

SOHO ARTISTS ASSOCIATION

1970

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A WHITE PAPER ON THE NEED TO LEGITIMIZE ARTISTS' STUDIO-RESIDENCES IN THE SOUTH HOUSTON AREA

Artists in New York City are an industry that generates over \$100 million worth of business activity a year. An important aspect of this industry is the kind of space it needs to flourish. Essentially this means large open spaces, sufficient storage, and the possibility that the artist can live where he works.

More and more artists are solving this problem by taking over the smaller, marginal left spaces being abandoned by industry and therefore available at nominal rent. Almost all of this type of space exists in commercial zones (designated C6) and light-manufacturing zones (designated M1-5). Most of the lofts available to artists are concentrated in the South Houston area - the 40 blocks bounded by Canal and Houston Streets on the south and north and by West Broadway and Lafayette Street on the west and east. In this zone, studios are legal, but living is not.

Thousands of artists have converted these lofts into studio-residences, and this has brought them into conflict with fire and building regulations. This movement has also been observed by the City Planning Commission, which is concerned that artists are displacing, rather than replacing, the small, blue-collar-employing industries that have used these spaces in the past.

In the last few years, there has been a tacit understanding between the artists and the City that those artists living in relatively safe buildings could continue to do so. The City did this, however, because it believed that only a handful of artists were involved, and that therefore there was no serious violation of established codes.

Today, however, the City and the artists have become aware that both their number and their concentration in the South-Houston area demands a formal solution that will protect both the artists and the City.

AFFILIATED WITH ARTISTS TENANTS ASSOCIATION

As a first step, the artists have formed the SoHo Artists Association, which represents all the artists of the area and has enlisted the support of cultural, civic and political leaders.

The SoHo Artists Association proposes: To have the City Planning Commission permit - now - the conversion of loft space in old manufacturing buildings into artists' studio-residences as it does in C6 districts, and that the cooperation of the Fire and Building Departments be enlisted in making this conversion possible.

The artists are aware that there are many ramifications to this proposal, and so they have investigated and analyzed the following five factors which are central to a solution of the problems involved.

1. SUMMARY

1. Artists are an essential factor in the well-being of New York City, both culturally and economically. Their cultural value is obvious. Their economic value lies not only in the volume of trade and employment in the art industry - some \$100 million worth - but also in the fact that their presence contributes to making the City an attractive place to be. This "glamour" attracts, among others, the office and executive elite, whose exodus would disintegrate the healthiest elements in the City's economic structure.

2. To stay in New York City in large numbers, artists must have adequate spaces in which to work and live. Such spaces are only economically available in the City's old industrial loft buildings. Although lofts are available throughout the central business district, the cheapest and most available lofts are in the SoHo area. As a result, a large concentration of artists has settled there and has formed a genuine community, whose members are noined together by common interests, goals, life style and now, political action. Galleries and private art dealers are also moving their businesses into SoHo, creating a true self-generated art center, suitable to the City's status as the art center of the world.

3. The City is also concerned that legitimization of the artists' presence in the area may displace an industrial community which employs large numbers of blue collar workers.

Most of this concern is based on the Rapkin report of 1963, whose findings prevented the razing of the area for middle-income housing. The data in that report, however, also delineated serious elements of decay at work in SoHo. Six years later, the effects of these elements was demonstrated by a considerable rise in the vacancy rate, despite the fact that artists were in occupancy in almost half of SoHo's buildings. Obviously, the artists are not pushing out industry but replacing it, giving the traditional incubator area a new industry to nurture and a new reason for being.

4. The fire, safety and health hazards that the area presents are, on the one hand, no worse than that presented by many of the older but treasured areas of the city. On the other, conditions could be considerably improved by legitimization of the artists' studio-residences, as proper fire and building code enforcement would be made possible.

5. To ensure that SoHo is not opened to the general public for residence, a role for which its construction is inadequate, a system for ensuring that only bonafide artists become occupants is required. This need has been fulfilled by the City's Office of Cultural Affairs, which will screen all studio-residence occupants in the area before permission to occupy is granted.

11. DISCUSSION

A. THE ARTIST AS A PRIMARY CITY ASSET

The first factor is the artist's value to this city. Little can be said here about his intrinsic worth, except that it lies in his constant evocation of the hidden aspects of our life -- its fulness and its emptiness -- which the world and the City can only ignore at the peril of ending in utter banality.

Artists are also a cultural asset to New York City -- an asset the city can ill afford to lose. Nothing could state this more emphatically than the amendment * to the State Multiple Dwelling law, which permits the conversion of old manufacturing buildings to artists' centers "It is hereby declared... that the cultural life of cities ... is enhanced by the residence ... of large numbers of persons regularly

* Chapter 939, Article 7-B, dated April 24, 1964.

engaged in the visual fine arts (and that the difficulty of obtaining adequate space) threatens to lead to an exodus of such persons to the detriment of the cultural life thereof and of the state."

Figures are not yet available on the direct economic value of art to this city, but informed guesses put it in the hundred-million-dollar range, not including fixed costs, such as investment in plants, etc. It does include the volume of trade in works and objects of art; direct employment in the fine arts industry; sales and employment in supporting industries; and sales and employment in the art materials industry and in art publication. Art's direct contribution to the City's gross product is not to be overlooked.

Neither is that share of the City's income contributed by other sources, such as commercial construction, rental of office space, and the income and expenditure of the office elite. And it is precisely in these latter, larger figures that the indirect economic importance of the artist lies hidden - because in great part it is artists, of all kinds, who have brought and kept these offices here.

A City Planning Commission report of 1962 states: "New York City remains the nation's most important office center; the reasons include prestige, the need for face-to-face work relations, and the availability of very special services." * Note that the leading item is prestige, and that derives directly from the fact that New York is the cultural center of this country. And a major reason that New York has remained in this preeminent position is that since the mid-1950's it has been the art center of the world.

More artists from foreign countries are coming here every day, and American artists are viewed with a kind of awe abroad. Today "American artist" is virtually synonymous with "New York Artist", because most artists end up in New York as soon as they get some recognition in their own part of the country - or sooner, if they can. It is to New York that the world looks for new direction in contemporary art, and it is the glamour deriving from this position that attracts people and keeps them here, despite the dirt, smog, crime and traffic jams.

*A Summary and Analysis of the Vernon Study; An Expansion of the Policy Choice Matrix, Oct. 1962.

B. THE ARTIST'S NEED FOR SPACE IN M1-5 ZONES, ESPECIALLY SOHO

The second factor is the artist's need for space, particularly the kind of space that is now found primarily in M1-5 zones, and especially in SoHo. The artist needs this kind of space for four reasons. One is that the art for which the United States, and especially New York is famous, is usually done on a very large scale. The second is that artists need large amounts of storage space. The third is that few artists make a substantial income from their work, so that they need to combine living and working space. Most importantly, an artist is involved with his work 24 hours a day, so that he must have access to his studio both day or night. Old manufacturing lofts are the only economical answer available in this city.

Most of the City's loft buildings are concentrated in the central business district of Manhattan. * The loft space suitable for artists is further concentrated in two main areas; the area north of 14th to 34th Streets, west of Park Avenue and east of 8th Avenue, and the area south of Houston to Chambers Street and west of the Bowery.

The area north of 14th Street is primarily commercial. The loft buildings are newer and in better condition than those in the area south of Houston. These are occupied by the garment and printing industries, which are still very much a factor in the City's business picture. Although there are hundreds of artists living in lofts in this area, the lofts they occupy are relatively scattered, consisting primarily of spaces in the older, smaller loft buildings.

The area south of Houston Street presents a different picture. A large percentage of the loft buildings date from the days when cast iron was a modern building material. The area is considerably run down, the lofts are smaller, the businesses more marginal, and many are leaving. When the Rapkin study ** of a 12-block area of SoHo was done in 1962, there was a considerable diversity of businesses, but over 55% had a net worth of less than \$50,000.

*City Planning Commission Bulletin, Commercial and Industrial Floor Space and Inventory, Dec. 1957, placed over 96% of the loft space in Manhattan in the central business district. The relative picture has not changed radically.

** Rapkin, Chester, The South Houston Industrial Area, a report prepared for the City Planning Commission.

Over 53% of the buildings required heavy rehabilitation, and of the balance, over 25% required at least moderate rehabilitation. While many of the businesses were solid, almost half were either in trouble or ready to move out. Artists were not thought of as a factor, although there was a considerable number of them by that time.

Today the business and the artists' picture has changed radically. A survey conducted in the summer of 1969 found artists occupying over a quarter of SoHo's lofts, located in over 40% of the buildings. There are fifteen artists' cooperatives, including 22 buildings. Seven more are owned by individual artists for private occupancy. To date, the artists' community within SoHo alone includes over 2000 people. If the artists living illegally in lofts in the areas peripheral to SoHo proper are added, the size of the community affected by the proposed legalization is estimated to be between five and six thousand strong.

Now art dealers are moving into SoHo. Last year, two galleries moved their storage locations into it, and soon after, one of these - the Richard Feigen Gallery - opened a downtown branch. Now Ivan Karp, the former assistant director of the prominent Castelli Gallery, has chosen SoHo to open his own. Several private dealers such as Paula Cooper, are using SoHo lofts for their exhibitions, and several other dealers, some well-known in the art world are currently looking for exhibition space in the area. There are rumors of others following suit.

The picture, then, is one of a natural development. If allowed to progress on its present course, it is extremely likely that SoHo, with its unique combination of art and industry, will become one of the most interesting areas of the city.

C. ARTISTS AND INDUSTRY — VERSUS OR PLUS ?

The third factor is the question of whether artists are displacing or replacing industry in the area. The single most important question regarding the legalization of studio-residences in SoHo has been the City Planning Commission's concern that this step would cause mass displacement of the area's businesses and destroy blue-collar jobs that the City badly needs. Much of this concern has been based on the conclusions of the Rapkin report, conclusions which were made on very different considerations.

These were: was the area still performing an essential function or should it be razed to make room for middle-income housing?

SoHo is located in the "valley", the area of old, low-rise buildings that falls between the high-rise hills of lower Manhattan and of midtown. This valley has traditionally been an "incubator" of new industry and the home of many of the small supporting businesses that are the roots of a metropolis. When he conducted his study, Dr. Rapkin found the area in good shape in many ways. It included 650 businesses with gross receipts of \$203 million, employing almost 13,000 workers, most of them in blue-collar jobs. The vacancy rate was only slightly higher than other, similar areas of the City at 5.7%. This data was sufficient to save the area from being razed, and both the City and its artists were obviously fortunate that this finding was made.

But the Rapkin report also found things that indicated decay rather than growth or stability. The seriously dilapidated condition of most of the buildings, noted above, was one factor. The report also recorded the high fire hazards, due to both numerous violations of fire laws and the presence of medium and high-fire-hazard industry in decayed, non-fireproof buildings. Another factor was this: although two-thirds of the firms had increased their volume of business between 1957 and 1962, there was one-third that had not grown, or had gone downhill. The inadequacy of the old-fashioned loft space for modern business use was also noted.

In the light of these facts, it is not surprising that 30% of the firms surveyed in 1962 had moving plans. Although one-third of these, or 10% of the total, hoped to move within the area, that left 20% who wanted to move out. Now, as it seems unlikely that those who wanted to move included very many of that other third who had no increase or a decrease in their volume of business, we have 50% who were either in trouble or wanted to get out of SoHo.

The expectations indicated by these statistics were confirmed in a survey of the same area conducted in 1968. By that time, almost 10% of the businesses surveyed had gone bankrupt and over one third had moved out of the area. Although half of the vacancies thus created were filled, that still left a reduction of 20% in the number of businesses in the intervening six years.

With this background, it should not be surprising that the vacancy rate increased significantly despite a massive influx of artists into the area. But more important than the general vacancy rate is the relationship between the size of a loft, the probability of artists' occupancy, and the likelihood that a loft is vacant.

This last summer, in August 1969, the SoHo Artists Association conducted a survey of 20 blocks of the South Houston area. What the survey found was this: the larger the lofts in a building, the less likely it was to have vacancies, and the less like it was that artists would be in occupancy. Conversely, the smaller the lofts in a building, the more likely it was to have vacancies, and the more likely it was that artists would be in occupancy.

Now if it were true that artists were displacing industry, there would be a struggle for a given type of space, and the vacancy rate for that space would be very low. For example, if both artists and industry sought the 2500 sq. ft. lofts, they would be vying for them, and even if the artists were winning and pushing industry out, the vacancy rate would be very low. However, although the buildings with 2500 sq. ft. lofts have the highest rate of artists' occupancy (over half have artists in them), they also have the highest vacancy rate (close to 10%). It is thus obvious that although artists want these spaces, nobody else does. Even for buildings in the 5100 to 7500 sq. ft. range, where artists' are in occupancy in almost one-third of the buildings, the vacancy rate is still close to that of the buildings in the 2500 sq. ft. class. But in the last category of buildings, those with lofts of 7500 sq. ft. or more, there is no contest. Industry still wants them and still has them.. None are vacant, and artists don't have a single unit.

Thus industry is leaving SoHo faster than artists are entering it. (This is also reflected in their rentals, because industry now pays over a dollar per sq. foot of space, while artists pay less than a dollar. If there were competition for the space, the two rates would either be comparable, or artists would be paying more.) At this point the 1969 survey indicates that although artists occupy over a quarter of SoHo's lofts, over 10% of its buildings still have vacancies.

Thus, if there were no artists in SoHo, the vacancy rate would be about one-third, jeopardizing the survival of the entire area.

The area is unquestionably worth keeping in its present state. It still provides about 11,500 jobs, almost 8000 of which are held by Negro and Puerto Rican workers. It still contains many of the small supporting businesses that are essential to our metropolitan economy. And it is becoming a new art center for the City, as it provides the last place that New York's artists can utilize for the making of art. In SoHo, art and industry complement each other, and their mutual occupancy should be actively encouraged for the City's benefit.

D. FIRE, SAFETY, HEALTH AND COMMUNITY FACILITIES

The fourth factor is the question of whether the fire, safety and health provision and the community facilities of SoHo are adequate to meet the needs of artists and their families. Unfortunately, despite the City's concern about these matters, it has been the City's refusal to legitimize the artists' presence in SoHo that has made it impossible to set and meet any kind of standards in these respects. As long as the City has only been willing to let artists live here sub rosa, it has been unable to enforce any of its codes without jeopardizing the entire status quo. The result of code enforcement without evictions would have been de facto acknowledgement of the artists' presence in these lofts as residents. We will examine each aspect separately.

1. Fire Hazards. Almost all the buildings in SoHo are non-fireproof. Most of the buildings have masonry walls and masonry or cast iron facades, with wooden floors and stairwells. Structurally, the area is no more hazardous than any of the older residential sections of New York. The difference is the degree of deterioration and the presence of more hazardous industry. Regarding the degree of deterioration, everyone is aware that artists improve their lofts radically. And the artists' cooperatives have all renovated their entire buildings. Regarding fire hazard, artists themselves are classed as low-hazard occupants.

The 1968 survey found that SoHo buildings with artists in them had substantially fewer fires than buildings without artists. And the Fire Department generally views artists' occupancy favorably despite the fact that they have lives to worry about that they did not have to consider previously.. This is because artists are in their buildings at nights and on weekends and thus ensure early detection of any fire that does start and because they provide the Fire Department with access to the buildings and thus reduce forcible damage. Early detection is one of the most important factors in determining the seriousness of a fire.

2. Safety and Health. The problem of safety and health is closely linked to that of legitimisation. Although artists usually install new plumbing, replace the wiring, replace the existing matchstick partitions with new and sound ones, and paint their lofts, their lack of legitimacy discourages the high standards the code requires. Since even a long lease does not ensure that an artist will be able to stay in a loft, he tends to limit his investment in it to the minimum compatible with his personal standards of safety and comfort.

The artists' cooperatives are another story, one that is particularly pertinent to this paper. There are now 15 cooperatives in SoHo, consisting of groups of artists who have purchased one or a group of buildings for use as studio-residences. Despite their lack of legitimacy, these artists have done major renovations on their buildings, including completely new plumbing and wiring, and repair and fireproofing of elevators and hallways. Within the lofts, each artist has done extensive interior decoration that usually compares favorably with modern city dwellings. Yet even these renovations have been limited by lack of funds. It has been found that private funds for artists' housing, which would make full renovation possible, are available, but the granting organizations are unwilling to give this money as long as the artists cannot be assured of legitimization.

Health is not a significant problem in SoHo. We are concerned here with serious, working artists who have an important goal in their life, not with the poor, or with young people in simplistic rebellion against their middle class backgrounds.

Essentially, then, the entire problem of safety and health comes down to legitimization and code enforcement. Standards for conversion of the type of buildings involved have been set by amendment of the State multiple dwelling law. Legitimization will make application of these standards possible. Artists recognize their importance and are eager to comply with them.

3. Community Facilities. Artists consider the community facilities of SoHo entirely adequate to their purposes. Sanitation, in terms of waste removal is perhaps the most serious problem they face. The cooperatives pay private garbage collectors. Renting artists make the best arrangements they can. If artists' studio-residences were legitimized, they could qualify for public garbage collection. The 1968 study estimated that even if every loft in the area were occupied by artists, they would generate only 2000 tons of garbage a year. Relative to the city as a whole this does not represent a significant increase in demand upon the sanitation facilities. In fact, it is doubtful if artists will ever occupy much more than 60% of the lofts, as some business would always remain, so that the demand would be much less.

Facilities for children are a consideration, but not a serious one. Because artists' children tend to be high achievers, many are able to get scholarships to private schools, and some artists are able to afford them. Many send their children to church and other community service operated nursery schools, to P.S. 41 on West 11th Street and to I.S. 70 on West 17th Street, both among the better public schools of the city. Play facilities are as close as they are to many residential areas, and like most New York parents, artists make special provisions for their children's play. In fact, artists' children tend to be better off than most children in the city, because the large loft space makes it possible to provide play and living areas of their own.

Furthermore, artists in SoHo have developed a real sense of community. They like the district and value the varied supply of materials, equipment and services needed for their work and provided by their industrial neighbors. The many artists who share the ownership of their buildings in SoHo also have a vested interest in maintaining cleanliness and safety as well as improving the physical appearance of the buildings and preserving the unique cast iron architecture.

E. IDENTIFICATION OF BONAFIDE ARTISTS

To make the legitimate presence of artists in SoHo a workable reality, it is mandatory that studio-residence occupancy be strictly limited to artists and their immediate families and that occupancy by non-artists be prevented. Aside from the importance of keeping the area's lofts available only to the artists and industry that has nowhere else to go, the depth of the buildings and lack of adequate rear space make SoHo's buildings incapable of meeting standard multiple dwelling requirements.

To ensure that no other residential occupancy will occur, every artist will have to be certified. Fortunately for both the artists and the City, Mrs. Doris Freedman, Director of the City's Office of Cultural Affairs, has agreed to make this a function of her office. As each building applies for approval of artists' occupancy, the Office of Cultural Affairs will evaluate the data submitted for each artist. If all applicants are certified as bonafide, permission for artists' occupancy in a specific loft or entire building will be granted, subject, of course, to applicable fire and building requirements.

SoHo is an integrated community of artists and industry. The presence of artists in SoHo's lofts is both an ornament and a necessity for New York City. Its artists do not ask for any kind of subsidy or other financial support. They want only to be able to work and live in these areas as self-supporting, contributing individuals. The legitimization of their presence in SoHo, by permitting studio-residences to be established there as they are in G6 districts is vital now.