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Blockages in back of the Bestway

Passed by a five to zero vote (Kahn, Backfield, McKay, Wysocki, and Edwards voting “yes”, Scott absent) at the legally noticed, public monthly meeting of February 7, 2006, with a quorum present.

ANC resolves that the unusual and unprecedented extension of public policy to block a driveway in use for many decades is covered by the ANC Law and the executive order of the Mayor’s Office requiring that any change in policy be noticed to the ANC within 30 days. Because this was not done, it is illegal, and therefore should be reversed.

Why

When asked, a representative of the DC Public Space Office said that the owners confessed to wrongdoing in preparing a curb cut. When challenged for evidence, that representative said that the lawyer for Bestway confessed to not being able to find a permit. Obviously, the derivation of the conclusion of actually making the cut from a statement of not having a permit is a logical fallacy, since there is no evidence of who made the cut.

Further, this blocking of a long-term use on the basis of not finding a permit is a new application of policy that can deeply affect a neighborhood. As such, this application of policy must be noticed to ANC1D before implementation. Because after decades of use, there is no evidence of an emergency, there is no need for pre-emptory action.

This is the kind of arbitrary action, when accompanied by many other complaints about the appearance of political and personal partiality in normal administration, that calls into question the neutrality of the relevant officers to a fair application of law.