

PROPOSED DEVELOPMENT CONDITIONS

June 22, 2007

FDPA 2002-DR-019

The Planning Commission approved 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, 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. On-site 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 that park on-site shall park in the 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 encourage car-pooling by students and instructors by providing information as to possible car-pooling partners. The written materials provided to prospective students, enrolled students and staff shall include information as to the local transit routes in the vicinity and that the school will provide information identifying close-by students in classes or having lessons at the same time upon request. The music school shall provide transit schedules to students upon request.
5. During the first year of operation, the hours of the music school shall be limited to 9:00 a. m. to 9 p.m. Monday through Friday (with no musical instruments played after 8:00 p.m.) and 10:00 a. m. to 6:00 p. m. on Saturday and Sunday. If after one year from the date of issuance of the Non-Residential Use Permit for the music school, there are no substantiated complaints submitted in writing to

the Zoning Administrator by the residents of the Palladium regarding noise from the music school, these hours shall become permanent. If there are such complaints, the Zoning Administrator may restrict the hours for music lessons and other noise producing activities from 9:00 a. m. to 6:30 p. m Monday through Saturday or require that additional noise attenuation measures be installed, if the applicant demonstrates that such measures will address the issue. Parties and other special events, such as but not limited to: concerts/recitals for students and invited guests, lessons in using the recording equipment, etc., shall be limited to 55 people and shall be limited to the hours of operation 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, unless such an event is organized with the Condominium Association.

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 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 (plumbing, electrical and communications conduits, HVAC ducting, fire sprinklers, 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 and all penetrations to the element will be sealed with caulk;
 - The sound bats 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.

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;
- The windows installed in Unit 110 shall not be able to be opened;
- In those locations where a residential unit is directly above the exterior wall of Unit 110, a second wall separated from the exterior wall by one inch from the exterior constructed and faced with dry wall shall be installed to mitigate sound transmission through the structure of the common wall.

In addition, in studio spaces where drums or other percussion instruments are played while resting on the floor, those instruments shall be placed on the Drum Isolation Platform as shown in Exhibit C or its equivalent as determined by the Zoning Administrator.

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.

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,