



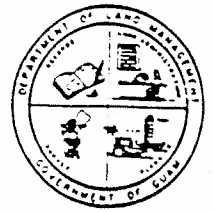
DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

Tel: (671) 475-LAND • Fax: (671) 477-0883



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

F. L. G. CASTRO
Director

JOAQUIN A. ACFALLE
Deputy Director

May 27, 1994

The Honorable Edward D. Reyes
Chairman, Committee on Housing
and Community Development
Twenty-Second Guam Legislature
Agana, Guam 96910

Subject: I TANO-TA PLAN

Dear Mr. Chairman:

I am maintaining the position that existing zoning which have been down-zoned by the subject plan should be grandfathered to maintain the current zoning designation.

There are a few cases when owners of properties have built apartments upon their lands which are now R-2 but essentially, they have been down-zoned under the I TANO-TA PLAN and I feel that under such a situation, they should be grandfathered.

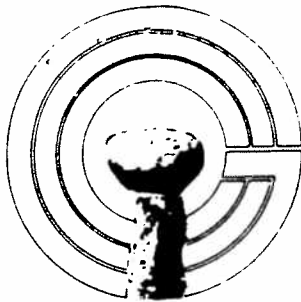
While I am sure that such situations will be allowed by the plan to continue the current uses, they cannot rebuilt the same should the current structures be destroyed by earthquakes and fire if it occurs and that does not appear right. Accordingly, the Legislature should consider a grandfather's clause to the situation. I believe that Laws should be made for the convenience of the people, not to inconvenient the population.

Sincerely yours,

F. L. G. CASTRO
Director, Department of
Land Management



Commonwealth Now!



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

173 Aspinall Avenue, Ada Plaza Center, Suite 102 • P.O. Box 283 Agana, GU 96910 • TEL: 472-6311/8001 • FAX: 472-6202

June 1, 1994

Senator Edward D. Reyes
Chairman
Committee on Housing & Community Development
22nd Guam Legislature
228 Archbishop Flores Street
Agana, Guam 96910

Dear Mr. Chairman:

On behalf of the Guam Chamber of Commerce, we would like to thank you for inviting us to today's briefing on the I Tano'-Ta Land Use Plan.

A private sector work group has been reviewing the I Tano'-ta Land Use Plan since February 1994, in consultation with the Territorial Planning Council staff and its Chairman. Work group members include representatives from the:

- American Institute of Architects - Guam and Micronesia Chapter;
- Guam Hotel & Restaurant Association;
- Guam Contractors' Association;
- Guam Chamber of Commerce Board of Directors; and,
- Chamber member engineers, architects and real property developers.

We have submitted a list of suggested amendments to the plan to the Territorial, Planning Council, most of which have been incorporated in the version submitted by Governor Ada to the 22nd Guam Legislature on May 9, 1994. We are enclosing a copy of the latest issue of our President's Report which features some of the suggested amendments on pages 6 & 7. This Work Group is continuing its review of the plan and will submit further comments and recommendations to the committee at a later date.

We thank you again for inviting us to this afternoon's briefing. We applaud you and the 22nd Guam Legislature for sponsoring these briefings and look forward to participating at the committee's public hearing(s) on the I Tano'-Ta Land Use Plan.

Sincerely yours,

FRANK J. CAMPILLO
Chairman of the Board

ELOISE R. BAZA
President

Enclosure

Government Relations

I Tano'-Ta Land Use Plan for Guam

On February 1, 1994, the Territorial Planning Council (TPC), through its Executive Assistant, Mr. Marcel Camacho, sought the Chamber's support of the I Tano'-Ta Land Use Plan (December 1993 version, copies of which were released in mid-February 1994).

A Chamber Work Group was formed to develop comments and recommendations for a Chamber position on the plan. Work Group members included representatives from the:

- American Institute of Architects Guam and Micronesia Chapter;
- Guam Hotel & Restaurant Association;
- Guam Contractors' Association;
- Chamber Board of Directors;
- Member Engineers; and,
- Real Property Developers.

The Work Group met four times on February 18, March 24, April 7 and April 26. These meetings were attended by Territorial Planning Council (TPC) Chairman Charles Crisostomo and/or Executive Assistant Marcel Camacho and the Chamber's representative on the TPC, Chris Felix. Among comments and recommendations developed by the Work Group are submitted to the Chamber's Board of Directors at a Special Meeting held on April 29, 1994 are presented below.

I TANO'-TA LAND USE PLAN Comments & Recommendations

1. The numerous conditions on one's use of property outlined in the plan need to be examined to help preclude legal challenges that the conditions constitute a Regulatory Taking. A legal audit is recommended to respond to constitutionality questions which could arise.
2. An amendment process for modifying intensity districts should be provided in the plan.
3. The map does not provide a true guideline as a master plan for future growth.

4. Requirement outlined in the Performance Standards that 275 square feet of open recreational space per tenant for multi-unit dwelling buildings is excessive. It should be reviewed to arrive at a more reasonable level.

5. Requirement that land be cleared one acre at a time and only during dry season months is unreasonable and should be deleted.

6. Impervious surface standards are not necessary and should be deleted. The intent of these standards is to address drainage and ground water issues which are already being regulated by EPA law.

7. Parking standards are excessive and should be reviewed to arrive at a reasonable level. Among recommendations include one parking space for every 400 square feet of retail space; 1 space for every 2 employees or 1 space for every 1,000 square feet of warehouse space; and that consideration be given to small mom & pop and convenience-type stores. An example provided is the 7-11 convenience store in Anigua which was required to provide parking in the front and rear areas of the building, most of which are not used.

8. Loading dock requirement for retail space needs to be reviewed to determine its necessity. The economics of the rental business make provisions for loading facilities a natural requirement. Providers of retail space have a vested interest to provide loading facilities.

9. Lot coverage ratio (footprint versus area) needs to be amended to make projects economically feasible. For instance, the plan's maximum requirement for lot coverage is 25% for retail which will hinder retail development. The absolute minimum to get any kind of economic return for retail space is 25%.

10. Provision that banners be restricted to political banners needs to be reviewed. Allowances need to be made for other types of banners.

11. Restriction that neon signs be shut off at 11:00 p.m. is unreasonable and should be deleted.

12. There are currently two active quarries can continue to be active. The plan however needs to recognize the need for more quarries.

13. The plan's landscaping requirements

are too detail and excessive. For illustration purposes, the plan tells you how deep and how wide the hole should be to plant various types of trees and plants. These requirements need to be amended to allow individuals a level of creativity.

14. The plan needs to be reflective of the community's needs in the housing area in particular. It allows the construction of high-end types of housing projects only while there is demand for low-end inexpensive types of housing units.

15. New agency regulations should be addressed separately from the plan. They should undergo review and public scrutiny in accordance with the Administrative Adjudication Act.

16. There needs to be a transition period between the status quo and the new plan. It is suggested that training forums be held for government agencies, developers, architects and others in the private sector regarding the new plan. Community understanding of the plan's requirements will also need to be promoted as island residents will need to know if they can build their homes themselves or if they will need to hire a consultant to go through the plan's application process.

17. Other recommended amendments outlined in the American Institute of Architects Guam and Micronesia Chapter's letter to the Territorial Planning Council dated April 11, 1994 (copy can be obtained at the Chamber office).

After deliberating on the Work Group's recommendations at a special meeting held on April 29, 1994, the Chamber Board of Directors voted to oppose the plan as it is currently written, noting that the Board had not received documentation that the concerns raised by the Work Group had been incorporated in the plan. In a letter to Governor Ada, Chairman Frank Campillo stated, "We kindly ask you to send the plan back to the TPC for further changes." Campillo added, "In addition, we suggest that the TPC conduct more public hearings to review the final draft and provide the

people of Guam with the opportunity to understand the impact of this plan.”

**I Tano'-Ta Land Use Plan
SUMMARY OF
GOVERNOR'S STATE-
MENTS & DECISION
May 4, 1994**

On May 4, 1994, Governor Ada met with Chairman Frank Campillo, President Eloise Baza and representatives of the American Institute of Architects - Guam & Micronesia Chapter and Guam Contractors Association to explain his decision on the I Tano'-Ta Land Use Plan. A summary of the Governor's statements and decision is provided below.

Recommended amendments incorporated in plan.....

Governor Ada stated that he does not want the plan delayed, noting that work on the plan has already taken three years. He added that there is still a chance to make changes at the Legislature that he is certain will conduct public hearings on the plan.

The Governor assured those present that 90% of the recommendations made have already been incorporated. He indicated that there is really nothing that can be done to stop spot zoning — even if the Legislature passes a law barring spot zoning, another Legislature can easily come in and change this law. Governor Ada advised that he has changed the transition time period from 3 months to 6 months which will mean that the new plan will not take effect until January or February 1995.

The requirement that neon lights be shut off at 11:00 p.m. has been deleted.

Pending amendments.....

The first of four recommended amendments which are pending involves procedure to mandate non-conforming uses to conforming situations. Governor Ada stated we can grandfather projects that do not conform to the new plan's requirements but if these projects are upgraded/expanded after the plan takes effect, the new requirements will apply.

The second pending recommendation pertains to the percentage required for affordable housing units for projects with more than 100 units. The plan continues to require that 20% of the total units of such projects comprise affordable housing units. The Chamber Work Group has argued that the percentage should take into account the value of the land to be used for the housing units. The Governor advised that federal agency guidelines defining affordable housing units will be used.

The third pending requirement pertains to banners. The plan will restrict banners to those which are political in nature. While the banners now displayed over Marine Drive will not be affected, commercial banners of any kind at public parks, on company premises and so forth will not be allowed. The TPC agreed to revisit this section.

Lastly, the recommendation that a legal audit be conducted to help preclude legal challenges on constitutionality grounds (regulatory taking) received no commitment that it would be accomplished. According to Marcel Camacho, this concern was not raised by Attorney Phil Carbullido who reviewed the plan and prepared a summary of the plan's zoning and performance standards sections.

Performance standards.....

Governor Ada advised that all the performance standards will be regulations as opposed to them being required by law. The rationale here is that if we uncover problems unforeseen at this time, these problems can be addressed administratively. The Department of Land Management will initiate the process for regulatory amendments in consultation with the government agencies tasked to enforce the regulations. [Note: Concerns were raised that there are new performance standards which have not gone through the Administrative Adjudication Process (AAA). A distinction needs to be made between existing requirements which will be carried forward and those which are new and have not yet gone through the AAA process].

Governor's Decision and Timeline.....

The amended version of the plan which incorporates the Chamber Work Group's recommendations will be completed on May 9, 1994. Copies of this revised version of the plan will be provided to the Chamber. The Governor will transmit the plan to the Legislature on May 9, 1994, as required by law. According to the Governor, the Legislature's session schedule includes sessions in May 1994 and June 1994 and the session after these will not be held until after the election.

The Governor assured the Chamber that if there still needs to be further amendments made to the plan, he will forward them to the Legislature himself. On May 9, 1994, Governor Ada transmitted the amended version of the plan to the Guam Legislature. The Chamber Work Group met on May 18, 1994 and will be meeting at least two more times to develop further recommended amendments to the plan. Chamber members are invited to submit their comments and recommendation to the Chamber office.

LEGISLATIVE UPDATES

The Chamber is currently looking into the following proposed legislation concerning the tourism industry:

Bill No. 23—Fair Excise Tax on Persons Occupying Hotel Rooms

Bill No. 23 proposes to impose an additional tax of \$2.00 per person for each day or part thereof that a person occupies a room as a transient (hotel, lodging house or similar facility in Guam). This tax is to be collected and paid every month to the Government of Guam. Amounts collected from this tax will be remitted to the Guam Power Authority for financing, designing, acquiring, engineering and constructing new baseload generating units.

Bill No. 432—Increasing GRT to 5% for Persons Receiving Commissions for Procuring Tourists

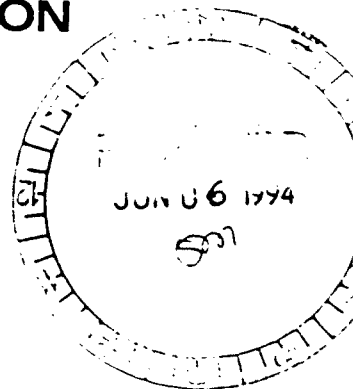
Bill 432 proposes to increase the business privilege tax to 5% for persons



MARIANAS LEISURE CORPORATION

221 Farenholt Avenue, Suite 205 • Tamuning, Guam 96911

Tel: (671) 649-4540 • Fax: (671) 649-2505



June 6, 1994

The Honorable Edward D. Reyes
Chairman, Committee on Housing
and Community Development
Twenty-Second Guam Legislature
Agana, Guam 96910

Re: I Tano-Ta Master Plan

Dear Mr. Chairman,

We are the owners of Lot No. 3329,1-4-R1, Pago Bay, Chalan Pago, presently zoned R-2 which will be down zoned under the I Tano-Ta Plan to Marine Preserve 2M.

I would like to point out that our property is one of the few lots that was zoned by both process, the TLUC (formerly TPC), copy attached, and by Public Law 19-29.

Our property contains an area of 105,228 square feet and its present R-2 zoning will allow an 84-unit multi-family dwelling or small hotel development. The I Tano-Ta Master Plan will only allow 15 units.

Furthermore, under the I Tano-Ta Plan Marine Preserve 2M zoning any "Adult Entertainment Facility" is prohibited. For purposes of clarity, please explain just what precisely is considered "Adult Entertainment Facility" as defined by the I Tano-Ta Master Plan.

Because of the down turn of the economy, we have to defer our development plans until such time that market conditions are favorable for both the development and investment required.

The proposed three years to commence development under the present zoning is really unreasonable. No one of sound mind will invest and start a development just to comply and then complete its project when the market conditions are right.

The Honorable Edward D. Reyes
June 6, 1994
Page Two

Mr. Chairman, I submit to you that the only fair and equitable solution, is that the existing zoning of all properties down-zoned by the I Tano-Ta Master Plan be grandfathered to maintain their respective current zoning designation or be designated the equivalent zoning and density under the I Tano-Ta Master Plan.

Thank you for your kind attention and consideration in this matter.

Sincerely,

MARIANAS LEISURE CORPORATION

A handwritten signature in black ink, appearing to read 'D. Ulloa', with a long horizontal line extending to the right.

David Ulloa
President

DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM
AGANA

April 28, 1986

MEMORANDUM

TO: The Governor

FROM: Executive Secretary, Territorial Planning Commission

SUBJECT: Zone Change Request for Lots 3329-1-4-R1 and 3229-1-R4, from "R-1" (Single Family) to "R-2" (Multiple Dwelling), Chalan Pago

Submitted herewith for your approval is a Zone Change request that was approved by the Territorial Planning Commission, during its February 15, 1986 meeting.

The applicant, U.S. Investment Group Corporation's intention of the rezoning of said lots is to construct an apartment complex. Said lots are located 800 to 1,000 feet east of Pago bridge overlooking the ocean.

Section 1760^d of the Zoning Law requires that the decision of the Commission "shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part."

Your consideration of the Zone Change is earnestly appreciated.

Thank you.

/s/ Rufo J. Lujan

RUFO J. LUJAN

Attachments: 1) Amendment 10
2) Zoning Map No. PS-67537

REZONING APPROVED

REZONING DISAPPROVED

/s/ RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor

/s/ EDWARD D. REYES

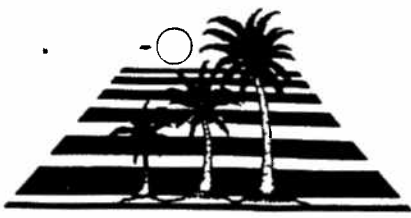
EDWARD D. REYES
Lieutenant Governor

MAY 6 1986

(Date)

MAY 6 1986

(Date)



UNPINGCO

Real Estate Broker

Bert R. Unpingco

License # RB-143

June 6, 1994

HONORABLE EDWARD DIEGO REYES, Chairman
Committee on Housing & Community Development
22nd Guam Legislature
Agana, GUAM 96910

Ref: SUPPORT FOR BILL NO. 1029, etal.

Dear Senator Reyes & Committee Members:

I wish to go on record supporting the adoption of a New Zoning Code for the Territory of Guam, with special concerns regarding the need to identify areas that must be put in reserve for future development of tourism and recreation facilities.

Guam is enjoying and will continue to enjoy the benefits of tourism. We seemed, however, to be under the assumption that we will soon reach maximum capacity in our tourism potential. We are far from it. We have barely tapped the tourism benefits and potentials for growth from Guam's tourism industry. We have not reached 10% of our potentials from this funtastic industry.

Since I am not a technician in tourism, I would rather answer questions from the Committee Members, based on my 25 years of tourism experiences in Guam, the U. S. mainland, and in the Pacific.

I have ideas in tourism that have benefited many communities in the States and I would like to share them with you. "Si Yu'os Ma'ase!"

Respectfully yours,

BERT REYES UNPINGCO, Former GVB
Director & General Manager;
Winner of two DISCOVER AMERICA
Awards, etc.

ROSARIO & ASSOCIATES, INC.
PLANNING & DEVELOPMENT CONSULTANTS

424 West O'Brien Drive • Suite 236-B, Julale Center • Agaña, Guam 96910-5015 USA
Post Office Box 1534 • Agaña, Guam 96910-5015 USA
Tel: (671) 477-1342/1968; Fax: (671) 477-1342*

Memorandum

Date: June 7, 1994

To: Senator Edward D. Reyes, Chairman and Members of the
Committee on Housing and Community Development

From: Clarissa Gapuz
Rosario & Associates, Inc.

Subject: Testimony for the I'-Tanota Land Use Plan in regard to
Affordable Housing: The Development Process and Procedures

I firmly believe that the island's housing shortage will be alleviated if housing developers had the option of obtaining their development permits through a streamlined approach. The proposed one-stop building permit counter is just one part of the whole process. Actually, the one-stop permit counter proposal is something that an individual landowner who wants to build a house on property she already owns will benefit from. But to meet the island-wide housing demand, more often than not, only a housing developer will be able to deliver the quantity desired as well as have the funding to pay for infrastructure costs. GovGuam alone cannot even shoulder the costs of mass housing developments today.

Past Procedures. In accordance with 21 GCA, Chapter 62 of the Subdivision Law, §62203 (Review of Tentative [Subdivision] Plans), GovGuam agencies (PUAG, Public Works, Parks & Rec, Guam EPA, Dept. of Agriculture, Bureau of Planning, and Land Management) involved in the subdivision review process have 15 days (upon receipt of a developer's tentative plans) to review the Tentative Subdivision Plans (TSP), prepare written findings and recommendations, and transmit their findings to the Territorial Planner. Subsequently, the TLUC shall approve, conditionally approve or disapprove the TSP (§62204); if the TLUC approves the TSP, the housing developer will be able to obtain building permits. Within one year after approval of TSP, the developer may submit its Final Subdivision Plans (FSP) (§62205) in order for the homeowners to obtain their occupancy permits. If the TLUC finds that the FSP are in strict compliance with the TSP, within 15 days, the Final plans will be approved.

Present Procedures. Governor Ada signed Executive Order 90-09 on May 25, 1990, establishing the Development Review Committee (DRC). With the

recommendation of the Chamber of Commerce, E.O. 90-09 was amended by Gov. Ada on February 21, 1992, via E.O. 92-06.

The DRC is mandated to review subdivisions and other projects within a 60-day time period. If an Agency requires additional review time, it must submit a request in writing to the TLUC, explaining their position and stating approximately how much more time is needed for review. If there are no requests, the application is transmitted to the TLUC (from the DRC) in 90 days. Therefore, E.O. 90-09 lengthened the review time for housing projects from 15 days (as stated in 21 GCA §62203) to 90 days. In addition, the number of Agencies required to review the project increased from 7 to 13 (Dept. of Commerce, Chamoru Language Commission, Fire Department, Public Health & Social Services, DOE and GPA became involved).

Final Subdivision plans immediately are transmitted to the TLUC for approval. They do not require DRC review.

Proposed Future Procedures (as documented in the I'Tanota Land Use Plan). The proposed future procedures is similar to current procedures but there are notable additions/changes which would greatly hamper housing developments. Some of the notable additions include the requirement of an Environmental Impact Statement (EIS) to be submitted by a developer of a "major" or "supermajor" project and two or more public hearings. Subdivisions may fall under "major" and "supermajor" projects. In most cases, especially for a housing development, an EIS is not needed especially if the housing developer is not building in environmentally-sensitive areas and detrimentally affecting fishing activities or the seashore reserve.

An EIS (also known as a "full-blown Environmental Impact Assessment (EIA)") is a much-detailed and very expensive report. The housing developer should not be faced with such a burden. Current laws ask for an EIA to be prepared for rezoning applications, but is not required for TSP applications. At the TSP phase, the bulk of the work lies with the engineers. This is where the housing developer will watch the dollars and cents that may go into full improvements (sewer, water, power, curb-and-gutter, sidewalks, parks, etc.). An EIS will only stifle housing developments because of the exorbitant added costs.

In addition, two public hearings at the municipal level are not required. In essence, the DRC and TLUC meetings are public hearings. Current laws do not call for a public hearing for a TSP application—only rezoning applications.

Analysis and Recommendations. The Past Procedure should be implemented, but allowing all 13 Agencies 30 days to review a TSP application. A public hearing should be held within 15 days of the application submittal. At the end of 30 days, the application should be transmitted to the TLUC for automatic approval provided that all Agency concerns are addressed. Approval of a Final Subdivision Plan application is contingent on the Tentative Plan approval.

I can understand Gov. Ada's intent in E.O. 90-09, but the need for establishing the DRC was to be able to have a workable process in reviewing large

commercial and hotel developments, which have substantial impact on the environment and infrastructure. This is not the case with housing, especially affordable housing. There were hardly any large-scale single-family detached housing development considered "affordable" for the local people during the time E.O. 90-09 was drafted and passed. Even today, you don't see too many housing developers because of the difficulty of balancing the costs of land, construction, and financing to make a decent profit.

High-rise condominiums, although technically a housing type, carried the negative stigma of infrastructure-intensive development because it was comparable to hotel developments. Even today, condos are still frowned upon--e.g. Ladera Towers--because they normally aren't considered "housing for the local people". Almost any housing developer wanting to build high-rise condos will be taxed immensely or charged incredulous "development impact fees", as if the developer was building a hotel. The fact of the matter is, with the inflated land costs on island, high-rise housing as an alternative to single-family detached housing have to be seriously considered. Other good alternatives mentioned in the I' Tanota Plan are Planned Unit Developments (PUDs), Planned Affordable Residential Developments (PARDs), and Cluster Residential Developments (CRDs); all have reduced lot sizes.


CLARISSA GAPUZ

Tentative Subdivision Plan Application Process

Prepared by:
Rosario & Associates, Inc.
1994 All rights reserved.

2 weeks maximum

APPLICANT
Submit application and supporting documents

LAND MANAGEMENT
Review application for completeness

Incomplete?
Return to Applicant

Complete?

1. Send copy of application to each DRC member
2. Review Application
3. Schedule Appointment for DRC
4. Field Inspection & Report
5. Recommendation for DRC

Formal submittal requires 1 week full processing

DEVELOPMENT REVIEW COMMITTEE

1. Review Application
2. Review DLM Recommendation
3. Open Meeting with Applicant

DRC has 60-90 days to review application as per E.O. 90-09 & 92-06

Recommend Disapproval

Recommend Approval

Table for Changes or Add'l Info

LAND MANAGEMENT

1. Formulate Report for TLUC
2. Schedule Applicant for TLUC

Within the 60-90 day DRC Review Period

TLUC Hearing will be scheduled after DRC Review Period and submission of all position statements; Case Planner has maximum of 2 weeks to prepare Final Staff Report for Territorial Planner's Signature

TERRITORIAL LAND USE COMMISSION

1. Review application, reports and recommendations
2. Open meeting with applicant

and

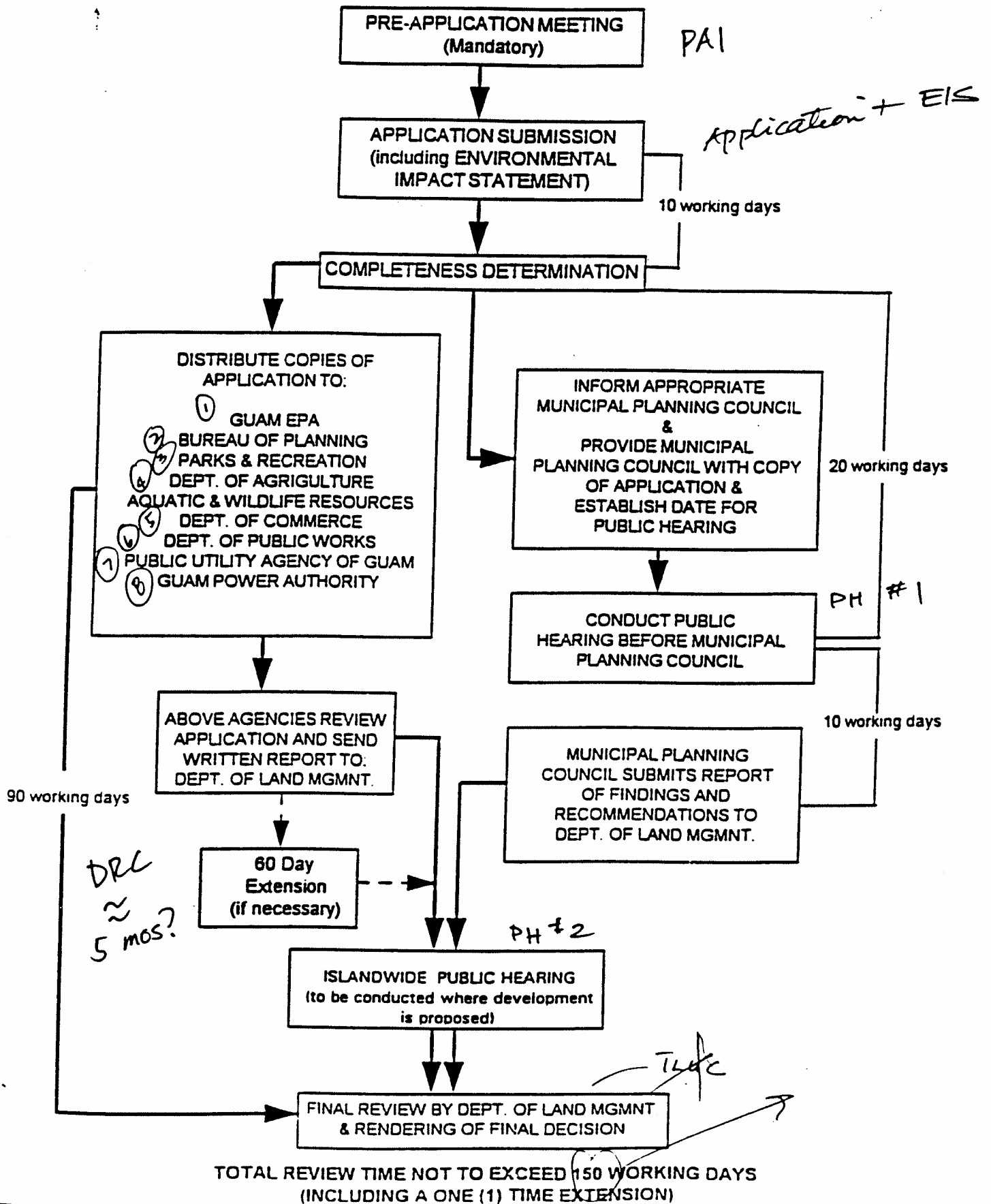
3. Public Executive session for discussion and decision

DISAPPROVAL

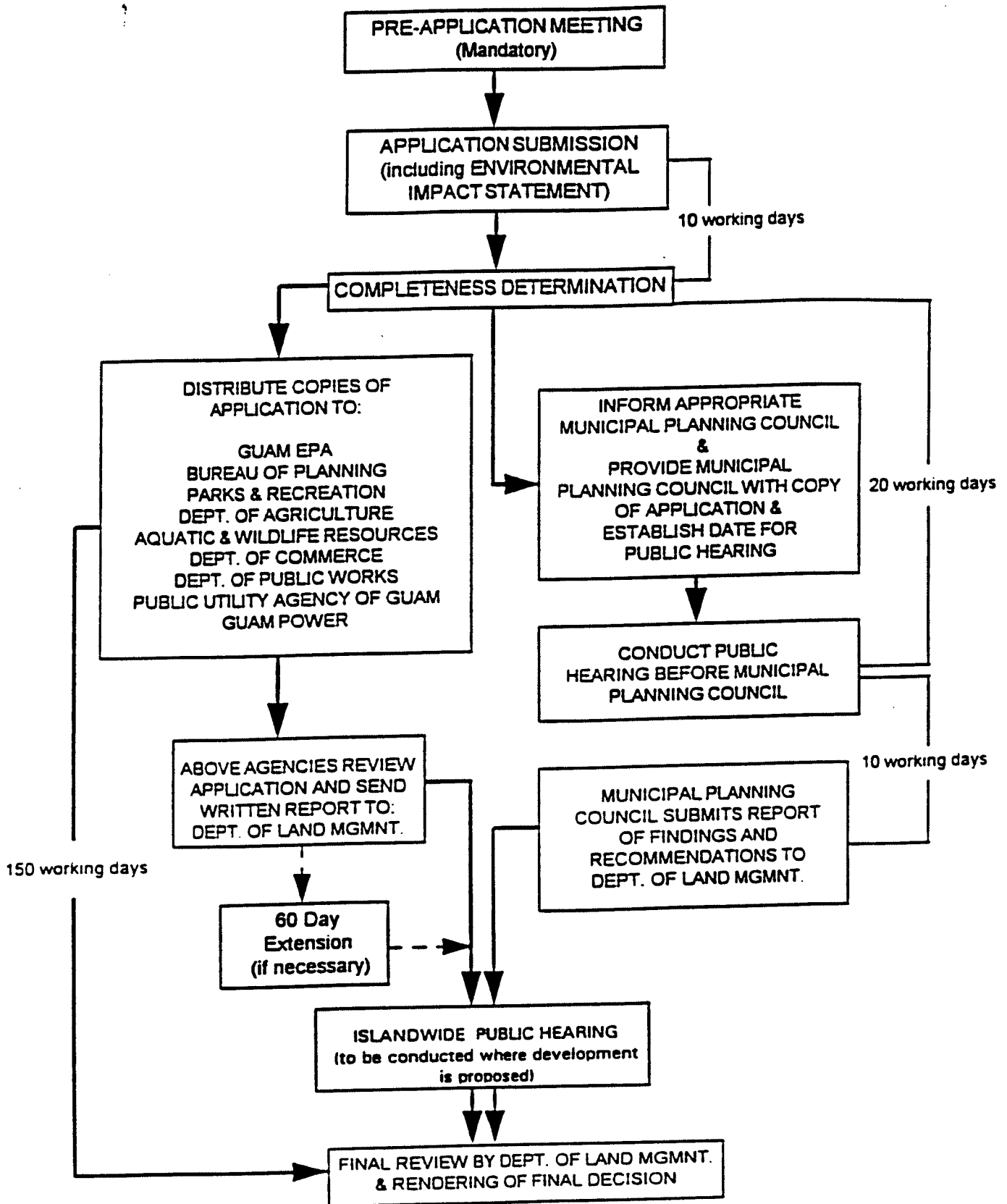
APPROVAL and file with Building Official

TABLE for additional information

MAJOR PERMIT FLOW DIAGRAM



SUPER-MAJOR PERMIT FLOW DIAGRAM



**TOTAL REVIEW TIME NOT TO EXCEED 210 WORKING DAYS
(INCLUDING A ONE (1) TIME EXTENSION)**

Overview of Environmental Documents

The following is a description of the most common environmental documents needed during the process of developing a piece of land. These documents may only be needed when a developer/owner wishes to make a zone change or receive some other kind of variance from existing or permitted uses. Proposed projects may require one or more of these documents and each report is tailored to meet the particular needs of the particular project. Keep in mind that the greater the construction impacts, and the more sensitive the ecosystem, the more in-depth the documents must be. Where impacts are low and sensitive ecosystems are left intact or with minimal impact, reports can be kept to a minimum and the permitting process will be faster.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

An EIS is the most rigorous and complete report prepared for a proposed project. It generally includes some combination of in-depth literature reviews, background interviews and field work relative to terrestrial, aquatic and marine resources. In many cases it will require a detailed topographic representation of the land and in-depth archaeological research and possibly field work. Also included is an analysis of the on-site geology, hydrology, soils, infrastructural capabilities such as power, water and sewage disposal. A major portion of this report is its detailed impact analysis on all biological, infrastructural, sociological, historical and other resources, and finally a complete review of any and all alternatives to the proposed project. EIS's are only required for projects with potentially large impacts, particularly when these impacts would occur in sensitive ecosystems such as wetlands or endangered species habitats, or when the scope for the project is especially large. An EIS must be prepared and submitted as part of the package when seeking a zone change or variance.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

An EIA is very similar to an EIS, however, it is less detailed and therefore generally requires substantially less effort to prepare. Much of the same research and field work is necessary, and most of the same topics are covered, though in less detail. There is less emphasis on alternatives to the proposed project. This the most common document required and must be prepared and submitted as part of the package when seeking a zone change or variance.

ENVIRONMENTAL ASSESSMENT (EA)

An EA is a document best prepared in the early planning stages of a project. Also, when potential impacts are minimal, it may take the place of a more complete document such as an EIA (with prior approval from GEPA and other agencies). When prepared in the early stages of project planning, it compiles information useful to the developer/owner, including but not limited to biological resources (marine, terrestrial, aquatic, endangered species etc., archaeological resources, current uses, infrastructure and other concerns. It

lists the permits and other documents (such as an EIA) that would be required, and discusses sensitive issues relative to adverse impacts that the developer/owner should be aware of and may be able to use in planning the project. The recommendations from this document can be used to decrease impacts resulting from construction of the project, and thereby speeding up the permitting process.

ENVIRONMENTAL AND/OR ARCHAEOLOGICAL BASELINE SURVEY (EBS or ABS)

An (EBS) is generally a biological survey of terrestrial, aquatic and marine resources on a project site. An archaeological baseline survey (ABS) may be required in addition to an (EBS). These studies will inform the developer/owner and government agencies of biological or cultural resources within the project area. These surveys are best performed in the early planning stages of a project in order to spotlight any sensitive biological or archaeological resources.

ENVIRONMENTAL PROTECTION PLAN (EPP)

An (EPP) is a document prepared after a project has gone through the permitting process and received approval from the Territorial Land Use Commission (TLUC). It is prepared and submitted to the Guam Environmental Protection Agency (GEPA) in order to receive a clearing and grading permit or other such "Start work" permits. An (EPP) details measures that will be used to decrease impacts resulting from the project. Impacts might include air pollution erosion or sedimentation, public access, noise pollution and others.

EROSION CONTROL PLAN (ECP)

An (ECP) may be part of any (EPP) or a separate document. It must be submitted to GEPA at the tail-end of the permitting process but prior to starting work. It details measures used to decrease land based erosion during and after construction, and sedimentation caused by marine or aquatic based projects.

WATER QUALITY MONITORING PLAN (WQMP)

When there are potential impacts to marine or aquatic water ecosystems, a (WQMP) may be required by GEPA. This document describe water monitoring sites, methodology, frequency of monitoring and parameters tested. Once the project is approved, this monitoring plan must be put into effect and results submitted to GEPA.

ENVIRONMENTAL QUALITY MONITORING PLAN (EQMP)

When particularly sensitive ecosystems may be impacted by a project, such as a coral reef or wetland, this document may be required by GEPA. It describes monitoring sites, methodology and parameters analyzed (such as coral mortality). Once the project is approved, this monitoring plan must be put into

MONITORING REPORTS

Once a water or environmental quality monitoring plan has been approved by GEPA, monitoring reports as described in the monitoring plan must be prepared. In general, a baseline report is prepared prior to construction, regular reports are prepared during construction, and one or more post-construction reports may be prepared as well. These reports compile results of the monitoring surveys as detailed in the monitoring plan approved by GEPA. These reports must be submitted to GEPA.

A Monitoring and Discovery Plan and its subsequent report may also be required by the HPO for archaeological sites. This is usually asked for when the possibility of discovering hidden or subsurface sites is reasonably high. This plan and report involves approval for the plan prior to clearing and grading. The plan delineates the process of reporting newly discovered sites and defines what mitigation may be involved. This plan usually involves the contractor and an onsite archaeologist. The archaeologist must be present at all times that clearing and grading are active. The archaeologist has the authority to stop clearing or grading when archaeological sites are discovered. Consultation is then needed from the HPO to determine what further work must be accomplished and the type of mitigation, if necessary.

**Table 1
Major Permit Threshold Table**

<i>Zoning District</i>	<i>Acreage</i>	<i>Non-Residential Floor Area</i>	<i>Dwelling Units</i>	<i>Subdivision of Lots</i>
1	N/A	N/A	N/A	N/A
2	10 Acres	10,000 S.F.	20	20
2M	10 Acres	10,000 S.F.	20	20
3	10 Acres	25,000 S.F.	50	50
3S	10 Acres	25,000 S.F.	50	50
4	N/A	60,000 S.F.*	70*	N/A
5	N/A	10,000 S.F.	30	N/A
5H	N/A	10,000 S.F.	30	N/A
6	N/A	20,000 S.F.	60	N/A
7	2 Acres	20,000 S.F.	32	N/A
8	**	**	N/A	**

Note: N/A = Not Applicable.

* Any application for Construction Workers (Barracks) Housing shall be automatically deemed to be a major project, regardless of the number of units.

** Heavy manufacturing uses in Zoning District 8 shall be subject to major project review, no matter their proposed size.

**Table 2
Super-Major Threshold Table**

<i>Zoning District</i>	<i>Acreage</i>	<i>Non-Residential Floor Area</i>	<i>Dwelling Units</i>	<i>Subdivision of Lots</i>
1	Any	Any/All	Any/All	Any/All
2	100 Acres	100,000 S.F.	500	500
2M	100 Acres	100,000 S.F.	500	500
3	100 Acres	250,000 S.F.	800	800
3S	100 Acres	250,000 S.F.	800	800
4	N/A	250,000 S.F.	800	800
5	N/A	100,000 S.F.	200	N/A
5H	N/A	100,000 S.F.	200	N/A
6	N/A	100,000 S.F.	200	N/A
7	25 Acres	250,000 S.F.	300	N/A
8	**	**	N/A	**

Note: N/A = Not Applicable

** Quarrying/mining, solid waste disposal facilities and sewage treatment plants are the uses in Zoning District 8 that shall be subject to a super-major project review, no matter their proposed size.

Hafa Adai, members of Housing and Community Development,

My name is Howard A. Hemsing, and I am using this opportunity to voice my dismay to you, our governing officials.

First of all, allow me to say on this day, at this public hearing, you are really showing the public, especially the Chamoru People, your total disregard and blatant handling of our lands. In other words, your word is as good as the Federal Government, whom as we all know, is our master, which means is good for nothing.

We have just gone through a public hearing, just like this but that time, we had federal representatives attend. What actually happened? Nothing, because as soon as they left this island, they forgot about us Indians. Then we also had meetings concerning Naval Air Station.

What happened? They want to sell to the highest bidder! We also had a hearing on Bill 879. What happened? Lt. Gov. Blas vetoed the bill.

Why or what is the cause & solution to all this affairs. The cause for all this problems are:

1. Power & Greed
2. The U.S. Federal Government

The solution: dig down into your common sense as first a Chamoru then stand together and either remove the American flag from our flagpoles or place their flag below the flag of Guam. Also, don't forget to either remove the Federal Government or lease them the land they are now directly using.

Now, we are gathered today to discuss another blatant affair. But why are we discussing this anyway? It seems you people go ahead and do whatever pleases you. Come on, you also have Chamoru Ancestry in your bloods.

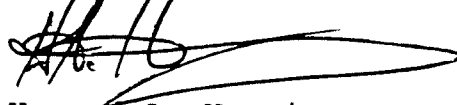
Why are you really doing this? Proposing to give 4,176 acres to the Federal Government for wildlife refuge and/or critical habitat and then another 21,168 acres of Government land for preserves, parks, and conservation, and then 5,156 acres to the people.

Historically, the past has shown that the Chamoru People come last in anything the Legislature proposes. Now, let's be truthful, Chamoru People should always come first because if you happen to be in the lands of the other people, (eg; Micronesians, Japanese, etc) would their government do as what your doing for them? Why do those people come first?

Concerning this hearing, again, with all this land discussed for a refuge, park, & conservation areas, you are really proving that four things are more important than the Chamuro People: 1. the people not of Chamoru Ancestry, 2. the animals, 3. your fear of losing power, 4. and your fear of standing on your two feet and telling the Federal Government off.

Thank you & farewell because not all of you will be re-elected.

Sincerely,

A handwritten signature in black ink, appearing to read 'H.A. Hemsing', with a long, sweeping horizontal flourish extending to the right.

Howard A. Hemsing

In Reference to Grant of Guam Land and Federal Land — to begin with 99% of all these lands were land that have been ~~un~~fairly and unjustly condemned by methods that did not conform with the ~~new~~ legal philosophy and spirit of justice as prescribed by the so called — U.S. Constitution

up to ~~these~~ now — none of these land that every one, from our leaders to members of Congress, have been talking about have ever even come before to being settled to an honorable end and it is now being propose that these land be further dealt with in a manner that would ~~even~~ bring further pain and sorrow, anger and frustration, perhaps to the point of despair which may eventually develop into a dangerous civil strife that would be detrimental to us all, everyone

These lands must be dedicated to all people of Chamorro descent, sons and daughters of Chamorros — and Chamorros descent. The Island is ~~losing~~ growing with social and cultural upheaval created by system of Governments since 1492 that have no respect or honor of the civil and Human rights of the ~~first~~ people of the land. ~~that~~ Unfortunately, these abuses have

Continued to the day or I wouldn't be here. (2)
~~It~~ appeared to you all.

We have thousands of unfortunate, poor Chamorus who are really victims of the force of political power who ~~now~~ indiscriminately condemn blood, without conscience, land of Chamorus, whether hook or by crook, legal or otherwise, fairly or unfairly, with or without due process of law.

No other people on this island suffered this kind of illegal or judicial mistreatment, only Chamorus. This historical injustice have now produced Chamorus who are homeless and landless, poor and helpless, no place to go but to pack like sardines with their parents. The hope of at least having some land to stake their future on, is now on the brink of hopelessness by the unconscionable proposal to ~~take~~ ~~deplete~~ ~~great~~ land to create big parks and preserves ~~and~~. ~~to emphasize the need~~ ~~place~~ ~~of~~ ~~people~~

The brain that ~~put~~ more concern to parks and preserves than people is creating a formula that breeds ~~and~~ discontentment and ~~disparis~~ ~~what~~ ~~by~~ ~~product~~ which ^{create} produces something we seldom think about.

Do not destroy the Chamoru Land Trust Act. Thousands of Chamorus are depending on this ~~act~~ one act alone to at least correct the injustices that became part of our lives, to move on and live our lives as we wanted it, Or die trying.

③

The people of the land have endured so many sad and sorrowful events, dislocations of homes, ranches and entire removal of villages — the people were displaced by force; removed from their land by unjust condemnation, we are just like refugees on our own land... we are tired of future plans, future dreams of development, we are tired of dreams of affordable houses. — fact is there is no such homes called affordable, built by developers ~~with~~ deals with politicians. —

We have endured all the promises especially the one where you promise to take my land and you took it.

What I'm saying is we need something to hold on to; we need to hold on to what land is left for us; we did not come here to make this island our home; this is our only home land; we have no place else called home. — but GUANTAN

We must go home ~~to~~ again to these lands. We have no other choice.

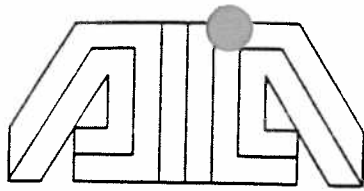
Maga - Mala-it

1. State plan is
Beneficial to the island
But to be equally Beneficial
to everyone ~~etc except original~~
~~land owners~~ —

it must be discriminatory to
Chicanos ^{original land area} in order to be equal to
everyone.

An injustice must be corrected
if this plan is to develop
peacefully.

I don't want to contribute to a Hotel
resort, I want to farm.



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post office box 24392 / GMF. guam 96921

June 7, 1994

Committee on Housing and Community Development
Twenty-Second Guam Legislature
155 Hesler St.
Agana, Guam 96910

Attn: Honorable Senator Edward D. Reyes, Chairman

Subj: Testimony for Public Hearing on Bill 1029
June 7, 1994

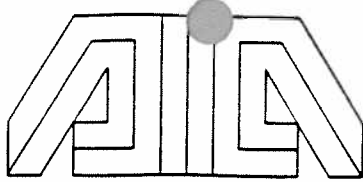
Dear Senator Reyes;

Thank you for inviting us to testify at this hearing on this very important piece of legislation. The members of the Design and Government Affairs Committee of the Guam & Micronesia Chapter of the American Institute of Architects have been reviewing the on-going drafts and revisions of the proposed **Zoning Code** for more than one year. Our initial meeting with the authors of the draft Code was on May 13, 1993. Since that time the Code has gone through many refinements by the TPC and its consultants, which have resulted in continuous improvement, for the most part.

We believe in and support the I Tano'-Ta Land Use Plan and we believe that the concept of **Performance Zoning** is very appropriate to allow our island community to express its unique mix of cultures, economic determinants, and tropical lifestyle. The establishment of Intensity Districts, Allowable Uses, Village Centers, and Inarajan Historic District as envisioned by the Code will improve the built environment in our community and improve the well-being of all the people of Guam through orderly and balanced growth over the next 25 years.

However, there still remain some serious shortcomings and inconsistencies which we believe must be addressed by the TPC prior to the Legislature's passage of Bill 1029. n We have stated these concerns in past letters to the TPC and believe their correction is fundamental to final Legislative enactment. Our concerns are centered around the following:

- A. Tables of Dimensional and Density Requirements need further analysis and adjustment to assure that the numbers given will in fact result the character of community envisioned by the Land Use Plan. Such analysis is currently underway



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by members of this committee and a partial list of comments are included in this letter.

- B. Permit Application requirements and Review procedures require more detail than is justified or necessary for the issuance of a permit. We believe Administrative provisions are confusing and go beyond the procedures TPC has expressed verbally. The present details of administration will require essentially complete architectural and engineering documents to obtain even preliminary permit clearance. A mechanism must be instituted which allows projects to know if they are in general conformance and which regulations they will and will not have to meet, before proceeding with complete design and documentation.
- C. Newly written Agency Regulations, or revised regulations which have not gone through the Administrative Adjudication process, should not be included as 'Performance Standards' and passed into law without having gone through the AAA process. Many of the Agency Regulations included here are extremely excessive in their prescriptiveness, and are in serious contradiction to the concept and principles of **Performance Zoning** which this Code espouses.
- D. Implementation provisions are incomplete. We believe a plan for implementation must be developed and funded including provisions for staff development and training, promulgation of the documents, inclusion of mechanisms to review and update the law as inconsistencies are discovered during its first years of implementation.

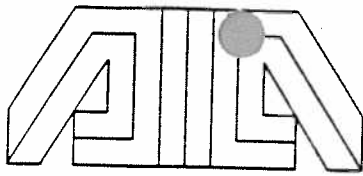
We offer below some specific comments on these issues:

Chapter V Definitions

- Page 33 The definition of "Lot Coverage" has been recently revised to specifically not include parking garages. However, the definition of "Parking Structure" on page 40 has been recently revised to specifically be included in the calculation of lot coverage. This discrepancy needs to be corrected, hopefully to exclude parking from lot coverage calculations.

Chapter VI General Provisions

- Page 64 The recently added airport approach restriction to exclude multifamily developments in the Horizontal Zones could be a major down-zoning. This criteria warrants a map of the airport zones in the Land Use Plan so it would



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be clear which land or lots are included. It should also be considered for the similar zones around Andersen Air Force Base if these affect private property.

Chapter VII Permitted Uses and Tables of Dimensional & Density Requirements

Page 90
District 4

100' height limit for healthcare facilities seems inappropriate considering all other buildings. As we have recommended before, 65' would probably be adequate for a 4-story structure.

We question the rationale for a 60' high warehouse/storage/distribution facility. This type of structure usually doesn't have any windows and tend to stick out like sore thumbs. We would think this building type should not exceed 35, no higher than a school, a church or other public institution under this district. We don't want to encourage what we consider "highrise warehouses".

The same goes for parking structures at 60'. Again our comments are the same as item "B" above. We believe parking structures are adequate at 30' to 35' or 3 floors maximum.

Page 94
District 5

We don't quite understand the 3' sideyard setback for zero lot line homes. Should this be zero? Under UBC you can't have any windows if you're this close to the property line. It defeats the very purpose of the intent of the zero lot line idea. The 3' yard is wasted.

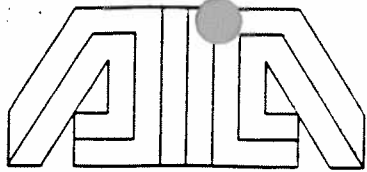
The maximum building height of 35' seems to border on being one foot short for 3-story buildings. 12' floor to floor gives you more flexibility in terms of structure. 35' is more than adequate for residential but not quite for commercial or institutional buildings. 36' would be more appropriate. This 36' should be applied to all districts.

Page 103
District 6

Where the front and side yard setbacks are 0', we question the purpose of the rear setback. How does one have access to it? It may be useful if there is an alley at the rear which is what is more common in most mainland cities.

Page 111
District 8

We question the 100' height limit for airports and seaports. Looking down the height column seems like 60' would be adequate. Except for control towers, do we really want to see these industrial buildings from anywhere we stand around the island?



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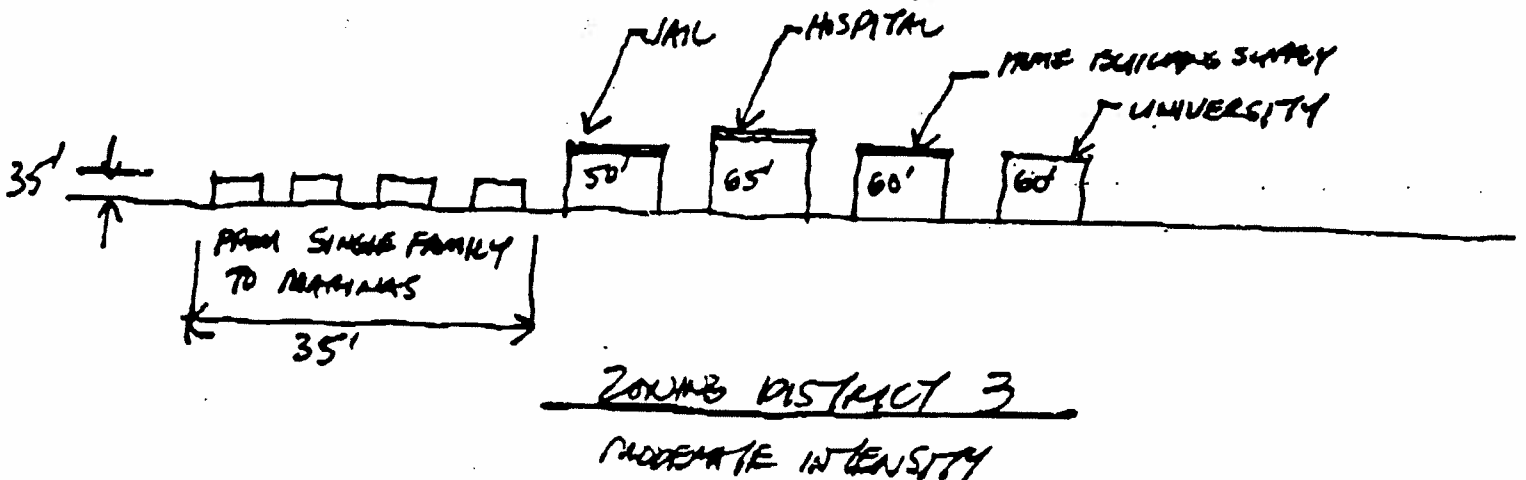
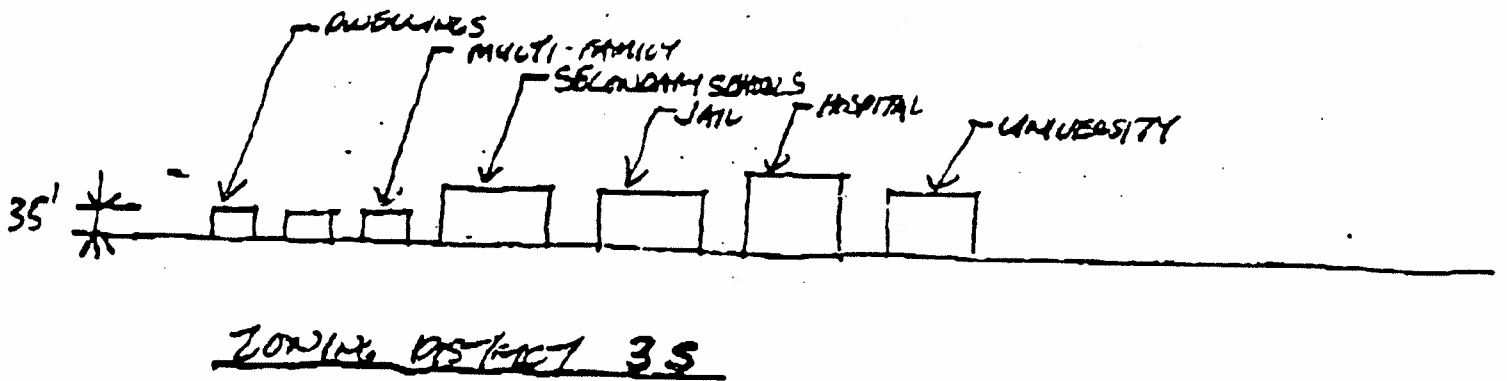
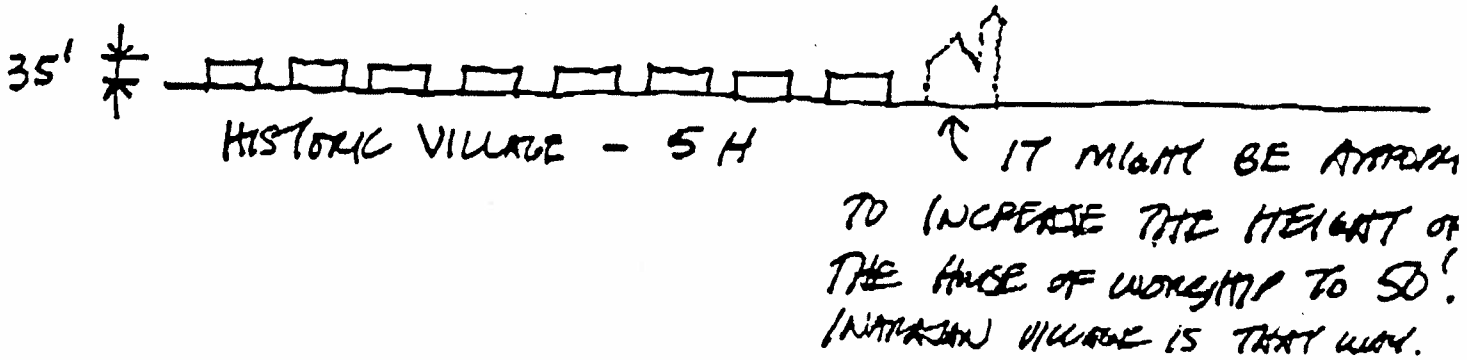
Page 80
District 3

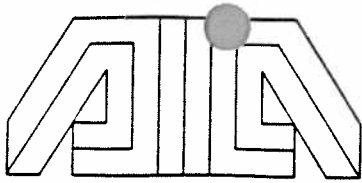
Why is home building supply 60' tall? We've never seen one that tall.
This should be at most 25' just like a warehouse.

General Comment

We must be sensitive to heights in the various districts. We should look at the overall average of the heights as they do and will influence the character of that district.

You can easily characterize each of the districts by drawing an elevation of all the buildings and seeing what sticks out the most. For example,





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Zoning District 3

Moderate Intensity

We don't consider a 50' high jail and a 60' high home building supply building moderate intensity. Even a hospital is questionable.

We must consider most of the structures around the island to be low rise except in the urban district. Our water resources are limited and this will limit the population of our island. We don't foresee the need for any structure exceeding 50' to 60' (again except for the urban district and hotel resort districts).

Chapter VIII Administration

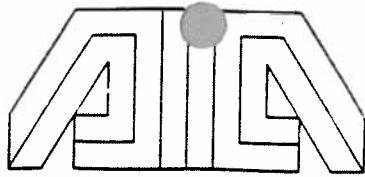
Implementation.

The proposed Code does not adequately address the process of implementation of the Code. The Legislation which approves or enacts this Zoning Code, must give clear direction to the Dept. of Land Management as to its responsibilities for Staff Training and Development (increase?), for promulgation of the Code to the general Public, and must set in place a mechanism for continual review and updating of the Code and its Rules and Regulations to reflect ever-changing social and economic realities. The Legislation also must include Adequate Funding to enable the smooth implementation.

Zoning, Development, and Building Permits

We are concerned that many of the Performance Standards go beyond the intent of land use and zoning review and enter the realm of what are currently building permit requirements. The procedures proposed in Chapter VIII require full compliance with the Stormwater Management Standards, Wellfield/Groundwater Protection Standards and Landscape Performance Standards and others upon application. These require specific permits which cannot be obtained until final design, calculations and construction documents are complete. This level of detail, and those required permits should not be needed for Zoning approval.

It would be reasonable for the Agencies, in reviewing an application for a development permit, to indicate to an applicant which such permits will be required, but it is not reasonable to require that final A/E documents be completed before the development permit is processed.



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- Page 115 Specific references are found on page 115 (para. C.1.b) and on page 126 (para.5.b.) it is still unclear as to which Performance Standards apply to minor permits. A checklist is given in 6.a., but says "not limited to...."
- Page 126 Further confusion with the Building Permit process occurs on page 126, para. 5.c. which says the Zoning Official will submit the plans to the Building Official for concurrent review for issuance of building permit. This would only be possible if individuals applying for Minor Permit were required to submit complete construction documents with their application.

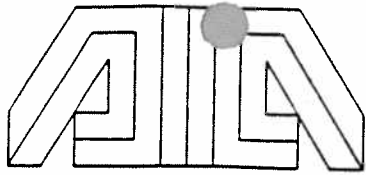
Chapter XVI Regulations

Agency Performance Standards and Regulations should not be a part of the law.

- This is a breach of the process set forth in the Administrative Adjudication Act which allows the Public to review in depth and comment on such policies before they are adopted. Although there is now a public law which requires such regulations and standards to be forwarded to the legislature for ratification, they still must go through the AAA process rather than slide through on the coat tails of the Zoning Code.
- The standards and regulations need special and detailed review and we, along with others, have not had the time to make the needed word-by-word review because we are concentrating on the proposed Zoning Code itself. Although TPC has responded to this concern with a plan to recommend that these Standards go through the AAA process during the 60-day Legislative Review period, we don't think this would be enough time for the volume of information to be reviewed adequately by the Public, the Legislature, and ourselves.

Page 163 Use of Open Space has recently been revised to include "Day Care Center". It is expected that this might have been intended to be day care center playground.

Page 170 FARs have been added for multiple-family residential. The zoning code needs to have a clarification of how these are to be applied. We assume the more restrictive is to govern, however, without such a statement applications for variances may use the more restrictive as a hardship to practical difficulty in achieving the otherwise intended and allowed uses as expressed in other



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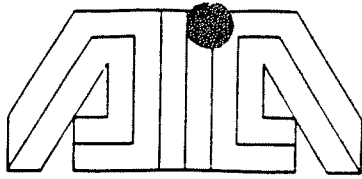
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areas, such as the minimum setbacks, minimum lot size, maximum building height, and maximum percent log coverage.

Page 181 Off-street parking requirements have recently been changed so that the requirement for Business/Professional Offices/Banks is 1 space per 200 sq.ft., while for Government Offices/Court the requirement remains 1 space per 250 sq.ft. This differentiation is a discrepancy which we should suggest be corrected to be consistent at the 1 per 250 sq.ft.

The off-street parking requirement has been added for Colleges/Universities at 1 space per 150 sq.ft. of gross floor area, where this would include research and utility spaces. this seems excessive and will not encourage mass transit. To base the spaces on classroom square footage would seem more appropriate, and then add as necessary for specific uses such as theaters, fieldhouses, dorms, etc.

Page 234 The vegetation standards continue to be absurd. A homeowner with, say, an eggplant or pepper bush that has reach the end of its productive life, or who wishes to remove weeds in his lawn, would be required to process for a vegetation removal permit, including preparing a full lot evaluation and assessment of the vegetation resources by a knowledgeable individual, and a 30-day waiting period while it is reviewed. Making it so difficult to remove or maintain vegetation will not encourage planting of landscape materials. The vegetation protection standard needs to define "vegetation" to avoid some of this absurdity, and perhaps completely exempt residential developed lots with less than, say, 5 units, or exempt garden plots, or exempt garden plots, or exempt some maintenance removal.



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The members of our committee are ready to meet with you at any time to discuss these concerns further, and to give whatever assistance may be useful to your committee in its evaluation of the Code toward resolution of these issues. As stated in the beginning of this letter, we believe the I Tano'-Ta Land Use Plan and Zoning Code will ultimately benefit the people of Guam.

Very truly yours,
Guam & Micronesia Chapter
The American Institute of Architects

A handwritten signature in black ink, appearing to read 'Ron Smith', is written over the typed name.

Design and Government Affairs Committee

Ron Smith, AIA
Andy Laguana, AIA
H. Mark Ruth, FAIA
Steve Lander, AIA
Dave McVeigh, AIA
David Tan, AIA
Jezzica Camacho
Noy Biscocho

cc: Patty Powers, AIA
President



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

MARINE LABORATORY
UOG Station, Mangilao, Guam 96923
Tel: (671) 734-2421; Fax: (671) 734-6767

June 7, 1994

Twenty-Second Guam Legislature
Committee on Housing and
Community Development
Agana, Guam 96910

Dear Chairman Reyes and Committee Members,

I am submitting the following testimony in support of Bill No. 1029:

"AN ACT TO ADOPT A NEW ZONING CODE AND REPEAL CONFLICTING STATUTES"

I am submitting this testimony as a member of the Technical Advisory Committee (TAC) for the I Tano'ta Land Use Plan for Guam, and in support of the planning efforts of the Territorial Planning Council (TPC).

As you are all aware, this plan is the culmination of over two years' work. The planning stages included village meetings as well as input from technical, community and business advisory committees. The need for the plan is obvious: spot zoning and piece meal development schemes are inadequate to address the needs of Guam's residents as the 21st Century approaches, and economic, cultural and environmental conditions are changing. A blueprint for Guam's future is needed. While not perfect, the I Tano'ta Land Use Plan is a major step in this direction.

We have all observed, first hand, the problems associated with unplanned growth and development: power failures, load shedding, water outages and sewage problems. These affect not only the quality of life of Guam's residents, but the economy which is largely dependent on tourism. Through better planning efforts, specifically the focussed but flexible zoning codes, and the concurrency management and generalized capital improvements plans, the people of Guam can chart a future direction of where we would like to be, and how to get there.

The concept of "sustainable development" is key to any planning effort, and is defined as "that type of development that meets the needs of the present without compromising the ability of future generations to meet their own needs." By this definition, much of the development that has recently occurred is of the non-sustainable type. Without a clear idea of resource availability and compatible use, future generations will be burdened with the weight of present mistakes.

The I Tano'ta Land Use Plan establishes a flexible zoning code with specific standards, yet also provides opportunities for review and revision. As a member of the Technical Advisory Committee, I still have some questions and reservations on particular issues, but have no doubts that this plan will be a vast improvement over the present situation. It will be important to study the effects and impacts of the plan, and make the necessary adjustments dictated by present and changing conditions.

The Plan provides opportunities to be proactive in economic development while addressing concerns of cultural and environmental preservation. For example, the 2M zone was developed specifically to address several critical concerns facing Guam now and in the future: economic diversification, compatible usage, protection of existing and proposed facilities, environmental preservation, and protection of fishing and recreational areas of cultural importance.

In conclusion, I believe the I Tano'ta Land Use Plan is a valuable tool for guiding development on Guam and supporting economic growth while preserving areas identified as important environmental and cultural resources. The Plan also protects the rights of individual land owners by offering flexibility. The individuals involved in its evolution have had an extremely difficult task of trying to balance all concerns. There is no doubt specific interest groups will feel that the Plan operates against their wishes. Overall, I feel there is the necessary balance, and that a framework exists for dealing with the inevitable problems that will arise. I hope the Legislature will recognize the value of the I Tano'ta Land Use Plan, and sign Bill 1029 into law.

Respectfully Submitted,

Robert H. Richmond
Robert H. Richmond, Ph.D.
Professor of Marine Biology

PETER R. SGRO, JR.
ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
SUITE 201, FIRST SAVINGS AND LOAN BUILDING
655 S. MARINE DRIVE, TAMUNING, GUAM 96911
TEL: (671) 649-0804 • FAX: (671) 649-0810

June 8, 1994

Dictated via Telephone
From San Francisco, California
(477-6338)

VIA FACSIMILE/HAND DELIVERY

Senator Edward Reyes
Chairman
Committee on Housing and Community Development
22ND GUAM LEGISLATURE
Agana, Guam

Re: Objection to Inclusion of Wildlife Refuge in I Tano'ta Plan

Dear Senator Reyes and Committee Members:

Please accept this letter as written testimony objecting to the inclusion of a wildlife refuge in the I Tano'ta Plan as presented by representatives of the Territorial Land Use Commission. We would appreciate including this testimony as part of the record. This testimony reflects the objections of Benigno Flores, Gregorio Castro, Juan Flores, Alfonso Pangelinan, Mae Castro Aguigui, Engracia C. Perez, Concepcion C. Camacho and their children. I likewise personally join and testify against the refuge plan submitted by Territorial Planning Council representatives. Please consider the following:

1. Action by the Territorial Planning Council to include a refuge in the I Tano'ta Plan contradicts the mandate of Public Law No. 22-18 (c). It is our understanding that the Chamorro Land Trust Commission and the Legislature must approve the designation desired by the Governor. It is difficult to understand why attempts would be made to include the refuge when the history of Public Law No. 22-18 indicates at least three days of public hearings and no hesitation by the Governor in signing the bill into law;

PETER R. SGRO, JR.

ATTORNEY AT LAW

A PROFESSIONAL CORPORATION

SUITE 201, FIRST SAVINGS AND LOAN BUILDING
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TEL: (671) 649-0804 • FAX: (671) 649-0810

June 8, 1994

Dictated via Telephone
From San Francisco, California
(477-6338)

VIA FACSIMILE/HAND DELIVERY

Senator Edward Reyes
Chairman
Committee on Housing and Community Development
22ND GUAM LEGISLATURE
Agana, Guam

Re: Objection to Inclusion of Wildlife Refuge in I Tano'ta Plan

Dear Senator Reyes and Committee Members:

Please accept this letter as written testimony objecting to the inclusion of a wildlife refuge in the I Tano'ta Plan as presented by representatives of the Territorial Land Use Commission. We would appreciate including this testimony as part of the record. This testimony reflects the objections of Benigno Flores, Gregorio Castro, Juan Flores, Alfonso Pangelinan, Mae Castro Aguigui, Engracia C. Perez, Concepcion C. Camacho and their children. I likewise personally join and testify against the refuge plan submitted by Territorial Planning Council representatives. Please consider the following:

1. Action by the Territorial Planning Council to include a refuge in the I Tano'ta Plan contradicts the mandate of Public Law No. 22-18 (c). It is our understanding that the Chamorro Land Trust Commission and the Legislature must approve the designation desired by the Governor. It is difficult to understand why attempts would be made to include the refuge when the history of Public Law No. 22-18 indicates at least three days of public hearings and no hesitation by the Governor in signing the bill into law;

Senator Edward Reyes
June 8, 1994
Page 2

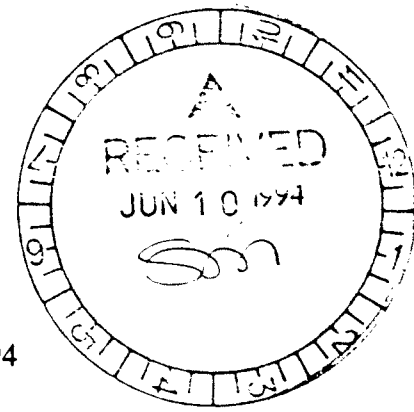
2. The territory would be concurring with actions by the Department of Interior which would render over 21% of Guam's land mass virtually useless in perpetuity;
3. The territory would be concurring with the position that the Secretary of Interior would have the sole discretion to dictate land use policies on properties within and adjacent to the refuge, without any consultation with the Government of Guam;
4. The establishment of a refuge contradicts a status of self-determination. If the Secretary of Interior maintains total discretion over land use decisions, the Government's efforts to seek a Commonwealth status have and will continue to be severely impacted;
5. Under the Refuge Revenue Sharing Act, the most the territory will realize by giving up over 21% of the island's land mass is approximately \$27,000.00 annually;
6. The Secretary of Interior can charge property owners and the public access fees to cross the refuge in amounts determined at his sole discretion; and
7. By removing over 21% of the island's land mass from any economic productive use clearly violates the mandate of the United States Supreme Court in such cases as Lucas v. South Carolina Coastal Commission.

Thank you very much.

Very truly yours,

PETER R. SGRO, JR., P.C.

Dee Villagomez
Dee Villagomez, Firm Manager
for Peter R. Sgro, Jr.



June 10, 1994

Senator Edward D. Reyes
Chairman, Committee on Housing
and Community Development
Twenty-Second Guam Legislature
228 Archbishop Flores St.
Agana, Guam 96910

re: Written Comments on Bill No. 1029

Dear Mr. Chairman:

My name is **Felixberto R. Dungca, Jr.**, a member of the public and I would like to submit my written testimony to the above Bill which I consider to be the most important land use legislation that your Committee will entertain in its term. As a member of the Technical Advisory Committee (TAC) of the I'Tanota Review Committee for the past two years I have been fortunate to have been involved with the preliminary review of the Zoning Code and its supplemental documents that make up what is before your Committee today. During that period of constant review and revisions to the original plan by the consultants as a result of continuous input by the TAC I initially was very critical of the Plan and the approach adopted by the Consultants.

Over time I maintained an open attitude to this whole new concept called "Performance-based Zoning", as opposed to Conventional Zoning which is what we currently have with Title 21 (Zoning Law). Over time after much persuasion by the Consultants I began to understand where the Consultants were coming from which forced me to look at the flaws of the current zoning law. All I had to do was look at certain areas of development on our island to understand why the Consultants had proposed a new animal called "Performance Standards". Let's face it, compared to other jurisdictions and cities in the mainland, the quality of development is very poor and disgusting to look at. Lack of even minimal landscaping, clear and adequate parking spaces for customers, establishment signs of all shapes, colors and designs which make the structure look like something out of a red light district in some third world country are common along many parts of Marine Drive from Agat to Yigo and many areas on Route 16. All of this are a result of a weak and outdated zoning law which lacks the standards to impose minimal regulations to good design and development. **I'Tanota Zoning Code will put a stop to this cheap type of development and will require that future developers incorporate adequate parking, minimal landscaping, uniform business signs, adequate open space in between business structures and other amenities that will result in good quality development to the Territory.**

In the area of zoning violation, enforcement, compliance, etc. I can tell you that as an employee of the Division of Planning, Dept. of Land Management for the past three years, I can attest that there is a flood of zoning violations currently on-going on our island. These violators have no respect for the law and openly violate it because of its weak penalties and lack of adequate government enforcement. Personally it makes me sick to see certain people violate the law and get away with it by claiming negligence of the law, while others who are law abiding citizens are required to comply with the law. Simple things like not meeting the setbacks for a structure benefits the violator by giving them more room for their house, apartments or business building which means more revenue for them... while the adjoining property owner is afforded an injustice since he had to comply with the setbacks on his property. Other more serious violations like conversion of a structure or use on a zone that is not permitted are also a reality today on our island. The list can go on and on but I think that my point is well stated. **I'Tanota Zoning Code (Chapter XI: Enforcement/Penalties) will put a stop to this by imposing stiff fines for violators .**

Guam population somewhat like the State of Hawaii is made up of many diversified and different nationalities and as such they bring with them their own unique cultures, traditional practices and religion that makes our island blessed with these good qualities. However at the same time these different nationalities also bring with them certain living standards and practices that are many times below our mainland standards and practices. It is these practices that should be discouraged through a strict zoning code. Hawaii's LUO (Land Use Ordinance) is very strict in controlling any type of development and imposes stiff penalties for violators. Guam's Zoning Code is designed to accomplish the same as the LUO.

Section Opposed to: (Issuance of Occupancy Permit): Currently Title 21, Chapter 66 (Building Law) Section 66301 authorizes the Building Official (Director of Public Works) with the authority to issue Certificate of Occupancy (Occupancy Permit),. **HOWEVER**, Chapter VIII (Administration) of the proposed Zoning Code continues this delegation by stating that the Building Official will have authority over the issuance of Occupancy Permits once he has "... determined that the completed development is in conformity with the provision of this Zoning Code..."

Question ! Why should Land Management be held responsible for the enforcement/compliance of the Zoning Code with Cease and Desist powers as well as powers to cite a violator., but we do not have final authority to issue Occupancy Permits ! How can we have FULL CONTROL of development with this type of arrangement. I would like to suggest that there be two (2) types of Occupancy Permits:

a. **Occupancy Permits/BUILDING** - issued by the Building Official on the structure only provided building/structure is in compliance with all other safety codes (i.e. Uniform Fire Code, Uniform Safety Code, etc).

b. **Occupancy Permit/ZONING** - issued by the Zoning Official provided that structure complies with all provision of the Zoning Code (development permit). Structure cannot be occupied unless it receives both occupancy permits..

Section/Reservation On: (Zoning Official): Chapter VIII of the Zoning Code authorizes the Director of Land Management to designate an employee of the Department as the Zoning Official with defined responsibilities. For the information of the Legislature I have attached pages 436/437 of the Principles and Practices of Urban Planning that speaks in great detail about the role and importance of the Zoning Official (aka Zoning Officer/Administrator) and the importance of this "Key Person" as the enforcer of the Zoning Code. If the new Zoning Official is to truly function as intended in the Zoning Code then he must have both the responsibility and authority as well as the manpower resources to do so. I strongly recommend to the Legislature that an entirely separate Division or Section be established in the Department of Land Management to do just that. The planning staff at the Division of Planning is currently responsible for the day to day functions as well as serving as support staff to the TLUC/TSPC. I am in support of a separate entity handling all enforcement and compliance of the Code within the territory. Secondly I have reservation about delegating the Director of Land Management with the authority to designate an officer as the Zoning Official. I think this position should be a fully classified position in the interest of protecting the integrity of creating it in the first place.

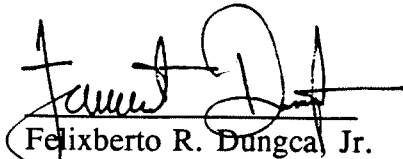
With the exception of the above concerns I strongly encourage this Committee to adopt I'Tanota in its entirety for the betterment, safety and welfare of the Territory and for the future generations to come. Let's take pride in our island and once and for all make it a requirement that only good development be allowed on Guam. There is no reason why we cannot have the same nice looking and aesthetically beautiful clean structures that we often see in the mainland and in Hawaii. We should not have to settle for filthy structures with dirty parking lots and ugly signs on the buildings. As an island community we should make it mandatory that all new development have adequate landscaping instead of just completely paved parking lots. We should aggressively discourage violators or potential violators with stiff fines and penalties that will send a clear message that Guam does not want your cheap development and that we are good enough for quality development.

Finally as a last note I want to go on record as opposing the proposed setback requirements in the Zoning Code for Zoning District 3 and 4 (R-1 and R-2 zones today). I personally feel that the 25 feet requirement is unrealistic and would absorb anywhere from 55% to 65% of the property area for setbacks, thereby leaving only 35% to 45% for actual development. **THIS IS RIDICLOUS !** Currently the setbacks are 8 ft (sides), 15 ft (front) and 10 ft (rear). Can you imagine telling a local landowner who wants to build a 4-plex on a 1/4 acre piece of property that he has to give up 60% of his property for setbacks ! (Please note that as a member of the Technical Advisory Committee to the TPC I had originally recommended a more reasonable setback of 15 ft (side) instead of 25 ft. and probably 20 (rear) instead of 25. The front setback which is currently 15 should be about 20 instead of the proposed 25.

On a last note, I realize that passage of the Zoning Code would basically put a stop to all legislative zone changes and "Fast Track" zone changes which would have to be repealed. Zones changes, if any can only be done through the TLUC. In all fairness Mr, Chairman I think that anyone who has already submitted a zone change request to the Legislature and has provided all supporting documents (Petition, MPC Resolution, Public Hearing) should be allowed to have their zone change approved, provided the request is consistent with the I'Tanota

zoning districts. In particular I am appealing on behalf of my parents request, **Mr. Felixberto Q. and Carmen R. Dungca** which has already fulfilled all requirement of your Committee. It would be unfair to deny them this only request considering the 400 zone changes approved by the Legislature and the Governor in the 21st Guam Legislature. Many of those zone changes were in the Agat, Finile area where the water and sewer is inadequate to sustain R-2 development. Or for that matter the over 50 M-1 zone changes in the Bello-Harmon area owned by foreigners. In closing I am asking that my parents zone change be likewise given a favorable approval by the Legislature.

Thank you for this opportunity to express my opinion and views on this subject.



Felixberto R. Dungca, Jr.
Planner

Attachment

June 17, 1994

To: 22nd Guam Legislature
Government of Guam
Agana, Guam 96910

Atten: Honorable Senator Edward Reyes
Chairman
Committee on Housing and Development

Subject: "Y'Tanota Plan"

Senator Edward Reyes:

As the chairman of Pacific Unlimited Incorporated and the head of our family, I am totally against the "Y'Tanota Plan" as presented to the people of Guam.

As a local chamorro my family has worked hard for the last forty years to make our business what it is today. However, this so-called master plan threatens to shut the door of opportunity right in our face.

Before the war, our family owned a house in Agana and a farm in Barrigada consisting of 62,000 sq. meters of land. After the dust settled from World War II, we became landless as our house in Agana city and our ranch in Barrigada were taken by the U.S. Navy for a radio communication station.

After the village of Sinajana was half complete, we were fortunate enough to purchase a house to live in. As our family grew larger we faced the need for land for our children, but the government never seemed to have land available for our family, even though others were successful at acquiring land.

Years later, the Urban Renewal came and again we were displaced. Since then, we have worked hard and managed to purchase our house from the private market.

Long hours of work got us to where we are now, but rental rates from off-island landlords continue to be expensive and will continue to do so.

PACIFIC UNLIMITED INCORPORATED

P.O. BOX Y, AGANA, GUAM 96910

(671) 477-8108

FAX (671) 477-2165


AQUA SYSTEMS • HANOM SINAGA • PACIFIC TRUCKING • PACIFIC FREIGHTLINER

Because of this situation, we started looking for land where we can relocate our business operations, in order to stay in business. At last we purchased eight and a half acres of land far a way from residential development and with the blessing of all surrounding residents, the Municipal Council, and the Mayor of Ordot we are currently in the process of re-zoning our property, in order to re-locate our business operations.

The confrontation we now have is the "Y' Tanota Plan" drawn up by a few engineers who wish to beautify Guam, but are completely ignoring the economic ramifications on our local entrepreneurs. Are these engineers ready to reimburse us for the exorbitant price we paid for our property? Are they ready to support my family for ruining our business operations? Are we continuously trying to turn Guam completely into a welfare state?

In closing as a chamorro, a father, and a business man my family and I urge you to reject the "Y'Tanota Plan" as presented and a thorough analysis be made on the economic ramifications, of this plan, before passage consideration is done.

Sincerely,



JUAN T. LIMTIACO
Chairman

cc: Senators of the 22nd Guam Legislature

PACIFIC UNLIMITED INCORPORATED

P.O. BOX Y, AGANA, GUAM 96910

(671) 477-8108

FAX (671) 477-2165

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June 22, 1994

Ray Hatfield
669 N. Marine Dr. #31-122
Tamuning, Gu 96911
Ph: HM 646-1361 WK 646-1101

Hon. Senator Edward Reyes
Twenty-second Guam Legislature

Dear Senator Reyes;

I wish to make the following ~~suggestions and comments~~ about the proposed I Tano'-Ta Zoning Code which outline my discussions with you on the subject. Briefly I feel that much of the current Zoning Code has worked well for the people of Guam and should not be just wholesaled for a completely new and unproven Code. Guam needs to be careful on saddling itself with a Code which requires a large entourage of Government employees and expenditure to implement that Code which appears to be the case for I Tano'-Ta.

While it is current planning philosophy in the "greening of America" to provide quality open-space and suburban type living environments, it has also generated dead downtown areas in hundreds of American cities and created mega schools where no students are allowed to walk or bike to schools. I Tano'-Ta requires just such schools with the large acreage requirements which disallow small private and parochial schools. This could also precipitate future lawsuits by such institutions crying discrimination. Further the questionable requirements which disallow parking in the front yard setback seems illogical since school buses must pull up in the front of schools to drop off children.

A Code which calls for increased front yard setbacks in commercial development which can then be decreased in increments by providing certain amenities such as off-street loading, landscaping, water features imaginative use of shade, pedestrian structures and lighting, sculpture, eliminating front yard parking, etc. That would give the owner ability to -say, provide only landscaping and pedestrian ways for allowing 10' less front yard setback. An additional 3 to 5 feet setback reduction for providing sculpture, etc. This would discourage open-space just for the sake of open-space which our limited land resources can hardly afford, but rather provide scaled down quality pedestrian oriented space. This is a Code which has worked very well in one area in the States and one can now see many office buildings with beautiful large sculptures in front which would not otherwise be there as well as fountains, etc. A developer should be allowed to plan the parking area where it works best for the development. All resort hotels would have to have a 25' landscaped strip between the parking lot and the street since parking must be in front and is not allowed in the required setback. This appears excessive in all but the largest projects such as the Hilton. At today's land costs this is really anti-development.

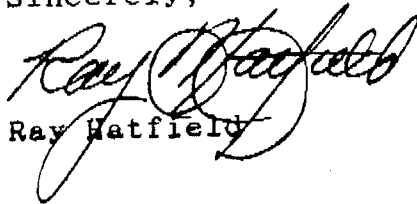
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Multi use projects mixed together is a wonderful way of providing for a village core and providing for social interaction. It, however, could be very detrimental in established single-family residential areas where introduction of family businesses and multi-family development as well as recreational uses such as a golf driving range would be allowed under the new Code severely changing the character of the subdivision. I am not convinced that such zoning would be beneficial for such areas as Lattie Plantation / Heights or Nimitz Hill to name a couple of areas.

I urge you and your fellow Senators to require more study and corrections to this Code before it is allowed to become law. I could go on for several more pages to list many more items which I feel are not thought out sufficiently or simply not correct. One such critical item is parking ratios. Offices of all types should have the same requirements which has shown to be 1-car per 250 s.f. based on 50 years of use in a major metropolitan area where 1 car per 300 s.f. was shown to be too little in 35 of those years thus the Code was amended. I Tano'-Ta calls for 1-car per 200 s.f. which is excessive and again eats more of our precious limited available land.

Thank you for your concern and attention to this matter.

Sincerely,



Ray Hatfield



THOMAS C. ADA
SENATOR

MEMORANDUM

June 23, 1994

**TO: Chairman
Committee on Housing &
Community Development**

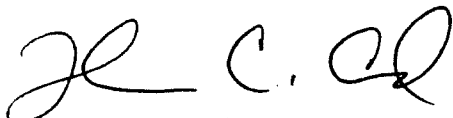
**FR: Thomas C. Ada, Member
Committee on Housing &
Community Development**

**RE: Proposed Amendment to I Tano'-ta Land Use Plan;
Ipan, Talofof.**

I wish to request your favorable consideration of a Committee Amendment, attached as Exhibit 1, to the Five Year Zoning Map #12, I Tano'-ta Land Use Plan. The requested amendment is consistent with the stated position of Mayor Vicente Taitague, Municipality of Talofof, and testimony presented by village residents, during the consideration/review process.

Should you have any questions please do not hesitate to contact me at your convenience.

Si Yu'os Ma'ase.



THOMAS C. ADA

Attachment



ASIAN-PACIFIC PARLIAMENTARIANS' UNION
 51st COUNCIL MEETING
 June 1 - June 3, 1992 Agaña, Guam U.S.A.



Markup - I Tano'ita Bill

June 22, 1994

Public Hearing Room

<u>Name</u>	<u>Representing</u>
1. Robert Modoris	Sen. Dow Flores Brooks
2. BERNARDO SOLIDUM	SEN. SHIMIZU
3. Peter E. GILL	Sen. Canudo
4. Ronald Teehan	Sen. ADA
5. Joe Tarjeron	Sen. Blaz
6. EARL TAIJUN	Sen. Aguirre
7. Joaquin P. Perez	Sen. Santos
8. Alvin Duen	Lombago
9. Henry Cruz	" "
10.	
11.	



**GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS**

102 ADA PLAZA CENTER, P.O. BOX 283, AGANA, GUAM 96910. TEL: 472-6311/8001 FAX: 472-6202

**MEETING ON I TANO'-TA LAND USE PLAN
Guam Chamber of Commerce Conference Room
Thursday, June 23, 1994
8:30 a.m.**

AGENDA

- I. Summary of June 7, 1994 Meeting Discussion (Attachment)
- II. Brief Remarks by Senator Edward Reyes, Chairman, Committee on Housing & Community Development, 22nd Guam Legislature
- III. Discussion of Chamber's June 9, 1994 Position on I Tano'-Ta Land Use Plan (Attachment)



**GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS**

173 Aspinall Ave., Ada Plaza Center, Suite 102 • P.O. Box 283, Agaña, GU 96910 • Tel: 472-6311/8001 • Fax: 472-6202.

**I TANO'-TA LAND USE PLAN WORK GROUP MEETING
Guam Chamber of Commerce Conference Room
Tuesday, June 7, 1994
8:00 a.m.**

SUMMARY OF MEETING DISCUSSION

ATTENDANCE

Frank Campillo, Chairman, Guam Chamber of Commerce
Eloise Baza, President, Guam Chamber of Commerce
Leonard Calvo, Calvo Enterprises
Deborah Camacho, Belanger & Associates
Kenneth Carriveau, Guam Hotel & Restaurant Association
Mark Mamczarz, Black Construction / Guam Contractors' Association
Carl Peterson, Money Resources, Inc.
Mark Ruth, AIA Guam & Micronesia
Ron Smith, AIA Guam & Micronesia
Karen Storts, Guam Contractors' Association
Peter Wang, United Overseas Investment
Ron Young, Calvo Enterprises

**I. REVIEW OF SUMMARY OF MAY 18, 1994 MEETING DISCUSSION
(ATTACHMENT)**

No amendments were made to the summary of the May 18, 1994 Work Group meeting discussion provided.

**II. EXCHANGE OF INFORMATION ON LATEST REVISED VERSION OF
THE I TANO'-TA LAND USE PLAN**

Among comments made by Work Group members regarding the latest revised version of the I Tano'-Ta Land Use Plan follow:

- Tables of demensional and density requirements still require amendments.
- Implementation not addressed in the plan such as funding, training, etc.
- The plan will result in a rise in the cost of development and therefor the price of land will drop.
- Plan cannot be supported if the percentage requirement for affordable housing remain unchanged.
- Landscaping requirements continue to be a concern. It was pointed out that the Department of Agriculture will need to approve the landscaping of a project before an occupancy permit is issued.

- Open recreational space requirement for multi-unit projects (performance standard) need further review. Initially, the plan required that 275 square feet of recreational space be provided per tenant in multi-dwelling buildings. This requirement has been amended to 75 square feet per tenant.
- The performance standards are new and are being slipped through without the Administrative Adjudication Process.

III. PROPOSED POSITION FOR LEGISLATIVE PUBLIC HEARING

Work Group members agreed to recommend that the Chamber Board of Directors adopt the following position on the I Tano-Ta Land Use Plan:

"Recommend that the Legislature adopt in concept the performance zoning concept of the I Tano'-Ta Land Use Plan and the Zoning Code with the condition that the Code is revised to clear up 5 outstanding issues within 6 months. These five issues include: 1). amendments to the dimensional and density requirements; 2). provisions for a two-stage permit application and permitting process; 3). all performance standards go through the Administrative Adjudication Process to be completed in 6 months and that the Legislature adopt the standards by statute; 4). inclusion of provisions for the implementation of the plan; 5). it be required by law that a complete status review be conducted one year after implementation."

It was also agreed that the position statement indicate that the plan will increase the cost of construction by an estimated 30%.



**GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS**

102 ADA PLAZA CENTER, P.O. BOX 283, AGANA, GUAM 96910 . TEL.: 472-6311/8001. FAX: 472-6202.

June 9, 1994

Senator Edward D. Reyes
Chairman
Committee on Housing & Community Development
22nd Guam Legislature
228 Archbishop Flores Street
Agana, Guam 96910

Dear Senator Reyes and Committee Members:

On behalf of the Board of Directors of the Guam Chamber of Commerce, I am submitting herein our position on Bill No. 1029 - An Act to Adopt a New Zoning Code and Repeal Conflicting Statutes. Our position was developed by a private sector work group that has been reviewing the I Tano'-Ta Land Use Plan since February, 1994. The members of this Work Group include:

- American Institute of Architects - Guam and Micronesia Chapter;
- Guam Hotel & Restaurant Association;
- Guam Contractors' Association;
- Guam Chamber of Commerce Board Directors; and,
- Chamber member engineers, architects and property developers.

It is our recommendation that the 22nd Guam Legislature adopt in concept the performance zoning philosophy of the I Tano'-Ta Land Use Plan and the Zoning Code with the condition that within six (6) months, the code is revised to clear up the following issues:

1. The tables of dimensional and density requirements.
2. Administrative issues are worked out to assure a two-stage permit and application approval process. Currently, the permit processing requirements entail expensive and extensive preparation of studies, designs, and use of numerous special consultants. A Two-Stage process will allow approval of the plan, in concept, with a clear understanding of which performance standards and other regulations will have to be met by the completed project, such that the developer can, with some degree of confidence, commit to final permit documents. The final development permit would be received with the building permit.
3. Any and all agency performance standards to be inserted in the I Tano'-Ta Land Use Plan must first go through the Administrative Adjudication Process (AAA). We find that the recommended AAA process can be completed over a six-month period. After completion, any and all performance standards proposed for

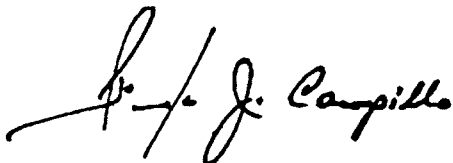
inclusion in the plan must be submitted to the Guam Legislature for approval by law.

4. Provisions for the implementation of the plan need to be developed. Budgets should be prepared and funded for publishing and promulgation of the new zoning code, provide training forums for government agencies, architects, land owners, builders, etc. regarding the new plan, and other related items.
5. A complete status review of the new plan is conducted one year following implementation. We recommend that such a review be required by law.

We believe that the new plan, as it now stands, will not enhance economic development on the island for it will drive up the cost of construction by an estimated 30%. In addition, we feel that if the plan is implemented without the suggested conditions, it will serve as a disincentive for all levels of economic development on the island and depress land values. We therefore respectfully encourage you to adopt and assure that our recommendations are carried out before the I Tano'-Ta Land Use Plan is implemented.

We thank you for the opportunity to submit our position on Bill No. 1029. The Work Group stands ready to meet with you and the Committee to discuss our foregoing recommendations.

Sincerely yours,



FRANK J. CAMPILLO
Chairman of the Board

cc: Governor Joseph F. Ada
Speaker Joe T. San Agustin, 22nd Guam Legislature
Members, Committee on Housing & Community Development,
22nd Guam Legislature

Maximum Floor Coverage Ratio Analysis

For Density 3 Zones

- a) Minimum authorized lot: 20,000 s.f. (.5 acre)
- b) Maximum units per acre: 10 @ 20
- c) Maximum Floor Coverage Ratio: .25
- d) Computation Coverage Ratio x land area: $20,000 \text{ sf} \times .25 = 5,000$
authorized size per unit: $5,000/10 = 500 \text{ sf/unit}$ or
5 units of 1000 sf/unit

for one acre:

- a) Lot size: 40,000 s.f. (1 acre)
- b) Maximum units per acre: 20
- c) Maximum Floor Coverage Ratio: .25
- d) Computation Coverage Ratio x land area: $40,000 \text{ sf} \times .25 = 10,000$
authorized size per unit: $10,000/20 = 500 \text{ sf/unit}$ or
10 units of 1000 sf/unit

For Density 4 Zones

- a) Minimum lot size: 20,000 s.f. (.5 acre)
- b) Maximum units per acre: 16 @ 32/acre
- c) Maximum Floor Coverage Ratio: .50
- d) Computation Coverage Ratio x land area: $20,000 \text{ sf} \times .50 = 10,000$
authorized size per unit: $10,000/16 = 625 \text{ sf/unit}$ or
10 units of 1000 sf/unit

For One Acre

- a) Minimum lot size: 40,000 s.f. (1 acre)
- b) Maximum units per acre: 32/acre
- c) Maximum Floor Coverage Ratio: .50
- d) Computation Coverage Ratio x land area: $40,000 \text{ sf} \times .50 = 20,000$
authorized size per unit: $20,000/32 = 625 \text{ sf/unit}$ or
20 units of 1000 sf/unit

Under today's R2 law:

for half acre

- | | | |
|----|-----------------------------|---------------|
| a) | Lot size: | 20,000 s.f. |
| b) | Density authorization | 1250 per unit |
| c) | Maximum units per half acre | 16 units |

for one acre

- | | | |
|----|-----------------------------|---------------|
| a) | Lot size: | 40,000 s.f. |
| b) | Density authorization | 1250 per unit |
| c) | Maximum units per half acre | 32 units |

Talofof Village Meeting

**October 2, 1991 Talofof Mayor's Office
Approximately 120 people present**

VILLAGERS' COMMENTS

If land is zoned agricultural, it's agricultural...if conservation, it's conservation. What is the relationship of this land to the 25 year plan? It seems that all our land use is already "locked in." Can we change that?

It's difficult to ask us what we want when we don't know how much government land we have, or how much private property we have!

Suggestion to have such information put on maps and placed in the mayor's office along with comment sheets so villagers can take some time to study this issue.

If we establish what we want, will we be overruled by the next administration?(Someone said "keep politics out" and people cheered.)

We're told the golf course is good for the village, but we can't see it because of the brick wall they put up...how can we keep our views from being blocked by brick walls?

We need land zoning that doesn't change every time someone pays someone off!

Give us an impact statement - if we develop such and such, what will happen?

Are people going to be moved around with this plan? And what about our culture.-.right now people can have livestock in their back yards...will the plan prohibit that?

There should be certain areas for commercial, agricultural..and we should quit spot zoning...and NO WALLS! As residents, we want to be able to see what's going on (referred to wall at Achang Bay Marina in Merizo). I want to see just 2 or 3 story buildings ...shopping centers, fast food restaurants...but no high rises.

It seems you have preconceived notions about Talofof being agricultural. If try to build, DRC clobbers you, Fish & Wildlife, EPA, PUAG, - and there are no guidelines to follow? Guam EPA feels like they're god - the Legislature should give these government agencies rules and regulations to follow..and the rules should be clear!

We have to monitor our water resources. Who gets the priority, the consumers, or the golf courses?

What about a county (village) wide land use commission to decide the impact of development from within our own village?

Growth is runaway..let's have a sayso - how far do we want to go?

We want infrastructure - SEWERS!!!

What do we have now? We need zoning maps to tell us. We just get more delays with the government. We need better reporting of what is going on development-wise, more information sooner about what's going on. THEN we can tell you what we want!

Talofofu Village Meeting

Are there enough resources for our plans? And will the plans protect the resources? It's important to leave large areas left to nature.

We need to reserve the southern end for communities, families. We don't want hotels here, or we need to limit the number of hotels built.

The way to make more power and sewers come is through development...but the type of development is what's important.

The Talofofu Golf Course wall - take it down!

Raise the land taxes - we can't have our cake and eat it too.

We need assurances that the things we like are always going to be here and that we will get better services.

We need to discuss these things in house (with our MPC) so the MPC can provide WBF with information about what we want.

I Tano'-ta - The Land Use Plan for Guam
Phase Two Village Meetings - Talofoto

Feb. 13, 1992 Talofoto Elementary School
Approximately 40 people present

VILLAGERS' COMMENTS

IPAN should be utilized at a higher density than what the "visions" propose - perhaps high intensity, hotel, or retail.

You must address the infrastructure concerns in your "visions," especially water and sewer.

Encourage public facilities in IPAN, as well as health and retail facilities.

Controlled development is wanted in the village, but it has to be well-planned.

Environmentally sound/sensitive development is an asset and is desirable.

The Land Use Plan must be closely coordinated with the highway plan. Also, sewage issues are very important because they affect the entire island.

How accurate are the population projections in these "visions?"

You must also plan for inland residential development - locate high-rise buildings down by the road, and residential areas in back.

The location of government land is an important consideration in the Land Use Plan.

Agricultural lands seem to have an unclear trend.

Military land could also be used for agriculture.

I'm concerned about the aquifer recharge and how agriculture may affect it. Also, conservation and open spaces should be increased.

Land disputes must be addressed!

Moderate intensity is desired here!!!

What about light and heavy industry in the future?

Industry location must be carefully considered.

Conservation designation allows for what kind of uses?

Perhaps some small-scale, sensitive, and well-planned activities are viable for conservation and open spaces?

What about an updated zoning map?

How will the zone change process be addressed by the Plan?

The legislature should NOT do zoning or re-zoning!

I Tano'-ta • Land Use Plan for Gut
Phase Two Village Meetings - Talofoto

IPAN seems to be left out often and things like sewer upgrades only happen when other areas around it are being developed.

Talofoto should contain agricultural areas.

The plan should ensure public access to the beach in Ipan!!

PHASE 1

JULY 1991-NOVEMBER 1991

JULY 1991

- Contract signed between the Territorial Planning Council and W.B. Flores & Associates/Strategic Planning Group Venture.
- Interviewed the Territorial Planning Council members and Senators to determine the Land use Plan contents.

News Coverage of the Land Use Plan:

July 25 - Pacific Daily News, KUAM Evening News: contract signing.

AUGUST 1991

- Interviewed with Senators about the Land Use Plan.
- Public presentations on the Land Use Plan.

Public Presentations and Interviews:

August 02	Ben Toves, President of Guam Association of Life Underwriters.
August 07	Guam Press Club.
August 13	Senator John Aguon. Senator Martha Ruth. Senator Gordon Mailloux.
August 14	Senator Elizabeth Arriola.
August 15	Jesus Cruz, Chairman of the Territorial Land Use Commission.
August 16	Senator Tony Blaz.
August 20	Senator Michael Reidy.
August 21	Mayors' Council of Guam, Senator Madeleine Bordallo.
August 22	Senator David Shimizu. Senator Tommy Tanaka. Senator Ernesto Espaldon.
August 23	Senator George Bamba. Senator Tony Unpingco.
August 28	David Santos, President of the Chamber of Commerce.

News Coverage of the Land Use Plan:

August 07 - Pacific Daily News, Guam Tribune, Guam Cable Television, and KUAM.

September 1991

- The Territorial Planning Council decided on the phrase "I Tano'-ta, the Land Use Plan for Guam" as the project theme.

The Land Use Plan Interviews:

Sept. 12 Senator Pilar Lujan.
Sept. 16 Senator Eddie Duenas, Senator Don Parkinson.
Sept. 17 Senator Marilyn Manibusan.
Sept. 18 Manfred Pieper, President of the Hotel & Restaurant Association.
Sept. 26 UOG Community Development class taught by Dr. Kathryn Singh.

News Coverage of the Land Use Plan:

Sept. 29 - Guam Cable News: First village meeting.

OCTOBER/NOVEMBER 1991

- Radio advertisement campaign for village meetings began (voiced by Mayors and Mark Forbes).
- First round of village meetings begins.
- After final meetings, planners compiled input data and prepared three alternative "Visions" of a future Guam to present to residents in second round of village meetings.

ADVERTISING:

Newspaper Ads:

Pacific Daily News: 3"x5" format, twice a week for five weeks in the Observation Post section.
Guam Tribune: 3"x5" format, once a week for six weeks.
Pacific Voice: 3"x5" format, for six Sundays.

Radio Ads:

Five stations, 2-3 times a day.

Briefing Booklet:

8.5"x11" format/23 pgs, 5000 copies.

Flyers:

8"x10" format, one-sided, 24,000 copies.
Distributed at the Mayors' Offices, the Gibson's Shopping Center, the Payless Supermarkets, the Guam Power Authority, the Guam Telephone Authority, and the Public Utilities Agency of Guam payment windows, Public health, and the newsrooms.

Public Presentations and Interviews:

Oct. 01 Guam Cable Forum Talk Show.
Oct. 02 Talofof Village Meeting.
Oct. 07 Asan-Maina Village Meeting.
Oct. 08 Dededo Village Meeting.
Senators Doris Brooks/Frank Santos
Oct. 09 Mangilao Municipal Planning Council.
Oct. 10 Chalan Pago Village Meeting.
Oct. 14 Agat Village Meeting.
Oct. 16 Mongmong-Toto-Maite Village Meeting.
Guam Contractors' Association.
Oct. 17 Agana Village Meeting.
Oct. 18 Speaker Joe T. San Agustin.
Oct. 21 mangilao Village Meeting.
Oct. 22 Piti Village Meeting.
Oct. 23 Tamuning-Tumon Village Meeting.
Senator Herminia Dierking.
Oct. 24 Barrigada Village Meeting.
Oct. 29 Umatac Village Meeting.
Oct. 30 Agana Heights Village Meeting.
Nov. 05 Yigo Village Meeting.
Nov. 05 Yona Village Meeting.
Nov. 06 Santa Rita Village Meeting.
Nov. 07 Merizo Village Meeting.
Nov. 12 Inarajan Village Meeting.
Nov. 13 Sinajana Village Meeting.

News Coverage of the Land Use Plan:

Radio stations contacted after each meeting for an update.

Oct. 01 - Pacific Daily News article page 1.
Oct. 01 - K-57 radio station.
Oct. 03 - KUAM News, K-57 and Hit Radio 100 radio stations.
Oct. 04 - Pacific Daily News article on Talofof village meeting.
Oct. 08 - Cable news, K-57 and Hit Radio 100 radio stations.
Oct. 09 - K-57 and Hit Radio 100 radio stations.
Oct. 11 - Pacific Daily News article, K-57 and Hit Radio 100 radio stations.
Oct. 14 - Pacific Daily News Editorial on PR campaign.
Oct. 15 Pacific Daily News article with village meeting schedule, K-57 and Hit Radio 100 radio stations.
Oct. 16 - Hit Radio 100 and K-57 radio stations.
Oct. 17 - Guam Cable News, Hit Radio 100 and K-57 radio stations.
Oct. 22 - Hit Radio 100 and K-57 radio stations.
Oct. 23 - Front page article in the Pacific Daily News.
Oct. 24 - K-57 radio station.
Oct. 25 - Front page Pacific Daily News article, K-57 radio and Hit Radio 100 radio stations.
Oct. 30 - Radio news reports on K-57, Classic 94, Hit Radio 100 & KUAM Jesus Chamorro.

- Nov. 05 - Pacific Daily News article page 3 & radio reports on K-57, Classic 94 & Hit Radio 100.
- Nov. 06 - Hit Radio 100, Classic 94 & K-57 radio stations.
- Nov. 07 - Joe Morcilla & Chuck Crisostomo on Classic 94 radio station with Linda Evangelista.
- Nov. 13 - Pacific Daily News, Hit Radio 100, Classic 94 & K-57 radio stations.
- Nov. 14 - Hit Radio 100, Classic 94, K-57 Radio newscasts.
- Nov. 17 - Pacific Daily News front page article highlights village meeting concerns.