic there and sometime basically like going toward (undecipherable) to F.D., although it's two-way it's kind of (undecipherable) the minute you pass the traffic light. But my question ... the reason why I'm asking is it's sloping if it's built how far back would the building be and where would the customers' parking be.

**Felix Benavente** the customers would park on Bibic side facing Song Market. If you see the conceptual site plan (Exhibit C) you see that the entrance is along Bibic Street and not directly to Route 10.

**Commissioner Cruz** so the building then if I'm looking at this the building project will face Bibic and not .... (Mr. Benavente responds "correct.") okay, okay, I'm good.

**Felix Benavente** it just makes sense. It doesn't .... we do have arrows there, but in ....

**Commissioner Cruz** as long as the arrow right turn is ... that should be taken out.

**Felix Benavente** yeah, ye and I can just state for the record ri now. Just like we said at the public hearing we do remind people that this is not a big lot and it's going to be a huge restaurant. The lot is only 7,600 square feet.

**Commissioner Cruz** when you do that and use Bibic as your .... would the developer then so they improve or upgrade Bibic along the (undecipherable).

**Felix Benavente** you do not necessarily have to connect the edge of pavement of Bibic to your parking lot and so there's boonies and rights-of-way in between. I'm just thinking it's not wise to pave that because you create more impervious surface, and so it's better if you just maybe leave that gravel and then when you get to the parking lot then you can pave your parking lot, then from the parking lot connecting to the edge of the existing right-of-way will probably continue to be gravel or just compacted.

**Commissioner Cruz** one of the reason why ... cause you know when you park there for a long time like in the morning to the afternoon, I'm not faulting your clients or proposed development, but where Song Street is, Song Street has a parking problem (Mr. Benavente corrects that to Song Market) ... Song Market rather has a parking problem because the way the building is. That's reason why I'm asking that. That's my only concern. Because people somehow when they just to get to Song Market they will park then because there's a step that goes up to the second floor some of them park right there. That's all my concern; I got no problem with your project.

**Commissioner Park** I just wanted to mention that you know .... again, Commissioner Cruz had good discussion with you about the proposed use. But upon the rezoning the owner can sell it somebody else and somebody can open karaoke bar or game room or whatever is allowed under the uses of commercial zone. So, I think that's not, you know, issues that we can discuss here.

And the other thing that I just wanted to mention is that you ... I appreciate that you study studied on EPA requirements on storm drain. The reason why I brought up the issue in the last meeting, because the building is ... I mean the existing building they may don't go to EPA for approval or inspection. But this is the vacant lot so I don't have any issue. They will have to go to all the permitting procedure and then they will have to go through EPA and then there EPA will implement whatever required by the law.

**[Commissioner Park's correction – change study to studied]**

**Chairman Rivera** any other questions for Mr. Benavente? (None noted from the Commissioners)

You know Felix I'm glad that you're addressing the two key concern of the citizens and the Mayor which is the traffic which now you're looking at Chalan Bibic as your entrance/exit which is good. Then of course you're going to go ahead and improve storm drainage like any other improvements you're going to improve that. You know whenever there's always a development we'd always ask that you are a good neighbor and be welcomed to the community. It appears that the Mayor supports your project and as a matter fact you have the MPC Resolution. And of course they are concerned about the traffic, the flooding, the type of business that you are placing there. Of course their concern is you might put a strip joint there. Of course it's not feasible. But that's hear say, we don't know what's going to happen in the future when there's a shift or whatever. Mr. Park said we're here for that only; however, we'd like to air our concerns that we have concerns that once it's zoned "C" there's no control. We can't even put a condition

on anything. But I rely on your expertise and your applicant in good faith saying we are building a restaurant and that's what it is. And basically change it and then it becomes an issue. But it's there, it's right on Route 10, like anything else when it's close by and there's access, I personally support commercial zone change if it's feasible and it's within the area not when it's away from the main road. That's my comment.

**Felix Benavente** I have some personal connection to the situation; when we were working on the Pago Subdivision up there in Yona, anytime we wanted to have a meeting at a restaurant there was none in the area and we had to go all the way to Michelle's in Mangilao.

**Chairman Rivera** any other questions? (None noted) We'll go ahead now and do ... because this is a new applicant we have to do a public comment portion. So it's open for public comment. Any public comments out there? If not then public comments are closed.

**(Public Comments portion closed; no public comments noted)**

Commissioners, if there are no other issues or concerns you want to move forward?

**Commissioner Cruz** I'll do the motion ---

**Marvin Aguilar** if I can request for a five minute recess.

**Chairman Rivera** let's do a five minutes recess.

**(Commission recesses at 2:50 p.m. and reconvenes at 2:55 p.m.)**

**Marvin Aguilar** before you ask for a motion to be put on the table I would like to point out an administrative issue here. If you notice the Notice to Rezone are (undecipherable) displayed; 4x8 advertisement, you notice on the public hearing the public hearing date, time and place was noted on this version of the advertisement. And I make reference to Section 61633 Subsection 3 *where the date and time of place of each public hearing and Commission meeting whereby public comments must be made available through these signs. Further, that the Commission shall not render a decision in favor of any application that fails to comply with both this sign requirement and any public notice requirement that is prescribed by law, rule or regulations. Failure to meet the notice requirements as provided herein renders any approval by Commission null and void.* However, Mr. Chairman and Mr. Vice Chairman I did confer with the applicant's representative Mr. Benavente and he did state that this was not an updated photo and that he would be able to provide us a copy that shows the date and/or provide an affidavit to the fact that the public hearing was placed on this advertisement board.

**Chairman Rivera** so by saying that can we still move forward with the approval or we can't address this?

**Marvin Aguilar** I think you can proceed to ....

**Chairman Rivera** subject to the submittal of ....

**Vice Chair Arroyo** I think we should ask Legal Counsel.

**(Discussion continues on the billboard. Mr. Benavente states that when signs are ordered the date, time and place are inserted when he receives the information from DLM**



and a permanent marker used to insert the information. For the public hearing, date, time and place was inserted and it was there up to the time of the public hearing and since has faded. But the date for the GLUC meeting is there and will probably fade in a couple of weeks. However for the duration that the law requires it to be displayed the information was there. Mr. Benavente further comments that he has photos of the sign with this information but did not bring them to this meeting.)

Marvin Aguilar I am just stating to fact that the copy that was provided did not indicate the information. There is a black and white that is being circulated right now indicating that somebody inserted the date and time.

(Commissioners were given a photo indicating the information on public hearing; discussion again continues on the billboard sign and the requirements. Chief Planner states that Commission can press on and it is not necessary for the submittal of additional photos since another photo was on file which indicated the public hearing information was included.)

Attorney David Highsmith are you satisfied that notice was given?

Marvin Aguilar yes sir.

Chairman Rivera Mr. Highsmith?

Attorney Highsmith I suggest that we go ahead and vote.

Chairman Rivera you know with all due respect ... I respect you Felix, you've been around, you've been a Chief Planner, you know the law. It is not your intent to come in here and try to ... you did your part and we believe you and you proved that. So Commissioners, we are okay to move forward.

Commissioner Cruz I make a motion; I move to approve the request for change of zone from R1 to commercial on Lot No. 3219-4NEW-2NEW in the municipality of Ordot-Chalan Pago under the application no. 2013-09.

Commissioner Park second.

Chairman Rivera motion for approval by Commissioner Cruz, second by Commissioner Park. All in favor of the motion for approval say "aye" [**Chairman Rivera, Vice Chairman Arroyo, Commissioners Cruz, Park, Bathan and Lintiaco**]; all oppose say "nay."

(Motion to approve passes unanimously; 6 – ayes, 0 – nay)

#### V. Miscellaneous Matters

Chairman Rivera Mr. Chief Planner do we have any miscellaneous matters?

Marvin Aguilar none at this time.

Chairman Rivera last time on the agenda ---

VI. Adjournment

Commissioner Limtiaco Mr. Chair, I so move to adjourn.

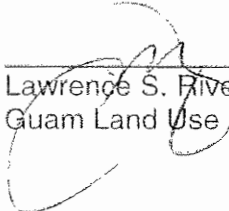
Commissioner Bathan I second.

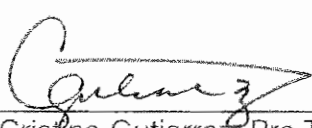
Chairman Rivera all in favor say "aye" [All in favor; meeting is adjourned]

The regular meeting of the Guam Land Use Commission for Thursday, January 23, 2014 was adjourned at 3:05 p.m.

Approved by:

Transcribed by:

  
\_\_\_\_\_  
Lawrence S. Rivera, Chairman  
Guam Land Use Commission

  
\_\_\_\_\_  
Cristina Gutierrez, Pro Tem  
DLM, Planning Division

Date approved: Feb. 13, 2014

(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**

January 28, 2014

Date

To: Jay Parks  
PO BOX 23211  
Barrigada, Guam 96921  
c/o Felix C. Benavente, Planners

Application No. 2013-09

The Guam Land Use Commission, at its meeting on January 23, 2014,

XX / Approved \_\_\_ / Disapproved \_\_\_ / Approved with Conditions

\_\_\_ / Tabled

Your request for a **Zone Change for Lot 3219-4NEW-2NEW, from “R-1” (Single Family Dwelling) to “C” (Commercial) on Lot 3219-4NEW-2NEW, Municipality of Chalan Pago - Ordot**

Attachment 9

Jay Park

Represented by Felix C. Benavente

Lot 3219-4NEW-2NEW

Municipality of Chalan Pago - Ordot

GLUC Meeting of January 23, 2014

Page 2 of 4

ZONING

/ Zone Change\*\*\*

/ Conditional Use

/ Zone Variance

Height

Use

Density

Other (Specify)

Setback

/ TENTATIVE DEVELOPMENT PLAN

/ Subdivision Variance

/ Tentative Subdivision

/ Final Subdivision

/ 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**

Jay Park

Represented by Felix C. Benavente

Lot 3219-4NEW-2NEW

Municipality of Chalan Pago - Ordot


GLUC Meeting of January 23, 2014

Page 3 of 4


APPLICATION DESCRIPTION: The Applicant, Jay Park, Represented By Felix C. Benavente request for a Zone Change "R-1" (Single Family Dwelling) to "C" (Commercial) on Lot 3219-4NEW-2NEW.

COMMISSION DECISION: The Guam Land Use Commission **APPROVED** the applicants Request **without Conditions.**

COMMISSION CONDITIONS: NOT APPLICABLE

  
Marvin Q. Aguilar  
Guam Chief Planner

2-27-2014  
Date

  
Lawrence Rivera  
Chairman  
Guam Land Use Commission

2-27-14  
Date

Case Planner:  
Attachment(s): ARC Distribution List  
cc: Building Permits Section, DPW (Attn: Mr. Joseph Guevara)

**NOTICE OF ACTION**

Jay Park

Represented by Felix C. Benavente

Lot 3219-4NEW-2NEW

Municipality of Chalan Pago - Ordot

GLUC Meeting of January 23, 2014

Page 4 of 4

**CERTIFICATION OF UNDERSTANDING**

I/We Jay Park / Felix C. Benavente  
(Applicant [Please print name]) (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 Applicant      Date

*Felix C. Benavente* 2/27/2014  
\_\_\_\_\_  
Signature of Representative      Date

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

\_\_\_\_\_  
Applicant                                      Date                                      Representative                                      Date

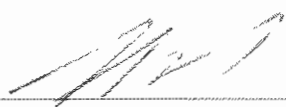
Reference No.: Application 2013-09

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

DISAPPROVED

  
EDDIE BAZA CALVO  
Governor of Guam

MAR 10 2014

Date

**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 the 11<sup>th</sup> day of July, 2013, in the Municipal District of Chalan Pago - Ordot where the property to be rezoned was located pursuant to Title 21 GCA §61633.

**WHEREAS**, notice of the time and place of the hearing was published in a newspaper of general circulation on the 1<sup>st</sup> day of July, 2013 as evidenced by affidavit by an affidavit of publication attached as **Exhibit A**.

**Decision Granting Zone Change (with findings)**

**Ref. No. Application 2013-09**

**Page 2**

**WHEREAS**, notice was mailed to the Mayor of the Municipal district concerned and to those landowners owning land within 500 feet of the property where the property to be rezoned is located as evidenced by the affidavit of mailing attached as **Exhibit B**.

**BE IT RESOLVED**, that on the 23<sup>rd</sup> day of January, 2014, a hearing of the Guam Land Use Commission (GLUC) was held in accordance with notices duly issued to consider the application of Jay Park for a Zone Change of Lot 3219-4NEW-2NEW, Municipality of Chalan Pago - Ordot.

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

1. Mr. Lawrence S. Rivera, Chairperson
2. Mr. John Arroyo, Vice Chairperson
3. Ms. Conchita D. Bathan, Commissioner
4. Ms. Beatrice "Tricee" Perez, Commissioner
5. Mr. Victor Cruz, Commissioner

Appearing for the applicant was Mr. Felix C. Benavente, 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 Statements submitted and the results of the Community Public Hearing satisfy the above section.*

- (b) **Public 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 Statements submitted and the results of the Community Public Hearing satisfy the above section.*



Decision Granting Zone Change (with findings)

Ref. No. Application 2013-09

Page 3

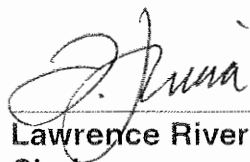
- (c) General Welfare: The following fact support a finding that the General Welfare of the public is best served by the granting of a zone change:

*That the application as presented by the applicant, the Application Review Committee's Position Statements 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:

5 Ayes 0 Nays 0 Abstentions

This decision was adopted this 23<sup>rd</sup> day of January, 2014, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

 2-27-14  
Lawrence Rivera Date  
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 **June 13<sup>th</sup>, 2013**, 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 July 1<sup>st</sup>, 2013, for Application No. **2013-09 (Jay Park)** to be heard on July 11<sup>th</sup>, 2013, at the Chalan Pago 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).

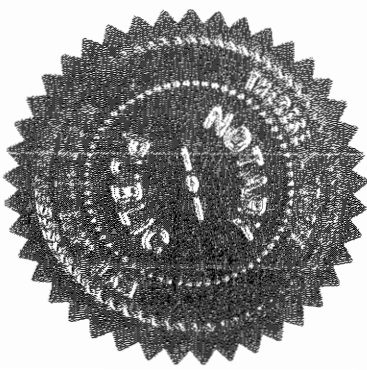
IN WITNESS WHEREOF, I hereby affix my signature this 5<sup>th</sup> day of March, 2014.

Patricia A. Muna  
PATRICIA A. MUNA  
Administrative Assistant

Island of Guam        )  
                                  ) ss:  
City of Tamuning     )

Subscribed and sworn to before me this 5<sup>th</sup> day of MARCH, 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 511, 590 South Marine Corps Dr.  
Tamuning, Guam 96913

Exhibit A



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



EDDIE B. CALVO  
 Governor of Guam

MONTE MAFNAS  
 Director

RAY TENORIO  
 Lieutenant Governor of Guam

David V. Camacho  
 Deputy

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

June 13, 2013

Mailing Address:  
 P.O. Box 2950  
 Hagatña, 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 July 1<sup>st</sup>, 2013.

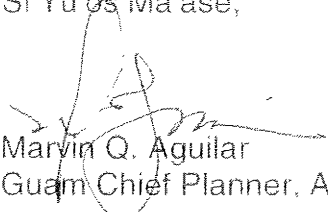
E-mail Address:  
[dlm@mail.gov.gu](mailto:dlm@mail.gov.gu)

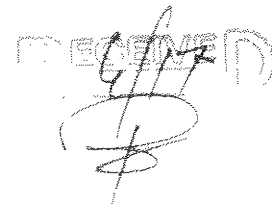
Attached are check(s)/monies amounting to \$ 146.00 to cover the enclosed advertisement fee scheduled.

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



Facsimile:  
 671-649-5383

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

Attachment A - 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: July 11, 2013

Time: 6:00 pm

Place: Chalan Pago Community Center

*For:* Jay Park, Zone Change from "R-1" to "C" to construct and operate a restaurant, on Lot 3219-4NEW-2NEW Chalan Pago Ordot [2013-09]

*Filing Source provided by the Applicant.*

**Department of Land Management**  
 P.O. Box 2950, Hagåtña, Guam 96931  
 Tel: 648-5263 Ext. 341 • Fax: 648-5383

**PUBLIC HEARING NOTICE**  
 Date: **July 11, 2013**  
 Time: **9:00 am**  
 Place: **Chalan Pago Community Center**  
 For: Jay Park, Zone Change from "R-1" to "C" to construct and operate a restaurant, on lot 3219-4NEW-2NEW, Chalan Pago Ordot. [2013-09]  
*Funding Source provided by the Applicant*

**MARIANA STONES**  
 Mariana Stones is seeking the following positions for its Ukudu Factory Site located in Dedado, Guam.

**CRUSHER OPERATOR**  
 • Knowledge of electricity  
 • Trouble shooting ability  
 • Minimum 3 years experience

**LICENSED WELDER**  
 • Licensed  
 • Minimum of 2 years experience

**HEAVY EQUIPMENT OPERATOR**  
 • Physical clearance  
 • B/C License  
 • Minimum of 2 years experience

**SALES ASSOCIATE (Aggregate & Concrete)**  
 • Taking orders  
 • Prospect with calls and emails  
 • Follow up and close sales from leads and recurring customer base

Interested candidates must submit a copy of their driver's license and a resume demonstrating a successful work history to:  
**francine.sablan@hotmail.com**  
 Police & Court Clearance will be needed upon employment.

Let the Pacific Daily Classifieds Work for YOU!  
 Call **472-1PDN** for more information  
 Pacific Daily News  
 GUAM'S LOCAL SOURCE  
 www.guampdn.com

**E.T.N.'S**  
 We are seeking hard-working, talented, and self-motivated:  
**Book Keeper  
 Graphic Artist**  
 Part Time/Full Time  
 Submit application to: Lori's Jewelry Martineau Mall, Theater Wing or call 649-1688

**FIESTA Resort & SPA SAIPAN**  
**EXECUTIVE CHEF**

Our Resort is looking for a professional candidate with a solid Executive Chef experience in meeting our high standard of quality for all food preparation, production and control for all the food outlets and banquet facilities; hiring, training, supervision, scheduling and participating in activities of the chef, cook and all personnel involved in preparing, cooking and presenting food in accordance with productivity standards; cost controls, and forecast needs.

As the Executive Chef, the responsibilities include but are not limited to:

- Long and short term planning and day-to-day operations of the kitchen and related areas
- Collaborating with higher management and other Chefs to develop, recommend and plan menu requirements, serving arrangements and other related details
- Enforcing and following compliance procedures for sanitation & cleanliness and monitoring workstations & staff for adherence to those procedures
- Providing training to strengthen his/her team's current performance and monitoring cooks and chefs for proper skills and service
- Maximizing the budget and managing food and labor costs within approved budget constraints without affecting quality standards

Qualifications:

- Minimum Education: 2 years of Culinary Schooling, Vocational School or Associate's Degree graduate or any combination of education and experience equivalent, that provides the required knowledge, skills, and abilities
- Minimum Experience: Five years of experience cooking and preparing food in a high-volume food service facility or in a high volume hospitality environment and at least three years in an Executive Chef or similar role
- Excellent cooking skills and extensive knowledge of various cuisines and food handling procedures with regard to public health standards
- Demonstrated aptitude for the financial aspects of food operation, including the successful identification of expense reduction through cost control
- Ability to work flexible hours including nights, weekends, and holidays
- Excellent communication, organizational, and multitasking skills are a must
- Team player

Interested applicants may send their resume to [hr.fiesta@saipan.com](mailto:hr.fiesta@saipan.com). To be considered, resumes must be submitted not later than July 30, 2013. Background checks and pre-employment drug testing will be required prior to employment.

Fiesta Resort & Spa Saipan is an Equal Opportunity Employer. Qualified Women, Minorities, Veterans and Persons with Disabilities are urged to apply.

**ONLINE CLASSIFIEDS**  
 at [www.guampdn.com](http://www.guampdn.com)

**GUAMPDN.COM**  
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To place your ad, log on to our website and fill out the Classified Ad form or call:  
**472-1PDN**

Pacific Daily News  
 GUAM'S LOCAL SOURCE  
 www.guampdn.com

**Leonardo M. Rapadas**  
 Attorney General

**Phillip J. Tydingco**  
 Chief Deputy Attorney General

Office of the Attorney General  
 287 West O'Brien Drive  
 Hagåtña, Guam 96910 • USA  
 (671) 475-3324 • (671) 475-3203 (fax)  
 www.guamag.org

**REQUEST FOR PROPOSALS**  
**OAG-RFP-2013-001**  
**FOR**  
**PROJECT MANAGEMENT SERVICES FOR AIDING IN THE PLANNING AND IMPLEMENTATION PHASES OF UPGRADING THE CHILD SUPPORT ENFORCEMENT DIVISION'S ABSENT PARENT AUTOMATED SYSTEM INFORMATION (APASI)**

The Office of the Attorney General, Child Support Enforcement Division is accepting proposals from qualified individuals or firms interested in providing project management services for the purpose of aiding in the planning and implementation phases of upgrading the Child Support Enforcement Division's Absent Parent Automated System Information (APASI).

Request for Proposal (RFP) packages detailing the services and form of proposals may be obtained from the Office of the Attorney General, Child Support Enforcement Division at 287 West O'Brien Drive, Hagåtña, Guam (Monday through Friday from 8:00 a.m. to 5:00 p.m.) excluding holidays. The RFP package can also be obtained by email at [hr.guamag.org](mailto:hr.guamag.org).

All prospective bidders must register with the Child Support Enforcement Division no later than July 8, 2013. A form for registration is made available in the RFP package. The Office of the Attorney General and its Child Support Enforcement Division are not liable for any consequences to a prospective bidder who fails to register.

All proposals must be submitted with one original and five (5) copies by 5:00 p.m. on Friday July 26, 2013 at the Office of the Attorney General. Proposals submitted after the deadline will not be accepted. No phone calls please. This notice is paid for with government funds.

**s/Leonardo M. Rapadas**  
 Attorney General of Guam

**WORLD GEMS**

Don't give up, grow up. Search for pain so you can kick it in the ass! Let's try an experiment for one week. Every phrase that has a hint of being negative will be taken verbatim with a positive response. No more, "I can't", "you shouldn't", "not possible". Even for someone who is a bedrock of vice without the vice will be revised with an attitude of fullness. What do we expect to gain from such an experiment? How much good hard work is needed to make a promotional effect? A cream is an accomplishment and the more accomplishments you have the chances to enhance others is extended. The word "lost" is encouraging. How? Because you can still find your way back. Cracks can be filled, disassemble can be reassemble and hurt can be healed. We will not hope for the best. Instead, we will experience well beyond life's ultimate test: Ourselves.

The World

Desperate to sell? Are you maneuvering?  
 House, condo or land close to foreclosure?  
 I'm actively looking to buy. Quick Closings Possible.  
 Call **Wallace Roberto - Broker**  
**649-HOME**

Visit us at our location in Tamuning 123 E. Esplritu St.  
 E-mail: [premiers@teleguam.net](mailto:premiers@teleguam.net)

**Premiere Properties**

**Sample Floor Plan**

**Managban**  
 Say you want to hurry up the heat. What do you have? For starters it is this 3br 2ba 1 carport fenced in Bonus near GCDC.  
**\$219,000.00**

**Barrigada**  
 Would it surprise you if you work up to a 7,000+ sq. ft. Commercial Building on Route 101? Well, that's what you could say over. Recent price reduction. See inside first.  
**\$699,000.00**

**Managao**  
 Sharp in the middle, sketchy on the perimeter 2 br 1 ba. Concrete home of Tai Road. For the up start to the up and running.  
**\$139,000.00**

**Lower Barrigada Heights**  
 Fall in love with me. Don't let me go out on a limb. 3 br 2 ba 2 Carport on a 1200+ sq. meter lot.  
**\$239,000.00**

**Only \$54,000!**  
 (Small text describing property details)

## 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 **June 20<sup>th</sup>, 2013**, **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**), fifty-six (56) sealed envelopes, with postage fully prepaid, each containing a true copy of the Notice of Public Hearing for **Jay Park (2013-09)** (attached as **Attachment B**) addressed to the following property owners:

1	Alegarbes Gonzalo S.	L3262-1B-2NEW	P.O. Box 890	Hagatna, GU 96932
2	Babasa Rogelio T.	L3318-13-R1	P.O. Box 26742	GMF Barrigada, GU 96921
3	Babasa Roger T.	L3318-13-R1	P.O. Box 26742	GMF Barrigada, GU 96921
4	Behr Steven A.	L3219-4NEW-3NEW	P.O. Box 27360	Barrigada, GU 96921
5	Cantrell Virginia M.	L3436-R1NEW-1	P.O. Box 8285	Tamuning, GU 96931
6	Castro John Peter Cruz	L3262-1C-R4	P.O. Box 2253	Hagatna, GU 96932
7	Castro Pete JR Cruz	L3262-1-C-3	P.O. Box 3746	Hagatna, GU 96932
8	Castro Rosemay Cruz	L3262-1C-4	P.O. Box 3746	Hagatna, GU 96932
9	Cepeda Jose L.	L3218-4-1NEW-R1	P.O. Box 640	Hagatna, GU 96932
10	Cepeda Patrick JC	L3218-4-1NEW1	P.O. Box 10224	Sinajana, GU 96926
11	Chargualaf Jesse M.	T163REM-NEW-R1 L1	POB 4595 AAFB	Yigo, GU 96929
12	Cruz Benny Cepeda	L3262-1B-11	25 Chalan Ramon Baza	Yona, GU 96915
13	Cruz Enrique C.	L3262-1-B-R5-R/W; 3262-3-4-R/W;3218-4-4	P.O. Box 975	Hagatna, GU 96932
14	Cruz Enrique Cepeda	L3262-3-4-1	P.O. Box 25317	GMF Barrigada, GU 96921
15	Cruz Felix C.	L3262-1B-6 & -7	123 Camachili CT	Sinajana, GU 96910
16	Cruz Frank Junior	L3262-1-C-1R/W	110 Bien Avenida CT	Sinajana, GU 96910
17	Cruz Joey SN	T163REM-NEW-R1 L5-2	P.O. Box 23424	GMF Barrigada, GU 96921
18	Cruz JR Aldred L.	L3262-3-3-1	P.O. Box 975	Hagatna, GU 96932

**Exhibit B**

## AFFIDAVIT OF MAILING

Page 2 of 4

19	Cruz Kenneth L.	L3262-1C-1NEW-R2	110 Bien Avenida Court	Sinajana, GU 96910
20	Cruz Ninalynn L.	L3262-3-3-R1	P.O. Box 975	Hagatna, GU 96932
21	Cruz Ninalynn L.	L3262-3-3-R1	P.O. Box 975	Hagatna, GU 96932
22	Cruz Pedro Taisague C/O Peter D. Cruz	L3219-3	P.O. Box 23903	Barrigada, GU 96921
23	Cruz Roland Cepeda	L3262-1B-12	123 Camachili CT	Sinajana, GU 96910
24	Cruz Steven Lujan	L3262-1C-1NEW-1	198L Chalan Bicbic	Chalan Pago, GU 96910
25	Cruz Teresa Cepeda	L3262-1B-R7-R/W	123 Camachili CT	Sinajana, GU 96910
26	Davis Terri C.	L3262-1A-2-R1	P.O. Box 326686	Hagatna, GU 96932
27	Dolor Maximo A.	L3219-2-R1	115 Gracia LN	Dededo, GU 96929
28	Fallejo Val V.	L3262-3-4-2	P.O. Box 20543	GMF Barrigada, GU 96921
29	Guam Economic Dev Authorities	L3262-1B-R12	590 SO Marine DR. STE 511 ITC BLDG	Tamuning GU 96913
30	Gumataotao Jose S. (DEC)	L3441-11	P.O. Box 22641	GMF Barrigada, GU 96921
31	Gumataotao Jose S. (DEC) Esther ML Cruz	L3441-1	P.O. Box 20575	Barrigada, GU 96921
32	Ilustre Bienvenido R.	T163REM-NEW-R1 L2	P.O. Box 3714	Hagatna, GU 96932
33	Jesse C. Gogue	Mayor of Chalan Pago	P.O. Box 786	Hagatna, GU 96932
34	Judicpa Pedro A.	T163 L1	P.O. Box 4317	Hagatna, GU 96932
35	Kendall Michael D.	T163REM-NEW-R1 L5-1	P.O. Box 5837	Hagatna, GU 96932
36	Kim Kwang Ho	L3262-1B-1NEW	P.O. Box 23364	GMF Barrigada, GU 96921
37	Leong Vicente L.	L3219-6	P.O. Box 26143	GMF Barrigada, GU 96921
38	Lujan Matilda C.	L3260-9	P.O. Box 1118	Hagatna, GU 96932
39	Mantanona Raymond T.	T163REM-NEW-R1 L5-3	P.O. Box 170051	Inarajan, GU 96917
40	Natividad Remedios Cruz	T163REM-NEW-R1 L5- R3-R/W	506 Thomas St Jonestown	Tamuning, GU 96931
41	Natividad Remedios Cruz C/O Larry & Jessica Urbano	T163 L3-R1	P.O. Box 24919	GMF Barrigada, GU 96921
42	Ogo Mark Rickie Carbullido	L3441-10	P.O. Box 4799	Hagatna, GU 96932


AFFIDAVIT OF MAILING

43	Oka Hiroyuki	T163REM-NEW-R1 L3	905 Pia Marine 193 Tumon Lane	Tamuning, GU 96913
44	Perez Antonita C.	L3262-1B-4; -R4-R/W	218A Chalan Bibic	Chalan Pago, GU 96910
45	Sablan Crystal Ann	L3262-1B-10	P.O. Box 326755	Hagatna, GU 96932
46	Sablan Lori C.	L3262-1C-1NEW-2	142 Chalan Sabana	Piti, GU 96915
47	Sablan Patrick Cruz	L3262-1B-8	P.O. Box 59	Hagatna, GU 96932
48	Salcedo Samuel Cruz	L3262-1C-R2	110 Bien Avenida CT	Sinajana, GU 96910
49	Salgado Otelia I.	L3219-4NEW-4NEW	P.O. Box 315748	Tamuning, GU 96931
50	Samson Amelita G.	L3219-R6	P.O. Box 326774	Hagatna, GU 96932
51	San Nicolas Rose T.	L3262-1B-3	P.O. Box 13062	Tamuning, GU 96931
52	San Nicolas Rosemay Castro	L3262-1C-2	P.O. Box 3746	Hagatna, GU 96932
53	Sualog Joseph C.	L3262-3-2-R1	1304 N Chalan Canton Tasi	Yona, GU 96915
54	Sulio John C.	T163 L2	P.O. Box 218153	Barrigada, GU 96921
55	Tan Han Chieng	L3262-1A-R2	PMB 898 1001	Saipan MP 96950
56	Topasna Jose LG	L3219-2-1	P.O. Box 25115	Barrigada, GU 96921

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 5<sup>th</sup> day of March, 2014.

  
 Matthew Leon Guerrero  
 Land Agent Supervisor

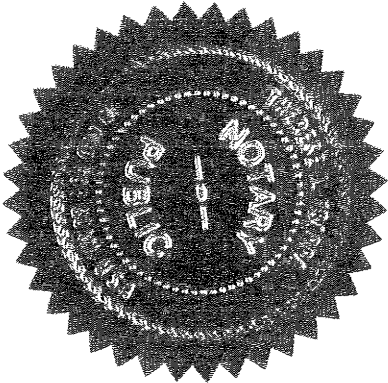


AFFIDAVIT OF MAILING  
Page 4 of 4

Island of Guam     )  
                                  ) ss:  
City of Tamuning    )

Subscribed and sworn to before me this 5<sup>th</sup> day of MARCH,

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 511, 690 South Marine Corps Dr.  
Tamuning, Guam 96913

<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Steven Luper</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Enrique C.</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Castro Rosmary Cruz</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Frank Junior</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Castro Pete Jr Cruz</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Castro John Peter Cruz</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Pedro Taisague</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Kenneth L.</p> <p>DATE: 2/13/09</p>
<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Felix C.</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Teresa Cepeda</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Benny Cepeda</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Roland Cepeda</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Anbrisa Requie T</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Enrique Cepeda</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Anbrisa Roger T</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Rosalyn L.</p> <p>DATE: 2/13/09</p>
<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Enrrique Cepeda</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cepeda Jose L</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Rosalyn L.</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Patrick Jr</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Rosalyn L.</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Rosalyn L.</p> <p>DATE: 2/13/09</p>	<p>U.S. Postal Service <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)</p> <p>POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz Rosalyn L.</p> <p>DATE: 2/13/09</p> <p>OFFICIAL USE</p> <p>POSTAGE \$46 INSURANCE \$3.10 TOTAL POSTAGE &amp; FEE \$3.56</p> <p>TO: Cruz JR Alfred L</p> <p>DATE: 2/13/09</p>



7002 0460 0002 3532 7

Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **San nicolas Rose T.**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

PS Form 3800, January 2011 See Reverse for Instructions

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Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **San nicolas Rosemary Castro**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

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7002 0460 0002 3532 7

Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **Saban Lori C.**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

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Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **Salcedo Samuel Cruz**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

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U.S. Postal Service  
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Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **Sulio John C.**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

PS Form 3800, January 2011 See Reverse for Instructions

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

Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **Sulag Joseph C.**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

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U.S. Postal Service  
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(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **Sulgrade Otelia I.**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

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

Postage	\$ 46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.56

Postmark: SAN NICOLAS, GUAYAMA, P.R. 00982

Sent To: **Sanson Annelita G**

Street, Apt. No. or PO Box No.

City, State, ZIP+4

2013-09

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**DIPARTAMENTON MIINANEMAN TANU**  
 (Department of Land Management)  
**GUBETNAMENTO GUAHAN**  
 (Government of Guam)



EDDIE B. GALVO  
 Governor of Guam

RAY TENORIO  
 Lieutenant Governor of Guam

MONTE MAFNAS  
 Director

David V. Camacho  
 Deputy

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

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

{2013-09}

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

E-mail Address:  
[dime@mail.gov.gu](mailto:dime@mail.gov.gu)

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

June 13, 2013

Dear Sir/Madam:

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

**The Applicant, Jay Park, represented by FC Benavente, request for a Zone Change from "R-1" (Single Family Dwelling) to "C" (Commercial) to construct and operate a restaurant, on Lot 3219-4NEW-2NEW, in the Municipality of Chalan Pago Ordod, under Application No. 2013-09.**

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:** Chalan Pago Community Center  
**DATE:** July 11, 2013, 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, **July 10, 2013, Wednesday**. 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*

Attachment B - Exhibit B

June 13, 2013  
Public Hearing Notice for Residents  
Jay Park - Application No. 2013-09  
Page 2

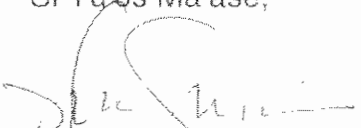
Accordingly, a GLUC Hearing for this application will be advertised in the Pacific Daily News open ad, Government meeting, and the website.

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 O. AGUILAR  
Guam Chief Planner, Acting

Application No: 2013 - 08  
Type of Application: Zone Change

Accepted Date: December 5, 2012  
Case Planner: Mario Garcia

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APPLICATION FOR A  
ZONE CHANGE FROM  
"R-1" TO "C"

---

**JAY PARK**

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**LOT 3219-4NEW-2NEW**  
**CHALAN PAGO - ORDOT**

**Attachment 2**

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SUBMITTED BY:  
FC BENAVENTE, PLANNERS  
OCTOBER 2012

# FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, GU 96913  
Tel: 671.988.7911 [fcloiben@yahoo.com](mailto:fcloiben@yahoo.com)

October 31, 2012

Mr. Monte Mafnas, Executive Secretary  
Guam Land Use Commission  
Department of Land Management  
P.O. Box 2950  
Hagatna, Guam 96932

Subject: Zone Change Application from "R-1" to "C" for Lot  
3219-4NEW-2NEW, Chalan Pago, Guam.  
Hafa Adai Mr. Mafnas,

On behalf of Mr Jay Park, owner of the above subject property, I am pleased to submit 32 sets of this Zone Change Application for review and approval by the Guam Land Use Commission (GLUC). The application seeks GLUC approval for a zone change from "R-1" to "C" for a Restaurant on the property.

## *Description and Location.*

The property owner proposes to build and operate a new Restaurant and Coffee House on the above subject property. This particular location is well suited for such a commercial activity because of its proximity to the Route 4/Route 10 intersection, which is located approximately 750 feet to the west of the project site. The project site is a corner lot, with frontage along Route 10 to the north, and Chalan Bibic to the east. Directly across from Chalan Bibic is already a commercial land use activity - the Song Market Retail Store.

The owner presently operates the Pochon Chicken Restaurant located in Mangilao along Route 10. He is an experienced restaurateur as he and his wife have been operating on that Mangilao location for over 8 years.

## *Location and Infrastructure.*

Lot 3219-4NEW-2NEW is presently vacant and undeveloped. As a corner lot with double frontage, the property is located at the entrance to the interior properties accessible via Chalan Bibic. Chalan Bibic is a 60' R/W collector road, with asphalt pavement, power, and water; and Route 10 (Purple Heart Highway) is a 100 foot R/W major highway with asphalt pavement, power, water, and sewer.

Preliminary field review has not revealed the existence of any threatened or endangered flora and fauna on the, nor the presence of any historic properties.



We submit the following justification requirements for this Zone Change application as required by 21 GCA, Chapter 61, Section 61630.

a. Compatibility of the proposed project with adjacent and neighborhood developments as they exist:

**Response:**

The corner lot property is located at the intersection of a collector road, Chalan Bibic; and a main highway, Route 10, making it an ideal location for a commercial zone. The adjacent lot to the south is vacant; the adjacent lot to the west has a residential dwelling. The property is served by paved roads, has access to public power, sewer, and water and will not detract from services already being used by the adjacent neighborhood. Most significant compatibility is that directly across from Chalan Bibic to the east is a neighborhood as well as a commuter retail store – the Song Market.

b. Intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare.

**Response:**

The public necessity is demonstrated in responding to a latent demand for a restaurant and coffee house in this area of Chalan Pago. Additionally, there is expected to be significant future demand as commuter travel increases in this area of Guam. The restaurant and coffee house are necessary and will serve to benefit the immediate neighborhood, its environs, and the central Guam community generally located along this Route 10 highway corridor.

The public convenience is enhanced by locating such facilities at the intersection of Route 10 and Chalan Bibic in this area of Chalan Pago where a sizeable population is located; in addition to commuters passing through on a daily basis. Un-needed travel far away, for restaurant and coffee house services will be reduced if not eliminated significantly, thus saving on energy, fuel costs, and un-necessary resident travel time.

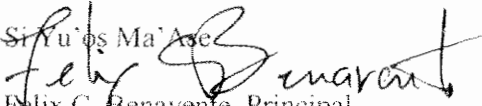
The general welfare is elevated because there will be new and community responsive facilities, in this case a restaurant and coffee house, to provide much needed services. Safety is enhanced because of the proximity of this future neighborhood facility; with its location at the Chalan Bibic corner entrance which is the main access to the interior neighborhoods to the south. Cleanup and removal of unsafe junk located on the public R/W Chalan Bibic frontage will improve the community by elimination of these existing eyesores. As well, increased employment opportunities, taxable revenues, and and multiplier economic activities contribute to the general welfare of the community.

We submit that this zone change request is a public necessity, is for public convenience, and provides for the general welfare of the people of Guam.

## A Comparison Chart

Zoning Categories	Proposed "C" Zone	What is Allowed in Present "R-1" Zone	Uses Presently on Site: Lot 3219-4NEW-2NEW
<b>Use</b>	For a Restaurant and Coffee House	<p><b>Permitted Uses</b> include.</p> <p>A. 1-family dwellings.</p> <p>B. Gardening and the keeping of pets for noncommercial purposes.</p> <p>C. Uses customarily accessory to any of the above uses including home occupations and private parking areas with accessory buildings and structures.</p> <p>All <b>Conditional Uses</b> allowed only w GLUC approval.</p>	Lot is vacant and undeveloped
<b>Height/Storey</b>	Will comply with Guam Law	Standard Height Limitation (SHL) is 30' Standard Storey Limitation (SSL) is 3	Lot is vacant and undeveloped
<b>Parking</b>	Required Parking for proposed Uses, Employees, Storage area. Loading/Unloading, and ADA will be provided	Parking for all activities must be provided per Guam Law	Lot is vacant and undeveloped
<b>Setbacks</b> FY=Front yard SY=Side yard RY=Rear yard	<p>"C" Required: F=0', R=20', S=0 &amp; 20' from adjacent residential.</p> <p>As a Corner Lot, It has Only 2 FY &amp; 2 SY, No RY.</p> <p><b>Allowed Therefore are:</b> 2 FY = 0' &amp; 2 SY = 0'</p> <p><b>Proposed: FY &gt;15', Adjacent Residential=20'</b></p>	FY=15', RY=10', SY=8'	Lot is vacant and undeveloped
<b>Landscaping</b>	Greater than 10% of total land area will be in landscaping using local flora	Not Required for uses permitted in "R-1" zone. May be required for Conditional Uses.	Lot is vacant and undeveloped
<b>Density</b> Lot area is 0.175 Acres = 7,642 SF	No SF dwellings are proposed on the project site.	<p>Northern Aquifer "R-1"</p> <p>Min Lot Size = 5,000 sf (wS) 19,200 woS</p> <p><b>W Sewer = 1.52 DU</b> (@ 7,642sf/5,000 = 1.52)</p> <p><b>WoS = 0.398</b> (@ 7,642sf/19,200 = 0.398)</p>	Lot is vacant and undeveloped

We look forward to working with The Department of Land Management and the other agencies tasked to review this application and our eventual presentation before the Guam Land Use Commission. Thank you for your consideration.

Si Yu'os Ma' Ase  
  
Felix C. Benavente, Principal  
A Duly Authorized Representative

Exhibits:

- A. Environmental Impact Assessment
- B. Affidavit of Authorization
- C. Conceptual Site Plan
- D. Existing Zoning Within 1,000' Radius
- E. Land Use Within 750' Radius
- F. Property within 500' Radius
- G. Property Map
- H. Ownership Document

## 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: Jay Park U.S. Citizen:  Yes  No

Mailing Address: PO Box 23211, Barrigada, GU 96921

Telephone No.: Business (671) 777-7181 Home: (671) 734-9280

**2. Location, Description and Ownership:**

Subdivision Name: N/A

Lot(s): Lot 3219-4NEW-2NEW Block: N/A Tract: N/A

Lot Area: Ac: 0.175 Sq Meters: 710 Sq Feet: 7,642

Village: Chalan Pago-Ordot Municipality: Chalan Pago – Ordot

Registered Owner: Jay Park

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: Warranty Deed #840227

**3. Current and Proposed Land Use:**

Current Use: Vacant and Undeveloped Lot Zoned: "R-1"

Proposed Use: Restaurant and Coffee House Proposed Zone: "C"

Master Plan Designation: Residential

**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 subjectlot'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 Guáhan 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*).

# ZONE CHANGE

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."*

(See Affidavit of Authorization)

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

  
Felix C. Benavente, FC Benavente, Planners

Oct 31, 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 Filed: \_\_\_\_\_ 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: \_\_\_\_\_

Exhibit A.

Environmental Impact Assessment

# Jay Park-Zone Change Application

## Short Form EIA

10/16/2012

Prepared By: FC Benavente, Planners



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 detail 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: **Park - Zone Change Application From "R-1" to "C" on Lot 3219-4NEW-2NEW, Chalan Pago.**

1. Name, address and business telephone of applicant:

**Name:** Jay Park  
**Address:** PO Box 23211, Barrigada, GU 96921  
**Tel:** (671) 777-7181

2. Name, title and telephone number of representative:

**FC Benavente, Planners**  
**127 Bejong Street**  
**Barrigada, GU 96913**  
**Tel: (671) 988-7911**

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

**Felix C. Benavente, Principal**  
**FC Benavente, Planners**  
**127 Bejong Street**  
**Barrigada, GU 96913**  
**Tel: (671) 988-7911**

4. Location of the proposed project: (include tract, block, lot, municipality and a location map)

**Lot 3219-4NEW-2NEW is located along Route 10 in Chalan Pago - Ordot, and at the SW corner of Route 10 and Chalan Bibic.**



Figure 1. Aerial Vicinity Map Photograph Showing Location of Project Site.

5. Describe the general nature or type of proposed project:

**This Zone Change request seeks to rezone the property from “R-1” to “C” in order to build and operate a restaurant. The property has over 110 feet of frontage along Route 10, and is located directly across the existing neighborhood Song Market Retail Store.**

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. Ground water recharge area:

**Yes. The property, located in Chalan Pago - Ordoy, is acknowledged to be within the boundary of the Northern Guam Water lens area which encompasses the northern half of the entire island. This Zone Change application anticipates locating a light imprint restaurant and will be subject to stringent GEPA permitting regulations and processes. Approval of this application is not expected to significantly impact the water recharge area. See attached GEPA Northern Sole Source Aquifer Map - Exhibit A.**

b. Watersheds:

**No. Although located within a watershed area, as all property on Guam within the Northern Aquifer, the impact of the Zone Change is not expected to be significant.**

c. Wellhead protection zone:

**No. The property is not known to be located within a wellhead protection zone. Further assessment is ongoing for verification with GWA.**

d. Streams, lakes, or ponds:

**No. There are no natural streams, lakes or ponds on the property.**

e. Marine waters:

**No. The property is not close to or within marine waters.**

f. Reef flats:

**No. The property is not close to or within a reef flat.**

g. Pristine forest:

**No. The property is not close to or within a known pristine forest.**

h. Critical habitat area:

**No. The property is not close to or within a known designated critical habitat area.**

i. Wetlands:

**No. The property is not close to or within a known wetland area.**

j. Flood hazard area:

**No. The property is not close to or within a designated flood hazard area.**

k. Archaeological feature(s) or historical sites:

**No. Preliminary research and discussions with DPR Historic Resources Division has revealed no known archaeological or historical features on site or within the immediate vicinity of the property.**

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

a. Production of toxic or hazardous waste:

**No. Any effects during any site preparation will be temporary in nature and mitigation will be provided within the Environmental Protection Plan. Proper permits will be acquired as needed.**

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

**No. The property is presently vacant and undeveloped.**

c. Production of air contaminants (temporary or permanent):

**Yes. Any effects during site preparation and operation only be temporary in nature and mitigation will be provided within the Environmental Protection Plan. Dust control measures, such as, dampening the soil or crushed rock when needed, will be practiced to minimize the generation of dust and keep within the allowable GEPA air pollution standards. Any machinery used on site will restrict work to the daylight hours and will possess functional mufflers.**

8. Will the project require an increase in the requirements for any of the following public service (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. However, this Zone Change is expected to have minimal impact on water facilities.**

b. Sewage disposal (public system):

**Yes. However, this Zone Change is expected to have minimal impact on sewerage facilities.**

c. Vehicle traffic:

**Yes. However, traffic generated by this Zone Change is not expected to be significant. Access to the restaurant will be located along Route 10, a major Guam highway.**

d. School System.

**No.**

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

**Yes. The total area of the property is approximately 0.175 acres. There are some minor slopes within the property and the difference between high and low points may be less than 10'. During any site preparation, all storm water will be retained and controlled on site using temporary silt control basins. An Environmental Protection Plan including the Storm Water Control Plan will be prepared and submitted along with the building permit application.**

**Site soil is shallow, deep, and very deep, somewhat poorly drained, and well drained, nearly level to strongly sloping soils; on plateau and hills. Soil type is Category 8 – Pulantat – Kagman – Chacha.**

*(Source: General Soil map – USDA, Territory of Guam, 1984)*

10. Will the project utilize an individual waste water disposal system such as

septic tank/leaching field system, secondary package treatment system...etc.?)

**No.**

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

**No. There are none anticipated at this time.**

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

**No.**

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

**No. The project does not include special or unique features not covered above.**

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 environment impacts. I/we hereby declare a "finding of no significant impact"**

Felix C. Benavente  
Applicant (Signature)

Oct 31, 2012  
Date

Felix C. Benavente, Applicant's Representative

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 statues.

GEPA-EPR001 (12/12/96)

Attached as Stated. Exhibit A. GEPA Northern Guam Sole Source Aquifer

# EXHIBIT A

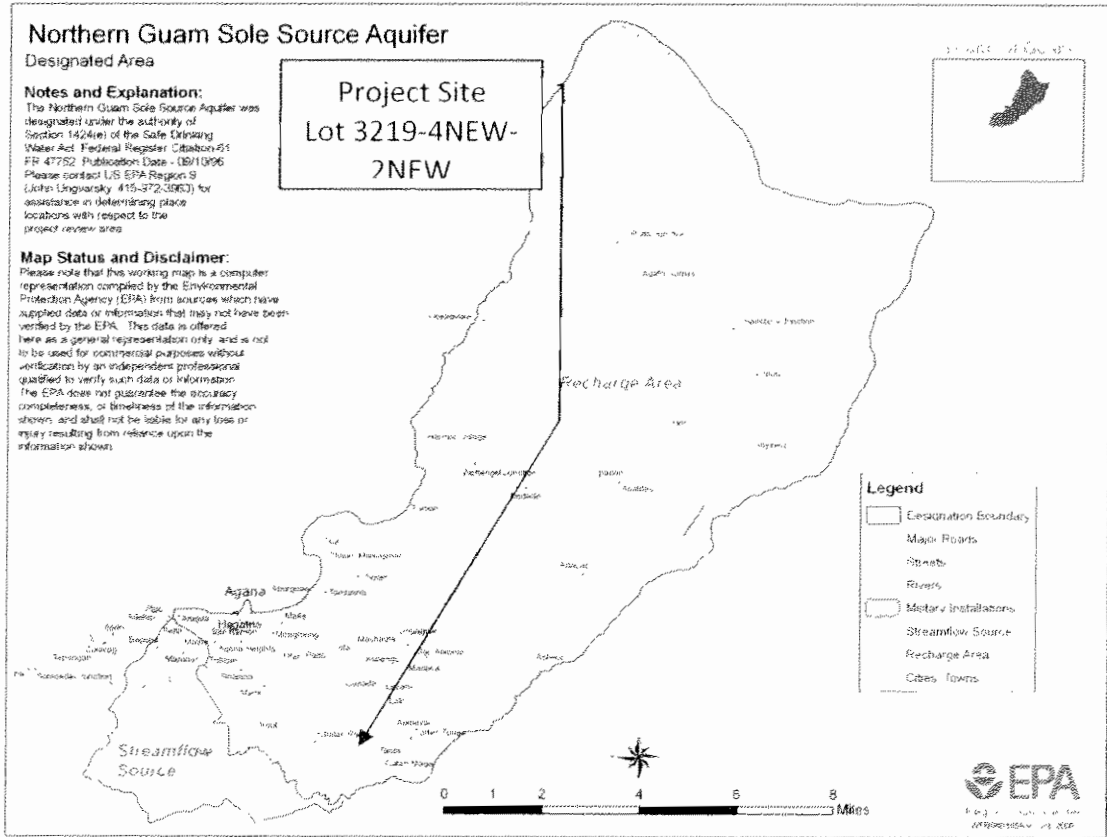


Exhibit B.

Affidavit of Authorization

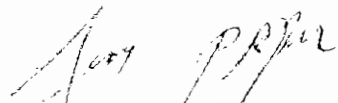


## AFFIDAVIT OF AUTHORIZATION

I, Jay Park, resident of Guam, of legal age, and as owner of Lot 3219-4NEW-2NEW, located in the Municipality of Chalan Pago and Ordot, Guam, through this instrument hereby depose and say the following:

- 1) That FC BENAVENTE, PLANNERS, Consultant, is hereby authorized to request the Guam Land Use Commission to review and consider this request for approval of a Zone Change Application at the above mentioned location; and
- 2) That our authorized Consultant may conduct himself accordingly to arbitrate, negotiate, commit, revoke, represent, mitigate and abate the proposed project through all reviewing instrumentalities involved in the Zone Change Application process.

In TESTIMONY THEREOF, I/We hereunto affix my signature to my/our deposition.

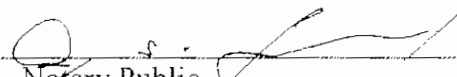
  
\_\_\_\_\_  
Jay Park, Owner

## ACKNOWLEDGEMENT

GUAM )  
 )ss.  
City of Hagatna )

On this 17th day of October, 2012, before me personally appeared Jay Park, known to me as the person whose name/s is subscribed to this instrument and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereby lay my hand and affix my official seal on the day, month, and year aforementioned above.

  
\_\_\_\_\_  
Notary Public



**ANDY S. HONG**  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: **April 11, 2013**  
P.O. Box 315745 Tamuning, Guam 96931

Exhibit C.

Conceptual Site Plan

# Conceptual Site Plan

## I. Permitted Uses In "R-1" Zone.

- A. One-family dwellings,
- B. Gardening and keeping of pets for noncommercial purposes.
- C. Uses customarily accessory to any of the above uses including home occupations and private parking areas with accessory buildings and structures.

## II. Proposed Uses in Proposed "C" Zone.

- A. Restaurants and Cafes.
- B. Offices,...
- C. Uses customarily accessory...
- D. Accessory structures ...

Jay Park  
 Zone Change Application  
 From "R-1" To "C"  
 Lot 3219-4NEW-2NEW  
 In Chalan Pago, Guam

## FC Benavente, Planners

Planning \* Zoning \* Land Development Consulting \* Permitting  
 127 Bejong Street, Barrigada, Guam 96913  
 Tel: (671) 988-7911  
 Email: fcben@fcplan.com

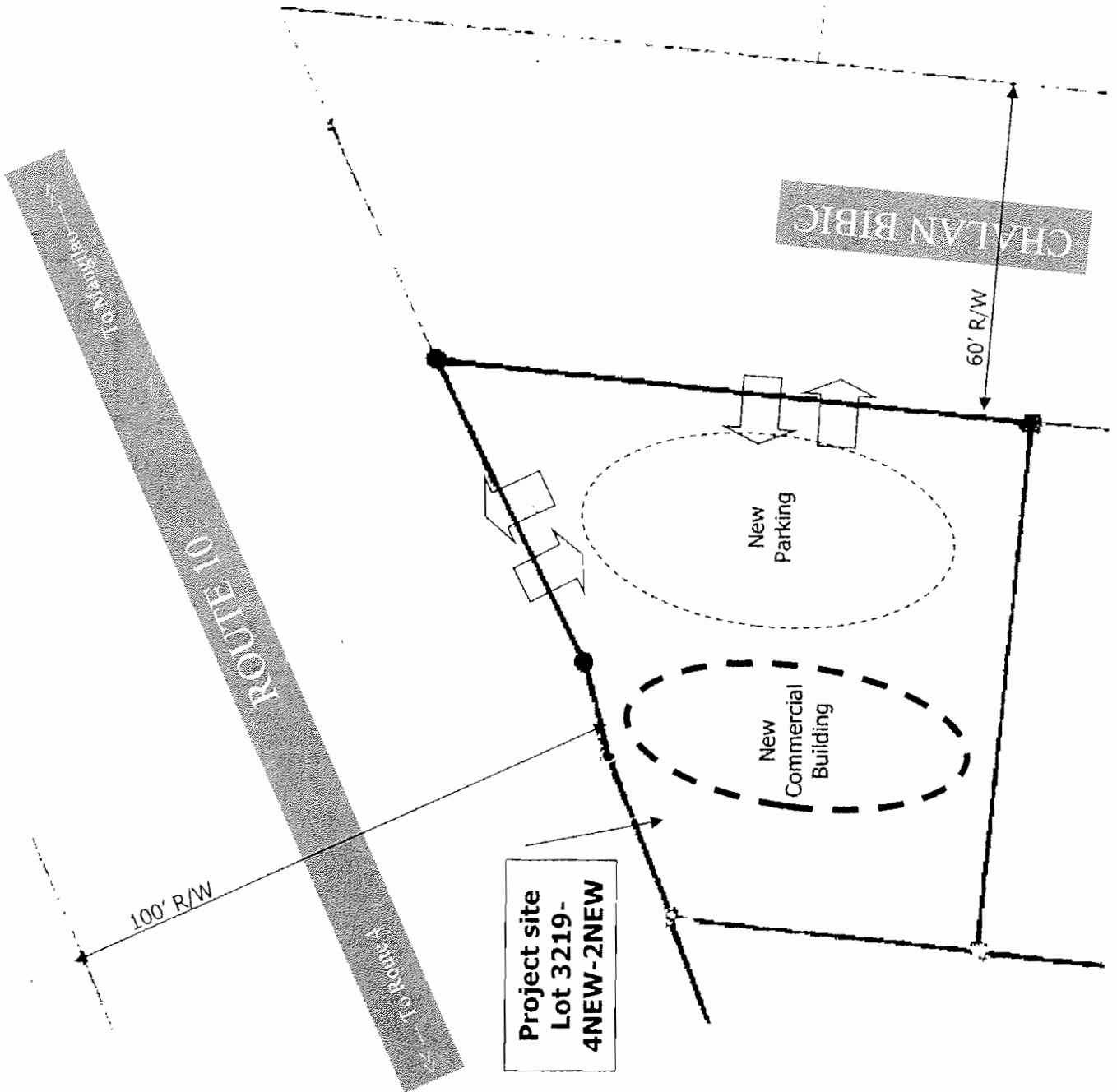
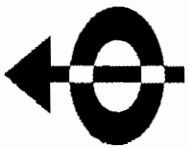


Exhibit D.

Existing Zoning Within 1,000' Radius



**NORTH**

Graphic Scale

**EXHIBIT D**

EXISTING ZONING WITHIN  
1,000 FT RADIUS OF  
Lot 3219-4NEW-2NEW

Municipality of  
Chalan Pago—Ordot

**ZONING LEGEND**

- A Rural Zone
- PUD Planned Unit Development
- R-1 Single Family Dwelling Zone
- R-2 Multiple- Family Dwelling Zone
- C Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial

*Ref: Dept of Land Management  
Islandwide Zoning Map, Sheet E of 17*

**FC Benavente, Planners**

- Planning
- Zoning
- Land Development Consulting
- Permitting

127 Beijing Street, Barrigada, Guam 96913  
Tel: (787) 988-7911 Email: fcbenavente@yahoo.com

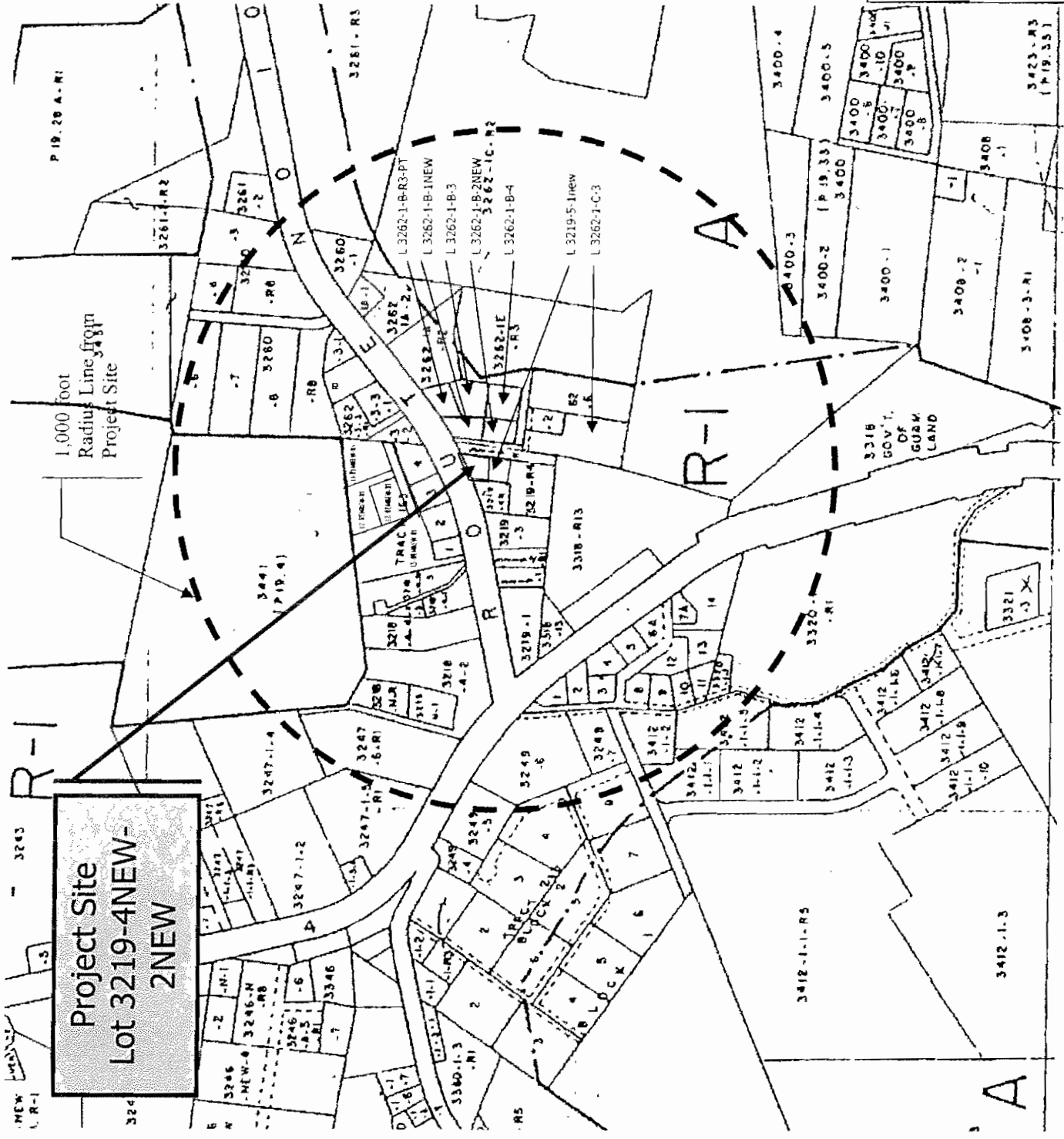
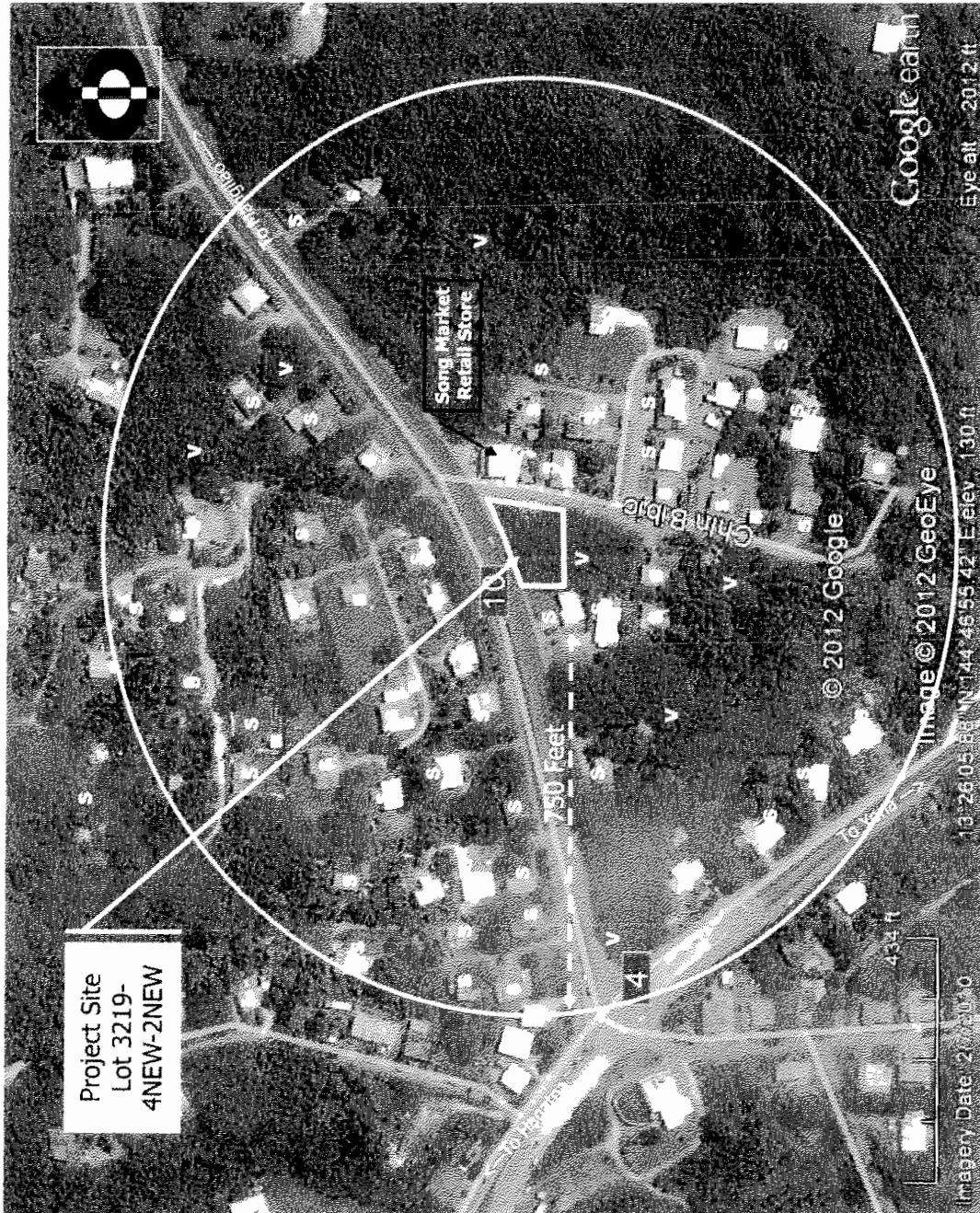


Exhibit E.

Land Use Within 750' Radius



**LAND USE MAP**  
EXISTING LAND USES WITHIN  
750' RADIUS OF SITE

Lot 3219-4NEW-2NEW  
Municipality of  
Chalan Pago-Ordot  
Guam.

**LAND USE LEGEND**

V Vacant  
S Single Family Dwelling Unit  
M Multi Family Dwelling Unit  
C Commercial Use  
LI Light Industrial Use  
A Agriculture

**Special Conditions**

1. **Roads 10 and Road 4 are 100' R/W** Paved, with 4' travel lanes with on-street shoulders. In good condition. Utilities located within the R/W include water, power, sewer, telephone and cable.

2. **Chalan Pago** is a zoned 40' from R/W Lot 3219-R/W located on the east side of the property. In general good condition. It provides access to the properties south and east of the subject lot. The R/W provides easement for water tower, telephone and cable.

**FC Benavente, Planners**

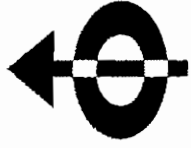
- Planning
- Zoning
- Land Development Consulting
- Permitting

127 Bering Street, Haggstad, Guam 96913  
Tel: 511 948 7911 Email: fbenavente@fcps.com

Exhibit F.

Property Within 500' Radius





**NORTH**

Graphic Scale

**EXHIBIT F**

PROPERTY WITHIN 500 FT  
RADIUS OF  
Lot 3219-4NEW-2NEW  
Municipality of  
Chalan Pago—Ordot

**NOTES:**

**FC Benavente, Planners**

- Planning
- Zoning
- Land Development Consulting
- Permitting

127 Bayou Street, Barrigada, Guam 96913  
Tel: 571-988-9711 Email: fbenavente@yahoo.com

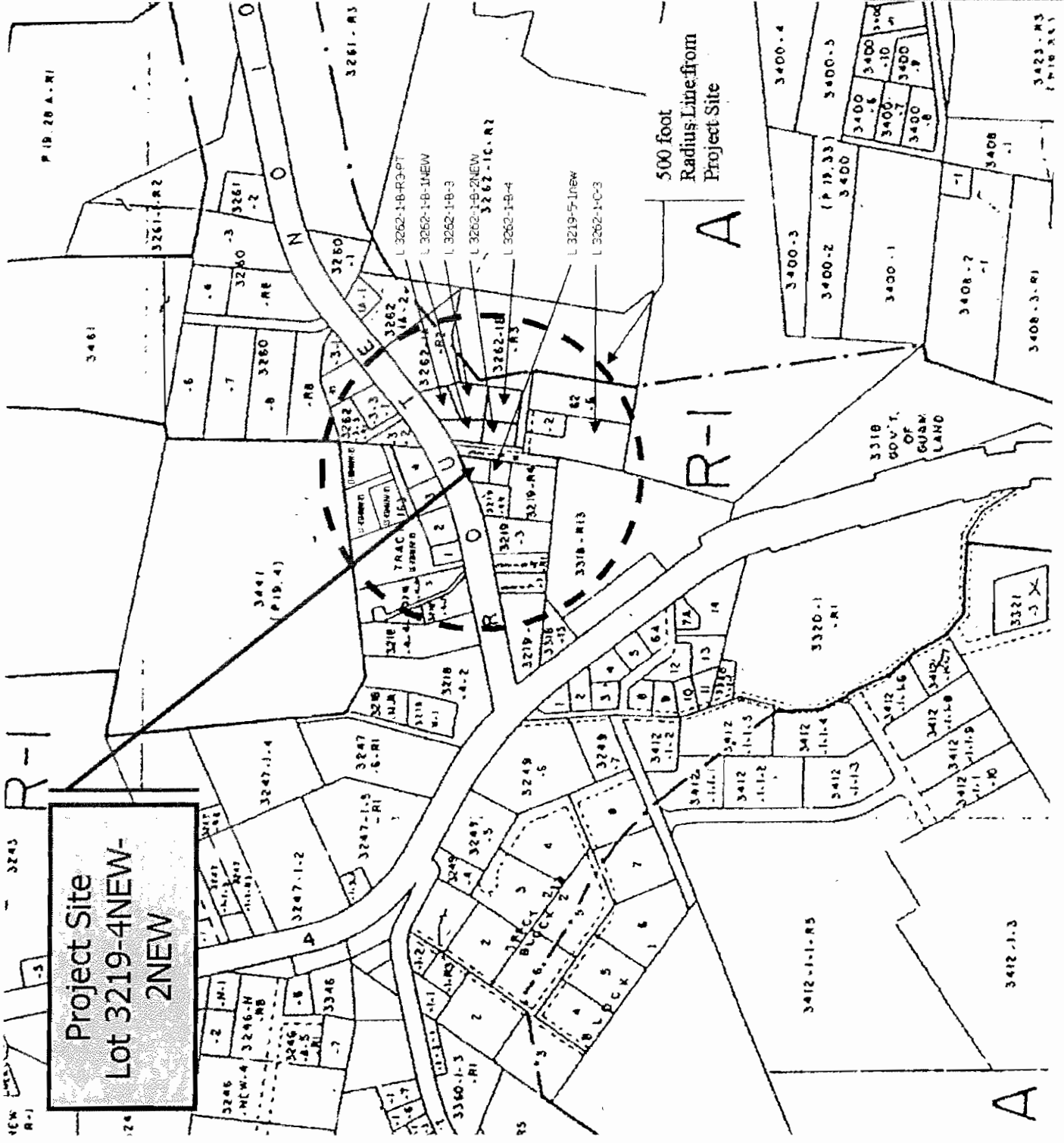
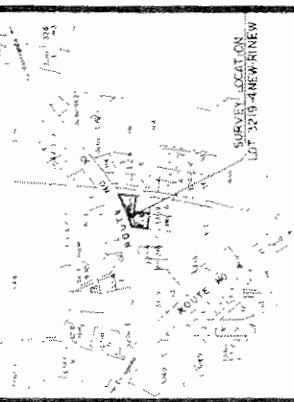


Exhibit G.

Property Map



**REFERENCE**

- 1. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
- 2. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
- 3. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
- 4. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
- 5. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.

**NOTES**

1. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
2. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
3. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
4. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
5. THE SURVEY IS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.

PARCELLING SURVEY MAP  
OF BASIC

**LOT 3219-4-NEW-RINEW**  
MUNICIPALITY OF VINAZANA

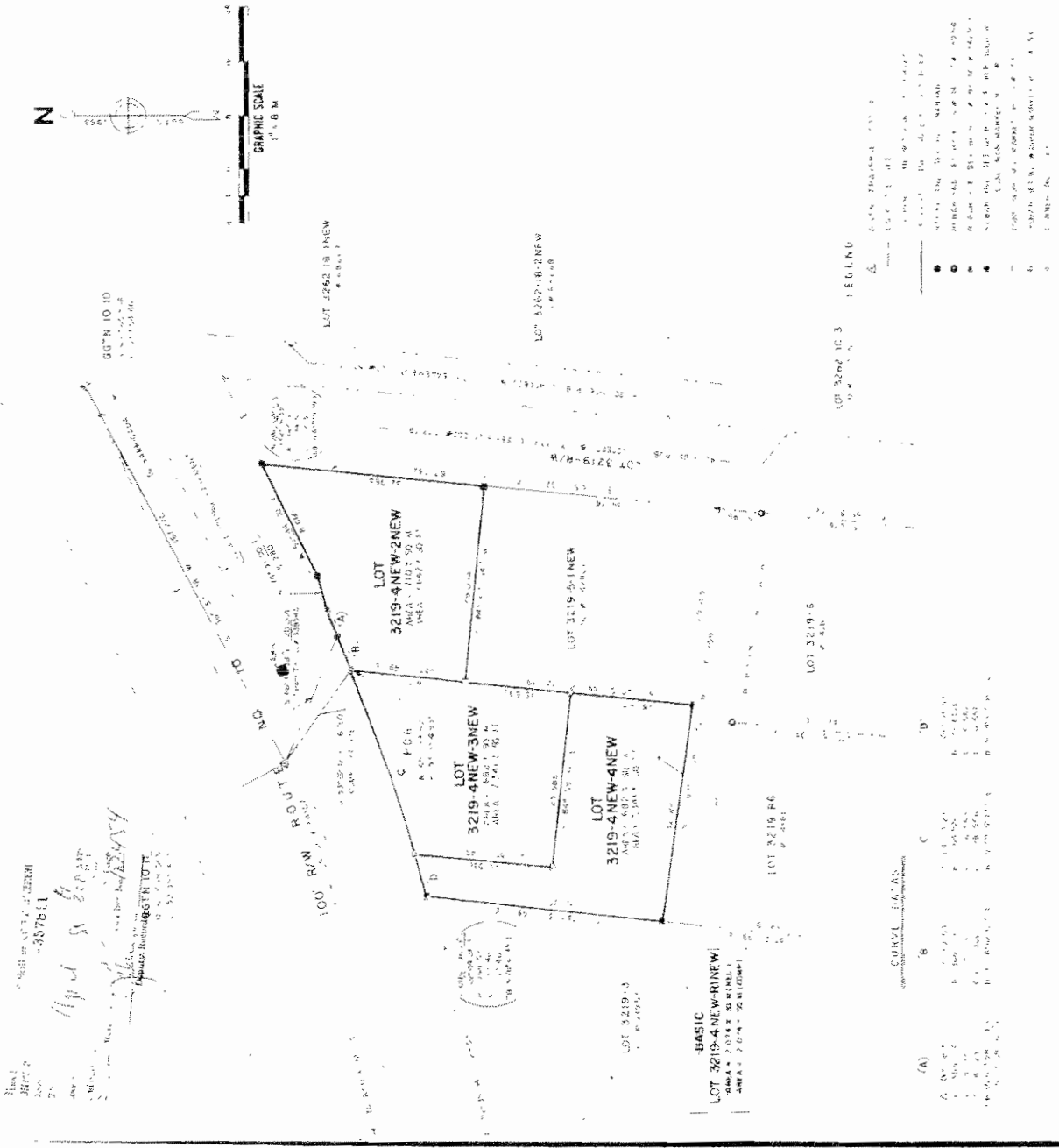
Emil B. Merigillano April 18, 1997

**LOT 3219-4-NEW-RINEW**  
MUNICIPALITY OF VINAZANA

AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LINDA M. RICA  
DWC IN EBM 85-10  
102  
85

**EMIL B. MERIGILLANO**  
REGISTERED LAND SURVEYOR NO. 13



100' R/W ROUTE

GRAPHIC SCALE 1:1,000

LOT 3219-1  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-2  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-3  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-4  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-5  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-6  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-R6  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-W  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-1B-NEW  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-2B-NEW  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-3B-NEW  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-4B-NEW  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-5B-NEW  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

LOT 3219-6B-NEW  
AREA: 2,014 X 30 METERS  
AREA: 7,000 X 30 METERS

**CURVE DATA**

(A)	(B)	(C)	(D)
1. 100' R/W ROUTE	100	100	100
2. 100' R/W ROUTE	100	100	100
3. 100' R/W ROUTE	100	100	100
4. 100' R/W ROUTE	100	100	100
5. 100' R/W ROUTE	100	100	100

Exhibit II.

Ownership Document

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

840227

File for Recording & Instrument No.

On the Year 0 Month 08 Day 10 Time 2:33

Recording Fee 260 Receipt No 33802

Deputy Recorder Lisa D. Manggar

FOR  
RECORDATION  
AT THE  
DEPARTMENT  
OF  
LAND  
MANAGEMENT

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

Parties, Consideration and Grant

*JP*  
KNOW YE, that I, SONG YONG KIM, a single woman, whose mailing address is P.O. Box 3394, Hagatna, Guam 96932, who is hereinafter referred to as the "GRANTORS", for good and in lawful consideration in the sum of (\$25.00), and other valuable consideration paid to me by JAY PARK, a married man, whose mailing address is P.O. BOX 23211, Barrigada 96921, who is hereinafter referred to as the "GRANTEE", the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto the GRANTEE, as his sole and separate property, in fee simple, forever, the following described parcel of property:

#### PROPERTY DESCRIPTION

PARCEL 1: LOT NO. 3219-4NEW-2NEW, ORDOT-CHALAN PAGO, GUAM, ESTATE NO. 23012, SUBURBAN, as said lot is marked and designated on Map Drawing No. EHM85-10 (LM#182FY85), dated April 17, 1985 and recorded on April 19, 1985 under Instrument No. 357811, in the Department of Land Management, Government of Guam.

The following is shown for information purposes only: Said map shows the area to be 7,642 ± square feet/710 ± square meters; Certificate of Title No. 93397 issued to Song Yong Hendrickson; and

**PARCEL2: LOT NO. 3219-5-1NEW, ORDOT-CHALAN PAGO, GUAM, ESTATE NO. 67718, SUBURBAN, as said lot is marked and designated on Map Drawing No. A-08-83S (LM#349FY83), dated November 29, 1983 and recorded on November 30, 1983 under Instrument No. 342901, in the Department of Land Management, Government of Guam.**

**The following is shown for information purposes only: Said map shows the area to be 996 ± square meters; Certificate of Title No. 93438 issued to Song Yong Hendrickson.**

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, passages, water-courses, rights, liberties, privileges, hereditaments, and appurtenances, whatsoever thereunto belonging or in anywise appertaining, and reversion, remainder and remainders, rents, issues and profits thereof, and all estates, rights, title, property, claim and demand whatsoever, of the Grantor at law or in equity, in and to the same.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging and in anywise appertaining unto the GRANTEE and GRANTEE'S heirs, successors, administrators, and assigns, forever.

Grantor and Grantors' heirs, successors, administrators, and assigns, covenant with the said Grantee and Grantee's heirs, successors, administrators, and assigns, that Grantor is lawfully seized in fee simple of the granted premises; that said premises are free from all encumbrances except; current real estate taxes not yet due and payable; rights of way, easements, covenants and restrictions of record; that Grantor has good right to sell and convey the same; and that Grantor and any of Grantors' heirs, successors, administrators, and assigns will forever warrant and defend the same to the said Grantee and Grantee's heirs, successors, administrators, and assigns forever against the lawful claims and demands of all persons.

Grantor makes no representation nor warranties that the Grantee may use the property for any particular purpose or that the Grantee may obtain a change of zone permit.

#### WATER AND POWER

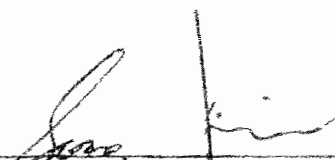
Grantor further states that water and power (electricity) ARE immediately available on the property or within 100 feet of the property, and that the Grantee is aware that the Government of Guam is *not* required to pay for water and power (electricity) hookups or extensions.

IN WITNESS WHEREOF, the Grantor and the Grantee have caused these presents to be duly executed this \_\_\_\_\_ day of August, 2012.

GRANTOR:

Date


8-2-12

  
SONG YONG KIM

GRANTOR:

8-2-12 \_\_\_\_\_  
Date  SONG YONG KIM

GRANTEE:

08/08/12 \_\_\_\_\_  
Date  JAY PARK

\_\_\_\_\_)  
City of \_\_\_\_\_)  
EMBASSY OF THE UNITED )  
STATE OF AMERICA )

I \_\_\_\_\_, a Vice Consul of the United States of America at \_\_\_\_\_, certify that on this day, the individual named below appeared before me and is known to me to be the individual described in the foregoing instruction, being first duly sworn by me, and whose name is subscribed to, and who executed the same, and has duly acknowledged to me that he/she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

**\* SONG YONG KIM \***  
Name of Individual

\_\_\_\_\_  
Signature of Consular Officer

\_\_\_\_\_  
Consular of the United State of America

\_\_\_\_\_  
Date

GUAM, U.S.A. )

City of Tamuning )

ss:

ON THIS 8th day of AUGUST, 2012, before me, a Notary Public in and for GUAM, U.S.A., personally appeared JAY PARK who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they executed the same as his/her/their 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.

*Sara C. Pangelinan*  
Notary Public

Seal

**SARA C. PANGELINAN**  
**NOTARY PUBLIC**  
In and for Guam, U.S.A.  
My Commission Expires: May 09, 2013  
888 N. Marine Corps Drive, Suite 200  
Tamuning, Guam 96913



**CERTIFICATE OF ACKNOWLEDGMENT OF  
EXECUTION OF AN INSTRUMENT**

KOREA

(Country)

CITY OF SEOUL

(County and/or other political division)

EMBASSY OF THE

(County and/or other political division)

SS:

UNITED STATES OF AMERICA

(Name of foreign service office)

**Lena Levitt  
Consul**

of the United States of America at **Seoul, Korea**

duly commissioned and qualified, do hereby certify that on this

day of 02 AUG. 2012 before me personally appeared  
Date (mm-dd-yyyy)

SONG YONG KIM X XX

to me personally known, and known to me to be the individual-described in, whose name IS subscribed to,

and who executed the annexed instrument, and being informed by me of the contents of said instrument SHE

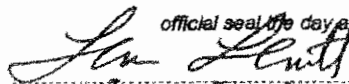
duly acknowledged to me that SHE executed the same freely and voluntarily for the uses and purposes

therein mentioned.

[SEAL]

In witness whereof I have hereunto set my hand and

official seal the day and year last above written.



**Lena Levitt  
Consul**

of the United States of America.

NOTE: Wherever practicable all signatures to a document should be included in one certificate.