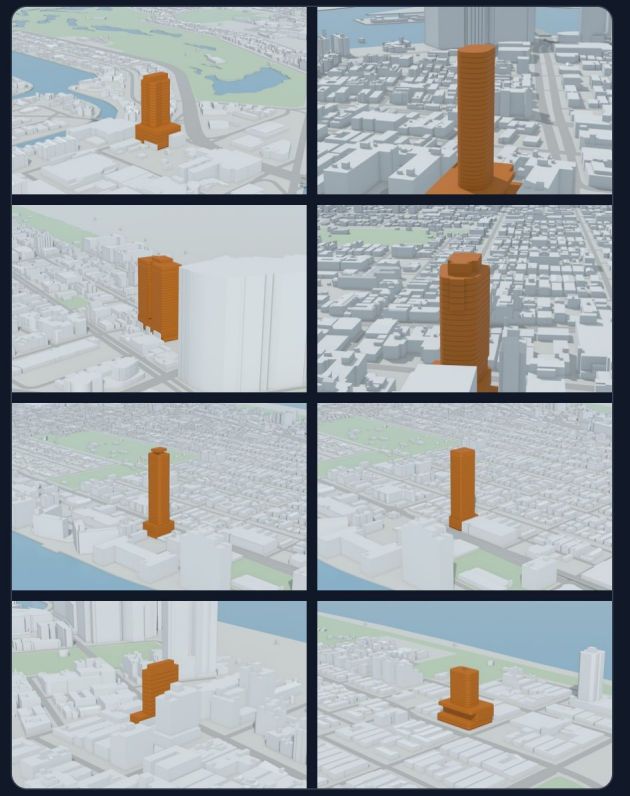
Save Miami Beach

Miami Beach Journal

STATE PREEMPTION

FALL TALKS · SUNDAY, NOVEMBER 8, 2026

Can the Beach Carry It?



Sewers, water and flooding under the Live Local towers: what the pipes carry now, what the applications say, and what the city can still ask for.

5th to 15th
the stretch of Alton Road sewer the city's engineers say is at capacity

15 days
of tidal flooding this year at Virginia Key; the old record was nine

$522.6M
five-year water, sewer and stormwater plan; rates up 9.1% this year

Daniel Ciraldo · Save Miami Beach · Research by the Miami Beach Journal

Two weeks since October 25



FRI., OCT. 30 · 910 WEST AVE.

Southgate: told it does not qualify

The Planning Director's letter says 910 West is zoned residential, so the Act does not apply. It does not rule on height. The owner, Blackstone, can appeal to the Board of Adjustment.

TUE., OCT. 27 · KING TIDE

The highest tide outside a hurricane

About 2.5 feet above high tide at the Virginia Key gauge. Streets flooded in North Beach, on Indian Creek Drive and on Collins. King tides return Nov. 23 to 26.

TUE., NOV. 3 · ELECTION

Both sponsors won; a tax cut passed

Vicki Lopez won County District 5 with about 60.5%, but by 419 votes in the Beach precincts. Sen. Alexis Calatayud held on, 49.5% to 48.7%. Amendment 3 got 62%.

WED., NOV. 4 · SARASOTA

Sarasota judge: rural land with some commercial uses qualifies

The county must process 864 apartments under the Act. Same zoning test the city applied to Southgate, the opposite answer. Not binding on Miami Beach.

Sources: Miami Beach Journal (picture: its Oct. 30 article); The Real Deal; Business Observer; Florida Politics; Miami Herald. Election results are unofficial.

The count: sixteen on the city's list, two of them stale

16
on the city's list as of Oct. 25: 2,135 homes, 1,041 of them workforce

14
after the twice-listed 1575 tower and 1901 Alton, withdrawn in 2024: 1,770 homes, 895 workforce

13
if Southgate's letter stands: 1,328 homes, 717 workforce; 5 approved, 8 pending



The thirteen sites in the city's records release, as the Journal modeled them: all eight pending, three of the five approved, plus 910 West and the withdrawn 1575. Not modeled: 1960 Normandy and 663 Alton (approved); 740 Alton, 880 71st and 1901 Alton (withdrawn). "1511 Alton" is the 1575 tower on the same parcel, 43 stories and 163 homes, filed again in February.

Sources: Exhibit A to Commission item C7Y (Oct. 1); LTC 455-2026; Planning Director's letter, Oct. 30; city permit records (EnerGov), Nov. 8. Models: the Journal.

WHERE A FLUSH GOES

The plant has room. The Beach's own pipes are the limit.

Your building
its own line out to the street

→

City sewer pipes
122 miles, some up to 80 years old

→

City pump stations
23 of them push it off the island

→

County plant
on Virginia Key, run by Miami-Dade



THE COUNTY PLANT

Permitted for 143.0 million gallons a day. It averaged 121.95 in fiscal 2024: about 21 million to spare.

THE BEACH'S PART

Everything between your building and the county's mains belongs to Miami Beach. A project passes or fails on the pipe in front of it and the pump station it drains to.

Sources: Miami-Dade Water and Sewer bond book, 2025; Miami Beach Public Works; WLRN, March 10, 2020. Picture: Google Earth, imagery Feb. 28, 2025.

The city says this sewer is full

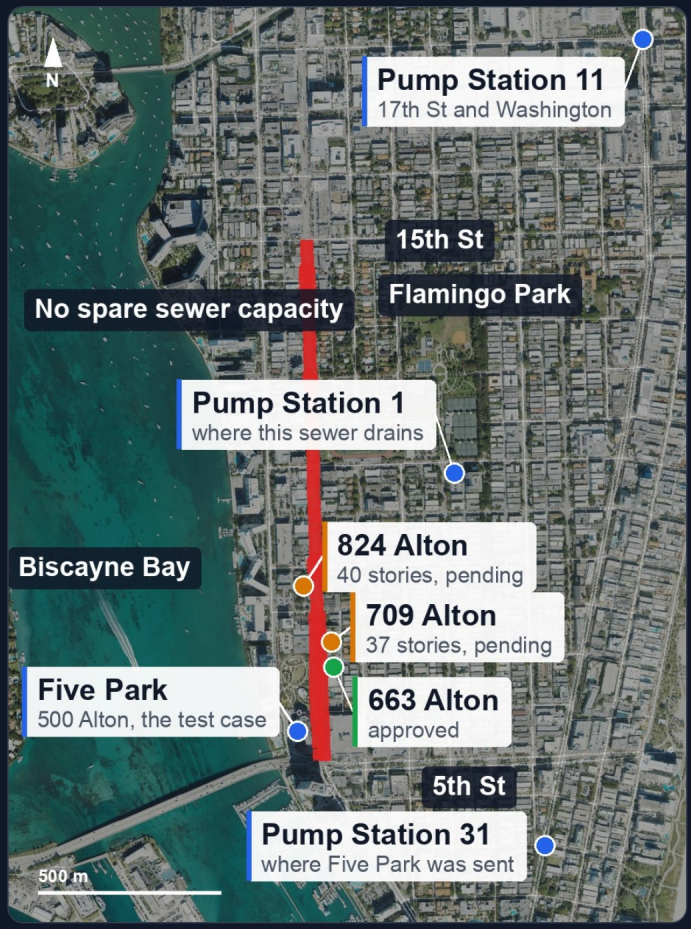
> **“the sewer system along Alton Road, particularly between 5th Street and 15th Street, does not have sufficient capacity to reliability accommodate an increase in demands.”**
>
> Public Works, Alton Road capacity analysis, Oct. 2025. Wording as in the original.

THE TEST CASE: FIVE PARK

Five Park, at 500 Alton, added 57,630 gallons a day. The 15-inch sewer beside it “does not have sufficient capacity,” so its flow was sent south of 5th Street through a new force main.

ON THIS STRETCH, AND THE MEMO’S LIMITS

Live Local filings at 663 Alton (approved), 709 and 824 Alton. It is a “desktop engineering analysis”; each site is reviewed case by case. Water “appears to have sufficient capacity.”



Source: Public Works memo and City Manager’s cover memo, Land Use and Sustainability Committee, Oct. 16, 2025. Map: USDA orthophoto, 2023.

March 2020: one drill, six months of fallout



One drill → Old pipes, no slack → Sewage in the bay → Building stops

Mon., March 2, 11:30 p.m.
A contractor drilling a drainage well strikes the 42-inch sewer main on Michigan Ave., north of Lincoln Road.

Tue., March 3, 9:30 a.m.
The line is shut. By then 875,000 gallons of raw sewage reached streets, drains and waterways, the city tells the state.

Within hours
Flow shifts to a 50-year-old 30-inch line; it bursts at 28th and Pine Tree, by Pump Station 28. About 1.4 million gallons in all.

That week
Half the city's sewer capacity is out. Residents told to cut water use; pumper trucks; warnings along the bay.

March 10: moratorium
Miami-Dade halts new sewer connections in Miami Beach and the three towns north. March 18: a $122 million bond ask.

September 2020: lifted
Once Pump Station 28 is back in service. Six months with no new sewer connection anywhere on the Beach.

The Live Local Act came three years later, in 2023. Its text leaves a sewer-repair moratorium like this one standing, if it applies to all multifamily building alike. The next one would catch the towers too.

Sources: WLRN, March 6 and 10, 2020; CBS Miami, March 5, 2020; City Commission memo, April 3, 2024. Spill totals as reported at the time. Illustration: AI-generated, schematic.

Pump Station 28: one pump from a moratorium



Pump 1: out
failed June 29, 2023

Pump 2: out
failed Jan. 12, 2024

Pump 3: running
the only one left

June 29, 2023
One of three pumps at Station 28B fails. A corrective plan, no moratorium.

Jan. 12, 2024: moratorium
A second pump fails, leaving one. Miami-Dade halts new sewer connections in Miami Beach, Surfside, Bal Harbour and Bay Harbor Islands.

Jan. 22, 2024: lifted
A booster pump is back on Jan. 19; the county lifts the moratorium after ten days, with a condition.

The condition, still in force
Down to one pump again means an automatic moratorium. The city's memo: it "would affect all of Mid and North Beach."

July 2025: the fix begins
A $43.9 million rebuild of the station's force main, about two years of work: a new 30-inch main on Pine Tree Drive, bypasses, a generator building.

A moratorium means no new sewer connection and no capacity letter, for any project. The Live Local Act leaves a sewer-repair moratorium standing, as long as it covers all multifamily building alike.

Sources: City Commission memo, April 3, 2024; Town of Surfside notice, Jan. 2024; city project page for Pump Station 28; Fla. Stat. 166.04151(9)(d).
Illustration: AI-generated, schematic.

FLOODING

Water from above and from below

15

days of tidal flooding at the Virginia Key gauge so far in 2026. The previous yearly high was nine.

93%

of Miami Beach buildings are in FEMA's Special Flood Hazard Area, by the city's count.

83

new stormwater pump stations the city's 2024 plan says a 10-year storm requires, with about 104 miles of large pipe.

$3.7B

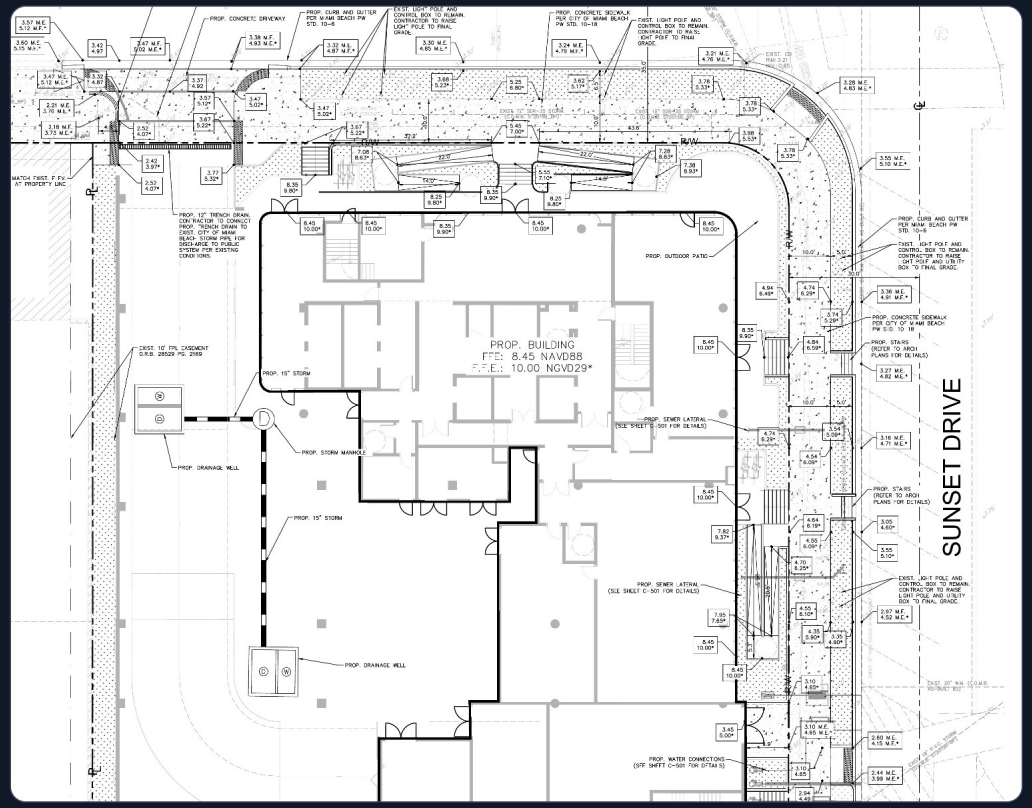
the plan's 2024 estimate for that work. About $103 million was built in the 13 years before it.

Oct. 27 was the highest tide at Virginia Key outside a hurricane since the gauge went in in 1994. Of the 14 highest tides recorded there, ten were king tides, not storms, and eight of those came in the last two years.

A NASA projection cited by the Herald: Miami could see 24 flood days a year by 2035 and 75 by 2045.

Sources: Miami Herald, Oct. 27 and Nov. 5, 2026; Miami Beach Stormwater Master Plan update, March 2024; city flood-insurance page.

What the plans say about water



8.75 in.

of rain in 24 hours, held on the lot

Public Works' rule: a 10-year, 24-hour storm stays on private property.

65 ft

drainage wells, the usual answer

1920 Alton: two wells, 448 cubic feet of storage, on a lot that is all roof and paving. 425 Ocean shows six.

6.25 ft

ground floor, vs. a 13-ft flood level

42 Collins as drawn; 7401 Harding's is 6.75 ft against 9. Base flood is 8 ft on most sheets.

3.5 ft

from the street down to groundwater

824 Alton's calculations: October groundwater at 0.51 ft, the road crown at 3.97.

Left: 1920 Alton's drainage plan, Kimley-Horn sheet C-400, Sept. 6, 2026, with its two drainage wells. Sources: Public Works comments; applicants' calculations. Feet NGVD.

WHO PAYS

The bill for what is already here

ADOPTED OCT. 14, 6 TO 1

$522.6M

in water, sewer and stormwater projects over five years, paid from utility rates

Rates rose 9.1% on Oct. 24, the first of five yearly increases.

A typical house: $138.41 a month before, $151.04 now, about $200.69 by 2031.

A typical condo unit: $93.46 before, $103.10 now.

The city's estimate of what is needed through 2034: about $1.1 billion.

HOW IT GOT HERE

March and April 2025
The Commission turns down rate increases twice.

May 20, 2026
A moratorium on any rate increase; staff told to price a bond instead. A bond would mean $783.6 million of debt through 2034.

July 22
Moratorium rescinded on a 5-to-2 vote. A $450 million plan is authorized, down from $737.3 million.

Sept. 10
First reading. All 20 stormwater "critical needs" projects are put back into the five years, adding $52.9 million.

Oct. 14
Adopted: $522.6 million, 29% below the original plan. New borrowing cut from $624.3 million to about $320 million.

Nov. 3: Amendment 3 passed with 62%. Utilities run on rates, not property tax; the general fund that pays for everything else shrinks. Commissioner David Suarez's estimate for Miami Beach: $11.9 million less in 2028, $22.5 million less in 2029.

Sources: City Manager's memo, item R5A, Oct. 14, 2026 (its history section); Miami Herald, Nov. 4 and 5, 2026. The Amendment 3 figures are Commissioner Suarez's.

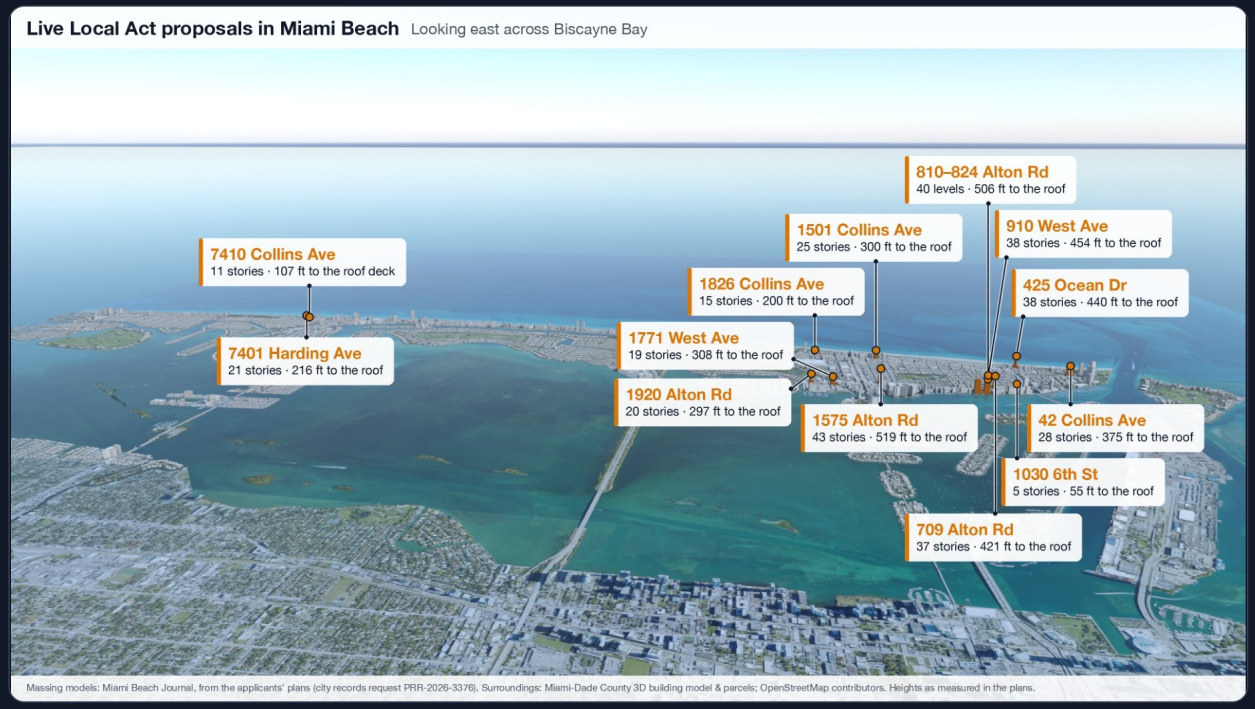
OUR ESTIMATE, NOT THE APPLICANTS'

How much would the towers add?

135 **gallons a day per apartment**: Miami-Dade's design-flow table, the figure the applicants' engineers and the city's consultant use.

288k **gallons a day for the city's 2,135 homes.** About 179,000 for the 1,328 left once the two stale lines and Southgate come off.

1.4% **of the county plant's spare room.** The plant would not notice; one 15-inch sewer on Alton Road could not take Five Park's 57,630.

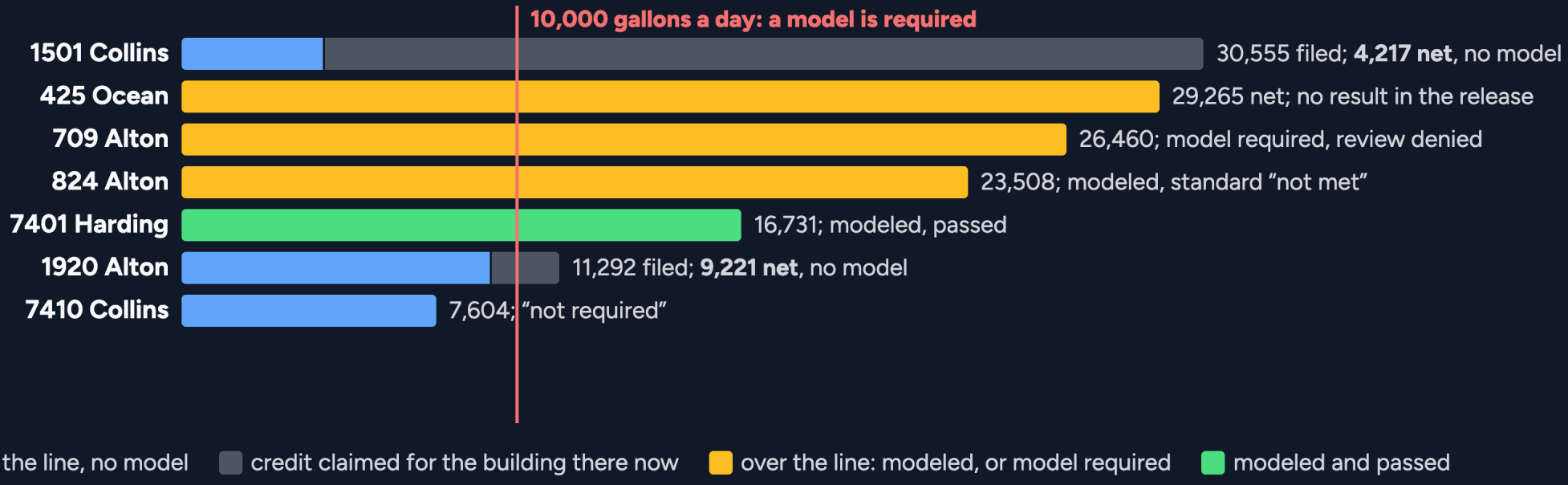


Homes only: restaurants, hotel rooms, clubs and irrigation come on top (425 Ocean Drive alone lists 37,230 gallons a day as filed). Credits for the buildings being replaced come off. What matters is not the total but what each pipe and pump station can take.

Sources: Miami-Dade schedule of daily rated gallonage; the city's Oct. 1 table and LTC 455-2026; applicants' demand letters. Picture: the Journal's models of 13 sites.

The 10,000-gallon line

Public Works, on every Live Local file: at 10,000 gallons a day or more, the city runs a hydraulic model of the sewer; the pass mark is “no surcharging.” Under it, no model.



Gallons a day as stated in each applicant’s letter. 7410 Collins and 7401 Harding count as one 150-home project for traffic and as two for sewer. No application adds the sites together.

Sources: Plan Corrections Reports and applicants’ demand letters in the city’s public records release. “Net” subtracts the existing building.

The Epicure block, by the gallon



1680 ALTON · PLANNING BOARD, DEC. 8 · NOT A LIVE LOCAL CASE

14 stories, 150 ft, the overlay's maximum. 146 rentals, 51,000 sf of offices, 46,000 sf of shops, 356 parking spaces where none are required. Its file says utilities "remain within existing service capacities." No sewer study is attached.

GALLONS A DAY · ONE BUCKET = 5,000

The block today, as the applicant counts it · 16,722



1680 Alton as filed, 146 homes · about 26,800, our arithmetic



The overlay program the applicant analyzed, 287 homes · 47,995



Five Park, the project that broke the Alton Road sewer model · 57,630



All four drain to the same Alton Road mains and Pump Station 1. The overlay's only sewer check was the county's online estimator for the pump station, which said "unconditional allocation allowed"; the mains in between were not modeled.

Rendering: PBDW Architects, from Planning Board file PB26-0863. Gallons: Kimley-Horn utility analysis, Jan. 2026; the 146-home figure is our arithmetic on the county's table.

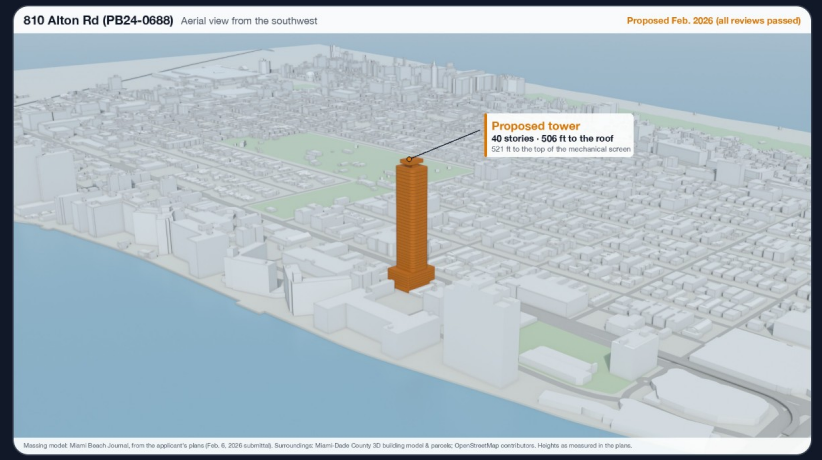
824 ALTON ROAD · PUBLIC WORKS REVIEW, JUNE 2026

The sewer standard is “not met”

> “Results of the hydraulic analysis indicate that the current requirements for this project, as outlined in the adopted Level of Service for Sewer in the Comp Plan … are not met. However, approval is contingent upon the developer performing the sewer infrastructure improvements to address the conditions identified in Sanitary Sewer Pump Station Basin 1”

Before the tower can open, in the model’s full build-out case:

- about 1,000 ft of 18-inch sewer main on 15th Street and Michigan Avenue
- a new public pump station at Flamingo Park, about 2.6 million gallons a day
- about 100 ft of 12-inch force main on Michigan Avenue
- on Alton Road, 860 ft of 18-inch and 470 ft of 24-inch main



40 levels, 505 ft 9 in to the roof; 149 homes, 72 of them workforce; 23,508 gallons a day as filed. Flamingo Park is the green block behind the tower. Not yet approved.

Source: Plan Corrections Report, PB24-0688, June 24, 2026. The model report itself is not in the records release. Picture: the Journal’s massing model.

What the applications do not say

What the pipes can carry

The letters say a project "will not cause City infrastructure to exceed the levels of service," with no numbers. Capacity appears only in the city's reviews.

A sea-level number

Each letter says the applicant considered the regional projections. None gives a figure, and none looks at tidal flooding.

The sum

No application adds the projects together. The city's model does carry about 20 pending projects as background, the Convention Center Hotel among them, but no public document shows the Live Local towers summed, basin by basin.

Utility and drainage drawings

None in the release for five sites, 1030 6th, 1501 Collins, 1826 Collins and 42 Collins among them; stormwater calculations only for 1920 and 824 Alton. 1575 Alton's answer, before it was withdrawn: "To be addressed with Public Works."

Source: letters of intent, plan sets and Plan Corrections Reports in the city's public records release, as read by the Miami Beach Journal.

State law: the Act is silent on pipes

Can the city say no over height or density?

No. Height, density, floor area and use are preempted, and approval is by staff, with no board and no hearing.

Does the Act mention sewer or water capacity?

No. The words concurrency, utility, infrastructure, capacity and drainage do not appear in it.

Do the other rules still apply?

Yes. A project "must comply with all applicable state and local laws and regulations."

Must the pipes be able to serve it?

Yes, but late: sewer, drainage and water must be "in place and available" by the certificate of occupancy, not at approval.

Can a city pause building over sewers or floods?

The Act's limit on moratoria does not cover ones for stormwater, drinking-water supply or sewer repair that apply to all multifamily building. Untested.

Flood rules and impact fees?

Untouched. Flood-elevation rules still apply, and Live Local projects get no exemption from impact fees.

Sources: Fla. Stat. 166.04151(7)(e), (7)(i) and (9)(d); 163.3180(1)–(2); 163.31801; 553.73(5). No court has ruled on these points.

MIAMI BEACH RESILIENCY CODE

The city's code: test it, or exempt it?

SECTION 2.5.5.6 · LIVE LOCAL APPROVALS

"each site plan shall be subject to public facility levels of service, concurrency review, and the City's mobility fee"

Added in 2024. Staff may not approve a site plan until it meets the Comprehensive Plan.

SECTION 3.1.4 · EXEMPT FROM CONCURRENCY

"Non-elderly and elderly low and moderate income or workforce housing developments."

Does a tower that is 40% workforce and 60% condos count? An open question for Planning.

Oct. 14, Commission, 7 to 0: approving applications "that exceed adopted level of service standards is contrary to law."

Sept. 24, committee: asked whether the city can deny over infrastructure, the City Attorney's office said it depends on the case; a developer may build the fix or pay its share.

At the building permit: the county's sewer capacity certification "is a required step in obtaining your building permit."

Sources: Resiliency Code as read Nov. 6, 2026; resolution C7AN; Sept. 24 committee transcript (paraphrased); Miami-Dade sewer certification form.

What planners and water groups say

1000 Friends of Florida

Statewide smart-growth group

Favors infill where sewer and water lines already are, and objects to doing it by preemption without hearings. Opposed the 2025 amendment; no position on 2026's. Board chair Susan Trevarthen, in her own webinar slides: permanent density on barrier islands cuts against long-standing state coastal policy.

Florida League of Cities

Speaks for city governments

Its 2026 housing priority: add housing in line with each community's capacity for public safety, resilience and financial stability, without more preemption or staff-only approvals. It opposed this year's Live Local bill, HB 1389.

Florida Housing Coalition

Supports the Act

Its 2025 overview says that apart from use, density, height, floor area, parking and staff approval, all other state and local laws still apply, and that a moratorium for stormwater, drinking water or sewer repair remains possible.

Miami Waterkeeper

No position on Live Local

Much of the region's sewer system is 50 to 100 years old, and rising groundwater seeps into cracked pipes. Its 2026 report card gave Miami Beach 95% for stormwater-permit compliance. Surfrider found the Parkview kayak launch failed the bacteria standard in 92% of 2025 samples.

Summaries of each group's published material, in our words. None has taken a position on a Miami Beach project.

What you can ask the city to do

1 **Show up this week**

Special Commission meeting on Live Local, Thu., Nov. 12, 3:30 p.m. Then the Sunset Harbour sewer report at the Commission on Wed., Nov. 18.

2 **Hold them to the sum**

On Oct. 14 the Commission ordered a citywide capacity update, neighborhood by neighborhood, naming the Live Local projects, due about Jan. 12. Ask that it be public, by pipe and pump station, with costs.

3 **Ask Planning to close a loophole**

The code exempts "workforce housing developments" from concurrency, the sewer-capacity test (section 3.1.4). Get it in writing that a 40% workforce tower is not exempt.

4 **Ask for the records**

Each project's demand letter, hydraulic model and county sewer certification; the model behind the 824 Alton conditions; the loads the city's model carries for the Convention Center Hotel and the rest of its queue.

5 **Ask for the city's report to the state**

Since Nov. 1 every city must list its Live Local projects for the state each year. Ask for Miami Beach's, and for its posted approval procedures.

6 **Tell Tallahassee**

Test capacity before approval, not at occupancy. The Miami-Dade delegation meets Dec. 9; the session opens March 2, 2027.

Records requests go to the City Clerk under Chapter 119, Florida Statutes. Meeting dates are from the City Clerk's calendar.

BEFORE WE TAKE QUESTIONS

This week, and two more Sundays

1. Watch or speak. The special Commission meeting on Live Local is Thursday, Nov. 12, at 3:30 p.m., at City Hall and on MBTV.

2. Share. The recording and these slides go up on savemiamibeach.org this week; forward them to a neighbor.

FALL TALKS · SUNDAYS AT 4 PM, FREE ON ZOOM

Nov. 15 The Raleigh Hotel, Before the Vote. What a 2.5 floor area ratio means for a landmark; the second reading is Wed., Nov. 18.

Dec. 13 The Fix: Tallahassee in 2027. Changing the law, where Hillsborough's suit stands, and who to ask.

Register at savemiamibeach.org/events. Also free: 1000 Friends of Florida's webinar on comprehensive plans, Wed., Nov. 18, at noon.

FALL TALKS · CAN THE BEACH CARRY IT?

Questions

Raise a hand or type in the chat.