


CARES Contracts and Reports

Request 5: Copies of CARES documents relating to the definition of “commercial”



33. Information Paper complied for VA (Jun 9, 2005)

7/8/05
 Received from
 Jim Sullivan
 indicating Secretary
 briefed him on
 process with
 this department
 Assoc. Eng.

**CARES Plan and VA Commitment to Non-Commercial Development
 VA West Los Angeles Campus
 Informational Paper - June 9, 2005**

Issue: There is a conflict between the *CARES Phase II Business Plan Study* uniform reuse strategy and a commitment made in 2002 by then-Secretary Principi to the 3rd District County of Los Angeles regarding use of the VA West Los Angeles campus.

Background: VA's guidance to the contractor teams conducting the reuse potential assessments does not limit the types of property reuse the team may examine and recommend. However, in a February 25, 2002, letter to Mr. Zev Yaroslavsky, Supervisor, 3rd District County of Los Angeles, following a roundtable meeting with West LA community stakeholders, Secretary Principi wrote:

"As I indicated at the meeting, I have no intention of going forward with the current 25-year Land Use Master Plan...As part of the process through which we will develop a new Land Use Master Plan, we will be looking at enhanced use projects that are beneficial to veterans. For example, adding additional office space to the site so that the Regional Office can be collocated there. As stated to the group, *I will not allow the property to be used for commercial purposes* (emphasis added)."

Further, in a subsequent meeting with Rep. Henry Waxman (D-CA) on October 22, 2003, the memorandum for the record shows that Secretary Principi "committed that there would be no commercial or industrial use of the land."

During the first West LA Local Advisory Panel (LAP) meeting, representatives from Councilman Yaroslavsky's office and Representative Waxman's office reminded VA of these promises and stated their continuing absolute opposition to commercial use of West LA property. In further LAP discussion the use of the term "commercial use" did not have the same meaning to all speakers.

Discussion: Assuming VA intends to honor the commitment made, the term "commercial" needs to be defined so that the reuse contractor team can limit its analysis and recommendations accordingly. The definition ideally would be flexible enough to accommodate uses directly beneficial to veterans while satisfying the community's concerns.

Recommendation: The term "commercial" should be defined as retail operations providing products and services exclusively for sale to the general public. With this definition, uses such as shopping malls, movie theaters, convenience stores, fast food outlets, industrial/manufacturing activities and other like operations would be prohibited. On the other hand, institutional and office uses that support or complement needs of veterans such as assisted living, transitional housing and recreational research or educational as well as medical and non-medical functions would be acceptable uses.

VHA and the Office of Asset Enterprise Management will proceed with the CARES and reuse activities using this definition of commercial unless informed otherwise.