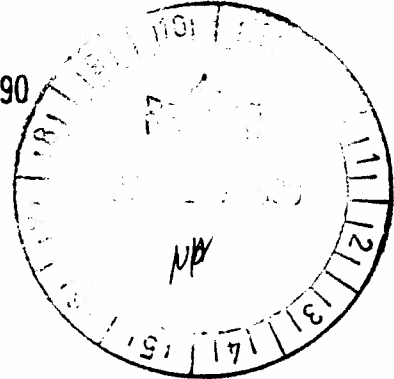


*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
UFISINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

JAN 23 1990



The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 989, which I have signed into law this date as Public Law No. 20-125.

Sincerely,

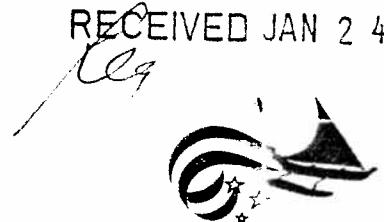
A handwritten signature in black ink, appearing to read "Frank F. Blas".

FRANK F. BLAS  
Governor of Guam  
Acting

Attachment

200670

RECEIVED JAN 24 1990



TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 989 (LS), "AN ACT TO CORRECT A ZONING DISCREPANCY FOR LOT 12, BLOCK 32, TRACT 232, LOCATED IN THE MUNICIPALITY OF SINAJANA," was on the 5th day of January, 1990, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 12 day of Jan., 1990,  
at 6:00 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
FRANK F. BLAS  
Governor of Guam  
Acting

Date: January 23, 1990

Public Law No. 20-125

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 989 (LS)  
As substituted by Committee  
on Rules on 1/3/90.

Introduced by:

F. R. Santos  
H. D. Dierking  
T. S. Nelson

---

M. D. A. Manibusan  
G. Mailloux  
P. C. Lujan  
C. T. C. Gutierrez  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
D. Parkinson  
F. J. A. Quitugua  
E. D. Reyes  
J. T. San Agustin  
J. G. Bamba  
D. F. Brooks  
E. R. Duenas  
E. M. Espaldon  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO CORRECT A ZONING  
DISCREPANCY FOR LOT 12, BLOCK 32,  
TRACT 232, LOCATED IN THE  
MUNICIPALITY OF SINAJANA.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Lot 32, Block 12, Tract 232, located in the Municipality of  
3 Sinajana, and belonging to Mrs. Rosario F. Leon Guerrero, is hereby  
4 rezoned from R-1 (Single Family Dwelling) to R-2 (Multi-Family Dwelling);  
5 provided, that such rezoning is on the condition that no additional units  
6 will be built on such lot, and all subsequent construction thereon is not  
7 eligible for zone variances or conditional use permits.

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 989

Date: 1/5/90

Resolution No. \_\_\_\_\_

QUESTION: \_\_\_\_\_

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks				✓
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan				✓
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

19

2

SEP 29 '89

TWENTIETH GUAM LEGISLATURE  
FIRST REGULAR (1989) SESSION

Bill No. 989 (LS)

Introduced by:

  
F.R. Santos

AN ACT TO CORRECT ZONING DISCREPANCIES FOR  
LOT 12, BLOCK 32, TRACT 232, LOCATED IN  
THE MUNICIPALITY OF SINAJANA.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Lot 32, Block 12, Tract 232, located in the Municipality of Sinajana, and belonging to Mrs. Rosario F. Leon Guerrero, is hereby rezoned from R-1 (Single Family Dwelling) to R-2 (Multi-Family Dwelling).



# SENATOR GORDON MAILLOUX

CHAIRMAN, COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT  
TWENTIETH GUAM LEGISLATURE

January 2, 1990

Vice-Chairman on  
the committee on  
Health, Welfare and  
Ecology

Member of the  
Committees on:

• General Govern-  
mental Operation

• Economic Deve-  
lopment

• Justice, Judiciary  
& Criminal Justice

• Energy, Utilities  
and Consumer Pro-  
tection

• Youth, Human  
Resources, Senior  
Citizen & Cultural  
Affairs

Ethics

Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Housing and Community Development to which was referred Bill No. 989, "AN ACT TO CORRECT ZONING DISCREPANCIES FOR LOT 32, BLOCK 12, TRACT 232, LOCATED IN THE MUNICIPALITY OF SINAJANA," hereby recommends Bill No. 989, as Substituted, to Pass by the Twentieth Guam Legislature.

The Committee votes are as follow:

To Do Pass	<u>10</u>
To Not Pass	<u>0</u>
To Report Out Only	<u>0</u>
To Place in Inactive File	<u>0</u>
Not Available for Voting	<u>1</u>

A copy of the Committee Report and other pertinent documents are enclosed for your perusal.

Sincerely,

  
GORDON MAILLOUX

Enclosures

GM/cq

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

VOTE SHEET

BILL NO. 989, AS SUBSTITUTED

"AN ACT TO CORRECT ZONING DISCREPANCIES FOR  
LOT 32, BLOCK 12, TRACT 232, LOCATED  
IN THE MUNICIPALITY OF SINAJANA"

<u>COMMITTEE MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>REPORT OUT ONLY</u>	<u>INACTIVE FILE</u>
<u><i>G. Mailloux</i></u> GORDON MAILLOUX Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Madeleine Z. Bordallo</i></u> MADELEINE Z. BORDALLO Vice-Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>John P. Aguon</i></u> JOHN P. AGUON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>ELIZABETH P. ARRIOLA</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Pilar C. Lujan</i></u> PILAR C. LUJAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Ted S. Nelson</i></u> TED S. NELSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Don Parkinson</i></u> DON PARKINSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Edward D. Reyes</i></u> EDWARD D. REYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Francisco R. Santos</i></u> FRANCISCO R. SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>J. George Bamba</i></u> J. GEORGE BAMBA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Marilyn D. Manibusan</i></u> MARILYN D. MANIBUSAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

✓ 1/2/90

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING MINUTES ON BILL NO. 989

**"AN ACT TO CORRECT ZONING DISCREPANCIES FOR LOT 12,  
BLOCK 32, TRACT 232, LOCATED IN THE MUNICIPALITY OF SINAJANA"**

**DATE:** NOVEMBER 13, 1989  
**TIME:** 9:00 A.M.  
**PLACE:** LEGISLATIVE SESSION HALL

**MEMBERS PRESENT:** Chairperson Senator Gordon Mailloux; Members Senators Ted s. Nelson, Senator Frank R. Santos.

**WITNESSES PRESENT:** Mr. Felix Benavente, Chief Planner, Department of Land Management (DLM); Mrs. Hilda L.G. Duncan, and Mr. Robert Duncan.

**SUMMARY OF TESTIMONIES**

Mr. Benavente of the Department of Land Management corrected the Lot designation on the Bill and testified against Bill 989.

The correct property identifier should read, Lot 32, Block 12, Tract 232, Sinajana, owned by Mr. Pedro B. and Mrs. Rosario F. Leon Guerrero.

He recommended disapproval as follow: 1) SPOT ZONING - The Bill disregards existing statutes on rezoning requirements such as justification for necessity, convenience, and general welfare of the public. The creation of an island of "R-2" zoning, a land area of less than 10,000 square feet, in a sea of "R-1" zoning within the Sinajana Village-GHURA Urban Renewal Project is without a doubt spot zoning in the extreme example; and 2) DEGRADATION OF A SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD - Should this rezoning be approved, a total of eight units can be constructed on this lot. The anticipated traffic congestion and the parking requirements will unnecessarily strain the carrying capacity of Piga Court which was designed to serve no more than six dwelling lots. Mr. Benavente pointed out that this neighborhood was built with local and federal funds authorized by the Legislature and is reflective of its commitment to improve the blightful conditions of the residents of this section of Sinajana.

**Mr. Benavente** explained that the Department is recommending disapproval of the rezoning, and recommended that a Use Variance may be more appropriate, rather than a rezone request.

**Mr. Robert Duncan**, representing the Leon Guerrero family, made the following corrections on the issues presented by Mr. Benavente: The property has been with the family since the 1950's, not 1977. This is not a request for zoning for new construction. The building, a five-unit structure, has been in existence since the early 1960's. There has been a store operating in the area, and several dwellings for many years. He noted that the family is asking for a rezoning to correct the discrepancy which was overlooked when GHURA came through with their redevelopment. Justification of the Bill is for correction of the discrepancy.



**Senator Santos** added that the family is simply requesting to rezone to conform their rightful use of the property, as the law had allowed them to construct a multi-family unit.

**Mr. Benavente** explained that a Building Inspector of the Department of Public Works and a Planner from the Department of Land Management visited the property. There was a two-story structure with a garage which was originally a store which looks vacated. There was a variance for the store which had expired. There were five power meters. The property is an "R-1" zone and DLM is not aware that there are five units there.

**Senator Mailloux** stated that a research will be made by DLM as to how this situation can be remedied to satisfy the property owners without having to go through many legalities. A research will be made on what would be the ramifications if the property is to be rezoned "R-2". He noted the concerns and issues that were made in this hearing and stated that the Committee will come up with a solution.

#### **FINDINGS/RECOMMENDATIONS**

The Leon Guerrero's have experienced difficulty trying to secure a mortgage or loan on their property because of the inconsistency on the zoning designation versus the existing use of the property.

The Department of Land Management opposed the Bill in that an R-2 designation would allow the property owners to build additional units to the structure. As such, additional parking spaces would be required, thereby creating traffic congestion and straining the carrying capacity of Piga Court, which is designed to serve no more than six dwelling lots. Further contact with the Leon Guerrero's revealed that they do not intend to build additional units on the Lot, and are amenable to including a condition on the proposed legislation that no additional units will be built on the property.

The Committee feels that this legislation is necessary to correct the lot designation to comply with the existing use of the property, and to alleviate the problems confronted by the Leon Guerrero's.

The Committee hereby recommends Bill No. 989, as Substituted, to Pass by the Twentieth Guam Legislature.

#### **ATTACHMENTS:**

1. Bill No. 989, as Substituted by the Committee.
2. Bill No. 989, as referred to the Committee.
3. Testimony of Chief Planner, Dept. of Land Management.
4. Document submitted by the Leon Guerrero's, justifying the request for rezoning.
5. Attendance Sheet.

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) REGULAR SESSION

BILL NO. 989  
Substituted by Committee on  
Housing and Community Development

Introduced by:

F.R. SANTOS  
H.D. DIERKING

AN ACT TO CORRECT ZONING DISCREPANCIES  
FOR LOT 32, BLOCK 12, TRACT 232,  
LOCATED IN THE MUNICIPALITY OF SINAJANA.

*T.S. P. del*  
*M. Manibugan mdr*  
*P. del*

- 1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
- 2 Section 1. Notwithstanding any other provision of law, Lot
- 3 32, Block 12, Tract 232, located in the Municipality of
- 4 Sinajana, and belonging to Mr. Pedro B. and Mrs. Rosario F.
- 5 Leon Guerrero, is hereby rezoned from R-1 (Single Family
- 6 Dwelling) to R-2 (Multi-Family Dwelling).
- 7 Section 2. The rezoning is hereby conditioned that no
- 8 additional units will be built on above subject lot. All
- 9 subsequent construction on this R-2 property should not be
- 10 eligible for zone variances or conditional use permit.

~~REPRODUCED AT GOVERNMENT EXPENSE~~

TWENTIETH GUAM LEGISLATURE  
FIRST REGULAR (1989) SESSION

Bill No. 989 (LS)

Introduced by:

F.R. Santos  
*F.R. Santos*

AN ACT TO CORRECT ZONING DISCREPANCIES FOR  
LOT 12, BLOCK 32, TRACT 232, LOCATED IN  
THE MUNICIPALITY OF SINAJANA.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Lot 32, Block 12, Tract 232, located in the Municipality of Sinajana, and belonging to Mrs. Rosario F. Leon Guerrero, is hereby rezoned from R-1 (Single Family Dwelling) to R-2 (Multi-Family Dwelling).



DEPARTMENT OF LAND MANAGEMENT  
GOVERNMENT OF GUAM  
AGANA GUAM 96910

November 13, 1989

The Honorable Madeleine Z. Bordallo  
Acting Chairperson, Committee on  
Housing and Community Development  
Twentieth Guam Legislature  
Agana, Guam 96910

Subject: Legislative Bill No. 989 (An Act to Correct  
Zoning Discrepancies for Lot 12, Block 32,  
Tract 232, Located in the Municipality of  
Sinajana)

Dear Madame Chairperson:

Our first comment involves the description of the subject property. The correct property identifier is Lot 32, Block 12, Tract 232, Sinajana. This property is owned by Mr. Pedro B. and Mrs. Rosario F. Leon Guerrero since June 15, 1977. Lot 32 encompasses an area of 9,976 square feet, zoned R-1 (Single Family Dwelling), serviced by water, power, sewer and located in a cul-de-sac known as Piga Court. The lot shares its rear property line with C. L. Taitano Elementary School.

It is strongly recommended that this proposed legislative rezoning be disapproved for the following reasons:

1. SPOT ZONING - This legislative proposal disregards existing statutes on rezoning requirements where public necessity, convenience and general welfare justify such action. There was no justification included in the contents of Bill 989. The creation of an island of "R-2" zoning, a land area of less than 10,000 square feet, in a sea of "R-1" zoning within the Sinajana Village-GHURA Urban Renewal Project is without a doubt spot zoning in the extreme example.
2. DEGRADATION OF A SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD - Should this rezoning be approved a total of eight units can be constructed on this lot. The anticipated traffic congestion and the parking requirements will unnecessarily strain the carrying capacity of Piga Court which was designed

The Honorable Madeleine Z. Bordallo  
RE: Legislative Bill No. 989  
November 13, 1989  
Page 2

to serve no more than six dwelling lots. This neighborhood was built with local and federal funds authorized by the Legislature and is reflective of its commitment to improve the blightful conditions of the residents of this section of Sinajana.

Thank you for the opportunity to comment.

Sincerely,



FELIX C. BENAVENTE  
Chief Planner

COMMONWEALTH NOW!!!  
CLOSER PARTNERSHIP WITH AMERICA LONG OVERDUE

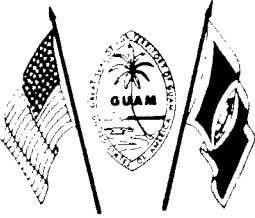
## JUSTIFICATION

History and Intent: When Super-Typhoon Karen devastated the island of Guam, the Guam Housing and Urban Renewal Authority was formed and immediately undertook the rehabilitation of the villages of Sinajana and Yona. During this rehabilitation the GHURA agreed to and permitted the construction of a multi-family dwelling on a certain lot belonging to Mrs. Rosario F. Leon Guerrero. Said lot, however, was zoned as a single family dwelling lot, i.e., R-1. Mrs. Leon Guerrero did, in fact, build that multi-family dwelling under the assumption that the zoning regulations were complied with as GHURA had authorized and permitted the construction.

However, recently, Mrs. Leon Guerrero was informed that the zoning on the lot had never actually been changed to conform to the construction permitted and authorized. This legislation, then, is to correct the discrepancy which was permitted in 1964 and which has been continued to exist to the disadvantage of Mrs. Leon Guerrero. This Legislation would not affect the other lots contiguous and in the vicinity of Mrs. Leon Guerrero's property as such lots already have single family dwellings constructed on them and are zoned as R-1 (Single Family Dwelling).

Mrs. Leon Guerrero is requesting the zone change to comply with the structure built on the property as [REDACTED] it is difficult for her to secure a mortgage or loan on the property because of the inconsistency. Because the problem was permitted and created by GHURA, it is the intent of this legislation to correct that problem and to alleviate associated problems being confronted by Mrs. Leon Guerrero.





Office of the Commissioner  
Government of Guam  
Sinajana, Guam

FRANCISCO N. LIZAMA  
Commissioner

January 2, 1990

DANIEL E. SABLAN  
Assistant Commissioner


Honorable Francisco R. Santos  
Senator  
Twentieth Guam Legislature  
Agana, Guam 96910


Dear Senator Santos:

Referencing our discussions on the property of Mrs. Rosario F. Leon Guerrero, located in the village of Sinajana, the problem of correcting the zoning of said property has been brought to our attention on several occasions by a member of the immediate family.

The property was apparently mis-zoned inadvertently by the Guam Housing and Urban Renewal Authority (GHURA) when GHURA undertook the urban renewal project for the village of Sinajana. As GHURA permitted the construction of an apartment unit on the lot, the lot should have been zoned R-2. In this stead, we wholeheartedly agree and support the intent of your Bill No. 989 which would correct this discrepancy as the existence of said mis-zoning creates unnecessary and unjustified problems for the family.

Sincerely yours,

  
FRANCISCO N. LIZAMA  
Mayor

  
DANIEL E. SABLAN  
Vice Mayor

P.O. Box 786  
Agana, Guam 96910

Tel: (671) 472-6707  
477-3323



TWENTIETH GUAM LEGISLATURE

BILL NO. 989

INTRODUCED BY:

*RE 989*  
*[Signature]*

F. R. Santos  
H. Dierking  
and others

AN ACT TO CORRECT ZONING DISCREPANCIES FOR  
LOT 12, BLOCK 32, TRACT 232, LOCATED IN  
THE MUNICIPALITY OF SINAJANA.

DEAR SENATOR, *Sen Agustin*

We, the Leon Guerrero family, are requesting that you please vote YES on Bill No. 989; this is a Bill to correct a zoning problem that has existed for many years. The lot and structure in question existed prior to Guam's current zoning laws. It is a two story building in Sinajana having five rental units. Before Urban Renewal in the mid 60's one of the units was used as a store. The store was closed in the early 70's and this unit was again used for rental.

The zoning surrounding the building was changed to R-1 during Urban Renewal but no allowance was made for the existing building. There is off-street parking for most of the tenants (about 8 cars), and all the utilities have been serving the building adequately for over 25 years and our neighbors are pleased with the operation.

Senator Santos and Mayor Frank Lizama are aware of the zoning discrepancy and are working with us to have it corrected so that we can comply with Guam's land use Codes. We need your support in passing Bill 989 to correct this long standing discrepancy.

Dangkulo Na Si Yu'os Maase,

*Rosario*

Mrs. Rosario F. Leon Guerrero  
200629