

APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES
Department of Land Management Conference Room
3rd Floor, ITC Building, Tamuning, GU
Thursday, February 15, 2018 • 9:33 a.m. to 12:00 p.m.

I. Notation of Attendance

Chairman Aguilar called to order the regular meeting of the Application Review Committee for Thursday, February 15, 2018 to order at 9:33 a.m., noting a quorum.

Present were: Marvin Aguilar (DLM), Tony Palomo (GPA), Mary Rose Wilson (DPW), Angel Marquez (GEPA), Vince Laguana (GWA), Gil Suguitan (BSP), Dan Guerrero (JRM), Edwin Reyes (BSP), Joe Garrido (DPR/HPO), Penmer Gulac, Celine Cruz, Grace Vergara and Frank Taitano (Planning Staff)

II. Approval of Minutes

Chairman Aguilar approval of the regular meeting Minutes for January 18, 2018; Chairman Aguilar requested for a motion to approve/disapprove the Minutes.

Tony Palomo (GPA) made a motion to approve the ARC regular meeting Minutes for January 18, 2018.

Joe Garrido (DPR/HPO) seconds the motion.

Chairman Aguilar motion made by GPA, seconded by DPR/HPO; discussion (none). All in favor of the motion say "aye" [DLM, GPA, DPW, GEPA, GWA, BSP], all opposed say "nay."

[Motion passed unanimously; 6 ayes, 0 nay]

III. New Business

Conditional Use

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

Harry Gutierrez his client would like to build his own clinic. The design before the members today, meets all the requirements to include parking. It is a proposal for a two-story building; and therefore, no need for a height variance. Members were reminded that this lot was previously reviewed the ARC; however, the previous owner of the property withdrew the application due to complaints from the surrounding neighbors. Located next door to this property is a dental clinic; the proposed clinic is located directly located Shirley's Coffee Shop, and to the right are condominiums and to the rear are apartments/condominiums.

Gil Suguitan (BSP/GCMP) a site visit was done at the property; there will be two flame trees to be removed. When the property is developed it states that you will be using native trees for landscaping. Will the applicant be working with the Department of Agriculture to obtain the trees.

Harry Gutierrez will bring the subject up to the applicant; Dr. Shieh is open to this.

Gil Suguitan the sidewalks are quite high up. What will be the water catchment and/or storm drainage system.

Harry Gutierrez French drains will be installed in the parking lot. All water will be contained within the property.

Gil Suguitan two parking stalls have been designated for ADA parking and adequate parking has been provided. Will permeable pavers or asphalt be used for the parking lot; and asked that since Dr. Shieh is considering going green, that permeable pavers be considered for the parking lot.

Harry Gutierrez regular asphalt; it will be recommended to his applicant.

Vince Laguana (GWA) asked that Mr. Gutierrez work closely with GWA's engineering department prior to the building permit process. In addition, Mr. Gutierrez was asked to submit water demand and sewer production calculations to determine whether or not GWA can accommodate the proposed development. All other comments will be provided in the position statement.

Dan Guerrero (JRM) no comments at this time.

Tony Palomo (GPA) there is a wooden power pole located on the property. GPA would like to remove the pole which only services the apartments located at the rear of the building. GPA is requesting for permission from the applicant to go through the property to do this. GPA's engineering office is requesting that the plans be brought in early so that there is ample time for the removal of the pole. This pole only services the apartments at the rear, power for this project is located at the front.

[Discussion ensues]

Joe Garrido (DPR/HPO) stated that his application has gone through the GLUC eight years ago; but, the components and the owner of the property has changed. But, the position of DPR/HPO has not changed. There is no objection to the conditional use application, but there are concerns that the proposed project has the potential to encounter historic properties to include human remains or ancient burials within the subject lot. DPR/HPO would like to communicate with the applicant and discuss the archeological requirements that will be needed should this project proceed. The lot fronts Camp Watkins Road (aka Governor Carlos Camacho Road), and adjacent to the (inaudible/undecipherable) ancient sites. Mr. Garrido will continue to communicate with Mr. Gutierrez on this project.

Mary Rose Wilson (DPW) ADA parking will need to be labeled on the site plan; storm drainage disposal should be detailed to include calculations on the final drawings; access road, entrance/exit, sidewalks, pedestrians should be wide enough for public access since this is a medical facility; and solid waste composition is important. The remaining comments will be provided in the position statement.

Chairman Aguilar this being a medical clinic, there should be a separate bio-hazard disposal as well.

Harry Gutierrez confirmed that there will be bio-hazard disposal provided.

Angel Marquez (GEPA) there is an issue on pharmaceutical contaminants that may occur in the drinking water. Is there a plan to provide a separate bio-hazard disposal receptacle.

Harry Gutierrez was not sure at this time, but will bring this issue up with the architect.

Angel Marquez the drainage system; it is a requirement that if prehistoric artifacts are found, the drainage design cannot be used within a certain setback from where the remains are found. This is a requirement under the federal NOI. During the review of the drainage design management plan, EPA would like to see confirmation from HPO that the area has not been determined as an area of concern.

Chairman Aguilar this is dual coordination between EPA and HPO.

Joe Garrido there will be historic preservation mitigation to address these issues. It will not stop the development, but in order to move forward, a mitigation plan to address the adverse effect of the project needs to be provided.

[Discussion ensues]

Angel Marquez depending on the size of the generator, it may require an EPA permit. Drainage system needs to meet the requirements of the CNMI/Guam standards; no further comments noted.

Pete Terlaje (DoAG) DoAG's concern is any development anywhere near the coastline. During the clearing/grading permit process that proper barriers are in place so the erosion does not enter the coastline across the street. With regards to the indigenous trees species, we ask that you incorporate these into the landscaping plan for the property. Mr. Terlaje stressed that proper mitigation plans are in place with regards to erosion and properly maintained during the course of the project.

Penmer Gulac (Case Planner) will continue to work with Mr. Gutierrez to ensure that all requirements that has been discussed at today's meeting are followed through. The sign is up at the project site and has met the requirements.

Joe Garrido it should be required that during the course of establishing the size of the parking stalls and ADA space that it be inspected by Ben Servino and DPW to ensure that the ADA federal guidelines are adhered to.

Chairman Aguilar inquired if this was a multi-purpose clinic or specialized clinic.

Harry Gutierrez it is a specialized clinic.

Chairman Aguilar this is a conditional use permit application and has to be specific on the design; all information has to be placed into the final design for approval. A condition will be placed that any changes, once approved, will have to go before the Guam Land Use Commission.

Chairman Aguilar would like to see the height of each floor to show that it is well under the need for a height variance.

Zone Change

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

Harry Gutierrez five lots have been rezoned in the general area. The property is located in a flight zone area; Mr. Gutierrez's client would like to build a warehouse on the lot. Water and sewer is available and there is dual access from both sides of the property.

Chairman Aguilar members were asked if it was clear on the location of the property. Chairman Aguilar stated that the property is located two lots away from Kautz & Sons eastward doing down the hill.

Pete Terlaje (DoAG) with regards of development in the area, any time that it involves heavy equipment and/or warehouses it is a concern of DoAG on the type of activities. Other than equipment storage, will industrial chemicals or anything associated with the type of business of the applicant is involved in, be present at this location.

Harry Gutierrez responded that not that he was aware of. Mr. Gutierrez explains that his applicant deals with a lot of work with the military and conducts site preparation for the military.

Pete Terlaje will any materials from project sites be brought to this proposed site.

Chairman Aguilar (interjects) the questions being asked are on the operational issues.

Discussion ensues. DoAG's concerns are on invasive species coming from project sites. Chairman Aguilar states that what the committee should be assessing is the effects of an "M-1" zone in the immediate area. The concerns of DoAG regarding the applicant's type of operations exists today, the property can be sold in the future. Members were again asked to focus on the effects of the M-1 zone for the area. Mr. Terlaje's inquiries are based on what the current business is currently so that in the future, DoAG knows what to deal with.

Chairman Aguilar the line of questioning is is the applicant engaged in the storage of hazmat materials beyond the storage of heavy equipment; is fuel being stored at this site.

Harry Gutierrez no.

Pete Terlaje how big is the operation and how many equipment does the applicant have.

Harry Gutierrez replies that from what he has seen, there are only three vehicles.

Chairman Aguilar the applicant has just completed the work for the renal care facility in the Ukkudu area; and for the record, the equipment at this site all belong to the applicant. There is a full gamut of equipment at this site.

Pete Terlaje be cognizant of the mud that can be produced during the rainy season in this area, and tracking it in/out of the job site.

Chairman Aguilar what is the elevation to Alegeta Street.

Harry Gutierrez approximately six-feet.

Pete Terlaje include a landscaping plan with indigenous trees.

Angel Marquez (EPA) the current impact from current zone to "M-1" is major for environmental. The design of the drainage, you will be allowed to discharge anything beyond 20-year storm and the overflow goes to Alegeta Road. EPA is requesting for proper design to contain the majority beyond the 20-year storm allowed. The rezone of this lot to M-1, the facility will be considered a hotspot; in other words, when the drainage system is designed you will have to consider the highest degree of pretreatment. This is lot is more than a one-acre lot, any clearing/grading activities, there is a requirement to obtain U.S. EPA permit (NOI); the applicant will be required a bio-survey for the lot and endangered species must be complied with. There is also a major impact for water; there is inadequate pressure for fire flow requirement for an "M-1" zone. A large storage tank will be required.

Mary Rose Wilson (DPW) currently reviewing the application and reserved her comments for the position statement.

Joe Garrido (HPO) is aware of the location of the project site; it is overgrown with secondary vegetation, destroyed by military construction activities post-war. The applicant intends to clear the area and construct office space, warehouse, storage, rental space, etc. DPR/HPO would like the developer to take into account the effects of their project on historic properties if it is present in the area. There are procedures and regulations on how this can be done; one, is to get a professional archeologist and conduct an investigation on the property to determine whether or not there is the presence of historic properties.

The likelihood of historic properties present is minimal. The area is coral line based. Inquired if this property has been cleared and graded previously.

Harry Gutierrez this area has been cleared previously; it was cleared by SPI about 30-years ago.

Joe Garrido sometimes there is frustration on the disingenuous intention of developers. [SIC] Reminds Mr. Gutierrez and any applicant before the Guam Land Use Commission, unless you are authorized to do something on the property prior to being given an NOA by the GLUC, developers should not engage in applying for applications from government agencies because the project has not been approved by the GLUC.

[Discussion ensues]

Tony Palomo (GPA) power is available; bring the plans in and an engineer will assist with the project.

Dan Guerrero (JRM) no comments at this time.

Vince Laguana (GWA) GWA's position statement will be based on the maximum allowed uses for M-1 for water demand and sewer production. Work with the engineering department for further discussion.

Gil Suquitan (BSP) noted that the attachments for this application are lacking which prevents BSP from making a decision on this application. Mr. Gutierrez was asked why the lot was not used previously for agriculture use.

Harry Gutierrez this was military owned land which was returned. When it is returned to the original owner, by law, the zoning reverts back to "A." SPI developed this lot in 1969, sub-divided and sold.

Gil Suquitan as mentioned earlier, it was not mentioned in the application on the storage of fuel.

Harry Gutierrez responds that he was not aware of any onsite fuel storage.

Gil Suquitan what type of catchment system will be used.

Harry Gutierrez the water pressure is low all over the island. In this case, a 1000-gallon capacity tank with a pump will be needed in order to meet fire flow requirements.

Chairman Aguilar members were again reminded that the committee should be looking at the full complement of possible uses under an M1 zone; to include home development. It is pre-mature to be specific on the different types of accessories that are available. Chairman Aguilar emphasized that members should focus on whether the existing zoning is conducive to the use today as opposed on what is being proposed.

Edwin Reyes (GCMP) this an area of particular concern and there are some resources that they will be looking at and the effects of those resources in their review. The future designation for this property is residential use, and also those objectives in the northern/central land use plan which promotes the best use and benefits for the northern part of Guam. What are the benefits will this project bring based on the rezoning of this property when it clearly conflicts with the designated future zone.

Harry Gutierrez FAA says best use for this area would be M-1; it is in the flight path zone. The best use for this lot are warehouses and building homes in this area is not best right fit.

Vince Laguana (GWA) states for the record that according to GWA regulations regarding psi, it is required to maintain a minimum of 20 psi to a maximum of 90 psi.

Penmer Gulac states that he will ensure that the consultant coordinates and works with the agencies on issues discussed at today's meeting; the sign has been installed.

Chairman Aguilar has read the justification for the zone change request from "A" to "M-1" light industrial. Chairman Aguilar would like to see additional explanation and justification provided with regards to the three criteria for considering this request. In addition, Chairman Aguilar would like to see additional discussion on where this property is in relation to the AICUZ and what are the chances of an air craft accident in the area. Work with your Case Planner to put a supplement application together.

[Chairman Aguilar calls for a recess at 9:55 a.m., and reconvened the meeting at 10:00 a.m.]

Conditional Use

- C. Application No. 2018-14, Camacho Family Partnership represented by RIM Architects, Guam, LLC; request for a Conditional Use permit to allow the construction of Docomo Pacific Data Center building, on a portion of 50A-R6, in an "A" (Rural) zone, in the Municipality of Talofofo. Case Planners: Frank Taitano and Celine Cruz

Chairman Aguilar this application is talking about a portion of a much larger tract of property; however, there is a subdivision map that is currently going through a map process review at this time. There will be a map that will identify a 254,228 square foot parcel.

Tim Armour with Claudine Camacho (DCA), John Rhee, Liezl Balan (Docomo). Mr. Armour presents the project to the committee.

- This project is for a data center to be built by Docomo. It is on a portion of a lot owned by the Camacho family, and that is why they are listed on the application because they are the present owners of the property. The partitioning map has made it through the approval process and is currently being recorded;
- This is a warehouse; strong, stout, weather-proof warehouse that will house computers. This is sort of the "cloud" for Docomo. This is where all information will be stored;
- There are no by-products;
- It is a single story building;
- Talofofo was intentionally selected because of its isolation. They want a building away from populated areas, away from flight paths, on a road with good power service; there is good water service; good road access; good traffic access;
- This is a 24-hour facility and will be manned 24-7. Occupancy will be very low, only 8 to 10 full-time employees at a time;
- It is a secured facility. There will be control on who enters and exits the facility;
- Designed to withstand 210 mph winds. Designed to the highest earthquake designs;
- There will be back up generators and backup generators for the generators;
- Designed to be a low profile, quiet building that just sits out in the country and does its job;
- Water lines were tested and there is good water pressure at 57psi, 643 gallons per minute from the hydrant;
- Occupancy is low enough that a septic system will be used rather than hooking up to sewer;
- There are two main power distribution circuits fronting the property and will be tapping into both circuits so that there is redundant sources for the property. There is an existing power line that crosses over the property which belongs to the Camacho family, and they are currently working with the family to have that utility easement removed and power poles removed;
- Wetlands have been identified on the property. The building has been moved to be away from the wetlands and Docomo has taken on the responsibility of protecting the wetlands and being a good manager of the wetlands; and,
- Storm water containment will be designed so that all runoff is pretreated before going into the wetland areas, and the wetland will remain natural and undisturbed throughout the whole construction and operations process.

Chairman Aguilar this is an IT cloud facility, data center. Are there any residual emissions.

Tim Armour only when the generators are operating; only generator exhaust would be emitted during power outages.

Chairman Aguilar electrical emissions.

Tim Armour none, whatsoever.

Chairman Aguilar any additional special protective barriers.

Tim Armour there is a perimeter road so that there is a clear space from the property perimeter and the building. A security fence will be installed around the building and the building intentionally does not have any openings and the facades are designed for 210 mph winds. The building is designed to be very strong. This is just rows and rows of computers. They are doing what they can with landscaping; trees are being placed in front the building; a landscape berm on the road (between the road and the building) to soften the image.

Chairman Aguilar what is the distance between the proposed fence line and the wetlands.

Tim Armour it is 30-feet.

Claudine Camacho the heavy line is the wetland boundary and a very faint line to the west of that is the setback of 30-feet.

[Discussion ensues on setback boundaries]

Edwin Reyes thank you for considering the vegetative buffers to help with the visual aesthetics. There is a policy in the book that protects agricultural land and to expect that they will be looking at the policy of protecting the ag-land versus the benefits of the project. It was mentioned that you wanted to place the building away from dense areas. What is the utility of that as opposed to perhaps in-filling certain areas in Dededo or Tamuning where it is closer to urban settings.

Tim Armour Docomo was looking for a site that was low traffic, out of flight paths, away from congested areas. It was put away from less populated areas so that there is less opportunity for the building to be affected by either man-made or natural disasters.

Edwin Reyes has arson fires been considered.

Tim Armour the perimeter road and the perimeter fence will be maintained, and so creating their own fire barriers. This location was chosen because it is less than a quarter mile from the Talofoto fire station. Part of the design will be to put an 8-inch water line on site and put two hydrants at each of the building.

John Rhee (Vice President) there are a few other factors for considering the area. All gateways points, cable landing stations are all located to the west. Cloud is a group of computers that are all connected together.

Vince Laguana (GWA) preliminary water demand and sewer productions have been provided. Proposed point of connection in the site development is needed; work closely with the Engineering department prior to the building permit process and continue discussion with them. All other comments will be provided in the position statement.

Dan Guerrero (JRM) well-thought out plan. Because it is cloud based, we are not looking at any type of frequency spectrum type of transmissions.

Tim Armour there is no transmitting from this building.

Dan Guerrero we are looking at com-line interference. At Joint Region Marianas we try to inform developers, construction companies and planners that contrary to popular beliefs there are assets that are off Base and lot of them are in easements. In this particular case, the applicant was made aware that although a lot of the easements that they have off-base are recorded at Land Management there are some that have inadvertently not been recorded.

Tim Armour a researcher was hired for this project and there were no easements recorded or unrecorded that have not shown up.

Tony Palomo (GPA) Vince Sablan is currently working with Mr. Armour on this project.

Tim Armour the power demand for this facility is significant and have been working closely with GPA up to this point.

Joe Garrido (HPO) what is the identification of the lot number of the property that is being focused on. There are three different lot numbers and needs to understand where exactly where this project is located. The application lists Lot 50A-R6, and the lot area for this is 30+ acres. Is this project involve 30+ acres.

Tim Armour no, it does not. If you look at the registered map of the overall site from Frank Castro, it shows the overall property of 50A-7 and it also shows the future parcel. For this meeting's purpose it still shows 50A-R7 which is the Camacho family property. It is in the process of being parceled, and after it is parceled (which is the future) it will create the lot 50A-7.

Frank Taitano it should be 50A-R6 and not R7.

Joe Garrido the lot number for this is 50A-7 and that is what he is looking at.

Tim Armour it will be, after the parceling map is registered, it will be 50A-7.

Joe Garrido in their line of work they need to know exactly what is the area of potential effect. The area of potential effect will be 30+, three, five, six acres instead of 23,000 square meters. It gives several lot numbers and can be confusing.

Tim Armour states that by the time this application goes to the Commission hearing, it will be established as 50A-7, 23,000 square meters. That should be the basis of HPO's response.

Joe Garrido there is really no problem of putting 50A-R6 in the application.

Celine Cruz (Case Planner) this was done based on the recommendation from the Planning Division because technically Lot 50A-7 does not exist today. It is in the process of being created and technically not a lot. The description on the agenda indicates a portion of and that was the best way to describe the lot.

Joe Garrido the reviewer does not know everything that is in your mind [sic]. As a reviewer, the focus is on Lot 50A-R6 which is a big lot. When files are established at the office, they want to ensure that they correct lot number is indicated of the project APE, consistency with the title of the project, and this project will be Docomo Pacific and not Camacho Family.

The state archeologist is communicating and working the person that was hired by the company for this project. HPO is also aware that there is an archeological plan which will be reviewed by their office for comments and/or changes. Mr. Garrido stressed that once a determination has been made that an archeological survey will be required that there will be no other activity that can take place within that area before the project is approved. Before any activities occur, which involves ground disturbance that HPO office is contacted prior to that activity being approved by any agency. Mr. Garrido goes on to state an incident that had already occurred on the property.

Chairman Aguilar interjected and asked that Mr. Garrido discuss this issue outside of this meeting.

Mary Rose Wilson (DPW) the building is approximately 275-feet x 77-feet, it is a single story, modular, steel structure. Why was a steel structure used.

Tim Armour this is a specialized construction technique for very specialized buildings. This building will be fabricated off-island and will constructed and built entirely with the equipment installed inside the building. It will be taken apart in pieces, wrapped and put shipped to Guam. When the site is ready, they will simply pick up the modules and dropped into place and bolted together. Actual vertical construction will be about two months.

[Discussion ensues on the building design]

Mary Rose Wilson the slope of the property; take advantage of the elevation, it's just flat.

Tim Armour the building has to be flat because of the nature of the structure.

Mary Rose Wilson recommended that the site development be enlarged and labeled. Will the generator be exposed or housed.

Tim Armour they were trying to purchase generators that come in pre-fabricated enclosures. But at looking at the cost, complexity and maintaining equipment on Guam, they have decided to use a concrete building.

[Discussion ensues on generators and back-up generators]

Mary Rose Wilson ensure compliance with all geo-technical requirements on site preparation. Other comments will be provided in the position statement.

Angel Marquez (GEPA) are there any activities on this property that is ongoing, disturbance of ground, cutting of trees, permitted or not permitted activities; applying for clearing/grading.

Tim Armour no applications have been made.

Angel Marquez is this a 24-hour manned facility.

Tim Armour yes.

Angel Marquez the leaching field/septic tank, and has spoken to the consultant and it is not in the ground water lens and can proceed with the design designed for a 24-hour, occupancy for eight to twelve employees. The soil is not good percolation and suggested that good allowance be given for the leaching field. Will an 8-inch water line be placed inside the property.

Tim Armour yes.

Angel Marquez for fire?

Tim Armour it will be for two hydrants and there will be a dedicated hydrant line on the property which is separate from the potable water. The hydrant test was done this week and we have the information and ready to approach the Fire Department with the calculations.

Angel Marquez the pressure that was mentioned earlier is not adequate to activate fire sprinklers. If it is required, you will need a water storage tank equivalent to 2000 gpm for four hours.

Tim Armour we have been advised by our fire protection engineer is Bill Miller and he is charge of advising us on how big that tank has to be and how powerful the pump has to be. The fire pump is part of the plan and the tank size is yet to be determined by the available pressure.

Angel Marquez the water that is brought in is non-potable and will be stagnant for 8 to 10 people, an 8-inch line that will be stagnant water. This will be further discussed during the permitting process.

Chairman Aguilar you are stating that there maybe a need for an additional structure to be put up.

Angel Marquez yes, they will be required to put a water storage tank. The concern is stagnant water. If you only have 8 to 10 people using the bathroom it is not enough to use the water that is in the pipes and it will sit there for months. Will underground storage be used to store the diesel for the generators.

Tim Armour will not be going underground. Mr. Armour is currently working with the design team on how big the tank is going to be; it will be about 15, 000 gallons, and possibly two tanks. It will be above ground, in a containment and will meet all EPA requirements for fuel storage.

Angel Marquez because the parcel is more than one acre, the applicant was informed that they will be required to acquire an NOI federal permit before starting the project; provide a storm water prevention plan; any endangered species found have to be addressed; during clearing and grading of the property there will be a lot of sediment that may cause erosion which can travel all the way to the river; green waste generated from the site must be disposed of at a permitted facility.

Pete Terlaje (DoAG) conducted site inspection with Claudine Camacho on January 4th. The property is a huge mango orchard and it appears that a huge portion of the trees will be removed. Looking at the plan, a lot of the trees can be left in place and used for extra protection of the property. Mr. Terlaje pointed out that there are mahogany trees located at the front entry of the property and asked if they were going to be removed.

Tim Armour the trees will be left alone and will not be touched. The operators of the building have decided that the whole back section between the boundary and the perimeter road will remain as an orchard.

[Discussion ensues]

Pete Terlaje wetlands –

Tim Armour wetlands will not be touched; you can see the 30-foot setback boundary.

Pete Terlaje how many mango trees, if any, are on the 30-foot setback.

Claudine Camacho the topo survey picked up 140 matured mango trees.

Chairman Aguilar coordinate with DoAG on what trees can be removed, relocated, and planted elsewhere. Chairman Aguilar stated for the record that he would like to see some of the trees saved and replanted because these trees are specialized, there should be a higher interest in trying to preserve the trees as much as possible.

[Lengthy discussion ensues on the mango trees located on the parcel, 30-foot setback area, and how many will be left in place and how many to be removed.]

Pete Terlaje any discovery of endangered species.

Claudine Camacho there was no discovery of tree snails, listed orchids or unlisted species or any endangered species under the local and federal protection.

Pete Terlaje any removal of endangered species will cost developers a \$35K fine per individual plant and/or animal destroyed.

Chairman Aguilar if trees have to be absolutely removed, coordinate with DoAG to work out a harvesting plan.

Pete Terlaje are there plans to expand the building or is this the maximum density that is allowed.

Tim Armour as far as they can see into the future, the project will be built in three phases; and, only half of the building will be built in Phase I. They are asking for approval of the whole project, but the first phase will be half of the building. In phases two and three it will grow to its designed capacity.

[Lengthy discussion ensues]

Tim Armour thanks the members for their attention and looks forward to receiving the agencies' position statements. This is a fast-track project and hopes that they can receive everything in a timely manner. By saying that it is fast-track, as soon as the Commission hearings are done, they will go right into design and will be requesting for a preliminary grading permit. All requirements will be met and asked that the agencies be ready because it will happen within the next two months.

Joe Garrido for this data center will a tower be built.

Tim Armour not at this time; this is purely a data center.

Joe Garrido a component of this project, he believes, is the excavation project along the east of 4A all the way to Route 4.

Tim Armour advised that he was not involved with this project, and cannot speak on this matter.

Chairman Aguilar this can be addressed through appropriate permitting, and that will be the secondary portion of this project.

Frank Taitano/Celine Cruz no comments at this time.

Chairman Aguilar for the record, how high will this building be.

Tim Armour it is one story, approximately 14-feet.

Chairman Aguilar next item on the agenda –

IV. Approval of ARC Agenda

Chairman Aguilar there is no agenda for Thursday, March 1, 2018; and, the next GLUC coming up is on March 8th and tentative as well.

Chairman Aguilar would like to have a prelude meeting on March 1st with the ARC members to talk about topics that they may want to contribute to the Planners Symposium. [All in agreement]

V. Administrative & Miscellaneous Matters

Chairman Aguilar administrative and/or miscellaneous matters for discussion.

Edwin Reyes the third Planners Assembly is scheduled for March 13th. This assembly will focus on two issues; development impacts and water quality. The focus is only on two because the second half of the day is dedicated for training. There will be training on GIS, land use planning, national disaster preparedness, permitting requirements for shoreline requirements.

This will be the largest gathering of municipal planners; all Mayors have been invited to attend with an emphasis on inviting key staff and council members.

[Lengthy discussion ensues on the assembly]

Chairman Aguilar members were asked to email all suggestions to Mr. Edwin Reyes.

Next item on the agenda –


VI. Adjournment

Pete Terlaje motions to adjourn today's meeting, seconded by Vince Laguana; with all in favor.

The regular meeting of the Application Review Committee for Thursday, February 15, 2018 was adjourned at 12:00 p.m.

Approved by:

Date approved:



Marvin Quitugua Aguilar, Chairman
Application Review Committee

4.5.2018

Transcribed by:



M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

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, February 15, 2018 Special _____

Time: 9:30 AM Adjournment: 12:00 PM

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairman)	
2 DPW/Vertical	(Member)	<u>Thompson M. Wilson</u>
DPW/Horizontal	(Member)	
3 Guam EPA	(Member)	<u>ANGEL MARQUEZ</u>
4 Bureau of Statistics & Plans	(Member)	<u>GIL SUGUITAN</u>
Bureau of Statistics & Plans	(Member)	<u>Edwin Reyes</u>
5 Department of Agriculture	(Member)	<u>Fateraja</u>
6 Guam Waterworks Authority	(Member)	<u>Vincent Laguana</u>
Guam Waterworks Authority	(Member)	
7 Guam Power Authority	(Member)	<u>Tony Pasko</u>
8 Department of Parks & Recreation-HPO/Parks	(Member)	<u>Jose Le Gararido</u>
9 Joint Regional Marianas	(Ex-Officio member)	<u>Dan Guerrero</u>
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 _____
 Penner Gulac, Planner IV _____
 Celine Cruz, Planner IV Celine Cruz
 Grace Vergara, Planner II _____
 M. Cristina Gutierrez, WPS II MC Gutierrez



Application Review Committee

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

AGENDA - REVISED

Thursday, February 15, 2018 at 9:30 a.m.

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

I. Attendance

Roll Call [] Quorum [] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes of January 18, 2018

III. New Business

Conditional Use

- A. Application No. 2018-10, Dr. Thomas and Mrs. Raven Shieh represented by Harry D. Gutierrez; Conditional Use permit to allow the construction of a two-story structure with a medical clinic on the first floor and multi-purpose room on the second floor, on 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. 2018-11, Behnam Ghazfghazi represented by Harry D. Gutierrez; Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, on Lot 5, Block 1, Tract 221, in the Municipality of Barrigada. Case Planner: Penmer Gulac

Conditional Use

- C. Application No. 2018-14, Camacho Family Partnership represented by RIM Architects (Guam), LLC; request for a Conditional Use permit to allow the construction of Docomo Pacific's Data Center building, on a portion of Lot 50A-R6, in an "A" (Rural) zone, in the Municipality of Talofofo. Case Planners: Frank Taitano/Celine Cruz

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, March 1, 2018 – No Agenda
B. GLUC Regular Hearing, Thursday, March 8, 2018 – Tentative

V. Administrative & Miscellaneous Matters

VI. Adjournment

TIMELINE FOR ABOVE APPLICATIONS

Day #1 – February 15, 2018
Day #30 – March 15, 2018 [Pursuant to P.L. 33-209]
Day #60 – April 15, 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 – NO AGENDA

Thursday, March 1, 2018 at 9:30 a.m.

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

- I. Attendance
Roll Call Quorum No Quorum
- II. Approval of Minutes
 - ARC Regular Meeting Minutes of February 15, 2018
- III. New Business [NONE]
- IV. Approval of ARC Agenda
 - A. ARC Regular Meeting, Thursday, March 15, 2018 – Tentative
 - B. GLUC Regular Hearing, Thursday, March 22, 2018 – Tentative
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

TIMELINE FOR ABOVE APPLICATIONS
Day #1 – March 1, 2018
Day #30 – April 1, 2018 [Pursuant to P.L. 33-209]
Day #60 – May 1, 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.I. Vy

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

AGENDA - Tentative

Regular Meeting

Thursday, March 8, 2018 @ 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 March 1st and March 6th, 2018]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, February 22, 2018

III. Old or Unfinished Business

IV. New Business

Zone Variance

- A. **Application No. 2016-53**, Docomo Pacific, Inc., Guam; request for Zone Variance for Height and Use for the construction of a 100-foot telecommunication monopole tower, on Lot 10069-3-6, in the Municipality of Dededo, in an "A" (Rural) zone.
Case Planner: Penmer Gulac

Tentative Development Plan

- B. **Application No. 2018-09**, KALS LLC represented by GUMA Architects, LLC; request for a Tentative Development Plan to convert an existing commercial building (K-Plaza) to mixed commercial uses and hotel, on Lot 5094-R1 (Tumon), in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone.
Case Planner: Celine Cruz

V. Administrative & Miscellaneous Matters

VI. Adjournment