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## Request for rehearing by the Public Space Committee of the Bestway permit application

*Passed by a four to one vote (Kahn, Backfield, McKay, and Edwards voting "yes", Wysocki voting "no", and Scott absent) at the legally noticed, public monthly meeting of February 7, 2006, with a quorum present.*

ANC1D advises the Public Space Committee (PSC) to rehear the case of the Bestway permit application, with at least one month notice.

### Why

a) The PSC did not give ANC1D's resolution Great Weight.

In the course of the hearing, there was hardly a mention of the arguments submitted by this ANC.

b) The hearing was flawed in the handling of arguments and evidence.

There was little chance for the parties to know of the evidence to be submitted and to prepare rebuttals. For example, there was a claim that the street behind Bestway is residential, whereas it is half commercial, to the centerline of the street. One letter reported the occasional congestion on this back street without balancing the hundred or thousand fold greater congestion on the front, the main reasonable alternative, and the impact of advantaging a few residents at the expense and risk of many thousands.

The hearing did not give the petitioners adequate opportunity to respond to the claims of the opponents.

c) There are potential conflicts of interests in the handling of this case.

Contrary to the ordinary precepts of administrative policy, the office head chaired the meeting. In this case, he does not have the appearance of neutrality.