


GOVERNMENT OF GUAM – Department of Land Management
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GUAM LAND USE COMMISSION MEETING MINUTES



Department of Land Management
ITC Building, Tamuning, Guam
DLM Conference Room, 3rd Floor ITC Bldg.
Tamuning, Guam 96913



Thursday, January 22, 2026
1:30 p.m. to 2:29 p.m.

GUAM LAND USE COMMISSION MEETING
Department of Land Management, 3rd Floor ITC Building, Tamuning
DLM Conference Room
Thursday, January 22, 2026 • 1:30 p.m. to 2:29 p.m.

MEMBERS PRESENT:

Mr. Ronald C. Pangilinan, Vice Chairman

Ms. Leilani Flores, Commissioner

Commissioner Gerald Yingling

[Excused: Chairperson Anita Enriquez and Commissioner Joseph Rios]

PLANNING STAFF PRESENT:

Mr. Joseph M. Borja, Executive Secretary

Atty. N. Lee Miller, Legal Counsel

Ms. Celine L. Cruz, Chief Planner

Mr. Penmer Gulac, Planner IV

Ms. Sonny Gogue, Planner III

Mr. Kyle Meno, T. Network Coordinator

Ms. M. Cristina Gutierrez, Recording Secretary

**GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet**

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

Date of Meeting: Thursday, January 22, 2026

X	GLUC	<input type="checkbox"/>	GSPC
X	Regular	<input type="checkbox"/>	Regular
<input type="checkbox"/>	Special	<input type="checkbox"/>	Special
<input checked="" type="checkbox"/>	Quorum	<input type="checkbox"/>	Quorum
<input type="checkbox"/>	No-Quorum	<input type="checkbox"/>	No-Quorum

Time of Meeting: GLUC: 1:30pm GSPC:

COMMISSION MEMBERS

SIGNATURE

Chairwoman Anita B. Enriquez

Anita Enriquez

Vice Chairman Ronald C. Pangilinan

Ronald C. Pangilinan

Commissioner Leilani R. Flores

Leilani R. Flores

Commissioner Gerald P. Yingling

Gerald P. Yingling

Commissioner Joseph A. Rios

Joseph A. Rios

STAFF

Joseph M. Borja, Executive Secretary

Joseph M. Borja

Rossana San Miguel Tiston, Deputy Director

Rossana San Miguel Tiston

Lee Miller, Assistant Attorney General

Lee Miller

Celine L. Cruz, Chief Planner

Celine L. Cruz

Frank Taitano, Planner IV

Frank Taitano

Penmer Gulac, Planner IV

Penmer Gulac

M. Grace Vergara, Planner IV

M. Grace Vergara

Sonny Gogue, Planner III

Sonny Gogue

Theresa Guevara, Planner II

Theresa Guevara

Kyle P.D. Meno, T. Network Coordinator

M. Cristina Gutierrez, Recording Secretary

ADJOURNMENT

GLUC: 1:30pm GSPC:



GUAM LAND USE COMMISSION

Chairperson Anita B. Enriquez
Vice Chairman Ronald C. Pangilinan
Commissioner Leilani R. Flores

Commissioner Gerald P. Yingling
Commissioner Joseph A. Rios

Joseph M. Borja, Executive Secretary
N. Lee Miller, Jr., Legal Counsel (OAG)

AGENDA

Thursday, January 22, 2026 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 – January 14, 2026 & January 20, 2026]
Livestreamed on YouTube at the Guam Department of Land Management Channel*

I. Notation of Attendance/Roll Call [] Quorum [] No Quorum

II. Approval of Minutes

- GLUC Regular Minutes - None
-

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

- A. Application No. 2021-08, the Applicant, Anna B. Lujan, represented by Ronald A. Ayuyu; is requesting for a Zone Change from "PUD" (Planned Unit Development) to "C" (Commercial) zone, for a proposed commercial building with a small retail convenience store, coffee shop and service shops, on Lots 2, 3, 4, 5, and R5, Block 4, Tract 222 and Block 3 REM, Tract 222, in the Municipality of Yona. Case Planner: Celine Cruz
- B. Application No. 2023-07, The Applicant, Jose Luis M. De Vera, represented by Harry Gutierrez and Carlos Untalan; is requesting a Zone Change from "A" (Agricultural) Zone to "C" (Commercial) Zone for a proposed two-story structure with a retail store and duplex, on Lot 1, Block 1, Tract 2913, Increment 3, in the Municipality of Yona.
Case Planner: Celine Cruz

Zone Variance

- C. Application No. 2023-03, the Applicants, Michael L. and Yuanzhu Z. Spencer, represented by FC Benavente, Planners; are requesting a Zone Variance for Setback, for the proposed construction of a three-story, four-unit apartment building, with a side-yard setback of 3-feet, short 7-feet from the required 10-feet, on Lot 5078-2-1-3 (Tumon), in the Municipality of Tamuning, in an "H" (Resort-Hotel) zone.
Case Planner: Sonny Gogue

Tentative Development Plan

- D. Application No. 2022-16, the Applicants, Michael L. and Yuanzhu Z. Spencer, represented by FC Benavente, Planners; are requesting a Tentative Development Plan for the proposed construction of a three-story, four-unit apartment building on Lot 5078-2-1-3 (Tumon), in the Municipality of Tamuning, in an "H" (Resort-Hotel) zone.
Case Planner: Sonny Gogue

V. Administrative & Miscellaneous Matters

PUD Amendment

- E. Application No. 2026-14, the Applicant, ADEX Aerospace Guam LLC, represented by Daniel D. Swavely; requests a Technical Amendment to the Leo Palace Resort Master Plan to temporarily accommodate a space launching vehicle and ground tracking system for 3 years on a portion of Lot 177-4-1-NEW, Tract 2511, in the Municipality of Yona.
Case Planner: Celine Cruz

VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Thursday, January 22, 2026 • 1:30 p.m. to 2:29 p.m.
Department of Land Management Conference Room
3rd Floor, ITC Bldg., Tamuning, Guam 96913
[As advertised in the Guam Daily Post on January 14, 2026 and January 20, 2026]
Livestreamed on YouTube at the Guam Department of Land Management Channel

I. Notation of Attendance/Roll Call

Acting Chairperson Pangilinan called to order the regular meeting of the Guam Land Use Commission for Thursday, January 22, 2026, at 1:30 p.m.

Present were: Acting Chairman Ronald Pangilinan, Commissioner Leilani Flores, Commissioner Gerald Yingling, Executive Secretary Joseph Borja, Legal Counsel Atty. Lee Miller, Chief Planner Celine Cruz, Planning Staff, Sonny Gogue, Kyle Meno, and Recording Secretary Cristina Gutierrez.

[Excused: Chairperson Anita Enriquez and Commissioner Joseph Rios]

Acting Chairman Pangilinan confirmed a quorum and announced that today's meeting was being livestreamed on YouTube at the Guam Department of Land Management channel.

II. Approval of Minutes [None]

III. Old or Unfinished Business [None]

Acting Chairman Pangilinan before proceeding with new business, Acting Chairman Pangilinan noted that the Commission had received only four staff reports, while there are five items on the agenda. He requested Chief Planner Cruz to address this issue.

Celine Cruz, Chief Planner explained that in preparation of the staff report for the application that is on the agenda for the Commission's review, it was discovered that there were issues with the property that they were not aware of, and was unable to complete the staff report in time. Chief Planner Cruz asked that the Commission defer review of this application until the next available GLUC meeting.

Lee Miller, Legal Counsel asked which agenda item was being discussed.

Celine Cruz, Chief Planner replied that it was Item B, Application No. 2023-07.

Acting Chairman Pangilinan it was the order of the Acting Chair that this item be removed from the agenda until such time the staff provides the Commission with a staff report.

[Item B, Application No. 2023-07, Jose Luis M. De Vera was removed from the agenda]

New Business

Zone Change

- A. Application No. 2021-08, the Applicant, Anna B. Lujan represented by Ronald Ayuyu, is requesting for a zone change from "PUD" (Planned Unit Development) zone to "C" (Commercial) zone, for a proposed commercial building with a small retail convenience store, coffee shop and service shops, on Lots 2, 3, 4, 5, and R5, Block 4, Tract 222, and Block 3 REM, Tract 222, in the Municipality of Yona. Case Planner: Celine Cruz

Acting Chairman Pangilinan welcomed the applicant's representative to the meeting, asked them to state their name for the record, and to proceed with their presentation.

Ronald Ayuyu stated that he is before the Commission to request a zone change from "PUD" to "C" zone for the proposed construction of a commercial building to house a mom-and-pop store, beauty shop, office space, retail space, and other establishments for his client, Anna Lujan.

Mr. Ayuyu added that he did not have an updated site plan, but the previous plan is provided in the application. In 2023, they conducted a proposed commercial development traffic study at the request of residents during the public hearing.

Acting Chairman Pangilinan turned the floor over to the members for questions. There were no comments or questions noted from Commissioner Flores and Commissioner Yingling. Acting Chair turned the floor over to the staff for their staff report.

Celine Cruz, Chief Planner read the summarized staff report to include the purpose of the application, legal authority, facts to include the location, lot area, present zoning, field description, and surrounding land uses. The master plan has this as undesignated, and the community design plan has it designated rural/residential use, and no previous Commission action.

Chief Planner Cruz continued with the application's chronological history, public hearing results, discussion, and staff analysis to address public necessity, convenience, and general welfare. To conclude, Ms. Cruz reported that the Planning Staff recommends approval subject to conditions. [For full content/context, see attached report]

[Attachment A – Staff Report dated January 16, 2026]

Acting Chairman Pangilinan opened the floor to the Commissioners for questions for the staff. No comments or questions noted from Commissioner Flores and Commissioner Yingling. The Acting Chair opened the floor for public comment.

Public Comment [Seeing none, Acting Chair Pangilinan closed the public comment period.]

Acting Chairman Pangilinan there was no additional discussion. Acting Chair Pangilinan was ready to entertain a motion for action for Application No. 2021-08 for Anna B. Lujan.

Commissioner Yingling made a motion to approve Application No 2021-08, provided that the applicant follows the recommendation and conditions as noted in the staff report.

Commissioner Flores seconds the motion.

Acting Chairman Pangilinan accepted the motion made by Commissioner Yingling and seconded by Commissioner Flores. There was no discussion noted on the motion. Acting Chair put the motion to a vote, with all members in favor of approval. **[Motion carried; 3 ayes and 0 nays]**

Zone Variance

- C. Application No. 2023-03, the Applicants, Michael L. and Yuanzhu Z. Spencer, represented by FC Benavente, Planners, are requesting a Zone Variance for Setback, for the proposed construction of a three-story, four-unit apartment building, with a side-yard setback of 3-feet, short 7-feet from the required 10-feet, on Lot 5078-2-1-3 (Tumon), in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone. Case Planner: Sonny Gogue

Acting Chairman Pangilinan welcomed the applicants' representative to the meeting, asked them to state their name for the record, and to proceed with their presentation.

Felix Benavente explained that the application by the applicants is for a zone variance, and a second application for a Tentative Development Plan will follow. Mr. Benavente provided the following slides for the Commission:

Slide 1 – Zone Variance application for Setback on Lot 5078-2-1-3, in Tumon.

Slide 2 – Vicinity Map. Mr. Benavente pointed out San Vitores Road and the location of the subject lot. This proposed site is located across the Sandcastle traffic signal.

Slide 3 – Land Use Map; pointed out the lot that is utilized by Sandcastle for overflow parking. The subject lot is surrounded by apartment buildings, vacant lots, and a single-family residence.

Slides 4 – 7 – are photographs of the subject lot and the surrounding area.

Slide 8 – an aerial image showing the Tumon Historic District demarcation line. Mr. Benavente stated that the intention was to demolish an existing building to clear the lot, however, because a portion of the lot was in the historic district, they were required to get an archaeological study was needed to demolish the building, which was eventually demolished, with only the foundation left intact.

Slide 9 – images of the property map and retracement map. The lot was created in 1978. The property was originally zoned R1, and the lots were 5,000 square feet. The challenge was to build and develop in the 2020s that makes sense for the lots.

Slide 10 – the site plan and parking plan for the proposed four-unit apartment structure.

Slide 11 & Slide 12 – image of the 4-unit apartment floor plans of the two-bedroom apartments.

Slide 13 – Landscape plan for the proposed project

Slide 13 – Elevation drawings

Slide 14 – Rendering of the proposed 4-unit apartment building

Slide 15 – Slide 19 – photographs of the proposed site and the surrounding area

This concluded Mr. Benavente's presentation.

Acting Chairman Pangilinan turned the floor over to the Commissioners for questions. Noting none, Acting Chair turned the floor over to the staff for the staff report.

Sonny Gogue, Case Planner Ms. Gogue's summarized staff report includes purpose, legal authority, facts to include the location, lot area, present zoning, and field description. Masterplan has this designated as a tourist resort, and under the community design plan, the designation is resort. There was no previous Commission action. Ms. Gogue continued with the application's chronological facts, discussion, and staff analysis to address practical difficulties or unnecessary hardship, and public welfare. [For full content/context, see attached report]

[Attachment C – Staff Report dated January 16, 2026]

Ms. Gogue reported that the Planning staff recommends approval with conditions. This concluded the staff report.

Acting Chairman Pangilinan questions for the staff.

Commissioner Yingling stated that the type of fence to be erected should be delineated because he personally had an experience where a person put up a fence that was made of rotted-out pieces of tin.

Celine Cruz, Chief Planner replied that this condition was included as part of the Tamuning MPC resolution conditions, and the MPC did not specify the type of fencing required.

[Discussion ensues]

Lee Miller, Legal Counsel stated that the motion can be amended to stipulate the type of fence to be erected.

Felix Benavente remarked that there is an existing concrete wall fence on the left as well as to the rear of the property. Mr. Benavente added that he will pass this condition on to the applicants.

Acting Chairman Pangilinan there were no other questions or comments from the Commission. Acting Chair opened the floor for public comment.

Public Comment [Seeing none, Acting Chairman Pangilinan closed the public comment period.]

Acting Chairman Pangilinan there was no additional discussion on the application. Acting Chair was ready to entertain a motion for Application No. 2023-03 for the applicants Micheal and Yuanzhu Spencer.

Commissioner Flores made a motion to approve Application No. 2023-03 based on the recommendation and conditions as stated in the January 16, 2026, staff report.

Commissioner Yingling seconds the motion.

Acting Chairman Pangilinan there was no discussion on the motion. Acting Chairman Pangilinan put the motion to a vote, with all members in favor of approval. **[Motion carried; 3 ayes and 0 nays]**

Tentative Development Plan

- D. Application No. 2022-16, the Applicants, Michael L. and Yuanzhu Z. Spencer, represented by FC Benavente Planners, are requesting a Tentative Development Plan for the proposed construction of a three-story, four-unit apartment building, on Lot 5078-2-1-3 (Tumon) in the Municipality of Tamuning, in an "H" (Hotel/Resort) zone. Case Planner: Sonny Gogue.

Acting Chairman Pangilinan welcomed Mr. Benavente and asked him to proceed with his presentation.

Felix Benavente representing the applicants, Mr. and Mrs. Spencer, for their Tentative Development Plan in an H-zone.

Mr. Benavente explained that this is an application for a Tentative Development Plan to allow multi-family in an H-zone. The proposed four-unit apartment building will be located within an area in Tumon that already has residential buildings, including numerous multi-family apartments and a single-family house.

Adjacent to the rear side of the property is Tumon Bay residences, a sixteen-unit, three-story apartment building with a larger multi-family apartment complex, which is Tumon Holiday Manor, which is located further south along Marata Street. Adjacent to the west side, the property appears to be a two-story, single-family house, and across the street is a vacant lot that is used for parking for the commercial building fronting both San Vitores Road and Marata Street.

The area is zoned H (Hotel/Resort), and the use is compatible with the Interim Hotel Rules and Regulations approved by the Guam Land Use Commission. This project will have public access, sewer, water, and power. The project design fits well within the vicinity, minimal in scope and size, and it is not expected to put a strain on public utilities in the area.

This concluded Mr. Benavente's presentation and was open for questions.

Acting Chairman Pangilinan turned the floor over to the Commissioners for questions. There were no questions noted from Commissioner Flores and Commissioner Yingling. Acting Chair turned the floor over to the staff for their report.

Sonny Gogue, Case Planner read a summarized staff report that included the applicant's summary, legal authority, the application's chronological facts, staff analysis, and discussion. [For full content/context, see attached report.]

[Attachment D – Staff Report dated January 16, 2026]

Ms. Gogue reported that their assessment of this application as it pertains to the request. Planning finds that, as presented by the applicants, the proposed development is in line with the Interim "H" (Resort-Hotel) Zone Rules and Regulations, and that it is compatible with other existing developments within the Tumon Hotel Resort area. Planning has concluded that this request is in proper form and context to be considered favorably by the Commission.

Staff recommends approval subject to conditions.

Acting Chairman Pangilinan question for staff. There were no comments from Commissioner Yingling and Commissioner Flores. Acting Chair opened the floor for public comment for Application No. 2022-16.

Public Comment [Seeing none, Acting Chairman Pangilinan closed the public comment period.]

Acting Chairman Pangilinan there was no further discussion. Acting Chair was ready to entertain a motion for action for Application No. 2022-16 for the applicants, Michael and Yuanzhu Spencer.

Commissioner Flores made a motion to approve Application No. 2022-16 based on the recommendation and conditions stated in the January 16, 2026 staff report.

Commissioner Yingling seconds the motion.

Acting Chairman Pangilinan accepted the motion made by Commissioner Flores and seconded by Commissioner Yingling. There was no discussion on the motion; Acting Chairman Pangilinan put the motion to a vote, with all members in favor of approval. **[Motion carried; 3 ayes and 0 nays]**

Moved on to the next item on the agenda –

V. Administrative & Miscellaneous Matters

PUD Amendment

- E. Application No. 2026-14, the Applicant, ADEX Aerospace Guam LLC, represented by Daniel D. Swavely, requests a Technical Amendment to the Leo Palace Resort Master Plan to temporarily accommodate a space launching vehicle and ground tracking system for three (3) years, on a portion of Lot 177-4-1-NEW, Tract 2511, in the Municipality of Yona. Case Planner: Celine Cruz

Acting Chairman Pangilinan welcomed the applicant's representative to the meeting, asked them to state their names for the record, and to proceed with their presentation.

Dan Swavely was joined by his associate, Kyle Borja. Mr. Swavely explained that from the beginning of Guam's recorded history, the location of Guam has been important in development to the extent of being instrumental, perhaps more so than the natural and cultural resources.

After a brief history of Guam's beginnings, Mr. Swavely stated that not too long after the Manila galleons, there was the presence of the U.S. military because of Guam's strategic location. And lastly, Guam is the closest piece of American soil for sunset and surf for East Asian tourists.

There is an opportunity for this application to take advantage of Guam's location. Guam is uniquely located to track space vehicle launches from South Korea, and is in a place where we can track the initial minutes of those launches and return critical data back to the South Korean space agency to ensure that these rockets reach their intended targets to deploy communication satellites.

Mr. Swavely remarked that it sounds like a lot of work. ADEX, which does this in other places in the world, has an antenna that is trailer-mounted, and even at full extension, it is below 30 feet by a foot in height. There will be no staff, no water, no wastewater, it is a benign operation.

There are several places where it might go on Guam, and it just so happens that the Yona area is the best location. The ADEX application that is before the Commission today proposes an abandoned softball field at the Leo Palace Resort. In 2017, the Commission approved the technical amendment for the Leo Palace Resort Land Use Plan to accommodate a similar tracking station. It is currently at the Leo Palace in an abandoned soccer field. Two hundred yards away is the government of Japan's space tracking station, which is located as you drive into the front of Leo Palace. The ADEX site will be located in the middle of the two existing tracking stations.

The abandoned softball field that they are proposing has been approved by the General Manager of Leo Palace Resort, as it has been abandoned for several years, and there are no plans to recommission it. There are other softball fields at the Leo Palace.

Mr. Swavely is anticipating conditions with the Commission's consideration of this application, and offers the following

First, the applicant is asking for a time limit of three (3) years. It is a technical amendment to the Leo Palace land use plan for three years. After three years, there is a possibility that they may come back and ask for an extension. This action today is only for three years.

Secondly, once the facility is in place, Mr. Swavely will take photographs of the site, and he will go to the Yona MPC and make a presentation on what the project entails. This will be done shortly after the facility is in place, and,

Lastly, Mr. Swavely proposes that he make an annual report to the Chief Planner reviewing the past year's performance and operation, outlining what they did and their compliance with the application, as well as any other operation and land use information that might be pertinent to the project.

Mr. Swavely concluded with a few slides:

Slide 1 – Vicinity Map. Mr. Swavely points out the location of the project site and the other two tracking stations.

Slide 2 – Leo Palace Resort master plan and the proposed location of the project.

Slide 3 – renderings of the proposed project site. Mr. Swavely points out that the antenna and the perimeter of the site will be fenced, and collateral equipment to support the station. There are no offices, and there is no need for any infrastructure other than power and telecommunication, which are already nearby.

Slide 4 – image of the softball field that shows the two communication “balls” as you drive into the Leo Palace Resort.

Acting Chairman Pangilinan opened the floor to the Commissioners for questions for Mr. Swavely. There were no questions from Commissioner Flores and Commissioner Yingling. Acting Chair opened the floor to the Chief Planner for their report.

Celine Cruz, Chief Planner read the Commission Brief for the application that is before the Commission. Chief Planner Cruz reported that this is a technical amendment to the Leo Palace Resort Master Plan. The applicant, ADEX Aerospace Guam LLC, is requesting to amend the existing Leo Palace master plan to temporarily convert the former softball field number two into the ADEX ground tracking station.

Planning staff has concluded that the use of the facility is compatible with the surrounding developments and will not have any negative adverse impact on the surrounding uses, and recommends the Commission's favorable consideration with conditions. [For full content/context, see attached report.]

[Attachment E – Commission Brief dated January 16, 2026]

Acting Chairman Pangilinan questions for the staff. There were no questions from Commissioner Flores and Commissioner Yingling.

Dan Swavely (asked to be recognized) Mr. Swavely asked for clarification on the timing of his presentation to the Yona MPC.

Celine Cruz, Chief Planner replied that it was prior to the installation of the tracking station.

Dan Swavely requested that this be changed to after the installation of the tracking station. He will need the photographs to present to the Yona MPC, and asked if the condition could be amended to say that photographs of the installation will be submitted within thirty days or two weeks, or whatever works for the Commission.

Celine Cruz, Chief Planner asked the Chairman if she could amend the conditions recommended in the Commission Brief, specifically Condition No. 2, which originally stated prior to the installation. Ms. Cruz informed the Commission that she worked with the applicant's representative before the presentation of this application to find reasonable conditions for the application. Mr. Swavely recommended three, and the Planning staff came up with five. In their discussion, they agreed to "after the installation," they would make their presentation to the Yona MPC as stated in the application.

Chief Planner amended Condition 2, which says, upon installation, instead of the word prior.

Acting Chairman Pangilinan confirmed that he was okay with the staff's amendment to Condition 2. Acting Chairman Pangilinan opened the floor for public comment.

Public Comment [Seeing none, Acting Chair closed the public comment period.]

Acting Chairman Pangilinan there was no additional discussion. Acting Chair Pangilinan was ready to entertain a motion for Application No. 2026-14 for the applicant, ADEX Aerospace LLC.

Commissioner Flores made a motion to approve Application No. 2026-14, PUD Amendment for the applicant ADEX Aerospace, based on the recommendation and conditions stated in the January 16, 2026, staff report, to include the amendment made on Condition 2.

Commissioner Yingling seconds the motion.

Acting Chairman Pangilinan accepted the motion made by Commissioner Flores and seconded by Commissioner Yingling. There was no discussion on the motion. Acting Chair Pangilinan put the motion to a vote, with all members in favor of approval. **[Motion carried; 3 ayes and 0 nays.]**

Moving on to the next item on the agenda, Acting Chair turned the floor over to Mr. Borja for announcements or additional business for the Commission.

Celine Cruz, Chief Planner informed the Acting Chair that Mr. Borja stepped out due to a personal conflict with the last application.

Joseph Borja, Executive Secretary apologized to the Commission and stated that he had to recuse himself for the reason that his son was one of the presenters for the last application.

Mr. Borja reported that the comments made on Bill 240, which is a bill to allow temporary workforce housing in an M1 zone as a permitted use, were from Land Management and not from the Commission.

Acting Chairman Pangilinan asked what the date was for the next GLUC meeting.

Celine Cruz replied that there is a tentative date of February 12th, 2026. There are agenda items for the review of the Commission, and a call-out was already done to determine a quorum.

Acting Chairman Pangilinan there was no further business for the Commission. Acting Chairman Pangilinan was ready to entertain a motion for adjournment.

VI. Adjournment

Commissioner Yingling made a motion to adjourn today's meeting.

Commissioner Flores seconds the motion.


Acting Chairman Pangilinan accepted the motion made by Commissioner Yingling and seconded by Commissioner Flores. The motion was put to a vote, with all in favor of adjournment.

[Motion carried with a vote of 3 ayes]

The regular meeting of the Guam Land Use Commission for Thursday, January 22, 2026, was adjourned at 2:29 p.m.

Approved by:

Date approved:



Ronald C. Pangilinan, Acting Chairman
Guam Land Use Commission



2/26/26

Transcribed by:



M. Cristina Gutierrez, Recording Secretary
Planning Division, DLM

ATTACHMENT A

DIPĀTTAMENTON MINANEHAN TĀNO'
(Department of Land Management)
GUBETNAMENTON GUĀHAN
(Government of Guam)



LOURDES A. LEON GUERRERO
MAGANĀGA • GOVERNOR

JOSEPH M. BORJA
Director

JOSHUA F. TENORIO
SIGUNDO MAGA LAHI • LIEUTENANT GOVERNOR

ROSSANA SAN MIGUEL TISTON
Deputy Director

January 16, 2026

Memorandum

To: Chairperson, Guam Land Use Commission

From: Guam Chief Planner

SUBJECT: Application No. 2021-08, Zone Change

1. PURPOSE

- A. Application Summary:** The applicant, Anna B. Lujan, represented by Ronald A. Ayuyu, is requesting a Zone Change from "PUD" (Planned Unit Development) Zone to "C" (Commercial) Zone, for the proposed construction of a commercial building for a retail store, coffee shop, and several service shops on Lots 2, 3, 4, 5, and R5, Block 4, Tract 222, and Block 3REM, Tract 222, in the municipality of Yona.
- B. Legal Authority:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law), Sections 61630–61637 (Changes of Zones), and applicable subsections.

2. FACTS

- A. Location:** The subject lots can be accessed from both Cross Island Road (Route 17) and Route 4A in Yona. The lots are near residential homes to the north and east of the property, and to the south is a housing subdivision known as Laguina Estates.
- B. Lot Area:** 19, 811 square meters or 4.89 acres.
- C. Present Zoning:** "PUD" (Planned Unit Development) Zone.
- D. Field Description:** The subject lots are vacant and overgrown with large trees and vegetation, and the topography is generally flat.
- E. Surrounding Land Uses:** The property is predominantly surrounded by single-family residences. To the south lies the Laguina Estates subdivision, a well-established residential community. To the north is the Windward Hills Country Club, which formerly operated as a golf course but has since transitioned into a primarily residential subdivision.

Street Address:

90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:

P.O. Box 2950
Hagåtña, GU 96932

Website:

<http://dlm.guam.gov>

E-mail Address:

dldm@land.guam.gov

Telephone:

671-649-LAND (5263)

Facsimile:

671-649-5383



- F. **Master Plan:** Undesignated.
- G. **Community Design Plan:** Rural/Residential.
- H. **Previous Commission Action:** None.

3. APPLICATION CHRONOLOGY

- A. **Date Application Accepted:** May 10, 2022
- B. **Date of ARC Review:** June 16, 2022
- C. **Date of Public Hearing:** April 11, 2023

A public hearing was held at the Yona Community Center on April 11, 2023. During the municipal public hearing, residents expressed concerns regarding potential traffic impacts and the nature of commercial activities proposed for the development. In response, the applicant's representative confirmed that the project will exclude bars, adult entertainment venues, and adult-oriented retail establishments. Furthermore, the applicant agreed to commission a traffic assessment to evaluate and mitigate potential impacts associated with the project.

4. DISCUSSION and STAFF ANALYSIS:

A zone change must address Public Necessity, Public Convenience, and General Welfare criteria. In response, the applicant provides the following discussion:

PUBLIC NECESSITY and CONVENIENCE

The proposed development will provide services that will meet the public's needs and the location is central and convenient for the surrounding residential areas. The site is located in a populated area in southern Guam. The nearby village/communities lack convenience stores, coffee shops and services shops, and other professional services that is needed within or a short distance from developed residential areas. The nearest retail (mom and pop store) is the Camachile Tree store approximately 2.5 miles away via Route 4A. Residents in the immediate area will not have to drive far distance for a retail convenience store and shop for their daily necessities and obtain other goods and services at this proposed site.

GENERAL WELFARE

The site will be fully developed and landscaped in a manner to co-exist with minimum impacts to adjacent neighbors, properties and the daily traffic flows by commuters that travel the nearby routes. The commercial building will be connected to public sewer to protect our natural resources and environment. Fencing will be erected to protect the adjacent neighbors. A well-planned traffic circulation pattern for patrons entering and exiting the site will provide safe traffic passage. The proposed commercial development will provide local residents with employment.

Continuation of Memorandum

RE: Staff Report – Zone Change - Application No. 2021-08

Page 3 of 4

All infrastructure is available within or near the site. All permitting requirements will be coordinated with all government agencies for review, clearances, and other requirements to secure all necessary permits. Based on the existing land uses within the area, the proposed development will not adversely impact the surrounding properties or existing infrastructure in the area. All performance standards and requirements will be complied with as well as a submission of an Environmental Impact Assessment.

In our **analysis**, as to public necessity, the applicant highlights a lack of nearby retail and service establishments in southern Guam. The nearest small retail store is 2.5 miles away, which creates a gap in daily convenience for residents. By introducing a commercial site, the development addresses a clear necessity for accessible goods and services within walking or short driving distance of residential areas. The proposal aligns with community needs by reducing travel distances, which also lowers vehicle dependency and emissions.

As to public convenience, the site is centrally located within a populated residential area, making it easily accessible. Proposed uses include convenience stores, coffee shops, and professional services—amenities that directly improve daily life for nearby residents. The convenience factor is well-supported, as residents will save time and travel costs. The site's proximity to Route 4A ensures regional accessibility while serving local needs. The proposal enhances the livability of the area by filling a service gap.

And, as to general welfare, the proposal addresses environmental considerations since its connection to public sewer protects natural resources. Landscaping and fencing mitigate impacts on adjacent properties. And submission of an Environmental Impact Assessment ensures compliance with environmental standards. Planned circulation patterns for vehicles entering/exiting the site aim to minimize congestion and improve safety. Employment opportunities for local residents strengthen community welfare.

Overall, the proposal demonstrates sensitivity to environmental and social impacts. By integrating infrastructure and traffic planning, it reduces potential conflicts with surrounding land uses. Employment and service provision contribute positively to the area's socioeconomic welfare.

At the municipal public hearing, one attendee expressed opposition to the project, citing the absence of a traffic analysis in the application. In response, the applicant retained a professional firm to conduct the study and subsequently presented the findings to the Yona Municipal Planning Council for its review and consideration.

Following this, the Yona Municipal Planning Council endorsed the proposal, as formally documented in Resolution No. YONA2025-04. And in addition, the Application Review Committee recommended approval of the zone change, subject to specified conditions.

Based on the findings and analysis, the Department of Land Management Planning Staff recommends that the Guam Land Use Commission approve the proposed zone change.

5. **RECOMMENDATION:** Planning staff recommends approval, subject to the following condition:

The applicants shall adhere to all ARC recommendations, conditions, and requirements as noted in their Official Position Statements.

CELINE L. CRUZ
Guam Chief Planner

ATTACHMENTS: Yona MPC Resolution No. YONA 2025-004
Public hearing minutes
Traffic Impact Study prepared by W. B. Flores Engineering and Technical Services
Summary of Position Statements



MUNICIPALITY OF YONA Mayors' Council of Guam

PO Box 186 Agaña Guam 96932



RESOLUTION NO. YONA2025-004

INTRODUCED BY

Brian Terlaja (Chairperson), John P. Aguon (Co-Chair), Lynette Cruz (Secretary), Marie Perez (Treasurer), Allan Borja (AO), Edward Terlaja, Jr. (Cruz), Elizabeth Cruz, Juanito Torres, Victoria Lolo Leon Guerrero, Allan Ziegler, Jesse Garcia, Inalino George, Austin Terlaja, Kathy Colvin Cruz, Bernice Park, Matt Muno

WHEREAS, the Yona Municipal Planning Council (MPC) had previously held a public meeting on December 27, 2024, however, said meeting is hereby deemed void for failure to comply with the Guam Open Government Law (Title 5, Guam Code Annotated Chapter 40)

WHEREAS, the MPC held a duly noticed and compliant public meeting on June 12, 2025, to review zoning applications in accordance with applicable laws, and

WHEREAS, the MPC subsequently convened a replacement meeting on November 18, 2025, which was properly noticed and broadcast to public transparency and participation in full compliance with the Guam Open Government Law, and

WHEREAS, the MPC reviewed the following zoning applications:

- Application No. 2021-08: Request to rezone properties located at Lot 2, 3, 4, S, RS, Block 4, Tract 222 and Block 3 Rem. Tract 222, Windward Hills, Yona, from "Agriculture" (A) to "Commercial" (C).
- Application No. 2023-07: Request to rezone the property located at Lot 1, Block 1, Tract 213, Increment 3, Windward Hills, Yona, from "Agriculture" (A) to "Commercial" (C).

WHEREAS, the MPC has reviewed all relevant documentation, including zoning maps, land use plans, and public comments, and has conducted public hearings in full compliance with the Guam Open Government Law to ensure transparency and public involvement as required by law, and

WHEREAS, after thorough consideration, the MPC has determined that the proposed zoning changes are consistent with the development goals of the Yona region, align with the general land use plans, and will not have negative impacts on surrounding properties or the environment. These changes comply with the standards and requirements set forth by the Guam Land Use Commission (GLUC) and the relevant zoning laws of Guam, and

NOW, THEREFORE, BE IT RESOLVED:

1. Approval of Application No. 2021-08: The MPC hereby approves the zoning change for Lot 2, 3, 4, S, RS, Block 4, Tract 222, and Block 3 Rem. Tract 222, Windward Hills, Yona, from "Agriculture" (A) to "Commercial" (C), in full compliance with the zoning laws of Guam.
2. Approval of Application No. 2023-07: The MPC hereby approves the zoning change for the property located at Lot 1, Block 1, Tract 213, Increment 3, Windward Hills, Yona, from "Agriculture" (A) to "Commercial" (C), in full compliance with the zoning laws of Guam.

BE IT FURTHER RESOLVED, the Chairman and MPC members hereby certify and attest to the adoption hereof, in support of Application Nos. 2021-08 and 2023-07, as approved by the Yona Municipal Planning Council.

DULY ADOPTED AND APPROVED this 18th day of November, 2025.

Yona MPC Signatures:

Mayor Brian J. Terlaja (Chairperson)

John Paul Aguon (Vice Chairman)

Lynette Cruz (Secretary)

Jennifer Quintanilla (YMO Admin)



Strength of People United

YONA MAYOR'S OFFICE
EMAIL: office@yona.gov.gu
TEL: (671) 789-1525/1526/4798-0012
FAX: (671) 789-1871



Village Flower Bougainvillea

PUBLIC HEARING MINUTES
Tuesday, April 11, 2023, 6:00 p.m.
Yona Community Center

APPLICATION NO. 2021-08

APPLICATION TYPE: Zone Change

APPLICANT/ REPRESENTATIVES: Anna B. Lujan/ Ronald A. Ayuyu

LOTS: 2, 3, 4, 5, & R5, BLOCK 4, TRACT 222 & BLOCK 3REM, TRACT 222

The meeting was called to order by Planning Staff, and after a brief introduction and explanation of the application, the floor was then turned over to the applicant's representative Ronald A. Ayuyu, for his presentation. After the presentation, the applicants' representative responded to the following public attendees' questions, comments, and concerns.

1. How big are the lots?

Ronald Ayuyu: Total size is 4.89 acres

2. Where is the property?

Ronald Ayuyu: (explains the location along Cross Island Road and the three-way)

3. Has there been a travel study or traffic study done?

Ronald Ayuyu: I can work with the client to get that done and work with DPW about the traffic.

Celine Cruz: DPW has submitted a position statement for this application. It is a recommendation of approval with conditions. One of the conditions does include a traffic impact analysis study. Although DLM cannot condition a zone change.

4. How can we get a copy of the traffic study? I oppose the application for rezoning. Does the Municipal Planning Council (MPC) have a say on this matter?

Celine Cruz: The MPC absolutely has a say. The MPC is required to have 2 MPC Meetings and another MPC Meeting to vote on the application and submit to DLM a Resolution. Then the GLUC has approval authority. DPW asked for a traffic study. The MPC can review that study, and there could be an opportunity to better the application.

5. I'm concerned about the traffic. There were 2 drunk drivers who crashed into our yard. I hear all the traffic and the accidents.

Ronald Ayuyu: I informed my client that we will work on getting a traffic study.

6. Are there any insights of what type of businesses will rent or occupy that space? I'm concerned about the bars and the night clubs or even adult entertainment.

Celine Cruz: Those type of activities are permitted in a Commercial Zone. However, it depends on the applicant.

7. Is the consideration for the application going to address the housing crisis? Residential properties are what's needed. Are there any plans for a multi-family use or mixed use? People live in the south to get away from the busy life.

Ronald Ayuyu: I will have to check with my client, but the application for now is for commercial uses.

8. There is a need for residential dwellings. The commercial space is not desirable around this area.

Ronald Ayuyu: I can relay this to my client.

PROPOSED COMMERCIAL DEVELOPMENT TRAFFIC IMPACT STUDY

For:

ANNA B. LUJAN

Subject Property:

**Lots 2, 3, 4, 5 and R5, Block 4, Tract 222,
and Block 3, Tract 222
Yona, Guam**

Prepared By:

W.B. Flores Engineering & Technical Services, Inc.

November 2023

1. INTRODUCTION

W.B. Flores & Associates has been contracted by Ms. Anna B. Lujan to conduct a Traffic Impact Study (TIS) at the intersection of Route 4 and Route 4A in Laguina, Talofofo, Guam. The official designated municipality of this location is Yona, Guam. The traffic study will help determine the feasibility of Ms. Lujan's (Owner) proposed site development on three lots located north of the intersection and to identify traffic mitigation measures to minimize adverse traffic impacts after completion of the proposed site developments.

2. PROPOSED SITE DEVELOPMENT EXISTING SITE CONDITION

The Owner intends to develop Lots 2, 3, 4, 5 and R5 Block 4, Tract 222, and Block 3, Tract 222, all in Yona (Windward Hills, Guam). The proposed development will include retail services, administrative services, and dining opportunities.

The total property to be developed consists of approximately 213,826 SF (~ 4.9 Acres). It is currently vacant.

The subject lots are adjoined by a 40-foot-wide easement which also abuts neighboring lots and accessing Route 17 which is a 100-foot-wide Federal Aid Highway. All three lots are privately owned by Ms. Lujan.

The proposed site developments are described in Section 11 of this study and report.

Property maps and relevant exhibits are attached at the end of this project.

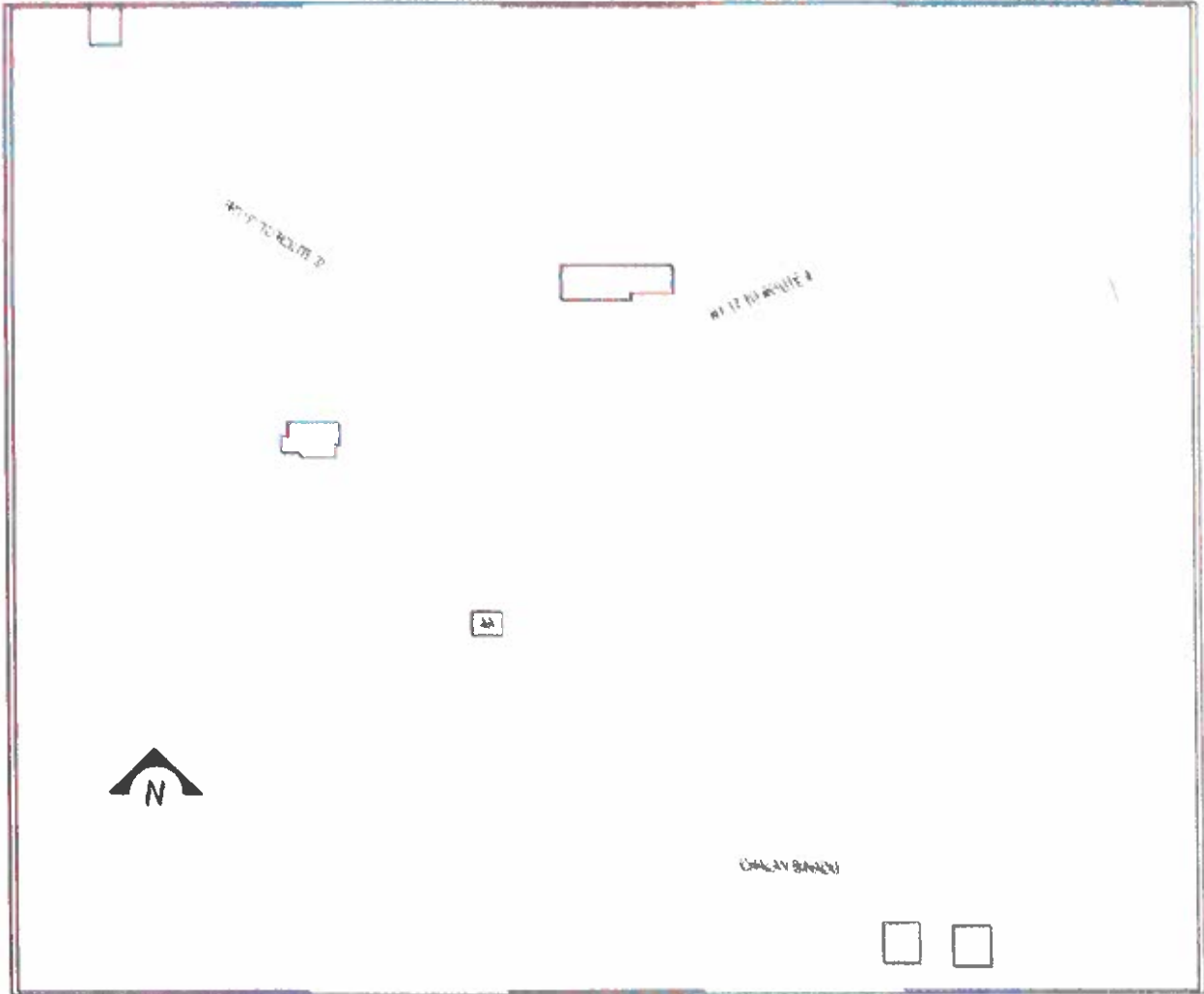


Figure 1.0 Site Vicinity Map

3. DESCRIPTION OF EXISTING ROAD AND TRAFFIC CONDITIONS

The intersection of Route 4A and Route 17 is currently a three-leg non-signalized intersection. Both routes are Federal Aid Highway roads.

The intersection is unsignalized and traffic is controlled by a Route 4A "Stop Sign" at the northbound lane entering Route 17.

Route 17 is a 100-foot-wide right-of-way but is currently limited to one eastbound lane and one westbound lane at the intersection and beyond.

Route 4A is a 50-foot-wide right-of-way and is currently limited to one northbound and one southbound lane.

There is no dedicated left turn lane from Route 4A to westbound Route 17. Both left turns and right turns stop and yield to Route 17 traffic.

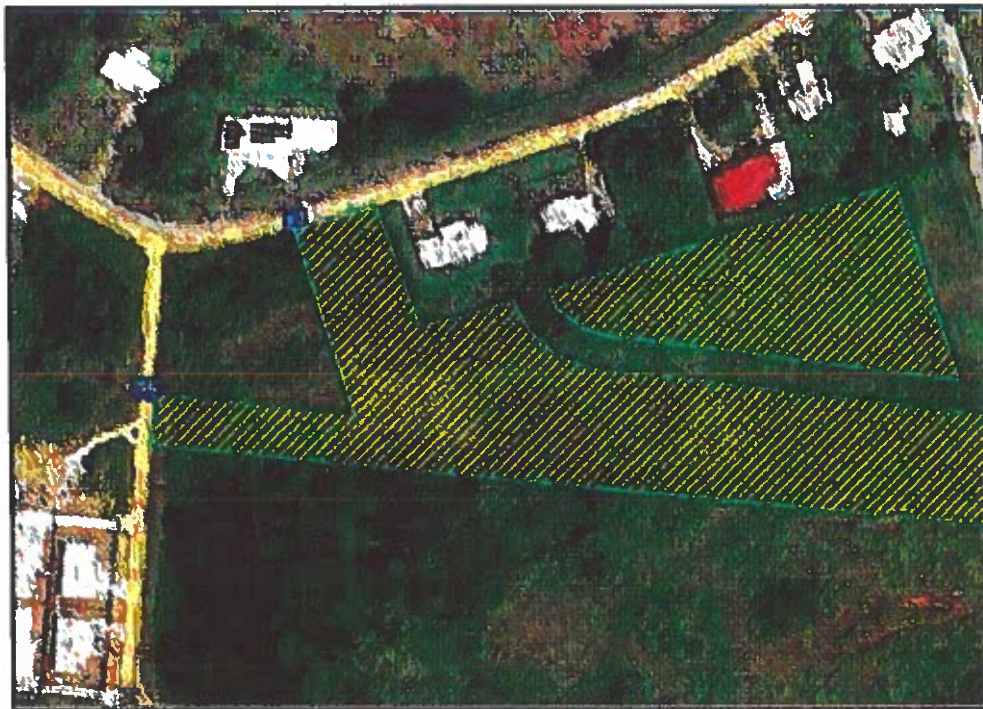


Figure 2.0 Hatched Area is Proposed Project Development Site

The Guam Department of Public Works has no immediate plans to improve the intersection or the two service roads.

While Route 17 was considered for improvements in previous planning efforts, there are no immediate plans for such improvements. In fact, Route 17 was downgraded.

4. TRAFFIC DATA COLLECTION

The Guam Department of Public Works has no traffic intersection data for the Route 4A/Route 17 intersection and traffic data for Route 17 is limited.

Coordinating with DPW confirmed such data was not available, so W.B. Flores conducted manual traffic counts in 2023. The traffic data is summarized in **Figure 3.0**, while tabulated traffic counts are included in the exhibits.

6:30 to 7:30 (AM)					
Route 17 from East		Route 17 from West		Route 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
93	48	53	41	110	79
7:30 to 8:30 (AM)					
Route 17 from East		Route 17 from West		Route 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
62	56	62	56	56	67
3:30 to 4:30 (PM)					
Route 17 from East		Route 17 from West		Route 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
83	50	95	71	63	53
4:30 to 5:30 (PM)					
Route 17 from East		Route 17 from West		Route 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
80	71	66	56	56	77

Figure 3.0 – Traffic Count Data Summary

5. YEAR 2023 TRAFFIC COUNT (W.B. FLORES & ASSOCIATES)

Limited related traffic information was garnered from the military buildup EIS, and additional traffic data gathering was manually conducted by W.B. Flores & Associates. Minimal data is provided in the Guam 2030 Transportation/Highway Master Plan and allied documents. The traffic study counts were conducted during estimated morning and afternoon peak hours at the subject intersection on October 05 and December 7, 2023.

Weekday AM Peak Hours were 6:30 AM to 8:30 AM with single consecutive peak hour in that period. Weekday PM peak hours were from 3:30 PM to 5:30 PM. The traffic counts were conducted using manual observations and hand counts.

We observed that the Route 4A outbound AM and PM peak traffic distribution was relatively similar for both east and west directions along Route 17. The majority of Route 4A inbound PM peak hour traffic originated from the west along Route 17.

Route 17 AM peak traffic entering Route 4A southbound originated for the most part from the west bound line coming from Route 17 and Baza Gardens. However nearly 70% of Route 17 AM peak traffic continued westbound past Route 4A towards Talisay.

Route 17 AM peak traffic from the east bound lane saw significant right turns into Route 4A heading south.

The summary manual traffic count results are charted in the exhibits.

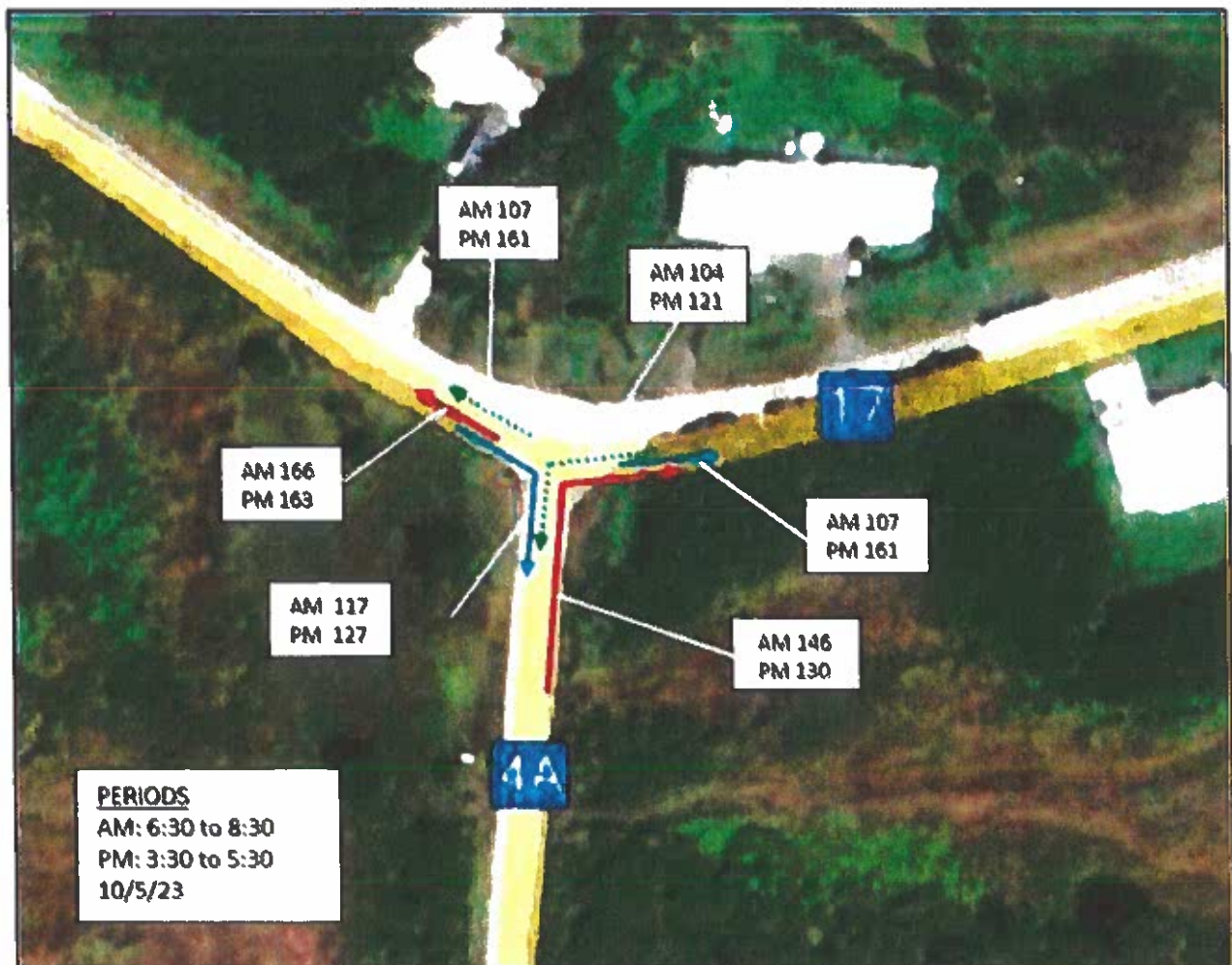


Figure 4.0 – WB Flores & Associates 2023 Route 4A/Route 17 Traffic Data

6. PEAK HOUR COUNT

Results of traffic data collection indicated that the morning peak hour was 6:45 AM to 7:45 AM and the PM peak hour was 4:30 to 5:30 PM for all legs. The traffic data count (2-hour encompassing the peak periods) is shown in the exhibits.

Peak hour traffic volumes are identified here in **Figure 5.0**.

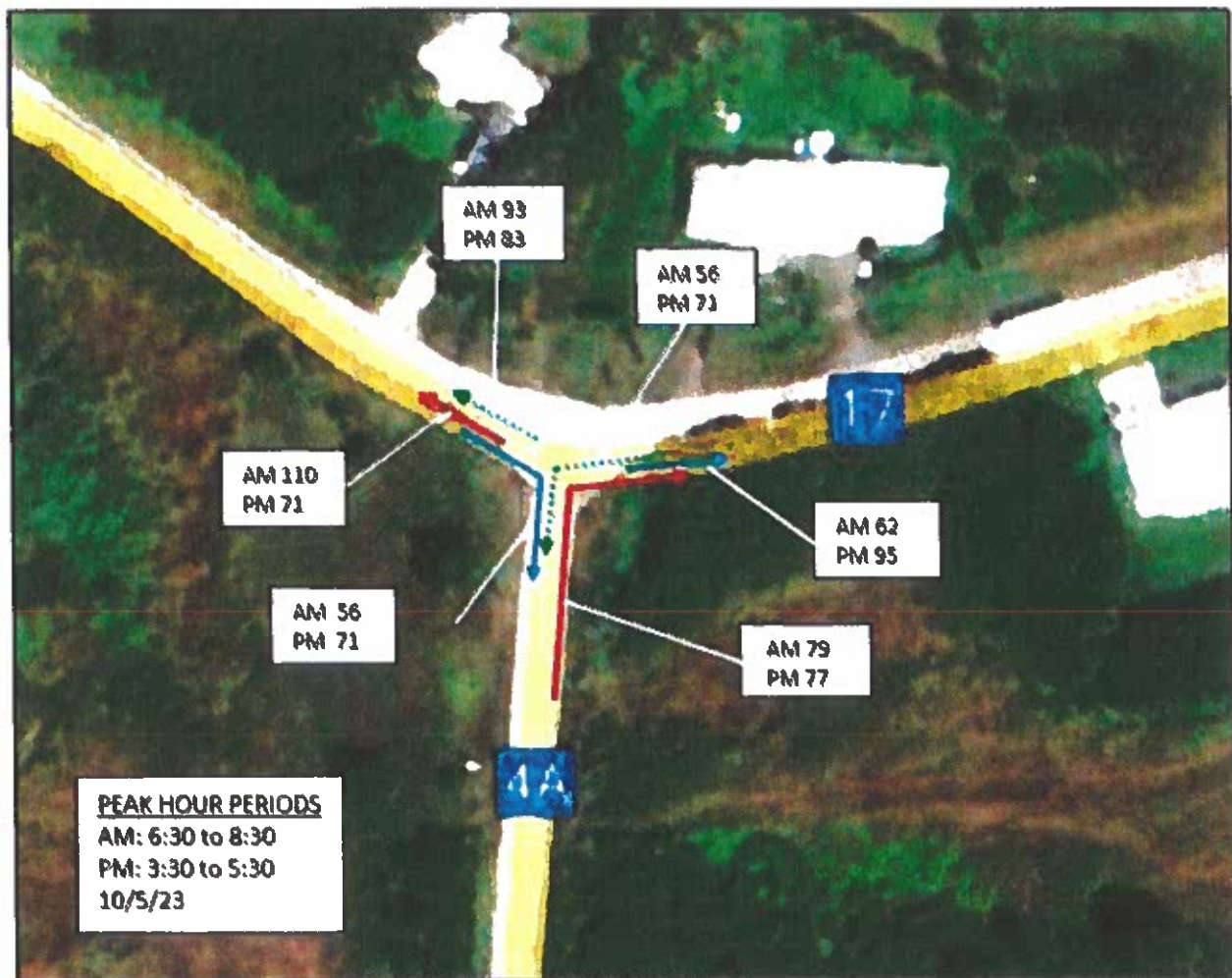


Figure 5.0 - WB Flores & Associates Route 17/Route 4A Peak Hour Traffic Data

The peak hour traffic data will form the basis of the estimated Peak Hour Traffic Volume at the subject intersection for the current year and the projection upon the project development completion.

The traffic data indicates that the Route 17 east and west bound Peak Hour traffic volumes do not exceed 1800 vehicles per hour (VPH), neither do the Route 4A north and south bound traffic volumes exceed the 1800 VPH threshold.

No traffic increase data was derived from the count results as there are no previous count volumes available for comparison.

7. TRAFFIC GROWTH RATE PER ANNUM

Recent traffic growth studies for central and northern Guam indicate that a 1% increase is reasonable for those areas. However, with no historical data available for this study area, such a projection would be difficult to justify. Future counts may allow growth projections.

No historical traffic data from within the past 20 years is available so no traffic growth rate project metricized comparisons were conducted.

The Guam Buildup EIS Draft (2009) confirmed that the Route 17/Route 4A intersection has an AM Peak Hour LOS of B and a PM Peak Hour LOS of B and reviewed projected 2030 service level alternatives.

The same intersection was projected to maintain the AM Peak Hour at LOS B through 2030. PM Peak Hour LOS for the same projection year was/is projected to decrease to Level C under various alternatives. This LOS is the maximum anticipated decrease under any scenario.

These alternative projections may not be valid as current transportation plans for Route 17 have been revised so that no upgrading is scheduled before 2030. Therefore, it is our opinion the Route 17/Route 4A 2030 PM Peak Hour LOS will remain at B. Barring unexpected revisions in roadways planned for upgrade improvements to include Route 17 this opinion is likely reliable.

It should be noted that under a "No-Action Alternative" the referenced draft EIS anticipated the 17/4A intersection would deteriorate to LOS C for both AM and PM Peak Hours by the year 2014. We note that this intersection remains at LOS B in the current year based on the traffic counts within this document.

8. PROJECTED PEAK HOUR VOLUME IN 2024/2025

The estimated Peak Hour traffic volume is projected using a 1% volume increase. This may be relatively conservative but is reasonable given that most of Guam's increase projections are between 1% and 1.1% albeit usually applied from central Guam northward. The estimated 2024 Peak Hour traffic is summarized in **Table 1.0**.

Destination/Origin	Vehicles	VMT Vehicle Trip Generation Rates								Generated Units	Trips Generated from			Total Distribution of Generated Trips					
		Weekday	AM	PM	Peak Hr	AM	PM	Peak Hr	PM		Col	PM	Peak Hr	PM	Peak Hr	PM			
Project Office - 710 Kawili	1000	Equation								100	0%	0%	0%	0%	0%	0%	0%	0%	0%
Project Office - 712	1000	Equation								100	0%	0%	0%	0%	0%	0%	0%	0%	0%
Business Park 722	1000	Equation								100	0%	0%	0%	0%	0%	0%	0%	0%	0%
Project Office - 800 Kawili	1000	Equation								100	0%	0%	0%	0%	0%	0%	0%	0%	0%
Commercial Yon (Zone 2) No. 85	1000	137.86	67.81	82.41	41%	90%	32%	31%	49%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 86	1000	NA	37.87	38.87	41%	90%	32%	31%	49%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 87	1000	61.00	2.84	8.43	41%	90%	32%	31%	49%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 88	1000	99.81	3.47	9.31	41%	90%	32%	31%	49%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 89	1000	84.85	0.31	7.44	41%	NA	NA	41%	31%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 90	1000	2.84	0.31	0.31	41%	NA	NA	41%	31%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 91	1000	127.15	16.81	0.88	41%	90%	42%	90%	49%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 92	1000	4.88	0.47	0.41	41%	90%	42%	31%	49%	100	0%	0%	0%	0%	0%	0%	0%	0%	
Commercial Yon (Zone 2) No. 93	1000	92.15	NA	2.15	41%	NA	NA	41%	39%	100	0%	0%	0%	0%	0%	0%	0%	0%	

Table 1.0 ITE Trip Summary

9. PROPOSED ROUTE 17 IMPROVEMENTS

During the preparation of the 30-year Highway Master Plan (HMP) in 2008, and along with the planning for the on-going Guam military buildup, improvements to Route 17 figured heavily in the discussions regarding defense access roadways. Peak Hour Congestion for Route 4A was not an issue in the 2030 HMP.

That discussion has waned, including the proposed (at-the-time) Tier 1 Congestion-Related Improvements which were limited to Safety and Operational Improvements as per the 2030 Guam Transportation Plan.

10. PROPOSED ROUTE 4A IMPROVEMENTS

Other than some repairs, there are no proposed improvements anticipated for Route 4A within the next ten years or even beyond.

11. DESCRIPTION OF THE PROPOSED SITE DEVELOPMENT

The Owner intends to develop Lots 2, 3, 4, 5 and R5 Block 4, Tract 222, and Block 3, Tract 222, all in Yona (Windward Hills, Guam). The proposed development will include retail services, administrative services and dining opportunities.

The proposed development will be just over 80,500 SF with access, parking loading and onsite stormwater management.

The total property to be developed consists of approximately 213,826 SF (~ 4.9 Acres). It is currently vacant. Development will include significant open areas for parking and landscaping.

A sketch of the proposed improvements is shown in Figure 6.0.

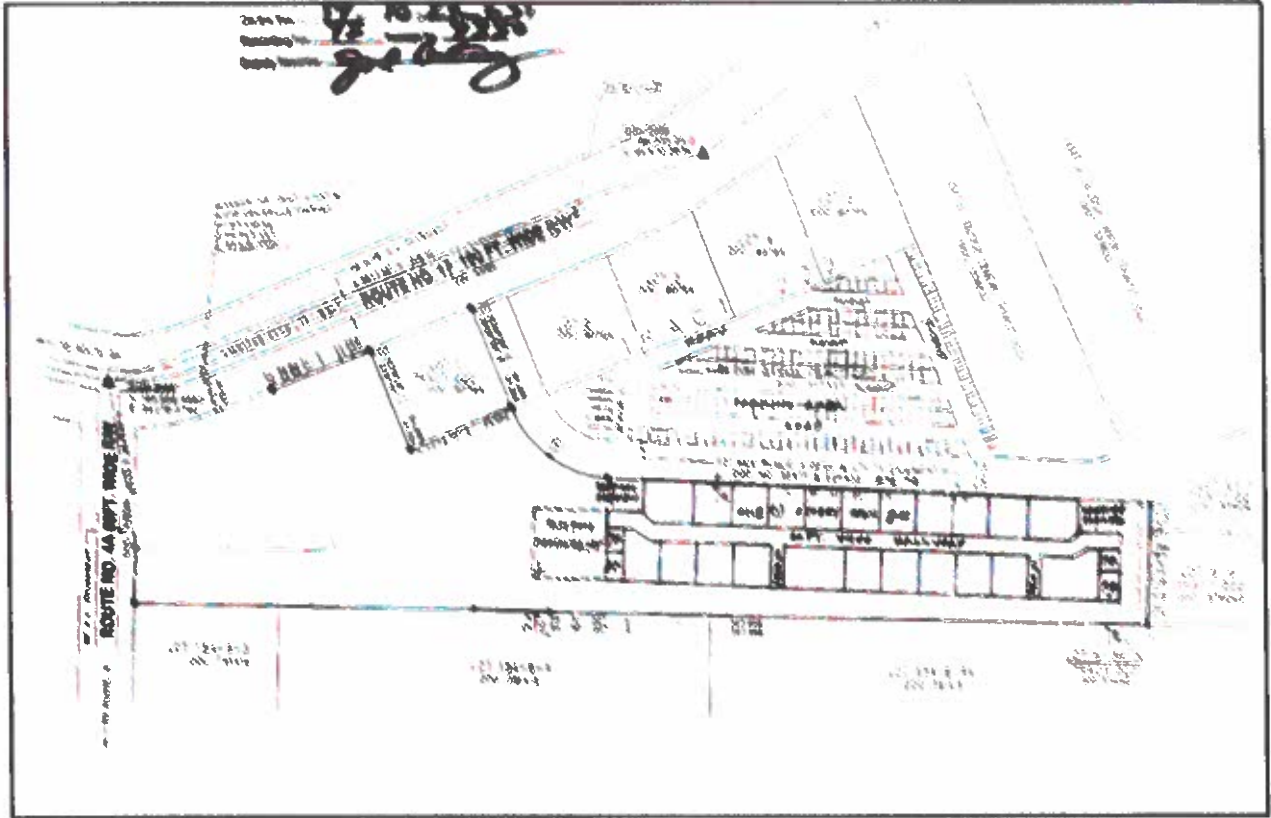


Figure 6.0 Proposed Site Development

12. TRIP GENERATION BY THE PROPOSED SITE DEVELOPMENT

Vehicular traffic entering and exiting the proposed development will be from Route 17 at the north entrance/exit to the property and from Route 4A at the west end of the property. Vehicular traffic generated by the project will be a small percentage of the overall traffic volume along the project frontage and intersection.

Vehicle trip generation is from the *Traffic Institute* references and tables. Based on the vehicle trip generation for the proposed features of the development the average daily traffic (ADT) will be as high as 1,476 and estimated 89 vehicles at the peak hours.

Estimated vehicle trip generation for ADT and Peak Hour is shown in the following table. The detailed analysis is shown in the exhibits.

<i>Use</i>	<i>Average Trips per Day</i>	<i>Peak Hour Traffic</i>
Retail Spaces	372	89
Restaurant	90	N/A
Quick Service Food Diner/Fast Food	573	35
General Office	441	150

Table 2.0 – Vehicle Trip and Peak Hour Traffic – Projected

It is anticipated that at least 75% of incoming and outgoing traffic will utilize the proposed access road along the existing 40' wide easement connecting to Route 17.

It is also projected that afternoon outgoing traffic will exit from the Route 17 connecting point at the peak hour period.

Estimated Peak Hour traffic generated by this development will not cause the Route 4A/Route 17 intersection to exceed 100 VPH which is the threshold for minor three-way intersections. This is because Peak Hour traffic will enter and exit away from the Route 4A and Route 17 intersections and mirror the existing traffic patterns as most customers or clients of the proposed developments will visit the development on an already patterned route. It is not anticipated that significant additional trips will be generated by this development as it is expected to serve as a "local" facility with "enroute" stops.

The traffic trip generation distribution from the proposed development is depicted in Figure 7.0.

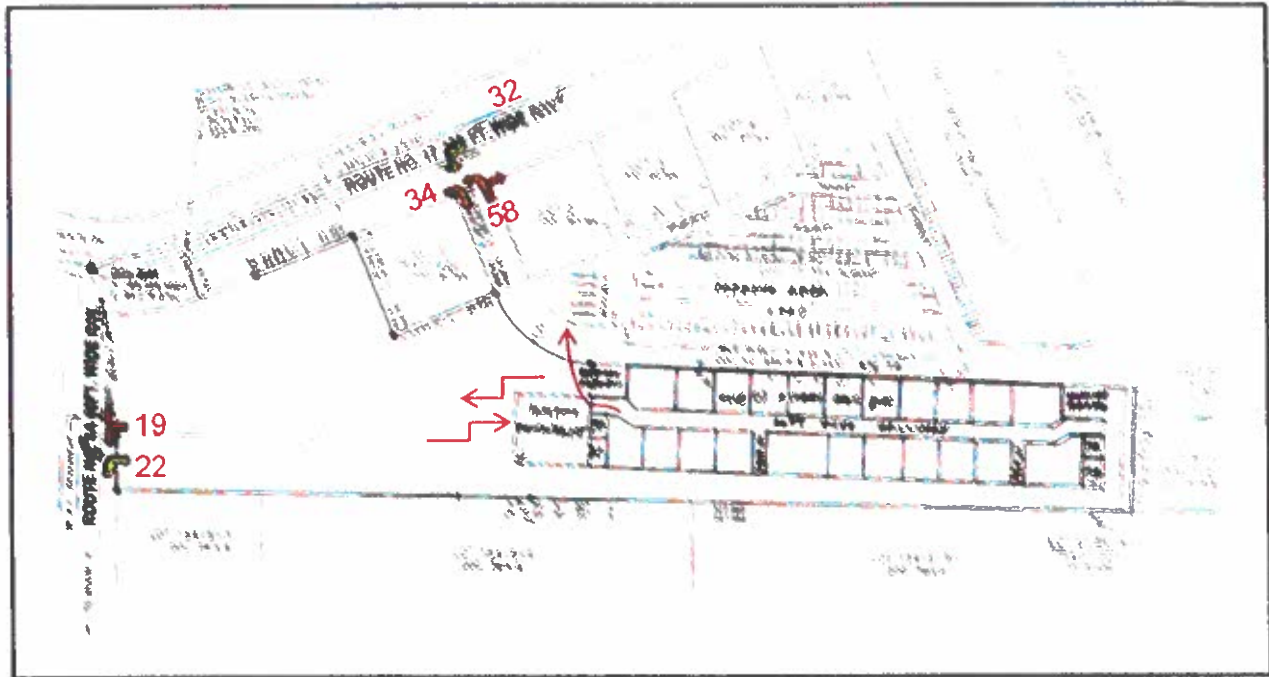


Figure 7.0 Site Development Projected Distribution

13. FUTURE TRAFFIC CONDITIONS

The 2024 future total traffic volumes take into consideration the projected 2024 background traffic from Route 4A and Route 17 prior to the development. While the development may likely not be operational until at least 2025, anticipated traffic is added to the background traffic to project what will be overall traffic conditions.

Overall projected peak hour traffic volume combining Development and the road network volumes will likely not significantly increase as the bypass and customer traffic will mostly originate from current traffic origins. In other words, the customers who patronize the development will be motorists already accounted for in the traffic counts and analysis.

14. CONCLUSION AND RECOMMENDATIONS

As per the MUTCD 2009 the proposed development will not generate the criteria to justify signalization or improvements at the nearby Route 4A/Route 17 intersection.

It will not create additional trips or generate the traffic volume causing consideration of the volume, physical location, crash statistics, grade location or the 8-hour or 4-hour peak traffic requirements.

Recommended improvements or installations upon development:

- Stop signs with directional ground arrows at both entrances/exits of the proposed development connecting with Route 4A and Route 17, respectively.
- Smooth riding and flared connection to Route 4A and Route 17 at the respective entrance and exit.
- Lighting at both entrances and exits.
- Install Traffic Crossing Signs at Route 17 east of the entrance connection, and at Route 4A south of the entrance connection.
- Consideration should be given to Traffic Stops/Traffic Crossing Signs along Route 17 east bound approaching the 4A/17 intersection.

These proposed mitigations are shown in Figure 8.0.

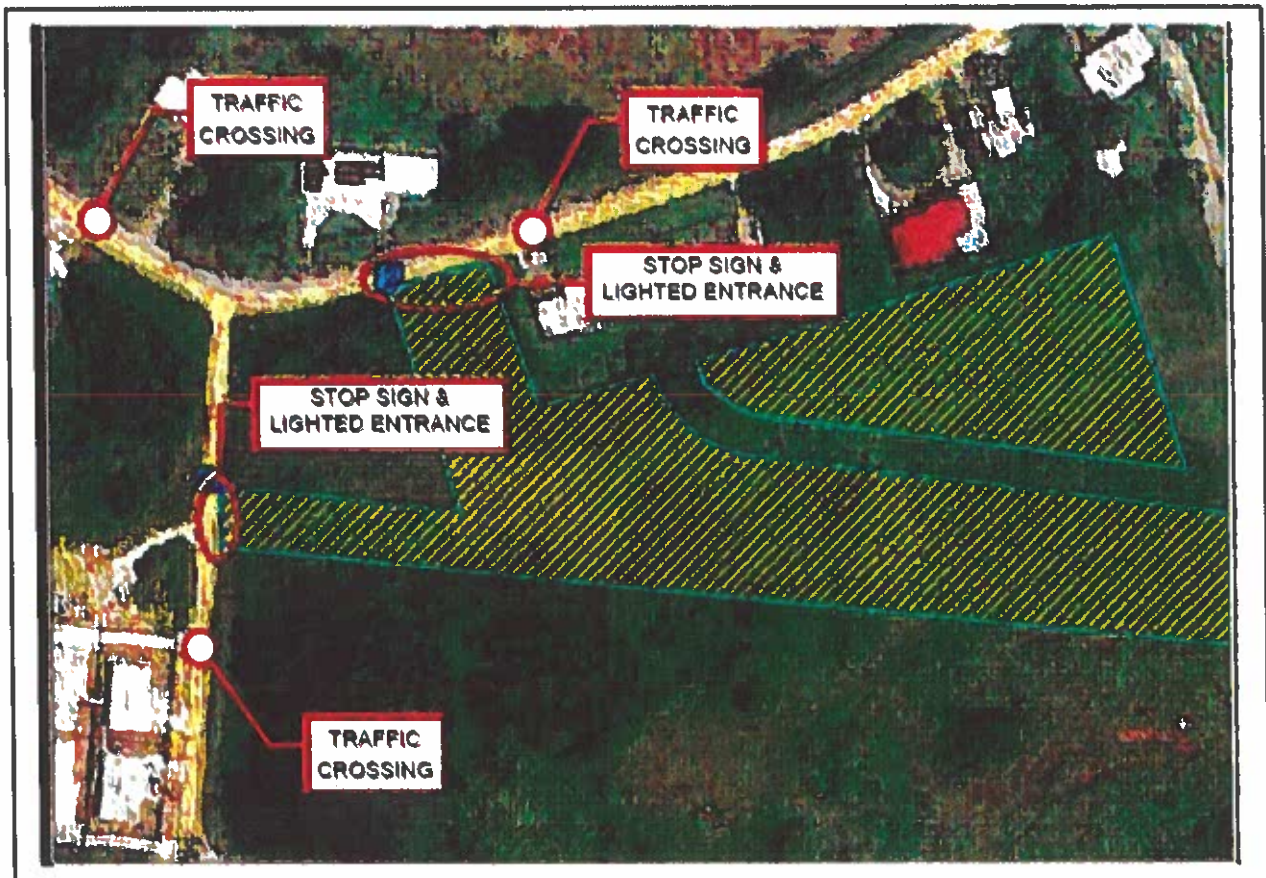


Figure 8.0 Proposed Mitigation and Improvements

EXHIBITS

Exhibit 1	Parceling Survey Map
Exhibit 2	Alternatives 1 and 2 LOS
Exhibit 3	No Action LOS
Exhibit 4	Traffic Count (October 5, 2023)
Exhibit 5	Traffic Recount (December 6, 2023)

A 013982

6642064
N 105.774 97.7
E 512661.78 2

(A) CURVE DATA
 B. 67.200' (RADIUS)
 C. 21.300' (CHORD)
 D. 10.650' (TANGENT)
 E. 21.300' (CHORD)
 F. 10.650' (TANGENT)

(B) CURVE DATA
 A. 32.000' (RADIUS)
 B. 10.000' (CHORD)
 C. 5.000' (TANGENT)

(C) CURVE DATA
 A. 32.000' (RADIUS)
 B. 10.000' (CHORD)
 C. 5.000' (TANGENT)

NORTH
1003 000

913982
 The following is a plat of the
 subdivision of the above
 described land into
 lots and blocks
 as shown on the
 attached plan.
 The area of each lot
 and block is shown
 on the plan.
 The area of the
 subdivision is
 100.000 acres.
 The area of the
 subdivision is
 100.000 acres.
 The area of the
 subdivision is
 100.000 acres.

LOT 2, BLOCK 2 NEW TRACT 222
DOC. 337883

LOT 1, BLOCK 2 NEW TRACT 222
DOC. 337883

LOT 5
DOC. 80794

LOT 4
DOC. 80794

LOT 3
DOC. 80794

LOT 2
DOC. 80794

LOT 1
DOC. 80794

LOT 4 BLOCK 4
TRACT 222
AREA=1.589451M

LOT 3 BLOCK 4
TRACT 222
AREA=2.884451M

LOT 2 BLOCK 4
TRACT 222
AREA=1.774551M

LOT 1 BLOCK 4
TRACT 222
DOC. 005860

LOT 154-6-3
DOC. 78146

LOT 154-6-4
DOC. 78146

LOT 154-6-5
DOC. 78146

LOT 154-6-6
DOC. 78146

LOT 154-6-7
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As shown in Table 4.2-12, two intersections have LOS F for at least one peak hour, which is considered unacceptable: Route 2/12, Route 5/17, and Route 4/4A. Route 4/4A and Route 5/17 have fairly free-flowing conditions in 2014 and become significantly more congested in 2030.

Table 4.2-12. Alternatives 1 and 2 Future Level of Service and Delay Results – South Region

	2014				2030			
	a.m. Peak Hour		p.m. Peak Hour		a.m. Peak Hour		p.m. Peak Hour	
	LOS	Delay Seconds	LOS	Delay Seconds	LOS	Delay Seconds	LOS	Delay Seconds
Signalized*								
Route 2/12	F	135.0	C	26.0	C	27.8	C	27.1
Unsignalized**								
Route 5/17	C	13.1	D	29.3	F	36.8	F	149.6
Route 4/4A	C	23.9	C	17.1	E	49.7	F	484.3
Route 17/4A	B	12.9	B	14.0	B	13.6	C	18.7
Access Points								
Route 5 - Naval Ordnance Annex/Harmon Road.**					A	9.5	A	10.6

Notes: *Signalized intersection LOS based on average delay for the overall intersection.

**Unsignalized intersection LOS based on approach delay on STOP-controlled approach.

Public Transportation Impacts. Impacts to the demand response and paratransit that service the South Region are minimal. Implementation of new transit services should take into consideration the impacts of the military relocation.

Pedestrian and Bicycle Impacts. There are no impacts to pedestrian and bicycle facilities in the South Region. Any future planning for pedestrian and bicycle facilities needs to consider the impacts of the military relocation.

Potential Mitigation Measures

On Base Roadways

Due to increase of traffic due to the proposed action, the impact would be significant but mitigable at Andersen AFB and at the Navy base. The traffic impact is less than significant at Andersen South, Barrigada, and NMS. Potential mitigation measures for Andersen AFB and the Naval base may include road widening, restriping, traffic signal and other traffic control devices to help improve traffic operations. An on base traffic study is currently being conducted, and the results of the detailed traffic analyses will be provided in the FEIS on specific improvements.

Off Base Roadways

Mitigation for the impacts described for Alternative 1 would be under the control of FHWA and could include the creation of a Traffic Management Plan that may incorporate the following:

- Travel demand management
- Encourage moped and motorcycle use
- Develop transportation demand measures to discourage single-occupant vehicle use
- Stagger work hours
- Provide corporate shuttles for local circulation
- Better delivery system for purchases
- Flextime – compressed work weeks

There is a noticeable difference between the no-action and Alternatives 1 and 3 in terms of LOS in 2014. Island-wide, there are 12 intersections with the no-action that have LOS F in both the a.m. and p.m. peak hours in 2014. For Alternatives 1 and 2, this number increases to 24 intersections in 2014; for Alternative 3, 23 intersections; and, for Alternative 8, 22 intersections. This is due to the proposed action, which increases the population and number of vehicles on the island, especially during peak construction time, which would occur in 2014. In addition, in 2014, the widening of Routes 25 and 26 have not been constructed, therefore, affecting the intersection analysis.

Table 4.2-30. No-Action Alternative Future Level of Service and Delay Results

	2014			
	a.m. Peak Hour		p.m. Peak Hour	
	LOS	Delay Seconds	LOS	Delay Seconds
Signalized*				
Route 1/9	C	21.8	B	19.5
Route 1/29	D	52.2	C	32.5
Route 1/28	F	207.3	F	120.7
Route 1/26	C	21.0	F	84.1
Route 1/27	F	1213.9	F	514.1
Route 1/27A	D	37.0	E	58.4
Route 1/3	F	113.5	F	191.7
Route 1/16	C	27.7	F	143.7
Route 1/14 (North San Vitoris)	F	102.8	D	53.7
Route 1/14A	F	205.8	F	155.4
Route 1/10A	F	89.6	F	207.8
Route 1/14B	E	77.6	D	44.3
Route 1/14 (ITC)	E	70.3	F	171.3
Route 1/30	F	371.7	F	263.5
Route 1/8	C	29.0	D	46.4
Route 1/4	C	27.1	C	30.1
Route 1/6 (westerly)	B	10.5	B	12.8
Route 1/11	B	16.6	B	19.9
Route 1/6 (Adelup)	C	20.9	D	39.7
Route 1/Polaris Point	A	4.3	A	6.5
Route 1/2A	F	92.1	E	70.5
Route 3/2A	D	44.3	C	20.9
Route 3/13	E	65.4	B	17.6
Route 3/28	C	20.8	B	10.9
Route 4/7A	F	106.0	F	181.3
Route 4/10	E	59.7	E	79.2
Route 4/17	C	25.8	C	24.1
Route 8/33	D	38.4	F	91.5
Route 8/10	E	58.9	F	105.5
Route 10/15	E	79.3	D	53.9
Route 16/27A	C	25.1	B	15.0
Route 16/27	F	207.6	F	303.1
Route 16/10A	F	540.8	F	674.4
Route 26/25**	C	23.9	C	27.8
Unsignalized***				
Route 5/17	C	33.7	C	15.9
Route 3/3A/9	B	11.9	A	9.7
Route 4/4A	C	16.7	C	15.2
Route 7/7A	F	225.7	F	127.7
Route 15/29	F	142.7	F	220.8
Route 17/4A	C	15.9	C	15.6

**EXHIBIT 4: Traffic Count
(10/15/2023)**

Oct 5 Count

6:30 to 7:30					
Routes 17 from East		Routes 17 from West		Routes 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
93	48	53	41	110	79
7:30 to 8:30					
Routes 17 from East		Routes 17 from West		Routes 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
62	56	62	56	56	67
8:30 to 9:30					
Routes 17 from East		Routes 17 from West		Routes 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
83	50	95	71	63	53
9:30 to 10:30					
Routes 17 from East		Routes 17 from West		Routes 4A from South	
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
80	71	66	56	56	77

Oct 5 Count

Route/Time	Routes 17 from East		Routes 17 from West		Routes 4A from South		Intersection Total
	Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right	
6:30:00 AM	8	0	9	2	4	2	25
6:45:00 AM	19	6	6	2	22	14	71
Total	27	6	17	4	26	16	96
7:00:00 AM	22	11	9	6	26	16	92
7:15:00 AM	18	14	8	11	32	15	98
7:30:00 AM	26	17	19	18	26	32	138
7:45:00 AM	28	16	22	42	27	24	159
Total	94	58	58	79	111	87	487
8:00:00 AM	11	16	8	14	10	16	75
8:15:00 AM	14	12	12	9	8	19	74
8:30:00 AM	9	12	12	11	11	8	63
Total	34	40	32	34	29	43	212
Totals	155	104	107	117	166	146	795

Route/Time	Routes 17 from East		Routes 17 from West		Routes 4A from South		Intersection Total
	Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right	
3:30:00 PM	18	0	9	2	4	2	36
3:45:00 PM	11	2	8	2	5	2	30
Total	29	2	17	4	9	4	66
4:00:00 PM	15	11	19	18	14	16	93
4:15:00 PM	18	14	28	31	22	15	128
4:30:00 PM	21	23	31	18	18	18	129
4:45:00 PM	28	31	24	22	27	28	160
Total	82	79	102	69	81	77	510
5:00:00 PM	11	16	18	14	10	22	91
5:15:00 PM	27	12	12	9	8	19	87
5:30:00 PM	14	12	12	11	11	8	68
Total	52	40	42	34	29	49	246
Totals	163	121	161	127	163	130	821

Dec 6 Recount

6:30 to 7:30					
Route 17 from East	Route 17 from West	Route 17 from East	Route 17 from West	Route 4A from South	Route 4A from South
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
97	38	47	46	97	71
7:30 to 8:30					
Route 17 from East	Route 17 from West	Route 17 from East	Route 17 from West	Route 4A from South	Route 4A from South
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
50	66	50	66	55	63
8:30 to 9:30					
Route 17 from East	Route 17 from West	Route 17 from East	Route 17 from West	Route 4A from South	Route 4A from South
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
75	53	90	72	53	55
9:30 to 10:30					
Route 17 from East	Route 17 from West	Route 17 from East	Route 17 from West	Route 4A from South	Route 4A from South
Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right
77	67	63	53	59	64

Dec 6 Recount

Route/Time	Route 17 from East		Route 17 from West		Route 4A from South		Intersection Total
	Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right	
6:30:00 AM	8	1	7	3	2	3	24
6:45:00 AM	18	5	6	1	14	8	52
Total	26	6	13	4	16	11	76
7:00:00 AM	19	12	9	12	18	13	83
7:15:00 AM	18	14	8	11	32	15	98
7:30:00 AM	34	6	17	19	26	32	134
7:45:00 AM	19	31	38	23	27	28	166
Total	90	63	72	65	103	88	481
8:00:00 AM	12	14	10	11	9	14	70
8:15:00 AM	14	12	10	7	6	15	64
8:30:00 AM	5	9	12	10	13	6	55
Total	31	35	32	28	28	35	189
Totals	147	104	117	97	147	134	746

Route/Time	Route 17 from East		Route 17 from West		Route 4A from South		Intersection Total
	Thru to West	Rt 4A	Thru to East	Rt 4A	Left	Right	
3:30:00 PM	15	2	11	3	2	4	37
3:45:00 PM	10	4	9	4	3	2	32
Total	25	6	20	7	5	6	69
4:00:00 PM	14	12	15	18	13	15	87
4:15:00 PM	17	16	27	28	18	16	122
4:30:00 PM	19	19	28	19	17	18	120
4:45:00 PM	24	28	20	19	28	25	144
Total	74	75	90	84	76	74	473
5:00:00 PM	11	15	16	11	12	21	86
5:15:00 PM	21	13	15	9	6	12	76
5:30:00 PM	16	11	12	14	13	6	72
Total	48	39	43	34	31	39	234
Totals	147	120	153	125	163	119	776



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guam)



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 MAGA HAGA GOVERNOR

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January 16, 2026

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members
FROM: Chairperson, Application Review Committee (ARC)
SUBJECT: Summary of Position Statements by ARC Members
RE: Zone Change: Application No. 2021-08

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):

Planning staff recommends Approval with the following condition:

The Applicant shall comply to all requirements and conditions, and any concerns imposed by government/permitting agencies and other mandates in their development plans; as stipulated in their Official Position Statement.

DEPARTMENT OF PUBLIC WORKS (DPW):

The Department of Public Works (DPW) recommends approval with stated conditions and recommendations.

GUAM WATERWORKS AUTHORITY (GWA):

GWA supports the application and is in favor of the approval with conditions for compliance to GWA's Service Requirements.

GUAM POWER AUTHORITY (GPA):

GPA has no objection to the request subject to the conditions applicable.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

The agency cited concerns for the project with conditions of approval.

DEPARTMENT OF PARKS AND RECREATION (DPR):

The agency has no objections to the zone change, however, they note that further approvals must be acquired when the development goes through the permitting process.

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau states they recommend approval with conditions noted.

DEPARTMENT OF AGRICULTURE (DoAg):

The department does not oppose the request for a zone change, however, the owner is required to address the conditions of approval noted in their position statement.



Celine L. Cruz

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC



The Honorable
LOURDES A. LEON GUERRERO
 Maga' Haga - Governor

The Honorable
JOSHUA F. TENORIO
 Sigundo Maga' Lahi • Lieutenant Governor



VINCENT P. ARRIOLA
 Director
LINDA J. IBANEZ
 Deputy Director

01 SEP 2022

MEMORANDUM

TO: Chairman, Guam Land Use Commission
 Director, Department of Land Management

FROM: Director

APPLICANT: Anna B. Lujan
APPLICATION: 2021- 08

SUBJECT: Zone Change from "PUD" to "C"
 Lot Nos.: 2,3,4,5, R5, Block 4, Tract 222 & Block 3REM 4, Tract
 222, Yona, Guam



Hafa Adai! The above applicant is requesting a zone change from "PUD" into a Commercial Zone to build a small retail convenience store, coffee shop, several service shops and offices on Block 3 REM 4. The proposed commercial structure will have a parking lot, loading area and a ponding basin. The lot area is approximately 380,512 square feet or 19,811 square meters, located within the Municipality of Yona.

The Department of Public Works, has completed its review and recommends approval with the following provisions:

- The entrance, exit, sidewalk and pedestrian should be wide enough for public access;
- Design for storm drainage disposal system plan, must be in detail, to be supported with calculations;
- Must provide traffic impact analysis study, to be coordinated with the Divisions of Highways (Traffic Management Control Section).
- The parking layout plan, must be in detail, to include parking stalls (compact, standard and accessible stalls), and must meet the American Disability Act (ADA) requirements.

The applicant must comply with Title 21 GCA-Real Property: Chapter 61 Zoning Law S 61302, Regulations along District Boundaries.

Where commercial or industrial use occurs in zones permitted such uses, but in areas which are located adjacent to rural or residential zones, the yard requirement shall be twice that required of such use or twenty (20) feet, whichever is the greater

9-14-22
 JANE
 (initials)

For building permit application, must be accompanied by a complete set of design drawings with all the engineering disciplines needed and must be in conformance with the latest building code edition.

Plans must be signed by a Registered Engineer or Architect. If you have any questions, please contact Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646- 3224.

Dangkulu na Si Yu'os Ma'ase!



VINCENT P. ARRIOLA

Cc: MRWilson
Director's Chrono



GUAM WATERWORKS AUTHORITY


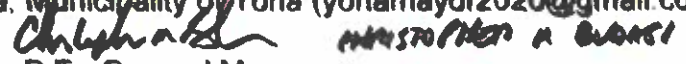
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

MEMORANDUM

June 2, 2022

TO: Joseph Borja, Director, Department of Land Management

CC: Mayor Bill Quenga, Municipality of Yona (yonamayor2020@gmail.com)

FROM:  Miguel C. Bordallo, P.E., General Manager 

SUBJECT: Position Statement on Zone Change Application 2021-08 for Lots 2,3,4,5,R5, Block 4, Tract 222 and Block 3 REM, Tract 222 in the Municipality of Yona


APPLICANT: Anna B. Lujan

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "PUD" (Planned Unit Development) to "C" (Commercial) zone for the proposed development of retail convenience store, coffee shop, and several service shops for the immediate area and nearby communities.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

The following comments are conditions for GWA's position in favor of the approval of this application:

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.


6-20-22

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.
3. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.
4. The applicant shall install GWA water meters and sewer cleanout for government use in the public right of way or easement, in accordance with GWA standards.
5. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.
6. New development is subject to water and/or sewer system development charges.
7. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities. See GWA for additional industrial wastewater pre-treatment requirements.
8. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
9. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Brian Hess, P.E., GWA Permits and New Area Development Supervisor (#300-6041 or bhess@guamwaterworks.org) for water and sewer system standards or additional information.



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

June 29, 2022

MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lots 2,3,4,5 and R5, Block 4, Tract 222 & Block 3REM, Tract 22, Municipality of Yona, (Anna B. Lujan), Zone Change Application from "PUD" (Plan Unit Development) to "C" (Commercial) for a proposed commercial building. **Application No. 2021-08**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead underground power requirements with GPA Engineering for new structures.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC, NEC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
 - **GPA reserves its easement rights under Document Numbers 98676 & 825432.**
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this development on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.


JOHN M. BENAVENTE, P.E.

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**

Applicant: Anna B. Iujan

Location: Lots 2,3,4,5 and R5, Block 4, Tract 222 & Block 3REM, Tract 22, Yona

Type of Application: Zone Change

GLUC/GSPC Application No. 2021-08

Brief Project Description:

"PUD" to "C" for a proposed commercial building.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project:
 Yes No

2. If the answer to #1 above is YES, then:
 I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:
 Yes No

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.


 FOR JOHN M. BENAVENTE, P.E.
 General Manager


 Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA LA' GUÁHAN

LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

Dr. Anita B. Enriquez
Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste. 733
Tamuning, Guam 96913



Ref: Application No. 2021-08, Applicant, Anna B. Lujan represented by Ronald A. Ayuyu; is requesting for a Zone Change from “PUD” (Planned Unit Development) to “C” (Commercial) zone, for a proposed commercial building with a small retail convenience store, coffee shop and service shops, on Lots 2, 3, 4, 5, and R5, Block 4, Tract 222 and Block 3 REM, Tract 222, in the Municipality of Yona.

Hafa adai Dr. Enriquez,

Buenas yan Saluda. The staff of this Agency has reviewed the **application for proposed zone change** and has the following concerns related to the proposal (as reviewed):

A. Stormwater and Erosion Control

1. The developer/contractor must strictly adhere to all the requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02.
2. The proposed development is situated close to Laguina Estate Housing, a residential subdivision and a golf course that this project will be easily noticeable during construction phases. It is a must that an Environmental Plan (EPP) be prepared and signed by a Professional Engineer pursuant to 22GAR §10104 (c) (5) (D) where a focal point and integral part of the EPP is the Erosion Control Plan (ECP). The EPP must include, among others, vegetation, wildlife, fugitive dust control, solid and hazardous waste management and disposal procedures, work site maintenance, and typhoon recovery plans. The developer/contractor must put emphasis in their EPP a Mitigation Plan to address possible oil and lubricants leak from repair shop and vehicle servicing activities of several cars intended to be parked in the property.

B. Water & Wastewater

- I. The property is bounded by Route 17 (Cross Island Road) and Route 4A (Road going to Talofofu) and there are existing sewer and water lines along those roads, respectively. The proposed development is required to tap to those utility mains in servicing the water and sewer needs of the property.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.

If you have any questions, please feel free to contact Mr. Walter Leon Guerrero, Administrator, at walter.leonguerrero@epa.guam.gov or at (671) 300-4751/52. For technical questions, you may also contact CAPT Brian Bearden, P.E., BCEE, Chief Engineer at brian.bearden@epa.guam.gov or 300-4779.

Dangkolu na si Yu'us ma'åse'.

Senseramente,



WALTER S. LEON GUERRERO
Administrator

cc: Mr. Joseph M. Borja
Executive Secretary
Department of Land Management



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lt. Governor

Department of Parks and Recreation
Dipattamenton Plaset yan Dibuetision
Government of Guam

Director's Office, Parks and Recreation Divisions
#1 Paseo de Susana, Hagåtña, Guam 96910
P.O. Box 2950, Hagåtña, Guam 96932
(671) 475-6288; Facsimile (671) 477-0997
Guam Historic Resources Division
490 Chalan Palasyo, Agaña Heights, Guam 96910
(671) 475-6294 6355; Facsimile (671) 477-2822



Warren Pelletier
Acting Director
Jack E. Hattig III
Deputy Director

February 6, 2023

In reply refer to:
RC 2022-0786

Memorandum

To: Director, Department of Land Management

From: Acting Director, Department of Parks and Recreation

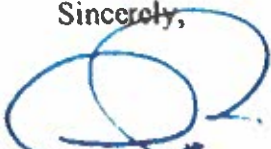
Subject: DPR Position Statement on DLM Application No. 2021-08: Zone Change request from "PUD" to "C for proposed commercial building for small retail convenience store, coffee shop, and several service shops on Lots 2,3,4,5 and R5, Block 4, Tract 222 and Block 3REM, Tract 22, the Municipality for Yona



We reviewed the subject application and found one known historic property within the ¼ mile radius of the subject lots, and other known historic properties just beyond this distance. At this time, we have no objections to the Zone Change, however, the properties are located within what was known as the As Quidachay District, better known as the As Quidachay Village. The historical maps show that there are three roads that enter the property with one intersection, these have been great indicators of Latte Period trails and homes. The project is approximately five acres, therefore, we will be issuing a Certificate of Approval on these lots when the development goes through the proper DPW permitting process.

Should you have any questions, please contact Mr. John Mark Joseph, State Archaeologist at (671) 475-6339 or by email: JohnMark.Joseph@dpr.guam.gov.

Sincerely,


Warren Pelletier *PL*

Amiel 2923
me

me



BUREAU OF STATISTICS AND PLANS

Guam Coastal Management Program



JUN 30 2022

Memorandum

To: Director, Department of Land Management
Attn: Division of Planning

From: Director, Bureau of Statistics and Plans

Subject: Application No. 2021-08 Zone Change
Location: LOT 2, 3, 4, 5, R5, Block 4, Tract 222
Municipality: Yona
Applicant: Anna B. Lujan
Proposed Use: Commercial



Buenas yan Håfa Adai! I am pleased to inform you that the Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under 5GCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau’s purview.

Part 1. Project Overview

The applicant, Anna B. Lujan, is submitting a Zone Change Application to rezone the subject “PUD” Planned Unit Development District zone lot to “C” Commercial Zone lot to allow for the construction of a mixed commercial use building comprised of a small retail store, coffee shop, and parking lots and several small shops on Block 3 Rem 4. The subject lot is located within the municipality of Yona and contains a land area of approximately 380,512 square feet or 8.73 acres. Additionally, the proposed commercial structure will have a parking lot, loading area, and a ponding basin within 19,811 square meters or 213,244 square feet of property. The applicant indicated development will be connected to public sewer lines at the nearby Laguina Housing Development.

*Reviewed via
7/7/22
BSP*

Part 2. Planning Considerations and/or Constraints

A. Surrounding zone and use characterization.

The land cover of the proposed lot consists of savanna/open fields, forest, and shrubs according to the NOAA Coastal Change Analysis Program (C-CAP) (2011). The surrounding area is populated by residential, subdivision development areas, a golf course, and a school to the north and east along Route No. 17 (Cross Island Road). To the south and approximately 500-750 feet is a housing development known as Laguina Estates located on Tract 27110. The applicant stated fencing will be erected to protect the adjacent neighbors.

Based on the future land use categories adopted by Executive Order 78-23 in the Kables Na Planu Para Guahan Guam Comprehensive Development Plan, Community Design Plan of Talofoto, the proposed site plan is on "Rural Residential," agriculture, and limited single-family residential use. Whereby rural districts shall be designated in which only low-density residential and agricultural uses will be acceptable. However, future urban development within these areas should be permitted only upon the provision of necessary supporting infrastructure.

The boundaries of the proposed commercial lot is also within a 500 feet radius of two wetlands, according to the U.S. Fish and Wildlife Service November 29, 2021, published Wetlands map. One wetland is located to the southwest of the subject lot and the other wetland is located to the north. According to Executive Order No. 78-21, wetlands are considered an Area of Particular Concern and are those areas that are inundated by surface or groundwater with a frequency sufficient to support, and under normal conditions do or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated conditions for growth or reproduction.

B. Geographical landscape assessment based on watershed.

The subject lot is located on the Ylig Watershed and the Talofoto Watershed. The building is situated primarily on the Ylig Watershed based on the east-side proposed site plan. According to the National Oceanic and Atmospheric Administration's Coastal Change Analysis Program (C-CAP) land cover data, the surface area of the Ylig watershed has changed by 9.73% from 2005 to 2015, and the Talofoto watershed has changed by 9.44% from 2005 to 2015.

The development impacts of the Ylig watershed include 16.74% of the area being developed and 6.7% comprised impervious surfaces. The development impacts of the Talofoto watershed include 5.77% of the area developed and 2.39% of the area comprising impervious surfaces. A site is at greater risk of flooding the more an area is developed, and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts on water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. It is reported that the impervious surface degrades the watershed quality by significantly reducing the stream flow and increasing the stream temperature. They carry substantial pollutant loads downstream, causing due harm to aquatic life. Severe degradation can be expected when rates reach 25%. Effects of runoff consist of channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes, and algae bloom noxious odors resulting in poor water quality, and coral mortality.

Based on the above-mentioned analysis, this project is not consistent with the Land Use District Maps. Moreover, the proposed commercial building and parking lot development and any future expansion of commercial facilities on this property will drastically alter the existing land cover and will increase the impervious surface area within these watersheds.

Part 3. Effects test and Conditions

Based on the reasonable and foreseeable effects on Guam's Enforceable Policies, BSP recommends the following conditions.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within urban districts as outlined on the Land Use Districting Map.

Condition: The applicant must incorporate green building concepts and sustainable community designs in the development/landscaping plan of the project based on the Island Stormwater Practice Design Specifications.

GCMP Development Policy 3. Rural Development Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low-density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure, including functional sewerage, is provided.

Condition: The commercial activity must not allow for services contrary to rural districts, such as game rooms, adult entertainment, and bars.

Condition: The Applicant must incorporate an open space design and must not detract from the visual and social identity of the village, including preserving the natural features of the open space. Concepts, design and performance standards can be found in the GCMP publication, CNMI and Guam Stormwater Management Manual Standards and implement Island Best Management Practices specifications.

Condition: The Applicant must comply with Title 21 - Real Property § 61302. Regulations Along District Boundaries. Where a commercial or industrial use occurs in zones permitted such uses, but in areas which are located adjacent to rural or residential zones, the yard requirement shall be twice that required of such use or twenty (20) feet, whichever is the greater.

GCMP Resource Policy 1. Air Quality Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Condition: Be advised to incorporate appropriate Best Management Practices (BMPs) to minimize fugitive particulate matter emissions, including the maintenance of work vehicles and construction

equipment and the use of diesel particulate filters, as appropriate, to reduce particulate matter emissions.

Condition: Implement and maintain dust control measures throughout any construction activities, in accordance with the Guam Air Pollution Control Standards and Regulations.

GCMP Resource Policy 2. Water Quality Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef and aquifer areas.

Condition: There shall be no new point or surface-designed discharges as part of this development project. There shall be no contamination of the Talofofu and Ylig watersheds.

GCMP Resource Policy 3. Fragile Areas Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas shall be regulated to protect their unique character: • historical and archeological sites, • wildlife habitats, • pristine marine and terrestrial communities, • limestone forests, and • mangrove stands and other wetlands.

Condition: The applicant must comply with CNMI and Guam Stormwater Management Manual Standards and implement Island Best Management Practices specifications. The applicant must include island bio-retention, permeable parking and walkway, and rainwater harvesting features (where feasible). Concepts, design and performance standards can be found in the GCMP publications 1) Island Stormwater Practice Design Specifications Manual and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID. There shall be no contamination of the wetlands and surrounding areas.

Condition: Save as many emerged tree species as possible and/or replicate the native forests through propagation and out-planting throughout open spaces of the property. The applicant must follow a list of trees preferred by the Guam Department of Agriculture. Ornaments must not exceed 10% of the flora biomass in the development plans.

Determination

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends approval of the zone change application based on the conditions mentioned above. If these conditions are not met by the applicant or not included in the Guam Land Use Commission's Notice of Action, this position statement is to be interpreted as a recommendation for disapproval.

Should you have any questions regarding this matter, please do not hesitate to contact Yvonne Manglona-Juaneza, Planner, at yvonne.manglona-juaneza@bsp.guam.gov or Edwin Reyes, Coastal Program Administrator, at edwin.reyes@bsp.guam.gov.

Si Yu'os Ma'åse',



Lola E. Leon Guerrero



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lt. Governor

Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mungilao, Guam 96913



Chelsa Muña-Brecht
Director



*Received via email
9/14/22*

MEMORANDUM

To: Joseph Borja, Director
Department of Land Management

Attn: Executive Secretary
Guam Land Use Commission

From: Chelsa Muña-Brecht, Director

Date: July 13, 2022

Subject: Position Statement for "Zone Change", Application 2021-08 for Lots 22,3,4,5, and R5, Block 4 Tract 222 and Block 3REM, Tract 22 located in Yona (Anna B. Lujan)

Digitally signed by
Chelsa Muña-Brecht
Date: 2022.07.13
10:54:10-09

The Department of Agriculture (DOAG) has reviewed Application 2021-08 for an "Zone Change" from Plan Unit Development (PUD) to Commercial (C) zone for Lots 2,3,4,5, and R5 Block 4 Tract 222 and 3REM Tract 22, located along Route 17 in Yona. The purpose of the zone change will allow for the construction of a retail store, coffee shop, several small shops, and parking lots on a 213,243 square feet lot.

The following is the position statement provided by DOAG, under the agency's authorities:

1. Landowner must obtain a Wetland Delineation of the subject lots.
2. Landowner must obtain a Biological Survey of the subject lots.
3. Mitigation measures must be developed addressing protected species such as Mariana fruitbat, Common moorhen, White-throated ground dove, and Yellow bittern, species that have been observed in close proximity of subject lots, and species reported on the Biological Survey. Mitigation measures must be developed addressing impacts to adjacent habitats. Mitigation measures must address avoidance and/or minimal impacts to these species of concern and wetland habitats. These measures should be accompanied with the Biological Survey for the permit review.
4. A storm water plan must be submitted for review to determine mitigation for run-off, flooding, and erosion. Percolation rates at stormwater collection and drainage area must be ideal to prevent migratory bird species and Mariana moorhen from inhabiting the pond during wet season. Presence of these protected species may alter maintenance work in the area.

*Account
Cody
8-27-22*

5. Eco-friendly development must be incorporated in the plans to minimize impacts to the environment and natural resources. Examples of eco-friendly development include but are not limited to: native plants for landscaping, shielded light posts, permeable pavers for parking, screened stormwater drains, rain gardens, and water catchments.
6. Pre-consultation with DOAG must be scheduled to discuss development plans and mitigation actions to minimize or avoid impacts to resources at the project area and adjacent areas.

The Department does not oppose the request for a zone change, from A to M-1, however, the Owner is required to address the conditions of the approval, as stated above. DOAG also looks forward to discussing in more detail, the proposed construction of a retail store, coffee shop, several small shops, and parking lots in Yona. If you have any questions or concerns, please contact Mr. Jeffrey Quitugua at Jeffrey.Quitugua@doag.guam.gov or permits@doag.guam.gov.

ATTACHMENT C

DIPĀTTAMENTON MINANEHAN TĀNO'
(Department of Land Management)
GUBETNAMENTON GUĀHAN
(Government of Guam)



Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

LOURDES A. LEON GUERRERO
MAGA HAGA • GOVERNOR

JOSEPH M. BORJA
DIRECTOR

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

JOSHUA F. TENORIO
SIGUNDO MAGA LAHI • LIEUTENANT GOVERNOR

ROSSANA SAN MIGUEL TISTON
DEPUTY DIRECTOR

January 16, 2026

Memorandum

Website:
<http://dlm.guam.gov>

To: Chairperson, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2023-03, Zone Variance for Setback for Lot 5078-2-1-3 (Tumon), Municipality of Tamuning

E-mail Address:
dlmdir@land.guam.gov

1. **PURPOSE:**

- a. **Application Summary:** The applicant, Michael L. Spencer and Yuanzhu Z. Spencer, represented by FC Benavente, Planners, are requesting a Zone Variance for Setback for the proposed construction of a three-story, four-unit apartment building, with a side-yard setback of 3-feet, short 7-feet from the required 10-feet, on Lot 5078-2-1-3 (Tumon), in the Municipality of Tamuning, in an "H" (Resort-Hotel) zone.
- b. **Legal Authority:** Title 21 GCA (Real Property), Chapter 61 (Zoning Law), Sections 61616 to 61624 (Variances), and Section 61311 ("H" Resort-Hotel Zone) of Chapter 61 (Zoning Law), and Section 3312, Article 3, Title 18 GAR (Interim "H" Resort-Hotel Zone Rules and Regulations).

Telephone:
671-649-LAND (5263)

2. **FACTS:**

- a. **Location:** The subject site is located along Marata Street and is adjacent to the Tumon Bay Residences' Apartment.
- b. **Lot Area:** 465 sq.m. or 5,005.22 sq. ft.
- c. **Present Zoning:** "H" (Resort-Hotel) Zone
- d. **Field Description:** The site has remnants of a dilapidated building and will be demolished and removed.
- e. **Masterplan:** Tourist Resort
- f. **Community Design Plan:** "Resort"

Facsimile:
671-649-5383



Continuation of Memorandum

Re: Staff Report – Application No. 2023-03, Zone Variance
Lot 5078-2-1-3, Municipality of Tamuning

Date: January 16, 2026

Page 2 of 4

- g. **Previous Commission Action:** A Subdivision Variance Application for waiver of improvements and lot parceling was approved with conditions on July 13, 1978. The Subdivision Variance was further amended and conditionally approved on August 24, 1978, and October 3, 1978

3. APPLICATION CHRONOLOGICAL FACTS:

- a. **Date Application Accepted:** April 12, 2023
- b. **Date Heard By ARC:** May 18, 2023
- c. **Public Hearing Results:** February 28, 2024

4. DISCUSSION and STAFF ANALYSIS:

As proposed by the applicant, the request is for a zone variance for a side-yard setback of 3-feet, which is short 7-feet from the required 10-feet for a proposed 4-unit apartment building.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammelled use of the beach and it's natural beauty.

In response, the applicant provides the following:

- a. That the strict application of the provisions of this chapter would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law:

The variance request is for one side of the property. This corner lot has two fronts and two sides and no rear. The proposed setback space will be professionally landscaped and maintained and will present no visual or material harm to the neighborhood and the vicinity. The proposed building is well designed and sits efficiently on this untypically small Resort-Hotel (H) zoned lot. Providing for 2 parking spaces per unit is accommodated in this type of building design, but it requires a setback variance to allow for in-building inclusion of 8 parking spaces on the ground floor, with 2 parking spaces per unit. The requested variance will allow a turning radius for the cars.

Continuation of Memorandum

Re: Staff Report – Application No. 2023-03, Zone Variance
Lot 5078-2-1-3, Municipality of Tamuning

Date: January 16, 2026

Page 3 of 4

b. That there are exceptional circumstances or conditions applicable to the property involved or the intended use thereof that do not apply generally to other property in the same zone;

The proposed multi-family building replaces a former restaurant building, which has been closed and left abandoned and unsightly by previous owners. That building will be demolished and removed. Present owners will not allow typical neighborhood nuisances, such as commercial overflow parking and other related late-night business noise activities. The small size of the lot, which is at 5,005 square feet, makes it difficult to reasonably develop in a Resort-Hotel (H) zone.

c. That the granting of the variance(s) will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located;

The setback variance requested will not be materially detrimental to the public welfare or improvements in the neighborhood. The proposed multi-family building is well designed and fits well with the Resort-Hotel (H) zoning designation of the lot and the area. The proposed multi-family use will materially contribute to the upgrading of the neighborhood in which the property is located. The property will be landscaped and well-maintained.

d. That granting of such variance(s) will not be contrary to the objectives of any part of the "Guam Master Plan" adopted by the Commission or Legislature.

The Resort-Hotel Interim Rules and Regulations, as approved by the Guam Land Use Commission, allows for the location of multi-family residential uses in this area of Tumon. This request is in reasonable accord and not contrary to the plan.

e. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed and that such building shall not interfere with or adversely affect the surrounding property owners' or public's rights to an untrammelled use of the beach and its natural beauty.

Not Applicable. This location is not a beach area.

Additionally, during the public hearing, concerns were raised regarding the proposed setback. A letter from JJEH Partnership has been submitted opposing the Zone Variance for Setback application. Further, as a result of the Tamuning Municipal Planning Council (TMPC) Meeting, Resolution No. 2025-008, approves the application with conditions that the side yard setback be 5-feet, instead of the requested 3-foot side yard setback, and for a fence to be erected surrounding the property. As a result of the ARC position statements, which are of no object, however, provided conditions in favor of the application.

In our assessment of the response provided by the applicant, in reference to the criteria cited in Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, we find that the applicant has provided adequate justification in reference to their request. Furthermore, based on our analysis of the application and the information presented by the applicant, we find that the proposed development is consistent with the Interim "H" Resort-

Continuation of Memorandum

Re: Staff Report – Application No. 2023-03, Zone Variance
Lot 5078-2-1-3, Municipality of Tamuning

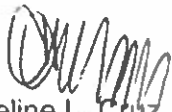
Date: January 16, 2026

Page 4 of 4

Hotel Zone Rules and Regulations, and the development is compatible with the surrounding existing uses. Therefore, we conclude that the request is in proper form and context to be considered favorably by the Guam Land Use Commission.

5. **RECOMMENDATION:** Recommend Approval with the following condition:

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their official position statement; and
- B. The side yard setback be 5-feet, which is short 5-feet of the required 10-feet side yard setback, and for a fence to be erected surrounding the property.



Celine L. Cruz
Guam Chief Planner

Attachments: ARC Position Statement Summary
Minutes of Public Hearing
JJEH Partnership Letter
TMPC Resolution 2025-008

Case Planner: S.Gogue



DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

LOURDES A. LEON GUERRERO
MAGA HAGA - GOVERNOR

JOSEPH M. BORJA
DIRECTOR

JOSHUA F. TENORIO
SIGUNDO MAGA LAHI - LIEUTENANT GOVERNOR

ROSSANA SAN MIGUEL TISTON
DEPUTY DIRECTOR

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

January 15, 2026

Memorandum

To: Guam Land Use Commission (GLUC) Members
From: Chairperson, Application Review Committee (ARC)
Subject: Summary of Position Statements Submitted by ARC
Re: Application No. 2023-03 (Zone Variance)

Listed below is the compilation of positions taken by the various ARC member agencies as submitted to the Planning Division, Department of Land Management. Conditions as imposed by the ARC member agencies, if any, are listed on their attached position statement.

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends approval with the following conditions:

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their official position statement; and
- B. The side yard setback be 5-feet, which is short 5-feet of the required 10-foot side yard setback, and for a fence to be erected surrounding the property.

DEPARTMENT OF PARKS AND RECREATION (DPR):

DPR does not object to the requested Zone Variance, subject to the approval of the Archaeological Monitoring and Discovery Plan (AMDP).

GUAM POWER AUTHORITY (GPA):

GPA places no objection to the Setback Variance.

BUREAU OF STATISTICS AND PLANS (BSP):

BSP recommends approval of the zone variance application, provided that BSP's conditions contained in Application No. 2022-16 for the Tentative Development Plan are fulfilled.

DEPARTMENT OF PUBLIC WORKS (DPW):

DPW recommends approval of the Zone Variance application, subject to the conditions stated in their position statement.

Website:
<http://dlm.guam.gov>

E-mail Address:
dldir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383



Memo to GLUC Members

Ref: ARC Position Statements - Application No. 2023-03

January 15, 2026

Page 2 of 2

GUAM WATERWORKS AUTHORITY (GWA):

GWA provides a list of conditions outlined in their position statement in favor of approving the application.

DEPARTMENT OF AGRICULTURE (DoAg):

DoAg does not oppose the requested Setback Zone Variance, provided that a Storm Water Pollution Prevention Plan is implemented to prevent flooding in the general area.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

GEPA states concerns related to stormwater and erosion control, water, and wastewater, and lists conditions in their position statement.

GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):

Ex-Officio, non-voting member, not required to submit a Position Statement.

GUAM FIRE DEPARTMENT (GFD):

Ex-Officio, non-voting member, not required to submit a Position Statement.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Ex-Officio, non-voting member, not required to submit a Position Statement.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Ex-Officio, non-voting member, not required to submit a Position Statement.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Ex-Officio, non-voting member, not required to submit a Position Statement.



Celine Cruz
Guam Chief Planner

Attachments: ARC Position statements

CC: Executive Secretary, GLUC



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lieutenant Governor

Department of Parks and Recreation
Dipartimento Plaset yan Dibuetasion
Government of Guam

Director's Office, Parks and Recreation Division
41 Paseo de Susana, Hagåtña, Guam 96910
P.O. Box 2490, Hagåtña, Guam 96932
(671) 475-6282, Facsimile (671) 477-0997
Guam Historic Resources Division
490 Chalan Pakay, Agaña Heights, Guam 96910
(671) 475-6294/6355, Facsimile (671) 477-2822



Warren Pelletier
Acting Director
Jack E. Hattig, III
Deputy Director

In reply refer to:
RC 2021-1196

Memorandum

To: Director, Department of Land Management
From: Acting Director, Department of Parks and Recreation
Subject: Zone Variance Application in an "H" (Resort-Hotel) zone for a 4-unit, 2-story residential apartment building on Lot 5078-2-1-3, in Tumon-Tamuning, Guam




2023-03
21

We reviewed the above subject Variance Application in an "H" (Resort-Hotel) zone for a 4-unit, 2-story residential apartment building on Lot 5078-1-3, in Tumon-Tamuning and has come to our attention that Applications for Demolition Permit #B22000185 and Building Permit #B21000639 for the lot mentioned were submitted.

Tumon is considered to be one of the most sensitive areas for cultural resources and burial sites. In the immediate vicinity of Lot 5078-2-1-3, there is the GVB burial site, Guam Historic Properties Inventory Site No. 66-01-0185. A Notice of Violation (NOV 2022-01) was issued for the initial demolition without clearance from Guam Historic Resources Division (GHRD) office. An Archaeological Monitoring and Discovery plan (AMDP) for the proposed construction was recently submitted to GHRD's office for review and approval. Once the AMDP is approved, all proposed ground disturbances will fall under the approved plan. Therefore, we do not object to the request of the Zone Variance of a 3' side yard building setback.

Should you have any questions, please contact Mr. John Mark Joseph, State Archaeologist at (671) 475-6339 or by email: JohnMark.Joseph@dpr.guam.gov.

Sincerely,


Warren Pelletier *PL*

P. Sommy
BT
ref



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • AGANA GUAM U.S.A. 96932 2977

August 1, 2023



MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lot 5078-2-1-3, Municipality of Tamuning-Tumon, (Michael L. Spencer and Yuanzhu Z. Spencer); Zone Variance (Resort-Hotel) building setback on one side. **Application No. 2023-03**

Guam Power Authority has reviewed the above-referenced application for Setback Variance to allow the current seven feet (7') side yard setback in lieu of the required ten feet (10'). The subject lot is a corner lot with 2 front yards and 2 side yards. The setback variance request is to correct the noncompliance status of the housing unit and to improve the property's marketability.

GPA understands that the setback variance will allow the property owners to maximize the use and enjoyment of the property and that it is the intent of the applicant to bring the property into compliance with zoning regulations of Guam.

Agency Position:

GPA places no objection to the setback variance.

Impact Statement on GPA facilities:

Electrical service is available in the immediate area. No additional load requirement from the applicant was submitted.


JOHN L. BENAVENTE, P.E.

ASG/arp

cell

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
 Applicant: **Michael L. Spencer and Yuanzhu Z. Spencer**
 Location: **Lot 8078, 2-1-3, Tamuning-Tumon**
 Type of Application: **Zone Variance**
 GUC/GSPC Application No: **2023-03**
 Brief Project Description:

To allow the current seven feet (7') side yard setback in lieu of the required ten feet (10')

For the purposes of this Certification, **GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE** include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project:

Yes No

2. If the answer to #1 above is YES, then I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **ADEQUATE** to support this project:

Yes No

3. If the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE**, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

W 

JOHN L. BENAVENTE, P.E.
 General Manager

8/2/23
 Date

Comments:
 Electrical service is provided to the site from facilities in the immediate area. No additional load was submitted by the applicant.



BUREAU OF STATISTICS AND PLANS

Guam Coastal Management Program



Memorandum

JUN 21 2023

To: Director, Department of Land Management
Attn: Division of Planning

From: Acting Director, Bureau of Statistics and Plans

Subject: Application No. 2023-03 Zone Variance Setback
Location: Lot 5078-2-1-3
Municipality: Tamuning
Applicant: Michael L. and Yuanzhu Z. Spencer
Proposed Use: 4-Unit Apartment Complex within "H" - Hotel Zone



Buenas yan Háfa Adán! I am pleased to inform you that the Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under SGCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Application Overview

The applicants, Michael L. and Yuanzhu Z. Spencer are submitting a Zone Variance Setback application for Lot 5078-2-1-3 to allow for the construction of a 3-story, 4-unit multi-family apartment with dimensions of 67'-4" x 32'-8". The applicants are requesting a 7 feet setback variance to allow for a 3 feet setback of side 1, from the required 10 feet. As shown in the property map of the application, the lot is a corner lot with two front yards and two side yards.

The subject lot is also located in a Hotel/Resort Zone. The current state of the property is a vacant and abandoned semi-concrete building that requires demolition and debris removal from the site. The ground floor or first floor is designated as an 8-vehicle parking space, with two spaces provided for each apartment. The second and third floors comprise two 2-bedroom apartments on each floor with stairways connecting the parking areas to the apartment units. Adjacent to the

Water, sewer, power, and solid waste services will be provided and connected to the property. The public right of way is located on the adjacent Marata Street. The proposed tentative development plan includes infiltration trenches (2 feet x 50 feet) at the front and rear of the

BUREAU OF STATISTICS & PLANS - GUAM COASTAL MANAGEMENT PROGRAM
Mail: P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812
Web: www.BSP.Guam.Gov

To: SOMM
6-27

RECEIVED

By Cristina Gutierrez at 2:47 pm. Jun 21, 2023

property for drainage. The proposed subject lot is located within the municipality of Tamuning, with a total area of approximately 5,005.218 square feet or 0.11 acres.

Determination

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends approval of the application based on the determination that the requested setback variance is not materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located nor is it expected to significantly affect the integration on any Guam Comprehensive Plans or any of the Coastal Zone Management Program enforceable-policies and provided that BSP's conditions contained in our review and determination of Application 2022-16 Tentative Development Plan are fulfilled.

Should you have any questions regarding this matter, please do not hesitate to contact Yvonne Manglona-Juaneza, Planner, at yvonne.manglona-juaneza@bsp.guam.gov or Edwin Reyes, Coastal Program Administrator, at edwin.reyes@bsp.guam.gov.

Si Yf'os Ma'åse'



MATTHEW SANTOS

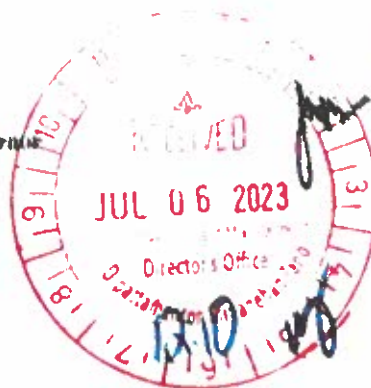


The Honorable
LOURDES A. LEON GUERRERO
 Mayor / Hago - Governor

The Honorable
JOSHUA F. TENORIO
 Segundo Mayor / Lahi - Lieutenant Governor



VINCENT P. ARRIOLA
 Director
LINDA J. IBANEZ
 Deputy Director



DECISION
 7.6.23
Theresa Guzman
Deputy Director

03 JUL 2023

MEMORANDUM

TO: Anita B. Enriquez, PhD
 Chairman, Guam Land Use Commission

FROM: Director

SUBJECT: Application No. 2023-03 & 2022-16 (Michael L. & Yuanzhu Z. Spencer) and Tentative Development Plan and Zone Variance Setback, Zoned "H", Lot No.: 5078-2-1-3, Tamuning, Guam

Hafa Adai! The applicant is proposing to construct a 3-storey, 4 unit apartment building. The ground floor is designated for 8 enclosed parking spaces. The 2nd and 3rd floor will accommodate (2) bedroom, (2) bathroom, living room, kitchen, laundry room and balcony from the front and rear side of each unit. The stairways and landing will be vertically connected to the parking area. The total lot area is approximately 5,005,218 square feet, located in Tamuning, Guam.

Based on the review, the Department of Public Works recommends approval for the tentative development and zone variance for "H" application request subject to the following:

- Entry/ exit must be wide for public access.
- The parking layout plan, must be in detail, to include parking stalls (compact, standard and accessible stalls).
- Provide solid waste disposal system.
- Must meet all federal, local and permit code requirements

NOTE: Coordinate with Parks and Recreation regarding the area, since it is within the Tumon Historical District Site.

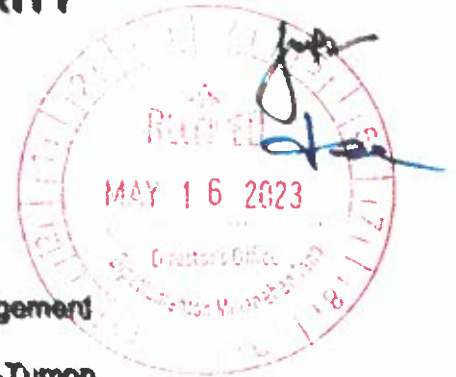
If you have any questions, please contact Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646- 3224.

VINCENT P. ARRIOLA



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913




MEMORANDUM

May 2, 2023

TO: Joseph Borja, Director, Department of Land Management

CC: Mayor Louise C. Rivera, Municipality of Tamuning-Tumon
(mayorcrivera.tatuha@gmail.com)

FROM: Miguel C. Bordallo, P.E., General Manager 

SUBJECT: Position Statement on Zone Variance Application 2023-03 for Lot 5078-2-1-3 in the Municipality of Tamuning-Tumon

APPLICANT: Michael L. and Yuanzhu Z. Spencer

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for Zone Variance of 3' on side yard building setback on one side short of the required 10' in a "H" (Hotel) zone for the proposed demolished of old existing building and construct a new 4-Unit Residential Apartments.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

The following comments are conditions for GWA's position in favor of the approval of this application:

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations. If

the existing water and sewer utility laterals are not sized to accommodate the proposed apartment building, then new utility laterals must be constructed.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

Given current growth in Tumon, it is likely that future developments will be required to increase the sewer system capacity through offsite utility improvements.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite utility improvements.

The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

4. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.
5. The applicant shall install GWA water meters and sewer cleanout for government use in the public right of way or easement, in accordance with GWA standards.
6. New development is subject to water and/or sewer system development charges.
7. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
8. Mixed use activities in a residential and commercial development must have separate individual water meters due to the difference in utility rates with the activities.

9. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Brian Hess, P.E., GWA Permits and New Area Development Supervisor (#300-6041 or bhess@guamwaterworks.org) for water and sewer system standards or additional information.



Department of Agriculture Dipattamenton Agrikottura

Res Dany Rual, Munglolas, Guam utras



Louides A. Leon Guerrero
Governor
Joshua F. Tenorio
Deputy Governor

Chelsa Mula
Director
Roy Gamboa
Deputy Director

MEMORANDUM

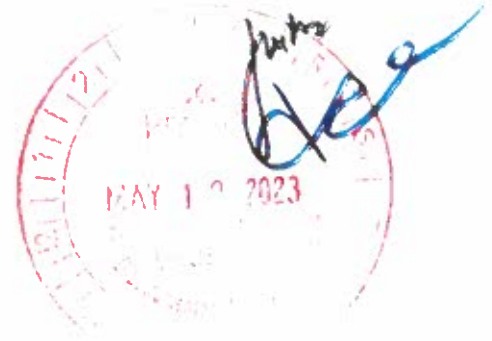
To: Joseph Borja, Director
Department of Land Management

Attn: Executive Secretary
Guam Land Use Commission

From: Chelsa Mula, Director
Chelsa Mula

Date: May 16, 2023

Subject: Position Statement for Zone Variance Application, 2023-03, for side yard setback on Lot 5078-2-1-3, located in Tamuning-Tumon (Michael L. & Yuanzhu Z. Spencer)



The Department of Agriculture (DOAG) has reviewed Application 2023-03 requesting approval of a 3 feet side yard building setback, on the southeast portion of Lot 5078-2-1-3. This is a variance of 7 feet from the side yard requirement of 10 feet.

Upon further review of Application 2023-03, DOAG did not find any issues or concerns related to Threatened, Endangered Species, or any related authorities under the DOAG's purview. Therefore, DOAG does not oppose the request for the setback zone variance as requested, as long as a Storm Water Pollution Prevention Plan is implemented to prevent flooding in the general area. If you have any questions or concerns, please contact Mr. Jeffrey Quitugua at Jeffrey.Quitugua@doag.guam.gov or permits@doag.guam.gov.

RECEIVED

By Cristina Gutierrez at 1:22 pm, May 16, 2023



GUAM ENVIRONMENTAL PROTECTION AGENCY / MIENSIAN PUSLIKSIUN TINAYU GUAM
GUAM ENVIRONMENTAL PROTECTION AGENCY / MIENSIAN PUSLIKSIUN TINAYU GUAM
AGENCIJA OKRUŽNJE I ZAŠTITA OKOLIŠA / GUAM

JUL 03 2023



Dr. Anita B. Enriquez
Chairman, Guam Land Use Commission
c/o Department of Land Management
590 S. Marine Corps Drive
ITC Bldg, Ste. 733
Tamuning, Guam 96913

Ref: Application No. 2023-03, the Applicants, Michael L. and Yuanzhu Z. Spencer represented by FC Benavente Planners; are requesting a Zone Variance for Setback, for the proposed construction of a three-story, four-unit apartment building, with a side-yard setback of 3-feet, short of 7-feet from the required 10-feet, on Lot 5078-2-1-3 (Tumon), in the Municipality of Tamuning, in an "H" (Hotel-Resort) zone.

Hafa adai Dr. Enriquez,

Buenas yan Saluda. The staff of this Agency has reviewed the application for a proposed zone variance for setback and has the following concerns related to the proposal (as reviewed):

A. Stormwater and Erosion Control

1. The developer/contractor must strictly adhere to all the requirements of the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapter 10), and must provide both pre- and post-construction stormwater controls meeting the requirements of the 2006 CNMI and Guam Stormwater Management Manual, as implemented by Executive Order No. 2012-02.

B. Water & Wastewater

1. The proposed development must connect to water and sewer facilities nearest to the property. It is the responsibility of the owner to coordinate with Guam Waterworks Authority to make sure that there is sufficient water in terms of increased demand and sewer connection.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.



PUBLIC HEARING MINUTES
Wednesday, February 28, 2024, 6:00 p.m.
Tamuning Senior Center

APPLICATION NO. 2023-03

APPLICATION TYPE: Zone Variance for Setback

APPLICANT/ REPRESENTATIVES: Michael and Yuanzhu Spencer/ FC Benavente, Planners

LOT: Lot 5078-2-1-3

CALLED TO ORDER: 6:01 P.M.

The meeting was called to order by Planning Staff and after a brief introduction and explanation of the application, the floor was then turned over to the applicant's representatives, Felix Benavente from FC Benavente, Planners, for his presentation. After his presentation, the applicant's representatives responded to the following public attendee's questions and concerns

Ken Kobayashi asked how large is the lot.

Felix Benavente Responded that the lot is about 465 square meters or 5,000 square feet.

Wilfred Yamamoto asked if the variance is adjacent to another lot.

Felix Benavente responded yes.

Ken Kobayashi asked why isn't the front yard being used with the 15 feet setback and if they can move the pillar.

Felix Benavente responded that the space is needed for radius for the car to turn.

Ken Kobayashi asked if the first floor will be open.

Felix Benavente responded that the first floor is the covered parking garage that will provide 8 parking stalls.

Ken Kobayashi recommended redesigning the building so that it's not too close to the adjacent properties.

Mayor Louise Rivera commented that now is the time for the public to ask about the design and they can review the application now. When they have the MPC meetings, there will be more questions but recommends to ask questions now that DLM is here.

Ken Kobayashi inquired about the design and the parking and asked what's the dimension of the building. He commented that they don't need extra car spaces.

Felix Benavente responded that the dimensions are 32' x 67'. The parking stalls provided is 2 spaces each for the 4 units.

Darnel Duckett commented that the front of the building can't be shifted or the building can't be compressed.

Ken Kobayashi suggested to shift the property back.

Felix Benavente responded it's not possible because there is a proposed easement.

Darnel Duckett inquired about the rates, how much will the units be, and is this for GHURA or section 8 housing.

Felix Benavente responded that he's not sure.

Mayor Louise Rivera asked if the project will cost more than \$3 million.

Felix Benavente responded no.

MEETING ADJOURNED: 6:36 p.m.

JJEH Partnership

P.O. Box 8308 Tamuning Guam 96931

1424 1486 Ton, Joaquin Guerrero, St
Tamuning Guam 96931
671 633 5233

February 27, 2024

Chairperson, GLUC or Executive Secretary, GLUC
c/o Department of Land Management
Land Planning Division
P.O. Box 2950
Hagatna, GU 96932

Dear Chairperson, GLUC or Executive Secretary, GLUC

I am writing to express my strong opposition of Application No. 2023-03, the Applicants, Michael L. And Yuanzhu Z Spencer, represented by FC Benavente, Planners request for a Zone Variance for Setback for a proposed 4-unit Apartment Building for a side yard (south east of side of Lot 5078-2-1-3) setback of 3 feet, short 7 feet of the required 10 feet side setback on the south east side of Lot 5078-2-1-3 ("subject property") in Tamuning, H Zone property. To be clear we are not objecting to the building of the 4 plex, but we are objecting to the Zone Variance for Setback.

My company JJEH Partnership / JR4F Corporation is the owner of the 3-story apartment structure on Tract 1424 Lot 4-R1 located adjacent and on the side which will be gravely affected by the Lot 5078-2-1-3 zone variance for setback.

From my understanding, setback rules have been established for safety (during construction, maintenance, and occupancy), to guaranty proper ventilation for all structures, and ample sunlight for all structures. The requested setback variance is unnecessary, unfeasible, safety hazard, and will cause detrimental devaluation of our property.

UNNECESSARY

According to the documents we were able to view at Land Management, it seems that the structure requesting for a Zone Variance for Setback has not even maxed out all the buildable area allowable by law under the current zoning law and type of structure. The current building law allows a setback of the following for a minimum size lot of 1012 sqm H zone as follows:

- * Front 10 feet
- * Side 10 feet
- * Rear 13 feet

Current designs applied for Zone Variance for Setback are

- Front (facing right of way) 15 feet
- Front (facing Marata St) 10 feet
- Side (facing adjacent house on Lot 5078-2-1-2) 15 feet (allowable up to 10ft)
- Side (facing our property and requesting Zone Variance Setback) 3 feet

The side facing the house on Lot 5078-2-1-2 still has approximately 425 sqft (5ft x 85ft) of legally buildable area without any Zone Variance Setback which is larger than the setback variance area requested of 406 sqft (58ft x 7ft) Shouldn't all the legally buildable area be used before considering a Zone Variance Setback? Could this been a design flaw that the designers did not take into consideration all the usable square footage before requesting a Zone Variance for Setback

UNFEASIBLE / SAFETY HAZARD


I am no engineer, but from my basic knowledge of OSHA rules, is it not required that any scaffolding must be at least 4 feet wide. Can a 4 feet wide scaffolding be built in a 3 feet wide space? I believe it is not feasible. Is building the structure without a scaffolding possible? Will this be safe to build? Will it be safe to do any sort of building maintenance? Can a ladder for a 3-story building be placed in a 3 feet wide space safely? This may cause safety issues for the builders, maintenance people, and occupants of apartment units facing and the subject property during construction and during building maintenance.

DETRIMENT TO VALUE OF ADJACENT PROPERTY(OUR PROPERTY LOT T1424 L4-R1).

Our apartment building was built with a balcony facing the property requesting the Zone Variance Setback Having 7 feet less open space between our structure and the subject property requesting Zone Variance for Setback gives occupants of both building less than enough open space to give ample sunlight and ventilation for occupants of both structures. The 6 apartment units that are facing the subject property will become undesired and will cause tremendous hardship for us

With these 3 facts, we request the GLUC board to deny the Zone Variance for Setback. It is feasible to build an equivalent structure without the Zone Variance for Setback, and request that Lot 5078 2-1-3 redraw their plans to be within current Guam setback laws. In worse case, maybe the GLUC board can consider a Zone Variance for Setback can be considered for any side that does not affect adjacent neighbors. We are not against the building of the 4-unit apartment, but are not for the Zone Variance for Setback Application No. 2023-03.

Best regards,



Joseph Chua
Owner
JJEH Partnership
Tumon Bay Residences

TAMUNING MUNICIPAL PLANNING COUNCIL
Resolution No. 2025-008



Melissa S. Akimoto	Rosanne U. Lastimoza	Chair Mayor Louise C. Rivera
Antonio R. Charfauros	Michael Lasiste	Daniilo Tinsay
Joaquin A. J. Guerrero II	Albert T. Manibusan	Vice Mayor, Albert M. Toves

Relative to **Application No. 2023-03** by applicants, Michael L. and Yuanzhu Z. Spencer, is requesting a Zone Variance for Setback for A proposed 4-unit apartment building.

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF TAMUNING-TUMON-HARMON:

WHEREAS, the applicants and owners, Michael L. and Yuanzhu Z. Spencer submitted a request for a zone variance for a side yard setback of 3 feet, short 7 feet of the required 10-foot side yard setback on Lot 5078-2-1-3, in the Municipality of Tamuning, in an "H" (Resort-Hotel) zone, Marata Street, Tumon; and

WHEREAS, the Zone Variance Application No. 2023-03 was heard on Thursday, July 17, 2025, during the Tamuning-Tumon-Harmon Municipal Planning Council's regular monthly meeting.

WHEREAS, the application was considered, deliberated, and voted unanimously on by the Tamuning-Tumon-Harmon Municipal Planning Council to approve the zone variance application with the conditions that the setback be five (5) feet instead of three (3) and for a fence to be erected surrounding the property.

NOW THEREFORE, BE IT RESOLVED that the Tamuning-Tumon-Harmon Municipal Planning Council hereby approves this zone variance application No. 2023-03 with conditions

BE IT FURTHER RESOLVED that this resolution be submitted to the Department of Land Management and communicated to the applicants, Michael L. and Yuanzhu Z. Spencer to inform them of the TMPC's decision regarding their application.

DULY AND REGULARLY ADOPTED ON THE 17th DAY OF JULY, 2025.



LOUISE C. RIVERA
Mayor and Chair



ALBERT M. TOVES
Vice Mayor and Co-Chair



DANILO V.A. TINSAY
MPC Member and Council Secretary

ATTACHMENT D
DIPĀTTAMENTON MINANEHAN TĀNO'
(Department of Land Management)
GUBETNAMENTON GUĀHAN
(Government of Guam)



Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

LOURDES A. LEON GUERRERO
MAGA HÁGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA LAHI • LIEUTENANT GOVERNOR

JOSEPH M. BORJA
DIRECTOR

ROSSANA SAN MIGUEL TISTON
DEPUTY DIRECTOR

January 16, 2026

Memorandum

To: Chairperson, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2022-16, Tentative Development Plan for Lot 5078-2-1-3 (Tumon), Municipality of Tamuning

Website:
<http://dlm.guam.gov>

E-mail Address:
dldir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

1. PURPOSE

- a. **Application Summary:** The applicant, Michael L. Spencer and Yuanzhu Z. Spencer, represented by FC Benavente, Planners, are requesting approval of a Tentative Development Plan for the proposed construction of a three-story, four-unit apartment building on Lot 5078-2-1-3 (Tumon), Municipality of Tamuning.
- b. **Legal Authority:** Title 21 GCA (Real Property), Section 60401 (Guam Land Use Commission) of Chapter 60, Section 61311 ("H" Resort-Hotel Zone) of Chapter 61 (Zoning Law), and Section 3312, Article 3, Title 18 GAR (Interim "H" Resort-Hotel Zone) Rules and Regulations.

2. FACTS:

- a. **Location:** The subject site is located along Marata Street and is adjacent to the Tumon Bay Residences' Apartment.
- b. **Lot Area:** 465 sq.m. or 5,005.22 sq. ft.
- c. **Present Zoning:** "H" (Resort-Hotel) Zone
- d. **Field Description:** The site has remnants of a dilapidated building and will be demolished and removed.
- e. **Masterplan:** Tourist Resort
- f. **Community Design Plan:** "Resort"



Continuation of Memorandum

Re: Staff Report - Application No. 2022-16, TDP
Lot 5078-2-1-3, Municipality of Tamuning

Date: January 16, 2026

Page 2 of 3

- g. Previous Commission Action:** A Subdivision Variance Application for waiver of improvements and lot parceling was approved with conditions on July 13, 1978. The Subdivision Variance was further amended and conditionally approved on August 24, 1978, and October 3, 1978.

3. APPLICATION CHRONOLOGICAL FACTS:

- a. Date Application Accepted:** April 12, 2023
- b. Date Heard By ARC:** May 18, 2023
- c. Public Hearing Results:** Not Required

4. DISCUSSION and STAFF ANALYSIS:

As proposed by the applicant, the Tentative Development Plan is to develop a 4-unit apartment building. The building will be a 3-story structure with the ground floor designated as enclosed parking spaces with 8-parking stalls. The second and third floor will each have 2-units, with each unit having 2-bedrooms and 2-bathrooms.

In line with the Zoning Law and the Interim "H" (Resort-Hotel) Zone Rules and Regulations, the Commission may approve a Tentative Development Plan upon determination that such use is normally to be found in a tourism-related development area, and that the use is reasonably compatible with existing or reasonably foreseeable development in the surrounding area. Uses normally to be found in a tourism related development area, as described in the permitted land uses of the Interim "H" Zone Rules and Regulations, include: cultural and recreational facilities, hotels, restaurants, tourism-related shops and offices, dwellings, parks, marinas, zoos, amusement activities, and supportive services.

In response to the above, the applicant submits the following:

The proposed 4-unit apartment building will be located within the area of Tumon, which already has residential buildings, including numerous multi-family apartments. Adjacent to the rear (i.e., Side 1) of the property is Tumon Bay Residences' Apartment, which is a 3-story multi-family apartment building, and there are larger multi-family apartment complexes (i.e., Tumon Holiday Manor) located further south along Marata Street. Adjacent to the west side (Side 2) of the property is a 2-story single-family house. The proposed use as a multi-family apartment is compatible with the adjacent neighborhood developments.

In our assessment of this application as it pertains to the request, we find that, as presented by the applicant, the proposed development is in line with the Interim "H" (Resort-Hotel) Zone Rules and Regulations, whereby the development is compatible with other existing developments within the Tumon Hotel Resort area. In addition, the submitted ARC position statements are with no objection, but outline conditions in favor of the application. The applicant has been coordinating with the appropriate government agencies to address their conditions, and we are confident that the applicant will continue this effort through the permitting process.

Continuation of Memorandum

Re: Staff Report - Application No. 2022-16, TDP
Lot 5078-2-1-3, Municipality of Tamuning

Date: January 16, 2026

Page 3 of 3

Therefore, we have concluded that this request is in proper form and context to be considered favorably by the Guam Land Use Commission.

5. RECOMMENDATION: Recommend Approval with conditions as follows:

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their official position statement; and
- B. That any future additional development or changes to the approved site plan shall require the applicant to submit an amended TDP application for review and approval by the Guam Land Use Commission; and
- C. That Applicant shall provide a Final Landscaping Plan pursuant to Section 5(G) of the Interim "H" Resort-Hotel Zone Rules and Regulations for review and approval by the Guam Chief Planner.



Celine L. Cruz
Guam Chief Planner

Attachments: ARC Position Statement Summary

Case Planner: S. Gogue



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



Street Address:
 590 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dlmdir@land.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

LOURDES A. LEON GUERRERO
 MAGA HAGA - GOVERNOR

JOSHUA F. TENORIO
 SIGUNDO MAGA LAHI - LIEUTENANT GOVERNOR

JOSEPH M. BORJA
 DIRECTOR

ROSSANA SAN MIGUEL TISTON
 DEPUTY DIRECTOR

January 16, 2026

Memorandum

To: Guam Land Use Commission (GLUC) Members
 From: Chairperson, Application Review Committee (ARC)
 Subject: Summary of Position Statements Submitted by ARC
 Re: Application No. 2022-16 (Tentative Development Plan)

Listed below is the compilation of positions taken by the various ARC member agencies as submitted to the Planning Division, Department of Land Management. Conditions as imposed by the ARC member agencies, if any, are listed on their attached position statement.

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends approval with the following conditions;

- A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement.
- B. That any future additional development or changes to the approved site plan shall require the Applicant to submit an amended TDP application for review and approval by the Guam Hybrid Land Use Commission; and
- C. That Applicant shall provide a Final Landscaping Plan pursuant to Section 5(G) of the Interim "H" Resort-Hotel Rules and Regulations for review and approval by the Guam Chief Planner.

DEPARTMENT OF PARKS AND RECREATION (DPR):

DPR does not object to approval of the application, subject to the approval of the Archaeological Monitoring and Discovery Plan (AMDP).

GUAM POWER AUTHORITY (GPA):

GPA has no objections to the requested application, subject to the conditions outlined in their position statement.



Memo to GLUC Members

Ref: ARC Position Statements - Application No. 2022-16

January 15, 2026

Page 2 of 2

BUREAU OF STATISTICS AND PLANS (BSP):

BSP recommends approval of the TDP application based on the six conditions stated in their position statement, and to coordinate with DPR and DoAG to fulfill the conditions imposed.

DEPARTMENT OF PUBLIC WORKS (DPW):

DPW recommends approval of the TDP application, subject to the conditions stated in their position statement.

GUAM WATERWORKS AUTHORITY (GWA):

GWA provides a list of conditions outlined in their position statement in favor of approving the application.

DEPARTMENT OF AGRICULTURE (DoAg):

DoAg does not object to the proposed TDP provided that the applicant takes avoidance measures that may negatively impact the resources. Additionally, DoAg outlines conditions to incorporate conservation measures for the proposed project.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

GEPA approves the application and references their comments and conditions with Application No. 2023-03 as applicable conditions for the proposed TDP.

GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA):

Ex-Officio, non-voting member, not required to submit a Position Statement.

GUAM FIRE DEPARTMENT (GFD):

Ex-Officio, non-voting member, not required to submit a Position Statement.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Ex-Officio, non-voting member, not required to submit a Position Statement.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Ex-Officio, non-voting member, not required to submit a Position Statement.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Ex-Officio, non-voting member, not required to submit a Position Statement.



Celine L. Cruz
Guam Chief Planner

Attachments: ARC Position statements
CC: Executive Secretary, GLUC



Department of Agriculture Dipartimento Agrikultura

663 Danny Road, Mangilao, Guam 96913



Lourdes A. Leon Guerrero
Governor
Joshua J. Tenorio
Lieutenant Governor

Chelsa Muna
Director
Roy Cambosa
Deputy Director

MEMORANDUM

To: Joseph Borja, Director
Department of Land Management

Attn: Executive Secretary
Guam Land Use Commission

From: Chelsa Muna, Director Chelsa Muna

Date: May 16, 2023

Subject: Position Statement for "Tentative Development Plan", Application 2022-16 for Four Unit Apartments in a Hotel Zone, on Lot 5078-2-1-3, located in Tamuning-Tumon (Michael L. & Yuanzhu Z. Spencer)



The Department of Agriculture (DOAG) has reviewed Application 2022-16 for a "Tentative Development Plan" for the construction of 4-unit apartment building in a Hotel Zone, Lot 5078-2-1-3, measured 5,005.218 square foot, is located along Marata Street in Tumon with an existing vacant structure proposed to be demolished.

The following is the position statement provided by DOAG, under the agency's authorities:

1. Tumon District is home to or frequently visited by numerous Federal (F) and Local (L) Endangered Species Act (ESA) species, and adjacent to one of the five Marine Protected Areas on Guam, Tumon Bay Marine Preserve. The proposed Development Plan must address the occurrence of ESA species within the Tumon District and Tumon Bay MPA, and incorporate avoidance measures that may negatively impact the resources. The landowner, and their design team, must consult with DOAG to address the existing resources surrounding the project area.

Table 1: Species summary within the general vicinity of the permit area.

Species name	Common name	Authority	Status
<i>Pteropus mariannus</i>	Mariana fruit bat	U.S. ESA & Guam ESA	Opportunistic; foraging roosting
<i>Aplous opticu</i>	Micronesian starling	Guam ESA	Established colony
<i>Gallinula chloropus guam</i>	Common moorhen	U.S. ESA & Guam ESA U.S.	Opportunistic; foraging nesting
<i>Partula radiolata</i>	Guam tree snail	U.S. ESA & Guam ESA	Established colony
<i>Cycas micronesica</i>	Fredenico palm cycad	U.S. ESA & Guam ESA	Populations along cliff line forested areas
	Migratory birds	U.S. Migratory Bird Treaty Act	Occurs early August and departs late June; Yellow bittern and native shorebirds occurs year-round

Director's Office 706-7095 | Agricultural Dev. Services 706-7071 | Animal Health 706-7961/6
Aquatic & Wildlife Resources (DAWR) 735-0201 | Forestry & Soil Resources 706-7075/7
Plant Nursery 706-7071 | Biosecurity Division 735-1425 | Pest Hotline 735-7458
Website: doag.guam.gov

REPORT THREATS TO GUAM'S NATURAL RESOURCES 864-TOKA (8652)



2. A biosecurity plan must be developed and approved by DOAG prior to any work commencing. Once approved, the biosecurity plan must be employed during development phase to ensure that avoidance measures are in place to prevent the spread and introduction of Little Fire Ant, Greater Banded Hornet and other invasive species that may impact residents on the site.
3. A storm water plan must be submitted for review and approval to determine mitigation for run-off, flooding, and erosion. Percolation rates at stormwater collection and drainage area must be ideal to prevent migratory bird species and Mariana Noddy from inhabiting the pond during wet season. Presence of these protected species may alter maintenance work in the area.
4. Eco-friendly development must be incorporated in the plans to minimize impacts to the environment and natural resources. Examples of eco friendly development include but are not limited to: native plants for landscaping, shielded external lighting fixtures, permeable pavers for parking, screened stormwater drains, rain gardens, water catchments, green roofs, anti-bird strike collision windows.
5. Pre-consultation with DOAG must be scheduled to discuss development plans and mitigation actions to minimize or avoid impacts to resources at the project area and adjacent areas during the Design Phase of the proposed project. The consultation will help in the review process of the permit applications for Clearing and Grading Building.

DOAG does not object to the proposed Tentative Develop Plan to construct a 4-unit apartment building in Tumou and looks forward to discussing in more detail the proposed project and incorporating conservation measures during the constructional and operational phase of the project. If you have any questions or concerns, please contact Mr. Jeffrey Quiugua at Jeffrey.Quiugua@doag.guam.gov or permits@doag.guam.gov.

17



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building
688 Route 15, Mangitao, Guam 96913



MEMORANDUM

May 2, 2023

TO: Joseph Borja, Director, Department of Land Management

CC: Mayor Louise C. Rivera, Municipality of Tamuning-Tumon
(mayorrivera.tatuha@gmail.com)

FROM: Miguel C. Bordallo, P.E., General Manager 

SUBJECT: Position Statement on Tentative Development Plan Application 2022-16
for Lot 5078-2-1-3 in the Municipality of Tamuning-Tumon

APPLICANT: Michael L. and Yuanzhu Z. Spencer

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative development plan in a "H" (Hotel) zone for the proposed demolished of old existing building and construct a new 4-Unit Residential Apartments.

This memorandum shall serve as GWA's position statement for the referenced application related to the availability of water and sewer infrastructure to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to GWA rules and regulations. Any required extension to the existing facilities to serve the subject properties shall be at the applicant's expense.

The following comments are conditions for GWA's position in favor of the approval of this application:

1. The applicant must provide GWA with site development plans to construct the proposed development. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations. If the existing water and sewer utility laterals are not sized to accommodate the proposed apartment building, then new utility laterals must be constructed.

RECEIVED
By Cristina Gutierrez at 11:11 am, May 16, 2023

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing GWA facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary. Utility capacity analysis will consider service to existing customers, as well as approved projects in the building permit/construction stage, as unavailable for use by newly proposed developments. Discussions with the GWA Engineering Department will also include applicable GWA standards and requirements.

Given current growth in Tumon, it is likely that future developments will be required to increase the sewer system capacity through offsite utility improvements.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy permit application will be contingent upon the completion of offsite utility improvements.

The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management and provide copies to GWA.

4. GWA does not guarantee that water service will meet Guam Fire Department's fire suppression requirements. The applicant is responsible for any onsite or offsite utility improvements needed to meet fire suppression requirements.
5. The applicant shall install GWA water meters and sewer cleanout for government use in the public right of way or easement, in accordance with GWA standards.
6. New development is subject to water and/or sewer system development charges.
7. Only wastewater shall be discharged to the sanitary sewer system. Stormwater, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.
8. Mixed use activities in a residential and commercial development must have separate individual water meters due to the difference in utility rates with the activities.
9. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account's

**GWA Position Statement
Application 2022-16
Applicant: Michael L. and Yuanzhu Z. Spencer
Page 3 of 3**

classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This memorandum shall remain valid for 365 calendar days from the date of this response. Contact Brian Hess, P.E., GWA Permits and New Area Development Supervisor (#300-6041 or bhess@guamwaterworks.org) for water and sewer system standards or additional information.



Lourdes A. Leon Guerrero
Comptroller
Joshua F. Tenorio
De Comptroller

Department of Parks and Recreation
Dipartamenton Plasel van Dibuesion
 Government of Guam

Director's Office Parks and Recreation Division
 41 Paseo de Susana Hagåtña, Guam 96910
 P.O. Box 2990 Hagåtña, Guam 96910
 (671) 475-6288 Facsimile (671) 477-4947
 Guam Historic Resources Division
 4901 Marian Palace, Agaña Heights, Guam 96910
 (671) 475-6294 Facsimile (671) 477-2822



Warren Pelletier
Interim Director
Jack E. Hattig, III
Deputy Director

In reply refer to:
 RC 2021-1196

Memorandum

To: Director, Department of Land Management

From: Acting Director, Department of Parks and Recreation

Subject: Tentative Development Plan application in an "H" (Resort-Hotel Zone) zone for 4-unit, 3-story residential apartment on Lot 5078-2-1-3, in Tumon-Tamuning, Guam.



We reviewed the above subject Tentative Development Plan application in an "H" (Resort-Hotel Zone) zone for 4-unit, 3-story residential apartment on Lot 5078-2-1-3, in Tumon-Tamuning. It has come to our attention that the Applications for Demolition Permit #B22000185 and Building Permit # B21000639 for the lot mentioned were submitted.

Tumon is considered to be one of the sensitive areas for cultural resources and burial sites. The structure is partially in the Historic Tumon District, Guam Historic Properties Inventory (GHPI) Site No. 66-04-1324, and there is the GVB burial site in the immediate vicinity of Lot 5078-1-3, GHPI Site No. 66-01-0185.

A permit was submitted to our office for review and during our site inspection we found out that the contractor had proceeded without a valid permit. Therefore, we issued a Notice of Violation (NOV) for the initial demolition without clearance from Guam Historic Resources Division (GHRD) office but no fine was issued. A Certificate of Approval (COA) was then issued and signed in December of 2021 for an Archaeological Monitoring and Discovery Plan (AMDP). The AMDP would have assessed the structure for its historic significance for the Guam Register of Historic Places and all archaeological concerns. An AMDP was submitted to GHRD for review and our comments to correct the AMDP have been made, although we have not received a corrected version to date. Therefore, once we have an "approved" AMDP for the structure and we are assured that an archaeologist is on site, then we will not have a problem with the approval of this application. However, we would like for it to be on hold until such time.

Should you have any questions, please contact Mr. John Mark Joseph, State Archaeologist at (671) 475-6339 or by email: JohnMark.Joseph@dpr.guam.gov.

Sincerely,

Warren Pelletier *PL*



The Honorable
LOURDES A. LEON GUERRERO
 Maga Huga - Governor

The Honorable
JOSHUA F. TENORIO
 Segundo Maga Lahi - Lieutenant Governor



VINCENT P. ARRIOLA
 Director
LINDA J. IBANEZ
 Deputy Director



7.6.23
Theresa Guzman *Deaf/Blind*

03 JUL 2023

MEMORANDUM

TO: Anita B. Enriquez, PhD
 Chairman, Guam Land Use Commission

FROM: Director

SUBJECT: Application No. 2023-03 & 2022-16 (Michael L. & Yuanzhu Z. Spencer) and Tentative Development Plan and Zone Variance Setback, Zoned "H", Lot No.: 5078-2-1-3, Tamuning, Guam

Hafa Adai! The applicant is proposing to construct a 3-storey, 4 unit apartment building. The ground floor is designated for 8 enclosed parking spaces. The 2nd and 3rd floor will accommodate (2) bedroom, (2) bathroom, living room, kitchen, laundry room and balcony from the front and rear side of each unit. The stairways and landing will be vertically connected to the parking area. The total lot area is approximately 5,005.218 square feet, located in Tamuning, Guam.

Based on the review, the Department of Public Works recommends approval for the tentative development and zone variance for "H" application request subject to the following:

- Entry/ exit must be wide for public access.
- The parking layout plan, must be in detail, to include parking stalls (compact, standard and accessible stalls).
- Provide solid waste disposal system.
- Must meet all federal, local and permit code requirements

NOTE: Coordinate with Parks and Recreation regarding the area, since it is within the Tumon Historical District Site.

If you have any questions, please contact Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646- 3224.

VINCENT P. ARRIOLA



GUAM ENVIRONMENTAL PROTECTION AGENCY • MUNISIPAL PUNYON ENYAGAN
 GUAM ENVIRONMENTAL PROTECTION AGENCY • MUNISIPAL PUNYON ENYAGAN
 MICHELLE C. LASTIMOZA, ACTING ADMINISTRATOR

JUL 03 2023



Dr. Anita B. Enriquez
 Chairman, Guam Land Use Commission
 c/o Department of Land Management
 590 S. Marine Corps Drive
 ITC Bldg, Ste. 733
 Tamuning, Guam 96913

Ref: Application No. 2022-16 the Applicants, Michael L. and Yuanzhu Z. Spencer represented by FC Benavente Planners; are requesting a Tentative Development Plan, for the proposed construction of a three-story, four-unit apartment building, on Lot 5078-2-1-3 (Tumon), in the Municipality of Tamuning, in an "H" (Hotel-Resort) zone.

Hafa adai Dr. Enriquez,

Buenas yan Saluda. The staff of this Agency has reviewed the application for a **proposed tentative development plan** and has approved the application subject to the following conditions:

1. There is no comments on the above application. However GEPA's comments on a similar application under Application No. 2023-03 are also applicable.

In addition to the above concerns, the applicant is reminded that any development proposed for the subject location must comply with all other, relevant environmental laws and regulations administered by the Guam Environmental Protection Agency.

If you have any questions, please feel free to contact Mrs. Michelle C.R. Lastimoza, Acting Administrator, at michelle.lastimoza@epa.guam.gov or at (671) 300-4751/52. For technical questions, you may also contact CAPT Brian Bearden, P.E., BCEE, Chief Engineer at brian.bearden@epa.guam.gov or 300-4779.

Ddngkolu na si Yu'us ma'dse'.

Senseramente,


 MICHELLE C.R. LASTIMOZA
 Acting Administrator

cc: Mr. Joseph M. Borja
 Executive Secretary, Dept. of Land Management





GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2077 • AGANA GUAM U.S.A. 96932-2077

August 1, 2023



MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lot 3078 2-1-3, Municipality of Tamuning-Tumon, (Michael L. Spencer and Yuzhu Z. Spencer): Tentative Development Plan Application for a proposed 3-story (4) four unit apartment. Application No. 2022-16

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

- Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
 - GPA reserves its easement rights under Document Number 285232.**
- Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this development on GPA's existing power facilities.
- All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.


JOHN AL BENAVENTE, P.E.

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
 Applicant: **Michael E. Spencer and Yuanzhu Z. Spencer**
 Location: **Lot 2078 213 Tamuning, Pohnon**
 Type of Application: **Tentative Development Plan**
 GIUC/GSIC Application No.: **2022-176**
 Brief Project Description:
A proposed 3-story 40 town-unit apartment.

For the purposes of this Certification, **GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE** include, but are not limited to: power lines, poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project.
 Yes No

2. If the answer to #1 above is YES, then I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **ADEQUATE** to support this project.
 Yes No

3. If the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE**, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge


 JOSEPH M. BENAVENTE, PE.
 General Manager

8/2/23
 Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment may be required to determine the effect of this development on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



BUREAU OF STATISTICS AND PLANS

Guam Coastal Management Program



LOURDES A. LEON GUERRERO
66 2 0
JOSHUA F. TENORIO
6 7 9

JUN 21 2023

Memorandum

To: Director, Department of Land Management
Attn: Division of Planning

From: Acting Director, Bureau of Statistics and Plans

Subject: Application No. 2022-16 Tentative Development Plan
Location: Lot 5078-2-1-3
Municipality: Tamuning
Applicant: Michael L. and Yuanzhu Z. Spencer
Proposed Use: 4-Unit Apartment Complex within "H" - Hotel Zone



Buenas yan Háfa Adái I am pleased to inform you that the Bureau of Statistics and Plans (Bureau) has completed its review of the above-mentioned application pursuant to its authorities under SGCA Ch.1 Article 2 Centralized Planning and the Guam Coastal Zone Management Program (GCMP) Enforceable Policies pursuant to Executive Order 78-37. Moreover, in accordance with Executive Order 96-26, the Bureau hereby submits its position statement based on its professional and technical analysis of effects to statutory authorities under the Bureau's purview.

Project Overview

The applicants, Michael L. and Yuanzhu Z. Spencer are submitting a Tentative Development Plan application for Lot 5078-2-1-3 to allow for the construction of a 3-story, 4-unit multi-family apartment with dimensions of 67'-4" x 32'-8". The subject lot is also zoned as "H", a Hotel zone. The current state of the property is a vacant and abandoned semi-concrete building that requires demolition and debris removal from the site. The ground floor or first floor is designated as an 8-vehicle parking space, with two spaces provided for each apartment. The second and third floors comprise two 2-bedroom apartments on each floor with stairways connecting the parking areas to the apartment units.

Water, sewer, power, and solid waste services will be provided and connected to the property. The public right of way is located on the adjacent Marata Street. Infiltration trenches (2 feet x 50 feet) at the front and rear of the property for drainage. The proposed subject lot is located within the municipality of Tamuning, with a total area of approximately 5,005.218 square feet or 0.11 acres.

BUREAU OF STATISTICS & PLANS - GUAM COASTAL MANAGEMENT PROGRAM
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TU: Sammy
6-27

RECEIVED
By Cristina Gutierrez at 2:47 pm, Jun 21, 2023

Planning Considerations and/or Constraints

A. Surrounding Zone and Land Use Characterization

A technical analysis of the proposed project was conducted to determine a statement of compatibility.

As mentioned earlier, the current zone of the property is a **Hotel/Resort Zone**. Further, based on the North and Central Guam Land Use Plan (NCGLUP) 2009, the proposed site plan is on "Tourist Resort," confirming consistency with the Future Land Use Map for this tentative development plan request. The **Tourist/Resort** land use category applies to areas needed for commercial uses to serve the traveling public, including hotels/motels, condominium-hotels, single-family, and multiple-family residential uses, golf courses, and other typical resort services and retail uses. These categories are located primarily along the shoreline and include existing and future tourist and resort areas. The surrounding land use characterization within a 750 foot radius consists of "Tourist/Resort," "Mixed Use," and "Park/Open Space."

The surrounding land zone designation within a 750 foot radius consists of resort-hotel, multiple-family dwellings, apartments, condominiums, commercial retail and restaurant services, and undeveloped open space. Therefore, the proposed use is compatible with the area's designation as **Tourist/Resort** under the **NCGLUP**.

B. Geographical Landscape Assessment Based on Watershed

According to the National Oceanic and Atmospheric Administration's Coastal Change Analysis Program (C-CAP) land cover data, the subject lot contains an impervious surface and is located on the Northern Watershed. The surface area of the Northern Watershed has changed by 12.11% from 2005 to 2015.

The impacts of the Northern Watershed include an increase of 10.23% of the developed area and 10.77% of impervious surface area. A site is at greater risk of flooding the more an area is developed, and levels of impervious surfaces are high. Areas with impervious surface rates will likely experience negative impacts on water quality. Impervious surfaces significantly reduce the water quantity and quality in a watershed. It is reported that the impervious surface degrades the watershed quality by significantly reducing the stream flow and increasing the stream temperature. They carry substantial pollutant loads downstream, causing due harm to aquatic life. Severe degradation can be expected when rates reach 25%. Effects of runoff include channeling and loss of beach profile along untreated storm drain outfalls, sediment plumes, and algae bloom noxious odors resulting in poor water quality and coral mortality.

The proposed development area, Lot 5078-2-1-3 is situated above the Northern Guam Lens Aquifer. The proposed development plan will not drastically alter the landscape of this area.

Effects Test and Conditions

Technical analysis of the proposed project was conducted to determine foreseeable effects and compatibility with standards within the following Guam Land-Use Policies:

Housing Policies - E.O. 78-37: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Policy NS-4 Identify existing and preserve new open space and conservation lands that preserve, maintain or improve land or water areas that:

- a. Are of significant public value for scenic or recreational uses;
- b. Perform essential physical or habitat functions important to the welfare of surrounding lands, water, or biological resources; or
- c. Contain cultural, historic, or archaeological resources.

Determination of Effects: Yes.

Despite not being situated in an area prone to significant natural or manmade hazards, as stated in the application, the property lies within the Tumon Historic District. Historic Districts are regulated by the Department of Parks and Recreation (DPR). The applicants are in the process of submitting the required Archaeological Monitoring and Discovery Plan (AMDP) to DPR.

Condition: The development must consider working with the area's natural and historical constraints during the design and construction phase by maintaining as many of the natural and cultural features in place through the designation of those areas as green/open space.

Condition: Save as many emerging plant and tree species and or replicate the native vegetation through propagation and out planting along the green corridors of the property. The applicant must follow the list of trees preferred by the Guam Department of Agriculture. Ornaments must not exceed 10% of the flora biomass in the development plans.

Condition: The applicant must ensure that the proposed site plan is approved by DPR's State Historic Preservation Office.

Air Quality: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Determination of Effects: Yes.

As previously mentioned, the project involves demolishing the current building, resulting in the generation of dust and a decline in air quality. Site preparation and construction activities generate air pollutant emissions from the ground-disturbing activity and the operation of work vehicles and construction equipment. This has the potential to affect the nearby residential areas

Condition: The applicant must incorporate appropriate Best Management Practices (BMPs) to minimize fugitive particulate matter emissions, including the maintenance of work vehicles and construction equipment and the use of diesel particulate filters, as appropriate, to reduce particulate matter emissions.

Condition: Implement and maintain dust control measures throughout any construction activities in accordance with the Guam Air Pollution Control Standards and Regulations.

Water Quality: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef, and aquifer areas.

Determination of Effects: Yes.

Because this subject lot is situated over the Northern Lens Aquifer, there is the potential to impact the water quality and run off into Tumon Bay.

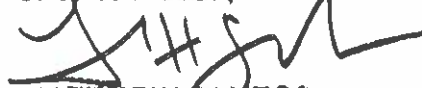
Condition: The applicant must comply with CNMI Guam Stormwater Management Manual Standards and implement Island Best Management Practices specifications. The applicant must include island bioretention features. Concepts, design, and performance standards can be found in the GCMF publications 1) Island Stormwater Practice Design Specifications Manual and 2) Stormwater Management in Pacific and Caribbean Islands: A Practitioner's Guide to Implementing LID. There shall be no new points or surface-designed discharges as part of this development project. There shall be no contamination of the Northern Watershed and Aquifer.

Determination

Pursuant to Executive Order 96-26, Appendix A § 700 (g), the Bureau hereby recommends approval of the Tentative Development Plan application based on the conditions mentioned above. If these conditions are not met by the applicant or not included in the Guam Land Use Commission's Notice of Action, this position statement is to be interpreted as a recommendation for disapproval.

Should you have any questions regarding this matter, please do not hesitate to contact Yvonne Manglona-Juaneza, Planner, at yvonne.manglona-juaneza@bsp.guam.gov or Edwin Reyes, Coastal Program Administrator, at edwin.reyes@bsp.guam.gov.

Si Yu'os Ma'åse',



MATTHEW SANTOS

ATTACHMENT E



DIPATTAMENTON MINANEHAN TÁNO'
(Department of Land Management)
GUBETNAMENTON GUÁHAN
(Government of Guam)



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Mailing Address
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Hagåtña, GU 96932

January 16, 2026

MEMORANDUM

Website
<http://dlm.guam.gov>

To: Chairperson, Guam Land Use Commission

From: Guam Chief Planner

Subject: Commission Brief-Request for a Technical Amendment to the Leo Palace Resort Master Plan on a Portion of Lot 177-4-1NEW, Tract 2511, Municipality of Yona

E-mail Address
dlmdir@land.guam.gov

Telephone
671-649-LAND (5263)

Facsimile
671-649-5383

The applicant, ADEX Aerospace Guam LLC, represented by Daniel D. Swavely, is requesting to amend the existing Leo Palace Resort PDD (Planned District Development) Master Plan to temporarily convert the former softball field #2 into the ADEX ground tracking station located on less than 2 acres on a portion of Lot 177-4-1NEW, Tract 2511. At full extension, the mobile tracking antenna will be less than 30-feet in height and situated on a trailer. The site will also contain 3 storage containers for equipment.

The original PDD was approved in 1988 to accommodate facilities for the hotel, golf course, sports, and residential developments throughout the 1,000 acre site. Previous amendments to the Leo Palace Resort Master Plan included the Japan Aerospace Exploration Agency (JAXA) Guam Downrange Tracking Station and the ARINC Communications Tower, both of which are near the proposed site for the ADEX ground tracking station. The requested technical amendment proposes approval for 3 years to temporarily operate the tracking station.

We have concluded that the use of the facility is compatible with surrounding developments and will not have any negative adverse impact on the surrounding uses either inside or outside Leo Palace Resorts' Master Plan, and recommend the Commission's favorable consideration with the following conditions:

1. That such technical amendment to the Leo Palace Resort Master Plan is valid for 3 years; and



2. That prior to the installation of the tracking station, the applicant will make a presentation of the tracking station to the Yona Municipal Planning Council; and
3. Prior to commencing operations on the property, the applicant shall provide the Department of Land Management with a fully executed lease agreement between ADEX Aerospace Guam LLC and Leoplace Guam Corporation.
4. The applicant shall submit an annual report on the anniversary of the recordation of the Notice of Action. This report must include evidence of compliance with Condition 2 outlined herein, and any additional land use and operational information deemed relevant.
5. As noted in the application, the tracking antenna at full extension shall not exceed thirty feet (30') in height.



Celine L. Cruz
Guam Chief Planner