

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



NOTICE OF FINAL RULEMAKING

Z.C. CASE NO. 24-10

Office of Planning

**(Zoning Text and Map Amendments to Create the Pennsylvania Avenue East
Neighborhood Mixed Use (NMU-5A/PAE) Zone @ Square 5553, Lots 1, 27, 52 809 & 810;
Square 5556, Lots 29, 38, 39, 61, 62, 823, 824 & 825; Square 5559, Lots 35 & 806; Square
5560, Lots 39, 40, 43, 44, 45, 46, 52, 55, 814, 815, 816 & 817; Square 5579, Lots 63, 64, 67,
806 & 807; and Square 5581, Lot 804)**

June 26, 2025

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2505(c) (2016 Repl.)), hereby gives notice of amendments to the Zoning Map to create and map a new Pennsylvania Avenue East Neighborhood Mixed Use (NMU-5A/PAE) zone and amendments to the following sections of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the text at end of this notice.

The text amendments would do the following to create a new NMU-5A/PAE zone:

- Amend Subtitle H to add a new Chapter 11, PENNSYLVANIA AVENUE EAST NEIGHBORHOOD MIXED-USE (NMU-5A/PAE) ZONE, to add the new NMU-5A/PAE zone;
- Amend Subtitle H, Chapter 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES, to add the new NMU-5A/PAE zone; and
- Amend Subtitle W, Chapter 1 BOUNDARIES, to add a new § 126 describing the area where the new NMU-5A/PAE zone would be applied.

The Commission determined the Property is appropriate for IZ Plus. The Property shall be indicated with an “IZ+” symbol on the Zoning Map. For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property’s existing zoning of MU-4 is the equivalent of 2.5 FAR.

Petition and Setdown

On July 15, 2024, the Office of Planning (OP) filed a report that served as a petition requesting amendments to the Zoning Regulations and Map to create a new Pennsylvania Avenue East Neighborhood Mixed Use (NMU-5A/PAE) zone (OP Setdown Report) (Exhibit [Ex.] 2). The NMU-5A/PAE zone is proposed for properties located in Ward 7 generally fronting on

Pennsylvania Avenue, S.E. between Fairlawn Avenue, S.E., and 27th Street, S.E. (Property.) The OP Setdown Report stated that as part of the 2021 update of the Comprehensive Plan, the Ward 7 Economic Development Advisory Council requested that the designation for the Pennsylvania Avenue, S.E. and Minnesota Avenue, S.E. intersection change on the Future Land Use Map (FLUM) from low density commercial to moderate density commercial to promote a mix of uses to increase housing supply, including workforce housing, and enhance opportunities for retail and neighborhood services for Ward 7 residents. Additionally, the Pennsylvania Avenue East Community Coalition, residents, and other stakeholders requested to have a small area plan for the area to attract responsible inclusive development, establish the corridor as a retail destination, address pedestrian/vehicle safety, and improve the public realm; following community outreach and collaboration, the Pennsylvania Avenue East Small Area Plan (PAESAP) was approved by the Council of the District of Columbia on February 7, 2023 (Resolution 25-0027). The OP Setdown Report stated that the proposed text and map amendments to create the new NMU-5A/PAE zone are the next step in implementing policies of the Comprehensive Plan and the guidelines of the PAESAP envisioned for the eastern end of the Pennsylvania Avenue East corridor.

The OP Setdown Report stated that the Property's current MU-4 zoning is consistent with the low density commercial FLUM category and does not provide adequate density to support the additional housing and retail envisioned for the area by the Comprehensive Plan and the PAESAP. The OP Setdown Report stated that the proposed NMU-5A/PAE zone is based on the MU-5A zone because the MU-5 zone is listed as a consistent zone in the Comprehensive Plan Framework Element description of the moderate density commercial FLUM category, and it allows a density and height appropriate for the level of development desired by the Comprehensive Plan and PAESAP.

The OP Setdown Report stated that the Neighborhood Mixed Use (NMU) zones are applied to many neighborhood commercial corridors and are intended to, among other things: provide for a mix of residential, employment, retail, and service uses; preserve and enhance neighborhood shopping areas; encourage a general compatibility in scale between new and older buildings; and identify designated areas within which ground floor use restriction can apply. OP noted other NMU zones such as Takoma, Woodley Park, and H Street N.E., and stated that while each NMU zone is different, the zoning text that applies to all NMU zones would also apply to the proposed NMU-5A/PAE zone. The NMU-5A/PAE zone would allow moderate density mixed use development generally consisting of retail, restaurant, or service uses (as would be required by the zone) on the ground floor, and residential use on the floors above, and would reflect the recommendations and guidelines of the PAESAP, including:

- New buildings and additions along Pennsylvania Avenue, S.E. would have a minimum height of twenty-five feet (25 ft.);
- Ground floor commercial spaces of new building would have a minimum clear floor to ceiling height of fifteen feet (15 ft.);
- Retail space along a building frontage would have a minimum depth of fifty feet (50 ft.);
- At least seventy-five percent (75%) of the front building façade would be built to the front lot line;

- Commercial entrances would be spaced out on average every forty feet (40 ft.) on the ground floor;
- Retail space required to be accessed from Pennsylvania Avenue, S.E. and be at grade with the sidewalk;
- Where the lot has access to an alley or side street, parking and loading would not be accessed from Pennsylvania Avenue, S.E.;
- A rear step-back of 1:1 above a building height of twenty-five feet (25 ft.), would be required, to transition massing down to the lower density neighborhoods; and
- A density bonus of 0.5 FAR is proposed for a grocery store, to encourage the provision of this use along this portion of the corridor.

At its July 25, 2024 public meeting, the Commission voted to set down the proposed text and map amendments for a public hearing as a rulemaking case. The OP Setdown Report served as the Pre-hearing Filing required by Subtitle Z § 501.

Notice

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the February 20, 2025 public hearing, on December 23, 2024 (Ex. 5, 6), and published notice of the public hearing in the December 27, 2024, *District of Columbia Register* as well as on the calendar on OZ's website (Ex. 4).

Comments

Prior to the February 20, 2025 public hearing, the Commission received no comments in response to the proposal.

On February 10, 2025, the District Department of Transportation (DDOT) filed a report stating no objection to the proposed text and map amendments (Ex. 8).

OP Reports

The OP Setdown Report and the OP Hearing Report (hereinafter, the OP Reports) concluded that the proposal would not be inconsistent with the Property's designation on the FLUM of the Comprehensive Plan as Moderate Density Commercial or its designation on the Generalized Policy Map of the Comprehensive Plan as Main Street Mixed Use Corridor (Ex. 2, 7). The OP Reports also concluded that the proposal would not be inconsistent with the Comprehensive Plan, on balance, including when viewed through a racial equity lens, and would further policies of the Land Use, Housing, Economic Development, and the Far Northeast and Southeast Area Elements (*Id.*). The OP Setdown Report included Disaggregated Race and Ethnicity data for the Far Northeast and Southeast Planning Area, over the 2012-2016 and 2018-2022 time periods, showing a slight decrease in the majority Black population from ninety-three and eight tenths percent (93.8%) to ninety and fifty-nine hundredths percent (90.59%), substantially lower median income than the District as a whole, and significant growth in homeownership such that the rate is almost the same as the District as a whole. OP concluded that the Far Northeast and Southeast Planning Area has experienced many years of disinvestment, poverty, and unemployment; therefore, the proposal would advance many Comprehensive Plan racial equity policies through the provision of

housing, ground floor retail space, job creation, and overall revitalization of an underserved area (Ex. 2). The OP Reports included a discussion of OP's community outreach and engagement regarding the proposal, which included outreach to ANC 7B and 8A, civic groups, property owners, and neighboring ANC Single Member Districts; OP presented the proposal to ANC 7B at its January 16, 2025 public meeting (Ex. 2, 7). The OP Reports also acknowledged that the proposal could result in displacement of some small businesses if redevelopment occurs; however, redevelopment could also create new retail opportunities and increased population base to support surrounding businesses. Further, potential small business displacement could be mitigated through recommendations in the PAESAP, such as grant programs outside the purview of zoning (*Id.*). Finally, the OP Reports recommended that IZ Plus apply to the new NMU-5A/PAE zone. Although the Far Northeast and Southeast Planning Area has a high amount of affordable housing and in past cases OP has recommended against applying IZ Plus in this planning area for specific site map amendment cases, the proposed new zone is for a larger than typical area and is expected to encourage redevelopment over a much longer period than is typical for a site-specific map amendment case. Therefore, IZ Plus is recommended in this case (*Id.*).

Public Hearing

At the February 20, 2025 public hearing¹, the Commission heard testimony from OP in support of the proposal. OP stated that it made the following minor changes to the proposed text amendments in its Hearing Report:

- Streamlined the requirements cited Subtitle H § 1104.1 by referencing the grocery store use definition described in Subtitle B § 100; and
- Removed the addition of the Entertainment and Arts use in the NMU-Use Group B Matter of Right Uses under Subtitle H § 6006.1 because the use group is already permitted in Subtitle H § 6001.2.

(Ex. 7, p. 2).

No persons, organizations, or government agencies, other than OP, appeared to testify at the public hearing.

Proposed Action

At the close of the February 20, 2025, public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the Petition, as revised by OP in its Hearing Report and with IZ Plus; and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (February 20, 2025): 5-0-0

(Joseph S. Imamura, Robert E. Miller, Anthony J. Hood, Tammy Stidham, and Gwen Wright to approve).

¹ On February 18, 2025, OP filed a waiver request from the requirement, under Subtitle Z § 502.1(e), to post notice of the public hearing on the property (Ex. 9). OP stated that compliance with the posting requirement would be impractical because many properties are involved in the case and most are privately owned; and there is good cause for the waiver because notice was published in the *District of Columbia Register* and OP conducted extensive outreach including three community townhalls, four visioning conversations, an urban design workshop, and two recommendation meetings (*Id.*). At the beginning of the February 20, 2025 public hearing, the Commission granted OP's waiver request and proceeded with the hearing as scheduled.

National Capital Planning Commission (NCPC) referral and Notice of Proposed Rulemaking

The Commission referred the proposed text and map amendments to the NCPC on February 20, 2025, for the thirty (30)-day review period required by § 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05 (2018 Repl.)).

NCPC filed a report dated April 4, 2025, stating that the proposed text and map amendments are not inconsistent with the Comprehensive Plan for the National Capital and would not adversely impact any other identified federal interests (Ex. 14).

OZ published a Notice of Proposed Rulemaking in the May 16, 2025, *District of Columbia Register* (72 DCR 005946 *et seq.*) (Ex. 15, 16).

The Commission received no comments in response to the Notice of Proposed Rulemaking.

Conclusion

Subtitle X §§ 500.3 and 1300.2 require the Commission to find that a map amendment and a text amendment petition are not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject property and text. In addition, the Commission is required to find that petitions for creation of a new zone shall be consistent with the conditions of Subtitle X § 400.

Amendments are not inconsistent with the Comprehensive Plan

The Commission agrees with the OP Reports and finds that the map and text amendments to create the new NMU-5A/PAE zone would not be inconsistent with Comprehensive Plan maps; would further Comprehensive Plan policies of the Land Use, Housing, Economic Development, and the Far Northeast and Southeast Area Elements; and would further Comprehensive Plan racial equity goals as the new zone would allow for the provision of housing, including more affordable housing with IZ Plus, ground floor retail space, job creation, and overall revitalization of an underserved area. Based on the disaggregated race and ethnicity data OP provided for the Far Northeast and Southeast Planning Area, over the 2012-2022 time period, the area's Black population declined and though the area had a substantially lower median income, it saw significant growth in homeownership when compared to the District as a whole. The Commission is encouraged that the new zone could facilitate redevelopment opportunities to address disparities within this underserved area. The Commission finds OP's community outreach and engagement efforts regarding the proposal adequate, as discussed above. The Commission acknowledges that some small business displacement will likely occur as a result of the proposal but finds any potential displacement impacts to be outweighed by the Comprehensive Plan policies that would be advanced by the new zone.

NMU-5A/PAE zone complies with the petitions for new zones requirements of Subtitle X § 400

The Commission finds that the petition to create the NMU-5A/PAE zone meets the conditions under Subtitle X § 400.1 *et seq.* for petitions to create new zones because:

- Subtitle X § 400.2 – The Commission believes the new zone encompasses “a well-defined geographic area with generally similar development characteristics and land use”; the

Property is located in Ward 7 generally fronting on Pennsylvania Avenue, S.E. between Fairlawn Avenue, S.E., and 27th Street, S.E., and its designation on the FLUM changed to moderate density commercial with the 2021 Comprehensive Plan update to promote a mix of uses to increase housing supply, including workforce housing, and enhance opportunities for retail and neighborhood services for Ward 7 residents;

- Subtitle X § 400.3 – The Commission believes the new zone is not inconsistent with the Comprehensive Plan and the PAESAP, as discussed above;
- Subtitle X § 400.4 – The NMU-5A/PAE zone should not result in adverse impacts on the environment or adjacent lands, as all new construction in the new zone would be held to current D.C. Department of Energy and Environment standards;
- Subtitle X § 400.5 – The Commission believes that the new zone will not result in the undue diminution of property rights, primarily because it will facilitate construction of expanded and new retail and service facilities to establish the corridor as a retail destination as envisioned by the Comprehensive Plan and the PAESAP;
- Subtitle X § 400.6 – The Commission believes there is evidence of community support based on a report in support from ANC 7B, the affected ANC in which the Property is located, discussed below; and
- Subtitle X § 400.7 – The Commission does not believe that the NMU-5A/PAE zone involves a reduction in any development standard or property right as it proposes an increase in allowable density from the Property’s existing MU-4 zoning to a new zone based on the higher density and height parameters of the MU-5A zone. Accordingly, the Commission does not believe this provision is applicable to the proposal.

FINAL ACTION

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 504.6 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive OP’s recommendation that the Commission take final action to adopt the text and map amendments to create the new NMU-5A/PAE zone, as revised in the OP Hearing Report and with IZ Plus, and concurs in OP’s judgment.

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 505.1. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to

“encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

ANC 7B filed a written report at Exhibit 10, stating that at its regularly scheduled and properly noticed public meeting on January 16, 2025, with a quorum present, the ANC voted unanimously to support the proposal (Ex.10). The ANC 7B report does not cite any issues and concerns.


At its June 26, 2025 public meeting, the Commission voted to take **FINAL ACTION** to:

- Adopt the Petition as published in the Notice of Proposed Rulemaking and with IZ Plus; and
- Authorize the publication of a Notice of Final Rulemaking.

VOTE (June 26, 2025): 4-0-1

(Joseph S. Imamura, Gwen Wright, Anthony J. Hood, and Robert E. Miller to approve; Tammy Stidham, not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 24-10 shall become final and effective upon publication in the *District of Columbia Register*; that is, on January 16, 2026.


ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION


SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

The Zoning Map and the text of the Zoning Regulations are amended as stated below

ZONING MAP AMENDMENT

The Zoning Map is hereby amended as follows:

Square	Lot(s)	From	To
Square 5553	Lots 1, 27, 52, 809 & 810	MU-4	NMU-5A/PAE
Square 5556	Lots 29, 38, 39, 61, 62 & 823-825		
Square 5559	Lots 35 & 806		
Square 5560	Lots 39, 40, 43, 44-46, 52, 55 & 814-817		
Square 5579	Lots 63, 64, 67, 806 & 807		
Square 5581	Lot 804		

For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property’s existing zoning of MU-4 is the equivalent of 2.5 FAR.

TEXT AMENDMENT

The text of the Zoning Regulations is hereby amended as follows:

I. Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES

A new Chapter 11, PENNSYLVANIA AVENUE EAST NEIGHBORHOOD MIXED-USE (NMU-5A/PAE) ZONE is added to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES, to read as follows:

CHAPTER 11 PENNSYLVANIA AVENUE EAST NEIGHBORHOOD MIXED-USE (NMU-5A/PAE) ZONE

1100 PURPOSE AND INTENT

- 1100.1 The purposes of the NMU-5A/PAE zone shall be those of the MU-5A zone as set forth in Subtitle G § 101, those of the Neighborhood Mixed-Use zones, as set forth in Subtitle H § 101, and the following:
- (a) Implement the policies and goals of the Pennsylvania Avenue East Small Area Plan as approved by the Council of the District of Columbia, effective February 7, 2023 (Resolution 25-27);
 - (b) Permit mixed-use development at a moderate density;
 - (c) Establish Pennsylvania Avenue, S.E. between Fairlawn Avenue, S.E. and 27th Street, S.E. as an active, pedestrian-oriented commercial corridor with a convenient mix of neighborhood-serving shops and services;
 - (d) Implement the design guidelines of the Pennsylvania Avenue East Small Area Plan to enhance the existing strengths and identity of the commercial corridor and to transform it into an attractive destination for the community; and
 - (e) Allow and encourage residential development and a greater range of resident diversity to advance the District's housing equity goals, and by mapping the NMU-5A/PAE zone as subject to IZ Plus
- 1100.2 The NMU-5A/PAE zone is intended to permit mixed-use development at a moderate density.

1101 DEVELOPMENT STANDARDS

- 1101.1 The MU-5A zone development standards in Subtitle G, Chapter 2 shall apply to the NMU-5A/PAE zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

1102 DESIGNATED USE AREA

1102.1 In the NMU-5A/PAE zone, the designated use area shall include any lot that fronts onto Pennsylvania Avenue, S.E. Within this area, designated uses shall be provided pursuant to Subtitle H § 6001.

1103 DESIGNATED ROADWAY

1103.1 In the NMU-5A/PAE zone, the designated roadway shall be Pennsylvania Avenue, S.E.

1104 DENSITY

1104.1 An additional 0.5 FAR shall be permitted for a grocery store use, as described in Subtitle B § 100, subject to:

- (a) A minimum of five thousand square feet (5,000 s.f.) of gross floor area shall be devoted to customer-accessible sales and display area used for the sale of a general line of food products intended for home preparation and consumption; and
- (b) A maximum of fifteen percent (15%) of the gross floor area of the store may be devoted to the sale of alcohol for off-site consumption.

1105 HEIGHT

1105.1 Buildings along the designated street should have a minimum height of twenty-five feet (25 ft.).

1106 – 1108 RESERVED

1109 DESIGN REQUIREMENTS PENNSYLVANIA AVENUE EAST NEIGHBORHOOD MIXED-USE (NMU-5A/PAE) ZONE

1109.1 In the NMU-5A/PAE zone, the following design requirements shall apply to a new building or addition on any lot fronting onto Pennsylvania Avenue, S.E.:

- (a) No part of the building, including the penthouse or rooftop structure, shall project above a plane drawn at a forty-five-degree (45°) angle from a line located twenty-five feet (25 ft.) directly above a rear property line that abuts an alley, or zone boundary line with an R or RF zone;
- (b) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall(s) at the street level shall be constructed to the property line abutting the street right-of-way, not including permitted projections into public space;
- (c) Buildings on corner lots shall be constructed to all property lines abutting public streets;

- (d) Buildings shall be designed so as not to preclude a commercial entrance every forty feet (40 ft.) on average for the linear frontage of the building;
- (e) Not less than fifty percent (50%) of the surface area of the street wall at the ground level of each building shall be devoted to display windows having clear or clear/low emissivity glass and to entrances to commercial uses or to the building;
- (f) Security grilles shall have no less than seventy percent (70%) transparency;
- (g) The ground floor level of each new building or building addition with a commercial use on the ground floor shall have a minimum clear floor-to-ceiling height of fifteen feet;
- (h) The depth of new retail spaces along a building frontage shall be a minimum of fifty feet (50 ft.);
- (i) Each space devoted to a designated use with frontage on Pennsylvania Avenue, S.E. shall have an individual public entrance directly at grade with the public sidewalk along Pennsylvania Avenue, S.E.;
- (j) On a corner lot that fronts onto both Pennsylvania Avenue, S.E. and a side street, any entrance to residential portions of the building shall be located on the side street;
- (k) Vehicle parking, loading and trash collection shall be accessed from the alley where an alley exists. Trash and recycling rooms shall be located internal to the building, and located at-grade level of the building; and
- (l) Vehicle parking spaces shall be located below or at grade. If at grade, no portion of the parking shall be within twenty feet (20 ft.) of the Pennsylvania Avenue, S.E. right of way and shall be screened along Pennsylvania Avenue, S.E. with designated uses.

1109.2 The Board of Zoning Adjustment may grant as a special exception pursuant to Subtitle X, Chapter 9 and Subtitle H, Chapter 52, relief from the design requirements of Subtitle H § 1109.1

CHAPTERS 12 through 51 [RESERVED]

Subsection 6000.8 of Section 6000, GENERAL USE PERMISSIONS, of CHAPTER 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED USE (NMU) ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NMU) ZONES is amended to read as follows:

6000.8 Use groups for the NMU zones are as follows:

TABLE H § 6000.8: NMU USE GROUPS

Use Group A	Use Group B	Use Group C
NMU-3A/MW	NMU-4/TK NMU-4/CP NMU-4/WP NMU-4/GA NMU-4/H-H NMU-5A/H-H NMU-6B/H-H NMU-4/H-A NMU-4/H-R NMU-5A/H-R NMU-5A/PAE	NMU-5A/WP NMU-7B/ES NMU-7B/GA NMU-7B/H-H NMU-8B/H-H NMU-7B/H-A

Subsection 6001.3(b) of § 6001, DESIGNATED AND RESTRICTED USES of CHAPTER 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED USE (NMU) ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NMU) ZONES is amended to read as follows:

6001.3 The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:

- (a) ...²
- (b) Except in the NMU-5A/PAE, NMU-4/H-H, NMU-4/H-A, NMU-4/H-R, NMU-5A/H-H, NMU-5A/H-R, NMU-6B/H-H, NMU-7B/H-H, NMU-7B/ES, NMU-7B/H-A, and NMU-8B/H-H zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:

...

II. Amendments to Subtitle W, SPECIFIC ZONE BOUNDARIES

A new § 126, PENNSYLVANIA AVENUE EAST NEIGHBORHOOD MIXED USE ZONE, is added to Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, to read as follows:

CHAPTER 1 BOUNDARIES

126 PENNSYLVANIA AVENUE EAST NEIGHBORHOOD MIXED-USE (NMU-5A/PAE) ZONE

126.1 The Pennsylvania Avenue East Neighborhood Mixed Use (NMU-5A/PAE) zone shall be mapped in Squares 5553, 5556, 5559, 5560, 5579, and 5581 on lots along Pennsylvania Avenue, S.E., between Fairlawn Avenue, S.E. and 27th Street, S.E. It also includes Lot 804 in Square 5581. These properties are identified in the Comprehensive Plan and Pennsylvania Avenue East Small Area Plan for moderate density commercial development.

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.