



**REQUEST
PROJECT**

Concept Plan and Major Modifications
4th & Elm

**Council District
Requested by**

19 – Kupin
Javier Barrera, Deforma Studio, applicant; 712 Fourth LP
and 712 Fourth LP C/O Promanas, owners.

**Staff Reviewer
Staff Recommendation**

Lange
Approve with conditions and defer without all conditions

Applicant Request

A request for concept plan approval to permit a mixed-use building containing commercial, retail, hotel, and short term rental property (not owner-occupied) uses on properties located at 704, 708, 710, and 712 4th Avenue South, at the southeast corner of 4th Avenue South and Elm Street, zoned DTC (1.12 acres), requested by Javier Barrera of Deforma Studio, applicant; 712 Fourth LP and 712 Fourth LP C/O Promanas, owners.

Project Overview

The proposal is an 11-story mixed-use building providing commercial and retail space on its ground and mezzanine levels. The rest of the building is to be used for hotel and short-term rentals, consisting of 245 units and 242 subterranean parking spaces. Building amenities include indoor and outdoor lounge areas, a health club, a pool, and an outdoor terrace. The project will dedicate right-of-way to meet the MCSP.

Plan Details

The project site is located at the southeast corner of 4th Avenue S and Elm Street. The site also has frontage on Ash Street and Alley #147. The pedestrian entrances are located on Ash Street, 4th Avenue S, and Elm Street. A porte cochere is located on Elm Street for pedestrian drop-off. This access may need to be moved and modified per NDOT's condition that access shall come from the alley, and the applicant shall work with NDOT to address this issue. The subterranean garage entrance is located on the alley. Trash pick-up and loading will also be located on the alley.

The proposed building materials for the podium include brick, metal panel cladding, and clear glass storefronts with aluminum framing. The tower is defined by a precast concrete gridded structure with composite wood cladding (scored limestone plaster is proposed as an alternative to this material), gray brick, and fiber cement panel accents.

Canopy street trees are proposed where there is no powerline interference (power lines will be buried along 4th Avenue S). Powerline poles along Elm Street, one near the intersection of 4th Avenue S. and Elm Street and two further east near Alley #147 may impede the use of canopy trees as well as placement of trees. There will also be vegetated planters along the 2nd floor balcony and rooftop deck. An outdoor deck with seating is proposed at the corner of Elm Street and 4th Avenue, accessible from the commercial space.



Downtown Code DRC Meeting of 6/6/2024

This project proposes three stories of bonus height, for a total of 11 stories through the inclusion of pervious surface on the ground, 2nd, and 11th floors and the provision of public and underground parking.

CONCEPT REVIEW

- There is a clear rhythm to the pre-cast frame and the way that frame reads around the glazing creates a clear organizing rhythm to the upper floor façade composition. How does this rhythm translate to the spacing and dimension of the materials around the perimeter of the base?
- Can the relationship of the aluminum storefront system at the base, the pre-cast concrete frame above, the metal panel clad areas, and the glass rail/planters at the mezzanine level be streamlined and simplified?

MODIFICATION REVIEW

1. Step-back Requirement

- Required: A 15' step-back, between the 4th and 8th stories, is required for all buildings 8 stories or greater on public fronting streets.
- Request: Provide a 15' step-back at the 2nd story, along 4th Avenue South and Alley # 147.
- Analysis: Staff finds that given the proposed height of the building, the modification request meets the general intent of the DTC step-back requirement – to activate the street frontage but allow light and air to reach the street for the benefit of the pedestrian passers-by.

NDOT RECOMMENDATION

Approve with conditions:

1. The MMTA has not been finalized yet; developer mitigation measures have not been agreed upon. Additional comments forthcoming this finalization with NDOT.
2. As noted with the MMTA Scoping Form approval, site access shall be coming from the alley. Discussion needs to be had regarding the proposed access on Elm Street.
3. A high-quality pedestrian environment, to complement the future transit center on 4th Avenue S, should be provided along the 4th Ave frontage of the site. This must include crosswalks over 4th Ave S and at all intersections, as coordinated and agreed with WeGo and the NDOT Ped/Bike team. Further WeGo conditions will be forthcoming.

PLANNING STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval with the following conditions and deferral without all conditions:

1. Overhead lines along the site's frontages shall be buried as proposed. Where lines cannot be buried on Elm Street, ensure final placement of poles is shown on Final Site Plan.
2. Update the landscape plans given the presence of any overhead power lines.
3. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.



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4. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
5. Applicant shall modify vehicular access on Elm Street based on NDOT feedback. If the building/site design changes substantially because of any changes to access, these changes may be revisited by the DRC.