

**ROBERT A. RAICH, P.C.**

A PROFESSIONAL LAW CORPORATION

1970 BROADWAY, SUITE 1200  
OAKLAND, CALIFORNIA 94612

(510) 338-0700  
FAX (510) 338-0600

December 31, 2010

CITY OF ALBANY

JAN 04 2011

COMMUNITY DEVELOPMENT  
DEPARTMENT

Hon. Mayor and City Council  
City of Albany  
1000 San Pablo Ave.  
Albany, California 94706

RE: Final Decision Regarding Dispensary at 1019 Solano Avenue -- DEFER ACTION

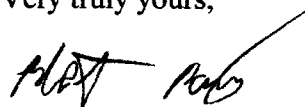
Dear Mayor and City Councilmembers:

I represent Zo Collective Cafe and its Executive Director, Harry Hounaviengkham. We request that the City Council delay consideration of a conditional use permit for a proposed medical marijuana dispensary (MMD) at 1019 Solano Avenue, which we understand is scheduled at your January 10, 2011 meeting. We urge you to defer such a decision until our application for a MMD at 745-747 San Pablo Avenue, named "Zo Collective Cafe," has been reviewed by the Planning & Zoning Commission. As we understand the process, the City of Albany is to select one MMD from among candidate applications. The consideration of our application has been delayed due to its mistaken disqualification, which the City has recently corrected.

As confirmed in the attached letter from the Police Chief Michael McQuiston (dated November 5, 2010), Zo Collective Cafe has been *approved* for purposes of compliance with the City's Business License Background Investigation as required under provisions of the Albany Municipal Code governing establishment of a MMD in Albany. It is in City's interests, and it is only fair, to compare the relative merits of each MMD application, which can only be accomplished after the Planning & Zoning Commission has had an opportunity to consider the issue and take action with respect to Zo Collective Cafe's application.

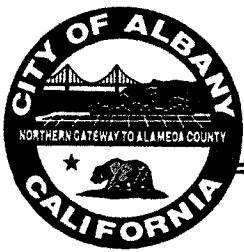
We request that the City Council defer consideration of the application presently before it until the Planning & Zoning Commission has approved or denied the application by Zo Collective Cafe.

Very truly yours,



Robert A. Raich

cc: Jeff Bond, Planning and Building Manager ✓  
Jacqueline Bucholz, City Clerk



# Albany Police Department

1000 SAN PABLO AVE • ALBANY, CALIFORNIA 94706-2295

MICHAEL MCQUISTON  
Chief of Police

November 5, 2010

(510) 525-7300  
FAX (510) 525-1360

Ms. Rina Hounaviengkham  
2159 Sarah Court  
Pinole, CA 94564

Mr. Harry Hounaviengkham  
5334 E. Olive Ave.  
Fresno, CA 93727

**Re: Marijuana Dispensary Application – Zo Collective Cafe**

Dear Applicants:

I have revisited my previous rejection of your application to operate a marijuana dispensary within the city of Albany and, based on additional information and advice of legal counsel, your application is hereby **approved** for purposes of compliance with the Business License Background Investigation required under Albany Municipal Code 20.20.110.

**This is not a permit to conduct marijuana dispensary activity in the City of Albany.**

You are still required to obtain Planning and Zoning Commission approval of your proposal, which, if granted, will result in issuance of a use permit and business license. You must contact Mr. Jeff Bond, City of Albany Planning and Building Manager, to complete the administrative approval and permit process. **Failure to do so may result in criminal prosecution if you conduct any marijuana dispensary activity in the City of Albany.**

You may reach Jeff Bond at 510-528-5760.

Sincerely,

Michael McQuiston  
Chief of Police

cc: Jeff Bond, CD&ER  
Robert Zweben, City Attorney

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future*



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