
SENATE COMMITTEE ON HEALTH

Senator Akilah Weber Pierson, Chair

BILL NO: AB 1679
AUTHOR: Mark González and Wicks
VERSION: June 10, 2026
HEARING DATE: July 1, 2026
CONSULTANT: Vincent D. Marchand

SUBJECT: Local pop-up small business program

SUMMARY: Requires cities and counties to allow pop-up small businesses to operate on a temporary basis in an eligible commercial space for a period not exceeding 120 days, including food facilities, restricted to limited food preparation activities, and when in compliance with relevant food safety laws, and when the local enforcement agency has determined that the commercial space can support an operation consistent with limited food preparation.

Existing law:

- 1) Establishes the California Retail Food Code (CalCode) to provide for the regulation of retail food facilities. Health and sanitation standards are established at the state level through the CalCode, 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.]
- 2) Defines a “food facility” as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Excludes various entities from the definition of a “food facility,” including a cottage food operation, and a church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs no more than three days in any 90-day period. [HSC §113789]
- 3) Defines a “temporary food facility” as 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 part of the community event or swap meet. Requires temporary food facility to be equipped with overhead protection for all food preparation, food storage, and warewashing areas, but exempts temporary food facilities that are approved for limited food preparation if flying insects, vermin, birds, and other pests are absent due to the location of the facility or other limiting conditions. [HSC §113930 and §114349]
- 4) Defines “limited food preparation,” as food preparation that is restricted to one or more of the following: heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food, dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing, and cooking to order, among other things. Prohibits the following from being included in “limited food preparation”: slicing and chopping of potentially hazardous foods, other than produce, unless it is on the heated cooking surface; thawing; grinding raw ingredients; and, washing foods, among other activities. [HSC §113818]

This bill:

- 1) Defines the following terms for purposes of this bill:

- a) “Eligible commercial space” means an existing building or tenant space that meets all of the following: 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; it meets applicable health and safety standards associated with the proposed use; it is not currently undergoing structural alteration; and, it does not require modification of fire-resistant elements;
 - b) “Eligible temporary use” means a commercial activity occurring within either a Group B (Business) or Group M (Mercantile) occupancy, as defined in existing regulations, with an occupant load not exceeding 49 persons. Excludes Assembly, Institutional, Residential, or High-Hazard occupancies, as defined in existing regulations;
 - c) “Pop-up small business” means a temporary commercial operation conducted in an existing commercial or mixed-use building pursuant to a temporary commercial activation authorization under this bill; and,
 - d) “Temporary commercial activation authorization” means an authorization by a local jurisdiction to a pop-up small business to operate in an eligible commercial space under temporary occupancy standards established by this bill.
- 2) Limits the definition of “eligible temporary use,” for purposes of food facilities, to activities consistent with limited food preparation as defined under existing law in the CalCode.
 - 3) Adds “pop-up small businesses” that have been approved for limited food preparation by a local enforcement agency to the definition of a “food facility” for purposes of the CalCode.
 - 4) Requires a food facility operating pursuant to temporary commercial activation authorization to comply with all applicable provisions regulating limited food preparation under the CalCode.
 - 5) Prohibits a food facility seeking to operate pursuant to temporary commercial activation authorization from beginning operations until the local enforcement agency determines, following a field evaluation conducted by the local enforcement agency, that the commercial space can support an operation consistent with limited food preparation.
 - 6) Permits a local enforcement agency to impose additional temporary food safety requirements consistent with the CalCode.
 - 7) Requires each local jurisdiction to allow temporary commercial activation authorization for a pop-up small business to operate in an eligible commercial space for a period of up to 120 days.
 - 8) Permits a local jurisdiction to allow renewal or extension of the temporary commercial authorization, and permits 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 exceeds 12 months within any 24-month period.
 - 9) Permits a local jurisdiction to temporarily suspend, defer, or modify development standards and discretionary requirements that are triggered by permanent occupancy, and requires a local jurisdiction to consider 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 public eating place, as defined in existing law.
- 10) Prohibits a temporary commercial activation authorization from allowing:
- a) Structural alteration;
 - b) Modification of fire-resistant elements; or,
 - c) Change to a higher risk occupancy classification.
- 11) 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, and 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 exempting any space from applicable state or federal accessibility requirements, and requires a local jurisdiction to provide written accessibility compliance guideline materials to an applicant.
- 13) Permits a local jurisdiction to establish:
- 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.
- 14) Makes various legislative findings and declarations about the inconsistent local treatment of temporary commercial activation authorization, the importance of commercial vacancy reduction, and the need to promote a consistent regulatory framework for small business development, and that for these reasons, a statewide requirement for a temporary commercial activation authorization framework for local pop-up businesses is a matter of statewide concern and is not a municipal affair as that term is used in the California Constitution, so that this bill applies to all cities, including charter cities.

FISCAL EFFECT: According to the Assembly Appropriations Committee, 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 temporary food facilities 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.

PRIOR VOTES:

Senate Local Government Committee:	4 - 2
Assembly Floor:	77 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Health Committee:	16 - 0
Assembly Local Government Committee:	10 - 0

COMMENTS:

- 1) *Author's statement.* 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. This bill 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.
- 2) *Senate Health Committee jurisdiction limited to food facility pop-ups.* The majority of this bill pertains to the local permitting process of cities and counties, which fall under the jurisdiction of Senate Local Government Committee, which already heard and approved this bill. The portion of this bill that falls within this Committee's jurisdiction is related to pop-up restaurants. This bill limits pop-up restaurants to only those performing limited food preparation (described below), and requires these businesses to comply with all applicable CalCode requirements regulating limited food preparation. In addition, this bill requires the local CalCode enforcement agency to conduct an evaluation of the commercial space where the pop-up restaurant is seeking to operate to make sure it can support limited food preparation operations. Finally, this bill permits the local CalCode enforcement agency to impose additional temporary food safety requirements that are consistent with the CalCode. These provisions were negotiated with the California Association of Environmental Health Administrators.
- 3) *Limited food preparation.* Limited food preparation requires most potentially hazardous foods (generally, food that needs to be refrigerated to prevent bacterial growth) to be prepared for cooking in an enclosed kitchen at a permanent food facility. Limited food preparation cannot include grinding potentially hazardous foods, or cooking of potentially hazardous foods for later use, or even washing of foods, among other limitations. Nor can limited food preparation include slicing and chopping potentially hazardous foods, *unless it is on a heated cooking surface*. Limited food preparation *does* permit cooking and seasoning to order, along with heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food. It also includes holding, portioning, and dispensing of any foods that were prepared at the permanent food facility. Because a permanent kitchen needs to be fully enclosed, restaurants that have an "open kitchen" concept are utilizing the ability to do "limited food preparation" that can be done under overhead protection, but not necessarily enclosed in a kitchen. For example, made-to-order pizza restaurants, where the employees build a pizza in front of the customer and then slide it into an oven, are using limited food preparation authorization. All of the ingredients have already been sliced and chopped in a fully enclosed kitchen space, and the pizza is then cooked to order as permitted under limited food preparation. Restricting a pop-up restaurant, as this bill does, to "limited food preparation," ensures that ingredients are prepared in an approved, permanent food facility, and the actual pop-up restaurant is limited to dispensing foods that were already prepared off-site, or cooking and seasoning the food to order.
- 4) *Background provided by author.* The author states that the temporary commercial activation permit, is designed for pop-up businesses, which are temporary, short-term retail or service businesses that can move into vacant storefronts. This includes traveling restaurants, product

launches, Christmas markets, brand collaborations, or art and cultural pop-ups. This allows a business to test its products and market to different cities at a low cost. Revitalization typically follows in the steps of pop-up businesses. These events can drive foot traffic, sales, taxes, and positive spillover effects to nearby businesses. Most localities do not have a permit dedicated to temporary businesses moving into existing storefronts. Many temporary permits apply to outdoor booths, stands, food trucks, or special events like fairs. The requirements of these permits may not apply well to pop-up businesses. In addition, these permits can range from 7 to 60 days, which can be limiting for a pop-up business and confusing if they are moving around jurisdictions. Without a pop-up permit, small businesses are forced to obtain permanent facility permits even if they are only in the area temporarily. In Sacramento, acquiring a permanent restaurant permit costs \$1,470 with a \$268 reinspection fee. A Temporary Food Facility (Food Preparation / High Risk) Permit in Sacramento costs \$245 with a \$134 reinspection fee. This does not include the cost of all the renovations that are required for permanent residency. For a small business trying to open temporarily in multiple cities in a single year, this is an exorbitant cost. By establishing a statewide, commercial activation framework, pop-up businesses can operate efficiently and cost-effectively.

- 5) *Double referral.* This bill was heard in the Senate Local Government Committee on June 17, 2026, and passed with a 4-2 vote.
- 6) *Related legislation.* AB 1915 (Gabriel and Wicks) would make various changes to the CalCode, including establishing requirements for “par cooking” raw animal foods, revising grease trap requirements, and revising passthrough window requirements. Requires the Building Standards Commission, as part of its next triennial update, to adopt various building standards related to restrooms, drinking fountains, cooking equipment, and dishwashers. Establishes an accelerated local permitting process for like-for-like equipment installations in restaurants. *AB 1915 is set for hearing on June 29, 2026 in the Senate Business, Professions, and Economic Development Committee.*
- 7) *Prior legislation.* AB 671 (Wicks and Gabriel, Chapter 470, Statutes of 2025) requires a local building department to allow an applicant to have a qualified professional certifier certify that the plans for a tenant improvement related to a restaurant comply with applicable building, health, and safety codes.

AB 592 (Gabriel, Gonzalez, and Wicks, Chapter 469, Statutes of 2025), among other things, authorizes a food facility to operate using windows, folding doors, or nonfixed store fronts during hours of operation if the restaurant develops, and submits to the enforcement agency for approval, an integrated pest management and food safety risk mitigation plan and meets certain requirements, as specified.

AB 1217 (Gabriel, Cervantes, and Schiavo, Chapter 569, Statutes of 2023) extended the ability, until July 1, 2026, for food facilities to operate a temporary satellite food service without needing to obtain a separate permit, and also extended the authority of Alcoholic Beverage Control (ABC) to permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization approved in accordance with the Fourth Notice of Regulatory Relief issued on May 15, 2020.

AB 61 (Gabriel and Gipson, Chapter 651, Statutes of 2021) authorizes a permitted food facility to prepare and serve food as a temporary satellite food service without obtaining a separate permit for up to one year after the end of the COVID-19 state of emergency, or until

January 1, 2024, whichever comes first. AB 61 includes the same provision from SB 314 (Wiener) to permit ABC to allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a COVID-19 temporary catering authorization.

- 8) *Support.* This bill is sponsored by the Independent Hospitality Coalition (IHC) to address storefront vacancy, reduce barriers to entrepreneurship, and modernize California’s regulatory framework to better reflect today’s small business economy. According to IHC, 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. There is no middle ground, and this gap has real consequences, as commercial corridors are struggling with persistent vacancy. In San Francisco, the Vacant to Vibrant initiative has demonstrated how temporary activation of storefronts can drive real economic outcomes by connecting small businesses, artists and entrepreneurs with vacant spaces. According to IHC, approximately 50% of participants in this initiative have transitioned into long-term leases. This bill 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. The California Downtown Association states in support that pop-up activity is often prohibited, inconsistently allowed, or subject to the same lengthy requirements as permanent development. This bill establishes a limited, low-risk framework to activate vacant commercial spaces while maintaining essential life-safety and public health protections.
- 9) *Opposition.* The City of Galt submitted a letter of opposition, stating that this bill creates significant negative impacts for smaller communities like Galt by forcing cities to absorb new administrative, enforcement, and public safety responsibilities without guaranteed funding or local flexibility. By requiring cities to create entirely new permitting and oversight processes for temporary commercial operations while limiting local discretion, this is another example of the state overriding local control and imposing a one-size-fits-all approach on communities with very different needs and capacities. Galt is also concerned that temporary commercial operations with relaxed development standards may create food safety, building safety, and quality-of-life issues that local governments will ultimately be responsible for addressing. Galt believes that decisions regarding temporary commercial activity, zoning, and operational standards should remain under local control.

SUPPORT AND OPPOSITION:

Support: Independent Hospitality Coalition (sponsor)
 Betsy Restaurant
 California Community Foundation
 California Downtown Association
 Central City Association
 Civil Coffee
 Immigrants Rising
 Inclusive Action for the City
 Little Tokyo Service Center
 Los Angeles Historic Core Business Improvement District
 Tea at Shiloh
 The Chocolate Dispensary
 Westside Council of Chambers of Commerce
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Oppose: City of Galt

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