

APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES
DLM Conference Room, 3rd Floor ITC Bldg., Tamuning, GU 96913
Thursday, December 7, 2023 • 9:30 a.m. to 10:13 a.m.

I. Attendance/Roll Call

Chairperson Cruz called to order, the regular meeting of the Application Review Committee for Thursday, December 7, 2023 at 9:30 a.m.

Present: Chairperson Celine Cruz (DLM), Tony Palomo (GPA), Brian Hess (GWA), Mary Rose Wilson (DPW), Yvonne Manglona-Juaneza (BSP), Russell Kanai (DPR/HPO), Dan Guerrero (JRM), Frank Taitano, Penmer Gulac, Grace Vergara, and Theresa Guevara.

Noting a quorum, Chairperson Cruz proceeded with today's agenda.

II. Approval of Minutes

Chairperson Cruz before the members today is the approval of the Minutes from the last ARC meeting of Thursday, October 19, 2023. Members were emailed a copy for review, and Chairperson Cruz was ready to entertain a motion for action.

Russell Kanai, DPR made a motion to approve the Minutes of October 19, 2023.

Yvonne Manglona-Juaneza, BSP seconds the motion.

Chairperson Cruz accepted the motion made by DPR, and seconded by BSP. Noting no discussion, errors, edits or omissions, Chairperson Cruz puts the motion to a vote with all in favor of the motion.

[Motion carries; Minutes of Thursday, October 19, 2023 was approved; 6 ayes, 0 nays.]

III. New Business

Zone Change

- A. Application No. 2023-47, the Applicant, Pacific International (Guam) Inc. represented by Daniel D. Swavely; requests a Zone Change from "C" (Commercial) to "M-1" (Light Industrial) zone, to allow for a warehouse facility for the Diamond K Wholesale building, on Lot 429-6-REM NEW, in the Municipality of Asan. Case Planner: Theresa Guevara

Chairperson Cruz welcomed the applicant's representative to provide a brief presentation for the members.

Dan Swavely with Mr. Swavely this morning was his associate, Kyle Borja.

Dan Swavely explained what he found out about this application about changing the property from commercial for wholesale and light industrial to warehousing, it was under everyone's impression that the building was a warehouse; it looks like a warehouse, trucks traversing in and out of the parcel. But the fact is that it is not properly zoned for a warehouse, and this is the nature of the request for zone. The application is to bring the zone of the parcel so that it is compatible to many other warehouse/wholesaling operations on Guam normally found in the Harmon Industrial Park area.

The applicants are not from Guam, but have been long-time residents of Guam; and it is a family owned business and they would like to balance their wholesaling operation with warehousing. In closing, Mr. Swavely adds that he has spoken to the Mayor about the application, and does not foresee any problems pending outcome of the public hearings.

Chairperson Cruz opened the floor to the ARC members starting with GPA.

Tony Palomo, GPA stated that power is available, and GPA has no concerns/

Brian Hess, GWA stated that water and sewer are available, and had no further comments.

Dan Swavely commented that staffing will increase but not by much.

Mary Rose Wilson, DPW noted that a traffic impact analysis will be conducted, and to coordinate with Public Works Highway. All remaining comments will be noted in the position statement.

Dan Guerrero, JRM no comments; however, if anything arises in respect to communication, high frequency he will advise Mr. Swavely accordingly.

Russell Kanai, DPR commented that overall, they have no concerns about approving the application; however, it came to their attention that for the building they do not have a permit. Mr. Kanai added for the new proposed warehouse at the back of the existing building, they will need to conduct an archeological assessment because the area was a landing zone during WWII.

Dan Swavely recapped Mr. Kanai's comments that where the new annex will be located an archeological assessment will be needed. Mr. Swavely noted that he will take that under advisement.

Yvonne Manglona-Juaneza, BSP remarked that she is still reviewing the application; any concerns will be addressed in their position statement.

Theresa Guevara, Case Planner no comments at this time.

Dan Swavely asked that the members be prompt in the submittal of their position statements. He further added that it is a "drag" (sic) on the permitting processing when position statements are received late, and asked that they give it some attention to move the application forward.

Zone Change

- B. Application No. 2022-01, the Applicant, Guam Capital Investment Corporation represented by FC Benavente, Planners; requests a Zone Change from "M-2" (Heavy Industrial) to "M-1" (Light Industrial) zone, for a portion of Lot 236-REM, all of Parcels 9, 11 and 13, in the Municipality of Hagat. Case Planner: Grace Vergara

Chairperson Cruz welcomed the applicant's representative for a brief presentation.

Felix Benavente representing GCIC. Mr. Benavente stated that the application is for a zone change from M-2 to M-1. The property is the site of the existing Agat Pointe commercial center in Hagat across from Inn on the Bay.

The applicant proposes to put a six-unit residential apartment on the second floor of an existing building on site, and to accomplish this they would need an M-1 designation that allows for multi-family units on the property. It is only a portion of the big lot.

Mr. Benavente stated that they created a zoning delineation map as required by Land Management, and the entire parcel is 236-REM. The north part is the location of the existing shopping center, and a warehouse building located on the south side of the property. The applicant proposes to rezone just around the area of the existing Agat Pointe commercial. He added that three other lots are remnants of previous takings when they were creating the Namo River easement. There are parcels 9, 11 and 13; and, the application calls to rezone a portion of 236-REM and all of parcels 9, 11 and 13 which are presently zoned M-2. The remainder of the lot zoned M-2 will not be changed.

Tony Palomo, GPA stated that there is existing power for both buildings. Mr. Palomo added that if an extension is to be constructed that they bring in the plans and an engineer will be asked to assist them.

Brian Hess, GWA inquired if the applicant plans to connect to the already existing water and sewer lines. Mr. Benavente responded that they would. Mr. Hess reminded Mr. Benavente that each apartment unit has separate water meters; and, to bring in their plans to GWA at least six months before submittal of the building permit application for their review of the plans.

Mary Rose Wilson, DPW the flood zone designation was submitted and reminded Mr. Benavente to coordinate with Building Permit for correct information on the flood zone designation. Ms. Wilson added that public access must be adequate and additional space for parking stalls to include ADA stalls.

Dan Guerrero, JRM stated just this will be the typical home entertainment type communication infrastructure that is proposed for this project, and that there will be no frequency spectrum-related facility for high-end radio transmission.

Russell Kanai, DPR remarked that DPR has no objection to the zone change application; however, if there is any digging within the parking lot they will inspect the area during the permitting process.

Yvonne Manglona-Juaneza, BSP had no comments at this time; however, Ms. Manglona-Juaneza reminded Mr. Benavente that the watershed is in the Hagatna watershed. She added that they are still reviewing the application and any concerns will be noted in the position statement.

Grace Vergara, Case Planner no comments.

Chairperson Cruz had no comments and moved on to the next item on the agenda.

Conditional Use

- C. Application No. 2023-40, the Applicant, Yu Bing Huang represented by FC Benavente, Planners; requests a Conditional Use permit to allow for the construction of a mixed-use, two-story commercial building, with three commercial spaces on the ground floor, and three residential apartment units on the second floor, on Lot 3232C-1-2, in the Municipality of Chalan Pago and Ordot, in a "C" (Commercial) zone. Case Planner: Frank Taitano

Felix Benavente the property is close to the corner of Dairy Road and Route 4. The owner proposes to construct a two-story, mixed-use building with commercial spaces on the first floor and apartments on the second floor. Mr. Benavente stated that this is a very simple application, and that they had to revise the plan as required by Land Management, which is presented to the committee today.

Tony Palomo, GPA requested Mr. Benavente to provide GPA with a proposed power demand, and to bring in the plans for the review of an engineer.

Brian Hess, GWA stated that GWA's maps show that sewer lines are running on the property below, and the applicant will need to coordinate with GWA on how they are going to relocate the sewer lines located on the property. Mr. Hess added that they need to be aware of where the sewer lines are located so there will be no problems with the construction of the project. In addition, he reminded Mr. Benavente that each apartment unit has separate water meters, and six months before submitting the building permit application, to contact GWA so that the plans can be reviewed.

Mary Rose Wilson, DPW asked if there is a statute of limitations for Conditional Use applications which is two years.

Felix Benavente responded not that he is aware of.

Chairperson Cruz remarked that for Conditional Use it does initially allow for two years; however, for general uses, this does not apply. The conditional use is for the apartment units on the second

floor, and unless there is something that is negatively impacting the community with the residential uses, timelines are not applied and have not been done for some time. A status report can be requested after one or two years after occupancy which has been done previously.

Mary Rose Wilson, DPW remaining comments will be noted in the position statement.

Dan Guerrero, JRM remarked that this will be the typical home entertainment purposes and that there will be no high-frequency spectrum type of activities.

Russell Kanai, DPR commented that DPR has no objection to the request; however, during the permitting process, a site inspection will be conducted.

Yvonne Manglona-Juaneza, BSP stated that their comments will be noted in their position statement.

Frank Taitano, Case Planner no comments.

Chairperson Cruz moving on to the next item on the agenda.

- D. Application No. 2023-49, the Applicant, Guoquan Su represented by FC Benavente, Planners; requests a Conditional Use permit to allow for the construction of one, two-story apartment building with twelve multi-family units, on Lot 10-R3-NEW-2, in the Municipality of Dededo, in a "C" (Commercial) zone. Case Planner: Frank Taitano

Felix Benavente stated that the subject lot is located in Wusstig Road. Mr. Benavente notes that the billboard is erected, and there is an existing building on site and the back side of the parcel will be cleared to construct the apartment building. The parcel is zoned commercial, and sewer is available.

Tony Palomo, GPA stated that an upgrade may be needed and asked if there was a proposed power demand (Mr. Benavente responded "no."). Mr. Palomo asked that they bring in the plans and an engineer will be assigned to review the plans.

Brian Hess, GWA asked if this project is proposing to be a gated community.

Felix Benavente responded that he was unsure at this time.

Brian Hess, GWA if this is a gated community, GWA will need to be able to access the utilities in case of emergency repairs. Mr. Hess reminded the applicant that separate water meters will be needed for each unit, and to bring in the plans six months before submitting the building permit application to DPW.

Mary Rose Wilson, DPW commented that she is still reviewing the application, and all comments will be noted in the position statement. Mr. Benavente was reminded to ensure that ADA parking is available.

Dan Guerrero, JRM if there are any communications other than the typical home entertainment to advise their office accordingly.

Russell Kanai, DPR this lot will be subject to site inspection during the permitting process. Other than that they have no objection to the approval of the application.

Yvonne Manglona-Juaneza, BSP asked for clarification if the sewer was available for the project to which Mr. Benavente responded "Yes." All other comments will be noted in the position statement.

Frank Taitano, Case Planner in response to GWA's comment on a gated community, Mr. Taitano remarked that this is private property and there is no public access to the project site, the applicant has the right to gate the complex.

[Lengthy discussion ensues]

Chairperson Cruz comments that she appreciates that the previous conditional use applications are about providing more housing for the local communities. The subject parcels are all in higher zoning designation for conditional uses; but, it adds more housing units which has been an important part of land use in the past couple of years considering the military build-up and price of housing on Guam and rentals.

Felix Benavente commented that he appreciated that Chairperson Cruz recognized the need for homes.

Moving on to the next item on the agenda –

- E. Application No. 2024-07, the Applicant, BME & Sons, Inc.; requests a Conditional Use permit to allow for the increase of its capacity for temporary workers by 100 for a total of 214 workers for its existing Temporary Workforce Housing Facility, on Lot 5223-R9-3, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone.
Case Planner: Penmer Gulac

Chairperson Cruz noted for the record that Planning received a letter of authorization for Mr. Victor Gaza and Mr. Danny Natividad to represent BME & Sons, Inc.

Penmer Gulac, Case Planner noted the correction of the application number to reflect 2024-07.

Danny Natividad is before the committee representing BME & Sons, Inc. They are requesting to increase their H-2 capacity for an additional 100 workers. The GLUC approved the existing

capacity of 214 in April of 2023. They have workers that come and go. Mr. Natividad reposted that at this time they 40 rooms available; and they are currently processing about 60 workers. They are requesting to consider this application to increase their capacity. There is a lot of opportunity that they have declined in the previous months due to the lack of workers.

In closing, Mr. Natividad believes that the expansion of Camp Blaz will continue for another ten years and more workers are needed for them to be awarded more jobs.

Tony Palomo, GPA stated that power is available; and should they decide to construct additional barracks to bring in the plans.

Danny Natividad replied that they have an existing building that will be converted to barracks.

Brian Hess, GWA noted that there is existing water and sewer connection; and there is capacity for the expansion of their barracks. If there is future construction, contact GWA six months before submitting the building permit application is submitted to DPW.

Danny Natividad responded yes, upgrade was done last year for the pipes.

Mary Rose Wilson, DPW the existing building is concrete.

Danny Natividad replied that it is a metal building.

Mary Rose Wilson, DPW she is concerned on the structural integrity of the building because of natural disasters that can occur on Guam. A site inspection will need to be done to see the condition of the building. Safety of the workers is important. Remaining comments will be in their position statement.

Dan Guerrero, JRM comments that JRM applauds this type of project primarily because there is a shortage of housing. If they anticipate any type of facilities that utilize high-frequency types of communications to advise them accordingly.

Russell Kanai, DPR no objections to the approval their application pending their position statement.

Yvonne Manglona-Juaneza, BSP noted that their concerns will be addressed in their position statement.

Penmer Gulac, Case Planner if there is additional information that is needed to supplement the application, it will be submitted by the applicant.

Chairperson Cruz at the very least, supplemental information to outline the conditional use parameters such as the description of the buildings, setbacks, parking, egress/ingress within the facility. There are just some key elements of a conditional use that need to be addressed. There

is a need to show how the current property can address all the expansion that is expected with the 100 additional workers on the site.

Penmer Gulac replied that he will work with the applicant to address this.

Moving on to the next item –

IV. Approval of ARC Agenda

Chairperson Cruz the next item on the agenda is the approval of ARC agenda for December 21, 2023; there are no agenda items, there will be no meeting. There is no GLUC agenda prepared for the December 28, 2023 and there maybe no meeting.

V. Administrative and/or Miscellaneous Matters

Chairperson Cruz wished the members a Merry Christmas and Happy New Year.

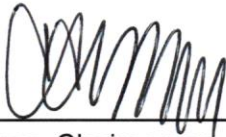
VI. Adjournment

Chairperson Cruz entertained a motion for adjournment. Tony Palomo (GPA) made a motion to adjourn, seconded by Brian Hess (GWA). Chairperson Cruz puts the motion to a vote with all members in favor of adjournment.

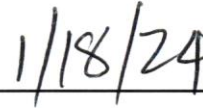
The regular meeting of the Application Review Committee for Thursday, December 7, 2023, adjourned at 10:13 a.m.

Approved by:

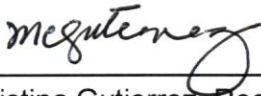
Date approved:



Celine L. Cruz, Chairperson
Application Review Committee



Transcribed by:



M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

APPLICATION REVIEW COMMITTEE

Committee Attendance Sheet

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

MEETING: ☒ Regular Thursday, December 7, 2023 ☐ Special

Time: 9:30 am Adjournment: 10:13 am

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairperson)	
2 DPW/CIP	(Member)	Maryanne Wilson
3 Guam EPA	(Member)	
4 Bureau of Statistics & Plans	(Member)	Yvonne Mangiona-Juanera
Bureau of Statistics & Plans	(Member)	
5 Department of Agriculture	(Member)	
6 Guam Waterworks Authority	(Member)	Brian W. Hess
Guam Waterworks Authority	(Member)	
7 Guam Power Authority	(Member)	Tommy Borja
8 Department of Parks & Recreation-HPO	(Member)	Russell Kandi
9 Joint Regional Marianas	(Ex-Officio member)	Dan Guerrero
10 Department of Chamorro Affairs	(Ex-Officio Member)	
11 Guam Fire Department	(Ex-Officio Member)	
12 Department of Public Health & Social Services	(Ex-Officio Member)	
13 Guam Public School System	(Ex-Officio Member)	
14 Guam Economic Development Authority	(Ex-Officio Member)	

DLM Staff

Joseph M. Borja, Director	
Richard B. Arroyo, Deputy Director	
Celine Cruz, Chief Planner	
Frank Taitano, Planner IV	Frank P. Taitano
Penmer Gulac, Planner IV	
M. Grace Vergara, Planner IV	
Sonega Gogue, Planner III	
Theresa D. Guevara, Planner II	Guevara
Edward Sanchez, Planner I	
M. Cristina Gutierrez, WPS II	
Sabina Waguk, CSR	



Application Review Committee

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

AGENDA

Thursday, December 7, 2023 @ 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 7, 2023

Day #30 – January 7, 2024

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, October 19, 2023

III. New Business

Zone Change

- A. Application No. 2023-47, the Applicant, Pacific International (Guam) Inc. represented by Daniel D. Swavely; requests a Zone Change from "C" (Commercial) to "M-1" (Light Industrial) zone; to allow for a warehouse facility for the Diamond K Wholesale building, located on Lot 429-6-REM NEW, in the Municipality of Asan. Case Planner: Theresa Guevara
- B. Application No. 2022-01, the Applicant, Guam Capital Investment Corporation represented by FC Benavente, Planners; requests a Zone Change from "M-2" (Heavy Industrial) to "M-1" (Light Industrial) zone, for a portion of Lot 236-REM, all of Parcels 9, 11 and 13, in the Municipality of Hagat. Case Planner: Grace Vergara

Conditional Use

- C. Application No. 2023-40, the Applicant, Yu Bing Huang represented by FC Benavente, Planners; requests a Conditional Use Permit to allow for the construction of a mixed-use, two-story commercial building, with three commercial spaces on the ground floor, and three residential apartment units on the second floor, Lot 3232C-1-2, in the Municipality of Chalan Pago & Ordot, in a "C" (Commercial) zone. Case Planner: Frank Taitano



Application Review Committee

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

- D. Application No. 2023-49, the Applicant, Guoquan Su represented by FC Benavente, Planners; requests a Conditional Use Permit to allow for the construction of one, two-story apartment building with twelve multi-family units, on Lot 10-R3-NEW-2, Tract 284, in the Municipality of Dededo, in a "C" (Commercial) zone. Case Planner: Frank Taitano
- E. Application No. 2024-07, the Applicant, BME & Sons, Inc.; requests a Conditional Use permit to allow for the increase of its capacity of temporary workers by 100, for a total of 214 workers, for its existing Temporary Workforce Housing Facility, Lot 5223-R9-3, in the Municipality of Barrigada, in an "M-1" (Light Industrial) zone. Case Planner: Penmer Gulac

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, December 21, 2023 [No Agenda]
- B. GLUC Regular Hearing, Thursday, December 28, 2023 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



Application Review Committee

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

AGENDA – No Agenda

Thursday, December 21, 2023 @ 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 21, 2023

Day #30 – January 21, 2024

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, December 7, 2023

III. New Business **[None]**

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, January 4, 2024 [Tentative]
- B. GLUC Regular Hearing, Thursday, January 11, 2024 [Tentative]

V. Administrative & Miscellaneous Matters

VI. Adjournment



GUAM LAND USE COMMISSION

Chairperson Anita B. Enriquez
Vice Chairperson Nonito V. Blas, Jr.
Commissioner Leilani R. Flores

Commissioner (Vacant)
Commissioner (Vacant)

Joseph M. Borja, Executive Secretary
Kristan K. Finney, Legal Counsel (OAG)

AGENDA - TENTATIVE

Thursday, December 28, 2023 @1:30 p.m.
Department of Land Management Conference Room
3rd Floor ITC Bldg., Tamuning, GU 96913

[As advertised in the Guam Daily Post – December 21st and December 26th, 2023]
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, December 14, 2023

- III. **Old or Unfinished Business [None]**

- IV. **New Business [None]**

- V. **Administrative & Miscellaneous Matters**

- VI. **Adjournment**