



MAKATI COMMERCIAL ESTATE ASSOCIATION, INC.

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MEMORANDUM CIRCULAR 2013-08

To : ALL MACEA MEMBERS
Re : MAKATI CITY ORDINANCE NO. 2012-102

The Housing and Land Use Regulatory Board (HLURB) approved last June 28, 2013 the New Comprehensive Land Use Plan and Zoning Ordinance of Makati City. This was based on City Ordinance No. 2012-102, which specifically adopts new zoning regulations for Makati and provides for the administration, enforcement and amendment thereof and for the repeal of all Ordinances in conflict therewith. It took effect starting August 8, 2013.

The changes affecting specific subzones or lots within MaCEA's jurisdiction and those with citywide application are summarized in the attached table and figure.

Notwithstanding the effectivity of this new Ordinance, note that some provisions are still subject to the Implementing Rules and Regulations (IRR) of the New Makati City Zoning Ordinance which the City is currently drafting.

Lastly, please note that the Ordinance continues to recognize the existence of lot owners' associations like MaCEA and the performance of the powers and functions they are allowed to exercise under their respective charters. Thus, provisions of the MaCEA *Amended Consolidated and Revised Deed Restrictions*, as well as all regulations and Memorandum Circulars issued by the MaCEA pursuant thereto, shall continue to be valid and in effect, and shall continue to be implemented and enforced by MaCEA. Members must therefore continue to comply with the aforesaid regulations, including but not limited to the submission of building plans for the approval and endorsement of MaCEA and payment of relevant fees/charges, among others.

Please be guided accordingly.

DAVID L. BALANGUE
President

Summary Comparison of the Old and New Makati City Zoning Regulations

(This table is only a summary reference of changes affecting MACEA jurisdiction. Please refer to Makati City Ordinance No. 2012-102 downloadable from www.makati.gov.ph/portal/downloads for the full text of the new zoning regulations.)

Changes within MACEA Area	Previous Zoning Regulations	Current Zoning Regulations
Increase in retail limit from FAR 0.2 to FAR 1 in Ayala North & South front lots and FAR 0.5 to the rest of C-4 lots	Sec. 20-6. Additional Accessory Uses allowed in C-4 lots: CONVENIENCE/RETAIL STORE (neighborhood scale only), and RESTAURANT, CANTEEN OR FOOD-SERVING ESTABLISHMENT a. The total Gross Floor Area occupied by the additional accessory uses does not exceed one-fifth (0.20) FAR, exclusive of the Gross Floor Area occupied by restaurants, canteens, and food-serving establishments located at and/or above the second floor of a building.	Sec. 20-6. Additional Accessory Uses allowed in C-4A, C-4B, C-4C, C-4D, C-4E, C-4F, C-4G, and C-4H lots: CONVENIENCE/RETAIL/GROCERY STORE/FOOD STORE/CART/KIOSK/STALL (neighborhood scale only), and RESTAURANT, CANTEEN, OTHER FOOD-SERVING ESTABLISHMENT. The additional accessory uses listed above (Article V, Section 20-6) are intended to encourage pedestrian traffic in lieu of vehicular traffic and, therefore, shall cater principally to its immediate, pedestrian-based community. These additional accessory uses shall be allowed subject to the following conditions:
		a. The total Gross Floor Area occupied by the additional accessory uses are as follows: i. In C-4A and C-4B lots with frontage along Ayala Avenue/Paseo de Roxas/Makati Avenue, the total FAR shall not exceed FAR 1, exclusive of the Gross Floor Area occupied by restaurants, canteens, and food-serving establishments located at and/or above the second floor of a building. ii. In C-4A and C-4B lots without frontage along Ayala Avenue/Paseo de Roxas/Makati Avenue, C-4C, C-4D, C-4E, C-4F, C-4G, and C-4H subzones, the total FAR shall not exceed FAR

		0.5, exclusive of the Gross Floor Area occupied by restaurants, canteens, and food-serving establishments located at and/or above the second floor of a building.
Allowing Residential as Principal Use in the rest of C-4D subzone	Sec. 20-2. Additional Principal Uses allowed in specific C-4 subzones/lot: d. C-4D: i. RESIDENTIAL CONDOMINIUM/CONDOTEL/ APARTMENT, where it shall be allowed as an additional Principal Use only in: Lots 1 and 2, (LRC) Pcs-18131; and Lot 4-B-1, Psd-00-034959	Sec. 20-2. Additional Principal Uses allowed in specific C-4 subzones/lots: d. C-4D: i. RESIDENTIAL INN, APARTELLE, CONDOMINIUM, CONDOTEL (Note: With this zoning change, MACEA takes proactive steps to ensure a more efficient traffic circulation within MACEA area and mitigate potentially negative traffic impacts through design guidelines. Any C-4D lot that will develop or redevelop shall position their vehicle security checkpoints at least 5 car lengths deep into the property if vehicle entry is along the side of Gil Puyat Avenue to minimize queuing and blockage of traffic along Gil Puyat Avenue)
Allowing Display Store as Accessory Use in C-4	Sec. 20-4. Accessory Uses in C-4: f. SHOWROOM/DISPLAY	Sec. 20-4. Accessory Uses in C-4A, C-4B, C-4C, C-4D, C-4E, C-4F, C-4G subzones: f. SHOWROOM/DISPLAY STORE
Allowing Government Facility, Fire/Security Station as Accessory Uses in C-4		Sec. 20-4. Accessory Uses in C-4A, C-4B, C-4C, C-4D, C-4E, C-4F, C-4G subzones: m. GOVERNMENT FACILITY, except in PARK, PLAYGROUND, SPORTS FIELD/COURT,

		GARDEN n. FIRE/SECURITY STATION, except in PARK, PLAYGROUND, SPORTS FIELD/COURT, GARDEN
Allowing Bank, ATM, Finance, Insurance, Money Exchange Service as additional Accessory Use in R-3B		Sec. 16-2 (a) Accessory Uses in R-3B: xi. BANK, ATM, FINANCE, INSURANCE, MONEY EXCHANGE SERVICE, where it shall be allowed as an Accessory Use in R-3B only
City-wide changes		
Allowing UNFINISHED BUILDING to resume construction based on pre-2001 approved Plans and Permits but subject to review and evaluation		Sec. 42. Unfinished Buildings with Approved Building Permits Prior to 2001. With the goal of enhancing the competitiveness of the City to maintain its premiere status, the City endeavors to continually improve its overall urban environment and safeguard public health and safety. To achieve these objectives, completion of an unfinished building with an approved Building Permit prior to August 20, 2001 but which is no longer compliant to current regulations on density/height shall be allowed to proceed provided that: 1. The property owner/developer submits documentary evidences (such as certified Building Permit and approved Building Plan, Barangay Clearance, Tax Declaration, and other permits issued by concerned government agencies) to the Office of the Zoning Administrator – UDD that prove that the construction of the building started before August 20, 2001.

	2. The Office of the Zoning Administrator – UDD accepts and approves the documentary evidence as valid. The approved FAR will be computed based on the approved Building Plan. 3. If the approved Building Plan needs to be updated with the current rules and regulations, the property owner/developer resubmits an updated building plans to the Office of the Zoning Administrator – UDD and OBO. The updated plans shall show compliance with current building and other applicable regulations, except the Zoning Ordinance restriction on FAR/height. Impact studies of the development such as but not limited to EIA, TIA, UIA and EGGAR shall also be required to be submitted as part of the requirements for project approval. Included as a requirement is a certification from a reputable/license structural engineer testifying that the structure complies with the Structural Code of the Philippines, its Amendments and IRR. 4. The updated building plans and permits are approved by the UDD and OBO. The building may be allowed to be built up to a maximum FAR/height equivalent to the FAR/height indicated in the pre-2001 approved Building Permit subject to conditions required by the Office of the Zoning Administrator – UDD and OBO. 5. The construction and operation of the building will not result in harmful external impacts and will not substantially impair the use and enjoyment of the other existing uses on the district.
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		6. Office of the Zoning Administrator – UDD and OBO favorably recommends the application for final approval by MCZBAA. 7. Owners/developers of the building shall be given one year from the date the updated plan is approved to resume construction.
Expansion of Bonus Incentives provisions	Sec. 38-3. Bonus Incentives. Bonus incentives which may take the form of either additional increase in the allowable FAR or other incentives, may be made available to developments that provide facilities and amenities which are of public benefit and deemed desirable, subject to the applicable ordinance and Implementing Rules and Regulations of the Makati City Zoning Ordinance, As Amended. These amenities shall include, but are not limited to the following: a. network of green and open spaces, including roof gardens; b. development employing land readjustment scheme c. public art/heritage facilities	Sec. 41-4. Bonus Incentives. Bonus incentives which may take the form of either additional increase in the allowable FAR or other incentives, may be made available to developments that provide facilities and amenities which are of public benefit and deemed desirable by the City. These facilities or amenities shall be in the form of: a. network of green and open spaces; b. development employing land readjustment scheme; c. public art/heritage facilities; d. iconic spaces/landmarks; and e. green architecture and technology as certified by a reputable and recognized third party. The Special Body created under Section 68 shall prepare the IRR to describe and guide in detail the objectives, eligibility of lots and developments, processes and management of Bonus Incentives by the City Government, including the creation and composition of a special committee tasked to evaluate and recommend on applications for Bonus Incentives.

MACEA Lots/Areas with changes based on the New Makati City Zoning Regulations (City Ordinance No. 2012-102)

