

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager

Joel Lawson, Associate Director Development Review
DATE: January 6, 2026

SUBJECT: FMBZA Application # 21252-A: Application of the Embassy of Cuba, - **Modification without a Hearing** for a Technical Correction of the Order pursuant to Subtitle Y §§ 703.3 and 703.7

I. BACKGROUND

At its March 12, 2025 Public Hearing, the Foreign Missions Board of Zoning Appeals (FMBZA) approved the Embassy of Cuba's application for installation of a security fence requiring grading and a retaining wall, improvements to the existing trash enclosure, and placement of an emergency generator at the rear of the property. The Board issued its Order on April 8, 2025.

The Applicant now petitions for a modification to the Order to ensure consistency with the approved architectural plans. The requested amendment clarifies access to the trash enclosure via Mozart Place and accurately describes the wrought iron fence and opaque gate as reviewed and approved by the Board. The Applicant affirms that the proposed modification does not alter the location, function, or design of the enclosure as originally approved.

II. RECOMMENDATION

The Office of Planning **recommends approval** of the requested correction of the order to include the specific language to reflect approved plans and statements on the record. The correction does not involve any substantive redesign or alteration of use. It aligns the language of the Order with the architectural plans which show a wrought iron fence with an opaque gate for the access of rolling trash containers to Mozart Place for trash pick-up.

Changes to the order are as follows:

Existing Language (Page 2, Paragraph 6 of the Order 21252):

"The enclosure will be located at the southwest corner of the subject property, 22 feet wide and accessible from the interior of the lot but not from Mozart Place. The enclosure will be bounded by a solid opaque fence that will align in height with the new security fence."

Proposed Language (New language in Bold and Underlined):

The enclosure will be located at the southwest corner of the subject property, 22 feet wide and accessible from the interior of the lot but not from Mozart Place. The enclosure will be bounded by a solid opaque fence that will align in height with the new security fence and will be accessible from Mozart Place via a gate. This access point will allow waste collection personnel to roll trash

containers to trash trucks on Mozart Place and return them to the enclosure. The enclosure will be bound by an 8 feet tall wrought iron fence. The gate access to the enclosure would be opaque.

III. OP ANALYSIS

Pursuant to Subtitle Y§703.3, “technical correction” shall mean addition, deletion, or correction of material that is needed (1) to correct omissions or errors of grammar, spelling, or citation, or (2) to make other non-substantive changes needed to clarify the intent of the Board when it adopted the order.

The proposed change represents a clarification or correction to align the plans with the narrative of the Order, which was incorrectly stated with respect to the type of access and the nature of the enclosure. There are no changes to the approved plans.

Subtitle Y § 703.7 states “*For the purposes of this section, “a modification without hearing” is a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. Determination that a modification can be approved without witness testimony is within the Board’s discretion.*”

OP agrees that provided corrections are minor and do not represent a redesign of the approved design. It can be understood without further discussion including witness testimony.

IV. OTHER DISTRICT AGENCIES

There are no comments from other District agencies in the record at the writing of this report.

V. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 13 is a memo from ANC 1A in support.

VI. COMMUNITY COMMENTS

There are no comments from the community at the writing of this report.