

Agana Bay Urban Waterfront

Redevelopment Plan

Guam Coastal Management Program

Bureau of Planning

1981

I. Background

Agana has been Guam's major governmental and commercial trade center since the Spanish colonists consolidated the remaining Chamorros into its centralized location. Residential barrios have long been replaced with a multiplicity of commercial enterprises and governmental activities, mixed with only a few residences, all rebuilt since Agana was completely destroyed during WWII. The Paseo de Susana was formed by the war-torn city's rubble. A rapid post-war economic boom found the island's capitol city expanding at a rate too rapid to be managed by limited land-use controls. Bounded by a cliffline and the Agana Swamp, a random mix of development quickly invaded low shoreline areas to the extent that Agana Bay's urban waterfront (see Map No. 1) now represents one of the island's most complex land-use problem areas. Land uses in a strip development along Marine Drive are generally both incompatible with one another and with the nature of shoreline ecology.

Once highly developed areas, such as the Agana Bay Urban Waterfront, grow into existence, their sheer size and complexity prompts government to perpetuate or ignore the adverse conditions. In many cases, this is not just a blind eye turned toward aesthetic impacts, but also toward adherence to established laws. This Plan stresses compliance with legal land-use, health and environmental controls and presents action-oriented strategies to alleviate those problems not within the realm of legal solutions. The multitude of problems can ultimately be corrected; however, monetary costs are obviously the largest constraint. This Plan identifies problems which could realistically be addressed from a cost perspective. Federal funding will be essential.

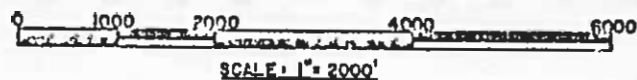
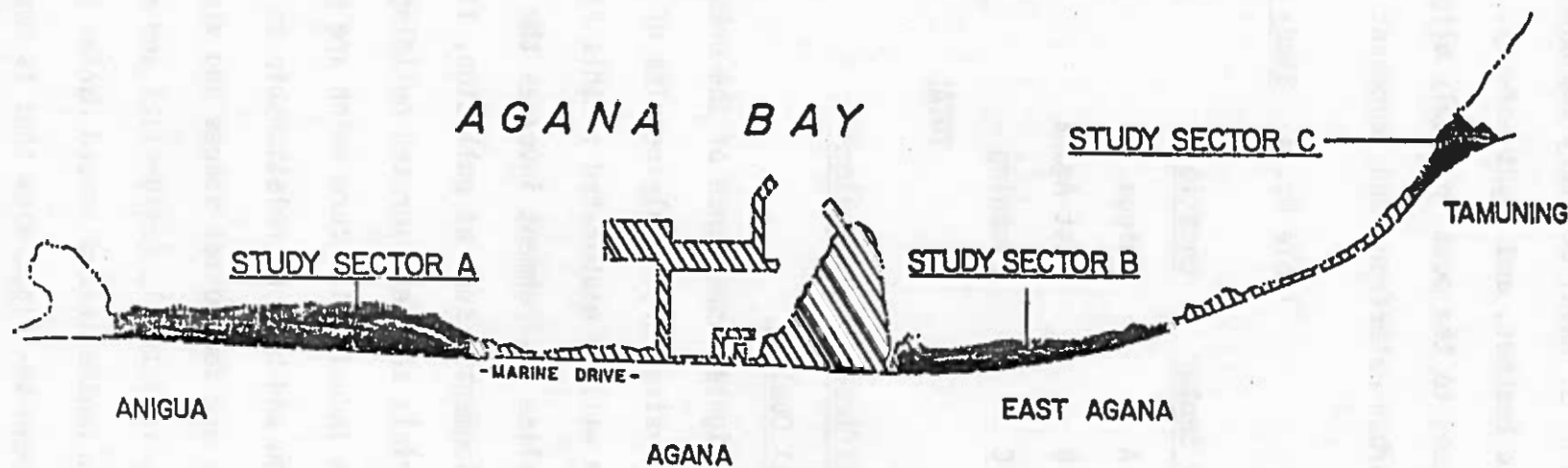
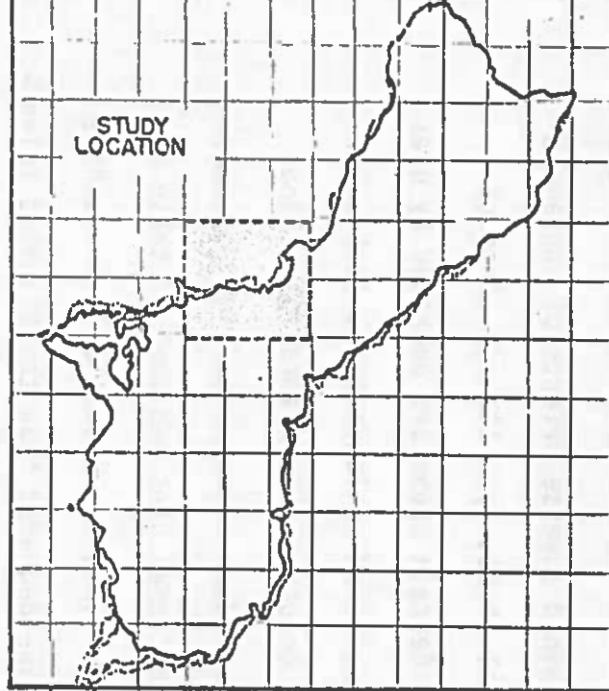
Optimally, the entire urban waterfront would be comprised of open space, recreation and shoreline dependent uses. The extensive degree of existing

development, high land values and short-range economic and social impacts prohibits immediate total clearance. Cost figures estimated in 1976 by GHURA, for acquisition, relocation and engineering for total clearance of all businesses and residences, approached 23½ million. The overall approach of this Plan recognizes the functions of structures and uses which are marginally suitable. Relocation needs are focused upon severely incompatible uses or substandard structures which can not be sufficiently rehabilitated toward enhancement of the area's shoreline character. Such an effort will still comprise a large-scale redevelopment project. The plan is designed for consistency with the Territory's Land-Use Policies, Land-Use Plan, Community Design Plans and the Guam Comprehensive Development Plan. This is a leadership plan and strategies to be taken are presented with the long-term objective of developing the waterfront into a scenic and recreational, and subsequently economic, asset of the Territory.

II. Boundaries

The 3.1-mile inland boundary of the Agana Bay Urban Waterfront is bounded by Marine Drive, the island's main traffic artery which links communities along the island's central-northeast coast. The southern extreme is Adelup Point, not including the school, to the northern portion of Agana Bay which is visible from Marine Drive in Tamuning, not including the residential use of the Dungca's Beach-Sleepy Lagoon-Alupang Cove area. Lands at both extremes could be classified as urban waterfront; however, they are excluded from the scope of this study as land-use problems associated with an unsightly and incompatible mix of commercial, industrial, residential and recreational uses are of primary concern.

The Plan focuses upon three study sectors as being most in need of redevelopment (See Map No. 1). These sectors comprise all of the privately-owned



MAP NO. 1
AGANA BAY URBAN WATERFRONT

lands within the scope of this Plan with the exception of the federally-owned U. S. Naval Cemetery and Government of Guam-owned Padre Palomo Park, public beaches, and rights-of-way. However, Government of Guam-owned lands adjacent to the most intensely blighted privately-owned areas are part of the urban waterfront and represent an integral part of the overall Plan.

Table No. 1 Study Sector Area Descriptions

<u>Study Sector</u>	<u>Location</u>	<u>Sq. Meters</u>	<u>Acres</u>	<u>Hectares</u>
A	Anigua	109,189.35	26.98	10.92
B	East Agana	44,393.88	10.97	4.44
C	Tamuning	<u>14,734.47</u>	<u>3.64</u>	<u>1.47</u>
	TOTAL	168,317.70	41.59	16.83

III. Identification of Problems

A. Visual Quality

The blighted appearance of the urban waterfront is actually a composite of the physical or visible results of neglecting responsible land-use practices which will be elaborated in this Plan. The overall deterioration of the shoreline environment involves the combined adverse effects of unplanned developments, such as pollution, illegal signs, open storage of scrap materials and deteriorated buildings. Certain areas are degraded by uses of an industrial nature which are not screened or landscaped, lack urban design and bear no relationship to the beauty of the natural shoreline. There are few buffer spaces and view corridors between conflicting commercial, industrial, residential and recreational uses and most of these uses are oriented inland toward Marine Drive. This has resulted in a seashore or ocean-to-inland view that is even more degraded than the blighted inland-to-shore vistas.

In addition to being unsightly in themselves, many uses block scenic access to the ocean and shore from Marine Drive and degrade inland panoramic overlooks. The waterfront is an integral part of the overlook vistas from Nimitz Hill, Agana Heights, Maite Cliffline and Alupang Cove. Marine Drive, in addition to its functional utility as a trunk highway, could also be a scenic highway from which the beach and ocean could be viewed by both resident motorists and visitors.

B. Public Access

Public access to the shoreline involves provision of space through private properties through which residents and visitors can gain use of publicly-owned portions of the seashore. In most cases, the unsightly nature of incompatible shoreline uses, not only blocks access due to the physical barrier of strip development, but degrades the waterfront to the extent that public access, even when available, is no longer desirable. Therefore, public access is not only a matter of assuring a route to the beach, but enhancing the urban waterfront such that it is a favorable destination.

Additionally, many land-owners have erected "no trespassing" signs and fences along potential access routes. These obstructions to public access are often accompanied by the rationale that they are required for security reasons when often the actual intent is to reserve a portion of the public beach area for private use. A provision for regulation of "no trespassing" and similar signs should be added to the sign regulation within the zoning law. These types of access restrictions should not be permitted unless the owners can demonstrate a unique and indisputable reason for such mechanisms.

The combination of seawalls and trash disposal discouraging along-shore access and fences, signs and guard dogs restricting inland-to-shore access

totally blocked public access to much of the Agana Bay shoreline. This problem is of course concentrated on the shoreline within Study Sectors A, B, and C, where the nature of much of the shoreline is currently one of inhospitality.

C. Recreation, Civic Use and Historic Preservation

1. Paseo de Susana

The Paseo de Susana was built from the rubble of wartorn Agana and together with the Agana Marina, transferred from federal to GovGuam ownership in July, 1960 through the congressional enactment of P. L. 86-664. The law states that the properties shall be used solely for civic, park, and recreational purposes or revert back to federal ownership.

Presently, the Department of Parks and Recreation manages facilities and activities on the Paseo's 33 acres designated for park uses by authority of Section 26007, Government Code of Guam. Present recreational facilities and features include:

- . lighted baseball field with bleachers
- . lighted softball field with bleachers
- . pavilion with lights and power (Organized Recreation Section)
- . pingpong tables
- . lighted multi-purpose court with bleachers
- . 3 sets of restrooms
- . water fountains and 9 trash barrels
- . 4 picnic tables and 2 shelters
- . parking areas
- . Chief Kepuha Park
- . Statue of Liberty Park
- . Tennis/Volleyball Court

- . Japanese Pillbox
- . Marine Drive Historic Marker

The Paseo de Susana is increasingly utilized as a center for organized sports, fishing, picnics and as a tourist destination. As the demand for facilities increases, a number of problems have worsened. Corrective actions are needed to solve problems associated with:

1. Unpaved parking - The eroded, ill-defined, unsodded unpaved parking areas are dusty in the dry season and muddy during the rainy season. Their condition violates the Guam Air Pollution Control Standards and Regulations and are increasingly utilized due to the traffic generated by baseball games and the Public Market.
2. Insufficient picnic shelters and tables - The 1973 document, Outdoor Recreation on Guam, prepared by the Department of Parks and Recreation, identified the need for 5 more shelters and 10 picnic units. Since that time, typhoon damage reduced the existing number of units, the demand has increased and no new units have been built.
3. Insufficient landscaping - The 1973 plan also identified the need for landscaping which would vastly improve the parks attractiveness.
4. Souvenir vendors - Makeshift stands selling cheap jewelry and other trinkets to Japanese tourists degrades the natural character and appearance of the Paseo.
5. Unclear maintenance responsibility - The Chief Kepuha Park, established within the Paseo Loop, was a privately-funded endeavor. Maintenance, however, was ceased by the private sector and the Department of Parks and Recreation has assumed maintenance in the absence of a clearcut responsibility.
6. Disrepair of roads - The Paseo's inner road system is badly in need of repair or repavement due to subsurface slumpage.
7. Shoreline erosion - The seawall bordering the Paseo's seaward point is badly undercut, leaving hazardous depressions along the walkway.
8. Needed seawall improvements - The loose boulder riprap seawall along the boat channel side of the Paseo is intermixed with unsightly hazardous metal scrap from the original construction.

9. Indigent residents - The baseball stadium occasionally becomes the home of derilects or transients who should be encouraged to accept forms of public assistance other than residence in a recreational park area.
10. Lack of up-to-date park regulations - Draft rules and regulations for management of park areas, such as the Paseo, need to be officially adopted and enforced.

This cursory overview of some of the problems facing the Paseo de Susana points out the need for the Department of Parks and Recreation to develop and implement a Master Plan for the Paseo de Susana. Proper development of the full recreational potential of the Paseo is essential to the success of a broader redevelopment and improved image of the entire urban waterfront.

2. Public Market and Sagan Dinana

Executive Order 78-16, issued July 4, 1978, officially established the Public Market which initiated operations December 10, 1977. The "temporary" facility was intended as a Green Revolution Project to serve as a central market place for agricultural produce, fish, plants, meals and locally-made handicrafts. The market was placed under the management of the Department of Commerce and is subsidized by a Public Market Revolving Fund.

Since its origin, the Public Market has had difficulties in serving its intended function. Only a limited amount of produce is sold in the facility. Instead of handicrafts, imported souvenirs are sold. The majority of sales in the market are by meal vendors. The Public Market is often referred to as the "Public Restaurant". Other small private sector restaurant owners in the Agana area have voiced their discontent that prepared meal sales at the market are limiting their business due to the low overhead costs and high sales volumes of the market vendors.

The Sagan Dinana "Place of Togetherness" was established through Executive Order No. 78-43 on December 15, 1978. It is managed by the Administrator of the Public Market and intended to serve as a centralized civic meeting place for community activities. It is too early to determine if the facility will function responsibly in this capacity.

Due to the location of the Public Market and Sagan Dinana within the Paseo de Susana, their use and management should be incorporated into a Master Plan for the Paseo de Susana. This would involve a coordinated effort between the Department of Parks and Recreation and Department of Commerce or a reorganization of administrative responsibilities.

3. Agana Marina

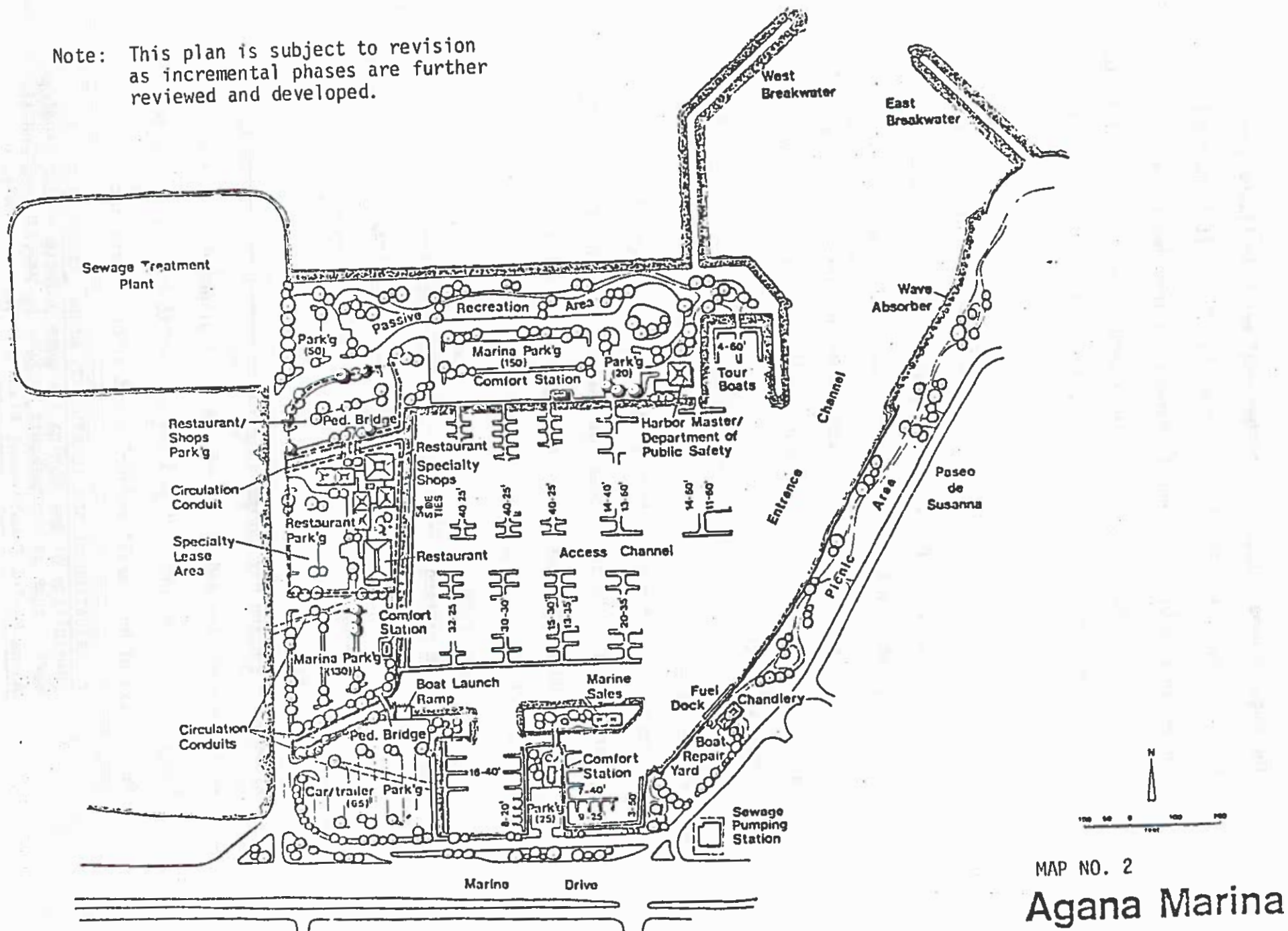
A detailed plan for Agana Marina is being implemented by the Department of Parks and Recreation (See Map No. 2). Federal HCRS, EDS, and HUD-CDBG funds have been appropriated for a Phase II-A of recreational facility developments to include:

- | | |
|-----------------------|-------------|
| . boat ramp | . lighting |
| . car parking | . utilities |
| . circulation conduit | . moorings |
| . revetment | . fuel dock |
| . excavation | |

Although the Agana Bay Marina is being developed in response to a well-prepared plan and is one of the least blighted areas along Agana Bay, several problems and issues need to be addressed within the context of an overall redevelopment effort. They include:

- . reevaluation of the feasibility of projected uses - The suitability of the marina for some private sector developments, such as restaurants, should be reevaluated and the Agana Marina Development Plan modified if necessary.

Note: This plan is subject to revision as incremental phases are further reviewed and developed.



MAP NO. 2

Agana Marina
ultimate development plan

. coordination with the Guam Fishermen's Cooperative Association - The GFCA is seeking to develop facilities for local fishing industry on land along the Paseo side of the marina. They require continued coordination with the Department of Parks and Recreation, such that marina development is functionally responsive to the needs of local fishermen, as well as recreational boaters.

Resolution of such issues is the task of the newly formed Agana Marina Task Force coordinated by the Department of Parks and Recreation.

4. Agana Sewage Treatment Plant

Constructed concurrently with major expansion of the Agana Marina by the U. S. Army Corps of Engineers is the Agana Sewage Treatment Plant which discharges primary-treated domestic and industrial sewage outside the reef. The treatment plant island was named Sagua Sirena through Executive Order No. 78-15, issued July 5, 1978.

Many people have questioned the location of the treatment plant, but it is now a permanent facility. Further analysis of its site location would be fairly academic.

A primary land-use issue today is the determination of the use of the vacant portion of Sagua Sirena not presently being utilized for wastewater treatment activity. The appearance of the area is extremely sterile and geometric. Its unattractiveness could be softened with landscaping using salt-tolerant species and it could eventually be suitable for recreational use.

There is also an environmental concern that the effluent dispersal pattern of discharged sewage may have adverse influence on the reef's biological community or human health. The outfall, although discharging in deepwater over the reef, may create negative impacts

on along-shore recreational waters due to such factors as operational changes at the plant or meteorological effects. The UOG Water Resources Research Center has prepared a project proposal, which if funded, would map the plumed dispersal pattern and test water quality to determine if a problem exists.

5. Agana Bay Public Beaches

The beachfront along Agana Bay, adjacent to publicly-owned lands is limited to the narrowest portions of the Seashore Reserve, however, these sandy beaches are extremely important for recreational activities and scenic quality. Since the Paseo is manmade, it possesses no beach, and coupled with the present unsuitability of beaches within Study Section A, B, and C for recreational use, public beaches are in frequent use for picnicking, wading and net fishing.

- a. Adelup Public Beach. This small area is at the urban waterfront's western extreme, between Adelup Point and the Fonte River mouth. It is frequently utilized for picnics associated with softball games at the Adelup Elementary School ballfield. Recent improvements, which have sufficiently provided for all needed facilities at the park include:

- . 5 picnic tables
- . 2 shelters
- . 2 barbecue pits
- . 2 drinking fountains
- . 3 benches
- . 2 permanent trash barrels & 1-55 gallon drum
- . 10-car paved parking area
- . 2 open showers

A dirt road, presently runs through the small park and access to this road should be blocked, such that the beach grass can be restored. Any further development of the park should preserve the existence of 5 rare cannonball trees (Xylocarpus mollucensis), known locally as lalanyok which grows within the park, and a Japanese

pillbox, as important site features. The aesthetic features of this park would be further enhanced with some basic maintenance as the grass is often much overgrown and the trash barrels overflowing.

- b. Anigua Public Beach (Beach Front, West Agana). This thin stretch of beach (8 acres) lies between Sector A and the Agana Marina. Its only facilities include 7 picnic tables, 2 of which are broken, 3 park benches, 2 of which are broken, and 8 trash barrels. The area is in need of improved picnic facilities, landscaping and parking area definition.
- c. Padre Palomo Park. The small park (Lot No. 1065) is 2949 sq. meters in size and is situated between private property and the U. S. Naval Cemetery within Study Sector B. It has marginal historical significance as the former site of the Padre Palomo School. Its only site features include a small monument (with tilted head) and 1 broken picnic table.
- d. Trinchera Public Beach (Beach Front, East Agana). This 10 acre portion of public beach lies between Study Sector B and Study Sector C. Its facilities include 6 picnic tables, 2 of which are broken, 8 park benches, 3 of which are broken and 3 trash barrels. As with the West Agana beachfront, it is used as a turn-around area for Marine Drive traffic and is thus, highly eroded and dusty in its widest portions. There is a need for landscaping to restrict vehicle access and improve the area's overall scenic quality. Provision of improved picnic facilities is also required. The elimination of point source discharges of stormwater from stormdrains, listed on Table No. 2, and discussed in Section E.1. of this chapter, will also enhance the recreational potential of both West and East Agana portions of public beach.

6. Historic Sites

There are no historic sites of high value that are severely threatened within the urban waterfront. Of limited historical significance are Japanese pillboxes at Adelup and the Paseo, the Marine Drive Historic Marker and Padre Palomo Park. The only historic site listed on the Guam Register of Historic Places is the Cormoran Monument, included on July 24, 1974, as site No. 66-01-1039. It is located within the Naval Cemetery in Study Sector B. It is classified as marginal value, thus it has not been nominated for inclusion on the National Register of Historic Places. A description follows:

The Cormoran (formerly the Russian steamship "Rjasan"), a German auxiliary cruiser engaged in commerce raiding, sailed into Apra Harbor on December 14, 1916. Her captain requested

coal and provisions. Although a check showed that the ship did need provisions and coal, the Cormoran was ordered to leave Apra Harbor within 24 hours. As she was a warship, her presence in the harbor violated U. S. neutrality. She could not leave because of the shortage of coal. Therefore, she and her crew of 373 men were interned. When on April 2, 1917, the United States declared war on Germany, Captain Roy C. Smith, the American military governor, asked for the surrender of the crew and the ship. The crew surrendered on April 7, 1917, but only after setting off explosive charges in the ship's coal bunker. Nine men, six of whom are now buried in the U. S. Naval Cemetery in Agana, were drowned. The Cormoran Monument marks the site of the graves of these men.

The Monument is a square concrete marker 1.56m in height. It is inscribed with a cross and the following:

Dentolenuon
S.M.S. Cormoran
7 IV 1917

Four residential structures within Study Sector A are being surveyed by the Department of Parks and Recreation for a determination of their historic architectural significance. They are Site Nos. 5, 16, 48, and 62-63 shown on Map No. 6 and Table No. 6. Their value necessitates their preservation. A description of these historic homes will be available upon completion of the current survey.

D. Shoreline Ecology

The natural environmental base of the urban waterfront, though highly impacted by manmade developments, is a shoreline ecosystem basically comprised of a terrestrial coastal strand, sandy beach at the ocean-land interface and fringing reef or offshore marine habitat. The fringing reef is characterized by a wide reef flat, surge channels and a reef margin descending into submarine terraces. The reef margin is the only segment of the ecosystem which is in a relatively natural state. As one travels shoreward from the reef margin, the reduction in species diversity is increasingly evident, especially along the shore, where little natural habitat remains. Much of the productivity of the reef flat is reduced through water pollution (further discussed in the next section of this chapter) and urban development has eliminated most of the terrestrial coastal strand. Most of the problems identified within the urban waterfront have contributed to an overall, cumulative adverse effect on shoreline ecology.

The coastal strand habitat within the urban waterfront can not be totally restored, however, landscaping and reforestation of open spaces would partially assist in maintenance of wildlife (see Section I of this Chapter). The most important facet of shoreline ecology to be managed in respect to wildlife is the offshore marine habitat. The reef flat harbors numerous forms of marine life including fish, shellfish, corals, crustaceans and holothurians. Seasonal schools of juvenile goatfish (tiao), rabbitfish (manahak), mullet (aguas) and skipjack (ii) are important to family-level subsistence net fishermen. A seasonal run of mackerel (atulai) within the Agana Marina is also important to recreational fishermen.

Not as visible, but of utmost importance is the role of the reef flat as a habitat for larval fish which reside in its shallow depths until reaching

larger growth stages. These fish are a critical link in the food chain and the base of fishery resources.

Environmental baseline data contained in Appendix No. 7 list marine species recorded within Agana Bay. These numbers have reduced in direct response to increased levels of urban activity along-shore. Guam cannot afford to forfeit the productivity of any reef areas and a clean and living Agana Bay is a vital component of a visually attractive and economically viable urban waterfront.

E. Pollution

Pollution or man's introduction of harmful substances into the environment is the most serious problem associated with poor land-use patterns within the Agana Bay Urban Waterfront. Pollution can cause the most harmful, irreversible and long-term effects on the quality of life. Urban waterfront pollution problems involve water, air, solid waste management and noise. These various types of pollution originate from a variety of point and non-point sources. More environmental management is needed to eliminate or control the causes of pollution and thus reduce the levels to degrees that are not harmful to the health and well-being of the island residents and visitors.

1. Water Pollution

Guam's oceanic location has made ocean outfalls for stormwater and sewage disposal a convenient method of waste removal. The island's coastal lowlands have invited a high density of urban development and its pollution generating nature. This historical pattern long ignored the adverse environmental effects of its growth. Water pollution along the waterfront is now detrimental to visual quality, public health, the natural ecology of shoreline wildlife and even air quality,

as a sewage overflow or shallow water stormdrain carries obnoxious odors. The water quality problems in Agana Bay originate from both nonpoint and point sources.

Nonpoint sources are those not readily seen, such as unchanneled stormwater runoff, inefficient septic tanks, solid waste leachates and spillage of hazardous chemicals. The degree of unchanneled stormwater runoff associated with the intensity of urban waterfront development is the most significant nonpoint source. The reduction of natural vegetation on unpaved parking areas and rights-of-way and the expanses of paved lots and streets all facilitate an increased runoff of stormwater. Stormwater contains sediments, oils, organic material and other debris which pollute coastal waters. Stormwater should not be diverted into stormdrains, as this would only create a point source problem from a nonpoint source problem. Natural vegetation and recharge beds of crushed rock are effective means of reducing the rapidity of flow and encouraging the natural filtering of this water into the ground.

Septic tanks and leaching fields within low shoreline areas often do not function properly due to their installation below tide-affected water tables and the prevalence of flooded conditions. Beach-formed soils are generally not suitable for a properly functioning individual sewage disposal system. All urban uses, generating sewage within the waterfront should be connected to sewerage.

Solid Waste Disposal: dumping of uncollected trash, abandoned vehicles and storage of scrap materials creates leachates which adversely affect water quality. Presently, the water quality problems associated with solid waste practices are not as severe as the effects on visual quality,

however, leachates are generated by such practices. Leachates are comprised of a combination of harmful substances, such as heavy metals, oils and bacteria which soak into the ground or pollute surface runoff. This source of pollution is mostly associated with industrial uses along the waterfront. Additionally, some oil and gasoline is occasionally spilled in small amounts in the Agana Marina due to boating activity.

Point sources of water pollution are those easily-identified discharges of pollutants from specific sites such as stormdrains or sewage outfalls. There are 22 point source stormwater discharge sites within the study boundaries of the Agana Bay Urban Waterfront and one sewage disposal site (See Table No. 2).

The Agana Ocean Outfall is a deepwater sewage outfall which discharges effluent over the reef from the Agana Sewage Treatment Plant. This effluent would not affect the shoreline except under rare circumstances. The small Agana Sewage Pumping Station, located at the Paseo (See Map No. 2) is less-than-airtight. The result is an offensive odor which disturbs recreationalists in the Paseo, boaters in the marina and even motorists on Marine Drive.

Along-shore stormdrain outfalls are the most offensive source of water pollution on the waterfront. The stormwater often does not meet Guam Water Quality Standards due to bacterial content. The seriousness of this problem once resulted in the identification of Agana Bay as a potential source of a cholera outbreak during July, 1974. The disease was believed to originate from improperly salted fish caught on the reef flat. The juvenile rabbitfish, known locally as mañahak feed on the algae at stormdrain outfalls and carry bacteria in their intestinal

Table No.2 Point Source Discharges: Agana Bay Urban Waterfront

* MAP NO.	POINT SOURCE NO.	NPDES NO.	DESCRIPTION	SOURCE	RECEIVING WATER	GUAM GRID COORDINATES	OWNER'S NAME
46	C14	0110043	Stormwater, bridge culvert	Marine Drive	Agana Bay	4E-31 52,185-51,090	Public Works
42	C15		Stormwater, 1-48" RCP with 6 outlet buffer channels	Marine Drive	Agana Bay	4E-30 52,050-50,890	U.S. Navy
42	C16		Stormwater, 2-24" RCP pipes	Marine Drive	Agana Bay	4D-30 51,915-50,760	Public Works
42	C17		Stormwater, 1-8" RCP pipe	Marine Drive	Agana Bay	4D-30 51,665-50,635	Public Works
42	C18		Stormwater, 2-8" RCP pipes	Marine Drive	Agana Bay	4D-30 51,305-50,515	Public Works
42	C19		Stormwater, 1-8" CMP pipes	Marine Drive	Agana Bay	4D-30 51,065-50,465	Public Works
42	C20		Stormwater, 1-12" RCP pipe	Marine Drive	Agana Bay	4D-30 51,045-50,455	Public Works
41	C21		Stormwater, 1-12" RCP, 2-10" pipes, & 2-10" CIP pipes	Marine Drive	Agana Bay	4C-30 50,835-50,450	SLC Auto
41	C22		Stormwater, 1-36" RCP pipe bridge culvert	Marine Drive, beside USM Cemetery and Palomo Park	Agana Bay	4C-30 50,670-50,410	Public Works
41	C23		Stormwater, 24" pipe, almost filled with gravel	Paseo Grounds	Agana Bay	4C-30 50,370-50,375	Public Works
41	C24		Stormwater, 1-24" pipe, filled with gravel	Paseo Grounds	Agana Bay	4C-30 50,360-50,305	Public Works
41	C25		Stormwater	Paseo Grounds	Agana Bay	4C-30 50,085-50,585	Public Works
41	C26		Stormwater, 1-24" pipe	Marine Drive Paseo Grounds	Agana Bay	4D-30 49,970-50,465	Public Works
41	C26a		Stormwater, 2-24" RCP pipes	Marine Drive	Agana Boat Basin	4D-30 49,920-50,390	Public Works
41	C26b		Stormwater, 1-24" pipe	Marine Drive	Agana Boat	4D-30 49,905-50,390	Public Works
41	C27	0020007	Primary Sewage, raw discharged outside reef 1-36" CIP	Domestic & Industrial Sewage	Agana Bay	4D-31 Agana Outfall	PUAG, Box 3010, Agana
41	C28		Stormwater, 1-24" RCP pipe	Marine Drive	Agana Bay	4D-30 49,710-50,400	Public Works

* Uniform Mapping System

NAP NO.	POINT SOURCE NO.	HPDES NO.	DESCRIPTION	SOURCE	RECEIVING WATER	GUAM GRID COORDINATES	OWNER'S NAME
41	C29		Stormwater, 1-24" RCP pipe	Marine Drive	Agana Bay	4B-50 49,300-50,415	Public Works
41	C30		Stormwater, 1-16" RCP pipe	Marine Drive	Agana Bay	4B-50 49,300-50,410	Public Works
41	C31		Stormwater, 1-24" RCP pipe	Marine Drive	Agana Bay	4A-50 48,985-50,455	Public Works
41	C32		Stormwater, 1-24" pipe	Marine Drive	Agana Bay	4A-50 48,745-50,555	Public Works
41	C33		Stormwater, 1-10" pipe	Marine Drive	Agana Bay	4A-50 48,530-50,580	Public Works
41	C34		Stormwater, 3-36" RCP pipes half filled with Sand	Marine Drive	Agana Bay	4A-50 48,345-50,565	Public Works

tracts. During the periods of high coliform bacterial counts in Agana Bay, recreationalists have been discouraged from swimming or eating fish or shellfish caught in the bay. Large discharges, such as the NAS Stormdrain, located on Trinchera Beach between Study Sectors B and C, form sediment deltas on the reef flat, as well as an unsightly and odorous fan of green algal growth (predominantly Enteromorpha). Excessive algal growth occurs as a result of reduction in salinity, oxygenated water and increased levels of nutrients.

The stormdrains listed on Table No. 2 are slated for removal by 1983 under the provisions of the Federal Water Pollution Control Act which has funded GEPA's 208 Program or Water Quality Management Plan. Elimination of these point sources will vastly improve the overall quality of Agana Bay and conform to the Territory's policy on Water Quality, as mandated by Executive Order 78-37 which states:

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 estuarine, reef and aquifer areas.

Waters in Agana Bay are classified as "A" on the Water Classification Map (See Map No. 3) which is a section of the Guam Water Quality Standards. The advisability of changing Agana Bay's classification to "AA" or "no discharges allowed" should be seriously approached.

Table No. 3 - Water Classification Categories in the Guam Water Quality Standards
(Keyed to Map No. 3)

Coastal Waters

- Category AA Waters

The uses to be protected in this category of waters are marine research, propagation of aquatic life (particularly coral reef organisms), conservation of wilderness areas, aesthetic

enjoyment, and such recreational activities as do not impair the other established uses. This category of waters shall remain free from pollution attributable to domestic, commercial, and industrial discharges or agriculture, construction and other land-use practices that impair their protected use. No pollutant discharges will be permitted therein. Wherever recreational facilities currently exist in these areas, such as Tarague Beach, such uses may continue with their pollutant impacts controlled to prevent destruction of other water uses.

The categorization of any water area as Category AA shall not preclude other uses of such waters compatible with these objectives and in conformance with the standards applicable to them.

- Category A Waters

The uses to be protected in this category of waters are recreation (including swimming, surfing, skin and SCUBA diving, skiing, and other primary contact sports), aesthetic enjoyment, propagation of aquatic and associated wildlife, commercial, industrial, and navigational uses. It is the objective that discharges of any pollutant be controlled to the degree necessary to protect the waters for their specified uses.

1 0 1 2
SCALE IN MILES

LEGEND

MARINE WATERS

- AA CONSERVATION
- A GENERAL USE

ESTUARIES

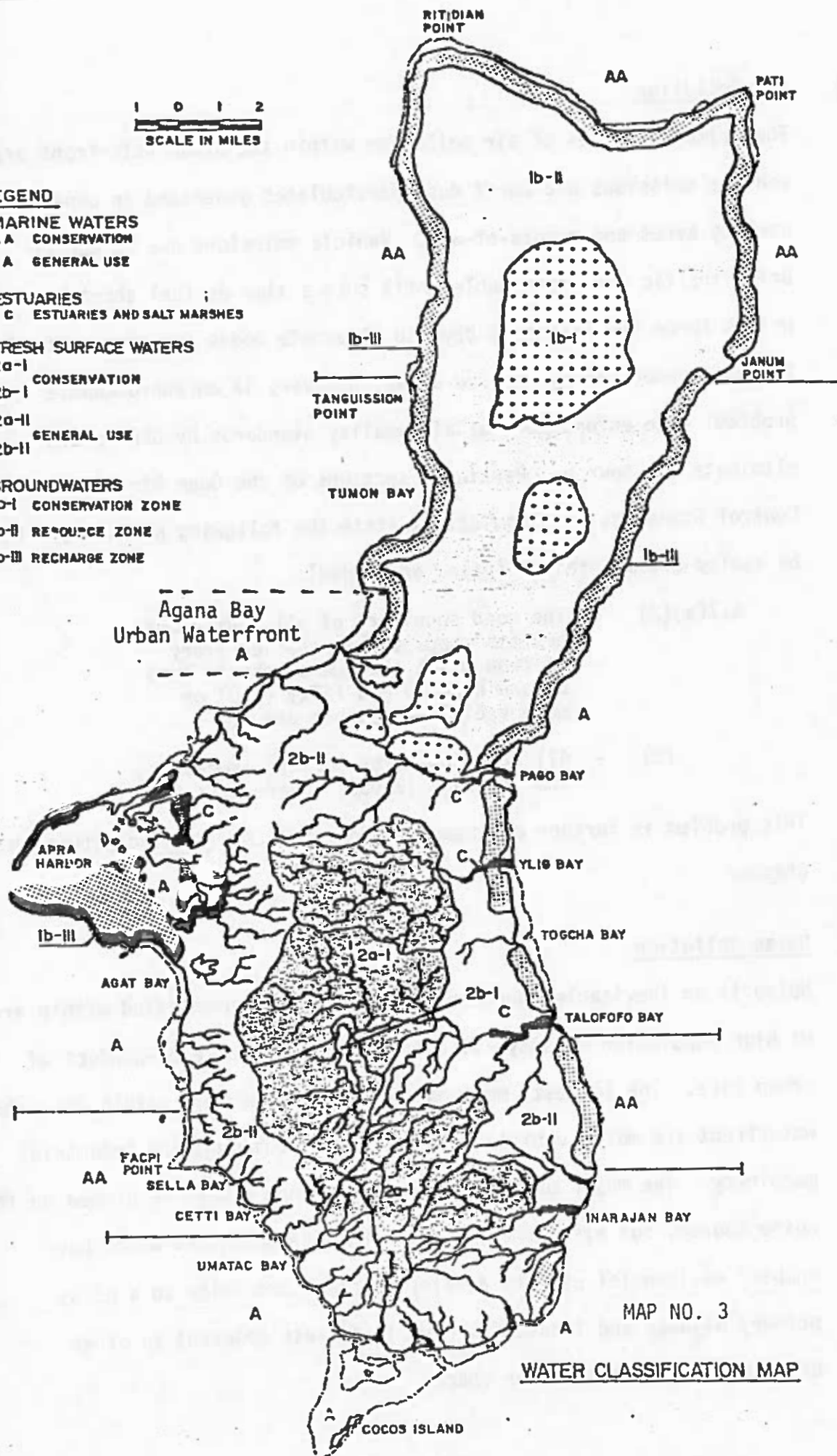
- C ESTUARIES AND SALT MARSHES

FRESH SURFACE WATERS

- 2a-I CONSERVATION
- 2b-I
- 2a-II GENERAL USE
- 2b-II

GROUNDWATERS

- 1b-I CONSERVATION ZONE
- 1b-II RECHARGE ZONE
- 1b-III RECHARGE ZONE



MAP NO. 3
WATER CLASSIFICATION MAP

2. Air Pollution

The primary sources of air pollution within the urban waterfront are vehicle emissions and coral dust particulates generated in unpaved parking areas and rights-of-way. Vehicle emissions due to Marine Drive traffic are unavoidable until such a time as fuel shortages or prices force the island to develop alternate modes for transportation. The dust generated by unpaved areas, however, is an approachable problem. The enforcement of air quality standards by GEPA could eliminate the source. Pertinent sections of the Guam Air Pollution Control Standards and Regulations state the following areas shall be sealed and maintained (paved or sodded):

- 8.7(a)(2) - The road shoulders of all public and private roads within the Territory of Guam which average a vehicle load of one hundred and fifty (150) or more vehicle-trips per day.
- (3) - All areas used for parking exceeding two thousand (2,000) square feet.

This problem is further discussed in Section F.2., Parking within this Chapter.

3. Noise Pollution

Noise is an inevitable phenomena, however, when intensified within areas of high population density, it becomes an undesirable by-product of urban life. The loudest, most obvious noise producers within the urban waterfront are motor vehicles, construction equipment and industrial machinery. The major problems, though, can not always be blamed on the noise source, but also irresponsible land-use practices which have enabled residential uses to develop in close proximity to a noisy primary highway and industrial uses to operate adjacent to other urban uses without a buffer space.

The primary abatement strategies for noise pollution are improved land use (revised zoning) and enforcement of noise level standards. In the absence of noise level standards, initial corrective actions should be land-use oriented with subsequent development of noise level standards. Proper land use would eliminate the most severe noise problems. There should be adequate setback of commercial and residential use from Marine Drive and all industrial uses should be relocated within industrial areas outside the urban waterfront (See Table No. 9 and Map No. 10).

Noise injures the delicate cells in the inner ear which detect the different frequencies of sounds and transmit them to the brain's auditory center. The damaging effects of noise start at 70 decibels, about the level of heavy traffic. Chronic exposure over this level causes hearing loss. In addition to the harmful physical effects, noise distracts personal communication such as conversation, telephone use, radio or TV listening and in general is psychologically annoying.

The federal government recognized that noise pollution contributes to hearing impairment and is psychologically detrimental to the suitability of work and home environments through the passage of the Noise Pollution and Abatement Control Act of 1972 (Title IV of the Clean Air Act) and Quiet Communities Act of 1978. However, federal action has not set a precedence on Guam, as the Guam Environmental Protection Agency, as yet, has no application for (1) federal funding for noise pollution control, (2) local enabling legislation to address noise problems, (3) noise level standards, or (4) projected abatement strategies. As the island becomes more industrialized and air traffic increases, the need for noise pollution control will become increasingly evident in the form of public demands for governmental action.

F. Transportation

1. Traffic Flow

Approximately 3.1 miles of Marine Drive, a primary trunk highway, borders the inland boundary of the Agana Bay Urban Waterfront. This major arterial route accommodates the highest volume of traffic flow on Guam and at peak hours, is bumper-to-bumper. If a single obstruction impedes the flow in even one lane, all traffic can nearly halt in that direction. The highway is designed for long, interrupted movement between major destinations and is, thus, generally incompatible with the needs of commercial uses along the urban waterfront. Portions of Marine Drive are four lanes and other seven lanes in width, including a median lane, depending upon the status of ongoing widening and improvement projects. Smaller local streets provide access to individual uses or recreational areas within Study Sector A and the Paseo de Susana.

As the generated vehicle traffic flow is an increasing phenomena, until alternate modes of transportation are determined feasible, its relationship to urban waterfront planning is primarily within the realm of coordinating projected land use and redevelopment with projected road widening and seeking solutions to parking and pedestrian problems which will not aggravate the traffic flow on a primary highway or create safety hazards.

2. Parking

The sharp increase in the number of automobiles on Guam has created a serious lack of parking space. This problem is magnified along the urban waterfront due to the limited land area for intensive commercial use. The parking regulations within the Zoning Law are already inadequate and most businesses are granted waivers in the interests of economic

development. This has resulted in insufficient parking throughout most of the urban waterfront. The two worst problem areas are within Study Section B. SLC Auto has such limited space for a car lot, that employees park on the right-of-way between Marine Drive and the Naval Cemetery. Overflow parking on the right-of-way is also generated by the Yakitori II Restaurant and adjacent uses. In the latter case, an area of public beach on the immediate shoreline has been filled and is utilized for parking for commercial outlets. Additionally, one business, Para Para, has reserved their entire parking space for tour buses.

Automobile parking also competes with delivery and public service vehicles as many businesses have no rear delivery entrance or defined loading space. The insufficiency in parking is actually contrary to good business as many customers are discouraged by the absence of parking space and the difficulty in entrance and exit along Marine Drive.

Planned shopping centers are not faced with this space problem and thus are drawing much of the business from the urban waterfront. During a recent survey by the Agana Urban Waterfront Task Force, one small businessman commented that he felt that his business had dropped 50 percent over the last year with the opening of major shopping centers.

This situation may become more prevalent as Marine Drive is widened.

Some businesses whose parking area is primarily comprised of existing Marine Drive right-of-way may be forced to decide upon relocation themselves with the near total lack of parking which will result from road widening.

Many of the urban waterfront's parking areas and rights-of-way are unpaved or devoid of vegetation causing a high volume of particulate matter (coral dust) to be generated by heavy usage. Unpaved parking lots exceeding 2,000 sq.ft. in size and uncovered road shoulders violate Air

Pollution Control Standards and Regulations enforced by the Guam Environmental Protection Agency. A comprehensive study of parking problems, delineating centralized parking areas and increased enforcement of air quality standards are both needed. Consolidated parking will minimize pollution, reduce conflicts between parking movement and Marine Drive traffic flow, minimize safety hazards to pedestrians and vastly improve the overall aesthetic appearance of the urban waterfront.

3. Pedestrian/Bikeway

As within most of Guam's urban areas, there is a need for pedestrian and bicycle paths in the urban waterfront to accomodate residents and visitors who prefer an alternative to the use of motor vehicles for transportation. The lack of this amenity within the urban waterfront contributes to a dependency on motor vehicles and thus also to parking and other automobile-associated problems. A pedestrian/bikeway system would increase interaction possibilities by providing an efficient link between activity areas. Landscaping along the pedestrian/bikeway can provide shade and enhance the favorability of this mode of transportation. Pedestrian/bikeway crossing points should be clearly marked and well-lighted. Specific design planning and engineering should be executed by the Department of Public Works within the Marine Drive right-of-way and by the Department of Parks and Recreation within the Paseo de Susana and public recreational areas, with the two interests being highly coordinated.

4. Specific Problems, Plans and Recommendations

The Department of Public Works has prepared a synopsis of specific considerations to be addressed in planning for urban waterfront redevelopment. This information follows:

a. Study Sector A

This segment of Marine Drive is presently 5 lanes, including a center turning lane. As part of the Agana business section, it is considered a high traffic generating area. Problems in

this area include the uncontrolled access onto a major arterial highway. A continuous, central two-way left-turn lane, part of the length of the study area, serve as a refuge area for both entering and exiting left-turning vehicles.

Much of the parking in this sector is "nose-in" 90° parking which is extremely hazardous because deparking vehicles often back directly into the travelled way. The Traffic Engineering and Control Division of Department of Public Works is planning to study the impact of a requirement to allow only parallel (and possibly 30°-45° diagonal) parking where such hazardous parking maneuvers cannot be avoided due to limited space between building and roads.

There is a total lack of pedestrian paths and crosswalks and a good street lighting plan. Several pedestrian fatalities have occurred in this area in past years. The 1975 Bicycle Plan, a supplemental document to the Comprehensive Transportation Plan, did not include provisions for a bicycle route in this sector.

This sector is within proposed plans for improvement of Route 1, between Route 4 to Route 6, in the Second Phase of the 15-year Road Reconstruction Program (1980-1985) at an estimated (1975) cost of \$18.4 million. According to the Comprehensive Transportation Plan (1975), the ultimate development for this section of Marine Drive would be 7 lanes with 3 travel lanes in each direction and a center turning lane, curb and gutter, and sidewalk on both sides of the road. The design plans should be ready for construction in 1981. Actual construction will depend upon availability of funds.

Broad recommendations by DPW for improvements of the transportation network in this sector include:

- . Implement an access control system in an interim status until proposed reconstruction provides curbs, sidewalks and spaced driveways.
- . Improve the Streetlighting Plan and Bicycle Plan to include facilities within this sector.
- . Provide well-lighted pedestrian crosswalks and strictly enforce pedestrian rights.
- . Investigate the feasibility of limiting parking to only parallel and diagonal parking, depending upon spatial limitations.

b. Study Sectors B and C

The problems, plans and recommendations for both these sectors are generally the same, due to their contiguous location on Marine Drive. This four-lane section is the most heavily travelled and congested highway on Guam and contains the most critical intersection at Route 1 and Route 8 (Padre Palomo Junction). This intersection is the key to the daily eastbound backup on Marine Drive in the late afternoon. Traffic is also congested by the absence of a center left-turn lane.

The major problem within this sector is the lack of parking facilities. The present limited parking facilities are often within the government right-of-way and create hazardous conditions by cars backing into Marine Drive and through uncontrolled access to parking areas. Projected road widening projects will inadvertently alleviate this problem by eliminating parking associated with many businesses in the commercial strip.

There are no pedestrian or bicycle paths in this sector; however, plans for these facilities have been prepared. Pedestrian crosswalks are existing but there exists a complacency to pedestrian rights by motorists.

The Comprehensive Transportation Plan calls for the widening of Marine Drive from Route 4 to Route 14 into an ultimate 7-lane highway during Phase I (1975-1980) of the 15-Year Road Reconstruction Program. However, due to lack of funding, design plans are currently suspended at the 60% stage. The project may be delayed into the Phase II (1980-1985) of the program. There is still a need to prepare an Environmental Impact Assessment on the effects of stormwater drainage which will be increased by road widening. Solution of the stormwater disposal problem and preparation of the EIA must proceed further design and subsequent construction.

Recommendations for improvement of transportation facilities and alleviation of associated problems include:

- . Provide surface cover for road shoulders to temporarily alleviate the deterioration of travel surfaces prior to implementation of the road widening project.
- . Incorporate Bicycle Plan proposals into the road widening project.
- . Enforce pedestrian rights.
- . Reimplement rush hour left turn restrictions in both directions.
- . Relocate existing business in conjunction with the road widening project to alleviate construction difficulties which will be caused by traffic generated by these users.

- . Reconstruct the Padre Palomo Junction as part of the road widening project and install a traffic-responsive signal control to improve the capacity of the intersection.
- . Grade separation of left turns in both directions between Route 1 to Route 8.
- . Create a "New Jersey Barrier" to physically prevent left turns on Marine Drive except at designated points.
- . Preserve coconut trees on beach strip.

G. Architectural Design

The exterior design and relationship of structures within the Agana Bay Urban Waterfront on both sides of Marine Drive generally lack any consideration for compatibility with a shoreline environment, cultural heritage, flood hazard conditions or aesthetic quality in general. Aesthetics and design are interpreted differently among people. However, there is easily a general consensus that the appearance of most structures within the urban waterfront is of poor quality. There is no unifying theme that relates structural developments to a coastal environment. In fact, the present theme is one of the structures built with a minimum of architectural design or respect for adjacent uses, such that their sole function is to provide a quick service or sale. The present configuration of buildings comprises a manmade environment which is not designed to encourage the consumer to linger, browse, windowshop or relax. These unfavorable conditions and characteristics are concentrated where businesses have been constructed one-at-a-time, but adjoining, such that each one has a different height, facade, color and signs. This patchwork combination creates the antithesis of a well-planned shopping complex or commercial center.

A design plan, prepared by an architectural consultant firm is needed to encourage the restoration of buildings through the use of materials, texture, colors and signs which promote visual cohesiveness and a pleasing shoreline-urban waterfront theme. The design plan should contain illustrative sketches and guidelines with specific standards or recommendations for improved design

of all existing structures which would remain within the urban waterfront and which require modification of their exterior appearance. A design plan should also identify incentives or potential funding sources to assist individual owners in affecting architectural design improvements.

H. Signs

Signs represent the visual conveyance of information and direction through two or three dimensional elements. They primarily bring attention to and describe the products and services available at commercial outlets. Signs are not restricted to placards, but include other communicative symbols such as decorative paintings, lights, illustrations and even posters. The face of some of the businesses and nightclubs along the urban waterfront illustrates the extent of the medium. Irridescent paintings, strings of Christmas lights, multi-colored plastic flags and framed photographs of entertainers adorn various commercial establishments. Many signs within the urban waterfront, even if in compliance with sign laws, are gaudy or distracting to motorists. They are often deteriorated or crudely hand-painted by non-professionals and give a cheap, trashy appearance to many structures. Still others are not easily understood, as they are solely in Japanese with no accompanying English signs. A Japanese interpretation is favorable for the majority of the tourist clientele, however, signs should be in both English and Japanese so as to not exclude the resident clientele.

The sign regulations contained in the Zoning Law are sufficient for definition of the size and position of identifying placards with the names of businesses. However, much more control or incentives are needed to address the full range of symbols and decorations and to encourage signs on adjoining businesses to favor compatible aesthetic design, especially the use of tasteful and coordinated colors. The Territory's sign regulations should be revised and strengthened to reflect a wider range of aesthetic impacts and ongoing

enforcement of regulations should continue. The extent of violations of the existing sign regulations is shown in Table Nos. 6, 7, & 8.

I. Landscaping

Coupled with the disappearance of most of the natural vegetation along the urban waterfront, due to the intensity of urban development, there has also been a lack of tropical landscaping. Provision of landscaping would greatly enhance waterfront aesthetics by softening the stark appearance of structural developments and enhancing the remaining open spaces such that the various uses of the shoreline would appear as a continuum rather than in sharp contrast with one another. Landscaping is essential for the public benefit as it:

- . enhances the aesthetic and natural appearance of recreational parks and open spaces;
- . adds texture and color to large expanses of walls and fences;
- . screens unsightly structures and open storage of materials;
- . provides ecological support for the restoration of wildlife;
- . provides shade by absorbing solar radiation;
- . intercepts dust particles in the air;
- . filters pollution particles in stormwater runoff from streets and parking lots;
- . reduces noise levels;
- . can be effectively utilized to restrict access to a hazardous area (i.e. hedge discouraging children from entering a dangerous intersection or infrastructure facility);

In conjunction with alleviating other problems in a comprehensive redevelopment project, a landscaping plan for the entire Agana Bay Urban Waterfront is essential. Territorial landscaping guidelines are also needed, such that proposed developments can be required to submit landscaping plans for review by appropriate agencies and commissions.

An urban waterfront landscaping plan must integrate the preservation of existing mature trees and native coastal strand vegetation with reforestation of open spaces and tropical landscaping of recreational parks, commercial areas and the Marine Drive right-of-way. Many open space areas must be cleared of scrap materials, pavement removed and, in some cases, soil introduced prior to planting. Reforestation should emphasize the use of native, salt-tolerant species which have demonstrated their compatibility with a coastal strand environment and are sufficiently available for transplanting from other areas (See Table No. 4). Species must be able to withstand wind, salt spray, saltwater stormwave inundation and the nutrient-deficiency of beach-formed soils. Native species are most suitable because they require a minimum of maintenance, such as water, insecticide spraying, fertilizers, trimming and clean-up of fallen leaves. The closer to the immediate shoreline, the more salt-tolerant species must be, but this need not restrict reforestation possibilities. The following list of coastal strand plants demonstrates the range of suitable and available species.

Table No. 4 - List of Suitable Native Species for Reforestation of Recreational Parks and Open Spaces within the Agana Bay Urban Waterfront

<u>Scientific Name</u>	<u>Common Name</u>	<u>Chamorro Name</u>	<u>Type</u>
Acrostichum aureum		Langayao	Large Fern
Barringtonia asiatica	Fish-Kill Tree	Putting	Tree
Casuarina equisetifolia	Ironwood	Gago	Tree
Clerodendum inerme		Lodugao	Shrub
Cocos nucifera	Coconut Palm	Niyuk	Tree
Cordia subcordata		Niyorán	Tree
Desmodium umbellatum		Palaga Hilitai	Shrub
Heritiera littoralis		Ufa	Tree
Hernandia nymphaeifolia		Nonak	Tree
Hibiscus tiliaceus	Hibiscus Tree	Pago	Tree
Impomea pes-caprae	Beach Morning Glory	Alahai Tasi	Groundcover
Lumnitzera littorea		Nana	Shrub
Mammea odorata		Chopak	Tree

Messerschmidia argentea	Velvetleaf	Hunek	Tree
Morinda citrifolia	Indian Mulberry	Lada	Shrub/Sm. Tree
Muntingia calabra	Panama Cherry	Mansanita	Tree
Neisosperma oppositifolia		Fagot	Tree
Pandanus fragrans	Screwpine	Kafo	Tree
Pemphis acidula		Nigas	Shrub
Pluchea indica			Shrub
Scaevola taccada	Half-flower	Nanaso	Shrub
Sophora tomentosa			Shrub
Sporobolus virginicus	Salt Grass	Totoput	Groundcover
Terminalia cattapa	Tropical Almond	Talisai	Tree
Thespesia populnea		Binalo	Tree
Triphasia trifolia	Limeberry	Lemondchina	Shrub
Wedelia biflora	Beach Sunflower		Groundcover

In the three study sectors, where urban uses are most concentrated, and the Paseo de Susana, the width of the coastal strand permits a wider range of vegetation which can be utilized for tropical landscaping. Species such as the monkeypod tree (*Samanea saman*), sea grape (*Coccoloba uvifera*) and palo maria (*Calophyllum inophyllum*) are highly suitable for coastal strand landscapes. Local nurseries possess a large variety of introduced, ornamental species. It is clear that tropical blossoms are highly favored by tourists and improved landscaping would undoubtedly improve business revenues and the utilization of park areas, as people are naturally attracted to pleasing landscapes. Even businesses with limited setbacks can effectively utilize planters and wall trellises.

Landscaping is particularly needed along Marine Drive and within parking areas. Unpaved parking areas and rights-of-way should be sodded and blocked off with vegetation to prevent further surface erosion. Landscaping along Marine Drive should be coordinated with projected plans for road widening. Tall trees, which block scenic access or view corridors, should not be placed along Marine Drive and plants with extending root bases should not be planted near paved roads, parking lots or pedestrian/bikeways. The root systems of some trees such as Ficus species will buckle surface pavement; however,

there are many suitable plants for right-of-way landscaping. It should be recognized that landscaping is best planned by a landscape architect, such that all factors are considered.

J. Flood Hazard Areas and Substandard Structures

On August 28, 1978, the Governor issued Executive Order No. 78-20 which designated Flood Hazard Areas as an Area of Particular Concern (APC) and directed the Territorial Planning Commission to adopt an official map and rules and regulations for flood hazard area management. The map and regulations were promulgated and became effective October 1, 1978. They can be found in the Appendix of the Guam Coastal Management Program document. These standards not only guide land use and structural developments for the benefit of the Territory, but also satisfy an eligibility requirement for Guam's participation in the National Flood Insurance Program. The Program will offer federally-subsidized insurance rates to home owners and businessmen within flood hazard areas. The Department of Public Works implements the Flood Hazard Area Rules and Regulations through review of a proposed development's compliance prior to issuance of a Building Permit for construction.

The entire Agana Bay Urban Waterfront is within an officially designated flood hazard area. Existing structures need not comply with regulations, but all additions or developments which require building permits must adhere to the regulations. Proper implementation will hopefully discourage construction of unsuitable structures (prone to flood damage) and encourage incompatible uses to locate on more suitable urban sites outside of the flood hazard area. The dilapidated condition of some existing structures within the urban waterfront is a result of stormwave flood damage.

The flood hazard conditions within the urban waterfront are primarily the result of stormwave inundation during typhoon or tropical storm conditions. There is not a drainage problem, however, damage caused by winds, waves and

saltwater flooding on the unexposed coast can be severe, as evidenced after past typhoons.

Many uses have in the past resorted to construction of seawalls to buffer the force of stormwater. Construction of seawalls is now strictly managed through federal U. S. Army Corps of Engineer permit requirements, Seashore Protection Act permit requirements and Flood Hazard Areas Rules and Regulations. The further proliferation of seawalls, such as those which border most of Study Sectors B and C, and construction of substandard or damage-prone structures should cease, and must cease, if a comprehensive redevelopment effort is to be successful.

The Building Law and Uniform Building Code both include regulations and standards to ensure the integrity of structures erected on Guam. Violations of code requirements has been common along the urban waterfront. The extent of existing building code violations and structural problems is contained in Tables 6, 7, and 8. The Criteria for Assessment of Structures can be found in Appendix No. 8 of this Plan.

K. Public Health

Not only are the blighted conditions within the urban waterfront unsightly, but many of these conditions are extremely hazardous to public health. A survey conducted by the Bureau of Environmental Health, for this Plan, identified numerous health hazards which are in violation of Guam's Health and Sanitation Law. Some hazards can be issued citations when they are within an identifiable business lot. However, most hazards are associated with vacant properties and the absence of up-to-date lotline maps, delineating property ownership, has severely hindered enforcement of the law.

The highest incidence of public health problems is within Study Sector A - (See Table No. 5), however, violations are present in all three sectors, including storm drains, which pose the threat of disease associated with coliform bacteria, found on beaches or government-owned lands (Section Section E.1. of this Chapter).

Vacant lots encourage many of the serious health problems within the urban waterfront. They do not represent open space, but are actually weed-choked lots which become the dumping site for abandoned cars, old refrigerators and litter. Often, dilapidated buildings are left to decay amidst overgrown "waste place" vegetation. These lots should be cleared, landscaped and maintained.

Hazardous junk materials are found on vacant lots, behind commercial businesses and in industrial scrapyards. These scrap materials are especially hazardous to children at play in waterfront areas, due to the threat of injuries or suffocation inside old refrigerators.

Bulky waste, litter and overgrown weeds also provide ideal breeding places for disease-bearing rodents, flies and mosquitoes. Rats and mice carry a number of harmful diseases, such as plague and typhus. Either an infected rat bite, or the bite of a rat-infected flea or mite, can transmit disease. Food poisoning can occur from eating food contaminated with rat or mouse feces containing Salmonella.

Mosquitoes can carry malaria, yellow fever, dengue fever and other infectious diseases. They breed in discarded water-filled containers. Old tires, bottles, and cans are primary mosquito-breeding sources. Following are some of the mosquito species that breed in artificial containers with brief information

on their ecology and disease relationships:

- Aedes albopictus: This species of mosquito breeds in small artificial containers around the home or in overgrown areas, feeds on man and is a daytime and early evening biter. It is a primary vector of dengue fever and chikungunya fever, secondary vector of Japanese B encephalitis, and is a primary vector of Dirofilaria immitis.
- Culex pipens quinquefasciatus: This species of mosquito also breeds in artificial containers and feeds primarily on birds and secondarily on man. It is a primary vector of Wuchereria bancrofti (Bancroftian filariasis), Brugia malayi (Malayan filariasis), and Dirofilaria immitis (Tropical eosinophilia); and secondary vector of Japanese B encephalitis.
- Culex sitiens: Breeds also in artificial containers along the beach. It feeds on man and animals. It is a possible vector of Wuchereria bancrofti (Bancroftian filariasis).

The following table illustrates the extent of health hazards which must be individually addressed through increased enforcement. Their incidence should also decline with overall redevelopment and could realistically be reduced to zero in all cases. These are not unsolvable problems.

TABLE NO. 5 INCIDENCE OF PUBLIC HEALTH HAZARDS, AGANA BAY URBAN WATERFRONT

<u>HAZARD</u>	<u>STUDY SECTOR A</u>	<u>STUDY SECTOR B</u>	<u>STUDY SECTOR C</u>
ABANDONED VEHICLES (NOT INCLUDING THOSE FOUND WITHIN SCRAPYARDS AND USED CAR LOTS)	19	1	0
OVERGROWN VACANT LOTS (POTENTIAL FLY, MOSQUITO, AND RODENT BREED- ING SOURCES)	8	6	4
IDENTIFIED RODENT BREEDING SOURCES	6	5	5
IDENTIFIED MOSQUITO BREEDING SOURCES	2	1	3
EXTREMELY DILAPIDATED ABANDONED BUILDINGS	2	0	1
BULKY WASTE (SCRAP, OLD REFRIGERATORS, ETC.)	7	2	8

SOURCE: BUREAU OF ENVIRONMENTAL HEALTH, DEPT. OF PUBLIC HEALTH AND SOCIAL SERVICES - FEBRUARY, 1979

IV. Existing Land Use

A. Introduction

This Chapter is comprised of maps and tables of existing structures and uses, prepared primarily from field surveys of existing physical conditions within the urban waterfront. The data is instrumental in the illustration and determination of the extent of incompatible land uses throughout the entire urban waterfront. Poor land-use relationships are the root cause of many of the specific problems brought forth in the preceding chapter. This is not always the fault of the landowners, businessmen or developers, but also of governmental decision making which has allowed non-conformity to master plans and regulations to proliferate. In respect to the Zoning Law, the regulations and official designations themselves are inadequate.

A comparison of Map No. 4 - Existing Land-Use and Map No. 5 - Existing Zoning clearly depicts that actual land-use patterns bear little relation to the official zoning classifications. Zoning is designed to guide land-use in respect to environmental constraints and community needs. In the case of the urban waterfront, zoning has been ineffective. An alternative/corrective action is illustrated in the following Chapter on Map No. 9 - Recommended Revised Zoning.

Responsible zoning classification and enforcement of regulations within the urban waterfront has been rendered ineffective by a fractionalized lot system which has subdivided properties into such small parcels that compatible land use is nearly impossible. An inordinate number of property owners have conflicting needs and have received numerous variances. This will be fully illustrated upon preparation of up-to-date lotline maps in the next planning phase.



STUDY SECTOR A

AGANA BAY

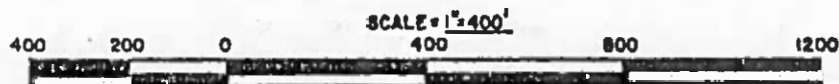
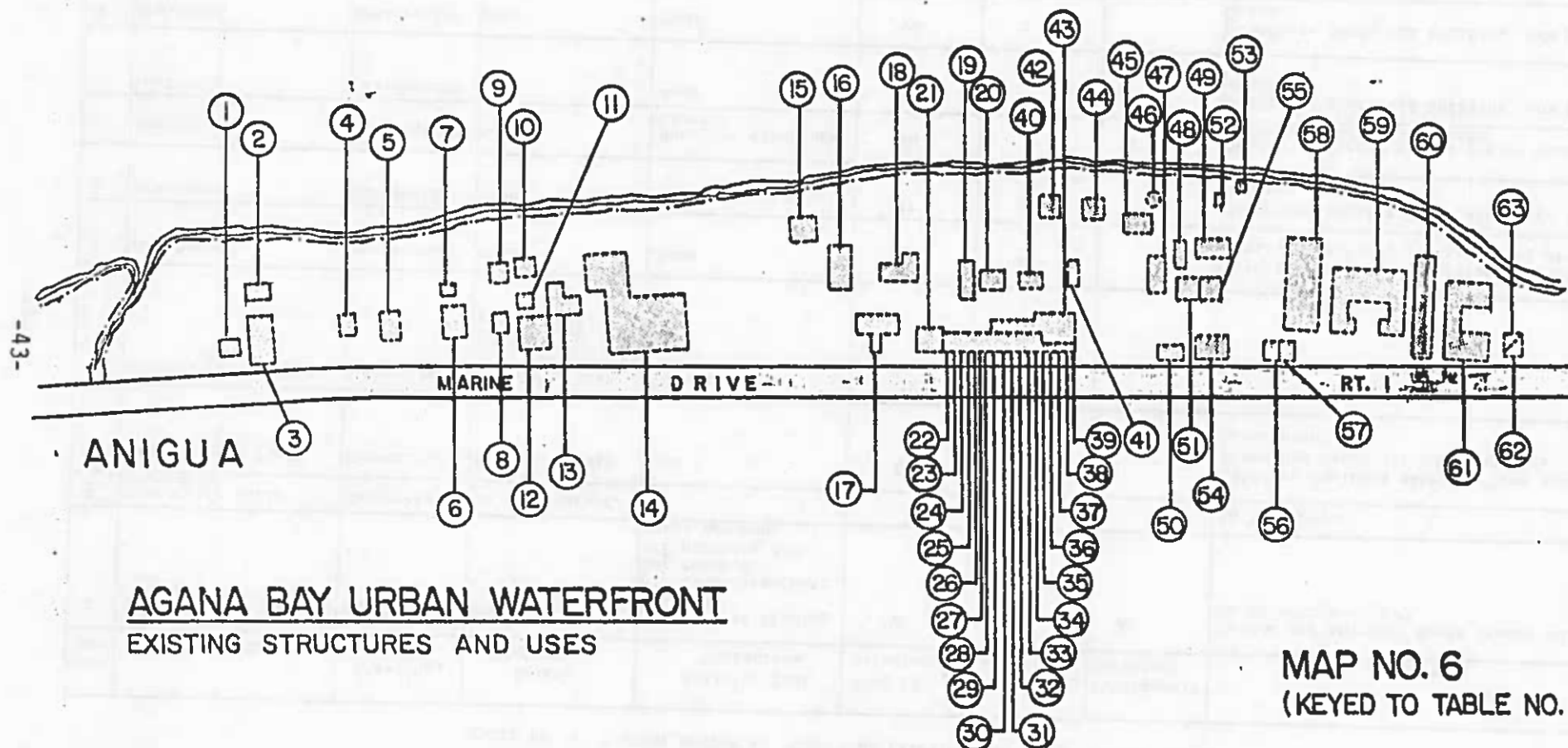


TABLE NO. 6 STUDY SECTOR A: SURVEY OF EXISTING USE (Keyed to Map No. 6)¹

Site No.	Identification ²	Existing ³ Land-Use	Zoning Violations	Building Code Violations	Type of Structure ⁴	Standard Structure ⁵	Substandard Structure	Remarks
1	Two Abandoned House Frames	Residential	None	Entire roof framing removed. All electrical wiring removed. All plumbing fixtures removed.	VN		X	Wooden and concrete house frames only on an overgrown lot.
2	Democratic Party Building	Commercial	No sign permit.					No inspection.
3	Ricky's Auto Parts	Commercial	No sign permit.	None	II	X		Building includes vacant office space. Structure meets all building code requirements.
4	BM Auto Repair Shop	Industrial	Abandoned vehicles being stored on sides and rear of building. No sign permit.	No exit sign.	VN	X		
5	Residence	Residential	None	None	VN	X		Structure meets all building code requirements. Historical architectural style.
6	Residence	Residential	None	None	II	X		Structure meets all building code requirements.
7	Residence	Residential	None	Numerous structural hazards.	VN		X	Entire structure infested with termites. Structure has been vacated.
8	Residence	Residential	None	None	VN	X		Structure meets all building code requirements.
9	Residence	Residential	None	None	VN	X		Structure meets all building code requirements.
10	Residence	Residential	None	None	VN	X		Structure meets all building code requirements.

SOURCE:

¹ Guam Coastal Management Program and Building Permit and Inspection Div., DPW, Feb-March, 1979

² Occupant Names at Residences recorded on DPW Inspection Reports.

³ Classifications are consistent with DPW Group Occupancy Classifications on Inspection Reports.

⁴ VN = Woodframe or Combination Woodframe/Concrete
II = All Concrete

⁵ Criteria utilized shown in Appendix No 7

TABLE NO. 6 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
11	Machine Shop	Industrial	None	None	VN	X		No business sign. Open storage of machine and engine parts. Structure is a earport.
12	Acme Grocery	Commercial	Insufficient parking. No sign permit	No exit sign. No handrail on stairway.	VN	X		
13	Lutheran Church of Guam	Public/Semi-Public	None	None	II	X		Well landscaped.
14	Surplus Outlet	Commercial	Insufficient parking. No sign permit	No exit sign.	II	X		Open storage of used furniture and scrap materials.
15	WestPac Marine	Industrial	Abandoned appliances stored on parking area.	No handrail on stairway. Trailer house is dilapidated.	VN	X		Open storage of scrap materials in boat repair yard.
16	Consolidated Salvage	Industrial	No sign permit. Scattered scrap materials.	Numerous structural hazards. Electrical wiring hanging loose on ceiling.	VN		X	60% of structure infested with termites. Frame house used for storage of scrap. Open storage of scrap in yard. House needs major repairs. Historic architectural style.
17	Mobil Service Station	Industrial	None	No exit sign.	II	X		
18	Auto Repair Shop	Industrial	Abandoned vehicles scattered over yard.	No exit sign. No handrail on stairway.	VN	X		No sign.
19	Apartments	Residential	None	None	II	X		Six units. Structure meets all building code requirements. No landscaping.

VN - Woodframe or combination, Woodframe/Concrete
 II - All Concrete

TABLE NO. 6 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
20	Kaala Massage	Commercial	Addition constructed to side property line with no setback.	No exit sign. Addition has no building permit.	VN	X		Modular house.
21*	International Night Club	Commercial			VN			Building closed/no inspection.
22	Guam Yardage	Commercial	Insufficient parking.	No exit sign.	VN	X		
23	Ed & Joe's Tailor	Commercial	Insufficient parking.	No exit sign.	VN	X		
24	Tawai's Clothing and Jewelry	Commercial			VN			Building closed/no inspection.
25	Filipino Chamber of Commerce	Commercial			VN			Building closed/no inspection.
26	Neeta's Custom Tailors	Commercial	Insufficient parking.	No exit sign.	VN	X		
27, 28, 29	Pamela '76 Clothing and Jewelry	Commercial	Insufficient parking.	No exit sign.	VN	X		Building closed/no inspection.
30	Family Clothing Center	Commercial	Insufficient parking. No sign permit.	No exit sign.	VN	X		

* Note: Nos 21-30 are adjoined in the Remeliza's Bldg.

VN = Woodframe or combination Woodframe/Concrete
 II = All Concrete.

TABLE NO. 6 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
31	Lucky Lady Massage	Commercial	Insufficient parking. No sign permit.	No exit sign.	VN	X		
32	Time Star Watch Repair	Commercial			VN	X		Building closed/no inspection.
33	House of Health Massage	Commercial			VN			Closed for business/no inspection.
34	Ed's Sewing Machine Repair and Service	Commercial	Insufficient parking. No sign permit.	No exit sign.	VN	X		
35	Office Machine Repair	Commercial			VN			Building closed/no inspection.
36	Remeliza's Kitchennette & Island Mart	Commercial	Insufficient parking. No sign permit.	No exit sign. Number of occupants exceeds required capacity.	VN	X		
37	Junzen Trading Co., and Perfect Match Boutique	Commercial			VN			Building closed/ no inspection.
38	Guam Radio and TV Shop	Commercial	Insufficient parking. No sign permit. Two signs projecting more than 18"	No exit sign.	VN	X		
39	Popular Barber Shop	Commercial	Insufficient parking. No sign permit.	No exit sign. No mechanical ventilation in bathroom.	VN	X		
40	Building under Construction.	Commercial						No inspection.

VN = Woodframe or combination Woodframe/Concrete
 II = All Concrete.

Table No. 6 (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
41	A-Frame Chapel							No inspection.
42	Residence	Residential	None	None	II	X		Structure meets all Building Code requirements.
43	Residence	Residential	None	None	II	X		Second floor of Remeliza's Building
44	Residence	Residential	None	None	II	X		Structure meets all Building Code requirements.
45	Residence	Residential						No inspection.
46	Dome Residence	Residential						No inspection.
47	A-Frame Structure	Residential	None	None	VN	X		Owned by Residence No. 48 below.
48	Residence	Residential	None	None	VN	X		Historic architectural design.
49	Apartments	Residential	None	None	II			2-Story Apt., 3-units in residential use.
50	Vacant Office	Commercial			VN			Unoccupied prefabricated office building. Building closed/no inspection.
51	Apartments	Residential	None	None	VN	X		Four units owned by Residence No. 48 above.
52,53	Family Ranch House (2-structures)	Residential			VN			No inspection conducted. Traditional cookhouse, ranchhouse and picnic areas.

VN = Woodframe or combination Woodframe/Concrete.

II = All concrete.

Table No. 6 (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
54	Guam Inc. Refrigerator & Air Conditioner Sales and Service.	Commercial	Insufficient parking. No sign permit. Abandoned appliances occupying right-of-way.	No exit sign.	VN	X		
55	Hafa Adai Club	Commercial	No sign permit.	No exit sign.	II	X		Occupies one of 4 units in #49 above.
56	Aflague's Jewelry and Giftshop	Commercial			II			Building closed/no inspection.
57	VCA Sons & Daughters Sausage Factory	Commercial			II			Building closed/no inspection.
58	China Arts Overseas	Commercial	No sign permit	No exit sign.	II	X		Large warehouse. Abandoned vehicles on beach front.
59	Ace Hardware	Commercial	No sign permit	No exit sign.	VN	X		Plans for major expansion. Open storage of supplies in rear area.
60	Marks Motor Parts	Industrial	None	No exit sign	VN	X		
61	Vacant Offices	Commercial		Over 60% of building is infested with termites.	II	X		Building closed/no inspection.
62	Guam Lock and Key	Commercial	None	None	II	X		First Floor of 2-story structure.
63	Vacant	Commercial						Historic architectural character. Second floor of structure incl. #62 above.

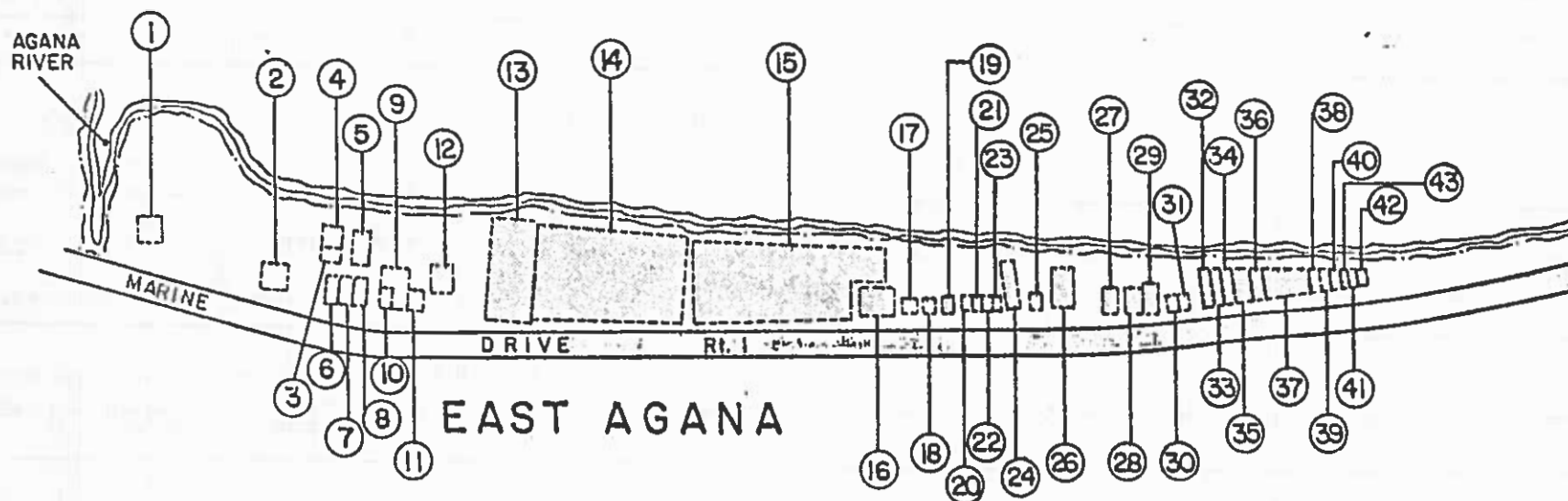
VN = Woodframe or combination Woodframe/Concrete.

II = All concrete.



AGANA BAY

STUDY SECTOR B



AGANA BAY URBAN WATERFRONT
EXISTING STRUCTURES AND USES

MAP NO. 7
(KEYED TO TABLE NO. 7)

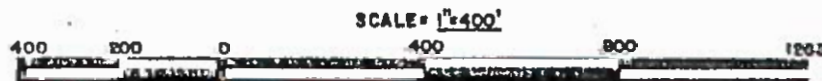


TABLE NO. 7 - STUDY SECTOR B: SURVEY OF EXISTING USES (Keyed to Map No. 7)*

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
1	Micronesian Brokers Inc.	Commercial	None	No exit sign.	II	X		Unpaved parking.
2	Vacant Car Lot and Office	Commercial			VN			Building vacant/no inspection. Gas pump on beach front.
3	HL Elania Club	Commercial	None	None	II	X		Two story structure.
4	Residence	Residential			II			Building closed/no indoor inspection. Behind #3 above. Riprap seawall and trashed dumped on beach.
5	J & G Distributors and Wholesalers	Industrial	None	None	VN	X		Large warehouse. Trash dumped on beach.
6, 7 & 8	National Sales	Commercial	Insufficient parking.	None	II	X		1st floor of 2-story structure with vacant upstairs space.
9	Takano Gift Store	Commercial/Residential	Insufficient parking. No sign permits.	No exit sign. No valid permit for rear addition.	II	X		Three story structure with upstairs residence.
10	Diamond Ko	Commercial			II	X		No inspection.
11	Rick's Disco Night Club	Commercial	Insufficient parking.	No exit sign.	VN	X		Unpaved parking.

*See Footnotes on Page

VN - Woodframe or combination Woodframe/Concrete.

II - All Concrete.

Table No. 7 (Cont'd)

Site No	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
12	Vacant (former La Paloma Club)	Commercial		Entire roof blown off by typhoon. All electric wiring damaged. Some plumbing fixtures missing.				Heavily storm-damaged. Unpaved parking. New construction on rear lot.
13	Padre Palomo Park	Recreation	None	N/A	N/A	N/A	N/A	Open space with Monument. Open storm drain. Severely rusted pipes used as border.
14	Naval Cemetery	Public/Semi-Public	None	N/A	N/A	N/A	N/A	Federally-owned. Cormoran Monument on Guam Register of Historic Places.
15	SLC Auto Sales and Service	Commercial/Industrial	Insufficient parking.	No exit sign.	VN	X		Portion of car lot on GovGuam-owned land. Overflow parking onto Naval Cemetery right-of-way. Seawall along beachfront.
16	7-Stars Club	Commercial	Insufficient parking.	No exit sign.	II	X		Three-story with vacant upstairs space.
17	Vacant		Insufficient parking.	Entire structure infested with termites.	VN	X		
18	Miss Lee's Sauna & Massage	Commercial	Insufficient parking.	None	II	X		
19	Chamorro Rose Society of the Marianas	Commercial/Residential			VN			Structure not inspected. Keep out signs on access to beach.

VN = Woodframe or combination of Woodframe/Concrete.
 II = All Concrete.

Table No. 7 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
20	Nani Wear Gift Shop	Commercial	Insufficient parking.	No exit sign.	II	X		
21	Ho-Ming Printing	Commercial	None	None	II	X		Keep out signs on access to beach.
22	Xirho Products, Inc.	Commercial	None	None	II	X		Retail market for closed circuit TV systems, oriental herbs and notions, and adult books and novelties.
23	Starter and Generator Shop	Industrial	Insufficient parking.	No exit sign.	VN	X		Open storage of scrap materials. Keep out signs on access to beach.
24*	Las Vegas Massage	Commercial			VN			No inspection. Unpaved parking.
25	Linda's Cafe	Commercial	No sign permit.	No exit sign.	VN	X		
26	Bob's Whispering Palms	Commercial	No sign permit.	No exit sign.	II	X		Unpaved parking in rear and side lots.
27	Nery Construction Co., Inc.	Commercial	No sign permit.	No exit sign.	VN	X		Unpaved parking.
28	Korean Village Night Club	Commercial	Sign exceeds more than 5% of wall area. Insufficient parking.	No exit sign.	II	X		Generates parking overflow onto unpaved areas of right-of-way.
29	Mayo Optical Clinic (Vacant)	Commercial	No sign permit. Insufficient parking.	No exit sign	II	X		

*Site Nos. 24-43: Rear portion of buildings, fences and retaining walls are encroaching upon GovGuam land, as shown on Dept. of Land Management Sketch #1370.

VN = Woodframe or combination of Woodframe/Concrete.
II = All Concrete.

Table No. 7 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
30	Lee's TV & Appliance Repair	Industrial	Insufficient parking. Side area used for open storage of appliances. No sign permit.	Roof leaking. Ceiling joints about to fall apart due to termite infestation.	VN	X		Abandoned vehicles on adjacent side lot. Unpaved parking.
31	Office Machine Shop	Industrial						
32	Paradise Massage	Commercial			VN			No inspection.
33	Mariposa Massage	Commercial	Insufficient parking.		VN	X		No inspection under new management.
34	Primo Club	Commercial	Insufficient parking.		VN	X		No inspection under new management.
35	Boka Cafe	Commercial						No inspection.
36	Penny Bags	Commercial	Insufficient parking.	No exit sign.	II	X		
37	Para Para Shop	Commercial	Insufficient parking.	No exit sign. Front roof overhang infested with termites.	VN	X		Bus parking only.
38	Yakitori II	Commercial	Insufficient parking. No sign permit.	No exit sign. Number of occupants exceeds required capacity.	VN	X		Insufficient parking generates overflow along entire complex of businesses and onto the public area and government right-of-way.

*Site Nos. 24-43: Rear portion of buildings, fences and retaining walls are encroaching upon GovGuam land, as shown on Dept. of Land Management Sketch #1370.

VN = Woodframe or combination of Woodframe/Concrete.
II = All Concrete.

Table No. 7 - (Cont'd)

Site No	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
39	Ginza Lounge	Commercial	Insufficient parking. No sign permit.	No permit for interior alteration.	VN	X		
40	International Gold and Jewelry	Commercial			VN			No inspection.
41	Guam Foto	Commercial			VN			Building closed/no inspection.
42	China Restaurant	Commercial	Insufficient parking. No sign permit.	No exit sign. Number of occupants exceeds required capacity.	VN	X		
43	Builders Guam Corporation	Commercial			VN			No inspection.

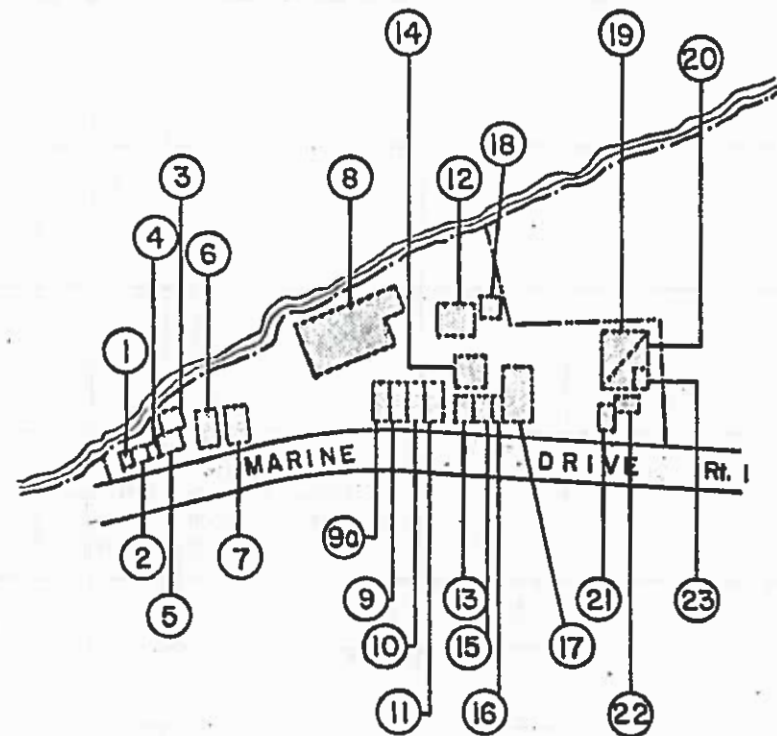
*Site Nos. 24-43: Rear portion of buildings, fences and retaining walls are encroaching upon GovGuam land, as shown on Dept. of Land Management Sketch #1370.

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 II = All concrete.



STUDY SECTOR C

AGANA
BAY



TAMUNING

AGANA BAY URBAN WATERFRONT
EXISTING STRUCTURES AND USES

MAP NO. 8
(KEYED TO TABLE NO. 8)



TABLE NO. 8 - STUDY SECTOR C; SURVEY OF EXISTING USES (Keyed to Map No. 8)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
1.	D & C Jewelry	Commercial	Insufficient parking.	No exit sign.	II	X		Unpaved parking. Riprap seawall/no beach.
2	Lien's Market	Commercial						Building closed/no inspection. Riprap seawall/no beach.
3	Residence	Residential			II			Building is under construction. Concrete block seawall/no beach. No trespassing sign. Rear of United Motors (#5 below).
4	Ten-Tak	Commercial						No inspection under new business name . Unpaved parking. Riprap seawall. No trespassing signs.
5	United Motors, Inc.	Commercial	Insufficient Parking.	None	VN	X		No trespassing signs.
6	Vacant Business	Commercial						Building closed/no inspection. Building dilapidated/under construction for repair.

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 II = All Concrete.

Table No. 8 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
7	Guam Harse and Funerals Services, Inc.	Commercial	None	None	VN	X		Trash fill dumped on beach.
8	Night Club (formerly Charlie Corn)	Commercial		Building classified as an unsafe structure.	II		X	Under repair to meet Building Code requirements. Concrete block seawall. Unpaved front lot.
9a	Vacant Business	Commercial			II			No inspection.
9	Oriental Restaurant	Commercial			II			No inspection to date. Occupies one unit of Josephine's Bldg.--a 2-story structure w/ vacant upstairs.
10	Hoon's Store and Coffee Shop	Commercial	Insufficient parking. No sign permit.	No exit sign.	II	X		One unit of Josephine's Bldg.
11	Ichiban Massage	Commercial	Insufficient parking.	No exit sign.	II	X		One unit of Josephine's Bldg.
12	Residence	Residential			II			Building closed/no inspection.
13	Akasaka Massage	Commercial	Insufficient parking.		VN	X		No inspection under new business name.
14	Residence	Residential						Building closed/no inspection. 2-story structure.

VN = Woodframe or combination of Woodframe/Concrete.

II = All Concrete.

Table No. 8 - (Cont'd)

Site No.	Identification	Existing Land-Use	Zoning Violations	Building Code Violations	Type of Structure	Standard Structure	Substandard Structure	Remarks
15	Kim's Shop Xirho Products	Commercial						Building closed/no inspection.
16	Jade House	Commercial			VN			Building closed/no inspection.
17	Hakabotan	Commercial	None	No exit sign. No permit alteration on 1st floor-rear of building. Four electrical motors inside building must be relocated outside.				3-story structure.
18	Pacific Ironwork	Industrial	Insufficient parking.	Interior ceiling is falling apart. Handrail does not meet Building Code requirements.	VN	X		Unpaved parking.
19	Tae-Kwan-Do School	Commercial			VN			Building closed/no inspection. School on 2nd floor of 2-story Unpaved parking.
20	Apollo Night Club	Commercial			VN			Building closed/no inspection. 1st floor of 2-story structure. Unpaved parking.
21	Sharma Shoppe	Commercial			VN	X		No inspection under new business name.
22	Gudling and Nita's Shop	Commercial			VN			Building closed/no inspection.
23	Royal Surplus Shop	Industrial	Insufficient parking. Scrap materials occupying easement.	No exit sign.	VN	X		

VN = Woodframe or combination of Woodframe/Concrete.

II = All Concrete.

V. Agana Bay Urban Waterfront Land-Use Plan

A. Recommended Revised Zoning

The current Zoning Law was established pursuant to the 1966 Master Plan. At the time when the Official Zoning Map was prepared, there was little information concerning the island's natural resources or consistent land-use policies and practice. Zoning delineations were primarily based on existing uses, thus many unsuitable uses have legally proliferated. For example, Study Sector A was originally zoned M1 Light Industrial to accomodate a small auto repair shop operated by Atkin's Kroll. Giving this entire portion of waterfront an M1 classification encouraged the proliferation of scrapyards and repair shops, all operating after the Atkins Kroll shop had long since relocated outside the waterfront.

Another major problem with zoning classification is the vaguely defined permissible uses allowed within the R-Agricultural Zone. This zone has served as a "catch-all", with its regulations permitting a multitude of uses which are unassociated with actual agricultural land-use. A prime example is that the Paseo de Susana, a recreational park comprised of an offshore reef filled with rubble, is presently zoned Agricultural.

Map No. 9 depicts an alternative to existing zoning, as revision of the existing classifications would necessarily be at the root of redevelopment of the urban waterfront. At the very least, further proliferation of incompatible uses should cease. As zoning can shape the direction of growth within the area and involves the most basic control on private development, maximum provision for public input into the process of revised zoning is required.

Implementation of revised zoning in the classification system depicted on Map No. 9 is completely contingent upon revision of the Zoning Law itself. Currently, no legislation has been submitted for review. This Plan includes a

draft bill (See Appendix No. 2) for relevant agency, task force and public review. The provisions of this draft bill are reflected on Map No. 9, however, its potential applicability would be islandwide, not confined to the urban waterfront.

B. Alternate Sites for Relocation of Incompatible Uses

1. Sites For Industrial Uses

The most incompatible uses of the Agana Bay shoreline are industrial enterprises. They are generally hazardous, unsightly and polluting. Their existence is vital to the island's economy; however, it is imperative that they be consolidated in locations where they have the least adverse impact upon the environment. The shoreline is too fragile to tolerate such intensive use of the land.

Industrial land use is present within all three study sectors (See Maps No. 6, 7, and 8), however, it is most prevalent in Study Sector A, as it is entirely zoned M1-light industrial. A plethora of scrapyards and repair shops have emerged under the protection of the M1 classification.

Revised zoning should be consistent with the updated 1978 Guam Comprehensive Development Plan and call for the relocation of all industrial uses into industrial parks, as delineated on Community Design Plans. The 11 industrial uses listed on Table No. 9 should be relocated in the Harmon Industrial Park or the Mongmong-Toto-Maite area. Map No. 10 illustrates that there is available space within Harmon Industrial Park for relocation of industrial uses. As increased air traffic naturally encourages the depopulation of the Mongmong-Toto-Maite area or land is rezoned in compliance with the U. S. Navy's Air Installation Compatible Use Zones Study for the Naval Air Station, more land in this community should become available for industrial land use.

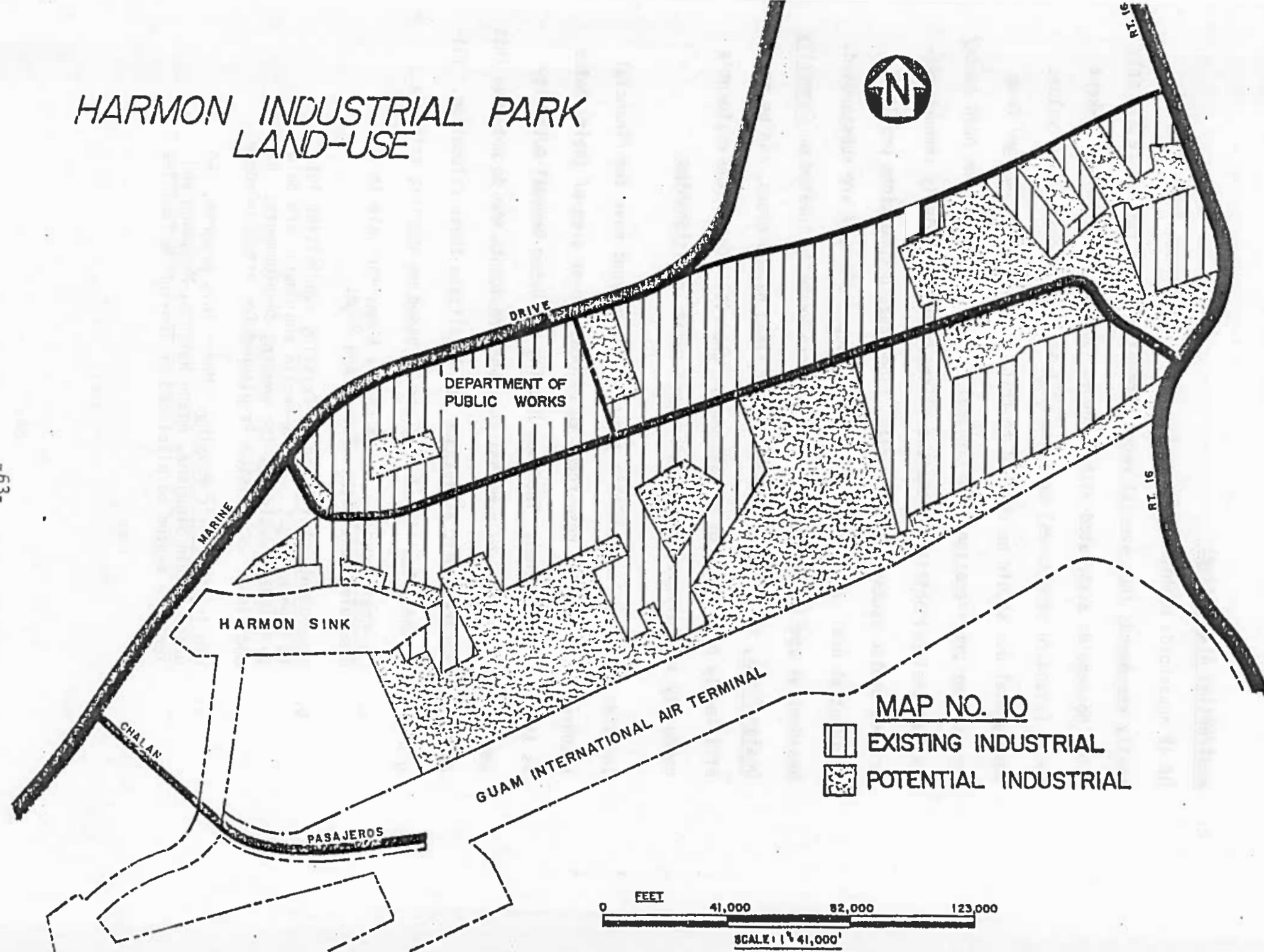
In conjunction with relocation of industrial uses to Harmon, a Master Plan for Harmon Industrial Park is needed and M-2 heavy industrial activities such as scrapyards would require a variance to the Harmon Park's M-1 classification or parts of the park would need to be rezoned as M-2.

Table No. 9 - Industrial Uses Recommended For Relocation Outside the Agana Bay Urban Waterfront.

<u>Study Sector</u>	<u>Name</u>
A	BM Auto Repairshop
A	Machine Shop (Behind Acme Grocery)
A	WestPac Marine
A	Repair Shop (#17, Map No. 6)
A	Marks Motors (Service Department)
B	J & G Distributors and Wholesalers
B	SLC Auto (Service Department)
B	Starter and Generator Shop
B	Lee's TV and Appliance Repair
C	Pacific Ironwork
C	Royal Surplus Store

HARMON INDUSTRIAL PARK LAND-USE

-63-



2. Residential Alternatives

Of 42 households within the Agana Bay Urban Waterfront, this Plan initially recommends that overall redevelopment or urban renewal retain only those households associated with extended families, extremely well-kept homes (standard structures) or those with historic architectural value. Residential use should be reduced to this density and discouraged from any further proliferation. Residential use conflicts with the open space/recreational suitability of the shoreline, most particularly through restricted public access. Additionally, flood hazard conditions preclude residential use. Many homes are not landscaped and some are substandard. Residential use is best located within those areas delineated on Community Design Plans, such that they are outside flood hazard areas, can be more efficiently provided with infrastructure and will enhance the resident's community identification or neighborhood social relationships.

In cases where residents within the urban waterfront have the financial resources or alternate resources; to relocate to an area of their choice is the optimum solution. The Guam Housing and Urban Renewal Authority administers a variety of programs for those residents who do not have this option or require public assistance to facilitate their relocation. Eligibility for the below-listed programs is based on specific criteria.

- a. Low-Cost Housing. GHURA offers homes for sale in 5 subdivisions within Dededo and Yigo.
- b. Government Subdivisions. Existing subdivision lots in Pagachao-Agat, Pigua-Merizo and Umatac are sold to eligible residents for housing developments. An additional subdivision is planned for Astumbo-Dededo.
- c. Low-Income Public Housing. Under this program, 350 units within Sinajana, Agana Heights, Mongmong and Yona are rented to displaced or low-income families.

- d. Section 8. This program enables lower income families to rent housing from the private sector. GHURA pays the difference between the contract rent and a portion of the rent payable by the family, which is not more than 25% of the family's adjusted income.
- e. Elderly Housing. An elderly housing project has been completed in the Tumon Bay area.

3. Consolidation of Commercial Uses

The 1966 Master Plan strip zoned Study Sectors B and C as C-commercial. Commercial strip development has also emerged within Study Sector A's M1 classification as a permissible use. With the exception of the public beaches, a continuous commercial use has developed along the Marine Drive. This type of strip development is a barrier to scenic and public access, disrupts traffic flow through ill-defined access (entrance and exit) from a primary highway, suffers from insufficient parking, and represents an unsightly patchwork of architectural styles.

These problems do not exist when commercial use is centralized within well-planned shopping centers. The efficiency of existing shopping centers on Guam will gradually dominate the retail sales sector of the economy. It will take more than a little paint and advertising to stimulate sales. A near total restructuring of commercial land-use patterns within the urban waterfront is necessary. Four basic options to commercial land use are open:

- . Allow the current trend toward more blighted conditions and economic decline to continue within the urban waterfront.
- . Encourage and assist businesses to relocate the random locations of their choice outside the urban waterfront.
- . Establish a well-planned shopping complex outside the urban waterfront, with priority eligibility given to waterfront businesses.

Establish a well-planned shopping complex within Study Sector A for relocation of waterfront businesses. Note: Insufficient land in Study Sectors B and C limits this option to Study Sector A.

It is premature to determine whether, even if commercial use is redeveloped, there will be sufficient consumer demand for goods and services generated from within the urban waterfront. A market analysis of the potential for overall economic growth within the area must be prepared in light of the existence of competitive, larger shopping complexes. This would be the task of the local agency with economic planning functions at the time of implementation. As a preliminary perspective, a shopping complex capable of serving small businesses could possibly be located in Study Sector A near the projected development of the new Ace Hardware store, one of the largest retail sales outlets in the urban waterfront. Such a development would involve major land acquisition and consolidation and would only be possible within the context of large-scale urban renewal.

Planning for commercial uses is concerned with approximately 45 small retail businesses and restaurants, in addition to Ace Hardware, SLC Auto Sales, Guam Hearse and Funeral Services, about 20 sex-related businesses and an auto service station. The tremendous amount of land required for car lots and the limited, overcrowded land area within Study Sector B denotes the unsuitability of the shoreline for auto sales and repair. Additionally, 8 scattered business offices should relocate to suitable office buildings. The growing vacancy of small office buildings in the urban waterfront is testimony to the inefficiency of business office location in this area. Since most business offices are centralized within Downtown Agaña, business office location within the waterfront will not stimulate its economic potential and is incongruous with a basic recreational theme.

4. Location of Nightclubs, Massage Parlors and Adult Book Stores

There are about 20 adult-oriented businesses within the urban waterfront, comprised of 10 bars and nightclubs, 8 massage parlors and 3 adult book and novelty stores. These figures are subject to fluctuation due to the relative impermanency of such businesses and the high turnover rate of ownership and management.

Some of these businesses operate with as little capital as possible and have no desire to upgrade their physical appearance or image within the community. In short, their existence is an inevitable problem within every city's attempt to guide economic growth. Currently, these businesses are intermixed with other types of commercial uses. Their customer activity does not generally conflict with that of other businesses because they operate primarily in the evening from 9:00 p.m. to 2:00 a.m., whereas other businesses generally operate between 9:00 a.m. to 9:00 p.m. However, if commercial uses were to be concentrated within a centralized shopping complex, an intermixture of adult-oriented enterprises and retail sale with different clientele and sign requirement would not be conducive to a successful economic climate.

The options open to addressing adult-oriented businesses are:

- . continuance of their present locations within the urban waterfront.
- . relocation of random areas outside the urban waterfront.
- . relocation in a consolidated zone within the urban waterfront.
- . relocation in a consolidated zone outside the urban waterfront.
- . intermixture with other commercial uses in a shopping complex within the urban waterfront.

- intermixture with other commercial uses in a shopping complex outside the urban waterfront.

- modification of adult-oriented businesses through strict enforcement of existing law.

This Plan does not encourage the long-range existence of adult-oriented businesses within a redeveloped urban waterfront, as their temporary nature and usually gaudily-decorated or blighted exterior appearance does little to contribute to an aesthetic waterfront theme or positive community identification.

VI. Anticipated Socio-Economic Impacts of Redevelopment

A. Introduction

Redevelopment of the Agana Bay Urban Waterfront is not simply a physical rehabilitation effort. It is actually a more comprehensive process involving changes in the area's economic and social structure through an improved environment. Implementation of the strategies found in Chapter VII will significantly alter the frame of reference or perceptions of residents, landowners and businessmen within the urban waterfront, as well as of their clientele or visitors. As implementation reaches successive phases, a more precise analysis of anticipated social and economic impacts will be critical. An attempt to obtain baseline data for such an analysis was made in an Urban Waterfront Task Force Survey (Appendix No. 9), but poor response to the questionnaire made interpretation of the resulting data difficult. The following discussion presents an initial outline of the major issues involved. In this first phase of the Plan, the major objective is development of an approach that will enhance both the waterfront and the overall economy and lifestyle of the island. Short-term adverse impacts of redevelopment should be mitigated where possible and ultimately outweighed by the long-term benefits.

B. Overall Economic Impacts

This Plan will directly affect approximately 71 small businesses involved in retail sales, entertainment and small equipment repair. Approximately 11

industrial and wholesale operations will be affected. Further data will be required to determine exactly how many business/landowners, business/lease-and employees are operating within the urban waterfront. An accurate determination of the amount of revenue generated within by businessmen will probably never be possible. The major economic impacts on both the private and governmental sectors, projected in this phase, are listed as follows:

1. Land and structure values within portions of the urban waterfront may decrease as tighter legal controls, highway widening or urban renewal efforts discourage proliferation of urban uses, promote recreational open space and encourage relocation of urban uses to alternate sites.
2. Land values within alternate sites for urban development could increase as the demand for utilization of such sites increases.
3. A short-term loss of commercial revenues will occur during relocation; however, long-term increases in sales may occur with a more efficient and convenient setting for clientele.
4. The tourism industry will be enhanced through an overall improved destination, resulting in increased tourist expenditures.
5. Concentrated commercial, industrial and residential areas outside the urban waterfront will reduce the government's cost of providing infrastructure, (roads, sewer, water, power, telephone, etc.) resulting in lower utility costs for consumers.
6. Location of urban uses outside a flood hazard area will lower governmental and private sector expenses for damage repairs and insurance rates.
7. Concentrated urban use outside the waterfront will lower the governmental costs of pollution control, wildlife management, and maintenance of public health.
8. Concentrated and more successful commercial and industrial land use, as well as increased tourist expenditures, will broaden the government's tax base.

C. Tourism Potential and the Urban Waterfront

With phased relocation of urban uses within the waterfront into other areas, profit improvement in retail-wholesale sales and light industry sectors will be enhanced in those areas. One economic sector receiving considerable benefits from an improved waterfront will be the tourist industry. Agana has

followed the course of many of the nation's major cities, in that tourists must be provided services and destinations outside of city limits, due to their blighted condition. Renewal of city waterfronts has proven to be a successful economic remedy to declining tourist revenues. As one of Guam's economic growth sectors with high potential for expansion, projected tourism growth (See Table No. 10) must be accompanied by an improved environment. The bases for Guam's tourist industry are founded in pollution-free beaches, scenic vistas and adequate recreational facilities.

Although most tourist activity is centered in Tumon, virtually all tourists visit or pass through the island's capitol city. Tourist-oriented gift shops and restaurants within a centralized, well-planned waterfront shopping complex, improved recreational facilities, and unrestricted public access would undoubtedly increase tourist expenditures and enhance the overall attractiveness of Guam as a tourist destination.

Table No. 10 - Projected Tourist Population on Guam

<u>Year</u>	<u>Number of Tourists Per Year</u>	<u>Average Tourist* Population</u>
1977	240,000	4,600
1980	276,000	5,300
1985	329,000	6,300
1990	381,000	7,300
1995	442,000	8,500
2000	513,000	9,800

*Assumes average length of stay equals seven days.

Source: Developed by Barrett & Associates for GEPA/PUAG Water Facilities Master Plan (Draft) utilizing Dept. of Commerce and U. S. Army Corps of Engineers data.

D. Social Impact Analysis

Although the main objective of urban waterfront redevelopment is to strengthen the economy through enhancement of the environment, the effects on the social lifestyle and aspirations of residents living along Agana Bay obviously can not be discounted. Past documentation of the urban renewal needs of the waterfront have focused upon total relocation of all residential uses. An entirely open waterfront, while desirable; is rather idealistic in light of its potential social impacts.

There are forty-two (42) households (See Table No. 11) within the urban waterfront. This figure will fluctuate slightly due to the status of rental units. The majority of these residences are within Study Sector A. Approximately two-thirds (2/3) of these households are comprised of tenants residing in apartment dwellings. Many of these tenants are transient military or alien workers. Alternate locations would be available for tenants if residential use of land within the urban waterfront were to be discouraged. Thus, the most critical social impacts of redevelopment involve the eighteen (18) households where residents own single-family dwellings and have a sense of community identification.

These homeowners, in a sense, are like small businessmen. They have made physical and monetary investments in their homes. Their personal involvement in the area is even more intensive than many businesses under lease, because they have long-range expectations and plans for their existence within the community. Their sense of permanency within the urban waterfront is firmly rooted.

There are several extended family settings within the urban waterfront which provide a traditional social arrangement where family members and successive generations reside in homes built on adjacent properties. Relocation of these

families is possible, but would essentially destroy the value of extended family relationships, as most housing alternatives are not physically or socially planned toward extended family needs. Past urban renewal efforts in Yona and Sinajana, and planned for Asan, have enabled extended family settings to remain within a community. However, redevelopment of Agana Bay is constrained in this respect by the unsuitability of the area for residential use.

Further land-use planning and redevelopment should recognize existing extended families and historical homes; however, most other residential uses, such as substandard, tenant or business residences are recommended for relocation to urban areas outside the waterfront, as delineated on the Bureau of Planning's Community Design Plans.

Further analysis of social impacts was attempted in a survey by the Urban Waterfront Task Force to determine:

- . Ethnicity of residents.
- . Length of residence in households within the urban waterfront.
- . Number of extended family residences.
- . Number of residences with businesses.
- . Transient status of tenants (military/alien workers).
- . Number of eligible participants for GHURA 500 low-cost housing, government subdivision, Section 8, low income public housing, or elderly housing.
- . Number of owners of additional land or homes within Agana, but outside the urban waterfront.
- . Number of owners of alternate land or home outside Agana within an urban or rural district, as designated on the Bureau of Planning's Land-Use Districting Map.
- . Willingness to relocate.

The response to the survey was extremely poor among residential concerns, probably due to a lack of concern or failure to understand on the part of alien workers. Another method of analysis will be necessary in order to obtain the above information. (See Appendix No. 9)

An outline of available alternative residential programs under GHURA is contained in Chapter V, Section B.2.

A maximum degree of public involvement will be incorporated into all phases of planning, and implementation such that the full measure of social concerns can be recognized.

TABLE NO. II HOUSEHOLD SURVEY STATISTICS

A. TOTAL NUMBER OF HOUSEHOLDS	42
B. NUMBER OF FAMILIES	31
C. NUMBER OF 1-PERSON OCCUPANCIES	11
D. TOTAL NUMBER OF RESIDENTS	146
E. AVERAGE FAMILY SIZE (excluding 1-person occupancies)	4.35
F. NUMBER OF OWNER/OCCUPANT HOUSEHOLDS	18
G. NUMBER OF TENANT HOUSEHOLDS	24

Source: Guam Housing and Urban Renewal Authority, Feb., 1979

VII. Action Strategies For Redevelopment

A. Funding Strategies

1. Introduction

Implementation of a plan of this magnitude and final realization of a fully redeveloped urban waterfront involves tremendous expense. This expense can be minimized as much as possible in this phase through retention or improvement of marginally suitable uses, rather than total clearance and total land acquisition. However, elimination of clearly incompatible uses and enhancement actions will still pose a considerable cost. Though presently inestimable, costs will obviously be far beyond the fiscal capabilities of the Government of Guam, even in matching requirements under federal funding programs. The Federal government will have to bear the major, if not the total, cost burden. Some actions will continue through current local funding, such as those functional responsibilities of the DPHSS; however, large-scale efforts, such as planning, architectural design, landscaping, urban renewal and construction of recreational facilities, must primarily rely on federal funding. This section outlines current federally-funded programs directly affecting the urban waterfront or representing a potential source of funds for application.

2. Office of Coastal Zone Management (OCZM)

The federal OCZM within the Department of Commerce's National Oceanic and Atmospheric Administration, administers the provision of federal funds to states and territories under the Coastal Zone Management Act of 1972, as amended. Such funds are provided for development (Section 305) and implementation (Section 306) of land and water resource management plans by local governments pursuant to requirements under the Act's guidelines.

4. Heritage Conservation and Recreation Service (HCRS)

The HCRS (formerly the Bureau of Outdoor Recreation) manages the federal Land and Water Conservation Fund and supports historic preservation projects. It has been a major source of funding for park improvements managed by the Department of Parks and Recreation. Many more improvements in recreational facilities, public park areas and historic preservation will be vital toward waterfront redevelopment.

OCZM has signed an intra-agency agreement with HCRS clarifying coordination between the two federal offices. This agreement not only provides for consistency in planning and management of coastal resources, but also supports joint demonstration projects. OCZM funding committed toward the urban waterfront should support HCRS funding applications submitted by the Department of Parks and Recreation. Applications for these funds should consider the eligibility of the Agana Bay Urban Waterfront to receive funds under the HCRS Urban Park and Recreation Recovery Program. This program provides drastically needed maintenance and restoration of urban parks in areas of "economic distress."

5. Economic Development Administration (EDA)

EDA is a division of the U. S. Department of Commerce concerned with both urban and rural economic problems. Their Public Works and Economic Development Grants for designated redevelopment areas allocate funds which contribute to long-term economic growth and benefit low-income and unemployed persons. Eligible projects are classified in five broad areas:

- . industrial development, such as utilities, access roads, and industrial parks.
- . commercial development, such as improvement to shopping areas.
- . tourism development, improvement of destinations.

- human resource development, such as vocational training and facilities.
- community development, such as sewer systems and street paving.

EDA grants are not 100% grants, but CDBG and other local resources can be used for matching.

Preparation of the annual OEDP involves including projects for Section 302 EDA funding consideration and a general overview of the economy.

Serving as staff to the OEDP Committee is now a function of the Department of Commerce. The local agency with economic planning responsibility should work with the proposed Agana Bay Urban Waterfront Redevelopment Task Force in the incorporation of urban waterfront projects into the OEDP toward application for EDA funds.

6. U. S. Environmental Protection Agency (USEPA)

Federal funding for the alleviation of the most serious environmental problems facing the urban waterfront is fortunately well-established.

The Guam Environmental Protection Agency administers USEPA funds in their various programs, of which Air Quality and Water Quality have the most relevance to the urban waterfront. The most serious problem, point-source discharges of stormwater into Agana Bay, is addressed in the Guam Water Quality Management Plan. Section 208 funds under the Federal Clean Water Act, aid in the planning for elimination of these sources by 1983 at the latest; however, the financial responsibility for their actual removal will fall to the owner of each stormdrain.

The Noise Control Act of 1972 did not provide communities such as Guam with federal funding for the development of noise control programs. Recently, however, the Quiet Communities Act of 1978 (P. L. 95-609) was passed

which now enables Guam to receive financial and technical assistance for the development of such a program.

B. Planning Strategies

1. Introduction

Redevelopment of the Agana Bay shoreline into an area which will benefit the entire island populace and future generations will necessarily involve the multi-disciplinary skills of economists, planners, environmental specialists, businessmen, architects, engineers and attorneys. On a decision-making level, the support of the legislators and commissioners is essential. Most importantly, maximum opportunity for public input must be incorporated into all phases of the planning process. A task force of relevant agency members was determined to be required to coordinate successive phases of more detailed planning and implementation of strategies outlined in this Chapter. The Urban Waterfront Task Force was created through Executive Order No. 79-12 (See Appendix No. 1), with GHURA as Chairman and the GCMP as Vice-Chairman in order to assume this responsibility.

2. Guam Coastal Management Program (GCMP)

As this Plan is primarily land-use oriented in this phase, and more detailed land-use plans are required, the GCMP within the Bureau of Planning will utilize public and Task Force input in preparation of a large-scale, illustrative Optimum Land-Use Plan for the urban waterfront. A multi-use concept will be incorporated into the plan which will illustrate detailed locations of existing/retained uses (e.g. historic homes) planned new structures (e.g. shopping centers) and other specific improvements (e.g. bicycle paths, public access routes, parking, landscaping). As the Agana Bay shoreline is spatially limited and complicated by fractional lots, the optimum plan will be contingent upon consolidation of these fractional lots and urban renewal. The more detailed plans will go

one step further beyond this Plan in communicating the full redevelopment potential of the urban waterfront.

The GCMP will also be involved in development of more detailed plans and standards such as formulation of architectural design standards, landscaping plans and a relocation of plan for incompatible uses within the urban waterfront. The U. S. Army Corps of Engineers will be approached for their possible preparation of a detailed flood control study of the waterfront, shoreline erosion mitigation at the Paseo, and an assessment of seawalls and revetments along the waterfront.

The GCMP will incorporate urban waterfront development objectives into the Seashore Reserve Plan to be prepared subsequent to enactment of Bill No. 68 (See Section C.3 of this Chapter and Appendix No. 2).

Having prepared this Plan and being familiar with the broad range of multi-disciplinary interests incorporated into the planning process, the GCMP will coordinate public involvement activities in this phase. Presentations to special interest groups, notification, public workshops and public hearings will be the responsibility of the GCMP. Recorded minutes, analysis of input and submittal of plan revision recommendations to the Urban Waterfront Task Force will be part of this function.

3. Guam Housing and Urban Renewal Authority (GHURA)

The initial emphasis on redevelopment is within the realm of land use planning, however, long-range urban renewal and application for HUD funding will be major implementation actions. This administration will necessarily be the functional responsibility of GHURA. GHURA will also serve as Chairman of the Urban Waterfront Task Force and if necessary, and possibly establish an Urban Waterfront Redevelopment Fund for consolidation of

This initial Urban Waterfront Plan will provide the basis for applications of Section 306 implementation funding under OCZM's Urban Waterfront Program, which places a high priority on improvement of the Nation's waterfront areas. Under this program, OCZM funds urban waterfront planning for projects \$25,000 or less in value and meeting their following objectives:

- . redevelopment of deteriorating and underutilized urban waterfronts for the purpose of increasing the supply of land and achieving better land and water use.
- . the establishment of more water-oriented use of urban waterfronts.
- . increasing water-dependent and water-related economic activity.
- . providing a safer, more attractive environment, with emphasis on public access.
- . encouraging the concentration of urban development in or adjacent to urban areas.

Clearly, these federal objectives are consistent with needs of the Agana Bay Urban Waterfront. The Guam Coastal Management Program will seek further funding for more specific planning and implementation. Activities under this funding may include preparation of more detailed land-use maps (large-scale, illustrative optimal land-use plans), and development of architectural design standards and strategies and/or a waterfront landscaping plan. Other planning areas include specific designs for public facilities such as a pedestrian/bikeway, beach walkway, or park areas, assessing the environmental impacts of road construction projects, or provision of public access to beach areas.

3. Department of Housing and Urban Development (HUD)

As the Guam Coastal Management Program is involved primarily in planning-related matters, actual major redevelopment activities such as urban renewal, land acquisition, capital improvements construction or condemna-

tion of dilapidated structures should be coordinated by an agency such as the Guam Housing and Urban Renewal Authority (GHURA). GHURA is experienced in urban renewal efforts utilizing HUD funding.

HUD funds are allocated in the form of Community Development Block Grants (CDBG) under the federal Housing and Community Development Act of 1974. This program allocates funds for revitalization of blighted areas and neighborhood preservation. Funds can be used for land acquisition and assembly; construction or installation of public facilities, such as utilities, streets, pedestrian paths and parking areas; establishment of housing rehabilitation revolving loan pools; and clearing and demolition of deteriorated structures.

Currently, CDBG funds are primarily allocated to cities with a population over 50,000 and urban counties with populations over 200,000. Obviously, Guam's estimated current total population of 106,700 (including military) and Agana's estimated current total population of 1,094 are considered to be "rural" on a federal level. However, in the past, Guam has qualified for discretionary CDBG funds for urban renewal efforts and construction of neighborhood facilities. Ongoing efforts by GHURA seek to gain a more favorable interpretation of the federal Act.

Unfavorable interpretation of federal law, due to population criteria, has precluded Guam's eligibility for participation in a HUD-funded Downtown Revitalization Program which has objectives consistent with the needs of the Agana Bay area.

GHURA should continue to seek favorable interpretation of federal law and apply for federal funding for CDBG funds for waterfront redevelopment. This Plan should be utilized as a basis for preparation of project narratives toward such funding applications.

federal funds committed toward actual urban renewal planning, land acquisition and construction.

As the chief administrator of plan implementation, GHURA will coordinate preparation of detailed urban renewal plans, the update of this Plan for overall redevelopment as needed, and conduct further surveys of residential use in the urban waterfront as needed to mitigate adverse social impacts of redevelopment. When the redevelopment emphasis shifts from overall planning to actual urban renewal, public involvement efforts will be shifted from the GCMP to GHURA.

4. Department of Parks and Recreation (DPR)

Recreational planning by DPR will focus on the Paseo de Susana and development of a Paseo Master Plan which addresses those problems identified in Chapter III.C. Facility and management planning also involves, the Agana Marina public beach front in West and East Agana, Adelup Pt., Padre Palomo Park and the Old Naval Cemetery. There is a need for DPR to update their inventory of facilities in these areas as the present inventory does not reflect past typhoon damage. DPR should also seek to promulgate their draft Rules and Regulations for Recreational Parks.

Specific or detailed recreational plans will involve consultant work under HCRS funding, as discussed in Section A-4 preceding. Priority needs, outside the Paseo, involve preservation and restoration of historical homes in Sector A, following a survey of their historic architectural character, and repair and addition of picnic facilities on West and East Agana beachfronts.

5. Department of Commerce (DOC)

As discussed in Section A.5 preceding, the Government of Guam agency administering EDA planning funds should incorporate urban waterfront

redevelopment objectives into the Overall Economic Development Plan. The Urban Waterfront Task Force can recommend specific projects for inclusion and determine needs for feasibility studies for individual construction projects.

Specific economic planning will be needed to more precisely anticipate the economic impacts of redevelopment and devise strategies to mitigate adverse economic impacts and enhance the waterfront's economic potential.

The Plan recommends relocation of all industrial uses to industrial parks, thus the major focus will be on stimulating local commercial outlets within a centralized complex. One possible OEDP project and feasibility analysis may be for development of a shopping complex as an alternative to the problems associated with the existing strip development.

The proposed tax law amendment, presented in Section C.9., and Appendix No. 4 following, was prepared by the Department of Commerce. Further planning involving taxation should be coordinated by the agency designated within economic planning responsibility.

6. Guam Environmental Protection Agency (GEPA)

GEPA implements air and water quality programs, as well as those for solid waste management and pesticide use. They also have the expertise to develop noise control capability. Further planning for waterfront redevelopment will require more precise analysis of the anticipated environmental impacts of implementation and development of abatement strategies. Other specific planning may involve revision of air or water quality standards as needed and updating of the Water Quality Management Plan. The Agana Bay area should be given high priority in the planning for elimination of point source discharges.

Noise control standards must be developed to address increasing problems associated with this unique form of environmental pollution (See Section A.6. and C.7 of this Chapter).

7. Department of Land Management (DLM)

Implementation of this Plan will involve a shift from general and conceptual land-use plans to more detailed land-use maps, depicting property ownership lot-lines for purposes of legal enforcement; and appraisal, acquisition and consolidation of fractional lots. Currently, DPW is utilizing lot-line maps prepared by the COMNAVIMAR Base Development Division in 1950. These maps, however, are more accurate than the lot-line maps prepared in 1977 for the Department of Revenue and Taxation. The 1977 lot-line maps are inadequate in respect to the urban waterfront, as they fail to depict all but a few of the existing lot-lines. The fractional lots in Study Sector B are completely absent. Preparation of up-to-date lot-line maps is vital toward more effective enforcement of laws by related agencies.

As staff to the Territorial Planning Commission (TPC), DLM should advise TPC of the objectives of this Plan in revising zoning in compliance with passage of proposed legislation, such as the draft bill shown in Appendix No. 1. Zoning revisions should be recorded on the Official Zoning Map. Prior to revision of the Zoning Law, DLM should encourage zoning decisions consistent with this Plan's objectives and the Territory's official Land-Use Policies.

Government lands within the urban waterfront should be surveyed. No new Land Leases should be granted or government land sold. Existing leases should be phased out and the lands reverted back to governmental ownership for the benefit of the public.

The DLM will also be a primary determinant of suitable sites for major projects such as a shopping center complex or consolidation of sex-oriented businesses, as determined feasible by the Urban Waterfront Task Force.

8. Department of Public Works (DPW)

In addition to DPW's legal controls over structural developments by the private sector (See Section C.6. of this Chapter), their planning of infrastructure for public use must be coordinated with an overall development effort. Plans for widening Marine Drive must be provided to the Task Force toward preparation of optimal land-use and urban renewal plans.

DPW will also be involved in specific plans for alleviation of parking problems, such as provision of no-parking signs and siting of parking areas.

Where redevelopment effects existing infrastructure, DPW may coordinate with utility agencies in providing data as required by the Task Force, such as the costs and feasibility of infrastructure relocation or removal. Burial or removal of power and telephone lines in the urban waterfront, relocation or provision of water distribution, or such related actions will involve negotiations with PUAG, GTA and GPA.

9. Department of Agriculture (DAg)

The DAg's Forestry Division, and the GCNP have identified suitable species of native vegetation for reforestation of open-space areas of urban waterfront (See Table No. 4). The Division may be further required to identify the actual sources of these species toward preparation of a landscaping plan. Additionally, sources of suitable soil fill may need to be identified for reclamation of scraped or paved industrial sites once they are relocated.

The Division of Aquatic and Wildlife Resources, DAG will be involved in the assessment of anticipated impacts of redevelopment on wildlife populations. In most cases, actions taken in support of this Plan should have positive impacts, particularly in respect to the near total absence of terrestrial wildlife in some areas. No off-shore development should occur and elimination of sources of water pollution should enhance marine life.

C. Legal Strategies

1. Introduction

Through existing laws and regulations, the Government of Guam can control or guide use of publicly and privately-owned lands within the urban waterfront for the public health and welfare. The existing conditions along Agana Bay, however, are partially a result of non-enforcement of existing law or the ineffectiveness of laws in effectuating their intent. This section outlines existing mechanisms and their enforcement requirements, proposed amendments and new legislation needed to provide sufficient legal mechanisms which are critical toward implementation of any land-use plan.

2. Zoning Law

Unfortunately, the Zoning Law has often been abused in effectively regulating land-use. Too large a number of uses are permitted in each zone, areas are improperly spot-zoned, and variances are too often granted. Before zoning can be made an effective legal tool, in redeveloping our urban waterfront, amendment of the Zoning and Subdivision Laws to eliminate the "catch-all" A-agricultural zone and establishment of a new Conservation Zone must be effected. No M-1 light industrial zoning should remain within the urban waterfront.

- The member agencies of the Urban Waterfront Task Force will support submittal and passage of a bill revising the Zoning and Subdivision Laws, such as shown in Appendix No. 1.

- . The Department of Land Management, as staff to the Territorial Planning Commission, will prepare and submit a revised zoning map to the TPC for approval, subsequent to passage of the above-mentioned legislation.
- . The Department of Public Works will prepare and submit an amendment to the "Sign Regulations" within the Zoning Law to improve the specification of permissible and non-permissible uses of signs.

3. Territorial Seashore Protection Act (TSPA)

The TSPA (P. L. 12-108) as amended, presently regulates development within 10 meters inland of the mean high watermark and seaward to a 10 fathom (60 ft.) depth. The original 100-meter inland boundary was reduced to a mere 10 meters through amendment (P. L. 13-154). Thus, the original intent of the law has been greatly diminished. The Territorial Seashore Protection Commission must review and issue permits for development within the Seashore Reserve. This review process would involve the urban waterfront area if proposed Bill No. 68 is passed (See Appendix No. 3). This bill amends the TSPA to change the definition of the Seashore Reserve from 10 meters to that land area delineated on an official Seashore Reserve Map. Because the proposed boundary for the official maps includes the entire urban waterfront, passage of Bill No. 68 could constitute the most effective management tool in guiding future uses in this area.

Currently, and as amended, the TSPA requires that all government-owned land within the Seashore Reserve be dedicated for the purpose of the Act. Government land within the Seashore Reserve, as defined originally, but authorized for uses inconsistent with the purposes of the Act, should be brought into conforming use. (See Appendix No. 4)

The Urban Waterfront Task Force member agencies should support passage of Bill No. 68.

4. Territorial Beach Areas Act (TBAA)

The TBAA (P. L. 12-209) defines those public beach areas where unrestricted public access is required, defined as that area between the mean high water-line extending to 25 feet inland from the 2-foot contour line. Certain private buildings and uses within the urban waterfront spillover on to this government-owned land, which is to be managed by the Department of Parks and Recreation.

The DPW, DLM or other relevant agencies engaged in field inspection work shall investigate report violations of the TBAA to the Attorney General's Office such that GovGuam can initiate trespass actions to compel owners of illegal structures and uses to remove them from the public beach, and establish public rights to these areas, as directed under Public Law 12-61. The applicability of Section 17203(b) of the Government Code restricting construction of building within 35' of the mean high watermark shall be determined and if appropriate, effected by the relevant GovGuam agencies.

5. U. S. Army Corps of Engineers Permits

Under authority of Section 10 of the River and Harbor Act of 1899, the COE requires permits for all work occurring in, on, over or under all tidal waters seaward of the mean high watermark. Permits are also required for placement or discharge of dredged or fill material into all tidal waters and their adjacent wetlands, as well as certain nontidal waters and their adjacent wetlands under Section 404 of the Clean Water Act (P. L. 92-500). Existing seawalls and revetments along the urban waterfront were constructed largely prior to this law and are thus not subject to removal under federal law. The decision to grant such a permit for construction in the waters of Agana Bay is made by the COE, however, the interests of local government on behalf of the general public are recognized through receipt of comments from relevant agencies. Comments are usually coordinated by the Department of Land Management in conjunction with an ill-defined local permit process for development affecting those formerly federally-owned submerged

lands transferred to the local government under P. L. 93-435. Often, DLM comments do not accurately assess the collective comments of relevant agencies and thus many agency comments are submitted directly to the COE.

- . The effectiveness and basis for the Submerged Land Permit process shall be assessed and recommendations made accordingly.
- . Consolidated local agency comments shall be submitted in timely fashion to the COE by the Urban Waterfront Task Force for projects requiring a COE permit within the Agana Bay Urban Waterfront and the Task Force response shall represent the official GovGuam comments.
- . The Task Force shall discourage shoreline developments requiring COE permits which would create conditions inconsistent with this Plan.

6. Building Codes and Flood Hazard Area Rules and Regulations

Title XXXII of the Government Code of Guam, enables the Department of Public Works to control the standard of structures through field inspection and issuance of Building Permits. It is clear from the survey conducted by the DPW (See Table Nos. 6, 7, and 8) or even casual observation that many structures within the urban waterfront are substandard or do not meet building code requirements. Additionally, Flood Hazard Area Rules and Regulations effective October 1, 1978, under the authority of Executive Order No. 78-20, are the responsibility of DPW. As all of the urban waterfront is within an officially designated Flood Hazard Area, these regulations must be followed for issuance of a building permit for any future construction, major repairs or reactivation of abandoned uses.

- . The DPW shall actively condemn abandoned and substandard structures which do not affect improvements in compliance with law.
- . The DPW shall actively enforce Flood Hazard Area Rules and Regulations and distribute these regulations to prospective developers applying for building permits or seeking information.

- . The Urban Waterfront Task Force shall investigate the potential for establishment of a Substandard Structure Condemnation Revolving Fund to assist DPW in the expense of condemnation of hazardous structures.

7. Environmental Protection Laws

The GEPA has the authority to enforce laws and regulations protecting water quality, air quality, solid waste disposal and pesticide use.

Proposed legislation also seeks to control litter through establishment of a deposit and refund system on all beverage containers. It also seeks to eliminate the use of steel cans in favor of aluminum. If the current "bottle bill" is not enacted, GEPA is planning to develop an alternative legislative proposal.

Presently, the Guam Air Pollution Control Regulations are not effectively enforced in respect to pavement and cover requirements for parking lots and rights-of-way. There is also no enabling legislation for noise pollution control. A bill for the control of noise pollution was submitted in 1977, failed to pass and was never resubmitted. No active effort exists to encourage resubmittal (See Appendix No. 5) because of deficiencies seen in the bill by GEPA. There is currently federal funding available under USEPA for noise pollution control. GEPA has noise measuring devices and trained personnel under its Air Quality Program, however, enabling legislation and standards are needed to utilize this capability. Revision of previously submitted legislation can benefit from the Model Noise Control Ordinance prepared by the U. S. Environmental Protection Agency.

- . The GEPA shall actively continue to enforce environmental protection laws and upgrade enforcement of parking lot and rights-of-way provisions of the Guam Air Pollution Control Regulations.
- . The GEPA shall prepare and resubmit a bill for enabling authority to develop Guam Noise Pollution Control Regulations.

8. Public Health Law

Chapter 6 of Title X of the Government Code of Guam, enables the Bureau of Environmental Health, DPHS to control the proliferation of mosquito and rodent breeding sources as well as hazards created by garbage and rubbish dumping. Their survey shown on Table No. 5 depicts the extent of violations of law within the urban waterfront. Issuance of citations is severely hindered by the lack of up-to-date property line maps which denote ownership.

- The Bureau of Environmental Health shall seek the elimination of public health hazards in conjunction with receipt of property ownership information provided by the Department of Land Management.

9. Taxation

In some cases, incentives and disincentives can be incorporated into the tax system to achieve land-use objectives. Incentives can take the form of lower property tax assessments for open space use of land or even tax exemptions and remission of back taxes. Disincentives can be higher property taxes for incompatible uses or unconsolidation of fractional lots. The Department of Commerce has drafted a bill to encourage consolidation of the small fractional lots which have greatly contributed to random land-use relationships and crowded conditions (See Appendix No. 6).

- The Urban Waterfront Task Force shall analyze the potential for amendment of tax laws to alter land use and submit legislation if such an approach is determined feasible.

10. Eminent Domain

Under authority of the Organic Act, the Government of Guam has the power to acquire private property by eminent domain. This approach although viewed by some as somewhat extreme is quite constitutional. Provisions for acquisition by eminent domain are also included within the draft Guam Constitution.

The necessity for taking private lands may be determined by the Legislature, although the Legislature delegates responsibility for implementation to the Executive Branch. Any acquisition must be for purposes of public welfare and owners are entitled to be paid the fair market value. If property owners do not believe compensation is sufficient, they are entitled to a trial on the issue of compensation.

At this time, eminent domain proceedings would be difficult to successfully pursue due to practical problems, such as high land values and the shortage of appraisers. However, in a multi-phased, long-range plan, eminent domain remains one alternative legal tool for consideration.

11. Moratorium

Innovative legislation, such as a moratorium on development within the urban waterfront or a freeze on building permits in specific areas is another option which, though never previously utilized on Guam, can be considered as a possible approach to problem solving.

Bill No. 68

Introduced by _____

AN ACT TO AMEND THE DEFINITION OF THE
SEASHORE RESERVE.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Section 13412(c) of the Government Code of Guam is repealed
3 and reenacted to read:

4 "(c) 'Seashore Reserve' means that land and water area
5 of Guam extending seaward to the ten fathom contour, including
6 all offshore islands within the Government's jurisdiction in
7 their entirety and extending inland to such boundaries as are
8 delineated on the official Seashore Reserve Map."



GOVERNMENT OF GUAM
AGANA, GUAM

June 29, 1979

OPINION 79-023

To: Director, Bureau of Planning
From: Attorney General
Subject: Territorial Seashore Protection Act

You have asked for an opinion on the effect of Section 13415(c)(1) of the Territorial Seashore Protection Act, which states, inter alia:

All property owned by the Territory of Guam within the Seashore Reserve is hereby dedicated for the purpose of this chapter.

I. Does this provision constitute an offer of dedication?

A. Did the Government of Guam, as owner of the property, intend to dedicate to public use? An offer to dedicate can be found when the intent to dedicate is clear. It is not necessary for the dedicator to use a particular written instrument to accomplish this result; intent may be demonstrated by words or acts. Whippoorwill crost Co. v. Town of Stratford, 145 Conn. 268, 141 A.2d 241 (Conn. 1958); Littlefield v. Hubbard, 128 A. 285 (Maine, 1925); Kropitzer v. City of Portland, 237 Or. 157, 390 P.2d 356 (Oregon, 1964).

The intent to dedicate land to public uses is clear in this case. The Territorial Seashore Protection Act states that land owned by the Government within the Seashore Reserve is dedicated to the purposes of the chapter. It is not necessary for the section to state that the land is dedicated "to the public", for that may be inferred from the use of the term "dedicate", and the purposes for which the land is dedicated.

For example, if, in a deed of conveyance, the grantor establishes a condition that certain lands be kept open forever for public purposes, there has been a dedication to the public, although those words are not used. Gayer v. Bauer, 144 Ala. 448, 39 So. 749 (Ala., 1905); Greene v. O'Connor, 18 RI 56, 25 A. 692 (RI., 1892).

B. What land was dedicated? The Territorial Seashore Protection Act took effect on March 11, 1974. The definition of the Seashore Reserve, as stated in the Act as originally enacted, was:

"Seashore Reserve" means that land and water area of the Territory of Guam extending seaward to the ten fathom contour, including all islands within the territory's jurisdiction, and extending inland from the mean high water line for a distance on a horizontal plane of one hundred meters.

On July 7, 1976, Public Law 13-154 took effect. The definition of the Seashore Reserve was amended as follows:

Section 13412. (c) "Seashore Reserve" means that land and water area of Guam extending seaward to the ten fathom contour, including all islands within the Government's jurisdiction except Cabras Island and those Villages wherein residences have been constructed along the shoreline prior to the effective date of the Seashore Act, and extending inland to the nearer of the following points:

- (1) From the mean high water line for a distance on a horizontal plane of ten (10) meters.
- (2) From the mean high water line to the inland edge of the nearest public right-of-way.

The amendment to the Territorial Seashore Act does not have the effect of decreasing the amount of land dedicated to the public on March 11, 1974. The offer of dedication was made in 1974, and the land to be dedicated identified as of that date. If the dedication was subsequently accepted, then the amendment of the definition of the Seashore Reserve does not operate to remove from public use areas previously dedicated.

C. Purposes of dedication - Dedication of land to public use requires dedication for use by the public generally, not some segment of it. Land may be dedicated for a number of public purposes.

Section 13415(c)(1) states that the land owned by the territory of Guam within the seashore reserve is hereby dedicated for the purpose of this chapter. To determine the purpose or purposes of the chapter, it is necessary to read the Act as a whole and to construe the intention of the Legislature. There are two sections of this Act which seem particularly relevant to this inquiry. In Section 13411, the Legislature states its general objectives as follows:

Section 13411. The people of the territory of Guam hereby find and declare that the Guam Territorial Seashore Reserve is a distinct and valuable natural resource belonging to all the people of Guam and existing as a delicately balanced ecosystem: that the permanent protection of the natural, scenic, and historical resources of the seashore reserve is a paramount concern to the present and future residents of this island; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine life, and other ocean resources, and the natural environment, it is necessary to preserve the ecological balance of the seashore reserve and prevent its deterioration and destruction; that it is the policy of this territory to preserve and protect the resources of the seashore reserve for the enjoyment of the current and succeeding generations, and that to protect the seashore reserve, it is necessary:

- (a) To study the seashore reserve to determine the ecological planning principles and assumptions needed to ensure conservation of its resources;
- (b) To prepare, based upon such study and in full consultation with all affected governmental agencies and departments, private interests and the general public, a comprehensive, coordinated enforceable plan for the orderly, long-range conservation management and development of the seashore reserve;

- (c) To ensure that any development which occurs in the seashore reserve during the study and planning period will be consistent with the objectives of this chapter;
- (d) That the Board of Directors, Territorial Seashore Protection Commission, is hereby charged with the responsibility of implementing the provisions of this chapter.

In Section 13416, the responsibilities of the Seashore Protection Commission are set forth, and among those responsibilities is the preparation of a plan for the use of the seashore reserve. The requirements for the plan, set out in Section 13416(c), are a further indication of the purposes of the Act.

Section 13416. Commission responsibilities. The Commission shall:

- (c) Prepare, adopt and submit to the Legislature for implementation the Guam Seashore Reserve Plan.
 - (1) The plan shall be based on detailed studies of all the factors that significantly affect the seashore reserve.
 - (2) The plan shall be consistent with all of the following objectives:
 - (a) The maintenance, restoration, and enhancement of the overall quality of the seashore reserve environment, including, but not limited to, its amenities and aesthetic values.
 - (b) The continued existence of optimum populations of all species of living organism.
 - (c) The orderly, balanced utilization and preservation, consistent with sound conservation principles, of all living and non-living seashore reserve resources.

(d) Avoidance of irreversible and irretrievable commitments of seashore reserve resources.

(e) Public access for maximum visual and physical use and enjoyment of the seashore reserve by the public.

(3) The plan shall consist of such maps, text and statements of policies and objectives as the Commission determines are necessary.

(4) The plan shall contain at least the following specific components:

(a) A precise, comprehensive definition of the public interest in the seashore reserve.

(b) Ecological planning principles and assumptions to be used in determining the suitability and extent of allowable development.

(c) A component which includes the following elements:

(1) A land-use element.

(2) A conservation for the preservation and management of the scenic and other natural resources of the seashore reserve.

(3) A public access for maximum visual and physical use and enjoyment of the coastal reserve by the public.

(4) A recreation element.

(5) A population element for the establishment of maximum desirable population densities.

(6) An educational or scientific use element.

- (d) ; Reservations of land or water in the seashore reserve for certain uses, or the prohibition of certain uses in specific areas.
- (e) Recommendations for the governmental policies and powers required to implement the planning including the organization and authority of the governmental agency or agencies which should assume permanent responsibility for its implementation.

It should be noted that one of the objectives of the Legislature was to permit public access to the seashore reserve. (See Section 13416(c)(2)(e).) The emphasis placed upon the importance of sound management principles, to protect the natural environment of the seashore and to enhance the overall quality of the seashore environment, is evident.

The Legislature did not intend to set the Seashore Reserve aside, and prevent public access to it. It does not appear that the Legislature envisioned the use of this reserve by businesses for private purposes.

If the offer of dedication was accepted through public use of the land, then the government owned property so dedicated cannot be used for private purposes, as this would be inconsistent with dedication.

The Government of Guam has a role similar to that of a trustee in administering this land. It may permit various uses of the land, so long as those uses are consistent with the purposes of the Territorial Seashore Protection Act. Thus, it might be considered appropriate for government agencies, such as the Environmental Protection Agency or the Department of Agriculture, to erect structures within the reserve for purposes of acquiring biological data. It might be appropriate to permit the Department of Parks and Recreation to construct facilities for use of the public, such as picnic table shelters, drinking fountains, and restrooms. However, the Government may not approve uses contrary to the purposes of the Act.

When a government body had dedicated property to the public for certain purposes, it is possible that the property may eventually be used for other public purposes. In Board of Trustees of Philadelphia Museums v. Trustees of University of Pennsylvania, 251 Pa. 125, 96 A. 126 (1915), the Supreme Court of Pennsylvania said:

"To hold that the passage of an ordinance of dedication forever precludes the municipality from using property for other purposes, regardless of circumstances which might render it useless or undesirable for the purposes stated in the ordinance of dedication, would impose an unnecessary burden on the public without any corresponding advantage to anyone."

In that case, the Supreme Court concluded that the offer of dedication of property was not accepted, and hence the dedication failed. It should be noted that in the dictum quoted above, the court suggested that alternative uses of dedicated property would be appropriate if the original purposes failed.

The analysis presented by the court suggests that a doctrine analogous to the cy pres doctrine is operating. The government body dedicating the property - in that case, the municipality - is to use the property for purposes for which it was dedicated unless it becomes impossible or impracticable to carry out those purposes.

Thus, the City of Grand Rapids was held not to have abandoned a tract of dedicated property because it ceased to maintain the property as a park with certain recreational facilities. Because the city did not maintain the park as it had in prior years, the successors of the grantor argued that the city had abandoned the property. The court held that the park had reverted to a natural woodland, which is within the definition of park, and that no abandonment had occurred. Clark v. City of Grand Rapids, 334 Mich. 646, 55 N. W. 2d 137 (Mich., 1952).

Thus, if the offer of dedication made by the Government of Guam in the Territorial Seashore Protection Act was accepted by the public, a complete dedication has occurred, and the property is dedicated to the public for the purposes of that Act. The Government is responsible for the administration of that property, consistent with the terms of the Act. Should circumstances change, so that the purposes of the Act cannot be carried out, the Government would be empowered to use the property for a public use that is as similar as possible to the original purposes.

II. Has there been acceptance of the offer of dedication?

A. Public Use of Property Offered for Dedication.

The use of property offered for dedication by the public, for the purposes set in the offer of dedication, constitutes an acceptance of the dedication and completes the dedication. Both offer and acceptance are necessary for the dedication to be effective. Attorney General v. Tarr, 148 Mass. 309, 19 N.E. 358 (Mass., 1889); Board of Trustees of Philadelphia Museums v. Trustees of the University of Pennsylvania, supra. Board of County Commissioners of Oklahoma County v. Brown, 287 P.2d 917 (Okla. 1955).

If the public has used the government owned property within one hundred meters of the mean high water mark after March 11, 1974, for purposes consistent with those set out in the Act, it is likely that this will be construed as acceptance of the dedication. The use of the property by various government agencies to carry out the kinds of studies envisioned by the Act may also be shown to indicate acceptance of the offer of dedication. In Board of Trustees of Philadelphia Museums, supra, the court considered the actions of the city, the museum trustees, and the public in evaluating whether any group had accepted dedication. In that case, it concluded that there had been no acceptance of dedication.

B. Does public use of a portion of the government owned land in the seashore reserve constitute acceptance of the whole?

Portions of government owned land within one hundred meters of the high water mark have been used by various

While not specifically mandated to terminate land use permits within the reserve, it seems clear that the intent of the Legislature was to promote the expansion of government owned land in this area, not the removal of property from public use.

Land use permits do not exceed one year in length, and may be terminated at the will of the government should the land be required for other purposes. The property used by private interests under these permits has been dedicated to the public, and the land use permits should be terminated.

III. Has the dedication terminated through abandonment?

The dedication of government owned land is a common law dedication; that is, a type of easement is created, or an estoppel in pais, which protects the public interests. The more modern type of dedication - as when a developer dedicates streets to public use - involves a conveyance of a fee simple interest to government for administration for the benefit of the public.

Here, the government has dedicated land for a particular purpose, and retains the fee simple interest in the property. The interest of the Government is held subject to the public use, however.

The situation is analogous to that of a trust. The owner of property declares that it will be held on trust for certain beneficiaries, and that the owner will act as trustee. The owner retains legal title, but must administer the trust property in accordance with the terms of the trust and for the benefit of the beneficiaries. The trust is enforceable in a court of equity, just as the dedication is.

The Government, although it remains the legal owner of the property, must administer it in accordance with the terms of the Act, for the benefit of the public. If the circumstances change, and it is impossible or impracticable to discharge the terms set forth in the Act, the Government may use a cy pres theory to use the property for some other public purpose. The Government may not use the property for private purposes, or in violation of the Act.

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If the public abandons use of the property, the dedication may be terminated. This has not occurred. Clark v. City of Grand Rapids, supra.

CONCLUSION

If public use of the seashore reserve can be shown, then there has been complete and effective dedication of the government owned property lying between the high water mark and the one hundred meter line in the seashore reserve, as defined originally in the Territorial Seashore Protection Act.

Property within this area that has been and still is used by private citizens through land use permits is also effectively dedicated, because acceptance by the public of the areas not under land use permits constitutes acceptance of these parcels as well. Consequently, the Government should terminate any outstanding land use permits in this area and decline to renew permits which have expired.

The Government may regulate use of this dedicated land, but the regulation must be consistent with the objectives and goals stated in the Territorial Seashore Protection Act.

A handwritten signature in black ink, appearing to read 'KENNETH E. NORTH', with a long horizontal line extending to the right.

KENNETH E. NORTH

corporations for business purposes since 1974, and it is possible that no public or agency use has occurred in those portions. If there has been public use, and hence acceptance, of parts of the property offered for dedication, is the remainder of the property accepted for dedication as well?

In Board of Trustees of Philadelphia Museums v. Trustees of the University of Pennsylvania, supra, the court concluded that acceptance of portions of the property offered for dedication did not constitute acceptance of the whole. In that case, several lots were offered for dedication. One parcel of land was used as a museum by the public. Another parcel, which the municipality had dedicated to use as a botanical garden, was opened to the public as a dumping ground and never used as a botanical garden. Another parcel was leased for seventy years to a private citizen. These parcels were not contiguous. The court said:

"Where the city is the owner of ground, the passage of an ordinance, setting it apart for public uses, either as a park or otherwise, is a mere offer to dedicate, which becomes binding only by acceptance and use by the public for the purposes stated."

The court went on to state:

"Acceptance of an offer to dedicate need not be made all at once, nor of the whole tract. Acceptance of a part of a tract may be of such a nature as to indicate an intention to ultimately use the whole for public purposes."

The use of the parcel allocated for the museum did not constitute acceptance of other parcels, elsewhere in the city, for non-museum purposes.

In Attorney General v. Tarr, supra, the Attorney General acted to require the removal of certain buildings constructed by private citizens on an area set aside as a landing place. The defendants raised the objection that the area where they had constructed the buildings had not been accepted for dedication to public purposes.

The area designated by the town of Gloucester as a landing place in 1707 included rocky areas, rarely used by the public for any purpose, and sandy beach areas, which were commonly used by the public. The Supreme Judicial Court of Massachusetts concluded that acceptance of the sandy beach portions, coupled with evidence of some use (even though quite infrequent) of the rocky areas, was sufficient to constitute acceptance of the whole.

"As to every portion of the tract described in the information, there is some evidence, at least, of a public use; and when that which relates to the different parts is considered together and combined, it establishes an acceptance, if, as heretofore suggested, acceptance is necessary."

Thus, acceptance of a part of the tract becomes acceptance of the whole.

The portions of government owned land in the seashore reserve presently used by private interests under land use permits may not have been accessible to the public, but the use of adjoining dedicated property probably constitutes acceptance of the entire tract. It should perhaps be noted that there are few land use permits in the seashore reserve area; the privately used land thus constitutes a relatively small proportion of the dedicated property.

Further, § 13145 of the Territorial Seashore Protection Act directs the Executive Branch to acquire privately owned lands for the purposes of the Act.

(c)(1) Through coordination and assistance with other government departments and agencies, acquire lands, waters, and interests therein with the boundaries of the seashore reserve, by donation, purchase with donated or appropriated funds, by exchange for government land, or transfer. All property owned by the territory of Guam within the seashore reserve is hereby dedicated for the purpose of this Chapter.

Introduced 1-9-77

FOURTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

HALL NO. 304

Introduced by

E. H. Edgelson

AN ACT TO ADD A NEW CHAPTER IX TO
TITLE LXI, GOVERNMENT CODE OF GUAM,
RELATIVE TO THE CONTROL OF NOISE
POLLUTION.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. A new Chapter IX is hereby added to Title LXI of the
Government Code of Guam, to read as follows:

"CHAPTER IX

Noise Pollution Control

Section 57200. Title. This Act shall be known as the 'Noise
Pollution Control Act'.

Section 57201. Findings & Policy. It is hereby declared that:

(a) Excessive noise is a serious hazard to the welfare,
tranquility, and quality of the environment of the people of
the Territory of Guam;

(b) A substantial body of science and technology exists
by which excessive noise may be substantially abated;

(c) Each person has a right to an environment free from
noise that jeopardizes his health or welfare or degrades the
quality of life;

(d) It is the policy of the Territory to promote an en-
vironment for all people free from noise that jeopardizes their
health or welfare or degrades the quality of life.

To these ends it is the purpose of this Act to provide a
coordinated island-wide program of noise pollution prevention,
abatement, and control; and to provide a framework within which
all values may be balanced in the public interest.

Section 57202. Definitions. As used in this Chapter:

(a) 'Administrator' shall mean the Administrator of the
Guam Environmental Protection Agency or his designee.

(b) 'Agency' shall mean the Guam Environmental Protection
Agency.

(c) 'Noise' shall mean the intensity, frequency, duration, and character of sound.

(d) 'Noise' shall mean noise and its effects which occur at the workplace. Noise within the workplace shall remain within the jurisdiction of the Federal Occupational Safety and Health Act and Federal and State laws enacted for its enforcement.

(e) 'Product' shall mean any manufactured article or go is or contains a roof; except that such term shall not apply to products currently under control of or specifically exempted by the Federal Government.

(f) 'Ultimate purchaser' means the first person who in good faith purchases a product for purposes other than resale.

(g) 'Noise Pollution' shall mean the intensity, frequency, duration, and character of sounds from all sources as it or tends to be injurious to human health or welfare, animal life, property, or interferes with the enjoyment of life or property.

(h) 'Owner or operator' shall mean any person who owns, leases, operates, controls, or supervises a facility, article, machine, equipment, or other source of noise pollution.

(i) 'Board' shall mean the Board of Directors of the State Environmental Protection Agency.

(j) 'Person' shall mean the Secretary of State, any individual, partnership, firm, association, municipality, public or private corporation, trust, estate or any other legal entity.

Section 57203. Government of Guam Agencies: Duties and Responsibilities.

(a) Territorial agencies shall, to the fullest extent consistent with their authority under laws administered by them, carry out the programs within their control in such a manner as to further the purpose of Section 57201 of this Act.

(b) Territorial agencies shall cooperate with the Administrator of the Department of Health for the purpose of and maintain records.

(c) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Government of Guam;

- (1) having jurisdiction over any property or facility,
- or
- (2) engaged in any activity resulting, or which may result, in the emission of noise, shall comply with territorial requirements governing control and abatement of noise to the same extent that any person is subject to such requirements.

Section 57204. Administration. The Administrator shall have the responsibility for the administration of this Act under the supervision of the Board. The Administrator may delegate to any employee of the Agency such functions and duties as he deems necessary for the proper and efficient administration of this Act.

Section 57205. Adoption of Comprehensive Noise Regulation Program:

Rules and Regulations

(a). The Administrator shall develop, adopt, and maintain a comprehensive island-wide program of noise regulation which may include, but is not limited to, the following:

(1) Controls on noise (or one or more other criteria) through the licensing, regulation, and restriction of the use, operation, and movement of any product or combination of products.

(2) Noise emission standards for products which, in the Board's judgment, are major sources of noise, or are products for which noise emission standards are feasible and are necessary to protect the quality of the environment of Guam and the welfare of its people.

(3) Development and adoption of ambient noise standards.

(4) Development and adoption of a plan for the achievement of noise standards.

(5) Consult with and recommend to territorial agencies when such agencies adopt standards and regulations dealing with noise and vibration for any occupancy or class of activity.

(6) Consult with and recommend to territorial agencies adopting regulations for the protection of employee persons with the territory against exposure to excessive noise at the place of work.

(7) License, register, or establish permit requirements for the construction, installation, use and operation of machinery, equipment or facilities, or classes thereof, including such conditions as the Administrator may deem appropriate for the purposes of the Act.

(b)

(1) Any regulation promulgated pursuant to the authority of this Act shall be one which, in the judgment of the Board, is necessary to protect the quality of the environment and welfare, of the people of Guam taking into account the magnitude and conditions of use of the product or activity involved, the degree of noise reduction achieved through the application of the best available technology, and the cost of compliance.

Section 57206. Administrative Powers and Duties.

(a) In order to implement the purposes of this Act, the Administrator shall have the power to:

(1) Cause to be conducted a program of studies, research and monitoring relative to noise.

(2) Review and comment upon projects having a potential adverse impact within the borders of this Territory in which projects pertain to noise.

(3) Provide technical assistance to other departments of Guam agencies.

(4) Conduct programs of public education regarding the causes and effects of noise and means for its abatement and control and encourage the participation of professional, scientific, educational and other public interest groups in related public education efforts.

1 (5) Coordinate the programs of all governmental
2 agencies relating to noise studies and noise control.

3 (6) Accept and administer all funds pertaining to
4 noise control programs from private and public sources
5 including the United States Government.

6 (7) Contract for property and other as directed,
7 consulting services.

8 (8) Appoint such advisory groups and committees as
9 may be necessary to assist in carrying out the noise
10 regulation program. Members of such advisory groups or
11 commissions shall serve without compensation, as such, but
12 shall be reimbursed for reasonable travel and out-of-pocket
13 expenses incurred in the performance of their duties.

14 (9) Upon presentation of proper credentials and search
15 warrant, enter any building, property, premises, or place
16 and inspect any noise source for the purpose of ascertaining
17 the compliance or non-compliance with any regulation which may
18 have been adopted by the Board hereunder. If, in connection
19 with such inspection or investigation, noise measurements,
20 recordings or tests of any type are taken for analysis, a
21 duplicate of the analytical report shall be furnished to the
22 person who is suspected of causing such noise pollution or
23 is responsible therefor.

24 (10) Have access to, and require the production
25 of, books and papers pertinent to any matter under
26 investigation.

27 (11) Require the owner or operator of any noise source
28 to establish and maintain records and make such reports and
29 furnish such information as the Administrator may reasonably
30 prescribe.

31 (12) Require the owner or operator of any noise source
32 to sample the emissions thereof in accordance with such methods
33 and procedures and at such locations and intervals of time
34 as the Administrator may reasonably prescribe and to provide
35 the Administrator with the results thereof.

(3) and investigate spin ts, institute and conduct
surveys, develop programs, conduct tests at an about noise
sampling, etc. and other activities. Credit item which
may be determined by the Administrator, make a or
other determinations of noise sources, and assess the degree
of noise hazard to the public.

§ 10572 (b) (1) (A) Low-Noise Emission Products:

(a) The Administrator shall certify any product:

(1) Which has been certified by the Administrator of
the United States Environmental Protection Agency pursuant
to Section 15 of the Noise Control Act of 1972 as a low-noise-
emission product or which the Administrator determines
emits noise in amounts below the levels specified in noise
emission standards issued pursuant to Federal law or this
Act and;

(2) Which he determines is suitable for use as a
substitute for a type of product at that time in use by
agencies of the Government of Guam.

(b) Certification under this section shall be effective
for a period of one year from the date of issuance.

(c) Products certified pursuant to subsection

(a) of this section shall be acquired by purchase or
lease by the Territorial government in lieu of other products
if the Director of Administration determines that such
certified products have procurement costs which are no more
than 125 per centum of the retail price of the least
expensive type of product for which a certified
substitute is available. In making such determination between
competitively priced certified products and non-certified
products, the Director shall take into account the fact
that certified products may require extensive periodic maintenance to retain its low
noise level and the fact that non-certified products may require
extensive periodic maintenance to retain its low
noise level.

The term 'retail price' means

(1) the maximum statutory price applicable to any type of product; or

(2) in any case where there is no applicable maximum statutory price, the most recent predominant price paid for any type of product.

(d) The Administrator shall, from time to time as he deems appropriate, test the emissions of noise from certified products purchased by the Government of Guam. If at any time he finds that the noise emission levels exceed the allowable limits on which certification was based, the Administrator shall give the supplier of such product written notice of this finding and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Administrator, he may order the supplier to show cause why the product involved should be eligible for recertification.

(e) The administrator shall promulgate the procedures required to implement this section.

Section 57205. Variances. The Board of the Environmental Protection Agency may grant individual variances beyond the limitations prescribed in this Act or in any regulation promulgated pursuant to this Act, whenever it is found, upon presentation by the petitioner of adequate proof, that compliance with any provision of this Act, any regulation promulgated under it or an order of the Administrator would impose an arbitrary or unreasonable hardship. In granting or denying a variance, the Board shall file and publish a written opinion stating the facts and reasons leading to its decision.

Section 57209. Variance Conditions.

(a) In granting a variance the Board may impose such conditions as the policy of this Act requires. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of this Act or of the regulations promulgated under it, the Board may, at its discretion, grant of such variance upon the posting or sufficient performance bond or other security to assure cessation of such violation within the time prescribed.

(b) Any variance granted shall be granted for such period of time, not exceeding a year, as shall be specified by the Board at the time of the grant of such variance, and upon the condition that the person to whom such variance is granted shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year if, upon affirmative action of the Board and, in addition, if satisfactory progress has been shown.

Section 57210. Petition for Variance. Any person seeking a variance shall do so by filing a petition for variance with the Agency. The Agency shall publish notice of such petition in a newspaper of general circulation. The Agency shall promptly investigate such petition and shall consider the views of persons who might be adversely affected by the grant of a variance. If the Administrator, in his discretion, concludes that a hearing would be advisable, or if any person files a written objection to the granting of such variance within 10 days of the notice provided herein, a hearing shall be held pursuant to the administrative procedures of the Board of the Environmental Protection Agency.

Section 57211. Unlawful Acts.

(a) It shall be unlawful for any person to:

(1) Violate or fail to comply with this Act or any regulation adopted pursuant to it, or the terms or conditions of any permit, license, variance or order issued pursuant to this Act or pursuant to any regulation adopted hereunder.

(2) Refuse, hinder or interfere with by force or otherwise, the performance by the Administrator or by any duly authorized agent or employee of the Agency or their assistants, of any duty under the provisions of this Act; or to refuse to such agent, agent or assistant entrance to any premises upon proper identification and presentation of a search warrant, or to hinder or interfere with the conduct of an inspection, test, or taking of a sample by such authorized agent, employee or assistant where authorized the premises obtained by consent, or by presentation of proper identification, and search warrants.

(3) On any property or premises owned or leased by such person, to allow the creation, continuance, & maintenance of any noise, or allow the installation, use or operation of any noise source, which noise or source violates or fails to comply with this Act, or any regulation adopted pursuant to this Act, or the terms or conditions of any permit, license, variance, or order issued pursuant to this Act or pursuant to any regulation adopted hereunder.

(4) Intentionally remove or render inoperable, other than for purposes of maintenance, repair or replacement, any device or element of design incorporated, in compliance with this Act, into any product, structure, machine, equipment, vehicle or appliance for the control, abatement, or prevention of noise emissions, either prior or subsequent to its sale or delivery to the ultimate purchaser; or to use such product, structure, machine, equipment, vehicle or appliance after such device or element of design has been removed or rendered inoperable with knowledge of the removal or rendering inoperable of such device or element of design.

(5) Remove any notice affixed to a product or container pursuant to regulations prescribed under Section 57205 prior to sale of the product to the ultimate purchaser.

(6) Attempt to obtain a permit, license, registration or variance required or permitted under this Act or any regulations adopted pursuant hereto by misrepresentation or failure to disclose all relevant facts.

Section 57212 Citizen Suits. Any person may commence a civil action on his or her behalf against

(1) any person or any State or local instrumentality or agency which is found to be in violation of any noise control requirement as defined in Section 57205; or

(2) the Board of the Environmental Protection Agency where there is alleged a failure of such Board to perform any act or duty under this Act which is not the subject of such Board's action. Section 57213 Penalties.

(a) Any person who violates any provision of this Act, or any rule or regulation in force pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than \$500 or 30 days imprisonment or both. Each day of violation shall constitute a separate offense.

(b) Action pursuant to Subsection (a) of this section shall not be a bar to enforcement of this Act, rules and regulations and orders made pursuant to this Act, injunction or other legal remedy. The Board of the Environmental Protection Agency shall have power to institute and maintain in the name of this Territory any and all such enforcement proceedings.

(c) Nothing in this Act shall be construed to abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceedings therefor.

Section 5724. Savings Clause. The provisions of this Act are not exclusive, and the remedies provided for in this Act shall be in addition to any other remedies available in any other law or available under common law.

Section 5725. Severability. It is the intent of the Legislature that the provisions of this Act shall be severable. In the event that any provision hereof, or regulation issued hereunder, shall be held to be in violation of any provision of the Constitution of the United States, or of the Organic Act of the Territory of Guam, or of any provision of federal law, then all other provisions hereof or regulations issued hereunder shall remain in full force and effect.

Section 2. Effective Date. The provisions of this Act shall be effective July 1, 1973.

Introduced by _____

Bill No. _____

At the request of the
Governor

AN ACT TO AMEND SECTION 19302 AND ENACT
SECTION 19330.13 OF THE GOVERNMENT CODE
OF GUAM RELATIVE TO ALTERING REAL ESTATE
TAXES IN ORDER TO ALTER LAND USE

FINDINGS:

WHEREAS, it is desirable to have Agana evolve as a
commercial and tourist center;

WHEREAS, the small size of single holdings within Agana
are inhibiting factors towards this development;

THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Section 19302 of the Government Code of
Guam is hereby amended to read as follows:

"Section 19302 Levy. It is hereby levied on all land
property in Guam a yearly tax at the rate of one-half percent ($\frac{1}{2}\%$) of
the value thereof and one percent (1%) of the value of the improve-
ments thereon. In addition, a tax of _____ dollars (\$ _____)
is imposed on any commercial zoned land parcel in the municipalities
of Agana or Anigua having an area under one thousand (1,000) square
meters or an average width under ten (10) meters. The average width
in this section means the area divided by the longest distance between

any two borders. A parcel of land in this section means any piece of land under the same single or multiple ownership or leasehold expiring five or more years following the tax year. Such tax shall be assessed and collected in the manner prescribed in this Chapter. All proceeds derived by the government under any provision in this Chapter shall be deposited in the Treasurer of Guam to the credit of the general fund."

Section 2. Section 19330.13 of the Government Code of Guam is enacted to read as follows:

Section 19330.13 The land tax on any commercially zoned property in the municipalities of Agana and Anigua under one thousand (1,000) square meters in area or having an average width under ten (10) meters which is made part of a parcel over one thousand (1,000) square meters in area and with an average width over ten (10) meters is exempted from land property taxes for a period of five years provided the action uniting the parcels is taken between February 20, 1979 and February 19, 1980 and provided that if the action uniting the parcels is a common leasehold, the lease is for twenty or more years. The average width in this section means the area divided by the longest distance between any two borders. A parcel of land in this section means any piece of land under the same single or multiple ownership or leasehold expiring five or more years following the tax year.

I. Criteria for Assessment of Structures

DEFINITION

BUILDING LAW SECTION 36420(a) GENERAL: Any building or portion thereof including any any dwelling unit, guest room or suite or rooms or the premises on which same is located in which there exists any of the following listed conditions to an extent that endangers the life, or limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby declared to be a substandard building.

	YES	NO
<u>Inadequate Sanitation</u>, which shall include but not be limited to the following: 1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit. 2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel. 3. Lack of or improper kitchen sink. 4. Lack of improper operation of required ventilating equipment. 5. Lack of minimum amounts of natural light and ventilation required by this code. 6. Room and space dimensions less than required by this code. 7. Lack of required electrical lighting. 8. General dilapidation or improper maintenance.		

Criteria for Judgement

Any building or structure used or intended to be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

	YES	NO
<u>Structural hazards</u> which shall include but not be limited to the following: 1. Deteriorated or inadequate foundations. 2. Defective or deteriorated flooring or floor supports. 3. Flooring or floor supports of insufficient size to carry imposed loads with safety.		

-
4. Members of walls, partitions or other vertical supports that split, lean, list, buckle due to defective material or deterioration.
 5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 6. Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.

Criteria for Judgement

1. Whenever the stress in any materials, member or portion thereof, due to call dead and live loads is more than one and one-half times the working stress allowed in the Uniform Building Code for new buildings of similar structure purpose or location.
2. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Uniform Building Code for new buildings of similar structure purpose or location.
3. Whenever any portion or member of appurtenance thereof is likely to fail or to become detached or dislodged or to collapse and thereby injure persons or damage property.
4. Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Uniform Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Uniform Building Code for such buildings.
5. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
6. Whenever the building or structure or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation, or (v) any other cause is likely to partially or incompletely collapse.
7. Whenever for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

- Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- 1. Whenever the building or structure exclusive of the foundation shows 33 percent or more damage or deterioration of its supporting member or members or 50 percent damage or deterioration of its nonsupporting members enclosing or outside walls or coverings.
- 2. Whenever any building or structure which whether or not erected in accordance with all applicable laws and ordinances has in any nonsupporting part, member or portion less than 50 percent or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building or like area height and occupancy in the same location.

	YES	NO
<u>Nuisance.</u> Any nuisance as defined in this code.		

Criteria for Judgement

Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

	YES	NO
F. <u>Hazardous Wiring.</u> All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner. Criteria - National Electric Code		
F. <u>Hazardous Plumbing.</u> All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections. Criteria - National Plumbing Code		
G. <u>Hazardous Mechanical Equipment.</u> All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition. Criteria - Uniform Mechanical Code		
H. <u>Faulty Weather Protection,</u> which shall include but not be limited to the following: 1. Deteriorated, crumbling or loose plaster. 2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken windows or doors.		

3. Defective or lack of weather protection for exterior wall coverings including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split, or buckled exterior wall coverings, or roof coverings.

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Criteria for Judgement

Whenever any building or structure which whether or not erected in accordance with all applicable laws and ordinances has in any nonsupporting part, member or portion, less than 50% or in any supporting part, member or portion less than 66% of the (i) strength (ii) fire-resisting qualities or characteristics or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Criteria for Judgement

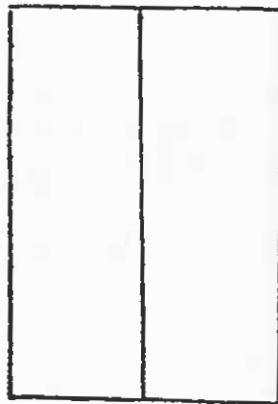
Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

Whenever any building or structure because of obsolescence, dilapidated condition deterioration, damage inadequate exists, lack of sufficient, fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the Fire Marshall to be a fire hazard.

	YES	NO
I. <u>Faulty Materials of Construction.</u> All materials of construction except those which are specifically allowed or approved by this code and the Uniform Building Code, Volume I, 1967 Edition and which have been adequately maintained in good and safe condition.		
J. <u>Inadequate Maintenance.</u> Any building or portion thereof which is determined to be an unsafe building in accordance with 203 of the Uniform Building Code, Volume I, 1967 Edition.		
K. <u>Inadequate Exit.</u> All buildings or portions thereof not provided with adequate exit facilities as required by this code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.		
L. <u>Inadequate Fire Protection/Equipment.</u> All building or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction.		

struction and whose fire resistive integrity and fire extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition or any change in occupancy.

- M. Improper Occupancy. All buildings or portion thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.



**RESULTS: AGANA BAY URBAN
WATERFRONT SURVEY
OCTOBER, 1979**

URBAN WATERFRONT TASK FORCE

DECEMBER, 1979



AGANA BAY WATERFRONT TASK FORCE
AGANA, GUAM 96910

October 22, 1979

Dear Occupant:

A Task Force has been created by Executive Order No. 79-12, to study the Agana Bay Urban Waterfront Area and to develop solutions to the problems that have been identified.

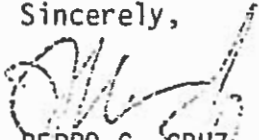
To assist the Task Force in the formulation of plans, policies, guidelines, and recommendations for improvement of the area, we are soliciting your help in providing us with your response to the attached Questionnaire. Information gathered from this Questionnaire will be used by the Task Force in addressing the private sector interests.

Input into the Task Force will be reviewed at public workshops to be conducted prior to the implementation of any recommendations resulting from this survey.

Please help us by answering all of the questions as completely as you can. Return your completed Questionnaire to the Task Force Representative when he returns in a few days. If you should require any assistance in completing the Questionnaire, our field representative will be happy to assist you.

Thank you for your cooperation and assistance.

Sincerely,



PEDRO G. CRUZ, JR.
Chairman

Enclosure.

QUESTIONS TO BE ANSWERED BY BOTH BUSINESS AND RESIDENTIAL CONCERNS.

1. NAME: _____
2. MAILING ADDRESS: _____
3. LOT NO: _____
4. PHONE NUMBER: _____
5. ARE YOU A ☐ TENANT OR AN ☐ OWNER OCCUPANT ☐ LESSEE WITH AN
OPTION TO BUY?
6. IF YOU ARE A TENANT, WHAT IS THE NAME AND MAILING ADDRESS OF
YOUR LANDLORD OR HIS REPRESENTATIVE?

7. WHAT IS THE TERM OF YOUR LEASE?
☐ MONTH-TO-MONTH ☐ 1-YEAR ☐ 1-5 YEARS ☐ MORE THAN 5 YEARS
8. WHAT IS YOUR MONTHLY RENT? _____

QUESTIONS PERTAINING TO HOUSEHOLDS (TO BE ANSWERED BY THE HEAD OF THE HOUSEHOLD)

1. NAME: _____ AGE: _____
2. ARE THERE ANY SUBFAMILY MEMBERS (RELATIVES OTHER THAN DEPENDANTS) LIVING WITH YOU?
☐ YES ☐ NO
3. ARE THERE ANY SUBFAMILIES LIVING IN SEPARATE ADJACENT STRUCTURES? ☐ YES ☐ NO
4. HOW LONG HAVE YOU LIVED AT THIS LOCATION? _____ YEARS _____ MONTHS
5. HOW LONG HAVE YOU LIVED ON GUAM? _____ YEARS _____ MONTHS
6. WHERE WERE YOU BORN?
☐ GUAM ☐ U. S. (OTHER THAN GUAM) ☐ FOREIGN COUNTRY
7. ARE YOU A U.S. CITIZEN? ☐ YES ☐ NO
8. IF YOU ARE NOT A U. S. CITIZEN, WHAT IS YOUR RESIDENCY STATUS?
☐ PERMANENT RESIDENT ☐ TEMPORARY RESIDENT (WORK PERMIT)
9. WHAT IS YOUR ETHNIC BACKGROUND?
☐ CHAMORRO ☐ MICRONESIAN (OTHER THAN CHAMORRO) ☐ FILIPINO
☐ JAPANESE ☐ CHINESE ☐ KOREAN ☐ STATESIDER
☐ OTHER (SPECIFY) _____
10. OCCUPATIONAL STATUS (MORE THAN ONE MAY APPLY)
☐ EMPLOYED (FULL-TIME) ☐ EMPLOYED (PART-TIME) ☐ UNEMPLOYED ☐ STUDENT
☐ RETIRED ☐ VETERAN ☐ DISABLED ☐ ACTIVITY MILITRAY
☐ OTHER _____
11. TYPE OF EMPLOYMENT? _____
12. HOW LONG HAVE YOU BEEN EMPLOYED AT YOUR PRESENT JOB? _____

13. WITHIN WHAT RANGE DOES YOUR HOUSEHOLD INCOME FALL?

- ☐ LESS THAN \$5,000
☐ \$5,000 - \$10,000
☐ \$10,000 - \$15,000
☐ \$15,000 - \$20,000
☐ MORE THAN \$20,000

14. DID YOU OR ANY MEMBERS OF YOUR IMMEDIATE FAMILY RECEIVE PUBLIC ASSISTANCE IN THE LAST TWELVE (12) MONTHS?

☐ NO ☐ YES (IF YES, WHAT TYPE OF ASSISTANCE: _____)

15. OTHER PERSONS RESIDING WITH YOU?

NAME	AGE	M F		RELATIONSHIP TO HEAD OF FAMILY	OCCUPATIONAL STATUS					OTHER (SPECIFY)
					EMPLO.	UNEMPLO.	STUDENT	RETIRED	DISABLED	
1.										
2.										
3.										
4.										
5.										
6.										

16. EMPLOYMENT

LINE NO. ABOVE	TYPE OF EMPLOYMENT			NO. OF YEARS (CURRENT GROSS) EMPLOYED	MONTHLY INCOME
	PERMANENT	TEMPORARY	CASUAL		
1.					
2.					
3.					
4.					

INFORMATION ABOUT THE ESTABLISHMENT

1. NAME OF BUSINESS: _____

2. TYPE OF BUSINESS: _____

3. FORM OF ORGANIZATION (WHAT IS THE LEGAL FORM OF THE COMPANY OPERATING THIS ESTABLISHMENT?)

☐ INDIVIDUAL PROPRIETOR

☐ COOPERATIVE ASSOCIATION

☐ PARTNERSHIP

☐ CORPORATION

☐ OTHER (SPECIFY) _____

4. IDENTIFICATION NUMBERS

(A) CURRENT EMPLOYER IDENTIFICATION NUMBER (THE SAME USED FOR THIS ESTABLISHMENT ON THE LATEST EMPLOYER'S QUARTERLY FEDERAL TAX RETURN, TREASURY FORM 951)

□□ - □□□□□□□□

(B) GOVGUAM GROSS RECEIPT ACCOUNT NUMBER: □□□□

5. PERIOD OPERATED

(A) HOW LONG HAVE YOU BEEN IN BUSINESS IN GUAM: _____ YEARS _____ MONTHS

(B) HOW LONG HAS YOUR BUSINESS BEEN AT THIS SITE? _____ YEARS _____ MONTHS

(C) DID YOU ACQUIRE OR LEASE THIS BUSINESS FROM SOMEBODY: ☐ YES ☐ NO

6. DOLLAR VOLUME OF BUSINESS

CHECK THE GROSS BUSINESS RECEIPTS FOR ALL SALES OF MERCHANDISE, ALL OTHER RECEIPTS FROM CUSTOMERS FOR SERVICE.

	\$3,000 OR LESS	\$3,000- 5,000	\$5,000- 7,000	\$7,000- 10,000	\$10,000- 15,000	\$15,000- 20,000	\$20,000- 30,000	\$30,000 OR MORE
IN 1978	☐	☐	☐	☐	☐	☐	☐	☐
JAN TO JUNE 1979	☐	☐	☐	☐	☐	☐	☐	☐

7. PAYROLL AND EMPLOYMENT

(A) TOTAL ANNUAL PAYROLL BEFORE DEDUCTION: 1978 \$ _____
1ST SEMESTER 1979 \$ _____

(B) NUMBER OF PAID EMPLOYEES: ☐ FULL-TIME _____ ☐ PART-TIME _____

(C) TYPE AND NUMBER OF OCCUPATIONS EMPLOYED BY YOUR ESTABLISHMENT (I.E. SALESCLERKS-2, MECHANICS-5, COOKS-3., ETC.)

<u>OCCUPATIONS</u>	<u>NUMBER OF EMPLOYEES</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. INFORMATION ABOUT THE STRUCTURES:

TOTAL BUILDING FLOOR SPACE _____ (SQ.FT.) NO. OF STORIES: _____
OCCUPIED COMMERCIAL FLOOR SPACE: _____ (SQ.FT.) NO. OF PARKING SPACES WITHIN
THE LOT _____

9. LOCATION

(A) WHY DID YOU CHOOSE TO CONDUCT YOUR BUSINESS IN THIS LOCATION?
(CHECK ONE OR MORE BOXES)

- | | |
|--|---|
| ☐ LOW RENT | ☐ EASY ACCESS TO SUPPLIES, CUSTOMERS |
| ☐ OWNERSHIP OF PROPERTY
AND BUILDING | ☐ GOOD TRANSPORTATION CONNECTIONS |
| ☐ AVAILABILITY OF SPACE | ☐ GOOD VISIBILITY FROM ROAD |
| ☐ OTHER (SPECIFY) _____ | ☐ PHYSICAL AMENITIES OF AREA |

(B) DOES THIS PARTICULAR LOCATION ADEQUATELY MEET THE PRESENT NEEDS OF YOUR BUSINESS?

☐ YES ☐ NO

(C) IF NOT, WHY?

☐ HIGH RENT ☐ INSUFFICIENT PARKING SPACE FOR CLIENTS

☐ LACK OF SPACE FOR EXPANSION ☐ FAR FROM AUXILIARY SERVICES

☐ SUSCEPTABILITY TO STORM DAMAGE AND FLOODING

☐ OTHER (SPECIFY) _____

(D) HAVE YOU CONSIDERED OTHER POSSIBLE ALTERNATIVE LOCATIONS TO YOUR BUSINESS?

☐ NO ☐ YES, WHERE? _____

(E) IN WHAT KIND OF FACILITY:

☐ INDIVIDUAL STRUCTURE ☐ SHOPPING CENTER

☐ CONDOMINIUM BUILDING ☐ INDUSTRIAL PARK

☐ OTHER (SPECIFY) _____

(G) ARE YOU CONSIDERING MOVING TO THIS ALTERNATIVE LOCATION?

☐ IN THE NEXT TWO (2) YEARS

☐ WITHIN 2-5 YEARS

☐ NOT MOVING

10. NAME OF PERSON TO CONTACT REGARDING THIS REPORT? _____

QUESTIONS PERTAINING TO LANDLORDS

RENTING/LEASING PROPERTY ALONG
AGANA BAY WATERFRONT

1. NAME: _____
2. MAILING ADDRESS: _____
3. PHONE NUMBER: _____
4. HOW MANY RENTAL UNITS DO YOU OWN THAT ARE LOCATED ON THE AGANA BAY WATERFRONT
(SEE MAP ON BACK FOR DELINEATION OF THE AREA IN QUESTION) _____
5. PLEASE LIST THEM ALONG WITH THE FOLLOWING INFORMATION.

NAME OF TENANT OR TENANT'S FIRM	ADDRESS AND LOT NO.	BUSINESS OR RESIDENCE ?	OCCUPIED OR VACANT ?	NO. OF MONTHS OCCUPIED DURING SEPT '78 - AUG '79	MONTHLY RENT

6. DO YOU OR MEMBERS OF YOUR IMMEDIATE FAMILY OWN ANY PROPERTY OUTSIDE OF THE INDICATED
WATERFRONT AREA? ☐ YES ☐ NO
7. LOT NUMBER(S) OR PARTIAL LOT NUMBER(S) OF PROPERTY THAT YOU OWN ALONG THE AGANA BAY
WATERFRONT. _____

Introduction

During the week of October 22, 1979, a survey was conducted along the Agana Bay Urban Waterfront by members of the Urban Waterfront Task Force in order to obtain a profile of private sector concerns. Questionnaires were distributed to the various businesses and residences within the study areas designated in the Agana Bay Urban Waterfront Redevelopment Plan (1979). The members of the survey team then returned approximately two days later to collect the completed questionnaires and if necessary, to aid in their completion. In some cases, it was necessary to return several times in order to obtain the completed forms. In many cases, residents and business concerns alike either neglected or refused to respond to the questionnaire.

Of 91 businesses, only 34, or 37% responded. Only seven residential questionnaires were returned by heads of households from 19 residences and apartment buildings which included 42 households identified in a February, 1979 survey by GHURA. Several factors contribute to the unreliability of conclusions derived from the available data, the most obvious factor being the lack of response. Valid generalizations or extrapolations are even difficult to make because what response was received was stronger among different business sectors than others (i.e. 86% of the restaurants responded to the questionnaire where only 24% of the adult entertainment business establishments provided any information). In addition, many questionnaires were not completely filled out. Judging from the responses, unanswered questionnaires appeared to result from (a) unwillingness to respond either because the individual did not want to volunteer the information or it was not immediately available, or (b) the question was not understood.

Difficulties in obtaining an accurate profile of residential concerns most likely stem from the fact that many tenants residing along the waterfront are transient military or alien workers. Lack of interest in the community and/or the inability

to understand the questions by this sector of the population probably contributes to a limited profile of residents, the more mobile, lower income sectors not being represented.

Results and Discussion

Business Sector

As noted the overall response to the survey was poor necessitating a guarded outlook with respect to any conclusions drawn from the study. Throughout the following discussion, it is necessary to bear in mind that there was only a 37% response from the various business, broken down into the following sectors.

<u>Type of Business</u>	<u>No. of Establishments</u>	<u>No. Responding</u>	<u>% Response</u>
Large Retail	6	3	50
Small Retail	34	16	47
Adult Entertainment	21	5	24
Restaurants	7	6	86
Wholesale and Industrial	14	5	36
Other	10	1	10

It is interesting to note that only 1 out of 8 massage parlors responded (data not shown), the establishment in question reporting that it had only one full time employee, the general manager, and no part time employees. It would therefore seem that information from this particular sector of the waterfront business community must be viewed with caution.

The compiled data concerning business establishments along the Agana Bay Urban Waterfront are listed in Table 1. The data are broken down into sectors as defined by the Agana Bay Urban Waterfront Redevelopment Plan and expressed, unless otherwise noted, as the number of individuals giving that particular response

(total respondents to the question being listed in parentheses). The total, overall response for the entire urban waterfront area is expressed as a percentage. Since no significant differences were evidenced among the responses from different sectors, the discussion refers only to overall response.

Of those responding, a large percentage were tenants (85%), 78% of which held leases of greater than one year. Rents are generally low. An attempt to make a quantitative comparison of rent per square foot floor space was made difficult by the fact that few businesses attempted to give floor space estimates. From 15 businesses reporting both rent and floor space, an estimate of \$0.41 per square foot is obtained for the entire urban waterfront, the figures not differing significantly between study sectors.

Over half of the businesses surveyed were corporations and one third were sole proprietorships.

Some idea of the transient nature of the business can be derived from the available data. The average life of the existing businesses (among those that responded) is 4.2 years. This is probably an upper estimate, as many of the businesses of a more transient nature did not respond to the survey. Among those businesses that were acquired from another party (47% of the total), the average tenure along the waterfront was 3.3 years (data not shown).

Further supporting the impression of the transient nature of the adult-oriented sector of the waterfront business establishments is the fact that the second draft of the Agana Bay Urban Waterfront Redevelopment Plan of August 1979 listed seven massage parlors in existence. An October, 1979 survey of businesses noted eight massage parlor establishments, four of which have undergone a change in management.

The Agana Bay Urban Waterfront Redevelopment Plan notes that "an accurate determination of the amount of revenue generated within by businessmen will probably never be possible". The results of the survey seem to support this statement. Response to the question concerning gross dollar volume of business was answered in only 75% of the total questionnaires collected; and 71% of those responding reported a gross dollar volume of business in excess of \$30,000 for the first semester of 1979. This could possibly be an inflated value with respect to the entire waterfront since many small businesses failed to respond to the questionnaire, but it is impossible to arrive at any meaningful conclusions regarding revenue generated given the data obtained. Another avenue must be pursued in order to make valid assessments in this respect.

Most of the responding businesses (70%) felt that their location along the waterfront adequately met the needs of their business, listing "good visibility from road" most often as the reason for their present location. Of those responding negatively to the same question, "lack of space for expansion" and "insufficient parking space for clients" was most often listed as having a negative effect on business. Only 39% of the responding businesses entertained the possibility of moving within the next five years. Table 1 (No. 14) lists those locations that were mentioned as possible alternate locations by those establishments contemplating relocation. The response fell into two general categories; either another location along the waterfront or one of the established shopping centers. This seems to indicate that it may be possible to encourage these businesses and perhaps others, to relocate within a shopping complex within the study area. However, given the nature of most of the small businesses, it may not be economically feasible for them to do so since a new, aesthetically pleasing shopping center would probably require that these businesses absorb a significant increase in rental costs.

Table 2 lists payroll and employment data for waterfront businesses. Little more than half of the responding businesses (21% of the total) provided information in this respect. Generalizations involving total employment along the Agana Bay Urban Waterfront cannot be made at this time. It is possible, however, to make several observations on the available data. Doubling the total payroll figure for the first semester of 1979, an increase of 20% is obtained for those reporting of both 1978 and 1979 figures. Whether this is indicative of an increase in employment or not is subject to question as inflation coupled with the uncertainty of the results could account for the magnitude of the increase. Perhaps of greater interest is that the annual salary of the average employee along the waterfront comes to only about \$9,000 extrapolating 1979 payroll data and assuming each part-time employee works a four-hour day. The Guam Department of Commerce Annual Economic Review (August 1979), indicates that \$16,405 is the average annual money income for a 1977 Guam family of five. This being the case, income revenues generated within the private business sector of the urban waterfront seem to be generally low in comparison to the rest of the Island.

Residential Sector

The data obtained from residential concerns are listed in Table 3. The lack of response among waterfront residents (17%) required that the data be lumped and not treated with respect to sectors. Even so, only limited qualitative assumptions can be made.

All of those heads of household responding were either U.S. citizens or permanent residents having resided on Guam for an average of 32 years and on the waterfront for an average of 10.5 years. A fair degree of permanency is indicated by the familial ties (Table 3, no. 6). These residents probably represent those that have an interest in the community beyond that of simple occupancy. The large number of non-respondents is most likely an indication of those residents with little vested interest in their community.

Conclusion

While the general response to the Urban Waterfront Task Force survey was disappointing some basic conclusions can be derived therefrom. Those that responded to the questionnaire indicated a general unwillingness to relocate. In distributing the questionnaires to the various business establishments, concern was often expressed as to whether there existed plans to implement relocation measures. This fear seemed to be the basis of many proprietors' reluctance to respond, some expressing varying degrees of hostility. The general indication here is that significant redevelopment of the urban waterfront will be a complicated and controversial issue.

Still it will be necessary to obtain the kind of data attempted by this survey if the economic and social impacts of such a redevelopment effort are to be assessed. The results of this survey indicate that relying on a voluntary response to written questionnaires will not be the best method of analysis in relation to this particular problem area. Indirect, more time consuming methods will have to be employed in some cases. In other cases, such as in the residential sector, personal interviews by trained personnel (preferably with a knowledge of one or more of the languages likely to be encountered) may be more effective in obtaining the desired information.

Many tenants along the urban waterfront were unable to provide complete information regarding their landlords. Most did not provide a mailing address and many knew only the sub-lessor. It is therefore imperative that the Task Force be provided with an up-to-date lotline map along with a list of the corresponding landowners. Ownership of the buildings, too, needs to be determined.

Obtaining data for an economic analysis of the area will be much more difficult. Most often, in the current survey those respondents not willing to divulge financial information were those that did not provide Employer Identification or GovGuam Gross Receipt Account numbers, that would allow the retrieval of some financial data. It may be that more businesses would be willing to respond to an economic survey

conducted by an agency such as the Department of Commerce than to a survey that also inquires as to their willingness to relocate, thus creating an air of suspicion.

It would then seem that the holistic approach to data gathering on the Agana Bay Urban Waterfront is not the most successful. It may be that a series of short specialized inquiries by various agencies, subsequently integrated into one cohesive report, be the best approach. This of course would require more time and its success would be dependent upon the available resources.

Table No. 1. Business Establishments - Tabulation of Results

		A	B	C	Overall
1.	Overall Response (34)*	9	17	8	37% of total businesses
2.	Status (34)				
	Tenants	8	15	6	85%
	Owners	1	2	1	12%
	Lease opt. buy	0	0	1	3%
3.	Term of lease (32)				
	mo.to.mo.	2	2	1	16%
	1 year	1	0	1	6%
	1-5 years	4	8	2	44%
	> 5 years	1	6	4	34%
4.	Average Rent/sq.ft. floor space (15)	\$.49(3)	\$.45(6)	\$.32(6)	\$0.41
5.	Organization (33)				
	sole proprietor	6	3	2	33%
	partnership	0	4	0	12%
	corporation	3	9	6	55%
6.	Average years in business (32)	7.0 yrs. (8)	7.3 yrs. (16)	4.5 yrs. (8)	6.5 yrs.
	Average years in business at this site (32)	5.3 yrs. (8)	4.1 yrs. (16)	3.3 yrs. (8)	4.2 yrs.
7.	Business acquired from someone else (32)				
	-Yes	5	7	3	47%
	-No	4	9	4	53%

*Number in parentheses indicate number of responses to a particular question.

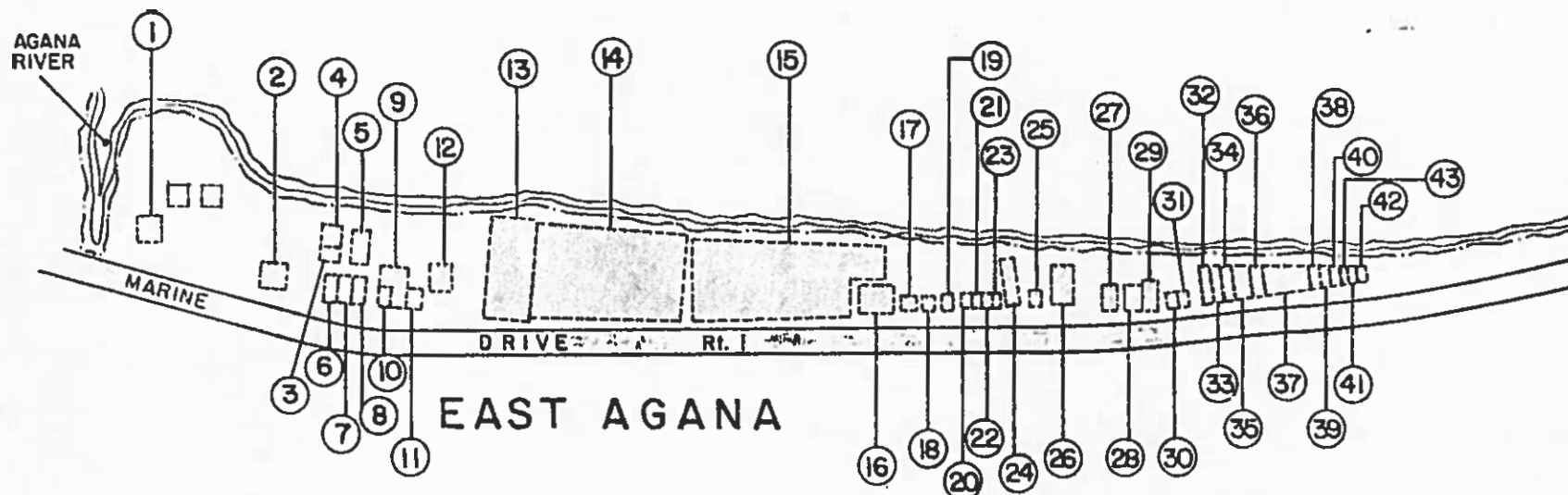
Table No. 1 (Cont'd)

	A	B	C	Overall
8. Dollar Volume of Business (24/26)	1978/1st sem. 1979	1978/1st sem. 1979	1978/1st sem. 1979	1978/1st sem. 1979
< \$3000	0/1	0/1	1/2	4%/15%
\$3000-\$5000	-	-	-	-
\$5000-\$7000	-	1/0	-	4%/0%
\$7000-\$10,000	1/0	2/1	-	13%/4%
\$10,000-\$15,000	-	0/1	-	0%/4%
\$15,000-\$20,000	-	1/1	-	4%/4%
\$20,000-\$30,000	-	1/2	-	4%/8%
> \$30,000	5/5	8/8	4/4	71%/71%
9. Positive Location Factors (32)				
Low Rent	2	2	2	.9%
Ownership	1	2	-	4%
Space Availability	3	4	2	13%
Access to Supplies & Customers	2	6	3	16%
Good Transportation Connections	3	2	4	13%
Visibility from the Road	6	8	8	31%
Physical Amenities	1	4	2	10%
Other	1	2	-	4%
10. Negative Location Factors (9)				
High Rent	-	1	1	13%
Lack of Space for Expansion	-	4	-	25%
Susceptibility to Storm Damage and Flooding	1	1	1	19%
Insufficient Parking	-	3	1	25%
Far From Auxillary Services	-	-	1	6%
Other	1	1	-	13%



AGANA BAY

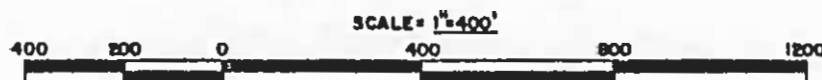
STUDY SECTOR B



AGANA BAY URBAN WATERFRONT

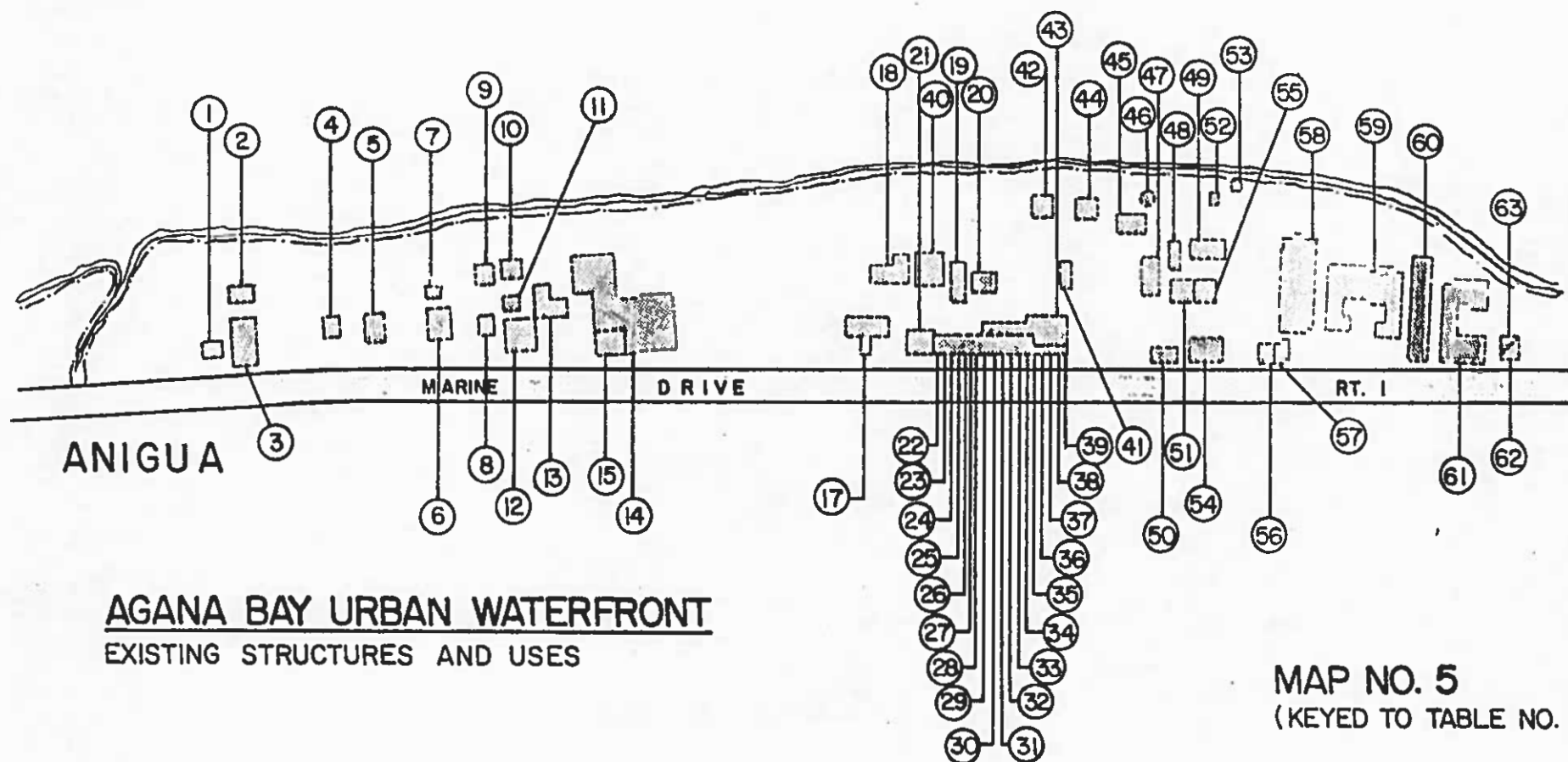
EXISTING STRUCTURES AND USES

MAP NO. 6
(KEYED TO TABLE NO. 3)



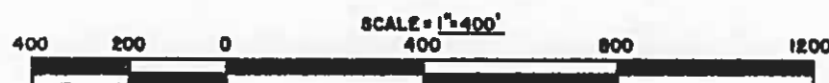
STUDY SECTOR A

AGANA BAY



AGANA BAY URBAN WATERFRONT

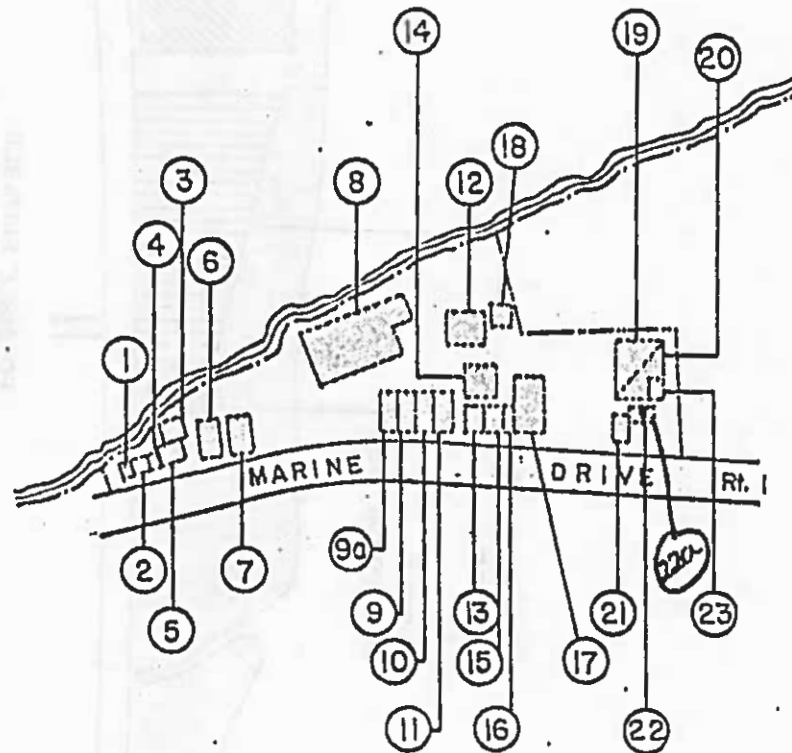
MAP NO. 5
(KEYED TO TABLE NO. 2)





STUDY SECTOR C

AGANA
BAY

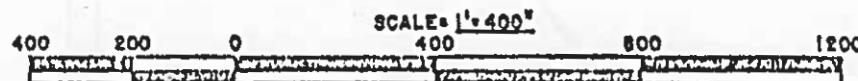


TAMUNING

AGANA BAY URBAN WATERFRONT
EXISTING STRUCTURES AND USES

Correct
original

MAP NO. ⁷~~8~~
(KEYED TO TABLE NO. ⁴~~8~~)



add one
more ground
↓

Map No. 8

RECOMMENDED REVISED ZONING
AGANA BAY URBAN WATERFRONT

CONSERVATION

SINGLE-FAMILY RESIDENTIAL

COMMERCIAL



SCALE: 1" = 400'

EXISTING EXTENDED
FAMILIES

EXISTING
COMMERCIAL USE

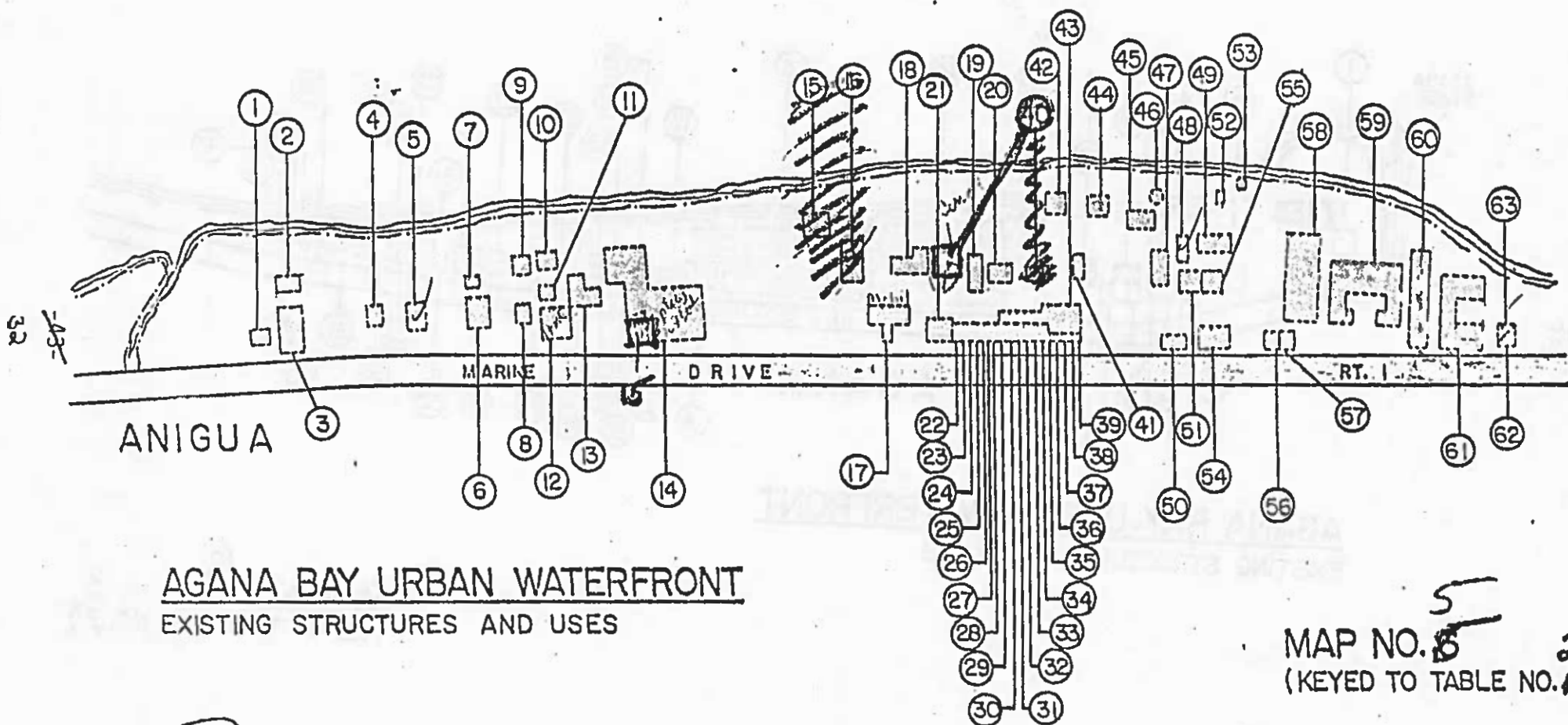
POSSIBLE SUITABLE
SHOPPING CENTER
LOCATION

ANIGUA



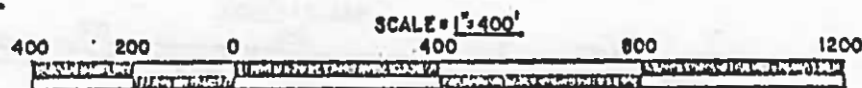
STUDY SECTOR A

AGANA BAY



AGANA BAY URBAN WATERFRONT
EXISTING STRUCTURES AND USES

MAP NO. 5
(KEYED TO TABLE NO. 2)



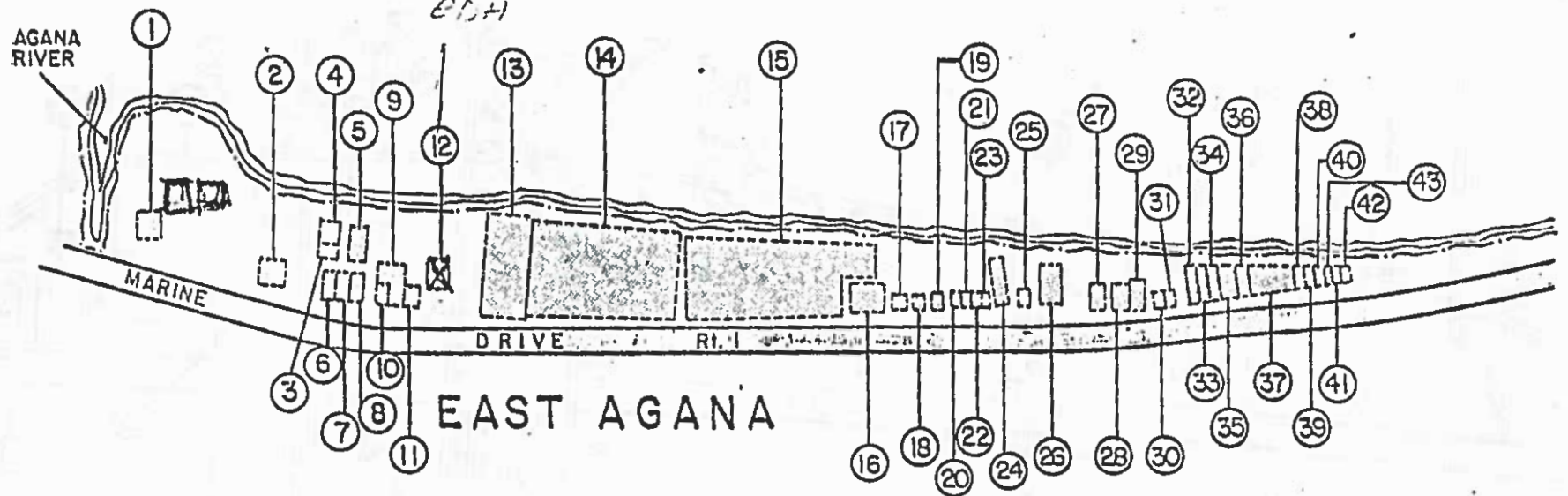
Correct
original



STUDY SECTOR B

AGANA BAY

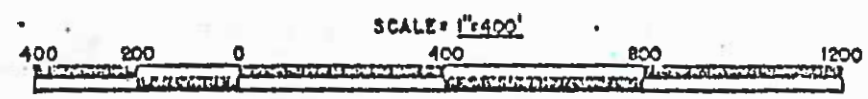
*General
Location
BCH*



AGANA BAY URBAN WATERFRONT
EXISTING STRUCTURES AND USES

MAP NO. ⁶7 3
(KEYED TO TABLE NO. 7)

*Correct
original*



Add to
original

Map No. 3

EXISTING LAND USE
AGANA BAY URBAN WATERFRONT

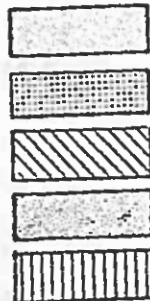
OPEN SPACE / RECREATION

PUBLIC / SEMI-PUBLIC

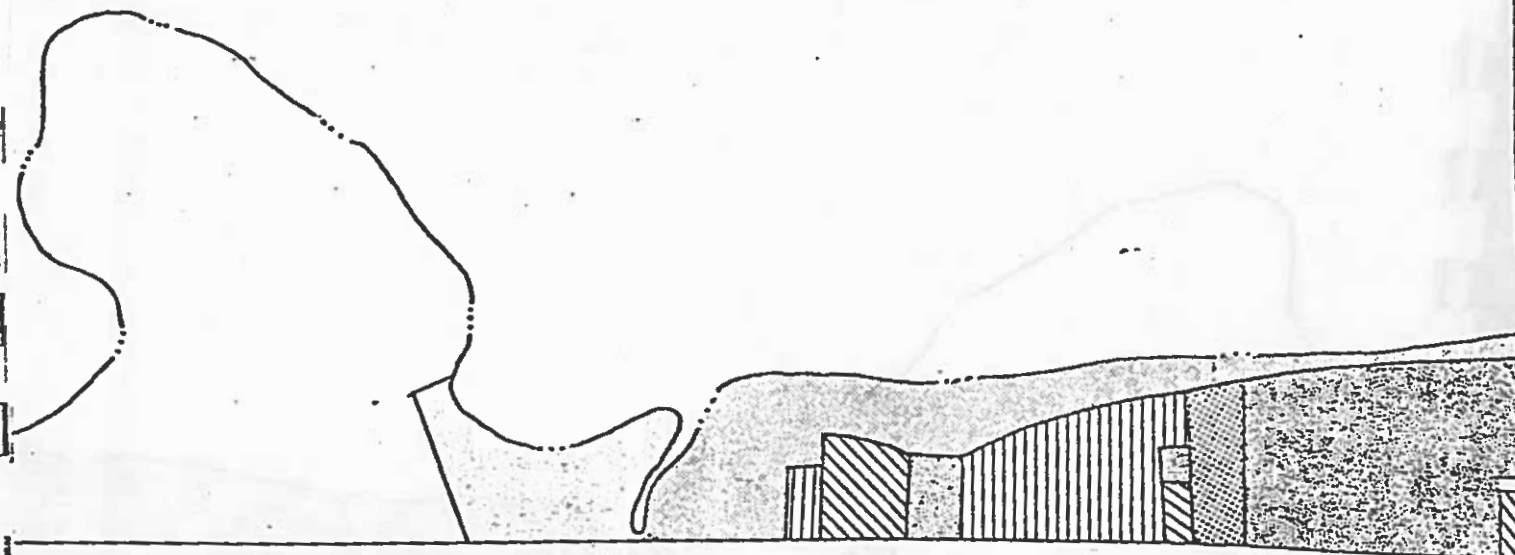
COMMERCIAL

INDUSTRIAL

RESIDENTIAL



SCALE: 1" = 400'



ANIGUA

add to
original

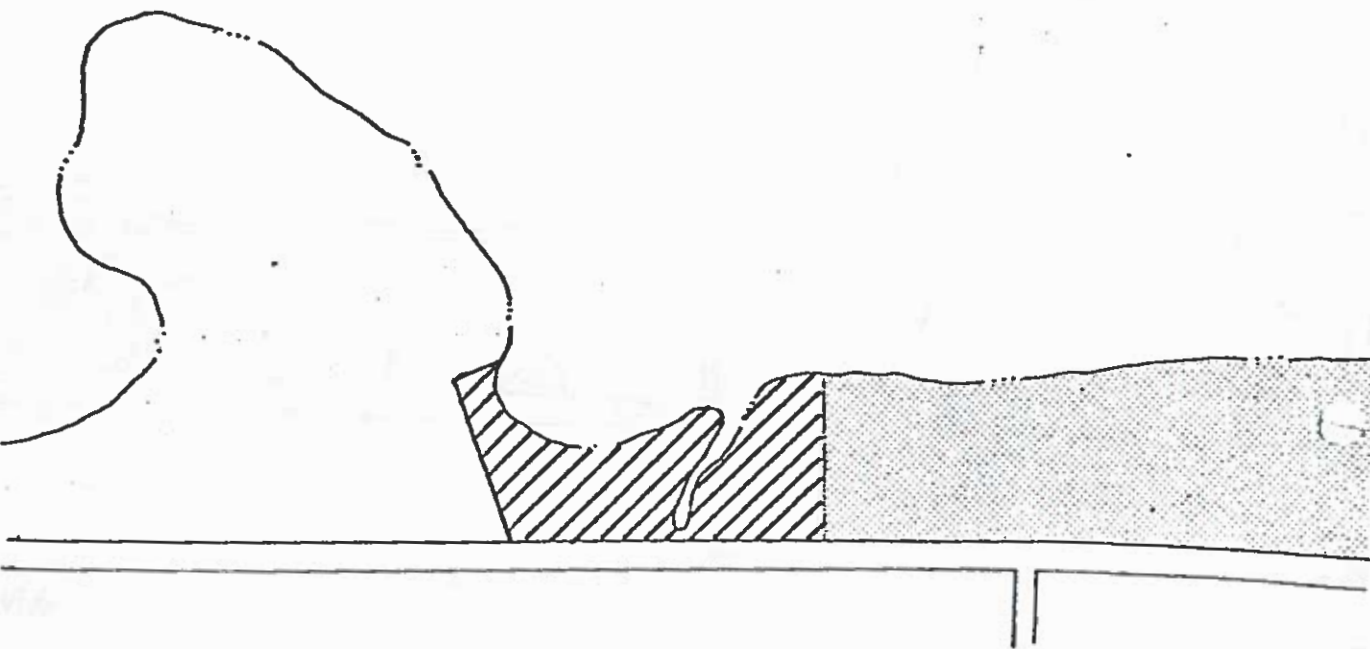
Map No. 4

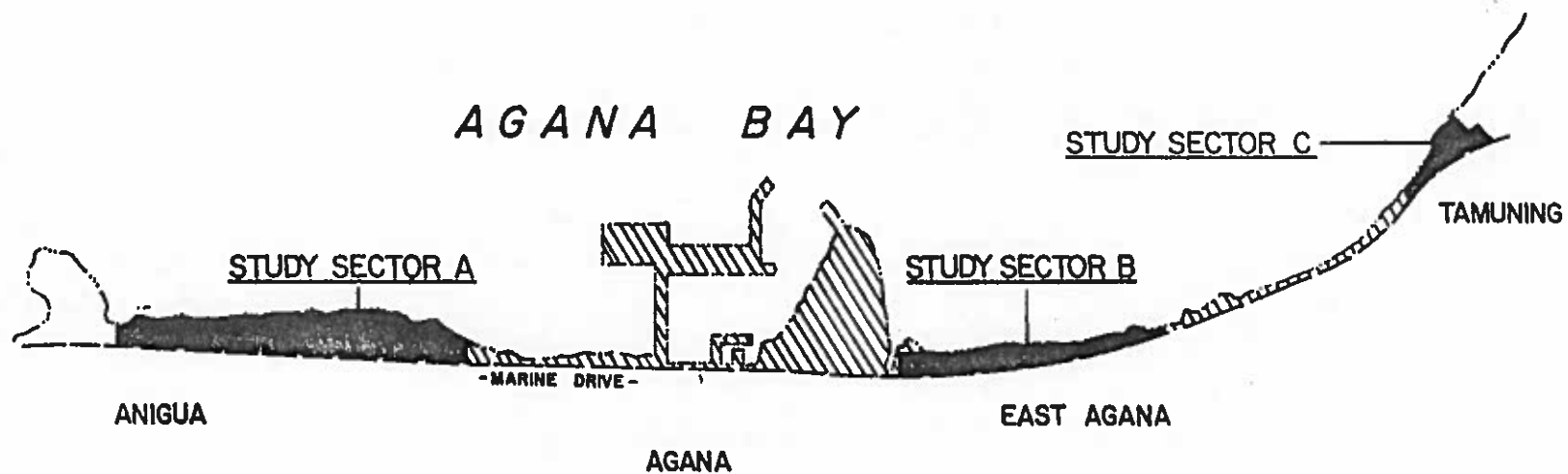
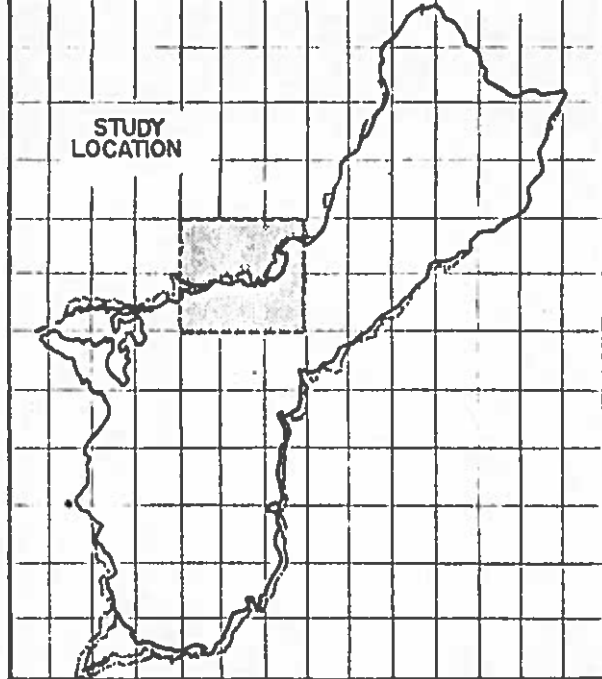
EXISTING ZONING
AGANA BAY URBAN WATERFRONT

A-AGRICULTURAL

C-COMMERCIAL

MI-LIGHT INDUSTRIAL





MAP NO. 1
AGANA BAY URBAN WATERFRONT

Table No. 1 (Cont'd)

		A	B	C	Overall
11.	Location Meet Business Needs? (32)				
	Yes	8	10	5	70%
	No	1	6	3	30%
12.	Type of Facility Would Consider Moving to (12)				
	Individual Structure	1	3	2	40%
	Shopping Center	3	3	1	47%
	Industrial Park	-	-	1	7%
	Condominium	-	1	-	7%
13.	Moving Plans (31)				
	Within 2 years	1	2	2	16%
	Within 2-5 years	2	4	1	23%
	Not Moving	6	9	4	61%
14.	Possible alternate locations listed				
	Tumon, Agana, Anigua				
	Marine Drive				
	Tamuning (3)				
	Zee's Complex				
	Gibson's Shopping Center				
	Town Mall				
	Shopping Center				
	"Looking for One"				

TABLE 2. PAYROLL AND EMPLOYMENT (in decreasing order of 1978 payroll)

Business		Sector	1978 Payroll	1st Sem. 1979	FT Emp.	PT Emp.
1.	SLC	B	\$800,000	\$500,000	75	3
2.	Hakubotan	C	\$290,000	\$250,000	40	5
3.	Yakitori II	B	\$180,000	\$120,000	46	0
4.	Ricky's Auto Parts	A	\$136,000	\$ 68,000	13	0
5.	Linda's Cafe & Whispering Palms	B	\$132,000	\$ 70,000	21	0
6.	Mobil	A	\$102,000	-	12	0
7.	Nery Construction	B	\$100,000	\$ 50,000	15	0
8.	Korean Village	B	\$100,000	\$ 42,000	13	10
9.	J. C. Wholesale and Distributors	B	\$ 65,000	\$ 33,000	7	0
10.	Mi Elania Club	B	\$ 40,000	\$ 20,000	5	0
11.	Guam Lock and Key	A	-	\$ 24,000	4	0
12.	D & C Jewelry	C	\$ 18,000	\$ 9,000	2	0
13.	Lee's TV and Appliance	B	\$ 17,000	\$ 12,000	1	0
14.	Acme Grocery	A	\$ 16,500	-	4	2
15.	TenTak	C	\$ 15,000	\$ 8,000	1	2
16.	Miss Lee's Massage	B	\$ 14,000	\$ 4,800	1	0
17.	Popular Barber	A	-	\$ 7,000	4	0
18.	Guam Radio and TV	A	\$ 6,000	-	0	1
19.	Neeta's Trading	A	-	\$ 15,000	0	1
TOTAL			\$2,301,500	\$1,219,300	264	26

TABLE 3. RESIDENTIAL CONCERNS--TABULATION OF RESULTS

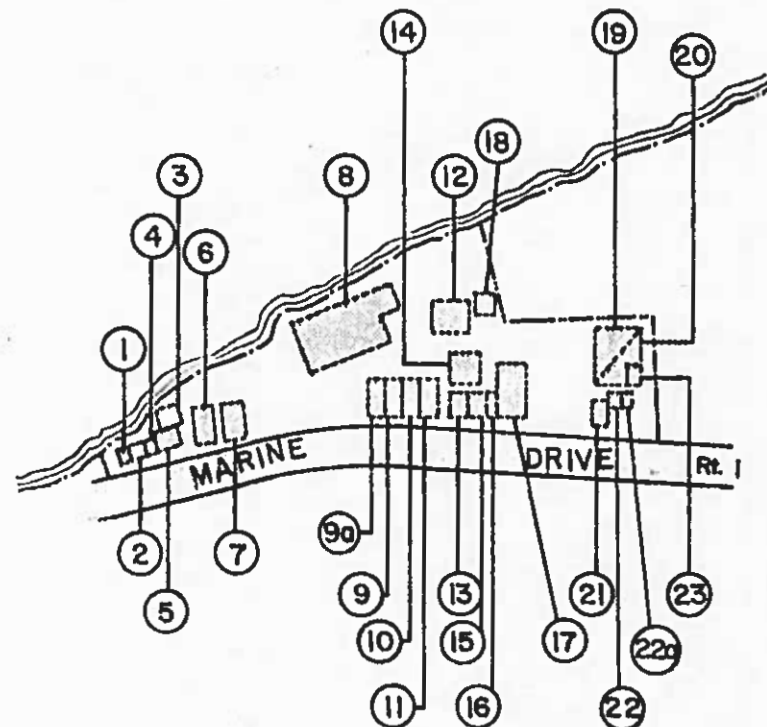
1.	Overall Response	8
2.	Status (8)*	
	Tenants	5
	Owners	3
3.	Term of Lease (5)	
	Month to Month	2
	1 year	2
	5 years	1
4.	Average Rent (4)	\$344.00
5.	Head of Household (8)	
	Average Age	50
	Male/Female	6/2
	Average years on Guam	32
	Average years at this site	10.5
	Birthplace (8)	
	Guam	4
	U.S. Mainland	2
	Foreign	2
	U.S. Citizen/Perm. Res.	6/2
	Ethnicity (7)	
	Chamorro	4
	Filipino	1
	Korean	1
	Other	1
	Occupational Status	
	Employed	5
	Unemployed	2
	Retired	1
6.	Family/Relatives living with/near head of household	(Yes/No)
	Immediate Family	4/4
	Subfamily	4/4
	Relatives in adjacent housing	2/6
7.	Household Income (8)	
	< \$5000	3
	\$5,000-\$10,000	1
	\$10,000-\$15,000	1
	\$15,000-\$20,000	2
	> \$20,000	1
8.	Households receiving public assistance (8)	1

*Numbers in parentheses indicate number of responses to a particular question.



STUDY SECTOR C

AGANA
BAY



TAMUNING

AGANA BAY URBAN WATERFRONT

EXISTING STRUCTURES AND USES

MAP NO. 7
(KEYED TO TABLE NO. 4)

