

RESOLUTION NO. 20220519-087

WHEREAS, the City of Austin is currently in a housing crisis; and

WHEREAS, the City's Strategic Housing Blueprint, Imagine Austin Comprehensive Plan, and Downtown Austin Plan all indicate housing should be developed in mixed-use, transit-rich areas; and

WHEREAS, downtown Austin is one of a few places in the City which has a high mix of uses and many transit and sustainable mobility choices; and

WHEREAS, City Code Section 25-2-161 (*Capitol Dominance (CD) Overlay District Purpose and Boundaries*) states, "the purpose of the Capitol dominance (CD) overlay district is to protect the visual and symbolic significance of the State Capitol by keeping buildings in close proximity to the Capitol from dominating the structure" and "the CD overlay district applies to all property in a one-quarter mile radius of the State Capitol dome;" and

WHEREAS, in 1983, with the Capitol dominance (CD) overlay district ("Capitol Dominance Overlay") already established, the State of Texas created a Capitol view corridor which establishes boundaries to preserve the view of the Capitol dome ("Capitol View Corridors"); and

WHEREAS, the City has since added Capitol view corridor (CVC) overlay district ("CVC Overlay District") which also establishes boundaries to preserve the view of the Capitol dome; and

WHEREAS, the Capitol View Corridors and CVC Overlay District overlap considerably with the Capitol Dominance Overlay; and

WHEREAS, in 2021 the Housing and Planning Department presented that since its inception, the Downtown Density bonus program has created an estimated

4,437 housing units, 91 affordable housing units, and has raised an estimated \$23,175,807.00 in fees in-lieu; and

WHEREAS, the Downtown Density Bonus Program does not include properties within the Capitol Dominance Overlay, therefore limiting the amount of market-rate and affordable housing that can be developed in the downtown area, as well as, fees generated for affordable housing, and other community benefits in the most transit-rich, walkable, and sustainable part of the City; and

WHEREAS, providing properties currently subject to the Capitol Dominance Overlay the ability to participate in the Downtown Density Bonus Program could generate additional housing units, fees in-lieu for the Downtown Density Bonus Fund and other community benefits, and significantly increase the tax base; and

WHEREAS, the draft Land Development Code revisions removed the Capitol Dominance Overlay; and

WHEREAS, the Capitol View Corridors and CVC Overlay District are sufficient to protect views of Texas State Capitol; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

City Council initiates an amendment to City Code Section 25-2-586 (*Downtown Density Bonus Program*) to allow properties within the Capitol Dominance Overlay District to participate in the Downtown Density Program so long as these properties continue to comply with the Capital View Corridors and CVC Overlay District where applicable, and directs the city manager to process

amendments necessary to accomplish the purposes set forth in this resolution.

ADOPTED: May 19, 2022 **ATTEST:** EBrady for
Myrna Rios
City Clerk