



APPLICATION FILED: April 2, 2007
APPLICATION AMENDED: May 24, 2007
PLANNING COMMISSION: June 21, 2007
BOARD OF SUPERVISORS: Not Required

County of Fairfax, Virginia

June 7, 2007

STAFF REPORT

CRD

APPLICATION FDPA 2002-DR-019

DRANESVILLE DISTRICT

APPLICANT: Music Makers McLean, LLC

ZONING: PRM, SC, HC, CRD

PARCEL(S): 030-2 ((53)) 110

ACREAGE: 4550 sq. ft. within Condominium Unit 110

FAR/DENSITY: Proposed Use is to be located within a condominium unit within an existing building

OPEN SPACE: N/A

PLAN MAP: Retail and Other

PROPOSAL: Allow a Private School of Special Education to be located in Condominium Unit 110, which is identified as commercial use on the proffered CDP/FDP for RZ 2002-DR-019 and Office

STAFF RECOMMENDATIONS:

Staff recommends that FDPA 2002-DR-019 be approved subject to the draft development conditions contained in Appendix 1.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Music Makers McLean, proposes to amend the approved final development plan for the Palladium of McLean, a mixed-use project in the Planned Residential-Mixed Use (PRM District) approved pursuant to RZ/FDP 2002-DR-019, to allow a private school of special education to be located in a 4,550 sq. ft. section of Unit 110, a 5,350 sq. ft. condominium unit designated for commercial uses. The remaining 800 sq. ft. of the unit is to be devoted to a community use in accordance with paragraph c of Proffer Number 7. Proffer Number 4 specifies the uses allowed within the project and further states that additional uses may be permitted with the approval of a final development plan amendment and that a proffered condition amendment would not be required so long as the modification is in substantial conformance with the CDP/FDP.

Since the proposed use will be located within one of the units within the existing building, the final development plan submitted with the application is a copy of the proffered CDP/FDP associated with RZ/FDP 2002-DR-019, which depicts all of the Palladium of McLean. The application property is limited to the portion of Unit 110 that is where the music school is proposed to be located. A reduced copy of one page of the previously approved Final Development Plan is included in the front of this report to identify the location of Unit 110. Following that is the proposed layout of Unit 110 depicting the proposed music school and its relationship with the 800 sq. ft. to be devoted to offices for either the McLean Chamber of Commerce or the McLean Revitalization Committee pursuant to Proffer Number 7.

The proposed development conditions for this proposed use are included as Appendix 1. The applicant's affidavit is Appendix 2 and the applicant's statements regarding the application are included as Appendix 3. Appendix 4 contains the proffers and proffered CDP/FDP for RZ/FDP 2002-DR-019, the zoning case for the Palladium of McLean.

LOCATION AND CHARACTER

The Palladium of McLean was approved for up to 70 dwelling units located in 143,774 sq. ft. of a 160,905 sq. ft. building; the remaining gross floor area was to be devoted to commercial uses including eating establishments, retail and offices, including the unit that is subject to this application. The Palladium is a U-shaped building, with the closed portion of the U facing Lowell Avenue to the south. The western side of the building faces Laughlin Avenue and includes a civic plaza; the retail uses are on the ground floor facing this plaza. The main residential entrance to the building is located at the corner of Lowell Avenue and Emerson Avenue.

Unit 110 is located on the ground floor of the northeast corner of the building. It fronts onto Emerson Avenue. This portion of the project was identified as an office use on the proffered CDP/FDP. The building area above the unit is residential. The opposite side of Unit 110 abuts a vehicle travelway through the building to the parking area in the interior of the U-shaped building. The abutting off-site use to the north is a vehicle light service establishment.

The following chart addresses the Palladium of McLean project.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Vehicle Light Service Establishment Drive-in Bank	C-8	Retail & Other
South	Fire Station Office	R-4 PDC	Pubic Facility Office
East	Office	C-4	Retail & Other
West	Shopping Center	C-6	Retail & Other

BACKGROUND

On October 7, 2002, the Board of Supervisors approved RZ 2002-DR-019 to rezone 2.24 acres from the PDC District to the PRM District subject to proffers dated September 18, 2002. A copy of the Clerk to the Board's letter noting the approval, a copy of the accepted proffers and a reduction of the proffered combined CDP/FDP are contained in Appendix 4. The associated final development plan was previously approved by the Planning Commission without conditions on September 19, 2002 subject to the Board of Supervisors' approval of the rezoning. This approval allowed the development of the Palladium of McLean as described above.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	II
Planning District:	McLean Planning District
Planning Sector:	McLean Center Business Center

The application property is located within Subarea 11 of the McLean Central Business Center (CBC). The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On page 25 of the McLean Planning District of the 2003 edition of the Area II Plan, under the heading, "Land Use" under the sub-heading "A. Redevelopment Areas," the Plan states:

The block bounded by Chain Bridge Road, Emerson, Lowell and Laughlin Avenues (Subarea 11), which is mostly vacant, should be developed as a "Civic Place" to anchor the southern end of "Main Street" with a mix of community-oriented retail, service retail, office, senior housing, or other appropriate public uses. Street level retail, service uses and/or other uses which encourage the public to gather are recommended to be oriented around a plaza or park on the "Main Street" side of this subarea. This subarea is intended to include plaza in a park-like setting for general gathering and performances. The closing of a section of Lowell Avenue alongside the fire station is encouraged for additional public gathering space. Property consolidation is strongly encouraged, although the objectives of this Plan could still be realized with two to three development parcels. Parking could also be incorporated onto neighboring parcels. Its design should address the public's safety and convenience concerns about such facilities. The short pedestrian route to and from such parking should be interesting and engaging. Here, blank walls are to be avoided, preferably replaced by small specialty shops or services, activity areas, and a police satellite station, if possible. The site should also interconnect with the pedestrian network, especially between Laughlin and Emerson Avenues at mid-block and offer the opportunity to develop public spaces and building design features.

The Comprehensive Plan Map shows this property to be planned for retail and other.

ANALYSIS

Final Development Plan Amendment (Reduction at front of staff report)

Title of Final Development Plan: The Palladium at McLean
(Formerly McLean Civic Place)

Prepared By: Walter L. Phillips

Original and Revision Dates: July 29, 2002

The submitted Final Development Plan Amendment plan is a copy of the previously approved combined CDP/FDP that is referenced by the proffers accepted by the Board of Supervisors with the approval of RZ 2002-DR-019. This application does not propose to change the layout of this project; it proposes to allow a private school of special education in a portion of Unit 110, which is located at ground level of the northeast corner of the building. As shown on the illustration of the layout of Unit 110 in the front of this report, the proposed music school will have an exterior entrance at the drive under the building that connects Emerson Street to the parking area in the middle of the U-shaped building. Each unit will have access to the common stairway to the garage under the building and to shared bathroom facilities located off a hallway that connects to both units. Access to the 800 square foot office space for the community use is available through an exterior door that provides access to the common hallway.

See the Background section for a description of the overall development now known as The Palladium at McLean (formerly Civic Place), including Unit 110.

Land Use Analysis

Adding the proposed private school of special education within the existing building on this site will not affect the conformance of the existing development with the land use recommendations of the adopted Comprehensive Plan.

Environment (Appendix 5)

The environmental issue associated with this proposal is the potential impact of the noise generated by the proposed music school on the residential units in the project. Environmental noise can be addressed in two ways, through limitations to the time periods when the noise can be produced and by ensuring that appropriate structural attenuation measures are provided at the noise source to limit the transmission of noise outside of the property.

Neither the Comprehensive Plan nor the Zoning Ordinance contains explicit standards for mitigation of noise from an interior source within a residential structure. The proposed music studio noted with this application is presented as a secondary commercial use within the existing structure. While there are no explicit standards contained in the Zoning Ordinance or Comprehensive Plan which would typically be applied to such uses, some of the common limitations noted in the Noise Code, such as limiting the hours of operation for such uses, would seem to present a logical limitation on the use. The Policy Element of the Comprehensive Plan also recommends that interior noise levels for residential units be limited to no more than 45dBA.

Limitations on the hours of operation of a noise producing use can be used to ensure that noise does not impact the evening hours and night/morning sleeping hours when quiet is expected in residential areas. This is one method employed by the provisions of Chapter 108, Noise, of the County Code (see Appendix 7). For example, loud noises and barking dogs are prohibited between the hours of 11:00 p. m. and 7:00 a. m. of the following day. However, in this instance, staff recommends that additional restrictions on the hours of the noise producing activity, the music school, be imposed so as to not interfere with evening and Sunday quieter periods that are typical in a residential setting.

The proposed final development plan amendment conditions include a limitation on the hours of operation for the proposed music school. The initial applicant's statements in Appendix 3 stated that music lessons would occur in two sessions: a morning session from 9:00 a. m. to 1:00 p. m. and an afternoon session from 2:00 p. m. to 6:00 p. m. and that no weekend sessions were proposed. However, the applicant submitted revised statements dated May 24, 2007 requesting that the hours of operation during the weekdays extend from 9:00 a. m. to 8:30 p. m. and

that there be weekend hours on Saturday and Sunday from 10:00 a. m. to 6:00 p. m. The evening hours are intended to be used for a class devoted to the teaching of the operation of a recording studio.

Given that having a music school and recording studio located directly under residential units is not a situation previously addressed by the County, that it is not adequately addressed by current regulations and standards and that it has not been demonstrated that the proposed noise attenuation measures will perform as expected by the applicant, staff proposes that the hours of lessons be limited to hours when residents would not be engaged in quieter activities in the residence, such as the evenings on weekdays and on Sundays. The proposed development conditions would retain the original restrictions for weekday music lessons, while providing an hour on either side of the day to perform office functions and weekend hours would be limited to Saturdays between the hours of 10:00 a. m. to 6:00 p.m.

The other measure is to limit the loudness or sound pressure of the noise. Chapter 108 limits noise in residential areas to 60 dBA (decibels on the A-weighted scale). The applicants have also proposed that interior noise reduction materials to be installed in the ceiling of the proposed school and that the walls of each studio and the demising wall between the two uses in order to effectively contain the sound within the studio area and limit sound transmission to any adjacent units. According to the applicants these measure should limit any sound transmission to adjoining units to a level that is below 40 dB. The applicant also states that the noise attenuation measures are intended to address a worse case situation that, given the activities at their existing facilities, is a rare and sporadic event and the proposed noise attenuation measures will ensure that typical activities of the music school will not be heard in the adjacent residential units. This indicates that noise levels outside the unit can be contained to a degree that is actually well below the Policy Plan standard of 45 dBA for transportation noise that has been determined to not interfere with normal activities within interior residential spaces. It should also be noted that the Policy Plan standard is a weighted measure of noise over a 24-hour period. The only residential units that immediately abut the proposed music school are located above Unit 110.

The applicant states that the following noise attenuation measures will be installed under the sixteen inch concrete slab that separates the units (see Appendix 3):

- Three layers of sheet rock (aka gypsum board, dry wall, etc.)
- A drop ceiling suspended by isolators
- Installation of a sound bath (a water filled membrane) above the drop ceiling

In addition, each individual studio will be sound-proofed to isolate and exclude sound from impacting the adjoining studios with similar measures, two layers of

sheet rock, the installation of a sound bath, a separation of one inch between the studs supporting the walls of the studios and hallways and doors that are solid with sound attenuating windows and installed with sound attenuation gaskets in the door jamb. As noted above, 800 sq. ft. of Unit 110 is to be devoted to office for a community use. The demising wall, the wall between the community use offices and the music studio, will be treated in the same manner as the walls between the studios.

The applicant has provided diagrams of the proposed treatment of the walls and ceiling, which are included in Appendix 3. The applicant states that these measures will result in a sound transmission level to the residential units above the school that is below 40 dB (decibels). As noted above, the applicant has stated that this level is a worst case and that the normal activities of the music school would not be heard. Further, this sound level is below the limitation that the County normally recommends with regard to transportation noise impacts on residential units and it is not weighted nor averaged in the manner that the sound pressure limit for transportation generated noise. This level of sound will be audible within the residential units but would not interfere with the normal daytime activities within residential units.

The proposed development conditions limit the noise within the adjacent residential units to 40 dB and that the noise attenuation features outlined by the applicant be installed. To ensure that there is appropriate follow-up, the conditions require that that document be included with any building permit or Non-Residential Use permit application so that the noise attenuation measures are shown on the building permit application and, therefore, can be inspected by County Staff as part of the normal inspections associated with completing improvements to tenant spaces. The applicant is required to demonstrate that the proposed noise attenuation measures are in fact installed by providing with the application for a Non-Residential Use Permit, a document prepared by a licensed engineer or architect qualified in acoustical treatments that certifies that the required noise attenuation measures were installed. So that the residents and the condominium board have a way to contact the operator with complaints about noise, the proposed development conditions also require that the applicant provide that contact information to the condominium association and to the Dranesville District Supervisors office. The applicant has verbally stated and the diagrams confirm this, that additional noise attenuation materials or other methods can be retro-fitted after the music school is in operation.

The other residential units within the Palladium will be affected by noise that could be transmitted from the studios through open windows. To address this source of noise, the existing windows are double glazed and the applicant proposes to construct a new wall consisting of studs and sheet rock. These noise attenuation treatments are required in the proposed development conditions found in Appendix 1.

Transportation (Appendix 6)

There are no transportation issues associated with the proposed use.

Parking

The proffered combined CDP/FDP includes 259 parking spaces and the proffers require that the residential parking spaces be segregated from the commercial parking spaces. Fifty of the parking spaces are located in the surface parking area located in the center of the U-shaped building. The remainder of the spaces are in the underground garage that includes both residential and commercial parking.

The parking requirement for a private school of special education is contained in Par. 7 of Sect. 11-106 as follows:

7. School of Special Education:

Two (2) spaces per each three (3) employees, plus a sufficient number of spaces to accommodate all persons who may be at the establishment at any one time under normal operating conditions

The applicant's statement of justification requests approval for 36 students on site at any one time along with up to 12 instructors. The applicant's statements also note that 29 parking spaces have been allocated to Unit 110. Some of this parking will be required for the 800 square feet of community serving office uses; the Zoning Ordinance requirement for 800 sq. ft. of office is three spaces (the applicant has stated that the lease agreement allocates twenty spaces to this portion of Unit 110). In a telephone conversation, the president of the condominium association confirmed this, and noted that of the twenty-nine spaces, nine are located in the surface lot in the interior of the building and 20 are located within the underground parking structure. The applicant's statement of justification notes that most of the students are dropped off at the school for the lessons and picked up after the conclusion of the lesson.

The May 24, 2007 letter from Lori Murphy, Bean Kinney & Korman, outlines how the number of students and instructors/staff will be limited to number of available parking spaces based on the Zoning Ordinance requirements for parking at a private school of special education. Two parking spaces are required for each three employees, thereby requiring eight spaces for the maximum of twelve employees that would be at the school at any one time. The applicant then utilized a rate of 0.3 spaces per student to determine the number of students that could be accommodated by the remaining 12 spaces available to the music school pursuant to the terms of the lease, (the chosen ratio of parking to students is the same ratio utilized by the Zoning Ordinance for a private school of general education at the high school level, even though the typical student at the applicant's other facilities are middle school students). Using this methodology, the parking would accommodate up to 36 students being on site at any one time. A final determination on the adequacy of parking will be made by DPWES prior to the issuance of a Non-RUP for the proposed use.

To ensure that there is adequate parking for the proposed music school and the other uses at the Palladium of McLean, the proposed final development plan amendment conditions contained in Appendix 1 propose to limit the number of students on site at any one time to 36, limits the number of instructors and staff to 12 and require that the school promote car pooling and other activities that will limit the impact of the proposed use on parking at The Palladium of McLean. The conditions also require that all staff, including instructors, park in the garage spaces. The development conditions also require that the operator and or manager of this location specify that student automobiles parked on site also be parked in the garage spaces to the extent such spaces are available.

Public Facilities

The proposed private school of special education will not have any adverse impacts on the public facilities servicing the property.

ZONING ORDINANCE PROVISIONS (Appendix 8)

This proposal to add a use within an existing building will not affect the bulk, setbacks or the transitional screening yard and barrier requirements for The Palladium of McLean.

This proposal is subject to the use limitations for the PRM District found in Sect. 6-406. Par. 5 requires that the standards for a category use (a special exception use) be used as a guide, when such a use is proposed. A private school of special education is a Category 3 special exception use. The special exception standards for such a use are found in:

- Sect. 9-310, Additional Standards for Private Schools of General Education and Private Schools of Special Educations
- Sect. 9-304, Standards for All Category 3 Uses
- Sect. 9-006, General Standards

This proposal is also subject to the standards for all Planned Developments found in Part 1 of Article 16, Development Plans.

Special Exception Standards

With regard to Sect. 9-310, Additional Standards for Private Schools of General Education and Private Schools of Special Education

Par. 1 specifies outdoor recreation space for private schools of general education and is not applicable in this instance. Par. 2 addresses lot size requirements and references Sect. 9-304, which is addressed below. Par. 3 references Paragraphs 2 and 3 in Sect. 9-309, which address the type of roadway on which schools and other similar facilities should be located based on the size of the school and pick-up and delivery of all persons to the site. The proposed maximum number of students on the site at any one time is 36 and is appropriate to occur on the local streets that surround The Palladium of McLean. As illustrated by the reduction in the front of the report, the existing parking lot within the U-shaped building provides a safe area for the pick-up and delivery for the proposed private school of special education that will be out the traffic on the surrounding roads.

With regard to Sect. 9-304, Standards for All Category 3 Uses:

- Par. 1 addresses public uses and is not applicable to this application.
- Par. 2 addresses lot size requirements which are not being affected by this proposal.
- Par. 3 addresses conformance with the bulk standards in the underlying zoning district. This proposal does not affect the size or shape of the existing building.
- Par. 4 addresses the Performance Standards found in Article 14 of the Zoning Ordinance. During operation the proposed private school of special education will have to conform with these standards. The standard most applicable to this proposal is found in Part 7, Noise Standards, which references Chapter 108 of the County Code. (See the discussion under Environment above and Chapter 108 is excerpted in Appendix 7.) The proposed development conditions in Appendix 1 require that the noise attenuation measures proposed by the applicant be installed prior to the issuance of a Non-Residential Use Permit for this use.
- Par. 5 relates to the applicability of Article 17, Site Plans, to the Category 3 uses. This use will not require approval of a site plan because it is to be located in a unit within the existing building and will not require site work. However, the use will require a building permit for tenant improvements to the interior of the unit and a Non-Residential Use permit prior to occupancy of the unit. These approvals will provide the county the opportunity to monitor the installation of the noise attenuation measures proposed by the applicant as noted in the proposed development conditions contained in Appendix 1.

The provisions of Sect. 9-006, General Standards, which are applicable to all special exception uses, provide guidance that is similar to the General and Design Standards, which are discussed below.

Standards for all Planned Developments (Appendix 8)

Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject. This proposal that implements mixed use vision contained in the Comprehensive Plan and implemented with the original zoning approval to the PRM District does not affect the manner in which the Palladium of McLean meets these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff has concluded that the proposal to add a private school of special educations, a music school, to The Palladium of McLean, does not affect the manner in which the existing development conforms with the recommendations of the Comprehensive Plan. The applicant has proposed noise attenuation measures that will reduce the noise impact on the adjacent residential units and other residential units in the building and with the imposition of the proposed development conditions contained in Appendix 1, staff believes that the impacts of the proposed music school on the community have been adequately addressed.

Recommendation

Staff recommends that FDPA 2002-DR-019 be approved subject to the draft development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed FDP Development Conditions
2. Affidavit
3. Applicant's Statements
4. Clerk to the Board's Letter regarding the approval of RZ 2002-DR-019, the accepted proffers and a reduction of the proffered CDP/FDP
5. Environmental Analysis
6. Transportation Analysis
7. Chapter 108 of the County Code, the Noise Ordinance
8. Selected Excerpts from the Zoning Ordinance
9. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**June 7, 2007****FDPA 2002-DR-019**

If it is the intent of the Planning Commission to approve Final Development Plan FDPA 2002-DR-019 to allow a private school of special education (a music school) in the name of Music Makers McLean LLC in a 4,550 square foot portion of Unit 110 of The Palladium of McLean on property located at Tax Maps 39-1 ((53)) 110, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which are in addition to the development condition accepted with the approval of the Conceptual Development Plan associated with RZ 2002-DR-019, and apply only to the portion of Unit 110 where the music school will be located:

1. The private school of special education shall only be permitted within 4,550 sq. ft of Unit 110 of the Palladium of McLean.
2. The number of students on site at any one time shall be limited to 36 and the number of instructors and staff shall be limited to 12.
3. Parking for the proposed music school shall be limited to the parking spaces allocated to Unit 110, which consist of 9 spaces in the surface parking lot located in the middle of the building and 20 spaces located on the first level of the underground garage. Students, instructors and staff shall park in underground garage. The materials provided to each student upon enrollment shall reflect this requirement and the management of the music school shall require that instructors and staff park in the underground garage. The music school shall post a notice to this effect within a prominent place within Unit 110 that is visible to students, instructors, staff and persons delivering students to the school.
4. The music school shall provide a ride-sharing service to facilitate the use of carpooling by students and instructors. The written materials provided to prospective students, enrolled students and staff shall include information as to the local transit routes in the vicinity. The music school shall provide transit schedules to students upon request.
5. The hours of the music school shall be 8:00 a. m. to 7:00 p. m. Monday through Friday, with music lessons further restricted to two sessions, one in the morning and one in the afternoon further limited to the hours between 9:00 a. m. to 6:00 p. m. The hours outside of music lessons may be used for typical office activities, including sales promotion activities. Parties and other special events, such as but not limited to: early childhood musical education, concerts/recitals for students and invited guests, sales promotions that include musical demonstrations, lessons in using the recording equipment, etc., shall be limited to 25 participants/guests and shall be limited to the hours for music lessons noted

above. These facilities shall not be used for concerts or recitals, such as a “battle of the bands”, that are open to the general public.

6. A copy of these conditions shall be submitted with all building permit applications and Non-Residential Use Permit applications filed for the music school. Prior to the issuance of the Non-Residential Use Permit, a sealed letter from a qualified acoustical engineer or architect licensed to practice in the Commonwealth of Virginia stating that the interior tenant improvements meet the standards outlined in the following development conditions shall be provided to the Permit Review Branch prior to the issuance of the Non-Residential Use Permit for the music school.
7. The level of noise from the music school experienced in the abutting residential units shall be no more than 40 dB (decibels). To achieve this noise level, the sound attenuation measures illustrated in Exhibit A attached to these conditions shall be provided as part of the tenant improvements to the ceiling throughout the music school including, but not limited to the following:
 - All penetrations of the ceiling (plumping, electrical and communications conduits, HVAC ducting, etc.) shall be sealed with caulk;
 - Three layers of 5/8 inch drywall suspended by kinetic isolation hangers shall be installed a minimum of 12 inches below the concrete slab separating the floors of the building
 - The sound bath shown on the referenced exhibit or its acoustical equivalent shall be installed above the drywall.

The sound attenuation measures illustrated on Exhibit B attached to these development conditions shall be provided in the demising or common wall between the two rental spaces of Unit 110 such as, but not limited to:

- Two stud walls separated by an air space with a minimum dimension of one inch;
- The exposed face of each stud wall shall be covered by three layers of 1/2 inch thick drywall with a 3 ½ inch sound attenuation blanket:
- Caulking shall be provided at the junctions of all drywall at the ceiling and the floor.

The sound attenuation measures illustrated on Exhibit C attached to these development conditions shall be provided between each studio and/or recording studio space.

- Two stud walls separated by an air space with a minimum dimension of one inch;
- The exposed face of each stud wall shall be covered by three layers of 1/2 inch thick drywall with a 2 ½ inch sound attenuation blanket:
- Caulking shall be provided at the junctions of all drywall at the ceiling and the floor
- The door to each studio shall be solid, with noise attenuation windows and installed with a sound attenuating gasket in the jamb *this needs more specificity.*

In addition, any studio and/or recording studio space that abuts an exterior wall of Unit 110 shall be treated as follows:

- The exterior wall of the unit shall be faced with 5/8 inch drywall;
 - A second wall separated from the exterior wall by one inch from the exterior constructed and faced with dry wall.
8. The operator of the music school shall provide contact information to the Board of the condominium association for The Palladium of McLean and to the Dranesville District Supervisor's office. The information shall include the manager or person in charge of this facility as well as a director of the parent corporation for this facility, if applicable. This information shall be provided prior to the issuance of a Non-Residential Use Permit and shall be kept up to date by letter when the information changes. At a minimum, a letter confirming the contact information shall be sent to the above parties at two year intervals starting with the issuance of the Non-Residential Use Permit.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission. This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures,

