

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



Application No. 21252-A of the Embassy of the Republic of Cuba, pursuant to 11 DCMR Subtitle Y § 703 for a modification without hearing of the order in Application No. 21252 not disapproving an application to allow a new security fence, requiring grading and a retaining wall, and improvements to an existing enclosure for trash containers and a new emergency generator at an existing chancery in the RA-2 and RA-4 zones at 2630 16th Street, N.W. (Square 2575, Lot 843).

HEARING DATE (21252):	February 26, 2025
DECISION DATE (21252):	March 12, 2025
ORDER ISSUED (21252):	April 8, 2025
MODIFICATION DECISION DATE (21252-A):	March 4, 2026

NOTICE OF FINAL RULEMAKING
and
ORDER APPROVING A MODIFICATION

The Board of Zoning Adjustment, pursuant to the authority set forth in § 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286; D.C. Official Code § 6-1306) and Chapter 2 of Subtitle X of the Zoning Regulations of the District of Columbia (Title 11 of the District of Columbia Municipal Regulations), hereby gives notice that it took final action not to disapprove a request submitted by the Embassy of the Republic of Cuba (“Applicant”) to modify a prior decision that allowed a new security fence, requiring grading and a retaining wall, and improvements to an existing enclosure for trash containers and a new emergency generator at an existing chancery in the RA-2 and RA-4 zones at 2630 16th Street, N.W. (Square 2575, Lot 843) (the “subject property”). The modification clarified that the enclosure will be accessible from Mozart Place via an opaque gate, without a ramp providing street access for a vehicle, and that the enclosure will be bounded by a wrought-iron fence, eight feet high and not opaque, as shown in plans approved by the Order.

The initial order and notice of final rulemaking in this proceeding was issued on April 8, 2025. On September 25, 2025, the Applicant submitted a request for modification without a hearing to address “an inaccuracy in the description of the trash enclosure access and the fencing” in the order. (Exhibit 1.)

A notice of proposed rulemaking for the modification request was published in the December 5, 2025 edition of the *D.C. Register* (72 DCR 13851). The Office of Zoning scheduled a decision

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meeting on the request for January 21, 2026, and on November 20, 2025 referred the application to the United States Department of State, the National Capital Planning Commission, the District of Columbia Office of Planning (“OP”) and the Historic Preservation Office (“HPO”), the District Department of Transportation, the Department of Buildings, Advisory Neighborhood Commission (“ANC”) 1C, whose boundaries encompass the subject property, as well as ANC 1A, also an “affected” ANC,¹ the Single Member District Commissioners for ANC 1A01 and 1C09, the Office of Advisory Neighborhood Commissions, and the Councilmember for Ward 1 as well as the Chairman and the at-large members of the D.C. Council.

THE MODIFICATION

Background. The Board voted on March 12, 2025 not to disapprove the original application, which was accompanied by a letter from the United States Department of State certifying that the Applicant had complied with § 205 of the Foreign Mission Act (22 USC § 4305). The application addressed a new security fence, requiring grading and a retaining wall, and improvements to an existing enclosure for trash containers and a new emergency generator at the rear of the subject property. The Applicant did not propose any changes to the principal building and did not request any other relief related to zoning or public space in the application, which concerned the portion of the subject property abutting Mozart Place that is located in a Residential Apartment (RA) zone, RA-2.

The Order. The Board’s determination not to disapprove the application was based solely on the six criteria enumerated in § 206(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d). With respect to historic preservation, the order reflected that the subject property is located in the Meridian Hill Historic District, in which the principal building is a contributing structure. The order noted that the Applicant had modified the design of the proposed fences, retaining wall, and attendant grading in response to comments from the Office of Planning, including the Historic Preservation Office. Consistent with those comments, the Board determined that the planned enclosure would 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.”

Modification request. The Applicant “identified an inaccuracy in the description of the trash enclosure access and the fencing” as stated in the Order and requested a modification to clarify that (a) the enclosure will be accessible from Mozart Place via an opaque gate to facilitate trash collection and (b) the enclosure will be bounded by a wrought-iron fence, eight feet high and not opaque, as shown in plans approved by the Order.² The Applicant provided “written correspondence with HPO staff” that “clarified the intent” of HPO’s prior recommendation by “confirm[ing] that a gate providing access for collection personnel – limited to rolling trash

¹ See Subtitle B § 100.2 and Subtitle Y § 101.8.

² The approved plans are included in the record as Exhibit 33A (Application No. 21252) and Exhibit 4 (Application No. 21252-A.)

containers to a truck on Mozart Place – is consistent with the Meridian Hill Historic District design guidelines.” (Exhibits 5, 6.)

FOREIGN MISSIONS ACT CRITERIA

Pursuant to § 206(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board must consider six enumerated criteria when reviewing a chancery application and must base its decision solely on the six criteria. The provision further dictates who is to make the relevant finding for certain factors. The factors and relevant findings are as follows.

1. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation’s Capital.

By letter dated February 13, 2026, the Department of State determined that favorable action on the modification request would fulfill the international obligation of the United States to facilitate the Embassy of the Republic of Cuba in acquiring adequate and secure premises in Washington. (Exhibit 17.)

2. Historic preservation, as determined by the Board of Zoning Adjustment. In carrying out this section, and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

Based on the evidence in the record, the Board finds that this criterion is met by the modification request. The Office of Planning recommended approval of the requested modification, which OP noted would not “alter the location, function, or design of the enclosure as originally approved” or “involve any substantive redesign or alteration of use.” (Exhibit 11.) The Office of Planning proposed a revision to the Order to accomplish the modification, which the Board determined was reasonable. The revision clarified that the enclosure will be accessible from the interior of the subject property and from a gate on Mozart Place; that the gate will be accessible to persons engaged in trash collection, who will remove bins from the enclosure and then replace them; that the enclosure will be bounded by an 8-foot-tall wrought-iron fence; and that the gate access to the enclosure will be opaque.

3. The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking needs, subject to such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

The Department of State determined that there exist no special security requirements relating to parking in this case. (Exhibit 17.)

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

The Department of State, after consulting with the Federal agencies authorized to perform protective services, determined that the subject site and area are capable of being adequately protected. (Exhibit 17.)

5. The municipal interest, as determined by the Mayor of the District of Columbia.

By memorandum dated January 6, 2026, the Office of Planning recommended approval of the requested modification. (Exhibit 11.)

6. The federal interest, as determined by the Secretary of State.

The Department of State determined that there is a federal interest in the Applicant's project, noting that "the Government of the Republic of Cuba has been helpful in addressing the United States' zoning and permit needs required for the construction of a new fence at the U.S. chancery in Havana." The State Department noted that "[s]uch cooperation was essential for successfully achieving the Federal Government's mission of providing safe, secure, and functional facilities for the conduct of U.S. diplomacy and the promotion of U.S. interests worldwide." (Exhibit 17.)

Great Weight

The Board is required under §13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-58: D.C. Official Code § 1-309.10(d); Subtitle Y § 406.2) to give great weight to the issues and concerns raised in the written report of an affected ANC, in this case ANCs 1A and ANC 1C. By letter dated December 17, 2025 ANC 1A indicated its support for the requested modification, stating that the request "does not raise any concerns" for the ANC. (Exhibit 13.) For the reasons discussed above, the Board agrees with ANC 1A that the application should not be disapproved.

Based on its consideration of the six criteria discussed above, the Board has decided not to disapprove the request for modification of the order not disapproving Application No. 21252-A. Accordingly, it is hereby **ORDERED** that the modification is **NOT DISAPPROVED** to make the following revision³ to the second paragraph in the section entitled "Proposed expansion" on page 2 of the prior order:

The enclosure will be located at the southwest corner of the subject property, 22 feet wide and accessible from the interior of the lot and ~~but not~~ from Mozart Place via a gate that

³ Aspects of the Order that were deleted by the revision are shown in ~~strike through~~. New text is shown in **bold and underlined**.

will allow waste collection personnel to roll containers to trucks on Mozart Place and return them to the enclosure. The enclosure will be bounded by a **wrought-iron fence eight feet high and the** ~~solid opaque fence that will align in height with the new security fence.~~ **gate to the enclosure will be opaque.**

VOTE: 3-0-2 (Carl H. Blake, Marcel C. Acosta, and Tammy M. Stidham to NOT DISAPPROVE; two Board seats vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 11, 2026

PURSUANT TO 11 DCMR SUBTITLE Y § 604.12, FOR A CHANCERY APPLICATION, A DECISION OF THE BOARD IS FINAL UPON PUBLICATION IN THE *D.C. REGISTER*. THE DECISION SHALL BECOME EFFECTIVE TEN (10) DAYS AFTER HAVING BECOME FINAL.

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.