

Date of Hearing: April 20, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 2390 (Schiavo) – As Amended March 16, 2026

SUBJECT: Streamlined housing approvals: objective standards: review and modifications

SUMMARY: Narrows the application of existing site exclusions to protect the environment that serve as “guardrails” for the ministerial permitting processes, as extended and revised by SB 423 (Wiener), Chapter 778, Statutes of 2023, which exempt projects from review under the California Environmental Quality Act (CEQA).

EXISTING LAW:

- 1) CEQA requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. CEQA statute and guidelines provide multiple exemptions for residential projects. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Requires ministerial approval (i.e., not subject to CEQA or other discretionary review by the relevant city or county) of both affordable and market-rate multifamily housing projects until 2036, provided specified construction labor requirements are met, while excluding the following 11 categories of environmentally sensitive sites.
 - a) Coastal zone, with specified exceptions.
 - b) Prime farmland or farmland of statewide importance.
 - c) Wetlands.
 - d) Very high fire hazard severity zones, with specified exceptions.
 - e) Hazardous waste site.
 - f) Delineated earthquake fault zone.
 - g) Special flood hazard area.
 - h) Regulatory flood way.
 - i) Lands identified for conservation.
 - j) Habitat for protected species.
 - k) Lands under conservation easement.

(Government Code 65913.4)

THIS BILL revises SB 423 to:

- 1) Limit the scope of the project “site,” for purposes of determining eligibility or exclusion of the project based on the 11 categories of environmentally sensitive sites, to the applicant’s description of the area physically disturbed by construction, rather than the entire project site.
- 2) Expand tolling provisions so that approvals are extended during the pendency of litigation related to any modification request for projects, rather than only the first request.
- 3) Provide that for purposes of project modifications, consistency is measured against objective zoning, subdivision, and design review standards, rather than “planning standards.”
- 4) Require a local government to evaluate modification requests, including a subsequent modification, for consistency with the objective planning standards that the local government originally used, or that were used in a previous modification, to assess consistency.
- 5) Allow a local government to apply objective zoning, subdivision, and design review standards, rather than “planning standards,” adopted after the development application was first submitted to the requested modification in certain instances.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **CEQA exemptions for housing.** CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines, for a wide range of residential projects. Since 1978, CEQA has included statutory exemptions for housing. There are now more than 15 distinct CEQA exemptions for housing projects. The majority of residential projects are approved via exemption or negative declaration under CEQA, or through ministerial permits where CEQA does not apply.

A few existing CEQA exemptions are specific to projects with an affordable housing fraction, the rest are available to affordable and market-rate projects alike. Each exemption includes a range of conditions, including requirements for prior planning-level review, as well as limitations on the location and characteristics of the site. These conditions are intended to guard against the approval of projects with significant environmental impacts that go undisclosed and unmitigated – endangering workers, residents and the greater environment.

More recently, bills such as SB 423 and AB 2011 (Wicks), Chapter 647, Statutes of 2022, have required ministerial approval for multifamily housing projects, where local discretionary review, including CEQA, is replaced with construction labor requirements, exclusion of specified sensitive sites, and a checklist of “objective” criteria.

- 2) **Author’s statement:**

California’s housing crisis requires that existing tools operate efficiently, consistently, and as intended. State law provides a streamlined approval pathway for infill housing developments, but gaps in implementation have created uncertainty and delays that undermine its effectiveness. Additionally, ambiguities in current law have led to

inconsistent interpretations, prolonged timelines, and opportunities for misuse. These challenges can slow housing production and create avoidable barriers for both local governments and developers. AB 2390 provides targeted clarifications to ensure that the streamlined housing approval process is applied predictably, allowing projects that meet objective standards to move forward without unnecessary disruption. In doing so, the bill supports the timely delivery of much-needed housing while maintaining appropriate environmental and local safeguards. This measure represents a practical, good-governance approach that strengthens implementation without altering the underlying policy framework.

- 3) **Double referral.** This bill was approved by the Housing and Community Development Committee by a vote of 12-0 on April 8.
- 4) **Suggested amendment.** *The author and the committee may wish to consider striking the following provision that narrows application of the environmental guardrails for SB 423 and the several other laws that rely on SB 423's guardrails:*

~~(B) For purposes of determining whether a site meets any of the criteria in subdivision (a), a local government's review of the site shall be limited to the area described as being physically disturbed by construction in the application for streamlined, ministerial review and shall not include, unless expressly stated otherwise, other contiguous or noncontiguous areas even if under the ownership or control of the development proponent.~~

REGISTERED SUPPORT / OPPOSITION:

Support

Abundant Housing Los Angeles
 California Council for Affordable Housing
 Circulate Planning & Policy
 LeadingAge California
 San Francisco Bay Area Planning and Urban Research Association
 Student Homes Coalition

Opposition

Beachwood Canyon Neighborhood Association
 California Native Plant Society
 Canyon Back Alliance
 Center for Biological Diversity
 Center for Environmental Health
 Center for Public Environmental Oversight
 Citizens Planning Association
 Clean Earth 4 Kids
 Committees for Land, Air, Water and Species
 Endangered Habitats League
 Friends of Griffith Park
 Green Foothills
 Hillside Federation
 In Defense of Animals

Planning and Conservation League
San Francisco Baykeeper
Santa Clara Valley Bird Alliance

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