

Al Madany Islamic Center v. City of Norwalk, et al.
Summary of Proposed Settlement Terms and Conditions of Approval

For September 4, 2014 Public Hearing of the Norwalk Zoning Commission

Preliminary Note

At a public hearing on September 4, 2014, the Norwalk Zoning Commission (the “Commission”) will hear public comment on the terms of a proposed settlement that it is considering to conclude the case of *Al Madany Islamic Center v. City of Norwalk, et al.*, pending in the United States District Court for the District of Connecticut, Case No. 3:12-cv-00949 (MPS) (the “Litigation”).

The Litigation arose out of Al Madany’s application for a special permit to construct a mosque on its property at 127 Fallow Street in Norwalk, Connecticut (the “Property”). Al Madany alleges violations of its civil rights, the Religious Land Use and Institutionalized Persons Act, the First and Fourteenth Amendments to the Constitution of the United States, Connecticut’s Religious Freedom Act, and other claims.

The complete draft settlement agreement among the parties to the Litigation (Al Madany Islamic Center of Norwalk, Inc., City of Norwalk, Norwalk Zoning Commission and Stonegate Condominium Association, Inc.) will be presented to the Commission for a vote after it hears public comment on September 4, 2014. This document provides a summary of the material terms of the proposed settlement pending before the Commission.

The full set of site plans and architectural drawings proposed in settlement, labeled “Settlement Drawing Documents Submitted August 18, 2014,” is also available for review in the Norwalk Planning and Zoning Department. Attached to this summary are documents comparing the changes that Al Madany is proposing to make to the plans and drawings as a result of settlement negotiations among the parties.

Special Permit Approval

Should the Commission and Common Council approve the settlement agreement, it will be submitted to the court. Once the court approves it, the Commission will issue a special permit approval authorizing Al Madany to use the Property as a house of worship and to construct a house of worship, including an accessory space, on the Property (the “Mosque”).

The Mosque authorized by the special permit shall conform to the site plans and architectural drawings labeled “Settlement Drawing Documents Submitted August 18, 2014” (the “Settlement Plan”) except as modified or conditioned by resolution of the Commission.

The Commission will include standard conditions in the special permit approval, including requirements that erosion controls be in place prior to the start of construction; surety be submitted to guarantee installation of landscaping, pavement, drainage, sewer, water, etc.; a follow-up traffic study be submitted after the certificate of occupancy is issued; and that all graffiti be removed immediately.

Al Madany shall abide by the special permit approval and applicable law, including all applicable codes, regulations and ordinances of the City of Norwalk, subject to the conditions listed here, in the operation and use of the Mosque.

Recreational Building

In the Settlement Plan, Al Madany has agreed to reduce the useable space in the recreational building, reduce the overall size of the building, and increase the amount of on-site parking provided. The recreational building will be reduced in total height by approximately 1.5 feet and in depth (east-west) by approximately four feet. As described in the attached comparison table, the Floor Area Ratio, total useable floor area, lot coverage and massing of the recreational building all will decrease considerably.

The accessory space shall not be used to hold an unrelated concurrent event when the prayer hall in the Mosque is being used, and it will not be used for overflow crowds during any scheduled prayer service.

Minaret

There will be no amplified or unamplified calls to prayer or broadcasts from the Mosque's minaret. Additionally, there will be no amplified calls to prayer from the outside of either building or from outdoors on the Property.

Parking and Traffic

The Settlement Plan contains 135 on-site parking spaces, including an at-grade parking deck within the rear building substituted in place of a full floor of useable space. All on-site parking spaces must be constructed before a certificate of occupancy may issue for either building.

Al Madany will communicate to all congregants and visitors, through appropriate written means and on-site signage, a prohibition on parking in the Stonegate Condominium ("Stonegate") parking lot and on the street. The City will post "No Parking" signs at appropriate locations along Fillow Street and North Taylor Avenue in the vicinity of the Property.

In connection with the Islamic High Holy Days, Al Madany shall hold two prayer services in order to minimize the potential need for off-site parking. On the High Holy Days, Al Madany shall hire police or other appropriate officers to direct traffic on and around the Property.

Al Madany shall use its best efforts to ensure that at least 30 overflow parking spaces are available whenever needed at United Congregational Church at 275 Richards Avenue, or at a substitute facility deemed acceptable by the Commission. Al Madany shall notify the Commission and submit confirmation of an alternative arrangement acceptable to the Commission if the parking spaces at United Congregational Church are unavailable.

For events where attendance is likely to attract 350 or more people, Al Madany shall provide a shuttle vehicle to the United Congregational Church parking lot or equivalent substitute facility. Al Madany shall provide written notice to the City's Planning and Zoning Department and the President of Stonegate at least five (5) business days in advance of such large events or as soon as reasonably practicable.

In order to mitigate the required intersection sight distance, the City will install appropriate traffic calming measures subject to the approval of the City's legal traffic authority. Such measures may include installation of stop signs at the intersection of Fillow Street and Steppingstone Road, and/or a raised intersection table at that location or at the proposed entrance to the Property.

Other Terms

The proposed settlement agreement also contains a monetary payment to Al Madany. The monetary component is not being presented to the Commission and will be considered at a later date by the Common Council, which has the authority to approve it.

Post-approval, Al Madany, the City and Stonegate shall issue statements to the media expressing gratitude for the good faith efforts of each party to reach a resolution, confirming the goal of being mutual good neighbors, with Al Madany expressing its openness to hearing neighbor's concerns if there are aspects of its use that cause any issues.