

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON HEALTH  
Mia Bonta, Chair  
AB 1679 (Mark González) – As Amended April 16, 2026

**SUBJECT:** Local pop-up small business program.

**SUMMARY:** Requires a local jurisdiction to allow temporary commercial activation authorizations for pop-up small businesses to operate in an eligible commercial space for a period not to exceed 120 days. Specifically, **this bill:**

**Pop-Up Small Business Authorization**

- 1) Requires each local jurisdiction to allow temporary commercial activation authorization for pop-up small businesses to operate in an eligible commercial space for a period not exceeding 120 days.
- 2) Authorizes a local jurisdiction to allow renewal or extension of the temporary commercial activation authorization.
- 3) Authorizes a local jurisdiction to require an application for permanent occupancy under applicable local processes for continued operation if the cumulative duration of an eligible temporary use in a single eligible commercial space exceeds 12 months within any 24-month period.
- 4) Prohibits this bill from being construed to prohibit a business from applying for permanent occupancy after 12 months within any 24-month period.
- 5) Authorizes a local jurisdiction to meet the requirements of this bill through existing permitting frameworks or by creating a new authorization process, if the temporary commercial activation authorization satisfies the requirements of this bill.
- 6) Authorizes a local jurisdiction to temporarily suspend, defer, or modify development standards and discretionary requirements that are triggered by permanent occupancy. Requires a local jurisdiction to consider temporarily suspending, deferring, or modifying the following standards and discretionary requirements:
  - a) Long-term parking minimum requirements;
  - b) Public improvements and dedications associated with permanent occupancy;
  - c) Tenant improvement valuation thresholds triggering full building system upgrades; and,
  - d) Discretionary land use procedures required for permanent tenancy, except those related to cannabis, adult business establishments, and alcoholic beverage sales, unless the establishment is a bona fide eating place.
- 7) Prohibits this bill from being deemed to exempt a property owner or tenant from public improvements or development requirements that are lawfully imposed as a condition of permanent occupancy or structural alteration.

- 8) Prohibits a temporary commercial activation authorization from allowing any of the following:
  - a) Structural alteration;
  - b) Modification of fire-resistant elements; and,
  - c) Change to a higher risk occupancy classification under the California Building Code.
- 9) Authorizes, notwithstanding any other law, a temporary commercial activation authorization to allow a limited temporary change between Group B (Business) and Group M (Mercantile) occupancies, if the following conditions are met:
  - a) The occupant load does not exceed 49 persons, except as prohibited in 8) above;
  - b) No structural alteration is required; and,
  - c) All applicable fire, and health, and safety standards life-safety provisions for the temporary occupancy are satisfied.
- 10) Requires a temporary commercial activation authorization to comply with applicable health and safety standards governing temporary uses or temporary structures under the California Building Code and temporary events provisions under the California Fire Code, including, but not limited to, standards for temporary structures and fire department access.
- 11) Prohibits this bill from being deemed to limit the authority of a local fire official to impose additional safety conditions necessary to protect occupants and the public.
- 12) Prohibits a temporary commercial activation authorization under this bill from being deemed to exempt any space from applicable state or federal accessibility requirements.
- 13) Requires a local jurisdiction to provide written accessibility compliance guidance materials to an applicant and authorizes a local jurisdiction to require acknowledgment of accessibility obligations as a condition of temporary commercial activation authorization.
- 14) Prohibits a temporary commercial activation authorization from constituting a determination of full accessibility compliance for purposes of permanent occupancy.
- 15) Requires a food facility operating pursuant to temporary commercial activation authorization to comply with all applicable provisions regulating limited food preparation and temporary food facilities (TFFs) under the California Retail Food Code (CRFC).
- 16) Authorizes, notwithstanding any other law, a local enforcement agency responsible for environmental health to impose additional temporary food safety requirements consistent with the CRFC.
- 17) Prohibits this bill from being deemed to authorize a temporary use that poses risk to public health or safety.
- 18) Authorizes a local jurisdiction to establish any of the following:

- a) Eligible uses and operational limits consistent with this bill;
  - b) Fire, accessibility, and health and safety standards appropriate for temporary use;
  - c) Fees not exceeding the reasonable costs of program administration; and,
  - d) Enforcement mechanisms and penalties for noncompliance.
- 19) Prohibits a temporary commercial activation authorization from being deemed to confer a vested right. Authorizes a local jurisdiction to revoke a temporary commercial activation authorization for a violation of a condition of this bill or a local pop-up business program.
- 20) Prohibits a temporary commercial activation authorization granted pursuant to a local pop-up business program pursuant to this bill from being deemed permanent occupancy or establishing legal nonconformity.
- 21) Makes several findings and declarations to the effect that inconsistent local treatment of temporary commercial activation authorization contributes to prolonged commercial vacancy, uneven economic recovery, and barriers to entrepreneurship throughout the state, and a statewide requirement for a temporary commercial authorization framework (promoting a consistent regulatory framework) is a matter of statewide concern.

## Definitions

- 22) Defines the following for purposes of this bill:
- a) “Eligible commercial space” to mean an existing building or tenant space that meets all of the following criteria:
    - i) It was granted a certificate of occupancy by the local jurisdiction or passed final inspection that permitted the building to be used for commercial use or the local jurisdiction allows commercial use for the building;
    - ii) It meets applicable health and safety standards associated with the use proposed to be conducted in the building;
    - iii) It is not currently undergoing structural alteration; and,
    - iv) It does not require modification of fire-resistant elements.
  - b) “Eligible temporary use” to mean commercial activity occurring within either a Group B (Business) or Group M (Mercantile) occupancy, as defined in the California Building Code with an occupant load not exceeding 49 persons. Excludes from this definition Assembly, Institutional, Residential, or High-Hazard occupancies, as defined in the California Building Code.
  - c) Specifies that for food facilities, “eligible temporary use” is required to be limited to activities consistent with limited food preparation or TFF standards under the CRFC.
  - d) “Local jurisdiction” to mean a city, including a charter city, county, or city and county.

- e) “Pop-up small business” to mean a temporary commercial operation conducted in an existing commercial or mixed-use building pursuant to a temporary commercial activation authorization pursuant to this bill.
- f) “Temporary commercial activation authorization” to mean an authorization issued by a local jurisdiction to a pop-up small business to operate in an eligible commercial space under temporary occupancy standards established pursuant to this bill.

**EXISTING LAW:**

- 1) Establishes the California Building Standards Commission (CBSC) within the Department of General Services (DGS) and requires any building standard adopted or proposed by state agencies to be submitted to, and approved or adopted by, the CBSC prior to codification. [Health and Safety Code (HSC) § 18930]
- 2) Establishes the Permit Streamlining Act, which, among other things, establishes time limits within which state and local government agencies must either approve or disapprove permits to entitle a development. [Government Code (GOV) §§ 65920 - 65964.5]
- 3) Allows the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions, as specified. [HSC § 19837]
- 4) Requires a local agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions upon the request of an applicant for a nonresidential permit for the remodeling or tenant improvements of a building, as specified, where there is an “excessive delay” in checking the plans and specifications that are submitted as a part of the application. [HSC § 19837]
- 5) Generally defines, for a nonresidential permit for a building other than a hotel or motel that is three stories or less, “excessive delay” to mean the building department or building division of the local agency has taken more than 50 days after submitting a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking. [HSC § 19837]
- 6) Requires a local building department or permitting department to allow a qualified professional certifier to certify compliance with applicable building, health, and safety codes for a tenant improvement relating to a restaurant, as specified. [GOV §§ 66345 - 66345.4]
- 7) Establishes the CRFC to provide for the regulation of retail food facilities. Establishes health and sanitation standards at the state level through the CRFC, while enforcement is charged to local agencies, carried out by the 58 county environmental health departments and four city environmental health departments (Berkeley, Long Beach, Pasadena, and Vernon). [HSC § 113700, *et seq.*]
- 8) Defines a TFF to mean a food facility approved by the enforcement officer that operates at a fixed location for the duration of an approved community event or at a swap meet and only as a part of the community event or swap meet. [HSC § 113930]
- 9) Establishes the following requirements for TFFs, including:

- a) TFFs that operate at a swap meet are limited to only prepackaged nonpotentially hazardous food and whole uncut produce, and are required to meet the applicable requirements in the CRFC, as specified.
  - b) Temporary food facilities that operate at community events are required meet the applicable requirements are required to meet the applicable requirements in the CRFC, as specified.
  - c) Food facility requirements are to be determined by the enforcement agency based on the food service activity to be conducted, the type of food that is to be prepared or served, the length of the event, and the extent of food preparation that is to be conducted at a community event within a temporary food facility.
  - d) Notwithstanding 9) a) above, the enforcement agency may allow temporary food facilities at a swap meet, depending on the food service activity to be conducted, the type of food that is to be prepared or served, the duration of the swap meet, and the extent of food preparation that is to be conducted at the swap meet. [HSC § 114335]
- 10) Defines a community event to mean an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency. [HSC § 113930]
- 11) Defines “swap meet” to include a flea market or an open-air market and means an event at which two or more persons offer merchandise for sale or exchange and that meets one of the following conditions:
- a) A fee is charged for the privilege of offering or displaying merchandise for sale or exchange;
  - b) A fee is charged to prospective buyers for parking or for admission to the area where merchandise is offered or displayed for sale or exchange; and,
  - c) The event is held more than six times in any 12-month period. [Business and Professions Code (BPC) § 113930]
- 12) Specifies, notwithstanding 10), the term “swap meet,” includes a flea market or an open-air market and means an event, regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period. Specifies the term “swap meet” is interchangeable and applicable to “flea markets,” “indoor swap meets,” “open-air markets,” or other similar terms, regardless of whether these events are held either inside a building or outside in the open. States that the primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. [*Ibid.*]
- 13) Defines “limited food preparation” to mean food preparation that is restricted to specified methods, including the following:

- a) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food;
  - b) Dispensing and portioning of nonpotentially hazardous food or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing;
  - c) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source;
  - d) Holding, portioning, and dispensing of any foods that are prepared by a catering operation;
  - e) Slicing and chopping of nonpotentially hazardous food or produce that has been washed at an approved facility or slicing and chopping of food on a heated cooking surface during the cooking process;
  - f) Cooking and seasoning to order;
  - g) Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products;
  - h) Hot and cold holding of food that has been prepared at an approved permanent food facility; and,
  - i) Reheating of food that has been previously prepared at an approved permanent food facility and held at specified temperatures. [HSC § 113818]
- 14) Specifies that “limited food preparation” does not include any of the following:
- a) Slicing and chopping potentially hazardous food, other than produce, unless it is on the heated cooking surface;
  - b) Thawing;
  - c) Cooling of cooked, potentially hazardous food;
  - d) Grinding raw ingredients or potentially hazardous food;
  - e) Washing of foods;
  - f) Cooking of potentially hazardous foods for later use; and,
  - g) Handling, manufacturing, freezing, processing, or packaging of milk, milk products, or products resembling milk products. [*Ibid.*]
- 15) Defines a “compact mobile food operation” (CMFO) to mean a mobile food facility (vehicle used in conjunction with a commissary or other permanent food facility) that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. [HSC § 113831]

- 16) States that CMFOs are only to conduct limited food preparation, as defined in 4) above.  
[HSC § 114368.2]
- 17) Prohibits CMFOs from selling food other than nonpotentially hazardous prepackaged food or whole produce, or conduct any food preparation, unless it meets the applicable specified operational requirements including applicable requirements for integral equipment, handwashing, and restroom access. Prohibits a CMFO operating from an individual from conducting any food preparation or sell foods other than nonpotentially hazardous prepackaged food or whole produce. [*Ibid.*]

**FISCAL EFFECT:** Unknown. This bill has not been analyzed by a fiscal committee.

**COMMENTS:**

**1) PURPOSE OF THIS BILL.** According to the author, despite growing recognition that pop-up businesses are an effective way to activate vacant spaces, there is no consistent permitting framework across California’s local jurisdictions. The author continues that these small businesses must navigate a confusing, fragmented, and costly system that was never designed with pop-ups in mind. The author states that this bill would remove these barriers by establishing a single, statewide “Temporary Commercial Activation Permit” for pop-up businesses. The author continues that in his district, empty storefronts sit side-by-side with businesses seeking an opportunity. The author concludes that this bill creates a clear, accessible way to bring those spaces back to life.

**2) BACKGROUND.**

- a) CRFC.** The CRFC is modeled after the federal Food and Drug Administration’s (FDA) Model Food Code (MFC), which is updated every four years to enhance food safety laws based on the best available science. Between each four-year period, the FDA makes available a Food Code Supplement that updates, modifies, or clarifies certain provisions. The Food Code assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry, such as restaurants, grocery stores, and institutions like nursing homes. Forty-eight states and territories have adopted food codes patterned after the MFC, representing 80% of the United States’ population.

The CRFC is primarily enforced by 62 local environmental health regulatory agencies. The State Department of Public Health’s Food and Drug Branch plays a supporting role in the enforcement of the CRFC by providing technical expertise to evaluate processes and procedures and to answer technical and legal inquires for local agencies, industry and consumers.

The CRFC does not currently contemplate pop-up businesses.

- b) Pop-Up Businesses.** Pop-up businesses are temporary, short-term retail or service businesses that can move into vacant storefronts. Examples of pop-up businesses include traveling restaurants, product launches, Christmas markets, brand collaborations, or art and cultural pop-ups. Utilizing the pop-up model, also known as “commercial activations,” allows a business to test its products and market to different cities at a low

cost. These events can drive foot traffic, sales, taxes, and positive spillover effects to nearby businesses.

Currently, temporary commercial activations have not been authorized consistently across different jurisdictions. This bill requires local jurisdictions to allow temporary commercial activation authorizations for pop-up businesses to operate in an eligible commercial space for a period not to exceed 120 days, but authorizes local jurisdictions to establish eligible uses and operational limits consistent with this bill; fire, accessibility, and health and safety standards appropriate for temporary use; fees not exceeding the reasonable costs of program administration; and, enforcement mechanisms and penalties for noncompliance. Please refer to the Assembly Committee on Local Government's analysis of this bill for additional background.

This bill allows food facilities (such as restaurants) to utilize temporary commercial activations and currently specifies that eligible temporary uses are limited to activities consistent with limited food preparation or TFF standards under the CRFC. These activities are specified in existing law above.

The California Association of Environmental Health Administrators (CAEHA), which represents the directors of local environmental health regulatory agencies (which primarily enforce the CRFC), notes that presently, the regulation of TFFs is already a significant workload task for local environmental health departments.

- 3) SUPPORT.** This bill is sponsored by the Independent Hospitality Coalition (IHC). The IHC states in support that this bill will address storefront vacancy, reduce barriers to entrepreneurship, and modernize California's regulatory framework to better reflect today's small business economy. IHC continues that there is no clear regulatory framework for short-term commercial occupancy in existing storefronts. IHC states that businesses are effectively forced into one of two categories: short-term "special events" lasting days or weeks, or full permanent occupancy requiring months of approvals and significant capital investment. IHC continues that this bill establishes temporary commercial activation authorizations, creating a defined pathway for low-risk, time-limited use of existing commercial spaces, aligning regulatory requirements with the temporary nature of the activity while maintaining essential health, safety, and accessibility protections. IHC concludes that California has successfully implemented similar right-sized frameworks in other areas, such as cottage food operations and sidewalk vending, expanding access to entrepreneurship while maintaining public protections and contends that it is time to bring that same level of modernization to California commercial storefronts.
- 4) OPPOSE UNLESS AMENDED.** The California Association of Environmental Health Administrators (CAEHA) opposes this bill unless amended, stating its primary concern is that this bill attempts to authorize extended pop-up food operations in a manner that conflicts with California's existing retail food safety under the CRFC and creates significant implementation challenges for local health jurisdictions. Specifically, CAEHA states that TFFs are intentionally restricted to no more than 25 days in a 90-day period because they allow full food preparation, which carries inherent fire, ventilation, and food safety risks—particularly inside commercial buildings. CAEHA states that this bill would allow food-related pop-ups to operate for up to 120 days, with the option to extend, without a comparable regulatory pathway in CRFC. CAEHA continues that there is currently no CRFC

mechanism that safely allows full food preparation in a stationary, temporary setting for the duration contemplated in this bill. CAEHA continues that this bill effectively creates a new category of food facility framework outside existing CRFC classifications, which would result in significant local costs for cities and counties to develop, implement, and maintain new food safety inspection procedures, enforcement protocols, training, and guidance to match the bill's requirements—without a corresponding statewide regulatory framework. CAEHA continues that taken together, these issues create a regulatory gap that could undermine food safety, fire safety, enforcement consistency, and already-strained local public health resources. CAEHA contends that the most viable solution is to remove food operations from the bill entirely, allowing this bill to proceed as a framework for non-food pop-up businesses. CAEHA concludes that alternatively, any inclusion of food must be fully aligned with existing TFF or CMFO requirements under the CRFC.

**5) RELATED LEGISLATION.** AB 1915 (Gabriel) would make various changes to the CRFC related to milk, non-continuous cooking, raw animal foods, handwashing sinks, refrigeration, grease traps and grease incinerators, and passthrough windows. Would require the CBSC, as part of its next triennial update, to adopt various building standards related to restrooms, drinking fountains, cooking equipment, and dishwashers. Would establish a streamlined approval process for a local permit for a like-for-like equipment installation (the installation or replacement of substantially similar existing approved equipment) for restaurants. AB 1915 was heard by the Assembly Health Committee on April 14, 2026 and passed by a vote of 16-0.

**6) PREVIOUS LEGISLATION.**

- a) SB 972 (Gonzalez), Chapter 489, Statutes of 2022 establishes a CMFO as a subcategory of mobile food facility that is nonmotorized and operates from a pushcart or stand; exempts CMFOs from various provisions of the retail food code law, including certain sink requirements; prohibits criminal penalties from applying to CMFOs and instead limits enforcement to administrative penalties; and exempts sales from CMFOs from counting toward the limits for cottage food operators or microenterprise home kitchens.
- b) AB 1144 (Rivas), Chapter 178, Statutes of 2021 among other things, increases the maximum gross annual sales amount to \$75,000 for a “Class A” cottage food operation and \$150,000 for a “Class B” cottage food operation and would require that amount to be annually adjusted for inflation based on the California Consumer Price Index. Also requires a “Class B” operation to renew its permit annually, and authorizes a “Class B” operation to engage in direct and indirect sales of, and a “Class A” operation to engage in direct sales of, cottage food products throughout the state.
- c) SB 946 (Lara), Chapter 459, Statutes of 2018 establishes a framework for the regulation of sidewalk vendors and requires the dismissal of any criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors that have not reached final judgment and authorizes a person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, as specified, to petition for dismissal of the sentence, fine, or conviction.
- d) AB 1616 (Gatto), Chapter 415, Statutes of 2012 establishes cottage food operations (CFOs). Defines “Class A” CFOs to mean CFOs that sell cottage food directly to the

public (at the home where the cottage food operation is located or at a community event) and "Class B" CFOs to mean CFOs that sell prepared foods either indirectly through restaurants and stores or both directly to the public as well as indirectly to the public via sale to retail food facilities such as restaurants and markets.

- 7) **POLICY COMMENT.** As the CRFC does not currently contemplate pop-up businesses, CAEHA raises concerns that the framework established by this bill does not fully align with the CRFC. For example, TFFs allow for full food preparation which may not be suitable in all activation sites. As this bill moves forward, the author may wish to work with CAEHA to ensure to the activities of the food facility operating as part of a temporary commercial activation are aligned with the appropriate type of food preparation for the site.
- 8) **AMENDMENTS.** This bill states that an eligible temporary use for food facilities operating as part of temporary commercial activation is limited to activities consistent with limited food preparation or TFF standards under the CRFC. The current definition of TFF specifies that TFF may only operate as part of a community event or swap meet. The Committee may wish to amend this bill to also specify within the definition of TFFs that TFFs may operate as part of a temporary commercial activation for a limited duration within an existing commercial structure, as determined by the enforcement officer.
- 9) **DOUBLE REFERRAL.** This bill is double referred, it passed the Assembly Committee on Local Government with a 10-0 vote on April 15, 2026.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Independent Hospitality Coalition (sponsor)

Betsy Restaurant

Burger She Wrote

California Community Foundation

California Downtown Association

Civil Coffee

Ferazzani's Pasta and Market

Inclusive Action for the City

Little Tokyo Service Center

Los Angeles Historic Core Business Improvement District

Petitgrain Boulangerie

Tea at Shiloh

The Arepa Group LLC

##### **Opposition**

None on file

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