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**BUREAU OF  
STATISTICS & PLANS**



**Eddie Baza Calvo**  
Governor of Guam

**Ray Tenorio**  
Lieutenant Governor

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**Lorilee T. Crisostomo**  
Director

OCT 01 2014

10-2-14  
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**MEMORANDUM**

**To:** Chairman, Guam Land Use Commission

**Via:** Executive Secretary, Department of Land Management

**From:** Director, Bureau of Statistics and Plans

**Subject:** Position Statement on Application No. 2014-39 A/B; Lot No. 10113-1-R3; 10113-1-3, Tumon; TNN Guam Inc.; Zone Variance (Height) and Tentative Development Plan.

Hafa Adai. The applicant, TNN Guam Inc. dba Hotel Nikko Guam, represented by RIM Architects Guam, LLC has submitted a Zone Variance for Height and a Tentative Development Plan application for the proposed development of the Hotel Nikko Guam Annex Tower. The proposed project is to relocate the south chapel to the ocean side of the existing hotel and build a 29-story hotel tower with 348 rooms on site to include amenities such as restaurants, shops, spa, pool and a small amphitheater. The requests for a height variance would be to allow an additional 90' above the allowable 250' proposing a finished height of 340'. The subject lot is zoned "H" Hotel Resort Zone and is located between Gongga Beach Cove and Gun Beach. The property has a lot size of 100,000 square meters or 1,076,391 square feet. The Hotel Nikko also proposes to construct a two story, 30 units "employee housing" apartment building at the eastern corner of the property.

The existing Hotel Nikko Guam was built in 1990 and currently has 492 rooms with a total of 543 parking stalls. A nature trail through Pristine Limestone Forest was created in 2001 along with a BBQ area and health spa. The spa was later changed into a Wedding Chapel. By 2006, a second Wedding Chapel was added at the site near boundary of Lotte Hotel (formerly Hotel Okura). As noted by the applicant's justification for a height variance, by placing the building in the proposed location and reducing the building footprint would allow for improved site development, increased landscape area, and better traffic circulation as well to preserve the Pristine Limestone Forest and minimize impact on the Seashore Reserve. In addition, the access to the beach will be through pathways that are already in place and there will be no impact to the beach or shoreline.

We recommend that the following conditions be considered.

1. We are concerned with potential nonpoint source pollution issues as a result of the impervious surfaces in this development. Considering the hotel's close proximity to the beach, the Bureau suggests the applicant design the parking lot/paved areas to incorporate permeable pavers/pervious concrete, bio-retention islands, and to provide additional landscaping in order to filter and divert storm water runoff prior to making its way down into the water table and/or the shore. The Bureau further suggests that the applicant coordinates with the Guam Environmental Protection Agency (GEPA) for the storm water management matters as well as mitigation measures that are developed and implemented during pre-construction and post-construction to prevent stormwater runoff and/or erosion. Furthermore, all storm water runoff should be addressed on site.
2. We also recommend that the applicant coordinate with the Division of Aquatic and Wildlife Resources (DAWR) of the Department of Agriculture for their input before proceeding on this project in order to protect and preserve the natural resources relatively located at the proposed project site.
3. We highly encourage that the applicant works with the Guam Fire Department (GFD) to ensure that the access route to the subject establishment are sufficient and acceptable for emergency vehicles in the event of fire or an emergency.
4. We suggest that the applicant coordinate with the Guam Historic Preservation Division of the Department of Parks and Recreation to ensure that the area does not possess historical artifacts or, have some historic significance especially during the construction phase.
5. We advise that the applicant work with the Department of Parks and Recreation to ensure that the proposed activity will not deny the public access to the beach, and should guarantee that the access to the beach and the signage are not hindered or obstructed by the activity.

In view of the above, the Bureau feels that the proposed project is compatible with the surrounding area and has no objections. Any change of activity however, from that originally proposed requires further review from the ARC and approval from the GLUC.

  
LORILEE T. CRISOSTOMO

cc: GEPA  
DPR  
DOAgr.  
DPW  
GFD

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Lorilee T. Crisostomo  
Director

MEMORANDUM

To: Chairperson, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: POSITION STATEMENT ON APPLICATION NO. 2014-37; LOT NO.5-2 NEW, BLK. NO. 2, TRT. NO. 219; BARRIGADA; RICHARD K. LAI C/O DANIEL D. SWAVELY; ZONE CHANGE; PROPOSED USE: 20 MULTI-FAMILY RESIDENTIAL UNITS FOR SALE OR RENTAL.

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10/17/2014

The applicant, being represented by Mr. Daniel D. Swavely is requesting for a Zone Change from "A" Agricultural to "R-2" multi-family dwelling in order to construct multi-family housing. At this time the owner intends to develop 20 residential units either for sale or rental. Additionally, other multi-family residential options may be considered, including duplexes and other less dense developments in response to market demand. However, no scheme would exceed 20 residential units, as 20 units represent the densest option as stated by the representative.

The subject property is located along South Sabana Barrigada Drive and Carinos Avenue. It is a corner lot served by two public easements one 80 feet in width and the other 60 feet in width. The surrounding land use consists of other residential units on three sides and an undeveloped lot on the fourth side. All of the basic infrastructure such as water, power, sewer, and paved roads are all available for the subject property.

To justify the zone change, the applicant stated that there is a public necessity and convenience due to its central location and demands on the Island's rental housing market particularly multi-family housing where the cost per unit is less costly than single family housing. Furthermore, with the anticipation of the U.S. military build-up on Guam it is likely that pressures will be on the housing market from those families who do not qualify for low income housing programs, but have to compete with military renters. The proposed zone change will create a more stable community environment by providing for an orderly development scheme and the full improvements will ensure the general safety and welfare of the adjacent property owners as well.

The Bureau has completed its review of the subject application and has the following comments:

1. The subject area is in the boundary of the Ground Water Protection Zone for the protection of our northern, water lens, therefore the Bureau is concerned that the proposed activities may have a negative impact to water quality. Groundwater is an essential resource for Guam.

It is the source for approximately 80% of Guam's drinking water and also contributes to agricultural irrigation. Because of the paramount importance of Guam's water lens, which is designated as the sole source aquifer for our drinking water by U.S. Federal recognition, threats to our well water sources must be prevented. The primary goal for protecting groundwater is to safeguard human health and the environment by maintaining the existing high quality of Guam's groundwater. Therefore, best management practices are important in the development of this project should the zone change request be approved. The Bureau is concerned with potential nonpoint source pollution issues as a result of the impervious surfaces in this development. The Bureau suggests the applicant include landscaping in order to filter storm water runoff prior to entering the storm water collection and storage area. Additionally, we encourage the use of permeable pavers or pervious concrete for paved areas such as sidewalks and/or parking lots. The Bureau further suggests that the applicant coordinate with the Guam Environmental Protection Agency for the storm water management matters. **All storm water runoff must be addressed on site.**

2. The Bureau is concerned with the protection from invasive species as a crucial measure in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged. The Bureau suggests that the applicant coordinate with the Department of Agriculture for assistance on the types of plants, trees and shrubs that can tolerate the urban and north/central Guam environment.
3. The Bureau finds the proposed zone change to be compatible with the **Village Center** designation for the area in the North and Central Guam Land Use Plan. The Village Center category is intended to provide flexibility for a compatible mix of residential, commercial, public facility, medical and other service uses, and open space uses at a scale and pattern consistent with traditional Chamorro villages and neighborhoods. This designation applies to Barrigada.
4. The Bureau finds the proposed zone change to be compatible with the Park, Open Space, and Conservation Lands designation for the area in the North and Central Guam Land Use Plan. The Park, Open Space, and Conservation Lands category is intended to provide existing and future park, recreation, conservation and natural open space and cultural resource areas. All residential subdivisions must meet the Department of Parks and Recreation requirements for parks and recreation functions.

**The Bureau finds the proposed zone change request to adequately justify public necessity, public convenience and general welfare and therefore recommends approval. In addition, the Bureau highly encourages the applicant to coordinate and work with appropriate agencies as stated above.**

  
LORILEE T. CRISOSTOMO

cc: GEPA  
DOAgr.  
DPR

Eddie Baza Calvo  
Governor of Guam

Ray Tenorio  
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Lorilee T. Crisostomo  
Director

OCT 22 2014

MEMORANDUM

To: Chairperson, Guam Land Use Commission

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: POSITION STATEMENT ON **APPLICATION NO. 2014-43**; LOT NO.7-R1, BLK. NO. 2, TRT. NO. 148; BARRIGADA; YOUNG SUL KIM C/O HARRY D. GUTIERREZ; ZONE CHANGE; PROPOSED USE: WAREHOUSE WITH OFFICE, PARKING OF EQUIPMENT ON SITE WITH FENCING.

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10/23/2014  
LTC

The applicant, Young Sul Kim represented by Mr. Harry D. Gutierrez, is requesting for a Zone Change from "A" Agricultural to "M1" light industrial in order to construct a warehouse building with an office and to provide general warehousing space for increasing goods and/or equipment coming to Guam as well as to store their materials and equipment on site. The subject property is located along Belo Road, across Yama's Bus Operation site and near the GEMCO warehouse complex on the west side and is approximately 2,000 feet west of Route No. 16 underpass in Lower Barrigada.

The surrounding land use consists predominantly of light industrial and multiple-family dwellings. All of the basic infrastructure such as water, power, sewer, and paved roads are all available for the subject property. The applicant proposes to construct a warehouse building to accommodate office space, and to provide additional space that may provide storage for materials, goods, and equipment to include a parking lot with fencing all around.

To justify the zone change, the applicant stated that there is a public necessity and convenience due to its central location to the international airport as a support for logistical and/or staging facility for airport, private, commercial and military requirements for the island community and avail future warehousing for the growing population and local industries. The area will benefit from the convenience and services of a commercial establishment in an area where certain services are not available. Furthermore, it increases employment opportunities and economic activities contribute to the general welfare of the community. The proposed zone change will create a more stable community environment by providing for an orderly development scheme and the full improvements will ensure the general safety and welfare of the adjacent property owners as well.

The Bureau has completed its review of the subject application and has the following comments:

1. The subject area is in the boundary of the Ground Water Protection Zone for the protection of the Northern Guam Lens Aquifer, therefore the Bureau is concerned that the proposed activities may have a negative impact to water quality. Groundwater is an essential resource for Guam. It is the source for approximately 80% of Guam's drinking water. Because of the paramount importance of Guam's water lens, which is designated as the principle source aquifer for our drinking water by U.S. Federal recognition, threats to our well water sources must be prevented. The primary goal for protecting groundwater is to safeguard human health and the environment by maintaining the existing high quality of Guam's groundwater. Therefore, the Bureau recommends the applicant work closely with Guam Environmental Protection Agency (GEPA) for an **aquifer protection review**. ("Federal Safe Drinking Water Act," § 1424 and "**Guam Safe Drinking Water Act**," 10 GCA Chapter 53)
2. Additionally, in protection of the Northern Guam Lens Aquifer, the Bureau recommends the applicant coordinate with the Guam Waterworks Authority (GWA) for **water resource conservation and water pollution prevention**. ("Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.)
3. The Bureau is concerned with potential nonpoint source pollution and storm water issues as a result of the impervious surfaces in this development and stresses that all storm water runoff must be addressed on site. The Bureau suggests the applicant include landscaping in order to filter storm water runoff prior to entering the storm water collection and storage area. Additionally, we encourage the use of permeable pavers or pervious concrete for paved areas such as sidewalks and/or parking lots. Therefore, the Bureau recommends the applicant coordinate with GEPA to comply with the Guam Soil Erosion and Sediment Control regulations mandated under 10 GCA Chapter 47 of the Water Pollution Control Act and the CNMI and Guam Stormwater Management Manual.
4. The Bureau is concerned with the protection from invasive species as a crucial measure in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged. The Bureau suggests that the applicant coordinate with the Department of Agriculture (DOAg.) for assistance on the types of plants, trees and shrubs that can tolerate the Guam's tropical climate.
5. The North and Central Guam Land Use Plan is a guide designed for making specific land use decisions on development and growth which is appropriate for this zone change justification. The Bureau finds the proposed zone change to be compatible with the Industrial designation as stated in the Plan that will foster community development and uniformity.

The Bureau finds the proposed zone change request to adequately justify public necessity, public convenience and general welfare and therefore recommends approval.



LORILEE T. CRISOSTOMO

cc: GEPA  
GWA  
DOAgr.

Eddie Baza Calvo  
Governor of Guam



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Ray Tenorio  
Lieutenant Governor

Lorilee T. Crisostomo  
Director

Memorandum

To: Guam Chief Planner, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: Position Statement **Application No. SZC 2014-17**; Lot No. 104-3-1; Mongmong, Municipality of Mongmong-Toto-Maite; Cleofe SN Susuico; Summary Zone Change Program

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11/28/2014  
LTC

Pursuant to Public Law 21-82, Section 4 as amended by Public Law 21-144, Section 8, the applicant, Cleofe SN Susuico, is requesting a summary zone change of Lot No. 104-3-1 in the village of Mongmong in the municipality of Mongmong-Toto-Maite from an "R-1" Single-family residential to "R-2" multi-family residential. The rezoning of the subject lot will allow the existing residence to convert into a duplex for the family. Currently, the home is a single family dwelling with an extension of an additional family and dining room, kitchen, two bedroom and two full baths which is being resided by the applicant's son and family. Additionally, the home has a single power meter for the entire house and the applicant would like to convert the home into a duplex to give the extension its own power meter so the applicant's son can be responsible for his own utilities.

The subject lot has an area of 1402 square meters, and the basic infrastructure of sewer, power and water are within the area. The surrounding land uses consist predominantly of single family residences and multi-family residences such as duplexes.

The Bureau has completed its review of the subject application and has the following comments:

1. The Bureau suggests placing measures to ensure that the property will be landscaped in such a way to provide a buffer between the subject lot and the other residential dwellings as this will help reduce storm water runoff and provide aesthetic features. Therefore, the Bureau recommends that native plants be used in landscaping and seek guidance from the Department of Agriculture (DOAg.) on types of plants, trees, and shrubs to reduce storm water runoff.
2. The Bureau recommends the applicant coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress as well as proper parking configuration and dimensions. Additionally, the Bureau suggests the applicant work with DPW to ensure all building codes and regulations mandated under 21 GCA Chapter 61 of The Parking and Loading Space Regulations and 21 GCA Chapter 67 of The Building Code.

3. There is no indication if the Mongmong-Toto-Maite Municipal Planning Council supports or opposes this applicant. In addition, the immediate surrounding neighbors have not objected to this zone change.

In light of the points presented in the application, the Bureau finds the proposed summary zone change request to be adequately presented and believes that the rezoning of this lot will not have adverse effects on the surrounding neighborhood. The Bureau therefore recommends approval.

  
LORILEE T. CRISOSTOMO

cc: DOAg.  
DPW

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Ray Tenorio  
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## BUREAU OF STATISTICS & PLANS

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Lorilee T. Crisostomo  
Director

### MEMORANDUM

NOV 1 2014

**To:** Chairperson, Guam Land Use Commission

**Via:** Executive Secretary, Department of Land Management

**From:** Director, Bureau of Statistics and Plans

**Subject:** **APPLICATION NO.** 2014-44; **LOCATION:** LOT NO.7-1 AND 8, BLK. NO. 1, TRT NO. 148; BARRIGADA; **APPLICANT:** GLS, YAMA'S CO., INC. C/O HARRY D. GUTIERREZ; **PROPOSED USE:** ZONE CHANGE FROM "A" AGRICULTURAL TO "M-1" LIGHT INDUSTRIAL; OFFICE, BUS OPERATIONS, MAINTENANCE, AND PARKING.

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11/14/2014

CG DM

The applicant and owner of existing property GLS, Yama's Co, Inc., being represented by Mr. Harry D. Gutierrez, is requesting for a Zone Change from "A" Agricultural to "M1" light industrial in order to make the lots compatible with the same zoning as neighboring lots. The subject property is located along Belo Road, across GEMCO warehouse complex on the west side and is approximately 2,000 feet west of Route No. 16 underpass in Lower Barrigada. The surrounding land use consists predominantly of light industrial. All of the basic infrastructure such as water, power, sewer, and paved roads are all available for the subject property.

The applicant proposes to continue its existing operations as office space, bus and equipment maintenance and parking facility which is in existence thru a zone variance with conditions granted by the Territorial Planning Commission (TPC) on March 25, 1983. If granted approval on the zone change, the applicant proposes to upgrade the existing infrastructure on the lot and design to conform to current building codes and standards, in addition, to accommodate all required parking and loading/unloading requirements.

To justify the zone change, the applicants stated that there is a public necessity due to the development of the area into a lighter industrial zone, while accommodating a growing population with the anticipation of the military buildup and tourism industry to support logistical and busing requirements. There will be a higher demand for busing transportation that will directly serve the island community by contributing to economic activities and the general welfare of the community.

In addition, the applicants stated that there is a public convenience due to its existence as an office and bus operations for the past 30 years and rezoning the property would

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In addition, the applicants stated that there is a public convenience due to its existence as an office and bus operations for the past 30 years and rezoning the property would make it consistent with the current land uses in the immediate area. The area will benefit from the convenience and services of this bus operation as it has in the past being that the location is central and near to the Guam International Airport supporting airport busing and transportation for transient visitors at present and for the future in the visitor/tourism industry. The proposed zone change will create a more stable community environment by providing for an orderly development scheme and the full improvements will ensure the general safety and welfare of the adjacent property owners as well.

The Bureau notes the following concerns, and places the following conditions on the proposed project should the Commission act favorably on this application.

1. The subject lot is situated on the Northern Guam Water Lens Aquifer which is an essential natural resource that provides Guam with majority of its water and is identified as the sole source aquifer for our drinking water by the U.S. Federal recognition. For that reason, the Bureau is concerned that the proposed activities may have a negative impact toward water quality and threats to our well water sources must be prevented. Furthermore, the Bureau is concerned with potential nonpoint source pollution and runoff as a result of the impervious surfaces and the ongoing bus operations maintenance. The Bureau encourages the use of permeable pavers or pervious concrete for paved areas such as sidewalks and/or parking lots. The Bureau advises the applicant work closely with Guam Environmental Protection Agency (GEPA) for an aquifer protection review pursuant to The Federal Safe Drinking Water Act, §1424 and The Guam Safe Drinking Water Act, 10 GCA Chapter 53.
2. The Bureau encourages landscaping to promote island beautification, heat absorption, and more importantly reduces pollution and runoff. The Bureau is concerned with the protection from invasive species as a crucial measure in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged. The Bureau suggests that the applicant coordinate with the Department of Agriculture (DOAg) for targeting the priority issue of Urban Forest Sustainability which stated the village of Barrigada as one of eight villages prioritized in the Guam Statewide Forest Resource Assessment and Resource Strategy regarding assistance on the types of plants, trees and shrubs that can tolerate the urban and north/central Guam environment.
3. The Bureau suggests the use of The North and Central Guam Land Use Plan as

a guide for making specific land use decisions on development and growth which is appropriate for this zone change justification. The Bureau finds the proposed zone change to be compatible with the proposed Industrial designation as stated in the Plan that will foster community development and uniformity.

In conclusion, the Bureau finds the proposed zone change request to adequately justify public necessity, public convenience and general welfare and therefore recommends approval. In addition, the Bureau hopes our comments and recommendations are taken into consideration as the Commission reviews this application and make its final decision.

  
For: **LORILEE T. CRISOSTOMO**

cc: GEPA  
GPA  
GFD  
GWA  
DOAg  
DPR  
DPW



# BUREAU OF STATISTICS & PLANS

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Lorilee T. Crisostomo  
Director

## MEMORANDUM

NOV 26 2014

**To:** Chairman, Guam Land Use Commission  
**Via:** Executive Secretary, Department of Land Management  
**From:** Director, Bureau of Statistics and Plans

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**Subject:** **APPLICATION NO. 2014-16; LOCATION: LOT NO. 7, TRACT 9211; YIGO; APPLICANT: WILLIAM B. FRAZIER; PROPOSED USE: CONDITIONAL USE FOR PARTIES AND CULTURAL RESORT.**

Buenas yan Háfa Ádai! The applicant, William B. Frazier represented by Ignacio F. Santos, is requesting a conditional use permit to utilize an existing one story open space building for parties and as a cultural resort for tourists. The subject property is currently zoned "A" agricultural. The subject property is located along Chalan SPC John T. Sablan in Yigo and has an approximate area of 50,407(±) square feet. Chalan SPC John T. Sablan is a 40 feet wide access easement. The surrounding land uses are predominantly agricultural with a single-family residence and equipment storage within the 750 feet radius. Most of the basic infrastructure services including water, power, telephone and cable are immediately available on site or nearby with the exception of sewer.

The applicant proposes to construct two (2) paved 24 feet wide driveways from Chalan SPC John T. Sablan road into a 21 stall parking area. A sanitary sewer holding tank with a 53,568 gallons capacity is proposed to handle all wastewater from the proposed project. A pond basin system is present to address storm water within the boundaries of the site. A temporary office container and a maintenance shop on subject property may be removed from property. The subject property is not paved however heavily landscaped.

The Bureau of Statistics and Plans (BSP) has completed its review of the attached application and project presentation at the Application Review Committee meeting, and provides the following comments and recommendations should the application be approved.

1. **Water Source Protection and Stormwater Management.** The subject area is in the boundary of the Ground Water Protection Zone of our Northern Guam Lens Aquifer, therefore the Bureau is concerned that the proposed activities may have a negative impact to water quality. Groundwater is an essential resource for Guam and is the source for approximately 80% of Guam's drinking water. Because of the paramount importance of Guam's water lens, which is designated as the sole source aquifer for our drinking water by U.S. Federal recognition,

threats to our water sources must be prevented. The primary goal for protecting groundwater is to safeguard human health and the environment by maintaining the existing high quality of Guam's groundwater.

The Bureau is concerned that the applicant's proposal to construct two (2) paved 24-foot wide driveways and conduct commercial activities located above Guam's sole source aquifer, will only intensify stormwater flow and contribute contaminants in our drinking water source during a rain event if the application request is approved. Surface runoff from driveways, sidewalks, and parkinglots carries pollutants such as gasoline, motor oil, and heavy metals from vehicles back into the water or groundwater that can adversely impact not only Guam's drinking water source but even our economy.

Therefore, should this application be approved, the Bureau recommends the applicant work closely with Guam Environmental Protection Agency (GEPA) for 1) an aquifer protection review pursuant to the "*Federal Safe Drinking Water Act,*" §1424 and *Guam Safe Drinking Water Act,*" 10 GCA Chapter 53; and 2) for implementation of best management practices in preventing stormwater runoff from contaminating Guam's sole source aquifer pursuant to the CNMI and Guam Stormwater Management Manual.

**1.1 Low Impact Development.** Considering the project site will comprise impervious surfaces from parking stalls, driveways, and rooftops, which accelerates runoff, the Applicant is highly encouraged to implement low impact development practices such as island bioretention, permeable parking and walkways, grassed swales or rain gardens into their landscaping design as a means to reduce runoff from their property. One such practice could be incorporating a rain garden in the landscaping design that will capture runoff from roofs, parking lots, or driveways and filters pollutants before entering the water. A guidebook "*Island Stormwater Practice Design Specifications*" is available at the Bureau of Statistics and Plans, Guam Coastal Management Program office.

**1.2 Erosion Control.** During construction, the applicant is advised to implement erosion control methods to prevent sediment from leaving the project site. The applicant is also advised to work with Guam Environmental Protection Agency for effective implementation of erosion control methods and stormwater management practices. The CNMI and Guam Stormwater Management Manual, October 2006 is available at Guam EPA for detailed stormwater treatment criteria and standards and bio-retention specifications.

2. **Sewage.** The applicant proposes to install a 53,568 gallon sanitary holding tank to handle all wastewater generated from the facility, however, the site plan failed to identify the location of the holding tank.

Therefore, the Bureau recommends that the applicant coordinate with the Guam Waterworks Authority (GWA) and GEPA for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the *"Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.*

3. **Invasive Species.** Considering the Rhino Beetle and Fire Ants outbreak, the protection from invasive species is crucial in preserving Guam's native plant and animal species. The Applicant is advised to consult and work with the Department of Agriculture's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid invasive species outbreaks such as the Rhino Beetle and the little Fire Ants.
4. **Landscaping.** BSP advises the Applicant to consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering the aquifer. The Applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.
5. **Setbacks.** The Bureau recommends that proper setback requirements are followed and to include a perimeter or buffer area either through landscaping or fencing to ensure the minimum yard and lot areas are established for rural (A) Zone that is located on top of the Northern Aquifer. The Bureau recommends the applicant coordinate with Department of Land Management (DLM) for compliance pursuant to the *"Zoning Law," 21 GCA, Chapter 61.*
6. **Waste Control and Demolition.** The Bureau is concern of spillage of waste oils and other liquid waste that may have been generated from the maintenance shop as well as waste cooking oils that may be generated from the restaurant. Therefore, the Bureau recommends the applicant coordinate with GEPA to ensure proper containment, removal, and disposal of potential waste oils and other liquid waste pursuant to the *"Water Pollution Control Act," 10 GCA, Chapter 47, CFR 112, and "Guam Hazardous Waste Management Regulations," Title 22, Division 6, Chapter 30.*

6.1 **Demolition.** Should any type of demolition be required at the subject property (i.e. maintenance shop), a Disposal Plan to include the types of waste generated from the demolition needs to be submitted to GEPA for review and approval. Therefore, the Bureau recommends the applicant coordinate with GEPA to address proper disposal of solid waste.

7. **Nuisances.** The application is unclear of the proposed project's hours of operations. The Bureau is concerned of any nuisances derived by its activities which may cause some effects to the existing and future residents within the surrounding area such as noise disturbances including loud music, cultural drum performances, or music bands, and increased traffic. Therefore, the Bureau

recommends the applicant post its hours of operations to include days of operation at a conspicuous area.

8. **Agricultural District.** Due to the property proximity in the northern area of the island and its current zoning "A", it's important for the applicant to maintain, preserve and protect the native plant and animal species and its existing habitats as well as the physical characteristics within the surrounding area pursuant to *North and Central Guam Land Use Plan*. Therefore, the Bureau recommends the applicant coordinate with Department of Agriculture's Division of Aquatic and Wildlife Resources to avoid any adverse effects to the surrounding areas and to preserve agricultural lands.
9. **Historic Preservation.** To preserve historic properties and artifacts, the Applicant is advised to coordinate with the Department of Parks and Recreation, Guam Historic Resources Division, especially if excavation is involved.
10. **Limited Term.** Any future changes to the proposal shall first be reviewed and approved by GLUC prior to any actual changes. The Bureau recommends that Conditional Use of the property be limited to *no more than three (3) years* in which time the applicant may seek re-approval by the GLUC or otherwise discontinue the operations.

In conclusion, the Bureau of Statistics and Plans applauds William B. Frazier for his efforts to provide a dining and a cultural experience for both tourists and local residents, at the same time we advise the applicant to incorporate best management practices into the plans and implement these plans during and after construction of their project.

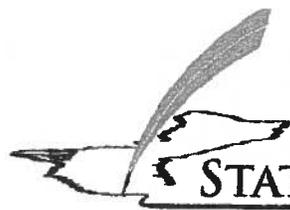
As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We further encourage and promote the visitor industry as well as the protection of Guam's natural resources for generations to enjoy.

  
LORILEE T. CRISOSTOMO

cc: GEPA  
GPA  
GFD  
GWA  
DOAg  
DPR  
DPW

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Lorilee T. Crisostomo  
Director

DEC 02 2014

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**MEMORANDUM**

**To:** Chairman, Guam Land Use Commission

**Via:** Executive Secretary, Department of Land Management

**From:** Director, Bureau of Statistics and Plans

**Subject:** **APPLICATION NO.** 2014-18; **LOCATION:** LOT NO. 25, TRACT 534; DEDEDO; **APPLICANT:** SONIA WENDY KO; **PROPOSED USE:** ZONE CHANGE FROM "R-1" RESIDENTIAL TO "C" COMMERCIAL ACTIVITY

Buenas yan Háfa Adai! The applicant, Sonia Wendy Ko, is requesting for a Zone Change from "R-1" single-family dwelling zone conditional use to "C" commercial in order to continue commercial activities of the existing UR Market and to upgrade and improve the facilities. The store has been in commercial operation for the past 21 years and the applicant wishes to upgrade the facilities to provide better service and employment opportunities. The subject property is located along Chalan Balako in Dededo and has an approximate area of 39,998(±) square feet. Chalan Balako is a 50-foot wide access easement. The surrounding land uses consist predominantly of residential family dwellings and agricultural properties. All of the basic infrastructure such as water, power, sewer, telephone and cable are immediately available to the subject property.

To justify the zone change, the applicant stated that there is a public necessity and convenience due to its close proximity to a highly populated residential area and the surrounding communities. The applicant further states that the area benefits from the convenience and services of a commercial establishment in an area where these services are not available.

The Bureau of Statistics and Plans (BSP) has completed its review of the attached application and project presentation at the Application Review Committee meeting, and provides the following comments and recommendations.

1. **Land Use.** The cover letter states that the applicant is requesting for a zone change to continue commercial activities as there is a need to provide basic public necessities. In the applicant's feasibility study dated March 17, 2014 states that: *"It is very feasible to continue commercial activities, to upgrade*

*the facilities in order to provide better goods, products and services to the communities, to provide additional employment opportunities and update the zoning and use by requesting for a zone change from "R-1" to "C" – Commercial for Lot 25, Tract 534, Dededo."*

The Bureau is concerned with the applicant's reason to continue "*commercial activities*" as stated in the cover letter and feasibility study. Presently, UR Market continues its operations in the village of Dededo under the "Conditional Use" zone; such that, retail operations are already allowed in its current use. "*To continue commercial activities*" may be interpreted as all other uses permitted under the "C Commercial Zone." The application is unclear of the type of additional commercial activity or service that will be provided should the zone be changed from Residential to Commercial. It is also unclear if the applicant will be expanding her business in the same way or change the nature of the business once commercial zoning is approved. We are concerned that future commercial development and activities may further burden existing basic infrastructure and the health and welfare of the people in this residential community.

- 2. *Water Source Protection and Stormwater Management.*** The subject area is in the boundary of the Ground Water Protection Zone of our Northern Guam Lens Aquifer, therefore the Bureau is concerned that the proposed activities may have a negative impact to water quality. The Northern Guam Lens Aquifer is an essential resource for Guam and is the source for approximately 80% of the island's drinking water. Because of the paramount importance of Guam's water lens, which is designated as the sole source aquifer for our drinking water by U.S. Federal recognition, threats to our water sources must be prevented. The primary goal for protecting groundwater is to safeguard human health and the environment by maintaining the existing high quality of Guam's groundwater.

The applicant proposes to "upgrade the facilities in order to provide better goods, products, and services" by updating the current zone to commercial zone. It is unclear in the application of the type of upgrades that will be performed to the existing building or within the property. Although, the site plan indicates "concrete with cyclone fencing around entire use area, concrete wall, parking, sidewalk, and catch basin," it is not specified in the application if they are part of the upgrades.

Considering that UR Market is located above Guam's sole source aquifer, the Bureau is concerned that the site plan proposal for commercial activities will intensify stormwater flow and contribute contaminants in our drinking water source during a rain event if the application request is approved. Concrete areas, sidewalks, and parking lots are impervious surfaces that will only accelerate polluted runoff into near shore waters and the aquifer and can have

a negative impact not only to our water source, but even on our economy.

Therefore, should this application be approved, the Bureau recommends that the applicant work closely with Guam Environmental Protection Agency (GEPA) for an aquifer protection review pursuant to the "*Federal Safe Drinking Water Act*," §1424 and *Guam Safe Drinking Water Act*," 10 GCA Chapter 53, and for implementation of best management practices in preventing stormwater runoff from contaminating Guam's sole source aquifer pursuant to the CNMI and Guam Stormwater Management Manual.

Additionally, the Bureau recommends that the applicant coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the "*Water Pollution Control Act*," 10 GCA Chapter 47; "*Water Resources Conservation Act*," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the *Guam Water Resource Development & Operating Regulations*.

3. ***Entrance/Exit.*** The Bureau is concerned about ingress and egress issues due to the high dense use of the tri-intersection right by the establishment. Therefore, the Bureau recommends that the applicant coordinate with the Department of Public Works (DPW), Rights of Ways Division to address this matter for the safety of the patrons.

The Bureau finds that the proposed zone change request did not adequately justify public necessity, public convenience and general welfare. We also find that commercial activities permitted under the C-zone may disrupt the livelihood and continuity of the residents in the area.

  
LORILEE T. CRISOSTOMO

cc: GEPA  
GWA  
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GFD