



PROGRAM INFORMATION,
SCOPE AND PARAMETERS

FAIRFAX COUNTY PARK
AUTHORITY



Fairfax County Resident Curator Program Program Information, Scope and Parameters

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Resident Curator Program Introduction

Background

Virginia Code Establishing Resident Curator Programs

In January 2011, the General Assembly amended Va. Code Ann. § 15.2-2306 authorizing localities to develop resident curator programs. The Code enables localities to create, by ordinance, “a resident curator program such that private entities through lease or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality.” Additionally, the curator is required to provide reasonable public access consistent with the historic property’s nature and use.

Fairfax County Resident Curator Program Ordinance

The Board of Supervisors adopted the Resident Curator Program Ordinance in 2014, establishing a Resident Curator Program in Fairfax County. This program, designed to preserve and maintain historic properties owned or leased by the County, will lease historic properties to individuals or businesses, requiring that resident curators maintain and improve the leased properties according to the [Secretary of the Interior’s Standards for the Treatment of Historic Properties](#), 36 CFR Part 68 (2013), as amended.

Resident Curator Program Stated Goal and Objective

The objective of the Fairfax County Resident Curator Program (RCP) is the preservation of historic buildings within the county... The end goal is to rehabilitate and maintain underutilized historic properties and provide periodic public access to appreciate the historical significance of the properties.

The RCP is designed to preserve historic properties by offering long-term leases to qualified tenants who agree to rehabilitate and maintain these historic resources in accordance with established preservation standards. A curator can be a private citizen, a non-profit entity, or a for-profit entity.

Any proposed rehabilitation of these sites must meet the [Secretary of the Interior’s Standards for Rehabilitation](#), and the curator must provide reasonable public access to the property. In return, curators pay no rent as long as they continue to fulfill their contractual obligations. Curators are responsible for upkeep, property maintenance expenses, utilities, and county property taxes.

Summary of the Resident Curator Program

By definition, a Resident Curator Program (RCP) enables an individual, a group of individuals, or an organization, to serve as the curator of a property. Fairfax County’s RCP is intended to reduce the public costs associated with the care and preservation of the properties by enabling groups or individuals to take over the responsibility. In addition to caring for the day-to-day management of the property, the curators are responsible for the rehabilitation and continued

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maintenance of the property. Properties that are included in the RCP have been deemed historically significant and meet established criteria of eligibility for curation.

Resident Curator Program Overview – Rehabilitate, Reuse and Maintain

The Fairfax County RCP allows the county to address underutilized publicly-owned historic properties by entering into long-term leases with qualified tenants who agree to rehabilitate the property in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and provide ongoing maintenance and upkeep of the property for the duration of the contract.

The RCP arose to address the large number of historically significant structures deteriorating on public land. The public/private partnerships created through RCPs in other jurisdictions have provided a successful stewardship solution for these important cultural resources.

A resident curator is a contractual agreement between Fairfax County and the curator, where the curator agrees to provide the service of rehabilitation and on-going maintenance of a property in exchange for the long-term occupation of the property. A curator can be a private citizen, a non-profit entity, or a for-profit entity. The proposed rehabilitation must meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and the Curator must provide “reasonable public access” to the property.

Determining the Length of the Curator Lease

A gross annual fair market rental amount will be established through a third party appraisal. The curator’s annual estimated costs to manage and maintain the property will then be deducted from the gross annual fair market rental amount, in order to determine the curator’s net annual rental obligation. The total estimated rehabilitation expenses will be divided by the net annual rental obligation to determine the length of the lease. In most cases, curators will accrue much of the rent obligation for the term through the costs of rehabilitation. No cash rent is collected during the base lease term as long as the curator continues to fulfill the obligations under the lease.

As part of the lease negotiations, a reduction in FMRV obligation may be considered during the rehabilitation phase if the property is not habitable (e.g. nonfunctional kitchen, bathroom, or utilities) until the curator is able to obtain a Residential Use Permit or Non-Residential Use Permit.

Once the rehabilitation of the property is complete, the curator can remain in the property for the length of the lease terms without paying any rent, as long as they are meeting their contractual obligations, including managing and maintaining the property . The curators are responsible for the management, maintenance, and general upkeep of the property for the lease term. They are also responsible for all utilities and county property taxes.

Purpose of the Curator application

The purpose of this curator application is to identify and select a curator who:

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- Demonstrates a commitment to the rehabilitation, management and maintenance of the historic property and its associated structures and surrounding landscape, in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- Proposes a use compatible with the historic nature of the resource, the general management plan for the park, and the mission of Resource Management Division.
- Demonstrates the required resources and skills to ensure the long-term preservation of the property.
- Demonstrates a sensitivity and responsiveness to the public nature and public availability of access to the property.

Criminal Background Checks

A criminal background check may be requested at the time of application review.

Credit Reports

A credit report may be requested at the time of application review.

Restrictions on Property Access

While the majority of these structures are located on public property, most of the buildings are not open to the public at this time. **Do not enter the interior of these structures without authorization.**

Accuracy of Information

FCPA makes no express or implied representations or warranties as to the accuracy and/or completeness of any of the information provided. The information provided is subject to errors, omissions, change of cost, lease or conditions, additional changes in and different interpretations of laws and regulations, prior sale, lease or financing.

Freedom of Information Act

The Virginia Freedom of Information Act (VFOIA) provides that, with some specific exemptions and exceptions, all public records are open for public inspection. All public records are presumed open unless an exemption is properly invoked. Once submitted, the information an applicant or interested party gives to the Resident Curator Program becomes a public record, and is therefore subject to VFOIA. For more details about VFOIA, visit www.fairfaxcounty.gov/opa/foia.htm.

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State and Federal Rehabilitation Tax Credits

Curators seeking rehabilitation tax credits should do so as early in the process as possible. The applicant is asked to advise the county and FCPA of any tax credit application or any anticipated application to allow it to better understand the context of particular proposals.

Information on State and Federal tax credits can be obtained from:

Virginia Department of Historic Resources

2801 Kensington Ave.
Richmond, VA 23221
Telephone: 804.367.2323
<http://www.dhr.virginia.gov/>

Heritage Preservation Services

National Park Service
1201 “Eye” Street, NW (2255)
Washington, DC 20005
Telephone: 202.513.7270
http://www.cr.nps.gov/hps/tps/tax/NPS_HPS-info@nps.gov

Responsibilities of Curator and County

County Responsibilities

Programmatic Responsibilities

- Staff for program administration - including Project Launch Manager and Project Launch Work Team and permanent Program Manager and Program Selection/Work Team
- Properties which meet the criteria for the RC Program
- Preparation of Determination of Eligibility form for County Inventory of Historic Sites
- Marketing the RC Program and individual properties
- Determination of minimum investment requirement if Condition Assessment/Treatment Plan not used
- Determination of acceptable proposed uses
- Coordination with the Department of Taxation for determining Property Tax Assessment.
- Criteria and process for evaluating rehabilitation proposals and curator’s skills, ability and financial capacity to execute work plan and maintain property
- Authorship, monitoring and enforcement of lease agreements

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Property Responsibilities

- Historic Structure Report - to be completed for the properties which are selected to be advertised for proposal.
 - Building Conditions Assessment
 - Treatment Plan for rehabilitation to determine minimal mandatory improvements as well as basis for curator's estimated potential financial investment
- Property appraisals to determine Fair Market Rental Value
- Survey and delineate boundaries
- Maintaining property insurance on the structure
- Monitoring of rehabilitation project – Terms of access for monitoring both rehab project and property will be spelled out in lease.
- On-going monitoring and annual inspection of property conditions once rehabilitation is complete
- Other potential obligations as agreed to in lease

Curator Responsibilities

Rehabilitation Plan

- Submit and follow work plan for historic rehabilitation of property which meets the Secretary of the Interior's Standards for the Treatment of Historic Properties
- Submit plans for Architectural Review Board review, if applicable
- Meet minimum investment required as determined by treatment plan or other method of determination
- Adhere to work plan timeline and conduct work within the agreed upon schedule
- Obtain and pay for any and all building permits, and any other necessary permits and bonds
- Ensure that all contractors and subcontractors be properly licensed, bonded, and insured
- Maintain records and photo documentation throughout the rehabilitation of the property

Tax Credits (if applicable)

- Prepare Historic Certification Application in order to qualify for Historic Tax Credits for those properties not already individually listed on the state or federal historic registers
- Fulfill State requirements of documentation and submittals if seeking Historic Rehabilitation Tax Credits

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Insurance

- Maintain Renter’s Insurance Policy and additional Liability Coverage
- All contractors engaged by the curator must be licensed to do the work, obtain appropriate permits and carry:
 - Builder’s Risk Insurance for the full value of the project for work which will require the structure be vacated during the project or;
 - Installation Floater for the full value of the project for work which will not require the structure be vacated during the project.

Ongoing Occupancy and Maintenance Obligations

- Pay ongoing utilities, such as gas, water, electric, etc.
- Repair, maintenance and replacement of all appliances and major systems of the property including plumbing, electrical, and HVAC
- Conduct all future maintenance and repairs to the property in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties
- Seek approval from Program Manager before undertaking repairs or maintenance outside the original approved scope of work
- Submit yearly accounts of all expenses associate with the rehabilitation and ongoing maintenance of the property
- Pay County Real Estate taxes, (pro-rated based on term of lease)
- General grounds-keeping including mowing grass, trimming bushes and trees, etc.
- Snow removal
- Curator must continually occupy the structure once rehabilitation is complete, and notify Program Manager if property is going to be vacant for more than 72 hours
- Other potential duties as agreed to in lease

Public Benefit

- Provide “reasonable public access consistent with the historic property’s nature and use”
- Curator must expect a certain level of interaction with the public while living in a county park. However, FCPA understands the need to balance the rights of public to access and the rights of the curator to privacy.

Prohibitions

- Curator may not dig on the property for any reason without seeking authorization and receiving approval from FCPA Cultural Resource Management and Protection Branch.
- Curator is prohibited from the surface collection of artifacts and/or excavation of artifacts on property.

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- Curator is bound by all laws protecting against the exhumation of human remains, and the collection of artifacts on parkland.

Either County or Curator Responsibility

(To be negotiated with curator on a case by case basis)

- Curator will be responsible for, or County will seek Supervisory waiver of, fees associated with applications for rezoning, special exception, or special permit necessary to modify the permitted use of the property
- Evaluation of existing septic system where sewer is unavailable
- Costs associated with the installation of, or repairs to, septic system
- Evaluation of well water condition, if public water is unavailable
- Capping off old wells, where necessary
- Drilling of new well, if necessary
- Hook up to utilities: public water or well; sewer or septic; electric; and gas
- HAZMAT Report
- Hazardous material abatement
- Preparation of County Inventory of Historic Sites nomination if not already completed
- National Register Nomination, Cultural Landscape Report, or other professional report that would add to the knowledge and/or recognition of the structure, its history, and surroundings
- Improved road access, if necessitated by proposed use
- Archaeological study, when necessary

Application Review and Extension Process

All applications shall be due 60 calendar days from the time the application package is posted to FCPA Resident Curator Program's web page. Review of applications will begin upon expiration of the due date. Therefore, applicants are strongly advised to submit their applications on time to ensure consideration by the County and FCPA.

If no applications are received by the due date, the application deadline will be extended in 30 calendar day increments and the property may be re-advertised through established channels.

All applications will undergo an initial administrative review for completeness. If, upon expiration of the due date, FCPA has received one or more incomplete applications, those applicant/s will be contacted to assess the cause and nature for the delay. FCPA will determine a reasonable length of time for the applicant to furnish the missing information. If, the applicant fails to complete the application in the allotted timeframe, the selection process or the re-advertisement process (whichever is appropriate) will proceed.

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If at the time of the expiration of the due date FCPA has received an application, the application will be reviewed for completeness. If the application is found to be complete, the financial review process will commence, independent of other applications received.

Application Review and Evaluation Team

FCPA will convene an Evaluation Team composed of staff and members of existing County commissions, boards or authorities, whose expertise qualifies them to provide advice to the County Executive or his designee. This Evaluation Team will review all proposals and make recommendations to the County Executive or his designee. The composition of the Evaluation Team will vary, depending on the characteristics of the property under consideration and the nature of the proposals received.

The Evaluation Team may be composed of the following participants, their successors or designees:

1. Chair, FCPA Resident Curator Program Manager
2. A representative from FCPA Real Estate Services
3. A representative from FCPA Cultural Resource Management
4. A historical architect or person with historic architectural knowledge
5. A representative from relevant County board, authority, or commission

In addition, the Evaluation Team may consult with subject matter experts, whose professional knowledge and expertise will enhance the selection process, as determined by the individual property's unique qualities and characteristics. Subject matter experts may include:

- FCPA Site Manager, where applicable
- Fairfax County Historic Preservation Planner
- Office of the County Attorney
- Fairfax County Department of Finance
- Fairfax County Architectural Review Board
- Department of Public Works and Environmental Standards
- FCPA Facilities Maintenance Division Manager or Fairfax County Facilities Management Department
- Virginia Department of Historic Resources

Criteria for Evaluation

At a minimum, the following criteria will be used in evaluating all proposals:

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Proposed Reuse

- Provides for long term preservation of the property
- Compatible with FCPA Resource Management mission and General Management Plan for the Park
- Compatible with the surrounding neighborhoods
- Compatible with the historic value of the property
- Compatible with the preservation of the surrounding environment

Scope and Nature of Public Benefit and Public Access Element

- Quality of projects / programs / services that offer a benefit to the park and its users

Rehabilitation Plan

- Feasibility of rehabilitation plan goals and timetables
- Compatibility of rehabilitation plan with treatment plan
- Proposed lease term consistent with proposed reuse and rehabilitation plan
- Consideration of environmentally sustainable building technology and practices
- Consideration of accessibility issues (if applicable)

Experience and Qualifications

- Experience and qualifications to undertake, implement and manage the rehabilitation, reuse and maintenance of the property
- Specialized skills in historic preservation projects
- Examples of pertinent previous work

Overall Proposal Presentation and Organization

- Meets goals and guidelines of this Invitation to Submit Proposal in a clear and well-organized manner

Public Response

- Public reaction to proposal

Inspection Process and Accountability Measures for Curator

Work Plan with General Schedule

The curator proposes and agrees to complete the rehabilitation work as set out in the work plan, and to finish the project within a maximum of five (5) years from the commencement of

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initializing the rehabilitation phase in accordance with and as determined by the work plan and general schedule submitted by the curator and approved by FCPA.

Monitoring the Property: Rehabilitation and Maintenance Phases

The program manager will monitor the property throughout the rehabilitation phase on a schedule correlating to the general schedule submitted by the curator and approved by Fairfax County Park Authority. Once the rehabilitation phase is complete, initiating the maintenance phase, the program manager will transition to no less than annual inspections, thereafter. The program manager will determine necessary frequency of inspections for each property during the rehabilitation phase.

Monitoring during the Rehabilitation Phase includes the following steps:

1. Routine site visits by the program manager and/or other FCPA representatives to ensure that:
 - curator obtained the required permits;
 - safety provisions and signage is in place;
 - work is being completed as specified in the work plan submitted by the curator and approved by FCPA;
 - work is meeting the approved schedule as outlined in the general schedule submitted by curator and approved by FCPA;
2. Regular communication (via telephone and/or email) between curator and program manager
3. Review of modifications to the general schedule if necessary (with an understanding that unforeseen conditions arise)

Amending the Work Plan or General Schedule

The curator may not commence any work unless said work is done in compliance with the terms of the governing lease, executed on behalf of the Fairfax County Board of Supervisors in consultation with Fairfax County Park Authority.

The curator will submit any proposed changes to the approved work plan or general schedule to the program manager. The proposed changes will be reviewed by the program manager in consultation with pertinent FCPA or county staff. FCPA has thirty days from the receipt of the proposed project alteration notification to review and accept, accept with conditions, or reject proposed changes, and notify the curator of their decision.

Photo Documentation of Rehabilitation Project

Photo documentation is required throughout the rehabilitation phase. If the curator is applying for Virginia or Federal Rehabilitation Tax Credits, they should consult with Virginia Department

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of Historic Resource for specific State and Federal requirements for photo documentation of rehabilitation.

The Resident Curator Program requirements for photo documentation are:

- Photographs must be 35 mm, or digital with an image resolution of at least 300 dpi or higher.
- Photographs must be submitted individually, sized at 4x6 inches, and printed on photo stock paper, glossy or matte (digital photos may be submitted in an agreed upon form of electronic media at the required resolution)
- Photographs should not be mounted, sleeved or bound in any fashion
- Photographs should clearly show areas or features being documented. Do not submit blurry, out of focus, over or under exposed photographs.
- Pre-rehabilitation photographs should provide enough information to give a visual representation of the building and its elements and character defining features prior to work commencing, including, but not limited to:
 - All exposed building elevations
 - Two photos per room, oriented corner to corner from opposite corners
 - Features being impacted by the rehabilitation work such as masonry, plaster, windows, doors, trim and other millwork, stairs, ceiling, fireplaces and flooring, etc.
- Photographs must be keyed to a floor plan, the photo number must be labeled on the floor plan drawing, and the photographs themselves must be labeled respectively with the corresponding information on their back, or in a photo log if submitting digitally.
- Post-rehabilitation photographs should be of and from the same locations for comparative purposes.
- Photographs throughout the rehabilitation phase could be used for public outreach and program promotional purposes.

Permits and Inspections

FCPA reserves the right to inspect any and all work performed under the curatorship agreement. All plans must be submitted to Fairfax County Department of Public Works and Environmental Services (DPWES) and be properly permitted. Completed work must be reviewed and approved by appropriate county inspectors, including Department of Public Works and Environmental Services, Department of Health for wells and septic fields, Water Authority for public water taps, if applicable, and the Fire Marshall. The curator is also responsible for compliance with any and all state, local or federal regulations. Some curator properties are located in Historic Overlay Districts (HOD) and are subject to Article 7, Part 2 of the Fairfax County Zoning Ordinance, which can be found here: <http://www.fairfaxcounty.gov/dpz/zoningordinance/>

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Completion of the Rehabilitation Phase

The Work shall be considered complete when:

- Work specified in work plan is completed in compliance with the general schedule, including complete installation of all structural and mechanical elements, fixtures, life safety systems, decorations, and landscaping (subject to climactic conditions)
- Construction debris and refuse resulting from demolition and construction of the Improvements have been properly and lawfully removed and disposed of; and,
- All permits, certificates, inspections, and approvals, necessary for the lawful use and occupancy of the property, such as a Residential Use Permit, have been satisfactorily obtained.

Reporting and Accounting

The curator's contribution will be in the form of both payment for materials and services purchased by him or her, and his or her time and labor, or “sweat equity,” in the rehabilitation and on-going maintenance of the property. Within ninety (90) days after the end of the first year of the term, and annually thereafter, the curator shall submit to the program manager an annual report, in a mutually agreed upon format, summarizing the progress and status of the FCPA Resident Curator Program at the property for the curatorship’s then-ended fiscal year.

The annual report shall demonstrate to the program manager reasonable satisfaction that curator is rehabilitating, reusing and maintaining the property in compliance with the Enabling Legislation and the terms of the lease.

Such annual report shall also note the nature and dates for any public and community activities at the property, and the approximate number of visitors participating in each event.

Each annual report must contain a financial statement accounting for all work completed in the work plan to date, the value of any maintenance expenditures above and beyond those outlined in the work plan, as well as operating and management expenditures for the year.

The program manager shall forward to the curator written confirmation of the receipt of curator's annual report. All reports, financial statements, analyses and other documentation provided by curator shall be subject to verification and audit by FCPA and/or any other agency of the county or a contractor of FCPA for review and comment.

Monitoring the Property during the Maintenance Phase

Upon completion of the rehabilitation phase, the curator shall continue to repair and maintain the property, including the curatorship structures and grounds, as necessary on a continuous basis during the term of the lease. These services will be provided by the curator and will be performed continuously while the lease is in effect.

Each year the program manager and/or other FCPA representatives will inspect the property with the curator. Using the Maintenance Guidelines and Checklist, the program manager and/or other FCPA representative will evaluate the condition of the property and the maintenance

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performance of the curator. The curator should inspect the property periodically to ensure that the maintenance guidelines are being met prior to the annual inspection.

The curator will be given a copy of the completed Maintenance Guidelines and Checklist. If the program manager finds maintenance deficiencies, the curator will be notified and given a timeline to address and rectify the deficiencies found.