



cores of Boston artists, perhaps hundreds of them, lead double lives. They have their studios in industrial or warehouse buildings, airy, high-ceilinged places where they devote both days and nights to their painting and sculpture and other works of art. And when they are ready to put down their brushes and chisels, they are likely to walk over to a hide-a-bed or futon in the corner, unfold it and take an eight-hour nap.

To call it a night's sleep could be illegal. The fact is that, with a few exceptions, living in an industrial or warehouse building in Boston is against the law.

Yet the practice continues, from the Fort Point Channel area of South Boston and the South End into Brighton and Jamaica Plain — abetted by a common interest among landlords, tenants and city officials who champion the cause of struggling artists.

Bruce Rossley, Mayor Flynn's commissioner of arts and humanities, who has been working to amend zoning codes to legalize live-in artist lofts, says of existing artist tenancies: "We're not going to throw them out on the street."

Acknowledging the duplicity of such living, the Fort Point Arts Community, a 200-member nonprofit group with housing as part of its mission, plans to start in October on converting a nine-story building at 300 Summer St., near South Station, into a limited-equity cooperative building where artists can legally live in studios they will own. The turn-of-the-century building was formerly a wallpaper distributor's warehouse.

Ben Freeman, president of the 13-year-old Fort Point Arts Community, said the plan calls for 41 studio units, averaging 1,300 square feet each, on the upper six floors. All the units have been taken, Freeman said, and the Boston Redevelopment Authority and the city Zoning Board of Appeals have approved the project. About two-thirds of the buyers

Lofty living for city artists

■ ARTISTS

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who have put down \$2,000 each now live in the surrounding Fort Point Channel area — many of them illegally, Freeman acknowledges.

The building's lower three floors, two of them out of sight below Summer Street but open to an alley off A Street, will be sold as commercial condominium units. Freeman said three firms have already signed up for space.

Mark Pevsner, treasurer for the project, said the co-op is negotiating with the AFL-CIO Housing Investment Trust, headed by Stephen Coyle, former director of the BRA, for its mortgage. The Keen Development Co. will be the developer.

Artists living and working in their studios has been a touchy subject in the Fort Point Channel area for years. The Fort Point Arts Community entered real estate development with the 1983 renovation of a former printing plant at 249 A St. into 35 studio units where owners can work and live. But opposition from South Boston delayed that project for three years.

"There was always the fear," said Freeman, "that this would open up the area to residential use," after a century during which thousands of South Boston residents earned their livings there. City Councilor James M. Kelly of South Boston said concern continues, about both the loss of those jobs and the cultural clash that could occur if many artists moved in.

Kelly said in a telephone interview that he does not oppose a proposed zoning-code revision that would permit what is called artist live/work space "on a case by case basis." But he added, "I am not going to allow the entire Fort Point neighborhood to be turned into a bohemian style village."

Freeman, who has a sixth-floor studio on Summer Street next to the building that will be renovated, says he is "one of those people who is always vague when asked where they live." He estimates between 300 and 400 artists work in the area and probably live there as well, up from about 300 five years ago. Fewer than 200 are in buildings that meet residential codes.

Constance M. Wark, who recently helped start a Fort Point Neighborhood Council that aims to include more than just artists in its membership, placed the number at between 400 and 700.

City voting records show several dozen names in industrial buildings on Summer, Congress and Melcher Streets. Their listed occupations include accountant and teacher, and Richard Kimball Greer, whose brokerage, Kimball Bourgault Co., specializes in lofts, says residents run a gamut of professions.

"There is a real demand for lofts and there is not enough inventory," Greer said — a total of about 2,000 in Boston, Cambridge, Somerville and Chelsea. He said he placed the cast of "Miss Saigon," the musical, in a loft for the duration of the play's run.

Most studios in the Fort Point Channel area are in the 75 buildings owned by the British-owned Boston Wharf Co. Boston Wharf says it has 3.5 million square feet of space — about half again as much as at the Prudential Center. About half the space is actually occupied, mostly by commercial tenants.

But mixed in, under an agreement between Boston Wharf and the BRA, is 220,000 square feet of studio space. Boston Wharf does not rent the space directly, but leases full floors at \$3.50 to \$4 per square feet that are then divided into units of 1,000 to 1,500 square feet and sublet, according to Robert N.



GLOBE STAFF PHOTO / YUNGHI KIM

Ben Freeman in his studio on Summer Street.

Kenney, the company's general manager.

Kenney said Boston Wharf asks sublessors to sign affidavits attesting they do not live in their space. "I try to make sure the people I am dealing with are not just looking to find a cheap apartment." He said in an interview that a tour through the buildings with a BRA representative last year, after a rash of complaints about noisy parties, found "a lot of futons" and refrigerators and stoves, but no evidence of residency.

Still, artists and landlords and city officials acknowledge many illegal lofts exist as city agencies bend the rules in a desire to support artists. The zoning code bars living in most manufacturing zones unless the landlord applies for a variance that would be limited to visual artists. But Rossley says only about 10 buildings have exemptions, and the exemption policy has not yet been adopted for Fort Point Channel.

At the same time, the city Rent Equity Board goes to bat for residents evicted from lofts on grounds they are there illegally. The board argues that once people are allowed to move in, landlords must let them stay and upgrade the buildings.

Constance Doty, board administrator, acknowledges "a Catch-22" exists. Citing use of affidavits, she said, "I think the vast majority of tenants don't like to have to lie about this."

Housing Court Judge E. George Daher, who in earlier decisions said the city "must support its artists," has been critical of the city's ambivalent posture.

In an interim order in 1991, as part of a still-pending case involving South End landlord Mario Nicosia, Daher said the mayor and the city council should devise a uniform policy on loft living. "This court is tired of hearing the city of Boston speak with more than one tongue" he wrote. In the meantime, he said, "The Rent Control Board is unwittingly inviting slum housing."