



### Legislation Details (With Text)

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**Type:** CONSENT AGENDA      **Status:** Corrected; Approved as an Individual Item

**File created:** 10/1/2023      **In control:** Department of Housing & Neighborhood Revitalization

**On agenda:** 10/25/2023      **Final action:**

**Title:** Authorize the Dallas Public Facility Corporation to (1) acquire, develop, and own Banyan Flats, a mixed-income, multifamily development to be located at 2020 North Beckley Avenue (Project); and (2) enter into a seventy-five-year lease agreement with Bishop Arts JV, LLC or its affiliate, for the development of the Project - Estimated Revenue Foregone: General Fund \$2,277,286.00155,356.00 (15 Years of Estimated Taxes For 75 years; see Fiscal Information)

**Sponsors:**

**Indexes:** 1

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Map, 3. Resolution

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Housing & Homelessness Solutions

**AGENDA DATE:** October 25, 2023

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Housing & Neighborhood Revitalization

**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

Authorize the Dallas Public Facility Corporation to **(1)** acquire, develop, and own Banyan Flats, a mixed-income, multifamily development to be located at 2020 North Beckley Avenue (Project); and **(2)** enter into a seventy-five-year lease agreement with Bishop Arts JV, LLC or its affiliate, for the development of the Project - Estimated Revenue Foregone: General Fund ~~\$2,277,286.00155,356.00~~ **(15 Years of Estimated Taxes For 75 years; see Fiscal Information)**

### 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 North 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 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. The Applicant and OIPSS will continue to work together to ensure that the community is secure and take proactive measures to ensure the safety of the residents that will include security cameras with the 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	Market	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
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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 are 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 ~~\$79,094,385.00~~~~2,990,013.29~~ in revenues over the ~~initial 1575~~ 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 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 forgone 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 ~~1575~~-year estimate of foregone taxes is ~~\$2,277,286.00~~~~155,356.00~~. However, the Corporation will receive an estimated \$79,094,385.00 in lease revenues over the 75 years resulting in a net revenue of \$76,817,099.00, the difference between foregone taxes for the City and lease revenue payments. The workforce housing rental savings of ~~\$120,117,339.07~~~~894,662.00~~ over ~~1575~~

years and the estimated ~~\$79,094,385.00~~~~2,990,013.29~~ in revenues provides the City with \$ ~~199,211,723.00~~~~10,974,675.29~~ in total benefits that far outweigh the forgone revenue. If this same project were to be constructed without a partnership with the PFC, the city would need to subsidize the property with approximately \$24,000,000.00 from some other source in order to keep the project as is with the affordability levels that are currently planned at the property.

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, the 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 No. 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.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

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

### **FISCAL INFORMATION**

Exhibit A provides supporting details on the estimated \$78,844,385.00 in lease payments over 75 years in addition to an acquisition fee in the amount of \$250,000.00 totaling \$79,094.385.00 to the Corporation. Additionally, the estimated revenue foregone is \$2,277,286.00 in City taxes over 75 years resulting in a net revenue of 76,817,099.00.

~~Estimated Revenue Foregone: General Fund \$155,356.00 (15 Years of Estimated Taxes)~~

### **MAP**

Attached