

Riverside South Planning Corporation

June 18, 2007

Mr. Gary Barnett, President
Extell Development Company
805 Third Avenue, Seventh Floor
New York, NY 10022

Dear Gary,

It has now been a month since I sent you a letter asking for more engagement between you and your staff and the RSPC Board, and asking for a meeting. No meeting has been scheduled. We had hoped that we could engage you in a discussion of the issues raised in this letter – and that the discussion would lead to a resolution of our differences and a productive relationship. As I indicated in my last letter, we have no interest in working against you, and it has been our experience with your predecessors that everyone benefits when we work together to reconcile your interests with the public interest.

In our meeting on May 2, 2007, you indicated that you did not think that Extell was bound by the Sustainable Development requirements or limits on design features in the Design Guidelines and that you had no intention of complying with them. To the contrary, we believe that you have an obligation to construct all of your buildings (with the exception of buildings on Lot N) in a manner that is consistent with the Sustainable Development requirements and design feature limitations, and that you are required to demonstrate your compliance to the RSPC Board, the Borough President, the Department of City Planning, the Department of Environmental Protection and Community Board No.7.

My Board is concerned to see the construction of Building I without any assessment of your compliance with the sustainability requirements and limits on design features contained in the Design Guidelines. Further, our records indicate that you have met the Sustainable Development requirements on only three of the ten buildings that have been constructed. We request a meeting to discuss the following:

Design Issues

Building I

We started off in a cooperative and productive way on Building I, but since then you have ceased cooperating. At our last meeting on Building I, we agreed with Donna Gargano that your architect would prepare a memorandum defining the areas where your design is not consistent with the Design Guidelines and that we would then give that memorandum to our architect, Steve Robinson, so that he could certify to us that he agrees with your assessment. In a November 15, 2006, email, I specified the information that Steve would need to complete his assessment: "Full format drawings (24X36 sheets) of the site plan, the floor plans (as appropriate when the footprint