

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 24-17
Indiana University Foundation, Inc.
Campus Plan (1619 Massachusetts Avenue, N.W. (Square 181, Lot 850))
March 6, 2025

Pursuant to notice, at its March 6, 2025 public hearing, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of Indiana University Foundation, Inc. (“Applicant”) requesting a special exception for approval of the Indiana University Campus Plan pursuant to Subtitle X § 101 and Subtitle Z § 302 (the “Application”), under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). The property that is the subject of the Application is 1619 Massachusetts Avenue, N.W. (Square 181, Lot 850) (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

**** SUMMARY ORDER ****

I. Background and Prior Campus Plan

1. The Property was previously part of the Johns Hopkins University Campus Plan, which the Board of Zoning Adjustment initially approved pursuant to Board of Zoning Appeals (“BZA”) Order No. 14387, dated June 11, 1986. The Johns Hopkins University Campus Plan covered two sites: the Property at 1619 Massachusetts Avenue, N.W. and 1740 Massachusetts Avenue, N.W.
2. Subsequent to the filing of the Application, Johns Hopkins University sold 1740 Massachusetts Avenue, N.W. to a third party. Upon approval of the Application, the Johns Hopkins University Campus Plan for the Property will terminate and will be fully replaced by the Indiana University Campus Plan (hereinafter, the “Campus Plan”).

Parties

3. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant; and
 - Advisory Neighborhood Commission (“ANC”) 2B, in which the Property is located and so an “affected ANC” per Subtitle Z § 101.8.
4. The Commission received no requests for party status.

Notice

5. Pursuant to Subtitle Z § 302.6, the Applicant mailed a Notice of Intent to file the Application to ANC 2B and to the owners of all property within 200 feet of the Property on August 30, 2024 (Ex. 20).¹ In addition, prior to filing the Application, the Applicant presented the Campus Plan at ANC 2B's Land Use Committee.
6. Pursuant to Subtitle Z § 402, the Office of Zoning ("OZ") sent notice of the March 6, 2025 public hearing, on January 17, 2025 to:
 - The Applicant;
 - ANC 2B;
 - The ANC Single Member District Commissioner for ANC 2B04;
 - The Office of the ANCs;
 - The Ward 2 Councilmember Brooke Pinto;
 - The Chair and At-Large Councilmembers of the Council of the District of Columbia;
 - The Office of Planning ("OP");
 - The Department of Buildings ("DOB");
 - The Department of Energy and the Environment ("DOEE");
 - The District Department of Transportation ("DDOT");
 - OZ Legal Division ("OZLD"); and
 - The owners of property located within 200 feet of the Property. (Ex. 10, 11A)
7. OZ also published notice of the public hearing in the *District of Columbia Register* on January 24, 2025 (72 DCR 000602 *et seq.*) as well as on the calendar on OZ's website (Ex. 9).
8. The Applicant submitted an affidavit of posting and affidavit of maintenance in accordance with Subtitle Z § 402 requirements (Ex. 12, 21).

Property

9. The Property is on Massachusetts Avenue, N.W. between 16th and 17th Streets within the Dupont Circle Historic District. The Property is located in the MU-2/DC zoning district.
10. The Property is improved with a building comprised of approximately 56,773 square feet of gross floor area with eight stories and one level of below grade parking.

II. The Application

11. On November 14, 2024, the Applicant filed the Application requesting a special exception for approval of the Campus Plan (Ex. 1-8). The Campus Plan proposes to establish a new Washington, DC campus for Indiana University within the existing eight story building on the Property. The campus will include the adaptive reuse of the existing building, with a renovation to include event and convening space, academic space, office space, and

¹ The Certificate of Notice (Ex. 20A) contains an incorrect date. The correct date of August 30, 2024, is the date stated on the Notice of Intent to File (Ex. 20).

dormitory space to house approximately 35-40 students. The campus will employ up to 30 faculty and will include up to 231 total classroom seats. The campus will maintain the existing building's current gross floor area and lot occupancy with no exterior expansion or changes to exterior design or height of the building (Ex. 2).

The Applicant's Justification

12. The Applicant stated that the Application met the requirements for special exception approval of the Campus Plan pursuant to Subtitle X § 101 and Subtitle Z § 302, and that the Campus Plan would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens; and the Applicant provided a discussion of its community outreach and engagement efforts, in the following submissions and presentation:
- Initial Application and Supporting Materials (Ex. 1-8);
 - Transportation Statement (Ex. 13);
 - Supplemental Statement (Ex. 15-15C);
 - Supplemental Statement in Support (Ex. 17A); and
 - PowerPoint Presentation (Ex. 22).

III. Responses to the Application

13. OP submitted a report (the "OP Report") recommending approval of the Application on February 24, 2025, subject to two conditions listed below (Ex. 19). The OP Report stated that the Campus Plan met the special exception criteria of Subtitle X § 101; and concluded that the Campus Plan would not be inconsistent with the Comprehensive Plan, including the Comprehensive Plan maps, Citywide Elements and the Near Northwest Area Element, and when viewed through a racial equity lens. The OP Report included disaggregated race and ethnicity data for the Near Northwest Planning Area, in which the Property is located, showing that for both five-year periods, 2012-2016 and 2018- 2022, the planning area had a majority white population and a higher median household income than Districtwide. OP concluded that the Campus Plan should not have a negative impact on racial equity goals and that it would provide employment opportunities and student housing to relieve student demand on District housing supply. The OP Report included comments from DOEE commending the Applicant's proposed reuse of an existing building. The OP Report recommended the following two conditions of approval:
- a. Student Enrollment. The Indiana University student headcount shall not exceed 200 students on a daily basis. Of these students, the number of students who have housing assignments at the Indiana University Washington, DC campus shall not exceed 40 students; and
 - b. The Indiana University Campus Plan shall be valid for a period of 10 years.
14. DDOT submitted a report on February 21, 2025 (Ex. 18) in which it stated no objection to the approval of the Application, with the following condition:
- The Applicant shall implement a TDM Plan for the life of the project. The proposed TDM Plan in the January 21, 2025 Transportation Statement (Ex. 13) will be updated to include:

- “The Applicant will commit to enrolling in the Capital Bikeshare University Membership Program and will distribute marketing materials to students to promote the discounted CaBi membership.”
15. ANC 2B submitted a report on February 18, 2025, stating that at its regularly scheduled duly noticed public meeting on February 12, 2025, with a quorum present, the ANC voted 8-0-0 to approve a resolution in support of the Application. The ANC Report did not list any issues and concerns.

CONCLUSIONS

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §6-641.01 (2018 Repl.)), the Commission may approve a campus plan consistent with the requirements set forth in Subtitle X § 101 and Subtitle Z § 302. Pursuant to Subtitle X § 101, the Commission shall evaluate an application for a campus plan as a special exception:

Education use by a college or university shall be permitted as a special exception subject to review and approval by the Zoning Commission under Subtitle X, Chapter 9 after its determination that the use meets the applicable standards and conditions of this chapter. (Subtitle X § 101.1.)

Approval of a campus plan shall be based on the determination by the Zoning Commission that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps, subject to the special conditions specified in this section. (Subtitle X § 101.14.)

2. Section 8 of the Zoning Act (*see also* Subtitle X § 901.2) establishes that the Commission may grant special exception relief upon its determination that the special exception:
- Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
 - Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
 - Complies with the special conditions specified in the Zoning Regulations.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Commission’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the [Commission] ordinarily must grant the application.” (*See First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518) (D.C. 1973)).

3. Based on the record before the Commission, including the Applicant's submissions and the OP Report, the Commission concludes the Applicant has met the burden of proof pursuant to Subtitle X § 101 and the general special exception standard under Subtitle X § 901.2 and that the requested campus plan approval can be granted. The Application satisfies the applicable special exception standards under Subtitle X § 101 as follows:
- The uses are located so that they are not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions (Subtitle X § 101.2);
 - The Property is not located in an R, RF, or RA zone (Subtitle X § 101.3);
 - The Campus Plan will not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Comprehensive Plan (Subtitle X § 101.4);
 - The Property is not located in an R, RF, or RA zone (Subtitle X § 101.5);
 - The Campus Plan will not cause unreasonable campus expansion into improved low-density zones (Subtitle X § 101.6);
 - The Applicant submitted all required exhibits showing the location, height, and bulk, where appropriate, of all present and proposed improvements (Subtitle X § 101.8);
 - The Application is not inconsistent with the Comprehensive Plan (Subtitle X § 101.11);
 - The Application was referred to OP, DDOT, and DOEE for review and comment (Subtitle X § 101.13); and
 - The Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring properties, in accordance with the Zoning Regulations and Zoning Maps (Subtitle X § 101.14).

“Great Weight” to the Recommendation of OP

4. The Commission must give “great weight” to the recommendation 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 § 405.9 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).
5. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment. The Commission agrees with OP’s two conditions of approval.

“Great Weight” to the Written Report of the ANC

6. 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 § 406.2. To satisfy this 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. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

7. The Commission finds ANC 2B’s support of the Application persuasive and concurs with its judgment.

Summary Order

8. Since no persons or parties appeared in opposition to the Application and the affected ANC supported the Application, a decision by the Commission to grant this Application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not prejudice the rights of any party.

DECISION

In consideration of the record, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Indiana University Campus Plan, subject to the following guidelines, conditions and standards:

1. Student Enrollment. The Indiana University student headcount shall not exceed 200 students on a daily basis. Of these students, the number of students who have housing assignments at the Indiana University Washington, DC campus shall not exceed 40 students.
2. The Indiana University Campus Plan shall be valid for a period of 10 years.
3. The Applicant shall implement a Transportation Demand Management (TDM) Plan, for the life of the Campus Plan, and the Applicant shall:
 - Identify Transportation Coordinators for the planning and operations phases of the Campus Master Plan. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
 - Transportation Coordinator will conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
 - Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to students and employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
 - Transportation Coordinators will receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
 - Provide links to CommuterConnections.com and goDCgo.com on property websites;

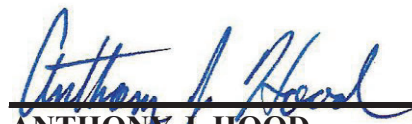
- Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
- Provide welcome packets to all new students that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Metrobus) and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com;
- Provide eight long-term and 38 short-term bicycle parking spaces, meeting or exceeding zoning requirements;
- Enroll in the Capital Bikeshare University Membership Program and distribute marketing materials to students to promote the discounted CaBi membership;
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and
- Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have 60 days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.

FINAL ACTION

VOTE (March 6, 2025): 5-0-0

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 24-17 shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 11, 2025.


ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION


SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.