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Performing Arts' Accessibility

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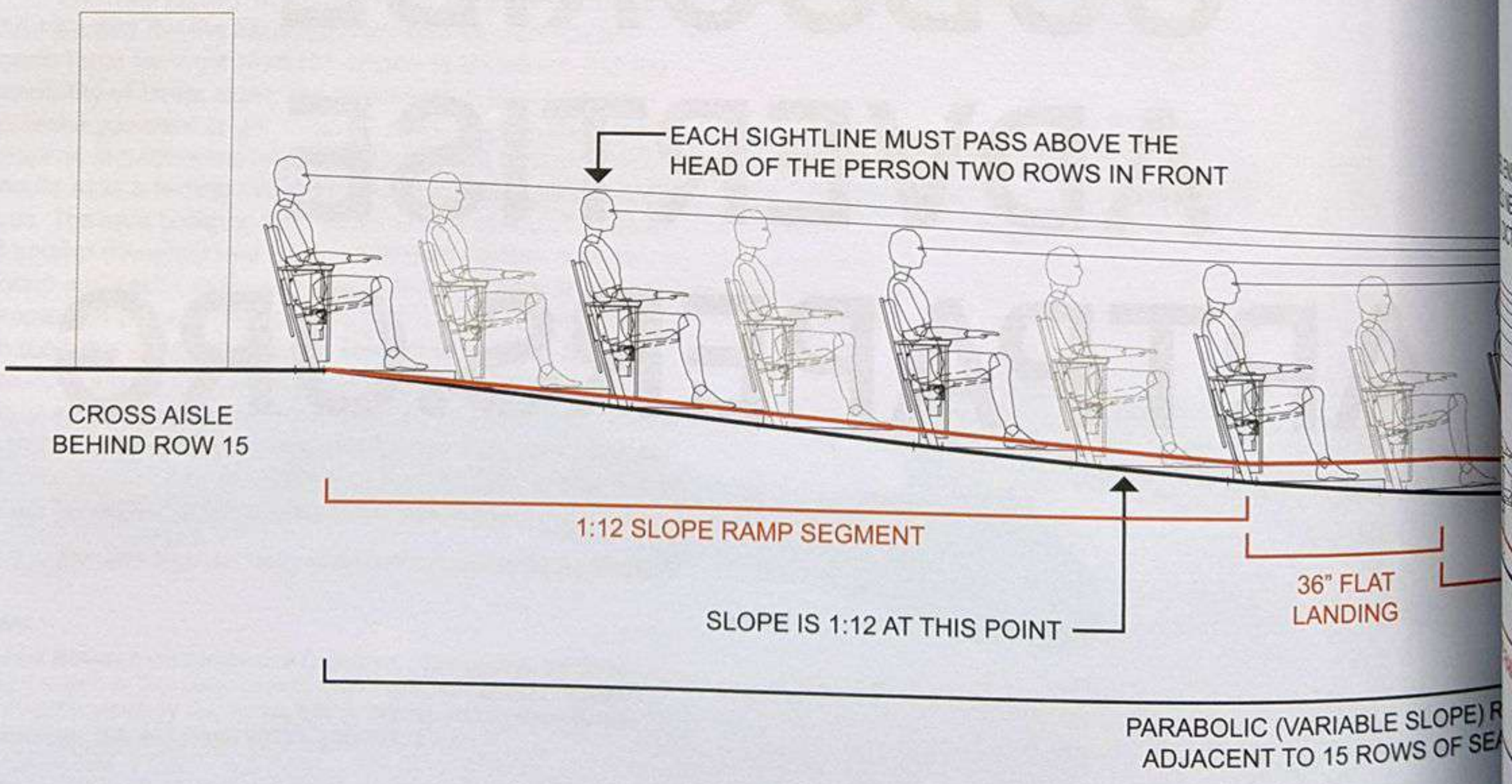
Common practices and interpretations of accessibility codes revealed their incompatibility when implemented in a recent theater design, creating a catch-22 that resulted in "separate but equal" entrance paths between ambulatory and wheelchair-using members of the audience. This situation was problematic and counterintuitive but fully compliant with the Americans with Disabilities Act and all other codes. The design process that created this highlights the absence of legal mechanisms to move between the spirit behind the code and its technical stipulations—in other words, technical stipulations designed to enforce accessibility, as implemented, instead sequestered mobility-impaired people. The resulting design's accessibility is dubious, though its flaws are not individual to any particular actor within the consultant-driven design process. This outcome indicates a deeper regulatory-administrative problem and, more broadly, a business culture based on deferral which compounds accessibility issues in design.

I worked as the building code keeper on the architectural design team for the 800-seat theater where this took place. My responsibilities were to document and detail the project's code compliance: all notations, citations, and drawings on the code summary sheets of the construction documents that demonstrate compliance to code clauses from the ADA standards to fire protection codes and other mechanical codes. The pet paradox to which this essay is dedicated arose at a specific place in the theater hall. The audience aisles lead attendees from entrances at the foot of the stage up to their seats. In effect, the ideal seating rake curve for viewing was incompatible with ramp design provisions of the *ADA Standards for Accessible Design*. This conflict should have been an opportunity to query and unpack the reasoning behind the various rules, to find a shared motive and a solution, but such an option was not exercised.

Instead, cascading addenda defined the design according to convenience. To begin with, material arrangements of the entire building layout were calibrated to create clear sightlines for viewers in the theater hall; this much is common in theater design since the amphitheaters of the ancient world. In this particular building, attendees enter via the front of the theater hall, between the stage and the first row of seats. The stage level is 36 inches above floor level. From there, two aisles slope up alongside the first 15 rows of seats to a cross-aisle level, also 36 inches above entry level. Crucially, this curve is slightly parabolic, not flat, to ensure clear views from every row, determined by a standard geometrical method for ideal theater views.



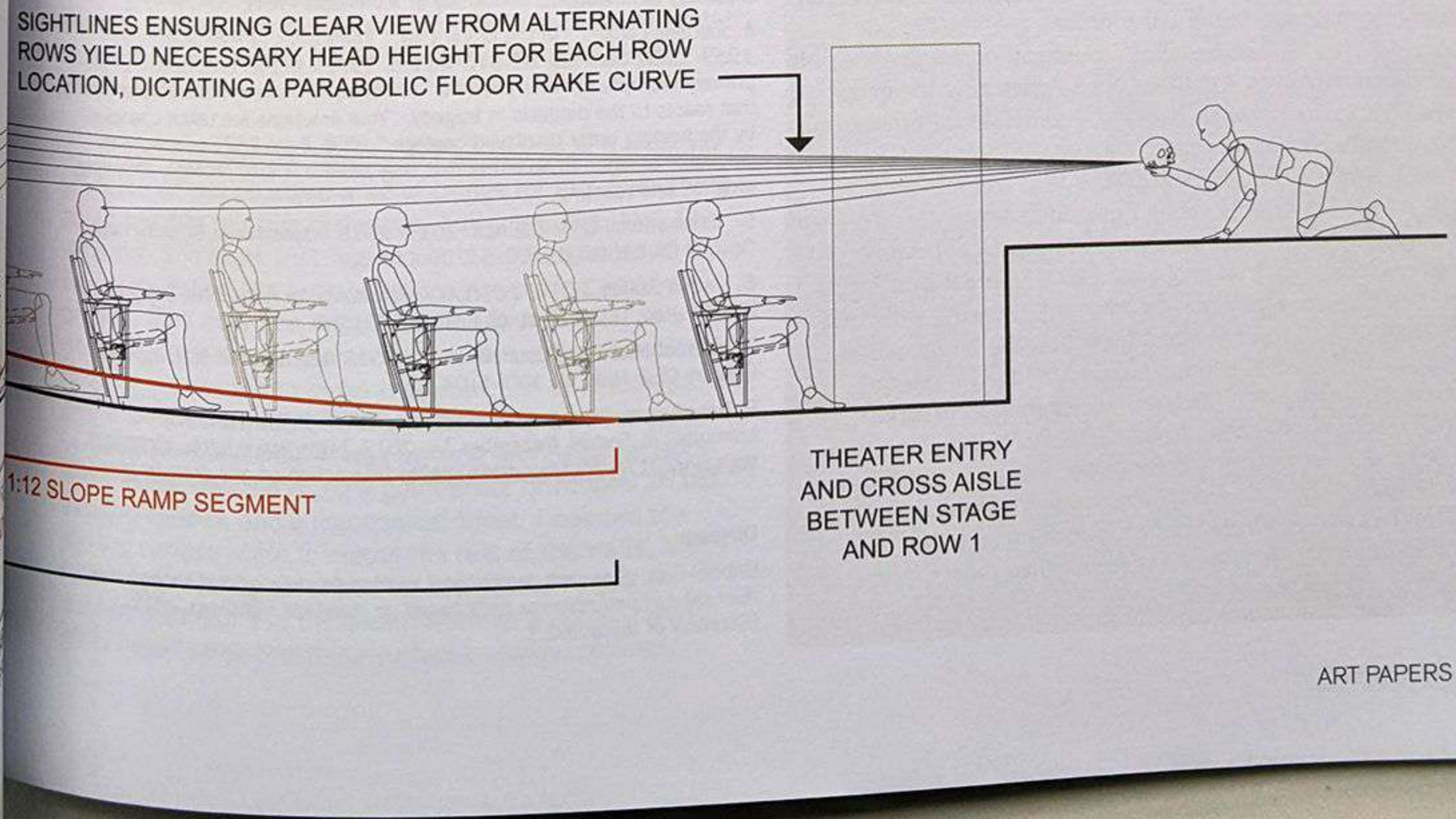
As shown in the diagram, we drew sightlines connecting eye level (based on a five-foot-eight seated person) at each row to an 18-inch-high point on the stage, and adjusted each row height, in order, from front to back, so that each sightline would skim the head of the identical five-foot-eight person in front. Because the seats are staggered by half a seat width, only odd-numbered rows' sightlines are geometrically drawn. Therefore, each person sees between the two heads directly in front of them and just over the head of the person two rows down. This standard method implies a "normate template," as Aimi Hamraie terms in their critique and analysis, suggesting "an equivalence of ideal and normate bodies."[1] The resulting shape of the floor is a shallow parabolic curve, increasing in slope exponentially as it gets farther from the stage.

The curve that emerges is the result of inherited methods based on creating a standard and good viewing experience for each attendee—who roughly fits the normate template. For similar reasons, performance halls are afforded many exemptions from today's building code requirements on stair dimensions, clear path dimensions, handrail placement, etc., which are otherwise standardized for accessibility and safety. For example, stair treads and risers are permitted to vary in dimension, as is geometrically necessary for a complicated seating arrangement, if their edge nosings are marked with a "distinctive marking stripe."[2] This concession is a trade-off between the regularized bodily predictability of stairs and their visibility as individual elements, assuming that if you emphasize one then the other is less necessary. Many performance halls share this same seating curve, so the problem is not unique to the building I am describing, but there are no such trade-offs in the *Standards for Accessible Design.* The upper segment of the floor curve template does not meet ADA ramp standards; the slope is steeper than the maximum 1:12 rise-to-run ratio past about the 10th row. Also, there are no intermediate landings, which are required as resting points on ramps with a vertical rise greater than 30 inches. Both of these rules are based on studies of human preference and ability. They assume a manual wheelchair user with limited upper-body strength.[3] The two ramp standards, one for ideal views and one for ADA compliance, are irreconcilable given the same overall rise and run.

The solution that was proposed and ultimately chosen added a separate external ADA-compliant ramp between one entrance at the foot of the stage and the cross-aisle level behind row 15. The resulting ramp is in a windowless tunnel just outside of and adjacent to the theater, a tacked-on architectural fix. This solution was an afterthought, external to the original logic of the building. The diagram shown here graphically overlays the two ramps: the parabolic curve inside the theater and the straight ramp-landing-ramp of the side-tunnel. The accessible tunnel creates a condition of otherness for a wheelchair user, a detour away from the flow of the crowd.

Although it satisfied the rules, this solution seemed wrong to me. After bringing it up with various project team members, I noticed two types of explanations supporting the ramp design.

The first went something like this: the tunnel ramp exists for wheelchair users, allowing them to comfortably access the cross-aisle and the wheelchair viewing locations. This design is compliant because it satisfies the code, which has both legal authority and unimpeachable reason.



This type of explanation relies on self-evident authority, and it is further flawed because it ignores the design's failure to meet ADA's stated goal of a "substantially equivalent experience" for disabled people.

The second explanation displays a certain tactical ignorance: if wheelchair users enter the theater and want to use the curved-slope aisle ramp, they may do so even if the ramp technically does not comply with the ADA. As the ADA-accessible option must be provided anyway, it's easier to provide it to achieve technical compliance and leave it at that. In fact, virtually all electrically-powered wheelchair users and most long-term manual wheelchair users would probably opt for the ramp within the theater space if given the choice. In this explanation, the tunnel ramp exists only to satisfy the ADA code—in other words, it exists for no human use.

This type of solutionism is an example of what Lacanian cultural theorists would call "interpassivity," a state of mutual ambivalence, unsureness among agents as to how their individual identities should interact with "the big Other," an abstract and impersonal authority, specificity without explanation.[4] The architects (and their clients) are disengaged with the question of access here because they believed they had no choice in the matter. The building code official is disengaged because the building is technically compliant. Users will be disengaged because they most likely ignore the tunnel and enter the theater with the rest of the crowd or shrug at the strange design.

Although building codes often include introductory clauses explaining their purpose and intent, *The International Building Code* states in a rare editorial tone that, "The fundamental philosophy of the code on the subject of accessibility is that everything is required to be accessible."[5] In the same spirit, the ADA code adds: "Consistent with the overall intent of the ADA, individuals who use wheelchairs must be provided equal access so that their experience is substantially equivalent to that of other members of the audience."[6] These guidelines directly pre-empt separate-but-equal solutions such as the one described above, but being philosophical phrasings, they are not enforceable. As another way of recognizing the codes' limitations, their authors provide a guideline for proceeding from conflicts or unclear applications: "The building official shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions."[7] In practice, however, this role of the official is obviated by the threat of lawsuit. In recent years, many private attorneys, working without a disabled client, have personally profited by bringing "drive-by lawsuits" against various public facilities, in pursuit of exorbitant attorney fees over accessibility infractions.[8] The threat of enforcement has shifted to these parasitic intermediaries, resulting in strict adherence to building codes as an end unto itself. The municipal building official is left out at this level of decision-making as well as enforcement, both domains in which they are supposed to have subjective say.

This paradox could be addressed at the level of regulatory agency procedures on exception and enforcement were it not for the countervailing lawsuit-happy condition. When a set of well-intentioned conditions produces its own antithesis, appeal to a reasonable authority would seem worthwhile, yet no authority can exercise judgment beyond first-order logic. Considering this quandary a symptom helps to form a picture of deeper problems and points to the level at which it would need to be addressed.

Historically, the underlying architectural idea of *performance* involves a duration of experience shared among all members of the audience. The actualization of this idea into buildings has resulted in types of spatial organization that are incompatible with many specific technical requirements of the ADA and other building regulations, as applied to other types of buildings. As shown above, these codes at times acknowledge this particularity with numerous performance-hall-specific exceptions and conditionals. They even acknowledge their own inability to be complete by anointing authority to real persons with hermeneutic agency. But these gestures of flexibility fall flat in a society that is both interpassive and litigious.

Notes:

1. Aimi Hamraie, *Building Access: Universal Design and the Politics of Disability* (Minneapolis: University of Minnesota Press, 2017), 27.

2. International Code Council. 2017. *2018 International Building Code.* Country Club Hills, Ill: ICC. §1029.14.2.2 Ex.1.

3. Aimi Hamraie, *Building Access: Universal Design and the Politics of Disability* (Minneapolis: University of Minnesota Press, 2017), 110.

4. Jacques Lacan, "On the Moral Law," *The Ethics of Psychoanalysis 1959–1960, Seminar VII.* (NY: Norton, 1992): In this text, note that the primary example of "interpassivity" is linked to theater, the on-stage chorus that reacts to the diegesis in tragedy, "Your emotions are taken charge of by the healthy order displayed onstage," (ibid, Page 252) as spectators outsource emotion to an entity that they believe is also present, observing, judging, and reacting.

5. International Code Council. 2017. *2018 International Building Code.* Country Club Hills, Ill: ICC. §1100.

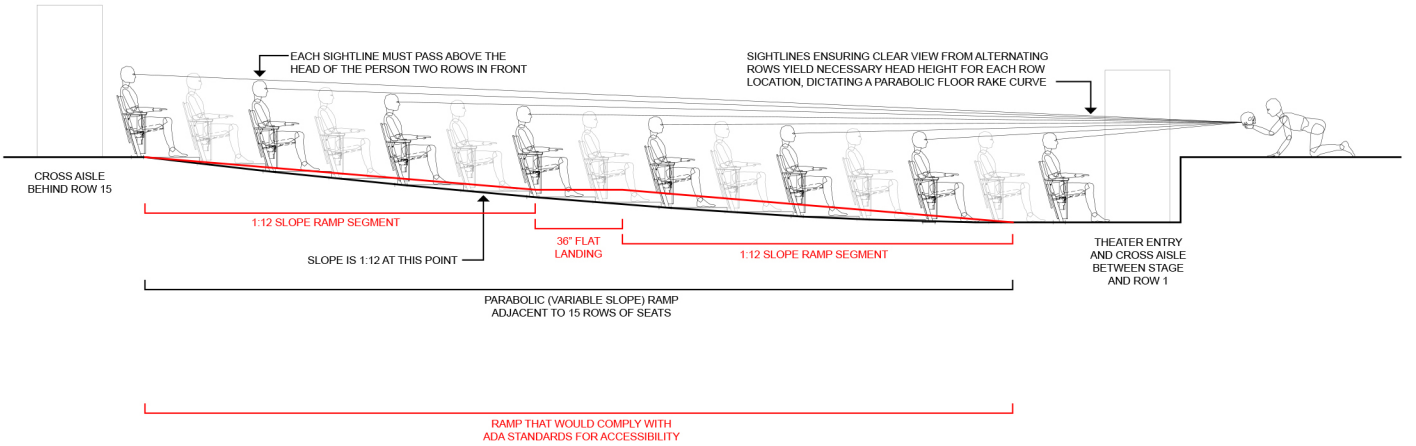
6. United States. 2010. *2010 ADA Standards for Accessible Design.* [Washington, D.C.]: Dept. of Justice. §221.2.3.

7. International Code Council. 2017. *2018 International Building Code.* Country Club Hills, Ill: ICC. §104.1.

8. Ken Barnes. "Congress Should Take Action on ADA 'Drive-By' Lawsuits" in *Forbes.* December 14, 2017, https://www.forbes.com/sites/realspin/2017/12/14/congress-should-take-action-on-ada-drive-by-lawsuits.

Diagram:

Gabriel Cira, *Standard geometrical method for drawing audience seating floor rake in performance halls based on audience sightlines*, 2019. [Courtesy of the author.]


EACH SIGHTLINE MUST PASS ABOVE THE HEAD OF THE PERSON TWO ROWS IN FRONT
SIGHTLINES ENSURING CLEAR VIEW FROM ALTERNATING ROWS YIELD NECESSARY HEAD HEIGHT FOR EACH ROW LOCATION, DICTATING A PARABOLIC FLOOR RAKE CURVE
CROSS AISLE BEHIND ROW 15
1:12 SLOPE RAMP SEGMENT
SLOPE IS 1:12 AT THIS POINT
36" FLAT LANDING
1:12 SLOPE RAMP SEGMENT
THEATER ENTRY AND CROSS AISLE BETWEEN STAGE AND ROW 1
PARABOLIC (VARIABLE SLOPE) RAMP ADJACENT TO 15 ROWS OF SEATS
RAMP THAT WOULD COMPLY WITH ADA STANDARDS FOR ACCESSIBILITY