GOVERNMENT OF GUAM – Department of Land Management
Office of the Recorder

File for Record is Instrument Number 915832

on the Year 20 17 Month 12 Day 14 Time 10:44

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder: Jane Yamasaki
JANE T YAMASAKI

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, October 26, 2017
1:34 p.m. to 2:30 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, October 26, 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

Mr. Tae S. Oh, Commissioner

Mr. Hardy T. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Penmer Gulac, Case 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, October 26, 2017		
Time of Meeting:	GLUC: 1:34PM	GSPC:	

	GLUC	GSPC
	X	
	X	
	✓	

COMMISSION MEMBERS	SIGNATURE
Chairman John Z. Arroyo	
Vice Chairman Victor F. Cruz	
Commissioner Conchita D. Bathan	Excused
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	Present
Frank Taitano, Planner IV	Present
Penmer Gulac, Planner IV	Present
Celine Cruz, Planner IV	
M. Cristina Gutierrez, WPS II	

ADJOURNMENT: GLUC: 2:30PM GSPC:

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, October 26, 2017
[ ]	GSPC	[ ]	Special	Time:	1:24pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	2:30pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Robert Lizama	Obs.	685-1113
Nicole Benavente		689-9009

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, October 26, 2017
[ ]	GSPC	[ ]	Special	Time:	1:34 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	2:30 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.
Richard Sare	Grandview	687-9866
Ray Bennett	Grand View	988-4142
Harry Gutierrez	Consultant	4625315
Fred Yamon	Grandview	688 3391
PHILLIP SCHRAGE	GRANDVIEW DEVELOP.	649-2470

GLUC Form 20 - GLUC Speaker Log Record Form - APRIL 2010

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, October 26, 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 October 19th and October 24th, 2017]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, October 12, 2017

III. Old or Unfinished Business [None]

IV. New Business

Conditional Use

A. The Applicants, Guang Hua Wang and Kendy Fang represented by Harry D. Gutierrez; request for a Conditional Use permit for the proposed construction of a two-story structure with a retail/mini-hardware store, office, storage and warehouse space on the first floor and family residence and storage on the second floor, Lot 7047-3-1-R1, in an "A" (Rural) zone, in the Municipality of Yigo, Application No. 2017-10.
Case Planner: Penmer Gulac

Zone Change

B. The Applicant, Steven J. Petersohn represented by Harry D. Gutierrez; request for a Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) zone, for future construction of commercial buildings, Lots 1120-REM-5, -6 & -10, in the Municipality of Mong-Mong-Toto-Maite, Application No. 2017-18.
Case Planner: Penmer Gulac

V. Administrative & Miscellaneous Matters

Status Report

C. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause on conditions of approval of an amended TDP and six-month status report for Tumon Bay Mall, Application No. 2008-003B.
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, October 26, 2017 • 1:34 p.m. to 2:30 p.m.

I. Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission for Thursday, October 26, 2017 at 1:34 p.m., noting a quorum.

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

Chairman Arroyo asked of the Commissioners if they like to make any changes to the order of business on today's agenda. [None was noted.]

II. Approval of Minutes

Chairman Arroyo first item on the agenda is the approval of the October 12th, 2017 meeting minutes; Cris sent them out earlier this week. I am ready to entertain a motion.

Vice Chairman Cruz made a motion to approve the October 12, 2017 GLUC Minutes.

Commissioner Vy seconded the motion.

Chairman Arroyo motion by Vice Chairman Cruz, seconded by Commissioner Vy. [No discussion]

All in favor of the motion say "aye" **[Chairman Arroyo, Vice Chairman Cruz, Commissioner Vy, Commissioner Oh]**, all opposed say "nay." **[Motion passed; 4 ayes, 0 nay]**

III. Old or Unfinished Business [None, Chairman Arroyo moved on to the next item on the agenda]

IV. New Business

Conditional Use

A. The Applicants, Guang Hua Wang and Kendy Fang represented by Harry D. Gutierrez; request for a Condition Use permit for the proposed construction of a two-story structure with a retail/mini-hardware store, office, storage and warehouse space on the first floor and a family residence and storage on the second floor, on Lot 7047-3-1-R1, in an "A" (Rural) zone, in the Municipality of Yigo, Application No. 2017-10.
Case Planner: Penmer Gulac

Chairman Arroyo announced that a letter was received today from the applicants' consultant requesting that the application be withdrawn from today's agenda. Mr. Gutierrez stated that there maybe changes made to the application; and further consultation is needed with the applicants. **[For full content/context, see Exhibit 1]**

Zone Change

B. The Applicant, Seven J. Petersohn represented by Harry D. Gutierrez; a request for a Zone Change from "R-1' (Multi Family Dwelling) to "C" (Commercial) zone, for future construction of commercial buildings, on Lots 1120REM-5, 1120REM-6 and 1120REM-10, in the Municipality of Mongmong-Toto-Maite, Application No. 2017-18.
Case Planner: Penmer Gulac

Chairman Arroyo announced for the record that the Commission received various photographs of the property taken from several angles. [Photos was passed around]

Penmer Gulac (Case Planner) read the staff report to include purpose, facts, public hearing results, staff analysis/discussion and recommendation. [For full contents/context refer to attached report]

[Attachment B – Staff Report dated October 16, 2017]

Mr. Gulac added that there maybe a possibility that the applicant will make improvements to the Territorial Guam Road on the north-east side of this property. Mr. Aguilar stated that the main egress/ingress will be through Route 8, and could not see it being accomplished through the south-side of the property once it has been consolidated. The panhandle located at the bottom once the lots are consolidated may serve as an alternative access for emergencies. There will be no loading or off-loading on the south-side.

Chairman Arroyo questions for staff. [None noted] Chairman Arroyo welcomed the applicant and asked that he state his name for the record.

Harry Gutierrez my client wants to go into office use space, and he has also been offered by one of the large retail stores for this commercial building. Docomo was supposed to move in but got a better offer from Ben Franklin. We lost Docomo, but we are still looking at a larger off-island communication company. The flooding that occurs next door was created by GHURA when the 10-unit apartment complex was built, and graded the road the wrong way and that created a lot of the problems for the neighbor.

Chairman Arroyo any questions.

Commissioner Oh is this lot located right next to the Setiadi lot that was recently approved by the Commission.

Penmer Gulac yes, it is right next door; one lot away.

Chairman Arroyo this whole area is kind of developing into a commercial complex.

Michael Borja (Executive Secretary) does this portion of Route 8 qualify on the 200-feet from center line for commercial zoning.

Marvin Aguilar it should, only because it is a major routed road. To give the Commission an understanding of the multi-family dwelling designation for this area. First Hawaiian Bank, the old Belta Perez warehouse used to be "R-2" all the way to the cliff-line. The old University Road used to be the main road in that area until Route 8 was fully developed. Essentially, this zoning designation was bifurcated by Route 8 and exists on both sides. You can see the transition of multi-family or residential development to more commercial. This rezone request would be consistent for property as well.

[Lengthy discussion ensues on setbacks. Once the lots are consolidated it will encroach onto residential homes and apartments. The applicant will be restricted to certain yard setback requirements. Mr. Aguilar added that the applicant will not be able to benefit of the zero-lot line in a commercial zone.]

Chairman Arroyo will you be doing anything on the sides of the property that are abutting residential homes.

Harry Gutierrez there will be a driveway going down. The lot goes in about five, six feet and then drops down to ten-feet. On the rear of the building will be a three story, the front will be a two-story and there will be a driveway on both sides.

Chairman Arroyo will the neighboring properties be able to utilize that driveway.

Harry Gutierrez no, there will be a wall to hold back the soil that we are creating for the driveway down. The property will be completely fenced in.

Chairman Arroyo what kind of landscaping are you looking at around the borders.

Harry Gutierrez the front will be landscaped similar to what First Hawaiian Bank and Coast 360 have. There will be no landscaping at the sides because of the driveway going down.

Chairman Arroyo as far as commercial uses you were saying office spaces. Are you talking about retail as well.

Harry Gutierrez yes, and retail; we are currently talking with Ross for possible commercial space.

Chairman Arroyo any other questions.

Vice Chairman Cruz I noticed on the property map and also on the proposed consolidation map there is a sliver in the front that says Route 8 taking. Is this considered an R/W.

Marvin Aguilar yes; you are referencing Lot 1120-REM-4G, the "G" signifies Government of Guam. It is dedicated to the Government.

[Discussion ensues]

Commissioner Oh is this raw land currently.

Harry Gutierrez it is raw land.

Commissioner Oh on the satellite image it seems like there is some sort of parking lot.

Penmer Gulac it is a parking area for the apartments. There are concrete slabs from the old school that was there.

Commissioner Oh the apartment complex located behind this lot. Are they using that area as overflow parking? The lot with the panhandle.

Harry Gutierrez no, those are containers and trash. There is no building, just concrete slabs.

[Discussion ensues]

Chairman Arroyo if there are not additional questions for the applicant or staff, we will open the floor for public comments.

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

Chairman Arroyo anything else? [None noted] On the request, I am ready to entertain a motion.

Commissioner Oh Mr. Chair, I move to approve the applicant Steven J. Petersohn represented by Harry D. Gutierrez; a request for a zone change from "R2" to "C" (Commercial) zone for future construction of commercial buildings on Lots 1120-REM-5, -6 and -10 in the municipality of Mongmong-Toto-Maite under Application No. 2017-18; subject to the ARC position statements and permitting agencies requirements.

Chairman Arroyo there is a motion by Commissioner Oh; do I have a second.

Commissioner Vy second.

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

Last item on the agenda –

V. Administrative and Miscellaneous Matters

Status Report

C. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause on conditions of approval of an amended TDP (Tentative Development Plan) and six-month status report for Tumon Bay Mall, Application No. 2008-003B.
Case Planner: Frank Taitano

Frank Taitano (Case Planner) reads Commission Brief including completed work done at the project site. [For full contents/context, please refer to attached brief.]

[Attachment C – Commission Brief dated October 16, 2017]

Chairman Arroyo questions for staff? [None noted] Chairman Arroyo welcomed the applicants, and asked that they state their name for the record.

Richard Sana (with Mr. Sana was Phillip Schrage and Fred Yamon] Mr. Taitano has briefed you on all the details of our updates and upgrades at the project site for the Tumon Bay Mall. We are ready to answer any questions that the Commission may have.

Chairman Arroyo any questions.

Commissioner Oh when do you anticipate the opening of the mall. What is the status on finding a prime tenant.

Phillip Schrage we need to find two to three capable contractors that can do the Phase II. The initial contractor that did Phase I currently does not have the manpower to complete the project. This will be the challenge.

Commissioner Oh Phase I is completed and was more on the civil work, exterior work, ponding basin.

Fred Yamon landscaping and the bus shelters.

Phillip Schrage Phase II consists of interior work and the remainder of the exterior work, backside, second level entrance, backside parking lot. We are still pursuing anchor tenants and that is an ongoing process.

Chairman Arroyo say you are successful in finding a contractor. How long will it take to complete the second phase of the construction work.

Fred Yamon about nine months.

Chairman Arroyo are you concentrating on local contractors or looking off-island.

Phillip Schrage in the 30-years I have been with the company, I don't think we ever brought anyone in from off-island.

Michael Borja BME was the prime contractor for this whole thing and they are now saying they are unable to support the project.

Fred Yamon they do not have any H-2 workers at this time.

Commissioner Oh are you offering public parking.

Phillip Schrage no, it is for customers of the mall.

Chairman Arroyo I do not have any other questions. Anything else to add? [None noted] Can I get a motion to accept this six-month report.

Commissioner Oh Mr. Chair, I move to accept the six-month status report from the applicant Grandview Development, LLC for the Tumon Bay Mall, under Application No. 2008-003B.

Vice Chairman Cruz second.

Chairman Arroyo motion by Commissioner Oh, seconded by the Vice Chair. Any discussion on the motion? [None noted]

On the motion; all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Oh, Commissioner Vy], all opposed say "nay." **Motion passed; 4 ayes, 0 nay.**

We will see you in six months, and hopefully you will have some construction workers.

Chairman Arroyo the next meeting in November is on the 9th and the meeting after that is November 23rd which is a Thanksgiving holiday. In this type of situation, we move the meeting to the following Tuesday after the holiday and that is Tuesday, November 28th. At this point, we might have only one application.

Marvin Aguilar we do have applications that would like to be heard in November, and it may be worthwhile to have a meeting on November 28, at the decision of the Commission. The application for November 28th will require a hybrid commission to be empaneled.

Chairman Arroyo we will plan on the 28th (November) unless something happens between now and then.

Nick, is there anything on the litigation on Pago Bay.

Nick Toft (Legal Counsel) the hearing got continued to December 1st. We supplied the record of (inaudible) to both sides.

Commissioner Oh I know there was a bill on the composition of the GLUC.

Michael Borja there was a public hearing that I attended, and I didn't have any written comments or testimony that I submitted. My intent was to have an oral discussion; however, before the bill was even brought up at the public hearing other people went up to speak. I realized they were all Save Southern Guam, and decided not to participate in any discussion since there is still pending litigation.

[Discussion ensues]

Michael Borja on the floor for a vote tomorrow a bill that discusses the sign enforcement, and I don't know what the final text of that bill looks like. We wanted to offer testimony saying that they should keep the ARC and GLUC as the oversight of those kinds of things since everything is already in place.

[Lengthy discussion ensues on bill introduced by Senator Tom Ada on signage and a sign bill that puts signs under DPW for enforcement and compliance.]

Michael Borja Public Law 34-45 is the bill that allows people who have property in the Tiyan area on the south side along Routes 8 and 16 to be rezoned to light industrial. The bill had a strict timeline, and so by Tuesday we are issuing out letters to every known property owner of that area. I think we came up to 120 known property owners. We have assembled it and have the letters ready to go with attachments. If an owner affirms they want to rezone, with $640.00 they are rezoned. The window of opportunity expired 180-working days from enactment. The deadline is July 2nd, 2018.

[Discussion ensues on PL 34-45]

Marvin Aguilar if I may, I would like to recognize Cristina Gutierrez, Ernie Santos and Mae Castro for doing the leg work and research and preparing the letters.

Chairman Arroyo anything else. [None noted]

VI. Adjournment

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

The regular meeting of the Guam Land Use Commission for Thursday, October 26, 2017 was adjourned at 2:30 p.m.

Approved by:

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

Date approved: 11/28/17

APPLICATION NO. 2017-10

FOR THE APPLICANT

GUANG HUA WANG AND KENDY FENG

APPLICATION WAS WITHDRAWN PER CONSULTANT

HARRY D. GUTIERREZ

MB 10/26

HARRY D. GUTIERREZ
Consultant
#119 Gutierrez Way
Agana Heights, Guam 96910
482-5315 / email: harry.gutierrez@yahoo.com

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 26 2017
930
CLTC/GALC/GLUC

R. Gulac 10/26/17
RECEIVED 9:30 A
Land Planning Div

October 26, 2017

To: Mr. John Z. Arroyo, Chairman & Commissioners
C/O Executive Secretary, Guam Land Use Commission
Department of Land Management
ITC Bldg, Suite 700, Tamuning, Guam 96911

Subject: Request for Withdrawal for Conditional Use Permit Application No. 2017-10, for Lot 7074-3-1-R1, Municipality of Yigo, Guam; from GLUC meeting of October 26, 2017

Hafa Adai:

I am submitting this letter to inform you that I am withdrawing the application at his time on behalf of my clients. There may be some changes on the application and further consultation is needed with my clients. The Chief Planner will be informed of the outcome of our meeting regarding the application status.

On behalf of my clients, I hope that your consideration of this request will be favorable. Should you need additional information or clarification, please don't hesitate to call me.

Respectfully,

Harry D. Gutierrez
Representative/Consultant

CC: Guam Chief Planner
CC: Case Planner/Penmer Gulac

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

October 16, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2017-18

1. PURPOSE:

a. **Application Summary:** The applicant, Steven Petersohn C/O Harry D. Gutierrez is requesting approval for a Zone Change from "R-2" (Multi-Family Dwelling) to "C" (Commercial) for 3-lots for commercial development of Lots 1120-REM-5, -6 & -10 , 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 located in Maite along the southern side of Route No. 8, approximately 1,000 feet east (towards Barrigada) from the junction of Route No. 8 and East Obrien Dr., and across first Hawaiian Bank.

b. **Lot Areas:** L1120-REM-5, 2,988 SM or 32,163 SF ; L1120—6-REM 2,988 SM or 32,163 SF, and L1120—REM-10 3,221 SM or 34,672 SF or a total of 2.7 Acres (Note: A proposed consolidation map is attached)

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

c. **Field Description:** The 3-lots are undeveloped with with all untility infrastructure connection within 100-150 feet of the subject lots. Topoggraphy slopes from the western border (along Route No. 8 to Camacho Street (Eastern border).

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

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

g. **Previous Commission Action:** None

3. **APPLICATION CHRONOLOGICAL FACTS:**

a. **Date Application Accepted:** March 8, 2017

b. **Date Heard By ARC:** April 6, 2017

c. **Public Hearing Results:** October 10, 2017
(See Attachment "A")

4. **DISCUSSION and STAFF ANALYSIS:**

The applicant's request is for the rezoning and approval of Lots 1120-REM-5, -6, &-10, Municipality of Mongmong-Toto-Maite from "R-2" (Multi-Family Dwelling) zone to "C" (Commercial) zone in order to develop the site for full commercial development of the lots (future map consolidation attached) for retail spaces, offices and other permitted uses on the site once it is rezoned to Commercial.

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. Public Necessity :

The proposed zone change of the lots and proposed uses are compatible with existing Commercial, Light Industrial and some residential uses in this area. The proposed land use and activities will provide the community with retail, office spaces as well as professional office space and other permitted commercial services for the public's need. This area is within central Guam and near the airport and business districts. This area will be developing into a more commercial type activities to accommodate a growing island population and the continuation of the military build-up in the next few years and beyond. There will be greater demands for retailing, offices, services, restaurants, and for products/commodities, import/export activities that will be available to the island community both private, military and the general public;

B. Public Convenience:

The proposed zone change of the lots will afford public convenience for much needed retail, office spaces and commercial/professional office and service related activities at this location as it is centrally located and that is consistent with the current land uses as an extension of the existing commercial zone along Route No. 8. The location is prime and ideal, central and conveniently near areas with large population to better provide goods and services and related activities in the immediate area and to a growing island community.

C. General Welfare:

The proposed zone change of the lots will protect the general public, the immediate surroundings and properties by being consistent for commercial zone within close proximity of commercial lots and commercial zone with existing commercial and light industrial activities along Route No. 8. There are vacant lots, single family dwellings, multi-family complexes, commercial businesses, bank/credit union, car dealership, and churches nearby and on the south, south west that will be protected and buffered by a public access, as well as with landscaping of the site and all setbacks to be in compliance with the zoning law. Development plans for the proposed project site will ensure protection of adjacent neighbors, the public, and the environment, by adhering to all permitting requirements, as well as all local and federal regulations. The location is prime, ideal and is central to all areas with large population, and is very near commercial districts and the airport. The proposed new commercial development will be requiring products and other services from other commercial local vendors. The establishment of this site for commercial activities, and its operations will provide employment to local residents and contribute to the island's economic development and prosperity. The applicants/owner will ensure that all conditions and other requirements by permitting agencies are to be adhered to from clearing, construction and to final occupancy. The proposed development will be fenced if required, and landscaped and will be kept in good order to buffer, protect neighbors, and to provide an orderly and appealing site.

In our analysis, planning staff finds that the proposal to change the designated zone of the subject lots and site to be compatible to existing land uses of the immediate area and surroundings, the proposed development is not expected to signifcantly impact nearby residential and commercial activities and from a planning perspective supports the applicant's position that the proposed development is to be "most ideal and preferred" location for proposed commercial uses and activities.

This request has received no objection on Position Statements from ARC members with noted conditions from agencies and in addition, the results of the community public hearing, was positive and the Mayor was supportive, and stated that he will work with developer and agencies and on some easement and flooding issues discussed at the hearing by neighbors. There was positive discussions and no objections from neighbors who attended the hearing.

In conclusion, we find the above and the context of the application provides justification that the public necessity, convenience and general welfare, supports a positive action on the zone change request.

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

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position Statement Summary

Case / Project Planner: Penmer Gulac

Attachment: Public Hearing Minutes of October 10, 2017
RE: Staff Report – Application 2017-18 ; Zone Change
Lots 1120-REM-5, -6, & -10, Municipality of Mongmong-Toto-Maite

GLUC Hearing of: **October 10, 2017**
Date of Preparation of Staff Report: October 16, 2017

DLM Staff Planner and Mr. Harry Gutierrez, the Representative, explained the Zone Change appl; and the Case Planner provided Positions Statements from Department of Public Works, Guam Waterworks, Guam Power Authority, and Bureau of Statistics and Plans . A total of Seven (7) persons attended the hearing to include Mayor Paco. Public comments and concerns are noted as follows:

Mr. Harry Gutierez, representative, presented details of the application for the proposed zone change and the commercial development of the site and the proposed consolidation of the 3 lots . He also elaborated on the uses permitted in the zone as well as the plot plan, access on the site, parking, waste water disposal, (ponding basin) french drain systems applicable to minimize flooding and containment of stormwater runoffs. He stated that he will work with the developer to prepare a safe access, traffic control and safety of patrons within the commercial site and minimize impacts to neighbors and nearby areas.

Mrs. Rosemary Laguana , Lotowner & neighbor, there's flooding in her front yard from water coming from the road and the Mayor informed her that he will assess and work with Department of Public Works (DPW) on the drainage issues in the area.

Mayor Paco , stated that the heavy rains and glogged drains in the area and Camacho St., will be assessed by DPW .. and the run-off from Camacho St are causign flooding..but this will be rectified soon, he said..

There were no major concerns or significant issues, there were no objection at the hearing.

A Total of 7 persons were present at the hearing. The Hearing was adjourned at 6:45 pm

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

October 16, 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. 2017-18 (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.

DEPARTMENT OF PUBLIC WORKS (DPW):
DPW has reviewed the application and recommends approval with permitting requirements and recommendations on submissions of building plans for agency review.

GUAM POWER AUTHORITY (GPA):
GPA has reviewed the application and provides statement of general requirements:

General Comments:
GPA has no objection to the request subject to the conditions cited, (see Attached) statement.

GUAM WATERWORKS AUTHORITY (GWA):
GWA submitted a position statement to the above zone change request with general comments and agency permitting requirements, related to availability of water and sewer infrastructures to serve the above subject lot, see Attached position statement

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR has not submitted a position statement as of staff report date.

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau has completed its review of the application and recommends approval, and provides comments and recommendations (Attached)

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

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

RECEIVED
MAY 05 2017
Department of Land Management
Time 9:47 Int

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

April 17, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICATION: 2017-18

APPLICANT: Steven Petersohn

SUBJECT: Rezone from ("R-2") Multi Family Dwelling to ("C") Commercial, Mongmong Toto - Maite, Guam

Buenas yan Hafa Adai! The applicant is requesting to rezone subject property from "A" to "C" with the intent to construct a commercial, retail store, office spaces with storage including parking and loading on site.

Lots to be rezone are as follows: a) Lot 1120-REM-5 (2, 988) Square Meters or (32,163) Square Feet b) Lot 1120- M 6 (2,988) Square Meters or (32,163) Square Feet and c) Lot 1120-REM-10 (3,221) Square Meters or (34,672) Square with a total consolidated area of 9,197 square meters or 2.27 acres. (See attached map).

The Department of Public Works (DPW) has completed its review with the following requirements:

- provide a site development plan;
- to consolidate the additional lots and provide a supplemental copies to all ARC members;
- to comply with all the setback requirements for commercial areas;
- provide a storm drainage disposal (must be shown in detail and be supported with calculations);
- parking layout and detail of parking stalls (compact, standard and accessible) must meet the American Disability Act (ADA);
- if the owner chooses to use GSWA disposal or any private services, the location of the trash or bin container should be situated in an area that will not hinder the public rights of way;
- comply with all the geotechnical requirements related to site preparations; and
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access.

DPW recommends approval, subject to the comments after review by the Application Review Committee (ARC) with conditions that a complete set of design drawings incorporating all the engineering disciplines are provided for building permit. The plans shall be in conformance with the latest building code edition and must be signed by a registered engineer or architect.

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

GLENN LEON GUERRERO

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

APR 27 2017

Department of Land Management

Time 225 Int

April 21, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 1120-REM-5, 1120-REM-6 & 1120-REM-10, Municipality of MongMong-Toto-Maite, (Steven J. Petersohn): Zone Change Application from "R-2" (Multi-Family Dwelling) to "C" (Commercial) for commercial building for office and retail. **Application No. 2017-18**

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

A. Comments and Recommendations Concerning GPA requirements:

1. Applicant 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

The position statement is designed to ensure compliance with GPA standard, rules and polices and to evaluate the ability to support the proposed development and the impact, if any, to GPA's infrastructure.

The Developer/Owner has not submitted any plans and GPA understands only that it is the intent of the owner to develop a business that requires "C" (Commercial) zone.

ASG/arp

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project.

The applicant will be responsible for the minimum cost of upgrading the line (less projected revenue) if submitted plans indicate additional capacity is required.

Sincerely,

JOHN M. BENAVENTE, P.E.

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

RECEIVED
JUL 25 2017
Department of Land Management
Time 2:15 Intl
JUL 18 2017

MB 7/25

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2017-18; **LOCATION:** Lot No(s). 1120-REM-5, -6, and-10 Mongmong-Toto-Maite; **APPLICANT:** Steven J. Petersohn; **PROPOSED USE:** Zone Change from "R2" Multi-Family Dwelling to "C" Commercial Zone to develop future commercial buildings

Håfa Adai! The applicant, Mr. Steven J. Petersohn, represented by Mr. Harry D. Gutierrez is requesting for a zone change from "R2" multi-family dwelling to "C" commercial zone for the construction of future commercial buildings Lot No(s). 1120-REM-5,-6, and-10 in the municipality of Mongmong-Toto-Maite. Prior to any development occurring, the owner will need to consolidate the identified properties.

The subject lot(s) is 9,197 square meters or 98,998 square feet which is 2.27 acres total. Lot 1120-REM-5, -6, and -10 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 located across the Route 8 highway.

The Bureau notes that this proposal is based on a zone change concept only. In light of the three properties, consideration needs to be made on whether a consolidation of the properties will occur thereby developing commercial buildings with full amenities or if the three separate properties are to remain which would include one building per property with full amenities such as parking, loading zones, and drainage management for stormwater runoff. The purpose for these considerations is to insure that the development meets the minimum requirements as set out in the zoning law for commercial development.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Lot(s) 1120-REM-5,-6, & -10 from "R-2" Multi-Family Zone to "C" Commercial zone use 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. The properties terrain is downward sloping and the change from a natural environment to a hardscape environment greatly increases runoff volume created during normal rains and storms, as well as waterway velocities, erosion, and flooding. The application lacks a drainage plan or methods to address stormwater runoff. This needs to be addressed and managed properly

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to surface receiving water bodies within the project site. 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.

The applicant should refer to the CNMI and Guam Stormwater Management Manual, October 2006, the Guam Erosion & Sediment Control Field Guide available at www.bsp.guam.gov or at the Guam Environmental Protection Agency (GEPA) for detailed construction stormwater treatment criteria and standards, bio-retention areas, and rain garden specifications.

Low Impact Development (LID) Practices. The project site also lies within the Fonte River-Frontal Hagåtña Bay Watershed, which comprises, Piti Marine Preserve, various rivers and streams, nearly 12 square miles of forest, and wetlands. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), 40.4% of this watershed is developed and 21.6% is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighborhoods 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.bsp.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, **the Bureau recommends approval to the zone change request from "R-2" Multi-family zone to the "C" Commercial zone.** The Bureau finds that the proposed commercial activity is compatible with its surrounding uses. Accordingly, the applicant is encouraged to prevent contaminants by controlling erosion during construction and managing stormwater runoff 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'.

CARL V. DOMINQUEZ
Acting Director

cc: GEPA
DPW
GWA
DPR
GPA

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

RECEIVED
MAY 23 2017
Department of Land Management
Time 1015 Intl

MEMORANDUM

May 16, 2017

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2017-18 for Lot 1120-REM-5, Lot 1120-REM-6, Lot 1120-REM-10 in the Municipality of MongMong-Toto-Maite.

APPLICANT(S): Steven J. Petersohn represented by Harry D. Gutierrez

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R2" (Multi-family) to "C" (Commercial) zone for the proposed development of retail spaces, offices, and other permitted uses on the site and provide adequate parking on site for tenants and patrons in the Municipality of MongMong-Toto-Maite.

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 the 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 are conditions for GWA's position in favor of the approval of this zone change application:

1. The applicant must provide GWA with site development plans to construct the proposed commercial building. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department well in advance of the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management (DLM) and provide copies to GWA.

4. The applicant shall install GWA water meters in the public right of way or easement.

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

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

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

8. Stormwater discharge to the sanitary sewer system is prohibited.

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.

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

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

October 16, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – 6-Month Status Report and Compliance to Conditions of Approval of Application No. 2008-003B, Amended Tentative Development Plan for Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Tumon, Municipality of Tamuning

In response to the 6-month status report condition noted on the attached Notice of Actions dated March 29, 2013 and April 14, 2017 the applicant Grandview Development , LLC submits its status report covering;

1. The issuance of a consolidated Occupancy Permit for:
   a. The construction of four (4) bus shelters;
   b. The paving of the parking lots, storm drainage and utilities construction.
   c. The relocation of the ponding basin and road widening

2. The completion of the utilities work except for GPA's installation of electrical lines and transformers.

3. The completion of the landscaping and irrigation system on the sides and front of the building and entrance way into the site.

4. The resubmission of the traffic report on September 22, 2017 to DPW and Parsons for the construction work, on the mall's entrance at San Vitores Road (as noted on the last 6 month report the initial report was submitted to DPW on March 15, 2017).

5. The completion of the structural design alterations and upgrades of the structure to include but not limited to skylights, loading dock, installation of major equipment, addition of freight elevator and paving the remaining areas for parking and roadwork which, shortly be requesting for bids for construction.

In addition the applicant submits an updated master plan and revised parking calculation.

6. In its updated master plan the applicant provides the following as changes/addition to the facility.

   a. Expansion of covered drop-off area for the 2nd level entrance.
   b. Relocation of the diesel fuel tank.
   c. Expansion of the loading dock.
   d. Covered structure for the waste disposal area.

7. In its revised parking calculation the applicant in meeting the required 700 parking stalls, provides; that of the total 179,693 square feet gross building floor area, 84,393 square feet is encumbered by utilities maintenance areas, restrooms and general circulation, 95, 300 square feet is slated leasable area and 67% of the leasable area or 63, 851 square feet is assessed public parking at 1 parking stall per 100 sq. ft. for a total of 639 (63,851÷100) parking stalls for public parking. Employee parking is assessed a minimal of 3 parking stalls per tenant and at 18 tenants, a total of 54 (18x3) parking stalls is to be provided for employee parking. ADA accessible parking stalls are provided at 2% of the 693 (639 + 54) total parking stalls on site, for a total of 14 accessible parking stalls and of the total 14 stalls, 2 stalls are to be van accessible.
   Rounding up the total number of parking on site the applicant is to provide 18 parking stalls for buses for a combined total of 711 (639 public + 54 employee stalls + 18 bus stalls) parking stalls on site.

We have review the applicant's submittal and at this time reserved our response and remit it to the Commission for their action.

Marvin Q. Aguilar
Chief Planner

ATTACHMENTS: 6-Month Status Report
NOA dated 3/29/13
NOA dated 4/14/17

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 906602

On the Year 17 Month 05 Day 02 Time 2:50

Recording Fee DE-OFFICIO Receipt No.

Deputy Recorder Jane Yamasaki
JANE T YAMASAKI

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION
Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

ORIGINAL

NOTICE OF ACTION

April 14, 2017
Date

To: Grandview Development, LLC
c/o F C Benavente, Planners
2149 San Miguel Building,
Suite 1, Army Drive
Dededo, Guam 96929

Application No. 2008-003B

The Guam Land Use Commission, at its meeting on April 13, 2017.

____/ Approved ____/ Disapproved XX/ Approved with Conditions;

6-month Status Report in Compliance to Conditions of Approval of Application No. 2008-003B, Amended Tentative Development Plan for Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Tumon, Municipality of Tamuning

NOTICE OF ACTION
Grandview Development, LLC
RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW
Municipality of Tamuning
GLUC Hearing Date: April 13, 2017
Date: April 14, 2017

Application No. 2008-003B

ZONING

___/ Zone Change***

___/ Conditional Use

___/ Zone Variance
[ ] Height [ ] Use

XX / **6-Month Status Report and Order to Show Cause for an Approved Amended Tentative Development Plan (TDP.**

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

___/ PL 28-126, SECTION 1(A)

NOTE ON ZONE CHANGE

*****Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]**

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

NOTICE OF ACTION **Application No. 2008-003B**
Grandview Development, LLC
RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW
Municipality of Tamuning
GLUC Hearing Date: April 13, 2017
Date: April 14, 2017

APPLICATION DESCRIPTION: The Applicant, Grandview Development, LLC; submission of its six-month status report in continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Actions dated March 29, 2013 and November 4, 2016 under Application No. 2008-003B.

COMMISSION DECISION: The Guam Land Use Commission accept the applicant's Six Month Status Report and that, the applicant is to return in six (6) months for the next status report.

4/20/2017 4/28/17

Marvin Q. Aguilar **Date** **John Z. Arroyo** **Date**
Guam Chief Planner **Chairman**
Guam Land Use Commission

Case Planner: Frank P. Taitano
Cc Building Permits Section, DPW
Real Property Tax Division, Department of Revenue and Taxation

NOTICE OF ACTION
Grandview Development, LLC
RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW
Municipality of Tamuning
GLUC Hearing Date: October 27, 2016
Date: November 4, 2016

Application No. 2008-003B

CERTIFICATION OF UNDERSTANDING

I/We Richard J. Sana / Richard J. Sana
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

Signature of Applicant Date Signature of Representative 5/01/17 Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

Applicant **Date** **Representative** **Date**

Island of Guam, Government of Guam
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 850531

On the Year 13 Month 04 Day 16 Time 3:49

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder Lisa D. Manggur

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION
Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

NOTICE OF ACTION

March 29, 2013
Date

To: **Grandview Development, LLC**
c/o Felix C. Benavente
2149 San Miguel Building,
Suite 1, Army Drive
Dededo, Guam 96929

Application No. 2008-003B

The Guam Land Use Commission, at its meeting on **March 28, 2013**.

____/ Approved ____/ Disapproved XX/ Approved with Conditions

____/ Tabled

Your request on **Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Municipality of Tamuning for approval of an Amended Tentative Development Plan (TDP).**

)plication No. 2008-003B

ZONING

___/ Zone Change***

___/ Conditional Use

___/ Zone Variance
[ ] Height
[ ] Density
[ ] Setback
[ ] Use
[ ] Other (Specify)

XX / Amended Tentative Development Plan

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

___/ PL 28-126, SECTION 1(A)

NOTE ON ZONE CHANGE

***Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

APPLICATION DESCRIPTION: The applicant, Grandview Development, LLC represented by Felix C. Benavente is requesting for an Amended Tentative Development Plan approval for the Grandview Shopping Mall (formerly Ino Corporation's Tumon Bay Shopping Center). Tumon, Municipality of Tamuning.

COMMISSION DECISION: The Guam Land Use Commission **APPROVED** the applicants request subject to the following conditions:

A. Applicant continues to adhere to the March 13, 2008 conditions listed on the original Notice of Action; and

B. That the March 13, 2008, Notice of Action be amended to show that it was temporarily suspended from October, 2011 to March, 2013 with a new expiration date of April, 2014 ; and

C. That the proposed number of parking stalls to be provided on Lots 5126-2-1, 5126-2-2 and 5126-2-R2 should not be less than 174; and

D. That Applicant, within six months, returns before the Commission with a status report.

	4-01-2013		4-16-13
Marvin Q. Aguilar	**Date**	**Lawrence S. Rivera**	**Date**
Acting Guam Chief Planner		**Acting Chairman**	
		Guam Land Use Commission	

Case Planner: Frank P. Taitano
Cc: Building Permits Section, DPW
Real Property Tax Division, Department of Revenue and Taxation

Application No. 2008-003B

CERTIFICATION OF UNDERSTANDING

I/We_____, Felix C. Benavente
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

_____ _____ Felix Benavente 4/16/2013
Signature of Applicant Date Signature of Representative Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

_____ _____ Felix Benavente 4/16/2013
Applicant **Date** **Representative** **Date**

RECEIVED
10.9.17
Cg DAM

Grandview Development, LLC

Application No. 2008-003B

Status Report

to the

Guam Use Land Commission

Tumon Bay Mall

Submitted By: FC BENAVENTE, Planners

FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, GU 96913
Tel: 671.687.9865 richardjsana@yahoo.com

October 9, 2017

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
P.O. Box 2950
Hagatna, Guam 96932

Subject: Application No. 2008-003B – Status Report

Hafa Adai Mr. Borja:

We are pleased to submit the attached status report of the approved TDP for Grandview Development LLC a.k.a. Tumon Bay Mall. This is in accordance with the GLUC decision stipulated on the Notice of Action dated April 14, 2017.

Si Yu'os Ma'ase,

Verified by PDFfiller
10/06/2017

Richard J. Sana
Principal Planner
A Duly Authorized Representative

Cc: Mr. Marvin Aguilar, Chief Planner, DLM

Attachments
1. Status Report
2. Site Plan
3. Consolidated Certificate of Occupancy

Grandview Development LLC
Application No. 2008-003B
Status Report

1. **Construction:** The following consolidated Occupancy Permit were issued on September 11, 2017.
   a. B14000468 for civil works.
   b. B15000871 for Bus shelters.
   c. B17000400 for widening of road entrance and ponding basin relocation.

2. **Utilities:** Work are complete except the work for GPA to install the electrical lines and transformers.

3. **Landscaping and Irrigation:** Landscaping work and installation of irrigation systems located on the sides and front of the building structure and entrance way are complete.

4. **Traffic Study:** The traffic study performed and generated by Stanley Consultants Inc., as a requirement by DPW for removal of the curbs and center lane median located at the front of road access entrance to the facility is complete and has been resubmitted to DPW and Parsons on September 22, 2017 for review and reconsideration.

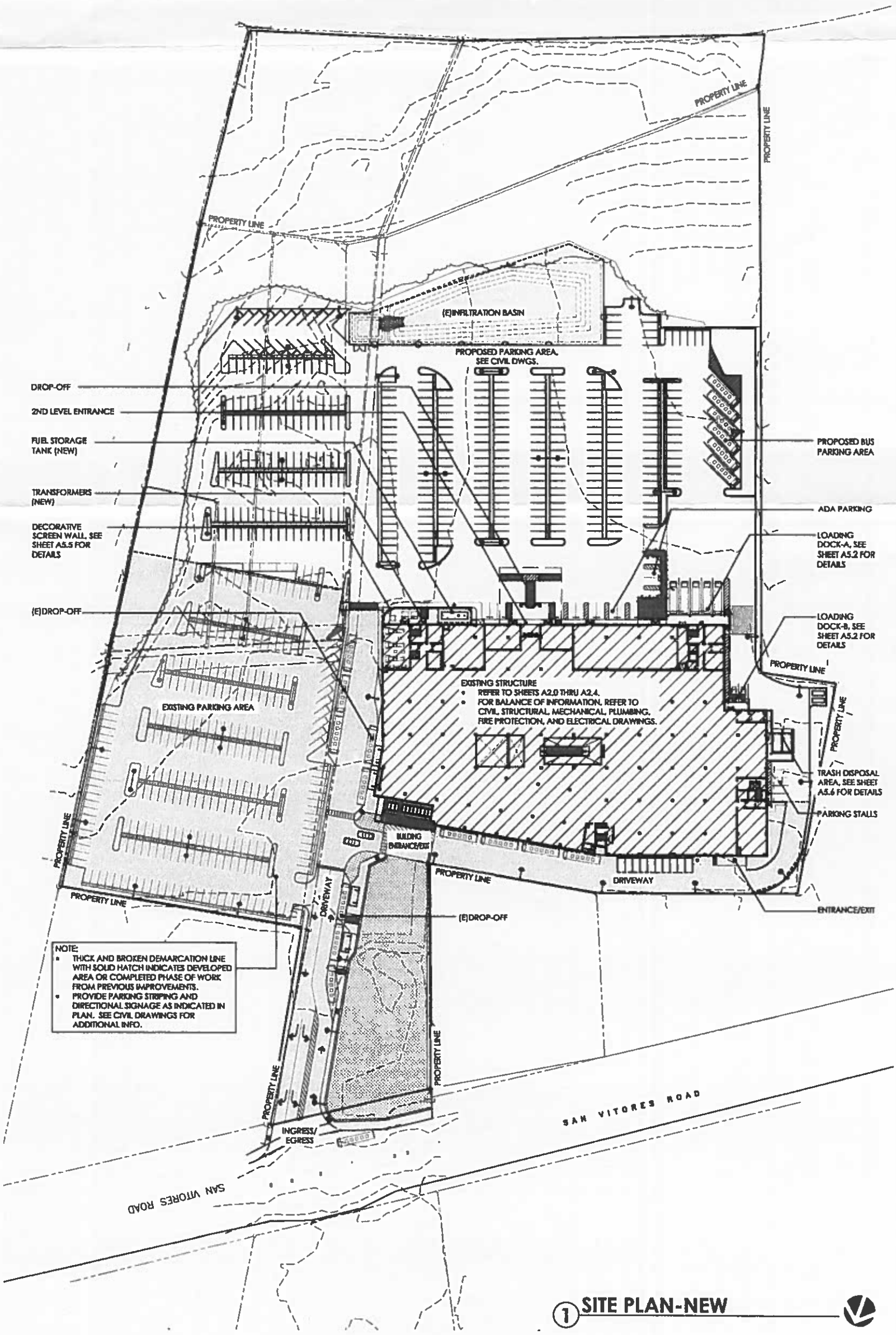
5. **Design:** Laguana Architects LLC, completed the structural design alterations and upgrades to include skylights, loading dock, installation of major equipment, addition of freight elevator and paving the remaining areas for parking and roadwork. This upgrades will go out for bids for construction shortly.

UPDATED SITE PLAN AND REVISED PARKING CALCULATION

Reference the analysis below, Grandview was able to meet the 700 parking stalls with more allocated for bus parking. The site plan (attached) shows significant changes/additions as follows:

a. Expanded covered drop-off for the 2nd level entrance.
b. Relocation of the diesel fuel tank.
c. Expanded Loading Dock.
d. Covered Structure for Waste Disposal area.

PARKING ANALYSIS	
GROSS BUILDING FLOOR AREA	**179,693 SQ. FT.**
LESS UTILITIES/M & E, SERVICE ARES, TOILETS, GENERAL CIRCULATION	84,393 SQ. FT.
TOTAL LEASABLE AREA	95,300 SQ. FT.
@ 67% USEABLE AREA	63,851 SQ. FT.
1 PARKING SPACE PER 100 SQ. FT.	639 SPACES
18 TENANTS @ 3 SPACES / TENANT	54 SPACES
TOTAL NO. OF SPACES REQUIRED	**693 SPACES**
CALCULATION OF SPACES PROVIDED:	
CARS	673 SPACES
ADA CARS & VANS	14 SPACES
BUSES	18 SPACES
TOTAL NO. OF SPACES PROVIDED	**705 SPACES**



1 SITE PLAN-NEW

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHI'CHU' PUBLIKU
Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

TERRITORY OF GUAM

BUILDING PERMIT

CERTIFICATE OF OCCUPANCY

THIS CERTIFICATE ISSUED PURSUANT TO THE REQUIREMENTS OF SECTION 31033, BUILDING LAW, TITLE XXXII, GOVERNMENT CODE OF GUAM CERTIFYING THAT AT THE TIME OF ISSUANCE THIS STRUCTURE WAS IN COMPLIANCE WITH THE VARIOUS CODES, REGULATIONS, BUILDING STRUCTURE OR USE

Date: 7-28-17 Permit No. B14 000 468 / B15 000 871 / B17 000 400

Applicant (Contractor): BME & SONS INC Address: P.O. BOX 30400, BARRIGADA GUAM 96921

Contractor's License No.: 3024 Permit To GRANDVIEW DEVELOPMENT LLC

Units: Story: Proposed Use: 1. BUS SHELTER ~4 UNITS 2. PAVING PARKING LOTS, DRAINAGE WATER 3. RELOCATE PONDING BASIN & ROAD WIDENING

Location: TUMON Zoning District: C

Lot No: 5731 / 5731-1 / 5732-R1 / 5216-3-1 / 5216-3-R1 Block No: Tract No:

Construction Type: Use Group: Basement Walls of Foundation:

Remarks:
1. BUS SHELTER
2. PAVING PARKING LOTS
3. RELOCATION PONDING BASIN & WIDEN ROAD ENTRANCE ROAD.

Area or Volume:

Owner: GRANDVIEW DEVELOPMENT LLC / for
Print Signature

2149 ARMY DRIVE. SAN MIGUEL BUILDING, BARRIGADA GUAM 96921
Address

Building Official 9-11-17
Mr. Joseph D. Guevara
Building Inspection & Permit Administrator

PWEN GAM
9/8/17