

ASSEMBLY THIRD READING
AB 1679 (Mark González and Wicks)
As Amended April 23, 2026
Majority vote

SUMMARY

Requires a local agency to allow a temporary commercial activation authorization for a pop-up small business to operate in an eligible commercial space for up to 120 days.

Major Provisions

- 1) Defines the following terms:
 - a) "Eligible commercial" means an existing building or tenant space that meets all of the following:
 - 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.
 - iv) It does not require modification of fire-resistant elements.
 - b) "Eligible temporary use" means 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. Provides that an "eligible temporary use" does not include Assembly, Institutional, Residential, High-Hazard occupancies as defined in the California Building Code.
 - i) Limits, for food facilities, "eligible temporary use" to activities consistent with limited food preparation or temporary food facility standards under the California Retail Food Code
 - c) "Local jurisdiction" means a city, including a charter city, county, or city and county.
 - d) "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.
 - e) "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.
- 2) 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, and authorizes a local jurisdiction to allow renewal or extension of this authorization.

- 3) Authorizes a local jurisdiction to require an application for permanent occupancy 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) 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.
- 5) Authorizes a local jurisdiction to temporarily suspend, defer, or modify development standards and discretionary requirements that are triggered by permanent occupancy.
- 6) Prohibits a temporary commercial activation authorization from allowing structural alteration, modification of fire-resistant elements, or change to a higher risk occupancy classification under the California Building Code.
- 7) 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.
- 8) 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).
- 9) Defines a TFF to include a food facility approved by the enforcement officer that operates at a fixed location as part of a temporary commercial activation authorization for a limited duration within an existing commercial structure, as determined by the enforcement officer.
- 10) Provides that the bill shall not be deemed to authorize a temporary use that poses a risk to public health or safety.
- 11) Authorizes a local enforcement agency responsible for environmental health to impose additional temporary food safety requirements consistent with the CRFC.
- 12) Prohibits a temporary commercial activation authorization from being deemed to confer a vested right and authorizes a local jurisdiction to revoke a temporary commercial activation authorization for a violation of provisions of this bill or a local pop-up business program.
- 13) Finds and declares that the statewide requirement for a temporary commercial activation authorization framework for a local pop-up business program is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the bill, specifically 1) through 7), applies to all cities, including charter cities.
- 14) Provides that no reimbursement is required by the bill pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this bill creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution. However, if the

Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

COMMENTS

Background. The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Building Codes. The California Building Standards Code (Title 24 of the California Code of Regulations) contains building standards and regulations as adopted by the CBSC. These standards include, among other requirements, structural standards for building safety (the Building Code), fire safety standards (the Fire Code), energy efficiency standards (the Energy Code), and standards for green buildings (CalGreen). The CBSC updates the Building Standards Code on a three-year cycle—the CBSC published new standards that went into effect on January 1, 2023. Once adopted at the state level, cities and counties in California then enact an ordinance to adopt the codes. Improvements to existing buildings must comply with the current building codes and may trigger additional code upgrades for other parts of the building.

Excessive Delays for Plan Checks. Existing law 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 when there is an "excessive delay" in checking the applicant's plans and specifications. Plan-checking includes items such as compliance with building, health, and safety codes.

For a nonresidential permit for the remodeling or tenant improvements of a building, "excessive delay" generally means the building department of the local agency has taken more than 50 days after receiving a complete application to check the applicant's plans and specifications. "Excessive delay" can also be claimed if the agency takes more than 60 days to check the initial application and check resubmitted corrected plans and specifications after the agency returned the plans to the applicant for correction.

Local Fast-Tracking of Tenant Improvement Projects. Some cities, including San Diego and Los Angeles, have developed programs to fast-track the permitting and approval process for tenant improvement projects. According to the Building Owners and Manufacturers Association of Greater Los Angeles (BOMA/GLA), "During the height of the crisis of the pandemic, Los Angeles Department of Building and Safety (LADBS) met with the American Institute of Architects (AIA), BOMA/GLA, and the California Construction Authority (CCA) to identify a proactive approach to ensure that the private sector could more effectively and more expeditiously respond to the urgent need to reconfigure, retrofit, and/or reprogram existing workplaces, retail sites, and commercial office buildings to adapt to new market conditions and demands for healthy, safer, and more equitable interior spaces."

Los Angeles' Fast-Track Office Tenant Improvement Program and San Diego's Office Tenant Improvement Professional Certification Permit program require plans to be stamped and signed by a California licensed architect or engineer. The Los Angeles Program additionally requires

that the project does not involve a change of use or additional floor area and does not require approval from other city or county departments. The San Diego program requires, among other things, that the project is not a first-generation tenant improvement, does not alter, remove, or add plumbing fixtures, does not make changes to the exterior of the building, does not alter or change stairways or stair vestibules, does not include new floor openings, does not reduce accessibility, and does not require special inspections. The Los Angeles program has a goal of completing plan review within two business days of plan-check fees payment, while San Diego's program offers issuance of a permit within the same day that a virtual appointment is completed.

AB 671 (Wicks) of 2026. In an effort to expedite tenant improvements for restaurants, the Legislature approved AB 671 (Wicks), Chapter 470, Statutes of 2025, which required a local building or permitting department to allow an applicant to have a qualified professional certifier certify that the plans for a tenant improvement relating to a restaurant comply with applicable building, health, and safety codes. The bill applied to restaurants, defined as a retail food establishment that prepares, serves, and vends food directly to the consumer. Fast food restaurants were specifically excluded from the bill, as were tenant improvements subject to plan review requirements under the California Retail Food Code.

AB 671 required a qualified professional certifier to be a licensed engineer or architect that has specified liability insurance coverage and has five years of experience in commercial design or plan checking. The tenant improvements must comply with state and local building standards, and the professional certifier must prepare an affidavit attesting that the tenant improvement plans comply with all applicable laws and regulations. The certifier or the applicant must attest that the restaurant is eligible for the program.

AB 671 required the local building department to approve or deny an application within 20 business days of receiving it. If the local building department does not approve or deny the application within this period, the certified plan is deemed approved for permitting purposes, provided that all fees and required documents have been submitted. The bill also allowed an applicant to resubmit corrected plans addressing deficiencies if denied. The local building department must approve or deny each subsequent resubmission within 10 business days of receipt, and review of each subsequent resubmission must be limited to correcting the deficiencies identified in the initial denial.

AB 671 allowed local building departments to charge permit fees for applications using a qualified professional certifier and required random audits of no less than 20% of all tenant improvements submitted for self-certification every week.

AB 671 also established various enforcement measures. A city or county may adopt additional qualifications or requirements for a qualified professional certifier, including:

- 1) A requirement to register with the city or county prior to certifying plans.
- 2) Training requirements that must be completed prior to certifying plans.
- 3) Payment of fees not to exceed the reasonable cost of implementing the requirements of the bill.
- 4) Penalties that may include decertification as a qualified professional certifier in that jurisdiction or reasonable administrative fines for either willful noncompliance or two or

more instances in which the qualified professional certifier attested to certifying noncompliant plans.

AB 671 provided that a qualified professional certifier is liable for any damages arising from negligent plan review, required the applicant to indemnify the local agency from any injury arising from construction, and provided that a public entity or public employee is not liable for an injury caused by their actions related to a permit issued under the 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. These small businesses must navigate a confusing, fragmented, and costly system that was never designed with pop-ups in mind.

"AB 1679 would remove these barriers by establishing a single, statewide 'Temporary Commercial Activation Permit' for pop-up businesses. In my own district, empty storefronts sit side-by-side with businesses seeking an opportunity. This bill creates a clear, accessible way to bring those spaces back to life."

Arguments in Support

The Independent Hospitality Coalition, the sponsor of the bill, writes in support of a previous version of the bill, "In San Francisco, the Vacant to Vibrant initiative has demonstrated how temporary activation of storefronts can drive real economic outcomes. This program connects small businesses, artists, and entrepreneurs with vacant spaces, providing support for pop-up activations that bring immediate life back to commercial corridors.

"The results are significant:

- 1) Pop-ups have activated dozens of vacant storefronts.
- 2) Approximately 50% or more of participating businesses have transitioned into long-term leases
- 3) The program has helped generate foot traffic, support local spending, and re-energize downtown districts

"These outcomes demonstrate a clear reality: temporary activation is not just a stopgap—it is a pipeline to permanent economic stability.

"However, programs like Vacant to Vibrant require substantial public coordination, funding, and administrative support to overcome regulatory barriers that should not exist in the first place. AB 1679 builds on these successes by establishing a scalable, statewide framework that allows this model to work without requiring cities to recreate complex programs from scratch.

"AB 1679 creates 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...

"Importantly, this bill does not weaken safety standards. Instead, it introduces a common-sense approach that recognizes that temporary, low-risk uses should not be regulated as permanent

development. 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. It is time to bring that same level of modernization to our commercial storefronts.

"As California prepares for major global events and continues to rebuild its local economies, we must ensure that our neighborhoods reflect a vibrant, accessible, and opportunity-driven small business environment."

Arguments in Opposition

The California Association of Environmental Health Administrators writes in opposition to a previous version of the bill, "Our primary concern is that AB 1679 attempts to authorize extended pop-up food operations in a manner that conflicts with California's existing retail food safety structure under the California Retail Food Code (CRFC) and creates significant implementation challenges for local health jurisdictions. Specifically:

"Temporary Food Facilities (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. AB 1679 would allow food-related pop-ups to operate for up to 180 days, with the option to extend, without a comparable regulatory pathway in CRFC.

- 1) There is currently no CRFC mechanism that safely allows full food preparation in a stationary, temporary setting for the duration contemplated in this bill.
- 2) As drafted, AB 1679 effectively creates a new category of food facility framework outside of existing CRFC classifications. This 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.

"Taken together, these issues create a regulatory gap that could undermine food safety, fire safety, enforcement consistency, and already-strained local public health resources. The most viable solution is to remove food operations from the bill entirely, allowing AB 1679 to proceed as a framework for non-food pop-up businesses. Alternatively, any inclusion of food must be fully aligned with existing TFF or CMFO requirements under the CRFC. We appreciate the intent to support small businesses and creative uses of vacant space, but this goal must be balanced with public health protections, regulatory clarity, and the fiscal impacts on local government."

FISCAL COMMENTS

No state costs. Local costs to cities and counties, including local environmental health departments, of an unknown amount, but potentially significant, in excess of \$150,000 statewide, for new administrative, regulatory, enforcement, and public safety responsibilities resulting from the bill's new requirements. Directors of local environmental health regulatory agencies note the regulation of TFFs is already a significant workload task for local environmental health departments. Local costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Johnson, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM HEALTH: 16-0-0

YES: Bonta, Chen, Addis, Aguiar-Curry, Ahrens, Caloza, Carrillo, Mark González, Johnson, Patel, Patterson, Rogers, Sanchez, Schiavo, Sharp-Collins, Stefani

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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