

TAKING THE EDGE OFF A 'NO' VOTE

The Santa Monica Mountains Conservancy's Deal with U2 Guitarist David Evans

by Ventura County Supervisor Linda Parks, May 2011

When U2 guitarist David Evans (aka "The Edge") sought to change the unanimous thumbs down vote he received from the Santa Monica Mountains Conservancy on his proposal to build 5 mega-mansions on top of ridgelines in Malibu, he succeeded. And it only cost him one million dollars that will go to the Conservancy-- if his project receives the approval of the California Coastal Commission.

To its credit, the Conservancy's breakpoint (\$1 million in funding for future acquisitions and a coastal ridge trail) was a nod for additional public benefits, and its changed recommendation did not directly affect the outcome of the project, which will be decided by the Coastal Commission.

To his credit, The Edge is looking at using green building techniques to build his compound of large houses, and the project will create construction jobs that are particularly needed in this economy.

The Conservancy's decision to change its previous 'no' vote to a new position of being 'neutral' was a very close vote. The Conservancy's Advisory Committee voted 10 to 9, and the Conservancy Board voted 3 to 2. (I was one of the 2 on the Conservancy Board voting not to change our 'no' position.)

One Advisory Committee member described her anxiety over the vote as "gut wrenching." I voted to hold to our original position of opposition because it was clear all Conservancy members and Advisory members strongly opposed the project, and for good cause.

As its name indicates, the Conservancy's goal is to conserve the natural resources of the Santa Monica Mountains. The bluffs overlooking Malibu are part of the Santa Monica Mountains National Recreation Area and along with the coastal areas are protected by the California Coastal Act. Whether at the beach or on the trails, both the rich and the not-so-rich can reap the benefit of these protected resources.

The five residences ranging in size from 7,000-12,000 square feet are proposed by The Edge to be built on top of Malibu's undeveloped ridges, visible to millions of people who enjoy the popular Malibu beaches and drive the Pacific Coast Highway. In addition to the scenic impact these five large structures would cause, they would also encroach into core habitat known as ESHA (Environmentally Sensitive Habitat Area) which has been the focus for conservation by park agencies and conservancies, including the Santa Monica Mountains Conservancy.

As a member of the Conservancy, my opposition to The Edge's project is consistent with and supportive of the Conservancy's mission of resource stewardship. It also acknowledges that the Conservancy's recommendation carries some weight with the Coastal Commission which must approve The Edge's project for it to proceed. When a reporter recently asked me how much the Conservancy's decision meant to the Coastal Commission, all I could say was The Edge thinks it's worth \$1 million.

If The Edge did not offer the money, the silencing of the Conservancy's opposition would never have happened. The money not only served to entice the Conservancy to drop its opposition, but by acquiescing, the Conservancy also provided a service not available to lesser funded developers.

As a planning commissioner, councilmember, mayor and now county supervisor who has made decisions on hundreds of development projects, I have no doubt that developers have been able to silence their opponents by paying them, and have bought people's support.

While there was no back room deal here because it was all done in the open, and while the money--if the project is approved—will provide additional public benefits, the fact that the Conservancy chose to be silent instead of push for the project to be located and sized in a more environmentally sensitive way, makes the deal disturbing. Deals can always be made that bring public benefits; however the key to deciding such gains is whether the rewards are worth the loss, and those decisions can be very gut wrenching.