



# County of Fairfax, Virginia

## MEMORANDUM

Office of the County Attorney  
Suite 549, 12000 Government Center Parkway  
Fairfax, Virginia 22035-0064  
Phone: (703) 324-2421; Fax: (703) 324-2665  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)

**DATE:** March 17, 2015

**TO:** Bob Katai, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Jo Ellen Groves, Paralegal  
Office of the County Attorney

**SUBJECT:** Revised Affidavit  
Application No.: SE 2014-PR-001  
Applicant: 7799 Leesburg Pike, LLLP  
PC Hearing Date: 3/26/15  
BOS Hearing Date: 4/7/15

**REF.:** 123901

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 3/16/15, which bears my initials and is numbered 123901e, in the Final Board package. Copies of the revised affidavit will be delivered to the Planning Commission prior to the public hearing.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (sent via e-mail)  
Zoning Evaluation Division  
Department of Planning and Zoning

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: March 16, 2015

(enter date affidavit is notarized)

I, G. Evan Pritchard, attorney/agent, do hereby state that I am an  
(enter name of applicant or authorized agent)

123901e

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2014-PR-001  
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
7799 Leesburg Pike, LLLP  Agents: Mark D. Lerner James D. Policaro Arthur R. Fucillo	2000 Tower Oaks Boulevard, 8th Floor Rockville, MD 20852	Applicant/Title Owner of Tax Map 39-2 ((1)) 45D
Robert D. Greenberg, PA t/a Gordon & Greenberg  Agents: Robert D. Greenberg Scott A. Greenberg Aileen R.G. Horn	7913 MacArthur Boulevard Cabin John, MD 20818	Architect/Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**

123901e

DATE: March 16, 2015  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-PR-001  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Pennoni Associates, Inc.  Agents: David H. Steigler Douglas R. Kennedy Helman A. Castro	14532 Lee Road Chantilly, Virginia 20151	Engineers/Agent
Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson (former effective 4/1/15) M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak (former) Andrew A. Painter Matthew J. Allman Jeffrey R. Sunderland Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson (former) Amy E. Friedlander	2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201	Attorneys/Planners/Agent  Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney*/Agent Planner/Agent Planner/Agent Planner/Agent Planner/Agent

\*Admitted in New York and California. Admission to Virginia Bar pending.

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 16, 2015
(enter date affidavit is notarized)

123901 e

for Application No. (s): SE 2014-PR-001
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Lerner Enterprises, LLC
2000 Tower Oaks Boulevard, 8th Floor
Rockville, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

- [ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Manager: Mark D. Lerner
Members: Theodore N. Lerner Children's Trust, as Class F Member f/b/o Mark D. Lerner, Lauren Sarah Lerner, Jonathan Adam Lerner, Jacob Morris Lerner, Debra Lerner Cohen, Jaclyn Lerner Cohen, Michael Lerner Cohen
Stefanie Lerner Cohen, Marla Lerner Tanenbaum, Eden Lerner Tanenbaum, Haley Lerner Tanenbaum and Grant Lerner Tanenbaum
Annette M. Lerner Children's Trust, as Class F Member f/b/o Mark D. Lerner, Lauren Sarah Lerner, Jonathan Adam Lerner, Jacob Morris Lerner, Debra Lerner Cohen, Jaclyn Lerner Cohen, Michael Lerner Cohen, Marla Lerner Tanenbaum, Eden Lerner Tanenbaum, Haley Lerner Tanenbaum and Grant Lerner Tanenbaum

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



SPECIAL EXCEPTION AFFIDAVIT

DATE: March 16, 2015
(enter date affidavit is notarized)

123901e

for Application No. (s): SE 2014-PR-001
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

7799 Leesburg Pike, LLLP
2000 Tower Oaks Boulevard, 8th Floor
Rockville, MD 20852

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

General Partner and Limited Partner:
Lerner Enterprises, LLC

Limited Partners:

Lenkin Associates Limited Partnership\*
One Huff Court Limited Partnership\*

\*owns less than 10% of 7799 Leesburg Pike, LLLP

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 16, 2015  
(enter date affidavit is notarized)

123901e

for Application No. (s): SE 2014-PR-001  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2014-PR-001  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

123901e

DATE: March 16, 2015  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [ ] Applicant [x] Applicant's Authorized Agent

G. Evan Pritchard, attorney/agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 16 day of March, 2015, in the State/Comm. of Virginia, County/City of Arlington.

*Kimberly K. Follin*  
Notary Public

My commission expires: 11/30/2015

