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## **Push to Count SoHo Artists Stirs Debate**

By **LAURA KUSISTO**

A group of SoHo property owners have secured funding to advance their campaign to overturn a four-decade-old law that was meant to preserve loft space for artists but has largely been ignored for years.

The owners' effort has revived a debate over the identity of one of New York's most vibrant neighborhoods. Has SoHo fully transformed into an urban haven of upscale retail and wealthy residents? Or does it remain an outpost—albeit a shrinking one—for painters, sculptors, dancers and actors?

At issue is a 1971 zoning change that allowed artists to legally live in lofts they had converted from industrial space in SoHo. Technically, much of the neighborhood is still zoned to permit manufacturing, and a condition has been placed on the old industrial buildings: Each loft must have at least one artist or successor, and the use of retail spaces must be wholesale without a special permit.

The SoHo/NoHo Action Committee, a group of real-estate interests, said the law has outlived its original purpose. Untold numbers of owners have sold lofts to wealthy non-artists, and SoHo has become one of the city's premier commercial retail centers, with boutique shops occupying the area's high-ceilinged, cast-iron buildings.

The committee said it has raised \$30,000 to conduct a survey to determine how many artists certified by the city still live in SoHo and how many retail spaces are being occupied illegally. **Margaret Baisley**, an attorney who is leading the committee, is in discussions with Baruch College's Steven L. Newman Real Estate Institute, to begin conducting the survey later this month.

Full results are expected by the fall and would be turned over to the City Planning Department, which the group is lobbying to change the law.

The owners' committee said it wants to legitimize what has already happened: SoHo's loft spaces are no longer just for artists, and their current residents and owners shouldn't have the uncertainty of being at odds with city zoning law hanging over their heads.

"In all fairness to the 99% of people who are here illegally, now is the time and the problem must be solved," said **Ms. Baisley**.

But the campaign has also infuriated some residents who said changing the zoning law would speed the influx of Wall Street financiers buying multi-million-dollar lofts and put more pressure on artists to leave.

"To get rid of it will destroy SoHo," said Mimi Smith, a feminist painter and sculptor, who bought a loft in 1973. "It's a real-estate ploy. They want more money for their lofts."

If the City Council overturned the law, it could affect dozens of retail spaces and live-work lofts in an area stretching from West Houston to Canal streets, and from West Broadway roughly to Lafayette Street.

No one knows for sure how many artists are left in an area that was once known as a bohemian enclave. Many of the galleries that helped create SoHo's artistic identity were driven to Chelsea and later Brooklyn by rising rents.

A survey conducted by Columbia University's Graduate School of Architecture, Planning and Preservation for the SoHo Alliance, a community activist group that is split on the issue, found that 43% of 209 residents who responded identified as working in the fine arts. It came with a significant caveat: It was hard to get people to answer honestly if they were there illegally.

A couple of years ago, the Buildings Department began cracking down more on people living illegally in SoHo, according to opponents of the artist requirement.

A department spokesman didn't provide answers to questions for this article.

Attorneys and real-estate brokers said the uncertain status of these properties has made it difficult to obtain mortgages and dampens prices in the area.

"People who have lived in limbo could clear up the situation," said Joe Burden, a partner at Belkin Burden Wenig & Goldman LLP.

**Ms. Baisley** said: "Most people in our area want to be able to live legally in their homes, without threat of violations issued by the Department of Buildings or difficulty in selling their spaces if they need to move on."

To conduct the survey, **Ms. Baisley** has filed a freedom of information request to get a list of certified artists from the city Department of Cultural Affairs. The surveyors would then verify which of them still live in SoHo.

**Ms. Baisley** said she expects the survey will reveal that only a handful are still SoHo residents.

But Sean Sweeney, director of the SoHo Alliance, said there were several hundred artists in the neighborhood. He said changing the zoning law would "lead to the wholesale eviction of the artist residents, both rental and co-op, who are vulnerable to the whims of their landlords and vulnerable to the vagaries of a tenant who wants to live on Park Avenue but rub shoulders with the bohemians."

Even some artists who have lived in the neighborhood for decades said they want to offer those newcomers the same legitimacy and certainty they won four decades ago.

Shael Shapiro, an architect and author of the book "Illegal Living," about the history of SoHo, bought a loft for \$5,000 when he was a student in 1967. He was heavily involved in lobbying for the 1971 rezoning, but now supports repealing it.

"You walk down the street and it doesn't seem like an artists' neighborhood anymore," Mr. Shapiro said. "There's a new class of illegals—people who are not artists."

—Eliza Pound contributed to this article.