



FW: ETOD/DB90 Language Change

From Land Use Liaison <LandUseLiaison@austintexas.gov>

Date Tue 9/2/2025 5:17 PM

To Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>

Cc Land Use Liaison <LandUseLiaison@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Thomas, Eric <Eric.Thomas@austintexas.gov>

Good afternoon Chair Anderson, Vice Chair Woods, and members of the Planning Commission,

Please see the below email from Baily Harrington.

Thank you,

**Ella Garcia**

Business Process Specialist

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From: Bailey Harrington [REDACTED]

Sent: Tuesday, September 2, 2025 4:31 PM

To: Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>

Subject: Fw: ETOD/DB90 Language Change

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Greg

Per my text the other day, I think the City should re-examine the language in both DB90 and ETOD that prohibits non-residential space above certain floors. From a planning standpoint, I can't see a strong justification other than preventing loud or disruptive uses above residential—something developers are naturally incentivized to avoid anyway.

The way DBETOD reads now, it's applied at the site level instead of the building level. That creates issues where projects with multiple buildings or integrated uses get caught unintentionally. A few quick examples:

- The Arnold – four stories of residential next to four stories of office with a shared garage. Under DBETOD, the office building wouldn't be allowed because it rises above level 2, even though it's a separate building.
- The Loren – residential on one side, hotel on the other, plus a rooftop restaurant. Under current ETOD rules, neither the hotel nor the restaurant would be permitted since they're above the 2nd floor.
- The Muse on South Congress – roughly 80% residential, but with Equinox located above the 2nd floor. Under DBETOD, Equinox wouldn't be allowed.

All of these are successful mixed-use projects that deliver significant housing while also creating the placemaking and diversity of uses that ETOD is supposed to encourage around rail. The current restriction would block similar outcomes unless a developer goes through a PUD/LI-PDA process—an unnecessary barrier.

I'd be glad to talk through this further with you and Ryan—whether by call or in your office. Just wanted to flag it as an issue that could really limit the kind of projects the City is hoping for in ETOD areas.

The specific code sections are:

DBETOD: 25-2-654 (G.4.d.i)

DB90: 25-2-652 (G.3.c.ii) <-- this is not as egregious as DBETOD because it specifically mentions by building where as ETOD references site. Although, the example of the Loren would still not be allowed.

Bailey

Bailey Harrington, P.E. // [REDACTED]

Austin, TX [REDACTED]



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Greg Anderson
Boards and Commissions

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