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## Toll Brothers' Case Against the Promenade – Fact vs. Fiction

by [John M. Zukoski](#) | **Topics:** [Development](#)

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As anticipated, Toll Brothers appealed the Dublin Planning Commission's recent approval of the Promenade 2.0. The City Council will hear Toll Brothers' appeal during a public hearing on September 1st. The basis of Toll Brothers' appeal rests on their belief that Promenade 2.0 plans are not in line with the *Dublin Ranch Villages Development Plan* approved way back in March 2000. Here's a summary of Toll Brothers' claims contrasted with the facts in the approved March 2000 Development Plan:

- **Toll Brothers Claim:** 40 foot parking garage built 75 feet from Terraces building #8 is not compatible with the original plans.
- **Fact:** Plans approved in March 2000 actually allowed for buildings as high as 70 feet tall with a minimum set back of 50 feet from the Terraces. The Promenade 2.0 plans are well within the original guidelines.
- **Toll Brothers Claim:** noise, glare, and traffic from parking structure would make it difficult to sell units in Building 8 of the Terraces.
- **Fact:** Plans approved in March 2000 included provisions for a Commercial Parking Garage.
- **Toll Brothers Claim:** Review of environmental impacts related to the Promenade 2.0 plans has been "piecemealed" for just one parcel.
- **Fact:** While the density has increased on the ClubSport/Mercantile parcel, the overall density of the entire Promenade project has not changed. The updated environmental review only needs to include the ClubSport/Mercantile portion of the project.

Toll Brothers provided the City Council with two options in their appeal:

1. Underground 2 levels of the parking garage. This would cost an additional \$4M to build.

2. Use land from other parcels at the Promenade for surface parking. While Toll Brothers acknowledges that this would create a sea of asphalt, they note that adding trees and shrubs could help to make the expanded surface parking look more attractive.

The Dublin City Council is expected to reject Toll Brothers' appeal during their September 1st meeting. If their appeal isn't approved, Toll Brothers' will likely use the kamikaze tactic and file another lawsuit against the City of Dublin.

Published on August 10, 2009

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## 13 Comments on “Toll Brothers’ Case Against the Promenade – Fact vs. Fiction”

1.  *Anonymous*  
12:25 AM on August 10th, 2009

Screw Toll Brothers! They really make me disgusted...

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- o  *Anonymous*  
7:00 AM on August 10th, 2009

I am glad that you have the facts posted here. It looks as though the City had known exactly what type of structures could be built on this land and laid out this in the original guidelines. I find it funny that when I bought my house from toll I had to read all kinds of documents that said what was around my building: airport, flood zones, what was designated commercial space, retail space. I find it hard to believe that Toll did not know exactly what could be built or proposed for that land. I have a feeling that Toll did not expect to be still selling building 7 and 8. Therefore they did not really care what was being proposed until now when they can't sell the rest of the units. I don't think you will see a resolution to this until Toll has sold all those units and is gone. Then they won't care what is built.

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-  *jordan*  
7:08 AM on August 10th, 2009

Hi john, got this out of the paper. It looks as though this store will be moving into the old goodguys store. Good for Dublin.

<http://www.newhomeinc.com/>

[Reply to this Comment](#)

-  Anonymous  
7:47 AM on August 10th, 2009

Not good news for the new bart station.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/08/10/BAQJ195ONH.DTL&tsp=1>

Reply to this Comment

-  John M. Zukoski  
7:49 AM on August 10th, 2009

Hi Anonymous – you called it...also not good for Dublin's downtown. We'll be publishing a quick article about this turn of events very soon.

Thx, John Z.

-  John M. Zukoski  
7:47 AM on August 10th, 2009

Hi Jordan – this is fantastic news for Dublin.

[http://www.insidebayarea.com/business/ci\\_12939782](http://www.insidebayarea.com/business/ci_12939782)

New Home, Inc. chose Dublin because of our fantastic location, proximity to Lowe's and Home Depot (part of their strategy), tremendous market potential, and the 0.5% sales tax credit that Dublin offers businesses to make improvements to existing commercial buildings.

We'll be publishing a "Good News" article within the next few weeks and New Home's arrival will definitely be one of the features.

Thx, John Z.

Reply to this Comment

2.  Leah  
9:36 PM on August 10th, 2009

This article is rather telling about the tactics Toll Brothers is willing to use. I'm so tired of looking at a dirt lot and want Club Sport to open so I don't have to drive to Pleasanton!

Reply to this Comment

3.  *Ginger*  
12:50 PM on August 11th, 2009

Thanks for the information. I bought my place in the Courtyards 4 years back and remember the sales office selling the promenade being up in a year or so.

Reply to this Comment

4.  *Jing Firmeza*  
11:33 PM on August 14th, 2009

The parking structure is an eye sore. I agree with Toll Brothers. Promenade 2 is good for the community. Just take out the parking structure. This was my first impression about the parking structure. A costly underground parking is not the solution. I favor a wrap around parking structure that has commercial office or residential units on the outside of the parking structure. Ala Vegas casinos parking structures. The new casinos in Vegas (Wynn, New York, Venetian and more) does not have parking structures visible from the outside. Maybe 4 – 8 story high.

Reply to this Comment

- o  *John M. Zukoski*  
5:23 AM on August 15th, 2009

Jing – one thing that I didn't make as clear in this article as previous Promenade articles is that Toll Brothers couldn't care less about the parking structure. They are using the parking structure argument as a way to hold up construction of the Promenade. Why would they do that? Please check out this article for background: <http://www.arounddublinblog.com/2009/06/why-would-toll-brothers-sue-to-block/>

Toll Brothers started construction at the Terraces with full knowledge that there would be a parking structure and that buildings could be as high as 70 feet tall. This was clearly written in the March 2000 planning documents that they reviewed prior to planning and building the Villages. They've been marketing the vision of the Promenade to clients for the past 5+ years and are only now expressing concerns about the parking structure. Why would they now all of a sudden raise these concerns? Why would they propose alternatives that they know cannot be implemented? Because it really isn't about the parking structure.

Thx, John Z.

Reply to this Comment

-  *Jing Firmeza*  
10:17 PM on August 15th, 2009

John;

You are probably right, if the history of this issue was due to the deposit and voiding of purchase. This thing may drag through the courts. From a personal point of view, I really would favor redoing the parking structure. You know my distaste for the East Dublin Parking structure. It looks like a Dublin landmark that would represent our city to 580 commuters for the rest of our lives. If Toll Bros, accepts this and go away, Promenade can proceed. Rejecting it and continue through the litigation, I don't think they have anything to stand on. Deep pocket Toll Bros and their armada of attorneys may hold the project for a long time. Which could be costly for both sides. With the current economic situation, I am sure that Toll Bros cannot continue to spend more money and lose. They are probably most hurt by the housing market nowadays. My advice to the city council is to counter sue and Toll Bros. will go away with their tails spinning. They cannot afford a court decision that would cost them more money. But that parking structure has to go.

Reply to this Comment

-  *Jordan*  
7:59 PM on August 20th, 2009

John did you know that there is a barbeque at the promenade next weekend prior to the City council meeting the following week?

If anyone wants to get on the mailing list of the developer go to the "Grafton Plaza" website and ask for info. They keep you well informed on the goings on around the area

Reply to this Comment

-  *John M. Zukoski*  
6:07 AM on August 21st, 2009

Hi Jordan – I didn't know about the BBQ. I'll check it out. The last BBQ hosted by Charter was really well run and informative.