



June 21, 2024

Andrew Friedson - President, Montgomery County Council
Kate Stewart - Vice President, Montgomery County Council

Dear President Friedson and Vice President Stewart,

The Executive Committee of the Sierra Club Montgomery County Group would like to request Council action to strengthen the zoning code. Specifically, we are asking for an amendment to the zoning table so that public utility buildings would be restored to a conditional use in all of the 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 at 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 newly constructed unstaffed White Flint substation building 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 recently 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.

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



What we learned is that the most appropriate solution is a legislative fix at the county level 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.

Thank you for considering our request.

Sincerely,

Darian Unger,
Chair, Executive Committee of Sierra Club Montgomery County

cc: At-Large Council Member Gabe Albornoz
At-Large Council Member Evan Glass
At-Large Council Member Will Jawando
At-Large Council Member Laurie-Anne Sayles
District 2 Council Member Marilyn Balcombe
District 3 Council Member Sidney Katz
District 5 Council Member Kristin Mink
District 6 Council Member Natali Fani-Gonzalez
District 7 Council Member Dawn Luedtke
Montgomery County Planning Board Chair Artie Harris
Montgomery County Planning Director Jason Sartori
Montgomery County Council zoning lead Pamela Dunn