



MAKATI COMMERCIAL ESTATE ASSOCIATION, INC.

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October 11, 2001

MEMORANDUM CIRCULAR 2001 – 17

TO : ALL MACEA MEMBERS
RE : MAKATI CITY ZONING ORDINANCE NO. 2000-078

The Housing and Land Use Regulatory Board approved the Makati City Zoning Ordinance (City Ordinance No. 2000-078) on 20 August 2001. A copy of the Zoning ordinance is available for review and inspection at the MaCEA Office.

The Zoning Ordinance applies to the MaCEA area and designates the MaCEA subdivisions as commercial and residential subzones. The subzone designations of the MaCEA subdivisions in the Ordinance are as follows:

MaCEA Subdivisions	Makati City Zoning Ordinance Subzones
Ayala North	C-4A
Ayala South	C-4B
Ayala Triangle	C-4C
Roxas Triangle	C-4D
Legazpi Village	C-4E
Salcedo Village	C-4F
Buendia Extension	C-4G
Apartment Ridge	R-3A
Apartment Ridge Extension	R-3B

The Zoning Ordinance has substantially adopted provisions of the MaCEA Revised Restrictions. However, the Zoning Ordinance provides for additional land uses which are not found in the Revised Restrictions, as follows:

1. The Zoning Ordinance provides for additional Principal and Accessory Uses. (Principal Uses define the dominant use of a zone or lot, or generally, the uses that have the largest revenue raising capacity regardless of the area of the lot that is occupied by such uses. Accessory Uses support the Principal Uses allowed in a zone or lot and are allowed only in the presence of a Principal Use in the same lot).
 - 1.1 With the exception of certain lots in Subzones R-3A and R-3B, which are specifically reserved for use as Hotel or Office/Embassy, the Principal Uses allowed for residential subzones R-3A and R-3B are as follows: Residential

Inn/Apartment/ Condotel/Condominium; Park, Playground, Sports Field/Court, Garden; and Parking Structure.

The following are the Accessory Uses for R-3A and R-3B: Place of Religious Worship; Health Center/Clinic/Club, Gym; Club, Multi-Purpose Hall/Room; Sports/Recreation Facility, Restaurant, Canteen or Food-Serving Establishment (which, however, shall not be allowed on the ground or basement floor, except in hotels); Day Care Center; Personal Service/Repair; and Utility Installation for Use of Zone/Lot Occupants.

- 1.2 In the commercial subzones (C-4A, C-4B, C-4C, C-4D, C-4E, C-4F, C-4G), the Principal Uses are as follows: Office; Bank, Finance, Insurance, Money Exchange Service; College/University, Cultural/Educational Center; Specialty School/ Training Facility; Place of Religious Worship; General/Specialized Hospital, Medical Center; Auditorium/Theatre/Performance Center (not commercial cinema); Library, Museum, Exhibit Area, Art Gallery; Convention/Meetings Facility; Park, Playground, Sports Field/Court, Garden; Parking Structure; Computer/Information Technology-Related Service Activity; Radio/Television Station, Media Service; Utility Installation for Use of Zone/Lot Occupants; Public Utility Facility.

In general, the Accessory Uses for the commercial subzones of the Makati Central Business District are as follows: Residential Unit at Penthouse Level only (for certain lots and subzones); Health Center/Clinic/Club, Gym; Club/Multi-Purpose Hall/Room; Dance/Voice/ Music, Other Specialty Studio; Sports/Recreation Facility; Showroom/Display; Day Care Center; Office Support Service, Community/Association Office; Personal Service/Repair; Petrol Filling Kiosk; and Transit Station/Terminal.

2. The Zoning Ordinance allows the operation of convenience/retail stores of "neighborhood scale only" and restaurant, canteen or food-serving establishments as additional Accessory Uses in the lots located in the commercial subzones of the Makati Central Business District, subject to certain conditions, among others:
 - 2.1 The total gross floor area to be occupied by such additional Accessory Use should not exceed one-fifth (0.20) FAR, or 20% of the lot area.
 - 2.2 The gross floor area occupied by restaurants, canteens and food-serving establishments located at and/or above the second floor of a building is not counted as part of the maximum 0.20 FAR.
 - 2.3 The payment of a one-time retail permit fee to the City will be required from a lot or building owner who seeks to engage in retail operations in the ground floor or

in non-food retail operations in the upper floors of his building, or from a lot owner or building owner who has an existing food retail operation in the ground floor of his building or existing non-food retail operations in any floor of his building. (Affected lot or building owners are advised to verify the manner in which the retail permit fee will be computed and the date such fee will be payable.)

- 2.4 Service access to retail is limited to specific streets/roads.
- 2.5 Retail parking requirement: 1 slot per 125 sqm retail gross floor area.

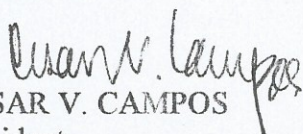
- 3. The Zoning Ordinance excludes Theaters/Performance Centers (non-commercial cinema), Museums, and Art Galleries from the computation of the maximum allowable gross floor area, provided that the total area excluded for this purpose does not exceed an area equivalent to one-half (0.50) FAR.

Please refer to the attached table, which provides a summary comparison of the MaCEA Revised Restrictions and the relevant provisions of the Makati City Zoning Ordinance.

Finally, please note that the Zoning Ordinance does not prohibit the establishment or existence of lot owners' associations like MaCEA or their practice of collecting dues and development charges or their performance of the powers and the functions they are allowed to exercise under their respective charters. Thus, provisions of the Revised Restrictions, as well as all regulations and Memorandum Circulars issued by the MaCEA pursuant thereto, which are not inconsistent with Zoning Ordinance shall continue to be valid and in full force and effect, and shall continue to be implemented and enforced by MaCEA. Members are enjoined to continue to comply with the Revised Restrictions and all regulations and Memorandum Circulars issued by the MaCEA which are not inconsistent with Zoning Ordinance, including without limitation, the submission of building plans for the approval of MaCEA and payment of construction bonds. For this purpose, members who seek to engage in any of the additional Principal Uses or Accessory Uses allowed in the Zoning Ordinance will be required to seek the approval of MaCEA, and where applicable, pay the proper development charges in relation to the availment of such Uses.

Rest assured that the security, maintenance, beautification and general welfare of MaCEA members shall remain MaCEA's paramount concern.

Please be guided accordingly.


CESAR V. CAMPOS
President

Summary Comparison of Existing MaCEA Restrictions and Makati City Zoning Ordinance

(Note: This table is only a summary reference. Refer to the MaCEA Consolidated and Revised Deed Restrictions and Makati City Ordinance No. 2000-078 for the specific and full listing of restrictions and requirements applicable to the MaCEA area.)

	MaCEA Revised Restrictions	Makati City Zoning Ordinance
1. Lot subdivision/ consolidation	- Lot cannot be subdivided; two or more may be used for single bldg. - Two or more lots may be consolidated. - Resubdivision allowed but not smaller than smallest lot before consolidation or specific standard lots (1,200/800 sqm).	Same
2. Land use	- Allowed uses defined by subdivision and by specific lots: - office - residential - residential-penthouse - hotel	Allowed uses defined by principal and accessory uses for subzones. In addition to uses allowed in the Revised Restrictions, various institutional, recreational, and service uses are allowed. (Refer to numbers 1, 2, and 3 above.
	Predetermined uses allowed in selected lots.	Some uses defined for specific lots: e.g. hotel, hospital, school, gas station.
	Industrial plants, retail stores (except in hotel) not allowed.	- Convenience/food retail allowed in commercial subzones (C-4A, C-4B, C-4C, C-4D, C-4E, C-4F, C-4G, C-4H) subject to the following: - Maximum retail gfa per lot is 0.20 FAR, excluding gfa of restaurants and other food-serving establishments at 2nd flr and up. (Note: gfa of restaurants at ground flr and below are included in 0.20 FAR maximum retail gfa restriction.) - Service access to retail limited to specific streets/roads. - Improvements in parking (see #11 below), pedestrian, other facilities. - Payment of one-time retail permit fee by lot owner/developer of existing and new convenience/food retail establishment to local government, to be used exclusively for improving pedestrian, parking, other service facilities. (Hotel retail exempted from payment of retail permit fee).
	Restaurants, food-serving establishments allowed at 2nd flr and up only.	Same in residential subzones (R-3A and R-3B).

3. Density (Maximum FAR)	Maximum FAR defined for each subdivision.	Same
	Some lots may opt for site coverage requirements as per original deed restrictions instead of maximum FAR restriction.	All lots subject to FAR limit.
		- Exempted from maximum FAR computation: - Covered ground-level, elevated, underground walkway that is part of the planned pedestrian network; - Theater (non-commercial cinema), museum, art gallery, provided that total gfa exempted for such uses does not exceed 0.50 FAR.
4. Development charge	Applied if building exceeds specific limits.	Allowed as per lot owners' association.
5. Building height	No building height limit other than specified by government, except in Apartment Ridge Ext where 8-floor limit remains until 2008 provided Urdaneta Village restrictions remain in present form.	No building height limit other than specified by government.
6. Setback	Defined by subdivision.	Same (by corresponding subzone)
7. Foundations	Defined by subdivision.	Same
8. Eaves, canopies, casings	Not allowed to project beyond property line, except as porte cochere or covered walks.	Same, as per national building code
9. Porte Cochere or Covered Walks	Allowed but not permanent.	Same
10. Public utilities easement	Building shall be subject to permanent easement in favor of duly authorized public utility entities.	Same
11. Parking	Office/Residential: 1/100 sqm gfa	Same
		Retail: 1.25 sqm gfa
		Other uses: as per national building code
12. Vehicular entry/exit	Defined by subdivision.	Same (by corresponding subzone).
13. Service Entrance	All service entrances shall be by underground conduits; direct water pump from main not allowed.	Same
14. Signs	Signs attached to side of building shall not project outside property line.	Same