

Territory of Guam
Territorio de Guam

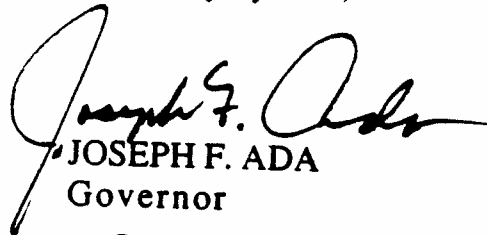
JUN 01 1992

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

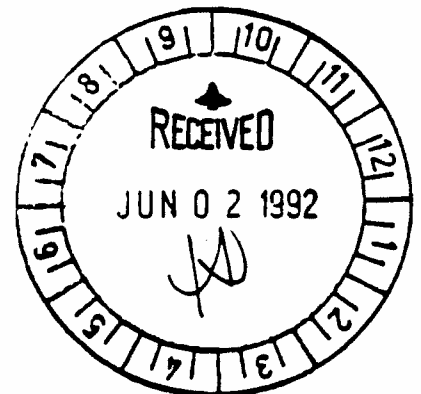
Transmitted herewith is Bill No. 711 which I have signed into law
this date as Public Law 21-113.

Sincerely yours,


JOSEPH F. ADA
Governor

Attachment

210829




Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 711 (LS), "AN ACT TO REZONE CERTAIN PROPERTIES IN YIGO, DEDEDO, CHALAN PAGO, MERIZO AGAT, YOÑA, AGAÑA HEIGHTS, MANGILAO, AND BARRIGADA; TO AUTHORIZE A PARKING VARIANCE IN TUMON; TO AUTHORIZE THE EXCHANGE OF LAND IN BARRIGADA; TO AUTHORIZE THE SALE OF A BULLCART TRAIL IN AGAT; AND TO GRANT A PERPETUAL UTILITY EASEMENT IN MANGILAO," was on the 15th day of May, 1992, duly and regularly passed.



JOE T. SAN AGUSTIN
Speaker

Attested:

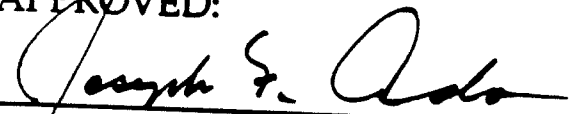


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 20th day of MAY, 1992,
at 3:00 o'clock P.M.

Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: JUN 01 1992

Public Law No. 21-113

TWENTY FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 711 (LS)

As amended and substituted by the
Committee on Housing, Community Development,
Federal and Foreign Affairs and as further
substituted by the Committee on Rules

Introduced by:

F.R. Santos
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
D. Parkinson
J. T. San Agustin
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
M. D. A. Manibusan
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REZONE CERTAIN PROPERTIES IN
YIGO, DEDEDO, CHALAN PAGO, MERIZO, AGAT,
YOÑA, AGAÑA HEIGHTS, MANGILAO, AND
BARRIGADA; TO AUTHORIZE A PARKING
VARIANCE IN TUMON; TO AUTHORIZE THE
EXCHANGE OF LAND IN BARRIGADA; TO

**AUTHORIZE THE SALE OF A BULLCART TRAIL IN
AGAT; AND TO GRANT A PERPETUAL UTILITY
EASEMENT IN MANGILAO.**

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

2 **Section 1. Rezoning in Yigo. (a) Legislative statement. Fr**
3 Quitugua, a long time resident and landowner in Yigo, desires to utilize
4 property to its greatest potential for the benefit of his family. He desires
5 build multiple dwelling units on his property situated a short distance from
6 the front gate of Andersen Air Force Base and the main village of Yigo. M
7 Quitugua's purpose is to make available housing units qualifying as
8 Temporary Living Allowance ("TLA") units under Air Force regulations but
9 which will also be available for others as affordable homes. The consensus of
10 the Legislature is that Mr. Quitugua's plans are compatible with existing
11 land uses in the area and will be beneficial to the island, the municipality of
12 Yigo, and the many who have no need or desire to own a home on Guam but
13 who require suitable living accommodations for an extended period of time
14 The withdrawal of the U.S. bases from the Philippines has produced a
15 situation which may soon be untenable where the demand for housing forces
16 the prices for rental units to rise to the point where the only people who will
17 be able to afford them will be those qualified for military subsidized housing
18 or those qualified to use TLA rentals. Individual entrepreneurs such as Mr.
19 Quitugua can provide the relief Guam needs from this type of disaster. The
20 Legislature seeks to support individuals with initiative and motivation such
21 as Mr. Quitugua.

22 **(b) Lots rezoned.** Lots Nos. 5-1 through 5-8 and Lots Nos. 5-9 and 5-
23 R9, Block 1, Tract 924, said to contain an aggregate area of 310,174 ± square

1 feet, situated in the Municipality of Yigo, and owned by Fred C. a
2 Esperanza Q. Quitugua are hereby rezoned from Agricultural ("A") to Mu
3 family Residential ("R-2").

4 (c) **Conditions.** The rezoning authorized in Subsection (b) of th
5 Section is conditioned on the installation of the infrastructure, inclusive
6 sewer facilities of sufficient capacity and adequate public access, required
7 provide adequate service for the proposed uses of the property. Upo
8 completion of the installation of the required infrastructure and notificatio
9 to the Department of Land Management (the "Department") of suc
10 installation, the Director of Land Management (the "Director") shall have a
11 zoning maps and documents amended to reflect the rezoning herei
12 authorized.

13 (d) **Legislative statement.** Mr. and Mrs. David J. Pangelinan
14 residents and landowners in the Municipality of Yigo, have approached the
15 Legislature requesting a rezoning of their property from Single Family
16 Residential to Multi-family Residential. The Pangelinans already have built
17 on their property a duplex which they now desire to expand into a six unit
18 two bedroom apartment facility. The land area on which the property would
19 be built is adequate and will permit adequate parking and setbacks as
20 required, and the utility infrastructure necessary to service the apartments is
21 already serving the property and existing structures. The Pangelinans are of
22 the opinion that expanding their existing two units would enable them to
23 utilize their property to its highest potential, especially in light of the increase
24 in personnel anticipated for Andersen Air Force Base and the increased
25 housing demands for contract teachers of the Department of Education. The
26 Legislature, aware of the growth being experienced and the increasing

1 demand for housing in northern Guam, agrees with the Pangelinans that t
2 construction of a six unit apartment on their property would not
3 incompatible with the surrounding uses, would not adversely impact th
4 infrastructure and would provide a public benefit in making addition
5 housing units available for the market.

6 (e) **Lot rezoned.** Lot No. 7014-5A, situated in the Municipality of Yigo
7 as designated on Land Management Check No. 338FY73, said to contain a
8 area of approximately 1000± square meters, which belongs to David
9 Pangelinan, is hereby rezoned from Single Family Residential ("R-1") to
10 Multi-family Residential ("R-2").

11 (f) **Legislative statement.** Vicente B. Hongyee, owner of two lots in
12 Yigo in the vicinity of the backgate to Andersen, has approached the
13 Legislature with a request for rezoning his property in order that he may
14 build multi-family units and make them available for the open market or for
15 the military personnel who will be stationed on Guam as a result of the pull-
16 out of the U.S. Armed Forces from the Philippines. Mr. Hongyee is aware
17 that the rezoning of his property to permit multi-family dwellings does not
18 lift the building clearances and requirements that will have to be satisfied
19 before building permits are issued. The Legislature notes that this property is
20 situated adjacent and contiguous to Lot No. 7090-1, Yigo, a large tract
21 previously rezoned for multi-family dwellings.

22 (g) **Lots rezoned.** Lots Nos. 7089-NEW-8-1 and 7089-NEW-8-2,
23 situated in the Municipality of Yigo, said to contain areas of 1,858 ± square
24 meters and 1,859 ± square meters, respectively, as delineated on Land
25 Management Check No. 248-FY86, and belonging to Vicente B. Hongyee, are
26 hereby rezoned from Agriculture ("A") to Multi-family Residential ("R-2").

1 (h) **Conditions.** The rezoning authorized in Subsection (g) of t
2 Section is conditioned on the installation of the infrastructure, inclusive
3 sewer facilities of sufficient capacity and adequate public access, required
4 provide adequate service for the proposed uses of the property. Up
5 completion of the installation of the required infrastructure and notificati
6 to the Department of such installation, the Director shall have all zoni
7 maps and documents amended to reflect the rezoning herein authorized.

8 (i) **Legislative statement.** Jane A. Moylan, owner of record of Lot N
9 7077-3, Municipality of Yigo, has approached the Legislature requesting th
10 her property be rezoned from Agriculture to Multi-family Residential. Mr
11 Moylan plans to build an apartment complex to maximize the econom
12 potential of the property and to provide affordable residential units for he
13 children. Mrs. Moylan notes that building an apartment complex where he
14 children would be able to stay would enable her to have the other apartment
15 subsidize the rental for her children. Mrs. Moylan notes that her property i
16 situated in very close proximity to the Yigo Land for the Landless project, and
17 to large tracts of property already rezoned to Multi-family Residential. In
18 this instance, the rezoning of Mrs. Moylan's property to Multi-family
19 Residential is not incompatible for planned future and present uses of
20 surrounding property. In the final analysis, Mrs. Moylan's plans for her
21 property are compatible with other planned uses of surrounding parcels, will
22 provide a public benefit and service in that her plans will provide some relief
23 to the acute housing shortage on Guam which has been and will be further
24 aggravated by military plans to bring additional personnel to Guam, and will
25 not adversely affect existing infrastructure as the rezoning will be
26 conditioned on the installation of adequate infrastructure facilities . It should

1 also be noted that the rezoning of the property does not relieve Mrs. Moylan
2 or anyone else, of the building clearance requirements, the building code
3 regulations, environmental regulations or other requirements which may
4 be placed on a particular project by the permitting agencies.

5 (j) **Lot rezoned.** Lot No. 7077-3, situated in the Municipality of Yigo,
6 said to contain an area of 40,655 ± square meters, as delineated on Land Use
7 Management Check No. 023-FY78, and owned by Mrs. Jane A. Moylan,
8 hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

9 (k) **Conditions.** The rezoning authorized in Subsection (j) of this
10 Section is conditioned on the installation of the infrastructure, inclusive of
11 sewer facilities of sufficient capacity and adequate public access, required to
12 provide adequate service for the proposed uses of the property. Upon
13 completion of the installation of the required infrastructure and notification
14 to the Department of such installation, the Director shall have all zoning
15 maps and documents amended to reflect the rezoning herein authorized.

16 (l) **Legislative statement.** Haresh P. Sharma and Neeta H. Sharma,
17 owners of Lot No. 7079-5-R8, Yigo, have approached the Legislature
18 requesting a rezoning of their property from Agricultural to Multi-family
19 Residential in order to build two and three bedroom affordable rental units
20 with a Child Care Center as part of the subdivision. The Legislature finds
21 that the property is in the same vicinity and area as other lots which have
22 been rezoned to accommodate multi-family units. With the projected influx
23 of military personnel from the Philippines, the Legislature finds that such a
24 project is desirable and would alleviate the housing shortage which will
25 become acute in the near future.

26 (m) **Lot rezoned.** Lot No. 7079-5-R8, located in Yigo, containing

1 approximately 11,148 square meters, and owned by Haresh P. Sharma a
2 Neeta H. Sharma, is hereby rezoned from Agricultural ("A") to Multi-fam
3 Residential ("R-2").

4 (n) **Conditions.** The rezoning authorized in Subsection (m) of th
5 Section is conditioned on the installation of the infrastructure, inclusive
6 sewer facilities of sufficient capacity and adequate public access, required
7 provide adequate service for the proposed uses of the property. Upo
8 completion of the installation of the required infrastructure and notificatio
9 to the Department of such installation, the Director shall have all zoning
10 maps and documents amended to reflect the rezoning herein authorized.

11 **Section 2. Rezoning in Dededo.** (a) **Legislative statement.** Aleta Sa
12 Nicolas has requested the Legislature to rezone her property, in Dededo
13 Village proper, from Single Family Residential to Multi-family Residential
14 The rezoning is requested to permit Ms. San Nicolas to expand her existing
15 duplex and secure permanent rezoning of the property rather than the
16 conditional use permit which requires Ms. San Nicolas to regularly appear
17 before the TLUC in order to justify an exemption from the Zoning Law. The
18 existing duplex is connected to the sewer system and all other utilities. The
19 Legislature notes that granting the zone change to Ms. San Nicolas will not
20 relieve her of securing building clearances, nor of requirements under the
21 building code.

22 (b) **Lot rezoned.** Lot No. 6, Block 4, in the Municipality of Dededo,
23 situated at the corner of Iglesias Circle and Santa Barbara Avenue,
24 containing an area of 585.29 square meters, owned by Aleta San Nicolas, on
25 which exists a duplex apartment unit, is hereby rezoned from Single Family
26 Residential ("R-1") to Multi-family Residential ("R-2").

1 (c) **Legislative statement.** The Legislature is aware that Dededo is t
2 fastest growing community on Guam. Likewise, there is an increasing tren
3 for both spouses to be gainfully employed in order to keep pace with the ev
4 increasing cost of living. Because of this growth there is an increasin
5 demand for services and facilities that would enable both spouses to b
6 gainfully employed yet provide for the care of their pre-school children
7 Leonardo and Sabina Tamondong have indicated their interest in opening
8 child care facility on the two Ligan Terrace lots they presently own. The
9 have indicated their desire to consolidate the two lots in order that a single
10 facility can be operated. The two lots in question are contiguous to
11 commercially-zoned properties and are serviced by all required utilities
12 inclusive of sewer. In view of this, the consensus of the Legislature is that the
13 stated purpose of the rezoning is desirable as it would provide a critically
14 needed service, would not be incompatible with surrounding uses, and would
15 not adversely impact on existing utility infrastructure. Likewise, it is the
16 further consensus of the Legislature that because the lots will be used for
17 child-care facilities, parking requirements can be sufficiently satisfied.

18 (d) **Lots rezoned.** Lots Nos. 88 and 89, Block 3, Tract 100, situated in
19 the Ligan Terrace area of the Municipality of Dededo, each containing an
20 area of 625.31 square meters, and owned by Leonardo and Sabina
21 Tamondong, are hereby rezoned from Single Family Residential ("R-1") to
22 Commercial ("C") for the purpose of consolidation and for the operation of a
23 child-care facility for the community of Dededo.

24 (e) **Legislative statement.** Tomas R. Mesa, Jr., has approached the
25 Legislature with a request to rezone his property so that he may utilize it for
26 its highest and best use. Mr. Mesa points out that adjacent and nearby lots

1 within the same tract have already been rezoned as a Planned U
2 Development and are now occupied by Hafa Estates and PGD Developme
3 The existence of these two large multi-family dwelling projects in the sar
4 area shows that Mr. Mesa's request would be compatible and that t
5 infrastructure to service such a development is in place. Likewise, the nee
6 for more housing units in Guam indicates that Mr. Mesa's plans wou
7 address a public need and provide public benefit.

8 (f) **Lots rezoned.** Lots Nos. 7 and 8, Tract No. 314, Mogfog, Dededo
9 containing areas of 6,107± square meters and 7,622± square meters
10 respectively, and owned by Tomas R. Mesa, Jr., are hereby rezoned from
11 Agricultural ("A") to Multi-family Residential ("R-2").

12 (g) **Legislative statement.** Rogelio F. Ichihara has approached the
13 Legislature requesting a rezoning of his property to multi-family residential
14 Mr. Ichihara points out that lots adjacent to his property are already being
15 utilized as multi-family dwelling parcels consisting of one and two story
16 apartment units in complexes with as many as six units. The Legislature finds
17 that the uses proposed by Mr. Mesa are not incompatible with the area and
18 will be serviced by adequate infrastructure. Likewise, the Legislature finds
19 that the proposed uses will provide a public benefit by making affordable
20 rental units available for those requiring housing.

21 (h) **Lot rezoned.** Lot 9, Block 29, Dededo Village Extension, Estate No.
22 7896, Municipality of Dededo, containing an area of 920.06 square meters,
23 owned by Rogelio F. Ichihara, is rezoned from Single Family Residential ("R-
24 1") to Multi-family Residential ("R-2").

25 (i) **Legislative statement.** Gordon T.C. Chu, Aileen Z. Chu, Joseph L.G.
26 Rios, Jr., Sara Rios, Jack J.S. Ueng, Anne H.C. Ueng, and United Realty,

1 owners of Lot No. 10100-5, Callon Tramojo, Machanao, have approached
2 the Legislature requesting a rezoning of their property from Agricultural ("A"
3 to Single Family Residential ("R-1") in order to build a housing developmen
4 The property is situated in the proximity of Hatsuho International Go
5 Course and is of adequate size for a housing project. Because of its proximit
6 to Andersen, the development will provide needed housing units for militar
7 personnel coming from the Philippines, as well as for the already growin
8 population of Dededo and Yigo.

9 (j) Lot rezoned. Lot No. 10100-5, Callon Tramojo, Machanao
10 Dededo, containing an area of 95,617.68 square meters, as delineated on Land
11 Management Map No. L-282, and recorded under Document No. 266097,
12 owned by Gordon T.C. Chu, Aileen Z. Chu, Joseph L.G. Rios, Jr., Sara S.
13 Rios, Jack U.S. Ueng, Anne H.C. Ueng and United Realty, is hereby rezoned
14 from Agricultural ("A") to Single Family Residential ("R-1").

15 (k) Legislative statement. Frank C. and Vera D. Torres, owners of
16 Lots Nos. 10095-7-2 and 10095-7-1, are requesting the Legislature to rezone
17 their property from Agricultural to Multi-family Residential in order to build
18 apartments and to use their property for its highest and best uses. The
19 Legislature, aware of the acute shortage of housing units affecting the island,
20 is in agreement with the proposal of Mr. and Mrs. Torres.

21 (l) Lots rezoned. Lots Nos. 10095-7-2 and 10095-7-1, said to contain an
22 aggregate area of 3,716.16 square meters, situated in Dededo, as designated
23 on Land Management Map No. DRP-0510 recorded under Document No.
24 406232, owned by Frank C. and Vera D. Torres, are hereby rezoned from
25 Agricultural ("A") to Multi-family Residential ("R-2").

26 **Section 3. Rezoning in Chalan Pago.** (a) Legislative statement. The

1 Legislature has been approached by Zenon J. and Maria Belanger, longtime
2 residents of Chalan Pago, with a request to rezone their lot in Chalan Pago
3 from Single Family Residential to Commercial. The Legislature finds that
4 the Belangers have operated a commercial enterprise on their lot for the last
5 thirty years on a conditional use permit which must be renewed annually.
6 The Legislature further finds that the Belanger's property fronts on Route 101,
7 the major highway through Chalan Pago, and is adequately provided with all
8 necessary utilities. Because the Belangers have operated a commercial
9 enterprise on the property for so many years, the Legislature finds that their
10 request to rezone the property permanently as Commercial is not
11 unreasonable. The Belanger's plans are to continue utilizing the property for
12 commercial purposes, which uses are not incompatible with the surrounding
13 area, and the business which the Belangers operate does provide a public
14 benefit in making a book store available in Chalan Pago.

15 (b) Lot rezoned. Lot No. 3245-1-NEW-NEW, said to contain an area of
16 1557 ± square meters, situated in Chalan Pago, Municipality of Sinajaña, and
17 belonging to Zenon J. and Maria C. Belanger, is hereby rezoned from Single
18 Family Residential ("R-1") to Commercial ("C").

19 **Section 4. Rezoning in Merizo.** (a) **Legislative statement.** Antonio C.
20 and Asuncion T. Cruz, long-time residents of Merizo, have requested a
21 rezoning of their Lot No. 14, Unit 1, Tract 261, Pigua Subdivision, Merizo,
22 from Single Family Residential to Commercial. The Cruzes have operated a
23 small corner store on the lot under a conditional use permit. When the Cruzes
24 first purchased the lot, the same retail store operation was already in
25 existence. When Mr. Cruz sought to renew the conditional use permit he was
26 informed that the permit was not transferrable and his request was denied.

1 The retail store Mr. Cruz purchased and wishes to operate provides
2 valuable service to the residents of Pigua subdivision by making availab
3 daily necessities for which they would otherwise have to travel to the ma
4 village by car, and to the community of Merizo in that it provides
5 convenience, as well as limits vehicular traffic into the main village, theret
6 reducing the number of vehicles on the road. The lot is serviced by adequat
7 utilities and because of the natural limitations, i.e. customer base, the size c
8 the property is deemed adequate. Likewise, the Legislature finds that th
9 operation of a village corner store is a unique feature of the southern village
10 which should be continued.

11 (b) **Lot rezoned.** Lot 14, Unit 1, Tract 21, situated in the Municipality o
12 Merizo, containing an area of 11,190± square feet, and owned by Antonio C
13 and Asuncion T. Cruz, is hereby rezoned from Single Family Residential ("R.
14 1") to Commercial ("C").

15 (c) **Legislative statement.** Jesus Q. and Dolores C. Nangauta,
16 longtime residents of Merizo, have approached the Legislature requesting
17 their property be rezoned to permit them to utilize said property at its fullest
18 potential. The Nangautas presently have a duplex apartment on the
19 property but wish to expand to provide homes for their children as well as
20 rental units which would be used to offset the cost of the planned expansion.
21 The Nangautas want to utilize their land at its greatest potential to provide
22 for themselves and their children.

23 (d) **Lots rezoned.** Lots Nos. 356-1, 356-2 and 356-3, as designated on
24 Land Management Drawing No. 124-FY73, in the Municipality of Merizo,
25 containing areas of 16,600 square feet, 12,619 square feet, and 12,332 square
26 feet, respectively, and owned by Jesus Q. and Dolores C. Nangauta, are

1 hereby rezoned from Single Family Residential ("R-1") to Multi-family
2 Residential ("R-2"). Lot No. 356-4, in the Municipality of Merizo, containing
3 an area of 62,835 square feet, and owned by Jesus Q. and Dolores (C)
4 Nangauta, is hereby rezoned from Agricultural ("A") to Multi-family
5 Residential ("R-2").

6 **Section 5. Rezoning in Agat.** (a) **Legislative statement.** Felicidad H
7 Mendiola is requesting the Legislature to rezone her property in Agat so that
8 she may build rental units to utilize her land at its highest and best use. The
9 property is in the immediate vicinity of the "Inn on the Bay Hotel", and is
10 bounded by lots with existing apartment buildings and commercial
11 enterprises. The area is served by adequate utility infrastructure and the
12 planned use is compatible with other uses in the immediate area. Ms.
13 Mendiola approached the Legislature with her request because she cannot
14 afford to hire consultants and engineers she was informed she would need to
15 present her application to the TLUC. The Legislature finds that since the
16 rezoning would not relieve Ms. Mendiola of building clearance requirements
17 and the building code, the rezoning would only provide Ms. Mendiola with
18 the opportunity to utilize her property to the best of its potential. It is the
19 intent of the Legislature to provide the opportunity for economic benefits to
20 all residents of Guam.

21 (b) **Lot rezoned.** Lot No. 226-2, Agat, Guam, Estate No. 65475,
22 containing an area of 2011± square meters, registered through Land
23 Management Document No. 410336, and delineated on L.M. No. 074-FY89,
24 owned by Felicidad H. Mendiola, is hereby rezoned from Agricultural ("A") to
25 Multi-family Residential ("R-2").

26 **Section 6. Rezoning in Yoña.** (a) **Legislative statement.** The Iriarte

1 family of Yoña is requesting the Legislature to rezone their property
2 Pulantat, Yoña in order for them to build multi-family dwellings as affordab
3 homes for their children. The Iriartes point out the increasing cost an
4 scarcity of land for residential purposes. They would also like to provide fo
5 their children so that the family could remain physically close rather tha
6 seeking other areas to build their homes. The Legislature finds that th
7 request is not unreasonable, particularly in light of the approval by the TLU
8 of the Manengon Hills Development project which is in close proximity to th
9 Pulantat area of Yoña, thus causing land prices to continue to rise even in thi
10 rural area.

11 (b) **Lots rezoned.** Lots Nos. 144-1-2 and 144-1-R3, situated in Pulantat
12 Yoña, containing areas of 2,647 square meters and 5,690 square meters
13 respectively, and owned by Ignacio Q. and Margot M. Iriarte, are hereby
14 rezoned from Agricultural ("A") to Multi-family Residential ("R-2"). Lot No
15 144-1-10, situated in Pulantat, Yoña, containing an area of 1,637 square
16 meters, and owned by Simon Q. and Maria Iriarte, is hereby rezoned from
17 Agricultural ("A") to Multi-family Residential ("R-2"). Lot No. 144-1-3
18 situated in Pulantat, Yoña, containing an area of 1,508 square meters, and
19 owned by Roderick and Agnes Iriarte Bell, is hereby rezoned from
20 Agricultural ("A") to Multi-family Residential ("R-2").

21 (c) **Legislative statement.** The Legislature is aware that the Manengon
22 Hills development project will result in an increase in population within the
23 Yoña/Windward Hills area, particularly because employees in the project will
24 want to live closer to their place of work. With this increase in population,
25 the Legislature is aware that there will be increased demands for services and
26 retail outlets. The owner of Lot No. 109-R3 has expressed his desire to the

1 Legislature to develop a shopping/retail services area on property that
2 situated in Yoña with frontage on Route 4. This property is contiguous to
3 parcel which is already zoned Commercial and on which it is contemplated
4 that a service station will be built. Likewise, the Legislature has already
5 appropriated the funding for the extension of the waste water mains from
6 the intersection of Route 4 and the M.U. Lujan Elementary School access
7 road which will provide the needed infrastructure for the enterprises to be
8 established on this parcel.

9 (d) Lot rezoned. Lot No. 109-R3, situated in the municipality of Yoña
10 containing an area of approximately 44,000 square meters, and owned by
11 Enrique Cruz Baza, is hereby rezoned from Single Family Residential ("R-1")
12 to Commercial ("C").

13 **Section 7. Rezoning in Agaña Heights.** (a) Legislative statement
14 Gregorio D. Tenorio, owner of Lots Nos. 3338-7-R3, 3338-7-3, 3338-7-2 and
15 3338-7-1, containing an aggregate area of 4,491± square meters, and situated
16 in Agaña Heights, has approached the Legislature requesting rezoning of his
17 property from Single Family Residential to Multi-family Residential in order
18 to build multi-family dwellings to make available affordable housing units for
19 his children. Mr. Tenorio has explained to the Legislature that it would be
20 more feasible for him to provide living units for his children than to provide
21 land because of the rising cost of real estate, as well as its scarcity. He would
22 like to provide homes for his children on the family property in Agaña Heights
23 but in order for him to do this, he will have to build apartment units rather
24 than detached homes. Mr. Tenorio has informed the Legislature that all
25 utilities are available to the lots to be rezoned and that his future plans will
26 not be incompatible with other uses in the area. The Legislature notes that

1 the TLUC has rezoned another parcel in the vicinity for the building
2 townhouses and that there are apartment complexes in the general vicinity.

3 (b) **Lots rezoned.** Lots Nos. 3338-7-R3, 3338-7-3, 3338-7-2 and 3338-
4 1, containing an aggregate area of 4,491± square meters, and situated
5 Agaña Heights, owned by Gregorio D. Tenorio, are hereby rezoned from
6 Single Family Residential ("R-1") to Multi-family Residential ("R-2").

7 (c) **Legislative statement.** Manuel R. and Sonia V. Villava, owners of
8 Lot No. #15-REM-R3, situated in Agaña Heights, containing an area of
9 approximately 2,199.92 square meters, have approached the Legislature with
10 a request to rezone their property from Single Family Residential to Multi-
11 family Residential. Mr. and Mrs. Villava are requesting the rezoning in order
12 to make maximum use of their property which is situated immediately across
13 from a laundromat and a retail store. The lot is also in close proximity to the
14 Agaña Heights Elementary School and would be a good location for an
15 apartment building available to teachers of that school. The Legislature finds
16 that because the area around the parcel is already commercially zoned, the
17 use proposed is compatible with area uses and the utility infrastructure is
18 available to service Mr. and Mrs. Villava's proposed structure.

19 (d) **Lot rezoned.** Lot No. 15-REM-R3, situated in Agaña Heights,
20 registered under Estate No. 11587, said to contain an area of 2199.92 square
21 meters, and owned by Manuel R. and Sonia V. Villava, is hereby rezoned
22 from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

23 **Section 8. Rezoning in Mangilao.** Lots Nos. 5360-7, 5360-9 and 5360-
24 10, situated in the Municipality of Mangilao, owned respectively by Robert C.
25 and Brigida I. Untalan, Rosita A. Cruz and Maria I. Cruz, said to contain an
26 aggregate area of 4011 square meters, are hereby rezoned from Single Family

1 Residential ("R-1") to Commercial ("C").

2 **Section 9. Rezoning in Barrigada. (a) Legislative statement.** T

3 Legislature is aware that there is an acute shortage of housing on Guam
4 This will be especially true in areas close to military installations because
5 the withdrawal of American forces from the Philippines. The Legislatu
6 feels that encouragement of individuals who want to build multi-famil
7 dwellings, i.e., apartment buildings, close to these bases would be beneficia
8 not only to the military, but to the civilian sector by making more housin
9 units available in the civilian sector accessible to such civilians. Genera
10 Enterprises, the owner of record of Lot No. 2067-2, Jalaguag, Barrigada, ha
11 made known its intention of building an apartment building on its property
12 The Legislature, knowledgeable of conditions in the area, feels that this plan
13 is compatible with other development in the area and that utility services in
14 the area are adequate.

15 (b) Lot rezoned. Lot No. 2067-2, Jalaguag, Barrigada, containing an
16 area of 5,412 square meters, recorded under Document 94495 and designated
17 on Drawing No. 105-T69B, owned by General Enterprises, a Guam
18 corporation, is hereby rezoned from Single Family Residential ("R-1") to
19 Multi-family Residential ("R-2").

20 **Section 10. Parking variance in Tumon. (a) Legislative statement.**

21 The Legislature has been approached by Sylvia M. Flores, a Guam resident,
22 who desires to open a restaurant and lounge off San Vitores Road, in the
23 vicinity of the Fujita Hotel. The Legislature finds that the parking situation
24 along San Vitores Road has been aggravated by the hotel developments that
25 have been granted variances, including major parking variances, from the
26 same provisions as those which threaten to prevent a local resident from

1 succeeding as an entrepreneur. Where the application and enforcement of the
2 parking requirements for hotels and large developments by the old Territorial
3 Planning Commission and its successor, the TLUC, have been negligent where
4 it is in these instances that enforcement and application should be more
5 stringent, the Legislature finds that equity and the best interests of the people
6 of Guam are not served. The Legislature is further disturbed and perplexed
7 at statements made by personnel in the Planning Division of the Department
8 of Land Management that Ms. Flores' request does not stand a chance before
9 the TLUC and that such personnel suggested that Ms. Flores seek assistance
10 from the Legislature. The Legislature grants this assistance because the
11 system as it is now being operated does not work for local residents but bends
12 over backwards for large-scale monied and off-island investor
13 developments. The Legislature finds that Ms. Flores' request is not
14 incompatible with property uses and the variances granted to hotel and other
15 developments in Tumon, and, because of the location of the lot on a dead-end
16 street, would not cause traffic congestion or other problems.

17 (b) **Parking variance granted.** Notwithstanding any other provision of
18 law, a variance to the parking requirements of §17350 of Title XVIII of the
19 Government Code, is hereby granted for the establishment of a restaurant
20 and lounge on Lot No. 1-R1, Block No. 5, Tract 95, situated in Tumon,
21 Municipality of Dededo, with no less than four (4) parking stalls.

22 **Section 11.** Subsection (a) of Section 7, Public Law 21-14, amended in
23 Section 2 of Public 21-92, is further amended to read:

24 "(a) The Governor shall exchange government real
25 property in Barrigada with Lot No. 1090-2-3, Barrigada,
26 containing an area of approximately one thousand one hundred

1 seven (1,107) square meters, belonging to Juan A. and Dolores U.
2 Camacho ("the Owners") on an area-for-area basis. The
3 Directors of Public Works and Land Management shall negotiate
4 with the Owners for an acceptable tract of government real
5 property to be so exchanged. The costs of the surveys necessary to
6 carry out such exchange shall be borne by the government of
7 Guam.

8 **Section 12. Bullcart trail sale. (a) Legislative statement.** The
9 Legislature had passed legislation which would have authorized the sale of a
10 bullcart trail in the Nimitz Beach area of Agat to the owner of the abutting
11 lots, Paul J. Bordallo. Mr. Bordallo had approached the government of
12 Guam on several occasions making application to purchase the bullcart trail
13 which bisects two parcels of property he owns. Mr. Bordallo's desire for the
14 bullcart trail is to enable him to consolidate the two abutting lots with the
15 bullcart trail, thus creating a larger, more usable parcel of land. As it
16 currently exists, the bullcart trail serves no useful purpose for the government
17 and one of the lots bisected by the bullcart trail serves no useful purpose for its
18 owner, Paul Bordallo. However, if Mr. Bordallo is permitted to buy the
19 bullcart trail and thus consolidate all three parcels, the resultant parcel would
20 be of sufficient size for commercial development. Mr. Bordallo is also
21 prepared to give to the government access to the old Spanish Bridge over the
22 Taleyfac River. This would make the old Spanish Bridge accessible from
23 Route 2, the Agat-Umatat Road. As it now stands there is no access to the
24 Spanish Bridge except for the bullcart trail. That access requires people
25 wanting to see the Spanish Bridge to go from Nimitz Beach along the bullcart
26 trail to the Spanish Bridge. Such access is already available along the beach

1 from Nimitz Beach and thus the bullcart trail is redundant. What is lacking
2 an access from Route 2. This access Mr. Bordallo is prepared to give to the
3 government. It should be noted that at the public hearing on this matter, the
4 Director of Land Management testified that his Department is in full support
5 of the sale to Mr. Bordallo.

6 (b) **Authorization.** Notwithstanding any other provision of law, the
7 Governor is hereby authorized to sell, at its fair market value as determined
8 by two independent appraisals, the pre-war bullcart trail located between
9 Lots Nos. 199-R1, 201-3 and 200-R2, Agat, Guam, extending from the Nimitz
10 Beach Park to the Taleyfac River, consisting of 1,527± square meters, to Pau
11 J. Bordallo, owner of Lots Nos. 199-R1, 201-3 and 200-R2, Municipality of
12 Agat (the "Landowner"), to permit the consolidation of said parcels of land;
13 provided, however, that the Landowner shall convey to the government of
14 Guam as part of the sale that portion of Lot No. 201-3, Agat, situated
15 between Route 2 and the Taleyfac River Spanish Bridge, consisting of 40 ±
16 square meters and giving sufficient public access from the road to the Spanish
17 Bridge and from the Spanish Bridge to the beach, all as shown on Map
18 Drawing No. PRB 91-108, prepared by Prudencio R. Balagtas, RLS No. 62.

19 (c) **Costs of Appraisals, Survey, Mapping and Registration.** The
20 appraisals, survey, mapping and registration of the property to be sold herein
21 shall be at the direction of the Director of Land Management, the costs of
22 which shall be for the account of the Landowner.

23 (d) **Reversionary clause.** Title and ownership for the property to be
24 sold herein shall remain with the Landowner for ten years. In the event that
25 title and ownership for the property to be sold hereunder is conveyed or
26 otherwise transferred to another, the title and ownership of the parcel sold by

1 the government shall revert to the government of Guam.

2 **Section 13. Perpetual utility easement, Pagat, Mangilao.** A perpetual
3 utility easement twenty-five feet (25') in width is hereby granted to the Guar
4 Power Authority, the Guam Telephone Authority, and the Public Utilit
5 Agency of Guam, to run along the easternmost boundary of Lot No. 5402-R3
6 Mangilao, beginning from the southern boundary of Chalan Guaje and
7 thence along the boundaries of Lots Nos. 5354-3A-7, 5354-3A-8 and 5354-3A
8 R8 to the easternmost boundary of the Radio Barrigada Federal reservation
9 in order to extend power, telephone, water and waste water services to the
10 private property owners adjacent to Lot No. 5402-R3, as agreed to by the
11 Director of Land Management in his letter of April 29, 1992 to the Chairman
12 of the Committee on Ways and Means.

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or conducted without the prior written approval of the Governor of Guam. Amendments to the terms, conditions and provisions of the CSA, approved pursuant to this Act, shall not take effect unless approved (i) by PUC in accordance with its rules and regulations, and (ii) by statute.

Section 5. Resolutions. The resolutions of the board of directors of GPA and the orders of PUC approving the CSA as originally written and as amended, shall be appended to this Act.

PUBLIC LAW NO. 21-113

Bill No. 7i1 (LS)	Introduced by:	F.R. Santos
Date Became Law: June 1, 1992	J.P. Aguon	E.P. Arriola
Governor's Action: Approved	M.Z. Bordallo	H.D. Dierking
	C.T.C. Gutierrez	P.C. Lujan
	G. Mailloux	D. Parkinson
	J.T. San Agustin	D.L.G. Shimizu
	J.G. Bamba	A.C. Blaz
	D.F. Brooks	E.R. Duenas
	E.M. Espaldon	M.D.A. Manibusan
	M.J. Reidy	M.C. Ruth
	T.V.C. Tanaka	A.R. Unpingco

AN ACT TO REZONE CERTAIN PROPERTIES IN YIGO, DEDEDO, CHALAN PAGO, MERIZO, AGAT, YONA, AGANA HEIGHTS, MANGILAO, AND BARRIGADA; TO AUTHORIZE A PARKING VARIANCE IN TUMON; TO AUTHORIZE THE EXCHANGE OF LAND IN BARRIGADA; TO AUTHORIZE THE SALE OF A BULLCART TRAIL IN AGAT; AND TO GRANT A PERPETUAL UTILITY EASEMENT IN MANGILAO.

Section 1... Rezoning in Yigo.
Section 2... Rezoning in Dededo.
Section 3... Rezoning in Chalan Pago.
Section 4... Rezoning in Merizo.
Section 5... Rezoning in Agat.
Section 6... Rezoning in Yona.
Section 7... Rezoning in Agana Heights.
Section 8... Rezoning in Mangilao.
Section 9... Rezoning in Barrigada.
Section 10... Parking Variance in Tumon.
Section 11... Amended subsection (a) of Section 7, P.L. 21-14.

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Section 12... Bullcart trail sale in Agat.
Section 13... Perpetual utility easement, Pagat, Mangilao.

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

Section 1. Rezoning in Yigo. (a) Legislative statement. Fred Quitugua, a long time resident and landowner in Yigo, desires to utilize his property to its greatest potential for the benefit of his family. He desires to build multiple dwelling units on his property situated a short distance from the front gate of Andersen Air Force Base and the main village of Yigo. Mr. Quitugua's purpose is to make available housing units qualifying as Temporary Living Allowance ("TLA") units under Air Force regulations but which will also be available for others as affordable homes. The consensus of the Legislature is that Mr. Quitugua's plans are compatible with existing land uses in the area and will be beneficial to the island, the municipality of Yigo, and the many who have no need or desire to own a home on Guam but who require suitable living accommodations for an extended period of time. The withdrawal of the U.S. bases from the Philippines has produced a situation which may soon be untenable where the demand for housing forces the prices for rental units to rise to the point where the only people who will be able to afford them will be those qualified for military subsidized housing or those qualified to use TLA rentals. Individual entrepreneurs such as Mr. Quitugua can provide the relief Guam needs from this type of disaster. The Legislature seeks to support individuals with initiative and motivation such as Mr. Quitugua.

(b) Lots rezoned. Lots Nos. 5-1 through 5-8 and Lots Nos. 5-9 and 5-R9, Block 1, Tract 924, said to contain an aggregate area of 310,174 ± square feet, situated in the Municipality of Yigo, and owned by Fred C. and Esperanza Q. Quitugua are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(c) Conditions. The rezoning authorized in Subsection (b) of this Section is conditioned on the installation of the infrastructure, inclusive of sewer facilities of sufficient capacity and adequate public access, required to provide adequate service for the proposed uses of the property. Upon completion of the installation of the required infrastructure and notification to the Department of Land Management (the "Department") of such installation, the Director of Land Management (the "Director") shall have all zoning maps and documents amended to reflect the rezoning herein authorized.

(d) Legislative statement. Mr. and Mrs. David J. Pangelinan, residents and landowners in the Municipality of Yigo, have approached the Legislature requesting a rezoning of their property from Single Family Residential to Multi-family Residential. The Pangelinans already have built on their property a duplex which they now desire to expand into a six unit two bedroom apartment facility. The land

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area on which the property would be built is adequate and will permit adequate parking and setbacks as required, and the utility infrastructure necessary to service the apartments is already serving the property and existing structures. The Pangelinans are of the opinion that expanding their existing two units would enable them to utilize their property to its highest potential, especially in light of the increase in personnel anticipated for Andersen Air Force Base and the increased housing demands for contract teachers of the Department of Education. The Legislature, aware of the growth being experienced and the increasing demand for housing in northern Guam, agrees with the Pangelinans that the construction of a six unit apartment on their property would not be incompatible with the surrounding uses, would not adversely impact the infrastructure and would provide a public benefit in making additional housing units available for the market.

(e) **Lot rezoned.** Lot No. 7014-5A, situated in the Municipality of Yigo, as designated on Land Management Check No. 338FY73, said to contain an area of approximately 1000± square meters, which belongs to David J. Pangelinan, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

(f) **Legislative statement.** Vicente B. Hongyee, owner of two lots in Yigo in the vicinity of the backgate to Andersen, has approached the Legislature with a request for rezoning his property in order that he may build multi-family units and make them available for the open market or for the military personnel who will be stationed on Guam as a result of the pull-out of the U.S. Armed Forces from the Philippines. Mr. Hongyee is aware that the rezoning of his property to permit multi-family dwellings does not lift the building clearances and requirements that will have to be satisfied before building permits are issued. The Legislature notes that this property is situated adjacent and contiguous to Lot No. 7090-1, Yigo, a large tract previously rezoned for multi-family dwellings.

(g) **Lots rezoned.** Lots Nos. 7089-NEW-8-1 and 7089-NEW-8-2, situated in the Municipality of Yigo, said to contain areas of 1,858 ± square meters and 1,859 ± square meters, respectively, as delineated on Land Management Check No. 248-FY86, and belonging to Vicente B. Hongyee, are hereby rezoned from Agriculture ("A") to Multi-family Residential ("R-2").

(h) **Conditions.** The rezoning authorized in Subsection (g) of this Section is conditioned on the installation of the infrastructure, inclusive of sewer facilities of sufficient capacity and adequate public access, required to provide adequate service for the proposed uses of the property. Upon completion of the installation of the required infrastructure and notification to the Department of such installation, the Director shall have all zoning maps and documents amended to reflect the rezoning herein authorized.

2025 RELEASE UNDER E.O. 14176

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(i) **Legislative statement.** Jane A. Moylan, owner of record of Lot No. 7077-3, Municipality of Yigo, has approached the Legislature requesting that her property be rezoned from Agriculture to Multi-family Residential. Mrs. Moylan plans to build an apartment complex to maximize the economic potential of the property and to provide affordable residential units for her children. Mrs. Moylan notes that building an apartment complex where her children would be able to stay would enable her to have the other apartments subsidize the rental for her children. Mrs. Moylan notes that her property is situated in very close proximity to the Yigo Land for the Landless project, and to large tracts of property already rezoned to Multi-family Residential. In this instance, the rezoning of Mrs. Moylan's property to Multi-family Residential is not incompatible for planned future and present uses of surrounding property. In the final analysis, Mrs. Moylan's plans for her property are compatible with other planned uses of surrounding parcels, will provide a public benefit and service in that her plans will provide some relief to the acute housing shortage on Guam which has been and will be further aggravated by military plans to bring additional personnel to Guam, and will not adversely affect existing infrastructure as the rezoning will be conditioned on the installation of adequate infrastructure facilities. It should also be noted that the rezoning of the property does not relieve Mrs. Moylan, or anyone else, of the building clearance requirements, the building code regulations, environmental regulations or other requirements which may be placed on a particular project by the permitting agencies.

(j) **Lot rezoned.** Lot No. 7077-3, situated in the Municipality of Yigo, said to contain an area of 40,655 ± square meters, as delineated on Land Management Check No. 023-FY78, and owned by Mrs. Jane A. Moylan, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(k) **Conditions.** The rezoning authorized in Subsection (j) of this Section is conditioned on the installation of the infrastructure, inclusive of sewer facilities of sufficient capacity and adequate public access, required to provide adequate service for the proposed uses of the property. Upon completion of the installation of the required infrastructure and notification to the Department of such installation, the Director shall have all zoning maps and documents amended to reflect the rezoning herein authorized.

(l) **Legislative statement.** Haresh P. Sharma and Neeta H. Sharma, owners of Lot No. 7079-5-R8, Yigo, have approached the Legislature requesting a rezoning of their property from Agricultural to Multi-family Residential in order to build two and three bedroom affordable rental units with a Child Care Center as part of the subdivision. The Legislature finds that the property is in the same vicinity and area as other lots which have been rezoned to accommodate multi-family units. With the projected influx of military personnel

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from the Philippines, the Legislature finds that such a project is desirable and would alleviate the housing shortage which will become acute in the near future.

(m) **Lot rezoned.** Lot No. 7079-5-R8, located in Yigo, containing approximately 11,148 square meters, and owned by Haresh P. Sharma and Neeta H. Sharma, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(n) **Conditions.** The rezoning authorized in Subsection (m) of this Section is conditioned on the installation of the infrastructure, inclusive of sewer facilities of sufficient capacity and adequate public access, required to provide adequate service for the proposed uses of the property. Upon completion of the installation of the required infrastructure and notification to the Department of such installation, the Director shall have all zoning maps and documents amended to reflect the rezoning herein authorized.

Section 2. Rezoning in Dededo. (a) Legislative statement. Aleta San Nicolas has requested the Legislature to rezone her property, in Dededo Village proper, from Single Family Residential to Multi-family Residential. The rezoning is requested to permit Ms. San Nicolas to expand her existing duplex and secure permanent rezoning of the property rather than the conditional use permit which requires Ms. San Nicolas to regularly appear before the TLUC in order to justify an exemption from the Zoning Law. The existing duplex is connected to the sewer system and all other utilities. The Legislature notes that granting the zone change to Ms. San Nicolas will not relieve her of securing building clearances, nor of requirements under the building code.

(b) **Lot rezoned.** Lot No. 6, Block 4, in the Municipality of Dededo, situated at the corner of Iglesias Circle and Santa Barbara Avenue, containing an area of 585.29 square meters, owned by Aleta San Nicolas, on which exists a duplex apartment unit, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

(c) **Legislative statement.** The Legislature is aware that Dededo is the fastest growing community on Guam. Likewise, there is an increasing trend for both spouses to be gainfully employed in order to keep pace with the ever increasing cost of living. Because of this growth there is an increasing demand for services and facilities that would enable both spouses to be gainfully employed yet provide for the care of their pre-school children. Leonardo and Sabina Tamondong have indicated their interest in opening a child care facility on the two Ligan Terrace lots they presently own. They have indicated their desire to consolidate the two lots in order that a single facility can be operated. The two lots in question are contiguous to commercially-zoned properties and are serviced by all required

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utilities inclusive of sewer. In view of this, the consensus of the Legislature is that the stated purpose of the rezoning is desirable as it would provide a critically needed service, would not be incompatible with surrounding uses, and would not adversely impact on existing utility infrastructure. Likewise, it is the further consensus of the Legislature that because the lots will be used for child-care facilities, parking requirements can be sufficiently satisfied.

(d) **Lots rezoned.** Lots Nos. 88 and 89, Block 3, Tract 100, situated in the Liguán Terrace area of the Municipality of Dededo, each containing an area of 625.31 square meters, and owned by Leonardo and Sabina Tamondong, are hereby rezoned from Single Family Residential ("R-1") to Commercial ("C") for the purpose of consolidation and for the operation of a child-care facility for the community of Dededo.

(e) **Legislative statement.** Tomas R. Mesa, Jr., has approached the Legislature with a request to rezone his property so that he may utilize it for its highest and best use. Mr. Mesa points out that adjacent and nearby lots within the same tract have already been rezoned as a Planned Unit Development and are now occupied by Hafa Estates and PGD Development. The existence of these two large multi-family dwelling projects in the same area shows that Mr. Mesa's request would be compatible and that the infrastructure to service such a development is in place. Likewise, the need for more housing units in Guam indicates that Mr. Mesa's plans would address a public need and provide public benefit.

(f) **Lots rezoned.** Lots Nos. 7 and 8, Tract No. 314, **Mogfog**, Dededo, containing areas of 6,107± square meters and 7,622± square meters, respectively, and owned by Tomas R. Mesa, Jr., are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(g) **Legislative statement.** Rogelio F. Ichihara has approached the Legislature requesting a rezoning of his property to multi-family residential. Mr. Ichihara points out that lots adjacent to his property are already being utilized as multi-family dwelling parcels consisting of one and two story apartment units in complexes with as many as six units. The Legislature finds that the uses proposed by Mr. Mesa are not incompatible with the area and will be serviced by adequate infrastructure. Likewise, the Legislature finds that the proposed uses will provide a public benefit by making affordable rental units available for those requiring housing.

(h) **Lot rezoned.** Lot 9, Block 29, Dededo Village Extension, Estate No. 7896, Municipality of Dededo, containing an area of 920.06 square meters, owned by Rogelio F. Ichihara, is rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

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(i) **Legislative statement.** Gordon T.C. Chu, Aileen Z. Chu, Joseph L.G. Rios, Jr., Sara Rios, Jack J.S. Ueng, Anne H.C. Ueng, and United Realty, owners of Lot No. 10100-5, Callon Tramojo, Machanao, have approached the Legislature requesting a rezoning of their property from Agricultural ("A") to Single Family Residential ("R-1") in order to build a housing development. The property is situated in the proximity of Hatsuho International Golf Course and is of adequate size for a housing project. Because of its proximity to Andersen, the development will provide needed housing units for military personnel coming from the Philippines, as well as for the already growing population of Dededo and Yigo.

(j) **Lot rezoned.** Lot No. 10100-5, Callon Tramojo, Machanao, Dededo, containing an area of 95,617.68 square meters, as delineated on Land Management Map No. L-282, and recorded under Document No. 266097, owned by Gordon T.C. Chu, Aileen Z. Chu, Joseph L.G. Rios, Jr., Sara S. Rios, Jack U.S. Ueng, Anne H.C. Ueng and United Realty, is hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

(k) **Legislative statement.** Frank C. and Vera D. Torres, owners of Lots Nos. 10095-7-2 and 10095-7-1, are requesting the Legislature to rezone their property from Agricultural to Multi-family Residential in order to build apartments and to use their property for its highest and best uses. The Legislature, aware of the acute shortage of housing units affecting the island, is in agreement with the proposal of Mr. and Mrs. Torres.

(l) **Lots rezoned.** Lots Nos. 10095-7-2 and 10095-7-1, said to contain an aggregate area of 3,716.16 square meters, situated in Dededo, as designated on Land Management Map No. DRP-0510 recorded under Document No. 406232, owned by Frank C. and Vera D. Torres, are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 3. Rezoning in Chalan Pago. (a) **Legislative statement.** The Legislature has been approached by Zenon J. and Maria Belanger, longtime residents of Chalan Pago, with a request to rezone their lot in Chalan Pago from Single Family Residential to Commercial. The Legislature finds that the Belangers have operated a commercial enterprise on their lot for the last thirty years on a conditional use permit which must be renewed annually. The Legislature further finds that the Belanger's property fronts on Route 4, the major highway through Chalan Pago, and is adequately provided with all necessary utilities. Because the Belangers have operated a commercial enterprise on the property for so many years, the Legislature finds that their request to rezone the property permanently as Commercial is not unreasonable. The Belanger's plans are to continue utilizing the property for commercial purposes, which uses are not incompatible with the surrounding area, and the business which the

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Belangers operate does provide a public benefit in making a book store available in Chalan Pago.

(b) **Lot rezoned.** Lot No. 3245-1-NEW-NEW, said to contain an area of 1557± square meters, situated in Chalan Pago, Municipality of Sinajana, and belonging to Zenon J. and Maria C. Belanger, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

Section 4. Rezoning in Merizo. (a) **Legislative statement.** Antonio C. and Asuncion T. Cruz, long-time residents of Merizo, have requested a rezoning of their Lot No. 14, Unit 1, Tract 261, Pigua Subdivision, Merizo, from Single Family Residential to Commercial. The Cruzes have operated a small corner store on the lot under a conditional use permit. When the Cruzes first purchased the lot, the same retail store operation was already in existence. When Mr. Cruz sought to renew the conditional use permit he was informed that the permit was not transferrable and his request was denied. The retail store Mr. Cruz purchased and wishes to operate provides a valuable service to the residents of Pigua subdivision by making available daily necessities for which they would otherwise have to travel to the main village by car, and to the community of Merizo in that it provides a convenience, as well as limits vehicular traffic into the main village, thereby reducing the number of vehicles on the road. The lot is serviced by adequate utilities and because of the natural limitations, i.e. customer base, the size of the property is deemed adequate. Likewise, the Legislature finds that the operation of a village corner store is a unique feature of the southern villages which should be continued.

(b) **Lot rezoned.** Lot 14, Unit 1, Tract 21, situated in the Municipality of Merizo, containing an area of 11,190± square feet, and owned by Antonio C. and Asuncion T. Cruz, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

(c) **Legislative statement.** Jesus Q. and Dolores C. Nangauta, longtime residents of Merizo, have approached the Legislature requesting their property be rezoned to permit them to utilize said property at its fullest potential. The Nangautas presently have a duplex apartment on the property but wish to expand to provide homes for their children as well as rental units which would be used to offset the cost of the planned expansion. The Nangautas want to utilize their land at its greatest potential to provide for themselves and their children.

(d) **Lots rezoned.** Lots Nos. 356-1, 356-2 and 356-3, as designated on Land Management Drawing No. 124-FY73, in the Municipality of Merizo, containing areas of 16,600 square feet, 12,619 square feet, and 12,332 square feet, respectively, and owned by Jesus Q. and Dolores C. Nangauta, are hereby rezoned from Single Family Residen-

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tial ("R-1") to Multi-family Residential ("R-2"). Lot No. 356-4, in the Municipality of Merizo, containing an area of 62,835 square feet, and owned by Jesus Q. and Dolores C. Nangauta, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 5. Rezoning in Agat. (a) **Legislative statement.** Felicidad H. Mendiola is requesting the Legislature to rezone her property in Agat so that she may build rental units to utilize her land at its highest and best use. The property is in the immediate vicinity of the "Inn on the Bay Hotel", and is bounded by lots with existing apartment buildings and commercial enterprises. The area is served by adequate utility infrastructure and the planned use is compatible with other uses in the immediate area. Ms. Mendiola approached the Legislature with her request because she cannot afford to hire consultants and engineers she was informed she would need to present her application to the TLUC. The Legislature finds that since the rezoning would not relieve Ms. Mendiola of building clearance requirements and the building code, the rezoning would only provide Ms. Mendiola with the opportunity to utilize her property to the best of its potential. It is the intent of the Legislature to provide the opportunity for economic benefits to all residents of Guam.

(b) **Lot rezoned.** Lot No. 226-2, Agat, Guam, Estate No. 65475, containing an area of 2011± square meters, registered through Land Management Document No. 410336, and delineated on L.M. No. 074-FY89, owned by Felicidad H. Mendiola, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 6. Rezoning in Yona. (a) **Legislative statement.** The Iriarte family of Yona is requesting the Legislature to rezone their property in Pulantat, Yona in order for them to build multi-family dwellings as affordable homes for their children. The Iriartes point out the increasing cost and scarcity of land for residential purposes. They would also like to provide for their children so that the family could remain physically close rather than seeking other areas to build their homes. The Legislature finds that this request is not unreasonable, particularly in light of the approval by the TLUC of the Manengon Hills Development project which is in close proximity to the Pulantat area of Yona, thus causing land prices to continue to rise even in this rural area.

(b) **Lots rezoned.** Lots Nos. 144-1-2 and 144-1-R3, situated in Pulantat, Yona, containing areas of 2,647 square meters and 5,690 square meters, respectively, and owned by Ignacio Q. and Margot M. Iriarte, are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2"). Lot No. 144-1-10, situated in Pulantat, Yona, containing an area of 1,637 square meters, and owned by Simon Q. and Maria Iriarte, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2"). Lot No. 144-1-3, situated in

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Pulantat, Yona, containing an area of 1,508 square meters, and owned by Roderick and Agnes Iriarte Bell, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(c) **Legislative statement.** The Legislature is aware that the Manengon Hills development project will result in an increase in population within the Yona/Windward Hills area, particularly because employees in the project will want to live closer to their place of work. With this increase in population, the Legislature is aware that there will be increased demands for services and retail outlets. The owner of Lot No. 109-R3 has expressed his desire to the Legislature to develop a shopping/retail services area on property that is situated in Yona with frontage on Route 4. This property is contiguous to a parcel which is already zoned Commercial and on which it is contemplated that a service station will be built. Likewise, the Legislature has already appropriated the funding for the extension of the waste water mains from the intersection of Route 4 and the M.U. Lujan Elementary School access road which will provide the needed infrastructure for the enterprises to be established on this parcel.

(d) **Lot rezoned.** Lot No. 109-R3, situated in the municipality of Yona, containing an area of approximately 44,000 square meters, and owned by Enrique Cruz Baza, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

Section 7. Rezoning in Agana Heights. (a) **Legislative statement.** Gregorio D. Tenorio, owner of Lots Nos. 3338-7-R3, 3338-7-3, 3338-7-2 and 3338-7-1, containing an aggregate area of 4,491± square meters, and situated in Agana Heights, has approached the Legislature requesting rezoning of his property from Single Family Residential to Multi-family Residential in order to build multi-family dwellings to make available affordable housing units for his children. Mr. Tenorio has explained to the Legislature that it would be more feasible for him to provide living units for his children than to provide them because of the rising cost of real estate, as well as its scarcity. He would like to provide homes for his children on the family property in Agana Heights but in order for him to do this, he will have to build apartment units rather than detached homes. Mr. Tenorio has informed the Legislature that all utilities are available to the lots to be rezoned and that his future plans will not be incompatible with other uses in the area. The Legislature notes that the TLUC has rezoned another parcel in the vicinity for the building of townhouses and that there are apartment complexes in the general vicinity.

(b) **Lots rezoned.** Lots Nos. 3338-7-R3, 3338-7-3, 3338-7-2 and 3338-7-1, containing an aggregate area of 4,491± square meters, and situated in Agana Heights, owned by Gregorio D. Tenorio, are hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

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(c) **Legislative statement.** Manuel R. and Sonia V. Villava, owners of Lot No. #15-REM-R3, situated in Agana Heights, containing an area of approximately 2,199.92 square meters, have approached the Legislature with a request to rezone their property from Single Family Residential to Multi-family Residential. Mr. and Mrs. Villava are requesting the rezoning in order to make maximum use of their property which is situated immediately across from a laundromat and a retail store. The lot is also in close proximity to the Agana Heights Elementary School and would be a good location for an apartment building available to teachers of that school. The Legislature finds that because the area around the parcel is already commercially zoned, the use proposed is compatible with area uses and the utility infrastructure is available to service Mr. and Mrs. Villava's proposed structure.

(d) **Lot rezoned.** Lot No. 15-REM-R3, situated in Agana Heights, registered under Estate No. 11587, said to contain an area of 2199.92 square meters, and owned by Manuel R. and Sonia V. Villava, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

Section 8. Rezoning in Mangilao. Lots Nos. 5360-7, 5360-9 and 5360-10, situated in the Municipality of Mangilao, owned respectively by Robert C. and Brigida I. Untalan, Rosita A. Cruz and Maria I. Cruz, said to contain an aggregate area of 4011 square meters, are hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

Section 9. Rezoning in Barrigada. (a) **Legislative statement.** The Legislature is aware that there is an acute shortage of housing on Guam. This will be especially true in areas close to military installations because of the withdrawal of American forces from the Philippines. The Legislature feels that encouragement of individuals who want to build multi-family dwellings, i.e., apartment buildings, close to these bases would be beneficial, not only to the military, but to the civilian sector by making more housing units available in the civilian sector accessible to such civilians. General Enterprises, the owner of record of Lot No. 2067-2, Jalaguag, Barrigada, has made known its intention of building an apartment building on its property. The Legislature, knowledgeable of conditions in the area, feels that this plan is compatible with other development in the area and that utility services in the area are adequate.

(b) **Lot rezoned.** Lot No. 2067-2, Jalaguag, Barrigada, containing an area of 5,412 square meters, recorded under Document 94495 and designated on Drawing No. 105-T69B, owned by General Enterprises, a Guam corporation, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

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Section 10. Parking variance in Tumon. (a) Legislative statement. The Legislature has been approached by Sylvia M. Flores, a Guam resident, who desires to open a restaurant and lounge off San Vitores Road, in the vicinity of the Fujita Hotel. The Legislature finds that the parking situation along San Vitores Road has been aggravated by the hotel developments that have been granted variances, including major parking variances, from the same provisions as those which threaten to prevent a local resident from succeeding as an entrepreneur. Where the application and enforcement of the parking requirements for hotels and large developments by the old Territorial Planning Commission and its successor, the TLUC, have been negligent when it is in these instances that enforcement and application should be most stringent, the Legislature finds that equity and the best interests of the people of Guam are not served. The Legislature is further disturbed and perplexed at statements made by personnel in the Planning Division of the Department of Land Management that Ms. Flores' request does not stand a chance before the TLUC and that such personnel suggested that Ms. Flores seek assistance from the Legislature. The Legislature grants this assistance because the system as it is now being operated does not work for local residents but bends over backwards for large-scale monied and off-island investor developments. The Legislature finds that Ms. Flores' request is not incompatible with property uses and the variances granted to hotel and other developments in Tumon, and, because of the location of the lot on a dead-end street, would not cause traffic congestion or other problems.

(b) Parking variance granted. Notwithstanding any other provision of law, a variance to the parking requirements of 17350 of Title XVIII of the Government Code, is hereby granted for the establishment of a restaurant and lounge on Lot No. 1-R1, Block No. 5, Tract 95, situated in Tumon, Municipality of Dededo, with no less than four (4) parking stalls.

Section 11. Subsection (a) of Section 7, Public Law 21-14, amended in Section 2 of Public 21-92, is further amended to read:

"(a) The Governor shall exchange government real property in Barrigada with Lot No. 1090-2-3, Barrigada, containing an area of approximately one thousand one hundred seven (1,107) square meters, belonging to Juan A. and Dolores U. Camacho ("the Owners") on an area-for-area basis. The Directors of Public Works and Land Management shall negotiate with the Owners for an acceptable tract of government real property to be so exchanged. The costs of the surveys necessary to carry out such exchange shall be borne by the government of Guam.

Section 12. Bullcart trail sale. (a) Legislative statement. The Legislature had passed legislation which would have authorized the sale of a bullcart trail in the Nimitz Beach area of Agat to the owner of the abutting lots, Paul J. Bordallo. Mr. Bordallo had approached

the government of Guam on several occasions making application to purchase the bullcart trail which bisects two parcels of property he owns. Mr. Bordallo's desire for the bullcart trail is to enable him to consolidate the two abutting lots with the bullcart trail, thus creating a larger, more usable parcel of land. As it currently exists, the bullcart trail serves no useful purpose for the government and one of the lots bisected by the bullcart trail serves no useful purpose for the owner, Paul Bordallo. However, if Mr. Bordallo is permitted to buy the bullcart trail and thus consolidate all three parcels, the resulting parcel would be of sufficient size for commercial development. Mr. Bordallo is also prepared to give to the government access to the Spanish Bridge over the Taleyfac River. This would make the Spanish Bridge accessible from Route 2, the Agat-Umatac Road. As it now stands there is no access to the Spanish Bridge except for the bullcart trail. That access requires people wanting to see the Spanish Bridge to go from Nimitz Beach along the bullcart trail to the Spanish Bridge. Such access is already available along the beach from Nimitz Beach and thus the bullcart trail is redundant. What is lacking is an access from Route 2. This access Mr. Bordallo is prepared to give to the government. It should be noted that at the public hearing on this matter, the Director of Land Management testified that his Department is in full support of the sale to Mr. Bordallo.

(b) Authorization. Notwithstanding any other provision of law, the Governor is hereby authorized to sell, at its fair market value as determined by two independent appraisals, the pre-war bullcart trail located between Lots Nos. 199-R1, 201-3 and 200-R2, Agat, Guam, extending from the Nimitz Beach Park to the Taleyfac River, consisting of 1,527± square meters, to Paul J. Bordallo, owner of Lots Nos. 199-R1, 201-3 and 200-R2, Municipality of Agat (the "Landowner"). To permit the consolidation of said parcels of land; **provided**, however, that the Landowner shall convey to the government of Guam as part of the sale that portion of Lot No. 201-3, Agat, situated between Route 2 and the Taleyfac River Spanish Bridge, consisting of 100 square meters and giving sufficient public access from the road to the Spanish Bridge and from the Spanish Bridge to the beach, all as shown on Map Drawing No. PRB 91-108, prepared by Prudencio R. Balagtas, RLS No. 62.

(c) Costs of Appraisals, Survey, Mapping and Registration. The appraisals, survey, mapping and registration of the property to be sold herein shall be at the direction of the Director of Land Management, the costs of which shall be for the account of the Landowner.

(d) Reversionary clause. Title and ownership for the property to be sold herein shall remain with the Landowner for ten years. In the event that title and ownership for the property to be sold herein under is conveyed or otherwise transferred to another, the title and

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ownership of the parcel sold by the government shall revert to the government of Guam.

Section 13. Perpetual utility easement, Pagat, Mangilao. A perpetual utility easement twenty-five feet (25') in width is hereby granted to the Guam Power Authority, the Guam Telephone Authority, and the Public Utility Agency of Guam, to run along the easternmost boundary of Lot No. 5402-R3, Mangilao, beginning from the southern boundary of Chalan Guaje and thence along the boundaries of Lots Nos. 5354-3A-7, 5354-3A-8 and 5354-3A-R8 to the easternmost boundary of the Radio Barrigada Federal reservation, in order to extend power, telephone, water and waste water services to the private property owners adjacent to Lot No. 5402-R3, as agreed to by the Director of Land Management in his letter of April 29, 1992 to the Chairman of the Committee on Ways and Means.

GUAM POWER AUTHORITY
Board of Directors

GUAM POWER AUTHORITY

RESOLUTION OF THE GUAM POWER AUTHORITY
BOARD OF DIRECTORS

RESOLUTION NO. 92-129

WHEREAS, the Guam Power Authority (GPA) and the United States of America (Navy) have negotiated a Utility Service Contract (CSA); and

WHEREAS, the CSA was approved by the Navy on May 31, 1989, and by the GPA Board of Directors on July 3, 1989; and

WHEREAS, by statute, the Public Utilities Commission (PUC) must approve the CSA; and

WHEREAS, the PUC has reviewed and approved the CSA in its Order dated May 14, 1991, as amended on October 17, 1991, subject to certain modifications (Amendment 1) being made to the CSA; and

WHEREAS, the Navy has approved Amendment 1 on December 17, 1991; and

WHEREAS, the GPA Board of Directors has reviewed Amendment 1 to the CSA.

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Introduced

JAN 08 '92

Bill No. 711 (CS)

Introduced by:

F.R. Santos

AN ACT TO REZONE LOTS NO. 5-1 THRU 5-8
AND LOTS NO. 5-9 AND 5-R9, BLOCK 1 TRACT
924, SITUATED IN THE MUNICIPALITY OF
YIGO, FROM AGRICULTURAL (A) TO MULTI-
FAMILY DWELLING (R-2).

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:
3

4 Section 1. Legislative Statement: Mr. Fred
5 Quitugua, a long time resident and land owner in the
6 Municipality of Yigo, desires to utilize his property to its greatest
7 potential for the benefit of his family. He desires to build multiple
8 dwelling units on his property situated a short distance from the
9 front gate to Andersen Air Force Base and the main village of
10 Yigo. Mr. Quitugua's purpose is to make available housing units
11 qualifying as TLA units but also units which can be utilized by his
12 children as affordable homes. The Legislature is of the consensus
13 that Mr. Quitugua's plans are compatible with existing land uses
14 in the area and will be beneficial to the island, the municipality of
15 Yigo, and the many who have no need or desire to own a home

1 on Guam but who require suitable living accommodations for an
2 extended period of time.

3 **Section 2. Lot Rezoned.** Lots No. 5-1 thru 5-8 and
4 Lots No. 5-9 and 5-R9, Block 1 Tract 924, said to contain an
5 aggregate area of 310,174 +/- square feet, situated in the
6 Municipality of Yigo, designated on Land Management Drawings
7 311-FY91 and 131-FY90, and owned by Fred C. Quitugua and
8 Esperanza Q. Quitugua, are hereby rezoned from Agricultural
9 (A) to Multi-Family Dwelling (R-2).

10 **Section 3. Conditions.** The rezoning authorized in
11 Section 2 of this Act is conditioned on the installation of
12 infrastructure (inclusive of sewer of sufficient capacity and
13 adequate public access) required to provide adequate service for
14 the proposed uses of the property. Upon completion of the
15 installation of the required infrastructure and notification to the
16 Department of Land Management of such installation, the
17 Director of Land Management shall have all zoning maps and
18 documents amended to reflect the rezoning herein authorized.