

**APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES**  
**DLM Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning, GU 96913**  
**Thursday, December 15, 2022 • 9:31 a.m. to 9:54 a.m.**

I. Attendance/Roll Call

Chairperson Cruz called to order, the regular meeting of the Application Review Committee for Thursday, December 15, 2022 at 9:31 a.m.

Present were: Chairperson Celine Cruz (DLM), Marie Rose Wilson (DPW), Nonie Amar (GEPA), Russell Kanai (DPR/HPO), Dan Guerrero (JRM), Esther Taitague (BSP), Brian Hess (GWA), Planning Staff Edward Sanchez.

Noting a quorum, Chairperson Cruz proceeded with the next item on the agenda.

II. Approval of Minutes

Chairperson Cruz members were provided via email, the draft of the Minutes from the last ARC Meeting on Thursday, December 01, 2022. Chairperson Cruz asked for a motion for action.

Russell Kanai, DPR/HPO made a motion to approve the December 1, 2022 Minutes.

Mary Rose Wilson, DPW seconds the motion.

Chairperson Cruz acknowledged the motion made by Russell Kanai (DPR), seconded by Mary Rose Wilson (DPW). Noting no discussion, Chairperson Cruz puts the motion to a vote with all in favor of approval **[DLM, DPR/HPO, DPW, GEPA, and GWA; 5 ayes, 0 nays]**.

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 10-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 yard setback (rear) of 7-feet, short 1-foot from the required 8-feet, on Lot 16, Block 3, Tract 178, in the Municipality of Yigo, in an "R-1" (Single Family Dwelling) zone. Case Planners: Frank Taitano/Sonny Gogue

Chairperson Cruz noted that the case planners for the application were not present today, and sitting in for Mr. Taitano and Ms. Gogue is Planner Edward Sanchez. Chairperson Cruz opened the floor to the applicants' representatives to provide a presentation for the ARC members.

Harry Gutierrez comments that he will have Carlos Untalan present the application to the committee since he has been working closely with the applicants and the contractor on the renovation of the structure.

Carlos Untalan noted that his presentation will be based on Attachments 1, 2 and 5 in the application that has been provided to the ARC.

The current owner is not the original owner who built the house back in 1988. At the time the house was built (refers to Attachment 1, retracement survey) displays two structures and Attachment 2 is an enlarged view of those two structures A & B. Structure A as noted in the attachment is the one with the setback issues. The current owners purchased the property in 2019 and were faced with the dilemma of non-compliant setbacks and density. Mr. Untalan continues to explain that in order for the structure to comply with zoning regulations, it was suggested that the applicants convert the structure into a garage and storage which somewhat alleviated the setback issue for structure B.

The setbacks for structure A cannot be resolved and it was determined that the structure itself is not encroaching on the common property boundary lot lines which are on the left and right sides. Mr. Untalan further notes that there is no known documentation of a complaint on file. There issue with the setbacks does not affect any neighbors in the immediate and abutting area.

If the zone variance is approved the structure will remain as a single-family dwelling. The worst-case scenario should the request not be approved is total demolition of the structure and rebuilding. In closing, Mr. Untalan asks the members for their favorable recommendation of the Zone Variance for setbacks.

Chairperson Cruz acknowledges the arrival of representatives from BSP and JRM and initiated the round-robin questions from the ARC members.

Mary Rose Wilson, DPW comments that there is only a need for one but there is a lot ... taking the alternative and asked if the neighbor is vacant and if they can encroach....

Carlos Untalan replied that the easiest way to access the property is through the Santa Bernadita Church entrance, and after turning into the second road to the right the subject property is the third house on the right. Mr. Untalan further added that this is a unique request since three setback variances are being requested.

Mary Rose Wilson, DPW replied that she will continue her review of the application and provide her comments in the position statement.

Nonie Amar, GEPA it was noted that the original owner built the house in 1988 and the current owners purchased the property in 2019.

Carlos Untalan confirmed that that was correct and further added that the structure has been vacant for quite some time.

Nonie Amar, GEPA inquired how the previous owners could just blatantly disregard the setback issues.

Carlos Untalan replied that he did not have an answer and could only assume that it could have been an oversight during the construction of the structure.

Nonie Amar, GEPA since the request is for approval of a zone variance for the setback, Mr. Amar asked if the current owners had any plans to increase the footprint of the structure or go vertical or add a second floor to the structure.

Carlos Untalan replied no, and they are just requesting the zone variance and renovating the structure. Mr. Untalan further notes that there is fencing on the left side as well as the rear side excluding the right side and front.

Dan Guerrero, JRM apologized for his late arrival at the meeting and had no comments.

Russell Kanai, DPR no objections to the request.

Esther Taitague, BSP the house was built in 1988 and the buyer purchased the house in 2019. Ms. Taitague asked if the current owners were aware of the violation of the setbacks.

Carlos Untalan responded that the owners were only made aware of the violation after the retracement survey was conducted. The house is a low-cost housing subdivision and was bought in foreclosure.

Esther Taitague, BSP the house was purchased on foreclosure and there has been a few assumptions. Ms. Taitague added that there is an overhang that is within the property boundaries and appears that the house is vacant and a fixer-upper. As stated, the house will be renovated and it is assumed that the house will be rented out to Section 8 market.

BSP's concern is that during renovation, and considering the lot is small and the distance between the structure and the boundary, BSP proposes that the owners put the best management measures in place to manage and contain stormwater on site. In looking at the overhang it appears that it may have the potential to impact the other property with the runoff from the rooftop. Ms. Taitague notes that she did not see downspouts on the rooftops and that during renovation best management practices are in place. In closing, this appears to be a blatant disregard for the setbacks. All other concerns will be placed in the position statement.

Brian Hess, GWA comments that GWA supports the request for the Zone Variance. Mr. Hess added that GWA's water meter and sewer clean-out are in the public right of way or easement in accordance with their standards.

Chairperson Cruz noted that the Case Planner is satisfied with the application and had no comments.

Chairperson Cruz remarked that since it was brought up by GEPA and because the setbacks are especially tight in the rear, a possible condition may be placed that there be no vertical construction or second-floor addition. It will be a consideration that will be presented in making a final recommendation to the Guam Land Use Commission.

Noting no further comments from the committee, Chairperson Cruz moved on to the next item on the agenda.

#### IV. Approval of ARC Agenda

Chairperson Cruz before the members is the tentative agenda for the next ARC meeting scheduled for Thursday, January 5<sup>th</sup>, 2023. The application noted on the agenda is available for the members to pick up after the meeting. Chairperson Cruz was ready to entertain a motion to approve.

Nonie Amar, GEPA made a motion to approve the Thursday, January 5, 2023 ARC agenda.

Brian Hess, GWA seconds the motion.

Chairperson Cruz motion is made by Nonie Amar and seconded by Brian Hess. Noting no discussion; the motion was put to a vote with all in favor of approval; 6 ayes, 0 nays.

Chairperson Cruz notes that there are no applications for the GLUC agenda of January 12, 2023.

#### V. Administrative and Miscellaneous Matters

Chairperson Cruz asked the members if there were any administrative matters to be discussed.

Dan Guerrero, JRM informed Chairperson Cruz that he will not be attending the ARC meetings from January 3<sup>rd</sup> to January 20<sup>th</sup>.

Chairperson Cruz before adjourning today's meeting, Chairperson Cruz expressed her appreciation to the ARC members for their presence at the ARC meetings during this past year and a good turnaround in the submittal of ARC member position statements. Chairperson Cruz added that it has been acknowledged by the Speaker of the Guam Legislature, who also chairs

the committee on land that the GLUC process is moving along. There was a time when the GLUC process was held up due to ARC position statements but this is no longer the case. The Speaker acknowledged at a public hearing expressing her appreciation that the process has been moving along through the administration's support as well as the support of DLM's Director and the members' Directors. And for this, Chairperson Cruz was thankful.

Noting no further discussion, Chairperson Cruz moved on to the next item on the agenda and asked for a motion to adjourn today's meeting.

VI. Adjournment

Motion to adjourn today's meeting was made by Esther Taitague (BSP), seconded by Nonie Amar (GEPA); with all in favor of adjournment [6 ayes, 0 nays].

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The regular meeting of the Application Review Committee for Thursday, December 15, 2022 was adjourned at 9:54 a.m.

Approved by:

Date approved:



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Celine L. Cruz, Chairperson  
Application Review Committee



Transcribed by:

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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 15, 2022 ☐ Special \_\_\_\_\_

Time: 9:30 am

Adjournment: 9:54 am

| MEMBER   | STATUS              | SIGN IN (Please Print) |
|--|---------------------|------------------------|
| 1 DLM, Guam Chief Planner                        | (Chairperson)       | <i>[Signature]</i>     |
| 2 DPW/Vertical                                   | (Member)            | <i>[Signature]</i>     |
| DPW/Horizontal                                   | (Member)            | <i>[Signature]</i>     |
| 3 Guam EPA                                       | (Member)            | <i>[Signature]</i>     |
| Guam EPA   | (Member)            | <i>[Signature]</i>     |
| 4 Bureau of Statistics & Plans                   | (Member)            | <i>[Signature]</i>     |
| Bureau of Statistics & Plans                     | (Member)            | <i>[Signature]</i>     |
| 5 Department of Agriculture                      | (Member)            |                        |
| 6 Guam Waterworks Authority                      | (Member)            | <i>[Signature]</i>     |
| Guam Waterworks Authority                        | (Member)            |                        |
| 7 Guam Power Authority                           | (Member)            | <i>[Signature]</i>     |
| 8 Department of Parks & Recreation-HPO           | (Member)            | <i>[Signature]</i>     |
| 9 Joint Regional Marianas                        | (Ex-Officio member) | <i>[Signature]</i>     |
| 10 Department of Chamorro Affairs                | (Ex-Officio Member) | <i>[Signature]</i>     |
| 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 *[Signature]*

Celine Cruz, Chief Planner

Frank Taitano, Planner IV

Penmer Gulac, Planner IV

M. Grace Vergara, Planner III

Sonoga Gogue, Planner II

Edward Sanchez, Planner I

M. Cristina Gutierrez, WPS II *[Signature]*







## **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, 3<sup>rd</sup> Floor, ITC Building, Tamuning

### **TIMELINE FOR APPLICATION ON THIS AGENDA**

**Day #1 – December 15, 2022**

**Day #30 – January 15, 2023**

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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





# **Application Review Committee**

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

## **AGENDA**

**Thursday, January 5, 2023 @ 9:30 a.m.**

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

### **TIMELINE FOR APPLICATION ON THIS AGENDA**

**Day #1 – January 5, 2023**

**Day #30 – February 6, 2023**

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I. Attendance

Roll Call

[ ] Quorum

[ ] No Quorum

II. Approval of Minutes

III. New Business

Zone Change

- A. Application No. 2022-42, The Applicant, The Village Guam, LLC represented by Jesse Leon Guerrero and Amir Alavi; are requesting a Zone Change from "A" (Agricultural) Zone to "C" (Commercial) Zone, for the proposed construction of a dialysis clinic, on Lot 6 Tract 10416, in the Municipality of Yigo. Case Planner: Sonny Gogue

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, January 19, 2023  
B. GLUC Regular Hearing, Thursday, January 26, 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.

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

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## **AGENDA – No Meeting**

**Thursday, January 12, 2023**

**Department of Land Management Conference Room**

**3<sup>rd</sup> Floor ITC Bldg., Tamuning, GU 96913**

*[As advertised in the Guam Daily Post on January 5<sup>th</sup> and January 10<sup>th</sup>, 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 Tuesday, December 13, 2022
  
- III.   **Old or Unfinished Business [None]**
  
- IV.   **New Business**
  
- V.    **Administrative & Miscellaneous Matters**
  
- VI.   **Adjournment**