

APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES
DLM Conference Room, 3rd Floor, ITC Bldg., Tamuning, GU 96913
Thursday, December 1, 2022 • 9:31 a.m. to 10:15 a.m.

I. Attendance/Roll Call

Acting Chairman Gulac called to order, the regular meeting of the Application Review Committee for Thursday, December 1, 2022 at 9:31 a.m.

Present were: Acting Chairman Penmer Gulac (DLM), Tony Palomo (GPA), Brian Hess (GWA), Russell Kanai (DPR/HPO), Dan Guerrero (JRM), Jeffrey Quitugua (DoAG), Nonie Amar (GEPA), Christian Benitez (BSP), Mary Rose Wilson (DPW), Edward Sanchez, Case Planner.

Noting a quorum for today's meeting, Acting Chairman Gulac moved on to the next item on the agenda.

II. Approval of Minutes

Acting Chairman Gulac before the members today is the approval of the Minutes from the last ARC meeting on Thursday, November 3, 2022. Members were emailed the draft and have had ample time to review, Acting Chairman Gulac asked for a motion for action.

Tony Palomo, GPA made a motion to approve the Minutes of November 3, 2022.

Nonie Amar, GEPA seconds the motion.

Acting Chairman Gulac accepts the motion made by Tony Palomo, GPA, and seconded by Nonie Amar, GEPA. Noting no discussion, errors, or omissions, the motion was put to a vote with all in favor of approving [DLM, GPA, GEPA, DPR, DoAG, GWA, BSP, DPW].

Motion passed with a vote of 8 ayes, 0 nays.

III. New Business

Zone Variance

- A. Application No. 2021-28, the Applicant, Maui Development, LLC represented by W.B. Flores & Associates; is requesting a Zone Variance for Height for an additional 174 feet over the maximum 30 feet requirement, for the proposed construction of a 20-story residential structure (Eiger Towers) with recreational facilities and amenities, on Lot 5040-9 and Lot 5040-10, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone.
Case Planner: Penmer Gulac

Willie Flores the Eiger Towers project is located just north of the entrance to Two Lovers Point. Mr. Flores explains that the height zone variance is needed because the applicant/developer wants to maintain as much open space as possible at the project site.

Mr. Flores provides the following summarization of the application:

- The building was designed for both the local residents and military housing requirements;

- Since the conception of the project construction costs have risen to over 40 percent. The developer is working with a contractor that is an international contractor who has access to bulk purchasing of construction materials;
- The project consists of two, three and four-bedroom units; and, reiterated the reason for the height variance is to maintain as much open space as possible;
- Parking – parking would be located below as opposed to what is seen in the proposed design;
- Mr. Flores has been working with both GWA and GPA engineering on the utilities. They foresee constraints that the project will face in terms of water supply and wastewater. The project is located not too far from the southern pump station;
- Wastewater – the plan is to connect to the southern link pump station if there is no objection from GWA; however, if GWA does not support this connection it will run along Tanguissan Beach Road and connect to a manhole on the north side of the wastewater treatment plant;
- Water – will come in from Route 3. Mr. Flores has been in discussion with Mr. Hess from GWA regarding the Route 3 issues. A water modeling project that was recently completed shows where the peak usage will be and when the water pressure will drop. Mr. Flores commented with certainty that this project will require standby water tanks for both potable and firefighting purposes;
- Ingress/egress to the property will be through the easement connection headed north-east, and next to the southern link pump station, and the road that connects directly to Route 3 will be the primary access;
- In discussion with the developer, if this project moves quicker than other projects in the same area, the improvements needed on Route 3 will have to be a turnout and center lane which will require signalization by DPW;
- Stormwater Management – will be managed onsite using infiltration and landscaping features to be used for pre-treatment before storage and disposal;
- Recreational facilities will be provided onsite. In the main building that connects to Tanguissan Beach Road, a jogging and cycling path will be provided;
- Power – in preliminary discussions with GPA, Mr. Flores reported that power is available either through Tanguissan Beach Road or from Route 3;
- Shadows – this project is not along the cliff line and is set back from the cliff line. The shadow will be cast over the GWA pump station and not Two Lovers Point. The morning shadow will not cast over Two Lovers Point, but just north of Two Lovers Point. Shadows to the east, in the afternoon, and coverage extends about halfway to Route 3;
- Advantages to this project are that it will assist with the current housing shortage in Guam; the height variance will maintain more open space, and this project is in line with the master plans where development would be limited to the northern part of Guam;
- The project site is close to the Guam Regional Medical Center and close to military installations. Mr. Flores noted that there are 100 reservations for the units from local residents which is encouraging for the developer; and,
- Power – approximately 30 percent of the power to the facility will be provided by solar power and will need to be discussed with GPA.

In closing, Mr. Flores is looking forward to working with the agencies to move this project to the next step.

Acting Chairman Gulac thanked Mr. Flores for the presentation and opened the floor to the members for questions.

Mary Rose Wilson, DPW commented that she has not had a chance to complete her review of the project, and will reserve her comments at this time which will be noted in the position statement.

Nonie Amar, GEPA stated that he will address some of GEPA's concerns. The water source will be tapped from Route 3 (Mr. Flores responds "yes, that is the intention"). Mr. Amar notes that there is a production well nearby that is operated by Guam Waterworks but the GPM is too low and is not sufficient to supply the demand for this project.

Willie Flores replied that they looked into the production well when doing the Ukudu Workforce Village and at the time it was a nominal 15 GPM and the max was 50 that it was pumping.

Nonie Amar, GEPA it looks like you have coordinated with GWA and that is good. There are no problems with the sewer, the northern district pump station is close by. Mr. Amar also stated that there are no problems with stormwater; infiltration and landscaping will be used for pre-treatment and use of a ponding basin as well.

Willie Flores responded yes, but they plan on using the ponding basin more as a landscape area and at the same time used for pre-treatment as well.

Nonie Amar, GEPA mentioned that there is another big project in the same vicinity located at the corner (Vista Del Mar), and recalls that in the application, it was noted that they will construct production wells for their project, but have not seen plans for their review. In addition, the Eiger Towers project is within 1000 feet radius of H-01. Mr. Amar noted that there is a sinkhole based on the GIS map that was checked for this area, and GEPA has regulations on how to handle it which can be discussed during the building permit process.

Christian Benitez, BSP based on his assessment of this property which is located in a residential area under the North and Center Guam Land Use Plan and the uses are compatible. Mr. Benitez stated that he does not see any issues with recommending approval and any other comments will be noted in their position statement.

Dan Guerrero, JRM stated that he has no comments at this time and that he will circulate the application for further review. If any issues arise during the review process, Mr. Guerrero will inform Mr. Flores.

Jeffrey Quitugua, DoAG in the plan it indicates that the complex will consist of either a single building structure or two separate structures both 20 stories high. Mr. Quitugua asked for clarification on whether the proposal is for a 20-story structure for one or two buildings.

Willie Flores responded that the submittal shows an elevator shaft down the middle of the structure, and what they are looking at is removing the elevator shaft and replacing it with bridges to connect. It is the same number of units, the same height and the footprint will not likely change.

Jeffrey Quitugua, DoAG so it will be one structure.

Willie Flores by DPW's definition, it is considered two structures and just removing the central part of the building.

Jeffrey Quitugua, DoAG notes that their concern with the height proposal is the impact on the birds found in this area. The use of glass windows is an issue for DoAG because of possible bird

strikes; and, the development will need to mitigate the use of windows that will prevent or avoid bird strikes. DoAG is aware of sinkholes in the area and will require the developer to conduct soil testing. In the application, it states that the lots consolidate to approximately 17 acres, and asked that they look at other options of downsizing the height or the number of stories of the building to avoid impacts to resources in the vicinity. In closing, Mr. Quitugua stated that all other comments will be addressed in their position statement.

Russell Kanai, DPR/HPO states that they have no objections to the request for the zone variance; however, there is mention that the lot had been previously surveyed but they have not received that report. Mr. Kanai asked Mr. Flores to provide the report and the building permit that was previously approved. If he is not able to provide the documents the property will be subjected to a survey and archeological sub-surface testing.

Willie Flores replied that they are aware that Boyd, before the turnover, conducted the survey. Mr. Flores will look into this and advise Mr. Kanai accordingly.

Brian Hess, GWA inquired if the project would be gated.

Willie Flores responded yes and explained that they conducted preliminary discussions with the military. If military personnel will be allowed to stay at the facility it will have to be secured with the normal caveats that emergency agencies have 24-hour, immediate access to the property.

Brian Hess, GWA inquired if any preliminary plans were submitted to GWA for their review.

Willie Flores replied that he believes that they did and will provide the date when it was submitted to GWA.

Brian Hess, GWA Mr. Hess asked the developer to contact GWA at least six months in advance before submitting their building permit application. GWA would like to work closely with Mr. Flores to ensure proper water and wastewater utility plans to benefit other developments in the vicinity.

This is a 335-unit development (Mr. Flores replied "yes."). Mr. Hess asked for details on their plans to utilize the southern link pump station for the wastewater.

Willie Flores there is a terminal manhole on either the north or east side coming in, and they are thinking of connecting along the back easement to that terminal manhole or building another manhole next to it and connecting at that point.

Brian Hess, GWA Mr. Hess comments that he is looking forward to working with Mr. Flores on this project and had no further questions.

Tony Palomo, GPA noted that GPA has no objection to the request for a height variance. GPA's concern is the power demand for the 20-story, 335 units. Mr. Palomo read the comments noted on their position statement.

Based on the provided electrical load estimates, GPA requires the following:

- *Expansion of the Harmon Sub-Station to accommodate the additional load of 8.86 mva, this includes a new power sub-station, 13.8 kb switchgear, and associated equipment;*
- *One new overhead 13.8 kb feeder from Harmon sub-station to the project site; and,*

- *Power line extension and sub-station upgrades shall be included with the development at the developer's cost.*

Mr. Flores was asked to contact Vince Sablan (newly appointed Manager) as soon as possible; and would like to know when construction will begin.

Willie Flores replied that it will depend on the decision of the ARC and the GLUC, and depending on how quickly permits are completed, they are looking at, optimistically end of 2023 but realistically mid-2024.

Brian Hess, GWA during the design process, GWA may require the need to do off-site infrastructure improvements, particularly for water, and asked if the developer would be willing to install additional wells to support the water supply.

Willie Flores replied that after speaking with the developer, he had given them the upfront news that they would have to run the waterline from the project site to Route 3, and the developer understands that this will have to be done.

Acting Chairman Gulac informed Mr. Flores that he has received a copy of the billboard notice and suggested that they continue to work with the ARC agencies on any issues and provide additional information they may need.

Noting no further questions from the members, moved on to the next item on the agenda.

Zone Variance

- B. Application No. 2022-53, the Applicant, David J. Lujan represented by W.B. Flores & Associates; is requesting a Zone Variance for Height, for the proposed construction of a 13-story multi-family residential structure with commercial space on the first floor, on Lot 1447-1NEW, in the Municipality of Hagatna, in an "M-1/R-2" (Light Industrial/Multi-Family Dwelling) zone. Case Planner: Edward Sanchez

Willie Flores representing Mr. David Lujan. Mr. Flores thanked the members for allowing them to present the application today. The project is owned by Mr. David Lujan and his wife. Mr. Lujan is a prominent attorney in Guam and has indicated interest that he would like to develop some of his properties.

The subject parcel is the old Corn Building in Anigua between the old House of Chin Fee and the old Lujan's retail store. Because it is in downtown Hagatna, Mr. Lujan was informed that the project should rise no higher than the cliff line, the Navy Hospital cliff line.

This property is split by an undocumented utility easement. Mr. Flores suspects that the utility easement is remanent of World War II when Hagatna was being rebuilt. Between Marine Corps Drive and this property across the Paseo Loop, is service Road A (as referenced in the maps) and the road that runs between the northbound medians, District Court, GCIC, and Shirley's. Historically, the power plant was down in the area between Julale and Pedro's Plaza.

Mr. Lujan would like to use this property and build a facility with residences on the upper floors with commercial space on the first floor. This projects meet the Hagatna Restoration objectives, and solution to the housing shortage in Guam, and will enhance the revitalization of Hagatna and Anigua in this area.

Mr. Flores notes that this is a good project. The old Corn Building was blighted, and the building has since been demolished by the applicant and is ready for development.

Tony Palomo, GPA comments that the power facilities needed for this project will need to be upgraded. When the time comes, bring the plans and meet with Louis Camacho.

Brian Hess, GWA asked if this would be a gated property to which Mr. Flores responded that it would not be gated. Mr. Hess asked that the developer contact GWA at least six months before submitting their building permit and plans. GWA would like to coordinate with the developer to ensure that the project has the necessary water and wastewater utilities available. There may be a need for off-site infrastructure improvements for water and wastewater to support the project.

Russell Kanai, DPR/HPO this project has not been tested and will be subject to sub-surface testing. (Unable to decipher remaining comments made by Mr. Kanai due to low audibility.)

Jeffrey Quitugua, DoAG reiterated that DoAG has remained consistent regarding bird strike issues with the use of window panes. He asked that the developer coordinate with the department before permitting process to discuss mitigation of the endangered birds that are found in the Hagatna area so that it will not interfere with or interrupt the operations of the building when it is completed.

Christian Benitez, BSP conducted an assessment of the subject lot and it is considered an urban area under the Guam Land Use districting map, and will recommend approval of the request since the proposed activity is compatible with the Guam district plan. Other concerns and comments will be addressed in the position statement.

Nonie Amar, GEPA there are no water and sewer concerns for the project. There is a sewer line on West O'Brien Drive and Route 1 for the developer. It was mentioned that the developer will build a wet well or sewer manhole and inquired which of the two would be used.

Willie Flores replied that it was too early to say but will be presented during the permitting process.

Nonie Amar, GEPA comments that GEPA's main concern is the water table in the area.

Willie Flores remarked that it was very close to the ground.

Nonie Amar, GEPA Mr. Amar notes that GEPA requires developments that all stormwater be contained within the property; but that their concern at this time is the stormwater disposal infrastructure which may not fit into the smaller lot. Mr. Amar reiterated that GEPA's main concern, because of the water table is the stormwater disposal infrastructure.

Willie Flores remarks that he and Ms. Rojas has been struggling with this issue for a couple of weeks on how to address it.

Nonie Amar, GEPA further discussion can be done during the permitting process.

Edward Sanchez, Case Planner notes that the billboard notice has been erected, and will continue to work and assist Mr. Flores in moving this application forward.

Acting Chairman Gulac suggested that Mr. Flores and his team continue to coordinate any requirements and work together with the agencies to move the application forward.

Thank you for being here today, and moved on to the next item on the agenda.

IV. Approval of ARC Agenda

Acting Chairman Gulac before the members today is the review and approval of the next ARC agenda for the December 15, 2022 meeting. Acting Chairman Gulac asked for a motion for action.

Christian Benitez, BSP made a motion to accept and approve the ARC agenda for the Thursday, December 15, 2022 meeting.

Tony Palomo, GPA seconds the motion.

Acting Chairman Gulac accepts the motion made by BSP, seconded by GPA. The motion was put to a vote with all in favor of approving the December 15, 2022 agenda.

Acting Chairman Gulac notes that the GLUC agenda for its meeting on Thursday, December 22, 2022 is tentative at this time.

V. Administrative and Miscellaneous Matters

Acting Chairman Gulac noted no further matters before the Committee, Acting Chairman Gulac asked for a motion to adjourn.


VI. Adjournment

Nonie Amar, GEPA made a motion to adjourn today's meeting, seconded by Jeffrey Quitugua, DoAG. Acting Chairman Gulac puts the motion to a vote, with all in favor of the motion to adjourn.

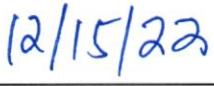
The regular meeting of the Application Review Committee for Thursday, December 1, 2022 was adjourned at 10:25 a.m.

Approved by:

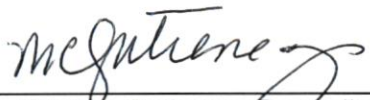
Date approved:



Penmer Gulac, Acting Chairman
Application Review Committee



Transcribed by:



M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

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

Time: 9:31 AM Adjournment: 10:15 AM

DLM Staff

Joseph M. Borja, Director	
Celine Cruz, Chief Planner	
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	
M. Grace Vergara, Planner III	
Sonega Gogue, Planner II	
Edward Sanchez, Planner I	
M. Cristina Gutierrez, WPS II	



Application Review Committee

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

AGENDA

Thursday, December 01, 2022 @9:30 a.m.

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

TIMELINE FOR APPLICATION ON THIS AGENDA

Day #1 – December 01, 2022

Day #30 – January 03, 2023

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, November 3, 2022

III. New Business

Zone Variance

- A. Application No. 2021-28, the Applicant Maui Development, LLC represented by W.B. Flores & Associates; is requesting a Zone Variance for Height for an additional 174-feet over the maximum required 30-feet, for the proposed construction of a 20-story residential structure (Eiger Towers) with recreational facilities and amenities, on Lot 5040-9 and Lot 5040-10, in the Municipality of Dededo, in an "M-1" (Light Industrial) zone.

Case Planner: Penmer Gulac

- B. Application No. 2022-53, the Applicant, David J. Lujan represented by W.B. Flores & Associates; is requesting a Zone Variance for Height, for the proposed construction of a 13-story multi-family residential structure with commercial space on the first floor, on Lot 1447-1NEW, in the Municipality of Hagatna, in an "M-1/R-2" (Light Industrial/Multi-Family Dwelling) zone.

Case Planner: Edward Sanchez

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, December 15, 2022 [Final]
B. GLUC Regular Hearing, Thursday, December 22, 2022 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



Application Review Committee

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

AGENDA

Thursday, December 15, 2022 @9:30 a.m.

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

TIMELINE FOR APPLICATION ON THIS AGENDA

Day #1 – December 15, 2022

Day #30 – January 15, 2023

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, December 01, 2022

III. New Business

Zone Variance

- A. 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. Case Planners: Frank Taitano/Sonny Gogue

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, January 05, 2023 [Tentative]
B. GLUC Regular Hearing, Thursday, January 12, 2023 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



GUAM LAND USE COMMISSION

Chairperson Anita B. Enriquez
Vice Chairperson Arthur D. Chan, Jr.
Commissioner Leilani R. Flores

Commissioner Nonito V. Blas, Jr.
Commissioner (Vacant)

Joseph M. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA - Tentative

Tuesday, December 22, 2022 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 on December 5th and December 9th, 2022]
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 Tuesday, December 13, 2022

- III. Old or Unfinished Business [None]

- IV. New Business

- V. Administrative & Miscellaneous Matters

- VI. Adjournment