

From: [Unger, Darian](#)
To: [MCP-Chair](#)
Cc: [Office of the Montgomery County Council; Stewart's Office, Councilmember](#)
Subject: Sierra Club Testimony on ZTA 25-13 and public utility buildings
Date: Tuesday, November 4, 2025 10:49:13 PM
Attachments: [25-11 - Sierra Club testimony on ZTA and public utility buildings.pdf](#)

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Dear Chairman Harris and Planning Board Members,

Please see the attached letter from the Montgomery County Sierra Club regarding ZTA 25-13 and public utility buildings.

Thank you very much for your consideration.

Sincerely,

Darian Unger

Chair, Montgomery County Sierra Club



November 4, 2025

Montgomery County Sierra Club
P.O. Box 4024
Rockville, MD 20849

Dear Chairman Harris and Commissioners:

The Sierra Club Montgomery County Group offers the following comments on ZTA 25-13 scheduled to be discussed by the Planning Board on November 6, 2025.

We ask that ZTA 25-13 be amended to update the zoning table so that public utility buildings will be restored to a conditional use in all mixed use CR zones.

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

For unknown reasons, the iterations of the zoning rewrite and remapping designated public utility buildings as a limited use for 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 poorly designed 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 is the appropriate vehicle to implement this needed fix.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Unger', is displayed on a light gray rectangular background.

Darian Unger,
Chair, Montgomery County Sierra Club

cc: Kate Stewart, County Council President
Will Jawando, County Council Vice President
Gabe Albornoz, At-Large County Council
Evan Glass, At-Large County Council
Laurie-Anne Sayles, At-Large County Council
Marilyn Balcombe, County Council District 2
Sidney Katz, County Council District 3
Kristin Mink, County Council District 5
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Pamela Dunn, Montgomery County Council zoning lead