ALAMEDA
LOCAL AGENCY FORMATION COMMISSION

Housing Growth and Local Boundaries

Sixth-Cycle Housing Elements (2023–2031) and Their Implications for Alameda LAFCO

Preliminary Staff Report · October 2026

PREPARED BY

Rachel Jones
Executive Officer, Alameda LAFCO

PREPARED FOR

Commissioners, Alameda LAFCO

STATUS

Informational report for policy and work-program planning. Screening-level assessment; statutory summaries are for planning purposes and should be confirmed by legal counsel. Not adopted Commission policy.

Contents

Executive Summary **3**

1. Purpose, Scope and Method **4**
Sources 4
Limitations 4

2. Where Housing Element Obligations Apply **5**
The annexation exception 5

3. The Sixth-Cycle Housing Need in Alameda County **6**
Progress to date: building permits issued 8

4. Unincorporated Alameda County: The Strongest LAFCO Interface **10**

5. How Housing Requirements Can Reach LAFCO **12**
5.1 Annexations for housing 12
5.2 RHNA transfers after annexation or incorporation 13
5.3 Special district boundaries and out-of-area service 13
5.4 Water and sewer capacity for lower-income housing 13
5.5 Municipal service reviews and spheres of influence 14
Summary of potential effects 14

6. Sphere of Influence Consistency Review **15**
6.1 Phase 1: Do city housing elements depend on annexation? 15
6.2 Phase 2: Unincorporated sites, city spheres and service districts 17
6.3 Phases 3–4: Provider capacity 18
6.4 Sphere adequacy for long-term service planning 19

7. Work Program Status and Remaining Tasks **20**

8. Conclusions and Recommended Next Steps **21**

Sources and Legal References **21**

Executive Summary

Between 2023 and 2031, Alameda County's 14 cities and its unincorporated area must plan for **88,997 new homes** under the Regional Housing Needs Allocation (RHNA) adopted by the Association of Bay Area Governments (ABAG). These allocations are planning obligations, not forecasts of permits or construction. Even so, the scale and location of planned growth will shape demand for water, wastewater, fire and other municipal services, and some of it will reach the Commission as boundary changes, service extensions or evidence in service reviews.

Building is running behind the plan. Jurisdictions with available reports have permitted about **14% of their allocation** with roughly 40% of the planning period elapsed (Section 3).

This report answers two questions. **First, do housing element requirements extend beyond a city's boundaries or sphere of influence? Second, where in practice will housing requirements touch LAFCO's responsibilities?**

88,997
homes to plan for countywide, 2023–2031

84,286
allocated to the 14 cities

4,711
allocated to unincorporated Alameda County

5,081
potential units on unincorporated sites (excl. ADUs)

KEY FINDING: OBLIGATIONS STOP AT THE JURISDICTION'S BOUNDARY

A city's housing element covers land **inside its corporate limits**. Unincorporated land, including land within a city's sphere of influence, is planned for by the **County** and counts toward the County's allocation. A city may rely on unincorporated sites only if its housing element includes a program to annex them, and only after the Commission approves the annexation.

A review of the 14 adopted city elements found **one annexation program, in Pleasanton**, involving land within its sphere. Adopted housing elements are **broadly consistent with existing spheres of influence**; the gap is that district sphere and capacity determinations date from 2008 and predate the current housing cycle (Section 6).

WHERE HOUSING REQUIREMENTS REACH LAFCO

LAFCO touchpoint	Why it matters
Annexations for housing	Cities must prezone; the Commission weighs the effect on regional housing needs under § 56668 alongside sphere, agricultural and service factors.
RHNA transfers	After an annexation, part of the County's allocation may move to the city (§ 65584.07(d)); after an incorporation, a transfer is mandatory (§ 65584.07(c)).

LAFCO touchpoint	Why it matters
District boundaries and out-of-area service	A site inside a city can still lie outside a water, sewer or fire district, requiring a district annexation or § 56133 approval.
Water and sewer capacity	Providers must give priority to lower-income housing and may deny service only on specific written findings (§ 65589.7).
Unincorporated growth	About 5,100 potential units in Eden Area communities, Castro Valley, Fairview and East County rely on County and special district services.
Service reviews and spheres	Planned growth is direct evidence for MSR determinations on growth, capacity, finances and disadvantaged communities.

1. Purpose, Scope and Method

The sixth housing element cycle asks Bay Area jurisdictions to plan for substantially more housing than in prior cycles. This report was prepared to help the Commission anticipate how that growth could affect its core responsibilities: approving changes of organization, establishing and updating spheres of influence, authorizing services outside agency boundaries, and preparing municipal service reviews (MSRs).

The report responds to the work-plan objective to **review adopted Housing Elements and assess consistency with existing Spheres of Influence, to ensure orderly development and alignment with long-term service planning**. The results of that review are presented in Section 6.

Because housing element obligations follow jurisdictional boundaries (Section 2), the report concentrates on the mechanisms through which housing requirements actually reach LAFCO (Section 5) and on the unincorporated area, where the interface is strongest (Section 4).

Sources

- ABAG, *Final Regional Housing Needs Allocation Plan, 2023–2031*, Table 4 (adopted December 2021).
- State housing element law, including Government Code §§ 65583, 65583.2, 65584.07 and 65589.7, and the California Department of Housing and Community Development (HCD) *Housing Element Sites Inventory Guidebook*.
- Alameda County 2023–2031 Housing Element and its published sites-inventory summary (August 2024).
- The Cortese-Knox-Hertzberg Local Government Reorganization Act, including Government Code §§ 56133, 56375, 56425, 56430 and 56668, and Alameda LAFCO's adopted policies.

Limitations

This is a desk review. Boundary relationships are reported at the community level from published documents rather than parcel-level GIS analysis, and several city sites chapters and provider plans could not be retrieved in full; findings are labeled with confidence levels accordingly. Statutory summaries are provided for planning purposes and should be confirmed by legal counsel before they inform Commission action.

2. Where Housing Element Obligations Apply

Every California city and county must adopt a housing element as part of its general plan and update it on a regular cycle. Central to each element is an **inventory of land suitable and available for residential development** that can accommodate the jurisdiction's RHNA at each income level (Gov. Code §§ 65583(a)(3), 65583.2). The obligation is jurisdictional: a city plans for land within the city, and the County plans for the unincorporated area.

A **sphere of influence** does not change this. Under the Cortese-Knox-Hertzberg Act, a sphere is a planning boundary that indicates an agency's probable future boundary and service area (§§ 56076, 56425). It does not transfer land-use authority. Land inside a city's sphere but outside its limits remains unincorporated, is governed by the County's general plan and zoning, and counts toward the County's housing element. As Alameda LAFCO's own policy states, inclusion in a sphere "does not assure annexation" (Policy 13.9).

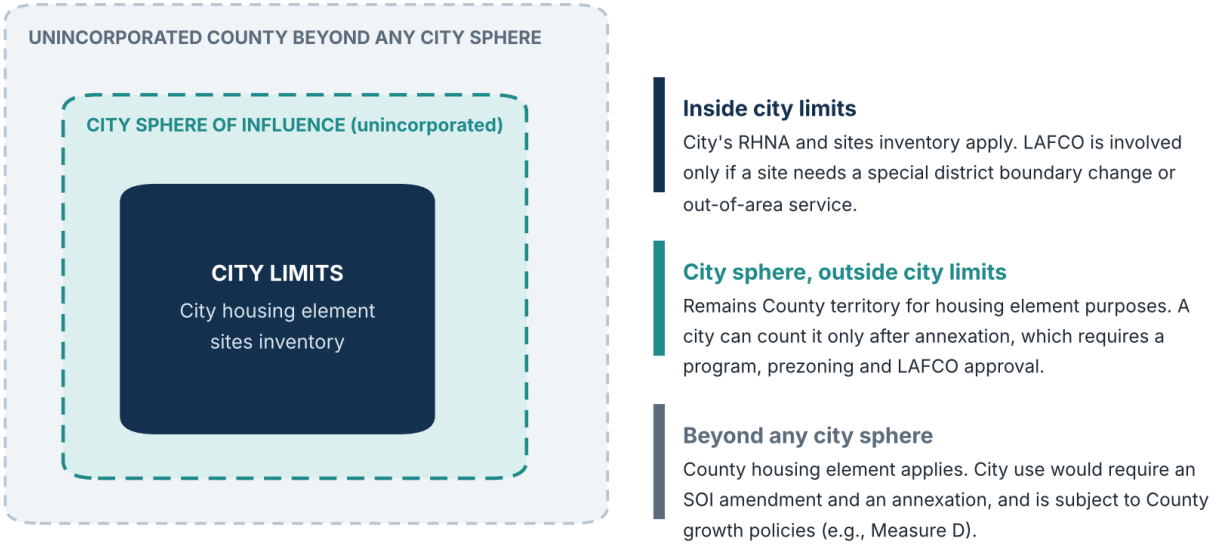


Figure 1 *Housing element responsibility follows jurisdictional boundaries, not spheres of influence.*

The annexation exception

HCD guidance recognizes one way a city can rely on land outside its limits. Where a jurisdiction must rely on annexation to accommodate its RHNA, its housing element must include a **program committing to complete the annexation within the first three years** of the planning period. The element must also evaluate the sites' consistency with LAFCO policies, describe pre-zoning, zoning and development standards, estimate realistic capacity, and identify any land under Williamson Act contracts. If the regional allocation methodology did not already account for the annexation, a portion of the County's allocation may be transferred to the city under § 65584.07(d), and the city must amend its element to accommodate it.

In other words, **an annexation-dependent site enters a city's inventory only through LAFCO**. That makes any such program a direct and time-sensitive item for the Commission.

Location of site	Whose housing element	Can a city count it?	LAFCO role
Inside city limits	City	Yes	Only if a district boundary change or out-of-area service is needed
City sphere, outside city limits	County	Only through an annexation program	Annexation (with prezoning); possible RHNA transfer follows
Outside any city sphere	County	Only after a sphere amendment and annexation	Sphere amendment and annexation; agricultural and growth-boundary policies apply
Unincorporated County site	County	Not applicable	Service reviews; district annexations or § 56133 approvals as needed

WHAT THIS MEANS FOR LAFCO REVIEW

Whether a city inventory site lies "outside the city" is not an open factual question requiring GIS analysis: by law, such a site cannot be counted unless it is annexed.

The remaining question, whether any adopted city element contains an annexation-dependent program, can be answered by reviewing each element's program chapter and HCD review letters, a far smaller task. Special district boundaries remain a genuine question for city sites and are addressed in Section 5.

3. The Sixth-Cycle Housing Need in Alameda County

ABAG adopted the final 2023–2031 allocation in December 2021. Alameda County's jurisdictions received 88,997 units in total. Growth obligations are concentrated in the largest cities: **Oakland, Fremont and Berkeley together account for 48,082 units, or 54% of the countywide total.** The unincorporated area's 4,711 units represent about 5%, a larger allocation than nine of the fourteen cities.

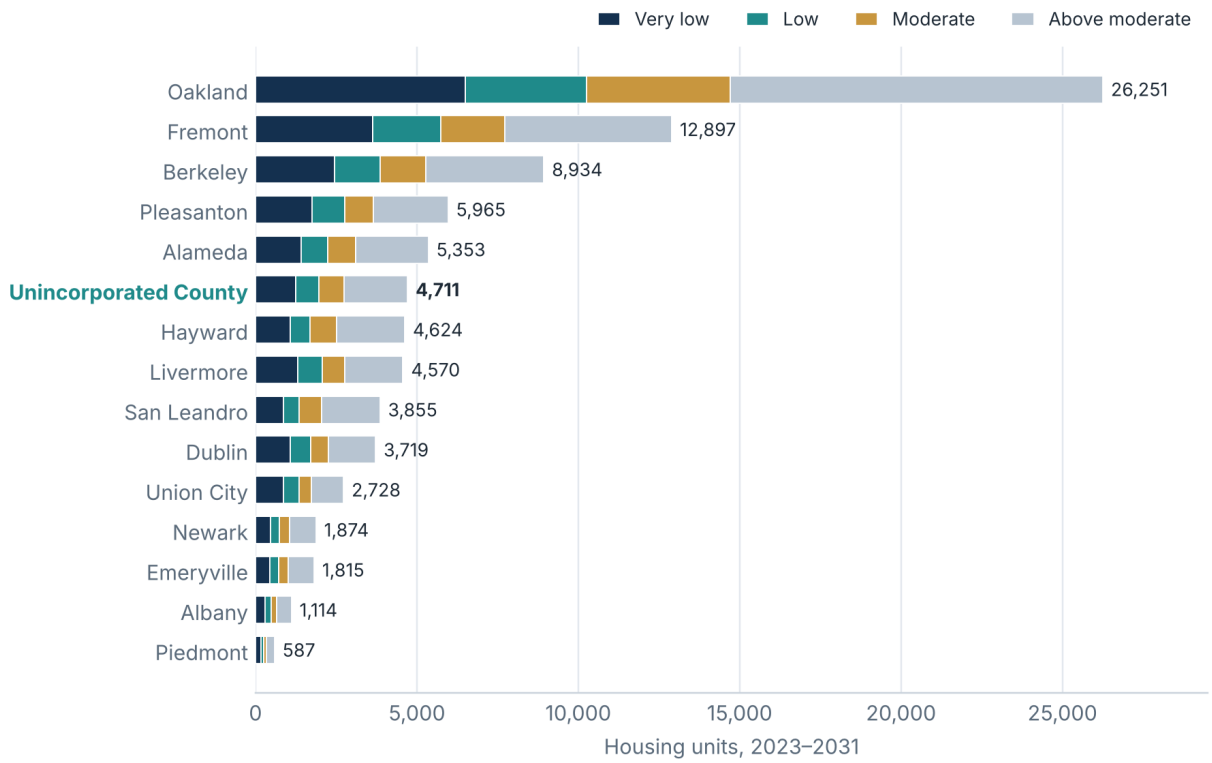


Figure 2 *2023–2031 RHNA by jurisdiction and income category (ABAG Final RHNA Plan, Table 4).*



COUNTYWIDE MIX

42% of the countywide allocation (37,197 homes) is for very low- and low-income households, **16%** for moderate-income households, and **42%** for above-moderate-income households. Lower-income targets matter to LAFCO because they carry the statutory water and sewer service priority described in Section 5.

Jurisdiction	Very low	Low	Moderate	Above mod.	Total
Oakland	6,511	3,750	4,457	11,533	**26,251**
Fremont	3,640	2,096	1,996	5,165	**12,897**
Berkeley	2,446	1,408	1,416	3,664	**8,934**
Pleasanton	1,750	1,008	894	2,313	**5,965**
Alameda	1,421	818	868	2,246	**5,353**
Hayward	1,075	617	817	2,115	**4,624**

Jurisdiction	Very low	Low	Moderate	Above mod.	Total
Livermore	1,317	758	696	1,799	**4,570**
San Leandro	862	495	696	1,802	**3,855**
Dublin	1,085	625	560	1,449	**3,719**
Union City	862	496	382	988	**2,728**
Newark	464	268	318	824	**1,874**
Emeryville	451	259	308	797	**1,815**
Albany	308	178	175	453	**1,114**
Piedmont	163	94	92	238	**587**
Unincorporated County	1,251	721	763	1,976	**4,711**
Countywide total	**23,606**	**13,591**	**14,438**	**37,362**	**88,997**

Source: ABAG, Final Regional Housing Needs Allocation Plan 2023–2031, Table 4. Allocations are planning targets; progress is reported annually to HCD through Annual Progress Reports.

Progress to date: building permits issued

Each jurisdiction reports its progress to HCD every April in a Housing Element Annual Progress Report, which counts units at three stages: entitled, permitted and completed. Progress toward RHNA is measured by **building permits issued** since the planning period began on June 30, 2022. Roughly 40% of the period had elapsed by the end of 2025.

Reports were obtained for eight jurisdictions that together hold 78% of the countywide allocation. **Those eight have issued 9,750 permits, about 14% of their combined 69,155-unit allocation**, well behind the pace the planning period implies. Unlike the prior cycle, the shortfall is not limited to affordable housing: market-rate permitting is also lagging.

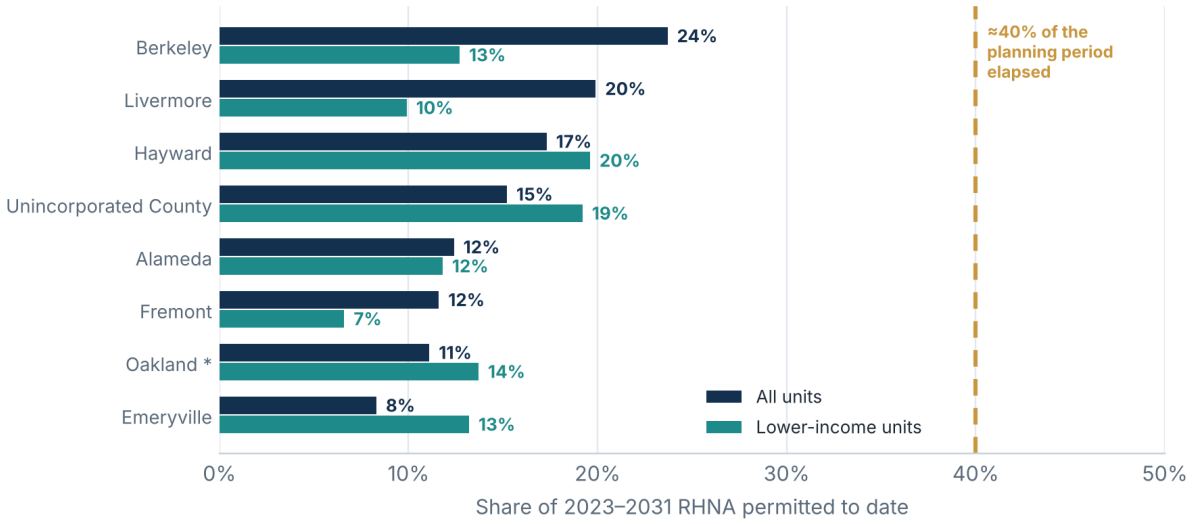


Figure 3 *Share of 2023–2031 RHNA permitted to date, all units and lower-income (very low + low) units. *Oakland data through 2024; all others through 2025.*

Jurisdiction	RHNA	Permits to date	% of RHNA	Lower-income %	Data through
Oakland	26,251	2,902	11.1%	13.7%	2024
Fremont	12,897	1,490	11.6%	6.6%	2025
Berkeley	8,934	2,117	23.7%	12.7%	2025
Alameda	5,353	663	12.4%	11.8%	2025 [1]
Unincorporated County	4,711	718	15.2%	19.2%	2025
Hayward	4,624	802	17.3%	19.6%	2025
Livermore	4,570	908	19.9%	9.9%	2025 [1]
Emeryville	1,815	150	8.3%	13.2%	2025
Subtotal (8 jurisdictions)	**69,155**	**9,750**	**14.1%**		
Pleasanton	5,965	139 [2]	~2% [2]	~2% [2]	2023–24
San Leandro	3,855	~177 [3]	~5%	~7% [4]	2023–25
Union City	2,728	Not obtained	—	~10% [4]	—
Newark	1,874	Not obtained	—	~16% [4]	—
Piedmont	587	26 [2]	~4% [2]	—	2023
Dublin	3,719	Not obtained	—	—	—
Albany	1,114	Not obtained	—	—	—

Sources: jurisdictions' Annual Progress Reports (Table B) and staff reports; [1] from published news coverage of the city's report; [2] partial years only; [3] calendar years 2023–2025, excluding late 2022; [4] HCD percentages republished by the Housing Readiness Report. "Lower-income %" compares very low- plus low-income permits with the combined very low- and low-income allocation (calculated).

Three patterns stand out. Hayward and the unincorporated area are furthest along on **lower-income** housing (about 20%), aided in the County by two affordable projects completed in 2025 (Madrone Terrace and Crescent Grove, 151 units). Berkeley and Livermore lead on **total** permits, Livermore with a record 422 permits in 2025. Permitting is **slowing** in several cities: Hayward fell from 454 permits in 2023 to 75 in 2025.

CONTEXT: THE PRIOR CYCLE

In the 2015–2023 cycle, Alameda County jurisdictions together permitted 53,712 units against a 44,036-unit allocation (122%), but met only about 41% of the combined very low- and low-income allocation and 24% of the moderate-income allocation; above-moderate permits reached 230% (MTC summary of Annual Progress Reports).

WHY THIS MATTERS FOR LAFCO

Actual growth reaching water, wastewater and other providers is running well below the planned allocation. That eases near-term capacity pressure, but service reviews should use both measures: **planned capacity** (RHNA and sites inventories) for long-term sphere and infrastructure planning, and **permits and completions** for near-term demand.

4. Unincorporated Alameda County: The Strongest LAFCO Interface

The County's 2023–2031 Housing Element plans for the unincorporated communities, which have no city government and depend on a mix of County services and independent special districts for water, wastewater, fire protection, and parks and recreation. Because growth in these communities is planned by the County but served in large part by districts whose boundaries, spheres and service reviews the Commission oversees, the unincorporated inventory is where housing policy and LAFCO responsibilities meet most directly.

The County's August 2024 sites-inventory summary identifies **5,081 potential units on specific sites**, plus 427 projected accessory dwelling units (ADUs), for a total of 5,508. That exceeds the 4,711-unit RHNA by a buffer of 797 units (16.9%). Most of the site capacity (61.7%) depends on rezoning, and about a quarter (25.9%) comes from projects that already have permits.

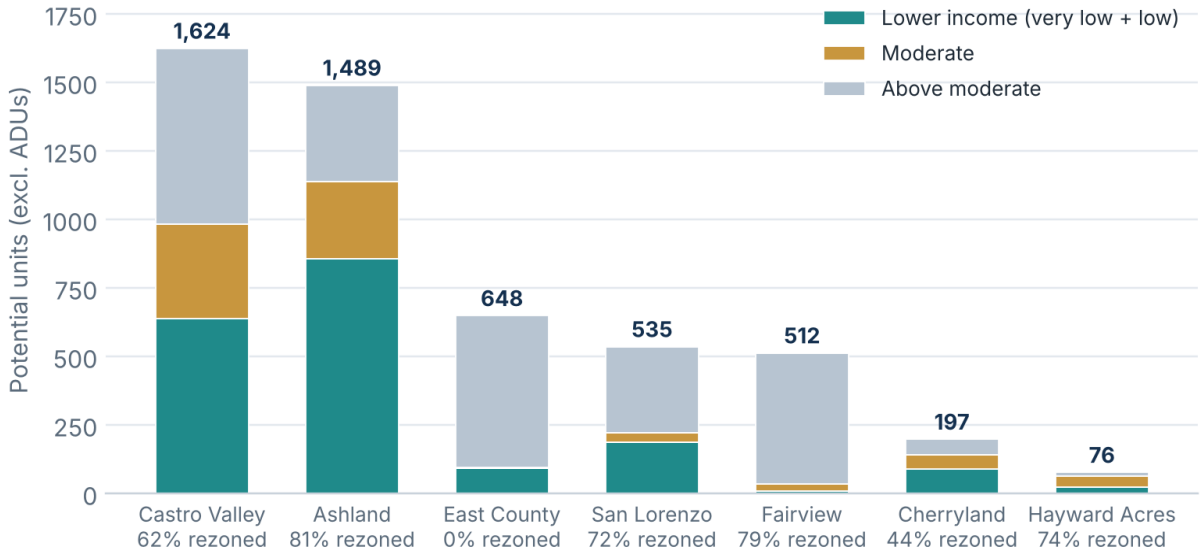


Figure 4 *Potential units by unincorporated community and income category, with the share of units on rezoned sites (Alameda County, August 2024).*

Community	Potential units	Lower income	Notes relevant to LAFCO
Castro Valley	1,624	638	Largest single community total; capacity and governance questions for the districts that serve it
Ashland	1,489	856	Highest lower-income capacity; includes rezoned sites such as the Bay Fair BART parking lot (about 448 units)
East County	648	92	Arroyo Lago (194) and SteelWave's East Lakes Builder's Remedy project (445), both now moving toward annexation to Pleasanton; agricultural and growth-boundary context
San Lorenzo	535	187	28% from permitted projects; Eden Area service interfaces
Fairview	512	9	Mostly above-moderate capacity; adjacent to Hayward
Cherryland	197	87	Smaller capacity; Hayward interface
Hayward Acres	76	21	Small capacity; Hayward interface
Total (excluding ADUs)	**5,081**	**1,890**	RHNA 4,711; buffer 797 units (16.9%) including 427 projected ADUs

Source: Alameda County Community Development Agency, Housing Element sites inventory summary (August 2024; page updated January 2, 2025). The page's narrative cites 5,551 units; this report uses the published table totals (5,081 excluding ADUs; 5,508 including ADUs).

Potential capacity is not evidence of a pending boundary change. However, it signals where service providers will face new connection demand, where capital plans may need to change, and where future questions about district boundaries, consolidation or governance are most likely to arise. East County warrants particular attention because development there occurs within the County's voter-approved urban growth boundary and agricultural preservation framework (Measure D, 2000) and in proximity to Livermore, Pleasanton and Dublin.

5. How Housing Requirements Can Reach LAFCO

Housing elements do not, by themselves, require any LAFCO action. The Commission becomes involved when a housing site or project depends on a **change in boundaries** or an **extension of services**. The diagram below traces the three routes by which that happens.

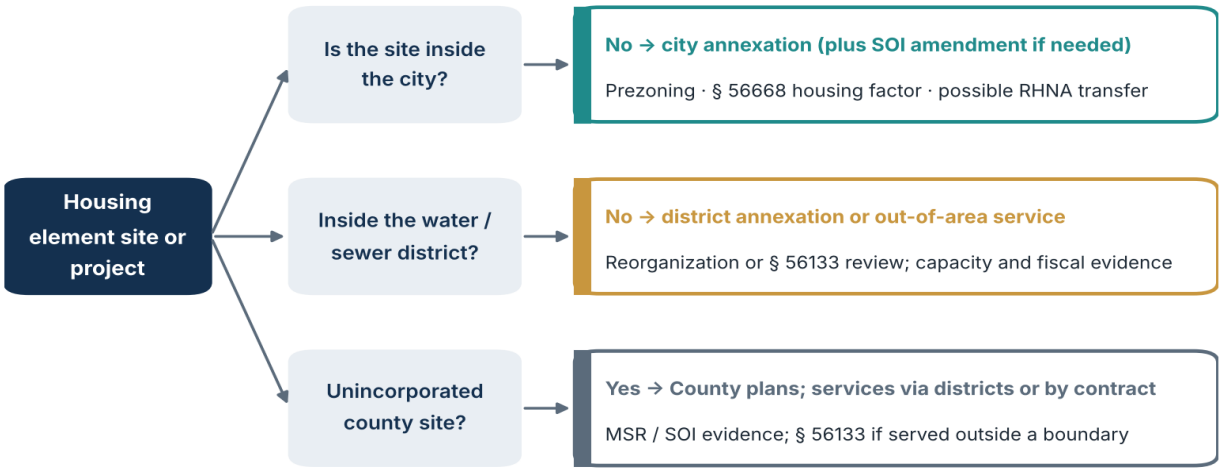


Figure 5 *Three routes from a housing site to a LAFCO action.*

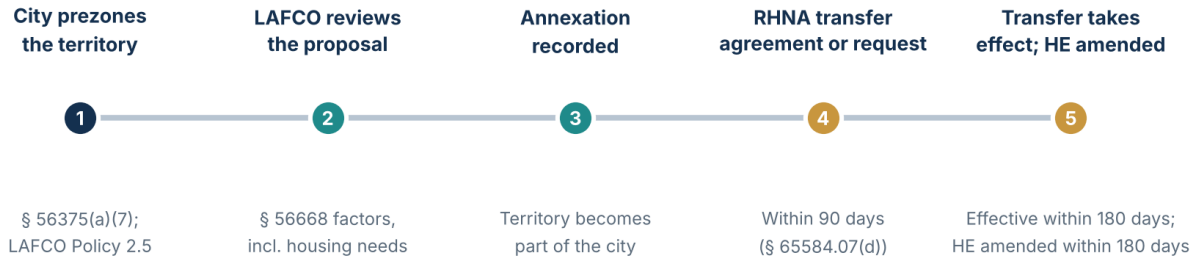
5.1 Annexations for housing

A city annexation proposed to accommodate housing would be reviewed under the same framework as any other annexation, with several elements of particular importance:

- **Prezoning.** The city must prezone the territory before the Commission acts, and the prezoning generally may not be changed for two years after annexation absent findings of substantially changed circumstances (§ 56375(a)(7); Alameda LAFCO Policy 2.5).
- **Housing as a review factor.** Among the factors the Commission must consider is the extent to which the proposal will affect the city and the County in achieving their respective fair shares of regional housing needs (§ 56668).
- **Sphere consistency.** Determinations must be consistent with adopted spheres (Policy 13.10). Territory outside a sphere would first require a sphere amendment.
- **Agricultural and open-space land.** Commission policy favors preserving prime agricultural land and open space and generally disfavors extending urban services to land under Williamson Act contracts (Policies 1.4 and 1.14).
- **Disadvantaged unincorporated communities.** The Commission may not approve a city annexation of more than ten acres contiguous to a disadvantaged unincorporated community unless an application to annex that community has also been filed, subject to statutory exceptions (§ 56375(a)(8)).

5.2 RHNA transfers after annexation or incorporation

Housing law includes a mechanism for moving housing obligations when territory changes jurisdiction. After an **annexation**, a portion of the County's allocation *may* be transferred to the city. The city and County may agree on the transfer, or either may request that ABAG (or HCD) decide; the agreement or request is due within 90 days of the annexation, and the transfer takes effect within 180 days of a written request. No transfer occurs if the land was already counted in the city's allocation methodology. After an **incorporation**, a transfer to the new city is mandatory (§ 65584.07(c)–(d)).



Steps 4–5 are discretionary for annexations ("may be transferred") and are not a LAFCO approval; they follow from the boundary change.

Figure 6 *Illustrative sequence: a housing-related annexation and the RHNA transfer that may follow.*

LAFCO does not approve RHNA transfers. But because a transfer can follow directly from a Commission action, staff reports on housing-related annexations should identify whether the territory appears in the County's sites inventory and whether a transfer is anticipated. This question is now live in East Pleasanton (Section 6.1).

5.3 Special district boundaries and out-of-area service

A housing site can be inside a city and still outside the boundary of the water, wastewater or fire agency that would serve it. Serving such a site requires either annexation to the district or Commission approval of an **out-of-agency service** agreement. Under § 56133, a city or district may provide new or extended services outside its boundaries only with the Commission's written approval, generally for territory within its sphere in anticipation of a later change of organization, or outside its sphere to respond to an existing or impending threat to public health or safety. Unincorporated housing sites may raise the same question where a city, rather than a district, is the logical provider.

5.4 Water and sewer capacity for lower-income housing

Each city and the County must deliver its adopted housing element to every public agency or private entity that provides water or sewer service within its territory. Those providers must **grant priority to proposed developments that include housing affordable to lower-income households**, must adopt written policies with objective standards for providing service and update them at least every five years, and may deny, condition or reduce service to such developments only on specific written findings, such as insufficient supply or capacity (§ 65589.7). For the Commission, this creates a concrete MSR question: have the districts serving

growth areas adopted current policies, and do their capacity and capital plans reflect the housing their communities have committed to accommodate?

5.5 Municipal service reviews and spheres of influence

Housing element data are direct evidence for several MSR determinations under § 56430: growth and population projections; the presence and needs of disadvantaged unincorporated communities; present and planned capacity of facilities; and agencies' financial ability to provide services. Commission policy already directs that MSRs encourage infill and direct growth to areas planned for growth (Policy 14.4). Incorporating RHNA and sites-inventory data into future reviews, particularly for the cities with the largest allocations and the districts serving unincorporated communities, would ground those determinations in adopted local plans.

Summary of potential effects

Effect	Trigger	Basis	Screening outlook
Service capacity evidence in MSRs	Any concentrated growth	§ 56430; Policy 14.4	Ongoing; applies to every review
Water / sewer priority and policies	Lower-income projects	§ 65589.7	Ongoing; verify in MSRs
District annexation or § 56133 approval	Site outside a district boundary	§§ 56133, 56375	Possible; case-by-case
City annexation for housing	Annexation-dependent program or project	§§ 56375(a)(7), 56668; HCD guidance	Occurring: Pleasanton (Section 6.1)
RHNA transfer	Annexation or incorporation	§ 65584.07	Live question in East Pleasanton
Sphere amendment	Growth beyond an adopted sphere	§ 56425; Policies 13.9–13.13	Low; case-by-case

"Screening outlook" is a staff assessment for work-program planning, not a finding.

6. Sphere of Influence Consistency Review

This section responds to the work-plan objective to **review adopted Housing Elements and assess consistency with existing Spheres of Influence, to ensure orderly development and alignment with long-term service planning.** It reports the results of a desk review completed in October 2026 using adopted housing elements and related environmental documents, HCD correspondence, Alameda LAFCO service reviews and sphere documents, providers' 2025 urban water management plans and published wastewater data, and Commission records. Boundary relationships are reported at the community level; parcel-level confirmation using LAFCO GIS layers remains outstanding (Section 7).

CONSISTENCY AT A GLANCE

Category	Finding	Open item
City sites inside city limits (13 cities)	Consistent with spheres by operation of law; no reliance on annexation found in the documents reviewed	Complete sites-chapter review for cities marked low confidence
Pleasanton annexation program	Lester and Merritt sites; Merritt is within Pleasanton's sphere and urban growth boundary and was approved by the Commission on February 4, 2026	Confirm adopted program text and Lester status
County sites in city spheres	2,442 projected units in the Hayward and San Leandro spheres (2024 Cities MSR)	Consistent; future annexation interest possible
East Pleasanton County sites	639 units in the County inventory (Arroyo Lago, East Lakes) now moving toward annexation to Pleasanton	RHNA credit unresolved; application to LAFCO expected
District service areas	No published evidence that any unincorporated growth area lies outside its service districts' boundaries	Confirm Fairview providers; parcel-level GIS check
District sphere currency	Water and wastewater district spheres were last updated in 2008; the 2021 service review predates the sixth-cycle RHNA	Refresh determinations with housing-based growth

6.1 Phase 1: Do city housing elements depend on annexation?

One city does. Pleasanton's housing element (Program 1.10 in the August 2022 draft submitted to HCD) commits the City to "complete annexation of the housing sites located in unincorporated Alameda County (i.e., Lester and Merritt rezone parcels)" by January 31, 2026, and to identify and rezone additional sites if the annexations cannot be completed within three years. The Commission approved the **Merritt** annexation 5–0 on February 4, 2026: four parcels totaling 46.4 acres, for an age-qualified community of 92 single-family homes and 18 affordable senior duplexes. The hearing notice placed the property within Pleasanton's sphere of influence and urban growth boundary. The status of the **Lester** site was not found in published sources.

No other city was found to rely on annexation. Hayward's inventory illustrates how cities handle edge sites: one Route 238 parcel group straddles the city limit, and only the portion inside the city is counted. For several cities the sites chapters could not be retrieved in full, so those findings are marked with lower confidence below.

City	Finding	Basis of review	Confidence
Alameda	None found	Programs cover city land; adoption notice describes the project as citywide	Medium
Albany	None found	HCD letters and implementation packet; sites on San Pablo and Solano Avenues	Medium-low
Berkeley	None found	Environmental notice: applies to the entire city	Medium-low
Dublin	None found	Initial study: infill within the city; HCD the only other approving agency	Medium
Emeryville	None found	Draft element: 21 opportunity sites within the city	Medium-low
Fremont	Not determined	Sites chapter not retrievable	Low
Hayward	None found	Appendix C: straddling parcel group counted only within city	Medium
Livermore	None found	Adopted element front matter; sites chapters not reviewed	Low-medium
Newark	Not determined	Adopted element not retrievable	Low
Oakland	None found	36,766 units of capacity under existing city zoning	Medium
Piedmont	None found	Initial study covers the entire city; Moraga Canyon sites are City-owned	Medium
Pleasanton	**Yes: Program 1.10**	Lester and Merritt annexations; Merritt approved February 2026	High
San Leandro	None found	Supplemental EIR: project area is the city limits	Medium-high
Union City	None found	HCD responses and errata; sites chapter not reviewed	Low-medium

EAST PLEASANTON: AN RHNA TRANSFER QUESTION NOW IN PLAY

The County's inventory counts two East Pleasanton projects: **Arroyo Lago (194 units)** and SteelWave's **East Lakes Builder's Remedy project (445 units)**, together 639 of the 648 East County units. Arroyo Lago lies within Pleasanton's sphere of influence. The Pleasanton City Council voted in February 2025 to pursue annexation of both properties and, on July 27, 2026, approved 3–2 the annexation of Arroyo Lago and a development agreement for 237 homes (189 single-family homes and 48 junior ADUs). Commission approval is required.

Press reports indicate the City and County have not agreed how to divide property taxes or housing credit for these sites. If they are annexed, a § 65584.07(d) transfer agreement, and possibly replacement sites in the County's inventory, become live questions that any annexation application should address.

6.2 Phase 2: Unincorporated sites, city spheres and service districts

Alameda LAFCO's 2024 Community Services MSR found that **Hayward and San Leandro are the only cities with County housing-element sites inside their unincorporated spheres**, projecting 802 and 1,640 units respectively for 2023–2031. East Pleasanton adds a third concentration at the edge of Pleasanton.

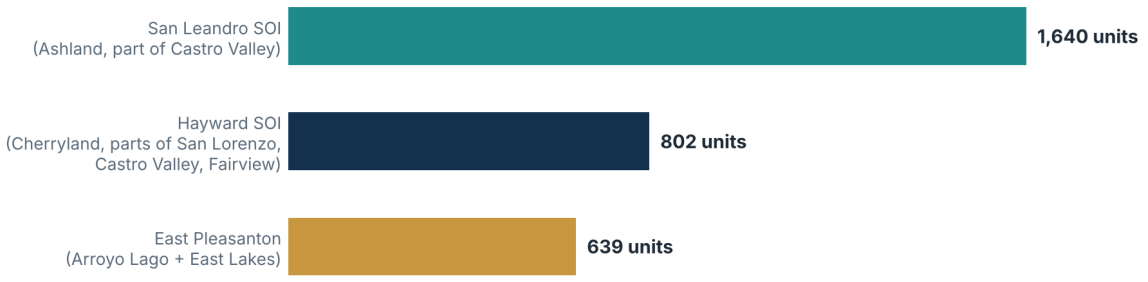


Figure 7 *Unincorporated housing planned within or at the edge of city spheres. Hayward and San Leandro: 2024 Community Services MSR projections; East Pleasanton: County sites inventory.*

Community	Units	City sphere	Water / wastewater	Fire / parks	Consistency notes
Ashland	1,489	San Leandro	EBMUD / Oro Loma SD	ACFD / HARD	County's only disadvantaged unincorporated community; 2017 MSR asked the County and San Leandro to revisit service needs at the next housing element update
Castro Valley	1,624	Partly San Leandro, partly Hayward	EBMUD / Castro Valley SD (Oro Loma in parts)	ACFD (Fairview FPD in Five Canyons) / HARD	Castro Valley SD service area covers virtually all land within the urban growth boundary
San Lorenzo	535	Partly Hayward	EBMUD / Oro Loma SD	ACFD / HARD	Within existing district boundaries
Cherryland	197	Hayward	EBMUD / Oro Loma SD	ACFD / HARD	Within existing district boundaries

Community	Units	City sphere	Water / wastewater	Fire / parks	Consistency notes
Fairview	512	Partly Hayward	Sources differ: EBMUD and Oro Loma SD, or City of Hayward	Fairview FPD (contracts with Hayward) / HARD	Confirm providers and any § 56133 agreements; 2024 Fire MSR recommends ACFD annex Fairview FPD territory
Hayward Acres	76	Not confirmed	Likely EBMUD / Oro Loma SD	ACFD / HARD (likely)	Confirm with GIS
East County	648	Pleasanton (Arroyo Lago)	County approval: on-site wastewater plant and water storage; City approval: Pleasanton utilities	Not reviewed	Inside the Measure D urban growth boundary; Zone 7 appealed the County approval; annexation pending

Sources: Alameda LAFCO 2024 Cities MSR, 2021 Countywide Utility MSR, 2017 Cities MSR, 2024 Fire MSR; Castro Valley General Plan ch. 9; County Housing Element Appendix B; County and press records for East County.

Published sources show **no unincorporated growth area lying outside the boundaries of the districts that serve it**, and the County's sites methodology states that all identified sites have access to infrastructure and utilities. Two communities need confirmation: Fairview, where LAFCO documents differ on whether water and sewer come from districts or the City of Hayward (which would require § 56133 authorization), and Hayward Acres, whose sphere status is not stated in the documents reviewed.

6.3 Phases 3–4: Provider capacity

The 2021 Countywide MSR found that "each wastewater treatment facility has adequate capacity to accommodate their average daily flow of influent," with room for near-term growth. Published figures for the plants serving the main growth areas are consistent with that finding: average flows use between about 40% and 75% of rated capacity.

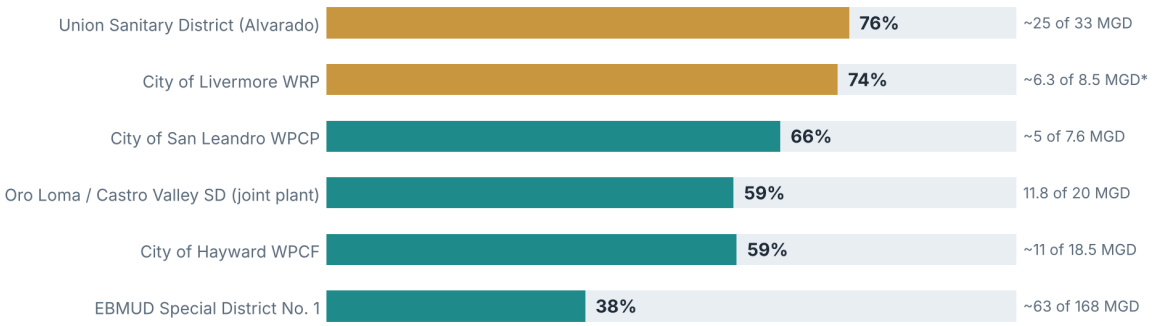


Figure 8 *Wastewater treatment plants: average flow as a share of rated capacity. Figures are from agency websites, permits and presentations of different dates and flow bases. *Livermore average calculated from reported annual flow.*

The constraints that do appear are in **collection systems during wet weather** rather than treatment. EBMUD's wet-weather flows can rise sharply because of infiltration into city-owned sewers, which a 2014 consent decree requires to be rehabilitated, and Castro Valley Sanitary District has publicly reported its collection system reaching capacity during a storm. These matter for the Castro Valley and Oakland growth areas.

Water provider	Serves	2025 UWMP reliability	Housing growth reflected?
EBMUD	Oakland, Berkeley, Alameda, Albany, Emeryville, Piedmont, San Leandro, Eden Area, Castro Valley	Meets demand to 2050 in normal, single-dry and multi-year droughts, with up to 15% rationing in later drought years	Uses calibrated Plan Bay Area 2050 forecasts; RHNA not cited
Zone 7 (wholesale)	Tri-Valley retailers: DSRSD, Pleasanton, Livermore, Cal Water	No shortage in normal or single-dry years; 10–20% shortage in the fifth year of droughts beginning around 2045; PFAS treatment online 2028	Pleasanton's projections tied to its housing element; Livermore and Dublin use general plans
City of Pleasanton	Pleasanton	Sufficient for five-year droughts beginning through 2040; about 10% shortfall in a 2045 drought, closable under its shortage plan; city wells offline since 2022 (PFAS)	References the 2023–2031 housing element and RHNA
City of Hayward	Most of Hayward	Shortage tables not reviewed	Explicitly reflects RHNA
ACWD	Fremont, Newark, Union City	2025 UWMP adopted June 2026; not reviewed	Not determined

Sources: EBMUD, Zone 7, Pleasanton and Hayward 2025 urban water management plans; ACWD fact sheet.

6.4 Sphere adequacy for long-term service planning

Commission policy ties spheres to a defined planning horizon. Territory should not be included in a sphere where "there is no compelling evidence that services will need to be provided within the next 10 to 15 years" (Policy 13.13), and each sphere is to be reviewed as necessary, but not less than every five years (Policy 13.2). Measured against that standard:

- **District spheres are dated.** The spheres of the water and wastewater districts serving the growth areas (EBMUD, ACWD, DSRSD, Zone 7, Oro Loma, Castro Valley SD and Union SD) were last updated in LAFCO's initial 2008 cycle. The 2021 Countywide MSR concluded that limited-purpose districts "do not appear to require further review" at that time.
- **The last review predates the housing allocations.** That review relied on ABAG-based projections (22% population growth, 2020–2040) and preceded the sixth-cycle RHNA. None of the determinations reviewed tests capacity against housing element growth.
- **Boundaries are not the binding constraint.** Because planned unincorporated growth appears to fall within existing district boundaries, the sphere lines themselves do not appear to limit service. The gap is the currency of the determinations behind them: the 2008 spheres were set for a 10–15-year horizon that has now elapsed.
- **Three areas need specific attention.** East Pleasanton, where the 2021 MSR recommended considering a revision to Pleasanton's sphere, taking into account the Castlewood and East Pleasanton areas, after the City's water master plan, and where annexations are now pending; Fairview, where service arrangements need confirmation; and Ashland, where the 2017 MSR asked for a fresh look at service needs at this housing element update.

- **Lower-income service priority is unverified.** Adoption of the written policies required by § 65589.7 could not be confirmed for any provider from published sources.

CONCLUSION ON SPHERE CONSISTENCY

Adopted housing elements are **broadly consistent with existing spheres of influence**. City sites lie within city limits; the one city annexation program (Pleasanton) involves land within Pleasanton's sphere and urban growth boundary; and unincorporated sites fall within communities already inside the boundaries of their service districts.

Long-term service planning has not kept pace. District sphere determinations date from 2008, and capacity findings have not been tested against sixth-cycle housing growth. Staff recommends refreshing them through the Tri-Valley area study on the Commission's study schedule and the next countywide utility service review.

7. Work Program Status and Remaining Tasks

The desk review completed the first pass of each phase. The remaining tasks require records that are not publicly posted, or GIS analysis.

Phase	Task	Status	Remaining
1	Check city housing elements for annexation dependence	Complete (desk review): one program, Pleasanton	Confirm adopted Program 1.10 text and Lester status; full-text review of sites chapters for Fremont, Newark, Livermore, Union City and Dublin
2	Map unincorporated sites to city spheres and districts	Complete at community level	Parcel-level GIS overlay; Hayward Acres sphere; Fairview providers; East Lakes sphere status
3	Compile provider capacity	Published figures compiled for major providers	ACWD and DSRSD 2025 plans; § 65589.7 policies; wet-weather collection capacity
4	Integrate into MSRs and sphere updates	Districts needing refreshed determinations identified	Tri-Valley area study; next countywide utility MSR
5	Annual monitoring	Not started	HCD Annual Progress Report data; early-notice protocol

EARLY-NOTICE PROTOCOL

Staff recommends asking each city and the County to notify LAFCO when a housing program, rezoning or project depends on annexation, a sphere change or an out-of-area service. Early notice lets service providers plan capacity and avoids late-stage boundary issues that could delay housing the State requires jurisdictions to accommodate.

8. Conclusions and Recommended Next Steps

Sixth-cycle housing planning commits Alameda County to substantial growth, concentrated in Oakland, Fremont and Berkeley and, in the unincorporated area, in Castro Valley and the Eden Area communities. Housing element obligations do not extend beyond each jurisdiction's boundaries, and the review found adopted elements broadly consistent with existing spheres. The Commission's exposure lies in the Pleasanton annexations and the RHNA transfers that can follow, in service arrangements at the edges of Hayward, and in sphere and capacity determinations that predate the current housing cycle.

Staff recommends that the Commission:

1. **Receive** this report as an informational item.
2. **Authorize** staff to establish an early-notice protocol with city and County planning departments.
3. **Incorporate** housing element and RHNA data into upcoming municipal service reviews and sphere updates.
4. **Include** an assessment of regional housing needs and any anticipated RHNA transfer in staff reports on housing-related annexations.

Sources and Legal References

- ABAG, Final Regional Housing Needs Allocation Plan 2023–2031, Table 4: abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf
- HCD, Housing Element Sites Inventory Guidebook (2020), including the annexation section: hcd.ca.gov/community-development/housing-element/docs/Sites_inventory_memo_final06102020.pdf
- HCD, Housing Element Annual Progress Report data: data.ca.gov (HCD APR data by jurisdiction and year)
- Alameda County, Housing Element sites inventory summary: alamedacountyca.gov/cda/planning/housing-element/sites-inventory.htm
- Alameda County, Housing Element: alamedacountyca.gov/cda/planning/housing-element/housing-element.htm
- Alameda LAFCO, Specific Proposal Policies (Policies 1.4, 1.14, 2.5, 13.9–13.17, 14.4, 14.6)
- Alameda LAFCO, Sphere of Influence program: alamedalafco.org/sphere-of-influence/
- Alameda LAFCO, Countywide Municipal Services Review on Water, Wastewater, Flood Control and Stormwater Services (November 2021): alamedalafco.org/wp-content/uploads/2022/07/Alameda-LAFCO-MSR-November-2021-adopted-resized-1.pdf
- Alameda LAFCO, Cities Municipal Service Review (2024): alamedalafco.org/wp-content/uploads/2024/10/Cities-MSR-Final-Report-Clean-8-26-24.pdf
- Alameda LAFCO, Initial Cycle of MSR/SOI Updates (2008): alamedalafco.org/cycle-1/
- Alameda LAFCO, Minutes of February 4, 2026 (Merritt annexation) and public hearing notice of December 19, 2025: alamedacountyca.gov/lafco/documents/
- City of Pleasanton, Draft 2023–2031 Housing Element, Program 1.10 (August 2022): hcd.ca.gov/housing-elements/docs/pleasanton-6th-draft081622.pdf

- Alameda County Housing Element, Appendix B Sites Methodology, Table B-4: alamedacountyca.gov/cda/planning/housing-element/documents/Appendix-B-Sites-Methodology_dec.pdf
- Pleasanton Weekly (February 19, 2025; June 24, 2026) and The Independent (July 2026) reporting on Arroyo Lago and East Lakes.
- 2025 urban water management plans: EBMUD, Zone 7 Water Agency, City of Pleasanton, City of Hayward; Oro Loma Sanitary District, Union Sanitary District, City of San Leandro, City of Hayward, City of Livermore and EBMUD published wastewater data.
- 2025 and 2024 Housing Element Annual Progress Reports and staff reports: Fremont, Hayward, Berkeley, Emeryville, Oakland (2024), Alameda County, Pleasanton (2023–2024); Alameda Post (March 13, 2026) and Pleasanton Weekly / The Independent (March 2026) coverage of Alameda and Livermore reports.
- MTC, RHNA Cycle 5 (2015–2023) Building Permit Activity by Jurisdiction (May 2024).
- HCD, 6th Cycle RHNA Progress Report dataset: data.ca.gov/dataset/rhna-progress-report
- California Government Code §§ 65583, 65583.2, 65584.07 and 65589.7 (housing element law).
- California Government Code §§ 56076, 56133, 56375, 56425, 56430 and 56668 (Cortese-Knox-Hertzberg Act).

NOTE

Statutory descriptions in this report summarize the law for planning purposes and do not constitute legal advice. Specific applications should be reviewed with Commission counsel.