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## **VIA E-MAIL SUBMISSION (IN LIEU OF CSS)**

July 25, 2022

Rogelio Madan, Chief of Community Planning &  
Sustainability  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

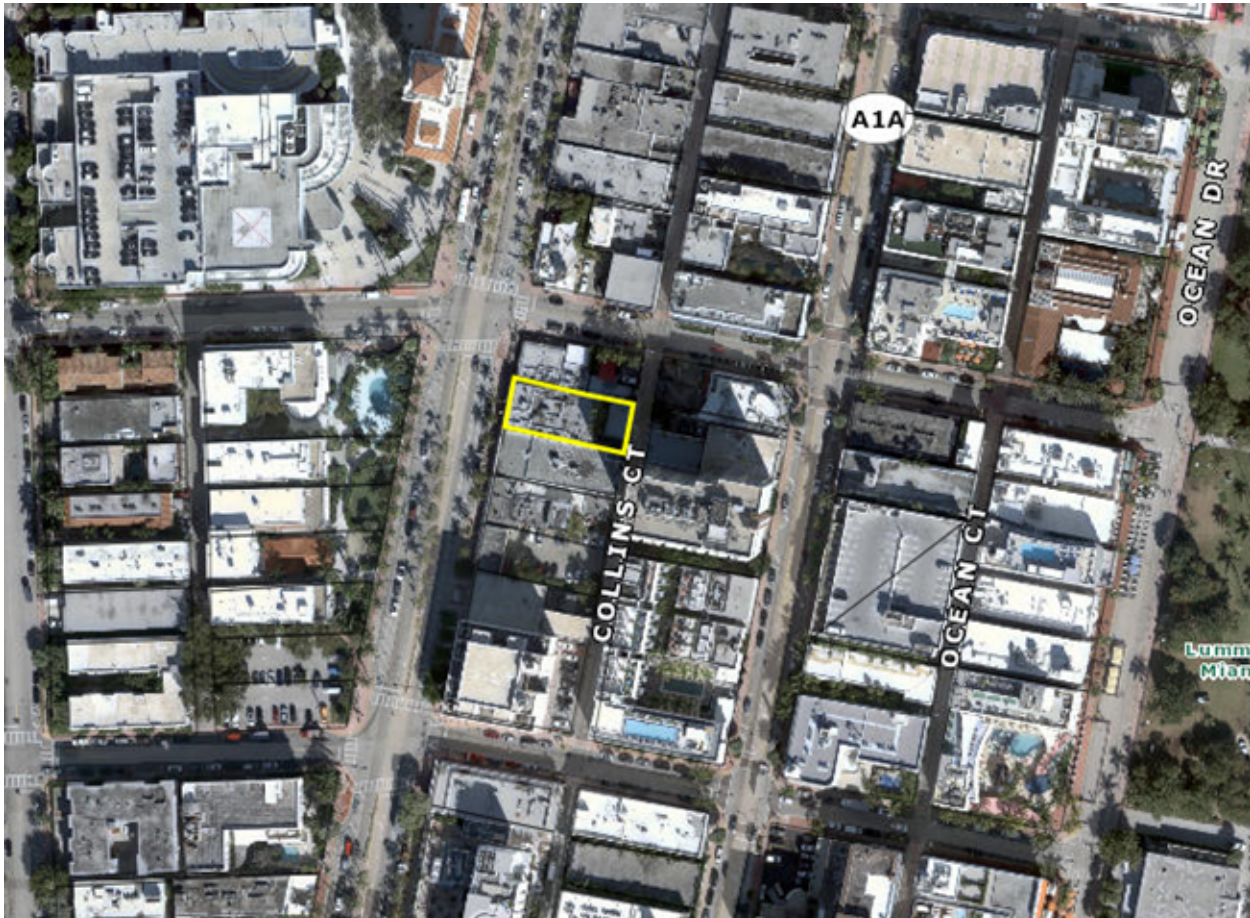
RE: **Revised Letter of Intent** – PB22-0545 – Request for  
Conditional Use Permit for Proposed Neighborhood Impact  
Establishment located at 1057 Washington Avenue

Dear Mr. Madan:

This law firm represents Two by Two, Inc. dba Twist (the "Applicant") the tenant of the property located at 1057 Washington Avenue within the City of Miami Beach ("the Property"). Please consider this letter the Applicant's letter of intent in support of a Conditional Use Permit ("CUP") to allow operation of a Neighborhood Impact Establishment on the above-captioned Property in connection with an existing gay bar and nightclub concept that incorporates music and entertainment in a unique and welcoming atmosphere.

Description of the Property. The Property, or Twist, is located along Washington Avenue between 10 Street and 11 Street in the City of Miami Beach (the "City"). The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3234-008-1290. See Exhibit A, Property Appraiser Report. Twist is a gay bar and nightclub that has been at the center of the gay community in Miami Beach for almost three decades. Twist also provides entertainment including comedy acts, interactive shows, and performances by resident entertainers and special guests.

Twist has been a unique and special place for local residents as well as domestic and international tourists. The building is approximately 3,900 square feet in size and includes an enclosed outdoor area that is not accessible to any adjacent right-of-way. See Figure 1, below.



**Figure 1, Aerial of the Property**

Property History. Twist is located within the CD-2 Commercial District, a zoning district which permits neighborhood impact establishments. Twist is a neighborhood impact establishment which has operated as a legal nonconforming use for approximately 30 years. Twist is uniquely situated in that it wraps around an existing medical office. Based upon review of microfilm records, which are also submitted with this application, the Property was previously an eating establishment and a medical office. According to Twist's Business Tax Receipt (BTR), the maximum occupancy load is 557 persons and alcohol service is permitted until 5:00 AM. See Exhibit B, BTR.

Request for Conditional Use Approval. The Applicant seeks a CUP to allow Twist, a legally nonconforming neighborhood impact establishment on the Property, to become conforming. Twist is an existing gay bar and nightclub which operates until 5:00am. Twist features interior bar areas and 3 dance floors.

This conditional use request does not propose any significant modifications or additions to the existing establishment. The only request is for an expansion of seating from 80 seats to 86 seats. Moreover, the occupant load remains the same and is consistent with the BTR. As noted in the Operations Plan, also submitted with the application materials, the Applicant will implement best practices for controlling noise. For example, the Applicant has installed sound proof glass at the rear of the building and will also strategically position an intelligent sound system and speakers to minimize noise. Further, only upper level management will control the music levels in each bar area/room.

Satisfaction of CUP Criteria. The Applicant's request satisfies the CUP Standards in Section 118-192(a)(1)-(7) of the Code of the City of Miami Beach (the "Code") as follows:

**(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.**

CONSISTENT – Policy RLU 1.1.9 provides that the CD-2 Future Land Use Designation permits accessory uses and conditional uses approved at public hearings as permitted by the Land Development Regulations. The proposed use is consistent with Policy RLU 1.1.9 as it is conditional use subject to review and approval at a public hearing.

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

CONSISTENT – The proposed use does not result in an impact that will exceed the thresholds for the levels of service required by the Comprehensive Plan. As mentioned, the proposed use already exists as a legally nonconforming use. Accordingly, the scale and intensity of the proposed use will not change.

**(3) Structures and uses associated with the request are consistent with these land development regulations.**

CONSISTENT – The structure and use associated with the Applicant’s request for a CUP for a neighborhood impact establishment are consistent with the City’s land development regulations (LDRs). Specifically, the request will allow for a legally nonconforming use to become conforming.

**(4) The public health, safety, morals, and general welfare will not be adversely affected.**

CONSISTENT – The Applicant’s request for a CUP does not adversely affect the public health, safety morals, or general welfare. The uses, hours of operation, and operational characteristics proposed will remain unchanged and consistent with the existing use on the Property. Consequently, the Applicant will be able to operate without adversely impacting the public.

**(5) Adequate off-street parking facilities will be provided.**

CONSISTENT – The Property does not provide off-street parking. There are numerous nearby parking lots and garages, and metered self-parking on surrounding streets. The Applicant further anticipates that many patrons will arrive by foot, ride-share services, or taxi.

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

CONSISTENT – The Applicant will continue to maintain security personnel, surveillance cameras, and noise mitigation practices during its operation. The Applicant also has an open line of communication with the surrounding neighborhood, and will continue to hear and respond to concerns of neighbors regarding its operations.

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

CONSISTENT – As this request for a CUP will merely continue a use that has already existed, the concentration of similar types of uses will not increase.

*Review Criteria for Neighborhood Impact Establishments and Outdoor Entertainment Establishments.* The proposed modification complies with the review criteria under Section 142-1362(a)(1)-(9) as follows:

**(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.**

The Applicant has submitted an operations plan that addresses hours of operation, staffing levels, goals, and other pertinent operational characteristics of the proposed use.

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

The Applicant's operations plan and submitted traffic letter discuss how parking has not been provided for the existing use and that it is not anticipated that the continued operations will impact current traffic 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.**

The Applicant's proposed operations plan addresses crowd control.

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

The Applicant's proposed operations plan provides for security and patron-age restriction enforcement.

**(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.**

The Applicant has submitted a traffic letter prepared by Luis Alfredo Cely of Alfka, LLC. The Applicant also prepared a cover letter which provides an

explanation for the Traffic Department's acceptance of the traffic letter in lieu of a full traffic study. In sum, the Applicant and Traffic Department mutually agreed that a full traffic study will not be necessary for the Applicant's CUP application.

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

The proposed operations plan addresses sanitation, such as trash pick up procedures, as well as daily sanitation and cleaning practices.

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

The Applicant's proposed operations plan addresses noise mitigation and the Applicant will implement policies to ensure that noise is controlled and in compliance with the noise ordinance.

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

The Applicant's Property is not located in a residential neighborhood. Nearby establishments include commercial uses, retail, and hotels.

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

Twist has existed and operated on the Property for several decades. The request for a CUP will not create a cumulative impact with adjacent pre-existing uses.

Sea Level Rise and Resiliency Criteria. The proposed use advances the sea level rise and resiliency criteria in Section 133-50(a) of the Code, as follows:

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

To the extent required, a recycling or salvage plan shall be provided.

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

Although the existing building on the Property was built legally in 1935, the Applicant has installed hurricane proof impact windows in the rear of the building. The Applicant does not propose any changes to the exterior of the structure and any future proposed addition will include hurricane proof impact windows.

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

The Applicant does not propose any changes to the exterior of the structure. However, the Applicant will provide, where feasible, passive cooling systems.

**4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Not applicable.

**5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.**

The Applicant does not propose any changes to the existing use. However, future sea level rise projections will be considered.

**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.**

The Applicant will ensure that its operations do not interfere with efforts to harmonize the Property with future projects to raise rights-of-way or adjacent land.

**7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation where feasible and appropriate.

**8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

The existing building on the Property was built legally in 1935. Therefore, although the existing building is below base flood elevation, it is an existing use. Any future proposed addition will be above base flood elevation.

**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 of the City Code.**

Proper precautions will be taken to protect the Property from potential floods.

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

The Applicant does not propose any new construction.

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

The Applicant does not propose changes to existing pavers or pavement.

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

The design of the existing building features a planter in the interior courtyard that minimizes the potential for heat island effects on site. To the extent the Applicant changes any aspects of the existing design, the design shall consider and minimize the potential for heat island effects.



Conclusion. Overall, the proposed request for a CUP for an existing use is consistent with the Code and does not cause adverse impacts. Accordingly, we look forward to your favorable review of the application. If you have any questions or comments in the interim, you may reach me at 305-377-6236.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop, rises to a peak, and then descends with a slight curve.

Michael Larkin

cc: Shakeyla Flores, Esq.

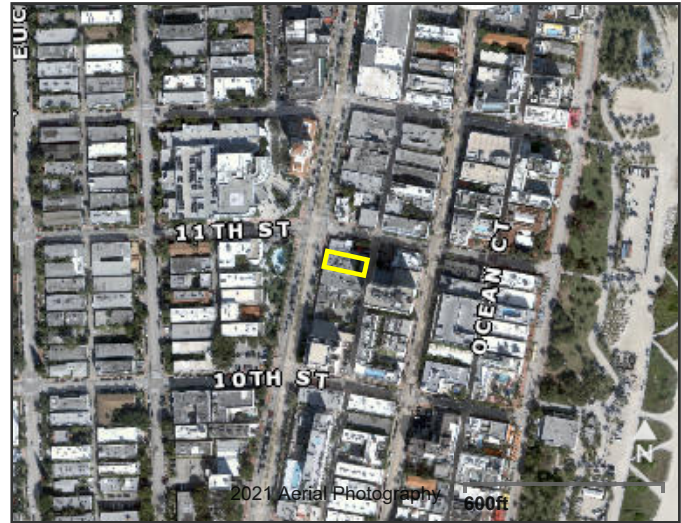


## OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 7/5/2022

Property Information	
Folio:	02-3234-008-1290
Property Address:	1057 WASHINGTON AVE Miami Beach, FL 33139-5017
Owner	ENTERPRISES ROJO INC
Mailing Address	1055 WASHINGTON AVE MIAMI BEACH, FL 33139-5017
PA Primary Zone	6400 COMMERCIAL - CENTRAL
Primary Land Use	1211 MIXED USE- STORE/RESIDENTIAL : RETAIL OUTLET
Beds / Baths / Half	0 / 0 / 0
Floors	2
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	9,640 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2022	2021	2020
Land Value	\$2,600,000	\$2,600,000	\$2,600,000
Building Value	\$539,072	\$480,621	\$486,859
XF Value	\$39,135	\$39,615	\$40,095
Market Value	\$3,178,207	\$3,120,236	\$3,126,954
Assessed Value	\$3,178,207	\$3,120,236	\$2,985,166

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction			\$141,788
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
OCEAN BEACH ADD NO 2 PB 2-56 LOT 15 BLK 30 LOT SIZE 50.000 X 130 OR 12356-1555 1284 5

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,178,207	\$3,120,236	\$2,985,166
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,178,207	\$3,120,236	\$3,126,954
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,178,207	\$3,120,236	\$2,985,166
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,178,207	\$3,120,236	\$2,985,166

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/01/1981	\$190,000	11188-2260	Other disqualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

**CITY OF MIAMI BEACH**  
**CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT**

1700 Convention Center Drive  
Miami Beach, Florida 33139-1819

TRADE NAME: TWIST C/O GALE AVIATION SERVICES INC  
DBA: TWIST  
IN CARE OF: S DAN BUONOCORE  
ADDRESS: 8707 Nw 19 St  
PEMBROKE PINES, FL 33024

LICENSE NUMBER: RL-93181537  
Beginning: 10/01/2022  
Expires: 09/30/2023  
Parcel No: 0232340081290

TRADE ADDRESS: 1057 Washington Ave

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Receipt are obtained prior to opening of the new location.

Additional Information

Storage Locations

Code	Business Type
95016400	RESTAURANT / BARS
03005825	NIGHT CLUB LOAD FEE
95000701	ALCOHOL BEV. (NO LATER THAN 5AM)
95005805	DANCE HALL/ENTERT. W/ALCOHOL

Dance Hall: Alcohol Served	Yes
Dance Hall: #Occupants	557
Restaurants/Bars: #Chairs	80

FROM: CITY OF MIAMI BEACH  
1700 CONVENTION CENTER DRIVE  
MIAMI BEACH, FL 33139-1819

PRESORTED  
FIRST CLASS  
U.S. POSTAGE  
PAID  
MIAMI BEACH, FL  
PERMIT No 1525

TWIST C/O GALE AVIATION SERVICES INC  
1057 Washington Ave  
MIAMI BEACH, FL 33139-5017