

1 **RESOLUTION NO.**

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

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

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

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

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

19 **WHEREAS**, the City has since added Capitol view corridor (CVC) overlay  
20 district (“CVC Overlay District”) which also establishes boundaries to preserve the  
21 view of the Capitol dome; and

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

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

26 4,437 housing units, 91 affordable housing units, and has raised an estimated  
27 \$23,175,807.00 in fees in-lieu; and

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

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

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

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

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

43 City Council initiates an amendment to City Code Section 25-2-586  
44 (*Downtown Density Bonus Program*) to allow properties within the Capitol  
45 Dominance Overlay District to participate in the Downtown Density Program so  
46 long as these properties continue to comply with the Capital View Corridors and  
47 CVC Overlay District where applicable, and directs the city manager to process  
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amendments necessary to accomplish the purposes set forth in this resolution.

**ADOPTED:** \_\_\_\_\_, 2022 **ATTEST:** \_\_\_\_\_

Myrna Rios  
City Clerk

DRAFT