

# Memorandum



DATE September 15, 2023

CITY OF DALLAS

Honorable Members of the City Council Housing and Homelessness Solutions  
TO Committee: Jesse Moreno (Chair), Cara Mendelsohn (Vice Chair), Zarin Gracey, Gay  
Donnell Willis, Chad West

SUBJECT **Upcoming Agenda Item: Authorize the Dallas Public Facility Corporation to  
Acquire, Develop, and Own Banyan Flats, a Mixed-Income, Multifamily  
Development to be Located at 2020 N. Beckley Avenue (Project) and Enter into a  
Seventy-Five-Year Lease Agreement with Bishop Arts JV, LLC or its Affiliate, For  
the Development of the Project**

This memorandum is to inform the Housing and Homelessness Solutions Committee of an upcoming agenda item on September 19, 2023 to authorize the Dallas Public Facility Corporation's (Corporation) acquisition, development and ownership of Banyan Flats, a 289-unit mixed-income multifamily development to be located at 2020 N. Beckley Avenue (Project). In order to receive a property tax exemption as a public facility, the Texas Public Facility Corporation Act requires a multifamily property reserve at least 50% of the units for residents earning at or below 80% of the area median income (AMI). Banyan Flats will reserve 40% of the units for residents earning less than 80% AMI, 10% of the units at 60% AMI, and the other 50% of the units will be non-income restricted. The Corporation's bylaws require Council approval of any development that results in a property tax exemption and staff recommends Council approval of this item.

## **BACKGROUND**

Bishop Arts JV, LLC (Applicant), a Texas limited liability company, submitted an application to the Dallas Public Facility Corporation (Corporation) for the development of Banyan Flats, a 289-unit mixed income multifamily development to be located at 2020 N. Beckley Avenue (Project). The Corporation will own the site and improvements and lease the Project back to the Applicant or its affiliate. Pursuant to the Texas Public Facility Corporation Act, Chapter 303 of the Texas Local Government Code, as amended (Act), any public facility owned by a Public Facility Corporation is exempt from all ad valorem taxes. To qualify as a public facility, pursuant to the Act, a multifamily property must reserve at least 50% of the units for residents earning at or below 80% of the Area Median Income (AMI). The Project will reserve 40% of the units for residents earning less than 80% AMI, 10% of the units for residents earning less than 60% AMI and 50% of the units will be market rate.

The Applicant will be a limited liability company owned by Bishop Arts JV, LLC (Banyan Residential). Banyan Residential is a Texas-based real estate development and construction company that is actively developing a portfolio of multifamily properties focused on residents earning between 60-80% of area median income. Their current

portfolio is heavily mission driven with principals who are committed to serving the residents of the Dallas area.

The Project will be constructed as a garden style product with surface parking and will include 289 residential units. The unit mix will consist of 87 studio units, 136 one-bedroom units, 61 two-bedroom units, and 5 three-bedroom units. The project will have Class-A unit finishes with washer/dryer, quartz countertops, stainless steel appliances, energy efficient appliances, patios/balconies (depending on unit), 9-foot ceilings, walk-in closets (depending on unit), and valet trash/recycling. Community features include a pool and sundeck, pet spa, fitness center, co-working space, Wi-Fi-enabled community, storage, and restricted access entry. The land is not currently developed with residential uses but is surrounded by Market Value Analysis (MVA) market type B. Residents of the Bishop Arts District enjoy easy access to the largest concentration of jobs in the Dallas-Fort Worth metroplex. The district is made up of 1920's era buildings & homes that have been revitalized with over 60 independent boutiques, restaurants, bars, coffee shops, and art galleries.

The Applicant will consult with the Office of Integrated Public Safety Solutions (OIPSS) for security input, community activities and the Crime Prevention Through Environmental Design (CPTED). The Applicant and OIPSS will continue to work together to ensure the community is secure and take proactive measures to ensure the safety of the residents that will include security cameras with Dallas Police Department access, individual entry key fobs, lighting, and security access gates/entry points.

The anticipated unit mix and rental rates are as follows:

Unit Type	AMI	Units	Rent
Studio	60%	9	\$1,045.00
Studio	80%	35	\$1,285.00
Studio	Market	43	\$1,285.00
1BR	60%	14	\$1,114.00
1BR	80%	54	\$1,501.00
1BR	80%	68	\$1,649.00
2BR	60%	6	\$1,334.00
2BR	80%	24	\$1,798.00
2BR	Market	31	\$2,260.00
3BR	60%	1	\$1,540.00
3BR	80%	2	\$2,077.00
3BR	Market	2	\$2,650.00

The rents for individuals and families earning between 60% and 80% AMI are meant to provide housing to the “missing middle” of the market: residents that earn above low-income housing tax credit income restrictions of 60% AMI but would be cost burdened by market rents. These incomes range from approximately \$54,560.00 to \$77,900.00 in the City based on family size and represent a wide variety of employment sectors including, but not limited to, teachers, first responders, government employees, health care providers, etc. The rents for individuals and families earning below 60% are included to provide deeper affordability at this property. These incomes range from \$40,920.00 to \$58,440.00 depending on family size.

Total development costs are anticipated to be approximately \$64,539,584.00 which includes the acquisition price for the land. The development budget less soft/financial costs is anticipated to be approximately \$52,986,538.00, which is \$183,344.00 per unit.

Proposed Financing Sources	Amount
Mortgage Loan	\$37,711,963.00
Developer/Investor Equity	\$26,827,621.00
<b>Total</b>	<b>\$64,539,584.00</b>
Proposed Uses	Amount
Land/Land Dev Costs	\$5,858,494.00
Hard Costs	\$47,128,044.00
Closing Costs	\$332,682.00
Soft Costs	\$7,163,475.00
Development Fee	\$1,560,410.00
PFC Costs	\$1,130,396.00
Loan Fees	\$464,832.00
Capitalized Interests	\$901,251.00
<b>Total</b>	<b>\$64,539,584.00</b>

The Project will be owned by the Corporation and leased to the Applicant and other potential owners for a period of 75 years. In consideration for the Corporation’s participation in the Project, the Corporation is estimated to receive \$2,990,013.29 in revenues over the initial 15 years of the lease. Potential proceeds to the DPFC include (1) a \$250,000.00 structuring fee paid at closing; (2) lease payments starting at \$308,132.00 and increasing by 3% annually upon stabilization; (3) a 15% sales commission after repayment of debt, equity, and preferred equity returns upon first sale of the Project; and (4) a 2% sales commission on all future sales. In the event of a sale during the life of the Project, the Corporation will continue to receive the annual lease

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payments. Upon termination of the 75-year lease, the Corporation will own the Project free and clear.

The revenues of the Corporation will be used to fund operations and the provision of additional affordable and workforce housing throughout the City. This proposed development results in foregone tax revenues for the City while the DPFC owns the asset. The 2022 City tax bill for this property is \$8,353.00 and the 15-year estimate of foregone taxes is \$155,356.00. However, the workforce housing rental savings of \$7,984,662.00 over 15 years and the estimated \$2,990,013.29 in revenues provides the City with \$10,974,675.30 in benefits that outweigh the foregone revenue.

The Corporation's estimated revenues were calculated by the Corporation's partnership counsel and financial advisors. Market rent comps and current construction costs were analyzed to ensure the project costs were reasonable for the market. Corporation financial advisors also confirmed that but for the ad valorem tax exemption, the Project would not be economically feasible and would not attract responsible debt and equity investment in the property. The Corporation's revenue consideration and affordability levels were also analyzed to confirm that the ad valorem tax exemption does not over subsidize the Project.

The City is authorized by the Act to create a public facility corporation for the purposes established in the Act, including the financing, acquisition, construction, and leasing of public facilities under the Act. On June 24, 2020, City Council authorized the creation of the Corporation to further the public purposes stated in the Corporation's articles of incorporation and bylaws pursuant to the Act by Resolution No. 20-1035, which were subsequently amended by Resolution 22-1194 (bylaws). Section 6.2 of the Corporation's bylaws requires City Council approval by written resolution prior to entering into any agreement that would result in a property tax exemption. Per Section 7.3 of the bylaws, any Public Facility related to multifamily residential development of the Corporation shall not proceed unless (1) the development of the Public Facility could not be feasible but for the Corporation's participation, and (2) the development of the Public Facility is in furtherance of the City of Dallas's Comprehensive Housing Policy (CHP), as restated in the Dallas Housing Policy 2033 (DHP33).

Staff and the Corporation's Counsel and Financial Advisors have confirmed that this Project would not be feasible but for the Corporation's participation and that the Project furthers the goals of the CHP, as restated in the DHP33. Staff recommends approval of this item to allow this mixed-income housing development to move forward.

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On August 22, 2023, the Dallas Public Facility Corporation Board of Directors approved the negotiation and execution of a term sheet with the Applicant.

Should you have any questions or require any additional information, please contact me or Cynthia Rogers-Ellickson, Interim Director, Department of Housing & Neighborhood Revitalization at [Cynthia.rogersellic@Dallas.gov](mailto:Cynthia.rogersellic@Dallas.gov) or 214-670-3601.



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Mark Swann, City Auditor  
Billerae Johnson, City Secretary  
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Kimberly Bizer Tolbert, Deputy City Manager  
Jon Fortune, Deputy City Manager

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Dr. Robert Perez, Assistant City Manager  
Carl Simpson, Assistant City Manager  
Jack Ireland, Chief Financial Officer  
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