



Territory of Guam  
Territorio Guam

OFFICE OF THE GOVERNOR  
L'FISINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

**TOMSON ORIGINAL**

JL/DLM Planning Div.  
RECEIVED JUN 22 1994

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 6/14/94  
TIME: 10:00 AM  
RECD BY: [Signature]

JUN 14 1994

Honorable Joe T. San Agustin  
Speaker  
22nd Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Re: Zone Change Approval on Tract 2640 & Lot No. 90-2-R1-1, Municipality of Yona

Dear Speaker:

Pursuant to 21 GCA, Chapter 61 (Zoning Law), Section 61647 (Submission to the Legislature), I am herewith transmitting for the Legislature's review and action a **Zone Change Approval** for Tract 2640 & Lot No. 90-2-R1-1, Yona, from "A" (Rural) to "PUD" (Planned Unit Development) District in order to construct a Five Star Hotel consisting of 280 rooms and assessor facilities (Restaurant, swimming pool, shops, tennis court, museum, assembly hall, pond, putting green and a parking structure).

As always, I look forward to working with the Legislature to provide for the needs of our people.

Sincerely,

Joseph F. Ada  
JOSEPH F. ADA  
Governor of Guam

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER  
INSTRUMENT NUMBER 510697

This instrument was filed for record on 20

Day of June 19 94, at 12:07 P.M.

and duly recorded on Book 1010 at Page

Recording Fee De Voucher No. [Signature]

Deputy Recorder

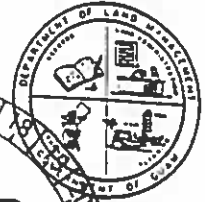
D-94-0137



**DEPARTMENT OF LAND MANAGEMENT  
(DIPATTAMENTON TANO')**

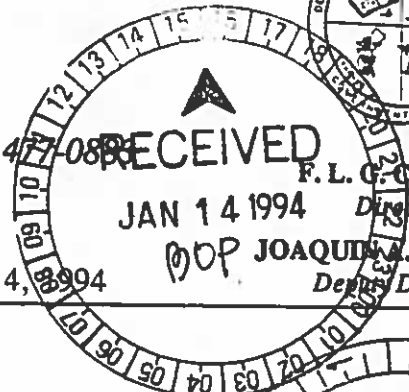
*Government of Guam  
P.O. Box 2950  
Agana, Guam 96910*

*Tel: (671) 475-LAND • Fax: (671) 477-0888*



**JOSEPH F. ADA**  
*Governor*

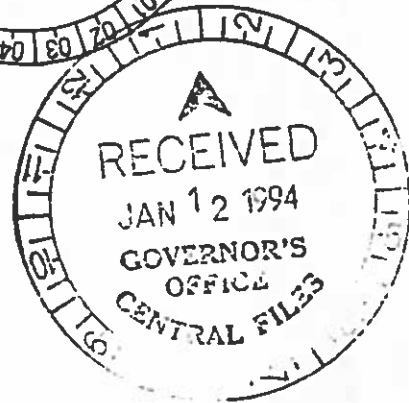
**FRANK F. BLAS**  
*Lieutenant Governor*



**F. L. G. CASTRO**  
*Director*

**JOAQUIN A. ACFALLE**  
*Deputy Director*

January 4, 1994



**Memorandum**

**To:** The Governor  
**From:** Executive Secretary, Territorial Land Use Commission  
**Subject:** Zone Change Request  
**Re:** Tract 2640 & Lot No. 90-2-R1-1, Yona

Submitted for your consideration and action is a Zone Change request on Tract 2640 & Lot No. 90-2-R1-1, Yona (Tomen Development (Guam) Inc. c/o Landmark Land Planning & Consulting) for a zone change from "A" (Rural) to "PUD" (Planned Unit Development) district in order to construct a Five Star Hotel consisting of 280 rooms and assessorly facilities (Restaurant, swimming pool, shops, tennis court, museum, assembly hall, pond, putting green and a parking structure).

This zone change request was officially accepted on July 1, 1993; reviewed by the Development Review Committee (DRC) on July 15, 1993; a public hearing was held in the Municipality of Yona on September 21, 1993 at the Office of the Mayor. On September 28, 1993 the referenced application request was reviewed and looked upon favorably by the Territorial Land Use Commission (TLUC), and referred back to the DRC as per E.O. 90-09. On December 28, 1993 the TLUC adopted the zone change request.

Under the Guam Code Annotated, Title 21 (Real Property), Chapter 61 (Zoning Law), Section 61634 (Decision by the Commission), states that, "if the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve the proposed change in whole or in part."

In addition, the Department of Agriculture submitted an Agricultural Impact Statement on October 21, 1993 as required by P.L. 12-208 which states in part that, "...no land presently zoned "A" (Rural) may be rezoned without the Commission first having considered an agricultural impact statement...".

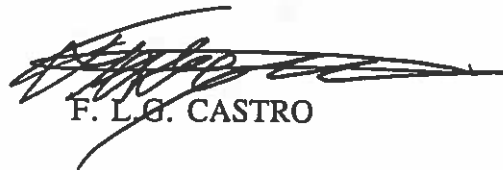
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RECEIVED  
DEPARTMENT OF  
LAND MANAGEMENT



Commonwealth Now!

Memo to Governor  
Subj: **Zone Change Request**  
Re: **Tract 2640 & Lot No. 90-2-R1-1, Yona**  
Page 2  
January 4, 1994

Your earnest consideration on this matter is greatly appreciated.

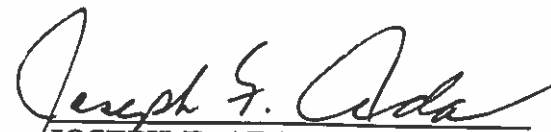


F. L. G. CASTRO

Attachments:

- (1) Zoning Map No. F3-67S45, Amendment No. 20
- (2) TLUC Minutes of December 28, 1993 (Excerpt)
- (3) Commission Findings
- (4) Zone Change Application
- (5) Staff Report
- (7) Village Public Hearing Notice
- (8) Commission Public Hearing Notice


- Approved in Whole  
 Approved in Part  
 Disapproved



---

JOSEPH F. ADA  
Governor of Guam

Date: JUN 14 1994



---

FRANK F. BLAS  
Lieutenant Governor of Guam

Date: JUN 15 1994



**DEPARTMENT OF LAND MANAGEMENT**  
**(DIPATTAMENTON TANO')**  
 Government of Guam  
 P.O. Box 2950  
 Agana, Guam 96910

*P. Diego*



**JOSEPH F. ADA**  
Governor

Tel: (671) 475-LAND • Fax: (671) 477-0883

**F. L. G. CASTRO**  
Director

**FRANK F. BLAS**  
Lieutenant Governor

November 8, 1993

**JOAQUIN A. ACFALLE**  
Deputy Director

*NAME*

*[Handwritten signature]*

To: Chairman, TLUC

From: Director, DLM

Subject: Executive Order 90-09, Section 6. Reply on Tomen Development (Guam) Inc. c/o Landmark, Tract 2640 & Lot No. 90-2-R1-1, Yona

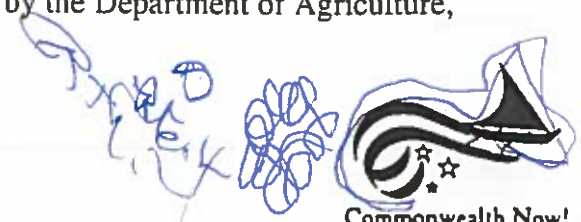
Re: Application No. 93-041 - Zone Change Request from "A" (Rural) to "PUD" (Planned Unit Development) district in order to construct a Five Star Hotel Facility (Hotel Accion Guam) with a combination of accessory facilities.

On September 28, 1993, the TLUC addressed the referenced application request for a change of zones, and contrary to, Legal Council's firm recommendation and opinion that the application request does not meet the requirements of law necessary for such granting, are favorably considering the applicant's request for a change of zones.

DLM maintains its position that the applicant's request for a change of zones does not meet the requirements of law as per Title 21 GCA, Chapter 61 (Zoning Law), Part 3 (Change of Zones), §61635 (Planned Development Districts), (c). Further, that the granting of such a request would set precedence for similar requests, in particular, Application No. 92-048 (Lot No. 90-2NEW, Yona - Zone Change Request from "A" to "PUD" district in order to construct a 250 room hotel facility with accessory uses) which is pending review by the TLUC; that the appropriate zone for such a proposal would be best suited in an "H" (Hotel/Resort) zone.

Should the TLUC take action contrary to this Departments position, we recommend that the following conditions be imposed:

1. That the Applicant remain within the height, density and general scope of development as per the conceptual masterplan submitted and approved by the TLUC.
2. That the Applicant create a landscape buffer along the common property line fronting Route No. 4. That the plant species selected shall attain a height of at least six (6) feet or as otherwise recommended by the Department of Agriculture, Division of Forestry.



**Commonwealth Now!**

Chairman, TLUC

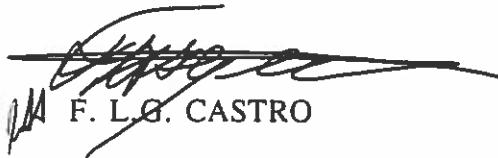
Sub: E.O. 90-09, Sec. 6

Re: Application No. 93-041

November 8, 1993

Page 2

3. That failure to develop (physical development) within a period of three (3) years will result in a reversion of zones to the original zoning designation of "A" (Rural).
4. That the applicant comply with the condition and recommendations of the DRC.

  
F. L. G. CASTRO

FRED M. CASTRO  
Administrator

JOANNE M. BROWN  
Deputy Administrator

*J. Castro 10:50*  
RECEIVED OCT 28 1993



## GUAM ENVIRONMENTAL PROTECTION AGENCY

D-107 HARMON PLAZA, 130 ROJAS ST., HARMON, GUAM 96911 TEL. NO. 646-8863/5 FAX: 646-9402  
AHENSIAN PRUTEKSION LINA'LA GUAHAN

OCT 28 1993

### INTER-AGENCY MEMORANDUM

TO: Chairman, Territorial Land Use Commission  
Executive Secretary, Territorial land Use Commission

FROM: Administrator

SUBJECT: Lot 90-2-R1-1, Tract 2640 Ylig, Yona (Tomen Development (Guam) Inc. c/o Landmark) TLUC 93-041, Zone Change

The Agency has reviewed the subject application request for a zone change from "A" (Rural) to "PUD" (Planned Unit Development) in order to construct a hotel with 259 rooms and putting green with other accessory hotel uses.

The Agency position follows:

Guam EPA has reviewed and concurs with the Environmental Impact Assessment (EIA) as satisfying the provisions of Executive Order 90-10. However, Guam EPA does not agree that the conclusions of the infrastructure impact section of the EIA accurately assessed impacts to the Yona water distribution/source system. The scope of the evaluation did not include an analysis of the entire area that would be affected by the development requirements for potable water.

Guam EPA recommends the application request be disapproved for the following reasons:

1. The impacts from this development on the PUAG water supply and distribution system will negatively affect the surrounding municipality of Yona while no mitigation for the impacts is provided.
2. The application request does not qualify for a Planned Unit Development (PUD) as demonstrating an appropriate mix of land uses. As presented GEPA believes that the development only represents a proposed five (5) star hotel with accessory uses one of which is a minor golf course (mini-golf) along the seashore.

The Agency believes that PUD proposals such as this application are simply luxury hotels and categorically violate the intent if not the specific requirements of the popular and more palatable zoning category known as "Planned Development Districts".



"ALL LIVING THINGS OF THE EARTH ARE ONE"

Commonwealth Now!

TLUC 93-041, page 2.

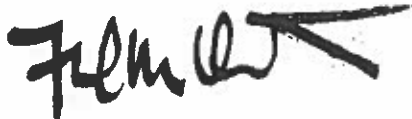
The proper zone change proposal should have been from "A" to "H" (Hotel/Resort) zone.

Several months ago the Okso Taguac Development on Nimitz Hill was approved by the Commission without technically meeting the open space requirements of a PUD, however there was some overriding incentive to approve the PUD because it was well planned, it offered a good mix of uses, it maximized land resources with outstanding design and integration of uses, and finally it offered to include a certain number of "affordable housing" units.

In contrast, this development does not seem to offer anything other than the standard expected hotel type benefits to the Guam community such as jobs which may not be urgently needed in Guam because the island is at near full employment in most sectors except the hotel industry, which is experiencing occupancy problem.

The development does not appear to offer unique or outstanding public benefits in order that the Commission might relax or alter the PUD requirements as provided in Section 61635 of the zoning law and supported by Attorney General Opinion BOP 85-0923.

Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read 'Fred M. Castro', with a stylized flourish extending to the right.

FRED M. CASTRO

CC: Bureau of Planning  
Public Utility Agency of Guam  
Department of Agriculture



GOVERNMENT OF GUAM  
AGANA GUAM 96910

To: Chairman, Territorial Land Use Commission  
From: Fire Inspector, Guam Fire Department  
Subject: 93--041, Lot 90-2-R1-1, Yona (Tomen Development  
(Guam), Inc., c/o Landmark)  
\_\_\_\_\_  
\_\_\_\_\_

REQUEST: Zone Change from "A" (Rural) to P.U.D. (Planned Unit Deve-  
lopment) district in order to develop a proposed five star  
hotel facility (Hotel Accion Guam) consisting of 259 rooms  
along with a combination of accessory facilities.

RE: POSITION STATEMENT

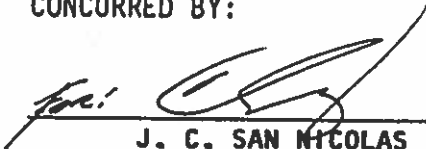
The department has no objection to the request, provided that the concerns and requirements of the other agencies are adequately address as well as all Fire Protection and Life Safety requirements are met as per respective UFC & UBC Regulations. For example:

- \* AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.
- \* AN AUTOMATIC SPRINKLER SYSTEM.
- \* ADEQUATE WATER SUPPLY AND HYDRANTS.
- \* FIRE LANES AND PROPER TURNAROUND POINTS.

Additional requirements may be imposed upon the permitting process as well as during the occupancy inspection if the above-request is granted.

  
FRED F. BLAS

CONCURRED BY:

  
\_\_\_\_\_  
J. C. SAN NICOLAS  
Deputy Fire Chief

Date: 10/28/93





# DEPARTMENT OF LAND MANAGEMENT

(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

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**JOSEPH F. ADA**  
Governor

**FRANK F. BLAS**  
Lieutenant Governor

**F. L. G. CASTRO**  
Director

**JOAQUIN A. ACFALLE**  
Deputy Director

October 22, 1993

## Memorandum

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

**From:** Territorial Planner

**Subject:** Staff Report - Application No. 93-041

**Re:** Tract 2640 & Lot No. 90-2-R1-1, Yona (Tomen Development (Guam) Inc.,  
c/o LandMark Consultants) - Zone Change

### I. PURPOSE:

- a. **Application Summary.** Zone Change request from "A" (Rural) to "PUD" district in order to construct a Five Star Hotel facility with accessory uses and structures.
- b. **Legal Authority.** Title 21 GCA (*Real Property*), Chapter 61 (*Zoning Law*), Part 3 (*Change of Zone*), §61635 (*Planned Development District*), §61634 (*Agricultural Impact Statement*).

### 2. FACTS:

- a. **Location.** Along the south shore of Elik River, adjacent to Route No. 4, and extend northeast and east to the shore and cliffline above the mean high water mark.
- b. **Lot Area.** Cumulative area of 77,384 Square Meters, 832,951 Square Feet or 19.1 acres.
- c. **Present Zoning.** "A" (*Rural*).
- d. **Field Description.** At present the site is vacant and undeveloped; Approximately 15.1 acres of the subject lot is located on the upper cliff, while approximately 4.02 acres are located at or just above sea level.
- e. **Masterplan.**
- f. **Community Design Plan.**
- g. **Previous Commission Action.** None.



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5. **STAFF ANALYSIS:** The applicant proposes to construct a Five Star hotel facility with combination of accessory uses and structures. A review of the proposed structures and uses indicate only one primary structure/use (hotel facility) with secondary accessory structures/uses typical/customary to hotel facilities and not distinct in nature. Title 21 GCA, Chapter 61 (Zoning Law), Part 3 (Change of Zones), §61635 (Planned Unit Development Districts), (c), requires, "*A combination of structures and uses which are in reasonable association and proportion to make a harmonious unit likely to continue compatibility with one another.*". The objective of this criteria which calls for, "a combination of structures and uses", is intended for a, "*community oriented development with a combination of "R-1" (Single Family Dwelling) and "R-2" (Multi-Family Dwelling) with Commercial uses, developed as such to produce SEMI-SELF CONTAINED COMMUNITIES* (.
6. **RECOMMENDATION:** Planning Staff recommends **DISAPPROVAL** of the applicants request for a change of zone from "A" (rural) to "P.U.D. (Planned Unit Development) district based on the following:
- a. The applicant has failed to satisfy the requirements for a change of zone as per Title 21 GCA, Chapter 61 (Zoning Law), Part 3 (Change of Zone), §61635 (Planned Development Districts), (c). (A combination of uses and structures which are in reasonable association and proportion to make a harmonious unit and likely to continue compatibility with one another.).

surface H<sub>2</sub>O dev

  
JOHN T. ANDERSON  
Territorial Planner

Case Planner: Jose M. Quinata

- 1) Has EIA been approved by GEPA?  
2) BOP - cannot support  
3) Agric - disapproval  
4) Infrastructure  
a) water -  
b) power -  
c) Tel -  
d) Roads -



*JL/DLM 1:45*  
RECEIVED JUL 23 1993  
JUL 22 1993

**MEMORANDUM**

To: Chairman, Territorial Land Use Commission

From: Director, Department of Public Works

Subject: **POSITION STATEMENT**  
#93-041, TLUC Agenda  
Lot No. 90-2-R1-1, Yona (Tomen Development (Guam), Inc. c/o Landmark)

Request: Zone Change from "A" (Rural) to PUD (Planned Unit Development) district in order to develop a proposed five star hotel facility (Hotel Accion Guam) consisting of 259 rooms along with a combination of accessory facilities

The Department of Public Works recommends approval subject to our comments reviewed by the Development Review Committee (DRC) on July 15, 1993. It should be noted that the applicants shall comply to all applicable rules, regulations and Government Code of Guam prior to the issuance of a building permit.

This office may require additional information from the applicant(s). A copy of our comments as stated above is hereby attached.

  
BENIGNO M. PALOMO

Attachment

**DEVELOPMENT REVIEW COMMITTEE COMMENTS**

July 15, 1993, 9:30 a.m.

**Subject:** Lot No. 90-2-R1-1, Yona (Tomen Development (Guam), Inc. c/o Landmark)

**Appl. No.:** 93-041

The following are informations required by the Department of Public Works on the above subject project:

1. **Storm Water Disposal:**

Show storm drainage system in plan to support the given calculations.

2. **Traffic Generation:**

Coordinate with DPW Traffic Control Engineer.

3. **Parking Requirements:**

Layout. Show detail of parking stalls.

4. **Access Road:**

1. Entrance/Exit

2. Access Road should be in conformance to the Highway Master Plan

3. Show curbs and gutters detail

5. **Solid Waste Collection/Disposal:**

Provide solid waste composition.

6. **Transportation (Bus, Bus Shelter):**

Consider bus and bus shelter on this project.

7. **Others:**



SETBISION MAMPLANEHA  
Bureau of Planning  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910

AUG 20 1993

AUG 25 1993

MEMORANDUM

To: Chairman, Territorial Land Use Commission

Via: Territorial Planner, Department of Land Management

From: Director, Bureau of Planning

Subject: Position Statement on Zone Change Application No. 93-041; Tomen Development (Guam) Inc.; Lot No. 90-2-R-1-1, Ylig, Yona, from "A" to "PUD"; Proposed Use: Resort Hotel, 259 Rooms; and Hotel Amenities

The Bureau of Planning cannot support this application for the following reasons:

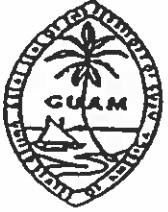
1. The applicant is requesting a zone change from "A" to "PUD" of the subject lots in order to construct a 259-unit Resort Hotel. This area has been designated as Intensity District 2 Zone by the proposed Land Use Plan for Guam (I Tano'-Ta). While PUD is identified as permitted use in this zone, the maximum allowable units is 6 units per acre. Because the project site is only 19.1 acres, the proposed 259 units far exceed the allowable units by 145.

While we acknowledge the fact that the master plan is still in draft form, we must advise TLUC that the master plan consultant has presented the plan as a reflection of the public's desire of how they want to see their communities developed as obtained through numerous public meetings on the plan. If the master plan consultants' presentations are to be taken seriously by the public and our policymakers, then we cannot support the proposed rezoning as it is in direct conflict with the public's desires.

2. There are a number of hotel proposals that are either pending approval or construction. Therefore, the Bureau believes that we do not need to encourage more hotel development at this time, nor do we believe, for this same reason, that the "public necessity" has been met. Even with the damages incurred by the earthquake, this is still true.

There is a growing demand for more affordable housing projects to serve the needs of local residents. Developers should be more conscious of local housing needs and encouraged to undertake such a venture.





Department of Agriculture  
Dippattamenton Agrikottura

P.O. Box 2950  
Agana, Guam 96910



Director's Office 734-3942 / 43  
Agricultural Dev. Svs. 734-3946 / 47; Fax 734-8096  
Animal & Plant Industry 734-3940 / 49  
Aquatic & Wildlife Res. 734-3944 / 45; Fax 734-6570  
Forestry & Soil Resources 734-3948; Fax 734-0111

ANTONIO S. QUITUGUA  
Director

JOSE A.E. MANIBUSAN  
Deputy Director

*J. A. E. Manibusan 4:28*  
RECEIVED OCT 21 1993

October 18, 1993

Memorandum

To: Director, Department of Land Management  
Attn: Executive Secretary, Territorial Land Use Commission  
From: Director, Department of Agriculture  
Subject: Agricultural Impact Statement  
Ref: Case No. 93-041  
Zone Change Application for Tract 2640, Lot Nos. 90-2-R1-R  
and 90-2-R1-1; Ylig, Yona. Applicant - Hotel Accion Guam,  
Tomen Development (Guam) Inc. c/o Landmark

The Division of Agricultural Development Services (ADS) has reviewed the above Zone Change Application and submit the following comments:

The Department cannot adequately evaluate the proposed development without meeting all of the requirements and informations needed to justify the zone change request. Based on the Position Statement prepared by the Division of Aquatic and Wildlife Resources dated October 06, 1993, this Department looks forward to a response for their recommendations and concerns. The required 500' to 1000' radius map has not been submitted to show the listings of property owners, current use and their present zoning, etc. Furthermore, the project site has been sub-divided into eighteen (18) Lots providing public access and utility Right-of-Way. The Department strongly recommends that the applicant should incorporate a Boat Ram that would benefit our fishermen and the island community as well as to launch their fishing boats and have the oceanshore access already established.

Because of the above concerns, the Department of Agriculture does not support this zone change application until these concerns are met.

*Antonio S. Quitugua*  
ANTONIO S. QUITUGUA

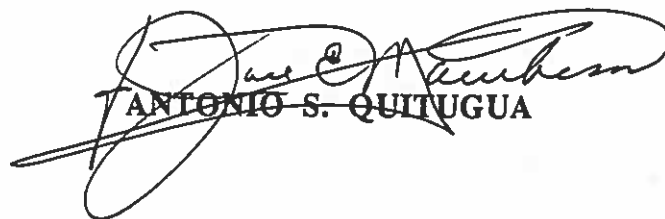


resort. Because this proposed project does not meet all of the requirements listed in §61635, we view that the zone change from "A" to "PUD" is not fully justified.

In a letter dated September 14, 1993, we requested that additional information be submitted to our Department no later than September 24, 1993. We also suggested to the consultant that the appropriate corrections and additions to the application be made and that all DRC members be given a corrected copy of the application. The applicant requested that we extend the deadline to October 1 because he had only received our letter on September 24, 1993. In all fairness we agreed to extend the deadline to October 1, 1993, however, to date we have not received a response from the consultant. Just to note, in the consultant's letter to our Department, it is stated that "attached is a copy of the project application which I suppose has some of the exhibits or appendices claimed missing within your copy." There was no attachment to the letter from the consultant. Our letter to the consultant and the consultant's letter to our Department requesting additional time are enclosed.

Based on the information we have on hand, we have no alternative but to recommend that the Commission disapprove this application.

We appreciate the opportunity to comment on this matter.

  
ANTONIO S. QUITUGUA

cc: Director, BOP  
Administrator, GEPA



**DEPARTMENT OF COMMERCE**  
**DIPATTAMENTON I KUMETSI**  
 /Suite 601, 6th Floor-GITC Bldg.-  
 Tamuning, Guam 96911  
 Tel: (671) 646-5841/4 Fax: (671) 646-7242

**GOVERNMENT OF GUAM**  
 AGANA, GUAM 96910



DC-EDP-013-93I

SEP 16 1993

SEP 17 1993

MEMORANDUM

To: Chairman, Territorial Land Use Commission  
 Chairman, Territorial Seashore Protection Commission

From: Director, Department of Commerce

Subject: Lot 90-2-R1-1, Yona (Tomen Development (Guam), Inc. c/o Landmark) Zone Change from "A" (Rural) to P.U.D. (Planned Unit Development) district in order to develop a proposed five-star hotel facility (Hotel Accion Guam) consisting of 259 rooms along with a combination of accessory facilities.  
 DRC date: 7/15/93  
 Application No.: 93-041

We have reviewed the application described above and submit the following statements:

A. Comments and Recommendations Concerning Agency Mandated Functions:

None.

B. General Comments.

Commerce has no objection to the request cited above.

*Peter R. Barcinas*  
 Peter R. Barcinas

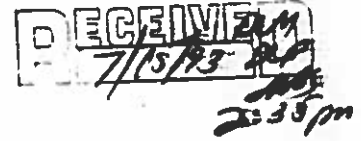






DEPARTMENT OF PARKS & RECREATION  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910

JUL 13 1993



**MEMORANDUM**

**To:** Chairman, Territorial Land Use Commission  
**From:** Director, Department of Parks and Recreation  
**Subject:** Position Statement (Update)

The Department of Parks and Recreation, has reviewed the Zone Change Application (DLM93-041) for Tract 2640 and Lot 90-2-R1-1, Ylig, Yona. This was submitted by Tomen Development (Guam), Inc. c/o Landmark Land Planning and Development Consulting. This project concerns the proposed construction of Hotel Accion Guam.

Attached to this position statement please find this Department's position statement dated July 30, 1991. The same conditions shall continue to apply. It will also be necessary to conduct an archaeological data recovery program for historic properties which can not be preserved. Three archaeological sites were located by Paul H. Rosendahl, Ph.D., Inc. in April, 1990 (Interim Report: Background, Summary of Findings, and General Significance Assessments and Recommended General Treatments, May 1990). Communication between Landmark and the Guam Historic Preservation Division is encouraged.

  
ANTHONY C. MARIANO

Attachment

JUL 30 1991

502 193 —

**MEMORANDUM**

**To:** Director, Department of Land Management  
**From:** Director, Department of Parks and Recreation  
**Subject:** Position Statement

This is the Department of Parks and Recreation's position statement on the Conditional Use Application for Lot No. 1, Tract 2640, Ylig, Yona; by Toyo Menka Development (Guam) Inc..

The department has reviewed the subject application and submits the following conditions:

1. The standard preservation condition as outlined in the Memorandum of Understanding between the DPR and the Territorial Land Use Commission that implements Order 89-9 shall be enforced.
2. Follow DPR's Guidelines and Standards for Subdivisions and Planned Unit Developments in designing the parks and recreational facilities.
3. That public access along and to the beaches at Ylig Bay be provided and be consistent with Public Law 12-19 and 19-5. The department has guidelines to follow for compliance with these laws.

The developer or his appointed representative should stay in contact with DPR regarding these concerns.

ORIGINAL SIGNED BY:

ANTHONY C. MARIANO

ACM/TM:jos  
July 29, 1991

Directors  
HPO Originator



# Department of Agriculture

P.O. Box 2950

Agana, Guam 96910



ANTONIO S. QUITUGUA  
Director

Director's Office	734-3942/43
Aquatic & Wildlife Resources	734-3944/45
Agricultural Development Svcs.	734-3946/47
Forestry & Soil Resources	734-3948
Animal & Plant Industry	734-3940/49

JOSE A. E. MANIBUSAN  
Deputy Director

*J. L. D. M. 11:10*  
RECEIVED OCT 12 1993

October 6, 1993

## Memorandum

**To:** Executive Secretary, Territorial Land Use Commission

**From:** Director of Agriculture

**Subject:** Case No. 93-041  
Position Statement regarding a Zone Change Application  
Tract 2640, Lot Nos. 90-2-R1-R and 90-2-R1-1; Ylig, Yona  
Hotel Accion Guam, Tomen Development (Guam) Inc. c/o Landmark

The Department of Agriculture, Division of Aquatic and Wildlife Resources has reviewed the above application and have the following comments:

Although tables and figures are discussed within the text, it is disconcerting to not find them in any of the appendices. A wetland map is referred to on page 19 of the EIA, more specifically, "Verification of the wetlands was made by the appropriate federal and local agencies (i.e. USACOE, DAWR, and GEPA) as depicted in Figure 3 in Appendix C." However, there is no Figure 3 in Appendix C. Also on page 19 of the EIA, it is stated that "The U.S. Department of Interior Fish and Wildlife wetland inventory map (Figure 4 in Appendix C) indicates a PFO3C area... which does not seem to be a desirable designation for a Nypa-Hibiscus-Derris wetland (Raulerson and Derr, 1990)." Again, there is no Figure 4 in Appendix C. Supposedly, there are three different reports included in Appendix C, two by Raulerson and Kerr (1990 and 1992) and one by Grigg and Haun (1990). On the contrary, there is only one report in Appendix C, Raulerson and Kerr (1990). The "report by Raulerson and Kerr (1990) with the checklist of plants (including plants noted by PBEC (1990)" is located in Appendix C not D as noted on page 19. Furthermore, the report by Grigg and Haun (1990) is an archaeological inventory survey (in appendix D) not a biological report.

It is mentioned in the application that the wetlands will be avoided by developing around them, however, in another section of the application it is stated that "the wetland located adjacent to the river will become a part of the overall design of the botanical garden." We view that a list of flora and fauna planned for the botanical garden should have been submitted with the EIA. We want to ensure that there are no undesirable exotic plants or animals introduced to the island that may eventually become established outside of the proposed botanical garden.



Commonwealth Now!



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O. BOX 2977, AGANA, GUAM, USA 96910-2977

July 26, 1993

## MEMORANDUM

OL / DLM 1-10  
RECEIVED US 04 1993

To: Chairman, Territorial Land Use Commission

From: General Manager, GPA

Subject: Lot No. 90-2-R1-1 and Tract 2640, Ylig, Municipality of Yona, Guam (Tomen Development (Guam), Inc.) Zone change from "A" (Rural) to "PUD" (Planned Unit Development) to develop an integrated resort hotel.  
Application No. : 93-641

We have reviewed the application described above and submit the following statements:

A. Comments and Recommendation Concerning GPA requirements:

1. GPA has no objections, however customer is required to comply with the following:
  - Coordinate underground power facilities with GPA Engineering for new structures
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code
  - Maintain adequate clearance between any structure and electric utility easements
  - Secure electric utility easements required
  - Provide scheduling and magnitude of project power demand requirements for new loads
2. Primary distribution line extensions must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A "fair share" assessment for power generation, transmission and/or substation facilities may be required.

B. General Comments

GPA has no objection to the request cited above.

  
JOHN M. BENAVENTE

SRC/



OFFICE OF THE DIRECTOR

DEPARTMENT OF EDUCATION  
GOVERNMENT OF GUAM  
P.O. BOX DE  
AGANA, GUAM 96910  
TEL: (671) 472-8901/2/3/4  
FAX: (671) 472-5003



FRANKLIN J.A. QUITUGUA, Ph. D.  
Director of Education

CONRAD STINSON  
Deputy Director

July 27, 1993

MEMORANDUM

To: Chairman, Territorial Land Use Commission  
From: DRC Member, Department of Education  
Subject: DRC #93-041  
Lot No. 90-2-R1-1, Tract 2640, Ylig, Yona  
(Tomen Development (Guam), Inc.)  
RE: POSITION STATEMENT

Request: Zone Change Application - For new hotel

The Department of Education has no objection to the above project. However, the developer is requested to provide adequate information to the DOE Planner as to the completion of the project for planning purposes.

*Benny C. Rosalin*  
BENNY C. ROSALIN

CONCURRED:

*F. J. A. Quitugua*  
FRANKLIN J.A. QUITUGUA, Ph.D.  
Director of Education

Date: 7/27/93



Commonwealth Now!



GOVERNMENT OF GUAM  
AGANA, GUAM 96910

AUG 13 1993

5/22/93

Memorandum

To: Executive Secretary, Territorial Land Use Commission

From: Director of Public Health and Social Services

Subject: Case #93-041 Request for a zone change from "A" (Rural) to P.U.D. (Plan Unit Development) in order to develop a proposed five star hotel facility at Lot #90-2-R-1-1 Yona, Guam

Applicant: Tomen Development (Guam) Inc.  
P.O. Box 11883  
Tamuning, Guam 96911

We have no objection to the above request by Tomen Development (Guam) Inc., provided the following conditions shall be met:

1. That the proposed project, called, Hotel Accion Guam shall not create any health or safety hazards within the surrounding areas or neighborhood.
2. That the Plans and Specs. of the swimming pool, restaurant and other health regulated establishments that might be incorporated in the development shall be submitted to our office for review and approval before the construction commences.
3. That due to the increase of vehicular movement generated by the proposed project, appropriate corrective measures shall be provided to prevent traffic congestion at the junction of access road and on Route 4 during rush hour especially for ambulances and fire trucks in response to emergency calls or missions.
4. That the applicant shall assume the responsibility to inform the occupants of the project of Section 35102 Chapter 25, 10 GCA. Section #35102 - Exclusion of Animals, states "no owner or occupant shall keep or allow to be kept upon any premises owned by him or in his possession or control, any pigs, horses, cattle, sheep, goats or carabao in any residential area, except those zoned as agricultural areas. Poultry or fowl maybe kept upon any premises, provided the number does not exceed twenty (20); they are kept fifty (50) feet away from any building, and they are kept clean and free from any accumulation of excreta, decayed food and filth of any kind.



**ACKNOWLEDGEMENT**

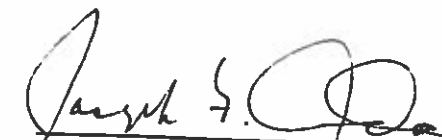
Filed with the Guam Legislature on \_\_\_ day of \_\_\_\_\_, 199\_ in accordance with 21  
Guam Code Annotated Section 61647.

\_\_\_\_\_  
LEGISLATIVE SECRETARY

To: Director, Department of Land Management  
Director, Department of Public Works

Upon review of the decision of the TLUC to approve the zone change and in accordance with Title 21 GCA §61634, I hereby indicate my decision below on the proposed change, and any changes approved shall be endorsed and delineated upon the zoning map, and shall constitute an amendment to such map pursuant to Title 21 GCA §61630. PERMITS SHALL NOT BE ISSUED UNTIL THE AMENDMENT TO THE MAP HAS BEEN MADE.

- APPROVED  
 DISAPPROVED

  
JOSEPH F. ADA JUN 14 1994  
Governor of Guam Date

**DECISION GRANTING ZONE CHANGE**  
*(with findings)*

***Territorial Land Use Commission***

WHEREAS, the following decision of the Territorial Land Use Commission is made in accordance with 21 GCA §61616, now therefore;

WHEREAS, prior to consideration of the application by the Territorial Land Use Commission, a hearing on the zone change was held on 21st day of September, 1993, in the Municipal District of Yona where the property to be rezoned was located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearing was published in a newspaper of general circulation on the 24th of August, 1993, as evidenced by affidavit by an affidavit of publication attached as Exhibit A.

WHEREAS, notice was mailed to the Mayor of the Municipal district concerned and to those landowners owning land within 500 feet of the property where the property to be rezoned is located as evidenced by the affidavit of mailing attached as Exhibit B.

BE IT RESOLVED, that on the 28th day of December, 1993, a hearing of the Territorial Land Use Commission (TLUC) was held in accordance with notices duly issued to consider the application of Tomen Development (Guam) Inc. c/o Landmark Land Planning & Development Consulting, for a zone change of Lot Number 90-2-R1-1, Municipality of Yona.

A quorum of the Commission was present. In attendance were:

- |  |                                       |
|--|---------------------------------------|
| 1) <u>Jesus P. Cruz</u> , Chairman     | 2) <u>Robert Blas</u> , Vice Chairman |
| 3) <u>Carl Peterson</u> , Member       | 4) <u>Roland Franquez</u> , Member    |
| 5) <u>Rufo Lujan</u> , Member          | 6) <u>Brihida Aquigui</u> , Member    |
| 7) <u>Patricia Long-Diego</u> , Member |                                       |

Appearing for the applicant were: Mr. Roland Villaverde, Mr. Joe Morcilla & Mr. Ed Ching.

Also appearing and testifying on the above project was:

- 1) Mrs. Rita Cruz In Support of Project.

After considering all the statements and testimony presented by interested parties the TLUC finds that the application for zone change is granted on the following grounds: (Note: All three (3) sections should be answered.)

- (a) Public Necessity: The following facts support a finding that public necessity justifies the zone change:

That the planning Scheme concept of the Hotel Accion Guam Project underscores the need of revitalizing the image of development on Guam. This development will compliment the adjacent area supplementing the activities within the vicinity.

- (b) Public Convenience: The following facts support a finding that public convenience justifies the zone change:

That the rezoning of these parcels affords public convenience by stimulating an economic base for enhanced governmental derived revenue and provide a proximal place of employment for the residents in the south. The development will additionally afford public convenience by providing environment in consideration of the present conditions on the site. Restaurants and social



meeting accommodations may be reserved by the residents rather than procuring a space far removed in Tumon.

- (c) General Welfare: The following fact support a finding that the General Welfare of the public is best served by the granting of a zone change:

That the general welfare of the public is protected by the rezoning. The proposed development will not reduce any zoning standards in the immediate vicinity. Further, this zone change will create a more stable community environment providing for an orderly development scheme. The emplacement of full improvements ensures the general safety and welfare of the inhabitants along adjacent property owners. The development will not be unreasonably detrimental as the zone change is not anticipated to adversely alter the surrounding residential nature of the area drastically, artificially increase property values; or decrease the governments ability to construct, service or maintain the infrastructure in the area.

The members, after due consideration voted to approve the application. The vote of the members was as follows:

5 Ayes      2 Naves      0 Abstentions

This decision was adopted this 28th day of December, 1993, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

  
\_\_\_\_\_  
JESUS P. CRUZ, Chairman  
Territorial Land Use Commission





**NOTICE OF ACTION**

**Application No. 93-041**

**Tomen Development (Guam) Inc.  
c/o Landmark Land Planning & Development Consulting &  
W.B.Flores/Barrett Consulting Group  
Tract 2640 & Lot No. 90-2-R1-1 (Zone Change)  
TLUC Meeting of December 28, 1993;  
Page 2 of 2**

**APPLICATION DESCRIPTION:** Zone Change request from "A" (Rural) to "PUD" (Planned Unit Development) district in order to construct a Five-Star Hotel facility consisting of 259 rooms along with a combination of assessor facilities (Restaurant, Shops, Assembly Hall, Museum, Pond, Swimming Pool, Parking Structure, Tennis Court & a Putting Green).

**CONDITIONS:** The Territorial Land Use Commission approved the application based on the following conditions: (No conditions imposed)

*Frank J. Anderson*  
**Mr: JOHN T. ANDERSON**  
Territorial Planner (Acting) 1-17-94 1/6/94

*JESUS P. CRUZ*  
**JESUS P. CRUZ**  
Chairman, TLUC/TSPC

*F. L. B. CASTRO*  
**F. L. B. CASTRO**  
Executive Secretary, TLUC

1/27/94  
Date

Case Planner: Jose Quinata  
Attachment(s): DRC  
cc: Buildings Permits Section, DPW (Attn: Mr. Jesus Ninete)

=====

**CERTIFICATION OF UNDERSTANDING**

WE, \_\_\_\_\_ Roland C.P. Villaverde, understand  
(Applicant, pls. print) (Representative - pls. print)  
and accept the conditions above as a part of the Notice of Action, and further agree to adhere to any and all conditions made a part of and attached to this Notice of Action as mandated by the approval of the Territorial Land Use Commission/Territorial Seashore Protection Commission."

Signature of Applicant \_\_\_\_\_  
Signature of Representative *R. Villaverde*  
Date: \_\_\_\_\_ Date: 12/30/93

\*\*\*\*\*

**ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:**

Carol Ann Young WBF  
Applicant or Representative  
6/23/94  
Date

**NOTICE OF ACTION**

**Application No. 93-041**

**Tomen Development (Guam) Inc.  
c/o Landmark Land Planning & Development Consulting &  
W.B. Flores/Barrett Consulting Group  
Tract 2640 & Lot No. 90-2-R1-1 (Zone Change)  
TLUC Meeting of December 28, 1993;**

**Attachment: DRC Distribution List**

***Development Review Committee***

***(Re: Gov's Directive; Dec 1992)***

<u>Department</u>	<u>Signature of Representative</u>	<u>Date Received</u>
Department of Public Works	_____	_____
Guam Environmental Protection Agency	_____	_____
Bureau of Planning	_____	_____
Department of Agriculture	_____	_____
Department of Commerce	_____	_____
Chamorro Language Commission	_____	_____
Public Utility Agency of Guam	_____	_____
Department of Parks & Recreation	_____	_____
Department of Public Health & Social Serv.	_____	_____
Guam Fire Department	_____	_____
Guam Power Authority (Ex-officio)	_____	_____
Department of Education (Ex-officio)	_____	_____