



November 18, 2025

To: Kate Stewart, Montgomery County Council President and Councilmembers

Re: SUPPORT ZTA 25-13 WITH AMENDMENTS

Dear President Stewart and Councilmembers:

The Montgomery County Sierra Club offers the following comments on ZTA 25-13 scheduled to be heard on November 18, 2025.

We ask that ZTA 25-13 be amended to update the zoning table so that public utility structures are restored to a conditional use in the mixed use CR and CRT zones.

This would put the CR zones on par with all other zones when it comes to public utility structures. Prior to the creation of the CR zones and the remapping, public utility structures and buildings were a special exception in commercial zones. This allowed for the appropriate level of public input and scrutiny for utility infrastructure projects.

For unknown reasons, the iterations of the zoning rewrite and remapping designated public utility structures as a limited use on properties formerly zoned commercial and rezoned to CR and CRT. The result is that public utility building projects can be erected in any CR or CRT zoned property with little input from the public, planning staff and the planning board. Such projects fall under the mandatory referral process in which the planning board's authority is merely advisory.

While public utility building projects are relatively rare, it is important that planning and zoning aspects of such projects are properly regulated and reflect public input.

We became aware of this issue when we learned of poorly designed lighting at Pepco's recently constructed unstaffed White Flint substation building on Nebel Street at Marinelli Ave in North Bethesda. Contrary to the promised lighting plan, the installed fixtures were a type that contributed to light pollution. Because the property was zoned CR, the planning board treated the project as a mandatory referral and was powerless to regulate the lighting. Had the project been proposed at the same location a few years earlier, the commercial zoning would have required a special exception in which a hearing examiner could have imposed conditions on the streetscape.

The good news is Pepco finally corrected the lighting. This happened after advocacy efforts which included a letter to Pepco's management, and with the assistance of Del. Mireku-North, intervention by the Public Service Commission staff, the Office of the Attorney General, draft state legislation by the Department of Legislative Services and a meeting with the Montgomery County Planning Director.



What we learned is that the most appropriate solution is a legislative fix via a zoning text amendment to restore the conditional use status of public utility buildings in CR zones. This would provide for greater consistency across the County for this type of land use.

As an omnibus, corrective bill, ZTA 25-13 may be the appropriate vehicle to implement this needed fix. If not, we ask that you consider introducing a standalone bill to address this matter.

Sincerely,

Darian Unger,
Chair, Montgomery County Sierra Club

cc: Lihu Ndou, Council zoning attorney
Pamela Dunn, Council Legislative Analyst



Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definitions and Standards	Ag	Residential													Commercial/Residential			Industrial		
			Residential Detached							Residential Townhouse			Residential Multi-Unit								
		AR	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TL D	TM D	TH D	R-30	R-20	R-10	CRN	CRT	CR	IL	IM	IH
Utilities	3.6.7																				
Distribution Line (Above Ground)	3.6.7.A	P	L	L	L	L	L	L	L				P	P	P		L	L	P	P	P
Distribution Line (Below Ground)	3.6.7.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pipeline (Above Ground)	3.6.7.C	C	C		C	C	C	C	C				C	C	C	C	C	C	C	P	P
Pipeline (Below Ground)	3.6.7.D	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Structure	3.6.7.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	C	C	C