

AN ACT

*Codification  
District of  
Columbia  
Official Code*

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Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax abatements for the Constitution Square development project located in Lot 160, Square 711, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Constitution Square Economic Development Act of 2008".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-4612. Constitution Square development project tax abatements.”.

(b) A new section 47-4612 is added to read as follows:

“47-4612. Constitution Square development project tax abatements.

“(a) For the purposes of this section, the term:

“(1) “Developer” means CS Master V, LLC, its successors, affiliates, and assigns.

“(2) “Constitution Square Project” means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred, of the mixed-use apartment house, office, grocery store/supermarket, and garage project located on the Constitution Square Property, consisting of:

“(A) Approximately 900 to 1,000 units of residential condominium/apartment house use;

“(B) Approximately 80,000 square feet of retail space;

“(C) Approximately 1.2 million square feet of commercial office space;

“(D) An approximately 50,000 square foot full-service grocery store/supermarket; and

“(E) Other ancillary improvements.

“(3) “Constitution Square Property” means the real property, including any improvements thereon, located in Lot 160, Square 711 (or as the land for such lots may be

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subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights lots, or any combination in the future).

"(b)(1) The tax imposed by Chapter 8 of this title on the Constitution Square Property shall be abated as follows:

"(A) In tax year 2009, taxes in excess of 107% of the taxes paid for tax year 2008;

"(B) In tax year 2010, taxes in excess of 113.96% of the taxes paid for tax year 2008; and

"(C) In tax year 2011 and each year thereafter, taxes in excess of 121.25% of the taxes paid for tax year 2008.

"(2) The real property tax abatement granted by paragraph (1) of this subsection shall only apply for the 10 consecutive real property tax years beginning in the tax year in which the developer begins development on the Constitution Square Property. The developer shall notify the Director of the Real Property Tax Administration of the Office of Tax and Revenue by certified mail that development has started within 30 days after the commencement of development.

"(3) The real property tax abatement granted by paragraph (1) of this subsection shall not exceed, in the aggregate, \$6 million, plus 6% per year of the unused amount of the real property tax abatement from the commencement of development.

"(c) The abatement pursuant to subsection (b) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Constitution Square Project or the Constitution Square Property.

"(d) This section shall not prevent or restrict the developer from utilizing any other tax, development, or other economic incentives available to the Constitution Square Project or the Constitution Square Property, including an associated supermarket, which other tax, development, or other economic incentives shall include the supermarket tax incentives set forth in Chapter 38 of this title.

"(e) Nothing in this provision shall be construed to limit the owner of the Constitution Square Property from appealing or contesting its real estate tax assessment."

### Sec. 3. Inclusion in the budget and financial plan.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated January 3, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

**ENROLLED ORIGINAL**

Sec. 5. Effective date.

This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia