

P.L. No. 21-144

Corporation and transmitted to the Legislature on September 11, 1992, are hereby approved.

PUBLIC LAW NO. 21-145

Bill No. 891 (LS)	Introduced by:	F.R. Santos
Date Became Law: Dec. 29, 1992	J.T. San Agustin	C.T.C. Gutierrez
Governor's Action: Veto/ Override	J.P. Aguon	E.P. Arriola
	M.Z. Bordallo	H.D. Dierking
	P.C. Lujan	G. Mailloux
	D. Parkinson	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 PARCELS OF PROPERTY IN THE MUNICIPALITIES OF YIGO, DEDEDO, TAMUNING, CHALAN PAGO, ORDOT, BARRIGADA AND SINAJANA FROM VARIOUS ZONES TO SINGLE FAMILY RESIDENTIAL ("R-1"), OR MULTI-FAMILY RESIDENTIAL ("R-2"), COMMERCIAL ("C") AND LIGHT INDUSTRIAL ("M-1").

- Section 1 ... Legislative statement and intent.
- Section 2 ... Legislative statement.
- Section 3 ... (a) Legislative statement.  
(b) Lot rezoned in Yigo.
- Section 4 ... (a) Legislative statement.  
(b) Lot rezoned, Yigo.
- Section 5 ... (a) Legislative statement.  
(b) Lots rezoned, Asardas, Yigo.
- Section 6 ... (a) Legislative intent.  
(b) Lots rezoned in Yigo from ("A") to ("R-2").
- Section 7 ... (a) Legislative statement.  
(b) Lots rezoned in Yigo from ("A") to ("R-2").
- Section 8 ... (a) Legislative statement.  
(b) Lots rezoned in Yigo from ("R-1") to ("R-2").
- Section 9 ... (a) Legislative statement.  
(b) Lots rezoned in Dededo from ("A") to ("R-1").  
(c) Lots rezoned in Yigo from ("A") to ("R-1").  
(d) Lots rezoned in Yigo from ("A") to ("R-1").  
(e) Lots rezoned in Yigo from ("A") to ("R-1").
- Section 10 ... (a) Legislative statement.  
(b) Lots rezoned in Ukudu, Dededo from "A" to "C".

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- Section 11 ...
- (c) Lots rezoned in Barrigada from "A" to "C".
  - (d) Lots rezoned in Barrigada from "A" to "C".
  - (e) Lots rezoned in Barrigada from "A" to "C".
  - (f) Lots rezoned in Dededo from "A" to "C".
  - (a) Legislative statement.
  - (b) Lots rezoned in Yigo from "R-1" to "C".
  - (c) Lots rezoned in Yigo from "A" and R-1 to "C".
  - (d) Lots in Dededo rezoned from "A" to "C".
  - (e) Lots in Ordot rezoned from "R-1 to "C".
  - (f) Lots in Ordot, Sinajana rezoned from "R-1 to "C".
  - (g) Lot in Ordot, Sinajana rezoned from "R-1" to "C".
- Section 12 ...
- (a) Legislative statement.
  - (b) Lots rezoned in Dededo from "A" to "R-2".
  - (c) Lots rezoned in Dededo rezoned from "A" to "R-2".
  - (d) Lots rezoned in Dededo from "A" to "R-2".
  - (e) Lots rezoned in Dededo from "R-1" to "R-2".
  - (f) Lot rezoned in Dededo from "A" to "R-2".
  - (g) Lot rezoned from "A" to "R-2".
  - (h) Lot rezoned on Guam Lands and Claims Commission Property map from "R-1" to "R-2".
  - (i) Lots rezoned in Dededo from "A" to "R-2".
  - (j) Lots rezoned in Asan from "A" to "R-2".
  - (k) Lots rezoned in Machanao, Dededo from "R-1" to "R-2".
  - (l) Lots rezoned in Chalan Pago, Sinajana, from "R-1" to "R-2".
  - (m) Lots rezoned in Chalan Pago, Sinajana from "R-1" to "R-2".
- Section 13 ...
- (a) Legislative intent.
  - (b) Lots rezoned in Yigo as "C".
  - (c) Lots rezoned in Dededo in their entirety as "C".
  - (d) Lots rezoned in Dededo in their entirety to "C".
  - (e) Lots rezoned in Gugagon, Dededo from "A" to "C".
  - (f) Lots rezoned in Tamuning from "R-2" to "C".
- Section 14 ...
- (a) Legislative intent.
  - (b) Rezoning of property in Dededo from "A" to "M-1".
- Section 15 ...
- (a) Legislative intent.
  - (b) Lots rezoned in Barrigada from "A" to "M-1".
- Section 16 ...
- (a) Legislative statement.
  - (b) Lots rezoned in Machanao, Dededo from "A" to "R-2".
  - (c) Lots rezoned in Machanao, Dededo from "A" to "R-2".
  - (d) Lots rezoned in Dededo from "R-1" to "R-2".

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

**Section 1. Legislative statement and intent.** When the Legislature enacted Title 21, Guam Code Annotated, part of its intention was to cause the creation of guidelines and a mechanism by which residents could rezone their property in order realize the fullest socio-economic return and financial gain from such property. Whereas the Legislature intended the original Territorial Land Use Commission ("TLUC") mechanism to be efficient, helpful and inexpensive, bureaucratic red tape has turned the system into an expensive nightmare which discourages all but the monied interests. Where the Legislature intended the system to be helpful, it has been turned into a maze of roadblocks and discouragement. Where the Legislature intended the system to be cost-efficient, residents are now advised to retain the services of expensive land use consultants and are required to conduct their own research into various areas although the Legislature intended for the government agencies having jurisdiction to perform the research and to extend services to applicants in an effort to make the process as expeditious, economical and effective as possible.

In developing the language of Public Law 21-82, the Legislature intended to establish an alternate system which was simple, cost-efficient and expeditious. The intent of authorizing the Director of Land Management to approve applications for rezoning within the first three zone levels was to make the system "one stop" and simple. However, the process as eventually developed again become nightmarish and just as expensive, if not more so, as the system from which such expense was to be removed. Residents were exhausting their resources before the footings on their buildings could be dug.

The Legislature developed TLUC because its members wanted the benefit of long-range rational planning instilled in the zoning process. It intended for the alternative TLUC system to be even more expeditious than the legislative route. The bureaucratic penchant to make simple matters overly complex again defeated legislative intent, and the people, after exploring the process established to effectuate any rezoning effort, came back to the Legislature because of both financial and professional hardship. In view of this the Legislature finds it again necessary to assist residents desiring to utilizing their private property to the highest and best uses. The Legislature finds it necessary to be responsive to the needs and desires of all residents of Guam and to assist those residents seeking to better their economic future who are being blocked or discouraged by the bureaucratic maze associated with TLUC towards the realization of the highest and best use or uses of their property.

In addition, the Legislature is aware of the acute housing shortage presently gripping the island and which threatens to cause severe hardship to the permanent residents of the island, as well as those who are here because of their connection with the military and federal installations or who are under short term contracts with the govern-

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ment of Guam. This shortage will become a very real problem when the movement of military personnel and their dependents from the Philippines reaches its peak. Likewise, every year, the Department of Education conducts an islandwide search for affordable rental units for contract teachers, many times to no avail. The Legislature feels that because there are private land owners desiring to avail themselves of this economic opportunity which would provide benefits to the entire island, these land owners should not be discouraged because of unnecessary bureaucratic complications and inefficiencies.

**Section 2. (a) Legislative statement.** The Legislature has been approached by the owner of Lot No. 7115, Mataguac, Yigo, Jennifer M. Lujan, and the owner of Lot No. 7131, Noel J. Paine, requesting a rezoning of the two lots from Agricultural ("A") to Single Family Residential ("R-1") for the purpose of building single family detached homes. Lot No. 7115 is landlocked and would be totally undevelopable if access through Lot No. 7131 is not granted. The owner of Lot No. 7131 is willing to grant a right-of-way through said property as the property will also be developed for single family residential homes. The Legislature is agreeable to this proposal as it creates benefits to both tracts of property and makes both properties developable to assist in the critical housing shortage on Guam. The developers of both property have stated that they are prepared to provide for the necessary infrastructure for the two (2) areas. This rezoning does not exempt the two (2) properties from all other criteria required for single family residential developments or any statutory permitting requirements.

**(b) Lots rezoned.** Lot No. 7115, containing an area of 78,413.49+ square meters, situated in Mataguac, Municipality of Yigo, as delineated on Land Management Check No. 415-FY74, and owned by Jennifer M. Lujan, and Lot No. 7131, containing an area of 104,356+ square meters, situated in Mataguac, Municipality of Yigo, as delineated on Land Management Drawing No. ISL7-65-YI-307, and owned by Noel J. Paine, are hereby each rezoned from Agricultural ("A") to Single Family Residential ("R-1").

**Section 3. (a) Legislative statement.** The Legislature has been approached by Mr. and Mrs. Ted Concepcion requesting a rezoning of their parcel of property in Yigo from Agricultural ("A") to Multi-family Residential ("R-2") to utilize the property to its highest and best use. The Concepcions have already constructed a house on the lot and desire to construct another home so that they could rent out the first unit. The Legislature notes that the land use proposed by the Concepcions is compatible with surrounding land uses and that the necessary infrastructure is already in place. Likewise, noting the acute shortage of housing on Guam, the Legislature deems the rezoning reasonable in that it will make a detached residential unit available for the market.

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(b) Lot rezoned. Lot No. 7005-4-R5, situated in the Municipality of Yigo, said to contain an area of 1,585 square meters, recorded in Document No. 95954, and owned by Teddy P. and Lydia M.C. Concepcion, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 4. (a) Legislative statement. The heirs to the Jose Arriola Flores property situated in Mataguac, Yigo, have approached the Legislature requesting a rezoning of their parcels of land from Agricultural ("A") to Multi-family Residential ("R-2"). The property is situated in the immediate vicinity of Simon Sanchez Senior High School and is served by adequate utility and infrastructure services. Likewise, the Legislature notes that there are an increasing number of multi-family dwelling units being constructed in the area, and thus the proposed land use is compatible with uses in the area. The Legislature notes that the construction of multi-family dwellings in the area of Simon Sanchez High School would make available rental units for teachers at the high school. This lack of housing for off-island recruited teachers is an acute problem that the Department of Education has been pointing out to the Legislature. The development of multi-family dwellings in the immediate vicinity of a large high school will help to alleviate this problem. The Legislature finds that the request of the Flores family is not unreasonable.

(b) Lots rezoned. The following lots, situated in Mataguac, Municipality of Yigo as delineated on LM Drawing No. 618-90 and LM Drawing No. 389-FY73, are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2"):

Lots Nos.:	Owners:	Areas in square meters:
7145-12-1	Juanita Flores Aguon	1,118
7145-12-2	Joseph T. Flores	1,118
7145-12-3	Barbara Flores Potter	1,118
7145-12-4	George Flores	1,118
7145-12-5	Vincent O. Flores	1,118
7145-12-R5	Lelani V. Flores	1,118
7144	Francisco B. Gogue	31,146

Section 5. (a) Legislative statement. The Legislature has been approached by Mr. and Mrs. Francisco P. San Nicolas seeking a rezoning of their property in Yigo, which they plan to distribute among their children, from Agricultural ("A") to Multi-family Residential ("R-2") in order to utilize said property to its highest and best uses. The San Nicolas' plan will enable the property to be utilized for multi-family dwellings, thereby alleviating the acute housing shortage and giving economic benefit to the family and to the island. Because of the development of the surrounding properties, the planned uses for the San Nicolas property are not incompatible. Likewise, the necessary infrastructure for the level of development

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permissible on the property is already available to the subject parcels.

(b) Lots rezoned. Lots Nos. 2-1, 2-2, 2-R3, Tract 264, Asardas, Municipality of Yigo, said to contain an aggregate area of 5,346 square meters, and belonging to Francisco P. and Mary N. San Nicolas, are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 6. (a) Legislative intent. Pat D. and Emma E.C. Collado, husband and wife, and owners of Lot 7079-5-8, Yigo, have approached the Legislature requesting the rezoning of their property from Agricultural ("A") to Multi-family Residential ("R-2") to build a 10-unit apartment building. These units will be placed on the open market to help alleviate the acute shortage presently affecting the island. The Legislature is of the consensus that such a plan will bring benefits not only to the Collados who will be utilizing their property to its highest and best uses, but also to those sectors of the population already suffering because of the housing shortage. Likewise, as other lots in the area have already be rezoned to Multi-family Residential ("R-2"), the Legislature is of the consensus that the planned uses will not be incompatible.

(b) Lot rezoned. Lot No. 7079-5-8, situated in the Municipality of Yigo, containing an area of 6,398 square meters, as identified under Certificate of Title No. 34962, and owned by Pat D. and Emma E.C. Collado, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(c) Lot rezoned. Lot No. 7067-B-7-1, situated in the Municipality of Yigo, said to contain an area of 4,119 square meters, as shown on LM Drawing No. L190 and recorded under Certificate of Title No. 74428, owned by Takahisa Goto, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 7. (a) Legislative statement. The Community Christian Church of Yigo has approached the Legislature requesting assistance in its efforts to build a hall in which its congregation can conduct services. The leaders of the church have purchased property in the Municipality of Yigo and has, for the last year, pursued an application to TLUC for a conditional use permit in order that the construction of the meeting hall could begin. Having already purchased the building and hired a contractor, the church finds itself in a position where it will lose money because of the bureaucratic delays with the TLUC process. The Legislature finds that the request of the church, either a conditional use permit or a zone change which would permit the construction of the hall, as not being unreasonable in that churches and religious meeting halls abound around the island in areas zoned Agricultural, Multi-family Residential, Single Family Residential, Commercial, and even, Hotel. The Legislature finds that

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not only is the use compatible with land uses in the immediate vicinity, but there will also be benefits to the community as a whole.

(b) **Lot rezoned.** Lot No. 7-2, Block No. 5, Tract 933, situated in the Municipality of Yigo, as delineated on Drawing No. L-352, said to contain an area of 1,746 square meters, and belonging to the Community Christian Church, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

**Section 8. (a) Legislative statement.** Buenaventura A. and Raquel R. Lopez, owners of Lot No. 7012-5-3-5, Yigo, Greg and Thelma Lumbre, owners of Lot 7013, Block 20, Tract 6, Yigo, Gregorio and Euregina Gatemen, owners of Lot 7013-20-3-R1, Yigo, and Delfin P. and Ernestina G. Andrada, owners of Lot 7013-20-3-1, Yigo, are requesting that their property be rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2") in order that they may be able to utilize their properties to their highest and best uses. These families note that they desire to build apartment units which would be made available to the civilian and military communities and which would also be made available to the Guam Housing and Urban Renewal Authority as affordable rental units. The Legislature notes that with the shortage of housing presently being experienced and soon to be aggravated by the influx of military personnel, small apartment complexes such as those planned by these families would be a suitable way of providing for the shortage without the density increases subsequent to large-scale apartment complexes.

(b) **Lots rezoned.** The following lots, situated in the Municipality of Yigo, are hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2"):

Lots Nos.:	Owners:	Areas in square meters:
7012-5-3-5	Buenaventura A./Raquel R. Lopez	1,344.40
7013, B20 T6	Greg/Thelma Lumbre	1,176
7013-20-3-R1	Gregorio/Euregina Gatemen	929
7013-20-3-1	Delfin P./Ernestina G. Andrada	929

**Section 9. (a) Legislative statement.** The Legislature is aware that many residents of Guam purchased property in agricultural subdivisions, not for the purpose of farming or other agricultural purposes, but because those properties were the most affordable and with the intent of further subdividing the property into house lots for their children. As the price of real estate continues to escalate, families are finding it necessary to subdivide properties into residential lots just to provide a lot on which their children can build. The Legislature finds that it is reasonable and beneficial to the community to assist these individuals and thus created the "fast track" rezoning methodology contained in Public Law 21-82. However, the process and procedures developed by the Division of Planning have again

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made what was intended to be a "fast track" process, costly and inaccessible to the majority of families requiring simple residential rezonings for their own uses. Arturo P. and Mercedita D. Hipolito have approached the Legislature requesting its assistance to rezone their parcel of land from Agricultural ("A") to Single Family Residential ("R-1") in order that they may be able to subdivide and provide residential lots for their children. The Hipolitos have approached the Legislature for this assistance as they were informed that using the intended fast track approach would be no less cumbersome and costly as the previous method of utilizing the TLUC process. As the intent of the Hipolitos is to provide for their children a piece of property on which they can build their homes, the Legislature finds that this request is not unreasonable. The Legislature also finds that the requested rezoning is not incompatible with the uses of surrounding properties and that a public benefit will be realized by the provision of a residential lot to a resident of Guam.

(b) Lot rezoned. Lot No. 3, Tract 1141, formerly designated as Lot No. 5302-2-R3, situated in the Municipality of Dededo, containing an area of 3,838+ square meters, as delineated on Land Management Drawing No. 21-0674, recorded under Document No. 238949, and owned by Arturo P. and Mercedita D. Hipolito, is hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

(c) Lot rezoned. Lot No. 7037-3-2-2, situated in the Municipality of Yigo, said to contain an area of 4,033.587 square meters, and owned by Raymond P.L. and Rose B. Salas, as delineated on Drawing No. US-1012-T72, is hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

(d) Lots rezoned. Basic Lots Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, of Tract 301, Municipality of Yigo, as described below, are hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

Lots Nos.:	Areas in square meters:	Owners:
4	3,716	Jaime and Teresita Soriano Gerardo and Cristina Legaspi Leonardo and Consolacio Roldan Alfredo Sapit
5	3,736	Villamore and Luz Leones Domingo and Arnolfo Bada Felix and Milagros Dolor Rodolfo De Guzman
6	3,716	Gary Invencion and Liza Andres Carlito Andres Norbert and Neriza Madrazo Vic and Fe Diez



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7	3,716	Cecilia Galman Rene and Natividad Tanag Robert Balatbat
8	3,716	Lucita Mandadero Gaudencio Salvador, Jr.
9	3,716	Joseph and Anne Palacios Jesus and Virginia Solidum
10	3,716	Marcelo and Remedios Balansay Ignacio and Maryrose Santos Cesario and Nelia Laroco Edna Antonio
11	3,716	Quinn and Emma Quiblat Antonio and Dolores Quiblat Rudi and Mercedes Quiblat Albert and Gloria Agot
12	3,716	Reynaldo and Josefina Reyes
13	3,716	Octavio and Conchita Laxamana
14	3,716	Victorio and Conchita Reyes

(e) **Lots rezoned.** Lot No. 7039-8-12, situated in the Municipality of Yigo, said to contain an area of 4,047 square meters, owned by Eric G. and Phyllis A. Eaton, as identified on Certificate of Title No. 38211, is hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

**Section 10. (a) Legislative statement.** The Legislature has been approached by Valentin S. and Imelda D. Santos, owners of Lot No. 5302-2-1, Dededo, requesting a rezoning of their property from Agricultural ("A") to Commercial ("C"). Mr. and Mrs. Santos desire to utilize their property to the highest potential and plan to build a retail outlet on the property to serve the growing communities in the area such as the Astumbo Subdivision, Astumbo Gardens, Fern Terrace, the Gugagon Subdivision and other housing developments. The Legislature finds that a retail outlet in the area, to provide daily necessities, would be beneficial to the community and would not be incompatible with present land use in the area. The Legislature further finds that the rezoning of the property as proposed herein does not exempt nor lift the permitting requirements imposed by the regulatory and permitting agencies of the government. The continued existence of these permitting requirements insures that the land use and development of the parcel will remain under the perview and control of existing statutes.

(b) **Lot rezoned.** Lot No. 5302-2-1, situated in Ukudu, Municipality of Dededo, said to contain an area of 3,720+ square meters, as delineated in Drawing No. SDC0-0971-77 and identified under Certificate of Title No. 18422, belonging to Valentin S. and Imelda D. Santos, is hereby rezoned from Agricultural ("A") to Commercial ("C").

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(c) Lot rezoned. Lot No. 5223-5A-1, Municipality of Barrigada, said to contain an area of 46,384 square meters, as delineated on Land Management Drawing No. SDCO 94-0372, and owned by Wushin (Guam) Co., is hereby rezoned from Agricultural ("A") to Commercial ("C").

(d) Lot rezoned. Lot No. 1, Block 1, Tract 1442, Barrigada, said to contain an area of 2,988 square meters, designated under LM Drawing No. 7307-04, and owned by Carmen Camacho Blas, is hereby rezoned from Agricultural ("A") to Commercial ("C").

(e) Lot rezoned. Lot No. 5220-1-1-R1, Barrigada, said to contain an area of 2,000 square meters, as delineated under LM Map No. RRV-76-52, and owned by J.J. Pacific Development Corp., is hereby rezoned from Agricultural ("A") to Commercial ("C").

(f) Lot rezoned. Lot No. 10060 REM-4-R1, Gugagon, Dededo, containing an area of 2,892 square meters, as shown on LM Drawing No. L 845, and owned by Wong Ky and Lan Lien Wien, is hereby rezoned from Agricultural ("A") to Commercial ("C").

Section 11. (a) Legislative statement. The Legislature has been approached with a request to rezone Lots Nos. 14-R1-1, 14-R1-2, and 14-R1-3, situated along Gayinero Road, in the Municipality of Yigo, from Single Family Residential ("R-1") to Commercial ("C") to construct a retail outlet complex. The owner of the property, Thomas J. Calvo, notes that the parcels sit in the immediate proximity of other commercial properties, are accessible to all major infrastructure and utilities and are more suitable for commercial uses than single family residential construction. The Legislature notes that because Gayinero Road has become a major commercial thoroughfare in Yigo and parcels in the immediate vicinity of the subject lots have been developed as commercial property, the requesting rezoning is not incompatible with contiguous land uses. Likewise, the Legislature notes that the development of a retail outlet complex in the area would provide a beneficial service to the immediate community without any notable adverse impact to either general land uses in the area or the existing infrastructure.

(b) Lots rezoned. Lots Nos. 14-R1-1, 14-R1-2, and 14-R1-R3, situated along Gayinero Road, Municipality of Yigo, said to contain an aggregate area of 2986.73+ square meters, as delineated on Land Management Drawing No. I4-85T244, and owned by Thomas J. Calvo, are hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

(c) Lots rezoned. The following lots, all situated in the Municipality of Yigo, are hereby rezoned from Agricultural ("A") and Single Family Residential ("R-1"), respectively, to Commercial ("C"):

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Lots Nos.:	Owners:	Areas in square meters:	Zone changes:
7030-New-5	Lillian Taitano Aguon	3,876	A to C
7030-New-3	John F. Taitano	3,876	A to C
7030-New-4	Lillian & Peter Aguon	3,876	A to C
17, Blk 2, Tract 243	Pablo/Arulia Jallorina	3,826	R-1 to C

(d) Lot No. 10122-5, situated in the municipality of Dededo, belonging to Alfred P. Sablan and Carmen R. Sablan, containing an area of 3,323+ square meters, is hereby rezoned from Agricultural ("A") to Commercial ("C").

(e) Lot No. 3270-1A-New-1, Ordod, said to contain an area of 2,117 square meters, as delineated on LM Drawing No. 7204-01, and owned by Janet G. Calvo, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

(f) Lot No. 3404-A-R4, situated in Ordod, Municipality of Sinajana, said to contain an area of 2,504 square meters, as shown on LM Drawing No. 7303-01, and owned by Dolores P. Gerber, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

(g) Lots Nos. 3270-1A-New-2 and 3270-1A-New-R2, both situated in Ordod, Municipality of Sinajana, said to contain areas of 1,021 and 1,652 square meters, respectively, as shown on LM Drawing No. 7204-01, and owned by John Vincent Gerber, are hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

Section 12. (a) Legislative statement. The Legislature is aware that the critical shortage of available housing units affects individuals from every walk of life. The Legislature is of the consensus that an acceptable and effective solution to this is to encourage efforts by private property owners to build multi-family dwelling units. Likewise the Legislature is aware that there are property owners who wish to assist in this effort by making their properties available but that bureaucratic red tape and the cost of seeking rezoning discourages them. In this effort, the Legislature is of the opinion that these land owners can be assisted in their rezoning efforts without compromising the regulatory policies of the government as the rezoning does not exempt these owners from securing approval of building permits, which permits must still comply with building codes which would control the size, density and intensity of these developments, from the appropriate regulatory agencies. These property owners have to comply with building codes and the regulatory agencies have reserved to themselves the opportunity to review and approve or disapprove building plans, giving assurance that the rezoning is not a license to over-development.

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(b) Lots rezoned. The following properties situated in the Municipality of Dededo are hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2"):

Lots Nos.:	Areas in square meters:	Owners:
9-1	2,005	Martin C. Benavente
9-2-R1	2,681	Martin C. Benavente
9-2-1-R1	2,454	Antonio C. Benavente
10-1-1NEW	1,858	Concepcion C. Benavente
10-R3	3,849	Martin C. Benavente
11NEW-1	2,005	Concepcion C. Benavente
11NEW-2	2,005	Concepcion C. Benavente
11NEW-3	2,005	Concepcion C. Benavente
11NEW-4	2,005	Jose C. Benavente
11New-5	2,025	Edward A/Evelyn B. Leon Guerrero

(c) Lots rezoned. The following properties situated in the Municipality of Dededo are hereby rezoned Agricultural ("A") to Multi-family Residential ("R-2"):

Lots Nos.:	Areas in square meters:	Owners:
10.9A-4, Blk. 1, Lot 1	4,336	Agapita S. Servino
P10.9A-4, Blk. 1, Lot 2	3,708	Agapita S. Servino
P10.9-A4, Blk. 2, Lot 1	4,326	Agapita S. Servino
P10.9A-4, Blk. 1, Lot 3	3,708	Jose S. Servino
P10.9A-4, Blk. 1, Lot 4	3,708	Teotimo S. Servino, Jr.
P10.9A-4, Blk. 1, Lot 5	3,709	Zenaida S. Pesquera
P10.9A-4, Blk. 2, Lot 2	3,749	George S. Servino
P10.9A-4, Blk. 2, Lot 3	3,749	Benito S. Servino
P10.9A-4, Blk. 2, Lot 4	3,749	Myrna S. Martinez
P10.9A-4, Blk. 2, Lot 5	3,749	Efren S. Servino
P10.9A-1-1-1	1,026	Teotimo S. Servino, Jr.
P10.9A-1-1-2	1,026	Teotimo S. Servino, Jr.
P10.9A-1-1-3	1,026	Benito S. Servino
P10.9A-1-1-R3	1,026	Benito S. Servino
P15.44A-3-3-1	1,568	Agapita S. Servino
P15.45-1AB-2-R7	1,119	Efren S./Purita Servino
P15.45-1AB-2-7	929	Jose S./Estrella Servino
P15.45-1AB-6	1,119	Jesus/Myrna S. Servino

(d) Lot rezoned. Lot No. 5, Block No. 3, Tract 137, Villa Santa Barbara, Ungaguan, Dededo, containing an area of 710 square meters, and owned by Godofredo and Terry Ramos, as identified in Certificate of Title No. 26940, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

(e) Lots rezoned. Lot No. 10, Block No. 9, Dededo Village, containing an area of 743.22 square meters and owned by Andrew P. and Janice S. Benavente, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

P.L. No. 21-145

(f) Lot rezoned. Lot No. 10111-10-8-2, situated in the Municipality of Dededo, said to contain an area of 5,070.7 square meters, owned by John C and Ann P. Rivera, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(g) Lot rezoned. Lot No. 21-R2, Tract 292, situated in the municipality of Dededo, belonging to Ernesto C. Wusstig and Eutropia S. Wusstig, administered by William S. Wusstig, containing an area of 52,002+ square meters and designated on Land Management Drawing Number I4-91T410, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(h) Lot rezoned. Lot Nos. 1, 2, 3, and 8, of Block 12, said to contain an aggregate area of 3623+ square meters, as delineated on Guam Land & Claims Commission Property Map Land Square 14, Section 1, dated July 31, 1947, and owned by Jose F. and Filomena F. Santos, are hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

(i) Lot rezoned. Lot No. 8, Block 3, Tract 172, situated in the Municipality of Dededo, said to contain an area of 4,049 square meters, and owned by Hubert Lee, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(j) Lot rezoned. Lot No. 298-1, Municipality of Asan, said to contain an area of 6,669 square meters, and owned by Juan Reyes Rojas, administered by John J. Rojas, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(k) Lots rezoned. Lots Nos. 53-1, containing an area of 21,095 square feet, 53-2, containing an area of 21,096 square feet, 56-1, containing an area of 20,488 square feet, and 56-2, containing an area of 20,486 square feet, all within Tract 538, Perez Gardens, Machanao, Dededo, and owned by Jose Castro and Anita Fernandez Delgado, are hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

(l) Lot rezoned. Lot No. 4, Block 1, Tract 213, situated in Chalan Pago, Municipality of Sinajana, containing an area of 4,418 square meters, identified in Certificate of Title No. 50081, and owned by Thomas C. Okada and Albert C. Okada, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(m) Lot rezoned. Lot No. 3248-1, situated in Chalan Pago, Municipality of Sinajana, containing an area of 904.34 square meters, identified in Certificate of Title No. 91269, and owned by Edmund S. Okada, Rita C. Okada, and Thomas C. Okada, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

P.L. No. 21-145

**Section 13. (a) Legislative intent.** The Legislature has been apprised that as a result of the strip zoning of Marine Drive and Gayinero Road, from Agana to Yigo, a portion of Lot No. 7007-1-R4 is zoned Commercial ("C") while the remaining portion is zoned Single Family Residential ("R-1"). Emily P. Hara, the owner of the property, is requesting the Legislature to correct this inconsistency by rezoning the property to Commercial ("C") which the owner feels would permit her to use the property to its highest and best use. Because the property benefits from frontage on both Marine Drive and Gayinero Road rezoning to Commercial ("C") would permit the highest and best utilization of the lot by virtue of its very location. Because the split zoning was a result of government rezoning efforts, the Legislature finds that it is not unreasonable that the owner ask that the situation be corrected by rezoning that portion of the property which is presently zoned Single Family Residential ("R-1") to Commercial ("C"). This would be conformity with other properties abutting the parcels on its two most prominent sides.

The same situation exists for Carlos Takano, Jr., whose property, situated in the upper Tamuning area, was split zoned and thus is not utilizable as an entire parcel. For both of these individuals, the total use and utility of their properties were restricted because of the split zoning which did not take into consideration the division of lots into use zones which did not have the same regulatory parameters. The Legislature is of the consensus that this is not equitable, fair, nor reasonable and should be corrected.

**(b) Lot rezoned.** All of Lot No. 7007-1-R4, situated in the Municipality of Yigo, said to contain an area of 14,881.19 square meters, and owned by Emilia Perez Hara, is hereby rezoned as Commercial ("C").

**(c) Lots rezoned.** Lots Nos. 5147-2C-15 and 5147-2C-16, Municipality of Dededo, both said to contain areas of 3,716 square meters, owned by Carlos S. and Rosemarie S. Takano, as identified in Certificates of Title Nos. 68192 and 29741, are hereby zoned in their entirety as Commercial ("C").

**(d) Lots rezoned.** Lots No. 5147-2B-REM-3-1 and 5147-2B-REM-3-R2, situated in the Municipality of Dededo, owned by Bong Koo Choi, as shown on LM Map No. M-2-2-64, are hereby rezoned in their entireties to Commercial ("C").

**(e) Lots rezoned.** Lot No. 10060 REM-4-R1, Gugagon, Dededo, containing an area of 2,892 square meters, as shown on LM Drawing No. L 845, and owned by Wong Ky and Lan Lien Wien, is hereby rezoned from Agricultural ("A") to Commercial ("C").

**(f) Lots rezoned.** Lot No. 2149-3-18, situated along Farenholt Ave., Tamuning, containing an area of 1,677 square meters, and

P.L. No. 21-145

identified in Certificate of Title No. 13457, owned by Mr. and Mrs. Thomas S.S. Huang and Mrs. and Mrs. Wu Chang Kao, is hereby rezoned from Multi-family Residential ("R-2") to Commercial ("C").

**Section 14. (a) Legislative intent.** Bill and Terry Hagen, long time residents of Guam and entrepreneurial owners of Pacific Galleries, have approached the Legislature requesting a rezoning of their property in the Macheche Hill area of Dededo from Agricultural ("A") to Light Industrial ("M-1"). The Hagens' request is to enable them to build a facility to store the materials and products which they utilize in their business of custom frame-making.

The Legislature notes that the development activity in the area renders the area relatively unsuitable for agricultural purposes. Likewise, several large tracts of property within five hundred feet (500') of the Hagens' parcel have already been rezoned to Light Industrial as said zoning has been determined to be the most compatible with the Air Impact Compatibility Use Zones (AICUZ) for NAS Agana and the Guam International Airport. In light of this, the Legislature finds that the rezoning requested by the Hagens' is not incompatible with surrounding land uses and will provide them the storage capacity and capability they need to maintain an economical and efficient inventory for their business.

**(b) Rezoning.** Lot No. 5234-8, situated in the Municipality of Dededo, containing an area of 4,405+ square meters, and owned by Bill and Teresita Hagen, is hereby rezoned from Agricultural ("A") to Light Industrial ("M-1").

**Section 15. (a) Legislative statement.** Lot No. 5224-1-5, owned by Benny B. Bello, and Lot No. 5248-3-2, owned by Anna B. Lujan, are situated amongst a group of lots in the Harmon, Macheche Hill area of Dededo. Development in the area is presently restricted because of the Air Installations Compatible Use Zones (AICUZ) regulations promulgated by the Navy for flights from NAS Agana. In recognizing this, the Legislature has previously rezoned lots contiguous to parcels for the development of warehousing facilities which are critically needed on the island. Thus, the Legislature is of the consensus that the rezoning of these two (2) parcels is not incompatible with land uses in the area.

**(b) Lot rezoned.** Lot No. 5224-1-5, Tract 308, situated in the Municipality of Barrigada, said to contain 4,047+ square meters, as shown on LM Drawing No. TM 72-12, and owned by Benny B. Bello, is hereby rezoned from Agricultural ("A") to Light Industrial ("M-1").

**(c) Lot rezoned.** Lot No. 5248-3-2, situated in the Municipality of Barrigada, said to contain an area of 930 square meters, and owned by Anna B. Lujan, is hereby rezoned from Agricultural ("A") to Light Industrial ("M-1").

P.L. No. 21-145

(d) Lot rezoned. Lot No. 5224-7-4-5-11, situated in the Municipality of Barrigada, said to contain an area of 4,050+ square meters, and owned by John P. Benavente, is hereby rezoned from Agricultural ("A") to Light Industrial ("M-1").

Section 16. (a) Legislative statement. The Legislature is aware of several developers desiring to build affordable housing projects on private land utilizing private funds. These efforts must be supported in order to alleviate the housing shortage presently affecting the island and greatly aggravated by the devastation caused by Typhoon Omar. Two (2) of these developers, Omnitech International and Tony Martinez own property which would be suitable for development into multi-family residential subdivisions in northern Guam. These developers have stated to the Legislature that the infrastructure within the subdivisions would be provided and that public infrastructure is available which would be utilized. The Legislature is also of the consensus that the zoning change requested is not an exemption to the permitting requirements and that such permitting requirements would insure that infrastructure needs are satisfied.

(b) Lot rezoned. Lot No. 10100-2, situated in Machanao, Municipality of Dededo, said to contain an area of 95,617+ square meters, as designated on Drawing No. 310-89 and recorded under LM Doc. No. 413805, owned by Omnitech International, Inc., is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(c) Lot rezoned. Lot No. 10100-9-R1, situated in Machanao, Municipality of Dededo, said to contain an area of 12,492+ square meters, as shown on Drawing No. CC7982M and Document No. 311480, owned by Tony Martinez, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

(d) Lot rezoned. Lot No. 25, Block 2, Unit 14, Tract 100, Municipality of Dededo, said to contain an area of 570.44+ square meters, as designated on LM Drawing No. 3008-36, and owned by Guadoso T. and Juanita A. Caberte, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

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PUBLIC LAW NO. 21-146

Bill No. 960 (LS)

Date Became Law: Jan. 12, 1993

Governor's Action: Approved

Introduced by: Committee on Rules

At the request of the Governor

AN ACT TO ENACT THE GUAM SHELTER  
ACT, WHICH AUTHORIZES GUAM HOUSING





21-145



**COMMITTEE ON HOUSING,  
COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE**

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

September 16, 1992

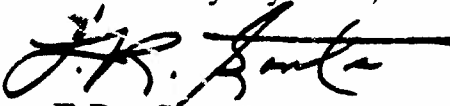
The Honorable Joe T. San Agustin  
Speaker  
Twenty First Guam Legislature  
Agaña, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **Bill No. 891 - An Act to rezone certain parcels of property** has had the same under consideration and herewith reports out said Bill No. 891 with its recommendation **TO DO PASS as amended and substituted by the Committee.** Votes of the Committee were as follows:

TO DO PASS	-10-
TO DO NOT PASS	-0-
ABSTAIN	-0-
NOT VOTING/OFF ISLAND	-0-

Sincerely yours,

  
F.R. Santos

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL, AND FOREIGN AFFAIRS  
TWENTY FIRST GUAM LEGISLATURE**

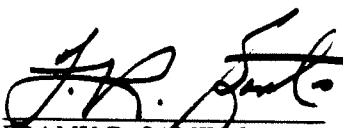
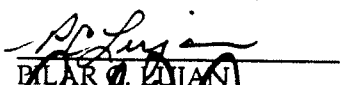

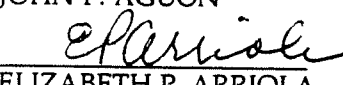

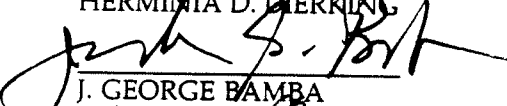


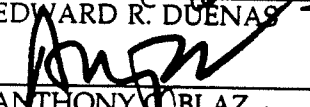
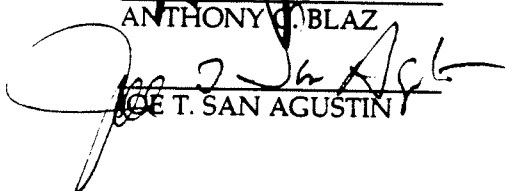
155 Hesler Street  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

**Voting Sheet**

**Bill No. 891 As Substituted and Amended by the Committee on Housing, Community Development, Federal and Foreign Affairs; An Act to Rezone Certain Parcels of Property in the Municipality of Yigo from Agricultural (A) to Single-Family Residential (R-1) and Multi-Family Dwellings (R-2).**

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	NOT VOTING/ OFF ISLAND
 FRANK R. SANTOS	✓	_____	_____	_____
 ELMAR P. LUJAN	✓	_____	_____	_____
 JOHN P. AGUON	✓	_____	_____	_____
 ELIZABETH P. ARRIOLA	✓	_____	_____	_____
 HERMINIA D. DIERKING	✓	_____	_____	_____
 J. GEORGE BAMBA	✓	_____	_____	_____
 MARILYN D.A. MANIBUSAN	✓ 9/16/12 mlem	_____	_____	_____
 EDWARD R. DUENAS	✓	_____	_____	_____
 ANTHONY C. BLAZ	✓	_____	_____	_____
 JOE T. SAN AGUSTIN	✓	_____	_____	_____

TWENTY FIRST GUAM LEGISLATURE  
SECOND REGULAR (1992) SESSION

Bill No. 891

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

Introduced by:

F.R. Santos  
J.T. San Agustin  
C.T.C. Gutierrez

*[Handwritten signature]*

AN ACT TO REZONE CERTAIN PARCELS OF  
PROPERTY IN THE MUNICIPALITY OF YIGO  
FROM AGRICULTURAL (A) TO SINGLE  
FAMILY RESIDENTIAL (R-1) AND MULTI-  
FAMILY DWELLINGS (R-2).

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

4 SECTION 1. LEGISLATIVE STATEMENT AND INTENT.

5 When the Guam Legislature enacted Title 21 of the  
6 Government Code of Guam, part of its intent was to cause the  
7 creation of guidelines and a mechanism by which residents  
8 could rezone their property in order realize the fullest socio-  
9 economic return and financial gain from such property.

10 Whereas the Guam Legislature intended the original  
11 Territorial Land Use Commission mechanism to be efficient,  
12 helpful and inexpensive, bureaucratic red tape has turned the  
13 system into an expensive nightmare which discourages all but

1 the monied interests. Where the Legislature intended the  
2 system to be helpful, it has been turned into a maze of  
3 roadblocks and discouragement. Where the Legislature  
4 intended the system to be cost efficient, residents are now  
5 advised to retain the services of expensive land use  
6 consultants and are required to conduct their own research  
7 into various areas where the Legislature intended for those  
8 government agencies to perform the research and to extend  
9 services to applicants in an effort to make the process as  
10 expeditious, economical and effective as possible..

11 In developing the language of PL 21-82, the Legislature  
12 intended to establish a system which was simple, cost  
13 efficient and expeditious. The intent of authorizing the  
14 Director of Land Management to approve applications for  
15 rezoning within the first three zone levels was to make the  
16 system one stop and simple. However, the process eventually  
17 developed again become nightmarish and just as expensive, if  
18 not more so, as the system from which such expense was to  
19 be relieved. Residents were exhausting their resources before  
20 the footing on their buildings could be dug.

21 The Legislature developed the Territorial Land Use  
22 Commission because its members wanted the benefit of long-  
23 range rational planning instilled in the zoning process. But it  
24 intended for the alternative system to be even more  
25 expeditious than the legislative route. The bureaucratic  
26 penchance towards making simple matters overly complex  
27 again defeated legislative intent and the people, after

1 exploring the process established to effectuate any rezoning  
2 effort, came back to the Legislature with concerns regarding  
3 both financial and professional hardship. In view of this the  
4 Legislature finds it again necessary to assist residents desiring  
5 to utilizing their private property to the highest and best  
6 uses. The Legislature finds it necessary to be responsive to  
7 the needs and desires of all residents of Guam and to assist  
8 those residents, seeking to better their economic future, but  
9 are being blocked or discouraged by the bureaucratic maze  
10 associated with the TLUC, towards the realization of the  
11 highest and best use or uses of their property.

12 In addition, the Guam Legislature is aware of the acute  
13 housing shortage presently gripping the island and which  
14 threatens to cause severe hardships to the permanent  
15 residents of the island, as well as, those who are here because  
16 of their connection with the military and federal installations  
17 or who are under short term contracts with the government  
18 of Guam. This shortage will become a very real problem  
19 when the movement of military personnel and their  
20 dependents from the Philippines reaches its peak. Likewise,  
21 every year, the Department of Education conducts an  
22 islandwide search for affordable rental units for contract  
23 teachers, many times to no avail. The Legislature feels that  
24 because there are private land owners desiring to avail  
25 themselves of this economic opportunity which would  
26 provide benefits to the entire island, these land owners

1 should not be discouraged because of unnecessary  
2 bureaucratic complications and inefficiencies.

3       **SECTION 2. LEGISLATIVE STATEMENT:** The Guam  
4 Legislature has been approached by the owner of Lot No.  
5 7115, Mataguac, Yigo, Ms. Jennifer M. Lujan, and the owner of  
6 Lot No. 7131, Mr. Noel J. Paine, requesting a rezoning of the  
7 two lots from Agricultural (A) to Single Family Residential (R-  
8 1) for the purpose of building single family detached homes.  
9 Lot No. 7115 is landlocked and would be totally  
10 undevelopable if access through Lot No. 7131 is not granted  
11 and obtained. The owner of Lot No. 7131 is prepared and  
12 willing to grant a right of way through said property as the  
13 property will also be developed for single family residential  
14 homes. The Legislature is agreeable to this proposal as it  
15 creates benefits to both tracts of property and makes both  
16 properties developable to assist in the critical housing  
17 shortage on Guam. The developers of both property have  
18 indicated that they are prepared to provide for the necessary  
19 infrastructure for the two areas. This rezoning does not  
20 exempt the two properties from all other criteria required for  
21 single family residential developments or any statutory  
22 permitting requirements.

23       **SECTION 2(a). LOTS REZONED.** Lot No. 7115,  
24 containing an area of 78,413.49 +/- square meters, situated in  
25 Mataguac, Municipality of Yigo, as delineated on Land  
26 Management Check No. 415-FY74, and owned by Ms.  
27 **Jennifer M. Lujan** and Lot No. 7131, containing an area of

1 104,356 +/- square meters, situated in Mataguac, Municipality  
2 of Yigo, as delineated on Land Management Drawing No. ISL7-  
3 65-YI-307, and owned by **Mr. Noel J. Paine** are hereby  
4 rezoned from Agricultural (A) to Single Family Residential  
5 (R1).

6 **SECTION 3 LEGISLATIVE STATEMENT.** The Guam  
7 Legislature has been approached by Mr. and Mrs. Ted  
8 Concepcion requesting a rezoning of their parcel of property  
9 in Yigo from Agricultural (A) to Multi-Family Dwelling (R-2)  
10 for the purpose of utilizing the property to its highest and  
11 best use. The Concepcions have already constructed a house  
12 on the lot and desire to construct another home so that they  
13 could rent out the first unit they built upon completion. The  
14 Legislature notes that the land use proposed by the  
15 Concepcions is compatible with surrounding land uses and  
16 that the necessary infrastructure is already in place. Likewise,  
17 noting that the acute shortage of housing on Guam, the  
18 Legislature deems the rezoning reasonable in that it will make  
19 a detached residential unit available for the market.

20 **SECTION 3(a) LOT REZONED.** Lot No. 7005-4-R5,  
21 situated in the Municipality of Yigo, said to contain an area of  
22 1,585 square meters, recorded un Document No. 95954 and  
23 owned by **Mr. Teddy P. and Lydia M.C. Concepcion**, is  
24 hereby rezoned from Agricultural (A) to Multi-Family  
25 Dwellings (R-2).

26 **SECTION 4 LEGISLATIVE STATEMENT:** The heirs to the  
27 Jose Arriola Flores property situated in Mataguac, Yigo, have

1 approached the Guam Legislature requesting a rezoning of  
 2 their parcels of land from Agricultural (A) to Multi-Family  
 3 Dwellings (R-2). The property is situated in the immediate  
 4 vicinity of Simon Sanchez Sr. High School and is served by  
 5 adequate utility and infrastructure services. Likewise, the  
 6 Legislature notes that there is an increasing number of multi-  
 7 family dwelling units being constructed in the area and thus,  
 8 the proposed land use is compatible with uses in the area.  
 9 The Legislature notes that the construction of multi-family  
 10 dwellings in the area of Simon Sanchez High School would  
 11 make available rental units for teachers at the high school.  
 12 This lack of housing for off-island recruited teachers is an  
 13 acute problem that the Department of Education has been  
 14 pointing out to the Legislature. The development of multi-  
 15 family dwellings in the immediate vicinity of a large high  
 16 school will help to alleviate this problem. The Legislature  
 17 finds that the request of the Flores family is not unreasonable.

18 **SECTION 4(a) LOTS REZONED.** The following lots,  
 19 situated in Mataguac, Municipality of Yigo as delineated on  
 20 LM Drawing No. 618-90 and LM Drawing No. 389-FY73, are  
 21 hereby rezoned from Agricultural (A) to Multi-Family  
 22 Dwellings (R-2):

23 Lot No.	Owner	Land Square
24 7145-12-1	<b>Juanita Flores Aguon</b>	1,118 Sq. Mtrs
25 7145-12-2	<b>Joseph T. Flores</b>	1,118 Sq. Mtrs
26 7145-12-3	<b>Barbara Flores Potter</b>	1,118 Sq. Mtrs
27 7145-12-4	<b>George Flores</b>	1,118 Sq. Mtrs



1	7145-12-5	Vincent O. Flores	1,118 Sq Mtrs
2	7145-12-R5	Lelani V. Flores	1,118 Sq. Mtrs
3	7144	Francisco B. Gogue	31,146 Sq. Mtrs

4       **SECTION 5 LEGISLATIVE STATEMENT:** The Legislature  
5 has been approached by Mr. and Mrs. Francisco P. San Nicolas  
6 seeking a rezoning of their property, which they plan to  
7 distribute among their children, in Yigo from Agricultural (A)  
8 to Multi-Family Dwellings (R-2) in order to utilize said  
9 property to its highest and best uses. The San Nicolas' plan  
10 will enable the property to be utilized for multi-family  
11 dwellings thereby providing for the acute housing shortage  
12 and a from of economic benefit to the family, as well as, the  
13 island. Because of the development of the surrounding  
14 properties, the planned uses for the San Nicolas property is  
15 not incompatible. Likewise, the necessary infrastructure for  
16 the level of development permissible on the property is  
17 already available to the subject parcels.

18       **SECTION 5(a) LOTS REZONED.** Lot Nos. 2-1, 2-2, 2-R3,  
19 Tract 264, Asardas, Municipality of Yigo, said to contain an  
20 aggregate area of 5,346 square meters, and belonging to  
21 **Francisco P. and Mary N. San Nicolas** are hereby rezoned  
22 from Agricultural (A) to Multi-Family Dwellings (R-2).

23       **SECTION 6. LEGISLATIVE STATEMENT:** Pat D. and  
24 Emma E.C. Collado, husband and wife, and owners of Lot  
25 7079-5-8, Yigo, containing an area of 6,398 square meters,  
26 have approached the Guam Legislature requesting the  
27 rezoning of their property from Agricultural (A) to Multi-

1 Family Dwellings (R-2) for the purpose of building a 10 Unit  
2 apartment building. These apartments will be placed on the  
3 open market to help alleviate the acute shortage presenting  
4 affecting the island. The Legislature is of the consensus that  
5 such a plan will bring benefits, not only to the Collados who  
6 will be utilizing their property to its highest and best uses,  
7 but also to those sectors of the population already suffering  
8 because of the housing shortage. Likewise, as other lots in the  
9 area have already be rezoned to Multi-Family Dwellings (R-2)  
10 the Legislature is of the consensus that the planned uses will  
11 not be incompatible.

12 **SECTION 6(a) LOT REZONED.** Lot No. 7079-5-8, situated  
13 in the Municipality of Yigo, containing an area of 6,398 square  
14 meters, as recorded under CT No. 34962, and owned by **Mr.**  
15 **Pat D. and Mrs. Emma E.C. Collado**, is hereby rezoned  
16 from Agricultural (A) to Multi-Family Residential (R-2).

17 **SECTION 6(b) LOT REZONED.** Lot No. 7067-B-7-1,  
18 situated in the Municipality of Yigo, said to contain an area of  
19 4119 square meters, as shown on LM Drawing No. L190 and  
20 recorded under CT No. 74428, owned by **Takahisa Goto**, is  
21 hereby rezoned from Agricultural (A) to Multi-Family  
22 Dwellings (R2).

23 **SECTION 7. LEGISLATIVE STATEMENT.** The  
24 Community Christian Church of Yigo has approached the  
25 Legislature requesting assistance in their efforts to build a hall  
26 in which their congregation can conduct services. The leaders  
27 of the church have purchased property in the Municipality of

1 Yigo and has, for the last year, pursued their application to  
2 the Territorial Land Use Commission for a conditional use  
3 permit in order that the construction of the meeting hall  
4 could begin. Having already purchased the building and  
5 hired a contractor, the church finds itself in a position where  
6 it will lose money because of the bureaucratic delays with the  
7 TLUC process. The Legislature finds that the request of the  
8 church, either a conditional use permit or a zone change  
9 which would permit the construction of the hall, as not being  
10 unreasonable in that churches and religious meeting halls  
11 abound around the island in areas zoned Agricultural, Multi-  
12 Family Dwellings, Single Family Residential, Commercial, and  
13 even, hotel. The Legislature finds that not only is the use  
14 compatible with land use in the immediate vicinity, there will  
15 be benefits to the community as a whole.

16 **SECTION 7(a) LOT REZONED.** Lot No. 7-2, Block No. 5,  
17 Tract 933, situated in the Municipality of Yigo, as delineated  
18 on Drawing No. L-352, said to contain an area of 1,746 square  
19 meters, and belonging to the **Community Christian**  
20 **Church**, is hereby rezoned from Agricultural to Multi-Family  
21 Dwellings (R-2) for the purpose of building a meeting hall for  
22 the church's congregational services as permitted under 21  
23 GCA, Chapter 61, §61306 (a)(4) Hotels, private groups, and  
24 institutions.

25 **SECTION 8. LEGISLATIVE STATEMENT.** Mr.  
26 Buenaventura A and Raquel R. Lopez, owners of Lot No. 7012-  
27 5-3-5, Yigo; and Greg and Thelma Lumbre, owners of Lot

1 7013, Block 20, Tract 6, Yigo; Gregorio and Euregina Gatemen,  
 2 owners of Lot 7013-20-3-R1, Yigo; Delfin P. and Ernestina G.  
 3 Andrada, owners of Lot 7013-20-3-1, Yigo, are requesting that  
 4 their property be rezoned from Single Family Residential (R-  
 5 1) to Multi-Family Dwellings (R-2) in order that they may be  
 6 able to utilize said property to its highest and best uses.  
 7 These families note that they desire to build apartment units  
 8 which would be made available to the civilian and military  
 9 communities and which would also be made available to the  
 10 Guam Housing and Urban Renewal Authority as affordable  
 11 rental units. The Guam Legislature notes that with the  
 12 shortage of housing presently being experienced and soon to  
 13 be aggravated by the influx of military personnel, small  
 14 apartment complexes such as that planned by these families  
 15 would be a suitable way of providing for the shortage without  
 16 the density increases subsequent to large scale apartment  
 17 complexes.

18 **SECTION 8(a) LOTS REZONED.** The following lots,  
 19 situated in the Municipality of Yigo, are hereby rezoned from  
 20 Single Family Residential (R-1) to Multi-family Dwellings (R-2):

21 Lot No.	Owner	Area
22 7012-5-3-5	Buenaventura A./ 23 Raquel R. Lopez	1344.40 sm
24 7013, B20 T6,	Greg/Thelma Lumbre	1176 sm
25 7013-20-3-R1	Gregorio/Euregina 26 Gatemen	929 sm
27 7013-20-3-1	Delfin P./ 28 Ernestina G. Andrada	929 sm

1        **SECTION 9. LEGISLATIVE STATEMENT.** The Guam  
2 Legislature is aware that many residents of Guam purchased  
3 property in agricultural subdivisions, not for the purpose of  
4 farming or other agricultural purposes, but because those  
5 properties were the most affordable and with the intent of  
6 further subdividing the property into house lots for their  
7 children. As the price of real estate continues to escalate,  
8 families are finding it necessary to subdivide properties into  
9 residential lots just to provide a lot on which their children  
10 can build. The Legislature finds that it is reasonable and  
11 beneficial to the community to assist these individuals and  
12 thus created the fast track rezoning methodology contained  
13 in Public Law 21-82. However, the process and procedures  
14 developed by the Division of Planning has again made, what  
15 was intended to be a fast track process, costly and  
16 inaccessible to the majority of families requiring simple  
17 residential rezonings for their own uses. Mr. Arturo P. and  
18 Mrs. Mercedita D. Hipolito has approached the Legislature  
19 requesting its assistance to rezone their parcel of land from  
20 Agricultural (A) to Single Family Residential in order that they  
21 may be able to subdivide and provide residential lots for their  
22 children. The Hipolitos have approached the Legislature for  
23 this assistance as they were informed that using the intended  
24 fast track approach would be no less cumbersome and costly  
25 as the previous method of utilizing the TLUC process. As the  
26 intent of the Hipolitos is to provide for their children a piece  
27 of property on which they can build their homes, the

1 Legislature finds that this request is not unreasonable. The  
2 Legislature also finds that the requested rezoning is not  
3 incompatible with uses of surrounding properties and that a  
4 public benefit will be realized by the provision of a residential  
5 lot to a citizen of Guam.

6 **SECTION 9(a). LOT REZONED.** Lot No. 3, Tract 1141,  
*Bill 891 - DFB Amendment* 3, situated in the  
*Page 12, Section 9(c)* area of 3,838 +/-  
*See Kim Olney for informa-* management Drawing  
*tion on size & location* No. 238949, and  
**ercedita D. Hipolito,**  
to Single Family

Lot No. 7037-3-2-2,  
o contain an area of  
16 4033.587 square meters, and owned by **Mr. Raymond P.L.**  
17 **and Rose B. Salas,** as delineated on Drawing No. US-1012-  
18 T72, is hereby rezoned from Agricultural (A) to Single Family  
19 Residential (R-1).

20 **SECTION 9(c) LOTS REZONED.** Basic Lots Nos. 4, 5, 6,  
21 7, 8, 9, 10, 11, 12, 13, and 14, of Tract 301, Municipality  
22 of Yigo are hereby rezoned from Agricultural (A) to Single  
23 Family Residential (R1).

24 **SECTION 9(d). LOTS REZONED.** Lot No. 7039-8-12,  
25 situated in the Municipality of Yigo, said to contain an area of  
26 4,047 square meters, owned by **Eric G. and Phyllis A. Eaton,**

1 as delineated on CT No. 38211, is hereby rezoned from  
2 Agricultural (A) to Single Family Residential (R1).

3 **SECTION 10. LEGISLATIVE STATEMENT.** The Guam  
4 Legislature has been approached by Mr. Valentin S. and Mrs.  
5 Imelda D. Santos, owners of Lot No. 5302-2-1, Dededo,  
6 requesting a rezoning of their property from Agricultural (A)  
7 to Commercial (C). Mr. and Mrs. Santos desire to utilize their  
8 property to the highest potential and plan to build a retail  
9 outlet on the property to serve the growing communities in  
10 the area such as the Astumbo Subdivision, Astumbo Gardens,  
11 Fern Terrace, the Gugagon Subdivsion and other housing  
12 developments. The Legislature finds that a retail outlet in the  
13 area, to provide daily necessities, would be beneficial to the  
14 community and would not be incompatible with present land  
15 use in the area. The Legislature further finds that the  
16 rezoning of the property as proposed herein does not exempt  
17 nor lift the permitting requirements imposed by the  
18 regulatory and permitting agencies of the government. The  
19 continued existence of these permitting requirements insures  
20 that the land use and development of the parcel will remain  
21 under the perview and control of existing statutes.

22 **SECTION 10(a). LOT REZONED.** Lot No. 5302-2-1,  
23 situated in Ukudu, Municipality of Dededo, said to contain an  
24 area of 3,720 +/- square meters, as delineated in Drawing No.  
25 SDC0-0971-77 and recorded under Document No. CT 18422,  
26 belonging to **Valentin S. and Imelda D. Santos**, is hereby  
27 rezoned from Agricultural (A) to Commercial (C).

1        **SECTION 10(b) LOT REZONED.** Lot No. 5223-5A-1,  
2 Municipality of Barrigada, said to contain an area of 46,384  
3 square meters, as delineated on Land Management Drawing  
4 No. SDCO 94-0372, and owned by **Wushin (Guam) Co.**, is  
5 hereby rezoned from Agricultural (A) to Commercial (C).

6        **SECTION 10(c) LOT REZONED.** Lot No. 1, Block 1, Tract  
7 1442, Barrigada, said to contain an area of 2,988 square  
8 meters and designated under LM Drawing No. 7307-04, and  
9 owned by **Carmen Camacho Blas**, is hereby rezoned from  
10 Agricultural (A) to Commercial (C).

11       **SECTION 10(d) LOT REZONED.** Lot No. 5220-1-1-R1,  
12 Barrigada, said to contain an area of 2,000 square meters, as  
13 delineated under LM Map No. RRV-76-52, and owned by **J.J.**  
14 **Pacific Development Corp.**, is hereby rezoned from  
15 Agricultural (A) to Commercial (C).

16       **SECTION 10(e) LOTS REZONED.** Lot No. 10060 REM-4-  
17 R1, Gugagon, Dededo, containing an area of 2,892 square  
18 meters, as shown on LM Drawing No. L 845, and owned by  
19 Wong Ky and Lan Lien Wien, is rezoned from Agricultural (A)  
20 to Commercial (C).

21       **SECTION 11. LEGISLATIVE STATEMENT.** The  
22 Legislature has been approached with a request to rezone Lot  
23 Nos. 14-R1-1; 14-R1-2; and 14-R1-3, situated along Gayinero  
24 Road, in the Municipality of Yigo, from Single Family  
25 Residential (R-1) to Commercial (C) for the purpose of  
26 construction a retail outlet complex. The owner of the  
27 property, Thomas J. Calvo, notes that the parcels sits in the



1 immediate proximity of other commercial properties, is  
2 accessible to all major infrastructure and utilities and is more  
3 suitable for commercial uses than single family residential  
4 construction. The Legislature notes that because Gayinero  
5 Road has become a major commercial thoroughfare in Yigo  
6 and parcels in the immediate vicinity of the subject lots have  
7 been developed as commercial property, the requesting  
8 rezoning is not incompatible with contiguous land uses.  
9 Likewise, the Legislature notes that the development of a  
10 retail outlet complex in the area would provide a beneficial  
11 service to the immediate community without any notable  
12 adverse impact to either general land uses in the area or the  
13 existing infrastructure.

14 **SECTION 11(a) LOTS REZONED.** Lots No. 14-R1-1; 14-  
15 R1-2; and 14-R1-R3; situated along Gayinero Road,  
16 Municipality of Yigo, said to contain an aggregate area of  
17 2986.73 +/- square meters, as delineated on Land Management  
18 Drawing No. I4-85T244, and owned by **Thomas J. Calvo** are  
19 hereby rezoned from Single Family Residential (R-1) to  
20 Commercial (C).

21 **SECTION 11(b) LOTS REZONED.** The following lots, all  
22 situated in the Municipality of Yigo, are hereby rezoned from  
23 Agricultural (A) and Single Family Residential (R1),  
24 respectively, to Commercial (C):

25 Lot No.	Owner	Area	Change
26 7030-New-5	<b>Lillian Taitano Aguon</b>	3876 sm	A to C
27 7030-New-3	<b>John F. Taitano</b>	3876 sm	A to C

1 7030-New-4            **Lillian & Peter Aguon**            3876 sm            A to C  
2 17, Blk 2, Tract 243 **Pablo/Arulia Jallorina**            3826 sm            R1 to C

3        **SECTION 11(c)**        Lot No. 10122-5, situated in the  
4 municipality of Dededo, belonging to **Alfred P. Sablan and**  
5 **Carmen R. Sablan**, containing an area of 3,323 ± square  
6 meters is hereby rezoned from Agricultural ("A") to  
7 Commercial ("C").

8        **SECTION 11(d)**        Lot No. 3270-1A-New-1, Ordod, said to  
9 contain an area of 2,117 square meters, as delineated on LM  
10 Drawing No. 7204-01, and owned by **Janet G. Calvo**, is  
11 hereby rezoned from Single Family Residential (R1) to  
12 Commercial (C).

13        **SECTION 11(e)**        Lot No. 3404-A-R4, situated in Ordod,  
14 Municipality of Sinajana, said to contain an area of 2,504  
15 square meters, as shown on LM Drawing No. 7303-01, and  
16 owned by **Mrs. Dolores P. Gerber**, is hereby rezoned from  
17 Single Family Residential (R1) to Commercial (C).

18        **SECTION 11(f)**        Lot No. 3270-1A-New-2 and Lot No. 3270-  
19 1A-New-R2, both situated in Ordod, Municipality of Sinajana,  
20 said to contain an area of 1021 and 1,652 square meters,  
21 respectively, as shown on LM Drawing No. 7204-01, and  
22 owned by **John Vincent Gerber**, are hereby rezoned from  
23 Single Family Residential (R1) to Commercial (C).

24        **SECTION 12. LEGISLATIVE STATEMENT.**        The Guam  
25 Legislature is aware that the critical shortage of available  
26 housing units affects individuals from every walk of life. The  
27 Legislature is of the consensus that an acceptable and

1 effective solution to this is to encourage efforts by private  
2 property owners to build multi-family dwelling units.  
3 Likewise the Legislature is aware that there are property  
4 owners who wish to assist in this effort by making their  
5 properties available but that bureaucratic red tape and the  
6 cost of seeking rezoning discourages them. In this effort, the  
7 Guam Legislature is of the opinion that these land owners can  
8 be assisted in their rezoning efforts without compromising  
9 the regulatory policies of the government as the rezoning  
10 does not exempt these owners from securing approval of  
11 building permits, which permits must still comply with  
12 building codes which would control the size, density and  
13 intensity of these developments, from the appropriate  
14 regulatory agencies. The fact that these property owners have  
15 to comply with building codes and the regulatory agencies  
16 have reserved to them the opportunity to review and approve  
17 or disapprove building plans is assurance that the rezoning is  
18 not a license to overdevelopment.

19 **SECTION 12(a). LOTS REZONED.** The following  
20 properties situated in the Municipality of Dededo are hereby  
21 rezoned from Agricultural (A) to Multi-Family Dwelling (R-2)  
22 for the purpose of constructing affordable multi-family  
23 dwelling units:

<u>Lot No.</u>	<u>Size</u>	<u>Owner/Owners</u>
24 9-1	2,005 sm	<b>Martin C. Benevente</b>
25 9-2-R1	2,681 sm	<b>Martin C. Benevente</b>
26 9-2-1-R1	2,454 sm	<b>Antonio C. Benevente</b>

1	10-1-1NEW	1,858 sm	Concepcion C. Benevente
2	10-R3	3,849 sm	Martin C. Benevente
3	11NEW-1	2,005 sm	Concepcion C. Benevente
4	11NEW-2	2,005 sm	Concepcion C. Benevente
5	11NEW-3	2,005 sm	Concepcion C. Benevente
6	11NEW-4	2,005 sm	Jose C. Benavente
7	11New-5	2,025 sm	Edward A/Evelyn B.
8			Leon Guerrero

9       **Section 12(b).       LOTS REZONED.** The following  
10 properties situated in the Municipality of Dededo are hereby  
11 rezoned Agricultural (A) to Multi-Family Dwelling (R-2) for the  
12 purpose of constructing affordable family dwelling units:

13

14	<b>LOT NOS.</b>	<b>LOT SIZE</b>	<b>OWNER/OWNERS</b>
15	P10.9A-4, Blk. 1, Lot 1	(4,336 sm)	Agapita S. Servino
16	P10.9A-4, Blk. 1, Lot 2	(3,708 sm)	Agapita S. Servino
17	P10.9-A4, Blk. 2, Lot 1	(4,326 sm)	Agapita S. Servino
18	P10.9A-4, Blk. 1, Lot 3	(3,708 sm)	Jose S. Servino
19	P10.9A-4, Blk. 1, Lot 4	(3,708 sm)	Teotimo S. Servino, Jr.
20	P10.9A-4, Blk. 1, Lot 5	(3,709 sm)	Zenaida S. Pesqueira
21	P10.9A-4, Blk. 2, Lot 2	(3,749 sm)	George S. Servino
22	P10.9A-4, Blk. 2, Lot 3	(3,749 sm)	Benito S. Servino
23	P10.9A-4, Blk. 2, Lot 4	(3,749 sm)	Myrna S. Martinez
24	P10.9A-4, Blk. 2, Lot 5	(3,749 sm)	Efren S. Servino
25	P10.9A-1-1-1	(1,026 sm)	Teotimo S. Servino, Jr.
26	P10.9A-1-1-2	(1,026 sm)	Teotimo S. Servino, Jr.
27	P10.9A-1-1-3	(1,026 sm)	Benito S. Servino
28	P10.9A-1-1-R3	(1,026 sm)	Benito S. Servino

1 P15.44A-3-3-1 (1,568 sm) **Agapita S. Servino**  
 2 P15.45-1AB-2-R7 (1,119 sm) **Efren S./**  
 3 **Purita Servino**  
 4 P15.45-1AB-2-7 (929 sm) **Jose S./**  
 5 **Estrella Servino**  
 6 P15.45-1AB-6, (1,119 sm) **Jesus/Myrna S. Servino**

7  
 8 **SECTION 12(c). LOTS REZONED.** Lot No. 5, Block No. 3,  
 9 Tract 137, Villa Santa Barbara, Ungaguan, Dededo, containing  
 10 an area of 710 square meters, and owned by **Mr. Godofredo**  
 11 **and Mrs. Terry Ramos**, as delineated on CT No. 26940, is  
 12 hereby rezoned from Single Family Residential (R-1) to Multi-  
 13 Family Dwellings (R-2).

14 **SECTION 12(d) LOTS REZONED.** Lot No. 10, Block No.  
 15 9, Dededo Village, Guam Estate No. 155, containing an area of  
 16 743.22 square meters and owned by **Mr. Andrew P. and**  
 17 **Mrs. Janice S. Benavente**, is hereby rezoned from Single  
 18 Family Residential (R-1) to Multi-Family Dwellings (R-2).

19 **SECTION 12(e) LOTS REZONED** Lot No. 10111-10-8-2,  
 20 situated in the Municipality of Dededo, said to contain an  
 21 area of 5070.7 square meters, owned by **John C and Ann P.**  
 22 **Rivera**, is hereby rezoned from Agricultrual (A) to Multi-  
 23 Family Dwellings (R2).

24 **SECTION 12(f). LOT REZONED** Lot No. 21-R2, Tract 292,  
 25 situated in the municipality of Dededo, belonging to **Ernesto**  
 26 **C. Wusstig and Eutropia S. Wusstig**, administered by  
 27 **William S. Wusstig**, containing an area of 52,002 ± square  
 28 meters and designated on Land Management Drawing Number

1 I4-91T410, is hereby rezoned from Agricultural ("A") to Multi  
2 Dwelling ("R-2").

3 **SECTION 12(g) LOT REZONED.** Lot Nos. 1, 2, 3, and 8,  
4 of Block 12, said to contain an aggregate area of 3623 +/-  
5 square meters, as delineated on Guam Land & Claims  
6 Commission Property Map Land Square 14, Section 1, dated  
7 July 31, 1947, and owned by **Jose F. and Filomena F.**  
8 **Santos**, is hereby rezoned from Single Family Residential (R1)  
9 to Multi-Family Dwelling (R2).

10 **SECTION 12(h) LOT REZONED.** Lot No. 8, Block 3, Tract  
11 172, situated in the Municipality of Dededo, said to contain  
12 an area of 4,049 square meters, and owned by **Mr. Hubert**  
13 **Lee**, is hereby rezoned from Agricultural (A) to Multi-Family  
14 Dwellings (R2).

15 **SECTION 12(i) LOT REZONED.** Lot No. 298-1,  
16 Municipality of Asan, said to contain an area of 6669 square  
17 meters, and owned by Mr. Juan Reyes Rojas, administered by  
18 Mr. John J. Rojas, is hereby rezoned from Agricultural (A) to  
19 Multi-Family Dwellings (R2).

20 **SECTION 12(i) LOT REZONED.** Lots No. 53-1, containing  
21 an area of 21,095 sf, 53-2, containing an area of 21,096 sf, 56-  
22 1, containing an area of 20,488 sf, and 56-2, containing an  
23 area of 20,486 sf, all within Tract 538, Perez Gardens,  
24 Machanao, Dededo, and owned by **Jose Castro and Anita**  
25 **Fernandez Delgado**, are hereby rezoned from Single Family  
26 Residential (R1) to Multi-Family Dwellings (R2).

1       **SECTION 12(j) LOT REZONED.** Lot No. 4, Block 1, Tract  
2 213, situated in Chalan Pago, Municipality of Sinajana,  
3 containing an area of 4418 square meters, recorded under LM  
4 Certificate of Title 50081 and owned by **Thomas C. Okada**  
5 **and Albert C. Okada**, is rezoned from Agricultural (A) to  
6 Multi-Family Dwellings (R2).

7       **SECTION 12(k) LOT REZONED.** Lot No. 3248-1, situated  
8 in Chalan Pago, Municipality of Sinajana, containing an area of  
9 904.34 square meters, recorded under LM Certificate of Title  
10 91269, and owned by **Edmund S. Okada, Rita C. Okada, and**  
11 **Thomas C. Okada**, as Joint Tenants, is rezoned from Single  
12 Family Residential (R1) to Multi-Family Dwellings (R2).

13       **SECTION 13. Legislative Intent:** The Legislature has  
14 been apprised that as a result of the strip zoning of Marine  
15 Drive and Gayinero Road, from Agana to Yigo, a portion of Lot  
16 No. 7007-1-R4 is zoned Commercial (C) while the remaining  
17 portion is zoned Single Family Residential (R-1). Mrs. Emily P.  
18 Hara, the owner of the property, is requesting the Legislature  
19 to correct this inconsistency by rezoning the property to  
20 Commercial (C) which she feels would permit her to use  
21 the property to its highest and best use. Because the property  
22 benefits from frontage on both Marine Drive and Gayinero  
23 Road rezoning to Commercial (C) would permit the highest  
24 and utilization of the lot by virtue of its very location.  
25 Because the split zoning was a result of government rezoning  
26 efforts, the Legislature finds that it is not unreasonable that  
27 the owner ask that the situation be corrected by rezoning that

1 portion of the property which is presently zoned Single  
2 Family Residential (R-1) to Commercial (C). This would be  
3 conformity with other properties abutting the parcels on its  
4 two most prominent sides.

5 The same situation exists for Mr. Carlos Takano, Jr., whose  
6 property, situated in the upper Tamuning area, was split  
7 zoned and thus is not utilizable as an entire parcel. For both  
8 of these individuals, the total use and utility of their  
9 properties were detracted and restricted because of the split  
10 zoning which did not take into consideration the division of  
11 lots into use zones which did not have the same regulatory  
12 parameters. The Legislature is of the consensus that this is  
13 not equitable, fair nor reasonable and should be corrected.

14 **SECTION 13(a).LOT REZONED** The entirety of Lot No.  
15 7007-1-R4, situated in the Municipality of Yigo, said to contain  
16 an area of 14,881.19 square meters, and owned by **Emilia**  
17 **Perez Hara**, is hereby rezoned as Commercial (C).

18 **SECTION 13(b) LOTS REZONED.** LOT NO. 5147-2C-15  
19 and LOT NO. 5147-2C-16, both said to contain areas of 3716  
20 square meters, owned by **Carlos S. and Rosemarie S.**  
21 **Takano**, as delineated on CT No. 68192 and 29741, are hereby  
22 zoned in their entirety as Commercial zones.

23 **SECTION 13(c) LOTS REZONED.** Lots No. 5147-2B-REM-  
24 3-1 and 5147-2B-REM-3-R2, situated in the Municipality of  
25 Dededo, owned by **Mr. Bong Koo Choi**, as shown on LM Map  
26 No. M-2-2-64, is hereby rezoned in its entirety from a partial



1 Single Family Residential (R1) to Commercial (C) in its  
2 entirety.

3 **SECTION 13(d) LOTS REZONED.** Lot No. 10060 REM-4-  
4 R1, Gugagon, Dededo, containing an area of 2,892 square  
5 meters, as shown on LM Drawing No. L 845, and owned by  
6 **Wong Ky and Lan Lien Wien**, is rezoned from Agricultural  
7 (A) to Commercial (C).

8 **SECTION 13(e) LOTS REZONED.** Lot No. 2149-3-18,  
9 situated along Farenholt Ave., Tamuning, containing an area  
10 of 1,677 square meters, and recorded under CT No. 13457,  
11 owned by **Mr. and Mrs. Thomas S.S. Huang and Mrs. and**  
12 **Mrs. Wu Chang Kao** is hereby rezoned from Multi-Family  
13 Dwelling (R2) to Commercial (C).

14 **SECTION 14. LEGISLATIVE INTENT:** Bill and Terry  
15 Hagen, life residents of Guam and entrepreneurial owners of  
16 Pacific Galleries, have approached the Guam Legislature  
17 requesting a rezoning of their property in the Macheche Hill  
18 area of Dededo from Agricultural (A) to Light Industrial (M1).  
19 The Hagen's request is to enable them to build a facility to  
20 store the materials and products which they utilize in their  
21 business of custom frame making.

22 The Legislature notes that the development activity in the  
23 area renders the area relatively unsuitable for agricultural  
24 purposes. Likewise, several large tracts of property within  
25 500 feet of the Hagen's parcel have already been rezoned to  
26 Light Industrial (M1) as said zoning has been determined to  
27 be the most compatible with the Air Impact Compatibility Use

1 Zones (AICUZ) for NAS Agana and the Guam International  
2 Airport. In light of this, the Legislature finds that the  
3 rezoning requested by the Hagan's is not incompatible with  
4 surrounding land uses and will provide them the storage  
5 capacity and capability they need to maintain an economical  
6 and efficient inventory for their business.

7 **SECTION 14(a). REZONING.** Lot No. 5234-8, situated in  
8 the Municipality of Dededo, containing an area of 4,405 +/-  
9 square meters, and owned by **Bill and Teresita Hagen**, is  
10 hereby rezoned from Agricultural (A) to Light Industrial (M1).

11 **SECTION 15. LEGISLATIVE STATEMENT:** Lot No. 5224-1-5,  
12 owned by Mr. Benny B. Bello, and Lot No. 5248-3-2, owned by  
13 Anna B. Lujan, are situated amongst a group of lots in the  
14 Harmon, Macheche Hill area of Dededo. Development in the  
15 area is presently restricted because of the Air Installations  
16 Compatible Use Zones (AICUZ) regulations promulgated by the  
17 Navy for flights from NAS Agana. In recognizing this, the  
18 Guam Legislature has previously rezoned lots contiguous to  
19 parcels for the development of warehousing facilities which  
20 are critically needed on the island. Thus, the Legislature is of  
21 the consensus that the rezoning of these two parcels is not  
22 incompatible with land uses in the area.

23 **SECTION 15(a) LOT REZONED.** Lot No. 5224-1-5, Tract  
24 308, situated in the Municipality of Barrigada, said to contain  
25 4,047 +/- square meters, as shown on LM Drawing No. TM 72-  
26 12, and owned by **Benny B. Bello**, is hereby rezoned from  
27 Agricultural (A) to Light Industrial (M1).

1       **SECTION 15(b) LOT REZONED.** Lot No. 5248-3-2,  
2 situated in the Municipality of Barrigada, said to contain an  
3 area of 930 square meters, and owned by **Mrs. Anna B.**  
4 **Lujan**, is hereby rezoned from Agricultural (A) to Light  
5 Industrial (M1).

6       **SECTION 15(c) LOT REZONED.** Lot No. 5224-7-4-5-11,  
7 situated in the Municipality of Barrigada, said to contain an  
8 area of 4050 +/- square meters, and owned by **John P.**  
9 **Benavente** is hereby rezoned from Agricultural (A) to Light  
10 Industrial (M1).

11       **SECTION 16. LEGISLATIVE STATEMENT:** The Guam  
12 Legislature is aware of several developers desiring to build  
13 affordable housing projects on private land utilizing private  
14 funds. These efforts must be support in order to alleviate the  
15 housing shortage presently affecting the island and greatly  
16 aggravated by the devastation of Typhoon Omar. Two of  
17 these developers, Omnitech International and Mr. Tony  
18 Martinez own property which would be suitable for  
19 development into multi-family residential subdivisions in  
20 northern Guam. These developer have indicated to the  
21 Legislature that the infrastructure within the subdivisions  
22 would be provided and that public infrastructure is available  
23 would be utilized. The Legislature is also of the consensus  
24 that the zoning change requested is not an exemption to the  
25 permitting requirements and that such permitting  
26 requirements would insure that infrastructure needs are  
27 satisfied.

1       **SECTION 16(a) LOT REZONED.** Lot No. 10100-2,  
2 situated in Machanao, Municipality of Dededo, said to contain  
3 an area of 95,617 +/- square meters, as designated on Drawing  
4 No. 310-89 and recorded under LM Doc. No. 413805, and  
5 owned by **Omnitech International, Inc.**, is hereby rezoned  
6 from Agricultural (A) to Multi-Family Dwellings (R2).

7       **SECTION 16(b) LOT REZONED.** Lot No. 10100-9-R1,  
8 situated in Machanao, Municipality of Dededo, said to contain  
9 an area of 12, 492 +/- square meters, as shown on Drawing No.  
10 CC7982M and Doc. No. 311480, owned by **Mr. Tony**  
11 **Martinez**, is hereby rezoned from Agricultural (A) to Multi-  
12 Family Dwellings (R2).

13       **SECTION 16(c) LOT REZONED.** Lot No. 25 Block 2, Unit  
14 14, Tract 100, Municipality of Dededo, said to contain an area  
15 of 570.44 +/- square meters, as designated on LM Drawing No.  
16 3008-36, and owned by **Gaudioso T. and Juanita A.**  
17 **Caberte** is hereby rezoned from Single Family Residential  
18 (R1) to Multi-Family Dwellings (R2).

**COMMITTEE ON HOUSING,  
COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE**

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

# **COMMITTEE REPORT**

**o n**

## **BILL NO. 891**

*An Act to rezone certain parcels of privately owned property  
in the Municipalities of Yigo, Dededo, Tamuning, Sinajana,  
Barrigada and Mangilao*

**September 14, 1992**

## COMMITTEE FINDINGS

- The Committee finds that requests to the legislature for rezoning of parcels owned by private individuals are not unreasonable because the existing methodology, i.e., the TLUC process and the fast track approach provided in Public Law 21-82, is not working with the degree of efficiency which would render the process effective and responsive to the needs of those most in need. It is noted that since the inception of Public Law 21-82 only two rezoning applications have been approved from the nearly 30 which have been filed. The Director of Land Management himself has requested assistance from the Legislature in the form of statute which would mandate the timeframe within which regulatory agencies must process and approve or disapprove an application. He has voiced his frustration with several agencies and members of the Development Review Committee who choose not to treat requests for rezoning under the provisions of PL 21-82 with any degree of urgency. Until such statute is enacted, the effectiveness and efficiency of the fast track approach parallels the effectiveness and efficiency of the TLUC itself. Likewise, the TLUC is in turmoil itself and is so backlogged with work that applications from ordinary citizens languish.
- The Committee finds that the establishment of land use policies, albeit be through the rezoning process, is not in

conflict with the recent U.S. Supreme Court ruling that regulatory policies which do not promote legitimate state interests AND which deny an individual the economically viable use of his property are in violation of that individual's Fifth Amendment rights.

- The Committee finds that, in the same vein, regulatory procedures or processes which are inordinately inefficient and slow can be viewed as indirectly denying an individual that economically viable use of his property by prohibiting him from availing himself of more affordable bank rates if the inefficiency of the regulatory process results in the property owner losing the opportunity for lower interest rates. Just as the government is now feverishly working to float bonds before the projected increase in interest rates as a fallout of the presidential elections, individual landowners are anxious to secure bank financing when mortgage rates are still single digit.

- The Committee finds that of the zone changes requested in Bill 891, none are incompatible with surrounding land uses in their specific areas. Likewise, the support given Bill 891, as well as, others public heard with the measure, is indicative of support by surrounding landowners and is an indication that the rezonings contained in Bill 891 are not objectionable to those residents who will be most impacted . . . the people living in the area itself.

- The Committee finds, as it has found in other rezoning legislation, that the act of rezoning itself does not constitute

an automatic license or permit to build. There are regulatory and permitting processes which must be accomplished prior to anyone building on his property, whether that property was rezoned by the Legislature or through the TLUC process. The act of rezoning does not relieve anyone of the GEPA regulations relative to waste water and sewer handling, nor does it relieve anyone of the parking, height or setback requirements. Plans must still be reviewed to insure compliance with all building codes.

## **COMMITTEE RECOMMENDATION**

- The Committee recommends the passage of Bill No. 891, as amended and substituted by the Committee.

## **PUBLIC HEARING**

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 891, an act to rezone certain parcels of property in the Municipalities of Yigo and Dededo , scheduled and conducted a public hearing on said proposed legislation on July 27, 1992, at 7:00 p.m. at the Yigo Catholic Church Community Center, Yigo, Guam.

Committee members present were:

- Senator Francisco R. Santos, Chairman
- Senator John P. Aguon



Witnesses appearing before the Committee to present testimony were:

- The Honorable John Blas, Mayor of Yigo
- Joseph C. Santos, representing Land Mgmt.
- The list of witnesses for all bills heard at the Yigo hearing, indicating their position.

## SUMMARY OF TESTIMONY

The majority of the testimonies before the Committee were oral presentations of individual lots owners who were supporting the passage of Bill No. 891 and also requesting that their properties likewise be rezoned that they may realize the best and highest uses of their parcels of land. Several of the individuals noted that they had explored the idea of submitting their applications to the Territorial Land Use Commission but were discouraged from such by the following:

- The cost of securing the services of a land use consultant or consulting engineer even if their plans were but to build a duplex, fourplex or six plex apartment building because they realized that the size of their parcels would not hold more. Some of these individuals noted that they were aware that the ultimate number of units that could be built

on their parcels would be limited by the size of the parcel because they were not interested in attempting to secure permits to go beyond the three floors maximum specified in the law.

- These individuals also noted that they chose to approach the legislature because of the many requirements placed upon them by the TLUC process, even if they decided to utilize the fast track approach. They noted that the TLUC and the fast track approach were literally the same and required that they do research on who owned the land within a certain radius and that they be responsible for informing these individuals of their request for rezoning. Likewise, they noted that the TLUC and fast track process required submission of environmental impact studies which required the services of expensive consultants and engineers.

- These individuals noted that the TLUC and fast track approach were both expensive and that with the amount of money that had to be spent to secure the rezoning, the funds to pursue their building plans would have been depleted to the point where those plans would be unfeasible or unattainable.

- These individuals also noted that the TLUC process takes an inordinate amount of time, primarily because government agencies are so busy tending to other problems, and that because bank interest rates were now very low, as compared to the 15% of the recent past, they wanted to pursue their plans to build multi-family units as soon as

possible while the bank rates were still attractive. If the bank interest rates should suddenly increase, the cost of building would again be out of reach.

- Several of these individuals noted that they wanted to build multi-family dwellings in order to take economic advantage of the housing shortage now affecting the island. These individuals noted that they were aware of the housing shortage for military families being brought to Guam because of the closure of Subic Bay Naval Base and Clark Air Force Base in the Philippines.

- Some of those testifying also noted that the parcels they were requesting the rezoning for was the only piece of real estate they owned and that their desire was to make available affordable housing, in the form of apartments, to their children. Knowing of the acute shortage of housing and aware of the ever increasing price of land, these individuals were aware that if they wanted affordable housing for their children, they would have to build such themselves.

- Some of those appearing before the Committee noted to the Committee that they had turned in applications for rezoning under the provisions of Public Law 21-82 - the fast track approach. However, these individuals noted that, for many, the applications have also taken an inordinate amount of time. Several have noted that they have submitted applications as far back as October, 1991, when the "fast track" approach was first approved by the Legislature. They also note that those applications continue to languish at the

TLUC.

- It is noted that several of these cases were referred to the Legislature by the Mayors of the district in which the lots are situated simply because the property owners sought out their assistance, first in an effort to assist their application through the fast track method, and after failing that, to assist them in requesting Legislative assistance.

- It should be noted that several property owners, when the public hearings for rezoning are conducted in the villages, have approached the Committee at these public hearings and submitted their request to be included in proposals to rezone their property which were in close proximity to those for which proposals were being publicly heard.

Testimony submitted to the public hearing on Bill 891 and other measures heard at the same hearing, and consolidated with Bill 891 are hereto attached. Likewise, the list of witnesses appearing at that hearing is attached with other pertinent material.



OMNITECH INTERNATIONAL

PHONE NO: 646-1280/649-1546 FAX: 649-6706

August 03, 1992

Honorable Frank R. Santos  
Chairman  
Committee on Housing, Federal  
and Foreign Affairs  
Twenty First Guam Legislature  
Agana, Guam 96910

Dear Senator Santos:

We are seeking your assistance in having our property, Lot #10100-2 located in Machanao, Municipality of Dededo rezoned from Agriculture ("A") to Multi-Family dwelling ("R-2"). It is our desire to develop the property for the construction of affordable housing complex.

The rezoning of Lot #10100-2 from "A" to "R-2" will not, in any way, disrupt the present land use of the general area inasmuch as the Legislature recently rezoned adjacent properties to our lot, As-Tagat, Machanao (immediately south of Lot #10100-2) and Tract 136, Gugagon, Municipality of Dededo (situated due West of Lot #10100-2) were recently rezoned from Single family unit ("R-1") to Multi-family dwelling ("R-2") by Public Law 21-80 on January 25, 1992. The Hatsuho Golf Course (situated due East of Lot #10100-2) offers a spectacular view and the construction of affordable housing units on Lot #10100-2 will only enhance the existing land use of the area.

Our company decided to approach the Legislature for its assistance because we feel that your desire to identify and encourage the construction of affordable housing is in fact unique with our goals and objectives in venturing into providing the people with affordable housing. Moreover, to seek the present course through the Territorial Land Use Commission (TLUC) is a very tedious and expensive process that would only result in the increase of the unit cost of the individual housing.

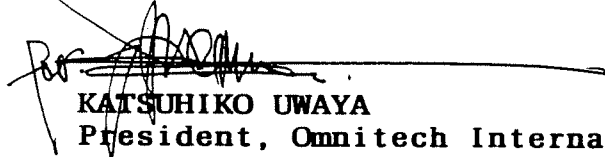
Senator Santos, we are ready to meet with you or your staff so that we may present our preliminary plans and concept of the housing project. We will, of course, comply with all the necessary building permit requirement as well as providing the development with the infrastructure in accordance to PUAG, GPA, EPA and DPW standards and criteria. Upon completion of the project, these additional infrastructure will be deeded to the

Honorable Frank R. Santos  
Twenty First Guam Legislature  
Agana, Guam  
page 2

Government, thus further is an existing sewer, power and water lines adjacent to Lot #10100-2 that is capable of absorbing the proposed project. At any rate, we are also prepared to provide our share of the infrastructure cost requirement.

Your early response and assistance would not only be appreciated wholeheartedly, but it will help maintain our ability to provide an affordable housing program to Guam. Please contact me or my representative, Mr. Ponce J. Herradura at P.O. Box 20064. GMF, Guam 96921, telephone number 646-1279.

Sincerely,



KATSUHIKO UWAYA  
President, Omnitech International

Recording requested )  
by Grantee. )  
After recordation )  
deliver copies to )  
Title Guaranty of )  
Guam, Inc., P.O. Box )  
771, Agana, Guam )  
96910. )  
The real property )  
affected by this )  
instrument is a )  
registered lot, the )  
name of the )  
registered owners )  
being the Grantor(s) )  
and the number of the )  
certificate of last )  
registration being )  
No. 54646. )

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER  
INSTRUMENT NUMBER 474519

This instrument was filed for record on 27

Day of July, 1992, at 4:52 <sup>A.M.</sup> ~~P.M.~~

and duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_

Recording Fee 70 Voucher No. 944195

Walter Young  
Deputy Recorder

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

THAT ON THIS 8<sup>th</sup> day of JUNE, 1992, GORDON  
CHU, SS# \_\_\_\_\_, and PETER HUANG, SS#  
\_\_\_\_\_, JAMES LIN, SS# \_\_\_\_\_, and GRAND  
HARVEST, INC., whose address is P.O. BOX 6255 TAMUNING  
GUAM, hereinafter referred to as  
"GRANTORS", for and in consideration of the sum of TEN  
DOLLARS (\$10.00) and other valuable consideration to them  
paid by OMNITECH INTERNATIONAL, INC. a Guam  
corporation, whose address is P.O. BOX 24427  
GME, 96921, hereinafter referred to as  
"GRANTEE", the receipt, adequacy and sufficiency whereof is  
hereby acknowledged, do hereby GRANT, BARGAIN, SELL and  
CONVEY unto the GRANTEE, as its sole and separate property,  
the following described property:

LOT NUMBER 10100-2, MUNICIPALITY OF MACHANAO, TERRITORY OF  
GUAM, ESTATE NUMBER 53529, SUBURBAN, as said Lot is marked  
and designated on Drawing Number 310-89, as L.M. Check No.  
218 FY 89, dated March 3, 1989 and recorded March 9, 1989  
in the Department of Land Management, Government of Guam,  
under Document Number 413805.

AREA: 95,617 +/- SQUARE METERS  
1,029,214 +/- SQUARE FEET

LAST CERTIFICATE OF TITLE NUMBER: 54646

TOGETHER with reversions, remainders, rents, issues  
and profits thereof and all of the estate, right, title and

interest of the GRANTORS, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto GRANTEE, in fee simple, his successors and assigns forever.

AND GRANTORS, for themselves and their heirs, executors and administrators do hereby WARRANT and COVENANT with the GRANTEE, and his successors and assigns, that they are lawfully seized of the above described property in fee simple; that the same is free and clear of all encumbrances excepting: Current Real Property Taxes not yet due and payable; and Subject in part to a TWENTY FIVE (25') Foot Right-of-Way for Public Access and Utilities as delineated on the Map filed under Document Number 413805.

THAT the GRANTEE shall have the right of quiet enjoyment of said property, and that they will and their heirs, executors and administrators warrant and defend the same to the GRANTEES, his successors and assigns against the lawful claims and demands of all persons.

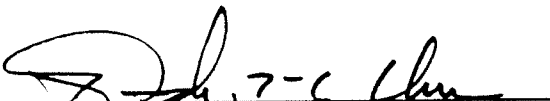
AND GRANTEE, for himself and his successors and assigns does hereby acknowledge and confirm that water and power are immediately available on the property or within 100 feet of the property described above.

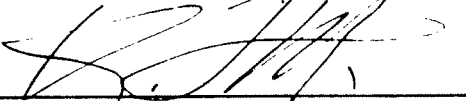
IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.


GRANTORS:


GRANTEE:

OMNITECH INTERNATIONAL, INC.


  
GORDON CHU

By   
KATSUHIKO UWAYA  
Authorized Representative

  
PETER HUANG

  
JAMES LIN

GRAND HARVEST, INC.

By   
JOSEPH HSIAO  
Authorized Representative