



Neisen O. Kasdin

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

T: 305 374 5600
F: 305 374 5095

February 5, 2026

VIA CSS

City of Miami Beach Planning Department
c/o Deborah Tackett
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: PB25-0811: Conditional Use Permit for the Delano Hotel, 1685 Collins Avenue, Miami Beach

Dear Debbie:

Our firm represents Beach Hotel Associates LLC (the "Applicant" or "Owner"), the owner of the Delano Hotel, located at 1685 Collins Avenue in Miami Beach, Florida (the "Property" "the Delano"), which is a contributing historic structure in the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District. Please allow this to serve as our letter of intent requesting a Conditional Use Permit ("CUP") for the Delano. The Owner is currently undertaking a substantial investment to upgrade and restore the hotel to honor the original design elements and revive an icon of Miami Beach (the "Project").

Upon completion, the Project will feature 171 hotel accommodations, multiple food and beverage venues, pool and beach amenities, and state-of-the-art spa and wellness facilities branded as the *Source by the Delano*. The Applicant seeks approval for entertainment uses across three areas covered by this application: ***Gigi Rigolatto***, ***Mimi Kakushi***, and ***the Rose Bar and Lounge***. These venues are detailed in the *CUP Matrix* attached as Exhibit "A," which provides location, concept, occupancy, seating, hours of operation, and a description of music and entertainment for each area. For clarity, the *CUP Matrix* is color-coded by subarea to correspond with the submitted plans.

I. History and Approvals

The Delano is one of the most storied places in the history of Miami Beach. Originally designed by B. Robert Swartburg and opened in 1948, it was among the first post-World War II hotels in the area and one of the earliest to offer full air conditioning—marking Miami Beach’s transformation from a seasonal resort to a year-round destination. It re-opened in 1995 after a redesign by Philippe Starck, which was a departure from the historic Swartburg design. Architecturally, the hotel reflects a pivotal shift from the rectilinear Art Deco style to the inventive elements of Postwar Modern, now recognized as Miami Modern ("MiMo").

The Historic Preservation Board approved a Certificate of Appropriateness via HPB 17-0176 and HPB 22-0519 for partial demolition, renovation and restoration of the existing building and rear yard; the Owner has obtained building permits for the work via the master building permit no. BC2218279 (collectively the "Approvals"). Once complete, the Project will honor the original design elements and restore the legacy of the Delano.



II. Conditional Use Permit

The Owner wishes to maintain the Approvals, and add an element of entertainment to the Project. Because the Owner is proposing outdoor/open-air and indoor entertainment, as part of each restaurant supper club within the hotel, a CUP is required from the Planning Board per Sec. 7.5.5.4(a)(3)(A) and (C) of the City's Resiliency Code ("Code"). Indoor entertainment at the Rose Bar and Lounge is also permitted by CUP since it is accessory to the hotel and located within a historic district pursuant to Section 7.5.5.4(a)(3)(B). In addition, the Project will be considered a Neighborhood Impact Establishment given the proposal to operate as an entertainment establishment with an occupant content of more than 199 persons.

Daily hotel operations will be managed by the Delano brand, a company owned jointly by Ennismore, Eldridge, and Cain. Delano is responsible for all day-to-day operational functions, including food and beverage operations, spa and other wellness offerings, security, access control, entertainment oversight, and sound management. The food and beverage venues have been designed to minimize their impact on the surrounding community in terms of noise, traffic, security and disposal of solid waste, as further detailed in the Operational Plan and Traffic Study submitted with this application. The sound study provided by Direct Sound, LLC (the "Sound Study") included with our application materials, concludes that the Project will be compatible with relevant criteria of the City of Miami Beach Code of Ordinances, and will be able to operate within the bounds of a typical CUP for similar projects.

The Applicant is seeking a CUP for entertainment as further described below, at the following venues: **Gigi Rigolatto, Mimi Kakushi, and the Rose Bar and Lounge:**

A. **Gigi Rigolatto ("Gigi"):** With its elegant, yet homey setting, Gigi is the heart of the hotel on the ground floor, where guests will come to enjoy all-day dining, featuring classic Italian cuisine. The restaurant flows seamlessly between the indoor dining area, through the covered terrace and outside into the tiered terrace. The standard operating hours for the restaurant will be: Sunday through Thursday between 7:00 a.m.- 11:00 p.m. and Friday and Saturday, 7:00 a.m. – 12:00 a.m. In addition to the standard operating hours, Applicant is requesting that the CUP include the potential for extended hours until 2:00am for special activations such as repeat event periods like Art Basel, holidays (e.g. New Years Eve and Fourth of July), and private bookings; outdoor entertainment will be minimized to ambient music after 12:00 a.m. The entertainment is thoughtfully curated to enhance the dining experience with a blend of recorded music, live performances, and DJ programs — featuring eclectic music such as Italian and international music from the 1940s through the 1980s, including jazz, soul funk, and Italo-disco.



Gigi also oversees food and beverage service to the hotel’s pool including light coastal Italian fare and beverage service from 10:00 a.m. to sunset. Gigi Bellini is also encompassed under the Gigi umbrella, offering specialty curated drinks and Italian fare. Gigi Bellini is proposing hours of operation between 7:00 a.m. – 12:00 a.m., with the potential for extended hours until 2:00am and outdoor entertainment will be minimized to ambient music after 12:00 a.m.

B. **Mimi Kakushi ("Mimi"):** Mimi is located on the fourth floor of the hotel and offers a refined dining experience inspired by early 20th-century Osaka, harkening back to a gentler era. The entertainment associated with Mimi typically consists of jazz ensembles, DJs and curated playlists, carefully designed to immerse guests in an atmosphere that fuses traditional Japanese elements with modern dynamic energy. The standard operating hours for the restaurant will be: Sunday through Thursday between 11:00 a.m.- 11:00 p.m. and Friday and Saturday, 11:00 a.m. – 12:00 a.m. In addition to the standard operating hours, Applicant is requesting that the CUP include the potential for extended hours until 2:00am for special activations such as repeat event periods like Art Basel, holidays (e.g. New Years Eve and Fourth of July), and private bookings; however, outdoor entertainment will be minimized to ambient music after 12:00 a.m. The venue features a diverse mix of genres, including Electro Swing, and Jazzy and Soulful House, creating a vibrant backdrop for the dining experience. Mimi also oversees food and beverage service to the hotel’s fourth floor pool, which will be open between 10:00 a.m. and sunset.



C. **The Rose Bar and Lounge:** The iconic Rose Bar and Lounge is just east of the lobby, and will serve cocktails and light fare. The Rose Bar is an intimate setting offering only 8 seats, as a small hideaway in this rosy colored gem. The connected lounge seats 24 and service will be offered between 5:00pm to 2:00am, with entertainment offered during the hours of operation, including background music and curated DJ programming.



III. Request and Compliance with Code Standards.

The Owner is requesting a CUP for the Delano. The Project is consistent with the relevant criteria for CUPs outlined in Section 2.5.2.2.a., Entertainment Establishment guidelines in Section 7.5.5.4(b)(1)(A-I), and Resiliency Criteria in Section 7.1.2.4.a.1 of the Code as follows:

A. Consistency with CUP criteria in Sec. 2.5.2.2.a. of the Code:

1. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the Property is located.

Policy RLU 1.1.7 of the Comprehensive Plan related to the High Density Multifamily Residential designation, allows for hotels and conditional uses specifically authorized in the Land Development Regulations (i.e. the "Resiliency Code" or "Code" as defined above). Section 7.2.6.2 of the Code allows for accessory outdoor/open-air entertainment establishments via CUP. Section 7.5.5.4(a)(3) further clarifies that outdoor/open-air and indoor entertainment is permitted in RM-3 through CUP approval by the Planning Board.

2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

There will be no increase in FAR and the number of hotel units will be reduced from 208 to 171. While the proposed seating increases somewhat from 338 to 383, the hotel overall remains generally consistent with historic use patterns. In addition, there was a previous night club in the basement which will now consist of a spa (and back of house). Based on these factors, the intended use is not expected to exceed the thresholds for levels of service established in the Comprehensive Plan.

3. Structures and uses associated with the request shall be consistent with these land development regulations.

The historic structure and its general uses will remain unchanged. The proposed entertainment use is consistent with applicable land development regulations, including Section 7.2.6.2 and Section 7.5.5.4 of the Code, which permit accessory outdoor/open-air and indoor entertainment establishments through the CUP process.

4. The public health, safety, morals, and general welfare shall not be adversely affected.

The Project will have a positive impact on public health, safety, morals, and general welfare. Rather than adversely affecting the community, the revitalization of the iconic Delano hotel will breathe new life into a key area of Miami Beach, particularly at a time when the neighborhood is experiencing significant construction activity. The activation of the Delano will enhance the vibrancy, security, and overall well-being of the area, contributing to the continued improvement and vitality of the community.

5. Adequate off-street parking facilities will be provided.

Pursuant to Section 5.2.2 of the Code: "there shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are (1) Located within the architectural district; (2) a contributing building within a

local historic district, or (3) individually designated historic building." The Delano is a contributing building located within the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District, and therefore no parking is required for the hotel or accessory uses.

Practically, all parking for the Delano will be 100% valet-operated, utilizing two designated curbside zones: one directly in front of the main hotel entrance on Collins Avenue and another at the secondary entrance on 17th Street. Both valet locations are clearly marked and continuously staffed during all hotel operating hours. The valet system employs text-to-retrieve technology to streamline vehicle requests and retrievals, reduce wait times, and minimize curbside queuing. Additional details regarding parking and valet operations are provided in the enclosed Operational Plan, Section 8.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Necessary safeguards will be implemented to ensure the protection of surrounding properties, individuals, and neighborhood values. The Project will provide comprehensive security measures, including professional on-site personnel to maintain a safe environment for guests and neighbors alike. Valet services will be available for all guests, minimizing traffic impacts and ensuring orderly access to the Property. Furthermore, the renovation and restoration of the Delano hotel will contribute positively to the area, supporting property values and enhancing the overall character of the neighborhood. The revitalization of this iconic landmark will be a significant benefit to the City of Miami Beach, its residents, and its visitors.

7. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

While there are other hotels in the vicinity with CUPs for entertainment uses, this reflects the established character and mixed-use nature of the area. The existence of similar uses is a common condition in this part of Miami Beach and does not, in itself, create a negative impact on the surrounding neighborhood. The Delano's proposed activation will be managed with a strong commitment to responsible operations, ensuring that it contributes positively to the vibrancy and economic vitality of the area.

8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

See analysis of same in Subsection III(C) below.

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

No changes have been made to the historic entrances or existing curb cuts, preserving the Property's original pedestrian-friendly design. The Project features a one-way ingress from Collins Avenue and egress onto 17th Street, which helps to streamline vehicular flow. The sidewalk remains continuous across the curb cut, to promote pedestrian passage.

These measures collectively support a safe, accessible, and welcoming environment for pedestrian activity.

B. **Consistency with entertainment establishment guidelines in Sec. 7.5.5.4(b)(1)(A-I) of the Code:**

1. **An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

See enclosed Operational Plan which addresses hours of operation, number of employees, menu items, and other operational characteristics relevant to the operation of the Delano and the relevant venues.

2. **A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

All parking will be 100% valet and will operate from two designated curbside zones located directly in front of the main hotel entrance on Collins Avenue and at the secondary hotel entrance on 17th Street. Both valet locations are clearly designated and staffed continuously during all hotel operating hours. Text-to-retrieve technology is utilized to streamline vehicle request and retrieval, reduce wait times and minimize curbside queuing. See additional details in the enclosed Operational Plan, Section 8, which addresses Parking and Valet Operations.

3. **An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.**

See enclosed Operational Plan, Section 7, which addresses security and crowd management.

4. **A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

See enclosed Operational Plan, Section 7, which addresses security and crowd management.

5. **A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

See Traffic Study prepared by Langan, submitted in connection with this application.

6. **A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

See enclosed Operational Plan, Section 9, which addresses deliveries, collections and waste management.

7. **A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.**

See enclosed Sound Study enclosed with the submittal.

8. **Proximity of proposed establishment to residential uses.**

There are no known residential uses within 200 feet of the Property.

9. **Cumulative effect of proposed establishment and adjacent pre-existing uses.**

The Delano previously operated with 208 hotel units, whereas the current proposal reduces this number to 171, resulting in fewer overall guests. While the proposed seating increases to 383, the current active Business Tax Receipt reflects approvals for 338 seats, representing only a modest change. In addition, there was a previous night club in the basement which will now consist of a spa (and back of house). Given the general consistency with historic uses and the nature of adjacent pre-existing uses, the proposed establishment is not expected to create any negative cumulative effect. Instead, the Project will revitalize an iconic hotel in Miami Beach, and add life back to an area of Miami Beach currently impacted by ongoing construction. Overall, the activation of the Delano will provide a substantial benefit to the City.

C. **Consistency with Resiliency Criteria in Section 7.1.2.4.a.1 of the Code:**

1. **A recycling or salvage plan for partial or total demolition shall be provided.**

The Historic Preservation Board approved a Certificate of Appropriateness via HPB 17-0176 and HPB 22-0519 for partial demolition, renovation and restoration of the existing building and rear yard; the Owner has obtained building permits for the work via the master building permit no. BC2218279. Work is almost complete under the aforementioned approvals, and there is no demolition proposed as part of this application to the Planning Board; rather the request is for entertainment to be provided in the approved spaces as detailed below.

2. **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

All windows in the renovated building have been replaced with hurricane proof impact windows.

3. **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Single hung operable windows have been provided in all hotel guestrooms.

4. **Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.**

All new landscaping consists of Florida friendly plants.

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.

The existing lobby level of the historic hotel is situated at over 13' NGVD, which is above the base flood elevation of 8' NGVD; the basement is approximately 3' NGVD but the structure cannot be raised due to its historical designation. All mechanical systems have been removed from the basement and relocated above base flood elevation.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way 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 3 additional feet in height.

Collins Avenue shows an elevation of approximately 4.8 in front of the Property; the driveway ramps up to approximately 8' NGVD, which will be above the anticipated future roadway elevations.

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

All critical mechanical and electrical systems have been located above base flood elevation and on roofs when available.

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

The first floor elevation of the hotel is currently at approximately 13.23' NGVD, which is 5.23' above base flood elevation (8.0'). Therefore the existing first floor/lobby level meets the base flood elevation, plus City of Miami Beach freeboard.

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 54 in General Ordinances.

The basement has been dry flood proofed and flood panels have been provided at openings.

10. As applicable to all new construction, stormwater retention systems shall be provided.

Wells have been provided for stormwater retention.

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

Cool pavement materials have been utilized, including a coral flagstone for paving material at grade.

12. The design of each project shall minimize the potential for heat island effects on-site.

Hardscape areas are limited. Landscaped areas are being planted with green lawns, bushes and trees for shade.

We look forward to discussing this Project with you further. For all of the reasons as stated herein, we respectfully request the Planning Board's favorable review of the Project. Please reach out with any questions.

Sincerely,

AKERMAN, LLP



Neisen O. Kasdin

cc: Ian Bacheikov, Akerman LLP
Marissa Amuial, Akerman LLP

Exhibit "A" - CUP Matrix

Venue	Location	Concept	Occupancy	Seating	Hours of Operation for Entertainment	Music and Entertainment
ROSE BAR AND LOUNGE						
Rose Bar and Lounge	East of the lobby	The iconic lobby bar and lounge, serving cocktails and light fare.	93	32	5:00 p.m. to 2:00 a.m.	Background music and curated DJ programming.
GIGI						
Signature Restaurant (indoors and covered terrace)	Ground Floor	Gigi Riglatto is located on the ground floor of the hotel and serves as the primary all-day dining venue.	236	109	Standard: Sunday–Thursday, 7:00 am – 11:00pm; Friday and Saturday, 7:00am – 12:00 am Potential extended hours: 12:00 AM – 2:00AM	Live entertainment such as acoustic performances, Mediterranean jazz and curated DJ programming.
Outdoor Dining and Tiered Terrace	Ground Floor	Same as above.	134	126	Standard: Sunday–Thursday, 7:00 AM – 11:00 PM; Friday and Saturday, 7:00 AM – 12:00 AM Potential extended hours: 12:00 AM – 2:00AM (Outdoor bar counter to close at 12:00am)	Same as above, but only ambient music after 12:00AM.
Pool Service	Ground Floor	Gigi also oversees food and beverage service to the hotel's pool.	258	187	10:00 AM – Sunset	Background music, live entertainment, acoustic or recorded, and curated DJ programming.
Gigi Bellini	Ground Floor	A dedicated Bellini Bar offering Bellinis, spritzes and Italian fare.	108	55	Daily, 7:00 AM – 12:00 AM Potential extended hours: 12:00 AM – 2:00AM (Outdoor bar counter to close at 12:00am)	Background music, live entertainment, acoustic or recorded, and curated DJ programming, but only ambient music after 12:00AM.
MIMI						
Restaurant (indoors)	Fourth Floor	Mimi Kakushi is located on the fourth floor of the hotel and offers a refined dining experience inspired by early 20th-century Osaka.	106	100	Standard: Sunday–Thursday, 11:00 AM – 11:00 PM; Friday and Saturday, 11:00 AM – 12:00 AM Potential extended hours: 12:00 AM – 2:00AM	Live entertainment such as jazz ensembles, playlists, and curated DJ programming.
Outdoor Dining	Fourth Floor	Same as above	81	62	Same as above.	Same as above, but only ambient music after 12:00AM.
Pool Service	Fourth Floor	Mimi also oversees food and beverage service to the hotel's fourth floor pool.	71	42	10:00 AM – Sunset	Same as above during operating hours.

