

MIAMIBEACH

PLANNING DEPARTMENT


Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 21, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}
 For TRM

SUBJECT: HPB25-0658, **323 23rd Street**

An application has been filed requesting a Certificate of Appropriateness for modifications to the south façade, the introduction of canopy structures, and the construction of an outdoor pizza oven.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

EXISTING STRUCTURE

Local Historic District: Museum
Classification: Non-Contributing
Original Architect: Not Listed
Original Construction Date: 1926

ZONING / SITE DATA

Folio: 02-3226-001-0540
Legal Description: 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

Zoning: CD-3, Commercial, high intensity
Future Land Use Designation: CD-3, Commercial, high intensity

Building Height: ~17'-8" to the midpoint of the roof as measured from grade.

Existing Use: Nightclub
Proposed Use: No change

THE PROJECT

The applicant has submitted plans entitled "Rain Night Club Miami", as prepared by WHAA, dated August 22nd, 2025.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application is inconsistent with the Neighborhood Impact Establishment provisions of the Land Development Regulations of the City Code.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the existing entertainment use, as proposed to be modified, including the review of the Planning Board as a Neighborhood Impact Establishment, is **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Not Satisfied
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Not Applicable
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Not Applicable
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.

Not Applicable

10. In all new projects, water retention systems shall be provided.

Not Applicable

11. Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

12. The project design shall minimize the potential for a project causing a heat island effect on site.

Note Satisfied**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a certificate of appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to section 2.13.7.d.2,A of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as may be amended from time to time.
Satisfied
 - b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.
Not Applicable
 - c. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.
Not Satisfied - See Compliance with Zoning Code; CUP approval from the Planning Board shall be required for any expansion of the existing use.
- II. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7.d.2.B of the Land Development Regulations and stated below, with regard to the aesthetics, appearances, compatibility, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.13.1(c).

Not Satisfied; See No. II.c. above.

- d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.

Not Applicable

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Not Applicable

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- m. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Not Satisfied
- n. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

STAFF ANALYSIS

The subject structure is classified as 'non-contributing' and is located in the Museum Local Historic District. Constructed in 1926, the structure originally operated as a general repair and alteration facility. The applicant is requesting a Certificate of Appropriateness for modifications to the south façade, the introduction of canopy structures, and the construction of an outdoor pizza oven.

For further context, the outdoor areas were utilized as part of a nightclub operation, functioning as an outdoor bar with exterior seating areas. The use is non-conforming, as it was approved prior the implementation of the Neighborhood Impact Establishment (NIE) regulations. Due to the modifications proposed, a Conditional Use Permit (CUP) from the Planning Board is now required for an NIE; the applicant has filed a separate application with the Planning Board for a CUP.

The existing south façade is primarily composed of a solid stucco wall with access to the establishment located on the west end through a double door gate. This access is currently open to the sky and leads to the main entrance to the building along this exterior corridor. The applicant

is proposing to install a white fluted solid surface (Corian) material along the majority of the south façade, with a simulated wood porcelain finish acting as a low knee wall at the base. An aluminum canopy with a black finish is also proposed along the elevation. Proposed above the white Corian finished double door access to the exterior corridor is the name of the establishment, "RAIN", located on a black solid surface. A canopy is also proposed along the west side of the building, to provide coverage to the main entrance and the rear of the site.

While not objecting to the overall concept proposed for this modest 'non-contributing' structure, staff is concerned with the use of a simulated wood finish and the proposed black canopy and signage elements, as they are not compatible with, and are in stark contrast to the established character of the surrounding historic district. Staff would recommend that the porcelain tile consist of a more neutral finish or replaced with a natural keystone finish. Similarly, staff recommends that the aluminum canopy consist of an anodized aluminum, gray, or white finish. Lastly, the black signage backdrop should be replaced with a lighter finish.

At the rear of the site, the applicant is proposing to demolish the existing outdoor bar, free-standing block columns and the concrete slab along the rear and interior side yard, and introduce a new pergola, bar, and pizza oven. The LDRs prohibit accessory outdoor bar counters from being visible from any point along the property line adjacent to a public right-of-way or waterway. The proposed outdoor bar is located behind the existing building and will be further screened by the new pergola structure. Based on these conditions, staff has no objection to the proposed outdoor bar configuration.

Staff also recommends the integration of native landscaping throughout the outdoor areas. The addition of strategically placed landscape buffers will assist in noise mitigation and visual screening of the outdoor bar counter from the adjacent waterway and public view corridors.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the request for a Certificate of Appropriateness be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness, as applicable.

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:

- 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

- 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.
 - D. 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.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
 - E. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
 - F. 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.

- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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.
- M. 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 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 _____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael A. Belush, AICP
Planning & Design Officer
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Page 5 of 5
HPB25-0658
Meeting Date: October 21, 2025

Approved As To Form:
City Attorney's Office: _____ (_____)

Filed with the Clerk of the
Historic Preservation Board on _____ (_____)

DRAFT