
THIRD READING

Bill No: AB 1679
Author: Mark González (D) and Wicks (D), et al.
Amended: 8/17/26 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 4-2, 6/17/26
AYES: Durazo, Arreguín, Cervantes, Laird
NOES: Choi, Seyarto
NO VOTE RECORDED: Ashby

SENATE HEALTH COMMITTEE: 8-2, 7/1/26
AYES: Weber Pierson, Caballero, Durazo, Gonzalez, Menjivar, Padilla, Pérez, Smallwood-Cuevas
NOES: Valladares, Grove
NO VOTE RECORDED: Rubio

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/26/26 - See last page for vote

SUBJECT: Local pop-up small business program

SOURCE: Independent Hospitality Coalition

DIGEST: This bill requires cities and counties to allow pop-up small businesses to operate on a temporary basis.

Senate Floor Amendments of 8/17/26 make technical changes to clarify that pop-up small businesses that are operating as food facilities need to comply with all relevant provisions of the California Retail Food Code (CRFC) and make other technical changes.

ANALYSIS:

Existing law:

1) Allows, under the California Constitution, 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.

2) Regulates businesses that sell food under CRFC, as specified.

This bill:

1) Requires cities and counties to allow pop-up small businesses to operate on a temporary basis. Requires a city or county to allow temporary commercial activation authorization for a pop-up small business to operate in an eligible commercial space for a period not exceeding 120 days.

2) Defines:

   a) "Eligible commercial space" to mean an existing building or tenant space that meets all of the following requirements:

      i) The local jurisdiction allows commercial use in 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;

      v) For food facilities, it is fully enclosed by floors, walls, and ceiling.

   b) "Eligible temporary use" to mean commercial activity occurring within either a Group B (Business) or Group M (Mercantile) occupancy that can house no more than 49 occupants. It specifically excludes Assembly, Institutional, Residential, or High-Hazard occupancies. For food facilities, the "eligible temporary use" must be consistent with limited food preparation under the CRFC.

   c) "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, which is an authorization a city or county issues to a pop-up small business to operate temporarily, as specified.

3) Requires every city and county to allow temporary commercial activation authorization for a pop-up small business to operate in an eligible commercial space for a period not exceeding 120 days. A city or county can pause or modify development standards and discretionary requirements that are triggered by permanent occupancy. It must consider modifying or pausing parking standards, improvements or dedications, requirements that would trigger a full building system update, and discretionary land use procedures. They can also:

   a) Renew or extend this authorization;

   b) Establish eligible uses and operational limits consistent with this bill;

   c) Adopt fire, accessibility, and health and safety standards appropriate for temporary use;

   d) Impose fees not exceeding the reasonable costs of program administration;

   e) Establish enforcement mechanisms and penalties for noncompliance; and

   f) 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) Provides that a city or county is not required to create a new program if it has an existing permitting framework that meets the requirements of this bill.

5) Prohibits a temporary commercial activation authorization from being used for:

   a) Structural alteration;

   b) Modification of fire-resistant elements; or

   c) Change to a higher risk occupancy classification under the California Building Code.

6) Allows, notwithstanding any other law, a temporary commercial activation authorization to be used to change occupancies between Group B (Business) and Group M (Mercantile), if specified conditions are met.

7) A temporary commercial activation authorization must comply with the California Building Code and the California Fire Code. Local fire officials can impose additional safety conditions necessary to protect occupants and the public. This bill includes specified accessibility requirements and requires

cities and counties to provide guidance materials on accessibility compliance to a temporary commercial activation authorization.

8) Adds pop-up businesses to the list of food facilities and requires them to comply with all applicable provisions regulating limited food preparation under the CRFC. A food facility seeking to operate pursuant to temporary commercial activation authorization cannot begin 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. Notwithstanding any other law, a local enforcement agency responsible for environmental health can impose additional temporary food safety requirements consistent with the CRFC.

9) Includes numerous provisions affirming the application of other state and local laws to temporary commercial activations.

10) Includes findings and declarations to support its purposes.

Background

California Retail Food Code. Businesses that sell food are regulated under the California Retail Food Code (CRFC). The CRFC lays out the requirements that food retailers must meet, including operational practices, equipment standards, and standards for facilities, such as kitchens and restrooms. County offices of environmental health—and the environmental health departments in four cities—regulate retail food operations. The CRFC differentiates among permanent food facilities, mobile food facilities, temporary food facilities, cottage food operations, microenterprise home kitchens, and other types of food retail, and has differing rules for each.

The CRFC includes the structural, equipment, and operational requirements for all California retail food facilities. Any person proposing to build or remodel a food facility must submit building plans to the enforcement agency for review and receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility. The enforcement agency must approve or reject plans within 20 business days after receipt by the enforcement agency; if they don’t they are deemed approved. A local building department cannot issue a building permit for a food facility until it has received plan approval from the enforcement agency.

Pop-ups. Pop-up businesses are temporary retail or restaurant spaces that open in existing spaces for a limited time. Pop-ups can offer unique customer experiences, and the limited duration of a pop-up can drive a sense of scarcity, increasing interest in the business. Business owners may conceive of pop-ups around themes, holidays, events, or promotions. As cities and counties across California seek to revitalize their downtowns following the COVID-19 pandemic, some have turned to pop-ups to generate interest and act as a foothold for additional commercial activity. One prominent example is the City and County of San Francisco's Vacant to Vibrant program, which is a partnership between a local community group and the City that helps small businesses collaborate with local property owners to create pop-ups in downtown San Francisco for durations of three months. For pop-ups seeking to transition to full-time occupancy of a space after that period, the Vacant to Vibrant program works with the City's Office of Small Business to encourage transition to permanent occupancy.

The Independent Hospitality Coalition wants the Legislature to make it easier to open pop-ups.

Comments

Purpose of 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."

Home rule. Economic development and public welfare are two goals that sometimes conflict, and local residents elect their city councilmembers and county supervisors to balance these competing interests. Pop-up businesses can encourage economic development, revitalize neighborhoods, and generate sales tax dollars, among other benefits, but may come with impacts to the surrounding community that may not be fully mitigated if they don't go through the same level of review that permanent occupancies do. AB 1679 directs local governments to establish programs to allow pop-up businesses. It provides significant flexibility in how the programs are designed, so local governments can tailor them to their needs. However, local governments that do not want to allow pop-ups will be required to permit them to some degree as a result of this bill.

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

SUPPORT: (Verified 8/18/26)

Independent Hospitality Coalition (source)
Betsy Restaurant
California Community Foundation
California Downtown Association
Central City Association of Los Angeles
Civil Coffee
Immigrants Rising
Inclusive Action for the City
Little Tokyo Service Center
Los Angeles Historic Core Business Improvement District (historic Core B.i.d.)
Tea At Shiloh
The Chocolate Dispensary
Westside Council of Chambers of Commerce
Woon

OPPOSITION: (Verified 8/18/26)

City of Galt

ASSEMBLY FLOOR: 77-0, 5/26/26
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, 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: Hadwick, Muratsuchi, Celeste Rodriguez

Prepared by: Anton Favorini-Csorba / L. GOV. / (916) 651-4119
8/18/26 16:11:57

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