

## APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES

Department of Land Management Conference Room

3<sup>rd</sup> floor, ITC Building, Tamuning, Guam

Thursday, April 19, 2018 • 9:47 a.m. to 10:26 a.m.

### I. Notation of Attendance

Chairman Aguilar called the regular meeting of the Application Review Committee for Thursday, April 19, 2018 to order at 9:47 a.m., noting a quorum.

Present were: Chairman Marvin Aguilar (DLM), Mary Rose Wilson (DPW), Angel Marquez (GEPA), Jose Garrido (HPO/DPR) and Dan Guerrero (JRM), Grace Vergara (DLM)

### II. Approval of Minutes

Chairman Aguilar the approval of Minutes from the April 5, 2018 ARC meeting will be reviewed/approved at the next regular ARC meeting.

Next item on the agenda; Chairman Aguilar stated that the application before the committee is two applications A and B; but, provided in one packet.

### III. New Business

#### Zone Variance

- A. Application 2017-47A, Lulu Investment Industry Co. represented by FC Benavente, Planners; request for a Zone Variance for Height for the proposed construction of a three-story, 33-unit apartment complex, on Lot 5113-3-1NEW (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning. Case Planner: Grace Vergara

#### Tentative Development Plan

- B. Application 2017-47A, Lulu Investment Industry Co. represented by FC Benavente, Planners; request for a Tentative Development Plan for the proposed construction of a three-story, 33-unit apartment complex, on Lot 5113-3-1NEW (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning. Case Planner: Grace Vergara

#### Richard Sana and Ray Benavente (representing Lulu Investment)

- The project is for the construction of two separate complexes consisting of 33 apartment units;
- Height Zone Variance is needed in order to capitalize the slope that is on the property. Rather than leveling out the slope, it will be used for a parking structure below the building
- The property is located on Leon Guerrero Street inside of Happy Landing Road. There are several condominiums adjacent to the project site;
- One complex will consist of 18 apartment units and the second complex will have 15 apartment units. Complex 1 will have 12 parking stalls below the building and the second complex will have 10 parking stalls; and,

- A height variance of 5-feet, 1-inch is needed for this project. The height will be taken from the finish grade at the highest point and the floor area of the parking facility and at mid-point measure to the top of the roofline.

Chairman Aguilar noted for the record that the applicant is asking for a height variance of 5-feet, 1-inch for the structure.

[Discussion ensues on the need for a height variance]

Chairman Aguilar reminded members that he would like to hear the particularities of this project with respect to anything that is beyond the standard requirements.

Angel Marquez (GEPA) assumed that the size of the lot is one-acre; and therefore, required to submit an NOI. It is important they know where historic preservation is located because that is an enclave to the proposed drainage system because there is a requirement for the drainage in conjunction to the discovery of historic properties that need to be preserved. The storm water runoff must be contained within the property; if no UIC is being applied for, the design of the drainage system must be based on the 2006/2010 CNMI/Guam requirements.

What is the size of the sewer connection.

Richard Sana that has not been investigated, but will provide this information at a later date.

Angel Marquez work with GWA on the water system because the new development for the water storage tank will not allow you to get the pressure that is needed; you maybe required to have a water tank and a pump. Mr. Marquez stated that the water tank (near the Nissan Auto City is located) will be repaired and developed. Also ensure that solid waste disposal is provided.

Mary Rose Wilson (DPW) there are apartment complexes within that area after having done a site visit. Asked Mr. Sana, what he thinks are the quality for a well-designed, for apartment style living.

Richard Sana stated that personally that it would be, is the unit livable; enough space for comfort; amenities is more important than the design of the complex.

Mary Rose Wilson has the developer considered energy efficient materials in the construction of the complex; such as, windows, silk-door ways, sound absorbing materials, ceiling insulation. Additional comments will be provided in the position statement.

Richard Sana the design of the apartments is not that of a typical apartment; they are spacious, 3-bedroom units.

Joe Garrido (HPO/DPR) looking through the zone variance application is there a need to fill in the U.S. citizenship question. Is the developer a U.S. Citizen or not.

Richard Sana Lulu Investment Industry is a Guam corporation. The owner is not a U.S. citizen, but the corporation is local.

Joe Garrido understands that a corporation can be U.S. citizen.

Chairman Aguilar it is not about U.S. citizenship; a non-U.S. citizen can own one piece of property on Guam, but if the property is corporately owned, one or two people in the corporation has to be a resident of Guam.

[Discussion ensues]

Joe Garrido it was stated that the property is .96 acres which is not one acre. The reason for asking this question is because it is relevant to HPO's work. The size of the property is needed in terms of archeological requirements.

[Lengthy discussion ensues on the size of the parcel and how it affects the mandates of Department of Parks and Recreation/HPO.]

Joe Garrido noted for the record that there is no municipality of TATUHA, and should be Tamuning.

Chairman Aguilar this is the preference of the municipality, but not the official municipality.

Joe Garrido requested for a copy of the complete, 100-percent construction for the review and determination and complexity of the archeological requirements for this project. In addition, the applicant has to look into the recreational requirements of the Government of Guam.

Richard Sana inquired what was an "NOI."

Angel Marquez Notice of Intent which is a federal requirement and is applied only if the parcel is one acre or more.

Dan Guerrero (JRM) no comments.

Grace Vergara (Case Planner) stated that she will meet with the consultant with regards to the archeological requirements and all other pending items per the ARC's requirements.

Chairman Aguilar added that in the archeological review it should be expanded to include any infrastructure.

Richard Sana stated that the parcel was all overgrown vegetation that had been cleared before.

Chairman Aguilar work closely with GWA; a resident of Tamuning has brought up the matter of insufficient levels of infrastructure in Tumon which will add additional impact to this area if this project is approved.

[Discussion ensues]

IV. Approval of ARC Agenda

Chairman Aguilar the agenda for the next ARC scheduled for Thursday, May 3, 2018 is final. The GLUC meeting scheduled for Thursday, May 10, 2018 has been rescheduled for May 24, 2018.

Members were reminded that that are no longer two GLUC hearings per month; per directive from the GLUC's Executive Secretary, only one meeting will be held a month.

V. Administrative & Miscellaneous Matters

Chairman Aguilar any items for discussion.

Joe Garrido (HPO/DPR) the application for the Docomo Data Center in Talofoto; has a Notice of Action been approved, and has a copy been distributed to ARC.

Chairman Aguilar the Notice of Action is pending approval/signature of Chairman Arroyo.

[Discussion ensues]

Chairman Aguilar there being no additional comments and/or discussion, Chairman Aguilar moved onto the last item on the agenda.

VI. Adjournment

Angel Marquez (GEPA) motions to adjourn today's meeting, seconded by Joe Garrido (HPO/DPR); with all in favor.

The regular meeting of the Application Review Committee for Thursday, April 19, 2018 was adjourned at 10:26 a.m.

Approved by:

Date approved:

 5/4/2018

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Marvin Quitugua Aguilar, Chairman  
Application Review Committee



Transcribed by:



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M. Cristina Gutierrez, Recording Secretary  
DLM, Planning Division

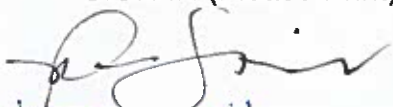
# APPLICATION REVIEW COMMITTEE

## Committee Attendance Sheet

Department of Land Management Conference Room  
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

MEETING:  Regular Thursday, April 19, 2018  Special \_\_\_\_\_

Time: 9:47 AM Adjournment: 10:26 AM

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairman)	
2 DPW/Vertical	(Member)	Margose Wifan -
DPW/Horizontal	(Member)	
3 Guam EPA	(Member)	Angel
4 Bureau of Statistics & Plans	(Member)	
Bureau of Statistics & Plans	(Member)	
5 Department of Agriculture	(Member)	
6 Guam Waterworks Authority	(Member)	
Guam Waterworks Authority	(Member)	
7 Guam Power Authority	(Member)	
8 Department of Parks & Recreation-HPO/Parks	(Member)	Jose L. GARRIDO
9 Joint Regional Marianas	(Ex-Officio member)	Dan Guerrero
10 Department of Chamorro Affairs	(Ex-Officio Member)	
11 Guam Fire Department	(Ex-Officio Member)	
12 Department of Public Health & Social Services	(Ex-Officio Member)	
13 Guam Public School System	(Ex-Officio Member)	
14 Guam Economic Development Authority	(Ex-Officio Member)	

### DLM Staff

Frank Taitano, Planner IV \_\_\_\_\_  
Penmer Gulac, Planner IV \_\_\_\_\_  
Celine Cruz, Planner IV \_\_\_\_\_  
Grace Vergara, Planner II \_\_\_\_\_  
M. Cristina Gutierrez, WPS II 

# APPLICATION REVIEW COMMITTEE

## Public / Speaker - Sign-In Sheet

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

MEETING:

Regular

Thursday, April 19, 2018

Special

9:47 AM

Adjournment:

10:26 AM

Print Name	Parcel # Mailing Address	Telephone No.
<i>Richard J. Sana</i>	<i>Lot 5111-3-1 NEW, Tamon</i>	<i>687-9865</i>
<i>Ry Beakote</i>	<i>" " "</i>	<i>988-4142</i>



# Application Review Committee

Guam Land Use Commission/Guam Seashore Protection Commission  
Department of Land Management

## AGENDA

Thursday, April 19, 2018 at 9:30 a.m.

Department of Land Management Conference Room  
590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning

I. Attendance

Roll Call [ ] Quorum [ ] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes of April 5, 2018

III. New Business

Zone Variance/Tentative Development Plan

- A. Application No. 2017-47A Lulu Investment Industry Co. represented by FC Benavente, Planners; request for a Zone Variance for Height for the proposed construction of a three-story, 33-unit apartment complex, on Lot 5111-3-1NEW (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning. Case Planner: Grace Vergara
- B. Application No. 2017-47B Lulu Investment Industry Co. represented by FC Benavente, Planners; request for a Tentative Development Plan for the proposed construction of a three-story, 33-unit apartment complex, on Lot 5111-3-1NEW (Tumon), in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning. Case Planner: Grace Vergara

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, May 3, 2018 – Final  
B. GLUC Regular Hearing, Thursday, May 10, 2018 – No Meeting

V. Administrative & Miscellaneous Matters

VI. Adjournment

TIMELINE FOR ABOVE APPLICATIONS
Day #1 – April 19, 2018
Day #30 – May 19, 2018
Day #60 – June 19, 2018 [Pursuant to E.O. 96-26]
GLUC Tentative Meeting – Next available date





## **Application Review Committee**

Guam Land Use Commission/Guam Seashore Protection Commission  
Department of Land Management

### **AGENDA**

**Thursday, May 3, 2018 at 9:30 a.m.**

Department of Land Management Conference Room  
590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning

I. Attendance

Roll Call [ ] Quorum [ ] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes of April 5, 2018 and April 19, 2018

III. New Business

Tentative Subdivision Plan

- A. Application No. 2017-46, The Applicant, Ian Corporation represented by Daniel D. Swavelly; request for a Tentative Subdivision Plan for the proposed development of the Tre Vista Subdivision, a 36-unit modern housing development with full improvements, on Lot 4-R1NEW, Tract 154, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Yigo. Case Planner: Frank Taitano

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, May 17, 2018 – Tentative  
B. GLUC Regular Hearing, Thursday, May 24, 2018 – Tentative

V. Administrative & Miscellaneous Matters

VI. Adjournment

<b>TIMELINE FOR ABOVE APPLICATIONS</b>
Day #1 – May 3, 2018
Day #15 – May 18, 2018 – FOR TENTATIVE SUBDIVISION
Day #30 – June 3, 2018
Day #60 – July 3, 2018 [Pursuant to E.O. 96-26]
GLUC Tentative Meeting – Next available date



# GUAM LAND USE COMMISSION

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

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

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

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## AGENDA – NO QUORUM

### Regular Meeting

Thursday, May 10, 2018 @ 1:30 p.m.

Department of Land Management Conference Room  
590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning  
*[As advertised in the Guam Daily Post on May 3, 2018 & May 8, 2018]*

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, April 12, 2018

III. Old or Unfinished Business [None]

IV. New Business

Conditional Use

- A. Application No. 2018-10, Dr. Thomas Shieh and Mrs. Raven Shieh represented by Harry D. Gutierrez; Conditional Use permit to allow for the construction of a two-story structure with a medical clinic on the first floor and a multi-purpose room on the second floor, Lot 2129#1-REM-2, in an "R-2" (Multi Family Dwelling) zone, in the Municipality of Tamuning. Case Planner: Penmer Gulac

Zone Change

- B. Application No. 2017-41, Albert P. Sanga represented by Harry D. Gutierrez; Zone Change request from "R-1" (Single Family Dwelling) to "C" (Commercial) zone, for a proposed commercial building, on Lot 1103-3-1A-1, in the Municipality of Mangilao. Case Planner: Penmer Gulac
- C. Application No. 2017-32, Ian Corporation represented by Daniel D. Swavely; Zone Change request from "A" (Rural) to "R-1" (Single Family Dwelling) zone, for the proposed development of Tre-Vista Subdivision, on Lot 4-1RNEW, Tract 154, in the Municipality of Yigo. Case Planner: Celine Cruz
- D. Application No. 2017-49, Pok Nam Yi and Sharon Taitano represented by Kyle Borja; Zone Change request from "R-2" (Multi Family Dwelling) to "LC" (Limited Commercial) zone for the continued operation of an existing retail store, on Lot 1139-R16-NEW-4NEW-1, in the Municipality of Mongmong-Toto-Maite. Case Planner: Penmer Gulac

**Zone Change**

- E. **Application No. 2018-11**, Behnam Ghazfghazi represented by Harry D. Gutierrez; Zone Change request from "A" (Rural) to "M-1" (Light Industrial Zone), for the proposed construction of a warehouse, on Lot 5, Block 1, Tract 221, in the Municipality of Barrigada. Case Planner: Penmer Gulac

**Tentative Subdivision Plan**

- F. **Application No. 2018-06**, WSS Pacific Development Corporation represented by Jae Ji; Tentative Subdivision Plan request for the final phase of construction of twenty (20) single-family house lots (Santos Ocean Housing), on Lot 29NEW, Blocks 1&2, Tract 10310, Phase IIB, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Dededo. Case Planner: Frank Taitano

**V. Administrative & Miscellaneous Matters**

**Order to Show Cause**

- G. **Application No. 2015-29**, Guam Wanfang Construction Ltd; Order to Show Cause as to reason and/or failure to submit its required six-month status report in a timely manner for the Pago Bay Resort project, on Lot 164-4NEW-1, in the Municipality of Yona. Case Planner: Marvin Aguilar/Celine Cruz

**GLUC Resolution**

- H. **Daniel D. Swavelly**, GLUC Resolution to add engine oil recycling as a permitted "M-1" zone. Case Planner: Marvin Aguilar

**VI. Adjournment**