

DDS- Planning & Zoning: Plan Review Application



Submission date: **5 May 2022, 3:12PM**
Receipt number: **759**
Related form version: **2**

Application Type

Check all that apply:

Site Plan Review
Special Permit
Zoning Text Amendment

Property Information

Property Address: **2035 Broad Street, Hartford, CT 06114 No coordinates found**

Zoning District: **MS-2**

Parcel ID: **210759145**

Property Owner: **LFT 2035 Broad Street LLC**

Address of Property Owner: **270 Madison Avenue, Suite 1503**

Email: **undefined [semaya@levitesrealty.com]**

Applicant

Name of Applicant: **The Church of Jesus Christ of Latter-day Saints**

File Date: **05/05/2022**

Address: 50 E. North Temple, 12th Floor, Salt Lake City, UT
84150 No coordinates found

Phone: 801-321-4897

Email: ehamblin@kmclaw.com

Primary Point of Contact

Name: James D'Alton Murphy, Esq.

Phone: 203-571-6309

Email: jmurphy@gregoryandadams.com

Project Narrative

Please describe your application action(s) and provide as much detail as possible. Attach additional pages if necessary:

Application for Special Permit, Site Plan Review, and Zoning Text Amendment to Permit the Church to lease space in the 2035 Broad Street Property.

Zoning Map Change Application

Proposed Zone:

Describe the existing use of land and buildings in the zone change area:

Reason for this request:

Zoning Appeal Application

Are you an aggrieved party?

Permit or Violation Number:

State your reason for appealing the decision of the administrator or enforcement officer:

Variance Application

Please state the particular hardship* or unnecessary difficulty that prompts this application and the site the section of the zoning regulations that you are seeking relief from:

Subdivision Application

Number of lots to be created:

Area of each lot in square feet:

Street frontage of each of the new lots in feet:

Lot Combination Application

Addresses of lots to be combined

Map/Block/Lot for each property to be combined:

Liquor Permit Application

Please upload a copy of your State of CT Liquor Permit below.

Sign Permit Application

1. Is this sign proposed outside of the building line?

Maximum extension from building line:

2. Is this sign proposed outside of the street line?

Maximum extension from the Street line

3. Is the sign luminated?

4. Engineer Name (if any):

Phone:

Address:

5. Minimum distance from lowest point to the sidewalk:

6. Maximum height of sign from lowest point of established grade:

7. Distance from the nearest outdoor sign:

8. Square feet of surface for one face of the sign:

9. Wording of the sign (include all words):

Description of work (upload additional files if necessary)

Upload any supporting materials below.

[0. Transmittal Letter 5.5.22.pdf](#)

[2. 2035 Broad Street Authorization Letter.pdf](#)

[3. Proposed Text Amendment.pdf](#)

[4. Existing Zoning Regulation.pdf](#)

[5. 2035 Broad Street Authorization Letter.pdf](#)

[6. Church Authorization Letter.pdf](#)

[7. Church Authorized Agent Letter.pdf](#)

[1. April 1st 2022 Ltr and Enclosures.pdf](#)

[8. Site Plan \(SD1.10\).pdf](#)

[9. Exterior Elevations \(A3.1\).pdf](#)

[10. Exterior Elevation \(A3.2\).pdf](#)

[11. Proposed Floor Plan \(A1.00\).pdf](#)

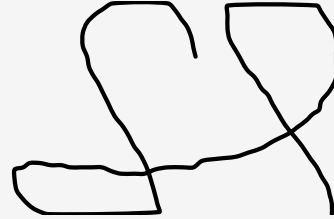
[12. Exterior Signage \(A2.00\).pdf](#)

[13. Parking Plan.pdf](#)

[14. 2035 Broad Street Exterior Photographs.pdf](#)

Signatures

Signature of Applicant



[Link to signature](#)

Printed Name of Applicant:

James Murphy

Date:

05/05/2022

If you are not the property owner, you must attach a Letter of Authorization from the property owner to apply.

Letter of Authorization from Property Owner

[2. 2035 Broad Street Authorization Letter.pdf](#)

Date:

05/05/2022

PAUL H. BURNHAM
DANIEL L. CONANT
TREVOR CONLOW§
SUSAN L. GOLDMAN
J. VANCE HANCOCK
J. CASEY HEALY
MICHAEL LAMAGNA*
DERREL M. MASON*
MATTHEW C. MASON*
JAMES D'ALTON MURPHY*⊗
KATHLEEN L. ROYLE *
RALPH E. SLATER
ROGER R. VALKENBURGH *

* ALSO ADMITTED IN NEW YORK
⊗ ALSO ADMITTED IN VERMONT
§ ADMITTED IN NY & NJ ONLY

GREGORY AND ADAMS, P.C.

ATTORNEYS AT LAW
190 OLD RIDGEFIELD ROAD
WILTON, CT 06897
(203) 762-9000
FAX: (203) 834-1628

ESTABLISHED 1964

NEW YORK OFFICE:
399 KNOLLWOOD ROAD - SUITE 201
WHITE PLAINS, NY 10603
(914) 848-5000

WWW.GREGORYANDADAMS.COM

JULIAN A. GREGORY
(1912 - 2002)

THOMAS T. ADAMS
(1929 - 2015)

PLEASE REPLY TO SENDER:

JAMES D'ALTON MURPHY

DIRECT DIAL: 203-571-6309
jmurphy@gregoryandadams.com

May 5, 2022

Via Online Application

Planning and Zoning Commission
City of Hartford
260 Constitution Plaza, 1st Floor
Hartford, CT 06103

RE: Text Amendment and Special Permit for 2035 Broad Street (the "Property")

Dear Members of the Planning and Zoning Commission,

This firm represents the Church of Jesus Christ of Latter-day Saints (the "Church"). Over a year ago the Church began a search for substitute and larger quarters within the city limits for its Hartford Branch. The search was fruitless because Section 3.3.2.A of the Hartford Zoning Regulations, effective January 19, 2016 as amended, effective June 5, 2020 (the "Regulations") characterize the Church as an Assembly Use and Section 3.3.2.A(3)(c), Minimum Lot Area, required a minimum three-acre site or larger in all districts except the DT districts to establish an Assembly Use. No three acre sites were available.

The Church has an option to lease the 2035 Broad Street Property which is 0.6 acres, subject to a zoning approval contingency.

As a consequence, the Church has asked us, as their legal representative, to pursue a text change to amend Section 3.3.2.A(3)(c), Minimum Lot Area. Our first step in that process was to be in touch with Aimee Chambers, Director of Planning, and also Paul Ashworth, Senior Planner. We also spoke with Richard Vassallo, Assistant Corporation Counsel, at the recommendation of Ms. Chambers and Mr. Ashworth. We summarized the Church's concerns and the obstacles it had met in finding a suitable site in our letter of April 1, 2022, which is the first enclosure to this letter.

While the April 1st letter suggests that the minimum acreage threshold of 3.0 acres for Assembly Uses in the majority of Hartford's districts be reduced to zero, after discussions with Ms. Chambers, Mr. Ashworth and Attorney Vassallo, we have modified our request so that the minimum acreage threshold will now be one half (0.5) acre for Assembly Uses.

May 5, 2022

Page 2 of 2

We look forward to presenting the application for that text change as well as the application for the requisite Special Permit.

In support of the application for a text change, we submit the following materials:

- 1) Letter and enclosures from Gregory and Adams to the Hartford Planning and Zoning Commission dated April 1, 2022.
- 2) Authorization Letter signed by LFT 2035 Broad Street, LLC, c/o Levites Realty Management, LLC, (the "Owner") authorizing Gregory and Adams, P.C. to act as its agent.
- 3) Proposed Text Amendment.
- 4) Existing Zoning Regulation.

In support of the Special Permit application, we submit the following materials:

- 5) Authorization Letter signed by the Owner authorizing Gregory and Adams, P.C. to act as its agent.
- 6) Authorization Letter signed by Hugh H. Biesinger, Authorized Agent of The Church of Jesus Christ of Latter-day Saints (the "Church"), authorizing Gregory and Adams, P.C. to act as its legal representative.
- 7) Authorization Letter signed by Russel M. Nelson, President of The Church of Jesus Christ of Latter-day Saints, designating and appointing Hugh H. Biesinger as an authorized agent.
- 8) Site Plan (SD1.10) prepared by Swartz Architecture, DPC ("Swartz") dated March 3, 2022.
- 9) Exterior Elevations (A3.1) prepared by Wm. Crosskey & Associates, ("Crosskey") dated September 9, 1988.
- 10) Exterior Elevations (A3.2) prepared by Crosskey dated September 9, 1988.
- 11) Proposed Floor Plan (A1.00) prepared by Swartz dated March 3, 2022.
- 12) Exterior Signage (A2.00) prepared by Swartz dated March 3, 2022.
- 13) Parking Plan; parking table included in Site Plan (SD1.10).
- 14) Photographs of the existing exterior of the Property.

If you have any questions, or require any further detail, please contact me.

Respectfully submitted,
Gregory and Adams, P.C.

By: *James D'Alton Murphy*
James D'Alton Murphy

JD'AM/klr

Cc: (by email only; with enclosures)

Patricia Turner, Architect and Production Manager

James Ellsworth, Esq., Kirton McConkie

David Scott, Project Development & Construction Manager

Michael Marcheschi, Church of Jesus Christ of Latter-day Saints

GREGORY AND ADAMS, P.C.
ATTORNEYS AT LAW
190 OLD RIDGEFIELD ROAD
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April 1, 2022

BY EMAIL AND FEDERAL EXPRESS

Aimee Chambers and Paul Ashworth
Planning and Zoning Division
City of Hartford Department of Development Services
550 Main Street
Hartford, CT 06103

Re: The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole;
Proposed Relocation to 2035 Broad Street (Zoned MS-2)

Dear Aimee and Paul,

We write in furtherance of our previous conversations in which we discussed the unique challenges faced by the Hartford branch of The Church of Jesus Christ of Latter-day Saints (the "Church") in its attempt to relocate within Hartford. In this letter we will describe the relevant factual, regulatory, and statutory background, illustrate the burden imposed by the Hartford Zoning regulations, and propose applicable text amendments.

The Proposed Broad Street Site Fully Meets the Church's Needs:

By way of background, the Church is organized geographically. Members of the Church are generally expected to attend the congregation within their geographical area for Sunday services. The local divisions of the Church are either grouped into larger congregations, known as wards, or smaller congregations, known as branches.

The Church's Hartford branch (the "Branch") currently leases 3,100 square feet of space at 641 Maple Avenue for its meetinghouse (the "Existing Meetinghouse"). The lease at the Existing Meetinghouse space no longer meets the needs of the Branch, including its lack of room for future growth. After years of real estate market research for a suitable replacement lease, the Branch now seeks to relocate to the first floor

of the building at 2035 Broad Street (the "Property").¹ The Property is zoned MS-2, consists of a parcel 0.602± acres in size, and is improved with a two-story building totaling 9,644 sq. ft. The Church seeks to lease the first floor of the building, which is approximately 4,965 square feet.

The Property is the only leased space that the Church has been able to find that meets its needs for worship within the local community. These needs include, but are not limited to, proximity to the Existing Meetinghouse, which allows the Church to continue to serve its members within the local community,² the Property's proximity to public transportation, which many members rely on to attend services and Branch activities, and the increased space of the Property, which can accommodate the Branch's growth in membership. Currently the Hartford branch has 183 members with pre-COVID-19 average attendance at the Sunday services of approximately 62 members. The Church expects ongoing growth in the years to come. For many years the Church has noted that approximately 20% of its members either walk or use public transportation and that those who drive typically have a family of three or more in the same car. Therefore, the Church projects that only 17 of the 26 parking spaces on site will be used for Sunday services. It is also important to note that ample street parking is available on adjacent streets.

Additionally, the Property will be improved with key features that are necessary for religious practice by the Branch, as dictated by the basic functions and activities of the Church and, consistent with its beliefs, doctrines, and teachings. These basic functions and activities include the need for an adequately-sized sanctuary to seat those who attend Sunday services, classrooms for religious instruction, clergy offices where the Church's lay clergy can confidentially counsel members and coordinate ministries, and a multipurpose room for instruction and religious activities. The attached Proposed Floor Plan (A1.00), prepared by Swartz Architecture, dated March 3, 2022, indicates how the Property will fit the above criteria.

The Property will generally be used on Sundays, one or two weekday evenings, and occasionally Saturday. The Branch may also have occasional, one-hour, early morning gospel study classes for teenagers during the week. The Branch does not operate or host a school, day care, soup kitchen, bingo or any other commercial or political use. There is no daytime administrative staff apart from occasional maintenance personnel. All activities serve the Church's central purpose to bring together its members, provide Christian service, and strengthen members' faith and the religious community.

The Impact of the Applicable Hartford Zoning Regulations:

Because the Branch intends to use the Property as a place of Assembly, which is a permitted principal use in MS-2 zones, the Branch must apply for a special permit, as indicated by the Table of Principal Uses, Figure 3.2-A. The Property is improved with a structure with less than 10,000 square feet, and therefore the Branch's use of the Property would be considered a place of "Neighborhood Assembly." See Hartford Zoning Regulations § 3.3.2.A(1) ("less than 10,000 square feet ..."). Even though the Property meets all of the needs of the Branch, the Branch is prohibited under Hartford's currently drafted Zoning Regulations from using the Property since the lot size is less than three (3) acres. See Figure 3.2-A, Table of Principal Uses; § 3.3.2.A(3)(c) (describing "minimum lot areas" of "3 acres in every other district, except in the DT districts").

¹ The Branch has entered into an agreement to lease the first floor of the Property, and the agreement is contingent upon approval by Planning and Zoning.

² The Property is approximately 0.5 miles from the Existing Meetinghouse.

As you are likely aware, there are very few lots in Hartford with three or more acres of land. Accordingly, the three-acre minimum lot requirement for places of Neighborhood Assembly unreasonably limits and substantially burdens the Branch's exercise of religion.

In addition, depending on how the City classifies the architectural "Building Type" of the Property under Section 4 of the Hartford Zoning Regulations, the City may create additional unreasonable limits and substantial burdens on the Branch's religious exercise. For example, if the City considers the Property to be a "Civic Building Type" under section 4.10, then the Church's intended one-story lease will trigger the "All Stories" requirement of section 4.10.2.C.16, creating an additional limitation that will burden the Branch's exercise of religion.

The Federal and State Statutes and Case Law as Applicable to Land Use Regulation of Religious Uses:

Under federal and state law, such limits and burdens are prohibited by the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc, and Connecticut's Act Concerning Religious Freedom ("ACRF"), Connecticut General Statutes § 52-571b. Under RLUIPA and ACRF, whenever a land use regulation imposes a "substantial burden" on religious exercise, the government must demonstrate that the regulation is "the least restrictive means" of furthering a "compelling" government interest. 42 U.S.C. § 2000cc(a); C.G.S.A. § 52-571b(b). This is the strictest possible judicial standard.

Courts applying RLUIPA interpret the term "substantial burden" to mean conduct that substantially "pressures" or "influences" the free exercise of religion. *See, e.g., Guru Nanak Sikh Soc. v. County of Sutter*, 456 F.3d 978 (9th Cir. 2006); *Midrash Sephardi v. Town of Surfside*, 366 F.3d 121 (11th Cir. 2004); *Adkins v. Kaspar*, 393 F.3d 559 (5th Cir. 2004).

The burden need not be insuperable to make it substantial. *See Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 901 (7th Cir. 2005); *Murphy v. Zoning Comm'n of the Town of New Milford*, 289 F.Supp.2d 87, 126 (D. Conn. 2003), *vacated on other grounds*, 402 F.3d 342 (2d Cir. 2005) (restricting the number of people who could attend a prayer service constituted a "substantial burden" and was therefore a violation of the worshipers' rights under both RLUIPA and ACRF).

In addition, RLUIPA also separately prohibits any land use regulation that (1) "treats religious assembly or institution on less than equal terms with a nonreligious assembly or institution," (2) "discriminates against any assembly or institution on the basis of religion or religious denomination," or (3) "totally excludes ... or unreasonably limits religious assemblies, institutions, or structures within a jurisdiction." 42 U.S.C. § 2000cc(b). Both RLUIPA and ACRF codify established constitutional rules; so, any violation of either also constitutes a violation of federal and state constitutions.

Specific to leases at issue here, land use regulations that violate RLUIPA include zoning laws that limit or restrict a "leasehold ... or other property interest in the regulated land" or even "a contract ... to acquire such an interest." *Id.* § 2000cc-5(5).

At present, there does not appear to be a compelling government interest for Hartford's three-acre minimum lot requirement, and this requirement effectively prohibits places of religious worship from being established within the city. The lack of a compelling government interest for this minimum lot requirement is evidenced by the numerous religious denominations that harmoniously exist on far less acreage within

Hartford. For instance, the Existing Meetinghouse is located on a 0.693-acre lot; and the St. George Armenian Apostolic Church, across the street from the Property, is located on a 0.595-acre lot.

The Connecticut Enabling Legislation and Related Case Law Do Not Support the Three-Acre Minimum and “All-Stories” Requirements:

Further, the three-acre minimum and all-stories requirements also lack the requisite relationship to any of the declared purposes under Connecticut’s zoning enabling act, contained in General Statutes § 8-2, under Chapter 124. Section 8-2 and its applicable case law govern our situation because Hartford has adopted Chapter 124 of the General Statutes per Section 28-4 of the Hartford Municipal Code.

Zoning legislation is only upheld “when it has a rational relation to the public health, safety, welfare and prosperity of the community,” does not violate constitutional provisions, and is not an unreasonable exercise of the police power. *Builders Service Corp., Inc. v. Planning and Zoning Comm’n of East Hampton*, 208 Conn. 267, 283 (1988). In *Builders Service Corp.*, the Connecticut Supreme Court held that East Hampton’s minimum floor area regulation was “not rationally related to the legitimate objectives of zoning, including the promotion of health, safety, and general welfare or conserving the value of buildings.” *Id.* at 306.

As previously discussed, the three-acre minimum violates constitutional rights to free exercise of religion specifically codified relative to land use regulations in RLUIPA and ACRF, and consequently also violates Connecticut case law limiting the legislative authority granted to municipalities pursuant to their police powers. Additionally, the three-acre minimum and all-stories requirements are an unreasonable exercise of police power because they lack the requisite rational relationship to any of the purposes stated in Connecticut General Statutes § 8-2. There is no identifiable benefit to public health, safety, welfare, and prosperity of the community by the imposition of a three-acre minimum lot size or the all-stories requirement for Civic Buildings. Accordingly, these requirements do not “operate[] in a manner reasonably related to . . . [the] legitimate purpose[s] of zoning.” *Id.* at 284.

Request for Advice and Coordination:

In light of the apparent applicability of Federal and Connecticut law to the three-acre and all-stories regulations, particularly as applied to a religious-use applicant such as the Church, we respectfully request your comments in drafting and proposing a text change to the Hartford Zoning Regulations to permit places of Assembly used as houses of worship to operate on lots of adequate size that can handle the Church’s projected use in the zones listed at Figure 3.2-A, Table of Principal Uses. Similarly, we request your help in addressing the all-stories requirement of section 4.10.2.C.16, if determined to be applicable to the Property.

We have attached for your review our proposed text amendments, as well as a number of exhibits which will accompany the various applications soon to be filed for the Church’s Special Permit and Site Plan approvals in addition to a petition for a Text Amendment. These materials may be useful in our discussions and are as follows:

1. Aerial Photos of Property (showing 26 parking spaces);
 - A. City of Hartford 1:600 Property Map
 - B. City of Hartford 1:1,200 Property Map
2. Proposed Floor Plan (A1.00), prepared by Swartz Architecture, dated March 3, 2022;

April 1, 2022
Page 5 of 5

3. Quick Facts about the Church;
4. Proposed Text Amendments;
 - A. 3.3.2.A Assembly (p. 72)
 - B. 4.10.2 Civic Building Type Regulations (p. 146-48)
5. Pictures of Property (2035 Broad Street) building and site.

Finally, we respectfully request that we meet by Zoom with both of you and legal counsel for the City to hear your views on these suggested text changes and site plan review. Thank you for your consideration of the Church's request.

Very truly yours,
GREGORY AND ADAMS, P.C.

By



James D'Alfon Murphy

Enclosures

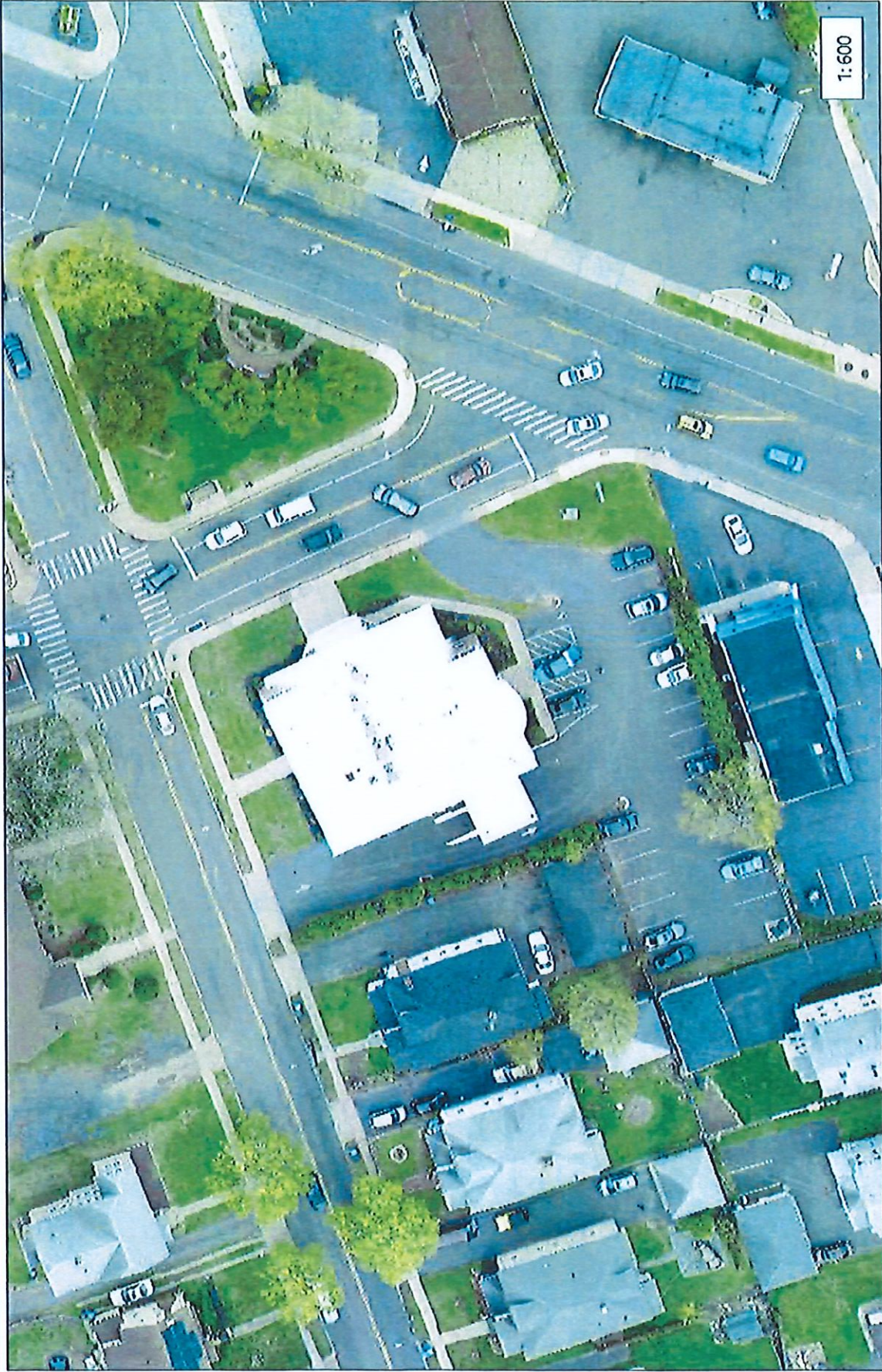
cc: (by email only; with enclosures)
Patricia Turner, Architect and Production Manager
James Ellsworth, Esq., Kirton McConkie
David Scott, Project Development & Construction Manager
Michael Marcheschi, Church of Jesus Christ of Latter-day Saints

M:\MURPHY\Church of Jesus Christ of Latter-day Saints\Hartford Meetinghouse 2022\Letter to Planning Department\Final Enclosures\Letter to Hartford Planning Zoning - 4.1.22 (15)-4894-5695-4138 ver. 1.docx



City of Hartford - Property Map

2035 Broad - 1:600



The planimetric and topographic information depicted on this map was compiled by The Simbor Map Company and is based on an aerial flight performed in April 2015. In addition, the City's GIS staff has been updating limited planimetric features on a yearly basis. The intent of this map is to depict a graphical representation of real property information relative to the planimetric features for the City of Hartford and is subject to change as a more accurate survey may develop. The City of Hartford and the mapping company assume no legal responsibility for the information contained in this data. THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.

100 Feet

50

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Date Printed: 3/29/2022

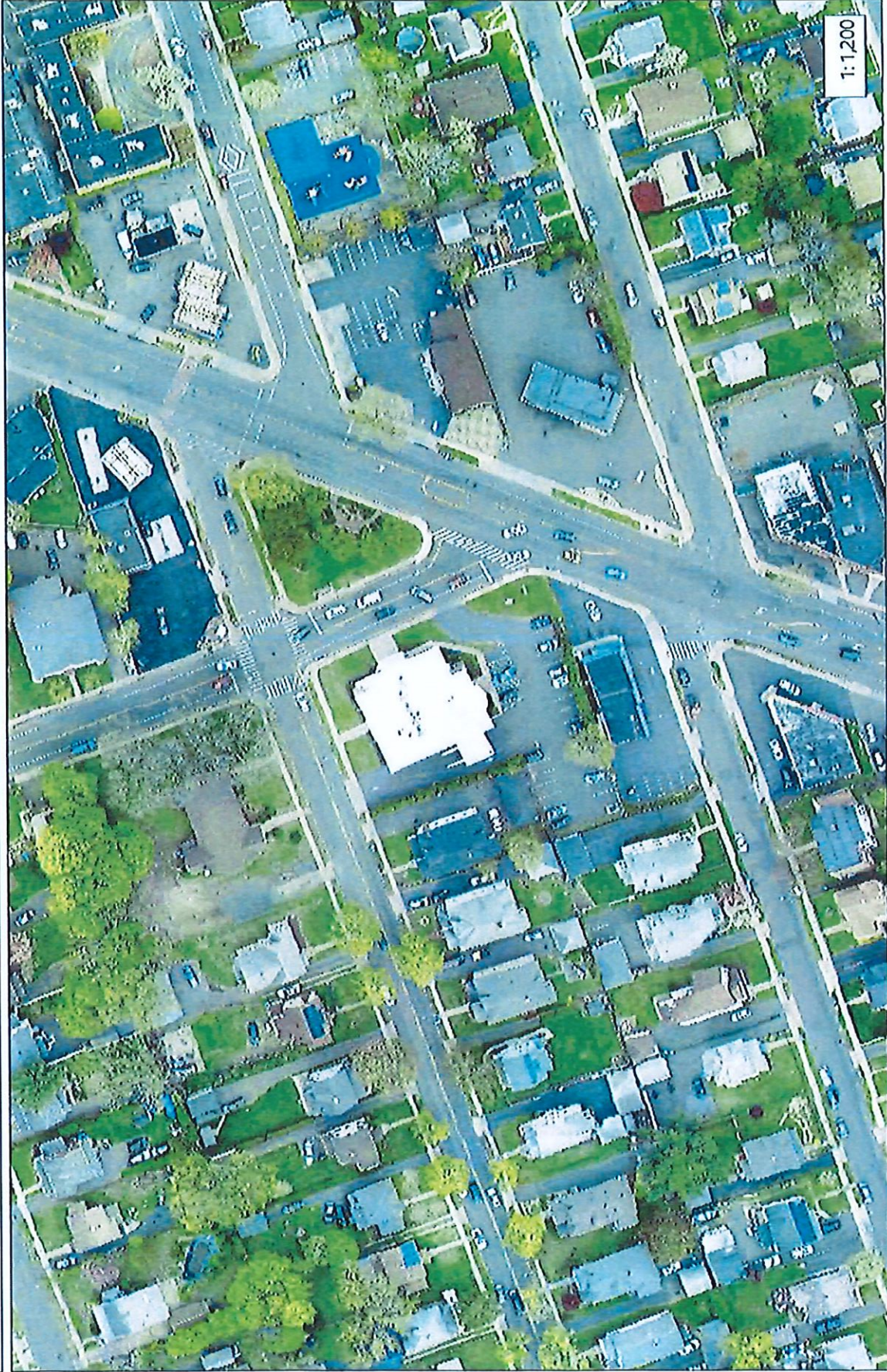
City of Hartford GIS Services - HartfordGIS





City of Hartford - Property Map

2035 Broad - 1:1,200



The planimetric and topographic information depicted on this map was compiled by The Sambaor Map Company and is based on an aerial flight performed in April 2015. In addition, the City's GIS staff has been updating limited planimetric features on a yearly basis. The intent of this map is to depict a graphical representation of real property information relative to the planimetric features for the City of Hartford and is subject to change as a more accurate survey may disclose. The City of Hartford and the mapping company assume no legal responsibility for the information contained in this data. THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.

200 0 100 200 Feet

City of Hartford GIS Services - HartfordGIS

Date Printed: 3/29/2022

SYMBOLS LEGEND

EXISTING CONSTRUCTION TO REMAIN

NEW PARTITION AS NOTED

NOT INDICATED PARTITION

AND NOT IN CONTACT

PROJECT INFORMATION

DATE: 04/11/14

SCALE: AS SHOWN

PROJECT: CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

LOCATION: 2085 BROAD ST. HARTFORD, CT 06114

ARCHITECT: STWARTZ ARCHITECTURE, INC.

STWARTZ ARCHITECTURE, INC.
 154 ACADEMY STREET
 HARTFORD, CT 06114
 P: 862.674.0254
 www.stwartzarchitecture.com

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

HARTFORD 2ND BRANCH (SP)

LEASE BUILD OUT (LBO)

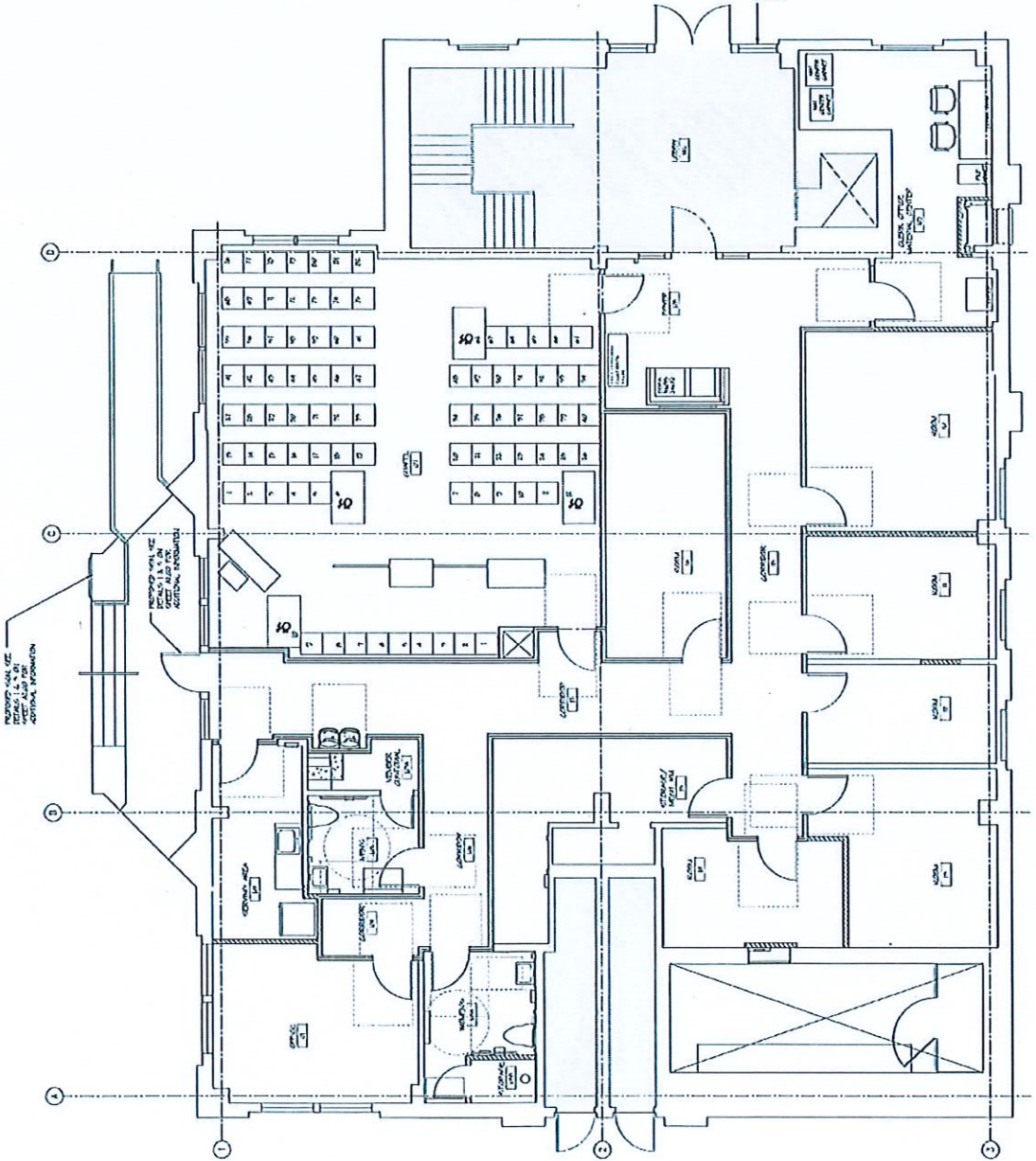
2085 BROAD ST. HARTFORD, CT 06114

PROPERTY ID: 2411-0022

ZONING AND PLANNING REVIEW

PROPOSED FLOOR PLAN

A1.00



PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

QUICK FACTS

This statement supplements the accompanying application relative to a chapel of The Church of Jesus Christ of Latter-day Saints. It answers questions about how the chapel will be used and its impact on the neighborhood. It also briefly explains the chapel's religious importance to The Church of Jesus Christ of Latter-day Saints and its local members.

What will the chapel look like?

The basic elements of the chapel will be dictated by worship needs. Key features will include a sanctuary that can seat those who typically attend the Sunday worship services of one congregation, classrooms for religious instruction, clergy offices where the Church's lay clergy can confidentially counsel members and coordinate ministries, and a multipurpose room for instruction and the religious activities of ministries.

How will the chapel be used?

The chapel will be used on Sundays and, on a limited basis, one or two weekday evenings. There is no day school, day care, soup kitchen, bingo or any other commercial or political use. There is no daytime administrative staff apart from occasional maintenance personnel.

Key to Church Terminology

Ward or Branch – a local congregation of members living in a geographically defined area
Stake – a diocese-like grouping of 8-10 congregations
Bishop – the lay minister of a congregation
Stake President – the lay leader of a stake
Meetinghouse – another word for the chapel
Cultural Hall – a multipurpose room used for classroom space, overflow seating, and weekday youth and women's activities
Relief Society – the women's ministry
Primary – the children's ministry
Young Men's and Young Women's – the two halves of the congregation's youth ministry
Priesthood – all males ages 12 and over participate in the Church's lay priesthood; priesthood status does not signify clergy.
Calling – all congregation members serve in "callings" to staff the congregation (e.g., teaching Sunday School, leading the music, coordinating youth activities); there is no professional clergy or staff.

Sunday Worship: Sunday services last two hours, consisting of a congregational meeting in the sanctuary (about an hour) followed by classroom instruction. Classroom instruction is age and sometimes gender-specific so that children, youth and adults receive the gospel in specialized classes according to their own interests and levels of understanding.

For a description of worship services and a schedule of nearby Sunday meetings, visit <https://www.churchofjesuschrist.org/comeuntochrist/belong?lang=eng>. Visitors are always welcome.

Limited use on Weekdays: Besides Sunday services, the congregation may use the proposed chapel on weekday evenings for youth ministry or women's meetings. Evening activities are usually small and seldom last past 9:00 p.m. There may also be a one-hour, early morning gospel study class for teenagers on school days. Friday night or Saturday activities are seldom and are limited to religious or family-themed gatherings. When food is involved, it is prepared at home and

brought to the gathering. All activities have a central purpose to knit together the religious community, provide Christian service, and strengthen faith.

How will the chapel impact neighbors?

- **Traffic:** With virtually no daytime use during the week, the chapel will be quiet and will bring almost no traffic during commute times for six days of the week. The parking lot meets all code criteria and will be sufficient to accommodate time-honored parking needs.
- **Local Use Only:** The chapel will not become a “megachurch.” Unique religious beliefs of The Church of Jesus Christ of Latter-day Saints ensure limited use:
 - In The Church of Jesus Christ of Latter-day Saints, members attend services where they live. All congregations have geographic boundaries. This means the proposed chapel will be regularly used only by people who live within those defined boundaries.
 - Also, The Church of Jesus Christ of Latter-day Saints caps the size of its congregations for religious reasons. There is no paid ministry. Local members run the Church by participating in volunteer “callings.” Church doctrine teaches that all members need the opportunity to actively participate, and that can only happen if congregations remain small.
- **Aesthetics:** The chapel is designed to be a respectful, though understated, tribute to God. It is the smallest possible design that will accommodate worship needs.

We are a part of this community.

Members of The Church of Jesus Christ of Latter-day Saints care deeply about this community. We live and work here, and actively volunteer and participate in schools and other community endeavors, including youth programs, service projects, blood drives, welfare programs, and employment services. The proposed chapel will not only provide an attractive home for local worship, but also enable us to further contribute to the community at large.

Why is the chapel so important?

As one court stated, “the LDS church has as an integral part of its faith the need to gather under one roof to express its strength in unity and to gain strength to express its individual faith.” *Church of Jesus Christ of Latter-day Saints v. Jefferson County*, 741 F. Supp. 1522, 1524 (N.D. Ala. 1990).

The Church and its local members critically need the proposed chapel. Currently, the existing facilities are inadequate, and the lease is expiring.

Is RLUIPA implicated?

The Church’s critical need for the chapel is such that a denial of this application or other unreasonable limitation on the scope or ability to lease space for the chapel would trigger the protections of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). *See*

42 U.S.C. § 2000cc. Congress passed RLUIPA unanimously, and the courts have upheld its constitutionality. RLUIPA does two things:

First, whenever a land use decision substantially burdens the exercise of religion, including the construction or lease of a house of worship, RLUIPA obligates the government to demonstrate that the regulation is “the least restrictive means” of furthering a “compelling” government interest. *Id.* § 2000cc(a).¹ This is the strictest possible judicial standard.

“Religious exercise” includes the “use, building, or conversion of real property for the purpose of religious exercise ...” *Id.* § 2000cc-5(7)(B). “Land use regulation” includes zoning laws that limit or restrict the use of “ownership, leasehold ... or other property interest in the regulated land or a contract ... to acquire such an interest.” *Id.* § 2000cc-5(5).

Second, RLUIPA separately prohibits (1) treating religious assemblies on less than “equal terms” with nonreligious assemblies, (2) discriminating on the basis of religion, or (3) imposing land use regulations that exclude or unreasonably limit religious assemblies from a jurisdiction. *Id.* § 2000cc(b).

Both of RLUIPA’s provisions codify established constitutional rules; so, any violation of RLUIPA also constitutes a violation of federal and state constitutions. *See* U.S. Const. amend I.

Of course, RLUIPA and constitutional mandates need not come into play. As Congress noted, the best way to “avoid the preemptive force” of RLUIPA is to grant a variance, construe discretionary land use criteria in favor of the chapel, or impose reasonable conditions of approval that do not substantially burden religious exercise. 42 U.S.C. § 2000cc-3(e). Here, the Church’s application meets all relevant criteria and should be approved. Moreover, the Church affirms a willingness to accept reasonable conditions of approval, if needed.

Substantial Burden: Courts applying RLUIPA interpret the term “substantial burden” to mean conduct that substantially “pressures” or “influences” the free exercise of religion. *See, e.g., Fortress Bible Church v. Feiner*, 734 F.Supp.2d 409, 503-04 (S.D.N.Y. 2010), *aff’d*, 694 F.3d 208 (2d Cir. 2012); *Guru Nanak Sikh Soc. v. County of Sutter*, 456 F.3d 978 (9th Cir. 2006); *Midrash Sephardi v. Town of Surfside*, 366 F.3d 1214 (11th Cir. 2004); *Adkins v. Kaspar*, 393 F.3d 559 (5th Cir. 2004); *Bethel World Outreach Ministries v. Montgomery Cnty. Council*, 706 F.3d 548, 556 (4th Cir.2013).

The burden need not be insurmountable to make it “substantial.” *See Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir. 2005). Preventing or making it unreasonably difficult to build a worship site, restricting the size of a congregation,

¹ Laws subject to the “compelling interest” test survive only in rare cases. *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 546 (1993). A local government’s generalized interest in enforcing its zoning ordinance, while legitimate, does not constitute a “compelling interest” under RLUIPA. *See, e.g., Westchester Day School v. Village of Mamaronek et al.*, 504 F.3d 338, 353 (2d. Cir. 2007).

Proposed Text Amendments

A. Remove Minimum Lot Area Requirement for Places of Religious Assembly

3.3.2.A Assembly (p. 72)

- (3) When noted as subject to conditions . . . or requires a special permit . . . in Figure 3.2-A Table of Principal Uses, the following regulations apply:

(c) **Minimum Lot Area.** The following minimum lot areas for all assembly uses, exclusive of any other uses on the same lot, are required: 5 acres in the N-1 district, 4 acres in all other NX and N districts, and 3 acres in every other district, except that, in the DT districts and for places of Assembly used as houses of worship, where there is no minimum acreage required requirement is imposed.

B. Remove “All-Stories” Requirement for Civic Building Types in section 4.10.2.C.16 with Amendment of Text to Note 1.

4.10.2 Civic Building Type Regulations (p. 146-48)

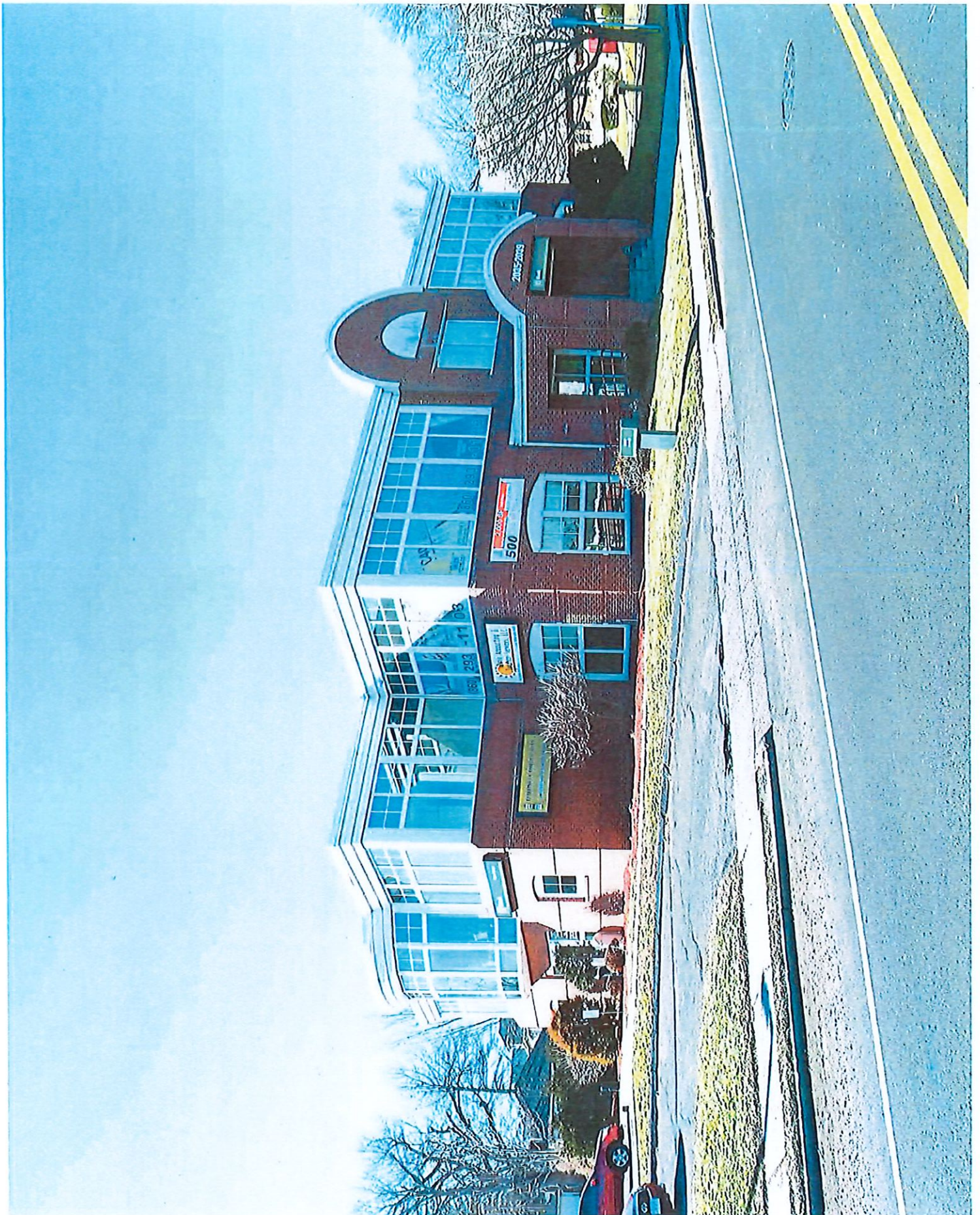
C. **Uses.** Refer to figure 4.10-C Civic Building: Height & Use Requirements and 4.18.3 Uses for explanation. Refer to 3.0 for permitted uses:

16. All Stories – except as noted, only civic and institutional uses permitted by district ^{NOTE 1}

E. **Notes.** The following notes are keyed to the requirements in the building type table, A through D:

1. The Civic Building Type shall only be utilized for certain uses per the Building Type table, except that: (a) Civic Building Type buildings over 50 years old may be used for residential and lodging uses, retail uses, service uses, or employment uses; and (b) where at least one story of a Civic Building is occupied by Assembly used as houses of worship, the remaining stories may be occupied by any use permitted by that District under Section 3.0. Further, in some districts, the Civic Building may only be used on a corner lot (refer to Figure 4.1-B Permitted Building Types by District for Residential Districts).









293-1103

(800) 293-1103

GREGORY AND ADAMS, P.C.

ATTORNEYS AT LAW
190 OLD RIDGEFIELD ROAD
WILTON, CT 06897
(203) 762-9000
FAX: (203) 834-1628

JULIAN A. GREGORY
(1912 - 2002)

THOMAS T. ADAMS
(1929 - 2015)

ESTABLISHED 1964

NEW YORK OFFICE:
399 KNOLLWOOD ROAD - SUITE 201
WHITE PLAINS, NY 10603
(914) 848-5000

PLEASE REPLY TO SENDER:
JAMES D'ALTON MURPHY
DIRECT DIAL: 203-571-6309
jmurphy@gregoryandadams.com

PAUL H. BURNHAM
DANIEL L. CONANT
SUSAN L. GOLDMAN
J. VANCE HANCOCK
J. CASEY HEALY
MICHAEL LAMAGNA*
DERREL M. MASON*
MATTHEW C. MASON*
JAMES D'ALTON MURPHY*
KATHLEEN L. ROYLE *
RALPH E. SLATER
ROGER R. VALKENBURGH *

* ALSO ADMITTED IN NEW YORK
* ALSO ADMITTED IN VERMONT

WWW.GREGORYANDADAMS.COM

May 4, 2022

By E-Mail Only

LFT 2035 Broad Street LLC
c/o Levites Realty Management, LLC
270 Madison Avenue, Suite 1503
New York, N.Y. 10016
Attn.: Robert J. Semaya

Re: Land Use Applications to the City of Hartford
Premises: 2035 Broad Street, Hartford, Connecticut

Dear Mr. Semaya:

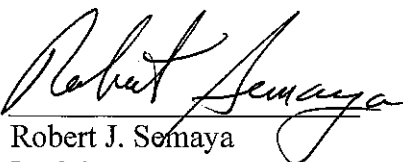
We are providing legal representation to your lessee, The Church of Jesus Christ of Latter-day Saints, in connection with your referenced-premises and the Land Use Commissions of the City of Hartford. The Commissions require written authorization from the property owner authorizing Gregory and Adams, P.C to act as its agent. Please sign a copy of this letter as owner and return it to me by email.

Very truly yours,

James D'Alton Murphy
James D'Alton Murphy

JDM/klr

The undersigned hereby authorizes Gregory and Adams, P.C. to act as its agent in connection with matters involving the Land Use Commissions of the City of Hartford.

By: 
Robert J. Semaya
Its: Manager
Duly Authorized

Proposed Text Amendment

Reduce the Minimum Lot Area Requirement for Assembly Uses

3.3.2.A Assembly (p. 72)

- (3) When noted as subject to conditions . . . or requires a special permit . . . in Figure 3.2-A Table of Principal Uses, the following regulations apply:

(c) **Minimum Lot Area.** The following minimum lot areas for all assembly uses, exclusive of any other uses on the same lot, are required: 5 acres in the N-1 district, 4 acres in all other NX and N districts, and ~~3 acres~~ **0.5 acres** in every other district, except in the DT districts, where there is no minimum acreage-required.

3.0 USES

Civic & Institutional Uses

3.3.2 CIVIC & INSTITUTIONAL USES

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

A. Assembly. A facility that has organized services, meetings, or programs to benefit, educate, or promote discourse amongst the residents of the community in a public or private setting, with incidental entertainment. Includes such uses as houses of worship, community centers, and recreation centers.

- (1) **Neighborhood Assembly.** An assembly use that occupies a building with less than 10,000 square feet of gross floor area.
 - (2) **General Assembly.** An assembly use that occupies a building with 10,000 square feet or more gross floor area.
 - (3) When noted as subject to conditions ("C") or requires a special permit ("O") in Figure 3.2-A Table of Principal Uses, the following regulations apply:
 - (a) **Minimum Lot Frontage.** A minimum lot frontage of 100 feet is required for all Neighborhood Assembly Uses. A minimum lot frontage of 150 feet is required for all General Assembly Uses.
 - (b) **Street Type.** When located in an N or NX district, General Assembly uses shall front a Boulevard or Avenue street type. Refer to 9.0 Street Types.
 - (c) **Minimum Lot Area.** The following minimum lot areas for all assembly uses, exclusive of any other uses on the same lot, are required: 5 acres in the N-1 district, 4 acres in all other NX and N districts, and 3 acres in every other district, except in the DT districts, where there is no minimum acreage required.
 - (d) **N-1 District.** In the N-1 district, only existing houses of worship are permitted, and any addition to or expansion of such houses of worship or their accessory parking facilities shall not be permitted.
- B. Government/Higher Education/Hospital Facilities.** Large-scale community-serving facilities associated with healthcare, universities, colleges, or government functions. Includes such uses as universities, theological schools, city hall, government offices, and hospitals.
- (1) **Government Facility.** A single-purpose public facility used for civic functions, which includes a place for public assembly in a portion of the facility, for the executive, legislative, or judicial branches of the State or a political subdivision thereof. Includes City Hall, council chambers, and courts. Does not include office buildings occupied by a government entity which do not contain assembly areas, or office buildings occupied by a government entity which are also utilized by private or non-governmental occupants.
 - (2) **Higher Education Facility.** A non-profit institution for post-secondary education, public or private, for higher education that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. Does not include facilities located in a higher education housing overlay zone. Does include vocational and trade schools which are not high schools.
 - (3) **Hospital.** A licensed institution providing medical care and health services to the community, primarily ill or injured in-patients. These services may be located in one building or clustered in several buildings, one of which must provide emergency services, and may include additional hospital-affiliated accessory uses such as laboratories, in- and out-patient facilities, training facilities, medical offices, staff sleeping quarters (but not full-time residences), food service, heliports, pharmacies, laundry facilities, florists, vendors of medical equipment, opticians, and gift shops.
 - (4) When noted as subject to conditions ("C") or requires a special permit ("O") in Figure 3.2-A Table of Principal Uses, the following regulations apply:
 - (a) When these uses require more than one building on one lot, a Campus Overlay shall be required, and 5.1 shall apply
 - (b) Higher education and hospital facilities shall be located on lots with a minimum lot area of 10 acres.
 - (c) Any food service facility, florist, or gift shop shall have a separate entrance open to the public during hours of operation within 25 feet of a public street or right of way, and visible from such public street or right of way. Food service facilities or gift shops exclusively serving a dormitory, faculty