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ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, August 10, 2017
1:40 p.m. to 4:05 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, August 10, 2017
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting:	Thursday, August 10, 2017	X GLUC	GSPC
		X Regular	Regular
Time of Meeting:	GLUC: 1:40pm GSPC:	Special	Special
		✓ Quorum	Quorum
		No-Quorum	No-Quorum

COMMISSION MEMBERS	SIGNATURE
Chairman John Z. Arroyo	
Vice Chairman Victor F. Cruz	
Commissioner Conchita D. Bathan	
Commissioner Tae S. Oh	
Commissioner Hardy T.I. Vy	

STAFF	
Michael J.B. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Marvin Q. Aguilar, Chief Planner	
Frank Taitano, Planner IV	Frank P. Taitano
Penmer Gulac, Planner IV	
Celine Cruz, Planner IV	
M. Cristina Gutierrez, WPS II	MGutierrez

ADJOURNMENT: GLUC: 4:05P GSPC:

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Speaker's Sign-In Record
Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X	GLUC	X	Regular	Date:	Thursday, August 10, 2017
X	GSPC		Special	Time:	1:40 pm
✓	Quorum		No Quorum	Adjournment:	4:05 pm

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Elizabeth Gayle	Setiadi Architects	477-3556
Gina Garganta	"	"
Michael Wirges	C W Holdings	688-7775
Marc Wirges	Sterling Designs	"
CESAR CABOT	MEDICAL ARTS	646-2001
Annette Wells	Medical Arts	685-7773
~~LOWELL LOSINIO~~	P	
TERANCE GIURAN	ARINC	9293817
Janalynn Damian	Lih Pao	646-9355

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Public Attendance Record

Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X	GLUC	X	Regular	Date:	Thursday, August 10, 2017
X	GSPC		Special	Time:	1:40 pm
✓	Quorum		No Quorum	Adjournment:	4:15pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Lara Dzaki	Glimpses Publications	480-4578

GUAM LAND USE COMMISSION

Chairman John Z. Arroyo
Vice Chairman Victor F. Cruz
Commissioner Conchita D. Bathan

Commissioner Tae S. Oh
Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

Regular Meeting

Thursday, August 10, 2017, 2017 at 1:30 p.m.

Department of Land Management Conference Room

590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

[As advertised in the Guam Daily Post on August 3rd and August 8th, 2017]

I. Notation of Attendance [ ] Quorum [ ] No Quorum

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, June 22, 2017

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. The Applicant, John Setiadi Tan; request for Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) zone, for the expansion of its existing commercial building, on Lot 1120-REM-1-2NEW, in the Municipality of MongMong, under Application No. 2017-01.
Case Planner: Frank Taitano

Zone Variance

B. The Applicant, C.W. Holdings, LLC represented by Sterling Design, Inc.; request for a Height Zone Variance for the proposed construction of a three-story medical service building with a height of 38-feet, on Lot 5009-2-21, in an "M-1" (Light Industrial) zone, in the Municipality of Dededo, under Application No. 2016-25.
Case Planner: Frank Taitano

V. Administrative & Miscellaneous Matters

Horizontal Property Regime

C. The Applicant, Lih Pao Investment LLC represented by Atty. Janalynn Damian; requests issuance of its First Supplementary Final Public Report for Talo Verde Estates Townhomes, on Lots 57NEW-NEW-1, -NEW-2, -NEW-4 & -NEW-6, Tract 13105, in the Municipality of Tamuning, HPR No. 169, under Application No. 2016-11C.
Case Planner: Celine Cruz

D. The Applicant, ARINC (subsidiary of Rockwell Collins) represented by Daniel D. Swavely; technical amendment request for Leo Palace Resort's Planned District Development (PUD), in order to accommodate a temporary aviation communication receiving tower, on a portion of Tract 2511 (portion no Lot No. 177-4-1NEW), in the Municipality of Yona. Case Planner: Frank Taitano

VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, August 10, 2017 • 1:40 p.m. to 4:05 p.m.

I. Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission meeting for Thursday, August 10, 2017 at 1:40 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Legal Counsel Nicolas Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano and Recording Secretary Cristina Gutierrez

The agenda before you, is there any need to make any changes on the agenda. [None noted]

II. Approval of Minutes

Chairman Arroyo we have the approval of the June 22nd meeting, and you have all had the Minutes emailed to you by Cris. I will entertain a motion on the approval of the Minutes.

Commissioner Bathan made a motion to approve the minutes of the GLUC regular meeting of June 22, 2017.

Commissioner Oh second.

Chairman Arroyo motion made by Commissioner Bathan, seconded by Commissioner Oh. Any discussion? [None] All in favor of approving the minutes please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan, Oh, and Vy], all opposed say "nay."

[Motion passed unanimously; 5 ayes, 0 nay. Minutes of June 22, 2017 was approved with no corrections noted.]

III. Old or Unfinished Business

Chairman Arroyo we do not have any old or unfinished business. Moving onto the new business. The first item is a zone change request –

IV. New Business

Zone Change

A. The Applicant, John Setiadi Tan; request for Zone Change from "R-2" (Multi Family Dwelling) to "C" (Commercial) zone, for the expansion on its existing commercial building, on Lot 1120REM-1-2NEW, in the Municipality of MongMong-Toto-Maite, under Application No. 2017-01. Case Planner: Frank Taitano

Marvin Aguilar (Chief Planner) advised the Commissioners that there is a minor correction on the subject line; application number should read 2017-01 and not 2015-37 as stated. Mr. Aguilar continues to read the staff report to include facts, purpose, public hearing results, staff analysis/discussion, conclusion, and recommendation. [Please see attached report for full content/context]

[Attachment A – Staff Report dated July 17, 2017]

Chairman Arroyo any questions.

Commissioner Bathan did we receive a photo of the billboard sign?

Marvin Aguilar stated that a photo was received and stated for the record that the Case Planner, Frank Taitano, confirmed that the billboard sign which included the appropriate date and time of the GLUC was up and that a photograph was received. [Copy of the photo was passed around to the Commissioners]

Chairman Arroyo BSP had a comment regarding the applicant's lack of a drainage plan. I did see later on in your write-up that it had been addressed.

Marvin Aguilar when we assess these zone changes, we ask that they look at the impacts of the designation to the area, and not necessarily the material side of the proposed development. By the applicant stating that he wanted to open a professional complex here doesn't necessarily mean by this process that he has to stick to that proposed use. That will be a requirement under the building permit process once they submit.

Elizabeth Gayle (with Setiadi Architects) there is an existing French drain for the parking area. Ms. Gayle added that they have acknowledged that with the new building which is the larger building on this property that it will increase the impervious section, and so they will definitely accommodate for low impact development and storm water management within the design. Landscape will be used as well as bio-swales and other facilities to make sure that they account for the additional storm water that would be generated due to the new building.

Chairman Arroyo any other questions of the staff? [None noted] Please state your name for the record and proceed with your presentation.

Elizabeth Gayle I prepared the application package on behalf of John Setiadi (who is my boss). He is off-island today otherwise he would have been here today and asked me to represent him for today's GLUC hearing. I am also the preparer of the Guam EPA FONSI (Finding of No Significant Impact) form.

We have a slideshow, and a lot of the information is what Marvin (Aguilar) had already gone through and as well as what is in the application.

First slide – image of the perspective view of what the building would look like from Route 8. Ms. Gayle explained that the building located at the very back is the existing office building. This is one of the reasons why Mr. Setiadi would like to build up towards the road because they have a difficult time explaining to their clients where the office is located. By changing the property to

commercial zone and being able to develop all the way up to the front property line, it will give them more visibility.

Second slide – view of the perspective building from the GHURA housing side. The existing building was a four-unit apartment building that was converted and now used as an office building. When the property was purchased there was a shell structure towards the back of the building and was developed to the applicant's architectural office which includes a reception area in the front and conference rooms.

The proposed project is to connect the existing building with a bridge building which will be used as a gallery space. It is more of flexible space; many times, as an architectural firm, space is needed to have meetings or present client projects. It is being called a gallery, but it will be an extension of the current architectural office.

Next slide – at the top (bigger building) will be actually two executive level apartment units that Mr. Setiadi would like to bring to the development. He wants to be able to experiment with nice, modern design. It is a stacked apartment which duplexes are allowed within a commercial zone, and it was verified with the Planner that a stacked apartment qualifies as a duplex.

Next slide – parking for the new apartment units plus the expanded office; the ground space in front of the existing building plus the lower level of the new building will be parking. The purpose of the project is to utilize the whole property for commercial use such as additional parking, two dwelling units, and gallery/studio and additional landscaping.

Next slide – image of site plan showing the existing building. Ms. Gayle continues to explain the topography of the property.

Next slide – shows the new proposed site plan to include existing building, parking on the left side which is below the new building.

Next slide – images showing the building sections of the two apartments as well as the gallery building, parking, etc.

Next slide – elevation view showing the old building and the proposed building. Explains the location of the parking; the gallery will line up with the second floor of the apartment building and an opening will be cut through the existing office. The lower elevation is taken from the 4J heavy equipment yard.

Chairman Arroyo would the gallery area be completely enclosed.

Elizabeth Gayle responded that it would be completely enclosed and will be used for meetings, design presentations; it is flexible venue space.

Vice Chairman Cruz before you move on, the existing building; is it connected with the new construction?

Elizabeth Gayle it will be, and continues to explain how the existing building will be aligned to the second floor of the new building. The existing building there are upstairs offices and downstairs offices and so they will cut an opening through to connect to the gallery. Visitors will still have to come through the main entrance to get to the gallery.

Chairman Arroyo the existing building there are no apartments at all.

Elizabeth Gayle the existing building was used for apartments; the first floor was used as an office and eventually the second floor was renovated to accommodate for a gallery and conference area and office for work stations. There was one apartment unit left and the reason why the owner would like an apartment on site is for visiting architects and/or off-island visitors while on island doing work for the office.

Commissioner Oh the current existing structure will be maintained as an office (Ms. Gayle responds "yes.") and the new structure, the first floor will also be office space.

Elizabeth Gayle explained that it would be gallery/office space.

Commissioner Oh in the proposed new building it would be parking on the first floor, and the two floors above will be ---

Elizabeth Gayle the two stalked-apartment units.

Vice Chairman Cruz in the existing building there are two stories (Ms. Gayle responds "yes."). the question I am going to ask is what is the height of this new building if you count the existing building as the first floor.

Elizabeth Gayle 245.9 is the lower level of the existing building and roof of the new building is 293.

Vice Chairman Cruz what is the height from your so-called lower level to the top.

Elizabeth Gayle it is approximately 40-feet total.

Vice Chairman Cruz what is the maximum? Thirty or forty?

Marvin Aguilar it is 30-feet.

Nicolas Toft it is 30-feet from the highest point of elevation on the piece of the land. The top of the driveway is at 262.48, and the top of the roof top is 30-feet above.

[Discussion ensues on the building height.]

Marvin Aguilar we are taking the upper portion, and that would be the parapet or some sort of façade and then you have the stairway access on the roof. Planners have a calculation that takes into consideration both the upper and lower elevations and then there is the use. Although there

is connectivity between the basement parking area with existing structure; but, Frank may have discussed this with Ms. Gayle that we applied this rule.

Frank Taitano according to the Zoning Law and IBC code; it is not applied from the lowest point it is from the finished grade which is the finished grade of the top elevation of Route 8 to the top of the roof and it is 30-feet; it not above 30-feet.

[Discussion ensues on height requirements and Planning's assessment on how they derived at the structure's 30-feet height.]

Elizabeth Gayle interjected and explained that when Mr. Setiadi first purchased the property it was two lots; one was considered a flat lot that had the existing apartment building and a shell of a building. He bought the lot in front and never consolidated the lots until he came up with this idea. In this case, he is talking advantage of the natural grade of the property; there will be parking on the first floor and then stalking the two apartments above and almost at the same level as Route 8.

Vice Chairman Cruz if the main entrance of the two-story side, existing. Where would you take the 30-feet.

Marvin Aguilar it would be taken from the bottom.

Elizabeth Gayle one of the other reasons for consolidating was because Mr. Setiadi wanted to do the bridge building between the two. If the lots were not consolidated we would have to contend to front-yard, back-yard setback issues, and would be two different buildings which would be an inconvenience. [Continues with presentation]

Next slides – image of the Zoning Map. The next couple of slides show the 1000-foot, 750-foot and 500-foot radius maps.

Next slide – image of the google map and photos of surrounding entities around the office.

Next slide – images of abandoned building prior to Mr. Setiadi purchasing and renovating the building.

Next couple of slides – engineering calculations to include power load demand, etc.

Next slide – (slide 21) rendering of the proposed building from Route 8. Mr. Setiadi wants to add like a marquee sign which will be part of the design, fence at the driveway which will be locked at night and open during the day for protection of tenants of apartment units.

Next slide – shows rendering of building taken from GHURA housing side. There will be screen hedge landscape between the property and GHURA so they don't actually see this, but they do see everything that is second floor.

Commissioner Oh you mentioned that the connecting bridge and below that is additional parking.

Elizabeth Gayle this is where people park now. [Continues to explain where employees and/or customers park, and additional parking up on the hill] Where the bridge is located, not only will there be an opening from the office side but an opening to the parking so that employees are able to park here and go through the gallery to go their offices. [This concluded Ms. Gayle's presentation.] Thank you very much.

Chairman Arroyo any other questions? [None noted] Okay, I will open it up for public comment. Is there anybody who would like to step forward and say anything about this application, please come forward now.

Public Comment [Seeing none, Chairman Arroyo closed public comment period]

Chairman Arroyo Betty, is there anything else you would like to say before we make a decision?

Elizabeth Gayle this is the 20th anniversary of John Setiadi's architecture business. And so, this project is dear to his heart, and he wanted to do some sort of a big project for himself in celebration and recognition on being on his own for twenty years.

Chairman Arroyo please give him our congratulations on 20-years; that is a nice milestone. I am ready to entertain a motion on this application.

Commissioner Oh I would like to make a motion to approve the applicant, John Setiadi Tan; request for a zone change from "R2" (Multi Family Dwelling) to "C" (Commercial) zone for the expansion of its existing commercial building on Lot 1120-REM-1-2NEW, in the municipality of MongMong, under Application No. 2017-01; subject to the conditions stipulated in the official ARC position statements and permitting agencies' requirements.

Chairman Arroyo there is a motion to approve by Commissioner Oh, do I have a second.

Commissioner Bathan second.

Chairman Arroyo second by Commissioner Bathan. Any discussion? [None noted]

On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Bathan and Vy], all opposed say "nay." **Motion passed unanimously; 5 ayes, 0 nay**

Zone Variance

B. The Applicant, C.W. Holdings, LLC represented by Sterling Design, Inc.; request for a Height Zone Variance for the proposed construction of a three-story medical service building with a height of 38-feet, on Lot 5009-2-21, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone, under Application No. 2016-25.
Case Planner: Frank Taitano

Marvin Aguilar reads the staff report to include facts, purchase, public hearing, staff analysis/discussion, conclusion, recommendation, and conditions. [For full content/context of report, please refer to the attached report]

[Attachment B – Staff Report dated July 28, 2017]

Chairman Arroyo does anybody have any questions on the responses to these points that need to be addressed for the zone variance? [None noted]

Marvin Aguilar I can read the responses for the record, if you wish.

Chairman Arroyo it's okay, we've all read it.

[Chief Planner Aguilar continues with the staff report.]

Chairman Arroyo for the record, we have received some additional information and some graphics for the Cabot Medical Plaza. **[Exhibit 1 – Cabot Medical Plaza brochure]**

Any questions of staff? [None] Okay, I will open the floor for the applicant. Please state your names for the record.

Michael Wirges with CW Holdings and Sterling Design, builders of the project.

Cesar Cabot applicant and Michael Wirges is my partner in this project.

Michael Wirges (refers to images displayed)

First image – the Medical Arts Center which is the center building being done. Most of the responses from each of the agencies were more concerned with how water, sewer and power would be handled.

The building will be a poured and placed concrete with an additional two-inches of EPS foam on the outside. In addition, there will be eight-inches of the roof of EPS as well as on each floor which will allow for sound control, and this will be needed for this kind of facility.

There will be 10-foot elevators to handle gurneys, and part of the reason for the 14-feet for the first floor was for emergency vehicles coming in to have clearance and access to emergency services.

The first plan that was given there were percolation tanks and ponding basins, and those have been eliminated. Through working with the Civil Engineer, the parking lots will be green and permeable. Over ninety-percent of the parking is now permeable and was done by putting a gravel based, twelve-inches thick that will absorb the water through the grass along with having six-inches concrete spacings to handle the traffic. With the exception of the main roads for emergency vehicles, existing drive to the hospital, this road here and the curve, and the handicap parking will remain concrete and asphalt. The rest of it will be landscaping and swales. Rain gardens have been added in areas which will take all the roof water into a system. If it overflows, it then

permeates into each of these areas (referring to image). I don't believe that ponding basins and percolation tanks are attractive for an area like this. If you look at the design, we are trying to do very high-end, high-tech building with fiber optics so it will attract the right type of builders.

This building here (refers to the image) will be the last building that will be constructed, and we are looking at it being a medical university and the other building will be a twin of this building without the drive-thru portion, there will be a financial center that will be two-stories and no need for a variance.

Calculation on the parking is 120-percent and we are covered there. The wastewater is going to go the waste station which is located at the back of the property. And in a joint MOA with the hospital when it was being designed that is a facility that we share to handle the entire master plan.

On of things that is not quite in the plan is that we are planning on putting in covered parking and battery back-up on the roof for emergency use for the building.

These are the technical aspects of the building.

Cesar Cabot the property as you can see is a medical plaza project and sits on three comprised properties; the major one in the front, an acre in the back and a small sliver part to the north-east. It sits on a total of about 8-acres; it is the same size as the property for the hospital. This is in Dededo fronting Route 3; and, it shares a common boundary with the hospital. There is about 400-feet of common boundary right across from the entrance of the parking way of the Guam Regional Medical City. The traffic light actually feeds into an access road that runs through the middle of my property and right to the front the Guam Regional Medical City (GRMC). This property here, 15 years ago, was approved by the Guam Land Use Commission for a barracks, but due to the change in the military buildup and GRMC decided to build next to us. It only makes sense that this is conducive for some of sort of project that takes advantage of our unique location right next to the new private hospital. The concept, the heart and soul of the project that we wanted to build something that caters to the focus on the medical, wellness, health; a place of healing if you may. So, that we can be what the hospital is not. We don't want to compete with the hospital, we want to compliment the hospital.

There have been two buildings that have broken ground; the first one has been permitted and the second one is close to obtaining a permit. On the front portion of the building, the project there, we have a five to ten-year master plan. Not all of these buildings will be built simultaneously. We will grow with the needs of the island community. The first building will be 53,000 square foot, three-story building that has been permitted and approved. This will be built and completed in about 16 to 24 months.

Chairman Arroyo this is not the building you are asking for the height variance.

Cesar Cabot this is the one we are building with the legal height variance, but we need to go higher because of all the needs ... this being a medical building, we needed additional crawl space for all the infrastructure, piping, etc.

Chairman Arroyo so when you submitted for permitting for that building it was conforming.

Michael Wirges we put the plans set through at the 30-foot level so that we could get the civil work started. We are just preparing the foundations now and we are still weeks away before we go vertical. The floor plans and the access to go to the other levels are already made, and we are waiting for this decision so we can submit them back to the building department which will then go through the re-evaluation.

Chairman Arroyo it will almost be a brand new building, higher ceilings ---

Michael Wirges it is just the floor height levels that we are changing.

Marvin Aguilar in the building permit phase or the realm of this whole process, there are certain stages of building permit applications and building permits that can be issued on a scheduled or phased program. It wouldn't be a typical if you had to do an adjustment on the vertical, but yet come in for the building permit for all the ground work.

Michael Wirges there is a tremendous amount of civil work and underground work, piping that needs to be done. Even the entire parking lot needs to be prepped to be a green parking lot.

[Discussion ensues on the green parking lot concept.]

Cesar Cabot the first building here and because its close proximity to the hospital we are looking at the target tenants, possibly of the hospital, the Veterans (VA) and their needs, hospice care, senior homes, skilled nursing facility. One of the things the GRMC lacks is a step-down hospital or what is known as a skilled nursing facility (SNF). This could be another potential need and use that can be filled in this building, and could possibly be the skilled nursing facility for the GRMC because they do not have space to build one. Doctors' offices which is close proximity to the hospital and perhaps a tunnel or bridge being built later in order to connect the two buildings.

The small building in the front is 8,000 square feet and is fully conforming, and close to being permitted if not already.

Mr. Cabot explains future plans for the buildings on the property to include physical therapy, occupational therapy, gym, yoga, etc. There will be an eye toward what does the community need and put in these buildings along the lines that fit within the theme and the mission of the project being medical, health and wellness. Mr. Cabot added that every so often they have received inquiries from nursing schools that are located abroad (foreign countries) who find it strategic to tie in to nursing schools on American soil. Inquiries have also been received from UC Davis and Berkley that perhaps there could be an extension program here on Guam. It fits into their plans of having an opportunity to build a nursing school or telemedicine, telelearning, teletherapy; PTSD for military veterans who have to travel off-island to seek therapy for ailments. This is what is they are trying to accomplish with this project.

Chairman Arroyo questions.

Commissioner Bathan the road between buildings that connects to the hospital, who owns that road.

Cesar Cabot it is a private road owned by the company.

Commissioner Bathan does the hospital and its patients access that road? Is there some sort of an MOA?

Cesar Cabot yes. [Mr. Wirges responded that there is an MOA with the hospital for use of that road.]

Vice Chairman Cruz is it separate lot numbers?

Michael Wirges yes.

Vice Chairman Cruz it is the same road as right-of-way though they have access through Route 3 right.

Cesar Cabot that is correct because the hospital was too close to the traffic light, and they had to have a certain distance. We have allowed them to use that without charge pursuant to an MOA; although they did pay for the construction, but there is a reimbursement component to the traffic control signal and the access road.

Frank Taitano (Case Planner) during the entertainment of the application for the hospital, the Commission suggested that GRMC coordinate with the adjoining landowner (Mr. Cabot) because there was a lot of concern about the proximity of the entrance to the traffic signal. So, that the entrance could be located further away from the Route 3, Route 1 intersection. It was basically between the two landowners to coordinate an ingress/egress.

Vice Chairman Cruz where does all the utilities come in.

Michael Wirges the power is coming in from back here on this government easement road and the power is coming in along this corridor (refers to the images). The waste-line, there is a waste station right here in this little triangle, and the Medical Arts has a pump station there and we also have a pump station that will pump to there. None of it is along Route 3; the only thing along Route 3 will be communications, fiber optics.

Commissioner Oh was there certain limitation to connecting directly to Route 3 utilities.

Michael Wirges the sewer line is not available to us according to GWA; it is a force-main. In the development of this waste station, along with an MOA and doing the road this was considered in the construction.

Commissioner Oh where is the parking for GRMC?

Michael Wirges (refers to the images) parking is located along with area and back in this area. They have this right-of-way going through which also goes to the back of their property. They

have a section just like this back here and they park there, here and here (back, front, side of building).

Michael Borja (Executive Secretary) how much is the total cost of your development? Does it exceed three-million dollars?

Michael Wirges oh, yes.

Michael Borja Commissioners, the reason I ask this is there is the recent Public Law 33-219 which requires that the empanelment of a hybrid commission which brings in four (4) other members for any applications with a cost of over three-million dollars. However, this project was submitted in September 29, 2016, and the public law enactment was December 17, 2016. For the record, this application will not require the hybrid commission. For any future purposes, anything exceeding three-million dollars requires additional requirements and four mayors that come into play.

Vice Chairman Cruz you did your ground work and so called civil work prior to putting this together. Your utilities are in already and basically the ground is well prepared and all you have to do is build it.

Cesar Cabot yes, that is correct.

Michael Wirges we are trying to make this a technical building, most buildings maybe have at least six inches of floor slack and you measure from top of floor, top of floor. Ours is twelve inches because it is primarily this EPS insulation that is mixed in with the deck; the decks are twelve-inches thick and that is part of the height variance issue, along with medical equipment that needs higher ceiling. The beams are 24-inches, so at 10-feet you would be at 8-feet to put any kind of drop ceiling and will be well below 7-feet and you cannot do it for a medical facility.

Michael Borja in the bottom photo you have a structure above the main entrance; your height goes to the top of that roof if that is what you're planning.

Michael Wirges the roof height measurement ends at the roof height, they don't count the parapets.

Michael Borja they don't?

Michael Wirges parapet or any architectural features are not counted, just the roof-line.

[Discussion ensues on the architectural design of the building and various renderings of the project.]

Michael Borja explain this green parking lot.

Michael Wirges in doing research on how to make the parking permeable; we go down 12-inches and put in aggregate that will absorb the ground. Then 4-inches will be compacted and then a 6-inch grid of concrete. In that grid, there will be foam blocks so concrete can be poured over the

grid, and then pop the foam blocks and put in regular top soil and then put the grass in there. So, it will actually absorb through, and you will have like a webbing of concrete but it will be 6-inches enough to handle a car. Down the center of each driveway, an additional excavation is done with more aggregate. As the green overflows, it will go down this one trough and absorb further into the ground.

Mr. Wirges further explained that the parking lanes will be painted over the concrete that will be flushed with the ground through the center an additional 3-feet is excavated out with 6-inch and 4-inch drain rods. So, as the area gets saturated it will find its way into this. He further added that the is grid is not all grass, but it is gridded in concrete.

Commissioner Oh how much more would it cost to create such as green parking space...did you do cost comparison versus just regular asphalt?

Michael Wirges the cost analysis was, if the whole thing was asphalt, we would have to do the same flowing and compaction and there would still have to be a drainage system in the center. Along with that we had a percolation tank and two ponding basins. This is actually more expensive, but at the same time we saved money by not building a ponding basin, by not putting in a percolation tank.

[Discussion ensues ---]

Commissioner Oh what is the clearance from floor to floor, usable clearance from floor to drop ceiling.

Michael Wirges the first floor, from floor to floor is fourteen (14) usable will be ten-feet (10').

Commissioner Oh you need ten-feet to accommodate medical equipment ....

Michael Wirges yes; if you put an x-ray machine in or any of those type of machines they need ten-feet. Elevators aren't usually 10-feet tall we need to put them in with the 10-foot x 10-foot to handle the gurneys or any of the equipment they have attached to them they need that space.

Commissioner Oh the usable floors space all uniform for all three floors or is just the first the first floor.

Michael Wirges the other two are 9-1/2.

Michael Borja if I had to push a patient in a wheelchair from the hospital to your facility or visa-versa, it is all ADA.

Michael Wirges yes, of course. There is ADA access throughout the entire building.

Commissioner Oh the 38-feet is the height up to the ceiling excluding the parapet.

Michael Wirges excluding the parapet, roof-line.

Chairman Arroyo from start to finish, and you mentioned earlier in your presentation that you start on construction on the various buildings as it becomes economically feasible to do that. Do you have an idea or horizon over how long it might be before you completely build out?

Cesar Cabot it will depend on the demand, but there is a tremendous amount of interest. As an example, we are in discussions with the VA Office, and quite possibly the VA might need the whole thing. We are far away from sounds good, let's the whole thing from where do we sign. The economic aspects of it have to come into play.

Chairman Arroyo do you think that between now and then that there might be changes to your site plan?

Cesar Cabot this has been a 15-year journey, and we have given this a lot of thought. Is it possible we might change it? Yes, but it is unlikely. We have bent over backwards to try to make this more aesthetic. So, along those lines we would rather come in and ask for smaller footprints and higher profiles so we have more open space, green space. Might it change in the future? Yes. This back building here quite possibly we might be exploring a seven-story building.

Chairman Arroyo in one of the drawings where you mentioned that … in the center building. In that green area is there an underground water storage tank there. It was in one of the plans.

Michael Wirges actually that moved because we needed to put in the raingardens and the percolation was there, and we wanted to convert those to raingardens. The waiter tank is underneath this part of the building, directly underneath the foundation. And it serves as both the fire sprinkler system as well as domestic.

Chairman Arroyo I was going through the EPA short form, and it did ask the question, *did the project include the use above or below ground storage tanks for fuel and water.* And you indicated that you had a back-up generator with above-ground, but did not mention the underground water tanks.

Michael Wirges the water tank was always there (I believe), we just moved it and that was required by the engineering for the sprinkler system. Unfortunately, the water pressure on Route 3 is lacking, and so we had to have a tank large enough to handle the building in cases of emergency.

Chairman Arroyo are you looking for any LEED (Leadership in Energy and Environmental Design) credits on any of these things that you are doing?

Michael Wirges we are in the process of the architect getting certified. This LEED, I think we superseded a lot of their requirements. We got points for covered parking, solar system, EPS system on the exterior, back-up battery, solar panels that will go in, and all of the lights are LED.

[Discussion ensues on LEED credits/certified]

Chairman Arroyo anything else you want to add before we open for public comment?

Commissioner Oh just quickly. Do you have any commitments from certain tenants?

Cesar Cabot we have reservations and strong interest by a lot of different parties.

Michael Wirges we have been in discussions this last month with a doctor from UC Berkley that wants to spearhead the hospice center for the VA. We actually have floor plans for the second floor already. Another doctor wants half of the first floor downstairs along with a pharmacy. So, we are talking with people. They want to see the building go up.

Cesar Cabot one of the things with this 15-year journey is that we have noticed that there is a tremendous need for medical services here on Guam. We are underserved in many different ways. We think this is the step in the right direction, someone has to take a chance and that's us.

Vice Chairman Cruz you are putting this concept together, almost following the model, if I may say, like St. Luke's where there is a hospital and doctors' office.

Cesar Cabot yes, it is common theme and we are not trying to reinvent the wheel. We are looking at what we can adopt for Guam's needs.

[Discussion ensues]

Commissioner Oh I commend your vision for this project and a huge risk for your company without concrete commitments in place. I really hope that you pull this off and succeed.

Chairman Arroyo if there is nothing further, I will open the floor for public comments. If there is anybody in attendance who would like to add or say anything regarding this application please come forward.

Public Comments [Seeing none, Chairman Arroyo closed the public comment period]

Chairman Arroyo anything else you would like to add before we take a vote on your application?

Cesar Cabot we just want to thank the Commission for allowing us this time today.

Chairman Arroyo it is a good plan and well worth it.

Commissioner Oh is the design final for the building. I am just a bit concerned that if we offer them a variance of 38-feet, design is not completed yet; let's say the design goes through and you need another foot or two.

Michael Wirges this is the final design and not a conceptual. The height covers the structure, and the only things that may change are the artistic aspects or architectural aspects of the building not the height of each floor. That will not change.

Chairman Arroyo any other questions? [None] On the application, do I have a motion.

Commissioner Bathan Mr. Chair, I would like to make a motion to approve the request of CW Holdings, LLC for a zone variance in height for the construction of a three-story medical service building, 38-feet in height, on Lot 5009-2-21, Ukudu municipality of Dededo, with the following conditions:

a) Applicant to adhere all ARC conditions and requirements as stipulated in their official position statements;
b) Applicant shall also ensure compliance to the one (1) year time restriction that states a *"clearing and grading permit must be obtained from date of recordation of the Notice of Action; otherwise, the approval as granted by the Commission shall be NULL and VOID per E.O. 96-26, Section 5."*

Chairman Arroyo there is a motion by Commissioner Bathan, do I have a second.

Commissioner Vy second.

Chairman Arroyo seconded by Commissioner Vy; any discussion.

Vice Chairman Cruz I would like an amendment to the motion. Applicant to provide this body and Planners a resolution basically supporting their concept, for the application.

Chairman Arroyo there is a motion to amend the motion and that is to get the Mayor's Municipal Planning Council of Dededo to provide their support via a resolution or letter.

On the amendment, can I get a second. (Commissioner Oh seconds) Any discussion on the amendment (None). On the amendment, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan, Oh and Vy], all opposed say "nay." **Amended motion passed; 5 ayes, 0 nay.**

Chairman Arroyo on the main motion; all in favor of the main motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan, Oh, and Vy], all opposed say "nay." **Motion is approved; 5 ayes, 0 nay.**

Let's take a 10 minutes recess. [Commission recessed at 3:20 p.m. and reconvened at 3:30 p.m.]

Chairman Arroyo we are reconvened. Let's move on the next item on the agenda --

V. Administrative & Miscellaneous Matters

Horizontal Property Regime

C. The Applicant, Lih Pao Investment, LLC represented by Atty. Janalynn Damian; requests issuance of its First Supplementary Final Public Report for the Talo Verde Estates Townhomes, on Lots 57NEW-NEW-1, -NEW-2, -NEW-4 & -NEW-6, Tract 13105, in the Municipality of Tamuning, HPR No. 169, under Application No. 2016-11C.
Case Planner: Celine Cruz

Marvin Aguilar reads the staff report to include facts, purpose, staff analysis/discussion, recommendation and conditions. [For full content/context of the report refer to the attached report.]

[Attachment C – Staff Report dated July 12, 2017]

Chairman Arroyo questions.

Commissioner Oh I just want to bring up Chairman Arroyo that I believe I have a conflict of interest when it comes to Talo Verde Estates. I am a Board member, and feel that I should recuse myself from this application.

Chairman Arroyo okay, you are excused.

Commissioner Bathan I have a question. When you issue the first supplementary final public report for a period of thirteen months. Does it start from the expiration of original approval?

Marvin Aguilar it precedes every thirteen months from expiration.

Commissioner Bathan it indicates July 21st, 2017, the thirteenth month will be August 21st not 27th?

Marvin Aguilar the Case Planner is really counting the dates and has arrived with that date.

Commissioner Bathan okay.

Marvin Aguilar the request was received from the HPR representative had submitted their request on July 11th, 2017. They were way within timeline for the request.

Chairman Arroyo very minor it should be okay. Any other questions? [None]

Janalynn Damian I am here on behalf of Lih Pao Investments. Mr. Freddie Huang who is the company representative could not be here today he is off island. I don't have much more to add then what Mr. Aguilar had already stated. We kindly request that you give us an additional 13 months to continue the sales of the units at Talo Verde.

Chairman Arroyo questions.

Commissioner Bathan out of the total 82 units you have twelve and 6 pending. I noticed that you are only working with one realtor. Are you exclusive to one realtor pretty much or open to other realtors?

Janalynn Damian I believe right now and I can clarify that by letter to the Board; but right now, for the seller they are exclusive with this realtor.

Chairman Arroyo what is your major market? Who are you targeting for these units? Guam or elsewhere.

Janalynn Damian not only Guam; but, if you notice in our application they do have in their marketing materials that are translated into Japanese, Korean and Chinese. So, I believe they do reach out to foreign buyers.

Chairman Arroyo is it just through the internet or offices in other countries that you are trying to market the units to.

Janalynn Damian the realtor is based here, but the development company itself is based in Taiwan. So, I do reach out buyers out there. I don't have specific details on that.

Chairman Arroyo do they have an idea of when they anticipate the project to be fully sold.

Janalynn Damian I don't. The price range here is in a higher price point for the island, and right now ... unfortunately because of the H-2 work thing that is one reason why they think maybe the market will change, and less inventory for these types of units and have more buyers. I don't know of any particular timeline. I know we will be back in 13 months if we haven't sold the remaining 70 units.

Chairman Arroyo anything else? [None noted] Okay, so I am ready to entertain a motion to accept and issue ---

Commissioner Bathan Mr. Chair, I would like to make a motion to accept and issue the First Supplementary Final Public Report for Lih Pao Investment, LLC for Talo Verde Estates Townhomes on Lots 57NEW-NEW-2, -NEW-2, -NEW-4 and -NEW-6, Tract 13105 in the municipality of Tamuning, under HPR No. 169, under Application No. 2016-11C; in order to allow the developer to continue selling the remaining unsold units. Issuance of this First Supplementary Final Public Report is for a period of thirteen months and will expire on August 27, 2018.

Chairman Arroyo there is a motion. Do I have a second?

Vice Chairman Cruz I second.

Chairman Arroyo moved by Commissioner Bathan, seconded by Vice Chairman Cruz. Any discussion? [None] On the motion, all in favor say "aye" [Chairman Arroyo, Commissioner Bathan, Vice Chairman Cruz and Commissioner Vy], all opposed say "nay." **Motion passes; 4 ayes, 1 recuse (Commissioner Oh), 0 nay.**

Next item on the agenda –

Technical Amendment

D. The Applicant, ARINC (subsidiary of Rockwell Collins) represented by Daniel D. Swavely; technical amendment request for the Leo Palace's Planned District Development (PDD) master plan, in order to accommodate a temporary aviation communication receiving tower, on a portion of Tract 2511 (portion of Lot 177-4-1NEW), in the Municipality of Yona. Case Planner: Frank Taitano

Chairman Arroyo before we get started, do we have anybody here representing Leo Palace.

Marvin Aguilar no, sir.

Chairman Arroyo we really can't do anything with the application because we do need somebody here from Leo Palace to make the request to us. I know you sat here this long, and if there is anything that you would like to say to us.

Terangue Gillam I am taking the place of Dan Swavely who is off-island and will be back next week. I understand the situation and do not have a problem with it. But, I would like to take the opportunity to go over the project, and I do realize that you cannot render a decision.

Chairman Arroyo this will be just informational only. We will just bench with the presentation; but you have not had the chance to talk to anybody from Leo Palace yet.

Terangue Gillam no I have not. The application is a request for a technical amendment which pretty much sets out everything. It is a temporary tower and only about 170-yards from where it is right now. It is essential by providing communications for the FAA which is essential for bringing planes over here.

The way this application for a technical amendment was set up is it is being presented by ARINC. So, one of the major questions would be to have a representative even if though we do have a letter from someone from Leo Palace, the General Manager. I do understand we want to have someone physically present. I understand it is their PDD, would Dan Swavely have to be hired by them? How does that all work.

Chairman Arroyo they don't have to be present, but we do need to have documentation saying that they're authorizing you to speak on their behalf and make decisions for them, and typically this is how they do it with consultants like Dan Swavely. They get an authorization from the property owner allowing Dan to make the presentation to speak on their behalf.

And they can give that authorization to anybody they want including yourself.

Terangue Gillam there is a letter of support indicating they do support the project. But what you are saying is that the letter would have to come from the person who has the PDD saying you can go in place of us and get this done and we're okay with this.

Chairman Arroyo because it is their project, they have to do the requesting.

Terangue Gillam the project is actually being done by ARINC. It's their project, it not Leo Palace's project. Leo Palace is leasing the land and the PDD is under Leo Palace's name. Is that the way it works as you see it?

Chairman Arroyo yes, because Leo Palace would be asking us to amend their approved PDD.

Terangue Gillam it doesn't belong to ARINC, it belongs to Leo Palace and that is why they have to be the one to do the authorization.

Marvin Aguilar best way to explain it is the PDD lands with the land.

[Discussion ensues on clarification what is needed from Leo Palace]

Terangue Gillam there are actually two players in this process. ARINC will be the one that is erecting the tower; what part do they play in this.

Chairman Arroyo for us, it does not really matter what they are going to do with it. You are not asking for a conditional use or variance; whatever you want to put on that project as long as it is conforming to the Code then there is no need for you to come in and say anything. Leo Palace will come in saying we have a change in what we want to use this property for, will you allow us to do that. We say yes or no and then if we yes, as long as you are conforming, you don't need to come for that.

Terangue Gillam okay, it's already been submitted and go through the technical staff, they will read through it and then make a recommendation and then ---

Chairman Arroyo we need to just come together again. We just need that document authorizing somebody to speak for Leo Palace or Leo Palace being here. Just amend your write up that Leo Palace is making the request and put you back on the agenda.

[It was the order of the Chairman to continue the review of this application on the next available GLUC agenda.]

Chairman Arroyo before we move on. Marvin, you mentioned that there is no mechanism that will allow us to amend an approved PDD. In the past, it has been done through a ....

Marvin Aguilar it has been done through a zone change process to amend the previously approved PDD. There are three elements that are pretty outstanding that separate them from those types of requests in that it is by virtue of the lease agreement, short-term that .... Technically the use is ongoing (although it is technically outside of the property) and then because of its proximity to the new site issues of public health, safety, welfare and convenience has been addressed by its ongoing use until this issue about of having to move because the property has been sold.

Nicolas Toft (Legal Counsel) let me get with Marvin and we will brainstorm this.

Chairman Arroyo anything else to discuss today?

Marvin Aguilar I wanted to give the Commission a quick briefing on the administrative matters of applications up to date. We are coming up on September, and I should be giving you an annual report of how applications are processed, the typical wait time from planner inquiry to this stage. It is forthcoming.

Vice Chairman Cruz regarding the need for hybrid commission, three-million-dollar cost. Is there a way within the application that that can be incorporated.

Marvin Aguilar the applications have been revised to indicate this.

Commissioner Bathan when is the next GLUC meeting is scheduled.

[It was noted that the next meeting is scheduled for August 24, 2017.]

Discussion on the Pago Bay Resort's pending status report from the GLUC's meeting of June 22, 2017. Chairman Arroyo asked that the applicant be placed on the next available GLUC agenda to render a decision for this status report and request for an extension of time.

Chairman Arroyo the last thing is, we received a letter from Stephen Tebo of the Hafa Adai Investments Inc., and it appears they are the new owners of the Sigua Highlands. And he is asking if he could meet with the Commission sometime late September or early October to give us an update on the project. If we can put him on the agenda ---

Recording Secretary Mr.Tebo is scheduled for Thursday, September 28th.

Vice Chairman Cruz can you move it to the next one I am not going to be around that time. I am just requesting that. I have been there from the very beginning.

[Discussion ensues. For the record, an email will be sent to Mr. Tebo to change the date of the GLUC hearing to October 12, 2017. Commissioners will be advised once a confirmation is received.

Chairman Arroyo anything else. [None]

VI. Adjournment

Vice Chairman Cruz makes a motion to adjourn, seconded by Commissioner Bathan; with all in favor.

The regular meeting of the Guam Land Use Commission for Thursday, August 10, 2017 was adjourned at 4:05 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

Date approved: August 24, 2017

ATTACHMENT A

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
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July 17, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2015-37

1. PURPOSE:

a. **Application Summary:** The applicant, John Setiadi Tan is requesting approval for a Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) for the expansion of the existing Setiadi Architects LLC office complex Lot 1120-REM-1-2NEW, Municipality of Mongmong-Toto-Maite.

b. **Legal Authority:** Sections 61630 to 61638 (Changes of Zones) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property)

2. FACTS:

a. **Location:** The subject lot is in Maite along the southern side of Route No. 8, approximately 800 feet east (towards Barrigada) from the junction of Route No. 8 and East Obrien Dr.

b. **Lot Area:** 2,375 Square Meters or 25,555 Square Feet.

c. **Present Zoning:** "R-2" (Multi-Family Dwelling) Zone

c. **Field Description:** The site is developed with an existing two-story office building, parking area, landscaping, an on-site storm water retention system, a sewer pump, and a generator.

e. **Masterplan:** Residential (Med-High)

f. **Community Design Plan:** Urban Residential (Med-High Density)

g. **Previous Commission Action:** September 27, 2007- Zone Variance approval to convert an existing two-story apartment structure into an office space for the applicant's architectural firm on Lot 1120-REM-1-R2. *(Note: Lot 1120-REM-1-R2 was consolidated with Lot 1120-REM-1-2 into Lot 1120-REM-1-2NEW).*

3. **APPLICATION CHRONOLOGICAL FACTS:**

a. **Date Application Accepted:** October 17, 2016

b. **Date Heard By ARC:** November 3, 2016

c. **Public Hearing Results:** May 17, 2017 **(See Attachment "A")**

4. **DISCUSSION and STAFF ANALYSIS:**

The applicant's request is for a rezone approval of Lot 1120-REM-1-2NEW, Municipality of Mongmong-Toto-Maite from "R-2" (Multi-Family Dwelling) zone to "C" (Commercial) zone to expand the existing Setiadi Architects LLC office complex.

Pursuant to Section 61630 (Requirements For Changes) of Chapter 61 (Zoning Law) 21GCA, where it states; **"The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action"**.

The applicant in response for the Zone Change submits the following justification:

a. **That the zone change will be consistent with the "Guam Master Plan" adopted by the Commission or Legislature.** The applicant provides that Lot 1120-REM-1 -2NEW is along Route 8, a busy commercial highway, one of the major thorough-fares on Guam. The adjacent surrounding properties are predominantly commercial establishments which include offices, multi-story bank/commercial buildings, retail stores, whole-seller, pub, flower shop, and government office (Retirement Fund building). Multi-family residential establishments are of small percentage compared to commercial establishments in the area. Other uses include light commercial, a heavy equipment rental company. Therefore, a commercial development zone (C) is more compatible with current and adjacent uses than the present multi-family zone (R2) designation. Further, Lot Number 1120-REM-1-R2 was granted Use Zone Variance for office/commercial use by the Guam Land Use Commission in September 2007 (NOA 2007-057).

b. **That the zone change will not be materially detrimental to the public *welfare* or injurious to the *property* or improvements in the neighborhood in *which the* property is located.** The applicant provides that Power, Water, Sewer, and Telephone utilities are already in place. He further provides that commercial development is currently established in the immediate vicinity and that the property is accessible via Route 8, a federal highway — no new roads are required.

c. **Purpose of the zone change.** The applicant provides the purpose for the change of zone is to further develop the whole property as a professional office complex. He notes the existing building on Lot 1120-REM-I-2NEW will be expanded to accommodate additional parking spaces, gallery space, and Residential Units. He further provides that a new development will be designed and constructed in accordance with the International Building Codes, and all Rules and Regulations.

The property maintains an office complex which has existed since its conversion from a multi-family building to its current and official occupancy as office space for an architecture firm. Such facility has existed to date without adverse impact to nearby residential and retail sales uses, thus proving compatible land use with its surrounding neighborhood.

This request received no objectionable comments from Application Review Committee. Likewise, the request received a positive response from the community as indicated by a mandatory public hearing held within the property's municipality. Such response is further affirmed in a letter by the Mayor of Mongmong-Toto-Maite.

If concurred by the Commission, the property owner may avail himself to all allowable uses without conditions as may be permitted in a commercial zone. However, our analysis finds the proposed change to be consistent with logical land planning strategies for the immediate area. This is based on the fact the property is near a routed road. Route 8 is known as a heavy-traffic corridor. Thus, from a land use planning perspective, uses near a heavy traffic area should be less-restrictive, and further away uses should be more-restrictive (i.e. suburban development).

We find the context of the application provides justification that the public necessity, convenience and general welfare will not be compromised, and thus supports a positive action on the zone change request.

5. **RECOMMENDATION:** Planning staff recommends Approval subject to the ARC Position Statement and the permitting agencies requirements.

Marvin Q. Aguilar
Guam Chief Planner

Attachment "A"

Minutes of Public Hearing

Application No. 2017-01, Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) of Lot 1120-REM-1-2NEW, Municipality of Mongmong –Toto-Maite

On May 17, 2017 - 6:05 P.M. a public hearing was conducted at the Mongmong-Toto-Maite Community Center, present was the applicant's representative, Ms. Elizabeth Gayle, the Mayor, Mr. Rudy A. Paco, and 3 public attendees.

Case Planner called the meeting to order, introduced himself, the application and explained the purpose of the public hearing. He then introduced Ms. Gayle who would present and explain the purpose of the application.

Ms. Gayle introduced herself, explained the location and description of the property the elements of the existing architectural office complex and the elements of the proposed development as an addition to the existing complex.

The floor was open for comments:

Comments and Questions:

Ms. Laguana asked, for a brief description of the proposed project and where will the entrance to the complex be located?
Ms. Gayle summarized the proposed project and noted that the entrance is as existing from Route 8.

Ms. Laguana asked how the project will accommodate storm water runoff?
Ms. Gayle responded that the stormwater will be collected into French drains located on site and that no stormwater discharge will leave the site.

Ms. Laguana asked about sewer and water connection?
Ms. Gayle responded that GWA was on the ARC meeting and had provided input on connecting to the existing waterline along Route 8, and the existing sewerline on Route 8 via a force main from the existing holding tank on site.
Ms. Laguana then replied that she has no objections to the proposed zone change.

Mr. Sachdev asked about the project's overall plan and noted that he is more interested in the Zone Change for a separate property that is closer to his property that has existing apartments.
Ms. Gayle responded with a summary of the proposed project.
Mr. Sachdev then replied that he too, has no objection s to the proposed zone change.

Mayor Paco stated also that he has no objection to the proposed Zone Change and commented that he just recently had that area clean and feels that the area being overgrown with vegetation seems to attract people who drink and trash the area and the development of the area could discourage this type of activity.

Attachment "A"

After no further concerns or question was put forth by the attendees case planner thanked those in attendance for taking the time to attend and for their input.

There being no further questions or concerns the case planner adjourned the meeting at 6:45 P.M.

Frank P. Taitano
Case Planner

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(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

July 17, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-01 (Zone Change)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):
Recommends approval subject to the ARC Position Statement and the permitting agencies requirements.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):
GEDCA has no objections

GUAM POWER AUTHORITY (GPA):
GPA has reviewed the application and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

   a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;

b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
e. Provide scheduling and magnitude of project power demand requirements fo r new loads;
f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
g. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments:
GPA has no objection to the request subject to the conditions cited above.

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR has reviewed the application has no objection.

DEPARTMENT OF PUBLIC WORKS (DPW):
The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- storm drainage water disposal must be shown in details in the **final** drawings and to be supported with calculations;

- parking layout and parking stalls (compact ,standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- adequate egress/ ingress must be coordinated with the Division of Highways, (rights of way section) :
+ entrance, exit, sidewalks should be wide enough for public access:
- provide a solid waste composition:
- ecological planning is needed in order to ensure the conservation of its resources; and
- to include all the geotechnical requirements related to site preparations:

DPW recommends approval, subject to the comments reviewed by the application Review Committee (ARC) with conditions that prior to building permit application that all must comply with all the applicable rules, regulations and design drawings must be in conformance with the latest building code requirements including building law of Guam prior to issuance of building permit.

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Stormwater Management. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters including the Northern Guam Lens Aquifer (NGLA). The installation of impervious surfaces greatly increases runoff volume created during storms, as well as waterway velocities, erosion and flooding.

The application lacks a drainage plan or methods to address stormwater runoff. However, in an ARC meeting November 3, 2016, Ms. Gayle stated that "the new building will catch runoff from the roof into downspouts and they will also go into a filtered infiltration chamber." Additional water catchments like a rock-filled trench will be installed throughout since the property is too small to accommodate a ponding basin according to Ms. Gayle.

The Bureau applauds the applicant for incorporating best management practices to manage stormwater runoff on site. However, the applicant's property is located above Guam's aquifer, a primary water source for drinking water. Therefore, we recommend the applicant to consult with Guam Environmental Protection Agency (EPA) for effective implementation of stormwater controls.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Fonte River-Frontal Hagatna Bay Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan.

The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Considering the growing concerns of flooding due to increased impervious surface, the applicant is highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, the Bureau finds that the proposed commercial activity is compatible with its surrounding uses. We further find that stormwater runoff from commercial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place. Accordingly, the applicant is encouraged to prevent contaminants from entering Guam's aquifer by controlling erosion during construction and managing stormwater on site. Subsequently, if this application is approved, the Bureau recommends the applicant to comply with the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

GUAM WATERWORKS AUTHORITY (GWA):

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.

2. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.

3. Finalized property maps identifying public rights of way or easements must be submitted to GWA.

4. Public water and sewer infrastructure facilities installed by the developer must meet GWA standards including construction on public rights of way or easements and inspection by GWA.

5. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.

6. New development is subject to water and/or sewer system development charges (SDC).

7. Backflow prevention devices are required for non-residential activities.

8. Grease traps or interceptors are required for food service establishments.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

GUAM WATERWORKS AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

RECEIVED
FEB 13 2017
Department of Land Management
Time 9:30 Int N

MEMORANDUM

February 8, 2017

TO: Director, Department of Land Management

FROM: Miguel C. Bordallo, P.E., General Manager 2/9/17

SUBJECT: Position Statement on Zone Change Application No. 2017-01 for Lot 1120-REM-1-2NEW, in the Municipality of MongMong-Toto-Maite.

APPLICANT(S): John Setiadi Tan

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R2" (Multi-Family Dwelling) to "C" (Commercial) zone for the proposed construction of a professional architectural office and two (2) residential units.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service

point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.

2. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.

3. Finalized property maps identifying public rights of way or easements must be submitted to GWA.

4. Public water and sewer infrastructure facilities installed by the developer must meet GWA standards including construction on public rights of way or easements and inspection by GWA.

5. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.

6. New development is subject to water and/or sewer system development charges (SDC).

7. Backflow prevention devices are required for non-residential activities.

8. Grease traps or interceptors are required for food service establishments.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

Department of Parks and Recreation
Government of Guam
490 Chalan Palasyo, Agana Heights, Guam 96910
Director's Office: (671) 475-6296/7; Fax (671) 477-0997
Parks Division: (671) 475-6288/9
Guam Historic Resources Division: (671) 475-6294/5
Facsimile: (671) 477-2822

Robert S. Lizama
Director

William N. Reyes
Deputy Director

In reply refer to:
RC 2017-0015

RECEIVED
NOV 15 2016
Department of Land Management
Time 2:55 pm

WB 11/16

November 9, 2016

Memorandum

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: Application No. 2017-01: Application for Zone Change of Lot 1120-REM-1-2NEW, Mongmong-Toto-Maite, Guam

We reviewed the subject application by Setiadi Architects LLC for applicant John Setiadi, for zone change of Lot 1120-REM-1-2NEW from "R2" to "C" zone, and have no objection.

Should you have any questions, please do not hesitate to call us.

Sincerely,

for W Reyes

Robert S. Lizama

11/17
OK

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO

GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

November 29, 2016

RECEIVED
DEC 01 2016
Department of Land Management
Time 1045 Ind

MB 12/2

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: John Setiadi Tan

Application No.: 2017-01

SUBJECT: Position Statement No. 2017-01
Multi-Family Dwelling ("R-2") to Commercial ("C") Zone on Lot No. 1120-REM-1
2NEW, Municipality of Mongmong -Toto- Maite, Guam

Buenas yan Hafa Adai! The applicant is proposing to develop the whole property as a professional office complex to accomodate additional parking spaces, gallery space and residential units.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- parking layout and parking stalls (compact ,standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- adequate egress/ ingress must be coordinated with the Division of Highways, (rights of way section) ;
- entrance, exit, sidewalks should be wide enough for public access;
- provide a solid waste composition;
- ecological planning is needed in order to ensure the conservation of its resources; and
- to include all the geotechnical requirements related to site preparations;

DPW recommends approval, subject to the comments reviewed by the application Review Committee (ARC) with conditions that prior to building permit application that all must comply with all the applicable rules, regulations and design drawings must be in conformance with the latest building code requirements including building law of Guam prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224. Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

12/01/16
P. Gulac
Land Plng Div

CC 12/2/16

542 North Marine Corps Drive, Tamuning Guam 96913 • Tel (671) 646-3131 • Fax (671) 649-6178

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

RECEIVED
NOV 04 2016
Department of Land Management
Time 9:23 am

October 31, 2016

MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lot 1120-REM-1-2NEW, Municipality of MongMong-Toto-Maite, (John Setiadi Tan); Zone Change Application from "R-2" (Multi-Family Dwelling) to "C" (Commercial) to build a Residential Duplex. **Application No. 2017-01**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   - GPA reserves its easement rights established at the Department of Land Management under document number **745770**.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

for **JOHN M. BENAVENTE, P.E.**

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: John Setiadi Tan
Location: Lot 1120-REM-1-2NEW, MongMong-Toto-Maite
Type of Application: Zone Change
GLUC/GSPC Application No. 2017-01
Brief Project Description:
"R-2" to "C" to build a Residential Duplex.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:
   Yes ☒ No ☐

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:
   Yes ☐ No ☒

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE,** itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E.
General Manager

11/3/16
Date

Comments:
Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

William M. Castro
Director
Manuel Q. Cruz
Deputy Director

DEC 23 2016

MB 12/28

RECEIVED
DEC 28 2016
Department of Land Management
Time 1210

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2017-01; **LOCATION:** Lot No. 1120-REM-1-2NEW Mongmong-Toto-Maite; **APPLICANT:** John Setiadi Tan; **PROPOSED USE:** Zone Change from "R2" Multi-Family Dwelling to "C" Commercial Zone for Professional Architectural Office and Residential Duplex

Håfa Adai! The applicant, John Setiadi Tan, represented by Elizabeth Gayle request for a zone change from R2 multi-family dwelling to "C" commercial zone for the construction of professional architectural office and two (2) residential units on Lot No. 1120-REM-1-2NEW in the municipality of Mongmong-Toto-Maite. Currently, the applicant's property, Lot 1120-REM-1-R2 was granted a zone variance allowing commercial use in an R2 zone (GLUC 2007-057). The applicant proposes to further develop the whole property as a professional office complex. The existing building on Lot No. 1120-REM-1-2NEW will be expanded to accommodate additional parking spaces, gallery space, and residential units.

The subject lot is 2,375 square meters or approximately half (0.586) an acre. Lot No. 1120-REM-1-2NEW is located along Route 8, one of Guam's major thoroughfare. The adjacent surrounding properties are predominantly commercial establishments, including First Hawaiian Bank, Coast 360, a retail store, a pub, and a flower shop. Other land uses include a heavy equipment rental company and a government office – Guam Retirement Fund.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Stormwater Management. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters including the Northern Guam Lens Aquifer (NGLA). The installation of impervious surfaces greatly increases runoff volume created during storms, as well as waterway velocities, erosion, and flooding.

The application lacks a drainage plan or methods to address stormwater runoff. However, in an ARC meeting November 3, 2016, Ms. Gayle stated that "the new building will catch runoff from the roof into downspouts and they will also go into a filtered infiltration chamber." Additional water catchments like a rock-filled trench will be installed throughout since the property is too small to accommodate a ponding basin according to Ms. Gayle.

The Bureau applauds the applicant for incorporating best management practices to manage stormwater runoff on site. However, the applicant's property is located above Guam's aquifer, a primary water source for drinking water. Therefore, we recommend the applicant to consult with Guam Environmental Protection Agency (EPA) for effective implementation of stormwater controls.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Fonte River-Frontal Hagåtña Bay Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Considering the growing concerns of flooding due to increased impervious surface, the applicant is highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, the Bureau finds that the proposed commercial activity is compatible with its surrounding uses. We further find that stormwater runoff from commercial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place. Accordingly, the applicant is encouraged to prevent contaminants from entering Guam's aquifer by controlling erosion during construction and managing stormwater on site. Subsequently, if this application is approved, the Bureau recommends the applicant to comply with the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA
DPW
GWA
DPR
GPA

ATTACHMENT B

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

July 28, 2017

Memorandum

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2016-25, Zone Variance for Lot No. 5009-2-21, Ukudu, Municipality of Dededo.

1. PURPOSE:

a. **Application Summary:** The applicant, C. W. Holdings, LLC represented by Sterling Design, Inc., is requesting for a Zone Variance (Height) approval to construct a 3-story medical services building, 38 feet in height on Lot No. 5009-2-21, Ukudu, Municipality of Dededo.

b. **Legal Authority:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

2. FACTS:

a. **Location:** The subject site is located northwest and adjacent to the Guam Regional Medical City (GRMC) Hospital. Access to the facility will be provided by an existing access masterplan that currently accommodates GRMC.

b. **Lot Area:** 6,269 Square Meters or 67,478.95 Square Feet.

c. **Present Zoning:** "M-1" (Light Industrial) Zone.

d. **Field Description:** The proposed site is presently vacant and is overgrown with various types of ground cover vegetation, small bushes and small to medium size trees with a slight slope from the southeast sector (paved entrance road to hospital) to the northwest sector of the property.

e. **Masterplan:** "M-1" (Light Industrial)

f. **Community Design Plan:** Undesignated

g. **Previous Commission Action:**

February 28, 2008 - The Guam Land Use Commission adopted by Resolution 2008-01 the Dos Amantes Land Use Master Plan-Zoning Map as Amended and by Public Law 30-211 as the Official Zoning Map F3 67S 52 designated The *Dos Amantes* Planning Area and all Related Zoning Amendments officially designating the subject property "M-1" (Light Industrial) Zone.

April 28, 2008 – The Guam Land Use Commission approved with conditions a Conditional Use for a Temporary Workforce Housing Facility (TWHF). The TWHF was never realized and the conditional permit lapsed.

3. **APPLICATION CHRONOLOGICAL FACTS:**

a. **Date Application Accepted:** October 3, 2016

b. **Date Heard By ARC:** October 20, 2016

c. **Public Hearing Results:** April 12, 2017**(See Attachment "A")**

4. **DISCUSSION and STAFF ANALYSIS:**

The requested variance if approved will allow the proposed building to exceed general height requirement of thirty (30) feet to thirty-eight (38) feet. The Medical Arts Building is designed to provide complimentary medical facilities and related services for the GRMC hospital, including, but not limited to, emergency vehicle delivery and support facilities for the anticipated Hospice Center, Dialysis Center, medical exam and therapy rooms and various doctors' offices.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can:

a. Justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law;
b. that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone;
c. that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood;
d. that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan; and

e. that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty.

The applicant provides the following responses:

a. *That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law.*

The applicant provides that as to the zoning variance requested allowing a height limitation of 38 feet instead of the standard 30 feet height limitations for a 3-story building, a strict application of the provisions of the Chapter results in significant practical difficulties and unnecessary hardship to the project because; (a) the 10 foot height limitation for the first floor will be in direct conflict with the minimum clearance requirements established for such facilities by the Guam Fire Department for its fire and emergency vehicles driving up to the entrance of the building; and (b) The same restriction in height to 10 feet for the 2nd and 3rd floors results in practical difficulties and unnecessary hardship since it precludes the use of large medical equipment required for the complimentary medical facilities to support the adjacent Guam Regional Medical City. Application of the 10-foot height on these floors after subtracting 6 inches for finished flooring and 2 feet for the support beam (exclusive of the 1 foot needed for air conditioning ducting and utility service lines) leaves only 7 1/2 feet of clear space for each floor which is insufficient to install and operate the large medical equipment.

b. *That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone.*

The applicant provides that the development and construction of the Guam Regional Medical City Hospital has created the need for development and construction of complimentary medical and office facilities that are unique for the parcels immediately adjacent to the hospital, thereby creating exceptional circumstances and conditions applicable to the project and its intended use that do not apply generally to other properties in the same zone. This argument applies to the unique requirements of the needed medical facilities to an increase of the height for the 3-story building to 38 feet.

c. *That the granting of Variances will not be materially detrimental to the public welfare or injurious to the property improvements in the neighborhood in which the property is located.*

The applicant provides that the granting of the variance will cause no material harm to the neighborhood as there are no residents located on site, nor any other commercial or industrial activities other than the Guam Regional Medical City Hospital Building, a 5-story structure which was constructed after being granted a height variance of 78.5 feet that exceeds SSG by 2 stories and SHL by 48.5 feet. On the contrary, the granting of the variances will have a significant and direct positive impact on the neighborhood and the community by: (a) providing the needed medical facilities that complement and enhance the medical services provided by the Guam Regional Medical City; (b) accelerate other complimentary developments and improvements in the immediate area; (c) provide jobs and professional medical services available to the community; and (d) overall enhance the public good.

d. *The granting of such Variances will be contrary to the objectives of any part of the Guam Master Plan:*

The applicant provides that subject to the uniqueness of the Project being in concert with and complimentary to the new Guam Regional Medical City Hospital previously approved by the Commission, the Project is in conformance with Zoning Plan as approved by the Commission and the Legislature

e. *That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach are upon which the building is to be constructed and that such building shall not interfere with adversely affect the surrounding property owners or the public right to an untrammeled use of the beach and its natural beauty.*

The applicant provides the criteria does not applicable as the property is not located near any beach area.

Our assessment of responses as provided by the applicant were based on interpretation of criterion as noted under Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), Title 21 GCA. We find the applicant has provided adequate justification to all caveats relative to the understanding that the proposed building will not adversely affect the surrounding properties and/or public health, safety, and general welfare of the community.

Likewise, the applicant could articulate its justification based on the need for an additional eight feet in height for the purpose of accommodating industry standards. Based on this, we provide the following recommendation.

5. **RECOMMENDATION:** Recommend Approval with conditions as follows:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

B. That the Applicant shall also ensure compliance to the 1-year time restriction that states a ***"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5"***.

Marvin Q. Aguilar
Guam Chief Planner

CASE PLANNER: FP TAITANO

Attachments: ARC Memo to GLUC Members

Attachment "A"

Minutes of Public Hearing

Application No. 2016-25, Zone Variance for Height
Lot 5009-2-21, Municipality of Dededo

On April 12, 2017 - 6:10 P.M. a public hearing was conducted at the Dededo Senior Center, Dededo, present was the applicant's representatives, Mr. Cesar Cabot, Ms. Annette Wells, Mr. Michael Wirges and two staff, the Vice Mayor, Mr. Frank Benavente and one staff, and two public attendees Mr. & Mrs. Nunez.

Case Planner called the meeting to order, introduced himself, the application and explained the purpose of the public hearing. He then introduced the representatives of the applicant to present the purpose of the application.

Mr. Cabot and Mr. Wirges, introduced themselves and staff and thanked the Vice Mayor and the two public attendees for their presence. They then briefly explained the location and description of the property and the elements of the proposed development. They also presented the attached Master Plan of the proposed Medical Plaza which is to include the Medical Arts Building, a 3-story Medical Health Therapy Building, a 7-story Medical Wellness Building and a 2-story Commercial Building to house a financial institute. They also emphasized on the proposed green parking area of the complex which will contribute into the mitigation of the on-site storm water runoff and reduce the heat generated as does a fully paved parking area.

The floor was open for comments and/or questions;

Mr. Nunez, commented that the parking area is referred to as a green parking area.
Mr. Cabot responded yes, it is referred to as a green parking area.

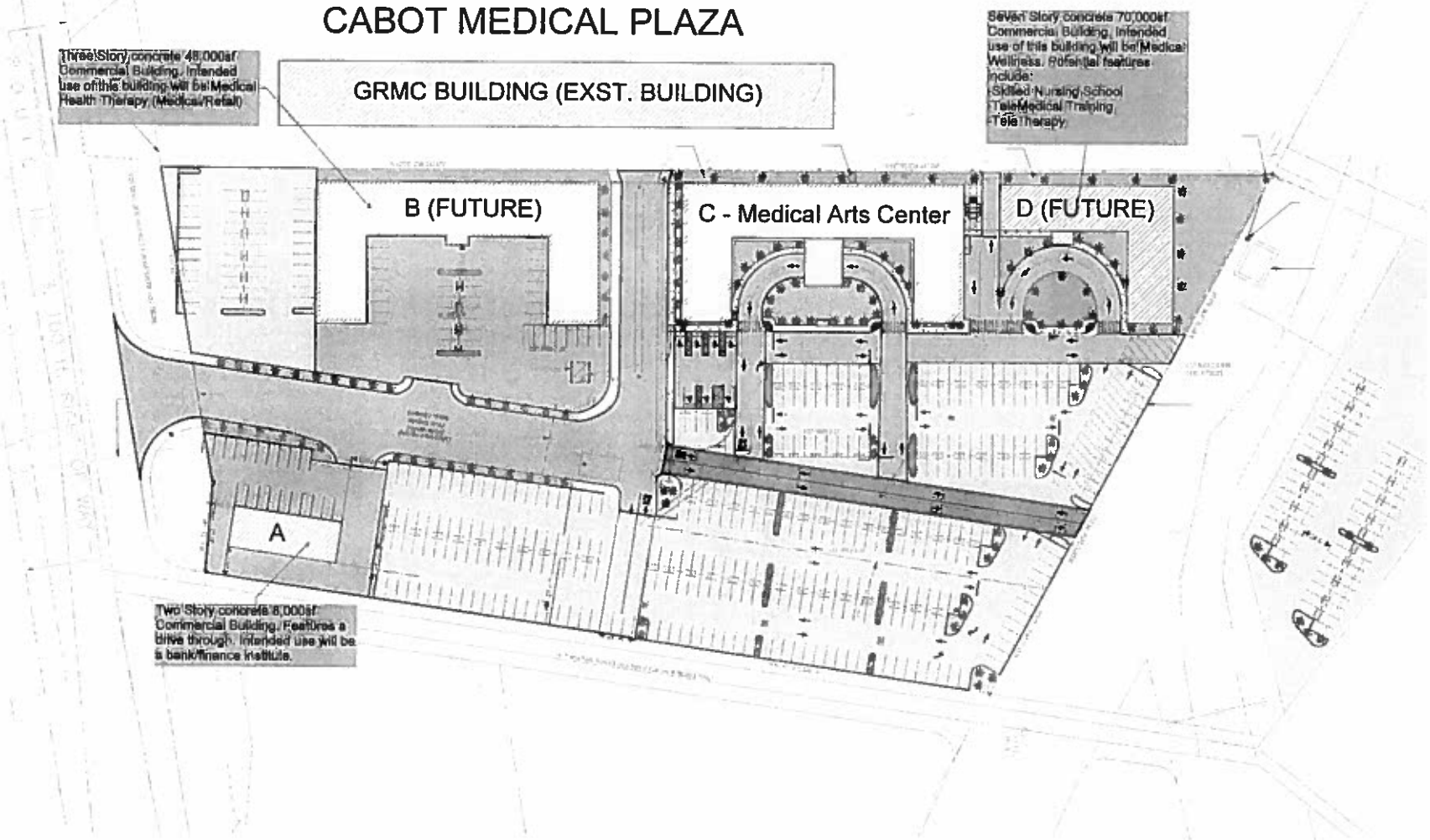
After no further concerns or question was put forth by the attendees, case planner asked the Vice Mayor if the Mayor's office going to submit a position paper/letter for the application.
The Vice Mayor responded that he has no issues with the project and will talk to the Mayor about a letter of support.

thanked those in attendance for taking the time to attend and for their input.

There being no further questions or concerns the case planner thanked those in attendance for their presence and adjourned the meeting at 6:45 P.M.

Frank P. Taitano
Case Planner

CABOT MEDICAL PLAZA



Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

July 28, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2016-25 (Zone Variance)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):
DLM recommends approval with the following conditions;

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

B. That the Applicant shall also ensure compliance to the 1-year time restriction that states a ***"grading or building permit must be obtained from date of recordation of the Notice of Action; otherwise the approval as granted by the Commission be "NULL and VOID" per Executive Order 96-26, Section 5"***.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):
GEDCA has no objections.

DEPARTMENT OF PUBLIC WORKS (DPW):
The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions must be in place:

- storm drainage water disposal must be shown in detail in the final drawings and to be supported with calculations;
- parking layout and parking stalls (compact ,standard and accessible stalls) must meet the American with Disabilities Act (ADA) requirements;
- entrance /exit must be should be wide enough for public access to accommodate emergency vehicles;
- provide solid waste compositions;
- landscaping must be design in detail and make use of its physical and biological resources;
- must comply with all the geotechnical requirements;
- provide structural analysis that can withstand 170 mph wind velocity; and
- the structure shall conform to Seismic Zone base on the latest IBC code requirements.

DPW recommends approval, subject to the comments reviewed by the application Review Committee (ARC) with conditions that prior to building permit application that a complete set of design drawings with all the engineering disciplines needed must be in conformance with the applicable rules, regulations, with the latest building code requirements, building law of Guam and ADA requirements prior to issuance of building permit.

GUAM POWER AUTHORITY (GPA):

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and CPA's Service Rules and Regulations:

    - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
    - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
    - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
    - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
    - Provide scheduling and magnitude of project power demand requirements for new loads.

- All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

General Comments:

GPA has no objection to the request subject to the conditions cited above.

DEPARTMENT OF AGRICULTURE (DoAg):

The Department of Agriculture's Division of Aquatic and Wildlife Resources (DAWR) reviewed the zone variance application to change the height allowed in a M-1 zone in Lot 5009-2-21, Ukudu, Dededo, Guam.

The height variation of the subject lot has no impact to Threatened or Endangered species, species of greatest conservation need, or protected species and critical habitat. Therefore, DAWR does not oppose the application for zone variance (height) for the Medical Arts Building in Lot 5009-2-21.

DAWR has a few suggestions to include in the plan design to help minimize impacts to the environment and adjacent properties:

1. Installation of rain gardens to help control water during rain season;

2. Use of Guam's native trees for landscaping (contact Forestry Division, Department of Agriculture, at 300-7975/76);

3. Additional pervious green space within the footprint; and

4. Regular maintenance of the ponding basin;

5. Implementation of Best Management Practices (BMPs).

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and offers no objection to the proposed height variance. That being said, this project will require construction and therefore, should the Guam Land Use Commission (GLUC) decide to approve the zone change request, the applicant is advised to address the following issues and adhere to the conditions prior to approval.

Aquifer Protection from Industrial Waste. The applicant's Dededo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:

    a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
    b. Surrounding storage areas with containment berms to control leaks or spills and;
    c. Employee training to manage waste and materials properly.

2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

3. Ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Stormwater Management. The application is lacking a stormwater management plan with detailed features. A site plan identifies a water infiltration basin for another property (Lot 5224-3-3) other than Lot 5224-3-1-R1. Therefore, the applicant must address stormwater on site and provide a site plan relevant Lot 5224-3-1-R1.

As industrial activities produce high concentrations of pollutants, the Bureau is concerned that activities generated by CW Holdings, LLC operations may impair the water quality of Guam's sole-source aquifer if stormwater runoff is not treated. The Bureau advises the applicant to consult with Guam EPA in submitting a stormwater pollution prevention plan and to install appropriate stormwater methods that will address runoff and hazardous waste on site.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading on the property, the applicant is required to consult Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide. These guides may be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the Bureau recommends the applicant to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under Guam Coastal Management Program.

Other Environmental Impacts. Other potential environmental concerns include air pollution including odors from the releases of chemicals within the facility. The applicant is advised to consult with Guam EPA to address these impacts.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We further encourage and promote the protection of Guam's natural resources for generations to enjoy. Si *Yu'os Ma'ase*

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a height variance in a "M-1" (Light Industrial) zone for the proposed construction of a three (3) story, medical arts building to provide complimentary medical facilities for the Guam Regional Medical City. This memorandum shall serve as GWA's position statement to the zone variance request.

Given the information provided in the application, GWA does not have an objection to the height variance request.

This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to existing facilities to serve the subject property shall be at expense of the applicant.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response

DEPARTMENT OF PARKS AND RECREATION (DPR):

Has not submitted Position Statement as of Staff Report date

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

GUAM WATERWORKS AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

RECEIVED
MB 2/27 FEB 27 2017
Department of Land Management
Time 1:05 Int.

MEMORANDUM

February 21, 2016

TO: Michael Borja Director, Department of Land Management

FROM: Miguel C. Bordallo, P.E., General Manager

SUBJECT: Position Statement on Zone Change Application No. 2016-25 for Lot 5009-2-21, in the Municipality of Dededo.

APPLICANT(S): CW Holdings, LLC.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a height variance in a "M-1" (Light Industrial) zone for the proposed construction of a three (3) story, medical arts building to provide complimentary medical facilities for the Guam Regional Medical City.

This memorandum shall serve as GWA's position statement to the zone variance request.

Given the information provided in the application, GWA does not have an objection to the height variance request.

This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to existing facilities to serve the subject property shall be at expense of the applicant.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

CB 2/27

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

RECEIVED
OCT 17 2016
Department of Land Management
Time 2:00 pm

October 13, 2016 MB 10/7

MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager (A)

Subject: Lot 5009-2-21, Municipality of Dededo, (CW Holdings, LLC); Zone Variance (Height) Application for a 3-story building with a height of 38 feet. **Application No. 2016-25**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

MELINDA C. MAFNAS, P.E.

ASG/arp

10/19

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: CW Holdings, LLC
Location: Lot 5009-2-21, Dededo
Type of Application: Zone Variance (Height)
GLUC/GSPC Application No. 2016-25
Brief Project Description:
For a 3-story building with a height of 38 feet..

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:
   Yes ☐ No ☒

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

   Yes ☐ No ☒

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE,** itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

for MELINDA C. MAFNAS, P.E.
General Manager (A)

10-14-16
Date

Comments:
Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

December 20, 2016

RECEIVED
MB 1/20 JAN 19 2017
Department of Land Management
Time 1245 Int

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: CW Holdings, LLC

Application No.: 2016-25

SUBJECT: Zone Variance (Height) for Guam Medical Arts Center on Lot No. 5009-2-21 Ukudu, Dededo, Guam

Buenas yan Hafa Adai!

The above applicant, is proposing to provide a Medical Arts Building complimentary to Guam Regional Medical City that provides medical office and support medical facilities for the hospital which is adjacent to the Medical Arts Building. It will be a 3- story building to a height of 30 feet. It is anticipated that the type of medical facilities will include the following:

a) Dialysis Center b) Veterans Hospice/ Extended Care Center c) Medical Exam Rooms; and
d) Therapy Rooms including Medical Equipment

The property is a vacant lot located along the west side of the intersection of Route 1 and Route 3 in Dededo on the above subject lot. Many of the Medical offices and supporting facilities require specialize medical equipment which need a higher clearance than normal office equipment.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions must be in place:

- storm drainage water disposal must be shown in detail in the final drawings and to be supported with calculations;
- parking layout and parking stalls (compact ,standard and accessible stalls) must meet the American standard Act (ADA) requirements;
- entrance /exit must be should be wide enough for public access to accommodate emergency vehicles;
- provide solid waste compositions;
- landscaping must be design in detail and make use of its physical and biological resources;
- must comply with all the geotechnical requirements;
- provide structural analysis that can withstand 170 mph wind velocity; and
- the structure shall conform to Seismic Zone base on the latest IBC code requirements.

1/20

DPW recommends approval, subject to the comments reviewed by the application Review Committee (ARC) with conditions that prior to building permit application that a complete set of design drawings with all the engineering disciplines needed must be in conformance with the applicable rules, regulations, with the latest building code requirements, building law of Guam and ADA requirements prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

Department of Agriculture
Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Edward J.B. Calvo
Governor

Raymond S. Tenorio
Lt. Governor

Director's Office	300-7965/7966; Fax 734-6569
Agricultural Dev. Services	300-7973/7972; Fax 734-8096
Animal Health	300-7965
Aquatic & Wildlife Resources	**735-0294/0281; Fax 734-6569**
Forestry & Soil Resources	300-7976; Fax 734-0111
Plant Nursery	300-7974
Plant Inspection Facility	472-1426; 475-1427; Fax 477-9487

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

RECEIVED
FEB 13 2017
Department of Land Management
Time ____ Int ____

MB 2/14

January 17, 2017

Mr. John Z. Arroyo
Guam Land Use Commission
Department of Land Management
P.O. Box 2950
Hagatna, GU 96932

Re: Zone Variance (Height) Application for the Medical Arts Building on Lot 5009-2-21, in Ukudu, Dededo, Guam

Dear Mr. Arroyo:

Hafa Adai! The Department of Agriculture's Division of Aquatic and Wildlife Resources (DAWR) reviewed the zone variance application to change the height allowed in a M-1 zone in Lot 5009-2-21, Ukudu, Dededo, Guam.

The height variation of the subject lot has no impact to Threatened or Endangered species, species of greatest conservation need, or protected species and critical habitat. Therefore, DAWR does not oppose the application for zone variance (height) for the Medical Arts Building in Lot 5009-2-21.

DAWR has a few suggestions to include in the plan design to help minimize impacts to the environment and adjacent properties:

1. Installation of rain gardens to help control water during rain season;
2. Use of Guam's native trees for landscaping (contact Forestry Division, Department of Agriculture, at 300-7975/76);
3. Additional pervious green space within the footprint; and
4. Regular maintenance of the ponding basin;
5. Implementation of Best Management Practices (BMPs).

We look forward to provide further guidance and working with you to see the completion of this project. Should you have any questions or comments, please contact myself at 300-7964, or Wildlife Biologist, Mr. Jeffrey Quitugua, at 735-0294/81.

Sincerely,

MATTHEW L.G. SABLAN

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

William M. Castro
Director

Manuel Q. Cruz
Deputy Director

DEC 0 7 2016

RECEIVED
DEC 07 2016
Department of Land Management
Time 4:15

MB 12/9

MEMORANDUM

To: Chairman, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **Application No.** 2016-25; **Location:** Lot 5009-2-21 Ukudu Dededo; **Applicant:** CW Holdings, LLC. **Proposed Use:** Zone Variance (Height) of a 3-Story Medical Services Building with a Height of 38 feet

Håfa Adai! The applicant, CW Holdings, LLC, represented by Michael Wirges of Sterling Design, INC., is requesting a height variance for their proposed development, the Guam Medical Arts Center. The property, which is currently zoned M-1, is located in Ukudu, Dededo and will provide complimentary medical offices and support facilities in the lot immediately adjacent to the hospital. The applicant states that due to the medical facility's specialized equipment ant tools, a height variance is necessary in order to properly accommodate for the specialized nature of the medical equipment.

To justify public necessity, convenience, and general welfare, the applicant cited that the construction of the Guam Regional Medical City Hospital has created the need for development and construction of complimentary medical and office facilities, thereby creating exceptional circumstances and conditions for the requested height variances. The granting of this variance will cause no material harm to the neighborhood and on the contrary will in fact provide positive services for the surrounding community and island in general.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and offers no objection to the proposed height variance. That being said, this project will require construction and therefore, should the Guam Land Use Commission (GLUC) decide to approve the zone change request, the applicant is advised to address the following issues and adhere to the conditions prior to approval.

Aquifer Protection from Industrial Waste. The applicant's Dededo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:

    a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
    b. Surrounding storage areas with containment berms to control leaks or spills and;
    c. Employee training to manage waste and materials properly.

2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

3. Ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Stormwater Management. The application is lacking a stormwater management plan with detailed features. A site plan identifies a water infiltration basin for another property (Lot 5224-3-3) other than Lot 5224-3-1-R1. Therefore, the applicant must address stormwater on site and provide a site plan relevant Lot 5224-3-1-R1.

As industrial activities produce high concentrations of pollutants, the Bureau is concerned that activities generated by CW Holdings, LLC operations may impair the water quality of Guam's sole-source aquifer if stormwater runoff is not treated. The Bureau advises the applicant to consult with Guam EPA in submitting a stormwater pollution prevention plan

and to install appropriate stormwater methods that will address runoff and hazardous waste on site.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading on the property, the applicant is required to consult Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide. These guides may be obtained from the Bureau's website www.bsp3.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the Bureau recommends the applicant to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An

electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under Guam Coastal Management Program.

Other Environmental Impacts. Other potential environmental concerns include air pollution including odors from the releases of chemicals within the facility. The applicant is advised to consult with Guam EPA to address these impacts.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We further encourage and promote the protection of Guam's natural resources for generations to enjoy. *Si Yu'os Ma'ase'.*

MANUEL Q. CRUZ
Acting

cc: GEPA
DPR
DPW
GWA
GPA

CABOT MEDICAL PLAZA

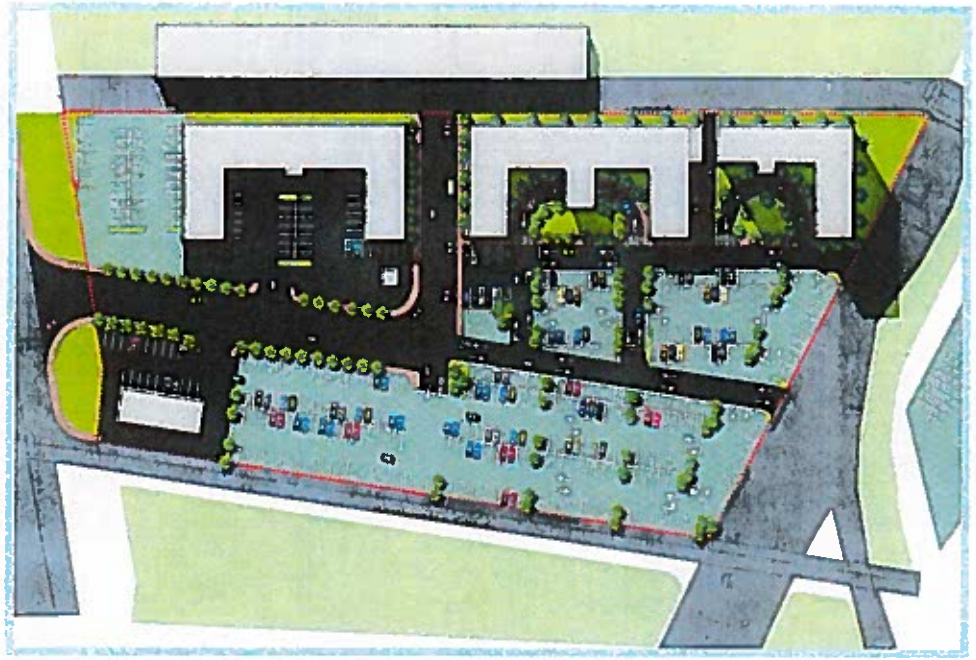
EXHIBIT 1

The Cabot Medical Plaza will be a five-phase mixed-use, medical services campus with two (2) phases already under construction. The first building, The Medical Arts Center, is expected to be completed in approximately 20 months. The Master Plan of this development spans across an 8.5 acre property centrally located just off Route 3, Dededo.

The vision of this development is to elevate the quality of life for the people of Guam by providing a Medical, Health and Wellness center of superior quality and excellence.

While the focus of the overall project is on health and wellness, the phases will be flexible to change based on need. The objective is to provide accessible and quality health facilities to supplement and complement current hospitals and private clinics on the island, as well as meet current and future additional needs.

Master Plan



Green Parking

Cabot Business Center

In response to the apparent medical needs of Guam and its surrounding areas, the proposed Plaza will be a blend of the following:

- **Doctors offices**
- **Skilled nursing facilities**
- **Specialists and Diagnostics center**
- **Cutting edge medical technology**
- **Hospice facilities**
- **Senior assisted living housing**
- **Telemedicine services with telecommunication and information technology to provide clinical health care from a distance**
- **Telelearning training and school facilities**
- **Health and organic food market**
- **Physical therapy**
- **Occupational therapy**
- **Eastern Medicine Clinics**
- **Acupuncture**
- **Chiropractic Care**
- **Fitness center**
- **Yoga**
- **Herbal medicine**
- **Center for Healing**
- **Financial Institution**

ATTACHMENT C

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

July 12, 2017

Memorandum

TO: Chairman, Guam Land Use Commission

FROM: Chief Planner

SUBJECT: Staff Report - Application No. 2016-11C Request for First Supplementary Final Public Report

RE: Talo Verde Estates Townhomes – Registration No. 169

1. **PURPOSE:**

A. **Application Summary:** The applicant, Lih Pao Investment LLC, represented by Janalynn Cruz Damian of Calvo Fisher & Jacob LLP, is requesting issuance of a First Supplementary Final Public Report for a project known as "Talo Verde Estates Townhomes". Said project consists of twelve (12) buildings and a total of eighty-two (82) 2 story townhomes with basement/garage, and other common elements in an "R-2" Multi Family Dwelling Zone, Municipality of Tamuning.

B. **Legal Authority:** Title 21, GCA (Real Property), Chapter 45 (Horizontal Property Act) Section 45154, Automatic Expiration of Public Reports.

2. **FACTS:**

A. Pursuant to §45154 of Chapter 45, Title 21, GCA, all public reports expire thirteen (13) months after the date of issuance of said public report. The Commission approved and issued the Final Public Report for "Talo Verde Estates Townhomes" on June 21, 2016 with an expiration date of July 21, 2017 (Reference Instrument No. 894155).

B. "Talo Verde Estates Townhomes" or "the Project" consists of property and improvements consisting of twelve (12) buildings, containing a total of eighty-two (82) Townhomes, common elements and limited common elements within the Talo Verde Estates Subdivision.

C. Current Status and Changes to the Project:

To date, twelve (12) units have been sold; seventy units are not sold, however, of the seventy (70) units not sold, six (6) are pending sales. Blue Pacific Realty has been hired to market and sell the remaining units.

There are no material changes to the project since issuance of the Final Public Report on June 21, 2016.

3. STAFF RECOMMENDATION:

Recommend issuance of a First Supplementary Final Public Report in order for the developer to continue sell the remaining units, and pursuant to §45154 of Chapter 45, Title 21 the issuance of this First Supplementary Final Public Report is for a period of thirteen months to end on August 27, 2018.

MARVIN Q. AGUILAR
Chief Planner

Case Planner: Celine Cruz

CALVO FISHER & JACOB LLP

259 MARTYR STREET, SUITE 100
HAGÅTÑA, GUAM 96910
P: 671.646.9355 F: 671.646.9403
WWW.CALVOFISHER.COM

writer's direct email:
jdamian@calvofisher.com

July 11, 2017

Application No.:	2016-11C
LIH PAO INVESTMENT, LLC	
HPR	
Accepted Date:	10-Jul-17
Case Planner:	CELINE C.

VIA HAND DELIVERY

Commissioners
Guam Land Use Commission
Department of Land Management

RE: REQUEST FOR APPROVAL OF FIRST SUPPLEMENTARY FINAL PUBLIC REPORT FOR TALO VERDE ESTATES TOWNHOMES REGISTRATION NO. 169

Håfa Adai Commissioners:

On behalf of our client Lih Pao Investment, L.L.C., attached are twelve sets of the Request for approval of First Supplementary Final Public Report on Talo Verde Estates Townhomes.

Please do not hesitate to contact me with any questions or concerns. Thank you.

Sincerely,

CALVO FISHER & JACOB LLP

Janalynn Cruz Damian

Enclosures

478209.docx

LIH PAO INVESTMENT LLC
131 TALO VERDE DRIVE,
TAMUNING GUAM, 96913
671-689-1989

July 10, 2017

VIA HAND DELIVERY
Commissioners
Guam Land Use Commission
Department of Land Management

Re: Request for Approval of First Supplementary Final Public Report for Talo Verde Estates Townhomes Registration No. 169

Håfa Adai Commissioners:

In accordance with the provisions of Horizontal Property Act, § 45154, Chapter 45, Title 21, Guam Code Annotated, Lih Pao Investment, L.L.C. the developer ("Developer") of the Talo Verde Estates Townhomes (the "Project") located in the Talo Verde Estates Subdivision, Tamuning, Guam, requests that the Commission approve an extension of the Final Public Report issued by the Commission on June 21, 2016.

The Developer is seeking the issuance of a First Supplementary Final Public Report in order to be able to continue to market and sell the units in the Project. At the time of this request, we have sold 12 units and have 6 units pending sale. Because of the exclusivity and complexity of the market to absorb all of the units, we are requesting for additional time to complete the sale of the balance of the 70 units. Further information in support of the issuance of a First Supplementary Final Report is attached hereto for your consideration.

Please let us know if you have any questions or concerns.

Sincerely,

LIH PAO INVESTMENT, L.L.C.

By: _____
Chun Chieh Wang
Duly Authorized Representative

Enclosure

INFORMATION IN SUPPORT OF THE ISSUANCE OF A FIRST SUPPLEMENTARY FINAL PUBLIC REPORT FOR TALO VERDE ESTATES TOWNHOMES

1. Brief background information of the project identifying the project name and any amenities provided, its location by lot, block, tract number, municipality.

   A. Name of Project: Talo Verde Estates Townhomes

   B. Lot Description: Lot No. 57NEW-NEW-1, 57NEW-NEW-2, 57NEW-NEW-4, 57-NEW-NEW-6, Tract 13105, Tamuning, Guam.

   C. Zoning: R-2

   D. Developer: Lih Pao Investment, L.L.C.

   E. No. of buildings and units:
   No. of Buildings: 12

   Total No. of Units: 82

   F. Type of Units: Type I (also known as *Guma Aire*) 3-bedroom townhome

   Type II (also known as *Guma Isa*) 4-bedroom townhome

   G. Parking Stalls: Each unit includes a two-car garage. The Project has at least seventy-eight (78) guest parking spaces, which remain unassigned by the Townhome Board.

2. Number of Units not sold: 70 (see attachment 1)

3. Type of extension requested: Final

4. Number of extension: First

5. Real Estate Broker hired to market and sale the remaining units:

   Blue Pacific Realty
   353 Chalan San Antonio Suite 202
   Photo Town Plaza
   Tamuning, Guam 96913
   Tel: 671-648-1960
   Fax: 671-648-1962
   Email: tcbluepac1@gmail.com

INFORMATION IN SUPPORT OF THE ISSUANCE OF A FIRST SUPPLEMENTARY FINAL PUBLIC REPORT FOR TALO VERDE ESTATES TOWNHOMES

6. Marketing Plan:
   A. Website Taloverdetownhomes.com has been established for the Project and has been translated in 4 languages, English, Japanese, Korean and Mandarin.
   B. Open houses have been and will continue be held.
   C. Billboards have been place and installed on the site and at other locations.
   D. A video of the Project has been made and uploaded on to the dedicated website as well as other internet mediums. Plans are in place to also to place the video in movie theaters on island.
   E. Limited time promotional prices have been made available to local residents.
   F. Working with local banking institutions to coordinate financing for the purchase of the units.

7. Changes to Original Plan: There have been no significant changes since the approval of the Final HPR and Public Report and at this time there are no plans to do so. The GLUC will be informed if there are any changes to the Project.

INFORMATION IN SUPPORT OF THE ISSUANCE OF A FIRST SUPPLEMENTARY FINAL PUBLIC REPORT FOR TALO VERDE ESTATES TOWNHOMES

Attachment 1

Talo Verde Townhomes Sold & Pending Sale Details as of June 28, 2017

UNIT NO.	Bldg No.	TYPE	No. of Bedrooms	DLM Doc. No.
120	5	Guma Isa	3Bd+1/2.5Ba	**895848**
121	3	Guma Aire	3Bd/2.5Ba	**895849**
134	6	Guma Isa	3Bd+1/2.5Ba	**905453**
125	2	Guma Aire	3Bd/2.5Ba	**906248**
136	6	Guma Isa	3Bd+1/2.5Ba	**906233**
111	1	Guma Aire	3Bd/2.5Ba	**904531**
238	9	Guma Isa	3Bd+1/2.5Ba	**894569**
252	9	Guma Isa	3Bd+1/2.5Ba	**894979**
130	5	Guma Isa	3Bd+1/2.5Ba	**902190**
107	1	Guma Aire	3Bd/2.5Ba	**903454**
138	5	Guma Isa	3Bd+1/2.5Ba	**896477**
142	6	Guma Isa	3Bd+1/2.5Ba	**902526**
Total Units Sold	**12**			
123	2	Guma Aire	3Bd/2.5Ba	
145	6	Guma Isa	3Bd+1/2.5Ba	
250	9	Guma Isa	3Bd+1/2.5Ba	
278	11	Guma Isa	3Bd+1/2.5Ba	
280	11	Guma Isa	3Bd+1/2.5Ba	
128	5	Guma Isa	3Bd+1/2.5Ba	
Total Units Pending	**6**			

ATTACHMENT D

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
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671-649-5383

August 4, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: **Commission Brief**
Request for Technical Amendment
to a Previously-Approved PDD

ARINC, a subsidiary of Rockwell Collins, requests for technical and temporary amendment to an existing PDD's (*Planned District Development*) master plan[1]. The PDD is better known as Leo Palace Resort which was approved in 1988 to accommodate facilities for hotel, golf, sports and residential development and activities. Such use was intended to spread throughout over 1000 acres and has been served a well-known venue for each use as prescribed in its master plan.

PDDs are intended to exist under the guise of a master plan that is vetted by the government and public to insure, promote, and guard against adverse impact to public rights. That is, to assess a combination of such uses to protect and/or promote public health, general welfare, convenience, and safety of the surrounding and extended community. This was achieved by the issuance of the 1988 change of zone[2] to PDD and to date, Leo Palace Resort has served as a venue for uses that has served the community and various industries (i.e. housing) for nearly 25 years.

The requested technical amendment focuses on the proposed temporary change in use of three (3) acres of land currently designated as a soccer field. A change in use will allow for the relocation of an antenna that serves as an FAA communication receiving tower. The use represents a 0.003% change in the master plan with relocation to be less than 1000 feet from the original site. With this we do not expect any adverse impact to surrounding uses either inside or outside of the master plan.

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[1] See Title 21GCA, Ch. 61, §61103(bb).
[2] Sections 61630 to 61638 (Changes of Zones) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property).

In 2001 precedence was set when Sky Properties Corporation received an approved Notice of Action[3] to change a portion of PDD master plan to develop and operate the NASDA Guam Mobile downrange station. This facility currently operates within a 1.33-acre portion of the Master Plan.

The Commission's action to amend the PDD caused a permanent change in use of the 1.33acre portion and not its zoning designation. Thus, the amendment permanently affixes the NASDA facility as part of otherwise allowable uses within the PDD that can only be reverted by Commission action.

We are of the understanding that ARINC provides a critical service to the Federal Aviation Administration by facilitating communication reception for commercial aircraft movement. In this respect, such activity logically promotes public health, general welfare, convenience and safety. By allowing a technical and temporary amendment, a change in the PDD master plan will be averted and perhaps assert a timeline of use commensurate of the existing lease with ARINC. In this respect, we are inclined to concur with the applicant's request and to recommend favorable consider provided legal counsel remains in agreement with the Commission's authority to act accordingly with recommended instrument(s) for such action.

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position Statement Summary

Case Planner: F. Taitano

[3] Notice of Action dated June 15, 2001 under Application No.2001-015 and recorded under DLM Doc. No. 640720.