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GUAM LAND USE COMMISSION MEETING MINUTES



Department of Land Management ITC Building, Tamuning, Guam DLM Conference Room, 3rd Floor ITC Bldg. Tamuning, Guam 96913



Thursday, June 12, 2025 2:05 p.m. to 2:57 p.m.

GUAM LAND USE COMMISSION MEETING

Department of Land Management, 3rd Floor ITC Building, Tamuning DLM Conference Room
Thursday, June 12, 2025 • 2:05 p.m. to 2:57 p.m.

MEMBERS PRESENT:

Ms. Anita B. Enriquez, Chairperson

Ms. Leilani R. Flores, Commissioner

Mr. Gerald P. Yingling, Commissioner

[Excused: Commissioner Ronald C. Pangilinan]

PLANNING STAFF PRESENT:

Mr. Joseph M. Borja, Executive Secretary

Mr. N. Lee Miller, Jr., Legal Counsel

Ms. Celine L. Cruz, Chief Planner

Mr. Frank Taitano, Planner IV

Ms. Sonny Gogue, Planner III

Ms. Theresa Guevara, Planner II

Mr. Kyle Meno, T. Network Coordinator

GUAM LAND USE COMMISSION GUAM HYBRID LAND USE COMMISSION

Attendance Sheet

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

Thursday		
Date of Meeting: THURSAY, June 12, 2025	X GLUC X GHLUC	
	X Regular X Regular	
Time of Meeting: GLUC: 4:05pm GHLUC: 1:31		
	Quorum Quorum No-Quorum No-Quorum	
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COMMISSION MEMBERS	SIGNATURE	
Chairwoman Anita B. Enriquez		
Comissioner Leilani R. Flores	IS	
Commissioner Ronald C. Pangilinan		
Commissioner Gerald P. Yingling	00	
Mayor Peter Benavente, Dededo	Present ded not sign in Present ded not sign in	
Mayor Frances Lizama, Yigo	V Provent ded not sign in	
Mayor Louise Rivera, Tamuning	Prunt ded not sign in	
Mayor June Blas, Barrigada	H. Committee Com	
STAFF	Z I I I I I I I I I I I I I I I I I I I	
Joseph M. Borja, Executive Secretary	Must	
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N. Lee Miller, Jr., Legal Counsel (OAG)	(080)	
Celine L. Cruz, Chief Planner		
Frank Taitano, Planner IV	Sant P. Sinta	
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Edward Sanchez, Planner I		
Cristina Gutierrez, WPSII	Exough	
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ADJOURNMENT

GLUC: 4: 57pm GHLUC: 1:98 m

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISION GUAM-HYBRID 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

Date:

Time:

Regular

Special

GLUC

GHLUC

Thursday, June 12, 2025

1:37pm/2:05pm

Tarin Aguilan	H2018-47A-2 2024-023	988-7911
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GUAM LAND USE COMMISSION GUAM-HYBRID 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, June	e 12, 2025
✓ GHLUC	Special Time: 1:37 pm / 2:05 P	<u>r</u>
Quorum	No Quorum Adjournment: 1:58 pm	/ 2:57pm
PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
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GLUC Form 21 - GLUC Public Attendance	e Record Form - APRIL 2010	

GUAM LAND USE COMMISSION



Chairperson Anita B. Enriquez Commissioner Leilani R. Flores Commissioner Ronald C. Pangilinan Commissioner Gerald P. Yingling Commissioner (Vacant)

Joseph M. Borja, Executive Secretary N. Lee Miller, Jr., Legal Counsel (OAG)

AGENDA

Thursday, June 12, 2025 at 1:30 p.m.

Department of Land Management Conference Room

3rd Floor ITC Bldg., Tamuning, GU 96913

[As advertised in the Guam Daily Post – June 5th and June 10th, 2025]

Livestreamed on YouTube at Guam Department of Land Management Channel

I. Notation of Attendance/Roll Call [] Quorum [] No Quorum

- II. Approval of Minutes
 - GLUC Regular Meeting Minutes of Thursday, April 10, 2025
- III. Old or Unfinished Business [None]
- IV. New Business

Zone Change

A. <u>Application No. 2024-23</u>, the Applicant, Core Tech Development, LLC represented by TG Engineers; PC; requests a Zone Change from "R2" (Multiple Dwelling) zone to "M1" (Light Industrial) zone, for a proposed photovoltaic facility, on Lot 10184-2 and Lot 10184-3, in the Municipality of Dededo. Case Planner: Frank Taitano

Zone Variance

B. <u>Application No. 2022-37</u>, the Applicants, Prabhsaran and Cassandra Reyes Sachdev represented by Felix Benavente; requests a Zone Variance for Setback, for an existing residential structure with a front yard setback of 13.5-feet, a left side yard setback of 4-feet, and a rear yard setback of 3.5-feet, on Lot 16, Block 3, Tract 178, in the Municipality of Yigo, in an "R1" (One-Family Dwelling) zone.

Case Planner: Sonny Gogue

- V. Administrative & Miscellaneous Matters
 - C. A.B. Won Pat International Airport Authority; Noise Compatibility Planning Study
 - D. Election of Vice Chairperson, Guam Land Use Commission
- VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Thursday, June 12, 2025 • 2:05 p.m. to 2:57 p.m.

Department of Land Management Conference Room

3rd Floor, ITC Bldg., Tamuning, Guam 96913

[As advertised in the Guam Daily Post on June 5th and June 10th, 2025] Livestreamed on YouTube/Guam Department of Land Management Channel

I. Notation of Attendance

Chairperson Enriquez called to order the regular meeting of the Guam Land Use Commission for Thursday, June 12, 2025, at 2:05 p.m.

Present were: Chairperson Anita Enriquez, Commissioner Leilani Flores, Commissioner Gerald Yingling, Executive Secretary Joseph Borja, Legal Counsel Lee Miller, Chief Planner Celine Cruz, Planning Staff Frank Taitano, Sonny Gogue, Theresa Guevara and Kyle Meno.

[Excused: Commissioner Ronald Pangilinan and Deputy Director Rosanna Tiston]

Madam Chair noted a quorum and announced that today's meeting was being live-streamed on YouTube at the Guam Department of Land Management's channel.

II. Approval of Minutes

<u>Chairperson Enriquez</u> before the members today, is the approval of the Minutes from the GLUC meeting held on Thursday, April 10, 2025. The Commissioners were provided with the draft in advance, and they have been reviewed. Madam Chair asked for a motion for approval.

Commissioner Flores made a motion to approve the Minutes for April 10, 2025.

Commissioner Yingling seconds the motion.

<u>Chairperson Enriquez</u> acknowledged and accepted the motion made by Commissioner Flores and seconded by Commissioner Yingling. There was no discussion, Madam Chair put the motion to a vote, with all in favor of approval. [Motion carried unanimously, 3 ayes and 0 nays]

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. <u>Application No. 2024-23</u> the Applicant, Core Tech Development, LLC represented by TG Engineers, PC; requests a Zone Change from "R2" (Multiple Dwelling) zone to "M1" (Light Industrial) zone, for the proposed photovoltaic facility, on Lot 10184-2 and Lot 10184-3, in the Municipality of Dededo. Case Planner: Frank Taitano

<u>Chairperson Enriquez</u> welcomed the applicant's representative to the meeting, asked them to state their name for the record, and to proceed with their presentation.

<u>Marvin Aguilar</u> is from TG Engineers, PC, representing the applicant, Core Tech Development. Mr. Aguilar provided a PowerPoint presentation for the Commission.

Slide 1 – The application is a request to rezone Lot 10184-2 and Lot 18184-3 in Ukudu, Dededo, from R2 to M1 zone.

Slide 2 – Mr. Aguilar explained the location of the subject lots, and pointed out that to the left is the CTI barracks, to the north, in the open area, is a staging area.

Slide 3 – Image of the general location. Mr. Aguilar points out the location of the CTI housing facility, and adjacent to the staging area is the Northern District Wastewater Treatment facility (NDWTF), and across the street is the expanded NDWTF.

Slide 4 – Image of the subdivision property map for the two subject lots.

Slide 5 – Total area to be rezoned; Lot 10184-3 is about 6.34 acres, and Lot 10184-2 is approximately an acre and a half.

Slide 6 and Slide 7 - images of the Billboard notice.

Slide 8 – Photo of the former Air Force publication building.

Slide 9 – Mr. Aguilar explained the justification of public necessity, convenience, and general welfare. He stated that by rezoning each parcel to the M1 zone, the lots would become compatible to the immediate surroundings and become aligned with right-fit land use opportunities. He added that multi-family use is compromised for these two lots since they are technically surrounded by light industrial zones.

Slide 10 – Explained that their ulterior motive to rezone the parcels is for a unified land resource to construct and operate a solar farm. It is projected to produce about 60 megawatts of power and will have the ability to hold about 30 megawatts of battery power. The facility will meet the requirements of Public Law 35-45, which is to provide 100% dependency on alternative energy by 2045.

Slide 11 – Image of the expanse of the proposed solar PV facility. The design of the solar farm is to utilize as much space as possible while maintaining the CTI facilities. They will be adjacent to the wastewater treatment facility, and across the street, Lot 10188 was recently rezoned to M1, and this will provide additional space support for the solar farm.

Slide 12 – additional photo of the former Air Force publication building.

Slide 13 – photo of the main entrance to the Core Tech construction compound.

Slide 14 – photo of the mega warehouse to the north of the subject properties.

This concluded Mr. Aguilar's presentation, and he was prepared to answer questions from the Commission.

<u>Chairperson Enriquez</u> thanked Mr. Aguilar for the presentation and opened the floor to the Commissioners for comments or questions.

Commissioner Flores had no questions.

<u>Commissioner Yingling</u> commented that DoAG and GEPA had conditions and asked if their conditions had been met. DoAG asked for a biodiversity study to ensure that there were no endangered species on the subject parcels.

<u>Marvin Aguilar</u> replied that conditions cannot be placed on a zone change. The request should be considered based on the merits of the parcels and their relation to land uses surrounding them. The conditions can be applied to the clearing/grading permit or the building permit applications. They have merit and follow the processes for each of the permitting agencies.

<u>Chairperson Enriquez</u> inquired if the former Air Force publication building would have any use for this project.

<u>Marvin Aguilar</u> replied no, and it was his understanding that it would be demolished. This is a building that was constructed in the early 1950s, and there may be some additional environmental concerns to consider before it is demolished.

[Brief discussion ensues]

<u>Chairperson Enriquez</u> thanked Mr. Aguilar for his presentation and turned the floor over to Chief Planner Cruz for the staff report.

<u>Sonny Gogue, Planner</u> Ms. Gogue summarized the staff report dated June 2, 2025. The site is located within the Core Tech complex, north of the existing Core Tech TWHF. Lot 10184-2 is occupied by a two-story concrete structure, which was formerly a military printing shop, and Lot 10184-3 is vacant, with its north-eastern portion serving as access to the existing Core Tech TWHF and concrete batching facility.

Ms. Gogue continued the report with the community design plan, application's chronological facts, public hearing results and discussion, staff analysis to include the justification to support public necessity, general welfare, and convenience. [For full content/context, see attached report]

Planning staff recommends approval of the application, subject to conditions.

[Attachment A – Staff Report dated June 2, 2025]

Chairperson Enriquez opened the floor to the Commissioners for questions for the staff.

Commissioner Flores had no questions.

Commissioner Yingling had no questions.

<u>Chairperson Enriquez</u> noted that there were no questions for staff. Madam Chair opened the floor for public comment.

Public Comment none noted. Madam Chair closed the public comment period.

<u>Chairperson Enriquez</u> there were no additional comments or discussion from the members. Madam Chair was ready to entertain a motion for action for Application 2024-23.

<u>Commissioner Flores</u> made a motion to approve Application 2024-23 based on the recommendation and conditions as noted in the Staff Report dated June 2, 2025.

Commissioner Yingling seconds the motion.

<u>Chairperson Enriquez</u> acknowledged and accepted the motion made by Commissioner Flores and seconded by Commissioner Yingling. There was no discussion on the motion, Madam Chair put the motion to a vote, with all in favor of approval. [Motion carried with a vote of 3 ayes, 0 nays]

Next item on the agenda -

Zone Variance

B. Application No. 2022-37, the Applicants, Prabhsaran and Cassandra Reyes Sachdev represented by Felix Benavente; requests a Zone Variance for Setback, for an existing residential structure with a front yard setback of 13.5 feet, a left side yard setback of 4 feet, and a rear yard setback of 3.5 feet, on Lot 16, Block 3, Tract 178, in the Municipality of Yigo, in an "R1" (One Family Dwelling) zone. Case Planner: Sonny Gogue

<u>Chairperson Enriquez</u> welcomed the applicants' representative to the meeting. Asked them to state their name for the record and to proceed with their presentation.

<u>Felix Benavente</u> representing the applicants, Prabhsaran (Saran) and Cassandra Sachdev. Mr. Benavente had a brief presentation for the Commission.

Slide 1 – The subject lot is in Yigo. Mr. Benavente pointed out the Santa Bernadita Church, and to the right is the Machanaonao Elementary School.

Slide 2 – There are two structures on the property, and what was shown on the property map is the existing one-story concrete house, which is the subject of the setback variance application. The two car garage is compliant (referred to as Building B). The main structure will be referred to as Building A.

Slide 3 – Image of the zone variance for front, side, and rear setbacks.

Slide 4 – The front setback required is 15 feet, and the existing setback is 13.5 feet; they are requesting 1.5 feet. The two sides require 8 feet, and the existing are 4 feet and 7 feet, short 4 feet on the left side and 1 foot on the right side. The rear setback required is 10 feet, and the existing setback is 3.5 feet, short 6.5 feet.

Slide 5 – Photo of the existing side yard setbacks.

Slide 6 – Photo of side setback as viewed from the rear looking forward.

Slide 7 – Photo of the structure before the modification, which was previously a single-family dwelling. There were two structures, and the main building to the left is an existing concrete building (Building A).

Slide 8 – Photo of the structure after modification; front view of the modification of the single-family dwelling to garages and storage space of structure B.

Slides 9, 10, and 11 – photos of the surrounding area of the property.

Slide 12 – the previous owners and subsequently purchased by the applicants. The applicants intend to renovate the existing structure and make it a legal structure to be used as residences.

Slide 13 – The structure is located entirely within the boundaries, the roof overhang does not encroach over the common abutting lot lines, and the water run-off is contained on site.

Slide 14 – The garages are compliant, and the main building is not and for this reason they are before the Commission to request for the variance.

This concluded Mr. Benavente's presentation, and he was prepared to answer questions from the Commission.

<u>Chairperson Enriquez</u> thanked Mr. Benavente for his presentation and opened the floor to the Commissioners for questions.

Commissioner Flores had no questions.

Commissioner Yingling had no questions.

<u>Chairperson Enriquez</u> asked which building came first, Building A or Building B. There are parking garages and storage, and did these structures come after the house.

Felix Benavente replied that the house was built first.

<u>Chairperson Enriquez</u> based on what was presented, the house is not in compliance, but the garages and the storage are. Madam Chair asked if it would be more cost-effective to renovate to make the first building in compliance, and whether the new owners have considered what it would take to make the initial structure in compliance as they are renovating versus moving forward with what they have.

<u>Felix Benavente</u> explained that the existing one-story concrete house is the main structure. The front portion is 4 feet from the property line and the rear portion is 7 feet, and the whole back portion of the building is 3.5 feet from the property line. To bring this building into compliance would require cutting the building. The option that they took was to apply for the variance to be in compliance.

Commissioner Yingling asked if the adjoining property was for sale.

Felix Benavente replied that he was unaware.

Chairperson Enriquez asked if there were any additional questions.

<u>Joseph Borja</u>, <u>Executive Secretary</u> noted for the record that this is a 2022 application and asked what the delay was in moving forward with the process.

<u>Celine Cruz, Chief Planner</u> replied that the delay was caused by not being able to secure an MPC resolution that complied with the Open Government Law. Chief Planner Cruz stated that any action taken by the Commission could be voided because that element of the process was not adhered to. Several attempts were made with the previous Mayor, but they were not successful, and it was not until the new Mayor took office that they had the hearings that were required and received the resolution needed to move forward.

Chairperson Enriquez thanked Ms. Cruz and turned the floor over to the staff for their report.

<u>Sonny Gogue, Planner</u> summarized the staff report dated June 4, 2025. The subject property is located in Agafa Gumas. The site is developed with the existing single-family residential structure and a detached garage, and a storage structure with a chain-link fence.

Ms. Gogue continues her report with the application's chronological facts, public hearing results, discussion, and staff analysis. (For full content/context, refer to the attached report.)

To conclude the report, Ms. Gogue conveyed that the applicant has provided adequate justification in response to their request. Except for the Department of Public Works, which recommends disapproval of the requested variance, the remaining ARC position statements are with no objection.

Planning Staff recommends approval, subject to conditions.

[Attachment B – Staff Report dated June 4, 2025]

Chairperson Enriquez turned the floor over to the Commissioners for questions.

Commissioner Flores had no comments or questions.

Commissioner Yingling had no comments.

<u>Chairperson Enriquez</u> remarked that the property is within the housing subdivision and understands Public Works' concern of deviating, and the possibility of setting a precedent, and asked how far the structure was from the main road, to which DPW would have a concern.

Felix Benavente replied that it was 13.5 feet to the edge of the right-of-way.

<u>Frank Taitano</u>, <u>Planner</u> added that it was about 2000 feet from the main road. Mr. Taitano explained that the position of Public Works not recommending approval is that they noted that

there were irregularities in the alignment of the property lines and the structure. In the application, there is certification from a registered Surveyor that proves this wrong. DPW's concern is about the alignment (certified by a Surveyor) and the fault of the inspection that was conducted.

[Discussion ensues]

<u>Chairperson Enriquez</u> added to the concern about precedence, she also recognizes that the original structure (A) was built with the understanding that all requirements were satisfied. Madam Chair stated that the Commission grandfather this factor in because it would impose an undue financial burden on the buyers. In this particular case, there were no red flags raised, and the original structure (A) had satisfied previous requirements. The property in its entirety with new owners, and the intent is to be recognized as satisfying legal requirements, and understandably needing approval from the Commission to obtain the approval of the zone variance for setbacks.

Madam Chair opened the floor for public comment.

Public Comment [None noted, Madam Chair closed the public comment period.]

<u>Chairperson Enriquez</u> there were no further comments or discussion. Chairperson Enriquez was ready to entertain a motion for action for Application No. 2022-37.

<u>Commissioner Flores</u> made a motion to approve Application No. 2022-37 based on the staff's recommendation as noted in the staff report dated June 4, 2025.

Commissioner Yingling seconds the motion.

<u>Chairperson Enriquez</u> acknowledged and accepted the motion made by Commissioner Flores and seconded by Commissioner Yingling. There was no discussion on the motion, Madam Chair put the motion to a vote, with all in favor of approval. [Motion carried; 3 ayes, 0 nays]

V. Administrative and Miscellaneous Matters

C. A.B. Won Pat International Airport Authority; Noise Compatibility Planning Study

Chairperson Enriquez turned the floor over to the Executive Secretary for the presentation.

<u>Joseph Borja</u>, <u>Executive Secretary</u> stated that there have been from time to time that the Department or the Commission is requested to provide input on certain issues, and in this case, it is a noise compatibility planning study conducted by the Airport's consultant.

Mr. Borja remarked that there will be five Commissioners in the coming weeks who will set the tone of the Commission on these requests. Mr. Borja asked the Commission whether they would like to receive land bills as they are introduced at the Legislature, sent to the individual Commissioners for review, and then brought up for discussion at a GLUC meeting. In addition to

the bills that are introduced, some studies are being referred to Land Management for comments. He added that the Chief Planner has attended the noise compatibility study meetings and felt that this would be a good issue to bring before the Commission.

<u>Celine Cruz, Chief Planner</u> read the Commission Brief dated June 11, 2025. Chief Planner Cruz reported that the Guam International Airport Authority is in the middle of its Part 150 Noise Compatibility Study. This is a federally guided process aimed at identifying ways to reduce the impact of aircraft noise and promote compatible land use around the airport. (For full content/text, see attached report]

[Attachment C – Commission Brief dated June 11, 2025]

<u>Chairperson Enriquez</u> thanked the Chief Planner for the brief and stated that she understands that this was provided to the Commission for information purposes only.

Chairperson Enriquez brought up that she receives regularly from the Guam Legislature, from an oversight chair or respective committee, to provide testimony on bills concerning land use. Madam Chair has always taken the position to forward these requests to the department for review and to defer to the department's expertise to determine if a response or testimony will be provided. Additionally, as Chairperson, she understands that she cannot solely provide testimony on her own, particularly if it represents the Commission without some dialogue or deliberation with the members of the Commission. Taking into consideration the Open Government Law that the Commission cannot meet for Commission business unless the Open Government Law is followed about announcing and placing on the agenda of a regular meeting of the Commission. Anytime there is a request and there is a need for an expedient response, Chairperson Enriquez stated that she respectfully does not respond but defers it to the Executive Secretary, who is also the Director for the Department of Land Management. This is the position that Madam Chair has always taken.

<u>Joseph Borja</u> remarked that he also does the same when there are bills that need legal interpretation and defers them to Legal Counsel to provide testimony.

<u>Chairperson Enriquez</u> remarked that she understands that the Commission's role is to review and entertain items that are placed on the agenda that come directly from the Department, but not to make or amend laws, but rather act on applications that come through and to also hear information that is relevant to the purpose of the Commission.

<u>Lee Miller, Legal Counsel</u> advised that any member of the Commission is free to testify at the Legislature in expressing their views, so long as the member prudently begins their testimony by saying that this is their personal view and not the view of the Commission as a whole. To present the view of the Commission, it would require consideration in a vote from the body.

<u>Commission Yingling</u> commented that the study could have a major impact on this area and anticipates that the Executive Secretary will take a serious look at this. He added that the footprint

of the Part 150 has expanded, and this is significant, which will have a possible significant impact on Land Management and the GLUC.

Next item on the agenda -

D. Election of Vice Chairperson, Guam Land Use Commission.

<u>Chairperson Enriquez</u> the next item on the agenda is the election of the Vice Chairperson for the GLUC.

<u>Joseph Borja</u> asked if the election of a Vice Chairperson could be postponed until there are at least four members present to elect a new Vice Chairperson.

<u>Chairperson Enriquez</u> stated that this item will be tabled until there are additional members present. Madam Chair inquired when the next meeting of the Commission will be held.

<u>Celine Cruz, Chief Planner</u> replied that it is tentatively scheduled for Thursday, June 26, 2025. Planning is potentially tracking one application at this time. A call out to the Commission members will be done in the next couple of days.

<u>Chairperson Enriquez</u> there being no further business for the Commission, Madam Chair asked for a motion to adjourn.

VI. Adjournment

Commissioner Yingling made a motion to adjourn today's meeting.

Commissioner Flores seconds the motion.

<u>Chairperson Enriquez</u> acknowledged and accepted the motion made by Commissioner Yingling and Commissioner Flores. The motion was put to a vote, with all in favor of adjournment. [Motion carried; 3 ayes and 0 nays]

The regular meeting of the Guam Land Use Commission for Thursday. June 12, 2025 was adjourned at 2,57 p.m.

Approved by:

Date approved:

Anita B. Enriquez, Chairperson Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary

Planning Division, DLM

ATTACHMENT A



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



MAGA HAGA • GOVERNOR

JOSHUA F TENORIO SIGUNDO MAGA LAHI • LIEUTENANT GOVERNOR ROSSANA SAN MIGUEL TISTON

June 2, 2025

MEMORANDUM

To:

Chairperson, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2024-23

1. PURPOSE:

- a. Application Summary: The applicant, Core Tech Development LLC represented by TG Engineers, PC, is requesting approval of a Zone Change from "R-2" (Multi-Family Dwelling) to "M-1" (light Industrial) Zone for the proposed installation of Photovoltaic Panels on Lot Nos. 10184-2 and 10184-3, Municipality of Dededo
- **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 site is located within the Core Tech complex, North of the existing Core Tech TWHF.
- **b.** Lot Area: Lot $10184-2 = 25,653 \pm \text{Sq}$. Meters or $276,123.76 \pm \text{Sq}$. Feet. Lot $10184-3 = 1,589 \pm \text{Sq}$. Meters or $17,103.67 \pm \text{sq}$. Feet
- c. Present Zoning: "R-2" (Multi-Family Dwelling) Zone
- d. Field Description: Lot 10164-2 is occupied by a two-story concrete structure which was formerly a Military Printing Shop, and Lot 10184-3 is vacant with its north-eastern portion serving as access to the existing Core Tech TWHF and Concrete Batching facility. Both Lots are presently maintained with various ground cover vegetation and small to medium-sized trees as the dominant canopy vegetation.

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



Continuation of Memorandum

Re: Staff Report - Application 2024-23, Zone Change

Lot 10184-2 & 10184-3, Municipality of Dededo.

Date: June 2, 2025

Page 2 of 4

e. Masterplan: "Residential" North, Central Guam LUP

f. Community Design Plan: "Undesignated"

g. Previous Commission Action: February 28, 2009 Adoption of the "Dos Amantes" Official Zoning Map designating subject properties "R-2" (Multi-Family Dwelling) zone.

3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: May 29, 2024

b. Date Heard By ARC: July 2, 2024

c. Public Hearing Results: May 21, 2025 (See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

The applicant's request is for a zone change approval and pursuant to Section 61630 (Requirements for Changes) of Chapter 61 (Zoning Law) 21GCA. The applicant in response to the Zone Change request, submits the following compatibility statement and justification response:

Land Use Compatibility

This request for a change of zone for Lots 10184-2 and 10184-3 is compatible with their respective surroundings. This position is based on historical and current land uses. Figure 1 displays the post-World War II expanse of the area used primarily as a landing strip and complimentary uses.

Lot 10184-2 historically housed a federal building best known as the Air Force Publication Building. For this reason, the historic use of the 25,653± square meter property would be consistent with the proposed use and/or any other uses within the light industrial zoning spectrum.

Lot 10184-3 contains 1,589± square meters and although no information on its former use by the military appears to be available, uprooted cement foundation and an old vertical pulley rig remains. The property is vacant and highly disturbed with portions of the property used as a gated service access road.

The "R-2" zone designation for both parcels is the residual effect of the Dos Amantes Planning Area plan. These lots are currently surrounded by "M-1" (Light-Industrial) zoned properties, that in turn achieved their current zoning designation via GLUC Resolution No. 2008-01 as recorded under DLM Document No. 769916. The surrounding zoning overlay of these properties serves proof that a new zoning designation of "M-1" would be appropriate.

Continuation of Memorandum

Staff Report - Application 2024-23, Zone Change

Lot 10184-2 & 10184-3, Municipality of Dededo.

Date: June 2, 2025

Page 3 of 4

Justification to Support Public Necessity, Convenience, and General Welfare

Pursuant to Title 21GCA, Chapter 61, §61630, the Commission must assess a change of zone request wherein public necessity, convenience, and general welfare will justify such action. We submit justification in support of a change from "R-2" (Multi-Family Dwelling) to "M-1" (Light-Industrial) zone. We present the following:

This request aligns with Public Law 33-198 that scripted GPA's renewable portfolio standards and required 25% of the island's total power consumption capacity to be dependent on alternative energy sources by the year 2035. Public Law 35-46 amended the requirement and increased GPA's renewable portfolio for reliance and dependency on alternative energy sources for the island to 100% by the year 2045. The Public Law serves as a response to anticipated increases and fluctuation of costs associated with operating fossil-fuel dependent power generators. In foresight, Guam Power Authority (GPA) has directed its attention to alternative energy production to reduce such dependency and pass projected savings to GPA customers and end-users.

This request for a change of zone for the subject lots is strictly intended to support the installation and use of photovoltaic panels (See Site Plan).

Such structures maintain low to no dependency on water and wastewater infrastructure. Likewise, free-standing photovoltaic panels and their related infrastructure may be considered temporary and easily removed to accommodate other low-impacting land uses. This in turn, is a positive attribute of the development scheme as it offers a level of flexibility on land development in the event a need arises to remove the solar farm, as opposed to the development of hardened facilities such as brick/mortar warehouse buildings that presents limited potential uses.

The act of changing the zones of the subject parcels aligns not only with the GPA's initiatives, but also with the Guam Energy Office's mandate and mission "to promote energy conservation and energy efficiency, promote deployment of renewable energy technologies, and provide energy saving solutions to reduce fossil fuel dependency leading to a sustainable energy future for the island."

The request for a change of zone further aligns with the Guam Strategic Energy Plan with respect balancing sound economics with ecological integrity, the request is consistent with key principals of the Plan, which is to:

- Enhance the general quality of life through energy strategies that will benefit Guam.
- Promote ecologically friendly propositions that create a healthy environment.
- Promote environmental stewardship through energy conservation and energy efficient practice.
- Support opportunities for local economic vitality.
- Emphasize alternative power sources; and,
- Support options that will reduce market volatility, stabilize rates, and increase reliability.

Centraliation of Memorandum

Re Staff Report - Application 2024-23, Zone Change

Lot 10184-2 & 10184-3. Municipality of Dededo.

Date: June 2, 2025

Page 4 of 4

This request aligns with government of Guam initiatives to promote an environmentalfriendly approach to reduce and replace dependency on fossil fuel and operational cost of running fossil fuel generators.

The end state of the request will allow the property owner to engage in constructing and operating a solar farm that in turn will be an expression of both direct and indirect benefits for the people of Guam far into the 21st century.

Based on the above and our evaluation for public necessity, convenience, and general welfare, the zone change request from "R-2" (Multi-Family Dwelling) zone to "M-1" (Light-Industrial) zone is justified. The shift aligns with Guam's energy mandates, enhances land use compatibility, and offers long-term benefits more aligned with the island's strategic needs.

In addition, this particular lots are no longer suitable for housing development due to the surrounding industrial activities and public facility expansions. Instead, repurposing the lots for a solar energy project supports Guam's renewable energy goals, economic stability, and environmental sustainability, making the proposed zoning change a logical and beneficial land use decision.

In our review and analysis of the form and context of this application, in reference to the Zoning Law, the positive response of the Dededo Municipal Planning Council (DMPC) Resolution 2024-14, the positive response received from the ARC agencies, and the applicants' efforts to continue to consult with the various government permitting entities to ensure compliance with their requirements, 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:** The Planning staff recommends Approval subject to the following condition:
 - 1. That the applicant, adheres to the permitting ARC member's conditions and requirements as stipulated on their Official Position Statement.

Attachments:

ARC Position Statement Summary Minutes of Public Hearing

DMPC Resolution 2024-14

Case Planner:

F. Taitano

PUBLIC HEARING MINUTES

Wednesday, May 21, 2025, 6:00 p.m. Dededo Senior Citizen Center

APPLICATION NO. 2024-23

APPLICATION TYPE: Zone Change

APPLICANT/ REPRESENTATIVES: Core Tech Development, LLC/ TG Engineers, PC

LOTS: 10184-2 & 10184-3

CALLED TO ORDER: 6:01 p.m.

The meeting was called to order by Planning Staff and after a brief introduction and explanation of the application, the floor was then turned over to the applicant's representative, Marvin Aguilar of TG Engineers, PC, for his presentation. After his presentation, the applicant's representatives responded to the following public attendee's questions and concerns.

1. Ray Garrido: Do you have a geographical map of the lots?

Marvin Aguilar: Yes, it on the next slide (of the presentation).

2. James Garrido: How many feet from the waste-water treatment plant is it that you cannot build housing?

Marvin Aguilar: There's no restriction for the distance but it's not smart being next to the waste-water treatment plant for residential use.

3. James Garrido: Is everything being rezoned to M1?

Marvin Aguilar: No, not all the lots in the area. Just the Core Tech lots. Core Tech has other applications that are rezoning lots to M1.

4. James Garrido: Our property is the triangle lot (Lot 5301), is that M1?

Marvin Aguilar: You would have to check with DLM for zoning.

Frank Taitano: For the zoning for your lot, we would have to research and verify the zoning. I can give you my card and you can send an email so we can verify your zone. But based off of the zone change application that the applicant's representative submitted, the radius map is showing a Commercial Zoning designation. Again, just send an email so we can verify.

5. James Garrido: How many quarries are there? Two?

Marvin Aguilar: One.

6. James Garrido: Do the others benefit from this solar farm?

Marvin Aguilar: This project is from that public law where GPA wants other alternative energy. GPA will buy the alternative energy and it will be used by the public. To answer if it is a direct benefit, well, it's an option for GPA to have alternative energy versus fueled energy.

7. James Garrido: Will requesting an M1 zone effect our R2 zoning of our property?

Frank Taitano: The zone change request is specific to the lots applying for the zone change. Your zoning designation on your lot will not change.

Public Hearing Minutes: ZC 2024-23 Page 2 of 2

8. Ray Garrido: So this rezone is only for the Core Tech lots?

Marvin Aguilar: Yes, just the two lots, Lot 10184-2 & -3.

9. Ray Garrido: Is this a private entity?

Marvin Aguilar: Yes, it's for Core Tech. It's not a federal project.

10. James Garrido: She just showed me that my lot (Lot 5301) is a commercial zone from public law.

Frank Taitano: Still send an email so we can research and confirm it.

MEETING ADJOURNED: 6:41 p.m.

DEDEDO MUNICIPAL PLANNING COUNCIL MUNICIPALITY OF DEDEDO

RESOLUTION NO. 2024-14

Immediated by

Melissa B. Savares, Champerson,

Peter J. Benavente, Vice Chaimerson

MEMBERS

Acda, Romulo

Artero, Pascual V

Cepeda, Nadine

Chan, Jose-Arthur Jr.

Espinosa, Arlyn A

Gaza, Edgar

Matnas, Frank

Makeneace, Annie

Obina, Samnak

San Nicolas, Joseph C.

Servino, Benito

Ausstig, Frmi

Relative to the approval for the zone change application for Lots 10184-2 and 10184-3 from "R-2" (Multi-Family Dwelling) to "M-1" (Light Industrial) zone in the Ukudo Village area to support the Guam Power Authority's (GPA) agenda and meet established renewable energy portfolio standard goals in the Municipality of Dededo. Applicant: Core Tech Development, LLC. Represented by TG Engineers, PC.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

WHEREAS, on, July 8, 2024 & July 9, 2024, members of the DMPC were briefed during two (2) public hearings by TG Engineers, PC representative Marvin Aguilar on the zone change application for the above lots; and

WHEREAS, members were informed that the objective of this zone change is to support and accommodate GPA's renewable portfolio for reliance and dependency on alternative energy sources for the island; and

WHEREAS. Mr. Aguilar stated that the objective of the rezoning is strictly intended to support the installation and use photovoltaic panels; and

WHEREAS, members acknowledged to approved this zone change application with the note that all necessary permits will be in place by regulating agencies prior to the installation of the photovoltaic panels; and

WHEREAS, members acknowledged that ads were posted in The Guam Daily Post and Government of Guam portal on June 28, 2024, July 1, 2024, July 6, 2024, July 7, 2024; and

BE IT RESOLVED, that after further discussion, it is noted that members of the DMPC motioned to approve this application for zone change for the above lot; and therefore be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Revenue & Taxation and Department of Public Works.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 9th DAY OF July 2024.

MELICAR SAVARES Mayor of Dededo

YVONNE S. ACDA, Secretary DMPC

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

> Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: http://dlm.guam.gov

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

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



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

(Government of Guam)



DSE M BORJA

ROSSANA SAN MIGUEL TISTON DEPUTY DIRECTOR



JOSHUA F. TENOPIO SIGUNDO MAGA LAHI • LIEUTENANT GOVERNOR

June 2, 2025

Memorandum

To:

Guam Land Use Commission (GLUC) Members

From:

Chairperson, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. 2024-23 (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. Conditions as imposed by the ARC member agencies, if any, are listed on their attached position statement.

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends Approval subject to the following condition:

1. That the applicant, adheres to the permitting ARC member's conditions and requirements as stipulated on their Official Position Statement.

DEPARTMENT OF PARKS AND RECREATION (DPR):

DPR has no objection with the approval of the Zone Change application subject to the condition on their position statement.

GUAM POWER AUTHORITY (GPA):

GPA has no objection to the request subject to the conditions on their position statement.

DEPARTMENT OF PUBLIC WORKS (DPW):

DPW recommends approval subject to the conditions on their position statement.

GUAM WATERWORKS AUTHORITY (GWA):

GWA has no objection to the approval of the application.

Memo to GLUC Members

Ref: ARC Position Statements - Application No. 2024-23

June 2, 2025 Page 2 of 2

BUREAU OF STATISTICS AND PLANS (BSP):

BSP recommends approval of the zone change application based on the conditions on their position statement.

DEPARTMENT OF AGRICULTURE (DoAg):

DoAg does not oppose the request for a zone change subject to the conditions on their position statement.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

GEPA approves the zone change subject to the conditions on their position statement.

GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):

Ex-Officio, non-voting member, not required to submit Position Statement

GUAM FIRE DEPARTMENT (GFD):

Ex-Officio, non-voting member, not required to submit Position Statement.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Ex-Officio, non-voting member, not required to submit Position Statement.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Ex-Officio, non-voting member, not required to submit Position Statement.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Ex-Officio, non-voting member, not required to submit Position Statement.



Attachments: ARC Position statements

CC: Executive Secretary, GLUC



Department of Agriculture Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Ioshua F. Tenorio Lt. Governor

To:

Joseph Borja, Director

Department of Land Management

Attn:

Executive Secretary

Guam Land Use Commission

From:

Chelsa Muña, Director

Chelsa D. Muna

Date:

September 18, 2024

Subject:

Position Statement for Application 2024-23 to rezone from R-2 (Multiple-Family Dwelling) to M-1 (Light-Industrial) to develop the property by the installation of photovoltaic panels on Lots 10184-2 and 10184-3, located at Ukudu, Dededo (Core

Tech Development, LLC)

The Department of Agriculture (DOAG) has reviewed Application 2024-23 to rezone Lot 10184-2 and 10184-3, located at Ukudu, Dededo, from Multiple-Family Dwelling zone (R2) to Light-industrial (M-1) for the purpose of developing the subject properties by the installation of photovoltaic panels to support Guam Power Authority's renewable portfolio for resilience and dependency on alternative energy sources for the island. The combine total land area of both subject lots is 293,230.45 square feet with vegetation.

The following is the Position Statement provided by DOAG, under the agency's authorities:

- L. DOAG's Division of Aquatic and Wildlife Resources (DAWR) is aware of and monitors Endangered Species that occur in the subject area. A biological survey report must be provided to DOAG during the permitting process for the development. Landowner must consult with DOAG DAWR's Technical Guidance Section at permits@doag.guam.gov on future development plans to discuss potential impacts on protected species and resolving issues that may occur to avoid or minimize impacts to these species. Species observed in the area includes: the Yellow Bittern, Micronesian Starling, Mariana Fruit Bat, Common Moorhen, and Native Flora species of conservation need.
- 2. A biosecurity plan must be developed and approved by DOAG prior to any work commencing. Once approved, the biosecurity plan must be employed during development phase to ensure that avoidance measures are in place to prevent the spread and introduction of Little Fire Ants (LFA) and other noxious species that may impact residents, economy, and ecology of the project area. Developer and Contractor must consult with DOAG's Biosecurity Division at biosecurity@doag.guam.gov.
- 3. Approximately 6 to 8 inches of the topsoil within the boundaries of the project area must be set aside for agricultural purposes. Agricultural purposes may include, but not limited to, providing subsistence farmers ("backyard farmers") the resources that may be impacted as result of the development. The landowner/s must consult with DOAG's Agriculture Development Service at agriculture@doag.guam.gov to discuss this opportunity to assist subsistence farmers in need of soil resources for agricultural purpose. All vegetation material to be cleared on the project area must be processed on site as mulch to be used for landscaping, and excess be provided to subsistence

Chelsa Muna

Roy Gamboa

Deputy Director

RECEIVED

By Cristina at 10:24 am, Sep 19, 2024

- The landowner's must consult with DOAG's Forestry Division at forestry@doag.guam.gov to discuss all native plants identified within the project area. Access to collect native plant seeds, and or oppor plant parts to be included in Forestry's nursery inventory of plants to be replatted within the considered to mitigate development impacts to habital
- faco-friendly development must be incorporated in the plans to minimize impacts to the
 environment and natural resources. Examples of eco-friendly development include, but are not
 limited to: native plants for landscaping, shielded lighting, permeable pavers for parking, screened
 stormwater drains, rain gardens, water catchments, ponding basin, and green roof concept.

The Department does not oppose the request for a zone change from R-2 to M-1, however, the Owner is required to address the conditions to the approval, as stated above, and looks forward to discussing in more detail the proposed development in Dededo. If you have any questions or concerns, please contact Mr. Jeffrey Quitugua at Jeffrey.Quitugua@doag.guam.gov or permits@doag.guam.gov.



BUREAU OF STATISTICS AND PLANS Guam Coastal Management Program



August 1, 2024

Memorandum

To:

Director, Department of Land Management

Attn: Division of Planning

From:

Director, Bureau of Statistics and Plans

Subject:

Application No. 2024-23 Zone Change

Location: Lots 10184-2 & 10184-3

Municipality: Dededo

Applicant: Core Tech Development, LLC

From: "R-2" (Multi-Family Dwelling) to "M-1" (Light Industrial) Zone

Proposed Use: Installation of Photovoltaic Panels

Buenas yan Håfa Adai! I am pleased to inform you that the Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Comprehensive Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Application Overview

The applicant, Core Tech Development, LLC, is submitting a Zone Change application to rezone the subject lots 10184-2 and 10184-3 from R2 "Multi-Family Dwelling" zone to M1 "Light Industrial" zone, to allow for the construction and installation of a photovoltaic facility and panels for solar farm operations. The subject lots are located in the municipality of Dededo and contains a total of 27,242 square meters or 6.7 acres.

BUREAU OF STATISTICS & PLANS - GOVERNMENT OF GUAM

Mail: P.O. Box 2950 Hagatha Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812 Web



By Cristina at 8:37 am, Aug 05, 2024

¹ 5 GCA, CH 1 Article 2, § 1200 et seq. (1990). Note: In past publications, this article was entitled "Centralized Planning"; however, this manifest error has been corrected and the article reads "Comprehensive Planning" pursuant to P.L. 20-147 (Mar. 21, 1990).

² Guam Land-Use Policies, Executive Order 78-37 (1978). https://bsp.guam.gov/wp-bsp-content/uploads/2017/01/E.O.-78-37-Guam-Land-Use-Policies.pdf

Planning Considerations and Constraints

A. Surrounding Zone and Land Use Characterization

The subject lots are located in the Ukkudo area of Dededo and is accessible from Route 3 along a paved easement that is approximately .2 miles. Much of the adjacent land in the immediate surrounding area is vacant and undeveloped, with zoning primarily M1 - Light Industrial, C - Commercial, and R2 - Multifamily Residential to the north. Beyond the immediate surrounding area to the west and southwest of the property includes a GWA Water Treatment Facility, Core Tech Development Inc. Temporary Workforce Housing Facility, Cement Plant, and Heavy Equipment Laying Yard. North of the property includes a Core Tech Quarry.

The subject lots are located in a General Residential zone according to the designated land-use area under the North and Central Guam Land Use Plan (NCGLUP) - Future Land Use Map³. The Residential category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment. Where neighborhood-scaled commercial and retail is desired in a residential zone, a special design review process should be established to ensure compatibility with surrounding residential neighborhoods.⁴

Although the proposed use is not compatible with the NCGLUP future land use designation, the Bureau recognizes that much of the conditions have changed in the surrounding area in which many M1 uses were approved. Furthermore, in light of the overwhelming prevalence of substandard residential living conditions within the surrounding area due to the industrial and commercial uses, the Bureau finds that consideration should be made to allow flexibility for the proposed development of the photovoltaic panels. The applicant must demonstrate that the project would improve the existing conditions and justify public necessity, public convenience, and general welfare in accordance with the Zoning Law of Guam.⁵

Lastly, the subject lots were also included in the Land Use Master Plan of the Puntas Dos Amantes Area of July 19, 2005.⁶ According to the NCLUP, the Dos Amantes Planning Area states land uses in this area are designated pursuant to the interim zoning adopted by the Guam Land Use Commission. Potential uses would be comparable to those described as Residential, Commercial, Industrial and Tourist Resort in this Plan.⁷ The proposed application for a zone change for the installation of photovoltaic panels is consistent with the legislative intent and framework established in Bill No. B453-30 (COR). This bill, which approved the Official Zoning Map F3 67S 52 for the Dos Amantes Planning Area, reflects a commitment to facilitating appropriate land use changes to support economic development and property utilization in alignment with designated zoning categories. The bill also highlights the return of federally held

³ Public Law 30-224 §, Section 4 (2010).

https://guamiegislature.com/Public_Laws_30th_P.L.%2030-224%20SBill%20No.%20462-30%20(LS).pdf Note: The plan was adopted due to inaction by the 90th day of the of the 31st Guam Legislature.

ICF International. North and Central Guam Land Use Plan. (2009). 2-2.

^{5 21} GCA, CH 61: Guam Zoning Law.

⁶ Public Law 30-211: An Act to Approve the Official Zoning Map F3 67S 52, the Dos Amantes Planning Area and All Related Zoning Amendments." (Date: 12/13/2010). Text from: Guam Legislature.

⁷ ICF International. North and Central Guam Land Use Plan. (2009). 2-4.

lands to their original landowners, granting them the autonomy to determine the most suitable zoning for their properties.8

B. Geographical Landscape Assessment Based on Watershed

The subject lots are located on the Northern Watershed and above the Northern Guam Lens Aquifer. This project will contribute to the overall development rate of the Northern Watershed, according to the National Oceanic and Atmospheric Administration's (NOAA) Coastal Change Analysis Program (CCAP) land cover data from 2005 to 2015, the surface area of this watershed has changed by 12.11%. The detailed land cover layer describes the area as "forest land."

Regarding development impacts, as of 2015 land cover data, 30.6% of the Northern Watershed is developed, and 15.78% comprises impervious surfaces. The proposed tentative subdivision is expected to increase the impervious surface area within and around the proposed structure and property. An area is at greater risk of flooding the more an area is developed and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts on water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. It is reported that the impervious surface degrades the watershed quality by greatly reducing the stream flow and increasing the stream temperature. They carry huge pollutant loads downstream, causing due harm to aquatic life. Severe degradation can be expected when rates reach 25%. Runoff effects include channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes, algae blooms, noxious odors due to poor water quality, and coral mortality.

Land cover within the subject lot is mainly vegetated open space with some scattered trees, shrub, and grassland. The proposed development will increase impervious surface of the area and continue to contribute to the cumulative impact to the watershed. However, with the application of sustainable development designs and a proper stormwater management system in place, harmful impacts to the watersheds may be mitigated.

Effects Test and Conditions

Technical analysis of the proposed project was conducted to determine foreseeable effects and compatibility with standards within the following Guam Land-Use Policies:

Sustainable Community Development: Policy LU-5 works to promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks, transit-oriented and transit-ready development, improved networks for walking and wheeling, site design to promote renewable energy use, and other measures."

Determination of Effects: Yes

⁸ Ibid

National Oceanic and Atmospheric Administration, Office for Coastal Management. "C-CAP Land Cover Atlas". Coastal Change Analysis Program (C-CAP) High-Resolution Land Cover. Charleston, SC: NOAA Office for Coastal Management. Accessed July 2024 at https://coast.noaa.gov/ccapatlas/10lbid.

¹¹ ICF International. North and Central Guam Land Use Plan. (2009). 2-5.

The proposed development is within a vacant, undeveloped open space covered with native vegetation. This vegetation plays a crucial role in the ecology of the surrounding area by providing potential habitats for wildlife and permeable surfaces, allowing stormwater filtration and groundwater recharge. Removing existing vegetation can lead to biodiversity loss, decreased biological carbon sequestration, increased air temperature, runoff, potential erosion, and negative impacts on water quantity and quality.

Condition: The applicant must save as many high-value emerged tree and native plant species as possible and replicate the native forests through propagation and out-planting throughout the property's open spaces. The applicant must coordinate with the Guam Department of Agriculture to use preferred native tree species and any propagation or outplanting.

Air-quality Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.¹²

Determination of Effects: Yes

The proposed development has the potential to adversely impact air quality. Site preparation and construction activities generate air pollutant emissions from ground-disturbing activity, and the operation of work vehicles and construction equipment.

Condition: Incorporate Best Management Practices (BMPs) during construction to minimize dust and air pollution, such as fugitive particulate matter emissions from ground-disturbing activity and the operation of vehicles and heavy equipment. Ensure that the surrounding area and habitat are not exposed to noxious odors.

Water Quality Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas.¹³

Policy NS-1 Protect the Northern Aquifer watershed and recharge areas through appropriate land use categories and development standards, including requirements for public sewer infrastructure for all residential subdivisions, low development density for unsewered areas, on-site stormwater disposal, and limiting heavy industrial activities.¹⁴

Policy LU-15 Encourage organic production and chemicals best management practices over the Northern Aquifer. 15

Policy NS-17 Protect groundwater recharge areas and stream conservation areas from urban and saltwater contamination using the following approaches:

e. Use of green street design principles, which emphasize low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride;

¹² Guam Land-Use Policies, Executive Order 78-37 (1978): 3.

¹³ Ibid

¹⁴ ICF International. North and Central Guam Land Use Plan. (2009). 5-2.

¹⁵ ICF International. North and Central Guam Land Use Plan. (2009). 2-6.

- f. Limit building and parking footprints and use alternative surface/paving designs to reduce thermal pollution, promote groundwater recharge, and preserve space for landscaping;
- g. Use of percolation ponds and other low maintenance systems on large-scale development sites overlying recharge areas. Require that large scale and regional stormwater management plans and designs do not result in the transfer or movement of water from immediate area recharge to sub-basins. There should be no new nonpoint or point source pollution discharges as part of this redevelopment.¹⁶

Determination of Effects: Yes

As stated earlier, decreased vegetative cover and increased impervious surface from the proposed development will contribute to the cumulative negative impact on the water quality within the Northern Watershed and the Northern Guam Lens Aquifer.

Condition: The applicant shall ensure the future development is connected to a public sewer should a worker facility be proposed. The applicant must comply with CNMI and Guam Stormwater Management Manual Standards¹⁷ and implement Island Best Management Practices specifications. Concepts, design, and performance standards can be found in the GCMP publications 1) Island Stormwater Practice Design Specifications Manual¹⁸ and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID¹⁹.

Condition: The applicant should consider installing green infrastructure features within the proposed project site plan. An example of this would be incorporating a native plant vegetative buffer along the perimeter of the subject lots and bioretention designs within the site development plans. These design features and blueprints for consideration in commercial sites on Guam are found in the CNMI and Guam Stormwater Management Manual, specifically under Chapter 4 "Design Examples".

¹⁶ ICF International. North and Central Guam Land Use Plan. (2009). 5-4, 5-5.

¹⁷ Horsely Witten Group. CNMI and Guam Stormwater Management Manual. Prepared for Commonwealth of the Northern Mariana Islands and the Territory of Guam. (2006) Volume 1:

 $https://bsp.guam.gov/wp-bsp-content/uploads/2020/07/Stormwater Manual-Volume 1-Final.pdf\ Volume\ 2: the property of the pro$

https://bsp.guam.gov/wp-bsp-content/uploads/2020/07 StormwaterManual-Volume2-Final.pdf

¹⁸ Center for Watershed Protection & Horsley Witten Group, Inc.. Island Stormwater Practice Design Specifications. A Supplement to the 2006 CNMI & Guam Stormwater Design Manual. Prepared for NOAA Coral Reef Conservation Program, Guam Coastal Management Program, and Guam Environmental Protection Agency. (2010): https://www.ncei.noaa.gov/data/oceans/coris/library/NOAA/CRCP/project/1906/island_swm_specs_supplement_cn mi_guam_design.pdf

¹⁹ Center for Watershed Protection & Horsley Witten Group, Inc.. Stormwater Management in pacific and Caribbean Islands: A Practitioners Guide to Implementing LID. Prepared for NOAA Coral Reef Conservation Program.
(2014):https://www.ncei.noaa.gov/data/oceans/coris/library/NOAA/CRCP/project/1906/Feb2014_IslandBMPGuide wAppendix.pdf

Determination

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends approval of the zone change application based on the above-mentioned conditions. If these conditions are not met by the applicant or not included in the Guam Land Use Commission's Notice of Action, this position statement is to be interpreted as a recommendation for disapproval.

Should you have any questions regarding this matter, please do not hesitate to contact Ms. Yvonne Manglona-Juaneza, Planner, at yvonne.manglona-juaneza@bsp.guam.gov or Mr. Edwin Reyes, Coastal Program Administrator, at edwin.reyes@bsp.guam.gov.

Si Yu'os Ma'åse'.

MATTHEW C. SANTOS.

Acting Director



GUAM POWER AUTHORITY

ATURIDAT ILEKTRESEDAT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

June 17, 2024

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lots 10184-2 & 10184-3, Municipality of Dededo, (Core Tech Development, LLC); Zone

Change Application from "R-2" (Multi-Family Dwelling) to "M-1" (Light-Industrial) to

support a larger scaled photovoltaic (PV) facility. Application No. 2024-23

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

A. Comments and Recommendations Concerning GPA requirements:

- 1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new
 - 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 development on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

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

JOHN M. BENAVENTE, P.E.

ASG/rts

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Core Tech Development, LLC Location: Lots 10184-2 &10184-3, Dededo Type of Application: Zone Change GLUC GSPC Application No. 2024-23 Brief Project Description: "R-2" to "M-1" to support a larger scaled photovoltaic (PV) facility. For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes 🗌 No 🛛 2. If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project: Yes \square No 🔯 3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure: Services, Facilities and Cost of Upgrades Date Available Funds Funds Infrastructure Needed Available Identified Please see comments below I hereby certify that the foregoing is true and correct to the best of my knowledge. 6/21/2024 JOHN M. BENAVENTE, P.E. Date

Comments:

General Manager

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



Department of Parks and Recreation

Dipattamenton Plaset van Dibuetsion Government of Guam

Director's Office, Parks and Recreation Divisions #1 Paseo de Susana, Hagatña, Guam 96910 P.O Box 2950, Hagatha, Guam 96932 (671) 475-6288; Facsimile (671) 477-0997 Guam Historic Resources Division 490 Chalan Palasyo, Agana Heights. Guam 96910.

(671) 475-6294/6355; Facsimile (671) 477-2822



Acting Director Warren Pelletier Deputy Director

June 17, 2024

In reply refer to: RC 2024-0328

Memorandum

To:

Director, Department of Land Management

From:

Acting Director, Department of Parks and Recreation

Subject:

Zone Change Application by TG Engineering, PC c/o Core Tech Development,

LLC on Lot 10184-2 and 10184-3 from "R-2" to "M-1" in order to install Photovoltaic Panels in support of Guam Power Authority's agenda and meet

established renewable energy goals. DLM No. 2024-23

We reviewed the subject Zone Change Application by TG Engineering, PC co Core Tech Development, LLC on Lot 10184-2 and 10184-3 from "R-2" to "M-1" in order to install Photovoltaic Panels in support of Guam Power Authority's agenda and meet established renewable energy goals. These subject Lots within the Municipality of Dededo has a combined total area of 6.7 acres.

Our office has concluded our review and will have No Objection with the Approval of this Zone Change application. However, our office will need Historic American Building Survey (HAABS) assessment for the existing and abandoned old federal building that sits on Lot 10184.2 before any demolition, grading and clearing of this lot.

Should you have any questions, please contact Mr. Logan Myers, Archaeologist at (671) 475-6340 or by email: logan.myers@dpr.guam.gov.

Angel R. Sablan
Acting
W. Pelletien
Dep DL.

State Historic Preservation Officer

RECEIVED

By Cristina at 2:21 pm, Jun 18, 2024

The Honorable LOURDES A. LEON GUERRERO Maga' Håga - Governor

The Honorable JOSHUA F. TENORIO Sigundo Maga' Lahi . Lieutenant Governor



VINCENT P. ARRIOLA Director LINDA J. IBANEZ Deputy Director ERNEST G. CANDOLETA, JR. Deputy Director

3 0 111 2024

MEMORANDUM

TO:

Anita B. Enriquez, PhD

Chairperson, Guam land Use Commission

FROM:

Acting Director

APPLICANT:

Core Tech Development

Application No.: (2024-23)

SUBJECT:

Zone Change ("R-2" to "M-1")

Lot 10184 -2 & 10184 -3, Dededo, Guam



The above applicant is requesting for a zone change for the above subject lots, strictly intended to support the installation and use of the photovoltaic panels. It will also further align with the Guam Strategic Energy Plan with respect to balancing the sound economics with ecological integrity. The total lot area is approximately 27,42 square meters or 293,230.45 square feet.

The Department of Public Works has completed its review of the subject application and made a final determination based on site inspections and recommends approval with the following conditions:

- Egress Ingress must be wide enough for incoming and outgoing vehicles.
- Provide onsite storm drain disposal system in detail to be supported with calculations.
- · Provide parking layout and detail of parking (compact, standard, and accessible stalls) and must meet the American Disability Act (ADA) requirements.

For building permit application requirements, this must be accompanied by a complete set of design drawings with all the engineering disciplines needed, and must be in conformance with the building code in used signed by a registered Engineer or Architect.

Should you have any questions, please contact the Division of Capital Improvement Projects, (CIP) at (671) 646-3131.

ERNEST G. CANDOLETA, JR.

Acting Director

542 North Marine Corps Drive, Tamuning, Guam 96913 • (671) 646-3131 / 647-5055• Fax (671)649-6178



GUAM WATERWORKS AUTHORITY

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

MEMORANDUM

June 28, 2024

TO:

Joseph Borja, Director, Department of Land Management

CC:

Mayor Melissa Savares, Municipality of Dededo

(melissa.savares@gmail.com)

FROM:

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

SUBJECT:

Position Statement on Zone Change Application 2024-23 for Lot 10184-

2 & 10184-3 in the Municipality of Dededo

APPLICANT: Core Tech Development, LLC.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R2" (Multi-Family) to "M1" (Light-Industrial) zone for the proposed installation of a photovoltaic panels.

It is GWA's understanding that there is no request for water and wastewater services for this project. Therefore, GWA has no objection to the approval of this application. If your project requirements change and you need water and wastewater services, please contact GWA Permits and New Area Development at #671-300-6058 or permits@guamwaterworks.org for information on how to apply for utility services.

This memorandum shall remain valid for 365 calendar days from the date of this response. Please contact Brian Hess, P.E., GWA Permits and New Area Development Supervisor (#671-300-6041 or bhess@guamwaterworks.org) for water and sewer system standards or additional information.



GUAM ENVIRONMENTAL PROTECTION AGENCY - AHENSIAN PRUTEKSION LINATA GOAHAS TOURDES VITOS GUERRIBO - GOVERSOR OF GUAM TOSHUAT TENORIO - ELEUTENANT GOVERNOR OF COAM MICHIELL C. R. LASTIMOZA - ADMINISTRATOR

AUG 2 0 2024

Dr. Anita B. Enriquez Chairman, Guam Land Use Commission c/o Department of Land Management 590 S. Marine Corps Drive ITC Bldg, Ste. 733 Tamuning, Guam 96913

Ref: Application No. 2024-23, the Applicant, Core Tech Development LLC represented by TG Engineers, PC; request a Zone Change from "R-2" (Multi Family Dwelling) to "M-1" (Light Industrial) zone, for the proposed installation of Photovoltaic Panels, on Lot 10184-2 and Lot 10184-3, in the Municipality of Dededo.

Hafa adai Dr. Enriquez,

Buenas yan Saluda. The staff of this Agency has reviewed the application for **proposed zone** change and approves with the following conditions:

A. Stormwater and Erosion Control

- 1. The package submitted shows that pre-development activities are clearing, grubbing, grading and stockpiling on the property with an area of six point five (6.50) acres. The documents does not mentioned specific method to contain storm runoff within the property. The developer/contractor must design stormwater disposal system and provide both pre-and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02. Additionally, developer/contractor must strictly adhere to all the requirements, including all necessary permits, of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10).
- 2. An Environmental Protection Plan (EPP) must be prepared and signed by a professional engineer pursuant to 22GAR §10104 (c) (5) (D) where the focal point and integral part of the EPP is the Erosion Control Plan (ECP). The EPP must include, among others, vegetation, wildlife, fugitive dust control, solid and hazardous waste management and disposal procedures, work site maintenance and typhoon recovery plans.

B. Water & Wastewater



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov ALLIMING THINGSOLTHE FARTH AREONE • MANUAU LODU LAMANIALALA 1. The majority of the proposed development is dedicated to the installation of solar panels in the entire area but no plan to construct a small maintenance building as per documents submitted. However, should a maintenance building with office is planned in the future, the project site being located within the Ground Protection Zone (GPZ) of Northern Guam, sewage disposal must be connected to adequate public sewer. Pursuant to 22GAR §5101 (c) (1) (A) (B), industrial development should not occur within GPZ without adequate public sewer infrastructures, and neither should high density residential development, at more than one dwelling per one half (1/2) acre. The applicant is responsible to consult with Guam Waterworks Authority to determine the adequacy of public sewer and water service available in the area.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.

Should you have any question or need additional information, please do not hesitate to contact my staff at Water Resources Management Program or Water Division Acting Chief Engineer Mr. Johnny Abedania Tel No. (671) 300-4796 or (671) 300-4786, respectively.

Dångkolu na si Yu'us ma'åse'.

Senseramente,

MICHELLE C.R. LASTIMOZA

Administrator

cc: Mr. Joseph M. Borja Director

Department of Land Management



ATTACHMENT B



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



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

> Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: http://dlm.guam.gov

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

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



LOURDES A. LEON GUERRERO MAGA'HÁGA • GOVERNOR

JOSHUA F. TENORIO SIGUNDO MAGA LÁHI • LIEUTENANT GOVERNOR JOSEPH M. BORJA DIRECTOR

ROSSANA SAN MIGUEL TISTON DEPUTY DIRECTOR

June 4, 2025

Memorandum

To:

Chairperson, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2022-37, Zone Variance for Setback on Lot No.

16. Block 3. Tract 178, Municipality of Yigo.

1. PURPOSE:

- a. Application Summary: The applicants Prabhsaran Sachdev and Cassandra Reyes Sachdev, represented by Felix Benavente, are requesting approval of a Zone Variance for the front, rear, and left side yard setbacks of an existing residential structure on Lot 16, Block 3, Tract 178, in the Municipality of Yigo, in an "R-1" (Single Family Dwelling) Zone.
- b. Legal Authority: Title 21 GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

2. FACTS:

- a. Location: The subject site is located in Agafa Gumas on the northern (right) side of Apaca Avenue approximately 2,100 feet from the junction of Apaca Avenue and Route 9.
- b. Lot Area: 922.2 Square Meters or 9,926 Square Feet
- c. Present Zoning: "R-1" (Single Family Dwelling) Zone.
- d. Field Description: The site is developed with the existing single-family residential structure and a detached garage and storage structure with a chain-link fence.
- e. Masterplan: "Village Center" (North and Central Guam Land Use Plan)
- f. Community Design Plan: "Urban Residential-Low Density" (Comprehensive Development Plan)

Continuation of Memorandum

Staff Report - App. No. 2022-37, Zone Variance

Lot No. 16, Block 3, Tract 178

Municipality of Yigo

Date: June 4, 2025

Page 2 of 3

g. Previous Commission Action: None

3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: November 23, 2022

e. Date Heard By ARC: December 15, 2022

f. Public Hearing Results: May 2, 2023 (See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

As proposed with the following justification provided by the applicant, the zone variance request is for a front-yard setback of 13.5 feet, which is short 1.5 feet from the required 15 feet; a rear-yard setback of 3.5 feet and 4.5 feet, which is short 6.5 feet and 5.5 feet from the required 10 feet; a left side yard setback of 4 feet and 7 feet, which short 4 feet and 1 foot from the required 8-feet; of an existing residential structure.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and, that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty.

The applicant in response, provides:

The variance if granted, will not negatively impact the adjacent or abutting properties nor those properties within the immediate area since the current use will remain as it has been in existence. The property will continue the same use as a single-family dwelling and that the property is part of a subdivision. The structure does not encroach onto any right-of-way's nor any other properties abutting and/or adjacent to it. The structure's setback shortage does not place the structure so that it affects any improvements such as water, power, sewer, etc., or encroaches over property lines. The structure is entirely located within its' own metes and bounds area. The building is connected to all public utilities, which mirrors all of the other properties in the immediate and abutting areas. The "use" is in harmony with other existing "uses" in the area. The granting of the variance is not anticipated to cause any significant negative effects to its' neighbors and will not impact the public's welfare. The granting of the

Re:

Staff Report - App. No. 2022-37, Zone Variance

Lot No. 16, Block 3, Tract 178

Municipality of Yigo

Date: June 4, 2025

Page 3 of 3

variance will not change the planned use for the area. The variance, which is for the yard and area setbacks to the structure, does not and will not have any effects on the planned "Residential" use.

Based on the above, we find that the applicant has provided adequate justification in reference to their request. With the exception of the Department of Public Works who recommends disapproval of the requested variance, the other ARC position statements are with no objection. Additionally, there were no objections during the public hearing and that as a result of the Yigo Municipal Planning Council (YMPC) meetings on April 9, 2025, Resolution No. 01-25 is in support of the Zone Variance and was adopted by the YMPC.

Therefore, we have concluded that this request is in proper form and context to be considered favorably by the Guam Land Use Commission.

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

- 1. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement.
- 2. There shall be no expansion to the existing building's footprint or vertical addition shall be allowed.
- 3. Section 5 of Executive Order 96-26 shall not be applicable for the existing single-family residential structure.



CASE PLANNER: S.Gogue

Attachments:

ARC Memo to GLUC Members

Public Hearing Minutes YMPC Resolution No. 01-25

PUBLIC HEARING MINUTES Tuesday, May 2, 2023, 6:00 p.m. Yigo Senior Center

APPLICATION NO. 2022-37

APPLICATION TYPE: Zone Variance

APPLICANT/ REPRESENTATIVES: Prabhsaran Sachdev & Cassandra Sachdev/ Carlos Untalan

and Harry Gutierrez

LOT: Lot 16, Block 3, Tract 178

CALLED TO ORDER: 6:02 p.m.

The meeting was called to order by Planning Staff and after a brief introduction and explanation of the application, the floor was then turned over to the applicant's representative, Carlos Untalan, for his presentation. After his presentation, the floor was open for the public's questions and concerns, however there were none.

MEETING ADJOURNED: 6:19 p.m.

YIGO MUNICIPAL PLANNING COUNCIL (YMPC)

REGULAR MONTHLY MEETING

Resolution No. 01-25

Introduced by:

Frances S. Lizama, Chairwoman Pedro S. Blas, Vice Chairman

Members: Lawrence J.M. Alcairo Robert J.L. Barcinas Gregorio P. Calvo Joseph B. Cruz, Jr. Elizabeth C. Flickinger Peter B. Frias Jack E. Hattig III Ionathan F. McDermott Norma L. Salas Peter J. Santos Geralynn B. Tennessen Venido S. Torres

Relative to the Yigo Municipal Planning Council (YMPC) reviewing GLUC Application No. 2020-37, Zone Variance (for Setbacks), Lot 16, Block 3, Tract 178 (Agafa Gumas), for applicants Prabhsaran Sachdev and Cassandra Reyes Sachdev.

BE IT RESOLVED BY THE YIGO MUNICIPAL PLANNING 1

- 2 COUNCIL (YMPC):
- WHEREAS, Lot 16, Block 3, Tract 178, located on Apaca Avenue in 3
- Agafa Gumas, Municipality of Yigo, in a predominant single-family home 4

- 1 and residential area, originally owned by USDA and was later conveyed
- 2 (offered for purchase) to previous owners, Rommel Villalobos and Charlene
- 3 Villalobos, and subsequently sold said property with the existing concrete
- 4 structure to the current owners, Prabhsaran Sachdev and Cassandra Reyes
- 5 Sachdev; and
- 6 **WHEREAS**, the existing setbacks for the concrete structure are thirteen
- and a half $(13\frac{1}{2})$ feet for the front, four (4) and seven (7) feet for the sides,
- 8 and three and a half $(3\frac{1}{2})$ feet for the rear; and
- 9 WHEREAS, the required setbacks are fifteen (15) feet for the front,
- 10 eight (8) feet for the sides, and ten (10) feet for the rear; and
- 11 WHEREAS, relative to the setback non-compliance, the structure is
- 12 located entirely within the boundaries of the property, roof overhangs do
- 13 not encroach over common abutting lot lines, and water run-off is directed
- 14 to the ground via an in-place gutters; and
- 15 WHEREAS, the current owners desire to have the structure
- 16 recognized and "legally" existing, requested for additional setbacks of one
- and a half $(1\frac{1}{2})$ feet for the front, four (4) and one (1) foot for the sides, and
- 18 six and a half $(6\frac{1}{2})$ feet for the rear; and
- 19 WHEREAS, the variance, if granted, will not negatively impact the
- 20 adjacent or abutting properties nor properties within the immediate area
- 21 since the current use will not change
- WHEREAS, the Department of Land Management conducted a Public
- 23 Hearing on May 2, 2023, 6:00 pm at the Yigo Senior Citizens Center, ; and
- 24 WHEREAS, the Yigo Municipal Planning Council (YMPC) conducted
- 25 the First YMPC Public Hearing for this application on Wednesday, April 9,
- 26 2025, 5:05 pm at the Yigo Senior Citizens Center, and the Second YMPC

- Public Hearing on Wednesday, April 9, 2025, 6:10 pm at the Yigo Senior Citizens Center; now therefore, be it
- RESOLVED, that the Yigo Municipal Planning Council (YMPC) have no objections and support the Zone Variance (for Setbacks), Application No.
- 5 2020-37, Lot 16, Block 3, Tract 178 (Agafa Gumas), for applicants Prabhsaran
- 6 Sachdev and Cassandra Reyes Sachdev; and be it further
 - **RESOLVED**, that the Chairwoman certify, and the YMPC Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Department of Land Management Planning Division.

DULY AND REGULARLY ADOPTED BY THE YIGO MUNICIPAL PLANNING COUNCIL (YMPC) ON THE 9TH DAY OF APRIL 2025.

FRANCES S. LIZAMA

Chairwoman

7

8

9

GERALYNN B. TENNESSEN

YMPC Secretary

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

> Mailing Address: P.O. Box 2950 Hagatña, GU 96932

Website: http://dim.guam.gov

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

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383



DIPĂTTAMENTON MINANEHAN TÂNO' (Department of Land Management) **GUBETNAMENTON GUĂHAN**





JOSEPH M BORJA DIRECTOR

ROSSANA SAN MIGUEL TISTON DEPUTY DIRECTOR

LOURDES A. LEON GUERRERO MAGA'HAGA · GOVERNOR

JOSHUA F. TENORIO SIGUNDO MAGA'LÁHI · LIEUTENANT GOVERNOR

June 4, 2025

Memorandum

To:

Guam Land Use Commission (GLUC) Members

From:

Chairperson, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. 2022-37 (Zone Variance)

Listed below is the compilation of positions taken by the various ARC member agencies as submitted to the Planning Division, Department of Land Management. Conditions as imposed by the ARC member agencies, if any, are listed on their attached position statement.

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends approval with the following condition:

1. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their official position statement.

DEPARTMENT OF PARKS AND RECREATION (DPR):

DPR has no objection to the approval of the application.

GUAM POWER AUTHORITY (GPA):

GPA has no objection to the setback variance.

BUREAU OF STATISTICS AND PLANS (BSP):

BSP recommends conditional approval of the zone variance for setback application subject to the concerns and conditions on their position statement.

DEPARTMENT OF PUBLIC WORKS (DPW):

DPW recommends disapproval of the zone variance request.

GUAM WATERWORKS AUTHORITY (GWA):

GWA supports the zone variance subject to the conditions on their position statement,

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2022-37 June 4, 2025 Page 2 of 2

DEPARTMENT OF AGRICULTURE (DoAg):

DoAg does not oppose the request for a setback zone variance as requested.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

GEPA approves the application with the condition that there shall be no expansion to the existing building's footprint or vertical addition and other construction are approved.

GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):

Ex-Officio, non-voting member, not required to submit a Position Statement.

GUAM FIRE DEPARTMENT (GFD):

Ex-Officio, non-voting member, not required to submit a Position Statement.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Ex-Officio, non-voting member, not required to submit a Position Statement.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Ex-Officio, non-voting member, not required to submit a Position Statement.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Ex-Officio, non-voting member, not required to submit a Position Statement.



Attachments: ARC Position statements CC: Executive Secretary, GLUC



The Honorable LOURDES A. LEON GUERRERO Maga' Håga · Governor

The Honorable JOSHUA F. TENORIO Sigundo Maga' Lâhi • Lieutenant Governor



APPLICATION NO:

2022-37

SUBJECT:

Zone Variance Setback (R-1)

Municipality of Dededo

Ref:

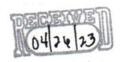
Justification Letter

Buenas Yan Hafa Adai! The applicant is requesting an approval of the above subject application for a zone variance setback. The property is located on Lot 16, Block 3, Tract 178 within the Municipality of Dededo.

The multitude of variance applications was determined that the setbacks were inconsistent with the intent of Guam Zoning Law. Most of the inconsistencies resulted from boundary alignments, structural placement errors by contractors, an extension encroaching the setbacks, or through building inspection oversights.

Department of Public Works has made a final determination based on site inspection, and regret to inform you that your request is denied. Therefore, DPW is disapproving application (2022-37).







The Honorable LOURDES A. LEON GUERRERO Maga' Hāga · Governor

The Honorable JOSHUA F. TENORIO Sigundo Maga' Lähi • Lieutenant Governor



February 9, 2023

MEMORANDUM

TO:

Anita B. Enriquez, PhD

Chairperson, Guam Land Use Commission

FROM:

Acting Director

SUBJECT: Application No. 2022-37 (Prabhsaran Sachedev & Cassandra Sachedev), Zone

Variance (Setback in R-1 Zone), Municipality of Dededo

Hafa Adai! The applicant is requesting approval of the subject application for a zone variance setback. The property is located on Lot 16, Block 3, Tract 178 within the Municipality of Dededo.

Based on our site inspection, the Department of Public Works is recommending disapproval of the subject variance request. Should you have any questions, please contact Maryrose M. Wilson, Engineer III, DPW Division of Capital Improvement Projects at (671) 646-3224.

LINDA J. IBANEZ



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSION LINA LA' GUAHAN LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

Dr. Anita B. Enriquez Chairman, Guam Land Use Commission c/o Department of Land Management 590 S. Marine Corps Drive Tamuning, Guam 96913

Ref: Application No. 2022-37, the Applicants, Prabhsaran Sachdev and Cassandra Reyes Sachdev represented by Harry D. Gutierrez and Carlos R. Untalan; are requesting approval of a Zone Variance for Setback for an existing structure with a front-yard setback of 13.5-feet, short 1.5 feet from the required 15-feet; a rear-yard setback of 3.5-feet and 4.5-feet, short 6.5 feet and 5.5 feet from the required 10-feet; left side yard setback of 4-feet, short 4-feet from the required 8-feet; and, left side setback (rear) of 7-feet, short 1-foot from the required 8-feet, on Lot 16, Blk 3, T178, in the municipality of Yigo, in an "R-1" (Single Family Dwelling) zone.

Hafa adai Dr. Enriquez,

Buenas yan Saluda. The staff of this Agency has reviewed **the application for zone variance for setback** and approves the said application with the following conditions:

1. No expansion to the existing building's footprint or vertical addition and other construction are approved.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.

If you have any questions, please feel free to contact Mr. Walter Leon Guerrero, Administrator, at walter.leonguerrero@epa.guam.gov or at (671) 300-4751/52. For technical questions, you may also contact CAPT Brian Bearden, P.E., BCEE, Chief Engineer at brian.bearden@epa.guam.gov or at 300-4779.

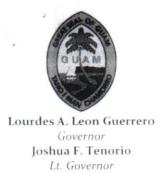
Dångkolu na si Yu'us ma'åse'.

Senseramente.

WALTER S. LEON GUERRERO

Administrator

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLÁLA'LA'



Department of Agriculture Dipåttamenton Agrikottura 163 Dairy Road, Mangilao, Guam 96913



MEMORANDUM

To:

Joseph Borja, Director

Department of Land Management

Attn:

Executive Secretary

Guam Land Use Commission

From:

Chelsa Muña-Brecht, Director Muna-Brecht

Date:

January 30, 2023

Subject:

Position Statement for Zone Variance Application, 2022-37, for Front,

Left-side, and Rear yard setback on Lot 16 Block 3 Tract 178 located in

Dededo (Harry D. Gutierrez)

The Department of Agriculture (DOAG) has reviewed Application 2022-37 for a Setback Zone Variance for an existing dwelling with current measurements of 4' and 8' left-side yard, 13.5' front yard and 3.5' and 4.5' rear yard setback on Lot 16 Block 3 Tract 178 totaling at .25 acres (9,926 sf) located on Apaca Ave., Yigo. There is an existing structure on the lot, built in the past 30 years and will remain as is.

Upon further review of Application 2022-37, the Department did not find any issues or concerns related to Threatened, Endangered Species, or any related authorities under the DOAG's purview. Therefore, DOAG does not oppose the request for a minor setback zone variance as requested. Any future plans to conduct earthmoving activities on the said property, will require a Grading/Building Permit Application, in which the Department will review and generate conservation measures for the Permit Application to move forward. If you have any questions please Mr. Jeffrey Quitugua concerns. contact Jeffrey.Quitugua@doag.guam.gov or permits@doag.guam.gov.



GUAM WATERWORKS AUTHORITY

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

MEMORANDUM

December 9, 2022

TO:

Joseph Borja, Director, Department of Land Management

CC:

Mayor Melissa B. Savares, Municipality of Dededo

(melissa.savares@gmail.com)

FROM:

Miguel C. Bordallo, P.E., General Manager MM

SUBJECT:

Position Statement on Zone Variance for Setback Application 2022-37

for Lot 16, Block 3, Tract 178 in the Municipality of Dededo

APPLICANT: Prabhsaran & Cassandra Sachdev

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone variance for setback on left side yard that is 4'7" short 3'5", front yard that is 13'5" short 1'7", and Rear that is 3.5' & 4.5' short 6.5' and 5.5'.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure 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 GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

GWA provides water service and sewer service to the existing structure. GWA supports the zone variance with the following conditions:

- GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.
- The applicant shall install GWA water meters and sewer cleanout for government use in the public right of way or easement, in accordance with GWA standards.

GWA Position Statement Application 2022-37 Applicant: Prabhsaran & Cassandra Sachdev Page 2 of 2

- Certain activities are subject to sewer pre-treatment requirements. Grease traps
 or interceptors are required for food service establishments. Oil-water separators
 are required for vehicle maintenance activities. See GWA for additional industrial
 wastewater pre-treatment requirements.
- Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
- 5. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Brian Hess, P.E., GWA Permits and New Area Development Supervisor (#300-6041 or bhess@guamwaterworks.org) for water and sewer system standards or additional information.



GUAM POWER AUTHORITY

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

February 2, 2023

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 16, Block 3, Tract 178, Municipality of Dededo, (Prabhsaran Sachdev

and Cassandra Reyes Sachdev); Minor Setback Variance Application No.

2022-37

Guam Power Authority has reviewed the above-referenced application for Setback Variance to allow the current four feet (4') & seven feet (7') left yard setback in lieu of the required eight feet (8'). Also to allow the current thirteen point five feet (13.5') front yard setback in lieu of the required fifteen feet (15'). Finally, to allow the current three point five feet (3.5') & four point five feet (4.5') rear yard setback in lieu of the required ten feet (10'). The setback variance request is to correct the noncompliance status of the housing unit and to improve the property's marketability.

GPA understands that the setback variance will allow the property owners to maximize the use and enjoyment of the property and that it is the intent of the applicant to bring the property into compliance with zoning regulations of Guam.

Agency Position:

GPA places no objection to the setback variance.

Impact Statement on GPA facilities:

Electrical service is available in the immediate area. No additional load requirement from the applicant was submitted.

JOHN M. BENAVENTE, P.E

by

INFRASTRUCTURE CERTIFICATION FORM

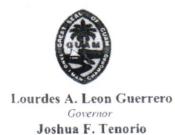
Agency Certifying: Guam Power Authority

Location: Lot 16, Block 3, Tract 178, Dededo Type of Application: Minor Setback Variance

GLUC/GSPC Application No. 2022-37

Applicant: Prabhsaran Sachdev and Cassandra Reves Sachdev

Brief Project Description: To allow the current 4' ft. & 7' ft. left yard setback, 13.5' front yard setback, and 3.5' ft. & 4.5' ft. rear yard setback. For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities. 1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes X No \square 2. If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project: Yes \square No X 3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure: Funds Services, Facilities and Cost of Funds Date Available Identified Infrastructure Needed Upgrades Available Please see comments below I hereby certify that the foregoing is true and correct to the best of my knowledge. JOHN M BENAVENTE, P.E. General Manager



Lt. Governor

Department of Parks and Recreation

Dipattamenton Plaset yan Dibuetsion

Government of Guam

Director's Office, Parks and Recreation Divisions. #1 Paseo de Susana, Hagâtña, Guam 96910 P.O. Box 2950, Hagâtña, Guam 96932 (671) 475-6288; Facsimile (671) 477-0997 Guam Historic Resources Division: 490 Chalan Palasyo, Agana Heights, Guam 96910 (671) 475-6294/6355; Facsimile (671) 477-2822



December 20, 2022

In reply refer to: RC 2023-0114

Memorandum

To:

Director, Department of Land Management

From:

Acting Director, Department of Parks and Recreation

Subject:

GLUC Application No. 2022-37, Request approval of a Zone Change for Setback

for an existing structure on Lot 16, Block 3, Tract 178, Municipality of Yigo,

Guam

We reviewed the subject Zone Variance Application for Prabhsaran Sachdev and Cassandra Reyes Sachdev by Darry D. Gutierrez and Carlos R. Untalan on the subject lot and have no objection to the approval of the application.

Should you have any questions, please contact John Mark Joseph, State Archaeologist at (671) 475-6339 or by email: <u>JohnMark.Joseph@dpr.guam.gov</u>.

Sincerety,

Warren Pelletier PL

111/28



BUREAU OF STATISTICS AND PLANS Guam Coastal Management Program



JAN 2 7 2023

MEMORANDUM

To:

Director, Department of Land Management

Attn:

Planning Division

From:

Director, Bureau of Statistics and Plans

Subject:

Application No. 2022-37 Zone Variance Setback

Location: Lot 16, Block 3, Tract 178

Municipality: Dededo

Applicants: Prabhsaran Sachdev and Cassandra Sachdev

Proposed Use: R1 One-Family Dwelling Zone

Buenas yan Håfa Adai! I am pleased to inform you that the Bureau of Statistics and Plans (Bureau) has completed its review of the abovementioned application pursuant to its authorities under 5 GCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. In accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

Pursuant to 21 GCA, Chapter 61, Section 61639, the applicants, Prabhsaran Sachdev and Cassandra Sachdev, represented by Carlos R. Untalan and Harry D. Gutierrez submitted an application requesting a setback variance on three (3) yard areas within their property in the municipality of Dededo.

The subject lot is 9,926 square feet or .22 acre and contains two (2) vacant one-family dwelling houses in an "R-1" One-Family Dwelling Zone. The immediate surrounding area is populated predominantly by single-family homes. Public utilities including sewer and water are connected to the single-story structures; and road access directly fronts the property. The subject lot and existing structures were purchased by the applicants in 2019 with the intent to renovate the vacant structures and rent it to clients.

BUREAU OF STATISTICS & PLANS GUAM COASTAL MANAGEMENT PROGRAM

Mail: P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812 Web: www.BSP.Guam.Gov

52/3/23 TO: Sonny

reval 1-27-23

Planning Considerations and Constraints

A. Surrounding Zone and Land Use Characterization

The subject lot is located along Apaca Street in Agafagumas, Dededo south of Route 9 and Andersen Airforce Base. The surrounding land use comprises primarily single-family dwellings, multi-family dwellings, churches, schools, a park, a retail store, and the abovementioned U.S. military installation. Single family houses are adjacent to the property's side and rear yards.

The variance request applies to Structure A, an existing 1-story concrete house with setbacks of 13.5' from the front lot line; 3.5' and 4.5' from each corner at the rear lot line; and 4' and 7' at two portions of the structure on the side lot line. The roof line of Structure A extends towards the edge of the property's boundary at the side yard lot line which is directly abutting the neighboring lot.

Structure B is an existing semi-concrete house on the subject lot that the applicants propose to convert into a garage and storage area. The setback variances for the yard areas in the front, rear, and side lots are captured in the table below.

Structure A Existing 1-story Concrete House One-Family Dwelling Yard Setback 2022-37 Prabhsaran Sachdev & Cassandra Sachdev			
LOCATION	SETBACK REQUIREMENT	EXISTING STRUCTURE	VARIANCE REQUEST
FRONT	15 ft.	13.5 ft.	1.5 ft.
REAR	10 ft.	3.5 ft. 4.5 ft.	6.5 ft. 5.5 ft.
LEFT SIDE (Closest to the Front)	8 ft.	4 ft.	4 ft.
LEFT SIDE (Closest to the Rear)	8 ft.	7 ft.	1 ft.

The subject lot is located in an area designated Residential under the North and Central Guam Land Use Plan future land use map. The residential category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not detrimental to the residential environment. Where neighborhood-scaled commercial and retail is desired in a residential zone, a

special design review process should be established to ensure compatibility with surrounding residential neighborhoods.

Although the property is consistent with the Residential designation under the North and Central Guam Land Use Plan, the structures on the property are nonconforming with the established setback requirements as promulgated in Section 61616 of the zoning law, which is intended to establish certain minimum regulations for the protection and promotion of the public health, safety and general welfare of the people of the Territory of Guam, which regulations are deemed necessary in order to encourage the most appropriate use of land.

Section 61616 (1) and (3) states the following:

(1) The variance is for not more than three (3) feet beyond the setback requirement of only one (1) yard (side, front, or rear) to allow the suitable location of a structure where practical difficulties exist due to special circumstances applicable to the building or property, including size, shape, topography, location or surroundings, depriving such property of privileges enjoyed by other property in the vicinity and under identical zoning classification consistent with the general welfare of the adjacent neighbors.

(3) Water runoff from the roof line of any structure will not

encroach beyond the property line of a parcel.

B. Geographical Landscape Assessment Based on Watershed

The property is located in the Northern Watershed and sited above the Northern Guam Lens Aquifer. The area consists of impervious surfaces, developed open spaces, forest and shrubs. According to the National Oceanic and Atmospheric Administration's Coastal Change Analysis Program (CCAP) land cover data, the surface area of this watershed has changed by 12.11% from 2005 to 2015.

In terms of development impacts, 30.6% of the Northern Watershed is developed and 15.78% is comprised of impervious surfaces. An area is at greater risk of flooding the more an area is developed and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts to water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. It is reported that the impervious surface degrades the watershed health by greatly reducing the stream flow and increasing the stream temperature. They carry pollutant loads downstream to nearby waters including the aquifer that can impair water quality and the natural ecosystem. Severe degradation can be expected when rates reach 25%. Effects of runoff consist of channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes and algae blooms, noxious orders that result in poor water quality and coral mortality.

The impervious surfaces and proposed renovations in the proposed use under this application are expected to increase storm water runoff within and beyond areas of the property.

Effects Test and Conditions

Technical analysis of the proposed project was conducted to determine foreseeable effects and compatibility to standards within the following Guam land use policies.

Sustainable Community Development: Policy LU-5 works to promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks, transit-oriented and transit-ready development, improved networks for walking and wheeling, site design to promote renewable energy use, and other measures.

The Bureau has determined that there are no practical difficulties that served as constraints to construct the building in violation of the setback requirements. Setbacks provide for adequate space to promote the above said policy.

Condition: The applicants must incorporate green building concepts and sustainable site designs in the design phase of the structure renovation. The applicants must cease from any and all future expansion of the nonconforming structure. These concepts can be found in the GCMP publication 1) Island Stormwater Practice Design Specifications Manual; and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID. The dimension of the greenspace must be equivalent to the setback encroachment area.

Water Quality Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas.

Policy NS-1 Protect the Northern Aquifer watershed and recharge areas through appropriate land use categories and development standards including requirements for public sewer infrastructure for all residential subdivisions, low development density for unsewered areas, on-site stormwater disposal, and limiting heavy industrial activities.

Policy NS-17 Protect groundwater recharge areas and stream conservation areas from urban and saltwater contamination using the following approaches:

e. Use of green streets design principles, which emphasize low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration and pride;

f. Limit building and parking footprints and use alternative surface/paving designs to reduce thermal pollution, promote groundwater recharge, and preserve space for landscaping;

The Bureau has determined that there are no practical difficulties that served as constraints to construct the building in violation of the setback requirements. Setbacks provide for adequate space to capture stormwater runoff from encroaching on to the neighboring properties and rights-of-ways, which works to minimize nuisance flooding.

Condition: The applicants must comply with CNMI and Guam Stormwater Management Manual Standards and implement Island Best Management Practices specifications. The applicants must include stormwater retention features to ensure water runoff is managed onsite including the nonconforming structure's roofline and driveway. There will be no water runoff flowing into the neighboring properties or streets. Concepts, design and performance standards can be found in the GCMP publication 1) Island Stormwater Practice Design Specifications Manual; and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing Low Impact Development (LID).

Condition: There shall be no non-point or surface designed discharges as a result of the non-conforming project.

Condition: There shall be no contamination of the Northern Guam Lens Aquifer from any household hazardous waste.

Condition: There shall be no flooding in the surrounding neighborhood produced by the non-conforming structure.

Policy NS-4 Identify existing and preserve new open space and conservation lands that preserve, maintain or improve land or water areas that:

b. Perform essential physical or habitat functions important to the welfare of surrounding lands, water or biological resources; or

Policy NS-12 Protect and re-establish native species through active management of established conservation areas, continued partnership with military land owners on refuge overlay lands, and provide guidance to private property owners on best management and "green" and sustainable development standards. Incorporate development practices called for under local conservation plans and guidance through the Department of Agriculture's Division of Aquatic and Wildlife Resources.

Condition: Save as many native plant species and or replicate the native forests through propagation and out planting within the green spaces and along the green corridors of the property. The applicant must follow a list of plants preferred by the Guam Department of Agriculture. Ornamentals must not exceed 10% of the flora biomass in the development plans.

Determination

The Bureau finds that the variance for two yards (rear 6.5' and 5.5' and side 4') excessively extends beyond the three (3) feet setback requirement of only one yard thus violating yard regulations. We further find that the roof line on the side yard protruding to the edge of the abutting property will significantly impact the surrounding neighbors with water runoff if best management measures are not in place. Lastly, it is incumbent on the applicants to research or perform due diligence prior to making the purchase.

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends conditional approval of the Zone Variance Setback application based on the above-mentioned concerns and conditions. If these conditions are not met by the applicants or not included in the Guam Land Use Commission's Notice of Action, this position statement is to be interpreted as a recommendation for disapproval. Please be reminded all agencies and instrumentalities of the Government of Guam are subject to compliance with EO 78-37 and the NCGLUP as authorized.

Should you have any questions regarding this position statement, please do not hesitate to contact Ms. Esther Taitague, Planner, at esther.taitague@bsp.guam.gov or Mr. Edwin Reyes, Administrator, at edwin.reyes@bsp.guam.gov.

Si Yu'os Ma'åse,

LOLA E. LEON GUERRERO

ATTACHMENT C



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



JOSEPH M. BORJA DIRECTOR

> ROSSANA SAN MIGUEL TISTON 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



LOURDES A. LEON GUERRERO MAGA'HÂGA • GOVERNOR

JOSHUA F. TENORIO SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

June 11, 2025

Memorandum

To:

Chairperson, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Commission Brief - Role of the Department of Land Management in the

GIAA Part 150 Noise Compatibility Planning Study

Background

The Guam International Airport Authority (GIAA) is in the middle of its Part 150 Noise Compatibility Planning Study. This is a federally guided process aimed at identifying ways to reduce the impact of aircraft noise and promote compatible land use around the airport.

The Department of Land Management (DLM) has been participating in this study as a stakeholder, given our role in land use planning and zoning across the island. One of the strategies currently being considered—outlined on page 24 of the study materials—relates specifically to rezoning support in areas affected by aircraft noise.

As the agency with jurisdiction over land use planning and zoning enforcement in Guam, the Department of Land Management has been engaged as a stakeholder in the study's development. Our input is reflected in several areas, with particular relevance to the Land Use Rezoning Support Strategy outlined on page 24 of the study.

This strategy proposes that:

- GIAA may issue letters of support when rezoning efforts aim to convert land from non-compatible uses (e.g., residential) to compatible uses (e.g., industrial) within airport noise exposure areas; and conversely,
- GIAA may also provide letters of opposition for rezoning proposals that introduce or expand incompatible uses in high-noise areas.

This approach is intended to support local planning authorities, including DLM and the GLUC, by offering technical justification that aligns with federal noise compatibility objectives.

Commission Brief June 11, 2025 Page 2

We're providing this information to support ongoing coordination with the Guam Land Use Commission, recognizing the important role you play in guiding responsible development across the island. We also welcome any observations you may have on the proposed strategies, particularly those related to land use and rezoning considerations. Any input received will also be shared with the GIAA and their consultant team as part of the broader stakeholder engagement process for the Noise Compatibility Study.

Respectfully,

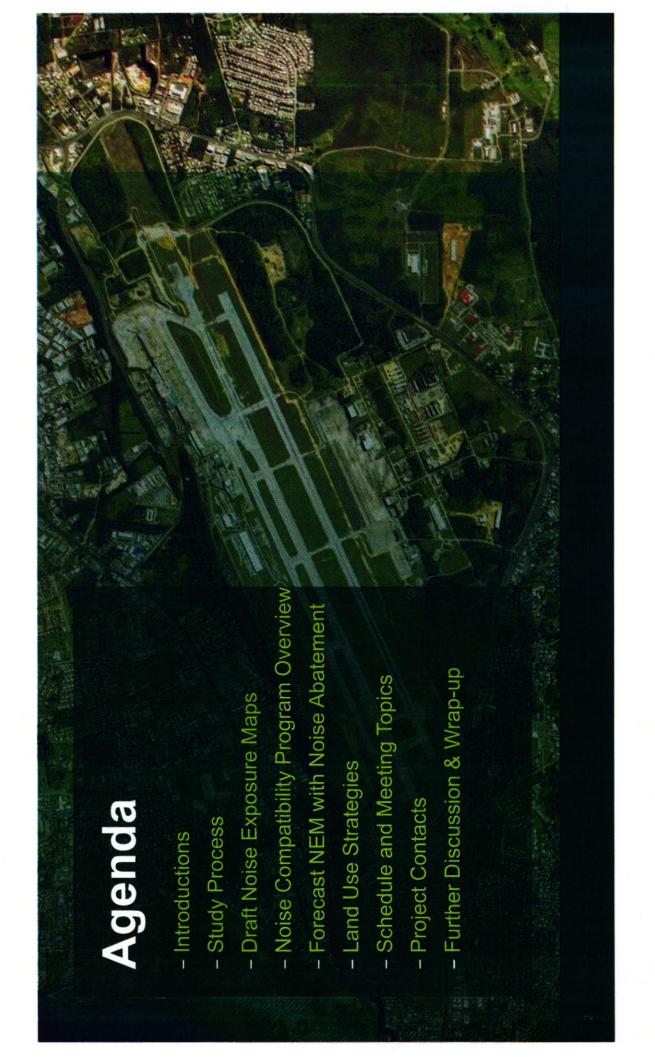
/s/ Celine L. Cruz Chief Planner

NOISE COMPATIBILITY PLANNING STUDY

Antonio B. Won Pat International Airport Land Use Measures - Strategy Session

April 16, 2025





Introductions – Study Team

Antonio B. Won Pat International Airport



A.B. WON PAT INTERNATIONAL AIRPORT GUAM

A. B. Won Pat International Airport Authority, Guam (GIAA)

John M Quinata, Executive Manager

Dr. Ricky Hernandez, Deputy Executive Manager

Tony Laniog, GIAA Project Manager



Transportation Management Group

Frank Santos Fred Tupaz

Project Team

AECOM

Lynn Keeley Project Manager

Matt Atkinson
Project Director

Greg Mayer Airport Planner

hmmh

Bob Mentzer
Technical Lead Aircraft Noise
Analysis

Gene Reindel
Technical Lead FAR Part 150



EM Chen & Associates

Alan Chen Local Project Manager

PART 150 OVERVIEW

Study Process

Study Initiation

- · Finalize methodology
- Establish Planning Advisory Committee
- Develop project schedule and milestones

Verification

- Existing Noise Exposure Maps, planning, and environmental documents
- Noise complaint data
- GIS and land use data
- Flight track, operations, and noise data
- · FAA activity forecasts

Develop NEMs

- Develop noise contours for existing and 5-year forecast conditions
- · Review land use data & policies
- Noise impact evaluation for DNL 65-75 dBa
- Identify incompatible land uses and review existing NCP
- Prepare maps in accordance with 14 CFR Part 150

Develop NCP

- Consider noise abatement strategies
- Consider land use strategies
- Consider programmatic strategies
- Update NCP in accordance with 14 CFR Part 150

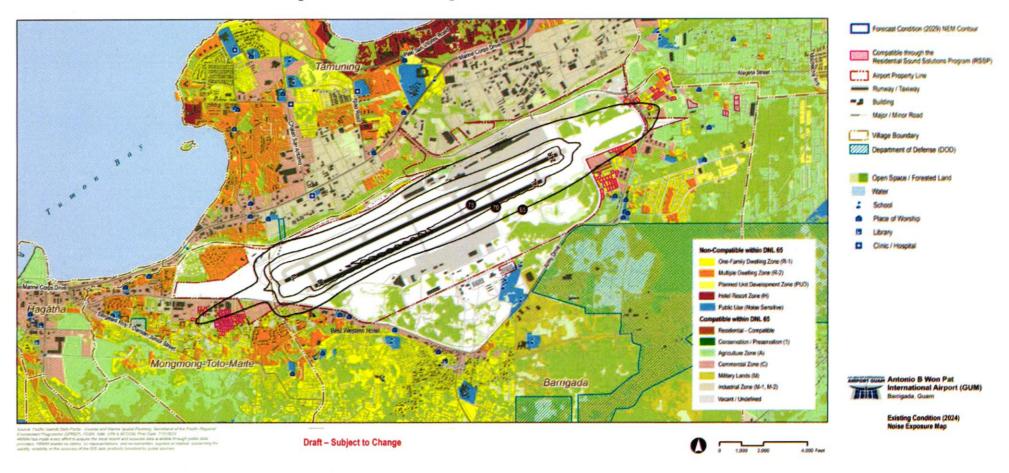
We are here

Stakeholder Engagement and Public Outreach

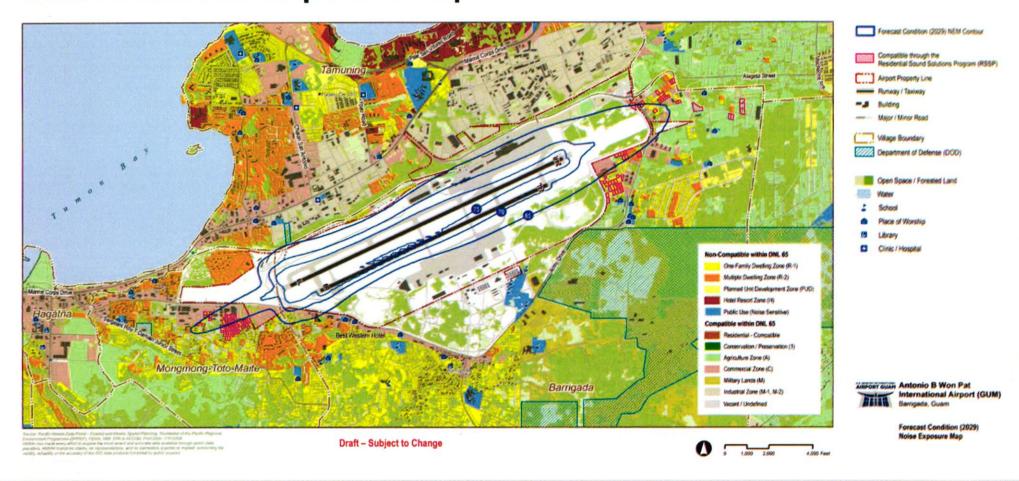
Planning Advisory Committee • Public Meetings/Hearings • Public Website Materials and Newsletters

Draft Noise Exposure Maps

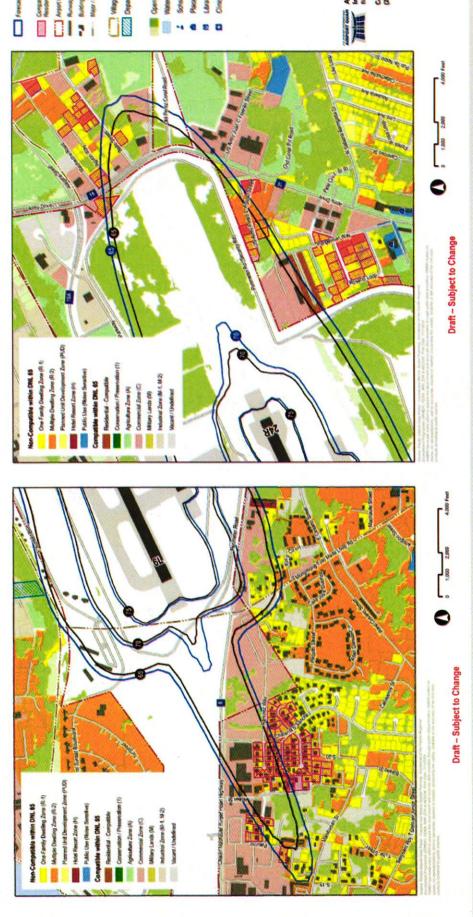
2024 Draft Noise Exposure Map



2029 Draft Noise Exposure Map



Draft Noise Exposure Maps



NOISE COMPATIBILITY PLANNING STUDY Antomio B. Won Pat International Airport

Draft Noise Exposure Maps

Land Use Assessment for Existing and Forecast Conditions

_	Area (Acres)		Population Census 2020				Housing Units			
Contour Interval			Total		Noncompatible ¹		Total		Noncompatible ¹	
interval	2024	2029	2024	2029	2024	2029	2024	2029	2024	2029
65-70 DNL	521.1	574.5	465	909	354	753	155	303	118	251
70-75 DNL	236.4	248.2	0	0	0	0	0	0	0	0
>75 DNL	262.3	281.9	0	0	0	0	0	0	0	0
Total > 65 DNL	1,019.8	1,104.5	465	909	354	753	155	303	118	251

DNL = Day-Night Average Sound Level

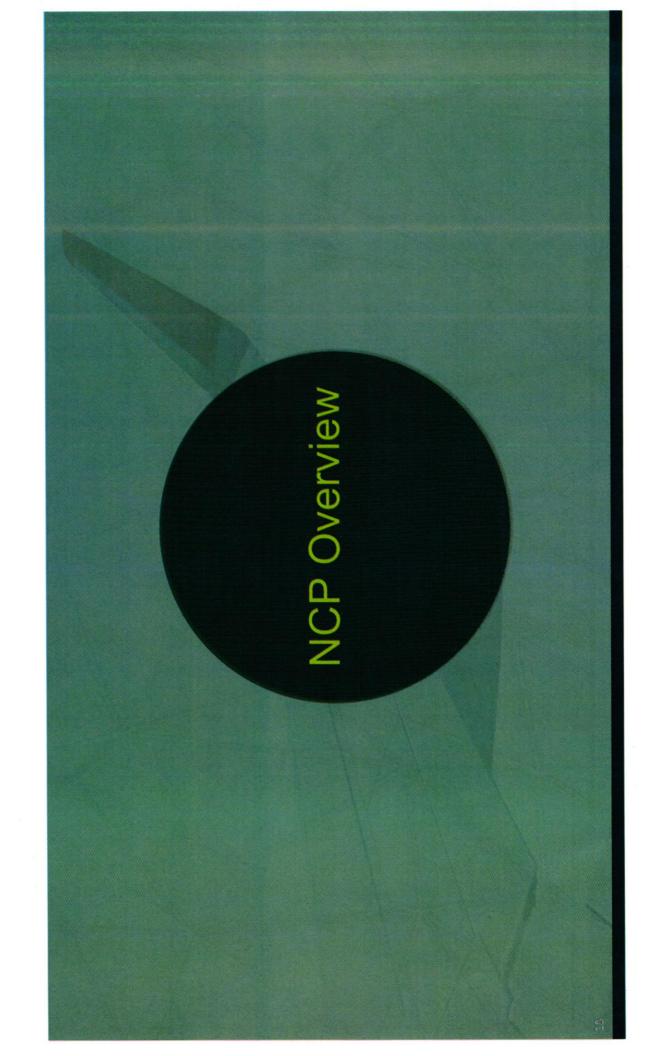
Notes:

The number of buildings that participated in the RSSP was delineated based on research of available records maintained by GIAA. Land use and housing units within the DNL 65 dB contours were verified by windshield survey in May 2024.

The number of people is estimated based on a population factor (3.004 people per unit) developed from the 2020 U.S. Census block data within 1,000 feet of the 2029 DNL 65 dB contour.

1 – The noncompatible number subtracts those units that have received sound insulation treatment and an avigation easement or were constructed after October 1, 1998.





PART 150 OVERVIEW

Noise Compatibility Program

- NCP must address three major categories of recommended actions
 - Noise abatement measures
 - 2. Compatible land use measures
 - 3. Program management/administrative measures
- FAA accepts NCP as compliant with Part 150 standards
- FAA reviews and approves or disapproves recommendations as compliant with Part 150 standards on a measure-by-measure basis



-

PART 150 OVERVIEW

NCP Categories

Objectives of proposed measures:

- Reduce exposure over incompatible uses
- **Limit** growth in exposure over incompatible uses
- Mitigate exposure where it cannot be reduced to compatible levels
- Prevent introduction of new incompatible uses

Land Use Strategies

- Land acquisition
- Sound insulation
- Avigation easements
- Prevention
- Land use controls
- Real estate disclosures

Noise Abatement Strategies

- Flight tracks
- Preferential runway use
- Arrival/departure procedures
- Airport layout modifications
- Use restrictions

Programmatic Strategies

- Implementation
- Promotion
- Monitoring
- Reporting
- NEM updating
- NCP revision

Analysis and Selection Process

1) Evaluate effectiveness in addressing objective

- 3) Select most effective "package" of measures
- 2) Evaluate feasibility (economic, operational, safety, etc.)
- 4) Identify implementation responsibilities, schedule, etc.
- 5) If not recommended, document reason(s)

PART 150 OVERVIEW

Noise Compatibility Program Development

Step 1: Identify Incompatible Land Uses

Existing conditions Noise Exposure Map Forecast conditions Noise Exposure Map

Step 2: Consider Noise Abatement Strategies

<u>Reduce</u> exposure over incompatible uses <u>Limit</u> growth in exposure over incompatible uses

Step 3: Consider Land Use Strategies

<u>Mitigate</u> residual incompatible uses
<u>Prevent</u> introduction of new incompatible uses

Today's Discussion

Step 4: Consider Programmatic Strategies

Implement and promote measures
Monitor and report on effectiveness
Update NEMs and revise NCP as appropriate



Forecast NEM with Noise Abatement

NOISE ABATEMENT

1. Intersection Departures on Runway 6L

Runway 6L

- Aircraft would depart from Taxiway A
- Takeoff Distance Available (11,014 feet)
 - B747 and B777-300 would still use full length
- Full length available at pilot request

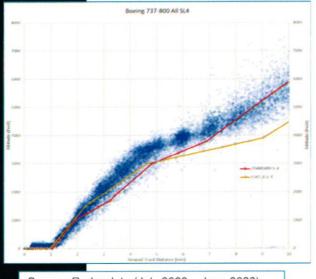


NOISE COMPATIBILITY PLANNING STUDY Antonio B, Won Pat International Airp

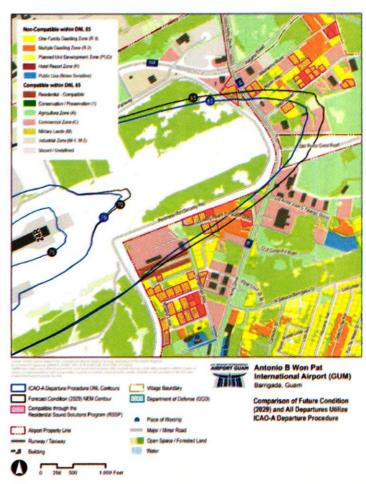
NOISE ABATEMENT

2. Noise Abatement Departure Profiles

- Noise Abatement Departure Profiles (NADP)
- Voluntary Measure
- ICAO-A: International Airlines already use
- Domestic Airlines would need to adopt ICAO-A.



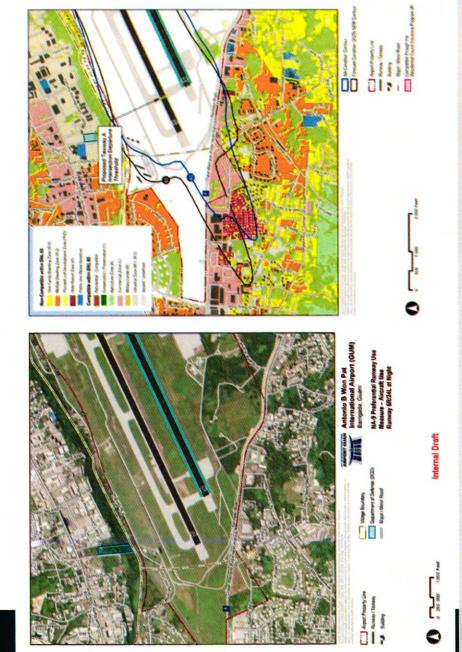
Source: Radar data (July 2022 - June 2023)



NOISE ABATEMENT

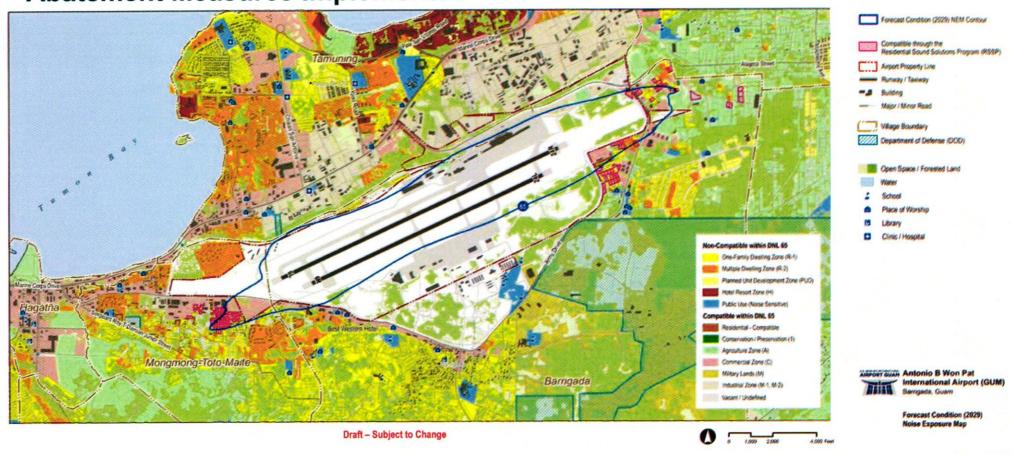
3. Aircraft Use Runway 6R/24L for Arrivals at Night

- Night only when operations are reduced
- All arrivals use Runway6R/24L



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2029 Draft Noise Exposure Map With Noise Abatement Measures Implemented

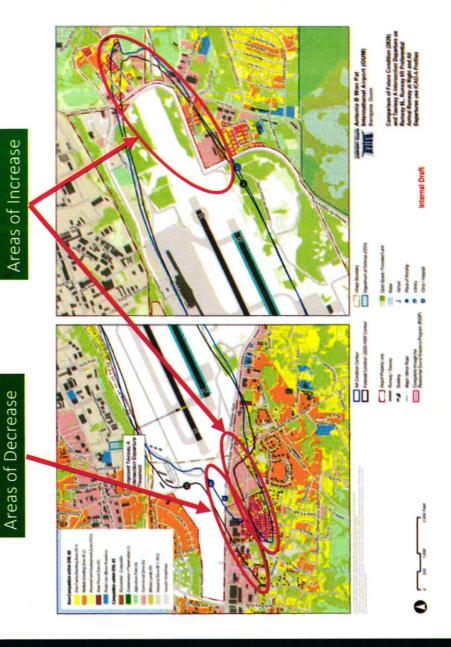


NOISE ABATEMENT Combined NCP Measure

- Net reduction of 191 noncompatible housing units
- 60 noncompatible housing units

Contour Interval	iterval	Total > 65	Change
	2029	906	
Total Population	2029 w/NCP	435	474
Lolditon	2029	753	
Noncompatible Population	2029 w/NCP	180	-573
Total Lotor	2029	303	
Units	2029 W/NCP	145	-158
Lolditon	2029	251	
Housing Units	2029 W/NCP	09	-191

DNL = Day-Night Average Sound Level Notes: 1 – The noncompatible number subtracts those units that have received sound insulation treatment and an avigation easement or were constructed after October 1, 1998.



Land Use Strategies

Land Use/Mitigation Measures

- There are two types of land use measures
 - Corrective intended to correct existing noncompatible land uses.
 - Preventive intended to prevent future noncompatible land uses.
- Local jurisdictions have responsibilities
 - Neither the FAA nor the Airport have control over land uses outside of the Airport boundary.
 - Therefore, it is the responsibility of the jurisdiction(s) to implement and enforce land use standards outside the airport boundary.

Land Use Strategies

- Land acquisition
- Sound insulation
- Avigation easements
- Prevention
- Land use controls
- Real estate disclosures

2003 NCP LAND USE MEASURES

- Eight (8) preventive land use (LU) measures
- Three (3) corrective (remedial) land use (RLU) measures
- One (1) measure implemented
 - Residential Sound Solution Program (RSSP)
 - 242 housing units treated

	Name	Approval Status	Implementation Status
LU-1	Amend Local Land Use Plans	Approved	Not implemented
LU-2	Zone for Compatible Land Development	Approved	Not implemented
LU-3	Apply Zoning Performance Standards	Approved	Not implemented
LU-4	Establish a Public Information Program	Approved	Not implemented
LU-5	Revise Building Codes	Disapproved for Purposes of Part 150	Not implemented
LU-6	Dedication of Avigation Easements	Disapproved for Purposes of Part 150	Not implemented
LU-7	Fair Property Disclosure Policy	Approved	Not implemented
LU-8	Land Banking	Disapproved for Purposes of Part 150	Not implemented

	Name	Approval Status	Implementation Status
RLU-1	Acquire Developed Property in Non-Compatible Uses	Approved	Not implemented
RLU-2	Property Purchase Guarantee	Approved	Not implemented
RLU-3	Part 150 Sound Mitigation Program	Approved	Implemented

Land Use Strategies for Consideration (as identified in Working Paper 5)

- Corrective Strategies (3)
 - Land Use Rezoning
 - Land Acquisition
 - Sound Insulation
 - Avigation Easements
 - Home Sales Assistance

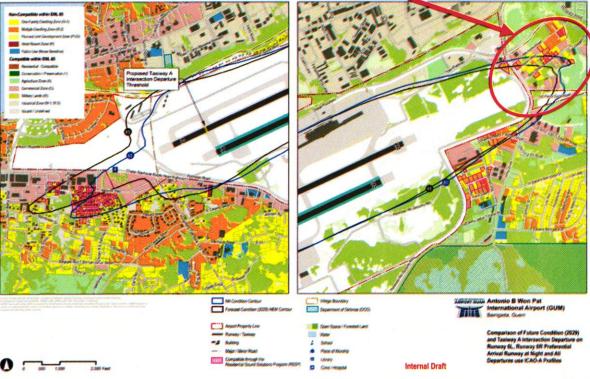
- Preventive Strategies (3)
 - Airport Noise Overlay Zone
 - Sound Insulation Standards for Building Codes
 - Airport Inclusion in Land Use Planning
 - Real Estate Disclosures
 - Land Banking

LAND USE REZONING SUPPORT

Notify GIAA of rezoning efforts east of the Airport

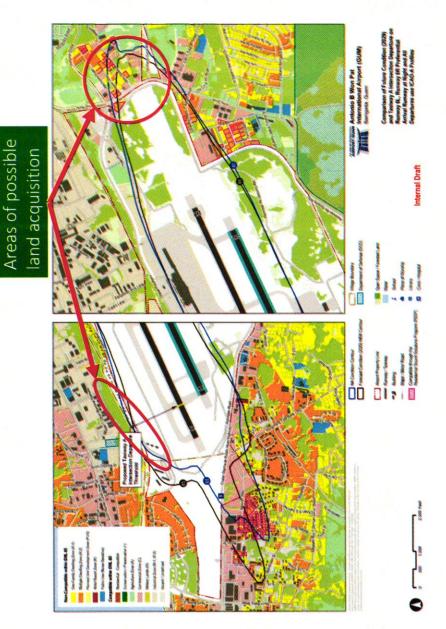
- To encourage future compatible land use, GIAA would provide letters of support to rezone properties to compatible use from non-compatible use, e.g., residential to industrial.
- To discourage future noncompatible land use, GIAA would provide letters not supporting the rezoning of properties to noncompatible use.

Area of possible land use rezoning



LAND ACQUISITION

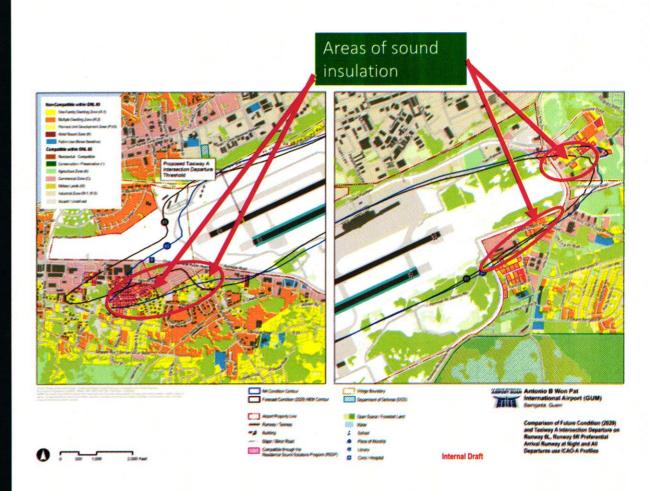
- Acquire noise-sensitive land uses near the airport boundary and within the 65 DNL contour
- Transition the property to:
- Airport property
- Compatible non-Airport property



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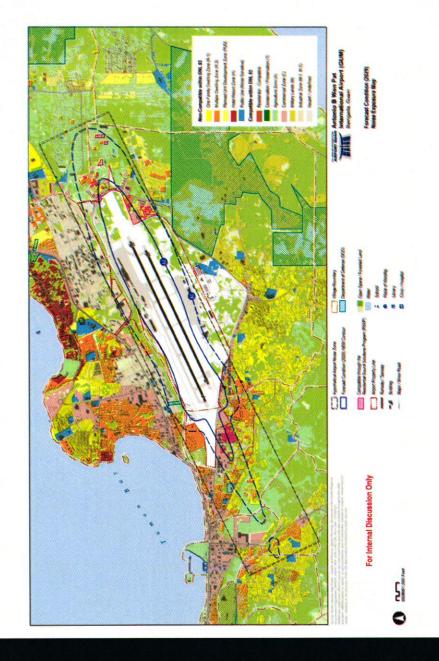
SOUND INSULATION

- Continue the Residential Sound Solutions Program to:
 - Mitigate the interior of the noise-sensitive structures and provide a compatible interior with noise from aircraft arrivals



AIRPORT NOISE OVERLAY AND SOUND INSULATION STANDARDS

- Preventive strategy to discourage noise-sensitive development
- Figure shows three zones
- 1. Rectangle area could be the area where GIAA is notified of proposed development
- 2. 60 DNL contour could be the area that recommends additional sound insulation for noisesensitive structures
 - 3. 65 DNL contour could be the area where new noise-sensitive development is not recommended



Brainstorm:

Land Use/Mitigation Measures

- Any changes to proposed measures?
- Thoughts on which local Agency would implement each measure?
- Any other new measures to propose?

- Purposes:

- (1) to mitigate noncompatible land uses and
- (2) to prevent the introduction of new noncompatible land uses

Land Use Strategies

- Land acquisition
- Sound insulation
- Avigation easements
- Prevention
- Land use controls
- Real estate disclosures

Schedule and Meeting Topics

Proposed Schedule

We are here!

Note: Schedule is subject to change

Meeting / Activity	Purpose	Anticipated Time Frame
Kick-Off Meeting with GIAA and the Part 150 Team	Define organizational and procedural matters and public outreach, review and refine scope and schedule details.	July 25, 2023
1st Planning Advisory Committee Meeting	Introduction to Part 150, discuss stakeholder roles, identify issues of concern	November 8, 2023
2 nd Planning Advisory Committee Meeting	Discussion on aviation forecasts, noise modeling results and presentation of the draft NEM Update	May 22, 2024
NEM Public Comment Period and 1st Public Workshop	Overview of Part 150 process, Noise Modeling, Noise Exposure Maps, Introduction to NCP, NEM thirty-day public comment period	November 2024
3rd Planning Advisory Committee Meeting	2 nd Round results of the proposed Noise Abatement Measures, Land Use and Program Management measures.	November 2024
GIAA to Submit Final NEM to FAA	GIAA submits final updated NEM to FAA for review and acceptance. Respond to FAA questions as needed	January 2025
4 th Planning Advisory Committee Meeting	Revised Noise Abatement measures, potential Land Use and Program Management measures.	March 2025
5 th Planning Advisory Committee Meeting	Review Draft Noise Compatibility Program, Public Outreach program and next steps	Fall 2025
NCP Public Comment Period, 2 nd Public Workshop, and NCP hearing	NCP thirty-day public comment period and third Public Workshop and NCP Hearing.	Fall 2025
GIAA to Submit Final NCP to FAA	GIAA submits final updated NCP to FAA for review and approval. Respond to FAA questions as needed.	December 2025

Project Contacts

Project Contacts:

GIAA PO Box 8770, Tamuning, Guam 671-646-0300

AECOM Lynn Keeley Lynn.Keeley@aecom.com 215-696-3524

HMMH Robert Mentzer rmentzer@hmmh.com 339-234-8703



Wrap Up

- Next PAC meeting:

- Target Date: Fall 2025

- Location: Airport (In-person)

- Working Paper 6:

- Draft Noise Compatibility measures

