CONCURRENCE IN SENATE AMENDMENTS
AB 1679 (Mark González and Wicks)
As Amended August 17, 2026
Majority vote

SUMMARY

Requires cities and counties to allow pop-up small businesses to operate on a temporary basis.

Senate Amendments

1) Adds "pop-up small businesses" that have been approved for limited operation by the enforcement agency to the definition of "food facility" in the California Retail Food Code.

2) Specify that food facilities shall be fully enclosed by floors, walls, and a ceiling in addition to meeting the requirements for an "eligible commercial space."

3) 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).

4) Prohibit 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, as specified.

5) Make other technical changes.

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.

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.

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 Manufactures 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 (AIALA), 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, "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 City of Galt writes in opposition, "While intended to support entrepreneurship AB 1679 creates significant negative impacts for smaller communities like Galt by forcing cities to absorb new administrative, enforcement, and public safety responsibility without guaranteed funding or local flexibility.

"The bill would require cities to create entirely new permitting and oversight processes for temporary commercial operations while limiting local discretion in zoning and land-use decision. 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.

"For Galt, the impacts are clear:

1) "Increased staff workload for permitting, inspections, code enforcement, and compliance monitoring.

2) "Additional pressure on law enforcement and public safety resources.

3) "Increased traffic, parking, noise, and operational impacts on surrounding neighborhoods and commercial areas.

4) "Greater strain on existing infrastructure and city services.

5) "Unfair competition for existing brick-and-mortar restaurants and small businesses that already comply with extensive permitting, lease, and operation requirements."

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

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

ASSEMBLY FLOOR: 77-0-3
YES: 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
ABS, ABST OR NV: Hadwick, Muratsuchi, Celeste Rodriguez

UPDATED

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CONSULTANT: Linda Rios / L. GOV. / (916) 319-3958 FN: 0004335