

APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES
DLM Conference Room, 3rd Floor, ITC Bldg., Tamuning, GU 96913
Thursday, March 3, 2022 • 9:31 a.m. to 9:58 a.m.

I. Attendance/Roll Call

Chairperson Cruz called the regular meeting of the Application Review Committee for Thursday, March 3, 2022 to order at 9:31 a.m., noting a quorum.

Present were: Chairperson Celine Cruz (DLM), Tony Palomo (GPA), Mary Rose Wilson (DPW), Nonie Amar (GEPA), Russell Kanai (DPR/HPO), Brian Hess (GWA), Christian Benitez (BSP), Jeffrey Quitugua (DoAG), Dan Guerrero (JRM) and Case Planner Sonny Gogue.

II. Approval of Minutes

Chairperson Cruz members were emailed the draft of the Minutes from the last regular ARC meeting of Thursday, December 16, 2021; Madam Chair Cruz was ready to entertain a motion.

Tony Palomo, GPA made a motion to approve the Minutes of Thursday, December 16, 2022.

Chairperson Cruz acknowledged motion made by Tony Palomo, and asked for a second.

Nonie Amar (GEPA) seconds the motion.

Chairperson Cruz motion is seconded by Nonie Amar. Noting no discussion, errors and/or omissions, the motion is put to a vote.

All in favor of the motion say "aye" [DLM, GPA, GEPA, DPW, BSP, GWA, DoAG, DPR/HPO], opposed say "nay."

[Motion to approve December 16, 2021 Minutes was passed unanimously; 8 ayes, 0 nay]

III. New Business

Zone Change

- A. Application No. 2022-02, the Applicants, Conrado V. and Katherine D. Alegria represented by Daniel D. Swavely; a request for a Zone Change from "A" (Rural) to "R-1" (Single Family Dwelling) zone, for the proposed project Legacy Subdivision, on Lot 13, Tract 10416, in the Municipality of Yigo. Case Planner: Sonny Cruz

Daniel Swavely is representing the applicants, and joined by his associate Kyle Borja.

Mr. Swavely explained that the current market is seeing the need for inventory of family homes, in particular, single-family housing. Because of the need for single family homes, there will be more landowners that will develop their properties that are suitable for single family housing. Yigo is a favorite village for subdivisions because it is mostly level topography, infrastructure is available, and there are schools and commercial activities in the vicinity. The project lot is located a few lots from the Perez Acres subdivision on Chalan Lajuna.

Mr. Swavely further added that this application is for the rezoning of the subject parcel, and not the tentative subdivision plan. The information in the application for the rezone is almost identical to the tentative subdivision plan application that will follow.

Mr. Swavely asked the members that when they review the zone change application, that their comments reflect not only the zone change, but also to look at the end result which is the development of a 28-unit subdivision plan, how it is laid out, with full improvements, etc. He noted that the applicants own the Harmon Loop Dental Clinic, and currently reside in village of Yigo, and it has been their goal to develop their property for a subdivision.

Mr. Swavely's final comments was that the application was straight forward, with utilities available, level parcel, and other subdivisions in the vicinity, and was ready to entertain questions from the members.

Chairperson Cruz thanked Mr. Swavely for the presentation, and started the round-table discussion with the members.

Jeffrey Quitugua, DoAG commented that he has reviewed the application, and because it is a zone change so there is not much of an issue. But in looking into the next steps after the rezone, the subject lot is a huge area which will require a biological survey. Mr. Quitugua notes that they do know that there are threatened endangered species in the adjacent area, and that between the years 2007 thru 2012, studies indicate there are activity of fruit bats in the area, and a high vegetation area. In the biological survey, ensure that there are plans to mitigate these possible issues. Mr. Quitugua is looking forward to meeting with the developers as the application moves forward.

Dan Swavely replied that the biological survey has been conducted which was done by Claudine Camacho. The area is clean, survey for fruit bats was conducted from dusk to dawn, and no activities noted. Mr. Swavely added that he signed off on the survey just a few days ago, and will be submitting the information as a supplemental application, and will ensure that DoAG and other ARC members receive a copy of that information.

Mary Rose Wilson, DPW in reviewing the feasibility study, the proposed development are two-story houses with 2,500 square feet which is noted in the feasibility study. Ms. Wilson asked if that was the footprint of the floor plan.

Dan Swavely explained that there are no floor plans at this point since the request is only for a zone change.

Mary Rose Wilson acknowledged Mr. Swavely's response and noted that additional comments will be provided in the position statement.

Nonie Amar, GEPA one of the concerns is the 8-inch sewer line along Chalan Lajuna which runs all the way to Goring Villa. In the C-1 drawing, there is a manhole which is an advantage because

the development will need to connect to a municipal sewer. Mr. Amar noted that flow is going to Marine Corps Drive. The manhole is shallow, and there may be a need to construct a deeper manhole and to redesign invert to be lower.

Dan Swavely noted the suggestion and will discuss the concern during the design phase.

Nonie Amar, GEPA the stormwater layout is impressive having all run off going to percolation trench. Calculations will be needed to ensure that runoff can be accommodated, and all other comments will be provided in their position statement.

[Discussion ensues for a brief moment.]

Christian Benitez, BSP one of the Bureau's concerns that they are finding with the application is that the proposed residential density being inconsistent with the very low-density residential designation under the Guam Northern/Central Plan. Very low-density residential designation requires that the density is no more than one unit per acre. In addition, the justification that it addresses public necessity for residential housing for single family residential, the Bureau does not see that this development will be affordable for the general public. All other concerns will be addressed in the position statement.

Dan Swavely commented that the Bureau's comments are almost "paradoxical"; one, that there should be less density of residential, and the other is that housing is too expensive. Those comment are just counter-productive. If Guam is to ever get out of its inventory crisis on housing, things will need to be relooked at. Mr. Swavely went on to say that there is too much reliance on the Northern/Central Land Use Plan of 2009, and things have changed since. Mr. Swavely asked that the Bureau rethinks their final comments, and to try to work them into where we are at this time to create housing. There is only a niche of developers who can do affordable housing, and it is a specialized industry. The developers will try to construct the houses as cheaply as they can but construction costs will determine the price of the houses.

[Discussion ensues on development costs]

Russell Kanai, DPR/HPO stated that DPR has no objections for the request to rezone. An archeological plan will need to be submitted to their office as soon as possible so that there is ample time to review before the permitting process.

Brian Hess, GWA stated that GWA is in favor of approving this application. Mr. Hess reported that a hydraulic modeling check on the water and sewer demand was conducted. The water demand looks okay, but the sewer demand is still being reviewed. Mr. Hess added that they understand that the wastewater from the subdivision will be channeled to the Yigo pump station; and currently, the sewer main going to that pump station's capacity is usually exceeded during the wet season. There may be a requirement for off-site improvement as part of the building permit approval to increase a section of the sewer main capacity.

Dan Swavely asked what type of improvements will be needed.

Brian Hess, GWA responded that one could be by enlarging pipe diameter of the sewer main from an 8-inch to a larger diameter.

[Discussion ensues]

Dan Guerrero, JRM commented that he had no questions at this time.

Tony Palomo, GPA stated that GPA does not have any objection to the zone change request, and asked if power for the subdivision would be underground or hybrid. Plans for the subdivision should be submitted to Vince Sablan once the applicants are ready to move forward.

Dan Swavely replied that it will be underground power.

Sonny Gogue, Case Planner no comments at this time.

Chairperson Cruz had no comments at this time. Madam Chair Cruz extended her appreciation to the applicants' representative for the presentation today. Any other comments.

Dan Swavely commented that he is looking forward to the members' speedy and prompt submittal of their official position statements.

IV. Approval of ARC Agenda

Chairperson Cruz before the members today is the ARC agenda for Thursday, March 17, 2022. Chairperson Cruz was ready to entertain a motion to approve the agenda. It was noted that the agenda for the GLUC is tentative at this time.

Christian Benitez, BSP made a motion to approve the March 17, 2022 agenda.

Nonie Amar, GEPA seconds the motion.

Chairperson Cruz motion is made by Christian Benitez (BSP) and seconded by Nonie Amar (GEPA). Noting no discussion, the motion was put to a vote with all in favor of approving the final agenda for March 17, 2022.

[Motion is passed unanimously; 8 ayes, 0 nay]

V. Administrative and Miscellaneous Matters

Chairperson Cruz had no administrative or miscellaneous matters to discuss, and opened the floor to the members.

Dan Guerrero, JRM reported that the military is still looking at putting up a missile defense system on the island, and just to be aware that the land they are looking into are land that were supposed to be returned back, and that they rethinking that at this time because of the requirements of the missile system. They are however, still good with the property that is designated for the new hospital.

Chairperson Cruz if there is no further discussion, Chairperson Cruz was ready to entertain a motion to adjourn.

VI. Adjournment

Motion to adjourn today's meeting was made by Jeffrey Quitugua, DoAG, seconded by Nonie Amar, GEPA; with all in favor of adjournment. [Motion carried with a vote of 8 ayes, 0 nay]

The regular meeting of the Application Review Committee for Thursday, March 3, 2022 was adjourned at 9:58 a.m.

Approved by:

Date approved:



Celine L. Cruz, Chairperson
Application Review Committee



Transcribed True and Correct:



3-17-22

M. Cristina Gutierrez, Recording Secretary

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, March 3, 2022



Special

Time:

9:31 AM

Adjournment:

9:58 AM

MEMBER

STATUS

SIGN IN (Please Print)

1 DLM, Guam Chief Planner	(Chairperson)
2 DPW/Vertical	(Member)
DPW/Horizontal	(Member)
3 Guam EPA	(Member)
Guam EPA	(Member)
4 Bureau of Statistics & Plans	(Member)
Bureau of Statistics & Plans	(Member)
5 Department of Agriculture	(Member)
6 Guam Waterworks Authority	(Member)
Guam Waterworks Authority	(Member)
7 Guam Power Authority	(Member)
8 Department of Parks & Recreation-HPO	(Member)
9 Joint Regional Marianas	(Ex-Officio member)
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)

Margaret M. Wilson
Nonie L. Amer, PE
Christian Benitez
Jeff. Quitugua
Brian W. Hess
Tony Palomo
Russell Kanig
Dan Guerreru

DLM Staff

Joseph M. Borja, Director

Celine Cruz, Chief Planner

Frank Taitano, Planner IV

Penmer Gulac, Planner IV

M. Grace Vergara, Planner III

Sonny Gogue, Planner II

M. Cristina Gutierrez, WPS II

Sonny Gogue Jr.
M. Gutierrez



Application Review Committee

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

AGENDA - REVISED

Thursday, March 3, 2022 @9:30 a.m.

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

TIMELINE FOR APPLICATIONS ON THIS AGENDA

Day #1 – March 3, 2022

Day #30 – April 3, 2022

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, December 16, 2021

III. New Business

Zone Change

- A. Application No. 2022-02, the Applicants, Conrado V. and Katherine D. Alegria represented by Daniel D. Swavely; are requesting for a Zone Change from "A" (Rural) to "R-1" (Single Family Dwelling) zone, for the proposed project, Legacy Subdivision, on Lot 13, Tract 10416, in the Municipality of Yigo. Case Planner: Sonny Gogue

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, March 17, 2022 – Final
B. GLUC Regular Hearing, Thursday, March 24, 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, March 17, 2022 @9:30 a.m.

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

TIMELINE FOR APPLICATIONS ON THIS AGENDA

Day #1 – March 17, 2022

Day #30 – April 17, 2022

I. Attendance

Roll Call

[] Quorum

[] No Quorum

II. Approval of Minutes

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

III. New Business

Zone Change

- A. Application No. 2021-31, The Applicant, Smithbridge Inc., Guam represented by Daniel D. Swavely; is requesting for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, to formally align its current and future operations in accordance with their Master Plan, on Lots 7027-5; 7030 NEW-2-R1NEW-R2; 7030 NEW-2-R1NEW-1NEW-R1; and, 7030 NEW-2-R1NEW-1NEW-1, in the Municipality of Yigo. Case Planner: Frank Taitano
- B. Application No. 2022-12, the Applicant, The Tent Corporation represented by FC Benavente, Planners; is requesting for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, to allow for the operation of an auto rental office and terminal with vehicle storage, on Lot 2, Block 2, Tract 221, in the Municipality of Barrigada. Case Planner: Sonny Gogue

Tentative Subdivision

- C. Application No. 2021-39, the Applicant, Macks Developments, LLC represented by FC Benavente, Planners; is request for a Tentative Subdivision for the creation of 14-ground lots consisting of 12-single-family house lots, 1 lot for ponding basin and 1 lot for Right-of-Way, on Lot 2313-R1NEW-7-1, in the Municipality of Mangilao, in an "R-1" (Single Family Dwelling) zone.
Case Planner: Grace Vergara



Application Review Committee

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

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, April 7, 2022 – Tentative
- B. GLUC Regular Hearing, Thursday, April 14, 2022 – Tentative

V. Administrative & Miscellaneous Matters

VI. Adjournment