EXHIBIT D

CONSENT LETTER

June 24, 2016

To Whom It May Concern:

The undersigned, as the owner ("Owner") of record of Lot numbered PLOT 1 in the subdivision known as BERRY TREE (the "Property"), hereby authorizes 4820 Auburn, LLC and its affiliates, successors and/or assigns (the "Applicant"), to include the Property in the Sketch Plan application for the project presently identified as The Claiborne located at 4816-4828 Auburn Avenue, Bethesda, Maryland (the "Project") for the purpose of allowing the Applicant to pursue Sketch Plan approval of the Project utilizing density from the Property pursuant to the applicable provisions of the Montgomery County Zoning Ordinance, as amended (the "Zoning Ordinance"). The Owner also authorizes the Applicant to include the Property in the Preliminary Plan of Subdivision, Site Plan, and Record Plat applications for the Project to utilize density from the Property pursuant to applicable provisions of the Zoning Ordinance. Notwithstanding the foregoing, this authorization may be revoked by the Owner upon the termination of that certain Purchase and Sale Agreement dated June 24, 2016, executed by and between the Owner and the Applicant.

The undersigned represents that it is authorized to execute this letter and to grant the consent herein set forth.

OWNER:

[Signature]

By: John Kolius
Name: Owner
Title: 
EXHIBIT D
CONSENT LETTER

June 24, 2016

To Whom It May Concern:

The undersigned, as the owner ("Owner") of record of Lot numbered [REDACTED] in the subdivision known as [REDACTED] (the "Property"), hereby authorizes 4820 Auburn, LLC and its affiliates, successors and/or assigns (the "Applicant"), to include the Property in the Sketch Plan application for the project presently identified as The Claiborne located at 4816-4828 Auburn Avenue, Bethesda, Maryland (the "Project") for the purpose of allowing the Applicant to pursue Sketch Plan approval of the Project utilizing density from the Property pursuant to the applicable provisions of the Montgomery County Zoning Ordinance, as amended (the "Zoning Ordinance"). The Owner also authorizes the Applicant to include the Property in the Preliminary Plan of Subdivision, Site Plan, and Record Plat applications for the Project to utilize density from the Property pursuant to applicable provisions of the Zoning Ordinance. Notwithstanding the foregoing, this authorization may be revoked by the Owner upon the termination of that certain Purchase and Sale Agreement dated June 24, 2016, executed by and between the Owner and the Applicant.

The undersigned represents that it is authorized to execute this letter and to grant the consent herein set forth.

OWNER:

William S. Kocius Trust

By: William S. Kocius
Name: 
Title: Owner
GROSS TRACT AREA

<table>
<thead>
<tr>
<th>SUBJECT PROPERTY</th>
<th>NET AREA</th>
<th>DEDICATION BY PLAT #260</th>
<th>DEDICATION BY PLAT #304</th>
<th>DEDICATION BY PLAT #304</th>
<th>PREVIOUS DEDICATION</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>WILSONS LANE</td>
<td>1,782 SF OR 0.04 AC.</td>
<td>429 SF OR 0.01 AC.</td>
<td>813 SF OR 0.01 AC.</td>
<td>215 SF OR 0.01 AC.</td>
<td>94 SF OR 0.00 AC.</td>
<td>3,133 SF OR 0.07 AC.</td>
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DEDICATION BY PLAT #304
- (613 SF)
- (215 SF)
- (429 SF)

PREVIOUS DEDICATION
- (94 SF)

TOTAL 3,133 SF OR 0.07 AC.
EXHIBIT D

CONSENT LETTER

June 24, 2016

To Whom It May Concern:

The undersigned, as the owner ("Owner") of record of Lot numbered 5001 Wilson Lane, in the subdivision known as Battery Park (the "Property"), hereby authorizes 4820 Auburn, LLC and its affiliates, successors and/or assigns (the "Applicant"), to include the Property in the Sketch Plan application for the project presently identified as The Claiborne located at 4816-4828 Auburn Avenue, Bethesda, Maryland (the "Project") for the purpose of allowing the Applicant to pursue Sketch Plan approval of the Project utilizing density from the Property pursuant to the applicable provisions of the Montgomery County Zoning Ordinance, as amended (the "Zoning Ordinance"). The Owner also authorizes the Applicant to include the Property in the Preliminary Plan of Subdivision, Site Plan, and Record Plat applications for the Project to utilize density from the Property pursuant to applicable provisions of the Zoning Ordinance. Notwithstanding the foregoing, this authorization may be revoked by the Owner upon the termination of that certain Purchase and Sale Agreement dated June 24, 2016, executed by and between the Owner and the Applicant.

The undersigned represents that it is authorized to execute this letter and to grant the consent herein set forth.

OWNER:

[Signature]
6/22/2016

By: MIKEL BELKIS MANAGING MEMBER FOR SLEEPING GYPSY LLC

Name:
Title:

EXHIBIT D

**L&B 5730251v5/12635.0004
**GROSS TRACT AREA**

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>NET AREA</th>
<th>DEDICATION BY PLAT BOOK #4, PG. 304 &amp; PLAT #32298</th>
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<tr>
<td></td>
<td>3,513 SF</td>
<td>(3,896 SF)</td>
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<td></td>
<td>0.08 AC.</td>
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<tr>
<td></td>
<td>3,625 SF</td>
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<td></td>
<td>0.08 AC.</td>
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<tr>
<td></td>
<td>1,242 SF</td>
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<td>0.03 AC.</td>
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<tr>
<td></td>
<td>76 SF</td>
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<tr>
<td></td>
<td>0.00 AC.</td>
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<tr>
<td></td>
<td>644 SF</td>
<td>(644 SF)</td>
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<tr>
<td></td>
<td>0.02 AC.</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>13,552 SF</td>
<td>(13,552 SF)</td>
</tr>
<tr>
<td></td>
<td>0.31 AC.</td>
<td></td>
</tr>
</tbody>
</table>

**DEDICATION BY PLAT BOOK #4, PG. 304 & PLAT #32298**

- 3,896 SF or 0.09 AC.
- 556 SF or 0.01 AC.
- 3,625 SF or 0.08 AC.
- 1,242 SF or 0.03 AC.
- 76 SF or 0.00 AC.
- 644 SF or 0.02 AC.

**TOTAL**

- 13,552 SF or 0.31 AC.

**DEDICATION BY PLAT #397**

- 644 SF or 0.02 AC.

**DEDICATION BY PLAT BOOK #4, PG. 304 & PLAT #32298**

- 3,625 SF or 0.08 AC.

**DEDICATION BY PLAT BOOK #4, PG. 304 & PLAT #32298**

- 76 SF or 0.00 AC.

**DEDICATION BY PLAT #397**

- 644 SF or 0.02 AC.

**TOTAL**

- 13,552 SF or 0.31 AC.
EXHIBIT D

CONSENT LETTER

June 24, 2016

To Whom It May Concern:

The undersigned, as the owner ("Owner") of record of Lot number 3 in the subdivision known as Battersea (the "Property"), hereby authorizes 4820 Auburn, LLC and its affiliates, successors and/or assigns (the "Applicant"), to include the Property in the Sketch Plan application for the Project presently identified as The Claiborne located at 4816-4828 Auburn Avenue, Bethesda, Maryland (the "Project") for the purpose of allowing the Applicant to pursue Sketch Plan approval of the Project utilizing density from the Property pursuant to the applicable provisions of the Montgomery County Zoning Ordinance, as amended (the "Zoning Ordinance"). The Owner also authorizes the Applicant to include the Property in the Preliminary Plan of Subdivision, Site Plan, and Record Plat applications for the Project to utilize density from the Property pursuant to applicable provisions of the Zoning Ordinance. Notwithstanding the foregoing, this authorization may be revoked by the Owner upon the termination of that certain Purchase and Sale Agreement dated June 24, 2016, executed by and between the Owner and the Applicant.

The undersigned represents that it is authorized to execute this letter and to grant the consent herein set forth.

OWNER:

william s. kolin trust

By: william s. kolin
Name: Owner
Title: Owner
EXHIBIT D
CONSENT LETTER

June 24, 2016

To Whom It May Concern:

The undersigned, as the owner ("Owner") of record of Lot numbered 3 in the subdivision known as Clalbore (the "Property"), hereby authorizes 4820 Auburn, LLC and its affiliates, successors and/or assigns (the “Applicant”), to include the Property in the Sketch Plan application for the project presently identified as The Claiborne located at 4816-4828 Auburn Avenue, Bethesda, Maryland (the “Project”) for the purpose of allowing the Applicant to pursue Sketch Plan approval of the Project utilizing density from the Property pursuant to the applicable provisions of the Montgomery County Zoning Ordinance, as amended (the "Zoning Ordinance"). The Owner also authorizes the Applicant to include the Property in the Preliminary Plan of Subdivision, Site Plan, and Record Plat applications for the Project to utilize density from the Property pursuant to applicable provisions of the Zoning Ordinance. Notwithstanding the foregoing, this authorization may be revoked by the Owner upon the termination of that certain Purchase and Sale Agreement dated June 24, 2016, executed by and between the Owner and the Applicant.

The undersigned represents that it is authorized to execute this letter and to grant the consent herein set forth.

OWNER:

[Signature]

By: [Signature]
Name: John Kolius
Title: Owner

A - 9 EXHIBIT D
EXHIBIT D

CONSENT LETTER

June 24, 2016

To Whom It May Concern:

The undersigned, as the owner ("Owner") of record of Lot numbered PART IA in the subdivision known as WOODMONT (the "Property"), hereby authorizes 4820 Auburn, LLC and its affiliates, successors and/or assignees (the "Applicant"), to include the Property in the Sketch Plan application for the project presently identified as The Claiborne located at 4816-4828 Auburn Avenue, Bethesda, Maryland (the "Project") for the purpose of allowing the Applicant to pursue Sketch Plan approval of the Project utilizing density from the Property pursuant to the applicable provisions of the Montgomery County Zoning Ordinance, as amended (the "Zoning Ordinance"). The Owner also authorizes the Applicant to include the Property in the Preliminary Plan of Subdivision, Site Plan, and Record Plat applications for the Project to utilize density from the Property pursuant to applicable provisions of the Zoning Ordinance. Notwithstanding the foregoing, this authorization may be revoked by the Owner upon the termination of that certain Purchase and Sale Agreement dated June 24, 2016, executed by and between the Owner and the Applicant.

The undersigned represents that it is authorized to execute this letter and to grant the consent herein set forth.

OWNER:

CURD HART \\

By: [Signature] [Name: Owner] [Title: Owner] [Date: 6/23/16]

EXHIBIT D

*FILE 5730251v5/12635.0004
GROSS TRACT AREA

<table>
<thead>
<tr>
<th>SUBJECT PROPERTY</th>
<th>NET AREA</th>
<th>DEDICATION FOR WHICH CONSIDERATION WAS RECEIVED (NOT INCLUDED IN GTA)</th>
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<tr>
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<td>2.439 SF OR 0.06 AC.</td>
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<td>TOTAL</td>
<td>2.610 SF OR 0.06 AC.</td>
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DEDICATION PER PLAT BOOK 1
PLAT 4 & PLAT #5124
(499 SF)

DEDICATION PER PLAT BOOK 1
PLAT 4 & PLAT #5124
(249 SF)

DEDICATION PER PLAT BOOK 1
PLAT 4 & PLAT #5124
(171 SF)
July 19, 2016

4820 Auburn LLC
c/o Neil Goradia
519 11th Street SE
Washington D.C. 20003

Re: Forest Conservation Exemption Request and Existing Conditions Plan No. 42017006E
Property Name: The Claiborne
(Lot 637 and Parts of Lot 379, 380 and 381 Woodmont Subdivision)
Action Taken: Exemption Confirmed & Existing Conditions Plan Approved on 7/19/2016

Dear Neil Goradia:

On July 18, 2016, Montgomery County Planning Department Staff accepted for review an Existing Conditions Plan for The Claiborne. The Existing Conditions Plan is part of a Chapter 22A-5(s)(2) Exemption Request for an activity on a small property also known as “The Claiborne”. The Existing Conditions Plan shows the existing features and the proposed limits of disturbance (LOD). A Sketch Plan is being filed in conjunction with this forest conservation exemption request.

A Chapter 22A-5(s)(2) Exemption Request, is for an activity on a tract of land of less than 1 acre that will not result in afforestation requirements in excess of 10,000 square feet. The activity cannot result in the clearing of 20,000 square feet of forest or an existing specimen or champion tree and forest in any priority area must be preserved.

The Claiborne is on a tract of land approximately 0.19 acres in size. The total disturbance area is 0.27 acres. This activity does not trigger afforestation requirements. No forest or champion tree exists on the property. No specimen trees exist within the project tract area.

Forest Conservation Exemption Request No. 42017006E for The Claiborne is confirmed. The revised Simplified NRI/FSD for the project is approved.

Any changes from the confirmed Forest Conservation Exemption Request and approved Existing Conditions Plan may constitute grounds to rescind or amend any approval actions taken.

Sincerely,

Stephen Peck
Senior Planner
Development Applications and Regulatory Coordination
M-NCPPC - Montgomery County Planning Department

CC: Matthew K. Jones, Bohler Engineering
August 18, 2016

Mr. Matthew Folden, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Sketch Plan # 320170030
The Claiborne

Dear Mr. Folden:

We have completed our review of the August 1, 2016 sketch plan for this project. The following comments are tentatively set forth for the subsequent submission of the preliminary plan:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Auburn Avenue in accordance with the Master Plan.

2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

3. At the preliminary plan stage provide a typical section for both public streets.

4. Underground structures cannot encroach into the public right-of-way. Based on the drawing 1.109, the proposed garage appears to encroach in the right-of-way along Auburn Avenue. Please clarify on the preliminary plan.
5. We recommend the curbline for the existing bump-out on Auburn Avenue be extended down to the proposed loading dock apron. Provide a short bump-out on the exit side of the underground garage entrance.

6. At the preliminary plan stage, submit a truck circulation for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and a left-side backing maneuver. Passenger vehicle travel-ways should be separated from the expected truck circulation patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.

7. At the preliminary plan stage, pay the Montgomery County Department of Transportation plan review fee in accordance with Montgomery County Council Resolution 16-405 and Executive Regulation 28-06AM (“Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents”).

8. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.) on the preliminary plan.

9. Storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.

10. Show the location of proposed and existing driveways on the preliminary plan.

11. We will not require submission of a Design Exception package for the proposed driveway location in consideration of prior precedent in a Central Business District.

12. At the preliminary plan stage, submit a completed, executed MCDOT Sight Distances Evaluation certification form, for all existing and proposed site entrances onto existing County-maintained roads, for our review and approval.

13. Improvements in the county maintained public rights-of-way will need to comply with Executive Regulation No. 31-08AM (“Context Sensitive Road Design”).
14. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.

15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

16. Improvements in the County maintained rights-of-way will be determined at the preliminary plan stage following review of the plan related documents.

17. Commuter Services’ comments/recommendations include the following:

   a. Traffic Mitigation Agreement: With the preliminary plan application, submit a draft Traffic Mitigation Agreement (TMAg) to MCDOT. Prior to the issuance of any building permits by MCDPS, the Applicant will need to work with this Department to finalize the draft TMAg. Coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-8383. The TMAg will include but not be limited to the following:

      ▪ Car Sharing Parking. Provide two (2) car sharing vehicle parking spaces in highly visible, preferentially-located spots, or the number of spaces required by law, whichever is greater.

      ▪ Electric Car Charging. Provide two (2) electric car charging stations on site or other EV charging arrangements acceptable to MCDOT, or the number of stations required by law, whichever is greater.

      ▪ Bicycle Facilities. Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in garage for resident use (bike cage) as well as a small bicycle repair station for resident use.

      ▪ Bike Sharing Station. See comment below.

      ▪ Real Time Transit Information. – See comment below.

      ▪ Permanent Information Displays. - Incorporate permanent/static display space into residential lobby(ies), retail locations and other high pedestrian activity areas, to provide opportunity for display of transit and other alternative transportation information.

   b. Bikeshare Station. To justify receipt of Public benefit points in the category of Connectivity and Mobility, and to promote provision of mobility options (which is noted as a part of the intent of the CR zones on page 14 of the Statement of Justification), the Applicant should provide space in the Project for a bikesharing station to enable this form of transportation to be used by residents, employees and visitors at the Project. The location of the bikeshare
station will be selected by the Applicant with approval of MCDOT, based upon the requirements of the bikesharing system and in a highly-visible, convenient and well-lit location on the Project. *A potential location is on the DOT-recommended extended bump out area along Norfolk Avenue* (a 15-dock station, including the concrete pad, requires a space that is 43’ x 10’). The Project will be required to pay the capital cost of such station and five (5) years of operating expenses. Applicant will be required to take other actions in concert with MCDOT to promote use of bikeshare among residents, employees and visitors at the project.

c. **Real Time Transit Information:** Provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs in the residential lobby, to enable information to be readily accessed by building residents, employees, visitors, etc. Real Time Transit Information display can be incorporated into planned lobby display monitors/software system for building(s). Alternately, the Applicant can reimburse the County for the cost of a County-provided monitor. If this alternative is chosen, the Applicant will pay for five years of maintenance for County-provided sign(s); if Real Time Transit Information is incorporated into the building’s planned monitor systems, there would be no additional maintenance costs.

d. **Design Elements:** We recommend the following design elements intended to facilitate the use of non-auto modes of transportation be incorporated in the building design:

- Design building frontages/lobbies to provide two-way visibility for transit vehicles and taxis
- Provide concierge/reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.

Thank you for the opportunity to review this sketch plan. If you have any questions or comments regarding this letter, please contact Mr. Avinash Dewani, our Development Review Engineer for this review, at avinash.dewani@montgomerycountymd.gov or (240) 777-2132.

Sincerely,

[Signature]

Gregory M. Leck, Manager
Development Review
Office of Transportation Policy
Mr. Mathew Folden  
Preliminary Plan # 320170030  
August 18, 2016  
Page 5

cc: Neil Goradia 4820 Auburn, LLC  
Heather Dlhopolsky Linowes and Blocher LLP  
Matthew Jones Bohler Engineering'  
Brad Fox Bohler Engineering  
Sketch Plan folder  
Sketch Plan letters notebook

cc-e: Mark Terry MCDOT DTEO  
Kyle Liang MCDOT DTEO  
Sandra Brecher MCDOT OTP  
Beth Dennard MCDOT OTP  
Rebecca Torma MCDOT OTP  
Avinash Dewani MCDOT OTP
October 27, 2016

Mr. Matthew Folden
MNCPPC, MoCo Area 1
8787 Georgia Ave
Silver Spring, MD 20910-3716

Dear Mr. Folden:

After attending all public meetings on the project, we find a lot to like about the Claiborne sketch plan submission. We think the project offers strong, thoughtful architecture and will be a positive contribution to the neighborhood.

We represent Gallery Bethesda – which includes 370 residents and 2 retailers – immediately adjacent to this project. As the neighbor most affected by this proposed project, we do note several issues with the project as currently drafted that we believe can be solved, and can make the project even better. Specifically:

1. For reasons of consistency, compatibility, and pedestrian safety, the ground floor of Claiborne’s Auburn façade should not extend out beyond Gallery Bethesda’s. The submitted Claiborne materials conflict on this issue: Sheet 1.111 suggests an adequate setback on Auburn; 1.103 does not, and neither does the Public Open Space Exhibit. Matching the existing streetwall and sidewalk path will improve sightlines for drivers entering/exiting the Claiborne, and for pedestrians on the sidewalk and minimize car/ped conflicts. Failing to match the two facades will create a disorganized, unplanned appearance. It also obscures the visibility of our retail from Norfolk Avenue. We were required to provide a 5.5’ Public Improvement Easement, and thus a usable width of 35.5’ from the centerline of Auburn. This was recommended by P&P Staff in their staff report (pg. 24) as “necessary to create a comfortable and engaging pedestrian realm” in this location. It is appropriate for Claiborne to do the same.

2. Streetscape and utility undergrounding should extend all the way around Del Ray to meet the recently completed streetscape and undergrounding at Gallery Bethesda. With the combination of Claiborne and Gallery Bethesda phase 2, streetscape and undergrounding on this block would then be complete. Failure to complete a whole city block adjacent to Woodmont Triangle’s “Main Street” would be a missed opportunity.

3. This proposed project chooses to set back only 15’ from the shared property line, and thus the rooftop mechanical systems are a matter of particular concern. Since this project is lower than our existing apartment building next door, our residents will experience the noise of Claiborne’s mechanical at close range. Accordingly, simply meeting the minimum code-mandated noise limits is not enough. The mechanical should be installed in a “well” with an acoustical treatment and should utilize equipment selected to minimize noise. While the mechanical of course cannot be fully enclosed, constructing a wall or solid walls on the affected elevations, together with a trellis-type feature above, will make the...
mechanical less objectionable. We welcome working with the Claiborne team to address these concerns.

4. Vehicular and loading access has been pushed up against our neighboring retail. The negative impact of this on pedestrians can be somewhat moderated by providing attractive, translucent panels in the garage and loading dock doors rather than providing blank steel panels. This is visually more inviting than standard commercial doors at minimal additional cost, as we have found next door. Further, these garage and loading dock doors should be kept closed except when in use, giving pedestrians more time to react to vehicles crossing the sidewalk.

We note the proposed stepback on the building’s Norfolk façade. Since the building is on the northeast side of Norfolk Avenue and would not shade Norfolk Avenue in any appreciable way, we think the developer’s proposed setback is appropriate.

Thank you for your consideration of these issues.

Sincerely,

THE DONOHUE COMPANIES, INC.

James A. “Jad” Donohoe, IV
Vice President