



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 29
Series of 2017

AN ORDINANCE REQUIRING DEVELOPERS OF SUBDIVISION PROJECTS (INCLUDING CLUSTERED CONDOMINIUM BUILDINGS AND MIXED USE DEVELOPMENTS) IN PASIG CITY TO PROVIDE AND DONATE OPEN SPACE TO THE CITY GOVERNMENT OF PASIG PURSUANT TO PRESIDENTIAL DECREE NO. 957, AS AMENDED BY PRESIDENTIAL DECREE NO.1216.

Authored By: Councilor Regino S. Balderrama
Co-Authored By: Councilors Ferdinand A. Avis, Rodrigo B. Asilo, Orlando R. Benito, Rhichie Gerard T. Brown, Mario C. Concepcion, Jr., Rosalio D. Martires, Corazon M. Raymundo, Gregorio P. Rupisan, Jr., Alejandro E. Santiago, Wilfredo F. Sityar, Victor Ma. Regis N. Sotto, and LIGA Pres. Celestino U. Chua

WHEREAS, Section 458 (4) Title III, Chapter 3, Article 3 of Republic Act No. 7160 or the Local Government Code of the Philippines provides that the Sangguniang Panlungsod may "regulate activities relative to the use of the land, buildings and structures within the City in order to promote the general welfare;

WHEREAS, under Section 17 (a) of the Local Government Code, local government units (LGUs) may prescribe reasonable regulation to protect the lives, health and property of their constituents, and maintain peace and order within their respective territorial jurisdiction; and cities and municipalities also have the power to exercise such powers and discharge such functions and responsibilities as maybe necessary, appropriate, or incidental to efficient and effective provision of basic services and facilities, including infrastructure facilities intended primarily to serve the needs of their residents, and which are financed by owned funds.

WHEREAS, Section 31 of the Presidential Decree (P.D.) No. 957, as amended by P.D. No. 1216, provides that the owner, as developer of the subdivision, shall provide adequate roads, alleys, and sidewalks, and shall reserve thirty (30%) of the gross area for open space to be used for parks, playground, and recreational use, and which shall be donated to the local government units;

WHEREAS, Section 1 of the *Batas Pambansa (B.P.) Bilang 220*, provides that it is a policy of the Government to promote and encourage the development of economic and socialized housing projects, primarily by the private sector, in order to make available adequate economic and socialized housing units for average and low-income earners in urban and rural areas.

NOW THEREFORE, ON MOTION DULY SECONDED, the Sangguniang Panlungsod of Pasig, in session assembled do hereby ordained that:

Section 1. Definition of Terms. For Purposes of this Ordinance, the following terms shall have mean and understood as follows:

- a. "Condominium Project" shall mean the entire parcel of real property located in the City of Pasig, divided or to be divided primarily for residential purposes into condominium units, including all the structures therein; a



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condominium building may consist of three (3) components: a basement level (where applicable), a podium; a single tower is not considered a separate condominium building;

- b. "Developer" shall mean the person who develops or improves the subdivision project or the condominium project for and on behalf of the owner thereof;
- c. "Economic and Socialized Housing Project", as defined in *Batas Pambansa Bilang (B.P. Blg.) 220* shall refer to housing units which are within the affordability level of the average and low-income earners i.e. 30% of the gross family income as determined by the NEDA; it shall also refer to Government-initiated sites and services development and construction of the same in depressed areas;
- d. "Public Open Space (POS)" shall mean an area reserved exclusively for parks, playground, recreational uses (including those originally developed by private sector and turned over to Pasig City for administration/management); historical and conservation areas; cultural use⁴; outdoor tourism/entertainment venues; outdoor assembly areas; place markers/ identifies with natural soil/rock/ground cover; the designated disaster refuge zones; schools; road right-of-way (RROWs, specifically including sidewalks and fire lanes and including the surface, air and sub-surface rights over/under such RROWs); water courses/ waterways/ water bodies, specially the defined Pasig City Waters area/CWA i.,e. the municipal waters referred to under Sec. 131 ® of the 1991 Local Government Code/ R.A. No. 7160 and under Sec 58 of R.A. No. 8550, the 1998 Philippine Fisheries Code, including the surface, air and natural resource/mineral rights over/under such municipal waters; mandated legal easements under law)specifically those alongside waterways and fault lines); places of worship; hospital and health centers; *barangay* centers; and other similar facilities or amenities; to contrast, a private open space shall specifically refer to yards determined by setbacks and/or easements mandated by law, to courts or atria or arcades, similar regulated by law and to all other forms of covered court but unenclosed spaces adjoining building such as decks/platforms and the like;
- e. "Public Recreational Open Space (PROS)" shall mean an area reserved exclusively for parks, playground, recreational uses (including those originally developed by private sector and turned over to Pasig City for administration/management); outdoor entertainment venues; outdoor assembly areas; schools (grounds only); and mandated legal easements

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under law (specifically those alongside waterways) if the same are used as promenades, jogging or cycling paths, and the like and/or linear parks.

f. "Mixed Use Development (MUD)" is a special type of planned unit development (PUD) which shall be developments or redevelopments on sites that shall possess the following physical characteristics:

- 1) total lot area (TLA) of from two thousand five hundred square meters (2,500.0 sqm) i.e. 0.25 hectares (has.) or higher; for lots with a lesser area, the same shall be zoned as commercial;
- 2) MUDs housed in one (1) or more structures whereby the minimum total gross floor area (TGFA) shall be from seven thousand (7,000.0) sqm or higher; and
- 3) the usable/ saleable/ leasable/net gross floor area (GFA) shall host a minimum estimated permanent night-time building population of at least five hundred (500) persons and/or a minimum estimated day-time building population of seven hundred (700) persons at any given time of the day, inclusive of building administration staff, whereby the estimate shall be officially provided to the CPDO and the ZA by the building administration.

MUDs may be comprised of any of the following land use and/or building occupancy (LU/BO) combinations, to wit:

- 1) residential/ transient residential/housing (primary land use and/or building occupancy or LU/BO), commercial/ business/ entertainment (secondary LU/BO), and utility/ transport/ services/ UTS (tertiary LU/BO);
- 2) commercial/ business/ entertainment (primary LU/BO), residential/ transient residential/ housing (secondary LU/BO), and utility/ transport/ services/ UTS (tertiary LU/BO);
- 3) utility/ transport/ services/ UTS (primary LU/BO), commercial/ business/ entertainment (secondary LU/BO), and residential/ transient residential/ housing (tertiary LU/BO);
- 4) institutional/national Government/LGU or community services (primary LU/BO), commercial/ business/ entertainment (secondary LU/BO), and residential/ transient residential/ housing (tertiary LU/BO);
- 5) parks, recreation/ entertainment/ PRE/ tourism/ cultural (primary LU/BO), commercial/ business (secondary LU/BO), and residential/ transient residential/ housing (tertiary LU/BO);
- 6) light industrial/ manufacturing (primary LU/BO), residential/ transient residential/ housing (secondary LU/BO), and commercial/ business/ entertainment (tertiary LU/BO);

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- 7) light industrial/ manufacturing/ warehousing/ storage (primary LU/BO), utility/ transport/ services/ UTS (secondary LU/BO), and commercial/ business/ entertainment (tertiary LU/BO); and
8) other viable LU/BO combinations as determined by the land owner and MUD proponents.

g. "Owner" shall refer to the registered owner of the land subject of a subdivision or condominium project;

h. "Planned Unit Development (PUD)" is defined under the HLURB 1996 MZO as "a land development scheme wherein a project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning, design, building siting, complementary building types and land uses, usable open spaces, and the preservation of natural land features"; however, under ZO.15 of Pasig City, the term PUD is defined as follows : land development or redevelopment schemes for a built-up or new project site wherein said project site must have a comprehensive development master plan (CDMP), prepared, signed and sealed by a duly (State-) registered and licensed Environmental Planner (RLEnP) who shall be professionally responsible and civilly liable for the CDMP, or its acceptable equivalent duly approved by the City Planning & Development Officer/ CPDC and by the Zoning Administrator/ ZA, i.e. a unitary development plan/ site plan that permits flexibility in planning/ urban design/ design, structure/ building siting, complementarity of building types and land uses, usable open spaces for general public use services and business activities and the preservation of significant natural land features if feasible.

- 1) The term "PUD Zone" shall specifically refer to land development or redevelopment schemes for a built-up or new project site wherein said project site must have a comprehensive development master plan (CDMP) or the Official Development Master Plan (ODMP) to be submitted for prior CPDO review i.e. a unitary development plan/site plan that permits flexibility in planning/ urban design/ design, structure/ building siting, complementarity of building types and land uses, usable open spaces for general public use services and business activities and the preservation of significant natural land features if feasible.
- 2) PUDs may take the form of mixed use developments (MUDs), transit-oriented developments (TODs), residential subdivisions, housing sites, campuses, secure facilities, institutional complexes, research or manufacturing facilities, business parks, industrial estates (under the jurisdiction of the Philippine Economic Zone Authority/PEZA), tourism enterprises/ estates (under the jurisdiction of the Tourism Infrastructure Enterprise Zone Authority/ TIEZA), and



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- 3) the like on sites with total lot areas (TLAs) starting from 0.25 has. (2,500.0 sqm) upwards.
- 4) The permitted **principal, accessory and conditional** uses for PUD lots shall be as enumerated in Table VII.1 of Rule VII of the 2004 Revised IRR of P.D. No. 1096, the 1977 National Building Code of the Philippines (NBCP).

- i. "Subdivision Project" shall mean a tract or a parcel of land registered under the law which is partitioned primarily for residential purposes, into individuals lots with or without improvements thereon, and offered to the public for sale, in cash or in installment terms. It shall include all residential, commercial, mixed use, industrial, or recreational areas, as well as open spaces and other community and public areas in the project; for purposes of this Ordinance, a cluster of condominium buildings that may or may not form part of a mixed use development (MUD) in Pasig City i.e. 2 or more, separate condominium buildings (not joined by a common podium and/or basement level) that are serviced by an access road system or network and with their own park system or POS, shall be considered a subdivision; the deck levels of the condominium podium or tower, if assigned for common use, shall form part of the POS.

Section 2. Developers and/or owners of subdivision projects (including clustered condominium buildings) located in the City of Pasig are required to provide adequate roads, alleys and sidewalks in their respective subdivision projects.

Section 3. The owners or developers of subdivision projects covered by P.D. No. 957 (including clustered condominium buildings) or lots intended for MUDs or other types of housing-related PUDs within the City of Pasig, with a total lot area (TLA) of at least two thousand five hundred square meters (2,500.0 sqm), must reserve thirty (30%) of the gross area (TLA) of the same subdivision for public open spaces (POS) as defined above. POS that shall be allocated exclusively for parks, playgrounds, and recreational use i.e. public recreational open spaces (PROS), must fully comply with the following standards set under Sec. 2 of P.D. No. 1216, viz:

- a. nine percent (9%) of the gross area of the subdivision for high density or socialized housing (66 to 100 family lot per gross hectare);
- b. seven percent (7%) of the gross area of the subdivision for medium density or economic housing (21 to 65 family lot per gross hectare); and



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- c. three point five percent (3.5%) of the gross area of the subdivision for low density or open market housing (20 family lots and below per gross hectare).

In the case of economic and socialized housing subdivisions covered by *B.P. Blg. 220*, the owners or developers of said subdivisions projects (including clustered condominium buildings) or similar types of economic and socialized housing-related PUDs, within the City of Pasig, with a total lot area (TLA) of at least one thousand five hundred square meters (1,500.0 sqm), must reserve anywhere from 3.5% to 9% of the TLA of the same subdivision for public recreational open spaces (PROS) in full accordance with Table 1 of the 2001 Revised IRR of *B.P. Blg. 220*, as follows:

B.P. Blg 220 2001 Revised IRR Table 1: Parks and Playgrounds Allocation

ECONOMIC HOUSING		SOCIALIZED HOUSING	
Density (No. of lots/DU* per hectare)	Allocation (% of gross area for PP**)	Density (No. of lots/DU* per hectare)	Allocation (% of gross area for PP**)
150 and below	3.5 %	150 and below	3.5 %
151 – 160	4 %	151 – 160	4 %
161 – 175	5 %	161 – 175	5 %
176 – 200	6 %	176 – 200	6 %
201 - 225	7 %	201 – 225	7 %
Above 225	9 %	Above 225	9 %

* Dwelling units

** Parks and Playgrounds

Section 4. The owner or developer of the subdivision project (including clustered condominium buildings) shall donate the open space consisting of roads, alleys, sidewalks, and playgrounds of the subdivision projects to the City of Pasig upon completion of the project, as certified by the Housing and Land Use Regulatory Board (HLURB) prior to the effectivity of the donation, whereby the maintenance of the open space allocated exclusively for parks, playgrounds and recreational use, shall be responsibility of the owner or developer of the subdivision project.

SECTION 5. Separability Clause. In the event that any provision of this Ordinance is declared void or unenforceable by final judgment of a court of competent jurisdiction, the other provisions unaffected thereby shall remain in full force and effect.

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SECTION 6. Repealing Clause. All ordinance or issuances, or parts thereof, by the City Government, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. Effectivity. This ordinance shall take effect within fifteen (15) days upon its approval and publication in a newspaper of general circulation.

APPROVED, this 29th day of June 2017 at Pasig City.

VICTOR MA. REGIS N. SOTTO
Councillor

RODRIGO B. ASILO
Councillor

GREGORIO P. RUPISAN JR.
Councillor

MARIO C. CONCEPCION, JR.
Councillor

RHICHIE GERARD T. BROWN
Councillor

ORLANDO R. BENITO
Councillor

ALEJANDRO E. SANTIAGO
Councillor

CORAZON M. RAYMUNDO
Councillor

REGINO S. BALDERRAMA
Councillor

ROSALIO D. MARTIRES
Councillor

CELESTINO U. CHUA
LIGA President

FERDINAND A. AVIS
Councillor
Minority Floor Leader




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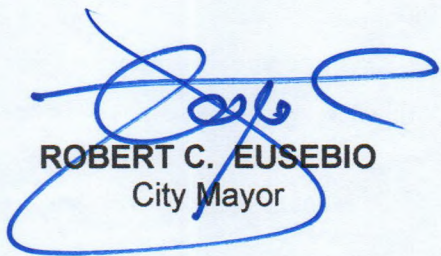
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WILFREDO F. SITYAR
Councilor
Majority Floor Leader

Attested by:


IYO CHRISTIAN C. BERNARDO
City Vice-Mayor
Presiding Office

APPROVED:


ROBERT C. EUSEBIO
City Mayor

Attested by:


REYNALDO R. SAN BUENAVENTURA III
Acting City Council Secretary

Amor

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