



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY  
 ACKNOWLEDGMENT RECEIPT  
 Received By J. Medina  
 Time 11:14  
 Date 12/6/95

DEC 06 1995

The Honorable Ted S. Nelson  
Acting Speaker  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Nelson:

Enclosed please find a copy of Bill No. 319 (LS), "AN ACT TO REZONE LOT NO. 64-2-REM-A-1, AGANA HEIGHTS, MUNICIPALITY OF SINAJANA, FROM MULTIPLE DWELLING (R2) TO COMMERCIAL (C).", which I have signed into law today as **Public Law No. 23-63**.

Applications for rezoning, such as this, should be processed through the Territorial Land Use Commission (TLUC). The applicant has stated that the application for rezoning was first brought to the Legislature at a time when the TLUC was not in effect. Since that time, the proper approvals from the Agana Heights Municipal Planning Council was obtained.

This land is located along Route 7 in Agana Heights, where commercial activity is appropriate. Additionally the Y Tano-ta' Land Use Plan identifies the area as Intensity District 3, which allows for commercial activity.

Very truly yours,

  
Carl T. C. Gutierrez

Attachment

230895

Office of  
VICE-SPEAKER TED S. NELSON  
Received by Patti  
Print Name lax Initial  
Date: 12-6-95 Time: 10:32

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 319 (LS), "AN ACT TO REZONE LOT NO. 64-2-REM-A-1, AGANA HEIGHTS, MUNICIPALITY OF SINAJANA, FROM MULTIPLE DWELLING (R2) TO COMMERCIAL (C)," was on the 22nd day of November, 1995, duly and regularly passed.



\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



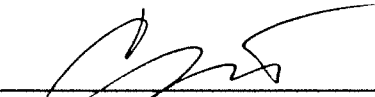
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 29th day of November,  
1995, at 4:55 o'clock P.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 12-5-95

Public Law No. 23-63

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 319 (LS)

Introduced by:

A. C. Blaz  
T. S. Nelson  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
J. S. Brown  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO REZONE LOT NO. 64-2-REM-A-1, AGANA HEIGHTS, MUNICIPALITY OF SINAJANA, FROM MULTIPLE DWELLING (R2) TO COMMERCIAL (C).

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2           **Section 1. Legislative Statement.** United Pacific Investment and  
3 Development, Inc., is the owner of Lot No. 64-2-REM-A-1, Agana Heights,  
4 Municipality of Sinajana. The owner has requested the Guam Legislature's  
5 assistance to rezone the property, which contains 1,718.71 square meters,

1 from Multiple Dwelling (R2) to Commercial (C). The described property is  
2 situated along Route 7. Many of the surrounding commercial properties  
3 have already been developed which makes the subject lot conducive to the  
4 type of development that the land owner is proposing. Moreover, the  
5 property already has the necessary utilities - water, power, sewer, and  
6 telephone.

7 The landowner wishes to improve the property to make the maximum  
8 use of its location by constructing a commercial building thereon. Because the  
9 property is located along Route 7 in Agana Heights, such a zone change to  
10 commercial will not adversely affect the surrounding neighborhood. Rather,  
11 the development will increase services to the community and contribute  
12 materially to the income of the government.

13 The rezoning of this property does not constitute any form of exemption  
14 from the regulatory and permitting rules and regulations which must be  
15 complied with prior to the issuance of building and occupancy permits. The  
16 proposed I Tano'-ta Land Use Plan for Guam recommends Intensity District 3  
17 for the area, which permits such use in a commercial zone. Therefore, the  
18 request conforms with the Plan's intent, complementing the community's  
19 economic goals.

20 The Mayor of Agana Heights, the Municipal Planning Council, and  
21 property owners within a reasonable distance of the property have given  
22 written support for the rezoning.

23 **Section 2.** Lot No. 64-2-REM-A-1, Agana Heights, Municipality of  
24 Sinajana, containing an area of 1,718.71 square meters and owned by United  
25 Pacific Investment and Development, Inc., is hereby rezoned from "Multiple  
26 Dwelling (R2)" to "Commercial (C)".



Ufisinan I TaoTao Tano'  
**Sinadot Anghet L.G. Santos**

Ge'hilo' I Kumunidat Guma' yan  
Asunton Kottura na Kumite



September 7, 1995

Speaker Don Parkinson  
Twenty-Third Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Community, Housing and Cultural Affairs, to which was referred Bill No. 319, hereby reports back to the Legislature with its recommendation **TO DO PASS Bill No. 319** - "An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from multiple dwelling (R-2) to commercial (C); by A.C. Blaz."

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
INACTIVE FILE	<u>0</u>

The Committee Report and supporting documents are attached.

ANGEL L.G. SANTOS

Attachments

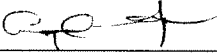
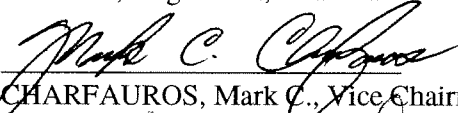




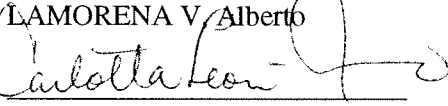
**Fanohge Chamoru • Commonwealth Pa'go!**

#324 W. Soledad Ave., Suite 202 Agana, Guam 96910

• Tel: (671) 472-3586/3411 • Fax: (671) 477-4482

**COMMITTEE ON COMMUNITY, HOUSING, AND CULTURAL AFFAIRS**  
**23rd Guam Legislature**  
**VOTING RECORD**

**Bill No. 319-** An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from multiple dwelling (R2) to commercial (C).

	<u>TO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE</u> <u>FILE</u>
 SANTOS, Angel L.G., Chairman	✓	_____	_____	_____
 CHARFAUROS, Mark C., Vice Chairman	✓	_____	_____	_____
 ADA, Thomas C.	✓	_____	_____	_____
 CRISTOBAL, Hope A.	✓	_____	_____	_____
 LEON GUERRERO, Lou	✓	_____	_____	_____
_____ NELSON, Ted S.	_____	_____	_____	_____
_____ PANGELINAN, Vicente C.	_____	_____	_____	_____
_____ WON-PAT BORJA, Judith	_____	_____	_____	_____
_____ BLAZ, Anthony C.	_____	_____	_____	_____
_____ FORBES, Mark	_____	_____	_____	_____
 LAMORENA V. Alberto	_____	_____	_____	_____
 LEON GUERRERO, Carlotta	✓	_____	_____	_____
_____ PARKINSON, Don, Ex-Officio	_____	_____	_____	_____





Ufisinan I TaoTao Tano'  
**Senator Angel L.G. Santos**  
Chairman, Committee on Community,  
Housing, and Cultural Affairs  
23rd Guam Legislature

---

August 24, 1995

**MEMORANDUM**

TO: Members

FROM: Chairman

SUBJECT: Committee Report on **Bill No. 319**- An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from multiple dwelling (R2) to commercial (C); by A.C. Blaz.

Transmitted herewith for your consideration and action is our Committee Report on the subject matter.

I authored a bill, Bill 245, on the same subject matter which was publicly heard on June 26, 1995. I have decided to withdraw my Bill in deference to Senator Blaz's Bill 319. I ask your indulgence to accept this Committee Report on Bill 319, substantially having the same subject matter as Bill 245 and having met the hearing requirements for further processing through the legislative process.

Please indicate your choice on the attached VOTING RECORD and return the documents to my office for transmittal to the other members.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Your attention and cooperation in this matter are greatly appreciated.

ANGEL L.G. SANTOS  
attachments



Commonwealth Pa'go!

JUL 11 1995

Bill No. 245-319  
 Amendatory Bill

YES  NO

Date Received 6/27/95  
 Date Reviewed 7/3/95

Department/Agency Affected: Department of Land Management  
 Department/Agency Head: Mr. Tony Martinez, Acting Director  
 Total FY Appropriation to Date: \$5,298,580 (includes Land survey Revolving Fund)

Bill Title (preamble): An Act to Rezone Lot No. 64-2-REM-A-1, Agana Heights, Municipality of Sinajana, from Multiple Dwelling (R2) to Commercial (C).

Change in Law: None.

Bill's Impact on Present Program Funding:  
 Increase  Decrease  Reallocation  No Change

Bill is for: Operations  Capital Improvement  Other (Rezoning)

**FINANCIAL/PROGRAM IMPACT**

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
Natural Resources, Recreation & Arts	- 0 -		- 0 -

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					
	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ N/A  
 AGENCY/PERSON/DATE CONTACTED:

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					
	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

ANALYST Frank Lizama DATE 7/5/95 DIRECTOR JOSEPH E. RIVERA DATE JUL 11 1995  
 Acting

FOOTNOTES: 1/ The rezoning of subject property to commercial will contribute tax revenues to the government. However, over-development of commercial properties will impact on current utility infrastructures.



COMMITTEE ON COMMUNITY, HOUSING,  
AND CULTURAL AFFAIRS  
*Twenty-Third Guam Legislature*



REPORT

on

Bill No. 319

An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from multiple dwelling (R2) to commercial (C).

August 24, 1995

COMMITTEE MEMBERS

Angel L.G. Santos, Chairman

Mark C. Charfauros, Vice-Chairman

Thomas C. Ada

Anthony C. Blaz

Hope A. Cristobal

Mark Forbes

Alberto Lamorena V

Carlotta Leon Guerrero

Lou Leon Guerrero

Vice Speaker Ted S. Nelson

Vicente C. Pangelinan

Judy Won Pat-Borja

Speaker Don Parkinson, Ex-Officio

## **I. OVERVIEW**

The Committee on Community, Housing and Cultural Affairs conducted a public hearing on June 26, 1995 at 10:00 AM at the Legislative Public Hearing Room, Agana, to receive public input on Bill No. 245. Public notice was given in the Pacific Daily News on June 21, 1995.

Originally scheduled for June 23, 1995, this hearing was rescheduled because the Speaker, on June 22nd, called a special session for the next day. Due to the short suspense time, a press release was issued to alert the public of the change and the affected parties were notified by telephone.

Committee members present were:

Senator Angel Santos, Chairman

Senator Ted Nelson

Senator Anthony Blaz

Senator Carlotta Leon Guerrero

Appearing to testify on the Bill were:

John Anderson, Department of Land Management

Frank C. Torres, Jr., Guam Executive Consultants.

## **II. SUMMARY OF THE HEARING**

Mr. Torres testified that he was representing United Pacific Investment and Development Inc. in requesting legislative rezoning of Lot 664-2-REM-A-1, Agana Heights from "R2 Multiple Dwelling" to "C Commercial".

The described property is situated along Route 7 across the street from the Naval Hospital compound. Many of the surrounding commercial lots have already been developed which makes the area conducive to the type of development that the land owner is proposing. Moreover, the property already has the necessary utilities - water, power, sewer and telephone lines available. It is their opinion that a change in zoning would not pose additional requirements on the infrastructure.

John Anderson testified that the Territorial Land Use Commission (TLUC) would be the most appropriate forum to review rezoning of private property. However, at the time United Pacific Investment and Development Inc., through its agent Frank Torres, approached Land Management for a zone change, the TLUC was not in existence due to the change in administrations resulting from the recent election. He was in agreement with Mr. Torres' position that the Legislature should be approached for the rezoning, not in an attempt to circumvent the TLUC process but as more of a matter of necessity given the circumstances at that time. It is also his understanding that the rezoning of this property will not constitute

any form of exemption from the regulatory and permitting rules and regulations which must be complied with prior to the issuance of any building and occupancy permits.

Additionally, the I Tano-ta Land Use Plan, although not yet approved, does identify this area as Intensity District 3 which allows for commercial activity. However, although the Department does not necessarily object to the intent behind Bill 245, i.e., to rezone the parcel from R2 to C, the Department cannot support the process in which it is being attempted.

### **III. FINDINGS AND RECOMMENDATION**

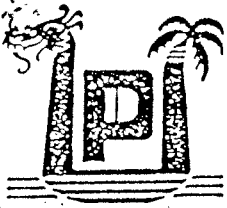
United Pacific Investment and Development, Inc. owns Lot No. 64-2-REM-A-1, Agana Heights, containing 1,718.71 square meters. Through its agent, Frank C. Torres, Jr., the company requested the Legislature to rezone said property from multiple dwelling (R2) to commercial (C). According to Mr. Torres, it was not their intention to circumvent the rezoning review function of the Territorial Land Use Commission by approaching the Legislature. Rather, it was out of necessity because the TLUC, in early 1995, did not have enough members for a quorum in order to conduct business.

Having committed themselves to lobbying the Legislature for rezoning, the land owner visited the neighborhood within a radius of 500 feet and secured surrounding land owners' approval as well as appearing before the Agana Heights Municipal Planning Council and securing its approval as well. The land owner now asks this Committee to take action and make its findings so that the full legislative body will have the opportunity to dispose of it.

The described property is situated along Route 7 across the street from the Naval Hospital compound. Many of the surrounding commercial lots have already been developed which makes the area conducive to the type of development that the land owner is proposing. Moreover, the property already has the necessary utilities - water, power, sewer and telephone lines available. It is their opinion that a change in zoning would not pose additional requirements on the infrastructure.

The rezoning of this property will not constitute any form of exemption from the regulatory and permitting rules and regulations which must be complied with prior to the issuance of any building and occupancy permits. Additionally, the I Tano-ta Land Use Plan, although not yet approved, does identify this area as Intensity District 3 which allows for commercial activity.

Accordingly, the Committee on Community, Housing, and Cultural Affairs, to which was referred Bill No. 319, submits its findings and recommendation to the Twenty-Third Guam Legislature.



聯合太平洋投資發展有限公司(美國關島)  
United Pacific Investment & Development, Inc.

APRIL  
March 25, 1995

Office of Senator Angel L.G. Santos  
Date: 4/27/95  
Time: 1:20  
Received by: Alvin  
Print Name: ALVIN J DUEÑAS

April 27, 1995  
rec'd by  
Page 1  
*Alvin Dueñas*

Senator Angel L.G. Santos  
Chairman  
Committee on Housing and Community Development  
Twenty-third Guam Legislature  
Agana, Guam 96910

Dear Senator Santos,

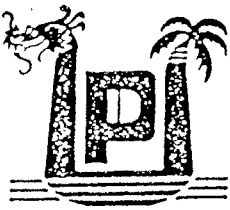
This is a win/win situation in which we urgently request your office to introduce a bill to rezone Lot No. 64-2-REM-A-1, Municipality of Sinajana, from Multi-Family Dwelling (R2) to Commercial (C).

The described property is situated along Route 7, one of the Island's main thoroughfares and the proposed zone change will allow the land owner to best utilize the property to its most desirable purpose. Other properties in the same vicinity have already been rezoned. Therefore, it is deemed reasonable and justifiably appropriate to change the existing zone in order for the property to be compatible with the increasing commercialization of the area.

Many of these commercial lots have already been developed which makes the area conducive to the type of development that the land owner is proposing. Moreover, the property to be rezoned already has the necessary utilities - water, power, sewer and telephone lines available. A change in zoning would not pose additional requirements on the infrastructure.

The land owner wishes to improve the property to make the maximum use of its location by constructing a commercial building thereon. Because the property is located along Route 7 in Agana Heights, such a zone change to commercial will not adversely affect the surrounding neighborhood. Rather, the development of this property will increase services to the community, contribute materially to the income of the Government, and will benefit all of the residents in the surrounding area.

(to be continued)



聯合太平洋投資發展有限公司(美國關島)  
United Pacific Investment & Development, Inc.

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(Continued from Page 1)

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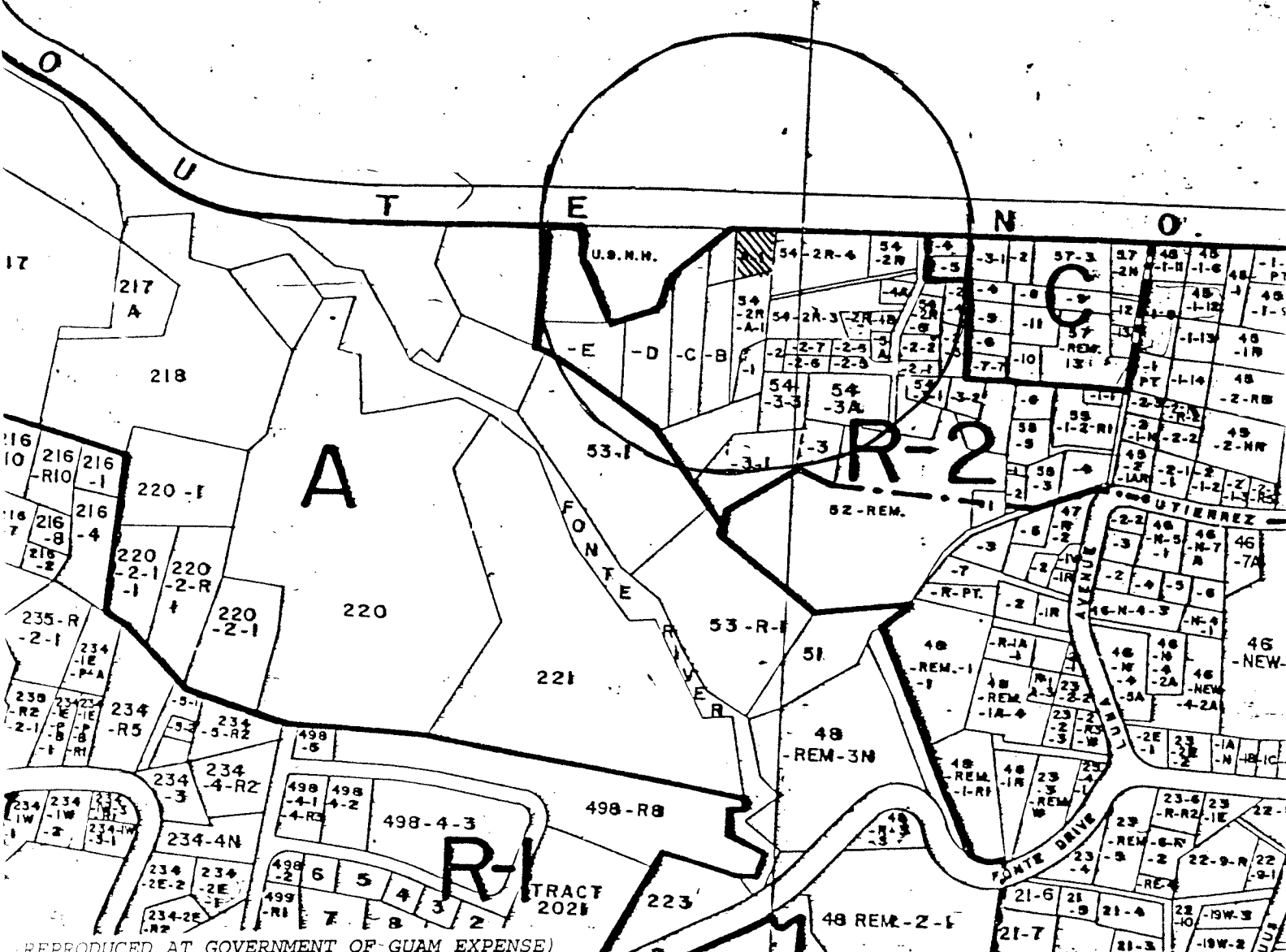
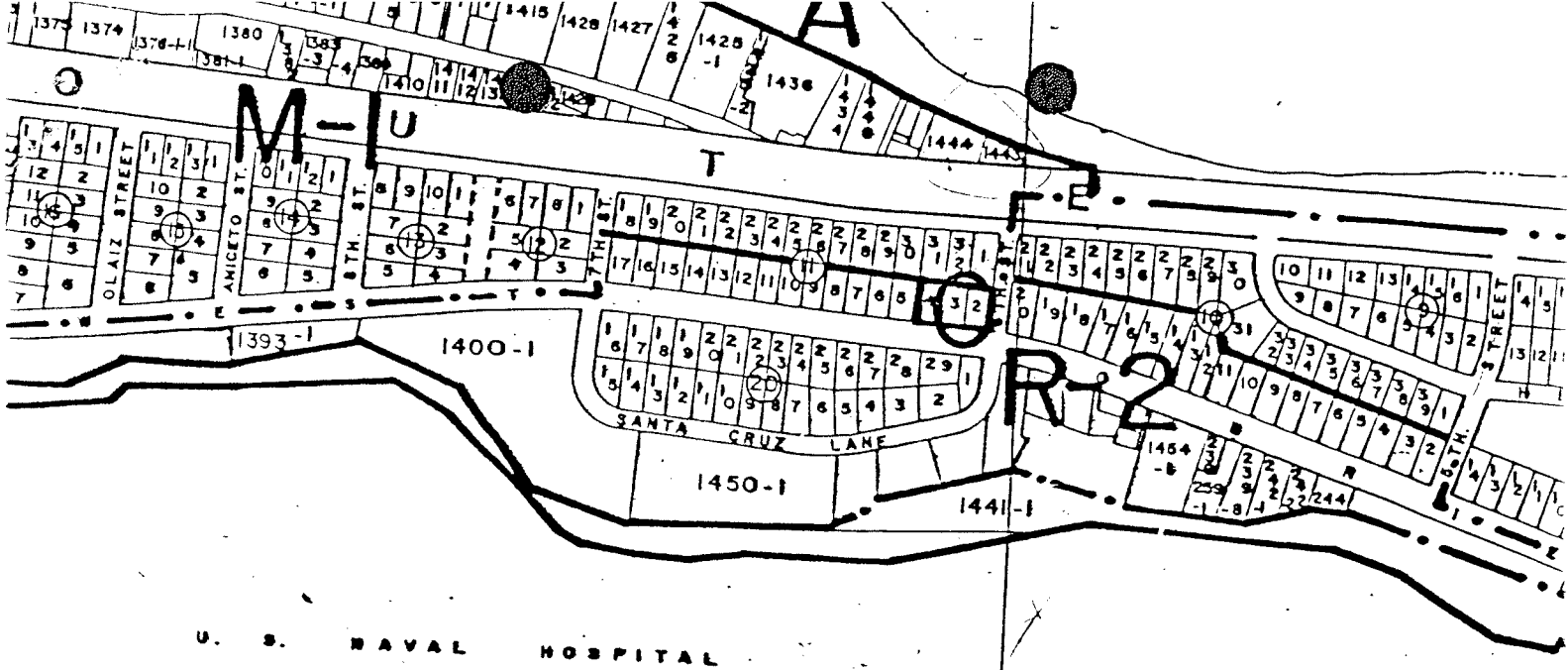
The rezoning of this property does not constitute any form of exemption from the regulatory and permitting rules and regulations which must be complied with prior to the issuance of building and occupancy permits.

The property comes under the proposed I Tano-ta Land Use Plan for Guam which recommends Intensity District 3, which permits such use in a commercial zone. Therefore, the request is in line with the intent of the I Tano-ta Land Use Plan and will complement the community's economic goals.

The Mayor of Agana Heights, the Municipal Planning Council and the property owners within a reasonable distance of the property have written support for the rezoning.

Sincerely yours,

Gary Jia-Wei Luo  
Deputy General Manager



To whom it may concern:

(0)

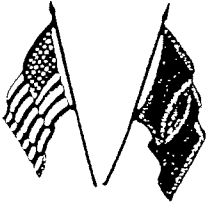
We the undersigned hereby indicate our support for the rezoning from R-2 to C of Lot No. 64-2-REM-A-1, Municipality of SINAJANA, which consists of 1,718.71 sq.mtrs., owned by UNITED PACIFIC INVESTMENT AND DEVELOPMENT, INC.

Lot No.	Lot Owner	477-3780	Yes	No	Comments / SIGNATURE
64-2 REM B-1	ANSELMO M. GARRIDO		X		Anselmo M. Garrido
64-2 REM B-1	MARGARITA M. GARRIDO		X		Margarita M. Garrido
64-2-REM-D-1	JOAQUIN A. SABLAN		X		Joaquin A. Sablan
64-2-REM-D-1	DOROTHY Q. SABLAN		X		Dorothy Q. Sablan
64-2 REM-ENew-1	JILLETTE T. LEON-GUERRERO		X		Jillette Leon Guerrero
64-2 REM-ENew-1	Jean Lescure		X		J. Lescure
54-2-1-CEM	MASANORI NAKAJIMA		X		Masanori Nakajima
64-2 REM-ENew-RI	BYRON THOMPSON		X		Byron Thompson
64-2 REM-ENew-RI	Kathy Thompson		X		Kathy Thompson
64-2 REM-B-RI	JOSE M. SABLAN		X		Jose M. Sablan
64-2 REM-B-RI	FLORENTINA Q. SABLAN		X		Florentina Q. Sablan
64-2 REM-C	JOSE M. SABLAN		X		Jose M. Sablan
64-2 REM-C	ROSALINE F. SABLAN		X		Rosaline F. Sablan
54-2-9			X		
54-2-10			X		
54-2-1210			X		
54-2-REM-3NEW-2	MANUEL J. SOSA		X		Manuel J. Sosa
54-2-REM-3NEW-2	ANTONIA P. SOSA		X		Antonia P. Sosa
54-2-REM-3-NEW-R2	MURPHY NGIRARUIS		X		Murphy Ngiraruis
54-2-REM-3-NEW-R2	MURPHY ILECHERONG		X		Ilecherong Ngiraruis
54-2-6 & 7	DAVID R. LEFEVER		X		David R. Lefever
54-2-REM-3NEW-1B	WILLIAM P. CACHILA		X		W. P. Cachila
54-2-REM-3NEW-1B	ZENAIDA P. CACHILA		X		Z. P. Cachila
64-2 REM-A	MARIO J. VERGARA		X		Mario J. Vergara
64-2 REM-A	MARIA G. VERGARA		X		Maria G. Vergara
54-3-3	ROBERT JAHIER		X		Robert Jahier
54-3-3	CHERYL TAITANO JAHIER		X		Cheryl Taitano Jahier

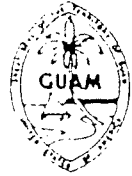
~~AYLA ESTER REPEL~~  
~~L. SABELLA L. WESTENBERGER~~  
~~Richard Lopez~~  
~~Antonia Sosa~~







*Office of the Mayor  
Municipality of Agana Heights  
c/o Mayors' Council of Guam  
P.O. Box 786, Agana, Guam 96910*



**PAUL M. MCDONALD**  
Mayor

Telephone No.: 472-8286  
472-6393  
FAX No.: 472-6124

April 27, 1995

Mr. Gary Jia-Wei Luo  
Deputy General Manager  
United Pacific Investment &  
Development, Inc.  
Suite 223D, Julale Business Center  
424 West O'Brien Drive  
Agana, Guam 96910

Office of Senator Angel L.G. Santos  
Date: AUGUST 24, 1995  
Time: 3:00 PM  
Received by: Alvin J. Duenas  
Print Name: ALVIN J. DUEÑAS

RE: VARIANCE FOR LOT NO. 64-2-REM-A-1  
MUNICIPALITY OF AGANA HEIGHTS

Dear Sir:

This is in respond to your request for variance for Lot No. 64-2-Rem-A-1 as described.

Your request was presented at the regular monthly meeting on March 13, 1995. After your presentation, the Agana Heights Municipal Planning Council decided and held a Public Hearing to support your request. The Council believes that the variance will provide necessary services to our community with very little impact to the surrounding residents. With the petition presented to the Council, approximately 95% to 99% of the 500 feet radius residents have no objections for the development proposal.

Again, the Agana Heights Municipal Planning Council supports your proposal for a variance for Lot No. 64-2-REM-A-1 for the purpose development which will work in coordination with our Community Park. We know that the residents of Agana Heights will take advantage of the convenience of your development.

Sincerely,

  
PAUL M. MCDONALD



DEPARTMENT OF LAND MANAGEMENT  
( DEPARTAMENTON TANO' )  
GOVERNMENT OF GUAM



P.O Box 2950 • Agana, Guam 96910 • Phone No.: (671) 475-LAND • Fax: (671) 477-0883

June 22, 1995

Senator Angel L.G. Santos  
Chairman  
Committee on Community, Housing and Cultural Affairs  
Twenty-Third Guam Legislature  
Suite 202  
324 West Soledad Avenue  
Agana, Guam 96910

Hafa Adai Senator Santos:

I appreciate the opportunity to present testimony on Bill No. 245, An Act to rezone Lot 64-2-REM-A-1, Agana Heights, Municipality of Agana Heights, from "R-2" (Multi-family Dwelling) zone to "C" (Commercial) zone. Before I begin my testimony however, I would like to point out a discrepancy. Because of problems that were consistently arising in identifying what villages fell under what municipality, I requested assistance from legal counsel back in February of 1994 in dealing with this matter. In short, based on his response, all nineteen political subdivisions (districts) are municipalities in themselves. Agana Heights is no longer under the municipality of Sinajana and is a municipality in itself (A copy of this position is provided for your reference).

Although the Department may not necessarily object to the rezoning of the area from "R-2" to "C" per se, it is the process in which the zone change is being attempted. The Department of Land Management has consistently gone on record as objecting to the continued interference in administrative matters by the Legislature. In spite of their good intentions, such acts by the Legislature circumvent the very process that they themselves created, namely, the Territorial Land Use Commission (TLUC) process.

Instances such as the case with the Carloses property in Agana Heights can and will occur whenever the TLUC process is ignored. Those most impacted by the proposed zone change, i.e., the surrounding landowners within a 500-foot radius, the community as a whole represented by their Municipal Planning Council (MPC), and those agencies who are knowledgeable of existing infrastructure and its capacity or lack thereof, are not provided the opportunity to respond in the same manner and thoroughness as under the TLUC process. Put simply, the TLUC process is the most appropriate forum for rezoning privately owned property. In this case, the property is privately owned, not by Tun Juan or Tan Maria, but by a corporation. It is my understanding that the Legislative intervention initially was done basically to assist the average citizen and not businesses or corporations. However, if it is the position of this Legislative body that the TLUC process is too



Commonwealth Now!

Ltr. to Senator Santos  
Testimony on Bill No. 245  
June 22, 1995  
Page 2

lengthy, cumbersome and/or expensive, not just for the average citizen but to businesses and corporations as well, then, rather than continue to condemn their creation and act on projects in a piecemeal fashion, may I suggest that the Legislature instead, amend the current statutes that contribute to this expensive and cumbersome process, inclusive of the applicable executive orders.

As an example, previously, only zone changes and other major developments requiring TLUC action required public hearings. However, the Legislature passed P.L. 20-217:3 and P.L.21-14:11 which require all zone variances and conditional uses to have public hearings. These laws translated into higher costs and additional delays in processing these applications through the TLUC process.

Additionally, Executive Orders 90-09 (as amended by 92-06) and 90-10 have contributed to the expense and increased time for processing an application through the TLUC process. Where there were previously only seven members serving on the Development Review Committee, formally known as SDRC, there are now a total of fourteen member agencies, with two of these agencies being ex-officio members.

If the TLUC process is truly a problem child that the Legislature may feel it is, then for the sake of all, some form of amendment or deletion of these laws and/or executive orders should be made.

As long as the TLUC process remains in effect as the vehicle to address land use issues that do not conform to the Zoning and Subdivision Codes, I have no recourse but to object to any attempt by the Legislature to circumvent the TLUC process.

Once again, thank you for the opportunity to testify on these bills.

Si Yu'os Ma'ase'

  
JOHN T. ANDERSON

Attachment

cc: Director, DLM  
Deputy Director, DLM  
ChairPerson, TLUC



**DEPARTMENT OF LAND MANAGEMENT**

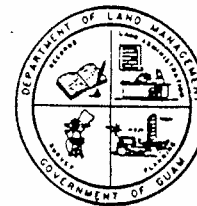
*(DIPATTAMENTON TANO')*

*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*

February 22, 1994

Memorandum

To: Territorial Planner  
From: Legal Counsel  
Subject: Definition of "municipality"

You have asked me whether or not Guam political subdivisions not explicitly designated "municipality" are in fact municipalities, and whether or not the terms "municipality" and "village" are synonymous under Guam law.

After reviewing the law on the above subject, I am of the opinion that the terms "municipality" and "village" are used interchangeably in the Guam law and that the various political subdivisions of Guam, however designated, are "municipalities."

The names and descriptions of the various political subdivisions (municipalities) of Guam are found at 1 Guam Code Annotated (GCA), section 403 which provides for 19 different political subdivisions each titled "municipality" or "village" or in some cases not titled at all. It appears that the term "village" may have been the oldest way of designating these political subdivisions, and over time certain villages were further subdivided into smaller political subdivisions or combined with adjacent political subdivisions as circumstances warranted. Currently, then there is a mix of titles for the various political subdivisions in Guam.

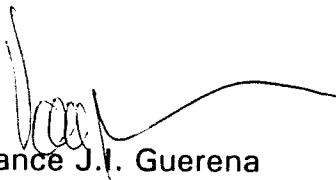
The real test of a political subdivision is the powers it possesses independent of all other such subdivisions, not the title affixed to it. For a review of such powers, we turn to 5 GCA, chapter 40 (sections 40101 to 40131). Section 40101 provides in part, "There shall be a [Mayor] ... for the **municipalities and villages** of Guam as indicated in the following table:" (emphasis added) The table (copy attached) lists 19 separate political subdivisions, some titled "municipality" or "village" and some not titled at all. The next code section (40102) provides: "**Municipality or Village** means that area delineated in 1 GCA section 403." Thus, the term "municipality" and "village" are not only defined to be synonymous with one another, but they also are



expressly linked to the municipalities set forth in 1 GCA, section 403. 5 GCA, section 40103 provides in part "[Mayors] ... as indicated in section 40101, shall be elected by popular vote of **the area** which the [mayors] represent. In **districts** where there are [vice mayors, both mayor and vice mayor] ... shall be chosen separately." (emphasis added) This passage introduces the terms "area" and "district" into the collection of titles for Guam's political subdivisions. Clearly then, a political subdivision need not be titled "municipality" or "village" in order to have the authority to elect a mayor and vice mayor and to do all the other things done at the municipal level.

Thus, it is my view that the 19 political subdivisions set forth in 1 GCA, section 403 and 5 GCA section 40101 are "municipalities" under Guam law. They each, however designated, have the authority to elect their own local leaders and conduct all governmental activities allowed for such political subdivisions, which is the true test of whether or not such a political subdivision is a municipality.

Submitted pursuant to your request.



Vance J. Guerena

Att.

5 GC Ch. 40 - Commissioners of Guam

- §40124. Municipal Planning Council: Establishment.
- §40125. Composition and Eligibility of Council Members.
- §40126. Municipal Planning Council: Term of Office.
- §40127. Municipal Planning Council: Vacancy.
- §40128. Municipal Planning Council: Powers, Duties and Responsibilities.
- §40129. School Bus Shelters.
- §40130. Municipal Planning Council: Meetings.
- §40131. Effective Date.

- - -

§40101. Appointment; Number of Commissioners.

There shall be a Commissioner and/or Assistant Commissioner for the municipalities and villages of Guam as indicated in the following table:

Municipality	Comm'r	Asst.
oMunicipality of Agana . . . . .	1	0
Municipality of Sinajana		
+ (Sinajana Village) . . . . .	1	1
→ Agana Heights . . . . .	1	0
→ Chalan Pago & Ordot . . . . .	1	0
oMunicipality of Yona . . . . .	1	0
oMunicipality of Talofofo . . . . .	1	0
oMunicipality of Inarajan . . . . .	1	0
oMunicipality of Merizo . . . . .	1	0
oMunicipality of Umatac . . . . .	1	0
oMunicipality of Agat . . . . .	1	1
+ Santa Rita Village . . . . .	1	0
oMunicipality of Piti . . . . .	1	0
oMunicipality of Asan . . . . .	1	0
oMunicipality of Barrigada . . . . .	1	1
oMunicipality of Mangilao . . . . .	1	0
+ Village of Tamuning . . . . .	1	1
oMunicipality of Dededo . . . . .	1	1
oMunicipality of Yigo . . . . .	1	0
→ Mongmong, Toto, Maite . . . . .	1	0
	19	5

municipality = 13  
 "village" = 3  
 no designation = 3  
 -----  
 19

received  
MAY 11 1995

CD 5-16-95



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam

May 11, 1995

## MEMORANDUM

**TO:** Chairman, Committee on Community Housing and  
Cultural Affairs

**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 245

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

  
SONY E. JUAN FORSINI

Attachment

Bill No. 245

Introduced by

ALLEN J. ...

AN ACT TO AMEND CHAPTER 64-2-K-1, LOCAL ORDINANCE NO. 64-2-K-1, CITY OF HIGHTS, MUNICIPALITY OF ... DWELLING ... (C).

Section

1 BE IT ENACTED WITH THE FORCE AND EFFECT OF A LAW THAT THE BOARD OF SUPERVISORS:

2 Section 1. The Board of Supervisors of the United States of America and  
3 Development, Inc. hereby amends Ordinance No. 64-2-K-1, City of Hights,  
4 Municipality of ... as requested by the Legislature's  
5 assistance to ... contain 1/2 ... square meters, from  
6 Multiple Dwelling ... (C). The described property is situated  
7 along Route 7, ... commercial purposes and has already been  
8 developed which makes the ... conducive to ... development that  
9 the land owner is proposing for the property. The property already has the necessary  
10 utilities - water, power, ...

11 The landowner is proposing for the property a minimum use  
12 of its location by ... commercial building ... Because the  
13 property is located ... change to  
14 commercial ... Rather, the  
15 development will ... commercially to  
16 the income ...



1 The rezoning of [redacted] does not constitute a form of exemption  
2 from the regulatory and [redacted] and regulatory [redacted] to be complied  
3 with prior to the issuance of [redacted] and occupancy permits. The proposed I  
4 Tano'-ta Land Use Plan [redacted] recommends [redacted] district for the area,  
5 which permits such [redacted] zone. Therefore, the rezoning conforms  
6 with the Plan's intent, [redacted] the community's economic [redacted]

7 The Mayor of [redacted] Municipal Council [redacted] property  
8 owners within a reasonable [redacted] the property [redacted] support  
9 for the rezoning.

10 Section 2. Lot No. [redacted] Tana Heights Municipality of Sinajana,  
11 containing an area of [redacted] meters [redacted] Pacific  
12 Investment and Development [redacted] by rezoning [redacted] Dwelling  
13 (R2)" to "Commercial [redacted]"



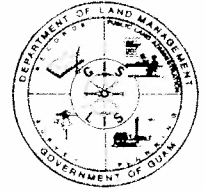
DEPARTMENT OF LAND MANAGEMENT  
(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

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



CARL T. C. GUTIERREZ  
Governor

J. A. MARTINEZ  
Director

MADELEINE Z. BORDALLO  
Lieutenant Governor

JAMES P. CRUZ  
Deputy Director

June 30, 1995

Senator Angel L.G. Santos  
Chairman  
Committee on Community, Housing and Cultural Affairs  
Twenty-Third Guam Legislature  
Suite 202  
324 West Soledad Avenue  
Agana, Guam 96910

Hafa Adai Senator Santos:

Thank you for allowing me to express the Department of Land Management's concerns on the legislative rezoning of Lot No. 64-2-REM-A-1, Agana Heights, Municipality of Agana Heights, during your Committee's public hearing on June 26, 1995. I appreciate your expressed desire to meet with us to try and resolve this matter. If I may reiterate again, our position is that, the TLUC process is the most appropriate forum for rezoning privately owned property.

It was stated by Mr. Torres during the hearing that the main reason for bringing this particular project through the Legislature and not the TLUC was due to the fact that there was no Commission in existence at the time this rezoning request was being made. It was not an attempt to circumvent the TLUC process but was more of a matter of necessity given the circumstances at that time. I am not in disagreement with this statement.

It is also my understanding that the rezoning of this property will not constitute any form of exemption from the regulatory and permitting rules and regulations which must be complied with prior to the issuance of any building and occupancy permits.

Additionally, the I Tano-ta Land Use Plan, although not yet approved, does identify this area as Intensity District 3 which allows for commercial activity. However, although the Department does not necessarily object to the intent behind Bill 245, i.e., to rezone the parcel from "R-2" to "C" per se, we cannot support the process in which it is being attempted.




Commonwealth Now!

Ltr to Sen. Santos  
Ref: Bill 245  
June 30, 1995  
Page 2

Once again, the Department must go on record as opposing any legislative rezoning of private lands. We request that all rezoning bills dealing with private lands be processed through the TLUC and not be done by legislative action.

Thank you for your time and attention. Should you require additional comments and or justification, do not hesitate to contact this office at 475-5233.

Sincerely,

  
JOHN T. ANDERSON  
Territorial Planner

cc: Dir. Department of Land Management  
Deputy Dir. Department of Land Management



Ufisinan I TaoTao Tano'  
**Senator Angel L.G. Santos**

Chairman, Committee on Community,  
 Housing, and Cultural Affairs  
 23rd Guam Legislature

## WITNESS SIGN-IN SHEET

**Bill No. 245** - An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from Multiple Dwelling (R2) to Commercial (C).

**Public Hearing**  
**Friday, June 23, 1995, 10:00 AM**  
**Legislative Public Hearing Room**  
**155 Hesler Street, Agana, GUAM**

NAME (please print)	ORGANIZATION	ORAL/WRITTEN
<u>John Anderson</u>	<u>DLM</u>	<u>Written</u>
<u>FRANK C. TORRES JR.</u>	<u>GUAM EXEC. COMS.</u>	<u>ORAL</u>
<u><del>John Anderson</del></u>	<u><del>DLM</del></u>	
_____	_____	_____
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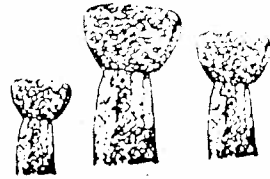


Commonwealth Pa'gol



Ufisinan I TaoTao Tano'  
**Senator Angel L.G. Santos**

Chairperson, Committee on Community,  
Housing & Cultural Affairs



June 22, 1995

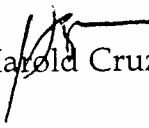
**MEMORANDUM**

TO: Committee Members  
FROM: Harold Cruz, Deputy Chief-of Staff  
SUBJECT: Reschedule of Confirmation / Public Hearing

Due to Acting Speaker Nelson's call for a Special Session tomorrow, the Confirmation / Public Hearing schedule for June 23, 1995, at 10:00 a.m., has been reschedule for June 26, 1995, at 10:00 a.m. in the Legislative Session Hall.

Your cooperation is greatly appreciated.

Si Yu'os Ma'ase'!

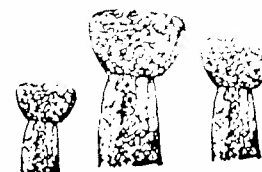
  
Harold Cruz

cc: All Senators  
Executive Director  
Protocol  
Audio Visual  
Legal Office  
Local Media



Ufisinan I TaoTao Tano'  
**Senator Angel L.G. Santos**

Chairperson, Committee on Community,  
Housing & Cultural Affairs



June 22, 1995

**MEMORANDUM**

TO: Acting Speaker, Ted S. Nelson  
FROM: Harold Cruz, Deputy Chief of Staff  
SUBJECT: Use of Legislative Session Hall

Senator Santos is requesting the use of the Legislative Session Hall on June 26, 1995, beginning at 10:00 a.m., lasting throughout the day.

This request is due to the Special Session you've called for June 23, 1995. Because of the Special Session, we've canceled our Confirmation and Public Hearing on proposed bills in order for the Senator to attend the Special Session.

Your favorable consideration and immediate response is most appreciated.

Si Yu'os Ma'ase'!

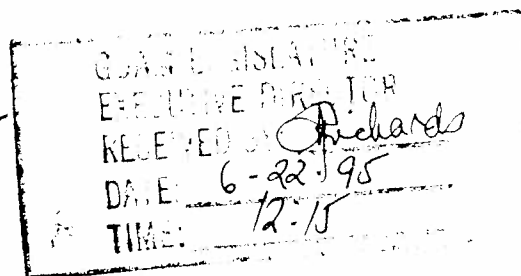
  
Harold Cruz

APPROVED  
 DISAPPROVED


  
Ted S. Nelson

cc: Executive Director  
Protocal  
Audi Visual

*6/22/95*

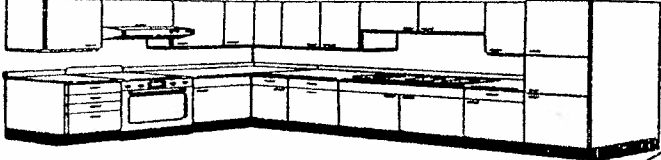


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## NOTICE OF PUBLIC HEARING

23rd Guam Legislature  
Committee on Community, Housing & Cultural Affairs  
Senator Angel L.G. Santos, Chairman



**PUBLIC/CONFIRMATION HEARING**  
Friday, June 23, 1995, 10:00 AM & 2:00 PM  
Legislative Public Hearing Room, 155 Hesler Street, Agana  
**AGENDA**

**10:00 AM Public Hearing**

**Bill No. 126** - An act to rezone Lot No. 7061, Dededo, municipality of Yigo, from "A (Rural)" to "R-1 (Single Family Dwelling)"; to grant subdivision Lot No. 7061-2; and to grant zoning variances on Lot Nos. 2 through 7, Lot Nos. 12 through 16, Lot Nos. 20 through 24, and Lot Nos. 29 through 37, on the proposed housing subdivision project on basic Lot No. 7061-2; by T Ada.

**Bill No. 142** - An act to authorize the lease and licensing of certain government of Guam real property in Tamuning; by V Pangelinan, A Santos, A Blaz.

**Bill No. 216** - An act to authorize the Governor to sell Lot 18, Block 24, New Agana to Nacrina Ada Toves; by T Nelson.

**Bill No. 245** - An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from Multiple Dwelling (R2) to Commercial (C); by A Santos.

**Bill No. 256** - An act to amend Section 9 of the Public Law 21-129 in order to correct an oversight so that Manu Melwani may purchase in Agana 19 square meters of government land, all of which is surrounded by land already owned by Mr. Melwani and which would otherwise make both Mr. Melwani's land and the Government's wholly undevelopable; by D Parkinson.

**Bill No. 261** - An act to add a new Section 10 to Public Law 20212, relative to authorizing the Governor to exchange government of Guam land for privately-owned land taken for the Rosario Detention Facility protective zone; by A Santos, M Charfauros, V Pangelinan.

**Bill No. 277** - An act amend subsection (a) of §62105 and to amend §62108.1, relative to agricultural subdivision requirements, and to amend subsection (c) of §61501, relative to minimum yards and lot areas, all in Title 21 of the Guam Code Annotated; by A Santos.

**2:00 PM Confirmation Hearing**

Confirmation of the following appointees to the boards of the Council on the Arts and Humanities (CAHA), Chamorro Language Commission (CLC), Chamorro Land Trust Commission (CLTC), Guam Housing Corporation (GHC), Guam Museum (GMBT), and Real Estate Commission (REC).

Name	Position	Entity	Term Expiration	Replacing
Anthony C. Corn	member	CAHA	12-Apr-99	new appointment
Robert N. Castro	member	CLC	16-Jun-97	Jeff Barcinas
Lydia Cruz	member	CLC	23-May-97	Bernadetta Dungca
Rita C. Okada	member	CLTC	26-Feb-96	new appointment
Lorraine S. Okada	member	GHC.	23-Mar-2001	new appointment
Jessie S. Pendon	member	GHC	26-Apr-2001	new appointment
Bernadita S. Quitugua	member	GMBT	26-Mar-99	new appointment
Janet L. Watts	member	GMBT	26-Mar-97	Marie Perez-Calvo
Rose M. Hunt	member	REC	23-Jun-98	reappointment
Johnny C. Reyes	member	REC	23-Jun-98	Antonio Artero

**The Public is Encouraged to Attend**

PPN June 21, 1995

received  
JUL 19 1995



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam 96910

*Nieves*  
*make folder*  
*AW*

July 19, 1995

## MEMORANDUM

**TO:** Chairman, Committee on Community, Housing and  
Cultural Affairs

**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 319

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

  
**SONNY LUJAN ORSINI**


Attachment:



THE TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 319

Introduced by

A.C. Blaz 

---

AN ACT TO REZONE LOT NO. 64-2-REM-A-1, AGANA HEIGHTS, MUNICIPALITY OF SINAJANA, FROM MULTIPLE DWELLING (R2) TO COMMERCIAL (C).

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

2 **Section 1. Legislative statement.** United Pacific Investment and  
3 Development, Inc. is the owner of Lot No. 64-2-REM-A-1, Agana Heights,  
4 Municipality of Sinajana. The owner has requested the Guam Legislature's  
5 assistance to rezone the property, which contains 1,718.71 square meters, from  
6 Multiple Dwelling (R2) to Commercial (C). The described property is situated  
7 along Route 7. Many of the surrounding commercial properties have already been  
8 developed which makes the subject lot conducive to the type of development that  
9 the land owner is proposing. Moreover, the property already has the necessary  
10 utilities - water, power, sewer and telephone.

11 The landowner wishes to improve the property to make the maximum use  
12 of its location by constructing a commercial building thereon. Because the  
13 property is located along Route 7 in Agana Heights, such a zone change to  
14 commercial will not adversely affect the surrounding neighborhood. Rather, the  
15 development will increase services to the community and contribute materially to  
16 the income of the government.

1 The rezoning of this property does not constitute any form of exemption  
2 from the regulatory and permitting rules and regulations which must be complied  
3 with prior to the issuance of building and occupancy permits. The proposed I  
4 Tano'-ta Land Use Plan for Guam recommends Intensity District 3 for the area,  
5 which permits such use in a commercial zone. Therefore, the request conforms  
6 with the Plan's intent, complimenting the community's economic goals.

7 The Mayor of Agana Heights, the Municipal Planning Council and property  
8 owners within a reasonable distance of the property have given written support  
9 for the rezoning.

10 **Section 2.** Lot No. 64-2-REM-A-1, Agana Heights, Municipality of Sinajana,  
11 containing an area of 1,718.71 square meters and owned by United Pacific  
12 Investment and Development, Inc., is hereby rezoned from "Multiple Dwelling  
13 (R2)" to "Commercial (C)".

received  
MAY 11 1995

CD 5-16-95



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam 96910

May 11, 1995

## MEMORANDUM

**TO:** Chairman, Committee on Community, Housing and  
Cultural Affairs

**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 245

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.



**SONNY LUJAN ORSINI**

Attachment

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 245

Introduced by

A.L.G. Santos



---

AN ACT TO REZONE LOT NO. 64-2-REM-A-1, AGANA HEIGHTS, MUNICIPALITY OF SINAJANA, FROM MULTIPLE DWELLING (R2) TO COMMERCIAL (C).

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

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10 **Section 2.** Lot No. 64-2-REM-A-1, Agana Heights, Municipality of Sinajana,  
11 containing an area of 1,718.71 square meters and owned by United Pacific  
12 Investment and Development, Inc., is hereby rezoned from "Multiple Dwelling  
13 (R2)" to "Commercial (C)".

Bill No. 319 (LS)

Introduced by

A.C. Blaz *A.C. Blaz*

---

AN ACT TO REZONE LOT NO. 64-2-REM-A-1, AGANA HEIGHTS, MUNICIPALITY OF SINAJANA, FROM MULTIPLE DWELLING (R2) TO COMMERCIAL (C).

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

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3 with prior to the issuance of building and occupancy permits. The proposed I  
4 Tano'-ta Land Use Plan for Guam recommends Intensity District 3 for the area,  
5 which permits such use in a commercial zone. Therefore, the request conforms  
6 with the Plan's intent, complimenting the community's economic goals.

7 The Mayor of Agana Heights, the Municipal Planning Council and property  
8 owners within a reasonable distance of the property have given written support  
9 for the rezoning.

10 **Section 2.** Lot No. 64-2-REM-A-1, Agana Heights, Municipality of Sinajana,  
11 containing an area of 1,718.71 square meters and owned by United Pacific  
12 Investment and Development, Inc., is hereby rezoned from "Multiple Dwelling  
13 (R2)" to "Commercial (C)".