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December 21, 2007

BY PDF AND U.S. MAIL

David Karnovsky, Esq.
NYC Department of City Planning
22 Reade Street, 2 North
New York, NY 10007

Dear Mr. Karnovsky:

We are writing in response to your letter of December 11, 2007.

Extell acquired the unbuilt development sites in the Riverside South project known as Parcels G-N in June 2005. At that time, the buildings on Parcels A-F had been completed, the building on Parcel G was under construction, and the plans for the buildings on Parcels H and I had advanced to the design development phase. Extell took over construction of the building on Parcel G; it also completed the plans for the buildings on parcels H and I and is in the process of constructing those buildings. In short, all of the buildings now existing or being constructed on the Riverside South site are based on the work, including any procedural steps required as a condition to design and construction, of Extell's predecessor in title.

Extell vigorously disputes the claims of Riverside South Planning Corp. relating both to the continuing applicability to the Riverside South project of the 1993 Design Guidelines (including the Sustainable Development provisions thereof) and the role of RSPC in the current and future development of the project – claims that are based on private agreements between Extell's predecessor in title and RSPC and that RSPC has asserted in litigation against Extell. In fact, the March 31, 1993 letter governing both the applicability of the Design Guidelines and RSPC's role in the development of Riverside South is quite clear in stating that “[t]he agreements contained herein [including the agreement “to develop the project in substantial conformity to the design guidelines” in consultation with RSPC] shall continue for ten (10) years [from the date of the letter] . . .” Thus, the Design Guidelines had ceased to be binding on the project by April of 2003 – two years before Extell acquired title to the Riverside South project site – and there is nothing in the public approvals that govern the development of the Riverside South project requiring compliance with them either before or after that date.

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We note that the City did not raise any questions regarding the energy conservation program referred to in the General Large Scale Development Special Permit (C 920358 ZSM) which you cite when, as required by the Declaration, we obtained approval of the Riverside South Implementation Task Force prior to issuance of a building permit for Buildings I and J (no permit has been sought for Building K). Nor have we found any records indicating that the City sought consultation in connection with the design of Buildings I, J and K.

We trust that this is responsive to your letter.

Very truly yours,



Paul D. Selver

cc: Hon. Scott M. Stringer, Manhattan Borough President
Anthony Borelli, Director Land Use
Gary Barnett, President, Extell Development Company
Community Board 4
Jean-Daniel Noland, Chair
Robert J. Benfatto, Jr., Esq., District Manager
Anna Levin, Chair, Land Use Committee
Community Board 7
Helen Rosenthal, Chair
Penny Ryan, District Manager
Ethel Sheffer, Board Member