

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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ROLL CALL HEARING

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IN THE MATTER OF: :
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The Nixon :
at Watergate, LLC :
t/a The Nixon Lounge :
2600 Virginia Ave NW : Roll Call
Retailer CR - ANC 2A : Hearing
License No. 120877 :
Case #22-PRP-00041 :
 :
(Application for a :
New License) :
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Monday
June 13, 2022

The Alcoholic Beverage Control Board
met via WebEx videoconference, LaVerne Fletcher,
Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

DONNA BARBISCH, ANC 2A
LYNN SCHUBERT, Protestant, Watergate East, Inc.
JAMES NITSCHKE, Protestant, Watergate East, Inc.

1 P-R-O-C-E-E-D-I-N-G-S

2 10:34 a.m.

3 MS. FLETCHER: There is one more case
4 on the calendar today. The trade name of the
5 establishment is the Nixon Lounge. This is Case
6 No. 22-PRP-00041, the Nixon at Watergate, LLC,
7 2600 Virginia Avenue, NW, License No. ABRA-
8 120877.

9 This is a Retailer Class CR new
10 application. The protest issues are adverse
11 impact on peace, order, and quiet; residential
12 parking; and vehicular and pedestrian safety.
13 My name is LaVerne Fletcher conducting the roll
14 call hearing as the Board's agent.

15 Is anyone present on behalf of the
16 applicant?

17 Is anyone present on behalf of the
18 Nixon Lounge?

19 Is anyone present on behalf of ANC-2A?

20 MS. BARBISCH: Yes, LaVerne. This is
21 Donna Barbisch, ANC-2A-04, D-O-N-N-A, last name
22 Barbisch, B-A-R-B-I-S-C-H.

23 MS. FLETCHER: Thank you, Donna. ANC-
24 2A does have standing as a protestant.

25 Is anyone present on behalf of the

1 Watergate East, Inc. Cooperative Housing
2 Corporation?

3 MS. SCHUBERT: Yes, there are two of
4 us. My name is Lynn Schubert, S-C-H-U-B-E-R-T.
5 The Watergate is a cooperative and I'm the
6 president of the Board of Directors of the
7 Cooperative.

8 MS. FLETCHER: Ms. Schubert, Lynn is
9 spelled L-Y-N-N?

10 MS. SCHUBERT: Yes, correct.

11 MS. FLETCHER: And is there someone
12 else present as well?

13 MR. NITSCHKE: I'm James Nitschke.
14 James as normally spelled. Nitschke, N-I-T-S-C-
15 H-K-E.

16 MS. FLETCHER: Thank you, Mr.
17 Nitschke.

18 Is anyone present on behalf of the
19 Nixon Lounge?

20 Ms. Schubert and Mr. Nitschke, a
21 cooperative housing corporation itself does not
22 have standing as a protestant. I know from your
23 protest that there are 240 residents in the
24 Cooperative.

25 At least five of your individuals

1 would have needed to file a protest but, under
2 our regulations, a cooperative corporation does
3 not have standing to file a protest. The protest
4 filed by the Cooperative is dismissed as a
5 protestant.

6 You will have an opportunity to
7 request that the Board grant you standing as a
8 protestant. There will be a Board order issued
9 to dismiss the protest for the reason I stated.
10 Upon receipt of that order you'll have 10 days to
11 seek standing as a protestant in writing on the
12 ABC Board.

13 MR. NITSCHKE: Ms. Fletcher, what
14 about the fact that the building abuts? We
15 physically connect to that building where that
16 lounge is going to be located. There is no way
17 for an individual who does not own their unit to
18 protest. They simply own a lease to the
19 property.

20 The Cooperative itself actually owns
21 the building and the units. The building does,
22 in fact, connect on four different levels to 2600
23 which is the location of the Nixon Lounge, two of
24 those levels being within 20 feet of the
25 location.

1 MS. SCHUBERT: And just to emphasize
2 what Jim as said, as abutting property owners we
3 recognize a condominium association doesn't
4 actually own the property but the Cooperative we
5 actually own that property. We own that wall
6 that abuts.

7 MS. FLETCHER: Let me take a look at
8 your protest letter one second. So in your
9 protest letter you list two addresses. You list
10 2500 Virginia Avenue and 2510.

11 MR. NITSCHKE: That's correct.

12 MS. FLETCHER: Which building are you
13 saying abuts?

14 MR. NITSCHKE: 2510.

15 MS. SCHUBERT: They are actually
16 connected so 2510 -- it's one big half circle and
17 2510 is the property that abuts physically, but
18 it is physically connected all the way to 2500 so
19 it's the same address really.

20 MS. FLETCHER: So I checked the DC
21 geographic information system this morning and I
22 see what you're saying, Ms. Schubert. One of
23 those buildings appears to be next to, and the
24 other one is sort of on the other side. It's
25 around like a curve.

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MS. SCHUBERT: It's a curve. It's one building. It has two entrances. Therefore, it gets two addresses but it's one big building that's connected in the middle. Like I could walk from this building all the way through to the Nixon Lounge.

MS. FLETCHER: And that's what I saw. You're saying that 2510 abuts for what reason?

MR. NITSCHKE: It's actually physically connected on four levels.

MS. FLETCHER: The buildings touch on four levels?

MR. NITSCHKE: Yes, ma'am.

MS. FLETCHER: And is the Cooperative the owner of 2510?

MR. NITSCHKE: Yes, ma'am.

MS. FLETCHER: And 2510 Virginia Avenue abuts the establishment on, did you say, four levels?

MR. NITSCHKE: On four levels. Yes, ma'am.

MS. FLETCHER: The Cooperative is the owner of 2510?

MR. NITSCHKE: Yes, ma'am.

1 MS. FLETCHER: It does appear that the
2 Cooperative is an abutting property owner so that
3 makes a difference. A cooperative doesn't have
4 standing but as a property owner, that changes
5 things. Based on what you've said this morning,
6 I am granting standing to the Cooperative as an
7 abutting property owner.

8 There's no one present on behalf of
9 the Nixon Lounge so the application is actually
10 dismissed because the applicant is not present.
11 What that means is that an order will be issued
12 dismissing the application because no one is
13 present today.

14 You will receive a copy of the -- the
15 protestants will receive a copy of the Board
16 order. If Nixon Lounge submits a request to
17 reinstate the application, then you'll have a
18 copy of that and you'll have a chance to respond
19 to that also.

20 MS. SCHUBERT: Thank you, Ms.
21 Fletcher. Appreciate it.

22 MS. FLETCHER: You are very welcome.
23 The protestants have been granted standing. The
24 application is dismissed for the reason that I
25 stated. If the applicant is granted -- if his

1 application is reinstated, I mean, then I will
2 contact you, we'll schedule the mediation, and
3 the case will get back on track and you'll get a
4 status hearing, a protest hearing, and a
5 mediation.

6 MS. SCHUBERT: Thank you so much, Ms.
7 Fletcher.

8 MR. NITSCHKE: Thank you.

9 MS. FLETCHER: You're very welcome.
10 Thank you for coming.

11 MS. BARBISCH: Thank you, LaVerne. I
12 will give you a call probably in about an hour.

13 MS. FLETCHER: Okay. I'll be at my
14 desk.

15 MS. BARBISCH: Thank you so much.

16 MS. FLETCHER: Okay. Thank you. Take
17 care. Bye everybody.

18 (Whereupon, the above-entitled matter went
19 off the record at 10:43 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: The Nixon Lounge

Before: DC ABRA

Date: 06-13-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

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