



FOR IMMEDIATE RELEASE: February 10, 2020

Contact: Leslie Wolf Branscomb at
lawolf@sandiego.gov or (619) 533-5896

Court Upholds Utility Undergrounding Program

Lawsuit sought to kill undergrounding projects completely, or delay them by many years

City Attorney Mara W. Elliott today announced that her office has successfully defended the City's utility undergrounding program against a lawsuit that could have shut down undergrounding for 20 communities.

Utility undergrounding, which removes unsightly utility poles and wires from San Diego neighborhoods, has been an ongoing program of the City's for many decades, and is paid in part through a surcharge added to customers' SDG&E bills. The City Council regularly approves new undergrounding districts as the program expands.

In her lawsuit, Margaret McCann argued that each new district should be subject to full environmental review, and that the City violated the California Environmental Quality Act, or CEQA, on numerous grounds, including its failure to disclose the exact number and location of each transformer in each district. McCann was represented by the Law Office of Todd T. Cardiff and the Law Office of Bryan W. Pease.

Superior Court Judge Timothy Taylor found no violations and said that a full Environmental Impact Report was not necessary under the law. "This will either kill the undergrounding projects completely, or delay them by many years," Taylor wrote. He noted that, "While the threshold for requiring an EIR is low, it is not bottomless."

"Utility undergrounding is an immensely popular program that enhances the environment by removing unsightly power poles and lines," City Attorney Mara W. Elliott said. **"I'm proud that we were able to stop this lawsuit and ensure that the neighborhoods who have waited patiently for undergrounding will enjoy this program without further delay."**

The communities where the lawsuit challenged undergrounding districts were: Kensington, University City, North Clairemont, Encanto, Emerald Hills, Adams North, Normal Heights, Del Cerro, Allied Gardens, Mission Beach, Southeastern San Diego, Barrio Logan, Balboa Park, North Park, Navajo, Otay Mesa-Nestor, Skyline, Paradise Hills, Clairemont Mesa and the College Area.

The City was represented by Deputy City Attorneys Jana Mickova Will, Tyler Krentz and Ryan Gerrity.

###