

Measure W Soundly Defeated

57.31 percent vote no, 42.69 percent vote yes.

- [By Emily Sawicki / emily@malibutimes.com](#)
- Nov 4, 2015



The battle over Measure W has come to an end, with a little more than 57 percent of Malibu voters rejecting the plan to build a new 38,425 sq. ft. shopping center in the Malibu Civic Center.

Supporters and opponents of Measure W waited until nearly midnight on Election Day to hear definitive results over the highly contentious ballot measure which, in the end, earned 1,575 votes, over the “yes” camp’s 1,173.

As of 11:40 p.m. on Tuesday, Nov. 3, 100 percent of precincts had reported election results, along with results from vote by mail ballots, showing “‘No’ on W” at 57.31 percent while “‘Yes’ on W” had earned 42.69 percent of votes.

A total of 8,934 Malibu residents were registered to vote in this November’s election, meaning 30.76 percent of registered voters (2,748) made it to the polls or turned in a vote by mail ballot. Turnout was lower than in last year’s November election, which featured the Measure R initiative and drew 3,297 voters.

Rain fell and thunder rolled in Eastern Malibu Tuesday night, and a traffic accident near Las Tunas State Beach stopped up eastbound traffic for hours, but evidently did not deter voters from heading to the polls to cast ballots, according to remarks from residents who reported lines at polling places across Malibu. About 50 percent of voters chose to vote by mail.

Measure W became a guinea pig for Measure R, the formula retail ordinance that passed overwhelmingly in Malibu last November, earning 59.27 percent of votes. A key provision of Measure R requires a citywide vote on major shopping center development and commercial or mixed use construction over 20,000 sq. ft.

According to Steve Soboroff, the developer who hoped to bring a Whole Foods and various other retailers and restaurants to the property, Measure W may be considered more of a canary in a coal mine for would-be developers, signaling that voters will block any development they have the opportunity to vote on.

“It’s categorically not possible to win an election to build anything in Malibu,” Soboroff told *The Malibu Times* after results were posted Tuesday night.

In April of 2015, Soboroff, of the Park at Cross Creek, LLC, and developers Malibu Bay Company brought a suit against Measure R to Federal Court. The litigation is now

making its way through California State Court. According to Soboroff, winning the lawsuit is one of a couple of ways a development on the 5.88-acre parcel may still be built.

“We do believe that Measure R was unconstitutional — and the court will decide that,” Soboroff said. “If the court decides Measure R was legal, then our choice is to build 20,000 square feet, because then we don’t have to go to the voters.”

Representatives from the “No’ on W” campaign were not available for comment by the time *The Malibu Times* went to press, but have long held that developers’ motives when it comes to building in the Civic Center cannot be trusted.

“We are not against development. We are just asking for a fair and honest representation of what we are getting,” wrote Rob Reiner, vocal Measure W opponent and author of Measure R, in an email sent by the “No’ on W” campaign on Monday, Nov. 2. “We get to vote on a specific plan. If we don’t feel it’s right for our city, then we vote ‘NO’ and they have to come back with a more amenable plan.”

Emily Sawicki