

ACKNOWLEDGMENT OF RECEIPT
SUMMARY ZONE CHANGE PACKET

LEGISLATURE
2

On

Lot 239-4-1, Municipality of Santa Rita
for
Ulrica C. Perez and Pacifico Fojas

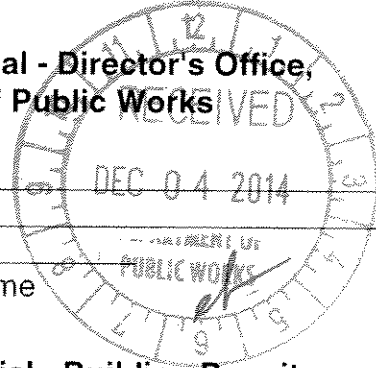
APPLICATION NO: SZC 2014-13

Legislative Secretary
32nd Guam Legislature

Signature: Jim Allen
Name (print): Allen, Jim
Date / Time: 12/4/14 2pm

Building Official - Director's Office,
Department of Public Works

Signature: _____
Name (print): _____
Date / Time: _____



FOR RECORDATION ONLY:
Deputy Civil Registrar

Building Official - Building Permits,
Department of Public Works

[_____]

Signature _____

NOT APPLICABLE

Name (print) _____

SEE ATTACHED NOTICE OF ACTION

Date / Time _____

[_____]

Name of Applicant and or Representative

Signature _____

Date / Time _____

2014 DEC -4 PM 2:45

Office of the Legislative Secretary
Senator _____
Date: 12/4/14
Time: 2pm
Received by: Allen, Jim

32-14-2312
Office of the Speaker
Judith T. Won Pat, Ed.D

2312

Date: 12-04-14
Time: 2:29pm
Received By: [Signature]



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



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

EDDIE BAZA CALVO
 Governor

RAY TENORIO
 Lieutenant Governor

MONTE MAFNAS
 Director

DAVID V. CAMACHO
 Deputy Director

March 10, 2014

Honorable Senator Tina Rose Muna-Barnes
 Legislative Secretary, 32nd Guam Legislature.
 155 Hessler Place
 Hagåtña, Guam 96932

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

Re: **Summary Zone Change Application No. SZC 2014-13 ;
 Lot 239-4-1, Municipality of Santa Rita ;
 for Ulrica C. Perez and Pacifico Fojas**

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

Buenas Yan Hafa Adai, Honorable Senator Tina Muna-Barnes:

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

Pursuant to 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedure for Agricultural and Single - Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), the Department of Land Management is herewith submitting to the Legislature, a Zone Change application for **Lot 239-4-1, Municipality of Santa Rita, from "R-1" (Single-Family Dwelling) to "R-2" (Multi- Family Dwelling) Zone, to put into zoning compliance Two (2) existing residential Duplexes for family and rentals.**

Telephone:
 671-649-LAND (5263)

As such, I have Approved with Conditions the Zone Change.

Your expeditious response on this action is greatly appreciated.

Facsimile:
 671-649-5383

Senseramente,

David V. Camacho
 Acting Director

Attachment(s):

1. Staff Report and Notice of Action
2. Agencies Certifications & Application Review Committee (ARC)
3. Zone Change Application with Supporting documents
4. Zone Change Map F3-67S44 , Amendment Map: No. 67

Cc: Mayor of Santa Rita & MPC
 Case Planner: Penmer C. Gulac, Planner III



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 (Department of Land Management)
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MONTE MAFNAS
 Director

RAY TENORIO
 Lieutenant Governor

DAVID V. CAMACHO
 Deputy Director

March 10, 2014

MEMORANDUM

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

TO: Acting Director
FROM: Guam Chief Planner

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

SUBJECT: SZC Application No. 2014-13; Ulrica C. Perez & Pacifico Fojas


Buenas Yan Hafa Adai:

Submitted is the SZC Packet for your review and action. I have reviewed the Application and concur with the recommendations of the Case Planner and the Panel of Senior Planners for approval with conditions.

I am available should you have additional questions or need further clarification.

Senseramente,

Telephone:
 671-649-LAND (5263)


 Mr. Marvin Q. Aguilar
 Guam Chief Planner

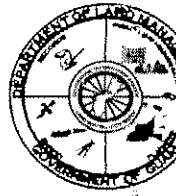
Facsimile:
 671-649-5383

Attachment: SZC Packet





**SUMMARY ZONE CHANGE
APPLICATION NO: 2014-13
LOT 239-4-1
MUNICIPALITY OF SANTA RITA**



Department of Land Management
Office of the Recorder

Title for Record is Instrument No. **862567**

On the Year **14** Month **03** Day **11** Time **10:25**

Recording Fee **DE-OFFICIO** Receipt No. **DE-OFFICIO**

Recorder **Lisa O. Manggar**

**SUMMARY ZONE CHANGE
APPLICATION NO. 2014-13
APPLICANT: Ulrica C. Perez & Pacifico Fojas
Prepared on FEBRUARY 21, 2014**

FROM: "R-1" (SINGLE FAMILY DWELLING)

TO: "R-2" (MULTI-FAMILY DWELLING)

LOT NO: 239-4-1

BLOCK NO. N/A

TRACT: N/A

NAME PLACE: N/A

MUNICIPALITY: SANTA RITA

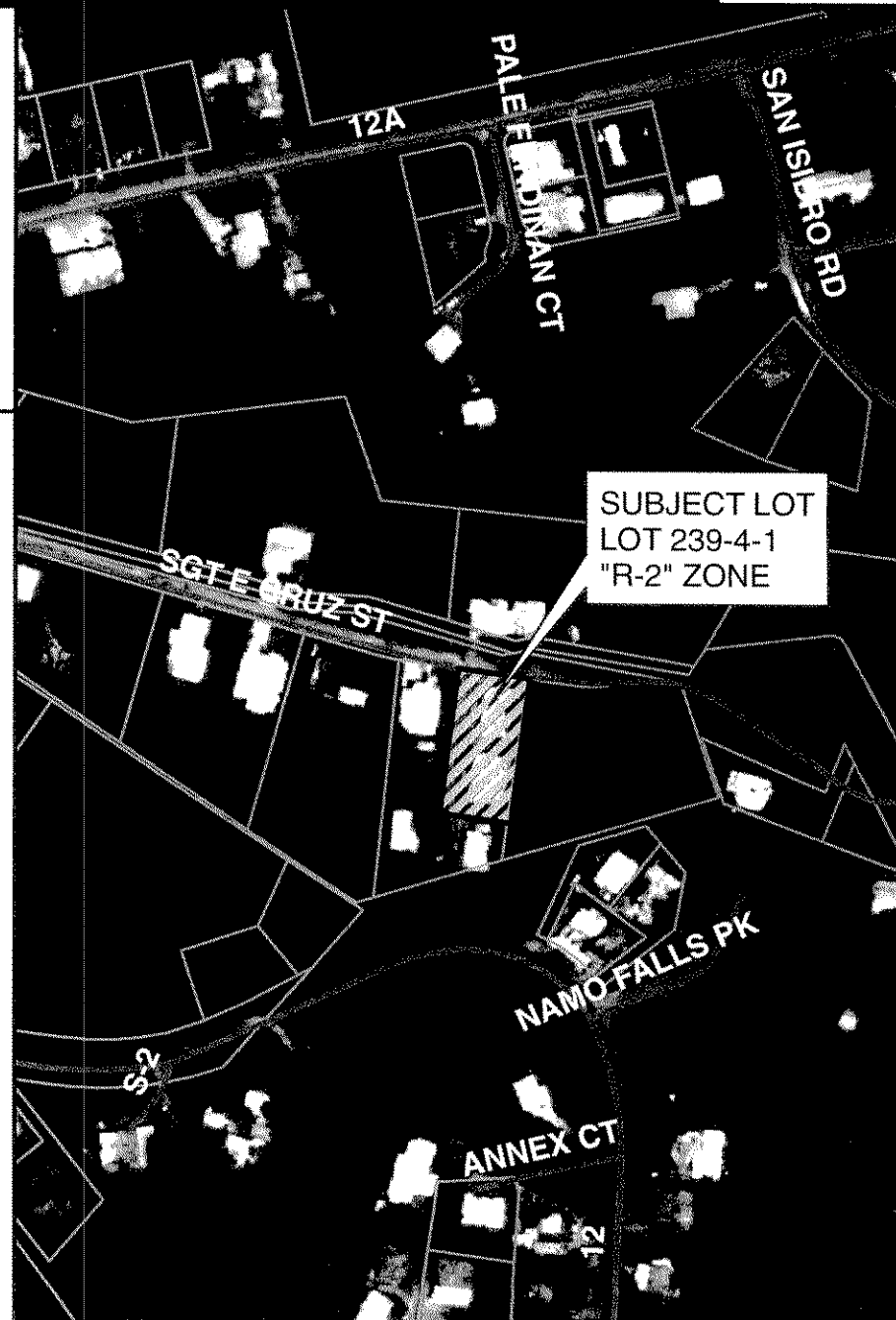
SCALE: N/A

AMENDMENT NO: 67

ZONING MAP NO: F3-67 S44

Approved with Conditions
As noted on Notice of Action and
Pursuant to Title 21, GCA, Chapter 61
Section 61639 and Executive Order
92-08

David V. Camacho **3/10/14**
DATE
DAVID V. CAMACHO
Acting Director
Department of Land Management



(Space above for Recordation)

SUMMARY ZONE CHANGE

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

NOTICE OF ACTION

March 5, 2014

Date

To: **Ulrica C. Perez and Pacifico Fojas**
P.O. Box 22195 GMF
Barrigada, Guam 96913

Application No. 2014-13

The Director of Land Management Pursuant to 21 Guam Code Annotated, Chapter 61, (Zoning Law), Part 3 (Changes of Zone), §61639 (Summary Procedures for Agricultural and Residential rezoning), and Executive Order No. 92-08:

DEPARTMENT ACTION

N/A / APPROVED

XX / **APPROVED WITH
CONDITIONS**

N/A / Disapproved _____

ZONE CHANGE REQUEST

NA / From "A" (RURAL/AGRICULTURAL) TO
"R-1" SINGLE-FAMILY

N/A / FROM "A" (RURAL/AGRICULTURAL) TO
"R-2" MULTI-FAMILY DWELLING

XX / FROM "R-1" (SINGLE-FAMILY DWELLING) TO
"R-2" MULTI-FAMILY DWELLING IN ORDER
TO PUT INTO ZONING COMPLIANCE TWO (2)
(EXISTING RESIDENTIAL DUPLEXES FOR FAMILY
AND RENTALS.

RE: [LOT 239-4-1, SANTA RITA]

**NOTICE OF ACTION
SUMMARY ZONE CHANGE**

Application No. 2014-13

Applicants: Ulrica C. Perez and Pacifico Fojas

Lot 239-4-1, Santa Rita

Date of Preparation of NOA: March 4, 2014

Page 2 of 5

1. APPLICATION SUMMARY: Ulrica C. Perez and Pacifico Fojas, the owners request approval for rezoning Lot 239-4-1, Santa Rita, from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance two (2) existing residential duplexes for family and rentals.

2. JUSTIFICATION : The criteria of Public Necessity, Convenience, General Welfare and Safety must be justified.

PUBLIC NECESSITY and CONVENIENCE

The requested zone change is from "R-1 to "R-2" for the purpose of allowing the existing duplexes for zoning compliance for family and rentals. In this regard, applicants have cited primary purpose is for residential uses for family members . One primary purpose of this program (Summary Zone Change) is to allow the property owners to rezone their property in order to utilize their property in a manner that enhances their livability or livelihood or provide housing rental for the community. We find that the rezoning is required for zoning conformance in order for the Applicants to realize the enhancement and improvement of the property, future expansion for increase in density for rentals to the general public and still provide housing for their siblings and or their immediate families.

GENERAL WELFARE AND SAFETY

We have concluded our site inspection and did physically find that water, power, sewer, roadways and other utilities are existing and available fronting the property. Guam Power Authority , Bureau of Statistics and Plans have submitted their official certification with no objection. The existing structures are connected to public sewer to ensure a safe environment for the applicant and the adjacent neighbors. While we have not received certification from Guam Waterworks Authority, Guam EPA and DPW, we note that access to the property is available . That water and sewer connections are fronting the property. It will be obvious that during the permitting phase, that any requirements for new water and sewer connections will be required for the existing development on the property.

Relative to the rezoning action, we found of no objections from the neighbors and or immediate lot owners. The proposed rezoning and existing development is conducive to the immediate land uses of single-family and multi-family / apartment complexes in nearby surroundings, all infrastructure are available and we therefore, find that there will be no significant impact on existing infrastructure and surrounding neighborhood.

**NOTICE OF ACTION
SUMMARY ZONE CHANGE**

Application No. 2014-13

Applicants: Ulrica C. Perez and Pacifico Fojas
Lot 239-4-1, Santa Rita
Date of Preparation of NOA: March 4, 2014
Page 3 of 5

Therefore, it is our conclusion that the criteria as cited above has been satisfied.

CONDITIONS OF APPROVAL: Applicant(s) shall:

1. Comply with all permitting Agency Conditions and requirements; and
2. That any revision or construction Site Development Plan shall show details of structure location, parking layout, landscaping plan, sewage disposal type and connection; and further, that a copy of the floor plans shall be submitted to the Guam Chief Planner; and
3. That any future increase in dwelling units or on the "intensity of use" from the approved revised plans shall require the Applicant to resubmit a new request and the proposed new Site Development Plan to the Chief Planner, Land Management for his reevaluation; and
4. That such reevaluation may include another review by the appropriate Application Review Committee Agency and/or by the Municipal Planning Council to determine the physical, social and environmental impacts of the revised changes; and
5. That under this Zone Change process, it shall not include conversions to: HORIZONTAL PROPERTY REGIMES (under 21 GCA, Chapters 45); TIME SHARE OWNERSHIP (under 21 GCA, Chapter 47); HOTELS/MOTELS; and RESIDENTIAL COMMERCIAL ACTIVITIES SUCH AS LAUNDRY ROOMS, GIFT SHOPS, AND THE LIKE; and TEMPORARY WORKFORCE HOUSING FACILITIES; and
6. That the development be hooked up to public sewer and comply with GEPA's wastewater disposal system requirements and conditions; and
7. That the Development shall be service with a Government approved Trash Receptacle; and
8. That each dwelling unit shall be provided 2-parking.

NOTICE OF ACTION
SUMMARY ZONE CHANGE

Application No. 2014-13

Applicants: Ulrica C. Perez and Pacifico Fojas
Lot 239-4-1, Santa Rita
Date of Preparation of NOA: March 4, 2014
Page 4 of 5

Frank P. Jirard 3/10/14
Date
za. Marvin Q. Aguilar
Guam Chief Planner

D. Camacho 3/10/14
Date
David V. Camacho
Acting Director

ATTACHMENTS

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

PK Case Planner: Penmer Gulac

**NOTICE OF ACTION
SUMMARY ZONE CHANGE**

Application No. 2014-13

**Applicants: Ulrica C. Perez and Pacifico Fojas
Lot 239-4-1, Santa Rita
Date of Preparation of NOA: March 4, 2014
Page 5 of 5**

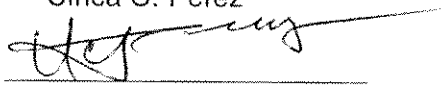
CERTIFICATION OF UNDERSTANDING AND AGREEMENT


I/We Ulrica C. Perez and Pacifico Fojas /
(Applicant [Please print name]) (Representative [Please print name])

I/We _____
(Applicant [Please print name])

Understand and accept the Conditions cited above; and further agree to adhere to all of said Conditions made a part of and/or attached to this Notice of Action as approved by the Director of the Department of Land Management. I/We, acknowledged receipt of this Notice of Action.

I/WE, acknowledged that this Zone Change Approval does not constitute automatic approval or guarantee the issuance of any "**PERMITS**" for the construction of the proposed Development or issuance of any "**LICENSE**" for rentals or leases. I/We further understand that the issuance of any required "**PERMITS**" or "**LICENSE**" shall be contingent on the availability and/or adequacy of infrastructure in the area. Such infrastructure availability and/or adequacy shall be as determined by the appropriate and responsible mandated permitting Agency/Department (i.e., DPW, GEPA, GWA, GPA, PH&SS and GFD, etc).

Ulrica C. Perez

Signature of Applicant

Pacifico Fojas

Signature of Applicant

Date: 03-10-2014

Date: 03-10-2014

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

Applicant	Date	Representative	Date
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NOTICE OF ACTION (Attachment)

SUMMARY ZONE CHANGE

Application No. 2014-13

Applicants: **Ulrica C. Perez and Pacifico Fojas**

Lot **239-4-1, Santa Rita**

Date of Preparation of NOA: **March 4, 2014**

Planning Staff Review and Recommendation(s);

1. Frank P. Taitano, Planner IV Approved Disapproved

Comments: existing of all infrastructure on site

Signature Frank Taitano Date: 3-10-14

2. Celine Cruz, Planner III Approved Disapproved

Comments: The request adequately justifies comprising to "162" and should be considered favorably

Signature [Signature] Date: 3.7.14



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



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

EDDIE BAZA CALVO
 Governor

RAY TENORIO
 Lieutenant Governor

MONTE MAFNAS
 Director

DAVID V. CAMACHO
 Deputy Director

March 4, 2013

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

To: Director, Department of Land Management
 From: Planner III
 Subject: Staff Report - **Case No. SZC 2014-13**
 Re: **Zone Change - Lot 239-4-1, Municipality of Santa Rita;
 Ulrica C. Perez and Pacifico Fojas (Owners)**

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

E-mail Address:
dlnmdir@dln.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

PURPOSE:

- a. Application Summary. The Applicants, Ulrica C Perez and Pacifico Fojas, are requesting a zone change on Lot 239-4-1, in the Municipality of Santa Rita, from "R-1" (Single- Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone order to put into zoning compliance two (2) existing Residential Duplexes for family and rentals.
- b. Legal Authority. 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones, Section 61639 (Summary Procedure for Agricultural and Single Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), Public Law 21-82:4 as amended by P.L. 21-144:8.

FACTS:

- a. Location. The subject lot fronts Sergeant E. Cruz Street and is approximately 1,000 feet east of Pale Ferdinand Drive in Santa Rita (**see attached vicinity map**).
- b. Field Description. There are two (2) existing residential duplexes for family use and rentals on the subject the lot. The topography gradually slopes to the north toward Sergeant E. Cruz street. Per Staff inspection, all public utilities such as sewer, water, power, telephone service connections are within 100 feet fronting the right-of-way.
- c. Lot Area. 1,000 square meters or 10,763 square feet



BoPS: The Bureau provides the following comments/or concerns:

1. Should the zone change be approved, the Bureau recommends that there be measures to ensure that the property will be landscaped in such a way to provide a buffer between the subject lot and the other residential dwellings. This will help reduce storm water runoff in addition to improving the area aesthetically. It is recommended that native plants be used in the landscaping
2. Based on our calculations, the applicants meet the parking requirements on-site for the proposed units. There is a possibility of overflow parking, but we feel it would not be a major impact to the neighborhood.

In light of the points presented in the application, the Bureau finds the proposed Summary Zone Change request to be adequately presented and believes that the rezoning will not have adverse effects on the surrounding neighborhood. The Bureau therefore recommends approval.

GEPA: No Official Certification have been received from Guam EPA as of Staff Report Date. Per Planning Staff inspection, the property public sewer is located on the right of way which is fronting the subject lot. Planning staff advises the applicants to obtain the required permits before any clearing or construction/improvements on said lot. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

GPA: The Authority has submitted their official certification. GPA has no objections, however, the customer is required to comply with all requirements pursuant to the National Electric Safety code and GPA's Service Rules and Regulations as noted in their official certification (**Attached**).

Note: Pursuant to Section 61639 (a)((1), failure to provide the Department of Land Management, from any infrastructure agency as to the availability and/or adequacy of infrastructure (water, power, sewer), within ten (10) working days from receipt of this request, shall constitute an assumption by DLM that the agency not answering the request has no objection to the rezoning.

- c. **Municipal Public Hearing Results:** Pursuant to P.L. 21-144:3, the public hearing on this zone change application has been waived and any hearing is deferred to the Mayor and the Municipal Planning Council of Santa Rita.

4. **DISCUSSION AND ANALYSIS:** The criteria of **PUBLIC NECESSITY, CONVENIENCE and GENERAL WELFARE AND SAFETY** must be justified.

We provide the following:

PUBLIC NECESSITY and CONVENIENCE

The requested zone change is from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) zone for the purpose of allowing the two (2) existing residential Duplexes for zoning compliance for family and rentals. In this regard, applicants have cited primary purpose for residential uses for family members. One primary purpose of this program (Summary Zone Change) is to allow the property owners to rezone their properties in order to utilize their property in a manner that enhances their livability or livelihood and also to provide affordable housing rental for the community.

We find that the rezoning is required for zoning conformance in order for the Applicants to realize future rentals to the general public and still provide housing for their siblings and or their immediate families.

GENERAL WELFARE AND SAFETY

We have concluded our site inspection and did physically find that water, power, sewer, roadways fronting the property. Guam Power Authority and Bureau of Plans and Statistics with no objection. The existing structures are connected to public sewer to ensure a safe environment for the applicants and the adjacent neighbors. While we have not received certification from Guam Waterworks Authority, Guam EPA and DPW, we note that access to the property is available. That water and sewer connections are fronting the property. It will be obvious that during the permitting phase, or any future requirements for new water and sewer connections will be required for permit clearance requirements.

Relative to rezoning action, we found no objections from immediate neighbors and or immediate lotowners. The proposed rezoning and existing development is conducive to the immediate land uses of single-family and multi-family residences within the nearby surroundings, all infrastructure are available and we therefore, find that there will be no significant impact on existing infrastructure and to surrounding neighborhood.

Therefore, it is our conclusion that the criteria as cited above has been satisfied.

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

- a. Comply with all permitting Agency Conditions and requirements; and
- b. That any revised Building construction Site Development Plan shall show details of structure location, parking layout, landscaping plan, sewage disposal type and connection; and further, that a copy of the floor plans shall be submitted to the Guam Chief Planner; and
- c. That any future increase in dwelling units or on the "intensity of use" from the approved revised plans shall require the Applicant to resubmit a new request and the proposed new Site Development Plan to the Guam Chief Planner, Department of Land Management for his reevaluation; and
- d. That such re-evaluation may include another review by the required Application Review Committee Agency and/or by the Municipal Planning Council to determine the physical, social and environmental impacts of the revised changes; and
- e. That under this Zone Change process, it shall not include conversions to: HORIZONTAL PROPERTY REGIMES (under 21 GCA, Chapters 45); TIME SHARE OWNERSHIP (under 21 GCA, Chapter 47); HOTELS/MOTELS; and RESIDENTIAL COMMERCIAL ACTIVITIES SUCH AS LAUNDRY ROOMS, GIFT SHOPS, AND THE LIKE; and TEMPORARY WORKFORCE HOUSING FACILITIES ; and
- f. That the Duplexes shall be hooked up to public sewer and comply with GEPA's wastewater disposal system requirements and conditions;
- g. That the Development shall be serviced with a Government approved Trash Receptacle; and
- h. That each dwelling unit constructed shall be provided 2-parking.



Penner C. Gulac
Planner III, Project/Case Planner

3/ 4 / 2014
Date

PCG

Attachments: Application packet, and Position Statements for
(BoPS &GPA)



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



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EDDIE BAZA CALVO
 Governor

MONTE MAFNAS
 Director

RAY TENORIO
 Lieutenant Governor

DAVID V. CAMACHO
 Deputy Director

February 13, 2014

Honorable Dale E. Alvarez
 Mayor of Santa Rita
 c/o Municipal Planning Council

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

Subject: **SZC 2014-13 Public Hearing Waiver**

Hafa Adai Mayor Alvarez

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

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

Ulrica C. Perez and Pacifico Fojas, owners of Lot 239-4-1, Municipality of Santa Rita, under Application No. SZC 2014-13, for a Zone Change from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance two (2) Existing Residential Duplexes for family and rentals.

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

Pursuant to Public Law 21-144, Section 3 (Waiver of Formal Public Hearing), the Department of Land Management hereby waives the requirement of a formal public hearing and defers any hearing on the application to your Municipal Planning Council (the MPC).

Telephone:
 671-649-LAND (5263)

On the basis of the application contents and availability of infrastructure in the immediate area, and that proposed zone change is for residential use and is conducive and consistent to the surroundings, as Director, I have waived the requirements of a formal public hearing and have made my final decision to approve the application with conditions. The "R2" Zone is the proper zoning designation for the intended use for residential dwellings.

Facsimile:
 671-649-5383

Please contact Planning Division of this Department at 649-5383 extension 371 should you have questions or need further clarification on the matter.

Thank you for your attention to this matter.

Senseramente,

David V. Camacho
 Acting Director

RECEIVED
 DATE: 2/20/14 *Cam*

Attached Application Packet
 Project Planner: Penmer C. Gulac

PK

FILE



GUAM POWER AUTHORITY

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

February 25, 2014

MEMORANDUM

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

From: General Manager

Subject: Lots 239-4-1, Municipality of Santa Rita, (Ulrica C. Perez and Pacifico Fojas); Summary Zone Change Application from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling) for legal conformance to existing residential duplexes for family and rentals.
Application No. 2014-13 SZC

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

A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric 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: **Ulrica C. Perez and Pacifico Fojas**

Location: **Lots 239-4-1, Santa Rita**

Type of Application: **Summary Zone Change**

GLUC/GSPC Application No. **2014-13 SZC**

Brief Project Description:

From R1 to R2 to meet legal conformance to existing residential duplexes for family and rentals.

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

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this 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

2/25/14
 Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Eddie Baza Calvo
Governor of Guam

**BUREAU OF
STATISTICS & PLANS**
SAGAN PLANU SIHA YAN EMEFOTMASION



Ray Tenorio
Lieutenant Governor

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Lorilee T. Crisostomo
Director

FEB 24 2014

MEMORANDUM

To: Chairperson, Guam Land Use Commission
Via: Executive Secretary, Department of Land Management
From: Director, Bureau of Statistics and Plans
Subject: Position Statement on **Application No. SZC 2014-13**; Ulrica C. Perez and Pacifico Fojas; Lot No. 239-4-1; Santa Rita; Summary Zone Change; Proposed Use: Residential: Two residential duplexes - Existing

2-24-14
RECEIVED

Pursuant to Public Law 21-82, Section 4, as amended by Public Law 21-144, Section 8, the applicants, Ulrica C. Perez and Pacifico Fojas, are requesting a summary zone change of Lot No. 239-4-1 in the municipality of Santa Rita from an "R-1" Single-family residential to "R-2" multi-family residential. The rezoning of the subject lot will bring the two existing duplexes into zoning compliance. The 4-units are intended for their children and for future rentals. The subject lot has an area of 1000 square meters, and is served by the basic infrastructure of sewer, power and water. The surrounding land uses consist predominantly of single family residences, some duplexes, four unit and six unit apartments and multi-family dwellings.

Based on our review of the subject application as submitted, the Bureau of Statistics and Plans (BSP) provides the following comments and/or concerns:

1. Should the zone change be approved, BSP recommends that there are measures to ensure that the property will be landscaped to provide a buffer between the subject lot and the other residential dwellings as this will help reduce storm water runoff and improve the area aesthetically. In addition, it is recommended that native plants be used in the landscaping.
2. Based on our calculations, the applicants meet the parking requirement on-site for the proposed units. There is a possibility of overflow parking, but we feel it would not be a major impact to the neighborhood.

In light of the points presented in the application, BSP finds the proposed summary zone change request to be adequately presented and believes that the rezoning of this lot will not have adverse effects on the surrounding neighborhood. Therefore, BSP recommends approval. Si Yu'os Ma'ase.


LORILEE T. CRISOSTOMO

cc: GEPA
DPR
DPW
GWA



DIPÁTTAMENTON MINANEHAN TÁNO'
 (Department of Land Management)
GUBETNAMENTON GUÅHAN
 (Government of Guam)



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

EDDIE BAZA CALVO
 Governor

RAY TENORIO
 Lieutenant Governor

MONTE MAFNAS
 Director

DAVID V. CAMACHO
 Deputy Director

February 24, 2014

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

MEMORANDUM

TO: Frank P. Taitano, Planner IV
 Celine Cruz, Planner III

FROM: Acting Director

SUBJECT: Appointment as Panel Members Ref: SZC Program

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

Buenas Yan Hafa Adai:

Pursuant to SZC Guidelines, Paragraph 17, effective February 24, 2014, I hereby appoint you as panel members to review and provide recommendations relative to **SZC Application No. 2014-13 (Ulrica C. Perez and Pacifico Fojas)**.

Coordinate with Mr. Penmer Gulac who oversees the SZC Program on the matter.

Your appointment as panel members shall expire upon your submittal of your recommendations to the Guam Chief Planner.

Senseramente,


 David V. Camacho
 Acting Director

Cc: Masterfile – Land Planning, Ref: SZC 2014-013

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

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383





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



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

EDDIE BAZA CALVO
 Governor

MONTE MAFNAS
 Director

RAY TENORIO
 Lieutenant Governor

DAVID V. CAMACHO
 Deputy Director

February 13, 2014

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

To: **Certifying Agencies/Departments
 Application Review Committee (ARC)**

From: **Guam Chief Planner**

Subject: **Request for Certification**

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

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

Applicant(s): **Ulrica C. Perez and Pacifico Fojas**

Application No. **SZC 2014-13**

Project Description: To rezone the property from "R-1" (Single-Family) to "R-2" (Multi-Family Dwelling) Zone in order to put into zoning compliance two (2) existing residential Duplexes for family and rentals, on Lot 239-4-1, Municipality of Santa Rita

Date Received: **January 31, 2014**

Date Accepted: **February 5, 2014**

**** Due Date for Certification: February 26, 2014**
 (Public Law 21-144, Section 8(b)(A)(1))

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

Thank You,


 Marvin D. Aguilar

PCG: Attachment: SZC Application No. 2014-13 and supporting documents



R

Summary Zone Change

Accepted Date: 5-Feb-14

Case Planner: PenmerG

January 28, 2014

To: Mr. David V. Camacho,
 Acting Director, Department of Land Management
 Attention: Land Planning Division
 P.O. Box 2950, Hagatna, Guam 96932

P. Gulac
1/31/14
DLM Planning - Drw

Subject: Summary Zone Change Application for Lot 239-4-1, Santa Rita, Guam;
 Rezoning from "R-1" (Single-Family) Dwelling to "R-2" (Multi-Family) Dwelling Zone; For Ulrica C. Perez and Pacifico Fojas (Owners)

Dear Mr. Camacho:

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

- a. What is the current zone on the property ? "R-1" (Single-Family)
- b. Who currently owns the property ? Pacifico Fojas and Ulrica C. Perez
- c. How did you acquire the property ? Purchased in March 2006; Cert of Title No. 132124, Doc No. 528018 (attached property map.
- d. From who did you acquire the property? (Bernice S. Roberto).
- e. What is currently on the property? Two Residential Structure - (2 Duplexes) total of 4 units with covered carport.
- f. Are you hooked up to public sewer ? Yes, currently connected.
- g. What are your intentions or plans? To put into zoning compliance the two existing Duplexes for family and rental to local residents.
- h. Surrounding land uses and location: There are single family, duplexes, and multi-family four-plexes , and many vacant lots within 100 - 1,000 feet of the subject lot. Across the street (SGT E. Cruz) are 4-units & 6-units apartments on Lot 240-R1 along SGT E. Cruz near the bridge zone and along Pale Ferdinand Drive traversing towards Southern High School (R2 Zone) near the bridge.
- i. Topography: Fairly flat and slopes to the northern portion and into SGT E. Cruz Street.
- j. Access: The property is accessible via SGT E. Cruz Street (see attached vicinity map).

Re: Summary Zone Change –Rezoning (R1 to R2)
Page 2 (Lot 239-4-1, Santa Rita, Guam);
For Ulrica C. Perez and Pacifico Fojas (Owners)

- k. The island is preparing to receive more civilian and military personnel for armed forces build up in the next few years and we want to providing additional housing and even for Section Eight (GHURA) for our community. Our proposed rezoning and plans will not have a huge impact to existing infrastructure capacity as our duplexes already exist and connected to all utilities. Therefore, we feel our proposal and project is compatible to the existing land uses.

Mr. Director, we really appreciate your assistance, your support and your consideration to rezone our property. We are getting old and we want to leave our children this property so they can help their family and still provide a few rental units to the community. Thank You and Si Yuus Ma ase.

Senseramente,



Ulrica C. Perez (Owner)



Pacifico Fojas (Owner)

SUMMARY ZONE CHANGE

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

TO: Director, Department of Land Management
c/o Division of Land Planning
Government of 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: Ulrica C. Perez & Pacifico Fojas U.S. Citizen: Yes [] No

Mailing Address: P.O. Box 22195 Barrigada, Guam 96921

Telephone No.: Business: 565-2732/707-4905 Home: 565-2732

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

Subdivision Name: N/A

Lot(s): 239-4-1 Block: N/A Tract: N/A

Lot Area: Acres: 1/4 Square Meters: 1,000 Square Feet: 10,763

Village: Santa Rita Municipality: Santa Rita

Registered Owner(s): Pacifico Fojas and Ulrica C. Perez

Certificate of Title No.: 132124 Recorded Document No.: 528018
(Attached)

Deed (Gift, Warranty, etc.): _____ Deed Document No.: _____

3. Current and Proposed Land Use:

Current Use: 2-Residential Duplexes Current Zoned: "R-1" (Single-Family Dwelling)

Proposed Use: To put into compliance (zoning) of existing 2-Duplexes for family and rentals Proposed Zone: "R-2" (Multi-Family Dwelling)

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

SUMMARY ZONE CHANGE

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

5. **Support Information.** The following information shall be attached to this application:
- b. A map, drawn to scale, showing existing zoning within 1000 feet radius and all parcels and their uses within 750 feet radius from the subject lot boundaries. The map shall contain:
 - (6) Lot number for every parcel(s);
 - (7) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
 - (8) All adjacent easements and roads leading to, and serving property, their widths, and condition of surfaces;
 - (9) The nearest location of all public utilities to the subject lot; and
 - (10) Show any/all features of property such as flat/hilly terrain, flood hazard, etc.
 - e. The most recent survey map certified and recorded at the Department of Land Management, of the subject property.
 - f. For "R-1" Zone Change request: A proposed property map showing how many lots are to be subdivided.
 - g. For "R-2" Zone Change request: Preliminary sketch plan shall be drawn to scale and show the following items:
 - (1) Density: Number of units and type. (i.e. Eight (8) units, three (3) bedroom, two baths, etc.)
 - (2) All setback or distances from proposed building to property boundary line.
 - (2) Parking Stalls must be numbered. Also, show one parking for persons with disabilities for every sixty (60) regular stalls (minimum).
 - (4) Recreational area or playground must be provided for children of tenants.
 - (5) Show nearest location of sewer, water, power connection or hook-up.
 - (6) Entrance and Exit of project area.
 - (9) Etc...Any other information you feel is necessary or pertinent to your request.
 - (10) In addition the following information is required by the Agencies as follows:

GUÁHAN POWER AUTHORITY

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

GUÁHAN ENVIRONMENTAL PROTECTION AGENCY

- 3. Copy of Site Layout showing the existing building structures and the outline of the septic tank and leaching field system, if not connected to public sewer.
- 4. Copy of building Permits for any extensions (additional structures) to the existing dwelling unit.

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

Lot: 239-4-1
Santa Rita, Guam

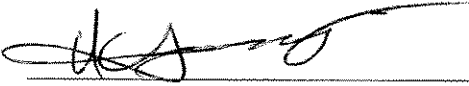
SUMMARY ZONE CHANGE

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

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

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

Ulrica C. Perez (Owner)



Owner (Print/Sign)

Pacifico Rojas (Owner)



Owner (Print/Sign)

1/28/2014

Date

1/28/2014

Date

Representative (If any)

Date

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

OFFICE OF THE RECORDER
INSTRUMENT NUMBER 533072

This instrument was filed for record on 12/15

Day of Aug, 1995, at 12:15 AM

and duly recorded on Book _____ at Page _____

Recording Fee _____ Voucher No. 82764
[Signature]
Recorder

(For Recorder's Use)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That I, BERNICE S. ROBERTO, nka BERNICE ROBERTO CRUZ, of age, citizen of the United States and a resident of the Territory of Guam, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, to me in hand paid by PACIFICO FOJAS, resident of the Territory of Guam, the receipt of which is hereby acknowledged, and other good and valuable consideration, do hereby GIVE, GRANT, BARGAIN, SELL and CONVEY unto the said PACIFICO FOJAS, hereinafter referred to as Grantee, his heirs, administrators and assigns, forever, all that certain real property, in the Municipality of Santa Rita, Guam, described as follows:

Lot No. 239-4-R3, Santa Rita, Guam, Estate No. 61348, Suburban, containing an area of 10,073± square feet/936± square meters, as shown on Map Drawing No. 1017-93, L.M. No. 516-FY94, prepared by Generalismo A. Villaflores, RLS No. 64, dated 8-24-94, recorded under Doc. No. 517809, covered under C.T. No. 99947 under Grantor's name.

FRED E. BORDALLO
Attorney-At-Law
2nd Floor, 388 Bldg. Pda. 4, Agaña
P. O. Box 1933
Agaña, Guam 96910
Tel: 477-8450 / 1
Fax: 477-9452

FRED E. BORDALLO

Attorney-At-Law
2nd Floor, J&T Bldg., Rm. 4, Agaña
P. O. Box 1933
Aguaña, Guam 96910
Tel: 477-8430 / 1
Fax: 477-8452

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2 With the appurtenances thereunto belonging or in anywise
3 appertaining, and the reversion and reversions, remainder
4 and remainders, rents, issues, and profits thereof, and also
5 all the right, estate, title and interest, possession, claim
6 and demand whatsoever, both at law and in equity of the said
7 Grantor, in and to the above granted premises, and every
8 part and parcel thereof with appurtenances thereto.

9 TO HAVE AND TO HOLD, all and singular the above mentioned
10 and described premises, together with the appurtenances,
11 unto the above named Grantee, his heirs and assigns, forever.

12 AND I DO HEREBY, for myself and my heirs and assigns,
13 covenant with the said Grantee, his heirs and assigns, that
14 I am well seized in fee of the land and premises aforesaid,
15 and have good right to sell and convey the same in manner
16 and form aforesaid, and that the same are free and clear
17 from all encumbrances except recorded easements and the above
18 bargained and granted land and premises in the quiet and
19 peaceable possession of the Grantee, his heirs and assigns,
20 against all persons lawfully claiming or to claim the whole
21 or any part thereof, I will warrant and defend.

22 The Grantee is aware that water and power may not be
23 available on the property. The Grantee is responsible for
24 hookup of water and power and that the Government of Guam

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is not required to pay for water and power hookup.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 18th day of August, 1995.

GRANTOR:

Bernice S. Roberto Cruz
Bernice Roberto Cruz

BERNICE S. ROBERTO, NKA
BERNICE ROBERTO CRUZ
SSN: 586-03-8822
Address: 140 Anonas Ct.
Santa Rita, Guam 96925

GRANTEE:

P. Fojas
PACIFICO FOJAS
SSN: 586-789072
Address: P.O. Box 22195
S.M.F. 96921

FRED E. BORDALLO
ATTORNEY-AT-LAW
2nd Floor, J&D Bldg., Bldg. 4, Agaña
P. O. Box 1933
Agaña, Guam 96910
Tel: 477-9550 / 1
Fax: 477-8552

Acknowledgment

Territory of Guam) ss.

On this 18 day of August, 1995, before me the undersigned notary, personally appeared Bernice S. Roberto, nka Bernice Roberto Cruz, the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Witness my hand and affixed my official seal.

Diana S. A. Brea

DIANA S. A. BREA
NOTARY PUBLIC

In and for the territory of Guam.
My commission expires: 1/21/96

FRED E. BORDALLO

Attorney-at-Law
2nd Floor, J&R Bldg., Rm. 4, Agaña
P. O. Box 1938
Agaña, Guam 96910
Tel: 477-8450 / 1
Fax: 477-8452

Acknowledgment

Territory of Guam) ss.

On this 18 day of August, 1995, before me the undersigned notary, personally appeared Pacifico Fojas, the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Witness my hand and affixed my official seal.

Diana S. A. Brea

DIANA S. A. BREA
NOTARY PUBLIC

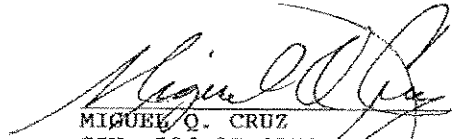
In and for the territory of Guam.
My commission expires: 1/21/96

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SPOUSAL RELEASE CLAUSE

The undersigned spouse of the Grantor hereby joins in the within conveyance and hereby grants all of his interest in the above-mentioned property to the Grantee herein.

Dated this 18 day of August, 1995.



MIGUEL Q. CRUZ
SSN: 586-05-4755
Address: 140 Anonas Ct.
Santa Rita, Guam-96925

Acknowledgment

Territory of Guam) ss.

On this 18 day of August, 1995, before me the undersigned notary, personally appeared Miguel Q. Cruz, the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Witness my hand and affixed my official seal.



DIANA S. A. BELLE
NOTARY PUBLIC
in and for the territory of Guam.
My commission expires 1/31/96

FRED E. BORDALLO

Attorney-At-Law
2nd Floor, J&K Bldg., Itre. 4, Agaña
P. O. Box 1933
Agaña, Guam 96910
Tel: 477-8450 / 71
Fax: 477-8452

CERTIFICATE OF TITLE



TERRITORY OF GUAM DEPARTMENT OF LAND MANAGEMENT

Certificate of Title Number 132124 Document No. 528018
Originally registered 28 March, 1932 Vol. 4
Municipality of Agat Page 49

Transfer from Number C.T. No. 99948 Guaranteed Claim No. 3567
Certificate of Title No. _____

TERRITORY OF GUAM)
HAGATNA GUAM) ss

This is to certify that

Pacifico Fojas, a single man,
Ulrica Cruz Perez, a single woman
as their sole and separate property.

now residing at Santa Rita Municipality/Territory of Guam
Certificate of Identification No. _____ and by occupation Retired
is/are the owner of an estate in Fee simple, in that certain piece of parcel of land situated in
the municipality of Santa Rita Territory of Guam, designated by

Cadastral Lot Number 239-4-1, Santa Rita, Guam, Estate No. 70225, Suburban, containing
an area of 10,763± square feet/1,000± square meters, as shown on Drawing No. I017-93, L.M. No. 516/FY94,
prepared by Generalismo A. Villaflores, PLS No. 64, dated 8/24/94 recorded under Document No. 517809;
subject, however, to the estate, easements, liens, charges and encumbrances hereunder noted.

Said owner is of the age of _____ years; Civil status _____
and is/are under no disability.

IN WITNESS WHEREOF, I have hereunto set my hand and caused my official seal to be affixed
this 7th day of January 2014.


ANDREW D. SANTOS

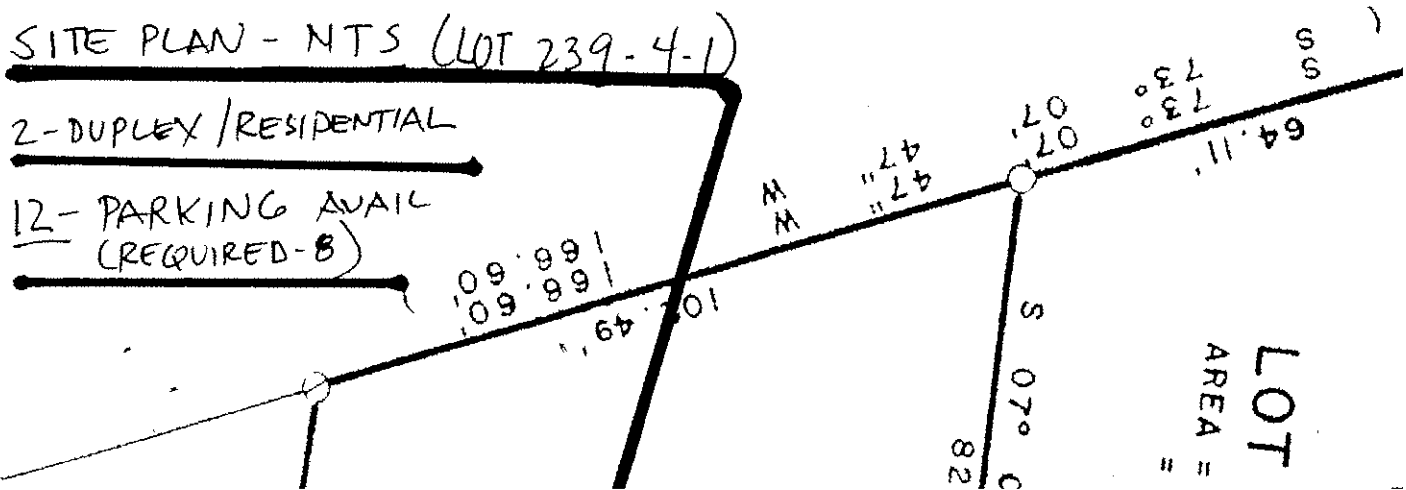
Deputy Registrar of Titles
In And For The Territory of Guam

Memorial of estates, assessments, liens, charges or encumbrances on the land described in the above Certificate of Title,

SITE PLAN - NTS (LOT 239-4-1)

2-DUPLEX / RESIDENTIAL

12- PARKING AVAIL
(REQUIRED-8)





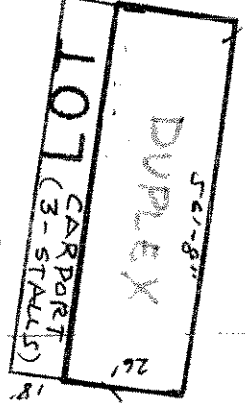
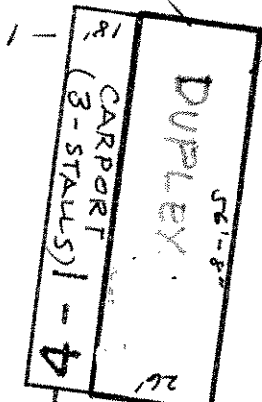
TO PALE FERDINAND RD

LOT 239 - R/W (SGT E. CRUZ ST)

PUBLIC ACCESS & UTILITY EASEMENT
DOC. NO. 355543

PRE-W

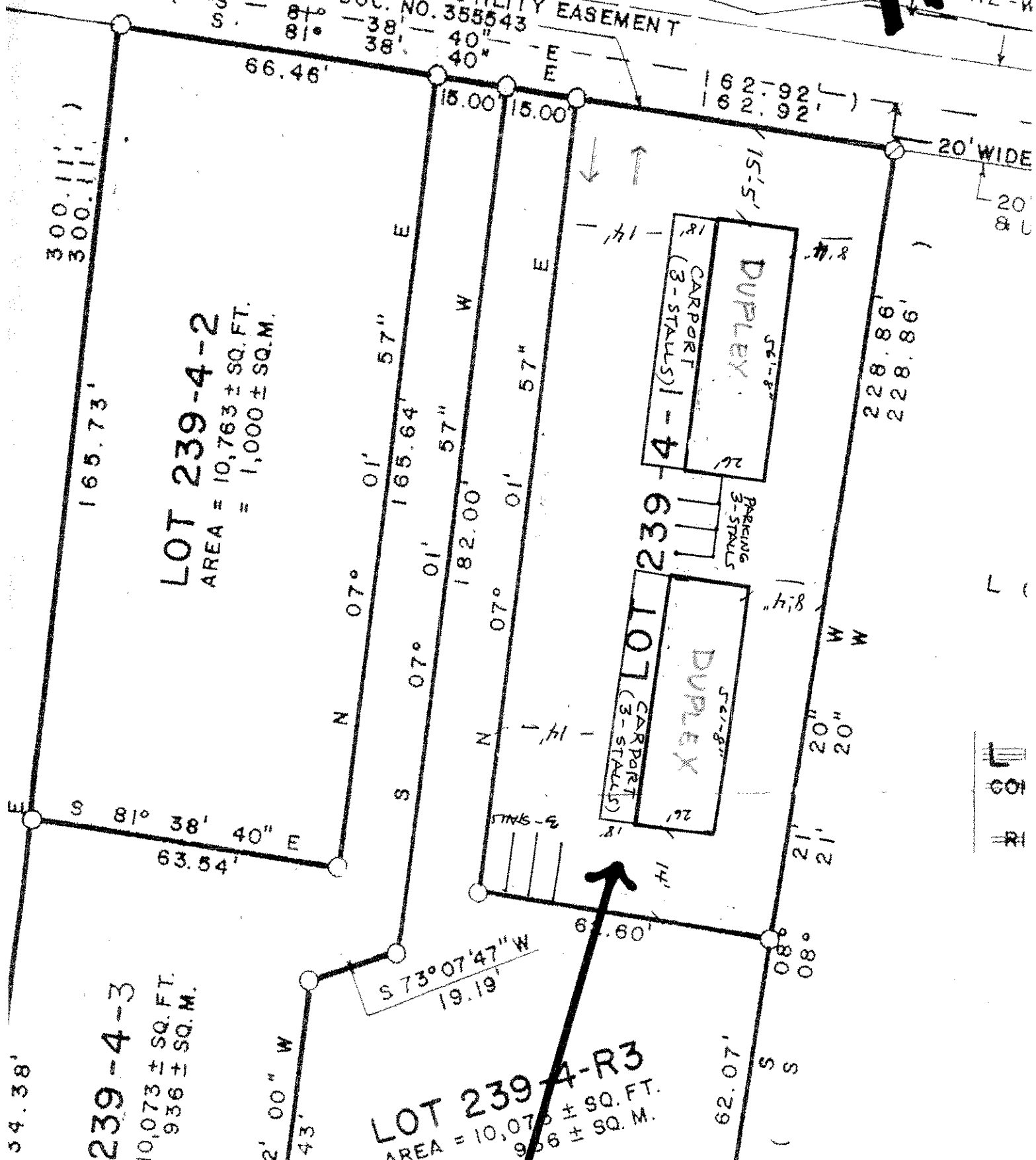
LOT 239-4-2
AREA = 10,763 ± SQ. FT.
= 1,000 ± SQ. M.

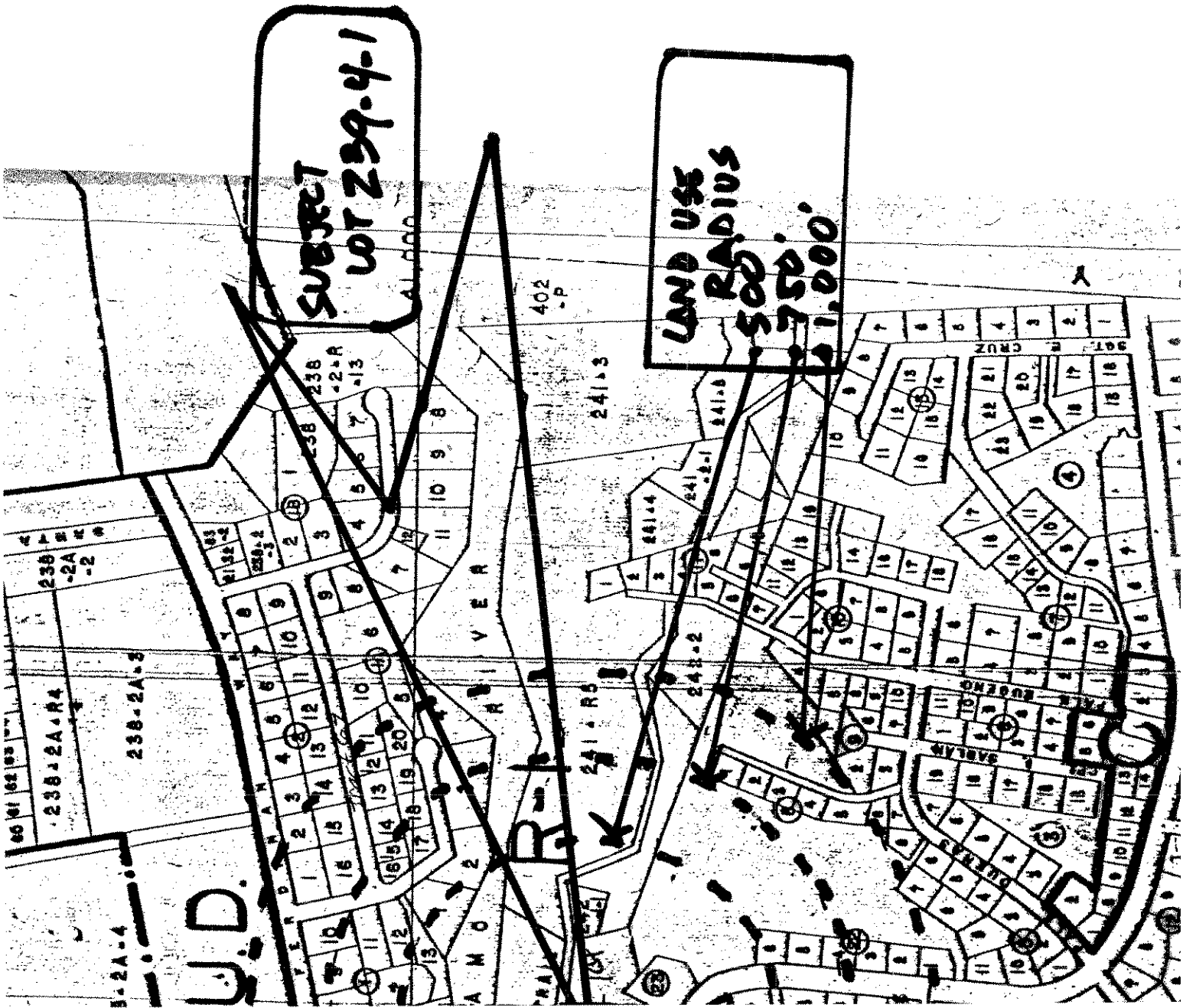


PARKING 3-STALLS

239-4-3
10,073 ± SQ. FT.
936 ± SQ. M.

LOT 239-4-R3
AREA = 10,073 ± SQ. FT.
936 ± SQ. M.





Chief Appraisals
SKETCH ADDENDUM

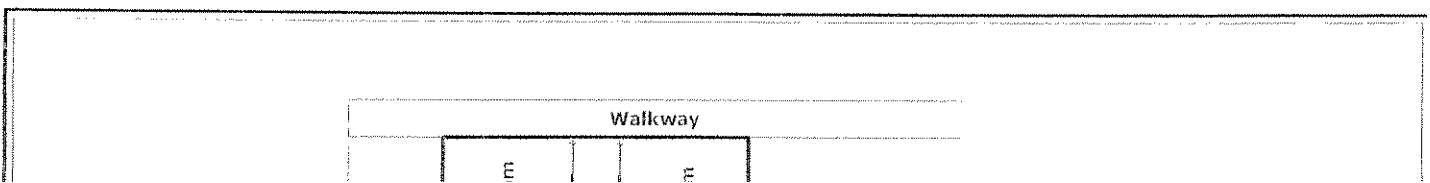
File No. A-5668
 Case No.

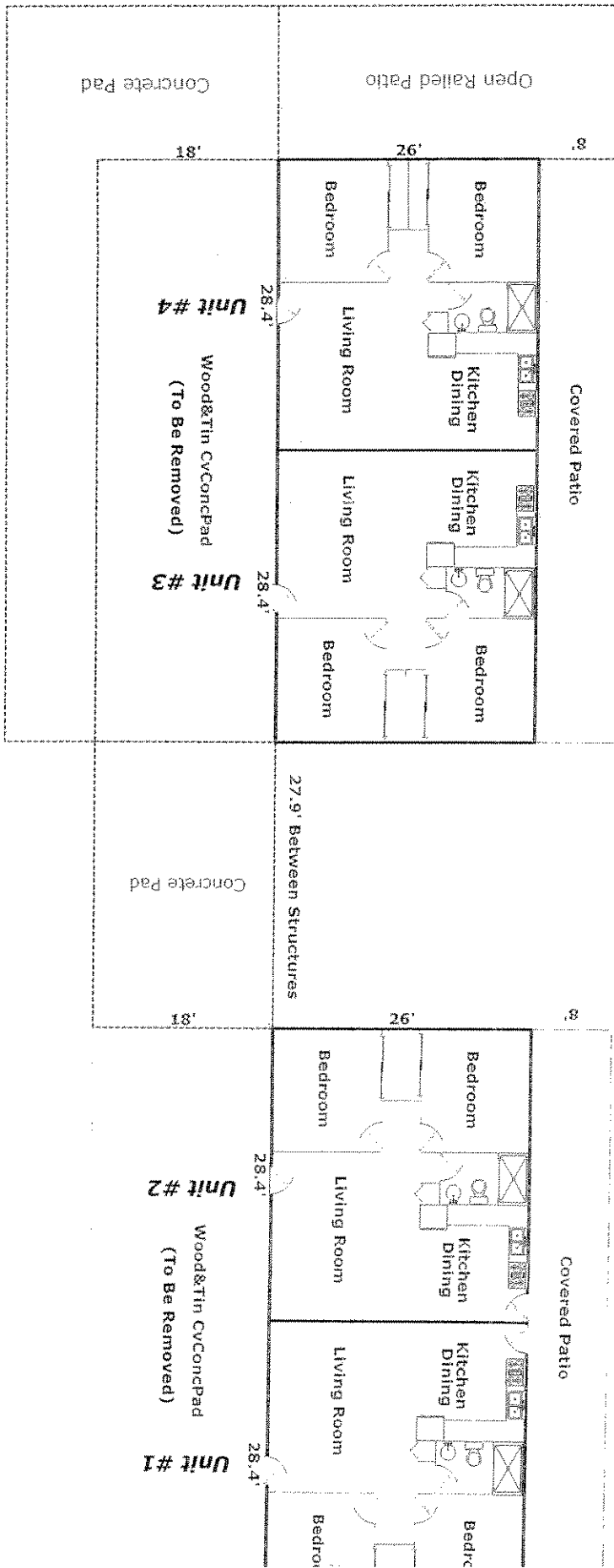
Borrower Not applicable.

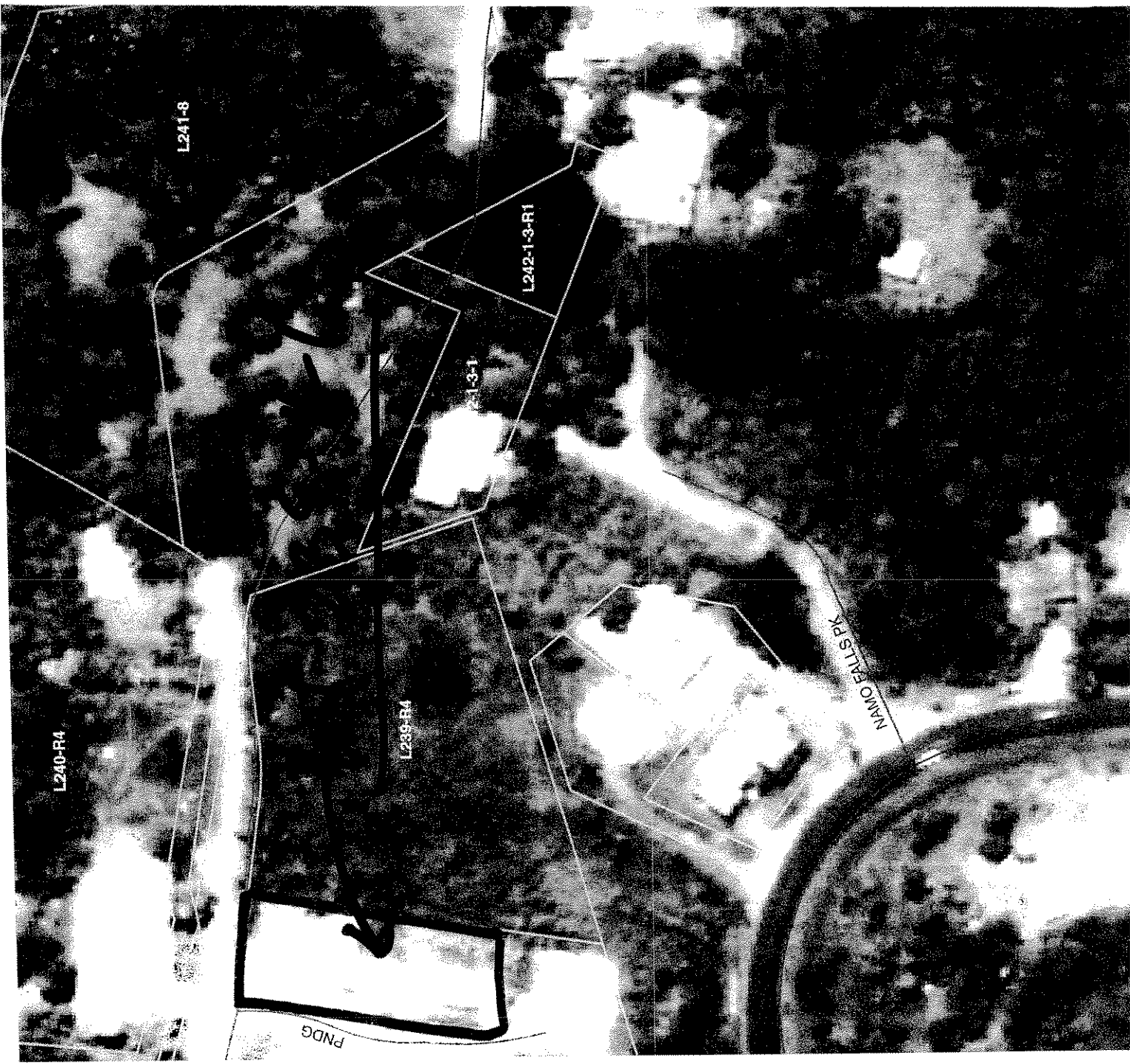
Property Address Lot 239-4-1

City Santa Rita County Santa Rita State Guam Zip Code 96915

Lender/Client Fojas & Sons Construction Co. Address P.O. Box 22195, Barrigada, Guam 96921







L240-R4

L241-8

L238-R4

L242-1-3-R1

L242-1-3-1

NAMO LITTLE PK

PNDG