ORDINANCE
CITY OF NEW ORLEANS
CITY HALL: December 19, 2019

NO. ______________ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER BANKHEAD

AN ORDINANCE to amend Ordinance No. 24,282 MCS (Zoning Docket 30/10), which granted a conditional use to permit a prison and related uses, to now amend certain provisions in order to: permit the temporary use of Buildings 1 and 2 of the Orleans Justice Center’s Temporary Detention Center to house inmates suffering acute and sub-acute mental disorders until the more permanent Phase III facility (currently in planning) is complete; and to allow for the limited housing of two (2) special classifications of inmates in Buildings 3 and 4 of the Temporary Detention Center until such time that the population of the Orleans Justice Center is reduced where the same may be housed in segregation within Phase II of the Orleans Justice Center – with the subject property being located in an LI Light Industrial District, on Square 600-A (formerly Square 600), all lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South Jefferson Davis Parkway (Municipal Address: 2800 Perdido Street (formerly 819-821 South Broad Street and 2750-3200 Perdido Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 105/19 was initiated by Honorable Marlin N. Gusman, Sheriff, Orleans Parish and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended denial of the amendment in its report to the City Council dated October 14, 2019, presented in Zoning Docket Number 105/19; and
WHEREAS, the recommendation of the City Planning Commission was overruled and the changes were deemed to be advisable and necessary and in the best interest of the City and were granted modified approval subject to the proviso amendments recommended by CPC staff, with additional modifications to proviso 7, as stated in Motion Number M-19-512 of the Council of the City of New Orleans on December 5, 2019.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Ordinance No. 24,282 MCS (Zoning Docket 30/10), which granted a conditional use to permit a prison and related uses, to now amend certain provisos in order to: permit the temporary use of Buildings 1 and 2 of the Orleans Justice Center’s Temporary Detention Center to house inmates suffering acute and sub-acute mental disorders until the more permanent Phase III facility (currently in planning) is complete; and to allow for the limited housing of two (2) special classifications of inmates in Buildings 3 and 4 of the Temporary Detention Center until such time that the population of the Orleans Justice Center is reduced where the same may be housed in segregation within Phase II of the Orleans Justice Center – with the subject property being located in an LI Light Industrial District, on Square 600-A (formerly Square 600), all lots (excluding Lots 28 through 31), Square 615, all lots, Square 624, all lots, Square 624-A, all lots, Square 666, all lots, and Square 675, all lots, in the First Municipal District, bounded by Interstate Highway 10, South Broad Street, Perdido Street, and South Jefferson Davis Parkway (Municipal Address: 2800 Perdido Street (formerly 819-821 South Broad Street and 2750-3200 Perdido Street); is hereby amended, subject to the proviso amendments recommended by CPC staff, with additional modifications to proviso 7, as specifically set forth herein:

PROVISOS:

No person shall use any of the properties described herein or permit another to use any of those properties described herein for the use authorized by this ordinance, unless the following requirements are met and continue to be met:
The developer shall include a note on amended site plans stating that all temporary inmate housing, including the 400 bed modular units known as the Temporary Detention Center ("TDC"), will be removed and/or closed upon the opening of a permanent facility and/or unit for the housing of male and female inmates classified with acute and sub-acute mental health conditions.

a. The developer shall ensure that at no time shall the aggregate inmate population of the Orleans Justice Center complex, including without limitation, those held in Phase II, the TDC, and in the permanent facility or unit for the housing of male and female inmates classified with acute and sub-acute mental health conditions exceed 1,250 inmates, and that all inmates (male, female, and juvenile) except those classified with acute and sub-acute mental health conditions, those participating in the work-release program and those actively working on the kitchen staff, shall be detained in Phase II of the OJC, which shall continue to provide a variety of programming aimed at reducing recidivism including but not limited to medical care, educational services, including GED preparation, vocational and job training.

b. The developer shall demolish or decommission and not detain any inmates in any of the following existing Orleans Parish Prison facilities, unless other appropriate action is taken by the Mayor and/or City Council that is consistent with their authority:

i. House of Detention;

ii. The Community Correctional Center;

iii. Conchetta;

iv. Broad Street;

v. South White Street;

vi. Templeman V; and
vii. The original Temporary Housing Units (Tents).

The original Orleans Parish Prison connected to the Criminal Courts building (OPP) shall only be used as a daily holding facility to transfer inmates to and from court while awaiting a trial or hearing.

c. Building 1 and Building 2 of the 400-bed modular Temporary Detention Center ("TDC") shall be renovated in accordance with the submitted plans to temporarily accommodate male and female inmates classified with acute and sub-acute mental conditions. Building 1 and Building 2 shall be permitted to continue to accommodate these inmates until the opening of a permanent facility and/or unit for the housing of male and female inmates classified with acute and sub-acute mental health conditions.

Once the inmates housed in Building 1 and 2 of the TDC have been transferred to the permanent facility and/or unit for the housing of male and female inmates classified with acute and sub-acute mental health conditions. Developer shall demolish or decommission Buildings 1 and 2 of the TDC and they shall not be used to house any inmates within the OJC.

d. Developer shall be permitted to use Building 3 and Building 4 of the Temporary Detention Center ("TDC") to house only two (2) distinct classes of inmates, namely:

i. Those inmates participating in any work-release program, where they are released from the OJC secured complex into the general public during the day and return to the OJC Complex overnight.

ii. Those inmates that are serving as trustees in the Orleans Justice Center kitchen where they have access to items which may be used as weapons.

At no time shall the total number of inmates housed in Building 3 and Building 4 exceed one hundred and fifty (150) (a maximum of one hundred twenty (120) for work release and a maximum of thirty (30) for kitchen detail), and at all times the total
aggregate number of inmates housed in Buildings 3 and 4 shall count toward the 1,250
maximum inmate population count established in subsection (a) hereof.

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20. The developer shall work with the Sewerage and Water Board as necessary for the retention or
relocation of any sewer or water lines affected by the proposed development.

21. The Mayor may provide a written recommendation to the City Council after convening
meetings with stakeholders and experts.

SECTION 2. Whoever does anything prohibited by this Ordinance or fails to do anything
required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be
subject to a fine or to imprisonment or both, such fine and/or imprisonment set by Section 1-13 of the
1995 Code of the City of New Orleans, or should alternatively be subject to whatever civil liabilities,
penalties or remedies the law may prescribe. Conviction shall be cause for the immediate cancellation
of the Use and Occupancy permit of the premises.

SECTION 3. This ordinance shall have the legal force and effect of authorizing this
conditional use only after all the provisos listed in Section 1 of this Ordinance which impose a one-
time obligation have been completely fulfilled and complied with, and only after all the provisos listed
in Section 1 which impose a continuing or on-going obligation shall have begun to be fulfilled, as
evidenced by the Planning Commission’s approval of a final site plan, which shall be submitted within
one (1) year of adoption of this conditional use ordinance by the City Council. The Executive Director
of the City Planning Commission shall verify that the development plan incorporates all conditions set
forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final plan
approval. The final approved plan shall be recorded in the Office of the Clerk of the Civil District
Court for the Parish of Orleans within thirty (30) days of the date of final approval, with evidence of
such recordation being submitted to the City Planning Commission. No use or occupancy certificates
or permits (other than the building permits needed to fulfill the provisos) shall be issued until all the
provisos which impose a one-time obligation have been completely fulfilled and complied with, and
only after all the provisos listed in Section 1 which impose a continuing or ongoing obligation shall
have begun to be fulfilled, as evidenced by the Planning Commission’s approval of a final site plan
(which shall be incorporated into this ordinance by reference) and its subsequent recordation. If the
development plan is not approved and recorded within the timeframes provided herein, this ordinance
shall be null and void with no legal force or binding effect. Furthermore, if the development or
construction of the conditional use authorized herein is not commenced within three (3) years from the
date this ordinance becomes law, as contemplated by Section 3-113 of the Home Rule Charter of the
City of New Orleans, the provisions of this Ordinance shall be null and void with no legal force or
binding effect.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS

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PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON ________________________________

APPROVED: __________________________________________

DISAPPROVED: __________________________________________

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MAYOR

RETURNED BY THE MAYOR ON __________________________ AT ___________________

_________________________

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: