

**APPLICATION REVIEW COMMITTEE REGULAR MEETING MINUTES**  
**DLM Conference Room, 3<sup>rd</sup> Floor, ITC Bldg., Tamuning, Guam 96913**  
**Thursday, October 7, 2021 • 9:31 a.m. to 10:17 a.m.**

I. Roll Call

Chairperson Celine Cruz called the regular meeting of the Application Review Committee for Thursday, October 7, 2021 to order at 9:31 a.m., noting a quorum.

Present were: Chairperson Celine Cruz (DLM), Russell Kanai (HPO/DPR), Brian Hess (GWA), Raymond Dungca (BSP), Noni Amar (GEPA), Mary Rose Wilson (DPW), Tony Palomo (GPA), Planning Staff Frank Taitano, Sonny Gogue and Recording Secretary Cristina Gutierrez.

Absent: Jeffrey Quitugua (DoAG), Dan Guerrero (JRM)

II. Approval of Minutes

Chairperson Cruz before the members today is the approval of the Minutes from the last ARC meeting of Thursday, September 2, 2021. Members have had the opportunity to review the Minutes, Chairperson Cruz was ready to entertain a motion.

Tony Palomo (GPA) made a motion approve the Minutes of September 2, 2021 [Date corrected] from original motion.

Ray Dungca (BSP) seconds the motion.

Chairperson Cruz motion made by Tony Palomo (GPA) and seconded by Ray Dungca (BSP). Chairperson Cruz noting no discussion on the motion from the members, the motion is put to a vote.

All in favor approving the Minutes of Thursday, September 2, 2021 say "aye" [DLM, GPA, BSP, GWA, DPW, DPR, GEPA], all opposed say "nay."

**[Motion passed unanimously; 7 ayes, 0 nay]**

III. New Business

Conditional Use

- A. Application No. 2021-24A, the Applicant, TeleGuam Holdings, LLC dba GTA represented by Tim Armour; is requesting approval for a Conditional Use permit to allow for the construction of a cable landing station and data center, on Lot Nos. 2133-1E REM-RENEW-8 and 2133-1E REM-R3REM-9, in the Municipality of Tamuning, in an "R-2" (Multi Family Dwelling) zone. Case Planner: Frank Taitano

Dan Tydingco is the Executive Vice President for GTA, and assisting Mr. Tydingco today are Carl Leon Guerrero and Jisela Martinez. In the audience are Michele Perez, Sean Miles, and Crena Byerly; all with TeleGuam Holdings, LLC.

Dan Tydingco noted for the record that he and the GTA members will represent today's applications as Mr. Armour is off-island, and they are prepared to respond to any questions that the members may have for the applications submitted.

Carl Leon Guerrero who is spear-heading this project will be providing a presentation to the Committee.

Carl Leon Guerrero Application 2021-24A for a Conditional Use permit to allow for the construction of this building is paramount in the continued growth to increase additional broadband capacity and internet capacity for the island residents, government and private sectors, as well as provide high technology to the island of Guam. Mr. Leon Guerrero's presentation included the following:

- This will be a two-story building approximately 20,000 square feet with a warehouse, housed generator, and fuel tank storage for five days of operation;
- The facility will be designed and built to be safe and secure, internal resilient, telecommunication facility;
- The facility will have four FTEs in a two-story building;
- The building is designed to hold communications and data center equipment;
- Facility will not produce traffic, noise, air or light pollution;
- There will be little impact to traffic, waste removal, water and sewer compared to nearby condominiums, hotels and other commercial activities in the area;
- GTA is requesting for an increase in power reliability because of their requirements for redundancy, so neighborhood would receive the same benefit;
- Will be designed with noise reduction for its HVAC system using a DX split system with multiple condensers on the roof for noise reduction, as well as generators having silencers and noise that will be directed straight up to mitigate noise issues;
- Landscaping will include local and indigenous species that will be planted along the front of the building;
- This new facility will provide high tech employment; and,
- The use is considered to be a clean industry.

In closing, Mr. Leon Guerrero asked for the Committee's favorable review and comments; and, was prepared to answer any questions.

Chairperson Cruz questions for the applicant starting with GPA.

Tony Palomo, GPA once the project moves forward, Mr. Palomo requested that they provide Mr. Vince Sablan with the building plans and their proposed power load demand.

Carl Leon Guerrero replied that they have met with GPA to discuss this project.

Brian Hess, GWA stated that they had no issues with the water and sewer, and is in favor of the application.

Russell Kanai, HPR/DPR stated that they have no objections with package submitted. Mr. Kanai noted that the archeological research is already in place; however, their issue is the additional lot across the street on the oceanside portion of Camacho Street where GTA is proposing to do boring. DPR/HPO has requested that GTA's archeologist include this lot in their archeological



plan which they are still waiting for. Mr. Kanai suggested that they email John Mark Joseph, State Archeologist advising him that this lot will be included for the project.

Carl Leon Guerrero responded that they have done a boring plan and finalizing the report at this time.

Mary Rose Wilson, DPW has reviewed the proposed plans, and GTA has submitted a revised height variance application which is one of the design criteria for the cable landing. She suggested that the facility be designed for structure resiliency that can withstand extreme weather conditions; fire protection is needed, the generator must be housed, and that video surveillance be provided, noise reduction has been addressed. All other comments will be noted in the position statement once complete review is completed.

Carl Leon Guerrero the second portion of this application is Application No. 2021-24B is for the height variance which they will go over after this application. Mr. Leon Guerrero stated that they are putting in a fire suppression system unit and security will be provided as well.

Noni Amar, GEPA the application stated data center and cable landing station, and Mr. Amar asked for additional explanation of the project, and if this was the same as the Australian Cable center.

Carl Leon Guerrero explained that they will be installing underground cables that are coming into island, and the cable landing station will receive the cables and where they will connect the fiber cables to the world and to Guam.

Dan Tydingco added that a more recent example would be the landing station facility that GTA built a few years ago in Piti which is similar to what they are proposing today.

Noni Amar, GEPA these are underwater cables.

Dan Tydingco they are undersea cables that that will be underground, terrestrially when they come into Guam.

Carl Leon Guerrero they will do directional drilling which will be about 50 to 75 feet below surface grade. This type of drilling will mitigate any damage to the coral reef which will be a much cleaner approach to protecting the coral.

[Discussion ensues on how the data center and cable landing station works]

Noni Amar, GEPA the cost for building this facility will be over three-million dollars.

Dan Tydingco responded yes, many times more.

Noni Amar, GEPA there will only be four full-time employees and the building is about 20,000 square feet and asked how this was possible and if the facility would be more fully automated.

Carl Leon Guerrero the team that will be in this facility will be considered the network operations team, that will be 24-7 employees. There will be no more than four employees at a time in any given shift. The facility is somewhat automated with monitoring systems.

Noni Amar, GEPA will there be security provided.

Carl Leon Guerrero the facility will be fully fenced with CCV TVs and a security company will be hired to protect the facility.

Noni Amar, GEPA the generator with silencer is a plus and must comply with air pollution regulations of EPA. The last comment is stormwater disposal and will need to be addressed.

Carl Leon Guerrero there are ponding basins on the north and south ends of the property, and the designs are included in the application.

Ray Dungca, BSP had no concerns at this time.

Frank Taitano, Case Planner pointed out that the two lots will be consolidated. Once finalized and recorded, it will be made available to the ARC members; the lot description will be change for this project once consolidated.

Chairperson Cruz noted that Planning has received the initial check print for the consolidation of the lots from the Survey Division. Chairperson Cruz also noted that DoAG has already submitted their position statement for the applications, but was unsure whether it was for the A or B portion of the application.

Frank Taitano we are still in the process of determining whether or not the position statement received reflect the revised building plan.

#### Zone Variance – Height

- B. Application No. 2021-24B, the Applicant, TeleGuam Holdings, LLC dba GTA represented by Tim Armour; is requesting for a Zone Variance for height for the construction of a cable landing station and data center, on Lots 2133-1E REM-R3NEW-8 and 2133-1E REM-R3NEW-9, in the Municipality of Tamuning, in an “R-2” (Multi Family Dwelling) zone.  
Case Planner: Frank Taitano

Chairperson Cruz noted for the record that the applicant has submitted a revised height variance application which the members should have received a few days ago.

Jisela Martinez regarding the height variance request, they are requesting for a height variance of 15-feet above the allowed height of 30-feet bringing the total height of the structure to 45-feet.

Ms. Martinez explained that the data hall will be a 20-foot-high area above the raised floor, and the second floor will also have 20-foot-high ceilings. Considering the thickness of floors and structural members, the estimated total height of the building will be approximately 45 feet or 15 feet above the 30 feet total height allowed.

Ms. Martinez continues to provide justification on their request:

- The height of each room requires additional space for mechanical requirements for the cooling system, cable tray for power, cable tray for cables and the fire suppression system;
- Data centers have unique requirements for structural integrity and redundant systems for a facility that will operate 24/7 through typhoons, earthquakes and power outages;
- The need for higher ceilings allows for better cooling efficiencies and provide space for overhead cables and lighting;



- GTA's request for a 15-foot height variance will not be materially detrimental to public welfare or injurious to the property; and, there will be improvements with landscape and the architectural features that will be pleasing to the neighborhood. The new communications infrastructure this building provides will bring world class communication that will contribute to the public welfare of Guam;
- There are four properties within the neighborhood that have been granted height variances for commercial and residential use; Onward Beach Hotel, Santa Fe Hotel, Agana Bay Condos, and Agana Beach Condos which are all well above the variance that GTA is requesting for;
- The property is designated mixed use in the land use plan. Mixed use includes commercial uses that require large sites; and, this project meets the master plan use plan recommendation; and,
- Section 61617, 21GCA – this section is not applicable for this request.

Ms. Martinez asked for the Committee's favorable comments for their request, and was ready to answer any questions.

Tony Palomo, GPA no objections for this request.

Brian Hess, GWA is in favor of approving this application.

Russell Kanai, HPO/DPR no objections and in favor of approving the application.

Mary Rose Wilson, DPW traffic analysis will be needed during construction phase of the project.

Noni Amar, GEPA no comments at this time.

Ray Dungca, BSP no comments at this time, and will be submitting their position statement.

Frank Taitano, Case Planner no comments.

Chairperson Cruz since the Piti project was brought up, Chairperson Cruz asked if that project was also a combination of a landing station and data center.

Carl Leon Guerrero responded that it was.

Chairperson Cruz in comparison to the Piti facility, Chairperson Cruz asked what the difference in size was for the new facility.

Carl Leon Guerrero in terms of size, this new facility will be larger.

Chairperson Cruz does the construction of this data center mean that there is another data center out there that will be transferred to this new facility or is it an addition to existing facilities.

Dan Tydingco responded that it will be a new addition because there is a growing demand for network capacity for Guam.

Chairperson Cruz any additional questions or discussion.

Dan Tydingco noted the landowners are very excited to be part of this project and looking forward to working with GTA to move it forward. Mr. Tydingco asked what was the timeline for the review completion.

Chairperson Cruz the Application Review Committee is given thirty-days (30) to submit their position statements which would be up to November 7<sup>th</sup>. The municipal public hearing cannot be scheduled until all position statements are received.

Frank Taitano added that the members are also afforded the right to ask for additional time to submit their position statement.

Dan Tydingco assuming all position statements are received and there are no requests for additional time, Mr. Tydingco asked if there were any requirements for the notification for the public hearing.

Chairperson Cruz once all position statements are received, GTA will be notified on the fee schedules for the applications which includes notification fees for the landowners within a 500-foot radius of the project site, postal fees and publication fees. Chairperson Cruz added that the scheduling of the public hearing will be coordinated with the Tamuning Mayor's Office. Notification timelines for the two applications are different; conditional use requires a 25-day notice and the variance requires a 10-day notice. Tandem applications are generally scheduled at the same time.

Frank Taitano the timelines for the position statement is pursuant to the new public law.

[Discussion ensues on logistics, timelines, covid protocols for public hearings.]

Chairperson Cruz noted for the record that today's meeting does not fall under the requirement of no more than 10 persons in a room. This meeting is considered regular government operations and allowed to have more than 10 people in the room.

Next item on the agenda –

#### IV. Approval of ARC Agenda

Chairperson Cruz advised members that there will be no meeting for Thursday, October 21, 2021; there are no agenda items for review. Chairperson Cruz noted for the record that the members were provided with the November 4, 2021 agenda. The item on this agenda would have been on the October 21<sup>st</sup> agenda; however, the case planner will not be available.

GLUC agenda for its meeting scheduled for October 28, 2021 – no agenda at this time, and it is tentative. [Members were provided with the Guam-Hybrid Land Use Commission agenda for its meeting scheduled for October 14, 2021 for their information.]

#### V. Administrative and Miscellaneous Matters

Chairperson Cruz noting no further items for discussion, Chairperson Cruz moved onto the next item on the agenda, and was ready to entertain a motion for adjournment.

VI. Adjournment

Noni Amar, GEPA made a motion to adjourn today's meeting.

Russell Kanai, HPO/DPR seconded the motion.

Chairperson Cruz motion is made by GEPA, seconded by DPR; with all in favor of adjournment.

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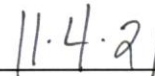
The regular meeting of the Application Review Committee for Thursday, October 7, 2021 was adjourned at 10:11 a.m.

Approved by:

Date approved:



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Celine L. Cruz, Chairperson  
Application Review Committee



Transcribed True and Correct:



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M. Cristina Gutierrez, Recording Secretary  
Planning Division, DLM





## **Application Review Committee**

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

### **AGENDA**

**Thursday, October 7, 2021 @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 APPLICATIONS ON THIS AGENDA**

**Day #1 – October 7, 2021**

**Day #30 – November 7, 2021**

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I. Attendance

Roll Call

[ ] Quorum

[ ] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, September 2, 2021

III. New Business

Conditional Use

- A. Application No. 2021-24A, the Applicant, TeleGuam Holdings, LLC dba GTA represented by Tim Armour; is requesting approval for a Conditional Use permit to allow for the construction of a cable landing station and data center, on Lot Nos. 2133-1E REM-R3NEW-8 and 2133-1E REM-R3NEW-9, in the Municipality of Tamuning, in an "R-2" (Multi Family Dwelling) zone.  
Case Planner: Frank Taitano

Zone Variance – Height

- B. Application No. 2021-24B, the Applicant, TeleGuam Holdings, LLC dba GTA represented by Tim Armour; is requesting for a Zone Variance for Height for the construction of a cable landing station and data center, on Lot Nos. 2133-1E REM-R3NEW-8 and 2133-1E REM-R3NEW-9, in the Municipality of Tamuning, in an "R-2" (Multi Family Dwelling) zone.  
Case Planner: Frank Taitano

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, October 21, 2021 – No Agenda  
B. GLUC Regular Hearing, Thursday, October 28, 2021 – 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, October 21, 2021 @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 APPLICATIONS ON THIS AGENDA**

**Day #1 – October 21, 2021**

**Day #30 – November 21, 2021**

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I. Attendance

Roll Call

[ ] Quorum

[ ] No Quorum

II. Approval of Minutes

- ARC Regular Meeting Minutes for Thursday, October 7, 2021

III. New Business [None]

IV. Approval of ARC Agenda

- A. ARC Regular Meeting, Thursday, November 4, 2021 – Tentative
- B. GLUC Regular Hearing, Thursday, November 11, 2021 – Holiday

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 Brian Artero  
Commissioner Nonito V. Blas, Jr.

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

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## **AGENDA – Tentative**

**Thursday, October 28, 2021 @1:30 p.m.**

**Department of Land Management**

***Video Conference – Zoom Platform***

*[As advertised in the Guam Daily Post – N/A]*

**Zoom Meeting ID: \*\*\* \*\***

**Passcode: \*\*\*\*\***

- I. **Notation of Attendance**                      ☐ Quorum                      ☐ No Quorum
- II. **Approval of Minutes**
  - GLUC Regular Meeting Minutes of Thursday, September 9, 2021
- III. **Old or Unfinished Business [None]**
- IV. **New Business [None]**
- V. **Administrative & Miscellaneous Matters**
- VI. **Adjournment**





# GUAM-HYBRID LAND USE COMMISSION

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

Commissioner Brian Artero  
Commissioner Nonito V. Blas, Jr.

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

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## **AGENDA**

**Thursday, October 14, 2021 @1:30 p.m.**

**Department of Land Management**

***Video Conference – Zoom Platform***

*[As advertised in the Guam Daily Post – October 7<sup>th</sup> and October 12<sup>th</sup>, 2021]*

**Zoom Meeting ID: \*\*\* \*\***

**Passcode: \*\*\*\*\***

I. **Notation of Attendance** [ ] Quorum [ ] No Quorum

II. **Approval of Minutes**

- GLUC-Hybrid Regular Meeting of Thursday, March 12, 2020

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

IV. **New Business**

**Conditional Use Permit**

- A. Application No. 2021-01, the Applicant, The Learning Institute presented by W.B. Flores & Associates; is requesting for a Conditional Use permit to allow for the construction and operation of the iLearn Academy Charter School, on Lot 5242-1-3, in the Municipality of Dededo, in an "A" (Rural) zone.  
Case Planner: Frank Taitano

**Zone Variance**

- B. Application No. 2020-16, the Applicant, Ukudu Power, LLC represented by TG Engineers; is requesting for a Zone Variance for Height for various structures within the proposed 198 MW combined cycle combustion power plant, to be constructed on a portion of Lot 5050-1-NEW-NEW (Ukudu), in the Municipality of Dededo, in an "M-1" (Light Industrial) zone.  
Case Planner: Frank Taitano

V. **Administrative & Miscellaneous Matters**

VI. **Adjournment**

# 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, October 7, 2021 ☐ Special \_\_\_\_\_

Time: \_\_\_\_\_ Adjournment: \_\_\_\_\_

MEMBER	STATUS	SIGN IN (Please Print)
1 DLM, Guam Chief Planner	(Chairperson)	
2 DPW/Vertical	(Member)	J. Pryor Wilson
DPW/Horizontal	(Member)	
3 Guam EPA	(Member)	Nonie L. Amar, PE
Guam EPA	(Member)	
4 Bureau of Statistics & Plans	(Member)	Romy Dunga
Bureau of Statistics & Plans	(Member)	
5 Department of Agriculture	(Member)	
6 Guam Waterworks Authority	(Member)	Brian Hess
Guam Waterworks Authority	(Member)	
7 Guam Power Authority	(Member)	Tony Blomo
8 Department of Parks & Recreation-HPO	(Member)	Russell Kanai
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)	

### DLM Staff

Joseph M. Borja, Director	_____
Celine Cruz, Chief Planner	_____
Frank Taitano, Planner IV	_____
Penmer Gulac, Planner IV	_____
M. Grace Vergara, Planner III	_____
Sonoga Gogue, Planner II	_____
M. Cristina Gutierrez, WPS II	_____



