

MOTION
NO. M-19-512

CITY HALL: December 5, 2019

BY: COUNCILMEMBER BANKS

SECONDED BY: COUNCILMEMBER NGUYEN

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the recommendation of “**DENIAL**” by the City Planning Commission on **ZONING DOCKET NO. 105/19 – HONORABLE MARLIN N. GUSMAN, SHERIFF, ORLEANS PARISH –** Requesting an Amendment to 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) be, **and CPC’s recommendation is overruled, and the request is hereby granted with modified approval** - subject to the proviso amendments recommended by CPC staff, with the following additional modifications to proviso 7 (with the deletions being indicated via bold strikeout, and additions via bold underline):

AMENDED:

“7. The applicant 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, latter of 1) the completion of the contemplated Phase III facility containing, among other common spaces, an eighty-nine (89) bed facility for male and female inmates classified with acute and sub-acute mental health conditions, and 2) a reduction in the current inmate population housed in Phase II of the Orleans Justice Center ("OJC") to a level that allows segregated housing wings for (a) work-release inmates; and (b) inmates actively serving as trustees on the kitchen staff.~~

- a. The applicant 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, Phase III and in 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 1,4381,250 inmates ~~and 1,731 beds~~, 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 applicant 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, such time that the Phase III Facility currently being contemplated by the City of New Orleans receives a certificate of occupancy from the Department of Safety and Permits. 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 ~~Phase III Facility~~, Applicant 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. Applicant 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; and
 - 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 1,4381,250 maximum inmate population count established in subsection (a) hereof."

BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen,
Williams - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

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AMENDED PROVISOS ORLEANS JUSTICE CENTER

#8, pg. 19, ZD 105/19

Approval is subject to the proviso amendments recommended by CPC staff, with the following changes:

- **Proviso #7 shall be amended to read:**

7. The applicant 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 applicant 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 applicant 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;
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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, Applicant 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. Applicant 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; and
 - 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.