

ORDINANCE AMENDMENT REVIEW SHEET**Amendment:**

C20-2022-008 - Consider an ordinance amending City Code Section 25 to allow properties within the Capitol Dominance Overlay District to participate in the Downtown Density Program ([City Code Section 25-2-586](#)) so long as these properties continue to comply with the Capitol View Corridors (CVC) and CVC Overlay District where applicable.

Background:

On May 19th, 2022, via [Resolution No. 20220519-087](#), City Council initiated 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 Capitol View Corridors (CVC) and CVC Overlay District where applicable. With this action, City Council recognized that housing is needed in mixed-use and transit-rich areas such as downtown, and therefore asked Staff to evaluate possible impacts to the Capitol Dominance Overlay District with these changes. Staff analyzed multiple factors to determine potential impacts to the general goals of the Capitol Dominance Overlay and the goals of recent planning efforts. Property ownership, publicly/private owned land, adjacent development patterns, propensity to redevelop, and future high-capacity transit infrastructure were all factors considered in determining potential impacts to the overlay.

Given the western side of the District has fewer CVCs and given Project Connect's planned future high-capacity transit investments along Guadalupe and Lavaca streets, Staff determined that allowing CVC compliant properties west of Lavaca Street to participate in the DDBP could accommodate increased housing and commercial development while preserving the overall intent of the Capitol Dominance Overlay. The primary reason these changes would have only marginal impacts is that much of the CDO (70%+) is already regulated by the CVCs, which limit development in the area and thereby preserve the prominence of the Capitol building.

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed Code amendment to City Code Section 25 to allow properties within the Capitol Dominance Overlay District to participate in the Downtown Density Program ([City Code Section 25-2-586](#)) so long as these properties continue to comply with the Capitol View Corridors and CVC Overlay District where applicable.

Board and Commission actions and next steps:**1. Codes and Ordinances Joint Committee (COJC): March 15, 2023**

A motion was made by commissioner Azhar and seconded by commissioner Anderson to accept Staff's recommendation to allow Capitol Dominance Overlay properties west of Lavaca Street to participate in the Downtown Density Bonus Program except to also allow participation for the properties east of San Jacinto Street and properties north of 14th Street between Colorado Street and Lavaca Street and between Brazos Street and San Jacinto Street.

Vote: 4-1-0, Greenberg against

2. Planning Commission public hearing: March 28, 2023

The COJC recommendation was on the consent agenda with an amendment by Commissioner Anderson to additionally allow any property within the Capitol Dominance Overlay District to participate in the Downtown Density Bonus Program. A motion was made by Commissioner Thompson to approve the item on consent and Commissioner Hempel seconded. The consent agenda was approved unanimously.

3. **Set public hearing at Council for May 4: April 13, 2023**
4. **Send public notice for “conduct” public hearing at Council: April 17, 2023**
5. **Conduct public hearing at Council: May 4, 2023**

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