

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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August 10, 2026

David Mohlenbrok, Community Development Director
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

Dear David Mohlenbrok:

**RE: City of Rocklin – Sierra Wilds Project – Housing Element Site Zoned to Permit
Residential Use By-Right – Technical Assistance**

This letter provides technical assistance to the City of Rocklin (City) regarding the proposed Sierra Wilds housing development project (Project) in relationship to use by-right processing under Housing Element Law for sites rezoned to accommodate lower-income units.¹ The California Department of Housing and Community Development (HCD) understands that the City Council will be considering the Project at a hearing on August 11, 2026. HCD urges the City to approve the Project in a manner consistent with the technical assistance in this letter.

Background

The Project includes 120 dwelling units, including two managers' units. 118 units would be affordable for lower-income households. HCD understands that the zoning for the Project site changed after the applicant submitted the application for the Project. When the application was submitted on May 8, 2025, the site was zoned Business/Professional/Commercial/Light Industrial (BP/Comm/LI). Based on the zoning at that time, the Project triggered a discretionary entitlement process (Design Review).

On August 26, 2025, the City conducted a first reading of an ordinance to rezone the Project site and other sites as part of a required rezoning action identified in Program 10 of the City's Housing Element.² Successful completion of the rezone was necessary after HCD previously found that the City had not implemented its required rezone,

¹ Gov. Code, § 65583.2, subd. (h), (i).

² The staff report for the City Council hearing to implement the City's Program 10 rezone can be found at the following link: <https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3551009/01- SR - ALT RHNA CC Nate edit 8.19 final.pdf>.

causing HCD to revoke its finding of compliance.³ On September 26, 2025, following the City's August rezone action, HCD notified the City that it had successfully completed the required rezone.⁴ Once the rezone took effect, the Project site was zoned Mixed Use 24 dwellings per acre minimum (MU-24+ overlay). As reflected in Program 10 of the City's housing element, the rezone action also triggered the "use by-right" provision in Housing Element Law, further discussed below.

Analysis

Housing Element Law requires local governments to rezone sites being used to meet the jurisdiction's lower-income Regional Housing Needs Allocation (RHNA) obligation. These rezoned sites must allow residential and mixed-use developments as a "use by right" where at least 20 percent of a project is affordable to lower-income households.⁵ "Use by right" is defined such that the local government's review of the project cannot "require a conditional use permit, planned unit development permit, *or other discretionary local government review or approval that would constitute a 'project' for purposes of [the California Environmental Quality Act (CEQA)]*."⁶

Considering that the Project application was submitted before the Project site was rezoned pursuant to the City's housing element implementation, the relevant question is: **Can the City continue applying its discretionary review because the rezoning occurred after the application was submitted?**

The answer is no. The statute specifies that a program to implement a required rezone (i.e., a rezone to address a shortfall in accommodation of the lower-income RHNA) applies on "sites that *shall be zoned* to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period." (Emphasis added.) In other words, for purposes of processing a proposed housing development on a site that was rezoned to accommodate a jurisdiction's lower income RHNA, the "use by right" provision functions as a de facto zoning requirement throughout the planning period (if the development meets the requisite affordability) and does not create a separate ministerial process that a developer must invoke. Once a housing element rezone is in effect and found compliant by HCD (in this case, on September 26, 2026), the "use by right" provision applies. HCD understands that the City identified the Project site in its housing element to be rezoned specifically in light of the submitted application and prior technical assistance from HCD regarding the Project.⁷

³ HCD's Revocation of Housing Element Compliance letter can be found at the following link: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/rocklin-rezone-he-revocation-062425.pdf>

⁴ HCD's housing element rezone compliance letter can be found at the following link: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/rocklin-succ-comp-rev-092625.pdf>

⁵ Gov. Code, § 65583.2, subd. (h)(1).

⁶ Gov. Code, § 65583.2, subd. (i).

⁷ HCD's previous technical assistance can be found at the following link:

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/rocklin-hau-1521-ta-04082025.pdf>

In light of the City's rezone for the Project site, the Project's compliance with the affordability criteria, and its consistency with the applicable minimum density as noted in the Planning Commission and City Council staff reports for the Project prepared to date, as of September 26, 2025, the City was required to review the Project in a manner consistent with the "use by right" definition above. As noted in the definition, this includes that the development is not a "project" for purposes of CEQA. The City must therefore adhere to the "use by right" requirement in its decision making for the Project.

Conclusion

In conclusion, although the Project was initially subject to discretionary review based on the zoning in place at the time, once the City successfully completed its rezone that included the Project site, the City was required to apply a "use by right" standard of review as described above. The City must therefore modify its approach to be consistent with state law. HCD remains committed to supporting the City in facilitating housing at all income levels. In addition, HCD has enforcement authority over Housing Element Law, among other state housing laws. Accordingly, HCD may review local government actions to determine consistency with these laws. Pursuant to Government Code 65585, subdivision (j), if HCD finds that a jurisdiction's actions do not comply with state law, HCD may notify the California Office of the Attorney General.

HCD commends the City on its ongoing commitment to implement its housing element and facilitate housing at all income levels. HCD urges the City to approve the Project consistent with Housing Element Law as detailed in this letter and will continue to monitor the City's review of the Project. If you have any questions about this letter or require additional technical assistance, please contact Lisa Frank at Lisa.Frank@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long, sweeping horizontal line extending to the right.

Melinda Coy
Housing Accountability Unit Chief