
CONSENT

Bill No: AB 2390
Author: Schiavo (D)
Amended: 7/2/26 in Senate
Vote: 21

SENATE HOUSING COMMITTEE: 9-0, 6/10/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Durazo, Grayson, Ochoa Bogh,
Padilla, Pérez

NO VOTE RECORDED: Cabaldon

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 7/1/26

AYES: Durazo, Choi, Arreguín, Ashby, Cervantes, Laird, Seyarto

ASSEMBLY FLOOR: 69-0, 5/21/26 - See last page for vote

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

SOURCE: Author

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
- 4) Establishes vesting and expiration timelines for approved projects.
- 5) Authorizes project modification after an application is approved.
- 6) Provides for tolling of approval timelines when a modification request is submitted, or during the pendency of litigation.

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

- 1) *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."
- 2) *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.

- 3) *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.

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

Senate Rule 28.8

SUPPORT: (Verified 8/3/26)

Abundant Housing Los Angeles
California Council for Affordable Housing
California Yimby
Circulate Planning & Policy
Fieldstead and Company, INC.
Leadingage California
San Francisco Bay Area Planning & Urban Research Association
Student Homes Coalition

OPPOSITION: (Verified 8/3/26)

None received

ASSEMBLY FLOOR: 69-0, 5/21/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Addis, Arambula, Bauer-Kahan, Bennett, Boerner, Chen, Garcia, Lackey, Muratsuchi, Ramos, Celeste Rodriguez

Prepared by: Hank Brady / HOUSING / (916) 651-4124
8/5/26 15:04:42

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