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Via FedEx and Email, David.Florio@mtacd.org

Greystone Management Solutions  
As Tenant Manager for Metropolitan Transportation Authority  
On behalf of New York City Transit Authority  
Attn: David Florio  
Director, Real Estate Transactions and Operations  
505 Eight Ave., Suite 300  
New York, NY 10018

March 10, 2022

RE: Lease Agreement Dated May 16, 2014 ("Lease") between Metropolitan Transportation Authority/New York City Transit Authority as Landlord ("MTA") and Westfield Fulton Center LLC as Tenant ("Westfield") for Retail Space located at Fulton Street Transit Center, New York, NY, dated May 6, 2014 ("Fulton Center")

Mr. Florio,

This is Tenant's response to your March 2, 2022 letter on Landlord's behalf regarding the security measures to accompany the reopening of the restrooms in the Public Circulation Areas ("Public Restrooms") of the Fulton Center.<sup>1</sup>

We thank you for agreeing as follows to reducing the hours of operation of the Public Restrooms and providing temporary additional security there:

- Hours of operation from 6:00 AM to 8:00 PM daily with periodic closures of 30 minutes or less for cleaning purposes only.<sup>2</sup>
- Allied Security Officers will patrol the Public Restroom located in the paid area concourse on the same hourly basis as previously the case and will continue to be the case with the Public Restroom located in the unpaid area (both within the Public Circulation Areas).

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<sup>1</sup> All capitalized terms not otherwise defined shall have the same meaning as in the Lease.

<sup>2</sup> Contrary to your characterization of Section 5.7 of the Lease, it does not state that Tenant is "responsible for operating" the Public Bathrooms "from 5:00 AM to 12:00 AM on a daily basis." Rather, Section 5.7 simply states that Tenant has the "right to close the restrooms in the Public Circulation Areas between 12:00 a.m. and 5 a.m. daily." Tenant's responsibility with respect to the Public Restrooms is limited to cleaning. See Section 7.1.2 of the Lease.



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- Allied Security Officers will be present during scheduled cleaning of the Public Restrooms; and
- NYPD officers will continue to regularly patrol these areas, with a focus on monitoring any disturbances or reports of security concerns inside the Public Restrooms.

However, Westfield strongly feels additional measures of security are warranted for the reasons we previously communicated to you already. Both the frequency and level of disturbances appear to have escalated. The below is not an exhaustive list but it shows the type of security incidents at Fulton Center:

- A homeless man starts to verbally harass one of our housekeepers while the housekeeper is taking out the trash from inside the paid area. The homeless man then proceeds to threaten the housekeeper with a knife. – January 13, 2020
- A verbal altercation turns physical between two homeless men which results in one of them being stabbed. The incident takes place inside the paid area in front of Dunkin Donuts and Gateway news – May 20, 2021
- Security Director at Fulton Center reports one of the Security guards was taken to the hospital after being assaulted by a homeless man. This homeless man had assaulted the same guard in 2020. – December 27, 2021
- The owner of “I Want Candy” reports being threatened by someone who claims to have a gun while attending his kiosk. The owner also reports being constantly harassed by homeless and juveniles. – December 15, 2022
- One of Matto Coffee’s employees gets assaulted by a homeless man while working behind the register. The homeless man punches the employee in the head and then proceeds to throw a garbage can at the employee. – January 30, 2022
- The Dunkin Donuts inside the paid area concourse gets vandalized by a homeless man. The man breaks one of the entrance doors and proceeds to vandalize the interior of the space. – February 12, 2021

In light of the foregoing, we do not believe it is safe to reopen the Public Restrooms at all at this point.

Nevertheless, if the MTA insists on reopening them immediately, Westfield requests the following additional items from the MTA:

- Allied Security Officers will be responsible for closing and locking the restrooms to allow Housekeeping to clean the restrooms.
- Landlord will ensure Security has working radios so housekeeping and engineering are able to properly communicate with them.



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We would like you remind you that the MTA “retain[s] **primary responsibility for endeavoring to maintain public safety and security at the Fulton Center.**” Section 7.4 states, “Subject to Landlord’s [MTA] legal obligations, **Landlord shall hire a private contractor, at Landlord’s own cost and expense, to provide such security services.**”

With respect to your recommendation to hire private security or NYPD Paid Detail to augment security presence at the Fulton Center, “subject to advanced review and approval” and later seek “a potential credit” from the MTA, Westfield respectfully declines based on the language of the Lease quoted above. Additionally, the proposal does not seem very efficient, as it would create unnecessary administrative burden on both Westfield and MTA. We do not see a compelling reason for Westfield to be a middleperson when the primary responsibility already lies with the MTA, who is in a better position to deploy directly additional security personnel.

Given the fact the parties have been discussing this issue and there is a meeting tomorrow, March 11, 2022, we are unable to reopen by March 15, 2022, as you demanded. However, we anticipate a reopening date of April 1, 2022.

Please provide a response to our additional requests by March 25, 2022 to facilitate the re-opening of the Public Restrooms.

Sincerely,

Diana Grasso

cc: Marco Maldonado