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So You Say You Want A Loft ?

JANEL BLADOW

To be or not to be legal is a question that all Soho loft lovers must face. For many the question poses more problems than it solves while for others it provides a much needed peace of mind. Having a Certificate of Occupancy, the official city paper changing a building from

Department of Buildings, says proof is most often a show announcement or a printed brochure.

This classification is meant for the starving artist in the garret. It allows him to sleep in his workshop, i.e. bring in a bed. It doesn't include a

only city certified artists, must be applied for by an architect or engineer. This involves large sums of money, a complete set of building plans and a lot of time. The proposed living/working quarters very closely approximate apartment facilities, including a full bath and kitchen. Ultimately, the building is granted a Certificate of Occupancy, which is irrevocable or permanent. A formal A.I.R. is not available in heavy commercial zoned or manufacture zoned areas.

Because artists were not allowed to live in manufacturing zones and by this time many artists already occupied Soho lofts, new legislation was adopted in 1970. As a sort of amnesty, the M1-5A and M1-5B zones were created to allow Soho artists to remain in their homes, legally.

Soho's 43 square blocks fall into two unique zoning categories. In fact, Soho is the only area in New York City zoned M1-5A and M1-5B. Regulations are different in both sections with two exceptions. No building more than 3600 square feet—this is an outside structural measurement—may be occupied by artists as a living/working space unless the building was an artist owned and lived in cooperative before September 15, 1970, when the Soho zoning codes took effect. It is illegal, therefore, to live in an oversized building unless artists owned it more than four years ago. Also, it is illegal to

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non-living to a residence, is an individual thing; that is, until the authorities crack down on illegal occupancies. But, in the meantime, it's up to the individual.

Who can live in a loft and where? This question must be answered before deciding to legalize living status. It is possible that the artist doesn't meet the city's Certification as an Artist or Artist in Residence requirements. Or, perhaps, the building doesn't qualify under city zoning codes.

Through the Department of Cultural Affairs, the city offers Certification as an artist to persons who can provide documentation and references that he is an artist. In a not too complicated but comprehensive application, the artist is asked to detail his educational background, list shows and collections his works have appeared in and name a few persons who are reputable and know his work. It is important to note that Cultural Affairs certifies performing artists as well as those in graphics and plastics. Performers, however, must show that they will use their lofts to further their art when applying for living status. Many actors and dancers conduct workshops for this reason.

Any city certified artist may apply for Artist in Residence status, which comes in two styles—informal and formal A.I.R.

The informal A.I.R., begun in 1968, is filed with the Buildings Department by the artist himself. No architect or engineer is needed, just proof that he is an artist. Lawrence Clark, Chief Inspector of the

kitchen and bathtub, though it doesn't specifically say they can't be there either. It is limited to two artists only in each commercial loft building, in any zone other than C8, M1, M2 and M3. (C zones are commercial; a C8 means department-sized stores. M zones are manufacturing; M1 is small manufacturers as such as those in Soho.) The catch here is that an informal A.I.R. is revokable at any time, but Clark adds that to his knowledge none have been revoked.

Between the 1968 A.I.R.

A formal A.I.R., available to only city certified artists, must be applied for by an architect or engineer. This involves large sums of money, a complete set of building plans and a lot of time.

document and the 1970 Soho zoning legislation, changes were made to the state local zoning law. Conversions from factories to residential buildings had to meet many of the usual apartment regulations, though commercial structural differences, such as higher ceilings and limited backyards, were taken into consideration.

live in lofts less than 1200 square feet.

In the M1-5A area—a 10 and a half square block section of Soho bounded by Broome, West Broadway, Houston and Mercer—living is legal in undersized lofts. An undersized loft is more than 1200 square feet but less than 3600 square feet. Living in this sized space and in this area is okay with an

A formal A.I.R., available to

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Lofts

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informal A.I.R., but C. of O.'s are available too.

The story's different, however, for the 32 and a half square blocks in the M1-5B area—Baxter-Lafayette, Houston, Mercer-Thompson, and Canal. Here, undersized buildings are just as illegal as oversized, unless at least one artist lived there prior to September 15, 1970. If space is available in an undersized building and no artist lived there before September 15, 1970, it is hands-off for artist occupancy under present zoning.

"We assumed thousands of illegal persons living in Soho would take advantage of the changes," says Clark, but he adds only a handful have applied for informal A.I.R. or otherwise.

Living illegally is a criminal offense. The Buildings Department will slap a violation on the naughty dweller, with the assumption that he will begin procedures for a C. of O. immediately. Otherwise, it is off to court for the tenant and the landlord, private or cooperative corporation, who can be fined from \$5 to \$1,000.

Currently co-op owners are under more fire than the renters. Charles Leslie, Soho Artist Association president, said at a recent meeting that in 1968 there were six illegal co-ops, while today there are 60 to 80. Reportedly, several co-op owners were called by the State's Attorney General's office to find out if they have filed all the necessary papers for legal living.

To apply for legal living status is a headache and a lot of paper work, as Leslie, who lives in a co-op with a C. of O., know. "It took us two and a half years

and much expense. It was a mighty pile of shit to go through."

But he and others will attest that it's something that had to be done.

Their homes meet all fire and safety regulations; their garbage is picked up by the city (without a C. of O., the city isn't required to remove refuse); and they have changed from the commercial water meter system to the less expensive residential use system.

Others, however, like being illegal. One artist said he will keep his illegal status because he likes having the building quietly and entirely to himself at night. His rent is lower than most for an equal sized space and, if he's discovered, well, it might be time to find a new place anyway.

Basically there are two different concepts to legal loft living, just as there are two basically different artist personalities. One wants the permanent position that a C. of O. gives him. He works best in a co-op and his mind isn't cluttered with worries. On the otherhand, the insecurity of illegal living attracts the starving artist. He doesn't like being bound, and doesn't want a C. of O. or the legal hassles involved. Living underground is just fine with him.

To have or have not a legal residence is a question for landlords to explore too. Getting a C. of O. no longer gives him the option of renting his space to an artist or a factory. He can't reverse a C. of O. building without a hoard of problems. "It's the same as renting with or without a lease," says Clark. "It binds me or puts me in jeopardy."

"This started with the artist who really and truly just wants to sleep in his factory and can't afford to maintain a residence and a studio," he continues. "But on the otherhand, too many people want to live in a large space with cheap rent." •

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