Benjamin M. Reznik BMR@jmbm.com

1900 Avenue of the Stars, 7th Floor Los Angeles, California 90067-4308 (310) 203-8080 (310) 203-0567 Fax www.jmbm.com

78489-1

May 20, 2019

### BY EMAIL (clerk.plumcommittee@lacity.org)

Honorable Marqueece Harris-Dawson, Chair Planning Land Use Management Committee Los Angeles City Council 200 N. Spring Street Los Angeles, CA 90012

Attn: Rita Moreno, Legislative Assistant

Re: Case No. CHC-2018-5803-HCM; ENV-2018-2847-CE

Location: 840 S. Fairfax Avenue ("Tom Bergin's")

Petition Opposing Historic-Cultural Monument Designation

Council File No. 19-0293

Dear Chair Harris-Dawson and Honorable Members of the PLUM Committee:

As you know, our office represents the owner of 840 S. Fairfax Avenue (the "Property"), a currently vacant property that is the former location of the "Tom Bergins" pub. An improper and illegitimate proposal to designate the former pub into a Historic-Cultural Monument ("HCM") is scheduled to be heard by the PLUM Committee tomorrow, Tuesday, May 21. In preparation for this hearing, we wanted to share with you the signatures and letters of nearly one hundred residents - most of whom live adjacent to the Property and/or have children in school nearby - that strongly oppose the proposed HCM designation. See Exhibit A. As you might imagine, this community takes issue with the City's proposal to create city-wide monuments out of local bars, especially when neighbors do not support the bar use in the first place. This is particularly true here, where the bar is located right next door to a local school. Also included is a letter from Joe Bergin, the grandson of the former owner Tom Bergin. Mr. Bergin also opposes this nomination. Consistent with the demands of the neighbors and Mr. Bergin, we urge the City Council deny this nomination and protect the City from these types of illegitimate HCM designations.

Sincerely,

BENJAMIN M. REZNIK of

Jeffer Mangels Butler & Mitchell LLP

Council File No. 19-0293 May 20, 2019 Page 2

## Enclosure(s) cc (via email):

Nicholas Greif, Chief of Staff, Councilmember Ryu Rachel Brashier, Deputy Chief of Staff, Councilmember Harris-Dawson, Chair Andrew Pennington, Director of Land Use & Planning, Councilmember Blumenfield Sherilyn Correa, Director of Planning, Councilmember Price, Jr. Gerald Gubatan, Planning Director, Councilmember Cedillo Hannah Lee, Chief of Staff, Councilmember Smith Terry P. Kaufmann-Macias. Deputy City Attorney, Office of the City Attorney



# **EXHIBIT A**

Cultural Heritage Commission City of Los Angeles 200 N. Spring St. Room 1010, City Hall Los Angeles, CA 90012

Dear Commissioners;

My name is Joe Bergin, Tom Bergin's youngest grandson. The property at 840 S. Fairfax is one I know intimately. As my grandfather's bar, I essentially grew up going to Bergin's, playing in the office as a kid, getting to know the patrons and staff, etc. Eventually I came to know the long-time owners that purchased Bergin's from my grandfather in 1973, TK Vodrey and Mike Mandecick, and then Derek Schreck who purchased it in 2012.

I am writing to you in *strong opposition* to the HCM nomination for the property. Not only is it baseless to call Bergin's at its current location a "cultural monument," the nomination is extremely short sighted. I've had the opportunity to see the financials from the business, and as much as anyone understand the difficulty of that location. It has gone out of business now 3 times in the past several years, and by insisting it remain as-is prohibits any future efforts to make it work. The business has already been moved once before due to a changing neighborhood. Derek Schreck has already pledged to me the intellectual property, interior, and signage, and it is my hope to be able to relocate and reopen Bergin's in a location in the city where it can again thrive. The nomination kills this possibility and ensures that the building remain useless to the community.

As a Bergin, this business means a lot to me, and I cannot allow its ability to be moved and reopened to be quashed based on a factually incorrect nomination that's been spearheaded by a gentleman who I don't believe has patronized Bergin's in at least a decade. By reopening Bergin's in a new location I will assure Bergin's remains a vibrant and important part of the Los Angeles community. Turge you to deny this nomination.

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### Bergin's HCM

Joel Grossman <
To: Derek Schreck <
Cc: Fran Grossman <

Sun, Mar 3, 2019 at 10:01 AM

#### Derek.

We are traveling this week and won't be around to sign a petition but please know we agree with you 100%. Just because Cary Grant had dinner there doesn't mean that you shouldn't have the right to sell your own property as you wish. We strongly protest the nostalgia buffs who want to deprive you of this fundamental right. Best of luck at the hearing.

Fran and Joel Grossman

Sent from my iPhone [Quoted text hidden]

Cultural Heritage Commission City of Los Angeles 200 N. Spring St. Room 1010, City Hall Los Angeles, CA 90012

### Dear Commissioners;

My name is T.K. Vodrey. I purchased Bergin's Tavern at 840 S. Fairfax Ave. from Tom Bergin himself in 1973, and owned/operated it with my business partner Mike Mandecick for nearly 40 years. As such, I know Bergin's and the business as well as anybody, and I am writing in *strong opposition* to the HCM nomination for this property.

Not only does it not qualify as a "cultural monument," but I know first-hand the difficulties that the location poses through getting to know subsequent owners, Derek Schreck included. The nomination does NOT reopen a closed business, and in fact makes it impossible to reopen elsewhere. I understand that the interior and signs have been gifted to the Bergin family to reopen elsewhere. This cannot happen if the nomination succeeds. I urge you to deny it.

Sincerely,

T.K. Vodrey



March 4, 2019

Cultural Heritage Commission City of Los Angeles 200 N. Spring St. Room 1010, City Hall Los Angeles, CA 90012

### Cultural Heritage Commission:

My name is David Passman and I am a Real Estate Broker and founder of The Passman Group. I am a native Angeleno have been working in Real Estate in Los Angeles for a dozen years and I have extensive experience working in the sales and leasing of commercial buildings including restaurant spaces. My office is down the street from 840 S. Fairfax Ave, and I have been retained by Derek Schreck to help find a new owner for the property. As such, I am very familiar with the workings of Tom Bergin's as a business.

While reaching out to potential tenants and buyers that were owner-users interested in Tom Bergin's, they had similar concerns. As indicated in their review of financials, the restaurant/bar had not been successful for a very long time, has closed for extended periods three times in the last eight years, and has not succeeded even with repeated ownership changes. Even with the last two renovations and thoughtful and impressive changes that Mr. Schreck put in to the property, the business fundamentally suffered from a lack of support from the community, a lack which buyers and tenants have good reason to believe will persist regardless of ownership. In my opinion, it is very difficult to sustain a business based only on one day a year and with the exception of St. Patrick's Day, it seems that a lot of people forget about Tom Bergin's.

Quite a few buyers and tenants were also concerned that due to the nomination status, they potentially had a building that ultimately could not be changed in an attempt to keep the business alive. Indeed, retaining the signage would greatly limit the ability to attempt to even rename a space which has repeatedly failed. It also may prohibit the business from being moved somewhere where it may thrive. Mr. Schreck has committed to gifting the Intellectual property, interior, and signage to Joe Bergin of the Bergin family who wishes to move the business somewhere in the City where it may again be profitable. I believe you may be aware that Tom Bergin's has already been moved once before and had a second location, Bergin's West, at 11600 San Vicente Blvd.

Ultimately, based on the previous sales, the rent or purchase price a tenant/owner-user is willing to pay is not feasible in this market and may not cover the debt already associated with the parcel.

Best regards,

David Passman

David Passman | Founder The Passman Group, Inc. 145 S. Fairfax Ave. Suite 200 Los Angeles, CA 90036 310.859.8100 (o) 310.859.8101 (f) 310.717.5694 (c)

dp@thepassmangroup.com

DRE#: 01795153

Email to "che@lacity.org"

Cultural Heritage Commission City of Los Angeles 200 N. Spring Street Room 1010, City Hall Los Angeles, CA 90012

RE:

Tom Bergin's is NOT a Historic Monument! Case No. CHC-2018-5803-HCM

Dear Commissioners,

I am a parent of a <u>10</u> year old in the area where *Tom Bergin's* is located. I'm a big believer in preserving history, but I don't think the restaurant bar is enough of a landmark to outweigh the other uses for the land in this important area of the city.

My son walks in front of the location every school day. If the building is left unattended, it can become a safety issue. I would like to see the place used for something that my son can feel safe walking by every day.

If the building is deemed a historical monument, the building uses become limited to being a restaurant and bar. The space is unfit for any other use. My son and the many children who live or attend school within a couple blocks of *Tom Bergin's* do not need to be around the type of crowd that a restaurant/bar attracts.

I think every piece of land in the community should be active and useful. No location should be left to deteriorate or promote bad behavior. I know many parents who are in the same situation and have similar opinions. I hope you take our concerns seriously.

Sincerely,

Signature:

Print:

Address:

LAURA GOVLET.

Cherokee a

#211)

Email to "che@lacity.org"

Cultural Heritage Commission City of Los Angeles 200 N. Spring Street Room 1010, City Hall Los Angeles, CA 90012

RE:

Tom Bergin's is NOT a Historic Monument!

Case No. CHC-2018-5803-HCM

Dear Commissioners,

I am a City of Los Angeles resident and have been visiting the area around *Tom's Bergin's* for over 30 years. I believe the restaurant/bar had a purpose years ago. However, the area no longer needs a bar. As a frequent visitor to the area, there are other, newer places in the nearby area I prefer going to. From the looks of its closure, other people agree with me as well.

It is also not iconic enough to become a historical monument, although I do appreciate its history. The region also already has other landmarks like LACMA and The La Brea Tar Pits. As a visitor of the area, I would not appreciate a traffic increase from visitors looking for the bar as a "historic site" only to find it and be unimpressed. Although I don't live in the area, I believe residents would prefer using the land for something that will benefit the local population and not drive in traffic from outside for unnecessary reasons.

Thank You,

Signature:

Print:

Address:

JOHN H GRAVE

LOS ANGELOS 9003C

Email to "chc@lacity.org"

Cultural Heritage Commission City of Los Angeles 200 N. Spring Street Room 1010, City Hall Los Angeles, CA 90012

RE:

Tom Bergin's is NOT a Historic Monument!

Case No. CHC-2018-5803-HCM

Dear Commissioners,

As someone who lives in the neighborhood around *Tom Bergin's*, I strongly believe the space needs to be actively used. At this point, the property is not being used to its potential and has become a waste of space. It should be sold to someone who will not let the building die down or be vacant. If considered historically relevant, it will be pigeon-holed to remain the same bar that has been proven not to work in the area. If the building itself isn't architecturally significant, then you really are stating that it should just remain a bar.

I have lived in the neighborhood for \_\_\_\_\_ years and have been to the bar several times. I will admit that I've had some good times there. However, that doesn't make it historic.

Our neighborhood has changed and is continuing to change. While everything else has been updated, the idea that we would keep the *Tom Bergin's* building, even if it wouldn't be the same bar and restaurant, makes little sense. Why not allow someone to use the name and idea for a bar in a location that would be more successful?

If left alone, the building can become a hazard for the neighborhood. The parking lot can become a place for loitering, and the building itself will continue to age poorly. I would hate to see it turn into something like the Johnny's restaurant on Wilshire. Although that building is architecturally significant (unlike Tom Bergin's), it has been underused for about a decade and is still covered in political campaign materials from 3 years ago. It would be a shame for something like that to happen in our community,

Sincerely,

Signature:

Print:

Address:

ya Merman

A 50010

Email to "chc@lacity.org"
Cultural Heritage Commission
City of Los Angeles
200 N. Spring Street
Room 1010, City Hall
Los Angeles, CA 90012

	KRA	Ca	se No. CHC-201		
Dear Commission	ers,				
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Sincerely,		Signature: Print: Address:	Soma 5100 Los	•	veet # 103 CA 90031

Email to "che@lacity.org"

Cultural Heritage Commission City of Los Angeles 200 N. Spring Street Room 1010, City Hall Los Angeles, CA 90012

RE:

Tom Bergin's is NOT a Historic Monument!

Case No. CHC-2018-5803-HCM

Deal Commissioners:

I am a City of Los Angeles resident, and I live near the Tom Bergin's bar located at 840 S. Fairfax. I submit this letter to express my strong opposition to the pending proposal before you to designate the bar as a "Historic Cultural Monument." The idea that the City is considering designating a drinking establishment as a cultural symbol of our City is offensive, and I strongly oppose this nomination.

Signature:

Print:

Address:

BOXXVX

Email to "chc@lacity.org"
Cultural Heritage Commission
City of Los Angeles
200 N. Spring Street
Room 1010, City Hall
Los Angeles, CA 90012

RE:

Tom Bergin's is NOT a Historic Monument!

Case No. CHC-2018-5803-HCM

### Deal Commissioners:

I am a City of Los Angeles resident, and I live near the Tom Bergin's bar located at 840 S. Fairfax. I submit this letter to express my strong opposition to the pending proposal before you to designate the bar as a "Historic Cultural Monument." The idea that the City is considering designating a drinking establishment as a cultural symbol of our City is offensive, and I strongly oppose this nomination.

Signature:

Print:

Address:

Rebekah Powe

US Barrows Drive



Derok Schreck Kachreck derek@greekLeomi-

### Tom Bergin's

1 message

Arik Ahltov

Sun, Mar 3, 2019 at 10:56 AM

To Whom It May Concern, I am a neighbor and oppose the ber being designated a cultural monument. Regards,

Arik Ahitov 6155 Barrows Dr Los Angeles, CA 90048



Derok Schreck Fachreckderekdighteil.com?

#### Bergin's HCM Laura Cohen Sun, Mar 3, 2019 at 1:02 PM Derek Schreck Cc: david weissman eil com>. Sarah Stitt ⊲ea Maggie Wunsch Scott >, Philip McGrade < ı>. James Moll ⊲ Allie Weinstein 🗢 com>, Jeremy Weinstein 🗗 🗠 Yelena Orel 🖣 P. Jimmy Sassoon Judy Wunsch • 📂, Arline Dillman 🗣 Dillman ◀ >, Sharon Hall 4 >, Todd Kessler 4 Rogers 4 >, Joel Grossman [>, Brandoπ Camp ⊲ >, Fran Grossman >, Megan Broude ≺ Max Broude ->, William Wallis < . Leslie Wallis d r, Bridget Hoffman Monica Carlos >. Daniel Tellalian < Rif Hutton Kevin Jones • . Martha Sklar >, Rebekah Powell 4 🖪 Jonathan Sklar 석 Arik Ahitov <</p> > Kristin Londaren Laura Cohen P, Alex Worman < >, Lance Bogari 🔻 >, Susan Nemetz Bari Bogart < Howard Nemetz 4 ⊳, Janet Rich Weissman 🧸 Cathy Tuch < h, Miguel 90048 **<**I Vincent Bryson -

### Derek,

You have my full support. I would hate to find Tom Bergin's ending up like Johnny's Diner which I consider to be a sad blight in our community: tagging, homelessness, broken lights, strange odors, very little tax revenue -clearly not the best use of a corner property in one of the highest density intersections in our city.

You are a part of this community and I know how seriously you take our neighborhood into consideration. I am sure that your decisions about the future of this property would not harm us or negatively impact our quality of life. I know for a fact that you have thought about this deeply. In fact, I am convinced that if Tom Bergin's would be classified as historic, it would sit there, unloved and unchanged. This would attract homelessness, tagging, and insecurity.

Just because something is old does not mean it is historic. Progress is inevitable especially in such a dense city neighborhood. I don't understand how an abandoned decaying lot will add anything to our community: No tax revenue, no housing, no social contribution.

If a group of people are so sensitive about this issue, they should raise the money, buy the property at a proper value, and put it in good use. Otherwise, it is easy to just sign a petition and say you are against something.

Gmail - Bergin's HCM 3/4/19, 12:10 PM

Good luck in the upcoming meeting. I'm rooting for you. Laura

[Quoted text hidden]

Derek,

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Good luck in the upcoming meeting. I'm rooting for you.

Laura Cohen 6155 Barrows Drive LA 90048



Derek Schreck saduent.derek@gmatt.com>

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I agree whole heartedly with Laura.

And I also think Johnnies Diner is an eyesore... and magnet for an element that is not desirable. I wish something could be done. For those of us who live so close it is painful. For me anyway. Bergin's is a nice place. .. but shouldn't you as the owner be able to sell it. How can that decision be made by people who have nothing invested in it? It doesn't make any sense .... I'm so very sorry this is even an issue for you, costing you so much money too Derek. And aggravation. It's amazing to me that it is allowed to be.

Sent from my iPhone [Quoted text hidden]

Gmall - Bergin's HCM 3/4/19, 12:13 PM



Dersk Schreck Kachreck derekstgunall.com/

### Bergin's HCM

Vince Bryson <
To: Derek Schreck <

Sun, Mar 3, 2019 at 7:27 PM

To whom it may concern:

I live down the street from Bergin's and am opposed to the site being designated in any special way by the city of Los Angeles.

Vince Bryson 6191 Barrows Drive



VIrus-free. www.avast.com

[Quoted text hidden]



Derek Betrock sichnech derek@gmeil.com>

### Bergin's HCM

Martha Skiar < 1>
Reply-To: Derek Schreck <

Sun, Mar 3, 2019 at 1:59 PM

I oppose the cultural monument status

Martha at 6150 Barrows Dr, Los Angeles, CA 90048 [Quoted text hidden]



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### Tom Bergin's

1 message

Sincerely,

Jonathan Skiar <

Mon, Mar 4, 2019 at 8:32 AM

I have lived down the street from Tom Bergins for the last 40 years and I strongly oppose the HCM nomination.

Jonathan Sklar 6150 Barrows Dr. LA, CA 90048



- Darek Pahrenk rachreck.darek@grozil.com-

### Bergins HCM

Paul < > > To: Derek Schreck < >

Sun, Mar 3, 2019 at 12:27 PM

I oppose the HCM for Tom Bergin's.

Paul Sobel 852 Hauser Blvd.

Sent from my iPhone [Quoted text hidden].

Email to "chc@lacity.org"
Cultural Heritage Commission
City of Los Angeles
200 N. Spring Street
Room 1010, City Hall
Los Angeles, CA 90012

RE:

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