

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 1679 (Mark González) – As Amended March 19, 2026

SUBJECT: Local pop-up business program

SUMMARY: Requires a local agency to establish a local pop-up business program to allow eligible temporary use of eligible commercial space for a period not to exceed 120 days.

Specifically, **this bill:**

- 1) Defines the following terms:
 - a) “Eligible commercial space” means an existing building or tenant space that meets all the following:
 - i) Previously designed or used for commercial purposes.
 - ii) Not currently undergoing structural alteration.
 - iii) 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 (Building Code), with an occupant load not exceeding 49 persons. “Eligible temporary use” does not include Assembly, Institution, Residential, or High-Hazard occupancies, as defined in the California Building Code. For food facilities, “eligible temporary use” shall be limited 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) “Local pop-up business program” means a program adopted by a city or county pursuant to this bill.
 - e) “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 for a period not exceeding 120 days, subject to renewal pursuant to this bill.
 - f) “Temporary commercial activation authorization” means a time-limited authorization issued by a local jurisdiction permitting commercial operation of an existing space under temporary occupancy standards established pursuant to this bill.
- 2) Requires each local jurisdiction to establish a local pop-up business program to allow temporary commercial activation authorization for eligible temporary use of eligible commercial space.
- 3) Requires temporary commercial activation authorization to authorize an eligible temporary use for a period not to exceed 120 days.

- 4) Allows a local jurisdiction to renew or extend the temporary commercial activation authorization, if the cumulative duration of an eligible temporary use in a single eligible commercial space does not exceed 12 months within any 24-month period.
- 5) Provides that a local jurisdiction shall require an application for permanent occupancy under standard local processes for continued operation after the maximum cumulative duration is reached.
- 6) Provides that the bill shall not prohibit a business from applying for a permanent occupancy at any time.
- 7) Allows a local jurisdiction to implement a local pop-up business program through existing permitting frameworks or by creating a new authorization process, if the temporary commercial activation authorization satisfies the requirements of this bill.
- 8) Requires, notwithstanding any other law, a temporary commercial activation authorization issued pursuant to this bill to do all the following:
 - a) Allow eligible temporary use of eligible commercial space without requiring full compliance with standards applicable to permanent occupancy.
 - b) Be conditioned on compliance with minimum public health, fire, building, and life-safety standards necessary to prevent immediate risk to occupants and the public.
- 9) Allows, notwithstanding any other law, a local jurisdiction to temporarily suspend, defer, or modify development standards and discretionary requirements that are triggered by permanent occupancy and are not directly related to immediate life-safety risks, including, but not limited to, any of the following:
 - a) Long-term parking minimum requirements.
 - b) Public improvement dedications associated with permanent occupancy.
 - c) Tenant improvement valuation thresholds triggering full building system upgrades.
 - d) Discretionary land use procedures required for permanent tenancy.
- 10) Provides that the bill shall not be 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.
- 11) Prohibits a temporary commercial activation authorization from allowing any of the following:
 - a) Structural alteration.
 - b) Modification of fire-resistant elements.
 - c) Change to a higher risk occupancy classification under the California Building Code.

- 12) Allows, notwithstanding any other law, a limited temporary change between Group B (Business) and Group M (Mercantile) occupancies for temporary commercial activation authorizations, if the following conditions are met:
 - a) The occupant load does not exceed 49 persons, except as prohibited in 11) above.
 - b) No structural alteration is required.
 - c) All applicable fire and life-safety provisions for the temporary occupancy are satisfied.
- 13) Requires a temporary commercial activation authorization to comply with applicable life-safety provisions governing temporary uses or temporary structures under the California Building Code and temporary events provisions under the California Fire Code.
- 14) Provides that the bill shall not be deemed to limit the authority of a local fire official to impose additional safety conditions necessary to protect occupants and the public.
- 15) Provides that a temporary commercial activation authorization under this bill shall not be deemed to exempt any space from applicable state or federal accessibility requirements.
- 16) Requires a local jurisdiction to provide written accessibility compliance guidance materials to an applicant and may require acknowledgement of accessibility obligations as a condition of temporary commercial activation authorization.
- 17) Provides that a temporary commercial activation authorization shall not constitute a determination of full accessibility compliance for purposes of permanent occupancy.
- 18) Requires a food facility operating pursuant to a temporary commercial activation authorization to comply with all applicable provisions regulating limited food preparation and temporary food facilities under the California Retail Food Code.
- 19) Allows, notwithstanding any other law, a local enforcement agency responsible for environmental health to impose additional temporary food safety requirements consistent with the California Retail Food Code.
- 20) Provides that the bill will not be deemed to authorize a temporary use that poses a clear and immediate risk to public health or safety.
- 21) Allows, notwithstanding any other law, a local jurisdiction to establish any of the following:
 - a) Eligible uses and operational limits consistent with the bill.
 - b) Fire, accessibility, and life-safety conditions appropriate for temporary use.
 - c) Fees not exceeding the reasonable costs of program administration.
 - d) Enforcement mechanisms and penalties for noncompliance.
- 22) Provides that a temporary commercial activation shall not be deemed to confer a vested right and allows a local jurisdiction to revoke a temporary commercial activation authorization for a violation of a condition of a local pop-up business program.

- 23) 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 establish legal nonconformity.
- 24) Allows a pop-up small business operating under a temporary commercial activation authorization to apply for a permanent occupancy through standard local processes.
- 25) Allows a local jurisdiction to encourage transition to permanent tenancy but prohibits a local jurisdiction from requiring permanent buildout as a condition of a temporary commercial activation authorization granted pursuant to a local pop-up business program.
- 26) Contains a number of findings and declarations regarding its purpose.
- 27) Finds and declares that a 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. Therefore, the bill applies to all cities, including charter cities.
- 28) Provides that no reimbursement is required by this bill because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by 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 (PSA), 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, pursuant to AB 671 (Wicks), Chapter 470, Statutes of 2025, 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)

FISCAL EFFECT: The bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires each local jurisdiction to establish a local pop-up business program to allow a local pop-up small business, as defined, to operate for a period not exceeding 120 days in an eligible commercial space. This action by the local jurisdiction to allow a local pop-up small business to operate temporarily is defined by the bill as a “temporary commercial activation authorization.” A local jurisdiction may renew or extend the temporary commercial activation authorization, if the cumulative duration in a single temporary use in an eligible commercial space does not exceed 12 months in any 24-month period. When a pop-up small business meets or exceeds the maximum temporary commercial activation authorization period, the bill requires a local jurisdiction to require the local pop-up small business to apply for permanent occupancy.

The bill requires a temporary commercial activation authorization to allow temporary use of an eligible commercial space without requiring full compliance with standards applicable to permanent occupancy and requires compliance with minimum public health, fire, building, and life-safety standards. The bill also allows a jurisdiction to temporarily suspend, defer, or modify development standards and discretionary requirements that are triggered by permanent occupancy and that are not directly related to immediate life-safety risks. This includes long-term parking minimum requirements, public improvement dedications, tenant improvement valuation thresholds triggering full building system upgrades, and discretionary land use procedures required for permanent tenancy.

Under the bill, a temporary commercial activation authorization is prohibited from allowing structural alteration, modification of fire-resistant elements, and changes to a higher-risk occupancy classification. The bill provides that a property owner or a tenant of an eligible commercial space is not exempt from public improvements or development requirements that are a condition of permanent occupancy or structural alteration. The bill requires a temporary commercial activation authorization to comply with all applicable life-safety provisions governing temporary uses or temporary structures under the California Building Code and temporary event provisions under the California Fire Code. The bill does not limit the authority of a local fire official to impose additional safety conditions to protect occupants.

The bill allows a local jurisdiction to establish any of the following:

- a) Eligible uses and operational limits consistent with the bill.
- b) Fire, accessibility, and life-safety conditions appropriate for temporary use.
- c) Fees not exceeding the reasonable costs of program administration.
- d) Enforcement mechanisms.

The bill also explicitly states that a temporary commercial activation authorization does not exempt any space from applicable state or federal accessibility requirements. A local jurisdiction is required to provide written accessibility compliance guidance materials to the applicant and may require acknowledgement of their accessibility obligations as condition of approval.

Additionally, the bill requires a food facility operating pursuant to a temporary commercial activation authorization to comply with all applicable provisions regulating limited food preparation and temporary food facilities under the California Retail Food Code. The bill allows a local enforcement agency responsible for environmental health to impose additional temporary food safety requirements consistent with the California Retail Food Code.

Lastly, the bill specifies that a temporary commercial activation is not a vested right. Under this bill, a local jurisdiction is allowed to revoke a temporary commercial activation authorization for a violation of a condition of a local pop-up business program. The bill also prohibits a temporary commercial activation authorization from being deemed a permanent occupancy or establishing legal nonconformity. However, the bill does specify that a pop-up small business operating under a temporary commercial activation authorization may apply for permanent occupancy through standard local processes at any time.

This bill is sponsored by the Independent Hospitality Coalition.

- 2) **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.

“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.”

- 3) **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.
- 4) **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.

- 5) **Building Permit Approvals.** A builder may need a range of administrative permits from the local agency to complete the work to construct or modify a building. These permits can include building permits and other permits for: demolition; grading; excavation; electrical, plumbing, or mechanical work; encroachment in the public right-of-way; roofing; water and sewer connections or septic systems; fire sprinklers; and home occupations.

City and county building departments enforce the provisions of the State Housing Law, the California Building Standards Code, and local zoning codes that specify the allowable forms and uses of buildings within a city or county's jurisdiction. Within building departments, the positions responsible for evaluating building permits for compliance include building officials, inspectors, plan checkers, and civil engineers. State Housing Law also allows local agencies to hire private entities on a temporary basis to perform plan checking services. Some agencies contract out a portion of their workload during especially busy times, or certain portions of the building permit review process, such as reviewing compliance with energy efficiency requirements. Other local agencies contract out nearly all plan checking functions to a private firm.

- 6) **The Permit Streamlining Act (PSA).** The PSA requires public agencies to act fairly and promptly on applications for development proposals. Under the PSA, public agencies have 30 days to determine whether applications for development projects are complete and request additional information; failure to act results in an application being "deemed complete." The PSA applies to the discretionary approval phase of a development review process; this is the phase where the agency, in its discretion, decides whether it approves of the concept outlined in the development proposal. Because the local agency is exercising discretion, these approval decisions are subject to CEQA. Discretionary permits often apply to new developments, significant renovation, or changes in use that may impact the community. Tenant improvements may or may not require discretionary permits.
- 7) **Post-entitlement Permits.** A development proposal that does not require any discretionary approvals or has been approved and entitled by a local agency, is still required to obtain approval for a range of post-entitlement permits, including building, health, and safety permits. This stage of the review process is often ministerial, as these post-entitlement permits are typically objective in nature.

In order to expedite this stage of the development approval process for housing developments, AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, established parameters for a local agency's review of non-discretionary post-entitlement phase permits, including requiring a local agency to determine whether an application for a post-entitlement building permit is complete within 15 days of the agency receiving the application. Post-entitlement building permits must be approved by local agencies within 30 days for small housing development projects and 60 days for large housing development projects.

AB 1114 (Haney), Chapter 753, Statutes of 2023, expanded the post-entitlement permits subject to the expedited review process and timelines established by AB 2234 to include all building permits and other permits issued under the California Building Standards Code, or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

AB 301 (Schiavo and Rivas), Chapter 488, Statutes of 2025, extended these post entitlement phase permitting provisions to state agencies.

- 8) **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.

- 9) **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.

- 10) **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:

- a) A requirement to register with the city or county prior to certifying plans.
- b) Training requirements that must be completed prior to certifying plans.
- c) Payment of fees not to exceed the reasonable cost of implementing the requirements of the bill.
- d) 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.

10) **Policy Consideration.** The Committee may wish to consider the following policy considerations,

- a) **In the Spirit of Small Businesses.** According to the author, “small businesses must navigate a confusing, fragmented, and costly system that was never designed with pop-ups in mind.” The bill applies to a temporary commercial use (local pop up small business) in a commercial space that is in a space that was previously designed or used for commercial purposes, not undergoing structural alteration, and does not need modification of fire resistant elements (eligible commercial space) for the purpose of displaying and selling merchandise, or for office, professional, or service-type

transactions with a maximum occupant load not exceeding 49 people, consistent with the Group M and Group B Classification in the Building Code (eligible uses). According to the Building Code, the uses of Group B cover a wide range of uses which includes, but is not limited to, doctors, radio television stations, tutoring centers, vehicle showrooms, carwashes, and dry cleaners and laundries.

While the bill limits the application of the temporary commercial activation authorization to buildings or commercial spaces that have a maximum occupant load of 49 people, the bill has no limit or specifications on the size of business that can occupy these spaces. The bill would cover an artist showcasing their art in a commercial space converted into gallery, a tax preparation service, a luxury car showroom, and seasonal holiday store equally. The Committee may wish to consider if there should be additional standards or guardrail on the type or size of business the bill applies to.

- b) **Recent Legislation to Expedite Approval and Review Timelines.** As described above, the State has recently considered and passed various pieces of legislation relating to plan check, approval timelines of permits, and facilitating tenant improvements. With all that has been done so far, the Committee may wish to consider if this bill provides additional benefit.
 - c) **Providing Clarity.** The bill uses terminology such as “life-safety provisions” that is inconsistent with state law. The bill also contains provisions throughout the verbiage of the bill that are substantially similar but not identical. The Committee may wish to consider if technical and conforming changes would help add clarity to the bill and its implementation.
 - d) **Local Land Use Authority.** The bill allows local jurisdictions to self-limit requiring certain development standards and discretionary land use procedures that are not an immediate threat to health and safety. This would include discretionary land use procedures related to cannabis, adult business establishments, and alcoholic beverage sales. The Committee may wish to consider if there should be more flexibility in suspending, deferring, or modifying discretionary requirements for the aforementioned uses.
 - e) **Balancing Health and Safety with the needs of Temporary Commercial Operations.** This bill requires local jurisdictions to allow temporary commercial uses to operate out of eligible commercial spaces meeting “minimum life-safety provisions.” The committee may wish to consider what a constitutes a “minimum life-safety provision” or “minimum health and safety standard.”
 - f) **Local Programs and Establishing Temporary Commercial Use Standards.** This bill requires local jurisdictions to establish a program that would meet the requirements of this bill. The Committee may wish to consider if it would be more effective to require local jurisdictions to meet the provisions of the bill without creating a new program.
- 11) **Committee Amendments.** In order to address concerns c) through f) above, the committee may wish to consider the following amendments.
- a) Strike the requirement that local jurisdictions establish a new program and instead require local jurisdictions to adhere to the provisions and standards set by the bill.

- b) Allow a local jurisdiction that has existing permitting frameworks that meet the requirements of the bill to satisfy the requirements of the bill.
- c) Prohibit a local jurisdiction from suspending, deferring, or modifying discretionary land use procedures for a temporary activation authorization for commercial uses related to cannabis, adult business establishments, and alcoholic beverage sale, unless the establishment is a bona fide eating place.
- d) Reorganize the bill to limit unnecessary redundancies and ensure consistency throughout the bill.
- e) Apply technical and conforming changes that align the bill's verbiage with existing state law.

12) **Related Legislation.** AB 1693 (Zbur) requires a local building department to allow a qualified professional certifier to certify compliance with applicable building, health, and safety codes for a tenant improvement relating to a retailer. This bill is currently in the Assembly Local Government Committee.

13) **Arguments in Support.** The Independent Hospitality Coalition, the sponsor of the bill, writes in support, "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..."

"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."

14) **Arguments in Opposition.** None on file.

15) **Double-Referral.** This bill is double-referred to the Assembly Health Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Independent Hospitality Coalition- **SPONSOR**

Betsy Restaurant

California Community Foundation

Central City Association of Los Angeles

Civil Coffee

Inclusive Action for the City

Little Tokyo Service Center

Los Angeles Historic Core Business Improvement District
Tea At Shiloh

Opposition

None

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