

Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
UFINAN I MAGALAHI
AGANA, GUAM 96910 U.S.A.

MAR 31 1992

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 724, which I have signed into law
this date as Public Law 21-98 .

Sincerely yours,

Joseph F. Ada
JOSEPH F. ADA
Governor

210728

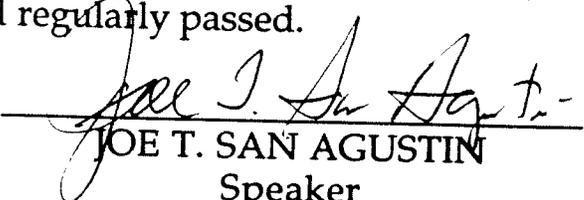
Attachment



TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

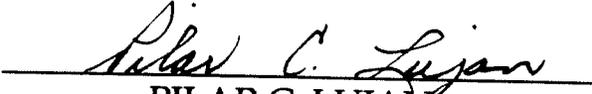
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 724 (COR), "AN ACT TO REZONE LOTS 2066-2-2, 2066-2-3, 2066-2-4, 2066-2-5, 2066-2-9, 2066-2-R9, SITUATED IN TAMUNING, MUNICIPALITY OF DEDEDO, FROM MULTI-FAMILY RESIDENTIAL ("R-2") TO COMMERCIAL ("C") TO BUILD AND OPERATE A MEDICAL CLINIC, AND TO AMEND ITEM (1) OF §13944 OF THE GOVERNMENT CODE RELATIVE TO PREFERENCES FOR LOTS IN THE AS-TUMBO SUBDIVISION, TO ACCOMMODATE FAMILIES WHO HOMESTEADED THE LAND FOR MANY YEARS," was on the 13th day of March, 1992, duly and regularly passed.



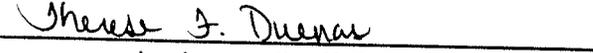
JOE T. SAN AGUSTIN
Speaker

Attested:



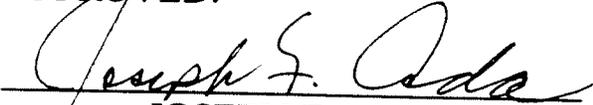
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of March, 1992, at 11:15 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: MARCH 31, 1992

Public Law No. 21-98

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 724 (COR)

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

Introduced by:

F. R. Santos
H. D. Dierking
A. C. Blaz
J. G. Bamba
E. P. Arriola
M. D. A. Manibusan

AN ACT TO REZONE LOTS 2066-2-2, 2066-2-3, 2066-2-4,
2066-2-5, 2066-2-9, 2066-2-R9, SITUATED IN
TAMUNING, MUNICIPALITY OF DEDEDO, FROM
MULTI-FAMILY RESIDENTIAL ("R-2") TO
COMMERCIAL ("C") TO BUILD AND OPERATE A
MEDICAL CLINIC, AND TO AMEND ITEM (1) OF
§13944 OF THE GOVERNMENT CODE RELATIVE TO
PREFERENCES FOR LOTS IN THE AS-TUMBO
SUBDIVISION, TO ACCOMMODATE FAMILIES WHO
HOMESTEADED THE LAND FOR MANY YEARS.

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

2 **Section 1. Legislative statement.** The Legislature is aware of and has
3 been closely monitoring the acute shortage of licensed physicians on Guam
4 and is concerned that such a shortage may be aggravated in the future, thus
5 severely and adversely affecting the general quality of health care delivery
6 services for the people of Guam. The Legislature is also aware that there are
7 young Guamanian doctors graduating and completing their professional
8 education and internships and who may be convinced to return to Guam to

1 practice their profession if they would be able to practice in a professional
2 environment with the facilities and support services needed for them to
3 provide the highest quality health care delivery to their patients. Because of
4 their professional concerns and their unwillingness to compromise the quality
5 of health care services they deliver to any of their patients, these young
6 doctors are hesitant to return to Guam without some level of reliable
7 assurance that their professional needs will be met. The Legislature fully
8 understands the reasons why these young professional do not want to
9 compromise the services they provide and want to provide their patients.

10 The Legislature has been informed by the doctors of the Family Medical
11 Clinic that they are prepared to proceed on the building and operation of a
12 "State of the Art" medical clinic in the Tamuning area. This new clinic will
13 provide adequate facilities for health care services delivery to the ever
14 increasing number of residents availing themselves of the services available
15 at Family Medical Clinic and the cadre of professional Guamanian doctors
16 who are members of said clinic, as well as the number of projected new
17 patients of the present staff of doctors and the new patients of those doctors
18 invited to join the staff of the new clinic. The new clinic will provide adequate
19 facilities for the sixteen thousand plus patients presently serviced by the
20 Family Medical Clinic's staff of thirteen medical practitioners, as well as, the
21 patients of the additional twenty-three medical practitioners who will be
22 staffing the new facility.

23 The Legislature is of the opinion that this new medical arts facility will
24 be more attractive for local physicians practicing off-island because it will
25 provide the opportunity for these young doctors not only to contribute to the
26 quality of health care services delivery on Guam but also to own, as

1 shareholders, the medical practice itself. This will provide incentive not only
2 for these talented, skilled and much needed local individuals to return but to
3 remain on island to practice their critically needed talents and skills.

4 This increase in service capabilities will be of major benefit to the health
5 care delivery systems of the island. Likewise, benefits will be realized because
6 of the proximity of the clinic to the Guam Memorial Hospital. The
7 Legislature is of the consensus that the government should do what it can to
8 assist this local professional organization because the new clinic will provide
9 a critically needed improvement in an essential public necessity, will not be
10 incompatible with the land use of the general vicinity in which it will be
11 situated, and will not adversely impact on the existing infrastructure of the
12 area. Upon reviewing the conceptual drawings of the new facility and noting
13 that parking facilities will consist of the first two floors of the building
14 augmented with open air parking lots adjacent to the clinic, the Legislature is
15 of the consensus that adequate parking for the facility and the nature of the
16 business to be conducted therein will be made available.

17 **Section 2. Lots rezoned.** Lots No. 2066-2-2, 2066-2-3, 2066-2-4, 2066-2-
18 5, 2066-2-9, 2066-2-R9, situated in Tamuning, Municipality of Dededo, are
19 hereby rezoned from Multi-Family Residential ("R-2") to Commercial ("C")
20 to build thereon a professional medical arts building.

21 **Section 3. Height determination.** Because the new clinic will be
22 situated in close proximity to and below the top of the NAS cliffline and
23 because the new building will not adversely affect or impede the view of any
24 other building between the new clinic and the NAS cliffline, and for the
25 purposes of this Act, the new professional medical arts building to be built
26 upon the property rezoned in Section 2 of this Act, the permissible height for

1 the professional medical arts building herein authorized shall be as measured
2 from the baseline of the first public entrance or exit for pedestrian traffic into
3 the building to the top of the cliff immediately adjacent and closest to the
4 building. For the purposes of this Act it is the intent of the Legislature to
5 permit the height of the new professional medical arts building to be as high
6 as the NAS cliffline closest to the building.

7 **Section 4. As-Tumbo Subdivision preferences.** Item (1) of §13944 of the
8 Government Code is amended to read:

9 "(1) First preference shall be given to those families who were,
10 on August 25, 1978, residing within the subdivision area under a Land
11 Management Land Use Permit and continue to reside there, to that
12 family composed of Joaquin Cruz Flores and his wife Mary Taitano
13 Flores who were residing under a Land Use Permit in the subdivision
14 up until the destruction of their home by Typhoon Pamela after
15 which they could not build a permanent structure on the site, or to
16 families who reside under a Land Management Land Use Permit or
17 Department of Agriculture Land Use Permit on government land
18 which has been designated as a water conservation area as indicated
19 on the Bureau of Planning Land and Water Natural Resources Map
20 who are without fee title to any real property, in or out of the
21 territory, and whose income does not exceed the limits established
22 for a low-income family or a single person residing in low rent
23 housing projects operated by the Authority."

2198

SEVENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 3/13/92

VOTING SHEET

Bill No. 724
Resolution No. _____
Question: _____

	<u>AYE</u>	<u>NO</u>	<u>NOT VOTING</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>	✓			
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>	✓			
<u>DIERKING, Herminia D.</u>	✓			
<u>DUENAS, Edward R.</u>			✓	
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon I.</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>			✓	
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>		✓		
<u>RUTH, Martha C.</u>			✓	
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>	✓			
<u>TANAKA, Thomas V.C.</u>		✓		
<u>UNPINGCO, Antonio R.</u>			✓	

15 2 4

**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

on

BILL NO. 724

An Act to Rezone certain lots in Tamuning to permit the construction of a professional medical arts building and to grant said building a height variance to permit the construction of a building as high as the NAS cliffline.

March 9, 1992

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

FEB 07 '92

Bill No. 724 (COR)

Introduced by:

F.R. Santos

AN ACT TO REZONE LOTS 2066-2-2, 2066-2-3, 2066-2-4, 2066-2-5, 2066-2-9, 2066-2-R9, SITUATED IN TAMUNING, MUNICIPALITY OF DEDEDO, FROM MULTI-FAMILY DWELLINGS ("R-2") TO COMMERCIAL ("C") FOR THE PURPOSE OF BUILDING AND OPERATING A MEDICAL ARTS CLINIC.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
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3 **Section 1. Legislative Statement:** The Guam
4 Legislature is aware of and has been closely monitoring the acute
5 shortage of licensed physicians on Guam and is concerned that
6 such a shortage may be aggravated in the future thus severely
7 and adversely affecting the general quality of health care
8 delivery services for the people of Guam. The Legislature is also
9 aware that there are young Guamanian doctors graduating and
10 completing their professional education and internships and who
11 may be convinced to return to Guam to practice their profession
12 if they would be able to practice in a professional environment

1 with the facilities and support services needed for them to
2 provide the highest quality health care delivery to their
3 patients. Because of their professional concerns and their
4 hesitancy to compromise the quality of health care services they
5 deliver to any of their patients, these young doctors are hesitant
6 to return to Guam without some level of reliable assurance that
7 their professional needs will be available. The Legislators fully
8 understand the reasons why these young professionals do not
9 want to compromise the service they profess and want to
10 provide their patients.

11 The Legislature has been informed by the doctors of the
12 Family Medical clinic that they are prepared to proceed on the
13 building and operation of a "State of the Art" medical clinic in the
14 Tamuning area. This new clinic will provide adequate facilities for
15 health care services delivery to the ever increasing number of
16 residents availing themselves of the services available at Family
17 Medical Clinics and the cadre of professional Guamanian doctors
18 who are members of said clinic, as well as, the number of
19 projected new patients of the present staff of doctors and the
20 new patients of those doctors invited to join the staff of the new
21 clinic. The new clinic will provide adequate facilities for the
22 16,000 plus patients presently serviced by the Family Medical
23 Clinic's staff of 13 medical practitioners, as well as, the patients of
24 the additional 23 medical practitioners who will be staffing the
25 new facility.

26 The Legislature is of the consensus that this new medical
27 arts facility will be more attractive for local physicians practicing

1 off-island because it will provide an opportunity for these young
2 doctors, not only to contribute to the quality of health care
3 services delivery on Guam, but also because they will have the
4 opportunity to own, as shareholders, the medical practice itself.
5 This will provide incentive not only for these talented, skilled and
6 much needed local individuals to return but to remain on island
7 to practice their critically needed talents and skills.

8 This increase in service capabilities will be of major benefit
9 to the health care delivery systems of the island. Likewise,
10 benefits will be realized because of the proximity of the clinic to
11 the Guam Memorial Hospital. The Legislature is of the consensus
12 that the government should do what it can to assist this local
13 professional organization because the new clinic will provide a
14 critically needed improvement in an essential public necessity
15 and will not be incompatible with the land use of the general
16 vicinity at which it will be situated and will not adversely impact
17 on the existing infrastructure of the area. Upon reviewing the
18 conceptual drawings of the new facility and noting that parking
19 facilities will consist of the first two floors of the building
20 augmented with open air parking lots adjacent to the clinic, the
21 Legislature is of the consensus that adequate parking for the
22 facility and the nature of the business to be conducted therein,
23 will be available and provided.

24 **Section 2. Lots Rezoned.** LOTS 2066-2-2, 2066-2-3,
25 2066-2-4, 2066-2-5, 2066-2-9, 2066-2-R9, situated in
26 Tamuning, Municipality of Dededo, is hereby rezoned from Multi-
27 Family Dwellings ("R-2") to Commercial ("C").

1 **Section 3. Height Determination.** Because the new
2 clinic will be situated in close proximity to and below the top of
3 the NAS cliffline and because the new building will not adversely
4 affect or impede the view or aesthetics of any other building
5 between the new clinic and the NAS cliffline, and for the
6 purposes of this Act, and the desirability and need for
7 expeditiousness in the resolution of administrative procedures
8 and the issuance of permits for the construction of the new
9 facilities, the permitted height, of the new medical arts clinic for
10 which this Act is intended, shall be determined and measured
11 from the highest ground level, from which ingress and egress to
12 the building is available to pedestrian traffic, to the roof line
13 parallel to said ground level. The points of pitched and gabled
14 roofs shall not be utilized to measure the height of the building
15 for the purposes of compliance with permitted building heights
16 within Commercial ("C") zones.

PUBLIC HEARING

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 724, conducted public hearings on said measures on January 30, 1992 . Committee members present at the hearing were:

- Sen. Francisco R. Santos, Chairman
- Sen. Pilar C. Lujan, Vice Chair
- Sen. John P. Aguon
- Herminia D. Dierking
- Sen. Elizabeth P. Arriola
- Sen. Anthony C. Blaz
- Sen. Marilyn D.A. Manibusan
- Sen. Edward R. Duenas
- Sen. Doris Flores Brooks

TESTIMONIES PRESENTED

Appearing before the Committee were:

- Dr. John Taitano, M.D. FMC
- Dr. Chris Perez, MD, FMC
- Dr. Vince Duenas, MD, FMC
- Dr. Linda Waki, MD, FMC
- Mr. Rick Johnson, A&E, FMC
- Mr. Frank Castro, Director, DLM

The Bureau of Planning submitted testimony against the provisions of the proposed legislation based on Planning's standard objections to any rezoning measures, namely, that all rezonings should be submitted through the Territorial Land Use Commission and the Development Review Committee.

Those appearing before the Committee all testified in favor of the rezoning of the property. The doctors of the Family Medical Clinic explained to the Committee their intention of building a new medical arts clinic.

- the new facilities will supplement the existing FMC near the GMH which is too small to handle the number of doctors and patients subscribing to FMC.

- the new facility will be used to attract Chamorro/Guamanian medical professionals now practicing or going to school in the mainland US.

- the new facility will be used as a training ground for health services students going to school at UOG and GCC under a cooperative agreement.

Rick Johnson, the A & E consultant for FMC, testified that the zone change was being requested because of the need for expediency as the property owners are on hold with an option that is conditional on the ability of the group to secure a zone change in order to build the building. The amount of time it takes for the TLUC process makes approaching the Legislature the only solution to the time constraints on the facilities planning.

Land Management Director Frank Castro testified that the Administration is in full support of this project and rezoning necessary for it to proceed.

Medical Resources Inc.

P. O. Box 22557 GMF
Guam, M.I. 96921 Tel: 649-4984

GOOD MORNING SENATORS:

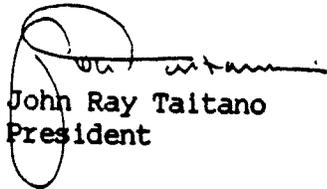
My name is John Ray Taitano President, Family Medical Clinic and President of Medical Resources Incorporated and I am here today in support of bill #724 to rezone for commercial use Lot # 2066-2-2, through 2066-2-5, 2066-2-9, 2066-2-R9 located in Tamuning, Guam behind the existing Pizza Hut. The passage of this Bill into law will bring to fruition a dream to build a state of the art medical building to provide the highest quality medical care for the People of Guam and all of Micronesia.

Family Medical Clinic is a 6,500 square foot medical clinic located next to Guam Memorial Hospital in Tamuning. Its conception began early on Sunday morning in 1982 on a basketball court in Sinajana when 4 young local doctors during half-time toyed fancifully with the idea of building a medical clinic. This idea blossomed into a dream and then a vision was formed to provide the highest quality medical care second to none for the People of Guam. From a meager beginning of a one room office at the ITC clinic to a multispecialty medical facility providing services in Internal Medicine, Family Practice, Podiatry, Ophthalmology, Optometry, Orthopedics, Obstetrician, Gynecology, Midwifery in addition to Radiology, Laboratory, and Pharmacy services to serve over 16,000 patients with 13 medical practitioners. Family Medical Clinic stands as a testimonial to the People of Guam who helped us realize this dream by assisting in our education in addition to our growing practice. We are proud of our clinic and appreciative of the help from the People of Guam.

We are now ready to embark on another adventure, a bigger and better clinic. The vision remains the same, to provide the highest quality medical care for the People of Guam and Micronesia. The dream is now to build a 56,000 square feet Medical Arts building with 30-40 medical practitioners and even more ancillary services to include physical therapy, dental services, etc.

Guam is growing and so must we! Time waits for no man. The time is now to build a better, more comprehensive medical facility to better service the People of Guam and Micronesia. We continue to dream that some day soon other local physicians will be returning to Guam to include Dr. David Damian of Santa Rita, Dr. Sylvia Cruz of Sinajana, Dr. James Flores, Dr. Annie Bordallo, among others. Help us encourage our young physicians to return and remain on Guam by allowing us to build this multispecialty medical clinic that we all can be proud of. Thank you and Si Yuus Maase.

Sincerely yours,



John Ray Taitano
President

Medical Resources Inc.

P. O. Box 22557 GMF
Guam, M.I. 96921 Tel: 649-4984

January 29, 1992

Committee Chairman
Housing, Federal and Foreign Affairs
The Honorable Senator Frank R. Santos
Guam Legislature
Agana, Guam 96910

Dear Senator Santos:

Four young doctors returned from Medical School in the early 1980's with a vision to serve the people of Guam by providing the highest quality medical care. Two Internists and two Family Practice doctors saw their vision expand in 1985 when construction was completed on their new 6,500 square foot medical building to be known as Family Medical Clinic.

The new clinic included a lab, pharmacy, and X-ray, and reached a maximum capacity patient base of 10,000 immediately. On opening, an Orthopedic Surgeon and OB/GYN were added.

From 1985 to 1991 Family Medical Clinic continued to grow and is bursting at the seams. Expanding hours to evenings and weekends has only been a stop-gap, as the patient base has swelled to 16,000 plus. Specializations added include Ophthalmology, Optometry, Podiatry, expanded Family Practice and Internal Medicine, Nurse Midwifery, Pulmonary Services, and Asbestos Screening.

Family Medical Clinic is committed to excellence and has pledged itself to creating health care solutions for the people of Guam. We want to be a major contributor in reaching **Guam's health goals targeted for the year 2000.**

We are concerned, as we know you as a Legislature are concerned, of the acute shortage of licensed physicians on Guam. A shortage may be aggravated in the future, thus severely and adversely affecting the general quality of health care delivery services for the people of Guam. There are young Guamanian doctors graduating and completing their professional education and residency training who may be convinced to return to Guam to practice their profession if they would have the opportunity to practice in a professional environment with facilities and support services that would provide them with the tools to be able to give their patients the highest quality health care. We understand the concerns and thus the need for this project.

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This new medical arts facility will be more attractive for local physicians practicing off-island because it will provide an opportunity for these physicians, not only to contribute to the quality of health care services on Guam. These physicians will have the opportunity to be a shareholder/owner of this medical practice. This will provide incentive not only for these talented, skilled and much needed local individuals to return but to remain on island to practice their critically needed talents and skills.

Sincerely,

The Doctors of Family Medical Clinic

COMMITTEE FINDINGS and RECOMMENDATIONS

- The Committee finds that the plans of the doctors of the Family Medical Clinic to build a new professional medical arts building along the cliffline of Naval Air Station would:

- improve the quality of health care delivery services on Guam;

- serve as an incentive for doctors and other off island local medical professionals to return to Guam;

- The Committee finds that the surrounding areas in Tamuning are already heavily commercialized and that the new medical arts building would not be an intrusion into the uses already common to the area and would not adversely impact, but rather beneficially affect, already existing commercial operations.

- The Committee further finds that the height variance being requested by the architects of the building, in order to maximize the use of a vertical regime, would not be unreasonable, so long as the height of the building does not exceed the height of the cliffline, in that the building will not block nor adversely affect the view of surrounding properties. This is caused by the fact that the property abuts the NAS cliffline and there are no properties situated between the site of the building and the cliffline.

- The Committee recommends passage of Bill 724, as amended by the Committee, to reflect the zone change granted for the purpose of building a professional medical arts building and to reflect the variance granted permitting the height of the building to be limited only by the height of the NAS Cliffline.

- To resolve the problems associated with the eligibility criteria for the Astumbo Subdivision, specifically, those individuals and families who were original land use permittees of the area but who were forced to build or buy homes in other areas after the devastation of Typhoon Pamela and subsequent storms, the Committee is recommending the amendment of the Astumbo priority preference requirements to permit those original permittees to be considered as first preference and priority.

Introduced

FEB 07 '92

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Bill No. 724 (COR)

Introduced by:


F.R. Santos

AN ACT TO REZONE LOTS 2066-2-2, 2066-2-3, 2066-2-4, 2066-2-5, 2066-2-9, 2066-2-R9, SITUATED IN TAMUNING, MUNICIPALITY OF DEDEDO, FROM MULTI-FAMILY DWELLINGS ("R-2") TO COMMERCIAL ("C) FOR THE PURPOSE OF BUILDING AND OPERATING A MEDICAL ARTS CLINIC.

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9 facilities, the permitted height, of the new medical arts clinic for
10 which this Act is intended, shall be determined and measured
11 from the highest ground level, from which ingress and egress to
12 the building is available to pedestrian traffic, to the roof line
13 parallel to said ground level. The points of pitched and gabled
14 roofs shall not be utilized to measure the height of the building
15 for the purposes of compliance with permitted building heights
16 within Commercial ("C") zones.