



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 56
Series of 2020

AN OMNIBUS ORDINANCE PRESCRIBING UPDATED GUIDELINES AND THE GRANT OF VARIANCES OR SPECIAL EXCEPTIONS AND GRANT OF RE-ZONING OF THE ZONING ORDINANCE, AND UPHOLDING THE COMPOSITION, FUNCTIONS OF LOCAL ZONING BOARD OF ADJUSTMENT AND APPEALS(LZBAA) AND LOCAL ZONING REVIEW COMMITTEE (LZRC).

Authored By: Councilor Orlando R. Benito
Co-Authored By: Councilors Rodrigo B. Asilo, Ferdinand A. Avis, Regino S. Balderrama, Rhichie Gerard T. Brown, Mario C. Concepcion, Jr., Rosalio D. Martires, Corazon M. Raymundo, Gregorio P. Rupisan, Jr., Reynaldo R. San Buenaventura III, Editha C. Santiago, Wilfredo F. Sityar, LIGA Pres. Rigor J. Enriquez and SK Fed. President Georgia Lynne P. Clemente

WHEREAS, the Sangguniang Panlungsod of Pasig passed Zoning Ordinance No. 14, dated 25 May 2015, re-classifying the whole city and restricting property owners from developing or building structures within their areas if not in accordance with the reclassified zones;

WHEREAS, on 15 December 2016, Ordinance No. 37, Series of 2016 was passed authorizing the Honorable City Mayor to grant approval to variances or special exceptions from the Zoning Ordinance;

WHEREAS, Ordinance No. 44 Series of 2017 was issued, prescribing guidelines and fees for the grant of variances or special exceptions from said Zoning Ordinance and setting a payment of PHILIPPINE PESOS:THREE MILLION(PHP 3,000,000.00) for every Five Hundred Square Meters (500sqm) or fraction thereof to the lot sought to be exempted;

WHEREAS, the current administration has sought and continues to set in motion social processes of decision making and consensus building to respond to new development trends, alleviate uncontrolled land developments, and make land uses sustainable, socially desirable, and economically sound;

WHEREAS, there is a need to streamline the processing of applications for variances and/or exceptions, and re-zoning consistent with the development trends and directions of the City Government of Pasig;

BE IT ORDAINED, by the Sangguniang Panlungsod in session duly assembled that;



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ARTICLE I
TITLE OF THE ORDINANCE

Section 1. Title. – This Ordinance shall be known as the “Ordinance Updating the Guidelines for the Grant of Variances, Exceptions, and Reclassification of the Zoning Ordinance”.

ARTICLE II
AUTHORITY AND PURPOSE

Section 2. Authority of the Sangguniang Panlungsod. –This Ordinance is enacted pursuant to the provisions of Section 458 a.2 (7-9) and 447 a.2 (7-9) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, dated 10 October 1991, authorizing the City, through the Sangguniang Panlungsod to adopt Zoning Ordinances, subject to the provisions of existing laws and in conformity with Executive Order No.72.

Section 3. Authority of the City Mayor.–Pursuant to Section 50 of Pasig City Zoning Ordinance No. 14, Series of 2015 (the “Pasig City Zoning Ordinance”), this Ordinance is further enacted pursuant to Section 455, par. (2)(ii) of the Local Government Code of 1991 (R.A. 7160), authorizing the City Mayor to enforce all laws and ordinances relative to the governance of the city and issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances. The City Mayor is authorized to grant approval to variances or exceptions from the Zoning Ordinance to property owners upon completion of the requirements.

Section 4. Purpose.– This Ordinance is enacted for the following purposes:

1. To update the guidelines for the grant of variances or special exceptions from the provisions of the Pasig City Zoning Ordinance;
2. To update the guidelines for the grant of rezoning of particular areas as stipulated in the Pasig City Zoning Ordinance;



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3. To uphold the reconstitution of the Local Zoning Board of Adjustment and Appeals (LZBAA) and Local Zoning Review Committee (LZRC) pursuant to PCG Executive Order Nos. 32 and 33, respectively; and
 4. To ensure and protect the sustainable growth and development of Pasig City.

ARTICLE III
DEFINITIONS OF TERMS

Section 5. Process Definitions. – The words, terms, and phrases enumerated hereunder shall be understood to describe and provide details or specifications to the processes provided in subsequent sections of this Ordinance.

- a. **Deviation** – is hereby defined as variances or exceptions from the provisions of this Ordinance that may only be allowed by the Local Zoning Board of Adjustments and Appeal (LZBAA) when stated terms and conditions are present. These are further enunciated as such:

1. **Variance**– A device which grants a property owner relief from certain provisions of the Pasig City Zoning Ordinance where, because of the particular physical surroundings, shape or topographical condition of the property, compliance on applicable Building Bulk and Density Regulations, Building Design Regulations and Performance Standards would result in particular hardship for the property owner, as distinguished from a mere inconvenience or a mere desire to earn more capital. The aforementioned provision is further qualified by and shall include all of the following provisions:

- a. That the conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner or occupant of the property due to the physical conditions of the property (topography, shape, etc.). Further, that the hardship was not self-created;
- b. That the proposed variance is the minimum deviation necessary to allow the reasonable use of the property;



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- c. That the variance will not alter the intended physical character of the zone and adversely affect the use of the other properties in the same zone such as blocking-off natural light, causing loss of natural ventilation or encroaching in public easements and the like;
- d. That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare; and
- e. That the variance will be in harmony with the spirit of the Zoning Pasig City Ordinance.

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2. **Exceptions-** a device which grants property owner deviations from Allowable Use or not listed in Section 47 (Zoning Classification) of Zoning Ordinance No. 14, s. of 2015 and detailed in Annex 1-47 to 69 of ZO.15.

Exceptions may be allowed provided that proposals satisfy all of the following conditions:

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- a. The exception will not adversely affect health, safety and welfare and is in keeping the general pattern of development in the community;
- b. The proposed project shall produce economic-based activities, provide livelihood, vital community services and facilities, while at the same time posing no adverse effect on the zone/community;
- c. The exception will not adversely affect the appropriate use of adjoining property in the same district; and
- d. The exception will not alter the essential character and general purpose of the district where the property for which the exception sought is located.
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3. **Re-Zoning** – It is a process of introducing amendments to or change in the existing zoning of a particular area and reflected in the text and maps of the Ordinance. The LZRC, through an ordinance passed by the Sangguniang Panlungsod after conducting public hearings for the purpose, and after review by the Department of Human Settlements and Urban Development (DHSUD), authorize the rezoning of contiguous base zones, limited to one (1) block, for purposes beneficial to the City. Consistent with the guideline of DHSUD, the term “reclassification” used in the Pasig City Zoning Ordinance of 2015 is now referred to as “rezoning.”

Section 6. Other Definitions. – Other terms used in this Ordinance are defined according to processes and mechanisms set forth by the LZBAA and LZRC, as follows:

- a. **Minimum Deviation of the Proposed Variance** – This refers to the minimum deviation to permit reasonable use of the property, which is at 50%.
- b. **Visible Project Sign** – This refers to and follows the standard size of the billboard, indicating the name and nature of the proposed project and visible to nearby communities. *Further*, the specifications of the billboard shall be provided by the Pasig City Public Information Office (Pasig City PIO).
- c. **Consultations with the Owners of the Properties** – This covers all property owners immediately in front of and adjoining the project site. Consultations shall be initiated and facilitated by the project proponent and a written Affidavit of No Objection to the project shall be sought and submitted to the LZBAA.
- d. **Application Papers** – These shall be made accessible to the public using the current social media platforms of the City. Other media available in the city shall be used.



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ARTICLE IV
ADMINISTRATION AND ENFORCEMENT

Section 7. Powers of the LZBAA and LZRC. – Under Section 73 of the Pasig City Zoning Ordinance, the power of the Local Zoning Board of Adjustment and Appeals (LZBAA) is limited only to the evaluation and approval of applications for variances, exceptions, and complaints/oppositions to such applications.

The process of conversion of zones lies or re-zoning, as defined in Section 5.a.3., is within the jurisdiction of the Local Zoning Review Committee (LZRC) under Section 71 of the same Pasig City Zoning Ordinance.

ARTICLE V
UPDATED GUIDELINES FOR VARIANCES, EXCEPTIONS, AND RE-ZONING

Section 8. Amendment. – Ordinance No. 44 issued in 2017 is hereby amended, through the setting of an updated process flow of complying with the requirements for the grant of approval of variances, exceptions, or rezoning to the Pasig City Zoning Ordinance. The updated process flow shall be defined in the succeeding sections.

Section 9. Application for Variance, Exception, or Re-zoning. – The project proponent shall submit to the LZBAA a Written Application for Variance, Exceptions, or Re-Zoning to the Zoning Ordinance addressed to the City Mayor as the Chairman of the LZBAA.

Section 10. Contents of the Application for Variance and/or Exception.
– The Written Application shall include the following:

1. Specific details of the proposed project;
2. Proof of ownership or lease of the subject property;



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- 3. Traffic Impact Assessment Study; and
- 4. Tax Clearance or updated tax receipt for the property.

The LZBAA shall determine if the Written Application is sufficient in form and substance, if upon preliminary determination of the same the LZBAA finds that the same is incomplete, the latter shall deny the Written Application without prejudice to the subsequent re-filing of the same.

Section 11. Public Posting of the Project Proponent. – Upon receipt of the Written Application, and the determination that the same is sufficient in form the LZBAA shall instruct the project proponent to post a Visible Project Sign indicating the nature and details of the proposed project at the lot/s applied for, within ten (10) days from receipt of the Written Application.

In the Visible Project Sign, in accordance with Section 6(b) of Article III, there must be a solicitation by the project proponent to request from the property owners surrounding the area for Affidavits of No Objection, in accordance to Section 6(c) of Article III.

Section 12. Submission of Proof of Posting and Affidavits of No Objection. – Within fifteen (15) days from the first day of public posting by the project proponent, proof of such posting along with the Affidavits of No Objection executed by the neighbouring owners of the property shall be submitted to the LZBAA.

Section 13. Public Posting of the LZBAA. – The LZBAA shall make available the Application for Variance, Exception, or Rezoning along with pertinent project details to the public in accordance to Section 6(d) of Article III.

Section 14. Preliminary Assessment and Submission of Notices to Present. – After the posting defined in the next preceding section, the LZBAA shall assess whether the Application is for Variance, Exception, or Re-Zoning.

If after assessment, the LZBAA determines that the Application is categorized as either a Variance or as an Exception, a Notice to Present shall be issued to the proponent. The presentation of the project proponent shall include all the details of the Application.

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If the LZBAA determines that the Application is for Re-zoning, it shall transmit to the LZRC the Written Application within five (5) days from date of the determination. In turn, the LZRC shall send a Notice to Present to the project proponent, which shall include all the details of the Application.

Section 15. Presentation before the LZBAA or the LZRC. – The project proponent shall present a comprehensive report of the project before the LZBAA or the LZRC, as the case may be, on the following:

1. Specific details of the proposed project;
2. Proof of ownership or lease of the subject property;
3. Traffic Impact Assessment Study; and
4. Tax Compliance of the Property being applied for Variance, Exception, or Re-zoning.

ARTICLE VI
RECOMMENDATION OF THE LZBAA

Section 16. Recommendation of the LZBAA. – Based on the submitted documents, reports, and presentation by the project proponent, the LZBAA shall render a recommendation for the approval or denial of the Application to the Sangguniang Panlungsod within thirty (30) days from the submission of the Report of Public Hearing.

ARTICLE VII
RECOMMENDATION OF THE LZRC

Section 17. Presentation of the LZRC to the DHSUD. – After the presentation of the project proponent before the LZRC and upon initial assessment, Re-zoning is deemed necessary, the LZRC, through its authorized representative, shall present the Application to the Department of Human Settlements and Urban Development (DHSUD) for its confirmation and action.

Section 18. Recommendation of the LZRC. – Based on the submitted documents and reports by the project proponent and the confirmation of DHSUD, the LZRC shall render a recommendation for the approval or denial of the Application to the Sangguniang Panlungsod within thirty (30) days from the confirmation of the DHSUD.



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ARTICLE VIII
APPEAL

Section 19. Appeal. – Any decisions of the LZRC and LZBAA shall be appealable to the DHSUD, which shall have exclusive jurisdiction to hear the same.

ARTICLE IX
SANGGUNIANG PANLUNGSOD RESOLUTION

Section 20. Submission of Proponent. – The proponent shall, upon receipt of the recommendation of the LZBAA or the LZRC as the case may be, submit the same alongside its Application to the Sangguniang Panlungsod.

Section 21. Notice of Public Hearing. - The Sangguniang Panlungsod's Committee on Land Use, through its designated Chairperson, shall issue a Notice of Public Hearing, stating that the proponent must ensure the conduct of a public hearing as a condition precedent.

Section 22. Public Hearing. –The project proponent in close coordination and/or through the Liga ng mga Barangay and the barangay concerned shall set the public hearing immediately upon receipt of the Notice of Public Hearing sent by the Sangguniang Panlungsod. Any notice to this effect shall be posted in a conspicuous place in the Barangay Hall of the barangay concerned, with all interested parties accorded the opportunity to be heard and present evidences and testimonies.

The proponent shall submit to the Sangguniang Panlungsod, as the case may be, the report of the conduct of the public hearing within ten (10) days from the conclusion of the same.

Section 23. Resolution Amending the Zoning Ordinance. – Based on the Report of Public Hearing and the recommendation of the LZBAA or the LZRC, as the case may be, the Sangguniang Panlungsod may approve or deny the Application through a resolution within ten (10) days.



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ARTICLE X
PAYMENT OF FEES

Section 24. Payment of Fees. – Upon receipt of a favorable resolution from the Sangguniang Panlungsod, the project proponent shall pay the necessary fees as stated in Ordinance No. 44, Series of 2020.

ARTICLE XI
OTHER PROVISIONS

Section 25. Technical Support and Secretariat Services. -The Zoning Administrator (ZA), shall, among others, provide technical support to the LZBAA and LZRC related to issuance of locational clearances on applications which are conforming and non-conforming, requests for re-zoning, and innovative development techniques provision, special use permits, exceptions and variances.

The City Planning and Development Office shall provide the secretariat services to the LZBAA and the LZRC.


Section 26. Separability. – Any provisions of this Ordinance that may be declared or found to be invalid unconstitutional shall not affect the other provisions which shall remain to be in full force and effect.

Section 27. Repealing Clause. – The pertinent provisions of all other ordinances rules and regulations or part thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed and modified accordingly.

Section 28. Effectivity. -This Ordinance shall immediately take effect upon its approval.

APPROVED, this 3rd day of **December 2020** at Pasig City. _____


FERDINAND A. AVIS
Councilor


MARIO C. CONCEPCION, JR.
Councilor



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GREGORIO P. RUPISAN JR.

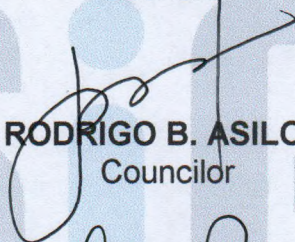
Councilor


ORLANDO R. BENITO

Councilor


REYNALDO R. SAN BUENAVENTURA III

Councilor


RODRIGO B. ASILO

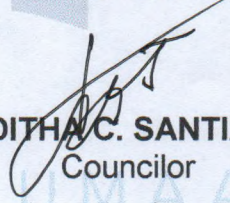
Councilor


REGINO S. BALDERRAMA


Councilor


CORAZON M. RAYMUNDO

Councilor


EDITHA C. SANTIAGO

Councilor


WILFREDO F. SITYAR

Councilor


RIGOR J. ENRIQUEZ

LIGA President

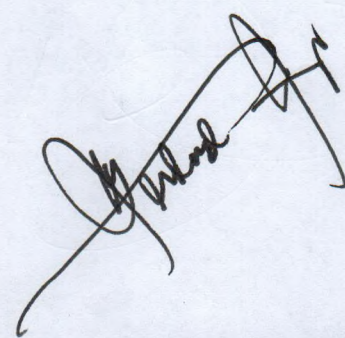

GEORGIA LYNNE P. CLEMENTE

SK Fed. President


RHICHIE GERARD T. BROWN

Councilor

Minority Floor Leader





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ROSALIO D. MARTIRES
Councilor
Majority Floor Leader

Attested by:

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IYO CHRISTIAN C. BERNARDO
City Vice-Mayor
Presiding Officer

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Handwritten signature: John R. Bouch

APPROVED:

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VICTOR MA. REGIS N. SOTTO
City Mayor

Handwritten signature

Attested by:

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LOIDA U. VILLANUEVA
Acting City Council Secretary

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