

# BREW HOUSE Pittsburgh Post-Gazette

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Showdown  
brewing  
on the  
South Side



# Artist group trying to buy Duquesne Brewery site

**I**t has everything you wouldn't want in an apartment building: asbestos oozing from the pipes, live pigeon chicks on the stairwells, a developer whose Midas touch went in reverse.

But if you've driven the Parkway East at night, your eye has been drawn to the red-brick structures on the South Side. The two buildings comprise the century-old Duquesne Brewery, the pedestal for the WTAE clock.

In the '40s, the two-acre brewery at 21st and Mary streets was one of America's 10 largest, its Duke beer the top seller in the state. It hasn't brewed a drop in more than 20 years, but the 60-by-60-foot clock looming from the 11-floor tower, the largest single-face timepiece in the world, shines on.

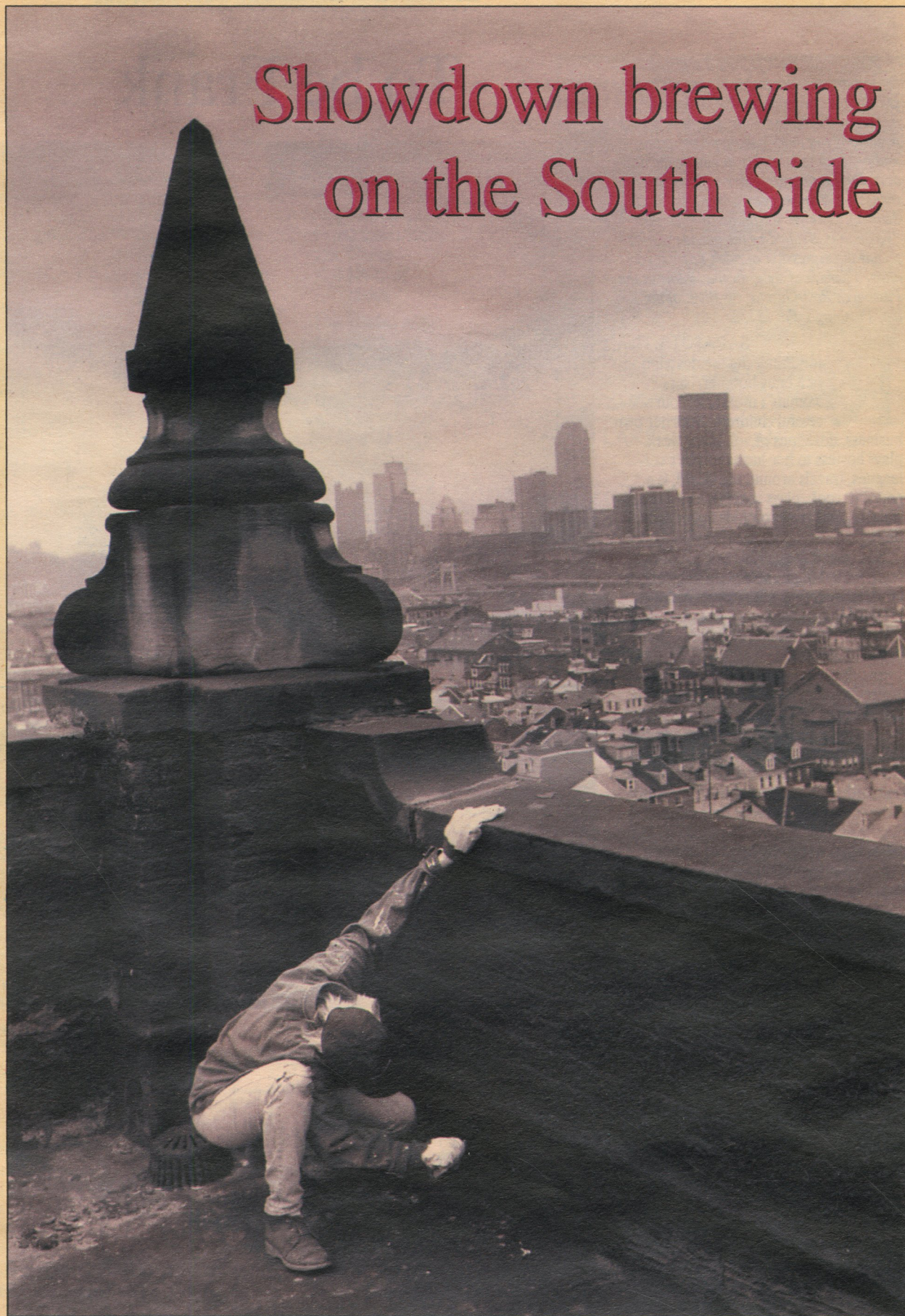
Behind the clock tower, in the brewery's six-story southern building, live the artists. A half-dozen merely rent studios in which to work, but 11 spend their nights, getting by with space heaters and faith. One has been profiled in *The New Yorker* magazine, a couple are college professors, and their work has been shown from Montana to the Museum of Modern Art. They make art *and* money, but they choose to live here, in a building with no central heat, no occupancy permits, shaky security and enough code violations to give the city's building inspectors writer's cramp.

There's no place like home, they'll tell you, no other place like this in all Pittsburgh. So, in alliance with a commercial business on the first floor, they're taking over the brewery.

Making up their game plan as they go along, the Brew House Association has won grudging respect from city officials and South Siders with each audacious step. They've also made enemies and, in an ugly falling out with the Birmingham Loft, prompted that 2-year-old art gallery to shut down for good.

When artists become pseudo-landlords, the transition is not smooth.

## Showdown brewing on the South Side



Caroline Sykora bends to her task of tarring roof leaks atop the Brew House.

STORIES BY BRIAN O'NEILL • PHOTOS BY THOMAS ONDREY

This hostel takeover began in October 1991 after tenants received eviction notices from then-owner The Bernstein Group, headed by Richard Bernstein of Columbus, Ohio.

Bernstein had purchased the buildings from Pittsburgh attorney Roslyn Litman in the summer of 1986. The sale price, according to deed book records, was \$570,000, and Bernstein later wooed investors with multi-million dollar plans to convert the brewery into apartments. But he never followed through.

By the fall of 1991, Bernstein was under pressure by housing officials to bring the building up to code. His solution was to boot the tenants.

But the tenants organized, sought legal help, and stayed put, persuading housing court to let them stay. They told building inspectors they'd do what Bernstein wouldn't. Inspectors worked out a three- to four-year timetable for improvements and gave the association a building permit.

By the time the city seized the brewery from Bernstein in March 1992 for non-payment of \$82,000 in taxes, these squatters had a better shot at ownership than he did.

The Bernstein Group did not return messages left on its answering machine concerning these stories.

"The only people crazy enough and stupid enough to invest hard labor and hard money into the building are artists," says J.S.G. Boggs, 37, a Brew House leader who is perhaps best known for infuriating local Secret Service agents with his whimsical impressions of legal tender.

"This spit-hole could turn out to be an asset to the city, if we are given a chance."

Acting as a shadow landlord for the past year and a half, the Brew House Association has collected modest rents, paid the bills and recruited younger, less established artists who share and are inspired by the collective's vision. A committee meets to decide who stays, who goes, who votes on policy, who doesn't.

The committee has taken hard-line "extra-legal" measures to weed out those who don't measure up to their standards. But as the artists work to bring the building up to code, they're also taking steps to set up a co-op and buy the site from the city.

Can this group of creative minimalists do in the '90s what pin-striped developers couldn't do in the '80s?

Can they make this building prosper?

Mike Kletter, president of Dubin Architectural Specialties on the first floor, thinks so. Kletter, who commutes from Upper St. Clair, was won over on the cold winter day in 1991 when the artists cited state law protecting residents and persuaded Duquesne Light to turn the electricity back on, in the association's name, in a matter of hours. Originally skeptical of this "crazy artist stuff," Kletter now says they deserve the building. He keeps the association's books.

"This building has become their life, like when you go into business," Kletter said. "I don't think anyone else would have persevered as long as they have."

"Every cent that doesn't go to pay utilities goes into this code compliance work," said Joe Vaughan, an



The former Duquesne Brewery on the South Side is inhabited by a group of artist-squatters who are rehabilitating the building and hope to buy it.

architect/tenant who organized the plan of attack.

Vaughan, 54, and his neighbors have built firewalls, installed smoke alarms and fire doors, and carted off dumpsters filled with debris. What had been a neighborhood dump for much of the past 20 years is now becoming the stuff of art, room by room.

Tenants have worked collectively more than 7,000 hours. Time is carefully tabulated so each hour can be rewarded later with shares in the building, equity through sweat. That, however, is contingent on getting the building from the city.

The association is on good terms with the Bureau of Building Inspec-

tions. Assistant Chief Ron Graziano said, "If they pull this off, it will be the greatest thing."

"We were pounding our head against the wall with Bernstein," Graziano said. "If you want to fix someone's building up, I won't stop you, as long as it's done properly."

But no amount of hammering, painting, plugging, and hauling — chores done every other Saturday — will turn tenants into legal owners. They have to buy the Brew House from the city.

Mayor Sophie Masloff's administration seems ready to concede the artists may be the best way to unload a white elephant and make it pay. Who else would simply seal in the asbestos-filled back half of the building for the indefinite future

## Tenants don't paint a pretty picture

Worse than living without heat, working without pay, betting your money and time on the longest of shots — the most disagreeable aspect of Brew House life may be dealing with a squatter-landlord.

Unless, of course, it's being the squatter-landlord.

Neither side enjoys the inherent confusions in the role, the make-it-up-as-you-go nature of the beast.

The rift between the now-defunct Birmingham Loft and its erstwhile landlord, the Brew House Association, is the most public of the disputes. But Angelo Bruni, 26, leader of the rock band Cat Ballou, was shown the door before the Loft even arrived.

Bruni was kicked out of his sixth-floor "penthouse" studio a year ago after fellow tenants, in a rent dispute, locked up his studio and confiscated his equipment.

Bruni's stuff was essentially held for ransom. He found a typed "Dear Angelo" letter on the door from "The Rental Committee" in March 1992. It said he owed \$533.30, including rent due since October 1991.

Without eyewitnesses or money, and with shaky rights in the building himself, Bruni negotiated.

He figured he owed a couple of hundred less. So he made partial payment of roughly \$150 and got back most of his stuff, then left the rest to offset his debt. By then, the association had voted him out.

Bruni blames J.S.G. Boggs for his ouster. He says the Brew House seemed less like an artist's co-op and more than like a real estate firm once Boggs arrived.

Boggs bristles at such charges. He produced minutes indicating Bruni attended a December 1991 rental committee meeting where Bruni and another man with overdue rent suggested the policy that included lock-

SEE BREW HOUSE, PAGE 18

SEE TENANTS, PAGE 19



On cold winter nights, Bob Bingham sleeps in a tepee he constructed in his fifth-floor studio.

## BREW HOUSE FROM PAGE 17

Those features turn off more conventional developers. Neighboring South Side Hospital officials looked long and hard at the site, but the building is unsuitable for offices and it would cost too much to tear it down for parking.

When the city went to court to clear millions of dollars in liens from the building, those with claims simply walked away from their losses. When it showed appraisers through last fall, they shook their heads so hard Hayllar never even bothered with a formal appraisal.

So if it's ready to be unloaded, why not direct the sale to the Brew House Association, as South Side Councilman Gene Ricciardi suggests?

"Because some yahoo, who probably works on your editorial board, will say there's skullduggery afoot,"

Hayllar said. Sarcasm aside, his message is clear: Logic, urban redevelopment and city government can't always coexist.

The city intends to auction the building in June, after the Democratic primary, so the sale doesn't become a political football.

"The thing that's of most concern to us is if some stupid dork bids on the property without ever having looked at it," Boggs said. "All the big players have already looked and they've made the correct determination that it is a money-loser."

"We're always living in that fear," Bingham said. "We're doing all that work and someone else is going to get it."

Vaughan said the association would be prepared to submit a bid from personal resources of members, but "we're trying to discern how big an amount we'd need to guarantee

we'll get the property."

There's a chance the association may want only the southern building its members now inhabit; the 11-story clock tower across the street was hit hard this past winter by nocturnal scavengers who tore boards from windows so they could remove aluminum rails and copper pipe.

But Vaughan says, "we don't want to be shortsighted." He'd like to pursue the association's dream of an apprenticeship program for budding artists. The association might one day need the clock tower's space.

Of course, there's always the chance the association might not bid at all. Some believe it could put the city in a position where it has to sell to the association.

But Hayllar said if nobody bids in June, "Mayor [Tom] Murphy's got big problems. Or Mayor [Jack] Wagner."

The city, meanwhile, collects from

WTAE for rental of the clock. The destination of those checks in the four years the station has rented the clock tells the tale: first came Bernstein and his various rental agents; then Equitable Gas Co., until the default judgment it won against Bernstein for unpaid bills was satisfied; and, finally, this year, the city.

WTAE, now discussing renewal of the lease that expires May 15, is that rare Brew House entity: a legal renter. For now, Hayllar will just wink at artists occupying a building without occupancy permits.

"They don't live there," Hayllar said straight-faced. "Those are merely their studios. They live somewhere else and come there. Twenty-four hours a day, but that's the life of an *artiste*."

"One reason I would like to unload the building is so I don't have to answer questions like that."

outs and confiscation of goods.

Ceramic artist Bruce Woyt, the other renter, backs Boggs here.

"If you don't pay your rent, you got to go sometime," said Woyt, who tacked on \$33 to his monthly rent until his \$400 debt was paid.

Bruni says he was at the meeting, but he didn't make any lockout suggestion, nor did he see a written eviction policy. He thinks the association should stick closer to landlord-tenant norms.

"If you're going to swim with the business fish," he said, "you have to use the same strokes."

"There was no joy [in Bruni's eviction]," Boggs said. "The whole thing left a bad's tase in everyone's mouth from beginning to end. But we had no other choice."

Most of the stuff Bruni left was junk, he said, and its sale "probably netted 50 bucks."

The lock-up and confiscation policy is "what's referred to as 'extra-legal,' 'outside the law,'" he said. "It's not legal or illegal."

"Here at the Brew House it's like a microcosm of society. If people don't pull their weight, they're invited to go elsewhere."

"We did everything we could do to try to rehabilitate Bruni."

Bruni points out that Boggs found out later "what it feels like" to have his space violated. Boggs, whose art consists of takeoffs on legal tender, complained passionately to the media last year when the U.S. Secret Service went through his apartment and confiscated his property.

Boggs, with government threats of arrest and imprisonment hanging over him, did not like the comparison. Bruni "has no conception of what I'm going through," he said.

In anticipation of this story, and fear that he had become a liability to the Brew House, Boggs offered his resignation to the association in late March. But board members voted not to accept it.

**R**obert Garvey's power struggle with the Brew House ended with his Birmingham Loft arts center not only out, but dead.

"They're running [the Brew House] like a fraternity and everybody has to go through a pledge period," Garvey said.

Garvey never acted like a pledge.

The Loft entered a 3,600-square-foot garage in the Brew House last

summer with a spoken promise to pay rent and give association members three months of art shows a year. The partnership began to break down when Garvey was asked to sign a lease that would have the Loft vacate its space on seven day's notice.

"This doubled the Loft's risk — now the association and the city could evict us," Garvey said.

As Garvey pressed for a lease he could accept, renovation work in the space proved difficult. Association members dropped other tasks to help the Loft get its place ready. They saw it as good faith.

But ill feelings grew. Garvey pushed to get his organization a vote on the association board, but was voted down last November.

Garvey withheld rent until he could get a lease he felt he could sign. He never got one. The preamble to the lease he turned down, an odd mix of timidity and assertiveness, capsulized the unique position of the squatter-landlord:

"... Tenant also understands that although The Brew Association has no legal authority to rent the premises... it has decided to do so in order to maintain the integrity of the premises..."

Garvey says now the Loft is looking for a cash settlement of \$2,500 from the association for the cash it paid. Garvey and his wife, Dana Hokin, a Loft director, are not seeking compensation for their hundreds of hours of labor at the Brew House, but are asking that it be credited to another Brew House tenant.

Joe Vaughan, president of the association, hopes to settle accounts amicably. "I don't think there are any real villains in this. I think the world of [Garvey] and [Hokin]."

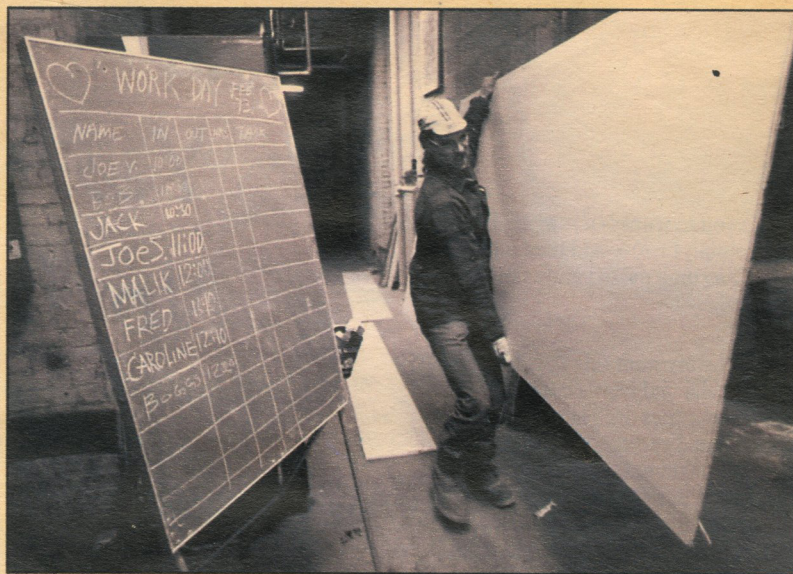
"I think some other members were not as deeply into the long-range vision" of what the Loft could mean for Brew House credibility, Vaughan said.

"I think some damage has been done to our image, but we are proceeding ahead."

"I have growing respect for anybody who's a landlord."

Bob Bingham, a member of the association, said the disagreement ultimately turned into "a small war between [Garvey] and Boggs. Everyone feels it's unfortunate how personal it is and how ugly it is."

"If we owned this building and could have given [Loft directors] the security they needed, it might have worked out."



Installation artist Bob Bingham carries drywall past a chalkboard on which residents log the hours of work they put into fixing up the Brew House.

## Developer's vision undeveloped

**W**hen Richard K. Bernstein came to Pittsburgh from Columbus, Ohio, in the early '80s, he had a national reputation for architectural preservation.

For Joel Kranich, an Oakland architect, Bernstein was just what the doctor ordered.

Kranich had been having trouble getting investors interested in a deteriorated six-story warehouse in Shadyside. Nobody shared his vision for 568 S. Aiken Ave. — until he saw Bernstein speak at a conference.

After the lecture, Kranich introduced himself and told Bernstein about this granary built in 1908. Soon, Bernstein took a look.

"Let's do it," he said.

That's the way it was in the first half of the '80s. The 1981 federal tax act offered tax credits of up to 25 percent for the preservation of historic buildings, and the Bernstein Group wasted no time taking advantage.

He rarely thought small. He had more development ideas than some men have suits. He planned to turn a couple of old mansions in the Allegheny West neighborhood into 21 condominiums by the summer of 1984. In 1988, he announced he'd be building a 429-unit apartment community in another North Side neighborhood.

But Shadyside Place, the \$6 million renovation completed with Kranich in 1984, would prove to be Bernstein's only success in Pittsburgh. And by September 1990, it was being bought out of bankruptcy proceed-

ings for \$3.65 million.

By then, Bernstein's projects were in deep trouble; his real estate empire, from Cincinnati to Pittsburgh, was crumbling; his multimillion dollar plans for turning the old Duquesne Brewery into offices and apartments were dashed.

The brewery project began just as the federal tax reform of 1986 was knocking the slats out of Bernstein's restorations.

In the summer of 1986, after a couple of years of false starts, Bernstein formed the limited partnership Brewhouse Artisans and bought the Duquesne Brewery from Pittsburgh attorney Roslyn Litman for \$570,000.

In 1988 and 1989, the Bernstein Group went looking for people seeking to invest \$60,000 apiece, trying to raise \$1.2 million for a Duquesne Brewery Limited Partnership. Bernstein had the buildings appraised at \$1.2 million, and the Bernstein Group put out a prospectus outlining a \$9.3 million renovation.

He found investors, but there's little evidence of that in the brewery. By the time Bernstein lost the buildings for non-payment of \$82,000 in taxes in March 1992, the list of creditors with judgments and liens against the property was rivaled only by the list of building violations.

Kranich, hired by Bernstein to convert the brewery to apartments, calls the site "the frustration of my life." While he is sure the Bernstein Group had good intentions, Kranich said "the numbers just never came in right for him."