

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 21, 2025

PROPERTY/FOLIO: 323 23rd Street / 02-3226-001-0540

FILE NO: HPB25-0658

APPLICANT: 323 Sobe LLC-Michael Freundlich

IN RE: An application for a Certificate of Appropriateness for modifications to the south façade, the introduction of canopy structures, and the construction of an outdoor pizza oven.

LEGAL: Lot 10 and the West 6 Feet of Lot 9, Block 3, of "Amended Map of the Ocean Front Property of the Miami Beach Improvement Company" according to the Plat Thereof, as Recorded in Plat Book 5, at Pages 7 And 8 of the Public Records of Miami-Dade County, Florida

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject site is located within the Museum Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in section 7.1.2.4(a)(11) and (12) of the Land Development Regulations.
 - 2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'c' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'c' and 'n' in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
- C. The project would be consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations if the following conditions are met:
 - 1. Prior to the issuance of a building or planning permit for any improvements, modifications, alterations or additions approved herein, including, but not limited to the

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proposed pizza oven, and which constitute an expansion of the existing use, conditional use approval for a neighborhood impact establishment shall be required.

2. Revised elevation, site plan and floor plan drawings shall be submitted, and at a minimum, such drawings shall incorporate the following:
 - a. The simulated wood porcelain tile along the south elevation shall be replaced with a lighter, neutral finish, or replaced with a natural keystone finish, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The black finish for the aluminum canopy along the south elevation shall not be permitted as proposed. The finish shall consist of an anodized aluminum, silver, or white color, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The proposed black backdrop for the signage shall be replaced with a finish to match the white vertical solid surface elements proposed for the south façade, subject to the review and approval of staff.
 - d. A combination of architectural screening and landscape material shall be installed and maintained along the north side of the property, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The proposed hardscaping at the rear of the site shall be reduced and include the introduction of in-ground landscaped areas with native vegetation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. Final details of all exterior surface finishes and materials shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

In accordance with section 2.2.4.8(c) of the **Land Development Regulations** the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special magistrate appointed by the City Commission.

II. Variance(s)

- A. No variances were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.:

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- Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
 - C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the main building setbacks with the exception of the valve (PIV) which may be visible and accessible from the street.
 - D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
 - E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 - F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
 - G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
 - H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
 - I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
 - J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Rain

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Night Club”, as prepared by WHAA, dated August 22nd, 2025, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

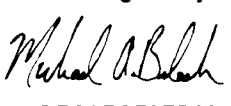
The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of section 2.13.7 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated 1/5/2026 | 11:55 AM EST

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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BY: DEC3ECF2EB68404...
Michael A. Belush, AICP
Planning & Design Officer
For the Chair

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