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**A statement by Bert Ely to the Alexandria City Council**  
April 14, 2012

**The City should not appeal Thursday's BZA decision**

Mr. Mayor and members of Council, I am Bert Ely. As you know I have a long-standing interest in waterfront issues, as reflected in my service to the City as a member of the Waterfront Plan Work Group. I also have been heavily involved with Citizens for an Alternative Alexandria Waterfront Plan, or CAAWP. Among other things, I helped to gather signatures for the protest against the W-1 zoning change called for in the Waterfront Small Area Plan.

Like hundreds of other Alexandrians from across the City, I felt Faroll Hamer clearly violated the City's zoning ordinance by rejecting the protest against the W-1 zoning change, a rejection which should have stayed Council's January 21 vote on both the both the waterfront plan and the zoning change. Consequently, like so many of your fellow citizens and voters, I was ecstatic early yesterday morning when the BZA ruled that Faroll had improperly denied the zoning protest. Finally, the City will be forced to play by its own rules governing the zoning protest process.

I also was pleased that the BZA, recognizing that the zoning protest rules are far too ambiguous and too easily sidestepped by City staff, adopted a motion recommending that Council create a work group to develop recommendations for clarifying and improving the zoning protest procedures so that property owners don't find it such a hassle to properly file a zoning protest. I urge Council to create that work group and to include in its membership a few former BZA members to bring their expertise and experience to the work group.

Finally, given that the BZA corrected a serious wrong by ruling as it did yesterday morning, I strongly urge Council to accept that ruling and to not appeal it to the Circuit Court. Let the decision stand and move on. Appealing that decision will not only waste thousands more of taxpayer dollars since surely the Circuit Court will uphold the BZA should the City pursue its appeal, but the mere act of appealing will further anger Alexandrians across the length and breadth of our wonderful city.

The time has come to pour some soothing oil on our troubled waters, to calm the waves of anger over a planning process which has gone badly awry – witness the depth of opposition not only to the waterfront plan, but to Potomac Yard, BRAC, Beauregard, and elsewhere. Deciding today not to appeal the BZA decision on the waterfront rezoning would be an important step in that direction.

Thank you for your time. I welcome your questions.