
SENATE COMMITTEE ON HOUSING
Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No:	AB 2390	Hearing Date:	6/10/2026
Author:	Schiavo		
Version:	4/22/2026 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Hank Brady		

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

DIGEST: This bill makes technical and clarifying changes to the standards that apply to an applicant seeking a modification to a development application submitted under the streamlined ministerial approval process for developments under SB 35 (Weiner, Chapter 366, Statutes of 2017).

ANALYSIS:

Existing law under SB 35 (Weiner, 2017) and SB 423 (Weiner, Chapter 778, Statutes 2023):

- 1) Allows a development proponent to submit an application for a development that is subject to a streamlined, ministerial approval process, and not subject to a conditional use permit if the infill development contains two or more residential units and satisfies specified objective planning standards.
- 2) Requires, among other things, for sites subject to ministerial approval to be limited to zones for residential use or residential mixed-use development, with at least two-thirds of the square footage of the development designated for residential use.
- 3) Specifies, if a local government determines that a development submitted pursuant to the bill's provisions is in conflict with any of the objective planning standards listed in 1) above, that it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:
 - a) Within 60 days of submittal of the development to the local government if the development contains 150 or fewer housing units; or,

- b) Within 90 days of submittal of the development to the local government if the development contains more than 150 housing units.
- 4) Establishes vesting and expiration timelines for approved projects.
Specifically:
- a) Provides that approvals remain valid for three years, or longer if litigation is pending, so long as construction has commenced and is progressing'
 - b) Allows a one-time, one-year extension upon a showing of substantial progress toward construction readiness; and
 - c) Provides that approvals for certain affordable housing projects with public investment do not expire.
- 5) Authorizes projects modifications after an application is approved.
Specifically:
- a) Allows a developer to request modifications prior to issuance of the final building permit.
 - b) Requires local governments to approve modifications if they remain consistent with objective standards in effect at the time of the original application.
 - c) Limits local review to only those aspects of the project that are modified and requires use of the same assumptions and analytical methodology as the original approval.
 - d) Establishes timelines (60–90 days) for local review of modification requests.
- 6) Provides for tolling of approval timelines:
- a) Extends the life of project approval during the period in which a modification request is under review, plus an additional 180 days to obtain building permits.
 - b) Further tolls the approval period during the pendency of litigation related to the first modification.

This bill:

- 1) Revises tolling provisions so that approvals are extended during the pendency of litigation related to any modification request for SB 35/SB 423 projects, rather than only the first request.

- 2) Provides that for purposes of SB 35/SB 423 modifications, consistency is measured against objective zoning, subdivision, and design review standards, rather than "planning standards."
- 3) Requires 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.

Background

SB 35 (Wiener). In 2017, SB 35 (Wiener) created a by-right approval process for infill projects with two or more residential units in localities that have failed to produce sufficient housing to meet their RHNA. To access the by-right process, the project must meet a number of requirements, including that the development includes a percentage of affordable housing units, meets specified labor standards, is not on an environmentally sensitive site, and would not result in the demolition of existing housing. Localities are allowed to provide design review, and are allowed to apply their own objective development standards, but they must approve the development project in specified timeframes.

SB 423 (Wiener). In 2023, SB 423 (Weiner) extended the streamlining provisions created by SB 35 until January 1, 2036. SB 423 additionally expanded the scope of SB 35 streamlining provisions to the coastal zone and amended the labor standards a development project is required to comply with in order to qualify for streamlined ministerial approval.

Comments

- 4) *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.”

- 5) *Modifications and objective standards.* Prior to submitting an application for an SB 35/ SB 423 project, a developer must first submit a notice of intent to submit an application to the local government. As housing projects evolve, developers sometimes need to make modifications to projects. This is because residential projects by their nature are complex and, for example, can involve building out lobbies, corridors, back of house spaces, storage, parking, amenity facilities, and outdoor areas, in addition to the units themselves. Many of these cannot be determined until the completion of the design for the project for the building permit and final applications. Additionally, the time between the initial application and the first building permit can take one to two years, sometimes longer, during which time market conditions, which drive project decisions, can change.

For example, some potential changes may include: the cost of materials which may lead to a change in construction type or architecture; building codes; housing financing and securing of public subsidies; and the imposition of impact fees, which may impact the overall project.

This bill clarifies that local governments shall approve modification requests if the proposed modification is specifically consistent with the objective *zoning standards, subdivision standards, and design review standards*, rather than “planning standards” in effect when the original development application was submitted. This change makes the scope of review for modifications consistent with the scope of review for other aspects of SB 35/SB 423.

- 6) *Development timelines.* SB 35/SB 423 established timelines for the validity of approvals and includes tolling provisions. For most projects, an approval remains valid for three years, provided that specific conditions and construction related milestones are met. The approval period is extended while a modification request is under review. Additionally, the validity of the approval timeline is tolled (paused) during the pendency of litigation related to a modification request. The tolling of project approval timelines ensures that a project does not forfeit its approval. This bill additionally clarifies that litigation filed relating to a modification request shall toll the development timelines if the litigation is associated with *any* modification request, not just the first modification request.

- 7) *Technical amendments.* The bill amends the modification process to specify that the standards applicable to a modification are the standard in effect when the original application was submitted. The language in the bill states that the applicable standards are the in effect when the original application was submitted *pursuant to paragraph (5) of subdivision (a)*. The referenced paragraph does not address the timing of application submission. **The Committee may wish to clarify this cross-reference.**
- 8) *Double referral.* This bill is also referred to the Senate Local Government Committee.

Related/Prior Legislation

SB 423 (Weiner, Chapter 778, Statutes of 2023) —extended the sunset on SB 35 and made other changes.

AB 2668 (Grayson, Chapter 658, Statutes of 2022) — added parameters for determining a project’s compliance with the streamlined, ministerial process created by SB 35 (Wiener, Chapter 366, Statutes of 2017).

AB 1174 (Grayson, Chapter 160, Statues of 2021) — made several changes to the SB 35 process.

AB 831 (Grayson, Chapter 194, Statutes of 2020) — added a process for SB 35 projects to be modified after their approval.

AB 1485 (Wicks, Chapter 663, Statutes of 2019) — made various changes to SB 35 including allowing for streamlining of housing developments that include a percentage of low-income and/or moderate-income housing.

SB 35 (Wiener, Chapter 366, Statutes of 2017) — created a ministerial approval process for specified infill, multifamily housing development projects.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 3rd, 2026.)

SUPPORT:

None Received.

OPPOSITION:

None Received.

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