

PRESERVING PENNHURST:
A CONSIDERATION OF THE RE-USE OF THE
EPICENTER OF THE AMERICAN DISABILITY RIGHTS MOVEMENT

A Thesis
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by
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ABSTRACT

This thesis considers the re-use of the 112-acre Pennhurst State School and Hospital, founded in 1906 by the Commonwealth of Pennsylvania as an institution for individuals with intellectual and developmental disabilities. Considered to be the epicenter of the modern disability rights movement, Pennhurst was closed after U.S. Supreme Court litigation exposed abuse and neglect endemic to the institutional system. Abandoned for thirty years, this important and beautiful place has become a white elephant in an otherwise growing area. The thesis surveys Pennhurst's place in history, current threats, and the preservation effort to save it. Proposing two scenarios for Pennhurst's rebirth, the thesis reviews the results of a community-based design study led by nationally-acclaimed practitioners and several Cornell University Program in Real Estate market studies. Proformas for office and residential are included and suggest a narrow window of economic feasibility exists if a creative funding package, including the federal Rehabilitation Tax Credit, and private donations, can be secured.

BIOGRAPHICAL SKETCH

Nathaniel C. Guest is a 1998 magna cum laude graduate of Cornell University, a 2010 cum laude graduate of the Temple University School of Law, and a masters candidate in historic preservation planning at Cornell.

Nathaniel served on the staff of the Temple Political and Civil Rights Law Review, which published his article proposing new directions for legal protections of historic property. This article won the 2010 Burton Award for Legal Achievement, presented with Supreme Court Justice Ruth Bader Ginsburg during a ceremony at the Library of Congress in June, 2010. Mr. Guest was also honored to receive Temple University's Friedman Prize for Legal Writing in 2010.

As a legal intern at the National Trust for Historic Preservation, he co-wrote Congressional testimony advocating for a programmatic agreement for American railroads to streamline National Historic Preservation Act Section 106/110 and National Environmental Policy Act review for *de minimus* actions impacting National Register-designated rail corridors and resources. As a clinical legal intern at Temple, he prepared a memorandum interpreting demolition by public necessity ordinances in cities across the nation and recommending changes and enhancements to Philadelphia's ordinance.

In 2008, he founded the Pennhurst Memorial & Preservation Alliance to

facilitate the adaptive re-use of the former Pennhurst State School and Hospital in Spring City, Pennsylvania, an International Site of Conscience where forced institutionalization of disabled persons was first declared unconstitutional (see www.preservepennhurst.org).

He has served as the Director of The Cornell Tradition, a multi-million dollar fellowship recognizing volunteer service, as a Tompkins County (New York) Human Rights Commissioner, and as an elected representative on the Cornell Employee Assembly. Currently, he is an associate with the law firm of Wade, Goldstein, Landau, and Abruzzo in Berwyn, Pennsylvania.

Nathaniel is active with the Strasburg Rail Road in Lancaster County, Pennsylvania, as a steam locomotive engineer and conductor. He is also the Program Manager for Preservation Initiatives and Grants Committee Chair for the nation's oldest and largest railroad heritage organization, the National Railway Historical Society. He serves on the governance committee of the Friends of the Railroad Museum of Pennsylvania. He is a board member of Preservation Pennsylvania and the Schuylkill River Greenway Association, managing organization for the Schuylkill River National and State Heritage Area.

Nathaniel has been involved in revitalizing the Colebrookdale Railroad in Berks County, Pennsylvania, and founded the Colebrookdale Railroad Preservation Trust for that purpose in January of 2012.

DEDICATION

This thesis is dedicated to my parents, Eileen, Craig, Rob and Diane. Their investment in me has been one I can never adequately repay. There are angels among us.

ACKNOWLEDGEMENTS

I returned to graduate school after six years of working at Cornell, my undergraduate alma mater. Graduate studies would take the form first as law school at Temple, then a masters in preservation at Cornell. As academically challenging, bureaucratically frustrating, and ultimately rewarding as it was to stitch together those programs, neither proved to be collectively or individually as demanding as the concurrent preservation effort that informed and defined them both: Pennhurst.

While that struggle's final chapter is far from written, I am pleased that this thesis, to the extent it can record and advance Pennhurst's preservation, finally is. Just as the work to save the place has been a monumental exercise coordinating the time and talents of experts, anticipating and avoiding pitfalls, and researching and exploring opportunities, this thesis reflects in its substance and in the very act of its completion the commitment and support of many persons.

The author would like to acknowledge Professor Michael Tomlan, thesis committee chair, and Professor David Funk for their tutelage and patience in the long process bringing this work to fruition. This thesis and the multiple Cornell studies upon which it is based are testaments to Dr. Tomlan's and Dr. Funk's commitment to advancing education by supporting projects with positive, real-world impact. I hope to follow in their footsteps someday.

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James Hartling of Urban Partners and Katherine Ng of Wu and Associates have been indispensable, both for their help in providing information for the proformas and, along with John Gallery, for their advise in navigating the complexities of advocating for Pennhurst's re-use.

Thank you to J. Gregory Pirmann for his friendship and his support over the past four years since we founded the Pennhurst Memorial and Preservation Alliance (PM&PA). His speech during our first public meeting in East Vincent Township solidified in many people's minds, mine included, the need for a national center to remember the pain ultimate victory Pennhurst represented and the continuing struggle for persons with disabilities in its wake. Through the leadership of James Conroy, Jean Searle, Janet Albert Herman, Judith Gran, Julie Gannaway, and the other members of the PM&PA, that dream is on its way to reality.

I want to thank the many folks who made my return to student life after seven years in the working world so successful. Professors Richard Booth, Jeff Chusid, Nancy Knauer, Jonathan Lipson, and Mary Woods have enriched my student experience greatly and I hope our connection will last well into the future. Joan Brierton of the General Services Administration, Elizabeth Merritt of the National

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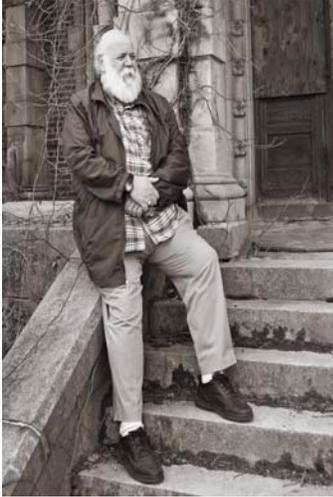
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PREFACE

THE JOURNEY TO PENNHURST



*Figure 1.
Thirty years after walking
down these stairs for the
last time, J. Gregory
Pirmann returned to
Pennhurst's
Administration Building.
Photograph by Fred
Everett.*

Like so many fingernails on blackboard, another thorn made its unwelcome mark on my hand-me-down Nissan as Greg and I rounded the last curve onto a desolate, picker bush-choked lane. In a different time, this goat path had gone by the grand moniker “Commonwealth Drive.” Greg took an anxious breath. In a moment, the sad, shadowy forms of century-old buildings began to peer back through thirty year's of abandon, looming larger to the crescendoing thorny chorus outside the cautiously approaching car. Greg had known the buildings here on the Pennhurst campus intimately. Most of his working life was spent among them.

He and his wife both made a career here. Today, though, they were unknown, even to Greg, and soon their presence overpowered us. Our conversation ceased, and though the road continued, we heeded an understood if unspoken directive to pause. Any further progress would be on foot.

Pennhurst is always strangely quiet. Frighteningly quiet may be the best way to describe it, particularly in the context of what feels like so much numbing white noise

in the area surrounding it. Pennhurst is one of the last large tracts of unused land in a region where two decades of suburban sprawl have filled the air with the drone of SUVs caught in traffic and the chatter of big-screen TVs radiating from tract homes grafted onto the farmland. Perhaps Pennhurst's quietude is some kind of healing; for decades, the shrieks echoed here were so loud that many residents simply lost the ability or the will to speak. Clouds cast skyward from the cooling towers of the nuclear plant to the west mottle the light, casting into the Schuylkill's graceful curve jagged forms that mimic the tattered walls of the abandoned institution. There is peace in the entropy.

Every new Pennhurst employee was given a tour on their first day. Thirty some years after his first tour, J. Gregory Pirmann had returned to tour Pennhurst once again.¹

Greg came to Pennhurst in 1969, just months after graduating as an English major from Villanova. A year before his arrival, *Suffer The Little Children*,² an NBC expose about the treatment of the disabled at Pennhurst, scandalized the institution and ushered in promises of change that would, like all other such promises before them, go unfunded and unfulfilled. The youngest recruit at an institution run by aging managers, Greg became the first in a new wave of "hippie" employees whose ranks

¹ Note that a more complete narrative tour of the facility with J. Gregory Pirmann is included in the appendices.

² *Suffer the Little Children* (CBS affiliate WCAU-TV television broadcast 1968), <http://www.preservepennhurst.org/default.aspx?pg=26>.

swelled when legislation allowed Pennhurst employees exemption from the draft to Vietnam. Greg and his compatriots spent nineteen years trying to fix Pennhurst from within. They included among their efforts a tour offered to all area high school students in hopes those students might understand the need for reform. Decades after taking his own first tour, he offered me a tour of my own. Our visit would not be in search of reform, but for preservation and remembrance.

The tour Greg and his compatriots had offered all those years ago had been a right of passage for thousands of local high school. A mention of "the Tour" still gives pause to many area residents, who though now close to retirement age, were mere teenagers when the truth that was Pennhurst—the good and the bad to be found here—was first revealed to them. For thousands of urban explorers, touring the closed campus is still a right of passage. Most drawn in hopes of finding ghosts and evidence of the macabre arrive having no idea what once happened here

Ignorance of this sort and any number of other varieties has plagued Pennhurst throughout its history. A facility designed during the height of the Eugenics movement with the misguided intention of removing from the gene pool intellectually and developmentally disabled persons—"idiots," "imbeciles," "morons,"³ or

³ MARILYN FRIEND, SPECIAL EDUCATION: CONTEMPORARY PERSPECTIVES FOR SCHOOL PROFESSIONALS: IDEA 2004 30 (Ally & Bacon 2005).

“degenerates”⁴ in the lingo of the time—Pennhurst was a world apart by default and by design. Though the institution's sprawling campus lay within walking distance of the sleepy nearby village Spring City, most people there apparently knew little about who lived here and what that life was like.

The campus was sited away from large population centers purposefully, but ignorance of the place could not simply have been because it was remote. Pennhurst was the subject of well-publicized abuse scandals almost every decade from the time it was founded. “Granite walls of ignorance and social blindness,”⁵ defined the confines of both the institution and society's willingness to understand and accept. Meant to thwart such willful blindness, The Tour made the reality of the neglect behind those granite walls inescapable. “Some thought it would be funny like a freak show,” said a Pottstown woman remembering her high school trip to Pennhurst.⁶ “They were the ones quietest on the bus on the way home. I think we were all relieved to see the entrance pillars in the rear view mirror.”⁷

⁴ M.W. BARR, *MENTAL DEFECTIVES: THEIR HISTORY, TREATMENT, AND TRAINING* (Blackiston 1913).

⁵ *Suffer the Little Children*, *supra* note 2.

⁶ Interview with Susan X, East Vincent Township resident, in Pottstown, Pa. (Jan. 10, 2008).

⁷ *Id.*

Left behind in that rear-view mirror were over 10,500⁸ "mentally retarded" patients and thousands of workers who called Pennhurst home from 1908 to 1987.⁹ Many came to Pennhurst as children. Many never left—a fact driven home with chilling reality as Greg and I passed the weed patch that was the institution's graveyard. Today, the graveyard is under the "care" of the Pennsylvania Department of Veterans and Military Affairs, which took over a portion of the old Pennhurst property to operate as veterans home.

If ignorance established itself as a recurring theme at Pennhurst, its operative effect seems to have been waste. Once called a "vast junkyard of wasted humans,"¹⁰ the evidence of waste continues to pervade the campus. In the thirty-some years since disability advocates won the battle to close Pennhurst, the Commonwealth of Pennsylvania allowed the campus itself to fall to waste; millions of dollars of damage have befallen the site from vandalism and neglect—a direct violation of the

⁸ E-mail from J. Gregory Pirmann, Senior Vice President, Pennhurst Memorial and Preservation Alliance, to Nathaniel C. Guest (Feb 3, 2012, 11:21:00 EST) (on file with author)[hereinafter, Pirmann email]. "Individual's admitted to Pennhurst were given sequential "patient numbers." The number assigned to the last person admitted was 10,6XX. [I don't know the exact number but I know that it was greater than 10,600.] For a period of time, people who were discharged and then readmitted were given "new" numbers when they were readmitted [rather than having their original numbers reactivated], so the actual number of people sent there was slightly less than the highest assigned number, which is why "more than 10,500 people lived there" is the most accurate citation." *Id.*

⁹ *Id.* "Pennhurst's dates of operation were not "1906-1987". Creation / erection of the facility was authorized by the Legislature on May 15, 1903 (with the Act being signed by the Governor at a later date). The first person was admitted to the Eastern Pennsylvania State Institution for the Feeble-Minded and Epileptic on November 23, 1908. The last person left in 1987, in November, if my memory is correct. [I transferred to Embreeville Center before the closing, so my recollection of the final events is not as sharp as it might be otherwise.]" *Id.*

¹⁰ Thomas Geyer, *A Vast Junkyard of Wasted Humans*, POTTSTOWN MERCURY (Aug. 8, 1972).

Commonwealth's obligations under the Pennsylvania History Code.¹¹ As the mess of bramble and thicket obscuring the gravesites today suggests, the state's concept of stewardship has not measurably improved. Simple headstones peering out from under the overgrowth cry out that there's a story forgotten here. Perhaps we should be glad there are headstones at all; during the years when Pennhurst was at its height, the graves bore only numbers—a final indignity for the unfortunate souls who had endured life in the institution.

Against this backdrop of ignorance and waste, Pennhurst's history and legacy are still in flux. Disability advocates point to Pennhurst's closure as their greatest achievement. For them, "Pennhurst" has become a term of art for the struggle to secure basic human rights for intellectually and developmentally disabled persons, perhaps the last group of Americans to attain privileges assumed to be the natural and universal freedoms. That struggle began at Pennhurst. Among those disability advocates is Jim Conroy, who today serves as the Pennhurst Memorial and Preservation Alliance's Co-President. The language Jim used to describe Pennhurst resonates with the advocacy community and has always inspired me: "Pennhurst's historic and beautiful campus is, like Valley Forge and Independence Mall to the east, hallowed ground in the struggle for dignity and self-determination, a western anchor

¹¹ Pennsylvania History Code, 37 Pa. Cons. Stat. Ann. §§ 101-906 (West 2008). See Appendix F for more information about these violations as put forth in a letter from National Trust for Historic Preservation Deputy General Counsel Elizabeth S. Merritt to the Pennsylvania Department of General Services.

to a freedom corridor, that, though stretching but a few miles, reached all the way around the world.”¹² Jim’s association with Pennhurst is well-established. He was the medical sociologist who led a decade-long study on the effect of moving people from Pennhurst into the community. It was the first study of its kind in the world and, in conjunction with the *Halderman v. Pennhurst*¹³ Supreme Court litigation that eventually led to Pennhurst’s closure, has set policy internationally.¹⁴

Much as Jim’s statement suggests, decades years after *Halderman*, Pennhurst’s place as a watershed moment in our national history is finally, if slowly, becoming more widely appreciated. However, even within the disability community Pennhurst seems, at best, more acknowledged than understood. At worst, it is has been contorted into a talismanic slain dragon. Differing interpretations about what happened there, why it was founded, and how it came to be closed serve different political agendas, meaning only the most superficial and didactic claims can be agreed upon. Consequently, the powerful language used to describe Pennhurst unfortunately, perhaps necessarily, ignores the place’s complexity. To be sure, wrestling with Pennhurst’s meaning in the broadest social context is important as a

¹² Pennhurst Memorial and Preservation Alliance, Information Packet for CDC Design Team 2 (2009) (unpublished), <http://www.elpeecho.com/tank/REUSESTUDYINFODOCUMENT-FINAL.pdf>

¹³ *Pennhurst State School & Hosp. v. Halderman*, 465 U.S. 89 (1984); *Pennhurst State School & Hosp. v. Halderman*, 451 U.S. 1 (1981).

¹⁴ The Pennhurst Longitudinal Study was the first study to track the effects of deinstitutionalization on each resident leaving the institution and moving into the community. Its results have been used to close institutions worldwide. JAMES W. CONROY AND VALERIE J. BRADLEY, *PENNHURST LONGITUDINAL STUDY* (Temple U. 1985), <http://aspe.hhs.gov/daltcp/reports/5yrpenn.htm>.

start, but the paucity of meaningful and probing scholarship about Pennhurst is troubling. The clarity of hindsight necessary for that sort of scholarship to take place seems to have been wasted thus far and Pennhurst remains a place we cannot forget but refuse to talk about.

Urban legend and false narratives have risen in the absence of true scholarship. The current haunted house capitalizes on and encourages the tendency to mischaracterize and overstate the negative conditions at Pennhurst—a tendency as problematic today as the tendency to gloss over them was when the institution was in operation. This, of course, poses a particular challenge to reuse. Recurring analogies of Pennhurst with Nazi concentration camps are appealing for their rhetorical power and for their ability to create the spectacle the haunted attraction feeds upon, but ultimately disrespect the plight of Pennhurst residents by implying their story is unnoteworthy if unaggrandized.

Current portrayals of Pennhurst are also troubling because they tend to undervalue, or, in some cases, demonize, the institution's employees. Poor conditions at Pennhurst were generally due to a lack of staffing and underfunding overall, not a disproportionate number of problem employees. Lost among the tails of horror popularized by recent ghost shows featuring Pennhurst are thousands of stories evidencing the special bond between overworked Pennhurst staff and the residents. While disability advocates rightly claim credit for Pennhurst's closure, their recounting

of that struggle often omits the contributions of many Pennhurst employees who, like Greg, worked on reform from within and generally did the best they could with the resources they were given. Much of what they did, such as scheduling tours of the worst parts of Pennhurst in an effort to get the general public to understand the need to reform the state's—their employer's—system, would be seen as insubordination today. This openness might have actually backfired. Before he made his big break in the documentary business by exposing the Willowbrook Institution in New York, Geraldo Rivera came to Pennhurst. “You know it’s going to be a bad day when the superintendent’s office calls and says Geraldo’s in the waiting room,” Greg said.¹⁵ The open access Greg offered Geraldo apparently made Pennhurst a less interesting story than the hostile reception at Willowbrook.

The two dimensional nature of our understanding of Pennhurst—one of an evil institutional goliath versus a group of outnumbered but valiant grassroots reformers—both permits and requires us to compress the image of its residents into a little more than hapless victims and their keepers as heartless villains. This is dangerous in two respects. First, it suggests that Pennhurst was about evil people doing evil things to innocent people, a proposition so clear on its face it implies that were another Pennhurst to arise, even in some other context, no special vigilance or

¹⁵ Interview with J. Gregory Pirmann, Pennhurst Memorial and Preservation Alliance Senior Vice President, on the Pennhurst Campus, in Spring City, Pa. (Mar. 30, 2008) (hereinafter, Pirmann Interview).

heightened sensitivity need be employed to recognize it. The truth is that what was going on at Pennhurst, in our own back yard, was at once cruel and sinister but at the same time sanctioned by society and leading minds of the time. The much more unsettling—and more accurate—message from Pennhurst is a call to vigilance in questioning authority and social norms in a way that leaves little room for staid confidence in our capacity to ensure “never again.” Reports on our treatment of illegal aliens, prisoners, and poor and elderly populations suggest that Pennhurst’s message in fact is neither as well interpreted nor widely understood as it needs to be. The second danger in a two-dimensional understanding of Pennhurst is that it edits out the most powerful and truly inspirational story the place has to tell: engulfed in a dehumanizing, chaotic, and violent world, the institution’s residents maintained lives of inner lives dignity and grace—a true testament to the human spirit found among persons written off as both other and lesser.

That our view of Pennhurst, the campus, its people, and the events associated with both, is artificially flattened is not altogether surprising. Daily life at Pennhurst played out in isolation from the rest of the world even during the momentous time when "Pennhurst" finally entered the lexicon as both a place and a proxy for a broken institutional system. Even now, decades later, life at Pennhurst—in all of its terrible, beautiful, momentous and mundane fullness—has never been described in written form well enough to capture its essence. Having had the benefit of exploring the

campus with Greg sharing stories as we walked building to building, it is unlikely anything short of turning the entire place into a living museum ever could describe life there with some modicum of accuracy.

Roland Johnson, a former Pennhurst resident, has probably provided the most accurate portrayal of Pennhurst from behind its walls. He relayed in his powerful autobiography *Lost in a Desert World*¹⁶ that the people who did eventually leave Pennhurst exchanged a part of themselves in return for the freedom; a piece of them could never be gotten back, and a bit of Pennhurst remained with them till their death. Yet, as evidenced by the callous and crude commentary surrounding the Pennhurst haunted attraction, very few people are cognizant of what life at Pennhurst meant. And no one will as long as the campus lay in waste.

Three decades ago and for decades prior, thousands of people had journeyed to Pennhurst on tours meant to showcase why it and places like it should not exist. Many of those tours were led by Greg himself. No doubt countless people very much wished to forget what they saw at Pennhurst. Touring the site that day, he and I were the first to come away to share a new message, one about why a place like Pennhurst should be saved. We wanted to remember.

¹⁶ ROLAND JOHNSON, *LOST IN A DESERT WORLD: THE AUTOBIOGRAPHY OF ROLAND JOHNSON* (Speaking for Ourselves 1999).

INTRODUCTION

In 2009, members of the Pennhurst Memorial and Preservation Alliance (PM&PA), community and political leaders, architectural design and engineering professionals, and preservation advocates embarked on a year-long re-use design feasibility study of the Pennhurst campus. PM&PA co-president Jim Conroy welcomed the group, offering the following invocation: “We are joined together in what providence has afforded as an unparalleled and monumental opportunity for the Commonwealth and the nation: the creation of a community of conscience at Pennhurst.”¹⁷

Jim’s choice of the word “monumental” has proven to be apt in any number of ways. Historically, architecturally, legally, culturally, and socially, “Pennhurst” has monumental stature. The site is sacred ground in the history of our nation’s struggle for conscience-guided behavior. It is particularly important that this site is located in a Commonwealth founded on enlightened principles of tolerance and understanding—two concepts themselves of monumental import for our common future.

Despite the site’s history of removing and isolating a class of people from society—or, perhaps because of it—the Pennhurst story is one of relevance to all

¹⁷ Pennhurst Memorial and Preservation Alliance, *supra* note 12, at 2.

people. At some point, nearly all people will experience a disability of some sort, be it from injury or old age. Moreover, the struggle at Pennhurst for acceptance, understanding, and ultimately self-determination is central to what it means to be a citizen in the American democracy. Pennhurst united advocates at the local, state, and national levels both inside and outside the institution's walls. Their efforts led to most successful series of disability reforms in American history—putting Pennsylvania in the vanguard of conscience-driven care in keeping with the vision of our Commonwealth's founder. Pennsylvania became the first state to pass the Right to Education for persons with disabilities, setting a national precedent. Pennsylvania became the first state to end forced unpaid labor in state institutions (see *Downs v. Pennsylvania Dept. Public Welfare*, and *Souder v. Brennan*). The landmark U.S. Supreme Court decision *Romeo v. Youngberg* arising from conditions at Pennhurst established that persons with intellectual and developmental disabilities involuntarily committed at state institutions had constitutionally protected liberty interests under the due process clause of the Fourteenth Amendment.

A site of monumental achievement, Pennhurst has also been a monumental challenge in the struggle to improve it, to close it, and, particularly important for purposes of this thesis, the struggle to determine its fate post-closure. Protracted litigation and successive changes in state administration allowed the site to sit vacant for nearly twenty years, becoming a monumental white elephant in an otherwise

growing and prospering region. An effort to preserve Pennhurst would, no doubt, be a challenge in a robust economy with a well-heeled, preservation-oriented owner.

Given the stagnant national and state economies and an owner uncommitted to the site's re-use, preservation—or, even a dialogue about it—has been a monumental feat.

Currently, the site is endangered from neglect and a series of unsympathetic uses that, at best, merely sustain the owner financially as he awaits either an investment partner or an interested buyer. An industrial composting operation on campus has piled organic matter two-stories tall against the buildings, staining and moisture-logging the masonry. Backhoes use the buildings as backstops for shoveling into compost piles. A pungent, black leachate drains from the piles onto the lower-lying parts of campus.

The campus's other present use, as the venue for the Pennhurst Asylum haunted attraction is not as physically destructive and draws attention to the site but potentially hampers the preservation effort by strengthening Pennhurst's association with the macabre, torture, and other distasteful imagery. It also has enflamed disability advocates frustrated by what they feel is a misleading, insensitive representation of the lives of those who actually lived at Pennhurst. Many of those disability advocates had been ambivalent about Pennhurst's preservation, torn between valuing the site's value in remembering and perhaps thereby preventing a return to the norm of institutionalization of persons with disabilities and the desire to

simply erase the memory of a sad past. Now, many of those disability advocates have clambered for Pennhurst's destruction if only to prevent its message from being further distorted for commercial ends.

This thesis has been written in the faith that there are better futures possible for the Pennhurst campus, ones that allow for commercially-sound uses that respect the site's history and preserve key structures. Interviews conducted between 2008 and 2010 with former Pennhurst employees, local residents, and advocates who led the groundbreaking work to close the institution provided a context for understanding Pennhurst's history, its place within the struggle for rights for persons with disabilities, and the drawn-out challenges of its fate post-closure. The author coordinated three Cornell University Program in Real Estate market studies examining the market demand and supply for various product types in the Pennhurst region. One study was completed in 2009, while two others were completed concurrently in 2010. Between 2009 and 2010, the author organized a re-use design and feasibility study through a services grant he obtained through the Community Design Collaborative of Philadelphia. This study inventoried the current building stock, landscape features, etc., and identified preservation priorities and multi-use plans. Between 2010 and 2011, the author engaged the Urban Partners firm of Philadelphia to assist with an economic feasibility analysis to augment the CDC study. Each of these studies relied on source material provided by the author and their results are incorporated into this

thesis.

Chapter I introduces the Pennhurst campus. Chapter II provides the historic context for Pennhurst both as a typical institution for persons with disabilities and as an extraordinary symbol of grassroots advocacy in the field of disability advocacy.

Chapter II also discusses the way in which the failure to plan for preservation post-closure is typical of deficiencies in public stewardship of state-owned property.

Chapter III introduces three questions critical to the preservation of the site and upon which succeeding chapters are built: (1) *Who are the people who could use a re-developed Pennhurst and what needs do they have that are otherwise unmet?* (2) *How and to what extent can Pennhurst physically accommodate uses that meet these needs?* (3) *Can those uses financially support Pennhurst's rehabilitation?* Each successive chapter presents information and

interpretation to address these questions. Chapter III surveys the demographic and location information, laying a foundation from which to respond to the first question.

Chapter IV continues to build this foundation, reviewing the building stock and site

features. Chapter V discusses the work of the Community Design Collaborative in interpreting the physical fabric presented in Chapter IV to define a community of

conscience concept. Chapter VI reviews several market studies for uses prioritized by the CDC study. Finally, Chapter VII offers proforma for two uses proposed for

Pennhurst's historic core.

CHAPTER I

AN INSTITUTION RISES ON CRAB HILL

On May 15, 1903, an act of the Pennsylvania Legislature authorized the creation of the Eastern Pennsylvania State Institution for the Feeble-Minded and Epileptic, the second state-operated facility for that purpose to be created in the Commonwealth.¹⁸ Its particular purpose was to be “entirely and specifically devoted to the detention, care and training of...idiotic and feeble-minded persons.”¹⁹ Time would bear out a strong emphasis on this leading directive of “detention.”

The Legislature created a commission to identify a “tract of land [which] shall be good, arable land, well adapted to the preservation of the health and the occupation and maintenance of the inmates of said institution.”²⁰ Upon the commission’s recommendation, the Commonwealth purchased several farms ultimately totaling 1200 acres on what was then commonly known as Crab Hill, now East Vincent Township, Chester County, Pennsylvania, just 30 miles west of Philadelphia. Situated high on a hill overlooking a prominent S-curve in the Schuylkill River, the site is on the very northern edge of Chester County where it meets

¹⁸J. Gregory Pirmann, *A Short History of Pennhurst Center 1* (1985) (unpublished history) (on file with author) [hereinafter, Pirmann]. The first state institution for persons described today as having intellectual and developmental disabilities was located in Venango County, Pennsylvania, and is known presently as the Polk Center. Serving the western half of the state, Polk was established by the Legislature on June 3, 1893, and opened on April 21, 1897. *Id.*

¹⁹ Pennsylvania Public Law 446 of 1903 §10. This is the public law passed by the Pennsylvania Legislature which authorized the facility.

²⁰ Pennsylvania Public Law 446 of 1903 §3.

Montgomery County. The buildings from the original farms were retained and utilized in patient-run farming operations. Additionally, the farm buildings served as overflow residential space during the institution's worst periods of overcrowding. On November 23, 1908, the Eastern State Institution for the Feeble-Minded and Epileptic was opened to receive its first patients. Later known as the Pennhurst State School and Hospital, and finally, the Pennhurst Center, it was hailed as a model institution for dealing with the “problem” of persons today referred to as the intellectually and developmentally disabled.²¹

With a population of 3550 residents in 1954, Pennhurst was a small town unto itself, boasting its own fire department, sewage treatment plant, power generating station, hospital, cemetery, farms, etc.²² Though Pennhurst was a major local employer, the institution was essentially a self-sustaining community in keeping with its founder’s intention of isolating it from the rest of society. The vast majority of the labor necessary to operate the sprawling campus was provided by Pennhurst residents. Despite the word “School” in the facility’s name, any intent to educate was

²¹ Pirmann email, *supra* note 8. “The facility’s name was changed to the Pennhurst State School and Hospital in the early 1920s and changed once again to Pennhurst Center in the early 1970s. The change to Pennhurst State School and Hospital—the name which would gain infamy—occurred sometime after the 1921-1922 Biennial Report to the Board of Trustees was filed by the Superintendent in September 1922 and sometime before the 1922-1924 report was filed in June 1924. The name change required legislative action.” *Id.*

²² Commonwealth of Pennsylvania, Pennhurst State School Spring City Pennsylvania 2 (1954)[hereinafter 1954 Viewbook].

subordinated to the need for cheap labor to sustain the institution and its ever-growing population.

Residents were trained to do unpaid labor supporting every aspect of life at Pennhurst. Many patients worked the school's farm, dairy, and orchards, providing food sufficient not just to feed Pennhurst's population but also to generate a profit, as surplus food items were sold at the local market. Other patients made furniture and craft goods that were also sold to support the institution. Patients cared for the lawns, operated the heating plant and immense dietary and laundry facilities, cared for the dairy herd, and assisted in the care of their lower-functioning peers. Patients assumed housekeeping duties and staffed the shops in upholstery, sewing, mending, butchery, weaving, printing, baking, and the greenhouses. The aesthetic beauty and economical functioning of the campus were direct results of their labor. It is widely acknowledged today that the primary reason higher-functioning patients were not allowed to leave the institution was that the system could not afford to operate without their labor.

Like peer institutions of the period, Pennhurst was situated so as to maximize accessibility to air currents, in this case those coming from the Schuylkill River, as it winds its course toward the Delaware. The operation of this air current also explains the otherwise ominous and seemingly perpetual presence of crows and buzzards at the Pennhurst site. In fact, the Pennhurst baseball team used as its logo the image of

a crow sitting on the iconic tower of the Administration Building. Pennhurst's location along the Pennsylvania Railroad's Schuylkill Division in what in 1903 was exceedingly rural territory was also not accidental. The train line allowed Pennhurst to be reachable by the Philadelphia population it served without requiring it to be situated amidst it.

The Schuylkill Canal, paralleling the river, cut across what would become the northern farm fields of the property. A former hotel serving the canal would become part of Pennhurst's dairy, housing residents who worked in the dairy. The aforementioned Pennsylvania Railroad Schuylkill Division eventually stretched from Philadelphia northwest to Pottsville following the old canal bed through this area. As the waterway had before it, the rail route brought coal to industries and markets in the greater Philadelphia area. Among those industries was the Pennhurst central heating plant, site of a small rail yard and coal unloading dock adjacent to Pennhurst's whistlestop station.²³ Adjacent to the station and heating plant, a railroad spur was run up the slope to the dietary and maintenance buildings on the central Pennhurst campus. While service on the spur stopped many years ago, portions of the trackage behind the dietary building were merely paved over rather than removed. As the asphalt has settled, the familiar four feet, eight-and-one-half inch railroad gauge has

²³ As of December 2010, there is still coal in the bunkers and ash in the pits at the plant, which was used until very recently to provide heat to the Veterans Hospital located on former Pennhurst grounds.

become visible. The Schuylkill Division was removed in the late 1980s by Conrail but much of the right-of-way is intact and is in the process of being converted into a recreational trail.²⁴



Figure 2. An aerial view of the Pennhurst campus in 1922. Photograph from the Pennhurst Superintendent's 1922-24 Biennial Report to the Board of Trustees.

Pennhurst's most historic core of buildings sits on a parcel of approximately 112 acres. In the era before the site was allowed to become vastly overgrown, the location provided sweeping views of the Schuylkill Valley. The legislation establishing Pennhurst stipulated that:

buildings shall be in two groups, one for the educational and industrial department, and one for the custodial or asylum department, with such other subdivisions as will best classify and separate the many diverse forms of the infirmity to be treated; and shall embrace one or more school-houses, a gymnasium and drill-hall, a work shop, and an isolating hospital, all on such scale as will create an institution to accommodate not less than five hundred inmates or patients, planned and located for easy and natural additions, as

²⁴ This trail forms the backbone of the Schuylkill River National and State Heritage Area, managed by the Schuylkill River Greenway Association in collaboration with the National Park Service. Pennhurst is entirely located within the Heritage Area.

population demands.²⁵

Buildings were filled to well over capacity as soon as they were completed. Tremendous pressure to take people whose needs were not in keeping with the legislature's intentions meant that there was always a waiting list for admission.²⁶ Thus, over the first half of the twentieth century the Pennhurst Complex swelled from a few modest halls overlooking the Schuylkill River, into a 1200-acre complex of over twenty-five increasingly large buildings. In time, the complex housed upwards of 3500 patients at a time—all served by fewer than 360 nurses and aides.²⁷ Though several building campaigns occurred over time at Pennhurst, all buildings were placed according a multi-quadrangle plan. The on-campus road pattern serving the quadrangles, including the traffic circle adjacent to Tinicum and Mayflower Halls, remains unchanged from Victorian times. Much of the property is surrounded by a beautiful wall composed of carefully laid and pointed Germantown schist. The longest expanse of the wall—nearly entirely intact—is along Commonwealth Drive. The wall incorporates elaborate gates at various points for access to key structures. It

²⁵ Pennsylvania Public Law 446 of 1903, §§ 3, 10.

²⁶ Pirmann, *supra* note 18, at 2. "During the first eighteen months of the Institution's existence there was considerable confusion as to the class of patients to be admitted, as the general public apparently did not understand the meaning of the terms 'feeble-minded' and 'epileptic'. All sorts and classes of cases have been sent - the violently insane, with homicidal and suicidal tendencies; the maniac, with delusions of persecutions. ...moral imbeciles, reformatory cases, criminals and so forth. The parents of these cases were content with the belief that sending children to a Special Institution did not place upon them the stigma which would result were the cases sent where they belonged, viz: to the Insane Asylum, the Reformatory, and in some cases, the jail." (quoting Pennhurst Superintendent's H.M. Carey's June 1, 1910, report to the Pennhurst Board of Trustees).

²⁷ *Id.* at 6.

also includes pedestals for ornate multi-globe street lamps shown in historic photos. It is believed these lamps were produced at the nearby Spring City Electrical Manufacturing Company, one of the nation's most prolific manufacturers of outdoor lighting standards. Of similar design and stone composition to the wall are six grand entrance pillars. Two such pillars flank either side of Pennhurst's three main access roads.



Figure 3. The beauty of the Pennhurst Campus in 1922. Notice at left the above-ground walkways connecting the buildings—walkways with the infamous tunnel system beneath them—also had covered component. This view faces west, with the Administration Building to the right just out of view. Photograph from the Pennhurst Superintendent's 1922-24 Biennial Report to the Board of Trustees.

Early postcard photographs give some indication as to the beauty of the Pennhurst grounds, at the time widely noted for their manicured lawns, picnic areas, athletic fields, gardens, and ornamental trees. During the early spring, glimpses of this former grandeur call out from behind the curtain of overgrowth as long-forgotten dogwood and magnolia trees come to life. The photographic record indicates efforts to enhance and beautify the campus were markedly decreased after the institution lost

the benefit of unpaid patient labor as a result of then-revolutionary litigation in the 1970s.

Pennhurst is a noteworthy and now rare example of the architectural design of Philip H. Johnson, a colorful and prolific local architect. For many years Johnson served as the architect for the Philadelphia City Department of Public Health and in that position designed a number of hospitals and city health institutions. His controversial appointment to this position was effected by the influence of his brother-in-law, Israel W. Durham, one-time political boss of the 7th Ward in Philadelphia, according to obituaries published at the time of Johnson's death. Through his brother-in-law, Johnson received a contract with the City Health Department that was valid for his lifetime. Although several later mayors attempted to break this contract, city courts upheld its validity, enabling Johnson to receive some \$2,000,000 in fees from the municipal treasury during his 30 years of city design. Prior to 1903, Johnson had been employed in the City's Bureau of Engineering and Surveys, but was not well-known as an architect at the time of his appointment to the City's Department of Health. During his long career, Johnson designed such notable complexes as the Philadelphia General Hospital buildings, Philadelphia Hospital for Contagious Diseases at 2nd and Luzerne streets, and several buildings at the

Philadelphia Hospital for Mental Diseases at Byberry. In addition to hospitals, Johnson designed City Hall Annex and the Philadelphia Civic Center.²⁸

Architecturally, the physical plant of the Pennhurst campus is representative of many sister institutions which were constructed to be worlds apart, built to handle the problem of people deemed unfit to engage in civil society—be they immigrants, the infirm, the insane, or , in this case, intellectually and developmentally disabled people. It is no accident that Ellis Island’s Immigrant Hospital and the Byberry Hospital so closely resemble Pennhurst in style and layout. Looking for all the world like a quaint Dickensian village with its Jacobean Revival brick and limestone-clad walls, slate roofs, narrow alleys and open courtyards, Pennhurst offers even in partial ruin a pervading feeling of stability and rationality. This projection is very much intentional. Even if more apparent than real, a tranquil, bucolic setting was seen as therapeutic for the patients and, perhaps more importantly, reassuring to the outside world. Appropriately, images of the campus and life at Pennhurst published by the Commonwealth of Pennsylvania reinforced the perception of order and peaceful living.

²⁸ Philip H. Johnson—archINFORM persons biography, <http://eng.archinform.net/arch/73219.htm>.

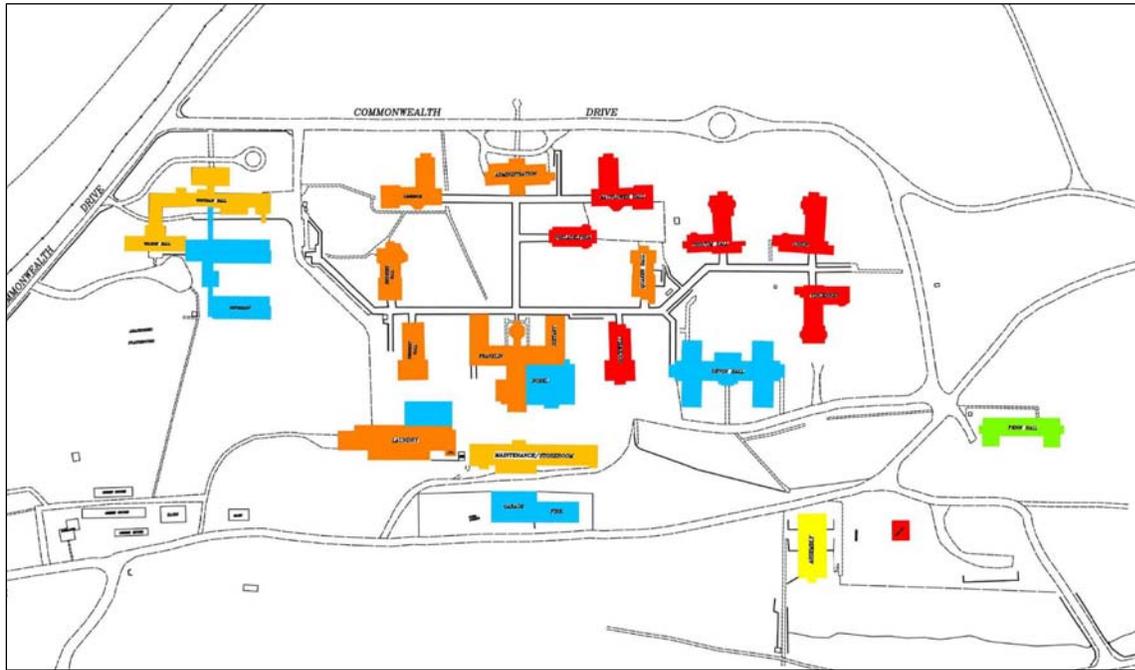


Figure 4. Building campaigns of the historic core of Pennhurst. Red: 1903-1908; Dark Orange: 1910-1918; Light Orange: 1920s; Green: 1930s; Blue: 1940s. From COMMUNITY DESIGN COLLABORATIVE, PENNHURST: PLANNING A COMMUNITY OF CONSCIENCE—CONCEPTUAL PLAN FOR RE-USE (2010), http://www.preservepennhurst.org/Uploads/PPHUploads/PdfUpload/CDC_0916_final_report.pdf.

Pennhurst’s buildings—originally known as “cottages” to suggest domestic settings conducive to rest and recovery—were given letter designations upon their completion. In March of 1979, a contest was held to name the buildings, as the thought was this practice would give them greater appeal.²⁹ Each building’s name would begin with the letter of its original designation. While “A” building had always been “Administration” and “D” Building had always been “Dietary,” arbitrarily-lettered buildings took on names with seemingly random names connected with Pennsylvania. Thus, “H” became “Hershey Hall” and so forth. Pennhurst’s campus

²⁹ Pirmann Interview, *supra* note 15.

was constructed in stages, with “T” building (Tinicum Hall) and “Q” Building (Quaker Hall) being the first two constructed for patient occupancy.³⁰

Pressure to bring the facility into use as quickly as possible meant the first institutional buildings were multi-purpose, serving administrative, dining, residential, and classroom needs. Early superintendent reports bemoan the unpreparedness of the facility and its staff to receive patients at all, let alone the influx that was sent there. “Owing to the pressing need and urgent demand for accommodations for the patients, the Institution was opened before it was completed, thus entailing a very much greater operating expense than an Institution complete in all of its parts,” wrote the superintendent in his 1908 report to the Board of Trustees.³¹ Ultimately, the Pennhurst campus would grow to include dormitories, classrooms, an auditorium, dining hall, power plant, offices, a hospital, greenhouses, a reservoir, a water treatment plant, and a host of other facilities that allowed it to function almost as an entirely self-contained community.

The first wave of construction at Pennhurst took place between 1903 and 1908 and included “P” (subsequently renamed Philadelphia Hall), “Q” (Quaker Hall), “R” (Rockwell Hall), “F” (Franklin Hall), “G,” “N” (Nobel Hall), “U” (Union Hall), “V”

³⁰ ROBERT SMILOVITZ, A BRIEF HISTORY OF PENNHURST 1908-1926 1 (1972) [hereinafter, SMILOVITZ], <http://www.elpeecho.com/pennhurst/PDF/HistoryOfPennhurst-1908-1926/1908HistoryOfPennhurst1908-1926.html> Dr. Smilovitz compiled information from Pennhurst Board of Trustee and Superintendent Reports into his brief history.

³¹ *Id.*

(Vincennes Hall), and “T” (Tinicum Hall).

To some extent, all of Pennhurst’s buildings would remain multifunctional throughout the history of the institution, though the creation of dedicated buildings for administration, dining, hospital services, and assembly would largely consolidate those functions. Philadelphia Hall was designed to be an office and residence for teachers but upon its completion in 1908 was pressed into service as the Administration Building.³² Quaker Hall was designed as a school building, but was used as a “Low Grade Cottage” upon its completion.³³ Pennhurst’s superintendent noted that Quaker’s service in this respect was problematic: “The use to which it was put is as far from the use for which it was designed as opposites could possibly be. Its location, near the Administration Building, is objectionable, as this class of patients is always noisy and should be kept near the central portion of the Institution.”³⁴ Pennhurst’s Trustees responded by retrofitting Quaker into a residence, including a dining facility, and foregoing the classroom space.

Rockwell Hall was used as school building upon completion, though it was designed for an industrial building. Franklin was used as a chapel and amusement hall, though it was designed as a dining facility for female patients. Sunday religious

³² *Id.* at 3. Postcard records indicate that Tinicum Hall had served as an Administration Building before Philadelphia Hall was completed. A building exclusively dedicated to administration would not be completed until 1918.

³³ *Id.*

³⁴ *Id.*

services were held there twice a day, along with “one to two entertainments each week, much to the enjoyment of [the] patients.”³⁵ At the time of the first Superintendent’s Report to the Board of Trustees, only three buildings were being used for the purposes for which they were designed: Tincicum, Union, and Vincennes. Even among these, a portion of Union was used as a hospital ward and a portion of Tincicum was used as a dispensary.³⁶ The second floors of Franklin Hall, “G” building, and Nobel Hall were used as quarters for employees.

Figure 5. Photograph of front elevation drawing of Pennhurst’s Administration Building. The drawing was prepared for the Department of Public Welfare. Notice it lists Pennhurst’s location as “Pennhurst, Penna.” While every other Pennsylvania state institution for the disabled was named for its location, there is no evidence a municipality with the name “Pennhurst” was ever incorporated here. Photograph provided to the author from an anonymous source.



³⁵ *Id.*

³⁶ *Id.* at 1.

“K” and “I” (Industry Hall) Buildings were completed within two years of the facility's opening. Superintendent reports from 1910-1912 proudly report that “[K building] received its first inmates October 10, 1911 thus relieving the crowded condition of the other buildings.”³⁷ In addition to “K” and “I,” numerous new farm structures were added to supplement those retained from the original farms. Also, a new sewage plant and a power plant were built at this time. The power plant was added near where the current Stores and Maintenance Buildings are today and were serviced by the aforementioned railroad siding. Later, in 1950, a new power plant was built adjacent to the Pennsylvania Railroad tracks.³⁸

Construction on "A" Building (Administration) commenced in 1916 and was completed by 1918, joined by the "L" (Limerick Hall) and "M" (Mayflower Hall) buildings flanking it in 1919.³⁹ The Administration Building's ornate central tower was aligned with a new flagpole erected on July 4, 1925.⁴⁰ Limerick and Mayflower were scheduled to be completed in 1918, but were not ready for occupancy until 1919 because of a shortage of labor and materials and the “impossibility of obtaining

³⁷ Smilovitz, *supra* note 30, at 11.

³⁸ 1954 VIEWBOOK, *supra* note 22, at 22.

³⁹ *Id.* at 21. The Federation of Northern Chester County Communities Study suggested the completion date for Administration was 1915, but no evidence can be found to support this date. It is possible construction began in 1915 and concluded in 1918. *See* FEDERATION OF NORTHERN CHESTER COUNTY COMMUNITIES, PENNHURST CENTER LAND USE FEASIBILITY STUDY 68 (1993)[hereinafter, FEDERATION].

⁴⁰ *Id.* at 23.

services of attendants to take charge of additional inmates.”⁴¹ The third floor of Limerick and Mayflower Halls would be used for staff housing upon their completion.



Figure 6. Pennhurst Hospital just after its completion in 1921. The lamp in the foreground is typical of the type found along Commonwealth Drive. Photograph from the Pennhurst Superintendent's 1920-22 Biennial Report to the Board of Trustees.

In 1921, Pennhurst Hospital opened. Completion of the hospital essentially concluded the development of the original, lower campus. The Auditorium would be opened in 1929 followed by Penn Hall in 1936.⁴² No other residential buildings would be constructed on the main campus until “D” Building (Devon Hall) was built after World War II. Each of the buildings built for the institution’s lower campus have a steel and concrete supporting frame and decorative brickwork laid in a Flemish bond pattern. All but “K” building, demolished at considerable expense sometime between 1972 and 1978, remain, and comprise approximately 600,000 square feet of

⁴¹ *Id.* at 30.

⁴² Pirmann, *supra* note 18, at 2. Penn Hall’s completion date is open to some question, but it appears in photographs by 1936. See FEDERATION, *supra* note 39, at 73.

usable space. First floor ceiling heights average 15 feet and second and third floor ceiling heights range from 11 to 13 feet. Most buildings contain large open rooms divided by partial or curtain walls.

A 1908 newspaper announcement of the institution's opening described the interior of the buildings as having "fine fixtures and finish," with the living areas "furnished with heavy quartered oak and with fine high ceilings."⁴³ Pennhurst embodies distinguishing characteristics of the Jacobean Revival style and is one of the finest extant examples of it. While Jacobean Revival was once a popular genre for institutional architecture, remaining examples—particularly ones as complete as those present at Pennhurst—are not common. Though the entire campus is predominantly in the Jacobean Revival style, no two buildings are identical.

The entire complex of lower campus buildings is connected by a system of pedestrian tunnels. Today, the abandoned tunnels have proven the source of fascination for generations of urban explorers and other seeking a secluded spot for any number of endeavors best kept from the light of day. The superintendent's report from 1924 suggests the tunnels had similar appeal even when Pennhurst was in use: "Owing to the fact that our subways were accessible to the patients at any time,

⁴³ Unknown author, *Inmates Expected About September 1 - New State Hospital Building Nearing Completion*, THE SUN (Jun. 13, 1907).
See also, Pennhurst Memorial and Preservation Alliance, *Preservation Pennsylvania Most At-Risk Nomination*, 3 (2008) (unpublished) (on file with author).

we had considerable trouble in properly supervising the inmate's activities. Doors were placed in these subways which eliminated this trouble and have made it much easier to keep track of our patients, especially the boys.”⁴⁴

The population of the facility grew steadily through the teens, twenties, and thirties. As each new building became ready for occupancy, new patients would be crammed in, with as many as 100 people admitted in a single month. In the 1930s, a "Female Colony," also called the "upper campus," was erected more than a mile away from the central cluster of buildings. Construction of the Female Colony allowed the number of women in residence to grow and also made segregation of the sexes easier and more complete. The gender division would remain in effect until 1970. Female Buildings #1 & #2 (later renamed Pershing and Buchanan Halls) and an employee dormitory (Audubon Hall) were completed in 1930 and were the first of five buildings to comprise the upper campus. Female Building #3 (Keystone Hall) was also built during the 1930's. Female Building #4 (Capitol Hall) was erected after World War II, at the same time that "D" Building (Devon Hall) was constructed. There would be no further buildings added to the facility until Horizon Hall was opened in 1971. The former female colony and Horizon Hall are now owned by the Pennsylvania Department of Military and Veterans Affairs. Two buildings on the

⁴⁴ Smilovitz, *supra* note 30, at 14.

former female colony are operated by the Pennsylvania National Guard. Horizon Hall currently serves as a Veterans Hospital. In addition to a garage also operated by the Department of Military and Veterans Affairs, these buildings are the only ones of the sprawling Pennhurst complex currently in use.

Horizon Hall was part of a “New Pennhurst” conceived amid public outcry in the wake of television reporter Bill Baldini’s 1968 expose *Suffer the Little Children*. The Legislature appropriated more than \$20 million for a massive building program at the facility. This building program was met with resistance from all sides from the outset, as it contemplated even larger warehouse-like buildings than already existing at Pennhurst and as such perpetuated the worst aspects of the custodial mindset. The disability advocacy community rose up in protest and insisted that the money be directed into the creation of community-based services for some 900 patients (re-christened “clients” as of the late 1960s) living at Pennhurst. This was done by an act of the Legislature in November of 1970.⁴⁵

Horizon Hall’s completion would mark both the end of building construction at Pennhurst and the rise of the disability rights movement. As discussed in the next chapter, this movement would ultimately not only close Pennhurst but, in so doing, give an otherwise ordinary state institution an extraordinary place in world history.

⁴⁵ Pirmann, *supra* note 18, at 8.

CHAPTER II

EMBLEMATIC AND EXTRAORDINARY: PENNHURST'S PLACE IN HISTORY

Pennhurst was neither the largest, nor the oldest, nor the most famous, nor, arguably, the most beautiful of the nation's institutions for those with disabilities. Though its founders intended for it to be a model facility, it was, by most accounts, fairly representative of institutions of the time. It and its peers were decidedly products of eugenics-inspired thinking, as the conditions in which their inmates were sequestered evidenced.⁴⁶ Overcrowding compounded with underfunding created conditions that then, as now, "shocked the conscience" according to litigation in subsequent years.⁴⁷

Conscience-shocking notwithstanding, those conditions were not demonstrably better nor particularly any worse at Pennhurst than at any of its peer institutions. It is at Pennhurst, however, that these conditions would reach the national spotlight for the first time. The backlash gave rise to the most sweeping disability care reforms in American history.

Despite its extraordinary place in the annals of disability rights, Pennhurst's

⁴⁶ *Suffer the Little Children*, *supra* note 5.

⁴⁷ Quaker Hall, for instance, was one of the two residential buildings first opened in 1908. It was in use until the time Pennhurst closed in 1987 and was used continually, except for short periods of renovation and reconstruction. Pirmann, *supra* note 18, at 2-3. Regulations in effect at the time of Pennhurst's closure established a maximum capacity of 16 persons on each of its two floors. *Id.* In the past, the building housed up to 150 people, 75 per floor. *Id.*

history post-closure has been typical of that of the majority of large, publically-owned institutions declared to be surplus property. A failure to adequately plan for the re-use of the site has rendered it a colossal white elephant in an otherwise growing region.

A. Pennhurst as Representative of National Themes in Disability Treatment

Literature on the treatment of persons with intellectual and developmental disabilities suggests three recurring themes justifying institutionalization during the late eighteenth, nineteenth, and early twentieth centuries: (1) retarded people could be taught and could therefore improve their condition; (2) such persons were "unfortunates" needing protection from society; and, finally, (3) such persons were "deviants" from whom society needed protection.⁴⁸ These three themes occur concurrently, and more astonishingly, are generally seamlessly interwoven with no explanation as to the inherent contradiction between them. While two themes cast the disabled person as a victim and the other as a criminal, the literature unabashedly ignores this contradiction and the differences in treatment philosophies such a distinction would logically implicate. The effect was that rehabilitative care and vocational training was offered within the context of an understanding that the patient—the inmate—could never leave. Not surprisingly, the

⁴⁸Wesley D. White and Wolf Wolfensberger, *The Evolution of Dehumanization in Our Institutions*, MENTAL RETARDATION, vol. 7, No.3, June 1969. A belief in the "deviance" of mentally retarded people, of their less-than-human nature, was necessary for society to accept the less-than-human conditions imposed by the custodial warehouses into which institutions devolved. *Id.*

record both built and written at Pennhurst suggests a conflict between a teaching and rehabilitative function and a mere custodial and warehousing one, and ultimately, a rapid devolution into the latter alone. Whether this devolution reflected a true change in faith regarding the efficacy of teaching the disabled or was merely a resignation based on a lack of funding, the effect was the same.



Figure 7. A day room at Pennhurst. Benches in the foreground penned the patients in the day room, ostensibly reducing the need to supervise them. With no programming offered, the patients were left to wander aimlessly in the day rooms. Overcrowding meant that injuries to patients were common. Photograph from the Pennhurst Superintendent's 1920-22 Biennial Report to the Board of Trustees.

Recommended practice for the treatment of the disabled when Pennhurst was founded included forced segregation by sex, removal from society, and sterilization of youth deemed “degenerates” and “feebleminded.”⁴⁹ Such practices, it was asserted, were in the best interest of both the general public and the disabled person. From a palliative perspective, the disabled person, isolated from temptations of the opposite

⁴⁹ SMILOVITZ, *supra* note 30, at 11.

sex, removed from the pressures of normal life, and unencumbered by the responsibilities of child bearing and rearing, could focus on their improvement. The better-known later history of Pennhurst obscures these palliative intentions reflected in early Superintendent reports: “It is our aim that every person coming into contact with patients shall aid in relieving their mental condition, and, also, to so conduct himself or herself that the moral training of the child must follow the good example set by those in charge of him.”⁵⁰ Additionally, the word “School” in the institution’s title was, for a time, not merely aspirational. Vocational training was provided to almost all patients, though it was done so with the intention that those receiving it would work only within the confines of the institution. An early Superintendent report states, “The aim of the Manual Training is to provide the child with such training as will enable him to be a useful citizen of an institution community. Only a very small percentage, however, are of such grade as will enable them to take part in the world’s work, aside from institution guidance.”⁵¹

At the same time Pennhurst’s superintendent was writing about recasting his institution’s population as “useful citizens,” period literature in psychology was positing the disabled as akin to criminals from whom society needed to be protected; indeed, the benefits of institutionalization were more commonly calculated for their

⁵⁰ *Id.* at 13.

⁵¹ *Id.* at 14.

contribution to society at large rather to the disabled person themselves. Removing mental defectives from society—and, more importantly, from the gene pool, would ease a multitude of social ills, especially drunkenness, poverty, and crime.⁵² False assumptions about genetics fostered a belief that mental retardation could be eliminated by preventing procreation by retarded people.⁵³ In 1910, Pennhurst’s trustees underscored the belief that the disabled were a primary cause of social problems and best solved through sterilization:

As trustees, we are aware how the number of degenerates in this Institution has increased....Everywhere the increase in number of the institution classes is regarded as an alarming condition, growing in gravity far more rapidly than our great State is able to provide room and proper care in her numerous institutions....Many inmates in our own Institution, were they sterilized, would be able to leave and would not be a menace to the community, neither would it be possible for them to reproduce their unfortunate kind.⁵⁴

In language that would be echoed nearly two decades later by Justice Oliver Wendell Holmes in the infamous United State Supreme Court case *Buck v. Bell*,⁵⁵ the

⁵² The Pennhurst Superintendent Report to the Board of Trustees quotes Dr. H.H. Goddard: “Every feeble-minded person is a potential criminal.” ⁵² SMILOVITZ, *supra* note 30, at 27.

⁵³ *See generally*, White and Wolfensberger, *supra* note 48. The Pennhurst Superintendent’s Report to the Board of Trustees for 1912 frames the issue in the context of the Commonwealth of Pennsylvania: “Your attention is called to the fact that, in this day and age, something should and must be done to prevent the great increase in this class of dependents; and not only this class, but as well some types of insane, some groups of criminals, who multiply apace without any regard for nature’s laws. It is estimated, on fair authority, that there are thousands of feeble-minded and epileptic in the State of Pennsylvania today without Institutional care. This number is increasing at the rate of several hundred per annum.” SMILOVITZ, *supra* note 30, at 12.

⁵⁴ SMILOVITZ, *supra* note 30, at 14. Emphasis added.

⁵⁵ 274 U.S. 200 (1927). The Supreme Court’s decision in *Buck v. Bell* upheld forced sterilization of institutionalized persons and others adjudged to be feebleminded. At the time, the decision resulted in little sympathy for the plaintiff, Carrie Buck, and surprisingly little newspaper coverage. Kathryn Cullen-DuPont, *Buck v. Bell: 1927*, ENCYCLOPEDIA.COM, Feb. 4, 2012, <http://www.encyclopedia.com/doc/1G2-3498200155.html>. Oliver Wendell Holmes, who wrote the decision, appeared to have no sympathy for Buck, writing in a letter later that month, “One

Pennhurst trustees concluded their advocacy of forced sterilization, saying “Here indeed, ‘An ounce of prevention is worth a pound of cure. We favor the ounce.’”⁵⁶

Through most of Pennhurst’s history, the admission of individuals to the institution required only either a court order or a doctor’s certification of an individual being mentally retarded and in need of care.⁵⁷ The ease with which one could be admitted facilitated overcrowding, as did public pressure to expand the range of persons to be admitted to Pennhurst from the epileptic and “feeble-minded” to include vagrants, criminals, juvenile delinquents, and immigrants.⁵⁸ Despite a required age range for patients to be admitted adopted by the Board of Trustees, patients from three months old to ninety years of age were directed to Pennhurst.

Entries in the Superintendent’s Reports to the Pennhurst Board of Trustees confirm that underfunding compounded the problems of overcrowding at the

decision . . . gave me pleasure, establishing the constitutionality of a law permitting the sterilization of imbeciles.” *Id.* According to the case, Buck was the daughter of a feeble-minded mother in the same institution, and the mother of an illegitimate feeble-minded child. *Id.* Holmes’ decree “Three generations of imbecility is enough” echoed powerfully through the institutional world and resulted in thousands of sterilizations. 274 U.S. at 207. It was shown a few years after her own procedure that Carrie Buck was neither mentally retarded nor feeble-minded. Kathryn Cullen-DuPont, *Buck v. Bell: 1927*, ENCYCLOPEDIA.COM, Feb. 4, 2012, <http://www.encyclopedia.com/doc/1G2-3498200155.html>.

⁵⁶ SMILOVITZ, *supra* note 30, at 14.

⁵⁷ See *supra* note 52.

⁵⁸ The Superintendent’s Report to the Board of Trustees for 1908 states: “During the first eighteen months of the Institution’s existence, there was considerable confusion as to the class of patients to be admitted, as the general public apparently did not understand the meaning of the terms ‘feeble-minded’ and ‘epileptic.’ All sorts and classes of cases have been sent—the violently insane, with homicidal and suicidal tendencies; the maniac, with delusions of persecutions, the religious paranoiac, the parietic, with delusions of grandeur; cases of amentia, moral imbeciles, reformatory cases, criminals, and so forth. . . .” SMILOVITZ, *supra* note 30, at 2. The Superintendent’s Report to the Board of Trustees for 1912 reinforced the same concerns: “While the law creating the Institution distinctly states that it is to care for the feeble-minded and epileptic only, we are still receiving cases of Dementia Praecox, Dementia Senilis, Parietic Dementia, Acute Mania, Melancholia, Melancholia Agitata, Criminal Insane, Insane Criminals, Reform School Cases and Criminals. Applications have also been made for the admission of common prostitutes. All of the above should surely be under custodial care, but not in an institution for the feeble-minded.” *Id.* at 12.

institution from day one. As early as 1916, the Superintendent complained that despite the "best efforts of management" to live within its \$200 per capita yearly maintenance allocation, actual costs had been \$216.50 for the year.⁵⁹ The 1925 Superintendent Report to the Board of Trustees bemoaned the lack of painting and general maintenance, a problem evident even from afar due to the widely-reported nauseating stench emanating from the buildings.



Figure 8. Typical latrine conditions at Pennhurst in the late 1960s-1970s. Photograph from the Halderman litigation taken in Mayflower Hall.

Antiquated toilets in washrooms—washrooms that were the only sources of drinking water for the patients—inculcated disease. A concurrent lack of facilities to deal with contagious disease meant that those so-stricken were moved to the third

⁵⁹ Pirmann, *supra* note 18, at 2-3.

floors of buildings, hampering their recuperation and sickening others. The situation changed little over time. It was reported in 1968 that, on average, the Philadelphia Zoo allotted more funds per animal than the Commonwealth of Pennsylvania allotted per resident at Pennhurst.⁶⁰

While initial entries in the Superintendent reports boast of glowing progress in the education and “reform” of the patients, the commentaries become darker over time. A system of custodial warehousing had always been the norm for those with the most severe disabilities, though even those patients were trained to distinguish various stimuli, taste, odor, sound and direction, light, forms of objects, and textures of fabrics.⁶¹ Repeated entries from the 1920s through the 1950s about insufficient staffing and overcrowding begin to suggest that rehabilitative activities were an unaffordable luxury for any of Pennhurst’s residents, low or high functioning. Curiously, beginning in the 1940s and 1950s, this lack of funding was met in the literature with a decree that treatment of the disabled generally was an endeavor of questionable benefit, with the patients repeatedly referred to as “hopeless”⁶² and “helpless”⁶³ cases. The language of Pennhurst’s internal and external publications began to mirror that used for penal institutions, with patients increasingly referred to

⁶⁰ *Suffer the Little Children*, *supra* note 5.

⁶¹ SMILOVITZ, *supra* note 30, at 3.

⁶² Commonwealth of Pennsylvania, Pennhurst Information 14 (1946) [hereinafter, Pennhurst Information].

⁶³ *Id.*

as inmates who might hope to be lucky enough to have “parole” time away from the institution in recognition of their good behavior.⁶⁴

Changes in the design and scale of successive buildings completed at Pennhurst embody changes in the theory of the care of the disabled. Called “cottages,” Pennhurst’s initial structures were relatively modest in size for their time, particularly when compared with monolithic mental asylums using the so-called Kirkbride design. Prior to the Civil War, institutions for the disabled and the insane were generally sprawling single structures, with the intention to house all patients under one roof in a “congregate system.”⁶⁵ St. Elizabeth’s Hospital outside Washington, D.C., and the Danvers State Hospital in Massachusetts in their earliest forms are examples of congregate system designs. Just after the Civil War, a variety of factions, including asylum doctors and landscape architects such as Frederick Law Olmstead, advocated for the a “segregate” or “cottage” system.⁶⁶ It was claimed that the cottage system would create a freer, more sociable atmosphere.⁶⁷ The cottage system was also justified and encouraged by findings that specialized care for different diseases was facilitated by differing buildings and settings. Olmstead and others suggested the cottage plan would be revolutionary. Their intent was that the specialized building

⁶⁴ *Id.* at 19.

⁶⁵ CARLA YANNI, *THE ARCHITECTURE OF MADNESS: INSANE ASYLUMS IN THE UNITED STATES* 79 (2007).

⁶⁶ *Id.*

⁶⁷ *Id.*

and landscape design of the cottage system would arise commensurate with specialized medical care, effecting something more than a mere extension of the congregate model overlaid on a series of buildings rather than consolidated in one. Disability reform advocates argued in the 1970s that Pennhurst's system of tunnels essentially made one building out of many, burying the evidence of what was really a congregate system in cottage dress. While the cottage plan seen at Pennhurst hinted at the kind of community-based care that would rise in Pennhurst's wake, it was far from community-based living even in its best days.

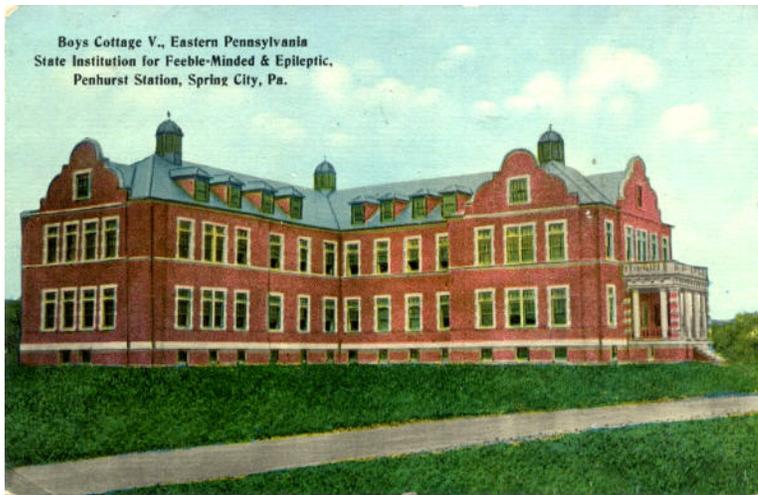


Figure 9. A colorized postcard showing a Boy's Cottage at Pennhurst from the early 1920s. Postcard courtesy of William C. Brunner, Spring Ford Historical Society.

The all-but-complete failure to realize the benefits of the cottage system as Olmstead envisioned them at Pennhurst and its peer institutions was nearly entirely due to a lack of funding. It was cheaper to operate an institution as a monolithic entity with one-size-fits all services than it was to customize care. As legislative appropriations failed to keep pace with patient admissions, funds for rehabilitative

treatment ceased. As early as the late 1930s, literature about Pennhurst referenced custodial warehousing as the facility's *primary* purpose—a primacy reflected in the pattern of building construction on the campus. Starting in the mid-1930s, exceedingly large structures were built, and cottage rooms gave way to hanger-like wards. The extremely disabled were confined to metal cage-like cribs. Former classroom space was converted into day rooms into which were penned residents to mill about aimlessly for hours on end.

By the 1950's, conditions at Pennhurst had deteriorated to a dangerous level. Chronic understaffing meant that residents, especially those with the greatest needs, were largely unsupervised. For the population of 3500 residents, the institution had a staff of only 600. Despite the heroic work of some underpaid and grossly overworked staff, the tide of unmet human need at Pennhurst vastly overwhelmed the institution's resources.

The result, according the 1978 U.S. District Court case *Halderman v. Pennhurst State School and Hospital*,⁶⁸ was that Pennhurst was physically and psychologically hazardous for its residents. Most residents suffered physical deterioration and intellectual and behavioral regression while at Pennhurst. Restraints were used as control measures in lieu of adequate staffing and ranged from psychotropic drugs to

⁶⁸ 446 F.Supp. 1295 (1977).

seclusion rooms. A very common practice was to bind a patient's hands or ankles to a chair or bed, so-called "soft restraints." Investigations by the prosecution in the *Halderman* case showed such restraints were grossly over-prescribed, with some residents restrained for hundreds of hours monthly. The Court found that multiple deaths and maimings occurring at Pennhurst were a direct result of lack of staff to clean and supervise residents. It noted that in 1972, an unsupervised eleven-year-old strangled to death in soft restraints. In 1975, one individual bit off nearly three-quarters of another's ear while the latter was sleeping. In that same year, another resident pushed a peer to the floor, resulting in her death. In one month alone, there were 833 minor and 25 major injuries reported. Residents commonly lost teeth, eyes, toes, suffered fractured limbs, jaws, fingers, lacerations, bites, and scratches, and were often so heavily drugged they were unresponsive even to their visiting families.⁶⁹

It is true that the appalling conditions at Pennhurst were not widely acknowledged. Yet they were not kept secret. Each decade, one or more scandals about patient treatment would rise to the fore. Numerous articles in Philadelphia and local newspapers had referenced the problems at Pennhurst in the decades after World War II. Each would be met with promises of reform that, by action or inaction, amounted to no meaningful change.

⁶⁹ *Id.* For a summary of findings from this case, see <http://www.preservepennhurst.org/default.aspx?pg=36>.

B. Pennhurst as the Epicenter of a Disability Rights Movement

It would be for an enterprising young reporter using the still-new medium of color television to present Pennhurst in the dreadful clarity necessary to open the door for widespread reform. In his groundbreaking 1968 five-part CBS expose on Pennhurst entitled *Suffer The Little Children*, Bill Baldini presented to the citizens of Southeastern Pennsylvania in painful detail the a reality just beyond their own backyards.⁷⁰ Vice President Hubert Humphrey was interviewed as part of the final segment. Humphrey expressed, if in an understated way, a shock and disgust over Pennhurst, which, though the series aired only once, echoed in local media for the next thirty years.

As important as Baldini's documentary had been in garnering public support for change, two concurrent changes at Pennhurst were, according contemporary accounts, actually more directly important in improving the quality of patient care.

The first came from within the institution thanks to new staff who capitalized on the Baldini firestorm to implement progressive policies. Through their work, the facility's custodial model of care was rejected and replaced by a developmental model, which assumed that every person, no matter how severe their impairment, could improve to some extent.

⁷⁰ *Suffer the Little Children*, *supra* note 5.

The second change came from the Federal level, prompted in part by Vice President Humphreys' advocacy. The Federal Medicaid program established matching funds for state facilities meeting federal licensing standards. This funding and the standards necessary to obtain it were responsible for tremendous physical and programmatic improvements at Pennhurst in its last years of operation.

Federal standards specified a maximum population at Pennhurst well below the old established capacity and required that each client receive "active treatment," that is, individualized care aimed at teaching and rehabilitation. According to former Special Assistant to the Superintendent J. Gregory Pirmann, this active treatment requirement established, as a corollary, necessary staffing levels, an interdisciplinary team-based program organization, expanded documentation requirements and other management initiatives which helped to translate the developmental model from mere words into reality.⁷¹ The immediate impact was a reduction in Pennhurst's population and a concurrent increase in its staff complement to an all-time high in 1977 of over 1750 employees, meaning that the training and rehabilitative functions once touted for the institution were, at least in theory, actually feasible.

While these changes were responsible for tremendous improvements in Pennhurst and, in time, the entire institutional system of which it was a part, a series

⁷¹ Pirmann, *supra* note 18, at 9.

of groundbreaking lawsuits during the 1970s—many of them associated with Pennhurst—sought to close, rather than fix, institutions like Pennhurst. The suits were the crowning achievements of a civil rights movement for intellectually and developmentally disabled persons. For them, Pennhurst was a symbolic dragon to be slain. If Pennhurst could be closed, they felt, it would send a message to states across the nation that the same could and should happen there as well. This cause united self advocates and parent advocates at the local, state, and national levels both inside and outside the institutional system. Their efforts led to the most successful series of disability reforms in American history.

Through these legal efforts Pennsylvania became the first state to pass the Right to Education for persons with disabilities, setting a national precedent. Pennsylvania also became the first state to end forced unpaid labor in state institutions through the Downs Consent Decree,⁷² which was affirmed by a Federal decision in *Souder v. Brennan*.⁷³ The landmark U.S. Supreme Court decision *Romeo v. Youngberg*,⁷⁴ arising directly from conditions at Pennhurst, established that persons with intellectual and developmental disabilities had constitutionally protected liberties under the Fourteenth Amendment. Most significant, though, was a case involving a young woman named Terri Lee Halderman. Admitted to Pennhurst at age twelve, in

⁷² *Downs v. Department of Public Welfare*, 368 F.Supp. 454 (E.D. Pa. 1973).

⁷³ 367 F.Supp. 808 (1973).

⁷⁴ 457 U.S. 307 (1982).

the eleven years Terri lived at Pennhurst her development regressed. She lost her limited ability to speak and suffered over forty reported injuries, many the direct result of physical abuse. *Halderman v. Pennhurst*, the class action lawsuit representing Terri's plight, and that of many at the institution, led to the world's first decree that forced institutionalization of disabled persons unconstitutional. The ruling made by Judge Raymond Broderick in the *Halderman* case eventually led to a settlement agreement closing Pennhurst—a monumental event that definitively cast the word “Pennhurst” to refer not just to a place but to an entire social revolution. Through *Halderman* and the other successful litigations, Pennhurst continues to be a beacon of hope to advocates across the world.⁷⁵

The process of moving Pennhurst's residents from the institution to the community was neither fast nor easy. The move itself and the dramatic difference between institutional and community living proved traumatic for many people. Even while the transfer was underway throughout the 1970s, a number of construction projects upgraded conditions at Pennhurst to bring it into full compliance with federal standards. These projects were continued even in the face of media inquiries about the wisdom of "wasting" money making improvements when the facility had been ordered closed. Judge Broderick, in his orders in the *Halderman* case, never addressed

⁷⁵ Further information on the *Halderman* litigation can be found at www.preservepennhurst.org.

the need for, nor did he mandate, any environmental improvements, apparently operating on the assumption that an institutional environment would always be unsatisfactory, no matter what improvements were attempted, and the ultimate solution lay in dissolution of the institution and movement of the clients. The smaller patient population, improved staff-to-client ratios and rebuilt buildings allowed the facility to achieve full federal certification and increased the level of federal support to over 50% of the total budget. Thus, even though the Pennhurst budget rose dramatically, to over \$45 million in 1982, the Commonwealth's share of the burden decreased.

C. Pennhurst Post-Closure and the Failure to Plan for Preservation

Operations were slowly phased out at Pennhurst beginning just after a settlement to that effect was reached in *Halderman*. Buildings were shut down in stages, with Tinicum, Union, and Vincennes among the first closed. The second and third floors of most buildings were vacant well before the facility closed, as those patients remaining at Pennhurst after 1981 were generally wheelchair bound, though no building, save for the hospital, had an elevator. Pennhurst officially closed in 1987.

In 1988, Pennhurst's campus was declared surplus property by the Department of Public Welfare. Pennsylvania Act 48 governs the disposition of surplus property by first transferring it from the owning state agency to the Department of General Services (DGS), then by stipulating three methods by which DGS can dispose of it:

(1) transferring it to another State agency in need of the property; (2) conveying the property to another government body or non-profit organization; or (3) selling the property at fair market value. Regardless of the method utilized, DGS must prepare a Property Disposition Plan in conjunction with the Joint House and Senate State Government Committee, for submission to the General Assembly for approval.

Upon receiving the Pennhurst property, DGS transferred a portion (approximately 144 acres) to the Pennsylvania Department of Military and Veterans Affairs which established the Southeastern Pennsylvania Veterans Center in Pennhurst's former Horizon Hall. This Department also assumed ownership of the former female colony and dedicated two buildings there to National Guard use. This Department also continued the operation of Pennhurst's power plant, kitchen (in the dietary building), the stores/maintenance building, and the garage to service the Veterans Hospital and the National Guard. In the early 1990s, Pennhurst's water treatment plant was purchased by East Vincent Township for its use.

DGS initiated the sale of other portions of the former facility by posting a notice in the October 3, 1981 *Pennsylvania Bulletin*. DGS sold 350 acres in three different parcels. Parcel number one included 130 acres of farmland and woodland and encompassed much of the peninsula portion of the Pennhurst site. It was sold in 1986 to Eden Valley Farm Partners. The property sale excluded any new

development but the deed did allow for the conversion of existing structures into multi-family housing.

Parcel number two included approximately 75 acres of pasture and woodland and was eventually conveyed to the Department of Military Affairs. Parcel number three contained approximately 122 acres of land which had been used for farming and woodlands for the institution. This parcel straddled Route 724 and in 1989 was sold to a private corporation which constructed upon it the Spring Hollow Golf Course. The golf course uses former Pennhurst farm buildings for its clubhouse. Both the Eden Valley Farm and Spring Hollow Golf Course parcels retain conservation restrictions placed on their deeds at the time of conveyance. A number of other, smaller parcels have been sold, conveyed, or encumbered with easements for use by regional utility and service providers. These include the former waterworks leased by the Citizens Home Utilities Water System, the aforementioned sewage treatment plant conveyed to the East Vincent Township Municipal Authority, and the use of a small structure and lot for a transmission station by the Philadelphia Electric Company (PECO.) In addition, PECO (now Exelon Energy) also owns property along the former Pennsylvania Railroad line and uses it for overhead power transmission lines. Finally, Chester County owns an easement along the old railroad for use for the future

Schuylkill River Trail. The Commonwealth also retained a de-silting basin on the extreme northern portion of the Pennhurst property.⁷⁶

The remainder of the Pennhurst campus, including approximately 17 buildings on the historic lower campus, 125 acres, and 1,600 feet of Schuylkill River frontage, were listed for sale by DGS in the August 1991 issue of the *Pennsylvania Bulletin*.⁷⁷ In the early 1990s, a number of Chester County agencies, township governments, and an assortment of quasi-public and private sector organizations analyzed the potential re-use of the site.⁷⁸ In the same year, a grassroots effort was initiated by residents of the townships bordering Pennhurst to oppose the sale.⁷⁹ The effort recruited then-state representative Jim Gerlach to host a series of meetings to evaluate local concerns regarding the site and determine the level of local interest in its disposition.⁸⁰ A number of ideas were discussed for potential uses of all or part of site. During this time, in October 1992, East Vincent Township Board of Supervisors agreed to commit to a township open space plan which called for a 145-acre park on former Pennhurst grounds.⁸¹ At the request of the Township Parks Board, the Supervisors wrote to DGS to express the Township's interest in acquiring park land at

⁷⁶ FEDERATION, *supra* note 39 at 3

⁷⁷ *Id.*

⁷⁸ *Id.* at 5.

⁷⁹ Pennhurst Memorial and Preservation Alliance, Pennhurst Timeline (2010) [hereinafter, Timeline], <http://www.preservepennhurst.org/default.aspx?pg=93>.

⁸⁰ FEDERATION, *supra* note 39 at 5.

⁸¹ Timeline, *supra* note 79.

Pennhurst.⁸² DGS indicated the Commonwealth favored conveying the property in its entirety to a local authority to manage the disposition of the site as a unit, rather than parcel out the site here and there with the best portions taken first while leaving the less desirable portions as residual problems⁸³.

Thus, the idea of creating a local authority to manage the disposition of the property was discussed at length during the Gerlach-sponsored meetings.⁸⁴ In 1992, an existing multi-municipal government body, the Federation of Northern Chester County Communities, offered to undertake a comprehensive feasibility study to evaluate the Pennhurst parcel and its options for re-use. The product, the *Pennhurst Land Use Feasibility Study*, was funded by a Chester County Planning Grant and offered suggestions as to how the Pennhurst property should be developed. The strongest support within East Vincent Township was for the creation of a park on Pennhurst's former ball fields and riverfront area. The other focus of concern was to control the type of development on the non-park land. The study did not focus on preservation, though it did speak of the architectural and historical merit of the buildings and the benefit of preserving them. The study also spoke to the possibility of a museum and cultural center on site.

In 1994, the East Vincent Township Board of Supervisors voted to incorporate

⁸² *Id.*

⁸³ FEDERATION, *supra* note 39 at 5.

⁸⁴ Timeline, *supra* note 79.

into the Township Comprehensive Plan the results of the *Pennhurst Land Use Feasibility Study* and a township open space plan calling for a Township Park on the Pennhurst ball fields and riverfront.⁸⁵ A year later, the Pennhurst Regional Development Authority, including representatives from the municipalities surrounding Pennhurst, was formed to implement the results of the study.⁸⁶ Also, in 1995, Pennhurst was listed on the Heritage Corridor Management Action Plan Resources Map as a recreation/open space resource for the new Schuylkill River Heritage Corridor.⁸⁷

During this time, no maintenance or monitoring of the Pennhurst property was undertaken by the Commonwealth. Word of a mysterious place on the hill outside Spring City spread among teens and urban explorers. This phenomenon was accelerated with the coming of the internet. When the author wrote an article in the *Pottstown Mercury* advocating for Pennhurst's re-use in 1995, the campus was in excellent condition, with most windows intact and doors sealed. By 2008, it is estimated \$300 million of theft and vandalism had befallen the campus.⁸⁸

In 1995, Republican Tom Ridge was elected governor of Pennsylvania. DGS's plan to convey the entire property to the Pennhurst Regional Development Authority was abruptly halted. In spite of the fact that in December of 1996 the Pennhurst

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Urban Partners of Philadelphia provided this rough estimate of the cost to address the damage done by stolen gutters, downspouts, and roof cladding, broken windows, doors, disabled utility systems, etc.

Regional Authority had allotted a 46.4-acre park encompassing the existing Pennhurst baseball fields and riverfront to East Vincent Township, the entire scheme fell into jeopardy. In 1997 and 1998, DGS bidded out the entire Pennhurst property.

In 2000, the Ridge Administration awarded the property to the single bidder, Pennhurst Associates, a partnership based in Allentown and including a local developer from West Vincent, Richard Chakejian.⁸⁹ According to township residents, almost immediately after successfully obtaining the property, Pennhurst Associates' proposal was dramatically changed without a re-bidding.⁹⁰ Pennhurst Associates' original bid proposed an adaptive reuse of the hospital ground using existing buildings.⁹¹ After obtaining the property, the plan was changed to an almost complete demolition that included age-restricted and continuing care high-rise buildings and a separate Alzheimer's facility for a total of 6,000 new residents.⁹² Over a three-year period the new owner put forth a second proposal to build a 1,200-unit village commercial center at Pennhurst.⁹³ The township, still smarting from the loss of the Pennhurst property, summarily rejected all of Pennhurst Associates' plans. It instead issued a new zoning ordinance giving Pennhurst a maximum density of 1.5 times the

⁸⁹ Minutes, East Vincent Township Planning Committee (June 19, 2007).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

net tract area or, if Transfer Development Rights were used, a maximum density of 2.0 times the net tract area.⁹⁴

In May of 2003, Democratic Governor Rendell terminated the Commonwealth's contract with Pennhurst Associates for failure to receive local approvals upon which the transfer was conditioned.⁹⁵ In December of 2003, Pennhurst Associates sued the Commonwealth, claiming \$800,000 spent in efforts to seek approvals to develop Pennhurst. Also in 2003, former state representative Gerlach, then serving as a U.S. Congressman, attempted to locate a veterans cemetery on the former Pennhurst grounds.⁹⁶ This proposal was rejected in January of 2006.⁹⁷

Later in 2006, an out-of-court agreement was reached whereby Pennhurst Associates would pay the state \$2 million for the 112 acres if the former could receive local approvals by October 29, 2007.⁹⁸ Pennhurst Associates would then become the owner of the site and would be immune from any "third party" challenges or suits. On October 17, 2007, the East Vincent Board of Supervisors Chairman, Ryan Costello, and Vice Chairman, Walter Zaremba, granted the all the subdivision waivers and approvals required by Pennhurst Associates, by then re-christened Pennhurst Acquisitions, to acquire the site. This move was made over the strong objections of

⁹⁴ *Id.*

⁹⁵ Minutes, East Vincent Township Planning Committee (June 19, 2007).

⁹⁶ Timeline, *supra* note 79.

⁹⁷ *Id.*

⁹⁸ *Id.*

Board Supervisor John Funk.⁹⁹ Mr. Funk opposed the subdivision waivers because Pennhurst Acquisition would not indicate its plans for the property. Generally, such subdivision requests include a plan that indicates why the subdivision is necessary. Mr. Costello resigned immediately after the successful vote and emerged one year later as Pennhurst Acquisition's attorney. The sale to Pennhurst Acquisition was consummated in February 2008.¹⁰⁰

While the Pennsylvania Historical and Museum Commission (PHMC)—responsible for the identification and protection of Commonwealth-owned properties of historical significance—had identified the property as meriting protection as early as 1986, the Commonwealth had taken few if any measures to stabilize campus buildings during the thirty years of vacancy following the institution's closure. The PHMC was also not notified of the property's transfer from public ownership. Both the degradation of the physical plant and the lack of notice of the transfer were in violation of the Pennsylvania History Code.¹⁰¹

According to PHMC Bureau of Historic Preservation staff and the National Trust for Historic Preservation,¹⁰² the violations of the History Code seen at Pennhurst are emblematic of major problems in the disposition of state historic

⁹⁹ *Id.*

¹⁰⁰ Michael Hays, *Saving a Local Legacy: A law student works to spark the preservation of Pennhurst*, POTTSTOWN MERCURY, (Apr. 7, 2008).

¹⁰¹ *Supra* note 11.

¹⁰² See Appendix F.

property. Even when the PHMC is able to recommend conditioning the transfer of state property with a preservation easement, other state agencies do not follow that recommendation. In the absence of state-level protection or federal involvement, properties are left to the mercy of local-level protections. Eligible for the National Register of Historic Places,¹⁰³ Pennhurst has a modicum of protection under East Vincent Township's preservation ordinances. However, the Township has indicated it has no intention of interpreting the ordinance to require preservation of a significant portion of the site—if indeed any—if it is against the property owner's wishes. Moreover, a letter from the National Trust for Historic Preservation in May 2009 reminding the Township of the fact that their demolition by neglect provisions were being repeatedly violated by Pennhurst's owner was met with hostility.

Pennsylvania requires potential purchasers of state property to produce only minimal information about their plans for the property post-sale and engages in little to no enforcement. Thus, as happened at Pennhurst, where the purchaser promised a “re-use” of the property, then quickly amended plans to include a new development in place of all the historic buildings,¹⁰⁴ a new owner may with impunity drastically

¹⁰³ The PHMC declared Pennhurst eligible for the National Register of Historic Places in 1984. The author completed a Pennsylvania Historic Resource Survey for Pennhurst in 2008. Based on this Survey, the PHMC re-certified Pennhurst's eligibility for the National Register on August 21, 2008.

¹⁰⁴ The final agreement of sale of Pennhurst to Mr. Chakejian's group was obtained by the author through a Freedom of Information Act request and included a development proposal that would effectively eliminate the historic district entirely and place 240 single-family homes on the site. Shortly after the property was transferred, vandals caused thousands of dollars of damage to Pennhurst's priceless depression-era tiles.

alter the actual use of the property from the proposal offered at the time of sale. Very often those changes include complete demolition. According to the National Trust, Pennsylvania is not alone in having deficient protections for surplus historic state property. These deficiencies combine with the challenges of re-using large, institutional properties to mean that precious few properties like Pennhurst have been saved.¹⁰⁵



Figure 10. The vandalism seen on the Administration Building's tower prompted the author to form the Pennhurst Memorial and Preservation Alliance in 2008.

D. Birth of the Pennhurst Memorial and Preservation Alliance

In 2008, the author banded a group of local residents together as the Pennhurst Memorial and Preservation Alliance (PM&PA) to advocate for a more fitting next chapter in the Pennhurst story than seemed to be written on the wall at that time.

¹⁰⁵ See Appendix F.

The group's first presentation at a local historical society event was met with an overwhelming response; nearly 300 people packed the assembly hall. Letters to the group subsequent to the event revealed the need for catharsis. Pennhurst meant a great deal to many people and yet they did not feel capable of talking about it until years later. Few events prior to the PM&PA meeting had provided this opportunity.

In late 2008, the www.preservepennhurst.org website was launched. With frequent updates, large photographic and video archives, and blogs to share stories and comments, it has become the definitive website not just about Pennhurst but also about the deinstitutionalization effort that came in its wake. An interactive timeline added in 2010 has been cited in several academic works.

The success of the first public meeting resulted in multiple requests for subsequent events from churches, historical societies, and business leagues. As word spread, the coalition grew from just a few local activists to nearly 40 leaders in the disability rights, historic preservation, and development world. Joining the group were Ginny Thornburgh, former first lady of Pennsylvania and disability advocate, as well as Thomas Gilhool, Esq., the attorney who took the *Halderman* case to the United States Supreme Court three times, and former NBC 10 reporter Bill Baldini, whose 1968 documentary *Suffer the Little Children* thrust Pennhurst into the national spotlight.

Dr. James Conroy joined the group upon its incorporation in 2009 and serves as its co-president. Dr. Conroy was the investigator and designer of the Pennhurst

Longitudinal Study, the largest study ever done up to that time about moving people with developmental disabilities from institutions to community homes. The results of the Pennhurst Longitudinal Study revolutionized the disability advocacy movement, catalyzing deinstitutionalization efforts across the world that continue to this day.

Jean Searle also joined the PM&PA in 2009 and serves with Dr. Conroy as co-president. Ms. Searle is a member of the Pennhurst Plaintiff Class of the *Halderman* case and once lived in an institution. She now resides in the community thanks to the *Halderman* decision and has become a force in the disability rights world. The PM&PA champions inclusiveness and empowerment and has worked to ensure both of those virtues are included in the programmatic plan for Pennhurst reborn as a community of conscience.

Since 2008, PM&PA staff have offered dozens of increasingly sophisticated programs on the history of the disability rights movement and the need to preserve Pennhurst—its epicenter—as a repository of memory and a locus of action for the future. PM&PA programs have been structured not just to inform but also to gather information and encourage participants to share their stories. Each program run by the PM&PA asked participants to think critically about Pennhurst’s history, asking questions like *how did society allow such neglect to happen in our own backyard? How did a grassroots effort galvanize such sweeping social change?* and *What should happen at the Pennhurst campus to respectfully remember and positively add to our region?*

Advocacy has always been at the forefront of PM&PA work. Through PM&PA efforts, Pennhurst was recertified for eligibility to the National Register of Historic Places. It was listed on the Most Endangered lists for both Preservation Pennsylvania and the Preservation Alliance of Greater Philadelphia. It was included in the National Trust for Historic Preservation's *This Place Matters* campaign. The PM&PA's early advocacy efforts were highlighted by several websites and print publications, including the *Philadelphia Inquirer*, the *Pottstown Mercury*, and the *West Chester Daily Local*. Also through PM&PA work, Pennhurst will be considered for inclusion on the World Monuments Watch List in 2012.

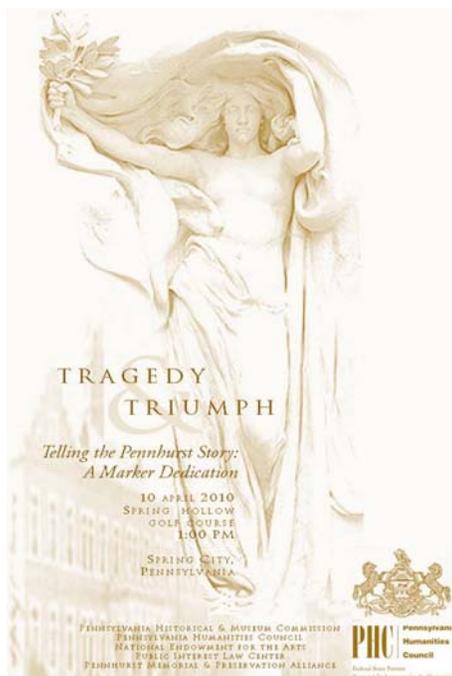


Figure 11. Program booklet cover and poster from the historical marker dedication and conference organized by the PM&PA. Image by the author.

In late 2008, the PM&PA adopted a section of Pennsylvania Route 724 adjacent to the Pennhurst campus. The PM&PA regularly holds community clean-up

days on the highway to demonstrate its orientation to community stewardship. In 2010, an official historical marker from the Pennsylvania Historical and Museum Commission was dedicated to Pennhurst and placed on the PM&PA-adopted stretch of highway. The PM&PA worked with the Public Interest Law Center of Philadelphia to plan and fund a day-long conference and dedication ceremony entitled *“Triumph and Tragedy: Telling the Pennhurst Story.”* In partnership with the Law Center, the PM&PA obtained a \$3000 grant from the Pennsylvania Humanities Council, Pennsylvania’s affiliate with the National Endowment for the Humanities. A large fundraising effort paid for the event in full, allowing the day’s activities to be offered to the public free-of-charge.



Figure 12. Several hundred people, including national leaders in disability advocacy, gathered at the PM&PA’s conference and marker dedication ceremony in 2010. Here, the audience awaits the address of U.S. Congressman Gerlach, Pennsylvania Senator Dinniman, and Pennsylvania Representative Hennessey. Photograph by Craig Guest.

A conference run in conjunction with the marker dedicati
the current leaders and early pioneers in the disability advocacy field back to
Pennhurst—where their movement scored its first and most momentous victory—for

the first time in many decades. The event was an opportunity for the general public to interact with persons associated with Pennhurst, including the residents, the employees, the families, and past and present disability advocates. It was also an opportunity for those on both sides of the Pennhurst closure controversy to interact with each other again for the first time since the Supreme Court decision many years prior. Given the age of those with first-hand Pennhurst experience, the PM&PA leadership understood that the dedication ceremony may be the last time such an event would be possible. The PM&PA used the event to begin to record stories for a future archive.

The cathartic value of this event cannot be underestimated. The thousands of emails to PM&PA attest to a great need within our various communities—particularly among those who used to live and work at Pennhurst and their families—to share aspects of their experiences there that they have not felt comfortable talking about in other venues. The commemoration brought those people together and honored their struggle. As the early PM&PA events had done, it provided a publicized forum for people to ask questions about “why” and “how” that the current absence of a dedicated archive and outreach center makes impossible. This cathartic capacity is incorporated in the visioning the PM&PA and its partners have done for the Pennhurst campus.

This cathartic value imbued in the campus was also recognized in January 2009, when Pennhurst was accepted as an institutional member of the International Coalition of Sites of Conscience. The International Coalition of Sites of Conscience is a worldwide network of “Sites of Conscience” – historic sites specifically dedicated to remembering past struggles for justice and addressing their contemporary legacies. Among the Sites of Conscience across the world are a Russian Gulag and a Japanese American Internment Camp. Like other Sites of Conscience museums already in existence, the PM&PA hopes a National Disability Museum and Memorial at Pennhurst will interpret history through the site itself, engaging visitors in programs that stimulate dialogue on pressing social issues relating to disability rights.

As powerfully emotive as the site is, most who journey there recently have come with a fascination for the occult, convinced Pennhurst must be haunted. Even those ignorant to the personal stories that unfolded there are drawn to the spectacle of the spooky, forlorn buildings. Of late, the History Channel, the Sci-Fi Channel, A&E, the Travel Channel, and at least two motion picture companies have come to Pennhurst to film, again generally on topics related to the occult. Though their presentations of Pennhurst are generally as vapid as they are captivating, these outlets have ostensibly aided the preservation advocacy effort by drawing attention to the site. However, strengthening the association between the site and the macabre may hamper redevelopment efforts.

Advocacy for Pennhurst's preservation has been complicated by the fact the PM&PA does not own the site, though to date the owner has been willing to entertain preservation options so long as they can be shown to be economically feasible. In October, 2010, the PM&PA applied to the Pennsylvania Department of Community and Economic Development (DCED) for a grant to fund a Real Estate Development Director position for one year.¹⁰⁶ The PHMC, the Pennsylvania Department of Education, and Pennsylvania Senator Andrew Dinniman agreed to support the position, which would create a plan and identify funding sources for the PM&PA and a developmental partner to acquire the site. However, Governor Corbett recently eliminated DCED grant funding, and it is unlikely the PM&PA application will be approved. Preservation planning will continue to be a volunteer activity until other funding can be secured.

These advocacy efforts, both those oriented toward preservation and those aimed at sharing Pennhurst's story, have capitalized on the extraordinary history of a place that was emblematic of a broken institutional system. As extraordinary as Pennhurst's past may be, its present challenges, including an owner at best tepid to preservation, a township unwilling to adequately enforce its preservation ordinances, and a lack of private and public dollars to support planning for re-use, are anything

¹⁰⁶ The grant application to fund this position was prepared by Jessica Follman, a student in the Cornell University Historic Preservation Planning Program and PM&PA's first summer intern.

but extraordinary. But for the PM&PA's mobilization of volunteers and foundation funding, *no* effort would be afforded to Pennhurst's preservation, as preservation planning mechanisms ostensibly in place at the state level are, by design or default, ineffective. Through the work surveyed in this thesis, it is the PM&PA's hope that the PHMC historical marker it installed in 2010 will not be the only lasting reminder of the extraordinary place that was Pennhurst.

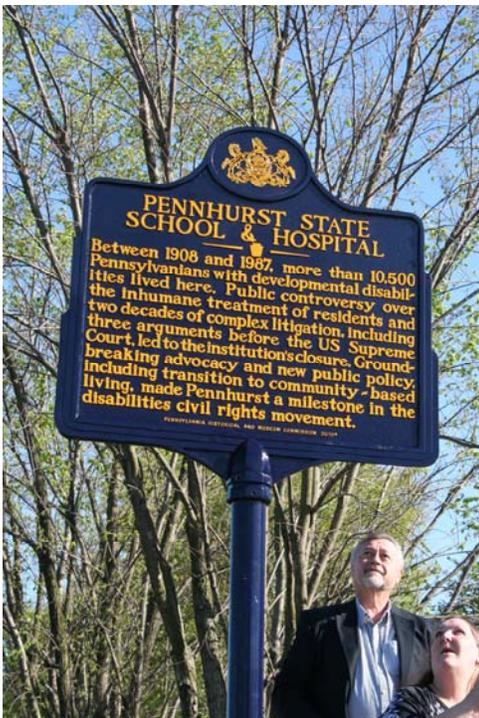


Figure 13. PM&PA Co-Presidents Jim Conroy and Jean Searle unveil Pennhurst's PHMC marker, obtained by PM&PA, at a ceremony the PM&PA organized in 2010. Photograph by Craig Guest.

CHAPTER III

PLACE AND PEOPLE: REGIONAL PHYSICAL AND SOCIAL CONTEXT FOR REDEVELOPMENT

The challenge of preserving Pennhurst is, at its core, a development problem. While many feel a museum and memorial at Pennhurst is the most appropriate use, it is unlikely to be self-supporting. Other, profit-generating adjacent uses are needed. Putting aside the emotional attachment and historic significance of the site, Pennhurst is real estate. Only on real estate terms can the site can be saved.

To that end, Pennhurst must be understood as a bundle of physical assets and liabilities within the context of its own particular geographic location and demographic constituency. Answering the critical questions thus relating to *place* and *people* is a threshold step toward knowing if and how Pennhurst, or any other place, can be saved.

These critical questions are: (1) *Who are the people who could use a re-developed Pennhurst and what needs do they have that are otherwise unmet?* (2) *How and to what extent can Pennhurst physically accommodate uses that meet these needs?* (3) *Can those uses financially support Pennhurst's rehabilitation?* Addressing these three questions will be the purpose of the following chapters.

The first question is generally addressed through a market analysis, which assesses the demand for and supply of various product types within a geographic

range of a property. Three market studies coordinated by the author through the Cornell University Program in Real Estate—one in 2009 and two in 2010—used demographic trends and locational information provided in this chapter to answer this question. The results of their study will be provided in a subsequent chapter.

However, any analysis of a population and their needs worthy of being relied upon cannot occur without at least some direct input from them. Public input gathered through a series of open meetings and the www.preservepennhurst.org website also informed use options at Pennhurst. A design charette incorporated as part of a re-use design and feasibility study by Philadelphia’s Community Design Collaborative (CDC)¹⁰⁷ coordinated input from the public, community leaders, and the Cornell Program in Real Estate. The CDC study was run by the author, the PM&PA, and the Preservation Alliance for Greater Philadelphia.

The second question, which relates to the physical assets and limitations of the property, is addressed through an engineering and design analysis. The CDC study encompassed this work and included research compiled by the author for this thesis. The third question, relating to financial feasibility, is addressed through re-use proformas provided at the end of this thesis. The Urban Partners firm of Philadelphia assisted in developing the proformas.

¹⁰⁷ The CDC is a volunteer-based center that provides pro-bono preliminary design services for non-profit organizations.

This chapter will explore the demographics and location characteristics of the region in which the Pennhurst campus is found. The following chapter will then focus on the campus itself, providing an analysis of the site assets, including a building inventory. Together, the chapters offer a body of information upon which the answers to these critical questions—and the studies seeking to provide those answers—rely.

A. Demographics

Demographics drive demand. Population growth rate, perhaps the most important driver of real estate demand, influences the amount of future demand. Population distribution across age brackets and within households (that is, household size) influences the type and intensity of demand for real estate. Income levels of a population expressed as disposable income or effective buying income can be used to predict local consumption. Total employment levels of a population indicate current and future demand for real estate generally. Workforce characteristics indicate the current and potential base employment.

Demographic data for this thesis was gathered through market studies conducted at Cornell University in the Fall of 2009 and the Fall of 2010 using

information provided by Claritas, the U.S. Census, the Delaware Valley Regional Planning Commission, and www.city-data.com.¹⁰⁸

1. Population Growth

Over the past 15 years, the population in the greater Philadelphia area has migrated to the northwest. Much of the development over that time has been low density sprawl following Routes 422 and 76 from Philadelphia, through King of Prussia, and westward toward Reading. The completion of Route 422 as an expressway in 1985 accelerated this suburban growth. The opening of the “*Philadelphia Premium Outlets*” a full 30 miles west of the city in Sanatoga in 2010 establishes that village as the current western outpost of a continuing migration of capital and population from Philadelphia.¹⁰⁹ As a parcel of open land, Pennhurst has value because of its location in this growing corridor and proximity to Route 422. If Pennhurst’s architectural and scenic beauty and historical associations can be distinguished from the surrounding sprawl, the site could be true capital attractor.

With the exception of the Boroughs of Spring City and Royersford, the populations of each of the townships surrounding Pennhurst has increased significantly between 1990 and 2000. Several of the townships closest to Pennhurst actually experienced the fastest growth of any along the Route 422 corridor, including

¹⁰⁸ For purposes of this thesis, the market studies will be directly cited, with references to other documents also used in the market studies as appropriate. The market studies are available in their entirety on www.preservepennhurst.org.

¹⁰⁹ Emphasis added.

Limerick Township, which doubled in population, and Upper Providence Township (with a 59% population increase) and East Vincent Township (with a 32% population increase).¹¹⁰

The population within all areas along the US 422 Corridor is expected to increase over the thirty-year period from 2000 to 2030 by 20%-25%.¹¹¹ The Delaware Valley Regional Planning Commission estimates that 28,000 new jobs will be created along the Route 422 Corridor during this time period and forecasts the construction of 21,000 new housing units.¹¹² The majority of this growth will be on the remaining undeveloped parcels in the area surrounding Pennhurst between Trooper and Sanatoga.

Though the population for the greater region¹¹³ grew only modestly between 2000 and 2009 (2.91%), the largest percentage of that growth has taken place in the area within a five-mile-radius of Pennhurst. This area experienced a 16.66% growth between 2000 and 2009. The region is expected to grow at a slower pace through 2014, though the area within a five-mile-radius of Pennhurst is expected to grow roughly four times as fast as the region as a whole (7.38% versus 1.72%).

Additionally, the ten-, twenty- and fifty-mile radius areas will have a higher population

¹¹⁰ *Id.* at 8.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ Hereinafter, unless otherwise specified or limited, “region” refers to the Philadelphia Metropolitan Statistical Area and includes the following cities and their suburbs: Philadelphia, Pennsylvania; Camden, New Jersey; Wilmington, Delaware, and portions of two counties in northeastern Maryland.

growth than the region generally through 2014.¹¹⁴ Between 2000 and 2009, the population within a twenty minute drive time radius of Pennhurst was the fastest growing in the region, expanding by 26% when the regional population growth was only 2.91%.¹¹⁵ While growth in the ten, twenty, and thirty minute drive time rings from Pennhurst is forecasted to be slower in the period between 2009 and 2014, the growth rate in these areas is still greater than any where else in the region. By 2014, the population in the area within a 20-minute drive time from Pennhurst is expected to increase by 7.01%, versus a 1.72% growth projection for the region as a whole.¹¹⁶

2. Age

The average age for both males and females in the region is nearly 40 years. The one-mile radius ring around Pennhurst shows a much higher average age, particularly for males, in part because of the presence of a Veterans Hospital there. Apart from this anomaly, each distance and drive time ring around Pennhurst has an age demographic virtually identical to the region as a whole.

The 19-35 age group, the so called Echo Boomers, will emerge as a more significant percentage of the Pennhurst-area population in the future, representing

¹¹⁴ Christine Acker, Molly Caccamo, Frank Desloge, Nathaniel Guest, and Joshua Heller, Cornell University Program in Real Estate, Pennhurst Market Study 19 (2009) (unpublished) (available at <http://www.preservepennhurst.org/default.aspx?pg=45>) [hereinafter, 2009 Cornell Market Study].

¹¹⁵ *Id.* at 20.

¹¹⁶ *Id.*

20.76% of the Chester County population and 19.48% of the Montgomery County population by 2014.¹¹⁷

Pennsylvania has one of the nation's oldest populations. Since 1960, when almost 30 percent of the population was under age 15 and only 10 percent of the population was age 65 and older, Pennsylvania's population has changed dramatically. By the year 2020, it is projected that these groups – those under age 15 and those age 65 and older will *each* constitute about 18 percent of the total population.¹¹⁸

According to the Pennsylvania Department of Aging, the number of people age 75 and older continued to increase dramatically between 1990 and Census 2000. While the total number of people age 60 and over remained at about 2.4 million, those age 75 to 84 increased by 21 percent and those age 85 and older increased by 38 percent. Currently, 20%, or one out of every five people in Pennsylvania, is age 60 or older. Pennsylvania has the third highest percentage of people over age 60, with only Florida and West Virginia having higher percentages. Only four states have a higher total number of older residents than Pennsylvania: California, Florida, New York, and Texas.¹¹⁹

¹¹⁷ 2010 Coffield Cornell Market Study, *supra* note 196, at 67.

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 98.

By 2020, Pennsylvania's 60 and older population is expected to be 25 percent of the total population—more than 3 million people. Most of the “baby boomers” will be over age 60 by that time. The 65 and older population is projected to increase to 2.3 million and the 85 and older population to about 363,000.¹²⁰ Over the next 10 years, the number of elderly age 60 and older is projected to increase by about 9 percent to 2.6 million people. The number of elderly ages 60 to 74 will increase by about 15 percent to 1.6 million; the number of people age 75 to 84 will decrease by 11 percent to 623,000 and the number of 85 and older will increase by more than 50 percent to 365,000.¹²¹

The rapid increases in the number of older Pennsylvanians is largely due to increases in longevity which now promise life expectancies well past age 80 for many people. The percentage of Pennsylvanians who choose to remain in the state and relatively close to home as they age is significantly higher than in neighboring states. This fact, coupled with medical advances and healthier life styles delaying the onset of many diseases means that Pennsylvania’s aged population will continue to grow even as the age cohort spread evens out in other locations.¹²²

¹²⁰ *Id.*

¹²¹ 2009 Cornell Market Study, *supra* note 114, at 98.

¹²² *Id.* at 22.

3. Household Number and Size

The number of households at all distance and drive time intervals is increasing at a rate significantly faster than the population. Moody's Economy predicts the sharpest increase in the number of households in decades to take place between 2008 and 2013. Concurrent with the general increase in household number is a stasis or slight decrease in average household size. Between 1990 and 2000, the household size in all parts of southeastern Pennsylvania decreased sharply, though that number appears to have stabilized at approximately 2.5 persons per household.¹²³

4. Effective Buying Income and Cost of Living

Effective buying income (EBI) is defined as personal income (wages, salaries, interest, dividends, profits, rental income, and pension income) minus federal, state, and local taxes and non-tax payments (such as personal contributions for social security insurance). It is commonly known as disposable personal income.¹²⁴

Residents of the areas within the five-, ten-, twenty- and twenty five-mile radii and the twenty-, thirty-, and forty-minute drive times are significantly more affluent than their counterparts elsewhere in the region. The population within the one-mile

¹²³ *Id.* at 24.

¹²⁴ 2009 Cornell Market Study, *supra* note 114, at 22.

radius is shown to be significantly less affluent than elsewhere in the region, in part because this area encompasses the outskirts of Spring City and the Veterans Home.¹²⁵

The populations within the ten-mile/thirty-minute ranges are the wealthiest in the Philadelphia metropolitan region. These conditions appear to carry forward to 2014 with little change, with the region and most distance and drive time radius areas experiencing an 11-13% growth in EBI between 2009 and 2014. For instance, the regional average household EBI will increase from \$75,601 to \$85,509, an increase of 12.06%. The regional average household EBI for the twenty-minute radius ring from Pennhurst will increase by 13%, from \$75,601 to \$85,509.¹²⁶

Apart from an EBI at the one-mile radius of Pennhurst made artificially low by the presence of the Veterans Hospital and the outskirts of Spring City, the areas surrounding Pennhurst at the five through twenty mile radii and ten- to twenty-minute drive time ranges have significantly higher EBI levels than those for the region. This trend is forecasted to continue through 2014, with areas within a forty-minute drive/twenty five-mile range of Pennhurst having much higher levels of effective buying income than those farther out or the region generally.¹²⁷

The portions of the Route 422 corridor closest to Pennhurst have much lower poverty rates than is the average in Pennsylvania—less than half of the state rate in

¹²⁵ *Id.*

¹²⁶ *Id.* at 23.

¹²⁷ *Id.* at 25.

some cases. However, the poverty rate in the Spring City area adjacent to Pennhurst is roughly on par with the state average according to United States Census block group data.¹²⁸

The relative overall cost of living in the portion of southeastern Pennsylvania where Pennhurst is located is generally 103-110% of the national average.¹²⁹ The overall cost of living takes into account childcare, healthcare, housing, food, transportation, and taxes. The nationwide score is set at 100. Therefore, the area around Pennhurst has an average cost of living anywhere from four to ten percent higher than the national average. By contrast, Philadelphia has a cost of living 14% higher than the national average.

5. Education Level

The Route 422 corridor has a higher level of education generally than any other region in the Commonwealth. Children are more likely to be enrolled in primary and pre-primary school than is common across the state. The result is that a uniquely larger portion of the population under 18 is enrolled in the earlier years of education. Additionally, people from the Route 422 corridor (the Chester and Montgomery County portions of the region in particular) tend to achieve higher levels of education as compared to other populations across Pennsylvania. There is a significantly smaller

¹²⁸ *Id.*

¹²⁹ Pennsylvania Cost of Living, <http://cost-of-living.findthedata.org/d/d/Pennsylvania>.

share of the population with less than a high school education and a notably higher share of people with post-secondary degrees.¹³⁰ Higher education levels generally correlate to greater income levels and smaller household size.

The Pennsylvania Department of Education reports that area's public schools have above average test scores.¹³¹ Additionally, the area has a significant number of nationally-renowned private schools and universities.

6. Occupation and Work Force

Popular sources of employment in the area within a twenty-minute drive time of Pennhurst have historically been durable goods manufacturing, public utilities, communication, finance, insurance, real estate, and construction. The recent economic downturn has negatively affected the financial, real estate, and construction industries in Pennsylvania as elsewhere. However, the area's large number of elderly persons is likely to support a robust healthcare industry in the area into the future. New regulations promulgated in support of the Patient Protection and Affordable Care Act mean that roughly 60 million square feet of healthcare-oriented real estate will be needed in the next 10 years.¹³² While this number is spread out across the nation, it will no doubt have some effect in the region around Pennhurst. Large local employers include the Vanguard investment firm, a number of pharmaceutical

¹³⁰ FEDERATION, *supra* note 39, at 16.

¹³¹ Pennsylvania Department of Education test scores can be found at <http://www.schooldigger.com/>

¹³² 17th Annual Health Law Institute, Opening Session, March 15, 2012, Philadelphia, Pennsylvania.

corporations including Merck & Company, Inc., Allied Barton Security Services, Lockheed Martin, Aetna, Unisys, two area hospital groups (Pottstown Memorial and Phoenixville), and Exelon (formerly the Philadelphia Electric Corporation).¹³³

Chester and Montgomery Counties have a higher white collar worker population than elsewhere in the state. White collar occupations here are typically managerial services, professional services, technical services, sales, and administrative support. The area immediately surrounding Pennhurst inclusive of Spring City is more diverse in the distribution of the type of occupations than Chester and Montgomery Counties generally.¹³⁴ Most families in the Route 422 corridor region have two breadwinners, and the workforce generally has 1.2 males for every female.¹³⁵

B. Location

The Pennhurst site is within a twenty-minute drive from Pottstown to the northwest and Phoenixville to the south.¹³⁶ Spring City is immediately south of the site and borders it. Pennhurst is within minutes of the Route 422 Expressway, as well as the Pottstown/ Limerick Airport, owned by Exelon Generation Company, also owner of the nearby Limerick Nuclear Power Plant.¹³⁷ The Limerick Nuclear Power

¹³³ 2009 Cornell Market Study, *supra* note 114, at 60.

¹³⁴ FEDERATION, *supra* note 39, at 16.

¹³⁵ *Id.* at 17.

¹³⁶ COMMUNITY DESIGN COLLABORATIVE, PENNHURST: PLANNING A COMMUNITY OF CONSCIENCE—CONCEPTUAL PLAN FOR RE-USE 15 (2010)[hereinafter, CDC STUDY],

http://www.preservepennhurst.org/Uploads/PPHUploads/PdfUpload/CDC_0916_final_report.pdf

¹³⁷ *Id.*

Plant is to the west of the Pennhurst site, along the Schuylkill River, which curves in an S-bend around the site, creating a peninsula-like finger, with Pennhurst at its knuckle.¹³⁸ The prominent site sits high above the surrounding landscape which irregularly terraces down to the river on multiple broad plateaus. Even though significant volunteer vegetation has worked to obscure parts of the site from the surrounding area, Pennhurst is still remarkably visible, commanding the hill it sits atop. Within the surrounding land use context—which includes agriculture, single family detached housing, industrial sites, institutions, including military veterans-related facilities, and supporting commercial uses—the 112-acre Pennhurst site is unique in its character, historical use, and potential.¹³⁹

Pennhurst is roughly 45 minutes from Philadelphia and 30 minutes from Reading. The cities of Lancaster, Pennsylvania, and Wilmington, Delaware, are only slightly further away. Pennhurst is also roughly equidistant between the historically significant sites of Valley Forge National Historical Park and French Creek State Park/Hopewell Furnace National Historic Site.

1. Regional and Local Highway Access

Pennhurst is adjacent to two major highway routes. PA Route 724 is to the south and west of Pennhurst and runs parallel to US Route 422, the closest

¹³⁸ *Id.*

¹³⁹ *Id.*

expressway, on the Chester County side of the Schuylkill River. Route 422 is a major regional route, connecting Pennsylvania's central region with the Pennsylvania Turnpike, the Schuylkill Expressway, and Route 202 at King of Prussia. These routes, in turn, collectively provide access to Interstate highways that form a connection with the eastern seaboard.¹⁴⁰

Route 422 is and has been the single-most important and fastest growing suburban expressway in southeastern Pennsylvania, connecting Montgomery County and densely populated portions of eastern Chester County to the site.¹⁴¹ Most land in the Route 422 Corridor surrounding Pennhurst is either under development or has been subject to low-density residential development. Indeed, the greatest single land use change has been the increase in residential development, which has grown by 18% in the period from 1995 to 2005. Most of this development has taken place on farmland. The effect has been that Route 422 has become severely congested. The Delaware Valley Regional Planning Commission projects that Route 724 will take on an increasingly important role as a secondary corridor into the future as Route 422 becomes more congested.¹⁴²

¹⁴⁰ FEDERATION, *supra* note 39 at 9.

¹⁴¹ Delaware Valley Regional Planning Commission, US 422 Corridor Master Plan Summary Report 1 (2009) [hereinafter, 422 Study].

¹⁴² *Id.* at 24.

However, as nearby as these major roads are to it, Pennhurst is relatively secluded. Connection to the Interstate network is through a variety of low-to-moderate capacity two-lane roads, including Spring City Road, known as Church Street within the Borough of Spring City, Pennhurst Road, and Brown Drive. Church Street provides the most direct route between Spring City and Pennhurst. This route also provides the closest connection with Route 422. However, existing congestion along this route at rush hour times can be problematic. PennDOT work in recent years has improved sight visibility and speeds along this road.

Pennhurst Road is the most-commonly used thoroughfare connecting Pennhurst to Route 724. It is a direct route with few sight limitations. Its only drawback is the number of residential properties along its southern end. Pennhurst Road would be the easiest of the three connectors to widen, though stone entrance pillars flanking the road (also found on Brown Drive and Church Street) would need to be re-located.

Brown Drive accesses the Pennhurst site from the west via Old Schuylkill Road and Route 724. Brown Drive has few conflicts with residential properties but does have sight distance problems arising from the somewhat awkward geometry of a number of its intersections. Realignment may be difficult due to rock formations.

Several options for new connectors to Route 724 exist and should be pursued. One may involve the re-opening of a drive that historically connected Pennhurst to

Route 724 over what is now the Spring Hollow Golf Course property. Additionally, strengthening interconnections with Route 422 may be an important consideration for a more effective re-use of the Pennhurst site. An unused railroad bridge across the Schuylkill River connects Pennhurst to the train station in Royersford and, whether used as an extension of the light rail system proposed to connect Philadelphia to Reading or as a highway access point, may ease traffic concerns.

2. Proximity to Employment Centers

Pennhurst lies in close proximity to several large employment centers. In addition to the historically-important local employment centers of Pottstown, Spring City, Royersford, and Collegeville, other major office, research and development, and retail centers have sprung up along the Route 422 corridor within a ten-minute drive of Pennhurst. The intersection of Routes 422 and 29 has become a major corporate headquarters center for pharmaceutical companies, including Pfizer, Glaxo-SmithKline, and Quest Diagnostics. These companies employ approximately 13,000 workers.¹⁴³ A major investment firm, Vanguard, has its headquarters in Oaks just 15 minutes from Pennhurst. The retail and corporate center-heavy King of Prussia area and the 202 business corridor are located 15 miles southeast of Pennhurst. Additionally, Norristown, the Montgomery County capital, is 15 miles from the site.

¹⁴³ 422 STUDY, *supra* note 141 at 11.

As industry and business has become more information-oriented and less labor intensive, the Philadelphia region has become more decentralized with regard employment centers, and it is likely their outmigration from Philadelphia and its historic suburbs toward the Pennhurst area will continue.¹⁴⁴

3. Proximity to Commercial Centers

Many commercial areas exist near Pennhurst, ranging from the traditional small town downtowns in Spring City, Royersford, Trappe, Collegeville, Phoenixville, and Pottstown, to large regional malls dotted along Route 422. Large retail developments line US 422, particularly at its interchanges and exit ramps. The Coventry Mall is located at the intersection of Routes 100 and 724 in North Coventry Township; the Exton Mall and Exton Town Center are situated at the intersection of Routes 100 and 30; and the King of Prussia Mall, the largest enclosed retail facility in the state and one of the largest in the nation, is near the intersections of Routes 23, 202, 422, and the Pennsylvania Turnpike. A new retail center, the Providence Town Center, recently opened at the intersection of Routes 422 and 29. Additionally, the Philadelphia Premium Outlets opened in Sanatoga approximately ten minutes from Pennhurst.

¹⁴⁴ FEDERATION, *supra* note 39 at 9.

4. Proximity to Educational and Medical Facilities

Educational and medical facilities are other primary service drivers in the area surrounding Pennhurst. Southeastern Pennsylvania claims over 100 degree-granting institutions representing the full spectrum of curricula.¹⁴⁵ The Hill School, a preparatory school located in Pottstown, is world-renowned. Traditional hospitals are located in Pottstown and Phoenixville, while ambulatory surgery and critical care centers are located in Limerick and Royersford. A large selection of hospitals within a thirty-minute drive time have promoted themselves as expert care providers in specialized patient need areas such as cancer medicine, heart and lung care, and burn care.

The development challenge that is Pennhurst's preservation requires an understanding of the needs of the people who could use it if rehabilitated. It also requires an understanding of the place as a physical resource so as to determine what of those needs could be accommodated on the site through rehabilitation. The population surrounding Pennhurst has been one of the fastest growing of any in Pennsylvania and that trend is predicted to continue. This is a strong selling point for all re-use product types, particularly residential, office, and retail. The area around Pennhurst is expected to see a spike in the number of persons 19-35 years old and in

¹⁴⁵ *Id.* at 10.

senior citizens and these two groups will represent the largest demographics through 2030. Household size has stabilized at approximately 2.5 persons per household. Both of these factors support multi-family housing, as will be discussed in later chapters. Apart from a one-mile area surrounding Pennhurst, which has a poverty rate on par with the state average, the areas within a 25-mile radius of Pennhurst are among the most affluent in Pennsylvania. This fact means development projects of higher price tags can generally be accommodated, as projected revenues can be expected to be higher. Cost of living is only minimally higher than the national average, however, which is generally a positive for development of all kinds. The area around Pennhurst has the highest education level of any other region in the Commonwealth, which generally correlates to higher income levels and smaller household sizes. This may mean that residential choices may trend toward smaller, higher-value units. The two counties bordering Pennhurst have a higher white-collar worker population than elsewhere in the state, indicating a strong market potential for office space.

Pennhurst is located along major highway routes but is relatively secluded and access to the campus is somewhat hampered by low-to-moderate capacity two-lane roads. Unless additional capacity to access the site is added in a way that more directly connects it to the major highways, office and retail uses may be hampered. The seclusion is, however, a plus for a residential development. The site is

surrounded by major employment, commercial, educational, and medical centers, a strength for all re-use types.

Demographic and location information presented in this chapter, then, suggest a relatively broad range of re-use options at Pennhurst. A growing population is a positive indicator for development of all kinds. Growth in the under-35 and over-65 populations suggests looking for uses that cater to young professionals, young families, and the upper-age cohorts to the extent those services are not already provided and can be accommodated at Pennhurst. The area's small household size is an important consideration for determining needs within the residential product type. The area's relatively high effective buying income and low cost of living is generally a positive factor for development of costlier projects. Its high education level, decent schools, and a broad-based workforce are important for the growth of white collar jobs and the office and residential product types dependent on job growth.

Access to the nearby major thoroughfares is not as readily achieved as necessary for certain product types, though residential and office campus use prize some degree of seclusion. Proximity to employment, commercial, educational, and medical centers is generally a positive attribute at Pennhurst.

Further review of the site's physical attributes and market analyses, presented in the next chapters, will be necessary to hone down what uses the site can accommodate.

CHAPTER IV

PLACE AND PEOPLE: BUILDING AND SITE ANALYSIS

The previous chapter provided information about the people and region surrounding Pennhurst. Using this data, a market analysis can identify unmet needs they may have that can be fulfilled at Pennhurst. Given the enormous resources a market study on any given use type (also known as a “product type”) requires, it is necessary to limit one’s consideration of potential use types to those that can conceivably be accommodated on the property. Landscape features, vegetation, zoning and adjacent land uses, existing structures and their condition, and infrastructure all factor into the capacity of a property to accommodate a given use type. Those characteristics as they are found at Pennhurst will be surveyed in this chapter and will inform the results of the Community Design Collaborative study, offered in the following chapter.

A. Landscape Features

Pennhurst sits atop Crab Hill,¹⁴⁶ a unique and prominent location within the region. The site is defined by the Schuylkill River and the topography rises to offer expansive views of the surrounding river valley. The elevations on the site change dramatically. The portions of the site within the river’s floodplain are the lowest

¹⁴⁶ William Brunner, *Pennhurst*, SPRING FORD AREA HISTORICAL SOCIETY NEWSLETTER, vol. 19, No. 1, 3(Feb. 2004).

elevations in East Vincent Township. Conversely the southwest portion of the site are the highest in East Vincent Township.¹⁴⁷

Alluvial deposits from the frequently-flooding river have created fertile agricultural soils; for a century or more before Pennhurst occupied the lands, they were used for farming, and Pennhurst's patients tended the farms after the institution was founded.

The undulation of the terrain at Pennhurst and the steep slopes or bluffs on the site's western edge are products of thousands of years of erosion of the underlying sandstones by the Schuylkill River. They exist in contrast to the area's gently rolling hills and valleys. The lower campus sits on an expansive plateau separated by the fingers of steep slopes to the east and west. The steepest slopes are undevelopable but provide aesthetic benefit and buffer the site.

Lower campus buildings generally have a northern exposure due to their position on the plateau and the plateau's position relative to the higher portions of Crab Hill.¹⁴⁸

Silt loam soils common to this, the Piedmont Uplands portion of Pennsylvania, are well-drained but have a moderately high erosion potential.¹⁴⁹ Storm water run-off and access will be considerations for new development in areas around the campus'

¹⁴⁷ FEDERATION, *supra* note 39, at 17.

¹⁴⁸ *Id.* at 25.

¹⁴⁹ The Soils of Pennsylvania, Penn State Extension, <http://extension.psu.edu/agronomy-guide/cm/sec1/sec11a>

slopes. Silt loam soils in this region are well suited to agricultural uses and generally have sufficient stability to support three-to-four-story structures. While none of the Pennhurst grounds have been identified as wetlands by the Army Corps of Engineers, several areas contain wet soils which may either possess a high water table or contain a high concentration of clay, both conditions reduce drainage and recharge potential.¹⁵⁰

B. Vegetation

The woodlands, tree-lines, and hedge-rows at Pennhurst site either pre-date the institution or were created by and for it.¹⁵¹ Formal tree lines or hedge-rows along Commonwealth Drive define the campus. Other plantings help protect the plateau and terraced playing fields from updraft winds coming from the river.¹⁵² Tree varieties of note on campus include oak, copper beech, magnolia, willow, and hemlock. Shrub varieties of note on campus include holly, boxwood, azalea, and mountain laurel.

C. Zoning and Adjacent Land Uses

East Vincent Township, which encompasses the Pennhurst property, has expressed a strong commitment to promoting and preserving its rural character. This commitment has generally manifested itself in zoning that imposes a low-density

¹⁵⁰ FEDERATION, *supra* note 39, at 18.

¹⁵¹ *Id.*

¹⁵² *Id.*

ceiling on development on much of the Township. While the Township has historic preservation ordinances within its zoning code, they have never been enforced against a property owner's wishes. Pennhurst is a Class I and Class II historic resource as the Township's code defines them. In 2008, the Pennhurst Memorial and Preservation Alliance sent a legal memorandum to the Township interpreting the effect of its preservation ordinances on the Pennhurst property.¹⁵³ While the Township has not acknowledged the letter to date, follow up by the National Trust for Historic Preservation was met with hostility.

While the Township's historic preservation ordinances are likely to be of little impact on decisions made regarding Pennhurst's future absent litigation, current zoning will inevitably be of importance to future development on site. The Pennhurst property is zoned low-density residential.¹⁵⁴ The intent of this district is to encourage agricultural, open space, and conservation uses, which, along with residential uses, will promote and preserve the rural character of the area. According to East Vincent's zoning ordinance, the minimum lot size permitted for development in this district is 2.0 acres if on-site water and sewage disposal are available. If public water or sewer is used, the minimum lot size is reduced to 1.5 acres. One of the contingencies of the

¹⁵³ See Appendix G.

¹⁵⁴ EAST VINCENT TOWNSHIP, PA., ZONING ORDINANCES, ZONING MAP, ch. 27 (2006), http://www.eastvincent.org/index.asp?Type=B_BASIC&SEC=%7B79ABFB58-2310-411D-BE39-5D530AF6A08F%7D.

sale of the Pennhurst property to the current owner was that public utilities be utilized for any development onsite. Assuming these contingencies run with the land, future developers of the site will be saddled with the 1.5-acre minimum lot size. The maximum structure height is 35 feet, or two stories.

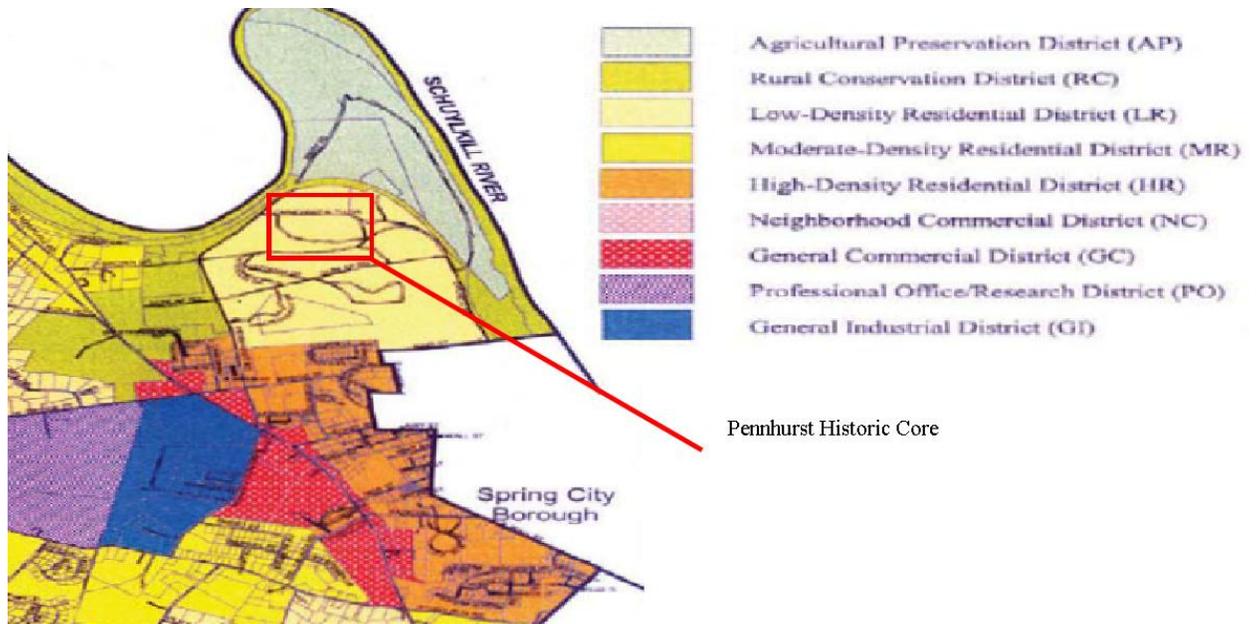


Figure 14. Zoning map showing districts adjacent to Pennhurst. From East Vincent Township Zoning Map.

East Vincent Township provided for a historic overlay district on the portion of the Pennhurst campus on which the historic buildings are found. The overlay district allows for a density bump-up for projects incorporating historic structures. Without this bump-up, only 15 percent of the lot is permitted to be covered by any structure(s).

Surrounding the Pennhurst site on three sides to the north, east, and west is a rural conservation district. This area includes the former Pennsylvania Railroad right-

of-way scheduled to become part of the Schuylkill River Trail in 2012. A rural conservation district preserves and promotes continued agricultural, open space, and conservation uses, perpetuating the rural character of the area and facilitating the conservation of land, water and cultural resources.¹⁵⁵ Minimum lot sizes for agricultural uses are 20 acres with a maximum building coverage of 8 percent and a maximum building height of 35 feet. Minimum lot sizes for single family homes are 2.5 acres, with a 10 percent maximum building coverage and a 35-foot maximum building height. For all other uses, minimum lot size is 5 acres, with a 10 percent maximum building coverage and a 35-foot maximum building height.

North of the Pennhurst site, at the peninsula tip, is an agricultural preservation district, whose purpose is to protect and preserve high-quality agricultural soils as a natural resource, and agricultural land and activities.¹⁵⁶ The minimum lot size in this is 20 acres. The maximum building coverage is eight percent and the maximum building height is 35 feet.

To the west, but not directly touching the Pennhurst property, is a moderate-density residential district. Its purpose is to provide medium-density residential development consistent with existing residential development patterns and easily

¹⁵⁵ East Vincent Township, Pa., Zoning Ordinances, §27-501 (2006).

¹⁵⁶ East Vincent Township Zoning Ordinances §27-401 (2006).

accessible to major highways, commercial areas and/or centers of employment.¹⁵⁷

The minimum lot size is 25,000 sq. ft. with a maximum building coverage area of 15 percent and a maximum building height of 35 feet. Where individual on-lot sewer or water service is provided, the minimum lot size is one acre, with a 10 percent maximum building coverage and a 35-foot maximum building height.

As opposed to the three restrictively-zoned adjacent sides to the north, east, and west, to the south of Pennhurst lies a high-density residential district. Its purpose is to provide for medium- and high-density residential development consistent with existing residential development patterns and easily accessible to major highways, commercial areas and/or centers of employment.¹⁵⁸ Minimum lot size is 15,000 square feet with a 20 percent maximum building coverage and a 35-foot maximum building height. Single family detached homes having public sewer and water service have a minimum lot size of 20,000 square feet, a 20 percent maximum building coverage and a 35-foot maximum building height.

The Southeastern Pennsylvania Veterans Center forming the southern portion of the Pennhurst site is zoned low-density residential like the rest of the Pennhurst complex, though its ownership by the Commonwealth of Pennsylvania means that East Vincent Township zoning requirements need not be met. A large addition to the

¹⁵⁷ East Vincent Township Zoning Ordinances §27-701 (2006).

¹⁵⁸ East Vincent Township Zoning Ordinances §27-801 (2006).

Veterans complex is under construction, bringing that campus's northern reach closer to the historic portion of the Pennhurst campus and greatly increasing the density of the center.

The Spring City Borough Residential District to the southeast of the Pennhurst campus has a 3000 square foot minimum lot size. A commercial zone is located along Route 724 and Bridge Street stretching from just north of the intersection of those two roads south to Stony Run Road in East Vincent Township. Another commercial zone is located along Main Street in Spring City and Royersford. The closest commercially-zoned property is approximately one-half mile from Pennhurst. A manufacturing and general industrial zone is located on the site of the former Jones Motor Corporation facility at the intersection of Route 724 and Bridge Street. A professional office/research district lies along Bridge Street just to the west of the general industrial zone.

Spring City has a riverfront performance zone adjacent to both the industrial districts and the Schuylkill River. This zone is intended to restrict uses on the riverfront that might impede drainage and adversely affect flood management.

What emerges, then is a pattern of increasingly restrictive zoning as one travels northward across former Pennhurst grounds from the commercial and high density residential areas of Spring City to the southeast, the commercial and industrial areas of Jones Motor to the southwest, and the high density residential district and Veterans

Center to the south. Non-agricultural development north of the former Pennsylvania Railroad is essentially prohibited by the performance zone and the agricultural preservation district. This means that much of Pennhurst's buildable open land exists on the terraced playing fields to the north of the historic core. Like the core, this land is zoned low-density residential. Township officials are reluctant to consider any density increases in this area, stating they wish to retain its natural character and the progression of increasingly restrictive uses described above. However, East Vincent Township ordinances do provide for a density bump-up in the historic overlay district encompassing the historic core. While this allowance is at the discretion of the Township supervisors, the author's discussions with them to date indicates that a development plan that confined dense development to the historic core and did not require a variance on the other portions of the property would be looked upon favorably.

It is likely any preservation work done in the historic core will require the density increase permitted in the historic overlay district, as re-use of even the current buildings on the campus would exceed density permitted in the low-density residential district. Additionally, Urban Partners of Philadelphia maintains that it is likely new construction will need to occur both in the historic core and on the fields to the north of it to help offset the cost of restoring the historic structures in the core.

D. Building Inventory and Condition

Seventeen historic institutional buildings are located on the lower campus portion of the Pennhurst site.¹⁵⁹ The buildings are arranged in a series of adjacent quadrangles and are linked to one another by exterior pedestrian ramps and an underground system of tunnels. Each tunnel has an above-ground walkway component. Most buildings are directly accessible via the pedestrian walkways. Outlying structures built after the original campus was constructed were not connected to the tunnel/walkway system. These include Assembly Hall and the Female Colony. Additionally, the hospital was not connected to the tunnel/walkway system with the intention of keeping the facilities separate to prevent the spread of disease. Steam pipes leading from the heating plant at the far eastern end of the site travel in a channel connected to the pedestrian tunnel and are wrapped in asbestos.

The first six buildings on the campus were completed between 1908 and 1909 and include Philadelphia, Mayflower, Tinicum, Union, Vincennes, and Rockwell Halls.¹⁶⁰ They have a Flemish bond brick exterior ornamented with limestone lintels, sills, and string courses. Each has a steel and concrete supporting frame, and with the exception of Mayflower Hall, each has a wood frame roof clad with asphalt shingles.

¹⁵⁹ The number of buildings included on the lower campus varies from report to report because of the method of counting. Some buildings viewed from the air appear to be a single structure but were historically treated as multiple buildings. Additionally, some reports include the support structures in their count while others limit their count to only the institution's classroom, residential, and administrative buildings.

¹⁶⁰ CDC STUDY *supra* note 136, at 27.

Mayflower Hall has a steel frame roof with asphalt shingles. All aforementioned structures originally had slate roofs. All also had ventilation cupolas visible in historic photographs. The photographic record suggests these cupolas were removed in the 1950s.

Pennhurst's first major expansion occurred between 1913 and 1918 when the Laundry Building, Hershey Hall, Administration Building, Limerick Hall, Quaker Hall and Dietary/Franklin Hall were completed.¹⁶¹ These buildings were built in the same Jacobean Revival style as the 1908-1909 structures and are of similar construction. Some have steel-frame roofs, while others are wood. Most retain the slate shingles that were original to them. All of the 1913-1916 buildings had ventilation cupolas identical to those of the 1908-1909 buildings. Additionally, Administration had a pair of eyebrow windows on the roof of its north elevation, one flanking each side of the tower. The photographic record suggests these were removed sometime in the 1960s or 1970s, perhaps when Administration received new asphalt roof cladding.

The eleven aforementioned buildings, later joined by Devon Hall, Assembly, and the Hospital, comprised the main campus of Pennhurst. Several other structures could also be found on campus, including the Doctor's Residence, the

¹⁶¹ *Id.*

Superintendent's Residence, greenhouses, reservoir, heating plant, and several farmhouses and farm buildings. One farm house, built in 1888, was known as the blacksmith shop, and can be found adjacent to Assembly.

In 1921, Wards B and C of the Hospital were constructed in the same manner as the eleven campus buildings.¹⁶² From aerial photographs, it is also clear that the Maintenance/Storeroom was also constructed by this date. The Hospital was expended several times after 1921. It can be estimated that Wards A and D were constructed within a few years after 1921 due to the similar style of construction.¹⁶³ The last two wards, Wards E and F, were most likely constructed sometime in the 1950s and have steel frames with built-up flat roofs.¹⁶⁴

Assembly and Penn Halls were constructed in 1928/9 and 1936, respectively.¹⁶⁵ Both differ structurally from the campus's older buildings though they share some of their architectural style and character. Assembly and Penn Halls are steel and concrete frame structures with a steel frames and built-up fiat roofs. They are somewhat removed from the original campus and are not encompassed in any quadrangle. Both are located on opposite sides of the Blacksmith Shop on Brown Drive.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ CDC STUDY *supra* note 136, at 27. Pirmann reports Assembly's completion date as 1929, while the Federation study and the CDC study place it at 1928.

Completed in 1948, Devon Hall was the last building constructed on the lower campus.¹⁶⁶ Though it shares a similar fenestration pattern and brick and limestone facing with its older counterparts, it is significantly larger with different massing. It is constructed with a steel frame and slate-covered roof. Devon is the largest building at Pennhurst, containing over 100,000 square feet.¹⁶⁷ It was placed within the original campus grouping of buildings and completes the south end of a secondary quadrangle it forms with Quaker, Tinicum, Vincennes, and Union Halls, Pennhurst's oldest buildings. This quadrangle is adjacent to the main historic quadrangle. Devon is connected to the tunnel system.

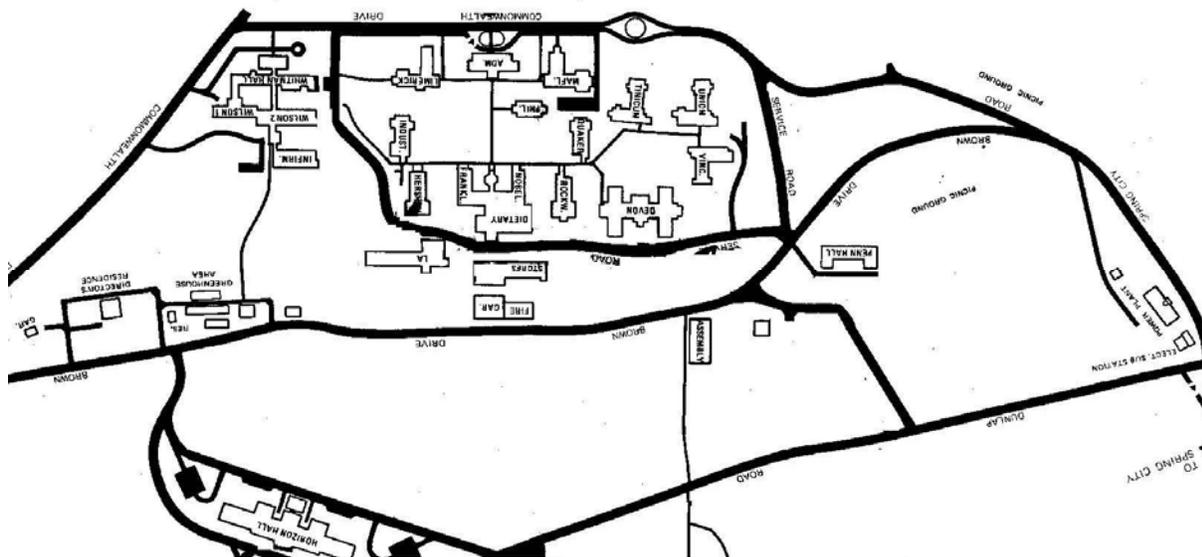


Figure 15. Map of Pennhurst Campus provided by Pennhurst Memorial and Preservation Alliance. A larger version of this map can be found in the appendices.

¹⁶⁶ CDC STUDY *supra* note 136, at 28.
¹⁶⁷ FEDERATION, *supra* note 39, at 74.

A total of about 636,454 gross square feet of floor space, inclusive of corridors and service areas, is available at Pennhurst.¹⁶⁸ About 136,000 square feet is attic space and 127,000 square feet is basement space, and therefore limited in potential use.¹⁶⁹ The remaining first, second and third floor space totals approximately 373,000 square feet. The ceilings are relatively high in all the campus buildings.¹⁷⁰ The average first floor ceiling height is nearly 15 feet; the other floors are slightly lower at 11 to 13 feet.¹⁷¹ Most of the buildings contain large open rooms with temporary or non-load-bearing walls that do not extend to the ceiling. This information is summarized in the following table:¹⁷²

Total Floor	Square Footage	Average Ceiling Heights	Cubic Footage
Basement	127,200	11'3"	1,435,693
First	164,626	14'8"	2,411,819
Second	156,314	12'8"	1,979,729
Third	52,454	11'0"	577,880
Attic	135,860	5'0"	674,739
Total	636,454	---	7,079,860

Table 1. Total square footage available at Pennhurst. Source: COMMUNITY DESIGN COLLABORATIVE, PENNHURST: PLANNING A COMMUNITY OF CONSCIENCE—CONCEPTUAL PLAN FOR RE-USE 15 (2010), http://www.preservepennhurst.org/Uploads/PPHUploads/PdfUpload/CDC_0916_final_report.pdf

Steam heat supplied from a central campus station, was released only along the exterior walls via a system of large radiators. Due to the previous use of the site, the

¹⁶⁸ *Id.* at 58.

¹⁶⁹ *Id.*

¹⁷⁰ CDC STUDY *supra* note 136, at 28.

¹⁷¹ *Id.*

¹⁷² *Id.*

first floor of all of the buildings are handicapped accessible. A system of ramps and wide exterior doorways exists. Only the hospital currently has an elevator which could presumably be refurbished and installed in another building if the hospital is not retained. In sum, with their floor plans of large open rooms divided by non-load-bearing partitions and their high ceilings, the existing buildings at Pennhurst are easily adapted for multiple uses.¹⁷³

These buildings are in relatively good structural condition according to the 2010 Community Design Collaborative Re-Use Study. However, a lack of use and maintenance is accelerating their deterioration each year. Recent work by Pennhurst's current owner has slowed deterioration on Administration, Mayflower, and the Stores/Maintenance Building. Many buildings have roof leaks which have compromised the roof structure. Vandalism has damaged many windows and interior finish. The Department of General Services said that, as of 1987, all buildings had been rewired and met modern fire codes. Phone systems had also been installed in the buildings.¹⁷⁴ However, vandalism subsequent to that time has removed nearly all copper wiring for the electricity and the main circuit boxes for the telephones in each building. Lastly, unencapsulated asbestos is located in most of the buildings and in the underground heating lines.

¹⁷³CDC STUDY *supra* note 136, at 28.

¹⁷⁴ FEDERATION, *supra* note 39, at 21.

In order for the buildings on the Pennhurst campus to be considered assets for future development, their condition and the feasibility of their restoration must be evaluated. The scope of the 2010 Community Design Collaborative Re-Use Study included an albeit broad-brush structural review of a core of historic buildings that were deemed by the Study Design Team to be the most likely candidates for preservation.

The structural engineering firm Larsen and Landis offered the design team a number of conclusions and recommendations to inform next steps. The costs of the following actions were included in the proformas presented in this thesis and rolled into the renovation costs (it was assumed some structures will need stabilization work as actual restoration work proceeds on the other buildings). Overall, the exterior walls were in fair to good condition. Most of the roofs were in poor condition. The team recommended that, as soon as possible, the exterior envelopes of the buildings should be made as weathertight as possible. While at the time of the study, the walls appeared to be in fairly good condition, continued exposure to water will eventually degrade their condition. In the near term, repairs to roof framing and cladding and replacement of and repairs to gutters and downspouts are absolutely essential. Nearly as important will be repairing and pointing masonry and closing door and window openings.

As Pennhurst's owner would not allow Larsen and Landis to view the

interior of the buildings during the firm's site visit, an analysis of the buildings' structural condition from that perspective was not possible. Larsen and Landis recommended that a complete review of the interior of the buildings needs to be undertaken as soon as possible to verify that the walls are properly braced and to verify that no framing is in the state of imminent collapse.

E. Infrastructure

1. Utilities

The campus is still connected to the regional electricity grid and is serviced by the Exelon Corporation. Exelon maintains a substation near the Pennhurst property and states that running additional lines onto the campus will not pose a challenge.

Pennhurst had been equipped with its own waterworks, including an in-ground covered reservoir and a large water tower. One of the contingencies of the sale of the Pennhurst site was that any use or re-use of the campus be connected to a public utility. The locally-based Citizens Utilities Home Water System owns many of the components of the former Pennhurst waterworks system and maintains the water service franchise to the surrounding area.¹⁷⁵ Officials at this water company have expressed interest in servicing any potential use of the Pennhurst property by means

¹⁷⁵ *Id.*

of a water main to be placed along Commonwealth Drive which would extend across the Schuylkill River into Montgomery County.¹⁷⁶ Officials at the water company did not foresee any limitations of service levels to potential uses at the site.¹⁷⁷

The Commonwealth transferred Pennhurst's wastewater treatment plant to the East Vincent Township Municipal Authority.¹⁷⁸ At the time of transfer, Pennhurst's wastewater treatment plant was operating at only a fraction of its former capacity. The Township upgraded the facility and it now serves most of the northern portion of the Township.¹⁷⁹ It is likely the plant could service new development at Pennhurst. The original Pennhurst buildings are still tied into the plant.¹⁸⁰

2. On-Campus Road System

Parking, circulation patterns, and the capacity of roads on and onto the Pennhurst campus are significant considerations in redevelopment. The vast majority of those using the Pennhurst campus during its years of operation were confined there and neither used nor possessed an automobile. Any re-use of the site will require increasing parking capacity and improving access onto and circulation within the campus.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.* at 22.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

Commonwealth Drive is lined with a limited number of parking spaces. In the 1980s, additional parking was located in the area formerly occupied by K building. During October 2010, a grassy plain just south of the most recent additions to the hospital was used for parking for the Pennhurst Asylum attraction. In total, approximately 100 parking spaces are currently available on campus, including all the aforementioned locations.

Pennhurst's internal on-campus road network consists of paths between 16 and 18 feet wide and will need to be widened to accommodate two-way traffic. The service road that provided a complete loop around the two principle quadrangles of the lower campus is blocked in two places by the Penn Organics compost operation and dense overgrowth. Large potholes and drainage problems have developed. Additionally, no maintenance has been done to the historic stone retaining walls and they have begun to fall onto the roadways. Each building has relatively easy access to these roads, though none has any parking dedicated to it.

Sidewalks and pedestrian access linkages are found throughout the site but do not connect to parking areas. The historic lighting illuminating the roadways and sidewalks was replaced by a newer system in the 1970s. Most of the lights are no longer functional. Bus shelters and benches indicate that service had been provided to the property in the past. The closest bus station to the site currently is in Spring

City, beyond the desired five- minute or quarter mile walking distance standard for convenient access.

The Pennhurst site boasts a dramatic topography and mature vegetation. New development should take advantage of these assets and will benefit from soils which are suitable for building construction. Steep slopes and zoning and adjacent land uses discourage intensive development. However, zoning on the property provides a modicum of flexibility for re-use of the current buildings and new complimentary development. A historic overlay district on Pennhurst's historic core permits greater flexibility in use type and density for adaptive re-use of historic structures. Seventeen buildings form this historic core and range from one-and-a half to two-and-a-half stories in height. All are of masonry construction with steel cores. In total, they offer approximately 636,454 square feet of space. Pennhurst's dedicated utility system and internal road network is in place but will need to be upgraded and expanded. They serve only the historic core. The prime buildable locations are on the historic core and on the former ball field plateaus. The next chapter will further review these physical assets with redevelopment in mind through the context of a re-use design and feasibility study.

CHAPTER V

PLANNING FOR THE FUTURE: A COMMUNITY OF CONSCIENCE AND ITS DESIGN FEASIBILITY

The previous chapters explored the demographic, regional, and site information about Pennhurst, providing a foundation upon which to examine critical questions introduced in Chapter III: (1) *Who are the people who could use a re-developed Pennhurst and what needs do they have that are otherwise unmet?* (2) *How and to what extent can Pennhurst physically accommodate uses that meet these needs?* (3) *Can those uses financially support Pennhurst's rehabilitation?* To a great extent, the questions cannot be addressed independently. For instance, a use with significant demand may not be physically feasible or politically acceptable on the campus. Alternatively, it could be a well-suited use but not sufficiently revenue-generative to justify rehabilitation. In turn, the cost of rehabilitation depends on the condition of the campus and the demands of the use. Suffice it to say, some modicum of input relating to all three of the questions must be brought to bear in answering any one of them.

A re-use design and feasibility study for the Pennhurst campus provided an initial context for the author to coordinate information related to each of the three critical questions. The study, sponsored by the Community Design Collaborative

(CDC),¹⁸¹ included, among other things, a design charette and community meetings. Information gathered from these meetings provided ideas for and identified concerns with re-use which enhanced the market studies then-underway at Cornell. Preliminary recommendations from the Cornell studies, in turn, guided the CDC design team in its developing two mixed use re-use concepts. The Urban Partners firm of Philadelphia unofficially participated in the study and provided early guidance as to which uses would and would not be economically feasible in redeveloping Pennhurst.

The CDC's work helped to refine the idea of creating a "community of conscience" at Pennhurst. The CDC design team gathered public and professional input on what uses such a community might include, working toward an answer to the first of the critical questions. After reviewing the site assets presented in the previous chapter, the team channeled that input into two re-use design proposals, working toward an answer to the second critical question. Each of these aspects of the CDC's work will be presented in this chapter.

A. The Idea for a Community of Conscience Emerges

In January of 2009, Pennhurst was named to the International Sites of Conscience, a worldwide network of historic sites specifically dedicated to remembering struggles for justice. The author placed a call to share the news with

¹⁸¹ The CDC is a volunteer-based center that provides pro-bono preliminary design services for non-profit organizations.

Katherine Ng, a former colleague in The Cornell Tradition program and now a principal at the design-build firm of Wu and Associates. Wu and Associates had established itself as a leader in green building and Katherine and the author had, for some time, been discussing the idea of instituting large-scale green building principles including geo-thermal wells and rain-catchment and re-use, as part of the adaptive re-use of Pennhurst's buildings. The Sites of Conscience designation gave rise to a new idea: in addition to making Pennhurst's rehabilitation ecologically responsible, what about incorporating some element of social responsibility as well? Rather than whitewash the history of the institution, a re-use at Pennhurst could encompass the meaning of its catalytic past and use it to shape the future. Certainly, a museum on campus could be part of this, but really only a start. The struggle for conscience-driven care of persons with disabilities that began at Pennhurst is itself ongoing but is also a struggle faced by a number of other groups in our society. The elderly, children, and the near-homeless continue to be plagued with multiple, seemingly intractable social challenges, and these populations are growing in Pennsylvania. Could Pennhurst be re-used in a way that positively changed the world for these groups, too?

In May of 2009, PM&PA officers discussed the community of conscience idea on Dr. Nathaniel Williams' radio program *Navigating Your Life* and podcast on

WebTalkRadio.com.¹⁸² The broadcast was followed by positive press in several media outlets, greatly increasing support in the disability community for such a proposal. In concert with disability advocates, the PM&PA worked to broadly define what such a place might look like and how it might function programmatically. The end product of that consultation was an initial vision statement introduced on the www.preservepennhurst.org website for public comment.

Also in May of 2009, the author contacted the Preservation Alliance of Greater Philadelphia (PAGP) to alert that organization of the threat to Pennhurst. The PAGP's Executive Director John Gallery suggested a design charrette could be used to bring attention to Pennhurst and counter the owner's assertions that re-use was infeasible. The PAGP agreed to co-sponsor PM&PA's application to the CDC.

The PAGP and PM&PA submitted the initial vision statement for a community of conscience as part of their application to the CDC and in August of 2009, were awarded a \$50,000 grant-in-services for a re-use design and feasibility study. The design study brought together experts in historic preservation, adaptive reuse, regional planning, architecture, land use, and economic development. The experts comprised a team which engaged in an active dialogue with a task force of community leaders to produce a feasibility report that was presented to the public in a

¹⁸² Interview by Nathaniel Williams with James W. Conroy, Jean Searle, and Gregory Pirmann for *Navigating Your Life*, WEBTALKRADIO.COM, (Apr 8. 2009) <http://www.preservepennhurst.org/default.aspx?pg=19>.

large community forum. The study was an inclusive process that encouraged input so that each participant felt ownership over the proposed uses and changes to the physical footprint.

The importance of the Pennhurst property from a historical/cultural perspective, the architectural significance of the campus, and the site's tremendous potential to positively impact the region attracted professionals of international renown. The design team and task force included the following practitioners, many of whom were selected because their past associations with Pennhurst:

Design Team:

John Milner Architects (Historic Preservation Architects)

Larsen and Landis (Structural Engineers)

Thomas Comitta Associates (Town Planners and Landscape Architects)

Wallace, Roberts, and Todd Design (Urban Designers and Architects)

Task Force:

The Arc of the United States (the world's largest grassroots organization for people with intellectual and developmental disabilities)

The Arc of Pennsylvania (one of the first Arc chapters, founded in part to close Pennhurst)

Arcadia Land Company (represented by Jason Duckworth. Arcadia is a pioneer in smart-growth development)

Chester County Economic Development Council

Chester County Historic Preservation Network

Chester County Planning Commission

Congressman James Gerlach (US-R)

National Trust for Historic Preservation

Pennsylvania Historical and Museum Commission

Preservation Alliance of Greater Philadelphia

Public Interest Law Center of Philadelphia

Representative Thomas P. Murt (PA-R)

Schuylkill River Greenway
Schuylkill River National and State Heritage Area
Senator Andrew Dinniman (PA-D)
Senator Arlen Specter (US-D)
Temple University Institute on Disabilities
Wu & Associates

The design team and the task force began their work to evaluate the Pennhurst site by refining what a community of conscience at Pennhurst might look like in form and function. A 2009 Cornell University Program in Real Estate elaborated upon what a community of conscience at Pennhurst might be, suggesting a multi-use development incorporating ethically-driven activities that would make Pennhurst a *destination*.¹⁸³ Marketing around the “conscience” concept would emphasize the positive history of the site as the place where Pennsylvania changed the course of human rights. Restoration of site could be packaged as both “restorative” and responsible, respecting the site’s memory, etc., and providing jobs while being environmentally responsible through the act of “recycling” the old buildings. These messages may resonate particularly well with the wealthy and well-educated demographics surrounding the site, but may also be of broader appeal. In any case, they offer an angle to redevelop the site as a destination.

¹⁸³ 2009 Cornell Market Study, *supra* note 114.

After reviewing case studies including the Pineland Farms redevelopment of the Pinelands Center in New Gloucester, Maine,¹⁸⁴ the CDC team felt that Pennhurst’s clustering of buildings into quadrangles and internal road circulation pattern lent itself well to a “concentric uses” approach to campus redevelopment as a mixed-use community. While the museum and memorial facilities important to the PM&PA could be located at the spiritual heart of the redevelopment, the campus would be anchored by a residential or office use, with other, complimentary, programmatically-sensitive uses bringing people to campus. As they had at Pineland Farms, the complimentary uses would aid in making the community both relevant and economically viable. In Pennhurst’s case, the community would have a conscience-driven theme, with attention paid to environmental and economic sustainability.

The design team then began to collect suggestions as to use or product types to include on the campus. No attempt was made to prioritize one product type over

¹⁸⁴ According to the website for Pineland Farms:

Pineland Center in New Gloucester, Maine was established in 1908 to serve as a home for the mentally handicapped of Maine. At the time of its official closing in 1996, Pineland consisted of a 28-building campus and 1600-plus acres. Through its real estate branch, October Corporation, the Libra Foundation of Portland, Maine, purchased the Pineland campus and approximately 900 acres of farmland in June 2000. Since that time, extensive renovation, new construction and additional land purchases have brought both the campus and the farms back to life. The Pineland property now encompasses a 19-building campus and 5,000 acres of farmland. The Foundation's vision for the campus is to create a unique community by attracting a variety of non-profit and for-profit businesses, organizations and services to lease space in the buildings. Amenities on the campus include a conference center, cafeteria and YMCA, as well as access to the farm programs and facilities. The farms have been developed as a self-sustaining nonprofit organization known as Pineland Farms, Inc. In addition to the fully operational farm, Pineland Farms offers public educational programming, outdoor recreational activities and a world-class equestrian center. Produce from Pineland Farms, such as eggs and vegetables, supply the campus cafeteria and farmers market.

another at this stage for the anchor use and information from three principal sources informed the design team's work. First, a great deal of input from the public was gathered through www.preservepennhurst.org. Uses suggested through the website included:

- Apartments for Young Professionals
- Assisted Living Facility
- Community Center
- Condominiums/Starter homes
- Day Care
- Grocery Store/Farmer's Market
- Gym/Sports Complex
- Health Spa/Health and Wellness Center
- Outpatient Clinic
- Medical Supply Store
- Restaurant (donate excess food to charity?)
- YWCA/YMCA

Second, task force members joining the design study process provided ideas for concentric uses. Ideas proposed by this group included:

- Artist's Lofts
- Assisted Living/Continuing Care/Retirement Facility
- Assistive Technology Company
- Branch Facility for University
- Community Cultural Hub
- Community Gardens Culinary Institute
- Day Care
- Equestrian Center
- Greensgrow Urban Farm Space
- High-End Supermarket Ice Rink
- Live-Work Community
- Luxury Condominiums

Office Space
Non-Profit/New Business Incubator
Parking/Park-and-Ride Facility
Rehabilitation Center for Veterans
Retail
Vocational Training Center

Lastly, the 2009 Cornell study identified uses that should be considered in a Pennhurst re-use even if not as the primary uses: a health and wellness center, residential living aimed at the upper age cohorts, and a cultural center/recreation facility. Despite the fact that by 2020, one-in-four Pennsylvanians will be over 65, a range of housing options aimed at Pennsylvania's growing 65-and-over population has not been sufficiently developed in southeastern Pennsylvania. Most housing currently available to seniors is intended for the very wealthy in age-restrictive developments or the very poor in nursing institutions or public housing. In either case, senior living occurs in a context that discourages involvement with the community outside. The American Association of Retired Persons¹⁸⁵ and a recent Cornell University study have spoken of a growing demand for communities that are friendly to variety of ages, concurrently allowing for the vibrancy of interaction between the age cohorts but also providing spaces for the quiet and privacy often sought by the upper age cohorts.¹⁸⁶

¹⁸⁵ The AARP's Public Policy Institute's Livable Communities Team advances AARP's public policy on creating livable, age-friendly communities. See <http://www.aarp.org/research/ppi/liv-com/>.

¹⁸⁶ EVELYN ISRAEL AND MILDRED WARNER, AMERICAN PLANNING ASSOCIATION, PLANNING FOR FAMILY-FRIENDLY COMMUNITIES, (Nov. 2008), <http://government.cce.cornell.edu/doc/pdf/pasmemo1208.pdf>. See also, ESTHER GREENHOUSE, GEORGE HOMSY, AND MILDRED WARNER, PLANNING FOR FAMILY-FRIENDLY COMMUNITIES BRIEFING PAPER: MULTI-GENERATIONAL COMMUNITY PLANNING (April 2010).

Pennhurst could provide not only this sort of space, but also an opportunity for a collaboration with an institution of higher learning to teach the care of persons in the upper age cohorts. A recent public posting on the PM&PA's website suggested just such a use.

Additionally, this part of Pennsylvania lacks a cultural hub; the region has a deficit of public athletic, recreational, and performance spaces. The Pennhurst site is large enough to include cultural amenities of broader community interest that a cultural hub might require, including a performance space, auditorium (both of these needs already met on the site by the existing Assembly Building), indoor/outdoor pools, playing fields, etc. A museum and memorial on site as part of this cultural hub could center the property physically and psychologically. It could also provide a node from which community activity planning, events, and concerts can be coordinated. These uses enhance the notion of Pennhurst as a destination and, in turn, are themselves enhanced by it.

The CDC design team affirmed that if a health and wellness center, residential living development aimed at the upper age cohorts, and a cultural center/recreation facility recommended by the Cornell studies could be accommodated concurrently on the Pennhurst site, they could share amenities and create a vibrancy of interaction not

possible in isolation, and also could be easily marketed within context of a community of conscience. A cultural center would bring a demographic mix and vibrancy not usually associated with a facility for the upper age cohorts. A wellness center spa and hotel on the site could share amenities with the retirement/continuing care community.

While the CDC team did not limit their site design considerations to the uses suggested by the website, task force, or Cornell study, they prioritized them among the range of possibilities. As the 2009 Cornell market study led to an exploratory partnership with the Green House Communities and the Generations of Hope Development Corporation (GHC), the CDC did specifically include a continuing care/retirement community within its recommendations to include residential uses generally. The GHC has agreed to enter into a memorandum of understanding to explore a Generations of Hope Community at Pennhurst as the core of a community of conscience.¹⁸⁷

¹⁸⁷ Established in 2006, with the support of the W.K. Kellogg Foundation, the Generations of Hope Development Corporation “builds communities that rebuild lives.” The distinctive strategy used in Generations of Hope Communities is to facilitate and support naturally emergent alliances, relationships, and enduring commitments *across generational lines* so that the community becomes the first line of support and service--of intervention. Generations of Hope is a unique program that changes the lives of foster children, retirees, and families by enabling them to create their own neighborhood and forge their own network of caring relationships. At Hope Meadows, children, who might otherwise spend most of their childhoods in foster care, are adopted; retirees maintain a meaningful, productive life by helping younger generations, as well as one another; and families adopt children whose birth parents can no longer adequately care for them. At the heart of this neighborhood is a sense of shared purpose and values. This serves as a foundation for caring relationships among all members of the community, including staff.

The CDC study concluded in September, 2010, and its results are included in this thesis. Its end product, *Pennhurst: Planning a Community of Conscience—A Conceptual Plan for Re-Use*,¹⁸⁸ includes two mixed-use new urbanist communities including a national disability memorial, museum, research center, and conference facility – the first of their kind in the nation—at their hearts.

B. *Site Asset Review from Planning a Community of Conscience*

Having started with a “treetops” approach in exploring the concept of a community of conscience and some potential concentric and complimentary uses, the CDC team turned to an analysis of the site features discussed in the previous chapter, including landscape features, vegetation, zoning and adjacent land uses, and building stock.

1. Landscape Features

The CDC team suggested the river and the Schuylkill River Trail were the primary landscape amenities of the northern section of the property and re-development there should capitalize upon their recreational values, wildlife habitats, and intriguing design opportunities.¹⁸⁹ The open plateaus on this northern section should remain undeveloped, providing open space amenity and value to the site. The prime agricultural soils underlying most all of the property suggest that, at the very

¹⁸⁸ CDC STUDY, *supra* note 136.

¹⁸⁹ *Id.* at 7.

least, gardens of some sort should accompany any residential development. Since a preponderance of Pennhurst's land exists above the 100- and 500- year floodplains, new building need not encroach upon the river. The undulating topography offers prime views extending from the northeast quadrant of the site, facing toward the Schuylkill, but away from the Limerick Generating Plant towers. Strong axial alignments created by the topography are echoed by building groupings, plantings and the open plateaus to the north of the historic core.

2. Vegetation.

Mature allees and other tree plantings define site sub-areas and provide significant character and amenity to the site. Additionally, they buffer and connect various zones that could be developed for different purposes. The central quads, the former ball fields and their relationship to the lower riparian plateau form the primary axial alignment of the site.¹⁹⁰ The team felt strongly that the physical beauty of the site—its scenery, architecture, and its courtyard layout arranged to take advantage of vistas—be retained to enhance Pennhurst as a destination. The site's seclusion, surrounding rural conservation districts, and intriguing architecture distinguish it from the more homogenized growth characterizing greater southeastern Pennsylvania.

¹⁹⁰ *Id.* at 51.

3. Zoning and Adjacent Land Uses

Pennhurst is located in the midst of zoning districts that are intended to retain the rural character of the community by preserving agriculture; open space, and conservation uses. Any zoning change proposed to the township will need to be tailored to the township's commitment to rural preservation. Recent history has shown that any attempt to obtain an variance, conditional use permit, or amendment to the zoning at Pennhurst will be met with hostility. Residents particularly along Pennhurst Road have been active in opposing uses in they find offensive in nature or scale. Potential impacts they have identified include traffic, noise, and degradation of environmental and rural characteristics. Among these, it is very likely that concerns over additional traffic volume will be the toughest sticking point for public approval. Easing public approval will require capitalizing on Pennhurst's capacity to accommodate more public amenities including parks, gardens, trails, etc., and uses residents along Pennhurst Road have indicated to be of interest, including a grocery store and day care.

The concentric use scenario proposed by the design team will require the capacity for a mixed use, a change that itself will require either parcelization of the property, a zoning amendment, or variance. Expanding the universe of pemitted uses on the site brings a series of risks of development that is incompatible with the character of the Pennhurst property. These risks must be anticipated and prevented

through thoughtful regulation by Township planners. To that end, the design team recommended that the Township institute the following elements into any zoning change:

- A requirement of a minimum mix of land uses by percentage, in order to prevent development of only one allowed category, such as industrial;
- Application of performance standards for noise, emissions, etc.;
- Floor Area Ratio (FAR) restrictions and building coverage requirements;
- Either allowing industrial with special exceptions or only allowing certain types of industrial;
- Height and story requirements disallowing development of 1 or 2 stories

4. Building Stock

The Community Design Collaborative Study determined that the site's primary asset is the historic building stock. The design team recommended that any reuse plan for Pennhurst include the preservation and adaptive reuse of eleven buildings forming a principal quad of the original historic campus. The team felt these buildings form a "critical mass" necessary for successful understanding and interpretation of the Pennhurst site to future users and visitors. The buildings have large rooms with high ceilings. New walls can be installed and existing walls removed in a manner to best suit a new use. Ceilings can be lowered to install heating and cooling systems overhead. Some room area may be lost to inefficiencies. The sample proformas assume a building efficiency of 80 and 88 percent.

Because its configuration and interior spaces render its reuse more difficult, the team thought it may be possible to replace the Dietary Building with a new structure, compatible in design to the original historic structures, that continues to form a southern border to the quad. Alternatively, the Stores/Maintenance Building currently being used for the PennOrganics composting operation headquarters could be the southern terminus of the quad. In addition, very strong consideration should be given to retaining and reusing both Devon and Assembly Halls. Although not part of the original campus plan, these are significant structures that retain much of their integrity and would make valuable additions to any proposed development. Thus, assuming a new structure would replace Dietary/Franklin or the Stores/Maintenance building would be used from the south end of the quad, the Community Design Collaborative Study recommended the re-use of Administration, Hershey, Industry, Limerick, Mayflower, Philadelphia, Quaker, Rockwell, Devon, and Assembly buildings. The available square footage capacity of this historic core is 372,170 square feet, including basements and attics.¹⁹¹

Peripheral buildings such as Assembly, the Superintendent's Residence, the Doctor's Residence, etc., could be included in a unified development or parceled off for other uses. Because the buildings are located near each other in a historic core

¹⁹¹ FEDERATION, *supra* note 39, at 58.

and, for the most part, are connected by pedestrian tunnels and wheelchair-friendly walks, a unified, single purpose for them is possible, with other uses accommodated in new construction surrounding the core. However, different compatible and complimentary uses could also be accommodated even within the core itself.

5. Infrastructure

Infrastructure is an important consideration for the re-use of Pennhurst as it has been for other, large institutional properties. As typical for such properties, Pennhurst's roadways and utility production and delivery systems were designed for insular use and will require adaption or expansion for re-use. While a sophisticated infrastructure including a power plant, water works, and waste treatment facility enabled Pennhurst to function as an independent community until its closure in 1987 and generally had more capacity than Pennhurst required, much of that infrastructure is in disrepair or in use by other entities. Re-use of Pennhurst's buildings and the new construction that will likely accompany such re-use will require rehabbing or upgrading infrastructure to meet the expanded demand.

In the current configuration of the campus, parking is not present in sufficient capacity. Moreover, parking cannot be provided directly adjacent to each building. If only the historic core recommended by the design team is retained, expanded parking capacity and building-adjacent parking could be a possibility. Either way, it is likely a campus lot will be needed to supplement the spaces available along Commonwealth

Drive and south of the hospital. The capacity of road network on campus and leading to it will need to be expanded. This network will need to be edited to promote legibility of circulation, to eliminate redundancy, and to support feasible parcelization.¹⁹²

C. Multi-Use Concepts for a Community of Conscience

Furthering its recommendation for a concentric use pattern at Pennhurst, the Community Design Collaborative team offered two possible mixed-use site development scenarios as illustrations of asset enhancing, market-building approaches to developing the Pennhurst site. Both of the re-use scenarios proposed by the team contemplate a mix of uses layered concentrically around what is essentially a residential or office core use. While the team felt the design and layout of the core lent itself well to these uses, the choice of those uses for the core was driven primarily by preliminary recommendations from an economic study undertaken in 2010 by the Urban Partners firm of Philadelphia.¹⁹³

Pennhurst's core is well-suited for a variety of office space and residential configurations. While proximity to transportation is important for commuting workers (a need reduced if the mixed-use campus could offer live-work options), visibility and adjacency to interchanges is not as important for this product type as it is

¹⁹²CDC STUDY, *supra* note 136 at 51.

¹⁹³ In May 2010, the author secured a grant from the Bard Foundation for this economic feasibility study, which, as of this writing, is underway.

for other product types, such as retail. A lack of service amenities on the adjacent land uses within a five-minute drive of the campus means options for food, exercise, child care, etc. should be provided on-campus. The CDC's Scenario I, below, incorporates a residential core into a concentric-use concept, while Scenario II incorporates an office core.

1. Re-Use Scenario I: Green Community

This scenario contemplates a green lifestyle community with possible aspirations for some degree of self-sufficiency. Green communities across the nation appear in a variety of shades, usually differentiated by the type and scope of programming around environmental issues. Because of the recommendations of the 2009 Cornell market study and the handicapped-accessibility of the buildings, the team suggested that consideration should be given to multi-generational tenancy models in a residential core. Regardless of the mix of uses, the team felt all restoration and new construction should focus upon sustainable building technologies. The site offers opportunities for showcasing of best practices in building technologies, adaptive reuse, agriculture, energy conservation and passive production, stormwater management, and possibly, transportation/circulation.

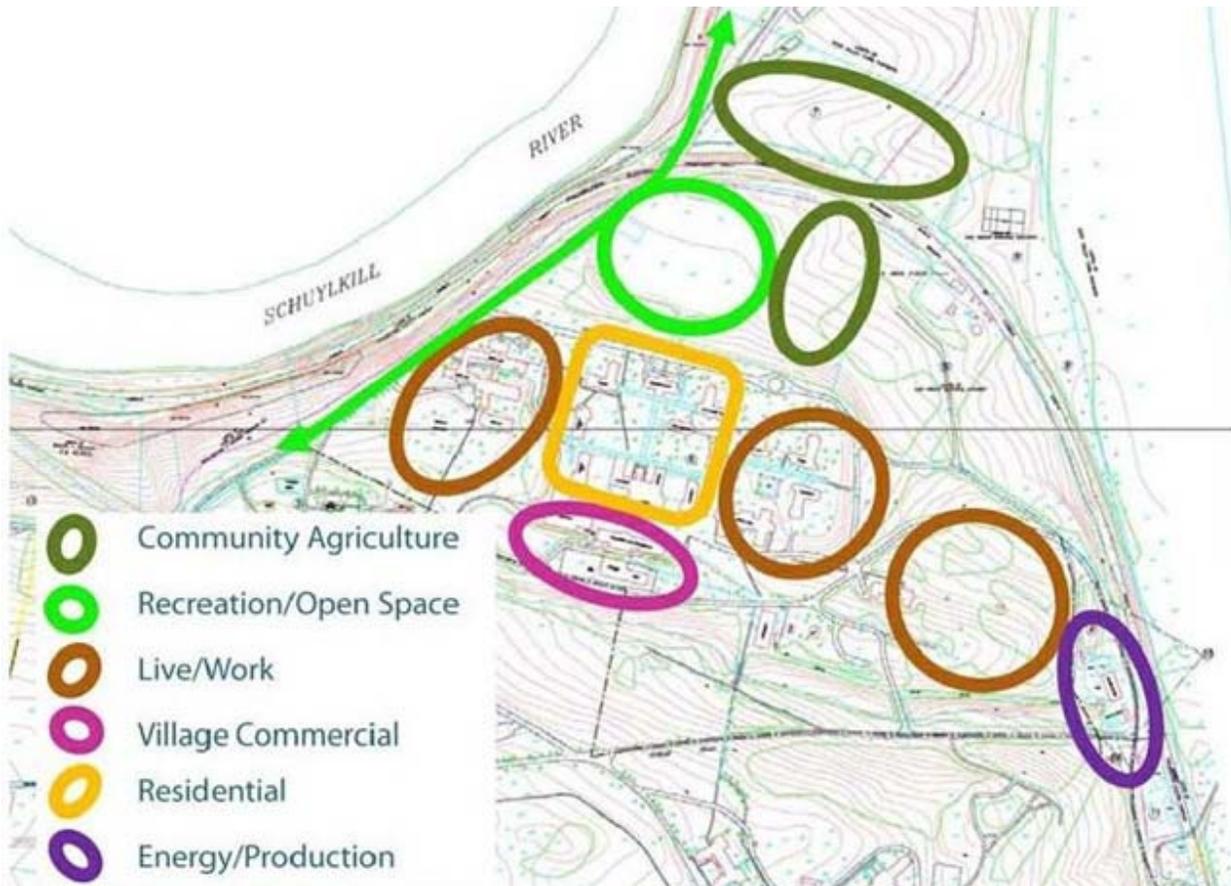


Figure 16. *Green Community Mixed-Use proposal for Pennhurst by Community Design Collaborative design team.* Source: COMMUNITY DESIGN COLLABORATIVE, PENNHURST: PLANNING A COMMUNITY OF CONSCIENCE—CONCEPTUAL PLAN FOR RE-USE 15 (2010), http://www.preservepennhurst.org/Uploads/PPHUploads/PdfUpload/CDC_0916_final_report.pdf.

Design elements of this scenario include:

- a residential core developed through adaptive reuse of the buildings within the central core, shown in the gold box in Figure 16
- a small commercial area at the gateway to the site, acting as an interface with the surrounding communities and helping to support the needs of the VA Hospital residents and employees

- a combination of types of live/work spaces within the brown bubbled areas flanking the residential core placing any heavier industrial, accepted only provisionally, at the far southeastern portion of the site
- development of a Schuylkill River Trail connector segment throughout the length of the property
- enhancement of the former ball field as a community recreation area
- agricultural production in the areas described in dark green in the lower, northern portions of the site

2. Re-Use Scenario II: Education/R&D/Think Tank Community

This scenario capitalizes on what the design team saw as a strong potential for educational programming on the site and the range of complementary programs that could be developed. Based in part on information gathered from public input on www.preservepennhurst.org and several community meetings, the design team postulated that prime educational opportunities for location on the Pennhurst campus would include: arts and trades training, a business incubation and employment center, demonstration agriculture, a green technologies incubator, a college / boarding school / trade school / etc, a conference center, and a museum or other art and culture venues.

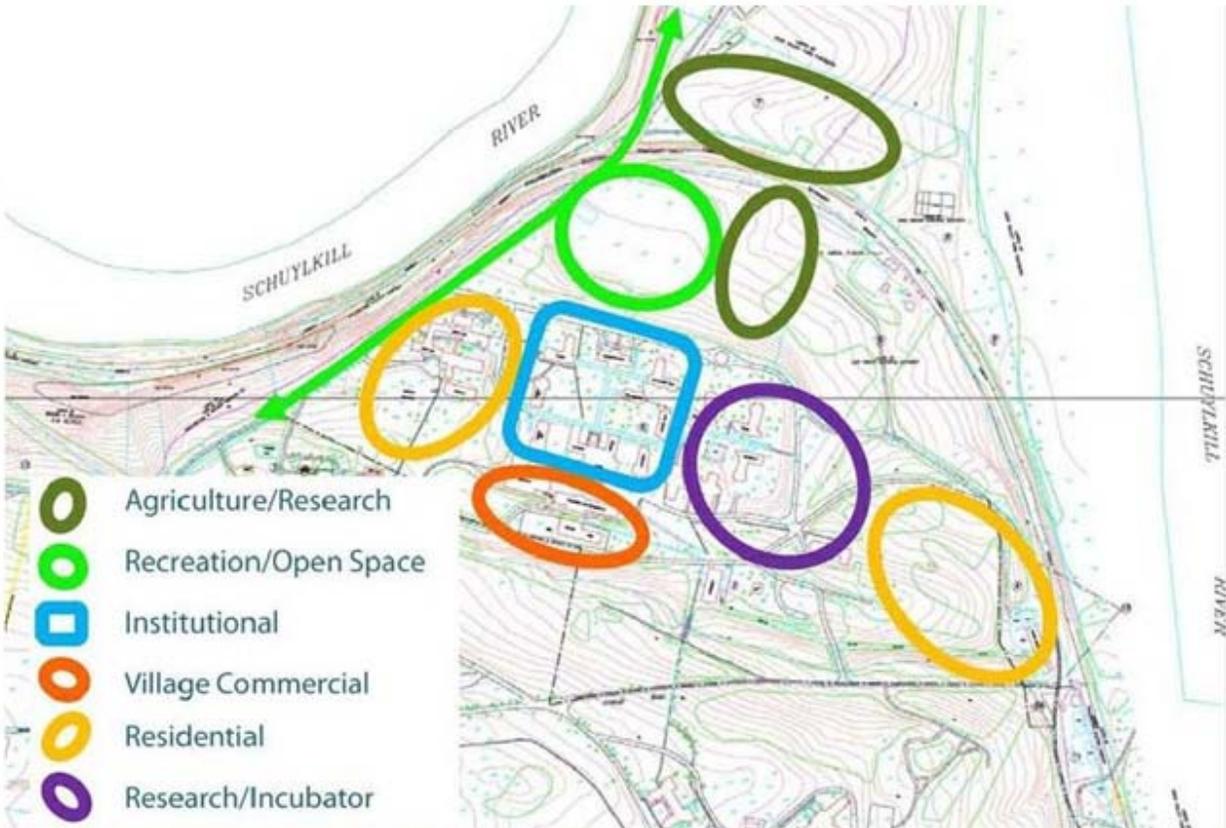


Figure 17. Education/R&D/Think Tank Mixed-Use proposal for Pennhurst by Community Design Collaborative design team. Source: COMMUNITY DESIGN COLLABORATIVE, PENNHURST: PLANNING A COMMUNITY OF CONSCIENCE—CONCEPTUAL PLAN FOR RE-USE 15 (2010), http://www.preservepennhurst.org/Uploads/PPHUploads/PdfUpload/CDC_0916_final_report.pdf.

Design elements of this scenario include:

- an office-use core developed through adaptive reuse of the buildings within the central core
- business incubation and trades training to the east of the institutional core
- a small village commercial area at the gateway to the site, acting as an interface with the surrounding communities and helping to support the needs of the VA Hospital residents and employees
- residential areas at the eastern and western edges of the site
- development of a Schuylkill River Trail connector segment throughout the length of the property

- enhancement of the former ball field as a community recreation area
- agricultural production in the northern portions of the site

The CDC's work to initiate discussions about preferred use types, concentric uses, and site designs greatly advanced the concept of a community of conscience at Pennhurst. Their recommendations for core uses must be explored both for market demand and economic feasibility, the subject of succeeding chapters.

CHAPTER VI

PLANNING FOR THE FUTURE: MARKET ANALYSIS

The CDC study discussed in the previous chapter benefitted from preliminary recommendations made by both the Cornell Program in Real Estate (regarding market demand and supply) and Urban Partners (regarding economic feasibility). This chapter will review the market analysis—that is, demand and supply—for a selection of the multiple product types examined by Cornell’s Program in Real Estate in 2009 and 2010.

The students in the Program in Real Estate used the data provided in Chapter III to inform their analysis of the special benefits and drawbacks of locating various product types on the Pennhurst property, looking specifically at regional population growth, disposable income, inventory of existing space, new construction (approved and forecasted), and vacancy and absorption rates. The Cornell market studies can be viewed in their entirety at www.preservepennhurst.org.

While this chapter will look exclusively at market analyses for three individual product types in the core, it is useful to remember that the CDC proposed a mixed-use development scenarios. While no other project incorporating a site with Pennhurst’s historic or architectural significance has been proposed, several major mixed-use communities similar at least programmatically to what the CDC

recommended are planned within a 20-minute drive of Pennhurst. In Oaks, the Greater Philadelphia Expo Center opened in January 2009 and includes 250,000 square feet of retail uses. The Village at Valley Forge, a mixed-use urban-style town center with retail, residential and hotel product types, is under construction on the former Valley Forge Golf Course site and will open in summer of 2012. Phase 1 of Sanatoga Springs, located within visual range of Pennhurst at the interchange of Route 422 and Township Line Road in Limerick, opened in 2010 and will ultimately include 535,000 square feet of retail, office, and residential space. The proximity of these developments to Pennhurst and the advantage each of them has over it in terms of their siting immediately on major thoroughfares makes all the more necessary the effort to package Pennhurst as a destination made unique by its history and architecture.¹⁹⁴ Moreover, they underscore the need to make certain that the core use chose at Pennhurst be a strong one. Thus, the next sections will focus on those core use options.

Cornell's 2009 study¹⁹⁵ reviewed the market potential for three broad types of income-producing real estate in Pennhurst's core: office, retail, and leased multi-family residential. Additionally, it examined condominium and hospitality uses. Two Cornell market studies in 2010 updated the 2009 results for office and leased

¹⁹⁴ 2009 Cornell Market Study, *supra* note 114, at 94.

¹⁹⁵ 2009 Cornell Market Study, *supra* note 114.

residential uses and examined several other product types.¹⁹⁶ Of the various uses suggested during the course of their work, the CDC study team recommended that office and residential uses were best suited to the design and layout of the historic core of the Pennhurst campus. This choice was re-affirmed by preliminary recommendations from an economic study undertaken in 2010 by the Urban Partners firm of Philadelphia.¹⁹⁷ Further work by Urban Partners continues to suggest residential and office use will provide the strongest economic foundations for a re-development of Pennhurst. Consequently, market analyses for residential and office use will be presented below.

In addition to these uses, outlet retail will be considered. All of the CDC's scenarios contemplated retail of some sort at Pennhurst. Though retail usually demands a location visible from a major highway, Cornell proposed a specialty outlet retail development in concert with other development might be feasible at Pennhurst.

¹⁹⁶ Katherine Coffield, Chevone Hall, Donald Johnson, Cristina Stiller, and Ziqi Wu, Cornell University Program in Real Estate, *Pennhurst: A Community of Conscience—A Market Analysis Study* (2010) (unpublished) (available at <http://www.preservepennhurst.org/default.aspx?pg=45>) [hereinafter, 2010 Coffield Cornell Market Study]; Ketan Chordia, Frank Morand, Erik Munck, Patrick Nesselthaler, and Daniel Sax, Cornell University Program in Real Estate, *Pennhurst Market Analysis* (2010) (unpublished) (available at <http://www.preservepennhurst.org/default.aspx?pg=45>) [hereinafter, 2010 Sax Cornell Market Study].

¹⁹⁷ In May 2010, the author secured a grant from the Bard Foundation for this economic feasibility study.

A. Office Market Analysis

Demand for office space is predicated on job growth. The Delaware Valley Regional Planning Commission (DVRPC) estimates that 28,000 new jobs will be created along the US 422 corridor in which Pennhurst is located by 2030. Despite the national recession, Moody'sEconomy.com predicts as an employment boom in the greater Philadelphia area during the years 2011-2013.¹⁹⁸ In Chester County, the number of employed people increased by 10%, from 214,400 in 2000 to 235,238 in 2009.¹⁹⁹

Demand for office space is closely tied to job growth in the white-collar sector particularly. Chester and Montgomery Counties have a larger white-collar base than other suburban Philadelphia areas, and of the job growth over the past decade, the highest increase has been in the white-collar sectors. Specifically, in Chester County, the health and education sectors experienced a 37.8% increase and the professional and business services experienced a 31.8% increase.²⁰⁰ Similarly, Montgomery County experienced a 12.8% increase in health and education employment and a 22.0% increase in professional and business services since 2000.²⁰¹

¹⁹⁸ *Id.* at 52

¹⁹⁹ 2010 Sax Cornell Market Study, *supra* note 196, at 85.

²⁰⁰ *Id.* at 86.

²⁰¹ *Id.*

In both these sectors, local growth has outpaced the national average.²⁰² The effect is that roughly 15,000 additional white collar jobs have been created over the past ten years in both counties,²⁰³ increasing the demand for office space. Moodys and the DVRPC project that this growth will continue.

While demand is somewhat promising, a robust supply will keep vacancy rates at least at their historical levels of 14-17%. A large volume of office space is slated to be coming into the market in the surrounding three counties during 2011 and is projected to drive vacancy rates from their 2010 high of 14% to 16% for 2012 and the first half of 2013.²⁰⁴ Among the office space scheduled to be completed soon is the Justice Center Phases I and II in Phoenixville, with 25,000 square feet and 40,000 square feet, respectively; Vincent Village in Spring City, with 45,000 square feet; and Highview Phases III, IV, and V in Collegeville with 81,000 square feet, 89,031 square feet, and 118,500 square feet, respectively.²⁰⁵ Rent concessions resulting from this vacancy rate keep effective rent per-square-foot around \$23 annually.

Were the entire historic core to be converted to office use during this time period, the addition of that number of square feet to the Chester and Montgomery

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.* at 90. Prior to this time, vacancy rates have been slowly been improving in the region. In 2006 and 2007, the region had maintained a vacancy of 5 million square feet, or approximately 16% to 17%. Vacancy surpassed 7 million square feet in early 2010 due to the recession. REIS data suggests that lowered rental rates and concessions are responsible for a remarkable decrease in vacancy over the recent months, resulting in a rate of 14% as of November 2010. ²⁰⁴

²⁰⁵ 2009 Cornell Market Study, *supra* note 114, at 31.

County markets would likely further increase the vacancy rate, potentially as high as nearly 20%. To avoid this, and its resulting effect on effective rent, space at Pennhurst could be introduced in stages. Also, establishing contract terms with tenants prior to rehabilitation could lock in rental rates.

B. Multi-Family Residential (Apartment) Market Analysis

Demand for residential property is driven by increases in population size and number of households. Conventional wisdom holds that the rental population is primarily comprised of those who cannot afford to purchase a home. Demand among such renters-by-necessity is found by determining what segment of the population cannot afford mortgage payments for the average home price.²⁰⁶

However, a portion of the rental population are renters-by-choice and often include those just moving into an area, those who may want the flexibility to relocate, and those who do not want the maintenance responsibilities inhering to ownership.

Trends for population growth and increases in the number of households suggest an increase in demand for housing at Pennhurst. Over the next five years, the Chester County population is projected to grow by 7.1%, surpassing national growth rate projections by 2%. The population in Montgomery County over the next five

²⁰⁶ Generally, what a person can afford to spend in housing payments is found using the "28 and 36" formula, meaning that 28% of gross income goes to housing costs and that monthly payments on total outstanding debts, when combined with housing expenses, must not exceed 36% of gross income). When the housing payment required to obtain a mortgage for a home of average cost in a given area exceeds what a person can pay using this 28 and 36 formula, the person is assumed to be a renter-by-necessity.

years is projected to grow by 2.0%. The DVRPC forecasts a 16.8% population growth in the ten jurisdictions surrounding East Vincent Township through 2025 and a 20-25% population increase along the US 422 corridor through 2030.²⁰⁷ These numbers far surpass the national growth rate of .6% as reported by the Census Bureau.²⁰⁸ Claritas data indicates the number of households is estimated to increase by approximately 2.3% in both Chester and Montgomery Counties.²⁰⁹ DVRPC estimates that all of this will require the construction of 21,000 new housing units by 2030. Of this 21,000, approximately 6,800 housing units will be needed in East Vincent Township and the ten jurisdictions surrounding it by 2025.

The 2010 average median household income is estimated to be \$108,038 in Chester County and is projected to increase 11.9% over the next five years, from \$108,038 to \$120,864.²¹⁰ The 2010 average household income in Montgomery County is estimated to be \$99,825 and is projected to increase 10.7% by 2014 to 110,506.²¹¹ The median household income in the two counties is \$76,042 annually, or \$6,336.83 monthly. Using the "28 and 36" formula (meaning that 28% of gross income goes to housing costs and that monthly payments on total outstanding debts, when combined with housing expenses, must not exceed 36% of gross income), residents in the two

²⁰⁷ 422 STUDY, *supra* note 141, at 8.

²⁰⁸ 2010 Coffield Cornell Market Study, *supra* note 196, at 71.

²⁰⁹ *Id.* at 75.

²¹⁰ *Id.* at 75.

²¹¹ *Id.*

counties can afford a monthly housing payment of \$1774.31. The average single-family detached house costs \$438,850 in Chester County and \$400,657 in Montgomery County, for an average of \$419,753.50. Assuming a thirty-year mortgage at five percent interest, the average cost for a single-family detached house in this thirty-minute, two-county range from Pennhurst is \$2,253.33 monthly or \$27,040 annually. Since the average median income results in a maximum monthly payment of \$1774.31, the average single family-detached house is out of the range of affordability for approximately 8% of the population. When this same calculation is done using Effective Buying Income rather than median income, the gap widens to just over 9%. Thus, approximately 8%-9% of the population will be renters-by-necessity. Of the 21,000 housing units needed by 2030, approximately 1680 will be required to accommodate renters-by-necessity.

Demand from renters-by-choice will significantly increase this number, however. Two categories of renters-by-choice are growing nationally and in the Pennhurst area at a faster pace than in many years: first, working adults age 35 years and older who have either have shifted from owning homes to renting or are delaying the transition to homeownership, and second, Echo Boomers are maturing into

adulthood, entering the housing market and searching for rental housing.²¹² The Echo Boom consists of young adults aged 15 to 29 in 2010; it includes the nearly 65 million people nationwide born between 1981 and 1995. By comparison, the Baby Bust generation – those aged 30 to 44 in 2010 – number only 61 million (despite the fact that this age group includes a relatively large number of immigrants).²¹³ The Echo Boomers will represent a more significant percentage of the Pennhurst-area population in the future, representing 20.76% of the Chester County population and 19.48% of the Montgomery County population by 2014.²¹⁴ Echo Boomers are much more likely to be renters than owners, greatly increasing demand for rental property in the area. The effect is that rental housing will represent approximately 35% of the housing market in this part of Pennsylvania by 2030, a marked increase from 24% (Chester County) and 27% (Montgomery County) in 2010.

The average household size is 2.5 persons, which may be ideal for 2 bedroom apartments.²¹⁵ City-data.com analysis shows that renters in the area around Pennhurst predominately occupy one- or two-bedroom units and perhaps transition to home ownership when lifestyle changes require a third bedroom.

²¹² Dennis Shea, BiPartisan Policy Center, Housing Commission, Rental transition could help meet housing needs, reduce excess supply (Jan. 20, 2012), <http://www.bipartisanpolicy.org/housing/blog/post/rental-transition-could-help-meet-housing-needs-reduce-excess-supply>.

²¹³ *Id.*

²¹⁴ 2010 Coffield Cornell Market Study, *supra* note 196, at 67.

²¹⁵ *Id.* at 71.

Though demand is strong and predicted to grow, the supply of rental multi-family residential units has not kept pace. The number of available rental units in Chester and Montgomery Counties experienced a steady decrease from 1995 through 2006 and few new units have been brought online. Only 447 units were permitted between 2006 and 2010 in the eleven jurisdictions surrounding Pennhurst —90% of which were in 2006 and 2007 before the worst parts of the economic downturn hit in 2008. REIS does not forecast any new product being introduced to the market until the first quarter of 2011.

REIS indicates that a number of multi-unit apartment projects in the eleven jurisdictions surrounding Pennhurst are moving forward, though the supply in the metropolitan Philadelphia area is otherwise stagnant. The 400-unit first phase of the Village at Valley Forge was just completed in October of 2010 in King of Prussia, with additional deliveries predicted for each of the following three years as well. Even if all of these developments were brought online immediately, growing demand and a stagnant supply over the past decade mean that new rental housing product can be absorbed in the trade area at the rate of approximately 160 units per year for the next 15 years.

REIS has predicted that both asking rent and effective rent (asking rent minus rent concessions) will start to increase once again in 2011. Research into comparables indicates current rent levels are generally \$1,100 to \$1,300 per month for

700 to 900 square foot one-bedrooms; \$1,300 to \$1,700 per month for 1,000 to 1,175 square foot two-bedrooms; and \$1,700 to \$2,000 per month for 1,300 to 1,400 square foot three-bedroom units. REIS indicates current rent in nearby Spring City for low-end rental units are between \$600-\$1000.²¹⁶

C. *Outlet Retail Market Analysis*

Retail demand is driven by effective buying income. Residents of the areas within the five-, ten-, twenty- and twenty five-mile radii and the twenty, thirty and forty-minute drive times of Pennhurst are significantly more affluent than their counterparts elsewhere in the region.²¹⁷ The populations within the ten-mile/thirty-minute ranges are the wealthiest in the Philadelphia metropolitan region. These conditions appear to carry forward to 2014 with little change, with the region and most distance and drive time radius areas experiencing between an 11-13% growth in EBI between 2009 and 2014. The relative overall cost of living in the portion of southeastern Pennsylvania where Pennhurst is located is generally 103-110% of the national average.²¹⁸

As it has elsewhere, traditional mall construction in southeastern Pennsylvania has declined due to market saturation, scarcity of capital, and weak housing growth.²¹⁹

²¹⁶ *Id.* at 67

²¹⁷ *Id.*

²¹⁸ Pennsylvania Cost of Living, <http://cost-of-living.findthedata.org/d/d/Pennsylvania>.

²¹⁹ 2010 Coffield Cornell Market Study, *supra* note 196, at 24.

However, outlet malls have risen as strong retail types even as the traditional mall has declined. Consumer perceptions that outlet malls offer bargains and marketing of outlet malls as destinations has strengthened their market share. A destination outlet mall resonates with the concept of Pennhurst as a destination. Additionally, Pennhurst's open-air, multiple-building arrangement could technically accommodate the town center arrangement now popular for outlet malls.²²⁰

Outlet shoppers tend to be in the 15-46 and over 65 age groups, which are the fastest growing demographics in the region surrounding Pennhurst. Thus, effective buying income, campus format, and age range are positive factors for an outlet retail development in the area around Pennhurst.

Though these demand indicators appear strong, the Pennhurst site faces one major outlet-specific competitor within just a ten-mile radius. Philadelphia Premium Outlets, a 425,000 square foot outlet with over 150 stores, has a location 35 miles northwest of Philadelphia in Limerick, Pennsylvania. A five-minute-drive from the Pennhurst site, the development currently has 98% occupancy. The presence of one outlet nearby does not necessarily preclude another (indeed, outlet centers such as those in nearby Lancaster County have clustered together along U.S. Route 30).

²²⁰ Some members of the CDC design team had misgivings about the prospect of converting Pennhurst's buildings to an outlet mall use. Their concern was that too much alteration would be required to provide display window space to retain the site's historic designation. Also, in the absence of office or residential uses for the second, attic, and basement stories, this space would go unused in a retail use, as generally retailers demand first-floor space.

However, additional competition from the super-regional mall in King of Prussia, Pennsylvania (one of the three largest retail centers in the United States) and 18 outlet malls within the Philadelphia submarket casts Pennhurst's ability to capture the market into doubt. Pennhurst might be able to support either a low-end or high-end focused outlet, but the competition spans too large a range of retailers to allow for either of those options outside of speculation bordering on unreason. Additionally, each of the aforementioned competitors is located within visual range of a major highway exit or interchange—a characteristic that is all but required for this type of retail development. Short of a new interchange being built on a vastly expanded Route 724, it is unlikely large anchor retailers necessary for an outlet mall will be drawn away from the competing sites.

In summary, of the uses recommended for Pennhurst's core by the CDC and Urban Partners, rental multi-family residential appears to have the strongest market potential. Current demand is relatively robust and projected new construction does not appear to outstrip future demand. If the past decade's strong growth in the number of white collar jobs continues as Moody's and DVRPC predicts, demand for office space could be a positive. However, a large volume of office space slated to come online will push vacancy rates over 15% and reduce effective rent. Though the Pennhurst site provides a strong location for an outlet center based on demographic and economic trends, other outlet sites have already taken advantage of this,

saturating the outlet market to capacity for a 50-mile radius of Pennhurst. Therefore, the Pennhurst site should be considered a no-go for potential outlet development.

In either scenario where office or residential cores are developed at Pennhurst, it will be necessary to distinguish it from any existing and anticipated regional inventory so as to successfully compete with it. An office or residential development should be packaged within a bundle of amenities, including recreational and food options. An aggressive branding effort would both shed lingering stigma of the campus and create a mixed-use, distinctive space markers around themes of conscious broadly defined to include sustainability, economic and environmental stewardship, etc., while maintaining historic charm much as suggested by the CDC.

The next chapter will examine the economic viability of office and rental multi-family residential uses on the Pennhurst campus.

CHAPTER VII

PLANNING FOR THE FUTURE: PROFORMAS FOR RE-USE

As noted in the previous chapters, the Community Design Collaborative study recommended that office and residential uses were best suited to the design and layout of the historic core of the Pennhurst campus. Market analysis suggests that at least some potential exists for these uses at Pennhurst. We are left, then, with the third of our critical questions: *Can those uses financially support Pennhurst's rehabilitation?*

This choice of office and residential uses for the core was re-affirmed to the CDC team by preliminary recommendations from an economic study undertaken in 2010 by the Urban Partners firm of Philadelphia.²²¹ Further work by that firm subsequent to the CDC study suggested residential and office use would have the best chance of providing the strongest economic foundations for a re-development of Pennhurst for three reasons. First, these uses could be accommodated within and economically-support the rehabilitation of a significant portion of numerous, multi-story buildings (versus, say a retail use more suited to single-story spaces). Second, market analysis, discussed earlier in this work, suggests these uses have a demand sufficient to support restoration of those buildings. Third, because both are income-

²²¹ In May 2010, the author secured a grant from the Bard Foundation for this economic feasibility study.

producing, meaning they that they could benefit from the equity investment derived from the utilization of historic tax credits (versus owner-occupied residential, which, because it is not income producing, could not). Consequently, office and multi-family rental residential were chosen for proforma analysis.

As it is, the proformas for residential and office product types suggest a significant subsidy will be necessary for even those uses. We note that if the additional funds needed for building restoration come from other development on the property rather than grants that additional development may limit the space available for auxiliary uses.

The site and the buildings can conceivably accommodate a range of residential use types, including apartments, condominiums, even hotel uses. For purposes of the proforma, the apartment product type was chosen because of the availability of the rehabilitation tax credit for income-producing residential property. The apartment product type is also attractive at Pennhurst because this type generally delivers the most stable returns of all residential product types; no matter what the economic cycle, there is a need for housing. Moreover, a bad economy only drives up the demand for apartments as they are generally a less expensive, more easily-obtainable housing option than ownership. Urban Partners suggests that a project transforming Pennhurst into apartments would be attractive for conversion to condominiums after the end of the five-year holding period the Internal Revenue Service requires for use

of the rehabilitation tax credits. Senior living options, such as a Generations of Hope Community, might be considered as part of a multi-family rental residential development. However, each historic building adapted for senior living will require the installation of additional elevators, modifications to the existing tunnel complex connecting each building, and medical treatment equipment, increasing the cost of this product type over and above at standard rental residential.

Initial proformas assessed the financial feasibility of restoring a core grouping of nine buildings in the campus core identified as most important by the Community Design Collaborative study. However, upon consultation with Urban Parnters, the decision was made to drop Assembly building and add in Tinicum and Penn Halls for consideration. Assembly's interior layout, with a single large open space, made it an outlier among the other two-story structures that lend themselves more readily to office and residential conversion. Penn and Tinicum Halls were included to increase available square footage. The eleven buildings include approximately 358,362 gross square feet of space and represent only about 24% of the useable acreage on the Pennhurst campus, allowing for significant other development as recommended by the Community Design Collaborative.

Building	Gross	Total Useable	Rentable: 1 st /2 nd /Attic	Rentable - Basement	Basement Gross	First Gross	Second Gross	Attic Gross	Attic Rentable
Administration	29,272	24,082	14,862	6,376	7,246	7,246	7,390	7,390	2,200
Limerick	34,792	33,052	22,006	7,654	8,698	8,698	8,698	8,698	6,958
Mayflower	36,112	34,306	22,840	7,945	9,028	9,028	9,028	9,028	7,222
Industry	23,182	22,040	14,441	5,331	6,058	5,708	5,708	5,708	4,566
Philadelphia	14,448	12,436	7,849	3,179	3,612	3,612	3,612	3,612	1,600
Quaker	27,440	24,330	15,618	6,037	6,860	6,860	6,860	6,860	3,750
Tinicum	32,628	26,171	15,812	7,178	8,157	8,157	8,157	8,157	1,700
Hershey	26,560	25,232	16,799	5,843	6,640	6,640	6,640	6,640	5,312
Rockwell	25,200	22,200	14,199	5,544	6,300	6,300	6,300	6,300	3,300
Devon	83,072	72,804	46,429	18,276	20,768	20,768	20,768	20,768	10,500
Penn	25,656	25,656	14,795	7,526	8,552	8,552	8,552	8,552	
Total	358,362	322,309	205,649	80,889	91,919	91,569	91,713	83,161	47,108

Table 2. Square footage of buildings proposed for re-use. Source: COMMUNITY DESIGN COLLABORATIVE, PENNHURST: PLANNING A COMMUNITY OF CONSCIENCE—CONCEPTUAL PLAN FOR RE-USE 15 (2010), http://www.preservepennhurst.org/Uploads/PPHUploads/PdfUpload/CDC_0916_final_report.pdf.

The proformas assume that the restoration of these eleven buildings and presumed demolition of the remaining structures will not adversely affect Pennhurst’s eligibility as a historic district on the National Register of Historic Places. Pennsylvania’s state historic preservation office, the Pennsylvania Historical and Museum Commission, has not commented on the matter and will not until a formal proposal is brought forth.²²² The PHMC has indicated their preferred option would be to mothball the other campus buildings and bring them online in time.

Certain proforma categories were based on are based on those offered by the Construction Specifications Institute,²²³ with modifications made for site-specific concerns. Cost estimates for renovation were based on an estimate prepared by Wu

²²² Interview with Carol Lee and Scott Doyle, Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation, in Harrisburg, Pa. (Oct. 13, 2010).

²²³ For purposes of cost estimating in the market around Pennhurst, the Construction Specifications Institute recommended using those for a similar market. Construction Notebook News, <http://www.constructionnotebook.com/ipin2/CSIDivisions.asp>

& Associates in 2008 for the restoration of the McCormick-Goodhart Mansion, an 18,000 square foot, 1924 Georgian revival mansion in Langley Park, Prince Georges County, Maryland. The building is similar in age and construction to Pennhurst's buildings. Additionally, it was abandoned for roughly the same period as Pennhurst's buildings and suffered the same lack of maintenance as Pennhurst in the ostensibly similar climates. It was restored in 2010 as a multi-cultural resource center. As the resource center is essentially an office use, the numbers worked well for the office use proforma at Pennhurst, albeit with some adjustment for difference in labor and material costs for southeastern Pennsylvania from Urban Partners. Wu and Associates assisted with adjusting the McCormick-Goodhart numbers for a residential proforma.

Community Design Collaborative volunteers recommended 80 historic lighting units for the historic core and these were priced out from the nearby Spring City Electrical Manufacturing Company. The cost for stone wall restoration was estimated by contacting a local tradesman who quoted \$15 per square foot for such a repair. Pennhurst's stone walls average four feet tall and approximately 8,000 feet of wall remain in the area surrounding and leading up to the historic core. Other costs under on-site improvements are estimates from Urban Partners.

Revenue information was provided from several sources, including interviews with local real estate experts, REIS, and Urban Partners. Urban Partners

was also instrumental in providing certain assumptions after inspecting the Pennhurst property. Among them were floor space efficiency, estimations on first mortgage debt capacity relative to net operating income available to each project, and others as noted below. The debt indicated on the proformas is the amount of money, based on net operating income that a lender is likely to provide to the project through a first mortgage. The numbers assume a 5% interest rate and a 30-year amortization. While there is some flexibility in this amount, it is exceedingly unlikely that any lender will allow a debt that results in a debt coverage ratio higher than 1.25.²²⁴

A. *Office Use*

Urban Partners suggested that it was unlikely that attic or basement space would be acceptable as office space given the quality of other office space in the market. Thus, the square footage available for office space drops to approximately 155,790. It is possible the basement and attic spaces could be used for storage and presumably leased for an additional rate and the proforma reflects this. Space efficiency estimates were provided by Urban Partners after touring the Pennhurst property and are in keeping with commercial office space efficiency averages for historic institutional buildings.²²⁵ Development costs based on those of the

²²⁴ Debt Coverage Ratio= Annual Net Operating Income/Annual Debt Service.

²²⁵ A survey of institutional projects from Tradeline indicates Urban Partners space efficiency estimates are in keeping with those common for historic apartment, classroom, and office buildings. Tradeline Project Profile Search Page, <http://www.tradelineinc.com/projectprofiles/>.

Table 3. Office Use Proforma

Pennhurst Office Eleven-Building Space Analysis

	Gross SF	SF for Exterior Costs	SF for Interiors, HVAC, Etc.	Rentable SF
Total	358,362	358,362	358,362	286,592
Basement (assumes 75% efficiency)(storage only)	91,919	91,919	91,919	88,939
Mid-Floors (assumes 85% efficiency)	183,282	183,282	183,282	155,790
Attic (assumes 75% efficiency)(storage only)	83,161	83,161	83,161	62,370.75
Development Costs	Cost/SF	Applicable SF	Cost	
Restoration Costs				
Brick and Mortar Restoration (includes repairs to foundation, shell, floors, roof, and doors)	\$30	358,362	\$10,750,860.00	
Limestone, Copper, Window, Porch, Balustrade, Eyebrow Windows, Ventilators	\$18	358,362	\$6,450,516.00	
HVAC	\$18	358,362	\$6,450,516.00	
Elevators	\$8	358,362	\$2,866,896.00	
Interior Finishes	\$30	358,362	\$10,750,860.00	
Electrical	\$15	358,362	\$5,375,430.00	
Plumbing and Fire Suppression Systems	\$20	358,362	\$7,167,240.00	
Interior Demolition and Environmental Remediation (Including Asbestos and Lead Abatement)	\$15	358,362	\$5,375,430.00	
On-Site Improvements				
Re-installation of historic streetlighting (per fixture)	\$12,000	80	\$960,000.00	
Stone Wall Refurbishment (estimated footage wall adjacent to building)	\$15	32,000	\$480,000.00	
Parking and Other On-Site Improvements (allotting estimated seven acres per building)	\$125,000	12	\$1,500,000.00	
Contractor Fee/Construction Management Costs/Environmental Clearances	\$35	358,362	\$12,542,670.00	
Subtotal Hard Costs			\$70,670,418.00	
Contingency (10% of hard costs)			\$7,067,041.80	
Total Construction			\$77,737,459.80	
Professional Fees				
Appraisal, Title, and Closing			\$75,000.00	
Architect and Engineer (9% of hard costs)			\$6,996,371.38	
Attorney			\$500,000.00	
Cost Certification/Auditor			\$50,000.00	
Environmental Consultant/Soil Investigation			\$50,000.00	
Marketing/Advertising			\$200,000.00	
Subtotal Professional Fees			\$7,871,371.38	
Carrying Costs and Other Project Fees				
Project Management /Development Fee/Holding Period Expenses			\$6,000,000.00	
Interest Costs on Construction Loan			\$3,000,000.00	
Financing Fees (assumed 1.5% of project cost)			\$1,438,052.64	
Property Insurance and Real Estate Taxes			\$90,000.00	
Title Insurance and Recording			\$30,000.00	
Carrying Costs and Other Project Fees			\$9,328,495.18	
Contingency (10%)			\$932,849.52	
Subtotal Carrying Costs and Other Project Fees			\$10,261,344.69	
Total Development Costs			\$95,870,175.88	
Cost/SF			\$267.52	
Pro Forma				
			per square foot per year	
		Rentable Square Footage		Income
Basement Offices		88,939	\$5	\$344,696.25
Mid-Floor Offices		155,790	\$20	\$3,115,794.00
Attic Offices		62,370.75	\$5	\$311,853.75
Total Gross Rents				\$3,772,344.00
Vacancy	20%			\$754,468.80
Annual Taxes		358,362	\$2.50	\$895,905.00
Annual Maintenance & Operation and Other Misc. Costs		358,362	\$8.60	\$3,081,913.20
Net Operating Income				-\$959,943.00
Debt Service (\$0/5%/30 Year)				\$0.00
Cash Flow				-\$959,943.00
Sources of Funds				
Debt (net operating income will support this much in first mortgage debt at 5% interest on a 30-year amortization)		\$0.00		
Equity (25% incl. Historic Tax Credits)		\$23,967,543.97		
Total Economic Sources		\$23,967,543.97		
Gap		\$71,902,631.91		
Gap/SF		\$200.64		
Rate of Return				
NOI/Equity				-0.040051788

McCormick-Goodhart project were discounted slightly to reflect the fact that the basement and attic space used for storage will not require as fine a finish as the office space. Professional fees and carrying costs were provided by Wu and Associates for the McCormick-Goodhart project, but adjusted for the local economy by Urban Partners. Real estate taxes were derived from the current assessed value of the Pennhurst property multiplied by the 2011 millage for East Vincent Township, or .0316850 mills.²²⁶

Total development costs are \$95,870, 175 and include construction costs (restoration of the buildings and on-site improvements) of \$77,737,460, professional fees of \$7,871,371, and carrying costs and other project fees of \$10,729,652. This equates to a per-square foot cost of \$268.

Though REIS suggests that a rental rates of \$21.30 per square foot per year was the going rate for class A office space in the region,²²⁷ Urban Partners and local realtors caution those numbers would be artificially high for Pennhurst for a number of reasons. First, historic rehabilitations are not generally designated as class A in this market, no matter how well done they may be. Second, Pennhurst is not directly on or visible from the major commuting routes as is the premium office space in the region. Third, and most importantly, an office complex at Pennhurst could drive

²²⁶ County of Chester Tax Rates – 2011,
http://dsf.chesco.org/chesco/lib/chesco/assessment/pdf/2011_millage_chart.pdf.

²²⁷ 2010 Sax Cornell Market Study, *supra* note 196, at 87.

vacancy rates higher than usual, thereby reducing effective rent. The proforma uses \$20.00 per square foot for office space and \$5.00 per square foot for storage space based on estimates by Urban Partners though that firm cautions these numbers may, in fact, be high.

REIS suggests a local vacancy rate of 14% for Chester and Montgomery Counties as of 2010²²⁸ and a projection of a vacancy rate of 16% for 2011 and the first half of 2012. We have greatly increased that number to 20% for purposes of the proforma because of the effect of adding so much square footage to the market. The 20% figure incorporates a large contingency, as the addition of Pennhurst's office square footage, if brought online in a phased capacity, should result in vacancy rates in the 18% range at absolute maximum. The challenge is how to stabilize decaying buildings in an aesthetically-pleasing way as the others are brought on-line. In line with keeping the proforma as conservative as possible, the proforma assumes only one to two buildings per year could be brought online without grossly outpacing absorption. Thus, taxes, insurance, maintenance, and other fees sufficient to accommodate an eight- to ten-year holding period are incorporated into the carrying costs.

Per-unit real estate tax estimates were provided by the Chester County Planning

²²⁸ *Id.*

Commission. Maintenance and operation cost estimates were provided by Urban Partners based on office properties in the area located in buildings of similar age.

The proforma analysis indicates a negative annual net operating income of \$959,943. Reducing the vacancy rate to 14% and assuming a payment-in-lieu-of taxes (PILOT) could cut the burden associated with taxes by 50%, the annual net operating income is still negative (\$285,650). Given the price points for office and storage space and the vacancy rates standard for the area, it is unlikely any adjustments can be found which will result in a positive net operating income. With a negative cash flow even before restoration costs are debited, it is unlikely mortgage funding could be secured for an office project at Pennhurst.

B. *Multi-Family Residential (Apartment) Use*

Apartment square footage at Pennhurst was broken into upper-story (first- and second-floors), basement and attic space, as each will command a different rental rate. Space efficiency estimates were provided by Urban Partners after touring the Pennhurst property. Restoration costs were based on estimates prepared by Wu & Associates in 2008 for the restoration of the McCormick-Goodhart Mansion. As that project was essentially an office re-use, Wu and Associates offered suggestions to adjust cost for a residential product type. Among those adjustments, a larger allocation was made for the cost of elevators, as it was assumed the layout of

Table 4. Multi-Family Rental Residential Use Proforma

Pennhurst Apartment Eleven-Building Space Analysis

	Gross SF	SF for Exterior Costs	SF for Interiors, HVAC, Etc.	Rentable SF
Total	358,362	358,362	358,362	286,591
Basement (assumes 88% efficiency)	91,919	91,919	91,919	80,889
Mid-Floors (assumes 90% efficiency)	183,282	183,282	183,282	164,954
Attic (assumes 49% efficiency)	83,161	83,161	83,161	40,748.89
				286,591
Development Costs	Cost/SF	Applicable SF	Cost	
Restoration Costs				
Brick and Mortar Restoration (includes repairs to foundation, shell, floors, roof, and doors)	\$30	358,362	\$10,750,860	
Limestone, Copper, Window, Porch, Balustrade, Eyebrow Windows, Ventilators	\$18	358,362	\$6,450,516	
HVAC	\$20	358,362	\$7,167,240	
Elevators	\$12	358,362	\$4,300,344	
Interior Finishes	\$30	358,362	\$10,750,860	
Electrical	\$13	358,362	\$4,658,706	
Plumbing and Fire Suppression Systems	\$25	358,362	\$8,959,050	
Interior Demolition and Environmental Remediation (Including Asbestos and Lead Abatement)	\$15	358,362	\$5,375,430	
On-Site Improvements				
Re-installation of historic streetlighting (per fixture)	\$12,000	80	\$960,000	
Stone Wall Refurbishment (estimated footage wall adjacent to building)	\$15	32,000	\$480,000	
Parking and Other On-Site Improvements (allotting estimated seven acres per building)	\$125,000	12	\$1,500,000	
Contractor Fee/Construction Management Costs/Environmental Clearances	\$35	358,362	\$12,542,670	
Subtotal Hard Costs			\$73,895,676	
Contingency (10% of hard costs)			\$7,389,568	
Total Construction			\$81,285,244	
Professional Fees				
Appraisal, Title, and Closing			\$75,000	
Architect and Engineer (9% of hard costs)			\$7,315,672	
Attorney			\$500,000	
Cost Certification/Auditor			\$50,000	
Environmental Consultant/Soil Investigation			\$50,000	
Marketing/Advertising			\$200,000	
Subtotal Professional Fees			\$8,190,672	
Carrying Costs and Other Project Fees				
Project Management /Development Fee			\$4,000,000	
Interest Costs on Construction Loan			\$3,000,000	
Financing Fees (assumed 1.5% of project cost)			\$1,503,084	
Property Insurance and Real Estate Taxes (Tax=assessed value times millage)			\$90,000	
Title Insurance and Recording			\$30,000	
Carrying Costs and Other Project Fees			\$9,754,229	
Contingency (10%)			\$975,423	
Subtotal Carrying Costs and Other Project Fees			\$10,729,652	
Total Development Costs			\$100,205,568	
Cost/SF			\$280	
Pro Forma				
		Units	Rent	Income
Rentable SF	286,591			
One-Bedroom Apartments Basement		56	\$1,125	\$756,000
Two-Bedroom Apartments Basement		34	\$1,425	\$581,400
One-Bedroom Apartments Upper Floors		46	\$1,325	\$731,400
Two-Bedroom Apartments Upper Floors		122	\$1,650	\$2,415,600
Three-Bedroom Apartments Upper Floors		28	\$1,975	\$663,600
Total Gross Rents				\$5,148,000
Vacancy	8%			\$411,840
Taxes--\$2300 Per Unit				\$598,000
Maintenance & Operation--\$2100 Per Unit				\$546,000
Net Operating Income				\$3,592,160
Debt Service (\$44.6Million/5%/30 Year)				\$2,873,069
Cash Flow				\$719,091
Sources of Funds				
Debt (net operating income will support this much in first mortgage debt at 5% interest on a 30-year amortization)	\$44,600,000			
Equity (25% incl. Historic Tax Credits)	\$25,051,392			
Total Economic Sources	\$69,651,392			
Gap	\$30,554,176			
Gap/SF	\$85.26			
Rate of Return				
NOI/Equity	0.143391633			

individual apartments within the buildings would necessitate an additional 50% more elevators. Electrical costs were reduced and plumbing and HVAC costs each increased. Apartment costs for HVAC and plumbing are slightly higher than for office because of the need for multiple bathrooms and independent thermostats set out in disparate locations. Urban Partners suggested that the on-site improvement costs would be relatively the same for apartment use as for office use.

Professional fees and carrying costs were provided by Wu and Associates for the McCormick-Goodhart project, but adjusted for the local economy by Urban Partners. Real estate taxes were derived from the current assessed value of the Pennhurst property multiplied by the 2011 millage for East Vincent Township, or .0316850 mills.²²⁹ It may be possible to negotiate a lower tax rate of a payment in lieu of taxes (PILOT). Maintenance and operation cost estimates were provided by Urban Partners based on residential properties in the area located in buildings of similar age. It should be noted none of those buildings were in a campus-like setting such as Pennhurst, so there is some possibility this number is not altogether reflective of actual costs.

Total development costs are \$100,205,568 and include construction costs (restoration of the buildings and on-site improvements) of \$81,265, 244, professional

²²⁹ County of Chester Tax Rates – 2011,
http://dsf.chesco.org/chesco/lib/chesco/assessment/pdf/2011_millage_chart.pdf.

fees of \$8,190,672, and carrying costs and other project fees of \$10,729,652. This equates to a per-square foot cost of \$280.

Based upon a recommendation from Urban Partners, the residential proforma assumes a mix of approximately 40% one-bedroom, 50% two-bedroom, and 10% three-bedroom units. The proforma assumes also that Pennhurst's upper-floor (first- and second-floor) apartments would, given their high ceilings and attractive historic features, achieve rents at or somewhat above the top of the current market. Units in the basements of the buildings have smaller, high-placed windows and therefore are assumed to rent at price points near the bottom of the luxury market. Based upon estimates from Urban Partners, local realtors, and REIS, the proforma analysis assumes average rents for first- and second-floor apartments of \$1,325 per month for 800-square foot, one-bedroom units, \$1,650 per month for 1,075-square foot, two-bedroom units, and \$1,975 per month for 1,350-square foot, three-bedroom units. The proforma analysis assumes price points for basement apartments of \$1,125 per month for 800-square foot, one-bedroom units and \$1,425 per month for 1,075-square foot, two-bedroom units.

As part of its work, the Community Design Collaborative study offered a typical layout of office and residential space within a representative Pennhurst building. The rentable square footage of the eleven buildings will allow for 196 units on the first and second floors renting at these premium prices, including 46 one-

bedrooms, 122 two-bedrooms, and 28 three bedroom units. Another 90 units—56 one-bedrooms and 34 two-bedrooms—can be accommodated in the basements of the eleven buildings.

REIS suggests a local vacancy rate of 5-10% for the counties surrounding Philadelphia and 8% was chosen for the proforma.²³⁰ We may be optimistic that the actual vacancy will be less, because, as was indicated in the market demand review, very little of this product type has been brought online in the area surrounding Pennhurst and indicators suggest demand will continue to increase. Per-unit real estate tax cost estimates were provided by the Chester County Planning Commission.

The proforma analysis indicates that a net operating income of \$3,592,160 is possible for an apartment re-use at Pennhurst. Urban Partners suggests that, assuming a 5% interest rate and a thirty-year mortgage, a first mortgage of \$44.6 million could be obtained with this level of net operating income. The National Trust for Historic Preservation's Community Investment Corporation has indicated a willingness to syndicate the rehabilitation tax credit for a redevelopment at Pennhurst. For an apartment use, this represents \$25,051,392 of equity. However, even with this \$69,651,392 in debt and equity funding, the project is \$30,554,176 short.

Thus, the answer to the third of our critical questions is that neither of the two

²³⁰ 2009 Cornell Market Study, *supra* note 114, at 93.

product types recommended by the CDC and Urban Partners for the historic core, in and of themselves, appears to be economically strong enough to support rehabilitation. Of the two product types, the office use appears to be economically infeasible regardless of any cost cutting that might be done in the restoration simply because low rental rates and high vacancy rates combine with taxes and costs to produce a negative net operating income. It may be that a live-work option, or an office campus for a single user could address the negative net operating income issue. Either option would only be feasible if it could command higher-than-average rental rates, little to no vacancy, and could make a more revenue-generative use of the attic and basement spaces. At present such ideas are speculative at best. A rental residential use stands a better chance of economic feasibility though will require additional outside funding of approximately \$30 million. The William Penn Foundation, the Lenfest Foundation, Atlantic Philanthropies, and the Excelon Foundation have offered funding for shortfalls in large-scale historic preservation projects in the past and could do similarly at Pennhurst. Packaged as a community of conscience as described in this thesis, rehabilitation at Pennhurst may prove of interest to these charitably-oriented institutions. The author has prepared a marketing brochure for this purpose and it is attached as Appendix H.

VII. CONCLUSION



Figure 18. The Lives of the Slaves. Photograph from the collection of the author.

The delicate beauty of the Great Depression-era tile mosaic depicted above, one of a set of two entitled *The Lives of the Slaves* found on the south façade of the Administration Building, has long been a point of interest for those touring the campus. The mosaic’s relevance to Pennhurst has eluded all but the most thoughtful of Pennhurst scholars. Pennhurst was built and operated by and for persons who, removed from society, were unpaid for their labor. The appalling conditions under which they lived resulted from what United States Supreme Court Justice Thurgood Marshall called “a regime of state-mandated segregation and degradation...that, in its virulence and bigotry, rivaled, indeed paralleled, the worst features of Jim Crow.” The struggle for freedom they would fight, one defined not by color or race but by disability, began here at Pennhurst in the very shadow of these mosaics.

That story, and the place where it unfolded, have long been hidden in shadows. A recent Temple University program on the Pennhurst haunted attraction said “Society has been unwilling to sustain a fact-based dialogue on what really caused places like Pennhurst to exist and simultaneously unwilling to forget that they did in fact exist. Pennhurst languishes today in limbo both as to its past meaning and its future use.”²³¹ A lack of reflection has allowed Pennhurst’s history to be supplanted by a false narrative of freakish inmates and evil staff. Similarly, a lack of planning has permitted much of the site to waste while other portions have been commandeered and chopped up for a Halloween terror attraction. This “re-use” has fed into the false narrative, further disfiguring both the place and the story inscribed there while at the same time writing an ignominious new chapter for Pennsylvania’s only International Site of Conscience.

In 2009, just before the haunted attraction was opened, vandals smashed the faces of the figures in *The Lives of the Slaves* and covered the mosaics with “retard” and “freak” sprayed in black enamel.

Pennhurst’s true history is both typical and extraordinary. In design, construction, and purpose, Pennhurst typified Progressive-era, eugenics-based institutions for the custodial care of persons with intellectual and developmental

²³¹ Kelly George, Temple University Graduate Scholar and PM&PA Intern, Speech at Temple University: Haunted Histories, Hallowed Grounds (Oct 28, 2011).

disabilities. Its place as the epicenter of that groups' struggle for equal rights under the law makes it extraordinary. Despite the fact the bodies vested with the authority to list Pennhurst as a historic place worthy of preservation have exercised that power, no meaningful plan was developed for that preservation post-closure. Sadly, with respect to this failure, Pennhurst is also typical.

The Pennhurst Memorial and Preservation Alliance has been working to prevent Pennhurst's demolition—the end to which most other state-owned institutions are relegated. The distinctive features of the site strongly council toward its re-use as a destination, though access, infrastructure, internal circulation patterns, and zoning issues need to be addressed to accommodate new development. Demographic and location considerations present a broad range of re-use options and the Community Design Collaborative's work indicates that the best re-use of the site will incorporate a number of complimentary uses. However, market studies suggest that many product types either have stagnant demand, are already over-supplied, or will be. The CDC proposed two re-use scenarios, one based around an office core and another around a residential core. Both of the CDC's scenarios would require extensive analysis, concept development, investment partnership building, and more detailed design plans to become feasible. Development partners for scenarios such as these must bring experience, knowledge and commitment to realize such advanced site programming.

Economic analysis of both office and residential use (in this case, multi-family rental residential) produced lack-luster results. The office proforma consistently demonstrated a negative net operating income. Multi-family rental produced a positive net operating income but still has a \$30 million shortfall. It is possible that some cost-cutting could occur within the restoration to narrow this gap, but it is more likely than not that supplemental funding will still be needed.

Both the 2009 and 2010 Cornell market studies indicated potentially strong markets for product types beyond the office and residential uses recommended by the CDC design team and Urban Partners. Among these, a hospitality use with a health and wellness spa, a cultural/recreational/entertainment center, and an educational institution may be supported by the market. Niche product types, such as a senior living center along the Generations of Hope model, continue to be popular options and certainly are supported by the aging population surrounding Pennhurst. While these options may work well within the context of the concentric uses contemplated by the design team, more work will be necessary to determine if the buildings could be adapted for them. Moreover, additional proformas will need to determine economic feasibility for each such use individually and as part of a mixed-use scenario. Urban Partners has predicted that these uses will not in-and-of themselves be revenue-generative enough to cover the cost of building renovation and will require an anchor use of a more traditional variety, again such as office or residential use.

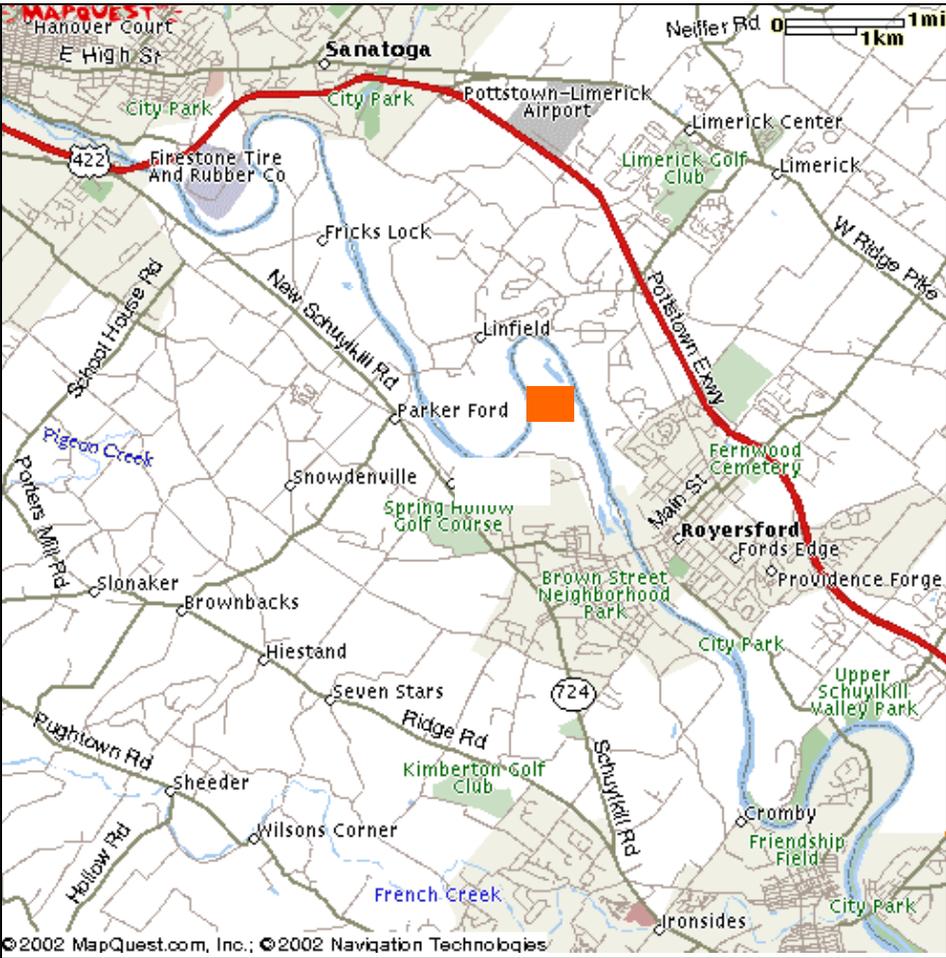
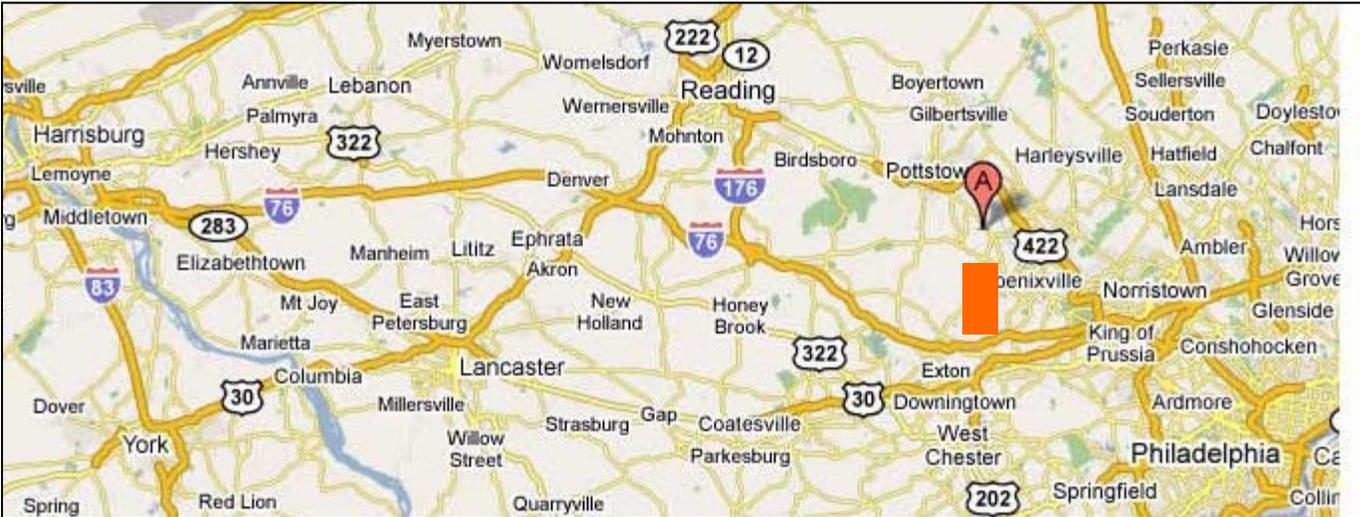
Thus, subsidies from grants, etc., will still need to be secured.

The prospect of a palliative use such as a continuing care-retirement community or a green lifestyle community within a community of conscience may appeal to donors such as the Kellogg Foundation (which has supported the Generations of Hope Foundation) and Atlantic Philanthropies, among others. Additional, new construction elsewhere on the Pennhurst property could offset some of the shortfall from the re-use of the historic core. However, Township officials may be reluctant to allow enough such development to make a significant difference.

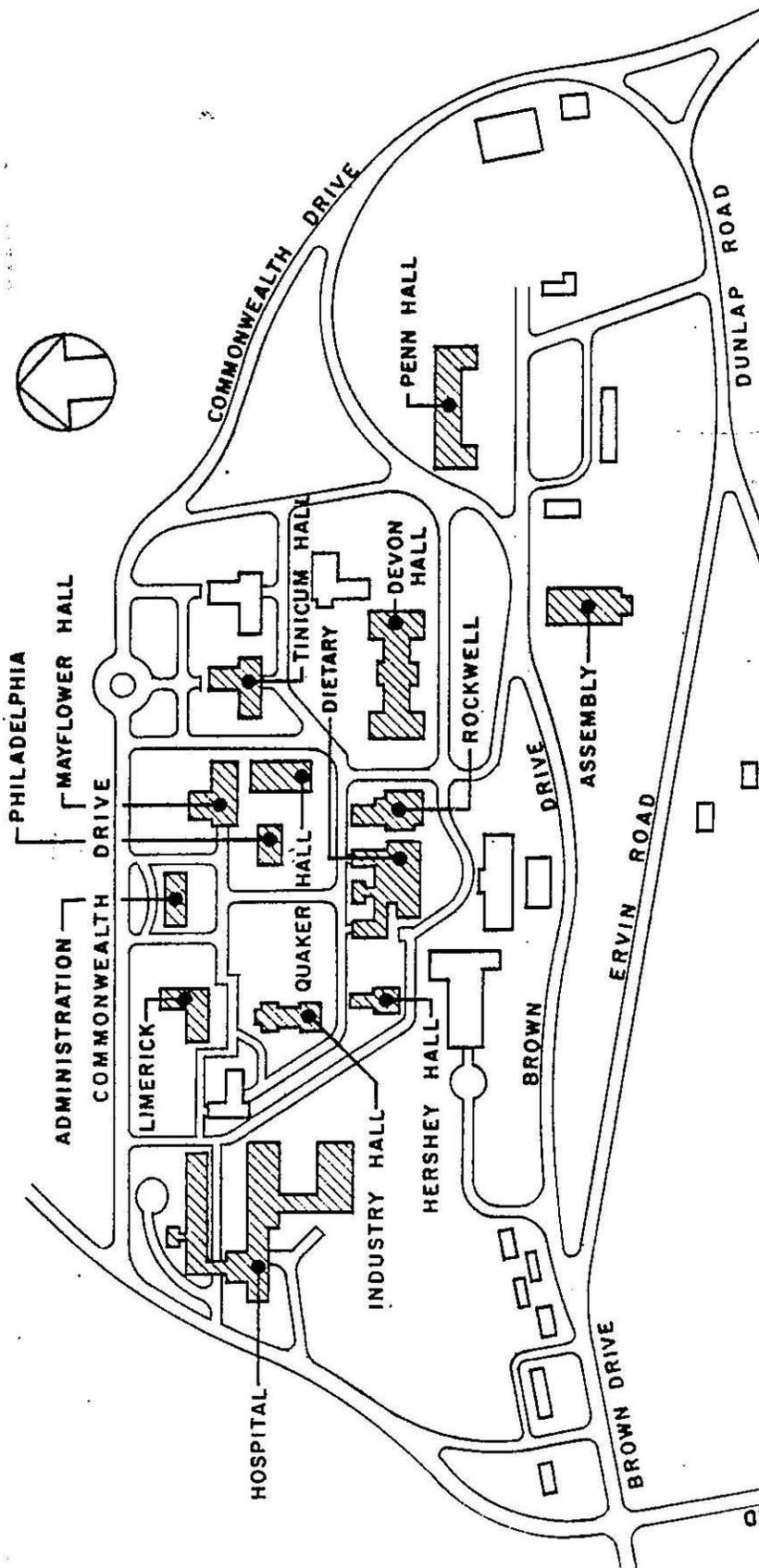
Because its goal is to ultimately develop the site in a way that brings sustained value and greater returns in the long run, the PM&PA continues to advocate to: (1) forestall development until market conditions improve; (2) retain the primary assets of the site until a truly feasible development program is developed in the likelihood that those assets would be part of a successful site program; (3) carefully build the market for the site through strategic investments. It is the organization's hope that both the site and its story will be preserved.

APPENDIX A: CAMPUS LOCATION AND CAMPUS MAPS

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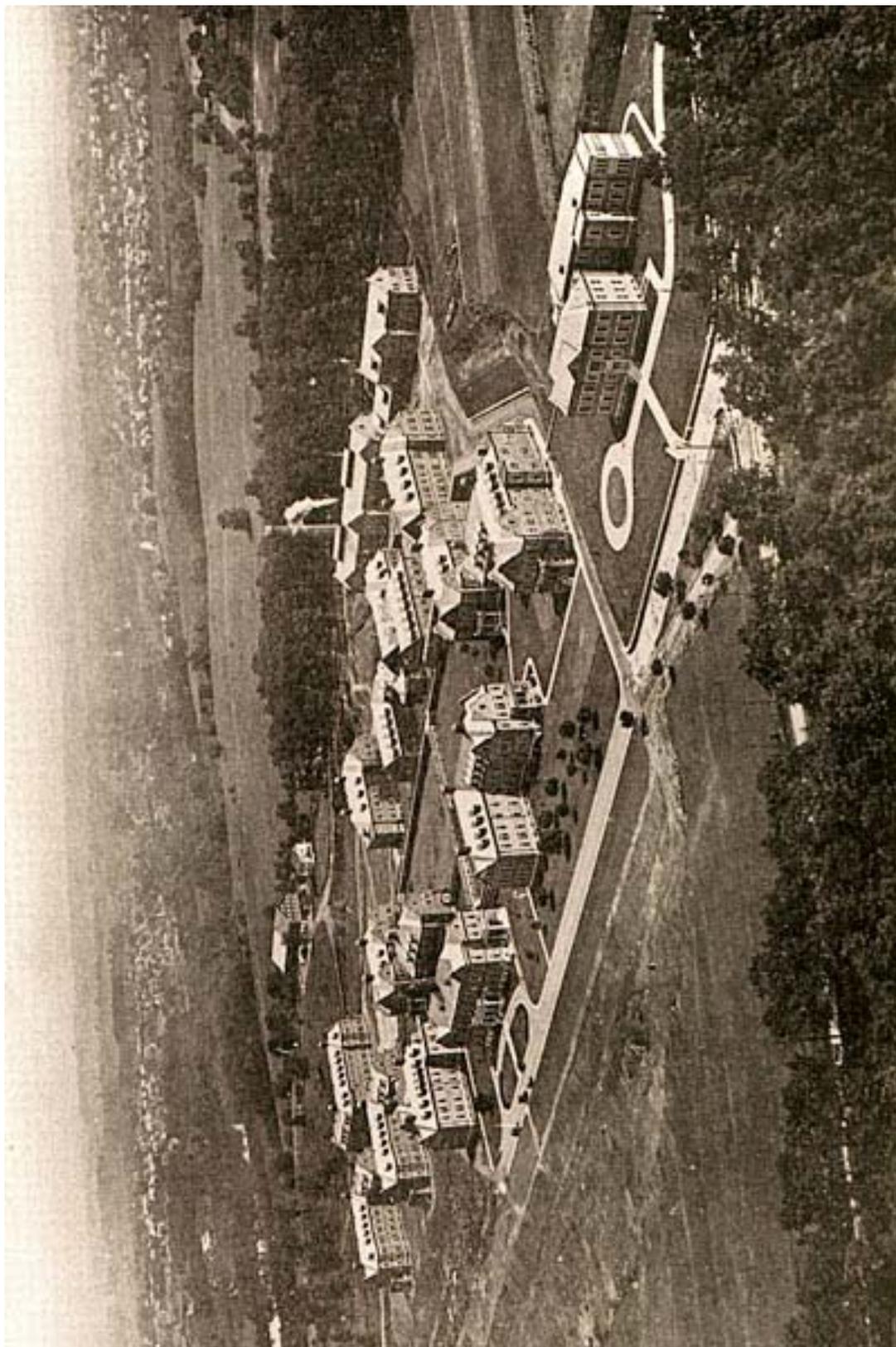
 Pennhurst State School and Hospital (a.k.a. Pennhurst Center) Site



Pennhurst Lower Campus Map

APPENDIX B: SELECTION OF CAMPUS PHOTOGRAPHS

APPENDIX B: SELECTION OF CAMPUS PHOTOGRAPHS



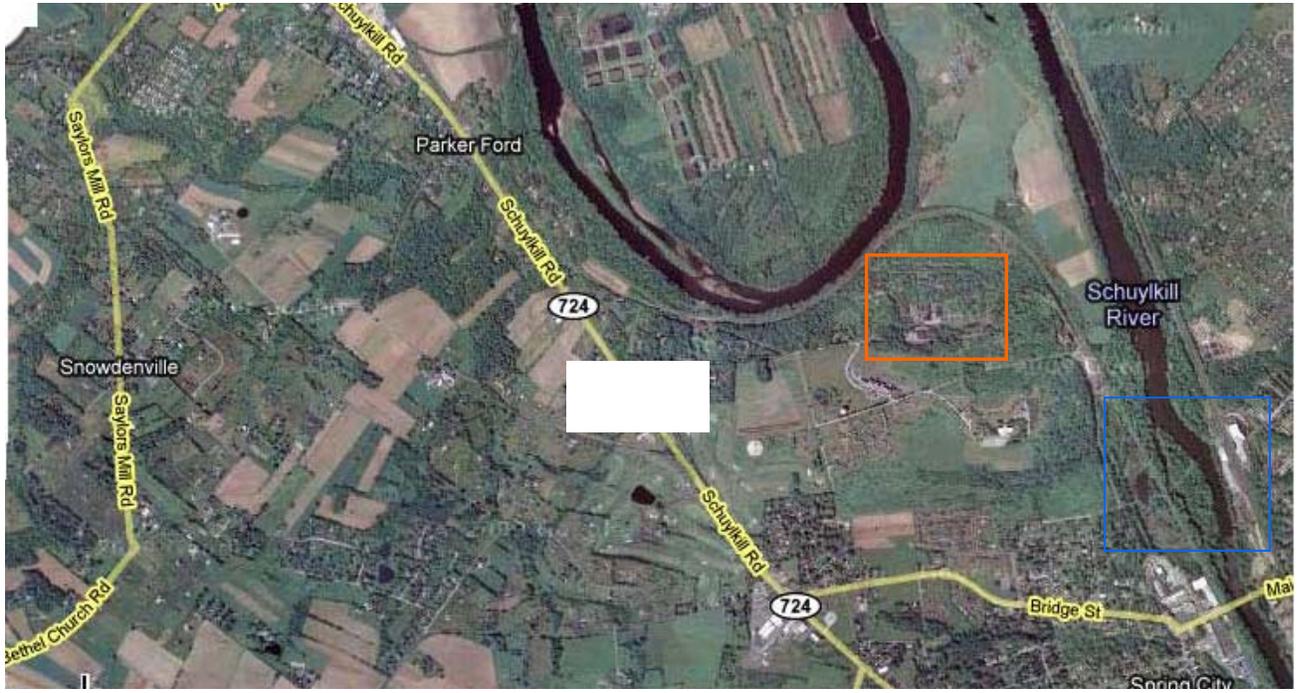
Pennhurst Campus, 1922





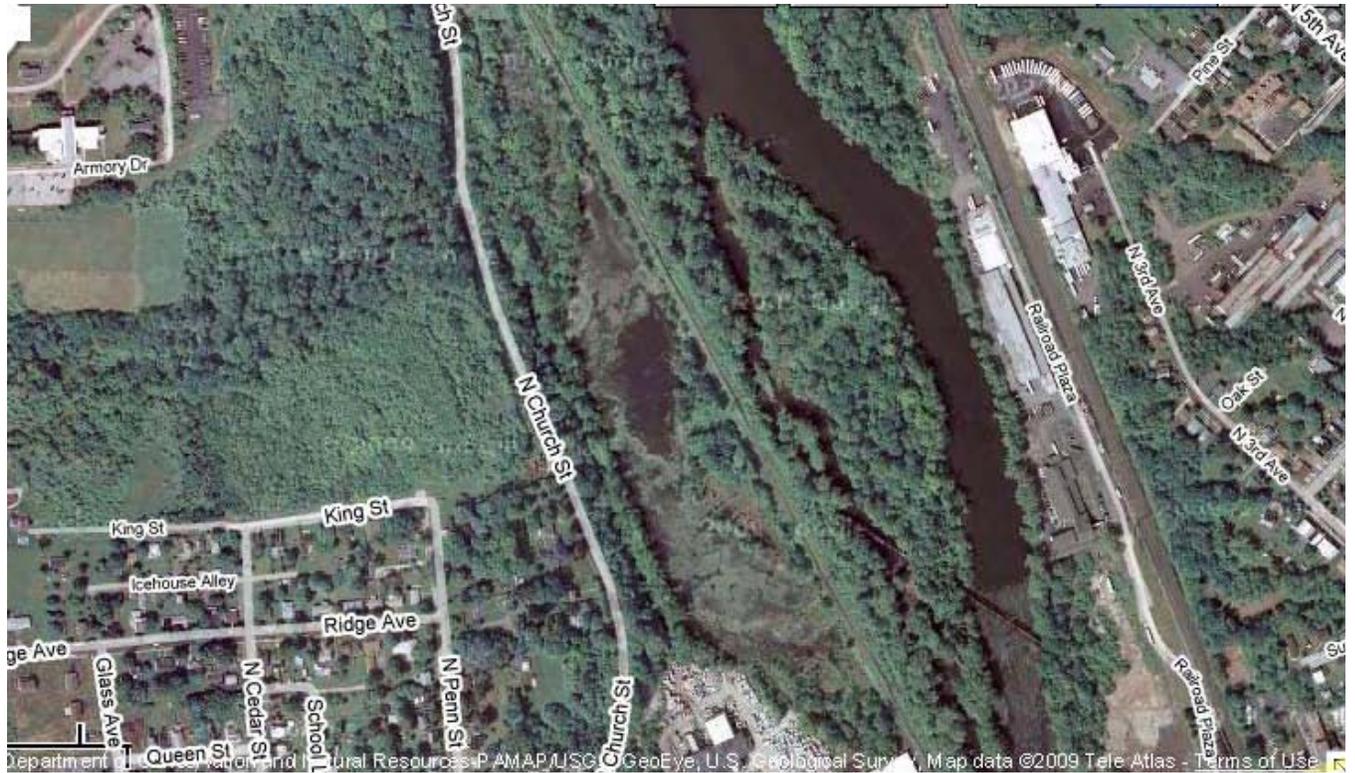
AERIAL VIEW OF PENNHURST

STATE SCHOOL AND HOSPITAL.

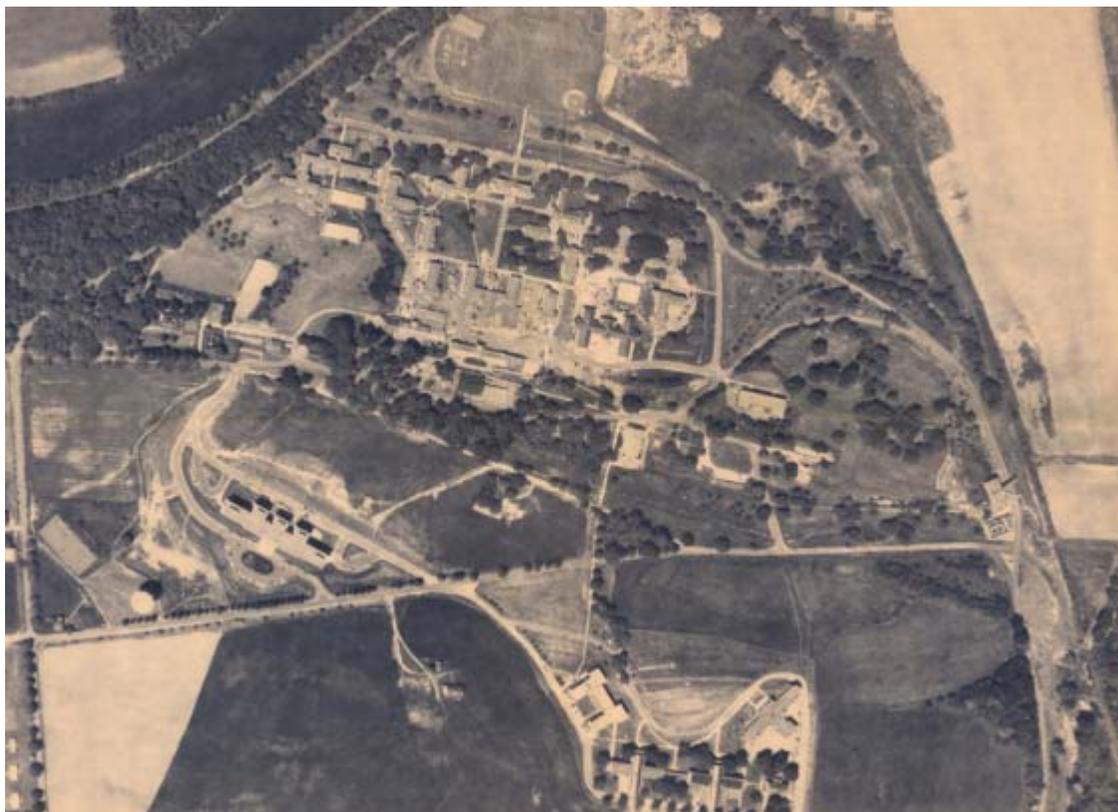


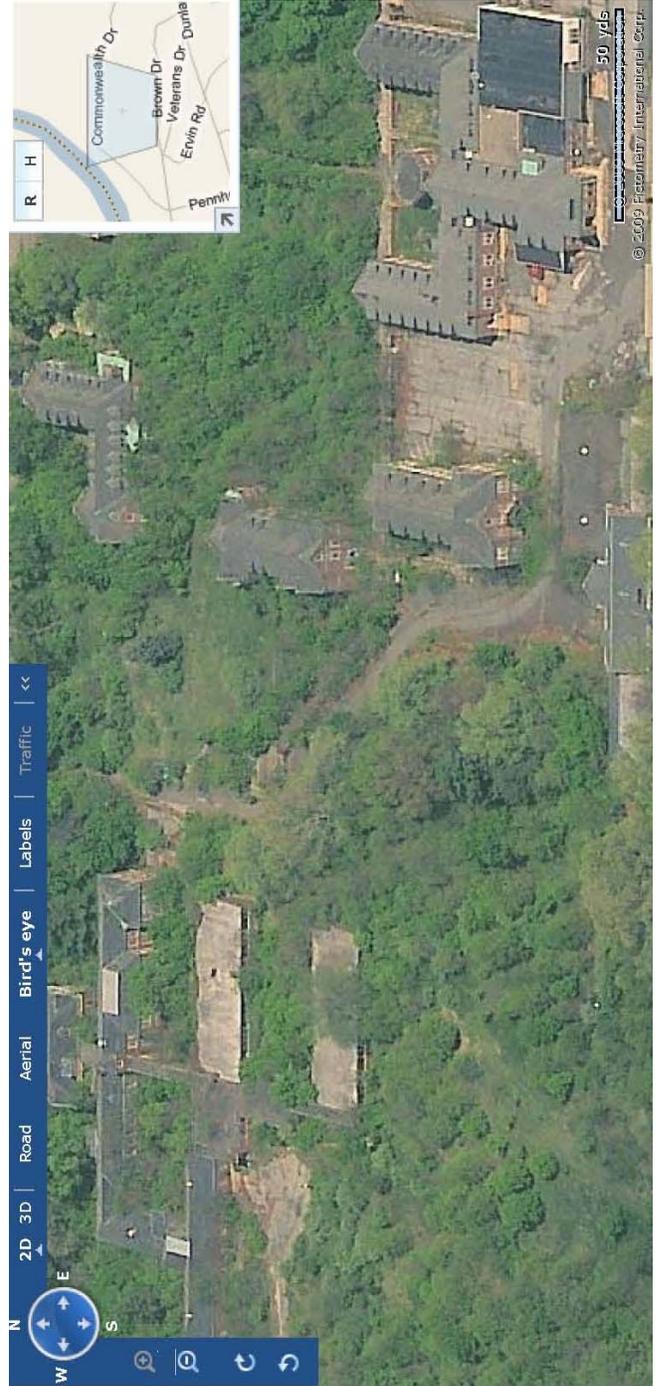
 Pennhurst Campus

 See Detail Map Next Page



Notice former railroad bridge, no longer in use, in lower right of photograph. It connects Pennhurst, just to the upper left of the photograph, via the Schuylkill River Trail, to the Royersford Train Station. The Royersford Station is a stop on SEPTA's proposed R-6 rail line extension. Below, historic image for comparison.







Looking west along Commonwealth Drive in this historical photograph, we see Mayflower in the foreground with Administration to the right and Limerick in the distance. Notice the traffic circle, a feature of Commonwealth Drive from Pennhurst's early days. Notice also the lamp standards, a feature of Commonwealth Drive at least until the 1960s. The circle and lighting should be considered character-defining features.



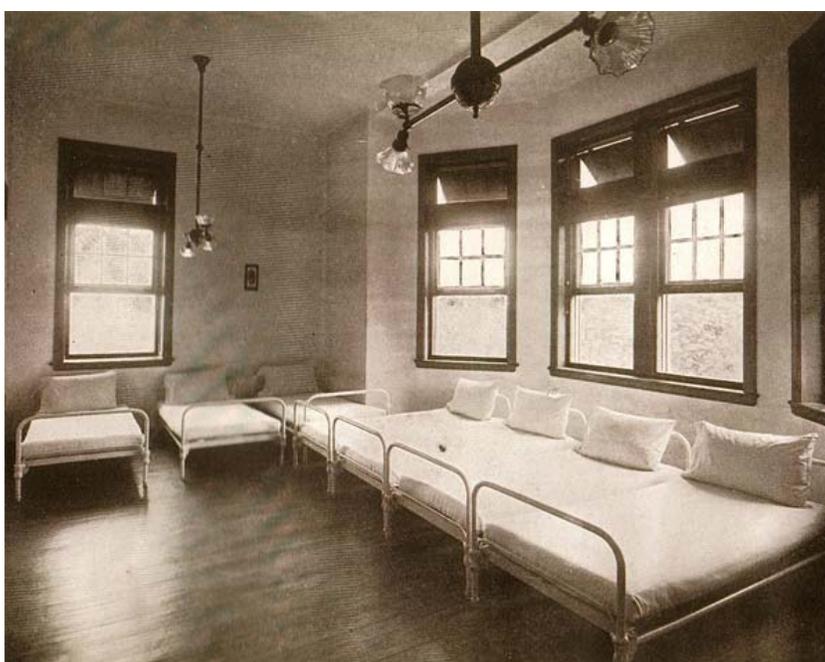
Pennhurst's two main quadrangles should also be considered character-defining features. The "cottage system" employed at Pennhurst is displayed to its full extent in this image of a world created separate and apart from free society. Residents were responsible for maintaining the plantings—and all the other aspects of the institution's operation.



Six stone pillars marked Pennhurst's boundaries with the outside world. Each survives, one on either side of each of the three access roads.

Stone walls of similar material and construction line Commonwealth Drive and surround much of campus. The larger sections of the wall demark the historical location of ornate lamps.







Tunnels between buildings..

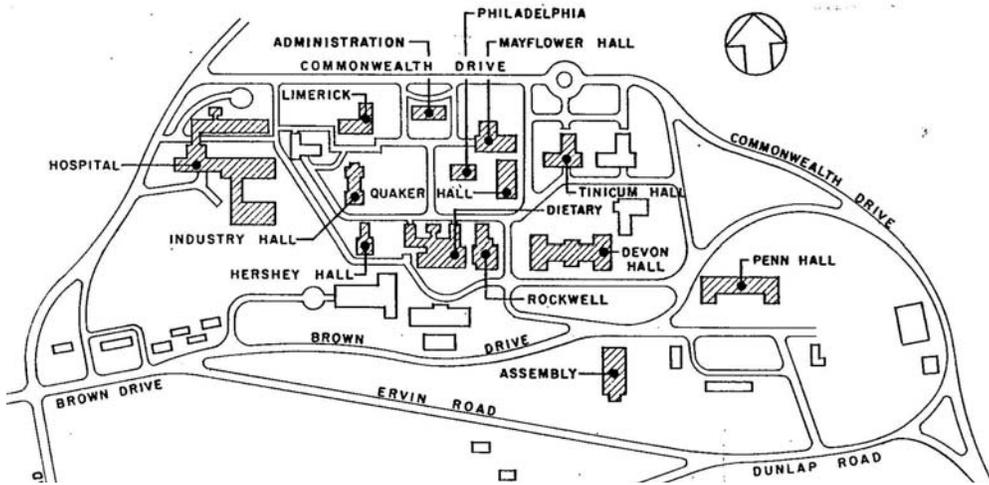
Basement, Tinicum (below).



APPENDIX C: CAMPUS BUILDING INVENTORY AND BUILDING CONDITION

APPENDIX C: CAMPUS BUILDING INVENTORY AND BUILDING CONDITION

Site Overview



Building Condition Overview

The following list prepared by the structural engineering firm of Larsen and Landis identifies issues observed on most of the buildings.

- Asphalt roofing shingles in poor condition
- Broken and missing gutters & downspouts
- Broken windows and doors
- Vines growing up walls
- Steel fire escapes and pedestrian bridges in poor condition
- Efflorescence on brick masonry
- Missing mortar in masonry joints

The following, also prepared by Larsen and Landis, gives a very brief condition assessment of each building in the historic core. All buildings are Jacobean Revival with Flemish bond brick patterns animated by limestone bands, sills and lintels.

PHILADELPHIA HALL

- Built 1908
- Good Condition
- Wood Roof Framing
- Concrete Floors
- Steel and Concrete Framing
- Several holes in roof
- Porch in poor condition

MAYFLOWER HALL

- Built 1909
- Good Condition
- Wood Roof Framing
- Concrete Floors
- Steel and Concrete Framing
- Slate roof shingles in fair condition
- Gap between north stair tower and building
- Porch in poor condition
- Cracks in brick masonry

TINICUM HALL

- Built 1909
- Good Condition
- Wood Roof Framing
- Concrete Floors
- Steel and Concrete Framing
- Several small holes in roof
- Missing roof vents at ridge
- Gap between stair tower and building

UNION HALL

- Built 1909
- Good Condition
- Wood Roof Framing
- Concrete Floors
- Steel and Concrete Framing
- Limestone coping in poor condition and missing pieces
- Gap between stair tower and building

VINCENNES HALL

- Built 1909
- Poor Condition
- Wood Roof Framing
- Concrete Floors
- Steel Framing
- Roof is in poor condition with many holes
- Tree leaning against roof
- Cracks in brick masonry

ROCKWELL HALL

- Built 1909
- Good Condition
- Wood Roof Framing
- Concrete Floors
- Steel Framing
- Roof in poor condition – many holes in roof

HERSHEY HALL

- Built 1914
- Wood Roof Framing
- Concrete Floors
- Steel Framing
- Roofing is asphalt shingles
- Foundation is stone
- Damaged brick masonry at lower level window
- Dormers in poor condition

INDUSTRY HALL

- Built 1914
- Wood Roof Framing
- Asphalt roof shingling
- Concrete Floors
- Steel and Concrete Framing
- Stone foundation
- Wood porch framing in poor condition
- Fire escape in poor condition
- Cracks in limestone sills

ADMINISTRATION BUILDING

Built 1915
Concrete floors
Structural framing is steel and concrete.
Roof framing is steel truss.
Roof cladding is asphalt shingle.
Foundation is stone.
Roofing in fair condition
Cupola in poor condition – siding and sheathing has been removed
Brick spalling
Limestone at porch in poor condition

LIMERICK HALL

Built 1915
Good Condition
Wood Roof Framing
Concrete Floors
Steel and Concrete Framing
Wood framed porch in poor condition
Limestone coping in poor condition and missing pieces

QUAKER HALL

Built 1916
Fair Condition
Wood Roof Framing
Concrete Floors
Steel and Concrete Framing
Cracked limestone
Minor spalling in brick masonry

HOSPITAL

Built 1921
Wood and Steel built-up Roof Framing
Concrete and Wood Floors
Steel and Concrete Framing
Stone foundation.
Asphalt roof shingling
Poor Condition
Roof framing collapsed in north wing
Limestone cornice in poor condition and missing pieces
Eight foot high retaining wall is leaning
Wood floors collapsed in north wing

DEVON HALL

Built 1948
Steel Roof Trusses
Concrete Floors
Steel Framing
Slate roofing
Concrete foundation
North parapet in poor condition
Asphalt roof shingles in fair to good condition

DIETARY BUILDING / FRANKLIN HALL

Built 1916 (approx.)
Brick with limestone bands and facing
Concrete floors
Structural framing is steel and concrete
Roof framing is wood
Roof cladding is asphalt shingle
Foundation is stone
Roof framing in poor condition – several holes in roof
Wood roof framing on north side, steel roof trusses on south side
Masonry has fallen off façade where roof has partially collapsed
Interior in poor condition where there are holes in roof

ASSEMBLY HALL

Built 1928/9
Brick with limestone bands and facing.
Concrete floors
Structural framing is steel and concrete
Roof framing is built-up steel truss
Roof cladding is asphalt shingle
Foundation is concrete
Condition: Roofing is in fair condition. Flashing, gutters, and downspouts need to be replaced.
Minor brick spalling. The second floor was sealed off due to fire regulations before the building was abandoned. The first floor is a 900-seat auditorium and is air-conditioned. Some water damage throughout, particularly to the basement. Second floor hallways are lit with elaborate skylights.

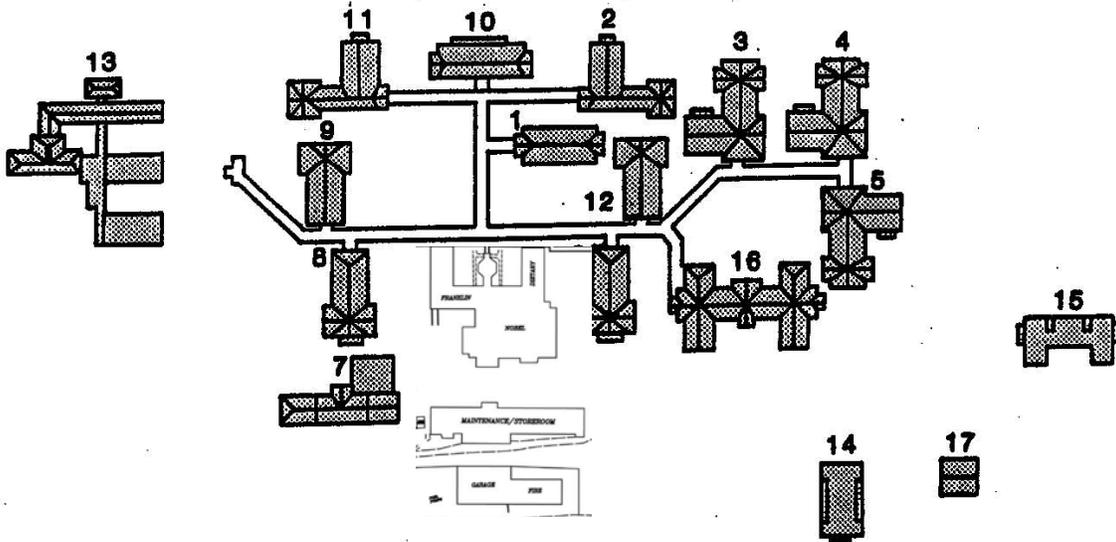
LAUNDRY BUILDING

Built 1913
Concrete floors
Structural framing is steel and concrete
Roof framing is built-up steel truss and wood truss
Roof cladding is slate shingle
Foundation is stone
Roofing is in fair condition. Flashing, gutters, and downspouts need to be replaced. Minor brick spalling

PENN HALL

Built 1929
Concrete floors
Structural framing is steel and concrete.
Roof framing is built-up steel truss
Roof cladding is asphalt shingle
Foundation is concrete.
Roofing is in fair condition. Flashing, gutters, and downspouts need to be replaced. Minor brick spalling

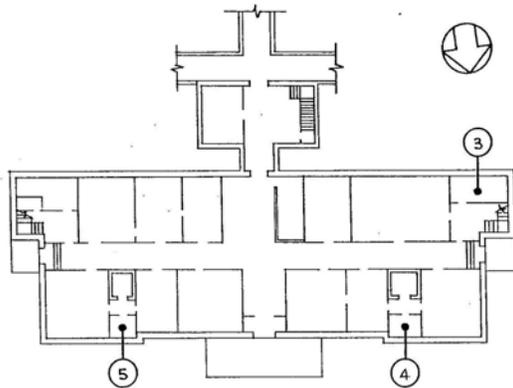
CAMPUS INVENTORY



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	127,200	11'3"	1,435,693
First	164,626	14'8"	2,411,819
Second	156,314	12'8"	1,979,729
Third	52,454	11'0"	577,880
Attic	135,860	5'0"	674,739
Total	636,454	---	7,079,860

Note: These numbers do not include Dietary or Stores Buildings, which have been drawn in above.

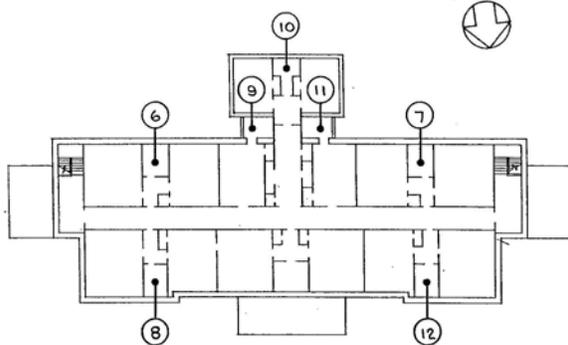
ADMINISTRATION BUILDING



FIRST FLOOR

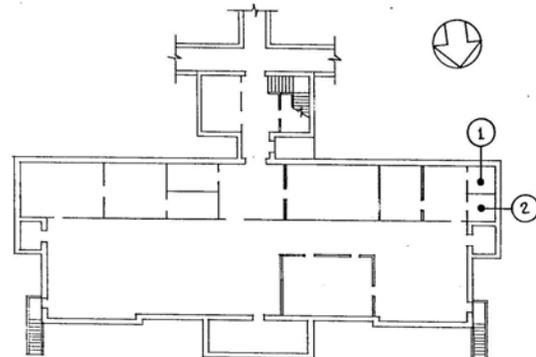
ADMINISTRATION BLDG.

This building is a two story brick, concrete and steel structure containing approximately 29,128 square feet of space. Administration has fire damage to 2 rooms; cupola has had portions of its copper cladding removed. Some water damage in lobby. Marble wainscoting has been smashed. Balustrade will need to be replicated in some sections. Cupola was iconic symbol of Pennhurst, used as baseball team logo. Depression-era Works Progress Administration tile mosaics on the south façade, *the Lives of the Slaves*, were recently vandalized. It is thought the art work is a commentary on the forced peonage of Pennhurst's residents. Working patients literally built the institution and, outnumbering paid employees, ran all aspects of live at Pennhurst.



SECOND FLOOR

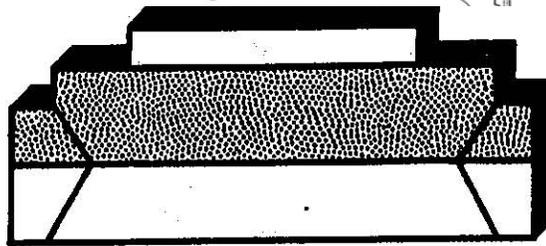
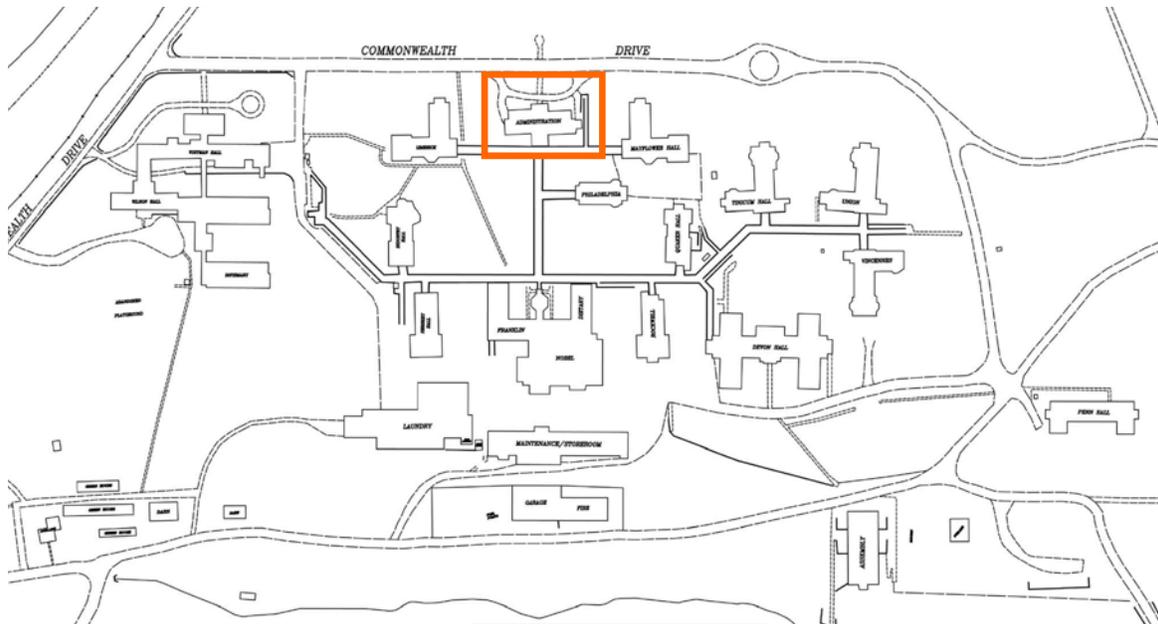
ADMINISTRATION BLDG.



BASEMENT PLAN

ADMINISTRATION BLDG.

ADMINISTRATION BUILDING



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	7,246	10'6"	76,083
First	7,246	14'7"	105,670
Second	7,390	12'0"	88,680
Attic	7,246	6'0"	43,512
Total	29,128	----	313,945

BUILDING CONSTRUCTION

- Exterior:** Brick with stone bands and facing
- Floors:** Concrete
- Frame:** Steel and concrete
- Roof:** Built-up steel truss with asphalt shingles
- Foundation:** Stone
- Year Built:** 1915



*WPA Tile Mosaic,
Rear of Administration ,
Before and After Vandalism*



*WPA Tile Mosaic,
Rear of Administration ,
Before and After Vandalism*



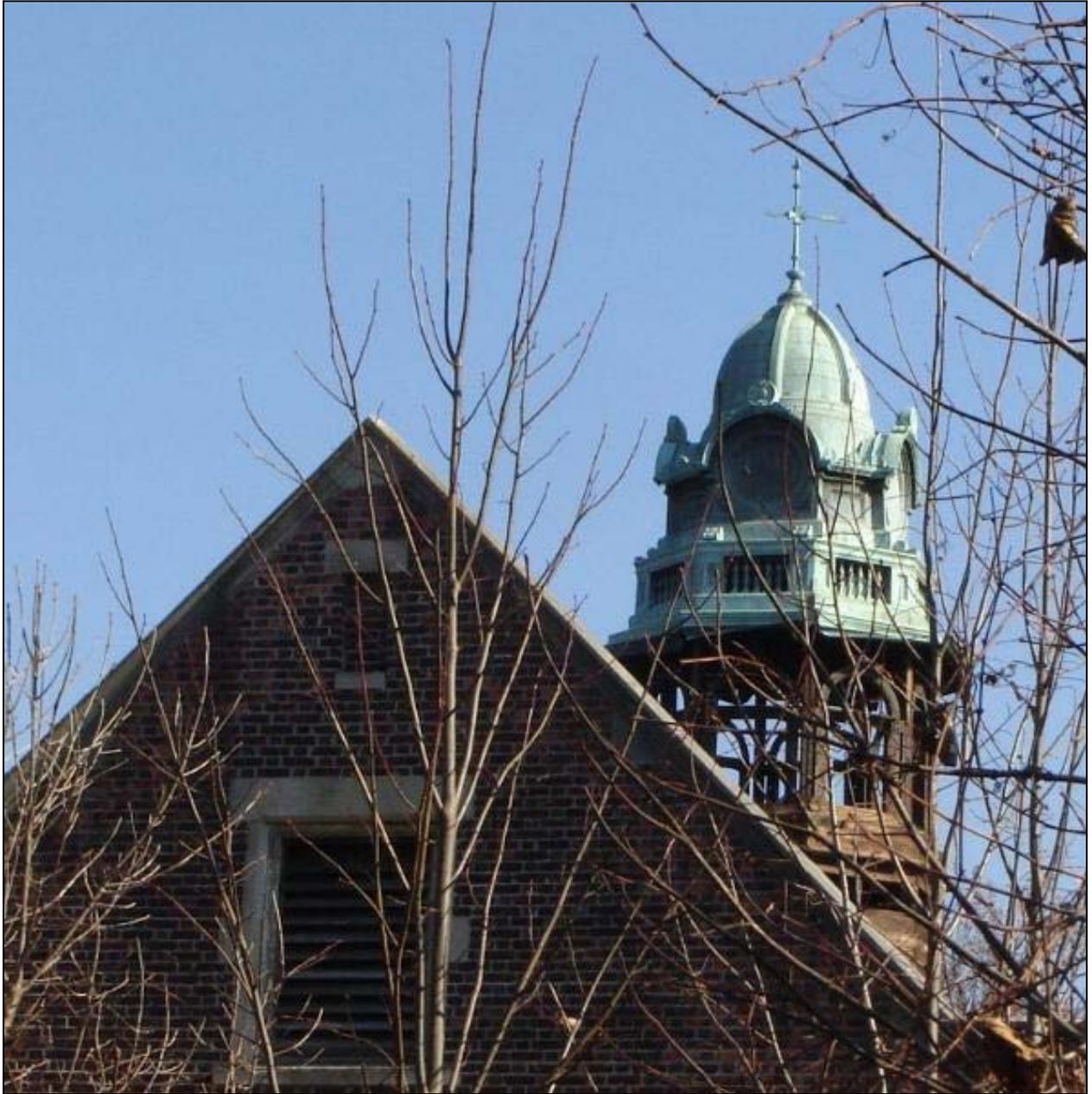
South Façade, Administration. Photo taken just prior to theft of copper from lower portion of tower.





(Above Photo taken just prior to theft of copper from lower portion of tower). Next photo: Interior, Administration Staircase.

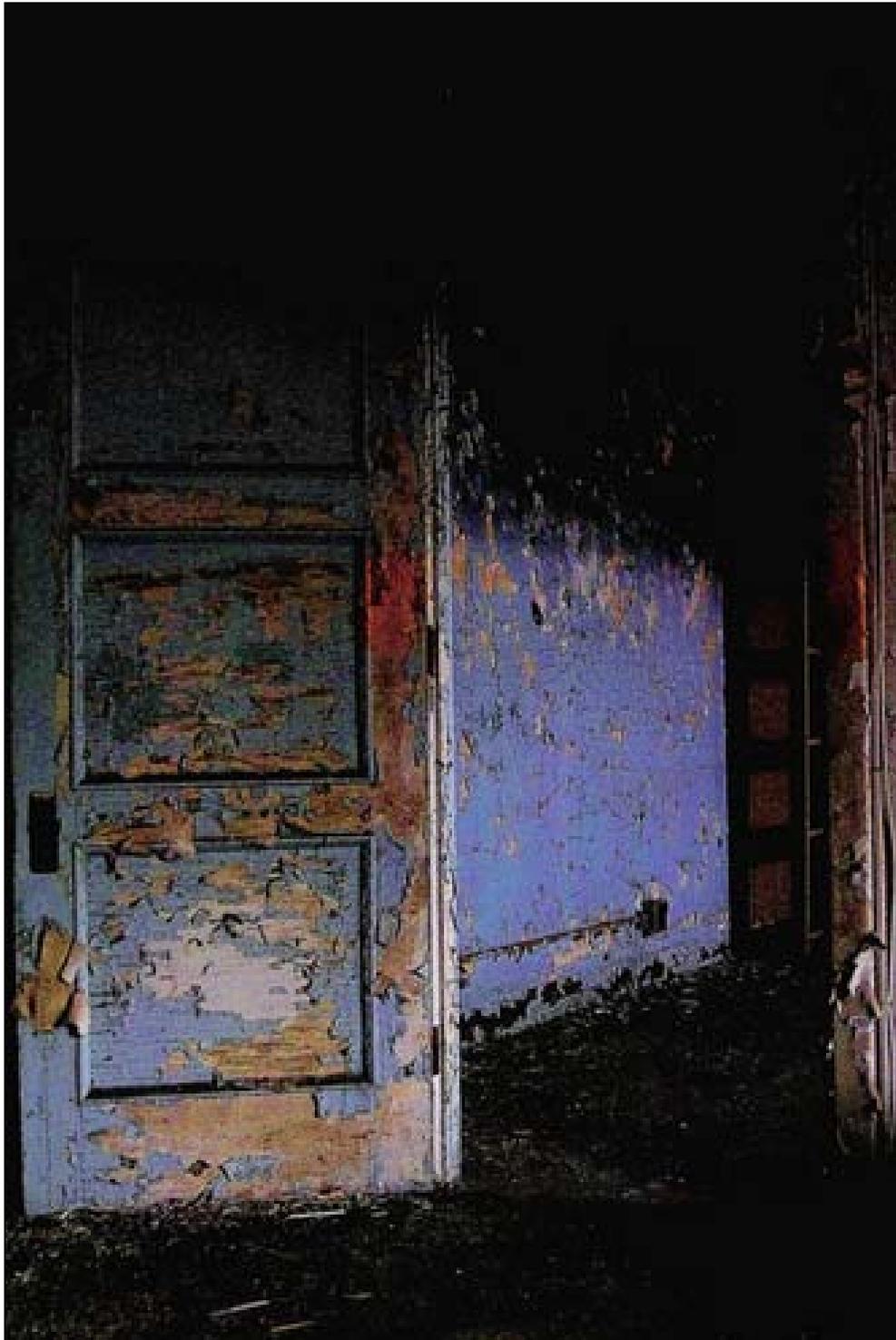






Interior, Conference Room, Administration Building





Interior, second floor office door.



Main entry doors, Administration Building. Twenty-four poppy flowers animate the portal. The poppy was a common symbol for death, redemption, and resurrection at the time of this building's construction. The Pennhurst poppy is the logo for the Pennhurst Memorial and Preservation Alliance.









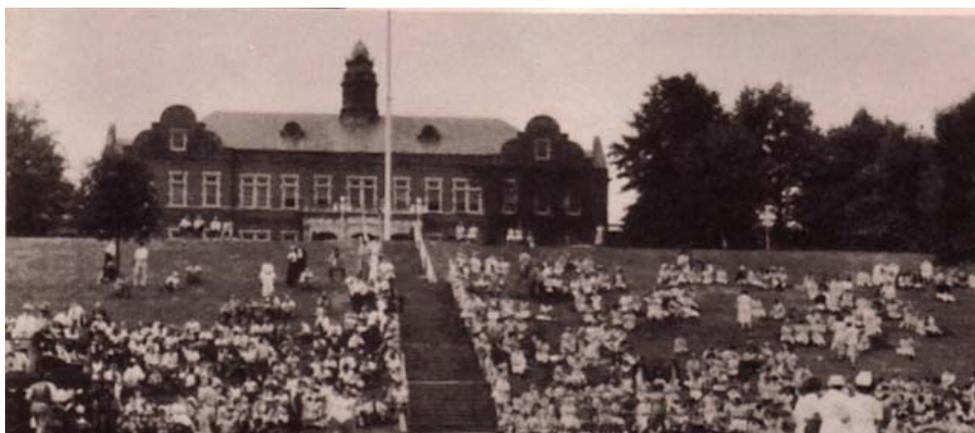


Historical photograph of Administration and, to the left, Mayflower. The

Pennhurst campus was lavishly planted with specimen trees and ornamental plantings, all tended to by the residents. Many of the special trees remain. Holly and magnolia trees seen in early photographs of Administration remain to this day.



Administration was the focal point of campus, roughly at its geographic center. At left, the administrative staff posed for their photograph. At right, the baseball team of 1925 poses for their team photograph on Administration's stairs. Notice the base of the lamp standards. Ornate lighting fixtures illuminated Commonwealth Drive and one base remains, hidden from the scrappers.



The flagpole and terraced fields in front of the Administration building overlook the Schuylkill River and are character-defining features of the campus.

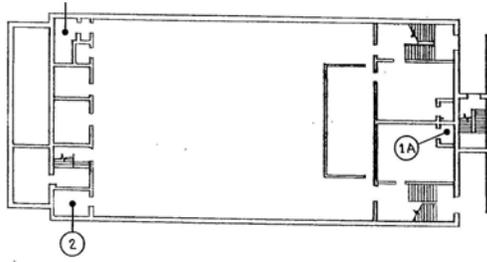
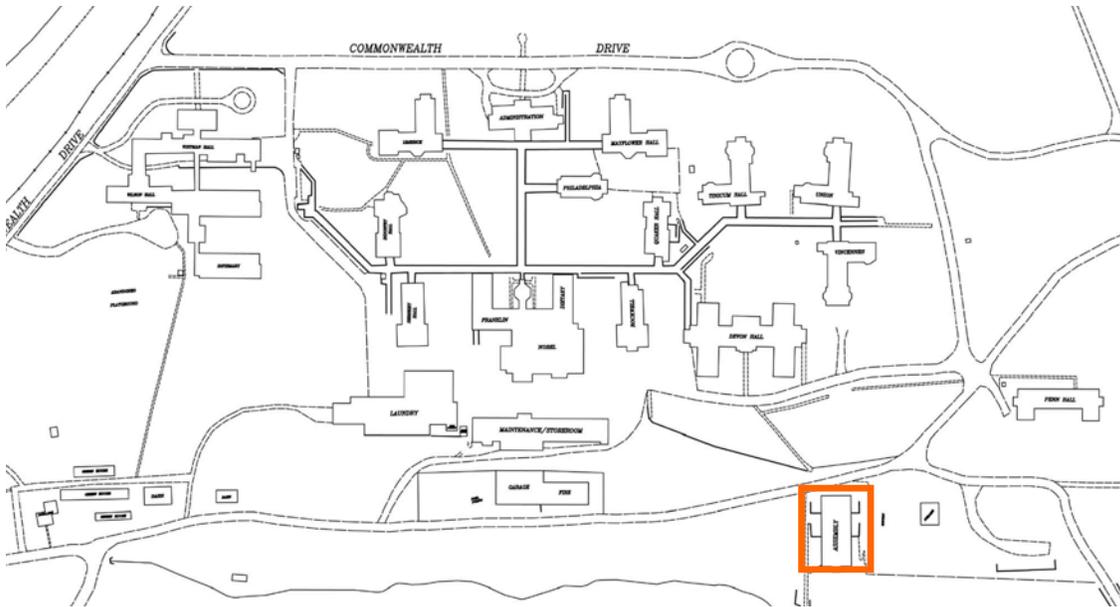


Historical photograph, south façade of Administration from quadrangle. At right is Philadelphia Hall. Just left of Philadelphia, appearing between it and Administration, is Mayflower. The ventilation cupolas were removed sometime before the mid-1960s.

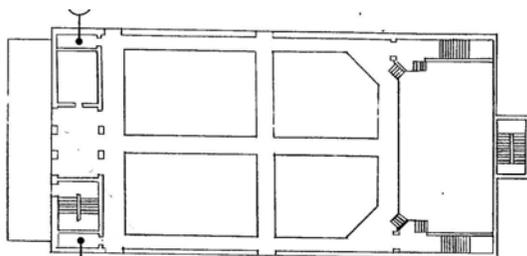


Detail, cupola, prior to vandalism.

ASSEMBLY BUILDING



BASEMENT PLAN



FIRST FLOOR

Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	9,034	14'7"	132,122
First	9,034	24'4"	220,203
Second	9,034	7'9"	69,800
Total	27,102		422,125

BUILDING CONSTRUCTION

- Exterior:** Brick with stone bands
- Floors:** Concrete
- Frame:** Steel and concrete
- Roof:** Steel frame/built-up
- Foundation:** Concrete
- Year Built:** 1928



Assembly Building, Second Floor





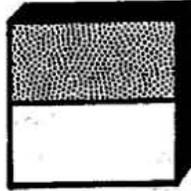
BOILER PLANT (HEATING PLANT)



This roughly 12,000 square-foot facility provided heat for all Pennhurst buildings via a system of underground tunnels. The plant is along the former Schuylkill Division of the Pennsylvania Railroad, now the Schuylkill River Trail. It was used until recently by the Veterans Administration, which is housed in what was formerly Pennhurst's Horizon Hall. All machinery is in-tact in this facility; coal remains in the bunkers and the ramp where railroad hoppers were unloaded is still in place.



BLACKSMITH SHOP



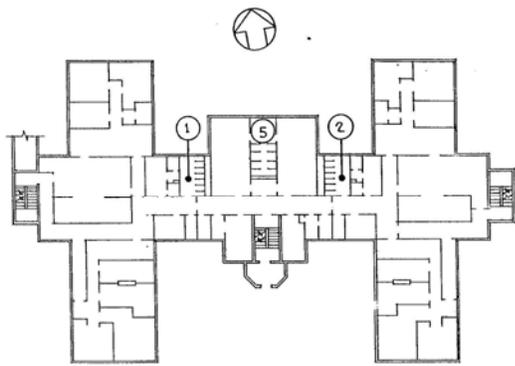
Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
First	989	12'6"	12,362
Total	989	--	12,362

BUILDING CONSTRUCTION

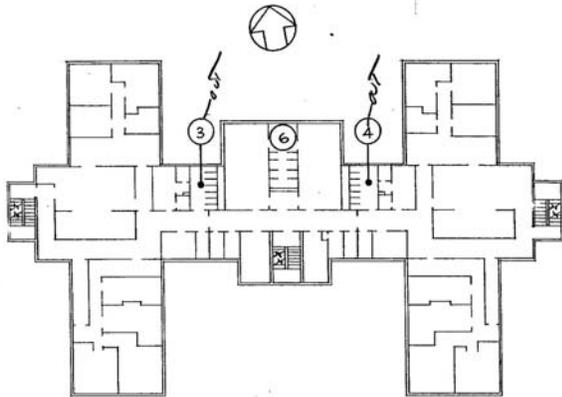
Exterior: Stucco
Floors: ???
Frame: Wood
Roof: Wood frame/slate shingles
Foundation: ???

This structure was a farmhouse from one of the farms bought by the Commonwealth for the purposes of assembling acreage to build the institution.

DEVON HALL



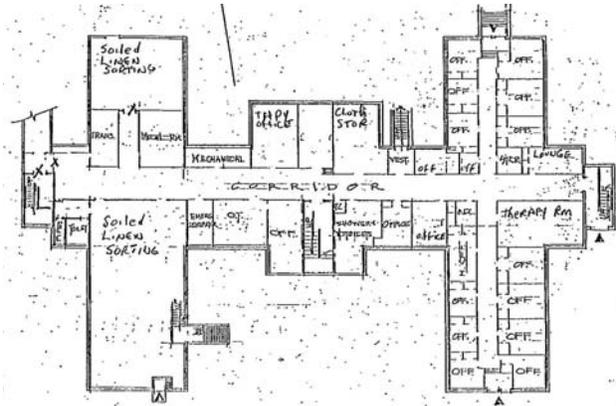
FIRST FLOOR
DEVON HALL



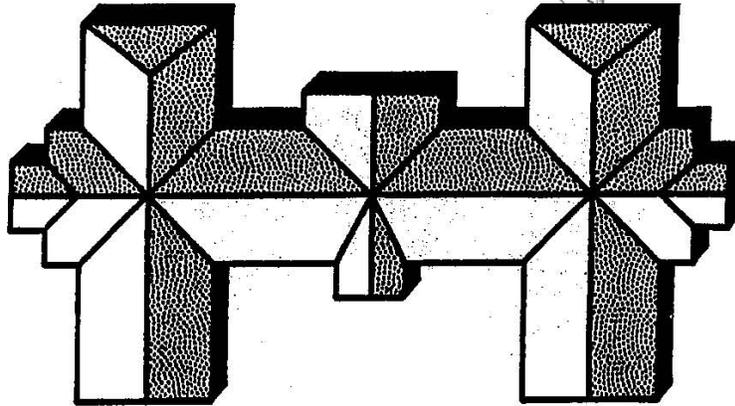
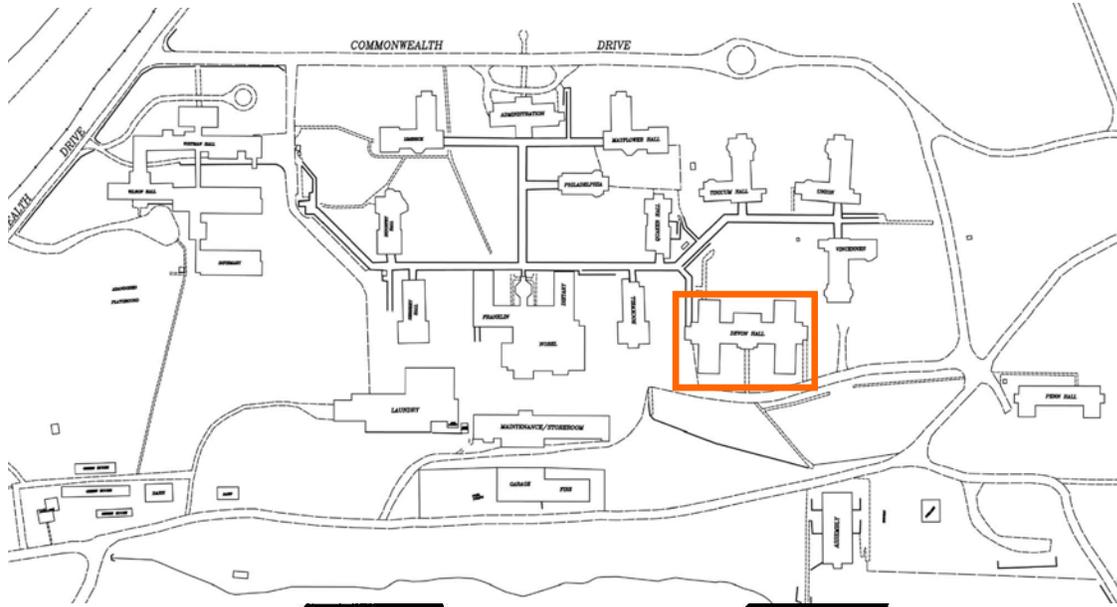
SECOND FLOOR
DEVON HALL

This building is a three story brick, concrete and steel structure. Devon had a few series of small fires. Some windows are missing. The basement is in good condition, generally. Roof appears to be in good condition. The largest and newest of the lower campus buildings.

The basement plan is directly below; other floor plans as marked.



DEVON HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	20,768	12'10"	266,522
First	20,768	13'9"	285,560
Second	20,768	12'5"	259,600
Third	20,768	12'0"	249,216
Attic	20,768	3'9"	77,830
Total	103,840	---	1,138,728

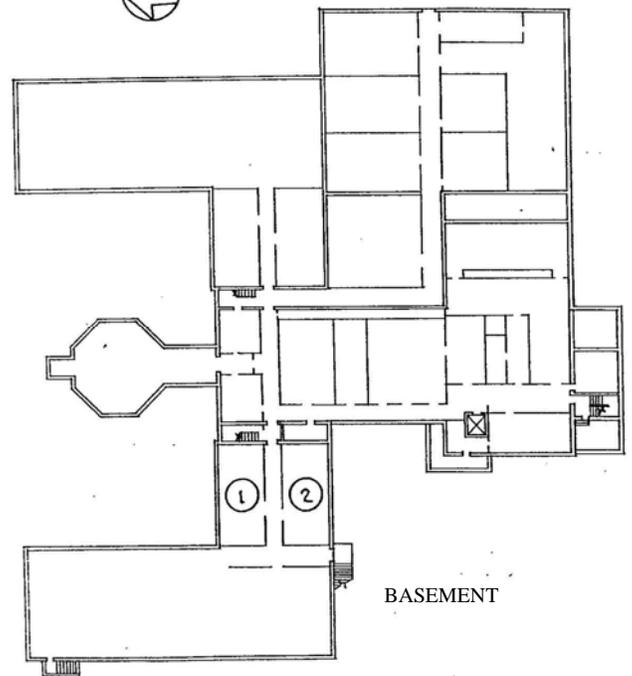
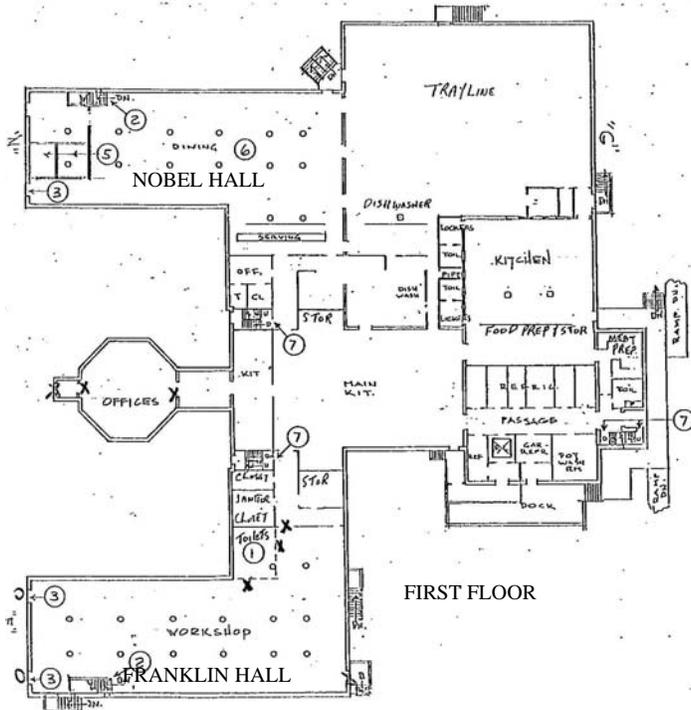
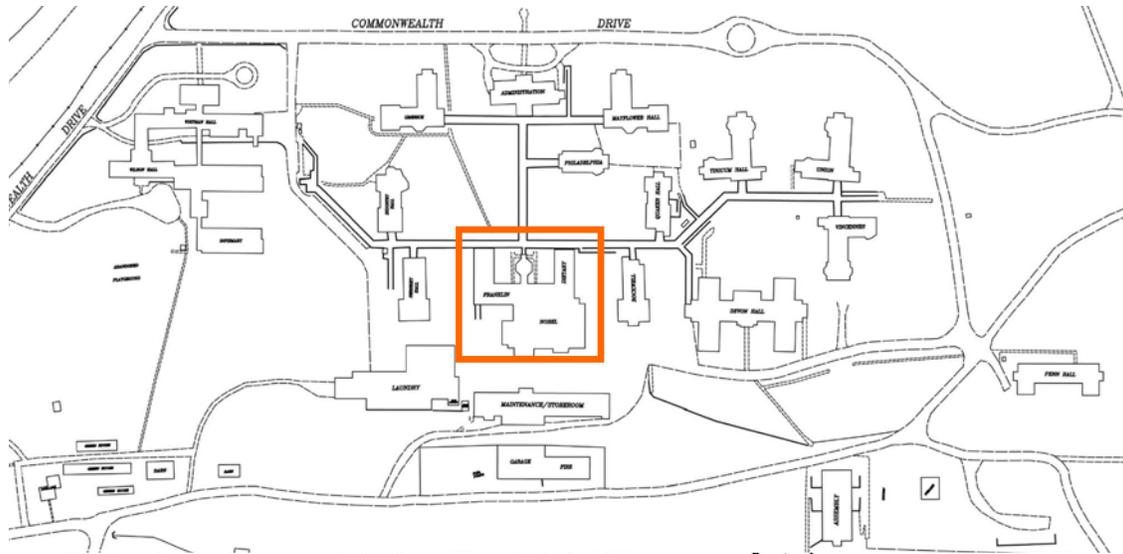
BUILDING CONSTRUCTION

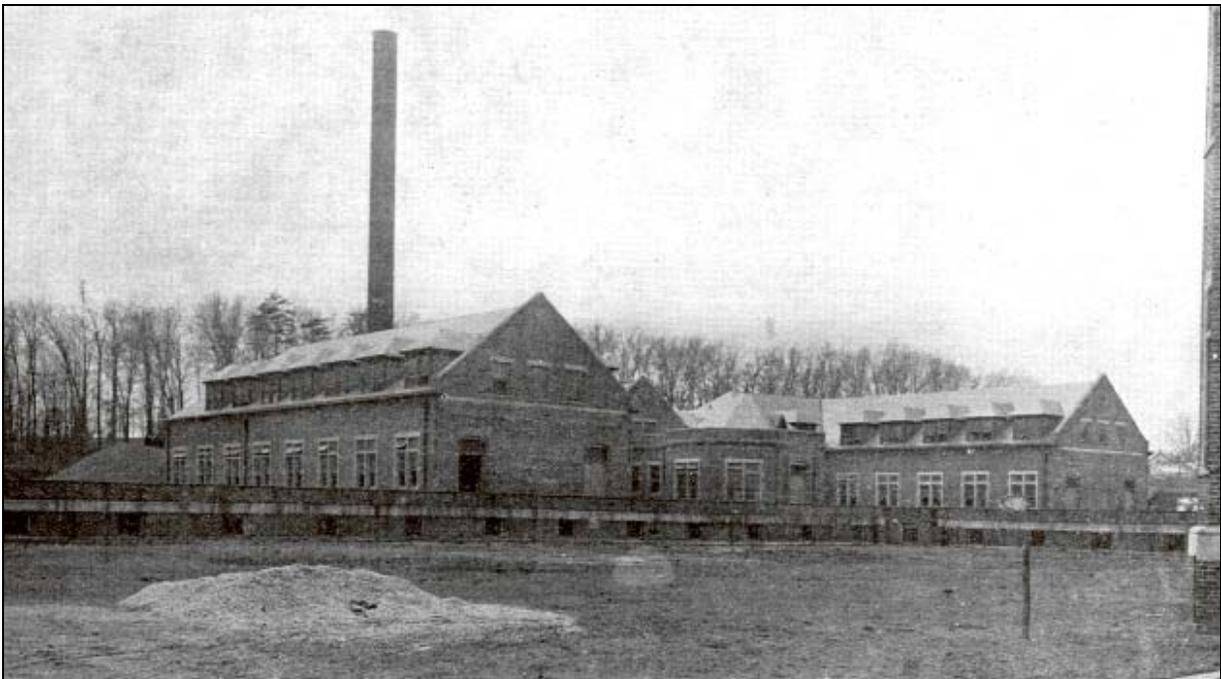
Exterior: Concrete, brick with stone bands and facing
Floors: Concrete
Frame: Steel
Roof: Steel frame/slate
Foundation: Concrete
Year Built: 1948



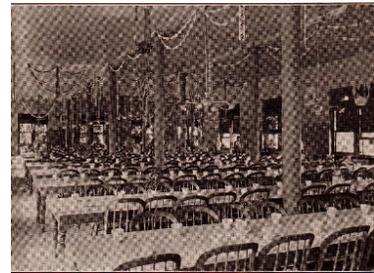


DIETARY/NOBEL/FRANKLIN

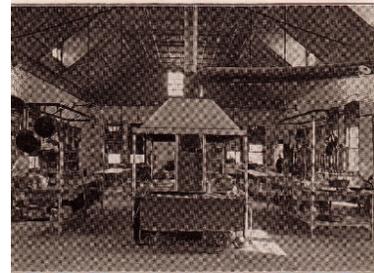




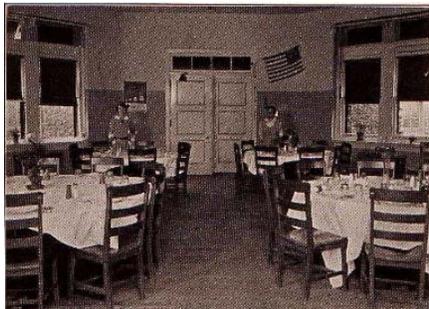
Dining Room Building, Eastern Pa State Institution, Pennhurst Station, Spring City, Pa.



BOYS' DINING ROOM



KITCHENS



Interior, Dietary. Top: 1920s; Above left, 1970s. Immediately above, kitchens. Left, officers dining areas.



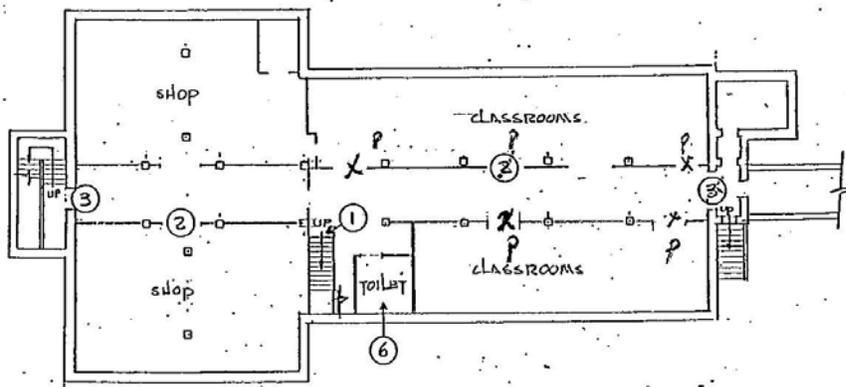
At left, the entrance to Dietary looking toward the Franklin Hall wing. Administration is directly behind the photographer to the north.

The photographer is standing on the above grade walkways linking the principal campus structures. Below each walkway is an underground tunnel for passage between the buildings in inclement weather. The labyrinth of tunnels, paralleled by steam lines from the central heating plant, were notoriously creepy and have become the fascination of a generation of urban explorers.

The Franklin Hall portion of the Dietary complex is below. Franklin was stricken with a small fire in Winter 2007. The Fire Department tore the windows out and put holes in the roof in a small portion of the building.

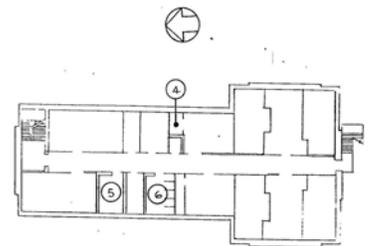


HERSHEY HALL

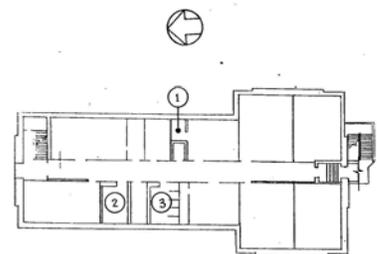


BASEMENT PLAN

SCALE: 1"=20'

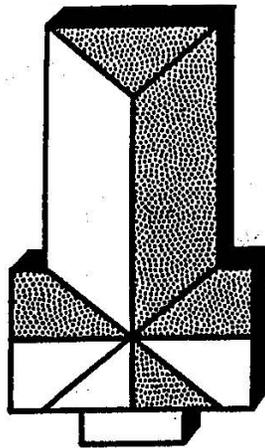
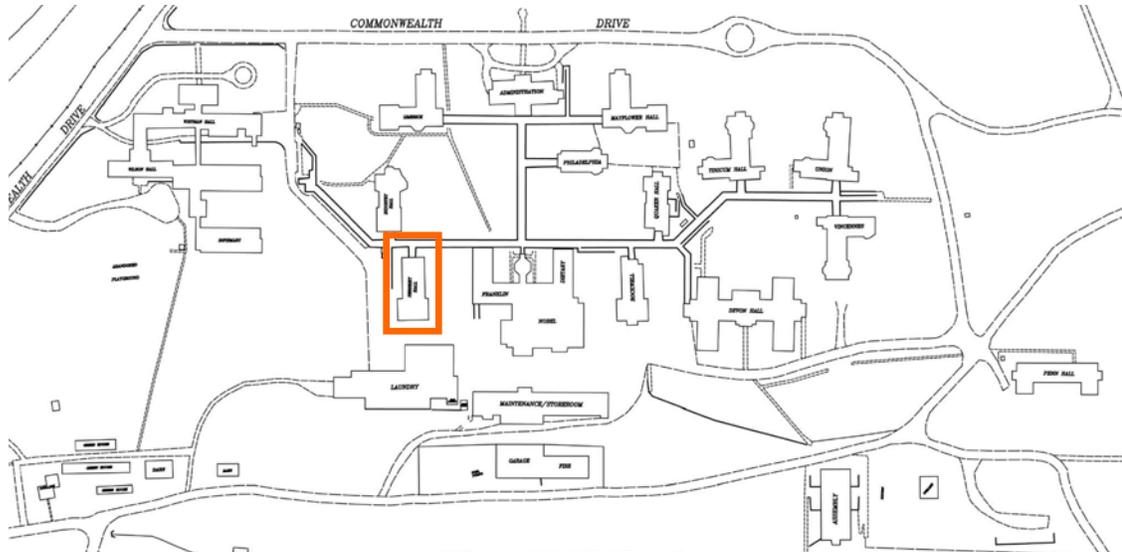


SECOND FLOOR
HERSHEY HALL



FIRST FLOOR
HERSHEY HALL

HERSHEY HALL

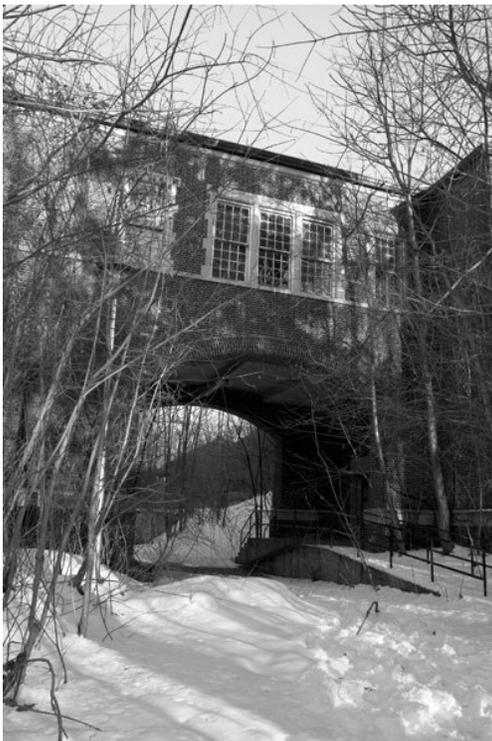


Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	6,640	11'4"	75,253
First	6,640	14'6"	96,280
Second	6,640	13'4"	88,256
Third	6,640	9'0"	59,760
Attic	6,640	2'6"	16,600
Total	33,200	---	336,149

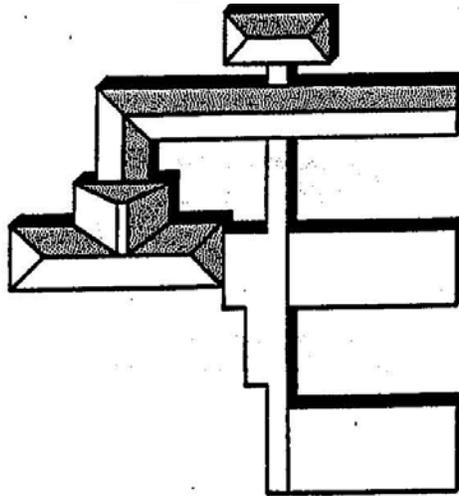
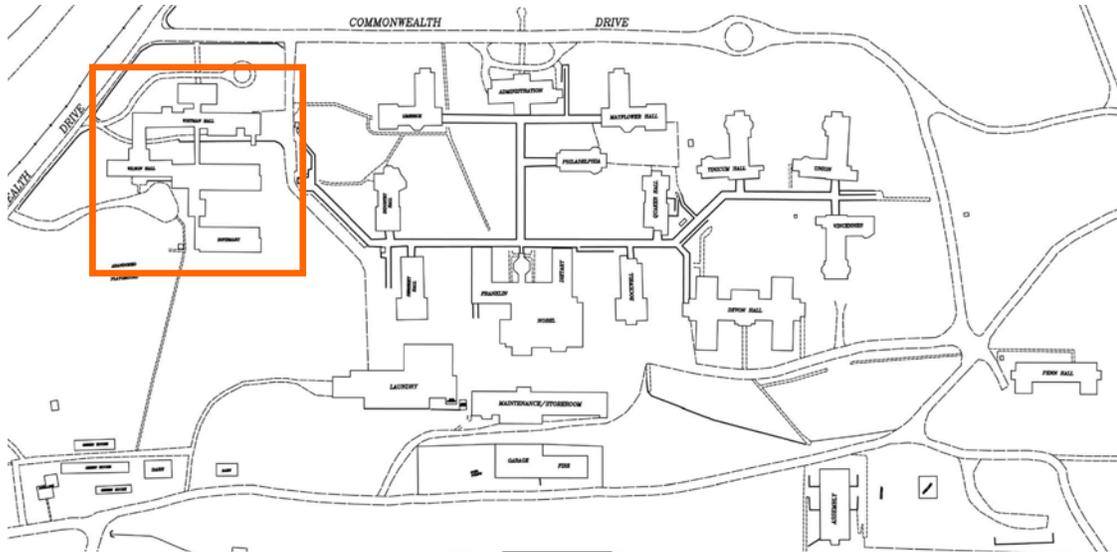
BUILDING CONSTRUCTION

- Exterior: Concrete, brick with stone bands
- Floors: Concrete
- Frame: Steel
- Roof: Wood frame/asphalt shingles
- Foundation: Stone
- Year Built: 1914

HOSPITAL (WHITMAN/WILSON)



WHITMAN HALL/HOSPITAL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	9,500	12'10"	122,061
First	27,732	12'10"	356,316
Second	30,300	12'10"	389,310
Attic	19,100	4'3"	81,175
Total	86,632	---	948,862

BUILDING CONSTRUCTION

Exterior: Brick with stone bands and facing

Floors: Concrete

Frame: Steel and concrete

Roof: Wood frame/asphalt shingles and steel/built-up

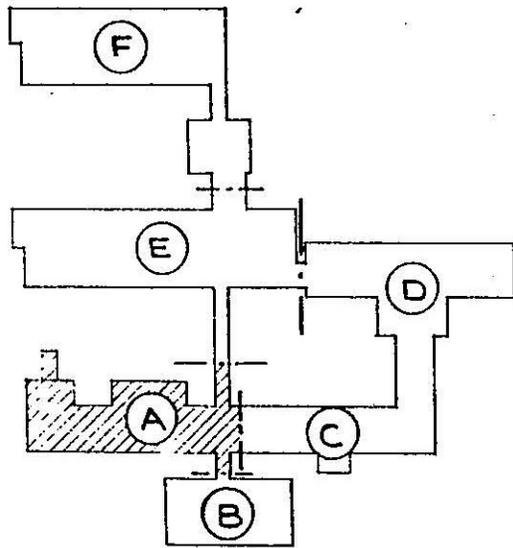
Foundation: Stone

Year Built: 1921

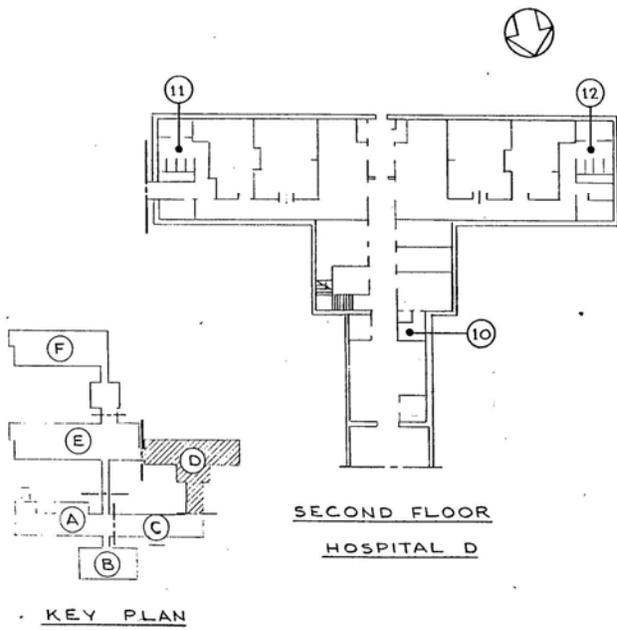
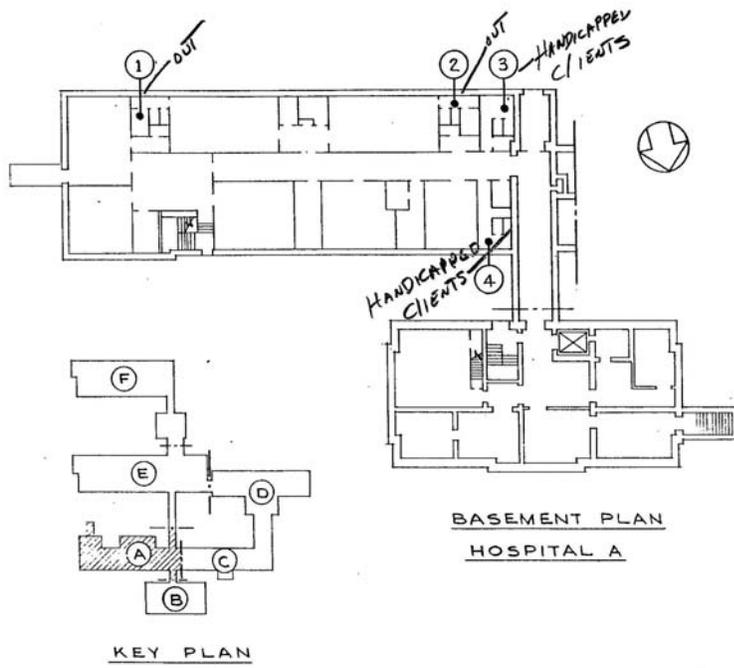


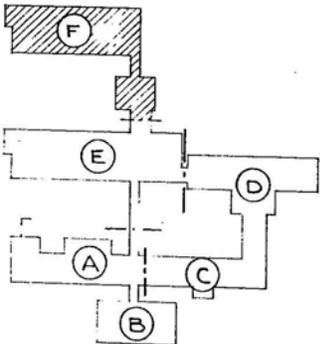
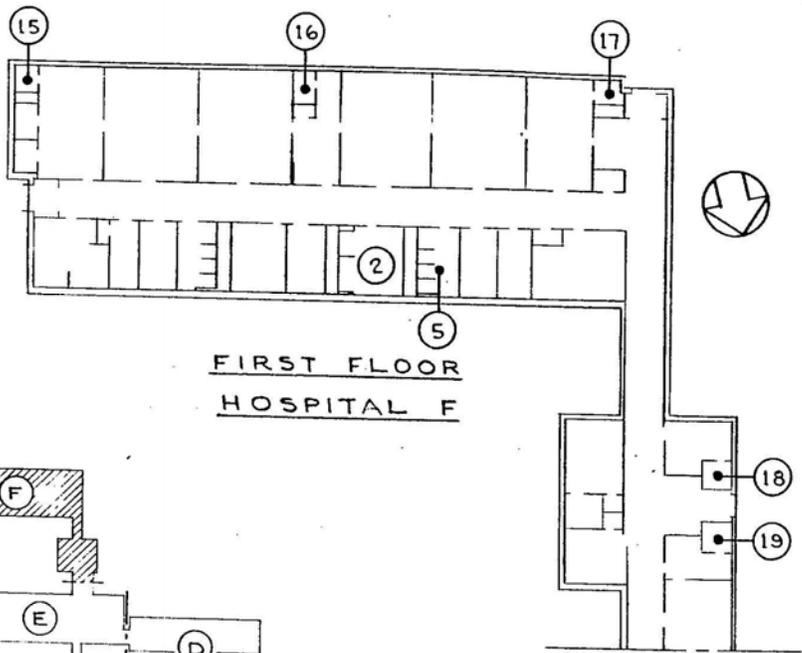
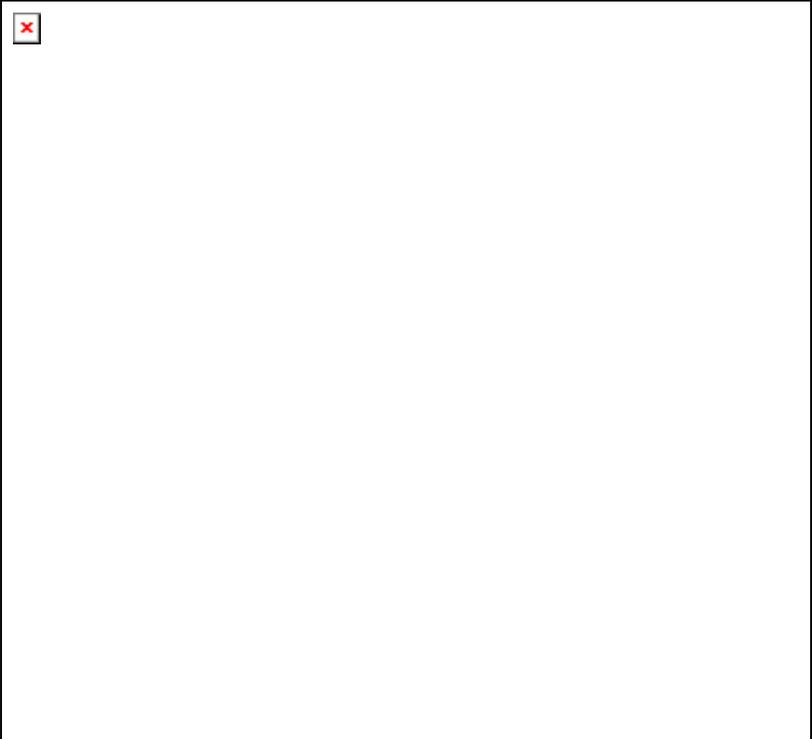
This building consists of Wings A, B, C and D of the original building and is a three story brick, concrete and steel structure. Wing C does not meet current Life Safety Code requirements. The addition is a one story brick, concrete and steel structure and contains Wings E and F. These wings have baseboard electric heat.

The Hospital contains approximately 86,600 square feet of space. The building is in poor condition. Main entrance from roadside has an unstable wood floor with both the 2nd and 1st floor



KEY PLAN





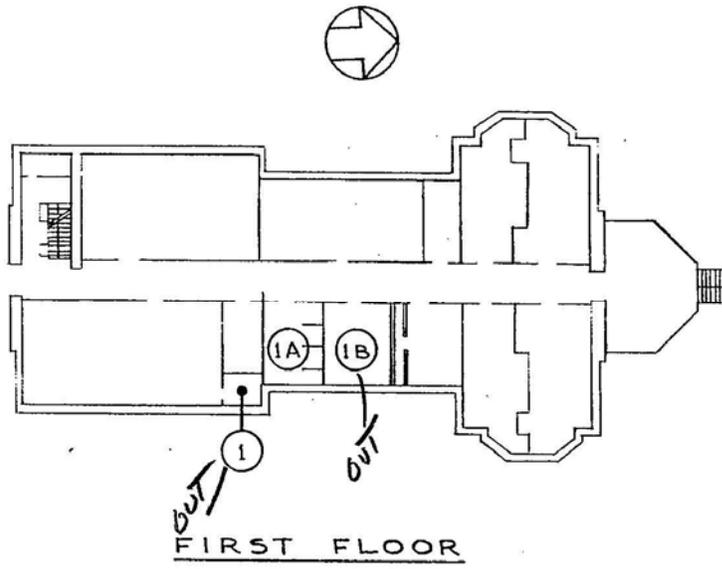
KEY PLAN



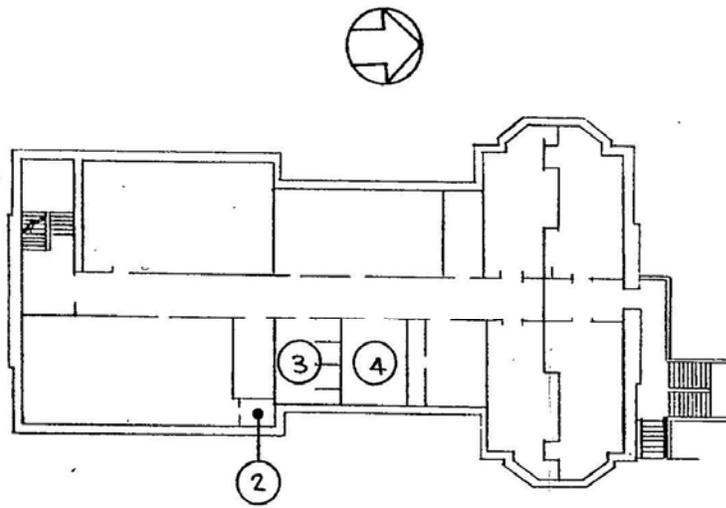
Above, historical photograph. At right and below, interior.



INDUSTRY HALL

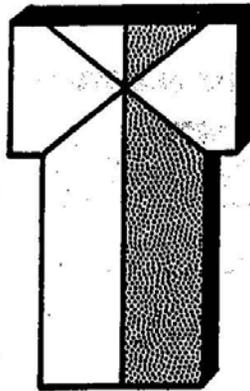
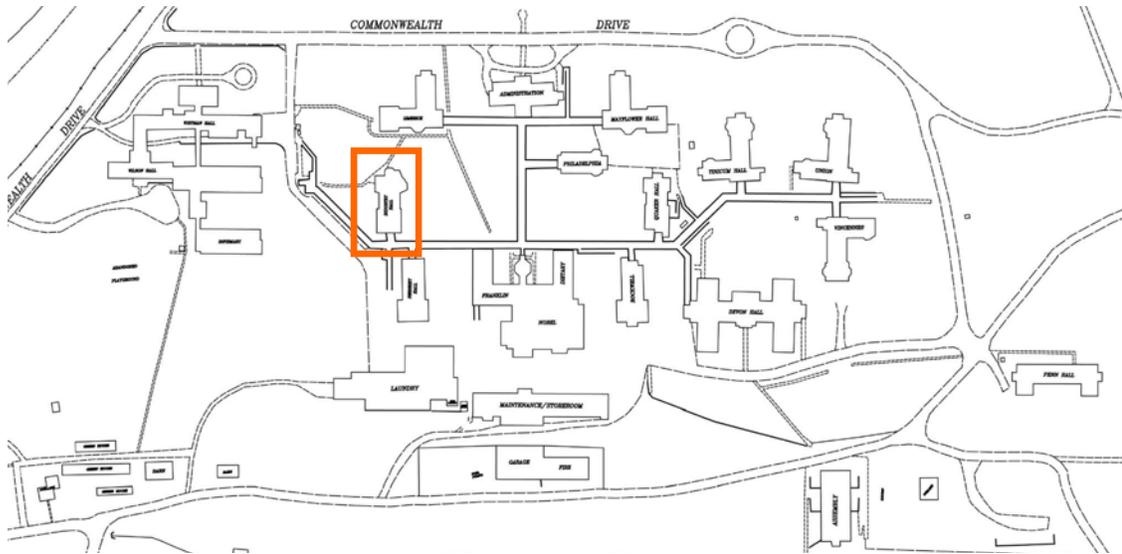


FIRST FLOOR
INDUSTRY HALL



SECOND FLOOR
INDUSTRY HALL

INDUSTRY HALL

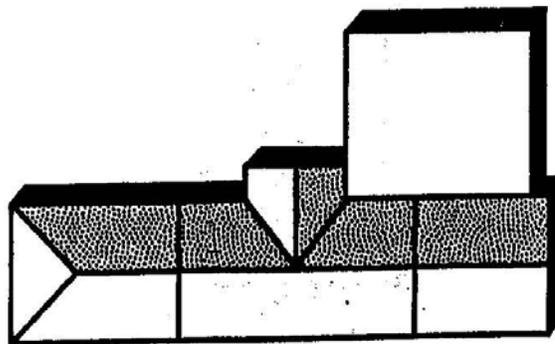
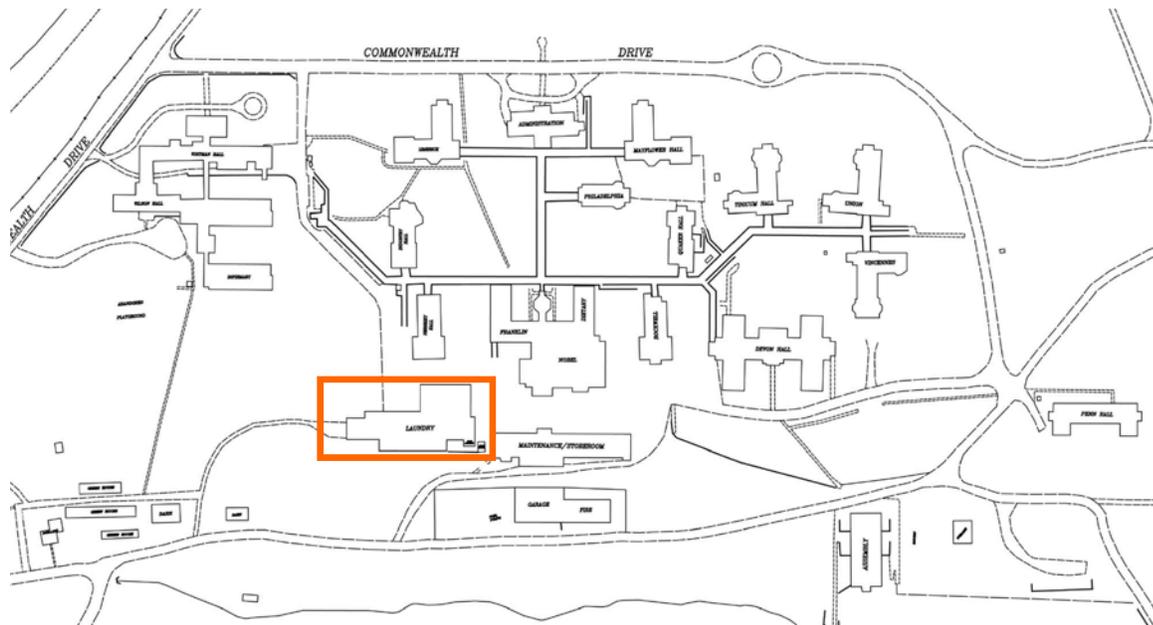


Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	6,058	9'0"	54,522
First	5,708	15'1"	86,214
Second	5,708	13'0"	74,420
Attic	5,708	2'6"	14,270
Total	23,182		229,426

BUILDING CONSTRUCTION

- Exterior:** Brick with stone bands and facing
- Floors:** Concrete
- Frame:** Steel and concrete
- Roof:** Wood frame/asphalt shingles
- Foundation:** Stone
- Year Built:** 1914

LAUNDRY BUILDING



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	1,500	8'2"	12,250
First	21,044	14'0"	294,616
Second	10,164	15'4"	155,848
Attic	10,164	6'0"	60,984
Total	42,872	---	523,698

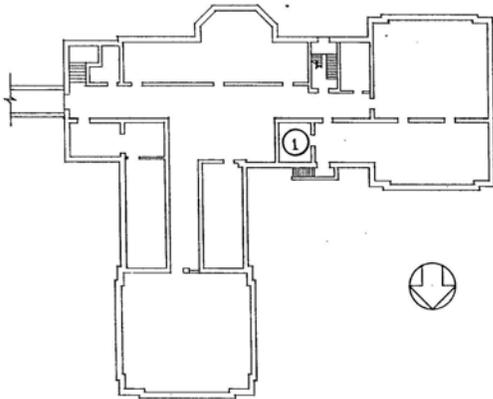
BUILDING CONSTRUCTION

- Exterior: Brick and concrete
- Floors: Concrete
- Frame: Steel
- Roof: Wood/slate roof and steel/built-up
- Foundation: Stone
- Year Built: 1913

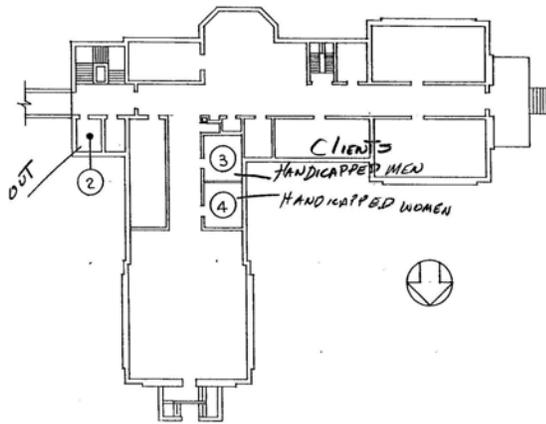
LIMERICK HALL



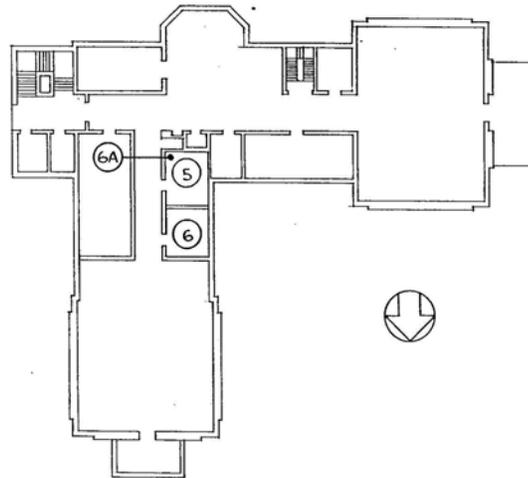
This building is a three story brick, concrete and steel structure to the west of Administration along Commonwealth Drive.



BASEMENT PLAN
LIMERICK HALL

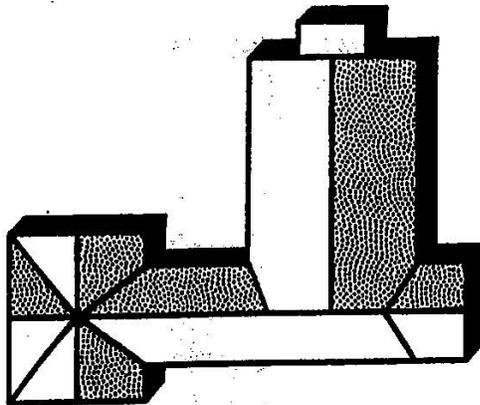
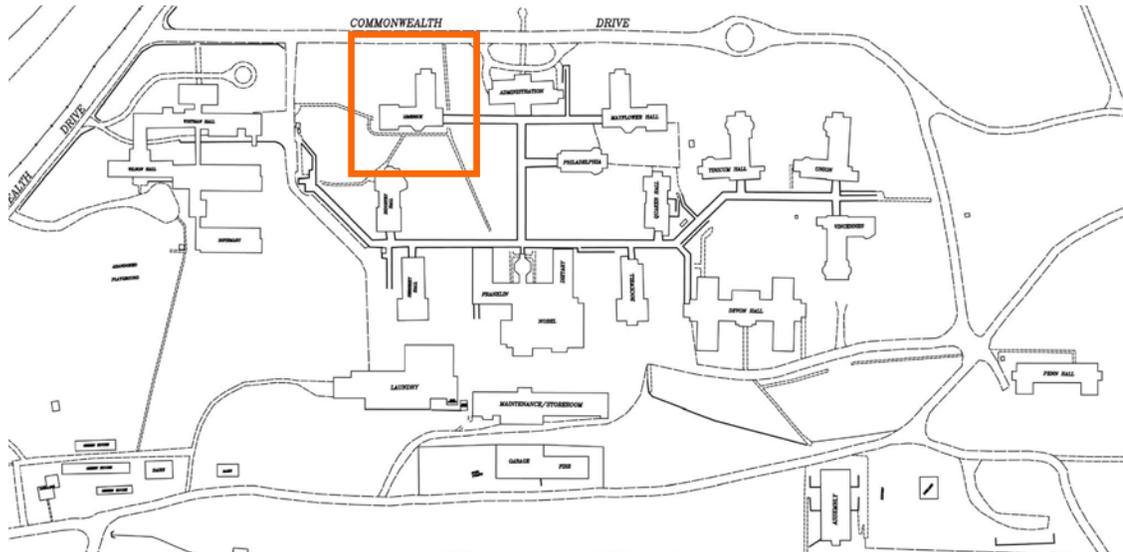


FIRST FLOOR
LIMERICK HALL



SECOND FLOOR
LIMERICK HALL

LIMERICK HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	8,698	10'3"	89,516
First	8,698	14'0"	121,772
Second	8,698	14'0"	121,772
Third	8,698	14'0"	121,772
Attic	8,698	2'3"	19,075
Total	43,270	---	473,907

BUILDING CONSTRUCTION

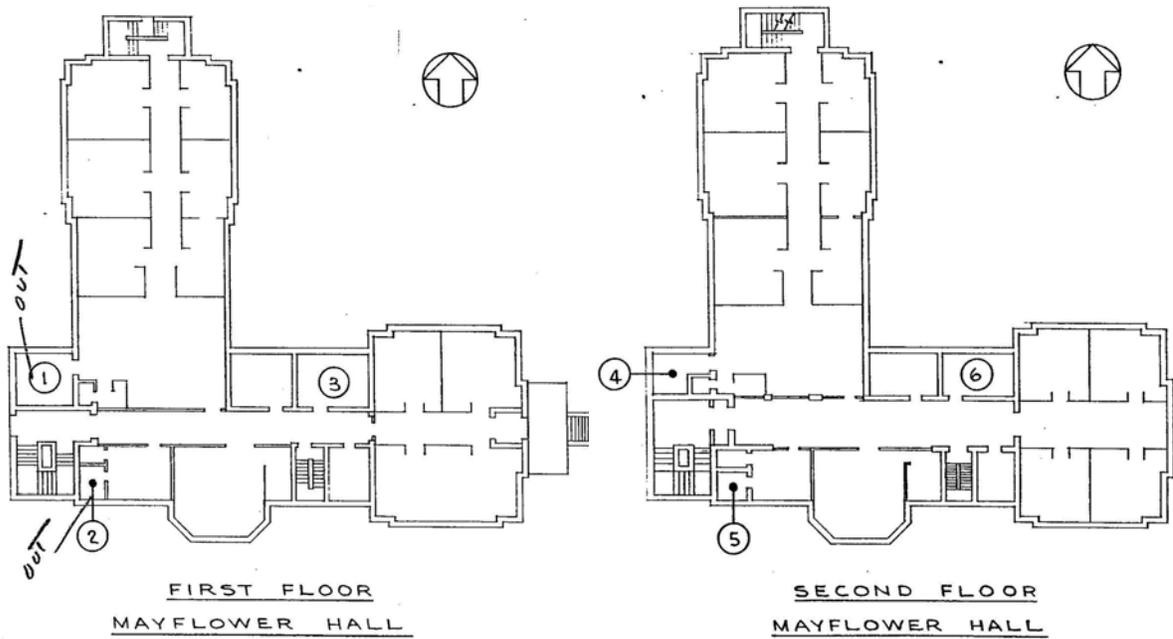
Exterior: Brick with stone bands
Floors: Concrete
Frame: Steel and concrete
Roof: Wood frame/asphalt shingles
Foundation: Stone
Year Built: 1915



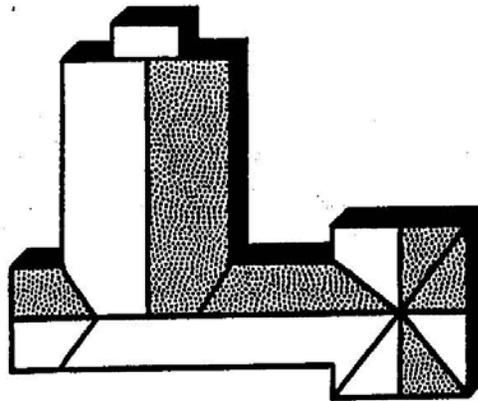
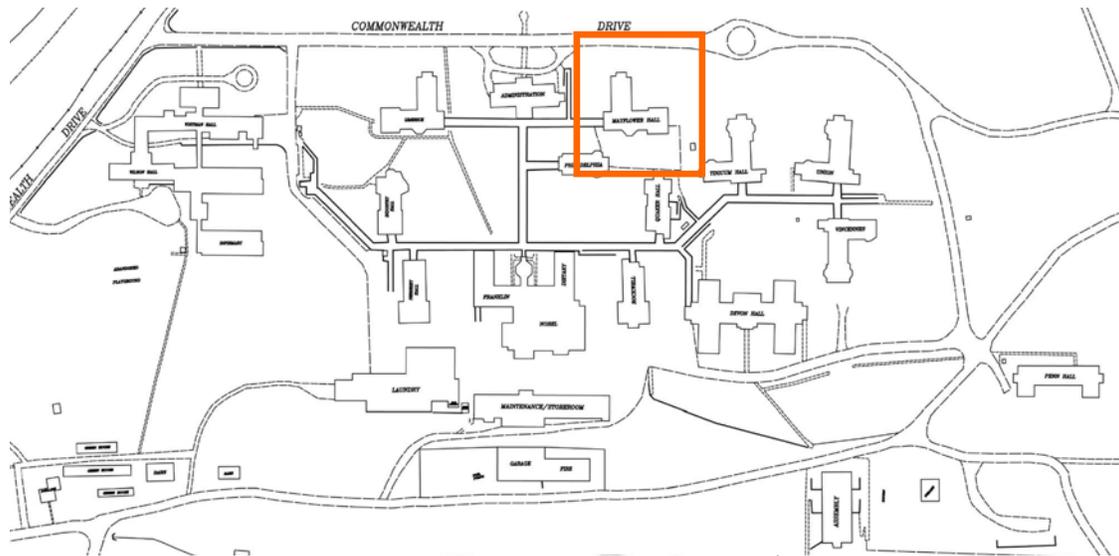


Interior, attic level, Limerick Hall.

MAYFLOWER HALL



MAYFLOWER HALL



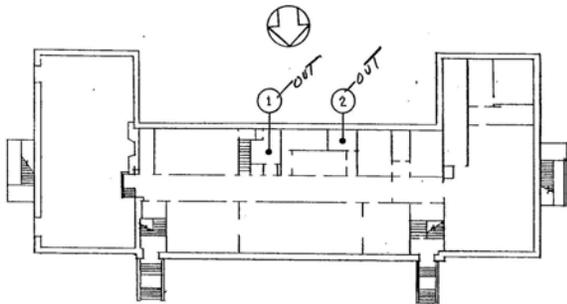
Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	9,028	11'0"	99,308
First	9,028	14'6"	130,906
Second	9,028	13'6"	121,878
Third	9,028	9'0"	81,252
Attic	9,028	8'0"	72,224
Total	45,140	---	505,568

BUILDING CONSTRUCTION

- Exterior: Brick with stone bands and facing
- Floors: Concrete
- Frame: Steel and concrete
- Roof: Wood frame/asphalt shingles
- Foundation: Stone
- Year Built: 1909

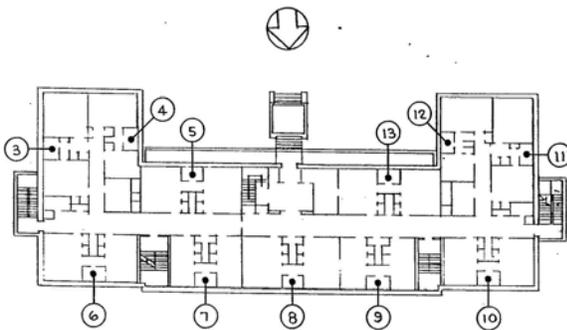


PENN HALL

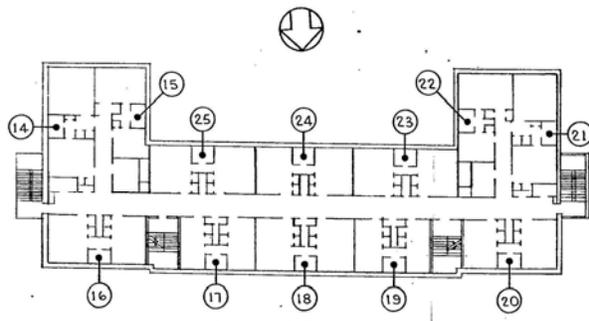


BASEMENT PLAN
PENN HALL

This building is a two story brick concrete, and steel structure with exposed basement. This building was originally employee housing and consists of 34,200 square feet of space. Decent condition.

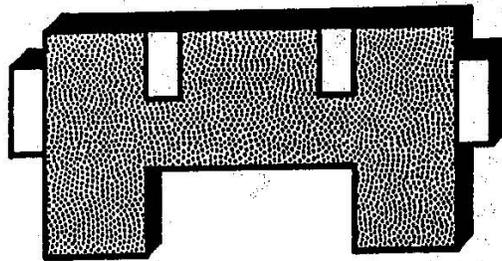
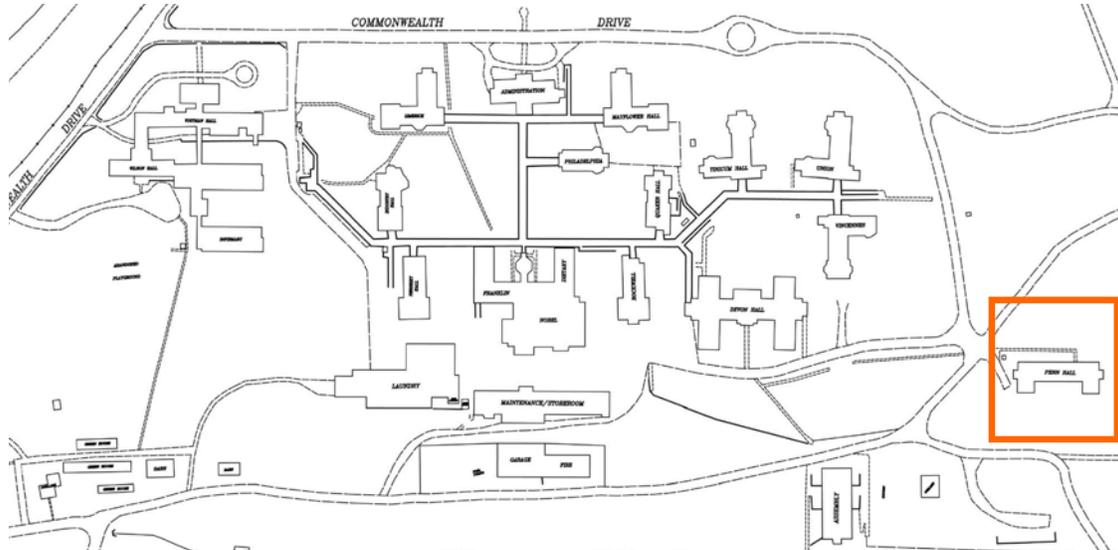


FIRST FLOOR
PENN HALL



SECOND FLOOR
PENN HALL

PENN HALL

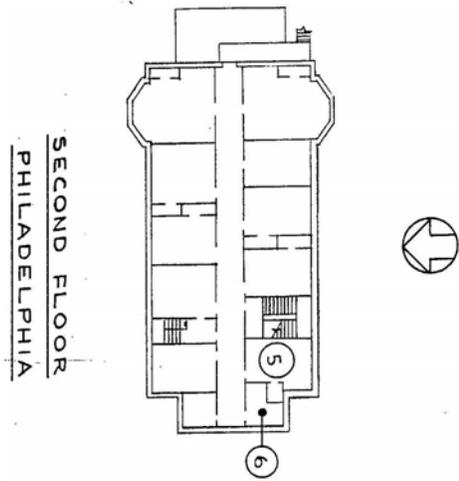


Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	8,552	10'4"	88,370
First	8,552	11'3"	96,210
Second	8,552	10'0"	85,520
Attic	8,552	3'0"	25,656
Total	34,208		295,756

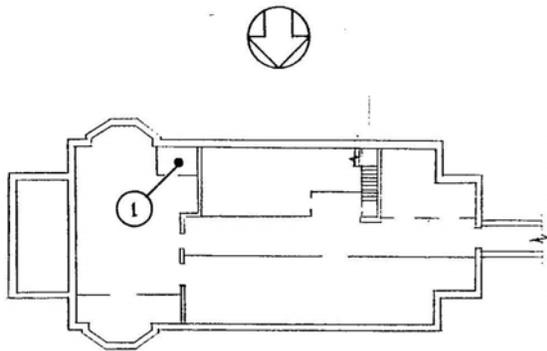
BUILDING CONSTRUCTION

Exterior: Brick
Floors: Concrete
Frame: Steel and concrete
Roof: Steel frame/built-up
Foundation: Concrete
 Year Built: 1936

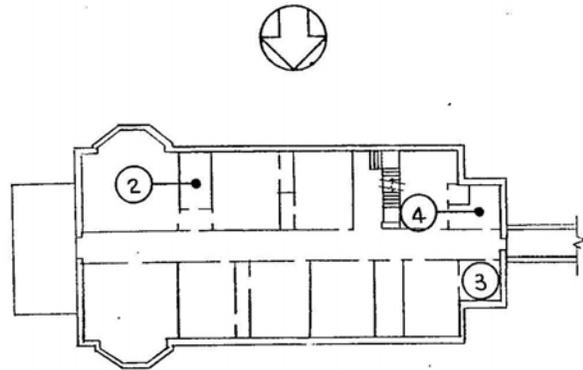
PHILADELPHIA HALL



SECOND FLOOR
PHILADELPHIA

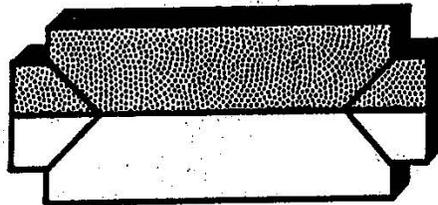
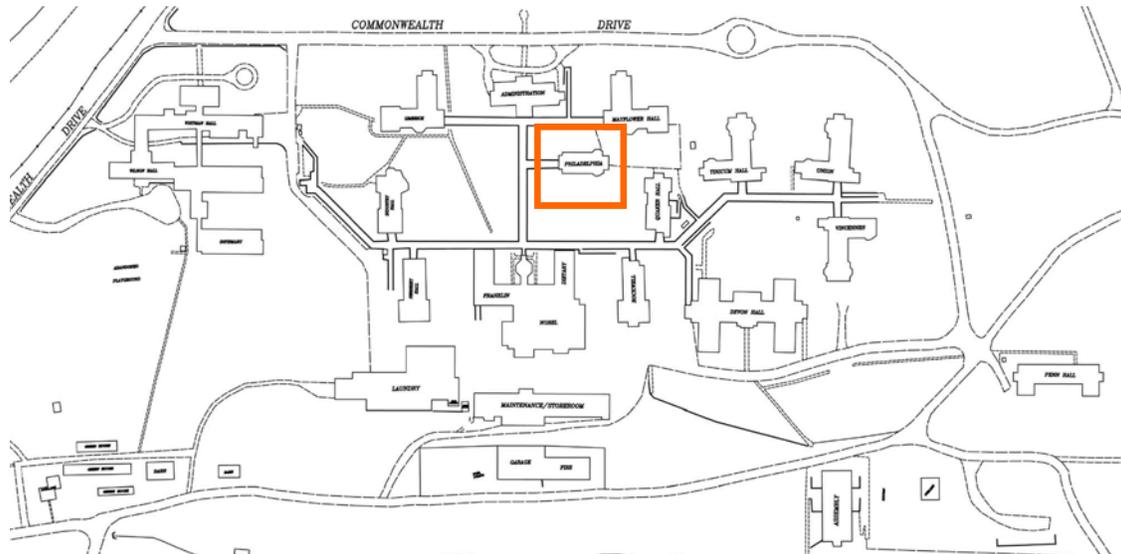


BASEMENT PLAN
PHILADELPHIA



FIRST FLOOR
PHILADELPHIA

PHILADELPHIA HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	3,612	10'6"	37,926
First	3,612	14'7"	52,675
Second	3,612	14'8"	52,976
Attic	3,612	8'0"	28,896
Total	14,448	---	172,473

BUILDING CONSTRUCTION

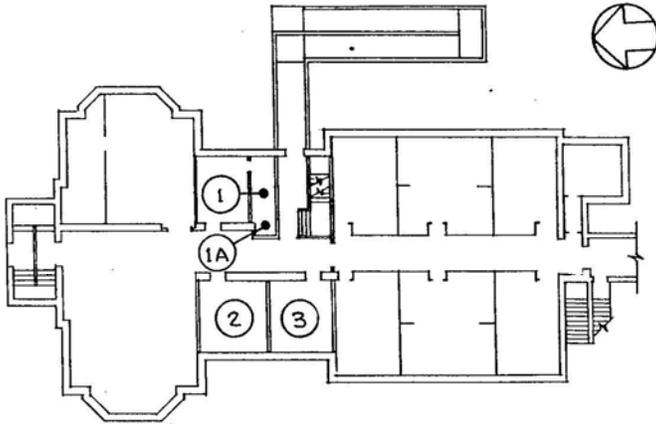
Exterior: Brick with stone bands
Floors: Concrete
Frame: Steel and concrete
Roof: Wood frame/asphalt shingles
Foundation: Stone
Year Built: 1908



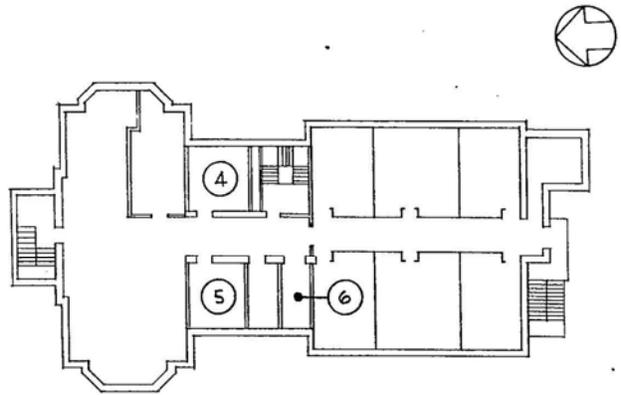
Tile mosaic on Philadelphia Hall.



QUAKER HALL

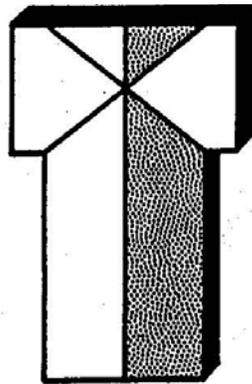
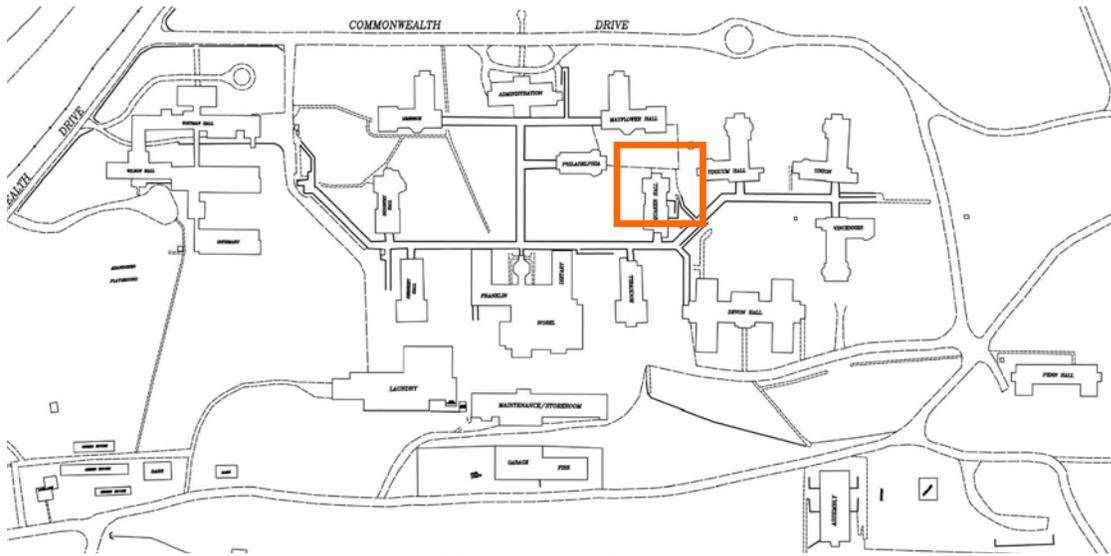


FIRST FLOOR
QUAKER HALL



SECOND FLOOR
QUAKER HALL

QUAKER HALL

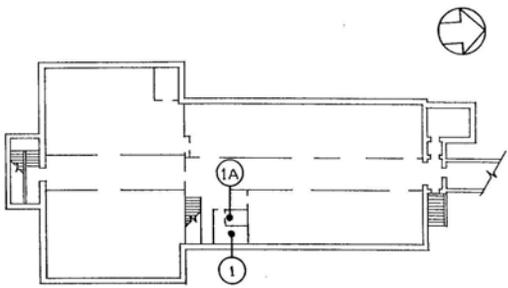


Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	6,860	10'6"	72,030
First	6,860	15'2"	104,043
Second	6,860	11'1"	76,031
Attic	6,860	7'0"	48,020
Total	27,440	---	300,124

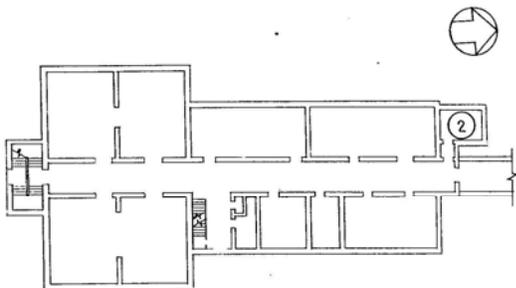
BUILDING CONSTRUCTION

- Exterior:** Brick with stone bands
- Floors:** Concrete
- Frame:** Steel and concrete
- Roof:** Wood frame/asphalt shingles
- Foundation:** Stone
- Year Built:** 1916

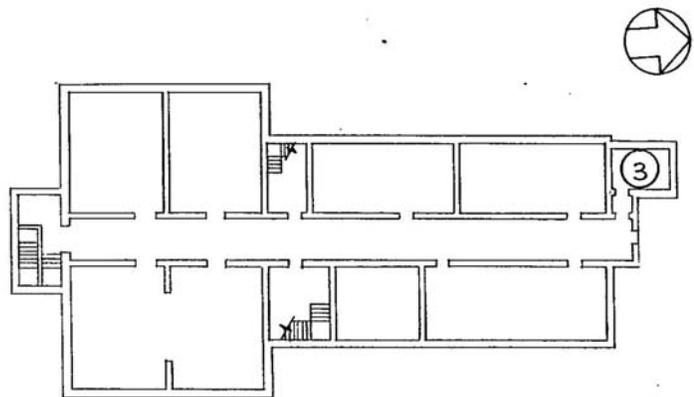
ROCKWELL HALL



BASEMENT PLAN
ROCKWELL

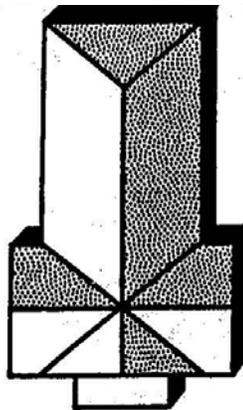
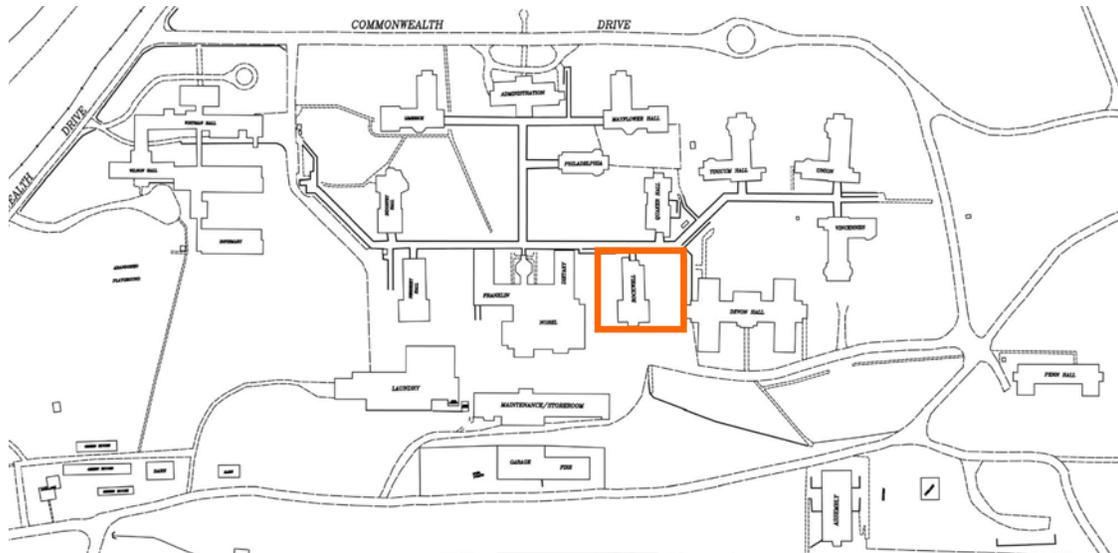


FIRST FLOOR
ROCKWELL



SECOND FLOOR
ROCKWELL

ROCKWELL HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	6,300	10'4"	64,968
First	6,300	16'2"	101,718
Second	6,300	14'0"	88,200
Attic	6,300	7'0"	44,100
Total	25,200	---	298,986

BUILDING CONSTRUCTION

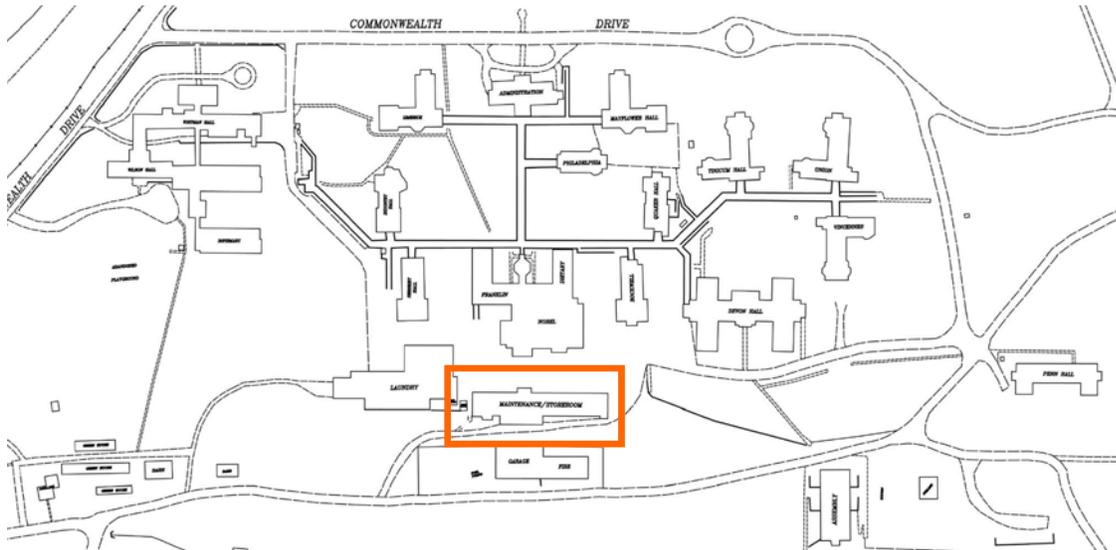
- Exterior:** Brick with stone bands
- Floors:** Concrete
- Frame:** Steel
- Roof:** Wood frame/asphalt shingles
- Foundation:** Stone
- Year Built:** 1909





STORES/MAINTENANCE BUILDING

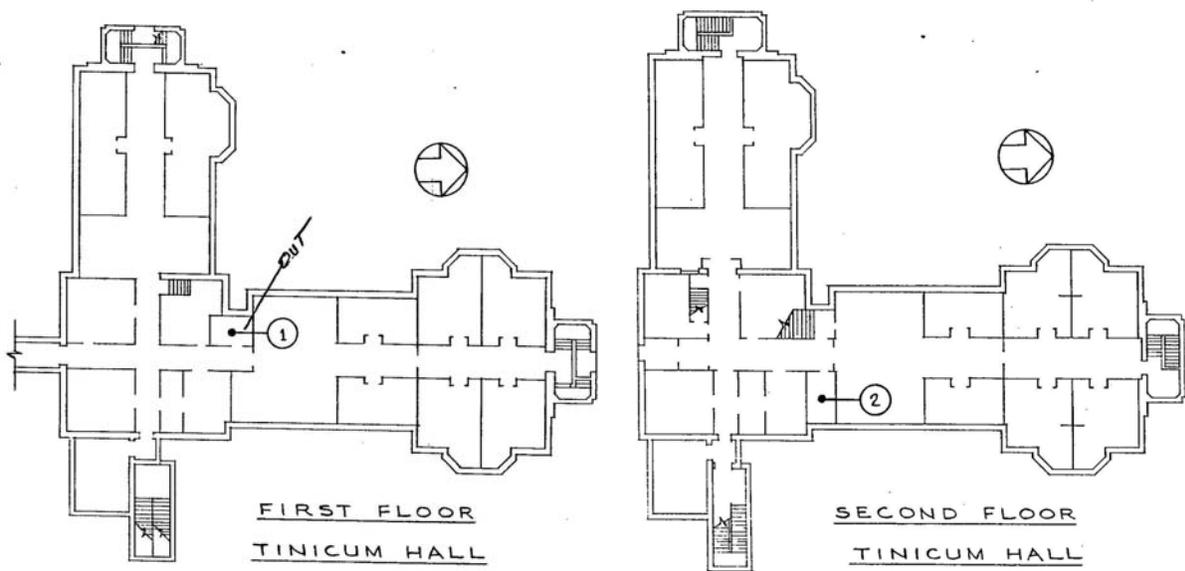
This building is a two story brick, concrete and steel structure. Exterior brickwork is falling from building, exposing cinder block walls underneath.



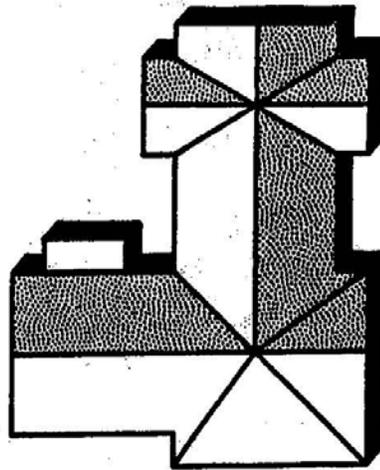
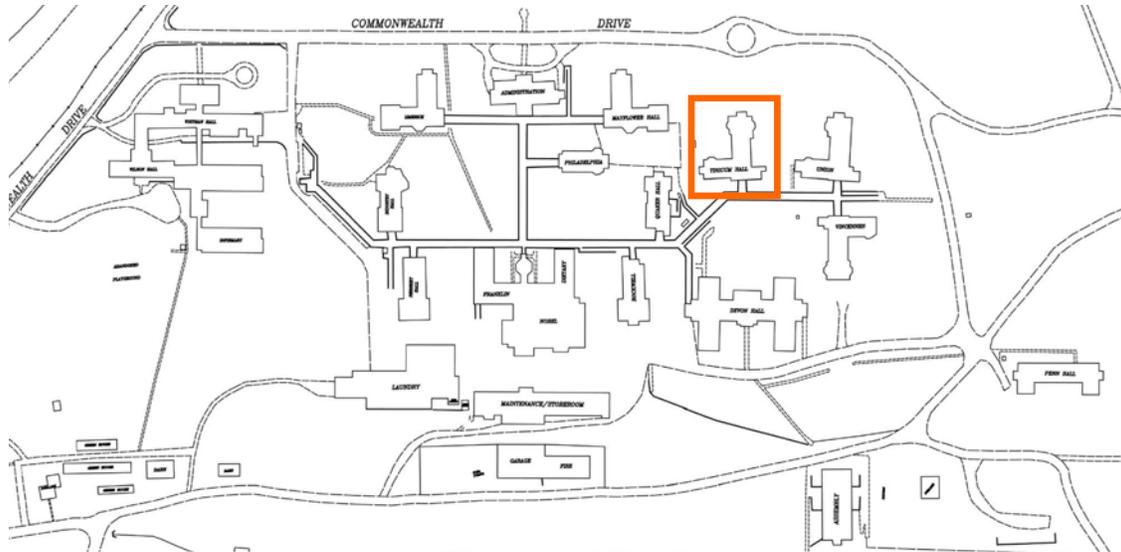
TINICUM HALL



Tinicum Hall, with Union Hall in the background.



TINICUM HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	8,157	10'8"	87,008
First	8,157	15'2"	123,714
Second	8,157	12'8"	103,322
Attic	8,157	8'0"	65,256
Total	32,628	---	379,300

BUILDING CONSTRUCTION

Exterior: Brick with stone bands
Floors: Concrete
Frame: Steel and concrete
Roof: Wood frame/asphalt shingles
Foundation: Stone

Y

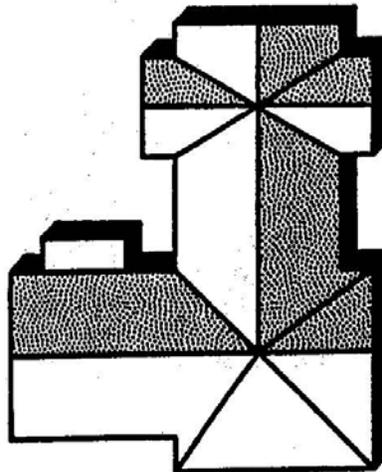
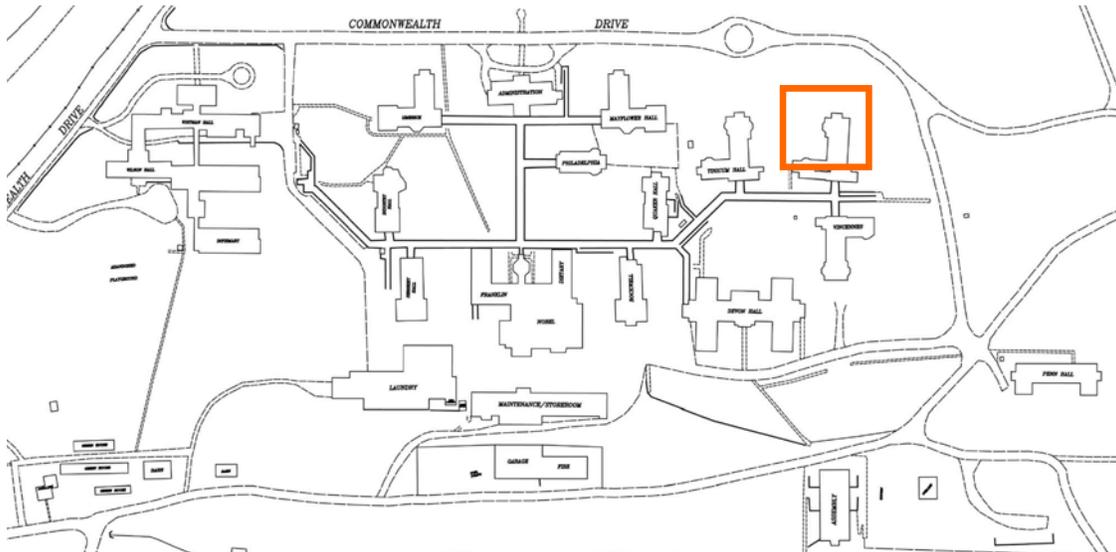
TINICUM HALL



UNION HALL



UNION HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	7,927	10'8"	84,554
First	7,927	15'4"	121,547
Second	7,927	14'5"	114,446
Attic	7,927	8'0"	63,416
Total	31,708	---	383,963

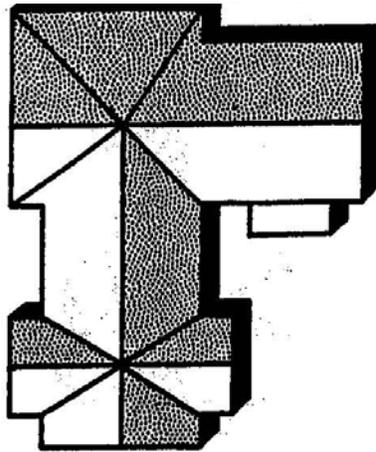
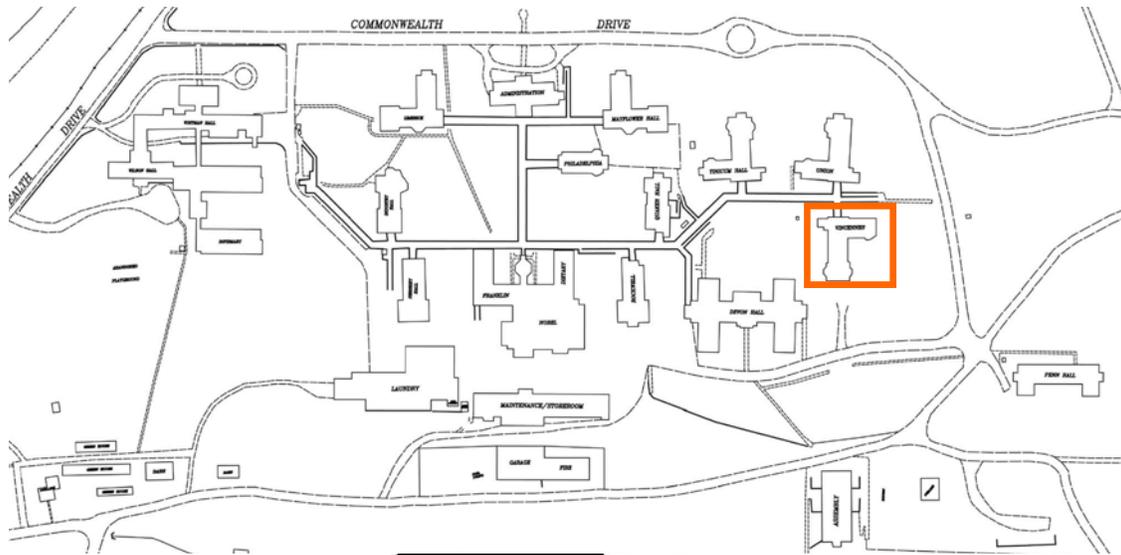
BUILDING CONSTRUCTION

- Exterior: Brick with stone bands
- Floors: Concrete
- Frame: Steel and concrete
- Roof: Wood frame/asphalt shingles
- Foundation: Stone
- Year Built: 1909

VINCENNES HALL



VINCENNES HALL



Total Floor	Square Footage	Average Ceiling Height	Cubic Footage
Basement	7,320	10'0"	73,200
First	7,320	15'8"	114,375
Second	7,320	12'3"	89,670
Third	7,320	9'0"	65,880
Attic	7,320	1'11"	13,725
Total	36,600	---	356,850

BUILDING CONSTRUCTION

- Exterior:** Brick with stone bands
- Floors:** Concrete
- Frame:** Steel
- Roof:** Wood frame/asphalt shingles
- Foundation:** Stone
- Year Built:** 1909

CONTRIBUTING BUILDINGS NOT INCLUDED IN STUDY

FARM BUILDINGS, PENNHURST ROAD



GREENHOUSES



As with all of the institutions activities, residents were primarily responsible for the cultivation of food and flora. These greenhouses produces food for the institution and cultivated flowers and ornamental plantings for Pennhurst's lush gardens.

Large reservoirs—including a giant covered reservoir, are adjacent to the greenhouses, but are not pictured here.



DOCTOR'S RESIDENCE





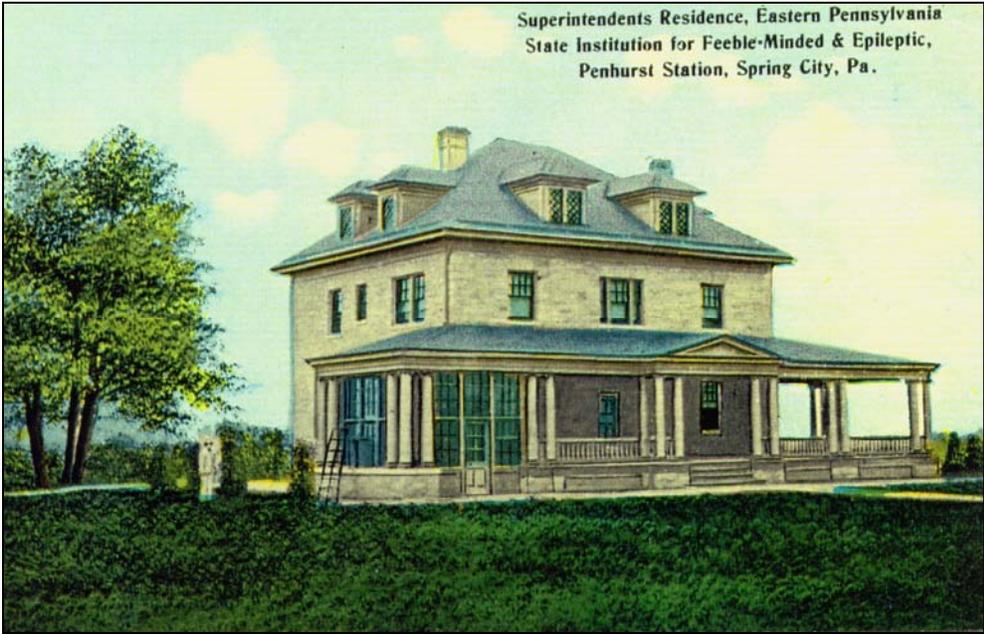
SUPERINTENDENT'S RESIDENCE

This building is a two story frame and stucco structure containing approximately 3,460 square feet of space.





**Superintendents Residence, Eastern Pennsylvania
State Institution for Feeble-Minded & Epileptic,
Penhurst Station, Spring City, Pa.**



APPENDIX D:
TOURING AN ECOLOGY OF THE ABANDONED: A WALK THROUGH PENNHURST
WITH J. GREGORY PIRMANN

APPENDIX D:
TOURING AN ECOLOGY OF THE ABANDONED: A VISIT TO THE
PENNHURST CAMPUS WITH J. GREGORY PIRMAN

J. Gregory Pirmann came to Pennhurst in 1969, just months after graduating as an English major from Villanova. Just before his arrival, *Suffer The Little Children*, an NBC expose about the treatment of the disabled at Pennhurst, scandalized the institution and ushered in promised change that would, like all other such promises, prove to be unfunded. The youngest recruit at an institution run by aging managers, Greg became the first in a new wave of "hippie" employees whose ranks swelled when legislation allowed Pennhurst employees exemption from the draft to Vietnam. Greg and his compatriots spent 19 years trying to fix Pennhurst from within. Thirty years later, as part of a preservation and memorial building effort, he returned to fix it up from the outside in.



Like all tours of Pennhurst, ours began at the heart of campus, the Administration Building. Administration functioned as a sort of ante-chamber; at once fully part of the institution but also the receiving room for the outside world. The building's commanding form embodied state authority and a kind of hyper-rationality meant to reassure visitors that everything was "under control." Indeed, as a read of a 1940s-era new patient's guidebook suggests, the institution exerted control not only over patients, but also over the patient-family relationship and interaction with the

public. In 1969, if a family wanted to take their child home for a visit, their request would have to be made in writing and sent to Administration with 72-hours notice. There, the patient's behavior record and medical history would be attached and sent to a case worker who would decide if the family and the patient were fit enough to visit. Families arriving on campus came to Administration but were led to Limerick



Hall, to a visiting room. Under no circumstances were families to go where their child lived. A runner would be summonsed to get the child, who was taken to an attic in Hershey Hall where the clothing room was found. Appropriately dressed, the child would be taken to visit with his family in Limerick Hall. If the family had a concern or complaint about their child's care, a staff person in Administration was taught to respond verbatim "I do not know your child, but I will take down your name and have someone call you." A policy of openness that encouraged the public to see what was going on at Pennhurst would not come into effect until just before Greg Pirmann arrived.

The historical beauty of the building's interior seems strangely juxtaposed with the emotional horror of the decisions of necessity made here. It was here that the paperwork to sign over their relatives to the institution was finalized. Greg recalled two admissions he himself had help process. One was for the brother of one of his own best friends from the Boy Scouts. Until the day Greg admitted him he had no idea his friend even had a brother. Another was for the wife of a Polish Jew who had been a freedom fighter in World War II. He had been disabled during the fighting. After the war, he went to a marriage broker

and, because of his deformity, was paired with a developmentally disabled woman. Together they had three daughters who spent their teenage years caring for their mother. When they moved away, the husband committed her.

"A few years ago, I was contacted by someone looking for some information about a fellow who had lived at Pennhurst. The fellow in question had come to America with his mother from Italy." Both had a poor grasp of English. Mistakenly thinking the "Pennhurst State School" was a trade school the mother admitted her son. Until Hospital Improvement Grants and reforms in the late 1960s, there was really very little that was school-like about Pennhurst. It is telling that in a 1940s guidebook "Pennhurst Information," printed by the patients in the institution's own print shop, "School" is bracketed by quotation marks. "When he found out what Pennhurst really was, he tried to escape multiple times. As a 'virile, young Italian boy' according to his file, he was a threat to society, and was brought back each time," Greg continued. The last time he ran off, World War II had started. By the time the authorities tracked him down, he had joined the merchant marine. "The file reflects that the decision was made to let him go, since he was serving the nation and would not pose a threat in the war effort. It was stamped "discharged on unauthorized absence."

The caller filled in the years after Pennhurst's file closed. The former patient in question had served in the merchant marine throughout the War, eventually settling in Baltimore as a longshoreman. He started a family, having two children, one a doctor and the other an attorney. "He was a wonderful provider to our family," the caller said. "It was only on her deathbed that our mother told us the family secret—that dad had been at Pennhurst."¹



Other patients were committed by the court. Patient number one (each patient was given a number) was a court-admittee. An epileptic, he had a "fit" in the Spring City town square and, to avoid scaring the townspeople, it was decided Pennhurst would be the best option. Still other people could be consigned by the signature of any two physicians—a means of admission that lasted until declared unconstitutional in 1971.² In some ways, the chaos of Administration in its vandalized form seems fitting.

Admissions to Pennhurst continued until 1977, when Judge Raymond Broderick declared forced institutionalization of persons with disabilities at Pennhurst to be unconstitutional—a decision that was to set the precedent throughout the world to this day.

¹ From the time Pennhurst was opened, there was pressure to include persons who were not developmentally or intellectually disabled. The institution always was overcrowded and had a waiting list. A 1940s guidebook suggests that unless a potential patient could work, parents should make an effort to keep them home and out of Pennhurst: "At present, our waiting list is approximately 1500. Recently, we have been some what disproportionately populated with hopeless, helpless, and paralyzed children, the bathing and feeding, the medical and nursing care for whom have proved to be an enormous problem. If your child is paralyzed and you have been advised by a qualified doctor of medicine that there is no hope for training, we request you not to urge the admission of this child if he can possibly be cared for at home." As they became elderly, certain of Pennhurst's residents who had been discharged into community homes wanted to get re-admitted into the state's mental retardation system for care. Thought they had been at Pennhurst, many had a problem demonstrating they were actually intellectually disabled years later.

² The declaration of the two-signature method unconstitutional resulting in some rather uncomfortable situations at Pennhurst; it required staff to send out letters to families saying your relative at Pennhurst is now free to go if he or she chooses. If a patient had no family, staff would read the patient themselves he letter informing them they were free to go. In the case of those patients that did not communicate orally, if they did not get up and walk out, the assumption was made that they were then to be classed voluntary commitments. All this, of course, begs the question how non-oral , not ambulatory patients might be classified voluntary commitments under the same process.

The Flemish-bond patterned brick around one set of windows is charred where vandals had burned Administration's hearing booth, the first of its kind in the state system. Vandals had also worked their magic on the building's tower, ravaged of it copper. Visible from nearly every point on campus, the spire presided over what at its height was a self-sustaining community, with its own farms, power plant, and fire company. All of it was staffed in no small part by the unpaid "working patients," part of a system of forced peonage common to all of Pennhurst-like institutions. Working patients were responsible for the care of other patients and, because their free labor was seen as so valuable, were not permitted to leave Pennhurst even when it was determined they could successfully live elsewhere. "I can't leave, or the babies³ I care for will die," Greg recounted one patient saying when offered the chance to move from Pennhurst. As Greg speaks we pass a pair of WPA-era tile mosaics flanking Administration's south portal. Their depiction--the lives of the slaves.



Under the shadow of the half-clad spire, we moved down the great walkway leading to the campus's center.⁴ The enormity of this place in every sense impresses upon you with each passing step. Every building brings another story. It is widely believed patients were conscripted to physically construct these buildings; what they left behind there still comes through clearly to Greg.

"One of the stops the tour I had on my first day was to see Joey," he began. Joey lived in one of K Building's seclusion rooms. At 5' 2", Joey was less than physically imposing, but he possessed uncanny strength and flexibility. Despite wearing a leather muff that bound his hands, he could remove his shirt with his feet, and had a powerful head-butt. Joey's most threatening characteristic, though, was his reputation: it was understood that Joey had killed one of his peers. Known as an eye-gouger, when he felt threatened by a peer, he would dig his fingernails into their eyelids. Rumor at Pennhurst held Joey's last name actually German for "eye gouger." Unlike many other residents who would walk to Dietary for dinner, Joey's meals were slid to him through the seclusion room door while two staff members stood on

³ "Babies" in this case were not actually infants, but bed-bound patients.

⁴ The walkways are the above-ground component to an elaborate system of tunnels connecting the buildings.

either side of the jamb with broom handles to keep Joey in. Joey had not left the room for any significant period for over five years before he met Greg.

In March of 1970, just a few months after Greg's arrival, Pennhurst became the first facility in the state to move to a unit system. Encouraged by a wave of public interest generated by *Suffer the Little Children* and enabled by a new young new staff, then-new Pennsylvania Commissioner of Mental Retardation and Superintendent of Pennhurst Dr. Jolley instituted the unit system, which grouped people by ability. Prior to this, people were thrown together regardless of ability wherever there was space—with disastrous results. While some wards were specifically punishment wards, all spaces were used as living quarters. Under this unit system, units one, two, six, and seven were based on level of functionality—can the person tie their shoes, feed themselves, etc. Unit three was for the visually impaired, unit 4 was for the bed-bound patients—so called "crib cases," unit five was for children, and unit 9 (Horizon Hall) was for the most severely and profoundly retarded ambulatory people. While the move to the unit system is regarded positively, its implementation may have contributed to some deaths, as long-standing relationships between caregivers and fragile individuals were disrupted by the wholesale changes undertaken. Some individuals who were difficult to assist with meals suffered because the people now caring for them were not familiar with their specific needs. This form of "transfer trauma" was documented in many cases in succeeding years as large institutions closed and people moved to other, smaller settings.⁵

Under the direction of Bruce Yoppi, unit eight, a behavior unit was assembled to include the 35 most dangerous patients. Joey was, not surprisingly, included in this unit to be housed in Q1 (Quaker Hall, first floor). While Joey's K-Building seclusion room had been a 24-hour cage, under Greg's care in Q1, seclusion was for nighttime only. During the day, Joey, albeit with his leather muff, could wander around Q1. He took meals individually with a staff person, but otherwise was free to be around other residents. After a few years, Joey seemed to be responding favorably to his increased freedom. Greg approached Pennhurst Superintendent Youngberg to ask to have Joey's restraints removed.

Greg pulled Joey's personal file to prepare the official request. Joey the Eye Gouger was rumored to have killed his parents by the method that gained him his name. The truth, revealed in the file, was that Joey was born while his mother was in jail. He had been in foster care until he was eight years of age. Likely malnourished, Joey was an exceedingly small eight-year old when he was admitted to Pennhurst. Like all admittees, Joey spent his first few weeks in Pennhurst's hospital for evaluation. After that, he was sent to live on an adult ward in T Building (Tinicum Hall). Tinicum was representative of the living areas at Pennhurst in those days—150 people living in a space designed for far less with no one supervise them.

Reading further into the file, it became clear that Joey had been violently sexually assaulted in Tinicum. The attacker had hurt Joey's eyes during the incident, perhaps inflicting the injury in order to perpetrate the assault. Joey's eye-gouging was a behavior learned at Pennhurst.

Joey used this behavior as a defense some years later. It is likely it was to ward off another would-be attacker; sexual assault was commonplace at Pennhurst prior to the reforms of the 1970s and 80s. Person Joey attacked spent a month in Pennhurst's Hospital, where he got pneumonia and died. As the record made clear, it became politically more prudent say Joey's actions were the direct cause of this death, and thus Joey spent five years in seclusion. Upon Pennhurst's closing, Joey moved to a community home in Chester County where he has lived since 1987. "The institution created the problem, then solved it in a way that hurt the individuals—for Joey and everyone else," Greg said. "This is the heart of what makes institutionalization absolutely unfixable as a means to help people."

But long before anyone thought of institutionalization as "absolutely unfixable," Pennhurst was seen as a model solution. Originally known as the Eastern Pennsylvania Institution for the Feeble Minded and Epileptic, it was a product of the "progressive" era when the solution to dealing with disability was forced

⁵ Pennhurst would remain on the unit system until 1978, when geographically-based system was instituted in the hopes of providing greater supervision. The units grouped adjacent buildings into a trauma unit, then four other units (Washington, Independence, Lincoln, and Humphrey) that included within each people of various ranges of ability. This structure remained in place until Pennhurst's closure in 1987.

segregation and sterilization. Since the 18th century—a similarly self-proclaimed age of enlightenment—people with illness and disabilities were labeled “defectives.” As late as 1820, such “defectives,” along with other dependent “deviant” groups such as aged paupers and the sick poor, were grouped together and sold to the lowest bidder. As seen in its grossly inadequate funding, a similarly conceived philosophy of disposal at the lowest cost was played out time and again at Pennhurst. The wastefulness of its current abandoned state underscores the culture of disposal is still at work.

In the year that Greg arrived at Pennhurst, the nation’s five largest zoos spent more money per year per animal than the Commonwealth of Pennsylvania expended on Pennhurst residents. A lack of funds meant also a lack of staff. Although there were 900 women residents in 1968, there was no gynecologist on the full time staff. Amazingly, of the 11 teachers assigned to work at a facility with over 2000 intellectually and developmentally disabled residents, none was certified in special education. No psychiatrists were on duty on weekends. No housekeeping services were available on weekends, either, and it was common to find urine and feces on ward floors. The staffing problems were compounded by overcrowding. Until post-litigation reforms were instituted, most residents had no privacy. To meet federal funding guidelines in 1978, the School’s population was not to exceed 850; in the 1950s, the same facilities warehoused almost 5 times that many.

The result, according the 1978 U.S. District Court case *Halderman v. Pennhurst State School and Hospital*, was that Pennhurst was physically and psychologically hazardous for its residents. Most residents suffered physical deterioration and intellectual and behavioral regression while at Pennhurst. Restraints were used as control measures in lieu of adequate staffing and included psychotropic drugs, seclusion rooms, and binding an individual’s hands or ankles to a chair or bed. Investigations showed such restraints were grossly over-prescribed, with some residents restrained for hundreds of hours monthly. In 1972, an eleven year old strangled to death in soft restraints. Injuries to residents by other residents and through self-abuse were common. In 1975, one individual bit off nearly three-quarters of another’s ear while the latter was sleeping. In that same year, another resident pushed a peer to the floor, resulting in her death. In one month alone there were 833 minor and 25 major injuries reported. Residents commonly lost teeth, eyes, toes, suffered fractured limbs, jaws, fingers, lacerations, bites, and scratches, and were often so heavily drugged they were unresponsive even to their visiting families.

We continued our campus tour. A few years after a the unit system was instituted, a few young female residents decided to stage a protest against being asked to care for other patients for no pay. A similar rebellion had been staged on the second floor of Vincennes Hall in the 1920s. Aides responded by going to the local movie theater to protest the poor working conditions and low pay employment at Pennhurst provided. Greg recalls his response to the later protest to be quite different. "I was in my office in Franklin Hall, and I got a call to come to K Building right away," he said. Emma, Aggie, and Dorothy had climbed to the roof of K3, the ward that had been created for them to "modify their behavior" regarding (not) working, and declared they were going to jump and run away.

Like Pennhurst's other buildings, K's third story was 40 feet above an asphalt parking area. The dormered roof was steeply pitched and clad in slate. "One of my credos was that I would not ask a staff person to do something I myself would not do," Greg said. That honorable nature of that credo as little comfort, the Greg found himself climbing out of a dormer to join the girls for a what became a half-hour discussion about the pros and cons of their contemplated plan. A slate falling from the roof to shatter on the ground below added a final tic in the con column, and the group made their way back down to the dormer. After helping the girls back into K, Greg placed his own foot onto the window sill to step inside. Just as he began to pull himself up, he lost his balance and began to fall backward. In a fit of good luck, he managed to grab onto the double hung sash, flinging himself through the opening and onto the floor. After a few minutes resting on the floor, "I went back to Franklin to get clean underwear." The girls who had staged their roof-top protest and their unit 2 peers proved to be exceedingly capable. While the state surmised they could perhaps one day live in a group home, when they were finally allowed to leave Pennhurst (many were kept there because of the valuable labor they could provide), many actually were able to live on their own without state services.

The labor the girls protested had been a core element of the institutional system from its inception. In the Act authorizing the creation of Pennhurst, the Pennsylvania Legislature noted that “that the employment of the inmates in the care and raising of stock, and the cultivation of small fruits, vegetables, roots, et cetera, shall be made tributary, when possible, to the maintenance of the institution.” The “inmates” were very successful in the “care and raising of stock” and the “cultivation of ... vegetables.” Production reports from 1915, from the mid-1940’s, and from 1954 demonstrate how well the “inmates” did. The farms were eventually phased out, some say for political reasons. (There was profit to be made from selling food to the state’s institutions.) By the late 1960’s, only the dairy herd remained at Pennhurst. The “employment of the inmates” was not limited to agriculture. Over the decades, the individuals who lived at Pennhurst became the primary work force, carrying out most of the day-to-day labor needed to keep the facility alive. Individuals sent to Pennhurst worked in every corner of the facility. In the mid-1950’s, the population of Pennhurst peaked at more than 3,500 people. There were just over 500 paid employees working at the facility at that time. The “working patients” ran the facility, supervised in the operation of the institution by a relative handful of paid employees. Illustrating this ever-increasing dependence on the uncompensated work of the “patients” is the fact that in 1922, four paid employees supervised forty “working patients” in the laundry. In 1954, just six paid employees supervised 82 “working patients” in the “most modern laundry in Pennsylvania.” In addition, hundreds of individuals provided the daily care of the people in the “custodial department” who could not care for themselves. There are virtually no pictures to document this aspect of Pennhurst’s history, just as there are very few photographs of the people who needed complete care. Just as Pennhurst itself was invisible to most of the outside world, the most disabled individuals in Pennhurst were invisible within its walls.



Disability advocates railed against the forced peonage at Pennhurst, leading to the *Downs* consent decree at the Pennsylvania state level requiring patients to be paid according to their capability. *Downs* was later upheld and made Federal law by the *Sauder v. Brennan* Supreme Court decision. Rather than move to compensate working patients, the state informed Pennhurst staff they were to inform their patients on the day before *Downs* took effect that they were not to report to work the next day. While no patient should have been forced to work without compensation, the loss of patient labor had a profoundly negative impact on patient care and quality of life. A diminished workforce meant lesser-able patients went for extended periods with no care. Medication and restraints were increasingly supplanted for supervision. Additionally, working patients lost their sense of purpose and self worth, with days spent milling around in day rooms.

In the years before *Downs*, John was a working patient, a resident of unit two. He loved his work taking care of wheelchair-bound patients on Industry Hall's first floor. The days after *Downs* took effect, John reported to work as usual, lifting patients from their chairs to be cleaned, etc. The staff called security to take John back to Quaker 1. The next day, the staff had locked Industry's door in case John returned for work. A few minutes after 9:00 AM, Industry's door exploded through its lock, swinging open to reveal a familiar figure silhouetted against the sunlight courtyard outside. John, benefited by the strength of many years of lifting heavy patients, had reported for duty once again. A year after *Downs*, the state initiated a resident worker program where patients were paid a percentage of the pay that would be commanded by a non-patient working at the same job.⁶

⁶ Even some patients who were discharged returned to Pennhurst to work as housekeepers. Greg described Jake, an African American man who had played on Pennhurst's baseball team, as one such person. This desire to return to the institution once given the chance to join the outside world was not so much a longing for Pennhurst—all when interviewed said they preferred being free of Pennhurst—but rather a desire to

The sunlit courtyard outside of Industry disappeared as we entered into the tunnels. Each of Pennhurst's buildings is connected to an extensive underground pedestrian tunnel system. The tunnels were used to transfer patients and by Pennhurst staff in inclement weather. As there was only one on-duty nurse for the entire school, she used a golf cart in the tunnel system to get from building to building. Spooky even during Pennhurst's years of operation, today the tunnels are the stuff of legend for thrill-seeking teens. Gurneys and rusty wheelchairs still emerge out of the almost impenetrable darkness. Our words returned to us in otherworldly and incessant echoes, reminding me of what Pennhurst must have sounded like in its own dark period. A constant dripping adds a softness to the disorientation, contrasting with the sharp clap of our footsteps.

The tunnels joined the basements of each building. Generally, the basements of residential buildings included workshops (as in Union Hall, for instance) and classrooms. Greg's late wife Suzanne had a classroom in Tincum's basement. As we entered the building, a few water logged pages from a child's coloring book emerged from an undefined mass of old rubbish in the corner. Each time it rained, it would take a week to pump out this room. Suzanne developed asthma after working there. She had several favorite pupils. Russell Pierson was one. Russell, who had trouble with his consonants and introduced himself as "Passel Pierson," loved to draw. Suzanne brought some drawing paper in from home for him. Russell lived on Tincum's second floor, but was a regular visitor to Suzanne in the basement. On one visit, he presented her with her drawing paper. On his, Russell had created a five-foot wide, nearly-scale depiction of Tincum Hall.

When Judge Broderick ruled that Pennhurst was to close, he appointed special master Robert Audet to supervise the move-out of Pennhurst's residents, a process slated to take several years.⁷ George Kopchick, Pennhurst's Superintendent, took Tincum Hall to show him the conditions the patients were living in because of lack of funding, showing him the worst bathroom Pennhurst had to offer. Audet said that not another dollar would be spent on Pennhurst because everyone was going to leave. Kopchick then brought Secretary of Public Welfare Helen O'Bannon to see the bathroom. She provided funding to fix the bathroom and keep Pennhurst livable until the last resident could be placed in the community. "Judge Broderick had been sold a bill of goods that everyone could leave here tomorrow; it was not true. Many in the advocacy community said it was the state's fault that the closure took nine years, but that was not true either," Greg said.

Tincum was one of the first buildings constructed at Pennhurst. Whereas Limerick Hall Floors 2 and 3 and Penn Hall housed the highest functioning patients, Tincum's population required more attention. Most working patients were used in the area where they lived; for staff who did not wish to clean patients who soiled themselves, having a working patient you could wake up in the next bed was of great help. In

return to what was familiar. Similarly, many patients who were placed in independent living situations later moved back to communities surrounding the Pennhurst campus. Greg described the story of Chris (Daniels) and Percy. They were among the last people to be scheduled to leave Pennhurst for community group home placement. A very capable resident, Chris told Pennhurst staff that "I know this place, this is my life, and I am not leaving." Cognizant of the impossibility of keeping Pennhurst open to for one person and settlement agreement that mandated Pennhurst close, a compromise was reached. Chris and Percy would live in the former Pennhurst Doctor Ed Wilton's residence—itsself one of the original farmhouses from the farms taken over by the state to create Pennhurst. The house would be given a Spring City address, attempting to disassociate it from the Pennhurst. Chris, and Percy, later joined by Roosevelt Butterfield, lived in the house until its deferred maintenance finally forced them to move.

⁷ The settlement agreement said there would be some people who would be transferred to other institutions rather than to community homes as the consent decree had demanded. The state said these persons, 40 or so in number, were too hard to place. Pennhurst's own staff, who were asked to write a statement affirming that these persons could not be placed in the community, disagreed, affirming they could in fact be placed. State officials reminded them of their duties as employees, and the report was written. The plaintiffs officially agreed to the provision in the settlement agreement, but quietly pulled the state's counsel aside and made it know they would fight the state tooth and nail. Intimidated by the advocacy's unexpected success in closing the institution, the state backed down.

absence of working patients in T building, the quality of care was considerably less. Mornings began with a hose down. Days were spent in the dayroom. The T2 dayroom, typical of Pennhurst's day rooms, provided a sight that shocked most visitors: scores of patients milling about aimlessly, some sitting and rocking, most naked. Before Hospital Improvement Grants were obtained in the 1970s, little or no programming was available. Staff barricaded the day room entrance with large wooden benches to prevent residents from wandering off. As the number of staff available to care for patients here dwindled, more drastic measures were taken to deal with problem cases. Chronic biters had their teeth pulled; those with severe issues were tied to their beds. Others were put into seclusion.

From Tinicum we moved to Vincennes. Vincennes' second floor had been home to Howard, a diminutive man whom Greg said weighed "at most, 120 pounds soaking wet." Greg had been sent to meet Howard to see if he would fit the profile for the his new behavioral unit being set up in Quaker Hall—the same unit two Joey joined. Howard had spent a good deal of his time at Pennhurst shackled to his bed—a massive metal bed typical of the institutional furniture. To Greg's surprise, as he reached V2, Howard greeted him in the hallway—walking toward Greg with the metal bed shackled to him. Howard's behavior had been the stuff of legend. In once instance, he ripped a cast iron radiator from Vincennes 2's floor—a plumbed in radiator—and heaved it out the window. It took six maintenance men to retrieve the radiator.

Sometime after arriving at Quaker 2, Howard decided he could fly. The top of Quaker 2's stairwell remains capped to this day, a measure taken to prevent Howard from practicing his flying abilities in the building. Security screens on Quaker windows failed to keep Howard from leaping out of the second story. He landed on a fence-enclosed air conditioning unit, pulverizing his leg. When the staff reached him, he was trying to climb up the fence. After several months in Pennhurst's hospital, Howard regained full use of his leg. Obviously touched by Howard's resilience, Greg wrote a poem about him, which he shared with me.

We moved to Quaker Hall, home to the behavior unit, unit 2, that Joey had moved into from K building. As director of the behavior unit, Greg had an office in Q Building in a converted linen closet. As we crossed the threshold, another memory. "Bill Dorsey was an African American. He had been excluded from school all of his life. He had been sent to live at Eastern State, a place for people with mental illness," Greg said. However, the state could legally only keep you at Eastern State until you turned 18. It was likely Bill was not mentally disabled, but written—in handwriting—on his file was the word "retarded," a notation that enabled a Judge to commit Bill to Pennhurst for life.

Pennhurst's abandoned buildings were always remarkably cool and damp. As the day drew closer to its end, cool and damp gave way to cold, accentuating the forgotten landscape's own chilling effect. As we entered Quaker, I shivered a bit as our words materialized in steam against the stale air. "Bill was extraordinarily quiet; he could move like a ghost. Four assistants sat outside my office in Q1. "I used to keep candy and soda in my office," Greg said. "Somehow Bill would manage to get past all of them without any of them seeing him. By the time I saw him, he already was into the candy," Greg remembered.

Bill was also a student of Suzanne, Greg's wife, who described similar stories of his stealth. Bill had been placed in the behavior unit because he had a history of lashing out. Greg and Suzanne worked with Bill for several years and as he improved he got free time. During free time, Bill would go to Dietary. We traced Bill's steps, entering Dietary through the great kitchen with its massive stainless steel mixing pots and exhaust hoods dominating the view.

Dietary at this time operated cafeteria style—you could go anytime you liked if you had free time. Bill's behavior was normally child-like, but the staff discovered to their amazement, when staff were not present, Bill would sit and converse normally with other residents. "Bill's behavior was learned at the institutions. When a staff person walked into the room, he would immediately revert to child-like behavior. That was how he understood we wanted him to act," Greg said.

Food service at Pennhurst was exceedingly important. Many Pennhurst residents could not feed themselves, and those who had had their teeth pulled required liquefied food. Teeth pulling, the reader will remember, was a common solution for patients prone to biting others.

While some patients would have meals brought to them, some, like Bill, would walk on their own to Dietary. As we left Dietary, Greg motioned to where K Building had been. K was the only building ever to be demolished at Pennhurst. Its construction, similar to those of the still-extant buildings, was so massive that the demolition contractor went bankrupt trying to bring it down. "K2 was one of our living areas. Normally it was locked, but we unlocked it to let the residents walk to Dietary," he said. "Now, you see, to get back to K, you turn left here from Dietary. This fellow got confused and turned right," he said. We stopped and turned to the right. From this point, a right turn with a relatively straight trajectory, now as at the time Greg spoke of, would provide an unimpeded walk for nearly a quarter of a mile, ending at the Schuylkill River. "The Schuylkill was partially frozen at that time and a light snow had fallen. When we realized he was gone, we followed the footsteps," he said. "I was just twenty years old when I learned first-hand that cold bodies do not float. We pulled his body off the River when it warmed up," he said quietly. Beginning again our walk, he said "This was a world where that could happen. We had four drownings in the Schuylkill in the years I worked here. It was madness to put a facility for mentally retarded people on a property surrounded on three sides by water."

As we spoke, we walked toward the river. To our right was the Auditorium. When Pennhurst was at its most crowded, people lived on the Auditorium's second floor. In the basement was a canteen (later replaced by a canteen in Limerick Hall) and a gymnasium. Harold Amster, Pennhurst's official photographer, ran the projector. Amster had taken thousands of images of Pennhurst during his many years there. They were stored as slides in a great metal cabinet in Administration. When Pennhurst closed, the images—along with all the patient records—were left in place for vandals and scavengers to find. Some years later, the state took what patient records were left to the Norristown State Hospital for storage. Amster's priceless images have never been located.

In his projectionist role, Amster found himself the defacto film content editor. "Sholkie, our District Manager, only wanted us to show Disney films and cartoons—these were adult residents, but it all goes back to the fact everyone referred to them as children," Greg said. "There was a big argument about actually showing PG-movies. As it was, Harold had to snip out the sections of the film reels thought to be too racy for the residents. He'd take them out, then tape the reel back together. We wondered how the folks who lent us the film reels felt about getting them back all snipped up," Greg said. "We all wondered if Harold pieced all the good sections he removed together to make one long prohibited film." As we climbed the stairs to the projection booth, we saw two massive projectors still in place, with empty film reels scattered among the piles of fallen ceiling plaster.

Next to the Auditorium, a road leads to the Female Colony one mile away. While Pennhurst was a place meant to separate "degenerates" from the world outside, it is telling that there was no segregation on campus by race, ethnicity, or ability. The only separation was between men and women. However, the division of sexes was exceedingly important to Pennhurst's founders, who believed the gene pool could be eradicated of mental "defectives" by preventing their procreation. Women with disabilities were seen as particularly dangerous to society, as it was widely assumed they would reproduce and produce babies with disabilities. While both sexes were housed on the main campus in the years when Tinicum, Union, and Vincennes were the only buildings, the imperative to move the women to a different location was expressed in the legislative mandate from the outset.

The Female Colony, built in the 1920s, was just out of visual range from the lower campus as Greg and I looked up the narrow road. "Leonard and Violet Biddle first met as schoolchildren at Pennhurst. While they were able to attend school in the same building, they were separated by this road for the rest of the time," Greg said. After they reached adulthood, it is unlikely that Violet and Leonard saw much of one another. Other than large holiday picnics and the day that the circus came to Pennhurst each summer, co-ed social activities were not allowed until the late 1950's. When "female patients" (other than those working in the cafeteria, laundry, etc.) walked through the Male Division, the attendants escorting them were instructed to march the women in single file, with each woman placing their hand on the shoulder of the person in front of them. Everything in the day-to-day operation of Pennhurst militated against men and women forming relationships.

The world changed for Violet and Leonard in the mid-1960's. Because they both had significant visual impairments, they were moved into two adjoining living areas attached to the Pennhurst hospital. The "Male & Female Vision Units" were opened after Pennhurst was awarded a Hospital Improvement Program (HIP) grant from the Federal government designed to provide specialized services to the blind and severely visually impaired residents of Pennhurst. This grant program, which preceded by several years the end of sexual segregation in the facility, brought Violet and Leonard back together.

Another momentous change in the mission of Pennhurst led Violet and Leonard to the life they shared together for more than thirty years. In the late 1960's the Vocational Rehabilitation Department at Pennhurst began to find real, paying jobs in the community for people like Violet and Leonard, people who had worked at Pennhurst for no compensation throughout their adult lives. Violet and Leonard were both hired in the Housekeeping Department of the Phoenixville Hospital. They moved from Pennhurst to their own separate apartments. And, in the "real world," they decided that they wanted to become man and wife. When they announced their plan, staff at Pennhurst opposed their decision but they went ahead and got married in 1971. Their marriage lasted for more than 35 years, most spent in their own cozy apartment in downtown Phoenixville. They had many friends and played a vital role in their community. As their health deteriorated, they eventually moved from their home to a nursing care facility. Leonard died in 2007. Violet was reunited with him this year.

Greg and I walked past Devon Hall, the newest and largest of Pennhurst's main campus structures. Devon's immense wards reflected the change in treatment philosophy from therapy to warehousing. Its first floor was home to Pennhurst's ward of approximately 150 children. "Most of our kids were very medically involved, with serious medical problems, such as Tay-Sachs," Greg said. "That was too tough for me. I could handle people acting up, threatening me in the behavioral unit, but I couldn't handle how sad the children's unit was.

We crossed campus, headed toward Limerick Hall. L Building had a canteen on the first floor with a large meeting room next to it. Limerick was part of a larger unit for 450 clients (a latter-day term for those also known as "residents," "patients", or, earlier, 'inmates.'). Pennhurst's total staff in the 1970s averaged 105 people, including doctors, administrators, etc. For the 450 people in unit, only 18 people were assigned, and of those, generally only ten people were available to care for all 450 persons. As a result, there were not enough hands to adequately keep watch on L2 and L3. "We had one person assigned to L2; it was her job to go up to L3 once a day to make sure no one had died...apart from that we relied entirely on the L3 folks to look after themselves and help with the other clients," he said. "These were people the state said could not live independently in the community—which they later did—and here they were living entirely independently at Pennhurst."

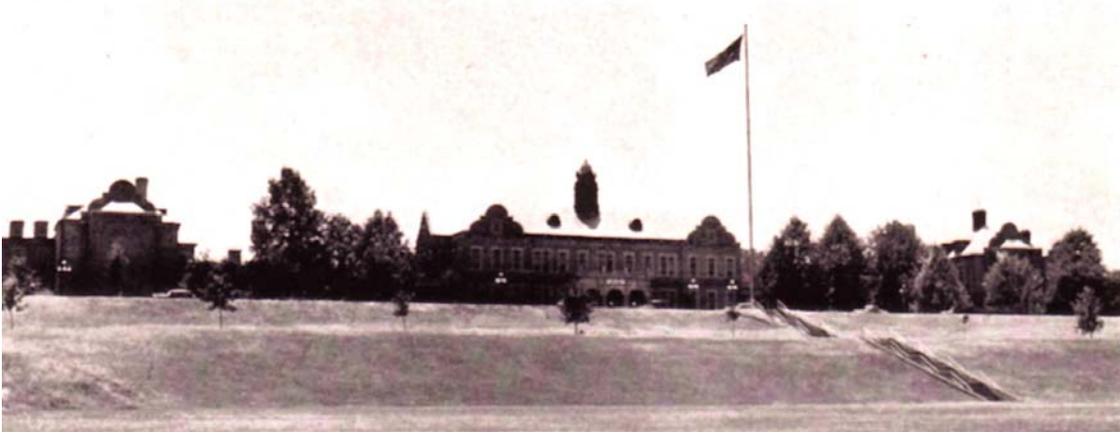
Wayne lived on L3. An imposing man at 6' 7", Wayne came to Greg one day and announced, "Greg, I want to get strong." Greg told Wayne he would get him to the Sears at Coventry Mall where he could buy a set of weights. Wayne did not wait, walking the 5.8 miles from campus to the Mall—and back with a 180-lb weight set. After leaving Pennhurst, Wayne got a job working on a loading dock. "He was a sweet soul, he would have done anything they asked. As it was, they made fun of him, so he quit," Greg remembered.

Danny also lived on L3. Danny was an Asian, a Pacific Islander. He had a magic ability to fly a kite anywhere—even indoors, which he did in the L Building stair hall on occasion. Looking toward the fields "I can picture him standing there, just looking up at the sky. If you looked closely, you could see a string making its way up into the clouds, but the kite was up much too high to see," Greg said. Despite his small size, he was a consummate baseball player, with a powerful swing. "We used to play in an area next to Franklin Hall. We never expected Danny to hit the ball all the way over to Industry Hall—he broke four of its windows," Greg said. "I'll never forget the day Danny had been accused of shoplifting when he was off-campus. We found him back in his room, employing his killer swing to break every blessed thing in his room. We let him cool of a bit before trying to get the bat," Greg remembered.

We turned toward the great terraced fields running from Commonwealth Drive down to the river level, the fields where Danny would fly his kite. From here, the world opened up below, with a view across the

gently rolling hills of southeastern Pennsylvania toward the Blue Mountains meeting the horizon. The fields had been used for sports activities during Pennhurst's years of operation. A flagpole and monumental staircase down the terrace still cry out from the thirty-year-old forest that has grown around them.

I have always been struck by the beauty and order of this space in old photographs—the immaculately manicured lawn, the baseball diamond, the trees, the ornate globe lampposts, and Administration's tower. The formal order of Limerick Administration, and Mayflower's stately forms give a monumental backdrop for the images of people at play on the fields.



A photo of the 1925 baseball team—an integrated team—taken on Administration's steps speaks volumes. Those smiles, the clean uniforms—what an image, particularly when we are aware of what is behind them, actually and metaphorically. As we peered down to where the baseball field must lay under the cover of the straggly trees, Greg gave another layer of memory to the fields.

"We had a new admission. As was standard practice, he was in the hospital before being moved into a residential unit on campus," Greg said. "He ran off in the dead of winter. We called in everyone, helicopters, search dogs, everyone. No one could find him that night. The next morning we found him on these fields, dead from exposure. Security had criss-crossed the area where we found him several times, but he must have been hiding out when they were there and tried to make his way back when they left," he said. The boy's brother—a cop—had been the family disciplinarian. "We later found out that he was scared to death of people in uniforms. A security guard had been to the hospital that night, and it scared him enough to run off," Greg said. "No one ever told us."

Our walk brought us to back to Administration where we began. The victory that disability advocates achieved in getting Pennhurst closed was symbolized by the closing of the building's great oaken doors for the last time in 1987. Not all families were pleased with this decision at the time. They had always been told that Pennhurst was the best option for their child—that a retarded child ruins marriages as any pastor, doctor, or social worker of the time would attest. Until advocates succeeded in making Pennsylvania the first state to declare there was a universal right to education in 1972—a right later read into Federal law by the Supreme Court—public schools could refuse to accept disabled children. Those that could not afford a private school or home care assistance had no choice but Pennhurst. With the horrors of life at Pennhurst exposed, the concurrent announcement that institutionalization was wrong—indeed, portrayed as evil—not re-opened the scars made in this very building and dumped salt into the wound.



Greg and I walked toward the sun as it sank below the trees on the abandoned playing fields. We turned to Administration's doors, bereft of their glass, to close them if only out of respect.

An array of stone dogwood flowers, perennial symbols of resurrection, remembrance, and redemption, bejeweling the arch above the doorway gave us pause as it caught the last of the sun's rays

APPENDIX E: PENNHURST TIMELINE

APPENDIX E:
A PENNHURST TIMELINE: ITS HISTORY, LEGACY, AND THE
EFFORT TO SAVE IT

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Summary of Pennhurst-related Reforms:

- Pennsylvania first state to pass Right to Education for Persons with Disabilities. Set national precedent.
 - Pennsylvania first state to end forced unpaid labor in state institutions (*Downs v. PA Dept. Public Welfare*, later upheld by U.S. Supreme Court in *Souder v. Brennan*).
 - *Romeo v. Youngberg*. A landmark U.S. Supreme Court decision arising from poor conditions at Pennhurst. *Romeo* established that persons with intellectual and developmental disabilities involuntarily committed at state institutions had constitutionally-protected liberty interests under the due process clause of the Fourteenth Amendment.
 - Most importantly, Pennhurst first place in the world where institutionalization declared unconstitutional (*Halderman v. Pennhurst*). Set international precedents.
-

September 1777: (9/16 Battle of the Clouds; 9/21 Paoli Massacre): George Washington and the colonial army cross the Schuylkill River at Parkerford, adjacent to what would become the Pennhurst grounds 130 years later.

July 1824: Schuylkill Canal Opens 108 Miles (to Pottsville) The canal, and later the Pennsylvania Railroad built nearly on its towpath, ran along the northern part of the peninsula on which Pennhurst is situated A lock tender's house built on the Pennhurst property was used as part of the Pennhurst dairy farming operation.



1853: The first specialized school in PA for persons with intellectual disabilities is opened in Germantown, near Philadelphia. Eight students are enrolled in what is known as the Pennsylvania Training School. The facility would move to a different location in Philadelphia in 1855. The

enrollment at that time was seventeen. The facility would later relocate to rural Delaware County and be renamed as the Elwyn Institute.



The Pennsylvania Training School.

1884: The Pennsylvania Railroad Schuylkill Division opens. The line eventually stretches from Philadelphia to Pottsville in Schuylkill County.



Frick's Lock station on the ex-PRR Schuylkill Division taken 1910. Built in 1884 removed in 1930s. -Contributed by Leonard Shaner

1893: The PA Legislature authorizes the construction of a facility for “feeble-minded” individuals, to be located in Venango County. The PA Legislature authorizes the construction of a facility for “feeble-minded” individuals, to be located in Venango County. This would be the first state-run facility of its kind in the Commonwealth and would be known as the Western State Institution for the Feeble Minded, later renamed the Polk State School and Hospital, later Polk Center. Polk is the western counterpart to Pennhurst.

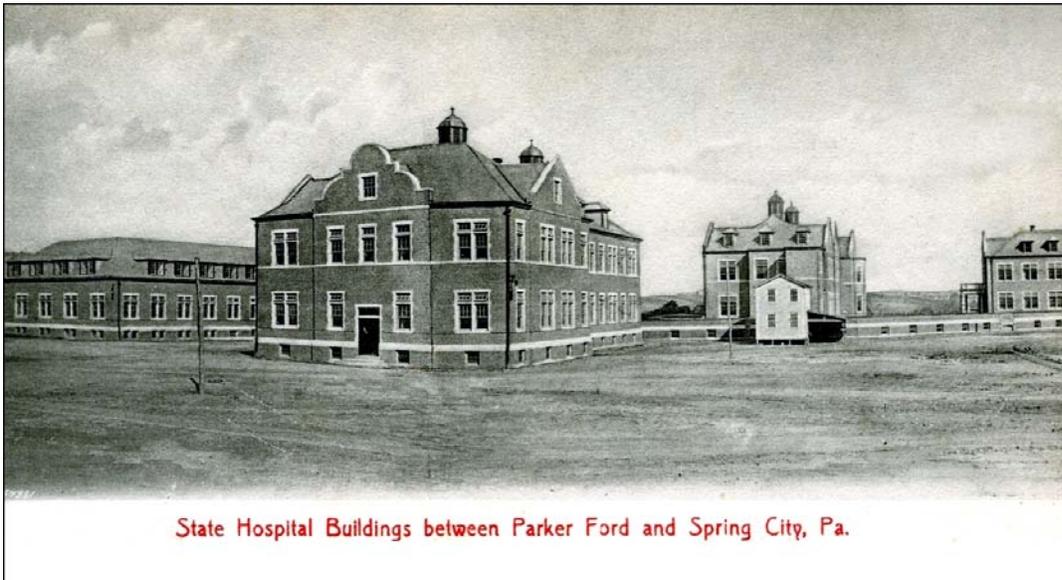
1897: The Western Pennsylvania Institution for the Feeble-Minded is opened. This facility would later be renamed the Polk State School and Hospital. Polk is the first state-operated institution for persons with intellectual disabilities in PA.



Polk State School and Hospital, Venango County, PA.

1903: The PA Legislature authorizes the creation of the Eastern State Institution for the Feeble-Minded and Epileptic, the second such state-operated facility. A commission is created to identify a “tract of land [which] shall be good, arable land, well adapted to the preservation of the health and the occupation and maintenance of the inmates of said institution.” The establishing legislation later states that “The buildings shall be in two groups, one for the educational and industrial department, and one for the custodial or asylum department, with such other subdivisions as will best classify and separate the many diverse forms of the infirmity to be treated; and shall embrace one or more school-houses, a gymnasium and drill-hall, a work shop, and an isolating hospital, - all on such scale as will create an institution to accommodate not less than five hundred inmates or patients, planned and located for easy and natural additions, as population demands.”

1903 thru 1908: The first buildings of the Eastern State Institution for the Feeble-Minded and Epileptic are completed on a site known locally as “Crab Hill.” The facility is situated in Chester County, near the Borough of Spring City. The first group of buildings includes “P” [subsequently renamed Philadelphia Building], “Q” [Quaker Hall], “R” [Rockwell Hall], “F” [Franklin Hall], “G,” “N” [Nobel Hall], “U” [Union Hall], “V” [Vincennes Hall], “T” [Tinicum Hall]. The “K” and “I” [Industry Hall] Buildings were completed within two years of the facility’s opening. Numerous farm buildings were also completed in the first wave of construction, as well as a sewage plant and a power plant. “P” Building is used as an interim Administration Building until the actual “A” Building is completed.



State Hospital Buildings between Parker Ford and Spring City, Pa.

November 23, 1908: The first person admitted to Pennhurst. He is listed as "Patient number 1," a practice that was carried forward for all of Pennhurst's over ten thousand residents. For many parents, there was no other option in place to help with a disabled child than to send them to Pennhurst.

1908: One of the stipulations of the legislation that created Pennhurst was that it be "so located as to be most accessible, by railroad facilities, to the counties of Eastern Pennsylvania." The Pennsylvania Railroad created a Pennhurst Station on its Schuylkill Division concurrent with the opening of the Eastern State Institution. Coal and other supplies were delivered to Pennhurst by rail for decades. Tracks still visible today under the pavement behind Dietary and Devon Hall allowed boxcars to be brought directly onto the main campus. In this 1918 photo, a wooden refrigerator car (cooled by ice) is being unloaded. Notice the flags flying from the truck in this patriotic WWI scene.



1912: From the outset, Pennhurst was overcrowded. Designed for epileptics and persons with intellectual and developmental disabilities, there was tremendous pressure to admit many different persons whom society, steeped in the eugenics movement, wanted removed from the gene pool, including immigrants, orphans, criminals, etc. But even the stated mission of Pennhurst—to house

epileptics and "the feeble-minded"—came under fire from within the institution as early as 1912. In that year, the Superintendent reported to the Board of Trustees in chilling language that "It is without question absolutely wrong to place the feeble-minded and epileptic in the same institution. They are not the same; they are as different, one from the other, as day is from night. They are mentally, physically and morally incompatible, and require entirely different treatment." The admission of individuals with epilepsy and normal intelligence continued for several years. The mission of the institution was eventually clarified and only people with intellectual disabilities were admitted from then on. While the terms "mental hospital" and "insane asylum" are often used in association with Pennhurst, it was neither.

1913: The Pennsylvania Legislature, partially in response to concerns raised by the Pennhurst Board of Trustees, appoints a Commission for the Care of the Feeble-Minded. The Commission's conclusions included a statement that the feeble-minded were "unfit for citizenship" and that they posed a "menace to the peace." They recommended a program of custodial care to "break the endless reproductive chain."

The language used by the Commission to describe disabled residents as "unfit for citizenship" is hauntingly familiar to similar language used by disgraced Supreme Court Chief Justice Roger Taney in *Dred Scott v. Sanford*, 60 [U.S.](#) (19 [How.](#)) 393 (1857) sixty years and 600,000 Civil War dead earlier. The *Dred Scott* decision held that African Americans were "beings of an inferior order...altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect" and therefore unfit for citizenship. These same philosophies were used to justify the forced institutionalization of persons with disabilities as a means to keep them from "associat[ing]" in "social or political relations."



Dred Scott

1916: In what would be a recurring theme in subsequent reports, the Board of Trustees concludes their biennial report as follows: "Before closing this report, our Board suggests the consideration of plans for further increasing the capacity of the Institution by the erection of a group of cottages exclusively for female inmates, at sufficient distance from the present group to segregate them. Such group of buildings to accommodate, say, 1200 girls would be advantageously located upon a site now owned by the State, and could be supplied with water, heat, light and power from the present reservoir and power plant of the Institution with comparatively small additional expense. The administration of an Institution containing 2400 inmates instead of 1200 could be conducted with but a slight increase of overhead expense. ... The need of additional space for both girls and boys is being manifested every day by the numerous applications to courts for commitments to our Institution, and we feel it would be in the line of economy for the Legislature to supply the capacity

in this Institution to meet this ever-increasing demand for the support, care and improvement of these unfortunate boys and girls.”

1918: The Administration Building is completed.



1918: Pennhurst was built as a world apart from the rest of society both to keep the “feeble minded” from the public but also to end the intermixing of their genes with the population. A concern about the reproduction of the “feeble minded” also was reflected in the desire to keep the sexes separated even on the Pennhurst campus by means of building a separate female campus. These ideas were part and parcel of the then-popular ideas of eugenics.

In the Biennial Report to the Legislature submitted by the Board of Trustees, Pennhurst’s Chief Physician quotes Dr. Henry H. Goddard, a leading eugenicist, as follows: “Every feeble-minded person is a potential criminal.” The quote is used to support the argument for an expansion of the institution. The report goes on to say, “The general public, although more convinced today than ever before that it is a good thing to segregate the idiot or the distinct imbecile, they have not as yet been convinced as to the proper treatment of the defective delinquent, which is the brighter and more dangerous individual. It is now generally understood that feeble-mindedness is in the great majority of instances the direct result of hereditary transmission of mental defect. It is also known that the feeble-minded female is very likely to bear children and that these children are almost certain to be defective or in some way permanently dependent. The feeble-minded girl is more of a menace to society than the feeble-minded boy. Statistics show that feeble-minded girls and boys marry in the ratio of three to one. It would seem, therefore, that if the State is not adequately equipped to care for all of the feeble-minded, the feeble-minded girl should have institutional care in preference to the boy, since she is the greater menace.”

The eugenics movement was short-lived in the United States. Discredited in no small part by the horrific eugenically-driven experiments and programs of the Nazi regime, the movement was shown to be scientifically baseless and racially biased.

1919 “L” [Limerick Hall] and “M” [Mayflower Hall] Buildings are completed.



1921: The Pennhurst Hospital is opened. Completion of the hospital essentially concluded the development of the original campus. Penn Hall (designed to provide employee housing) and the Auditorium would be opened in 1929. No other residential buildings would be constructed on the main campus until “D” Building [Devon Hall] was built after World War II.



HOSPITAL, BUILDING



1930: The first buildings on the upper campus / Female Colony are completed. Female Buildings #1 & #2 (later renamed Pershing and Buchanan Halls) and an employee dormitory (Audubon Hall) are the first of five buildings to comprise the upper campus. Female Building #3 (Keystone Hall) is built during the 1930's. Female Building #4 (Capitol Hall) is erected after World War II, at the same time that "D" Building (Devon Hall) is constructed on the main campus. There would be no further buildings added to the facility until Horizon Hall is opened in 1971.



Upper Campus Patients Residence Building Pennhurst State School

May 31, 1930: In the biennial report of the Board of Trustees it is noted that there are 1,247 individuals in residence. There are 192 employees. The report also states: "The two ward buildings for girls and an employees' cottage, which have been under construction during the greater portion of the present year, are nearly completed. Completion of these buildings (Female Buildings #1 and #2), which will be entirely modern and which will constitute a new group exclusively for female patients, a short distance from the existing group, will be a most valuable addition to our Institution. These buildings, with a capacity of at least 300 additional patients, will temporarily relieve our overcrowded condition, as soon as patients are admitted to the buildings. However, the present conditions of overcrowding will continue with many more applications for admission than we are able to accept. The need of additional buildings for both boys and girls is manifest at all times, by reason of the many applications for admission to our Institution. We, therefore, feel that it is in the line of economy for the legislature to supply additional capacity in this School, to meet this increasing demand for the support, care and training of these unfortunate children." It was reported that there were 900 applications for admission on file, with new applications coming in at a rate of 250 per year. 240 individuals were admitted during the two-year period covered by the report.

1949: The Pennsylvania chapter of the Association for Retarded Children is founded. The Arc is the largest advocacy organization in the United States for citizens with intellectual and developmental disabilities, and their families. The Arc of Pennsylvania is the state chapter of The Arc.

The Arc's mission is to work to include all children and adults with intellectual and developmental disabilities in every community. We promote active citizenship and inclusion in every community. In conjunction with its local chapters and the national organization, The Arc of Pennsylvania works every day to carry out its mission -
to work to include all children and adults with intellectual and developmental disabilities in every community.

Local chapters of The Arc focus on providing resources and individual advocacy services. The Arc of Pennsylvania focuses on systems advocacy and governmental affairs, demonstrating leadership and guidance among all disability organizations in Pennsylvania. See <http://www.thearcpa.org/>



*Advocacy & resources for citizens with
cognitive, intellectual and developmental disabilities*

1955: The in-house population of Pennhurst peaks at 3,500 individuals. Two “annexes” of the facility are opened in former tuberculosis sanitariums, one located west of Gettysburg and the other in White Haven, near Scranton. Hundreds of residents are transferred to these “new” facilities (which remain an administrative part of Pennhurst under the direction of the Superintendent). The availability of this additional capacity allows the population of Pennhurst to grow to 4,100 individuals, while the number of people actually living at Pennhurst drops to 3,200 by 1961. The two annexes are “spun off” from Pennhurst in 1961, becoming the Hamburg and White Haven State Schools.

1966: A new Mental Health & Mental Retardation Act is passed by the PA Legislature. For the first time, it authorizes the provision of some services in community settings and establishes a network of county-managed “base service units” that would serve as “gateways” to the service system.

1966: The Federal Medicare program is initiated. Under one provision of the new program, state-operated facilities for persons with mental retardation are made eligible for federal reimbursement of a portion of their operating costs. This reimbursement provision will eventually be codified as the Intermediate Care Facility/Mental Retardation (ICF/MR) program.

1967: Nationally, 193,188 individuals are living in institutions for persons with mental retardation. There are 2,864 people living in Pennhurst in January of that year.

1968: Conditions at Pennhurst are exposed in a five-part television news report anchored by local CBS correspondent Bill Baldini. While this is the first time that conditions in the facility have been shown to the general public, it is not the first “expose” of Pennhurst’s failings. Numerous newspaper articles, legislative inquiries and other investigations have been focused on Pennhurst over the decades, beginning shortly after its opening. The fact that new “exposes” arise on a regular basis is evidence that little was done to alter the basic nature of the facility or to solve the problems innate in the custodial warehouse model of “care.” Baldini is now on the PM&PA Advisory Council and his documentary, *Suffer the Little Children*, can be seen on the PM&PA website at www.preservepennhurst.org.

January 7, 1971: *PARC v. Commonwealth of PA* is filed in Federal District Court. The lawsuit seeks access to public education for all children. The “right to education” lawsuit is eventually settled via a consent decree which becomes a model for a national right to education law passed in 1974, now known as IDEA. The case was filed by the Pennsylvania Association for Retarded Children in order to correct deplorable conditions at Pennhurst School and Hospital for individuals with mental retardation. Realizing that many of the residents of the institution were there because the public

schools of Pennsylvania did not provide an education to children who "were (thought to be) unable to benefit from an education," It was decided that the way to avoid the need for institutionalization was to open the door to education. As a result of exclusion from school, large numbers of children with disabilities were institutionalized while they were still of school age. The case was resolved in 1972 in a consent decree establishing the right of all children with intellectual disabilities to attend public schools.

May 18, 1971: Constitutional Protection for Historic Property – PA amends its Constitution, adding the “Natural Resources Clause,” which references the Commonwealth's duty as trustee of natural resources, and the people's right to the preservation of the natural, scenic, aesthetic *and historic values* of the environment. The Clause is interpreted to mean the Commonwealth holds its historic resources in a public trust for the benefit of current and future generations.

1974: In the case of *Souder v. Brennan*, The Supreme Court upholds a lower court determination that the minimum wage and overtime compensation provisions of the Fair Labor Standards Act apply to persons residing in state-operated facilities for persons with mental retardation and mental illness who provide work that would otherwise be done by paid employees. The ruling puts an end to peonage, the practice of using the unpaid labor of residents to operate facilities such as Pennhurst and makes the continued operation of such facilities increasingly more expensive. A consent decree ending peonage had been reached in a similar case (*Downs v. PA DPW*) prior to the Supreme Court ruling.



The Farm

THE PATIENTS GROW THE FOOD!

The majority of food consumed by patients and employees in the dining room is grown on the school's own farm. Between 35,000 and 65,000 gallons of surplus fresh fruits and vegetables are canned each season for consumption during the winter months. The school has approximately 500 hogs, 3,000 chickens, and a dairy herd of 200.

Above are working patients picking fresh vegetables for the "table" and cannery...and a working patient operating the "corn harvester" in our corn patch. Pictured below is one of the farm buildings...and a patient driving a team, hauling a load of hay.



May 30, 1974: Landmark civil rights case *Halderman v. Pennhurst State School* is filed in the U.S. District Court for the Eastern District of PA by a the mother of a Pennhurst resident. The case would eventually reach the United States Supreme Court. The case is assigned to District Judge Raymond Broderick.

July 1974: An amended complaint is filed in the *Halderman* litigation and the seven additional plaintiffs are added, along with the Parents & Family Association of Pennhurst.

November 1974: The United States of America moves to intervene as a plaintiff in the Halderman case. The USA's motion to intervene is granted in January 1975.

June 1975: The PA ARC, represented by the Public Interest Law Center of Philadelphia (PILCOP), moves to intervene in the *Halderman v. Pennhurst* case. The PARC motion adds the five counties in SE PA as defendants in the case. PARC's motion seeks community placement for all Pennhurst residents. PARC's motion to intervene is granted by the Court in November 1975.

1975: The United Nations adopts a Declaration on the Rights of Disabled Persons.

October 4, 1975: The Federal Developmental Disabilities Assistance and Bill of Rights Act (P.L. 94-103) is signed into law. It establishes a system for protection and advocacy organizations in each state and enumerates certain rights for persons with developmental disabilities.

November 29, 1975: The Federal Education for All Handicapped Children Act (P.L. 94-142) is signed into law. The provisions of the PARC decree are codified in the Education for All Handicapped Children's Act, now named the Individuals with Disabilities Education Act. Institutionalization of children in Pennsylvania and across the United States declines dramatically.

1975: Pennsylvania's Governor issues Executive Order 1975-6, calling for state agencies to maintain its historic property like Pennhurst and to consult with the Pennsylvania Historical and Museum Commission prior to the transfer of such property into private hands.

1977: *Halderman v. Pennhurst* is tried from April to June. The Honorable Raymond J. Broderick rules in favor of the residents, declaring that forced institutionalization of persons with disabilities is unconstitutional. The District Court determined that Pennhurst provided "such a dangerous, miserable environment for its residents that many of them actually suffered physical deterioration and intellectual regression during their stay at the institution."

1978: The District Court orders the planned development of community services for all Pennhurst residents, including The District Court's orders to develop individualized services in the community for Pennhurst residents remained in effect throughout multiple appeals and two trips to the United States Supreme Court.

1978: Commonwealth names the Schuylkill as its first scenic river, entitling lands along the river (including former Pennhurst grounds) to special protections.

1979-1985: The Pennhurst Longitudinal Study finds that Pennhurst residents who moved to the community are "better off in every way we know how to measure." Before the relocation of residents, 60% of families of Pennhurst residents opposed the residents leaving Pennhurst; six

months after relocation, more than 80% of the same families came to agree that relocation had been the right decision (quotes are from Judge Broderick's opinion of 2/6/98).

June 18, 1982: The US Supreme Court rules in the case of *Romeo v. Youngberg* that the Constitution imparts a right to “minimally adequate treatment” for people involuntarily committed to state institutions. The Court defines the rights of such involuntarily committed persons to a right to be free from “unreasonable bodily restraints” and to a “reasonably safe environment and whatever minimal training might be required to protect those interests. *Romeo v. Youngberg* was filed by the mother of an individual who received several serious injuries after his commitment to Pennhurst. The defendants [several Pennhurst employees] had prevailed at trial but the trial results were overturned by the Third Circuit Court, which ordered a new trial to be held. The case was settled before another trial was scheduled.

October 22, 1982: Chester County secures a trail easement along the former Pennsylvania Railroad Line across the Pennhurst property in anticipation of the creation of the Schuylkill River Trail.

1984: Final Settlement Agreement between the *Halderman v. Pennhurst* parties provides for the closure of Pennhurst. The agreement was approved by the District Court in April, 1985.

1984: Pennsylvania Historical and Museum Commission deems Pennhurst eligible for the National Register of Historic Places. Such action made the Pennsylvania History Code apply to the property, which meant the state had an obligation to not let the buildings fall to waste and to not sell the property without consulting with the PHMC to see if a covenant for its preservation and re-use should be included as a condition of the sale. By 2008, it became clear the state violated both of these laws.

1986: A portion of the Pennhurst property is re-purposed as a residential home for PA veterans. The SE PA Veteran's Home opens in 1986. Another portion of the upper campus is turned over to the PA National guard for use as an armory.

1987: Pennhurst closes. In the ensuing years the Commonwealth has closed numerous other facilities for persons with intellectual and developmental disabilities. In 2010, five state centers remain, serving fewer than 1,300 people.



1989-1998: Enforcement and contempt proceedings on behalf of class members in Delaware, Montgomery and Philadelphia counties results in community placement of several hundred persons who were transferred from Pennhurst to other institutions before the Court's decision of 1977, and significant improvements in the community service system in Philadelphia.

1991: PA Department of General Services proposes to sell Pennhurst to the highest bidder.

1991: Grassroots effort to oppose sale. State Senator Gerlach recruited to lead opposition.

October 1991: East Vincent's Board of Supervisors agrees, at the request of the Township Parks Board, to write to DGS to express the Township's interest in acquiring park land at Pennhurst.

October 21, 1992: Township Supervisors commit to Township Open Space Plan calling for a 145-acre Schuylkill River/Pennhurst Township Park.

July 1993: Pennhurst Land Use Feasibility Study determines how Pennhurst should be developed. Strongest support was for park use of ball fields area and riverfront. Other concern was to control the type of development on the non-park land.

1994: Township Comprehensive Plan incorporates Pennhurst Land Use Feasibility Study and Township Open Space Plan calling for Township Park at Pennhurst ball fields and riverfront.

1995: Pennhurst Regional Development Authority (PRA) formed. Includes representatives from area municipalities.

1995: Pennhurst is listed on the Heritage Corridor Management Action Plan Resources Map as a recreation/open space resource for the new Schuylkill River Heritage Corridor (a PA state designation).

December 1996: Pennhurst Regional Authority Master Site Plan, paid for in part by Chester County tax dollars, calls for the Township to receive a 46.4-acre park encompassing the existing baseball fields and riverfront at Pennhurst.

1997: Red Knights Athletic League works with East Vincent Rec Board to seek Pennhurst lands north of Commonwealth Drive directly from Commonwealth.

1997-1998: DGS bids out Pennhurst. Of that land, under PRA's Master Site Plan, approximately 62 acres was to be Senior Living and 38-acres was to be our Township Park. DGS agrees to sell Pennhurst to private developer.

November 19, 1998: Heavy resident turnout opposes effort before Supervisors to rezone Pennhurst to allow for 2500 units.

1998-1999: At Planning Commission level, residents lobby to deny grant of variance that would have facilitated sale of Pennhurst. DGS withdraws application on 3/15/99.

2000: Schuylkill River Valley National Heritage Act appoints Schuylkill River Greenway Association to update the 1995 Schuylkill Heritage Corridor Management Action Plan.

2000s: Request of Royersford that bridge connecting downtown with Pennhurst not be demolished as proposed.

2003: Alliance Environmental Group, backed by First National Bank of Chester County, offers to clean up Pennhurst and turn over Pennhurst to the Township at no cost to the Township if the Supervisors express interest to the Commonwealth.

October 2003: Pennhurst Associates sues DGS after DGS terminates agreement of sale, claiming \$800,000 spent in efforts to seek approvals/develop Pennhurst.

May 31, 2005: The state adopts the Keystone Principles, a "coordinated interagency approach to fostering sustainable economic development and conservation of resources through the state's investments in Pennsylvania's diverse communities." The Keystone Principles re-affirm the state's duties to maintain historic property like Pennhurst and to consult with the Pennsylvania Historical and Museum Commission prior to the transfer of such property into private hands.

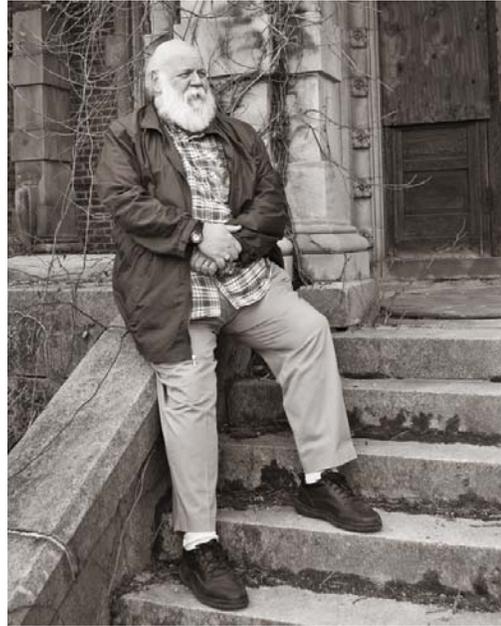
2003-2006: US Congressman Jim Gerlach, at request of different veterans advocacy groups, seeks to establish a federal veterans cemetery at Pennhurst. Gerlach indicated that if federal veterans cemetery could not go forward, perhaps a combination of state cemetery and park would be a possibility.

January 2006: VA rejected proposal to acquire Pennhurst for a federal veterans cemetery.

November 2007: East Vincent Supervisors Zaremba (following election loss) and Costello voted 2-1 to approve a subdivision of Pennhurst waiving many prerequisites (having to do with explaining how the subdivided land would be used). This subdivision was followed by the sale of Pennhurst to a private developer.

February 2008: Pennhurst sold to Pennhurst Associates for \$2 million.(The Mercury—2/28/08).

February 2008: Pennhurst Memorial and Preservation Alliance (PM&PA) formed to advocate for the sensitive re-use of the site and urging decisionmakers to capitalize on its unique history and architectural features for the benefit of the region.



March 2008: PreservePennhurst.org and online petition sites launched.

May 2008: PM&PA's organization is joined by representatives from several major disability advocacy organizations, including those that took the original Pennhurst case to the Supreme Court. Preservation experts and local residents join PM&PA board and advisory council.

READERS' VIEWS

Preserve Pennhurst Alliance needs public support for project

"So we never forget and never go back." This was the rallying cry for a seemingly unlikely ally in the effort to re-use the buildings at Pennhurst, the former state institution for persons with intellectual and developmental disabilities, in Spring City.

Just recently, The ARC of Pennsylvania, the leading disability advocacy organization, voted to support the effort being pursued by the "Preserve Pennhurst Alliance." Its decision was influenced in part by an equally unlikely ally: An ARC board member who is a former plaintiff in the lawsuit that helped to close Pennhurst — a dynamic woman who has an intellectual disability.

What makes The ARC's call so profound is that the group was instrumental in closing Pennhurst in 1986. The ARC agrees that the site should be used to create a museum or memorial to the people who lived and died there to ensure that society always remembers what was done to people by isolating and segregating them from their communities — such a place would be the first and only of its kind in the U.S. To achieve economic viability of the preservation effort, a conference and university-based research center, and health care could be considered. Preservation advocates have also proposed public use opportunities, such as community centers, parks and recreation on the terraced fields overlooking the Schuylkill.

Important other organizations share this sentiment. In November, Pennhurst was named as one of only eight "Most At-Risk Properties" by Preservation Pennsylvania. Pennhurst is also the newest member of the International Coalition of Sites of

Conscience, a worldwide network of historic sites specifically dedicated to remembering past struggles for justice and addressing their contemporary legacies.

As historic preservation projects are even more labor intensive than new construction, Barack Obama has made preservation a priority of his economic recovery program. The momentum that continues to build for preserving Pennhurst could create thousands of long-term, well-paying jobs now and a world-class attraction well into the future.

Join the movement — sign the petition at www.preservepennhurst.org

JANET ALBERT-HERMAN
Mohnton

The Mercury welcomes letters to the editor concerning topics of general interest. Letters must be less than 250 words in length, legible and submitted exclusively to The Mercury. No more than one letter per person will be published per any 90-day period. For purposes of verification only, include home address and phone number (day and evening). All letters are subject to editing or omission based on content. Letters should be addressed to:

Mercury Editor
The Mercury
245 Lancaster St.
Pottsville, PA 19404

Our email address: letters@mercury.com

August 2008: PM&PA invited to speak to local Rotary Club. Commenced discussions with Senator Andrew Dinniman and Congressman Jim Gerlach.

September 2008: Through PM&PA, Pennhurst's eligibility for the National Register of Historic Places is updated through the Pennsylvania Historical and Museum Commission.

September 2008: PM&PA invited to present at East Vincent Township Historical Commission Preservation Open House and Art Show

November 17, 2008: Pennhurst added to Preservation Pennsylvania's list of the most At-Risk Pennsylvania Properties for 2008.

www.preservationpa.org



“
Why save a place like Pennhurst?
”

Because, perhaps more than any other place, Pennhurst is a visual record of our human journey in all of its fullness—good and evil.

Nathaniel C. Guest, Director,
Preserve Pennhurst

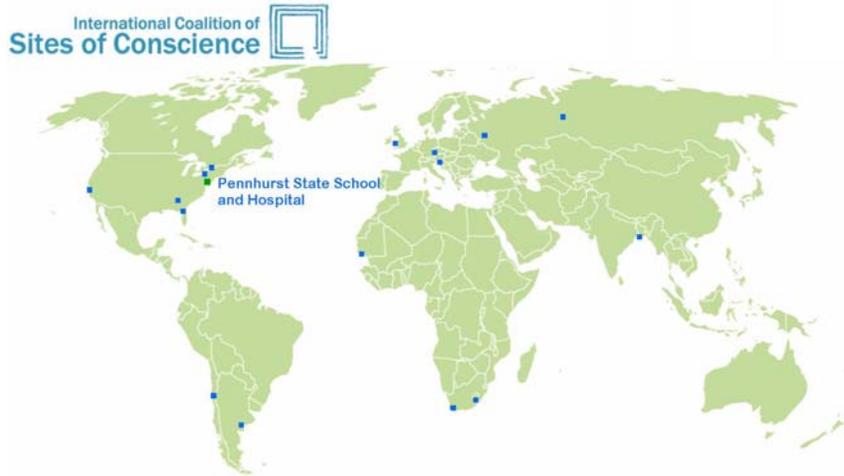
**Pennhurst State School and Hospital
East Vincent Township, Chester County**

9 **Significance**
Opening its doors in 1908, the Eastern Pennsylvania Institution for the Feeble-Minded and Epileptic was later renamed The Pennhurst State School and Hospital. A model institution at the beginning of the century and into the progressive era, Pennhurst later became infamous for its treatment of the patients it was meant to protect. Situated on 1,400 acres of rolling hills overlooking the Schuylkill River, Pennhurst was the model mental facility of its time with a self-sustaining campus layout including administrative and medical facilities, dormitories, workshops, a firehouse, a general store, a barber shop, a greenhouse and a fully functioning farm. It became the most recognized mental institution in the United States with the groundbreaking 1968 NBC investigative report, *Suffer the Little Children*. This expose showed the squalid conditions under which the mentally and physically disabled of Pennsylvania were living, making Pennhurst a notorious example of a national trend. The institution again received widespread media coverage surrounding the 1978 Supreme Court case, *Halderman v. Pennhurst State School*, which Pennhurst ultimately lost. This ruling against Pennhurst established the foundations of later reforms in similar institutions across America, and the Supreme Court's decision became an historic milestone for upholding and safeguarding the rights of the mentally and physically disabled in the United States. The Pennhurst State School and Hospital opened America's eyes to an alarming trend in the care of the mentally and physically disabled and left an indelible print on the lives it changed.

Threat
The Pennhurst State School and Hospital closed its doors in 1986 and continues to remain vacant. Determined eligible to the National Register by the State Historic Preservation Office in 1984, the condition of the campus has suffered, falling into disrepair at the hands of time, vandals, and vagrants. Most recently, in October of this year, vandals damaged two Depression-era tile mosaics depicting the lives of slaves. Despite this danger of demolition by neglect, development is now the much larger threat. In February 2008, a major developer acquired the majority of the Pennhurst campus. It should be noted that the property was transferred to the current owner by the Commonwealth of Pennsylvania without being reviewed by the Pennsylvania Historical and Museum Commission as required by the History Code. An appraisal done by the developing firm concluded that the campus was incompatible with rehabilitation and would need to be demolished prior to its development. A local group of concerned citizens formed Preserve Pennhurst, which has spearheaded the effort to preserve the campus and history of the institution. Raising awareness in the local community, Preserve Pennhurst has built a compelling case for the former institution's preservation in the form of adaptive reuse. For the sake of the Pennhurst State School and Hospital—and its history—Preserve Pennhurst hopes to garner enough support to persuade the potential developer and the East Vincent Township Board of Supervisors that preservation is not only possible, but ideal.

PRESERVING PENNSYLVANIA Pennsylvania At Risk 2008

January 2009: Pennhurst, through PM&PA, becomes an institutional member of the International Coalition of Sites of Conscience, a worldwide network of historic sites specifically dedicated to remembering struggles for justice.



May 2009: PM&PA, in partnership with the Preservation Alliance of Greater Philadelphia, obtains a service grant to complete a re-use design and feasibility study on the Pennhurst campus.

June 2009: PM&PA adopts a portion of Route 724 through PennDOT's Adopt-a-Highway program. Pennhurst's historical marker to be located along this stretch.



July 2009: PM&PA board members provide historical background interviews for Travel Channel's *Ghost Adventures* television program on Pennhurst.

August 2009: PM&PA commissions creation of a 10- to 15- minute video about Pennhurst and the preservation cause.

September 2009: A television commercial announces owner's plans to create the Pennhurst Institute of Terror at Pennhurst as a haunted attraction on a seasonal or year-round basis. Hired haunted-theme promoter Randy Bates to design and advertise the attraction. Disability advocates become concerned with the insensitivity of the use, which portrays patients in an insane asylum.

November 2009: Pennhurst listed on Preservation Alliance of Greater Philadelphia's Most Endangered List

March 2010: Members of the design team and task force for the Pennhurst Re-Use study tour the campus, noting work going on in buildings in preparation for the haunted attraction.

April 10, 2010: Historical Marker to Pennhurst through PHMC to be dedicated along Route 724. PILCOP and PM&PA partner in a special event funded through Pennsylvania Humanities Council and the National Endowment for the Humanities.

Pioneering work by the Law Center closed the former Pennhurst State School and Hospital, placing Pennsylvania at the vanguard of disability rights and making Pennhurst an internationally-recognized epicenter of one of the nation's great ongoing human rights struggles. PILCOP and PM&PA offer two-part event at Spring Hollow Golf Course, formerly part of the Pennhurst property.

1:00 – 3:30pm ***Telling the Pennhurst Story: Tragedy and Triumph***

A public program featuring the self-advocates, concerned families, and attorneys who dared to imagine an independent life for individuals with disabilities

Spring Hollow Golf Club, 3350 Schuylkill Road, Spring City, PA

3:30 – 4:00pm ***Pennhurst State School and Hospital Pennsylvania Historic Marker***

Dedication Ceremony and marker unveiling

Rt. 724 and Bridge Street, Spring City, PA

March 2010: National Trust for Historic Preservation prepares memorandum to Pennsylvania Department of General Services that it violated the Pennsylvania History Code, Executive Order 1975-6, and the Keystone Principles (and the spirit of the Natural Resources Clause of the Pennsylvania Constitution) by allowing the Pennhurst campus to fall to waste (at a cost of hundreds of millions to taxpayers) and by transferring it to a private development interest without notifying the Pennsylvania Historical and Museum Commission charged with the site's protection. Letter is written but not sent.

July 2010: National Trust for Historic Preservation notifies East Vincent Township of its concerns regarding demolition by neglect at Pennhurst and a lack of transparency in permitting decisions in potential violation of Pennsylvania Sunshine Act provisions.

August 2010: PM&PA board votes by majority to publicly oppose Pennhurst Asylum haunted house planned by Pennhurst owner and promoter Randy Bates (a modified version of the Pennhurst Institute of Terror previously advertized). Pennhurstasylum.com states the use will go toward preservation of one or more buildings and advertizing a museum on site. PM&PA, preservation advocacy, disability advocacy groups related to Pennhurst history not consulted on preservation or museum. PM&PA asked to provide photos for museum mid-August. Majority of board declines to participate. Newspaper article in *Pottstown Mercury* discusses controversy brewing over use, with PM&PA and disability advocacy groups on one side and the owner and Mr. Bates on the other.

APPENDIX F:
NTHP LETTER TO COMMONWEALTH REGARDING HISTORY CODE VIOLATIONS AT
PENNHURST

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NTHP LETTER TO COMMONWEALTH REGARDING HISTORY
CODE VIOLATIONS AT PENNHURST.



March 1, 2010

Secretary James P. Creedon
Department of General Services
515 North Office Building
Harrisburg, Pennsylvania 17125

Re: Department of General Services
Failure to Comply With Pennsylvania History Code

Dear Secretary Creedon:

On behalf of the National Trust for Historic Preservation, I am writing to bring to your attention significant and ongoing violations of the Pennsylvania History Code¹ and Executive Order 1975-6² by the Department of General Services (DGS), which are threatening important historic resources in Pennsylvania. As the Pennsylvania Constitution provides, all citizens present and future are entitled to enjoy the natural and historical treasures of the Keystone State.³ These violations also undermine core concepts of Pennsylvania's Keystone Principles.⁴

Violations of the History Code and Executive Order 1975-6 were originally brought to our attention by the Pennhurst Memorial and Preservation Alliance, a local preservation group seeking to ensure the former Pennhurst State School and Hospital is protected for future generations as part of both the physical and the cultural landscape.⁵

Based on the historical and architectural significance of the Pennhurst complex,⁶ which was largely built between 1903-1906, the Pennsylvania Historical and Museum Commission (PHMC)

¹ 37 Pa. Cons. Stat. Ann. §§ 101-906 (West 2008).

² Pa. Exec. Order No. 1975-6 (May 6, 1975).

³ See Pennsylvania Constitution, Article I, § 27 (the "Natural Resources Clause").

⁴ The Keystone Principles prioritize the "[c]onserv[ation] of Pennsylvania's exceptional heritage resources" and the re-use of existing facilities. See <http://www.newpa.com/find-and-apply-for-funding/keystone-principles/index.aspx>. The violations addressed in this letter are directly contrary to these priorities.

⁵ See <http://www.preservepennhurst.org>.

⁶ Pennhurst is a place of national significance, based in large part on the public awareness of societal neglect and discrimination that came to light through ground-breaking litigation reaching the U.S. Supreme Court in 1981 and 1984. *Pennhurst State School & Hosp. v. Halderman*, 465 U.S. 89 (1984); *Pennhurst State School & Hosp. v. Halderman*, 451 U.S. 1 (1981). Several national disability advocacy organizations have pledged their support for the creation of a disability museum and conference center at Pennhurst, which would serve as a center of the human rights movement for persons with disabilities. Pennhurst was recently added to the International Coalition of Sites of Conscience, a worldwide network of historic sites specifically dedicated to remembering struggles for justice. In addition, Pennhurst was named to Preservation Pennsylvania's 2008 list of the Commonwealth's "Most At-Risk" properties.

declared the campus eligible for the National Register of Historic Places in 1984.⁷ Pennhurst was closed in 1986, but was transferred to the DGS. For the next 22 years, the historic campus suffered significant neglect and deterioration under DGS management, despite the state's legal responsibilities for the stewardship of historic properties. Then, in February 2008, the DGS unlawfully sold the Pennhurst campus to a private developer, in a transfer of approximately 111 acres. In doing so, the DGS failed to comply with the requirements of the Pennsylvania History Code.

We are writing to you because we are concerned that the deficiencies in DGS stewardship of Pennhurst are representative of a broader set of policies at the DGS that do not conform to the requirements of the Pennsylvania History Code.

The primary violations of the Pennsylvania History Code and Executive Order 1975-6 involving the neglect and subsequent sale of Pennhurst are detailed below. However, *we believe similar violations have occurred and continue to occur to other historic properties under the ownership and control of the DGS.*

I. The DGS Failed to Preserve and Maintain Pennhurst While the Property was Under the Agency's Ownership and Control, in Violation of Section 508(a) of the History Code and Executive Order 1975-6.

First, in violation of History Code § 508(a) and Executive Order 1975-6, the Commonwealth failed to preserve and maintain the historic Pennhurst property while it was under the care of the DGS. Section 508(a)(3) of the History Code requires Commonwealth agencies to "institute measures and procedures" to maintain historic properties under their ownership or control, like Pennhurst.⁸ Indeed, this section specifically lists "preservation, rehabilitation, or restoration" as responsibilities of state agencies with regard to historic properties under their control.⁹ Section 508(a)(4) mandates that agencies shall "institute procedures and policies to assure that their plans, programs, codes, regulations, and activities contribute to the preservation and enhancement of all historic resources in th[e] Commonwealth."¹⁰ In direct violation of the History Code,

- the DGS has never adopted measures or procedures to ensure that historic properties under its ownership and control are maintained or preserved, as required by § 508(a)(3); and

⁷ PHMC Key No. 064464; Inventory Identification No. 64370; Survey Code 029-00865. Eligibility for the National Register of Historic Places also makes the property eligible for the Pennsylvania Register of Historic Places. See http://www.portal.state.pa.us/portal/server.pt/community/pennsylvania_and_national_register_programs/3780/pennsylvania_register_of_historic_places/381445 (hereinafter *PA Register Policy*).

⁸ 37 Pa. Cons. Stat. Ann. § 508(a)(3).

⁹ *Id.*

¹⁰ *Id.* § 508(a)(4). Section 508(a)(4) applies to *all historic resources in the Commonwealth* and, unlike § 508(a)(3), is not expressly limited to those properties on or eligible for the Pennsylvania Register of Historic Places.

- the DGS has never implemented policies or procedures to assure that its actions contribute to the preservation and enhancement of the Commonwealth's historic resources, as mandated by § 508(a)(4).

The deterioration of Pennhurst during its 22 years under DGS management demonstrates the effect of these ongoing violations and the danger posed to other important places under DGS care.

Executive Order 1975-6 echoes the History Code's mandates, stipulating that "[a]ll state agencies shall exercise caution to assure that no historic resources owned by the Commonwealth are inadvertently transferred ... [or] *allowed to deteriorate*, or otherwise adversely affected." (emphasis added).¹¹

We understand that DGS staff have taken the position that the agency is not required to comply with History Code provisions relating to the Pennsylvania Register of Historic Places, asserting that the Pennsylvania Register does not exist. We emphatically disagree, as this interpretation would completely exempt the agency from compliance with clear and valid statutory requirements.¹² DGS staff have also suggested that the agency is under a mandate to obtain the highest possible monetary value for all properties it sells, regardless of other considerations such as the protection of historic properties, and thus the agency has refused to place restrictions on properties to protect significant resources, even when the PHMC so recommends. Again, this interpretation is inconsistent with clear and valid statutory requirements. Moreover, Executive Order 1975-6 specifically mandates that, when an "action will adversely affect any historic resource worthy of preservation, the agency shall reconsider its proposal."¹³

While the various agencies are no doubt under budgetary constraints, this is not an excuse for the clear disregard of Commonwealth law regarding the preservation of Pennsylvania's heritage. Indeed, the deterioration of Pennhurst represents hundreds of millions of dollars of wasted state resources. When the property was closed in the late 1980s, the buildings were by and large in useable condition and could easily have been adaptively reused to the significant benefit—both financially and culturally—of the people of the Commonwealth.¹⁴ Today, we are

¹¹ Pa. Exec. Order No. 1975-6 (May 6, 1975).

¹² History Code § 502 empowers the PHMC to compile, maintain, revise, and publish a Pennsylvania Register of Historic Places. The policy and practice of the PHMC is and has been that properties listed in or eligible for the National Register of Historic Places shall constitute the Pennsylvania Register of Historic Places. See *PA Register Policy*, *supra* note 7. This policy was officially approved by the PHMC at its quarterly meeting on March 15, 2006, and this approval was recorded in the minutes of that meeting to confirm the existing practice. *Id.*

¹³ Pa. Exec. Order No. 1975-6 (May 6, 1975).

¹⁴ In 2002, the DGS valued the Pennhurst site at \$3,850,000. In 2007, taking environmental considerations resulting from its own neglect into consideration, the DGS sold the property for \$2,000,000, despite the fact that property values in the region surrounding Pennhurst steadily increased

left with a site that will require millions of dollars to clean up and a developer who intends to leave no meaningful historical presence—a reality that the DGS could and should have both anticipated and prevented.¹⁵ This pattern has been and continues to be repeated across the Commonwealth.

II. The DGS Failed to Consult With or Even Notify the PHMC Prior to Selling Pennhurst to a Private Developer, in Violation of Sections 508(a)(1)-(2) and 509 of the History Code, and Executive Order 1975-6.

The Pennsylvania History Code establishes the PHMC's powers and duties with respect to the Commonwealth's historic resources. Section 502 mandates that the PHMC has both the power and the duty to:

- "Provide information and advice on historic resources and appropriate preservation procedures to public officials, private individuals, and organizations."¹⁶
- "Advise public officials regarding the planning and implementation of undertakings affecting historic resources."¹⁷
- "Coordinate and comment upon activities of public officials affecting historic resources . . ."¹⁸

To fulfill that role, the statute specifically requires that state agencies consult with the PHMC prior to taking any action with the potential to harm publicly owned historic properties, such as altering, demolishing, or transferring such property.¹⁹

- Section 508(a)(1) specifically requires that Commonwealth agencies "[c]onsult the [PHMC] *before* demolishing, altering or *transferring* any property under their ownership or control that is or may be of historical, architectural or archaeological significance."²⁰

from 2002 to 2007. As a result, Pennhurst's deterioration cost Pennsylvania taxpayers at least \$1.8 million.

¹⁵ The developer's intentions to demolish the property's historic structures were evident in the Buyer's Proposal submitted to the DGS even before the sale was consummated. The Buyer's Proposal repeatedly refers to "demolition of the existing structures," and includes a site diagram showing 240 single family homes shoehorned onto the site. "Demolition of the existing structures" would not implement or be consistent with the Commonwealth's policies, as reflected in the History Code, Executive Order 1975-6, and the Keystone Principles (*see supra* note 4).

¹⁶ 37 Pa. Cons. Stat. Ann. § 502(6) (West 2008).

¹⁷ *Id.* § 502(7).

¹⁸ *Id.* § 502(10).

¹⁹ *See Goldsborough v. Commonwealth*, 576 A.2d 1172 (Pa. Commw. Ct. 1990), *aff'd*, 599 A.2d 645 (Pa. 1991).

²⁰ 37 Pa. Cons. Stat. Ann. § 508(a)(1) (West 2008) (emphasis added). Section 508(a)(1) requires consultation with the PHMC about the transfer of any property that is or may be of historical significance, regardless of that property's listing on the Pennsylvania Register. *Id.* Since Pennhurst was deemed

- Section 508(a)(2) specifically requires that Commonwealth agencies “[s]eek the advice of the [PHMC] on possible alternatives to the demolition, alteration or transfer of property under their ownership or control that is on or may be eligible for the Pennsylvania Register of Historic Places.”²¹
- Section 509 specifically requires Commonwealth agencies to “give the [PHMC] timely notice of proposed transfers of real property owned or controlled by the Commonwealth”; upon receiving such notice, the PHMC can then recommend that the notifying agency “condition the transfer [or] execute covenants, deed restrictions or other contractual arrangements which will most likely result in the preservation of any historic resources located on or under the property to be transferred.”²²

Executive Order 1975-6 affirms the History Code's prohibition on the transfer of historic property without consultation with the PHMC. It stipulates that “[a]ll state agencies shall exercise caution to assure that no historic resources owned by the Commonwealth are *inadvertently transferred* . . . [or] allowed to deteriorate, or otherwise adversely affected.” (emphasis added).²³

These requirements have been repeatedly violated in letter and spirit; Pennhurst is perhaps the most recent and flagrant example, but certainly not the only one. In direct violation of §§ 508(a)(1), 508 (a)(2), and 509 requirements, the DGS sold the Pennhurst property—which the PHMC had already determined to be a significant historic district—without ever consulting the PHMC. The DGS did not even notify the PHMC of the proposed sale. Indeed, the PHMC had no record that the property had been sold until the agency was notified by the Pennhurst Memorial and Preservation Alliance.²⁴ The fact that the PHMC was not consulted or even notified about the property’s sale foreclosed any possibility for the PHMC to recommend that an easement, covenant, or other contractual preservation restriction be placed upon the property as a condition of its sale. Indeed, as a result of the Buyer's Proposal submitted to DGS by the developer, the agency clearly knew that the sale would consign the buildings to demolition.²⁵ The DGS is under an obligation to ensure that the Commonwealth's laws and policies are

eligible for the National Register of Historic Places by the PHMC, the DGS clearly knew or should have known that the century-old campus was considered historic at the time it planned the transfer.

²¹ *Id.* § 508(a)(2).

²² *Id.* § 509. The duty of Commonwealth agencies to notify the PHMC of real estate transfers mandated by § 509 extends to *all property owned or controlled by the Commonwealth*, not just historic property and not just property listed in the Pennsylvania Register of Historic Places. *Id.*

²³ Pa. Exec. Order No. 1975-6 (May 6, 1975).

²⁴ In response to a Right-to-Know Act Request (# RTK-2008-102), the DGS proffered three documents as evidence of its notifying the PHMC of the 2008 transfer of the Pennhurst property: (1) Administrative Circular 91-29 (a general announcement of the availability of surplus property dated June 25, 1991); (2) a memorandum to the PHMC dated September 4, 1991, transmitting a Surplus Property Disposition Plan; and (3) a Surplus Property Disposition Plan from 1991. A general public announcement regarding "surplus property" and a cover letter from 1991 cannot be construed as legally sufficient notice or consultation with regard to a 2008 sale of state-owned historic property.

²⁵ See *supra* note 15.

satisfied in its contract with the developer.²⁶ But the agency could not reasonably have assumed that those laws and policies reflected in the History Code and Executive Order 1975-6 would have been satisfied, given the developer's proposal to demolish the historic buildings.²⁷

III.. Conclusion.

The legal violations by the DGS have greatly hindered the ability to preserve and protect Pennhurst from destruction; because the DGS has a stewardship responsibility for thousands of the Commonwealth's most historic resources, the same violations that have imperiled Pennhurst, if left unaddressed, may lead to the neglect of many of Pennsylvania's other historic treasures.

Failure to comply with statutory directives such as these can render the conveyance of public property vulnerable to invalidation by a court.²⁸ Transfers of public property to private interests can be voided as against public policy.²⁹ The History Code, as a valid mandate from the legislature, establishes clear procedures and policies which must be followed. Your assistance in investigating the agency's violations of the History Code and effecting appropriate redress and reform within the agency would be in the interest of all Pennsylvanians.

Additionally, we ask that you direct your staff to work with the PHMC to adopt, clarify, and enforce effective measures, strong policies, and clear procedures to implement the requirements of the History Code. As part of this effort, it is imperative to ensure that qualified

²⁶ See, e.g., Pa. Exec. Order No. 1975-6 (May 6, 1975) ("Consideration of historic resources during the planning stage of proposed agency action shall be made with a view to supporting and implementing the Commonwealth's responsibility as trustee of the historic values of the environment.").

²⁷ Unfortunately, the DGS has a history of failing to consult with the PHMC regarding Pennhurst. For example, several years ago, some irreplaceable ornamental copper work was stripped from Pennhurst's Administration Building. While the DGS commendably prosecuted the vandals responsible for the damage, the agency failed to consult with the PHMC in the process. The DGS was able to recover the copper, but subsequently decided to scrap it! The PHMC was never even advised that the copper was stolen, nor that it was recovered. Consequently, the PHMC had no opportunity to weigh in on the decision to scrap the copper or even assist the DGS to document the historic significance of what was recovered.

²⁸ See *Dubin v. County of Northumberland*, 847 A.2d 769 (Pa. Commw. Ct. 2004) (County's failure to follow Real Estate Tax Sale Law provision rendered leasing contract between it and coal developer voidable); *In re 2005 Sale of Real Estate by Clinton County Tax Claim Bureau Delinquent Taxes*, 915 A.2d 719 (Pa. Commw. Ct. 2007) (voiding the County's sale of property for failure to comply with provisions of Tax Sale Law). Cf. *Lemon v. Geren*, 514 F.3d 1312 (D.C. Cir. 2008) (the court has the power to "unravel" federal sale of property to a private developer for failure to comply with National Historic Preservation Act and National Environmental Policy Act prior to transfer); *Kuzma v. City of Buffalo*, 45 A.D.3d 1308 (N.Y. App. Div. 2007) (annulling state's approval of sale of former state mental institution to a private party because of failure to engage in statutorily required interagency consultations).

²⁹ See, e.g., *Board of Trustees of Philadelphia Museums v. Trustees of Univ. of Pa.*, 96 A. 123 (Pa. 1915) (holding transfer of city property void as against public policy).

Secretary James P. Creedon
Pennsylvania Department of General Services
March 1, 2010
Page 7

historic preservation professionals are added to your staff, in order to work with the PHMC to ensure compliance with all aspects of the History Code, including developing the required procedures and facilitating meaningful inter-agency cooperation. Note that Executive Order 1975-6 mandates that every agency must have a person on staff to serve in this capacity.

There are a great number of large, historic, state-owned properties like Pennhurst, which are threatened by abandonment or sale. The Norristown State Hospital, Allentown State Hospital, Hamburg Center, and Polk Center provide just four other examples. Given this fact, we ask that you direct your staff to work with the PHMC to create a comprehensive and systematic plan for the preservation-sensitive disposition of these facilities in accordance with both the letter and spirit of the History Code and Executive Order 1975-6. Failing to do so would not only be contrary to the goals in the Keystone Principles, but it would also allow billions of dollars of waste and would unnecessarily imperil irreplaceable historic resources.

We hope that you will make every effort to support these necessary and worthy ends. We would welcome the opportunity to meet with you or your staff to discuss these issues in more detail.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

cc:

Ms. Barbara Franco, *Executive Director, Pennsylvania Historical & Museum Comm'n*
Ms. Jean Cutler, *Director, Bureau for Historic Preservation, Pennsylvania Historical & Museum Comm'n*
Ms. Karen S. Marshall, *Heritage Preservation Coordinator, Chester County Parks & Recreation Department*
Ms. Melinda Higgins Crawford, *Executive Director, Preservation Pennsylvania*
Mr. John Andrew Gallery, *Preservation Alliance of Greater Philadelphia*
Mr. Robert J. Wise, *President, Chester County Historic Preservation Network*
Dr. James W. Conroy and Ms. Jean Searle, *Co-Directors, Pennhurst Memorial and Preservation Alliance*
Ms. Mary Werner DeNadai, *John Milner Architects, Advisor to National Trust for Historic Preservation, and Preservation Pennsylvania*

APPENDIX G:
PM&PA LETTER TO EAST VINCENT TOWNSHIP REGARDING IMPACT OF TOWNSHIP
HISTORIC PRESERVATION ORDINANCES ON PENNHURST



WWW.PRESERVEPENNHURST.COM

THE PENNHURST PRESERVATION PROJECT
61 Cassatt Avenue
Berwyn, Pennsylvania 19312

Nathaniel C. Guest, *Director*
Direct Dial: 610.724.9611
ncg1@cornell.edu

Chris Peecho, *Communications Director*
Direct Dial: 484.680.8513
elpeecho@elpeecho.com

22 May 2008

Mr. John D. Funk, Chairman
The East Vincent Township Board of Supervisors
262 Ridge Road
Spring City, Pennsylvania 19475

*All Interested Parties Carbon Copied
This Document is Available to the Public at
<http://www.preservepennhurst.com>*

Dear Mr. Funk,

As you may know, I have been working with an increasing number of concerned citizens committed to the preservation of a key portion of the Pennhurst State School and Hospital. We seek to preserve the Administration Building (pictured in the Township's public meeting room) as a memorial to the thousands of residents who suffered there and the countless local residents who tried to care for them in the face of a broken system. The effort has garnered considerable support at all levels in a short time and with but a small amount of publicity.

Why We Ask Your Action in Preserving Pennhurst

Made famous by a 1968 NBC expose and ensuing Supreme Court litigation, Pennhurst is a place of national significance and local meaning.¹ Because of the dedication of local people, Pennhurst changed how we *as a nation* treated those with intellectual and developmental disabilities (the "mentally retarded"). Pennhurst's story is a warning about the dangers of defining people as "the other." Ultimately a hopeful tale, it juxtaposes the infinite sadness of choosing to forget and ignore with an awakening of public conscience to the dignity of all people. It is a human story and an inspiring message needed yet today.

You may have seen the front-page *Pottstown Mercury* story last month. I invite you to visit www.preservepennhurst.com for more information. You will find there is an online preservation petition linked to the site for your consideration. Already, there are signatures from all over Pennsylvania, the nation, and the world. I encourage you to sign the petition and spread the word.

Mr. Chakejian, the developer, has publicly stated that he wishes to do something at Pennhurst of which we as a community can be proud (*See Pottstown Mercury*, "Developers Buy Pennhurst With Options Open," March 8, 2008). Even irrespective of the myriad environmental, economic, and cultural merits of historic preservation generally,²

¹ As such, Pennhurst meets the General Criteria for Classification as a Historic Resource under §27-1403.2.D.(1), (2), (4), (5), (7), (8), and (10).

² See Attached Exhibit A



Pennhurst particularly is a place the destruction of which history will not forgive. Such an action would be shortsighted and tragic—certainly not something of which we might be proud. As local citizens, I know you have a vested interest in the quality of our community. While the decay the property has endured under state control is unfortunate, it is not irreversible. We believe honoring the part of our community's and our nation's past embodied at Pennhurst—the people, places, the triumphs and tragedies—is an essential duty of any citizenry responsibly engaged in the crafting of its own future.

An Independent Preservation Analysis Is Needed

I understand that by all obvious appearances the buildings at Pennhurst are significantly deteriorated. However, you will find that the Administration Building is structurally sound and by no means out of the range of what can be preserved. I direct you to our website under "Case Studies." There you will find images of a structure from the Byberry State Hospital. The building was larger, older and vastly more deteriorated than Pennhurst's Administration Building.³ The Byberry developer turned this near ruin into a shining example of responsible redevelopment that unifies the community and increases property value. *There is no acceptable justification for East Vincent to not enjoy the same return.*

The evaluation by a member of the developer's own staff concluding the property is not a candidate for adaptive reuse (cited in the Planning Commission's April 15, 2008, minutes) is, as you must know, tainted with a conflict of interest and will not substitute for an *independent evaluation by a preservation expert*. The Township must initiate its own review of the property to be done by an *independent preservation expert*⁴ who will assess both the structural integrity and the historical/cultural/aesthetic merit of the property. Secondly, as you know, a strong showing of such merit as we have at Pennhurst sets the bar for a determination of preservation infeasibility extraordinarily high. Lastly, the developer has stipulated that he will pursue only adaptive reuse he deems to be "fiscally responsible." (*See aforementioned Mercury article of March 8, 2008.*) This assertion assumes an authority he does not have under the Township's laws. Nowhere do East Vincent's ordinances allow *developers* to unilaterally condition preservation on any basis. Section 27-1403.4.B.(3) allows the *Historical Commission, not the developer*, to consider the economic feasibility of adaptive reuse *as but one of several factors*, which also include a consideration of the resource's historical significance and architectural integrity. While we may consider a public-private partnership in this endeavor, Pennhurst's value to the community cannot be sacrificed to subsidize any developer's commitment to their own fiscal fortitude.

Upholding the Law Means a Presumption of Preservation

As outlined below, East Vincent Township's preservation ordinances create a presumption that a Class I or II historic property such as Pennhurst will be preserved (*See, e.g.,* §27-1403.4.B.(1) (denying demolition permits for historic resources before a review by the Historical Commission); §27-1403.5.(A) (authorizing the Board of Supervisors to enforce preservation by any means at law or equity, including reconstruction of the resource). While this presumption of preservation can be rebutted, the ordinances establish that the commissioner's consideration be one of "can we allow this property to be lost," and not "will we require this property to be preserved?" This is an important distinction and I encourage you to reiterate it. As the entire Pennhurst site is a Class I and II historic resource under §27-1403.2.(A) and (B), this presumption applies to the entire property, not just the Administration Building about which we seek your action.

In expressly prohibiting demolition by neglect, the ordinances imply an affirmative duty to maintain (§27-1403.4.A.(2)(a),(b), and (c)). In this instance, such a duty would likely require the developer to take measures to prevent further deterioration. This would include repairing leaks in the roof, stabilizing the cupola, and boarding up and fencing off the building (the latter also specifically authorized by §27-1403.3.D.(5)). Further, §27-1403.5.C empowers the Board of Supervisors to condition any redevelopment of the property on restoration of the Administration Building. Given the enduring and exponentially greater benefit to be afforded to future generations by preserving the Administration Building and given that the cost of preservation here is but a fraction of the total profit the developer stands to make on the property, it is only right that the Board exercise this power.

³ See Attached Exhibit B

⁴ John Milner Associates and Wise Preservation Planning represent organizations of the sort that must be consulted for such an evaluation.



We do not ask a great deal of those who stand to benefit a great deal from our community. Nor do we preserve a great deal. But if the valuation of history's merits expressed in our laws means anything, Pennhurst of all places *must* be saved. Given the tremendous public interest in preservation here, we are compelled to find ways to make it happen. Let history not accuse us of suffering from a lack of imagination.

Through East Vincent Township's ordinances relating to historic preservation, outlined below, you have the power—indeed, the responsibility—to seize this wonderful opportunity providence has afforded. It is our sincere and deepest wish that you will work with us as your constituents, friends, and supporters toward that end.

EAST VINCENT TOWNSHIP ORDINANCES RELATING TO PRESERVATION AT PENNHURST

We would like to draw your attention to several key passages of the East Vincent ordinances pertinent to Pennhurst. The following is based on the ordinances in effect as provided on the Township's website.

Preservation at Pennhurst is, by public policy, a matter of public necessity.

Section 27-1403.1 declares the preservation of buildings displaying “historic, architectural, cultural...educational, and aesthetic merit” to be public necessities toward promoting the general welfare. East Vincent has adopted this section to promote the general welfare, to discourage the unnecessary demolition of historic resources, to incentivize the appropriate reuse of historic resources, and to encourage the conservation of historic settings and landscapes. Pennhurst meets all of the aforementioned merit criteria and as such its preservation is necessary.

The Entire Pennhurst Campus Has Been Designated Either or Both a Class I and II Historic Resource Mandating Protection

Section 27-1403.2.A.(5) includes as a Class I historic resource any property with a determination of eligibility for the National Historic Register by the Pennsylvania Historical and Museum Commission (PHMC). The entire Pennhurst Campus was deemed a historic district eligible for the National Historic Register by the PHMC in 1984 (PHMC Key Number 064464; Inventory Identification Number 64370; Survey Code 029-00865). Section 27-1403.2.A.(5) also provides that the Board of Supervisors can, by their own action, award a property Class I status after holding a public meeting and notifying the owner (See §27-1403.2.C). Section 27-1403.2.C.(3)(e) acknowledges that even should the property lose Class I status the property shall still retain Class II historic resource status and thus continue to warrant protection.

Section 27-1403.2.B describes Class I historic resource status as including but not limited to property listed on the Chester County Historic Sites Survey of 1982. Pennhurst's Administration Building is listed on Sheet Five, Item Number 102. Other Pennhurst structures are also listed on Sheet 5 of the Survey.

Section 27-1403.2.C.(2) mandates that the Historical Commission review any changes in resource classification. Such a review requires a public meeting at which any interested party can present evidence as to why the property meets the General Criteria for Classification of Historic Resources (§27-1403.2.D(1)-(10)).

Pennhurst Meets the General Criteria for Classification of Historic Resources

Section 27-1403.2.D(1)-(10) list the criteria mandating that Pennhurst remain on the Historic Resources Inventory. While meeting one element is sufficient for the Inventory, Pennhurst meets each of the following:

- (1) Pennhurst has significant character, interest, and value as part of the heritage and cultural characteristics of the Township, the County, the region, the Commonwealth, and the nation.
- (2) Pennhurst is associated with Supreme Court litigation and a resulting sea change in our treatment of persons with intellectual and developmental disabilities. While the name “Pennhurst” is renowned in mental health circles, the events documented at Pennhurst are nationally significant.



- (4) Pennhurst embodies distinguishing characteristics of the Jacobean Revival style and is one of the finest extant examples of it. While Jacobean Revival was once a popular genre for institutional architecture, remaining examples—particularly one as fine as the Administration Building—are rare.
- (5) Pennhurst is a noteworthy and now rare example of the architectural design of Philip H. Johnson, a colorful and important local architect. For many years Johnson served as the architect for the Philadelphia City Department of Public Health and in that position designed a number of hospitals and city health institutions. His controversial appointment to this position was effected by the influence of his brother-in-law, Israel W. Durham, one-time political boss of the 7th Ward in Philadelphia, according to obituaries published at the time of Johnson's death. Through his brother-in-law, Johnson received a contract with the City Health Department which was valid for his lifetime. Although several later mayors attempted to break this contract, city courts upheld its validity, enabling Johnson to receive some \$2,000,000 in fees from the municipal treasury during his 30 years of city design. Prior to 1903, Johnson had been employed in the City's Bureau of Engineering and Surveys, but was not well-known as an architect at the time of his appointment to the City's Department of Health. During his long career, Johnson designed such notable hospital complexes as the Philadelphia General Hospital buildings, Philadelphia Hospital for Contagious Diseases at 2nd and Luzerne streets, and several buildings at the Philadelphia Hospital for Mental Diseases at Byberry. In addition to hospitals, Johnson designed City Hall Annex and the Philadelphia Convention Hall.
- (7) The Administration is the hallmark structure of an institutional community. Though the entire campus is predominantly in the Jacobean Revival style, no two buildings are identical. The result is a unique historic, cultural, and architectural motif.
- (8) Pennhurst and its Administration Building have been familiar landmarks on the landscape for over a century. From their commanding perch atop a hill overlooking the Schuylkill River, these imposing structures have been home and workplace to tens of thousands of people.
- (10) Pennhurst's story—and its lessons—are of national import and really speak to what it means to be human. However, Pennhurst is intimately connected with its surrounding community and its own population dwarfed that of surrounding towns. Pennhurst's residents grew produce on the School's farms and orchards and sold them to merchants in Spring City. Thousands of local citizens worked at Pennhurst. They cared for Pennhurst's residents and developed close personal bonds with them. Indeed, it was through their efforts that the problems of funding and care were both brought to light and addressed. Additionally, many former Pennhurst residents are now active community members, who having lived through institutionalization, serve to demonstrate the true resilience of the human spirit. Pennhurst was the stage upon which this drama was played out.

NO CLASS I OR CLASS II HISTORIC RESOURCE SUCH AS PENNHURST MAY BE DEMOLISHED WITHOUT EXPRESS BOARD OF SUPERVISOR APPROVAL

Section 27-1403.4 mandates that no Class I or Class II historic resource may be demolished *in whole or in part whether deliberately or by neglect* unless a demolition permit is obtained from the Code Enforcement Officer. The Code Enforcement Officer shall not issue such a permit without forwarding the permit application to the Historical Commission for review (§27-1403.4.B.(1)). The Historical Commission will approve the demolition permit application only after considering the historical significance of the property, among other issues. It will make every effort to communicate to the developer the importance of the historical resource and alternatives to its demolition. The Board of Supervisors will then consider the application in light of the Historical Commission's recommendations (§27-1403.4.C.(1)).

East Vincent's Ordinances Mandate an Affirmative Duty to Maintain

Under §27-1403.4.A.(2), failure to provide ordinary and necessary maintenance to a historic resource either by ordinary negligence or willful neglect constitutes demolition by neglect and requires a permit approved by the Board of Supervisors. In the absence of such a permit, as here, failure to take steps to prevent further deterioration is a violation. This section creates an exception for structures that were in ruin at the time this section was adopted. There is no evidence to suggest that the Administration Building was in ruin at that time. Additionally, §27-1403.3.D.(5) provide that unoccupied historic resources be tightly sealed and barred off in a manner not jeopardizing its historical integrity.



THE BOARD OF SUPERVISORS CAN MANDATE RESTORATION AS A CONDITION OF A DEVELOPMENT PLAN

Section 27-1403.5.A empowers the Board of Supervisors to enforce the preservation ordinance through any measure available at law or in equity. Section 27-1403.5.C provides that in the event of demolition by neglect or otherwise, the Board may condition any conditional use application or subdivision or land development application on the reconstruction or restoration of the historic resource.

Additional Provisions

Section 22-429.4.D provides that the Township may require the developer to provide interpretive signage explaining Pennhurst's significance.

Section 27-1403.3.D.(6) empowers the Board of Supervisors to condition use approval on the site on the establishment of preservation easements to protect the historic integrity of the property.

Sincerely,

Nathaniel C. Guest

CC:

The Honorable James Gerlach, *United States Congressman, Sixth District of Pennsylvania*

Mr. Scott Savett, *Montgomery County Outreach Coordinator, Office of Congressman James Gerlach*

The Honorable Andrew E. Dinniman, *Pennsylvania State Senator, Nineteenth District of Pennsylvania*

Ms. Mary Kivlin, *The Office of Senator Andrew E. Dinniman*

The Honorable Tim Hennessey, *Pennsylvania State Congressman, Twenty Sixth District of Pennsylvania*

Ms. Mary Werner DeNadai, *John Milner Architects, National Trust for Historic Preservation, and Preservation Pennsylvania*

Ms. Mary E. Flagg, *Township Manager, East Vincent Township, Pennsylvania*

Ms. Jean Cutler, *Director, Bureau for Historic Preservation, Pennsylvania Hist. and Museum Commission*

Ms. Bonnie Wilkinson Mark, *Pennsylvania Historical and Museum Commission*

Ms. Carol Lee, *Pennsylvania Historical and Museum Commission*

Ms. April Franz, *Pennsylvania Historical and Museum Commission*

Ms. Nancy Petersen, *The Philadelphia Inquirer*

Mr. Michael Hays, *The Pottstown Mercury*

Ms. Karen S. Marshall, *Heritage Preservation Coordinator, Chester County Parks & Recreation Department*

Mr. Robert J. Wise, President, *The Chester County Historic Preservation Network*

Mr. William C. Brunner, President, *The Spring-Ford Area Historical Society*

The Pottstown Historical Society

Mr. George Wausnock

Mr. John Koury, *Esquire*

Ms. Becky Manley, *Chairman of the Board, The Historical Society of Phoenixville*

The Chester County Planning Commission

The East Vincent Township Planning Commission

Ms. Michele Adams, *Chair*

Dr. Lester Schwartz, *Secretary*

Mr. John Aberle, Jr., *Member*

Mr. Todd Bereda, *Member*

Ms. Elaine Milito, *Member*

Mr. Lawson Macartney, *Member*



The East Vincent Township Historical Commission

Mr. Saul Rivkin, *Chair*
Dr. Elaine Husted, *Secretary*
Ms. Sandra Mandel, *Member*
Dr. Robert Price, *Member*
Mr. Clyde Scheib, *Member*
Ms. Dianne Wagner, *Member*

The East Vincent Township Zoning Hearing Board

Mr. Morris J. Carl, *Secretary*
Mr. John Hunt, *Esquire, Member*
Ms. Dore Ann Dabback, *Member*
Mr. Richard L. Mull, *Member*



Exhibit A: *The Environmental and Economic Benefit of Historic Preservation to Local Communities**

While East Vincent Township's ordinances already mandate preservation, the Board of Supervisors' enforcement of those provisions is bolstered by the knowledge that preservation at Pennhurst will benefit the surrounding community both environmentally and economically for generations to come in ways that greatly exceed the benefit conferred by new construction. Some key points, are offered below for your consideration.

*Excerpted from "Historic Preservation: The Ultimate Recycling" by Jay Fulkerson, available at <http://www.presnc.org/learnmore/newsletters/summer1995/html> (last visited January 27, 2008).

Preservation Benefits to the Local Community

Since so much of building construction is decided from an economic standpoint, it is interesting to note that when we preserve a building, the community is renewed economically at a higher level than with new construction. If a community chooses to spend one million dollars on rehabilitation rather than new construction, the following statements are true:

- 1) \$120,000 more will initially stay in the local community.
- 2) Five to nine more construction jobs will be created than with new construction.
- 3) 4.7 more new jobs will be created elsewhere in the community, than with new construction.
- 3) Retail sales in the community will increase \$34,000 more than with new construction.
- 4) Real estate companies, lending institutions, personal service vendors, and eating and drinking establishments all receive more monetary benefit.
- 5) With preservation projects, more money is returned to the local economy in the form of wages, rather than being spent for materials manufactured elsewhere in the United States and the world. Massive quantities of energy, as well as farmlands and forests, are saved, here and abroad.

Preservation's Environmental Benefits

The construction industry accounts for 11% of total energy consumption in the United States and 85% of that energy usage is in transportation of new materials to the site. Building construction consumes 40% of the raw materials annually entering the global market. Restoration of an existing structure does not require anything near the quantity of raw and finished material or transportation and construction energy consumed in the creation of new structures. Concurrently, restoration preserves both the energy and cultural heritage embodied in the existing structure. New construction is highly waste generative, particularly if coupled with a demolition. Nearly 25% of solid waste in the United States is detritus from new construction and demolition. *Demolition of historic structures is doubly irresponsible from an environmental perspective; in addition to forfeiting energy and material already embodied in the structure and adding to the burden of our landfills, the resources necessary for demolition are considerable given the quality and strength of many older structures.*



Exhibit B: *Case Study: Preservation at the Byberry State Hospital, Philadelphia, Pennsylvania*

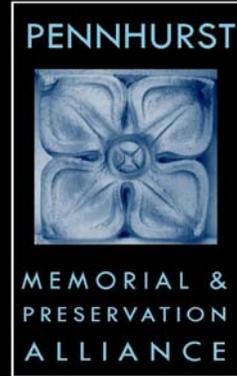
The Byberry State Hospital, a larger, older structure vastly more deteriorated than Pennhurst's Administration Building was restored by the developer of that property. The developer turned a near ruin into a shining example of responsible redevelopment that unifies the community and increases property value. *There is no acceptable justification for East Vincent to not enjoy the same return.* See www.preservepennhurst.com for more Case Studies.



photo by RobbieKnobbie



APPENDIX H: PENNHURST MARKETING BROCHURES



DEVELOPMENT
OPPORTUNITY
SUMMARY

INCLUDING A
MARKET STUDY
SUMMARY
AND
RE-USE CONCEPT STUDY
SUMMARY

AS OF
OCTOBER 2010

Remembering
THE PAST

Challenging
THE PRESENT

Defining
THE FUTURE



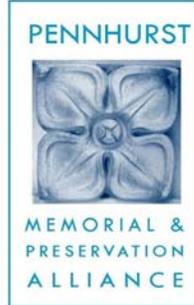
IN HONOR OF THE TEN
THOUSAND SOULS WHO
CALLED PENNHURST HOME
AND THOSE WHO STRUGGLED
WITHIN AND OUTSIDE ITS
WALLS TO END A BROKEN
SYSTEM OF
INSTITUTIONALIZATION.

THE WORK OF THE PM&PA TO
ENCOURAGE THE RE-USE OF
THIS IMPORTANT PLACE IS
DEDICATED TO THEM AND THE
LEGACY OF THAT PLACE WHERE
THEIR TRIUMPH CHANGED
THE COURSE OF HUMAN
DESTINY:

P E N N H U R S T .

CHALLENGE & OPPORTUNITY

REMEMBER THE PAST
CHALLENGE THE PRESENT
DEFINE THE FUTURE



JAMES W. CONROY, Ph.D., is an internationally-renown leader in the developmental disability advocacy field. Beginning his career researching the sweeping impacts of the Developmental Disabilities Act of 1970, he was the Principal Investigator and designer of the Pennhurst Longitudinal Study, the largest study ever done up to that time about moving people with developmental disabilities from institutions to community homes. The results of the Pennhurst Longitudinal Study revolutionized the disability advocacy movement, catalyzing deinstitutionalization efforts across the world that continue to this day.

Dr. Conroy's works have been publicized on CBS's *60 Minutes*, ABC's *Nightline*, PBS, NPR, *The Philadelphia Inquirer*, *The Chicago Tribune*, and *The New York Times*.

Dr. Conroy serves as a co-president of the Pennhurst Memorial and Preservation Alliance, advocating the re-use of the historic campus and the creation of the nation's first comprehensive disability museum, memorial, and outreach institute on the Pennhurst grounds.

Dear Friends,

We are joined together in what providence has afforded as an unparalleled and monumental opportunity for the Commonwealth and the nation: the creation of a community of conscience at Pennhurst.

The word "monumental" is carefully chosen; Historically, architecturally, and socially, Pennhurst itself is a monument. Located in Spring City, Pennsylvania, the site is sacred ground in the history of our nation's struggle for conscience-guided behavior. It is particularly poignant that this site is found in a Commonwealth bourn of enlightened principles of tolerance and understanding—two concepts themselves of monumental import for our common future.

Pennhurst has also been a monumental challenge, particularly in the period beyond its remarkable history as an operating institution. Protracted litigation and successive changes in state administration allowed the site to sit vacant for nearly twenty years, becoming a monumental white elephant in an otherwise growing and prospering region.

Pennhurst was a home and an employer to thousands of Pennsylvanians. It was a fixture locally, widely known even if the powerful story of its residents was little appreciated nor well understood. Through the efforts of local citizens, Pennhurst was the site of reforms that had international impact. The most successful series of litigations in disability history sprang from the efforts of advocates both within and outside Pennhurst's walls, placing Pennsylvania in the vanguard of the human rights struggle for persons with disabilities.

Two grants have enabled the PM&PA to study and plan for the re-use of the campus and to encourage new development. We are indebted to the property owner for his co-operation in this endeavor. To date, a Re-Use Feasibility Study from the Community Design Collaborative and Market Study from the Cornell University Program and Real Estate have looked at options for the future. Summaries of the results from those studies are presented in this report.

Sincerely,

A handwritten signature in blue ink that reads "James W. Conroy". The signature is fluid and cursive, written over a light blue background.

James W. Conroy, Ph.D
Pennhurst Memorial and Preservation Alliance



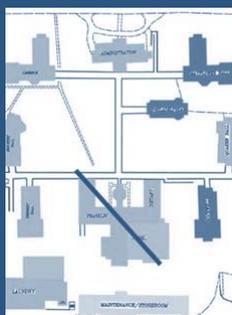
ENGAGING THE POWER OF PLACE TO BUILD SOMETHING REVOLUTIONARY

C O N T E N T S



THE SITE AND ITS HISTORY

- Location
- History
- Building Development



RE-USE DESIGN FEASIBILITY STUDY

Prepared by John Milner Architects; Wallace, Roberts and Todd; Thomas Comitta Associates; and Larson and Landis Structural Engineers through the Community Design Collaborative.



MARKET STUDY EXECUTIVE SUMMARY

Prepared by the Cornell University Program in Real Estate, Fall 2010.

For More Information, Contact:
Nathaniel C. Guest, Secretary, Pennhurst Memorial and Preservation Alliance, at 610.724.9611 or ncg1@cornell.edu

PENNHURST

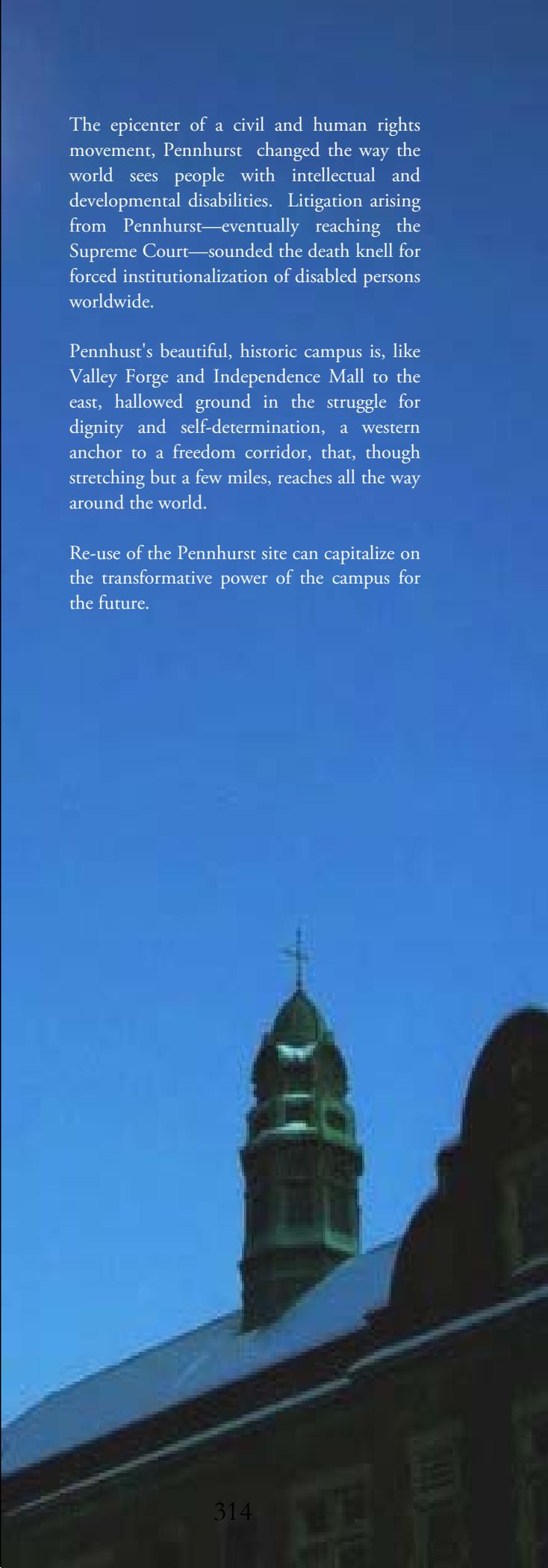


MEMORIAL &
PRESERVATION
ALLIANCE

The epicenter of a civil and human rights movement, Pennhurst changed the way the world sees people with intellectual and developmental disabilities. Litigation arising from Pennhurst—eventually reaching the Supreme Court—sounded the death knell for forced institutionalization of disabled persons worldwide.

Pennhurst's beautiful, historic campus is, like Valley Forge and Independence Mall to the east, hallowed ground in the struggle for dignity and self-determination, a western anchor to a freedom corridor, that, though stretching but a few miles, reaches all the way around the world.

Re-use of the Pennhurst site can capitalize on the transformative power of the campus for the future.

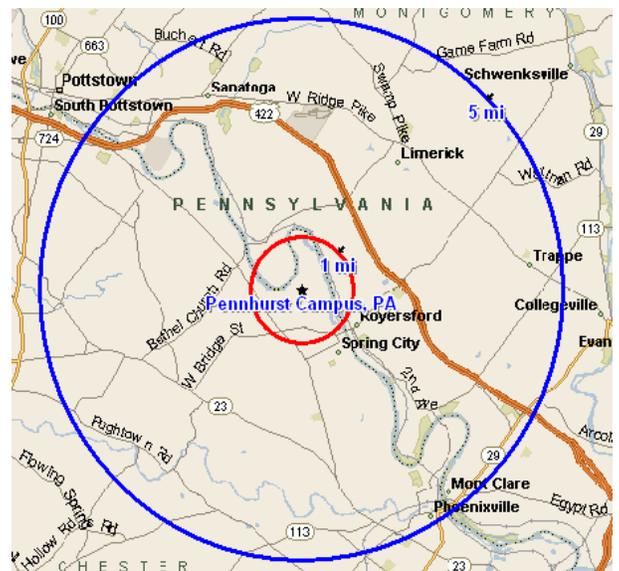
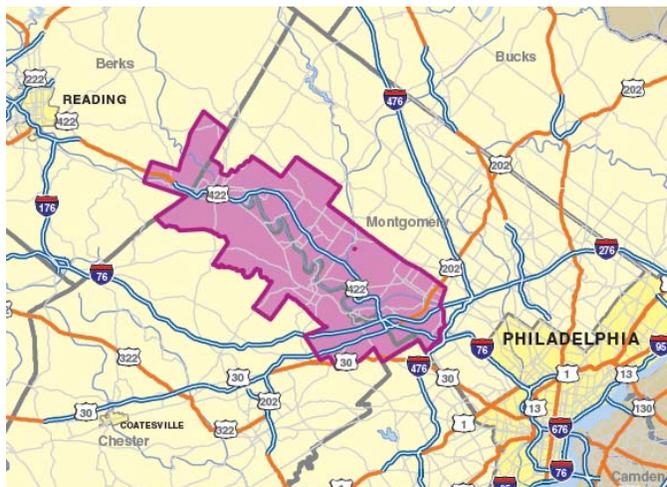


A. The Site and Its History



LOCATION: Located in East Vincent Township, Chester County, Pennsylvania, just 30 miles west of Philadelphia, the Pennhurst State School and Hospital occupies a prominent place on the geographic and cultural landscape of Southeastern Pennsylvania. Situated high on a hill overlooking a prominent S-curve in the Schuylkill River, Pennhurst is on the very northern edge of Chester County where it meets Montgomery County.

HISTORY: Opened in 1908 by the Commonwealth of Pennsylvania as a facility for persons with intellectual and developmental disabilities (the “mentally retarded”), Pennhurst included dormitories, classrooms, an auditorium, dining hall, power plant, offices, a hospital, greenhouses, and a host of other facilities that allowed it to function almost as an entirely self-contained community. Between 1908 and 1987, more than 10,600 Pennsylvanians lived here. Public controversy



Top: The Pennhurst Campus is located along the Schuylkill River approximately 30 miles west of Philadelphia in Spring City, Pennsylvania. Left: The campus is adjacent to the Route 422 and 724 corridors. Above: The location of the Pennhurst Campus with one- and five-mile radii denoted in red and blue, respectively.



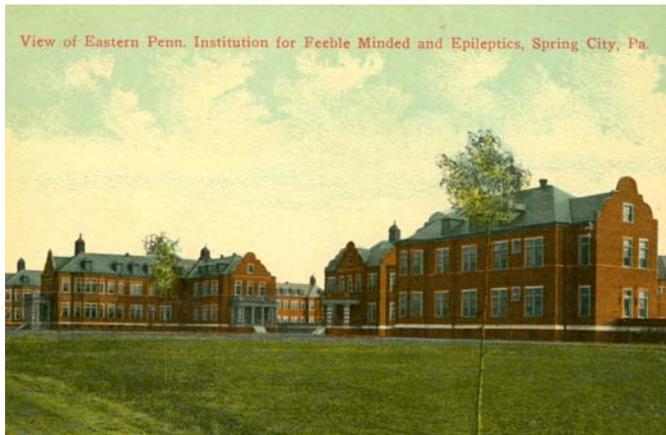
over the inhumane treatment of residents and two decades of complex litigation, including three separate arguments before the United States Supreme Court, led to the institution's closure. Groundbreaking advocacy and new public policy, including the movement to community-based living, made Pennhurst a milestone in the national disabilities civil rights movement.

In 1903, the Pennsylvania Legislature authorized the creation of the Eastern State Institution for the Feeble-Minded and Epileptic, the second such state-operated facility. A commission was created to identify a "tract of land [which] shall be good, arable land, well adapted to the preservation of the health and the occupation and maintenance of the inmates of said institution." The establishing legislation later states that "The buildings shall be in two groups, one for the educational and industrial department, and one for the custodial or asylum department, with such other subdivisions as will best classify and separate the many diverse forms of the infirmity to be treated; and shall embrace one or more school-houses, a gymnasium and drill-hall, a work shop, and an isolating hospital, - all on such scale as will

Top, Pennhurst's campus as it looked in 1922. At left, one of six stone pillars at the entrances to the Pennhurst campus.



Main Building, Eastern Penn. State Institution for Feeble Minded and Epileptics, Spring City, Pa.



View of Eastern Penn. Institution for Feeble Minded and Epileptics, Spring City, Pa.



Pennhurst was a popular subject for picture postcards in the first decades of the twentieth century. All of the buildings pictured here still exist and are among the most intact examples of institutional architecture in the United States.

create an institution to accommodate not less than five hundred inmates or patients, planned and located for easy and natural additions, as population demands.”

The Commonwealth purchased several farms in an area known as Crab Hill to create a parcel of nearly 1200 acres. The farm houses for the original farms were retained and served, among other things, as residential space during the institution's worst periods of overcrowding. At its height, Pennhurst occupied 1400 acres of prime Chester County farmland on a peninsula jutting out into the Schuylkill River. With a population of 3550 residents in 1954, Pennhurst dwarfed the neighboring town of Spring City and was one of the largest local employers.

Like other such institutions of the period, Pennhurst was situated so as to maximize accessibility to air currents, in this case those coming from the Schuylkill River as it winds its course toward the Delaware. Pennhurst's location along the Pennsylvania Railroad's Schuylkill Division in what in 1903 was exceedingly rural territory was also not accidental. The train line allowed Pennhurst to be reachable by the Philadelphia population it served but not situated among it. Indeed, Pennhurst would be a place to remove from society those deemed to be less than fit for the role of citizen. From the outset, there was public pressure to expand the range of persons to be admitted to Pennhurst from the “epileptic” and “feeble-minded” to include vagrants, criminals, juvenile delinquents, and, it is reported, immigrants.

In the era before the site was allowed to become vastly overgrown, the location provided sweeping views of the Schuylkill Valley. The road pattern, including the traffic circle adjacent to Tinicum and Mayflower Halls, remains unchanged from Victorian times. Much of the property is surrounded by a beautiful wall composed of carefully laid and pointed Germantown schist. The longest expanse of the wall—nearly entirely intact—is along Commonwealth Drive. The wall incorporates elaborate gates at various points for access to key structures. Of similar design and stone composition to the wall are six grand entrance pillars, shown in the attached photographs. Two such pillars flank either

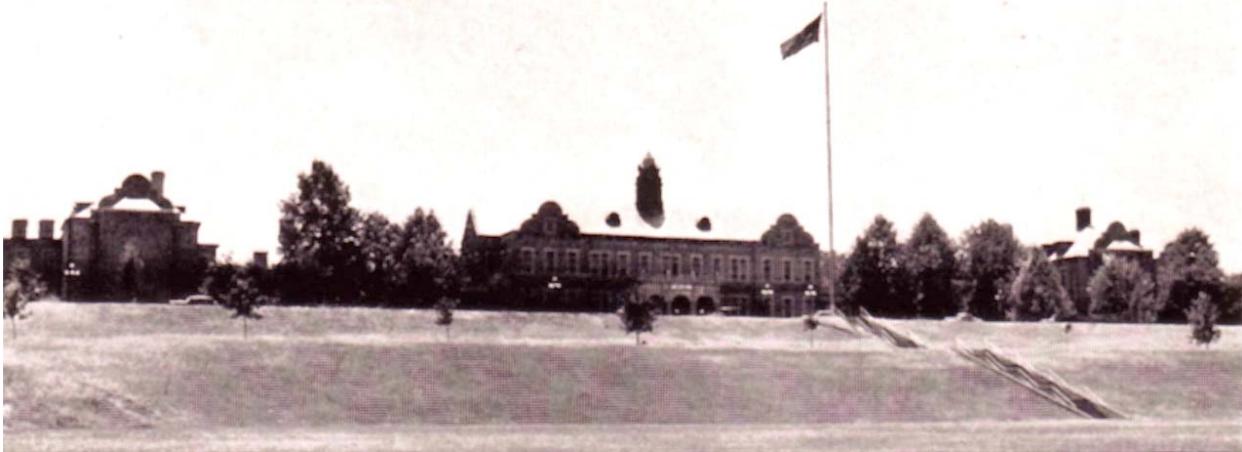


It is widely accepted that much of the construction work on the early campus was done by the residents themselves. Nearly all maintenance work and the operation of the institution were also done by the residents. No residents were paid. This peonage, as well as the fact that the residents were forcibly confined to the institution, is thought to be the inspiration for the two Depression-era tile mosaics on the south façade of the Administration Building. Those mosaics are entitled "The Lives of Slaves."

side of Pennhurst's three main access roads.

The Schuylkill Canal, paralleling the river, cut across what would become the northern farm fields of the property. A former hotel serving the canal would become part of Pennhurst's dairy, housing Pennhurst residents who worked the dairy and provided food products for themselves and the rest of the School. The Pennsylvania Railroad's Schuylkill Division from Philadelphia to Pottsville followed the old canal bed through this area and provided a passenger station on the School grounds. The railroad brought coal for the School's still-standing heating plant (we note in passing there is still coal in the bunkers and ash in the pits at the plant, which was used until very recently to provide heat to the Veterans Hospital located on former Pennhurst grounds). Additionally, a spur was run up the slope to the dietary and maintenance buildings on the central Pennhurst campus. While service on the spur stopped many years ago, portions of the trackage behind dietary were merely paved over rather than removed. As the asphalt has settled, the familiar four feet, eight-and-one-half inch railroad gauge has become visible. The Schuylkill Division was removed in the late 1980s by Conrail but much of the right-of-way is in tact and is in the process of being converted into a recreational trail (see information about the Schuylkill River Trail at <http://www.schuylkillriver.org/Detail.aspx?id=548>). It should also be noted that Pennhurst is located within the Schuylkill River National and State Heritage Area, managed by the Schuylkill River Greenway Association in collaboration with the National Park Service.

As early postcard photographs validate, the Pennhurst grounds were noted for their manicured lawns, picnic areas, athletic fields, gardens, and ornamental trees. During the early spring, glimpses of this former grandeur call out from behind the curtain of thicket and brush as long-forgotten dogwood and magnolia trees come to life.



The landscape surrounding the campus varies greatly in elevation, rolling from the Schuylkill River to the highest point in East Vincent Township. Commonwealth Drive runs along the edge of a prominent ridge, with sweeping views both of the campus, as shown here, and in the other direction from the campus out across the valley of the Schuylkill. Terraced playing fields, now overgrown, lead from the buildings along Commonwealth Drive down to the river level.

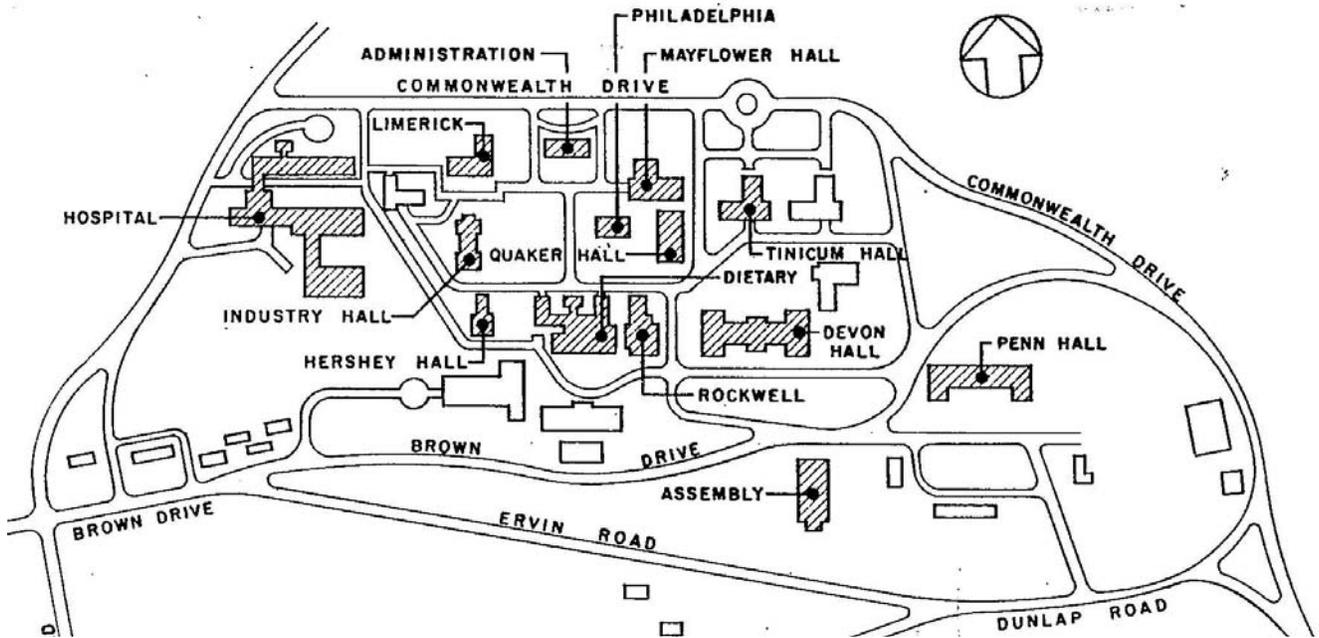


Above, the interior of a Pennhurst “cottage” in the early part of the twentieth century. Below, the dining hall. Both spaces were typical of the institutions of Pennhurst’s era.



In keeping with the original intention of isolating the institution from the rest of society, Pennhurst was to be a self-sustaining community. While the reality was that Pennhurst would become a major local employer, the vast majority of all the labor necessary to operate the sprawling campus was provided by the residents themselves. They cared for the lawns, operated the heating plant, farmed the fields, tended the orchards, cared for the dairy herd, and assisted in the care of their lower-functioning peers. They assumed housekeeping duties and staffed the upholstery shop, the sewing shop, the mending shop, the butcher shop, the weaving shop, the printing shop, the greenhouses and the bakery. The aesthetic beauty and economical functioning of the campus were direct results of their labor.

The lower campus sits on a parcel of approximately 112 acres with expansive views of the surrounding river valley. Campus buildings are arranged in two extended quadrangles. All have a steel and concrete supporting frame and decorative brickwork laid in a Flemish bond pattern. Approximately 600,000 square feet of usable space is available in the buildings. First floor ceiling height average 15 feet and second and third floor ceiling heights range from 11 to 13 feet. Most buildings contain large open rooms divided by partial or curtain walls. The buildings are of a style uncommon in the region and have complex and intriguing rooflines.



Above, Pennhurst's historical lower campus. Below, the Pennhurst campus from the air circa 1977. Included in this view are the upper (female) campus at the upper left and the wastewater treatment plant at the lower left.



A 1908 newspaper announcement of the institution's opening described the interior of the buildings as having "fine fixtures and finish," with the living areas "furnished with heavy quartered oak and with fine high ceilings." Pennhurst embodies distinguishing characteristics of the Jacobean Revival style and is one of the finest extant examples of it. While Jacobean Revival was once a popular genre for institutional architecture, remaining examples—particularly ones as complete as those present at Pennhurst—are not common. Though the entire campus is predominantly in the Jacobean Revival style, no two buildings are identical. The result is a visually interesting, aesthetically pleasing treatment of a classic architectural motif on a picturesque landscape layered with cultural meaning and imbued with historical significance. Pennhurst is a noteworthy and now rare example of the architectural design of Philip H. Johnson, a colorful and prolific local architect.



Interior detail, Administration Building lobby. Egg and dart crown molding is cast plaster. Other detail is plaster, marble, and wood.



West stair tower, Administration Building.

BUILDING DEVELOPMENT: Approximately seventeen buildings are located on the lower campus portion of the Pennhurst site. The buildings are arranged in a campus format and are linked to one another by exterior pedestrian ramps and an underground system of tunnels. Each tunnel has an above-ground walkway component. Most buildings are directly accessible via the pedestrian walkways. Outlying-structures built after the original campus was constructed were not connected to the tunnel/walkway system. These include Assembly Hall and the Female Colony. Additionally, the hospital was not connected to the tunnel/walkway system with the intention of keeping the facilities separate to prevent the spread of disease. Steam pipes leading from the heating plant at the far east end of the site travel in a channel connected to the pedestrian tunnel and are wrapped in unencapsulated asbestos.



Tall ceilings, transoms, and thick, masonry walls (here, 4-layer Flemish bond-pattern brick with steel superstructure) make Pennhurst's buildings ideal candidates for adaptive restoration to LEED standards.

The first buildings on the campus were completed between 1908 and 1909, and include Piladelphia, Tincum, Union, Vincennes, and Rockwell Halls, shown in red on the historic site plan. These six buildings are all constructed in a similar fashion consisting of a brick exterior ornamented with limestone lintels, sills, and bands. The structures all have a steel and concrete supporting frame, and a wood frame and asphalt shingle roof. All structures originally had slate roofs. All also had ventilation cupolas visible in historic photographs. The photographic record suggests these cupolas were removed in the 1950s.

The next major expansion of the center occurred between the years of 1913 and 1919, when the Laundry Building, Hershey Hall, Administration Building, Limerick Hall, Mayflower Hall, Quaker Hall and Dietary/Franklin Hall, were started. These buildings were built in the same Jacobean Revival style as the 1908-1909 structures and are of similar construction.

Some have steel-frame roofs, others are wood. Most retain the slat shingles that were original to them. All of the 1913-1916 buildings had ventilation cupolas identical to those of the 1908-1909 buildings. Additionally, Administration had a pair of eyebrow windows on the roof of its north elevation, one flanking each side of the tower. Presumably these were removed when Administration received new asphalt roof cladding sometime in the 1960s or 1970s.

The aforementioned buildings, later joined by Devon Hall, Assembly, and the Hospital, comprised the main campus of Pennhurst. Several other structures could also be found on campus, including the Doctor's Residence, the Superintendent's Residence, greenhouses, reservoir, heating plant, and several farmhouses and farm buildings. One farm house, built in 1888, was known as the blacksmith shop, and can be found adjacent to Assembly.

In 1921, Wards B and C of the Hospital were constructed in the same manner as the eleven campus buildings. From aerial photographs, it is also clear that the Maintenance/Storeroom was also constructed by this date. The Hospital was expended several times since 1921. It can be estimated that Wards A and D were constructed within a few years after 1921 due to the similar style of construction. The last two wards, Wards E and F, were most likely constructed some time in the 1950s and have steel frames with built-up



Vincennes Hall, shown here, is one of the first buildings constructed at Pennhurst. This view shows off the fine Jacobean Revival details common to Pennhurst's buildings.

flat roofs.

Assembly and Penn Halls were constructed in 1928 and 1936, respectively. Both buildings differ structurally from the other buildings on the campus although retain some of the architectural style and character of the older campus buildings. These buildings are steel and concrete frame structures with a steel frame and built-up fiat roof. They are somewhat removed from the original campus. Both are located on opposite sides of the Blacksmith shop on Brown Drive.

The last building constructed on the lower campus was Devon Hall in 1948. Though Devon Hall was constructed to be similar to its older counterparts, with a similar fenestration pattern and brick and limestone facing, it is a significantly larger building with different massing. It is constructed with a steel frame and slate-covered roof. Devon is the largest building at Pennhurst, containing over 100,000 square feet. It was placed within the original campus grouping of buildings and completes the south end of a secondary quad it forms with Quaker, Tinicum, Vincennes, and Union Halls, Pennhurst's oldest buildings. This quad is adjacent to the main historic quad. Devon is connected to the tunnel system.

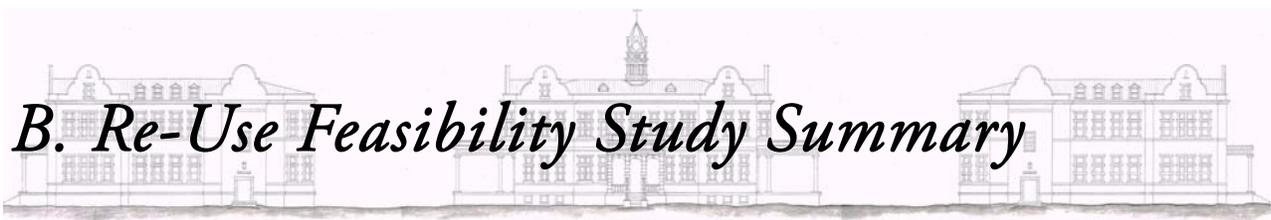
Approximately 636,454 square feet of floor space is available at Pennhurst. About 136,000 square feet is attic space and 127,000 square feet is basement space, and therefore limited in potential use. The remaining first, second and third floor space totals approximately 373,000 square feet. The ceilings are relatively high in all the campus buildings. The average first floor ceiling height is nearly 15 feet; the other floors are slightly lower at 11 to 13 feet. Most of the buildings contain large open rooms with temporary or non-load-bearing walls that do not extend to the ceiling.

Steam heat supplied from a central campus station, was only released along the exterior walls via a system of large radiators. Due to the previous use of the site, the buildings are handicapped accessible. A system of ramps and wide exterior doorways exists. Only the hospital currently has an elevator which could presumably be refurbished and installed in another building if the

hospital is not retained. In sum, with their floor plans of large open rooms divided by non-load-bearing partitions and their high ceilings, the existing buildings at Pennhurst are easily adapted for multiple uses.

These buildings are in relatively good structural condition according to both a 1992 Department of Public Welfare survey and the 2010 Community Design Collaborative Re-Use Study. However, a lack of use and maintenance is accelerating their deterioration each year. Recent work by Pennhurst's current owner has slowed deterioration on Administration, Mayflower, Quaker, and Devon. Many buildings have roof leaks which have compromised the roof structure. Vandalism has damaged many windows and interior finish. The Department of General Services, said that as of 1987, all buildings had been rewired and met modern fire codes. Phone systems had also been installed in the buildings. However, vandalism subsequent to that time has removed nearly all copper wiring for the electricity and the main circuit boxes for the phones in each building. Lastly, unencapsulated asbestos is located in most of the buildings and in the underground heating lines.

In 1930, the first buildings on the upper campus, known as the "Female Colony" are completed. Female Buildings #1 & #2 (later renamed Pershing and Buchanan Halls) and an employee dormitory (Audubon Hall) are the first of five buildings to comprise the upper campus. Female Building #3 (Keystone Hall) is built during the 1930's. Female Building #4 (Capitol Hall) is erected after World War II, at the same time that "D" Building is constructed. There would be no further buildings added to the facility until Horizon Hall is opened in 1971. The former female colony and Horizon Hall are owned by the Pennsylvania Department of Military and Veterans Affairs. Two buildings on the former female colony are operated by the Pennsylvania National Guard and the latter is a Veterans Hospital. In addition to a garage also operated by the Department of Military and Veterans Affairs, these buildings are the only ones of the sprawling Pennhurst complex currently in use.



B. Re-Use Feasibility Study Summary



Pennhurst: Planning a Community of Conscience

Conceptual Plan for Reuse

Routes 422 & 724 Spring City, PA 19475
September 20 10 • Project Number 2009-16

We are pleased to present the results of the Pennhurst Re-Use Design and Feasibility Study. We are awaiting final changes from the owner, but a draft of the final document is presented here. It should be noted that the study's feasible implementation will require additional work to identify costs and funding sources. This work has been undertaken with the kind cooperation of property owner Richard Chakejian and we thank him and his team greatly.

The Pennhurst Memorial and Preservation Alliance and the Preservation Alliance of Greater Philadelphia partnered to obtain a \$50,000 grant in services for the study completed by the Community Design Collaborative. Professional architectural, planning and engineering work was provided by design team volunteers from leading firms including John Milner Architects, Wallace Roberts and Todd, Thomas Comitta Associates, and Larsen and Landis. A community task force included state and local politicians, preservation and disability advocacy groups, and the public at large. A list of participants can be found at the end of this section.

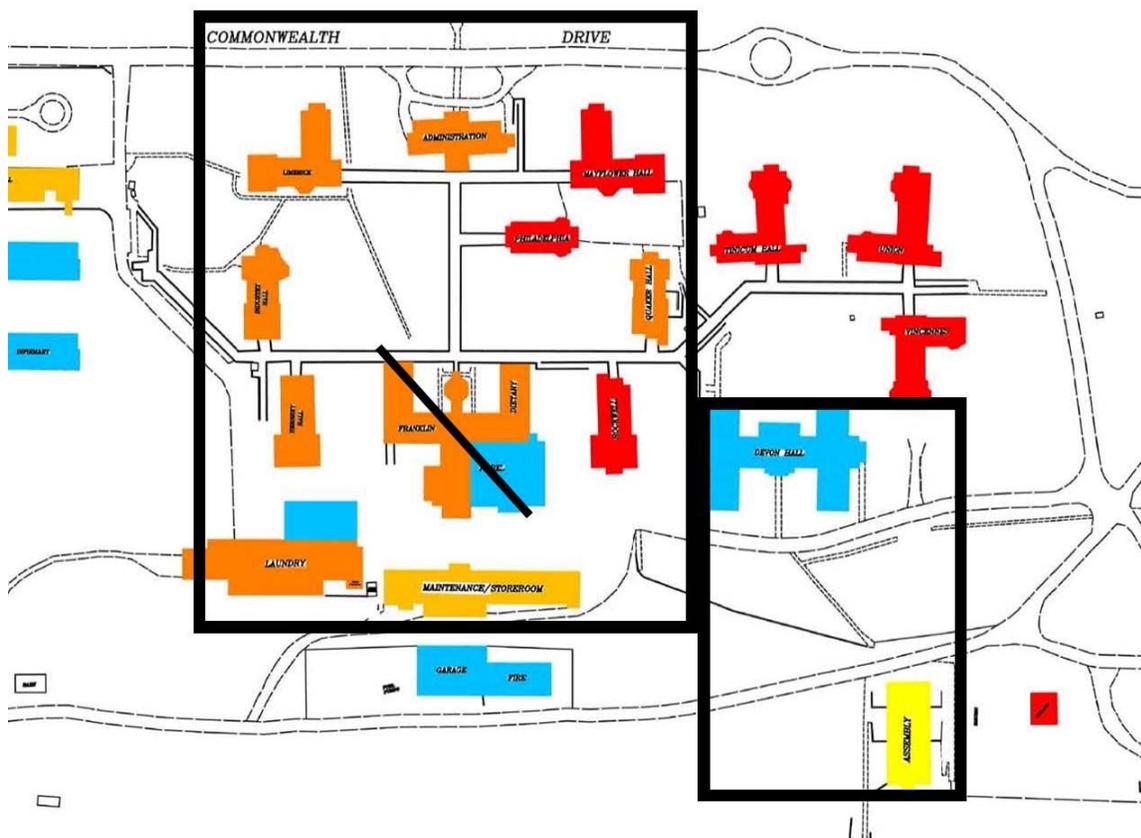
Reviewing the Pennhurst site as well as other similar sites around the world, the design team responded to feedback provided by the community and the owner to propose two re-use scenarios, both mixed use. Both intend the retention of a historic core of buildings, with other uses in areas surrounding the core. The design team maintained the historic structures were the primary drawing card for the site into the future. Current economic realities may preclude their rehabilitation at this time, their stabilization should be undertaken to allow for rehabilitation in the future. Stabilization of the historic core will not prevent other uses elsewhere on the site.

An additional grant has been secured for Urban Partners to undertake an analysis of the economic conditions that will be required to facilitate preservation and how to achieve them. Many thanks to the design team volunteers, the task force volunteers, Mr. Chakejian, Heidi Levy of the Community Design Collaborative, and all those who helped along the way.

NOTE: What is presented here is merely a summary. The complete re-use report, as well as the larger information packet prepared for the Re-Use Study Design Team by the PM&PA and community comments and suggestions can be found at: <http://www.preservepennhurst.org/default.aspx?pg=45>

Definition of a Historic Core

Of the 636,454 square feet of floor space at Pennhurst, the design team recommends the adaptive re-use of 372,170 square feet, including the following buildings: **Administration, Hershey, Industry, Limerick, Mayflower, Philadelphia, Quaker, Rockwell, Devon, and Assembly.** Dietary/Franklin is in the team's historic core, and forms its south end. However, for a variety of reasons, the team felt it could be sacrificed if either a new building in a style matching the others of the quad took its place or if the **Stores/Maintenance** building was retained to form the south end of the quad. The retention of this historic core would qualify the re-development for the 10% rehabilitation tax credit. Additional negotiation with the Pennsylvania Historic and Museum Commission would be required to see if the historic core could qualify for the 20% preservation tax credit.



Building Condition

The following are the most common deficiencies in campus building conditions: roofing in poor condition; broken windows and doors; missing mortar in masonry joints; broken or missing gutters and downspouts. The report provides an individual assessment for each building. Overall, exterior walls are in fair to good condition. Most roofs are in poor condition.

Stabilization Recommendations

Repair all roof framing
 Replace roofing as required
 Replace gutters and downspouts
 Repair or replace and paint exterior trim
 Close door and window openings with weathertight enclosures or replace doors/windows
 Point masonry as required
 Repair cracked masonry
 Interior: repair/replace damaged or collapsed framing

Site Assets:

- Prime agricultural soils
- Preponderance of area is above the 100 and 500 year flood plain
- Mature allees and other tree plantings define sub areas and provide character and amenity to the site.
- Landform is generally supportive of wide range of adaptive re-use and development
- Prime views as oriented by historic core extend from northeast quadrant of the site toward the Schuylkill but away from the Limerick towers

Strong axial alignments created by historic building groupings. Central quads of buildings, former ball fields, and their relationship to lower riparian plateau form primary alignment to guide future development.

Organization of Future Development:

- Core of historic buildings retained
 - Existing mature trees continue to organize landscape, link and/or buffer adjacent uses
 - Potential parcelization of site is suggested by orientation of roads
- Roads can be edited to promote legibility of circulation and feasibility of parcelization.

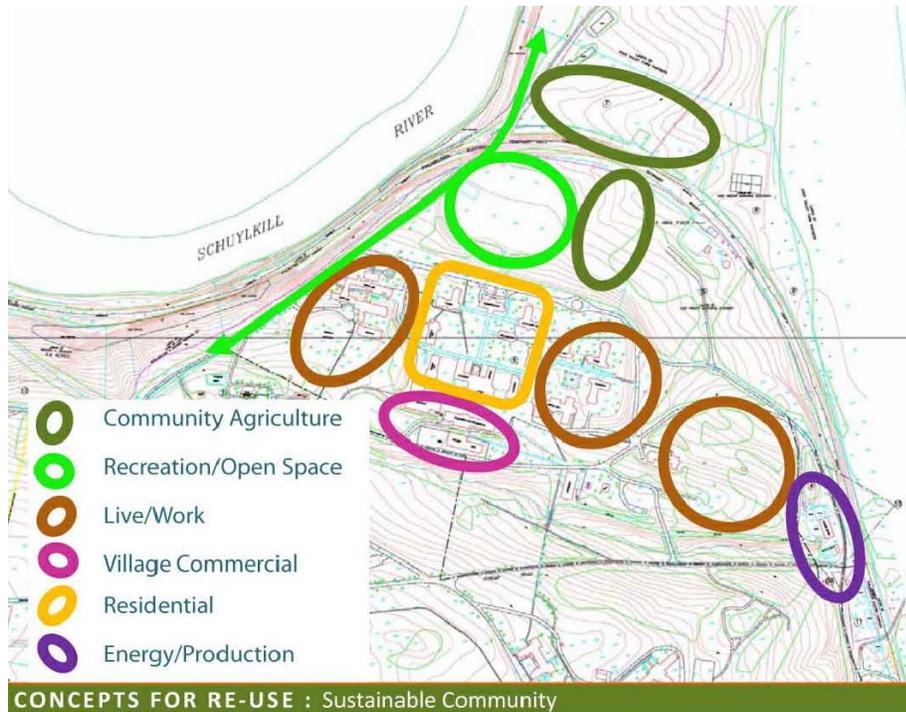
Additional Information Available

In addition to that information summarized here, study has been done regarding access, traffic circulation, infrastructure, soils, views, vegetation, and other site evaluation. This information has been compiled for soon-to-be published graduate thesis at Cornell University and can be provided upon request to ncg1@cornell.edu.

Development Scenarios:

The Community Design Collaborative Study's Design Team proposed two possible site development scenarios as the most viable, asset enhancing and market-building approaches to developing the Pennhurst site. The team examined several case studies at other former institutional sites to inform its development scenario proposals. Both proposed scenarios were cast broadly enough to allow a range of programmatic uses. Certainly other scenarios for re-use exist and should be explored as opportunities present themselves. The nature of the site is such that any number of uses could be done intensively. Development partners for scenarios such as these must bring experience, knowledge and commitment to realize such advanced – and potentially sustainable - site programming.

Development Scenario I: Sustainable Community

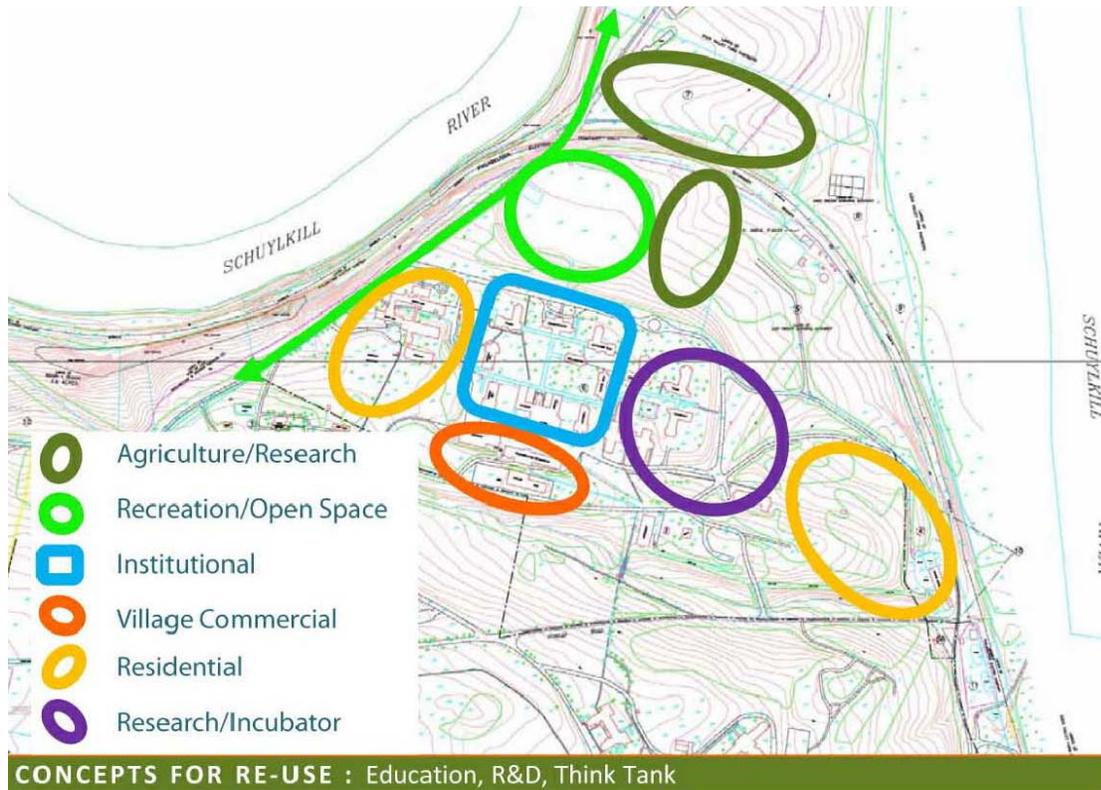


This scenario describes a green lifestyle community with possible aspirations for some degree of self-sufficiency. Consideration should be given to multi-generational tenancy models and a focus upon sustainable building technologies. The site offers opportunities for showcasing of best practices in building technologies, adaptive reuse, agriculture (community/urban gardens), energy conservation and passive production, stormwater management and possibly, transportation/circulation. Makes use of green energy tax credits for the adaptive re-use of the buildings. Incorporates:

- a residential core developed through adaptive reuse of the buildings within the central historic core. May consider a Generations of Hope community here for inter-generational uses.
- a village commercial area at the gateway to the site, acting as an interface with the surrounding communities and helping to support the needs of the VA Hospital residents and employees. Makes use of state financial incentives in this area.
- a combination of types of live/work spaces within the brown bubbled areas flanking the residential core. Might include education facilities serving inter-generational facility.
- placing any heavier industrial, accepted only provisionally, at the far southeastern portion of the site, near the current power plant area
- development of a Schuylkill River Trail connector segment throughout the length of the property
- enhancement of the former ball field as a community recreation area
- agricultural production in the areas described in dark green in the lower, northern portions of the site. Philadelphia's Greensgrow project or Maine's Pineland Farms may serve as a model. Vineyards and horse riding areas also a possibility for here.

- A small museum space and guided tour of the historic quad could provide a history of the site and highlight the new uses.

Development Scenario II: Education/R&D/Think Tank



This scenario describes the strong potential for educational programming for the site and the range of complementary programs that could be developed. Education related opportunities include:

- Arts and trades training
- Business incubation and employment center
- Demonstration agriculture
- Green technologies incubator
- College / boarding school / trade school / etc
- Conference center

Museum and other art and culture venues

The diagram of this scenario shown above describes:

- an institutional core developed through adaptive reuse of the buildings within the historic central core
- business incubation and trades training to the east of the institutional core
- a village commercial area at the gateway to the site, acting as an interface with the surrounding communities and

helping to support the needs of the VA Hospital residents and employees

- residential areas at the eastern and western edges of the site. These could include a Generations of Hope Community, single family homes, etc.
 - development of a Schuylkill River Trail connector segment throughout the length of the property
 - enhancement of the former ball field as a community recreation area
- agricultural production in the areas described in dark green in the lower, northern portions of the site.

Design Team:

John Milner Architects
Larsen and Landis Structural Engineering
Thomas Comitta Associates
Wallace, Roberts, and Todd Design

Task Force:

The Arc of Pennsylvania
Arcadia Land Company
Chester County Economic Development Council
Chester County Historic Preservation Network
Chester County Planning Commission
Congressman James Gerlach (US-R)
National Trust for Historic Preservation
Pennsylvania Historical and Museum Commission
Preservation Alliance of Greater Philadelphia
Public Interest Law Center of Philadelphia
Representative Thomas P. Murt (PA-R)
Schuylkill River Greenway/
Schuylkill River National and State Heritage Area
Senator Andrew Dinniman (PA-D)
Senator Arlen Specter (US-D)
Temple University Institute on Disabilities
Wu & Associates

C. Marketing Study Summary



In the Fall of 2009, Cornell University's Program in Real Estate undertook a market analysis of the Pennhurst property. The team examined office, retail, apartment, condominium, and hospitality uses. In Fall 2010, the Program will convene a study of continuing care/retirement community, recreational/entertainment, residential, and institutional uses. Cornell's Program in Real Estate is regarded as one of the nation's leading courses of study in the field.

Presented here is an executive summary of the 2009 Team's findings.

Pennhurst occupies a prominent location on the physical and cultural landscapes. Sitting high on a hill overlooking the Schuylkill River, it is the place where forced institutionalization of persons with disabilities was first declared unconstitutional—a milestone in civil rights that set international precedents. Reforms resulting from Pennhurst made Pennsylvania the national leader in disability rights.

The 112-acre site in Chester County is surrounded by woods as well as the institution's former playing fields. Though sprawling development is encroaching on the property's historic stone walls, the large site itself is secluded and access onto campus is limited to two points. The property is buffered by agricultural and recreational protection areas on three sides. The Pennsylvania Department

of Veterans and Military Affairs maintains a Veterans Hospital on the site's southern boundary. The approximately 22 buildings on the site date from between 1906 and 1945 and have been vacant since the institution's closure in 1987. Large, open wards and high ceilings leave open multiple conversion options.

The region around Pennhurst is one of the fastest growing and most affluent in the entire Philadelphia Metropolitan Statistical Area, a large region including Philadelphia and its suburbs, Wilmington, DE, and its suburbs, Camden, NJ, and its suburbs, and a portion of northeastern Maryland. According to the Delaware Valley Regional Planning Commission, the US 422 corridor in which Pennhurst is situated is the single most important and fastest growing region proximal to Philadelphia, itself the sixth largest metropolitan area in the United States. The corridor presents both a host of opportunities but also is likely to become over-congested. Redevelopment at Pennhurst will need to tie into the power of adjacency to corridor assets—including growing office, retail, and residential, and recreational developments—but should offer alternative transportation options (car share/dedicated bus or live/work options). Pennhurst is also connected to the proposed R-6 rail line extension.

Although there is great purchasing power in the area,

the increasing vacancies and number of new retail developments entering the market leave little opportunity for a successful retail market on site. The problems with developing a retail development include rising construction costs, increased challenges of obtaining financing, the ability to prelease or secure enough tenants to reach solvency, and the ability to get proper zoning. While a retail development is not recommended for the site at this time, if economic conditions improve, the recommendation would be to develop specialty stores in the area and to create a destination shopping center. The specialty stores would cater towards the wealthy baby boomers in the area with stores such as high-end furniture and appliance stores.

With regard to office use, demographic and employment trends represent positive factors for the market. As the site appears to be somewhat disconnected from existing office nodes in terms of linkages given its location across the Schuylkill River from US 422, it would ideally be developed as a destination office complex. Additionally, based on our supply and demand equilibrium analysis, there appears to be significant oversupply of office space in the target market area for the next three to five years. If Pennhurst could be widely marketed and brought online in 2014, it could capture a healthy office market share.

The population and employment growth in the US 422 corridor surrounding the Pennhurst campus is very positive in regards to a potential multifamily rental project. Montgomery and Chester County have two of the lowest employment rates of the entire state. The area has an extremely high percentage of the population that owns their housing. National trends point to lower affordability over the next decade, and increased demand on affordable rental multifamily rental units. Though it is apparent that there are some positive demand drivers in regard to rental units in the Pennhurst area, more due diligence needs be completed on the two planned competitors that are located within a mile or two of the Pennhurst campus. If completed, condominium projects at Vincent Village and in Valley Forge, if completed, will likely saturate the market into 2014. Three scenarios, however, paint a rosier picture for

Pennhurst. First, if re-developed as a mixed-use project and skillfully marketed to capitalize on its history, views, beauty, and perhaps build around green principles, Pennhurst would be a destination draw with assets the other sites could not offer. Second, Pennhurst has a direct link to the Septa R6 extension, though the completion of that line is still up in the air. Third, an aging population looking to downsize is likely to increase demand for housing with a smaller footprint and fewer maintenance requirements. Additionally, baby boomers entering their retirement years will be looking for greater comfort and amenity levels. These needs could be met through luxury condominiums at Pennhurst.

There are currently *no destination health and wellness centers with hotel and spa facilities anywhere in Philadelphia's expanding western suburbs and none planned.* According to the market analysis, "The Pennhurst site would be a good place to build a destination hotel property because of the many tourist draws in the area, the proximity to Philadelphia, and the lack of competing luxury properties in the market. The suggestion is to create a 275-room luxury, destination property that draws customers not only from the surrounding areas but from across the country."

Packaged as a stop on a "freedom corridor" extending from Penn's Landing and Independence Mall in Philadelphia, to Valley Forge, and westward to Gettysburg, the site would be a draw for tourists as well as recreational travelers along the Schuylkill River Trail. Pennhurst's status as one of a handful of International Sites of Conscience should be capitalized upon through the creation of a "Community of Conscience," a multi-use development incorporating ethically-driven activities. Marketing around this concept would emphasize:

- The site as a place where Pennsylvania changed course of human rights.
- Positive legacy must be emphasized
- Restoration of site can be packaged as both "restorative" and responsible, respecting the site's memory, etc., and providing jobs while being environmentally responsible.

These messages may resonate particularly well with the

wealthy and well-educated demographics surrounding the site, but may also be of broader appeal. In any case, they offer an angle to redevelop the site as a destination.

The physical beauty of the site—its scenery, architecture, and its courtyard layout arranged to take advantage of vistas—also council toward a “destination” option. The site’s seclusion, surrounding green buffer zone, and intriguing architecture distinguish it from the more homogenized growth characterizing greater southeastern Pennsylvania.

In addition to a lack of wellness center/destination hospitality/spa resources, this study also revealed two other unmet needs in the region. First, a range of housing options aimed at Pennsylvania’s growing 65-and-over population has not been sufficiently developed. By 2020, one-in-four Pennsylvanians will be over 65. While a number of facilities have been developed in the area, the quality of housing and the range of lifestyle options is lacking. The AARP and a recent Cornell University study (see Appendix) have spoken of a growing demand for communities that are friendly to variety of ages, concurrently allowing for the vibrancy of interaction between the age cohorts but also providing spaces for the quiet and privacy often sought by the upper age cohorts. Pennhurst would also provide a unique space for a collaboration with an institution of higher learning to teach the care of persons in the upper age cohorts. A recent public posting on the Pennhurst Memorial and Preservation Alliance website suggested just such a use.

Second, there is no “cultural hub;” the region has a deficit of public athletic, recreational, and performance space. The Pennhurst site is large enough to include cultural amenities of broader community interest that a cultural hub might require, including a performance space, auditorium (one already exists on site, c.1920), indoor/outdoor pools, playing fields, etc. A museum and memorial on site as part of this cultural hub can center the property physically and psychologically. It can also provide a node from which community activity

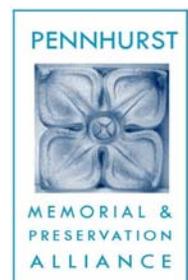
planning, events, and concerts can be coordinated. These uses enhance the notion of Pennhurst as a destination and, in turn, are themselves enhanced by it.

These three uses can be accommodated concurrently on the Pennhurst site, sharing amenities and creating a vibrancy of interaction not possible in isolation, and also can be easily marketed within context of a community of conscience. A cultural center will bring a demographic mix and vibrancy not usually associated with facility for the upper age cohorts. A wellness center spa and hotel on the site can share amenities with the retirement/continuing care community.



PENNHURST DEVELOPMENT STRENGTHS AT-A GLANCE

- Condition of the existing structure makes adaptation easier. They are structurally-sound beautiful shells that can be fitted out however necessary. The site includes residential, dining, classroom, recreation, and performance spaces, including a large theater. All spaces are convertible to other uses, with high ceilings and non-load-bearing walls.
- Site has remarkable views and is buffered by rural and agricultural preservation areas.
- The Schuylkill River Trail biking and hiking trail will run through Pennhurst. Pennhurst is within the Schuylkill State and National Heritage Area
- Secluded but accessible site along major highway routes. Connection to future Septa R6 Extension via existing railroad bridge.
- Community anxious to have a profitable but sensitive re-use of the site
- Possibility of other developmental partners, including the Generations of Hope Development Corp. Featured on *Oprah*, they pair inter-generational living for seniors with at-risk children in foster care, strengthening naturally-emergent alliances. It is a profitable and “feel good” use.
- Already one of the wealthiest in southeastern Pennsylvania, area is expanding, with marked increases in income, education levels, and population predicted through 2030.
- The site is historic, but much of buildable space is undeveloped. Preservation of a historic core allows other structures to be demolished, adding to the buildable area. Soils are buildable and site layout allows ample opportunities for other development of all kinds.
- Historic preservation tax credits and syndication available for up-front equity





TO HEAL AND TO INSPIRE

A NEW FUTURE



Market studies have shown Pennhurst to be a national landmark-caliber site, the prime location for a Community of Conscience to host *the first national museum and memorial to persons with disabilities* — called by some scholars the last Americans yet to fully achieve the protections assumed to be the natural right of all free people.

Ultimately about recognizing the value in all persons regardless of their place in life, Pennhurst offers a new call to gather around principles William Penn held dear. A Community of Conscience at Pennhurst can revolutionize the ways we Pennsylvanians understand our place in the world and the potential in each of us to do something extraordinary. In partnership with the Green House Project and Generations of Hope, *a wellness and living community* of multiple-age groups that integrates nature, family, and acceptance, will extend the positive transformation of our culture once so nobly advanced at Pennhurst. *Recreational space, performance facilities, and places for reflection* will round-out this vision — a needed cultural hearth in the sprawling, seemingly anonymous suburbs of Philadelphia.



IMAGINE THE POSSIBILITIES

PENDING LEGISLATIVE PROCLAMATION

WHEREAS this, the Commonwealth of Pennsylvania, alone and exemplary among the various states, was founded on Revolutionary Principles of compassion and understanding, tolerance and peace; WHEREAS the Constitution of this Commonwealth declares that among the Inherent and Indefeasible Rights of Mankind is the right of all men to be born equally free and independent, to enjoy life and liberty, and to pursue happiness;

WHEREAS these Rights and Principles have not be afforded with equal force or effect to persons with intellectual and developmental disabilities, persons who suffered untold dark inhumanities both in this Commonwealth and around the world;

WHEREAS the caring citizens of this Commonwealth, in brilliant, concerted and revolutionary action, confronted neglect and abuse of disabled persons at the Pennhurst State School, illuminating the injustice there and igniting a international civil and human rights crusade for those with disabilities;

WHEREAS the lessons the Pennhurst campus inscribes on the land—lessons about the dangers of classifying those perceived to be different as "the other" and lessons about the enduring power of an engaged people to define its future—are parables needed yet today;

WHEREAS the Pennhurst campus, site of an awakening of conscience true to the vision of the Founders of this Commonwealth, is witness to the continuing revelation of bright humanity that is the hope of the People of All Nations;

WHEREAS that historic campus was transferred from the Public Domain in violation of the Pennsylvania History Code;

WHEREAS historic preservation of the Pennhurst campus has educational, economic, and ecological benefits for the Commonwealth that far outweigh other re-use options;

Now therefore it is resolved in solemn accord by this Legislature that this campus of worldwide significance be preserved as an international center of conscience and understanding. It is resolved that this place should stand as a commemorative to the tragedy and triumph of the past. Further, it is resolved that this campus, as a center for education and research unique in the world, serve as a beacon of hope for those who yet await the light of compassion and understanding, tolerance and peace integral not just to the Pennsylvania identity but to basic tenants of human dignity.



ENVISIONING A COMMUNITY OF CONSCIENCE AT PENNHURST

*A Proposal for the
National Disability Museum & Memorial
And Advanced Facilities for
Conscience-Driven Care*



L I V E
L E A R N
G R O W
H E A L



ENGAGING THE POWER OF PLACE

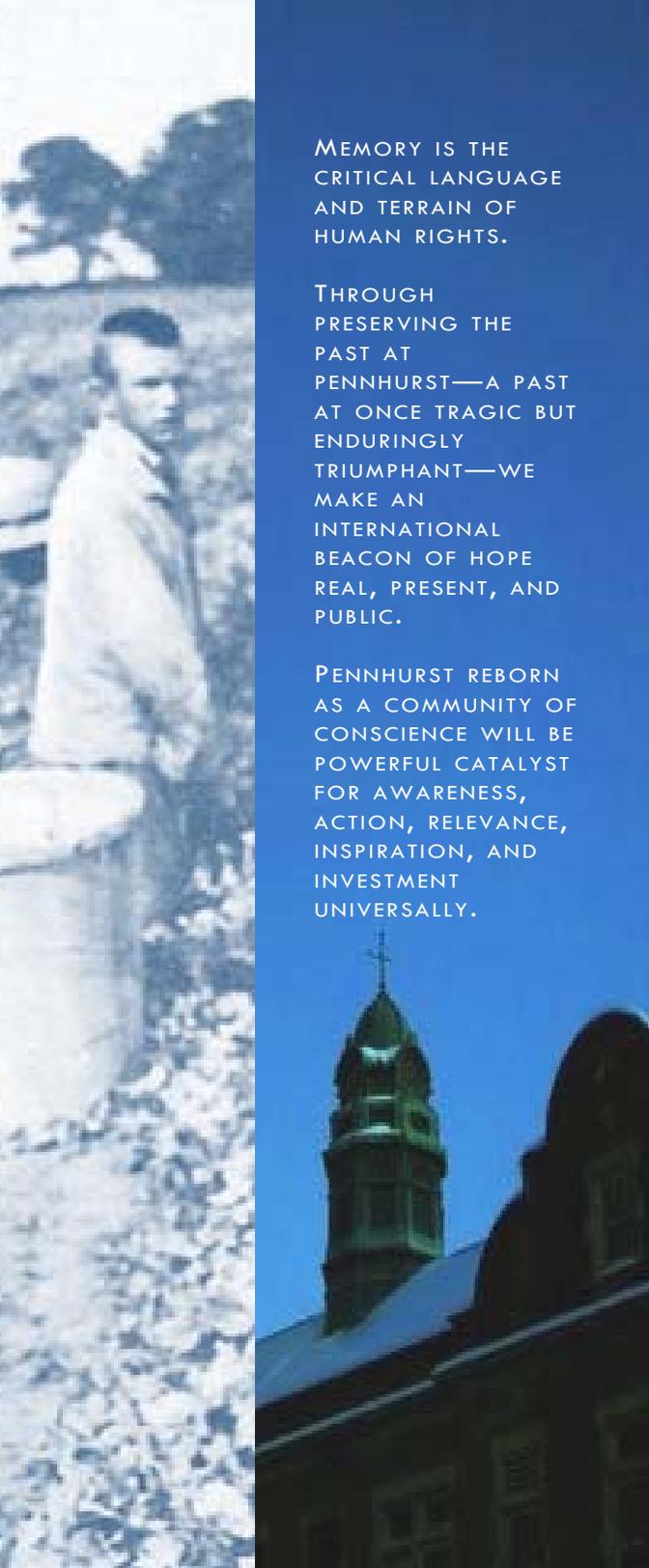
FROM THE PAST

The epicenter of a civil and human rights movement, Pennhurst changed the way the world sees people with intellectual and developmental disabilities. Litigation arising from Pennhurst—eventually reaching the Supreme Court—sounded the death knell for forced institutionalization of disabled persons worldwide.

Pennhurst stands as a monument to despair and social apathy but also, and far more importantly, to the bright triumph of an engaged citizenry—and the knowledge that great change is possible from the cumulative efforts of caring people.

Pennhurst's beautiful, historic campus is, like Valley Forge and Independence Mall to the east, hallowed ground in the struggle for dignity and self-determination, a western anchor to a freedom corridor, that, though stretching but a few miles, reaches all the way around the world. The Pennhurst Memorial & Preservation Alliance, in partnership with disability advocacy and social action organizations across the nation, seeks to reclaim this center of conscience, healing, and outreach. The process is essential to create and preserve a society where all people are valued and respected and where all people have the knowledge, opportunity, and power to improve their lives and the lives of others.

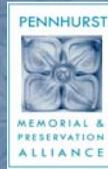




MEMORY IS THE
CRITICAL LANGUAGE
AND TERRAIN OF
HUMAN RIGHTS.

THROUGH
PRESERVING THE
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REAL, PRESENT, AND
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PENNHURST REBORN
AS A COMMUNITY OF
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POWERFUL CATALYST
FOR AWARENESS,
ACTION, RELEVANCE,
INSPIRATION, AND
INVESTMENT
UNIVERSALLY.



PENNHURST: ENVISIONING A COMMUNITY OF CONSCIENCE

A LEGACY OF UNIVERSAL RELEVANCE: *Promise for the Future Born in the Past*

The Pennhurst story is one of relevance to all people. At some point, nearly all people will experience a disability of some sort, be it from injury or old age. But the events played out at Pennhurst affect all of us in ways that are even more profound. The struggle for acceptance, understanding, and ultimately self-determination, is central to what it means to be an American.

Pennhurst united advocates at the local, state, and national levels both inside and outside the institution's walls. Their efforts led to most successful series of disability reforms in American history—putting Pennsylvania in the vanguard of conscience-driven care in keeping with the vision of our Commonwealth's founder.

Pennsylvania became the first state to pass the Right to Education for persons with disabilities, setting a national precedent. Pennsylvania became the first state to end forced unpaid labor in state institutions (*Downs v. PA Dept. Public Welfare*, later upheld by U.S. Supreme Court in *Souder v. Brennan*). The landmark U.S. Supreme Court decision *Romeo v. Youngberg* arising from conditions at Pennhurst established that persons with intellectual and developmental disabilities involuntarily committed at state institutions had constitutionally protected liberty interests under the due process clause of the Fourteenth Amendment.

Most importantly, Pennhurst was the first place in the world where forced institutionalization of disabled persons was declared unconstitutional (*Halderman v. Pennhurst*). This case continues to be a beacon of hope to advocates across the world. The *Halderman* litigation eventually closed Pennhurst—a monumental event to be commemorated in a state historical marker dedication and conference sponsored by the PM&PA and the Public Interest Law Center of Philadelphia with support from the National Endowment for the Humanities and the Pennsylvania Humanities Council.

EXTENDING THE LEGACY: *Outreach at the Heart of a Community of Conscience*

Pennhurst's greatest potential is in translating the power of its past into future action. A museum and outreach center and a living community based on the revolutionary ideas of the Green House project and Generations of Hope will do just that.

A National Disability Museum and Community of Conscience at Pennhurst will generate an ongoing national dialogue on social issues to build a lasting culture of human rights. It will not be place of passive learning like a typical museum but a place of active citizen engagement. Its mission will be to seek truth, to build a culture of "never again," and to create opportunities for public involvement, curriculum development and more. This dialogue must encompass the meaning of the past and the shape of the future—with the full temporal spectrum palpable in the Pennhurst visitor experience. What happened at Pennhurst and how did caring families and employees finally rise up to end it? How did that change create reform across the globe? What does it mean to be classed as "the other"? How and where is it still happening today? Advocates, including those on PM&PA Advisory Council such as former Pennsylvania first lady Ginny Thornburgh of the American Association of People with Disabilities and Marc Holmes III of the Temple University Institute on Disabilities, have pledged their support to the creation of the nation's first teaching and outreach center at Pennhurst.

EXTENDING THE LEGACY: *A Catalyst for Cultural Transformation*

The struggle for conscience-driven care of persons with disabilities that began at Pennhurst is ongoing. It is a struggle faced by a number of other groups in our society. The elderly, children, and the near-homeless continue to be plagued with multiple, seemingly intractable social challenges, and these populations are growing in Pennsylvania. These are problems that re-use of the Pennhurst campus to enhance lasting quality of life—or perhaps establish it for the first time—can address.

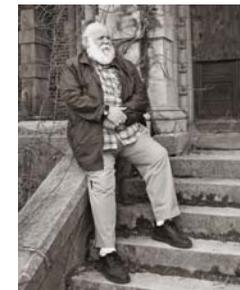


The *Generations of Hope Development* Corporation was established in 2006, with the support of the W.K. Kellogg Foundation, to create communities that rebuild lives. Efforts are now underway to extend a successful prototype model by developing new sites known as Generations of Hope Communities (GHCs) across the country.

The distinctive strategy used in GHCs facilitates and supports naturally emergent alliances, relationships, and enduring commitments *across generational lines* so the community becomes the first line of support. The cross-generational component of a GHC at Pennhurst would include a continuing care/retirement community built according to the principles of the *Green House Project*. One in four Pennsylvanians will be over age 65 by 2030, yet our facilities for their care are by and large of inferior quality. The Green House Project has revolutionized elder-care. It prizes autonomy, spiritual well-being, meaningful activity, and engagement. A grant from the Robert Wood Johnson Foundation has encouraged the development Green House Communities across the nation.

THE ROAD AHEAD: *Bringing A Community of Conscience to Pass*

The PM&PA obtained a design services grant through the Community Design Collaborative to engage community and political leaders as well as social action organizations in the re-envisioning of Pennhurst. Some of the nation's foremost design professionals have volunteered their time to design a Community of Conscience. Despite positive results, we are in a race against time; the current owner of the Pennhurst property is planning to demolish this irreplaceable site.



To engage the Community of Conscience plan, the PM&PA seeks funding assistance for the following:

- *A financial feasibility analysis as a complement to the design study currently underway (\$65,000).*
- *Seed funding for a traveling exhibit on Pennhurst's history and legacy and the Community of Conscience proposal (\$50,000).*
- *Acquisition funding to secure the 112-acre site (\$12 million).*
- *Seed funding for a community memorial space (\$50,000).*
- *Matching funds for pre-development work with Generations of Hope and the Green House Project (\$125,000)*

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